

## 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 17, 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>)**

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Item #

1. Call to Order
2. (a) Invocation: Pastor Bobby Gonzales  
Southside Baptist Church
- (b) Pledge of Allegiance

### CONSENT AGENDA

3. Approval of minutes of the May 5, 2022, Regular Meeting of the Mayor and City Council.
4. Receive Minutes
  - (a) MPO-TAC, January 13, 2022
  - (b) Wichita Falls Economic Development Corporation (Amended), February 17, 2022
  - (c) Lake Wichita Revitalization Committee, April 12, 2022

## REGULAR AGENDA

### 5. Public Hearings & Ordinances

- (a) Conduct a public hearing and consider taking action on an ordinance finding certain buildings and/or structures to be dangerous; requiring property owners to demolish said buildings and/or structures within thirty (30) days of the date of this ordinance; declaring an emergency and immediate effective date
  - i. Public Hearing
  - ii. Take Action
- (b) Ordinance amending Chapter 54, Floods, Division III Flood Hazard Reduction Standards, Sections 54-92 through 54-94 as provided herein to meet Community Rating System (CRS) Class 8 requirements and providing codification
- (c) Ordinance appropriating \$13,463.76 to the Special Revenue Fund for additional direct award grant revenue from the State of Texas for the Texas Department of Transportation Selective Traffic Enforcement Program ("Click It or Ticket") Wave Grant for Fiscal Year 2022 and authorizing the City Manager to accept said funds
- (d) Ordinance appropriating \$13,463.76 to the Special Revenue Fund for additional direct award grant revenue from the State of Texas for the Texas Department of Transportation Selective Traffic Enforcement Program ("Operation Slowdown") Wave Grant for Fiscal Year 2022 and authorizing the City Manager to accept said funds

### 6. Resolutions

- (a) Resolution replacing Resolution 35-2022 and hereby authorizing the City Manager to award bid and contract for the Lift Station No. 25 Roof Replacement Project to Felix Salinas Group INC., doing business as Excel Construction Group, previously awarded in Resolution 35-2022 to Excel Construction Group, LLC – Lubbock Division on March 15, 2022 in the amount of \$26,775.00
- (b) Resolution to convey 19 Trustee parcels from the Wichita Falls ISD, Wichita County, and City of Wichita Falls (Taxing Entities) and authorizing execution of the Quitclaim Deeds to convey titles to City of Wichita Falls
- (c) Resolution to accept the written offers as presented for 3 Trustee parcels and authorizing execution of the Quitclaim Deeds to convey titles for 720 Star Ave., 1955 Perigo St., and 207 E. Washington St. to Samuel Majano

7. Public Hearing  
Conduct a public hearing regarding the proposed adoption of the 2017 National Electric Code (NEC) as the City's electrical code.
8. 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)
9. Other Council Matters
  - (a) Staff Reports
    - Backflow Prevention Program – Terry Floyd
  - (b) Announcements concerning items of community interest from members of the City Council. No action will be taken or discussed.
10. 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.
11. Executive Sessions  
Executive session in accordance with Texas Government Code §551.074 to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, dismissal of a public officer or employee (including, but not limited to, the Municipal Court Judge position).
12. Adjourn

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

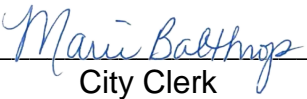
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Every item on this agenda shall be considered a public hearing. Regardless of the agenda heading under which any item is listed, any word or phrase of any item listed on this agenda shall be considered a subject for consideration for purposes of the Texas Open Meetings Act and other relevant law, and City Council may deliberate and vote upon any such subject and resolutions related thereto. Resolutions, ordinances, and other actions concerning any word, phrase, or other subject may be voted upon, regardless of any language of limitation found in this agenda or any document referring to such action. Any penal ordinance, development regulation or charter provision of the City of Wichita Falls or item which is funded by the current or next proposed City of Wichita Falls budget, including, without limitation, any street, water pipe, sewer, drainage structure, department, employee, contract or real property interest of the City of Wichita Falls, may be discussed and deliberated, and the subject is hereby defined as such without further notice. Any item on this agenda may be discussed in executive session if authorized by Texas law regardless of whether

any item is listed under "Executive Sessions" of this agenda, regardless of any past or current practice of the City Council. Executive sessions described generally hereunder may include consideration of any item otherwise listed on the agenda plus any subject specified in the executive session notice. Executive sessions described generally hereunder are closed meetings, may include consideration of any item otherwise listed on the agenda plus any subject specified in the executive session notice, and may include items under Texas Government Code Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.084, and/or 551.087.

### CERTIFICATION

I certify that the above notice of meeting was posted on the bulletin board at Memorial Auditorium, Wichita Falls, Texas on the 11<sup>th</sup> day of May, 2022 at 3:30 o'clock p.m.

  
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City Clerk





City of Wichita Falls  
City Council Meeting  
Minutes  
May 3, 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
Steve Jackson	-	Councilors
Larry Nelson	-	
Michael Smith	-	
Darron Leiker	-	City Manager
Kinley Heggland	-	City Attorney
Marie Balthrop	-	City Clerk

Absent: Councilor Tim Brewer, District 4

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

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**Item 2a – Invocation**

Pastor Ben Murray, City Hope Church, gave the invocation.

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**Item 2b – Pledge of Allegiance**

Mayor Santellana led the Pledge of Allegiance.

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**Item 3a – Employee of the Month – Britney Wise, Health Department**

8:35 a.m.

Amy Fagan, Assistant Director of Health, recognized Britney Wise as the Employee of the Month for May 2022. Mayor Santellana congratulated Ms. Wise and presented her with a plaque, letter of appreciation, dinner for two, and a check, and thanked her for her service.

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**Item 3b – Proclamation – 30<sup>th</sup> Annual Letter Carrier’s Stamp Out Hunger Food Drive Day, Wichita Falls Area Food Bank**

8:37 a.m.

Mayor Santellana read a proclamation proclaiming May 14, 2022, as 30<sup>th</sup> Annual Letter Carrier’s “Stamp Out Hunger” Food Drive Day in Wichita Falls and urged all citizens to join him in this special observance and make a donation to make a difference in our City.

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**Item 3c – Proclamation – National Bike Month, Bike Wichita Falls**

8:40 a.m.

Mayor Santellana read a proclamation proclaiming May 2022, as National Bike Month in Wichita Falls and urged all residents to join him in special observance.

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**Item 3d – Proclamation – Historic Preservation Month, Kell House Heritage Center**

8:45 a.m.

Mayor Santellana read a proclamation proclaiming May 2022, as Historic Preservation Month in Wichita Falls and called upon the people of Wichita Falls to join their fellow citizens across the United States in recognizing and participating in this special observance.

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**Item 3e – Proclamation – National Drinking Water Week, Public Works**

8:48 a.m.

Mayor Santellana read a proclamation proclaiming May 1-7, 2022, as Drinking Water Week in Wichita Falls and asked that we recognize the essential role that drinking water plays in our daily lives.

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#### **Item 4-6 – Consent Items**

8:51 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 Browning, Jackson, Nelson, Smith, and Whiteley

Nays: None

#### **Item 4 – Approval of minutes of the April 19, 2022, Regular Meeting of the Mayor and City Council**

#### **Item 5 – Resolution 56-2022**

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

#### **Item 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

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#### **Item 7 – Ordinance 13-2022**

8:52 a.m.

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.

Moved by Councilor Browning to approve Ordinance 13-2022.

Motion seconded by Councilor Smith.

Russell Schreiber, Director of Public Works, gave a presentation and discussed how the City is required to provide all municipal solid waste collection services per Texas Administrative Code, and Section 148 of the City Charter to ensure the health, safety,

and welfare of the public, and these services are provided at cost. In October of 2021, staff discovered that third-party roll-off services had significantly infiltrated the city's commercial solid waste collection service. Mr. Schreiber discussed TCEQ and EPA violations, loss of revenues, and the ability of the City to meet the needs of commercial customers at a lower cost. After discussions with third-party providers and options provided to Council in December 2021, staff was directed to franchise third-party roll-off companies, allowing them to provide roll-off service to commercial customers, construction and demolition, compactors, recycling, and special waste collection. The franchise would also require that all municipal solid waste collected in the City be delivered to the City landfill, which will help offset lost revenues. The City has provided roll-off services to residential customers since 2001 and will continue to provide this service. On March 25, 2022, staff emailed the proposed Ordinance to the roll-off companies, offered to meet with them, and expressed that information gained in these meetings could affect how the Ordinance is written. One company met with staff. On March 28, 2022, a second email was sent requesting input from the roll-off companies, and three companies provided input. On April 20, 2022, staff emailed the Ordinance as presented today to the roll-off companies, and they have had ample time to discuss any concerns with staff. Mr. Schreiber discussed the new provisions which require all municipal solid waste to be delivered to the City landfill, requires all businesses engaged in the collection of municipal solid waste to have a franchise with the City, addresses volunteer clean-up events, allows customers to bale and transport cardboard, establishes reporting requirements, and other provisions. The new provisions allow staff to track solid waste delivered to the City Landfill, compare the level of services provided to commercial customers, and address any disputes that arise. Staff believes this Ordinance accomplishes the City's goals and is fair and equitable to both the private companies and the City's solid waste customers. It was noted that the current Ordinance does not allow for any third-party business to provide services inside City limits, and the proposed Ordinance will remedy this. Concerns were expressed regarding how long third-party providers have been allowed to provide service inside City limits despite it not being allowed by the Ordinance. It was noted that the City just recently became aware of the issue and are taking steps to remedy it.

A lengthy discussion was held regarding franchising, concerns with the wording of the agenda item, procedures of sister cities, how rates and fees are set and approved by the Council, and the cost to citizens. Mr. Schreiber noted that the purchase of trucks and equipment previously considered is no longer being considered. Councilor Jackson expressed concern about who the City would require to franchise next and Mr. Heggland noted that the State of Texas has given cities the exclusive right to handle solid waste within the City, but we do not have that right for other industries. The proposed Ordinance will not be effective until September 1, 2022, which will allow time to monitor the process and make any adjustments needed. A discussion was held concerning the permitting and franchising process, education of customers and third-party companies, and the online system that will be used. Teresa Rose, Assistant Director of Public Works, discussed the online MyGov program, billing, and the website that will have detailed instructions for the process. Mr. Schreiber clarified that construction and demolition waste will be covered under the building permit process and will not require a separate permit, and discussed

residential and commercial permitting and reporting requirements. A brief discussion was held concerning the fair and equitable treatment of all citizens, and the responsibility of the Council to receive feedback over the next several months and address any issues and changes that need to be made.

Katherine Smith, 4940 Seymour Highway, discussed the need to clarify agenda wording so that citizens understand what is being discussed. Mayor Santellana stated that the details of the Ordinance were provided in the agenda item commentary. She feels the Council is being short-sighted only allowing third-party businesses to haul construction and demolition, noted the need to expand the Ordinance, and discussed large items in her business that require a larger dumpster. Mr. Schreiber clarified that under the new Ordinance large third-party dumpsters are allowed for commercial customers and that only residential customers will be required to receive city services. Ms. Smith said that in general private businesses are more efficient, provide more jobs, and expressed a desire for more support for small businesses.

Hayden Hansen, owner of Onsite Solutions, stated that his company did meet with Staff and some Councilors and that he does agree with many of the provisions and is willing to work with others. He discussed concerns with reporting that requires third-party businesses to provide invoices and pricing information, and questioned the purchase of ten additional roll-offs after previously being told no additional purchases would be made. Mr. Hansen discussed concerns with residential roll-offs, the level of service provided by the City versus private haulers, the difference in the sizes of roll-offs, and concerns with staff being able to revoke a franchise without Council approval.

Wayne Pharries, 7 Wayfair Terrace, discussed the Charter language stating it is the responsibility of the City to provide municipal solid waste services, and he feels the City did not adequately provide that service which allowed third parties to come in and provide services. He asked if the Council understands the reporting requirements, and stated some reporting requirements are unreasonable. Mr. Schreiber clarified that this is a requirement for the provider to retain this information, and not report it to the City unless there is a dispute. TCEQ regulations already require that this information be retained by the provider. Mr. Pharries acknowledged that he misunderstood that requirement. Mr. Pharries then discussed the claim of lost revenue and stated he does not believe this Ordinance will generate enough revenue to replace what the City claims has been lost. He expressed concerns about the need to have this much control over these businesses and feels it will raise the cost to provide these services. He asked if additional staff would have to be hired to oversee this process, and expressed concerns about going to this extent to correct a system that has been working since the 60's.

Mr. Leiker addressed the comment that the system has worked fine since the 60's and clarified that what they are referring to is the construction and demolition hauling that has been provided by third parties, that the commercial and residential issues were recently discovered, and that the infiltration of third-parties is the concern.

Mickey Fincannon, owner M&R Services, alleged that they have been constantly misled, and expressed concerns with Councilor Smith stating he was ready to vote without listening to the citizens. Mr. Fincannon asked if the Council directed staff to start this process. He read a prepared statement accusing untruths, and how this Ordinance will affect the business that he started when there was a need for it in the community. He accused Council and staff of reducing the value of his business to nothing and stealing his retirement. He addressed concerns with staff accusing third-parties of illegal dumpsters and live streaming one of his dumpsters accusing him of breaking the law, yet when the dumpster was found to be legal there was no media coverage. He stated that the City has started a process to phase out all third-party haulers and that this Ordinance will affect 90% of his business as his business primarily deals with residential cleanups. Mr. Fincannon feels that if they move forward with the Ordinance they will kill several local businesses and jobs will be lost. He feels the Council has supported small business in the past until today and is asking them to stand up for the rights of the citizens and vote no on this Ordinance. Mr. Fincannon stated that he feels Council is being led by City staff instead of Council leading staff.

Roby Christie, 3309 Cumberland Ave., stated that he has been a customer of both the roll-off companies and the City sanitation department, and he believes the City has a strong interest in taking control over the jobs and activities performed by these third-party companies. He stated that there seems to be a need for revenue, and discussed his concerns with roll-offs being purchased when it was stated no purchases would be made. He feels the City has tried to provide for the needs of citizens but they have fallen short in some instances, which is where private haulers came in. He discussed a demolition project where he received excellent service from a third-party provider including weekend service. Mayor Santellana stated that this will still be allowed. Mr. Christie stated that the City would not be able to provide service as quickly, he feels we are selling the services provided by these companies short, that it seems like an overreach or overregulation to take any of that business away, and expressed concerns about third-party businesses having outstanding capital investments they could lose. He feels there should be a delay in the vote and implementation as there seems to be changes that need to be made. Mr. Christie expressed concern with one person having the ability to approve or revoke a permit, concerns with moving towards the City being the only provider, and discussed his concerns with the Monday-Friday 8:00-5:00 mentality that is convenient to the City but not to the customer.

Kerry Wiley, 6907 Seymour Hwy, On-Site Solutions, agreed that the companies need to be legitimized, but is concerned with the details not covered today. He expressed concerns with the City requesting their invoices and stated he would never provide his invoices to the City. He discussed how small businesses do work over the weekends and not under the 8:00-5:00 mentality, and requested that the City allow them to work in the residential sector. Mr. Wiley said he provided a list of all of the dumpsters his business has in the City to Mr. Schreiber, and stated that the proposed Ordinance is close, but not quite ready. He disagrees with one staff person having the final say on who receives a franchise and whose franchise is revoked. Mr. Wiley discussed how roll-off businesses are required to work within the State requirements, discussed insurance requirements,

and concerns with some of the insurance being required in this Ordinance. Mr. Schreiber and Councilor Browning clarified that employee liability insurance is covered under general liability and stated that the Ordinance was changed after Mr. Wiley expressed his concerns. Mr. Wiley asked that citizens be given the choice of who to use for roll-off services.

Dillon Supernaw, 1851 Peterson Road S., stated that he feels that the City is trying to be fair, but that the proposed Ordinance is not complete. He is a small business that did not receive the proposed Ordinance and was not asked for his input. He discussed the concerns with incorrect references to sections of the Ordinance, and citizens not knowing what was being discussed. Mr. Heggland discussed how the section Mr. Supernaw referred to is being moved to another section of the Code and this Ordinance revises all of Chapter 90. It was noted that the agenda item commentary included the details. Mr. Supernaw stated that ninety percent of his business is residential cleanouts, and under the proposed ordinance he is not able to provide these services. He has invested in equipment and feels this is not fair that the City is taking away his business. He feels the City is trying to be fair, but residential cleanouts are a huge market where residents need assistance, larger dumpsters, and weekend service. He also expressed concerns with the reporting requirements and the requirement to provide landfill invoices.

Kerry Wiley, On-Site Solutions, stated that he provided a list of over eighty dumpsters his business has in the City. He discussed the City's revenue concerns and stated that his bill from the City landfill last month was \$54,000 and that his company brings ninety percent of their solid waste to the City landfill although they are not required to. He stated that it is not a threat, but if it becomes more convenient for his business to take their solid waste to Iowa Park, they will take it there since they have a lower rate. He stated that his company owns two hundred and ten open top dumpsters, discussed how compactors were not an issue previously, and stated that the proposed Ordinance is close and asked that they work together and pass the Ordinance next month.

Mayor Santellana expressed concern with Mr. Wiley's comment that it is not a threat, but stated it is clearly a threat, and asked Mr. Wiley if he is publicly stating he is not going to comply with the reporting requirements. Mr. Wiley stated that the City would not get his customers invoices and that the invoices would not leave his office.

Mr. Schreiber read Texas Administrative Code section 330.103(c) which states "All transporters of solid waste shall maintain records for at least three years to document that waste was taken to an authorized MSW facility. Upon request of the executive director or of a local government with jurisdiction, a transporter is responsible for providing adequate documentation regarding the destination of all collected waste including billing documents to prove that the proper disposal procedure is being followed." Mr. Heggland clarified that this is a records retention requirement to keep records in their offices and only viewed by the State or City if needed and the City is not asking for copies of any invoices. Mr. Wiley agreed with the records being retained in his office and the City viewing invoices, but not taking copies.

Mr. Hansen asked if these are trip tickets or customer invoices. Mr. Schreiber stated the records retention portion is customer invoices, and monthly reports are for trip tickets. Mr. Schreiber discussed issues with the software used at the landfill not being able to sort inside versus outside city limits solid waste, and monthly reporting would allow them to track what solid waste is from inside City limits. Mr. Schreiber discussed staffs willingness to work through this issue. Mr. Hansen discussed concerns with their invoices becoming public record if they are in the City's possession, and the workload on his staff to meet these reporting requirements. Mr. Heggland stated again that invoices are required to be kept at the business, not supplied to the City, and it would be a rare occasion when the City would need to view this paperwork.

Bob Belcher, 328 Itasca Trail, owner of Dove Creek Disposal, stated he has been in business for two years and feels we are headed in the right direction. He does not have a problem paying a franchise fee, but he does have an issue with the City telling him where he can and cannot do business, specifically as it relates to residential cleanouts. This Ordinance would take that business away from him and the City cannot provide the same level of customer service that he provides. He feels it should be left up to the citizens to choose who they want to use for a residential cleanout.

Michael Grassi, #7 Amber Valley, a local home builder, and roll-off customer. He stated that one of the greatest concerns is the costs that would increase due to the franchise fees and paperwork requirements that will be passed onto him which will then be passed on to the homeowner. He noted that Section 90.67 states that a monthly report will be provided to the City requiring the gross amount charged to customers, and expressed concerns with possible additional staffing for both the third-party businesses and the City to process and track the record keeping requirements. Mr. Grassi discussed Article 5, Section 90.61 (e) (2), and stated he understands that he is not required to pull a permit, but it does say that he would have to provide documentation to the City if requested and asked how the City has the authority to ask for this. Mr. Heggland discussed how the City as a home rule municipality can regulate health and safety concerns, and in this instance Health and Safety Code sections 363.003 and 363.111 give the City the authority to adopt rules and regulations regarding solid waste collection, which allows the city to request documentation. Mr. Grassi stated that he feels invoices are proprietary information that the City does not need to know, and the reporting requirements are very burdensome.

Mr. Heggland addressed Section 90.67 (a) (6), of the proposed Ordinance and stated this section is not a requirement to turn over invoices, and only requires the gross amount charged.

Mr. Christie suggested the establishment of a Solid Waste Board rather than having one individual make decisions.

Mr. Leiker discussed concerns that have been brought up regarding franchise issues, being handled by the Director of Public Works and appealed to the City Manager. There would have to be a track record of issues before a franchise was revoked, and it is an



administrative decision. He stated that hearings could come before the Council if the Council chooses, and discussed the Council-Manager form of government.

Mayor Santellana discussed that a revocation would only be done when there is an egregious action taken by the franchisee. The franchise requirement protects both the citizens and the business, and there is an appeal process should a franchise be revoked.

Mr. Hansen asked how the appeal process works. Mr. Leiker stated that if we get to a situation where a franchise is revoked there will be a paper trail, and the Legal Department will provide input. Mr. Hansen asked how an item can be placed on the agenda, and Mr. Leiker discussed the process for citizens to speak at council meetings and the Councils ability to place items on the agenda.

Mayor Santellana discussed checks and balances, the ability to amend the Ordinance if necessary, and the length of time spent on this Ordinance.

Chad Hughes, 4509 Westridge, Hughes and Son Homes, asked for clarification on who is required to get a permit. Mr. Schreiber stated that a commercial business site and compacter site would be required to get a permit, but home builders are not required to get a permit for construction or demolition, as that is covered under the building permit.

Wayne Hansen, 3501 Seymour Road, in the property management and maintenance business representing over three hundred and fifty properties, expressed his concerns with residential cleanouts. He discussed how he looks for the cheapest option, issues he has experienced with the timeliness of City services, and asked about permitting requirements. Mr. Schreiber clarified that apartments are considered commercial property, discussed permit requirements for commercial property, stated residential cleanups do not require a permit but the roll-off must be provided by the City, and remodels require a building permit only. Mr. Hansen discussed concerns with the City having the ability to service the number of roll-offs he will require. Mr. Schreiber discussed confusion with the definitions of residential and commercial and that there are only around twenty residential dumpsters. He feels the City can service these, and that the purchase of ten additional dumpsters are being purchased out of the budget line item which has already been approved by Council. Mr. Hansen expressed concerns with voting on this today and suggested that they review, make adjustments, and then approve. He discussed issues with other citizens dumping items beside his dumpsters, the City not picking those items up, and discussed the multiple businesses competing to provide a service not adequately provided by the City. He asked the Council to not penalize small business, and expressed that the Council has opened the door to take over additional business in the future.

Councilor Browning stated that he appreciates Mr. Fincannon's passion, as he is passionate about serving on the City Council. Councilor Browning discussed the comments made towards Councilor Smith, and stated that the Council has been reviewing this for over six months, all Councilors contact information is on the website, and he along with other Councilors have had lengthy conversations with various business

owners and citizens regarding this Ordinance. Councilor Browning stated that he is proud of how the Council listened to citizens and made changes to the process since this topic was first discussed, and he feels there should be more appreciation for the amount of time the Council spends discussing issues.

Mayor Santellana also discussed the amount of time everyone, Council included, has had to review the proposed Ordinance and express their concerns. He noted that this is a volatile business that every future Council can change, he thanked everyone for their input, and stated that Councilor Smith made a fantastic point that the Council is there to serve all citizens and protect their health, safety, and welfare. He discussed concerns with revenues being eroded and how that is passed on to all citizens, and stated that he understands Mr. Grassi's concerns of added expenses. He stated that he has never called anyone a criminal, and that he has stated from day one that he wants to hear from as many citizens as possible regarding this subject. He disagrees with Councilor Jackson's comment that the Council is doing something illegal, but stated that it is Council's responsibility to address the issue now that it has been brought to the City's attention. He stated that he takes a hard look at all businesses affected, how the citizens will be affected, that the Council and Staff have all agreed to reevaluate the process if needed, but he wants to legitimize their business today and go from there.

Councilor Jackson asked if Rev. Angus Thompson reached out regarding dumpsters, and Mr. Schreiber stated that he did, Rev. Thompson needs eight and only four are available on that day due to other events. Rev. Thompson did not coordinate with staff before setting the date for the free neighborhood cleanup, and since they have only used four dumpsters in the past, staff held back four for this event. Councilor Jackson discussed where dumpsters are needed and asked if some of the third-party providers would consider donating a dumpster to make up for the shortage.

Motion carried by the following vote:

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

Nays: Councilor Jackson, Councilor Nelson

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#### **Item 7 – Ordinance 14-2022**

10:55 a.m.

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.

Moved by Councilor Browning to approve Ordinance 14-2022.

Motion seconded by Councilor Smith.

Mr. Heggland discussed the fees that go with the Ordinance just approved. The fees would be effective July 1, 2022, and whatever is collected between July-Sept would not be required to be paid again after September 1, 2022. All future fees would be due in August each year.

Hayden Hansen, asked if there is a fee for a roll-off donated to a nonprofit, as they donate dumpsters on a regular basis. Mr. Schreiber stated that yes, a non-profit would be charged the \$10.00 fee even if the roll-offs are donated. Mr. Hansen expressed concerns that there is not a permit fee to use City roll-offs, but there is a charge to the non-profit for a free dumpster from a third-party. Mr. Schreiber stated that the intent is that the City will provide those dumpsters, and discussed issues with tracking at the landfill for donated boxes.

Wayne Hansen stated he has a lot of respect for the Council, and discussed costs to citizens due to capital expenditures. Mayor Santellana asked Mr. Hansen to keep his comments on topic.

Mickey Fincannon, asked how long the fee schedule has been being discussed and Mr. Schreiber and Mr. Heggland stated this has been discussed in various forms since the topic came up last year. Mr. Fincannon discussed flow control concerns previously expressed, the concern of trash going to outside city landfills, and that an Ordinance requiring all trash collected the City be taken to the City landfill would have taken care of the revenue concerns, and not imposed added fees and reporting.

Motion carried by the following vote:

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

Nays: Councilor Jackson, Councilor Nelson

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**Item 8a – Resolution 57-2022**

11:06 a.m.

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.

Moved by Councilor Browning to approve Resolution 57-2022.

Motion seconded by Councilor Whiteley.

Mr. Schreiber discussed the competitive grant process, and proposed project to fund street improvements to Old Windthorst Road and Hatton Road for the new high school being built. Remaining 2018 bond funds could be put towards the matching portion of the grant if desired.

Councilor Jackson asked if this project would include water mains, and asked if the grant could be used for that purpose. Mr. Schreiber stated that water mains are not included and he does not believe these funds can be used for that since it is a Department of Transportation grant. Councilor Jackson began discussing issues with properties annexed that have not been provided water service, and brief discussion was held regarding this issue. Mayor Santellana asked Councilor Jackson to hold his comments since they did not pertain to this item.

Alma Taylor, 5209 Air Force Drive, discussed street issues on Reilly Road, the number of residents in this area, the school in the area, safety concerns, and asked the Council to consider repairing and widening the road. She stated that it has been twenty-two years since the road was improved and she feels the taxes they pay should cover this.

Tom Taylor, 2318 Rockhill Road, agreed with Alma Taylor, and stated this road is a shame and needs to be corrected. He asked if this grant or a block grant could be used to improve Reilly Road as it is dangerous to walk on, is not well maintained on the sides, sidewalks are needed, and he discussed the growth in this area.

Councilor Jackson stated that he has taken pictures of this area before and sent them to Public Works, and discussed the dangerous conditions during school drop-off and pick-up times.

Mr. Taylor addressed the council again and agreed with Councilor Jackson regarding the dangers on Reilly Road, especially for children.

Ms. Taylor addressed the council again and stated that she spoke to the Street Department in the past and was told that they have the material but not the manpower, and they asked her to assist with the manpower. Council and staff asked who provided that information as it is incorrect, but Ms. Taylor did not recall.

Mr. Leiker agreed that Reilly Road is narrow, but that it should have been improved by the developer when more homes were built, and it will most likely take a bond issue to complete this project.

Councilor Jackson asked how much was left from the 2018 bond. Mr. Schreiber stated \$1.6 million. Councilor Jackson asked how much it would take to fix Reilly Road and Mr. Schreiber was unsure due to drainage, elevation, and curb and gutter issues that would increase the cost of the project. Mr. Leiker stated that an estimate can be obtained and sent to Council. Mayor Santellana discussed issues that can drive the cost up, the priority list for street repairs prepared by Public Works, and how road requirements today are more complex than they were in the past. Mr. Leiker discussed a proposal to a previous

Council to require sidewalks and curbs and gutters, and it was heavily opposed but this is an example where that would have been beneficial.

Motion carried by the following vote.

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

Nays: None

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**Item 8b – Resolution 58-2022**

11:23 a.m.

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.

Moved by Councilor Browning to approve Resolution 57-2022.

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

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

Nays: None

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**Item 8c – Resolution 59-2022**

11:25 a.m.

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.

Moved by Councilor Browning to approve Resolution 59-2022

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

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

Nays: None

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**Item 8d – Resolution 60-2022**

11:28 a.m.

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.

Moved by Councilor Browning to approve Resolution 60-2022

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

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

Nays: None

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**Item 8e – Resolution 61-2022**

11:30 a.m.

Resolution for appointment to the Wichita-Wilbarger 9-1-1 District Board.

Moved by Councilor Browning to approve Resolution 61-2022 appointing Dana Ross with a term to expire May 15, 2024.

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

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

Nays: None

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**Item 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)**

11:33 a.m.

Jessica Williams, Director of Finance CFO, gave a presentation to review the ARPA fund sources, and requirements. She presented a list of fourteen items that meet the ARPA funding requirements, seven items that meet the lost revenue requirements, and a list of fifteen items that are other identified needs. She discussed the anticipated general fund equity that could be used for projects that exceed the ARPA funding. She discussed how funds would be allocated through the City Council, and that lost revenue funds will be allocated through the budget process. There is an ongoing online survey for citizens to

provide input and they have received six hundred responses so far. The hearing was opened for public comment.

Councilor Browning asked if we can rename item #9 to City Hall Renovation instead of Memorial Auditorium to be clear that this is the renovation of City offices and not the auditorium itself.

Councilor Jackson asked about item #14 and what it would include. Mr. Schreiber discussed the SCADA system which has already been awarded.

Councilor Smith asked about the Art's Community recommendation and non-profit (Items 3 and 4) and asked if they would be allocated through a committee and Ms. Williams said they would. Councilor Smith expressed his desire to look at these two projects since non-profits provide services that are not provided anywhere else, and they operated through COVID and were not able to fundraise during that time. He also expressed his approval of all projects that meet the ARPA requirements.

Councilor Browning asked about items 3, 4, and 5, and the priority of those items. Mr. Jurecek stated they all have their own unique needs making it hard to prioritize these items, and discussed Fire and Police facility items listed as remodel that could be a rebuild.

Councilor Whiteley was glad to hear that there have been six hundred survey responses and encouraged more citizens to respond. He agrees with projects that have a return on investment and have had several conversations with citizens regarding some of the projects. He is highly in favor of the new parking lot at the veteran's memorial as he has been out there several times and there are always visitors with mobility challenges that would benefit from this project.

Councilor Smith asked about lost revenue items #2 and #3 and what items would be looked at for those two projects. It was noted that John Burrus has a list and is in the process of evaluating those needs.

Mr. Burrus discussed specific equipment they are looking at right now, and some of the items needed.

Mr. Jurecek discussed capital infrastructure projects, the new process during the budget process to set aside funds to help fund these projects, and discussed other possible infrastructure projects.

Councilor Smith discussed the other needs and some of these being on the Capital Improvement Plan. Staff acknowledged that some of these projects are on that list and do not have funding. His priority in the other identified needs is the Police Department remodel and possibly in phases like City Hall. He also supports the rebuild of the Central Fire Station but needs more detail on rebuild vs. remodel of Station 6.

Councilor Jackson asked about item #12 and asked if that is enough for all police officers to have a body cam. Chief Borrego stated that this would cover all uniformed police officers, and dashcams, but detectives do not typically wear body cams.

Councilor Smith asked Ms. Williams about other identified needs and employee premium pay and if this is an approved item, and she stated that yes, premium pay to employees that worked during COVID is approved. Mr. Leiker discussed that this is approved, but is not recommended over capital improvements especially since the MAG study was approved last year raising pay for many city employees.

Councilor Nelson asked if we were going to prioritize these items and Ms. Williams stated that is why we are taking citizen input and having this hearing.

Councilor Whiteley briefly discussed the Police and Fire facilities, their importance to our citizens, and stated that the rebuild of Station 6 does not mean that it has to be rebuilt in the same place but can be moved if needed. He understands that we are under time constraints which causes some issues, discussed concerns with central stations for the Police and Fire Departments, and discussed a need to make a plan for public safety facilities.

Councilor Smith discussed many of the needs being public safety issues, and the possibility of funding some of the projects with a bond issue in the future. He suggested the voting technique used during strategic planning meetings to help prioritize these items.

Mayor Santellana stated that they will evaluate the public input and Mr. Leiker stated that this would lead up to our June special council meeting and pre-budget workshop.

Ann Arnold-Ogden addressed the Council regarding an investment in Arts and Culture, provided information for the Council to review, and thanked the Council for making them a priority as donations and grants were down.

Tom Taylor, 2318 Rockhill Road, read a prepared statement regarding reasons he decided to move to Wichita Falls, and discussed the City Park program. He thanked the Council for their support of quality of life projects, and discussed quality of life items that help retain young individuals and families. Mr. Taylor discussed various projects funded through civic organizations that have assisted the park program. He discussed the \$2 million in ARPA funding that can be used for Park and Recreation projects and stated that none of the funding addresses replacing or repairing equipment, or providing restrooms. He discussed the Park Board park review final report given to the Council to review. He stated most parks have fifty year old equipment, and his intent is to discuss the need to revitalize City parks. He urged the Council to seize the opportunity and allocate \$500,000 to be shared among four City parks with immediate needs.

Steve Garner, 2806 South Shepherds Glen, member of the Lake Wichita Revitalization Committee, discussed the lost revenue item for Lake Wichita Park. He pleaded to the



Council and the community at large to get in touch with people that use the park and trail system daily. He thanked Jack Murphy for his incredible vision for the trail, and discussed the importance for safe, usable, and accessible facilities. This is an opportunity to use funds that can take care of a project that has needed to be addressed for many years. He asked the Council to look carefully at the lost revenue designation, urged continued citizen input, and thanked Council for the job they do.

Jean Hall, 4110 Kingsbury Drive, stated that whatever we invest in is what grows, and stated that the decisions Council makes decides the direction the City will go. She discussed Arts and Non-profits that provide services no one else does. She represents the Wichita Falls Youth Symphony Orchestra and discussed the hit the kids have taken trying to participate during the pandemic. She stated that an investment in the Arts is an economic investment because of the jobs that are created, those attending events spend money in our community, and some of the money is reinvested directly into our community. She read three statements from parents about how participation in the Youth Symphony Orchestra served their children, provided life lessons, and leadership opportunities.

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**Item 10 – Announcements concerning items of community interest from members of the City Council. No action will be taken or discussed.**

12:18 p.m.

Councilor Whiteley thanked everyone that attended and stayed through the whole meeting. He reiterated what Councilor Browning said earlier that Councilors sincerely put their hearts into every decision made to help all citizens, and it is tough when people insult your honesty and integrity. He thanked Council and staff for their time and efforts.

Mayor Santellana discussed Councilor Brewer's absence due to a death in the family. He encouraged everyone to review the documents Mr. Taylor provided regarding the Parks and encouraged everyone to continue to review proposed ARPA funding projects.

Councilor Jackson stated that you still have until May 15<sup>th</sup> at midnight to submit tax appraisal protests.

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**Item 11 – Comments from the Public to Members of the City Council Concerning Items That Are Not on the City Council Agenda**

12:21 p.m.

There were no comments from citizens.

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**Item 12 –Adjourn**

Mayor Santellana adjourned the meeting at 12:21 p.m.

PASSED AND APPROVED this 17<sup>th</sup> day of May 2022.

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Stephen Santellana, Mayor

ATTEST:

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Marie Balthrop, TRMC, MMC  
City Clerk

# **WICHITA FALLS METROPOLITAN PLANNING ORGANIZATION**

## **Technical Advisory Committee**

### **Minutes**

Thursday, January 13, 2022

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

Lin Barnett, Wichita Falls MPO, MPO Director, TAC Chairperson  
Blane Boswell, City of Wichita Falls, City Engineer  
David Rohmer, TxDOT, Director of Operations  
Callan Coltharp, TxDOT, Area Engineer  
Karen Montgomery-Gagne, City of Wichita Falls, Planning Administrator  
Terry Floyd, Director of Development Services

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

Jaimie Lee, Wichita Falls MPO, Senior Transportation Planner

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

Mark McBurnett, SAFB

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

Larry Wilkinson, City of Wichita Falls, Traffic Superintendent  
Scot Reaves, TxDOT, Director of TP&D

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

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

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

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

#### **III. Review and Approval of the October 7, 2021 Technical Advisory Committee's (TAC) Meeting Minutes**

Mr. Barnett asked for any comments or corrections to the October 7, 2021 TAC meeting minutes. Receiving none, he asked for a motion to approve the minutes. Mr. Boswell made the motion to approve. Mr. Floyd seconded the motion, which passed unanimously.

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

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

**V. Review and Recommendation to the Policy Board to Approve Resolution #1-2022: Support for TxDOT's 2022 HSIP/Safety Performance Measures with Targets (PM1 Targets)**

Mr. Barnett directed the committee's attention to Resolution #1-2022. He stated this resolution continues support for the performance measures and targets set in Resolution #1-2021 that were adopted by the Policy Board in January 2021. Mr. Barnett stated this resolution sets the Safety Performance (PM1) targets for 2021. Mr. Barnett asked for any comments or questions regarding the resolution. Receiving none, he asked for a motion to forward the resolution to the Policy Board for adoption. Mr. Coltharp made the motion to forward. Mr. Boswell seconded the motion, which passed unanimously

**VI. Review and Recommendation to the Policy Board to Approve Resolution #2-2022: Support for the Wichita Falls Transit System's Asset Management Plan 2020 TAM/SGR Performance Measures with Targets (TAMP)**

Mr. Barnett directed the committee's attention to Resolution #2-2022. He stated this resolution continues support for the performance measures and targets set in Resolution #2-2021 that was adopted by the Policy Board in January 2021. Mr. Barnett stated this resolution sets the 2022 performance measures and targets for the Transit Asset Management/State of Good Repair plan for the Wichita Falls Transit System (WFTS). Mr. Barnett noted WFTS made no changes in their Transit Asset Management Plan for 2022. Mr. Barnett asked for a motion to forward the resolution to the Policy Board for adoption. Mr. Rohmer made the motion to forward. Mr. Boswell seconded the motion, which passed unanimously

**VII. Review and Recommendation of 2021-2024 Transportation Improvement Program (TIP) January 2022 Amendments**

Mr. Barnett discussed the amendments made to the 2021-2024 Transportation Improvement Program (TIP). He stated the first amendment was to replace the Section II Glossary, B. Grouped Project CSJ Definition and Funding table with the new TxDOT approved definition and funding table recommended by Lori Morel at TxDOT TP&P. Mr. Barnett stated the seconded amendment was for Project number CSJ 0156-04-114, the "GAP" project on US 82 towards Abilene. This amendment updated the information in Section III – Federally Funded Mobility Projects to include the revised letting date of 2026, and to list Right-of-Way and Environmental phases only. No construction costs will be shown at this time. The final amendment discussed was to update estimated Section 5307 FY 2021-2022 transit grant revenues/costs with actual amounts.

Mr. Barnett asked for any comments or questions regarding the amendments made to the Transportation Improvement Program. Receiving none, he asked for a motion to forward the amendments to the Policy Board for adoption. Mr. Floyd made the motion to forward. Mr. Rohmer seconded the motion, which passed unanimously.

**VIII. Review and Discuss Progress on the 2021-2022 Freight Mobility Plan**

Mr. Barnett updated the committee on the current progress from Alliance Transportation Group (ATG) regarding the 2021-2022 Freight Mobility Plan. He discussed meeting with area stakeholders and government officials who are interested in the Freight Mobility Plan to provide their insight in to the needs of the area in regards to freight. ATG is working on the data assembly in preparation for the economic impact analysis. ATG will continue to develop goals and performance measures based on the freight transportation

system deficiencies analysis and stakeholder feedback. Mr. Barnett asked for any comments or questions regarding progress on the Freight Mobility Plan. Receiving none, the committee moved on to the next agenda item.

**IX. Other Business:**

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

**City:** Mr. Boswell reported Taft Blvd. widening was 13% complete. The Hike and Bike Trail from Lake Wichita Park to Larry's Marina was 60% complete. 2021 Asphalt St. Rehab was 98% complete. 2021 Concrete St. Rehab project was 70% complete. The Business Park Streets and Drainage Project will be awarded next week.

**TxDOT:** Mr. Coltharp reported FM 1954 on SH 79 is complete. FM 369 bridge improvement along Southwest Parkway at Holliday Creek is on schedule and making progress. SH 240 intersection improvements near Robinson Road is in the process of a 'contract take-over' and construction has not begun. Bridge Maintenance Project at various locations is scheduled to begin construction next week. FM 367 Seal Coat will begin this summer.

**b. MPO Quarterly Financial Report (4th Quarter – July, August, September)**

Mr. Barnett reported on the 4th quarter expenses for the MPO. He stated that the MPO had spent 91% of its total allocation for FY 2021 and came in under budget. Mr. Barnett asked for any comments or questions on the fourth quarter financial report. He received none.

**c. Grouped TxDOT CSJ Projects Report**


Ms. Lee reported on the 4th quarter grouped CSJ projects report. Ms. Lee discussed the changes to the projects over the quarter.

**d. Other Items**

There were no other items.

**X. Meeting Adjournment**

The meeting adjourned at 10:13 a.m.

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

**AMENDED MINUTES OF THE**  
**WICHITA FALLS ECONOMIC DEVELOPMENT CORPORATION**

**February 17, 2022**

**Present:**

David Toogood, Vice President	§	WFEDC Members
Phyllis Cowling, Secretary-Treasurer	§	
Darron Leiker	§	
Brent Hillery	§	
Bobby Whitely, Mayor Pro-Tem	§	Council
Paul Menzies, Assistant City Manager	§	City Administration
Blake Jurecek, Assistant City Manager		
R. Kinley Hegglund, Jr., City Attorney	§	
Russell Schreiber, Director of Public Works	§	
Jessica Williams, Chief Financial Officer	§	
John Burrus, Dir of Aviation, Traffic, & Transportation	§	
Terry Floyd, Director of Development Svcs		
Chris Horgen, Public Information Officer	§	
Jon Waltjen, Airports Administrator	§	
Andrea Kidd, Public Information	§	
Paige Lessor, Recording Secretary	§	
Henry Florsheim, President, and CEO	§	WFCCI
David Leezer, V.P. Business Attraction	§	
Tony Brumley	§	Dental Planet/DuraPro
Nicholas Whittington	§	
Peyton Cannedy representing Dental Planet	§	Sherrill & Gibson, Attorneys at Law
Scott Poenitzsch	§	Delta T Thermal Solutions
Michael Stanford	§	

**Absent:**

Leo Lane, President	§	WFEDC Member
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**1. Call to Order**

David Toogood called the meeting to order at 2:32 p.m.

Mr. Toogood stated that even though the item was not on the agenda, representatives from Panda Biotech were at the meeting to give an update on construction and progress. Mr. Hegglund asked if that agenda was listed. Mr. Toogood explained that it was not on the agenda but that it was just an update and that no action would be involved. Mr. Hegglund explained that to have a discussion item without it being posted would be a violation of the Open Meetings Act. Mr. Leiker asked if anyone knew they were coming and if they were missed on the agenda. Mr. Hegglund

and Mr. Menzies stated that they did not know the representatives were coming. No discussion or action was taken regarding Panda Biotech. The meeting proceeded according to the posted agenda.

**2. Discussion and possible action related to collateral agreements with 707 North Scott LLC/Dental Planet/DuraPro Enterprises.**

Mr. Florsheim addressed the Board about Dental Planet and its continued growth in Wichita Falls. He reminded the Board that the original agreement was with the property owner at 707 North Scott. Mr. Florsheim explained that the new owners of Dental Planet were in the process of purchasing that property. The new owners would like to take on the responsibility of the incentive agreement, which was not in their name. As they are working through the process, their bank has requested a first position on the collateral, which conflicts with our existing agreement. Mr. Florsheim further stated that he has been working with the new owners and their attorney, Peyton Cannedy from Sherrill and Gibson. There is a proposal to amend the agreement. Mr. Florsheim then calls upon Mr. Cannedy to address the Board.

Mr. Cannedy introduces himself to the Board and explains that he represents Dental Planet and DuraPro Enterprises. The purpose of the agenda item is to request the WFEDC's cooperation in moving forward with the purchase of 707 North Scott Ave from its owner, 707 North Scott, LLC. Mr. Cannedy introduced Nick Whittington and Tony Brumley, the owners of DuraPro and Dental Planet. Mr. Cannedy briefly explained the agreement between the WFEDC and 707 North Scott, LLC. He said that the WFEDC and 707 North Scott, LLC entered into a forgivable Combined Promissory Note of \$327,310 in 2014, secured by a Deed of Trust covering the Property. In connection with the Promissory Note, WFEDC and 707 North Scott, LLC entered into a Performance Agreement outlining the terms of the note forgiveness. As long as 707 North Scott, LLC employed 30 full-time employees or leased to a tenant who did, the total annual payment of principal and interest would be forgiven. If 707 NS or its tenant failed to reach this employment threshold, it would be required to pay the shortfall amount proportional to each position under 30. Since entering into this agreement, 707 NS has leased the property exclusively to Dental Planet. Since the date of the note, \$224,753 has been forgiven, and \$4,364 has been repaid. Dental Planet has met the qualifications of the agreement for note forgiveness each year except for 2020, in which they fell short by four employees, in part, due to the pandemic. A balance of \$98,193 remains on the note to be forgiven over the next three years or, if qualifications are not met, to be repaid.

Mr. Cannedy goes on to describe his request. He states that part one of his request is that the WFEDC consent to DuraPro's assumption of the existing loan to 707 NS. Secondly, DuraPro would like WFEDC to subordinate its current lien against the property to a new bank lien for DuraPro to finance the remaining portion of the purchase price. Mr. Cannedy stated that he believed it was a win-win for all parties involved. It would return Wichita Falls property to local hands and is low risk. Mr. Cannedy thanked the Board and asked if anyone had any questions.

Mr. Toogood asked the amount of the first lien. Mr. Cannedy replied that it is approximately \$330,000 and explained that they met with a realtor and received a property valuation of about \$500,000. Mr. Leiker stated that he was concerned because a second-line position is not worth much and asked if another option might be for DuraPro to get a bank letter of credit covering that difference to protect the taxpayers' investment. He explained that the first lien position was necessary when the deal was made and was WFEDC's collateral. He stated that the WFEDC is being asked to give up that collateral plus approximately \$300,000 essentially. Mr. Cannedy responded by saying that he doesn't think the WFEDC would be giving up the collateral.

The collateral is half a million dollars, and the WFEDC will have a first bank lien and \$330,000. So that's roughly \$170,000 in equity that would be available if something were to happen. Mr. Cannedy then reiterated that the Company had met the qualifications of the performance agreement for the last seven years, except for the pandemic year. Ms. Cowling asked for clarification, verifying that the amount owed was not over \$300,000 but was roughly \$100,000. Mr. Cannedy confirmed that she was correct. Ms. Cowling also verified that in addition to the WFEDC, there are two different parties, a property owner and a tenant, but if this deal goes through, the property owner and tenant will be the same. Mr. Cannedy reaffirmed Ms. Cowling's understanding.

**3. Discussion and possible action related to Delta T Thermal Solutions manufacturing project.**

Mr. Flosheim explained to the Board that Tranter Manufacturing announced that they were going to shut down this facility and move their manufacturing from that facility to Houston last year. Wichita Falls lost about one hundred jobs. However, they are keeping 15 to 20 employees in Wichita Falls, and they are renting space on the second floor of the Hamilton Building. A local group has formed that has expertise in this industry and the heat exchanger industry. They are in the process of purchasing some of the product lines, the facility, and the equipment from Tranter to take on some of that business. Mr. Flosheim introduced the Company, Delta T Thermal Solutions, and its representatives, Scott Poenitzsch and Michael Stanford. He explained that the Company is requesting a cash-for-jobs incentive.

Mr. Poenitzsch introduced himself and Mr. Stafford, who represents the interests of the Sharp Iron Group. Mr. Poenitzsch proceeded to make a presentation to the Board. He explained that the project he is describing is called New Beginnings and that it is an acquisition of certain identified Tranter assets. He gave some background information explaining that Tranter, a wholly-owned subsidiary of the Swedish multinational corporation Alfa Laval AB, established operations in Wichita Falls in the mid-1960s. Tranter Inc. manufactures industrial heat exchangers for worldwide applications such as oil and gas, marine, HVAC, ethanol, food processing, and heat recovery. In May 2021, Tranter announced the closing of its Wichita Falls facility and the relocation of office and manufacturing operations to the greater Houston area. The Wichita Falls area lost approximately 115 manufacturing and office jobs.

Additionally, the impact this move had on secondary and tertiary businesses in the area is estimated at \$1.75 million to \$2.25 million. These businesses are direct material suppliers, including Kalco, Construction Bolt, and Sharp Iron, and maintenance, repair, and operations (MRO) suppliers such as WebFire, Texoma Freight, and AirGas.

Delta T was formed in late 2021 under the umbrella of the Sharp Iron Group, the managing partner from now on. Delta T plans to acquire three of five product lines from Tranter, Platecoil, Eonocoil, and Maxchanger. Tranter is transferring the other product lines to Houston. The three product lines to be purchased represent about 35% to 40% of the total revenue of Tranter at the time of its closure. Delta T is also planning to acquire the Tranter facility on Old Burk Highway and create up to 60 direct manufacturing and manufacturing-related positions for the local economy. These roles would be in manufacturing, asset procurement planning, sales, customer support, engineering, and quality assurance.

Mr. Poenitzsch described the type of exchanges that would be manufactured. The Platecoil product line goes back to the early 1930s, and it is well recognized as a brand in the marketplace.



Mr. Poenitzsch presented photos of examples of the Platecoil products. One example is a curved heating surface that can go on the outside of a tank. Another example is a coffee bean dehydration system. And the third example is the immersion bank heater. He explained that immersion bank heaters are used to warm the tanks in which the dolphins swim in front of the Mirage in Las Vegas. Mr. Poenitzsch described the second product to be acquired, Econocoil. He told the Board that the products as having a pillow pattern. He explained that the Flue Gas Waste Heat Recovery Bank could be used during a process operation that generates much heat. The recovery bank can recover the heat lost and then circulate it back into another process within the same facility.

Jacketed-Process Tanks are commonly used in the beverage industry, such as wine and beer production. The cooling jackets are placed outside to pull heat from the tank while alcohol is chemically processed. The last example of an Econocoil is drum heating. When the weather gets well below freezing in the northern states and liquid is stored in drums, these jackets can be placed around the drum to heat the fluid to improve flow from the drum. The third product to be acquired is the Maxchanger. These are found in oil and gas skid operations, both upstream and midstream. They are made from titanium or stainless, and they have high pressure and high heat ratings. The size of the unit in the photo is approximately 24 inches long, 3 inches thick, and 4 inches wide. It is made of titanium and sells for roughly \$45,000.

Mr. Poenitzsch described the structure of the Company moving forward. He explained that he would assume the role of President of Delta T Thermal Solutions. He will be hiring a sales force, manufacturing, quality assurance, and design engineering. Being a group company under Sharp Iron, they will share services under accounting, IT, and human resources. He would like to employ 58 to 60 people over three years, 19 of which will be in the office and 39 on the shop floor, with an estimated payroll of about \$3.1 million. He anticipates much local business-to-business procurement with MRO suppliers and direct material suppliers. The estimated annual taxes by the organization to the City is \$50,000, the County \$50,000, and the WFISD is \$80,000. The Company is acquiring the facility and real estate for \$2.23 million and the product assets and manufacturing equipment to produce the three product lines for \$250,000.

Additionally, the Company is investing \$1 million of capital to acquire raw materials to get the product started again and some additional startup expenses. The request to the Board is a cash-for-jobs incentive. Mr. Poenitzsch anticipates that the Company will have at least 58 jobs after three years. His expectation for the first year is about 30 jobs. He explained that as he looks at the product in the market, currently, there is a void. These products have not been produced, and several reps in the industry say there is pent-up demand. It is difficult to understand how quickly the demand will come back, and Mr. Poenitzsch's concern is that it will return faster than he expects. He reiterated that the Company is committing to 25 or 30 jobs in year one with the understanding of up to 58 positions over three years. He then asked if there were any questions.

Ms. Cowling asked if the positions that Tranter kept in Wichita Falls would remain with Tranter or if they were going to transfer to Delta T. Mr. Poenitzsch said they would remain Tranter employees. Ms. Cowley reaffirmed that 58 jobs being referenced are in addition to the 15 or 20 that remain with Tranter. Mr. Poenitzsch clarified that the individuals officing on the second floor of the Hamilton Building are engineers and product design engineers servicing the Tranter location in Houston.

#### **4. Discussion and possible action related to development of industrial property at Wichita Falls Regional Airport.**

Mr. Florsheim addressed the Board about aerospace as a target business attraction for Wichita Falls. He explained that communities that do a fine job with airspace-related economic development have industrial sites at their airport because the companies can fly in airplanes or helicopters and provide services to them on site. We have never had that, but we have talked about it before. He stated that a couple of prospects are looking for airport frontage property to be able to fly in a few aircraft at a time and service them. David Leezer has been working with them and spending time with John Burrus and John Waltjen from the airport. They identified an opportunity to potentially develop some industrial property near the airport for these and other potential prospects. Mr. Florsheim calls on Mr. Leezer and Mr. Burrus to give the Board more details.

Mr. Leezer explained to the Board that they are looking at potentially creating a second business park on the north side of Wichita Falls. The idea is to promote I44 and the airport. We've had some interest, and we need to move forward now. He has been working closely with John Burrus and John Waltjen, and they have seen an opportunity for some land around the airport. Mr. Menzies and his team have helped out immensely in the attempt to acquire the land. Today's request is no more than \$75,000 for the options, potentially for Geotech, for phase one environmental. Additionally, this will allow for some federal funds to help acquire it. Mr. Leezer then deferred to Mr. Burrus for further explanation.

Mr. Burrus stated that there is approximately \$13.6 million of FAA funding over the next ten years that the City has no use for right now. He also noted that a company approached the City to open an operation in Wichita Falls and if the Board would be inclined to support this project, an even bigger project could be in the works. The entire \$13.6 million in federal funds could be used toward that project.

Mr. Leezer opened up the discussion for questions. He remarked that he believes this project will be a great thing to market and expand the availability of Wichita Falls because they do a great job out there. It would be a lot less expensive than doing something like this at DFW or Oklahoma City.

Ms. Cowling asked for confirmation that the \$75,000 would be inclusive of the site studies and securing the option on those properties to lock in pricing, so there is no escalation just because we are interested. Mr. Leezer reaffirmed the statement by Ms. Cowling and reiterated that Paul's team had done a great job. Mr. Leiker asked if the cost estimate was accurate and if Mr. Leezer believed the amount would cover phase one. Mr. Leezer explained that he did two Geotech Reports for sites seven and eight, and the total of the two reports was \$23,000. He also stated that he spoke to an engineering firm that estimated \$15,000 to do a phase one study last year. Mr. Toogood asked if there were any restrictions on development since it is a joint-use field and if there have been any discussions with the Air Force. Mr. Burrus said there had been no discussions yet because he wanted to get the options to secure the land before it was made public. Discussions with the Air Force will be the very next step. He explained that there is minimal space on the current leased property to do the project, so at a very minimum, they are looking at a "through the fence" agreement with Sheppard or seeing if we can expand our lease footprint.

Mr. Leiker asked for clarification about communication with the Air Force. Mr. Leiker said he thought there were some initial meetings, and he did not want to leave anyone with the impression that the City had not been communicating with Sheppard AFB. Mr. Burrus explained that yes, there had been general discussions with the heads of each division like property management and airfield management but no one above the rank of colonel. The next step would be to formally up through the Department of Defense and the United States Air Force. Mr. Hillery asked if that would be a better location than Kickapoo Airport. Mr. Burrus explained that the

regional airport has a runway that is 13,000 feet long, and there are only five runways of that length in a five-state area which puts Wichita Falls at a significant advantage. Other possible industries being looked at are regional jet repair and maintenance, including sizeable aircraft, and Kickapoo is limited to 5,000 feet. Mr. Burrus said that this was not the first request like this to be made. Covid caused things to quiet down, but it is starting to pick back up with several groups becoming highly interested. Mr. Burrus explained that this is definitely a project that can be done from what he has seen. Mr. Burrus further explained that 13.6 million after the local match would generate about 15.1 million. The project would include the construction of a taxiway and apron. Mr. Burrus explained the Military Airports Program, and that is how the terminal building at Regional was built. Under that program, you can use FAA dollars to build hangars. There could be construction of up to fifty 60,000 square foot hangars to handle up to three Embraer-type aircraft. The jobs that would come with this project would pay anywhere from \$25.00 per hour to \$50.00 per hour. Mr. Burrus expressed that there was a lot of potential with this project. Mr. Leezer said that after talking with site consultants, the Aviation Aerospace industry is coming back big time. He will be representing Wichita Falls at an aviation aerospace MRO trade show soon and thinks it is in the best interest of Wichita Falls if he can describe what we are in the process of proposing and building. He believes having Sheppard Air Force Base is an asset because of its capabilities and the type of people who retire or leave the military.

**5. Discussion and possible action on a request by the City of Wichita Falls related to the existing WFEDC-funded MPEC/Hotel Parking Lot Project.**

Mr. Jurecek addressed the Board. He explained that he would like to revisit a request made back in 2017 involving the expansion of the MPEC Parking Lot. Mr. Jurecek described the location of the construction of the new hotel. He explained that the new hotel is being constructed on the MPEC parking, which has displaced a lot of parking. Mr. Jurecek described the MPEC Hotel and Conference Center Project, explaining that it is a \$48 million investment into the WICHITA FALLS community by Tim O'Reilly and his hospitality company. The hotel and conference center will be a 200-room full-service Delta by Marriot, owned and operated by O'Reilly Hospitality. He further reminded the Board that the WF4BSTC issued \$19 million in revenue bonds to fund a portion of the conference center. He described the conference center explaining that it would be approximately 35,000 square feet. Mr. O'Reilly and his group also have an option to build a limited-service hotel right in this area. Mr. Jurecek talked about the project's economic impact, explaining that WF4BSTC hired a company to conduct a market study on the hotel's local economic impact and feasibility.

During the construction phase, there will be 295 jobs for the first two years. Then, the study shows a \$44 million impact on our local economy for the next ten years. So there is a total impact of approximately 84 million. Once the hotel is up and running, there will be 116 additional jobs in the area. He explained how the hotel occupancy tax would impact the economy by about 500,000 for the first ten years.

Mr. Jurecek then went on to explain the history of the request. In May 2017, when the original proposal was made, Biggs and Matthews estimated a cost of \$1,000,000. At that time, WFEDC agreed to fund 50% of that cost. This project is 100% eligible to be funded by the WFEDC.

Mr. Jurecek described where the current parking is located and the location of the initially planned parking additions. He explained that the need for more parking arose because the original

plan for the hotel was to be 150 rooms, and now it will be a 200-room hotel, so the displacement of parking has increased significantly. He explained that Parking Lot K would need to be expanded to 324 parking spaces. He further described the location of all the additional parking to be constructed and that there will be RV hookups. He also reminded everyone that construction costs have significantly increased over the last five years.

Further, he went on to explain the current phase of the project. Public Works published the bid in January, and bids were received in February. Freeman Construction came in with a low bid at just a little over \$2 million for the project. Mr. Jurecek described that one of the parking lot expansions was formerly a housing addition, so all the utilities are down the middle of the parking lot and will have to be moved. The process with Oncor has started to move those utilities, which is an 80,000 to 85,000 expenditure. The contract will go to the Council on March 1, and he hopes to begin construction in April and have it complete by the end of June or July 1, definitely before the Hotter'n Hell. He stated that today's request is to increase the funding for the parking lot replacement project from \$497,000 to \$1,000,000. This amount is equal to half of the price of the entire project. Mr. Jurecek asked if there were any questions, and Mr. Toogood asked if WF4BSTC had decided to increase its funding. Mr. Jurecek said yes, 4B is funding the other half of the project. No other questions or comments were made.

## **6. Strategic Discussion**

Mr. Florsheim addressed the Board and indicated that he had two subjects to discuss. First, he updated the Board about the Community-Wide Strategy and thanked the Board for funding the process and facilitator. Mr. Florsheim explained that the Falls Future Team met for the first time with Matt DeVeau in mid-January, and the group meets again next week to take the following steps. The team released an online survey both in English and Spanish, and they ended up with around 3,300 responses. According to Matt, this is a valid enough response to give some good feedback. The team will be reviewing the survey results at next week's meeting and Matt's research as to where Wichita Falls is as a community right now. That information will help inform the group as they work on updating the strategy over the next four months.

Mr. Florsheim then made a brief presentation about a study published by the Company, Polycom, and Wichita Falls's ranking in that study. According to its website, Polycom analyzes local and state economies' dynamics and offers solutions and ideas on how to improve those economies. Wichita Falls did not fare too well in this ranking. This particular ranking looks at metropolitan statistical areas (MSA). The Wichita Falls MSA comprises Wichita County, Archer County, and Clay County. Polycom's definition of an MSA is an area with at least a 50,000-person population. The MSA must have an adjacent territory with high economic interaction, meaning people go back and forth across the borders to do commerce. There are 384 MSAs in the country, and this ranking looks at all of them. Wichita Falls is not only compared with communities our size, but with MSA's such as Seattle, which ranked number one.

Wichita Falls's current ranking on the list is 379 out of 384. The ranking also shares communities' changes in employment during COVID. For Wichita Falls, it was -5.1%, which ranked 232 out of 384, so the 5.1% loss was not anywhere near the worst-performing communities. Mr. Florsheim explained that this ranking is a twenty-year scale. Starting back in 2005, Wichita Falls was ranked 269 and 234 in 2006. The ranking began to change from there. Mr. Florsheim stated the labor force was growing in the year 2000 and was growing every year until 2004, and then it started to take a hit. Sheppard AFB lost a big medical mission and many high-paying local jobs moved



away. With the rest of the country, Wichita Falls entered a pretty big recession, and then around the last part of that decade, Wichita Falls lost thousands of industrial jobs with companies like Saint-Gobain Vetrotex and all the spin-offs that supported them. Between 2004 and 2015, Wichita Falls lost around 10,000 people from its workforce, and in 2010 Wichita Falls entered the worst drought we'd ever seen. Then in 2016, the labor force started to grow again modestly, then dropped a little in 2019. Since 2019, we have held our own, then recently, numbers have begun to grow again, and we are now back around 2016 figures.

Mr. Florsheim summarized by saying that the rankings in the study are not actually who a community is today, but a look at the last 20 years with a bit of higher weight given to the previous five years. He explained that it is hard to rank a company today when you include years like 2004 to 2015. He explained that all the bad years are still incorporated in this data. He stated that he wanted to give the Board an overview of the tool, how the Company uses it, and how it compares to our labor force.

Mr. Florsheim stated that the good news is that Mr. Leiker has told the Board multiple times that sales tax collections are up and retail sales are up. And everyone knows what home sales look like right now. Mr. Florsheim stated that the labor force is growing, and the numbers that are being looked at today are better than before. He asked if anyone had any questions.

Mr. Leiker stated that he would clarify the methodology of this study. He noted that a significant component of the study is based on wage rates, and Wichita Falls has historically had low wage rates going back 40 years or more. But there is another side that the study does not include: the cost of living and Wichita Falls's cost of living is low. So the cost of living offsets the labor. Mr. Florsheim stated that Mr. Leiker was absolutely right. He explained that another community could have a higher wage rate but a much higher cost of living, and it would be ranked higher because the wages are higher. Mr. Florsheim reiterated that the cost of living is not included in the study.

Ms. Cowling expressed that she has looked at reports on the highest performing cities from the Milken Institute for years. She said she looked at the 2021 study, and it is similar to Polycom, but the study does separate the MSAs into small, mid-size, and large groups. Wichita Falls is in the lower half of the small group of around 200. She did see some good news out of that study, and it was that we saw some wage growth, and Wichita Falls was 48 out of 200. She said it gives her hope that Wichita Falls is making up a little ground. She explained that everyone should be looking at this in two ways, comparing ourselves to ourselves (are we getting worse or better) and comparing ourselves to others. If we are not getting better more quickly than others, we are falling behind. She explained that she has said that we have to give ourselves credit for the progress that has been made but that we should not rest on that progress. She explained that we should continue to look into the manufacturing sector but asked should we not be looking into "high tech." Because there are higher wages in that industry, there are probably longer-range opportunities. But it all comes down to the "is it the chicken or the egg" theory. Do you have the "white collar" jobs first and then get the educated workforce to fill those jobs, or do you have the educated workforce, then get the jobs? It is definitely a balancing act.

Mr. Florsheim agreed with Ms. Cowling. He stated that projects like Got IT work well for our community, with which 30 to 60 skilled people are needed. They can potentially recruit some to move here. He expressed that it would be tough to fill 1,000 positions of any type right now, but we are satisfied with a company that wants to hire 20, 30, 50, or 100 people here. Wichita Falls has a lot to offer. We are developing more housing downtown, and we are much cheaper as a community to do business in than somewhere like Plano. He said that he would discuss this with

Matt going through the next four months. Manufacturing will always be critical, but manufacturers are generating the same output as 20 to 30 years ago with half the workforce.

Mr. Florsheim discussed the census and how it tells you a starting number and an ending number, but it does not tell you what happened in the middle. From 2010 to 2020, the first half looks way different than the second half. There is a good chance we got below 102,000 and have added since then. He stated the numbers now are encouraging, and many positive things are happening. Then, Ms. Cowling asked how the labor force slide presented compares with other similar-sized communities. We can see that Wichita Falls had a rough ten years with the drought and other economic issues and then the pandemic. Did other communities have a similar trend?

Mr. Florsheim said his team could replicate the labor force slide for the three cities in their study, Abilene, Amarillo, and San Angelo. Mr. Leiker stated that his gut feeling is that Wichita Falls was worse off than the others because of our population relative to the number of industrial jobs we lost. He stated that it was a domino effect for several years. During this period, we lost many manufacturing jobs the City attracted in the 1960s and 1970s. Mr. Leiker expressed that the focus should be on incentivizing higher-paid positions. That may mean we do not go after every single job. If we do not focus on increasing wages, we will be at the bottom of these lists from here on out. It is nice to say we have a low cost of living, but that is changing too. Ms. Cowling agreed about the low cost of living and that it is a harder sell to potential workers. A potential employee will first compare the salary. Ms. Cowling stated that we need manufacturing and high-tech industries and acknowledged that we would not get major organizations in big companies. We will get niche, and that's ok, but we have to attract those higher salaried jobs. Mr. Leiker said we might need to save the economic development tax for the "home runs" or higher wages and give more per job created than the companies creating lower pay rate jobs. We will still encourage those companies to come, but those are not the livable wages we need to see. Mr. Florsheim suggested a small tax abatement but that the incentive would not be cash out of 4A's bank account. He stated that it is hard to turn down a deal from his perspective when a company is interested in doing business with your community, but we don't have unlimited funds. He spoke about Abilene spending \$33,000,000 on Project Curt Hurd. He said that Abilene had saved money for years, and they claim they have landed the biggest economic impact in the history of Abilene. He asked if there were any more questions. No more questions or comments came from the Board.

## **7. Consent Agenda**

### **a. Approval of Minutes (January 20, 2021).**

Mr. Toogood asked if anyone had any questions or comments about the minutes. No comments were made, or questions asked.

### **b. Financial Report**

Mr. Toogood asked if anyone had any questions or comments about the financial report. Ms. Cowling that it looked good. Mr. Menzies stated that there is just a little over \$1,000,000 in new requests, and with those new requests, there is a healthy unencumbered fund balance of about \$7,000,000. This amount may be on the conservative side. February sales tax reflects December sales, and this past Christmas was 13.5% better than last Christmas. For the year, the pace of sales tax is running about a million dollars ahead of what was budgeted by the Board.

**8. Executive Session.**

Mr. Toogood adjourned the meeting into executive session at 3:35 p.m. pursuant to Texas Government Code §551.087. He announced the meeting back into regular session at 5:03 p.m. The subjects posted in the Notice of Meeting were deliberated, and no votes or further actions were taken on the items in executive session.

**9. Motions**

**707 North Scott LLC/Dental Planet/DuraPro Enterprises.** Ms. Cowling moved to authorize DuraPro Enterprises to assume the WFEDC's existing loan to 707 North Scott, LLC and to subordinate WFEDC's existing lien against the Property to a new bank lien for DuraPro to finance the remaining portion of the purchase price. Seconded by Mr. Hillery, motion carried 4-0.

**Delta T Thermal Solutions.** Mr. Hillery moved to provide a cash-for-jobs incentive to Delta T Thermal Solutions for \$7,500 per job up to 58 new jobs for a maximum commitment of \$435,000. Seconded by Ms. Cowling, motion carried 4-0.

**Development of Industrial Property at Wichita Falls Regional Airport.** Mr. Leiker moved to spend up to \$75,000 for real estate options and site studies on properties adjacent to the Wichita Falls Regional Airport for purposes of developing industrial sites for potential tenants. Seconded by Mr. Hillery, motion carried 4-0.

**WFEDC-funded MPEC/Hotel Parking Lot Project.** Mr. Leiker moved to approve the requested increase in funding for the MPEC Hotel and Conference Center Parking Lot project up to a total amount and not to exceed \$1,025,000 for 50% of the project. Seconded by Ms. Cowling, motion carried 4-0.

**10. Adjourned.**

The meeting adjourned at 5:11 p.m.

  
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Leo Lane, President



**MINUTES**  
**LAKE WICHITA REVITALIZATION COMMITTEE**  
April 12, 2022

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**PRESENT:**

■ Members

David Coleman, Chair  
Tim Brewer, City Council Rep  
Alicia Castillo, Gold Star Family  
Steve Garner, Vice Chair  
Ford Swanson  
Matt Marrs  
Sharon Roach  
Rick Hernandez  
Mike Battaglini  
Austin Cobb

Blake Jurecek, Asst City Manager  
Blane Boswell, City Engineer  
Terry Points, Parks Administrator

■ Staff

Robert Mauk, TP&W

■ Guests

**ABSENT:** John Strenski, Alison Sanders, Kendrick Jones

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1. **Call to Order:** David called the meeting to order at 10:00 am and declared a quorum. He introduced our two new members appointed by City Council – Mike Battaglini (the designated Park Board representative) and Austin Cobb. They were welcomed warmly by the group, and they shared some of their backgrounds.
2. **Approval of Minutes:** March meeting minutes were approved unanimously.
3. **Project Updates:**
  - 3.a. **Veteran's Plaza Project:** David shared the results of the bid opening – low base bid was \$456,099.50 from Marrs Patriot Construction, with a bid of \$227,000 for the Bid Alternate (the rest room) which will not be awarded. A fund transfer was made from the Community Foundation to the City, in the amount of \$531,700 which is base bid plus ten percent for change orders, plus \$30,000 for the re-design by KHA. Remaining obligations will cost approximately \$75,000 (GSF Monument, Soldier statue, and memorial bricks) and total funds available is \$180,000 so we are comfortable with the project budget.

On April 5<sup>th</sup>, City Council voted unanimously to award the construction contract to Marrs Patriot Construction. The second item on that agenda, to consider formally naming the Veterans Plaza, was tabled at the request of the Patterson family. Steve informed the group that the family would like for Harry Patterson to simply be listed on the plaque of donors. Terry suggested the plaques be made of black granite, since bronze might be stolen. The Committee voted unanimously to have two granite plaques, one for donors and another to display the Soldier's Prayer. David will email Blane to formally request these contract changes be made. Steve will determine wording for the Donor plaque.

April 12, 2022



David stated the Woody Williams Foundation has approved the etching artwork we requested on the back of the GSF Monument, however, the Homeland panel artwork (Alamo and TX Flag) is not yet complete and the artwork proof will be delayed.

The Committee discussed the possible relocation of both the Eternal Flame monument at City Hall, and the WFISD Veterans display at Memorial Stadium to the new Lake Wichita Veterans Memorial Plaza. A favorable consensus was reached on both, and David will look into the details of both, before any final vote is taken. Steve will contact Ashley Thomas at WFISD to get a discussion started with them.

Blake stated that Blane will be the Committee's POC for the project. Blane stated that a pre-construction meeting will be scheduled soon with Marrs Patriot, with Notice to Proceed being issued for two weeks after that meeting date.

- 3.b. **Lake Deepening:** Briefed new members on the history and status.
- 3.c. **Kayak Launch Grant:** Robert Mauk stated the contract is now signed by both the City and TP&W so Terry can proceed to purchase the equipment. Terry will get an updated quote from the vendor, Accu-Dock, and get it on order ASAP. He will check to see whether City Council approval is needed for the purchase. He expects 3-4 month delivery time, and City Park crews will install the kayak launch. Excavation is complete in the area of the launch, to make it as usable as possible when the lake is low.
- 4. **Discussion of Brick Sales and Fundraising Initiatives:** David stated that he and Kathie Chaddick got all the paper brick orders entered into the Polar Engraving website system. Now he must work out a glitch in the system regarding PayPal payments, to eliminate duplicate and incomplete orders. It's possible we can end up with around 800 bricks, and KHA is looking into how we would accommodate that number of bricks.
- 5. **Other Business Matters:** None.
- 5.a. **Website Changes:** On hold.
- 6. **Adjournment:** The meeting adjourned at 11:14 am.



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David Coleman, Chair

10 May 22  
Date

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## **CITY COUNCIL AGENDA**

### **May 17, 2022**

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**ITEM/SUBJECT:** Conduct a public hearing and consider taking action on an ordinance finding certain buildings and/or structures to be dangerous; requiring property owners to demolish said buildings and/or structures within thirty (30) days of the date of this ordinance; declaring an emergency and immediate effective date.

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

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**STRATEGIC GOAL:** Accelerate Economic Growth

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

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**TIMELINE:**

- April 7, 2022 – Notice of public hearing/issue via certified mail to property owners
- April 11 & 12, 2022 – Notice of public hearing/issue published in TRN.
- May 17, 2022 - City Council public hearing and consideration of declaring subject structures dangerous.
- June 16, 2022 – If declaration(s) approved by City Council, deadline for property owners to remediate or demolish.

**COMMENTARY:**

Pursuant to statute and local ordinance, the City Council can, after a public hearing on the matter, deem structures that have deteriorated to a certain threshold as “dangerous”. Once structures are deemed dangerous, the property owner then has 30-days to either (1) receive a restoration permit for remediation/improvement of the structure to a livable condition, or (2) demolish. If after 30-days the structure remains dangerous, the City can effect demolition and place a lien for such costs on the property.

Staff is requesting the City Council deem eight (8) structures, as detailed in this item, as dangerous. If approved, the property owners will then have (30) days in which to remove the structures. If such action has not been taken after 30-days, staff will complete the required HUD environmental review process and seek bids for the removal of the structures.

The City Council can also provide additional time for compliance with a restoration permit (i.e. 60 days, 90 days, etc.) if requested by the property owner. If after that time the structure remains out of compliance, City abatement can commence without any further City Council action.

Staff recommends the City Council (1) conduct the public hearing to provide each of the eight (8) property owners an opportunity to provide input/recommendation, and (2) approve the ordinance deeming the properties as dangerous structures.

☒ **Assistant City Manager**

☒ **Director of Development Services**

☒ **Neighborhood Services Manager**

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**ASSOCIATED INFORMATION:** Ordinance, List of Structures

☒ **Budget Office Review:**

☒ **City Attorney Review:**

☒ **City Manager Approval**

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

**Ordinance finding certain buildings and/or structures to be dangerous; requiring property owners to demolish said buildings and/or structures within thirty (30) days of the date of this ordinance; declaring an emergency and immediate effective date**

WHEREAS, the Code Enforcement Division, Building Inspections Division, and the City of Wichita Falls, acting under the provisions of Article VIII of Chapter 22 of the Code of Ordinances of the City of Wichita Falls, has served notice to the owners of the property listed in Section 2 of this ordinance, that the building or buildings on the premises have been classified as dangerous structures and that certain corrections were needed to be made or the building(s) demolished; and,

WHEREAS, the property owners and all other persons having an interest in the property have been duly served by the Code Enforcement Division of the time and date of the Public Hearing for the property owners to appear before the City Council to show cause why such buildings or structures in Section 2 should not be demolished in accordance with the State of Particulars set forth in the Code Enforcement Division's notice; and said Public Hearing was had and held at the time and place fixed therefore, the day of the approval of this ordinance, in the Council Chambers in the City of Wichita Falls, Texas, and at such Public Hearing, protests and objections were made in accordance with the **List of Objections** (to be attached after meeting) and said hearing was continued until all desiring to be heard were given full fair opportunity to be heard and the City Council of the City of Wichita Falls, having fully considered all property matters, is of the opinion that the said hearing should be closed; and,

WHEREAS, the City Council finds that the photographs and other evidence presented at the hearing and in the **List of Structures to be Repaired and List of Structures for which Repair is Authorized** justify the determinations herein that the described buildings be demolished or repaired as established in this ordinance.

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

1. The aforementioned public hearings are closed, and the protests and objections are overruled, except as identified on **List of Objections**. If corrective actions are not completed within the period authorized by the City Council acting as Building Commission, the structure will be demolished.

2. From the evidence presented in the aforementioned Public Hearing by property owners appearing and the Code Enforcement Division for the City of Wichita Falls, the buildings and/or structures at the locations listed in the attached **List of Structures to be Demolished**, with the corresponding property owners, are found to be dangerous buildings which cannot be repaired as defined in said Article VIII of Chapter 22 of the Code of Ordinances of the City of Wichita Falls, and the property owners listed therein

and any other person having an interest in said buildings as shown by the title search by the City of Wichita Falls are hereby commanded to demolish the buildings and/or structures in accordance with the State of Particulars set forth in the Code Enforcement Division's notice. The property owners listed on the attached **List of Structures to be Demolished** and any other person having an interest in said buildings as shown by title search by the City of Wichita Falls are further commanded to demolish in accordance with the State of Particulars set forth in the Code Enforcement Division's notice within 30 days from the date of this ordinance.

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

4. The dangerous building demolition order for the properties listed in the **List of Structures for which Repair is Authorized** is suspended for 30 days from this date, and the dangerous building demolition order is to be valid again if the property owner does not obtain a restoration permit to restore this building within such time. If the property owner obtains a restoration permit to restore this building within the aforementioned period of time, then the dangerous building declaration for this property is suspended for the additional time of 90 days, and the dangerous building demolition order is to be valid again if the property owner does not bring this building into compliance with all codes of the City of Wichita Falls within the aforementioned 90 days. If the property owner brings this building into substantial compliance (as determined by the City's building official) with all codes of the City of Wichita Falls within the aforementioned 90 days, then this dangerous building order will be terminated. The owner's failure to comply with either of the aforementioned deadlines will authorize the City to demolish the structure without further notification to the owner or any other party.

**List of Structures for which Repair is Authorized:**

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

PASSED AND APPROVED this the 17th day of May, 2022.

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MAYOR

ATTEST:

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City Clerk

**List of Structures to be demolished as follows:**

ADDRESS	OWNER	DATE OF NOTICE
<b>1. 414 Bonner Residential</b> LOTS 11&12 BLK 1 HOMEWOOD	Ferrell F. Owens Address Unknown	February 20, 2020
<b>TAXES OWED (05/03/2022)</b>	<b>WATER DISCONNECTED</b>	<b>OTHER MISC. INFO.</b>
\$1,809.31 (2010-2021)	05/02/2001	
<div style="display: flex; justify-content: space-around;">   </div>		
<div style="display: flex; justify-content: space-around;">   </div>		

**Interior Walls / Ceiling:** Broken sheetrock / holes in wall and ceiling, ceiling collapsing, interior vandalized, water damage.

**Floors:** Deteriorated wood members, floor covering damaged or deteriorated, water damage, vandalized.





**Windows/Screens:** Screens and windows broken / missing.

**Foundation:** Needs extensive repairs.

**Roof:** Holes in roof, deteriorated ceiling joist, roofing material, over-hang, and rafters.

**Sanitary Conditions:** Rubbish, trash, mold growth.



ADDRESS	OWNER	DATE OF NOTICE
<b>2. 2502 Buchanan Residential</b> LOT 2 BLK 13A HIGHLAND	Karen Larios Diaz-Almendariz 1633 Southern Ave Wichita Falls, Texas 76301	October 29, 2021
<b>TAXES OWED (05/03/2022)</b> \$255.43 (2021)	<b>WATER DISCONNECTED</b> 10/27/2020	<b>OTHER MISC. INFO.</b> Fire 10/27/2020
 		
 		

**Exterior Walls:** Fire damage, cracks / holes and missing portions of wall, loose members, missing/burnt siding.

**Interior Walls/Ceiling:** Fire damage, water damage, broken sheetrock / holes in wall & ceiling, interior vandalized.

**Floors:** Fire damage, water damage, vandalized, floor covering deteriorated.

**Doors / Windows:** Doors and windows damaged and missing.

**Roof:** Fire damage, deteriorated roofing material, deteriorated and fire damaged ceiling joists and rafters.

**Sanitary Conditions:** Rubbish and trash.



ADDRESS	OWNER	DATE OF NOTICE
<b>3. 600 Burnett Commercial Property</b> LOTS 1&2 LESS (.033 ACS ROW) BLK 146 ORIGINAL TOWN, WF	Vida Cooke 1815 8 <sup>th</sup> Street Wichita Falls, Texas 76301	October 13, 2021
<b>TAXES OWED (05/03/2022)</b> \$637.41 (2021)	<b>WATER DISCONNECTED</b> 09/02/2021	<b>OTHER MISC. INFO.</b>
<div style="display: flex; justify-content: space-around;">   </div> <div style="display: flex; justify-content: space-around;">   </div>		

**Exterior Walls:** Cracks / holes, loose members, missing siding.

**Interior Walls/Ceiling:** Water damage, broken sheetrock / holes in wall & ceiling, interior vandalized.

**Floors:** Vandalized, floor covering deteriorated.

**Doors / Windows:** Doors and windows damaged and missing.

**Roof:** Deteriorated roofing material, holes in roof, deteriorated damaged ceiling joists and rafters.

**Sanitary Conditions:** Rubbish and trash.

ADDRESS	OWNER	DATE OF NOTICE
4. 1711 Elizabeth Residential LOT 6 & E4 FT LOT 7 BLK 21 SOUTHLAND	Ambroso R. Jr. Etux Sylvia Barboza 3012 Pennsylvania Road Wichita Falls, Texas 76309	February 27, 2020
TAXES OWED (05/03/22)	WATER DISCONNECTED	OTHER MISC. INFO.
\$0	04/03/2018	
 		
 		

**Exterior Walls:** Crack / holes in walls, deteriorated structural members, loose members, protective coating / paint missing.





**Interior Walls/Ceiling:** Water damage, broken sheetrock / holes in wall & ceiling, interior vandalized.

**Floors:** Vandalized, floor covering deteriorated.

**Roof:** Deteriorated ceiling joists, roofing material, rafters, holes in roof, roof sagging.

**Foundation:** Foundation listing, structure is collapsing.

**Sanitary Conditions:** Rubbish and trash, mold.

ADDRESS	OWNER	DATE OF NOTICE
<b>5. 505 N MLK Jr.</b> <b>Commercial</b> LOTS 10 LESS W 5 FT BLK 64 ORIGINAL TOWN, WF	Kemahn Maurice Jones 7 N Calvert St. Apt. 1608 Baltimore, MD 21202-2260	October 29, 2021
<b>TAXES OWED (05/03/2022)</b>	<b>WATER DISCONNECTED</b>	<b>OTHER MISC. INFO.</b>
\$2,304.55 (2014-2021)	05/02/2001	
<div>   </div>		
<div>   </div>		

**Exterior Walls:** Loose members, deteriorated structural members, cracks / holes in wall.

**Interior Walls / Ceiling:** Holes in wall and ceiling, water damage.

**Roof:** Requires complete reconstruction, holes in roof, roof sagging, deteriorated roofing material, ceiling joist, over hang, rafters.

**Doors & Windows:** Doors and windows broken / missing.

**Sanitary Conditions:** Rubbish, trash.



ADDRESS	OWNER	DATE OF NOTICE
<b>6. 1903 Taylor</b> <b>aka. 2307 ½ Avenue I</b> <b>Accessory Residential Structure</b> <b>Only</b> LOTS 13&14 BLK 98 FLORAL HEIGHTS	Vida Cooke 1815 8 <sup>th</sup> Street Wichita Falls, Texas 76301	September 23, 2020
<b>TAXES OWED (05/03/2022)</b>	<b>WATER DISCONNECTED</b>	<b>OTHER MISC. INFO.</b>
\$0	07/21/2020	Fire Date: 07/18/2020
<div style="display: flex; justify-content: space-around;">   </div>		
<div style="display: flex; justify-content: space-around;">   </div>		

**Exterior Walls:** Fire damage, cracks / holes in wall, part of wall missing, deteriorated structural members, loose members.

**Interior Walls/Ceiling:** Fire damage, broken sheetrock, holes in wall and ceiling, interior vandalized, water damage.

**Floors:** Fire damage, deteriorated wood members, floor covering damaged / deteriorated, water damage, holes in floor, areas unable to enter.

**Roof:** Fire damage.

**Sanitary Conditions:** Rubbish and trash, tires.

ADDRESS	OWNER	DATE OF NOTICE
<b>7. 702 Warford Commercial Rear Apartment LOT 8 BLK B WARFORD</b>	ASTW Investments LLC 598 FM 1204 Decatur, TX 76234	September 23, 2020
<b>TAXES OWED (05/03/2022)</b>	<b>WATER DISCONNECTED</b>	<b>OTHER MISC. INFO.</b>
\$0	03/25/2020	Fire date: 07/16/2020




**Exterior Walls:** Fire damage, cracks / holes in wall, deteriorated structural members, protective coating / paint missing, loose members, walls missing and fire damaged.

**Roof:** Fire damage, requires complete reconstruction, deteriorated ceiling joists, roofing material, rafters, holes in roof, roof sagging / collapsed or missing.

**Interior Walls / Ceiling:** Fire damage, broken sheetrock / holes in wall, vandalized, water damage.

**Windows / Doors:** Damaged doors and windows broken / missing.

**Sanitary Conditions:** Rubbish, trash.

ADDRESS	OWNER	DATE OF NOTICE
8. 2006 10 <sup>th</sup> Street Residential LOT 13 BLK 4 FLORAL HEIGHTS	Eddie Paul Taylor Deceased Address Unknown	February 24, 2020
<b>TAXES OWED (05/03/2022)</b>	<b>WATER DISCONNECTED</b>	<b>OTHER MISC. INFO.</b>
\$3,770.26 (2016-2021)	12/10/2014	Fire Date: 09/06/19
		

**Exterior Walls:** Fire damage, cracks / holes in walls, missing parts of wall, deteriorated structural members, loose members, protective coating / paint missing, walls listing.

**Roof:** Fire damage, holes in roof, roof sagging, deteriorated ceiling joists/roofing material/rafters.

**Interior Walls / Ceiling:** Fire damage, broken sheetrock/holes in wall and ceiling, interior vandalized, water damage.

**Floors:** Fire damage, water damage, vandalized.

**Windows / Doors:** Fire damage, broken / missing windows and doors.

**Foundation:** Fire damage

**Sanitary Conditions:** Rubbish, trash



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**CITY COUNCIL AGENDA**  
**May 17, 2022**

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**ITEM/SUBJECT:** Ordinance amending Chapter 54, Floods, Division III Flood Hazard Reduction Standards, Sections 54-92 through 54-94 as provided herein to meet Community Rating System (CRS) Class 8 requirements and providing codification.

**INITIATING DEPT:** Public Works

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**STRATEGIC GOAL:** Efficiently Deliver City Services

**STRATEGIC OBJECTIVE:** n/a

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**COMMENTARY:** The City of Wichita Falls is one of 62 communities in the state of Texas that participates in the Community Rating System. In 2021, FEMA approved an addendum to the CRS Coordinator's Manual mandating the following requirements for communities to reach a Class 8 rating:

- Maintain 90% accuracy for Floodplain Development Permits and Elevation Certificate requirements
- Maintain flood insurance policies for insurable buildings owned by the community and located in the SFHA shown on the community's Flood Insurance Rate Map (FIRM)
- Adopt and enforce at least a 1-foot freeboard requirement (including machinery or equipment) for all residential buildings constructed, substantially improved, and/or reconstructed due to substantial damage throughout its SFHA where base flood elevations have been determined on its currently effective FIRM or in its Flood Insurance Study (FIS)
- Adopt and enforce at least an additional 1-foot freeboard requirement above the two-foot minimum requirement for flood zones that do not have an established BFE

After the City's 5-year Cycle Verification report completed in November 2021, CRS coordinator notified the City in January 2022 that we would need to make 3 slight modifications to our ordinance to remain at the Class 8 rating.

The proposed changes to the flood Ordinance are as follows:

- Sec. 54-92:
  - Replace the word "or" with "and" to ensure the manufactured homes meet the lowest floor of one foot or more above the Base Flood Elevation (BFE) and the chassis is supported by reinforced piers or other foundation

elements of at least equivalent strength that are no less than 36 inches in height above grade and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- Add machinery and equipment to be elevated or protected one foot or more above the BFE.
- Sec. 54-94:
  - Change from two to three feet for all new construction and substantial improvements of residential structures to have the lowest floor, including basement, elevated above the highest predominant or typical surrounding adjacent grade at least three feet if no depth number is specified in feet on the community's flood insurance rate map

The Class 8 rating in CRS provides the residents with flood insurance a 10% discount. If the City did not make the changes to the ordinance, the City would fall to a Class 9 rating and the residents would only have a 5% discount in their flood insurance. Therefore, by ensuring these ordinance changes, the City will be able to maintain our current Class 8 in CRS.

Staff recommends approval of the amendments to Section 54-92 through Section 54-93.

☒ **Director, Public Works**

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**ASSOCIATED INFORMATION:** Ordinance

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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

**Ordinance amending Chapter 54, Floods, Division III Flood Hazard Reduction Standards, Sections 54-92 through 54-94 as provided herein to meet Community Rating System (CRS) Class 8 requirements and providing codification**

WHEREAS, the City of Wichita Falls participates in the Community Rating System (CRS) and currently maintains a Class 8 rating; and,

WHEREAS, in order to maintain the Class 8 rating, the City of Wichita Falls is required to regulate construction within the floodplain to a higher standard; and,

WHEREAS, this ordinance is further intended to preserve the City's participation in the Community Rating System (CRS).

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

**1. Sections 54-92 through 54-94 amended with the following, and shall, read as follows:**

**Sec. 54-92. Specific standards.**

In all areas of special flood hazard where base flood elevation data has been provided as set forth in section 54-31, 54-62(8), or 54-93(d), the following are required:

(1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation. A registered professional engineer, architect or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection, as proposed in section 54-62, is satisfied.

(2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed to at least one foot above the base flood elevation so that below the floodproofed elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification, which includes the specific elevation, in relation to mean sea level, to which such structures are floodproofed, shall be maintained by the floodplain administrator.

(3) Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building

access or storage in an area other than a basement and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured homes. Standards for manufactured homes shall be as follows:

- a. Require that all manufactured homes to be placed within Zone A on a community's flood insurance rate map shall be installed using methods and practices which minimize flood damage. For the purpose of this subsection, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include but are not limited to use of over-the-top or frame ties to ground anchors. This is in addition to applicable state and local anchoring requirements for resisting wind forces.

- b. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on the community's flood insurance rate map on sites:

1. Outside of a manufactured home park or subdivision;
2. In a new manufactured home park or subdivision;
3. In an expansion to an existing manufactured home park or subdivision; or
4. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood;

be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- c. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's flood insurance rate map that are not subject to this subsection be elevated so that either:

1. The lowest floor of the manufactured home is one foot or more above the base flood elevation; ~~or~~ and
2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(5) Recreational vehicles. Recreational vehicles placed on sites within Zones A1-30, AH and AE on the community's flood insurance rate map shall either:

- a. Be on the site for fewer than 180 consecutive days;
- b. Be fully licensed and ready for highway use; or
- c. Meet the permit requirements of section 54-64(a) and the elevation and anchoring requirements for manufactured homes in subsection (4) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices, and has no permanently attached additions.

(6) Accessory structures. Accessory structures may be built below one foot above the base flood elevation provided that such structures satisfy the following standards in unnumbered and numbered A zones:

- a. The structure is low valued and represents a minimal investment.
- b. The structure shall be small in size, not to exceed 600 square feet.
- c. The structure shall be unfinished on the interior.
- d. The structure can be used only for parking and limited storage.
- e. The structure shall not be used for human habitation (including work, sleeping, living, cooking, or restroom areas).
- f. Service facilities such as electrical and heating equipment must be elevated to one foot above the BFE or floodproofed.
- g. The structure is constructed and placed on building site so as to offer the minimum resistance to the flow of floodwaters.
- h. The structure is designed to have low flood damage potential, i.e., constructed with flood resistance materials.
- i. The structure is firmly anchored to prevent floatation, collapse, and lateral movement.
- j. Floodway requirements must be met in the construction of the structure.
- k. Openings to relieve hydrostatic pressure during a flood shall be provided below one foot above the BFE.

(7) Machinery and equipment. All electrical, heating, ventilation, plumbing, air conditioning, ductwork, and other equipment is located, elevated, or protected one foot or more above the BFE.

#### **Sec. 54-93. Subdivision proposals.**

- (a) All subdivision proposals, including manufactured home parks and subdivisions, shall be consistent with sections 54-28, 54-29 and 54-36.
- (b) All proposals for the development of subdivisions, including manufactured home parks and subdivisions, shall meet development permit requirements of section 54-64 and this division.
- (c) Base flood elevation data shall be generated for subdivision proposals and other proposed development, including manufactured home parks and subdivisions, which is

greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to section 54-31 or 54-62(8).

(d) All subdivision proposals, including manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.

(e) All subdivision proposals, including manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

**Sec. 54-94. Areas of shallow flooding (AO/AH zones).**

Located within the areas of special flood hazard established in section 54-31 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following apply:

(1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated above the highest predominant or typical surrounding adjacent grade at least one foot above the depth number specified in feet on the community's flood insurance rate map (at least ~~two~~ **three** feet if no depth number is specified).

(2) All new construction and substantial improvements of nonresidential structures shall:

a. Have the lowest floor, including basement, elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's flood insurance rate map (at least two feet if no depth number is specified); or

b. Together with attendant utility and sanitary facilities, be floodproofed to at least one foot above the base flood elevation so that below the floodproofed elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads or effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in section 54-64, are satisfied.

(4) Require within Zone AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

## **2. Codification**

The sections of this ordinance that specify they amend the Code of Ordinances of the City of Wichita Falls are intended to be parts of said Code.

PASSED AND APPROVED this 17th day of May, 2022.

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MAYOR

ATTEST:

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City Clerk

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**CITY COUNCIL AGENDA  
MAY 17, 2022**

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**ITEM/SUBJECT:** Ordinance appropriating \$13,463.76 to the Special Revenue Fund for additional direct award grant revenue from the State of Texas for the Texas Department of Transportation Selective Traffic Enforcement Program ("Click It or Ticket") Wave Grant for Fiscal Year 2022 and authorizing the City Manager to accept said funds.

**INITIATING DEPT:** Police

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**STRATEGIC GOAL:** Efficiently Deliver City Services

**STRATEGIC OBJECTIVE:** Practice Effective Governance

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**COMMENTARY:** The City of Wichita Falls has been invited to participate in a direct award grant, also known as "Click It or Ticket", from the Texas Department of Transportation. The \$13,500.00 grant is to be awarded during the Memorial Day holiday period for the purpose of selective enforcement. The grant also requires a 20% total match from the City of Wichita Falls. The Wichita Falls Police Department wishes to accept the State approved grant at \$13,463.76. The City will be required a match of 20% of the total amount. Calculating State funding and City match the total amount will be \$16,950.51. The States portion will be \$13,463.76 at 79.43% and the City providing a 20.57% match of \$3,486.75. The City's match will be comprised of in-kind contributions (salary related to grant administration, vehicle usage (mileage)). This selective enforcement period places primary emphasis on the non-use of occupant restraints (safety belts and child safety seats). The award amount is to reimburse the City of Wichita Falls for overtime payment to off-duty officers working selective traffic enforcement during the specified holiday period. The holiday period will span May 23rd, 2022 through June 5<sup>th</sup>, 2022.

☒ **Police Chief**

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**ASSOCIATED INFORMATION:** Ordinance

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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

**Ordinance appropriating \$13,463.76 to the Special Revenue Fund for additional direct award grant revenue from the State of Texas for the Texas Department of Transportation Selective Traffic Enforcement Program (“Click It or Ticket”) Wave Grant for Fiscal Year 2022 and authorizing the City Manager to accept said funds**

WHEREAS, the City of Wichita Falls has been invited to participate in a direct award from the Texas Department of Transportation for the purpose of selective traffic enforcement; and,

WHEREAS, the City of Wichita Falls will provide a 20.57% match totaling \$3,486.75; and

WHEREAS, the primary emphasis will be on the non-use of occupant restraints (safety belts and child safety seats) during the holiday period; and,

WHEREAS, the holiday period will span May 23, 2022 through June 5, 2022.

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

There is appropriated \$13,463.76 to the Special Revenue Fund for the purpose of selective traffic enforcement as authorized in the grant from the Texas Department of Transportation, and the City Manager is authorized to execute all documents necessary to accept said funds on behalf of the City of Wichita Falls.

PASSED AND APPROVED this the 17<sup>th</sup> day of May, 2022.

\_\_\_\_\_  
MAYOR

ATTEST:

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

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**CITY COUNCIL AGENDA  
MAY 17, 2022**

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**ITEM/SUBJECT:** Ordinance appropriating \$13,463.76 to the Special Revenue Fund for additional direct award grant revenue from the State of Texas for the Texas Department of Transportation Selective Traffic Enforcement Program ("Operation Slowdown") Wave Grant for Fiscal Year 2022 and authorizing the City Manager to accept said funds.

**INITIATING DEPT:** Police

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**STRATEGIC GOAL:** Efficiently Deliver City Services

**STRATEGIC OBJECTIVE:** Practice Effective Governance

---

**COMMENTARY:** The City of Wichita Falls has been invited to participate in a direct award grant, also known as "Operation Slowdown", from the Texas Department of Transportation. The \$13,500.00 grant is to be awarded for the purpose of selective enforcement. The grant also requires a 20% total match from the City of Wichita Falls. The Wichita Falls Police Department wishes to accept the State approved grant at \$13,463.76. The City will be required a match of 20% of the total amount. Calculating State funding and City match the total amount will be \$16,950.51. The States portion will be \$13,463.76 at 79.43% and the City providing a 20.57% match of \$3,486.75. The City's match will be comprised of in-kind contributions (salary related to grant administration, vehicle usage (mileage)). This selective enforcement period places primary emphasis on speed violations. The award amount is to reimburse the City of Wichita Falls for overtime payment to off-duty officers working selective traffic enforcement during the specified period. The period will span June 7, 2022 through June 21, 2022.

☒ **Police Chief**

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**ASSOCIATED INFORMATION:** Ordinance

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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

**Ordinance appropriating \$13,463.76 to the Special Revenue Fund for additional direct award grant revenue from the State of Texas for the Texas Department of Transportation Selective Traffic Enforcement Program (“Operation Slowdown”) Wave Grant for Fiscal Year 2022 and authorizing the City Manager to accept said funds**

WHEREAS, the City of Wichita Falls has been invited to participate in a direct award from the Texas Department of Transportation for the purpose of selective traffic enforcement; and,

WHEREAS, the City of Wichita Falls will provide a 20.57% match totaling \$3,486.75; and

WHEREAS, the primary emphasis will be on speed violations during the period; and,

WHEREAS, the holiday period will span June 7, 2022 through June 21, 2022

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

There is appropriated \$13,463.76 to the Special Revenue Fund for the purpose of selective traffic enforcement as authorized in the grant from the Texas Department of Transportation, and the City Manager is authorized to execute all documents necessary to accept said funds on behalf of the City of Wichita Falls.

PASSED AND APPROVED this the 17<sup>th</sup> day of May, 2022.

\_\_\_\_\_  
MAYOR

ATTEST:

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

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**CITY COUNCIL AGENDA**  
**May 17, 2022**

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**ITEM/SUBJECT:** Resolution replacing Resolution 35-2022 and hereby authorizing the City Manager to award bid and contract for the Lift Station No. 25 Roof Replacement Project to Felix Salinas Group INC., doing business as Excel Construction Group, previously awarded in Resolution 35-2022 to Excel Construction Group, LLC – Lubbock Division on March 15, 2022 in the amount of \$26,775.00.

**INITIATING DEPT:** Public Works

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**STRATEGIC GOAL:** Provide Adequate Infrastructure

**STRATEGIC OBJECTIVE:** Complete Public Improvements Projects

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**COMMENTARY:** On March 15, 2022 the City awarded the Lift Station 25 Roof Replacement Project to Excel Construction Group LLC – Lubbock Division. The contractor did not use their actual business entity name, but rather their dba, Excel Construction Group, on the bid proposal. The address provided by the contractor on their bid proposal was the same as Excel Construction Group, LLC – Lubbock Division. Therefore, the city awarded the project to them. This corporation is owned by Felix Salinas Group INC., but he has requested the contract documents be executed by Felix Salinas Group INC., dba Excel Construction Group. Therefore, there is a need to revise the previous council action on this item. This resolution is to correct the previous name and award the project to the entity, Felix Salinas Group INC. dba Excel Construction Group.

Staff recommends award of the contract to Felix Salinas Group INC., dba Excel Construction Group in the amount of \$ 26,775.00, based on unit price quantities.

☒ **Director, Public Works**

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

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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

**Resolution replacing Resolution 35-2022 authorizing the City Manager to award bid and contract for the Lift Station No. 25 Roof Replacement Project to Felix Salinas Group INC., doing business as Excel Construction Group, previously awarded in Resolution 35-2022 to Excel Construction Group, LLC – Lubbock Division on March 15, 2022 in the amount of \$26,775.00**

WHEREAS, the City of Wichita Falls has advertised for bids for the Lift Station No. 25 Roof Replacement Project; and,

WHEREAS, it is found that the lowest responsible bidder is Felix Salinas Group INC., doing business as Excel Construction Group who made a unit price bid with an estimated total of \$26,775.00.

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

Resolution 35-2022 is hereby replaced and the unit price bid for the Lift Station No. 25 Roof Replacement Project is awarded to Felix Salinas Group INC., doing business as Excel Construction Group, in an estimated total amount of \$26,775.00, and the City Manager is authorized to execute a contract for the City with said Contractor for the construction of such project.

PASSED AND APPROVED this the 17<sup>th</sup> day of May, 2022.

\_\_\_\_\_  
MAYOR

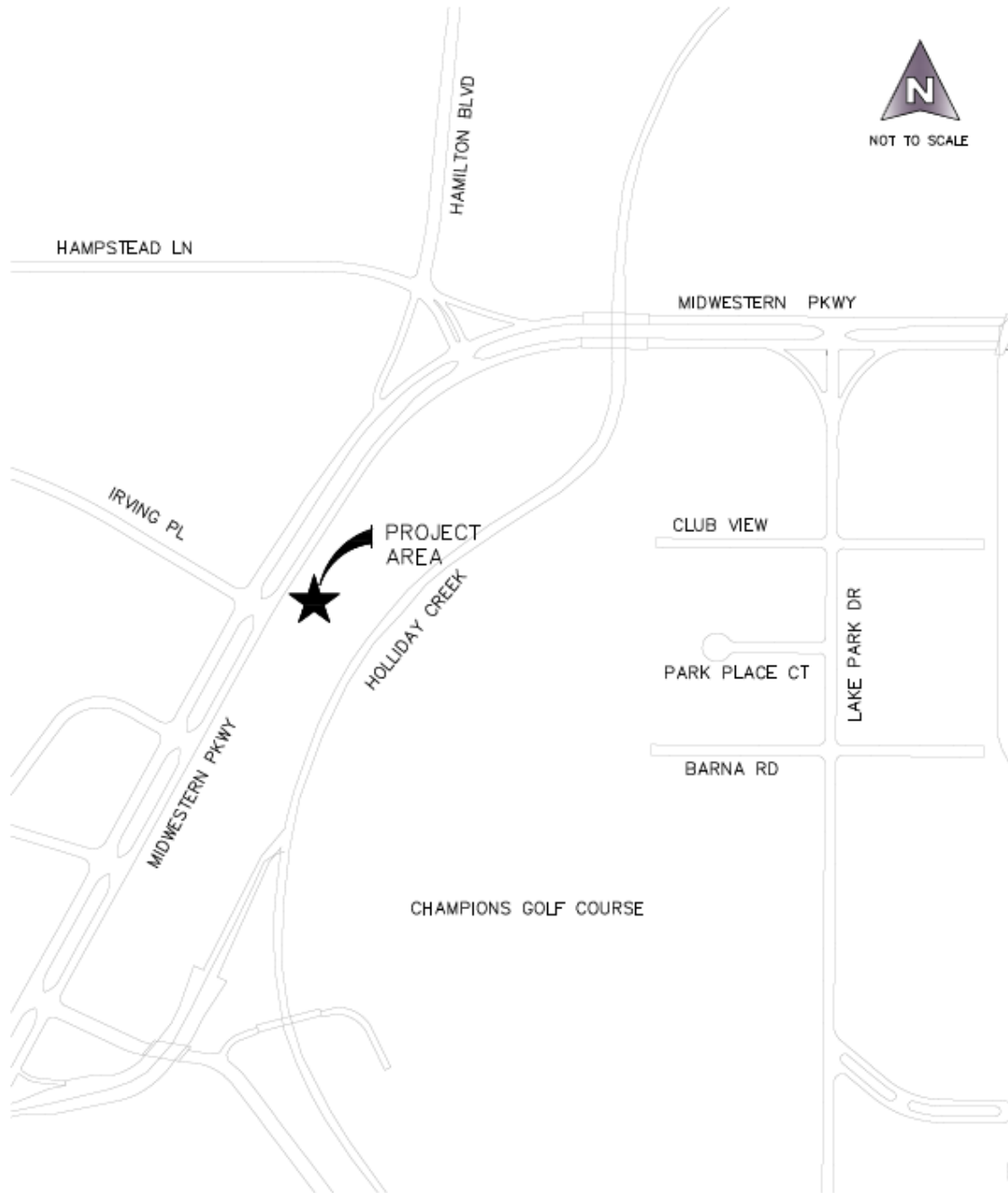
ATTEST:

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

Lift Station No. 25 Roof Replacement Project CWF22-550-20 BID DATE: February 15, 2022
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BASE BID				Order of Bids: Lowest to Highest			
				Excel Construction Group Lubbock Texas		Armored Roofing Company Inc. Wichita Falls Texas	
Pay Item	Description	Unit	Quantity	Unit Price	Total	Unit Price	Total
200.1	SITE PREPARATION & MOBILIZATION (NOT TO EXCEED 5%)	LS	1	\$1,300.00	\$1,300.00	\$1,190.00	\$1,190.00
701-RR	REMOVE EXISTING ROOF	LS	1	\$1,391.67	\$1,391.67	\$6,116.00	\$6,116.00
806.1-DR	DECRA VILLA TILE ROOF	SF	900	\$26.76	\$24,083.33	\$24.96	\$22,464.00
Engineers Estimate: \$28,000.00				TOTAL	\$26,775.00	TOTAL	\$29,770.00

# LIFT STATION NO.25 ROOF REPLACEMENT PROJECT CWF22-550-20



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**CITY COUNCIL AGENDA**  
**May 17, 2022**

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**ITEM/SUBJECT:** Resolution to convey 19 Trustee parcels from the Wichita Falls ISD, Wichita County, and City of Wichita Falls (Taxing Entities) and authorizing execution of the Quitclaim Deeds to convey titles to City of Wichita Falls.

**INITIATING DEPT:** Property Administration

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**STRATEGIC GOAL:** Accelerate Economic Development

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

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**COMMENTARY:** : The City of Wichita Falls desires to convey 19 trustee parcels from the ownership of all taxing entities to solely ownership by the City of Wichita Falls. These trustee parcels are dedicated drainage ditches or are adjacent to City owned facilities and are unable to be sold to the general public. For these reasons, it would be beneficial to remove these properties from trustee ownership and conveyed to the City of Wichita Falls.

This item relates to nine-teen (19) trustee properties located at 2109 Bluff, 2111 Bluff, 2118 Bluff, 2108 Burnett, 4240 Canyon Trails, 600 Elm, 604 Elm, 1012 Harlan, 2113 Harvard, 837 Hickory, 6002 Kemp, 889 MLK Jr., 892 MLK Jr., 2104 Richmond, 411 Roosevelt, 1000 Terral, 415 Wichita, 402 Woods, and 404 Woods.

Staff requests the City Council approve the conveyance of the properties above to the City of Wichita Falls.

To convey the properties requires the approval of all three taxing entities.

- May 2, 2022 County Commissioner's Court approved
- May 16, 2022 WFISD School Board approved

The properties will be conveyed "as is" via Quitclaim deed.

City staff recommends approval of the resolution authorizing the City Manager to execute all necessary documents to facilitate the conveyance of the parcels.

☒ **Asst. City Manager**

☒ **Property Administrator**

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**ASSOCIATED INFORMATION:** Resolution, Letter From Public Works Director

☒ **Budget Office Review:**

☒ **City Attorney Review:**

☒ **City Manager Approval**

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

**Resolution to convey 19 Trustee parcels from the Wichita Falls ISD, Wichita County, and City of Wichita Falls (Taxing Entities) and authorizing execution of the Quitclaim Deeds to convey titles to City of Wichita Falls.**

WHEREAS, the County Commissioners and the WFISD School Board have both voted to approve the conveyance of properties as presented; and,

WHEREAS, it is determined to be in the best interest of the public and the City of Wichita Falls to convey these properties as City-owned.

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

The City Manager is hereby authorized to execute all necessary documents to facilitate the conveyance to the City of Wichita Falls as presented and recommended by staff.

PASSED AND APPROVED this the 17<sup>th</sup> day of May, 2022.

\_\_\_\_\_  
MAYOR

ATTEST:

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

Upon review of the addresses you provided I would agree that the 20+/- trustee properties that are either adjacent to, within, city owned property or easements and are undevelopeable as they stand today. Public Works would support your request to have your department seek to acquire ownership of these trustee properties from the other taxing entities for the City.

Respectfully;

Russell Schreiber P.E  
Director of Public Works  
City of Wichita Falls Texas  
940 761 7477



**Location Map – 2109 Bluff, 2111 Bluff, 2118 Bluff, 2108 Burnett, and 2113 Harvard**



Location Map – 4240 Canyon Trails

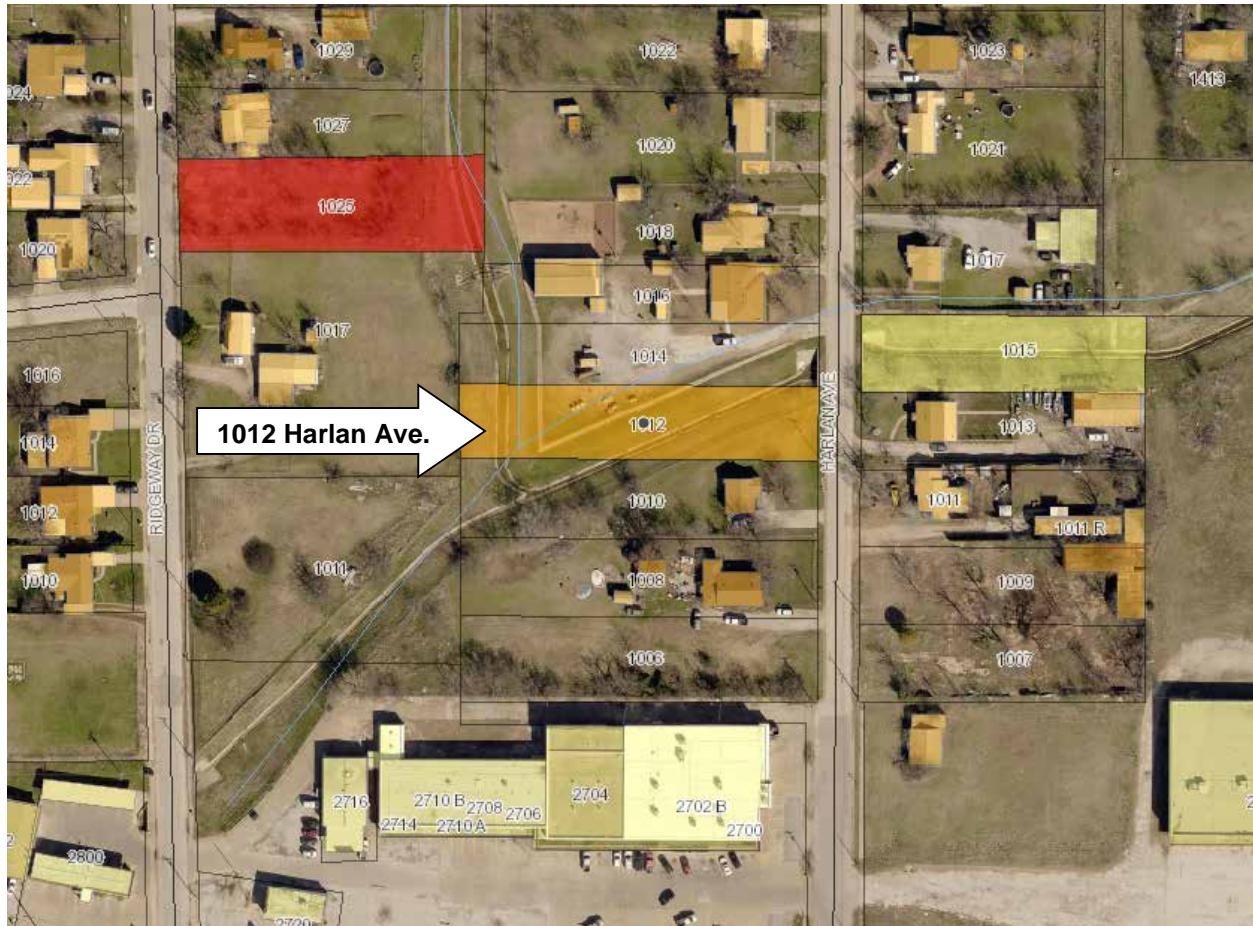




**Location Map – 600 Elm St. and 604 Elm St.**



### Location Map – 1012 Harlan Ave.



Location Map – 837 Hickory Ln.

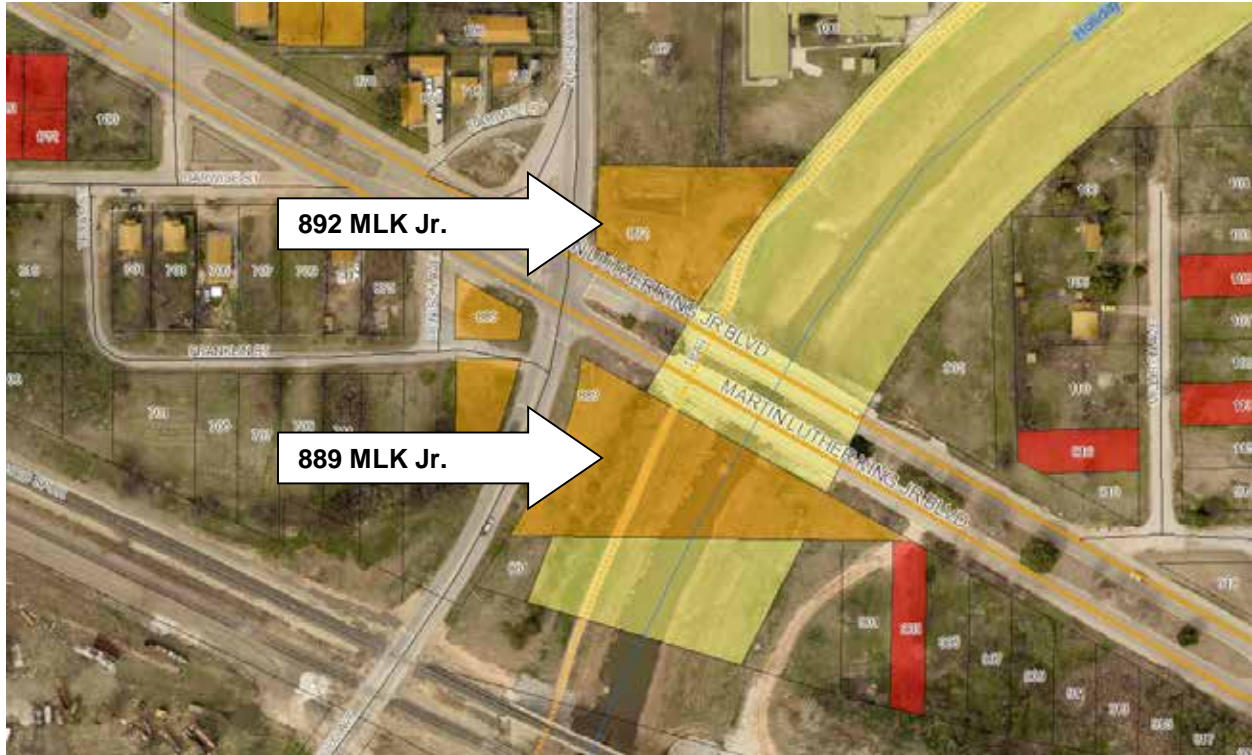




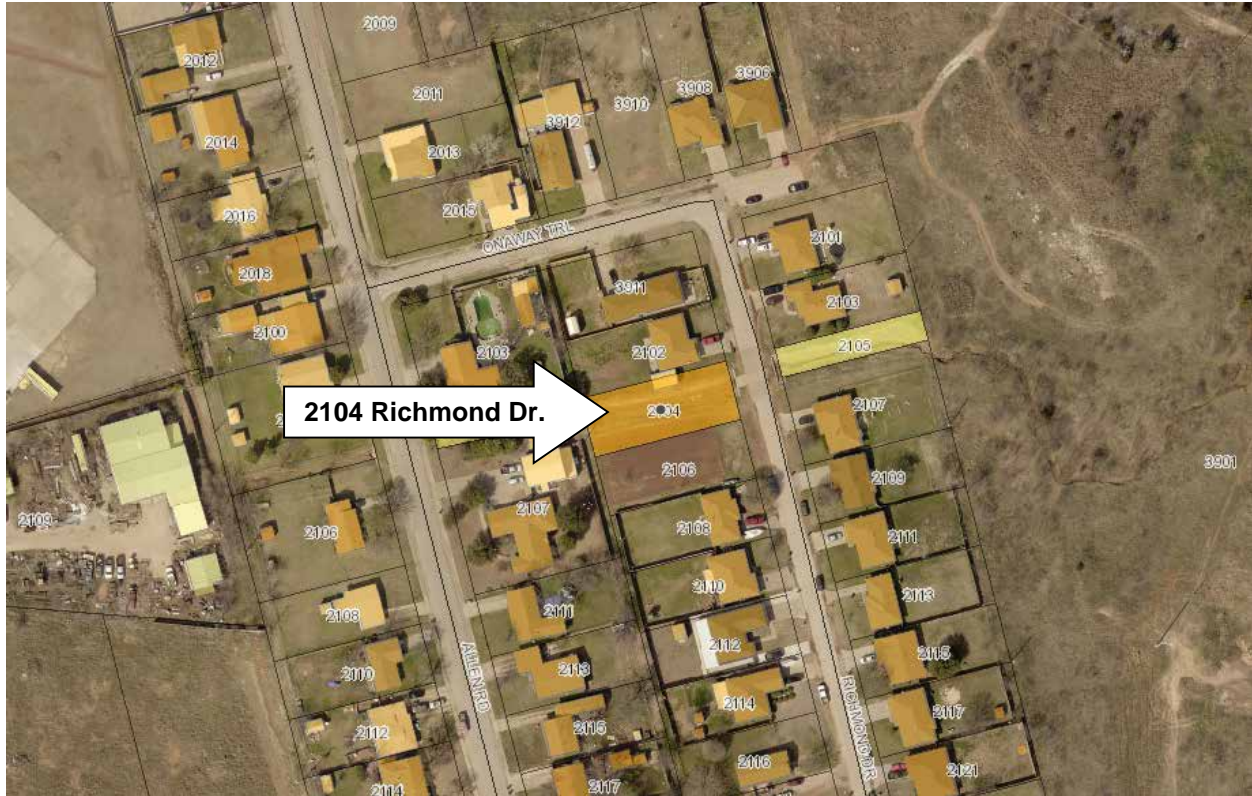
**Location Map – 6002 Kemp Blvd.**



**Location Map – 889 MLK Jr. and 892 MLK Jr.**



## Location Map – 2104 Richmond Dr.





**Location Map – 411 Roosevelt St., 402 Woods St., and 404 Woods St.**



## Location Map – 1000 Terral St.



## Location Map – 415 Wichita St.



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**CITY COUNCIL AGENDA**  
**May 17, 2022**

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**ITEM/SUBJECT:** Resolution to accept the written offers as presented for 3 Trustee parcels and authorizing execution of the Quitclaim Deeds to convey titles for 720 Star Ave., 1955 Perigo St., and 207 E. Washington St. to Samuel Majano.

**INITIATING DEPT:** Property Administration

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**STRATEGIC GOAL:** Accelerate Economic Development

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

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**COMMENTARY:** : In accordance with Section 272.001 and 253.008 of the Texas Local Government Code, written offers have been made for the properties located at **720 Star Ave.** which was struck off on 11/01/2011, **1955 Perigo St.** which was struck off on 03/06/2007, and **207 E. Washington St.** which was struck off on 02/06/2007.

This item relates to three (3) trustee properties:

- 720 Star Ave. (struck-off value: \$10,658.00, tax appraisal: \$3,179.00, **written offer: \$2,000.00**, Struck off Date: November 01, 2011.) \*Structure Demolition
- 1955 Perigo St. (struck-off value: \$2,275.00, tax appraisal: \$3,500.00, **written offer: \$150.00**, Struck off Date: March 06, 2007.)
- 207 E. Washington St. (struck-off value: \$840.00, tax appraisal: \$1,000.00, **written offer: \$150.00**, Struck off Date: February 06, 2007.)

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

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

- April 11, 2022 County Commissioner's Court approved
- April 18, 2022 WFISD School Board approved

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

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

☒ **Asst. City Manager**

☒ **Property Administrator**

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

☒ **Budget Office Review:**

☒ **City Attorney Review:**

☒ **City Manager Approval**

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

**Resolution to accept the written offers as presented for 3 Trustee parcels and authorizing execution of the Quitclaim Deeds to convey title for 720 Star Ave., 1955 Perigo St., and 207 E. Washington St. to Samuel Majano**

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

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

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

The City Manager is hereby authorized to execute all necessary documents to facilitate the sales of 720 Star Ave., 1955 Perigo St., and 207 E. Washington St. to Samuel Majano as presented and recommended by staff.

PASSED AND APPROVED this the 17<sup>th</sup> day of May, 2022.

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

ATTEST:

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



## Request to Purchase

**720 Star Ave.** —0.83 acres, more or less, out of Blocks 23 and 24, East Side Gardens Addition to the City of Wichita Falls, Wichita County, Texas

**Samuel Majano**

<b>Written Offer</b>	<b>\$2,000.00</b>
<b>Judgement Amount</b>	<b>\$10,658.00</b>
<b>Tax Appraisal Value</b>	<b>\$3,179.00</b>
<b>Struck off Date</b>	<b>11/01/2011</b>

## AFTER DEMOLITION



## LOCATION MAP – 720 Star Ave.





## Request to Purchase

**1955 Perigo St.** – 65X150', Block 32, South Side Acres Addition to the City of Wichita Falls, Wichita County, Texas

**Samuel Majano**

<b>Written Offer</b>	<b>\$150.00</b>
<b>Judgement Amount</b>	<b>\$2,275.00</b>
<b>Tax Appraisal Value</b>	<b>\$3,500.00</b>
<b>Struck off Date</b>	<b>03/06/2007</b>

**1955 Perigo St.**



### LOCATION MAP – 1955 Perigo St.



## Request to Purchase

**207 E. Washington St.** – The west 100 feet of Lots 1, 2, 3 and the west 100 feet, Block 43, Original Townsite Wichita Falls, Wichita County, Texas

**Samuel Majano**

<b>Written Offer</b>	<b>\$150.00</b>
<b>Judgement Amount</b>	<b>\$840.00</b>
<b>Tax Appraisal Value</b>	<b>\$1,000.00</b>
<b>Struck off Date</b>	<b>02/06/2007</b>

**207 E. Washington St.**





## LOCATION MAP – 207 E. Washington St.



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**CITY COUNCIL AGENDA**  
**May 17, 2022**

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**ITEM/SUBJECT:** Conduct a public hearing regarding the proposed adoption of the 2017 National Electric Code (NEC) as the City's electrical code.

**INITIATING DEPT:** Development Services

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**STRATEGIC GOAL:** Efficiently Deliver City Services

**STRATEGIC OBJECTIVE:** Practice Effective Governance

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**BACKGROUND:**

Timeline

- May 10, 2022 – In accordance with state law, City to publish notice of proposed adoption of 2017 NEC on City's website;
- May 17, 2022 – City Council to conduct public hearing on the proposed adoption of the 2017 version of the NEC. *No action is required*;
- June 7, 2022 – City Council to consider ordinance adopting 2017 NEC.

The National Electrical Code (NEC) is a widely-adopted model code for the installation of commercial and residential electrical components and systems. It has been the City's adopted standard for such installations for over two decades, and is the basis of all electrical permits issued and inspections conducted within the City limits. The City is proposing to formally adopt the 2017 version of the NEC.

Prior to considering the adoption of new or updated building-related codes, state law requires the City to conduct a public hearing at least 14 days prior to such consideration. In addition, staff has posted notice on the City's website as to the public hearing, as well as emailed similar notice to the more than 5,000 contractors and contacts in the City's online permitting system.

For informational purposes, the proposed ordinance that will be considered on June 7 is attached. In summary, the proposed ordinance:

- Would officially adopt the 2017 version of the NEC;
- Delete all previous reference to the defunct Board of Electrical Examiners as it is obsolete due to changes in state law;
- Carries forward all other existing local amendments.

Staff recommends the City Council open the public hearing to receive comments from the public. *No action is required*. Official consideration of the ordinance to adopt the 2017 version of the NEC will be on June 7.

☒ **Director of Development Services**

☒ **Assistant City Manager**

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**ASSOCIATED INFORMATION:** Ordinance

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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

**Ordinance amending Chapter 22 Article III of Buildings and Building Regulations to formally adopt the 2017 National Electric Code and removing reference to the Board of Electrical Examiners and making grammatical and semantic clarifications, and providing for codification**

WHEREAS, City Staff has identified that previous understanding of adoption of the National Electric Code was not codified formally in City Ordinances; and,

WHEREAS, after receiving and reviewing the error, the City Council is moving forward with the formal adoption of the 2017 version of the National Electric Code and all local amendments as previously approved; and,

WHEREAS, the City Council finds that City Ordinance 22-26 113.6 has been fully complied with as the Construction Board of Adjustment and Appeals provided advice as to the adoption of technical codes on March 23, 2022; and,

WHEREAS, the City Council has approved additional ordinance language to remove references to the local Board of Electrical Examiners so as to remove any confusion in the roles and duties of staff and the Construction Board of Appeals and Adjustments;

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

1. The following amendments to Article III of Chapter 22 of the City's Code of Ordinances, Buildings and Building Regulations, to formally adopt the 2017 National Electric Code and existing local amendments.

**ARTICLE III. ELECTRICITY**

**DIVISION 1. GENERALLY**

**Sec. 22-56. Declaration of policy.**

The ~~Board of Electrical Examiners~~ [Chief Building Official](#) has determined that there is a need to update and modernize those sections of this Code that establish the city electrical code and provide for the board of examiners, and it is in the best interest of the health and safety of the city's citizens that such sections of this Code be kept current with modern electrical codes and regulations.

**Sec. 22-57. Definitions.**

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

Apprentice electrician must be at least 16 years of age and be engaged in the process of learning and assisting in the installation of electrical work under the supervision of a registered master electrician.

~~Board. The city Board of Electrical Examiners~~

Chief Building Official. The officer charged with the administration and enforcement of this code or his designee.

Code. The city electrical code.

Direct supervision. The review and inspection of all electrical work done by a supervisor, who shall be either a registered journeyman electrician, master electrician, or industrial electrician, and who shall be actually present at the job site at all times while electrical work is in progress.

Electrical maintenance work. The keeping in safe repair and operating condition of any and all electrical installations, apparatuses and equipment within or without any building or structure or located in or upon any lot or premises within the city.

Electrical work:

(1) All wiring, circuits, fixtures, appurtenances and appliances for the supply of electrical power, for all personal, domestic and commercial purposes in and about buildings or other structures where persons live, work or assemble; all wiring, circuits, fixtures, appurtenances and appliances outside such buildings or structure connecting the building with the source of electricity;

(2) The installation, repair and maintenance of all wiring, circuits, fixtures, appurtenances and appliances in and about buildings or structures where persons live, work or assemble, for a supply of electricity; and

(3) All other activities, including demolition of structures where energized circuits exist, installations or measures incidental to the distribution or electrical energy which are covered, regulated or in any fashion controlled by the specific section of this article.

Engineer. A person who is registered to practice engineering in the state and is actively engaged in electrical design or consulting services within the state.

Graduate engineer. A person who holds a degree in electrical engineering from any accredited college or university.

Industrial electrician. Any person licensed by the state as an industrial electrician.

Inspector. The electrical inspector or his designated representative, qualified in electrical code inspections, who shall have the duty of inspecting any and all electrical work



for electrical code compliance.

Job site. The specific premises or installation described in the electrical permit under which electrical work is being performed.

Journeyman electrician. Any person licensed by the state as a journeyman electrician.

Maintenance electrician. A person with at least two years' experience in the electrical trade who is a full-time employee of a company or business and whose duty it is to maintain the existing electrical system, including all fixtures and appurtenances contained in a building, structure, lot or premises owned or operated by his employer.

Master electrician. Any person licensed by the state as a master electrician.

N.E.C. The National Electrical Code, as adopted by the city in [section 22-401](#), compiled by the National Fire Protection Association.

Sign. Any physical device, panel or installation attached to or located on a building, premises or structure, used to display any message or communicate any thought or idea and which uses electrical current for its intended operation.

**Secs. 22-58–22-85. Reserved.**

## **DIVISION 2. ADMINISTRATION**

### **Subdivision I. In General**

**Secs. 22-86–22-110. Reserved.**

### **Subdivision II. Electrical Inspector**

**Sec. 22-111. Office established.**

(a) There is established within the Building and Code Administration Division of the Community Development Department, [under the direction of the Chief Building Official](#), the office of electrical inspector. The electrical inspector and assistants shall be charged with the enforcement of this article under the direct administration of the building and code administrator.

(b) The electrical inspector and assistants shall be appointed by the ~~building and code administrator~~ [Chief Building Official](#) with the approval of the ~~city manager~~ [City Manager](#). Appointment and removal of the electrical inspector or assistant electrical inspectors shall be in accordance with the requirements of this article and the city's personnel rules and regulations.

(c) The electrical inspector shall possess adequate supervisory and administrative abilities as are required for the performance of duties and shall have a thorough knowledge of current approved methods and practices relating to the electrical code adopted in this article and electrical installations. The electrical inspector shall have at least five years' experience as a journeyman or master electrician in the practice of his trade or as an electrical inspector. In lieu of such experience, the electrical inspector may possess equivalent qualifications as approved by the ~~building and code administrator~~ [Chief Building Official](#).

(d) Assistant electrical inspectors shall be knowledgeable in current and approved methods and practices relating to the electrical code adopted in this article and electrical installations. They shall have at least two years' experience as a master or journeyman electrician in the practice of their trade. In lieu of such experience, an assistant electrical inspector may possess equivalent qualifications as approved by the building and code administrator.

(e) An applicant for the position of electrical inspector or assistant electrical inspector shall be required to pass a written examination for journeyman electrician prior to employment or shall have passed such examination within five years prior to such application.

**Sec. 22-112. Enforcement duties.**

It shall be the duty of the electrical inspector to enforce the provisions of the city electrical code and to discharge the responsibilities assigned to him by this article.

**Sec. 22-113. Identification cards.**

The electrical inspectors shall have identification cards in their possession at all times when engaged in the enforcement of this article.

**Sec. 22-114. Delegation of duties.**

It shall be the duty of the electrical inspector to enforce this article; however, the electrical inspector is authorized to designate qualified employees serving under his direction and control to assist in the discharge of such duty.

**Sec. 22-115. Conflict of interest.**

No person discharging the duties of electrical inspector under this article shall be an employer or employee of or have any pecuniary interest, direct or indirect, in any business, firm, company or association engaged in any phase of electrical work within the city.

**Sec. 22-116. Right of entry; interference with entry.**

(a) Whenever necessary to make an inspection to enforce any of the sections of this article, or whenever the electrical inspector has reasonable cause to believe that there

exists in any building or upon any premises any condition or electrical code violation which makes such building or premises unsafe, dangerous or hazardous, the electrical inspector may enter such building or premises at all reasonable times to inspect the building or premises or to perform any duty imposed upon the electrical inspector by this article. However, if such building or premises is occupied, he shall first present proper credentials and request entry; if such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If such entry is refused, the electrical inspector shall have recourse to every remedy provided by law to secure entry.

(b) When the electrical inspector shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as provided in this section, to promptly permit entry therein by the electrical inspector for the purpose of inspection and examination pursuant to this article.

**Sec. 22-117. Notice of violation.**

When the electrical inspector observes or if it comes to his attention that any electrical work is installed contrary to or in violation of this article, it shall be his duty to immediately notify the responsible master electrician, industrial electrician, other permitted electricians or the owner or occupant of the premises to immediately correct such installation or cease work on the entire installation until the violation is corrected.

**Secs. 22-118–22-145. Reserved.**

**~~Subdivision III Board of Electrical Examiners~~**

**~~Sec. 22-146. Created.~~**

~~There is created a Board of Electrical Examiners for the city to be appointed by the city council. The administration of the appeal and registration provisions of the city electrical code shall be vested in the board.~~

**~~Sec. 22-147. Membership.~~**

~~The Board of Electrical Examiners shall consist of seven members, who shall serve without compensation. These members shall include two master electricians, one journeyman electrician, one member who is an employee of the local electric utility company, one member who shall be a representative of industry, one member who shall be a homebuilder or otherwise associated with the homebuilding industry, and one member who shall be designated as a member at large. This member shall not be connected with the electrical contracting industry for monetary gain.~~

**~~Sec. 22-148. Terms of office; officers; removal; vacancies.~~**

~~(a) All appointments of members to the Board of Electrical Examiners shall be for terms of two years; however, no member shall serve for more than three consecutive terms. Terms shall be staggered and shall end on July 31. Members shall serve until their successors are appointed.~~

~~(b) — The chairperson and vice-chairperson shall be elected by the members of the board annually. When good cause exists, a member may be removed by the city council. Any member absent for four consecutive regular meetings, without cause, shall be replaced by the council.~~

**~~Sec. 22-149. — Supplies.~~**

~~The city shall provide the Board of Electrical Examiners with proper books of record, blank forms, stationery and supplies, proper and adequate for the conduct of its business.~~

**~~Sec. 22-150. — Quorum.~~**

~~Any four of the seven members of the board of electrical examiners shall constitute a quorum for the transaction of all business before the board, except where a greater number is specifically required by other sections of this article.~~

**~~Sec. 22-151. — Rules, policies.~~**

~~(a) — The Board of Electrical Examiners is directed to adopt such policies and promulgate such rules and regulations, not inconsistent with this article and the Charter and the city electrical code, as it may find necessary to expedite the enforcement and administration of such duties as are in this article delegated to the board. All policies, rules and regulations which shall be adopted by the board shall be reduced to writing and kept in book form in the same office of the electrical inspector and open to the public at all reasonable times.~~

~~(b) — All master electricians and industrial electricians registered as provided under this article shall be notified in writing of any changes to such rules and regulations.~~

**~~Sec. 22-152. — Recommendation for improvement of electrical code.~~**

~~The Board of Electrical Examiners is directed to submit to the city council its written recommendations, as necessary, for the improvement of this article and the electrical code adopted in this article.~~

**~~Sec. 22-153. — Powers and duties.~~**

~~The electrical inspector shall act as the secretary of the Board of Electrical Examiners with the power and duty to:~~

~~(1) — Keep and maintain a full record of all proceedings of the board.~~

~~(2) — Administer oaths in hearings held before the board concerning the granting, denying, suspension or revocation of a registration, requested or issued, pursuant to this article.~~

~~(3) — Certify all official acts of the board.~~

~~(4) — Issue subpoenas for attendance of witnesses and the production of books and papers at all hearings before the board concerning the granting, denying, suspension or revocation of a registration, requested or issued, pursuant to this article.~~

~~(5) — To the extent requested by the board, assist the board in keeping all forms up to date with the provisions of the electrical code.~~

**~~Sec. 22-154. — Registration.~~**

~~(a) — A person licensed by the state as an electrical contractor or electrical sign contractor who seeks to perform electrical work in the city shall register his state license with the Building and Code Administration Division prior to work being done.~~

~~(b) — Upon registration of a state license, an electrical contractor may perform electrical work in the city, provided such work is within the scope of his state license and city ordinances.~~

**~~Sec. 22-155. — Interpretation of electrical code.~~**

~~(a) — When a proper appeal has been made in accordance with section 22-403, the Board of Electrical Examiners is authorized, empowered and directed to interpret any word, clause, sentence, paragraph or other provision contained in the city electrical code. When a question arising by appeal is acted upon by the board, such action shall be by a majority vote of the board hearing the appeal, and the board's decision in each case shall be reduced to writing and filed in the office of the electrical inspector.~~

~~(b) — Each decision rendered by the board in accordance with subsection (a) of this section shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity.~~

~~(c) — Any decision rendered by the board in accordance with this section may be modified or revoked when the board finds that facts and circumstances warrant such action. Any decision made under this subsection which substantially changes, modifies, or revokes a prior decision of the board made under this section shall not become effective until ten days after the decision of the board has been filed in the office of the electrical inspector, unless specifically ordered to the contrary by the board.~~

~~(d) — This section shall never be construed as granting any legislative power to the board, such power being exclusively in the city council.~~

~~(e) — A copy of any decision of the board rendered under this section shall be mailed to every registered master electrician or industrial electrician within the city affected by such decision and to any other person designated by the board to receive the decision.~~

**~~Sec. 22-156. — Procedure for conduct of hearings.~~**

~~When a public hearing is authorized or required to be held by the Board of Electrical Examiners, the following procedures shall be followed:~~

~~(1) — A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the board.~~

~~(2) — In addition to the record of the proceeding made by the board, any person appearing before the board may, at his expense, have the proceeding recorded by a duly certified court reporter. When a court reporter is employed, the person employing the reporter shall furnish a transcript of the hearing as produced by the reporter to the board at no cost to the board.~~

~~(3) — The board may grant a continuance of a hearing for good cause shown.~~

~~(4) — The chairperson of the board or the board's secretary shall have the power to administer oaths or affirmations at any hearing conducted by the board.~~

~~(5) — Notice of any hearing held by the board shall be sent to any person affected by certified mail, return receipt requested, and shall be in substantially the following form:~~

#### ~~NOTICE OF HEARING~~

~~TO (Name)~~

~~ADDRESS~~

~~"You are hereby notified that a hearing will be held before the City of Wichita Falls Board of Electrical Examiners at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_.m.~~

~~The subject matter of the hearing is as follows:~~

~~\_\_\_\_\_~~

~~You may be present at the hearing and may represent yourself or be represented by legal counsel of your choice.~~

~~You may present any relevant evidence on your behalf concerning the subject matter of the hearing and will be given the full opportunity to cross-examine all witnesses offering evidence against you.~~

~~You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents, papers or other matters by filing a written request for such subpoena with the Secretary of the Board."~~

~~(6) — The secretary of the board shall issue all subpoenas requested in writing by any party to a hearing before the board. It shall, however, be the obligation of the requesting party to furnish to the secretary of the board all necessary information for the proper issuance of any subpoena.~~

~~(7) — The board itself, in addition to any party to a hearing held by the board, may, by motion, request a subpoena to be issued to compel the attendance of any witness or the production of books, papers, documents or other things in the interest of fairness.~~

~~(8) — The secretary of the board shall not issue any subpoena when the requesting party fails to provide the necessary information to the secretary for its issuance.~~

~~(9) — The right to cross-examination shall be allowed to all parties to a hearing held before the board.~~

~~(10) — The right to be represented by legal counsel shall be extended to all parties to a hearing before the board.~~

~~(11) — The right to call a witness on his behalf shall be extended to all parties to a hearing before this board.~~

~~(12) — In every case where the subject matter of the hearing before the board is the suspension or revocation of the registration of any state licensee, the burden of~~

~~proof shall be upon the person commencing such action.~~

~~(13) During a hearing held before the board, any member of the board shall have the right to direct any question to either party to such hearing.~~

~~(14) Oral evidence shall be taken only on oath or affirmation of the witness offering such evidence.~~

~~(15) Any relevant evidence may be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.~~

~~(16) The board shall have in mind that it is conducting an administrative hearing and, consistent with this section, may adopt any rules necessary to conduct such hearing held before it.~~

~~(17) The board shall render its decision in writing within five days of the conclusion of any hearing held before it.~~

#### **Subdivision ~~IV~~ III. Permits**

#### **Sec. 22-~~186~~ 146. Required.**

(a) It shall be unlawful for any person to undertake any electrical work within the city without having obtained a permit authorizing the person to undertake such work.

(b) There shall only be one electrical permit issued or outstanding at the same time for any electrical work undertaken at any job site within the city. However, the electrical inspector shall be authorized to issue two or more permits for a job site when the electrical work to be undertaken at a job site is to be done in separate phases and the electrician applying for the permit is to be responsible for one or more phases of the electrical work, but not the total work required for completion of the job.

(c) When a master electrician has obtained a permit to undertake electrical work and the electrician is seeking to undertake less than the total electrical work at a job site, the following requirements apply:

(1) The master electrician shall, prior to the issuance of such permit, supply to the electrical inspector drawings, diagrams or plans which show the exact scope of the work to be undertaken.

(2) The master electrician shall be solely responsible for all electrical work to be undertaken by such electrician at the job site.

(3) The master electrician who has obtained a permit to do electrical work at a job site when such work is a phase or part of the total work, but less than the total work required at the job site, shall do only such work at the job site authorized by his permit.



(4) When there is more than one electrical permit issued for a job site within the city, where two or more master electricians are working on different parts or phases of the electrical work at such site, it shall be the joint responsibility of all such electricians so permitted to see that the individual work undertaken is compatible with all other electrical work undertaken at the job site and in conformity with the approved plans for the job and this article.

(5) When two or more master electricians have performed phases or work at a job site, the electrical inspector shall make one final electrical inspection at the job site, which shall cover all electrical work undertaken or done at the job site, and shall not pass the work unless all electrical work undertaken at the job site is found to comply with this article.

(d) The electrical inspector shall issue only one electrical permit per job site for the same or identical work with the following exceptions:

(1) When the master electrician has failed to complete the work, and such fact is communicated by the general contractor or property owner.

(2) When the electrical inspector is notified in writing by the master electrician that his contract for the electrical work is no longer in effect.

(3) When the electrical inspector has been notified in writing by the general contractor permitted at the job site that the master electrician originally permitted to do the work at the job site has been replaced with a new electrician.

(e) When the electrical inspector determines that a new permit will be issued, the person requiring such permit shall pay the full fee for the permit, and no refund shall ever be made on the original permit issued.

(f) The electrical inspector is authorized to require any other type of evidence from the general contractor or master electrician which he deems necessary prior to the issuance of a new electrical permit.

(g) The issuance of a new permit under this section shall release the first permitted electrician of any responsibility for compliance with this article for work completed by such electrician, and the new permitted electrician shall be responsible for compliance with this article for the entire job site.

(h) The ~~electrical inspector~~ Chief Building Official shall require the owner, general contractor or subcontractor or other interested person to execute an indemnity agreement agreeing to hold harmless and defend the city and ~~building and code administrator~~ Chief Building Official from any and all liability which may be alleged as a result of the issuance of a new electrical permit under this section and to require such agreement to be secured



by bonds and insurance deemed appropriate unless a release is signed by all parties.

**Sec. 22-~~187~~ 147. Exemptions.**

(a) No permit shall be required for a registered electrician or a homeowner to undertake minor electrical work, which by way of illustration and not limitation is as follows:

- (1) Repairing flush and snap switches.
- (2) Replacing fuses.
- (3) Changing lamp sockets and receptacles.
- (4) Replacing neon tubing in or on an existing sign erected in compliance with this article.
- (5) Changing lamp or ballast.

(b) No permit shall be required to attach or repair electrical wiring or install service to electrical apparatuses or equipment which are a part of a refrigeration, heating or air conditioning system or unit or any motor unit driving other equipment. Nothing in this subsection shall be construed as allowing any person to install new electrical wiring to or in a building or premises in order to install any of the equipment listed in this subsection, and this section shall be construed to allow a person to connect to existing wiring only.

(c) No permit shall be required, after original installation and inspection, to change an electrical fixture or repair or replace an electrical fixture unless the work will require a change in the size of the wiring supplying current to such fixture.

**Sec. 22-~~188~~ 148. Classification.**

The following types of permits for electrical work may be issued by the ~~electrical inspector~~ Chief Building Official:

(1) General electrical permit. A general electrical permit shall only be issued to a master electrician and shall authorize the electrician to perform any type of electrical work at a specific job site for which his registration qualifies.

(2) Homeowner's permit.

a. A homeowner's electrical permit shall only be issued to a person who owns and resides in a single-family home and may be used by such homeowner to do electrical work on the premises used by the homeowner as his residence. The electrical inspector shall be authorized to require proof of ownership and residence for any permit issued under this subsection.

b. Exception. A homeowner's permit shall not include any electrical installation for a swimming pool, hot tub or spa, and all such electrical work shall only be allowed by a general electrical permit issued to a master electrician.

(3) In-house electrical permit. An in-house electrical permit shall only be issued to a person registered as an industrial electrician, and shall authorize such electrician to perform any type of electrical work for his employer for which his registration qualifies. No permit issued to an industrial electrician shall ever authorize such electrician to perform any electrical work for any person other than the employer of such electrician and upon the buildings, grounds or equipment owned or leased by such employer.

**Sec. 22-~~189~~ 149. Applications.**

Application forms for any type of electrical permit authorized by ~~section 22-188~~ section 22-148 shall be obtained from the ~~electrical inspector~~ Chief Building Official and shall be fully completed by the individual seeking the permit and returned to the electrical inspector. The ~~electrical inspector~~ Chief Building Official shall not issue the permit requested if he finds any of the following:

- (1) The proposed electrical work does not comply with this article.
- (2) Plans and specifications for the work to be done under the requested permit are insufficient to allow the electrical inspector to determine if the work proposed to be done under the requested permit complies with this article.
- (3) The individual is seeking a permit to perform electrical work which he is not qualified to perform under the registration issued to such person by the board of electrical examiners.
- (4) If for a homeowner's permit, the individual applying therefor is not the owner and resident of the premises for which the permit is sought.
- (5) If for a homeowner's permit, the individual seeking the permit has failed to demonstrate a working knowledge of this article.
- (6) The individual seeking the permit has failed to furnish the certificate of insurance required by section 22-349, or such insurance has been canceled or reduced in coverage. This defect may be cured by compliance with the terms of section 22-349.

**Sec. 22-~~190~~ 150. Plans and specifications required.**

(a) Two sets of electrical plans and specifications may be required by the ~~electrical inspector~~ Chief Building Official prior to the issuance of a permit for the following electrical

work:

(1) All new construction for which a building permit is required in accordance with this Code.

(2) All alterations to existing buildings or structures for which a building permit is required in accordance with this Code.

(b) In addition to subsection (a) of this section, the ~~electrical inspector~~ Chief Building Official may require two sets of electrical plans and specifications when, in the opinion of the Chief Building Official, such plans and specifications are necessary for the ~~electrical inspector~~ Chief Building Official to determine if the proposed electrical work to be undertaken, if a permit is issued, will comply with this article.

(c) When plans and specifications are required by this section, they shall contain the following information:

(1) The size of the feeders and subfeeders and their length when there are more than four branch circuits.

(2) All current connected device locations.

(3) All circuitry to panels.

(4) All panels and the service entrance must be sized on the plans.

(d) In addition to the requirements set forth in subsection (c) of this section, the electrical inspector may require the calculations for the plans prior to the issuance of a permit.

(e) The plans required by this section shall be sealed or certified as follows:

(1) All commercial building plans shall bear the seal of an electrical engineer or a certification by a master electrician or industrial electrician that the plans are approved by him. However, all plans must bear the seal of an engineer licensed to practice in the state when required by the Texas Occupations Code.

(2) All other plans shall be approved and bear the seal or certification of any one of the following persons:

a. An engineer licensed by the state.

b. A registered master electrician who is contracted for the job.

c. A homeowner who is performing electrical work on his own

residence.

(3) Notwithstanding anything contained in this subsection to the contrary, a registered industrial electrician may certify plans for electrical work for his employer, if such plans do not require the seal of a licensed engineer in this state pursuant to the Texas Occupations Code.

**Sec. 22-~~191~~ 151. Issuance; contents.**

(a) When the electrical permit fee, as established by separate ordinance, is paid and all other applicable sections of this article are complied with, the ~~electrical inspector~~ Chief Building Official shall issue the permit requested.

(b) The permit shall specify the following:

- (1) The type of permit issued.
- (2) The proposed work to be done.
- (3) The location of the job site.
- (4) The name and address of the registered electrician receiving the permit or, if a homeowner, his name and address.
- (5) The name and address of any company, firm, business, partnership or corporation with whom the registered electrician is an officer, employee or partner.
- (6) The date of issuance and the signature of the electrical inspector.
- (7) The signature of the electrician or homeowner receiving the permit and responsible for electrical code compliance.

**Sec. 22-~~192~~ 152. Temporary installations.**

(a) The ~~electrical inspector~~ Chief Building Official is authorized, in addition to other permits allowed by this article, to issue temporary permits for a period of time not to exceed 90 days. All electrical work undertaken under a temporary permit shall nonetheless comply with all other sections of this article, unless the electrician seeking such temporary permit shall prove to the ~~electrical inspector~~ Chief Building Official that a lesser standard will provide a safe installation for the period of time the permit is enforced.

(b) Upon the expiration of the time set forth in any temporary permit issued in accordance with this section, the person obtaining such permit will do the following:

- (1) Apply for and secure a regular permit for electrical work to either

complete the temporary work or bring such work into full compliance with this article; or

- (2) Remove all such temporary electrical work installed or undertaken under the temporary permit issued and restore the building or premises to full code compliance.

**Sec. 22-~~193~~ ~~153~~. Ready-built homes.**

Where buildings are constructed in lumberyards or on premises other than where the building is on a permanent foundation and where such building is to be moved into and located within the city limits, wiring installation shall be made by an insured and registered master electrician in conformity with this article, and permits shall be applied for.

**Sec. 22-~~194~~ ~~154~~. Emergency work necessitating new wiring.**

If an emergency occurs necessitating immediate new wiring or repairs to electrical wiring at a time when the office of the Building and Code Administration is closed, the work may be carried out without first obtaining a permit. Thereafter, a written application shall be submitted to the Building and Code Administration for a permit during the next day that such office is open. Before the permit shall be issued, all requirements for its issuance must be complied with.

**Secs. 22-~~195~~ ~~155~~–22-220. Reserved.**

**Subdivision ~~V~~ IV. Inspections**

**Sec. 22-221. Required.**

All electrical work for which a permit has been issued in accordance with this article shall be inspected by the electrical inspector for compliance with this article. The electrical inspector in discharging this duty shall make the following inspections:

- (1) Rough-in inspection. The registered electrician or homeowner who has secured the permit for electrical work shall be responsible for notification to the Building and Code Administration that the electrical work is ready for a rough-in inspection at such time that all raceways, panel board cabinets, service equipment, outlet boxes, junction boxes, conduit, conductors and conductor splices are installed and ready for visible inspection. The electrical inspector shall refuse to make any rough-in inspection when the electrical work has been covered from view.
- (2) Final inspection. The registered electrician or homeowner who has secured the permit for electrical work shall be responsible for notification to the Building and Code Administration that the electrical work is ready for a final inspection. Electrical work shall be considered ready for final inspection when such work has passed all prior inspections made by the electrical

inspector, or when such work has been corrected to comply with this article where a violation has been found to exist upon prior inspection, and where the electrical work has been completed in accordance to plans and specifications by the registered electrician or homeowner who has secured the permit. The electrical inspector shall have the option of requiring the presence of the permitted electrician or journeyman in charge of the work at any final inspection.

(3) Additional inspections. In addition to the inspection required to be made by the electrical inspector under subsections (1) and (2) of this section, such inspector is further required to make any and all additional inspections he shall deem necessary to ensure that all electrical work undertaken or existing in the city is in compliance with this article.

(4) Sign inspections. The master electrician securing a permit for electrical work in connection with any sign to be installed within the city shall be responsible for notification to the electrical inspector that the electrical work, for which the permit is issued, is ready for inspection. Electrical work necessary for installation or erection of a sign shall be considered ready for inspection when all work necessary for its installation or erection has been completed by the person holding the permit. The electrical inspector shall have the authority to require a sign to be opened or uncovered when necessary to complete the inspection required by this subsection.

#### **Sec. 22-222. Request for inspections.**

(a) Every registered electrician or homeowner securing a permit under this article to undertake electrical work shall be responsible for notifying the electrical inspector of any requested inspection. The electrical inspector shall complete such inspection within 24 working hours after receipt of the notice requesting such inspection.

(b) A request for inspection may be made in writing or by telephone and shall contain or specify the following information:

- (1) The address where the work is located.
- (2) The permit number if requested by the electrical inspector.
- (3) The electrical contractor's name and address or the name of the homeowner.
- (4) The type of inspection requested, which shall be as follows:

E1	Construction tap
E2	Rough in (before work is covered)
E3	Final (all work complete, power on)
E4	Reinspection (when work is rejected)
E5	Courtesy inspection (to discuss or plan work)
E6	Electrical system safety check (before power is connected or occupancy)

	change to existing service)
E9	Temporary power on (to power system before final inspection. If the structure is occupied or code violations are noted, the electrical inspector may request immediate disconnect of service to the electrical utility)

**Sec. 22-223. Procedure for identifying results.**

The electrical inspector, after completing any inspection required or authorized by this article, shall identify the results of such inspection in the following manner:

(1) If the electrical inspector determines upon inspection that the electrical work inspected complies in every respect with this article, he shall attach or affix, at a visible and accessible point, a notice which will signify that the work has been inspected and was found to be in compliance with this article. The notice shall be signed by the inspector making the inspection, shall be dated, shall set forth the address of the job site where the inspection was made, and shall authorize the electrician or homeowner to continue with the work.

(2) If the electrical inspector determines upon inspection that the electrical work inspected does not comply with this article, he shall attach or affix, at a visible and accessible point, a notice which will signify that the work has been inspected and was found not to comply with this article. The notice shall be signed by the inspector, shall be dated, shall contain a statement that the work has not passed the inspection, and shall contain a warning that it is a violation of this article to proceed with the electrical work until such work has passed inspection, and that a reinspection fee will be paid before reinspection. The inspector shall also note on the back of the notice the violation of this article discovered during his inspection and any other information deemed relevant.

(3) When the electrical inspector is requested to make a final inspection on any electrical work, he shall determine at such inspection if the electrical work complies with this article and is ready to be connected to a source of electrical current. If the electrical inspector approves and passes the work inspected, he shall attach or affix, at a visible and accessible point, a notice which shall signify that the work has been inspected and found to be in compliance with this article, and is ready to be connected to a source of electrical current. The notice shall be signed by the inspector, shall be dated, shall set forth the address of the job site, and upon issuance, the inspector shall notify the utility company to provide service to the site in accordance with [section 22-224](#).

(4) For minor violations of this article where electrical work will remain open to view, the electrical inspector may issue a notice of approval with notations of minor violations. Such notice shall be attached or affixed at a visible and accessible point of the work. The notice will signify that the work has been inspected and minor



violations of this article were discovered upon inspection. Any registered electrician or homeowner who has received a notice of approval with minor violations shall make all necessary corrections to the electrical work found to be a minor violation of this article prior to the next inspection by the electrical inspector or within ten days after receipt of the notice, whichever period is the shortest period of time. The notice shall be signed by the inspector, shall be dated, shall set forth the location of the job site and shall point out the items of work that must be corrected. If the registered electrician or homeowner has failed to make corrections to electrical work as listed on the notice within the time period in this subsection, the inspector shall issue a rejection notice following the procedures set forth in subsection (b) of this section to such electrician or homeowner.

**Sec. 22-224. Clearance to connect electrical service.**

(a) It shall be unlawful for any person to connect, reconnect or cause connection or reconnection of electrical service to any building, structure, installation, construction tap, sign or outdoor lighting system without a clearance from the electrical inspector except a registered master electrician connecting service in an emergency, as allowed in [section 22-154](#).

(b) No electric utility company furnishing electric service within the city shall furnish electric service in any of the following cases until authorization to connect has been secured from the electrical inspector:

- (1) New service to any new building, structure, tent, installation, sign or outdoor lighting.
- (2) Electrical service has been terminated due to the alteration or repair of any building, structure, installation, sign, premises or outdoor lighting.
- (3) Electrical service has been terminated due to fire, flood, windstorm, earthquake, explosion or any other similar disaster to any building, structure, installation, sign, premises or outdoor lighting.
- (4) Electrical service has been terminated due to unsafe electrical conditions existing at or in any building, structure, installation, sign, premises or outdoor lighting, and the utility has been made aware of such fact by the electrical inspector.
- (5) Electrical service has been discontinued or there has been a change of occupants to any building or premises, except private residences and apartments where service is carried over for a continuing occupancy.

**Secs. 22-225–22-254. Reserved.**

**Subdivision ~~VI~~V. Fees**

**Sec. 22-255. Permit and inspection fees.**

(a) A fee shall be assessed for each permit required by this article. Such fee shall be established by separate ordinance. All permit fees shall be paid upon application for the permit.

(b) When any electrical work is commenced within the city and no permit as required by this article has been issued prior to the commencement of such work, the fee for issuance of the required permit may be charged and assessed at twice the amount required by separate ordinance. This subsection shall not, however, apply when the electrical work has been undertaken as an emergency in accordance with [section 22-154](#).

(c) Permit fees as established by separate ordinance shall not be assessed for permits involving work for any of the following:

- (1) School districts within the city limits.
- (2) The city.
- (3) The county.

(d) When a permit has been issued and the electrical work has been inspected by the electrical inspector, and such inspector determines upon inspection that the electrical work failed to comply with this article and issues a rejection notice for such work pursuant to [section 22-223](#)(b), a reinspection fee shall be charged, as established by separate ordinance.

**Sec. 22-256. Fee adjustments.**

All fees and charges as established and set forth by separate ordinance are and shall be subject to adjustment in accordance with this Code.

**Secs. 22-257–22-285. Reserved.**

**DIVISION 3. ELECTRICAL CONTRACTORS**

**Subdivision I. In General**

**Secs. 22-286–22-345. Reserved.**

**Subdivision II. Licenses**

**Sec. 22-346. Required.**

(a) It shall be unlawful for any person to do or undertake to do any electrical work

within the city unless licensed by the state to perform such work in accordance with this article, except where a person is performing electrical work for a class of business that is exempt from this article as set forth in [section 22-404](#), or the person is a homeowner performing electrical work or wiring on his own residence and is exempt from this article as set forth in [section 22-404](#).

(b) It shall be unlawful for any person to engage in or carry on, directly or indirectly, or to advertise or to hold himself out as engaging in or carrying on electrical work or to perform any act as a master electrician, industrial electrician, journeyman electrician, maintenance electrician, master sign electrician, journeyman sign electrician, residential wireman, or apprentice electrician, as defined within this article, without first obtaining an appropriate license from the state.

(c) In addition to any license required in this section, any person who shall engage in the business of electrical contracting shall, prior to making contracts or subletting the contracts, obtain a registration, referred to as an "electrical contractor registration." Such electrical contractor registration shall be issued by Building and Code Administration, contingent upon compliance with the applicable sections of this article and the following:

(1) The business for which the registration is issued shall be owned by or have in its employment at least one registered master electrician, and such master electrician shall be designated on the registration application as responsible for the daily supervision of all electrical work of the business so registered.

(2) Such designated master electrician's name, address and telephone number shall be provided to the Building and Code Administration upon application for the electrical contractor registration.

(3) Such master electrician shall make himself available during the normal working hours of the Building and Code Administration in order to meet with the electrical inspector either at the job site or at the inspector's office regarding any electrical work performed by that business. When such designated master electrician may be unavailable, such as in cases of emergency, illness, or absence from the city, the electrical inspector may allow the business to designate an alternate master or journeyman electrician as the city contact during such period of absence.

(4) At any time the designated master electrician's registration is suspended, revoked, or expires, or such master electrician leaves the employment of the business so registered under this subsection, the electrical contractor registration shall become null and void until such master electrician registration has been reinstated or another master electrician has been designated by the business.

(5) An electrical contractor's registration shall expire on December 31 and

may be renewed thereafter.

(6) A fee shall be charged for each electrical contractor registration, issued in accordance with the fee established by separate ordinance.

(7) No permits shall be issued to any master electrician whose contractor's registration is not current.

(d) A master electrician or industrial electrician shall not use his registration to obtain electrical permits issued under this article for any other class of electrician who is not a full-time employee of the master electrician's or industrial electrician's company and under his direct supervision and control. Business records of the electrical contractor may be required by the board of electrical examiners to substantiate the master's involvement with the business.

#### **Sec. 22-347. Unlawful work; false claims.**

(a) It shall be unlawful for any registered electrician to perform or hold himself out as being able to perform any type or class of electrical work not expressly included under coverage of his registration.

(b) It shall be unlawful for any person to advertise or to hold out or to state to the public or to any customer, either directly or indirectly, that any electrical work or installation complies with the city electrical code unless such work has in fact been inspected and approved by the electrical inspector.

(c) It shall be unlawful for any person or the owner, agent or occupant of any premises to aid or abet an electrical contractor in the violation of this article or connive in its violation.

#### **Sec. 22-348. Unregistered electricians.**

It shall be unlawful for any registered electrician to allow any unregistered electrician or unregistered apprentice to work at any job site or electrical installation project under his control or supervision.

#### **Sec. 22-349. Fee and insurance requirements.**

~~(a) Each successful applicant for any class of registration provided for by this article shall pay a fee to the secretary of the Board of Electrical Examiners in the amount set forth by separate ordinance. No applicant shall be entitled to obtain a permit for or undertake any electrical work within the city until such time as the fee has been paid. The fee required shall be paid to the secretary, who shall pay such fee over to the city's general fund.~~

(a) Any person engaged in the electrical contracting business in the corporate city

limits shall obtain and have in full force and effect a policy of liability insurance, insuring against claims or actions for personal injuries or property damage occurring or claiming to have occurred upon or growing out of engaging in the electrical contracting business with limits as prescribed by state licensing requirements. A current certificate of insurance meeting or exceeding these limits must be on file in the ~~electrical inspector~~ [Building and Code Administration](#)'s office prior to the issuance of any permit. The insurance coverage shall include a provision that if such coverage is canceled or reduced, the insurance carrier shall notify the ~~electrical inspector~~ [Chief Building Official](#) at least ten days prior to such cancellation or reduction in coverage.

(b) No electrical permit shall be issued to any master electrician until such time as the certificate of insurance required in subsection (b) of this section is filed with the ~~electrical inspector~~ [Chief Building Official](#).

(c) It shall not be necessary, however, for a master electrician to furnish a certificate of insurance as required by this section if such electrician does not actively engage in the electrical business as a master electrician and files with the ~~electrical inspector~~ [Chief Building Official](#) a letter so stating. A master electrician may engage in his electrical business at any time by so advising the Chief Building Official in writing and furnishing the required insurance certificate.

(d) The requirements of this section shall not apply to the following:

(1) A homeowner seeking a homeowner's permit to do work on his own residence.

(2) An industrial electrician seeking an in-house electrical permit as provided in [section 22-148](#)(3) to do work outlined by such permit.

#### **Sec. 22-350. Possession.**

The holder of any electrical registration shall, when on the job site of any electrical installation, have in his immediate possession a wallet-size identification of such registration. The registrant shall, upon request, present such registration for identification to the electrical inspector or any of his deputies. In addition to the identification requirement in this section, each master electrician and industrial electrician shall cause to be posted in a prominent place at his place of business or employment the certificate of qualification which is issued by the secretary at the time his registration is issued.

#### **Sec. 22-351. Business address.**

(a) Every master electrician and industrial electrician shall file with the ~~electrical inspector~~ [Chief Building Official](#) a written statement setting forth the current business address and phone number of such electrician. It shall be the responsibility of the electrician to advise the electrical inspector of any changes to the information required in this subsection.

(b) The ~~electrical inspector~~ Chief Building Official shall not issue any permit required by this article to any master electrician or industrial electrician who has not complied with this section.

**Sec. 22-352. Transferability.**

Any electrical registration issued in accordance with this article shall be nontransferable.

**Sec. 22-353. Employment of journeyman or apprentice.**

(a) Every master electrician or industrial electrician shall be responsible for and exercise supervision and control over every journeyman electrician or apprentice electrician performing work upon any job site for which the master electrician or industrial electrician has secured a permit in accordance with this article. Consistent with the responsibility of the master electrician or industrial electrician to exercise supervision and control over journeyman electricians and apprentices, no master electrician or industrial electrician shall use the services of a journeyman electrician or apprentice on any job who is not a full-time employee of the same company as the master electrician or industrial electrician.

(b) The ~~electrical inspector~~ Chief Building Official may require the master electrician or industrial electrician to produce payroll records, quarterly federal withholding reports, or other information to verify the employee relationship.

**Sec. 22-354. Supervision of journeyman electrician.**

It shall be a violation of this article and an additional reason for revocation or suspension of a journeyman's registration if a journeyman electrician is found to be undertaking or engaged in performing electrical work when a permit for such work has not been issued to the master electrician or industrial electrician who is employed on a full-time basis by the same company as the journeyman electrician.

**Sec. 22-355. Notification of employment.**

(a) The holder of a journeyman electrician registration shall notify the ~~electrical inspector~~ Chief Building Official in writing if the holder of such a registration changes places of employment. The notice shall contain the name, address and telephone number of the new employer, together with the date of new employment.

(b) The holder of a maintenance electrician registration shall follow the same procedure as set forth in subsection (a) of this section if he changes places of employment.

(c) The holder of an industrial electrician registration shall follow the same procedure as set forth in subsection (a) of this section if he changes places of employment.



(d) The notification required by this section shall be made to the ~~electrical inspector~~ Chief Building Official no later than ten days after the commencement of new employment.

**Sec. 22-356. Supervision of apprentice electrician.**

No class of registered electrician shall have more than three apprentice electricians working under his direct supervision and control.

**Sec. 22-357. Expiration and renewal.**

(a) Each electrician's registration issued under this article shall expire at 12:00 midnight on December 31 of each year.

(b) Every holder of any class of registration issued in accordance with this article may make written application for renewal of his registration; however, such application shall be filed with the ~~electrical inspector~~ Chief Building Official prior to the expiration of his current registration.

(c) Application forms for renewal of any registration issued in accordance with this article shall be furnished by the ~~electrical inspector~~ Chief Building Official.

(d) A fee shall be charged for each renewal registration issued in accordance with the schedule of fees established by separate ordinance.

(e) The ~~electrical inspector~~ Chief Building Official shall refuse to renew any registration issued in accordance with this article where the applicant for renewal thereof fails to maintain his license through the state, complete the required application, maintain insurance as required, and tender the fees for renewal.

**Sec. 22-358. Vehicle and other identification.**

(a) Each vehicle used in the business of electrical contracting work in the city shall be properly identified by the placement of a sign or lettering on such vehicle. The sign shall display the name of the person doing business, and the lettering for such sign shall be at least two inches in height in contrasting colors. These signs shall be placed on both front doors of each vehicle or on both upper side panels of each van.

(b) In addition to subsection (a) of this section, all trucks or other vehicles used by any master electrician shall also have, placed upon the left-hand side of such vehicle, the registration number of the master electrician, in numbers a minimum height of two inches in size. These numbers shall be placed above the door signs or included as part of the sign.

(c) Every master electrician shall include his registration number on all printed or

written advertising used or employed by such electrician.

**~~Sec. 22-359.— Procedure for revocation or suspension.~~**

~~(a) — The Board of Electrical Examiners is authorized either to suspend (for a period of time not to exceed one year) or revoke the registration of any state licensee for proper cause as set forth in section 22-360.~~

~~(b) — The board shall follow the following procedures in exercising the powers set forth in subsection (a) of this section:~~

~~(1) — When the board is to determine whether or not an electrician's registration is to be suspended or revoked, the board shall proceed upon a sworn affidavit of the electrical inspector or upon the sworn affidavit of any person aggrieved by the action of such electrician. The affidavit shall set forth the grounds upon which the affiant relies to suspend or revoke the registration in question, together with sufficient facts in support thereof.~~

~~(2) — When the electrical inspector or an aggrieved person seeks to commence action to suspend or revoke the registration of an electrician, he shall prepare the required affidavit in writing and shall file the original and two copies with the electrical inspector, who shall note the date and time of filing of such affidavit and shall forward a copy to the chairperson of the board and to the electrician who is the subject of the allegations. The electrical inspector shall retain one copy of the affidavit in his files. The electrical inspector shall forward the copy of the affidavit to the electrician named in the affidavit by certified mail, return receipt requested.~~

~~(3) — The electrician named in the affidavit shall have ten days from the date of receipt of such affidavit to file a sworn response to the charges set forth in the affidavit. The electrician in question shall file the response and two copies with the secretary of the board, who shall forward one copy to the chairperson of the board and one copy to the person filing the affidavit to which the response is directed. The electrical inspector shall retain the original response in his office.~~

~~(4) — The chairperson of the board, upon receipt of an affidavit of complaint for suspension or revocation of the registration of any electrician, shall give notice of such affidavit of complaint to each member of the board. After each member of the board has been notified of the affidavit of complaint, the board shall meet at a regular meeting or a special meeting called by the chairperson for the purpose of entering an order of the board setting a date and time at which the board shall enter upon a hearing to determine whether or not the electrician in question should have his registration suspended or revoked. The board shall cause a copy of its order setting a hearing in the matter to be served upon the electrician named in the affidavit~~

~~of complaint by certified mail, return receipt requested, at least ten days prior to the date of the hearing set by the board.~~

~~(5) — The board shall thereafter meet at the time and place set forth in its order and enter upon a hearing to determine whether or not the board shall order the registration of the electrician in question suspended or revoked.~~

~~(6) — The board shall cause a copy of its final order to be served upon the electrician in question by certified mail, return receipt requested, and shall file a copy of its order with the electrical inspector.~~

~~(7) — When the chairperson of the board has received the affidavit of complaint which, in the unanimous opinion of the board, sets forth allegations that would cause immediate danger to life or property, the board may, by unanimous vote, enter its order temporarily suspending the registration of the electrician named in the affidavit of complaint for a period of time not to exceed 20 days. When the board enters a temporary order of suspension as authorized in this subsection, it shall enter its final determination on the merits of the complaint prior to the expiration of the temporary order of suspension.~~

~~(8) — When an electrician has had his registration suspended by order of the board, he shall not be eligible to undertake any electrical work within the city during the time of suspension set forth in the board's order. At the conclusion of the term of suspension, the electrician's registration shall automatically be reinstated or renewed in accordance with this article, and he may once again undertake electrical work within the city.~~

~~(9) — When an electrician has had his registration revoked by order of the board, he shall not be eligible to undertake any electrical work within the city until such time as he has successfully qualified for a new registration as provided in this article. Any electrician whose registration has been revoked shall be ineligible to apply for a new registration for a period of one year from the date of the order of the board revoking same.~~

#### **~~Sec. 22-360. — Grounds for suspension or revocation.~~**

~~(a) — One or more of the following shall constitute cause for suspension or revocation for any class of electrical registration issued by the Board of Electrical Examiners:~~

~~(1) — The failure or refusal by an electrician, after due notice from the electrical inspector, to correct any electrical work found to be in violation of this article or the electrical code.~~

~~(2) — The furnishing of false or incorrect information in any application submitted to the board for licensing under the board's powers.~~

~~(3) — Knowingly causing or allowing wiring to be covered or concealed from sight prior to inspection by the electrical inspector.~~

~~(4) — The refusal to uncover or make available for inspection by the electrical inspector any electrical wiring or work inadvertently covered or concealed by the electrician.~~

~~(5) — A final conviction in a court of law of any violation of this article or the electrical code.~~

~~(6) — A plea of nolo contendere entered by any electrician licensed by the state to any complaint or charge against him in which he is charged with a violation of this article or the electrical code and upon which the court has entered a judgment of conviction against the electrician.~~

~~(7) — The habitual violation of this article or the electrical code. The term "habitual violation" shall mean three or more separate violations of a similar or identical nature occurring at separate job sites within any 12-month period, except minor violations of subdivision II of division 4 of this article.~~

~~(8) — Any violation of this article or the electrical code, which violation is a clear and present danger to life or property.~~

~~(9) — The failure of any registered master electrician or industrial electrician to maintain adequate supervision over all journeyman and others registered under this article, working directly under or for him on any project or job for which a permit has been secured by the master electrician or industrial electrician. The term "adequate supervision," for the purpose of this subsection, shall mean that the master electrician or industrial electrician shall maintain such contact with a job or project for which he has obtained a permit as necessary to ensure that those electricians under his control and direction are complying and have complied with all applicable sections of this article and provisions of the electrical code.~~

~~(b) — It shall be a ground for suspension or revocation of a registration issued to a master electrician, industrial electrician, maintenance electrician, journeyman electrician, master sign electrician, journeyman sign electrician, residential wireman, or apprentice electrician if the board of electrical examiners finds by a preponderance of evidence that such electrician has obtained a permit under this article or the electrical code and has allowed any other electrician to work upon the job or project for which the permit was issued other than those electricians registered by the board under his direct employment and supervision. This subsection shall not apply, however, to a joint venture by any two or more master electricians, provided that at the time the permit is obtained for the job or project in question the fact that the project is to be a joint venture is noted upon the permit at the time of issuance, along with the name and address of the master electrician who~~

~~will have immediate responsibility and control over the job or project from which the permit is obtained.~~

~~(c) — It shall be a ground for revocation of any registration issued to any electrician that the electrician in question has had his registration suspended by the board on two separate occasions within an 18-month period of time.~~

~~(d) — It shall be a ground for suspension of a registration issued by the Board of Electrical Examiners if a holder of a registration, required to furnish a certificate of insurance in accordance with this article, fails to furnish such certificate or maintain the requisite insurance coverage such certificate evidences.~~

~~(e) — It shall be a ground for suspension of any registration issued by the board of electrical examiners if an applicant for renewal of such registration fails or refuses to furnish any information requested by the board in writing concerning the applicant's ability, training, experience or performance as an electrician.~~

~~(f) — It shall be a ground for suspension or revocation of a registration issued to a journeyman electrician for any such electrician to undertake any electrical work when such electrical work is not under the supervision of a master electrician or industrial electrician.~~

~~(g) — It shall be a ground for suspension, only of a registration issued to a master electrician or industrial electrician, for any such electrician to fail to keep his current telephone number and address on file with the electrical inspector.~~

~~(h) — It shall be a ground for revocation of a registration issued to any class of electrician for any such electrician to undertake any electrical work during the time his registration has been suspended by the board.~~

~~(i) — It shall be a ground for suspension or revocation of a registration for any electrician authorized by this article to obtain permits for electrical work to undertake any electrical work without first obtaining the required permit, unless specifically authorized by this article to secure such permit at a later date.~~

~~(j) — It shall be a ground for suspension or revocation of a registration issued to any class of electrician to perform any electrical work not authorized to be performed or undertaken under the terms of the registration held by such electrician.~~

~~(k) — It shall be a ground for suspension or revocation of a registration issued to any master electrician or industrial electrician to allow any person to perform electrical work on a job site for which the electrician has secured a permit when such person is not authorized by this article to perform such electrical work.~~

#### **~~Sec. 22-361. — Appeal of revocation or suspension.~~**

~~(a) — Any person whose registration has been revoked or suspended by action of the Board of Electrical Examiners or any applicant for any class of registration who feels~~

~~that he has been aggrieved by the action of the board because of any alleged arbitrary or capricious action of the board, may appeal this decision to the city council within ten days after the written decision of the board has been filed in the office of the secretary of the board and a copy has been served on the registrant. The filing of the notice of appeal by the registrant whose registration has been suspended or revoked shall operate to stay the suspension or revocation order until the city council renders its decision.~~

~~(b) —The secretary of the board shall notify the city manager upon receipt of written notice of appeal filed in accordance with this section. The city manager shall, upon such notice, place the appeal on the next convenient city council agenda in accordance with this Code. The city council may affirm, modify or vacate any finding of the board of electrical examiners or enter any order which it may deem necessary. On entry of such order, the board shall within a reasonable time comply with such order, not to exceed 45 days from the execution of such order by the city council.~~

**Sec. 22-~~362~~ 359. City licensees.**

An electrician licensed by the city on October 19, 2004, may continue to perform electrical work in the city provided his city license is registered, timely renewed and is otherwise maintained in good standing. Except for the licensing requirements of section 32-346(a), an electrician performing work under a city license shall comply with all requirements and shall be subject to all disciplinary action for a state licensee under this article. In the event a city licensee shall fail to renew his license within 31 days of expiration, he shall be required to obtain a state license before performing any electrical work that requires a license.

**Secs. 22-363–22-400. Reserved.**

**DIVISION 4. ELECTRICAL STANDARDS\***

**Subdivision I. In General**

**Sec. 22-401. National Electrical Code adopted by reference.**

The National Electrical Code, ~~2005~~ 2017 edition, ANSI/NFPA 70, published by the National Fire Protection Association, is adopted as a part of this article as fully as if copied at length in this division. A copy of the National Electrical Code, ~~2005~~ 2017 edition, shall be filed with the City Clerk's office as a public record. If a conflict occurs with any provision of the National Electrical Code and this article, the sections of this article shall control.

**Sec. 22-402. Scope.**

All electrical work installed within the city shall be installed in conformity with this article, and it is declared to be unlawful for any person to install any electrical work in violation of this article and the provisions of the electrical code as adopted.



**Sec. 22-403. Interpretations; appeals.**

(a) It shall be the duty of the electrical inspector or [Chief Building Official](#) to interpret the sections of this article as may be necessary to administer and enforce this article.

(b) Any person, ~~jointly or severally,~~ who may be aggrieved by the interpretation of the electrical code rendered by the electrical inspector may appeal the decision of the electrical inspector to the ~~Board of Electrical Examiners~~ [Construction Board of Adjustment and Appeals](#).

(c) Any person seeking to appeal the decision of the electrical inspector rendered in accordance with this section shall comply with the following:

(1) Written notice of the appeal must be made to the ~~Board of Electrical Examiners~~ [Construction Board of Adjustment and Appeals](#) within five days of the date on which the electrical inspector rendered his decision.

(2) The appeal must clearly set forth the decision of the electrical inspector, together with the position of the person taking the appeal to the board.

(3) The person seeking the appeal must set forth his reasons in support of his position, together with evidence in support of his position.

(4) The written appeal shall be filed with the ~~secretary of the board~~ [City Clerk](#).

(5) ~~The electrical inspector shall have a period of five days from receipt of the appeal to file a response thereto with the board. Within 30 days, the Chief Building Official shall call a regular meeting of the Construction Board of Adjustment and Appeals to hear the appeal.~~

(6) In an emergency to life or property, which emergency shall be specifically set forth in the written appeal filed with the ~~board~~ [Construction Board of Adjustment and Appeals](#), the ~~board~~ [Construction Board of Adjustment and Appeals](#) shall render a decision on such appeal within 24 hours from the time such appeal is filed with the board. The board shall determine in any such case whether or not a true emergency exists, and its decision in this regard shall be final.

(7) In every case to be heard by the board on an emergency basis, the electrical inspector shall be present and shall be allowed to present his position to the board.

(8) The decision of the board on any appeal taken under this section shall

be final and binding.

**Sec. 22-404. Exceptions.**

(a) This article shall not apply to any of the following:

- (1) Any electrical work performed by any electrical public utility holding a certificate of service from the state public utility commission and operating within the city.
- (2) Any electrical work undertaken by the city in conjunction with street lighting or traffic-control signals.
- (3) Any electrical work performed by a telephone, telegraph or district messenger company operating under a franchise issued by the city.
- (4) Any electrical work performed by any broadcast transmission business or entity.

The exceptions from this article in this subsection do not, however, authorize any of such classes of business named to perform electrical work for the general public or to do any other type of electrical work except that which is necessary and customary to the class of business involved.

(b) Notwithstanding the exception set forth in subsection (a) of this section, this article shall apply to the wiring and installation for light, heat and power for all buildings containing equipment or housing employees of any class of business excepted by subsection (a) of this section.

(c) Nothing in this article shall be construed to require a property owner to obtain a registration or furnish a certificate of insurance before doing electrical work in or on a building occupied by himself as a single-family residence, provided the following conditions exist:

- (1) He has applied for and obtained a permit from the electrical inspector to do the electrical work.
- (2) He has presented a set of plans showing the electrical work to be undertaken and such plans are found to conform to this article.
- (3) He agrees to call for all inspections required by this article.
- (4) He is able to demonstrate to the electrical inspector that he has a working knowledge of this article and the ability to do electrical work in conformance with the provisions of the electrical code.

(5) He agrees to correct any violations of this article found or discovered upon any inspection performed by the electrical inspector.

**Sec. 22-405. Premises involved in fire; reinstatement of service.**

(a) It shall be the duty of the Fire Chief or the Fire Marshal to have the premises involved in a fire fully inspected by the electrical inspector when the Chief of the Fire Department or the Fire Marshal determines that a fire originated due to any of the following causes:

- (1) Faulty electrical wiring;
- (2) Overloading of electrical equipment;
- (3) Overloading of electrical lines;
- (4) Unauthorized electrical installation; or
- (5) Any damage to the electrical system by the fire.

(b) When the electrical inspector finds that a fire has caused damage to the electrical system or originated for any of the reasons set forth in subsection (a) of this section, no electrical service shall be reinstated or reconnected to the property by any electrician or by the owner of such property until such time as the conditions have been repaired in compliance with this article and approved by the electrical inspector.

(c) Notwithstanding subsections (a) and (b) of this section, the ~~electrical inspector~~ Chief Building Official may approve temporary electrical service necessary to complete repairs or reconstruction of the property in question.

**Sec. 22-406. Improperly installed or defective equipment.**

(a) If any part of any electrical equipment or wiring in or about any building, facility, installation, premises or lot within the city is found to have been installed or connected in violation of this article, it shall be the duty of the electrical inspector to notify in writing the owner of the premises or the tenant of the premises or the person in possession of the premises to immediately cease using electrical current in any such violation identified by the electrical inspector.

(b) If any part of any electrical equipment or wiring in or about any building, facility, installation, premises or lot within the city is found to have fallen into a state of disrepair which would render the use of such electrical equipment dangerous to life or property, it shall be the duty of the ~~electrical inspector~~ Chief Building Official to notify in writing the owner of the premises or the tenant of the premises or the person in possession of the premises to immediately cease using electrical current in any such violation or condition identified by the electrical inspector.

(c) The written notice required in this section shall state the following:

- (1) The date that the inspection was made by the electrical inspector where a violation of this article or a condition dangerous to life or property is found.
- (2) The section of this article or the electrical code which the inspection reveals has been violated.
- (3) For conditions dangerous to life or property, a brief description of such conditions.
- (4) A specified time, not to exceed ten days from the date of the written notice, to correct all violations identified or to correct all conditions identified as dangerous to life or property.
- (5) A statement advising the owner, tenant or person in control and possession of the building, facility, installation, premises or lot that, if there are any persons using the area in question who require electrical service for life support, it is the duty of the person receiving this notice immediately and without failure to notify the electrical inspector of such fact.

(d) If the owner, tenant or person in possession of the premises identified in the written notice given pursuant to this section fails to take action necessary to correct any and all such violations or conditions dangerous to life or property within the time limit specified in the written notice, the electrical inspector shall take the following action:

- (1) The ~~electrical inspector~~ Chief Building Official shall serve upon the owner, tenant or person in possession of the property an order to cease use of the property, facility, installation, premises or lot until such time as proof is presented to the electrical inspector that all defects have been corrected and such work is verified by inspection.
- (2) When the violation of this article found to exist is of such a nature as to cause immediate danger to life or property, the electrical inspector shall issue an order to the public utility supplying such power to immediately terminate such electrical service until such time as all violations are corrected.
- (3) If the owner, tenant or person in possession of the building, facility, installation, premises or lot fails to comply with an order of the electrical inspector issued under subsection (d)(1) of this section within three days of receipt of such order, the electrical inspector shall issue his order as provided in subsection (d)(2) of this section to the public utility providing the electrical services.
- (4) Notwithstanding any provision set forth in subsections (d)(1) through (3) of this section, when the ~~electrical inspector~~ Chief Building Official has

been notified by the owner, tenant or person in possession of the building, facility, installation, premises or lot that there is a person residing within any of such structures or areas who requires electrical service for life support, the Chief Building Official is authorized to take one or all of the following courses of action:

- a. Notify the owner, tenant or person in possession of such structure or area to immediately make arrangement to provide an alternative location for the person involved.
- b. Withhold taking action to terminate electrical service for a reasonable period of time not to exceed ten days.
- c. Terminate all electrical service not necessary for the life support of the person involved.
- d. Request the city attorney to seek a proper court order requiring the relocation of the person involved.

**Sec. 22-407. Liability for defective work.**

This article shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electrical wiring connections, fixtures, appliances, apparatus, machinery, equipment or work, inside or outside, overhead or underground, in the city for damages to any person injured by defects therein, nor shall the city be held as assuming any liability because of the inspection authorized by this article or certificate or permit issued as provided for and regulated.

**Sec. 22-408. Construction against implicit repeal of article.**

This article being a general ordinance intended as a unified coverage of its subject matter, no part of it shall be deemed to be implicitly repealed by subsequent ordinances if such construction can reasonably be avoided.

**Sec. 22-409. Control of zoning ordinance.**

Whenever there is a conflict between the sections of this article governing signs and the provisions of the city zoning ordinance in appendix B to this Code, the provisions of the zoning ordinance shall control.

**Secs. 22-410–22-435. Reserved.**

**Subdivision II. General Specifications**

**Sec. 22-436. General installation of wiring, fixtures and apparatus.**

(a) In the installation of all wiring, fixtures and apparatus, the rules and requirements adopted by [section 22-401](#) shall be complied with, together with the rules contained in this article and such additional requirements as may from time to time be adopted.

(b) When an electrician or any homeowner has sought to install any type of electrical equipment and such equipment has been found not to comply with this article, the electrician or homeowner shall have the right to appeal the decision of the ~~electrical inspector~~ Chief Building Official to the ~~Board of Electrical Examiners~~ [Construction Board of Adjustment and Appeals](#). The board shall, upon such hearing, determine whether or not the type of electrical equipment sought to be installed by the electrician or homeowner is equivalent to the sections of this article. When the board determines that the equipment in question is equivalent to that required by this article, it shall enter an order to such effect, and the ~~electrical inspector~~ [Chief Building Official](#) shall be governed by the terms of such order in all future cases where the same type of equipment is sought to be installed.

**Sec. 22-437. Wiring.**

(a) All electrical wiring shall be installed in rigid metallic conduit, electrical metallic tubing, approved metallic raceways, approved metal-clad cable, approved nonmetallic conduit and raceway or approved multi-outlet assemblies. However, all single-family and multifamily residences not exceeding three stories and outbuildings on the same premises may be wired in nonmetallic sheathed cable as a minimum requirement. However, if any part of a residence or other building is converted to any commercial purposes not within such exceptions, the entire building shall be classified as a business premises, and the entire building shall be rewired. All conduit installed for electrical use shall be installed under the requirements of this article.

(b) Electrical nonmetallic tubing (ENT) shall not be used in any location except where NM cable is acceptable in the city.

(c) Manufactured wiring systems as approved by electrical code adopted in this article shall be acceptable.

(d) No electrical metallic tubing (EMT) shall be permitted in any electrical installation where such tubing is in contact with the ground or earth or is embedded in a concrete slab.

(e) All MC cable shall have a green grounding conductor.

**Sec. 22-438. Size of conductors; aluminum conductor.**

(a) Aluminum conductors may be installed on service and feeders only and must be terminated properly using approved compression-type crimp lugs installed with a proper



tool and with an approved inhibitor (Petrox).

(b) No aluminum conductors shall be installed on any branch circuits or grounding in dwellings.

**Sec. 22-439. Residence circuits.**

An electrical conduit of not less than three-fourths inch trade size shall be installed from the panel to an accessible crawl space in the attic, under the floor or to the outside of the house if it has no attic and has a concrete floor. This conduit is to facilitate the future installation of the two space circuits to be left open as spares in all residential panels.

**Sec. 22-440. Commercial circuits.**

Commercial electrical circuits shall be installed as required by the electrical code adopted in this article.

**Sec. 22-441. Service entrance.**

(a) All-metal entrances. An all-metal complete electrical service entrance shall be used from the point of contact with the electric company to the service switch or distribution panel except as provided in this article. Underground service entrance may be schedule 40 PVC.

(b) Busway entrance. Installations using a busway as a service entrance shall be made with a totally enclosed busway assembly and accessories approved for use as service entrance equipment and shall have totally enclosed weatherproof construction where used outside of a building.

(c) Overhead service drops. Overhead service drops shall be installed in accordance with the following:

(1) New installations. When a new electrical installation is to be served with an overhead service drop, a means of attachment shall be provided. When an electrical installation is started before the electric company facilities are placed, it shall be the responsibility of the electric company to determine the location of the facility from which the service drop for the electrical installation will be installed. The means of attachment shall be a clamp on a service mast or a galvanized hook bolt or eye bolt, rigidly attached to a rafter or stud to give adequate support to the service drop. Landing and meter heights shall comply with the utility company guidelines.

(2) Additions to existing installations. When an addition is to be made to an existing building that requires that the service entrance be relocated to the new portion of the building, the service entrance shall comply with the rules established for all new installations.

(3) Existing installations. When the meter loop is changed on an existing installation, the installation shall reasonably comply with the electrical code and this section without altering the roof of the existing building. The means of attachment shall be changed by the master electrician or the homeowner and shall be at the maximum height that can be maintained on the building. The new means of attachment shall be an eye bolt or hook bolt, rigidly attached to a rafter or stud and to give adequate support to the service drop. Other suitable means of attachment, including insulators attached with a single lag screw, may be approved by the electrical inspector if commonly accepted within the trade.

(d) Service mast. If a service mast is used to attain the height required by the electrical code, the service mast shall be a minimum two-inch IMC or rigid conduit having adequate strength to withstand the strain of the service drop and shall meet minimum standards established by the electric company and approved by the ~~Board of Electrical Examiners~~ Chief Building Official as defined in the publication, "National Electrical Safety Code," from the electric company.

(e) Providing for metering. The master electrician or homeowner shall provide for and install facilities to accommodate metering of an electrical installation in accordance with uniform practices established by the electric company in accordance with the franchises granted by the city which conform to this article. The meter enclosure shall be mounted on the outside of a building near the point of contact between the electrical installation and the electric company service lines at a location that does not subject the enclosure to physical damage and will cause the meter to be readily accessible to representatives of the electric company for installing, replacing, removing, inspecting, testing and reading. Exceptions to the outside location may be made only by specific agreement with the electric company and with the approval of the electrical inspector.

(f) Enclosed metering. If the addition or alteration of any building encloses the metering installation such that it will no longer be in an accessible outside location, the metering installation shall be relocated to a point outside the addition or alteration, maintaining strict conformance to this article.

(g) Existing inside metering locations. Metering installations which are located inside a building shall be moved to an outside location at such time that changes, alterations or additions are made to the service entrance of the electrical installations. Metering installations moved outside shall conform to this article.

(h) Disconnecting switches. All disconnecting switches accessible to the general public under 200 amperes shall have raintight and dead-front panels. All disconnecting switches 200 amperes or over that are exposed or accessible to the general public shall have raintight and locked or bolted closed panels.

(i) Minimum conductor use. The service entrance shall conform to the electrical

code, except that the entrance conductor size shall not be less than the equivalent of number 6 THW copper.

**Sec. 22-442. Underground service entrance.**

(a) Conductors. Electrical conductors and cables on underground service entrances may be installed in approved raceways or may be buried directly in the earth when approved direct burial cables are used.

(b) Mechanical protection. Rigid metal raceways or electrical metallic tubing shall be used on all underground service entrance conductors to provide mechanical protection where needed. Raceways approved for the purpose shall be provided for underground service entrance conductors entering under any projection of a building, such as, but not limited to, porches, patios, concrete driveways, walkways or pads adjacent to a building which does not provide adequate space between driveways, walkways or pads in order to permit repair or replacement of conductors, and the raceway shall be continuous from the point of entry under any projections to the service entrance switch or panel.

**Sec. 22-443. Underground feeder circuits and branch circuits.**

Electrical feeder circuits and branch circuits installed underground shall comply with the full requirements of [section 22-442](#) for underground service entrances.

**Sec. 22-444. Encroachment on public way.**

Neither feeder circuits nor branch circuits on any private electrical installation shall extend into or cross over or under any street, alley or public way which has been dedicated for public use, except that an electrical installation which is confined within a building or structure where a license and hold harmless agreement has been approved by the city and projects into or crosses over or under a dedicated street, alley or public way will not be affected by this section.

**Sec. 22-445. Buildings moved to location.**

The electrical installation in any building or structure which is moved from outside of the city or within the city shall conform to the requirements of this article as though the building, structure or residence had been newly constructed on the location.

**Sec. 22-446. Building remodeling and additions.**

In a building, structure or residence which is altered, remodeled or added to, the electrical installation within the altered, remodeled or added-on portion shall conform to this article.

**Sec. 22-447. Electric signs and outline lighting.**

(a) New installation. All electric signs and outline lighting shall be installed in compliance with the electrical code adopted in this division, this Code, and this article.

(b) Existing installation. The ~~electrical inspector~~ Chief Building Official, when he determines that any electric sign or outline light constitutes a hazard impairing safety of life or property, shall require that the sign or outline lighting installation be revised to meet the minimum standards established by this article and shall specify the time allowed for such revisions. If the required revisions are not completed within the time allotted, the Chief Building Official shall order the electric sign or outline lighting disconnected from the power supply and the installation removed. Failure to comply with such a disconnect or removal order shall constitute a violation of this article.

(c) New installation. Any electrical installation on an electric sign after such sign is delivered to its permanent location shall be performed by a registered electrician. All new electric sign installations shall also require a permit and inspection and approval of the electrical installation by the electrical inspector.

(d) Sign installations to conform to zoning. No electrical permit shall be issued for any sign in a district where signs are prohibited by this zoning ordinance in appendix B to this Code, nor shall any permit be issued for any sign which does not conform to the zoning requirements of the area in which the sign is to be placed.

#### **Sec. 22-448. Construction tap service posts.**

(a) Specifications. The post used for a construction electrical tap service shall be equivalent to a four-inch by four-inch structural grade timber and shall have an overall length of not less than 16 feet.

(b) Installation. The construction tap service post shall be installed such that the post extends not less than three feet into undisturbed earth and shall be securely tamped in place. The post installation shall include supports, braces or guys necessary to maintain the post in a vertical position safely under the strain of the service drop conductors.

(c) Equipment. The construction tap service post shall be equipped with a raintight service entrance including metallic conduit from a raintight and dead-front service switch or panel board of adequate size to provide sufficient branch circuits to weatherproof receptacles. The service entrance shall have a minimum conductor size of number 6 THW copper wire and shall be grounded in accordance with this article. Receptacles only shall be used to supply power to extension cords, tools and special equipment. Receptacles shall be the grounding type and shall be rated for the voltage and current requirements of the load to be served. All 120-volt receptacles shall be GFI protected.

(d) Load wiring. All wiring connected to construction tap branch circuit receptacles shall be attached with approved plugs and shall comply with the requirements of the electrical code and this article.

(e) Use restricted. Construction tap service posts shall be used only for supplying specific construction project loads during the construction period and within the time period specified on the construction tap permit.

(f) Permits. Permits for construction tap service post shall only be issued to master electricians.

**Sec. 22-449. Mobile homes and travel trailers.**

Electrical service entrance equipment for mobile homes and travel trailers shall be considered as permanent electrical installations and shall meet the full requirements of this article.

**Sec. 22-450. Temporary electrical installations.**

(a) Permits. The electrical inspector is permitted to issue special limited permits for temporary electrical installations where, in his opinion, the installation is necessary or advisable for the benefit and protection of the public.

(b) Wiring methods. Wiring methods other than those required by this article may be allowed for temporary electrical installations, provided that such wiring methods shall be safe and adequate for the specified purpose and use and to the satisfaction of the electrical inspector.

(c) Time limitation. Permits for temporary electrical installations shall be for a specified time set by the electrical inspector and shall not exceed 90 days.

(d) Inspection. Any temporary installation shall be inspected and approved by the electrical inspector before it is connected to a power source. The use of any temporary installation shall be disconnected immediately upon expiration of the permit.

(e) Time extensions. If the temporary electrical installation is needed beyond the 90-day period, subsequent permits may be issued. An inspection shall be made before the issuance of any subsequent permit, and each subsequent permit shall be for a period not to exceed 90 days.

**Sec. 22-451. Materials and equipment standards.**

(a) Approved equipment. All electrical equipment, including materials, apparatuses, fixtures and appliances used on electrical installations, shall conform to standards set by Underwriters' Laboratories, Inc., and shall bear an Underwriters' Laboratories label or be certified as listed by Underwriters' Laboratories, Inc.

(b) Equipment use. Such electrical equipment shall be used only for the specific purpose for which it has been labeled or listed.

(c) Unstandardized equipment. Electrical equipment which has not been approved or for which standards have not been established by Underwriters' Laboratories, Inc., may be used on electrical installations, provided such electrical equipment is approved by the electrical inspector.

(d) Unapproved equipment. The electrical inspector shall deny approval for use of any electrical equipment which is not labeled or listed by Underwriters' Laboratories, Inc., when he reasonably believes the use of such equipment is unsafe or hazardous.

**Sec. 22-452. Electrical fences.**

All electrical fence installations shall require a permit in accordance with section 22-401. The materials and equipment used shall conform to the requirements of section 22-451.

**Sec. 22-453. Low-voltage wiring.**

(a) A low-voltage electrical system to be used to operate any mechanical system, air conditioning unit, central heating unit and other such system shall be installed under the supervision of a registered master electrician. This subsection is not to be construed as including self-generated control systems.

(b) All low-voltage transformers, such as may be used for doorbells, floor furnaces and other such installations, shall be installed in a convenient and readily accessible place.

(c) All wiring, line voltage or low voltage used for data processing or energy control and like systems shall be considered electrical work and must conform to this article.

(d) All other wiring shall conform to the electrical code adopted in this article.

**Sec. 22-454. Existing installation.**

Any electrical system or electrical equipment lawfully installed prior to the effective date of the ordinance from which this article is derived may have its existing use, maintenance or repair continued if the use is in accordance with the original design and location, and such system is not dangerous to public health, safety and welfare and is approved by the electrical inspector.

**Secs. 22-455–22-480. Reserved.**

2. The amendments 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.

3. 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.



4. This ordinance shall take effect 30 days following its approval by City Council and it is so ordained.

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

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MAYOR

ATTEST:

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City Clerk

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**CITY COUNCIL AGENDA**  
**May 17, 2022**

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**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

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**STRATEGIC GOAL:** Accelerate Economic Growth

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

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**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.
- June 14, 2022 – City Council discussion and possible action.

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.

No action is required.

☒ **Assistant City Manager**

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

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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