

CITY COUNCIL PROCEEDINGS

March 4, 2025

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, March 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: Troy Anderson, Assistant City Manager, Jennifer Magana, Director of Law, and Paul Leeker, City Clerk.

Meeting called to order at 9:03 a.m.

[Approve the minutes of regular meeting February 25, 2025](#)

Motion:

Mayor Wu moved to approve the minutes of regular meeting February 25, 2025

Motion carried 7 to 0

AWARDS AND PROCLAMATIONS

Proclamations:

[American Red Cross Month Procurement Month Women in Construction Week](#)

I) PUBLIC AGENDA

1.) Lafonda Gray - Grants or Donations

LaFonda Gray addressed the City Council.

Good morning. First of all, I'd like to say good morning to Mayor Wu, the councilmen, councilwomen representatives for Wichita, Kansas. My name is Lafonda Gray. Everybody calls me, Sergeant Gray. I represent the Post 273 American Legion here in Wichita, Kansas. And I'm - I'm coming to you because I've come to you previously in regards to dealing with grants and - and possible loans. I was going to read off this paper, but I forgot my glasses, and so I'm going to have to wing it. I - first of all, I want to acknowledge Councilman Hoheisel for his support. He - he's ideal. I mean, questionable,

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unquestionable. And Mayor Wu as well. I'm speaking for the veterans that can't speak for themselves. I'm - I fought in three wars and, I believe that we're deserving of attention to grants and loans or possible donations to the American Legion, to keep it sound and the structure up to - up to par. I - um - um, just some pr- just some areas of - of recognition that - that - that the American Legion represent our American Legion is, I listened to that - that - the - more of the words that Mayor Wu said about the beacon of help. I, uh, you know - it - I - I can't state and place enough emphasis on how important it is that - that we support the - the - the veterans of Wichita, Kansas. It - it - it alleviates crime. If we help them, then they won't have to go out and do and be pushed against a wall and have to do something crazy to get themselves in a compromising situation with the law. We Ameri-, we represent the - the - the - the mammogram support systems at the American Legion. We bring in the - the big bus or RV, that you want to call it, the - the Nurses of American Legion - I mean, the Nurses of Wichita, Kansas, come in and support that and get that going every year. The American Legion sponsors education to young people about citizenship, sportsmanship and fitness. Financial assistance to American Legion raises money to help veterans and their families during time of need, as well as underprivileged families in our community. The mental health aspect, the American Legion offers a peer-to-peer resource and de-stigmatize mental health support. The American Legion emblem is a badge of honor and symbolizes service and sacrifice. The American Legion family consists of the Legionnaires, the Son of Legions and the Auxiliary. We were founded in March 15, 1919, in Paris, France. In closing, I'm asking you to, um, please consider and take the time to look at the veterans here in Wichita, Kansas, cause that's what we're talking about. We're not talking about, Baton Rouge, Louisiana. We're talking about our city, Wichita, Kansas. Now, I've went around and I diligently, took time. These are hundreds of signatures here in Wichita, Kansas, or not a thousand, uh, of signatures around here. Every page is full. Every page. And, I mean, I did what it takes and I need to find out what - that I need to do to get these funds to where the American Legion can sustain themselves and not be, uh, headed towards sanctions or closing possibly. Thank you very much, and y'all have a blessed day.

Council Member Tuttle stated thank you. And - and thank you for being here and thank you for your tenacity and coming back and seeing us. I really appreciate it. I mentioned, one of the other times that you came to visit us that I'm a member of the Greater Wichita Veterans Advocacy Board and I'd love to connect you with that. I also saw that you were going to be coming to speak and so I happen to know one of the past executive directors of the American Legion at the national level. He also chatted with me a little bit. One thing that he did mention is that local chapters of American Legions are not able to accept funding from city or state. And so we may not be able to allocate any funding to you, but there might be some other resources. So, I'll make sure to connect with you again and - and make sure that you get with the Greater Wichita Veterans Advocacy Board and then, you know, some other entities that might be helpful to you.

- 2.) [Sybil Strum - City Council not answering her questions about why her house was torn down and nobody is doing anything about it.](#)

Sybil Strum addressed the City Council.

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My name is Sybil Strum. I reside at 326 North Walnut. I was not notified that the Central would come in and take my house. My house was a historical landmark, 1910. Why wasn't it on the Historical Landmark Registry? That's another question I want to ask you. My house was a safe haven for kids that were in drug-infested houses and alcohol houses. I had done things for the community like s- go, teach at Franklin Elementary, teach at Allison, teach sometimes at West High. I was not aware that the Central was going to come in my house, take pictures without my permission. And then what happened is my stuff was stolen. My Victorian tub was stolen. My property was stolen. That is not what we're supposed to do. I mean, how would like if someone came in your house without permission and destroyed it? I was upset. I went to Brandon Johnson, Becky Tuttle, and others about it. I said, "Why? Why did you let this happen?" I was on 2909 North Richmond when I got a call from one of my neighbors who is deceased. He said that a guy came in and just took pictures. And I called Dave Unruh about it. I said, "Hey. Somebody's in my house, ransacking' my house, taking pictures. What can I do?" I informed the police department. I am upset. I want answers. That's why I come back here. All - all I asked is why am I not on a historical register deal? It was in 1910. It was made by d- Mr. (Spratt), uh, a plasterer. Yes. It was a underground basement. He did bootlegging. But I was not - I was not informed of it. And I just think if that's the way you want to pil- play, that's not going to be good. I heard about the Crown Uptown Theater. That's been there for a long time. And now, it's going to be demolished. How many historical landmarks are y'all going to take? I mean, my house was a safe house for youth of America. I was outraged. I have a picture of the house, but that's beside the point. It was a place where kids would come to my house and sit on my porch and say, "I can't do it. I can't be with a parent that's going to be takin' drugs. I can't be with a parent that's going to be an alcoholic. I can't be with a parent that's going to be angry and frustrated. I need to come over to your house." Even the police department brought them over in the middle of the night. All I ask is why. Why you all did not tell me about it? My stuff was stolen. My Victorian tub, which cost \$2498, I don't know where it went. They took it. And I'm outraged. I'm very outraged. I've been for the community. I've always been for politicians. But I am not going to stand for it no more. I need to know where do people get off stealing things and not getting in trouble for it? I mean, I've been there. I am really upset. I'm - I'm going through emotional trauma, mental problems and physical problems because the house I have I'm fixing it up. It was supposed to be fixed up by the - the Central and the Metropolitan Planning was bad, too. They were not involved - they were involved. Yeah. They were involved. All these people were involved. Give me an answer. Give me a sign cause I'll be coming back here all the time. Thank you.

Mayor Wu invited public comment.

3.) Arthur Stokes addressed the City Council

Good morning. My name is Arthur Stokes and I'm at 2614 South Topeka and I live in an apartment. I'm here to introduce myself and I'm glad to be in. I never really addressed and being in a council meeting, and I'm - I'm really glad. I'm - I'm enthused to be here. You know why? Because of the issue with the city, uh, housing in dealing with, uh, black mold toxins, okra toxins. It's a serious issue in dealing with black mold and the landlords for is tenancy. And it matters because of the - the health hazards with our - the elderly people like myself. We're - we're coming through COVID-19 and, you know, I was pretty enthused that I even survived. I had looking at the statistics on that, it hit, like, in my family and all my members in Florida, I lost two family members back to death, back-to-back. And while one member was passing away from COVID, the other member -- which was, uh, her brother -- couldn't even make it to the funeral because he had COVID and he was in the hospital. He was never going to make it there. Dealing back to the topic, dealing with toxins, it was in - it was in my apartment where my former apartment that I lived in and I had to be out of there because, I couldn't get anybody seemed like to take it

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hard that, this stuff was in there. I couldn't get - I couldn't get maintenance in there to help me. I couldn't get the city or anybody to seem like get on point with me on what was happening in there. Actually, the - the bathroom - I'm - I'm a tall guy. The bathtub, uh, had cracks in it and leaks. It's going to cause that black mold. The furnace, uh, got black mold in it, which destroyed the house, you know? I had to get rid of a lot of the property in there, you know? So, it took a while after making - I've called everywhere I could possibly think of in here and everybody turned me down for is getting an apartment inspected. So, I finally got an independent to come in here and every time you talk to people about Moe, you talking' expensive. You ain't even talking normal, you know, man all to, you know - you - you talking expenses with these people. So, I got them in there and they had me to do a test, do a lay-up, and I had, like - we normally should be at 6% toxins normally. All of us in here, I was 17-1/2% and they found two toxins in there. So, that's pretty high. Then I had to hire that - that same team to - to try to get me to a doctor. I went to one of my primary doctors at the VA. They didn't get me tested. So, it's, like, been a battle just really trying to address this issue. I've been to the emergency room about 30 times and, uh, they didn't treat me. They kind of, like, helped me. They kind of, like, gave me a little Band-Aid. They gave me this stuff called, uh, a GI cocktail. And what that does, it's kind of, like, soothes my digestive system down. I still got a lot of tests to go in. If I call attorneys to try to get answers, I couldn't even get anybody to, uh, address this situation for me, you know? So, the doctors that deal with this, they're not around you. The doctor that I was seeing' on this, I had to Zoom in with this man in Palm Beach Gardens, Florida. The medicines was expensive. And I'm still takin' medicines. I'm still going through further research on the matter to try to find out, you know, what's going on me. It's - it's - it's been devastating, you know? This has been a - a - a battle, you know? I'm, like, I'm coming' out of COVID and then now, I'm dealing' with this. I'm, like, oh, my God. I - I'm - asking for suggestions. I'm asking for the City Council to try to step up, further in - with - with being real slight with the little landlords. We're, like - we're tapping them on the wrists and stuff and they getting away with the briefcase too, man. I mean, I need - I - I need you all to address this as for, like, myself, the kids. If it were probably a - a kid in my custody in my house, that kid wouldn't be around not when you got that much toxins floating around in the air and it gets into the system. Thank you.

Council Member Hoheisel stated Mr. Stokes, sir, I believe you are my constituent. Actually, with your address, that's where I grew up. So, I'm pretty familiar with that area. We are working on some additional ordinances right now to kind of combat some of the issues you're talking about. I would love to...

Mr. Stokes stated I would like to get in on the ground floor with this.

Council Member Hoheisel stated yes, sir.

Mr. Stokes stated I mean...

Council Member Hoheisel stated yes. please - please contact me. I can tell you where we're at with what we're doing and where we're going to go and some of the obstructions we have towards effectively, meeting the - the conditions that you're talking about here. So, I'd love to have that conversation and see what I can do for you.

Council Member Johnson stated thanks, Mayor. Thank you, Mr. Stokes, for coming today. I also want to share that we - we definitely on working on that and we've been talking about it as a council, hopefully here in the next 60, 90 days you'll see some conversations about things we can do to address that. I appreciate you having the courage to come up here and speak about it. I continue to - I - I hate hearing stories like that. I truly hate it. And me and a few of my colleagues have been in spaces like the one

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you're talking to - talking about and we've seen the black mold and we've seen some really devastating things. We met a woman in District 6 who had been to the emergency room 9 times because of black mold, and her 1-year-old child as well because of that. We have to do something about it and, we are committed to trying our best to address that. So, thank you for being here.

Council Member Ballard stated thank you, Mayor. Mr. Stokes, I just want to echo my other colleagues and tell you we appreciate you coming. We know - and we know that you're not alone. My question for you is how did the conversation go with your landlord? And then if you're in an apartment, are the apartments around you, I as- I assume, there's mold in there, too? Is everybody trying to talk to the landlord?

Arthur Stokes stated this is a downtown complex that I live in prior to where I'm at on the south side of the city. And there were other issues with other tenants. They just didn't handle it appropriately with me. They were, like, well, we have to take this out and that out. Hey. You could've put me in a little motel somewhere, you know, and fed me until you did that, you know? You know, excuses best serve the person that makes them, you know? When you getting that money from us, we need you to do what you're supposed to do as a landlord, you know? I wouldn't be having this problem and ongoing issues, you know, had that been addressed. There are people that they just had too over out. And while I was there, there was a young lady we had to move her out, but when it was - when it was in my apartment and it go into the furnace, they just wanted me out.

Council Member Ballard stated mm-hm.

Arthur Stokes stated, see? And - and that - the - that - that don't fix - fix the bill. It just only escalated, you - you know. Newton says for every action there is an equal reaction. And this is how I'm responding to it today. I mean, I'm not really proud of - of being sick and having to go to the emergency room and take all of this stuff and takin' all of these medicines and, you know - but I'm going to make the best out of it. I'm going to make it. We will make it.

Council Member Ballard stated well, I appreciate you, like, Council Member Johnson said, having the courage to come and tell us. Sometimes we don't know things at specific places until people take the time or send us an email or call us. So I really appreciate you takin' the time to be here and, um, I'm on board with the rest of my colleagues to - to try to help and see what we can do.

Council Member Johnson stated I just want to go on the record to say that I absolutely agree that property managers and landlords should cover the cost of moving' someone out while they fix that and you shouldn't have to pay anything.

Mayor Wu invited public comment.

4.) Andrew Crane addressed the City Council.

Good morning, Council. It's Andrew Crane with Guiding Paws ICT. And also, citizen of Wichita, Kansas and a disability community. And I, I am here today to talk to you about the access and sidewalk access, and then also a big issue with the bikes and scooters that are on the sidewalk that are blocking the, um - blocking the, um, sidewalks. And, also, the traffic, traffic, hang on. Um, tra- uh, tr- traffic, uh, side - sidewalks also, at, uh, push, uh, walks, uh, walk, uh, crosswalks and - and stuff. That is a big, big issue

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in Wichita. And I challenge you guys today to really walk in the downtown area and see the - some of the problems because it needs to be addressed to you guys and it needs to be fixed. Um, and - and that - and people in wheelchairs do not, uh - can't get, uh, access and it's going to - it's going to be a big problem. You're going to see lots of disabled, uh, people in wheelchairs here and you're going to see a lot of blind and low-vision folks here, um, in - in the - in the chamber because we're - we're - we're tired of getting, uh, denied and, you know, not fixing the problem. The city needs to wake up here and start fixing the - the - the sidewalks and start fixing the access - access points. I - I definitely encourage you guys to start walking the - the city streets. I walk them every single day. And its t- it's time to wake up here and officially make the - the city fantastic. Let's go. Any questions? Please.

Council Member Johnson stated thanks, Mayor. This question isn't for Andrew. And I know this is random because, um, this wasn't on the agenda, but I think our agreements with the scooter companies, I think they're required to have those scooters on the corner and not in the middle of the sidewalk. And there was an additional fee that would have to be paid when they left them there. I can't remember if that was the initial contract or this - the new one. But I don't know. Jennifer, do you remember?

Jennifer Magana, City Attorney, stated I - I don't know. I can sure get that - get back with you on that.

Council Member Hoheisel stated thank you, Mayor. Thank you, Andrew. A - a couple of questions. Are you speaking mostly about, like, trip hazards, uneven sidewalk? Is that more of what you're

Andrew Crane stated well, there's the - a lot of the scooters that are getting left in crosswalks, um, and up to the - the crossing are getting left and - and that - and they're not picking those up. And, you know, the - it - it's a problem. If - if you guys are not gone - if - if you guys are not going to pick them up, and - and move them so folks can access the - the sidewalk and people in wheelchairs can access the - the sidewalks, uh, I - it - it's - it's - it's going to be terrible. And, you know, I'm going to be tripping over, you know, bikes or - or anything and it's - it's going to be a big problem, Hoheisel, and Council. It - it needs to change. We need to have somebody picking those up and putting them in the right spot.

Council Member Hoheisel stated all right. Well, I appreciate you bringing' this to me. We will look into this. So, I appreciate the clarification.

Mayor Wu invited public comment. No additional speakers came forward.

II) [CONSENT AGENDA ITEMS 1 THROUGH 13](#)

COUNCIL BUSINESS

II) [CONSENT AGENDA ITEMS 1 THROUGH 13](#)

Council Member Ballard requested that Item 4b be pulled for discussion.

Motion:

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Mayor Wu moved to approve Consent Agenda Items 1 through 13 with the exception of Item 4b.
Motion carried 7 to 0

John Philbrick, City Manager's Office, presented Item 4b.

Council Member Ballard stated thank you, Mayor. Mr. Philbrick, this is a different type of lease than we have done in the past, correct?

John Philbrick, City Manager's Office, stated this is a different lease based on the discussion that we had in early February when we looked at extending a couple of the existing leases. We had been using a modified gross lease, and based on that discussion, we're using a triple net format where all the expenses are passed on to the tenant as additional rent.

Council Member Ballard stated okay. That's all I needed. Thank you so much.

Mayor Wu stated I have further questions regarding triple net leases. So, I'll start off with according to this green sheet, the fixed rate for this space will now be \$10, but the triple net itself will be \$9 for a total of \$19. So, the space itself will be permanent for the contract period, but the \$9 could change at any point. I read the actual contract. And so, if the property taxes go up, and we did not collect enough, then it could go up beyond that \$9. But does this contract allow for more than or only below? Because according to the contract, it seems like only below if we don't capture enough, then it doesn't appear that we could claw back and ask for more.

John Philbrick, City Manager's Office, stated the - the way the contract is written and the way triple net leases work is how you described it initially. We do an estimate of our expenses. Those are counted as part of the rent. At the end of the year, there'll be an accounting. If the actual expenses are higher, we will bill the tenant. If the actual expenses are lower, the tenant will get a credit on ongoing rents. And then the next year, we'll adjust whatever the then current expense levels are. So right now, we're looking at about a \$9 per square foot triple net. If expenses came in at ten, we would ask for an extra dollar a foot from the tenant. If they came in at eight, we would remit a dollar.

Mayor Wu stated I'd also like to know, according to the base rent of \$10 per square foot, which is usually what people first and foremost know it as, they don't necessarily talk about the triple net portion. They talk about the base rent. Is \$10 fair market value in that area or in a comparable area? I know that I asked some tenants along Douglas not too far away from there and their base rent was approximately \$12 to \$14. And they know this is right next to a new, or re-invigorated movie theater and there's more activity happening in that area. So, I'm just curious, is \$10 base rent actually fair market?

John Philbrick, City Manager's Office, stated Well, the base rent - and we have a subject matter expert here. We have Josh Turner who's president of landmark, commercial, that can expand further on this, but the - the base rent is - is basically what the landlord is going to collect. What tenants look at is their total rent. They look at how much they're paying, and if they're paying - if it's a gross lease and they're paying \$19, you know, all of that goes to the landlord and he pays the expenses out of it. If it's a triple net lease, in this case, they pay \$19 and nine of its expenses. We use that for expenses, and we get \$10. But the what the tenant looks at is their all-in rate. Not so much their - their bottom line. It - it's - it's base plus triple net is what they look at cause they're - the - that's what they're concerned about is what they're

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paying. And - and based on what we have heard from landmarks seen in the market and so on, \$19 is approximating mar- you know, market in this area, may even be a little bit above

Mayor Wu stated and if - correct me if I'm wrong, but I know that you're saying \$19, but if, for instance, some expenses are lower, really that would be reduced. So, it would not be \$19. Say it's a \$2 reduction in expenses in the triple net part. You're actually simply paying \$17 in this case. And so, is that fair market value? And is this competitive? And so maybe I should ask the subject matter expert...

John Philbrick, City Manager's Office, stated sure.

Mayor Wu stated ...regarding that question. What is the actual average around that area? And - because people will look at, you're right, the entire rent, but triple net is the new method that we're fearing towards. The gross one was one that had less transparency, frankly. This has much more transparency and it allows the public to have a base level conversation because that's probably what other community members who rent spaces all around the city talk about.

Josh Turner, Landmark Commercial, stated yes, Mayor. The base rents are affected by a lot of things. One of the things in comparing two properties on Douglas, cause I looked at those as well, they have a much higher traffic count. Even with the theater in full activity, the traffic counts in this location have never been even close to Douglas frontage. Other things that affect it are expenses. So, the expenses on this particular property right now are very high. So that affects your base rent because ultimately, the all-in, like, Mr. Philbrick mentioned, that's what everybody's looking at is how much is it going to cost me to occupy the space? So, you know, we kind of have - have been put together a plan to try and reduce the expenses cause they're - they're - they're pretty high and they - they - there's definite low-hanging fruit that we can go for to reduce some of those expenses, which will allow us to in the - in the next couple of years increase that base rent. We've said, you know, by looking at the comps, Clifton Square is probably the closest comp as far as the layout and the traffic patterns. And they are in - all - they're all in there at roughly 15 with triple nets and their base rents. Their base rents are a little higher. Triple nets are significantly lower. We feel that the target all-in should be between \$17 and \$20 a foot and that's kind of where these leases are falling. We just need to restructure them so that it allows for the triple net element to it. Cause I agree, it's much - it's much more transparency and it ultimately creates a fair situation for everybody involved.

Mayor Wu stated thank you. I have one more question for you.

Josh Turner, Landmark Commercial, stated yes ma'am.

Mayor Wu stated according to this lease, for instance, the AC in this space, will that be the responsibility of the landlord, which would be the City of Wichita and its citizens? Or would it be the tenant who we're signing a lease with?

Josh Turner, Landmark Commercial, stated I believe it will be a tenant responsibility item. Standard triple net leases typically put that on there. The - the biggest challenge we're facing there right now with maintenance is the expansion joints and the parking garage have deteriorated. And so, every tenant has leaks in their ceilings cause the roof there is the parking garage. So, that's the biggest challenge we're facing right now. So, we're constantly changing out, you know, ceiling tiles and, and items in the ceiling to - so another thing that's driving up our - our operating expenses.

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Mayor Wu stated and that is a concern of mine. I know that we've been talking about Old Town parking, uh, downtown parking, and the deferred maintenance of parking structures. And this is a structure, uh, on top of these, uh, tenant-lease spaces. So, my question then goes back to the triple nets. Will that take into account also these major repairs that would still need to be considered by the city and its citizens to pay in order to not have leaking ceilings and all these major projects?

Mayor Wu stated thank you.

Josh Turner, Landmark Commercial, stated no problem.

Josh Turner, Landmark Commercial, stated this is a unique situation that you don't find all the time. I would say typically capital level expenses of this nature would not be something that would be included in triple nets. That's typically a landlord's expense. However, you could - I would say you could reasonably allocate a portion of the expense to maintain the - the parking structure immediately over these spaces as part of the - the maintenance on an ongoing basis. But if it becomes a capital level expense where it's a full replacement, or something, that's typically not something that you see rolled into a triple net expenses.

Mayor Wu stated my question now will be back to staff then. What are we doing as a city, to prepare for these capital level expenses, which will be much more strenuous on the budget when triple net does not cover capital level type of expenses?

Troy Anderson, Assistant City Manager, stated Mayor, I'll try to maybe jump in just making sure that we're differentiating as it relates to capital outlay for these retail spaces and not necessarily the capital outlay for the parking structure associated with it. The capital outlay for these retail spaces, again, as the base rents come in, those cover costs associated with administration and then there are monies that are generally set aside for future capital outlay, right? If we're talking about the parking structure associated with it, that's kind of a whole different strategy. We're actually in the process right now of getting an evaluation. There's an RFP out on the street right now to have a better understanding exactly what expenses need to be incurred and what improvements need to be made when, where, why, and how kind of worsen them first. As it relates specifically to the retail spaces themselves, the base rents that we receive will go towards setting aside dollars for those capital outlays.

Mayor Wu stated which is, again, back to my question. Is the \$10 going to be enough to pay for a kitty that we're going to have to pay for capital level major projects? And this has been a conversation now for months regarding deferred maintenance and how we're going to pay for deferred maintenance. And so, for me, I'm trying to figure out how the city will be paying for this deferred maintenance when we have an opportunity here to capture their market. I still don't believe the \$10 for base rent is fair market, but, again, I'm not the subject-matter expert. But I do believe that when you talk about capital level types of projects, they have to be, considered not just right now. They should have been considered years in advance, but we're - we can't go back in time. So, we can only move forward, and this is a new contract, and one that we would be tied to for the next 3 years - 2 years or 3 years?

Troy Anderson, Assistant City Manager, stated correct. 3 years.

Mayor Wu stated 3 years? So maybe I believe that we need to have a further conversation regarding the deferred maintenance. How are we going to pay for it? And I understand that right now. There is a process to try to be more accurate on how much deferred maintenance actually is, um, being accumulated

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in these structures because right now, it's \$19 million, is that right? That was the estimate initially, \$19 million.

Troy Anderson, Assistant City Manager, stated yes, that's correct. 19 million was the original estimate for all of our parking structures and lots of all of our parking assets. And so that does not include, again, the retail spaces that may be associated with those, right? We're not - I'm not aware of any kind of significant deferred maintenance in any of our retail spaces, any - any anticipated capital outlay in any of our retail spaces, but we'll be more than happy to kind of go take a look and investigate that and put together a strategy, sort of a 3, 5, 10-year plan on what we think and know and understand with - with regards to these retail spaces associated with the parking structures.

Mayor Wu stated again, I'm having this conversation so that everyone can see that this is a very complicated subject and changing number one from a gross lease to a triple net -- which is standard by community -- is number one step for transparency. But also, number two, making sure that when we have a base rent, we're also taking into account are we able to pay for capital level expenses over time? And that is the biggest concern when we have a structure or any building, maintaining over time has to be part of a - a savings account that we have to keep putting into. And when you have base rent that is, to me, a \$10 base rent seems low and I understand people look at it as in-whole, the \$19, but \$10 is just what the city is getting. And we're not taking into account capital future major expenses. It's a concern to me. So, I will not be in favor of approving this. Again, I'm only one vote though. Vice Mayor Johnston.

Vice Mayor Johnston stated thank you, Mayor. I appreciate your concern for - for the maintenance of it. But right now, this is an empty space. So right now, the city is paying the triple net. They're paying \$9 - we're losing \$9 a square foot on this right now cause it's empty. If we fill it, then somebody else pays that \$9, plus we get the rent of \$10. So, I'll very much be in favor of this. I'm familiar with the market rents in there and I think it's fair. Anytime you have an empty space, it costs you money cause you're paying' the triple net. I will be in favor of this.

Mayor Wu invited public comment. No one came forward.

Motion:

Council Member Ballard moved to approve Consent Agenda Item 4b.

Motion carried 6 to 1 (Nay: Lily Wu).

III) [BOARD OF BIDS AND CONTRACTS](#)1.) [Board of Bids and Contracts dated March 3, 2025.](#)

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

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

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Jason Bogden, Department of Finance, presented 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 - NONEV) UNFINISHED COUNCIL BUSINESS1.) [Amendment to Ordinance 52-629, Sidewalk Repair Assessment for 1314 North Oliver Avenue](#)

Attachment: [Agenda Report V-1](#)

Attachment: [Ordinance No. 52-629 Special Assement for Sidewalks.docx](#)

Attachment: [03-04-2025 52-629 Special Assement for Sidewalks delineated.docx](#)

Paul Gunzelman, Public Works & Utilities Department, presented the item

Mayor Wu stated questions for staff? And so, because the U.S. Postal Service is exempt, does that mean that the citizens of Wichita will now pay or that sidewalk repair?

Paul Gunzelman, Public Works & Utilities Department, stated we - yes. And - yes. And that was, uh, \$903.60, I believe, Mayor.

Mayor Wu stated, and can you remind us whose responsibilities are sidewalk repairs?

Paul Gunzelman, Public Works & Utilities Department, stated that is the adjacent property who fronts the street - adjacent property along the street.

Mayor Wu stated so not the citizens of Wichita, uh, as the City of Wichita? Can you explain that further?

Paul Gunzelman, Public Works & Utilities Department, stated okay. Sorry. Yes, the properties- any frontage along arterial streets, it is the responsibility of the citizens that own that property. We do have some exemptions as noted today, as well as at the intersections or corners. The City of Wichita pays for

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those outside of the property lines as they intersect, as well as any city-owned property. Then the city would pay for those as well.

Mayor Wu stated and in front of City of Wichita Parks?

Paul Gunzelman, Public Works & Utilities Department, stated Parks, fire stations, police stations, et cetera. Yes.

Mayor Wu stated but if it is, again, a property owned by a private citizen, that citizen must pay for the repairs at the sidewalk, correct?

Paul Gunzelman, Public Works & Utilities Department, stated that is correct. Yes

Council Member Johnson stated Thanks, Mayor. Can - can any of these funds be used to restore service to neighborhoods they've taken service from? I'm just messing with you.

Paul Gunzelman, Public Works & Utilities Department, stated Okay. Thank you.

Mayor Wu invited public comment. No one came forward.

Motion:

Mayor Wu moved to approve the proposed assessments, pass the ordinance, as amended, on second reading and authorize the necessary signatures.

Motion carried 7 to 0

VI) NEW COUNCIL BUSINESS

1.) [Financial Advisory Services Contract](#)

Attachment: [Agenda Report VI-1](#)

Attachment: [25200017 - Municipal Financial Advisory Services vendor signed with exhibits.pdf](#)

Mark Manning, Department of Finance, presented the item

Council Member Ballard left the bench

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Council Member Ballard returned to the bench

Mayor Wu invited public comment. No one came forward.

Motion:

Mayor Wu moved to approve the contract and authorize the necessary signatures
Motion carried 7 to 0

2.) [Multi-Agency Center Lease and Operating Agreement \(District VI\)](#)

Attachment: [Agenda Report VI-2](#)

Attachment: [Multi-Agency Center Lease and Operating Agreement.pdf](#)

Troy Anderson, Assistant City Manager, presented the item

Council Member Hoheisel stated thank you, Mayor. Thank you, Troy. You guys have been putting in a ton of work on this. So, I appreciate all the providers here as well and everybody on the MAC Board. I just had a couple of quick questions and some clarification on the contract and whatnot. So, you talk about it's our duty to maintain the premises until substantial completion. You know, Page 6 on here talks about it'll be the operator's duty after that. When do you expect substantial completion to be finished?

Troy Anderson, Assistant City Manager stated so we are aggressively trying to obtain substantial completion by year-end, by the end of 2025 that very well may bleed over into sort of Q1 of 2026, depending on some of the final determinations of what improvements, additions, alterations, modifications are made to the building, but we are working feverishly to try and turn over the property as quickly as possible.

Council Member Hoheisel stated okay. So, it - it's the plan that are we going to have Public Works or Parks and Rec help maintain the property until then?

Troy Anderson, Assistant City Manager stated yes.

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Council Member Hoheisel stated we have that plan figured out?

Troy Anderson, Assistant City Manager stated yes.

Council Member Hoheisel stated okay. What does - what - do we have any idea what the first phase of construction's going to look like? What are we going to tackle first? Or is that still being worked out?

Troy Anderson, Assistant City Manager stated so, I can tell you right now that, the project is still currently under renovation. Probably the easiest, lowest-hanging fruit that we are currently in the process of trying to address is the two-story part of the old schoolhouse, part of the build- because there is sort of no access and no use of that part of the building today that's been the primary focal point. Additionally, probably the other significant improvements that you'll start seeing are improvements related to the grounds, right? We are doing some utility relocates, um, some utility extensions into the property. We're going to start constructing that north wall here in the very near future. And so, there's - you're also going to see sort of a flurry of activity in and around site-related improvements. Those are the two things we're really primarily focused on right now. We've been working with, uh, MAC Board, Inc. and the service providers to better understand exactly what the final sort of a footprint and - and building layout is going to look like. I feel like we have a pretty good idea where that's going. And so, we continue to fine-tune that. We've been engaged with the contractor and our development partner throughout, um, pushing them to sharpen their pencils and make sure that we can do sort of more with less. We're actually really excited about kind of the direction that that's going.

Council Member Hoheisel stated okay. And, on the sheet they gave us about timeline, it talked about some providers getting in there on the 1st of April. Do we have any idea what providers we can get in there?

Troy Anderson, Assistant City Manager, stated I will defer that to the operator for their response.

Council Member Hoheisel stated thank you.

Steve Dixon, MAC Board Inc., stated good morning, Council Members. So, to answer your question, we will be working to - to get a full-time shelter operator in there April 1. That is key, primary, most important because the key thing on April 1 is we do want to make sure that there is a 365-day, 24-7 shelter continuing operation April 1. Now, until we get this agreement signed, we are not able to sign an agreement with a provider. That is top priority as soon as this piece of the puzzle is finished. We are in ongoing discussions with several folks that are already currently operating in an emergency winter shelter such as HumanKind, Mental Health of America, and several others at this point in time. So, we are having ongoing discussions. I think we'll be ready to do those things. It's just a matter of one step at a time.

Council Member Hoheisel stated I appreciate that. One other - or one of the other questions I ask pertaining to, it's on Page 10 of the contract. Confidentiality. And it says that when we get the information, we're going to comply with the Kansas Open Records Act to produce upon written request documents pertaining to this agreement, other than those covered by express exceptions to disclosure listed in this act. What other exceptions do we add to that? Is there any barrier that you guys foresee with that?

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Steve Dixon, MAC Board Inc., stated Troy, you answer that.

Troy Anderson, Assistant City Manager, stated so I was looking around for our legal counsel to weigh in. But so long as we're not in violation of any other federal, state, or local laws again, obviously, we're going to try to protect the - the confidentiality and the safety and the security of the patrons and clients frequenting the MAC. But again, just making sure that nothing that we're going to do is in violation of any federal, state or local laws otherwise.

Council Member Hoheisel stated okay. So when will you, request information, there's a 72-hour turnaround that we are expecting? Did I remember seeing that in the contract, 72-hour? Okay. All right. The last - I guess the last question I do have is - sorry. I get into the weeds here sometimes. The City of Wichita will not conduct oversight of the operator except as oversight as authorized for the city pursuant to this agreement or any other agreement between the city and the operator. Do we have any other agreements that we're not aware of here or is this just this document?

Troy Anderson, Assistant City Manager, stated so this lease and operating agreement goes kind of hand-in-hand with the funding agreement, right? So, there's a slew of other reporting and other requirements that are specifically le- laid out in the in the funding agreement. So, the two in conjunction with each other really co- cover the breath of our agreement with MAC Board, Inc. for funding, leasing and operating the facility as it exists today.

Council Member Ballard stated thank you, Mayor. I have a lot of questions. First of all, I just want to thank everybody. So many different groups of people that have been working really hard on this, but I have to be honest. I'm struggling with a lot of it. Maybe that is because I feel like as a council member, I'm the closest to it. Our adjacent property owners have been so kind to put their app on my phone with their cameras, so I get to see everything and more than I Want to see that is going on. And that was one of my main concerns is I need to know what is going to be different on April 1 because I stood up in the front of the room at the Advanced Learning Library. I said there would be no loitering. There would be no trash. There would be - not this, this, this, and all of that is happening. And I know it's extremely overwhelming, but it's unacceptable and we have to do be- we just have to do better. And I'm happy to go pick up trash. I have myself. I want to be a good partner as I know you guys do to, but there's just some things that absolutely have to change.

Steve Dixon, MAC Board Inc., stated absolutely. And appreciate that. And so, we'll start with a couple of - of things we're doing currently before we take over April 1. Start yesterday. We had a great meeting with WPD to discuss what are some of the issues that they're seeing, how do we, you know, work together to address issues like people getting you know - based on disciplinary action being kicked out of the - of the building currently, we have created some - some dialogue around that. We will be looking at some of the ways that we can better reduce, you know, issues with inside the building that will cause people to be pushed out into the neighborhood. One of those is de-escalation, can we create a space within the building to, uh, help work on de-escalation. That's also bringing in training for staff members. How do we work more on de-escalating, you know, the - the situation before having to have somebody asking somebody to leave the building. We talk about trash. We've been in contact with the United Way Outreach Team. One of the things we realized is that as we work with other community partners that are doing outreach, they have better connections with this current population of people than we do. We'll be working closely hand-in-hand with those people I've already had meetings with the folks over at Breakthrough. I had a talk about opportunities they may be able to help us with as well. And so, as we

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continue on over the next month, we'll have - I have board meetings with several other providers coming up to discuss ways that we can address a lot of these issues. We understand that the loitering piece you know, it's a public - public health issue. It's a public safety issue. That was part of the discussion we had at the police department. Again, we don't have any concrete plan because that is going to be a work in progress, but what we do understand too, and I hope you understand in this agreement, there's little difference. We did agree to take over the entirety of the grounds so that, you know, some of the trash issues are things that we will be responsible, you know, working hand-in-hand with the city to get trash picked up and things like that. We are also making in routes and outreach to other, say, faith community folks as well, you know? Can you help us? Here's what we need help with. Here's what we need assistance with. But what we do understand is that from a prioritization standpoint, the trash and the - and the folks wandering around disrupting businesses is high, high on our list of things to tackle immediately. It - I have a couple of other things if you want. So, I think we are also currently holding weekly meetings with emergency winter shelter provider, HumanKind, again, to do analysis. What is working? What's not working? What do we continue? What do we have to change? Because, again, currently we're operating an emergency winter shelter. In all of our discussions, it has been very clear that we switched the flipped the switch April 1 and say this will now be a shelter, right? We still want to maintain operations. We still want to make sure people are housed, people are fed, but that it's - it's - we're no longer in that emergency cold situation. And there are a lot of things that we will start to do. A lot of that is going to be very, very dependent upon construction schedule. And so, part of that is as well what spaces in the building are available to us, what space in the building are available to our providers will change over time as construction is ongoing, um, and we'll have to adapt. And we understand that and we're we'll be getting prepared for that as soon as we get that construction schedule clarified so we know what happens when and what we're going to have to maneuver around.

Council Member Ballard stated awesome. Two more things really quick. Can you talk about what will be different with emergency services and, you know, all that as far as, like, I think there's been 466 requests for service at the emergency winter shelter as far as EMS, fire and all of that how - and I think, uh, 67% of those were just transported to the emergency rooms.

Steve Dixon, MAC Board Inc., stated sure.

Council Member Ballard stated, I mean, we're talking some serious money. And I'm not the expert in the room, but to me it makes sense to bring somebody to the shelter. And I know the purpose of the emergency winter shelter is just keeping people alive and fed. And so, I totally understand that, but there's a lot of visits from EMS over there.

Steve Dixon, MAC Board Inc., stated totally appreciate that, and I agree, right? And we understand that. So, I believe we have two separate meetings set up, one this week with county and EMS and other health care providers, some of which are currently already working in that space to really address that issue. How do we be more proactive? How do we provide some level of - of medical service without - we can't operate a clinic in the building, but can we provide some sort of medical service? Currently, I know, um - my understanding is that EMS has a unit that is stationed fairly close to the winter shelter, so it reduces, uh, call time and whatnot. But really, the goal will be over the longer course of time is how to address some of those issues within for the citizens or the persons in the shelter to prevent having to call an ambulance to go to the ER, right? Or that that is some sort of respite care, dealing with chronic conditions, dealing with you know, the normal, everyday kind of cough cold kind of stuff. So, we do have meetings set up to address those. We're going to work that out. We should have an - we'll have an answer before the end of the month.

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Council Member Ballard stated, and my last question is security. I think we've talked about several times about potentially maybe needing more security for the safety of everybody around the neighborhoods, the people using the shelter and staff.

Steve Dixon, MAC Board Inc., Correct. and so, again, one of the things that does change council has approved a very generous budget for us, right? So very different when we talk about the funding, we have versus the funding that the emergency winter shelters had. That budget is - was fairly constrained, pretty tight, and with a high number of users that have been in the building this year, that budget is - is going away quickly. We understand we've got a little bit more of a runway and we understand that if we have to address that on a staffing basis, whether that is working with provider or hiring those folks separate so we can train them, that's something we're working on currently right now. We do understand that security is in our top three priority pieces because that is also a choke point for getting into and out of the building. If security is called off to go deal with an issue, there's nobody there to let people in the door. So, we understand that. And we also look, you know, forward to figuring that piece of the puzzle out fairly quickly.

Council Member Glasscock stated thank you, Mayor. Thank you. My questions are probably more for staff at this point, but...

Steve Dixon, MAC Board Inc., all right.

Council Member Glasscock stated ...I probably do have some for you as well. Regarding the term of the lease under Sub-Item 2, 25 years seems pretty extensive for an organization. And I have full confidence that organization is going to manage the property well, but 25 years seems like a long-length period for an organization that's up and coming right now. What's the justification for that given that we're going to have to update this agreement after renovations anyway given the end of the agreement at Sub-Point 13?

Troy Anderson, Assistant City Manager, stated so on both sides of one of the first things we heard with regarding the length of the term was making sure that there was sufficient runway for MAC Board, Inc. to stand up and run, right? So, commitments from community partners investment, from other folks who might want to make per- investments in the property or into the operations, they needed to know that this had a fairly long runway, right? Maybe not 25 years, but at least probably more than 5, probably at least 10, right? They - they wanted to see an initial period and term that, if they were going to make significant operational changes, if they were going to make significant financial contributions, that there was a long enough runway that it wasn't just a 1 or 2-year lease. On the other side of the term, right, are the termination clauses associated with it, right? So, there's nothing that precludes both parties from mutually agreeing to terminate the agreement. There are also termination clauses for convenience, right? If for whatever reason the city no longer wants to do this or there's a termination clause specifically for the city party that if we want to terminate for convenience, we can do so. There's some - there's a timeline associated with that, but we can terminate for convenience at any point prior to the 25-year term. Additionally, the - the operator can also terminate out of convenience given a certain time period and notice. So, we have the - we have the backstops for terminating the agreement if necessary, but we also wanted to sort of balance that with giving them enough runway to make sure that it's - this is a long-term investment. Um, we also think about things like 15-year terms for things, like, housing, right? That there's got to be a 15-year investment in things like housing and those kind of - so that's why we continue to kind of push the term out. If we need to reduce the term, I - I think both parties may be amendable to

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that but those are the things we wanted to keep in mind with having a longer term, but making sure that we can terminate for convenience if we had to.

Council Member Glasscock stated okay. I'd just be interested here probably the discussion of the council. 15 years is substantially different than 25 years. I would be 5 years old, and this would just be coming up before the council again. So, a lot changes since I was 5 to now. So, I have questions about that maybe still. Regarding – let me see - Item Number 6, the city including any authorized representative and agents reserves the right to enter the leased premises. Who is the determinative of authorized? Is that from the council? Is that under the manager's discretion? Who is authorized? Who's not authorized? Could one of us show up to the shelter and be able to enter? Could a public works employee show up? Who determines the authorization?

Troy Anderson, Assistant City Manager, stated so I think that that is mutually shared, right? To your point, everybody you just named is potentially pre-authorized, right? You're right. We're going to have to get into the building to do things like maintenance and repairs, right? There's going to want to be site visits, right? There's compliance measures that will need to be made. We - as you heard from the operator, MAC Board, uh, that there are going to be law enforcement individuals EMS individuals, right, that there's going to be a whole host of folks that are going to want and need to have access to the facility. And so, we - that language, if you'll notice, is narrowly interpreted. Right? We want to make sure that it's not just an open house. But at the same time, I believe that through our conversations we both mutually agree that there are folks who are going to need to get access to the building to - to do the things that they need to do.

Council Member Glasscock stated so they're theoretically a subsequent document that talks about protocols? You know, my only concern when we're trying to balance this with security of the individuals there and also confidentiality, is, let's say, a city employee walks up, and they just flash a badge. Are they just going to be admitted in, or is there a list of who can be admitted with that?

Troy Anderson, Assistant City Manager, stated well as the operator develops those policies and procedures, we're going to be coming alongside them sort of every step of the way. You notice there towards the end of the lease agreement there's a requirement that we meet regularly, right, and we meet routinely. So, we're going to be coming alongside that throughout the process to make sure that the City's interests are communicated and incorporated into those policies, procedures, et cetera. We also have a representative - the Board has been expanded from five members to seven members. The mayor sits on the Board as a representative of the City as well. So, we feel like we have a pretty good conduit of - of communication and correspondence to continue to make sure that the City's interests are communicated.

Council Member Glasscock stated um, that will dovetail. I have about four - three or four more questions. Regarding the City's representative on the Board, that would be determined, I would presume, by the Board's bylaws. Correct?

Steve Dixon, MAC Board Inc., stated not yet. So, we have expanded the Board to seven. We have not changed the bylaws. We invited Mayor Wu to join the Board. We will be - as we get through transition period and we review and revise bylaws, we will be looking to create a specific rolled position for a person from the city probably the Mayor, but we have not yet made that final determination. The vote that we did make was to invite the mayor - or not invite the Mayor - invite, Mayor Wu to join the Board to help facilitate communication.

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Council Member Glasscock stated Okay. Do it's really the determination, obviously, of the Board that the City's making a significant capital investment in this project, and I have full faith that you won't kick off the City's representative from the Board. But unless that's codified, theoretically it could happen. And then the City's making this large capital investment, as the landlord of the property without a guarantee that there's a long-term representative from the City on the Board to direct - direct policy. So question of her staff, would it be appropriate to codify in this agreement, if the City is operating as the landlord of this lease facility, that we have a representative that's codified in the agreement not just in a bylaws that the City can't determine that could be changed without the City's directive?

Troy Anderson, Assistant City Manager, stated I think that's a conversation that we would probably have to have with the other party to see if those terms and conditions - how that language is drafted. I - I don't know if - I - I can't necessarily commit the operator at this point. That's really sort of their call. To your point could that language be added to the lease and operating agreement, yes, any language could be added to the lease and operating agreement. The question is whether or not that language is amenable to both parties.

Council Member Glasscock stated these questions aren't indicative of MAC Board Inc.

Steve Dixon, MAC Board Inc., I understand.

Council Member Glasscock or anything else. I just know in the past the City has had complications with certain contracts that we don't have I think the clawbacks that we need and also the, I don't know, the safety for the citizens and the taxpayers in it. So, I'm just trying to - this is not reflective of you all.

Steve Dixon, MAC Board Inc., stated we understand.

Council Member Glasscock stated I think you're going to be great operators. But it's more reflective of City contracting and making sure we have certain standards in place.

Steve Dixon, MAC Board Inc., stated so let me address that question. And I understand where it's coming from, and I appreciate that. What we are asking today is for approval of this particular contract, mainly because of time constraint. The - the contract is very clear. We have opportunity to amend the contract at any point in time and can do that. We've had a really good working relationship with both City Staff and City Legal. We understand that there are certain things that may not be in here, all - you know, all - everything that everybody wants. However, we also understand we've got a very, very finite time frame to get things done. As Troy said, we are always open to comments, suggestions, and thoughts, if that is something that - what we don't want is to - to derail getting this agreement done, because if we derail that today, that puts everything else we're doing further and further behind. We do have to get an operating agreement with an operator for the shelter, so we have that ready to go April 1. So, I - you know, I would have no problem. You know, again, we have everything in here that says we can amend this contract upon a mutually agreed to pieces of - of both parties, and we're - we're always more than happy to open up those conversations.

Troy Anderson, Assistant City Manager, stated additionally, I might just jump in, and we know that we're going to have to revisit this in really short order. Right? There's a Project 3 we've been talking about. Right? That's the housing project. We're going to have to revisit this agreement i- in the very near future because there's going to be terms and conditions that are going to be associated with Project 3 that need to either be incorporated or excluded from this agreement. Right? And so, we know that we're going

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to have to revisit this in - in short order. The kind of thoughts and suggestions that have come out today I - I think are certainly things that we can, uh, talk about introducing in the next iteration of it.

Council Member Glasscock stated we know we'll have to revisit it, but this also is a 25-year contract. And so theoretically both parties still have to agree to any revisions in the future as well. So, those are things that I'm just struggling with. I - the board's full, so I'm going to - I have two probably quicker questions. One of the main objectives -- and we discussed this in MAC Board Inc. -- is the fundraising component.

Steve Dixon, MAC Board Inc., stated correct.

Council Member Glasscock stated though, also in this agreement listed under the responsibilities -- and we're looking at Item - the operations within the leased premises, which is Item Number 10A through L -- it doesn't mention anything necessarily about fundraising, unless I skipped past it, and about the importance of that. Though that is, in my view, one of the primary objectives of MAC.

Steve Dixon, MAC Board Inc., stated mm-hm.

Council Member Glasscock stated can you elaborate on that?

Council Member Johnson stepped away from bench

Steve Dixon, MAC Board Inc., stated absolutely. And I think that that's a really great question. What I would say is that, again, from an operating agreement standpoint that is really our responsibility. We know that inherently because we are going to say, if we're going to - we're going to have a 25-year contract, it's our responsibility to find the money. Right? We understand that. Whether that comes from public, private, philanthropic donations, that is a huge part of what we're going to be doing as soon as we get some of these, like, blocking, tackling things out of the way. One of the other pieces to the puzzle is we understand that we have urgency in hiring an executive director. That is part of the work we'll be working on starting tomorrow - at our Board meeting tomorrow, is what type of person do we want to have to be our Executive Director. What skills and talents do they need to have? Fundraising is going to be very, very top of the list. Second piece of the puzzle that's really important to that role is operations. Right? We have to have a really good operations person. We understand that that may be two different people. Right? And so, we understand that not only an Executive Director, but potentially their Chief Operating Officer or a fundraising person of some sort. We have already se- or are in the process of securing grant funding from Kansas Health Foundation to help with some of the fundraising pieces of this, especially as a startup organization. So that is in the works, has been approved by their Board. We're just finalizing some details, and we can get started on that piece as well. So yes, we do understand that every minute that we spend, fundraising is going to help us on the backside of the - the agreement.

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Council Member Glasscock stated I think one of my primary fears would be the expectation or the, I think, false expectation that the City would come in and subsidize the entire operating cost just because it's not codified and because it's not in an agreement we say we have 25 years. So, I don't want it to come back in 4 years and say, hey, well, it wasn't in the agreement and so this is on you to be able to maintain the operations, the facility, and not on the operator of MAC Board Inc. So that would be one of my concerns. The last question I have -- and this would be for City Staff and not, uh, for you. Again, thank you for everything, and I'm excited about a potential partnership. Regarding our agreements, is it this - and this is a overarching question about a lot of our contracts, specifically this. Is it the leaser or the operator that's presenting us a contract and having us sign it, or did we write this contract and present it to them to have them sign it? I know obviously you're in consultation. But who is the primary writer of this agreement?

Troy Anderson, Assistant City Manager, stated so, this started several weeks ago. I mean, it's been probably 6 to 9 weeks now that we've been trading papers. Right? We had legal counsel on our team representing the City going through that. The operator had legal counsel on their side of the table negotiating. I want to say the original draft came from their attorney, and then immediately we reviewed that and added language, terms, and conditions that we wanted to see into the agreement. And then there's an evolution that arrives at where we are today. This is unlike - this is a lease and operating agreement probably unlike we have ever seen, so it's not as if there's a template out there that we can pull from. Right? This - this was something that we kind of had to build from scratch. Knowing and understanding what we were trying to accomplish, it was a mutual effort between both parties.

Council Member Tuttle stated thank you. And I will have more accolades during the comment section. This isn't as much a question, but just an observation. Two thoughts. Last week we had meetings with Mr. Dixon and - and also Misty Brueckner from WSU PPMC. It was very helpful, lots of questions. I also took a tour yesterday, so I got to see, you know, firsthand some of the concerns that Council Member Ballard had regarding people outside. I thought yesterday was well managed because - but the weather was really good, and it was, you know, probably just a different scenario. One of the comments that I made during our meeting, and I just wanted to reinforce the importance of it again, is when the MAC Inc. Board is deciding membership, I - I do think it's important to have someone from City Council District 6 on - on the Board -- that's my opinion -- because they're the one who is going to hear the most feedback. I also think that it would be extremely beneficial to have someone from the Neighborhood Association adjacent to the Multi-Agency Center Emergency Winter Shelter be a part of the Board, so that way they feel that they have a voice -- actually, let me rephrase that -- they will have a voice, and their concerns can be heard directly. So those are just two suggestions that I have. And - and as I mentioned, I'll have more a- accolades after public comment. Thank you

Council Member Johnson returned to bench

Vice Mayor Johnston stated Steve Dixon, MAC Board Inc., stated

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James Roberts, Public Policy and Management Center, stated Vice Mayor, James Roberts with the Public Policy and Management Center. The - there are really sort of two budgets that have been created at this point. In August and September, a group of providers that were familiar with sort of the operations necessary to execute a facility like this were brought together to sort of do some initial estimates on what it would take. The - the benefit of that timing was that the facility was somewhat known. Right? The purchase of the building had taken place. But there was no real understanding of what sort of operational limits would be from inside the building or otherwise. At that time the budget was put together and estimated an annual operating budget about 4 - \$4 1/2 million. Right? Now that was designed for full shelter plus navigation center with all the facility and - and needs around it. That includes no offsets, no, no reduction from personnel coming from other organizations or offsetting the personnel needs there. Today, what we're - what we know, and - and I think the question is what - part of the question is what is the budget for the balance of this year and for next year, that budget is a larger scale than what anybody's anticipating for this year or next year, just because of the transition, the cost - the construction timeline, and what's necessary. So, it's not quite an apples to apples.

Vice Mayor Johnston stated okay. What's - what's your estimate of remainder of this year and in '26?

James Robertson, PPMC, stated without agreements, right, which is, I think as Steve mentioned, a difficult thing to do, the - the most approximate cash flow analysis now would be about 2 to 2.2 million for the balance of this year.

Vice Mayor Johnston stated next year?

James Robertson, Public Policy and Management Center, stated it's - I would not feel confident saying without knowing what the construction timeline's going to have.

Vice Mayor Johnston stated okay. Cause I - I think we have to spend that \$5 million next 2 years.

James Robertson, PPMC, stated yeah, absolutely.

Steve Dixon, MAC Board Inc., stated it will be spent.

James Robertson, PPMC, stated yeah.

Mayor Wu stated Further questions for Staff or MAC Board Inc.? I have a couple. And for full disclosure, as it's already been said, I am on the MAC Board Inc. and just got on board in the month of February, so I was not privy to the first round of the agreement, so I am coming at the tail end of this. And because of that and in consultation with Law, I did not vote as a possible voting member on the Board and abstained from the actual vote regarding this agreement so that I could vote on the behalf of the Citizens of Wichita in my capacity as Mayor of the City of Wichita. So, that has been advised by Law that as long as I did not vote as a Board member for MAC Board Inc., I would be able to vote as, again, an elected

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individual, Mayor of Wichita. So, my questions are now regarding MAC Board Inc, Council Member Glasscock, asked the question, and I want further emphasis on the role of MAC Board Inc. So, number one, MAC Board Inc. is actually a 501(c)(3). Can you first address that you are an official 501(c)(3)? And how do you know you're an official 501(c)(3)?

Steve Dixon, MAC Board Inc., stated absolutely. Yeah. We have an IRS determination letter in our possession that states that MAC Board Inc. is an official 501(c)(3) entity that has housed with PPMC. And so yes, we do have that as a final piece of the puzzle - or a piece of the puzzle.

Mayor Wu stated and I - I'll do a follow-up question. Can you tell me when that was received approximately? Because in order to fund-raise as a nonprofit organization, you must be an official 501(c)(3).

Steve Dixon, MAC Board Inc., stated correct.

Mayor Wu stated therefor you couldn't fundraise prior to that. Can you address the time frame?

Steve Dixon, MAC Board Inc., stated yeah, James, I think you know the date.

James Robertson, PPMC, stated sure. The organization was established incorporated in October. The IRS determination letter was received in February.

Mayor Wu stated thank you very much. And I appreciate that. I will have comments regarding the timeline in a bit. My second question is back to the MAC Board Inc. role. Council Member Glasscock asked is fundraising a major component of MAC Board Inc. I do believe that that is the main role. So can you address again we have a lot of funding gaps as you've heard, or you've mentioned, which means that it's still not going to cover everything.

Steve Dixon, MAC Board, Inc., stated correct.

Mayor Wu stated which really means either people are going to donate, provide in-kind services, volunteer their time to provide all these different expenses that are still incoming.

Steve Dixon, MAC Board, Inc., stated absolutely.

Mayor Wu stated can you address again what the main role of MAC Board Inc. is in regards to fundraising? What steps are you taking to make sure that fundraising remains the number one priority?

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Steve Dixon, MAC Board Inc., absolutely. So, I think first - the first answer to that question is, again, hiring an Executive Director. Right? That person, you know, whether that role is either as Chief Operating Officer or as Executive Director, fundraising, that's the out-front point person for fundraising. Second piece of that is we are in constant communication with provider partners to see, again, what kind of in-kind services can we receive in the MAC. We have had a lot of conversations about meals, and I believe we are getting closer to actually increasing the number of donated meals that'll be coming into the facility. Again, those - we are also working with several other in-kind. I just had a conversation today about some additional services that could be provided by others within the - in - within the building once it's complete. But that is our mission, is number one, to look at what existing providers, you know, can come in and provide services that then are either cost free or at reduced cost. Second piece of the puzzle is we also understand that we've got to go out to our business community. We've also got to work with the County. We understand that budgets are exceptionally tight, and things are changing constantly all the time. We know that in order for this project to work we will continue to seek every funding opportunity. Part of again the Kansas Health Foundation grant is really specifically designed to help us find new revenue streams, possibly even external to the City, meaning the City of Wichita not the City Council or the City budget, but externally even to the City of Wichita. What other kinds of national/local grants can we go out and go after? One of the things that we want to make sure we do is we don't want to pull funding from the existing infrastructure. Right? We don't want to pull funding from our existing partners. They are partners of ours. They - we are relying upon them to help us provide services within the building. We don't want people to say, hey, I was funding this organization over here, I'm just going to shift that \$10,000 over to MAC Board. Right? That's not right. That's not the way we should operate. So, we have to look at what are the externals and what are the ways that we can accelerate fundraising. The grant will help us a substantial amount with that as well.

Council Member Glasscock stepped away from the bench.

Council Member Glasscock returned to the bench.

Mayor Wu stated thank you. So, one last follow-up to this individual that you are going to hire an Executive Director, can you share that time frame of when an Executive Director, who would then be managing the actual operation of this facility so that MAC Board Inc. can focus their time on fundraising?

Steve Dixon, MAC Board Inc., stated absolutely. So, in our current timeline we are - we will be working again to get a description done first. We have to get consensus among Board as to, you know, what it is we're going to be asking this person to do. That will hap- start happening this week. Secondary to that we will then go out, start - start looking or posting, you know, we're looking for an Executive Director. Here's the job description, here's the pay rate, all those things. Hopefully, there are great qualified candidates here within the city or within our region. We don't know yet because we haven't posted that. So, we hope that's the case. But our commitment to not only Council but also to our provider partners is that we are not going to settle, you know, just because somebody's local. We want to have A-plus player in that role. We understand this is a very, very important project for not only the City, but for our entire citizen- citizenry

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of Wichita. We will hire an A-plus player. Our timeline right now is we'd like to have that person in place by the end of Q2 or end of June. We are willing to go a little bit further out, if we have to, in order to get that A-plus player to commit, um, perhaps potentially move. We don't know what that exactly looks like. But again, our target date is end of June.

Mayor Wu stated so I asked about fundraising, which again, this is a 501(c)(3) that the City of Wichita is going to provide, which has provided \$5 million for 2025 and '26. But there's still a funding gap. And that funding gap will require people donating services, in-kind services volunteering their time, picking up trash even at volunteer opportunities. So that's my ask is can you please make sure that the entire community knows that there are opportunities for them. If they can't donate financially, they could donate time.

Steve Dixon, MAC Board Inc., stated absolutely.

Mayor Wu stated, and collaboration is the key to this whole fundraising of a community-wide shelter that would be available for the City.

Steve Dixon, MAC Board Inc., stated I agree and appreciate that because it's a - this will take a community effort. And everybody has either time, treasure, or talent that they can contribute. This is - again, we've - we have hired a communications team as well. Our consultant - I would say it's not - we're not - they're not our team. They operate independently. However, part of what their job will be, one of their roles is to help get website up, get name, finalized, so that once we get this rebrand done, we can get website up. We can start really communicating out. We do have a very clear and concise communication plan. We realize that one of the things, as we've been working on the nuts and bolts, is that, you know, talking about agreements, and funding agreements, and things like that is not very exciting for most people to read about. But now that we are getting ready to really take on the role of what is it that we're doing, we can start to communicate to people on a very consistent monthly basis out to general public, to our providers on a very consistent basis. We are going to step up the game on communications significantly over the next - starting now but throughout the next several months/year, because we do understand that people have to understand what it is we're trying to get done and what their role can possibly be.

Mayor Wu stated so my second question, and big question is about operations. The City of Wichita is not in the business of operating a shelter. Therefore, this agreement is so that this new entity called MAC Board Inc. will be the operator of this entity. Can you talk about number one, how that transition process right now is occurring? Because it currently is an emergency winter shelter that will end on March 31 with a temporary shelter that's operational 24-7 that will then move on as part of MAC. So can you share what's the transition period for the operations?

Steve Dixon, MAC Board Inc., stated absolutely. I appreciate that question. And so, our intent currently,

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again pending finalizing agreement today, we will be able to move forward rapidly. Again, in - in a lot of the conversations we've already been having with providers, our initial goal is to secure a shelter provider, an operator, for the building, that will take - continue - either continue operations or take over operations April 1. And in addition to that we are also working with several other entities. We talked a little bit about medical. We've talked a little bit about WPD. We've talked a little bit about food. So, all those conversations now, if we have operating agreement in place, we can now go and say we're ready to go, we're ready to move, let's get started. The other part of this puzzle, of course, is again construction. What parts of this building will be available, to whom, by when? And again, size and space make a big difference. One of the big issues we've talked about with WPD yesterday was trying to find ways to do de-escalation within the building. Right? We have to have a quiet space. We have to have some trained staff that can actually go in and work with folks that are maybe struggling a little bit more, maybe having some behavioral issues that are not really great to have in a group setting. We also are work- going to be working with folks on finding things for people to do. Right? Any of you that have been on tour understand that in an emergency winter shelter there's really not a whole lot of space to do much. So, a lot of folks are in day room, and there's, you know, some activity. But it's really, we want to work with additional providers to bring stuff for people to do to get them you know, more active than just sitting around, you know, at a plastic table and a chair. And again, that's part of the transition.

Mayor Wu stated may I ask one more question? I know that there are some providers in the community because I've received the email. One in particular, Union Rescue Mission, is a men's shelter. They are willing to be in the space, even now, to connect individual men to get them out of the emergency winter shelter into transitional housing which transitional housing are three-month programs or one-year programs. May I ask how will that be incorporated once this operating agreement is signed?

Steve Dixon, MAC Board Inc., stated absolutely. That is something that, again, as we get the agreement signed I - David and I have been in communication already, and that will allow us to, again, allow the Board to have those conversations. And typically, what happens there, Mayor, is I go make presentation to Board of that partner so that they understand where we're coming from, who we are, what we're planning on doing. I ask the question, what do - how do you see your role? What would you like to see? And again, as we work together as partners, as long as we don't have any conflict of values or conflict of the way things need to be done, we're - we want anybody and everybody. But Union Rescue Mission will be a integral part of this going forward, absolutely. We understand that.

Council Member Ballard stated thank you, Mayor. Steve, I just have one quick question. How will you guys streamline the process for getting providers in the door? I know there's been some trouble so far with providers being allowed access inside

Steve Dixon, MAC Board Inc., stated and that's a great question. I unders- we've had that comment from more than one person. And that is something that, again, as we are meeting with current provider HumanKind right now. That's - that is part of our ongoing conversation because we do understand that the more people, we can get in that are providing services to these - this particular group of guests the better off we're going to be. The faster, again, that we can get them in stable and into permanent housing, the better off we'll - we're going to be. So that is a ongoing and be- we will have a - as we finish up policies and procedures, we will have an answer for that for sure.

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Mayor Wu stated thank you very much, Steve, James and Troy, for answering questions from this bench. I think we might still have some lingering questions or comments, but at this time, we will open it up for public comments.

Vince Hancock addressed the City Council and stated I apologize, Mayor. I was expecting a line. Mayor, City Council, my name is Vince Hancock. I'm from the Delano Neighborhood. We are one of four core neighborhoods that meets on a monthly basis to discuss many issues that may be a little unique to our areas that aren't so much in the outskirts and the HOAs in town. I do want to open by saying my comments are purely evaluating the wording of this agreement. They are in no way a reflection on the MAC Board. I don't know them. I haven't met them. And I, as you, am hoping that they are just going to knock this out of the park when it comes to both operating and funding something that we need to truly serve our neighbors. But this agreement, it's so lopsided. It - honestly, appears to have been written by a seller of swampland and public bridges. It has eerie similarities to the ballpark development agreement, which many of you know how much that cost us in both time, talent and treasure to defend a fact - the fact that it was a lousy agreement and it's going to have repercussions years down the road. Some of those similarities are anonymous principles. We have no idea who's on the board. It's on Page 12. We have one or two names and, those may or may not represent everything. The registered address of this organization is a Wichita State P.O. Box. I understand we don't have offices yet, and maybe they'll establish a public-facing office in the MAC down the road, but right now that violates the IRS Transparency rules. I've only had, uh - there's a form called, the IRS-990 that every non-profit has to have in the world. I've only had two organizations in Sedgwick County ever denied access to an IRS-990. The Chamber of Commerce and another public/private partnership under former ownership, Botanica, refused to show their IRS-990. We have to make sure that people have a physical address where they can show up and say, I want to see last year's 990. And actually, by IRS rules, they have to have the last three. They've also seemingly inherited a transparency attitude from the Homelessness Task Force. The Homelessness Task Force web page right now is missing their fourth quarterly report from Q4. Last time I checked, we're in Q1. That report should be online. They're also missing their meeting notes and their presentations from all of 2024. That's got to get cleaned up. And we expect to have public documentation available. You guys can steal my thunder any day of the week when we're on the main mindset of accountability for Kansas Open Records Act or even registration with the IRS. I will publicly apologize for making a comment privately to someone yesterday where I said I can't find the IRS paperwork. I must've been searching under the wrong thing. Yes. Computers misbehave for events, too. It happens. Just so I will, you know - I always send you comments afterwards, so I will have both the Kansas Secretary of State's ID, which is dated October 11, 2024, so that you guys know that, and the IRS EIN number, which was granted January 24, 2025. Son in both cases, they have registered exactly like they're supposed to. I do believe that we should have the Articles of Incorporation, and the bylaws made publicly available on the city website. On Page 4, Section B, we write to them that we ex- they - we want them to establish bookkeeping to document income and expenses. Nowhere in this agreement is that basic income and expenses going to be made publicly available. That just seems like common sense. We do have a quarterly report of emergency incidents, but no other quarterly or annual reporting of their finances. We ask that they, uh - take that back. We do have an annual report of outcome measures and monitoring of the programs, but not of the inflow and the outgo. That doesn't seem quite right. To the previous point, we are exempting the MAC Board from the booking working requirement. They're being exempt from CORA because we're designating them as a non-public agency. That's just like our CVB. And you've heard issues before how our Convention and Visitors Bureau is a public/private partnership and they're not accountable to CORA. That's not right. We talk

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about confidential data that should be communicated in writing. Basically, allows them to declare anything they want to as confidential information and then that won't be publicly disseminated. Unlike, we've already gotten that one. A - a former unhoused friend of mine does believe that there are a lot of people in this town getting rich from providing supposedly non-profit services. I think we should have accounting and accountability. And as a certain president taught us, we need to trust and verify. But I hope this works well. I want to make sure that we've got some good transparency. I'll stand for any questions.

Council Member Tuttle stated thank you. Sorry. I pushed it too soon. I didn't see Vincent coming down to join us. I just want to take an opportunity to thank some folks that definitely need the accolades. I want to thank Sally Stang, our Director of Housing. I remember the first time that you came and presented to us and said the MAC and I thought, oh, my gosh. I've missed a brand-new acronym. What's going on? So, thank you for being forward-thinking, for being tenacious and - and bringing a concept such as this to us. Also, thank Troy, our Assistant City Manager. I can't even imagine the amount of hours you've put into this project. I know it's been a labor of love for you. So, thank you. I want to thank and congratulate the newly 501c3 recognized MAC Board, Inc. You are community members. You are people who just care. This isn't in your job jar. There's no expectation for anyone to do it, but you are an excellent example of what Wichita is, where we stand up and take care of each other. I wish you nothing by the best. I'll offer advice if I can, but please, please, please know you are appreciated and supported. I also want to thank HumanKind. As I've mentioned, I was there yesterday. It was probably one of the most humbling experiences I've had in a long time. And I realized how different my life is from so many, and you know it, but until you see it and you see people and you see true human suffering, and I have never seen such care and compassion offered to the residents that were there. So, thank you for your partnership and all that you do. It's absolutely not lost on me. I also want to thank the Mental Health and Substance Abuse Coalition Board. We kind of have been muddling through this and then kind of pass the baton to the Homelessness Task Force. So, for all of our community partners who have been involved in this process, thank you. I did also want to say to Maren, Steve, you stole my notes because one of the things I wrote last night, and when I did my tour, is that donations are needed. Not just from public/private partnerships for funding, but also for food, for clothing items, hygiene items. So, no matter what you have, if you can throw an extra tube of toothpaste or, you know, grab an extra blanket or a pair of socks, whatever, I saw the need when I was there, and people requesting materials. So, everybody who is a Wichitan hopefully will - will step up and be a part of the success of this project. And then finally, I just wanted to make a comment. Last night when I was preparing for my notes, I went to the City of Wichita website and I saw the fantastic MAC, um, website, and it's going to be exciting because we'll update it now. And one of the things that it said is who's going to operate the MAC and it said, "We're still not sure." We know now. So, kudos to all those involved. Good luck. And I'm very excited to be supportive of this today. Thank you.

Council Member Ballard stated thank you, Mayor. We'll - Becky stole a lot of my comments, but, as she said, I just want to thank everybody that has put so much hard work into this, it has literally taken all of us to get to this point. I would just like to highlight the words, "collaboration" and "communication." We can't just say those words. We have to mean those words. Be good neighbors and be good communicators. We're all super busy, but we can send a text message or an email and, um, always know

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that on the other end more than happy to help and - and do whatever I can. And whenever it's time for a motion, I'd be happy to make it.

Council Member Glasscock stated thank you, Mayor. I have some final comments. I will be voting for this today because I believe that we need to move forward with the implementation of the MAC Board agreement. I do believe that the city has to do contracting better. I'm a landlord and the idea that my tenants would write the contract and then I would sign the contract is counter intuitive. And so, in the future, I think we need to make sure - we have a responsibility to the taxpayers and I know that we have a lot of good operators. And I think that MAC Board, Inc., knowing the individuals that are serving, will be some of the best operators of this program. But even with the best operators, we have a responsibility to taxpayers to make sure that we have guardrails in place in our contracting. Again, I'll say it from the record, I'm concerned mostly about not having board members as part of this agreement and that I do trust the organization is going to include the city in their decision-making process, but there are some bad actors that we can't trust when writing contracts. And so, in the future, I would just like to see those agreements. Speaking directly to MAC Board, Inc., Steve and Misty and the entire board, hopefully congratulations if this passes today. I know that this has been a universal support from this council for this mission. I know that's going to continue as well. I speak on behalf of everybody, but we will be supportive. We will move forward. And I do want to thank HumanKind as the operators of the shelter right now. You're doing incredible work. You're not just talking about Jesus. You're showing Jesus to individuals in our community and you're being the hands and feet, um, as well. And so, thank you for the work you're doing. I'm excited and I'm thankful that this community's come forward on this project and I think it's a testament to the citizens of Wichita that's been a priority not just to the council, but I think of all citizens in our community as well.

Mayor Wu stated seeing no further comments. I will add a couple more in addition to what has been said. First and foremost, for full transparency so that everyone knows who the MAC Board members are currently, they are Kent Miracle, who just got added on at the same time that I got added on as Number 6 and Number 7 to the board, also Robyn Chadwick, Jason Gregory, Moji Rosson, Gary Schmidt, and obviously Steve Dixon. Did I leave anyone out? Robyn Chadwick. Yes, I got everyone. So, seven individuals. And again, I am really grateful that Kent and I got added on in February. And again, back on this bench in December, I asked for at the very least having some representation from either the City of Wichita or one of the seven elected individuals and the MAC Board chose to provide an opportunity to the mayor's seat. And then providing an opportunity to someone with lived experience. So, I wanted to commend the MAC Board for adding, uh, quickly two additional seats. I also wanted to say thank you to Senator Moran's office because Senator Moran's office helped the MAC Board, Inc. expedite the IRS application process for 501c3 granting. And so, I wanted to personally say thank you as that got passed in the month of January towards the end. Last, but not least, as I mentioned in the questioning portion, this will require a lot of fundraising from this community. Fundraising, whether it's through volunteer time, through actual financial dollars, and I know that there are many organizations in our community that want to do great work with helping individuals living in homelessness right now, but the MAC is supposed to be that one-stop location where services will be provided so that they can connect to the resources that are needed whether it's for mental health, substance use, or, just a quick hand-up. And I know that that's the intention of the MAC. The intention of the MAC is to be a temporary sheltering space to connect an individual to resources that are available in the community and then launch them out of

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homelessness. And so being a good community partner with organizations like Union Rescue Mission, HumanKind Ministries, as well as, many other providers in our community will be crucial for this to actually work. And so, while there will be more changes to - or amendments to the agreement moving forward, this agreement as it stands right now is the best place to be in order for it to transition from emergency winter sheltering to temporary sheltering and wraparound services. And last, but not least, a reminder that the City of Wichita's making a significant investment in operating a solution. Not the only solution, but a solution towards homelessness here in the City of Wichita. And that should speak volumes on the collaboration on this bench of all of us seven most of the time saying we're moving this together despite some of the differences or despite some of the, uh, further clarifications that we need. So, I will be supportive of this, um, as the mayor of Wichita because it is one step forward towards helping us get towards true functional zero homelessness in the City of Wichita. But I will give the honors to Council Member Maggie Ballard where the MAC will reside at the former Park Elementary School.

Motion:

Council Member Ballard moved to approve the Lease and Operating Agreement and authorize the necessary signatures.

Motion carried 7 to 0

- 3.) [Request to Set a Public Hearing for a Community Improvement District for Old Town \(District VI\)](#)

Attachment: [Agenda Report VI-3](#)

Attachment: [2025-0304 Resolution Old Town CID Setting a Public Hearing.pdf](#)

Troy Anderson, Assistant City Manager, presented the item

Council Member Hoheisel stated thank you, Mayor. Troy, okay, the termination agreement, do we feel that that is legal by state statute to agree with that or tamper with that? And what happens if it's not? Does that h- just change, the contract or this agreement here, the language within the agreement, or what would happen if, like, the state comes back and says, no, that's not a valid - valid part of a CID?

Troy Anderson, Assistant City Manager, stated so I'm going to be really careful here. I do have bond counsel here that can probably better answer that question so.

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Mitch Walter, Gilmore & Bell, stated thank you. Mitch Walter with Gilmore and Bell. We've been assisting Troy and - and his team in the process of evaluating the - the petition and, the - the resolution for consideration for the governing body today. So, to answer your question, Council Member Hoheisel, it's black letter law that in the state that a governing body cannot bind the hands of a future governing body with respect to a governing body's ability - a future governing body's ability to take legislative action. And the governing body acts through an ordinance or - or a resolution, but an ordinance is the - the governing body's legislative action. And so, a provision in a petition that's an - an - an extra statutory provision, I should add that a provision that doesn't need to be in the petition for legal purposes that the governing body could not terminate the CID, probably doesn't pass muster under state law as being enforceable in a petition. I think that's probably the best way that I can most succinctly put it, is that limits on termination would function as a limit on the governing body's ability to pass an ordinance and exercise its legislative authority in the future.

Council Member Hoheisel stated so what does that do to this petition? Does it mean? Does that would make just that section invalid? Or does it put the whole petition at-risk?

Mitch Walter, Gilmore & Bell, stated great question. I will add that this is a little bit of a gray area in terms of extra statutory provisions in a petition. It's a valid petition and then it contains the items that are required to be included in a petition for the CID Act. The question of the extra statutory items I don't think I'm prepared to answer on-record as to what the city may or may not be agreeing to, if it indeed creates the CID with those extra statutory provisions. So, it is a valid petition. I think what the city and the governing body wishes to do about some of those extra statutory provisions in the petition is certainly an item that will need to be discussed either now or in context with the public hearing that's - would be set for April 1.

Council Member Hoheisel stated all right. I appreciate that. Now, this oversight board that they have set up, is that, uh - do - do we have any other CIDs that something like this has happened with or is this pretty unique as far as, um, the CIDs go at least through the city?

Troy Anderson, Assistant City Manager, stated yeah. So, we've been digging into some of the history of some of the CIDs. I know there was a question that came out Friday about whether or not we've ever had a CID that's been approved that is less than the 100% property owner. I - we've yet to come across one, right? We continue to dig. And the reason why I said to answer your question is no, we don't generally have an oversight committee because the petitioner is number one, generally, 100% of the property owners, right? And so, they themselves are somewhat of their own oversight committee, right? Number one. Number two (unintelligible) we have an oversight committee. In this case, that is the City Council, right? That is the city, right? That is governing how the funds are being expended kind of oversight of the revenues and those kind of things? And so, I think this one is not only unique in the fact that it has some of these additional requirements that have been baked into the petition we're not aware of any other CIDs that have this type of oversight committee. Now, if those petitioners have created a pseudo ordinance oversight committee amongst their own sort of corporate policies and procedures, we're not privy to that.

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Council Member Hoheisel stated do we think this is legit in - in the eyes of the state as well?

Mitch Walter, Gilmore & Bell, stated thank you. It's not so much a question of whether it's legit in the eyes of the state. I think the - the question to grapple with is what does the governing body want to create in connection with the creation of the CID, if that's - it's choice. So whether you agree to create the CID with the oversight board or with all of the contents of the petitioner's petition is a question or whether you want to explore creating the CID just based on the statutory information that needs to be in the CID and the ordinance creating the CID. And so that's certainly a question that - that is more policy-driven than legal, but the - the - the request for the creation of the oversight board and the request for some sort of development agreement between the petitioners and the city while perhaps difficult or needing to be adjusted in terms of functionality does not render the petition invalid under state law.

Council Member Hoheisel stated so the last question I have is on CIDs, we usually put 10 - 10% aside for, public use anyways. Does that get wrapped in too since we're essentially going for public parking here? Does that mean 100% of revenue go towards parking?

Troy Anderson, Assistant City Manager, stated yeah. Arguably to that point, you - you - rather than just 10% going to a public purpose, in this case, 100% is going to a public purpose.

Council Member Hoheisel stated okay. So yeah, there's no special little sidewalk or anything. It's just strictly parking.

Troy Anderson, Assistant City Manager, stated correct.

Council Member Hoheisel stated, okay. Thank you.

Council Member Johnson stated thanks, Mayor. Thank you, Troy. I did have some questions about numbers on revenue generation, which I'm sure you probably would present at the hearing, but, now I have another question - well, two other questions. So on the percentage since the city owned a couple of properties, is that why we wouldn't get to the 100%? Or would we even count as 100%?

Troy Anderson, Assistant City Manager, stated so coming back to the numbers, right? So we included the acreage of the three properties that are within the boundaries of the district that are not infrastructure related, right? And I - that's the - the cinema retail strip center that we talked about a little bit earlier today, uh, the city arts building, and the museum down there, right? So those three properties would actually be subject to the terms and conditions of the CID, i.e., the sales tax generation that would be associated with that. And so we have to include that acreage in the overall total acreage as that acreage and value is determined, right? But then because the City of Wichita didn't sign the petition, right, then that goes against the overall - so theoretically, I - maybe to answer your question, would we ever get to 100%? Unless the city signed it, no. But if that percentage was, call it, 3%, right, if we ever got to a - if there was a 97% threshold with the city, the City Council acting and approving the CID is in essence arguably probably signing the petition, if that makes any sense?

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Council Member Johnson stated yeah. Yeah. I was just wondering on that. I do have concerns about this language that you just brought up. Do you have any idea if that was a requirement on behalf of the other party for this to be approved by Council? Like, would they be supportive of it without that language binding a future council from making a decision?

Troy Anderson, Assistant City Manager, stated um, I was not aware of that, no, that that was a condition that they would require. That was not a condition that the governing body back in December that you all had put on, um, that 60-day window and developing a CID petition. And so no, I have not - I was not - I didn't anticipate, nor was I aware that that condition was coming. Would they be amenable to removing it? That - that I don't know either. So I apologize.

Council Member Johnson stated oh, no problem. I just have great concerns about that. I believe at our last meeting Council Member Ballard even mentioned seeing if this would work revenue generation-wise, and I've had some concerns about how this may generate enough revenue. And if that is required language in the future council that may see this not working effectively that may want to dissolve it wouldn't be able to, which it doesn't sound like legally that might work anyway. But I just have concerns about that. And it's really kind of making me question even supporting having a hearing on it because if that is something that they are demanding, this is a different type of CID than anything that - that we would have, and then that type of language is concerning for me. So I'm definitely happy to hear more from my colleagues, but I do have some real concerns about that being an additional requirement. And you not knowing about that coming to you too like that, I don't know if we're all trying to work together towards something that is a compromise and this gets dropped on there that that's a concern for me.

Mayor Wu stated I'm going to go out of order really quick because it's a follow-up question to that. So when the city provided the language for the CID, these individuals then modified that language? So it goes back to the conversation we just had with the previous business item about contracts. So I'm concerned. And - and it has been a concern ever since you pointed this portion out that then it gave the leverage to the individuals who wanted the CID to say well, this is in the best interest of us, the CID folks, not the best interest of the City of Wichita, uh, which is the citizens of Wichita. So that concerns me. So again, can you just, again, point out when did you give the CID language to these individuals? And then when you received back the petition, it was modified from the original City of Wichita language?

Troy Anderson, Assistant City Manager, stated so if - if you'll recall, we immediately following sort of the December action by City Council to adopt Option A-SMID and gave this 60-day window the shot clock so to speak started ticking. We - we engaged outside counsel, started working through exactly sort of how this would work, right, in the context of the provisions of the 2% sales tax, and then the special assessments as it related to the obligations for those businesses and residents that were not collecting sales tax, right, how do we - how do we frame that and couch that within the CID Act? Hence, the special assessment part of that. So we started drafting what we felt was an amenable petition that could then be provided to the property owners for their review and approval and signatures. Throughout that process, I just want to make s- we're not obligated to do that, right? Under the - under the statute, the petitioners

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can form whatever petition they see sort of fit as long as it meets all of the criteria of the CID Act. We - we were simply trying to kind of go above and beyond the call of duty and actually trying to draft some amendable terms and conditions in a - a draft CID petition. Whether or not they chose to use that or not was entirely up to them. That was entirely up to their discretion. They could've hired their own counsel and drafted their own petition. So we weren't necessarily beholden to the language in the - the petition that we provided them. Again, it was kind of our effort to try and go above and beyond. We do not draft petitions for any other applicants, right? We were just simply trying to be a good community partner and we drafted what we thought was going to be amenable terms and conditions. And then at that point in time, we turned that over. I - I don't know exactly what date that was turned over. I'd have to go back and pull that up, but yes.

Council Member Glasscock stated you may have - you may have - thank you, Mayor. You may have answered my question, um, or not that would've been a follow-up. Did it - so it wasn't that they sent back language, they maybe struck something and they didn't tell us as a way to sneak in language. Is it that were they forthright and these are the changes we made to the CID petition that was sent? Or was it just hey, these are the changes or we're just signing the document as-is?

Troy Anderson, Assistant City Manager, stated So this is where it gets a little nuanced, right, in the context of we received the petition on February 13, right? The - we received the petition on February 13. We immediately went into analysis, right? And as we read through the pet- the language that was provided to the petitioners in consult with our outside legal counsel, these were the things that kind of rose to the top of well, wait a minute. This language looks slightly different than what we had provided them originally. So what their intent was, I can't speak to, right? What I can tell you is when we received the petition on February 13, right, this is what we received. This is just our analysis of the information and the petition we received

Council Member Glasscock stated when you discovered the language change was this the only language change that was a part of it?

Troy Anderson, Assistant City Manager, stated so I went and did sort of a redline version of the language that was added or language that was stricken. There's some other changes that were made to the petition. Again, we just kind of highlighted the couple that we wanted to make sure that council was privy to.

Mayor Wu stated so again, the petitioners did not openly say we changed the petition language? Staff discovered there were changes to the petition originally submitted to them, and you have a redlined document, is that correct?

Troy Anderson, Assistant City Manager, stated so I was not told of changes prior to us receiving the, what I'll call, the revised petition. It was as part of our analysis did we discover that the language in the petition didn't coincide with the draft petition that we provided them. And so we took it upon ourselves to

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do kind of the side-by-side comparison. We prepared a redline version of that just so we could see what language was added and what language was stri- stricken. That was just all part of our analysis.

Council Member Ballard stated thank you, Mayor. I have lots of questions for you. So when you say we got 91 signatures out of 109, when you read that, it appears that you mean we got 91 different signatures, and that is not correct, right?

Troy Anderson, Assistant City Manager, stated that's correct.

Council Member Ballard stated okay, so we didn't get 91 different signatures?

Troy Anderson, Assistant City Manager, stated Well, let me make sure if I say this correctly. We received 56 unique signators, right? So, for example, if I were the managing member of five different LLCs, right, I would sign on behalf if I were the managing member on five different LLCs. Each of those five LLCs are arguably different property owners, which is the difference between 95 unique property owners. Yes. There are 95 unique property owners and we received signatures representing all 95 unique property owners of those 95.

Council Member Ballard stated however, some of them are duplicate?

Troy Anderson, Assistant City Manager, stated correct. Correct.

Council Member Ballard stated okay. And if you could go back to the other slide. So, for example, the top five property owners sti- they account for many of the signatures, the majority?

Troy Anderson, Assistant City Manager, stated correct. Correct.

Council Member Ballard stated so, like, Mr.

Troy Anderson, Assistant City Manager, stated so if I add that up 3, 4, 5, 6-60 percent if I'm doing rough math.

Council Member Ballard stated it appears that there's a couple of voice fort the majority-speaking for the majority, we'll say.

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Troy Anderson, Assistant City Manager, stated they have managing interest in those property ownerships. Yes.

Council Member Ballard stated my next question is, and I know this is a little redundant. It's just kind of looking at it through a different lens. The signatures are from the property owner or the actual doing business in the facil- in the building?

Troy Anderson, Assistant City Manager, stated so the signature has to be represented if - of the property owner. So there could be an individual who owns a condominium unit, and that property owner signed on behalf of themselves, right? For an LLC, right, it is somebody who has authorization to sign on behalf of that LLC or that corporation or whatever that - they might be one in the same, right? The - the business might be one in the same as the property owner, or they might be different. But under the CID Act, it has to be a signature - signator of the property owner. If the business is separate than the ownership, then no, we would not accept a signature from the business owner as a tenant representing the property owner.

Council Member Ballard stated and - and the reason for asking that is because the 2% is being put on the burden of the bus- or the customer that maybe the business didn't have a say-so in if they are renting.

Troy Anderson, Assistant City Manager, stated that's a possibility.

Council Member Ballard stated okay. The other thing - and I know that's not exactly what we're discussing today, but my biggest concern is with the CID, the way that it's written today, we are not allowed to capture liquor sales. And in the original projected numbers, we didn't know that or that wasn't part of the conversation. So I'm worried about meeting the benchmark, even doubling the \$7.50 per space to \$15. And the 2% CID, that only opens the gap up a lot more, I would assume, because there's significant liquor sales in Old Town. So I'm worried about signing up for 20 years. And I know I mentioned last time I - I don't know what the number is, maybe it's 3 years, we reevaluate, make sure that this is working. But knowing right now that we can't capture liquor sales makes me extremely nervous to right out of the gate commit to something that likely is not going to meet the benchmark of a million dollars, correct?

Troy Anderson, Assistant City Manager, stated yeah, we - yeah, we don't know. We've, we've been trying to kind of dig in. The state's been great to work with. We continue to try to work with the state to try to get a better understanding of what this area generates in annual sales that a 2% sales tax on top of would also be applicable, too. It's just hard to kind of really zero in and - and know exactly what that number's going to be. To your point, and maybe Council can better answer this, but know an additional 2% sales tax cannot be added on top of liquor sales. But I'll let somebody else speak to it better than I.

Mitch Walter, Gilmore & Bell, stated yeah. The CID - the imposition of the CID tax follows the Kansas retailer sales tax. Liquor is taxed under a different statutory scheme. So the CID tax just follows the - again, the Kansas Retailer Sales Tax Act. The question of whether the city could add a 2% tax on liquor sales, I can't answer that definitely certainly off the cuff, but highly doubtful that could be possible

Council Member Ballard stated well, I believe it was January, it was Local Government Day in Topeka, and I did visit with some people in Topeka about is there an appetite for that or a conversation that we

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could have, and they did remove that restriction for the Chiefs and Royals projects, but it's not something that they have talked about. Which would be great because we have a ballpark that, you know, we could use the - the fund - the liquor, tax in our - in our CID there was well. So I know that maybe we could have that conversation and, you know - I've talked to - to Marley about it already to see, but I just am really worried. And I know we're just talking about the percentage today of the businesses that have - that are okay with exploring this, but I'm really worried because right now, we know that we can't do that and everything with the state is a heavy lift. And so I worry about signing us up for something and being difficult to get out of knowing that we already can't capture what we anticipated to start with. So I'll let some other people ask some questions, but I'm very concerned.

Council Member Tuttle stated thank you so much. My questions are probably going to be more a balcony down and maybe asking you to editorialize a little bit or get your opinion of someone who is an expert in the economic development and also been working on this for a long time. Just to confirm, I just want to make sure that, I know we are on the page, but anybody who's watching or - or with us today, this isn't action taken today. This is just setting the public hearing, correct?

Troy Anderson, Assistant City Manager, stated that's correct.

Council Member Tuttle stated okay. Just wanted to make sure. So let's say that today we said we're going to move forward, it does pass and we set the date for a public hearing, okay? What happens if this doesn't go forward? If the CID doesn't - if we - if we vote it down at that point today, we're not voting it up or down, we're just voting up or down to go to a public hearing, what in your opinion - and you and I talked a little bit - but what in your opinion would - would happen to the city? Like, what would be the next options?

Troy Anderson, Assistant City Manager, stated so if you'll recall, this was part of the motion back in December that we were moving forward. Council approved moving forward with the parking management implementation strategy, Option A-SMID, right? And so everything that goes along with that, if the CID is not approved, then Old Town is part of that SMID and we would continue with implementation of the parking management system as it was contemplated and presented back in December.

Council Member Tuttle stated okay. And I - I know I should know the answer to this, and I think I know the answer, but I just want to confirm in - in - in my mind. So if this moves forward and we had set a public hearing and let's say that it - the CID was approved would the Old Town owners still pay for parking stalls in ad- on top of the CID? I can't remember.

Troy Anderson, Assistant City Manager, stated So the way that - the way it's broken out, there's kind of either/or, right? Either you are a retailer, retail establishment that you're bound by the retailer's laws of - and you're adding that additional 2% sales tax on top of all of your receipts, that's that business's and subsequently property owner's contribution to parking and parking management. If you are not a retailer, right, if you're a, - an office or if you are a resident, right, and you're not a retailer - and it's a little more

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nuanced than that. There's some really good language in the petition that's really what I would refer you to for the exact language, but again, balcony-asked type of response. The folks who are not retailers, not contributing the 2% sales tax, we would have - we would apply a special assessment annually against that property owner based on how much parking is otherwise required based on the use of the property. That's that payment in lieu of parking provision agreement and it would be increased. Right now, the anticipation is the increase from \$7.50 to \$15 per space. So, for example, if I own an office building and under the - under the zoning code, I'm required to provide 100 parking spaces. I - I'm just making' up a number, right? Under the new CID, if it were approved, that office building, that property owner, would be especially assessed \$15 per 100 spaces per month for the entire year. I think it's \$180 per space. So my math is not working in my head right now, but that was what would be assessed annually if you're not a retailer.

Council Member Ballard stated okay.

Troy Anderson, Assistant City Manager, stated o the way that the petition was drafted and provided to us, right, if for whatever reason - I got to kind of reverse engineer this a little bit, right? If we're going to apply \$600 per space per year for operations management enforcement, et cetera, right, the difference between the sales tax that is generated within the district, whatever that Delta is, gets respreads amongst all of those special assessments. So one year, it might be \$15 per space. The next year if sales taxes are down, it might be \$25 per space. Whatever that balance is in order to achieve that cost recovery for the parking manager, et cetera. So just want to make sure that we clarified that.

Council Member Ballard stated okay. Thank you. I know some people are probably wondering why are we asking all of these questions when today we're just deciding if we're going to have the public hearing, but I think some of us have concerns of if it even needs to, you know go that way. So, I - I just have two more questions. And just so - so I can make a decision of if we should move forward with having this go to a public hearing, what would be the benefits of the city of having the 2% CID? And I'm asking you to editorialize.

Troy Anderson, Assistant City Manager, stated yep. What - whether - whether the city is constituting, implementing parking management strategies within the SMID, within Old Town, whether those revenues come from the end user plugging a meter for lack of a better term, right, or whether that revenue comes from a sales tax or special assessment, right, the goal and the objective is to implement parking management strategies, right? And so it - it's a shift - to answer your question, it's a shift, right, of who's paying for those parking management strategies. That would be the benefit.

Council Member Ballard stated okay. And then what would be the risk to the city?

Troy Anderson, Assistant City Manager, stated the risk to the city would be the recovery of those revenues, right? If - if - i- if all of a sudden it's - it's somewhat cyclical, right, that if sales tax is up, hey, great. If sales tax is down - as businesses move in and out of the district, right, we're having to somewhat totally recalibrate this. And there's - admittedly, there's probably a - an - a significant administrative, not burden, but there's a cost associated with administering something like this. Again, because every year we're going to have to sort of recalculate and recalibrate as businesses move in, as a business expands, as a tenant space changes from u- one use to another, all of those factors are going to come into play every year in calculating sort of who's going to be responsible to pay what.

Council Member Ballard stated okay. Thank you very much.

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Vice Mayor Johnston left the bench.

Council Member Hoheisel stated thank you, Mayor. Just one question came to mind after. Is this - this CID proposal, is this what we would be voting on if we set the hearing? Like, this exact language? Or if between now and then, maybe okay, we understand some of the concerns around, uh, the termination agreement, would it be - would they be able to change it? Or is it just strictly this that we're going to be hearing in a month if we pass this, set the hearing date?

Troy Anderson, Assistant City Manager, stated so we have wrestled with this. I might look to legal counsel to kind of advise on.

Mitch Walter, Gilmore & Bell, stated it's a very perceptive question. You have a valid petition to, you know, set the hearing, to - to discuss the actual creation of the CID. When it gets to the point if you do set the hearing and actually consider the creation of the CID, it would be my legal position that you could create the CID without necessarily explicitly agreeing for the extra statutory items that are in the CID. I think whether you want to do that as a matter of policy is a question - is a different question to be answered at that point in time.

Vice Mayor Johnston returned to the bench.

Council Member Hoheisel stated so, just for clarification, you're saying we can alter the agreement, to match kind of feelings or - or the thoughts of the public?

Mitch Walter, Gilmore & Bell, stated as the governing body, you have the option to create the CID upon such terms and conditions as - as you see fit. That's your legislative prerogative.

Council Member Hoheisel stated and, over 55 signatures would still be valid.

Mitch Walter, Gilmore & Bell, stated I would.

Council Member Hoheisel stated You're earning your keep today here, man

Mitch Walter, Gilmore & Bell, stated I would say material changes to the petition and the proposed CID as created as a matter of policy probably would be beneficial to discuss ahead of time, or at least have

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discussions with the petitioners. I think, again, I - I don't want to venture into policy here, as it's not sort of our purview, but, understanding what the petitioners are asking and what the City is being asked to create and if those two are materially different things then it's just - I'm going to use a non-legal term - a bit messy.

Council Member Glasscock stated thank you, Mayor. I know I've had a lot of questions. I won't duplicate any. I just have one probably quick question that I don't think was addressed. Let's say we move forward with implementing a CID. Let's say that there is a property owner in the district that they had plans to implement a CID in the future. Does this preclude them from doing that?

Troy Anderson, Assistant City Manager, stated yes.

Council Member Glasscock stated and then continuation of that, I imagine, I don't have evidence to support this claim, that there's been a CID in this district before at some point. Even if it's expired CID is there any period after a CID expires to implement a new CID or you could have CID,

Troy Anderson, Assistant City Manager, stated yeah, under the current CID Act, no, there's no pro- pr- you're not precluded from creating another CID. In fact, you would have to imagine, right, that if this is the City's long-term solution to parking management, particularly in this area, you're probably going to have to add another CID 20-year petition on the backside of this. Otherwise, once this expires, then there's nothing in place to backstop that, if that makes sense. The idea would be that, yes, you would have to continue this process sort of in perpetuity so long as the statutes allow you.

Council Member Glasscock stated last question, probably for legal. If we were to, let's say, pu- set a public hearing, and it's the intention of this body to not include the extra statutory items, and we still wanted to get above the state's threshold, is there a scenario where the petitioners could recircle the petition in a week, or whenever, by the time we set a hearing, that they could still obtain the needed signatures with a new petition that addresses the concerns of language that we have?

Mitch Walter, Gilmore & Bell, stated that would be following the public hearing? I'm sorry.

Council Member Glasscock stated leading up to the public hearing. So let's say this body determined today that we were not supportive of the extra - extra statutory items, and we wanted to make that clear that extra statutory items wouldn't be accepted by the body at a vote of the hearing, would the petitioners, theoretically it would be a quicker time period, but could they still obtain or submit a new petition before that hearing at 55% or is this set of hearing with the petition that we're given today not any adjustment of the petition order today?

Mitch Walter, Gilmore & Bell, stated thank you, I understand the question now. Yes, to answer your question, there would be, the option to do that because you have ex- received a petition, and you're setting a public hearing on that petition. There is certainly the possibility that the petition that you received could be amended in that interim time period. So the petition as it exists at the time of the public

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hearing could be different than the form that it takes today, so long as it still has the statutory requirements that have to be in all CID petitions.

Vice Mayor Johnston stated thank you, Mayor. Question for Troy. The - the \$600 per space, that includes the enforcement and the meters. For downtown right now, is that the \$600 and - and the parking garages and everything? The meters are all included in that?

Troy Anderson, Assistant City Manager, stated so the \$600 per space per year is the - is a benchmark of what systems, parking systems, kind of similar in size and scale to what we have in our inventory, of what they're expending on operations, maintenance, security, and enforcement. Okay? So, as we previously presented last fall back in December, right, yes, that included meters. As the vehicle by which the City recovers end-user costs, revenues to pay for operations, maintenance, security, and enforcement. Knowing that, that \$600 per space per year is the benchmark for about what a system can expect to - what a - what a system should expect to recover in revenues, and what a system should expect to expand in operations, maintenance, security, and enforcement.

Vice Mayor Johnston stated am I correct there or no?

Troy Anderson, Assistant City Manager, stated yes, the cost of the equipment in sort of that conversation is - is not that significant in the cost. If I said, man, if I had a number, I'm going to - I'm going to avoid throwing a number out just for, right? It's - it's not a large percentage, right? And - but again, you still have operational, maintenance, security and some might argue that your enforcement costs actually go up, right? Because if I'm enforcing time limits in time zones, right, I'm now having to not only pass once to sort of audit and catalog when vehicles are where they are but now I'm having to circle back a second time to determine whether or not somebody has exceeded those time limits or not. Some might argue that actually enforcement without things like meters and that kind of, uh, strategy can actually be more expensive. So it's - there's - there's maybe a trade-off there. So regardless, industry standard, we kind of use that 600 as the benchmark.

Vice Mayor Johnston stated as a - I - I appreciate that. As the City gave the original contract would that provide that the City could just raise, arbitrarily raise that, say we don't have enough money, we need more money to do this. We're going to raise that from \$15 to \$25 a spot? Is that - is -is the proposed language that City put there is - allow that? Is that why - excuse me. Is that why the group put that other - I'm just trying to get in people's minds.

Troy Anderson, Assistant City Manager, stated we - when we drafted the original petition that we provided, just as kind of, hey, here- here's - here's a petition that you could use that would be representative of the City's terms and conditions. We included in there that it was based on that \$600 per space per year and that there was a- an identification of a number of stalls. So we - we put in the original pe- what that number of expected sort of and anticipated revenues would be each year. There was an escalator in there, right, that given inflationary adjustments based on the CPI index, right consumer

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price index, that those would go up incrementally year after year. But no, the original petition, I think, was pretty clear in the context of what we're trying to recover is X based on the number of stalls and that we would do that calculation each year - now if all of a sudden the City eliminated a parking lot, right, and we struck a 150 spaces from the district, then obviously that would reduce the obligation and that calculation would be adjusted every year again also with a CPI index.

Vice Mayor Johnston stated so what I understand - what I understand from that is the City could do that, could raise it if they got rid of a parking lot or something and had to spread it among less stalls.

Troy Anderson, Assistant City Manager, stated the only way the City could raise it, right, is if all of a sudden the City added parking stalls, right? If the number of spaces went up, then you would see an increase in the obligation. Again, if the number of stalls went down, there would be a decrease in the obligation. It's that metric of how much should be recaptured and how much should be generally expended per space per year. That number was not sort of open to interpretation.

Vice Mayor Johnston stated do you view that \$600 as a total system, including downtown and Old Town, or just, in this case, just Old Town, being looked at on an individual basis?

Troy Anderson, Assistant City Manager, stated so in my kind of personal professional opinion, it's both, right? In the context of - and again, I caveated that 600 number with other parking management systems, right, of other assets. We have a mix of assets. We have a mix of parking structures. We have a mix of parking lots. We have a mix of structures, lots, and on-street parking. It's a pretty good blend, right. If - if we could say that the percentage was - I'm just going to make something up - 33, 33, 33 of those three, right, that's a pretty good blend of assets that we need to - we need to manage. Obviously, that blend is different than other cities. It might be a small city of 35,000, and they have a parking lot and that's all they have. Yeah, their cost recovery and cost is probably not \$600 per space per - right? But in the blend in the scale of what we have I think Old Town is also representative of the larger system. There are two parking structures in Old Town. There are a number of parking lots in Old Town. There's a number of on-street spaces in Old Town. So I would say actually Old Town is sort of a microcosm of the larger system and so yes, I would say that \$600 per space per year is not only representative of the City, the downtown SSMID system, but it's also probably representative of Old Town.

Vice Mayor Johnston stated I think this gives - gives way to fear before that Delano and Old Town might be supporting a new parking garage for the biomed center.

Troy Anderson, Assistant City Manager, stated right.

Vice Mayor Johnston stated we need - we need another million dollars to pay the note on the biomed center.

Troy Anderson, Assistant City Manager, stated right.

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Vice Mayor Johnston stated we need to - to tax those - those districts more to pay for that parking garage. So maybe that's why they put the language in there then.

Troy Anderson, Assistant City Manager, stated yeah, I don't know.

Council Member Ballard stated thank you. Just two quick questions. If the CID passes, or even if we submit to a public hearing - set a public hearing, that means that no one else within the Old Town District is able to use that tool for 20 years, or for the length of the CID?

Troy Anderson, Assistant City Manager, stated yes, that's our understanding is you can't layer a CID on top of a CID.

Council Member Ballard stated okay.

Troy Anderson, Assistant City Manager, stated particularly because the CID that's being proposed here today expands that 2% sales tax threshold.

Council Member Ballard stated okay. To question- I forgot. Sorry

Council Member Glasscock stated promise, last question. So I'm looking at the map on the last page of the packet we're given. I don't think it was in the presentation form I saw. It's kind of hard to distinguish, but there's yellow, green, and red. Which is what? There's not a key associated with it.

Troy Anderson, Assistant City Manager, stated so you're referring to the boundaries of the district.

Council Member Glasscock stated correct.

Troy Anderson, Assistant City Manager, stated so the best way to describe this is that map illustrates the boundaries in the context that the district is bound by 3rd Street Avenue, 3rd Street North on the north Washington on the East Douglas on the south and the railroad tracks on the West. So, all of the properties that you see highlighted there in some sort of color is representative of the entire district to

Council Member Glasscock stated so the colors don't matter until...

Troy Anderson, Assistant City Manager, stated colors don't matter. I'm not sure what the colors represented. We went through the petition. The petitioner provided the sort of petition language, the title report that showed sort of every single property owner, and then the signature page associated with that respective property owner. I don't know if it necessarily oriented it to what the color on the map was.

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Council Member Glasscock stated if we were to set a public hearing, could we have a map, so we can see which of the property owners supported the project, which ones didn't? I'm interested to see if it's in one region of this district versus another region of this district. And let's say that someone wants excluded from the CID, but they agree to cover the cost of whatever their lots are. They want completely excluded from the CID because they want to invest in a CID in the future. They want excluded from this, but they're willing to pay the cost of their parking. Is that possible or is it not based on the petition that was submitted?

Troy Anderson, Assistant City Manager, stated so again, it kind of gets tough if we have a petition, and we're kind of processing that versus

Mitch Walter, Gilmore & Bell, stated I would just say that the petition, as amended names could be taken off and properties could be taken off, as far as submitting a petition that meets the statutory requirements. Again, it - it - it seems to be more of a policy choice whether the City would want to consider the creation of a sort of a patchwork CID that perhaps had certain properties omitted based on their future, plans to perhaps create a CID or not. From a legal standpoint, it - it just has to pass muster of having 55% of the owners of the specific district requested to be created in 55% of the assessed evaluation.

Council Member Glasscock stated so that - that goes back to my question of the geo- geographical boundaries. So let's say the geograph- geographical boundaries are contiguous and someone wants excluded because they have future plans for a CID. As long as they make their parking self-whole in our agreement, so then they could implement their own CID in the future, as long as the contiguous properties are fine with it. So that's what I'm just interested in of where these properties are, what that looks like on a map, to see if there's even a possibility of excluding. You know, if it's pieced in the middle, that's probably much more different than if it's, you know, at the end of it excluding the property.

Troy Anderson, Assistant City Manager, stated So to answer, yes, we could work on a map.

Council Member Glasscock stated

And both of them would have to do with policy changes at the council, whether or not we accept 100% or whether we move forward with excluding part of it in an application. Both - both would be policy determinations from this body that would be not set in precedent of what this body has determined in the future. But there's no legal considerations for it. It's just policy and what the will of the body is? Understanding correct? I see you nodding. Thank you.

Council Member Ballard stated thank you, Mayor. Sorry. I remembered. Can you speak to if the CID passes there's been a lot of conversations about that money would stay specifically in Old Town. Can you speak to that?

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Troy Anderson, Assistant City Manager, stated so, under the CID Act the - the costs that are identified, right, and the revenue and the projects that are associated with the district are generally limited to the area within the boundary of the district. There are ancillary - what I'll call ancillary improvements that those dollars can go to outside of the boundaries of the district, but generally speaking

Mitch Walter, Gilmore & Bell, stated yeah, that - that - that's correct. So the CID Act, part of - one of the statutory items that has to be in the petition and in the ordinance creating the CID, is a description of the capital P project. So the description of the capital P project basically limits the expenditures that the revenues from the CID can be expended on. So for all intents and purposes, yes, the - the revenues of the CID have to go to pay all costs associated with the - the parking operations, maintenance, repairs, et cetera, et cetera, within the defined CID.

Council Member Ballard stated so it wouldn't just go into the parking fund? Or it would, but like stay over here for Old Town

Troy Anderson, Assistant City Manager, stated yeah, it would there would be somewhat of an audit trail of that. Yes, if - if the - as the revenues came in, and we knew we had matching expenses associated with them. We might use the parking fund because we're paying one contractor, right, to do that, but it would be a proportionate share based on the volume of their work within the district boundaries and not the work that they're performing outside of the district boundaries. Yes.

Vice Mayor Johnston stated all right. Thank you, Mayor. Troy, now I'm confused. Cause I think that's different than the answer you just gave me. As far as that fund could be used for the whole parking system, including downtown. You said it could be. Now - now we're saying that it just could be used in that district.

Troy Anderson, Assistant City Manager, stated so let me see if I can differentiate. The - the response to your question was a holistic question around the cost annually per space on just general revenues and expenses, right? So my responses to you were holistic in the context of well yes. Old Town probably does require approximately \$600 per space per year in administration, operations, maintenance, enforcement, et cetera. Right? If the CID is not approved those costs don't go away. It's blended within the larger parking fund parking management system within the SSMID. Those costs don't change, the revenues don't change, okay. If the CID is approved, right, the revenues and expenses don't necessarily change. What changes is how I have to be a little more accountable in knowing that I have an operator and that operator is managing - I'm going to make up a number - 8,000 spaces, right? The proportionate share of our management agreement based on the number of spaces within the district, that's all I can use from the revenues from the CID sales tax and from the revenues from the special assessment. I can only pay a proportionate share of that contract obligation, right? But the maintenance costs I can specifically attribute to, yep, that's a - a - a maintenance cost directly attributed to that lot or that structure. The - the enforcement of time limits can be specifically attributed to that particular parking space in that particular sort of district, right? We - we can get really granular on exactly the - the expenses and the revenue

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associated with where those dollars come from, but that's the distinction between whether or not the CID is approved or not and the responses that I provided you of just holistically about \$600 per space per year. Did that help?

Council Member Hoheisel left the bench.

Vice Mayor Johnston stated it does. I'm still confused because I brought the example of Delano and Old Town possibly playing for a parking garage for the biomed center. I got the impression that that could happen from you. I - I - is that incorrect?

Troy Anderson, Assistant City Manager, stated when you're looking at an entire parking management system, right, all of the costs and sort of all of the revenues are spread across the entire system, right? I mean, we do that sort of in local government, right? I mean, the costs of property taxes that are received, right, are spread across the entire city. We don't specifically allocate more revenue to an area that generates more property taxes. It's the same kind of concept, right? It's part of a system. There is a - a blended revenue and a - and a blended expenses across the entire system. So whether the CID is created or not, now we just have to do a little more auditing of what that actually looks like, right? But the - that spread doesn't change. We can only allocate those revenues to expenses within that district, which is why I also kind of suggested that it's probably a microcosm, it's probably representative of the larger district. We're - we're going to see comparable costs in Old Town. Now, in regards to like Delano and Old Town contributing, right, you also have to understand that those - we'll call them sub-districts, right - also benefit from improvements and revenue and expenses associated with areas outside of their sub-districts. You can't look at each of those districts in a vacuum. None of them will really support themselves in and of - of themselves. It's - it's like a real estate portfolio, right? You're going to have some properties that perform better than others. Those that don't are subsidized by the entire portfolio. I mean it's good to have a - a picture in a portfolio of what any one property or sub-district is doing from a performance wise, right, but it's all part of a management system.

Council Member Ballard stepped away from the bench.

Vice Mayor Johnston stated as I understood from the bond council, in this case, the CID, you would have to allocate it, not among the whole system. You'd have to allocate it in that area.

Troy Anderson, Assistant City Manager, stated that's correct. Yep. But we're not going to go out and hire a separate operator. Does that make sense?

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Council Member Ballard returned to the bench.

Mayor Wu invited public comment. No one came forward.

Mayor Wu stated I'll start off by adding this subject regarding parking and downtown parking. Delano, downtown, Old Town, has been obviously at the forefront of the conversations, over the last year. When it comes to Old Town specifically and when I saw the screen sheet with the verbiage that then does not, bode in the best interest of the city of Wichita, which is its citizens, all of its citizens, not just one little area, I was concerned. And so I immediately, started asking questions to Troy. And it's still, after all this discussion, it just further proves that I'm still concerned about this, petition. In addition, the petition that the state, requires for a threshold is 55%, but the city of Wichita's threshold is 100%, which has not been reached by this petition. So it has met the state threshold, but it has not met the City threshold. And so with that, I will not be supportive of this. Vice Mayor Johnston.

Vice Mayor Johnston stated thank you Mayor. I would like to set a public hearing for it. It doesn't mean we have to pass it at the public hearing, but I'd like to learn - learn more about it possibly take that language out of it, have a conversation with the - the petitioners to see if they would be willing to take that language out of that, that you're not comfortable with, but I think it'd give us more opportunity to to talk about it and stuff.

Council Member Glasscock stated thank you, Mayor. I'm not comfortable with the current petition as presented. I do believe that we should give the applicants the opportunity to present a petition that could be heard and could be accepted by this body. So I'll be voting to set a public hearing. Again, my concerns regarding, uh, are the extra statutory items that are mentioned. I'd also be interested to see, based on the map, if there's a way you could get to 100% of petition owners and allow others to carve themselves out. That may not be possible, but I would need to see changes in the petition for me to support this at the public hearing.

Council Member Hoheisel stated thank you, Mayor. Like yourself, I have a lot of concerns with the language here. I don't think this goes far enough in terms of protecting the City, especially in the future. I don't think I'm going to be supportive of this because I think we could spend time actually working on something that we can, uh, come to some sort of agreement to a little later on. So, just I'm not supportive of this one. I just want to give an explanation.

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Council Member Ballard stated thank You, Mayor. Old Town is in my district, and so I had many - many - many conversations. Bless Troy's little heart. I bother him all the time with all the questions too. For me, it's not so much the petition, although it's a little bothersome that a few people have such a large voice. For me the problem is the numbers just don't work. I mean they - it would be a stretch for the numbers to work if alcohol was included and that is a huge heavy lift to work with the state to get them to allow us to use the liquor tax. And I don't even know, you know, what that would be pulling the liquor tax money from you know, whatever they use all of the liquor tax money from. I don't know what that would be pulling from programming or what - whatever that might be. So for me, it's more about the numbers. I don't want to get us, um, in a position right out of the gate knowing it's not going to work. All of this could go away by just doing paid parking, um, and that doesn't mean we have to put parking meters in front of everybody's spaces. There's plenty of other communities that do, you know, kiosks or a sign that says, "You're in this zone in this space," or whatever. It doesn't mean we have to saturate our beautiful downtown with parking spaces everywhere. There are other options this is getting way too complicated for a really simple issue. So for that I will not be supportive.

Council Member Johnson stated thanks, Mayor. I am actually surprised I came in today supportive of this going forward again as we were trying to work with folks in Old Town. But, um, the language is something that I am really concerned about. And as it's been explained, the petition was signed by every individual with that language in mind. So more conversations would have to happen. And just even hearing the legality of - of that I just have a lot of concerns about that. I had concerns about revenue generation coming into it, going forward and if there were any gaps, but hearing the discussion today and looking at the proposed language that would potentially, again, the intent I think was to potentially tie the hands of the council in the future. I just have a lot of concerns about that going forward. I do appreciate the comments of Council Member Ballard. It is true with this parking plan you can't have kiosks set up so you don't have to have a part- parking meter in front of every space. But I just have, um, more concerns now than I did previously with going forward with this. So I will not be supportive today either.

Council Member Tuttle stated thank you. I appreciate everyone's comments. Troy, may I ask you one more question? I agree with Vice Mayor and other council members that I think that we should move forward, right? And - and at least have a hearing. But before I make my final decision, if we vote today to have a public hearing, it doesn't have to be this that comes before us. It can be this addressing the concerns that my very thoughtful and wise council members have brought forward, is that correct? If we have to ha- or do we have - if we vote to put it on public hearing, it's this document with nothing else?

Troy Anderson, Assistant City Manager, stated to the response of - and to reinforce legal counsel sort of know, right, in the conte- knowing that what has been presented to you today could be amended by the petitioners.

Council Member Tuttle stated I just want to make sure. So if we're voting today, if - if we vote in the - if any of us voted in the affirmative for - and - and I'm just going to go on-record. I have concerns with this, but I have hope that it could come to something that could - that could be good. Um, it was our original intent. So - but that doesn't mean if we set - do get to set a public hearing, if that passes, that I will be

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supportive when it happens. I'd need to see the significant changes that have been discussed. So I just want to go on-record that I will be voting to have a public hearing so that we can pursue options. Thank you.

Vice Mayor Johnston stated thank you, Mayor. I just want to be clear Troy. I- if this gets voted down, that does mean we will have paid parking in Old Town, is that correct?

Troy Anderson, Assistant City Manager, stated this means that if you do not approve the resolution today, setting a public hearing, then we can't have a public hearing. And you can't create a CID that tells us that we need to move - move forward with the original Option A SSMID, SMID, that was approved back in December.

Vice Mayor Johnston stated is Option A approved or per this option? Or this option - per this option, this option's gone, so it's - it's approved then? Is that how you view it?

Troy Anderson, Assistant City Manager, stated so back in December, the council approved Option A SSMID, which is the Option A Parking Management System within the boundaries of the SSMID. Remember, we excluded Delano. There was an off-ramp so to speak, right, for Old Town. If they were able to obtain and - and get a CID approved that had the terms and conditions that council set forth, right, to achieve cost recovery associated with parking management, that that would've given Old Town the off-ramp if Old Town - if the CID doesn't get approved, the underlying parking management implementation strategy exists and has been approved by council. That's our interpretation.

Motion:

Council Member Glasscock moved to set a public hearing for consideration of the establishment of a Community Improvement District and authorize the necessary signatures.

Council Member Hoheisel stated thank you, Mayor. Troy, so understanding the question that you just, answered, would it be possible for us to extend that deadline that we passed with Option A, council policy to extend the deadline to come back with a - another CID initially? Could we extend it to, like, April 1 - the April 1 meeting?

Troy Anderson, Assistant City Manager, stated I mean, you can kind of do whatever you want, right? That you're - you're the - the legislators. You can guide and direct us however you so choose. Every day that kind of goes by, right, that were not out there implementing the parking management system that was approved back in December, we're kind of on hold until this gets worked out, right? Because there are implications associated with bringing back an amended agreement with the car park. There's implications associated with what equipment do we buy, what equipment don't we buy,

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right? So, again, we'll - we'll follow the lead of City Council. This is - this is certainly within your purview to qualify this however you see.

Council Member Hoheisel stated and what's the target date for that? Beginning of June or beginning of July?

Troy Anderson, Assistant City Manager, stated so back in December when we told, right, our goal was to try - we took into consideration sort of this 60-day window. We were going to try to do a soft launch June 1 with sort of a hard launch, fully-integrated, implemented July 1. It's going to be pretty tight to get us to that point.

Council Member Hoheisel stated so would this push back the date on the entire parking plan?

Troy Anderson, Assistant City Manager, stated I would say yes because, again, at that point in time we're not sure what the final resolve is for Old Town. And so we're sort of sidelined a little bit of just what equipment do we buy, when we're - how - when do we bring back an amended car park agreement? Because when we bring back an amended car park agreement, right, we're going to need to know what does that look like in Old Town? What does it not look like in Old Town? And those numbers may change slightly depending on whether we've got a CID in Old Town or not.

Jennifer Magana, Director of Law, stated thank you, Mayor. Council Member Glasscock, I apologize. I didn't hear all of your motion. Did you read all of the recommended action?

Council Member Glasscock stated no, I excluded part of it. There is part that said, "Accept the petition." The have concerns about the petition as submitted. And so how do we handle that language? I think given the will of the body, the petition - or given the conversation here, the petition as presented will not be accepted.

Jennifer Magana, Director of Law, stated I was just not questioning. I just didn't hear.

Council Member Glasscock stated, oh, no. You're good. I just didn't know if I-do I have to do the words, "accept the petition" or. . .

Jennifer Magana, Director of Law, stated outside council could speak to that specific question.

Mitch Walter, Gilmore & Bell, stated without explicitly accepting the petition as presented, I think it's proper to acknowledge receipt of the petition by the governing body.

Council Member Glasscock stated okay. So I will change the language in my motion then to consider waiving the local policy requiring a petition to be signed 100% of the property, or I move to consider waiving the local policy requiring the petition to be signed by 100% of the property owners, receive the

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petition and adopt the resolution setting a public hearing for consideration of the establishment of Community Improvement District and authorize the necessary signatures.

Vice Mayor Johnston stated second.

Mayor Wu stated so Jennifer, just to be clear, would that still be the original, even though it was modified language by the council member who presented the motion which was seconded by Council Member Tuttle? Or would it be now null and void and restart the motion process?

Jennifer Magana, Director of Law, stated it was just an informal amendment if by - or clarification if, um, that's the will of the motioner and the seconder.

Council Member Glasscock stated that was my intent.

Mayor Wu stated okay. So we have a motion by Council Member Glasscock, a second by Council Member Tuttle, and we still are in conversation. So Ma- uh, Council Member Ballard. No longer on the board. I will just add a clarifying. We keep saying December - December. I just want to be clear that on December 17 at the Wichita City Council meeting, the Downtown Parking Plan Implementation Strategy, Option A SSMID, was approved by the majority of the council 5 to 2 with 2 no votes, Mayor Wu and Council Member Hoheisel. So while we say the council, it was a majority of the council with still two that said no to A SSMID even at that point. So we have a motion and a second. Any further discussion? I see none. Mr. Clerk, please open the roll. Motion does not carry with 4 to 3. We - it is 12:45 almost. We will take a 15-minute break and come back into council chambers to continue the council meeting.

Meeting went into break.

Meeting resumed after break.

Mayor Wu stated we need a point of clarification regarding the last business item because now, this has now changed the whole trajectory of I believe, what, City Mana- Assistant City Manager Troy Anderson mentioned, back in December 17 of 2024, this council voted in approval 5 to 2 regarding the downtown parking plan. So can you please now address how it will be moving forward given that the petition will now not move forward?

Troy Anderson, Assistant City Manager, stated so Mayor, members of Council, so again, our interpretation, our understanding of the council action back in December, the majority of the council voted to implement a parking management system throughout the Self-Supported Municipal Improvement District, the SSMID, under the sort of Option A model. I - I don't have that stuff here before me today. We'll be more than happy to kind of share exactly what that looked like. But the - in December when council approved that, there was an exception. There was an off-ramp that if Old Town was able to create a CID that we would not implement the parking management system as we are going to do throughout the rem- the rest of downtown, that we would employ slightly different management strategies. To your point, without a CID, that underlying parking management strategy based on the vote today tells us, advises us, that that's the direction that we need to move forward is the Option A SSMID Parking Management Strategy.

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Mayor Wu stated so can you please address one more time, with Option A SSMID, which was approved again by the majority of the council on December 17, 2024, and because this new petition that was brought forth did not move forward, you are going to implement despite - despite a majority of the council saying they wanted paid parking in downtown and Old Town back in December 17 of 2024?

Troy Anderson, Assistant City Manager, stated I guess I don't understand the question. You said in spite of?

Mayor Wu stated so would there be paid parking now in Old Town?

Troy Anderson, Assistant City Manager, stated yes. That's our interpretation and understanding of the action that council took back in December.

Mayor Wu stated from the actions taken on December 17, 2024? Or based off the actions today just on the petition itself?

Troy Anderson, Assistant City Manager, stated both. So if you'll recall back to December, the City Council meeting, the motion was to approve a parking management implementation strategy that was Option A, which included metered paid parking. We shared sort of the hours of operation. We shared the rates, et cetera. That that was the underlying basis that if a CID were not implemented in Old Town, that that parking management strategy would be employed. So we're combining both the action that took place in December and the action today that gives us the guidance and direction to proceed with some of the next steps that we need to take to continue to implement Option A SSMID.

Mayor Wu stated so back to the petition and this, uh, Option A SSMID voted on December 17. I have a question regarding how we're going to implement this because currently, they're still paying \$7.50

Troy Anderson, Assistant City Manager, stated correct

Mayor Wu stated which were rates from 1990s. That's ques- that's point number one.

Troy Anderson, Assistant City Manager, stated correct.

Mayor Wu stated they're still paying for 1990s fees. So now, moving forward, what would happen in front of this council to retalk about the negotiations regarding the parking fees, which in the petition it said it would increase to \$15, but without the petition, what happens with those specific pay- those parking spots?

Troy Anderson, Assistant City Manager, stated gotcha. Gotcha. So there's at east two. They're - the -

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actually, a couple more that might be coming as well. Things related to towing and those kind of things. But as it relates to the operator's agreement with the car park, we know that we've got to bring that back, right? So that is an amendment that will be coming back in front of City Council. We knew that they had to come back regardless. So we have an amendment with the car park that has to come back. And if meters are going to be installed in Old Town, one of the other things we're going to need to do is go amend the zoning code, right, to strike those requirements associated with or amend those requirements associated with parking and parking demands associated with uses and zoning in Old Town. There's some language in the zoning code that has to be cleaned up regarding parking and parking requirements so I - because that was the impetus for the payment in lieu of parking agreements. If you eliminate the parking requirements, there's no reason to have parking in lieu of payment - parking - a payment in lieu of parking agreements. So we're - we're going to need to bring back an amendment to the zoning code to sort of eliminate the driving force behind those. So through the amendment and through those amendments to the zoning code, that clears the way for arguably a July 1 throughout the entire SSMID, including Old Town. The meters, not necessarily individual meter heads, they could be kiosks. They could be mobile app-type signage, right? We want to be very sensitive to the proliferation of things like meter heads, the proliferation of signage, right? We're working through all of that right now for the remainder of the SSMID, for the remainder of downtown. That July 1, none of those businesses would need to pay those payment in lieu of parking agreement contracts anymore. They, for all - virtually become null and void.

Council Member Glasscock stated thank you, Mayor. Based on the clarification you offered, that meant the majority of this body voted to just implement the paid parking as similar to downtown, correct?

Troy Anderson, Assistant City Manager, stated correct

Council Member Glasscock stated so to give this body another chance, I'm going to reword and offer a different motion, so we can have this. So I move that the City Council waive - or I move that the City Council set a public hearing to consider a petition if the petition is signed by 100% of the property owners and adopt the resolution setting a public hearing for consideration to be established in a Community - Community Improvement District and authorize the necessary signatures.

Council Member Tuttle stated may I ask a question of legal really quick? And - and please correct me when I'm wrong. I just - before we proceed, it's my understanding that the only time a decision can be changed, reversed, is if the prevailing party addresses it. And unfortunately, we - and I didn't mean to say we weren't the prevailing party. So the - the forfeit - one of the - it - Jennifer, correct me when I'm wrong cause I usually am, but we've had this situation happen before and I just didn't want us to go down a - a rabbit hole.

Council Member Glasscock stated No, you're good. I - I guess my understanding would be I'm not bringing up the same motion. I'm bringing up a different motion.

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Jennifer Magana, Director of Law, stated and that's kind of what - the way I see it. I think, you know, they're - you're absolutely right, Council Member. Thank you for thinking that. That is something that I had thought about. There is a process for motion to reconsider that has strings on it. I think, council, your intent is that this is not the same motion.

Council Member Glasscock stated my intent is it is not the same motion.

Jennifer Magana, Director of Law, stated and it - and it is not in my mind either. It's not reconsideration. But it's a good question to ask. So I don't think it's reconsideration of the same motion.

Vice Mayor Johnston stated can you repeat it, please?

Council Member Glasscock stated yeah. I'll - I'll simplify it and it'll still be a different motion than the first one. But I'm going to use the recommended action from staff for this one just for clarification for everybody cause it is a different motion than I originally presented. The original motion was to receive the petition.

Motion:

Council Member Glasscock moved to waive the local policy requiring the petition to be signed by 100% of the property owners, accept the petition, adopt the resolution, and set a public hearing for consideration of the establishment of a Community Improvement District and authorize the necessary signatures.

Mayor Wu stated when there's clarification, when there's 100%?

Council Member Glasscock stated I adjusted when I repeated the motion this time that we - I think that's the will of the body based on what we're saying right now, but right now, it's just to set a public hearing. The applicant could probably listen to this council and determine a path forward for them or not.

Mayor Wu stated and remind us one more time, Troy. So right now, this current one only has 77 point - not even 77%, correct? It has about almost 60% of the acreage has said yes to this petition? Because the all other owning 2% or less, the 19.65%.

Troy Anderson, Assistant City Manager, stated they signed it. Yeah. So in total, seven - about - well, specific, 77.93% of property owners representing the acreage signed the petition, 79.27% of property owners representing the value of the - their property in the district signed the petition. So it exceeds the 55 - it exceeded the 55%, but did not meet the 100%.

Mayor Wu stated with this motion that Council Member Glasscock has in front of us, would it then, uh, have - would then the petitioners have the burden to find the 100%?

Council Member Glasscock stated based on the motion I presented, no. Member, I guess, could offer an amendment to require the 100%. But based on the motion I offered the second time, it's a little bit languished than the first time when before Council Member Tuttle had comments. So I'm just - or I am m- moved the recommended action on the green sheet, which is different than what I had done previously.

Mayor Wu stated So I will offer the friendly amendment that I would second this if it was 100% of the petitioners.

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Council Member Glasscock stated I would say that's not a friendly amendment.

Jennifer Magana, Director of Law, stated I - I think that's a substantial amendment. I mean, it's up to you to accept it, but I think it's substantial.

Council Member Glasscock stated I think that's probably the will of the body given the conversation we've had now. And so if they can't get to it, then I don't think it's viable. So I'll second it.

Jennifer Magana, Director of Law, stated I think we need to clarify your - your amendment.

Mayor Wu stated so my amendment is for 100% of petitioners to sign this in order to move forward. And it's a substantial amendment, right? So it would require a second.

Jennifer Magana, Director of Law, stated yes, it would. Troy's going to speak to that.

Troy Anderson Assistant City Manager, stated so clarification, 100% of the property owners, not necessarily 100% of the petitioners - I know it's a clarification, but 100% of the property owners would have - so I - I'm a little confused. So the distinction between the mo- before the break was to waive the local policy, acknowledge receipt of the petition and adopt the resolution, and your motion now is to not acknowledge receipt, but to accept?

Council Member Glasscock stated my--yes.

Troy Anderson, Assistant City Manager, stated okay.

Council Member Ballard stated but how can we accept if we don't have 100%?

Troy Anderson, Assistant City Manager, stated correct. You'd have to waive the policy.

Council Member Ballard stated yeah. I don't know how we can - I'm - I'm maybe confused. I don't know how we can accept the petition, Mayor, as is if we don't have 100%, as to your friendly.

Mayor Wu stated so in that situation, because right now not 100% of property owners have signed, would that give the opportunity to the petitioners to go find the remaining so that they can get to 100%?

Jennifer Magana, Director of Law, stated and I wish bond coun- I'm sorry. Bond council has left and I'm going into gray area here. I don't know the answer with certainty.

Troy Anderson, Assistant City Manager, stated I guess you could say if you wanted to s- to come back to your - you're not accepting the petition cause the petition doesn't have 100% ownership based on the amendment. So you can't necessarily accept the petition because it doesn't have 100%, but you could acknowledge receipt of the petition. You're not waiving the local policy anymore. You're acknowledging receipt and you're setting the public hearing - hearing giving the property owners the next 30 days to go obtain the rest of the owner's signatures.

Council Member Glasscock stated clarification. If it - if the mayor's amendment, um - if she withdrew the amendment, we would still have this debate if we set a public hearing. So this conversation could still happen. We could still determine whether or not we want 100% and that could be determination at that

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meeting instead of a requirement of the motion.

Troy Anderson, Assistant City Manager, stated sure.

Jennifer Magana, Director of Law, stated I think the answer is yes. Sorry. The question is can we still discuss at the hearing?

Council Member Glasscock stated whether or not we want to accept the petition of 100% for something else. We set the public hearing, but we could still use that as a factor

Jennifer Magana, Director of Law, stated discussion?

Council Member Glasscock yes

Jennifer Magana, Director of Law, stated yeah.

Council Member Glasscock stated as a discussion.

Jennifer Magana, Director of Law, stated it's for you to decide whether at - at that time.

Council Member Glasscock stated so the body can still make the determination at that hearing if we don't have 100% that we still could deny the permit or we could occur - we could deny the CID or accept the CID.

Jennifer Magana, Director of Law, stated I believe that can be a factor.

Mayor Wu stated but again, pushes it back to the date that has already been determined, which is April 1, is that correct?

Jennifer Magana, Director of Law, stated I don't know what the date is. April 1?

Troy Anderson, Assistant City Manager, stated that's the date on the resolution. We got to - we just have to set a date. So the resolution specifies the date. So if you want to choose a different date.

Jennifer Magana, Director of Law, stated I mean, the earliest it can be held is April 1. It can be after April 1. While he's looking at that, I just want to make sure I understand how your motion now is different than the motion made before the break.

Troy Anderson, Assistant City Manager, stated yeah.

Council Member Glasscock stated so my motion before the break was that we would set a hearing to consider and then receive the petition. My motion now is that we will accept the petition.

Jennifer Magana, Director of Law, stated I thought that's what it was, and then I thought it started to change again. And - okay.

Council Member Glasscock state yep.

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Jennifer Magana, Director of Law, stated thank you.

Council Member Glasscock stated so we'll , not receive.

Mayor Wu stated so you have a motion. Mine does not have a second. So it goes back to the original motion. Is there a second?

Vice Mayor Johnston stated I seconded it.

Mayor Wu stated we have a motion and a second. Now, discussion. Council Member Ballard.

Motion:

Council Member Glasscock moved to waive the local policy requiring the petition to be signed by 100% of the property owners, accept the petition, adopt the resolution, and set a public hearing for consideration of the establishment of a Community Improvement District and authorize the necessary signatures. Motion failed 3 to 4 (Nay: Lily Wu, Brandon Johnson, Mike Hoheisel, Maggie Ballard).

Council Member Ballard stated I just want to go on the record. We're still - I know what we're talking about today, but no matter how many signatures we have, we still are not going to - the ultimate goal is to collect money for parking. This does not accomplish that. I just - for the record, liquor tax or not, we are still not - we're still not there. We're - we're not getting there. It doesn't matter how many signatures we have. We can still have the conversation, but we are a long ways from talking to the state, getting that accomplished to be able to, uh, collect the liquor tax money. We are not there. Regardless how many signatures there are, this is not fixing the problem just by having the - the public hearing. So just for what that's worth, we're still not collecting a million dollars. We are far from that regardless of the hearing.

Council Member Hoheisel stated thank you, Mayor. Jennifer, what - what is materialistically different from the staff's recommended action as compared to Council Member Glasscock's motion?

Jennifer Magana, Director of Law, stated from his motion before break?

Council Member Hoheisel stated or from staff's recommended action that we

Jennifer Magana, Director of Law, stated I think right now you are - he is taking staff - taking staff's recommended action, this motion.

Council Member Hoheisel stated so this motion is taking staff's recommended action.

Jennifer Magana, Director of Law, stated word-for word.

Council Member Hoheisel stated and that's--that was different from what we voted on before the break?

Jennifer Magana, Director of Law, stated it is.

Council Member Hoheisel stated okay. All right. Yeah. I might have a question here in a minute.

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Council Member Tuttle stated thank you. I voted for the public hearing. I - this is my seventh year in council and I've never seen anything like this happen before. And - and I think we're - we're wordsmithing just to change a vote. And - and I think that's precedent that is very scary. I am disappointed that what I voted for didn't pass, but I'm not sure we should manipulate the system in a - in - in this way. And I - and I'm leaning into legal and I - I believe you, but I just - this - and I'm getting tons of emails from - and texts from people saying this seems like a manipulation of a system, I just want to go on-record saying that. Jennifer, my question then is if the motion that has been made and seconded it - seconded it, passes, then we will go back to having a public hearing?

Jennifer Magana, Director of Law, stated that's correct.

Council Member Tuttle stated okay.

Vice Mayor Johnston thank you, Mayor. Jennifer, to - to address Councilperson's Ballard's concern, could the petitioners go back and - cause the city staff set the number to start with. Not knowing that liquor tax would not be included at least at this time. Could the petitioners go back and change it from \$15 to \$20 or to make up that difference? It wasn't their fault. Sti- City staff gave them the number to come up with.

Jennifer Magana, Director of Law, stated the language of the petition can't surely change the the amount of dollars raised, hold on just a minute. But in terms of the 12 or 15, I don't know where that comes from. I - I - technically, I don't know. The - I just know that the - the statute requires petitions say it's substantially dollars raised. Just give me a moment on that.

Troy Anderson, Assistant City Manager, stated \$15 per space, per (unintelligible) special assessed funds. The \$15 number was provided to us by representatives of Old Town. That was not a number we came up with, that was a number that they provided. Between the sales tax and the \$15 per, will that get us to our goal to cost recovery? We don't know, right? Because we don't know what the sales tax is actually going to cost. So then, as the petition was somewhat drafted, the idea is that whatever the sales tax is created, whatever the difficulty is, whatever the difference is between what needs to be recovered and what has been recovered with sales tax, that needs to be spread across all of the non-contributing property. Again, one year it could be \$15, the next year it could be \$25, but we don't know what that number is yet because we don't know what the sales taxes are. If they only generate \$400,000 a year in sales tax, and we've got to recoup a million. Now you're spreading \$600,000. That might be \$35 per space, but we have no idea. Th- those were just numbers that were provided by representatives of Old Town, who thought between the 2% sales tax and that \$15 per, that that would get you to the \$600 per space per year. But we don't know that.

Vice Mayor Johnston stated who - who did the research and said this is the sales - sales and the sales tax in that area? Did you do it or did they do it?

Troy Anderson, Assistant City Manager, stated the representatives of Old Town said that they think that they're doing is generating about \$40 million in sales annually. They did not specify. We have done some internal - sorry. We have done some internal evaluation analysis of other CIDs to try to understand whether or not those projections a- include those anticipated sales or not compared to our other CIDs, and - which are a known entity of square footage and mixture of uses and the sales taxes we're receiving from the sa- state. No, those are not consistent. And that's why there's a - there's a thought that maybe those

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original sales tax projections included alcohol sales and that's why there's a - a concern that it may fall short.

Vice Mayor Johnston stated and what I'm hearing you say is, and when we don't know that, it could include, could - could not include liquor sales. We don't know that since they did the research on sales.

Troy Anderson, Assistant City Manager, stated and we won't know that until a year, almost a year and half after.

Vice Mayor Johnston stated now what I'm also hearing, and correct me if I'm wrong, is I'm hearing if it does come up short, you will spread that among \$15 parking fee people. The ones that are \$15, you - you'll go back to them and say, "Okay, we need more money, meet our projections, maybe it's because liquor sales weren't included. So instead of 15, we need 20." Is that - is that correct?

Troy Anderson, Assistant City Manager, stated yep.

Vice Mayor Johnston stated so we will come up with the money, one way or another?

Troy Anderson, Assistant City Manager, stated theoretically, yes.

Vice Mayor Johnston stated yes, Okay. okay. Just want to make sure.

Council Member Glasscock stated the only fa- final comment I have is that there is a clear difference between the word if I accept something and I also just acknowledge receipt of something. So I just want that on record, verify from legal, that's two very different motions. It's not trying to change the system. There are two very different understandings of both, and I just want that on the record.

Mayor Wu stated and this motion is to, as recommended, which is to waive the local policy requiring the petition to be signed by 100%

Council Member Glasscock stated correct. It's substantially different.

Council Member Hoheisel stated thank you, Mayor. Man, I think there's a lot of confusion and a lot of things going different ways right now. I wonder what the appetite of council would be to extend maybe for another 2 weeks their deadline for a CID proposal to be presented to council. That way they can work on a better CID. We can get a number of these questions answered. What does that process look like, Troy? Do you think 2 weeks would be enough for them to kind of - you've got to love the evening meetings, right? We could go April 1 as well. I'm just trying to be mindful of any potential deadlines that we're pushing back in regards to the overall parking. So I just offer that for discussion, and I'm also curious as to what that looks like on our part, if that's doable, if we think the applicant could do that within 2 or 3 weeks.

Troy Anderson, Assistant City Manager, stated I can't speak for the applicant. The pushing this out, right, 2 weeks, you're right. March 18 is cause there's no meeting next Tuesday. So the next meeting of the

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council is March 18. At a minimum, if you do that, we're going to have to bring back an amended resolution which for all intents and purposes, okay, right? Because the date of the public hearing is in the resolution. So we'll have to amend the resolution specifying what that new public hearing date is cause that's going to have to get pushed out as well because of the advertising and the notification process, right? There - there has to be a number of days since the resolution is approved by City Council. So pushes the process out, right? And again, I - I can't speak for the petitioners though on what they can or are willing to do, so.

Council Member Hoheisel stated okay. I offer that just for discussion, not to bench, and see what everybody else thinks.

Council Member Tuttle stated thank you. I know I'm being redundant, and I know I disagree with legal, but again, I just - this - I asked the question during the discussion before, if this doesn't pass, Troy, what happens? And Troy said we had paid parking. That's what we would do. I wanted to have the hearing so that we could have continued discussion. Again, my phone is blowing up with people saying this is the least transparent thing they've seen. So, I - I still want the hearing. If it comes to that, I will vote for it, but I want to absolutely go on record that I do not think this is an appropriate action of this Council. I think we're finding a technicality or a loophole somehow, and that really - really bothers me because we have made - all of us have made a commitment, you know, to follow the system, to follow our policies, to follow our processes, and to be clear and transparent to the community. And - and again, I'm sorry I'm being redundant, but I just want to go on record and I do not approve of the way this is going forward.

Council Member Glasscock stated I'd be interested in what blowing up means, cause I think we probably have different definitions of that. And regarding Councilman Hoheisel's comments revisiting the petition by April 1, or revisiting the petition by March 18, the applicant can still revise the petition. They can still bring that forward by April 1, and so we're actually giving the applicant more time to revise the petition by April 1 than we will by March 18 in that meeting. In regards of a delay, we need action. The first time we debated this, since I've been on the body and this has been a discussion a lot longer than that, was January 9. So we're a year and 2 months into this. The community needs an answer. They want us to move forward. If this motion fails today, then we will have paid parking in Old Town. I think the community wants an answer. And if that's the will of this body, then I'm willing to accept that if this motion fails and that'll be implemented. But the community deserves an answer instead of just continuous pushing down the road.

Mayor Wu stated and I will address both Council Member Tuttle and Council Member Hoheisel's concerns. As I mentioned, the two biggest concerns I had with the green sheet was specifically language that was added by the petitioners without the City of Wichita's, um, consultation. And had it been pointed out by the petitioners instead of hidden, that would have been much more transparent. Rather, it was staff who had a - a sheet that compared it to their original, um, language, and they redlined it saying these are the changes. So that was number one concern. Number two concern was the one that I brought up last Friday, which is are we setting a precedent when we are supposed to have 100% of petitioners sign and are - in the past that has not happened. Um, in this case, yes, the state is 55%, the city of Wichita's

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ordinance says 100%. And in this situation, not 100% of petitioners have been consulted or have given their feedback. So if - if voting in the affirmative to Council Member Glasscock's motion will allow for the petitioners to go back to their community, Old Town, and ask more individuals if they're for this or against this and to sign the petition, and now that we have the language that is, um, not part of a CID, that that would s- they would strike that from any further signatures, then I would be in the affirmative in this situation, given that Council Member Hoheisel has said he wants to hear how the petitioners can change it before the council yet again - again we have a date April 1 which would give them even more time to try to modify the language.

Jennifer Magana, Director of Law, stated Mayor, I - just jumping in, I don't know if we accept the petition. I think the petition can't be - new signatures can't be added at this time. If the motion is to accept the petition, it is, the signature's there, or what's on there.

Mayor Wu stated and the language as is will stand, including the information on the last paragraph. CID petition includes terms and conditions that are not covered by the CID.

Troy Anderson, Assistant City Manager, stated yes

Mayor Wu stated so again, it was language that was not brought by the petitioners to our attention as the city of Wichita, but rather it was staff who then said, we gave you a petition, now there's a modification to the petition, and you didn't even point it out. So I do believe that that's not transparent. And so that to me says that had staff not pointed it out, it wouldn't have even been on our green sheet. So that's deceptive to community members. Vice Mayor Johnston.

Vice Mayor Johnston stated I was just going to point out that it's going to be impossible to get to 100% cause the three - the City owns three parcels. So unless we vote to vote affirmative for those three parcels, we can't get to 100%. There's also the - the theater there wants a CAD of their own, so they'll never sign it. So it's impossible to get to 100%.

Council Member Johnson stated thanks, Mayor. As I've listened, I ac- I do is- agree with Council Member Tuttle now in the sense that the wording is different, but it's essentially a second vote to have this hearing, and I have never seen that. And there's a ability to change your motion in a way that would allow for that, but essentially the majority of the council has already answered this and said that there wouldn't be another - a public hearing for this. So I'm voting against this motion, um, cause the majority of the council's already kind of decided that, but I don't know if anybody else will maintain their votes. But it does now sound like just a second opportunity to have a public hearing to a- allow for some changing of language that was submitted deceptively initially to the city of Wichita.

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Council Member Glasscock stated call to question.

Council Member Tuttle stated thank you, I'll be voting in the affirmative because I thought we should have the public hearing before, but again, I - I echo what Council Member Johnson said. This isn't the way that this should be happening, so I'm not voting because I believe in the - this motion, I'm voting because I want to have the public hearing.

4.) [Childcare Licensing Grant Application and Award](#)

Attachment: [Agenda Report VI-4](#)

Gary Janzen, Public Works & Utilities, presented the item.

Vice Major Johnston stepped away from the bench.

Council Member Hoheisel stated thank you, Mayor. Thank you, Gary. I - just a quick question. I think we need to ask this, uh, with every grant opportunity nowadays. Is any of this federal, like, pass-through grant or is it just straight from KDHE?

Gary Janzen, Public Works & Utilities, stated as far as I'm aware, it's straight from KDHE.

Council Member Hoheisel stated okay. Thank you.

Gary Janzen, Public Works & Utilities, stated but good question, and I appreciate you asking that. We're trying to be very cognizant of that.

Vice Mayor Johnston returned to bench.

Mayor Wu invited public comment. No one came forward.

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Council Member Tuttle stated thank you, Gary, for the presentation. And Gary, I just want to give you also just a kudos. Since you've been Public Works Director, you've really become keenly aware of child care and child care licensing. And I know the staff really appreciates that. I want to thank Adrienne and her team for all you do above and beyond. I've been along on ride-alongs. I've seen you interact with child care providers. The most important thing we can do to address the child care issue, which essentially is a workforce issue, is to make sure that people go into the field of being a child care provider and stay in the field of becoming a child - being a child care provider and you and your team foster and nurture anyone who is interested in that process like no one I've seen. So I'm extremely grateful for that. You are making sure that our city builds planes and teaches kids and fights fires and all the things because they have child care for their children, so thank you for what you're doing. I truly am grateful and appreciative and I will be incredibly supportive.

Motion:

Council Member Tuttle moved to approve the application and acceptance for the KDHE Licensing Grant for SFY 2026 and authorize the necessary signatures.

Motion carried 7 to 0

5.) [Restoration of the Utility Late Fee](#)

Attachment: [Agenda Report VI-5](#)

Attachment: [Ordinance No. 52-632 Amendment to Section 17.12.090 of the Code of the City of Wichita.docx](#)

Attachment: [2025 Water Rates and Fees Ordinance RESTORING LATE FEE - DELINEATED.pdf](#)

Gary Janzen, Public Works & Utility, presented the item

Mayor Wu stated thank you, Gary. Questions for staff? I have a question for you regarding the 1.5% versus 2%. Knowing that we're not fully capturing all of the \$2.4 million in bad debt, do you think that 1.5 is enough or even the Kansas Corporation of Commission actually has a agreement that 2% should be

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the number for their late fees.

Gary Janzen, Public Works & Utilities, stated well, if you - if I just throw the numbers at you again, 1.5% in an average year, generates \$1.2 million in revenue. Collectively, between the late fee management fees and the bad debt, we're at \$3.75 million. So even if you went to 3%, we're only recovering - and - and I know you didn't ask that, Mayor, but I'm just running some numbers real quick. Even if you - if you doubled that and went to 3% we would still only be at \$2.4 million, as far as cost recovery. So splitting that somewhere would be, if I can do my math, \$1.8 million probably is where we would be at with 2%.

Mayor Wu stated my concern with this is simply that this is passed on to all water customers when bad debt is not collected. So to me, the rest of the citizens of Wichita, if they do pay on time, would then, at some point, because we do have to raise the rates, and I know that's just one of the factors, that then everybody else is paying for the mistakes of few.

Gary Janzen, Public Works & Utilities, stated that is our concern, too, Mayor, and I mentioned that a couple times throughout the presentation, and the reason why we think it's so important to try to keep this late fee in place - and that was the reason why we started down this path of looking at even a higher rate, because we are not recovering the - the - what our costs are, or in even close to any part of that bad debt, and it is being passed on to those who are paying their bills on time.

Mayor Wu stated are we setting a tone in the city of Wichita that we are okay with having delinquencies to the point of \$2.4 million if we don't get that back up to the proposed, which was 5%?

Gary Janzen, Public Works & Utilities, stated I don't know if I can speak for that for others. For what we do and I, you know, again, I can't speak across the organization. We have 160,000 customers, we have a large utility. Some of the things I talked about throughout the presentation we have to wait until we get - just because of our resources, and that's okay because we're trying to balance here, right? We don't want to add more staff and just add to the cost burden, but, I believe, and one of the things we talked about before, if we set the late fee at the right spot, our hope is that we are going to incentivize a lot more people to pay on time, and we could start to see some of these numbers coming down. If we can stop them from getting to that point to begin with, it's likely, it's hopeful, that we don't end up with as much bad debt that needs to be collected. That would be our hope. I can't speak for other communities but if you look at the others, we're as low as anyone, and - and I don't know what their success rate is, but I think it has to be a factor.

Mayor Wu stated I just want to ask, you said the right spot. So what is staff's recommendation on the right spot?

Gary Janzen, Public Works & Utilities, stated I think based on what other since you asked, Mayor, I think based on what other communities are doing and trying to look at the balance between where we need to

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be with revenue collection to offset those costs, I would go back to our recommendation from December and say that we think 5% is the right place to be.

Mayor Wu stated and then last but not least, on the green sheet, I know you didn't put this in the presentation, but in the green sheet, it does specifically say, "A customer consuming 3,700 gallons would pay about \$62.44 per month based on 2025 rates." With a 1.5% late fee on the \$62.44, that late fee would be \$0.94.

Gary Janzen, Public Works & Utilities, stated correct. And. . .

Mayor Wu stated but it was the 5% would be about \$5.

Gary Janzen, Public Works & Utilities, stated the 5% would be \$3. \$3.10

Mayor Wu stated sorry, \$3. Because of that do you think that would help with curbing the number late and delinquent accounts?

Gary Janzen, Public Works & Utilities, stated I would speak for myself - I can remember and I - I d- I don't offer this as - as trying to sell you on something, but I know there was a time when my wife and I struggled to pay bills, and - and it would have made a difference. B-, you know, trying to look and see what late fees are, that - that's just a personal reflection, nothing more than that. But we believe based on what we've looked at, other communities have done, what we've talked to NewGen about and I think the 5% just makes more sense. I think it's more in line with where a lot of other communities are and - and probably is still within expectations. The \$0.94 does not feel like a lot of incentive to necessarily pay a bill when the average bill is \$60.

Mayor Wu stated thank you. So it's staff - staff's recommended percentage, which was presented to us in December of 5%, despite the fact that currently we're just trying to reinstate it back to the previous late fee of 1.5%, correct?

Gary Janzen, Public Works & Utilities, stated correct. And hoping not to push my luck. We just wanted to come back to you to where we had been, but wanted you to show the numbers, cause I didn't have all this for you in December and where we were at. I think 5% still makes sense, um, but we would - I would ask for whatever the council would like to do.

Mayor Wu invited public comment. No one came forward.

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Motion:

Mayor Wu moved to approve the 5.0% late fee, place the ordinance on first reading, and authorize the necessary signatures.

Council Member Hoheisel stated yeah, I'll speak to this a little bit. Also being in a position where we've had to count change before to kind of pay our bills, um, I don't think 5% deters anybody. I think most of the time that this comes up, it's - it happens. This isn't people trying to game the system for the most part. It's poor people who just kind of struggle to pay their bills sometimes and are a little late sometimes. So I feel like this passes that down on - onto people who are struggling also. So it's a little extra tax, a little extra rates. Again, I understand it's a couple dollars here and there, but, we would be raising this as opposed to continuing our past policies. So I - I will be supportive of the substitute motion.

Mayor Wu stated we have a substitute motion and a second. Any further discussion? I will just add my comments of why I will be voting no. I know that staff took a long time in coming up with the 5% back in December and I believe that cost recovery has to be part of the City of Wichita's sole responsibility because if not, it will then be borne by the entire system, and in this situation, a 5% increase on a bill that's \$62 would be about \$3 with a 5%. And again, when we're looking at the system, and the biggest thing that caught my eye is that the expense of the \$2.4 million in bad debt would then be passed onto the rest of the customer base through rates. That concerns me. And so I think that the 5% that staff originally recommended is reasonable, and it would discourage people from not paying full their water bill, as well as sewer b- bill, as this is utilities. Vice Mayor Johnston.

Vice Mayor Johnston stated thank you, Mayor. A - a question for Jennifer. Now having been through a re-vote once, I don't want to do it again. If - if - if the substitute motion is defeated, and then the motion is defeated where are we at today?

Jennifer Magana, Director of Law, stated then you have no action today.

Vice Mayor Johnston stated We got to do it another meeting?

Jennifer Magana, Director of Law, a completely new motion could be made at that time.

Vice Mayor Johnston, stated today?

Jennifer Magana, Director of Law, right now, this is to place it on first reading, so.

Vice Mayor Johnston stated First reading, okay. Okay, thanks.

Council Member Tuttle stated thank you. And just to ask a clarifying question. Mayor Wu did make the original motion of the staff's recommendation, right?

Jennifer Magana, Director of Law, stated she did.

Council Member Tuttle stated 5%, okay.

Mayor Wu stated staff's recommended action in December was 5% but staff's recommendation action today is 1.5%.

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Council Member Tuttle stated gotcha. Thank you for the clarification. I - I have had significant conversations with Gary and his team talking about because of the drought, this is also another factor and the utility will be impacted significantly this spring unless we see significant amount of rain. So I am not going to be supportive of the substitute motion. I think that I hate to make an increase or have fees or anything that could be burdensome to our community members. But we're looking at really potentially, you know chaotic situations in the future with drought, and so we need to think about the entire utility and all of our users. Thank you.

Motion:

Council Member Johnson moved to Approve the 1.5% late fee, place the ordinance on first reading, and authorize the necessary signatures.

Motion carried 4 to 3 (Nay: Lily Wu, JV Johnston, Becky Tuttle).

Council Member Glasscock stated thank you. I will be supporting the substitute motion. Um, I'll echo the same comments of Councilman Hoheisel. This is to get people in compliance. This is not to make money or close debt. We'll still be losing it on that. And, um, so I'll be supporting the substitute motion.

6.) [Extend Interim Controls for HPC2025-00011 \(District I\)](#)

Attachment: [Agenda Report VI-6](#)

Attachment: [Kansas Historic Resource Inventory.pdf](#)

Attachment: [HPC2025-00011 UHR demolition permit letter \(250209aeb\).docx](#)

Attachment: [HPC2025-00011 UHR - Notice and Alternatives 2025.02.20 v2.docx](#)

Attachment: [Resolution No. 25-098 Extending Interim Controls Prohibiting the Alteration or Demolition of Property Identified as an Undesignated Historic Resource.docx](#)

Scott Wadle, Planning Department, presented the item

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Council Member Ballard left the bench. Council Member Ballard returned to the bench

Council Member Glasscock stated thank you, Mayor. I'll have a lot of questions. This is just regarding the rest of the process, too. I know on a lot of zoning cases, there are factors that we have to consider, factors that we have to make a decision based on o- based off of. Are there the same factors we have to consider now, or what factors can we consider?

Scot Wadle, Planning Department, stated I will - I'll address that and then I'll look to law to correct if any, but no, there's not. So the golden factors do not apply to this one because it's not a zoning case and because this process is outlined in the Municipal Code.

Council Member Glasscock stated so we can consider any factors?

Scott Wadle, Planning Department, stated and I will look up the code on this one just to ensure. Give me just one moment and I'll look to the code.

Jennifer Magana, Director of Law, stated I would concur there are no golden factors to be considered in this matter.

Council Member Glasscock stated that's acc- that - Scott, that's acceptable in our eyes.

Mayor Wu stated further questions for staff? I have several. So first and foremost, can you tell me is this a public or private property?

Scott Wadle, Planning Department, stated this is privately owned.

Mayor Wu stated privately owned. During the time that it has been privately owned, has an applicant - has the owner of the property come forward with wanting to put their building on, whether it's the local registry, the state registry, or the national registry?

Scott Wadle, Planning Department, stated I can tell you to my knowledge, not this present owner. Also, I've heard in some discussions that there may have been a previous owner who had attempted that. We reached out to that individual and unfortunately were unable to get in touch with them. So we tried to leave a message, but their voicemail was full

Mayor Wu stated so currently this property, which is privately owned, is not on a local, a state, or a national registry?

Scott Wadle, Planning Department, stated that is correct.

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Mayor Wu stated can you tell me the process for local, state, and national registry application? And does it require a private property owner to comply or request?

Scott Wadle, Planning Department, stated Okay. I'll answer the second question first cause I think that's an easier, more succinct one for me to address, which is the process is slightly different. So for the national, I can tell you that if the owner objects to the nomination, then it does not proceed. At the state level, we believe that, that is similar. We received this question in advance, and we're still reaching out to the State to confirm, but I believe it's the same as the national process. If the owner objects, the application for state listing does not proceed. With the Wichita Register it is slightly different. And we've had some dialog going on among staff in multiple departments on this one because there is a portion in the code - in the municipal code that indicates that, if an owner objects to it, then it changes the vote requirement at the City Council level. Just a moment. I think I've got - it requires a 3/4 majority I believe. Let me check that out.

Jennifer Magana, Director of Law, stated top of my head, I believe that's right, Scott, but...

Scott Wadle, Planning Department, stated sorry. We've - I've got multiple codes just in case different questions came up. Ah, um, here we go. Yes. Sorry. It's two-thirds, sorry, five out of seven. Now, you should - you should know that there's been a pretty extensive dialog just in the last couple days among staff about this one because it refers to, ah, the - it - when individuals owning more than 30% of land, property, or area within a proposed Wichita Register Historic District - when they object in writing and file with the City Clerk in person or at the public hearing, then a two-thirds majority vote is required. And so there's some of the language that we were looking at in the current interpretation is that if the owner of - a single owner of a single property that is being proposed for listing on the Wichita Register should object, then it would trigger that requirement.

Mayor Wu stated further questions regarding the registry how long does it take for local, state, and national registries to determine if a property is going to be listed historically?

Scott Wadle, Planning Department, stated sure. Well, as far as the national and state in looking at the online resources available for both of those, those websites indicate that, applicants should expect a 12-month to 18-month, process in order to determine whether or not it will be listed. Now, that - of course that - that listing process requires an application that requires some historic information. I would say we have - some of that is - is available for the Crown but perhaps not all of it. So in some ways you get a little bit of a jump start with this property, but I don't believe that it will shorten it up by much. The Wichita Register is a different process. And for that one apparently we have not had one - a property get listed solely on the Wichita Register since- I believe staff told me since 1995, so it's been quite some time. We don't have a recent one to go back to. But I would estimate that that c- the Wichita Register process could be done within the 6-month time period and possibly even 4 months. And here's why I speculate that. That is speculation on my part. It is because there is a nomination form that is submitted. Then the Historic Preservation Board holds a public hearing. There are requirements for public

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notice prior to that hearing 15 days for mailed notice, ah, 10 days for a public sign. Then there's a complete application that can be submitted depending on the result of that public hearing. Then it goes to the Planning Commission. Then there is another round of public notification. And then it goes to the City Council.

Mayor Wu stated what are the benefits of being on the national, state, or local registry?

Scott Wadle, Planning Department, stated well, some that I can think of right off the top of my head is, number one, you get the recognition of having a historic building. So you can have this plaque on there. You can get that type of recognition. The - the second thing is at the federal level you're eligible for tax incentives. At the state level that is also true. There is tax incentives. At the Wichita level they're not - ah, to my knowledge, there's not the - any Wichita tax incentive; however, there are historic loan programs, which I believe the property would be eligible for.

Mayor Wu stated Scott Wadle, Planning Department, stated Council Member Hoheisel left the bench

Council Member Hoheisel returned to the bench.

Mayor Wu stated can you explain further the historic loan program?

Scott Wadle, Planning Department, stated ooh, ah, other than - all I can address at - at this time is just to say that we do have one. I'm sorry. I'm not very well versed on the specifics of that program.

Mayor Wu stated I think it would be important to know because there are only financial incentives at the national or the federal -- sorry -- the national and state levels, that at the local level there are no financial incentives. I have heard that this - if it would require the time frame, how - how the property owner would be compensated? If the process would either require them to shut down or - or not be around for some time, how would they be financially compensated, if they chose not to operate?

Jennifer Magana, Director of Law, stated no procedure for that, Mayor.

Mayor Wu stated so the historic loan program would not be able to - to pay for that?

Jennifer Magana, Director of Law, stated no, about the historic loan program.

Scott Wadle, Planning Department, stated I would comment that the historic loan program, just based on my small knowledge of it, is that it's generally for improvements or enhancements to the property, re-

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refurbishment to the property, not for operating expenses. Furthermore, I would just add to that, that, the discussion today is about whether or not to extend the interim control period. The interim control period just refrains the owner from pulling permits for or the city from issuing permits for demolition and for, um, modifications, ah, that might have an adverse effect to the property; it does not prevent them from operating the property.

Jennifer Magana, Director of Law, stated similar to other dem- demolition reviews the City does, there's - there's no procedure for compensation during that period.

Mayor Wu stated thank you for the questions regarding the three different registers and also how to - what would be an incentive. Council Member Glasscock?

Council Member Glasscock stated thank you. I have a few additional questions. Since February 13, when the Planner had made this designation, has anyone in the community started a pe- petition to add either - to either registry?

Scott Wadle, Planning Department, stated I am not aware of one.

Council Member Glasscock stated okay. So we haven't been made aware of a movement to add something to registry?

Scott Wadle, Planning Department, stated no.

Council Member Glasscock stated okay.

Scott Wadle, Planning Department, stated and I guess I would - I would add to that too that, we have not received an application for listing either, so

Council Member Glasscock stated what is the penalty for demolition? So, if the applicant decided just to demolish the property tomorrow regardless of what vote we take, what is the penalty?

Scott Wadle, Planning Department, stated I'm going to consult the Municipal Code and see if there's anything in the Historic section on that.

Jennifer Magana, Director of Law, stated I think while he's looking is it to be - it would be demolition without a permit. And I - I don't know the penalty, but there needs to be a permit for demolition.

Council Member Glasscock stated yeah, so if someone just demolished the property without a - a permit. .

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Jennifer Magana, Director of Law, stated yeah, that's something we'd have to research

Council Member Glasscock stated I - I'd be interested in that before I vote today, if we can try and get that answer, if there's a criminal penalty, if it's just a fine what the fine is, if it's nominal or if it's a significant fine. I think that contributes probably this conversation as well. While we're looking at that answer, the next one would be on Page - well you don't have to do it. What benefits does -- and I'm trying to pull up the exact language -- the undesignated historic resource offer? What - why would someone put their building on the undesignated historic resource?

Scott Wadle, Planning Department, stated and I - I don't know if that's done electively by property owners. I get the sense that that is done by the City Council in recognition of historic significance that it is a property that is not to the level that it's been through the action to get it listed. I think the sole benefit of that, in my mind, besides having a little bit of prestige, is that, it raises these questions. I believe it was - the way that the Municipal Code is written, I believe that the intent was to flag properties that are an important resource not listed, and should they come up for demolition in an instance like this, that there will be a review - there is a possibility of a review process

Council Member Glasscock stated I think in the future there's a fear of, if there's that level of designation and then there's another - another level designation, another level, another, like what do you have to achieve to be able to have this conversation and make it easier maybe for applicants in the future. Because I - I don't know the difference between them, so I imagine a lot of other people in the community don't know. Regarding, is there anything in a code that would allow for the preservation of the facade - solely the facade of the building? So let's say if the applicant wanted to tear down the structure, is there anything - any termination to save the facade of the building?

Jennifer Magana, Director of Law, stated have to look into that. I'm not aware of preservation for just a facade. I think we'd have to - I just don't know.

Scott Wadle, Planning Department, stated yeah, I - I don't know that when it comes to a demolition permit whether there is the ability for the City to impose additional cons- conditions beyond the property owners simply checking the boxes of disconnecting utilities and going through the correct process. Now, if a building is listed I have seen this in other communities where that can be a mitigating factor to - that the property owner will preserve the facade, but that is something that comes up through the historic preservation conversation. Not - I'm not familiar with the process through the demolition permitting process.

Council Member Glasscock stated okay. I believe I probably have two more questions. You said the applicant hasn't answered the letter dated on -- oh gosh, I can't find - February 20th regarding the five options?

Scott Wadle, Planning Department, stated and we have not received a letter or an email that I'm aware of. The applicant is here today.

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Council Member Glasscock stated okay. The last question I have regarding - is really regarding precedent. So my home is built 1920. Theoretically, if we were to offer a stay on this demolition permit, could anybody, theoretically, also without my will put my house on historical registry, start the process where then I'm prevented in the future from using my property how I would see fit?

Scott Wadle, Planning Department, stated According to the Municipal Code, it is possible that there could be an application submitted. But, let - let me cover that real quick, because there are only certain people who can submit an application for the - a property to be placed on the Wichita Register, again with the knowledge that at the federal and the state level, if the property owner objects, the application does not go forward. So for the Wichita Register who can nominate it? It's property owners or a minimum of 50% of owners of a - of a District. The second one is a majority of the Historic Preservation Board. The third one is a majority of the City Council. And the fourth one is other, if accompanied by consent of the owner. So in order to not have the consent of the owner to initiate this process, it would take either a majority of the Historic Preservation Board or a majority of the City Council.

Council Member Glasscock stated so theoretically, we could prohibit any person in the community and designate their property without their will from this body with the current codes.

Scott Wadle, Planning Department, stated ah, it would - it would initiate the process. It doesn't mean that it would be added. That - ultimately it will take the Historic Preservation Board, the Planning Commission, and then finally it will come to the City Council for a decision about whether or not to list it.

Council Member Glasscock stated okay. The last question I have, um, one of the rationales for extending the interim control period - well actually the interim control period, is regarding documentation, measuring, drawing, the schematic side of the preservation of the building. So let's say if they move forth demolition, we can at least res- record the historic nature of the building. Correct?

Scott Wadle, Planning Department, stated yes, sir.

Council Member Glasscock stated how long - one, has that process begun; and two, how long is that process?

Scott Wadle, Planning Department, stated that process has not begun in the sense that we've not collected any additional photos or documentation beyond what you've seen in this PowerPoint today. How long would that process take? Ah, I don't know. We have not done that in a very long time, so I - I don't have an estimate for you today.

Council Member Glasscock stated I have some heartburn that maybe we didn't start moving forward with that when the demolition permit was applied for, because then automatically we have to extend it, if the goal's, the preservation of the historical nature of the building, the drawings, and the schematics, why that wasn't started when denied or that we held a stay on the demolition permit. So that's just a matter of I think in the future, making sure that we cross all our Ts. Thank you. I think that's all my questions right now.

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Mayor Wu stated I'm just going to add a couple of things. The applicant - or -- sorry -- the property owner did email all of us yesterday at 4:29 pm, and it was sent to all Council Members. It had - so it does have a response to the letter from the Wichita Metropolitan Planning Commission, um, dated February 20. So there is a response from the ap- or the owner. And as you mentioned, the owner is present today. I do have a couple more questions. Maybe these might be for the owner if the owner is willing to come forward.

Mike Brown, property owner, stated Hi, Lily.

Mayor Wu stated I wanted to know if you are interested in a- allowing the City or in this situation the Historic Preservation Board or the Council to put your property, your private property, onto the local, state, or national registries.

Mike Brown, property owner, stated I am not.

Council Member Johnson left the bench.

Mayor Wu stated and second question, are you - would you consider selling your property?

Mike Brown, property owner, stated anything can be for sale.

Mayor Wu stated so any community member - we've heard a lot of feedback from this community wanting to preserve it. But we keep reminding them this is not a public property. Unlike Century II or the former Central Library, which are public properties, this is a private property, and so it would be back to the private owner to decide whether or not he would want this - want his property on the register as well as whether or not he would want to sell his property.

Mike Brown, property owner, stated correct.

Mayor Wu stated if there are members of the community who are interested in buying your property, whom should - how can they get a hold of you?

Mike Brown, property owner, stated Info@kismetconcerts.com. I have a question actually, and - and it - and it may be for, Scott. Ah, the process for you guys to arbitrarily take private property and put it onto a landmark status in Wichita, is it that you need all three of those things to happen, that you need 50% of the owners - and is that in the entire district, which would be District 1, so you need 50% of the people that live in that district to vote to do it? Then do you need two-thirds of the City Council? And then there was a third hurdle. Do you need all three of em or one of the three?

Scott Wadle, Planning Department stated so, one question was about who can nominate it. And the reference to a district is actually for a proposed Historic District. It's not for a Council District. So in this instance then, the property owner or, ah, if it's a district of multiple properties, 50% of the owners of those properties. So, I th- that was one of the questions. The other one was about the vote threshold? Is that right?

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Mike Brown, property owner, stated right. I'm just curious. Is - is it - if - if - you've got three hurdles there. Right?

Scott Wadle, Planning Department, stated it. . .

Mike Brown, property owner, stated so one em is 50% of the people in the District. Right? And-and that's the Historic District, correct?

Scott Wadle, Planning Department, stated should I go ahead and address that? Okay. So, in terms of a hurdle, this is just simply who can submit - who can nominate it.

Mike Brown, property owner, stated let me, let me simplify it for you, Scott. So you said...

Council Member Johnson returned to the bench

Jennifer Magana, Director of Law, stated wait, wait, wait. Under ordinance, public comments are directed only to Council. If you have questions, you can converse, but they should not be a back and forth between speakers.

Mayor Wu stated I believe we're still in the questioning phase, have not started public comment. Is that right?

Jennifer Magana, Director of Law, you can conduct it how you wish.

Mayor Wu stated we will ask if you have a list of your questions, Scott will be able to answer. Again, because we're in the questioning phase

Crown Uptown owner stated sure, sure, sure.

Mayor Wu stated it's the Council Members that are questioning. And I did ask you specific questions. I will direct that specific question so that Scott will have the opportunity to respond.

Mike Brown, property owner, stated I'll re-pose those to you. So first is, is the Crown Uptown Theater in a designated Historic District? Go ahead.

Mayor Wu stated if you don't mind . . .

Mike Brown, property owner, stated sure. All of em?

Mayor Wu stated listing all your questions, and then Scott will be able to answer all the questions at once.

Mike Brown, property owner, stated so, if it's in a Historic District, is the vote of 50% of the people that are in that Historic District, business owners in that district? Just exactly who votes and in what district? If that is the case, is it the fact that you're going to take - so let's say that 50% of the people in whatever

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district we're trying to identify that we're going to vote in, they vote yes to - to hold us up or landmark this building. Then does it have to come to Council, then does it have to go somewhere else; or is it any one of the three will put this building against our will, which is basically a take and controlling the asset without our - without our permission or our want?

Mayor Wu stated are those your remaining questions?

Mike Brown, property owner, stated that for now, yeah.

Mayor Wu stated so I will ask Scott those questions, because I believe that this is only for the Wichita Register, not for the state or the national register and because Wichita has a specific ordinance regarding this. And you reminded me that the Wichita Register has no financial dollars that are tied to it, like a tax credit at the state level or a tax credit at the national level. Here it's just for recognition purposes and the possibility of applying for a historic loan program, but there's no other financial incentives to be on the Wichita Register.

Scott Wadle, Planning Department, stated ah, to my knowledge, that's correct. And I will confer with staff when I get back to the office and then provide you an update if I find out otherwise. But that's correct because the State is able to offer a state tax credit because of the nature of how they collect their finances. The same thing with the federal. At the local level there's just not that mechanism.

Mayor Wu stated and so now I'll ask the question that the property owner asked. To apply for the Wichita Register it would require either or all, number one, the property owner, or the Historic Preservation Board, or hi- City Council by majority vote, which was a supermajority vote, right, five out of seven?

Scott Wadle, Planning Department, stated in this instance I do not, ah, believe that that supermajority counts for just the nomination. The nomination is just getting the process started for the final vote about whether or not it actually goes on the list. If the owner objects, then yes, it does trigger that majority - ah, sup- you know, extra majority vote that's needed. So - so I think to address, Mr. Brown's question is that yes, there are - there are certain hurdles and thresholds that need to happen at different stages. The first one to even get the ball rolling is to nominate the property. And in this instance, because it's a single property, it can either be just the property owner, a majority of the Historic Preservation Board, a majority of the City Council, or, another entity, or organization, or person, as long as it's accompanied by the consent of the owner. So - so - so that one is one hurdle. And then you go through the process of - so that's the nomination. Then it goes to the Historic Preservation Board, and they're going to consider it. Then it's going to go - and there's going to be a public hearing there. So there'll be public com- you know, invited and advertised. Then there's a complete application submission. So you - an even more in-depth form needs to be completed and submitted. Then it goes to the Planning Commission. They're going to weigh in on it. And then ultimately it comes to the City Council for a final decision.

Council Member Glasscock stated thank you, Mayor. The only comment I want to mention is I did not receive the email from the applicant yesterday. My email address was spelled wrong. And so, Councilwoman Ballard forwarded me that so I could review his response.

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Mayor Wu invited public comment.

Holt addressed the City Council hi. I did prepare a speech, but I'm going to to address a few things that were brought up during the - ah, when Mike Brown was up here and also, um, Dalton, when, ah, you asked about setting a precedent about your personal property. I also live in a home that was built in 1917, so I feel that I would not want my personal property just added to a national registry without me enacting that as a property owner. However, I do think that a public building that has been cherished by so many members of the community is vastly different than both of our private properties and/or even a different commercial property that has not had the same significance to our community. So that's the first thing I wanted to address. Secondly, Mr. Brown came up and said absolutely no, he would not consider adding the property to the historical registry. However, I would encourage you to go back and look at publicly recorded, um, meetings that we have all been at where he has stated during his occupancy increase that is something that he would be willing to do. So I would wonder what has changed his mind so vastly and to be so hard set on that no when he had originally said yes that would be something he would be willing to be - look into. I believe that was at the last, ah, building meeting that was hosted about his occupancy increase. Now I will read. Ah, I am speaking today on behalf of myself, my husband (Steven Hohl), owners of the building directly connected to the Crown, and residents of College Hill, Robin Van Huss, Art Davis, owners of multiple College Hill commercial properties, Trish Hileman with the College Hill Neighborhood Association, and Arthur Allen with the Hillcrest, along with 404 signers on Change.org, a protest that has not even been actively advertised to save the Crown, on top of hundreds of social media comments. So that was also asked, is there a petition? There is one kind of going around, but I think in general the public is also confused as what we can do to help promote to get this onto the National Registry. We would like to urge Council to vote to enact the 180-day waiting period regarding the demolition permit filed for the Crown Theater. I still wholeheartedly believe this is a strategic tactic by Mike Brown. It is my firm belief that this delay is crucial to safeguard a significant piece of our community's history. It seems to me that Mr. Brown's intent behind the demolition permit is to exert undue pressure on the Council to concede to a capacity increase. Such tactics should not influence decisions that have long-term repercussions on our community's architectural heritage. Regardless of its formal designation, the Crown Theater holds immense historical and cultural value for Wichita and, more specifically, for the College Hill neighborhood. As we move forward with the overlay plan for College Hill, one of our primary objectives is to maintain the area's architectural integrity. The Crown Theater is representative of the historical narrative we wish to preserve. While I'm a property owner and a staunch supporter of property owners' rights, these rights must be balanced with the collective interest of the community. Zoning laws serve as a testament to that fact that property rights are not absolute. As stewards of historical sites, we have a duty to protect these landmarks from irreversible changes. Allowing the demolition of the Crown would undermine efforts to preserve our city's heritage, which the Council has prioritized by invest- investing in the College Hill overlay plan. Demolition of the Crown is not just the demolition of a building; it would be the demolition of cherished memories and symbolism to Wichitans. Whether it's the memory of attending children's theater with your grandparents, or engagement pictures, or brothers' memorials, or fun nights with friends, this building is more than a building; it's the symbol of memories and many Wichitans first or only experience of the performing arts. To allow demo of the Crown would be the demo of history, culture, and nostalgia for our community. I urge the Council to lib- to del- deliberate thoughtfully and act in favor of preserving the

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Crown Theater. Let us protect a cherished symbol of Wichita's past for future generations. Thank you for consideration and dedication to our community's heritage. Thank you.

Second Speaker addressed the City Council and stated goodness, it's afternoon. So good afternoon. I'm surprised that there are only two of us here speaking to see that this building be preserved. I came representing 200,000 people in Wichita, probably more. These are the artists who have participated at the Or- at the, -- I call it the Orpheum -- at the Crown Uptown until the current owner bought it. I - be- before he bought it I was there dozens and dozens of times for everything, recitals, dance performances, theater, movies shown by Tallgrass, memorial services, and so on. I haven't been there since. I do know that the capacity in that is no way the - anybody who walked in that building would know that you couldn't possibly put 2000 people in there without dire physical consequences. I - I know of a building in Wichita that was torn down that had three designations, local, state, and federal. It doesn't necessarily mean that it would be preserved. I'm talking about the real - the - the value of this building as an architectural gem, as a viable venue, which is desperately needed by our community. We really have missed it because we - we were not allowed to go back in when the new owner came along and canceled contracts with local companies. And we miss it. We need this size of a building and need - need this size of a - of a venue for performances and all the other things imaginable that will - that could fit into that lovely place. One of the reasons it hasn't been designated yet is that, if a building has historic preservation, you can't make any alterations on it. And I know until quite recently, when Jay Basham owned it, he got a grant to put a new marquee up. And I think he - I don't remember the amount of money he received for that, but it was in the six figures grant to put a new marquee. He could not have done that. had it been on a registry. So that's one of the real reasons that buildings and owners are reluctant to put it on a registry until or unless everything is already done that they need to do to maintain these magnificently built and beautifully constructed - and I mean constructed for permanence. It will stand there as long as we allow it to. I don't know what else I can say, but I'd be happy to answer any questions. Thank you. Please, please, please, let us keep this building. Whatever you can, I beg you, thank you.

Matt Jackson addressed the City Council and stated good afternoon Mayor, Council Members. I made a few notes here. I also own a building in District 1 just a few blocks down from the, uh, Crown Up Town. I recently purchased it. It's in disre- disrepair and I'm very proud of the fact that we're able to make that part of this beautiful town look a little better than it is right now. I'm here - as others have said - that I'm concerned that we're putting the crown of town in danger, um, potentially losing something beautiful and loved. However, I don't believe this is a real issue at hand. The issue we need to address is allowing the new owner, Mr. Brown, the option to run his building and his business as he sees fit. The city has provided alternatives to the proposed demolition permit. Unfortunately, ignored on those alternatives his original request for increased capacity. It is my belief that government entities and small groups of individuals should not have the power to make such a significant impact on the way an owner is allowed to conduct their business. Decisions made in the Crown today have the potential to either allow the Crown to become an even more thriving center for arts or potentially fall into disrepair, pot- potentially even - even be removed. As a responsible community, we should welcome innovation and be prepared for challenges to our status quo. This is how wonderful cities like Wichita flourish and grow. The Douglas Design District and College Hill residents often talk of plans to improve the commerce, prosperity, walkability, and overall pride in this beautiful part of Wichita. The Crown was built in 1928 with a capacity of 1500. The current capacity number was, my understanding, was reduced by the prior owner

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only to mitigate tax liability due to the fact that taxes are or were assessed based on capacity. It could be assumed the prior owner was not able to maintain necessary cash flow or profitability, otherwise that owner wouldn't have attempted to avoid this tax, which would entail a sacrifice of revenue and ultimately could not afford to maintain the business. My recommendation is to allow the new owners of the Crown to make their own decisions with this historic building. Let them make the Crown a place people want to be. I know many of us have fond memories of visits to the Crown. However, I would challenge all of us to consider the last time we bought a ticket for a show. I know for myself it had been about 40 years. Meanwhile, I always enjoy seeing the - the, uh, marquee shining brightly on Douglas during my commute to and from my office downtown. Also, many people don't want to accept this, but businesses must make money, otherwise they cannot stay in business. They cannot pay taxes, maintain jobs, resources, and in this case, provide entertainment. As a business owner, Mr. Brown is trying to make the rational business decisions to make money so that that building can maintain in good operation. Let's also keep in mind that no one is forcing people to buy tickets to these events. I believe the capacity issue will resolve itself based on how willing people are to buy tickets. Buying a ticket will be a decision based on many factors. One factor is ease of access. The city is a - is walkable, especially the College Hill area. Wichita also offers a variety of options for private and public transit. Most importantly, it will come down to the quality of the product the new owners of the Crown can deliver. We seem to be eliminating that ability by delaying the proposed capacity changes. I believe delaying Mr. Brown to continue with his plans is unnecessary and would be an irresponsible overstep by our community. Government needs should encourage innovation and partner with owners to progress and develop. Too much wasted time will kill anything. Let's stop wasting time on this issue. Meekly threatening the owners with failure by delaying important decisions. That is not - not strong leadership and does not reflect well in our city. Lastly, I am far from an entertainment - or far from an expert in the entertainment - entertainment industry. I don't believe there are many in this town that are. Mr. Brown is an expert and a successful owner in this industry. Let's allow him to do what he does best and move on. Thank you.

Mayor Wu stated we'll continue with public comment. I see none. We'll bring it back to the bench. And we'll start with Council Member Glasscock.

Council Member Glasscock stated thank you, Mayor. I just have a few more follow-up questions for Scott. Number one is the 180-day hold. There's two possible objectives. Number one, is it to prevent the demolition and give the public the ability to add this to the registry? Or number two, is it to preserve the historical history in line with the Historical American Buildings Survey?

Scott Wadle, Planning Department, stated so, yes, one is to consider whether or not to list it. The other one is to consider alternatives, which can include doing that survey and historic inventorying of the structure.

Council Member Glasscock stated going back to the follow-up to my questions that I had previously regarding penalty, did we figure out what the penalty of demolition is if they were to demolish it tomorrow?

Jennifer Magana, Director of Law, stated it is not clear, because it's deep into the, um, IBC and the IEBC

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codes. We're just not confident we can say that there are penalties. We believe it's - it's - it's just a violation of a code, so it would be a m- okay, you're here. Okay.

Chris Labrum, MABCD, stated so, uh, yes, Councilman. Chris Labrum, Metro Area Building and Construction Department. So our penalty in this case - based on the code - would merely be an increased fee for not getting the - the permit in advance. So the - the permit for a commercial demolition is, I believe, \$50, so that would increase his fee to \$150. Uh, the main objective is to ensure that it was properly permitted and then that the demolition was inspected. So, and - and that it was left in in the proper state at the end of that. So really any penalties, associated with that would be anything that a historical, uh, significance was placed on the building that. The - the code would really not enact that much of a penalty.

Council Member Glasscock stated given that's not a historical building, Mr. Brown could take a wrecking ball to it tomorrow for 150 bucks.

Chris Labrum, MABCD, stated that - that would be a possibility, I assume, council member, so we - we

Council Member Glasscock stated okay, and then

Chris Labrum, MABCD, stated when - once we noticed that was taking place, we would levy a stop work order on the property and - and - to stop the demolition. So that would be a factor.

Council Member Glasscock stated and then the last question - this was probably for Scott, regarding the schematic question two. Did we consult to see maybe how long it would take to do the Historical American Building Survey, HABS?

Scott Wadle, Planning Department, stated yes, I, have not been able to because, I really think that that's something we would have to hire a consultant to help us out with. There are historic preservation consultants who have experience doing this. And so that would be the avenue that I would look to for that. I- you know, it's just a matter of contacting them and asking what their estimates would be for a structure of this size.

Mayor Wu stated before we continue with comments, are there any questions left? I have one question for you, Scott. One of the public comment individuals mentioned that this is a public building. Can you address if any public dollars have been used to renovate or in any way help this structure be in existence?

Scott Wadle, Planning Department, stated I'm not aware of any, but my knowledge to that is - is not very broad or very deep. So - but I'm personally I'm not aware of any.

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Mayor Wu stated so again, this is a private building, one more time.

Scott Wadle, Planning Department, stated It - it - it is privately owned.

Mayor Wu stated and so one of the questions I have received over the last week, people have compared it to the Orpheum Theater, which is a non-profit. And that is a building owned by the Orpheum Board. But in this situation, this is very different. While they're similar in the building structure, they're very differently owned. One is nonprofit, this one is privately owned. And again, over s- what we would be doing from this council according to what is being presented, would we be overstepping as a government into private property rights since there were no public dollars used to build this building?

Scott Wadle, Planning Department, stated I'm going to take that as a question, and I - I believe that that's the reason why this process works the way that it does, that it comes before the City Council is prim- is to answer that question. And so it's - I - I think it's a question for the City Council to determine what's appropriate and in the best interest of the community.

Mayor Wu stated but again, no public dollars. Unless you find that information, there have been no public dollars - so taxpayer dollars - to renovate or create this building.

Scott Wadle, Planning Department, stated again, not to my knowledge. But again, I would only know about it if it was brought to my attention. We besides providing some input in the Wichita's Historic Loan Program, we - we generally are not involved in public funding for private structures.

Mayor Wu stated thank you very much. We will now continue with comments from the bench, beginning with Vice Mayor Johnston.

Vice Mayor Johnston stated thank you, Mayor. This is just information only. Celeste Racette is my appointee for the Historical Board. And she's passed on some information today that is interesting. There's a Senate bill - this is from her - there's a Senate bill that was passed, moving now through the House, that would expand historic tax credits to 45%. So, a possibility for state historic tax credits. Just information only from Mr. Brown.

Mayor Wu stated are there any further questions? Because it seems like that was a comment with some sort of - and I would be curious to ask the property owner if that has changed your mind in allowing your property to become a historic property.

Mike Brown, property owner, stated as I reiterated in my letter to all of you - and Dalton, I apologize for spelling your name, I don't know how I could have done that. It's very common - not an uncommon name there, but, look, we - we never intended to have any other plan for this building other than arts and entertainment and for it to be a part of this community for the next 100 years. Only until such time that we had the issue with capacity, that that arose that - and then we got to this point where we are. We've been to two Planning Commission meetings. The Planning Commission has approved this request twice. You

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guys sent it back once, you voted it no the second time, all knowing what the outcome would be, and I covered this in my letter. As I stand here today, in my heart, I don't want that building to go away, but as a fiduciary responsibility to myself, my partners, and my family, as that building sets, the way it is restricted in use, is not feasible. Now if you guys want to come back to the table, I - I - I - and it's like - I've not reached out to the community. I haven't done all of these things. I reached out to Chris last week, we had lunch at a fantastic place that I've thought only had sandwiches but they had killer meatloaf. Old Mill Tasty Shop, I'm going to give them a free spot there, is fantastic. You know, and - and up until I walked in here to the last council meeting, we were literally emailing each other trying to get to a solution to how we can get around the bureaucracy that is stopping this building from doing what it needs to do. You know, we've - in - in my letter I covered the comments of, you know, College Hill is a fantastic neighborhood. Wichita is a fantastic place. I've been up in Wichita for almost 30 years, you know, and I've shared this with all of you. I worked for Jack at Candlewood. I came back and did the buildings down at the Scottish Rite Place. I increased capacity there with no issues. That building is, you know, constructed completely different with no real fire protection safety. So if we're really talking about a life safety concern, it doesn't exist. I spoke with Chris Dugan, who was your fire marshal, yesterday, confirmed again that he has no real issue with life safety in that building. And I would encourage you to ask him personally. The issue that he had when you asked him last time we were here if he approved my request to increase capacity and he said no. That was because he thought that you were asking does you improve it as it was written for him to be solely responsible for him making the decision, and that he did not support. He does not have a life safety issue with the number of people that I'm asking to put in this building. So what I would come back to you guys is, I only went looking for other alternatives for this site after we were restricted from o- operating it as we felt that we should have been. None of this information showed up in the title work. Uh, and quite frankly the - your - your historic process of picking properties out by driving around in 1991 and saying they're historic without the property owner knowing, there are a lot of things in there - a key word that I want you guys to remember is taking. And I'm sure that your legal office knows what that comment will mean, but - but pay attention to it. As I said in that letter, I'm open if you guys can get around your capacity restrictions and the fearmongering that is happening - just like with Andy's Custard. There was going to be a huge traffic issue, we had all of these - you had all of these complaints, there was going to be crashes and runs. That restaurant's been there. I don't know how many traffic accidents have caused because of a backed up drive-thru line. Just like I sent you drone footage when we had almost a - we had a full house. Surface lots open, people parking on Douglas, people standing out in the middle of the streets taking photos. Traffic's not a problem, walkability's not a problem. People aren't parking in the neighborhood directly behind the Crown or near it because the surface streets - the street lots are full anyway from residents by the time it gets to the evening. So if we can get around all of the anxiety and of change and help Wichita grow and let me generate tax dollars. We've got four or five other assets up here we'd like to develop, but the push back from the city and the community to a developer - I mean, if you're an outside developer paying attention to this - and I know a lot of them and they pay attention to what we do - why come to Wichita with - with all of this effort and work when you can spend your cash somewhere else? I mean I want to be here. We've made a ton of friends up and down Douglas, from Belmont to Fiorito the guys at our coffee in your district. I mean, the - i- it's a great - it's a great city. But this type of restriction back to developers that aren't doing anything that's not a code issue - this is a code issue. It's not an emotion issue, it's a code issue. Not today it's not, but the reason we're here. So if you guys want to come back, I think these guys have gotten to the math looking at the architectural drawings. We can get to less than 2000 and I'm agreeing to it to 1750, I'll put the building on the national register, I'll put it on a local landmark status. But if you guys get the capacity, do you have the ability to vote for it today? And we can just end all of this and we can go forward. Otherwise, you can - you can restrict my ability to operate a private piece of real estate in a private business, shun me away from ever coming here again to do business and probably a few people that I

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know, which that's not a threat, it's just a reality. When you - when you like somewhere and you're treated well, you'll come back. I think we can do lot for the city. I want to be here. I - I - I think that it's a - it's a sad day. I mean I've never torn down a historic building. I'm a preservationist. Every building that we've developed in the past is historic and being preserved. That's all I have for you guys. But if you guys - anybody have the ability - I don't know legally if they can make a motion to do our stuff here today, but I'm glad to, you know, you know, do something. And one thing that we've done is I anticipated you guys holding us up. So when you see content happening in that building over the next 6 months. It's - it's not that I was bluffing or that, you know, I - I don't have intentions to redevelop that site. It's that I need to mitigate my losses that I've been experiencing every day there by not being able to operate the building to its fullest extent. Thank you for your time. I hope that we can resolve this.

Mayor Wu stated and again, we cannot do any of that from this bench. That would be taking away from the process that actually is already in existence. So to answer your question, the answer is no. Council - Council Member Johnson.

Council Member Johnson stated thanks, Mayor. Before I say what I was going to say, I would encourage everyone to go back in the record, listen to Mr. Brown say that they've had nearly o- and he stopped. Probably going to say nearly 1000 people, capacity is 850. So that drone footage is probably from over capacity facility. I was actually going to make a motion and I moved that the council extend the interim control period to a total of 180 days, which is August 4, 2025.

Council Member Glasscock stated thank you, Mayor. The - the reason I asked the question about schematics, which we didn't get an answer in terms of the preservation for HBAS, that should be the decision this body is making of how do we preserve the historical nature of it if the property owner chooses to demolish the property. And so without that knowledge, I can't vote to extend it arbitrarily 180 days. I believe that property rights are universal, whether that be a local guy, or an out-of-state guy, or a good guy, or a bad guy, property rights are universal. And I believe - and it has been articulated - this is a private building. Whether that's commercial or residential, it's still a private building owned by a private operator. And I believe that we have rights to life, liberty, and property. I think the Fifth Amendment, the Due Process Clause, protects that. And when I took an oath from this bench was to uphold the Constitution. And regardless of my personal feelings about the preservation of the building - I do want the building preserved. I'll say that on record. I hope that you do not tear down the building. It is part of the fabric of Wichita. It's part of the history of this community. I've attended numerous events there, my parents have, my grandparents, and as a Wichitan, I'm urging you not to do so. However, I don't believe that as a council person I can direct you to save it in this capacity. And so I'm not doing this for you, I'm not doing this for the applicant. I'm doing this because I think all of us have personal property rights and that those should be protected. I don't know where we stop. I don't know where the collective history has greater stake than an owner and an individual owner at one point and at what point does that sway - what levels of feelings does a business - or does a building have to give someone for then us to be required to keep the building? I think that's arbitrary and can be interpreted differently for different people. And so again, I struggle with this. I love the building. I want the building preserved. I want to keep the building, but I also can't in this capacity force you to keep the building. I can just ask you to do so. And I would hope that our historic board - the historic preservation board proactively works with the consent of the

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owners to add other buildings in this community that are part of our history and integral to this community proactively to the board, so we don't have this conversation again. So when a future individual purchases a building, they know what they're getting into instead of retroactively adding this. And so I - that's why I can't arbitrarily support the 180 days. And I don't think a few of my questions - again, regarding the schematics were answered. But please do not tear down, please be a participating member of this community and preserve the building.

Motion:

Council Member Johnson moved to extend the interim control period to a total of 180 days (August 4, 2025).

Mayor Wu stated I will add a couple of comments. And it really goes back down to, I know that the very first individual who spoke talked about property rights. And the other portion that you talked about was being a public building. And unfortunately, according to staff, there were no public dollars to prop up this building. And as also a patron of attending events at the Crown Uptown and as a longtime Wichitan, I do believe that it is a historic piece of our Wichita history. But because a private property owner did not have that opportunity prior to knowing that it was going to be either forced upon him or - not even at this point, he's - he has previously said he's not willing to go through the process to put it through the national, state, or local registry at the moment as is, I don't want to overstep government's role here. And so I actually will have a substitute motion, rather. The substitute motion will be similar to the 180 days, but I would shorten that if that would allow staff time to - whether it's the community time to have this discussion further. So I will provide a substitute motion to - for the Council to extend the interim control period for up to 30 days from the date of receipt, so an additional 30 days and today's receipt would be March 4.

So this would allow time for the property owner - whether to talk to community members about selling the property or any further discussions regarding how to preserve it. Because again, from hearing not only from community, we want and we're asking that you preserve this building, but it is this private property owner's right to determine what he would like to do with his property. And as someone who stepped up to the plate and said he's also a preservationist and does believe in preserving these beautiful historic buildings, we are urging - asking that you would work - whether in selling the property or talking about how it can be preserved. So I'm asking for 30 days and that's my motion. Is there a motion?

Motion:

Mayor Wu moved to extend the interim control period 30 days from March 4, 2024
Motion failed 3 to 4 (Nay: Brandon Johnson, Mike Hoheisel, Dalton Glasscock, Maggie Ballard)

Council Member Glasscock stated yeah, my question - again, thank you, Mayor, would be for Scott. I know I've asked this previously. If this motion were to pass today, could we have at whatever disposal

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we're able to, the historic preservation board go in, start a survey to record the sep- historical integrity of the building? So if the applicant still chooses to move forward with demolition, we would at least have the history captured?

Scott Wadle, Planning Department, stated yes, we can make efforts towards that. At a - at a minimum, with the owner's permission and cooperation we can have staff go in and photograph it. Uh, to the level at which a historic survey is necessary we can also reach out to consultants to find out what that would take in terms of financial resources and time.

Council Member Glasscock stated question for the applicant, then, would - would you in good faith work with the city to allow city planners to go in and record the historical nature of the building within the next 30 days?

Mr. Brown, Owner, stated I'm not going to commit to anything today. What I will do is that in the 30 days, I'll be glad to sit down with you to discuss it. But I don't think good faith has been presented on my side, and if you want to accuse me of breaking the law again, I think you better be able to prove it, Mr. Johnson. Thank you. But, look, again, the solution to this is setting down and working with fire and planning department and letting us get to the capacity. That's really it. That's the savior of the building. Beyond that, I don't know what else to tell you.

Council Member Glasscock stated I would say I would also encourage decorum from the bench as well. And Mayor, I don't think I can support that if the applicant also wil- sn't willing in good faith to allow us to record this historical integrity.

Vice Mayor Johnston stated thank you, Mayor. With the app, Mr. Brown, would you be willing to sit down with the residents in that area and tell them of your plans

Mike Brown, property owner stated, I - I - I - you know, as we go forward with our development plans, they'll be made public.

Vice Mayor Johnston stated can you say that again, please?

Mike Brown, property owner, stated as we go forward with development plans, they will be made public.

Vice Mayor Johnston stated okay. I think it's important to have a - a conversation with the neighbors, too. I would encour- I would encourage that.

Mayor Wu stated I'm going to ask one question. I think it was regarding the demolition of this property. Again, the only current penalty is \$150 if the applicant chooses just to go ahead and demolish?

Chris Labrum, MABCD, stated so - and yes, mayor, so that would be according to our code based on that permit. So, if they were to begin that without a permit, they would incur a fee that is as per code as per

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current ordinance, uh, with that note that we would also stop that demolition as soon as we noticed that it was occurring. We would have to get the building to a safe condition - the property to a safe condition based on whatever progress had been made. Then any - any other penalties associated with that would have to be based on other city ordinances. They would not be addressed by our codes.

Mayor Wu stated there's nothing that prevents the property owner - even if the council votes on 180 days, which is the current - sorry, the previous motion, the one that I have presented is 30 days. Whether it's 30 days or 180 days, that property owner would not have any repercussion other than \$150 penalty for wrecking this building.

Chris Labrum, MABCD, stated And to clarify, Mayor, he would - so we would not be able to issue a wrecking permit for the building. So that includes utility shutoffs. In this case is where - for example, there's a shared wall. So that's one reason we require a contractor to demolish these kind of buildings. And they would have to produce a plan with that, etc. So that - that of course would not be in place and would have to be rectified if the owner was to proceed without a permit So - but yes, accepting the fact that, uh, tho- tho- that situation, the fact that we could not issue a permit, there's - there's no specific penalty within the building code in the MABCD codes for removing a building.

Council Member Johnson stated thanks Mayor. I would just encourage the property owner to go back to this meeting on YouTube and watch the entirety of this item. And maybe there's a different interpretation of the language that was used, but that's all.

Mayor Wu stated I'm sorry, I know that there are others that want to speak, but once public comment has ended, it does come back to the bench and only questions can be asked of staff or the owner. So we currently have a substitute motion of 30 days, same language, just a reduction in the time. It's been seconded. Any further discussion regarding the 30 days? I see none. We will vote on the substitute motion. Mr. Clerk, please open the roll. Motion fails four to three. We will now go back to the original motion which is 180 days. Any further discussion regarding 180 days? Again, I will say that that was the compromise I was willing to make with the 30 days, but the next one will now be regarding the same exact motion but it's a change in time which is 180 days. We have a motion and a second. Any further discussion? I see none. Mr. Clerk please open the roll. Motion now passes 6-1. 180 days passed. Mr. Clerk, please call the next item.

Motion:

Council Member Johnson moved to extend the interim control period to a total of 180 days (August 4, 2025).

Motion carried 6 to 1 (Nay: Dalton Glasscock).

COUNCIL BUSINESS SUBMITTED BY CITY AUTHORITIESPLANNING AGENDAVII) NON-CONSENT PLANNING AGENDA

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- 1.) [CON2024-00247– Conditional Use Request in the City to Allow Short-Term Rental in the SF-5 Single-Family Residential District, Generally Located on the West Side of North Battin Avenue and Within 350 Feet South of East 2nd Street North \(227 North Battin Avenue\). \(District I\)](#)

Attachment: [Agenda Report VII-1.docx](#)

Attachment: [CON2024-00247 WCC Supporting Documents.docx](#)

Attachment: [CON2024-00247 MAPC Minutes Excerpt.docx](#)

Attachment: [DAB I Memo Con2024-00247.pdf](#)

Attachment: [Resolution No. 25-099 Conditional Use to Permit Short Term Rental on Property Zoned SF-5.docx](#)

Scott Wadle, Planning Department, presented the item.

Vice Mayor Johnston left the bench.

Vice Mayor Johnston returned to the bench.

Council Member Glasscock stated sorry, I just have two quick questions. What is the density of already approved short-term rentals in the area?

Scott Wadle, Planning Department, stated you know, that came up during the Planning Commission Meeting and it's my recollection that it was somewhere around seven or, six, seven or eight of them in this particular area.

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Council Member Glasscock stated and, like, in the - what's it called?

Scott Wadle, Planning Department, stated it's Uptown.

Council Member Glasscock stated Uptown area. So within the Uptown area, there's seven or eight apartments.

Scott Wadle, Planning Department, stated oh, Crown Heights, I'm sorry, the recent case, yeah.

Council Member Glasscock stated as a West Sider I, okay. And is - has - have any of the other ones been denied in this area?

Scott Wadle, Planning Department, stated interesting question. The answer to that one is it, ah - again, for the short-term rentals there's a process where there's an Administrative Permit that could be applied for. That's generally the first step. And, if more than 50% of the abutting and adjacent property owners protest that then it's a denial of that. This property went through that process and was denied based on protests that were submitted. Those are just - that's described in the Staff Report. I didn't provide that as a verbal overview. However, there is a property that is just on this same block but across the street that, in a similar fashion was protested to the amount that it too has been denied. And is - the owner is now pursuing, we understand, a Conditional Use Application.

Council Member Glasscock stated what percent of our short-term rental applications are denied in the community as a whole?

Scott Wadle, Planning Department, stated it's very, very small. We've - I v- I venture to say, I think the number was close to 300 that we've processed and only a handful - I'd say five or less have been denied because of that protest.

Council Member Glasscock stated okay. And, uh .l . .

Scott Wadle, Planning Department, stated I can get you, I can get you finite number that's just my recollection at this time.

Council Member Glasscock stated that's close enough. The follow-up to that would be, out of those five denials, theoretically out of 300 approximately have all five of them been denied by MAPC as well?

Scott Wadle, Planning Department, stated this is the first one that's gone through this process to this degree, so.

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Motion:

Mayor Wu moved to adopt the findings of the MAPC and deny the requested Conditional Use, authorize the necessary signatures, and instruct the City Clerk to publish the resolution after approval

Motion carried 6 to 1 (Nay: Dalton Glasscock).

- 2.) [CON2024-00282– Conditional Use Request in the City to Allow Utility, Major in the SF-5 Single-Family Residential District, Generally Located on the North Side of East 21st Street North and Within One-Half Mile West of North Oliver Avenue. \(District I\)](#)

Attachment: [Agenda Report VII-2](#)

Attachment: [CON2024-00282 WCC Supporting Documents.docx](#)

Attachment: [CON2024-00282 MAPC Minutes Excerpt.docx](#)

Attachment: [DAB I Memo CON2024-00282.pdf](#)

Attachment: [Resolution No. 25-100 Conditional Use to Permit Utility, Major on Property Zoned SF-5.docx](#)

Scott Wadle, Planning Department, presented the item.

Council Member Glasscock stated I just have one quick question because it's addressed in one of the letters, um, and I just want comfort regarding that. One of the protest petitions said that they were concerned about potential environmental and health risks. They mentioned the long-term effects of transmission or emissions from a facility with close proximity to residential homes. Given that it's close to 29th and Grove as well, are we confident about the risks? I imagine studies went through and I imagine

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MAPC took that in consideration when they were voting. I just wanted assurance of that as well.

Scott Wadle, Planning Department, stated yes. I guess what I would add is that from the dialog that was shared at the Planning Commission Meeting and even a Development Review Application Meeting before that and at the DAB Meeting. My understanding is that this is a prefabricated building that is built to very substantial standards. Within that building essentially what is happening is that fiber optic lines and data connect- connections are being made. So they're being brought up. So it's not introducing any kind of chemical process or any kind of engine other than a generator that would be at the site for emergency purposes. So it's very low intensity in terms of producing any emissions or chemicals from the site.

Council Member Glasscock stated that was never a concern of staff?

Scott Wadle, Planning Department, stated no, i- it's not, based on the description that we've received. And in fact, our biggest concern was about the chilling equipment based on what we've seen in other areas. And to know that this has been described as more of residential scale air conditioners and not the industrial data center that has alleviated I think, a lot of the concern that staff had of integrating this in the residential area.

Council Member Johnson stated

Motion:

Council Member Johnson moved to override the MAPC, approve the Conditional Use with the MAPC recommended conditions with an additional condition or conditions, place the Ordinance on First Reading, authorize the necessary signatures, and instruct the City Clerk to publish the Ordinance after approval on the Second Reading. The additional conditions are that the landscaping shall be one and half times the requirement of the Wichita Landscaping Ordinance, and the subsequent buildings on the site will be located to the west of the original building, there shall be a 70-foot setback from Fountain Street. Motion carried 7 to 0

HOUSING AGENDA**VIII) NON-CONSENT HOUSING AGENDA**

- 1.) [Public Housing Section 18 Disposition Application for Group 3C](#)

Attachment: [Agenda Report VIII-1](#)

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Attachment: [4- Inventory Removal Application Supplemental Attachment Package Redacted 3C.pdf](#)

Attachment: [Inventory Removal Application HUD-52860 - 3C to be signed.pdf](#)

Attachment: [Inventory Removal Application HUD-52860-A - 3C unsigned draft.pdf](#)

Attachment: [Resolution No. 25-103 Public Housing Section 18 Disposition Application for Group 3C.docx](#)

Steve Burt, Department of Housing and Community Services, presented the item. Council Member Glasscock left the bench.

Council Member Glasscock returned to the bench.

Council Member Hoheisel stated thank you, Mayor. Sally, could I ask you a question? Honestly, I've - oh, you walked in. She has sat here and waited literally 7 hours today for this item, so I would feel horrible if you don't get a chance to say something.

Sally Stang, Department of Housing and Community Services, stated no problem.

Council Member Hoheisel stated now these houses - now that we're putting them out for sale like this dispositioning a lot of them are grouped up. Like we talked about the 45 on South Hydraulics.

Sally Stang, Department of Housing and Community Services, stated correct.

Council Member Hoheisel stated so this does provide an opportunity for us to look at, maybe some group plans or some affordable housing plans centered around a lot of these houses are grouped together. Could you just chat a little bit about that, kind of, for the public's benefit here?

Sally Stang, Department of Housing and Community Services, stated sure. Under the Section 18 Disposition Application, HUD will have no more restrictions on the properties. But that doesn't restrict

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us from imposing our own if we chose to. And so the 45 units in what we call South City down at Hydraulic, you know, that is a grouping. There's - there are actually 13 units there where we've already rehabbed them significantly. And we deliberately transferred our largest families - families with 7, 8, 9, 10, 11, 12 family members into these newly rehabbed homes. Because we knew if we issued them a voucher, they would be really challenged to go out into the private marketplace and find a unit to use that voucher. So it's our intent that that grouping - to be able to sell those as a group, as an investment opportunity. These families have agreed to this, which allows them to take their tenant protection voucher and project base it. So, that is o- an example of one project that we know we're going to move in - in that direction with 13 of the 45 units down in South City. That leaves the remaining, you know, 37 units - or 30 -- I got to do the math in my head -- 31 uni- or 32 units down there could be made available as a group. Because, you know, developers see economies of scale with this. We have - also have the group at Arnold and Mathewson. It's another grouping of properties where it might make sense for a developer who wants to come in and maybe leverage other funding resources like tax credits or home - you know, other funds to be able to have bigger impact in neighborhoods. Country Acres is the next one, 35 units over at Central and, Vitten Ridge, highly sought after. Another opportunity to come in and make a whole neighborhood turn around.

Council Member Hoheisel stated so if there's a developer out there or a community partner who would look at this and would like to invest in this and come up with some sort of a plan to address a - again, affordable housing, what does that process look like?

Sally Stang, Department of Housing and Community Service, stated well, once we get permission to dispose of the properties, and right now, like I said on Friday, I don't have high hopes that this is going to move quickly through the HUD systems. This is our largest group, more than double the size of any other. You know, we expect 2 to 8 months for them to approve this. We'll have some time to be putting together information a- and evaluate potential opportunities going forward before we get - because once we get approval then we have to issue tenants 90-day notices before we can sell too. So we absolutely know these groupings are likely not to be made available for actual purchase till the end of the year or early next year. We do have a - a listing an email listserv for developers who are interested and there's over 400 developers who've - who've indicated that they're interested in finding out when these properties become available, and we will be reaching out and sending notices through that listserv.

Any further questions for staff? I see none. We'll open it up for public comment and there's no one from the public, so we'll bring it back to the bench. I will go ahead and move this item. I will move that we approve the resolution and the submission of the inventory removal application and section 18 disposition addendum to the US Department of Housing and Urban Development for 137 single-family homes and seven non-housing properties / ten parcels from the public housing portfolio and authorize the necessary signatures.

Motion:

Mayor Wu moved to approve the resolution and the submission of the Inventory Removal Application and Section 18 Disposition Addendum to the U.S. Department of Housing and Urban Development for

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137 single-family homes and seven non-housing properties/ten parcels from the Public Housing portfolio and authorize the necessary signatures.

Motion carried 7 to 0

AIRPORT AGENDAIX) NON-CONSENT AIRPORT AGENDA - NONECOUNCIL AGENDAX) COUNCIL MEMBER AGENDAXI) COUNCIL MEMBER APPOINTMENTS AND COMMENTS

Council Member Johnson stated thanks, Mayor. I would like to reappoint to the District 1 Advisory Board, Elle Boatman, Kaytie Brozek, and Joseph Shepard.

Council Member Glasscock stated thank you, Mayor. I have a few different appointments. First, I would like to appoint Superintendent Dr. Justin Henry to a full term for the Ethics Advisory Board. In addition, Jerome Castillo for the Land Bank, James William for the Sustainability Integration Board. I would also like to reappoint, um, my eligible members on the District Advisory Board, including Stephanie Yeager, Jonathan Walden, Alan Oliver, Wally Bell, June Johnson, Gentry Thiesen, Alex Garcia-Villatoro, Harry Willis, Gage Hunt, and John Whitmer.

Vice Mayor Johnston stated thank you, Mayor. I would like to appoint Randi Thimesch - reappoint Randi Thimesch to the Wichita Sustainable Integration Board and reappoint DAB members Rachel Thomas, Stacy Wontorski, Dennis Clary, and Grace Coyne.

Motion:

Mayor Wu moved to approve appointments

Motion carried 7 to 0

Council Member Johnson thanks, Mayor. I had two things. One, I've talked to Scott Wadle about this, but just some of the concerns around short-term rentals. As we continue to look at our policy, I'd like to request staff look at best practices and policies from comparable cities or other cities in general to

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continue to improve our practices going forward and also how we address short-term rentals in our comprehensive plan and zoning. That's one thing, but I did talk him earlier about that. And then two, regarding the Crown Uptown, I would like to request staff work to draft a resolution or ordinance to start the process that would nominate the Crown Uptown to be placed on the local Wichita Historic Register for Council consideration.

Council Member Hoheisel thank you, Mayor. I've had a chance to talk to all of you about this. We have an issue with kind of hotel licensing permitting, kind of some of the rundown hotels, especially in my district and out west as well, so I'd like to take a chance or take this opportunity to request that staff put together a workshop to look at doing away with hourly rates at motels and hotels and also potentially, permitting as well. So just letting us know what all options are on the table and see what direction Council chooses to go with.

Vice Mayor Johnston stated thank you, Mayor. I would like to invite everyone, including council members, to the reopening of Westlink Library. It will reopen on the 24th, which is a Monday, kind of soft opening. However, if you want a early look at it, you can have breakfast, our District 5 breakfast, Saturday the 22 at 9:00 am. Also have Stephanie Wise there, who will also say a few words - Sedwick county commission. I invite all of you to come. It looks nice in - on pictures, and so we'll go in and see it and have tours and things too, so.

Council Member Glasscock stated thank you. Residents should be getting their Sedgwick County appraiser's office notice. Just a reminder to all residents that they can appeal the value or the classification. I know that I've gotten a lot of calls about this so far. I want to remind the public that we do not have anything to do with the appraisal process. That's the county and the state. My home personally increased 17.3%. The rental property I have increased nearly 23%. So I imagine there'll be a lot of appeals in this process as well. I just want to remind citizens they have the opportunity to do so.

Mayor Wu stated I see no further comments. I will just add one. Again, an invitation to the State of the City address, which is open and free to the public on Sunday, March 16 at 5:00 pm. at the former Central Library, doors open at 4:30. Again, it will be live-streamed like any other meeting, and it is the State of the City address and inviting the entire public to attend. And now before we can actually adjourn we have to read this. So we are not done yet - sorry council members. I - there was an email. All right. So I have to read these verbatim.

Motion:

Mayor Wu moved to recess into executive session for 10 minutes to receive information on mediation in the lawsuit pursuant to KSA 75-4319B2 for legal consultation with the City attorney, which would be deemed privileged in the attorney-client relationship, pending litigation and legal advice. The executive

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session is required to protect attorney-client privilege and the public interest.
Motion carried 7 to 0

Motion:

Mayor Wu moved to recess into executive session for 15 minutes to receive information on another lawsuit pursuant to KSA 75-4319B2 for legal consultation with the City attorney which would be deemed privileged in the attorney-client relationship pending litigation, ie- legal advice. The executive session is required to protect attorney-client privilege and the public interest.
Motion carried 7 to 0

Motion:

Mayor Wu moved to recess into executive session for an additional 10 minutes to receive information on a civil action to collect debt pursuant to KSA 75-4319B2 for legal consultation with the City attorney which would be deemed privileged in the attorney-client relationship pending litigation legal advice. The executive session is required to protect attorney-client privilege and the public interest.
Motion carried 7 to 0

Motion:

Mayor Wu moved to adjourn
Motion carried 4 to 0

[Adjournment](#)

Meeting adjourned at 5:08 p.m.

Respectfully submitted,

Paul Leeker, City Clerk

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ATTACHMENT 1 - CONSENT AGENDA ITEMS 1 THROUGH 13

II) CITY COUNCIL CONSENT AGENDA ITEMS

1) Applications for Licenses for Cereal Malt Beverages:

a.) Applications for Licenses to Retail Cereal Malt Beverages

Attachment: [CMBS for March 4, 2025.docx](#)

2) Preliminary Estimates:

a.) Preliminary Estimates

Attachment: [PEsforCC_03-04-25.pdf](#)

3) Deeds and Easements:

a.) Acquisition of a Utility Easement from 522 East 21st Street North for the 21st

Attachment: [Agenda Report II-3a](#)

Attachment: [agenda attachments.pdf](#)

b.) Acquisition of Temporary Construction Easements from 2901 North Mead Avenue and 412 East 29th Street North for the 29th Street North-Interstate 135 to Broadway Avenue Improvement Project (District VI)

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Attachment: [Agenda Report II-3b](#)

Attachment: [agenda attachments.pdf](#)

4) Agreements/Contracts:

- a.) Encroachment Agreements with Phillips 66 and ONEOK for Falcon Falls 7th Addition (District I)

Attachment: [Agenda Report II-4a](#)

Attachment: [Encroachment Agreement.ONEOK.docx](#)

Attachment: [Encroachment Agreement.Phillips 66.docx](#)

- b.) Lease of City-owned Property at 315 North Mead (District I)

Attachment: [Agenda Report II-4b.doc](#)

Attachment: [Lease signed and RATE.pdf](#)

- c.) Water Service Area Agreement with Rural Water District 4 for 151st and Kellogg Storage Condominiums (District IV)

Attachment: [Agenda Report II-4c.docx](#)

Attachment: [151st Kellogg Water Agreement signed ex ict.NOT SIGNED.pdf](#)

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5) Minutes of Advisory Boards/Commissions:

- a.) Ethics Board Meeting Minutes January 15, 2025 MABCD Board of Appeals Meeting Minutes December 5, 2024 Wichita Bicycle & Pedestrian Advisory Board Meeting Minutes January 13, 2025 Wichita Public Library Board of Directors Meeting Minutes January 25, 2025 Wichita Public Library Monthly Report January 2025 Wichita Transit Advisory Board Meeting Minutes January 15, 2025

Attachment: [2025-01-15 Ethics Board Minutes](#)

Attachment: [MABCD Minutes.pdf](#)

Attachment: [Wichita Bicycle & Pedestrian Advisory Board Meeting Minutes January 13, 2025.pdf](#)

Attachment: [WPL Board of Directors Meeting 1.21.2025.pdf](#)

Attachment: [WPL Monthly Activity Report January 2025.pdf](#)

Attachment: [Wichita Transit Advisory Board Meeting Minutes January 15, 2025.pdf](#)

Uncategorized Items:

- 6.) Community Event with Alcohol Consumption – Party Out Front (District I)

Attachment: [Agenda Report II-6](#)

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Attachment: [Party Out Front TED Map.pdf](#)

Attachment: [Resolution No. 25-101 Consumption of Alcohol at the Party Out Front Community Event.docx](#)

7.) Community Event with Alcohol Consumption – Courtside at Brick and Mortar (District I)

Attachment: [Agenda Report II-7](#)

Attachment: [Courtside at Brick and Mortar TED Map.pdf](#)

Attachment: [Resolution No. 25-102 Consumption of Alcohol at the Courtside at Brick and Mortar Community Event.docx](#)

8.) (Moved to VIII-1 Housing Non-Consent per Assistant City Manager Troy Anderson) Public Housing Section 18 Disposition Application for Group 3C

9.) Second Reading Ordinances:

a.) SECOND READING ORDINANCES FOR March 4, 2025 (FIRST READ FEBRUARY 25, 2025) ORDINANCE NO. 52-629 AN ORDINANCE MAKING A SPECIAL ASSESSMENT TO PAY FOR THE IMPROVEMENT OF AND PROVIDING A TAX LEVY FOR THE COST OF CONSTRUCTION OF SIDEWALKS IN THE CITY OF WICHITA, KANSAS. An Ordinance regarding special assessments for sidewalks. ORDINANCE NO. 52-630 AN ORDINANCE AMENDING ARTICLE 4, SECTION 4.2.180 AND REPEALING THE ORIGINAL SECTION THEREOF, AND CREATING SECTION 4.2.060 OF THE WICHITA-SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE An Ordinance amending Wichita-Sedgwick County Unified Building and Trade Code. ORDINANCE NO. 52-631 AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED. An Ordinance amending the zoning classification.

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Attachment: [List of Second Read Ordinances March 4 2025.docx](#)

II) CONSENT PLANNING AGENDA ITEMS - NONE

II) CONSENT HOUSING AGENDA ITEMS

10.) Sale of 2336 North Estelle (District I)

Attachment: [Agenda Report II-10](#)

Attachment: [Real estate agreement 2336 Estelle.pdf](#)

11.) Sale of 2707 North Volutsia (District I)

Attachment: [Agenda Report II-11.doc](#)

Attachment: [Real estate agreement 2707 N Volutsia.pdf](#)

12.) Sale of 1110 West Fultz (District IV)

Attachment: [Agenda Report II-12.doc](#)

Attachment: [Real estate agreement 1110 Fultz.pdf](#)

13.) Sale of 1213 East Selma (District III)

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Attachment: [Agenda Report II-13.doc](#)

Attachment: [Real estate agreement 1213 Selma.pdf](#)

II) CONSENT AIRPORT AGENDA ITEMS - NONE