

## 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, May 3, 2022, Beginning At 8:30 A.M.**

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

- 1. A livestream will be shown on the Spectrum/Time Warner Cable Channel 1300**
- 2. A livestream will be shown on the City's Facebook page (City of Wichita Falls, Texas Government) (<https://www.facebook.com/CityofWF>)**
- 3. 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 Ben Murray  
City Hope Church
  - (b) Pledge of Allegiance
3. Presentations
  - (a) Employee of the month – Britney Wise, Health Department
  - (b) Proclamation – 30<sup>th</sup> Annual Letter Carrier's Stamp Out Hunger Food Drive Day, Wichita Falls Area Food Bank
  - (c) Proclamation – National Bike Month, Bike Wichita Falls
  - (d) Proclamation – Historic Preservation Month, Kell House Heritage Center
  - (e) Proclamation – National Drinking Water Week, Public Works

## CONSENT AGENDA

4. Approval of minutes of the April 19, 2022, Regular Meeting of the Mayor and City Council.
5. Resolutions  
Resolution reducing the rental fee of the Mobile Stage for the Founders Lions Club for the T-O Fair on September 13-17, 2022
6. Receive Minutes
  - (a) Downtown Development Steering Committee, July 15, 2019
  - (b) Park Board, January 27, 2022
  - (c) Planning & Zoning, March 9, 2022
  - (d) Landmark Commission, March 22, 2022

## REGULAR AGENDA

7. Ordinances
  - (a) Ordinance deleting Chapter 26 Article VII, amending Chapter 90 by moving Section 90-34 to Chapter 50-110 and deleting and replacing the remaining sections of Chapter 90 as provided herein, setting an effective date, and providing codification
  - (b) Ordinance amending Ordinance No. 05-2022, the fee schedule to City operations; providing for severability; providing that such ordinance shall not be codified; and providing an effective date
8. Resolutions
  - (a) Resolution authorizing the City Manager to apply for and accept funding in an amount of \$9,240,000 for the Old Windthorst Rd and E Hatton Rd Street Improvement Project under the RAISE Discretionary Grant Program provided by the U.S. Department of Transportation
  - (b) Resolution authorizing the City Manager to award bid and contract for the 2022 Sewer Budget Utility Improvement Project Phase 1 to Insituform Technologies, LLC. in the amount of \$485,490.25
  - (c) Resolution authorizing the City Manager to execute all documents necessary to purchase Eventide Voice Recorder Upgrade to replace the existing dispatch voice recorder from Vistacom in the amount of \$133,429
  - (d) Resolution authorizing the City Manager to execute all documents necessary to purchase additional storage capacity for our existing data

backup system from Netsync Network Solutions in the amount of \$55,452.80

(e) Resolution for appointment to the Wichita-Wilbarger 9-1-1 District Board

9. Discussion and public input regarding the future appropriation of the City's approximately \$29.1M in allocated federal funds via the American Rescue Plan Act (ARPA)
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. Adjourn

---

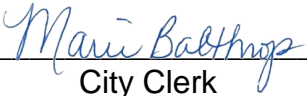
**Spanish language interpreters, deaf interpreters, Braille copies or any other special needs will be provided to any person requesting a special service with at least 24 hours' notice. Please call the City Clerk's Office at 761-7409.**

---

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 27<sup>th</sup> day of April, 2022 at 4:30 o'clock p.m.

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

---

## **CITY COUNCIL AGENDA**

**May 3, 2022**

---

**ITEM/SUBJECT:** Employee of the month.

**INITIATING DEPT:** Health Department

---

**COMMENTARY:** Presentation of the Employee of the Month Award (plaque, letter of appreciation, dinner for two and check for \$100) to Britney Wise.

☒ **Director of Human Resources**

---

**ASSOCIATED INFORMATION:** Resolution

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

---

**EMPLOYEE OF THE MONTH  
FOR  
MAY 2022**

**NAME:** Britney Wise

**DEPARTMENT:** Health

**HIRED:** October 12, 2020

**PRESENT POSITION:** City Registrar

**NARRATIVE:** The Health District has selected Ms. Britney Wise to be the employee of the month for the department. Britney joined the department in October of 2020, as the City Registrar. To join a public health team during the time of a pandemic was challenging enough, but Britney was the supervisor in the Vital Records Section where both the supervisor and subordinate position were vacated at the same time – leaving limited subject matter expertise. Britney had to quickly learn all of the intricacies of the position, to include state law around birth and death records, the department and COVID-19. She was able to do this remarkably fast; she and the Assistant City Registrar have made the transition seamless to the general public. She has taken on any challenge given to her without complaint. Britney and her team have worked to improve services and provide excellent customer service. The Texas Department of State Health Services recognized Britney and her team with their 5-Star Award, which recognizes those who go above and beyond the duties of birth and death registration by attending training and keeping up with the latest legislation and trends. We are incredibly glad she joined the Health District and are thankful for her service.

**FAMILY:** Britney and Keivin (also part of the City of Wichita Falls family at the WFFD) have three children – Teagan, Kaison and Bradley

**HOBBIES:** Britney enjoys soccer, working out, and being a mom

**CLOSING:** Britney Wise is an excellent employee for the Health District and the City of Wichita Falls.



City of Wichita Falls  
City Council Meeting  
Minutes  
April 19, 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.

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

-----

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

-----

**Item 2a – Invocation**

Reverend Angus Thompson, New Jerusalem Baptist Church, gave the invocation.

-----

**Item 2b – Pledge of Allegiance**

Mayor Santellana led the Pledge of Allegiance.

-----

**Item 3a – Proclamation – Downtown Development Founder’s Day, Downtown Development**

8:34 a.m.

Mayor Santellana read a proclamation proclaiming April 19, 2022, as Downtown Development Founder's Day in Wichita Falls and encouraged citizens to continue their strong support of the Downtown Wichita Falls Development non-profit organization.

- - - - -

**Item 3b – Proclamation – Operation Fresh Start, New Jerusalem Baptist Church/Angus Thompson**

8:37 a.m.

Mayor Santellana read a proclamation proclaiming April 19, 2022, as Operation Fresh Start Day in Wichita Falls and encouraged citizens to wish them well in all of their activities as churches and school have united together for school and neighborhood improvements.

- - - - -

**Item 4-5 – Consent Items**

8:41 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 Santellana, Councilors Brewer, Browning, Jackson, Nelson, Smith, and Whiteley

Nays: None

**Item 4 – Approval of minutes of the March 15, 2022, Regular Meeting of the Mayor and City Council**

**Item 5 – Receive Minutes**

- (a) Wichita Falls 4B Sales Tax Corporation, January 6, 2022
- (b) Lake Wichita Revitalization Committee, March 8, 2022

- - - - -

**Item 6 – Ordinance 12-2022**



8:43 a.m.

Ordinance Amending Chapter 14 – Animals In Its Entirety, and providing for codification.

Moved by Councilor Brewer to approve Ordinance 12-2022.

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

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

Nays: None

-----

**Item 7a – Resolution 50-2022**

8:57 a.m.

Resolution authorizing the City Manager to enter into a Lease Agreement with North Texas Vision of Wichita Falls, Inc. (Downtown Wichita Falls Development) for management and operation of the Farmers Market.

Moved by Councilor Browning to approve Resolution 50-2022.

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

Ayes: Mayor Santellana, Councilors Brewer, Browning, Jackson, Nelson, and Smith

Nays: None

-----

**Item 7b – Resolution 51-2022**

9:02 a.m.

Resolution authorizing the City Manager to award the Supervisory Control and Data Acquisition (SCADA) Control System Project for the water treatment system to Prime Controls, LP in the amount of \$905,000.00.

Moved by Councilor Brewer to approve Resolution 51-2022.

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

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

Nays: None

-----

**Item 7c – Resolution 52-2022**

9:11 a.m.

Resolution authorizing award of bid for the City's estimated annual requirement of Curb & Gutter ready mix to Diamond M Concrete in the amount of \$42,300.00; and Class S, Class A, Class C-C ready mix and Flowable Fill to Falls Redimix, LLC in the amount of \$442,400.00.

Moved by Councilor Browning to approve Resolution 52-2022.

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

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

Nays: None

-----

**Item 7d – Resolution 53-2022**

9:13 a.m.

Resolution authorizing the City Manager to apply for and accept a Federal Transit Administration Section 5339 *Buses and Bus Facilities Program* Grant for the purchase of three (3) 35-foot, low-floor transit buses in an amount of \$1,539,870.

Moved by Councilor Brewer to approve Resolution 53-2022.

Motion seconded by Councilor Browning.

John Burrus, Director of Aviation, Traffic, and Transportation noted that 100% of the cost would be covered by grant funds.

Motion carried with the following vote:

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

Nays: None

-----

**Item 7e – Resolution 54-2022**

9:19 a.m.

Resolution authorizing the purchase of 6105E John Deere tractor with a Tiger triple flail mower through the BuyBoard Purchasing Cooperative from Bane Machinery in the amount of \$166,300.00.

Moved by Councilor Browning to approve Resolution 54-2022.

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

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

Nays: None

-----

**Item 7f – Resolution 55-2022**

9:25 a.m.

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 \$150,000 to the City of Wichita Falls to purchase additional livestock panels for use at the J.S. Bridwell Ag Center.

Moved by Councilor Brewer to approve Resolution 55-2022.

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

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

Nays: None

-----

**Item 8a(1) – Staff Report – Strategic Plan Update – Paul Menzies**

9:33 a.m.

Paul Menzies, Assistant City Manager, gave a presentation on the Strategic Plan and provided an update on progress made on the five goals and thirty-three strategies since the plan was adopted in May 2021. He noted that there were over two hundred points of advancement made since the plan was implemented. Terry Floyd, Director of Development Services, discussed progress made with neighborhood revitalization. Christi Klyn, Director of Human Resources, discussed the City's intern program, and the successful use of interns with a goal to grow young professionals in our area. Blake Jurecek, Assistant City Manager, discussed projects completed with venue tax money including lighting and roof projects at the MPEC, and upcoming projects including a remodel of the Exhibit Hall to flow with the new Hotel and Convention Center, and improvements to Memorial Auditorium. John Burrus, Director of Aviation, Traffic, and Transportation provided an update on the Transit Maintenance facility and noted they expect the grand opening in June 2022. Russell Schreiber, Director of Public Works, provided an update on the Red River Chloride Control Project, and stated the project was included in the Federal budget for 2023. He also provided an update on the Lake Ringgold Project, and the lengthy process ahead. Mr. Jurecek provided an update on the Hotel and Convention Center project currently under construction with a proposed opening date in late June 2023. Lindsay Barker, Director of Marketing and Communication, discussed the transition to the Ticketmaster ticket system at the MPEC, which allows for mobile tickets, real time reporting, and targeted advertising. Marie Balthrop, City Clerk, provided an update on the implementation of GovQA for public information requests, and how this has streamlined the process. Jessica Williams, Director of Finance, provided an update on the Transparency Stars program through the State Comptroller's Office, and stars earned by the City. There was brief discussion regarding the two dilapidated hotels near the Falls, the City's limited ability to address these buildings, and the outsourcing of inspections for the new schools.

- - - - -

**Item 8a(2) – Staff Report – ARPA Grant Funding – Jessica Williams**

11:09 a.m.

Jessica Williams, Director of Finance, provided an update on the American Rescue Plan Act (ARPA) funding. The City of Wichita Falls received a total of \$29,091,650 of ARPA funding. Ms. Williams discussed eligible uses and the final rule recently released. Funds are required to be committed by 2024 and expended by 2026. Ms. Williams provided a list of potential projects and gave an overview of each. Mr. Jurecek discussed the proposed five phase renovation of Memorial Auditorium, funding, inflation of construction costs, and possible renovation or new construction of the Police Department. Mr. Leiker discussed the challenges and need to renovate the buildings. Mr. Jurecek discussed proposed broadband connectivity and public computers at the MLK center, and broadband infrastructure. Ms. Williams discussed a list of proposed projects for funds available for lost revenue. Mr. Menzies discussed proposed streetscape projects that are

CITY COUNCIL MINUTES  
April 19, 2022  
PAGE 6 OF 8

unfunded, how the project was narrowed to Ohio and Indiana between 7<sup>th</sup> Street and 9<sup>th</sup> Street, and decorative street lamps. Mr. Burrus discussed partnering with TxDOT to provide additional street lighting along Old Iowa Park Road and other areas. Ken Prillaman, Fire Chief, discussed the proposed project for personal protective equipment and lockers, the need to provide firefighters with clean, dry gear as quickly as possible after responding to a fire, and the need for new lockers at the four oldest fire stations. Mr. Jurecek discussed the proposed parking project at Lake Wichita Park off of Fairway, a proposed project to add turf to Athletic Complex 1, and the economic impact of this project. Scott McGee discussed revenues from concession stands, which could possibly increase with the installation of turf. Ms. Williams discussed a list of other identified needs not presented for funding on other lists and noted these projects meet grant funding requirements and are possible options to select for funding. Mr. Burrus discussed the proposed Downtown traffic intersection project. Mr. Jurecek and Chief Prillaman discussed the proposed rebuild or remodel of Fire Station #6. Lou Kreidler, Director of Health, discussed the proposed project to remodel the reception area at the Health Department to meet ADA requirements. Ms. Barker discussed the proposed project to upgrade the kitchen in the MPEC, and the need for a new temperature controlled box truck to safely transport food to outside catered events. Chief Borrego discussed the proposed project for video infrastructure and bodycam solutions. Mr. Schreiber discussed three proposed projects for the Jasper pump station, lift station SCADA Control System, and rehab of treatment plant 61. Ms. Williams finished the presentation reviewing anticipated fund balance that will be available to assist with projects that exceed the ARPA funding. She anticipates having approximately \$9.7 million in unrestricted fund balance. Mr. Leiker asked the Council for feedback on prioritizing the projects, and recommended public involvement via the website and a future public hearing. He discussed other possible funding from the Water/Sewer fund from possible future rate increases, and the property tax revenue caps imposed by the State. Mr. Leiker reiterated that decisions will have to be made and timelines of project completion considered when making decisions to ensure projects can be completed on time. Ms. Williams noted that the lists are not in priority order, and additional revenues will also be considered during the budget process.

- - - - -

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

12:41 p.m.

There were no Council comments.

- - - - -

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

CITY COUNCIL MINUTES  
April 19, 2022  
PAGE 7 OF 8

12:41 p.m.

There were no comments from citizens.

- - - - -

**Item 10 – Executive Session**

City Council adjourned into Executive Session at 12:41 p.m. in accordance with Texas Government Code §551.071, and §551.087.

City Council reconvened at 1:04 p.m.

Mayor Santellana reconvened in open session and announced that no votes or polls were taken.

- - - - -

**Item 11 –Adjourn**

Mayor Santellana adjourned the meeting at 1:04 p.m.

PASSED AND APPROVED this 3<sup>rd</sup> day of May 2022.

---

Stephen Santellana, Mayor

ATTEST:

---

Marie Balthrop, TRMC, MMC  
City Clerk

---

**CITY COUNCIL AGENDA**  
**May 3, 2022**

---

**ITEM/SUBJECT:** Resolution reducing the rental fee of the Mobile Stage for the Founders Lions Club for the T-O Fair on September 13-17, 2022.

**INITIATING DEPT:** Parks & Recreation

---

**STRATEGIC GOAL:** Actively Communicate and Engage the Public

**STRATEGIC OBJECTIVE:** Strengthen Partnerships with Not-for-Profits

---

**COMMENTARY:** The Founders Lions Club has requested a reduced fee for the rental of the Mobile Stage for their T-O Fair annual event at the MPEC on September 13-17, 2022. The Club and the City have had a revenue sharing agreement for the event since the opening of the MPEC, and the City Council has approved a reduced rental fee for this organization and event since the City acquired the Mobile Stage in 2005.

The standard rental fee is \$525 per day, plus any accessories and the \$1,000 damage deposit. Our prior arrangement with the Lions Club is to only charge for the labor costs associated with setting up the stage for the event. The estimated labor only cost to the City for the five-day event would be approximately \$600. This cost includes the hauling from the storage barn at Central Services and set up on the first day, three days of opening the stage in the morning and closing the stage at night, and the last day of preparing and hauling back to the storage barn. If the fee reduction is approved, staff recommends the minimum charge be set at \$600 to cover the City's labor costs. Other reservation procedures may be waived including payment for any accessories desired and the damage deposit.

Staff recommendation

Staff recommends the City Council approve the resolution (1) approving a rental fee of \$600 for the duration of the event, (2) waiving the fee for any accessories, and (3) waiving the damage deposit.

☒ **Assistant City Manager**

---

**ASSOCIATED INFORMATION:** Resolution, Rental Fees

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

---



The City-owned Mobile Stage



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

**Resolution reducing the rental fee of the Mobile Stage for the Founders Lions Club for the T-O Fair September 13-17, 2022**

WHEREAS, the Founders Lions Club has requested a reduced fee for rental of the City's Mobile Stage for its T-O Fair annual event at the MPEC September 13-17, 2022; and,

WHEREAS, the Founders Lions Club managed its event in prior years in a successful manner; and,

WHEREAS, the Founders Lions Club and the City continue to maintain a revenue sharing agreement.

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

The fee for the rental of the City's Mobile Stage to the Founders Lions Club is hereby reduced to \$600, and any charge for accessories and the damage deposit is waived, for its T-O Fair annual event at the MPEC September 13-17, 2022.

PASSED AND APPROVED this the 3<sup>rd</sup> day of May, 2022.

\_\_\_\_\_  
MAYOR

ATTEST:

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

**MINUTES OF THE  
DOWNTOWN DEVELOPMENT STEERING COMMITTEE (DDSC)  
July 15, 2019**

**PRESENT:**

Mayor Stephen Santellana	◆ Mayor
Tim Brewer	◆
DeAndra Chenault	◆
Rick Hatcher	◆
Scott Poenitzsch	◆
Dusty Potter	◆
Ripley Tate	◆
Christy Whiteley	◆

Paul Menzies, Assistant City Manager	◆ City Staff
R. Kinley Heggland, Jr., City Attorney	◆
John Burrus, Director, Aviation, Traffic & Trans.	◆
Russell Schreiber, Director, Public Works	◆
Bobby Teague, Assistant Dir. Community Dev.	◆
Pat Hoffman, Property Management Administrator	◆
Rita Miller, Code Enforcement Administrator	◆
Karen Montgomery-Gagné, Planning Administrator	◆
Christal Ashcraft, Community Dev. Admin. Asst.	◆

**ABSENT:**

Danny Ahearn	◆
Cody Magana	◆

---

**1. Call to Order**

Mayor Stephen Santellana called the meeting to order at 3:32 p.m.

**2. Approval of Minutes of Meetings of January 7, 2019**

3:33 p.m.

Motion made by Mr. Scott Poenitzsch to approve the minutes of the January 7, 2019 meeting.

Motion seconded by Mr. Rick Hatcher and carried by the following vote:

Ayes: Santellana, Chenault, Brewer, Hatcher, Poenitzsch, Potter, Tate, and Whiteley

Nays: none

### 3. **Committee Reports**

3:36 p.m.

- **Downtown Plan** – Paul Menzies – Discussed strategic plan adopted by City Council February 2019 to redevelop downtown Wichita Falls.  
Issue discussed;
  - Code Enforcement efforts downtown
  - Downtown Development Funding Possibilities
  - Downtown Tax Increment Financing District (TIF #4)
  - International Property Maintenance Code
  - Downtown Rezoning Updates:
    - Realign zoning districts in greater downtown;
    - Update CBD regulations;
    - Revise regulations for River Development District (RDD)
    - Develop and overlay district for downtown
  - Resolve parking issues in the downtown area
  - Incorporate a schedule of the development process in the Project Development Guide
  - Downtown Improvements Grant – enhance existing or create new program
  - Public Improvement District (PID) – consideration to be given to the creation
  - Street Improvements focused on 8<sup>th</sup> Street from Indiana Avenue to Scott Avenue
- **Streetscapes** – Russell Schreiber – Discussed sidewalk and tree issues downtown, primarily on Indiana Avenue. Seventeen property owners notified about sidewalks being their responsibility and the use of 4B funds to help cover the cost and to contact City. Committee members voiced concerns over a lack of progress and length of time given to resolve sidewalk issues. Much discussion about downtown sidewalk issues. Mr. Schreiber advised staff was instructed to take a passive approach with property owners. Mr. Schreiber introduced a resolution his staff had been working on with legal for City to come to agreement with property owner for City to repair sidewalks. Property owners would pay 50% up front and the remaining 50% would be collected from funds with the 4B. Committee in consensus to send out remaining letters to property owners with sidewalk damage.
- **Historic Preservation** – No report
- **Lifestyles** – No report
- **Regulatory** – No report
- **Marketing** – Mr. Dusty Potter recommended dissolution of the subcommittee as they have completed their charge. To be dissolved at next meeting.
- **Finance** – Recommendation to dissolve subcommittee as they have completed their charge. To be dissolved at next meeting.

**4. Public Comments**

4:48 p.m.

**713 Indiana** - Mr. Bobby Teague advised Committee he had met with owner of 713 Indian and discussed the use of city funds to help with the demolition of property to be used as parking facility.

**5. Other Business**

4:50 p.m.

No other business

**6. Adjourn**

There being no further business, the meeting adjourned at 4:50 p.m.

---

Mayor Stephen Santellana, Chair  
Downtown Development Steering Cmte.

**\*\*Note\*\***

**The July 15, 2019 meeting was the last meeting before the Downtown Development Steering Committee was sunsetted. The committee did not meet again to approve their final minutes. These are being sent to Council for approval.**

**Wichita Falls Park Board Meeting  
January 27, 2022**

**W.F. Recreation Center  
600 11<sup>th</sup> Street  
Virtual by Google Meet  
Time: 1:30pm**

**Presiding: Jim Heiman**

**Members Present: Thomas Taylor, Alan Donaldson, Larri Jacoby,  
Dorcas Chasteen, Charlie Zamastil, Michael  
Battaglino**

**Members Absent: Crystal Byrd, Sandy Fleming, Jessica Traw, Patrick  
Hearn**

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

**Other: Blake Jurecek, 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:**  
The minutes from December 9, 2021, were put before the Board for approval. Thomas Taylor made the motion to approve the minutes and Larri Jean Jacoby seconded the motion.
- 3. NOMINATION OF VICE-CHAIRPERSON**  
Motion to nominate board member for Vice Chairperson by Jim Heiman, 2<sup>nd</sup> by Alan Donaldson. Tom Taylor was nominated and elected.
- 4. DEPARTMENTAL REPORT:**
  - A. Recreation: Scott McGee**
    - 50 Plus Zone is averaging 181 members per day until mid-January, currently down to 154 per day.
    - 50 Plus Zone hosted a Christmas with Elvis Lunch for more than 165 members.
    - In consultation with the health department, 50 Plus Zone dances and annual Carnival were canceled for the rest of January.
    - Recreation booth at City Lights Parade promoted programs and activities to over 300 people.
    - Increased practice field rentals due to good weather. Revenue already surpassed annual projection.

- Basketball leagues played through December 17 and resumed January 3<sup>rd</sup>. Spring Softball and Volleyball registration is underway.
- High demand for Community centers and pavilion reservation in early January. Now receiving many cancellations due to Covid.

#### B. Parks: Terry Points

- Rotary's new playground construction has started. Weather permitting; we should have it finished in about 3 weeks.
- Lucy Duck Pond, backhoe crew cleaned out cattails, silt and tree debris.
- Vehicle accident at 287 Gateway damaged pump, concrete vault and control for fountain.
- Begin removal of old playground equipment at Kiwanis and Bridwell.
- Removed all baskets at Lucy Park Disc Golf Course. WFDGA helped install new baskets.
- Mulching and trimming trees on Blvd/Parks.
- Pansies took a big hit with fluctuating temperatures. Hoping they will bounce back in spring.
- 60 mph winds took the roof off the clock tower. We removed the roof structure and it seems fine. We have ordered a new roof.

#### C. Circle Trail Updates:

- Washouts at the Bluffs cleaned up but will continue to happen with heavy rains.

#### 4. Parks Review Update

- Parks inventory complete. Lucy and Lake Wichita Park not included in inventory due to size.
- No parks meet the standards set in the 2010-2020.
- 642 Amenities, Drinking Fountains, Grills and Lighting need most.
- Concern about old playground equipment and backstops.
- Final report will be presented at February meeting.
- Tom thanked members of the committee.
- Larri Jean Jacoby asked if these amenities are part of the budget. Terry Points explain that the budget has money for replacement of broken or damaged items to an extent. Budget money can be reassigned to cover an emergency, but new items would be above current.
- Larri Jean Jacoby also ask about the role of the Council Representative in getting funding for park improvements.
- Blake Jurecek Asst. City Manager said city staff research and information carry most of that burden and their ideas are weighed against other departments needs and prioritized.



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

- Tom Taylor had questions about the old disc golf baskets. Terry Points explained that the old baskets are being used to create nine hole courses at smaller parks.
- Alan Donaldson Welcomed Dorcas Chasteen to the board.
- Dr. Mike Battaglino Thanked Tom Taylor for his work on the Park Committee and welcomed Dorcas to the board.
- Charlie Zamastil informed the board that he would be moving in July.
- Larri Jean Jacoby welcomed Dorcas to the board and wished Charlie good luck.
- Dorcas Chasteen asked Terry about the Lake Wichita Park parking lot. Terry Points replied that the estimated cost would be around 870,000 and that it is an above current budget item. Engineering and council are aware of the problem. Has been worked on by streets at times but is damaged

Motion by Dorcas Chasteen to adjourn. 2<sup>nd</sup> by Larri Jean Jacoby  
Meeting was adjourned at 2:04 pm

Signature: \_\_\_\_\_

  
Jim Heiman (1st Chair Person)



---

**MINUTES**  
**PLANNING & ZONING COMMISSION**

**March 9, 2022**

---

**PRESENT:**

David Cook  
Michael Grassi  
Blake Haney  
Steve Lane  
Wayne Pharries  
Anthony Vidmar  
Mark McBurnett  
Jeremy Woodward  
Councilor Whiteley

◆ Chairman  
◆ Member  
◆ Member  
◆ Member  
◆ Member  
◆ Member  
◆ SAFB Liaison  
◆ Vice-Chair  
◆ Council Liaison

James McKechnie, Deputy City Attorney  
Terry Floyd, Development Services Director  
Fabian Medellin, ACIP, Planner III  
Christal Ashcraft, Development Services Admin. Assist.

◆ City Staff  
◆  
◆  
◆

**ABSENT:**

Noros Martin  
Cayce Wendeborn

◆ Member  
◆ Member

---

**I. CALL TO ORDER**

The meeting was called to order by Chairman, Mr. David Cook, at 2:00 p.m. Chairman Cook 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.

### **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. Wayne Pharries made a motion to adopt the February 9, 2022, minutes. Mr. Jeremy Woodward seconded the motion. The motion was passed unanimously, 7-0

### **VII. CONSENT AGENDA**

Case P 22-05 Legacy Park Addition – Preliminary  
Case P 22-06 Legacy Park Addition, Lot 1, Block 1  
Case P 22-07 Memorial Addition, Lot 1, Block 1  
Case P 22-08 W. Newton Maer Subdivision, Lot 11A, Block 260

Chairman Cook asked if anyone had an item to be moved to the regular agenda. Nothing to be moved. Mr. Tony Vidmar made a motion to approve the consent agenda. Mr. Michael Grassi seconded the motion. Motion passed unanimously, 7-0.

### **VIII. REGULAR AGENDA**

#### **1. Case C 22-05 – 1001 Polk Street:**

**Consider taking action on a conditional use to allow for a convenience store in a Limited Commercial (LC) zoning district.**

**Applicant/Owner: Franklin Parikh**

Mr. Jeremy Woodward made a motion to approve the case. Mr. Wayne Pharries seconded the motion. Mr. Fabian Medellin presented the case and stated Mr. Franklin Parikh was interested in purchasing 1001 Polk Street to convert a former laundry mat into a convenience store. The subject property is located in a Limited Commercial (LC) zoning district in which convenience stores are not allowed by right, however, they are conditionally allowed with the approval of the Commission. Mr. Parikh has submitted a conditional use permit application with the owner's approval.

Mr. Medellin advised the subject property is located at the intersection of 10<sup>th</sup> Street, Polk Street and Avenue A, which is east of the 10<sup>th</sup> Street and Kemp Boulevard intersection. To the north are a couple of non-residential uses; Floral



Heights United Methodist Church and the Boys Scouts. There are residential uses to the north and south; however, along 10<sup>th</sup> Street there are a variety of uses from single family to services, locksmith, and other convenience stores. Mr. Parikh is proposing to convert the previous laundry mat into a convenience store. As part of his proposal, Mr. Parikh will have to submit plans showing how all the non-conforming elements of the structure and site would be brought up to current codes. There potentially could be screening required to separate from residential uses.

Mr. Medellin stated on 10<sup>th</sup> Street the mixed uses were within two zoning districts, General Commercial (GC) and Limited Commercial (LC). Staff notified property owners within 200ft. of the subject property and received only one response in opposition. The residence to the east, adjacent to subject site was concerned about rain water runoff. As part of the requirements to bring the site into compliance with building codes this issue will be addressed.

After consideration of the proposed use, staff recommends approval of this Conditional Use Permit request for 1001 Polk St. to allow for a convenience store in a Limited Commercial (LC) zoning district with the following conditions:

1. Obtain all necessary permits and licenses in accordance with city ordinances, adopted building code and health code regulations.
2. Bring all non-conforming site elements into compliance with current codes to include parking lot striping, screening, landscaping, and stormwater drainage.
4. Any additional site improvements or developmental requirements as required by the Health, Building, or Zoning Codes will be subject to the site plan review process.
5. Comply with all special conditions unique to the Limited Commercial (LC) zoning district to include limitations of hours of operation and signage.
6. Prior to initiating operations all developmental requirements, conditions, permits and licensing shall be reviewed, approved, constructed and inspected.
7. No illuminated signage, either by internal or external lighting, will be allowed on the site.

Mr. Terry Floyd advised the Commission that this property was located in the Wichita Falls revitalization area where feedback from citizens has indicated a need for more shopping opportunities. Mr. Floyd also noted this falls in line with the City Council's Strategic Plan. Chairman Cook asked if the applicant was present and wished to make a presentation. The applicant, was present, but wished to make no presentation. Chairman Cook asked if there were any public comments. Mr. Cook closed the case for public discussion and opened it up to the Commission. With no

other questions Chairman Cook called for a vote. The motion passed unanimously with a vote of 7-0.

## IX. ADJOURN

Chairman Cook adjourned the meeting at 2:09 p.m.

  
\_\_\_\_\_  
Jeremy Woodward, Vice-Chairman  
\_\_\_\_\_  
Date  
\_\_\_\_\_  
Fabian Medellin, AICP, Planning Manager  
\_\_\_\_\_  
Date



# LANDMARK COMMISSION MINUTES

March 22<sup>nd</sup>, 2022

---

## MEMBERS PRESENT:

Michele Derr  
John Dickinson  
Christy Graham  
Joel Hartmangruber  
Andy Lee  
Marcela Medellin  
Janel Ponder Smith  
Tim Brewer

■ Chairperson  
■ Member  
■ Member  
■ Member  
■ Member  
■ Member  
■ Member  
■ Council Liaison

Terry Floyd, Development Services Director  
Karen Gagné, Principal Planner  
Christal Ashcraft, Development Services Admin. Asst.

■ City Staff  
■ City Staff  
■ City Staff

## ABSENT:

Nadine McKown  
Noros Martin

■ Vice-Chairperson  
■ P&Z Liaison

## GUESTS:

Brenda Burgett, 1410 Grant Street  
Sandra Eaton, 1410 Grant Street  
Carolyn Looney, 1500 Hayes Street  
Kim Tigrett, 1301 Grant Street  
Cary McNew, 1100 Travis Street  
Robert & Charis Rhoades, 1408 Buchanan

■ Applicant  
■ Applicant  
■ WFHHD  
■ WFHHD  
■ Applicant  
■ Applicant

---

## I. Call to Order, Introductions and Administer Oath of Office

Chairperson Michele Derr called the meeting to order at 11:59 a.m. Ms. Derr had Commission members, staff and guests, introduce themselves.

## II. Review & Approval of Minutes from: February 22<sup>nd</sup> 2022

Chairperson Derr called for review and approval of the February 22<sup>nd</sup> 2022 Landmark Commission meeting minutes. Ms. Janel Ponder Smith advised the name of Ms. Tigrett on page four of the minutes should read Kim and not Amy. Mr. Joel Hartmangruber made a motion to approve the amended minutes, Ms. Christy Graham seconded the motion. Minutes were unanimously approved 7-0.

## Regular Agenda Item

## III. Action Item: Design Review – 1410 Grant Street: *West Floral Heights Historic District*

Request design review approval for various exterior repairs;

- a) Roof Replacement & Rafter Tail Repairs on Rear Detached Garage Apartment
- b) Porch Railings – Replace
- c) Fencing – Install New 6ft. Wood Privacy Fence in the North Side of the Yard



Ms. Gagné stated staff had worked closely with the property owners over the past year regarding various interior system upgrades and improvements along with the current request for various exterior repairs. The subject property is located in the 1400 block of Grant Street on the corner of Grant Street and Avenue E. The Colonial Revival home was built in 1928 and is a contributing structure in the district.

Ms. Gagné advised the property had essentially been unchanged since its designation in January 2005 with the exception of the removal of some landscaping. Current photos clearly illustrated the deteriorated and damaged areas on the detached 2-story garage as visible from the alley and Avenue E. Staff noted the contractor will replace the entire roofing materials and repair/replace, where necessary, the rafter tails with wood. The owner would like to replace the original steel-shingle roof with an alternate material using architectural Class A shingles on the rear, detached structure.

Ms. Gagné stated when rehabilitating a historic home, there may be valid reasons for replacing the roof with a material other than the original, in this case the rear detached building not the primary structure, referencing the Technical Preservation Briefs from the National Park Service (#4 – Roofing for Historic Buildings) that "...asphalt shingles or ceramic tiles are common substitute materials intended to duplicate the appearance of wood shingles, slates or tiles..." The practical problems should be weighed against the historical consideration of scale, texture and color. On roofs with a high degree of visibility and patterning or texture, the substitution may seriously alter the architectural character of the building. The decision to use an alternative material falls to the Commission, and should be considered on a case-by-case basis and carefully weighed against the primary concern to keep the historic character of the building.

For the second request (porch railings), current photos of the porch railing include sections proposed for replacement installed by a previous home owner and have an initial "C" section that will be replaced with spindle balusters matching existing railing sections. Ms. Gagné stated the porch railing system currently is not safe due to the deterioration over the decades.

The last item the home owners are requesting is to install a 6ft. wooden privacy fence along the north property line and cut south toward the driveway behind the row of shrubs. The proposed fence will be approximately 40ft. from the front property line and limited to the interior side yard.

Ms. Gagné introduced the home owner, Brenda Burgett and stated she was present for any questions. Ms. Christy Graham made a motion to separate the petition into three separate items for consideration, Ms. Ponder Smith seconded. Some discussion among the Commission about styles and colors of the existing and proposed materials. The first item for consideration, the roof on the rear, detached building, Mr. Andy Lee made a motion to approve the request as presented. Ms. Ponder Smith seconded and the motion which passed unanimously with a 7-0 vote. The second item, porch railing system replacement, Ms. Ponder Smith made a motion to approve the petition as presented in accordance with the Wichita Falls Design Guidelines. Mr. Hartmangruber seconded and the motion passed unanimously 7-0. For the last item of new privacy fencing, Ms. Christy Graham made a motion to approve the request as presented which follows the recommendations outlined in the Wichita Falls Design Review Guidelines that there shall be no new fences in the front



yard setback in the West Floral Heights Historic District. Ms. Ponder Smith seconded and the motion passed with a vote of 7-0 in favor.

**IV. Action Item: Design Review – 1100 Travis Street (Hodges Hardy Chambers House):  
*West Floral Heights Historic District* – Recorded Texas Historic Landmark (RTHL) & City  
of Wichita Falls Landmark #7**

Request design review approval for Roof Replacement: Cedar Shakes to Architectural Laminated Asphalt Composite Shingles (vents, limited wood decking/felt underlayment)

Ms. Gagné stated the subject property at 1100 Travis is commonly known as the Hodges Hardy Chambers House and has a triple designation with National Register of Historic Places (NRHP), Recorded Texas Historic Landmark (RTHL) and is City of Wichita Falls Landmark #7. The structure, built circa 1893-1895 by builders Moore & Richolt, is located downtown across the street from First United Methodist Church and is considered the most significant surviving local example of the Eastlake style (late Victorian period) of the late 19<sup>th</sup>/early 20<sup>th</sup> centuries structures.

Roof damage was not visible from street view as inventory photos showed from 2012 & 2013. In March 2019, when owners were converting from commercial to a private residence, inventory photos show cedar shakes in poor condition, with buckling and splitting visible from the right-of-way. In current photos, the existing roof conditions show the entire roof contains areas in need of repair/replacement with missing and/or curled cedar shakes. Ms. Gagné advised the damage is severe enough that the owners must check the attic for water leaks during and after rain events. The home is currently insured, however, the policy has an exclusion for the roof due to the cedar shakes and their age. The average life for a cedar shake roof is up to 50-years, however, in our north Texas climate with severe winds, storms (hail/sleet) combined with strong sun exposure contribute to a shortening life of the shingles.

The homeowner has been in contact with Texas Historic Commission (THC) and received a letter stating they had determined that no further consultation was required and have opted to not remove the RTHL designation and waive any remaining review waiting period. However, THC did state the following expectations to be addressed by the contractor/owner for the project: 1) that only fully deteriorated wood plank decking be replaced; 2) consider passive ridgeline and soffit vents or alternatively have the selected wind turbines or pop-up vents on the rear side of the roof; and, 3) thoroughly photograph the existing cedar shake roof *before* removal for the purposes of documentation and potential future restoration.

Ms. Gagné introduced the owner, Ms. Cary McNew who provided a shingle replacement example for Commission review noted was available for questions. Brief discussion between staff and Commission members on cedar shake roofs and current damage to roof. Ms. Christy Graham stated she was happy with the owners' efforts to maintain the historic integrity of the home. Ms. Graham introduced a motion to approve the petition for a replacement roof with the alternate materials as presented. Ms. Ponder Smith seconded and the motion passed unanimously with a 7-0 vote.



**V. Action Item: Design Review – 1408 Buchanan Street: *West Floral Heights Historic District***

Request design review approval for fencing;

- a) Replacement of Side Yard Sections, Board on Board with Concrete Footer.
- b) Increase Height from 6ft. to 8ft.
- c) Replace Rear Yard Chain Link Fencing with 8ft. Wood Privacy Fence.

Ms. Gagné stated the staff had been working with the current property owner on replacing damaged fence on the east, south and west side of the property. The home is located in the 1400 block of Buchanan Street between Avenue D and Avenue E and received its district designation in 2005. The home was built circa 1925-1930 in the craftsman/prairie style with a detached 2-story garage apartment and is a contributing structure to the district.

Ms. Gagné advised inventory photos show the property had essentially remained unchanged since its district designation. Current photos showed the deteriorated wood fence in detail and shattered pickets from a recent wind storm. Photos were provided by the homeowner taken from inside the yard and show little privacy and views from multiple neighbor's windows that can be seen from the deck of the pool. The existing 6ft privacy fence is lower than the elevation inside the rear yard.

The petition requested replacement of the 6ft. privacy fence along with increased height to have an 8ft. board on board, concrete footer fence and to replace the damaged chain link fence located at the rear of the property (alley) with the matching 8ft. board on board fence, concrete footer and metal support poles. The fencing location will be south (side yard), east (side yard) and west (rear yard) of the home for safety and privacy. Ms. Ponder Smith made a motion to approve the petition for replacement privacy fencing as presented based on compliance with the Wichita Falls Design Review Guidelines regarding placement of new fencing outside the front yard setback. Mr. John Dickinson seconded the motion, the design review case passed unanimously with a 7-0 vote.

**VI. Other Business:****a) Monthly Reports****Depot Square:**

Ms. Derr gave the following updates:

- Now – Apr. 2<sup>nd</sup> – Wichita Theater – Tarzan the Musical
- Apr. 7<sup>th</sup> – First Art Walk of the Season
- Apr. 9<sup>th</sup> – Prohibition Party at the Kell House
- Apr. 3<sup>rd</sup> - May 8<sup>th</sup> – Wichita Theater – Frozen Jr.
- Farmer's Market open every Saturday 9am – 1pm

**Kell House Restoration/Rehab Project:**

Staff provided brief status report

**West Floral Heights:**

Ms. Ponder-Smith gave the following updates:

- New West Floral Heights Neighborhood Association President, Kim Tigrett

**b) Updates**

- FY2021 Annual CLG Report
- Section 106 Review - 2001-G Southwest Pkwy; cellular tower extension



**c) Resources Articles/Periodicals – THC:**

- The Medallion - winter 2022
- Membership NAPC – National Alliance of Preservation Commissions  
Allows staff and preservation board members free access to webinars/resources

**d) Design Review – Staff Authorized – Minor Alteration/Repairs**

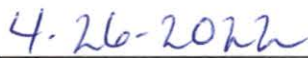
- 900 8<sup>th</sup> Street (Hamilton Building) – elevator replacement

**VII. Adjourn**

Meeting adjourned at 12:50 p.m.

Next regularly scheduled meeting April 26, 2022 - 12p.m.

  
\_\_\_\_\_  
Michele Derr, Chairperson

  
\_\_\_\_\_  
Date

---

**CITY COUNCIL AGENDA**  
**May 3, 2022**

---

**ITEM/SUBJECT:** Ordinance deleting Chapter 26 Article VII, amending Chapter 90 by moving Section 90-34 to Chapter 50-110 and deleting and replacing the remaining sections of Chapter 90 as provided herein, setting an effective date, and providing codification.

**INITIATING DEPT:** Public Works

---

**STRATEGIC GOAL:** Provide Quality Infrastructure

**STRATEGIC OBJECTIVE:** n/a

---

**COMMENTARY:** In October of 2021, through the course of implementing our new Routeware software, staff discovered numerous discrepancies in the solid waste service being provided to business and commercial solid waste customers. An example would be entire apartment complexes with only a 96-gal curb-cart servicing their entire solid waste collection needs. Staff found that 3<sup>rd</sup> party roll-off providers had supplanted the City required solid waste collection. This 3<sup>rd</sup> party service, which is in violation of the City current solid waste ordinance, had caused loss of service to these customers and has had dramatic impacts to the city's overall solid waste system, causing rate increases for the other solid waste customers, and in some cases, violation of the TCEQ regulations for collection and disposal of solid waste.

To remedy the situation, staff proposed several options to the Council and the ultimate direction received was to modify the existing solid waste ordinance to franchise and allow for 3<sup>rd</sup> party roll-off service for commercial, construction/demolition, compactor, recycling, and special waste collection, and that all municipal solid waste generated inside the city must be delivered to the city landfill. Through the course of modifying the Ordinance, staff, in conjunction with the Legal Department, took the opportunity to revise the entire solid waste ordinance to make it much more user friendly and understandable.

The following are the general provisions in the new Ordinance:

- **Article I - General**

- This section defines the terms used in the Ordinance and aligns them with the TCEQ TAC 30 definition of terms.
- Establishes the requirement for solid waste collection service for all properties inside the City.
- Requires all MSW, with the exception of Special waste, be delivered to the City landfill. **(New)**
- Addresses the city's drop-off recycling program.

- Addresses Volunteer clean-up events and how those are to be handled.  
**(New)**
- **Article II - Residential Collection**
  - Establishes the requirement for all residential solid waste service to be provided by the City's solid waste division.
  - Allows for residents to deliver their own solid waste to the Transfer Station or Landfill free of charge.
  - Establishes a schedule for collection and the types of service to be provided, i.e., curbside and alley
  - Defines the timing for curbside placement for collection services.
  - Defines the City's "Bulky Waste" collection services and how it works.  
**(New)**
  - Addresses the City's 10-yard residential roll-off service.
- **Article III – Commercial and Industrial Collection Services by the City**
  - Requires all commercial/industrial customers to have City solid waste service
  - Allows the customer to request the level of additional service they need.
  - Allows for City provided 10-yrd roll-off service
  - Prohibits certain types of waste from being placed in containers.
  - Allows customers that bale and transport their own cardboard for recycling to continue to do so. (Walmarts, United, others) **(New)**
- **Article IV – Disposal Facilities**
  - Requires waste delivered to the Landfill or Transfer Station to be unloaded as directed by staff.
  - Establishes a limit on the weight and size of vehicles allowed at the Transfer Station.
  - Requires all construction waste to be delivered to the Landfill only. (Not allowed at the Transfer Station)
  - Provides for a fine for unsecured loads, per state
- **Article V – Franchised Commercial and Industrial Service**
  - Requires any business engaged in collection and transporting Commercial, Construction or Demolition, Compactor, Bulky Waste, Recyclable materials, or Special waste inside the City to be franchised.  
**(New)**
  - Provides for exception to the franchise. Basically haulers that are permitted by another agency (TDLR, others, or are haulers of waste that is not allowed in the City landfill). **(New)**
  - Limits franchised service to 10-yrd roll-offs and larger and compactors. (Cannot provide dumpster or curbside service) **(New)**
  - Establishes the information to be provided to secure a franchise permit.  
**(New)**
  - Establishes the timeframe of the franchise. **(New)**

- Establishes the penalties for violation and appeals process of the franchise permit. **(New)**
  - Provides for a Franchise fee, to be assessed. These fees will be set by separate Ordinance. **(New)**
  - Establishes reporting requirements for the franchise permit holder. **(New)**
  - Establishes requirements for the containers being provided by the franchise permit holder. **(New)**
  - Allows for inspection of franchised containers. **(New)**
  - Requires property owners requesting roll-off and compactor service to obtain a site permit. (C/D sites are excluded) **(New)**
  - Provides for a Site Fee to be assessed. **(New)**
  - Allows the City to request information from the site owner for tracking purposes. **(New)**
  - Allows the City to request information from contractors for C/D tracking purposes. **(New)**
- **Article VI – Specific and Special Waste**
    - Prohibits these types of waste from being placed or unloaded at a City solid waste facility. **(New)**
  - **Article VII – Organic Recycling**
    - Outlines the City's Organics recycling program

The effective date of the new Ordinance will be September 1, 2022. This will allow staff, customers, and 3<sup>rd</sup> party roll-off companies' time to work through franchise and site permitting requirements.

Staff recommends approval of the new Solid Waste Ordinance.

☒ **Director, Public Works**

---

**ASSOCIATED INFORMATION:** Ordinance

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

---

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

**Ordinance deleting Chapter 26 Article VII, amending Chapter 90 by moving Section 90-34 to Chapter 50-110 and deleting and replacing the remaining sections of Chapter 90 as provided herein, setting an effective date, and providing codification**

WHEREAS, Texas Health and Safety Code 363.003 finds “the improper management of solid waste creates hazards to the public health, can cause air and water pollution, creates public nuisances, and causes a blight on the landscape” and “the control of solid waste collection and disposal should continue to be the responsibility of local governments and public agencies.”; and,

WHEREAS, Texas Health and Safety Code 363.111 allows “a governing body ...[to] adopt rules for regulating solid waste collection, handling, transportation, storage, processing, and disposal”; and,

WHEREAS, the City of Wichita Falls defines municipal solid waste as including garbage has a specific definition as “[s]olid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling, and sale of produce and other food products”, and

WHEREAS, currently the City of Wichita Falls is the only authorized entity to provide solid waste services within the City of Wichita Falls; and,

WHEREAS, public works infrastructure, facilities, and services are of vital importance to the health, safety, and wellbeing of the City, regulation of such is one of the primary duties of the City, and the roads and landfills are part of the infrastructure, facilities and services; and,

WHEREAS, the usage of the franchisee places continued deterioration of roads at a higher rate than if said franchisees were not in businesses; and,

WHEREAS, the landfill provides for disposal of solid waste in a sanitary manner and City shall require franchisees to utilize the City landfill to maintain sanitary conditions;

WHEREAS, this ordinance is further intended to preserve the health and safety of the people of the City as well as the 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 26, Article VII - Private Solid Waste Haulers and Chapter 90 is deleted in its entirety, replaced with the following, and shall, read as follows:**

## **Chapter 90 SOLID WASTE**

### **ARTICLE I. IN GENERAL**

#### **Sec. 90-1.- Definitions.**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Asbestos waste** shall mean any waste product containing either friable or nonfriable asbestos. Friable asbestos-containing material means any material containing more than 1.0% asbestos that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. Nonfriable asbestos-containing material means any material containing more than 1.0% asbestos that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

**Brush** shall mean shrub limbs, tree limbs, untreated lumber, and tree waste.

**Bulky waste** shall mean the following residential type items: furniture, treated wood, construction materials generated by a service unit (and not by a commercial service provider) as a result of a residential project, mattresses and box springs, carpet, swing sets, plastic swimming pools, small and large toys, bicycles, fish aquariums, toilets, residential appliances and other similar items, white goods (CFC-free); provided such items do not contain hazardous waste or any waste which is not acceptable at the designated landfill.

**Cart** shall mean a wheeled container provided by the City of Wichita Falls for solid waste or recyclable materials.

**Carry-out Service** shall mean service provided to residential customers in which City employee brings the curbside cart to the curb for collection and then returns the cart for an additional fee.

**City** shall mean the City of Wichita Falls.

**City disposal facility** shall mean a facility designated by the City for the temporary storage or permanent disposal of solid waste, including the City landfill or transfer station.

**Collection** shall mean the act of removing solid waste for transport for disposal and/or recycling.

**Commercial** shall mean pertaining to or engaging in commerce and may include industrial or institutional uses or pertaining to or engaging in commerce and may include stores, offices, restaurants, warehouses, institutions, apartment complexes, and other nonmanufacturing activities.

**Compactor** shall mean a container that compresses municipal solid waste or recyclables.

**Compost** shall mean the stabilized product of the decomposition process that is used or sold for use as a soil amendment, artificial topsoil, growing medium amendment, or other similar uses.

**Construction and demolition waste** shall mean waste generated from construction, renovation, repair, and/or demolition of houses, building structures, fences, swimming pools, driveways/sidewalks, roads, bridges, piers, dams, or other structures, including, but not limited to, paper, cartons, gypsum board, wood, excelsior, rubber, and plastics.

**Construction site** shall mean a site where a building permit has been issued for the active construction of a residential, commercial, or industrial structure or use.

**Container** shall mean a wheeled or non-wheeled receptacle with a capacity of up to 50 cubic yards typically provided to commercial and residential customers.

**Curbside** shall mean the point at the edge of the street in front of the residence or business. Curbside shall always be located on the street named as the legal physical address unless authorized differently by the Director.

**Customer** shall mean (excluding usage in article V) a residential, commercial, industrial, or institutional entity purchasing a municipal solid waste service from the City of Wichita Falls.

**Director** shall mean the Director of Public Works or the Director's authorized designee(s).

**Disposal Facility** shall collectively mean the City landfill and/or the City transfer station.

**DSHS** shall mean Department of State Health Services (Texas).

**Franchise holder** shall mean individuals or businesses that are primarily in the business of collecting, transporting, and disposing of construction and demolition waste, compactor, bulky waste, recyclable material, and special wastes that have obtained a valid franchise permit from the City of Wichita Falls, including individuals or businesses that demolish and dispose of structures not owned by the Franchise holder.

**Garbage** shall mean putrescible animal and vegetable waste materials and/or residue from the handling, preparation, cooking, or consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.

**Gross Vehicle Weight (GVW).** The total weight of a vehicle or vehicle and trailer combination, including its maximum allowable load or weighed load.

**Hazardous waste** shall mean any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, 42 United States Code, §§6901 et seq., as amended.

**Household waste** shall mean any solid waste (including garbage, trash, and rubbish) derived from households (including single and multiple residences, hotels and

motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas); does not include yard waste.

**Industrial** shall mean having to do with any process of industry, manufacturing, mining, or agricultural operation.

**Industrial hazardous waste** shall mean hazardous waste determined to be of industrial origin.

**Industrial solid waste** shall mean any waste resulting from or incidental to any process industry, manufacturing, mining, or agricultural operation, which may include hazardous waste.

**Landfill** shall mean the City of Wichita Falls owned and operated landfill.

**Medical waste** shall mean waste Treated and untreated special waste from healthcare-related facilities that is comprised of animal waste, bulk blood, bulk human blood, bulk human body fluids, microbiological waste, pathological waste, and sharps as those terms are defined in 25 TAC §1.132 (relating to Definitions) from the sources specified in 25 TAC §1.134 (relating to Application), as well as regulated medical waste as defined in 49 Code of Federal Regulations §173.134(a)(5), except that the term does not include medical waste produced on a farm or ranch as defined in 34 TAC §3.296(f) (relating to Agriculture, Animal Life, Feed, Seed, Plants, and Fertilizer), nor does the term include artificial, nonhuman materials removed from a patient and requested by the patient, including, but not limited to, orthopedic devices and breast implants. Healthcare-related facilities do not include:

- (A) single or multi-family dwellings; and
- (B) hotels, motels, or other establishments that provide lodging and related services for the public.

**Municipal solid waste** shall mean solid waste resulting from or incidental to municipal, community, commercial, institutional, and recreational activities, including garbage, rubbish, ashes, and all other solid waste other than industrial solid waste.

**Nonprofit organization** shall mean any entity which has been declared as tax-exempt under rule 26, United States Code Annotated section 501c.

**Occupied** shall mean reasonably ready for immediate move-in or a structure on the property.

**Person** shall include the owner, partnership, corporation, lessee, occupant, individual/group, or person in control or possession of the property or premises in question.

**Primary business** shall mean offering of a service or the renting of roll-off container, or compactor for a fee and where such offering of a service or renting is not merely incidental. This definition shall apply to demolition businesses.

**Receptacle** shall mean a solid waste cart, container, roll-off container, or any other container for waste.



**Recyclable materials** shall mean materials that have been recovered or diverted from the non-hazardous waste stream for purposes of reuse, recycling, or reclamation, a substantial portion of which is consistently used in the manufacture of products that may otherwise be produced using raw or virgin materials, including metal. Recyclable material is not solid waste. However, recyclable material may become solid waste at such time, if any, as it is abandoned or disposed of rather than recycled, whereupon it will be solid waste with respect only to the party actually abandoning or disposing of the material.

**Recyclable materials collection service** shall mean the act of collecting and transporting recyclable materials from residential, commercial, municipal, institutional, recreational, industrial, and other community activities.

**Recyclable organic material** shall mean any waste that is biodegradable and comes from either a plant or an animal. Examples of organic material include yard waste, grass clippings, tree trimmings, food waste, paper goods such as junk mail, cardboard, newspaper, paper plates and cups, chipboard, and magazines.

**Recycling** shall mean the process of collecting and turning used products into new products by reprocessing or remanufacturing them.

**Recycling program** shall mean the organized collection of recyclable materials for the purpose of resource recovery and recycling in pursuit of the goals of the City.

**Recycling site** shall mean a specific geographic site where one or more recycling containers may be placed.

**Residential** shall mean pertaining to properties zoned for use as residential dwellings including, but not limited to, the following: single-family dwellings, duplexes, multiplex housing, and apartments where the individual units are each on a separate meter; or, in cases where two or more units are served by one meter, the units are full-time dwellings.

**Residential collection services** shall mean trash, yard waste, recycling, brush, and bulky waste collection services provided to residential property.

**Refuse, Rubbish or Trash** shall mean non-putrescible solid waste including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, glass, crockery, tin cans, aluminum, or similar materials collected from any premises within the City limits.

**Rights-of-way** shall include all public streets, highways, alleys, sidewalks, and other areas dedicated for use as such. It includes the entire width between property lines, which has been dedicated for or is used as streets, alleys, and sidewalks, and those areas dedicated for that use but not in actual use as such.

**Roll-off container** shall mean a large solid waste container that typically has a rated cubic yard capacity of between 10 and 50 cubic. Such container may be of an open or a closed, i.e., compactor unit, top design. It is also referred to as an open-top container.

**Sanitation office** shall mean the City office responsible for collecting and disposing of refuse.

**Sanitation superintendent** shall mean the individual in charge of daily operations of the sanitation department.

**Scavenging** shall mean the uncontrolled and unauthorized removal of materials at any point in the solid waste management system.

**Service Unit** shall mean a residential dwelling unit and all occupants that set out their residential solid waste for collection by the City, or a commercial or industrial site that has City commercial waste removal service.

**Solid waste** shall mean garbage, rubbish, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations and from community and institutional activities. The term does not include:

- (A) solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued under Texas Water Code, Chapter 26;
- (B) soil, dirt, rock, sand, and other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements; or
- (C) waste materials that result from activities associated with the exploration, development, or production of oil or gas or geothermal resources and other substance or material regulated by the Railroad Commission of Texas under Natural Resources Code, §91.101, unless the waste, substance, or material results from activities associated with gasoline plants, natural gas liquids processing plants, pressure maintenance plants, or repressurizing plants and is hazardous waste as defined by the Administrator of the United States Environmental Protection Agency under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended (42 United States Code, §§6901 et seq.).

**Special waste** shall mean any solid waste or combination of solid wastes that, because of its quantity, concentration, physical or chemical characteristics, or biological properties, require special handling, transportation, and disposal to protect human health or the environment. If improperly handled, transported, stored, processed, and/or disposed of, or otherwise managed, it may pose a present or potential danger to human health or the environment. Special waste as defined by the TAC may include but not limited to:

- (A) hazardous waste from conditionally exempt small-quantity generators that may be exempt from full controls under Chapter 335, Subchapter N of this title (relating to Household Materials Which Could Be Classified as Hazardous Wastes);
- (B) Class 1 industrial non-hazardous waste;
- (C) untreated medical waste;

- (D) municipal wastewater treatment plant sludges, other types of domestic sewage treatment plant sludges, and water-supply treatment plant sludges;
- (E) septic tank pumpings;
- (F) grease and grit trap wastes;
- (G) wastes from commercial or industrial wastewater treatment plants; air pollution control facilities; and tanks, drums, or containers used for shipping or storing any material that has been listed as a hazardous constituent in 40 Code of Federal Regulations (CFR) Part 261, Appendix VIII but has not been listed as a commercial chemical product in 40 CFR §261.33(e) or (f);
- (H) slaughterhouse wastes;
- (I) dead animals;
- (J) drugs, contaminated foods, or contaminated beverages, other than those contained in normal household waste;
- (K) pesticide (insecticide, herbicide, fungicide, or rodenticide) containers other than household waste;
- (L) discarded materials containing asbestos;
- (M) incinerator ash;
- (N) soil contaminated by petroleum products, crude oils, or chemicals in concentrations of greater than 1,500 milligrams per kilogram total petroleum hydrocarbons; or contaminated by constituents of concern that exceed the concentrations listed in Table 1 of §335.521(a)(1) of this title (relating to Appendices);
- (O) used oil;
- (P) waste from oil, gas, and geothermal activities subject to regulation by the Railroad Commission of Texas when those wastes are to be processed, treated, or disposed of at a solid waste management facility authorized under this chapter;
- (Q) waste generated outside the boundaries of Texas that contains:
  - (i) any industrial waste;
  - (ii) any waste associated with oil, gas, and geothermal exploration, production, or development activities; or
  - (iii) any item listed as a special waste in this paragraph;
- (R) lead-acid storage batteries; and
- (S) used-oil filters from internal combustion engines.

**TAC** shall mean Texas Administrative Code.

**TCEQ** shall mean Texas Commission on Environmental Quality.

**Transfer Station** shall mean the City of Wichita Falls site where refuse is collected and sorted in preparation for processing to the landfill.

**Trash** shall mean garbage or rubbish as such are defined herein.

**Type I landfill** shall mean the standard landfill for disposal of municipal solid waste.

**Vector** shall mean an agent, such as an insect, snake, rodent, or animal capable of mechanically or biologically transferring a pathogen from one organism to another.

**Yard waste** shall mean grass, grass clippings, leaves, bushes, shrubs, clippings from bushes and shrubs, and small branches. This does not include stumps, roots, or shrubs with intact root balls.

**Wichita Falls Organics reuse facility** shall mean the portion of the City landfill permitted and used for composting operations. Wood

**White Goods** shall mean discarded large household appliances such as refrigerators, stoves, washing machines, or dishwashers.

#### **Sec. 90-2. - Solid Waste Responsibility**

- (a) The City shall have the primary responsibility to collect or dispose of all municipal solid waste or haul, transport, or convey said waste within the City.
- (b) All municipal solid waste shall be delivered and disposed of at the City landfill, except for special waste.

#### **Sec. 90-3. - Duty to have solid waste collected.**

- (a) All residential, commercial, industrial, and institutional locations within the City limits shall have solid waste collection services. Every owner, occupant, or lessee of any residential, office, commercial or industrial premises shall maintain regular supervision and surveillance over all waste collection carts and containers on the premises.
- (b) All property owners and/or occupants shall be billed at the rates established by separate ordinance for municipal solid waste collection service as long as such premises are occupied. Homes and units that have not yet received a certificate of occupancy or have never been occupied are exempt from the obligation of this subsection to obtain and pay for City-provided municipal solid waste collection service.
- (c) Multi-family units on one meter shall be billed at the rates established by separate ordinance for municipal solid waste collection service per unit, occupied or unoccupied. Apartment houses and complexes which receive automated curbside service, shall be billed at the rates established by separate ordinance for municipal solid waste collection service per unit, occupied or unoccupied.

- (d) A mobile/manufactured home park shall be billed based on occupied spaces not having separate City-owned water meters. The mobile/manufactured home park owner shall be required to report the number of occupied spaces to the Sanitation superintendent on a quarterly basis. A mobile/manufactured home park may be considered a commercial customer and be served with a minimum three cubic yard up to eight cubic yard container service only at the discretion of the Director.
- (e) RV parks shall be considered commercial customers and be served with a minimum three cubic yard up to eight cubic yard container service only.
- (f) Commercial and industrial properties which receive container service for the removal of municipal solid waste shall be regulated under the rates established by separate ordinance. The City shall furnish a container to be used in the collection and removal of municipal solid waste.

**Sec. 90-4. - Affidavit of no solid waste.**

If any person shall file a sworn affidavit with the Director stating that the service location is vacant and such person generates no solid waste and that collection by the City is unnecessary, the Director shall investigate the facts and circumstances of the affidavit. If the statement is found to be true, the Director shall have the authority to delete and remove the collection charges. Any decision made by the Director may be appealed to the City Manager. The City Manager's decision shall be final.

**Sec. 90-5. - Ownership of recyclable material.**

Placing recyclable material in an authorized recycling container at a designated recycling location shall be deemed an abandonment of said recycling material, and title to the material shall vest in the City.

**Sec. 90-6. - Value.**

It is hereby declared that recyclable material has value.

**Sec. 90-7. - Theft of recyclable material prohibited.**

Any person, other than an authorized City employee or law enforcement officer in the discharge of his official duties, who collects, obtains, possesses, picks up, takes, or otherwise removes any recyclable material from an authorized recycling container or removes an authorized recycling container that has been placed at a designated recycling location or both, commits the offense of "theft" as defined in the Texas Penal Code.

**Sec. 90-8. - Recycling drop-off center.**

- (a) The City may operate one or more citizen drop-off sites for recyclable materials.
- (b) Materials brought to a drop-off site shall be placed in the designated receptacle or as directed by a site attendant.

**Sec. 90-9.- Volunteer and neighborhood clean-up events.**

- (a) Volunteer organizations and neighborhood homeowner's associations may request four clean up events per year for a specific event or neighborhood in which additional containers will be provided by the City, subject to availability. The event organizer shall request the event 30 days in advance through the Sanitation Superintendent, provide for a point of contact for before, during and after the event, and designate a site not within city right-of-way to place requested containers.
- (b) During a cleanup event, no additional charges will be levied for picking up properly bundled or bagged trash, municipal solid waste or rubbish placed in approved containers provided by the City for the event. It shall be unlawful for the event volunteers to load or allow to be loaded anything that will extend above the height or beyond the side of the provided container or hauling equipment.
- (c) Event volunteers will be allowed to dump at the City Transfer Station and Landfill during the day of the event at no charge. All waste hauled to the Transfer Station and Landfill must be hauled and secured in accordance with City ordinances.

**Sec. 90-10. - Violation.**

Except as may be specifically provided in this chapter, a person commits an offense if he intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this chapter and be subject to penalty as set out by section 1-14.

**Sec. 90-11. - Abatement.**

Trash, yard waste, brush, recyclables, or bulky waste placed in violation of this chapter is hereby declared a public nuisance and may be abated and a lien placed on the property.

**Secs. 90-12—90-20. Reserved.**

***ARTICLE II. RESIDENTIAL COLLECTION BY CITY***

**Sec. 90-21. - Collection services.**

- (a) All residential dwellings shall be required to use City residential collection services for household waste. Persons occupying such dwellings may remove and transport their own solid waste or recyclables but shall receive no credit on their accounts for doing so. Any such disposal shall take place at the City transfer station or City landfill.
- (b) The Director shall have the authority to:
  - (1) Establish the schedule for collection services; and
  - (2) Designate the location for collection, with consideration for such factors as:



convenience for the collector; convenience for customers; hazardous conditions such as cables, utility poles, equipment clearance, animals; and collection costs.

**Sec. 90-22. - Preparation of residential trash for collection.**

- (a) Except as provided in subsection (b) below, each service unit (including single-family and duplex residential dwelling units but excluding other multi-family residential dwelling units) will be provided a cart for the collection of residential garbage (additional carts may be provided upon request at an additional fee). All municipal solid waste must be placed completely inside the container and the lid tightly closed prior to collection. The sanitation superintendent shall determine those residences that continually exceed the single container volume (96 gallons) and make arrangements for them to receive a secondary container. Fees and charges are established by separate ordinance.
- (b) Each owner, occupant, tenant, or lessee receiving alley collection refuse service shall place the household waste refuse within the three cubic yard container provided by the City. Each user of the system shall bag their trash and garbage to prevent blowing litter and endeavor to keep the container lid closed. It shall be unlawful for anyone to use an alley container unless such person is a resident in that City block backing onto the alley or an agent or employee of a person in the block. Residents in a City block receiving alley collection service are required to use the alley collection service.
- (c) It shall be unlawful for a person to:
  - (1) Place trash for collection in violation of this Chapter; or
  - (2) Allow trash placed on property under his or her control to remain on such property in violation of this Chapter.
- (d) It shall be unlawful for a person to remove or cause the removal of household waste or garbage placed for collection.
- (e) It is an exception to an enforcement action brought for a violation of subsection (f) above that the person was:
  - (1) A member of the service unit that placed the solid waste for collection,
  - (2) A sanitation worker employed by the City to collect residential trash, or
  - (3) A peace officer acting in his or her official capacity.

**Sec. 90-23. – Bulk waste and preparation of bulky waste for collection.**

- (a) Residential and commercial service units may request curbside bulky waste collection service from the Sanitation Office. Fees shall be assessed to the service unit that generated the waste materials. Fees are set by separate ordinance.
- (b) All waste materials must be placed at the curb or at a location as approved by the Sanitation Superintendent and at least five feet from any horizontal obstruction as well as 13.5 feet from any vertical obstruction. Examples of waste material collected:
  - (1) Bulky waste.
  - (2) Home furnishing or furniture items such as chairs, tables, couches, and mattresses.
  - (3) White goods or appliances such as washers, dryers, and stoves.
    - (a) White goods must be separated from other waste to allow pickup by a collection vehicle equipped with a mechanical boom and grapple. The vehicle must have safe clearance for its operation, both lateral and overhead clearance.
  - (4) Construction and demolition debris such as carpet, padding, dismantled fences, sinks, and commodes.

**Sec. 90-24. - Placement of garbage, yard waste, brush, and recyclables for curbside City residential collection service.**

- (a) Containers for curbside collection service shall be placed at a point adjacent to the street on the side so designated by the sanitation division to facilitate cost-effective and efficient service. Containers shall be placed at the curb no earlier than 5:00 p.m. on the day before the scheduled collection day and no later than 7:00 a.m. on the scheduled day of collection. Every resident shall ensure the container is at least five feet from any horizontal obstruction as well as 13.5 feet from any vertical obstruction. Containers shall be removed from the curb no later than 11:59 p.m. on the day of collection.

**Sec. 90-25. - Residential Roll-off containers.**

- (a) Residential customers may request a ten cubic yard roll-off container service from the City.
- (b) The following type of waste may not be placed into a roll-off container: liquid paint, liquid wastes, pesticides, putrescible, herbicides, batteries, motor oil, and tires;
- (c) Roll-off containers must be placed:

- (1) On a firm, stable surface of sufficient strength to support both the container and truck which accesses the container;
  - (2) At a location that is free from any obstructions and accessible by truck;
  - (3) On private property;
  - (4) Not in or on a public street, public right-of-way, or easement without prior written approval from the Director; and
  - (5) In a location free from overhead obstructions including, but not limited to, trees and utility lines and wires.
- (d) All material placed in the roll-off shall be fully contained within the roll-off to allow for covering and transportation.
  - (e) To obtain a container, customers must sign a temporary release of liability and arrange for billing at the Sanitation Office.
  - (f) Roll-off containers are the property of the City.

**Sec. 90-26. - Additional regulations for residential collection services.**

- (a) A person may only use carts assigned to the service unit which that person occupies.
- (b) A person shall not place or stack any material around, on, adjacent to, or on top of any cart or alley container nor shall any person overfill any cart or alley container. All material placed for collection must be wholly contained within the City provided cart or alley container designated for trash, yard waste, or recyclables with the lid closed.
- (c) All trash must be placed in plastic trash bags and securely tied prior to placement into the trash cart.
- (d) No person may remove, or cause to be removed, solid waste or recyclables placed for collection.
  - (1) It is an exception to an enforcement action brought for a violation of subsection (d) above that the person is:
    - i. An occupant of the residential service unit that placed the trash or recyclables for collection;
    - ii. A sanitation worker employed by the collector who is engaged in City residential collection services; or

- iii. A peace officer acting in his or her official capacity is exempt from this subsection.
- (e) The City shall not be liable for loss or damage to property placed in or near any solid waste or recycle materials container.
- (f) No person shall place in a residential container any construction and/or demolition debris.
- (g) Self-Haul Options: Each residential service unit may self-haul municipal solid waste, except special waste, to the landfill or the transfer station during normal operating hours.
  - (1) The residential customer must show proof of residency with a valid ID, that shall match the name on the water account and address of said valid ID, and active account information. If the hauler is being compensated for the hauling, then the hauler will be considered a commercial hauler and a disposal fee shall be assessed. The Sanitation superintendent or disposal site supervisor shall have the authority to determine if a fee is to be assessed in situations not otherwise covered by city ordinance.

**Secs. 90-27—90-35. Reserved.**

### ***ARTICLE III. COMMERCIAL AND INDUSTRIAL COLLECTION SERVICES BY CITY***

#### **Sec. 90-36. - Solid waste collection service for commercial or industrial.**

- (a) All commercial and industrial service units are required to have City municipal waste service through a City container, namely a City container or an equivalent number of City carts approved by the Sanitation superintendent.
- (b) All commercial and industrial service units shall place all garbage in the City container and may place any other municipal solid waste in the City container, except for special waste.
- (c) All commercial or industrial service units requesting container system service shall provide adequate access to the container site, as approved by the Sanitation superintendent. Each user of the system shall bag their trash and garbage to prevent blowing litter and keep the container lid closed. Containers must be properly loaded with doors closed for pickup to occur. The customer shall be responsible for the cleanliness around the container or opened prior to the time of service. Collection personnel is not responsible for opening and closing enclosure gates.
- (d) Municipal solid waste services rendered to commercial and industrial properties

shall be collected as designated by the Director. Any business operating in a private home shall be placed in the commercial category.

**Sec. 90-37. - Commercial waste containers.**

- (a) The City provides commercial solid waste containers.
- (b) Frequency of commercial solid waste collection shall be determined by customer need.
- (c) Charges for both the commercial waste container and collection services shall be established in the fee schedule as approved by the City Council.
- (d) Commercial waste containers are property of the City.
- (e) If at any time the requested container service level is determined to be inadequate to meet required service demands, the sanitation superintendent shall have the authority to increase the number of containers and/or frequency of collections.

**Sec. 90-38. – Commercial and Industrial Roll-off containers.**

- (a) Commercial and Industrial customers may request a ten cubic yard roll-off container service from the City.
- (b) The following type of waste may not be placed into a roll-off container: putrescible waste, liquid paint, liquid wastes, pesticides, herbicides, batteries, motor oil, and tires;
- (c) Roll-off containers must be placed:
  - (1) On a firm, stable surface of sufficient strength to support both the container and truck which accesses the container;
  - (2) At a location that is free from any obstructions and accessible by truck;
  - (3) On private property;
  - (4) Not in or on a public street, public right-of-way, or easement without prior written approval from the Director; and
  - (5) In a location free from overhead obstructions including, but not limited to, trees and utility lines and wires.
- (d) All material placed in the roll-off shall be fully contained within the roll-off to allow for covering and transportation.
- (e) To obtain a container, customers must sign a temporary release of liability and

arrange for billing at the Sanitation office.

- (f) Roll-off containers are the property of the City.

**Sec. 90-39. - Maintenance and storage of commercial waste and roll-off containers.**

- (a) A roll-off container supplied to a person by the City for use remains the property of the City. It is assigned to a specific address and may be removed only by the Director.
- (b) The owner and/or person in control of the property where the commercial waste or roll-off container is requested shall be responsible for the materials placed within the container and for keeping clean all containers that have been supplied by the City.
- (c) The City will be responsible for all other maintenance of the container(s).

**Sec. 90-40. - Additional regulations for commercial and industrial collections.**

- (a) Commercial customers shall utilize City-provided containers assigned to their service address.
- (b) The following materials are prohibited materials and shall not be placed in a commercial waste or roll-off container for collection:
  - (1) Liquid Paint;
  - (2) Liquid wastes;
  - (3) Pesticides;
  - (4) Batteries;
  - (5) Motor oil;
  - (6) Herbicides;
  - (7) Refrigerators;
  - (8) Air Conditioners; and,
  - (9) Tires.
- (c) When disposing of solid waste in a container, a person shall place all solid waste in the container. A person shall not place or stack solid waste or any other items around such container or above the container so as to overfill the container.



- (d) The City shall have the right to inspect all containers and may declare them unfit for use.
- (e) All users of containers shall bag and securely tie all solid waste that is subject to the propagation of airborne waste or attracting vectors such as but not limited to, flies, other insects, and animals.
- (f) No person shall tamper with or in any manner sort or rummage through any container.
- (g) The City shall not be liable for loss or damage to property placed in or near any solid waste or recycle container.
- (h) Only an owner, occupant, or lessee who has been assigned a container by the Director and pays for collection of solid waste in a particular container may place solid waste in that container. No other person may place solid waste in a container unless that person has permission from the owner, occupant, or lessee to make use of that container. No person shall block, place, or stack around an industrial or commercial container, any construction and/or demolition debris, bulky waste, yard waste, or solid waste.
- (i) Commercial businesses that generate and bail cardboard onsite shall be allowed to store and haul self-generated cardboard by the owner or contracted hauler to intrastate or interstate recycling sites other than the City landfill.

**Sec. 90-41. - Violations.**

- (a) It is unlawful for a person to remove or cause the removal of solid waste or recyclables from a City-owned commercial container placed for collection.
- (b) It is an exception to an enforcement action brought for a violation of subsection (a) above that the person was:
  - (1) A sanitation worker employed by the collector who is engaged in City commercial collection service.
  - (2) A peace officer acting in his or her official capacity.
- (c) It is unlawful for a person to:
  - (1) Place prohibited material in a roll-off container for collection in violation of this Chapter, or
  - (2) Allow prohibited material placed in a commercial waste or roll-off container for collection in violation of this article to remain on property under his or her control.

**Secs. 90-42—90-50. Reserved.**

#### ***ARTICLE IV. DISPOSAL FACILITIES***

**Sec. 90-51. - Unloading solid waste disposal facility.**

- (a) No person shall unload or dump any solid waste at the landfill or transfer station at any place other than a place designated by a facility worker and under his direction and supervision.
- (b) The transporter shall be responsible for the payment of any administrative penalty. The imposition of an administrative penalty shall not prevent or affect the issuance of a citation or the filing of charges with the municipal court for violating this section or any other provision of this Code.
- (c) All junk and other material at the City landfill and transfer station is the City's property, and no person is allowed to separate and collect, carry off or dispose of such material except under the direction of the designated officials of the sanitation division.
- (d) Material that is hauled in a vehicle or vehicle and trailer combination with a gross vehicle weight of 14,000 pounds or higher and/or a trailer in excess of 16 feet shall be disposed of at the City landfill only.
- (e) Rock, construction, roofing or remodeling debris shall not be accepted at the transfer station. This debris must be hauled to the City Landfill.

**Sec. 90-52. - Surcharge for unsecured loads.**

Vehicles and trailers carrying loads to the City's landfill or City transfer station will be checked to determine that they are properly secured as required by City ordinance and applicable state laws. Any vehicle or trailer carrying a load not properly secured will have loose materials fee assessed against it set by separate ordinance. The hauler and/or landfill permittee shall be responsible for payment of this surcharge fee. The imposition of this fee shall not in any way affect or prevent the issuance of a citation or filing of charges with the municipal court for hauling an unsecured load.

**Secs. 90-53—90-60. Reserved.**

#### ***ARTICLE V. FRANCHISED SERVICE***

**Sec. 90-61. - Franchise required.**

- (a) No person within the City shall engage in the business of collecting, transporting, or disposing of construction, demolition, compactor, bulky waste, recyclable materials or special wastes produced in the City, as a primary business, without

first receiving a nonexclusive franchise from the City. The following types of waste and persons hauling waste are hereby exempted from this Franchise requirement:

- (1) Special waste from healthcare-related facilities that has not been treated in accordance with the provisions of 25 TAC 1.136(a);
  - (2) Other regulated medical waste that has not been treated in accordance with the provisions of 25 TAC 1.136(a);
  - (3) Asbestos wastes;
  - (4) Industrial hazardous wastes; or
  - (5) Industrial solid waste not approved for acceptance in the City disposal facility.
  - (6) The City, City employees, and persons contracting with the City engaged in the collection and transportation of solid waste and recyclable materials on behalf of the City.
  - (7) Landscapers who produce yard waste through their regular course of business.
  - (8) Individuals who produce and haul their own waste via personally or commercial owned roll-offs or trailers whose primary business is not to haul waste.
  - (9) Special waste haulers permitted by other local, state or federal agencies
- (b) Franchise holders shall only use ten cubic yard or larger roll-offs, or compactors for the collection, transporting, or disposing of waste.
  - (c) Franchise holders shall only collect, transport, or dispose of construction, demolition, compactor, bulky waste, recyclable materials or special wastes from commercial or industrial service units.
  - (d) Franchise holders may place a roll-off or compactor on a commercial or industrial service unit site with a valid Location Site Permit that was obtained by the property owner.
  - (e) Roll-off placement without location permit.
- (1) Franchise holders are only permitted to place a roll-off or compactor on a construction site at any place determined by the general contractor for which there has not been issued a certificate of occupancy, except said receptacle, shall not be placed on the public right of way, easements, or

public sidewalks.

- (2) A construction site that receives service that is exempt from location site permitting shall be required to provide service information upon the request of the Director. The information may include, but not limited to, service provider, invoices, dates of container serviced, and tonnages of disposed or recycled material.
- (f) Franchise holders may place a roll-off on a residential property with a valid City building permit for the sole purpose of collection and disposing of construction or demolition waste.

**Sec. 90-62. - Franchise application.**

- (a) Any person desiring a Franchise under this article shall submit an application for a Franchise with the City on a form approved by the Director.
- (b) At a minimum, the application shall include:
  - (1) Name, address, and telephone number of the applicant and individual who shall have care, custody, and control over containers;
  - (2) Trade name under which the applicant does business or proposes to do business;
  - (3) Texas taxpayer identification number;
  - (4) Class, size, and design of each vehicle;
  - (5) Make, model, year, and license plate number of all vehicles to operate under the Franchise;
  - (6) Nature and character of the service the applicant proposes to render;
  - (7) The experience applicant has had in rendering such service;
  - (8) Complete records of all felony convictions against the applicant and every partner, officer, or Director of the applicant;
  - (9) A list of all claims or judgments against applicant resulting from the negligent operation of a vehicle;
  - (10) Complete records of all convictions against the applicant and every partner, officer, or Director of the applicant for violations of all laws, orders, and ordinances of a City, county, state, or federal government, related to the environment;

(11) A sworn statement from applicant that its collection and hauling methods comply with all federal and state environmental standards; and

(12) Insurance Requirements

(i) An Franchise holder shall procure and keep in full force and effect no less than the insurance coverage required by this section through a policy or policies written by an insurance company that:

(1) is authorized to do business in the State of Texas; and,

(2) is acceptable to the City.

(ii) The insured provisions of the policy must name the City and its officers and employees as additional insureds, and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation as a Franchise holder.

(iii) A Franchise holder shall maintain the following insurance coverages:

(1) The commercial general liability insurance must provide single limits of liability for bodily injury (including death) and property damage of \$1 million for each occurrence, with a \$2 million annual aggregate.

(iv) Each vehicle of the Franchise holder shall maintain business automotive liability insurance with a combined single limit for bodily injury (including death) and property damage of \$500,000 per occurrence.

(v) Employer's liability insurance with the following minimum limits for bodily injury by:

(1) Accident, \$500,000 per each accident.

(vi) Insurance required under this Section must include the following:

(1) A cancellation provision in which the insurance company is required to notify the Director in writing no fewer than 30 days before canceling the insurance policy (for a reason other than non-payment) or before making a reduction in coverage;

(2) A cancellation provision in which the insurance company is required to notify the Director in writing not fewer than ten

days before canceling for non-payment;

- (3) An endorsement to waive subrogation in favor of the City and its officers and employees for bodily injury (including death), property damage, or any other loss.
  - (4) Cover all Franchise holder vehicles during the times that the vehicles are deployed or operating in furtherance of the business;
  - (5) A provision requiring the insurance company to pay every covered claim on a first-dollar basis;
  - (6) Require notice to the Director if the policy is canceled or if there is a reduction in coverage; and
  - (7) Comply with all applicable federal, state, and local laws.
- (13) Other information that may be relevant to the applicant's fitness to render such services as may be required by Director.

#### **Sec. 90-63. - Granting of Franchise.**

- (a) After receiving an application, the City may make such investigation as considered necessary to determine whether the applicant meets the requirements of law and of this ordinance, whether or not the public convenience and necessity require the granting of such Franchise, and whether the applicant is qualified to conduct such business.
- (b) As a condition of granting a Franchise, Franchisee agrees to carry insurance as set forth in the Franchise application.
- (c) After reviewing the Franchise application and conducting the necessary investigation, the City may issue the Franchise, issue the Franchise with conditions, or may deny the issuance of the Franchise. If the Franchise is denied, the City shall set forth the reasons for the denial in writing.
- (d) The Franchisee may appeal the Franchise condition or denial to the City Manager. If the Franchisee appeals to the City Manager, the City Manager, or his designee, may uphold, reverse, or modify the decision. The decision of the City Manager or his designee is final

#### **Sec. 90-64. -Appeal.**

The applicant may appeal to the City Manager the decision based on the request for information as set forth in subsection 90-62 or the Franchise condition or denial set forth



in subsection 90-63. If the applicant appeals the request for information to the City Manager, the City Manager or his designee may uphold, reverse, or modify the request. The decision of the City Manager or his designee is final.

**Sec. 90-65. - Term and renewal.**

- (a) All Franchises for commercial solid waste service shall be valid from the date executed by all parties and shall terminate on August 31 following the issuance of the Franchise.
- (b) Franchise holders will receive an application for renewal from the Director at least 60 days prior to the expiration of a Franchise. The renewal application shall update the information provided by the initial Application. Applications for renewal shall be processed in the same manner as an initial application. Failure to receive notice is immaterial to this section.

**Sec. 90-66. - Penalties for Franchise violations.**

- (a) If the City finds any requirement of the Franchise to have been violated, the Director may revoke the Franchise, deny renewal of the Franchise, suspend the Franchise for a stated period of time, place the Franchise holder on probation or place other conditions thereon as the Director finds necessary. Notice of violation(s) shall be served on the Franchise holder in person or by mail.
  - (1) Upon receiving notice of any violation(s), Franchise holder shall have five business days to remedy the violation(s) or implement a plan, approved by the Director, to correct such violation(s) prior to the institution of proceedings for revocation, denial of renewal, suspension, or probation. If the City Manager determines that the remedy and/or the plan are sufficient, the Director may decide not to proceed with revocation, denial of renewal, suspension, or probation proceedings, or may place other conditions on the Franchise.
- (b) If the Director finds that false statements were made on any application, Application for renewal, or any submittal required by this article by the Franchise holder, agent, or employee of the Franchise holder, the Director may, after serving Franchise holder with notice of the false statements, immediately suspend or revoke the Franchise.
- (c) If the Director finds that a violation(s) of the Franchise creates a threat to the health, safety, or welfare of the citizens of the City or this state, the Director may, after serving Franchise holder with notice of the violation(s), immediately suspend or revoke the Franchise.
- (d) The Franchise holder may appeal any penalty imposed under this section to the City Manager. If the Franchise holder appeals to the City Manager imposition of a

penalty, the City Manager or his designee may either uphold, reverse, or modify the penalty. The decision of the City Manager or his designee is final.

**Sec. 90-67. - Records and reports.**

- (a) *Reports.* Franchise holder shall submit a monthly report to the City. The reports shall become due on the 15th of every month for the previous month of each Franchise year. The September 15 report shall be an annual report and shall contain information for the previous 12 months of the Franchise. Each report shall contain the following in a format designated by the Director:
  - (1) Make, model, year, and license plate number of all vehicles operating under the Franchise for the month;
  - (2) Name, address, and telephone number of each customer serviced pursuant to the Franchise for the month;
  - (3) Numbers and location of all commercial refuse containers;
  - (4) The type of service provided to each customer pursuant to the Franchise for the month;
  - (5) Copies of all City Landfill trip tickets; and,
  - (6) The gross amount charged to all customers combined pursuant to the Franchise for the month. The amount, in tons, hauled for each customer pursuant to the Franchise for the month. Additionally, the Franchise holder shall have available, at the Franchise holder's local office for inspection by the City, the amount charged to each individual customer for service pursuant to the Franchise for the month.
- (b) *Records.* Franchise holder shall maintain at a single local location business records of its commercial solid waste service. Such records shall include but are not limited to:
  - (1) Inventory of all vehicles;
  - (2) Complete listing of all customers within the City, including names, addresses, and telephone numbers;
  - (3) Numbers and locations of all roll-off containers and compactors owned by the Franchise holder or Franchise holder's customers;
  - (4) Volumes, in tons, of construction or demolition, compactor, bulky waste, recyclable materials or special wastes collected for each individual customer within the City limits; and

- (5) All current and previously submitted monthly and annual reports prepared pursuant to the Franchise along with all supporting documentation.
- (6) The total amount charged to each individual customer for service pursuant to the Franchise for the current and all previous reporting periods, along with all supporting documentation.
- (7) The total tonnages hauled for each individual customer for service pursuant to the Franchise for the current and all previous reporting periods.

A Franchise holder shall make its records available for audit or inspection to the Director during normal business hours within 15 days of receipt of written notice from the City for such audit or inspection.

**Sec. 90-68. - Requirements for commercial containers.**

All commercial containers used pursuant to a Franchise issued under this article shall:

- (1) If applicable, be constructed according to state and department of transportation regulations;
- (2) Be equipped with suitable covers to prevent blowing or scattering of refuse while being transported for disposal of their contents;
- (3) Be cleaned and maintained regularly by Franchise holder so as to be in good repair and of good appearance and free of such refuse residues as may cause odor or provide a breeding place for flies or harborage for rodents;
- (4) Be clearly marked with the Franchise holder's name and telephone numbers in letters not less than three inches in height; and
- (5) Be serviced by Franchise holder.

**Sec. 90-69. - Possession, inspection of Franchise; number on vehicle.**

In all cases where Franchises have been issued for the collection, removal, and disposal of solid waste, a copy of the commercial roll-off operating Franchise shall be in the possession of the person rendering such service and shall be subject to inspection at all times.

**Sec. 90-70. - Disposal of construction or demolition waste.**

Franchise holders shall deliver to the City-owned landfill all construction or

demolition waste collected pursuant to their Franchise agreement and this Chapter.

**Sec. 90-71. - Per-ton cost for disposal of solid waste.**

The City Manager or designee is hereby authorized to enter into Franchise agreements under the provisions of this article for the disposal of solid waste by a Franchise holder at a City disposal facility. Charges assessed for each vehicle load of solid waste taken to a City disposal facility by a Franchise holder shall be based upon the City Council approved fee schedule.

**Sec. 90-72. - Payment of fees.**

- (a) Franchise hauler shall pay a nonexclusive franchise fee, set by separate ordinance, to operate under this chapter within the City of Wichita Falls.
- (b) Annual payment by Franchise hauler per vehicle shall be due at a fee set by separate ordinance.
- (c) Payment of franchisee fee and vehicle fee shall be due at the time of application with vehicle fee due annual thereafter.
- (d) Site location permit fee shall be billed monthly with the service unit's utility bill until the permit is canceled by the service unit. Fee set by separate ordinance.

**Sec. 90-73. - Franchises are nontransferable.**

All Franchises granted by the City for the private collection, removal, and disposal of solid waste shall be nontransferable unless authorized by the Director.

**Sec. 90-74. – Location Sites and Permits**

- (a) Any service unit wishing to utilize a Franchise holder for roll-off, or compactor service shall first obtain a Location Site Permit.
- (b) Use of a Franchise holder roll-off receptacle is limited to the disposal of construction and demolition waste, bulky waste, cardboard or pallets to be composted or disposed at the City Landfill, or scrap metal for recycling by others and it shall be unlawful for the service unit to place any other municipal solid waste in said receptacle.
- (c) Use of a Franchise holder compactor receptacle is allowed for municipal solid waste service.
- (d) Permit Application.
  - (1) All commercial placements shall be permitted by the City prior to the

delivery of a commercial roll-off or compactor by a Franchise holder.

- (2) The minimum the Application for permit shall include:
- (i) Name of business;
  - (ii) Number of roll-offs or compactors on the commercial site;
  - (iii) A statement of understanding that household garbage and putrescible waste are not allowed in any roll-off.
  - (iv) A statement of understanding that when the compactor is not in-service, the site shall immediately contact the City to provide municipal solid waste service.
  - (v) The name of the individual who shall have care, custody, or control over all roll-offs, or compactors, and their contents on the location site.

(e) Location of roll-offs or compactors.

- (1) All commercial placements of roll-offs shall be located on an improved surface in a front, side, or rear yard or an area recognized as the primary driveway serving a residence, but shall not be located in any part of a fire lane, maneuvering lane, public right-of-way, public sidewalks, visibility triangle, easements, or impair sight distance. Franchise holder shall provide a site plan showing the location of a commercial placement for the roll-offs.
- (2) Residential placement, with a valid building permit, shall be placed on the residential lot, and shall not be placed in public right-of-way, public sidewalks, visibility triangle, easements, or impair sight distance

(f) Service units shall be required to provide service information upon the request of the Director. The information may include, but not limited to, service provider, invoices, dates of container serviced, and tonnages of disposed or recycled material.

(g) Service unit shall allow the City to inspect permitted locations and containers.

**Sec. 90-75 - Penalties for Location site violations.**

- (a) If the City finds any requirement of the location site to have been violated, the Director may revoke the location site permit, deny renewal of the location site permit, suspend the location site permit for a stated period of time, place the location site permit on probation or place other conditions thereon as the Director finds necessary. Notice of violation(s) shall be served on the location site permit

holder in person or by mail.

- (1) Upon receiving notice of any violation(s), location site permit holder shall have five business days to remedy the violation(s) or implement a plan, approved by the Director, to correct such violation(s) prior to the institution of proceedings for revocation, denial of renewal, suspension, or probation. If the City Manager determines that the remedy and/or the plan are sufficient, the Director may decide not to proceed with revocation, denial of renewal, suspension, or probation proceedings, or may place other conditions on the Franchise.
- (b) If the Director finds that a violation(s) of the location site creates a threat to the health, safety, or welfare of the citizens of the City or this state, the Director may, after serving location site permit holder with notice of the violation(s), immediately suspend or revoke the location site permit.
- (c) The location site permit holder may appeal any penalty imposed under this section to the City Manager. If the location site permit holder appeals to the City Manager for imposition of a penalty, the City Manager or his designee may either uphold, reverse, or modify the penalty. The decision of the City Manager or his designee is final.

**Secs. 90-76—90-80. - Reserved.**

## ***ARTICLE VI. SPECIFIC AND SPECIAL WASTE***

### **Sec. 90-81. – Specific wastes.**

All special wastes as defined in the regulations of the DSHS and/or TCEQ shall be disposed of in accordance with the regulations of the DSHS and/or TCEQ. No person shall mix special wastes with normal solid wastes or recyclables.

### **Sec. 90-82. - Disposal of special wastes from healthcare-related facilities.**

It shall be unlawful for any person to set out for collection, place within any City-owned container, transport to the City landfill for disposal, dispose of in the City landfill, or otherwise dispose of any special waste from a health care-related facility as that term is defined by the TCEQ unless such waste has been treated in accordance with applicable State and Federal regulations.

### **Sec. 90-83. - Disposal of tires.**

- (a) It shall be unlawful for any person to put whole tires in any disposal container to include, but not limited to, automated curbside carts, alley containers, commercial containers, compactors, or roll-offs.



- (b) Individuals collecting tires from businesses providing services in tire replacement, repair, removal, disposal, recycling, and/or processing. Businesses shall be in compliance with 30 TAC 328 Subchapter F for the management and disposal of used or scrap tires.
- (c) It shall be unlawful to deliver to the City landfill any tire unless split, quartered, or shredded. Whole passenger and semi-truck tires may be delivered to the City transfer station and disposed of for a fee set by separate ordinance. Residents with an active solid waste account shall be able to dispose of up to four passenger tires at no cost. Whole off-the-road tires intended for use on heavy equipment will not be accepted at the City transfer station or landfill.

**Sec. 90-84. - Lead-acid storage batteries.**

It shall be unlawful for any person to set out for collection, place within any City-owned refuse container, transport to the City landfill for disposal, dispose of in the City landfill, or otherwise dispose of a lead-acid storage battery except by delivery to:

- (1) The City Transfer Station;
- (2) A battery retailer or wholesaler; or
- (3) A collection or recycling facility authorized under the laws of this state or by the United States Environmental Protection Agency.

**Sec. 90-85. - Waste oil.**

- (a) It shall be unlawful for any person to set out for collection, place within any City-owned refuse container, transport to the City landfill for disposal, dispose of in the City landfill or otherwise dispose of any bulk or liquid waste oil or any used internal-combustion engine oil or any used internal-combustion oil filters except by delivery to a collection or recycling facility authorized to accept waste oil or used internal combustion engine filters.
- (b) It shall be unlawful for any person to:
  - (1) Intentionally discharge waste oil into a sewer, drainage system, septic tank, surface water or groundwater, watercourse, or marine water;
  - (2) Directly dispose of waste oil on land;
  - (3) Apply waste oil to roads or land for dust suppression, weed abatement, or other similar uses that introduce waste oil into the environment.

**Sec. 90-86. - Liquid waste.**

- (a) It shall be unlawful for any person to discard or otherwise dispose of any bulk or noncontainerized liquid waste except by delivery to a disposal facility authorized to accept bulk liquid waste unless the liquid waste is household waste other than septic waste.
- (b) It shall be unlawful for any person to discard or otherwise dispose of any container holding liquid waste unless:
  - (1) The container is a small container similar in size to containers normally found discarded in household waste;
  - (2) The container is designed to hold liquids for a use other than storage; or
  - (3) The waste is household waste.

**Sec. 90-87. - Items containing chlorinated fluorocarbon (CFC).**

It shall be unlawful for any person to discard or otherwise dispose of a refrigerator, freezer, air conditioner, or any other item containing chlorinated fluorocarbon (CFC) unless all the CFC contained in such item shall have been captured and sent to an approved CFC disposal site or recycling facility.

**Sec. 90-88. - Polychlorinated biphenyls (PCB) waste.**

It shall be unlawful for any person to discard or otherwise dispose of any polychlorinated biphenyls (PCB) waste as that term is defined by the TCEQ, except by delivery to an authorized PCB disposal facility.

**Sec. 90-89. - Regulated hazardous waste.**

It shall be unlawful for any person to discard or otherwise dispose of any regulated hazardous waste as that term is defined by the TCEQ except by delivery to an authorized hazardous waste disposal facility.

**Sec. 90-90-90-99 Reserved.**

***ARTICLE VII. ORGANIC RECYCLING***

**Sec. 90-100. - Organic Recycling.**

- (a) Any residential owner, occupant, tenant or lessee may request curbside organic recycling carts, which will be supplied by the City refuse division. Commercial properties may request commercial organic recycling carts or containers. The organic recycling carts and containers will be serviced once per week. Organic recycling carts shall not be serviced during weeks with recognized City holidays. Fee established by separate ordinance. Organic recycling fee shall be established

by separate ordinance.

- (b) Persons served by an organic recycling container shall place yard waste and other organic materials, such as, kitchen food waste and paper products: junk mail, cardboard, newspaper, paper plates and cups and magazines completely within the container with the lid closed. The following items are not allowed in the organics recycling container: plastic bags, dirt, rocks, concrete, metal, coals, hot ash, styrofoam, rubber, metal, plastic, glass, aluminum cans, bottles, garden hoses, spray cans, paint, solvents, flammable liquids or oil.
- (c) Only residential owners, occupants, tenants or lessees participating in the organics recycling program may receive free compost during distribution events. Each customer seeking free compost must provide a valid I.D. and their current water bill showing the recycling charge.

**2. Section 90-34 of Chapter 90 is moved to Chapter 50, Article V. Outdoor Burning and shall read as follows:**

#### ***ARTICLE V. OUTDOOR BURNING***

**Sec. 50-110 Burning prohibited unless pursuant to permit issued by fire chief.**

- (a) It shall be unlawful for any person to burn municipal solid waste or yard waste within the city limits.
- (b) The fire chief may issue a permit to burn trees and brush to the owner of a property exceeding 50 acres within the city or property located in the floodway (as depicted on the flood insurance rate map issued by the Federal Emergency Management Agency), conditioned on compliance with the requirements of the fire chief that are shown on the face of said permit and the following provisions:
  - (1) Any open burning shall occur at least 500 feet from any residence;
  - (2) Any open burning shall occur only on the day and time and exact locations shown on the face of the permit;
  - (3) All open burning shall be closely supervised on the site of the burning by personnel equipped to promptly extinguish all fires started pursuant to the permit;
  - (4) All open burning shall be conducted in compliance with all state requirements concerning air pollution, including, but not limited to, Title 30, Environmental Quality, TAC sec. 111.219(3), (4), (6), and (7) (30 TAC sec. 111.219(3), (4), (6), (7)); and
  - (5) Open burning material shall consist only of trees, brush, grass, leaves,

branch trimmings; and other plant growth generated from the property upon which the burning is occurring.

- (c) The fire chief may refuse to issue a permit to burn trees and brush if the fire chief determines that open burning pursuant to said permit will pose an unreasonable risk of conflagration, danger to neighboring property, air pollution, or other danger to health or safety.
- (d) It shall be a defense to prosecution for a violation of this section and the open burning provisions of the Fire Code adopted by this Code, including section 307 of the Fire Code, that a person was burning in compliance with all conditions of a permit to burn trees and brush issued pursuant to this section.
- (e) This section and the remainder of this Code is found to be consistent with the Texas Clean Air Act (see Texas Health and Safety Code ch. 382, subch. E, Authority of Local Governments) and Title 30, Environmental Quality, TAC sec. 111.219 (3), (4), (6) and (7) (30 TAC sec. 111.219(3), (4), (6), (7)).

**3. The registration of the Franchise holders, site permits, and collection of fees pursuant to this ordinance are allowed to begin July 1, 2022 so as to prepare for the effective date set out in section 4.**

**4. This ordinance modifying Chapter 90, including enforcement sections, shall go into effect on September 1, 2022.**

PASSED AND APPROVED this 3rd day of May, 2022.

---

M A Y O R

ATTEST:

---

City Clerk

---

**CITY COUNCIL AGENDA**  
**May 3, 2022**

---

**ITEM/SUBJECT:** Ordinance amending Ordinance No. 05-2022, the fee schedule to City operations; providing for severability; providing that such ordinance shall not be codified; and providing an effective date.

**INITIATING DEPT:** Legal / Public Works

---

**STRATEGIC GOAL:** Efficiently Deliver City Services

**STRATEGIC OBJECTIVE:** Practice effective governance

---

**COMMENTARY:** This fee ordinance amendment has been prepared using the tracked changes function so that the City Council can see the current and proposed fees. This amendment coincides with the changes to Chapter 90 Solid Waste Ordinance. This amendment includes the following:

- Removed residential ratepayer allowed use of the landfill and transfer station free of charge as this provision has been added to the Chapter 90 Solid Waste Ord
- Clarified the delivery, pull and reset fee for the 10-yd roll-off and eliminated the increased rental rate after ten days of use.
- Eliminated the recycling site permit fee.
- Added the third party hauler franchise and vehicle annual fees
- Added the commercial site permit fee for compactors and roll-offs.

The effective date of the new Fee Ordinance will be July 1, 2022.

Staff recommends approval of the updated Fee Ordinance to reflect the new Solid Waste Ordinance.

☒ **Director, Public Works**

---

**ASSOCIATED INFORMATION:** Ordinance

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

---

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

**Ordinance replacing Ordinance No. 05-2022, the fee schedule applied to City operations; providing for severability; providing that such ordinance shall not be codified; and providing an effective date**

WHEREAS, the adoption of the recodified Code of Ordinances requires that a separate ordinance be passed incorporating fees to be applied to City operations; and,

WHEREAS, City Staff has studied the cost of providing the services and enforcing the regulatory schemes which are currently not being covered by the existing fees; and,

WHEREAS, after receiving and reviewing the aforementioned costs, the City Council finds that the fees established herein do not exceed the amount reasonably necessary to provide the services and administer and enforce the regulatory programs to which they are related; and,

WHEREAS, the City Council finds that the fines, fees, and rates described herein are necessary to provide for the services and regulated programs and further finds that any discrimination established against non-residents in fee amounts does not provide funds that exceed the taxpayer-funded amount of the described programs.

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

1. The following schedule of fees and charges shall be adopted for all City operations which are authorized to create or enforce such fees by state or federal law or by the Code of Ordinances:

**1. Aviation, Traffic and Transportation**

**1a. Taxicabs**

**1a-1. Miscellaneous Taxicab Fees:**

- (1) Annual Franchise Fee .....\$1,000.00
- (2) Annual Permit Fee .....\$35.00 per taxicab
- (3) City Chauffeur's License Application Fee .....\$30.00, and includes one chauffeur's license. Each additional copy of said chauffeur's license is \$20.00
- (4) Initial Franchise Application Fee .....\$85.00

**1b. Street Closure and Parade**

- 1b-1. Permit Fee:**                      \$50.00 (non-refundable) 2 weeks prior to the event  
   \$75.00 (non-refundable) less than 2 weeks' notice

1b-2. Refundable Deposit:                \$250.00 for barricades and cones  
    \$1,000 for trailer and devices (additional \$75.00 per  
    day if not returned by 10:00 a.m. of the business day  
    following the event)

### **1c. Airport**

1c-1. Airport Fees:  
Long term parking fee.....\$5.00 per day

### **1d. Personal Mobility Devices**

1d-1. License Fee:                        \$200 annual fee.

## **2. Development Services**

### **2a. Building Inspections**

#### **2a-1. Building Permits & Fees:**

A minimum fee of \$ 45.00 shall be charged for issuing any class of permit required by the building code and as required in this section. In addition to the minimum fee there shall be charged the following inspection fees:

- (1) New building construction or addition:
  - Single-family or duplex residence, per square foot of building or addition  
      .....\$ 0.18
  - Single-family or duplex use storage, outbuilding, carport or patio, per square foot of building or addition..... \$ 0.06
  - Commercial use, which includes all other occupancies not listed in this section, per total square feet of building or addition   \$0.29
  - Commercial storage building, per total square feet of building or addition.....\$0.10
  - Commercial plan review, per square foot of covered area..... \$ 0.10
  - Commercial plan review for remodel work, per value ..... \$ 0.0019
  - Commercial plan review for storage and finish outs, per square foot.....\$ 0.04
- (2) Finish out of existing shell buildings or areas within shell buildings, per total square feet of area ..... \$ 0.08
- (3) Repair, alteration or remodel of existing residential buildings, per total square foot of work area ....\$ 0.18
- (4) Repair, alteration or remodel of existing commercial buildings, per total valuation of work .....\$ 0.006
- (5) Roofing or siding, per square foot of area covered or repaired ..... \$ 0.006
- (6) Window replacement..... \$20.00



- (7) Foundation repair ..... \$30.00
- (8) Foundation only, per square foot of area of foundation ..... \$0.003
- (9) Signs, each:
  - Up to and including 80 square feet of total sign face area (on-premises) ..... \$10.50
  - Over 80 square feet of total sign face area (on-premises) ..... \$37.00
  - All off-premises ..... \$89.00
- (10) Demolition, which is required for any structure exceeding 150 square feet in area, per square foot of all structures at each location ..... \$0.007
- (11) Building moves, which does not include mobile or manufactured homes transported by a licensed installer ..... \$52.00  
Plus:
  - Aviation, traffic and transportation department fees for moves two hours or less in duration ..... \$100.00
  - Aviation, traffic and transportation department fees for moves exceeding two hours in duration will be the base rate of \$100.00, plus a charge of \$65.00 per hour or any part of an hour, per vehicle used for the time exceeding two hours.
- (12) Swimming pool ..... \$21.00
- (13) Mobile or manufactured home installation outside of a mobile home park ..... \$21.00
- (14) Flammable or combustible liquid storage tank or service station pump:
  - Each new tank or replacement, which includes test verification ..... \$35.00
- (15) Fire suppression system:
  - Each fire suppression system ..... \$125.00
  - Repair or alteration of an existing fire suppression system ..... \$25.00
- (16) Miscellaneous:
  - Demolition cleanup deposit, refundable to the permittee following final inspection approval, per square foot of all structures at each location ..... \$0.05
  - Reinspection permit
  - First occurrence ..... \$ 45.00
  - Second occurrence ..... \$ 55.00
  - Each reinspection thereafter ..... \$ 65.00
  - General inspection .... \$ 50.00
  - Equipment or structures not listed in this section ..... \$ 50.00
  - A permit fee may be refunded to the payee upon approval of the building and code administrator.
  - Building, electrical, plumbing, or mechanical permits issued to premises located outside of the city limits shall include an additional inspection service charge of \$ 50.00.
  - Weekend or after hours inspections \$75.00 to include the first hour, \$75.00 for each additional hour

(Code 1966, § 23-17(1); Ord. No. 79-2003, § 1, 9-2-2003; Ord. No. 40-2008, § 1, 8-5-2008; Ord. No. 30-2009, § 2, 5-5-2009; Ord. No. 53-2010, § 3, 9-21-2010) (1)

#### 2a-2. Electrical Permits & Fees:

A minimum fee of \$ 75.00 shall be charged for issuing any class of electrical permit required by the electrical code and as required in this section. In addition to the minimum fee there shall be charged the following inspection fees:

- (1) New building or addition or complete rewire of existing buildings:
  - Single-family, multifamily or duplex use not exceeding three stories, which includes an attached or detached residential garage, storage or outbuilding, per square foot of building or addition \$ 0.018
  - Commercial use, which includes all other occupancies not listed in this section, per square foot of building or addition \$ 0.03
  - Commercial storage, warehouse or parking garage, which does not apply to accessory office areas, per square foot of building or addition..... \$ 0.008
  - Solar Panels per square foot of panel area .... \$ .008
- (2) Alteration, repair, or replacement of electrical services:
  - Existing single-family, duplex, or multifamily residences tenant or premises, for each: ..... \$ 5.25
  - Existing commercial electrical installations for each tenant or premises:..... \$ 15.75
  - Swimming pool, hot tubs, decorative pools or fountains ..... \$ 15.75
  - General inspection ..... \$ 5.25
  - Reinspection permit:
    - First occurrence ..... \$ 45.00
    - Second occurrence ..... \$ 55.00
    - Each reinspection thereafter ..... \$ 65.00
- (3) Miscellaneous electrical fees:
  - Clearance to connect electrical service pursuant to 22-224(b)(5) [following discontinuance of service or change of occupants]:
    - Residential ..... \$ 10.50
    - Commercial ..... \$ 36.75

#### 2a-3. Plumbing Permits:

A minimum fee of \$ 75.00 shall be charged for issuing any class of permit required by the city plumbing code. In addition to the minimum fee there shall be charged the following inspection fees:

- (1) New building or addition or complete re-plumb of existing building:
  - Single-family, multifamily or duplex use not exceeding three stories, which includes an attached or detached residential garage, storage or outbuilding per square foot or building or addition \$ 0.019
  - Commercial use, which includes all other occupancies not listed in this section, per square foot of building or addition \$ 0.012

- Commercial storage, warehouse or parking garage which does not apply to accessory office areas, per square foot of building or addition..... \$0.008
- (2) Alteration, repair or replacement of plumbing service:
  - Existing single-family, duplex, or multifamily residences tenant or premises, for each..... \$5.25
  - Alteration, repair, addition to or replacement of plumbing installations or fixtures on commercial structures, for each .....\$15.75
- (3) General inspection .....\$5.25
- (4) Lawn sprinkler system, which includes backflow preventer.....\$32.00
- (5) Excavation .....\$15.75
- (6) Temporary gas..... \$5.25
- (7) Reinspection:
  - First occurrence..... \$ 45.00
  - Second occurrence .....\$ 55.00
  - Each reinspection thereafter.....\$ 65.00
- (8) Inspections for backflow devices..... \$21.00
- (9) Other equipment or appliances not listed in this section, each.....\$5.25

(Code 1966, § 23-17(3); Ord. No. 79-2003, § 1, 9-2-2003; Ord. No. 40-2008, § 1, 8-5-2008; Ord. No. 53-2010, § 3, 9-21-2010)

#### 2a-4. Mechanical Permits:

A minimum fee of \$ 75.00 shall be charged for issuing any class of permit required by the city mechanical code. In addition to the minimum fee there shall be charged the following inspection fees:

- (1) New building or addition or complete re-fit of existing buildings:
  - Single-family, multifamily or duplex use not exceeding three stories, which includes an attached or detached residential garage, storage or outbuilding, per square foot of building or addition \$0.007
  - Commercial use, which includes all other occupancies not listed in this section, per square foot of building or addition \$0.009
  - Commercial storage, warehouse or parking garage, which does not apply to accessory office areas, per square foot of building or addition..... \$0.003
- (2) Alteration, repair or replacement of mechanical units:
  - Existing single-family, duplex, or multifamily residences tenant or premise, for each:..... \$5.25
  - Alteration, repair, addition to or replacement of mechanical units on commercial structures, for each:..\$15.75
- (3) Reinspection:
  - First occurrence..... \$ 45.00
  - Second occurrence .....\$ 55.00
  - Each reinspection thereafter.....\$ 65.00

- (4) Other equipment or appliances not listed, each .....\$5.25
- (5) General inspection ..... \$5.25

(Code 1966, § 23-17(4); Ord. No. 79-2003, § 1, 9-2-2003; Ord. No. 40-2008, § 1, 8-5-2008; Ord. No. 53-2010, § 3, 9-21-2010)

## 2b. Code Enforcement

### 2b-1. Miscellaneous Fees:

- (1) Fee to Abate Junk Vehicle .....no more than \$150.00
- (2) Public Right-of-Way Sign Removal .....\$25.00 plus \$1.00 per day for storage
- (3) Vacant Structure Registry (Annual)...\$150.00
- (4) Vacant Structure Inspection Fee (Annual)...\$100.00

## 2c. Planning

### 2c-1. Platting:

- (1) **Preliminary Plats:**  
Fees for preliminary platting shall be as follows:
  - Up to five acres ....\$ 170.00
  - More than five acres ....\$ 170.00
  - Plus, additional per acre fee or thereof up to \$500.00 maximum....\$10.00
- (2) **Final, Notification and Minor Plats:**
  - (a) Fees for final platting and courthouse filing shall be as follows:

#### 1. Plats within City of Wichita Falls and Wichita County:

Plat Type	Wichita County
Final Plat:	
Up to five acres	\$ 280.00
More than five acres	\$ 280.00
<i>Plus, additional per acre fee or fraction thereof up to \$500.00 maximum</i>	\$ 10.00
Notification Plat, in addition to final plat fee	\$ 75.00
Plat Vacation	\$200.00
Minor Plat	\$ 280.00

- 2. Plats within the Extra-Territorial Jurisdiction (ETJ) Area shall be as follows:

Plat Type	Archer County	Clay County
-----------	---------------	-------------

Final Plat: Up to five acres	\$ 280.00	\$500.00
More than five acres <i>Plus, additional per acre fee or fraction thereof up to \$500.00 maximum</i>	\$ 280.00 \$ 10.00	\$500.00 \$ 10.00
Notification Plat, in addition to final plat fee	\$75.00	\$75.00
Plat Vacation	\$200.00	\$450.00
Minor Plat	\$ 280.00	\$500.00

- (3) The fees in subsection ((1) and (2)) of this section shall not apply to the following types of plats:
- Plats submitted by the city or any governmental or public educational agency.
  - Plats submitted to correct minor drafting errors in a recorded plat.
  - Plats filed for the purpose of dedicating land to the city in which no other subdivision of land is shown.
  - Replats occasioned by governmental action.
- (4) Fees for revised preliminary plats shall apply to the area changed from the previous submission.

(Code 1966, § 23-17(5))

2c-2. Miscellaneous Development Fees:

- (1) Variance, Board of Adjustment, Airport Board of Adjustment .... \$200.00
- (2) Right-of-way and easement encroachment release ..... \$100.00
- (3) Street, alley, or easement closure, abandonment, vacation ..... \$200.00
- (4) Street name change ..... \$500.00
- (5) Annexation ..... \$500.00
- (6) Certification letters for zoning, floodplain or building encroachment  
Basic fee ..... \$25.00  
Intensive review fee ..... \$50.00
- (7) Zoning fees:
  - Site plan review:
    - Application. This fee shall not apply to site plans accompanying a conditional use application ..... \$75.00
    - Appeal ..... \$50.00
  - Conditional use permit:
    - Application ..... \$ 170.00
    - Application for carport ..... \$ 170.00
    - Conditional use for communications tower ... \$250.00
    - Appeal ..... \$100.00
  - Administrative appeals ..... \$200.00

- Zoning amendments (rezoning)..... \$ 450.00
  - Up to five acres..... \$ 450.00
  - More than five acres ..... \$ 450.00
    - § Plus, per acre or fraction thereof..... \$10.00
  - Rezoning to PUD..... \$ 560.00
    - § Plus, per acre or fraction thereof..... \$10.00

(8) Credit Card/Online Transaction Fee... additional 3% of transaction amount

(Code 1966, § 23-17(6)—(13); Ord. No. 2-2004, § 1, 1-6-2004; Ord. No. 71-2009, § 1, 10-6-2009)

### **3. City Clerk**

#### **3a. Miscellaneous City Clerk Fees:**

- (1) Liquor Permit Certification Fee .....\$ \$50.00
- (2) Solicitor's Permit Fee .....\$100.00
  - Renewal Fee.....\$100.00
  - Plus per employee working under permit .....\$10.00
- (3) Itinerant Merchant Permit Fee .....\$30.00
  - Plus per additional location .....\$30.00
- (4) Crafted Precious Metal Dealer Permit Fee .....\$15.00
  - Plus per employee working under permit .....\$10.00
- (5) Transient Show License Fee .....\$25.00
  - Plus per day .....\$10.00

### **4. Finance**

There shall be charged the following fees by the Wichita Falls Utility Collections Division under Chapter 106, Article IV, Rates and Charges:

#### **4.a.-1 Credit card service fees:**

- (1) For payments made via IVR, the City's website, or Kiosk: .... No more than \$3.00 per \$250.00 charge
- (2) For payments made in person at the Utility Collections' counter: .... No more than \$3.00 per \$250.00 charge

#### **4.a.-2 ACH Participation:**

During promotions authorized by the Director of Finance, there will be a one-time \$5.00 credit to accounts for signing up for ACH payment processing.

### **5. Fire**

#### **5a.-1 Miscellaneous Fire Department Fees:**

- (1) The following fees shall be assessed and collected for the use or presence of equipment and supplies in fire department responses to open burning permit supervision, vehicle fires and accidents, hazardous material spills and releases, and low water crossing rescues and rescue attempts:
  - For each response to an incident scene involving at least one fire apparatus (engine, truck, rescue/Hazmat, manpower squad, command vehicle, mini-pumper): \$450.00 per day, with a one-day minimum;
  - The actual cost of any consumable used or partly used for the mitigation of any hazardous materials spill or release; and
  - The actual cost of repairing or replacing any nonconsumable item damaged during attempts to mitigate an incident covered under this section.
  - If a vehicle that is the subject of a response is covered by an automobile insurance policy, the occupants of said vehicle will not be billed in accordance with this section for the response, and the responsible vehicle's insurance company will instead be billed for that response.

(Ord. No. 53-2010, § 1, 9-21-2010; Ord. No. 69-2011, § 2, 12-6-2011)

- (2) Pyrotechnic display permit .....\$100.00; plus \$50.00 per hour for standby fire crew with 2-hour minimum
- (3) Bonfire Standby ... \$50.00 per hour with 2-hour minimum
- (4) Other fire department permits .....\$50.00

(Ord. No. 69-2011, § 2, 12-6-2011)

5a.-2 General Fire Inspection ... \$30.00 per year for any General Business that does not fall into one of the following categories:

- (1) State-Licensed Healthcare Facility ... \$5.00 per bed, per year  
(Hospitals, Nursing and Assisted Living Facilities, Rehab Hospitals)
- (2) Education Campuses (Private and Public) ... \$35.00 per campus, per year  
(Elementary, Middle, High Schools, Technical/Career Centers)
- (3) Apartment Complexes ... \$35.00 per building, plus \$20.00 per floor, per year  
(Residential Apartments [Single and Multi-Story])
- (4) Hotel/Motel ... \$75.00 per floor, per year
- (5) Hazardous Material Occupancy ... \$150.00 per year
- (6) Outside of city limits inspections ... \$45.00 per hour with 1-hour minimum including follow up inspections.
- (7) Compliance Failure Penalty ... \$25.00 after second failed inspection;  
\$50.00 after third failed inspection; \$100 after fourth failed inspection.

5a.-3 New and Updated Fire Alarms and Sprinkler Systems:

- (1) Fire Sprinkler Systems

- a. New fire sprinkler systems ... \$125.00 plus \$25.00 per 5,000 square foot to a maximum of \$500.00
- b. Alterations/Repairs ... \$40.00 for up to 50 heads; \$80.00 for 51-100 heads; \$125 for 100+ heads
- c. Subsequent inspections ... \$50.00
- (2) Fire Alarm Systems
  - a. New fire alarm system ... \$75.00 plus \$25.00 per 5,000 square foot to a maximum of \$450
  - b. Alterations/Repairs ... \$40.00 per alarm panel swap; \$40.00 for up to 25 devices; \$80.00 for 26-40 devices; New Alarm System rate for 41+ devices
  - c. Subsequent inspections ... \$50.00

## **6. Health**

### **6a. Animal Services**

#### **(1) Licenses:**

- Spayed or neutered Animal:
  - One-year: \$10.00
  - Two-year: \$15.00
  - Three-year: \$20.00
- Animal that is not spayed or neutered:
  - One-year: \$30.00
  - Two-year: \$60.00
  - Three-year: \$90.00
- Dangerous Animal
  - One-year: \$400.00
- Duplicate city tag: \$7.00

#### **(2) Annual permits:**

- Commercial:
  - Fowl, Rabbit, Guinea Pig, Ferret: \$150.00
  - Grooming Shop: \$150.00
  - Kennel: \$125.00
  - Performing Animal, Petting Zoo, Circus: \$150.00
  - Pet Store: \$150.00
  - Private Animal Shelter: \$150.00
  - Stable, Riding School: \$150.00
  - Permit Reapplication Fee: \$50.00
  - Permit Reinspection Fee: \$25.00
- Residential:
  - Fowl: \$30.00
  - Livestock: \$75.00
  - Livestock with identification: \$55.00
  - Pet Fancier: \$50.00
  - Project Animal: \$20.00



- Rabbit: \$25.00
- Swine: \$45.00
- Permit Reapplication Fee: \$25.00
- Permit Reinspection Fee: \$25.00

(3) Special permits:

- Feral Cat Colony: \$10.00
- Litter: \$100.00 per litter
- Sellers: \$250.00 per litter
- Stud: \$100.00 per breeding

(4) Impound fees:

- Spayed or neutered Animal.
  - 1st impound: \$45.00
  - 2nd impound in any 36-month period: \$80.00
  - 3rd impound in any 36-month period: \$105.00
  - 4th impound in any 36-month period: \$130.00 + \$25.00 for each additional impound
- Animal that is not spayed or neutered.
  - 1st impound: \$50.00
  - 2nd impound in any 36-month period: \$90.00 ASC will transport to veterinarian for spay/neuter
- Small Animal (birds, rabbits, guinea pigs, snakes, hamsters, fish, etc.) impound: \$10.00
- Small livestock.
  - Impound Fee: \$65.00
- Large livestock.
  - Impound Fee: \$125.00

(5) Daily boarding fees:

- Small Animal (birds, rabbits, guinea pigs, snakes, hamsters, fish, etc.): \$5.00
- Animal: \$10.00
- Small livestock: \$20.00
- Large livestock: \$25.00

(6) Quarantine fees:

Quarantine Vaccinations .....\$20

- Ten-day quarantine fee (to be paid at beginning of quarantine):
  - (a) Initial quarantine ..... \$170.00
  - (b) 2nd quarantine of same animal ..... \$220.00
  - (c) 3rd quarantine of same animal ..... \$320.00
  - (d) 4<sup>th</sup> quarantine of same animal ..... \$420.00
  - (e) Any subsequent quarantine: \$420.00 + \$100.00 for each additional quarantine.
- Daily boarding fee after 10-day quarantine: \$25.00 per day
- Rabies testing in lieu of quarantine: \$50.00

(7) Animal surrender fee payable by owner:

- Single animal: \$30.00

- Litter less than 4 months old – three or less (Mom charged as single animal): \$40.00
- Litter less than 4 months old – four or more (Mom charged as single animal): \$60.00
- Animal Pickup Fee: \$15.00 (in addition to surrender fee)
- (8) Deceased animal removal fee:
  - Animal weighing 50 lbs or less: \$20.00
  - Animal weighing greater than 50 lbs: \$30.00
- (9) Trapping:
  - Small trap deposit: \$60.00
  - Large trap deposit: \$155.00
  - Trapping and animal removal fee: \$35.00 for 5 days, and \$10.00 for every day thereafter.
  - Animal removal fee – private trap:
    - Animal weighing 50 lbs. or less: \$20.00
    - Animal weighing 50 lbs. or more: \$30.00
- (10) Adoption fees:
  - Dog Adoption Fee: \$40.00
  - Cat Adoption Fee: \$40.00
  - Transport Fee to Veterinarian out of City limits: \$25.00
  - Small Animal: (birds, rabbits, guinea pigs, snakes, hamsters, fish, etc.) ..... \$10.00
  - Fowl: .... \$3.00
  - Small Livestock: (goats, sheep, pigs): .... \$40.00
  - Large Livestock (Horses, donkeys and cows): ..... \$75.00
- (11) Miscellaneous fees:
  - Microchipping: \$10.00
  - Rabies voucher: \$12.00
  - Late Fee Permit: \$25.00
  - Late Fee License: \$10.00
  - The health district is hereby authorized to pass along the cost of any veterinary services incurred for the care of an animal to that animal's owner, possessor, or harbinger.

(Ord. No. 67-2011, § 1, 11-15-2011; Ord. No. 58-2012, § 1, 9-18-2012)

## **6b. Environmental**

### **6b-1. Food Establishment Permit and Certification Fees:**

There shall be charged the following fees for permits, certifications, and inspections by the Wichita Falls/Wichita County Local Public Health District under chapter 26, article IV, Food and food vendors and establishments:

- (1) Permits:
  - Process 1 (low to moderate risk): \$200.00
  - Process 2 (high risk): \$225.00

- Process 3 (very high risk): \$300.00
- Temporary events: \$30.00 for non-profit event; \$50.00 for for-profit event
- An additional permitting fee of \$125.00 will be charged to a food establishment for each of the following activities at the establishment:
  - Meat market
  - Catering
  - Bakery
  - Snack bar
  - Fish market
  - Commissary
  - Produce
  - Dog Patio
- Seasonal Permits: \$175.00
- Non-profit organizations which are exempt from federal tax liability under 26 U.S.C. 501(c)(3) are exempt from permit fees, unless consideration is charged for the food served.

(2) Certifications:

- Frozen dessert establishment certification,: \$150.00
- Frozen dessert operator certification: \$20.00 for each employee valid for two years.
- Non-profit organizations which are exempt from federal tax liability under 26 U.S.C. 501(c)(3) are exempt from certification fees, unless consideration is charged for the food served.

(3) Food handler's training certificate:

- Food handler training certificate: \$20.00
- Replacement food handler's training certificates (lost card): \$5.00

(4) Re-inspection fees:

- Each inspection: \$75.00
- Soft-serve sample fee: \$25.00

(5) Plan review fees:

- New construction: \$150.00
- Extensive remodel that requires construction: \$100.00
- Concept change that requires change of equipment: \$100.00
- Each requested site visit: \$50.00

(Ord. No. 54-2011, § 1, 9-20-2011)

6b-2. Fees for Ambulance Franchises and Permits:

There shall be charged the following fees for ambulance franchise applications, franchises, and annual permits issued by the City of Wichita Falls under Chapter 42, Emergency services:

- (1) Initial franchise application fee: \$500.00
- (2) Annual franchise fee: \$100.00
- (3) Annual permit fee per ambulance: \$100.00

(Ord. No. 54-2011, § 1, 9-20-2011)

6b-3. Body Art Fees:

- (1) Annual body art establishment permit fee: \$600.00
- (2) Initial annual body art operator license fee: \$500.00
- (3) Renewal annual body art operator license fee: \$100.00
- (4) Initial testing fee: \$100.00, which covers two attempts to pass the examination, and which amount will be credited toward the initial annual body art operator license fee.
- (5) Additional attempts to pass the examination: \$50.00, which will not be credited toward any license or permit fees.
- (6) Apprenticeship fee: \$100.00
- (7) Temporary tattoo artist fee: \$50.00
- (8) Temporary event permit: \$250.00

(Ord. No. 11-2012, § 2, 3-6-2012)

6b-4. Miscellaneous Fees:

- (1) Foster home inspection fee: \$50.00
- (2) Day care inspection fee: \$100.00  
(Ord. No. 54-2011, § 1, 9-20-2011)
- (3) Swimming pool permits: \$200.00 per pool per year.
- (4) Manager of public and semi-public water-related activity operation: \$50.00 per manager per year.  
(Ord. No. 54-2011, § 1, 9-20-2011)  
Re-inspection fees: ... \$25.00 for each failed water sample  
(Ord. No. 54-2011, § 1, 9-20-2011)
- (5) Late charge for renewal of expired division 1 permits: \$25.00 for every month expired.  
(Ord. No. 54-2011, § 1, 9-20-2011)

6b-5. Lodging Permit Fee Schedule:

1-10 Rooms: \$100.00  
11-25 Rooms: \$125.00  
26-50 Rooms: \$150.00  
51-75 Rooms: \$200.00  
76-100 Rooms: \$225.00  
101-150 Rooms: \$250.00  
151-200 Rooms: \$300.00  
201+ Rooms: \$350.00

6b-6. Vacuum Truck and Grease Trap Permit Fees:

- (1) Vacuum truck permit fee (per truck): \$150.00
- (2) Grease trap permit fee: \$75.00
- (3) Late fees:

- Grease trap permit: \$25.00 for every month expired
  - Vacuum truck permit: \$25.00 for every month expired
  - Industrial wastewater permit: Five percent of permit fee
- (4) The rates in this section are for a permit issued for a period of one year. The control authority may prorate the amounts for permits with shorter durations, or, for initial permits only, may increase the amounts by the appropriate factor for a slightly longer period.

(Ord. No. 67-2011, § 1, 11-15-2011) On-Site Sewage Facilities (OSSF) Fees

SYSTEM TYPES		FEES				
	Archer	LAH	Wichita	Archer	LAH	Wichita
Conventional System				\$250	\$250	\$250
Proprietary system w/on-going maintenance				\$275	\$275	\$275
Property transfer				\$150	\$150	\$150
Note: fees cover up to 2 site visits. Extra fee for each additional trip				\$100	\$100	\$100

## 6c. Laboratory

### 6c-2. Miscellaneous Laboratory Fees:

- (1) Water testing fees:
  - Total Coliform Water Testing: \$16.00
  - Fecal Coliform Water Testing: \$20.00
- (2) Fees for clinic and medically related services may be set by the city manager.

(Ord. No. 67-2011, § 1, 11-15-2011)

## 6.d. Donation Boxes

### 6d-1. Donation Boxes:

- Initial Donation Box Fee ... \$75.00 (site plan review; building permit/inspection)
- Annual Renewal Donation Box Fee ... \$50.00

## **7. Library**

### **7a. Miscellaneous Library Fees:**

The following fines and fees for the public library are established:

- (1) Overdue and/or lost materials. Patrons shall be assessed a fine of \$0.15 per workday per item for all overdue materials until the item is returned or the replacement cost is reached. However, a five-day grace period is provided, whereby no fine is charged on items if they are returned within five workdays of the due date. If an item is lost, the patron shall be required to pay a set fee based on the replacement cost of the item and the approximate processing costs involved in accessioning the replacement item.
- (2) Damaged materials. Damaged materials shall be inspected by the library staff, and the charges shall be assessed based upon the degree of damage.
- (3) Lost library cards. A new library card shall be issued as replacement for a lost library card for a charge of \$1.00 for adults and children.
- (4) Photocopying. Patrons may make photocopies or microfilm or microfiche copies or computer printouts for a charge to be determined by option shown on copying machine.
- (5) Nonresident library cards. When new library cards are issued, a fee of \$25.00 shall be assessed to all individuals who reside outside the city limits. This fee shall not apply to nonresident property owners and their immediate family members (i.e., spouse and children who reside at the same residence) who can substantiate payment of current ad valorem taxes to the city. Library cards are valid for one year from the date of issuance.

(Ord. No. 53-2010, § 1, 9-21-2010)

## **8. Municipal Court of Record**

### **8a. Miscellaneous Court Fees:**

- (1) Child Safety Fund Fee .....\$5.00  
*State law reference— Fee for child safety authorized, Vernon's Ann. C.C.P. art. 102.014.*

## **9. Parks and Recreation**

### **9a. Athletic Complex Fees:**

- (1) Tournament Deposit Fees:
  - Tournament Reservation Security Deposit .....\$100.00
  - Cleanup, Damage, and Loss Deposit .....\$200.00
  - Tournament Waiting List Deposit .....\$100.00
- (2) Facilities Fees:
  - Scorekeeper's Booths/Meeting Room Rental .....\$50.00 per day plus 100.00 damage deposit

- Field Rental: per field per day ..... \$75.00
- Light Use Fee: per hour per field ..... \$15.00
- (3) Practice Fees:
  - Light Use Fee: per 1.5 hours per field ..... \$20.00
- (4) In addition to the above fees, certain percentage-based fees may apply as outlined in relevant portions of the City of Wichita Falls Code of Ordinances.

9b. Athletic & Recreation Fees:

- (1) Athletic Fees:
  - Spring Softball .....\$350.00
  - Fall Softball .....\$325.00
  - Kickball .....\$300.00
  - Flag Football .....\$225.00
  - Volleyball .....\$200.00
  - Basketball .....\$400.00
  - Registration Late Fee .....\$25.00
- (2) Summer Day Camp Fees: ... \$100.00 per 2-week session
  - Transfer Fee .... \$15.00
  - Late Registration .... \$15.00
- (3) Swimming Pool Fees:
  - Admission Fee .....\$2.00 under 18 or \$3.00 18 & over
  - Swim Lesson Fee .....\$30.00 per 2 week session
  - Swimming Pool Rental: \$200.00 per two hours
- (4) Tennis Fees:
  - At all times .... \$3.00 per 1.5 hours per person
  - Tournament Fee .... \$5.00 per person
  - Annual Permit Fees:
    - Adult (19 & over) .....\$100.00
    - Juniors (18 & under) .....\$100.00
- (5) Summer Track Program: June 6-July 9 ... \$50.00

9c. Cemetery Fees:

- (1) Riverside Cemetery:
  - Single Space ....\$1,600.00
  - Two Space Lot ....\$3,200.00
  - Baby Space ....\$750.00
- (2) Rosemont and Lakeview:
  - Single Space ....\$1,300.00
  - Two Space Lot ....\$2,600.0
  - Baby Space ....\$550.00
- (3) Opening /Closing Adult Grave - Includes 1 tent set-up .....\$813.00
- (4) Opening/Closing Infant Grave .....\$375.00
- (5) Cremation including tent....\$438.00
- (6) Adult Disinterment .....\$1,300.00

- (7) Infant Disinterment .....\$550.00
- (8) Lot Maintenance - Steel or Concrete Container .....\$125.00
- (9) Lot Maintenance – Wood .....\$188.00
- (10) Lot Maintenance - No Container.....\$250.00
- (11) Overtime Monday - Friday Arrival to cemetery after 3:00 p.m.....\$281.00
- (12) Overtime Monday - Friday After 3:00 p.m. ....\$281.00
- (13) Overtime Saturday .....\$625.00
- (14) Additional Tent Set-up .....\$94.00
- (15) Cemetery Transfers.....\$25.00 per burial site

**9d. Mobile Stage Fees:**

- (1) Reservation Deposit .....\$100.00
- (2) Stage Rental Fee .....\$525.00 per day
- (3) Cleanup & Damage Deposit .....\$1000.00
- (4) Call Back Fee .....\$50.00 per occasion
- (5) Generator Fee .....\$75.00 per day
- (6) Decorative Skirting .....\$15.00 per day
- (7) Sound System .....\$100.00 per day

**9e. Miscellaneous Parks Fees:**

- (1) RV Park Usage Fee .....\$17.00 per day per site
- (2) 50 Plus Zone Membership Fee .....\$30.00 per year
- (3) Log Cabin Rental Fees:
  - Cleanup & Key Deposit .....\$115.00
  - Rental Fee (4 Hour Block) .....\$60.00
  - Rental Fee (5 Hour Block) .....\$70.00
  - After-hours key pickup .... \$30.00
- (4) Recreation Center Meeting Room Rentals:
  - Large Room Rental Fee (4,500 sq. ft.) .....\$60.00 per four hours plus \$50.00 deposit
  - Small Room Rental Fee (1,050 Sq. ft.) .....\$40.00 per four hours plus \$50.00 deposit
- (5) Park Shelter Rental ... \$15.00 per four hours

**10. Police**

**10a. Accident Investigation Reports:**

- (1) Accident Investigation Reports Fee .... higher of \$6.00 or maximum allowed statutory fee
- (2) Certification Fee ....\$2.00  
Code 1966, § 29-17(b), Trans. Code Sec. 550.065(d))

**10b. Alarm Permits:**

- (1) Issuance Fee .....\$25.00
- (2) Permit Renewal Fee .....\$15.00
- (3) Late Permit Renewal Fee ...\$25.00



- (4) Alarm Service Fees:
- \$50.00, if the location has more than three but fewer than six false alarms in the preceding 12-month period.
  - \$75.00, if the location has more than five but fewer than eight false alarms in the preceding 12-month period.
  - \$100.00, if the location had eight or more false alarms in the preceding 12-month period.

10c. Towing and Rotation Contracts:

- (1) New or Renewal Permit .....\$15.00  
(2) New or Renewal Rotation Contract .....\$200.00  
(3) Public Safety Fee on Police Tows ... \$25.00

10d. Miscellaneous Police Fees:

- (1) Vehicle Storage Preservation Fee .....\$20.00  
(V.T.C.A., Occupations Code ch. 2303)  
(2) Certified Copies of Criminal Offense Reports ...\$2.00"

**11. Public Works**

**11a. Construction in the Right-of-Way.**

11a-1. Construction in the Right-of-Way Fees:

- (1) Excavation .... \$53.75  
(2) Drive Approach .... \$10.00Each Additional Approach ..... \$5.00  
· Drive Approach with Sidewalk and/or curb ... \$0.15 per linear foot of sidewalk and/or curb  
(3) Sidewalk and/or Curb Work only .... \$10.00 plus \$0.15 per linear foot of sidewalk or curb  
(4) Median Cut Permit Application Fee .... \$5.00  
(5) Network Nodes  
· Single Node Permit Fee .... \$250  
· \$500 for up to 5 Network Nodes and \$100 for each additional Network Node  
· Annual Network Node rental rate .... \$250 per Network Node  
(6) Node Support Poles .... \$1,000 for each pole  
· City Owned Service Pole .... \$20 per node.  
(7) Transfer Facility .... \$500 for up to 5 Network Nodes for connectivity purposes, \$100 per Network Node for each additional node thereafter.  
· Monthly Transfer Facility rental rate .... \$28 per network node site.  
(8) Reinspection Fee (if required) .... \$10.00

**11b. Sanitation, Sewage, & Stormwater**

11b-1. Abnormal Sewage Surcharges:

- (1) Abnormal BOD .....\$0.075 per 100 cubic feet of water usage for each unit or fraction of 300 mg/l in excess of 300 mg/l
- (2) Abnormal TSS .....\$0.075 per 100 cubic feet of water usage for each unit or fraction of 300 mg/l in excess of 300 mg/l
- (3) Abnormal fats, oils, and grease .....\$0.075 per 100 cubic feet of water usage for each unit or fraction of 200 mg/l in excess of 100 mg/l.

11b-2. Commercial Landfill and Transfer Station Charges:

- (1) Municipal/industrial solid waste hauled to landfill, per ton .....\$30.80
- (2) Municipal/industrial solid waste hauled to transfer station, per ton .....\$40.15
- (3) Tires hauled to the transfer station, per ton ....\$200.00
- (4) Source-separated compostable organics hauled to the landfill, per ton .....\$19.80
- (5) Contract haulers and private firms hauling commercial and certain industrial waste in a minimum annual amount of 800 tons may negotiate a disposal charge by written contract with the city manager. The city manager shall negotiate a rate profitable to the city after considering current market conditions and the city's disposal costs.
- (6) Commercial haulers will be assessed the appropriate user fee for the use of the landfill or transfer station. All governmental entities, excluding the city, shall be charged the commercial rate.
- ~~(7) Municipal solid waste from a city residence which is assessed the residential rate may be disposed of at the landfill or transfer station without charge. The residential customer must show proof of residency with a valid ID, that shall match the name on the water account and address of said valid ID, and active account information. If the hauler is being compensated for the hauling, then the hauler will be considered a commercial hauler and a disposal fee shall be assessed. The sanitation superintendent or disposal site supervisor shall have the authority to determine if a fee is to be assessed in situations not otherwise covered by city ordinance.~~
- (78) Any hauler who delivers solid waste material to the landfill or transfer station shall be charged a loose materials fee of \$25.00 unless the following conditions are met:
  - Waste material is completely covered with a tarp, cargo net, wire screen or other covering adequate to prevent the trash or other refuse from escaping therefrom, and said covering shall be securely tied to the bed of the vehicle or trailer, or
  - Large waste material items must be securely tied to the bed of the vehicle or trailer with ropes or straps adequate to prevent the large items from escaping therefrom, or
  - Brush or tree limbs must be securely tied to the bed of the vehicle or trailer with ropes or straps of adequate strength and number, or covered completely with a tarp, cargo net, wire screen or other

- covering adequate to prevent the trash or other refuse from escaping therefrom, or
  - The waste material is completely enclosed by the load-carrying compartment of the vehicle.
- (9) The purchase price for compost shall be \$12.50 per cubic yard with a three-yard minimum.

**11b-3. Solid Waste Removal Rates and Charges:**

- (1) Single-family unit:
  - Alley collection .....\$23.11 per month
  - Curbside automated collection .....\$16.48 per month
- (2) One-family unit or single-family unit, without alley entrance, where it is necessary to carry out municipal solid waste for more than ten feet but less than 50 feet from the curb .....\$41.66 per month
- (3) One-family unit or single-family unit, without alley entrance, where it is necessary to carry out municipal solid waste for more than 50 feet but less than 100 feet from the curb .....\$51.09 per month
- (4) One-family unit or single-family unit, without alley entrance, where it is necessary to carry out the municipal solid waste more than 100 feet from the curb .....\$60.53 per month
- (5) Multifamily units on one meter, excluding apartment complexes and mobile home parks, per unit:
  - Alley collection .....\$23.11 per month
  - Curbside automated collection .....\$16.48 per month
- (6) Multifamily units on separate meter, excluding apartment complexes and mobile home parks, per unit:
  - Alley collection .....\$23.11 per month
  - Curbside automated collection .....\$16.48 per month
- (7) Apartment houses and complexes, which receive curbside automated collection, all residential units therein, each unit .....\$16.48 per month
- (8) Mobile home parks, which receive curbside automated collection, all occupied mobile home spaces therein, each space .....\$16.48 per month
- (9) Commercial and business establishments, which receive curbside automated collection, shall be charged \$37.84 per month.
- (10) Commercial and business establishments, apartment complexes and mobile home parks and the city housing authority which receive sanitation container system service for the removal of municipal solid waste shall be regulated under the rates and rules as provided in this subsection, as routes for such service are established by the city. Under the sanitation container system service, the city will furnish a container to be used in the collection and removal of municipal solid waste. The monthly charges will be determined from the following schedule; these charges are based on the container size and number of collections per week, with twice per week service being the minimum allowable service:

Container Size (cubic yard)	Pickups Per Week	Monthly Charge Per Container
3	2	\$113.58
3	3	\$170.24
3	4	\$227.00
3	5	\$284.13
3	6	\$340.47
4	2	\$128.63
4	3	\$192.97
4	4	\$257.26
4	5	\$321.60
4	6	\$386.58
6	2	\$227.16
6	3	\$340.53
6	4	\$454.00
6	5	\$568.21
6	6	\$680.84
8	2	\$245.87
8	3	\$368.83
8	4	\$491.73
8	5	\$614.75
8	6	\$737.60

Any customer who pays the rate set forth in this subsection for containers and has been furnished the containers may upon request be furnished additional containers. The rate increase is to be determined by the schedule in this subsection. A charge of \$47.33 per container will be made for each change in size or number of containers serving a site when such change is requested by the customer. When containers can serve several adjacent business institutions, they will be required to use the same container and pay a pro rata part of the charge. The minimum charge per business will be \$37.84. When multiple businesses are served by one meter, each business will be charged the minimum fee. Additional pickups will be made at \$63.07 per container. Nothing outside the container will be removed for the container fee.

- (11) Commercial Dumpster Lock, per month....\$5.00
- (12) Commercial Compactor Service

- Commercial compactors serviced by the city will be charged based on fees set in subsection (10) based on size and at least twice per week service.
- (13) Service rendered outside the corporate limits shall be 200 percent of the rates set out in this section.
- (14) Automated curbside service rates will be calculated on the same basis as subsections (1) through (9) of this section. Additional automated curbside service may be added to any account for a rate, for each additional container, that is 50 percent of the established rate.
- (15) Replacement deposit on curbside container if abuse or neglect is determined shall be \$61.25 per container.
- (16) The charges for ten cubic yard roll-off service are as follows:
  - Delivery/~~pickup set~~ fee .....\$80.35
  - ~~Pull /~~ Reset Fee .... \$44.65
  - Per day rental,~~first ten days~~ .....\$5.35
  - ~~Per day rental, after ten days~~ .....\$11.60
  - Landfill charge for refuse, per ton .....\$30.80
  - Landfill charge for compostable organic material, per ton .....\$19.80
- (17) Payload Service:
  - Initial trip charge .... \$31.20
  - Plus loading fee .... \$2.10 per minute
- (18) Automated Curbside Organic Reuse:
  - Residential 96-gallon cart ... \$3.00 per month
    - Residential customers must maintain the organic reuse service for a minimum of six months or be charged a pick up fee of \$12.50.
    - In order to participate in the twice-per-year compost give-away, residential customers must participate in the organics reuse program for 45 days prior to a scheduled give-away.
  - Commercial 96-gallon cart ... \$7.00 per month
    - Commercial customers are not allowed to participate in the compost give-away program.
- (19) Commercial Dumpster Organic Reuse:

Container Size (cubic yard)	Pickups Per Week	Monthly Charge Per Container
3	1	\$51.01
4	1	\$57.77
6	1	\$102.03
8	1	\$110.45

~~(20) Recycling Site by others Permit Fee:~~

- ~~— Minimum Permit Fee: \$600 per year~~
- ~~— For every cubic yard of service greater than 3 cubic yards, the permit fee will be increased \$100 per cubic yard per year~~

- ← ~~Recycling Material Transporter Registration Fee: \$150 per year to include a surety bond in the amount of \$2,000 and a certificate of insurance for property liability in the amount of \$500,000 per Section 90-188 of the Code of Ordinances~~

(20) Franchise Hauler

- Franchise Fee.....\$250 per year
- Franchise Vehicle Fee.....\$500 per vehicle per year

(21) Commercial Service Site Permit

- Compacter Unit.....\$25 per month
- Roll-Off Container (minimum 10 yd up to 50 yd).....\$10 per month

11b-4. Sewer Service Rates:

- (1) Retail User Monthly Minimum .....\$7.53 per full billing cycle
- (2) Monthly Sewer Usage Rate(Non-Residential).....\$1.75 for each 100 cubic feet of water
- (3) Monthly Sewer Usage Rate (Residential) .....based upon the average winter months' water usage

11b-5. Water Connection Application Deposits:

- (1) Fees & Minimum Deposits:
  - Single-Unit Residential Meters .....\$100.00
  - Duplexes, Apartments, Mobile Home Park Meters
    - Each Unit or Occupiable Space .....\$75.00
    - Minimum .....\$110.00
  - Business, Commercial, and Industrial Meters.....Estimate of a two-month bill, \$110.00 minimum
  - Special-Purpose Meters (e.g. Yard Sprinklers, Pools).....\$75.00 per service connection
- (2) Builder Deposit for New Construction Site .....\$110.00

11b-6. Water Usage Rates:

- (1) The minimum monthly bill for all metered treated water service shall be as follows exclusive of any water volume charge:

Meter Size (inches)	Minimum Bill
3/4	\$17.91
1	\$36.28
1½	\$66.89
2	\$103.62
3	\$189.37
4	\$311.84

6	\$618.00
8	\$1,095.64
10	\$1,708.10

- (2) For consumption, the rates per 100 cubic feet for single-family units and multi-family units up to four units shall be at an inclining block rate as follows:
- First 200 cubic feet of water at \$3.64 per hundred.
  - Next 800 cubic feet of water at \$3.81 per hundred.
  - Next 1,000 cubic feet of water at \$3.99 per hundred.
  - Next 2,000 cubic feet of water at \$4.36 per hundred.
  - Next 2,000 cubic feet of water at \$4.61 per hundred.
  - Next 6,000 cubic feet and above of water at \$4.89 per hundred.
  - Specific use meters installed for lawn sprinklers, swimming pools, and other nondomestic uses will also be billed at the inclining block rate described above.
- (3) For Reilly Road Water Fill Station customers, the rates shall be:
- City residents .....\$6.73 per thousand gallons of water.
  - Non-city residents .....\$13.46 per thousand gallons of water.
  - Non-resident service fee .....\$25.00 per month.
- (4) For multi-family units having 5 or more units, and all other non-residential use meters, the rate shall be a flat rate of \$3.90 per hundred cubic feet.
- (5) During the first and last billing cycle in which an account is active, the minimum monthly bill shown in this section shall be prorated for the number of days the account is active; the prorated daily charge shall be based on a 30-day month. The amount charged in the first and last billing cycle for water consumed and the prorated minimum bill shall not exceed the charges for the same amount of water in a full billing cycle.
- (6) The current rate structure for raw water retail customers inside the corporate city limits is as follows:
- Minimum bill, per month .....\$ 17.91
  - Volume charge per 100 cubic feet for consumption .....0.52
  - Retail treated and raw water customers outside the corporate city limits will pay two times the above rates.
- (7) Wholesale Water Rates: The following rates are approved for the indicated category of wholesale water customer, and shall apply unless a contract expressly provides for fees to be charged or calculated in a different manner than as shown below:

Category	Per 1,000 Gallons	Per 100 Cubic Feet
Treated water transmitted (TWT)	NA	\$3.9097
Raw water only (RWO)	\$0.6063	NA

The rates in the above part of this section shall apply to the following contract customers. Unless otherwise shown, the applicable rate will be effective during the first full billing cycle after October 1 of the year in which the rate was modified, and thereafter:

Customer	Rate Category	Remarks
Sheppard Air Force Base (SAFB)	TWT, sole source	Pump station meter
Sheppard Air Force Base	TWT	Capehart housing meter
Sheppard Air Force Base	TWT	Puckett Tower Meter
Archer Co. Municipal Utility Dist. #1	TWT	
City of Burkburnett	TWT	
Dean Dale Water Supply Corporation	TWT	
Friberg-Cooper Water Supply Corporation	TWT	
City of Holliday	TWT	
City of Iowa Park	TWT, sole source	
City of Lakeside City	TWT	
Town of Pleasant Valley	TWT	
City of Scotland	TWT	
City of Olney	RWO	
City of Archer City	RWO	
Red River Authority of Texas	TWT	Lake Arrowhead System
Windthorst Water Supply Corporation	TWT	
Wichita Valley Water Supply Corporation	RWO	Lake Kickapoo Meter
Wichita Valley Water Supply Corporation	TWT	Wranglers Retreat Meter

(8) Credit Card Convenience Fee .....\$3.00 per transaction.

(9) City Utilities Division Fees for Service:

- Standard water tap: A three-quarter-inch or one-inch water tap that does not exceed 15 feet of service line. Excavation is performed in



soil using a backhoe and no additional construction (e.g. cutting of asphalt or concrete; underground boring or specialized construction to avoid other utility lines, etc.) is required.

Size of Tap	
3/4"	\$1,497
1"	\$1,620

- Non-standard water tap: A water tap that is larger than one inch or that includes a service line longer than 15 feet; requires underground boring, breaking of concrete or asphalt in street, alley or behind curb, or other non-standard construction techniques such as carrier pipe encasement or excavation by a means other than backhoe .....Determined by job estimate using standard charges.
- Standard sewer tap: A sewer tap installed on an existing sewer main line or manhole using standard equipment and materials where the property owner or agent has excavated and no additional preparation by the city is required, and where the excavation meets OSHA standards for trench/excavation safety.

Type Tap	
Pipe	\$119.49
Manhole	\$300.00

- Non-standard sewer tap: A sewer tap where non-standard equipment or materials are required; additional preparation by the city is required; or trench/excavation safety to meet OSHA standards must be achieved by the city .....Determined by job estimate using standard charges.
- Standard charges for labor, equipment and materials. The following standard charges for labor, equipment and materials will be used to estimate non-standard water and sewer taps and other special utility-related services:

Item	
Labor (Normal duty hours)	\$22.50/hour
Labor (Overtime)	\$33.75/hour
Materials	Current cost City + 10% for Administration & Warehousing
Backhoe/ditcher/front-end loader	\$63.50/hour (4-hour min.)
Crew truck with tools	\$40.00/day (1/2 day min.)

Sewer rod truck, or jet cleaner with crew	\$80.00/hr (Normal duty hours) \$112.50/hr (Overtime)
Sewer Recycle Unit with crew	\$160.00/hr (Normal duty hours) \$225.00/hr (Overtime)
Air compressor	\$33.00/hr (2-hour min.)
Tap machine (6" and smaller)	\$200.00/job
Tap machine (larger than 6")	\$364.00/job
Lighted arrow board	\$132.25/day (1/2 day min.)
Standard barricading of excavation: use of not more than 3 Type I barricades w/lights as necessary and/or plastic fencing, 3 standard traffic signs and 6 standard traffic cones. Includes 1 on-site check per day.	\$86.00/day (1/2 day min.)
Standard manhole (5' deep)	\$1,891.50 plus \$380/ft. over 5'
Fire Hydrant (installed)	Determine by job estimate using standard charges

- Standard charges for general services: The price for the general utility-related services shown below will be as indicated:

Service	
Meter size reduction or increase	Determine by job estimate using standard charges
Underground boring without casing (up to 60') (for 1" and less)	\$476.10/job
Underground boring without casing	Diameter in Inches X \$4 + \$4/linear foot
Underground boring with casing	Boring cost plus materials cost

Shoring (if required for other services)	\$264.50/day
Backfill and Pavement Repair:	
Labor (Normal duty hours)	\$22.50/hour (2-hour min.)
Labor (Overtime)	\$33.75/hour (2-hour min.)
Materials	Current cost City + 10% for Administration and Warehousing
Backhoe	\$33.36/hour (2-hour min.)
Front End Loader	\$47.17/hour (2-hour min.)
Dump Truck	\$72.05/hour (2-hour min.)
Crew truck with tools	\$20.00/hour (2-hour min.)
Pavement repair for water tap	\$475.00/job min.
Unload septic waste from vacuum truck at City Wastewater Treatment Plant	\$0.08 per gallon for loads originating within city limits; \$0.16 per gallon for loads originating outside city limits
Laboratory testing of septic loads with excessive levels of FOG, TSS, or BOD or with other constituents not acceptable at plant.	Commercial lab cost plus 10% for administration and handling
Dewatering and disposal of grease and/or grit waste at City Waste-water Treatment Plant	N/A - refer customer to private Type 5 facility
Returned check (no cut-off required)	\$30.00
Cut-off/reconnect as per request of customer	\$30.00
Service Disconnect and Restoration Fee	\$30.00 plus \$20.00 extra if same day reconnect requested
Remove meter (up to and including 1")	\$66.00 plus deposit or payment
Remove meter (larger than 1")	Determine by job estimate using standard charges

Meter Reset for Pre-existing Residence (up to and including 1")	\$500.00, unless within 5 years after removal of the meter
Meter Reset for Pre-Existing Residence (larger than 1")	Determine by job estimate using standard charges
Padlock and saddle damage	\$37.00
Water-off lid (customer damage)	\$53.00
Cut-off/replacement (customer damage)	\$125.00
Meter damage (customer tampering) up to 1"	\$66.00 plus parts
Remove/install cut-off and install/remove plug customer service line (up to 1")	\$190.00
Additional measures to prevent illegal use of water	Determine by job estimate using standard charges
Meter test (of accurate meter) (up to 1")	\$72.75
Meter test (of accurate meter) (larger than 1")	Determine by job estimate using standard
Reread (reading accurate)	\$20.00
Establish temporary water Account	\$20.00 (includes establishment of account, turn-on/turn-off of water)
Deposit for Fire Hydrant Meter	\$1,900.00 meter deposit plus \$100.00 billing deposit
Manual invoicing (minimum charge)	\$22.50/hr., 1 hr. min.
Standard barricading of excavation: use of not more than 3 Type I barricades w/lights as necessary and/or plastic fencing, 3 standard traffic signs and 6 standard traffic cones. Includes 1 on-site check per day.	\$86.00/day (½ day Min.)

**11b-7. Industrial Wastewater Discharge Permit Fees:**

(Charged pursuant to chapter 106, Article VII, Regulations for Disposal of Industrial Waste):

Category 1:	Metal Finishers	\$2,200.00
Category 2:	Centralized Waste	\$2,000.00
Category 3:	Steam/Electric Generation	\$1,100.00
Category 4:	Electroplating	\$2,100.00
Category 5:	Laundry	\$1,000.00
Category 6:	Non-Classified	\$1,000.00
Category 7:	Glass Manufacturing	\$1,000.00
Category 8:	Non-Significant Industries	\$800.00

**11b-8. Miscellaneous Water/Sewer/Sanitation/Stormwater Fees:**

- (1) New landscaping fee during Stage 1 & 2 drought.....\$50
- (2) New Landscaping Water Rate during Stage 2 ...3 x normal rate over 10 ccf
- (3) Stormwater fee .....\$5.00 per unit. Maximum commercial fee ..... \$1,666.65 per month
- (4) Street Sweeper Fee .....\$83.00 per hour. Minimum 2-hour charge.
- (5) Engineering Construction Bid Plan Set .... \$35.00
- (6) Late Payment Fee .... \$25.00 for every 30 days after due date
- (7) Municipal Settings Designation (MSD) Application Fee .....\$2,500.00
- (8) Industrial Water Reuse Rate....\$3.73/1000 ccf"

**12. Property Management**

**12.a Miscellaneous Fees & Liens:**

- (1) Administrative Fee For Abatement .....\$ 125.00 per lot or parcel
- (2) Dangerous Weeds and Grass Abatement fee .... \$125.00 per lot or parcel

*State law reference— Similar provisions, V.T.C.A., Health and Safety Code § 342.007.*

**12.b. Easement, License, Abandonment, or Encroachment Agreement Fees:**

- (1) General default.....\$1,000
- (2) Sidewalk Encroachment .....\$250.00
- (3) Trail Connection Encroachment.....\$0

**12.c Lake Lot Fees:**

- (1) Annual Fee:
  - Pier: .... \$75.00 (2004)
  - Boathouse: .... \$150.00 (2004)
  - Crappie House: .... \$150.00 (2004)
- (2) Pier, Boathouse, and Crappie House
  - Applications: ...\$50.00 one-time fee (1998)
- (3) Transfer Fees:
  - Old Leases: .... \$75.00 per lease

- Current Leases: .... \$200.00 (1994)
- (4) Waterfowl Hunting Permit..... \$50.00
- (5) Late Payment Penalty.... \$100.00

3. The fee schedule established by this ordinance shall be made available to the public through the Office of the City Clerk, and be published online in such a manner as to be available to the public.

4. Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

5. To the extent that the Code of Ordinances establishes the existence of a fee, this ordinance will govern the amount of that fee, but this ordinance shall not be codified.

6. This ordinance shall take effect **July 1, 2022** and it is so ordained.

PASSED AND APPROVED this 3<sup>rd</sup> day of May, 2022.

---

M A Y O R

ATTEST:

---

City Clerk

---

**CITY COUNCIL AGENDA**  
**May 3, 2022**

---

**ITEM/SUBJECT:** Resolution authorizing the City Manager to apply for and accept funding in an amount of \$9,240,000 for the Old Windthorst Rd and E Hatton Rd Street Improvement Project under the RAISE Discretionary Grant Program provided by the U.S. Department of Transportation.

**INITIATING DEPT:** Public Works

---

**STRATEGIC GOAL:** Provide Quality Infrastructure

**STRATEGIC OBJECTIVE:** Complete Signature Public Improvements

---

**COMMENTARY:** The U.S. Department of Transportation (USDOT) published a Notice of Funding Opportunity for \$1.5 billion in grant funding through the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Discretionary Grant Program, which was made possible by President Biden's Bipartisan Infrastructure Law and is codified in 49 U.S.C. section 6702. The RAISE Grant Program provides a unique opportunity for USDOT to invest in road, rail, transit, and port projects that promise to achieve local or regional objectives.

Eligible RAISE projects are rigorously reviewed and selected based on merit. Projects are evaluated on statutory criteria of safety, environmental sustainability, quality of life, economic competitiveness and opportunity, state of good repair, partnership, mobility and community connectivity, and innovation.

Staff believes this would be a good opportunity to fund the Old Windthorst Rd and E Hatton Rd Street Improvement Project through the RAISE grant process. This project consists of the widening and rehabilitating of both streets and constructing sidewalks and drainage to provide a connection for students between the new Legacy High School and the Career Education Center (CEC). When the new school is completed, these 2 sections of city streets are expected to see an exponential increase in daily vehicular traffic.

The total anticipated cost of this project is \$11,550,000. USDOT's RAISE Grant would provide 80% or \$9,240,000. The City will be obligated to provide a 20% local match of \$2,310,000 if the grant is approved. Project selection will be announced on August 12, 2022. If selected the RAISE grant funds must be obligated by September 30, 2026 and expended by September 30, 2031.

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

☒ **Director, Public Works**

**ASSOCIATED INFORMATION:** Resolution , Project Maps

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

---



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

**Resolution authorizing the City Manager to apply for and accept funding in an amount of \$9,240,000 for the Old Windthorst Rd and E Hatton Rd Street Improvement Project under the RAISE Discretionary Grant Program provided by the U.S. Department of Transportation**

WHEREAS, the City of Wichita Falls, as Project Sponsor, is an eligible entity as described by 49 U.S.C. §6702, that nominates a particular project for consideration, exercises jurisdiction over the geographic area in which the project is located, and commits to the project's development, implementation, construction, maintenance, management, and financing; and,

WHEREAS, the City of Wichita Falls, as Project Sponsor, supports funding this project as described in the 2022 RAISE Notice of Funding Opportunity (including the construction budget and required local match) and is willing to commit to the project's development, implementation, construction, maintenance, management, and financing; and,

WHEREAS, the City of Wichita Falls is a public body organized and established in accordance with Chapter 458 of the Texas Transportation Code, enacted by the Legislature of the State of Texas; and,

WHEREAS, the City of Wichita Falls is specifically authorized by Chapter 456 of the Texas Transportation Code of the law of the State of Texas to accept and dispense federal financial assistance.

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

The Wichita Falls City Council supports the U.S. Department of Transportation's Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Discretionary Grant Program application process for the Old Windthorst Rd and E Hatton Rd Street Improvement Project, and authorizes the City Manager to apply for and accept funding in an amount of \$9,240,000 for this project.

PASSED AND APPROVED this the 3<sup>rd</sup> day of May, 2022.

ATTEST:

\_\_\_\_\_  
MAYOR

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



---

**CITY COUNCIL AGENDA**  
**May 3, 2022**

---

**ITEM/SUBJECT:** Resolution authorizing the City Manager to award bid and contract for the 2022 Sewer Budget Utility Improvement Project Phase 1 to Insituform Technologies, LLC. in the amount of \$485,490.25.

**INITIATING DEPT:** Public Works / Engineering

---

**STRATEGIC GOAL:** Provide Adequate Infrastructure

**STRATEGIC OBJECTIVE:** Complete Signature Public Improvements

---

**COMMENTARY:** On April 22, 2022 a proposal was received for the 2022 Sewer Budget Utility Improvement Project Phase 1. This project will rehabilitate existing sanitary sewer line segments near Fairway Blvd, Brookdale Dr., Kingston Dr., and Cypress Ave. The collection system in these areas is old vitrified clay pipe and has become a continuous maintenance problem. The collection system in these areas runs through apartment complexes making it very inaccessible and thus does not lend itself toward conventional dig and replace rehab processes. Therefore, the rehabilitation work will employ the trenchless technology of cured in place piping (CIPP).

The proposal for the project was prepared by Insituform Technologies, LLC., which is a sewer rehabilitation company who has been selected through a competitive bidding process by the outside agency, Buy Board.

The proposal received for this project is as follows:

<u>Company</u>	<u>Amount</u>
Insituform Technologies, LLC. – Corinth, TX	\$ 485,490.25

Construction of the project should require approximately one hundred sixty (160) consecutive days to complete.

Insituform Technologies, LLC. has completed similar projects for the City and therefore staff recommends award of the contract to Insituform Technologies, LLC. in the amount of \$485,490.25, based on unit price quantities.

☒ **Director, Public Works**

---

**ASSOCIATED INFORMATION:** Resolution , Buy Board Proposal, Location Map

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

---

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

**Resolution authorizing the City Manager to award bid and contract for the 2022 Sewer Budget Utility Improvement Project Phase 1 to Insituform Technologies, LLC. in the amount of \$485,490.25**

WHEREAS, the City of Wichita Falls has requested a Buy Board proposal from Insituform Technologies, LLC. for the 2022 Sewer Budget Utility Improvement Project Phase 1; and

WHEREAS, it is found that the quote is reasonable and competitive and Insituform Technologies, LLC. is a responsible contractor who made a unit price proposal with an estimated total of \$485,490.25.

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

The unit price proposal for the 2022 Sewer Budget Utility Improvement Project Phase 1 is awarded to Insituform Technologies, LLC., in an estimated total amount of \$485,490.25, 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 3<sup>rd</sup> day of May, 2022.

\_\_\_\_\_  
MAYOR

ATTEST:

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



1103 Postwood Dr.  
Corinth, TX 76210  
www.insituform.com

Name: Tim Peterie  
Phone: 214-317-0950

Fax: 940-498-0265  
Email: tpeterie@insituform.com

*Insituform Technologies, LLC is a subsidiary of Aegion Corporation*

April 22, 2022

ACES#: AAJA-ZWNZX8

Mr. Alan Peregrino  
City of Wichita Falls  
1300 7<sup>th</sup> St.  
Wichita Falls, TX 73601

## **Buyboard Proposal**

Project Name: **City of Wichita Falls, TX – 2022 Sewer BUIP Phase I Rehab Project**  
**CWF22-550-09**  
**18" Rehab by CIPP & Manhole Rehabilitation by Warren**

INSITUFORM TECHNOLOGIES, LLC herein proposes to furnish a Proposal for all labor, materials, equipment, and services necessary to reconstruct the referenced project (as detailed in the project plans and other information presented by the City of Wichita Falls) utilizing the Local Purchasing Cooperative Contract #635-21, administered through the BuyBoard.

### **ASSUMPTIONS AND QUALIFICATIONS**

---

We have based this proposal on a nominal wall thickness for the Insitutube as shown in the price. This is based on the best available information at the time of this proposal. Existing pipe deterioration in excess of the conditions assumed, ground water loads in excess of those assumed, or other loads or conditions may increase the recommended thickness for all or portions of the work. Final recommendations may be submitted to you following the completion of the preliminary TV phase of the project. Stated prices are subject to adjustment if design changes are agreed upon.

Laterals. During TV inspection all side sewers are verified, using best practical efforts, to determine if each is an active hook up. Normal practice only reinstates those that are active. You may direct us to reinstate all, or specific laterals, as you desire. This proposal, unless otherwise stated, assumes that all laterals will be reconnected, and all will be internally reconnected using the Insitucutter™ for CIPP and externally for Pipe Bursting. Specific service connections will not be reconnected only when written directions are received from the Owner.

Water shall be provided at no cost to Insituform Technologies, LLC for all construction phases of this project. The Owner shall furnish Insituform Technologies, LLC with required water meters and pay all associated fees, deposits, and charges. Insituform Technologies, LLC will follow all required backflow prevention and metering procedures.

Insituform will supply the City of Wichita Falls 1-year Maintenance, Payment, and Performance Bonds, and Certificate of Insurance following acceptance of this proposal.

The pricing in this proposal assumes that all Technical Specifications set forth by the BuyBoard will be strictly adhered to. Any changes to these specifications must be noted and agreed upon by both parties prior to finalizing the proposal pricing.

- Special:**
1. Water shall be provided as noted above.
  2. The pricing in this proposal is good for 30 days from the date on this proposal. If material prices increase after this time, and prior to contract award, then Insituform reserves the right to adjust the pricing accordingly.
  3. If instructed by the City of Wichita Falls to abandon a sewer lateral, then this will be done by not reinstating the service after lining the main with CIPP.
  4. Insituform estimates completing this project within 160 days.



**PROPOSAL PRICING**

PAY ITEM NO.	DESCRIPTION	QTY	U/M	UNIT PRICE	ESTIMATED AMOUNT
1	Mobilization – Clean/TV Crew	1	EA	\$7,500.00	\$7,500.00
2	18" Clean/TV Sanitary Sewer	2,229	LF	\$12.00	\$26,748.00
3	Root/Grease Removal 18"	500	LF	\$6.50	\$3,250.00
4	Other Remote Obstruction Removal (max. 3 LF)	4	EA	\$850.00	\$3,400.00
5	Mobilization – CIPP Crew	1	EA	\$7,500.00	\$7,500.00
6	18" x 9.0mm CIPP	2,229	LF	\$70.00	\$156,030.00
7	18" CIPP Setup Charge Per Install Length	2,229	LF	\$25.00	\$55,725.00
8	CIPP Short Length Add-On (<300 LF)	1,620	IN-DIA/LF	\$18.00	\$29,160.00
9	Internal Reconnects	8	EA	\$275.00	\$2,200.00
10	18" Post TV Inspection After Rehabilitation	2,229	LF	\$4.00	\$8,916.00
11	Bypass System & Operation (up to 8 days)	1	LS	\$79,200.00	\$79,200.00
12	Repair/Rehab Wooden Fence with New	35	LF	\$50.00	\$1,750.00
13	Mobilization – MH Rehab Crew	1	EA	\$7,500.00	\$7,500.00
14	Manhole, Pipe or Other Structure – Spay Rehab (Warren)	905	SF	\$62.25	\$56,336.25
15	Major MH Bench/Invert Reconstruct	2	EA	\$3,200.00	\$6,400.00
16	Chemical Grout Injection (as needed)	2	GAL	\$625.00	\$1,250.00
17	Owner's Contingency Allowance	1	AL	\$25,000.00	\$25,000.00
18	Bonds	1	LS	\$7,625.00	\$7,625.00
<b>TOTAL</b>					<b>\$485,490.25</b>

**Note: A Tax-Exempt certificate will need to be provided prior to mobilization.**

**PROPOSAL INCLUSIONS**

The prices stated in this proposal include:

1. Mobilizations and demobilization.
2. Initial pipeline cleaning to include standard debris and roots/grease removal as needed.
3. Bypass pumping.
4. Internal service reconnects.
5. Pre-Video inspections and documentation of existing pipe prior to reconstruction with the Insituform process for pipe rehabilitated by CIPP.
6. Final video inspection following completion of the installation to document your new pipe rehabilitated by CIPP.
7. Insitutube wetout using 400,000 Flexural Modulus Polyester resin, inversion, curing, and finishing.
8. Confined space safe entry practices.
9. Manhole rehabilitation with Warren to include surface preparation.
10. Traffic control.
11. One-year standard construction warranty.
12. One-year Bonds.
13. Certificate of insurance with a standard coverage.

---

#### PROPOSAL EXCLUSIONS

---

Not included in the prices stated in this estimate are costs associated with the items listed below. These items, if needed or found to be applicable, would be provided by **INSITUFORM TECHNOLOGIES, LLC** at your additional cost; or would be furnished by others, at your direction, at no cost to **INSITUFORM TECHNOLOGIES, LLC**:

- a) If preliminary video inspection of the pipe interior indicates excessive damage, or other extra-ordinary condition, which will require excavation, or other extraordinary remedy, to prepare the pipe for installation of the Insitutube, then those services will be provided by the Owner or by change order utilizing the Owner's contingency.
- b) Additional mobilizations and/or setups may apply due to point repairs, obstruction removals, or delays out of our control.
- c) Manual operation of any pumping and/or metering stations.
- d) Water from fire hydrants within a convenient distance from each cleaning and inversion site location.
- e) Legal dumpsite for debris resulting from pipes cleaning.
- f) *If any hazardous or toxic materials are encountered during the project, the Owner will be responsible for the removal and disposal of the materials.*
- g) Project permits and/or local licenses will be provided by the Owner or Engineer.
- h) State and local sales and/or use taxes on the value of the project. If you are exempt, please submit the appropriate documentation.
- i) Additional premiums for special insurance coverage(s) demanded by you or other parties particular to this project.

---

#### PROPOSAL TERMS AND CONDITIONS

---

- a) **Limits of Liability.** In consideration of **INSITUFORM TECHNOLOGIES, LLC's** agreement to maintain no less than \$5,000,000 of comprehensive general liability insurance in the form required by the Contract, **INSITUFORM TECHNOLOGIES, LLC's** liability to the Owner for any matter covered by such insurance will be limited to the extent of such insurance. Neither party shall be liable to the other for consequential damages relating to the contract. In case of conflict between this provision and any other provision in the Contract as ultimately executed, this provision shall govern and prevail.
- b) **LIMITED WARRANTY. IN LIEU OF ALL OTHER EXPRESSED, IMPLIED AND/OR STATUTORY WARRANTIES, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, CONTRACTOR AGREES TO CORRECT ANY DEFECTS IN THE MATERIALS OR SERVICES PROVIDED BY CONTRACTOR WHICH ARE BROUGHT TO THE ATTENTION OF CONTRACTOR WITHIN ONE YEAR FOLLOWING COMPLETION OF CONTRACTOR'S WORK, PROVIDED OWNER AFFORDS CONTRACTOR SUITABLE ACCESS AND WORKING CONDITIONS TO ACCOMPLISH SUCH CORRECTION.**
- c) **MUTUAL RELEASE OF CONSEQUENTIAL DAMAGES.** Notwithstanding anything to the contrary set forth in the Contract, neither party shall be liable to the other or any third party for consequential damages relating to or arising out of the Contract.
- d) **PROPOSAL SUBJECT TO NEGOTIATION OF OTHER STANDARD TERMS OF AGREEMENT.** This proposal is subject to agreement of the parties on other terms and conditions as are customary in contracts of this nature.
- e) Quantities are estimated. Unit prices apply for actual invoice and payment.
- f) Payments are due at net within thirty days of invoice. Final payment is due within thirty days of completion of project.
- g) Monthly progress payments may be requested for the value of work in progress or completed, including materials secured and on site.
- h) Prices stated are in effect for thirty days from the date of this proposal. The acceptance period may be extended at the sole option of **INSITUFORM TECHNOLOGIES, LLC**.
- i) **Conflicts.** In case of conflict between the provision of the aforesaid paragraphs and any other provision in the Contract as ultimately executed the provisions as set forth above shall govern and prevail.



---

OFFERED BY:

ACCEPTED BY:

---

INSITUFORM TECHNOLOGIES, LLC

*Timothy R. Peterie*

---

SIGNATURE

DATE

TIMOTHY R. PETERIE  
BUSINESS DEVELOPMENT MANAGER

---

NAME

REVIEWED BY:  
ANDY OZMENT  
AREA MANAGER

---

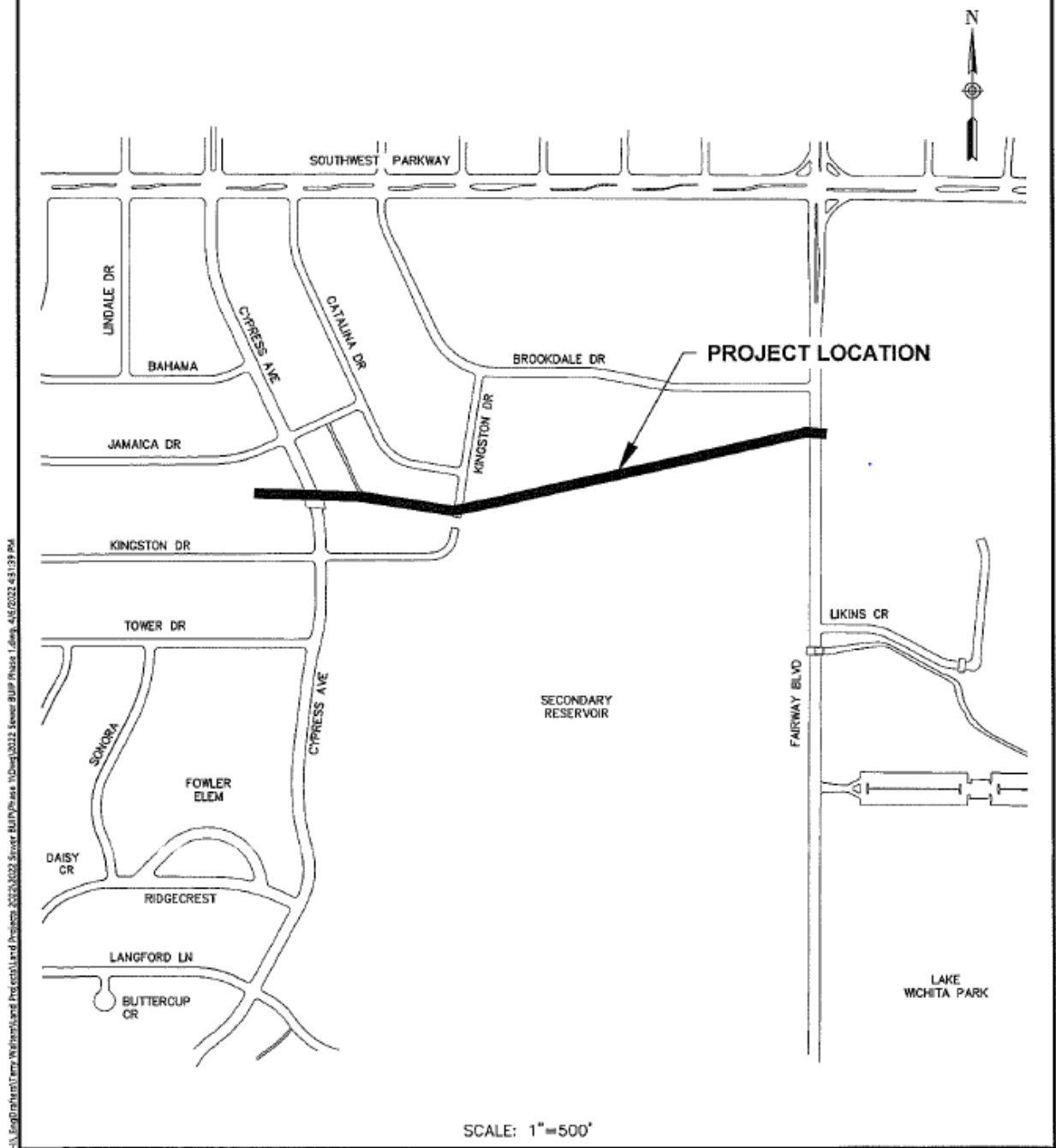
TITLE

---

ORGANIZATION

cc: Blane Boswell, PE (COWF)  
Ben Hawkins  
Kodiak O'Ravez

# 2022 SEWER BUDGET UTILITY IMPROVEMENT PROJECT PHASE 1



11. Engineering Team Prepared and Produced and Project 2022/2023 Sewer Budget Phase 1, Aug. 4, 2022 4:31:29 PM

---

**CITY COUNCIL AGENDA**  
**May 3, 2022**

---

**ITEM/SUBJECT:** Resolution authorizing the City Manager to execute all documents necessary to purchase Eventide Voice Recorder Upgrade to replace the existing dispatch voice recorder from Vistacom in the amount of \$133,429.

**INITIATING DEPT:** Information Technologies & Facilities

---

**STRATEGIC GOAL:** Efficiently Deliver City Services

**STRATEGIC OBJECTIVE:** Practice Effective Governance

---

**COMMENTARY:** The 2021-22 Budget included \$100,000 to replace and upgrade the existing Vistacom voice recorder. IT will reduce the CIP annual server replacement line item by \$33,429 this year to facilitate this purchase. Our current system is 7 years old and had an expected life cycle of 5 years. This is a critical piece of equipment as it records the calls to our 911 Dispatch Center, the front desk at the Police Department, and the Public Safety voice radio system.

Staff has been satisfied with our current system and recommend moving forward with the upgraded version. Vistacom is a reseller for this product and is on the Texas Department of Information Resources (DIR) contract.

It is recommended that the City Council authorize the City Manager to sign all documents necessary to purchase Eventide Voice Recorder Upgrade to replace the existing dispatch voice recorder from Vistacom in the amount of \$133,429.

☒ **Assistant City Manager**

---

**ASSOCIATED INFORMATION:** Resolution

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

---

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

**Resolution authorizing the City Manager to execute all documents necessary to purchase Eventide Voice Recorder Upgrade to replace the existing dispatch voice recorder from Vistacom in the amount of \$133,429**

WHEREAS, the City's 2021-22 budget includes funds to replace the existing Public Safety voice recorder as we have exceeded its end of life cycle; and,

WHEREAS, quotes were received from State vendors on the Department of Information Resources' Contract List for the purchase of this equipment; and

WHEREAS, this is an upgrade of our existing system; and

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 Eventide Voice Recorder Upgrade to replace the existing dispatch voice recorder from Vistacom in the amount of \$133,429.

PASSED AND APPROVED this the 3rd day of May, 2022.

\_\_\_\_\_  
MAYOR

ATTEST:

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

---

**CITY COUNCIL AGENDA**  
**May 3, 2022**

---

**ITEM/SUBJECT:** Resolution authorizing the City Manager to execute all documents necessary to purchase additional storage capacity for our existing data backup system from Netsync Network Solutions in the amount of \$55,452.80.

**INITIATING DEPT:** Information Technologies & Facilities

---

**STRATEGIC GOAL:** Efficiently Deliver City Services

**STRATEGIC OBJECTIVE:** Practice Effective Governance

---

**COMMENTARY:** The 2021-22 Budget included \$154,000 to replace and upgrade existing server and network equipment for the City. This is the Information Technologies' annual CIP network equipment fund. Our Cohesity Backup system was put in place in 2020. With the increase of data from the addition of several projects and initiatives, we need to expand the capacity of this system.

This is a proprietary system and requires the purchase of specific components. Netsync is a reseller for the system's manufacturer and is on the Texas Department of Information Resources (DIR) contract.

It is recommended that the City Council authorize the City Manager to sign all documents necessary to purchase additional storage capacity for our existing data backup system from Netsync Network Solutions in the amount of \$55,452.80.

☒ **Assistant City Manager**

---

**ASSOCIATED INFORMATION:** Resolution

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

---

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

**Resolution authorizing The City Manager to execute all documents necessary to purchase additional storage capacity for our existing data backup system from Netsync Network Solutions in the amount of \$55,452.80**

WHEREAS, the City's 2021-22 budget includes funds to replace and upgrade existing server and network equipment as we have exceeded existing storage capacity; and,

WHEREAS, quotes were received from State vendors on the Department of Information Resources' Contract List for the purchase of this equipment; and

WHEREAS, this is a proprietary system and requires the purchase of specific components from the original vendor; and

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 additional storage capacity for our existing data backup system from Netsync Network Solutions in the amount of \$55,452.80.

PASSED AND APPROVED this the 3rd day of May, 2022.

\_\_\_\_\_  
MAYOR

ATTEST:

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

---

**CITY COUNCIL AGENDA**  
**May 3, 2022**

---

**ITEM/SUBJECT:** Resolution for appointment to the Wichita-Wilbarger 9-1-1 District Board.

**INITIATING DEPT:** City Clerk

---

**STRATEGIC GOAL:** N/A

**STRATEGIC OBJECTIVE:** N/A

---

**COMMENTARY:** Dana Ross's term on the Wichita-Wilbarger 9-1-1 District expires May 15, 2020. She has expressed her interest and willingness to be reappointed to the board, and the board recommends her reappointment.

Her position is appointed jointly by all participating municipalities in the district and she represents all of the cities in the district collectively. This appointment can be discussed in Executive Session.

☒ **City Clerk**

---

**ASSOCIATED INFORMATION:** Resolution, Letter from Wichita-Wilbarger 9-1-1-District, and Board Roster

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

---

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

**Resolution appointing a representative to the Wichita-Wilbarger  
9-1-1 District Board**

WHEREAS, the Wichita-Wilbarger 9-1-1 District Board of Managers is governed by Texas Health and Safety Code, Chapter 772, Subchapter D, and consists of seven members; and,

WHEREAS, the City Council of the City of Wichita Falls wishes to make a nomination and appointment to the Board of Managers for the Participating Municipalities.

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

The City Council hereby nominates and appoints Dana Ross to the Wichita-Wilbarger 9-1-1 District Board to represent all participating municipalities.

PASSED AND APPROVED this the 3<sup>rd</sup> day of May, 2022.

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

ATTEST:

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





## **Wichita-Wilbarger 9-1-1 District**

906 Travis Street  
P.O. Box 1829  
Wichita Falls, Texas 76307  
Phone - 940-723-8225 Fax - 940-723-5355

March 18, 2022

Darron Leiker, City Manager  
City of Wichita Falls  
P.O. Box 1431  
Wichita Falls, Texas 76301

Dear Mr. Leiker,

The term of Ms. Dana Ross, of Iowa Park, one of the "cities appointees" to the Wichita-Wilbarger 9-1-1 District Board of Managers, expires on May 15, 2022. Ms. Ross has expressed her interest and willingness to be re-appointed to the board. Ms. Ross has represented all of the cities within our district with honor and integrity.

I want to take a moment to explain the Board of Managers structure. The legislation which governs this 9-1-1 Board is the "Health and Safety Code, Title 9, ch. 772, subchapter d," for counties with a population over 20,000, and the legislated board makeup is as follows:

1. Two members appointed by the commissioners' court from the original county in the district. (Wichita)
2. Two members appointed jointly by all the participating municipalities in the district. (One of these positions is the subject of this letter.) These appointees represent all of the cities in the district collectively.
3. One member appointed jointly by the volunteer fire departments. This member represents all volunteer fire departments in the district.
4. One member appointed by counties, which joined the district subsequent to its inception. (Wilbarger)
5. One non-voting member appointed by the principal service supplier.

I request that you place the appointment of a "cities" representative to our board of managers on a future council agenda prior to May 15, 2022. Please let me know of your decision by way of a certified copy of your minutes.

Respectfully,

A handwritten signature in blue ink, appearing to read 'L. Paul Hopkins', with a stylized flourish at the end.

L. Paul Hopkins, J.D., ENP  
Executive Director

## **WICHITA WILBARGER 911 DISTRICT**

<b>PLACE</b>	<b>NAME</b>	<b>APPOINTED</b>	<b>EXPIRATION</b>	<b>QUALIFICATIONS</b>	<b>DISTRICT</b>
1	Glenn Barham	04/20/2021	05/11/2023	CWF	1
2	Jared Burchett		06/18/2023	Volunteer Fire Department	
3	Pat Norriss		04/01/2023	Wichita County	
4	Dana Ross Gentry		05/15/2022	All Participating Municipalities	
5	Kent Smead, Vice Chair		04/02/2022	Wilbarger County	
6	Jeff Watts, Chair		05/12/2022	Wichita County	

---

**CITY COUNCIL AGENDA**  
**May 3, 2022**

---

**ITEM/SUBJECT:** Discussion and public input regarding the future appropriation of the City's approximately \$29.1M in allocated federal funds via the American Rescue Plan Act (ARPA).

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

---

**STRATEGIC GOAL:** Accelerate Economic Growth

**STRATEGIC OBJECTIVE:** Look for Post-Pandemic Economic Opportunities

---

**COMMENTARY:**

Timeline

- April 19, 2022 – City Council hears a presentation from City staff regarding federal ARPA funds and proposed local projects.
- **May 3, 2022** – City Council discussion and public input.
- May 17, 2022 – City Council discussion and public input.

Summary

This item is to provide an opportunity for the City Council to continue discussions and receive public input regarding the forthcoming allocation of the funds. Staff will also be available to answer any questions, as well as provide an update on the City's overall plan to receive public input during this process.

No action is required.

☒ **Assistant City Manager**

---

**ASSOCIATED INFORMATION:** Exhibits from WFEDC meeting, Resolution

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

---