



## City of Wichita Falls City Council Agenda

Stephen Santellana, Mayor  
Bobby Whiteley, At Large  
Michael Smith, District 1  
DeAndra Chenault, Mayor Pro Tem  
Jeff Browning, District 3  
Tim Brewer, District 4  
Steve Jackson, District 5



Darron Leiker, City Manager  
Kinley Hegglund, City Attorney  
Marie Balthrop, City Clerk

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**Notice Of Regular Meeting Of The Mayor And City Council Of The City Of Wichita Falls, Texas, To Be Held In The City Council Chambers, Memorial Auditorium, 1300 Seventh Street, Tuesday, November 16, 2021, Beginning At 8:30 A.M.**

**This meeting can be accessed and viewed at the following locations:**

1. The video may be livestreamed on the City's YouTube page (<https://www.youtube.com/cityofwf>)
2. A livestream will be shown on the Spectrum/Time Warner Cable Channel 1300
3. A livestream will be shown on the City's Facebook page (City of Wichita Falls, Texas Government) (<https://www.facebook.com/CityofWF>)
4. A video of the meeting will be posted on the City's YouTube page (<https://www.youtube.com/cityofwf>)

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**Item #**

1. Call to Order
2. (a) Invocation: Major Kim Feinduer  
Salvation Army  
  
(b) Pledge of Allegiance
3. Presentations  
(a) Presentation – Check Presentation from the Rotary Clubs of Wichita Falls for Playground Equipment at Rotary Park  
(b) Presentation – 2021 Texas Municipal Clerk of the Year, Marie Balthrop
4. Administration of Official Oath to Newly Elected Council Members
5. Recess

## CONSENT AGENDA

### 6. Approval of Minutes

- (a) Approval of the November 2, 2021 Regular Meeting of the Mayor and City Council.
- (b) Approval of the November 9, 2021 Special Meeting of the Mayor and City Council.

### 7. Resolutions

- (a) Resolution authorizing the City Manager to award bid and contract for the 2022 Crack Seal Project to Freeman Paving, L.L.C. in the amount of \$99,645.00
- (b) Resolution authorizing the purchase of a HAZMAT Elite FTIR Spectrophotometer to replace Water Purifications HAZMAT ID FTIR Spectrophotometer, from Smiths Detection, INC., in the amount of \$62,065.88

### 8. Receive Minutes

- (a) Wichita Falls Metropolitan Planning Organization Technical Advisory Committee, July 8, 2021
- (b) Wichita Falls Metropolitan Planning Organization Transportation Policy Committee, July 21, 2021
- (c) Wichita Falls 4B Sales Texas Corporation, September 2, 2021
- (d) Wichita Falls Park Board, September 23, 2021
- (e) Lake Wichita Revitalization Committee, October 12, 2021
- (f) Planning & Zoning Commission, October 13, 2021

## REGULAR AGENDA

### 9. Ordinances

- (a) Ordinance closing and abandoning an alley between 15th Street and Kell West immediately behind 1501 - 1511 Lamar and out of Block 225, Original Town Addition, Wichita County, Wichita Falls, Texas, containing approximately 6,355 square feet as depicted and indicated on the attached plat map
- (b) Ordinance amending Ordinance No. 50-2019 by declaring 1512 Tilden to be a dangerous structure; requiring the property owner to demolish said structure within thirty (30) days and declaring an emergency and immediate effective date

- (c) Ordinance amending Chapter 94, Section 266 to require equipment to be installed underground, providing codification

10. Resolutions

- (a) Resolution authorizing the City of Wichita Falls' adoption and approval of the Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (Texas Term Sheet) approving the allocation of any and all opioid settlement funds within the State of Texas
- (b) Resolution authorizing the City Manager to execute Amendment No 1 to the Professional Services Agreement for Engineering Services for the Quail Creek Drainage Improvements Phase I in the amount of \$152,112.00
- (c) Resolution authorizing the City Manager to purchase replacement water meters and associated parts from Thirkettle Corporation dba Aquametrics in the amount of \$80,588.32
- (d) Resolution awarding the bid for the purchase of eight (8) Pierce Enforcer Custom Fire Pumpers, two (2) Pierce Custom Fire Ladder Trucks, two (2) Ford Skeeter Squads, and one (1) Pierce Custom Rescue to Siddons Martin Emergency Group, LLC through The Buyboard Purchasing Cooperative in the amount of \$9,920,692.31
- (e) Resolution to accept the written offer as presented for 1 Trustee parcel located at 800 Chance Street and authorizing execution of the Quitclaim Deed to convey title to Andrea Ruben
- (f) Resolution to accept the written offers as presented for 2 Trustee parcels located at 1301 Smith St. and 513 Elwood St. and authorizing execution of the Quitclaim Deed to convey title to Wesley Sonnamaker
- (g) Resolution authorizing the City Manager to execute a Discretionary Services Agreement and Statement of Change with Oncor Electric Delivery Company, LLC in the amount of \$79,542.64 for the relocation of existing facilities at 300 N Burnett Street
- (h) Resolution authorizing the City Manager to award bid and contract for the Memorial Auditorium West Wing Stabilization Project to Trinity Hughes, LLC in the amount of \$1,798,000.00
- (i) Resolution approving the programs and expenditures of the Wichita Falls Type B Sales Tax Corporation Board of Directors and amending the budget to include funding up to \$104,632.00 to Backdoor Theatre to assist in fire

suppression system repairs and upgrades as part of the renovation of the existing building at 501 Indiana Ave downtown

- (j) Resolution approving the programs and expenditures of the Wichita Falls Type B Sales Tax Corporation Board of Directors and amending the budget to include funding up to \$120,000.00 to The Arts Council Wichita Falls Area, Inc. to assist in the renovations of the Kemp Center for the Arts at 1300 Lamar Street
- 11. Announcements concerning items of community interest from members of the City Council. No action will be taken or discussed.
  - 12. Comments from the public to members of the city council concerning items that are not on the city council agenda. People wishing to address the council should sign up prior to the start of the meeting. A three-minute time frame will be adhered to for those addressing their concerns. Since comments from citizens are not posted agenda items, the City Council is prohibited from deliberating or taking any action, other than a proposal to place the item on a future agenda. Staff may provide factual statements in response to inquiries or recite existing policy.
  - 13. Executive Sessions
    - (a) Executive Session in accordance with Texas Government Code §551.071, consultation with attorney on matter involving pending or contemplated litigation or other matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act.
    - (b) Executive Session in accordance with Texas Government Code §551.087 to discuss or deliberate the offer of a financial or other incentive to a business prospect that the City Council seeks to have, locate, stay, or expand in or near the territory of the City of Wichita Falls and with which the City and/or economic development corporations created by the City are conducting economic development negotiations (including, but not limited to, economic development update).
  - 14. Adjourn

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**Spanish language interpreters, deaf interpreters, Braille copies or any other special needs will be provided to any person requesting a special service with at least 24 hours' notice. Please call the City Clerk's Office at 761-7409.**

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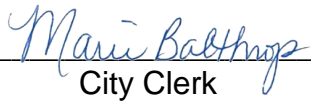
Every item on this agenda shall be considered a public hearing. Regardless of the agenda heading under which any item is listed, any word or phrase of any item listed on this agenda shall be considered a subject for consideration for purposes of the Texas Open Meetings Act and other relevant law, and City Council may deliberate and vote upon any such subject and resolutions related thereto. Resolutions, ordinances,



and other actions concerning any word, phrase, or other subject may be voted upon, regardless of any language of limitation found in this agenda or any document referring to such action. Any penal ordinance, development regulation or charter provision of the City of Wichita Falls or item which is funded by the current or next proposed City of Wichita Falls budget, including, without limitation, any street, water pipe, sewer, drainage structure, department, employee, contract or real property interest of the City of Wichita Falls, may be discussed and deliberated, and the subject is hereby defined as such without further notice. Any item on this agenda may be discussed in executive session if authorized by Texas law regardless of whether any item is listed under "Executive Sessions" of this agenda, regardless of any past or current practice of the City Council. Executive sessions described generally hereunder may include consideration of any item otherwise listed on the agenda plus any subject specified in the executive session notice. Executive sessions described generally hereunder are closed meetings, may include consideration of any item otherwise listed on the agenda plus any subject specified in the executive session notice, and may include items under Texas Government Code Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.084, and/or 551.087.

### CERTIFICATION

I certify that the above notice of meeting was posted on the bulletin board at Memorial Auditorium, Wichita Falls, Texas on the 10<sup>th</sup> day of November, 2021 at 5:30 o'clock p.m.

  
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City Clerk



City of Wichita Falls  
City Council Meeting  
Minutes  
November 2, 2021



**Item 1 - Call to Order**

The City Council of the City of Wichita Falls, Texas met in regular session on the above date in the Council Chambers of the Memorial Auditorium Building at 8:30 o'clock a.m., with the following members present.

Stephen L. Santellana	-	Mayor
DeAndra Chenault	-	Mayor Pro Tem
Tim Brewer	-	Councilors
Jeff Browning	-	
Steve Jackson	-	
Michael Smith	-	
Bobby Whiteley	-	
Darron Leiker	-	City Manager
Kinley Heggland	-	City Attorney
Marie Balthrop	-	City Clerk

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Mayor Santellana called the meeting to order at 8:30 a.m.

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**Item 2a – Invocation**

Reverend David Sapata, DAV TX Chapter 41, gave the invocation.

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**Item 2b – Pledge of Allegiance**

Mayor Santellana led the Pledge of Allegiance.

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**Item 3a – Employee of the Month – Christal Ashcraft, Development Services**

8:34 a.m.

Terry Floyd, Director of Development Services, recognized Christal Ashcraft as the Employee of the Month for November 2021. Mayor Santellana congratulated Ms. Ashcraft and presented her with a plaque, letter of appreciation, restaurant voucher, and check, and thanked her for her service.

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**Item 3b – Proclamation – Diabetes Awareness Month, Randall Barker**

8:37 a.m.

Mayor Santellana read a proclamation proclaiming November 2021 as Diabetes Awareness Month in Wichita Falls and encouraged all citizens to observe this month with appropriate programs and activities to increase awareness of the risk factors and symptoms related to diabetes.

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Mayor Santellana moved to Item 7.

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**Item 7 – Executive Session**

8:39 a.m.

City Council adjourned into Executive Session at 8:39 a.m. in accordance with Texas Government Code §551.074 to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, dismissal of public office or employee. (Council training and duties).

City Council reconvened at 9:02 a.m.

Mayor Santellana announced that no votes or polls were taken.

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**Item 4-6 – Consent Items**

9:03 a.m.

Darron Leiker, City Manager, gave a briefing on the items listed under the Consent Agenda.

Moved by Councilor Browning to approve the consent agenda.

Motion seconded by Councilor Chenault and carried by the following vote:

Ayes: Mayor Santellana, Councilors Brewer, Browning, Chenault, Jackson, Smith, and Whiteley

Nays: None

**Item 4 – Approval of minutes of the October 19, 2021 Regular Meeting of the Mayor and City Council**

**Item 5a – Resolution 124-2021**

Resolution authorizing award of bid for the purchase of twelve (12) 2022 Ford Utility Police Interceptors from the low bidder Wichita Falls Ford-Lincoln, Inc. in the amount of \$419,568.48.

**Item 5b – Resolution 125-2021**

Resolution authorizing award of bid for the purchase of eight (8)  $\frac{3}{4}$ -ton pickup trucks from the low bidder, Wichita Falls Ford-Lincoln, Inc., in the amount of \$213,266.25.

**Item 5c – Resolution 126-2021**

Resolution authorizing award of bid for the purchase of two (2) 1-ton trucks from the low bidder, Wichita Falls Ford-Lincoln, Inc., in the amount of \$59,947.86.

**Item 5d – Resolution 127-2021**

Resolution authorizing award of bid for the purchase of two (2) 33,000 GVW crew trucks from the low bidder, TNTX, LLC dba Lonestar Truck Group, in the amount of \$185,186.00.

**Item 5e – Resolution 128-2021**

Resolution authorizing award of bid to Retail Motorcycle Ventures, Inc. for the purchase of three (3) BMW Police Motorcycles in the amount of \$84,923.31.

**Item 5f – Resolution 129-2021**

Resolution authorizing the purchase of one (1) John Deere 310L backhoe with breaker through the Sourcewell Purchasing Cooperative from Yellowhouse Machinery Co. in the amount of \$133,220.00.

**Item 6 – Receive Minutes**

- (a) Landmark Commission, August 24, 2021
- (b) Planning & Zoning Commission, September 8, 2021

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**Item 8a – Public Hearing on annexing +/- 32.93 acres of land out of Blocks 12 and 13, Denton County School Land, League 2, A-57, Wichita County, Texas, located at 5030 Gregg Road, at the request of the property owner, accepting the Trophy Park Subdivision, Section 5 Servicing Plan Agreement, and designating the property zoning and Land Use Plan classification as Single-Family (SF-2) and Low Density Residential**

9:05 a.m.

Mayor Santellana opened the public hearing at 9:05 a.m.

Terry Floyd, Director of Development Services, gave a presentation regarding the requested annexation of property located at 5030 Gregg Road, the service plan, zoning, and land use designation of Single-Family 2/Low Density Residential. Planning and Zoning unanimously recommended the zoning designation and staff recommends approval.

Mayor Santellana closed the public hearing at 9:09 a.m.

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**Item 8b – Ordinance 54-2021**

9:09 a.m.

Ordinance annexing +/- 32.93 acres of land out of Blocks 12 and 13, Denton County School Land, League 2, A-57, Wichita County, Texas, located at 5030 Gregg Road, at the request of the property owner; accepting the Trophy Park Subdivision, Section 5 Servicing Plan Agreement for said tract under authority of Texas Local Government Code Chapter 43; Subchapter C-3 – authority of municipalities to annex an area on the request of owners; and designating the property zoning and Land Use Plan classification as Single-Family 2 (SF-2) and Low Density Residential.

Moved by Councilor Chenault to approve Ordinance 54-2021.

Motion seconded by Councilor Browning and carried by the following vote:

Ayes: Mayor Santellana, Councilors Brewer, Browning, Chenault, Jackson, Smith, and Whiteley

Nays: None

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**Item 9a – Ordinance 55-2021**

9:10 a.m.

Ordinance amending Section 6a of Ordinance No. 49-2021, the fee schedule applied to Health Department operations; providing for severability; providing that such ordinance shall not be codified; and providing an effective date.

Moved by Councilor Brewer to approve Ordinance 55-2021.

Motion seconded by Councilor Chenault and carried by the following vote:

Ayes: Mayor Santellana, Councilors Brewer, Browning, Chenault, Smith, and Whiteley

Nays: Councilor Jackson

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**Item 9b – Ordinance 56-2021**

9:17 a.m.

Ordinance amending Section 5 of Ordinance No. 49-2021, the fee schedule applied to Fire Department operations; providing for severability; providing that such ordinance shall not be codified; and providing an effective date.

Moved by Councilor Browning to approve Ordinance 56-2021.

Motion seconded by Councilor Chenault and carried by the following vote:

Ayes: Mayor Santellana, Councilors Brewer, Browning, Chenault, Jackson, Smith, and Whiteley

Nays: None

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**Item 9c – Ordinance 57-2021**

9:18 a.m.

Ordinance authorizing the City Manager, to accept from the Office of the Governor, Homeland Security Grant Division for the 2021 State Homeland Security Program – Grant/Application #4216201, in the amount of \$29,250.00.

Moved by Councilor Brewer to approve Ordinance 57-2021.

Motion seconded by Councilor Chenault and carried by the following vote:

Ayes: Mayor Santellana, Councilors Brewer, Browning, Chenault, Jackson, Smith, and Whiteley

Nays: None

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**Item 9d – Ordinance 58-2021**

9:20 a.m.

Ordinance appropriating \$29,118.00 of grant funds pursuant to the 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, appropriating said funds to the Special Revenue Fund, and authorizing the City Manager to execute all documents necessary to accept and share said funds.

Moved by Councilor Brewer to approve Ordinance 58-2021.

Motion seconded by Councilor Smith and carried by the following vote:

Ayes: Mayor Santellana, Councilors Brewer, Browning, Chenault, Jackson, Smith, and Whiteley

Nays: None

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**Item 9e – Ordinance 59-2021**

9:21 a.m.

Ordinance amending Section 2 of Ordinance No. 49-2021, the fee schedule applied to Community Development operations; providing for severability; providing that such ordinance shall not be codified; and providing an effective date.

Moved by Councilor Chenault to approve Ordinance 59-2021.

Motion seconded by Councilor Browning.

Paul Menzies, Assistant City Manager, and Terry Floyd, Director of Development Services, gave a presentation regarding the cost to provide services, timeline of fee increases over the past 10 years, presentations to stakeholders, building permit fee comparisons, development processes, cost of services versus revenues, process improvements, community benefits, and the proposed revised development fee changes. Mr. Floyd addressed concerns with permit fee increases and outstanding bids and discussed the effective date of the proposed changes, which would not affect current bids.

Councilor Whiteley discussed his concerns regarding the need for more discussion with and input from the development community on the proposed fees, the timeline of the proposed increases, and the perceived rush to approve this ordinance. Councilor

Whiteley asked Mr. Floyd what the increased revenues would be and Mr. Floyd stated revenues would increase by approximately \$100,000 or less with the proposed changes. Councilor Whiteley requested another meeting with the development community before moving forward.

Michael Grassi, #7 Amber Valley, Government Affairs Liaison for the North Texas Home Builders Association, expressed his concerns regarding previous statements made regarding construction being subsidized by taxpayers. He discussed \$1 million he recently invested in a twenty-five lot development where he installed utilities and streets that were turned over to the taxpayers, and the value added to the tax roll from this development. Mr. Grassi discussed concerns with the amount of taxes developers pay, the number of inspections required for a new home, proposed changes in trade permits, budgeted revenues, and proposals that were discussed in the development community meetings. He stated that most City departments are not self-supported which is why we have taxes, and he expressed his concerns regarding continued fee increases over the next several years.

Councilor Browning asked Mr. Grassi if the development community is in agreement with the 12.5% increase, and Mr. Grassi stated they proposed 5% but they were okay with the proposed 12.5%. Mr. Grassi expressed concerns regarding the cities we are comparing ourselves to when the department budget and number of new homes built do not compare.

Mayor Santellana discussed the need for addressing these fees to narrow the gap between the cost of service and revenues. He stated he is not opposed to taking small steps, having more meetings with the development community, allowing additional input, and stated the importance of finding a balance that is right for our community.

Mr. Grassi expressed his concerns regarding the trade community not previously being addressed in the fee ordinance and discussed the number of inspections required for trade permits. He stated that he understands the cost of business goes up but he is not in favor of continued increases over the next four years.

Mayor Santellana reiterated that today they are only voting on the 12.5% increase for this year and future years will be reviewed and discussed further. He expressed his appreciation to Mr. Grassi for taking time to research and attend the meeting.

Councilor Jackson asked Mr. Grassi about the time it takes to receive a permit from start to finish as he has received several calls regarding this. Mr. Grassi stated that he has not had any issue until the past year, which is part of the reason he has issues with permit fee increases since service levels are not being increased. Mr. Grassi stated previously he was able to get permits within a day and in the past year it has taken up to two weeks or more. He noted staffing issues, and COVID related issues that affect the time, but feels that the longer timeframe is the new status quo.



Mr. Menzies addressed the permitting timeframe concerns and stated that they are on pace to issue 5,000 permits, and perform 13,000 inspections this year. He discussed concerns with the pandemic and the increase in remodel permits, which caused an increase in staff time to assist homeowners in managing permits. He discussed the possibility of adding an additional third permit tech to staff to assist with current phone and window wait times, and additional ways services could be increased.

Mr. Grassi expressed the need to discuss fee changes further with the development community and have another meeting prior to the approval of the proposed increases.

Mayor Santellana encouraged the development community to reach out to Council and Staff anytime outside of the quarterly meetings, or Council meetings to discuss concerns. Mr. Grassi stated that he received the proposed fee schedule.

Councilor Whiteley moved to table this item until the December 21, 2021, Council Meeting.

Motion seconded by Councilor Jackson and approved by the following vote:

Ayes: Mayor Santellana, Councilors Brewer, Browning, Chenault, Jackson, Smith, and Whiteley

Nays: None

Mayor Santellana stated that this gives plenty of time for the development community, staff, and council to discuss any questions they have.

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**Item 10a – Resolution 130-2021**

10:19 a.m.

Resolution authorizing the City Manager to award bid and contract for the Ray Clymer Exhibit Hall Roof Replacement Project to Lydick-Hooks Roofing Co. Inc. in the amount of \$1,369,300.00.

Moved by Councilor Brewer to approve Resolution 130-2021.

Motion seconded by Councilor Smith

Blake Jurecek, Assistant City Manager, discussed the current delay in receiving roofing materials and stated that the bid would be awarded but the project would not take place for approximately six months. It was noted that the project would be funded by the voter approved venue tax and not from the general fund.

Motion carried by the following vote:

Ayes: Mayor Santellana, Councilors Brewer, Browning, Chenault, Jackson, Smith, and Whiteley

Nays: None

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**Item 10b – Resolution 131-2021**

10:27 a.m.

Resolution granting permission to the Major Francis Grice Chapter, NSDAR to place a Vietnam War Memorial sculpture on City owned property.

Moved by Councilor Brewer to approve Resolution 131-2021.

Motion seconded by Councilor Smith.

Mr. Jurecek discussed the timeline and placement of the sculpture at Lake Wichita.

Ruth James, past regent of NSDAR, addressed the Council and asked permission to place the monument at the Lake Wichita Park outside of the veteran's plaza since funding for the plaza is not complete. They would like to place the monument as soon as possible to honor Vietnam veterans before more are lost. The proposed location overlooks the water, and is easy for veterans to access. Ms. James presented a proposed installation plan that includes sidewalks and benches which will be funded by the chapter. The sculpture artist is a former Wichita Falls resident and veteran, the monument was completed three years ago, and has been in storage. The chapter plans to have the monument installed in December 2021.

The Mayor and Council expressed their appreciation for the work on this project.

Motion carried by the following vote:

Ayes: Mayor Santellana, Councilors Brewer, Browning, Chenault, Jackson, Smith, and Whiteley

Nays: None

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**Item 10c – Resolution 132-2021**

10:36 a.m.

Resolution authorizing the City Manager to award a professional services agreement with SAFEbuilt Texas, LLC to conduct building inspection services for the new Wichita Falls

Independent School District (WFISD) Legacy and Memorial High Schools; associated athletic/band facilities and accessory structures; and providing for a set rate for on-call building and fire code inspections and permit plan review as needed.

Moved by Councilor Browning to approve Resolution 132-2021.

Motion seconded by Councilor Chenault.

Mr. Floyd gave a presentation regarding the need for the agreement to assist with staffing shortages, to prevent delays in inspections for both this project and other development projects in the City, and to maintain current city service standards. It was noted that the building permit fees for this project would cover the cost of the contract.

There was brief discussion regarding the unique staffing issues in the Development Services departments with a large number of retirements of long-term employees, discussions and planning with school officials regarding the need for the proposed agreement, and the load these inspections would take on our inspection staff. Staff reiterated that this agreement will allow staff to maintain current service levels with other developments in the city.

Motion carried by the following vote:

Ayes: Mayor Santellana, Councilors Brewer, Browning, Chenault, Jackson, Smith, and Whiteley

Nays: None

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**Item 10d – Resolution 133-2021**

10:48 a.m.

Resolution authorizing the City Manager to execute contracts with several community service organizations and organizations that promote the convention and tourism industry.

Moved by Councilor Brewer to approve Resolution 133-2021.

Motion seconded by Councilor Browning and carried by the following vote:

Ayes: Mayor Santellana, Councilors Brewer, Browning, Chenault, Jackson, Smith, and Whiteley

Nays: None

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**Item 10e – Resolution 134-2021**

10:49 a.m.

Resolution authorizing award of bid for the purchase of one 5-yard dump truck from the low bidder, Sam Pack's Five Star Ford, Ltd. in the amount of \$96,602.00; or to the local bidder TNTX, LLC dba Lonestar Truck Group in the amount of \$98,364.00.

Moved by Councilor Chenault to approve Resolution 134-2021.

Motion seconded by Councilor Browning.

John Burrus discussed the two proposed bids and the state law exception for local bids when bids amounts are within a 5% difference.

Moved by Councilor Browning to amend the motion to award the bid to the local bidder TNTX, LLC dba Lonestar Truck Group for \$98,364.00

Motion to amend was seconded by Councilor Whiteley and carried by the following vote.

Ayes: Mayor Santellana, Councilors Brewer, Browning, Chenault, Jackson, Smith, and Whiteley

Nays: None

Motion to approve the amended main motion was approved by the following vote:

Ayes: Mayor Santellana, Councilors Brewer, Browning, Chenault, Jackson, Smith and Whiteley.

Nays: None

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**Item 10f – Resolution 135-2021**

10:53 a.m.

Resolution authorizing the Mayor to execute an Interlocal Agreement with Wichita County for reimbursement of water and sewer improvements serving the Wichita Falls Economic Development Corporation-Owned Business Park in the amount of \$1,045,845.00.

Moved by Councilor Browning to approve Resolution 135-2021.

Motion seconded by Councilor Smith.

Russell Schreiber, Director of Public Works, discussed the history of the need for infrastructure improvements in the Business Park to increase our ability to attract new business, and how some of the proposed improvements are outside of the City limits in the County. This agreement will allow the County to reimburse the City for the water/sewer improvements with ARPA funding, and the City would pay for the improvements to Hammond Road.

Motion carried by the following vote:

Ayes: Mayor Santellana, Councilors Brewer, Browning, Chenault, Jackson, Smith, and Whiteley

Nays: None

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**Item 10g – Resolution 136-2021**

10:57 a.m.

Resolution authorizing the City Manager to execute a development agreement with Patterson Properties, LTD. for the construction of a Storm Drain By-Pass as part of their development.

Moved by Councilor Brewer to approve Resolution 136-2021.

Motion seconded by Councilor Smith.

Mr. Schreiber discussed this unusual project due to deterioration of the storm water drainage line that flows under the Patterson property. The project would abandon and fill the old line and reroute the storm water. The cost would be shared between the City and Patterson Properties, LTD., with the city portion being paid out of the Storm Water fund.

Motion carried by the following vote:

Ayes: Mayor Santellana, Councilors Brewer, Browning, Chenault, Jackson, Smith, and Whiteley

Nays: None

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**Item 10h – Resolution 137-2021**

11:01 a.m.

Resolution authorizing the City Manager to execute a Professional Services Agreement with Garver, LLC for the evaluation of the Jasper Water Treatment Plant High Service Pump Station in the amount of \$109,600.00.

Moved by Councilor Browning to approve Resolution 137-2021.

Motion seconded by Councilor Chenault and carried by the following vote:

Ayes: Mayor Santellana, Councilors Brewer, Browning, Chenault, Jackson, Smith, and Whiteley

Nays: None

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**Item 11a – Staff Report – Submittal Checklist for Downtown Remodeling Projects – Terry Floyd/Paul Menzies.**

11:04 a.m.

Mr. Menzies discussed the challenges with remodeling projects in the downtown area. He stated that the goal of the checklist is to put the development community in the best position to succeed, and he discussed the need for City involvement prior to financial decisions being made on downtown projects.

Mr. Floyd gave a presentation and reviewed the proposed Downtown Commercial/Multi-Family Renovation and Remodeling Permit Checklist. The checklist was developed at the request of the development community, and is intended to be used as a guide prior to any financial decisions being made. It will require signatures by the tenant and the owner, and a signed copy will be required with the building permit. The plan is to implement this in November and the checklist is currently available on the Development Services webpage. Mr. Floyd discussed the six-page checklist and each element.

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**Item 11b – Announcements concerning items of community interest from members of the City Council. No action will be taken or discussed.**

11:12 a.m.

Councilor Jackson encouraged everyone to get out to vote and reminded citizens that we the people are the government.

Councilor Brewer attended the Fire Department's 130<sup>th</sup> anniversary and he appreciated the opportunity to attend.

Councilor Chenault stated that this is her last full City Council meeting. November 13<sup>th</sup> she will host a farewell party at the Travel Center, 306 Scott Street from 5:00 – 8:00 p.m. and it is a come and go event. She invited everyone to attend and encouraged past Mayors and Councilors she served with to attend. She recognized the Mayor, Councilors and staff and stated it has been a joy working with everyone.

Mayor Santellana discussed his and Councilor Chenault's history of service and challenges they have been through together. He praised Councilor Chenault for her work in District 2, her service as Mayor Pro Tem, and stated that the City has been blessed to have her on the Council. He noted that Councilor Chenault has dedicated her time, taken off work, and had her income impacted in order to serve her community.

Councilor Browning thanked Councilor Chenault for her service and encouraged everyone to vote.

Councilor Whiteley thanked Councilor Chenault for her service and stated she is a good person with a huge heart that gave so much to our community. He attended a couple of Police and Fire functions in the past week and he gave kudos to the organizations involved. He was very proud to attend the 130<sup>th</sup> Fire Department Anniversary, and he encouraged everyone to go vote.

Councilor Smith stated that the 130<sup>th</sup> Fire Department Anniversary was very well done and he enjoyed the history. He stated that he has enjoyed his service with Councilor Chenault and thanked her for her service.

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**Item 12 – Comments from the Public to Members of the City Council Concerning Items That Are Not on the City Council Agenda**

11: a.m.

There were no public comments.

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**Item 13 –Adjourn**

Mayor Santellana adjourned the meeting at 11:22 a.m.

PASSED AND APPROVED this 16<sup>th</sup> day of November 2021.

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Stephen Santellana, Mayor

ATTEST:

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Marie Balthrop, TRMC, MMC  
City Clerk





City of Wichita Falls  
City Council Meeting  
Minutes  
November 9, 2021



**Item 1 - Call to Order**

The City Council of the City of Wichita Falls, Texas met in regular session on the above date in the Council Chambers of the Memorial Auditorium Building at 8:30 o'clock a.m., with the following members present.

Stephen L. Santellana	-	Mayor
DeAndra Chenault	-	Mayor Pro Tem
Tim Brewer	-	Councilors
Michael Smith	-	
Bobby Whiteley	-	
Darron Leiker	-	City Manager
Kinley Hegglund	-	City Attorney
Marie Balthrop	-	City Clerk

Absent: Jeff Browning, Councilor District 3  
Steve Jackson, Councilor District 5

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Mayor Santellana called the meeting to order at 8:30 a.m.

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**Item 2a – Invocation**

Tim Brewer, Councilor District 4, gave the invocation.

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**Item 2b – Pledge of Allegiance**

Mayor Santellana led the Pledge of Allegiance.

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**Item 3 – Ordinance 60-2021**

8:32 a.m.

Ordinance canvassing the returns of the General Municipal Election held in the City of Wichita Falls, Texas on November 2, 2021.

Moved by Councilor Smith to approve Ordinance 60-2021 including the total votes cast as stated by the City Clerk.

Motion seconded by Councilor Chenault and carried by the following vote:

Ayes: Mayor Santellana, Councilors Brewer, Chenault, Smith, and Whiteley

Nays: None

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**Item 13 –Adjourn**

Mayor Santellana adjourned the meeting at 8:35 a.m.

PASSED AND APPROVED this 16<sup>th</sup> day of November 2021.

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Stephen Santellana, Mayor

ATTEST:

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Marie Balthrop, TRMC, MMC  
City Clerk

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**CITY COUNCIL AGENDA**  
**November 16, 2021**

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**ITEM/SUBJECT:** Resolution authorizing the City Manager to award bid and contract for the 2022 Crack Seal Project to Freeman Paving, L.L.C. in the amount of \$99,645.00.

**INITIATING DEPT:** Public Works

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**STRATEGIC GOAL:** Provide Quality Infrastructure

**STRATEGIC OBJECTIVE:** Complete Public Improvements Projects

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**COMMENTARY:** On October 26, 2021, bids were opened for the 2022 Crack Seal Project. This project is generally described as the cleaning and sealing of joints and cracks on various City streets and associated work. The Engineer's estimate for this project is \$100,000.00.

The bids received for this project include the Base Bid, Milby Ave Add/Alt #4, and Piedmont PI Add/Alt #7, are as follows:

<u>COMPANY</u>		<u>AMOUNT</u>
Freeman Paving, LLC	– Vernon, TX	\$ 99,645.00
Crack Seal of Texas, LLC	– Mathis, TX	\$ 105,105.00
JLT Contracting, LLC	– Cushing, OK	\$ 116,025.00
SPI Asphalt, LLC	– Argyle, TX	\$ 121,472.50
American Pavement Solutions, Inc.	– Green Bay, WI	\$ 128,992.50

Construction of this project should require approximately 180 calendar days to complete.

Freeman Paving, LLC has successfully completed similar projects for the City, and staff recommends award of the contract to Freeman Paving, LLC in the amount of \$99,645.00, which includes the Base Bid, Milby Ave Add/Alt #4, and Piedmont PI Add/Alt #7, based on unit price quantities.

☒ **Director, Public Works**

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**ASSOCIATED INFORMATION:** Resolution, Bid Tab, Location Maps

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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Resolution No. \_\_\_\_\_

**Resolution authorizing the City Manager to award bid and contract for the 2022 Crack Seal Project to Freeman Paving, L.L.C. in the amount of \$99,645.00**

WHEREAS, the City of Wichita Falls has advertised for bids for the 2022 Crack Seal Project; and

WHEREAS, it is found that the lowest responsible bidder is Freeman Paving, LLC, which made a unit price bid with an estimated total of \$99,645.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

The unit price bid for the 2022 Crack Seal Project is awarded to Freeman Paving, L.L.C. in an estimated total amount of \$99,645.00, and the City Manager is authorized to execute a contract for the City with said Contractor for the construction of such project.

PASSED AND APPROVED this the 16<sup>th</sup> day of November, 2021.

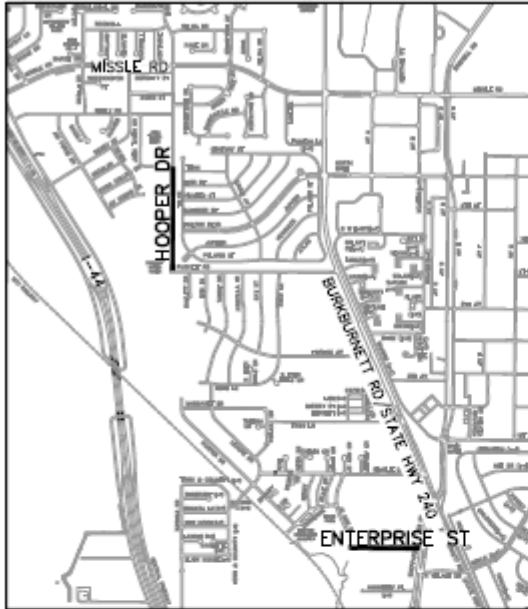
\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

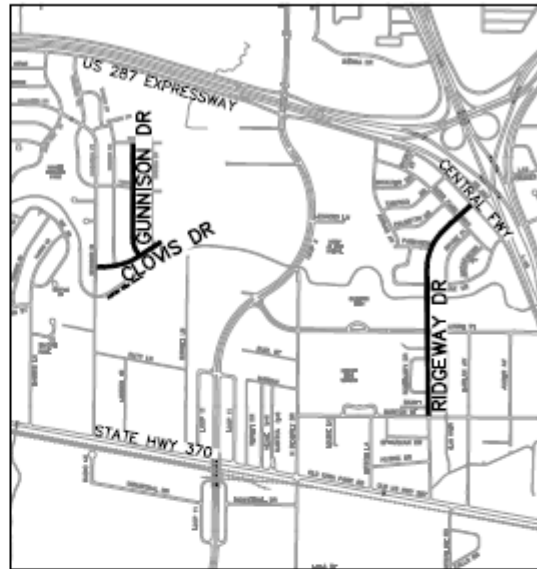
2022 Crack Seal Project CWF22-100-02 Bid Date: October 26, 2021															
BASE BID ** ORDER OF BIDS FROM LOWEST TO HIGHEST **				Freeman Paving, LLC Vernon, TX		Crack Seal of Texas, LLC Mathis, TX		JLT Contracting, LLC Cushing, OK		SPI Asphalt, LLC Argyle, TX		American Pavement Solutions, Inc. Green Bay, WI			
Pay Item	Description	Unit	Project Totals	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total		
401	CLEAN & SEAL JOINTS	LB	64,900	\$1.46	\$94,754.00	\$1.54	\$99,946.00	\$1.70	\$110,330.00	\$1.77	\$114,873.00	\$1.89	\$122,661.00		
				Total Base Bid	\$94,754.00	Total Base Bid	\$99,946.00	Total Base Bid	\$110,330.00	Total Base Bid	\$114,873.00	Total Base Bid	\$122,661.00		
AWARDED ADDITIVE/ALTERNATES															
Pay Item	Description	Unit	Project Totals	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total		
401-ALT4	CLEAN & SEAL JOINTS	LB	1,550	\$1.46	\$2,263.00	\$1.54	\$2,387.00	\$1.70	\$2,635.00	\$1.97	\$3,053.50	\$1.89	\$2,929.50		
401-ALT7	CLEAN & SEAL JOINTS	LB	1,800	\$1.46	\$2,628.00	\$1.54	\$2,772.00	\$1.70	\$3,060.00	\$1.97	\$3,546.00	\$1.89	\$3,402.00		
				Total Awarded Add/Alts	\$4,891.00	Total Awarded Add/Alts	\$5,159.00	Total Awarded Add/Alts	\$5,695.00	Total Awarded Add/Alts	\$6,599.50	Total Awarded Add/Alts	\$6,331.50		
				AWARD TOTAL (Base Bid + Awarded Add/Alts)		\$99,645.00									
ADDITIONAL ADDITIVE/ALTERNATES															
Pay Item	Description	Unit	Project Totals	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total		
401-ALT1	CLEAN & SEAL JOINTS	LB	1,800	\$1.46	\$2,628.00	\$1.54	\$2,772.00	\$1.70	\$3,060.00	\$1.97	\$3,546.00	\$1.89	\$3,402.00		
401-ALT2	CLEAN & SEAL JOINTS	LB	1,100	\$1.46	\$1,606.00	\$1.54	\$1,694.00	\$1.70	\$1,870.00	\$1.97	\$2,167.00	\$1.89	\$2,079.00		
401-ALT3	CLEAN & SEAL JOINTS	LB	3,925	\$1.46	\$5,730.50	\$1.54	\$6,044.50	\$1.70	\$6,672.50	\$1.97	\$7,732.25	\$1.89	\$7,418.25		
401-ALT5	CLEAN & SEAL JOINTS	LB	2,900	\$1.46	\$4,234.00	\$1.54	\$4,466.00	\$1.70	\$4,930.00	\$1.97	\$5,713.00	\$1.89	\$5,481.00		
401-ALT6	CLEAN & SEAL JOINTS	LB	2,925	\$1.46	\$4,270.50	\$1.54	\$4,504.50	\$1.70	\$4,972.50	\$1.97	\$5,762.25	\$1.89	\$5,528.25		
401-ALT8	CLEAN & SEAL JOINTS	LB	1,175	\$1.46	\$1,715.50	\$1.54	\$1,809.50	\$1.70	\$1,997.50	\$1.97	\$2,314.75	\$1.89	\$2,220.75		
401-ALT9	CLEAN & SEAL JOINTS	LB	400	\$1.46	\$584.00	\$1.54	\$616.00	\$1.70	\$680.00	\$1.97	\$788.00	\$1.89	\$756.00		
401-ALT10	CLEAN & SEAL JOINTS	LB	2,575	\$1.46	\$3,759.50	\$1.54	\$3,965.50	\$1.70	\$4,377.50	\$1.97	\$5,072.75	\$1.89	\$4,866.75		
401-ALT11	CLEAN & SEAL JOINTS	LB	2,400	\$1.46	\$3,504.00	\$1.54	\$3,696.00	\$1.70	\$4,080.00	\$1.97	\$4,728.00	\$1.89	\$4,536.00		
401-ALT12	CLEAN & SEAL JOINTS	LB	975	\$1.46	\$1,423.50	\$1.54	\$1,501.50	\$1.70	\$1,657.50	\$1.97	\$1,920.75	\$1.89	\$1,842.75		
401-ALT13	CLEAN & SEAL JOINTS	LB	1,100	\$1.46	\$1,606.00	\$1.54	\$1,694.00	\$1.70	\$1,870.00	\$1.97	\$2,167.00	\$1.89	\$2,079.00		
401-ALT14	CLEAN & SEAL JOINTS	LB	2,850	\$1.46	\$4,161.00	\$1.54	\$4,389.00	\$1.70	\$4,845.00	\$1.97	\$5,614.50	\$1.89	\$5,386.50		
401-ALT15	CLEAN & SEAL JOINTS	LB	550	\$1.46	\$803.00	\$1.54	\$847.00	\$1.70	\$935.00	\$1.97	\$1,083.50	\$1.89	\$1,039.50		
401-ALT16	CLEAN & SEAL JOINTS	LB	775	\$1.46	\$1,131.50	\$1.54	\$1,193.50	\$1.70	\$1,317.50	\$1.97	\$1,526.75	\$1.89	\$1,464.75		
401-ALT17	CLEAN & SEAL JOINTS	LB	1,575	\$1.46	\$2,299.50	\$1.54	\$2,425.50	\$1.70	\$2,677.50	\$1.97	\$3,102.75	\$1.89	\$2,976.75		
				Total Additional Add/Alts	\$39,456.50	Total Additional Add/Alts	\$41,618.50	Total Additional Add/Alts	\$45,942.50	Total Additional Add/Alts	\$53,239.25	Total Additional Add/Alts	\$51,077.25		
				TOTAL BID (Base Bid + All Add/Alts)		\$139,101.50		TOTAL BID (Base Bid + All Add/Alts)		\$146,723.50		TOTAL BID (Base Bid + All Add/Alts)		\$161,967.50	

# 2022 Crack Seal Project CWF22-100-02



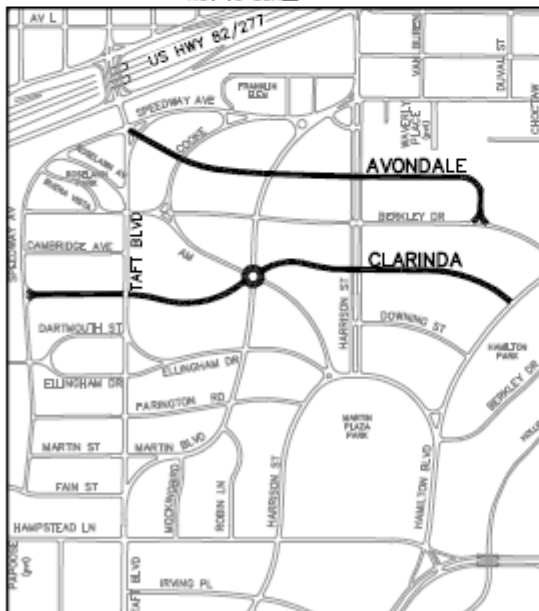
HOOPER DR, ENTERPRISE ST

NOT TO SCALE



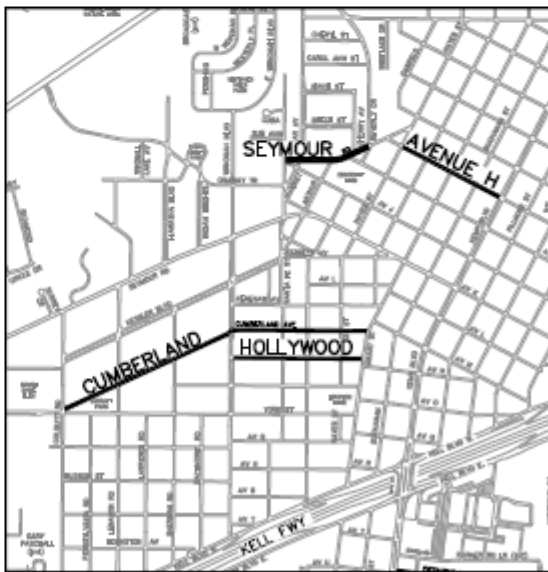
CLOVIS DR,  
GUNNISON DR, RIDGEWAY DR

NOT TO SCALE



CLARINDA AVE, AVONDALE ST

NOT TO SCALE



CUMBERLAND AVE,  
HOLLYWOOD AVE,  
SEYMOUR RD, AVENUE H,

NOT TO SCALE



# 2022 Crack Seal Project CWF22-100-02



SIERRA MADRE DR, TRINIDAD DR,  
JAMAICA DR,  
NOT TO SCALE



MAPLEWOOD AVE  
NOT TO SCALE



GREENBRIAR RD,  
NURSERY ST, EARL ST  
NOT TO SCALE



MIDWESTERN PKWY, MIDWESTERN PKWY  
EAST, SUN VALLEY DR, GLENDORA DR,  
SANTA BARBARA DR, S BANDERA DR,  
NOT TO SCALE

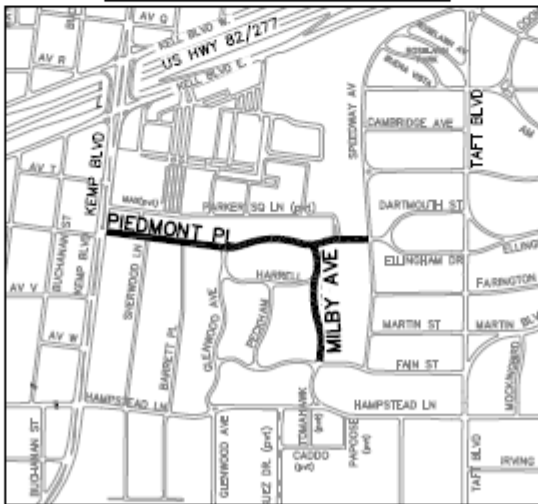


# 2022 Crack Seal Project CWF22-100-02



N ROSEWOOD AVE  
RIVER RD  
NOT TO SCALE

## ADD/ALTS



MILBY AVE, ADD/ALT #4  
PIEDMONT PL, ADD/ALT #7  
NOT TO SCALE





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**CITY COUNCIL AGENDA  
NOVEMBER 16, 2021**

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**ITEM/SUBJECT:** Resolution authorizing the purchase of a HAZMAT Elite FTIR Spectrophotometer to replace Water Purifications HAZMAT ID FTIR Spectrophotometer, from Smiths Detection, INC., in the amount of \$62,065.88.

**INITIATING DEPT:** Public Works

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**STRATEGIC GOAL:** Efficiently Deliver City Services

**STRATEGIC OBJECTIVE:** n/a

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**COMMENTARY:** The Water Purification Division maintains a set of equipment and instruments that are the backbone of the City's emergency response efforts. In 2002, Water Purification purchased a HAZMAT ID Fourier-Transform Infrared (FTIR) Spectrophotometer to aid in the detection of accidental or intentional contamination of the City's water supply.

Over the course of the last 19 years, the HAZMAT ID has served the Water Purification Laboratory well and has also been utilized by the City's Fire and Police Departments in their response to hazardous situations. Unfortunately, the unit is aging and will no longer be supported through Smiths Detection, thereby precipitating the need for replacement.

Since this unit performs a very specific function in the City's emergency response efforts and the current HAZMAT ID has performed those functions extremely well over the course of the last 19 years, it is recommended that the City sole source replace the unit with Smiths Detection's new model the HAZMAT Elite.

The HAZMAT ID replacement is currently budgeted in Water Purifications FY21/22 normal operating budget. The quote for the replacement unit is \$62,065.88, which is below the FY21/22 budgeted amount of \$65,000.00.

Therefore, staff recommends award of the purchase of a HAZMAT Elite to replace the HAZMAT ID for the Purification Division, from Smiths Detection, in the amount of \$62,065.88.

☒ **Director, Public Works**

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**ASSOCIATED INFORMATION:** Resolution , Quote, Sole Source Letter

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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Resolution No. \_\_\_\_\_

**Resolution authorizing the purchase of a HAZMAT Elite FTIR Spectrophotometer to replace Water Purifications HAZMAT ID FTIR Spectrophotometer, from Smiths Detection, in the amount of \$62,065.88**

WHEREAS, one of the City of Wichita Falls' Strategic Goals is to Provide Adequate Infrastructure; and,

WHEREAS, the City desires to be able to detect accidental and/or intentional contamination events within its water supply; and,

WHEREAS, the City desires to continue to possess equipment that can be utilized for emergency response situations; and,

WHEREAS, the City currently possesses emergency equipment that needs to be updated; and,

WHEREAS, the emergency response equipment can be utilized across multiple Departments within the City organization; and,

WHEREAS, it is in the best interest of the City of Wichita Falls to sole source the purchase of the replacement FTIR Spectrophotometer from Smiths Detection.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

City Manager is authorized to purchase a HAZMAT Elite FTIR Spectrophotometer to replace Water Purifications HAZMAT ID FTIR Spectrophotometer, from Smiths Detection, INC., in the amount of \$62,065.88.

PASSED AND APPROVED this the 16th day of November, 2021.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk



**FARRWEST**

## Estimate

Date	Estimate #
2/9/2021	11820

**108 Commercial Place  
Schertz, TX 78154**

Ph: 210-566-1857  
Fax 210-566-1897

CITY OF WICHITA FALLS- WATER  
HUNTER ADAMS  
PO BOX 1431  
WICHITA FALLS, TX 76307

P.O. No.	Rep	Project/Event
	MM	

Item	Description	Qty	Cost	Total
029-1905-Y1	SMITHS HAZMAT ELITE COMMAND PACKAGE - SINGLE-DIAMOND FTIR IDENTIFIER INCLUDES: - 2 LI-ION BATTERIES - BATTERY CHARGER - LAPTOP COMPUTER - USB RF MODEM FOR WIRELESS COMMUNICATION - SMITHS COMMAND SOFTWARE - TRANSPORT CASE - 3YRS. PARTNERSHIP PROGRAM WITH REACHBACK AND FULL WARRANTY - 1-DAY ON-SITE TRAINING	1	62,065.88	62,065.88
	PRICING VALID THRU 12/31/2021			

It's been a pleasure working with you!

**Subtotal** \$62,065.88

**Sales Tax (0.0%)** \$0.00

**Total** \$62,065.88

Phone #	Fax #
210-566-1857	210-566-1897

Web Site
<a href="http://www.farrwestenv.com">www.farrwestenv.com</a>

January 1, 2021

### Sole Source Confirmation

Smiths Detection, Inc. is the sole manufacturer of the following Smiths Detection products, services and software. Each product is protected by specific trade patents and cannot be duplicated for any purpose.

- HazMatID ELITE – all configurations and accessories
- ACE ID- all configurations and services and accessories
- GasID – all configurations and accessories
- Sabre 5000 – all configurations and accessories
- LCD 3.2 & 3.3 – all configurations and accessories
- RADSEEKER – all configurations and accessories
- Partnership and Trade-In Programs for all systems
- IonScan 600 and all accessories
- Databases/Libraries for all systems
- Guardion GC Mass Spectrometer
- All Warranty and service extensions

These products, services and software are only available through Smiths Detection and its authorized dealers. If you have received pricing information from persons or companies other than Smiths Detection, Inc. or its approved dealer, it will be considered non-authorized by Smiths Detection, Inc.

FarrWest Environmental Supply, Inc. is the only authorized dealer for the following states:

- Alabama, Arizona, Arkansas, California, Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, Wyoming

If you have any questions or require additional information, please feel free to contact us at [Patrick.cope@smiths-detection.com](mailto:Patrick.cope@smiths-detection.com) or [Mike.Tyszkiewicz@smiths-detection.com](mailto:Mike.Tyszkiewicz@smiths-detection.com)

Sincerely,

Mike Tyszkiewicz  
251-284-1694  
DoD and Senior Sales Manager  
Smiths Detection

Patrick Cope  
443-910-7226  
West Region Sales Manager  
Smiths Detection

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# **WICHITA FALLS METROPOLITAN PLANNING ORGANIZATION**

## **Technical Advisory Committee**

### **Minutes**

Thursday, July 8, 2021

---

#### ***Voting Members Present:***

Lin Barnett, Wichita Falls MPO, MPO Director, TAC Chairperson  
Allan Moore, TxDOT, Director of Construction  
Blane Boswell, City of Wichita Falls, City Engineer  
Callan Coltharp, TxDOT, Area Engineer  
Karen Montgomery-Gagne, City of Wichita Falls, Planning Administrator  
Scot Reaves, TxDOT, Director of TP&D

#### ***MPO Staff:***

Jaimie Lee, Wichita Falls MPO, Senior Transportation Planner

#### ***Non-Voting Members Present:***

Mark McBurnett, SAFB

#### ***Absent:***

David Rohmer, TxDOT, Director of Operations  
Larry Wilkinson, City of Wichita Falls, Traffic Superintendent  
Terry Floyd, Director of Development Services

#### ***Visitors:***

Michael Davis, Martin Luther King Center, Director

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#### **I. Welcome & Introduction**

Mr. Barnett, TAC chairperson, called the meeting to order at 9:30 a.m. and welcomed everyone in attendance.

#### **II. Public Comment on Agenda and Non-Agenda Items**

Mr. Barnett asked for any public comments on agenda and non-agenda items. There were no public comments on agenda and non-agenda items.

#### **III. Review and Approval of the April 8, 2021 Technical Advisory Committee's (TAC) Meeting Minutes**

Mr. Barnett asked for any comments or corrections to the April 8, 2021 TAC meeting minutes. Receiving none, he asked for a motion to approve the minutes. Mr. Reaves made the motion to approve. Ms. Gagne seconded the motion, which passed unanimously.

#### **IV. Review and Comment Regarding the April 28, 2021 Transportation Policy Committee's (TPC's) Meeting Minutes – No Action Required**

Mr. Barnett asked for comments on the April 28, 2021 TPC meeting minutes. Receiving none, the committee moved on to the next agenda item.

**V. Review and Recommendation to the Policy Board to Approve the UPWP Amendment in Task 1, Subtask 1.1: Purchase of Office Furniture for New Fleet Maintenance Building**

Mr. Barnett directed the committee's attention to page 13 of the meeting packet. He discussed the amendment to move funds within Task 1 of our Unified Planning Work Program to cover the cost of new MPO office furniture that will be installed in the new Fleet Maintenance Building currently under construction on Old Windthorst Road. Mr. Barnett stated Subtask 1-1 covers the cost of MPO furniture. He stated we need to increase the amount by borrowing from the other subtasks. He stated we expect to move into our new offices sometime in late September or early October.

Mr. Barnett asked for any comments or questions regarding the amendment to the Unified Planning Work Program. Receiving none, Mr. Barnett asked for a motion to forward the amendment to the Policy Board for their review and approval. Mr. Moore made the motion to forward the document to the Policy Board. Mr. Boswell seconded the motion, which passed unanimously.

**VI. Review and Recommendation to the Policy Board to Approve the Adjusted 2022 PM2 – Infrastructure Condition, and the PM3 – System Performance & Freight Performance Measures**

Mr. Barnett directed the committee's attention to page 46 of the meeting packet. He stated there were two Policy Board resolutions to update the PM2 and PM3 performance measure targets for calendar year 2022. Mr. Barnett discussed the changes to the targets and thanked Mr. Reaves, TxDOT TP&D Director, for getting the information to us. Mr. Barnett asked for any questions to the adjusted performance measures. Receiving none, he asked for a motion to forward the updated measures to the Policy Board for review and approval. Mr. Coltharp made the motion to forward the document to the Policy Board. Mr. Reaves seconded the motion, which passed unanimously.

**VII. Other Business:**

**a. Discussion & Overview of Progress on Local Transportation Projects – City and TxDOT staff (Quarterly Review)**

**City:** Mr. Boswell reported Taft Blvd. widening was at 100% design and is expected to begin late July. Hike and Bike Trail from Lake Wichita Park to Larry's Marina was 5% complete. 2021 Asphalt Street Rehab was 98% complete. Maplewood extension construction 99% complete. Hike and Bike Trail from Loop 11 to Lucy Park 99% complete. Hike and Bike Trail from Barnett Road to Seymour Highway 99% complete. 2021 concrete street rehab project is 0% complete.

**TxDOT:** Mr. Coltharp reported US 281 cable barrier installation will be complete in the next few weeks. US 281 pavement widening is waiting on overlay and will be complete by end of July. FM 369 ditch enclosure is 70% complete. FM 1954 intersection realignment on FM 1954 is currently under construction. FM 369 pavement repair and overlay will begin next week. Loop 11 overlay will begin during

the fall. FM 369 at Taft and FM 369 Holliday Creek bridge repair is under time-suspension and will begin at a later date.

**b. MPO Quarterly Financial Report (2<sup>nd</sup> Quarter – January, February, March)**

Ms. Lee reported on the 2<sup>nd</sup> quarter expenses for the MPO. She stated that the MPO had spent 34.79% of its total allocation for FY 2021. Ms. Lee asked for any comments or questions on the second quarter financial report. She received none.

**c. Grouped TxDOT CSJ Projects Report**

Ms. Lee reported on the 2<sup>nd</sup> quarter grouped CSJ projects report. Ms. Lee discussed minor changes to the projects over the quarter.

**d. Freight Mobility Plan Progress Report**

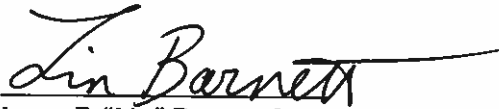
Mr. Barnett updated the committee on the current progress of the ongoing Freight Mobility Plan being conducted by Alliance Transportation Group.

**e. Other Items**

There were no other items.

**VIII. Meeting Adjournment**

The meeting adjourned at 10:13 a.m.



Irvan F. "Lin" Barnett Jr.  
MPO Transportation Planning Director  
Wichita Falls MPO

# **WICHITA FALLS METROPOLITAN PLANNING ORGANIZATION**

## **Transportation Policy Committee**

### **Minutes**

Wednesday, July 21, 2021

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#### ***Voting Members Present:***

Stephen Santellana, Chairperson, Wichita Falls Mayor  
Bobby Whitely, City of Wichita Falls, City Council  
DeAndra Chenault, City of Wichita Falls, City Council  
Dennis Wilde, North Texas Regional Planning Commission  
Jeff Watts, City of Pleasant Valley, Representative  
Mike Beaver, TxDOT, District Engineer  
Russell Schreiber, City Public Works Director

#### ***MPO Staff:***

Lin Barnett, WFMPPO, Transportation Planning Director  
Jaimie Lee, Wichita Falls MPO, Senior Transportation Planner

#### ***Absent:***

Cory Glassburn, Mayor, Lakeside City  
Judge Woody Gossom, County Judge, Wichita County

#### ***Visitors:***

---

#### **I. Welcome & Introduction**

Mayor Santellana, the TPC chairperson, called the meeting to order at 8:30 a.m. and welcomed everyone in attendance.

#### **II. Public Comment on Agenda and Non-Agenda Items**

Mayor Santellana asked for any public comments on agenda and non-agenda items. There were no public comments.

#### **III. Review and Approval of the April 28, 2021 Transportation Policy Committee's (TPC) Meeting Minutes**

Mayor Santellana asked for any comments or corrections to the April 28, 2021 TPC meeting minutes. Receiving none, he asked for a motion to approve the minutes. Mr. Watts made the motion to approve. Mr. Wilde seconded the motion, which passed unanimously.

#### **IV. Review and Comment Regarding the July 8, 2021 Technical Advisory Committee (TAC) Meeting Minutes – No Action Required**

Mayor Santellana asked for any comments on the July 8, 2021 TAC meeting minutes. Receiving none, the committee moved on to the next agenda item.

#### **V. Review and Approval of the Unified Planning Work Program (UPWP) Amendment in Task 1, Subtask 1.1: Purchase of Office Furniture for New Fleet Maintenance Building**



Mr. Barnett directed the committee's attention to page 14 of the meeting packet. He discussed the amendment to move funds within Task 1 of our Unified Planning Work Program to cover the cost of new MPO office furniture that will be installed in the new Fleet Maintenance Building currently under construction on Old Windthorst Road. Mr. Barnett stated Subtask 1.1 covers the cost of MPO furniture and 1/3 of the cost of the conference room furniture. He stated we needed to increase the amount by borrowing from the other subtasks. He stated we expect to move into our new offices sometime in October or November of 2021.

Mr. Barnett asked for any comments or questions regarding the amendment to the Unified Planning Work Program. Receiving none, Mayor Santellana asked for a motion to approve the amendment. Mr. Schreiber made the motion to approve. Mr. Wilde seconded the motion, which passed unanimously.

**VI. Review and Approval of the Adjusted 2022 PM2 – Infrastructure Condition, and the PM3 – System Performance & Freight Performance Measures**

Mr. Barnett directed the committee's attention to page 47 of the meeting packet. He stated there were two Policy Board resolutions to update the PM2 and PM3 performance measure targets for calendar year 2022. PM2 is the Infrastructure Condition Performance Measure that pavements and bridges. PM3 is the System Performance/Freight Performance Measure that measures percentage of person-miles traveled on interstate and non-interstate NHS roads that are reliable, and Truck Travel Time Reliability (Index). Mr. Barnett discussed the changes to the targets and thanked Mr. Reaves, TxDOT TP&D Director, for getting the information to us. Mr. Barnett asked for any questions to the adjusted performance measures. Receiving none, Mayor Santellana asked for a motion to approve the adjusted 2022 PM2 and PM3 performance measures. Mr. Beaver made the motion to approve. Mr. Wilde seconded the motion, which passed unanimously.

**VII. Other Business**

**a. Discussion & Overview of Progress on Local Transportation Projects – City and TxDOT staff (Quarterly Review)**

**City:** Mr. Schreiber reported Taft Blvd. widening was at 100% design and is expected to begin late July. Hike and Bike Trail from Lake Wichita Park to Larry's Marina was 5% complete. 2021 Asphalt Street Rehab was 98% complete. Maplewood extension construction 99% complete. Hike and Bike Trail from Loop 11 to Lucy Park 99% complete. Hike and Bike Trail from Barnett Road to Seymour Highway 99% complete. 2021 concrete street rehab project is 0% complete.

**TxDOT:** Mr. Beaver reported US 281 cable barrier installation will be complete in the next few weeks. US 281 pavement widening is waiting on overlay and will be complete by end of July. FM 369 ditch enclosure is 70% complete. FM 1954 intersection realignment on FM 1954 is currently under construction. FM 369 pavement repair and overlay will begin next week. Loop 11 overlay will begin during the fall. FM 369 at Taft and FM 369 Holliday Creek bridge repair is under time-suspension and will begin at a later date.

**b. MPO Quarterly Financial Report (2<sup>nd</sup> Quarter – January, February, March)**

Mr. Barnett reported on the 2<sup>nd</sup> quarter expenses for the MPO. He stated that the MPO had spent 34.79% of its total allocation for FY 2021, but that the 3<sup>rd</sup> quarter report

will show a definite increase in expenditures because of the Freight Mobility Plan currently underway with Alliance Transportation Group. Mr. Barnett asked for any comments or questions on the second quarter financial report. He received none.

**c. Grouped TxDOT CSJ Projects Report**

Ms. Lee reported on the 2<sup>nd</sup> quarter grouped CSJ projects report. Ms. Lee discussed minor changes to the projects over the quarter.

**d. Freight Mobility Plan Progress Report**

Mr. Barnett updated the Policy Board on the current progress of the ongoing Freight Mobility Plan currently underway with Alliance Transportation Group. He stated that ATG was on time with all deliverables and that Freight Advisory Committee meetings should begin in August.

**e. Other Items**

Mr. Barnett discussed one item to move the Policy Board quarterly meetings to Tuesday mornings in order to better accommodate board member's attendance. The Policy Board was in agreement with moving all TPC quarterly meetings to Tuesday mornings.

**VIII. Meeting Adjournment**

The meeting adjourned at 9:18 a.m.



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Honorable Stephen L. Santellana  
Mayor Wichita Falls

**MINUTES OF THE  
WICHITA FALLS 4B SALES TAX CORPORATION (4BSTC)  
September 2 2021**

**Present**

Tony Fidelie President	§	Members
Glenn Barham Vice President	§	
Rick Hatcher Secretary Treasurer	§	
Dave Clark	§	
Darron Leiker	§	
Michael Mills	§	
Nick Schreiber	§	
	§	
Mayor Stephen Santellana	§	Mayor and Council
	§	
R Kinley Hegglund Jr City Attorney	§	City Staff
Blake Jurecek Assistant City Manager	§	
Paul Menzies Assistant City Manager	§	
Jessica Williams Director of Finance/CFO	§	
Jenny Stevens Public Trans Administrator	§	
Larry Wilkinson Traffic Eng Superintendent	§	
Blane Boswell City Engineer	§	
Pat Hoffman Property Management	§	
Marie Balthrop City Clerk	§	
Paige Lessor Recording Secretary	§	
	§	
Jana Schmader	§	DWFD
	§	
Erin Spiva	§	Backdoor Theatre
Jessica Wood	§	
Dusty Potter	§	
Morgan Dayley	§	
	§	
Ann Arnold Ogden	§	WF Alliance for Arts and Culture
	§	
David Coleman	§	Bike WF
Becky Raeke	§	
	§	
Sabian Santistevan	§	Syd Litteken Design Concepts
	§	
Lynn Walker	§	<i>Times Record News</i>

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**1 Call to Order**

Tony Fidelie called the meeting to order at 3 01 p m

## **2 Approval of Minutes of 7/19/21**

Dave Clark moved to approve the minutes Seconded by Rick Hatcher the motion carried  
7 0

## **3 Financial Report**

Paul Menzies Assistant City Manager reports that sales tax revenue continues to perform above budget and currently running approximately 13% above budget If sales tax continues to perform at the current rate it could produce a half million dollars in extra revenue The unencumbered fund balance is approximately \$3 4 million roughly \$2 9 million less than the previous meeting due to approved projects related to the MPEC Hotel and Conference Center project

## **4 Public hearing regarding a funding request from Backdoor Theatre to assist in fire suppression system repairs and upgrades as part of the renovation of the existing building at 501 Indiana Ave downtown**

Mr Fidelie opened the public hearing at 3 03 p m

Jessica Wood Business Director for the Backdoor Theatre 501 Indiana Wichita Falls Texas addressed the Board and gave a presentation on the history of the theatre She stated that the building was constructed in 1919 and it is a non profit community theatre that has been open for fifty years and has a thriving youth education program Volunteers are the lifeblood of the theatre as they only have two full time and three part time staff members Ms Wood noted that the economic impact of the Backdoor Theatre has increased progressively over the last several years and was approximately \$381 326 00 in 2020

Dusty Potter Board President of the Backdoor Theatre expressed that the last few years have been challenging Mr Potter discussed how the COVID 19 pandemic caused the theatre to shut down for some time beginning in March 2020 In July 2020 the theatre's fire suppression main broke causing eight (8) feet of water to flood the building Mr Potter presented photos of the flood and the damage caused by the failure of the cast iron pipes under the building The cost for the fire suppression system repair is estimated to be \$104 632 00 Mr Potter also explained that the theatre has additional upcoming expenses to update the building including roof repair masonry repair and a fly system update to ensure the theatre meets code requirements The theatre is working with the Texas Historical Commission for funding to make repairs to the main stage and lobby The theatre is requesting \$104 632 00 to cover fire suppression system repairs

Mr Fidelie inquired as to whether it was a good idea to put money into an old building Mr Sabian Santistevan of Syd Litteken Design Concepts explained that the building still has a strong masonry structure and repairing the building far outweighs rebuilding it The structure is stable and the repairs are cosmetic

Mr Fidelie closed the public hearing at 3 15 p m

## **5 Staff reports on currently funded projects**

(Mr Fidelie announced these items would be discussed out of order)

### **c) Bicycle Lane Roadway Improvements**

Jenny Stevens Public Transportation Administrator stated that the project's first phase was almost completed and to date eighteen (18) miles of shared bike lanes have been completed. Phase I and II will be a combined total of 30 miles. They are requesting \$100,000.00 in funding which is the same amount as last year. There are still \$23,000.00 of funds remaining to complete City View Drive shared lanes from McNeil to Maplewood and it should be completed by the end of December 2021. The requested \$100,000.00 in funding is to complete shared lanes on Maplewood from Southwest Parkway to McNeil Taft Blvd from Kell East to Southwest Parkway Harding Street from Thompson to Cottonwood for a total of approximately twelve (12) miles.

Dave Clark asked what criteria are used to decide what streets will have bike lanes. Mr Wilkinson stated they look at the width of the road, the amount of vehicle travel, speed limit, where the heaviest bike traffic is located, and safety issues.

Michael Mills asked how bicycle lanes assist with the Bicycle Friendly designation for the City. Mr Leiker stated that the bike lanes are part of the plan and they will help us maintain or increase our designation level.

Mr Schreiber asked if there would be additional phases after this. Mr Wilkinson stated that this is Phase II, it will be an ongoing project for several years, and the bicycle lanes will tie into the Circle Trail. Mr Schreiber asked about the lifespan of the bike lane markings. Mr Wilkinson discussed various issues that affect the markings and he hopes to get five to ten years of use. Mr Schreiber asked if they could expect future funding requests, and Mr Menzies stated that it would be a four to five year project.

### **b) Circle Trail Projects**

Blane Boswell City Engineer gave an update on the trail project. He discussed the section from Loop 11 to Lucy Park which stops just short of the Camp Fire property and the section from Barnett Road to Seymour Highway along the railroad spur. He stated that these two sections are 99% complete and they are waiting on vegetation to be established in a few places. The section along Lake Wichita is currently under construction. The total cost of this section is roughly \$2.25 million and of that \$587,051 is 4B funds which included the 20% required match payment to TXDOT and the ADA compliance inspection. Mr Fidelie asked about the small portion close to the Camp Fire property that is not connected and Mr Boswell stated that there are roughly 1400 feet of the trail that will not be connected due to funding issues at this time. Mr Boswell discussed the section from Barnett to Seymour Highway and stated the cost of this section is \$2.4 million with \$411,925 from 4B funds which includes the required match payment to TXDOT, BNSF license agreement, and the ADA compliance inspection. Mr Boswell discussed the section on Barnett Road from Johnson to the railroad tracks and the Bid Ed Neal connector which were funded 100% by the 4B. These sections were left off due to bid concerns and rising costs during COVID. The portion west of Lake Wichita Park to Larry's Marina is currently under construction and they are currently working on the pedestrian bridge south of the bird rescue. The total cost of this section is \$1.5 million with \$618,575.00 from 4B funds which includes the

required match payment to TXDOT the ADA compliance inspection and the engineering design work

Mr Clark asked if there would be a temporary easement to get to the road on the spur from Lake Wichita Park to the west Mr Boswell said it would currently be a dead end until completion Mr Clark urged them to consider a temporary easement

Mr Mills asked about the Lucy Park section and if it was a dead end Mr Boswell stated that it is a dead end and you have to go through private property to get back to the roadway To stay on public property you would need to turn around and go back to Loop 11 to get back to the roadway

Mr Boswell stated that grant applications had been submitted to TXDOT for the final two sections but there is heavy competition for funding This application pertains to the last 1400 feet alongside the Camp Fire property and 4300 feet alongside Lake Wichita Mr Menzies stated no new money is requested in the proposed budget but current funding carries over

Mr Fidelie pointed out that 4B funds have only covered 20% of the cost and the other 80% was covered by grant funding funneled through TXDOT

Mr Barham asked about the uncompleted section to Harold Park along the river and if it would connect to drives around Lucy Park Mr Boswell stated it would connect to the current trail in Lucy Park along the river on the west end outside of Harold Park

Mr Clark stated the difference between the two sections is that the section near Camp Fire requires you to travel on Seymour Highway riding the wrong direction to connect to the next portion of the trail On the other section you must travel on Lake Shore Drive which is not as busy

Mr Schreiber asked if consideration or funding was being set aside for future maintenance of the trail or should 4B be setting aside funds Mr Leiker stated that the City budget would cover ongoing maintenance and repairs and with the quality of the trail we expect a long life Mr Jurecek said they budgeted to replace the bridge between MLK and the MPEC in the Parks budget Mr Schreiber asked if someone could use the Access Wichita Falls app to notify the City of issues along the trail and Mr Jurecek said yes

#### **d) MPEC Hotel/Conference Center Project**

Mr Jurecek discussed the progress of the hotel project After the meeting on July 19 the City Council met on July 20 and approved the land sell agreements On August 3 City Council approved parameters for the revenue bonds and the performance agreement and on August 17 they awarded the construction contract to Clark Construction Last week they received the funding commitment letter from Tim O'Reilly and his bank They are in the process of issuing the revenue bonds and they have 60 days from August 3 to issue the bonds Jessica Williams CFO/Finance Director and bond counsel are working on the issuance Bond pricing will be on September 9 and the Attorney General has approved other bond activities They are still looking at September 28<sup>th</sup> to close on the bonds and issue funds They closed on the land with Mr O'Reilly last Friday which was a contingency for some of his financing Construction costs came in higher than expected due to increased building supply costs and we are currently \$938 587 00 over budget Still we expect additional funds due to fee negotiations contingency and other savings Mr Jurecek stated that bond funding is not to exceed \$19 million

Mr Fidelie asked when we would break ground and Mr Jurecek stated it would be around November 1 with a groundbreaking ceremony around October 18<sup>th</sup>

Mr Barham asked about the opening date Mr Jurecek stated they are looking at opening around June 2023 Initially they were looking at April – May but the delay in steel delivery delayed the date to June

**a) Lindemann Parking Garage including the forthcoming mural project**

Pat Hoffman Property Administrator gave an update on the parking garage and mural project The Wichita Falls Alliance for Arts and Culture mural project will begin in October 2021 pending repairs and weather There are approximately \$2 600 in repairs that must be completed before the project can begin Ms Hoffman explained the various repairs that are needed and the repair options recommended

Mr Menzies stated the Board previously agreed to 50% of funding for the mural and having it placed on the garage The Alliance for Arts and Culture has submitted an invoice for the repairs and mural Repairs to the garage are needed regardless of the mural Therefore a suggestion has been made to use funds from the maintenance budget for both the repairs and mural

Ms Hoffman discussed vandalism issues and an abandoned vehicle at the garage They had problems with the car removal because the ceiling was too low for a tow truck to enter the garage and finally the car dealer that sold the vehicle picked it up For the second time the roof has been graffitied The company that previously abated graffiti has been contacted Ms Hoffman discussed other vandalism such as the exit sign cover being removed and the City Building Maintenance department will install a new LED exit sign at the cost of \$76 86 There were also two ceiling lights damaged One could be repaired but the other must be replaced at the cost of \$352 23

Mr Mills asked if the garage was open anytime other than for events downtown and Mrs Hoffman said it was open 24/7

Mr Jurecek discussed the option to install a kiosk to charge for parking as suggested by Mr Hatcher He discussed quotes for these devices which run from \$11 000 with a \$4 000 yearly fee and up to \$28 000 per year

Mr Fidelie asked if the parking garage was full during the HHH event It was verified that it was full

David Coleman race director for the HHH gravel ride said registrants were notified that the parking garage was available He thanked them for the use of the garage and thanked them for their support of the circle trail and bronze level bike friendly community designation

Mr Barham clarified that there are budgeted funds for the parking garage maintenance and asked if we will move forward with repairs Mr Menzies said that using the existing line item to cover the expense is the plan

Mr Fidelie discussed security issues and possibly engaging the Police Department to patrol the garage Ms Hoffman stated that they do regular patrols and staff patrols the garage during the day Mr Jurecek said that Officers park there in the evening at times to complete reports

## **5 Approval of the Fiscal Year 2022 corporation budget**

Mr Menzies stated that the proposed budget is included in the financials and will begin on October 1. Sales tax is running 13% ahead for the year possibly resulting in a half million dollars of extra revenue that was not budgeted. Mr Menzies stated that the proposed revenue is budgeted at \$4.3 million and he discussed the debt service projects. Previously it has been discussed to begin lowering the budgeted amount for the Public Safety Radio System and eventually removing that from the 4B budget. This year's budget reflects a 26% decrease in that line item from last year. Mr Menzies discussed various projects included in the budget and stated that there is no new money in the budget for the Circle Trail and the funds included are rolled over from this year. There is an available fund balance of \$5.7 million for new projects.

## **6 Executive Session**

Mr Fidelie adjourned the meeting into executive session at 3:57 p.m. pursuant to Texas Government Code section 551.087. He announced the meeting back into regular session at 4:47 p.m. The subjects posted in the Notice of Meeting were deliberated and no votes or further action were taken on these items in executive session.

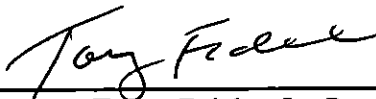
## **7 Motions**

**FY 2022 Budget** Glenn Barham moved to approve the FY 2022 corporation budget. Seconded by Michael Mills, the motion carried 7-0.

**Backdoor Theatre** – Mr Fidelie stated that the Board is in favor of helping, but they need additional documentation.

## **8 Adjourn**

Mr Fidelie adjourned the meeting at 4:48 p.m.

  
\_\_\_\_\_  
Guy A. Tony Fidelie Jr. President



**Wichita Falls Park Board Meeting  
September 23, 2021**

**W.F. Recreation Center  
600 11<sup>th</sup> Street  
Room 205  
Time: 1:30pm**

**Presiding:** Jim Heiman

**Members Present:** Sandy Fleming, Charlie Zamastil, Thomas Taylor, Alan Donaldson, Patrick Hearn, Michael Battaglino,

**Members Absent:** Larri Jacoby, Jessica Traw, Caitlyn Wood, Crystal Byrd

**City Council Representative:** Absent: Steve Jackson

**Other:** Scott McGee, Terry Points (Staff Liaison)

1. **CALL TO ORDER:**  
Jim Heiman called the meeting to order at 1:30 p.m.
2. **APPROVAL OF MINUTES:**
  - New members Patrick Hearn and Dr. Michael Battaglino were sworn in by City Clerk Marie Balthrop.

The minutes from June 24, 2021 were put before the Board for approval. Thomas Taylor made the motion to approve the minutes and Alan Donaldson seconded the motion.

  - Addendum Correction: June 24, meeting last sentence, Thomas Taylor to head up the Parks Review Sub-Committee.
  - Charlie Zamastil made first motion to approve addendum Thomas Taylor made seconded motion
3. **DEPARTMENTAL REPORT:**
  - A. **RECREATION:** Scott McGee
    - See attached hand out from Recreation
    - Scott added the dance studio hardwood floors were re-done and walls painted.
  - B. **Parks:** Terry Points
    - See attached hand out from Parks
    - Parks had no new updates
  - C. **Circle Trail Updates:**
    - A 20-year project, now zooming in on one of the final phases.
    - Homeowners along the north side of Lake Wichita have raised issue about the circle trail being too close to their home.

- The property is city owned and the circle trail plans have it being installed on the shoreline of the city land.
- Homeowners are going to City Council with their concerns
- Charlie Zamastil Park Board member recommended that the Park Board support the circle trail 20-year project as planned. Sandy Fleming made the first motion and Charlie Zamastil seconded the motion. Park Board members encourage and support the city to complete the entire city loop trail project as planned, including the section along the city owned land. Motion made and seconded approved unanimously.

#### **4. BUDGET 2021-2022**

##### **A. Parks**

- General Fund:
- 1 new playground being purchased for Lucy Park Lucyland
- Rotary Club raised \$65,000 to put in new playground equipment at Rotary Park.
- Repairs to old rail road tie, falling toward trail
- New railing going in at Rosewood St. along trail
- New 18 hole Disc Golf Course for Williams park
- New rocket ship restroom at O'Reilly park

##### **B. Recreation**

- General Fund:
- Purchasing and installing new wind screens at Hamilton Tennis Center and later in spring Weeks tennis center
- Re-establishing Parks & Recreation programs, actives and athletic programs

##### **C. 5 year CIP**

- Circle Trail completion
- Lucy Park Pool Repairs
- Roads in Parks resurfaced
- Turf on one field at Soft Ball Complex

#### **5. 4B Board**

##### **A. 4B Request Projects**

- Cast Away Cove water park
- Champion Golf Course

#### **6. Parks Review Update**

##### **A. Parks review committee passed out a handout**

- Parks reviewed Hamilton, Scotland, Edgemere, Martin Plaza
- Removing Lucy Park, Weeks Park (Tennis & Golf) & Lake Wichita Park from list of reviews due to being a broad scope & size
- Review committee has started a tabulation on parks reviewed, but is not completed at this time.
- Estimated completion date October 15, 2021 on reviews of parks for the Park Board

**7. Other Business, Announcements, Comments:**

**A. Upcoming Park Board meeting dates**

- October 28, 2021
- November and December meeting combined due to holidays
- Set date for meeting December 9, 2021

**Meeting was adjourned at 2:45 pm**

**Signature:** Jim Heiman  
**Jim Heiman (1st Chair Person)**

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**MINUTES**  
**LAKE WICHITA REVITALIZATION COMMITTEE**  
October 12, 2021

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**PRESENT:**

■ Members

David Coleman, Chair  
Tim Brewer, City Council Rep  
John Strenski, Lakeside City  
Matt Marrs  
Sharon Roach  
Ford Swanson  
Kendrick Jones

■ Staff

Blake Jurecek, Asst City Manager  
Russell Schreiber, Public Works Director  
Blane Boswell, City Engineer  
Vikesh Desai, Engineering

■ Guests

Robert Mauk, TP&W  
Wes Dutter, TP&W

**ABSENT:** Jeremy Garza, Steve Garner, Crystal Byrd, Eve Montgomery, Alicia Castillo, and Alison Sanders

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1. **Call to Order and Introduce New Member:** David called the meeting to order at 10:04 am and declared a quorum. Our new member, Alison Sanders, is ill and could not attend.
2. **Approval of Minutes:** September meeting minutes were approved unanimously.
3. **Project Updates:**
  - 3.a. **Veteran's Plaza Project:** David shared a letter from the DAR wherein they state they are pursuing an alternate site for their Vietnam statue, so it can be publicly displayed sooner than the Veterans Plaza project would provide. Vikesh will contact KHA to find out what steps must be taken to install the Vietnam statue at the Veterans Plaza site before the overall plaza is constructed, and David will follow up with the DAR when we get KHA's response. John Strenski will also find out if we could obtain a static display, such as a Vietnam era helicopter.
  - 3.b. **Veterans Plaza Rendering:** David sent to John Strenski the April 2021 signed Minutes to show the LWRC approved the cost to create the new rendering, so that John will use the PayPal account to pay for the rendering.
  - 3.c. **Lake Deepening:** David and Matt Marrs will do more research on the ACOE Section 1135 program, and we will probably form a sub-committee to pursue this project.

October 12, 2021

- 3.d. **Kayak Launch Grant:** Robert Mauk informed the group that Inland Fisheries will vote tomorrow on the HAAP Grant requests, and we should find out this week if our request was approved. If so, then we will need to provide a detailed plan for further approval.
- 3.e. **Lakeside City Boat Ramp grant request:** John stated that Lakeside City's matching funds are currently tied up, and they will be able to submit a Grant request in about a year. Robert said he believes these grant requests are due in October, so the timing will work out well.
- 3.f. **Circle Trail at Lake Wichita:** Russell Schreiber told us that the issue will be on the City Council agenda on 19 October, and Blane Boswell will present all the facets of the situation. Consensus was to table this issue until after 19 October, so we can have all the information before deciding whether the Committee will make a recommendation.
4. **Discussion of Brick Sales and Fundraising Initiatives:** David and Steve Garner are still in touch with two families regarding major donations. David will work with Kathie Forehand-Chaddick regarding a fundraising push at end of year.
- 4.a. **Memorial Brick Certificates:** David stated he's gotten 3 requests for a certificate that people who purchased bricks can show their loved one. The Committee approved David creating and sending out these Certificates.
5. **Other Business Matters:** Robert introduced his new assistant director Wes Dutter, and we welcomed him to the group. Robert also stated that Lake Wichita has been stocked with Flatheads, and he is pursuing Blue Catfish as well. Russell stated that Vikesh will be moving to Dallas, and he will assign another engineer to the LWRC work. Everyone wished Vikesh well and thanked him for all his work on our behalf.
- 5.a. **Website Changes:** David will contact Crystal Byrd to get our website content updated.
6. **Adjournment:** The meeting adjourned at 10:52 am.

  
\_\_\_\_\_  
David Coleman, Chair

9 Nov 21  
Date

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**MINUTES**  
**PLANNING & ZONING COMMISSION**  
**October 13, 2021**

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**PRESENT:**

Jack Browne  
David Cook  
Michael Grassi  
Blake Haney  
Steve Lane  
Noros Martin  
Wayne Pharries  
Jeremy Woodward  
Mark McBurnett  
Councilor Whiteley

◆ Member  
◆ Chairman  
◆ Member  
◆ Member  
◆ Member  
◆ Member  
◆ Alternate #2  
◆ Vice-Chair  
◆ SAFB Liaison  
◆ Council Liaison

James McKechnie, Deputy City Attorney  
Terry Floyd, Development Services Director  
Fabian Medellin, Planner III  
Christal Ashcraft, Development Services Assistant

◆ City Staff  
◆  
◆  
◆

**ABSENT:**

Anthony Inman  
Dan Leslie  
Cayce Wendeborn

◆ Member  
◆ Alternate #1  
◆ Member

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**I. CALL TO ORDER**

The meeting was called to order by Chairman, Mr. David Cook, at 2:00 p.m. Vice-Chairman Woodward proceeded to make the following comments:

- a. This meeting is being televised live on Channel 1300. It will be replayed at 2:00 p.m. daily including Saturday and Sunday until the next live meeting is aired which will be the second Wednesday of next month at 2:00 p.m.
- b. Motions made by the Commission members include all staff recommendations and developmental requirements listed in the staff report. Any deviations will be discussed on a case-by-case basis and voted on accordingly.
- c. Applicants and citizens who wish to address the Commission or answer questions from the Commission members are asked to please speak into the microphone at the podium. This meeting is being taped and there is no microphone to record statements made from the audience.
- d. Commission members, when speaking please remember to press the button to turn on your microphone.



- e. Please silence all cell phones during the meeting. If it is necessary for you to have a cell phone conversation during the meeting, please use the hallway outside this room.

## **II. ROLL CALL**

Chairman Cook roll called Commission and staff members.

## **III. PUBLIC COMMENTS**

Chairman Cook asked if there were any comments from the public. With no response, Mr. Cook closed public comments.

## **IV. APPROVAL OF MINUTES**

Mr. Jack Browne made a motion to adopt the September 8, 2021, minutes. Mr. Noros Martin seconded the motion. The motion was passed unanimously.

## **VII. CONSENT AGENDA**

Case P 21-13 Trophy Park – Preliminary

Case P 21-14 Winter-Roach Addition, Lots 1-2, Block 1

Case P 21-15 Warren CAT Addition, Lot 1, Block 1

Case P 21-16 Patriot Place, Section 4, Lots 9-18, Block 4, Lots 11-16, Block 5 & Lots 1-10, Block 6

Mr. Fabian Medellin advised the Commission Case P 21-15, Warren CAT Addition, Lot 1, Block 1, was being removed from the consent agenda as it was an incomplete submission. Mr. Jack Browne made a motion to approve the consent agenda. Mr. Jeremy Woodward seconded the motion. Motion passed unanimously.

## **VIII. REGULAR AGENDA**

### **1. Case R 21-07 – Annexation Zoning Recommendation – 5030 Gregg Road (Trophy Park, Section 5):**

Consideration to recommend a zoning designation of Single Family 2 (SF-2) and a Land Use Plan classification of Low Density Residential (LDR) for a petitioned annexation at 5030 Gregg Road. (32.93 Acre Tract Out of Blocks 12 & 13, Denton County School Land, League 2, A-57, Wichita County, Texas)

**Applicant:** Tanner Wachsman, RJ Wachsman Homes

**Location:** 5030 Gregg Road



Mr. Jack Browne made a motion to approve the case, Mr. Wayne Pharris seconded. Mr. Fabian Medellin presented the case and stated staff met with the owners, Mr. Tanner and RJ Wachsman about their next phase of development of Trophy Park Subdivision. An annexation petition was received to add 32 acres to the City of Wichita Falls directly adjacent to the existing Trophy Park Subdivision.

The subdivision is located west, southwest of Memorial Stadium, near the Gregg Road and Southwest Parkway intersection. The 32 acres is undeveloped and is adjacent to the Trophy Park, Section 4, to the east and northeast. Mr. Tanner Wachsman is requesting to modify the temporary zoning designation typically assigned at the time of annexation. When a property is annexed into the City of Wichita Falls it is assigned a temporary designation of Single Family-1 (SF-1). It is requested that we submit the annexation petition with a permanent designation of Single Family-2 (SF-2). Mr. Medellin stated on today's consent agenda the Commission approved the preliminary plat for the entirety of the Trophy Park Subdivision that is 100+ acres of land. The petition to annex is only for the northern 32 acres. Currently, the lots in the ETJ mirror those of the Single Family-2 (SF-2) as far as lot size, lot widths, & lot minimums. To the north, northeast and east the property is surrounded by Single Family-2 (SF-2) zoning districts. Wachsman homes provided a subdivision that mirrors that same design and layout and request the same land use designation of Low Density residential.

Mr. Medellin advised the Commission that staff recommends the permanent designation of Single Family 2 (SF-2) zoning district and Low Density Residential Land Use Plan classification for the petitioned annexation at 5030 Gregg Road.

Chairman Cook asked if the applicant was present and wished to make a presentation. The applicant, was not present. Chairman Cook asked if there were any other public comments. Mr. Cook closed the case for public discussion and opened it up to the Commission. Chairman Cook asked if there were any other comments. Mr. Terry Floyd advised the Commission the vote was for a recommendation to the City Council, who will make the final decision at the City Council meeting November 2<sup>nd</sup> 2021. With no further comments, Chairman Cook called for a vote. The motion to recommend approval passed unanimously with a vote of 8-0.

## **IX. OTHER BUSINESS**

### **Updates:**

#### **Central Wichita Falls Neighborhood Engagement Meeting**

Mr. Medellin gave a brief update to the Commission on the meeting held Saturday, September 11<sup>th</sup> at Floral Heights United Methodist Church for the Neighborhood Revitalization Project and the next meeting scheduled for October 23<sup>rd</sup>, 2021.

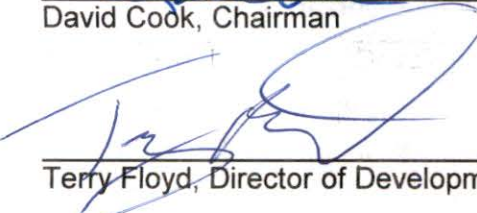
## **X. ADJOURN**

The meeting adjourned at 2:10 p.m.



  
\_\_\_\_\_  
David Cook, Chairman

11/10/2021  
Date

  
\_\_\_\_\_  
Terry Floyd, Director of Development Services

11/10/2021  
Date

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**CITY COUNCIL AGENDA  
November 16, 2021**

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**ITEM/SUBJECT:** Ordinance closing and abandoning an alley between 15<sup>th</sup> Street and Kell West immediately behind 1501 - 1511 Lamar and out of Block 225, Original Town Addition, Wichita County, Wichita Falls, Texas, containing approximately 6,355 square feet as depicted and indicated on the attached plat map.

**INITIATING DEPT:** City Manager/Property Administration

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**STRATEGIC GOAL:** Accelerate Economic Growth

**STRATEGIC OBJECTIVE:** Revitalize Depressed and Declining Neighborhoods

---

**COMMENTARY:** A request has been received to close and abandon an unpaved alley located behind 1501 Lamar in Block 225 of the Original Town Addition from all adjacent property owners: Smith Walker (Tract 3), Robert Whiteley (Tract 2), and Richard Savage (Tract 1). Approval of this ordinance will give the owners the ability to discourage vagrancy and illegal dumping, thus allowing them to keep the area clean and attractive for their customers and surrounding business owners.

The Property Administrator obtained a "fair market appraisal," determining the property value of the alley to be \$2,223.00. Pending approval of the closure, checks for the amount of \$1,410.00 (TR 3), \$483.00 (TR 2) and \$330.00 (TR 1) have been delivered to the Property Management Division. The appraisal cost of \$335.00 was previously paid when this closure was originally requested. Not all adjacent property owners were in agreement at that time, so this request was pulled.

All utility companies and affected City departments have conditionally approved this request requiring the retention of all utility easements for the entire width of the alley and continuing to provide access.

Staff recommends approval of this ordinance, which will authorize the City Manager to execute 3 separate quitclaim deeds to convey the property.

☒ **Asst. City Manager**

☒ **Property Administrator**

---

**ASSOCIATED INFORMATION:** Ordinance, Location Map, Exhibits Tract 1, Tract 2, Tract 3 (Page 1&2)

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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**Ordinance No. \_\_\_\_\_**

**Ordinance closing and abandoning an alley between 15<sup>th</sup> Street and Kell West immediately behind 1501 - 1511 Lamar and out of Block 225, Original Town Addition, Wichita County, Wichita Falls, Texas containing approximately 6,355 square feet as depicted and indicated on the attached plat map**

WHEREAS, Smith Walker, Robert Whiteley, and Richard Savage, property owners; have requested to close and abandon said alley located in the 1500 Block of Lamar, Block 225, Original Town Addition, Wichita County, Wichita Falls, Texas; and

WHEREAS, all affected utility companies, City departments, and the adjacent property owners have reviewed this request and have conditionally approved to close and abandon this alley with the retention of all utility easements the entire width of the alley and have complete access.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

1. The approximately 6,355 square feet, more or less, alley located between 15<sup>th</sup> Street and Kell West and immediately behind 1501 - 1511 Lamar in the 1500 Block of Lamar as indicated on the attached Location Map, an addition to the City of Wichita Falls, is hereby closed and abandoned.
2. In consideration of the receipt of \$2,223.00 for the appraised fair market value, this ordinance shall approve the closure of the alley with retention of the easement and access at all times.
3. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.
4. This will authorize the City Manager to execute a quitclaim deed in a form approved by the City Attorney to convey the property with retention of all utility easements.

PASSED AND APPROVED this the 16<sup>th</sup> day of November, 2021.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

## LOCATION MAP



# EXHIBIT ALLEY CLOSURE TRACT 1

## FIELD NOTES

FIELD NOTES OF THE CLOSURE OF A PORTION OF THE CALLED 25 FOOT ALLEY IN BLOCK 225 OF THE ORIGINAL TOWNSITE OF WICHITA FALLS, WICHITA COUNTY, TEXAS, SAID PORTION BEING ADJACENT TO A TRACT OF LAND CONVEYED TO RICHARD AND TINA SAVAGE BY DEED RECORDED IN VOLUME 2255, PAGE 235, OFFICIAL PUBLIC RECORDS OF WICHITA COUNTY, SAID ALLEY PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at an iron rod found on the Southeast right-of-way line of 15th Street where it intersects the Northeast line of said 25 foot wide alley, said iron rod being the West corner of Lot 1, Block 225, Official Townsite of Wichita falls, and the West corner of said Savage tract for the Place of Beginning and Northeast corner of this alley closure tract;

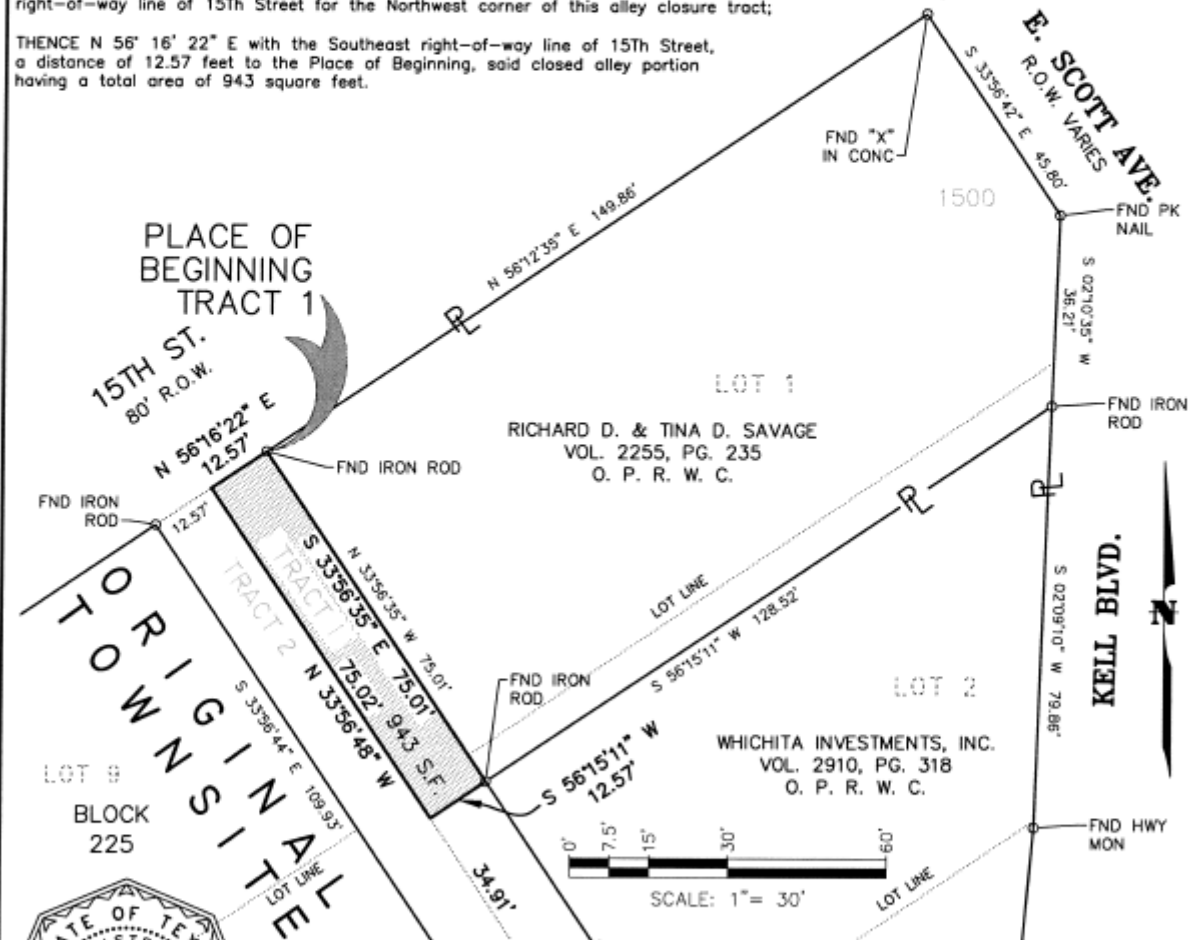
THENCE S 33° 36' 35" E, with the Northeast line of said 25 foot wide alley and the Southwest line of said Savage track, a distance of 75.01 feet to an iron rod found at the South corner of said Savage tract said iron rod being the Southeast corner of this alley closure tract;

THENCE S 56° 15' 11" W a distance of 12.57 feet to a point on the centerline of said 25 foot wide alley for the Southwest corner this alley closure tract;

THENCE N 33° 56' 48" W with the centerline of said 25 foot wide alley a distance of 75.02 feet to a point on the Southeast right-of-way line of 15th Street for the Northwest corner of this alley closure tract;

THENCE N 56° 16' 22" E with the Southeast right-of-way line of 15th Street, a distance of 12.57 feet to the Place of Beginning, said closed alley portion having a total area of 943 square feet.

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DEVIN G. SMITH  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5849

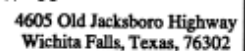
ALLEY CLOSURE EXHIBIT  
ADJACENT TO  
1500 E SCOTT AVENUE  
WICHITA FALLS, WICHITA COUNTY, TEXAS

CORLETT, PROBST & BOYD, P.L.L.C.  
TBPLS 100541-00

Engineers & Surveyors  
PH. (940)723-1455, FAX (940)397-0549  
4605 Old Jacksboro Highway  
Wichita Falls, Texas, 76302

## FIELD NOTES

THENCE N 33° 56' 48" W with the Southwest line of said 25 foot wide alley and the Northeast line of said Wendeborn/Whiteley/O'Brien tract, a distance of 109.93 feet to the Place of Beginning, said closed alley portion having a total area of 1382 square feet.



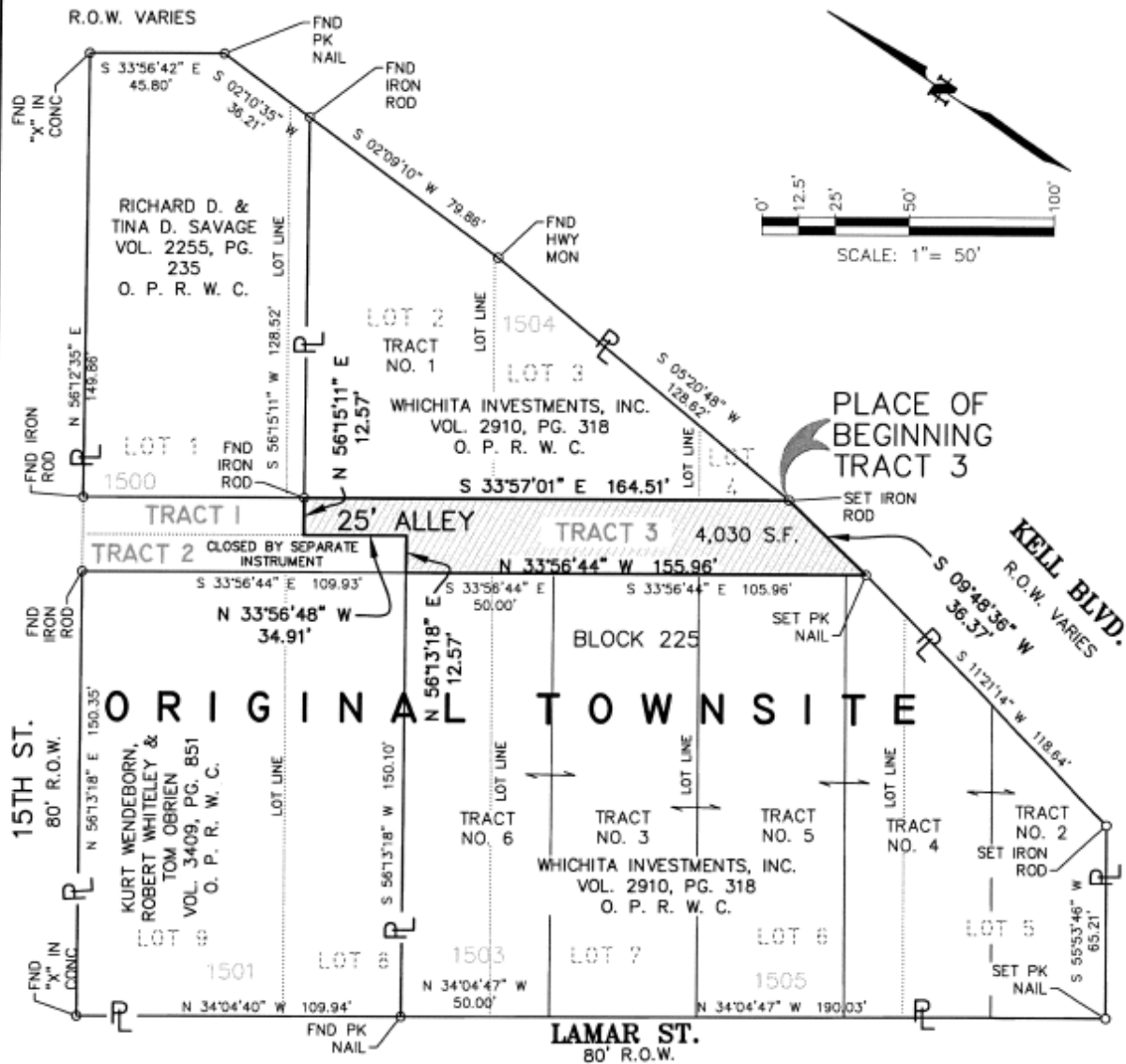
DEVIN G. SMITH  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5849

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# EXHIBIT ALLEY CLOSURE TRACT 3

PAGE 1 OF 2

## E. SCOTT AVE.



DEVIN G. SMITH  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5849

AUGUST 2021

**ALLEY CLOSURE EXHIBIT**  
BLOCK 225, ORIGINAL TOWNSITE  
BETWEEN 1504 E. SCOTT STREET,  
AND 1503 & 1505 LAMAR STREET  
WICHITA FALLS, WICHITA COUNTY, TEXAS

CORLETT, PROBST & BOYD, P.L.L.C.  
TBPLS 100541-00

Engineers & Surveyors  
PH. (940)723-1455, FAX (940)397-0549  
4605 Old Jacksboro Highway  
Wichita Falls, Texas, 76302



## EXHIBIT ALLEY CLOSURE TRACT 3

PAGE 2 OF 2

### FIELD NOTES

FIELD NOTES OF THE CLOSURE OF A PORTION OF THE CALLED 25 FOOT ALLEY IN BLOCK 225 OF THE ORIGINAL SITE TOWN OF WICHITA FALLS, WICHITA COUNTY, TEXAS, SAID PORTION BEING ADJACENT TO SIX TRACTS OF LAND CONVEYED TO WICHITA INVESTMENTS, INC. BY DEED RECORDED IN VOLUME 2910, PAGE 318, OFFICIAL PUBLIC RECORDS OF WICHITA COUNTY, SAID ALLEY PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at an iron rod set on the Northwest right-of-way line of Kell Boulevard where it intersects the Northeast line of said 25 foot wide alley, said iron rod being the South corner of Wichita Investments, Inc. property identified in the aforementioned warranty deed as "Tract No. 1" and being in the South line of Lot 4, Block 225, Original Townsite of Wichita Falls, for the Southeast corner and Place of Beginning of this alley closure tract;

THENCE S 09° 48' 36" W, with the Northwest right-of-way line of Kell Boulevard a distance of 36.37 feet to a pk nail set at the intersection of Kell Boulevard with the Southwest line of said 25 foot wide alley, said pk nail being in the Northeast line of Lot 6, Block 225, Original Township, and the Northeast line of "Tract No. 4", for the Southwest corner of this alley closure tract;

THENCE N 33° 56' 44" W with Southwest line of said 25 foot wide alley and the Northeast lines of Lots 6, 7 and 8, Block 225, a distance of 155.96 feet to the Southeast corner of a tract of land conveyed to Kurt Wendeborn, Robert Whiteley & Tom Obrien by deed recorded in Volume 3409, Page 851, Official Public Records of Wichita County, for the most Westerly Northwest corner of this alley closure tract;

THENCE N 56° 13' 18" E a distance of 12.57 feet to a point on the centerline of said 25 foot wide alley, said point being an ell corner of this alley closure tract;

THENCE N 33° 56' 48" W with the centerline of said 25 foot wide alley, a distance of 34.91 feet to a point for the most Northerly Northwest corner of this alley closure tract;

THENCE N 56° 15' 11" E a distance of 12.57 feet to an iron rod found at the South corner of a tract of land conveyed to Richard D. and Tina D. Savage by deed recorded in Volume 2255, Page 235, Official Public Records of Wichita County, said iron rod being the West corner of aforementioned "Tract No. 1" and being in the Northeast line of said 25 foot wide alley, for the Northeast corner of this alley closure tract;

THENCE S 33° 57' 01" E with the Northeast line of said 25 foot wide alley and the Southwest line of said "Tract No. 1", a distance of 164.51 feet to the Place of Beginning, said closed alley closure portion having a total area of 4,030 square feet.



DEVIN G. SMITH  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5849

AUGUST 2021

**ALLEY CLOSURE EXHIBIT**  
BLOCK 225, ORIGINAL TOWNSITE  
BETWEEN 1504 E. SCOTT STREET,  
AND 1503 & 1505 LAMAR STREET  
WICHITA FALLS, WICHITA COUNTY, TEXAS

CORLETT, PROBST & BOYD, P.L.L.C.  
TBPLS 100541-00

Engineers & Surveyors  
PH. (940)723-1455, FAX (940)397-0549  
4605 Old Jacksboro Highway  
Wichita Falls, Texas, 76302

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**CITY COUNCIL AGENDA  
November 16, 2021**

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**ITEM/SUBJECT:** Ordinance amending Ordinance No. 50-2019 by declaring 1512 Tilden to be a dangerous structure; requiring the property owner to demolish said structure within thirty (30) days and declaring an emergency and immediate effective date.

**INITIATING DEPT:** Development Services/Building Inspection/Code Enforcement

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**STRATEGIC GOAL:** Accelerate Economic Growth

**STRATEGIC OBJECTIVE:** Revitalize Depressed and Declining Neighborhoods

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- June 25, 2019 – Landmark Commission convened to review owners design application for a major rehabilitation/rebuild and rear 3-story addition to a residence in the West Floral Heights Historic District (WFHHD); six motions issued to allow alterations for: front gable/dormer; removal/alteration of bricked entryway; addition of dormer on rear portion of existing roof; rear addition; replace windows and replace front door.
- September 13, 2019 – Notice of public hearing/issue via certified mail to property owners.
- September 12 & 13, 2019 – Notice of public hearing/issue published in TRN.
- October 15, 2019 – City Council authorized repair to the structure located at 1512 Tilden Avenue also known as Lot 7, Blk 72, Floral Heights owned by Daniel Mbalule and Rhonda Movete providing them 120 days to bring the building into substantial compliance with building codes.
- October 16, 2019 – Notice sent to owners after City Council meeting to provide the November 14, 2019 restoration permit required and March 13, 2020 substantial completion date.
- June 25, 2020 - Approved Landmark design review application expiration; no renewal sought by owner within 30-days of application expiration.
- November 14, 2019 – Restoration permit obtained.
- November 19, 2020 – Temporary Electric Pole permit issued
- February 19, 2020 – Notice sent to owners reminding of the March 13, 2020 substantial completion date.
- April 8, 2020 – Courtesy Building Inspection conducted
- May 2020 – August 2021 – Numerous on-site meetings, calls and discussions with owner related to project progress.

**COMMENTARY:**

Upon advisement of the City's Legal Department, staff is bringing the property at 1512 Tilden forward for re-declaration of demolition by City Council. Given the time period that has elapsed since the first demolition declaration, the proposed re-declaration is being

pursued by staff. Should Council decide to allow time for the rehabilitation of the structure, it is recommended that a Restoration Permit be required for 1512 Tilden and for the property to remain on the demolition list until substantial repairs (as determined by building finals) are completed. Photos of the property are under "Exhibit A". Staff continues to receive complaints related to the condition of this structure.

This property was brought forward for public hearing and demolition declaration by City Council in October 2019. At that time, Council approved the issuance of a Rehabilitation permit for a period of six (6) months to allow the applicant to repair and rehabilitate the fire-damaged structure. Shortly following the issuance of the restoration permit and temporary electric pole permits in November 2019, Mr. Mbalule (applicant) started the project by adding untreated wooden framing to the structure. During the course of the next two years, Building Inspections and Fire Marshal Office staff held numerous on-site meetings, calls and discussion with the applicant to discuss the project and check progress.

Since the time of installation, the wood framing has remained open to the elements with tarps being added at different times that would get torn up due to the wind and other weather. The wood has now deteriorated to the point it will need to be replaced in order for it to pass any structural inspections. Additionally, other construction work performed by the applicant has caused the brick façade to be removed and generally further degraded the structure.

Although work was periodic during the past two years and generally consisted of cleanup of fire-damaged debris, no significant progress was made toward finishing the project or completing the project in a condition to "dry-in" the structure. At no point during this time, has any of the cleanup and/or repair work performed by the applicant reached a point to request an inspection.

Given the historic nature of the house and impact to the aesthetic quality and consistency of the neighborhood, staff worked closely with the applicant to meet on-site when requested, give additional permit time due to COVID-19 pandemic circumstances, as well as, give ample time to applicant/owner to complete the repairs. During the course of the last two years, the owner has failed to engage a licensed contractor to assist with the repairs and has largely let the property deteriorate into its current condition.

Based on the fact the property owner has been given over two years to show substantial completion and has failed to get any final inspections during that time, staff is recommending a demolition order be granted and to not allow any additional time for repairs. If approved, the property owner will then have thirty (30) days in which to remove the structure. If such action has not been taken after 30-days, staff will complete the required HUD environmental review process and seek bids for the removal of the structure.

☒ Neighborhood Services Manager

☒ Building Official

☒ Development Services Director

☐ Assistant City Manager

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**ASSOCIATED INFORMATION:** Exhibit A, Ordinance

☒ **Budget Office Review:**

☒ **City Attorney Review:**

☒ **City Manager Approval:**

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**Ordinance No. \_\_\_\_\_**

**Ordinance amending Ordinance No. 50-2019 by declaring 1512 Tilden to be a dangerous structure; requiring the property owner to demolish said structure within thirty (30) days and declaring an emergency and immediate effective date**

WHEREAS, at the City Council Meeting on October 15th, 2019 the property located at Lot 7 Block 72 Floral Heights (aka 1512 Tilden), owned by Daniel Mbalule and Rhonda Movete, was provided 120 days to show substantial completion towards restoration of the structure; and,

WHEREAS, Daniel Mbalule and Rhonda Movete have not met the restoration requirements and the structure has continued to deteriorate; and,

WHEREAS, the City Council finds that the photographs and other evidence presented justify the determinations herein that the described building be demolished as established in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

1. From the evidence presented by property owner appearing and the Code Enforcement and Building Inspections divisions for the City of Wichita Falls, the buildings and/or structures at 1512 Tilden, with the corresponding property owners, are found to be dangerous buildings which cannot be repaired as defined in said Article VIII of Chapter 22 of the Code of Ordinances of the City of Wichita Falls, and the property owners and any other person having an interest in said buildings as shown by the title search by the City of Wichita Falls are hereby commanded to demolish the buildings and/or structures in accordance with the State of Particulars set forth in the Development Services Department's notice. The property owners and any other person having an interest in said buildings as shown by title search by the City of Wichita Falls are further commanded to demolish in accordance with the State of Particulars set forth in the Development Services Department's notice within 30 days from the date of this ordinance.

2. If, within 30 days from the date of this ordinance, the building at 1512 Tilden has not been demolished and removed, then it shall be demolished and removed at the expense of the City, by the City or the City's contractors (subject to City funding), and the net cost for demolition or removal shall be charged to the owners of the property and assessed on the land on which the building stood.

3. This structure poses a danger of collapse and conflagration, harbor pests, spread disease, and are places of assembly for dangerous criminals; therefore, their demolition constitutes an emergency for the immediate preservation of the public business place, property, health, safety, and general welfare of the public, as this ordinance shall become effective immediately from and after the date of its passage and accordingly it is so ordained.

PASSED AND APPROVED this the 16th day of November, 2021

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M A Y O R

ATTEST:

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City Clerk

**EXHIBIT A**











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**CITY COUNCIL AGENDA**  
**November 16, 2021**

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**ITEM/SUBJECT:** Ordinance amending Chapter 94, Section 266 to require equipment to be installed underground, providing codification.

**INITIATING DEPT:** Public Works

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**STRATEGIC GOAL:** Provide Quality Infrastructure

**STRATEGIC OBJECTIVE:** n/a

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**COMMENTARY:** Over the last six months, the City of Wichita Falls has seen an increase in permits issued for operations within the City right-of-way. Coupled with that, staff has received many complaints as it relates to the installation of fiber-optic lines. Specifically, the complaints concern the placement of fiber optic boxes, also known as pedestals, in front of residential homes around the City.

These pedestals cause issues when placed on top of the surface on the right-of-way, alleys, and easements. Specifically, when placed in utility easements, they can restrict access to City-owned utilities such as water and sewer. When placed in alleys, they can restrict access for City-operated trash trucks, increasing possible damage to both the truck and the above-ground equipment. Further, it is the City's intent to preserve the character of a neighborhood by limiting the installation of pedestals and boxes within residential areas. By allowing pedestals within residential areas, it can drive property values down.

As such, staff has worked together to develop a solution that when installing underground facilities, the contractor will be required to place all equipment underground in alleys, utility easements, and in front of residential structures.

Staff recommends approval of the ordinance.

☒ **Director, Public Works**

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**ASSOCIATED INFORMATION:** Ordinance

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

---



**Ordinance No. \_\_\_\_\_**

**Ordinance amending Chapter 94, Section 266 to require equipment to be installed underground, providing codification**

WHEREAS, Texas Local Government Code Section 283 allows municipalities to retain the authority to manage a public right-of-way within the municipality to ensure the health, safety, and welfare of the public; and,

WHEREAS, the above-ground pedestals and boxes in residential front yards are found to be detrimental to public health, safety, and welfare; and,

WHEREAS, the above-ground pedestals and boxes located in alleys are found to be a hindrance to vehicular traffic flow and are deemed to be detrimental to public health, safety, and welfare; and,

WHEREAS, this ordinance is further intended to preserve the residential appearance of the City and its property values to the benefit of public welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

1. Chapter 94, Section 266 to require equipment to be installed underground and shall read as follows.

Sec. 94-266. General public rights-of-way use and construction.

(c) Underground construction versus use of poles.

(1) In areas where all facilities are installed underground at the time of service provider's construction, all service provider's facilities shall also be placed underground at no expense to the city, unless otherwise approved by the director of public works or designee. Related equipment, such as pedestals, must be placed in accordance with the city's applicable code requirements and rules, including all visibility easement requirements. However, related equipment in City alleys, utility easements, or in front of residential structures must be placed underground or flush mount with the ground surface by means of a hand-hole, junction box, pull box, or vault. Flush mounted hand-holes must be no larger than 24" wide by 24" long by 24" deep and must be rated for vehicular traffic when placed within the right-of-way or alleys. Flush mounted hand-holes must not be placed to hinder the use of the sidewalk or within three feet horizontally from existing City utilities (water, sewer, drainage). Where such underground requirement is not suitable, upon written request, modification may be allowed by the director of public works or designee. If existing equipment is removed or replaced, such new equipment shall be in accordance with these regulations. In areas where existing facilities are aerial, the service provider may install aerial facilities.

2. It is the intention of the City Council of the City of Wichita Falls, Texas, that the provisions of this ordinance shall become a part of the Code of Ordinances of the City of Wichita Falls, Texas, and that sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

PASSED AND APPROVED this 16<sup>th</sup> day of November 2021.

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M A Y O R

ATTEST:

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City Clerk

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**CITY COUNCIL AGENDA  
November 16, 2021**

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**ITEM/SUBJECT:** Resolution authorizing the City of Wichita Falls' adoption and approval of the Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (Texas Term Sheet) approving the allocation of any and all opioid settlement funds within the State of Texas.

**INITIATING DEPT:** Legal

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**STRATEGIC GOAL:** Efficiently Deliver City Services

**STRATEGIC OBJECTIVE:** Practice effective governance

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**COMMENTARY:**

In 2020, drug overdose deaths rose nearly 30% in the United States to a record high of 93,000. Opioid overdose deaths hit a record 69,000 in the United States.

In Texas, drug overdose deaths also increased by 31.9%, driven primarily by opioid overdose deaths. The opioid overdose death increase was driven by fentanyl and other synthetic opioids.

Texas, along with a broad coalition of states and subdivisions, has reached final agreements with four companies to resolve legal claims against for their role in the opioid crisis. One agreement is with opioid manufacturer Johnson & Johnson. The other is three major pharmaceutical distributors: AmerisourceBergen, Cardinal Health, and McKesson.

Should the City receive any settlement funds, said funds will come with stipulations as to how the funds are spent. Such funds will be earmarked for opioid and other drug related mediation efforts and expenses.

☒ **City Attorney**

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**ASSOCIATED INFORMATION:** Resolution; Exhibit A - Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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**Resolution No. \_\_\_\_\_**

**Resolution authorizing the City of Wichita Falls' adoption and approval of the Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (Texas Term Sheet) approving the allocation of any and all opioid settlement funds within the State of Texas**

WHEREAS, the City of Wichita Falls, Texas obtained information indicating that certain drug companies and their corporate affiliates, parents, subsidiaries, and such other defendants as may be added to the litigation (collectively, "Defendants") have engaged in fraudulent and/or reckless marketing and/or distribution of opioids that have resulted in addictions and overdoses; and

WHEREAS, these actions, conduct and misconduct have resulted in significant financial costs to the City of Wichita Falls, Texas; and

WHEREAS, on May 13, 2020, the State of Texas, through the Office of the Attorney General, and a negotiation group for Texas political subdivisions entered into an Agreement entitled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (hereafter, the Texas Term Sheet) approving the allocation of any and all opioid settlement funds within the State of Texas. The Texas Term Sheet is attached hereto as Exhibit "A"; and

WHEREAS, Special Counsel and the State of Texas have recommended that the City Council of the City of Wichita Falls, Texas support the adoption and approval of the Texas Term Sheet in its entirety.

NOW, THEREFORE, BE IT RESOLVED that we, the City Council of the City of Wichita Falls, Texas:

1. Support the adoption and approval of the Texas Term Sheet in its entirety; and

Finds as follows:

- a. There is a substantial need for repayment of opioid-related expenditures and payment to abate opioid-related harms in and about the City of Wichita Falls, Texas; and

- b. The City Council of the City of Wichita Falls, Texas supports in its entirety and hereby adopts the allocation method for opioid settlement proceeds as set forth in the STATE OF TEXAS AND TEXAS POLITICAL SUBDIVISIONS' OPIOID ABATEMENT FUND COUNCIL AND SETTLEMENT ALLOCATION TERM SHEET, attached hereto as Exhibit A. The City Council of the City of Wichita Falls, Texas understands that the purpose of this Texas Term Sheet is to permit collaboration between the State of Texas and Political Subdivisions to explore and potentially effectuate resolution of the Opioid Litigation against Pharmaceutical

Supply Chain Participants as defined therein. We also understand that an additional purpose is to create an effective means of distributing any potential settlement funds obtained under this Texas Term Sheet between the State of Texas and Political Subdivisions in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic in the City of Wichita Falls, Texas and throughout Texas.

PASSED AND APPROVED this the 16<sup>th</sup> day of November, 2021.

---

M A Y O R

ATTEST:

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City Clerk

## **EXHIBIT A**

### **TEXAS OPIOID ABATEMENT FUND COUNCIL AND SETTLEMENT ALLOCATION TERM SHEET**

**WHEREAS**, the people of the State of Texas and its communities have been harmed through the National and Statewide epidemic caused by licit and illicit opioid use and distribution within the State of Texas; and now,

**WHEREAS**, the State of Texas, though its elected representatives and counsel, including the Honorable Ken Paxton, Attorney General of the State of Texas, and certain Political Subdivisions, through their elected representatives and counsel, are separately engaged in litigation seeking to hold those entities in the supply chain accountable for the damage caused; and now,

**WHEREAS**, the State of Texas, through its Attorney General and its Political Subdivisions, share a common desire to abate and alleviate the impacts of the epidemic throughout the State of Texas; and now,

**THEREFORE**, the State of Texas and its Political Subdivisions, subject to completing formal documents effectuating the Parties' agreements, enter into this State of Texas and Texas Political Subdivisions' Opioid Abatement Fund Council and Settlement Allocation Term Sheet (Texas Term Sheet) relating to the allocation and use of the proceeds of any Settlements as described.

#### **A. Definitions**

As used in this Texas Term Sheet:



1. "The State" shall mean the State of Texas acting through its Attorney General.
2. "Political Subdivision(s)" shall mean any Texas municipality and county.
3. "The Parties" shall mean the State of Texas, the Political Subdivisions, and the Plaintiffs' Steering Committee and Liaison Counsel (PSC) in the Texas Opioid MDL, *In Re: Texas Opioid Litigation*, MDL No. 2018-63587, in the 152d District Court of Harris County, Texas.
4. "Litigating Political Subdivision" means a Political Subdivision that filed suit in the state courts of the State of Texas prior to the Execution Date of this Agreement, whether or not such case was transferred to Texas Opioid MDL, or removed to federal court.
5. "National Fund" shall mean any national fund established for the benefit of the Texas Political Subdivisions. In no event shall any National Fund be used to create federal jurisdiction, equitable or otherwise, over the Texas Political Subdivisions or those similarly situated state-court litigants who are included in the state coalition, nor shall the National Fund require participating in a class action or signing a participation agreement as part of the criteria for participating in the National Fund.
6. "Negotiating Committee" shall mean a three-member group comprising four representatives for each of (1) the State; (2) the PSC; and (3) Texas'

Political Subdivisions (collectively, “Members”). The State shall be represented by the Texas Attorney General or his designees. The PSC shall be represented by attorneys Mikal Watts, Jeffrey Simon, Dara Hegar, Dan Downey, or their designees. Texas’ Political Subdivisions shall be represented by Clay Jenkins (Dallas County Judge), Terrence O’Rourke (Special Assistant County Attorney, Harris County), Nelson Wolff (Bexar County Judge), and Nathaniel Moran (Smith County Judge) or their designees.

7. “Settlement” shall mean the negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant that includes the State and Political Subdivisions.
8. “Opioid Funds” shall mean monetary amounts obtained through a Settlement as defined in this Texas Term Sheet.
8. “Approved Purpose(s)” shall mean those uses identified in Exhibit A hereto.
9. “Pharmaceutical Supply Chain” shall mean the process and channels through which opioids or opioids products are manufactured, marketed, promoted, distributed, or dispensed.

10. “Pharmaceutical Supply Chain Participant” shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic.
11. “Texas Opioid Council” shall mean the Council described in Exhibit A hereto, which has the purpose of ensuring the funds recovered by Texas (through the joint actions of the Attorney General and the Texas Political Subdivisions) are allocated fairly and spent to remediate the opioid crisis in Texas, using efficient and cost-effective methods that are directed to the hardest hit regions in Texas while also ensuring that all Texans benefit from prevention and recovery efforts.

**B. Allocation of Settlement Proceeds**

1. All Opioid Funds distributed in Texas shall be divided with 15% going to Political Subdivisions (“Subdivision Share”), 70% to the Texas Opioid Abatement Fund through the Texas Opioid Council (Texas Abatement Fund Share) identified and described on Exhibits A and C hereto, and 15% to the Office of the Texas Attorney General as Counsel for the State of Texas (“State Share”). Out of the Texas Opioid Abatement Fund, reasonable expenses up to 1% shall be paid to the Texas Comptroller for the administration of the Texas Opioid Council pursuant to the Opioid

Abatement Fund (Texas Settlement) Opioid Council Agreement, Exhibit A hereto.

2. The Subdivisions Share shall be allocated in accordance with the division of proceeds on Exhibit B hereto.
3. The Texas Abatement Fund Share shall be allocated to the Opioid Council to be apportioned in accordance with the guidelines of Exhibit A, and Exhibit C hereto.
4. In the event a Subdivision merges, dissolves, or ceases to exist, the allocation percentage for that Subdivision shall be redistributed as directed by the settlement document, and if not specified, equitably based on the composition of the successor Subdivision. If a Subdivision for any reason is excluded from a specific settlement, the allocation percentage for that Subdivision shall be redistributed as directed by the settlement document, and if not specified, equitably among the participating Subdivisions.
5. Funds obtained from parties unrelated to the Litigation, via grant, bequest, gift or the like, separate and distinct from the Litigation, may be directed to the Texas Opioid Council and disbursed as set forth below.
6. The Subdivision share shall be initially deposited and paid in cash directly to the Subdivision under the authority and guidance of the Texas MDL Court, who shall direct any Settlement funds to be held in trust in a

segregated account to benefit the Subdivisions and to be promptly distributed as set forth herein and in accordance with Exhibit B.

7. Nothing in this Texas Term Sheet should alter or change any Subdivision's rights to pursue its own claim. Rather, the intent of this Texas Term Sheet is to join all parties to disburse settlement proceeds from one or more defendants to all parties participating in that settlement within Texas.
8. Opioid Funds from the Texas Abatement Fund Share shall be directed to the Texas Opioid Council and used in accordance with the guidelines as set out on Exhibit A hereto, and the Texas Abatement Fund Share shall be distributed to the Texas Opioid Council under the authority and guidance of the Texas MDL Court, consistent with Exhibits A and C, and the by-laws of the Texas Opioid Council documents and disbursed as set forth therein, including without limitation all abatement funds and the 1% holdback for expenses.
9. The State of Texas and the Political Subdivisions understand and acknowledge that additional steps may need to be undertaken to assist the Texas Opioid Council in its mission, at a predictable level of funding, regardless of external factors.

#### **C. Payment of Counsel and Litigation Expenses**

1. Any Master Settlement Agreement settlement will govern the payment of fees and litigation expenses to the Parties. The Parties agree to direct control of any Texas Political Subdivision fees and expenses to the “Texas Opioid Fee and Expense Fund,” which shall be allocated and distributed by the Texas MDL Court, *In re: Texas Opioid Litigation*, MDL No. 2018-63587, in the 152nd District Court of Harris County, Texas, and with the intent to compensate all counsel for Texas Political Subdivisions who have not chosen to otherwise seek compensation for fees and expenses from any federal MDL common benefit fund.
2. The Parties agree that no portion of the State of Texas 15% allocation share from any settlement shall be administered through the National Fund, the Texas MDL Court, or Texas Opioid Fee and Expense Fund, but shall be directed for payment to the State of Texas by the State of Texas.
3. The State of Texas and the Texas Political Subdivisions, and their respective attorneys, agree that all fees – whether contingent, hourly, fixed or otherwise – owed by the Texas Political Subdivisions shall be paid out of the National Fund or as otherwise provided for herein to the Texas Opioid Fee and Expense Fund to be distributed by the 152nd

District Court of Harris County, Texas pursuant to its past and future orders.

4. From any opioid-related settlements with McKesson, Cardinal Health, ABDC, and Johnson & Johnson, and for any future opioid-related settlements negotiated, in whole or in part, by the Negotiating Committee with any other Pharmaceutical Supply Chain Participant, the funds to be deposited in the Texas Opioid Fee and Expense Fund shall be 9.3925% of the combined Texas Political Subdivision and Texas Abatement Fund portions of each payment (annual or otherwise) to the State of Texas for that settlement, plus expenses from the National Fund, and shall be sought by Texas Political Subdivision Counsel initially through the National Fund. The Texas Political Subdivisions' percentage share of fees and expenses from the National Fund shall be directed to the Texas Opioid Fee and Expense Fund in the Texas MDL, as soon as is practical, for allocation and distribution in accordance with the guidelines herein.
5. If the National Fund share to the Texas Political Subdivisions is insufficient to cover the guaranteed 9.3925%, plus expenses from the National Fund, per subsection 4, immediately *supra*, or if payment from the National Fund is not received within 12 months after the date the

first payment is made by the Defendants pursuant to the settlement, then the Texas Political Subdivisions shall recover up to 12.5% of the Texas Political Subdivision Share to make up any difference.

6. If the National Fund and the Texas Political Subdivision share are insufficient to cover the guaranteed 9.3925%, plus expenses from the National Fund, or if payment from the National Fund is not received within 12 months after the date the first payment is made by the Defendants pursuant to the settlement, then the Texas Political Subdivisions shall recover up to 8.75% of the Abatement Fund Share to make up any difference. In no event shall the Texas Political Subdivision share exceed 9.3925% of the combined Texas Political Subdivision and Texas Abatement Fund portions of any settlement, plus expenses from the National Fund. In the event that any payment is received from the National Fund such that the total amount in fees and expenses exceeds 9.3925%, the Texas Political Subdivisions shall return any amounts received greater than 9.3925% of the combined Texas Political Subdivision and Texas Abatement Fund portions to those respective Funds.



7. For each settlement utilizing a National Fund, the Texas Political Subdivisions need only make one attempt at seeking fees and expenses there.
8. The total amount of the Texas Opioid Fee and Expense Fund shall be reduced proportionally, according to the agreed upon allocation of the Texas Subdivision Fund, for any Texas litigating Political Subdivision that (1) fails to enter the settlement; and (2) was filed in Texas state court, and was transferred to the Texas MDL (or removed before or during transfer to the Texas MDL) as of the execution date of this Agreement.

**D. The Texas Opioid Council and Texas Abatement Fund**

The Texas Opioid Council and Texas Abatement Fund is described in detail at Exhibit A, incorporated herein by reference.

**E. Settlement Negotiations**

1. The State and Negotiating Committee agree to inform each other in advance of any negotiations relating to a Texas-only settlement with a Pharmaceutical Supply Chain Participant that includes both the State and its Political Subdivisions and shall provide each other the opportunity to participate in all such negotiations. Any Texas-only Settlement agreed to with the State and Negotiating Committee shall be subject to the approval

of a majority of litigating Political Subdivisions. The Parties further agree to keep each other reasonably informed of all other global settlement negotiations with Pharmaceutical Supply Chain Participants and to include the Negotiating Committee or designees. Neither this provision, nor any other, shall be construed to state or imply that either the State or the Negotiating Committee is unauthorized to engage in settlement negotiations with Pharmaceutical Supply Chain Participants without prior consent or contemporaneous participation of the other, or that either party is entitled to participate as an active or direct participant in settlement negotiations with the other. Rather, while the State's and Negotiation Committee's efforts to achieve worthwhile settlements are to be collaborative, incremental stages need not be so.

2. Any Master Settlement Agreement (MSA) shall be subject to the approval and jurisdiction of the Texas MDL Court.
3. As this is a Texas-specific effort, the Committee shall be Chaired by the Attorney General. However, the Attorney General, or his designees, shall endeavor to coordinate any publicity or other efforts to speak publicly with the other Committee Members.
4. The State of Texas, the Texas MDL Plaintiff's Steering Committee representatives, or the Political Subdivision representatives may withdraw

from coordinated Settlement discussions detailed in this Section upon 10 business days' written notice to the remaining Committee Members and counsel for any affected Pharmaceutical Supply Chain Participant. The withdrawal of any Member releases the remaining Committee Members from the restrictions and obligations in this Section.

5. The obligations in this Section shall not affect any Party's right to proceed with trial or, within 30 days of the date upon which a trial involving that Party's claims against a specific Pharmaceutical Supply Chain Participant is scheduled to begin, reach a case specific resolution with that particular Pharmaceutical Supply Chain Participant.

#### **F. Amendments**

The Parties agree to make such amendments as necessary to implement the intent of this agreement.

#### **Acknowledgment of Agreement**

We, the undersigned, have participated in the drafting of the above Texas Term Sheet, including consideration based on comments solicited from Political Subdivisions. This document has been collaboratively drafted to maintain all individual claims while allowing the State and its Political Subdivisions to cooperate in exploring all possible means of resolution. Nothing in this agreement binds any party to any specific outcome. Any resolution under this document will require

acceptance by the State of Texas and a majority of the Litigating Political Subdivisions.

We, the undersigned, hereby accept the STATE OF TEXAS AND TEXAS POLITICAL SUBDIVISIONS' OPIOID ABATEMENT FUND COUNCIL AND SETTLEMENT ALLOCATION TERM SHEET. We understand that the purpose of this Texas Term Sheet is to permit collaboration between the State of Texas and Political Subdivisions to explore and potentially effectuate earlier resolution of the Opioid Litigation against Pharmaceutical Supply Chain Participants. We also understand that an additional purpose is to create an effective means of distributing any potential settlement funds obtained under this Texas Term Sheet between the State of Texas and Political Subdivisions in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Texas.

Executed this 13 day of May, 2020.

FOR THE STATE OF TEXAS:

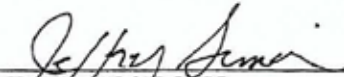


KENNETH PAXTON, JR.  
ATTORNEY GENERAL

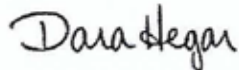
FOR THE SUBDIVISIONS  
AND TEXAS MDL PSC:



MIKAL WATTS  
WATTS GUERRA LLP



JEFFREY SIMON  
SIMON GREENSTONE PANATIER, PC



DARA HEGAR  
LANIER LAW FIRM, PC



DAN DOWNEY  
DAN DOWNEY, PC

:sas

# EXHIBIT A

## **Opioid Abatement Fund (Texas) Settlement**

### **Opioid Council**

As part of the settlement agreement and upon its execution, the parties will form the Texas Opioid Council (Council) to establish the framework that ensures the funds recovered by Texas (through the joint actions of the Attorney General and the state's political subdivisions) are allocated fairly and spent to remediate the opioid crisis in Texas, using efficient and cost-effective methods that are directed to the hardest hit regions in Texas while also ensuring that all Texans benefit from prevention and recovery efforts.

#### **I. Structure**

The Council will be responsible for the processes and procedures governing the spending of the funds held in the Texas Abatement Fund, which will be approximately 70% of all funds obtained through settlement and/or litigation of the claims asserted by the State and its subdivisions in the investigations and litigation related to the manufacturing, marketing, distribution, and sale of opioids and related pharmaceuticals.

Money paid into the abatement fund will be held by an independent administrator, who shall be responsible for the ministerial task of releasing funds solely as authorized below by the Council, and accounting for all payments to and from the fund.

The Council will be formed when a court of competent jurisdiction enters an order settling the matter, including any order of a bankruptcy court. The Council's members must be appointed within sixty (60) days of the date the order is entered.

##### **A. Membership**

The Council shall be comprised of the following thirteen (13) members:

###### *1. Statewide Members.*

Six members appointed by the Governor and Attorney General to represent the State's interest in opioid abatement. The statewide members are appointed as follows:

- a. The Governor shall appoint three (3) members who are licensed health professionals with significant experience in opioid interventions;
- b. The Attorney General shall appoint three (3) members who are licensed professionals with significant experience in opioid incidences; and
- c. The Governor will appoint the Chair of the Council as a non-voting member. The Chair may only cast a vote in the event there is a tie of the membership.

###### *2. Regional Members.*

Six (6) members appointed by the State's political subdivisions to represent their designated Texas Health and Human Services Commission "HHSC" Regional Healthcare

Partnership (Regions) to ensure dedicated regional, urban, and rural representation on the Council. The regional appointees must be from either academia or the medical profession with significant experience in opioid interventions. The regional members are appointed as follows:

- a. One member representing Regions 9 and 10 (Dallas Ft-Worth);
- b. One member representing Region 3 (Houston);
- c. One member representing Regions 11, 12, 13, 14, 15, 19 (West Texas);
- d. One member representing Regions 6, 7, 8, 16 (Austin-San Antonio);
- e. One member representing Regions 1, 2, 17, 18 (East Texas); and
- f. One member representing Regions 4, 5, 20 (South Texas).

#### B. Terms

All members of the Council are appointed to serve staggered two-year terms, with the terms of members expiring February 1 of each year. A member may serve no more than two consecutive terms, for a total of four consecutive years. For the first term, four (4) members (two (2) statewide and two (2) for the subdivisions) will serve a three-year term. A vacancy on the Council shall be filled for the unexpired term in the same manner as the original appointment. The Governor will appoint the Chair of the Council who will not vote on Council business unless there is a tie vote, and the subdivisions will appoint a Vice-Chair voting member from one of the regional members.

#### C. Governance

##### 1. *Administration*

The Council is attached administratively to the Comptroller. The Council is an independent, quasi-governmental agency because it is responsible for the statewide distribution of the abatement settlement funds. The Council is exempt from the following statutes:

- a. Chapter 316 of the Government Code (Appropriations);
- b. Chapter 322 of the Government Code (Legislative Budget Board);
- c. Chapter 325 of the Government Code (Sunset);
- d. Chapter 783 of the Government Code (Uniform Grants and Contract Management);
- e. Chapter 2001 of the Government Code (Administrative Procedure);
- f. Chapter 2052 of the Government Code (State Agency Reports and Publications);
- g. Chapter 2261 of the Government Code (State Contracting Standards and Oversight);
- h. Chapter 2262 of the Government Code (Statewide Contract Management);



- i. Chapter 262 of the Local Government Code (Purchasing and Contracting Authority of Counties); and
- j. Chapter 271 of the Local Government Code (Purchasing and Contracting Authority of Municipalities, Counties, and Certain Other Local Governments).

## 2. *Transparency*

The Council will abide by state laws relating to open meetings and public information, including Chapters 551 and 552 of the Texas Government Code.

- i. The Council shall hold at least four regular meetings each year. The Council may hold additional meetings on the request of the Chair or on the written request of three members of the council. All meetings shall be open to the public, and public notice of meetings shall be given as required by state law.
- ii. The Council may convene in a closed, non-public meeting:
  - a. If the Commission must discuss:
    - 1. Negotiation of contract awards; and
    - 2. Matters specifically exempted from disclosure by federal and state statutes.
  - b. All minutes and documents of a closed meeting shall remain under seal, subject to release only order of a court of competent jurisdiction.

## 3. *Authority*

The Council does not have rulemaking authority. The terms of each Judgment, Master Settlement Agreement, or any Bankruptcy Settlement for Texas control the authority of the Council and the Council may not stray outside the bounds of the authority and power vested by such settlements. Should the Council require legal assistance in determining their authority, the Council may direct the executive director to seek legal advice from the Attorney General to clarify the issue.

## D. *Operation and Expenses*

The independent administrator will set aside up to one (1) percent of the settlement funds for the administration of the Council for reasonable costs and expenses of operating the foregoing duties, including educational activities.

### 1. *Executive Director*

The Comptroller will employ the executive director of the Council and other personnel as necessary to administer the duties of the Council and carry out the functions of the Council. The executive director must have at least 10 years of experience in government or public administration and is classified as a Director V/B30 under the State Auditor's State Classification. The Comptroller will pay the salaries of the Council employees from the

one (1) percent of the settlement funds set aside for the administration of the Council. The Comptroller will request funds from the Texas Abatement Fund Point of Contact.

## *2. Travel Reimbursement*

A person appointed to the Council is entitled to reimbursement for the travel expenses incurred in attending Council duties. A member of the Council may be reimbursed for actual expenses for meals, lodging, transportation, and incidental expenses in accordance with travel rates set by the federal General Services Administration.

## **II. Duties/Roles**

It is the duty of the Council to determine and approve the opioid abatement strategies and funding awards.

### **A. Approved Abatement Strategies**

The Council will develop the approved Texas list of abatement strategies based on but not limited to the existing national list of opioid abatement strategies (see attached Appendix A) for implementing the Texas Abatement Fund.

1. The Council shall only approve strategies which are evidence-informed strategies.
2. The Texas list of abatement strategies must be approved by majority vote. The majority vote must include a majority from both sides of the statewide members and regional members in order to be approved, e.g., at least four (4) of six (6) members on each side.

### **B. Texas Abatement Fund Point of Contact**

The Council will determine a single point of contact called the Abatement Fund Point of Contact (POC) to be established as the sole entity authorized to receive requests for funds and approve expenditures in Texas and order the release of funds from the Texas Abatement Fund by the independent administrator. The POC may be an independent third party selected by the Council with expertise in banking or financial management. The POC will manage the Opioid Council Bank Account (Account). Upon a vote, the Council will direct the POC to contact the independent administrator to release funds to the Account. The Account is outside the State Treasury and not managed by any state or local officials. The POC is responsible for payments to the qualified entities selected by the Council for abatement fund awards. The POC will submit a monthly financial statement on the Account to the Council.

### **C. Auditor**

An independent auditor appointed by the Council will perform an audit on the Account on an annual basis and report its findings, if any, to the Council.

### **D. Funding Allocation**

The Council is the sole decision-maker on the funding allocation process of the abatement funds. The Council will develop the application and award process based on the parameters outlined below. An entity seeking funds from the Council must apply for funds; no funds will be awarded without an application. The executive director and personnel may assist the Council in gathering and compiling the applications for consideration; however, the Council members are the sole decision-makers of awards and funding determination. The Council will use the following processes to award funds:

1. *Statewide Funds.* The Council will consider, adopt and approve the allocation methodology attached as Exhibit C, based upon population health data and prevalence of opioid incidences, at the Council's initial meeting. Adoption of such methodology will allow each Region to customize the approved abatement strategies to fit its communities' needs. The statewide regional funds will account for seventy-five (75) percent of the total overall funds, less the one (1) percent administrative expense described herein.
2. *Targeted Funds.* Each Region shall reserve twenty-five (25) percent of the overall funds, for targeted interventions in the specific Region as identified by opioid incidence data. The Council must approve on an annual basis the uses for the targeted abatement strategies and applications available to every Region, including education and outreach programs. Each Region without approved uses for the targeted funds from the Council, based upon a greater percentage of opioid incidents compared to its population, is subject to transfer of all or a portion of the targeted funds for that Region for uses based upon all Regions' targeted funding needs as approved by the Council on an annual basis.
3. *Annual Allocation.* Statewide regional funds and targeted funds will be allocated on an annual basis. If a Region lapses its funds, the funds will be reallocated based on all Regions' funding needs.

E. Appeal Process

The Council will establish an appeal process to permit the applicants for funding (state or subdivisions) to challenge decisions by the Council-designated point of contact on requests for funds or expenditures.

1. To challenge a decision by the designated point of contact, the State or a subdivision must file an appeal with the Council within thirty (30) days of the decision. The Council then has thirty (30) days to consider and rule on the appeal.
2. If the Council denies the appeal, the party may file an appeal with the state district court of record where the final opioid judgment or Master Settlement Agreement is filed. The Texas Rules of Civil Procedure and Rules of Evidence will govern these proceedings. The Council may request representation from the Attorney General in these proceedings.

In making its determination, the state district court shall apply the same clear error standards contained herein that the Council must follow when rendering its decision.

3. The state district court will make the final decision and the decision is not appealable.
4. Challenges will be limited and subject to penalty if abused.
5. Attorneys' fees and costs are not recoverable in these appeals.

F. Education

The Council may determine that a percentage of the funds in the Abatement Fund from the targeted funds be used to develop an education and outreach program to provide materials on the consequences of opioid drug use, prevention and interventions. Any material developed will include online resources and toolkits for communities.

# EXHIBIT B

Exhibit B: Municipal Area Allocations: 15% of Total (\$150 million)

(County numbers refer to distribution to the county governments after payment to cities within county borders has been made. Minimum distribution to each county is \$1000.)

Municipal Area	Allocation	Municipal Area	Allocation
Abbott	\$688	Lakeport	\$463
Abernathy	\$110	Lakeside	\$4,474
Abilene	\$563,818	Lakeside City	\$222
Ackerly	\$21	Lakeview	\$427
Addison	\$58,094	Lakeway	\$31,657
Adrian	\$181	Lakewood Village	\$557
Agua Dulce	\$43	Lamar County	\$141,598
Alamo	\$22,121	Lamb County	\$50,681
Alamo Heights	\$28,198	Lamesa	\$29,656
Alba	\$3,196	Lampasas	\$28,211
Albany	\$180	Lampasas County	\$42,818
Aledo	\$331	Lancaster	\$90,653
Alice	\$71,291	Laredo	\$763,174
Allen	\$315,081	Latexo	\$124
Alma	\$1,107	Lavaca County	\$45,973
Alpine	\$29,686	Lavon	\$7,435
Alto	\$3,767	Lawn	\$58
Alton	\$11,540	League City	\$302,418
Alvarado	\$29,029	Leakey	\$256
Alvin	\$113,962	Leander	\$88,641
Alvord	\$358	Leary	\$797
Amarillo	\$987,661	Lee County	\$30,457
Ames	\$5,571	Lefors	\$159
Amherst	\$22	Leon County	\$67,393
Anahuac	\$542	Leon Valley	\$23,258
Anderson	\$19	Leona	\$883
Anderson County	\$268,763	Leonard	\$8,505
Andrews	\$18,983	Leroy	\$176
Andrews County	\$37,606	Levelland	\$46,848
Angelina County	\$229,956	Lewisville	\$382,094
Angleton	\$62,791	Lexington	\$2,318
Angus	\$331	Liberty	\$72,343
Anna	\$9,075	Liberty County	\$531,212
Annetta	\$5,956	Liberty Hill	\$2,780
Annetta North	\$34	Limestone County	\$135,684

(Table continues on multiple pages below)

Annetta South	\$602	Lincoln Park	\$677
Annona	\$738	Lindale	\$24,202
Anson	\$5,134	Linden	\$3,661
Anthony	\$4,514	Lindsay	\$1,228
Anton	\$444	Lipan	\$44
Appleby	\$1,551	Lipscomb County	\$10,132
Aquilla	\$208	Little Elm	\$69,326
Aransas County	\$266,512	Little River-Academy	\$798
Aransas Pass	\$57,813	Littlefield	\$7,678
Archer City	\$10,554	Live Oak	\$32,740
Archer County	\$45,534	Live Oak County	\$39,716
Arcola	\$7,290	Liverpool	\$1,435
Argyle	\$11,406	Livingston	\$73,165
Arlington	\$735,803	Llano	\$23,121
Armstrong County	\$974	Llano County	\$115,647
Arp	\$2,009	Lockhart	\$49,050
Asherton	\$112	Lockney	\$3,301
Aspermont	\$9	Log Cabin	\$1,960
Atascosa County	\$176,903	Lometa	\$1,176
Athens	\$105,942	Lone Oak	\$1,705
Atlanta	\$30,995	Lone Star	\$8,283
Aubrey	\$15,141	Longview	\$482,254
Aurora	\$1,849	Lorraine	\$188
Austin County	\$76,030	Lorena	\$3,390
Austin	\$4,877,716	Lorenzo	\$11,358
Austwell	\$109	Los Fresnos	\$11,185
Avery	\$138	Los Indios	\$159
Avinger	\$1,115	Los Ybanez	\$0
Azle	\$32,213	Lott	\$1,516
Bailey	\$950	Lovelady	\$249
Bailey County	\$15,377	Loving County	\$1,000
Bailey's Prairie	\$5,604	Lowry Crossing	\$783
Baird	\$2,802	Lubbock	\$319,867
Balch Springs	\$27,358	Lubbock County	\$1,379,719
Balcones Heights	\$23,811	Lucas	\$5,266
Ballinger	\$9,172	Lueders	\$508
Balmorhea	\$63	Lufkin	\$281,592
Bandera	\$2,893	Luling	\$29,421
Bandera County	\$86,815	Lumberton	\$36,609
Bangs	\$3,050	Lyford	\$3,071

Bardwell	\$362	Lynn County	\$6,275
Barry	\$200	Lytle	\$7,223
Barstow	\$61	Mabank	\$19,443
Bartlett	\$3,374	Madison County	\$49,492
Bartonville	\$8,887	Madisonville	\$11,458
Bastrop	\$46,320	Magnolia	\$26,031
Bastrop County	\$343,960	Malakoff	\$12,614
Bay City	\$57,912	Malone	\$439
Baylor County	\$29,832	Manor	\$12,499
Bayou Vista	\$6,240	Mansfield	\$150,788
Bayside	\$242	Manvel	\$12,305
Baytown	\$216,066	Marble Falls	\$37,039
Bayview	\$41	Marfa	\$65
Beach City	\$12,505	Marietta	\$338
Bear Creek	\$906	Marion	\$275
Beasley	\$130	Marion County	\$54,728
Beaumont	\$683,010	Marlin	\$21,634
Beckville	\$1,247	Marquez	\$1,322
Bedford	\$94,314	Marshall	\$108,371
Bedias	\$3,475	Mart	\$928
Bee Cave	\$12,863	Martin County	\$10,862
Bee County	\$97,844	Martindale	\$2,437
Beeville	\$24,027	Mason	\$777
Bell County	\$650,748	Mason County	\$3,134
Bellaire	\$41,264	Matador	\$1,203
Bellevue	\$56	Matagorda County	\$135,239
Bellmead	\$14,487	Mathis	\$15,720
Bells	\$1,891	Maud	\$423
Bellville	\$7,488	Maverick County	\$115,919
Belton	\$72,680	Maypearl	\$986
Benavides	\$152	McAllen	\$364,424
Benbrook	\$43,919	McCombs	\$542
Benjamin	\$951	McGregor	\$9,155
Berryville	\$14,379	McKinney	\$450,383
Bertram	\$182	McLean	\$14
Beverly Hills	\$4,336	McLendon-Chisholm	\$411
Bevil Oaks	\$549	Mcculloch County	\$20,021
Bexar County	\$7,007,152	McLennan County	\$529,641
Big Lake	\$547	McMullen County	\$1,000
Big Sandy	\$4,579	Meadow	\$1,121



Big Spring	\$189,928	Meadowlakes	\$905
Big Wells	\$236	Meadows Place	\$18,148
Bishop	\$8,213	Medina County	\$48,355
Bishop Hills	\$323	Megargel	\$611
Blackwell	\$31	Melissa	\$15,381
Blanco	\$6,191	Melvin	\$345
Blanco County	\$49,223	Memphis	\$7,203
Blanket	\$147	Menard	\$991
Bloomburg	\$1,010	Menard County	\$14,717
Blooming Grove	\$352	Mercedes	\$21,441
Blossom	\$198	Meridian	\$3,546
Blue Mound	\$2,888	Merkel	\$10,117
Blue Ridge	\$1,345	Mertens	\$239
Blum	\$1,622	Mertzson	\$29
Boerne	\$45,576	Mesquite	\$310,709
Bogata	\$3,649	Mexia	\$21,096
Bonham	\$100,909	Miami	\$455
Bonney	\$2,510	Midland County	\$279,927
Booker	\$1,036	Midland	\$521,849
Borden County	\$1,000	Midlothian	\$95,799
Borger	\$69,680	Midway	\$78
Bosque County	\$71,073	Milam County	\$97,386
Bovina	\$173	Milano	\$904
Bowie	\$83,620	Mildred	\$286
Bowie County	\$233,190	Miles	\$93
Boyd	\$6,953	Milford	\$6,177
Brackettville	\$8	Miller's Cove	\$97
Brady	\$27,480	Millican	\$417
Brazoria	\$11,537	Mills County	\$19,931
Brazoria County	\$1,021,090	Millsap	\$34
Brazos Bend	\$462	Mineola	\$48,719
Brazos Country	\$902	Mineral Wells	\$92,061
Brazos County	\$342,087	Mingus	\$189
Breckenridge	\$23,976	Mission	\$124,768
Bremond	\$5,554	Missouri City	\$209,633
Brenham	\$54,750	Mitchell County	\$20,850
Brewster County	\$60,087	Mobeetie	\$52
Briarcliff	\$572	Mobile City	\$2,034
Briarocks	\$57	Monahans	\$5,849
Bridge City	\$80,756	Mont Belvieu	\$19,669

Bridgeport	\$33,301	Montague County	\$94,796
Briscoe County	\$977	Montgomery	\$1,884
Broadbush	\$31	Montgomery County	\$2,700,911
Bronte	\$99	Moody	\$828
Brooks County	\$20,710	Moore County	\$40,627
Brookshire	\$6,406	Moore Station	\$772
Brookside Village	\$1,110	Moran	\$50
Brown County	\$193,417	Morgan	\$605
Browndell	\$152	Morgan's Point	\$3,105
Brownfield	\$14,452	Morgan's Point Resort	\$8,024
Brownsboro	\$3,176	Morris County	\$53,328
Brownsville	\$425,057	Morton	\$167
Brownwood	\$166,572	Motley County	\$3,344
Bruceville-Eddy	\$1,692	Moulton	\$999
Bryan	\$246,897	Mount Calm	\$605
Bryson	\$1,228	Mount Enterprise	\$1,832
Buckholts	\$1,113	Mount Pleasant	\$65,684
Buda	\$10,784	Mount Vernon	\$6,049
Buffalo	\$11,866	Mountain City	\$1,548
Buffalo Gap	\$88	Muenster	\$4,656
Buffalo Springs	\$188	Muleshoe	\$4,910
Bullard	\$7,487	Mullin	\$384
Bulverde	\$14,436	Munday	\$2,047
Bunker Hill Village	\$472	Murchison	\$2,302
Burkburnett	\$37,844	Murphy	\$51,893
Burke	\$1,114	Mustang	\$7
Burleson County	\$70,244	Mustang Ridge	\$2,462
Burleson	\$151,779	Nacogdoches	\$205,992
Burnet	\$33,345	Nacogdoches County	\$198,583
Burnet County	\$189,829	Naples	\$4,224
Burton	\$937	Nash	\$7,999
Byers	\$77	Nassau Bay	\$11,247
Bynum	\$380	Natalia	\$625
Cactus	\$4,779	Navarro	\$334
Caddo Mills	\$43	Navarro County	\$103,513
Caldwell	\$18,245	Navasota	\$37,676
Caldwell County	\$86,413	Nazareth	\$124
Calhoun County	\$127,926	Nederland	\$44,585
Callahan County	\$12,894	Needville	\$10,341
Callisburg	\$101	Nevada	\$237

Calvert	\$772	New Berlin	\$4
Cameron	\$11,091	New Boston	\$6,953
Cameron County	\$537,026	New Braunfels	\$307,313
Camp County	\$28,851	New Chapel Hill	\$288
Camp Wood	\$422	New Deal	\$338
Campbell	\$1,116	New Fairview	\$2,334
Canadian	\$1,090	New Home	\$9
Caney City	\$2,005	New Hope	\$1,024
Canton	\$56,734	New London	\$4,129
Canyon	\$26,251	New Summerfield	\$442
Carbon	\$620	New Waverly	\$2,562
Carl's Corner	\$48	Newark	\$520
Carmine	\$385	Newcastle	\$914
Carrizo Springs	\$1,671	Newton	\$6,102
Carrollton	\$310,255	Newton County	\$158,006
Carson County	\$29,493	Neylandville	\$163
Carthage	\$18,927	Niederwald	\$16
Cashion Community	\$322	Nixon	\$2,283
Cass County	\$93,155	Nocona	\$16,536
Castle Hills	\$12,780	Nolan County	\$50,262
Castro County	\$4,420	Nolanville	\$4,247
Castroville	\$4,525	Nome	\$391
Cedar Hill	\$70,127	Noonday	\$226
Cedar Park	\$185,567	Nordheim	\$697
Celeste	\$1,280	Normangee	\$6,192
Celina	\$18,283	North Cleveland	\$105
Center	\$58,838	North Richland Hills	\$146,419
Centerville	\$385	Northlake	\$8,905
Chambers County	\$153,188	Novice	\$76
Chandler	\$17,364	Nueces County	\$1,367,932
Channing	\$2	O'Brien	\$76
Charlotte	\$4,257	O'Donnell	\$27
Cherokee County	\$156,612	Oak Grove	\$2,769
Chester	\$1,174	Oak Leaf	\$612
Chico	\$2,928	Oak Point	\$9,011
Childress	\$37,916	Oak Ridge	\$358
Childress County	\$50,582	Oak Ridge North	\$33,512
Chillicothe	\$172	Oak Valley	\$7
China	\$522	Oakwood	\$148
China Grove	\$598	Ochiltree County	\$15,476

Chireno	\$1,568	Odem	\$7,420
Christine	\$354	Odessa	\$559,163
Cibolo	\$13,690	Oglesby	\$29
Cisco	\$7,218	Old River-Winfree	\$21,653
Clarendon	\$114	Oldham County	\$10,318
Clarksville	\$20,891	Olmos Park	\$9,801
Clarksville City	\$54	Olney	\$6,088
Claude	\$26	Olton	\$1,197
Clay County	\$72,050	Omaha	\$4,185
Clear Lake Shores	\$6,682	Onalaska	\$31,654
Cleburne	\$228,184	Opdyke West	\$479
Cleveland	\$96,897	Orange	\$311,339
Clifton	\$9,939	Orange County	\$689,818
Clint	\$375	Orange Grove	\$1,677
Clute	\$51,350	Orchard	\$867
Clyde	\$17,287	Ore City	\$6,806
Coahoma	\$2,291	Overton	\$7,900
Cochran County	\$3,389	Ovilla	\$13,391
Cockrell Hill	\$512	Oyster Creek	\$9,633
Coffee City	\$1,087	Paducah	\$125
Coke County	\$5,522	Paint Rock	\$141
Coldspring	\$447	Palacios	\$14,036
Coleman	\$5,442	Palestine	\$178,009
Coleman County	\$4,164	Palisades	\$240
College Station	\$258,147	Palm Valley	\$1,918
Colleyville	\$46,049	Palmer	\$12,666
Collin County	\$1,266,721	Palmhurst	\$4,660
Collingsworth County	\$19,234	Palmview	\$7,577
Collinsville	\$1,831	Palo Pinto County	\$124,621
Colmesneil	\$2,211	Pampa	\$67,227
Colorado City	\$8,405	Panhandle	\$9,536
Colorado County	\$49,084	Panola County	\$80,699
Columbus	\$6,867	Panorama Village	\$1,292
Comal County	\$396,142	Pantego	\$12,898
Comanche	\$16,503	Paradise	\$52
Comanche County	\$50,964	Paris	\$201,180
Combes	\$1,710	Parker	\$10,307
Combine	\$1,892	Parker County	\$476,254
Commerce	\$33,869	Parmer County	\$15,866
Como	\$415	Pasadena	\$356,536

Concho County	\$3,859	Pattison	\$1,148
Conroe	\$466,671	Patton Village	\$9,268
Converse	\$27,693	Payne Springs	\$1,770
Cooke County	\$200,451	Pearland	\$333,752
Cool	\$731	Pearsall	\$11,570
Coolidge	\$243	Pecan Gap	\$719
Cooper	\$362	Pecan Hill	\$229
Coppell	\$86,593	Pecos	\$7,622
Copper Canyon	\$489	Pecos County	\$46,997
Copperas Cove	\$133,492	Pelican Bay	\$1,199
Corinth	\$75,298	Penelope	\$415
Corpus Christi	\$1,812,707	Penitas	\$312
Corral City	\$143	Perryton	\$23,364
Corrigan	\$21,318	Petersburg	\$1,691
Corsicana	\$87,310	Petrolia	\$17
Coryell County	\$123,659	Petronila	\$5
Cottle County	\$875	Pflugerville	\$86,408
Cottonwood	\$289	Pharr	\$144,721
Cottonwood Shores	\$1,203	Pilot Point	\$11,613
Cotulla	\$1,251	Pine Forest	\$3,894
Coupland	\$266	Pine Island	\$3,141
Cove	\$387	Pinehurst	\$32,671
Covington	\$519	Pineland	\$4,138
Coyote Flats	\$1,472	Piney Point Village	\$15,738
Crandall	\$12,094	Pittsburg	\$20,526
Crane	\$10,599	Plains	\$129
Crane County	\$26,146	Plainview	\$60,298
Cranfills Gap	\$128	Plano	\$1,151,608
Crawford	\$383	Pleak	\$270
Creedmoor	\$16	Pleasant Valley	\$308
Cresson	\$1,086	Pleasanton	\$29,011
Crockett	\$23,403	Plum Grove	\$258
Crockett County	\$18,210	Point	\$1,519
Crosby County	\$18,388	Point Blank	\$355
Crosbyton	\$1,498	Point Comfort	\$447
Cross Plains	\$4,877	Point Venture	\$588
Cross Roads	\$244	Polk County	\$370,831
Cross Timber	\$542	Ponder	\$1,282
Crowell	\$6,335	Port Aransas	\$31,022
Crowley	\$22,345	Port Arthur	\$367,945

Crystal City	\$19,412	Port Isabel	\$9,802
Cuero	\$24,689	Port Lavaca	\$11,752
Culberson County	\$789	Port Neches	\$38,849
Cumby	\$5,320	Portland	\$76,517
Cuney	\$606	Post	\$2,332
Cushing	\$1,120	Post Oak Bend City	\$1,034
Cut and Shoot	\$2,141	Poteet	\$6,767
DISH	\$19	Poth	\$3,974
Daingerfield	\$12,476	Potter County	\$371,701
Daisetta	\$5,370	Pottsboro	\$12,302
Dalhart	\$11,609	Powell	\$110
Dallam County	\$21,686	Poynor	\$1,180
Dallas County	\$8,538,291	Prairie View	\$7,600
Dallas	\$2,999,902	Premont	\$3,321
Dalworthington Gardens	\$6,060	Presidio	\$148
Danbury	\$4,231	Presidio County	\$787
Darrouzett	\$101	Primera	\$2,958
Dawson	\$600	Princeton	\$19,245
Dawson County	\$46,911	Progreso	\$8,072
Dayton	\$47,122	Progreso Lakes	\$39
Dayton Lakes	\$38	Prosper	\$22,770
De Kalb	\$1,035	Providence Village	\$508
De Leon	\$8,218	Putnam	\$14
De Witt County	\$68,895	Pyote	\$22
DeCordova	\$13,778	Quanah	\$207
DeSoto	\$72,400	Queen City	\$4,837
Deaf Smith County	\$34,532	Quinlan	\$7,304
Dean	\$141	Quintana	\$492
Decatur	\$56,669	Quitaque	\$8
Deer Park	\$49,388	Quitman	\$15,619
Del Rio	\$59,056	Rains County	\$53,190
Dell City	\$15	Ralls	\$3,967
Delta County	\$30,584	Rancho Viejo	\$3,836
Denison	\$210,426	Randall County	\$278,126
Denton	\$458,334	Ranger	\$12,186
Denton County	\$1,132,298	Rankin	\$1,613
Denver City	\$2,104	Ransom Canyon	\$930
Deport	\$42	Ravenna	\$685
Detroit	\$965	Raymondville	\$7,466
Devers	\$191	Reagan County	\$25,215

Devine	\$4,354	Real County	\$5,073
Diboll	\$25,533	Red Lick	\$23
Dickens	\$71	Red Oak	\$26,843
Dickens County	\$1,873	Red River County	\$29,306
Dickinson	\$83,683	Redwater	\$1,058
Dilley	\$2,633	Reeves County	\$103,350
Dimmit County	\$33,294	Refugio	\$8,839
Dimmitt	\$1,012	Refugio County	\$46,216
Dodd City	\$1,211	Reklaw	\$1,136
Dodson	\$447	Reno	\$3,791
Domino	\$196	Reno	\$11,164
Donley County	\$22,370	Retreat	\$52
Donna	\$13,798	Rhome	\$12,285
Dorchester	\$231	Rice	\$1,972
Double Oak	\$4,765	Richardson	\$260,315
Douglassville	\$574	Richland	\$210
Dripping Springs	\$811	Richland Hills	\$24,438
Driscoll	\$39	Richland Springs	\$2,234
Dublin	\$14,478	Richmond	\$77,606
Dumas	\$26,229	Richwood	\$12,112
Duncanville	\$58,328	Riesel	\$1,118
Duval County	\$49,109	Rio Bravo	\$8,548
Eagle Lake	\$4,882	Rio Grande City	\$25,947
Eagle Pass	\$56,005	Rio Hondo	\$3,550
Early	\$14,838	Rio Vista	\$4,419
Earth	\$242	Rising Star	\$1,933
East Bernard	\$5,554	River Oaks	\$11,917
East Mountain	\$2,494	Riverside	\$858
East Tawakoni	\$2,723	Roanoke	\$275
Eastland	\$15,896	Roaring Springs	\$461
Eastland County	\$52,275	Robert Lee	\$85
Easton	\$329	Roberts County	\$547
Ector	\$1,108	Robertson County	\$44,642
Ector County	\$480,000	Robinson	\$18,002
Edcouch	\$4,101	Robstown	\$40,154
Eden	\$497	Roby	\$428
Edgecliff Village	\$2,232	Rochester	\$674
Edgewood	\$13,154	Rockdale	\$20,973
Edinburg	\$120,884	Rockport	\$54,253
Edmonson	\$136	Rocksprings	\$25

Edna	\$18,194	Rockwall	\$114,308
Edom	\$2,149	Rockwall County	\$168,820
Edwards County	\$975	Rocky Mound	\$280
El Campo	\$31,700	Rogers	\$3,818
El Cenizo	\$621	Rollingwood	\$4,754
El Lago	\$5,604	Roma	\$16,629
El Paso	\$1,224,371	Roman Forest	\$8,610
El Paso County	\$2,592,121	Ropesville	\$2,122
Eldorado	\$50	Roscoe	\$778
Electra	\$15,716	Rose City	\$4,012
Elgin	\$26,284	Rose Hill Acres	\$2,311
Elkhart	\$301	Rosebud	\$1,489
Ellis County	\$315,372	Rosenberg	\$126,593
Elmendorf	\$746	Ross	\$147
Elsa	\$7,720	Rosser	\$549
Emhouse	\$83	Rotan	\$1,493
Emory	\$3,878	Round Mountain	\$454
Enchanted Oaks	\$1,299	Round Rock	\$475,992
Encinal	\$1,515	Round Top	\$140
Ennis	\$81,839	Rowlett	\$99,963
Erath County	\$102,616	Roxton	\$47
Escobares	\$40	Royse City	\$23,494
Estelline	\$909	Rule	\$800
Euless	\$92,824	Runaway Bay	\$6,931
Eureka	\$334	Runge	\$255
Eustace	\$2,089	Runnels County	\$33,831
Evant	\$2,068	Rusk	\$17,991
Everman	\$7,692	Rusk County	\$151,390
Fair Oaks Ranch	\$8,077	Sabinal	\$1,811
Fairchilds	\$81	Sabine County	\$46,479
Fairfield	\$1,245	Sachse	\$23,400
Fairview	\$32,245	Sadler	\$925
Falfurrias	\$2,221	Saginaw	\$31,973
Falls City	\$41	Salado	\$3,210
Falls County	\$34,522	San Angelo	\$536,509
Fannin County	\$131,653	San Antonio	\$4,365,416
Farmers Branch	\$94,532	San Augustine	\$25,182
Farmersville	\$10,532	San Augustine County	\$37,854
Farwell	\$343	San Benito	\$40,015
Fate	\$3,473	San Diego	\$11,771



Fayette County	\$92,440	San Elizario	\$7,831
Fayetteville	\$391	San Felipe	\$1,498
Ferris	\$13,873	San Jacinto County	\$197,398
Fisher County	\$5,518	San Juan	\$28,845
Flatonia	\$5,661	San Leanna	\$36
Florence	\$3,949	San Marcos	\$325,688
Floresville	\$21,699	San Patricio	\$4,213
Flower Mound	\$215,256	San Patricio County	\$271,916
Floyd County	\$9,049	San Perlita	\$2,219
Floydada	\$6,357	San Saba	\$10,057
Foard County	\$5,764	San Saba County	\$17,562
Follett	\$212	Sanctuary	\$17
Forest Hill	\$26,132	Sandy Oaks	\$9,863
Forney	\$80,112	Sandy Point	\$1,637
Forsan	\$576	Sanford	\$308
Fort Bend County	\$1,506,719	Sanger	\$22,237
Fort Stockton	\$4,411	Sansom Park	\$223
Fort Worth	\$2,120,790	Santa Anna	\$329
Franklin	\$3,931	Santa Clara	\$87
Franklin County	\$25,783	Santa Fe	\$33,272
Frankston	\$274	Santa Rosa	\$2,138
Fredericksburg	\$56,486	Savoy	\$2,349
Freeport	\$72,973	Schertz	\$60,110
Freer	\$3,271	Schleicher County	\$5,695
Freestone County	\$50,495	Schulenburg	\$2,560
Friendswood	\$140,330	Scotland	\$148
Frio County	\$19,954	Scottsville	\$708
Friona	\$2,848	Scurry	\$1,110
Frisco	\$405,309	Scurry County	\$73,116
Fritch	\$4,548	Seabrook	\$30,270
Frost	\$321	Seadrift	\$991
Fruitvale	\$2,344	Seagoville	\$17,106
Fulshear	\$5,272	Seagraves	\$7,531
Fulton	\$1,602	Sealy	\$20,637
Gaines County	\$54,347	Seguin	\$376,538
Gainesville	\$153,980	Selma	\$22,429
Galena Park	\$13,093	Seminole	\$16,092
Gallatin	\$1,253	Seven Oaks	\$3,917
Galveston	\$488,187	Seven Points	\$7,452
Galveston County	\$1,124,093	Seymour	\$14,218

Ganado	\$5,510	Shackelford County	\$1,288
Garden Ridge	\$11,351	Shady Shores	\$594
Garland	\$420,244	Shallowater	\$1,907
Garrett	\$2,510	Shamrock	\$4,328
Garrison	\$3,555	Shavano Park	\$3,178
Gary City	\$450	Shelby County	\$109,925
Garza County	\$8,944	Shenandoah	\$47,122
Gatesville	\$26,994	Shepherd	\$147
George West	\$6,207	Sherman	\$330,585
Georgetown	\$225,896	Sherman County	\$7,930
Gholson	\$1,505	Shiner	\$4,042
Giddings	\$12,674	Shoreacres	\$958
Gillespie County	\$63,191	Silsbee	\$66,442
Gilmer	\$33,951	Silverton	\$14
Gladewater	\$24,638	Simonton	\$1,906
Glasscock County	\$1,000	Sinton	\$23,658
Glen Rose	\$540	Skellytown	\$400
Glenn Heights	\$16,593	Slaton	\$154
Godley	\$3,115	Smiley	\$655
Goldsmith	\$677	Smith County	\$758,961
Goldthwaite	\$1,225	Smithville	\$17,009
Goliad	\$3,563	Smyer	\$300
Goliad County	\$34,660	Snook	\$1,422
Golinda	\$100	Snyder	\$9,018
Gonzales	\$14,882	Socorro	\$11,125
Gonzales County	\$33,230	Somerset	\$1,527
Goodlow	\$221	Somervell County	\$57,076
Goodrich	\$9,643	Somerville	\$3,806
Gordon	\$365	Sonora	\$7,337
Goree	\$749	Sour Lake	\$17,856
Gorman	\$3,107	South Houston	\$25,620
Graford	\$23	South Mountain	\$154
Graham	\$235,428	South Padre Island	\$30,629
Granbury	\$71,735	Southlake	\$70,846
Grand Prairie	\$445,439	Southmayd	\$7,096
Grand Saline	\$36,413	Southside Place	\$885
Grandfalls	\$65	Spearman	\$14,000
Grandview	\$6,600	Splendora	\$7,756
Granger	\$2,741	Spofford	\$7
Granite Shoals	\$11,834	Spring Valley Village	\$16,404

Granjeno	\$43	Springlake	\$3
Grapeland	\$7,287	Springtown	\$14,244
Grapevine	\$129,195	Spur	\$427
Gray County	\$65,884	St. Hedwig	\$111
Grays Prairie	\$17	St. Jo	\$7,360
Grayson County	\$539,083	St. Paul	\$21
Greenville	\$203,112	Stafford	\$75,145
Gregg County	\$243,744	Stagecoach	\$3,036
Gregory	\$4,697	Stamford	\$398
Grey Forest	\$474	Stanton	\$3,838
Grimes County	\$94,878	Staples	\$19
Groesbeck	\$5,745	Star Harbor	\$151
Groom	\$965	Starr County	\$99,896
Groves	\$40,752	Stephens County	\$35,244
Groveton	\$8,827	Stephenville	\$83,472
Gruver	\$1,166	Sterling City	\$62
Guadalupe County	\$146,824	Sterling County	\$939
Gun Barrel City	\$36,302	Stinnett	\$4,097
Gunter	\$4,609	Stockdale	\$741
Gustine	\$34	Stonewall County	\$1,822
Hackberry	\$94	Stratford	\$8,378
Hale Center	\$6,042	Strawn	\$987
Hale County	\$79,150	Streetman	\$5
Hall County	\$8,933	Sudan	\$32
Hallettsville	\$6,895	Sugar Land	\$321,561
Hallsburg	\$272	Sullivan City	\$6,121
Hallsville	\$10,239	Sulphur Springs	\$124,603
Haltom City	\$71,800	Sun Valley	\$4
Hamilton	\$3,581	Sundown	\$2,592
Hamilton County	\$66,357	Sunnyvale	\$3,248
Hamlin	\$4,656	Sunray	\$2,571
Hansford County	\$16,416	Sunrise Beach Village	\$2,083
Happy	\$327	Sunset Valley	\$9,425
Hardeman County	\$15,219	Surfside Beach	\$6,530
Hardin	\$100	Sutton County	\$6,541
Hardin County	\$379,800	Sweeny	\$4,503
Harker Heights	\$113,681	Sweetwater	\$68,248
Harlingen	\$165,429	Swisher County	\$7,251
Harris County	\$14,966,202	Taft	\$5,861
Harrison County	\$185,910	Tahoka	\$430

Hart	\$86	Talco	\$372
Hartley County	\$786	Talty	\$9,124
Haskell	\$10,829	Tarrant County	\$6,171,159
Haskell County	\$22,011	Tatum	\$972
Haslet	\$1,908	Taylor	\$57,945
Hawk Cove	\$674	Taylor County	\$351,078
Hawkins	\$7,932	Taylor Lake Village	\$412
Hawley	\$931	Taylor Landing	\$153
Hays	\$506	Teague	\$1,714
Hays County	\$529,489	Tehuacana	\$12
Hearne	\$16,824	Temple	\$280,747
Heath	\$28,751	Tenaha	\$4,718
Hebron	\$687	Terrell	\$148,706
Hedley	\$70	Terrell County	\$5,737
Hedwig Village	\$13,067	Terrell Hills	\$9,858
Helotes	\$15,790	Terry County	\$25,423
Hemphill	\$8,035	Texarkana	\$192,094
Hemphill County	\$14,394	Texas City	\$298,702
Hempstead	\$21,240	Texhoma	\$156
Henderson	\$59,966	Texline	\$865
Henderson County	\$327,965	The Colony	\$114,297
Henrietta	\$2,720	The Hills	\$1,004
Hereford	\$20,423	Thompsons	\$1,897
Hewitt	\$19,776	Thorndale	\$1,595
Hickory Creek	\$16,510	Thornton	\$270
Hico	\$5,534	Thorntonville	\$87
Hidalgo	\$26,621	Thrall	\$825
Hidalgo County	\$1,253,103	Three Rivers	\$4,669
Hideaway	\$922	Throckmorton	\$29
Higgins	\$43	Throckmorton County	\$5,695
Highland Haven	\$320	Tiki Island	\$2,178
Highland Park	\$43,383	Timbercreek Canyon	\$369
Highland Village	\$50,315	Timpson	\$12,642
Hill Country Village	\$6,485	Tioga	\$2,390
Hill County	\$127,477	Tira	\$185
Hillcrest	\$5,345	Titus County	\$70,611
Hillsboro	\$46,609	Toco	\$4
Hilshire Village	\$859	Todd Mission	\$1,680
Hitchcock	\$28,796	Tolar	\$2,369
Hockley County	\$46,407	Tom Bean	\$2,293

Holiday Lakes	\$1,795	Tom Green County	\$282,427
Holland	\$77	Tomball	\$34,620
Holliday	\$5,910	Tool	\$14,787
Hollywood Park	\$9,424	Toyah	\$40
Hondo	\$115,288	Travis County	\$4,703,473
Honey Grove	\$7,196	Trent	\$63
Hood County	\$292,105	Trenton	\$3,089
Hooks	\$2,702	Trinidad	\$5,859
Hopkins County	\$149,518	Trinity	\$23,652
Horizon City	\$7,520	Trinity County	\$105,766
Horseshoe Bay	\$48,173	Trophy Club	\$29,370
Houston County	\$78,648	Troup	\$7,918
Houston	\$7,021,793	Troy	\$5,320
Howard County	\$89,330	Tulia	\$8,911
Howardwick	\$84	Turkey	\$737
Howe	\$9,177	Tuscola	\$138
Hubbard	\$3,635	Tye	\$1,766
Hudson	\$6,840	Tyler	\$723,829
Hudson Oaks	\$15,637	Tyler County	\$131,743
Hudspeth County	\$985	Uhland	\$1,545
Hughes Springs	\$4,442	Uncertain	\$185
Humble	\$73,952	Union Grove	\$994
Hunt County	\$309,851	Union Valley	\$666
Hunters Creek Village	\$14,708	Universal City	\$28,428
Huntington	\$8,792	University Park	\$50,833
Huntsville	\$80,373	Upshur County	\$128,300
Hurst	\$99,187	Upton County	\$8,499
Hutchins	\$9,551	Uvalde	\$18,439
Hutchinson County	\$74,630	Uvalde County	\$36,244
Hutto	\$38,346	Val Verde County	\$117,815
Huxley	\$738	Valentine	\$207
Idalou	\$1,999	Valley Mills	\$2,228
Impact	\$8	Valley View	\$1,824
Indian Lake	\$473	Van	\$6,206
Industry	\$604	Van Alstyne	\$43,749
Ingleside on the Bay	\$142	Van Horn	\$211
Ingleside	\$40,487	Van Zandt County	\$248,747
Ingram	\$5,243	Vega	\$974
Iola	\$3,164	Venus	\$9,792
Iowa Colony	\$4,090	Vernon	\$81,337

Iowa Park	\$23,487	Victoria	\$84,598
Iraan	\$56	Victoria County	\$520,886
Iredell	\$216	Vidor	\$95,620
Irion County	\$9,105	Vinton	\$622
Irving	\$427,818	Volente	\$333
Italy	\$5,349	Von Ormy	\$513
Itasca	\$8,694	Waco	\$512,007
Ivanhoe	\$26	Waelder	\$3,427
Jacinto City	\$14,141	Wake Village	\$174
Jack County	\$14,799	Walker County	\$184,624
Jacksboro	\$23,254	Waller County	\$126,206
Jackson County	\$37,984	Waller	\$11,295
Jacksonville	\$80,179	Wallis	\$2,698
Jamaica Beach	\$4,913	Walnut Springs	\$183
Jarrell	\$2,423	Ward County	\$67,920
Jasper	\$78,422	Warren City	\$66
Jasper County	\$248,855	Washington County	\$83,727
Jayton	\$63	Waskom	\$5,346
Jeff Davis County	\$8,500	Watauga	\$33,216
Jefferson	\$11,194	Waxahachie	\$152,094
Jefferson County	\$756,614	Weatherford	\$207,872
Jersey Village	\$36,347	Webb County	\$505,304
Jewett	\$9,338	Webberville	\$1,280
Jim Hogg County	\$12,718	Webster	\$53,202
Jim Wells County	\$166,539	Weimar	\$5,830
Joaquin	\$810	Weinert	\$234
Johnson City	\$3,581	Weir	\$443
Johnson County	\$408,692	Wellington	\$9,111
Jolly	\$26	Wellman	\$383
Jones County	\$22,001	Wells	\$1,357
Jones Creek	\$5,078	Weslaco	\$73,949
Jonestown	\$6,419	West	\$3,522
Josephine	\$881	West Columbia	\$17,958
Joshua	\$20,619	West Lake Hills	\$17,056
Jourdanton	\$9,600	West Orange	\$42,452
Junction	\$4,825	West Tawakoni	\$6,995
Justin	\$8,575	West University Place	\$34,672
Karnes City	\$11,632	Westbrook	\$43
Karnes County	\$35,249	Westlake	\$41,540
Katy	\$52,467	Weston	\$266

Kaufman	\$27,607	Weston Lakes	\$189
Kaufman County	\$353,047	Westover Hills	\$4,509
Keene	\$38,296	Westworth Village	\$7,842
Keller	\$79,189	Wharton	\$31,700
Kemah	\$28,325	Wharton County	\$72,887
Kemp	\$6,419	Wheeler	\$447
Kempner	\$330	Wheeler County	\$26,273
Kendall County	\$100,643	White Deer	\$1,273
Kendleton	\$13	White Oak	\$15,305
Kenedy	\$676	White Settlement	\$23,304
Kenedy County	\$1,000	Whiteface	\$155
Kenefick	\$416	Whitehouse	\$29,017
Kennard	\$132	Whitesboro	\$18,932
Kennedale	\$21,024	Whitewright	\$7,098
Kent County	\$939	Whitney	\$73
Kerens	\$1,924	Wichita County	\$552,371
Kermit	\$5,652	Wichita Falls	\$832,574
Kerr County	\$218,452	Wickett	\$87
Kerrville	\$190,357	Wilbarger County	\$55,124
Kilgore	\$105,583	Willacy County	\$24,581
Killeen	\$535,650	Williamson County	\$1,195,987
Kimble County	\$20,480	Willis	\$24,384
King County	\$1,000	Willow Park	\$26,737
Kingsville	\$20,083	Wills Point	\$43,765
Kinney County	\$2,142	Wilmer	\$426
Kirby	\$8,752	Wilson	\$12
Kirbyville	\$10,690	Wilson County	\$121,034
Kirvin	\$2	Wimberley	\$724
Kleberg County	\$124,109	Windcrest	\$12,908
Knollwood	\$1,160	Windom	\$1,087
Knox City	\$1,962	Windthorst	\$3,385
Knox County	\$11,730	Winfield	\$290
Kosse	\$2,468	Wink	\$120
Kountze	\$19,716	Winkler County	\$61,163
Kress	\$186	Winnsboro	\$28,791
Krugerville	\$1,508	Winona	\$319
Krum	\$9,661	Winters	\$6,229
Kurten	\$686	Wise County	\$289,074
Kyle	\$51,835	Wixon Valley	\$441
La Feria	\$10,381	Wolfe City	\$5,466

La Grange	\$9,623	Wolfforth	\$4,022
La Grulla	\$1,708	Wood County	\$267,048
La Joya	\$8,457	Woodbranch	\$9,617
La Marque	\$98,930	Woodcreek	\$358
La Porte	\$91,532	Woodloch	\$1,012
La Salle County	\$14,975	Woodsboro	\$1,130
La Vernia	\$3,217	Woodson	\$122
La Villa	\$572	Woodville	\$20,340
La Ward	\$321	Woodway	\$25,713
LaCoste	\$159	Wortham	\$376
Lacy-Lakeview	\$11,599	Wylie	\$114,708
Ladonia	\$2,011	Yantis	\$2,072
Lago Vista	\$13,768	Yoakum County	\$34,924
Laguna Vista	\$3,689	Yoakum	\$20,210
Lake Bridgeport	\$232	Yorktown	\$5,447
Lake City	\$2,918	Young County	\$44,120
Lake Dallas	\$25,314	Zapata County	\$56,480
Lake Jackson	\$75,781	Zavala County	\$38,147
Lake Tanglewood	\$613	Zavalla	\$1,088
Lake Worth	\$20,051		



# EXHIBIT C

Exhibit C: TX Opioid Council & Health Care Region Allocations plus Administrative Costs  
70% of Total (\$700 million)

Health Care Region Allocation*: \$693 million; Administrative Costs: \$7 million		
Region	Counties in Health Care Region	Allocation
1	Anderson, Bowie, Camp, Cass, Cherokee, Delta, Fannin, Franklin, Freestone, Gregg, Harrison, Henderson, Hopkins, Houston, Hunt, Lamar, Marion, Morris, Panola, Rains, Red, River, Rusk, Smith, Titus, Trinity, Upshur, Van, Zandt, Wood	\$38,223,336
2	Angelina, Brazoria, Galveston, Hardin, Jasper, Jefferson, Liberty, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Shelby, Tyler	\$54,149,215
3	Austin, Calhoun, Chambers, Colorado, Fort Bend, Harris, Matagorda, Waller, Wharton	\$120,965,680
4	Aransas, Bee, Brooks, De Witt, Duval, Goliad, Gonzales, Jackson, Jim Wells, Karnes, Kenedy, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio, Victoria	\$27,047,477
5	Cameron, Hidalgo, Starr, Willacy	\$17,619,875
6	Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Gillespie, Guadalupe, Kendall, Kerr, Kinney, La Salle, McMullen, Medina, Real, Uvalde, Val Verde, Wilson, Zavala	\$68,228,047
7	Bastrop, Caldwell, Fayette, Hays, Lee, Travis	\$50,489,691
8	Bell, Blanco, Burnet, Lampasas, Llano, Milam, Mills, San Saba, Williamson	\$24,220,521
9	Dallas, Kaufman	\$66,492,094
10	Ellis, Erath, Hood, Johnson, Navarro, Parker, Somervell, Tarrant, Wise	\$65,538,414
11	Brown, Callahan, Comanche, Eastland, Fisher, Haskell, Jones, Knox, Mitchell, Nolan, Palo Pinto, Shackelford, Stephens, Stonewall, Taylor	\$9,509,818
12	Armstrong, Bailey, Borden, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Floyd, Gaines, Garza, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hockley, Hutchinson, Kent, King, Lamb, Lipscomb, Lubbock, Lynn, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Scurry, Sherman, Swisher, Terry, Wheeler, Yoakum	\$23,498,027
13	Coke, Coleman, Concho, Crockett, Irion, Kimble, Mason, McCulloch, Menard, Pecos, Reagan, Runnels, Schleicher, Sterling, Sutton, Terrell, Tom Green	\$5,195,605
14	Andrews, Brewster, Crane, Culberson, Ector, Glasscock, Howard, Jeff Davis, Loving, Martin, Midland, Presidio, Reeves, Upton, Ward, Winkler	\$12,124,354
15	El Paso, Hudspeth	\$17,994,285
16	Bosque, Coryell, Falls, Hamilton, Hill, Limestone, McLennan	\$9,452,018
17	Brazos, Burleson, Grimes, Leon, Madison, Montgomery, Robertson, Walker, Washington	\$23,042,947
18	Collin, Denton, Grayson, Rockwall	\$39,787,684
19	Archer, Baylor, Clay, Cooke, Foard, Hardeman, Jack, Montague, Throckmorton, Wichita, Wilbarger, Young	\$12,665,268
20	Jim Hogg, Maverick, Webb, Zapata	\$6,755,656
	Administrative Costs	\$7,000,000

\* Each Region shall reserve 25% of its allocation for Targeted Funds under the guidelines of Exhibit A.

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**CITY COUNCIL AGENDA**  
**November 16, 2021**

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**ITEM/SUBJECT:** Resolution authorizing the City Manager to execute Amendment No 1 to the Professional Services Agreement for Engineering Services for the Quail Creek Drainage Improvements Phase I in the amount of \$152,112.00.

**INITIATING DEPT:** Public Works

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**STRATEGIC GOAL:** Provide Adequate Infrastructure

**STRATEGIC OBJECTIVE:** Complete Signature Public Improvements Projects

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**COMMENTARY:** On July 16, 2019, the City entered into a professional services agreement with Biggs and Mathews Inc. (BMI) for design of the Quail Creek Drainage Improvements Phase I. The purpose of the project is to reduce flooding of the surrounding neighborhood as well as flooding of Maplewood and Kemp Streets. These improvements include the channelization of North Quail Creek from Kemp Blvd to the main channel as well as the channelization of the Quail Creek from Maplewood to Midwestern Pkwy. This work includes the removal of the illegal Glenwood Dam that was placed across the drainage easement behind Bank of America and some culvert improvements at Midwestern Pkwy.

The existing channel is classified as an Ephemeral Stream, which means it only flows as a direct result of stormwater runoff. This type of stream was removed from the definitions of Waters of the US (WOTUS) under the Trump Administration, which means it was not under the jurisdiction of the US Army Corps of Engineers (USACE). However, the Biden Administration has reversed the Trump Administration's actions, and the channel is now back under the jurisdiction of the USACE. This means the City will now have to secure a Section 404 permit through the USACE to complete the necessary channel improvements. This amendment will facilitate the additional engineering work required for the 404 permit. Also included in the amendment are additional services that fell outside the original scope of services, including several public meetings, survey work, and the addition of improvements to the Gladney drainage channel.

Staff has reviewed and concurs the additional services were not included in the original scope of services and are required to complete the project. Therefore, Staff recommends approval of this amendment.

☒ **Director, Public Works**

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**ASSOCIATED INFORMATION:** Resolution, Amendment No. 1

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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Resolution No. \_\_\_\_\_

**Resolution authorizing the City Manager to execute Amendment No 1 to the Professional Services Agreement for Engineering Services for the Quail Creek Drainage Improvements Phase I in the amount of \$152,112.00**

WHEREAS, the City of Wichita Falls maintains, regulates, and operates stormwater runoff and drainage infrastructure within the City;

WHEREAS, the City seeks to improve the drainage and reduce flooding within the City;

WHEREAS, improvements to Quail Creek will meet the objectives of the City;

WHEREAS, the City entered into a professional services agreement with Biggs & Mathews Inc. to design improvements to the Quail Creek channel;

WHEREAS, additional engineering work is required to complete the desired improvements to Quail Creek;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

The City Manager is authorized to execute an Amendment in a form approved by the City Attorney to the Professional Services Agreement between the City of Wichita Falls and Biggs & Mathews Inc. for engineering services for the Quail Creek Drainage Improvements Phase I in the amount of \$152,112.00.

PASSED AND APPROVED this the 16th day of November, 2021.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk



**BIGGS & MATHEWS INC.**  
*Consulting Engineers*

November 2, 2021

Russell Schreiber, P.E.  
Director of Public Works  
City of Wichita Falls  
P.O. Box 1431  
Wichita Falls, Texas 76301

RE: Cover Letter for Contract Amendment No. 1  
Engineering Services Summary

Dear Mr. Schreiber:

As previously discussed, Biggs & Mathews, Inc. at the request of the city, has provided specific engineering services relative to the Quail Creek Drainage Project, and it is anticipated that with the Corps of Engineers (COE) reverting back to the previous definition of Jurisdictional Waters of the United States, (WOTUS), additional engineering tasks will be required as part of the Quail Creek Drainage Project that are outside the current Professional Services Agreement (PSA).

Therefore, for your review and consideration, and as requested, we have prepared the following summary of engineering services that we anticipate will be required as the Quail Creek Project moves forward.

**SERVICES COMPLETED (FUNDED PER EXECUTED CONTRACT SECTION 2(c)):**

1) Property Encumbrance Reports (7 @ \$100)	\$ 700.00
2) Preparation of Application & COE AJD Presentation (FNI Subcontract)	\$ 23,984.00
	<hr/>
	\$ 24,684.00

**ADDITIONAL SERVICES (OUTSIDE OF EXECUTED CONTRACT – AMENDMENT NO. 1):**

1) Public & MSU Presentation Meetings – (4 Meetings @ \$1,150)	\$ 4,600.00
2) Quail Creek Channel Encroachment Surveys (5 Properties)	\$ 4,250.00
3) Gladney Channel Encroachment Surveys (2 Properties)	\$ 1,700.00
4) Channel Flow Monitoring, Documentation & Reports (11 Site Visits @ \$800)	\$ 8,800.00
5) Gladney Drainage Channel (Design & Contract Documents)	\$ 37,500.00
6) Quail Creek COE 404 Permit – (FNI Subcontract)	\$ 87,762.00
7) BMI Assistance with 404 Permit (As Needed Basis – Contract Hourly Rate)	\$ 7,500.00

<b>TOTAL AMOUNT OF AMENDMENT NO. 1</b>	<hr/>	<b>\$ 152,112.00</b>
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Attached is Amendment No. 1, that we are providing for your consideration and execution by the City Manager, for authorization of the additional engineering services under our current contract.

Sincerely,

BIGGS & MATHEWS, INC. (Firm No. F-834)

A handwritten signature in blue ink, appearing to read "Kerry D. Maroney", is written over the printed name and title.

Kerry D. Maroney, P.E.  
President

**AMENDMENT NO. 1**

**Professional Services Agreement (PSA) between the City of Wichita Falls and  
Biggs & Mathews, Inc. for Engineering Services for the  
Quail Creek Drainage Improvements: Phase I**

**OWNER:** The City of Wichita Falls; Attn: Director of Public Works, P.O. Box 1431, Wichita Falls, Texas 76307

**ENGINEER:** Biggs & Mathews, Inc.; 2500 Brook Avenue, Wichita Falls, TX 76301

**OWNER'S REPRESENTATIVE:** Russell Schreiber, P.E., Director of Public Works, City of Wichita Falls

**CONTRACT AMENDMENT FOR ADDITIONAL SERVICES:** Whereas the OWNER and ENGINEER entered into a Professional Services Agreement (PSA) executed and dated July 19, 2019, and whereas the OWNER has requested the ENGINEER provide additional engineering services that both parties agree are outside the current PSA and the additional services and costs are itemized below and shall be included in this amendment.

1) Public & MSU Presentation Meetings – (4 Meetings @ \$1,150)	\$ 4,600.00
2) Quail Creek Channel Encroachment Surveys (5 Properties)	\$ 4,250.00
3) Gladney Channel Encroachment Surveys (2 Properties)	\$ 1,700.00
4) Channel Flow Monitoring, Documentation & Reports (11 Site Visits @ \$800)	\$ 8,800.00
5) Gladney Drainage Channel (Design & Contract Documents)	\$ 37,500.00
6) Quail Creek COE 404 Permit – (FNI Subcontract)	\$ 87,762.00
7) BMI Assistance with 404 Permit (As Needed Basis – Contract Hourly Rate)	\$ 7,500.00

**Additional Services Amendment**

**\$ 152,112.00**

*The above described additional services are authorized upon execution of this amendment and all other provisions, terms, and conditions of the PSA which are not expressly amended shall remain in full force and effect.*

EXECUTED, this the \_\_\_\_ day of \_\_\_\_\_ 2021.

**OWNER:** City of Wichita Falls, Texas

**ENGINEER:** Biggs & Mathews, Inc.

\_\_\_\_\_  
Darron Leiker, City Manager

  
Kerry D. Maroney, P.E., President

ATTEST:

ATTEST:

\_\_\_\_\_  
Marie Balthrop, City Clerk

  
Kerry J. Maroney, Jr., Vice-President

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**CITY COUNCIL AGENDA  
NOVEMBER 16, 2021**

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**ITEM/SUBJECT:** Resolution authorizing the City Manager to purchase replacement water meters and associated parts from Thirkettle Corporation dba Aquametrics in the amount of \$80,588.32.

**INITIATING DEPT:** Public Works

**STRATEGIC GOAL:** Efficiently Deliver City Services

**STRATEGIC OBJECTIVE:** n/a

**COMMENTARY:** The Water Distribution Division is tasked with maintaining the City of Wichita Falls' water metering system and associated inventory of meters and parts. This metering system is responsible for the accurate accounting of water use that is reported to the State of Texas annually, as well as the accurate billing of customers for water usage on a monthly basis.

To adequately perform this task, Water Distribution maintains an inventory of meters for new installations and replacement of failed meters within the system. The maintenance of this meter/parts inventory is budgeted for annually, within the normal operating budget.

Due to supply chain issues this year, with other vendors, the City is sole sourcing the purchase of water meters and associated parts to Aquametrics, which currently has a stock of the size, type, and quantities of meters that are required by the City. The cost associated with this resolution is below the amount that was budgeted to Water Distributions in the FY 21/22 budget.

Item	Quantity	Unit Price	Total
¾" iPerl Meter	60	\$133.70	\$8,022.00
1" iPerl Meter	70	\$207.46	\$14,522.20
1 ½" Omni T2 Meter	2	\$817.25	\$1,634.50
2" Omni T2 Meter	4	\$969.38	\$3,877.52
3" Omni H2 Meter	5	\$1,415.18	\$7,075.90
MXU 520M Transceiver	280	\$155.54	\$43,551.20
6 ft iPerl Communication Cables	100	\$19.05	\$1,905.00
<b>TOTAL</b>			<b>\$80,588.32</b>

Therefore, Staff recommends award of the purchase of replacement water meters and associated parts from Aquametrics in the amount of \$80,588.32.



☒ **Director, Public Works**

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**ASSOCIATED INFORMATION:** Resolution , Quote, Sole Source Letter

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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Resolution No. \_\_\_\_\_

**Resolution authorizing the City Manager to purchase replacement water meters and associated parts from Thirkettle Corporation dba Aquametrics, in the amount of \$80,588.32**

WHEREAS, one of the City of Wichita Falls' Strategic Goals is to Provide Adequate Infrastructure; and,

WHEREAS, the City desires to continue to have a reliable inventory of water meters and associated parts, and,

WHEREAS, the City desires to accurately account for water usage towards billing and regulatory reporting, and,

WHEREAS, it is in the best interest of the City of Wichita Falls due to current supply chain issues to sole source the purchase of water meters and parts from Aquametrics.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

The City Manager is authorized to purchase replacement water meters and associated parts for the Distribution Division, from Thirkettle Corporation dba Aquametrics, in the amount of \$80,588.32.

PASSED AND APPROVED this the 16th day of November, 2021.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk



## Sales Quote QT00003625

October 13, 2021

### Aqua-Metric Sales Company

Kelsey VanCleave  
16914 Alamo Pkwy Bldg 2 | SELMA, TX 78154  
Phone: (210) 967-6300 | Facsimile: (210) 967-6305

Quote for: City Of Wichita Falls

Attention:

Address: Attn: Accounts Payable, Po Box 1431

City, State, Zip: WICHITA FALLS, TX 76307-1431

Phone: (940) 761-4333

Email:

Quantity		Description		Unit Price	Line Total
60	EA	I30TR	3/4" SL IPERL TR/PL 8 WHL CF	133.70	8,022.00
70	EA	I50TR	1" IPERL TR/PL 8 WHL CF	207.46	14,522.20
65	EA	MXU520MSP	MXU 520 M SINGLE PORT T/C	155.54	10,110.10

This quote for the product and services named above is subject to the following terms:

1. All quotes are subject to the Aqua-Metric Terms of Sales.
2. Quote is valid for thirty days.
3. Freight allowed on single orders exceeding \$10,000.00.
4. Net Thirty Days to Pay.
5. Returned production may be subject to a 25% restocking fee.
6. Sales Tax and/or Freight charges are approximated and may vary on final invoice.

Subtotal	32,654.30
Sales Tax	0.00
<b>Total</b>	<b>32,654.30</b>



## Sales Quote QT00003627

October 13, 2021

### Aqua-Metric Sales Company

Kelsey VanCleave

16914 Alamo Pkwy Bldg 2 | SELMA, TX 78154

Phone: (210) 967-6300 | Facsimile: (210) 967-6305

Quote for: City Of Wichita Falls

Attention:

Address: Attn: Accounts Payable, Po Box 1431

City, State, Zip: WICHITA FALLS, TX 76307-1431

Phone: (940) 761-4333

Email:

Quantity		Description		Unit Price	Line Total
150	EA	MXU520MSP	MXU 520 M SINGLE PORT T/C	155.54	23,331.00

This quote for the product and services named above is subject to the following terms:

1. All quotes are subject to the Aqua-Metric Terms of Sales.
2. Quote is valid for thirty days.
3. Freight allowed on single orders exceeding \$10,000.00.
4. Net Thirty Days to Pay.
5. Returned production may be subject to a 25% restocking fee.
6. Sales Tax and/or Freight charges are approximated and may vary on final invoice.

Subtotal 23,331.00

Sales Tax 0.00

**Total 23,331.00**

**Sales Quote QT00003626**

October 13, 2021

**Aqua-Metric Sales Company**

Kelsey VanCleave  
16914 Alamo Pkwy Bldg 2 | SELMA, TX 78154  
Phone: (210) 967-6300 | Facsimile: (210) 967-6305

Quote for: City Of Wichita Falls  
Attention:  
Address: Attn: Accounts Payable, Po Box 1431  
City, State, Zip: WICHITA FALLS, TX 76307-1431  
Phone: (940) 761-4333  
Email:

Quantity		Description		Unit Price	Line Total
2	EA	OMNIT11-2	1 1/2" OMNI T2 8 WHL CF	817.25	1,634.50
4	EA	OMNIT2	2" OMNI T2 8 WHL CF	969.38	3,877.52
5	EA	OMNIH3	3" OMNI H2 W/TRPL & CPLGS	1,415.18	7,075.90
100	EA	ITP6	6" IPERLALLY CABLE TRPL 2-WIRE	19.05	1,905.00
65	EA	MXU520MSP	MXU 520 M SINGLE PORT T/C	155.54	10,110.10

This quote for the product and services named above is subject to the following terms:

1. All quotes are subject to the Aqua-Metric Terms of Sales.
2. Quote is valid for thirty days.
3. Freight allowed on single orders exceeding \$10,000.00.
4. Net Thirty Days to Pay.
5. Returned production may be subject to a 25% restocking fee.
6. Sales Tax and/or Freight charges are approximated and may vary on final invoice.

Subtotal	24,603.02
Sales Tax	0.00
<b>Total</b>	<b>24,603.02</b>



## REQUEST FOR SOLE SOURCE PROCUREMENT

TO: Purchasing Agent

FROM:

Tom Loafman  
utility storeroom

1. Request approval for Sole Source Procurement of goods and/or services for the reasons as described in section 3 herein.
2. Describe Item/Service purchased (or to be purchased). Include cost, name, and telephone number of vendor and other descriptive information.

Sensus Water Meters  
Aqua-Metric 210-967-6300

3. Definition of Source Procurement Condition (check one or more items). This procurement is necessary because:

☐ (a.) public exigency or emergency;

☒ (b.) items that are available from only one source because of patents, copyrights, secret process, or natural monopolies;

☐ (c.) electricity, gas, water, and other utility services.

☐ (d.) captive replacement parts or components for equipment are paramount consideration or use of other than OEM parts jeopardizes warranty and/or insurance coverage.

☐ (e.) film, manuscripts, books, papers, and other materials that are available only from the persons holding exclusive distribution rights to the materials;

☐ (f.) advertising, other than legal notices;

☐ (g.) product is the result of statutes or ordinances that require or allow certain types of purchases to be made from a particular source.

☐ Item is produced by a non-profit corporation using handicapped workers.

☐ Item is produced by prison workers – the State benefits from the sale of these items.

PAGE 1

4. Summary of Sole Source Procurement Condition:

The city has Sensus AMR system and  
Aqua-metric is the sole distributor for Sensus.

5. ☒ I certify a Sole Source Procurement exists for item(s) that are normally bid competitively.  
Please forward this request to the Purchasing Division.

C. H. Ad  
Department Approval

Water Dist  
Department

10/14/2021 <sup>CH</sup>  
Date

6. Solicitations:

Name of vendor Person Contacted Telephone Number	Indicate Vendor Type DBE/HUB/MBE/WBE	Total Bid Amount
A. <u>No Bids</u> <u>see section 3b</u>		
B. _____		
C. _____		

7. Purchasing Division Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Purchasing Agent

\_\_\_\_\_  
Date

PAGE 2

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**CITY COUNCIL AGENDA  
November 16, 2021**

---

**ITEM/SUBJECT:** Resolution awarding the bid for the purchase of eight (8) Pierce Enforcer Custom Fire Pumpers, two (2) Pierce Custom Fire Ladder Trucks, two (2) Ford Skeeter Squads, and one (1) Pierce Custom Rescue to Siddons Martin Emergency Group, LLC through The Buyboard Purchasing Cooperative in the amount of \$9,920,692.31.

**INITIATING DEPT:** Aviation, Traffic, & Transportation

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**STRATEGIC GOAL:** Efficiently deliver City services

**STRATEGIC OBJECTIVE:** Practice effective governance

---

**COMMENTARY:** At the October 19<sup>th</sup> City Council meeting, staff made a presentation about the aging and availability status of the Wichita Falls Fire Department (WFFD) fire apparatus fleet. Staff recommended replacing the front-line equipment in the WFFD fleet using a twelve-year capital lease purchase. This equipment includes eight engines/pumpers, two ladder trucks, two squads, and one rescue unit for a total of thirteen units. It is further anticipated that the first payment on the capital lease will occur in October 2023. It is also further anticipated that the purchased fire apparatus will not be completed and delivered to the Wichita Falls Fire Department until the spring of 2023.

The thirteen units are being purchased from Siddons-Martin Emergency Group through the Buyboard Purchasing Cooperative. The pumper units are specified to meet the specific needs of the Wichita Falls Fire Department and are the front-line response for all structure fires. As currently designed, the finished units will meet all of the required NFPA specifications for firefighting equipment. In addition, a loose equipment package, such as hose, axes, and nozzles, totaling \$570,000 will complete each unit, making it ready for service upon arrival to Wichita Falls.

By the delivery of the new apparatus, the units being replaced will have served in the WFFD fleet as follows:

- Two 1996 Quality Spartan Pumpers      27 Years
- One 2005 Pierce Pumper      18 Years
- One 2007 Pierce Pumper      16 Years
- Two 2012 Ferrara Pumpers      11 Years
- One Ferrara Ladder Trucks      13 Years
- One Ferrara Rescue Unit      13 Years

Each pumper provides twelve (12) years of front-line service for the City and twelve (12) years in a reserve capacity for a life cycle of twenty-four (24) years. Upon arrival of these



new units, there will be a total of thirteen (13) pumpers in the fleet: eight in front-line service, four reserve, and one based at the WFFD fire training center. This will increase the number of reserve pumper units from three (3) to five (5) units. This was a joint WFFD and Fleet Maintenance decision. It will help staff better manage long-term issues with the firefighting equipment, such as a collision, and allow for training exercises without removing a unit for service.

The two ladder trucks will provide a 107-foot and a 100-foot reach, and these units currently respond to a wide range of calls for the Fire Department. The finished units will also meet all of the required NFPA specifications for firefighting equipment. Its delivery will also include a loose equipment package making it ready for service upon its arrival. Upon arrival, there will be two front-line units and two reserve aerals. Each unit provides twelve (12) years of front-line service. After 12 years, the aerial is moved into reserve status for an additional twelve (12) years for a service life of twenty-four (24) years.

The award of bid will also include two squad units and one rescue unit. It is anticipated that the capital lease-purchase financing will be presented to City Council at the December 6, 2021 City Council meeting. Responses to the lease-purchase financing request for proposal were received on November 15, 2021, and will be evaluated by staff prior to award.

Staff recommends the purchase of these units with Siddons-Martin Emergency Group, LLC, through the Buyboard Purchasing Cooperative.

☒ **Director, Aviation, Traffic, & Transportation**

☒ **Fire Chief**

☒ **Finance**

---

**ASSOCIATED INFORMATION:** Resolution

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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Pierce Enforcer Pumper



Pierce Custom Rescue



Pierce 107 ft. Ladder Truck



Ford Skeeter Squad

Resolution No. \_\_\_\_\_

**Resolution awarding the bid for the purchase of eight (8) Pierce Enforcer Custom Fire Pumpers, two (2) Pierce Custom Fire Ladder Trucks, two (2) Ford Skeeter Squads, and one (1) Pierce Custom Rescue to Siddons Martin Emergency Group, LLC through The Buyboard Purchasing Cooperative in the amount of \$9,920,692.31**

WHEREAS, the City Council finds that Siddons-Martin Emergency Group is offering eight Pierce custom fire pumpers, two Pierce custom ladder trucks, two Ford Skeeter squads, and one Pierce custom rescue through the Buyboard Cooperative Purchasing Program; and,

WHEREAS, Texas Local Government Local Government Code §252.022 exempts items purchased through interlocal cooperative purchasing contracts from the State's competitive bidding requirements; and,

WHEREAS, the City Council of the City of Wichita Falls has passed a resolution approving the participation in such cooperative agreements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

The City Manager is authorized to execute all documents necessary to purchase eight Pierce custom fire pumpers, two Pierce custom ladder trucks, two Ford Skeeter squads, and one Pierce custom rescue unit through the Buyboard Purchasing Cooperative from Siddons Martin Emergency Group, LLC in the amount of \$9,920,692.31.

PASSED AND APPROVED this the 16th day of November, 2021.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

---

**CITY COUNCIL AGENDA**  
**November 16, 2021**

---

**ITEM/SUBJECT:** Resolution to accept the written offer as presented for 1 Trustee parcel located at 800 Chance Street and authorizing execution of the Quitclaim Deed to convey title to Andrea Ruben.

**INITIATING DEPT:** Property Administration

---

**STRATEGIC GOAL:** Accelerate Economic Development

**STRATEGIC OBJECTIVE:** Revitalize Depressed and Declining Neighborhoods

---

**COMMENTARY:** In accordance with Section 272.001 and 253.008 of the Texas Local Government Code, a written offer has been made for the property located at 800 Chance St., which was struck off on 12/05/2017. The property had a hazardous structure when struck off and has since been demolished.

This item relates to one (1) trustee property:

- 800 Chance St.. (struck-off value: \$2,618.00, tax appraisal: \$750.00, **written offer: \$1,000.00**, Struck off Date: December 05, 2017.)

Staff requests the City Council approve the conveyance of the property above for the offered amount.

To convey the property for less than a minimum bid requires the approval of all three taxing entities.

- November 1, 2021, County Commissioner's Court approved
- November 15, 2021, WFISD School Board approved

The property will be sold "as is" via Quitclaim deed as abstracts, surveys, and title policies are not furnished by the City. The proposed buyer is in good financial standing with the City of Wichita Falls, Wichita County, and the WFISD.

City staff recommends approval of the resolution authorizing the City Manager to execute all necessary documents to facilitate the sale and conveyance of the parcel as described on the attached Request to Purchase list.

☒ **Asst. City Manager**

☒ **Property Administrator**

---

**ASSOCIATED INFORMATION:** Resolution, Request to Purchase, and Location Map.

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

---

**Resolution No. \_\_\_\_\_**

**Resolution to accept the written offer as presented for 1 Trustee parcel located at 800 Chance Street and authorizing execution of the Quitclaim Deed to convey title to Andrea Ruben**

WHEREAS, the County Commissioners and the WFISD School Board have both voted to accept the bids as presented; and,

WHEREAS, it is determined to be in the best interest of the public to return this property to private ownership and put the property back on the tax roll.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

The City Manager is hereby authorized to execute all necessary documents in a form approved by the City Attorney to facilitate the sale to Andrea Ruben of 800 Chance Street for \$1,000.

PASSED AND APPROVED this the 16th day of November, 2021.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk



## Request to Purchase

**800 Chance Street** – Lot 1, Block 2, Blackmon and Williams 1 Addition to the City of Wichita Falls, Wichita County, Texas

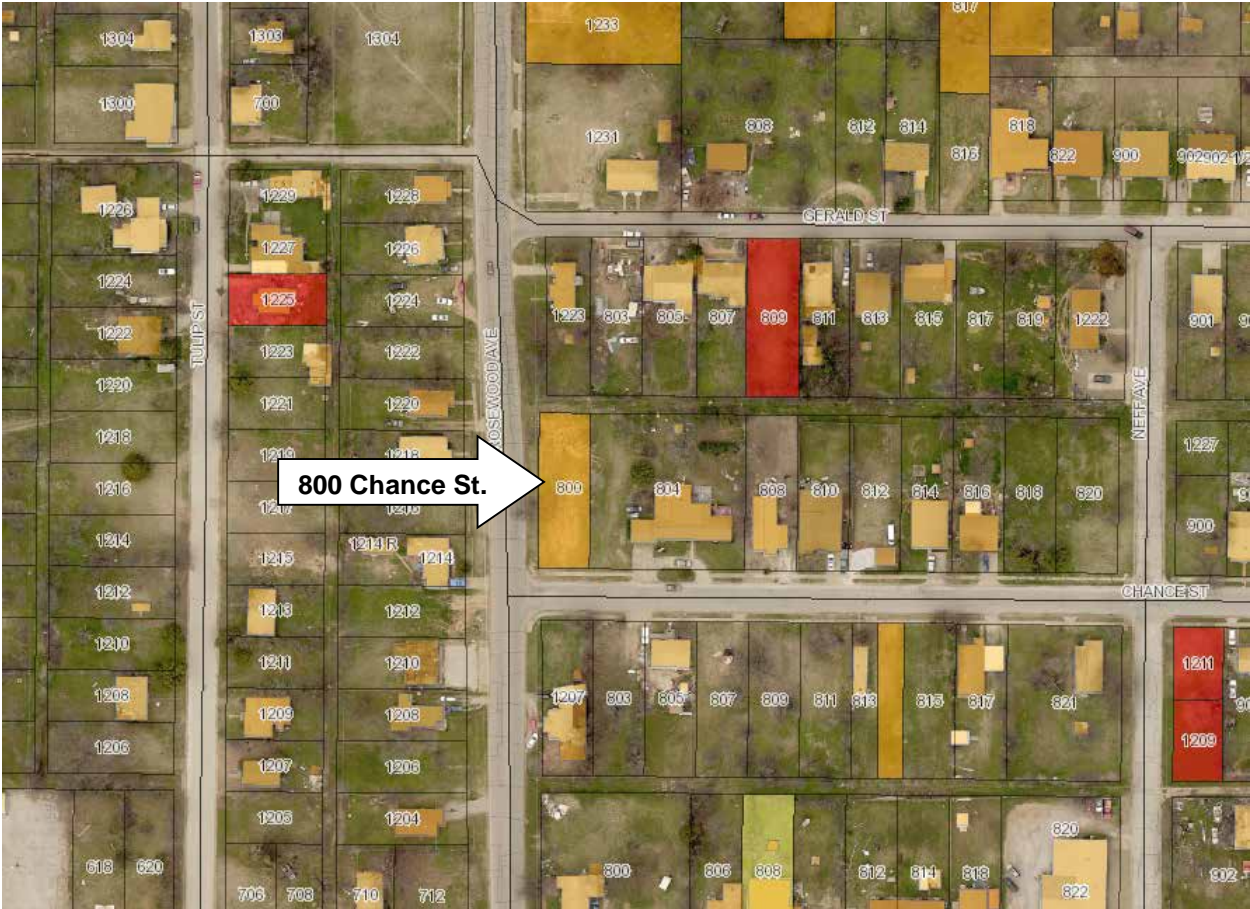
**Andrea Ruben**

<b>Written Offer</b>	<b>\$1,000.00</b>
<b>Judgement Amount</b>	<b>\$2,618.00</b>
<b>Tax Appraisal Value</b>	<b>\$750.00</b>
<b>Struck off Date</b>	<b>12/05/2017</b>

## AFTER DEMOLITION



LOCATION MAP – 800 Chance St.





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**CITY COUNCIL AGENDA  
November 16, 2021**

---

**ITEM/SUBJECT:** Resolution to accept the written offers as presented for 2 Trustee parcels located at 1301 Smith St. and 513 Elwood St. and authorizing execution of the Quitclaim Deed to convey title to Wesley Sonnamaker.

**INITIATING DEPT:** Property Administration

---

**STRATEGIC GOAL:** Accelerate Economic Development

**STRATEGIC OBJECTIVE:** Revitalize Depressed and Declining Neighborhoods

---

**COMMENTARY:** In accordance with Section 272.001 and 253.008 of the Texas Local Government Code, a written offer has been made for the property located at 1301 Smith St., which was struck off on 09/06/2016, and 513 Elwood St., which was struck off on 11/01/2005. Both properties had hazardous structures when struck off, and both have since been removed.

This item relates to two (2) trustee properties:

- 1301 Smith St. (struck-off value: \$5,535.21, tax appraisal: \$750.00, **written offer: \$1,200.00**, Struck off Date: September 06, 2016.)
- 513 Elwood St. (struck-off value: \$1,276.89, tax appraisal: \$100.00, **written offer: \$700.00**, Struck off Date: November 01, 2005.)

Staff requests the City Council approve the conveyance of the properties above for the offered amount.

To convey the properties for less than a minimum bid requires the approval of all three taxing entities.

- November 1, 2021, County Commissioner's Court approved
- November 15, 2021, WFISD School Board approved

The properties will be sold "as is" via Quitclaim deed as abstracts, surveys, and title policies are not furnished by the City. The proposed buyer is in good financial standing with the City of Wichita Falls, Wichita County, and the WFISD.

City staff recommends approval of the resolution authorizing the City Manager to execute all necessary documents to facilitate the sale and conveyance of the parcels as described on the attached Request to Purchase list.

☒ **Asst. City Manager**

☒ **Property Administrator**

---

**ASSOCIATED INFORMATION:** Resolution, Request to Purchase, and Location Map.

☒ **Budget Office Review:**

☒ **City Attorney Review:**

☒ **City Manager Approval**

---

**Resolution No. \_\_\_\_\_**

**Resolution to accept the written offers as presented for 2 Trustee parcels located at 1301 Smith St. and 513 Elwood St. and authorizing execution of the Quitclaim Deed to convey title to Wesley Sonnamaker**

WHEREAS, the County Commissioners and the WFISD School Board have both voted to accept the bids as presented; and,

WHEREAS, it is determined to be in the best interest of the public to return these properties to private ownership and put the properties back on the tax roll.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

The City Manager is hereby authorized to execute all necessary documents as approved by the City Attorney to facilitate the sale to Wesley Sonnamaker of 1301 Smith St. for \$1,200 and 513 Elwood St. for \$700.

PASSED AND APPROVED this the 16th day of November, 2021.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

## Request to Purchase

**1301 Smith Street** – ½ Acre, Block 4, Abstract 296-J, to the City of Wichita Falls, Wichita County, Texas

**Wesley Sonnamaker**

<b>Written Offer</b>	<b>\$1,200.00</b>
<b>Judgement Amount</b>	<b>\$5,535.21</b>
<b>Tax Appraisal Value</b>	<b>\$750.00</b>
<b>Struck off Date</b>	<b>09/06/2021</b>

**1301 Smith St. - AFTER REMOVAL**



**LOCATION MAP – 1301 Smith St.**





## Request to Purchase

**513 Elwood Street** – Eighty feet by eighty feet, (80' X 80'), Block 4, J.A. Scott Survey, Abstract 296-J, Wichita County, Texas

**Wesley Sonnamaker**

<b>Written Offer</b>	<b>\$700.00</b>
<b>Judgement Amount</b>	<b>\$1,276.89</b>
<b>Tax Appraisal Value</b>	<b>\$100.00</b>
<b>Struck off Date</b>	<b>11/01/2005</b>

### 513 Elwood St. - AFTER REMOVAL



## LOCATION MAP – 513 Elwood St.



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**CITY COUNCIL AGENDA**  
**November 16, 2021**

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**ITEM/SUBJECT:** Resolution authorizing the City Manager to execute a Discretionary Services Agreement and Statement of Change with Oncor Electric Delivery Company, LLC in the amount of \$79,542.64 for the relocation of existing facilities at 300 N Burnett Street.

**INITIATING DEPT:** City Manager's Office

---

**STRATEGIC GOAL:** Provide Adequate Infrastructure

**STRATEGIC OBJECTIVE:** Complete Public Improvements Projects

---

**COMMENTARY:** As part of the Hotel and Convention Center, the City has agreed to construct two new parking lots to replace the displaced parking. The larger of the two lots will be on existing City property between Barnett /Bluff Street and 3<sup>rd</sup>/4<sup>th</sup> Street. Currently, Oncor Utilities are located down the center of this property. Before construction can begin, these Utilities have to be relocated. The funding for this relocation was accounted for in the 4B Revenue Bond for the Convention Center.

Once the City returns the executed Discretionary Service Agreement, Oncor will need 4-6 weeks to complete the relocation project. The construction depends on not only materials but also on a required survey, and the City will need to remove some existing streetlight poles N Burnett, 3<sup>rd</sup>, and 4<sup>th</sup> Street.

Staff recommends that the City Council authorize the City Manager to execute a Discretionary Services Agreement and Statement of Change with Oncor Electric Delivery Company, LLC in the amount of \$79,542.64 for the relocation of existing facilities at 300 N Burnett Street.

☒ **Assistant City Manager**

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**ASSOCIATED INFORMATION:** Resolution , Location Map

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

---



Resolution No. \_\_\_\_\_

**Resolution authorizing the City Manager to execute a Discretionary Services Agreement and Statement of Change with Oncor Electric Delivery Company, LLC in the amount of \$79,542.64 for the relocation of existing facilities at 300 N Burnett Street**

WHEREAS, the City of Wichita Falls desires to construct a new parking lot on existing City property between Barnett /Bluff Street and 3<sup>rd</sup>/4<sup>th</sup> Street; and,

WHEREAS, existing Oncor utilities are currently located and need to be moved; and,

WHEREAS, Oncor Electric Delivery Company, LLC has provided a Discretionary Service Agreement in the amount of \$79,542.64 for these services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

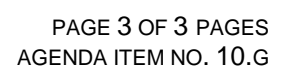
The City Manager is authorized to execute a Discretionary Services Agreement and Statement of Change with Oncor Electric Delivery Company, LLC in the amount of \$79,542.64 for the relocation of existing facilities at 300 N Burnett Street.

PASSED AND APPROVED this the 16<sup>th</sup> day of November, 2021.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk



---

**CITY COUNCIL AGENDA  
November 16, 2021**

---

**ITEM/SUBJECT:** Resolution authorizing the City Manager to award bid and contract for the Memorial Auditorium West Wing Stabilization Project to Trinity Hughes, LLC in the amount of \$1,798,000.00.

**INITIATING DEPT:** Information Technologies & Facilities

---

**STRATEGIC GOAL:** Provide Quality Infrastructure

**STRATEGIC OBJECTIVE:** Upgrade/Replace Outdated Public Facilities

---

**COMMENTARY:** On April 7, 2021, bids were opened for the Memorial Auditorium West Wing Stabilization Project. Seven different contractors attended the pre-bid meeting. However, only 1 submitted a bid, Trinity Hughes Construction. This project is to stabilize the West Wing of Memorial Auditorium as it has experienced greater elevation changes or “settlement” than the rest of the building. This has caused cosmetic and structural issues for the overall building.

The sole bid received for this project is as follows:

<u>Company</u>	<u>Amount</u>
Trinity Hughes Construction – Wichita Falls, TX	\$1,798,000.00

Construction of this project should require 243 workdays to complete.

Staff recommends that the City Council authorize the City Manager to award bid and contract for the Memorial Auditorium West Wing Stabilization Project to Trinity Hughes Construction in the amount of \$1,798,000.00. Approval of this ordinance allows the use of carried forward funds and funds set aside for future capital improvements.

☒ Assistant City Manager

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**ASSOCIATED INFORMATION:** Resolution

☒ Budget Office Review

☒ City Attorney Review

☒ City Manager Approval

---

Resolution No. \_\_\_\_\_

**Resolution authorizing the City Manager to award bid and contract for the Memorial Auditorium West Wing Stabilization Project to Trinity Hughes, LLC in the amount of \$1,798,000.00 from the current year's budget**

WHEREAS, the City of Wichita Falls has advertised for bids for the Memorial Auditorium West Wing Stabilization Project; and,

WHEREAS, it is found that the sole bidder is Trinity Hughes, LLC who made a bid with an estimated total of \$1,798,000.00

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

The bid for the Memorial Auditorium West Wing Stabilization Project is awarded to Trinity Hughes, LLC in an estimated total amount of \$1,798,000.00, and the City Manager is authorized to execute a contract, in a form approved by the City Attorney, for the City with said Contractor for the construction of such project.

PASSED AND APPROVED this the 16th day of November, 2021.

\_\_\_\_\_  
M A Y O R

ATTEST:

\_\_\_\_\_  
City Clerk

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**CITY COUNCIL AGENDA  
November 16, 2021**

---

**ITEM/SUBJECT:** Resolution approving the programs and expenditures of the Wichita Falls Type B Sales Tax Corporation Board of Directors and amending the budget to include funding up to \$104,632.00 to Backdoor Theatre to assist in fire suppression system repairs and upgrades as part of the renovation of the existing building at 501 Indiana Ave downtown.

**INITIATING DEPT:** City Manager's Office

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**STRATEGIC GOAL:** Redevelop Downtown

**STRATEGIC OBJECTIVE:** Pursue Public/Private Partnerships

---

**COMMENTARY:** TEXAS LOCAL GOVERNMENT CODE § 501.073(a) provides "The corporation's authorizing unit (City Council) will approve all programs and expenditures of (the) corporation and annually review any financial statements of the corporation."

Timeline

- March 19, 2021 – Request for funding received from applicant Backdoor Theatre;
- March 30, 2021 – Items pulled from 4B agenda at applicant's request;
- August 23, 2021 – Revised request for funding received from applicant;
- September 2, 2021 – Corporation Board conducted public hearing and tabled action pending additional information from applicant;
- November 4, 2021 – Corporation Board conducted public hearing and approved funding request;
- **November 16, 2021** – City Council to consider ratifying budget amendment facilitating project.

The applicant requests funding in an amount not to exceed \$104,632.00 (the lowest of 2 bids, attached) to assist in the ongoing flood recovery and renovation project at 501 Indiana downtown. The funds are requested for the specific purpose of repairing/upgrading the facility's fire suppression system as described in the attached letter.

At its regular meeting on November 4, 2021, the Type B Corporation Board approved the funding request not to exceed \$104,632.00, subject to:

- Applicant providing proof to the City of the remaining funding commitments for the project prior to disbursement of funds; and
- Funds must be requested and disbursed within 12 months.

The organization will have representation at the meeting to answer any questions the City Council may have.

The Corporation Board as well as City staff recommend approval of the resolution.

☒ **Assistant City Manager**

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**ASSOCIATED INFORMATION:** Resolution; Request Letter from Backdoor Theatre

☒ **Budget Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

---

Resolution No. \_\_\_\_\_

**Resolution approving the programs and expenditures of the Wichita Falls Type B Sales Tax Corporation Board of Directors and amending the budget to include funding up to \$104,632.00 to Backdoor Theatre to assist in fire suppression system repairs and upgrades as part of the renovation of the existing building at 501 Indiana Ave downtown**

WHEREAS, Texas Local Gov't. Code § 501.073(a) provides "The corporation's authorizing unit will approve all programs and expenditures of a corporation and annually review any financial statements of the corporation;" and,

WHEREAS, on November 4, 2021, the Wichita Falls Type B Sales Tax Corporation approved the project listed below and as stated in its agenda.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

1. The Wichita Falls Type B Sales Tax Corporation's approval and funding of the following programs and expenditures, in a total amount not to exceed **\$104,632.00** as described below and in said corporation's agenda, is approved:

**An amount up to \$104,632.00 to Backdoor Theatre to assist in fire suppression system repairs and upgrades as part of the renovation of the existing building at 501 Indiana Ave downtown.**

2. The current fiscal year budget of the Type B Sales Tax Corporation is amended to provide for the aforementioned expenditures and changes thereto.

PASSED AND APPROVED this the 16<sup>th</sup> day of November, 2021.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk



# BACKDOOR THEATRE

& The W. Erle White Theatre Center  
*the theatre we love in the heart of downtown!*

## Board of Directors

*President*

Dusty Potter

*Vice President*

Morgan Dayley

*Treasurer*

Miranda Harvey

*Secretary*

Maureen Talbott

## Board Members

James Alexander

Rachel Bailey

David Cook

Trey Herndon

David Levy

Bonnie McCabe

Michael Mitchell

Marvin Peevey

Erin Spiva

## Board Consultant

Jon Krueger

SAFB Liaison

## Artistic Director

Carter Wallace

## Business Director

Jessica Wood

Gentlemen,

September 29, 2021

Backdoor Theatre sincerely appreciates your consideration in funding repairs to our facility that are a direct result of a city water line break which flooded the building causing more than \$671,129.82 in damage. An additional \$7,500 must be expended to ensure the work completed meets Texas Historical Commission standards.

Per your request, we have reached out to three additional companies to provide estimates for the work to repair the theatre's fire suppression system. To date, only one has returned an estimate (please find that attached).

As a 501c3 nonprofit organization, we are asking 4B to cover the costs of the fire suppression repairs in the amount of \$104,632.

In order to remain in the building, the theatre will soon begin a number of other projects to further stabilize and rehabilitate the facility. These include repairing the roof as well as the exterior brick and mortar. In all, Backdoor Theatre will invest \$1,106,681.52 to ensure patrons and volunteers can continue enjoying enriching theatre experiences in Downtown Wichita Falls.

On behalf of the Backdoor Theatre Board of Directors, thank you for considering our request.

Respectfully,

Jessica Wood  
Business Director

Carter Wallace  
Artistic Director

501 Indiana Ave. Wichita Falls, TX 76301 | PO Box 896 Wichita Falls, TX 76307  
940.322.5000 | Tax ID: 75-1384180 | [www.backdoorthatre.org](http://www.backdoorthatre.org)



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**CITY COUNCIL AGENDA  
November 16, 2021**

---

**ITEM/SUBJECT:** Resolution approving the programs and expenditures of the Wichita Falls Type B Sales Tax Corporation Board of Directors and amending the budget to include funding up to \$120,000.00 to The Arts Council Wichita Falls Area, Inc. to assist in the renovations of the Kemp Center for the Arts at 1300 Lamar Street.

**INITIATING DEPT:** City Manager's Office

---

**STRATEGIC GOAL:** Redevelop Downtown

**STRATEGIC OBJECTIVE:** Pursue Public/Private Partnerships

---

**COMMENTARY:** TEXAS LOCAL GOVERNMENT CODE § 501.073(a) provides "The corporation's authorizing unit (City Council) will approve all programs and expenditures of (the) corporation and annually review any financial statements of the corporation."

Timeline

- October 4, 2021 – Request for funding received from applicant Backdoor Theatre;
- November 4, 2021 – Corporation Board conducts public hearing approves request;
- November 16, 2021 – City Council to consider ratifying budget amendment facilitating project.

The applicant requests funding in an amount not to exceed \$120,000.00 (see attached request) to assist in forthcoming renovation project at 1300 Lamar downtown. The project includes replacing 12 HVAC units, a water heater, updated lighting, and resurfacing of the roof. According to the request, the overall cost of the renovations is approximately \$485,000.00. Note: The attached letter of request contains a typo in that the actual request (as was approved by the Board) is \$120,000.00 and not \$150,000.00.

At its regular meeting on November 4, 2021, the Type B Corporation Board approved the funding request not to exceed \$120,000.00, subject to:

- Applicant providing proof to the City of the remaining funding commitments for the project prior to disbursement of funds; and
- Funds must be requested and disbursed within 12 months.

The organization's executive director, Carol Sales, will be at the meeting to answer any questions the City Council may have.

The Corporation Board, as well as City staff, recommend approval of the resolution.

☒ **Assistant City Manager**

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**ASSOCIATED INFORMATION:** Resolution

☒ **Budget Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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Resolution No. \_\_\_\_\_

**Resolution approving the programs and expenditures of the Wichita Falls Type B Sales Tax Corporation Board of Directors and amending the budget to include funding up to \$120,000.00 to The Arts Council Wichita Falls Area, Inc. to assist in the renovations of the Kemp Center for the Arts at 1300 Lamar Street**

WHEREAS, Texas Local Gov't. Code § 501.073(a) provides "The corporation's authorizing unit will approve all programs and expenditures of a corporation and annually review any financial statements of the corporation;" and,

WHEREAS, on November 4, 2021, the Wichita Falls Type B Sales Tax Corporation approved the project listed below and as stated in its agenda.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

1. The Wichita Falls Type B Sales Tax Corporation's approval and funding of the following programs and expenditures, in a total amount not to exceed **\$120,000.00** as described below and in said corporation's agenda, is approved:

**An amount up to \$120,000.00 to The Arts Council Wichita Falls Area, Inc. to assist in the renovations of the Kemp Center for the Arts at 1300 Lamar Street.**

2. The current fiscal year budget of the Type B Sales Tax Corporation is amended to provide for the aforementioned expenditures and changes thereto.

PASSED AND APPROVED this the 16<sup>th</sup> day of November, 2021.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk



## Arts Council

Wichita Falls Area, Inc.

1300 Lamar Street

Wichita Falls, TX 76301-7031

The Kemp 940-767-2787 • The Forum 940-766-3347

Carol Sales, CEO • ArtsCouncilWF.org

### BOARD OF DIRECTORS

John Ferguson  
Chair

Linda Poenitzsch  
Treasurer

Mary Beth Waggoner  
Secretary

Vicki Kunkle  
Ex-Officio

### Executive Committee

Bar: Bybee  
Martin Comacho  
Sherria Childers  
Pam Featherston  
Richard Guess  
Torrance Harris  
Dobie Kosub  
Elaine McKinney  
Tyler Sales

### Members At Large

Tracy Barrells  
Steve Berend  
Gary Cook  
Tonja Denson  
Logan Draper  
Warren Gardner  
Desi Hale  
Sue Harrington  
Cindy Hernandez  
Lauren Johnson  
Lauren McKechnie  
Audra Miller  
Kristin Schuele  
Christina Scruggs  
Dan Shores  
Lin Wang

### DIRECTORS EMERITUS

Martha Fain  
John Hirschi  
Gail Key\*  
Carolyn Sanders  
Bob Thompson\*  
David White  
\*deceased

October 1, 2021

Mr. Paul Menzies  
Wichita Falls Economic Development Corporation  
1300 7<sup>th</sup> Street  
Wichita Falls, TX 76301

Dear Board Members:

The Arts Council, Wichita Falls Area, Inc. is the guardian of the Kemp Center for the Arts that has served as the organization's anchor for over 19 years to provide art galleries, art education, a sculpture garden and performing arts for the community. Over the past 27 years, the Arts Council has become the heart of arts education in this region by building a platform for visual and performance arts. This historic building still serves as an integral part of the downtown area adding to the quality of life of Wichita Falls as a welcoming setting to all who enjoy art and history.

However, the aging of the Kemp makes it necessary to make improvements to what was installed in 2000, as well as equipment that was already in the building when it was acquired by the Arts Council. These improvements include replacing 12 HVAC units and a water heater, updating the lighting, and resurfacing the roof. Also, it has been strongly recommended that the elevator be replaced for safety reasons; the elevator is especially important to have accessibility to the entire building. In addition, the landscaping along the south side of the Sculpture Garden needs to be replanted after the extreme weather in February 2021 to maintain the planned aesthetics of the grounds.

The Kemp Center is one of the oldest extant buildings in Wichita Falls, and the Arts Council needs to ensure that future generations can benefit from its grandeur and history. To achieve our goals for this project, the total budget has been established as \$485,000. We are requesting of the 4 – B Board and the City of Wichita Falls \$150,000 that will be combined with Arts Council funds from dedicated foundations, annual fund donations, grants from local foundations and government funds. The construction will begin in January 2022 and be completed by December 2022.

Thank you to the 4 – B Board and the City of Wichita Falls for your consideration of this request and for all that you have done for art in our community.

Sincerely,

Carol Sales  
Arts Council Wichita Falls Area, Inc.

*The mission of the Arts Council is to nurture and strengthen the artistic, cultural, and educational quality of the community and surrounding areas.  
Please consider the Arts Council in your estate planning.*

Kemp Center Renovation and Updates 2022 Project Budget

**Income**

Priddy Foundation	\$	200,000.00
Bridwell	\$	50,000.00
Bryant Edwards	\$	50,000.00
Fain Foundation	\$	50,000.00
4-B Fund Wichita Falls	\$	120,000.00
Donor Funds	\$	15,000.00

**Expense**

Lydick-Hooks		\$	125,000.00
Willen Electric		\$	11,650.00
North Texas Design & Landscape		\$	10,000.00
Ferguson Veresh		\$	191,324.00
Otis Elevator		\$	134,790.00
Contingency		\$	12,236.00
	\$	485,000.00	\$ 485,000.00