

City of Wichita Falls City Council Agenda



Stephen Santellana, Mayor
Bobby Whiteley, Mayor Pro Tem/At Large
Michael Smith, District 1
Larry Nelson, District 2
Jeff Browning, District 3
Tim Brewer, District 4
Steve Jackson, District 5



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

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, January 18, 2022, 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>)**

Item #

1. Call to Order
2.
 - (a) Invocation: Pastor Mark Bender
First Christian Church
 - (b) Pledge of Allegiance
3. Presentations
 - (a) Proclamation – Wichita Falls Area Food Bank 40th Anniversary, Wichita Falls Area Food Bank

CONSENT AGENDA

4. Approval of minutes of the January 4, 2022, Regular Meeting of the Mayor and City Council.
5. Resolutions
Resolution authorizing the City Manager to Approve Change Order No. 1 for the 2021 Water Budget Utility Improvements Project for a deduct in the amount of \$35,020.00
6. Receive Minutes
Lake Wichita Revitalization Committee, December 14, 2021

REGULAR AGENDA

7. Public Hearing
Public Hearing concerning designation of Reinvestment Zone at 726 Scott Avenue, Downtown, Wichita Falls, Texas.
8. Ordinances
Ordinance designating property as a Reinvestment Zone that is located at 726 Scott, known as the Petroleum Building, Wichita Falls, Texas; providing for severability; and providing an effective date
9. Public Hearing and Resolutions
 - (a) Conduct a public hearing and consider a resolution declaring the City of Wichita Falls's eligibility and intention to participate in the Texas Tax Abatement Program to promote development and redevelopment and adopt guidelines and criteria for tax abatement in the City of Wichita Falls
 - i. Public Hearing
 - ii. Take Action
 - (b) Resolution approving the programs and expenditures of the Wichita Falls 4B Sales Tax Corporation Board of Directors and amending the budget to include funding up to \$133,000 to Kirk Laney, dba Picker's Universe LLC, to renovate the existing building at 1000 Indiana into a mixed use retail and restaurant establishment
10. Other Council Matters
Announcements concerning items of community interest from members of the City Council. No action will be taken or discussed.
11. 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.

12. Executive Sessions

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).

13. Adjourn

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.

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 12th day of January, 2022 at 2:30 o'clock p.m.



City Clerk



City of Wichita Falls
City Council Meeting
Minutes
January 4, 2022



Item 1 - Call to Order

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

- | | | |
|-----------------|---|------------------------|
| Bobby Whiteley | - | Mayor Pro Tem/At-Large |
| Tim Brewer | - | Councilors |
| Jeff Browning | - | |
| Steve Jackson | - | |
| Larry Nelson | - | |
| Michael Smith | - | |
| | | |
| Darron Leiker | - | City Manager |
| Kinley Hegglund | - | City Attorney |
| Marie Balthrop | - | City Clerk |

Absent: Mayor Stephen Santellana

Mayor Pro Tem Whiteley called the meeting to order at 8:30 a.m.

Item 2a – Invocation

Pastor Tim Puckett, Heritage Church, gave the invocation.

Item 2b – Pledge of Allegiance

Mayor Pro Tem Whiteley led the Pledge of Allegiance.

Item 3a – Employee of the Month – Corey LaPlante, Police Department

8:33 a.m.

Manual Borrego, Police Chief, recognized Corey LaPlante as the Employee of the Month for January 2022. Mayor Pro Tem Whiteley congratulated Officer LaPlante and presented him with a plaque, letter of appreciation, restaurant voucher, and check, and thanked him for his service.

Item 3b – Proclamation – Eagle Scout Day, Northwest Texas Council Boy Scouts of America

8:39 a.m.

Mayor Pro Tem Whiteley read a proclamation proclaiming January 13, 2022, Eagle Scout Day in Wichita Falls and asked everyone to join him in extending their appreciation for the Eagle Scouts dedicated work and wishing them the best in their future endeavors.

Item 4-6 – Consent Items

8:42 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 Smith and carried by the following vote:

Ayes: Mayor Pro Tem Whiteley, Councilors Brewer, Browning, Jackson, Nelson, and Smith

Nays: None

Item 4 – Approval of minutes of the December 21, 2021, Regular Meeting of the Mayor and City Council

Item 5 – Receive Minutes

(a) Animal Shelter Advisory Committee, July 7, 2021

Item 6 – Ordinance 01-2022

8:43 a.m.

Ordinance appropriating \$3,278.50 of grant funds pursuant to the FY 2021 Patrick Leahy Bulletproof Vest Partnership Grant, 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 01-2022.

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

Ayes: Mayor Pro Tem Whiteley, Councilors Brewer, Browning, Jackson, Nelson, and Smith

Nays: None

Item 7a – Resolution 01-2022

8:45 a.m.

Resolution amending the bid for the purchase of a 5-yard dump truck and two crew trucks to Lonestar Truck Group in the amount of \$7,800.00.

Moved by Councilor Brewer to approve Resolution 01-2022.

Motion seconded by Councilor Browning.

John Burrus, Director of Aviation, Traffic, and Transportation, discussed the additional \$7,800 surcharge, and the options available to the City Council. Staff recommended accepting the increase and amending the original bid since the total bid with the increase was within 5% of the low bid, which allows the Council to give preference to the local bidder. There was brief discussion regarding the increase.

Motion carried by the following vote:

Ayes: Mayor Pro Tem Whiteley, Councilors Brewer, Browning, Nelson, Jackson, and Smith

Nays: None

Item 7b – Resolution 02-2022

8:51 a.m.

Resolution amending the bid for the purchase of thirteen fire apparatus and loose equipment to Siddons-Martin Emergency Group, LLC through The Buyboard Purchasing Cooperative in the amount of \$2,110.74.

Moved by Councilor Brewer to approve Resolution 02-2022

Motion seconded by Councilor Smith.

Mr. Burrus discussed the change in Buyboard fees that caused the increase in the final bid, and recommended approval.

Motion carried by the following vote:

Ayes: Mayor Pro Tem Whiteley, Councilors Brewer, Browning, Jackson, Nelson, and Smith

Nays: None

Item 8 – Announcements concerning items of community interest from members of the City Council. No action will be taken or discussed.

8:53 a.m.

Councilor Jackson wished everyone a Merry Christmas and Happy New Year.

Councilor Brewer asked Lou Kreidler, Director of Health, about the COVID-19 Omicron variant. Ms. Kreidler stated it is quickly taking over the Delta variant and they have seen an increase in cases but lower hospitalizations and deaths. They expect to see a spike in cases with the holidays and the low vaccine rate in our community. Councilor Brewer asked about the availability of vaccinations and Ms. Kreidler stated that vaccines are available throughout the community at pharmacies, doctor's offices, and at the Health Department. Councilor Brewer asked about the efficacy of the vaccines, and Ms. Kreidler stated that cases in fully vaccinated individuals are less serious, and the majority of deaths last month were unvaccinated individuals. Councilor Jackson inquired about the number of deaths in vaccinated individuals and Ms. Kreidler stated that to her knowledge there have been no deaths due to the vaccine.

Councilor Smith wished everyone a Happy New Year, and stated that he looks forward to 2022 being a better year than the last two.

Councilor Browning wished everyone a Happy New Year.

Councilor Nelson wished everyone a Happy New Year, and asked about 2-hour parking limits downtown. Mr. Burrus stated that there has not been a parking control attendant

for many years and we do not currently monitor parking downtown. Mr. Leiker stated that businesses tend to assist with monitoring this issue and they report violations to the City.

Mayor Pro Tem Whiteley thanked Pastor Puckett for attending the meeting, congratulated Officer LaPlante for being selected as Employee of the Month, and wished everyone a Happy New Year. He mentioned that there is new leadership in both the Fire and Police Associations and he looks forward to working with them.

Item 9 – Comments from the Public to Members of the City Council Concerning Items That Are Not on the City Council Agenda

9:49 a.m.

Mickey Fincannon, 408 4th Street, stated that he signed up to speak in case the solid waste issue was discussed, but since that item was not discussed, he did not wish to comment further at this time. He stated that he previously emailed each Councilor and would like the opportunity to discuss his concerns further.

Item 10 –Adjourn

Mayor Pro Tem Whiteley adjourned the meeting at 9:02 a.m.

PASSED AND APPROVED this 18th day of January 2022.

Bobby Whiteley, Mayor Pro Tem

ATTEST:

Marie Balthrop, TRMC, MMC
City Clerk

CITY COUNCIL AGENDA
January 18, 2022

ITEM/SUBJECT: Resolution authorizing the City Manager to Approve Change Order No. 1 for the 2021 Water Budget Utility Improvements Project for a deduct in the amount of \$35,020.00.

INITIATING DEPT: Public Works

STRATEGIC GOAL: Provide Quality Infrastructure

STRATEGIC OBJECTIVES: Complete Signature Public Improvements Projects

COMMENTARY: On March 16, 2021, Council awarded the 2021 Water Budget Utility Improvements Project to Bowles Construction Co. of Wichita Falls, TX in the amount of \$1,415,632.00. This project involved the installation of new waterlines in various locations, various valve improvements, and associated work. The contractor completed the required work and final quantities were calculated to determine a deduct in the final contract amount by \$35,020.00. This Change Order will balance final installed quantities and allow staff to close out the project.

Staff recommends approval of Change Order No. 1 for a deduct in the amount of \$35,020.00 for the final completed quantities on the project.

Director, Public Works

ASSOCIATED INFORMATION: Resolution , Change Order No. 1

Budget Office Review

City Attorney Review

City Manager Approval

Resolution No. _____

Resolution authorizing the City Manager to Approve Change Order No. 1 for the 2021 Water Budget Utility Improvements Project for a deduct in the amount of \$35,020.00

WHEREAS, the City of Wichita Falls entered a unit price contract with Bowles Construction Co. with the estimated total cost of \$1,415,632.00; and

WHEREAS, Change Order No. 1 will decrease the contract by \$35,020.00 for a revised cost of \$1,380,612.00;

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

The City Manager is authorized to execute Change Order No. 1 for the 2021 Water Budget Utility Improvements Project for a deduct in the amount of \$35,020.00.

PASSED AND APPROVED this the 18th day of January, 2022.

MAYOR

ATTEST:

City Clerk

CITY OF WICHITA FALLS, TEXAS CONTRACT CHANGE ORDER FORM	CHANGE ORDER NO.:	1 & Final
	DATE:	12/28/2021
	AMOUNT OF CHANGE:	\$ (35,020.00)

PROJECT/CONTRACT: 2021 Water Budget Utility Improvements Project, CWF21-550-07

TO: Bowles Construction Co. , this Change Order, after approval by the Owner, will be your
(Contractor)
authority to make the following changes in the work under your contract:

Description of Changes	Decrease in Contract	Increase in Contract	Total Change in Contract
(This Change Order will balance out the final project quantities)			
1. Bid Item 107-TS - Trench Safety System Add 444 LF @ \$1.00/LF for a revised total of 13,083 LF	\$ -	\$ 444.00	\$ 444.00
2. Bid Item 305.2-SW - 4" Reinforced Concrete Sidewalk Deduct 578 SY @ \$50.00/SY for a revised total of 877 SY	\$ 28,900.00	\$ -	\$ (28,900.00)
3. Bid Item 305.2-PED - Install Pedestrian Ramp Deduct 20 EA @ \$1,800.00/EA for a revised total of 0	\$ 36,000.00	\$ -	\$ (36,000.00)
4. Bid Item 501.14-6 - Install 6" Waterline and Fittings Add 433 LF @ \$47.00/LF for a revised total of 13,062 LF	\$ -	\$ 20,351.00	\$ 20,351.00
5. Bid Item 501.14-6RJ - Install 6" Waterline and Fittings (restrained joint) Add 18 LF @ \$70.00/LF for a revised total of 150 LF	\$ -	\$ 1,260.00	\$ 1,260.00
6. Bid Item 502.6-6 - Install 6" Gate Valve with Box Add 3 EA @ \$900.00/EA for a revised total of 43 EA	\$ -	\$ 2,700.00	\$ 2,700.00
7. Bid Item 502.10-L - Install 3/4" Long Services Deduct 2 EA @ \$1,200.00/EA for a revised total of 68 EA	\$ 2,400.00	\$ -	\$ (2,400.00)
8. Bid Item 502.10-S - Install 3/4" Short Services Deduct 11 EA @ \$800.00/EA for a revised total of 107 EA	\$ 8,800.00	\$ -	\$ (8,800.00)
9. Bid Item 502.10-L-1 - Install 1" Long Services Add 4 EA @ \$1,500.00/EA for a revised total of 6 EA	\$ -	\$ 6,000.00	\$ 6,000.00
10. Bid Item 502.10-S-1 - Install 1" Short Services Add 4 EA @ \$1,000.00/EA for a revised total of 6 EA	\$ -	\$ 4,000.00	\$ 4,000.00
11. Bid Item 502.10-L-1.5 - Install 1.5" Long Services Add 1 EA @ \$2,400.00/EA for a revised total of 2 EA	\$ -	\$ 2,400.00	\$ 2,400.00
12. Bid Item 502.10-L-2 - Install 2" Long Services Deduct 1 EA @ \$2,700.00/EA for a revised total of 0	\$ 2,700.00	\$ -	\$ (2,700.00)
13. Bid Item 503-12 - Install 12" Steel Casing (Min 0.25" Thickness) Add 15 LF @ \$125.00/LF for a revised total of 97 LF	\$ -	\$ 1,875.00	\$ 1,875.00
14. Bid Item 506.8-2 - Cut & Plug Exist 2" Water Main Add 1 EA @ \$400.00/EA for a revised total of 25 EA	\$ -	\$ 400.00	\$ 400.00

MINUTES
LAKE WICHITA REVITALIZATION COMMITTEE

December 14, 2021

PRESENT:

David Coleman, Chair
John Strenski, Lakeside City
Alicia Castillo, Gold Star Family
Matt Marrs
Sharon Roach
Steve Garner

■ Members

Blane Boswell, City Engineer
Terry Points, Parks Administrator

■ Staff

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

■ Guests

ABSENT: Crystal Byrd, Eve Montgomery, Tim Brewer, Alison Sanders, and Kendrick Jones

1. **Call to Order and Introduce New Member:** David called the meeting to order at 10:05 am and declared a quorum.
2. **Approval of Minutes:** November meeting minutes were approved unanimously.
3. **Project Updates:**
 - 3.a. **Veteran's Plaza Project:** David shared KHA's revised Construction Cost Estimate, which deletes the restroom and deletes the second walkway/plaza, and it reflects a new total of \$475,000. After much discussion and debate, the Committee voted unanimously to proceed with construction, based on the following scope additions: Put restroom back in, add one 80' flagpole, and increase the number of bronze plaques from 4 to 7. This increases the cost estimate to approximately \$634,000 which must be verified by KHA. Considering other items that must be paid, including the Gold Star Family Monument, the Saluting Soldier, and the Memorial Bricks, the total cost will be approximately \$729,000. Since the total funds available are \$730,000 this appears feasible to the Committee.

David will summarize these changes for Blane by email, and Blane will contact KHA to get revisions started to plans and specs. Blane will also find out how funding transfers from the Community Foundation will work.
 - 3.b. **Lake Deepening:** Matt suggested that Gene Snideman would be a good POC at the Army Corps of Engineers in Tulsa.
 - 3.c. **Kayak Launch Grant:** Terry selected a launch from AccuDocks in Florida, which will result in a total project cost just above the grant amount of \$32,500. The overage will be covered by the Parks Dept, and will include some clearing at the site by the PW

December 14, 2021

Dept. The revised Scope of Work is complete and will be submitted to TP&W Inland Fisheries by Robert Mauk. We will also need to execute a contract between the City and TP&W.

4. **Discussion of Brick Sales and Fundraising Initiatives:** John provided a funding update, we have \$27,249 in the Lake Wichita Community Foundation account, and \$29,913 in the PayPal account.
5. **Other Business Matters:** None.
- 5.a. **Website Changes:** David will contact Crystal Byrd to get our website content updated.
6. **Adjournment:** The meeting adjourned at 11:03 am.



David Coleman, Chair

11 Jan 22

Date

CITY COUNCIL AGENDA
January 18, 2022

ITEM/SUBJECT: Public Hearing concerning designation of Reinvestment Zone at 726 Scott Avenue, Downtown, Wichita Falls, Texas.

INITIATING DEPT: Legal

STRATEGIC GOAL: Redevelop Downtown

STRATEGIC OBJECTIVE: Pursue Public/Private Partnerships

COMMENTARY: Will Kelty dba Petroleum Building Wichita Falls LLC owns the building at 726 Scott, known as the Petroleum Building, which was once the home of the Crescent Plaza Hotel. The ground floor contains several commercial spaces, including the existing Highlander Public House. Mr. Kelty hopes to secure funding from the WF4BSTC to assist in fire suppression system upgrades as part of an overall \$14.6M renovation project. This renovation project includes converting the former hotel spaces on floors 2-10 into 170 multi-family apartments.

Prior to executing a tax abatement agreement, we must establish a reinvestment zone. Prior to establishing a reinvestment zone, we must publish notice of this Public Hearing. The proposed Reinvestment Zone to be discussed in this public hearing is better described in **Exhibit A**.

At least 7 days prior to this action, the City published the following notification of this action:

The Wichita Falls City Council will hold a public hearing in the Council Chambers of the Memorial Auditorium building at 1300 7th Street on January 18, 2022, beginning at 8:30 a.m. for the purpose of: (1) considering designating, as a reinvestment zone, the following property: 726 Scott Avenue, Downtown; (2) determining eligibility of zones for tax abatement, and (3) finding that the improvements sought are feasible, practical, and would be a benefit to the zone after the expiration of the tax abatement agreement under Texas Tax Code §312.204.

It should be noted that the proposed tax abatement agreement for the company is for 10 years. At the conclusion of the ten years, the manufacturing facility will be required to make a tax payment of 100% of the taxable value of the property. The County will be asked to follow the same abatement terms of their share of property taxes, as well. The final tax abatement would be approved at a subsequent meeting assuming other agreements for this public/private partnership are fully reviewed and have the support of both parties.

During this public hearing, the Council will be asked to make the following findings:

- (1) The improvements sought, a multi-unit housing complex, are feasible and practical and would be a benefit to the zone after the expiration of the tax abatement agreement;
- (2) The City's criteria for tax abatement are met as set out by Resolution 5-2020 (as shown on **Exhibit B**), and the designation of the zone is reasonably likely to contribute to the retention or expansion of primary employment or to attract major capital investment that will benefit the City's economic development;
- (3) The building and operation of this multi-unit housing complex will have a secondary impact, through the use of local contractors and service businesses, on the local economy;
- (4) Proper notice was given of this public hearing to the presiding officers of Wichita County and the Wichita Falls Independent School District; and
- (5) Notice of this public hearing was published in the *Times Record News*, a paper of general circulation, on January 11, 2022, a date that was no later than the 7th day before this hearing.

City Attorney

Assistant City Manager

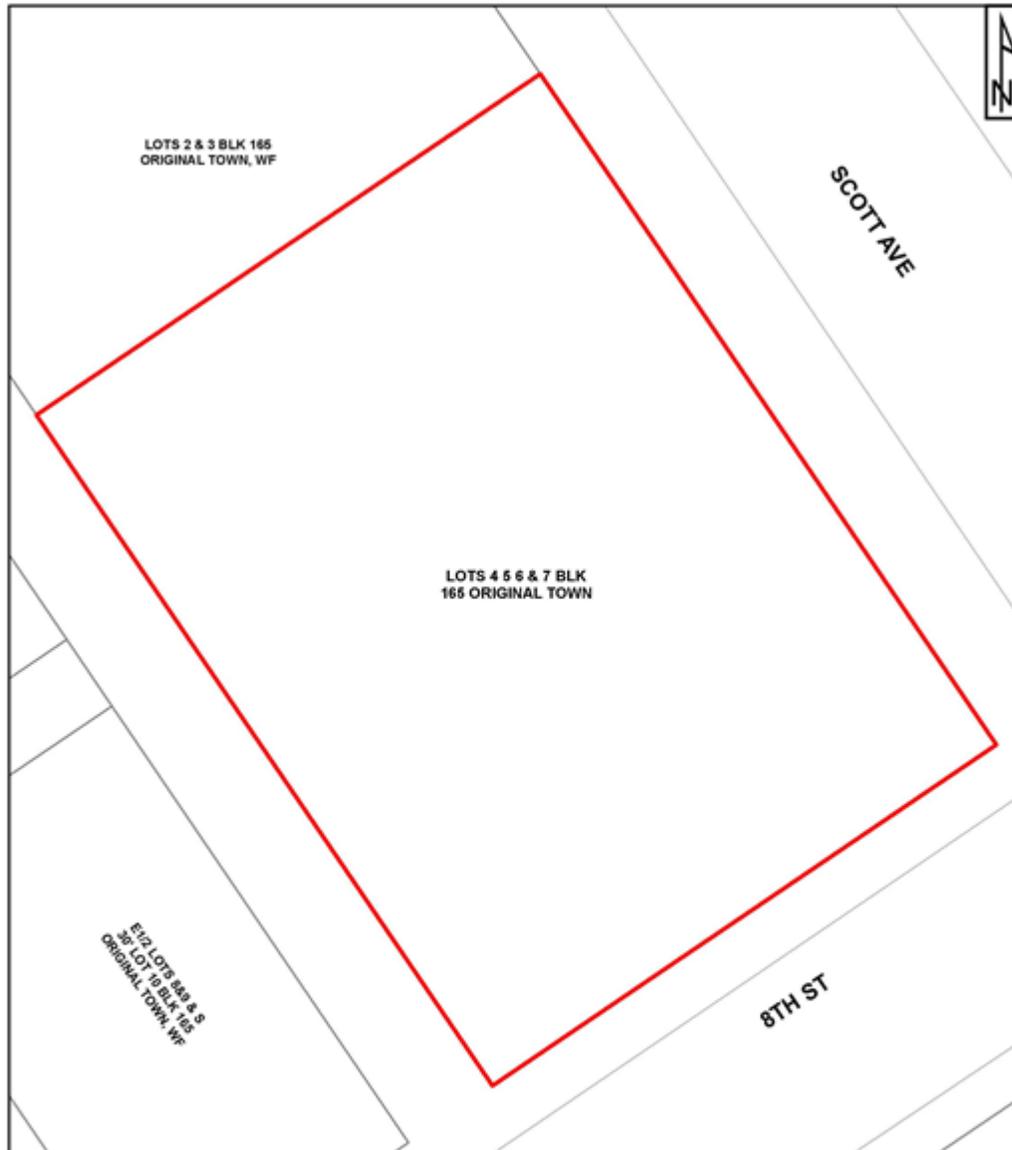
ASSOCIATED INFORMATION: Ordinance

Budget Office Review

City Attorney Review

City Manager Approval

**Downtown Petroleum Building Reinvestment Zone
726 Scott Avenue, Wichita Falls, Texas**

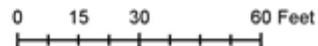


**Petroleum Building
Lots 4-7, Block 165, Original Town
Plat Map**

CITY OF WICHITA FALLS, PLANNING DIVISION
MAP PRODUCED BY: Cedric Hu
DATE PRODUCED: 6 January 2022

Disclaimer
The City of Wichita Falls has attempted to verify the accuracy of the information contained in the following map at the time of publication. The City of Wichita Falls assumes no liability for any errors, omissions, or inaccuracies in the information provided regardless of how derived. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or planning purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Legend
Subject Property



Resolution No. 05-2020

Resolution declaring the City of Wichita Falls' eligibility and intention to participate in the Texas Tax Abatement Program to promote development and redevelopment and adopt guidelines and criteria for tax abatement in the City of Wichita Falls

WHEREAS, the City Council of the City of Wichita Falls, Texas, desires to promote the development/redevelopment of certain contiguous geographic areas within its jurisdiction; and,

WHEREAS, the City of Wichita Falls, Texas, is authorized to enter into Tax Abatement Agreements for commercial-industrial or residential purposes, as authorized by Chapter 312 of the Texas Tax Code; and,

WHEREAS, the Texas Tax Code requires the City of Wichita Falls, Texas, to establish guidelines and create criteria for the designation of reinvestment zones, and to enter into Tax Abatement Agreements.

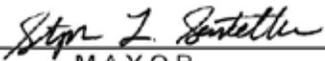
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

1. The City of Wichita Falls, Texas, declares it is eligible for and intends to participate in a Tax Abatement Program.
2. The City of Wichita Falls, Texas, hereby adopts the following Guidelines and Criteria for Tax Abatement for use in the City's Tax Abatement Programs:
 - (1) The City Council of the City of Wichita Falls shall have the right, granted under Texas statutes, to approve or disapprove the creation of any recommended Tax Reinvestment Zone.
 - (2) The Tax Reinvestment Zone must be reasonably likely to contribute to the retention or expansion of primary employment or attract major capital investment that will benefit the City's economic development.
 - (3) The Tax Reinvestment Zone authorization granted by the City Council must meet all criteria established by the authorizing legislation.
 - (4) The Tax Reinvestment Zone must not require extraordinary capital improvement financing by the City.
 - (5) The Tax Reinvestment Zone applicant must have a successful business operating history of at least one year in the community or municipal references establishing successful operations.
 - (6) The Tax Reinvestment Zone applicant must have a secondary

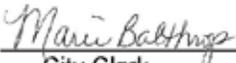
impact, through the use of local contractors and service businesses, on the local economy.

- (7) The agreement to create Tax Reinvestment Zones will not exceed the maximum period allowed by law of 10 years.
- (8) The agreement to create Tax Reinvestment Zones will pro-rate taxes on property improvements not less than 10%, nor more than 100%.
- (9) The City Council reserves the right to negotiate any other provisions with an individual business allowed by law.

PASSED AND APPROVED this the 21st day of January, 2020.


MAYOR

ATTEST:


City Clerk

CITY COUNCIL AGENDA
January 18, 2022

ITEM/SUBJECT: Ordinance designating property as a Reinvestment Zone that is located at 726 Scott, known as the Petroleum Building, Wichita Falls, Texas; providing for severability; and providing an effective date.

INITIATING DEPT: Legal

STRATEGIC GOAL: Redevelop Downtown

STRATEGIC OBJECTIVE: Pursue Public/Private Partnerships

COMMENTARY: Will Kelty, dba Petroleum Building Wichita Falls LLC, owns the building at 726 Scott, known as the Petroleum Building, which was once the home of the Crescent Plaza Hotel. The ground floor contains several commercial spaces, including the existing Highlander Public House. Mr. Kelty hopes to secure funding from the WF4BSTC to assist in fire suppression system upgrades as part of an overall \$14.6M renovation project. This renovation project includes converting the former hotel spaces on floors 2-10 into 170 multi-family apartments.

Further, this project will spur new commercial development in and around a possible reinvestment zone. As such, the City wishes to incentivize development in and around the area.

State law requires that, prior to entering a tax abatement agreement, a city must adopt Guidelines and Criteria and establish a Reinvestment Zone. State law also requires, prior to establishing a Reinvestment Zone, that a city must hold a public hearing, publish notice of said hearing, and mail notice of said hearing to the other taxing entities in the area of the proposed reinvestment zone. The City has completed these prerequisites. A tax abatement agreement will be submitted to the Council on a future agenda.

City Attorney

ASSOCIATED INFORMATION:

Budget Office Review

City Attorney Review

City Manager Approval

Ordinance No. _____

Ordinance designating property as a Reinvestment Zone that is located at 726 Scott, known as the Petroleum Building, Wichita Falls, Texas, providing for severability; and providing an effective date

WHEREAS, the City Council of the City of Wichita Falls, Texas (the "City") desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a Reinvestment Zone, as codified in Chapter 312 of the Texas Tax Code and known as the Property Redevelopment and Tax Abatement Act, (the "Act"); and,

WHEREAS, a public hearing before the City Council was held on January 18, 2022, being at least seven (7) days after the date of publication of the notice of such public hearing in a newspaper of general circulation in the City of Wichita Falls; and,

WHEREAS, the City has called a public hearing and published notice of such public hearing, and has properly notified the proper officials of Wichita County and the Wichita Falls Independent School District, as required by the Act; and,

WHEREAS, upon such hearing being convened, there was presented proper proof and evidence that notices of such hearing had been published and mailed as described above; and,

WHEREAS, the City, at such hearing, invited any interested person, or his attorney, to appear and contend for or against the creation of the Reinvestment Zone, which includes the property known as **Lots Four (4), Five (5), Six (6), and Seven (7) Block 165 Original Townsite, Wichita Falls, Wichita County, Texas, as recorded in Volume 5, Pages 21 - 23, Wichita County Plat Records**, owned by **Petroleum Building Wichita Falls LLC**, and which is depicted in **Exhibit A** as the "Reinvestment Zone"; and,

WHEREAS, all owners of property located within the proposed Reinvestment Zone, and all other taxing units and other interested persons, were given the opportunity at such public hearing to protest the creation of the proposed Reinvestment Zone or the inclusion of their property in such Reinvestment Zone; and,

WHEREAS, the proponents of the Reinvestment Zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the Reinvestment Zone; and,

WHEREAS, after considering all testimony and evidence offered at the public hearing, the City Council finds that improvements in the Reinvestment Zone will enhance significantly the value of all taxable real property in the Zone, will be of general benefit to the City of Wichita Falls, and that it will be in the public interest to pass this ordinance creating a Reinvestment Zone.

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

1. In accordance with Chapter 312 of the Texas Tax Code, the City has held a public hearing in this matter and adopts the findings herein.
2. The City, after conducting a public hearing and having heard evidence and testimony, has made the following findings and determinations based on the evidence and testimony presented to it:
 - a. That the public hearing on adoption of the Reinvestment Zone has been properly called, held and conducted, and that notice of such hearing has been published as required by law;
 - b. That the City has jurisdiction to hold and conduct this public hearing on the creation of the proposed Reinvestment Zone, pursuant to the Act;
 - c. That creation of the proposed Reinvestment Zone will result in benefits to the City, its residents and property owners, and to the property, residents and property owners in the Reinvestment Zone;
 - d. That the improvements sought are feasible and practical and would be a benefit to the land to be included in the Zone and to the City after the expiration of an agreement entered into under Section 312.204 of the Act;
 - e. That the improvements sought, a manufacturing facility, are feasible and practical and would be a benefit to the Zone after the expiration of the tax abatement agreement;
 - f. That the City's criteria for tax abatement are met as set out by Resolution 5-2020 (as shown on **Exhibit B**) and the designation of the Zone is reasonably likely to contribute to the retention or expansion of primary employment or to attract major capital investment that will benefit the City's economic development;
 - g. That the building and operation of a manufacturing facility will have a secondary impact, through the use of local contractors and service businesses, on the local economy;
 - h. That proper notice was given of this public hearing to the presiding officers of Wichita County and the Wichita Falls Independent School District; and,
 - i. That notice of this public hearing was published in the *Times Record News*, a paper of general circulation on January 11, 2022, a date that was no later than the 7th day before this hearing.
3. The City hereby creates a Reinvestment Zone over the area described in **Exhibit A**, and such Reinvestment Zone shall hereafter be identified as the **Downtown Petroleum Building Reinvestment Zone** (the "Zone").

4. The operation of the Reinvestment Zone shall commence immediately upon passage of this ordinance for a period of **5** years or may terminate sooner by subsequent ordinance.
5. A written agreement(s) as provided in the Act, with the owners of the property located within the Reinvestment Zone will be presented to City Council for approval, and the written agreement shall provide an exemption from taxation for the increased value in the real and/or personal property in an amount of up to 100% of the increased value. The City Attorney is hereby authorized to deliver notice of said agreement to the other taxing entities as provided by the Act.
6. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this ordinance.
7. The contents of the notice of public hearing, which was held before the City Council on this date, and the publication of notices thereof as required by law, are hereby ratified, approved, and confirmed.
8. This ordinance shall take effect February 18, 2022, and it is so ordained.

PASSED AND APPROVED this the 18th day of January, 2022.

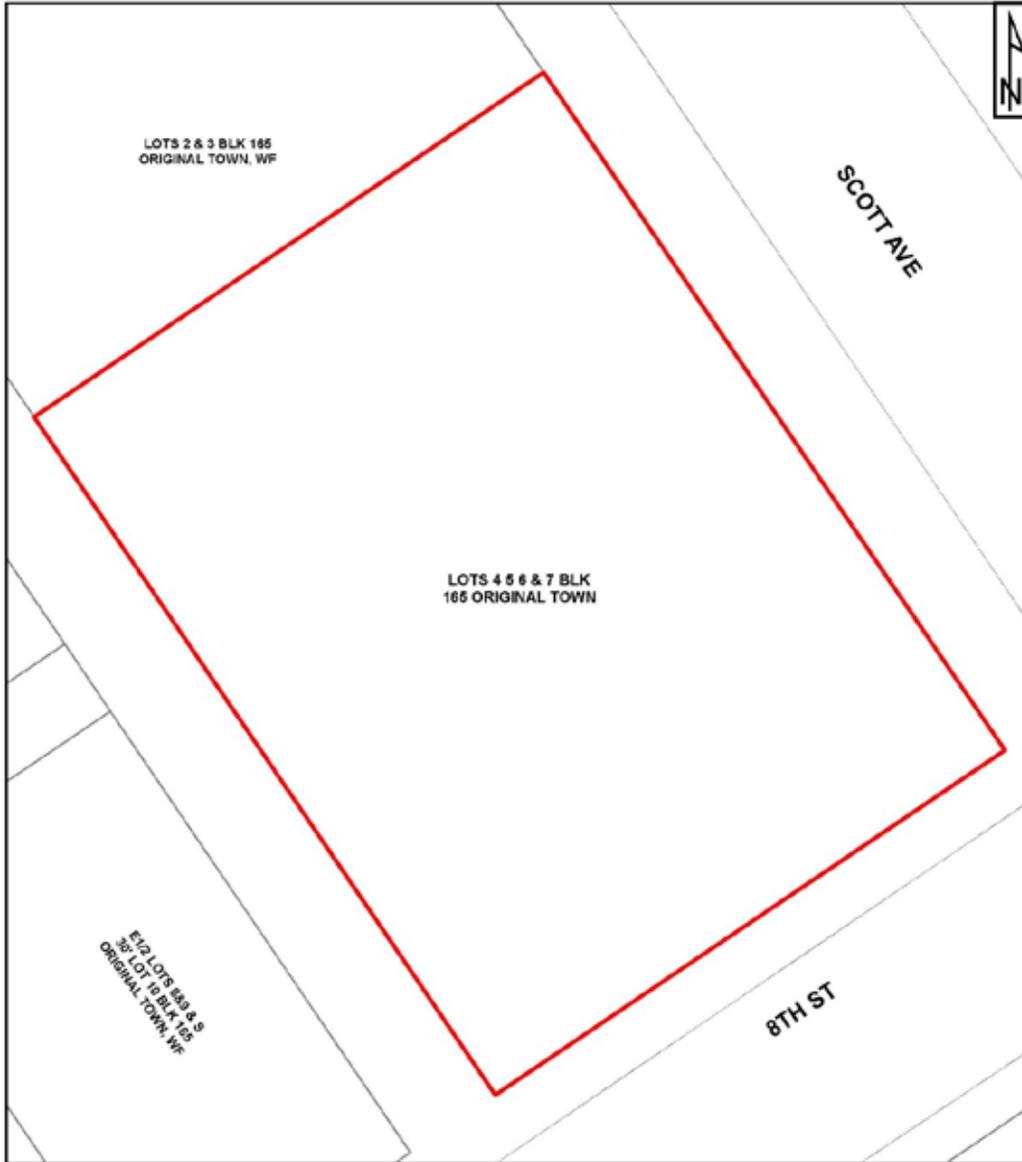
M A Y O R

ATTEST:

City Clerk

EXHIBIT A

Downtown Petroleum Building Reinvestment Zone 726 Scott Avenue, Wichita Falls, Texas



Petroleum Building Lots 4-7, Block 165, Original Town Plat Map

CITY OF WICHITA FALLS, PLANNING DIVISION
MAP PRODUCED BY: Cedric Hu
DATE PRODUCED: 6 January 2022

Legend
 Subject Property

DISCLAIMER
The City of Wichita Falls has attempted to use the accuracy of the information contained in the following plat as the basis of address on The City of Wichita Falls database. In the event, however, of inaccuracies in the information provided regardless of how caused, the user should be advised that the information of address and any other data herein may not be used for legal, engineering, or planning purposes. It also is not intended to be a professional survey and represents only the approximate location of property boundaries.

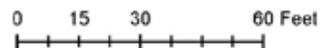


EXHIBIT B

Resolution No. 05-2020

Resolution declaring the City of Wichita Falls' eligibility and intention to participate in the Texas Tax Abatement Program to promote development and redevelopment and adopt guidelines and criteria for tax abatement in the City of Wichita Falls

WHEREAS, the City Council of the City of Wichita Falls, Texas, desires to promote the development/redevelopment of certain contiguous geographic areas within its jurisdiction; and,

WHEREAS, the City of Wichita Falls, Texas, is authorized to enter into Tax Abatement Agreements for commercial-industrial or residential purposes, as authorized by Chapter 312 of the Texas Tax Code; and,

WHEREAS, the Texas Tax Code requires the City of Wichita Falls, Texas, to establish guidelines and create criteria for the designation of reinvestment zones, and to enter into Tax Abatement Agreements.

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

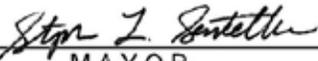
1. The City of Wichita Falls, Texas, declares it is eligible for and intends to participate in a Tax Abatement Program.
2. The City of Wichita Falls, Texas, hereby adopts the following Guidelines and Criteria for Tax Abatement for use in the City's Tax Abatement Programs:
 - (1) The City Council of the City of Wichita Falls shall have the right, granted under Texas statutes, to approve or disapprove the creation of any recommended Tax Reinvestment Zone.
 - (2) The Tax Reinvestment Zone must be reasonably likely to contribute to the retention or expansion of primary employment or attract major capital investment that will benefit the City's economic development.
 - (3) The Tax Reinvestment Zone authorization granted by the City Council must meet all criteria established by the authorizing legislation.
 - (4) The Tax Reinvestment Zone must not require extraordinary capital improvement financing by the City.
 - (5) The Tax Reinvestment Zone applicant must have a successful business operating history of at least one year in the community or municipal references establishing successful operations.
 - (6) The Tax Reinvestment Zone applicant must have a secondary

EXHIBIT B

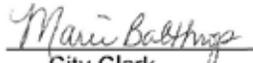
impact, through the use of local contractors and service businesses, on the local economy.

- (7) The agreement to create Tax Reinvestment Zones will not exceed the maximum period allowed by law of 10 years.
- (8) The agreement to create Tax Reinvestment Zones will pro-rate taxes on property improvements not less than 10%, nor more than 100%.
- (9) The City Council reserves the right to negotiate any other provisions with an individual business allowed by law.

PASSED AND APPROVED this the 21st day of January, 2020.


MAYOR

ATTEST:


City Clerk

CITY COUNCIL AGENDA
January 18, 2022

ITEM/SUBJECT: Conduct a public hearing and consider a resolution declaring the City of Wichita Falls's eligibility and intention to participate in the Texas Tax Abatement Program to promote development and redevelopment and adopt guidelines and criteria for tax abatement in the City of Wichita Falls.

INITIATING DEPT: Legal

STRATEGIC GOAL: Efficiently Deliver City Services

STRATEGIC OBJECTIVE: Practice Effective Governance

COMMENTARY: State law provides that tax abatement guidelines and criteria automatically expire after two years. Consequently, the Council must once again declare its intent to participate in tax abatement. The attached resolution accomplishes this and will allow the City to participate in tax abatement with qualified applicants in accordance with the stated guidelines. These guidelines are general in nature and will give the City Council a great deal of flexibility in considering tax abatement requests.

Staff recommends approval of the resolution.

City Attorney

ASSOCIATED INFORMATION: Resolution attached.

Budget Office Review

City Attorney Review

City Manager Approval

Resolution No. _____

Resolution reauthorizing the City of Wichita Falls's participation in the Texas Tax Abatement Program to promote development and redevelopment and renew guidelines and criteria for tax abatement in the City of Wichita Falls

WHEREAS, the City Council of the City of Wichita Falls, Texas, desires to promote the development/redevelopment of certain contiguous geographic areas within its jurisdiction; and,

WHEREAS, the City of Wichita Falls, Texas, is authorized to enter into Tax Abatement Agreements for commercial-industrial or residential purposes, as authorized by Chapter 312 of the Texas Tax Code; and,

WHEREAS, the Texas Tax Code requires the City of Wichita Falls, Texas, to establish guidelines and create criteria for the designation of reinvestment zones, and to enter into Tax Abatement Agreements.

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

1. The City of Wichita Falls, Texas, declares it is eligible for and intends to reauthorize participation in a Tax Abatement Program.
2. The City of Wichita Falls, Texas, hereby renews the following Guidelines and Criteria for Tax Abatement for use in the City's Tax Abatement Programs:
 - (1) The City Council of the City of Wichita Falls shall have the right, granted under Texas statutes, to approve or disapprove the creation of any recommended Tax Reinvestment Zone.
 - (2) The Tax Reinvestment Zone must be reasonably likely to contribute to the retention or expansion of primary employment or attract major capital investment that will benefit the City's economic development.
 - (3) The Tax Reinvestment Zone authorization granted by the City Council must meet all criteria established by the authorizing legislation.
 - (4) The Tax Reinvestment Zone must not require extraordinary capital improvement financing by the City.
 - (5) The Tax Reinvestment Zone applicant must have a successful business operating history of at least one year in the community or municipal references establishing successful operations.

- (6) The Tax Reinvestment Zone applicant must have a secondary impact, through the use of local contractors and service businesses, on the local economy.
- (7) The agreement to create Tax Reinvestment Zones will not exceed the maximum period allowed by law of 10 years.
- (8) The agreement to create Tax Reinvestment Zones will pro-rate taxes on property improvements not less than 10%, nor more than 100%.
- (9) The City Council reserves the right to negotiate any other provisions with an individual business allowed by law.

PASSED AND APPROVED this the 18th day of January, 2022.

MAYOR

ATTEST:

City Clerk

CITY COUNCIL AGENDA
January 18, 2022

ITEM/SUBJECT: Resolution approving the programs and expenditures of the Wichita Falls 4B Sales Tax Corporation Board of Directors and amending the budget to include funding up to \$133,000 to Kirk Laney, dba Picker's Universe LLC, to renovate the existing building at 1000 Indiana into a mixed use retail and restaurant establishment.

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 will approve all programs and expenditures of a corporation and annually review any financial statements of the corporation."

Timeline

- October 30, 2019 – Corporation Board approves funding amount not to exceed \$133,000 to support the estimated cost to install and/or upgrade the fire suppression system and related infrastructure to current code standards, subject to such being completed by December 15, 2021.
- November 19, 2021 – Applicant request 6-month extension (see attached from applicant)
- December 15, 2021 – Funding agreement expires
- January 6, 2022 – Corporation Board to consider request;
- January 18, 2022 – City Council to consider ratifying budget amendment facilitating project.

At its October 30, 2019 meeting, the Type B Board approved funding of the applicant's request for an amount not to exceed \$133,000 towards the overall ~\$2.5M proposed renovation of the existing structure at 1000 Indiana downtown (Bailey-Moline Building). The \$133,000 is to support the estimated cost to install and/or upgrade the fire suppression system and related infrastructure to current code standards.

The agreement expired on December 15, 2021, and the applicant requested an extension of 6-months in order to complete the project. As the agreement expired, the request is technically a new agreement but would not have any additional impact on the corporation's budget. Significant progress towards completion of the project has been achieved, but has been delayed by covid and supply chain interruptions. According to the applicant, the additional six-months will be more than enough time to complete the project.

Staff recommends approval of the resolution.

Assistant City Manager

ASSOCIATED INFORMATION: Resolution

Budget Review

City Attorney Review

City Manager Approval



1000 Indiana – Picker's Universe – First floor and New Restaurant – Second Floor.



Project costs as submitted by applicant to 4B

Pickers Universe (Bailey-Moline Building) 4B Request

A.) Pickers Universe - First Floor - Existing Retail	12,229.5 SF	9.5 SF Added
B.) New Midway Mezzanine - Wine & Bar	3,151 SF	1502 SF Added
C.) New 2nd Floor - Conference Center & Restaurant	11,368 SF	2477 SF Added - 1577 Outside
Total	26748.5 SF	

Total Off-Site Cost	\$ 142,500.00
Total Site Work Cost	\$ 195,959.00
Total Site Amenities Cost	\$ 6,850.00
Total Building Cost	\$ 1,774,609.00
Total Construction Cost	\$ 2,119,918.00
Total General Contractor & Professional Cost	\$ 373,739.90
Total Job Cost	\$ 2,493,657.90

Building & Site Required Improvements & Infrastructure Cost

Elevator Car & Installation	\$127,000	Access 2nd Floor
Shaft Foundation & Structural Tower	\$75,000	Elevator - 2nd Floor
Sewer Piping Replace On Site	\$65,000	Sewer
Off Site Electrical	\$51,000	Oncor XFMR in Vault
Electrical - Site Panels & Meters	\$30,000	
Fire Sprinkler System Replacement - Valves and Update	\$133,740	26748.5 SF
City Water Valves	\$8,500	New 2" Waterline to Building
Asbestos Removal	\$56,500	Required by code
Sidewalk - Concrete & Curbs	\$20,299	Indiana & 10th Streets
On Site Paving	\$13,307	
Landscaping - Trees	\$3,750	Repair, Replace
Total	\$584,096	

Wichita Property Tax Roles	24545 SF	Land - Lot Size 13,947 SF - 57 Spaces
1st Floor (1929)	12229 SF	Pickers & New Retail
2nd Floor (1929)	11368 SF	1557 SF Outside Deck
Midway Mezzanine	3151 SF	Wine/Bar
Warehouse Basement	3135 SF	Mechanical and Storage

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 \$133,000 for Kirk Laney, dba Picker’s Universe LLC to renovate the existing building at 1000 Indiana into a mixed use retail and restaurant establishment

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 January 4, 2022, 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 **\$133,000** as described below and in said corporation’s agenda, is approved:

An amount up to \$133,000 to Kirk Laney, dba Picker’s Universe LLC to renovate the existing building at 1000 Indiana 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 18th day of January, 2022.

MAYOR

ATTEST:

City Clerk