

## 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 Hegglund, City Attorney  
Marie Balthrop, City Clerk

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**Notice Of Regular Meeting Of The Mayor And City Council Of The City Of Wichita Falls, Texas, To Be Held In The City Council Chambers, Memorial Auditorium, 1300 Seventh Street, Tuesday, June 7, 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 Chris Swinford  
Faith Village Church of Christ  
  
(b) Pledge of Allegiance
3. Presentations
  - (a) Employee of the month – Susan Kimes, Convention & Visitors Bureau
  - (b) Big Brothers Big Sisters Man Up and Mentor Month, Big Brothers Big Sisters
  - (c) Wichita Falls Citizen's Academy Graduation

### CONSENT AGENDA

4. Approval of minutes of the May 17, 2022, Regular Meeting of the Mayor and City Council.

5. Receive Minutes
  - (a) Park Board, March 24, 2022
  - (b) Planning & Zoning, April 13, 2022
  - (c) Wichita Falls Economic Development Corporation, April 21, 2022
  - (d) Wichita Falls Economic Development Corporation, May 5, 2022

## REGULAR AGENDA

6. Public Hearing & Ordinances
  - (a) Conduct a public hearing and take action on an ordinance annexing +/- 12.455 acres of land out of Block 3, League 2, Denton County School Survey, Abstract Number 417, Wichita County, Texas, located at 6731 Southwest Parkway, at the request of the property owner; accepting the Southwest Parkway/GVD Brook Hollow, LLC. Annexation Servicing Plan Agreement for said tract under authority of Texas Local Government Code Chapter 43; Subchapter C-3 – authority of municipalities to annex an area on the request of owners; and rezoning (0.5 acres) and designating the tract property (12.455 acres) zoning as Multi-Family Residential (MFR) and Land Use Plan classification as High Density Residential (HDR)
    - i. Public Hearing
    - ii. Take Action
  - (b) 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
  - (c) Ordinance amending the Wichita Falls Regional Airport fiscal year 2022 budget in an amount of \$34,965 for the purchase of a replacement Law Enforcement vehicle
7. Resolutions
  - (a) Resolution suspending the June 17, 2022 effective date of Oncor Electric Delivery Company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the steering committee of cities served by Oncor to hire legal and consulting services and to negotiate with the Company and direct any necessary litigation and appeals; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and legal counsel for the Steering Committee
  - (b) Resolution authorizing the City Manager to award bid and contract for the 2022 Alley Rehabilitation Project to Freeman Paving, LLC in the amount of \$355,198.00

- (c) Resolution authorizing award of 28 bids to various vendors for the City's annual supply of bulk chemicals for water and wastewater treatment
  - (d) Resolution authorizing the City Manager to execute a professional service agreement with Mead & Hunt for the Lift Station 25 Odor Control Study Project, in the amount of \$85,220.00
  - (e) Resolution approving the programs and expenditures of the Wichita Falls Economic Development Corporation (WFEDC/4A) by amending the budget to include an up to \$57,462.50 to Howmet Aerospace to support the company's purchase of a new filtration system and the retention of 609 employees at their Wichita Falls operation
8. Other Council Matters
- (a) Staff Reports
    - a. Update on Moving of Veteran's Plaza - Lake Wichita Revitalization Committee/David Coleman & Blake Jurecek
    - b. Downtown Rezoning Update – Terry Floyd
  - (b) Announcements concerning items of community interest from members of the City Council. No action will be taken or discussed.
9. 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.
10. Executive Sessions
- (a) Executive Session in accordance with Texas Government Code § 551.087, to discuss or deliberate the offer of a financial or other incentive to a business prospect that the City Council seeks to have, locate, stay, or expand in or near the territory of the City of Wichita Falls and with which the City and/or economic development corporations created by the City are conducting economic development negotiations (including, but not limited to, economic development update and Howmet Aerospace).
  - (b) Executive Session in accordance with Texas Government Code §551.071, consultation with attorney on matter involving pending or contemplated litigation or other matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open

Meetings Act (including, but not limited to, legal issues related to Lake Ringgold).

11. Adjourn

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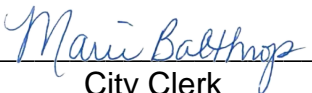
**Spanish language interpreters, deaf interpreters, Braille copies or any other special needs will be provided to any person requesting a special service with at least 24 hours' notice. Please call the City Clerk's Office at 761-7409.**

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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 1<sup>st</sup> day of June, 2022 at 5:00 o'clock p.m.

  
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City Clerk



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**CITY COUNCIL AGENDA**  
**June 7, 2022**

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

**INITIATING DEPT:** Multi-Purpose Event Center

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**NAME:** Susan Kimes

**DEPARTMENT:** MPEC and CVB

**HIRE DATE:** September 9, 2016

**PRESENT POSITION:** Marketing Manager

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

☒ **Director of Human Resources**

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☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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City of Wichita Falls  
City Council Meeting  
Minutes  
May 17, 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
Tim Brewer	-	Councilors
Jeff Browning	-	
Larry Nelson	-	
Michael Smith	-	
Darron Leiker	-	City Manager
Kinley Hegglund	-	City Attorney
Marie Balthrop	-	City Clerk

Absent: Bobby Whiteley, Mayor Pro Tem/At-Large, Steve Jackson, Councilor District 5.

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

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**Item 2a – Invocation**

Pastor Bobby Gonzales, Southside Baptist 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 3-4 – Consent Items**

8:31 a.m.

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

Moved by Councilor Browning to approve the consent agenda.

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

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

Nays: None

**Item 3 – Approval of minutes of the May 3, 2022, Regular Meeting of the Mayor and City Council**

**Item 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

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**Item 5a(i) – Public Hearing – Dangerous Buildings and Structures**

8:32 a.m.

Mayor Santellana opened the public hearing at 8:32 a.m.

Terry Floyd, Director of Development Services, discussed the timeline and process for notices sent to the property owners, and published in the newspaper. The following properties were discussed:

414 Bonner, main structure – Date of notice February 20, 2020, taxes owed \$1,809.31, and water disconnected 05/02/2001. No public comments.

2602 Buchanan, main structure – Date of notice October 29, 2021, taxes owed \$255.43, and water disconnected October 27, 2020 due to fire. No public comments.

600 Burnett, main structure – Date of notice October 13, 2021, taxes owed \$637.41, and water disconnected 09/02/2021. Ownership transferred and not updated at the Appraisal District so this property will be removed so the new owners can be properly notified.

1711 Elizabeth, main structure – Date of notice February 27, 2020, no taxes owed, and water disconnected April 3, 2018.

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Ambroso Barboza, 3012 Pennsylvania Rd., addressed the Council and requested additional time due to health issues. He has five individuals interested in purchasing the property to either refurbish or demolish and all are aware of the City requirements. He requested a ninety day extension.

Rita Miller, Code Enforcement and Housing Administrator, suggested that if the Council granted an extension it be for ninety days from today, and noted that the work would need to be completed by a licensed contractor. If sold, the new owners would need to obtain a permit and make substantial progress within the ninety days.

505 N. MLK Jr., main structure – Date of notice October 29, 2021, taxes owed \$2,304.55, and water disconnected May 2, 2021. No public comments.

1903 Taylor, accessory structure only (also known as 2307 ½ Ave. I) – Date of notice September 23, 2020, no taxes owed, and water disconnected July 21, 2020, due to fire.

Vida Cooke, 1815 8<sup>th</sup> Street, requested to make this into a storage facility and stated she has applied for a roofing permit. She would prefer to spend money to refurbish the building instead of demolishing it.

Mrs. Miller stated the roofing permit is on hold pending the action taken today, stated that more than the roof needed to be repaired since there is significant fire damage, and that the work would need to be completed by a licensed contractor. Code Enforcement has been receiving complaints on this property.

Wayne Smith, Building Official, discussed the requirements for a restoration permit, repairs needed, and required inspections.

Councilor Brewer asked if the accessory structure was demolished would they be able to rebuild it since there is a primary structure on the lot. Mr. Smith stated it depends on the size and use of the lot and more research is required.

Mr. Leiker stated that a storage facility would be allowed, but if she wanted to have a residence, she would be required to submit plans for evaluation.

Councilor Browning discussed the need for substantial improvement to the property within ninety days if the restoration permit is granted. He expressed concerns that it has been two years since the fire and no work has been completed.

Mayor Santellana asked Ms. Cooke if she understood the amount of structural work that would have to be completed and she said she understood.

Councilor Nelson asked the square footage of the property, and staff stated it is 1902 square feet. He feels she can get the work completed with the funds she said she has available. He feels everyone trying to improve their property should be given a chance. Mr. Floyd noted that it has been two years since the fire and no work has been completed.

Mayor Santellana asked why no work has been completed within the past two years and Ms. Cooke said she had financial issues but has sold some property.

Councilor Smith asked about a licensed contractor and Ms. Cooke stated that she is a licensed contractor. Staff said it was acceptable for Ms. Cooke to work on her own properties since she is a licensed and bonded contractor.

702 Warford, rear apartment – Date of notice September 23, 2020, no taxes owed, water disconnected March 25, 2020, and fire damage July 16, 2020. Mr. Floyd noted that there is an active demolition permit and requested this property stay on the list. No public comments.

2006 10<sup>th</sup> Street, main structure – Date of notice February 24, 2020, taxes owed \$3,770.26, water disconnected December 10, 2014, and fire damage September 6, 2019. No public comments.

Two additional citizens asked to speak regarding their properties and staff stated those properties were removed from the list and owners were notified.

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

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**Item 5(a)(ii) – Ordinance 15-2022**

9:06 a.m.

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

Moved by Councilor Smith to approve Ordinance 15-2022.

Motion seconded by Councilor Nelson.

Moved by Councilor Smith to amend the Ordinance to remove property at 600 Burnett due to the property now having new ownership.

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

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

Nays: None

Councilor Smith moved to amend the Ordinance and allow ninety (90) days for the restoration of 1711 Elizabeth.

Motion seconded by Councilor Brewer, and carried by the following vote:

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

Nays: None

Moved by Councilor Smith to amend the Ordinance and allow ninety (90) days for restoration of 1903 Taylor, aka 2307 ½ Ave I.

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

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

Nays: None

Motion to approve the main motion as amended carried by the following vote:

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

Nays: None

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**Item 5b – Ordinance 16-2022**

9:08 a.m.

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.

Moved by Councilor Brewer to approve Ordinance 16-2022.

Motion seconded by Councilor Browning.

Teresa Rose, Deputy Director of Public Works, discussed the required changes to the Ordinance to keep our Class 8 rating, the benefits of participating in the CRS, discounts for citizens for flood insurance, and FEMA's changes to the flood insurance risk rating.

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National Flood Awareness Week is March 13-19, 2022.

Motion carried by the following vote:

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

Nays: None

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**Item 5c – Ordinance 17-2022**

9:25 a.m.

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.

Moved by Councilor Browning to approve Ordinance 17-2022.

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

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

Nays: None

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**Item 5d – Ordinance 18-2022**

9:26 a.m.

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.

Moved by Councilor Brewer to approve Ordinance 18-2022.

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

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

Nays: None

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**Item 6a – Resolution 62-2022**

9:28 a.m.

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.

Moved by Councilor Browning to approve Resolution 62-2022.

Motion seconded by Councilor Smith.

Russell Schreiber, Director of Public Works, discussed the request from the contractor to change the name on the contract to a different d.b.a. In the future, contracts will be required to have a tax id number included to verify the legal name being used.

Motion carried with the following vote:

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

Nays: None

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**Item 6b – Resolution 63-2022**

9:33 a.m.

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.

Moved by Councilor Brewer to approve Resolution 63-2022.

Motion seconded by Councilor Browning.

Pat Hoffman, Property/Lake Lot Administrator, discussed the following nineteen trustee properties that are dedicated drainage ditches adjacent to City owned facilities that are unable to be sold to the general public: 2109 Bluff, 2111 Bluff, 2118 Bluff, 2108 Burnett, 4240 Canyon Trails, 600 Elm, 604 Elm, 1012 Harlan, 2113 Roosevelt, 1000 Terral, 415 Wichita, 402 Woods, and 404 Woods. Wichita County Commissioner's Court and WFISD School Board have both approved the conveyance of these properties to the City of

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Wichita Falls. It was noted that the Public Works department is in favor of the transfer of ownership, that all properties are undevelopable, and the City already maintains them.

Motion carried with the following vote:

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

Nays: None

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**Item 6c – Resolution 64-2022**

9:38 a.m.

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.

Moved by Councilor Brewer to approve Resolution 64-2022.

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

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

Nays: None

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**Item 7 – Public Hearing – Proposed Adoption of 2017 National Electric Code (NEC) as the City's electrical code**

9:41 a.m.

Mayor Santellana opened the public hearing at 9:41 a.m.

Paul Menzies, Assistant City Manager, discussed the need to adopt the 2017 NEC since the approved NEC in the Code of Ordinances and what we are enforcing are different. He explained a previous legal opinion regarding state law language regarding the automatic update of the electrical code without Council action, and how previous City staff implemented two updated codes based upon this opinion. Current legal staff disagrees with this opinion and we are taking the required steps to adopt the 2017 NEC. Mr. Menzies discussed the timeline of postings and required notifications, and stated that plan reviews and inspections are currently being held to the 2005 NEC standards until this issue is resolved.

Terry Floyd, Director of Development Services, discussed the proposed adoption of the 2017 NEC, the dates of required postings, notifications sent to contractors, and the purpose of the public hearing today. He discussed the proposed Ordinance which will adopt the 2017 NEC, and update the Ordinance to delete any reference to the Board of Electrical Examiners due to changes in state law and licensing requirements. All local amendments to the NEC would carry forward in the proposed Ordinance, and Council will consider approval at the June 7, 2022, meeting.

Councilor Browning discussed concerns with the removal of the Board of Electrical Examiners, and replacing the board with Chief Building Official. He asked if the Construction Board of Adjustment and Appeals (CBOA) would still be able to appeal the NEC, and staff clarified that appeals would still go to the CBOA. Mr. Heggland noted that this is addressed in the proposed Ordinance in Sec. 22-403(b).

Michael Grassi, #7 Amber Valley, addressed the Council representing the North Texas Homebuilders Association as the Government Affairs Liaison, and stated they are not in favor of how this is being handled. The association feels that code adoptions should be handled by the CBOA. He discussed the enforcement of the 2017 NEC while the 2005 NEC was in effect, and concerns with how that happened. Mr. Grassi stated that contractors have been told in the past that the code had to be adopted in its entirety, but he feels this should be discussed by the CBOA and a recommendation brought forward to the Council. Mr. Grassi discussed LGC Chapter 214.214 which sets the 1999 NEC as the state standard, discussed a town hall meeting held on February 22, 2022, regarding the adoption of the 2020 NEC, provided a letter from the Texas Association of Builders general counsel, discussed a stakeholders meeting held and discussed the requirements of Sec. 214.217(f). He contends that the CBOA meets the requirements of LGC 214.217(f) and he believes this process should be stopped and sent back to the CBOA for a recommendation.

Mayor Santellana asked Mr. Heggland if there is any reason the Council cannot move forward with this process.

Mr. Heggland stated that the Council can move forward, discussed LGC 214.217 and stated that section (f) is under question due to the Board of Electrical Examiners being mentioned in the current Code.

Mr. Grassi asked why the CBOA was included initially for the adoption of the 2020 NEC and other codes, and not now for the 2017 NEC. He stated that this has been a contentious discussion for a year, expressed concerns with staff not knowing state statutes, concerns with information not being shared with management, and concerns with being told that the NEC has to be adopted in full.

Mayor Santellana stated that Council is taking care of updates to the language in the Code, and the CBOA still has the ability to make recommendations. He discussed the

importance of the CBOA as a board of professional licensed individuals, and discussed the Council's responsibility to clean up the Ordinance.

Mr. Grassi noted that he does not have an issue with the cleanup of the wording of the Ordinance, but feels the adoption of the NEC needs to go back to the CBOA to be discussed. He discussed concerns with trust and misrepresentation, and suggested rebuilding that trust by sending this back to the CBOA.

Mayor Santellana stated that trust needs to go both ways, and the responsibility of the Council to address the issue since it has been brought to light.

Councilor Browning stated that this has been a learning process and he agrees with the Mayor about moving forward, but also agrees that the CBOA should have a voice. He feels meetings should be set to discuss the issues, and noted that they have been meeting the 2017 NEC standards for some time and it needs to be adopted. Councilor Browning stated that he has not received much feedback from electrical contractors regarding the adoption of the 2017 NEC. He has reached out to union contractors and they did not have concerns like they did when the 2020 NEC was being discussed. Councilor Browning stated we all need to work together and find a way to move forward together.

Mayor Santellana and staff discussed the recommendation to stay two cycles behind the newest NEC to assist with the amendment process. There was brief discussion regarding the local amendment process completed by the CBOA.

Mr. Grassi stated that he feels the Council should not vote on the NEC until it has gone before the CBOA for recommendations. He discussed the expectation he has for staff, issues with the previous building official, the need for staff to know state statutes, and the lack of mutual respect that needs to be rebuilt.

Phillip Townsend, 4613 Misty Valley West, read section LGC 551.007 discussing the requirements to allow public input, the ability of the Council to set limits, and the inability to prohibit public criticism. He stated that denial of this right is subject to Texas Penal Code Chapter 39.03. Mr. Townsend stated that he was born and raised in Wichita Falls, attended High School in Wichita Falls, and is a licensed Architect with forty-two years of experience in code application. He read a prepared statement regarding his experience, his legal rights authorized by the state to give his expert opinion, and stated that limiting this is official oppression. There was discussion regarding the time limits for public comments, Mr. Townsend requested additional time to finish his statement, and Mayor Santellana asked Mr. Townsend to wrap up his statement. Mr. Townsend discussed law regarding charter adoption, and his opinion that former Council violated these laws. He expressed concerns with the Ordinance requiring vacant structure registration, and conflicts with Local Government Code. Mayor Santellana asked Mr. Townsend to stay on topic. Mr. Townsend stated he is giving examples of how the council does not follow

state law. Mr. Townsend discussed the 1999 electrical code effective May 1, 2001, stated that the Council adopted the 2005 code when they did not legally have the premise to do so, and that LGC Chapter 214 states that the NEC applies to all construction after January 1, 2006, which he feels means the 1999 NEC applies. He stated his plans would not be reviewed unless he had the current code on them, but admitted that he did not verify the current adopted code with the Building Official. He accused the Council of being complicit to violating law by making them subject to a law suit by citizens for making contractors be compliant with something the Ordinance nor state law requires. Mr. Townsend stated that he is against the adoption of the 2017 NEC by Council on June 7<sup>th</sup>. Mayor Santellana asked Mr. Townsend to stop his comments and requested he send an email to Council with any additional comments, or to request a separate meeting.

Councilor Nelson stated he polled several electricians and there is an approximate \$3500 increase on a 1200 square foot home to meet the 2017 NEC vs. the 2005 NEC. His point is that electricians can save money on every house by going back to the 2005 Code standards.

Mr. Leiker stated that ultimately it is up to the Council to adopt the code they want, discussed how building codes have safety measures built in, and asked that the Council remember the safety of the public. He feels the process with the CBOA has worked in the past and noted safety features that could be thrown out if we revert back to 2005 NEC from 2017 NEC.

Mr. Grassi stated that the state legislature has set the minimum code requirements which are safe, and he feels housing affordability should also be a consideration.

Mayor Santellana stated that he feels there is a balance between safety and cost.

Mayor Santellana closed the public hearing at 10:28 a.m.

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**Item 8 – Discussion and public input regarding the future appropriation of the City’s approximately \$29.1 million in allocated federal funds via the American Rescue Plan Act (ARPA)**

10:29 a.m.

Jessica Williams, Director of Finance/CFO, reviewed the ARPA Funds project lists, and reminded the Council of the two grant categories for the approximately \$29.1 million allocated to the City of Wichita Falls. Ms. Williams discussed the need to have an intent to move forward with some of the projects so it can be discussed at the June 14, 2022, meeting, and discussed the time constraints to have the funds appropriated.

Mr. Leiker reiterated the need to have consensus, direction and intent.

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May 17, 2022  
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Blake Jurecek, Assistant City Manager, gave a presentation on the \$12.5 million for the full renovation of Memorial Auditorium, and clarified that it is not just a remodel of office space. The renovation will also address, HVAC, ADA compliance, asbestos abatement, public restrooms on whole floors, walls, ceilings, and flooring. He discussed approximately \$1 million from the general fund that will be invested into the building to keep it viable for the next twenty plus years, and discussed venue tax funds that will be used for renovations to the performance hall inside Memorial Auditorium. Mr. Jurecek showed pictures of some of the issues that will be addressed, and clarified that there have been upgrades and maintenance completed over the years, but some of the issues are due to the age of the building.

Councilor Browning noted that this is an opportunity to update this facility since he does not see us going out for a bond to construct a new facility. This project is one of his favorites on the list.

Madeleine Calcote Garcia, 3211 Hollywood Ave., discussed information previously provided to the Council and shared information from the annual meeting of the Texas Association of Museums. The three main takeaways from that meeting were mission statements aligned with national standards, economic impact of wellbeing, and power of trust in the 21<sup>st</sup> century. She discussed the perceived value and return on investment of museums based on follow-up surveys, and discussed the public trust of museums.

Ms. Williams noted that they are seeking feedback from the Council, and Mr. Leiker stated that he has received quite a bit of feedback and Council seems to be in agreement with the recommended project list. Ms. Williams noted that there are currently 725 responses to the online survey and it is ongoing.

Councilor Browning asked about MPEC projects, and there was a brief discussion regarding projects that are ARPA allowable and projects that will be funded through the venue tax.

Councilor Smith stated that he supports all of the projects on the ARPA requirements list and specifically the Memorial Auditorium renovation, the Arts Community recommendation, and the assistance to non-profit organizations that support our community. He noted some suggestions he has received that do not fit this list, but would fall under our Capital Improvement Plan, discussed the need to look at the Parks Review document during the budget process, and the need to fund the Lake Wichita parking lot project.

Mr. Jurecek addressed the Parks plan and stated they are looking into funding a Parks Master Plan.

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**Item 9a – Staff Report – Backflow Prevention Program – Terry Floyd**

10:53 a.m.

Terry Floyd, Director of Development Services, discussed the Backflow Prevention Program, and desired improvements. He discussed how backflow can happen, concerns with cross connection, and state laws regarding backflow prevention. Currently we have a manual process and there is a need to move to an online system that will reduce staff time and reduce the current fee. Mr. Floyd stated that staff proposed the fee be reduced from \$90 to \$30, and he discussed the timeline of implementation.

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**Item 9b - Announcements concerning items of community interest from members of the City Council. No action will be taken or discussed.**

11:08 p.m.

Councilor Brewer thanked everyone for their support during the tragic time of the loss of his daughter. He appreciates all of the food, cards, and flowers.

Councilor Smith discussed the Police Memorial Ceremony that many attended yesterday and stated that it was a memorable event. He discussed questions and concerns he has received regarding the use of the IPR system, and noted the amount of water put back into our lakes from this system.

Councilor Browning reminded citizens that all of the Council's contact information is available online, and he would appreciate the opportunity to address issues prior to a council meeting.

Councilor Nelson thanked staff for the assistance with repairs to the railroad tracks, and discussed the need for awareness so items can be brought to staff.

Mayor Santellana discussed the need to stick to the five minute rule on comments not to limit the right to free speech, but stated it is important that they stay on topic.

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**Item 10 – Comments from the Public to Members of the City Council Concerning Items That Are Not on the City Council Agenda**

11:16 a.m.

There were no comments from the public.

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### **Item 11 – Executive Session**

City Council adjourned into Executive Session at 11:16 p.m. in accordance with Texas Government Code §551.074, regarding the Municipal Court Judge position.

City Council reconvened at 11:34 a.m.

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

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### **Item 12 –Adjourn**

Mayor Santellana adjourned the meeting at 11:34 a.m.

PASSED AND APPROVED this 7<sup>th</sup> day of June 2022.

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Stephen Santellana, Mayor

ATTEST:

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Marie Balthrop, TRMC, MMC  
City Clerk

**Wichita Falls Park Board Meeting  
March 24, 2022**

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

**Presiding:** Jim Heiman

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

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

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

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

1. **CALL TO ORDER:**  
Jim Heiman called the meeting to order at 1:30 p.m.
2. **APPROVAL OF MINUTES:**  
The minutes from January 27, 2022 were put before the Board for approval. Charlie Zamastil made the motion to approve the minutes and Larri Jean Jacoby seconded the motion.
3. **DEPARTMENTAL REPORT:**
  - A. **Recreation: Scott McGee**
    - Annual Fishing Rodeo was held, Saturday March 5. Over 250 kids attended
    - 50 Plus Zone member count is up to 200 visitors per day
    - 50 Plus Zone Murder Mystery Dinner Theater will be March 24, 2022 Tickets are sold out
    - Applicants for Summer Recreation Jobs are slowly coming in. Recreation staff will be attending MSU job fair on April 5, 2022
    - Spring Volleyball season kicked off. We have 10 Co-Ed teams
    - Spring Softball season opened there are 26 teams signed up
    - Spring Basketball registration is underway
    - Sport Complex hosted the Flag Football World Championship Series Regional Qualifier this past week there was 34 teams from all over Texas, Louisiana and New Mexico competing
    - Spring Concert series starts April 7, at the Farmers Market in adjacent to Downtown Development Art Walk with The Wichita Youth Symphony Orchestra



**B. Parks: Terry Points**

- Rotary's new playground is complete and park sign was also redone
- Crews are painting park restrooms, playgrounds, signs
- Parks Dept. is removing selected old equipment in parks
- Swinging Bridge will be closed Monday – Friday next week for wood and fence replacement
- Removed all baskets at Lucy Park Disc Golf Course. WFDGA helped install new baskets.
- Vietnam Memorial is getting new trees & sod. DAR ceremony is March 29, 2022 @ 11:00am
- Removed large area of Junipers & planted sod near MPEC flag pole area
- Applied for CDBG funds for Bridwell Park multi-purpose courts including 6 basketball goals and 2 futsal ball goals , Baseball diamond, redoing dug outs, benches and fountain
- City Job Fair held in February parks hired 3 new employees, and still short 16 employees

**C. Circle Trail Updates:**

- Concrete poured by Larry Marine Center at Lake Wichita for circle trail will open up around March 28, 2022
- Michael Battaglino was appointed as the Park Board liaison for the Lake Wichita Revitalization Committee.

**4. Park Reviews Sub-Committee Update:**

- A Final Report from the Park Review Sub-Committee was handed out to the Park Board committee

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

Signature:   
Jim Heiman (1st Chair Person)

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

**April 13, 2022**

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**PRESENT:**

Michael Grassi  
Blake Haney  
Noros Martin  
Anthony Vidmar  
Mark McBurnett  
Doug McCulloch  
Steve Wood  
Jeremy Woodward  
Councilor Whiteley

◆ Member  
◆ Member  
◆ Member  
◆ Member  
◆ SAFB Liaison  
◆ Alternate No.1  
◆ Alternate No.2  
◆ Vice-Chair  
◆ Council Liaison

James McKechnie, Deputy City Attorney  
Fabian Medellin, ACIP, Planning Manager  
Christal Ashcraft, Development Services Admin. Assist.

◆ City Staff  
◆ City Staff  
◆ City Staff

**ABSENT:**

David Cook  
Wayne Pharries  
Steve Lane  
Cayce Wendeborn

◆ Chairman  
◆ Member  
◆ Member  
◆ Member

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**I. CALL TO ORDER**

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

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

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

### III. PUBLIC COMMENTS

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

### IV. APPROVAL OF MINUTES

Mr. Noros Martin made a motion to adopt the March 9, 2022, minutes. Mr. Michael Grassi seconded the motion. The motion was passed unanimously, 7-0

### VII. CONSENT AGENDA

Case P 22-09 Cherokee Industrial Park, Preliminary  
Case P 22-10 Dilts Subdivision, Lots 1-9, Block 1


Chairman Woodward asked if anyone had an item to be moved to the regular agenda. Nothing to be moved. Mr. Noros Martin made a motion to approve the consent agenda. Mr. Steve Wood seconded the motion. Motion passed unanimously, 7-0.

### VIII. OTHER BUSINESS

Planning and Zoning Commission training with handouts and presentation.

### IX. ADJOURN

Vice Chairman Woodward adjourned the meeting at 2:34 p.m.

  
\_\_\_\_\_  
David Cook, Chairman ~~for Chairman~~ Jeremy Woodward

5/11/22  
Date

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

5/12/22  
Date

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

**April 21, 2022**

**Present:**

Leo Lane, President	§	WFEDC Members
David Toogood, Vice President	§	
Phyllis Cowling, Secretary-Treasurer	§	
Darron Leiker	§	
Brent Hillery	§	
Paul Menzies, Assistant City Manager	§	City Administration
Blake Jurecek, Assistant City Manager	§	
R. Kinley Hegglund, Jr., City Attorney	§	
Jessica Williams, Chief Financial Officer	§	
Terry Floyd, Director of Development Svcs		
Chris Horgen, Public Information Officer	§	
Paige Lessor, Recording Secretary	§	
Henry Florsheim, President and CEO	§	WFCCI
David Leezer, V.P. Business Attraction	§	
Matt Anderson	§	Sherrill & Gibson, PLLC
Jana Schmader	§	Downtown Wichita Falls Development

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**1. Call to Order**

Leo Lane called the meeting to order at 2:34 p.m.

**2. Strategic Discussion – City’s Downtown Rezoning Initiative.**

Mr. Paul Menzies introduced Mr. Terry Floyd, Director of Development Services, to the Board and provided a brief overview of the history of the City’s downtown development initiative. In 2017, the City Council put together a downtown steering committee of 11 members, including the mayor, city councilors, downtown stakeholders, and 4B Corporation members. The committee members included Mayor Santellana, Councilor Chenault, Councilor Brewer, Danny Ahern, Rick Hatcher, Cody Magaña, Scott Poenitzsch, Ripley Tate, Christy Whiteley, Dusty Potter, and Dave Clark. By 2018, several subcommittees had formed to make recommendations to the full committee.

The committee put together a 14-point plan, with one of the plan items being a proposed rezoning or realignment of the downtown zoning districts based on recommendations from a hired consultant. After delays due to Covid and city staffing levels, the City finally proposes carrying out that downtown plan.

Mr. Floyd addressed the Board and stated that Freese and Nichols created the 14-point plan, and it encompassed three main areas: zoning, the development process, and economic development. Mr. Floyd said that zoning realignment was the most high-impact item outlined in the plan that could be accomplished. Mr. Floyd stated that a Property Maintenance Code and Vacant Structure Registry were added in December 2021. Both are high-impact items. Other things done to date are the zoning alignment for improved services



downtown, the TIF4 Board has been activated, and the 4B improvement grants. The City applied for a grant to do the Downtown Streetscapes Project and continues to pursue funding for that project.

As of today, there have been five meetings. There was a public forum at the MPEC in December, and then communication with each zoning area was established. There are four different zoning categories in the greater downtown area: River Development District, Central Business District, Light Industrial District, and General Commercial District. Letters were mailed to individual property owners who will have their underlying zoning changed, and the public information office worked with Downtown to help promote the work. Meetings were held in March and April in the library, with approximately 10 to 15 property owners in attendance. The sessions had substantive input, information and questions, and the attitude was generally very favorable toward the proposed plan and how to move it forward.

Now the City will start to finalize the zoning amendments. Mr. Floyd presented a PowerPoint presentation with a map of the current and future zoning in the greater downtown area. He explained that there are 824 parcels downtown and described what specific zoning changes would be made. One hundred eighty-three properties will have an underlying change. He explained that there might be some non-conforming properties with this zoning realignment. If the use of the property ceases for a certain period of time, it may lose its grandfathered non-conforming status, but there is an appeal process.

Mr. Floyd explained that the zoning ordinance section would be a table, which would allow potential business owners and city staff to have a clear and concise definition of what different uses are permitted. He told the Board that the draft information is available on a dedicated page on the City's website.

Mr. Floyd gave a timeline of the implementation, stating that on June 7, he will provide the City Council with an update. On June 8, a work session with the Planning and Zoning Commission will begin. Then on July 13, the ordinance will be reviewed, considered, and recommended to be adopted by the Council. On July 19, there will be another Council update that would potentially put the ordinance on the August 2 Agenda for consideration and possible adoption. Once the ordinance passes, the City would start notifying owners of its passing.

Mr. Floyd explained that this is not a change that will be immediate and will take time, but he thinks the zoning aligns with the future of Downtown, allows for more uses, and clarifies those uses.

Mr. Lane asked if, for example, if a fabrication shop's zone changes, what would happen. Mr. Floyd answered that nothing would happen for the entirety of that use. As long as the building and business are active, a non-conforming business will be allowed to continue to operate. However, if that business were to close and remain vacant for a certain amount of time, it would lose its non-conforming status. This timeframe has not yet been decided. Currently, it is two years, but Mr. Floyd stated that the City feels that one year is a good compromise.

Ms. Cowling asked if a business decided to sell to another entity that does the same type of work, would that non-conforming status follow the business or go with the property. Mr. Floyd stated that the status would go with the property. Regardless of who is occupying the space, as long as they are doing the same type of work, the property will keep its non-conforming status.

Ms. Cowling then asked what the objective of the realignment was. Mr. Floyd explained that the changes in Downtown are happening quickly, so as Downtown is reshaping organically, the rezoning will help match that vision in the future.

### **3. Consent agenda**

#### **a. Approval of minutes (February 17, 2022)**

Mr. Leiker moved to amend a statement made by him, Ms. Cowling moved to correct the spelling of her name, and Mr. Toogood moved to clarify that no discussion or action was taken regarding Panda Biotech. Mr. Leiker moved to approve the minutes as amended. Seconded by Mr. Toogood, the motion carried 5-0.

#### **b. Financial Report**

Mr. Menzies stated that five months into the fiscal year, sales tax is running 16.5% above last year. If this trend were to continue to year-end, there would be an extra one million dollars in sales tax revenue that hadn't been budgeted. The WFEDC has a little more than \$1,000,000 in unencumbered funds.

**4. Executive Sessions**

Mr. Lane adjourned the meeting into executive session at 2:57 p.m. pursuant to Texas Government Code §§ 551.087 and 551.071. He announced the meeting back into regular session at 4:45 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.

**5. Adjourned.**

The meeting adjourned at 4:46 p.m.

A handwritten signature in blue ink, appearing to read "Leo Lane", is written over a horizontal line.

Leo Lane, President

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

**May 5, 2022**

**Present:**

Leo Lane, President	§	WFEDC Members
David Toogood, Vice President	§	
Darron Leiker	§	
Brent Hillery	§	
Stephen Santellana, Mayor	§	Mayor and Council
Bobby Whiteley, Councilor at Large	§	
Paul Menzies, Assistant City Manager	§	City Administration
Blake Jurecek, Assistant City Manager	§	
R. Kinley Heggland, Jr., City Attorney	§	
Jessica Williams, Chief Financial Officer	§	
Terry Floyd, Director of Development Svcs	§	
Chris Horgen, Public Information Officer	§	
Anndrea Harris, Social Media/Marketing Specialist	§	
Andie Kidd, PIO Administrative Clerk	§	
Paige Lessor, Recording Secretary	§	
Henry Florsheim, President and CEO	§	WFCCI
David Leezer, V.P. Business Attraction	§	
Matt Anderson	§	Sherrill & Gibson, PLLC
<b><u>Absent</u></b>	§	
Phyllis Cowling, Secretary-Treasurer	§	WFEDC Member

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**1. Call to Order**

Leo Lane called the meeting to order at 2:31 p.m.

**2. Approval of Minutes (April 21, 2022)**

Mr. Hillery moved to approve the minutes. Seconded by Mr. Leiker, the motion carried 4-0.

**3. Discussion and possible action authorizing board president to execute a contract with Panda Biotech, LLC regarding payment schedule**

The Board adjourned into executive session.

**4. Executive Session**

Mr. Lane adjourned the meeting into executive session at 2:32 p.m. pursuant to Texas

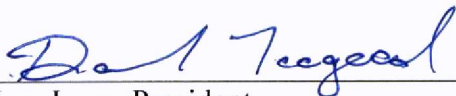
Government Code § 551.087. He announced the meeting back into regular session at 3:22 p.m. The subjects posted in the Notice of Meeting were deliberated, and no votes or further actions were taken on the items in executive session.

**5. Motions**

**Panda Biotech, LLC Extension Agreement.** Mr. Leiker moved that the Board authorize President Lane's signature on and ratification of the Extension Agreement between Panda Biotech, LLC and WFEDC. Seconded by Mr. Toogood, motion carried 4-0. Extension Agreement attached.

**6. Adjourned.**

The meeting adjourned at 3:23 p.m.

  
\_\_\_\_\_  
~~Leo Lane, President~~  
David Toogood, VP




**CERTIFICATE OF RATIFICATION AND APPROVAL  
OF AMENDMENT AGREEMENT BY  
WICHITA FALLS ECONOMIC DEVELOPMENT CORPORATION**

THE UNDERSIGNED hereby certifies as follows:

1. I am the President of the Wichita Falls Economic Development Corporation, a Texas development corporation ("WFEDC"). I have personal knowledge of the facts certified in this Certificate ("Certificate") and the authority to execute it on behalf of the WFEDC.
2. On May 5, 2022, at a duly called meeting in accordance with applicable law, the Board of the WFEDC voted to approve and ratify that certain Extension Agreement ("Agreement") between the WFEDC, as Lender, and Panda Biotech, LLC, ("Panda"), a true and correct copy of which is attached hereto as Exhibit A.

IN WITNESS WHEREOF, I have executed this Certificate this 5<sup>TH</sup> day of May, 2022.

BY:   
Leo Lane, President

**Exhibit A**  
**[Begins Next Page]**

## EXTENSION AGREEMENT

This Extension Agreement ("Agreement") is made and entered into as of this 2<sup>nd</sup> day of May 2022 ("Effective Date"), subject to the conditions precedent set forth in Section 4 below, by and between Panda Biotech, LLC, a Delaware limited liability company ("Borrower") and Wichita Falls Economic Development Corporation, a Texas development corporation ("Lender").

### Recitals

A. Lender has loaned to Borrower, and Borrower has borrowed from Lender, the amount of \$1,000,000.00 ("Loan") in accordance with the terms of a certain *Performance Agreement between the Wichita Falls Economic Development Corporation and Panda Biotech, LLC for Incentives to Create Primary Jobs at 8600 Central Freeway North in Wichita County, Texas* dated February 12, 2021 ("Performance Agreement")

B. The Loan is evidenced, in part, by a certain *Purchase Money Promissory Note*, dated February 12, 2021, executed by Borrower and payable to the order of the original Lender in the original principal amount of \$1,000,000.00 ("Note").

C. The Loan is secured by a certain *Purchase Money Security Agreement* ("Security Agreement") dated February 12, 2021, granting Lender a first lien purchase money security interest in specified items of equipment described therein.

D. The original maturity date of the Note is August 6, 2021. Since that date the parties have informally extended repayment of the Note on a demand basis, including the accrual of interest from and after January 1, 2022 at the per annum rate of 5%.

E. On April 15, 2022, Borrower made a payment of \$50,000.00.

F. The Borrower and Lender agree that, as of May 1, 2022, the total unpaid balance of the debt owing by Borrower to Lender under the Note is as follows:

Principal balance:	\$964,246.58
Accrued interest:	\$2,113.42
Lender's fees and expenses:	\$3,000.00
Total	\$969,360.00

G. Borrower and Lender now wish to formalize their understandings as to an amended maturity date in order to allow Borrower, directly or through its direct or indirect subsidiary, time to complete the issuance and sale of bonds to finance business operations and expansion thereof contemplated by the Performance Agreement ("Bond Issuance"). It is understood that proceeds of the Bond Issuance will be applied to repayment in full all debt owing to Lender in respect of the Loan.

## Terms of Agreement

Therefore, in consideration of the foregoing premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Borrower and Lender agree as follows:

1. *Incorporation of Recitals.* The foregoing recitals are acknowledged by the parties to be true and correct and are incorporated by reference for all purposes

2. *Defined Terms* Capitalized terms not otherwise defined herein will have the meaning set forth in the Performance Agreement, Note, and Security Agreement, as applicable.

3. *Stipulation as to Balance Due.* Borrower and Lender hereby stipulate and agree that, as of May 1, 2022, the total unpaid balance of the debt owing by Borrower to Lender under the Note is correctly stated in ¶F of the Recitals and such total amounts are due and owing and is just, due, owing, unpaid, and subject to no offsets, deductions, credits, charges, defenses, or claims of any kind or character.

4. *Conditions Precedent to Effectiveness.* This effectiveness of this Agreement shall be subject to the following terms and conditions, it being expressly agreed that (i) this Agreement shall be and become effective as of the date hereof when and if the conditions precedent set forth in clauses (a), (b) and (c) below shall have been satisfied and (ii) if such conditions precedent are not satisfied in full on or before May 15, 2022, this Agreement shall be of no force or effect and the obligations in respect of the Loan shall be immediately due and payable in full:

a. *Execution.* A counterpart of this Agreement shall be executed by Borrower and delivered to Lender and a counterpart of this Agreement shall be executed by Lender and delivered to Borrower (in each case email delivery being sufficient) on or prior to May 5, 2022, with the express understanding that this Agreement shall remain in all respects subject to the conditions precedent set forth in this Section 4.

b. *Amendment Payment.* Borrower agrees to pay to Lender on or before May 15<sup>th</sup>, 2022, the amount of \$50,000.00 ("Amendment Payment"). The Amendment Payment will be applied by Lender in the following manner:

Fees and expenses reimbursable to Lender	\$3,000.00
Accrued, unpaid interest on Note	\$3,962.66
Reduction of principal balance of Note	\$43,037.34

c. *Board Approval.* This Agreement shall be approved and ratified by the Board of Lender on or before May 15<sup>th</sup>, 2022

5. *Stipulation of Amounts Due after Amendment Payment.* Borrower and Lender hereby stipulate and agree that, assuming that the Amendment Payment is made in full on or before



May 15<sup>th</sup>, 2022, after the application of the Amendment Payment the total unpaid balance of the debt owing by Borrower to Lender under the Note will be as follows:

Principal balance:	\$918,209.24
Accrued interest:	\$0.00
Lender's fees and expenses:	\$0.00
Total	\$918,209.24

6. *Monthly Payments.* As further consideration for this Agreement and the extension of maturity of the Loan, and as a condition to Lender's agreement herein, Borrower Agrees to pay Lender \$50,000.00 on or before the 15<sup>th</sup> day of each calendar month (a "Monthly Payment"), commencing on June 15, 2022, and continuing until the Revised Maturity Date (defined below). The Monthly Payments will be applied by Lender in the following manner. (a) first, to fees and expenses reimbursable to Lender under the terms of the Note and Security Agreement; (b) then, to accrued, unpaid interest on Note; and (c) then, to reduction of principal balance of Note.

7. *Amendment of Maturity Date.* In consideration of and conditioned on the payment of the conditions precedent specified in Section 4 and the timely payment of all Monthly Payments, Lender agrees that the maturity of the Loan is hereby extended until the earlier (the ("Revised Maturity Date") of (a) September 1, 2022; or (b) 7 days following the Borrowers receipt of proceeds from the Bond Issuance. On the Revised Maturity Date all obligations under the Note and Security Agreement shall be immediately due and payable in full without requirement for notice or demand.

8. *No Waiver by Lender* Except to the extent expressly amended hereby, nothing in this Agreement will be deemed to constitute a waiver by Lender of any right, remedy, claim, demand, or cause of action that Lender now has or will acquire, or that has arisen or will arise, under this Agreement, the Performance Agreement, the Note, and/or the Security Agreement.

9. *Default by Borrower.* Borrower agrees and stipulates that if Borrower breaches any provision of this Agreement, the Note, or Security Agreement, Lender may immediately proceed to enforce any right or remedy available to it for default in the payment of the Note, without the necessity of giving Borrower (a) any notice of such default or (b) any period of time in which to cure such default that might otherwise be provided for under the Note, and/or the Security Agreement, it being agreed that all such notices and cure period of every kind are hereby waived and released, unless and until such time that Lender by further written agreement reinstates the Note. Without limitation of the foregoing, Lender's right to enforcement will apply, without notice to Borrower, if Borrower fails to—

- a. Timely make the Amendment Payment and/or any Monthly Payment; or
- b. Continue to comply with all other terms and conditions of the Note and Security Agreement and allow no other defaults or events of default to occur under the terms of the Performance Agreement.

10. *Tolling of Limitations* Borrower hereby stipulates and agrees that, from the Effective Date through the Revised Maturity Date, the statute of limitations governing enforcement of the Note and the Loan Agreement will be and is hereby tolled, notwithstanding the original maturity date of the Note. As a result of the foregoing, Borrower agrees that Lender will have the full statutory limitations period in which to enforce its rights under the Note and Security Agreement and that such statutory limitations period will begin to run on the day following the Revised Maturity Date.

11. *Reaffirmation.* Borrower, hereby confirms and agrees that its liabilities under the Note and Security Agreement are and will remain enforceable against Borrower in accordance with their terms, are, and will continue to be, in full force and effect; will not be reduced, altered, limited, or lessened; will be increased by and secure the full amount of the Note; and are hereby confirmed, ratified, extended, and increased in all respects. Borrower stipulates and agrees that this Agreement will not impair the Security Agreement or any liens or security interests securing the Note; that such liens and security interests will not in any manner be waived, released, or extinguished; and that such liens and security interests are hereby acknowledged to be valid and subsisting and are hereby renewed and extended to secure payment of the Note and all other obligations under the Performance Agreement.

12. *Representations and Warranties.* Borrower hereby reaffirms that, as of the Effective Date of this Agreement, the representations and warranties of Borrower set forth in the Security Agreement are true and correct on the date hereof as though made on and as of the date of this Agreement. In addition, Borrower hereby represents and warrants to Lender as follows:

- a. Each of the terms and conditions of the Performance Agreement, Note and Security Agreement are in full force and effect, and there are no claims or offsets against, or defenses or counterclaims to, Lender's enforcement of the Note and/or Security Agreement;
- b. This Agreement constitutes the legal, valid, and binding obligation of Borrower and is enforceable against Borrower in accordance with its terms;
- c. The consideration received and to be received by Borrower under this Agreement is adequate and sufficient in all respects; and
- d. This Agreement is being entered into by Borrower voluntarily, and Borrower has relied on the advice of its independent legal counsel in evaluating whether to enter into this Agreement.

The continuing validity in all respects of the representations and warranties by Borrower set forth in this Agreement will be a condition precedent to the performance by Lender of its obligations and agreements under this Agreement. If any of the foregoing representations and warranties by Borrower should, at any time, prove to be inaccurate in any respect, Lender shall have rights of enforcement as set forth in Section 9.



13. *Miscellaneous*

a. *Parties Bound.* This Agreement will be binding on and inure to the benefit of Borrower, Lender, and their respective permitted successors and assigns, subject only to the conditions to effectiveness set forth in Section 4.

b. *Counterparts.* This Agreement will be executed in any number of original or facsimile counterparts, all of which taken together will constitute one and the same instrument, and any of the parties hereto may execute this Agreement by signing any such counterpart.

c. *Governing Law.* This Agreement will be deemed to be a contract under the laws of the state of Texas and for all purposes will be governed by, and construed in accordance with, the laws of Texas and the applicable laws of the United States of America. This Agreement has been entered into in Wichita County, Texas, and shall be performable for all purposes in Wichita County, Texas. Courts within the State of Texas will have jurisdiction over any and all disputes arising under or pertaining to this Agreement, and venue in any such dispute will be in the county or judicial district of the Lender's principal place of business.

**PANDA BIOTECH, LLC,**  
a Delaware limited liability company

By: Robert W. Carter  
Robert W. Carter, Chairman

**WICHITA FALLS ECONOMIC  
DEVELOPMENT CORPORATION,**  
a Texas development corporation

By: Leo Lane  
Leo Lane, President

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## CITY COUNCIL AGENDA June 7, 2022

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**ITEM/SUBJECT:** Conduct a public hearing and take action on an ordinance annexing +/- 12.455 acres of land out of Block 3, League 2, Denton County School Survey, Abstract Number 417, Wichita County, Texas, located at 6731 Southwest Parkway, at the request of the property owner; accepting the Southwest Parkway/GVD Brook Hollow, LLC. Annexation Servicing Plan Agreement for said tract under authority of Texas Local Government Code Chapter 43; Subchapter C-3 – authority of municipalities to annex an area on the request of owners; and rezoning (0.5 acres) and designating the tract property (12.455 acres) zoning as Multi-Family Residential (MFR) and Land Use Plan classification as High Density Residential (HDR).

**INITIATING DEPT:** Development Services/Planning Division

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**STRATEGIC GOAL:** Accelerate Economic Growth

**STRATEGIC OBJECTIVE:** n/a

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**COMMENTARY:**

- Jan. 17, 2022 – Coordination with developer, landowner, architect, engineer and City development review team regarding proposed residential complex.
- March 9, 2022 – Staff held a follow-up meeting with developer, architect and engineer regarding next steps to initiate project and annexation of property.
- April 13, 2022 - Notarized petition for annexation/processing fee submitted by GVD Real Estate Development and Construction LLC. on behalf of Earth Homes, Inc.
- April 26, 2022 – Property for rezoning case and petitioned annexation posted with notice for public hearing.
- April 26, 2022 - Draft annexation service plan distributed to department directors.
- May 11, 2022 – GVD Brook Hollow, LLC., project developer, records warranty deed purchasing the subject tract plus 0.5 acres from Earth Homes, Inc.
- May 11, 2022 – Planning & Zoning Commission conducts annexation zoning and rezoning public hearings; recommends City Council zone to Multi-Family (MFR) and change Land Use Plan to High Density Residential if annexed into city limits.
- May 13, 2022 – Departmental response deadline for revisions to the draft Annexation Service Plan; revisions for various municipal services incorporated.
- May 18, 2022 – Written notice of proposed annexation mailed to school districts, public entities and special districts in the area proposed for annexation.
- May 19, 2022 - Annexation service plan agreement sent to landowner/developer.
- May 22, 2022 - Notice of City Council public hearing published in TRN.
- May 23, 2022 – Notice of City Council public hearing posted on City's website.
- June 7, 2022 – City Council conducts public hearing and considers ordinance for petitioned annexation and rezoning/land use amendment.



## **Summary**

The property owner proposes to construct a 216-unit apartment complex on a 13± acre site on Southwest Parkway just south of Seymour Hwy. Approximately 12.5 acres is currently *outside* of the City limits, and the property owner has requested annexation into the corporate limits of Wichita Falls to access City utilities. Additionally, the owner has requested the rezoning of an approximate one-half acre tract from single-family residential to multi-family residential in order to access the site from Southwest Parkway. As such, the proposed ordinance would (1) annex the 12.5-acre tract into the City limits, (2) zone the 12.5-acre tract for multi-family use, and (3) rezone the 0.5-acre tract from single-family residential to multi-family residential.

## **BACKGROUND:**

City staff received a voluntary petition for annexation from GVD Brook Hollow, LLC. on behalf of then owner Earth Homes, Inc. for approximately 12.455+/- acres along Southwest Parkway situated south of Kell Freeway, referenced as 6731 Southwest Parkway and located within the Wichita Falls Independent School District (WFISD).

This voluntary annexation would allow for future development as the tract is slated for a market-rate apartment complex with on-site amenities for tenants. The developer is proposing a 216-unit multi-family development for the site with nine (9) buildings, clubhouse, dog park, pool/cabana area and playground. The property will contain a mix of one (1) and two (2) bedroom apartment units.

City departments were notified of this annexation request and asked to respond with their respective service abilities. No objections from city departments were received regarding the Southwest Parkway/GVD Brook Hollow, LLC. Annexation Municipal Service Plan.

If the voluntary petitioned annexation is approved, it would expand the City's corporate limits but not the Extra Territorial Jurisdiction (ETJ) boundary.

## **PROPOSED ZONING DESIGNATION**

The ordinance also proposes a rezoning (0.5 acres) and a new zoning designation for the requested annexation tract (12.455 acres) which aligns with the new owner's plans for the development of an apartment complex. The Planning Commission unanimously recommended these two zoning actions at their May 11, 2022 meeting. These included an annexation rezoning (12.455 acres) and a rezoning of land already in city limits (0.5 acres) all to Multi-Family Residential (MFR) and amendment to the Land Use Plan (LUP) classification to High Density Residential (HDR).

These zoning designations are consistent for a large-scale residential development with higher densities. There was one (1) letter of opposition regarding the rezone that was submitted from a surrounding property owner. The concern largely centered around traffic concerns with the new development. There was also one (1) response in favor of the rezone.

## **STAFF RECOMMENDATION:**

Approval of proposed Ordinance that would:

1. Voluntary annexation of 12.455 acres, the land tract referenced as 6731 Southwest Parkway, into the corporate limits of Wichita Falls; and
2. Provide a zoning designation of MFR and Land Use Plan classification of HDR; and
3. Rezone 0.5 acres currently in the city limits at 6731 Southwest Parkway to MFR and amend the Land Use Plan classification to HDR for this portion of the property

☒ **Assistant City Manager**

☒ **Development Services Director**

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**ASSOCIATED INFORMATION:** Attachment A – Location Map; Attachment B – Site Photos; Attachment C – Zoning and Land Use Map; Attachment D – Multi-Family Residential (MFR) Zoning District Uses; Attachment E – Planning & Zoning Commission Minute Excerpt; Ordinance; Exhibit ‘A’ – Field Notes; Exhibit ‘B’ – Requested Annexation Area Map; Exhibit ‘C’ – Zoning Map: Annexation Tract; Exhibit ‘D’ – Land Use: Annexation Tract; Exhibit ‘E’ – Rezoning Map: 6731 Southwest Pkwy; Exhibit ‘F’ – Land Use Amendment: 6731 Southwest Pkwy; and Exhibit ‘G’ - Southwest Parkway/GVD Brook Hollow, LLC. – Annexation Service Plan Agreement.

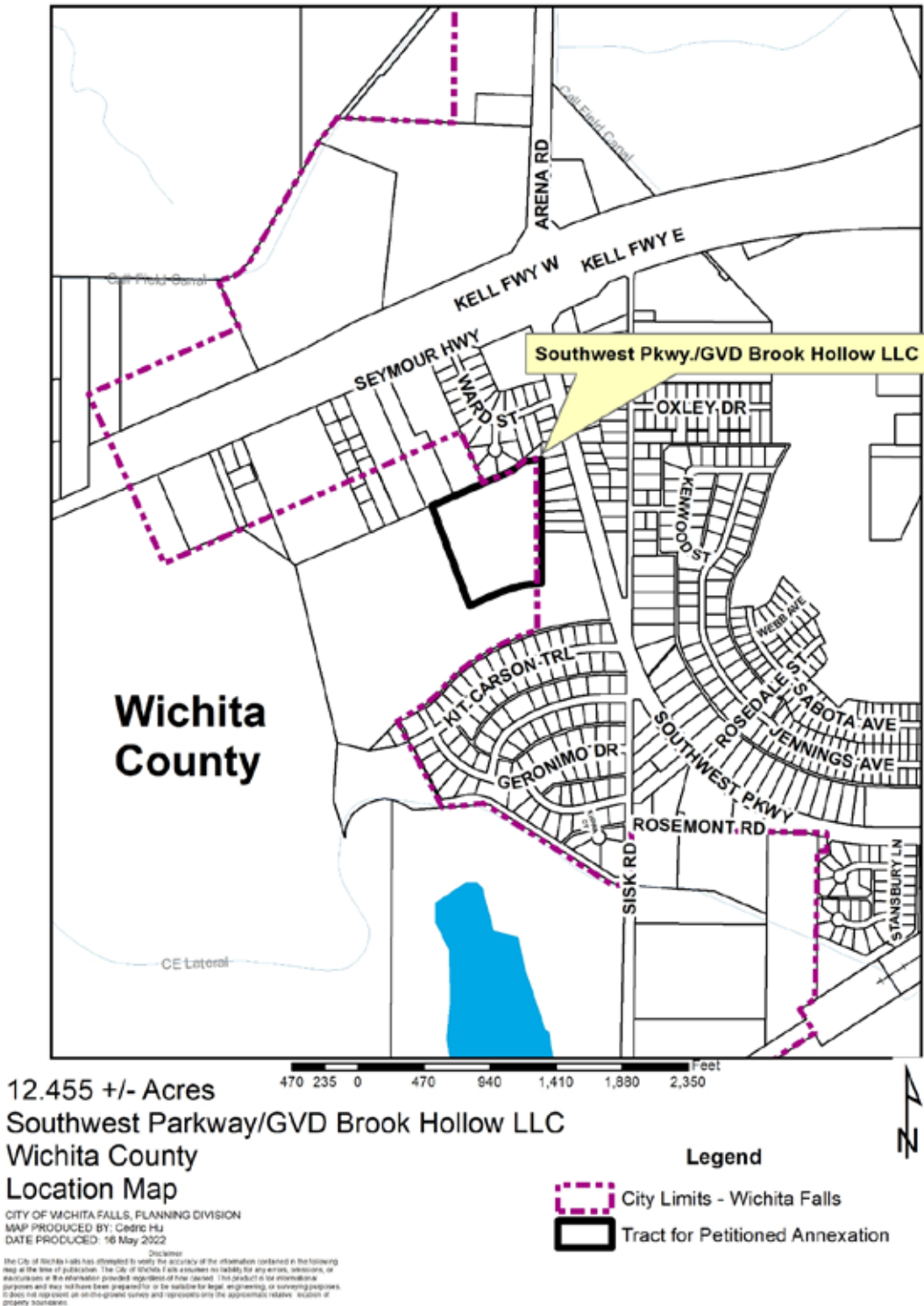
☒ **Budget Office Review:**

☒ **City Attorney Review:**

☒ **City Manager Approval**

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ATTACHMENT A – Location Map

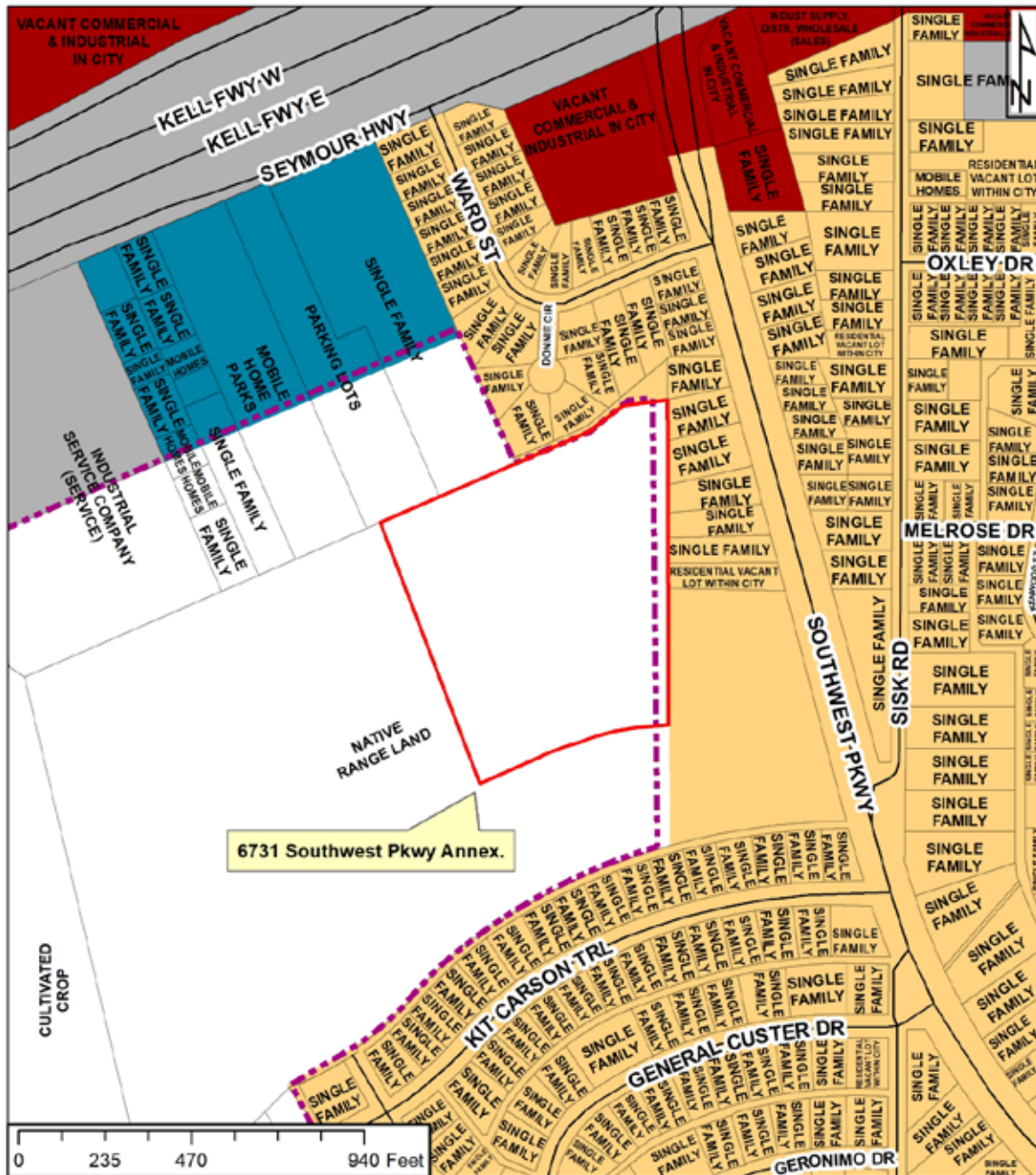


**ATTACHMENT B – Site Photos Tract Proposed for Annexation Also  
Referenced as 6731 Southwest Parkway**





# ATTACHMENT C



R 22-02

## 6731 Southwest Parkway - Annexation Zoning and Land Use Map

CITY OF WICHITA FALLS, PLANNING DIVISION  
MAP PRODUCED BY: Cedric Hu  
DATE PRODUCED: 26 April 2022

Disclaimer  
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### Legend

<span style="border: 2px solid red; padding: 2px;"> </span>	Subject Property	<span style="background-color: yellow; border: 1px solid black; padding: 2px;"> </span>	Single Family 2
<span style="border: 1px solid black; padding: 2px;"> </span>	Parcels	<span style="background-color: blue; border: 1px solid black; padding: 2px;"> </span>	Residential Mixed Use
<span style="border: 2px dashed purple; padding: 2px;"> </span>	City Limits	<span style="background-color: red; border: 1px solid black; padding: 2px;"> </span>	General Commercial
	Wichita Falls	<span style="background-color: grey; border: 1px solid black; padding: 2px;"> </span>	Light Industrial

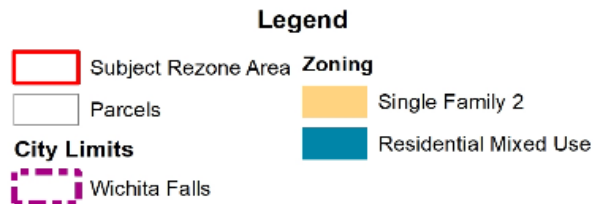
# ATTACHMENT C – cont.



## R 22-01 6731 Southwest Parkway Zoning and Land Use Map

CITY OF WICHITA FALLS, PLANNING DIVISION  
MAP PRODUCED BY: Cedric Hu  
DATE PRODUCED: 25 April 2022

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## **ATTACHMENT D – Multi-Family Residential (MFR) Zoning District Uses**

**The following uses are permitted subject to submittal of a site plan and review by the Planning Division.**

### **Residential uses:**

Dwelling, duplex or two-family  
Dwelling, single-family detached  
Group homes  
Bed and breakfast homestay  
Boardinghouse  
Condominiums, residential  
Dwelling, multifamily, up to 25 units per acre  
Dwelling, zero lot line single-family, subject to the provisions of [section 5200](#)  
Fraternity and sorority houses  
Townhouse, subject to the provisions of [section 5300](#)

### **Civic uses:**

Day care centers, limited  
Day care centers, commercial  
Library, public  
Park  
Private recreational areas, limited  
Public safety services  
Religious assembly  
School, primary and secondary  
Utility service  
Oil drilling, subject to the provisions of [appendix A](#), Subdivision and Development Regulations, [section 6.4](#) Oil and Gas Well, as amended

**The following uses are permitted following approval by the Planning and Zoning Commission for a Conditional Use Permit:**

### **Residential uses:**

Dwelling, multifamily, exceeding 25 units per acre.  
Manufactured homes, subject to the provisions of [section 5600](#).  
Personal care home.

### **Civic uses:**

Convalescent services  
Residential care facility

## ATTACHMENT E – Planning & Zoning Commission Minute Excerpt

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### DRAFT M I N U T E S

### PLANNING & ZONING COMMISSION

May 11, 2022

---

#### **PRESENT:**

Michael Grassi	u Member
Blake Haney	u Member
Noros Martin	u Member
Steve Lane	u Member
Mark McBurnett	u SAFB Liaison
Doug McCulloch	u Alternate No.1
Wayne Pharries	u Member
Anthony Vidmar	u Member
Jeremy Woodward	u Vice-Chair
Councilor Whiteley	u Council Liaison
James McKechnie, Deputy City Attorney	u City Staff
Fabian Medellin, ACIP, Planning Manager	u City Staff
Christal Ashcraft, Development Services Admin. Assist.	u City Staff
Cedric Hu, Planning Technician	u City Staff

#### **ABSENT:**

David Cook	u Chairman
Cayce Wendeborn	u Member
Steve Wood	u Alternate No.2

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#### **Case R 22-01 & R 22-02 – 6731 Southwest Parkway:**

**Consideration to recommend a permanent zoning designation of Multi-Family Residential (MFR) and a Land Use Plan classification of High Density Residential for a petitioned annexation at (12.455 acres out of Block 3, League 2, Denton County School Survey Abstract Number 417 Wichita County, Texas)**

**Applicant: Gene Dixon, GVD Brook Hollow, LLC.**

**Owner: Earth Homes Inc.**

Vice-Chairman Woodward opened the public hearing at 2:54pm and stated staff had two separate petitions but would be presenting together and voting on them separately. Mr. Medellin presented the case, showed the site plan to the Commission and stated GVD is proposing to acquire 13 acres of land from Earth Homes, Inc. located on Southwest Parkway, south of Kell Freeway. The proposal for the land is to build a 216-unit multi-family development, consisting of 9, 3-story structures, and clubhouse.

When staff meet with the property owners and design team one item that stood out was not all the property was located inside the City of Wichita Falls. Only the access drive along Southwest Parkway is within city limits, the 12 ½ acres beyond that is outside in the unincorporated Wichita County. In order to offer access to city utilities, the property must



be annexed into the City of Wichita Falls. Staff, trying to be as efficient as possible, are proposing the recommendation of a zoning designation for the portion of land to be annexed. Typically, when a property is annexed, there is a temporary zoning classification assigned of Single Family-1. In this first petition, staff would like to present the annexation ordinance with a permanent zoning of Multi-Family Residential (MFR). The annexation petition is scheduled to go before the City Council on June 7<sup>th</sup>, 2022 and staff would like to seek out the Commission's recommendation to accompany that annexation petition.

The second petition is for the portion that lies within City limits, which does have a zoning designation of Single Family-2 (SF-2) and land use specification of Low Density Residential. Staff feels that a Multi-Family Residential (MFR) zoning district with a High Density Residential Land Use would meet the developments needs and protect the residents from any potential future developments. The second petition is request the Commission recommend the re-zoning from Single Family-2 (SF-2) residential to Multi-Family Residential (MFR) and amend the Land Use Plan from Low Density Residential to High Density Residential.

The subject property is currently undeveloped and surrounded by residential uses and undeveloped land. Mr. Medellin stated staff notified 7 property owners within 200ft. of the subject property with 1 response in favor and 1 response in opposition. Staff recommends approval of the proposed rezoning request of +/- 0.545 acres at 6731 Southwest Parkway to Multi-Family Residential (MFR), and amend the Land Use Plan designation to High Density Residential.

If approved, the applicant is subject to all other zoning and building code regulations for commercial-related projects. Adhering to the zoning requirements may help lessen the potential impact on the abutting and adjacent residential neighborhood and include but are not limited to the following:

1. Prior to issuance of a Certificate of Occupancy, the new development must submit plans for review, approval, and inspection prior to beginning operations.
2. All outdoor lighting (Zoning Ordinance - Section 4650) must be directed away from the residential areas north, south and east of the property.
3. Parking sufficient to meet the needs of the development per the standards of Section 6200.
4. Increased setback requirements for non-residential uses adjacent to single family uses as outlined in Section 4600.
5. Landscaping shall be provided to meet the needs requirements of Section 6800.

Vice Chairman Woodward called for a motion to approve the case. Mr. Martin made a motion to approve with Mr. Vidmar seconding the motion. Mr. Woodward asked if the applicant was present and wished to make a presentation. Mr. Mark Leon of Cross Architects gave a background in the design teams previous builds and specifications on the proposed complex and amenities.

**Case R 22-02 – Annexation – 6731 Southwest Parkway**

Mr. Woodward called for a vote on the petitioned request to recommend a zoning designation of Multi-Family Residential (MFR) and a Land Use Plan classification of High Density Residential (HDR) for a petitioned annexation at 6731 Southwest Parkway. (12.455 acres out of Block 3, League 2, Denton County School Survey Abstract Number 417 Wichita County, Texas).

Vice Chair Woodward asked if there were any comments from the public and then from the Commission. Vote passed unanimously 8-0.

**Case R 22-01 – Rezone – 6731 Southwest Parkway**

Request to rezone +/- .545 acres of land located at 6731 Southwest Pkwy (0.545 acres out of Block 3, League 2, Denton County School Survey Abstract Number 417 Wichita County, Texas) from Single Family 2 (SF-2) to Multi-Family Residential (MFR) zoning district and amend the Land Use Plan from Low Density Residential to High Density Residential to allow for a 216-unit multi-family development.

Vice Chairman Woodward opened the public hearing at 2:55 pm. The applicant was present but gave no further presentation. Mr. Woodward closed the public hearing at 2:55pm. Mr. Pharries made a motion to recommend the rezone at 6731 Southwest Parkway. Mr. Grassi seconded the motion, the vote passed 8-0.

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

Ordinance annexing +/- 12.455 acres of land out of Block 3, League 2, Denton County School Survey, Abstract Number 417, Wichita County, Texas, located at 6731 Southwest Parkway, at the request of the property owner; accepting the Southwest Parkway/GVD Brook Hollow, LLC. Annexation Servicing Plan Agreement for said tract under authority of Texas Local Government Code Chapter 43; Subchapter C-3 – authority of municipalities to annex an area on the request of owners; and rezoning (0.5 acres) and designating the tract property (12.455 acres) zoning as Multi-Family Residential (MFR) and Land Use Plan classification as High-Density Residential (HDR).

WHEREAS, the Planning Division received a request for petitioned annexation on April 13, 2022; and,

WHEREAS, the Planning and Zoning Commission considered a proposed rezoning and zoning designation for the requested property for annexation at its May 11, 2022, meeting, and voted to recommend approval of the request; and

WHEREAS, the governing body, Wichita Falls City Council, heard arguments for and against the petition on June 7, 2022 and granted the petition for annexation by area landowners; and,

WHEREAS, City departments have reviewed such annexation request and find that such annexation would not burden City resources in providing service(s); and,

WHEREAS, the City Council has determined that such annexation is in the public interest.

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

1. A tract of land being 12.455 acres described in Field Notes herein included as Exhibit “A” and as shown on the map included as Exhibit “B”, is hereby annexed into the City of Wichita Falls.

2. The annexation will not expand the City of Wichita Falls Extraterritorial Jurisdiction (ETJ) area.

3. The City Council further directs the City Clerk to file a certified and true copy of this ordinance together with a copy or duplicate of the petition for annexation in the office of the Wichita County Clerk, Wichita County after its passage as required by law.

4. That Block 3, League 2, Denton County School Survey, Abstract Number 417, referenced at 6731 Southwest Parkway, Wichita County, Texas, as depicted on the attached map incorporated in this ordinance as Exhibits “C” and “E”, is hereby zoned for

Multi-Family Residential (MFR) uses.

5. The area on the Land Use Map, as depicted on the attached maps incorporated in this ordinance as Exhibits “D” and “F” is hereby classified for High Density Residential (HDR) uses.

6. The Annexation Service Plan Agreement outlining services to be provided is included as Exhibit ‘G’ in this ordinance.

PASSED AND APPROVED this the 7<sup>th</sup> day of June, 2022.

---

M A Y O R

ATTEST:

---

City Clerk

## Exhibit 'A' - Field Notes

### EXHIBIT "A" 12.455 ACRES OUT OF THE DENTON COUNTY SCHOOL SURVEY ABSTRACT NUMBER 417 WICHITA COUNTY, TEXAS

#### PROPERTY DESCRIPTION

BEING a tract of land out of Block 3, League 2, Denton County School Survey, Abstract Number 417, in Wichita County, Texas, and being a portion of a tract of land described by deed to Earth Homes, Inc. as recorded under Document Number 20187538, Official Public Records, Wichita County, Texas, (O.P.R.W.C.T.), the subject tract being more particularly described by metes and bounds as follows, bearings are based on State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD'83):

BEGINNING at a metal post found for the northeast corner of said Earth Homes tract and the herein described tract;

THENCE South 00 degrees 34 minutes 27 seconds East, with the east line of said Earth Homes tract, passing a northern re-entrant corner thereof, continuing and passing a southern re-entrant corner thereof, and continuing for a total distance of 871.38 feet to a 1/2 inch rebar with pink cap stamped, "BARTON CHAPA" (hereinafter called "capped rebar set"), from which a 5/8 inch rebar found for the easternmost northeast corner of said Earth Homes tract, bears North 41 degrees 38 minutes 42 seconds East, a distance of 472.21 feet, said point being the beginning of a non-tangent curve to the left, having a radius of 2,197.11 feet, with a delta angle of 13 degrees 28 minutes 18 seconds, whose chord bears South 70 degrees 18 minutes 14 seconds West, a distance of 515.41 feet,

THENCE along said non-tangent curve to the left, and through the interior of said Earth Homes tract, an arc length of 516.60 feet to a capped rebar set;

THENCE North 23 degrees 49 minutes 17 seconds West, through the interior of said Earth Homes tract, a distance of 769.46 feet to a capped rebar set in the north line thereof;

THENCE with the north line of said Earth Homes tract, the following calls:

1. North 66 degrees 10 minutes 43 seconds East, a distance of 621.05 feet to a capped rebar set;
2. North 52 degrees 50 minutes 45 seconds East, a distance of 120.66 feet to a capped rebar set;
3. North 81 degrees 55 minutes 55 seconds East, a distance of 124.22 feet, returning to the POINT OF BEGINNING and enclosing 12.455 acres (542,532 square feet) of land, more or less.

#### SURVEYOR'S CERTIFICATE

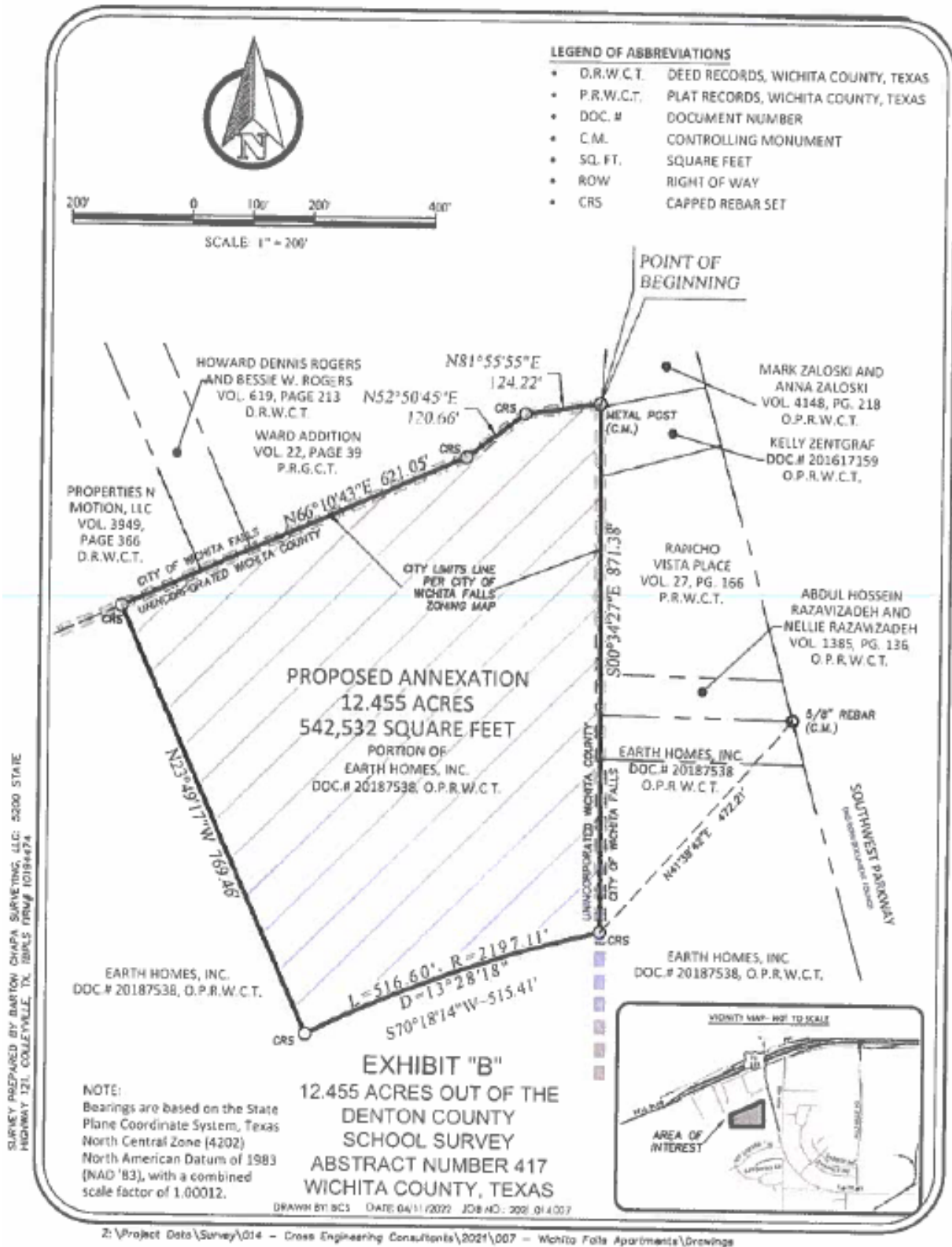
This is to certify that I, John H. Barton III, a Registered Professional Land Surveyor of the State of Texas, have prepared this map from an actual survey on the ground, and that this map correctly represents that survey made by me or under my direction and supervision.

Date of Plat/Map: April 12, 2022

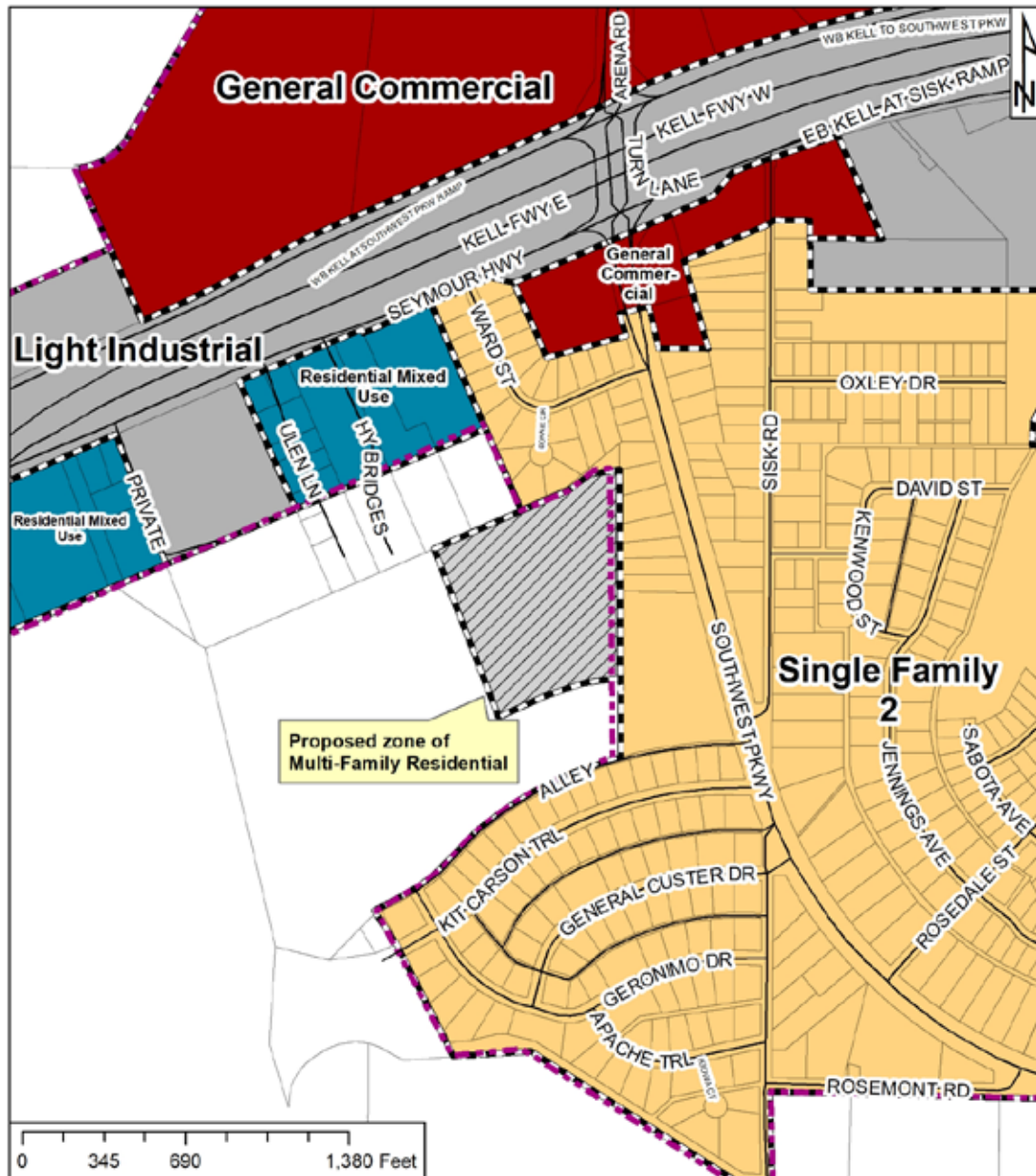
  
John H. Barton III, RPLS# 6737



## Exhibit 'B' - Requested Annexation Area Map



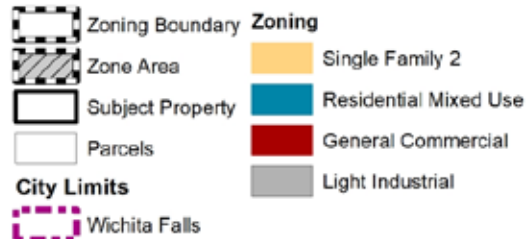
# **Exhibit 'C'** **Requested Zoning for Annexation Tract**



**R 22-02**  
**6731 Southwest Parkway - Annexation**  
**Zoning Map**

CITY OF WICHITA FALLS, PLANNING DIVISION  
 MAP PRODUCED BY: Cedric Hu  
 DATE PRODUCED: 28 April 2022

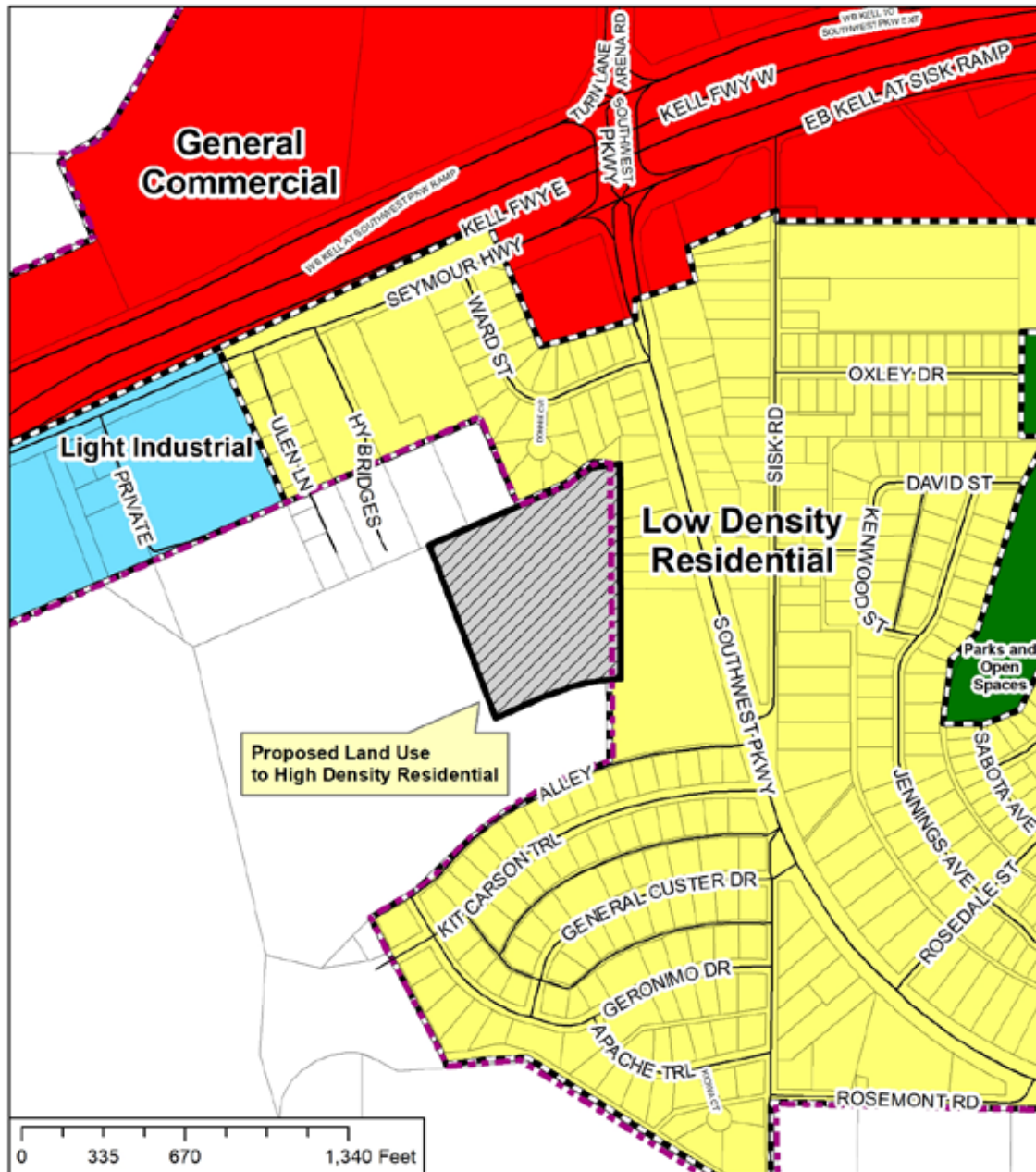
Disclaimer:  
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# Exhibit 'D'

## Requested Land Use for Annexation Tract



### R 22-02

### 6731 Southwest Parkway - Annexation

### Land Use Map

CITY OF WICHITA FALLS, PLANNING DIVISION  
 MAP PRODUCED BY: Cedric Hu  
 DATE PRODUCED: 26 April 2022

Disclaimer:  
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**Legend**

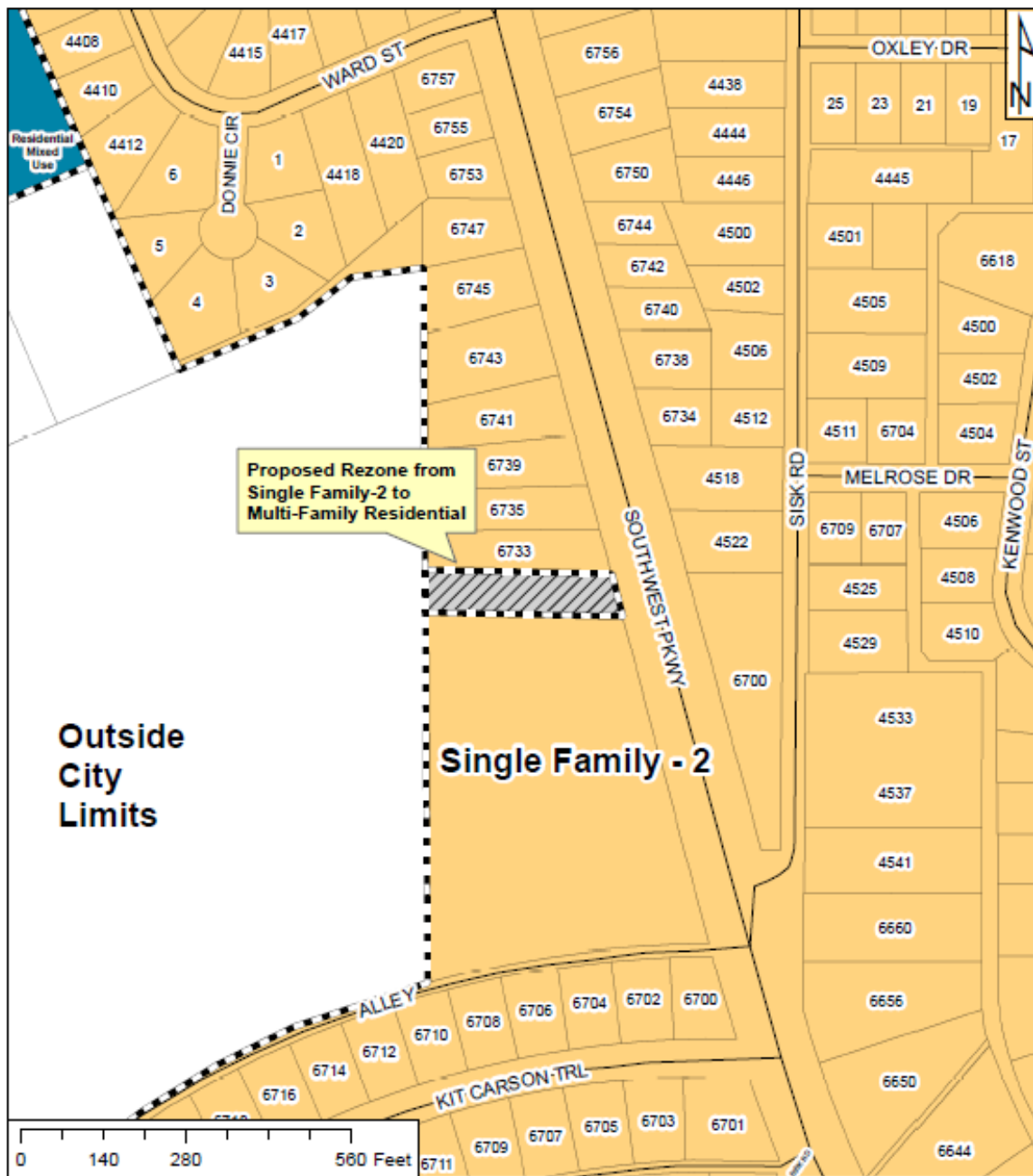
- Subject Property
- Proposed Land Use
- Land Use Plan Boundary
- Parcels

**City Limits**

- Wichita Falls



# **Exhibit 'E'** **Rezoning Map for 6731 Southwest Parkway**



## **R 22-01** **6731 Southwest Parkway** **Rezone Map**

CITY OF WICHITA FALLS, PLANNING DIVISION  
 MAP PRODUCED BY: Cedric Hu  
 DATE PRODUCED: 20 May 2022

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### **Legend**




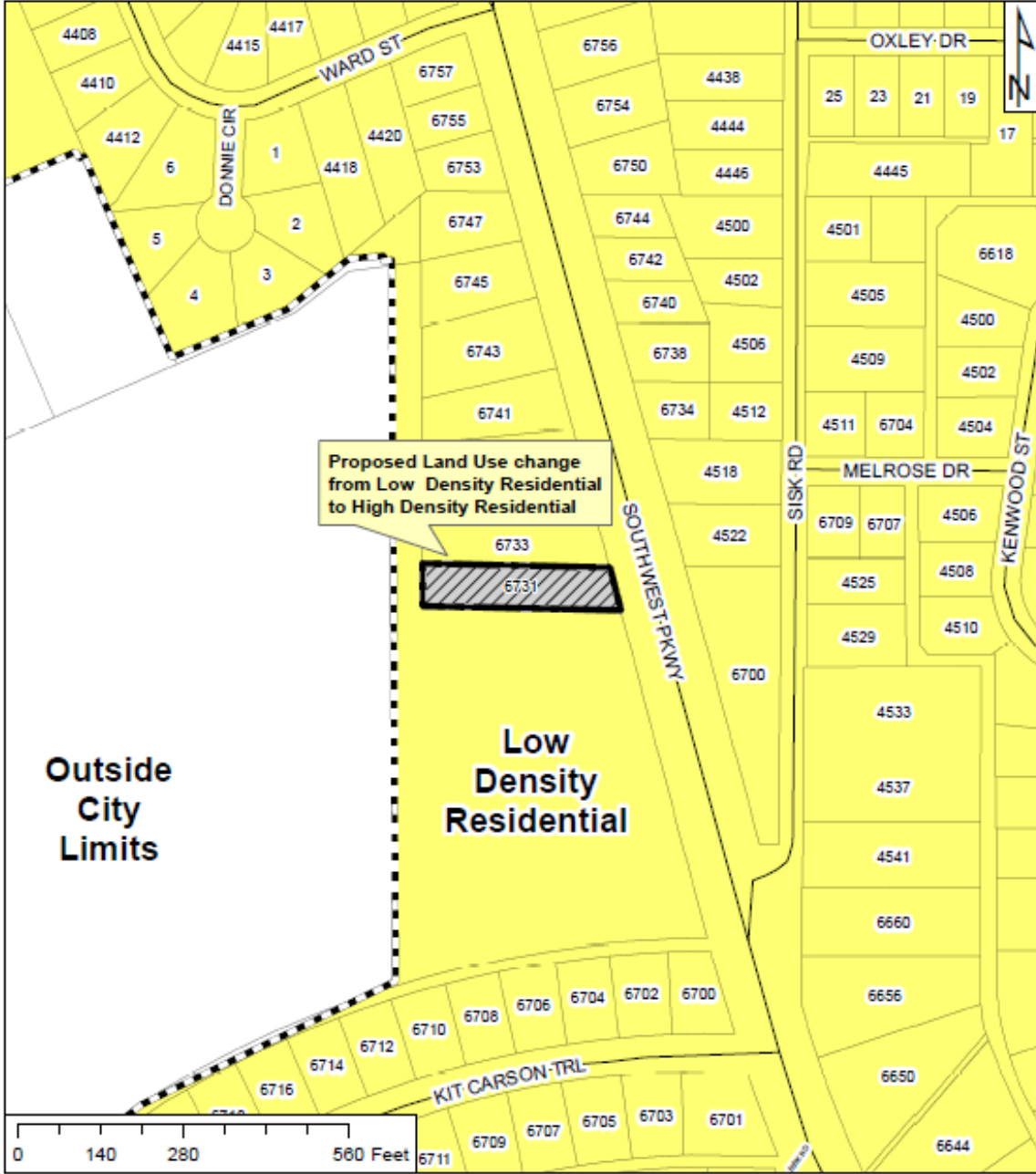
-  Rezone Area
-  Zoning Boundary
-  Parcels

Exhibit 'F'

Land Use Amendment Map for 6731 Southwest Parkway







R 22-01  
6731 Southwest Parkway  
Land Use Map

CITY OF WICHITA FALLS, PLANNING DIVISION  
MAP PRODUCED BY: Cedric Hu  
DATE PRODUCED: 20 May 2022

Disclaimer  
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Legend

-  Subject Rezone Area
-  Proposed Land Use
-  Land Use Plan Boundary
-  Parcels

**Exhibit 'G'**

**Southwest Parkway/GVD Brook Hollow, LLC. – Annexation Service Plan Agreement**



**City of Wichita Falls**

**ANNEXATION SERVICE PLAN  
AGREEMENT**

**Southwest Parkway/GVD Brook Hollow, LLC.**

**May 2022**

## INTRODUCTION

On April 13, 2022 a representative of GVD Real Estate Development and Construction LLC., submitted a petition for annexation (Exhibits A and B) on behalf of existing landowner Earth Homes, Inc., President R.J. Wachsman. As of May 11, 2022 a Warranty Deed (Exhibit C) verifies GVD Brook Hollow, LLC., future developer, had purchased the tract land from Earth Homes, Inc. The request for owner initiated annexation includes +/- 12.455 acres out of a 56.13-acre tract. The partial tract of land is situated in Wichita County and referenced as Block 3, League 2, Denton County School Survey Abstract Number 417 in the general vicinity west of Southwest Parkway and south of Kell Freeway commonly referenced as 6731 Southwest Parkway.

Pursuant to Chapter 43 of the Texas Local Government Code, the City of Wichita Falls coordinated with each department and put together the Southwest Parkway/GVD Brook Hollow, LLC. Petitioned Annexation Service Plan Agreement for future delivery of municipal services to an area that may be annexed by the City of Wichita Falls, at the request of the landowner, and will be considered on June 7<sup>th</sup>, of 2022 by City Council at a public hearing.

The following municipal service agreement outlines each service the municipality (City of Wichita Falls) will provide either on the effective date of the owner-requested annexation adoption or to become effective at such time as outlined in a schedule of service. Reference to 'applicant' shall relate to the landowner/developer (GVD Brook Hollow, LLC.) for the petitioned annexation. Future municipal services outlined in this agreement are for a land tract subject to petitioned annexation by the City of Wichita Falls, Texas slated for consideration by the governing body on June 7<sup>th</sup>, 2022 and referenced in Attachment A – General Vicinity Map and Exhibits A and B. The City of Wichita Falls is not required to provide services not included in this petitioned annexation municipal services agreement.

# **SOUTHWEST PARKWAY/GVD BROOK HOLLOW, LLC. PETITIONED ANNEXATION SERVICE PLAN AGREEMENT**

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## **SERVICES TO BE PROVIDED**

### **Police**

This area will be served using the same standards for response, together with investigative services as provided to other areas of the City.

### **Fire**

This area will be served using the same operational standards for response, investigation and code compliance as provided to other areas of the city.

### **Parks**

1. Open park areas for picnicking will be available to any future residents of the annexed area on the same basis as residents presently residing within the City limits.
2. Services provided will be identical to those provided to persons living in other areas of the City.

### **Engineering Services**

Engineering services will be limited to the review of development plans, issuance of permits as required in the development phase, and the inspection of the installation of water mains, sanitary sewer mains and lift stations improvements, storm sewers, and the paving of streets, drive approaches, sidewalks and alleys.

### **Library**

Library services identical to those services to persons living in other areas of the City will be provided to the annexation area.

### **Maintenance of Streets and Roads**

Maintenance of streets and roads shall be on a level comparable to that provided for other areas of the City with similar roads, equivalent population densities, degrees and nature of development, traffic patterns, and other factors influencing street maintenance.

## **Traffic Services**

Dependent on development demands, the City deems it necessary based on the Manual on Uniform Traffic Control Devices (MUTCD) standards from the U.S. Federal Highway Administration for street lights, pavement markings, traffic signals, traffic signs, including street name, warning, and regulatory signs, will be installed, and maintained by the City of Wichita Falls Traffic Department. In addition, traffic counts and other related studies will follow the same procedures and guidelines practiced within the City.

## **Solid Waste Collection**

1. For any future residential development that may occur in the area, the City will supply curbside automated service by extending our current automated collection service routing. The collection of solid waste from the individual properties and containers shall be made in accordance with usual department scheduling and rates.
2. Commercial solid waste collection services will be provided to any business located in the annexed area under the same rate, procedures and regulations as presently provided for any business customer within the City, upon request.
3. The use of the City's solid waste collection facilities and transfer station(s) will be available to any future residents of the newly annexed area, and on the same basis as those residents living within the City limits.
4. The City is the sole provider of residential and commercial solid waste collection and disposal.

## **Schedule of Timing for Solid Waste Collection and Transfer Station Services**

The property will be served at the same rate as available to other City residential customers for refuse collection and transfer station services upon completion of all final platting requirements.

## **Water and Sanitary Sewer Facilities**

### **Maintenance**

1. Maintenance of water facilities will include those facilities installed by the City or installed according to City standards and specifications.
2. Sanitary Sewer will be in accordance with individual application of septic systems where applicable, which shall be the responsibility of the property owner or tenant. The City will maintain facilities installed by the City or installed according to City standards and specifications.

**Development**

1. Additional extensions of a water system shall be at the expense of the “applicant” as per Chapter 106, Article VI and the Comprehensive Subdivision Ordinance of the Code of Ordinances of the City of Wichita Falls.
2. Sanitary sewer extensions shall be at the expense of the “applicant” in accordance with Chapter 106, Article VI and the Comprehensive Subdivision Ordinance of the Code of Ordinances of the City of Wichita Falls.

**Schedule of Timing for Provision of Water and Sanitary Sewer Service**

The property will be served by City Water and Sanitary Sewer services and may be connected to these utilities upon completion of all final platting requirements.

**Planning and Zoning Services**

1. Planning and zoning services will be provided immediately upon annexation. In addition to the protection of property values through the enforcement of zoning and subdivision regulation, other services including the processing of applications for zoning change and site plan review will be provided by existing City staff.
2. Rezoning of properties will be handled in accordance with existing City procedures. Existing use of properties in conflict with permitted uses shall be deemed nonconforming, and shall continue to operate in accordance with Section 6100 of the Zoning Ordinance.

**Building Inspection Services**

Inspection services, including the review of building plans, the issuance of permits and the inspection of all buildings, plumbing, mechanical, and electrical work to ensure compliance with City codes and ordinances, will be provided by Building Inspection personnel.

**Environmental Health and Code Enforcement Services**

1. Complaints of ordinance violation or other code violations within the area will be answered and investigated by existing personnel.
2. Animal control services will be provided to those areas within the annexed area using existing personnel and equipment.
3. Vector control services will be provided to those areas within the annexed area using existing personnel and equipment.

**Miscellaneous Services**

General municipal administration and administrative services of the City will be available to the annexed area beginning with the effective date of the annexation ordinance.

**CITY of WICHITA FALLS**

By: \_\_\_\_\_  
Darron Leiker  
City Manager

**GVD Brook Hollow, LLC.**

By:  \_\_\_\_\_  
Gene Dixon Jr.  
Managing Member

**CITY of WICHITA FALLS**

APPROVED as to FORM:

ATTEST:

\_\_\_\_\_  
Kinley Heggland  
City Attorney

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



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## **CITY COUNCIL AGENDA**

### **June 7, 2022**

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**ITEM/SUBJECT:** 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.

**INITIATING DEPT:** Development Services

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**STRATEGIC GOAL:** Efficiently Deliver City Services

**STRATEGIC OBJECTIVE:** Practice Effective Governance

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**BACKGROUND:**

- May 12, 2022 – City publishes notice of NEC on City website
- May 16, 2022 – Notification sent to City contractor list (5,000+ contractors) of Public Hearing and Council consideration date
- May 17, 2022 – City Council conducts Public Hearing regarding the proposed 2017 NEC adoption
- June 7, 2022 – City Council considers proposed ordinance adoption for 2017 NEC

The attached ordinance formally adopts the 2017 National Electric Code (NEC) and strikes/amends references to the City's Board of Electrical Examiners. This board was recently ended by City Council due to changes in State of Texas licensure requirements.

A public hearing was held at the May 17, 2022, City Council meeting in advance of the formal consideration of adoption by the City Council. Additionally, the 21-day notice regarding the proposed ordinance for the proposed adoption of the 2017 NEC was published on the homepage of the City website on May 12, 2022. A copy of the Ordinance as proposed was also included in the notification. Recent State legislation requires this publication and a notice of the public hearing be held in advance of any formal adoption of building codes.

The 2017 NEC has been the accepted standard by the construction community over the past five (5)- plus years, and has been the standard that has been enforced by staff. The proposed ordinance and its associated revisions, if approved as recommended by staff, will formally codify the 2017 NEC as the electric code for the City. No changes are being proposed to any local electrical code amendments as currently codified in City ordinances.

Additionally, the proposed amended Ordinance revises the current language in Chapter 22, Article III, to remove reference to a local Board of Electrical Examiners. This is a board

that was established in Ordinance many years ago, but is no longer needed for local electrical contractor licensure and review, as those duties are now a function of Building Inspections Divisions and/or the Construction Board of Appeals.

**RECOMMENDATION:**

Staff recommends the City Council approve the ordinance as amended and outlined in the item.

☒ **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 (NEC) and all local amendments as previously approved; and,

WHEREAS, the City Council finds that a public hearing was held by the City Council on May 17, 2022 in which people were encouraged to discussed, and did discuss, the proposed adoption of the 2017 NEC; and,

Whereas, the City Council finds that the City of Wichita Falls has published notice of this proposed action to adopt the 2017 NEC conspicuously on its internet website for over 21 days prior to this action; and,

Whereas, the City Council finds that the City of Wichita Falls sent out electronic communications to approximately 5,000 local contractors and builders letting them know of the proposed action to adopt the 2017 NEC; and,

WHEREAS, the City Council finds that the Construction Board of Adjustment and Appeals decided to take no actions as to the adoption of an updated version of the NEC during their meeting 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~~<sup>V</sup>. 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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M A Y O R

ATTEST:

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City Clerk

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**CITY COUNCIL AGENDA**  
**June 7, 2022**

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**ITEM/SUBJECT:** Ordinance amending the Wichita Falls Regional Airport fiscal year 2022 budget in an amount of \$34,965 for the purchase of a replacement Law Enforcement vehicle.

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

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**STRATEGIC GOAL:** Efficiently Deliver City Services

**STRATEGIC OBJECTIVE:** Practice Effective Governance

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**COMMENTARY:** In August of 2021, the City Council approved the use of Federal Aviation Administration (FAA) Entitlement funds for the purchase of a replacement law enforcement vehicle for Wichita Falls Regional Airport. This program requires a 10% local match for the use of Entitlement funds. While this expenditure is eligible under the Airport Improvement Program, the FAA has asked the City to use Airport COVID funds to complete this purchase. This decision will effectively remove the local share amount required for the purchase of this vehicle because the purchase is 100% eligible with the use of COVID funds, thus saving the City of Wichita Falls \$3,495 on the purchase.

Staff requests the support of City Council via this ordinance to amend the fiscal year 2022 Wichita Falls Regional Airport budget in the amount of \$34,965 and to use Airport COVID funding for the purchase of a law enforcement replacement vehicle.

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

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**ASSOCIATED INFORMATION:** Ordinance

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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

**Ordinance amending the Wichita Falls Regional Airport fiscal year 2022 budget in an amount of \$34,965 for the purchase of a replacement Law Enforcement vehicle**

WHEREAS, the City of Wichita Falls has received Airport COVID grant support from the Federal Aviation Administration; and

WHEREAS, the City of Wichita Falls has identified the need for the purchase of a replacement law enforcement vehicle for Wichita Falls Regional Airport; and

WHEREAS, the Federal Aviation Administration allows the purchase of a law enforcement vehicle through its Airport Improvement Program; and

WHEREAS, the use of Airport COVID grants allows for the use of 100% Federal Aviation Administration funding to cover such purchases, and

WHEREAS, the City of Wichita Falls desires to use COVID grant funds to purchase a replacement law enforcement vehicle for Wichita Falls Regional Airport in an amount of \$34,965.

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

The Wichita Falls Regional Airport fiscal years 2022 budget is hereby amended in an amount of \$34,965 using Federal Aviation Administration Airport COVID grant funds for the purchase of a replacement law enforcement vehicle.

PASSED AND APPROVED this the 7<sup>th</sup> day of June, 2022.

\_\_\_\_\_  
MAYOR

ATTEST:

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

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**CITY COUNCIL AGENDA**  
**June 7, 2022**

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**ITEM/SUBJECT:** Resolution suspending the June 17, 2022 effective date of Oncor Electric Delivery Company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the steering committee of cities served by Oncor to hire legal and consulting services and to negotiate with the Company and direct any necessary litigation and appeals; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and legal counsel for the Steering Committee.

**INITIATING DEPT:** Legal

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**STRATEGIC GOAL:** Efficiently Deliver City Services

**STRATEGIC OBJECTIVE:** Practice effective governance

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**COMMENTARY:**

Oncor Electric Delivery Company ("Oncor" or "the Company") filed an application on or about May 13, 2022, with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by about \$251 million or approximately 4.5% over present revenues. The Company asks the City to approve an 11.2% increase in residential rates and a 1.6% increase in street lighting rates. If approved, a residential customer using 1,300 kWh per month would see a bill increase of about \$6.02 per month.

The Resolution suspends the June 17, 2022 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate the filing, determine whether the filing complies with the law, and if lawful, to determine what further strategy, including settlement, to pursue.

The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. If the City fails to take some action regarding the filing before the effective date, Oncor's rate request is deemed administratively approved.

Staff recommends approval.

☒ **City Attorney**

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**ASSOCIATED INFORMATION:** Resolution

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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

**Resolution suspending the June 17, 2022 effective date of Oncor Electric Delivery Company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the steering committee of cities served by Oncor to hire legal and consulting services and to negotiate with the Company and direct any necessary litigation and appeals; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and legal counsel for the Steering Committee**

WHEREAS, on or about May 13, 2022, Oncor Electric Delivery Company (Oncor), pursuant to PURA §§ 33.001 and 36.001, filed with the City of Wichita Falls a Statement of Intent to increase electric transmission and distribution rates in all municipalities exercising original jurisdiction within its service area effective June 17, 2022; and

WHEREAS, the City of Wichita Falls is a member of the Steering Committee of Cities Served by Oncor ("Steering Committee") and will cooperate with the 169 similarly situated city members and other city participants in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company prior to getting reasonable rates and direct any necessary litigation; and

WHEREAS, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

WHEREAS, PURA § 33.023 provides that costs incurred by Cities in rate-making proceedings are to be reimbursed by the regulated utility.

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

1. The June 17, 2022 effective date of the rate request submitted by Oncor on or about May 13, 2022, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.
2. As indicated in the City's Resolution approving membership in the Steering Committee, the Executive Committee of Steering Committee is authorized to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations regarding reasonable rates, and to intervene and direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Public Utility Commission.
3. The City's reasonable rate case expenses shall be reimbursed by Oncor.

4. It is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law, and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to Oncor, Care of Howard V. Fisher, Oncor Electric Delivery Company LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202, and to Thomas Brocato, Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this 7<sup>th</sup> day of June, 2022.

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M A Y O R

ATTEST:

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City Clerk

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**CITY COUNCIL AGENDA**  
**June 7, 2022**

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**ITEM/SUBJECT:** Resolution authorizing the City Manager to award bid and contract for the 2022 Alley Rehabilitation Project to Freeman Paving, LLC in the amount of \$355,198.00.

**INITIATING DEPT:** Public Works

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**STRATEGIC GOAL:** Provide Quality Infrastructure

**STRATEGIC OBJECTIVE:** n/a

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**COMMENTARY:** On May 24, 2022, bids were opened for the 2022 Alley Rehabilitation Project. This project is generally described as the rehabilitation of various concrete alleys, sanitary sewers, and associated work. The Engineer's estimate for the project was \$367,000. Sanitation and sewer funds will be used to pay for the alley and sewer improvements associated with this project.

The bids received for this project are as follows:

<u>COMPANY</u>		<u>AMOUNT</u>
Freeman Paving, LLC	– Vernon, TX	\$355,198.00
Scales Construction Company	– Wichita Falls, TX	\$385,336.00
Parker Concrete LLC	- Wichita Falls, TX	\$417,688.52

Construction of this project should require approximately 150 consecutive days to complete.

Freeman Paving, LLC has successfully completed similar projects for the City and staff recommends award of the contract to Freeman Paving, LLC in the amount of \$355,198.00, 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 authorizing the City Manager to award bid and contract for the 2022 Alley Rehabilitation Project to Freeman Paving, LLC in the amount of \$355,198.00**

WHEREAS, the City of Wichita Falls has advertised for bids for the 2022 Alley Rehabilitation Project; and,

WHEREAS, it is found that the lowest responsible bidder is Freeman Paving, LLC who made a unit price bid with an estimated total of \$355,198.00.

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

The unit price bid for the 2022 Alley Rehabilitation Project is awarded to Freeman Paving, LLC in an estimated total amount of \$355,198.00, 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 7<sup>th</sup> day of June, 2022.

\_\_\_\_\_  
MAYOR

ATTEST:

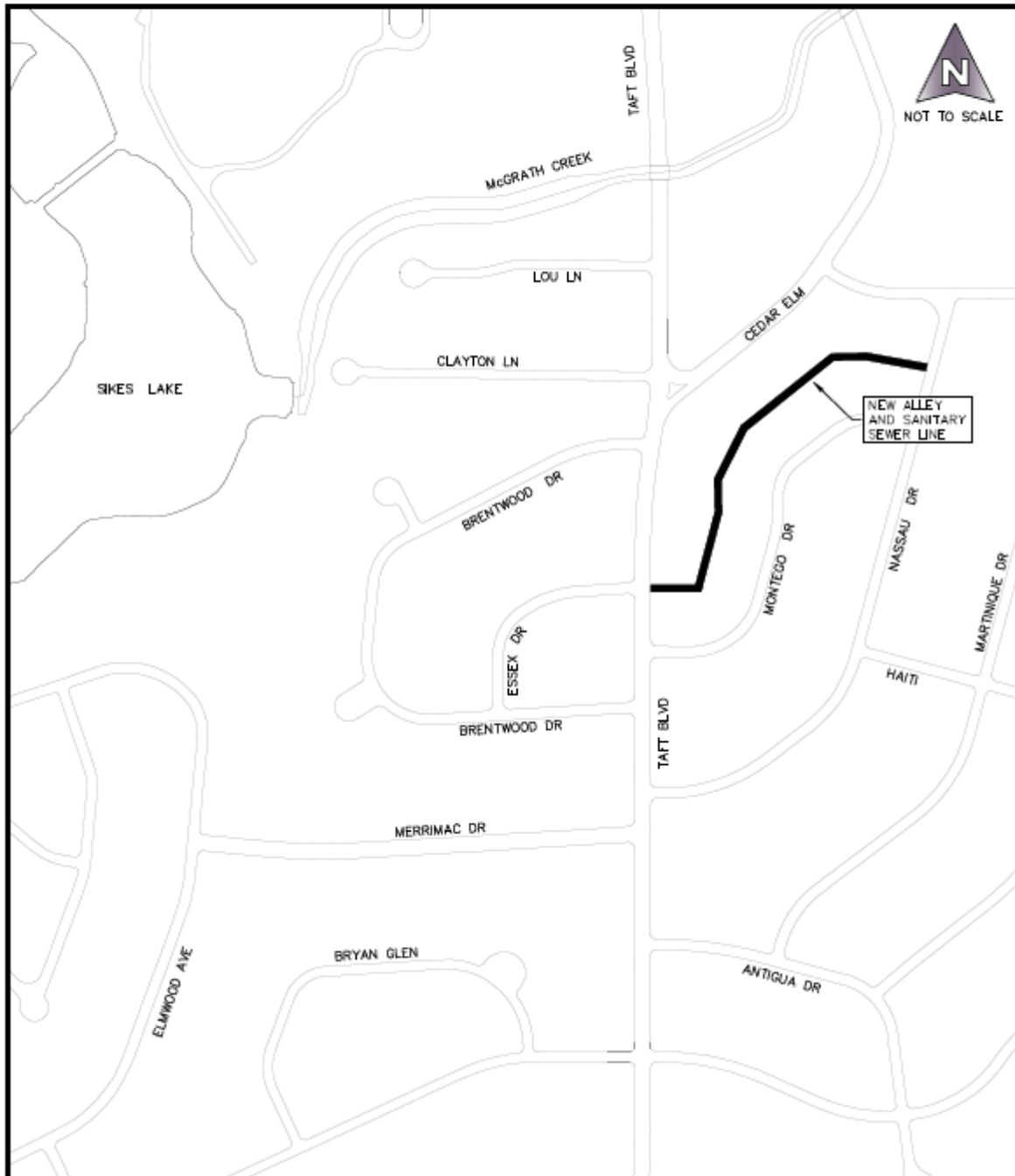
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City Clerk



**2022 Alley Rehabilitation Project**  
**CWF22-530-06**  
**Bid Date: May 24, 2022**

<b>BASE BID</b> ** ORDER OF BIDS FROM LOWEST TO HIGHEST **				<b>Freeman Paving, LLC</b> Vernon, TX		<b>Scales Construction Company</b> Wichita Falls, TX		<b>Parker Concrete LLC</b> Wichita Falls, TX	
<b>Pay Item</b>	<b>Description</b>	<b>Unit</b>	<b>Project Totals</b>	<b>Unit Price</b>	<b>Total</b>	<b>Unit Price</b>	<b>Total</b>	<b>Unit Price</b>	<b>Total</b>
107-TS	Trench Safety System	LF	1006	\$5.00	\$5,030.00	\$2.50	\$2,515.00	\$24.90	\$25,049.40
200.1	Site Prep & Mobilization (Not To Exceed 5%)	LS	1	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$11,899.46	\$11,899.46
203.3-P	Remove Existing Pavement	SY	1218	\$15.00	\$18,270.00	\$20.00	\$24,360.00	\$33.67	\$41,010.06
301.2-6	6" Soil Stabilization	SY	1384	\$20.00	\$27,680.00	\$22.00	\$30,448.00	\$24.45	\$33,838.80
303.6	Install 6" Reinforced Concrete Alley	SY	1277	\$78.00	\$99,606.00	\$93.00	\$118,761.00	\$123.00	\$157,071.00
305.2-AP	Install 6" Reinforced Concrete Approach	SY	64	\$78.00	\$4,992.00	\$93.00	\$5,952.00	\$125.00	\$8,000.00
402	Pavement Repair	SY	26	\$150.00	\$3,900.00	\$175.00	\$4,550.00	\$154.00	\$4,004.00
501.17-6	Install 6" SDR 26 PVC Sanitary Sewer Pipe	LF	1006	\$120.00	\$120,720.00	\$125.00	\$125,750.00	\$47.80	\$48,086.80
502.1-MH	Install 4' Dia. Sanitary Sewer Manhole	EA	1	\$6,000.00	\$6,000.00	\$7,000.00	\$7,000.00	\$6,500.00	\$6,500.00
502.1-MH-RR	Remove & Replace 4' Dia. Sanitary Sewer Manhole	EA	6	\$6,000.00	\$36,000.00	\$7,000.00	\$42,000.00	\$8,609.00	\$51,654.00
502.2-CO	Install Sanitary Sewer Cleanout	EA	2	\$1,500.00	\$3,000.00	\$2,000.00	\$4,000.00	\$8,250.00	\$16,500.00
801	Temporary Barricading & Traffic Control	LS	1	\$15,000.00	\$15,000.00	\$5,000.00	\$5,000.00	\$14,275.00	\$14,275.00
				<b>Total Base Bid</b>	<b>\$355,198.00</b>	<b>Total Base Bid</b>	<b>\$385,336.00</b>	<b>Total Base Bid</b>	<b>\$417,688.52</b>

# 2022 ALLEY REHABILITATION PROJECT CWF22-530-06



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**CITY COUNCIL AGENDA  
JUNE 7, 2022**

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**ITEM/SUBJECT:** Resolution authorizing award of 28 bids to various vendors for the City's annual supply of bulk chemicals for water and wastewater treatment.

**INITIATING DEPT:** Public Works and Finance/Purchasing

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**STRATEGIC GOAL:** Efficiently Delivery City Services

**STRATEGIC OBJECTIVE:** N/A

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**COMMENTARY:** Bids were opened May 4, 2022 for the purchase of the City's estimated annual requirement of bulk chemicals used for the treatment of water and wastewater. The term of the contract is for one (1) year, with a one (1) year renewal option.

Bids were requested for the estimated annual requirements of twenty-eight (28) chemicals. Attached is a summary of the chemicals, their applications, and the bid tabulations. The total budgeted cost for these products is \$3,794,868.15. Chemicals are ordered on an "as needed" basis.

The cost summary of 2019 and 2022 is included for Council information. The large increase of the total bid amount of \$1.1 million is indicative of the inflationary costs that are being seen in the water sector across the nation for chemicals and equipment.

Bid submissions contain vendors' agreement to supply more or less of the estimated quantities at the prices quoted. Staff recommends award of 28 bids for water and wastewater treatment chemicals as indicated.

☒ **Purchasing**

☒ **Director of Public Works**

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**ASSOCIATED INFORMATION:** Resolution , Bid Tab

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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

**Resolution authorizing award of 28 bids to various vendors for the City's annual supply of bulk chemicals for water and wastewater treatment**

WHEREAS, the City of Wichita Falls advertised and requested bids for the purchase of the annual supply of chemicals for water and wastewater treatment; and,

WHEREAS, bids were received and publicly opened on May 4, 2022; and,

WHEREAS, the City Council desires to purchase chemicals for the City's water and wastewater treatment operations.

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

Authorization is granted to award 26 bids and 2 extensions for the purchase of bulk water and wastewater treatment for each chemical as follows:

- Anhydrous Ammonia to Airgas Specialty Products, Inc. in the amount of \$134,400.00.
- Aquamag to Shannon Chemical Corporation in the amount of \$10,077.50.
- Calcium Oxide (Pebble Quicklime) to Texas Lime Company in the amount of \$682,830.00.
- Copper Sulfate to Vineera Chemicals, LLC in the amount of \$18,560.00.
- Liquid Ferric Chloride to PVS Technologies, Inc. in the amount of \$438,000.00.
- Citric Acid (Food Grade) to Water Tech, Inc. in the amount of \$6,880.00.
- Hydrofluosilicic Acid (Fluoride) to Univar Solutions USA Inc. in the amount of \$37,700.00.
- Lime Slurry to Lhoist North America of Texas, LTD. in the amount of \$147,660.00.
- Liquid Ammonium Sulfate to Chemtrade Chemicals US LLC in the amount of \$101,200.00.
- Liquid Carbon Dioxide to Linde, Inc. in the amount of \$177,625.00.
- Bulk Liquid Chlorine to DPC Industries Company in the amount of \$459,000.00.
- Liquid Chlorine Cylinders to DPC Industries Inc. in the amount of \$257,040.00.
- Liquid Citric Acid to Water Tech Inc. in the amount of \$95,320.50.
- Aqualum Polymer to Polydyne Inc. in the amount of \$9,288.00.
- Liquid Ferric Sulfate to Chemtrade Chemicals US LLC in the amount of \$505,241.64.
- Liquid Hydrochloric Acid to PVS Minibulk in the amount of \$13,900.00.

- Liquid Oxygen to Matheson Tri-Gas, Inc. in the amount of \$24,300.00.
- Liquid Sodium Bisulfite to Univar Solutions USA Inc., in the amount of \$81,000.00.
- Liquid Sodium Chlorite to International Dioxide, Inc. in the amount of \$150,220.00.
- Liquid Sodium Hydroxide (Caustic Soda) to Water Tech Inc. in the amount of \$34,510.00.
- Liquid Sodium Hypochlorite to PVS Minibulk, Inc. in the amount of \$38,594.40.
- Sulfur Dioxide to DPC Industries, Limited Partnership in the amount of \$165,240.00.
- Liquid Sulfuric Acid to Univar Solutions USA Inc. in the amount of \$78,416.00.
- Potassium Permanganate to Chemrite, Inc. in the amount of \$11,571.00.
- Powdered Activated Carbon to Cabot Norit Americas, Inc. in the amount of \$48,000.00.
- Scale Inhibitor/Antiscalant to Avista Technologies, Inc. in the amount of \$13,978.99.
- Wacker Silfoam to Univar Solutions USA Inc. in the amount of \$27,315.12.
- Belt Press Polymer to Polydyne Inc. in the amount of \$27,000.00.

PASSED AND APPROVED this the 7th day of June, 2022.

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M A Y O R

ATTEST:

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City Clerk

## 2022 BULK CHEMICALS - TABULATIONS

BID: 22-12  
 CHEMICAL: ANHYDROUS AMMONIA  
 PURPOSE: Form chloramines for disinfection  
 AMOUNT: 56 TONS 2019 COST: \$995/TON

VENDOR	UNIT COST	EXTENDED COST
AIRGAS SPECIALTY PRODUCTS, INC.	\$ 2,400.00	\$ 134,400.00
UNIVAR SOLUTIONS USA INC.	NO BID	

**STAFF RECOMMENDATION:**

Award of bid to Airgas Specialty Products, Inc., in the amount of \$134,400.00.

BID: 22-13  
 CHEMICAL: AQUAMAG  
 PURPOSE: Chelation of Calcium Carboonate across water plant filters  
 AMOUNT: 7,250 LBS 2019 COST: \$0.54/LB

VENDOR	UNIT COST	EXTENDED COST
BRENNTAG SOUTHWEST, INC	NO BID	
CHEMRITE, INC.	NO BID	
SHANNON CHEMICAL CORPORATION	\$ 1.39	\$ 10,077.50
UNIVAR SOLUTIONS USA INC.	\$ 1.525	\$ 11,056.25

**STAFF RECOMMENDATION:**

Award of bid to Shannon Chemical Corporation, in the amount of \$10,077.50.

BID: 22-14  
 CHEMICAL: CALCIUM OXIDE (PEBBLE QUICKLIME)  
 PURPOSE: Softening of drinking water  
 AMOUNT: 3,000 TON 2019 COST: \$208.85/TON

VENDOR	UNIT COST	EXTENDED COST
LHOIST NORTH AMERICA OF TEXAS, LTD	\$ 282.000	\$ 846,000.00
TEXAS LIME COMPANY	\$ 227.610	\$ 682,830.00
UNIVAR USA	NO BID	

**STAFF RECOMMENDATION:**

Award of bid to Texas Lime Company, in the amount of \$682,830.00

## 2022 BULK CHEMICALS - TABULATIONS

**BID:** 22-15  
**CHEMICAL:** COPPER SULFATE  
**PURPOSE:** Control of algae  
**AMOUNT:** 8,000 LBS **2019 COST:** \$1.575/LB

VENDOR	UNIT COST	EXTENDED COST
BRENTAG SOUTHWEST, INC.	NO BID	
CHEMRITE, INC.	\$ 2.58	\$ 20,640.00
UNIVAR SOLUTIONS USA INC.	NO BID	
VINEERA CHEMICALS, LLC	\$ 2.32	\$ 18,560.00
WATER TECH INC.	\$ 2.49	\$ 19,920.00

**STAFF RECOMMENDATION:**

Award of bid to Vineera Chemicals, LLC in the amount of \$18,560.00.

**BID:** 22-16  
**CHEMICAL:** LIQUID FERRIC CHLORIDE  
**PURPOSE:** Treatment of Wastewater  
**AMOUNT:** 200,000 GAL **2019 COST:** \$1.57/GAL

VENDOR	UNIT COST	EXTENDED COST
PENCCO, INC.	\$ 1.76	\$ 352,000.00
PVS TECHNOLOGIES, INC.	\$ 2.19	\$ 438,000.00
UNIVAR SOLUTIONS USA INC.	NO BID	

**STAFF RECOMMENDATION:**

Due to past customer service issues with the low bidder and their inability to correct said issues, staff recommends the award of bid to PVS Technologies in the amount of \$438,000.00.

**BID:** 22-17  
**CHEMICAL:** CITRIC ACID (FOOD GRADE)  
**PURPOSE:** Treatment of drinking water  
**AMOUNT:** 4,000 LBS **2019 COST:** \$0.84/LB

VENDOR	UNIT COST	EXTENDED COST
BRENTAG SOUTHWEST, INC.	NO BID	
CHEMRITE, INC.	\$ 3.99	\$ 15,960.00
UNIVAR SOLUTIONS USA INC.	NO BID	
WATER TECH, INC.	\$ 1.72	\$ 6,880.00

**STAFF RECOMMENDATION:**

Award of bid to Water Tech, Inc. in the amount of \$6,880.00.

## 2022 BULK CHEMICALS - TABULATIONS

BID: 22-18  
 CHEMICAL: HYDROFLUOSILICIC ACID (FLUORIDE)  
 PURPOSE: Fluoridation of Drinking Water  
 AMOUNT: 14,500 GAL 2019 COST: \$1.80/GAL

VENDOR	UNIT COST	EXTENDED COST
PENCCO, INC.	\$ 2.87	\$ 41,615.00
UNIVAR SOLUTIONS USA INC.	\$ 2.60	\$ 37,700.00

**STAFF RECOMMENDATION:**

Award of bid to Univar USA, Inc., in the amount of \$37,700.00.

BID: 22-19  
 CHEMICAL: LIME SLURRY  
 PURPOSE: Treatment of Wastewater  
 AMOUNT: 214,000 GAL 2019 COST: \$0.53/GAL

VENDOR	UNIT COST	EXTENDED COST
LHOIST NORTH AMERICA OF TEXAS	\$ 0.69	\$ 147,660.00
UNIVAR SOLUTIONS USA INC.	NO BID	

**STAFF RECOMMENDATION:**

Award of bid to Lhoist North America of Texas, in the amount of \$147,660.00.

BID: 22-20  
 CHEMICAL: LIQUID AMMONIUM SULFATE  
 PURPOSE: Generation of Chloramine disinfectant on MFs.  
 AMOUNT: 40,000 GAL 2019 COST: \$1.058/GAL

VENDOR	UNIT COST	EXTENDED COST
BRENNTAG SOUTHWEST, INC	NO BID	
CHEMTRADE CHEMICALS US LLC	\$ 2.53	\$ 101,200.00
UNIVAR SOLUTIONS USA INC.	\$ 3.90	\$ 156,000.00

**STAFF RECOMMENDATION:**

Award of bid to Chemtrade Chemicals US LLC in the amount of \$101,200.00.



## 2022 BULK CHEMICALS - TABULATIONS

**BID:** 22-21  
**CHEMICAL:** LIQUID CARBON DIOXIDE  
**PURPOSE:** pH Stabilization  
**AMOUNT:** 725 TONS **2019 COST:** \$149/TON

VENDOR	UNIT COST	EXTENDED COST
LINDE, INC.	\$ 245.00	\$ 177,625.00
UNIVAR SOLUTIONS USA INC.	NO BID	

**STAFF RECOMMENDATION:**

Award of bid to Linde, Inc. in the amount of \$177,625.00.

**BID:** 22-22  
**CHEMICAL:** LIQUID CHLORINE  
**PURPOSE:** Disinfection in water and wastewater plants  
**AMOUNT:** BULK - 250 TONS **2019 COST:** \$779/TON BULK  
**\$710/TON CYLINDERS**  
 1-TON CYLINDERS - 140 TONS

VENDOR	BULK COST		1- TON CYLINDERS	
	UNIT	EXT	UNIT	EXT
DPC INDUSTRIES COMPANY	\$ 1,836.00	\$ 459,000.00	NO BID	
DPC INDUSTRIES INC.	NO BID		\$ 1,836.00	\$ 257,040.00

**STAFF RECOMMENDATION:**

Award of bid for Bulk Chlorine to DPC Industries Company in the amount of \$459,000.00

Award of bid for 1-Ton Cylinders to DPC Industries Inc. in the amount of \$257,040.00.

**BID:** 22-23  
**CHEMICAL:** LIQUID CITRIC ACID 50%  
**PURPOSE:** Cleaning compound for micro-filter elements  
**AMOUNT:** 5,830 GAL **2019 COST:** \$7.13/GAL

VENDOR	UNIT COST	EXTENDED COST
CHEMRITE, INC.	\$ 21.20	\$ 123,596.00
SHANNON CHEMICAL CORPORATION	\$ 19.44	\$ 113,335.20
UNIVAR SOLUTIONS USA INC.	NO BID	
WATER TECH INC.	\$ 16.35	\$ 95,320.50

**STAFF RECOMMENDATION:**

Award of bid to Water Tech Inc. in the amount of \$95,320.50.

## 2022 BULK CHEMICALS - TABULATIONS

BID: 22-24  
 CHEMICAL: AQUALUM POLYMER  
 PURPOSE: Coagulant Aid in Drinking Water  
 AMOUNT: 1,500 GAL 2017 COST: N/A - NEW

VENDOR	UNIT COST	EXTENDED COST
BRENNTAG SOUTHWEST, INC.	\$ 9.4413	\$ 14,161.95
POLYDYNE INC.	\$ 6.192	\$ 9,288.00
UNIVAR SOLUTIONS USA INC.	NO BID	

**STAFF RECOMMENDATION:**

Award of bid to Polydyne Inc. in the amount of \$9,288.00.

BID: 22-25  
 CHEMICAL: LIQUID FERRIC SULFATE  
 PURPOSE: Coagulation for drinking water  
 AMOUNT: 241,200 GAL 2019 COST: \$1.317/GAL

VENDOR	UNIT COST	EXTENDED COST
CHEMTRADE CHEMICALS US LLC	\$ 2.0947	\$ 505,241.64
PENCCO, INC.	\$ 2.180	\$ 525,816.00
UNIVAR SOLUTIONS USA INC.	NO BID	

**STAFF RECOMMENDATION:**

Award of bid to Chemtrade Chemicals US LLC, in the amount of \$505,241.64.

BID: 22-26  
 CHEMICAL: LIQUID HYDROCHLORIC ACID  
 PURPOSE: Ingredient for generation of Chlorine Dioxide at Headquarters Rd.  
 AMOUNT: 5,000 GAL 2019 COST: 2.78/GAL

VENDOR	UNIT COST	EXTENDED COST
UNIVAR SOLUTIONS USA INC.	NO BID	

**STAFF RECOMMENDATION:**

Since no bids were received for the annual supply of this product, Staff have made  
 arrangements to purchase the chemical from their current supplier, PVS Minibulk  
 at \$2.78/gal for the next year.

## 2022 BULK CHEMICALS - TABULATIONS

BID: 22-27  
 CHEMICAL: LIQUID OXYGEN  
 PURPOSE: Treatment of Wastewater  
 AMOUNT: 27,000 GAL 2019 COST: \$0.45/GAL

VENDOR	UNIT COST	EXTENDED COST
LINDE, INC		NO BID
UNIVAR SOLUTIONS USA INC.		NO BID

### STAFF RECOMMENDATION:

Since no bids were received for the annual supply of this product, Staff have made arrangements to purchase the chemical from their current supplier, **Matheson Tri-Gas, Inc** at **\$0.90/gal** for the next year.

BID: 22-28  
 CHEMICAL: LIQUID SODIUM BISULFITE 38%  
 PURPOSE: Chlorine Neutralizer  
 AMOUNT: 75 EA 330 GAL TOTE 2019 COST: \$774.01/TOTE

VENDOR	UNIT COST	EXTENDED COST
BRENNTAG SOUTHWEST, INC	\$ 1,404.00	\$ 105,300.00
HARCHEM LLC	\$ 1,102.50	\$ 82,687.50
<b>UNIVAR SOLUTIONS USA INC.</b>	<b>\$ 1,080.00</b>	<b>\$ 81,000.00</b>
WATER TECH INC	\$ 1,223.25	\$ 91,743.75

### STAFF RECOMMENDATION:

Award to Univar Solutions USA Inc. in the amount of \$81,000.00.

BID: 22-29  
 CHEMICAL: LIQUID SODIUM CHLORITE 25%  
 PURPOSE: Ingredient for generation of Chlorine Dioxide Disinfectant  
 AMOUNT: 290,000 WET LBS 2019 COST: 0.487/WET LB

VENDOR	UNIT COST	EXTENDED COST
EVOQUA WATER TECHNOLOGIES LLC	\$ 0.641	\$ 185,890.00
<b>INTERNATIONAL DIOXIDE, INC.</b>	<b>\$ 0.518</b>	<b>\$ 150,220.00</b>
UNIVAR SOLUTIONS USA INC.		NO BID

### STAFF RECOMMENDATION:

Award of bid to International Dioxide, Inc., in the amount of \$150,220.00.

## 2022 BULK CHEMICALS - TABULATIONS

**BID:** 22-30  
**CHEMICAL:** LIQUID SODIUM HYDROXIDE (CAUSTIC SODA)  
**PURPOSE:** PH Adjustment  
**AMOUNT:** 14,500 GAL **2019 COST:** \$1.066/GAL

VENDOR	UNIT COST	EXTENDED COST
MAVERICK LOGISTICS LLC	\$ 3.27	\$ 47,415.000
PVS MINIBULK INC.	\$ 2.386	\$ 34,597.00
UNIVAR SOLUTIONS USA INC.	NO BID	
<b>WATER TECH INC.</b>	<b>\$ 2.38</b>	<b>\$ 34,510.00</b>

**STAFF RECOMMENDATION:**

Award of bid to Water Tech Inc. in the amount of \$34,510.00

**BID:** 22-31  
**CHEMICAL:** LIQUID SODIUM HYPOCHLORITE 12.5%  
**PURPOSE:** Chlorinating Agent for RO Plant  
**AMOUNT:** 16,081 GAL **2019 COST:** \$1.9525/GAL

VENDOR	UNIT COST	EXTENDED COST
<b>PVS MINIBULK, INC.</b>	<b>\$ 2.4000</b>	<b>\$ 38,594.40</b>
UNIVAR SOLUTIONS USA INC.	NO BID	

**STAFF RECOMMENDATION:**

Award of bid to PVS Minibulk, Inc., in the amount of \$38,594.40

**BID:** 22-32  
**CHEMICAL:** SULFUR DIOXIDE  
**PURPOSE:** Dechlorination of Wastewater Effluent  
**AMOUNT:** 90 TONS **2019 COST:** \$810/TON

VENDOR	UNIT COST	EXTENDED COST
<b>DPC INDUSTRIES, INC.</b>	<b>\$ 1,836.00</b>	<b>\$ 165,240.00</b>
UNIVAR SOLUTIONS USA INC.	NO BID	

**STAFF RECOMMENDATION:**

Award of bid to DPC Industries, Inc., in the amount of \$165,240.00.

## 2022 BULK CHEMICALS - TABULATIONS

**BID:** 22-33  
**CHEMICAL:** LIQUID SULFURIC ACID 93%  
**PURPOSE:** PH Adjustment for RO membrane  
**AMOUNT:** 15,080 GAL **2019 COST: \$2.85/GAL**

VENDOR	UNIT COST	EXTENDED COST
UNIVAR SOLUTIONS USA INC.	\$ 5.20	\$ 78,416.00

**STAFF RECOMMENDATION:**

Award of bid to Univar Solutions USA Inc. in the amount of \$78,416.00.

**BID:** 22-34  
**CHEMICAL:** POTASSIUM PERMANGANATE  
**PURPOSE:** Taste and odor treatment  
**AMOUNT:** 4,350 LBS **2019 COST: \$1.74/LB**

VENDOR	UNIT COST	EXTENDED COST
BRENNTAG SOUTHWEST, INC	NO BID	
CHEMRITE, INC.	\$ 2.66	\$ 11,571.00
SHANNON CHEMICAL CORPORATION	\$ 2.87	\$ 12,484.50
UNIVAR SOLUTIONS USA INC	\$ 5.55	\$ 24,142.50
WATER TECH INC.	\$ 3.16	\$ 13,746.00

**STAFF RECOMMENDATION:**

Award of bid to Chemrite, Inc., in the amount of \$11,571.00.

**BID:** 22-35  
**CHEMICAL:** POWDERED ACTIVATED CARBON  
**PURPOSE:** Taste and odor treatment  
**AMOUNT:** 30 TONS **2019 COST: \$1320/TON**

VENDOR	UNIT COST	EXTENDED COST
CABOT NORIT AMERICAS INC.	\$ 1,600.00	\$ 48,000.00
CHEMRITE, INC.	\$ 2,699.00	\$ 80,970.00
UNIVAR SOLUTIONS USA INC.	NO BID	

**STAFF RECOMMENDATION:**

Award of bid to Cabot Norit Americas Inc., in the amount of \$48,000.00.

## 2022 BULK CHEMICALS - TABULATIONS

BID: 22-36  
 CHEMICAL: SCALE INHIBITOR / ANTISCALANT  
 PURPOSE: Control of Scale in RO Plant  
 AMOUNT: 1054 Gallons 2019 COST: \$7.896/GAL

VENDOR	PPM	GALLONS	UNIT COST	EXTENDED COST
AMERICAN WATER CHEMICALS (AMAYA SOLUTIONS)	2	2108	\$ 9.18	\$ 19,351.44
AVISTA TECHNOLOGIES	1	1054	\$ 13.2628	\$ 13,978.99
CONSOLIDATED WATER SOLUTIONS	3	3162	\$ 13.50	\$ 42,687.00
UNIVAR SOLUTIONS USA INC.			NO BID	

**STAFF RECOMMENDATION:**

Scale Inhibitor for the RO is based on water chemistry and product performance. While Avista Technologies is a higher unit price, it utilizes a lower dosage. Award of bid to Avista Technologies in the amount of \$13,978.99.

BID: 22-37  
 CHEMICAL: WACKER SILFOAM  
 PURPOSE: De-foaming agent for RO Plant  
 AMOUNT: 21 DRUMS (55 GAL PER DRUM) 2017 COST: \$614.35/DRM

VENDOR	UNIT COST	EXTENDED COST
UNIVAR SOLUTIONS USA INC.	1,300.72	27,315.12

**STAFF RECOMMENDATION:**

Award of bid to Univar Solutions USA Inc. in the amount of \$27,315.12.

BID: 22-38  
 CHEMICAL: BELT PRESS POLYMER  
 PURPOSE: Treatment of water plant sludge  
 AMOUNT: 10,000 LBS 2019 COST: \$2.86/LB

VENDOR	UNIT COST	EXTENDED COST
POLYDYNE INC.	2.70	27,000.00
UNIVAR SOLUTIONS USA INC.	NO BID	

**STAFF RECOMMENDATION:**

Award of bid to Polydyne Inc. in the amount of \$27,000.00.

**BULK CHEMICAL COST ANALYSIS  
2019 VS 2022**

BID	QTY	UOM	DESCRIPTION	TOTAL 2019	TOTAL 2022
22-10	56	TONS	ANHYDROUS AMMONIA	\$ 44,800.00	\$ 134,400.00
22-13	7,250	LBS	AQUAMAG	\$ 3,820.75	\$ 10,077.50
22-14	3,000	TONS	CALCIUM OXIDE (PEBBLE QUICKLIME)	\$ 626,550.00	\$ 682,830.00
22-15	8,000	LBS	COPPER SULFATE	\$ 12,600.00	\$ 18,560.00
22-16	200,000	GAL	LIQUID FERRIC CHLORIDE	\$ 376,800.00	\$ 438,000.00
22-17	4,000	LBS	CITRIC ACID (FOOD GRADE)	\$ 3,360.00	\$ 6,880.00
22-18	14,500	GAL	HYDROFLUOSILICIC ACID (FLUORIDE)	\$ 26,100.00	\$ 37,700.00
22-19	214,000	GAL	LIME SLURRY	\$ 113,420.00	\$ 147,660.00
22-20	40,000	GAL	LIQUID AMMONIUM SULFATE	\$ 42,320.00	\$ 101,200.00
22-21	725	TONS	LIQUID CARBON DIOXIDE	\$ 108,025.00	\$ 177,625.00
22-22	250	TONS	LIQUID CHLORINE (BULK)	\$ 194,750.00	\$ 459,000.00
	140	TONS	LIQUID CHLORINE (1-TON CYLINDERS)	\$ 113,600.00	\$ 257,040.00
22-23	5,830	GAL	LIQUID CITRIC ACID 50%	\$ 41,567.90	\$ 95,320.50
22-24	1,500	GAL	AQUALUM POLYMER	\$ 9,075.00	\$ 9,288.00
22-25	241,200	GAL	LIQUID FERRIC SULFATE	\$ 317,660.40	\$ 505,241.64
22-26	5,000	GAL	LIQUID HYDROCHLORIC ACID	\$ 13,900.00	\$ 13,900.00
22-27	27,000	GAL	LIQUID OXYGEN	\$ 12,150.00	\$ 24,300.00
22-28	75	TOTE	LIQUID SODIUM BISULFITE 38%	\$ 58,050.75	\$ 81,000.00
22-29	290,000	WET LBS	LIQUID SODIUM CHLORITE 25%	\$ 141,230.00	\$ 150,220.00
22-30	14,500	GAL	LIQUID SODIUM HYDROXIDE (CAUSTIC)	\$ 14,239.00	\$ 34,510.00
22-31	16,081	GAL	LIQUID SODIUM HYPOCHLORITE 12.5%	\$ 31,398.15	\$ 38,594.40
22-32	90	TONS	SULFUR DIOXIDE	\$ 72,900.00	\$ 165,240.00
22-33	15,080	GAL	LIQUID SULFURIC ACID 93%	\$ 42,978.00	\$ 78,416.00
22-34	4,350	LBS	POTASSIUM PERMANGANATE	\$ 7,569.00	\$ 11,571.00
22-35	30	TONS	POWDERED ACTIVATED CARBON	\$ 39,600.00	\$ 48,000.00
22-36	1,054	GAL	SCALE INHIBITOR / ANTISCALANT	\$ 135,811.20	\$ 13,978.99
22-37	21	DRM	WACKER SILFOAM	\$ 23,148.30	\$ 27,315.12
22-38	10,000	LBS	BELT PRESS POLYMER (NEW)	\$ 28,600.00	\$ 27,000.00
				<b>\$ 2,656,023.45</b>	<b>\$ 3,794,868.15</b>

Difference **\$ 1,138,844.70**

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**CITY COUNCIL AGENDA**  
**June 7, 2022**

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**ITEM/SUBJECT:** Resolution authorizing the City Manager to execute a professional service agreement with Mead & Hunt for the Lift Station 25 Odor Control Study Project, in the amount of \$85,220.00.

**INITIATING DEPT:** Public Works and Finance/Purchasing

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**STRATEGIC GOAL:** Provide Quality Infrastructure

**STRATEGIC OBJECTIVE:** n/a

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**COMMENTARY:** Odors emanating from sewer facilities is a common issue associated with the conveyance and treatment of waste materials. Recent advancements in the understanding of these odors and abatement techniques has led to more efficient methodologies at controlling the odors around sewage facilities.

Lift Station 25, located in Weeks Park on Midwestern Parkway, is a primary component of the overall wastewater collection system. It intercepts untreated sewage from 3 different regions of the City and conveys the flow to the larger trunk main in Holliday Creek and ultimately to the Wichita Falls Resource Recovery Facility. This lift station has had a history of odor complaints from the residents in the area and with the addition of the trail system along Holiday Creek, we have seen our odor complaints increase, as more people pass in close proximity to the facility.

In an effort to abate the odors an Odor Control Study is necessary to help City staff understand the dynamics and causes of the odors at Lift Station 25. The study will evaluate the root cause for the odors, where and how they are being generated and evaluate an alternative to reduce odors at Lift Station 25.

The performance of an Odor Control Study at Lift Station 25 is currently budgeted in the Water/Sewer Special Items FY21/22 normal operating budget. The quote for the study is \$85,220.00, which is below the FY21/22 budgeted amount of \$100,000.00.

Mark Perkins, the lead engineer for the project, has successfully evaluated and designed odor control equipment and facilities for the City's Resource Recovery Facility and is very capable of completing this project. Therefore, staff recommends award of the performance of the Lift Station 25 Odor Control Study Project to Mead & Hunt, in the amount of \$85,220.00.

☒ **Director, Public Works**

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**ASSOCIATED INFORMATION:** Resolution, Agreement

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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

**Resolution authorizing the City Manager to execute a professional service agreement with Mead & Hunt for the Lift Station 25 Odor Control Study Project, in the amount of \$85,220.00**

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

WHEREAS, the City desires to improve the aesthetics in and around its wastewater infrastructure; and,

WHEREAS, the City finds it necessary to perform a study to evaluate the causes and dynamics of odors in and around Lift Station 25 on Midwestern Parkway; and,

WHEREAS, the City Council desires to have said study conducted.

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

City staff is authorized to contract for an Odor Control Study at Lift Station 25, from Mead & Hunt, in the amount of \$85,220.00.

PASSED AND APPROVED this the 7th day of June, 2022.

\_\_\_\_\_  
MAYOR

ATTEST:

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

**Professional Services Agreement between the City of Wichita Falls and  
Mead & Hunt for Engineering Services for the  
Lift Station 25 Odor Control Study Project**

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

**ENGINEER:** Mead & Hunt, Arlington, Tx. \_\_\_\_\_

**PROJECT:** ENGINEER will prepare plans, specifications and bid documents for the Lift Station 25 Odor Control Study Project.

**TIMETABLE:** ENGINEER shall complete the following tasks on or before the following dates:

1. Odor Abatement Sampling, Summary and Evaluation September 30, 2022

2. Ventilation Pilot Study November 30, 2022

The ENGINEER shall not be held responsible for failure to meet the aforementioned timetables in the event that the cause of delay is not the fault of the ENGINEER or the ENGINEER'S subcontractors.

**PAYMENT:**

1. **Payment for Basic Services.** OWNER agrees to pay the following amounts for Basic Services rendered pursuant to this contract, a total amount not to exceed \$ 85,220, subject to completion of the following phases:

Phase	Percentage of Project	Amount
1. Odor Abatement Sampling, Summary and Evaluation	48%	\$ 41,009
2. Ventilation Pilot Study	52%	\$ 44,211
<b>Total</b>	<b>100%</b>	<b>\$ 85,220</b>

2. **Payment for Additional Services.** OWNER shall pay ENGINEER for Additional Services requested and rendered as follows:

2.1. Payment for Additional Services of Engineer rendered under this contract shall be paid for at the following rate when supported by invoices.

Labor Category	2022 Hourly Rate
Principal	\$ 240
Senior Project Manager	\$ 225
Senior Regulatory Specialist	\$ 177
Senior Engineer	\$ 151
Graduate Engineer (1-2)	\$ 87
Graduate Engineer (3-4)	\$ 103
Professional Engineer	\$ 119
CAD / BIM Designer	\$ 120
Senior Project Designer	\$ 156
Admin	\$ 75
CAD Technician	\$ 83

Notes: Rates may be adjusted by up to 4% at the beginning of each calendar year.  
Subconsultants and other direct expenses will be billed at actual cost plus a 10% service charge unless otherwise noted.

Mileage Expense (outside 50 mile radius of Wichita Falls) . . . . . Current IRS reimbursement rate  
Actual cost of materials required for the job and expenses shall be charged at cost plus 10%.  
Overnight Expense/man — Actual Expenses

2.2. For expenses for Additional Services, ENGINEER shall be compensated at the actual cost to ENGINEER based on rates referenced above or as previously agreed upon in writing. Where field parties are used, expenses shall include charges for the use of any special instruments and equipment, including marine equipment, and expendable items such as stakes and monuments.

### **3. Times of Payments:**

3.1. Times of Payments---ENGINEER shall submit monthly statements for Basic and Additional Services rendered. For Basic Services, the statements will be based upon ENGINEER'S estimate of the proportion of the total services actually completed at the time of billing. OWNER shall make prompt monthly payments in response to ENGINEER'S monthly statements. Upon conclusion of each phase of Basic Services, OWNER shall pay such additional amount, if any, as may be necessary to bring total compensation paid on account of such phase to the following percentages of total compensation payable for all phases of Basic Services:

3.2. Past-due Payments---OWNER agrees to pay a charge of 1/4% per month on all invoiced owed amounts not paid within 30 days of the date of the invoice, calculated from the date of the invoice. In addition, ENGINEER may, after giving 10 days' written notice to OWNER, suspend services under this Agreement until the ENGINEER has been paid in full all amounts due for services and expenses.

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

**SERVICES OF ENGINEER--** ENGINEER shall perform professional engineering services as hereinafter stated which include customary incidental engineering services:

#### **Phase 1 - Odor Abatement Sampling, Summary and Evaluation**

1. Initial site visit to determine sampling locations and routing of sewer system to lift station 25 on Midwestern Parkway and surrounding area. Inspect interior condition of lift station, valve vault, and upstream collection system.
2. Procure six hydrogen sulfide loggers, four pressure differential loggers and miscellaneous supplies for hanging instruments for continuous monitoring at lift station, three upstream manholes and two downstream manholes.
3. Deploy loggers. It is assumed none of the manholes will be within roadways and the City will provide access to each manhole for logger deployment and retrieval.
4. Monitor loggers once remotely each work day during two week long sampling period to verify loggers are working as anticipated.
5. Retrieve loggers. Download and process data.
6. Review and evaluate construction plans for collection system in study area. Estimate natural ventilation rate of upstream collection system.
7. Evaluate air flow capacity of odor control system and treating foul air with biofiltration, bioscrubber, adsorptive media or a combination of technologies.
8. Research power and water availability in area for permanent odor control system installation and evaluate elevation issues in routing foul air duct and drain to and from an accessible collection system manhole.
9. Summarize logger data and present with summary memorandum of work performed, illustrative map and sampling observations.
10. Meet with City to present information.

Phase 01 includes two meetings with the City and two site visits, one to deploy instruments and one to retrieve instruments.

#### **Phase 02 - Ventilation Pilot Study**

1. Develop sampling protocol for evaluating impact of air ventilation for Lift Station 25 on Midwestern Parkway and surrounding area.
2. Meet with City staff to review the sampling protocol and discuss sampling schedule. Meet in the field to inspect the structure selected for ventilation and identify potential locations for a future odor control system.
3. Prepare for and conduct sampling, including procuring six OdaLogs, four pressure differential instruments, hot wire airflow meter, temporary odor control and miscellaneous equipment such as temporary covers to accommodate the odor control system and pressure differential loggers. Sample three different air flows across two sampling days to measure impact of air ventilation on sewer pressure and hydrogen sulfide levels.
4. Delineate collected data in tables and maps.
5. Prepare memorandum summarizing results. Include conceptual layout and opinion of probable cost for

- recommended solution.
6. Meet with City staff to review findings and conclusions.

Phase 02 includes two meetings with the City and one two-day site visit for ventilation pilot study.

**Notes applicable to tasks in Phases 01 and 02:**

1. Documents to be transmitted electronically. No printing included.
2. City to open lift station, vaults and manholes for deployment and retrieval of loggers and provide traffic control, as needed.
3. City to assist with selection of site(s) suitable for future odor control system.
4. Foul air ventilated to atmosphere during pilot. Treatment of foul air not included.

**GENERAL CONDITIONS:**

**1. Termination**—OWNER may terminate this Agreement upon 10 days written notice to ENGINEER with the understanding that all services being performed under this Agreement shall cease upon the date specified in such notice. In the event of early termination, ENGINEER shall invoice OWNER for all services completed and shall be compensated in an amount corresponding to the amount designated as compensation for each phase of the work satisfactorily completed and accepted plus an amount corresponding to the percentage of work satisfactorily completed and submitted to Owner for any phase partly completed on the effective date of the termination.

**2. Ownership & Maintenance of Documents**--All documents and digital files prepared and/or assembled by ENGINEER under this agreement shall become the property of the OWNER and shall be delivered to OWNER without restriction on future use. OWNER's re-use of documents on future projects will be at the sole risk of OWNER. ENGINEER may make copies of any and all documents for its files and re-use information contained therein. ENGINEER will maintain project records for three years after the OWNER has made final payment to the contractor and all other pending matters are closed and provide copies thereof to OWNER if requested.

**3. Controlling Law**--This agreement is performable and is to be governed by the law applicable in Wichita Falls, Texas. Sole venue for any action arising under this agreement shall be in Wichita County, Texas.

**4. Assignment of Contract**--ENGINEER shall not assign, sublet or transfer any rights under or interest in (including, but without limitations, monies that may become due or monies that are due) this Agreement without the written consent of the other. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Nothing contained in this paragraph shall prevent ENGINEER from employing independent consultants, associates, subcontractors, and employees to assist it in the performance of services hereunder.

**5. No Third-Party Beneficiaries**--Nothing herein shall be construed to give any rights or benefits to anyone other than OWNER and ENGINEER.

**6. Independent Contractor**--In performing services under this agreement, the relationship between OWNER and ENGINEER is that of independent contractor, and OWNER and ENGINEER by the execution of this Agreement do not change the independent contractor status of ENGINEER. No term or provision of this agreement or act of ENGINEER in the performance of this Agreement shall be construed as making ENGINEER or any agent, servant or employee of ENGINEER the agent, servant or employee of OWNER.

**7. Indemnity**--ENGINEER agrees to release, defend, indemnify, and hold the OWNER whole and harmless against any and all claims, suits, and actions for damages, costs, and expenses to persons or property that may arise out of, or be occasioned by or from any negligent act, error or omission of ENGINEER or any officer, agent, servant, employee or subcontractor of ENGINEER in the execution or performance of this contract. In the event of notice of a claim to which this indemnity might apply, so much of the money due the ENGINEER under this contract as shall be reasonably considered necessary by the OWNER may be retained for the use of the OWNER, until all suits, actions, and claims shall have been settled and satisfactory evidence to that effect furnished the OWNER. The ENGINEER further agrees to release, defend, indemnify, and hold harmless the OWNER and the OWNER's officers, agents, and employees from liability for any claims of injuries or damage made by or on behalf of ENGINEER or any of ENGINEER's officers, agents, or employees resulting from the performance or attempted performance of this contract regardless of whether the injury or

damage is caused in whole or in part by any acts or omissions of OWNER or any hidden or apparent condition of property owned or controlled by the OWNER. This indemnity shall not apply to any claim to the extent to which ENGINEER is prohibited from indemnifying a governmental entity pursuant to Tex. Local Gov't Code § 271.904 or other law.


This agreement and said attachments may only be amended, supplemented, modified or canceled by a duly executed written instrument.

EXECUTED, this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

OWNER: City of Wichita Falls, Texas

ENGINEER: Mead & Hunt

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

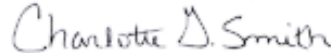
  
\_\_\_\_\_  
Mark Perkins, Vice President

(seal)

ATTEST:

ATTEST:

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

  
\_\_\_\_\_  
Charlotte Smith, Project Manager

FORM APPROVED:

\_\_\_\_\_  
Kinley Heggland, City Attorney

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**CITY COUNCIL AGENDA**  
**June 7, 2022**

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**ITEM/SUBJECT:** Resolution approving the programs and expenditures of the Wichita Falls Economic Development Corporation (WFEDC/4A) by amending the budget to include an up to \$57,462.50 to Howmet Aerospace to support the company's purchase of a new filtration system and the retention of 609 employees at their Wichita Falls operation.

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

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**STRATEGIC GOAL:** Accelerate Economic Growth

**STRATEGIC OBJECTIVE:** Encourage...Recruitment of High Value Businesses

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**COMMENTARY:**

Pursuant to Texas Local Government Code §501.073(a) "The corporation's authorizing unit (i.e. City Council) will approve all programs and expenditures of a corporation and annually review any financial statements of the corporation."

Timeline

- May 19, 2022 – WFEDC Board hears and approves request from Howmet.
- June 7, 2022 – City Council to consider ratifying WFEDC budget amendment to facilitate project.

Summary

This item is to consider approval of an amendment to the WFEDC's (4A) budget to include an up to a \$57,462.50 expenditure to facilitate the second filtration project at their Wichita Falls facility. This expenditure represents 50% of the cost of the filtration project, with Howmet paying the other half. The Board and City Council previously approved \$72,750, representing 75% of the total cost, of the first filtration project at the facility which is currently underway.

On May 19, 2022, the WFEDC considered and approved this item (see attached). The WFEDC's economic development staff at the Chamber of Commerce will be at the City Council meeting to provide details on the company and project. The WFEDC's May 2022 Financial Report shows the corporation has approximately \$8.8M in available funds to facilitate this project.

The WFEDC Board and City staff recommends approval of this resolution.

☒ **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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**WICHITA FALLS ECONOMIC DEVELOPMENT CORPORATION**

**Project Review**

**19 May 2022**

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SUBJECT: Howmet Oberlin Filtration Project

INITIATED BY: Henry Florsheim and Taylor Davis

ATTACHED: Project Sheet and Economic Impact Study

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**Commentary:**

Following support from the 2021 project to assist Howmet Aerospace with the purchase of equipment, 600 GPD Filtration System from Oberlin Filter Company, in which Howmet Aerospace was required to increase their employment count by 73 for a total of 529 FTEs over one year. The installation of the 600 GPD Filtration System from Oberlin Filter Company serves to remove any solid prior to entering the sewer eliminating any risk of noncompliance of environmental wastewater and will therefore satisfy permitting at their location that states:

1. The permittee shall not discharge any pollutant or wastewater which cause pass through or interference at the above outfall,
2. The permittee shall not discharge wastewater containing any of the following substance from the outfall: Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than two inches (2") or five centimeters (5 cm) in any dimension.

However, to adequately support their needs in mitigating risk associated with effluent waste, Howmet Aerospace requires installation of two 600 GPD Filtration Systems from Oberlin Filter Company. Since the initiation of prior support, Howmet Aerospace has been able to increase their employment beyond the 529 minimum for a total current headcount of 609 FTEs. As a result, they seek support in purchasing a second system for their site which will eliminate all concern around wastewater discharge.

*This project will include:*

- Purchase and installation of a second 600 GPD Filtration Systems from Oberlin Filter Company at a total cost of \$114,925.00.
- Retention of a minimum of 609 FTEs.
  - Average facility wages equal to \$23.60/hour.
  - Benefits include: Medical, dental, vision, life insurance, vacation days, company paid holidays, 401K.

**Local Incentive Proposal:**

The Chamber is recommending the following support with conditions:

- Forgivable loan offered up front in the amount of \$57,462.50, equivalent to 50% of the total project cost

- Loan terms will extend over the course of one year. The balance will be forgiven at an annual rate of 100%, as the burden of performance met through employment milestones, including the retention of 609 existing FTEs.
- Forgiveness will be calculated at rate of \$94.35/FTE, in which failure to meet minimum employment count will justify that Howmet Aerospace reimburse the EDC \$94.35 for each employee that they are below their 609 headcount.

We are basing this proposed incentive on the following assumptions:

- Howmet Aerospace will purchase the 600 GPD Filtration System from Oberlin Filter Company at a rate of \$114,925.00 for installation in their second facility.
- Howmet Aerospace will allow Chamber staff and members of the WFEDC into their facility to verify installation, including photographs of the equipment.
- Howmet Aerospace will retain a minimum of 609 existing FTEs, with verification of employment at the one-year mark.
- Howmet Aerospace will provide data to assist in the reconciliation processes.

#### **Economic Impact:**

At 609 FTEs, Howmet Aerospace generates just under \$30 million in community payroll with wages that are above average and competitive in our MSA's labor market.

#### **Considerations:**

##### *Pro*

- Supporting business and labor force recovery from pandemic.
- Wages between the 50<sup>th</sup> and 75<sup>th</sup> percentile for the MSA, indicating competitiveness.
- Comprehensive benefit packages for employees.

##### *Con*

- Generally cyclical labor force:
  - 2021 = 485
  - 2020 = 710
  - 2019 = 1123
  - 2018 = 1063
  - 2017 = 906
- Recently incentivized the first Oberlin system, this request is for a second. First has not yet been installed due to vendor delays.
- Equipment does not directly correlate to job creation.

**Proposed Motion Language:** To provide a forgivable loan to Howmet in the amount of \$57,462.50 to support the company's purchase of a new filtration system and the retention of 609 employees at their Wichita Falls operation.

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

**Resolution approving the programs and expenditures of the Wichita Falls Economic Development Corporation (WFEDC) and amending the budget to include up to \$57,462.50 expenditure to Howmet Aerospace to support the company's purchase of a new filtration system and the retention of 609 employees at their Wichita Falls operation**

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

WHEREAS, on May 19, 2022, the WFEDC approved the Project listed below and as stated in its agenda.

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

1. The Wichita Falls Economic Development Corporation's approval and funding of the following programs and expenditures as described below and in said corporation's agenda, are approved:

**Delta T Thermal Solutions Project:**

- A total of up to \$57,462.50 to Howmet Aerospace to support the company's purchase of a new filtration system and the retention of 609 employees at their Wichita Falls operation.

2. The current fiscal year budget of the WFEDC is amended to provide for the aforementioned expenditures and changes thereto.

PASSED AND APPROVED this the 7th day of June, 2022.

\_\_\_\_\_  
MAYOR

ATTEST:

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