

## City of Wichita Falls City Council Agenda



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



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

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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, August 2, 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: Father Brian Chase  
Church of the Good Shepherd
- (b) Pledge of Allegiance
3. Presentations
  - (a) Employee of the month - Jennifer Carter, Police Department
  - (b) Proclamation – National Health Center Week, North Central Texas Community Healthcare Center
  - (c) Proclamation – National 811 Day, Atmos Energy

## CONSENT AGENDA

4. Approval of minutes of the July 19, 2022, Regular Meeting of the Mayor and City Council.
5. Receive Minutes
  - (a) Wichita Falls 4B Sales Tax Corporation, April 7, 2022
  - (b) Wichita Falls Economic Development Corporation, May 19, 2022
  - (c) Planning & Zoning Commission, June 8, 2022

## REGULAR AGENDA

6. Ordinances
  - (a) 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
  - (b) Ordinance of the City Council of the City of Wichita Falls, Texas, adopting a Redistricting Plan to change the boundaries of the City's five (5) single-member Council Districts based on 2020 Census data, and providing for incorporation of the Redistricting Plan map in accordance with Section 2-26 of the City of Wichita Falls, Code of Ordinances
7. Resolutions
  - (a) Resolution authorizing the City Manager to apply for non-matching Grant Funds from the FY 2022 Edward Byrne Memorial Justice Assistance Grant Program in the amount of \$30,141.00 with co-applicant, Wichita County Sheriff's Office
  - (b) Resolution finding that Leetech Solutions, LLC is in material breach of contract for the 2021 Lift Station 15, 36 & 39 Rehabilitation Project, and declaring an immediate termination of contract
  - (c) Resolution authorizing the purchase of two Smith & Loveless Model 4B2X Star One assemblies and one control panel from Smith & Loveless, Inc., in the amount of \$74,041.00 as part of the planned rehabilitation of Lift Station 61.
  - (d) Resolution amending the award of certain chemicals to authorize the City to revoke the awards issued to Water Tech Inc. and award certain chemicals to Univar Solutions, Shannon Chemical Corporation, and

Chemrite Inc. as part of the City's annual supply of bulk chemicals for water and wastewater treatment

- (e) Resolution authorizing award of bid for the City's estimated annual supply of unleaded gasoline and low sulfur diesel fuel to W. Douglas Distributing, LTD. (d.b.a Douglas Distributing)
- (f) Resolution approving a substantial amendment to the PY 2019 Community Development Block Grant (CDBG) Annual Action Plan of the 2015-2019 Consolidated Plan to reallocate \$600,304.95 of CDBG – Coronavirus (CDBG-CV) funding through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) in a special allocation from US Department of Housing and Urban Development (HUD)
- (g) Resolution approving a substantial amendment to the 2021 Action Plan Amendment of the 2020-2024 Consolidated Plan and the HOME-American Rescue Plan (HOME-ARP) Allocation Plan of the City of Wichita Falls to include any and all revisions to the plans approved by the U.S. Department of Housing and Urban Development (HUD), to receive and administer a special allocation of \$1,572,080 in HOME-ARP funds through the American Rescue Plan (ARP) in a special allocation from HUD
- (h) Resolution approving the 2022 Action Plan of the 2020-2024 Consolidated Plan of the City of Wichita Falls to include any and all revisions to the plans approved by the U.S. Department of Housing and Urban Development (HUD), to allocate FY 2022 Community Development Block Grant (CDBG) funds in the amount of \$1,203,986, reallocate \$100,000 in prior year CDBG funding, and 2022 HOME Investment Partnership Program (HOME) funds in the amount of \$449,845; authorizing the City Manager to execute HUD grant applications and agreements to implement the approved plans, to include any and all revisions approved by HUD
- (i) Resolution appropriating a total of \$150,000 of American Rescue Plan (ARPA) Funding to the City's General Fund for payment of salary and benefits for a Senior Grant Accountant position

8. Other Council Matters

(a) Staff Reports

- (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

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 Leetech Solutions, LLC).

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 27<sup>th</sup> day of July, 2022 at 4:00 o'clock p.m.

  
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City Clerk

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**CITY COUNCIL AGENDA**  
**August 2, 2022**

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

**INITIATING DEPT:** Police

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**NAME:** Jennifer Carter

**DEPARTMENT:** Records

**HIRE DATE:** May 10, 2016

**PRESENT POSITION:** Records Clerk

**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  
July 19, 2022



**Item 1 - Call to Order**

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

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

Absent: Councilor Michael Smith, District 1, and Councilor Tim Brewer, District 4

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

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**Item 2a – Invocation**

Reggie Coe, Chaplain, Grace Church, gave the invocation.

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**Item 2b – Pledge of Allegiance**

Mayor Santellana led the Pledge of Allegiance.

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**Item 3a – Employee of the Month – Luis Trillo, Public Works – Street Maintenance**  
8:32 a.m.

Russell Schreiber, Director of Public Works, recognized Luis Trillo as the Employee of the Month for July 2022 and shared a brief video. Mayor Santellana congratulated Mr. Trillo and presented him with a plaque, letter of appreciation, dinner for two, and a check, and thanked him for his service.

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**Item 4-5 – Consent Items**  
8:36 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 Whiteley and carried by the following vote:

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

Nays: None

**Item 4 – Approval of Minutes of the June 21, 2022, Regular Meeting of the Mayor and City Council**

**Item 5 – Receive Minutes**

- (a) Library Advisory Board, March 22, 2022
- (b) Wichita Falls-Wichita County Public Health Board, March 25, 2022
- (c) Landmark Commission, April 26, 2022
- (d) Park Board, April 28, 2022
- (e) Construction Board of Adjustment, June 13, 2022
- (f) Lake Wichita Revitalization Committee, June 14, 2022

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**Item 6a(i) – Public Hearing on an Ordinance adopting the 2018 International Swimming Pool and Spa Code (ISPSC) and associated amendments**  
8:37 a.m.

Mayor Santellana opened the public hearing at 8:37 a.m.

Terry Floyd, Director of Development Services, discussed the adoption of the 2018 International Swimming Pool and Spa Code (ISPSC) as recommended by staff and the

Construction Board of Adjustments and Appeals (CBOA) including one local amendment to require carbon monoxide detectors in public pool equipment rooms when fuel-fired equipment is housed inside the equipment room.

Councilor Browning asked if the detectors would be electrical or battery operated and Mr. Floyd said they could be either.

There were no public comments.

Mayor Santellana closed the public hearing at 8:39 a.m.

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**Item 6a(ii) – Ordinance 24-2022**

8:38 a.m.

Ordinance adopting the 2018 International Swimming Pool and Spa Code (ISPSC) and associated amendments.

Moved by Councilor Browning to approve Ordinance 24-2022.

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

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

Nays: None

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**Item 6b – Ordinance 25-2022**

8:39 a.m.

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.

Moved by Councilor Browning to approve Ordinance 25-2022 including Exhibit A.

Motion seconded by Councilor Whiteley.

Terry Floyd, Director of Development Services discussed the history and timeline of adoption of the 2017 NEC, CBOA and local contractor meetings, and the proposed local amendments in Exhibit A. The CBOA unanimously recommended adoption and codification of the 2017 NEC, and staff recommends approval.

Councilor Jackson asked for clarification on why this is being adopted, and why contractors were against this. There was brief discussion regarding concerns being addressed in various public meetings, and that the CBOA, homebuilders, and contractors recommend approval with the proposed amendments. Councilor Jackson asked that Councilors that are contractors not be allowed to vote. Mr. Heggglund discussed reasons Councilors can be excused from voting, none of which apply in this instance.

Council thanked the CBOA for their input and reiterated that this ordinance and proposed amendments have been vetted by the Homebuilders Association and electrical contractors, and there have been various public meetings and ample time for contractor and citizen input.

Mr. Heggglund discussed the actions required to adopt the 2017 NEC, and stated that all requirements have been met and the City is compliant with state law.

Motion failed by the following vote:

Ayes: Mayor Santellana, Councilors Browning, and Whiteley

Nays: Councilors Jackson, and Nelson

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**Item 6c – Ordinance 26-2022**

8:53 a.m.

Ordinance authorizing the City Manager to approve a request from Lloyd Taylor to vacate and abandon a portion of Kenley Avenue consisting of approximately 0.15 acres running North and South along Central Freeway.

Moved by Councilor Browning to approve Ordinance 26-2022.

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

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

Nays: None

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**Item 6d – Ordinance 27-2022**

8:55 a.m.

Ordinance appointing a Municipal Judge for a term of two years to begin on August 1, 2022.

Moved by Councilor Browning to approve Ordinance 27-2022.

Motion seconded by Councilor Whiteley

Councilor Whiteley moved to amend the main motion to appoint Diane Dockery as Municipal Judge for a two-year term.

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

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

Nays: None

Main motion as amended carried by the following vote:

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

Nays: None

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**Item 7a – Public Hearing to receive citizen comments concerning Redistricting of City Council Districts**

8:59 a.m.

Mayor Santellana opened the public hearing at 8:59 a.m.

Marie Balthrop, City Clerk, discussed the current council district boundaries, proposed boundaries, and the redistricting process. There were no public comments.

Mayor Santellana closed the public hearing at 9:02 a.m.

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**Item 7b – Public Hearing to receive citizen comments concerning the proposed Substantial Amendment to the 2019 Community Development Block Grant (CDBG) Annual Action Plan to reallocate \$600,305 and continue certain previous programmed funding through the CDBG – Coronavirus program**

9:02 a.m.

Mayor Santellana opened the public hearing at 9:03 a.m.

Mr. Floyd discussed the process timeline and the proposed reallocation of \$600,304.95 from the CDBG-CV funding due to cancelled programs and unreserved amounts. The funds will be reallocated to Park Projects - \$357,800, Bus Shelters \$175,000, and the

Emergency Repair Program \$67,504.95. There was brief discussion regarding park project locations, and bus shelters.

There were no public comments.

Mayor Santellana closed the public hearing at 9:14 a.m.

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**Item 7c – Public Hearing to receive citizen comments concerning the proposed Substantial Amendment to the 2021 Community Development Block Grant (CDBG) Annual Action Plan and the Draft HOME-American Rescue Plan (HOME-ARP) Allocation Plan to allocate \$1,572,080 in funding**

9:14 a.m.

Mayor Santellana opened the public hearing at 9:14 a.m.

Mr. Floyd discussed the proposed amendment to HOME-ARP Funding for a total of \$1,572,080. He discussed the narrow scope of approved projects, and the Council subcommittee recommendations. Under this amendment, \$157,208 will be for grant administration, \$700,000 for First Step, Inc., and \$714,872 of unreserved funds. Staff will solicit for applications for the unreserved funds in 2023.

Councilor Nelson asked if the First Time Homebuyers is still under this program, and Mr. Floyd stated that it was and would be discussed in the next item.

There were no public comments.

Mayor Santellana closed the public hearing at 9:17 a.m.

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**Item 7d – Public Hearing to receive citizen comments on Action Plan to allocate FY 2022-2023 Community Development Block Grant (CDBG) funds in the amount of \$1,203,986, and FY 2022-2023 HOME Investment Partnership Program (HOME) funds in the amount of \$449,845**

9:17 a.m.

Mayor Santellana opened the public hearing at 9:18 a.m.

Mr. Floyd discussed the annual CDBG and HOME funding allocations and proposed action plan. The total funding available includes \$1,203,986 of current funding and \$100,000 of reprogrammed funds from the prior fiscal year. The Council subcommittee recommendations for CDBG funding are as follows: Child Care Inc. - \$126,418, Christmas in Action - \$100,000, Senior Citizens – Meals on Wheels - \$54,179, and various City departments \$1,023,389 for a total of \$1,303,986.

Mr. Floyd discussed the Council subcommittee recommendations for HOME fund allocations of \$449,845 for various programs to assist low-income citizens with housing. Councilor Nelson asked if we still had a matching grant fund, and Mr. Floyd stated that we no longer have that fund.

There were no public comments.

Mayor Santellana closed the public hearing at 9:23 a.m.

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**Item 8a(i) – Public Hearing to receive citizen comments on a Resolution for the proposed 2022 Third Year Annual Action Plan of the adopted Five Year 2020-2024 Public Housing Agency (PHA) Plan**

9:23 a.m.

Mayor Santellana opened the public hearing at 9:23 a.m.

Mr. Floyd discussed the proposed 2022 Third Year Annual Action Plan, which includes the Housing Choice Voucher Program, formerly known as the Section 8 Housing Program. Mr. Floyd discussed the history of the program, qualifications, and current program totals. The City currently pays the maximum allowable amount for rental assistance, and is currently assisting 818 households with 504 on the waiting list.

There were no public comments.

Mayor Santellana closed the public hearing at 9:27 a.m.

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**Item 8a(ii) – Resolution 80-2022**

9:27 a.m.

Resolution for the proposed 2022 Third Year Annual Action Plan of the adopted Five Year 2020-2024 Public Housing Agency (PHA) Plan.

Moved by Councilor Browning to approve Resolution 80-2022.

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

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

Nays: None

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**Item 8b – Resolution 81-2022**

9:28 a.m.

Resolution awarding Construction Services Contract to MARRS Patriot Construction, LLC for the Health Department, Women, Infants and Children Ramp Renovation Project for the amount of \$104,566.88.

Moved by Councilor Browning to approve Resolution 81-2022.

Motion seconded by Councilor Nelson

Amy Fagan, Assistant Director of Health, discussed the proposed project and stated that this project is fully funded with a Department of State Health Services grant.

Motion carried by the following vote.

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

Nays: None

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**Item 8c – Resolution 82-2022**

9:30 a.m.

Resolution authorizing the City Manager to apply for the FY 2022 Patrick Leahy Bulletproof Vest Partnership Grant in the amount of up to \$11,025.00.

Moved by Councilor Browning to approve Resolution 82-2022.

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

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

Nays: None

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**Item 8d – Resolution 83-2022**

9:31 a.m.

Resolution approving the programs and expenditures of the Wichita Falls 4B Sales Tax Corporation Board of Directors and amending the budget to include funding up to \$35,000 to Downtown Wichita Falls Development, Inc. (DWFD) for the purchase and installation of various streetscape elements downtown.

Moved by Councilor Browning to approve Resolution 83-2022.

Motion seconded by Councilor Whiteley

Jana Schmader, Director Downtown Wichita Falls Development (DWFD), discussed the proposed project to purchase streetscape elements to be placed in various locations downtown. The project will include benches, trashcans, pole banners, and pet waste stations. Total cost of the project is \$40,000, with \$5,000 being funded by DWFD, and \$35,000 funded by the 4B Sales Tax Corporation. DWFD is committed to maintenance and upkeep of all items, and they anticipate completion of the project in August.

Motion carried by the following vote.

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

Nays: Councilor Jackson

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**Item 9a – Staff Report – Wichita Falls Parks Presentation by the Park Board**

9:39 a.m.

Jim Heiman, 1805 Clubview Street, Chairman of the Park Board, addressed the Council and discussed citizen interest in parks, and the need for a comprehensive Master Parks Plan.

Tom Taylor, Vice Chairman of the Park Board, recognized Dr. Mike Battaglini and Larri Jean Jacoby for their hard work on this project. He discussed the park report and park inventory that were previously provided to the Council. Mr. Taylor discussed the importance of parks for quality of life, the need to update the Master Parks Plan, the large workload of the Parks Department, current needs, and future goals. Current needs and future goals include updating the Master Park Plan, park signage, restructuring the Park Board, and a long-term park equipment replacement program. He stated that the staff, Park Board, and citizens need guidance from the City Council on how to move forward.

Dr. Mike Battaglini, 5001 Cypress Avenue, acknowledged the great support from City staff Blake Jurecek, Assistant City Manager and Terry Points, Parks General Services Superintendent. This has been a collaborative project between the committee and staff, and he expressed the importance of having a consultant to make recommendations to move forward.

There was brief discussion regarding a need for a load of dirt for an infield at View Park, and the Parks Board project priorities.

Mr. Jurecek thanked the Parks Board and discussed the need to keep the board informed of the City's plans and noted that the Master Park Plan funding will be considered during the upcoming budget. He discussed safety issues that were highlighted during the presentation and stated that they have been corrected.

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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.**

10:04 a.m.

Councilor Nelson thanked everyone for attending. He discussed his awareness program and that he did not realize that we have 8-9 parks in District 2.

Councilor Whiteley congratulated Diane Dockery on her appointment and Luis Trillo for being employee of the month. He thanked the Park Board for their presentation and discussed the importance of parks. Councilor Whiteley stated he has received several text messages and emails regarding proposed water costs. He discussed inflation and the impact on citizens and asked that the Council look at those costs.

Councilor Jackson thanked the Park Board and Tom Taylor for stepping up during his absence. Councilor Jackson and Councilor Nelson will be having lunch with the President of the Farmer's Market this afternoon to try to come to a resolution.

Mayor Santellana expressed his appreciation to Lindsay Barker and her staff for the Employee of the Month videos. Taco Fest is this weekend downtown and it will benefit Zavalla Hispanic Cultural Initiative. He attended the Ranch Roundup and received many compliments since the City has taken over the MPEC events and the level of service. He addressed the Downtown Farmer's Market and how much he appreciates them and hopes for a resolution.

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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**

10: 10a.m.

Josie Rose, 1226 N. Rosewood, addressed the Council to discuss clean-up in Eastside. Ms. Rose stated that there used to be clean-ups organized in Eastside in the past and she wants to see this taken back up. She discussed concerns with elderly people not being able to get to the city dump, trees that need to be cut, concerns with snakes and other animals, and asked if the City could assist with dumpsters and volunteers. Councilor Nelson will follow up.

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### **Item 11 – Executive Session**

City Council adjourned into Executive Session at 10:13 a.m. in accordance with Texas Government Code §551.072, §551.74, and §551.087.

City Council reconvened at 11:01 a.m.

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

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### **Item 12 – Appointments to Boards and Commissions**

11:02 a.m.

Moved by Councilor Jackson to appoint Carol Murray to Place 3 on the **4B Sales Tax Corporation** with a term to expire 07/31/2024.

Motion seconded by Councilor Nelson and failed with the following vote:

Ayes: Councilors Jackson and Nelson

Nays: Mayor Santellana, Councilors Browning and Whiteley

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Moved by Councilor Whiteley to appoint Glenn Barham to Place 3 on the **4B Sales Tax Corporation** with a term to expire 07/31/2024.

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

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

Nays: Councilor Jackson

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Moved by Councilor Whiteley to appoint Darron Leiker to Place 4 on the **4B Sales Tax Corporation** with a term to expire 07/31/2024.

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

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

Nays: Councilor Jackson

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Moved by Councilor Jackson to appoint Kevin Hunter to Place 6 on the **4B Sales Tax Corporation** with a term to expire 07/31/2024.

Motion seconded by Councilor Nelson and failed with the following vote:

Ayes: Councilors Jackson and Nelson

Nays: Mayor Santellana, Councilors Browning and Whiteley

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Moved by Councilor Whiteley to appoint Michael Mills to Place 6 on the **4B Sales Tax Corporation** with a term to expire 07/31/2024.

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

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

Nays: Councilor Jackson

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Moved by Councilor Whiteley to appoint Robert Clement to Place 8 on the **Helen Farabee Centers Board of Trustees** with a term to expire 08/31/2024.

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

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

Nays: None

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Moved by Councilor Whiteley to appoint Amy Bobrowitz to Place 1 on the **Library Advisory Board** with a term to expire 07/31/2025.

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

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

Nays: None

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Moved by Councilor Whiteley to appoint Betty Richie to Place 2 on the **Library Advisory Board** with a term to expire 07/31/2025.

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

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

Nays: None

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Moved by Councilor Whiteley to appoint Marianne Dowdy to Place 8 on the **Library Advisory Board** with a term to expire 07/31/2025.

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

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

Nays: None

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Moved by Councilor Whiteley to appoint Shunta McFadden to Place 9 on the **Library Advisory Board** with a term to expire 07/31/2025.

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

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

Nays: None

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Moved by Councilor Browning to appoint Simeon Hendrix to Place 10 on the **Park Board** with a term to expire 12/31/2022.

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

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

Nays: None

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Moved by Councilor Browning to appoint Josh Phillips to Place 11 on the **Park Board** with a term to expire 12/31/2022.

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

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

Nays: None

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Moved by Councilor Browning to move Douglas McCulloch from Place 10 – Alternate 1 to Place 1 on the **Planning and Zoning Commission** with a term to expire 12/31/2022.

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

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

Nays: None

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Moved by Councilor Browning to appoint Matt Marrs to Place 10 – Alternate 1 on the **Planning and Zoning Commission** with a term to expire 12/31/2023. Motion carried by the following vote:

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

Nays: Councilor Jackson

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### **Item 13 –Adjourn**

Mayor Santellana adjourned the meeting at 11:10 a.m.

PASSED AND APPROVED this 2<sup>nd</sup> day of August 2022.

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Stephen Santellana, Mayor

ATTEST:

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Marie Balthrop, TRMC, MMC  
City Clerk

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

**April 7, 2022**

**Present:**

Glenn Barham, Vice President	§	Members
Rick Hatcher, Secretary-Treasurer	§	
Dave Clark	§	
Darron Leiker	§	
Nick Schreiber	§	
Michael Mills	§	
Mayor Stephen Santellana	§	Mayor and Council
R. Kinley Hegglund, Jr., City Attorney	§	City Staff
Paul Menzies, Assistant City Manager	§	
Lindsay Barker, Dir. of Marketing & Communications	§	
Curtis Gordon, Ag Manager	§	
Paige Lessor, Recording Secretary	§	
Jeff Watts, County Commissioner	§	Wichita County, Texas
<b><u>Absent:</u></b>		
Tony Fidelie	§	4B President

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**1. Call to Order.**

Glenn Barham called the meeting to order at 3:00 p.m.

**2. Approval of Minutes of 01/06/2022.**

Mr. Clark moved to approve the minutes. Seconded by Mr. Hatcher, the motion carried 5-0.

**3. Public hearing regarding a funding request from the City of Wichita Falls to replace the livestock panels used at the J.S. Bridwell Ag Center.**

Mr. Barham opened the public hearing at 3:01 p.m.

Lindsay Barker introduced Ag Manager Curtis Gordon to the Board and explained that he could answer any "ag specific" questions. Ms. Barker stated that when the City took over MPEC management in October 2021, Staff went through each facility and identified all repairs, maintenance, equipment updates, and general projects that needed to be done. One item on the list was the purchase of new livestock panels.

Ms. Barker displayed photos of the livestock panels currently in use, which are believed to be the original panels purchased when the Bridwell Ag Center was opened approximately 27 years ago. She described the condition of the panels as rough. The metal was rusted out, and the plywood was busted and splintered in many areas. She stated that not only were these panels in pretty rough shape, but the Center only had 300 panels, and it would be a really good idea to increase the inventory. She said that the purchase of new panels was outside the funding range for regular maintenance and not large enough to be considered for a capital improvement project. So she felt like this funding request would be a good fit for the WF4BSTC because it would support

the mission of the Corporation, the promotion of tourism. She explained that the MPEC staff is trying to be good stewards of taxpayer dollars. She stated that Mr. Gordon and Staff had already completed several upgrades to the Ag Center, including heater repairs, fan replacement, swamp-cooler repairs, light switch breakers, heat sensors, and paint upgrades. Mr. Gordon has done a great job utilizing the Tri-County Trustee Program, and they have done a fantastic job and helped save on the cost. She reiterated that MPEC has really tried to use its maintenance budget to the best of its ability, but the addition of the new livestock panels is a little bit out of the scope of what can be done right now.

Ms. Barker presented photos of the Priefert livestock panels to be purchased. She explained that these panels are lighter in weight, so they are easier to set up and tear down, and these have gates, which the current panels do not. So someone has to hop over the panel to get to their livestock. Additionally, these particular panels would not take up much storage space. The MPEC wants to provide quality facilities and equipment for local events and events that would bring and attract tourists and visitors to spend dollars and generate sales tax.

Commissioner Jeff Watts addressed the Board. He stated that he spoke with Mr. Gordon and that the Priefert panels are "the Cadillac" of livestock pens. He explained that purchasing 300 of these panels would double MPEC's inventory. The existing panels are tremendous, even though they are 37 years old, but there is no easy access for someone to go in and out. These panels are antiquated compared to what is on the market today and what people are accustomed to when they attend livestock shows. They are used to the new, modern, larger gates with at least a 7-foot entrance. He explained that Wichita Falls would be able to host much larger events with the repairs made to the original panels and the addition of the new panels. He stated that Duncan, OK (80 miles north of WF) twice per year, hosts an event in which the majority of the United States comes to show swine and lambs. Duncan's facility is not nearly as nice as the Bridwell Ag Center, but they can host the larger events because they have the number of pens to accommodate the participants.

Mr. Gordon introduced himself to the Board and stated that he was hired about six months ago. He said that he loved his job and loved dealing with the people at the Bridwell Ag Center. He explained the Ag Center has a lot of potential, and many people want to come in and host some shows, but with only 300 panels, the Ag Center cannot accommodate them. For example, one potential client said he would like to bring 600 hogs next year, but if Wichita Falls cannot accommodate him, he will have to go to Abilene.

Mr. Barham asked if these pens are used for events like Ranch Round-Up. Mr. Gordon explained that the requested panels are for hogs, sheep, and lambs and measure about 42 to 45 inches in height. Mr. Barham then asked how many panels were being requested, and Mr. Gordon stated that 300 panels were being requested. Mr. Gordon further noted that the cattle and horse panels are in good shape and that much of the equipment is in good condition and just needs some TLC, upkeep, and repairs. He stated that he fears if the City does not keep up with the increasing numbers, it will lose the events to other cities.

Mr. Schreiber asked if anything could be done with the current panels regarding reusing, recycling, or selling them. Mr. Gordon explained that the Ag Center would be keeping the existing panels, and the purchase of the new panels would add to the current inventory. He explained they can set up 300 panels for 300 hogs right now, but they have shows coming up with 500 to 600

hogs. He reiterated that this purchase is not a replacement but rather an addition to the current inventory of panels.

Ms. Barker stated that Mr. Gordon and his team have been replacing the plywood in the old panels and plan to paint them as time permits. She said the new pens would be the first set they would use for an event. Then if and when they needed additional panels, they would use the old panels. They would be able to continue to update and rehab the old pens since the new pens would be in use. This gives them the benefit of getting the new pens, updating the old pens, and hosting larger events.

Mr. Hatcher asked about where these new panels would be stored and how they could be moved from place to place. He suggested sliding some sort of sleeve or padding over the forklift's forks to provide a cushion for the panels as they are moved throughout the building. He believed this might extend the life of the panels. He also suggested storing the panels inside the building on a rack system that would not take up much space. Ms. Barker agreed with Mr. Hatcher and explained that plans about where and how to store the panels are being discussed.

Mr. Barham closed the public hearing at 3:18 p.m.

**5. Executive Session.**

Mr. Barham adjourned the meeting into executive session at 3:18 p.m. pursuant to Texas Government Code section 551.087. He announced the meeting back into regular session at 3:33 p.m. The subjects posted in the Notice of Meeting were deliberated, and no votes or further action were taken on these items in executive session.

**6. Consider a funding request from the City of Wichita Falls to replace the livestock panels used at the J.S. Bridwell Ag Center.**

Mr. Leiker made a motion for the Board to approve up to \$150,000 for the replacement of selected livestock panels used at the J.S. Bridwell Ag Center. Seconded by Mr. Clark, the motion carried 6-0.

**7. Financial Report**

Mr. Menzies directed the Board to look at the sales tax report on page 14 of the agenda packet. He stated that sales tax for the year is doing well and explained that February was 13% ahead of last year and March was 8% ahead of last year. He stated that the April sales tax payment was received yesterday, which is reflective of February, and it is up over 30%. So for the fiscal year, which started October 1<sup>st</sup>, sales tax revenue is running about 16.5% above last year. In the financials, the bottom line is about \$325,000. The fund balance is very healthy right now, and it includes all of the commitments toward the Conference Center Hotel project and the commitment toward The Kate (Petroleum Building renovation).

**8. Adjourn.**

Mr. Barham adjourned the meeting at 3:35 p.m.

  
Guy A. "Tony" Fidelie, Jr., President

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

**May 19, 2022**

**Present:**

David Toogood, Vice President	§	WFEDC Members
Phyllis Cowling, Secretary-Treasurer	§	
Darron Leiker	§	
Brent Hillery	§	
Paul Menzies, Assistant City Manager	§	City Administration
R. Kinley Heggland, 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	§	
Taylor Davis, Dir of Bus Retention & Expansion	§	
Karen Bivona, Office Manager	§	
Jana Schmader, Executive Director	§	Downtown Development
Steve Sage, Plant Manager	§	Howmet Castings
Matt Bitsche, President	§	Wichita Falls Brewing Co.
Russ Reynolds, V.P.	§	
Lynn Walker, Writer	§	Times Record News
<b><u>Absent</u></b>	§	
Leo Lane, President	§	WFEDC Member

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**1. Call to Order**

David Toogood called the meeting to order at 2:30 p.m. Mr. Toogood asked that the strategic discussion item be moved from item number two to item number five.

**2. Discussion and possible action related to Wichita Falls Brewing Company expansion project**

Ms. Taylor Davis addressed the Board and introduced Mr. Matt Bitsche and Mr. Russ Reynolds and the project with a PowerPoint presentation. Ms. Davis explained that the Wichita Falls Brewing Company is looking to grow its current downtown location through a three-phase expansion, including creating an in-house canning line, increasing its cold storage capacity, and purchasing and remodeling its building. The expansion will bring additional employment, increase its outside sales in the Wichita Falls region, and reflect a \$1.2 million investment in real and personal property.

Mr. Reynolds introduced himself and Mr. Bitsche to the Board, explaining that they are the

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founders and operating managing partners at Wichita Falls Brewing Company. He gave a brief history to the Board, explaining that the two partners met in 2015 when he moved to Wichita Falls on an Air Force assignment. Mr. Bitsche had just moved back from Austin to Wichita Falls, his hometown, to start the WF Brewing project. Mr. Reynolds and Mr. Bitsche lived in the same neighborhood and shared a love for homebrewing and craft beer. Mr. Reynolds explained that much of his master's research was in the brewing industry. After discussing Mr. Bitsche's project and helping Mr. Bitsche with the business planning, Mr. Bitsche offered a partner position to Mr. Reynolds. He said they started the project at 701 Indiana in early 2017, using their own money to do what they could while looking for other funding sources.

Mr. Reynolds explained that they created a crowdfunding campaign, found investors, entered the ideaWF competition, took out personal and commercial loans, and eventually got to where they are today. Mr. Reynolds presented a slideshow of photos, explaining that in March 2018, they had the grand opening and soft opening. During the last four years, the company has won an award for its interior space and awards for its beer. He explained that they are happy with where they are now, but they do not want to stop their progress. They would like to make a space that is even more inviting and more of an attraction and destination spot for downtown.

Mr. Reynolds explained the three-phase improvement plan, which includes purchasing a canning line, purchasing the building, and increasing the cold storage capacity. He stated that their cold storage is at maximum capacity for small package distribution. They are currently distributing cans to Gainesville, Lewisville, Denton, Wichita County, and surrounding counties up to Lawton, Oklahoma.

Mr. Reynolds explained that there is loose quality control with their small packages with the current canning process because a mobile carrier comes in and hooks up to their equipment. Also, they keep the canned beer for much longer than other companies because they have to can so much at one time. Mr. Reynolds displayed a photograph of their cold storage cooler on a typical mobile canning day. To be cost-effective, they must can 300 cases or more at a time. The distributor only picks up a few cases a week, so the cooler becomes full, limiting the keg distribution. The cooler is shared with the kitchen side of the house, which is owned by another entity. All the food and cans must be moved out of the cooler to handle the kegs then it all must be moved back in. When the pallets are full of cases of canned beer, they can weigh hundreds, possibly thousands of pounds. For these reasons, they would like to avoid moving them often.

He explained to the Board that they could help the brewery grow in the canning line. He displayed a photo of a canning line similar to the one they would like to purchase and explained how it worked and the canning process. He said they would buy one either used or new, depending on the market, but it would be smaller and more mobile than the one in the photograph. He explained that this type of canning line would give them much more flexibility. He said they have increased their serving capacity by 83% with five new serving tanks and doubled their fermentation capacity, limiting the space and the cold storage. With their own canning line, they could can 20 to 30 cases at one time instead of 300 cases at a time with the mobile canning line. They could keep their retail coolers full and distribute more brands of their own product. The design would give them more space for keg distribution and more small packaged brands. Also, they would like to move the kitchen cooler into a separate cooler in the future.

Additionally, Mr. Reynolds discussed the building space issue. He said the brewery is entirely full over 100 days of the year. Because they are limited on seating space downstairs, they would like to expand into the upstairs. Mr. Reynolds then discussed the second-floor renovation and displayed a photo of the area. The second story is an unoccupied space, measuring approximately 3,000 square feet, and will be used for overflow seating. The plan is to build a new bar, new restrooms, and two new staircases. He presented a preliminary drawing of the renovation plan. He stated they also have a pipe dream of having a rooftop bar, which he believes would be a significant attraction downtown. He believes the possibilities for events and meetings are endless and that people love their space and the culture centered around the brewery. He explained that they have to turn down rental requests frequently. He believes the extra space would bring a

good deal of income to the City.

Mr. Reynolds then began discussing the contingencies of the proposal and stated that they would commit to hiring two new full-time employees. He gave a brief overview of their currently employed staff. The average age of their employees is 30.1 years old, and the average salary earned is over \$43,000 per year. He stated that they had a history of raises, promotion, and employee retention. He said that even though the brewery was not a traditional manufacturing company, only half of its employees ever stand behind the bar and serve beer. The ones that do also have additional jobs at the brewery. The two new employees would be on the distribution, packaging, and manufacturing side of the business, and they would also potentially help out with sales and cellaring of the beer.

Mr. Reynolds stated that they did have a significant financial burden with this three-phase project, and they are looking to take out an SBA 504 loan to purchase the canning line, purchase the building, and complete renovations at the same time. The estimates are not exact, but they are pretty close and will be finalized in the next few months. He stated that they had paid off over \$450,000 in debt over the last four years, except for their \$150,000 economic injury disaster loan from the SBA. He said that they would be debt-free on June 1. He stated that they are a safe bet, and they would be good stewards of the equipment.

Mr. Reynolds closed his presentation by saying that the brewery has a history that has been awesome for downtown and the City. Last month, the brewery brought in over \$9,000 in sales tax, with the kitchen included. They have expanded outside the local area, and they have kept some young professional employees that are the future of Wichita Falls. He stated that the support of the Board would help them grow substantially and make the City a better place. He then asked the Board if they had any questions.

Mr. Leiker asked Mr. Reynolds if the company provided any health insurance or retirement to its employees. Mr. Reynolds said the company currently did not. Ms. Cowling asked, in addition to the two new full-time employees, are the current six employees full time as well. Mr. Reynolds replied that yes, they were full-time. Mr. Heggland asked for clarity regarding the possible collateral for the loan mentioned in the paperwork submitted. Mr. Reynolds stated he believed the collateral would be the equipment itself, but the Board would take the second position behind SBA. He said that he did not know the exact details of how that would work, but he would find out and answer back.

### **3. Discussion and possible action related to Howmet Oberlin filtration project**

Ms. Davis introduced Mr. Steve Sage, Plant Manager at Howmet Aerospace of Wichita Falls, and their water filtration system project. Ms. Davis reminded the Board that they provided support to Howmet for an Oberlin water filtration system last year. She explained that the water filtration system would help improve the Howmet facility's wastewater quality. During Howmet's recovery from COVID, the company has hired 80 new employees since last September and is ready to re-engage its secondary facility. A secondary filtration system needs to be added to reopen the second plant. Their first filtration system was recently installed, and the company would like to add the second before bringing in new employees to its secondary facility.

Mr. Sage addressed the Board and thanked them for all they had done for the company. He presented a slide show which included photos of the new filtration unit that was just received this week. He stated that he didn't spend enough time talking about Howmet in his last presentation to the Board, so he wanted to take a few minutes to do that.

Mr. Sage explained that the company manufactures structural components and engine components. He stated that the industry is going with thinner blades and veins and more efficient engines right now. He said that over 90% of all engines being used have Howmet's structural rotating engine components and the company is well known in the industry. Howmet's customer base thinks highly of the Wichita Falls facility. 95% of the products manufactured in Wichita Falls are commercial aerospace, and 44% of Howmet's total production is commercial aerospace. Covid caused Howmet, including the Wichita Falls facility, to take a

big hit, but the company is working to remedy that with the Department of Defense. Mr. Sage stated that Howmet employs about 20,000 people in 58 locations and 20 countries.

Mr. Sage presented a photo of the Wichita Falls facility, showing Plant 1 and Plant 2. Plant 1 is where all the work is currently concentrated. During Covid, the company had to shut down every part of Plant 2 to survive. Currently, they are "running a bit of wax" in Plant 2 because it has special equipment. Additionally, one of the sister facilities in Laporte, Indiana, has asked the Wichita Falls facility to help with its production, which is about a year's worth.

Mr. Sage stated that Howmet Wichita Falls is certified AS9100, and 77 audits were conducted during Covid with eight minor findings. The facility measures about 200,000 square feet, has been in operation for 42 years, has 36 customers worldwide, and employs about 635 people. Mr. Sage went on to explain the type of product that is manufactured in Wichita Falls. He said that Wichita Falls is the only Howmet facility that is 100% Equiax and they manufacture the blades and veins on the jet engine.

Mr. Sage then displayed a diagram showing the pre-COVID trends explaining that the numbers in the first quarter of 2020 were up 10% over 2019. COVID was pretty hard on Wichita Falls. 1,150 people were employed with Howmet before COVID, and employment dropped by 430 people in one year. Mr. Sage spoke about the Texas Work Share program, which helped the company in Wichita Falls survive COVID. The program allows a company to "temporarily lay off" employees. Instead of an employee working five days per week, they may be able to work three days, and the state pays for the other two days the employee did not work. The program allowed the company to limit its employment reductions based on revenue.

Mr. Sage then went on to describe the project plan. He displayed a photo of the first filtration system authorized on October 26, 2021. The estimated completion date was March 11 2022, but this week, the system finally arrived due to supply chain issues. He is estimating the system to be in service on June 2. The unit measures 50 to 60 square feet, so the department's layout had to be modified to accommodate the equipment.

He stated that the company is now working on the second filtration system, and that is why he is before the Board today. He then presented a photograph of test samples of the wastewater from the facility. The picture depicted an unfiltered sample, a sample run through the filtration system, and the solids filtered from the water.

He stated that the company believes this project aligns with its partnership with WFEDC and the City of Wichita Falls. He noted that the City helped with the NEWT system, and the company is currently using that system to help with water conservation. He explained that these new Oberlin Filtration Systems help conserve water, saving about 600 gallons per day. He explained that he felt like this was a proactive step, even though Wichita Falls is not currently regulating solids content. Still, most communities and Wichita Falls will most likely regulate it in the future. The second system would be for Plant 2. He said that the company sees the revenue increasing, which is very promising. Howmet is up 65% from last year's run rate, and the company tries to anticipate customer demand and make sure they can fulfill the orders. The plan is to have Plant 2 start up in the fourth quarter of this year, and if the timeline for the first unit is an indication of how the second one will go, the company is looking at December 5, so Mr. Sage believes that now is the time to start the process.

Mr. Sage displayed a photo of the first filtration system. He stated that he feels it is fundamental to the integrity of Howmet and the City, helping the environment and conserving natural resources. The project will enable the company to grow and expand into Plant 2 again. He thanked the Board and asked if there were any questions.

Mr. Leiker asked about the life expectancy of the filtration systems. Mr. Sage stated seven years. Mr. Leiker then wondered if the company would build the replacement costs and depreciation into its

budget. Mr. Sage said that Howmet would build the cost into its budget. Mr. Toogood clarified that Wichita Falls does not have any regulations forcing the company to install these systems. Still, Howmet recognized the solids going into the wastewater, and the filtration system is the way to clean it up. Mr. Sage confirmed that Mr. Toogood's statement was correct and explained that some sister facilities are located in communities with these regulations. Also, several times per year, they go down into the storm drains and try to clean some of that out. Still, we assume that some solids are eventually transported to the water treatment facility, so if the number of solids can be reduced, it should help the water treatment facility. Mr. Leiker clarified that the City does have an industrial pretreatment program in which there are limits on hazardous waste. Mr. Sage agreed that this solid waste is not hazardous.

Ms. Davis thanked the Board and asked if there were any questions about the two projects. Ms. Cowling asked about the details of the Howmet agreement in 2021. Ms. Davis replied, stating that the agreement was a forgivable loan over one year for the addition of 73 new positions and retaining the 529 existing positions. The loan was for 75% of their total project cost, \$97,000. So the loan amount was \$72,500 to be paid back at a rate of \$1,000 per employee that was not retained or added as a new position. Mr. Toogood asked if this machine was the same as the previous one purchased. Ms. Davis responded that it was the same machine, but it now costs \$114,000, and the chamber is recommending a loan of 50% of the total project cost. This agreement would be based solely on the retention of 609 employees.

#### **4. Strategic Discussion**

Mr. Florsheim updated the Board on the process of updating the community-wide strategy to grow Wichita Falls. The Falls Future team has met four times now with Matt DeVeau, and they are working their way through the process with one more meeting during the second week of June. At that point, the team should have an implantation plan and can start working on implementing the new pieces of the strategy.

Mr. Florsheim addressed the Board about the budget proposal process. He stated that Ms. Cowling had sent out a proposed template for requests so the Board could standardize the information received from anyone requesting operational type funding. Mr. Florsheim asked if a timeline had been discussed because the requesters needed to know when to prepare their proposals. Ms. Cowling stated that she recalled talking about having the requesters come in July, so they should submit their requests a couple of weeks before that. Mr. Leiker asked Mr. Menzies if that timeline worked from the staff's standpoint. Mr. Menzies said yes, and Mr. Leiker said it was suitable for council. Mr. Menzies said the idea is that the Board would review the proposed budgets in July, vote on them in August, and then in September, the council would consider it as a part of the regular budget approval.

Mr. Florsheim stated that they would abide by whatever format the Board wanted. He said the discussion had been to have the proposals due July 1, so the Board would have some time to review them before the July EDC meeting. Then if some additional information was needed or a proposal needed to be tweaked, the requesters could provide that at the August meeting. The Board agreed with that timeline. Mr. Florsheim asked if the Board wanted to use the form template Ms. Cowling generated. Ms. Cowling said to give it a shot and give some flexibility during the first year of using it because it is new for everybody. Mr. Florsheim asked if Ms. Cowling could send the spreadsheet, and she stated that she would email the Excel file and Word document. Mr. Florsheim noted that he would share that with Jana Schmader with DWFD, Glenn Barham with SMAC, and ideaWF.

#### **5. Consent Agenda**

Mr. Toogood stated that the Board would like to move the Consent Agenda to the first item on the agenda for the next meeting and all future meetings.

a. Approval of minutes from 5/5/2022

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

b. Financial Report

Mr. Menzies stated that the financials continue to do well, and revenues are trending very well. If the Board did not spend any additional funds this year, close to \$9 million would be available for new projects. He also discussed sales tax and noted several ways to look at it. He stated he would give the Board one perspective. He explained that sales tax lags two months behind, and the sales tax received in May reflects March sales. Compared to last year at this time, revenue is down 8.5%. To add perspective on that number, he said last May's revenue was up 50%. It was one of the highest-grossing months ever had as a community. Also, April's payment, which is based on February sales, was almost \$200,000 more than March's payment. But last month, revenue was up 31% compared to the year before. He said that it might look like revenue is down year to year, but compared to last month, it has increased by \$200,000. The bottom line is revenue is still running 10% ahead for the year.

6. **Executive Session**

Mr. Toogood adjourned the meeting into executive session at 3:09 p.m. pursuant to Texas Government Code §§ 551.087 and 551.071. He announced the meeting back into regular session at 4:17 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.

7. **Motions**

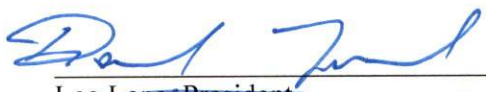

**Wichita Falls Brewing Company expansion project.** Mr. Leiker made a motion to approve a forgivable loan for Wichita Falls Brewing Company in the amount of \$20,000 for the creation of two full-time jobs and the retention of the six existing full-time jobs, contingent upon the creation of an in-house canning system and increased storage capacity in a form approved by the City Attorney. Seconded by Ms. Cowling, motion carried 3-0.

Mr. Toogood stated that Mr. Hillery may have a potential conflict and has recused himself from voting on this matter.

**Howmet Oberlin filtration project.** Ms. Cowling moved that WFEDC provide a one-year forgivable loan to Howmet in the amount of \$57,462.50 to support the company's purchase of a new filtration system, contingent upon the retention of the 609 existing full-time employees. Seconded by Mr. Hillery, motion carried 4-0.

8. **Adjourned.**

The meeting adjourned at 4:20 p.m.

  
Leo Lane, President  
  
David Toogood, Vice President

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

**June 8, 2022**

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**PRESENT:**

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

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

James McKechnie, Deputy City Attorney  
Paul Menzies, Assistant City Manager  
Terry Floyd, Development Services Director  
Karen Montgomery-Gagné, Principal Planner  
Christal Ashcraft, Development Services Admin. Assist.  
Cedric Hu, Planning Technician

◆ City Staff  
◆ City Staff  
◆ City Staff  
◆ City Staff  
◆ City Staff  
◆ City Staff

**ABSENT:**

Noros Martin  
Cayce Wendeborn  
Steve Wood

◆ Member  
◆ Member  
◆ Alternate No. 1

**GUEST:**

Jana Schmader, Director of Downtown Wichita Falls Development, Inc.

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**I. CALL TO ORDER**

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

- a. This meeting is being televised live on Channel 1300. It will be replayed at 2:00 p.m. daily including Saturday and Sunday until the next live meeting is aired which will be the second Wednesday of next month at 2:00 p.m.
- b. Motions made by the Commission members include all staff recommendations and developmental requirements listed in the staff report. Any deviations will be discussed on a case-by-case basis and voted on accordingly.
- c. Applicants and citizens who wish to address the Commission or answer questions from the Commission members are asked to please speak into the

microphone at the podium. This meeting is being taped and there is no microphone to record statements made from the audience.

- d. Commission members, when speaking please remember to press the button to turn on your microphone.
- e. Please silence all cell phones during the meeting. If it is necessary for you to have a cell phone conversation during the meeting, please use the hallway outside this room.

### **III. PUBLIC COMMENTS**

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

### **IV. APPROVAL OF MINUTES**

Mr. Doug McCulloch made a motion to adopt the May 11, 2022, minutes. Mr. Blake Haney seconded the motion. The motion was passed unanimously, 7-0

### **VII. CONSENT AGENDA**

#### **Case C 22-09 – 2001 G Southwest Parkway:**

**Consider taking action on a conditional use to allow a 20ft. addition to an existing 105ft. communication tower in a General Commercial (GC) zoning district.**

**Applicant/Owner: Crafton Communication Inc.**

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

### **VIII. REGULAR AGENDA**

#### **1. Case C 22-11 – 808 Dallas Street:**

**Consider taking action on a conditional use to allow a carport in the required front setback in a Single Family-2 (SF-2) zoning district.**

**Applicant/Owner: Kresti Mason**

Mr. Pharrries made a motion to approve the case. Mr. Haney seconded the motion. Mr. Cedric Hu presented the case and stated the owner, Ms. Kresti Mason, had met with staff regarding her proposal to construct a 20ft. X 17ft. carport in the front setback of her home located at 808 Dallas Street. Mr. Hu stated the construction plans so the proposed carport to be placed within the first 5ft. of the property line, triggering this case to come before the Commission for a conditional approval.

The residential subject property was located in the eastern part of Wichita Falls, between East Scott Avenue and the railroad tracks. Mr. Hu advised the property line was approximately 10ft. from the sidewalk and therefore the carport could not be built closer without impacts to the right-of-way on Dallas Street.

Mr. Hu stated the 20ft. X 17ft. carport would be constructed to the front property line and 11ft. from the side property line to the east. The overall height of the carport will be 8ft. supported by 4 columns.

Photos of the subject property showed the residential property was in a residential subdivision, in a Single Family-2 (SF-2) zoning district.

Staff notified 26 property owners and received a total of 3 response forms back, all in favor of this proposal. Staff recommends approval of this Conditional Use carport request for 808 Dallas Street with the following conditions:

1. Further site plan review by planning and building inspections at the time of permitting for construction to verify conformance with Sec. 4220 and all other applicable code and ordinances.

Chairman Cook asked if the applicant was present and wished to make a presentation. The applicant, was present, but wished to give no presentation. Mr. Cook asked if there were any comments from the public. Chairman Cook closed the public comments and opened the floor for the Commission. Mr. Doug McCulloch asked how close the curb would the carport be constructed. Mr. Hu advised 10ft. from the sidewalk. With no other questions Chairman Cook called for a vote. The motion passed unanimously with a vote of 7-0.

## **2. Case C 22-12 – 312 Hilltop Avenue:**

**Consider taking action on a conditional use to allow for the expansion of a non-conforming use, single family, in a Light Industrial (LI) zoning district.**

**Applicant/Owner: Gerardo & Elizabeth Garcia**

Mr. McCulloch made a motion to approve the case. Mr. Woodward seconded the motion. Mr. Hu presented the case and stated the applicants had submitted plans for a 997ft. addition to their existing home.

The residence, located at 312 Hilltop Avenue, was unincorporated when constructed in 1925 and later annexed into the City of Wichita Falls in 1959. When the zoning ordinance was adopted in 1985, the subject property was zoned Heavy Commercial, later renaming it to Light Industrial which is the current zoning at present; making this structure legally non-conforming. The Light Industrial ordinance states, that current residential structures are allowed, however, any new residential structures are not. The current residential structures can remain and expand with an approved conditional use permit.

The subject property is located in the east area of Wichita Falls, between Hilltop Avenue and MLK Boulevard. Mr. Hu stated there were a mix of uses surrounding

the subject property with zoning designations of Light Industrial (LI) and Residential Mixed Use (RMU). Mr. Hu noted there had been no new development in the area in many years.

Mr. Hu advised the Commission the applicant's proposal is to eliminate the second story and add 997sf. for a kitchen and master bedroom expansion.

There were 14 property owners within 200ft. of the subject property that were sent notices. One response in favor of the expansion was received. After taking into consideration the remote nature of the site and the proposed use, the planning department believes the impacts to adjacent properties will be minimal. Staff recommends approval of a conditional use to allow for the expansion of the nonconforming land use of single family in a Light Industrial zoning district with the following conditions:

1. The property will comply with the subdivision and development regulations as it pertains to platting.
2. Any future proposed expansions beyond the proposed 997 sf must be subject to the conditional use permit process.
3. The proposal will comply with all applicable building codes and permitting

Chairman Cook asked if the applicant was present and wished to make a presentation. The applicant was present, but, wished to give no presentation. Chairman Cook asked if there were any comments from the public. Chairman Cook closed the public comments and opened the floor for the Commission. With no further discussion the Chairman called for a vote. The case passed unanimously with a vote of 7-0.

## **IX. OTHER BUSINESS**

### **Downtown Zoning Realignment – Work Session**

Mr. Terry Floyd briefly talked to the Commission about the Downtown Zoning Realignment project and stated staff had kept City Council updated on the matter.

Ms. Karen Gagné gave the presentation and gave a brief overview of the Downtown Zoning Diagnostic Report done by Freese & Nichols, whom had worked with the 2017 Downtown Steering Committee initiated by the City Council. Ms. Gagné gave updates on the progress to date and a recap of previous project meetings.

Ms. Gagné stated in the diagnostic report, 8 proposed revisions to the Greater Downtown area that were outlined in a prior update to the City Council that included:

1. Special Downtown Zoning Category – 4 zones
2. Zoning District Boundary Realignment
3. Downtown Zoning Use Table
4. Development Standards – Reduce Setbacks
5. Non-Conforming Use - Time Limitation & Appeal Process
6. Incorporate Defined Uses Section for Downtown
7. Address Definition Updates:

- Household Care Facility
- Structured Sober Living Facility

#### 8. Land Use Plan Amendment – Consolidate Categories

Ms. Gagné gave the definition of Zoning, Zoning Boundaries and the current zoning districts in City of Wichita Falls Downtown area. The existing zones were: Central Business District (CBD), General Commercial (GC), River Development District (RDD) and Light Industrial (LI) and the proposed zones of; Central Business District, General Commercial - Downtown, River Development District - Downtown and Light Industrial – Downtown.

The existing Greater Downtown Zoning Districts contain 824 parcels (*maps shown*); 67 in the River Development District (RDD); 259 in the Central Business District (CBD), 341 in the General Commercial (GC); 157 in the Light Industrial (LI); 1 in the Historic District and 1 in the TIF Zone. Ms. Gagné noted, the increased size of the CBD does not result in any changes to the 4B STC eligibility boundary. Existing 4B STC Downtown Improvement Matching Grant eligibility boundary established in 2015 will remain the same as outlined in yellow. Mr. Grassi asked what the benefit would be to the property owners under the new alignment if the TIF zone was not being expanded. Ms. Gagné gave several benefits, the main one being less restrictive development standards. Mr. Grassi asked if we had any background information for this and how the zoning was determined. Ms. Gagné advised it was from the original zoning adoption in 1985.

The Downtown Strategic Plan follows recommendations from the Freese & Nichols Diagnostic Report to consider 5 rezone areas (*maps shown*);

1. north/east section; LI change to RDD-D; 52 parcels
2. west section; RDD change to CBD; 37 parcels
3. west section; GC change to CBD; 24 parcels
4. south/central section; LI change to CBD; 27 parcels
5. south section; LI change to GC-D; 43 parcels

Ms. Gagné stated, the RDD boundary is now 5<sup>th</sup> St to the River from Broad to Ohio/RR tracks, includes changes with Area A and B; Zone will expand by 3 acres with the realignment proposal. Focus of that zone is to provide a facility for recreation and leisure and to enhance tourism. CBD boundary with proposed changes for Area B, C and D by adding 88 lots (11% expansion); will extend to encompass key gateway corridors noted in the Downtown Strategic Plan of 6<sup>th</sup> and 8<sup>th</sup> Street along with Scott Ave. GC boundary shrinks in the northwest (Area C) but increases by Lamar/Travis along Kell Blvd.; changes with Area E; anticipate a 2-3% expansion of zone overall gain of 19 parcels. LI boundary removed in the NE (Area A); shrunk in the southern portion of the district (Area E) so only includes Indiana along Kell to 11<sup>th</sup> and Ohio east to the Rail Road tracks.; Zone reduced by 15% with boundary adjustments. Potential consideration of a small strip east of LaSalle alley, approximately 6 lots from 6<sup>th</sup> – 9<sup>th</sup> St moving to CBD as their uses align more closely with commercial rather than the railroad and industrial.

Ms. Gagné displayed the Downtown Zoning Use Table that was put together by staff listing a "P" for permitted uses; "C" for conditional; or if the box is blank it is not allowed. The purpose of the table is to allow for review of uses which would not be appropriate generally, or without certain restrictions throughout a zoning district but which, if controlled as to the number, area, location or relation to the neighborhood, would promote the health, safety, and welfare of the community.

A review of development standards and elements as they related to setbacks, height and building coverage was given. Ms. Gagné stated the minimum setbacks were re-assessed to help provide more options for future development including: front, interior side and exterior side. Existing setbacks in most of the downtown zones (RDD, GC and LI) required; 25ft front setback; 25ft exterior side setback; 15ft interior side setback; 50ft – minimum lot width. For the CBD there will be no change in setbacks as there is already the ability to build up to the property line in downtown core. For GC-D it is proposed; 15ft front setback – 10ft reduction; Interior side setback: Residential – 5ft; All other uses – No minimum; 15ft exterior side setback – 10ft reduction. Rear setback: Residential – 5ft; 1ft from alley; all other uses – No minimum. Building coverage/Open space limitations - related single-family and multi-family residential projects. RDD Propose: 10ft front setback; No interior side setback; 15ft exterior side setback; no minimum rear setback.

Ms. Gagné discussed non-conforming uses and the current 2 year time limit. The appeal process to be brought before the Commission was also discussed. Chairman Cook asked if there were any properties that would be moving in a non-conforming use with the alignment. Ms. Gagné advised there was and this was a reason for the appeals process where the Planning and Zoning Commission would vote on the issue. Ms. Gagné stated staff research of peer cities showed where the City of Wichita Falls gave a 2 year discontinued use time frame other cities have a time frame according to minor/major non-conforming discontinued use for 12 months/6 consecutive months. College Station and Lewisville had a 3 month discontinuance, Abilene, Edinburg, McAllen, Odessa and Tyler, 6 months. Beaumont, Denton, Edinburg and San Angelo, 1 year. Waco was the only other peer city to have a 2 year discontinuance.

Ms. Gagné advised the purpose of the definitions section was from a land use perspective, serve the following purpose: simplify text in the ordinance; establish precise meaning of a word or phrase, eliminates ambiguity; transform technical terms into understandable, useable terminology. What is proposed to change would be to incorporate a new definition section (Sec. 2100) addressing a detailed list of uses proposed in Downtown Zoning Use Table and clarify terms to ensure compliance with federal case law and disability standards. Terms for removal are: Adult Daycare Facility, Foster Care Facility, Group Homes, Halfway House, Personal Care Home and Residential Care Facility. Updated Terms would be: Household Care Facility and Structured Sober Living Facility.

The existing Downtown Land Use Categories are listed as:

- COM – Commercial
- DNT – Downtown

- HDR – High Density Residential
- IND – Industrial
- IST – Institutional
- PAR – Parks & Open Space

It is recommended that they be consolidated into two proposed categories of:

- DNT – Downtown
- PAR – Parks & Open Space

It was also a recommendation that the Land Use Plan Amendment be consolidated into those two categories as well.

Ms. Gagné advised the proposed zone changes & the Downtown Use Table draft presented during this work session had been sent to both the Planning & Zoning Commission and the Downtown Zoning Stakeholder Committee initially created in July 2021 (*owners/tenants throughout downtown to assist staff through Diagnostic implementation phase*). The next steps in the projected timeline would first be on July 13<sup>th</sup>, 2022 when the Planning & Zoning Commission would consider recommendation of the ordinance to the City Council. Next, would be July 19<sup>th</sup>, 2022 to provide a presentation to the City Council and last, August 16<sup>th</sup>, 2022 when the City Council would potentially consider the ordinance for adoption.

Mr. Wayne Pharries stated he had issues with the work session, stating the Commission received the packet for review less than 48 hours prior to the meeting. Mr. Pharries stated he felt since there were less than 5 rezones over the last 25 years, it was presumptive of staff to make these changes to place owners into non-conforming uses. He stated City staff were making decisions for peoples properties and believed it would have a lot of unintended consequences, stating he is very skeptical.

Ms. Gagné stated staff had been working with property owners, Downtown Development Inc., the media, the Downtown Zoning Stakeholder Committee, sending direct mailers, posting information on the website as well as numerous meetings with very little turnout. Those that did participate in the meetings had very good questions. Ms. Gagné reminded the Commission that City Council approved the 2018 Downtown Diagnostic Report and that staff is not purposely trying to create non-conforming businesses but rather implement what Council has approved and directed staff to do.

Mr. Floyd advised the Commission in addition to staff efforts in working with Downtown Development there had been no negative feedback and this was a City Council decision to implement this plan.

Chairman Cook reminded the Commission that they had known and discussed the 2018 Downtown Diagnostic Report and that property owners have had ample time to voice any and all concerns. Chairman Cook stated he would like to hear from Jana Schmader with Downtown Development Inc. Ms. Schmader stated there had been much work done since the 2018 report the Council implemented including lots of calls and visits mostly about what zone property owners were currently in and reiterated there has been no negative feedback.

Chairman Cook stated he believed some of the permitted uses would be a good thing and reminded the Commission the purpose was to simplify and streamline things and hoped the Code Department would be more streamlines as well. Mr. Floyd stated these changes would provide more flexibility in the development of Downtown.

Mr. Pharries stated he was happy with the way Downtown was progressing and hearing how well planning staff has been with helping people develop. He believes the city should have a true "grandfather" statue. Mr. Floyd reminded the Commission the appeal process was in place if something did lose its status. Chairman Cook asked what if any correlation this had with the Downtown Vacant Structure Registry Ordinance. Mr. Floyd stated staff found businesses they didn't know about.

Chairman Cook asked if the present City Councilman, Bobby Whiteley had any thoughts he would like to share with the Commission. Councilman Whiteley thanked the Commission for their time they volunteered to be on the Commission and it was up to all boards to make the determination where the City was going. He stated he was in favor of most of the study but believes the citizens should decide where the district boundaries should be and stated Downtown had developed because of private investors. He felt this was a good opportunity for Planning & Zoning, staff and downtown business owners to weigh in.

Mr. Paul Menzies stated the realignment was based on the Freese & Nichols plan and that City Council appointed a Downtown Steering Committee to work with them to present a study to the Council. The pandemic slowed down the progress to implement the changes proposed. He stated the questions asked were being researched and if there were more questions to ask them. Mr. Floyd advised if the Commission felt another meeting to discuss that staff could arrange it for them before July. Mr. Doug McCulloch asked if he disagreed with the definitions if changes could be made. Ms. Gagné stated that yes changes could be made, that what was presented was only a working draft and that was the purpose of the presentation, to make any changes as the Commission recommended.

Mr. Michael Grassi stated he shared Mr. Pharries feelings and this was a lot to take in. He asked how the firm came up with rezoning alignments and what about the 4B, if only part of Central Business District (CBD) was eligible for grants. Mr. James McKechnie advised that the 4B Board would need to be asked how they determined the 4B Downtown Improvement Grant eligible boundaries and/or why they are not changing. Chairman Cook asked if the Commission could request a liaison from that board attend a Planning & Zoning meeting. Mr. McKechnie advised he could ask.

Mr. Menzies stated there was a statutory requirement on what the 4B Board could spend money on and that any changes could result in making the 4B boundary smaller. He stated the 4B Board only used the Central Business District boundary out of convenience and they are not interested in expanding their boundaries.

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## **CITY COUNCIL AGENDA**

### **August 2, 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 directs the Construction Board of Appeals and Adjustments (CBOA) to review and make a recommendation on the proposed adoption of the 2017 NEC on or before July 12, 2022, for consideration by the City Council on July 19, 2022.
- June 13, 2022 – CBOA meeting to consider review and action on recommendation of adoption of 2017 NEC and associated amendments. CBOA requests staff hold additional meetings with electrical contractors to discuss 2017 NEC adoption and associated amendments.
- June 20, 2022 – Staff held a meeting with local contractors and CBOA members to discuss the 2017 NEC adoption and associated amendments.
- June 22, 2022 - Staff held a meeting with local contractors and CBOA members to discuss the 2017 NEC adoption and associated amendments.
- July 6, 2022 – CBOA conducts public hearing and makes a recommendation to adopt of 2017 NEC and associated amendments with three additional board member-initiated amendments.
- July 19, 2022 – City Council approves motion by a vote of 3-2; however, ordinance is not adopted for lack of four (4) affirmative votes. Staff is directed to place item on next City Council agenda for consideration.

- **August 2, 2022** – City Council to consider adoption of the 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 the 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.

As directed by the Council at the June 7, 2022, meeting, the CBOA met to consider a recommendation of adoption of the 2017 NEC with associated amendments on June 13, 2022. At that meeting, the Board directed staff to hold additional code adoption meetings with local contractors. Staff held two meetings with local contractors and the CBOA on June 20 and June 22, 2022. From that meeting, staff received the comments, all of which were provided by one local home builder. No other comments related to potential code amendments were provided by those in attendance and/or contractors in contact with staff following the meeting.

The CBOA met on July 6, 2022, to again consider a recommendation of adoption of the 2017 NEC. The Board conducted a public hearing and voted to recommend adoption of the 2017 NEC and associated amendments, along with three additional amendments (see "Exhibit A") related to:

1. Amendment to language in 410.16 (c) (1) to allow for proximity measurements for lighting luminaires relative to closet spacing.
2. Adding language to section 210.52 subsection 2, subsection 1, to add floor level windows as an exception to wall space and other floor level interruptions.

3. Electrical plugs are not required in peninsula and island counter top space, specifically on hard counter tops.

**RECOMMENDATION:**

Staff recommends approval of the ordinance including “Exhibit A”.

☒ **Director of Development Services**

☒ **Assistant City Manager**

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**ASSOCIATED INFORMATION:** Formal CBOA Proposed Amendment Language;  
Ordinance

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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## Exhibit A

### Formal 2017 NEC Amendment Language as recommended by CBOA

#### Sec. 22-401. National Electrical Code

(a) Adoption.

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.

(b) Changes, deletions and amendments.

The following changes, deletions and amendments are made to the specified sections in the 2017 edition of the National Electrical Code in section 22-401(a). Where an adopted section of the 2017 National Electrical Code not been changed, deleted, or amended by this ordinance, it is adopted as worded in the 2017 National Electrical Code.

- (1) 210.52(A)(2)(1): Any space 600 mm (2 ft) or more in width (including space measured around corners) and unbroken along floor line by doorways and similar openings, fire places, fireplaces, fixed cabinets that do not have countertops or similar work surfaces, windows that extend to the floor plate, and decorative or ornamental walls, as noted on the plan set, such as stone, brick, marble, or other material as determined by the Chief Building Official. In any event, a receptacle shall be mounted as close as possible to a decorative wall.
- (2) 210.52(C)(2) Island Countertop Spaces. A receptacle is not required for Island Countertop Spaces. A small appliance wire shall be run to the island and be enclosed in a box under the island for future use.
- (3) 410.16(C)(3) 150 mm (6 in) for recessed incandescent installed in the wall or ceiling. LED luminaires with a completely enclosed light source may be installed without regard to distance.

**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 discuss, and did discuss, the proposed adoption of the 2017 NEC; and,

WHEREAS, the City Council sent this proposed ordinance to the Construction Board of Appeals and Adjustments which acted as an advisory board and obtained public comment on 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 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 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 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 ~~Chief Building Official~~ board of electrical examiners.

(4) If for a homeowner's permit, the individual applying therefor is not the owner and resident of the premises for which the permit is sought.

(5) If for a homeowner's permit, the individual seeking the permit has failed to

demonstrate a working knowledge of this article.

(6) The individual seeking the permit has failed to furnish the certificate of insurance required by [section 22-349](#), or such insurance has been canceled or reduced in coverage. This defect may be cured by compliance with the terms of [section 22-349](#).

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

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

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

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

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

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

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

(2) All current connected device locations.

(3) All circuitry to panels.

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

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

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

(1) All commercial building plans shall bear the seal of an electrical engineer or a certification by a master electrician or industrial electrician that the plans are approved by him. However, all plans must bear the seal of an

engineer licensed to practice in the state when required by the Texas Occupations Code.

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

- a. An engineer licensed by the state.
- b. A registered master electrician who is contracted for the job.
- c. A homeowner who is performing electrical work on his own residence.

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

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

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

(b) The permit shall specify the following:

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

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

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

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

- (1) Apply for and secure a regular permit for electrical work to either complete the temporary work or bring such work into full compliance with this article; or
- (2) Remove all such temporary electrical work installed or undertaken under the temporary permit issued and restore the building or premises to full code compliance.

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

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

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

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

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

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

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

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

- (1) Rough-in inspection. The registered electrician or homeowner who has secured the permit for electrical work shall be responsible for notification to the Building and Code Administration that the electrical work is ready for a

rough-in inspection at such time that all raceways, panel board cabinets, service equipment, outlet boxes, junction boxes, conduit, conductors and conductor splices are installed and ready for visible inspection. The electrical inspector shall refuse to make any rough-in inspection when the electrical work has been covered from view.

(2) Final inspection. The registered electrician or homeowner who has secured the permit for electrical work shall be responsible for notification to the Building and Code Administration that the electrical work is ready for a final inspection. Electrical work shall be considered ready for final inspection when such work has passed all prior inspections made by the electrical inspector, or when such work has been corrected to comply with this article where a violation has been found to exist upon prior inspection, and where the electrical work has been completed in accordance to plans and specifications by the registered electrician or homeowner who has secured the permit. The electrical inspector shall have the option of requiring the presence of the permitted electrician or journeyman in charge of the work at any final inspection.

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

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

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

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

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

- (1) The address where the work is located.
- (2) The permit number if requested by the electrical inspector.
- (3) The electrical contractor's name and address or the name of the

homeowner.

(4) The type of inspection requested, which shall be as follows:

E1	Construction tap
E2	Rough in (before work is covered)
E3	Final (all work complete, power on)
E4	Reinspection (when work is rejected)
E5	Courtesy inspection (to discuss or plan work)
E6	Electrical system safety check (before power is connected or occupancy change to existing service)
E9	Temporary power on (to power system before final inspection. If the structure is occupied or code violations are noted, the electrical inspector may request immediate disconnect of service to the electrical utility)

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

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

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

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

(3) When the electrical inspector is requested to make a final inspection on any electrical work, he shall determine at such inspection if the electrical work complies with this article and is ready to be connected to a source of electrical current. If the electrical inspector approves and passes the work inspected, he shall attach or affix, at a visible and accessible point, a notice which shall signify that the work has been

inspected and found to be in compliance with this article, and is ready to be connected to a source of electrical current. The notice shall be signed by the inspector, shall be dated, shall set forth the address of the job site, and upon issuance, the inspector shall notify the utility company to provide service to the site in accordance with [section 22-224](#).

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

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

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

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

- (1) New service to any new building, structure, tent, installation, sign or outdoor lighting.
- (2) Electrical service has been terminated due to the alteration or repair of any building, structure, installation, sign, premises or outdoor lighting.
- (3) Electrical service has been terminated due to fire, flood, windstorm, earthquake, explosion or any other similar disaster to any building, structure, installation, sign, premises or outdoor lighting.
- (4) Electrical service has been terminated due to unsafe electrical conditions existing at or in any building, structure, installation, sign, premises

or outdoor lighting, and the utility has been made aware of such fact by the electrical inspector.

(5) Electrical service has been discontinued or there has been a change of occupants to any building or premises, except private residences and apartments where service is carried over for a continuing occupancy.

**Secs. 22-225–22-254. Reserved.**

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

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

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

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

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

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

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

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

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

**Secs. 22-257–22-285. Reserved.**

## **DIVISION 3. ELECTRICAL CONTRACTORS**

## **Subdivision I. In General**

**Secs. 22-286–22-345. Reserved.**

## **Subdivision II. Licenses**

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

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

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

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

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

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

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

as the city contact during such period of absence.

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

(5) An electrical contractor's registration shall expire on December 31 and may be renewed thereafter.

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

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

(d) A master electrician or industrial electrician shall not use his registration to obtain electrical permits issued under this article for any other class of electrician who is not a full-time employee of the master electrician's or industrial electrician's company and under his direct supervision and control. Business records of the electrical contractor may be required by the ~~board of electrical examiners~~Chief Building Official 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 19<sup>th</sup> day of July 2022.

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M A Y O R

ATTEST:

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City Clerk

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**CITY COUNCIL AGENDA**  
**August 2, 2022**

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**ITEM/SUBJECT:** Ordinance of the City Council of the City of Wichita Falls, Texas, adopting a Redistricting Plan to change the boundaries of the City's five (5) single-member Council Districts based on 2020 Census data, and providing for incorporation of the Redistricting Plan map in accordance with Section 2-26 of the City of Wichita Falls, Code of Ordinances.

**INITIATING DEPT:** City Clerk

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**STRATEGIC GOAL:** Efficiently Deliver City Services

**STRATEGIC OBJECTIVE:** Practice Effective Governance

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**COMMENTARY:** According to 2020, U.S. Census data, the City's single-member Council Districts are not of equal population and the boundaries must be redrawn to comply with the "one-person, one-vote" principle, Voting Rights Act, and applicable federal and state law. The City of Wichita Falls contracted with the law firm of Alison, Bass & Magee, LLP to act as the redistricting consultant to advise and assist in the preparation of the required redistricting plan. On December 7, 2021, the City Council approved Resolution 151-2021 initiating the process of redistricting City Council Districts, established criteria for redistricting, and appointed an Advisory Committee.

The initial assessment provided by the consultant showed a total maximum population deviation of 13.23% between the largest and smallest districts. Deviations above 10% require redrawing the boundaries of single-member districts. The Advisory Committee met with the consultant to review the initial assessment and discuss proposed plans. The Advisory Committee recommends the proposed plan presented today.

Redistricting information has been made available to the public on the City's website, and a public hearing was held on July 19, 2022, to receive public input. Notice of the public hearing was posted in accordance with the Texas Open Meetings Act on the City's official bulletin board and website. Additionally, it was posted on City social media platforms, and an official press release was sent to all media outlets.

**Recommendation:**

Staff recommends approval of the Ordinance adopting the Redistricting Plan.

☒ **City Clerk**

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**ASSOCIATED INFORMATION:** Ordinance, Initial Assessment, and Proposed Redistricting Plan and Map.

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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

**Ordinance of the City Council of the City of Wichita Falls, Texas, adopting a Redistricting Plan to change the boundaries of the City's five (5) single-member Council Districts based on 2020 Census data, and providing for incorporation of the Redistricting Plan map in accordance with Section 2-26 of the City of Wichita Falls, Code of Ordinances**

WHEREAS, it is necessary for the City Council of the City of Wichita Falls to reexamine and adjust the single-member City Council district boundaries based on the 2020 United States Census reports on the population of the City of Wichita Falls, in order to maintain as nearly as possible an equal population within each district; and,

WHEREAS, the city has considered the legal issues and governmental duties imposed by state and federal law, and previously approved Resolution 151-2021 initiating the process, and establishing the criteria for redistricting; and,

WHEREAS, the City Council has commissioned and received an Initial Assessment (Exhibit 1) by qualified professionals experienced in the field of redistricting law for the purpose of making a preliminary determination of population distribution between the five (5) single-member City Council districts, and the obligation to comply with "one-person one-vote" balance as required by applicable state and federal law; and,

WHEREAS, a finding based on the Initial Assessment recognized the legal duty to redraw political boundaries to comply with applicable law, and this finding was entered into Resolution 151-2021 (Exhibit 2); and,

WHEREAS, after convening a public hearing for comment on the proposed plan, and after meeting in open session to consider the modification of the boundaries of existing single-member City Council districts to achieve acceptable levels of numerical balance and to protect the voting rights of all residents of the City of Wichita Falls, Texas, the City Council has determined to adopt the attached Redistricting Plan (Exhibit 3); and,

WHEREAS, the City Council finds the redistricting plan is in the best interest of the citizens of the City, complies with adopted redistricting criteria, and is believed to comply with all state and federal requirements;

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

1. Pursuant to the powers conferred upon the City Council of the City of Wichita Falls by Section 7 of the Home Rule Charter of the City of Wichita Falls, the City Council does hereby adopt the attached Redistricting Plan to change the boundaries of the five (5) single-member City Council districts.

2. The map contained in the Redistricting Plan is incorporated by reference into Section 2-26 of the Code of Ordinances of the City of Wichita Falls to identify and delineate the single-member City Council districts established in said Section.

3. The Redistricting Plan depicted in the attached maps and data is hereby approved and adopted by the City Council of the City of Wichita Falls, Texas, and shall be effective for the use in November 2022 and for all subsequent elections until changed or modified.

PASSED AND APPROVED this the 2<sup>nd</sup> day of August, 2022.

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M A Y O R

ATTEST:

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City Clerk

## Exhibit - 1

**INITIAL ASSESSMENT  
OF  
THE CITY OF WICHITA FALLS, TEXAS  
FOR PURPOSES OF REDISTRICTING EVALUATION**

Prepared by

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**Attorney assigned to the City of Wichita Falls:**  
**Robert T. Bass**  
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CONTENTS

TAB A: Initial Assessment

The Initial Assessment is a narrative analysis of the data contained in the PL94171 files provided by the Census Bureau, together with an explanation of the impact such data may have upon the City in light of state and federal law.

TAB B: Statistical Definitions and Determination of Total Maximum Deviation

Definitions of the various ratios, formula and procedures utilized in the analysis of City population. These ratios, formula and procedures have been largely developed in case law in the field of redistricting, together with generally recognized methods of sociological study.

NOTE: Prison inmate populations are included in the census data. However, inmates detained under felony convictions are not eligible to vote under Texas law. As such, populations of inmates held within the state prison system, either in state owned and operated facilities, or under contract in City facilities, are typically not counted in the determination of Total Maximum Deviation, or for other "one-person-one-vote" determinations. For purposes of the Initial Assessment, raw data has been acquired from the City and/or the Department of Criminal Justice regarding prison populations, and from the U.S. Immigration and Customs Enforcement (ICE) for persons held pending immigration cases. In subsequent census data releases, group housing data may reveal more specific information, but at this time, we are deducting prison populations from City population totals in order to arrive at a true "one-person-one-vote" analysis, and to avoid potential imbalances in population that might result of inclusion of prison population in precinct totals. City jails holding persons convicted of both felony and misdemeanor offenses, juvenile facilities, or facilities holding individuals pending resolution of pending criminal or immigration charges are included within the population counts for the City, as reflected in the census data.

#### DEMOGRAPHIC ANALYSIS

The working file is a demographic analysis of each major City elective office elected from geographic precincts. These files analyze the population demographics of each precinct based elective office, i.e. the offices of City Council member. Prior to the 1990 census, previously existing election precinct boundaries were often described by nonphysical boundaries. Since the use of computerized census maps was first implemented in 1990, based upon topological maps which contain not only physical boundaries, such as roads, streets, streams and water bodies, but also such "non-physical boundaries" as easements, municipal boundaries or other surveyed lines, but not visible on the ground, it was necessary to merely "approximate" those boundaries that were not defined by a physical boundary such as a road, watercourse, or other physical boundary. These approximations were described as Voter Tabulation Districts, or VTDs. It should be noted that the VTD was only approximation of the actual voting boundaries, since Public Law 94-171 requires that the VTD utilize census blocks as its component parts.

In 1990, most Cities adopted election boundaries based on census blocks, but VTDs are still encountered. The boundaries utilized in this Initial Assessment are derived from the Texas Legislative Council, and have been, to the extent possible, confirmed as accurate by local officials. However, some Cities continue to have election precinct boundaries defined in a manner that is incompatible with census block-based mapping. Therefore, in some cases, you may find a discrepancy between the actual boundary in use, and the census block-based mapping boundaries used in this report. All future election precincts should be based upon census blocks to avoid any discrepancy between the actual boundary in use and the official boundary description maintained by the Texas Legislative Council.

City demographic data is depicted in chart and graphic form for both total City population as well as voting age population. While "One-Person-One-Vote" balance between the four City Council Wards is based upon the entire City population, the availability of voting age populations is also important in two respects.

First, each City should assess the size of existing election precincts. State law limits the size of election precincts of not less than 100 registered voters, and not more than 5,000 registered voters per election precinct. (See §42.006, Texas Election Code, V.T.S.C.A), with some exceptions based on the size of each City population.

Second, in Cities inhabited by a significant minority population, the need to create one or more City Council Wards that assure minority representation requires utilization of voting age information. While the actual political boundaries will be based upon total population, the viability of the resulting precinct in terms of the ability to elect requires analysis of voting age population.

TAB C:                Maps

The following maps depict City populations by census block. It should be noted that in some census blocks, the total population may be very small, and the resulting color shading may therefore result in some misperception of actual population totals.

Correlation of the map depiction with the data contained in the PL94-171 is necessary to assure accuracy of any assumptions or projections for reapportionment purposes. All computer-generated matters contained in this report, including statistical ratios or formulas, are derived from information taken directly from the Public Law 94-171 files of the United States Census Bureau. Allison, Bass & Magee, LLP shall not be responsible for errors that may occur in the PL94-171 data.

- Map 1:                Depiction of Existing City Council Wards-City wide
- Map 2:                Voting or Election Districts-City Wide
- Map 2:                Hispanic population
- Map 3:                Black population
- Map 4:                Other Non-Anglo Population  
(Asian, American Indian, Pacific Islander, Other or  
Multi-racial categories in excess of 3% aggregate.  
Few Texas Cities will have this level of "other"  
Non-Anglo population. If your City does not have more than 3%  
of "other non-Anglo population, there will be no Map 4)

TAB A

INITIAL ASSESSMENT

NARRATIVE

**INITIAL ASSESSMENT  
OF  
THE CITY OF WICHITA FALLS, TEXAS  
POLITICAL BOUNDARIES  
FOR  
PURPOSES OF REDISTRICTING**

By

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## **GENERAL OVERVIEW**

Following the Supreme Court decision in *Avery v. Midland County*, 390 U.S. 474; 88 S. Ct. 1114, 20 L. Ed. 2d 45 (1968), all Texas governmental units electing its executive body from single member districts have been required to make a periodic assessment of their political boundaries to determine whether the boundaries retain "one-person-one-vote" balance. This requirement is now carried forward by statutory requirement in Article 42.001 of the Texas Election Code.

Therefore, following each federal census, each Texas City with single member district wards should conduct an assessment of existing political boundaries. As a very general rule of thumb, any statistical change of population between the 2010 and 2020 census more than 3%, plus or minus, will indicate a potential need for reapportionment. Only in rare circumstances will a City experiencing a population change in excess of 3% avoid the need for rather extensive reapportionment of the City Council Ward lines. However, any assumption that a population change of less than 3% will not require reapportionment is ill advised. Populations will shift within a City over time. Every City, even those with a rather insignificant overall population change, should carefully examine actual population demographics relative to their existing political lines to determine the need for reapportionment.

It should be carefully noted that simple comparisons between the City population of 2010 and 2020, or even a more sophisticated analysis of urban and rural areas of the City might not reflect the true extent of population "change" each City has experienced over the last ten years. "Change" may not directly correlate to "different" or "new" population. For example, existing populations within a City move considerably within a ten-year span. The movement of a single family a rural area to an urban area within the same City will impact both categories, and where that move crosses political boundaries, may have a significant impact on the obligation of that City to redistrict.

Efforts to balance road mileage, or to achieve other entirely practical adjustments of City boundaries must be undertaken with great care to avoid unintended shifts of population which will either exceed the required numerical balance, or will offend the Voting Rights Act.

With this general overview, the following sections of this Initial Assessment will evaluate each layer of the City of Wichita Falls's political boundaries and attempt to determine whether or not the City Council should undertake reapportionment. Our assessment will point out areas of potential conflict with state and federal law, and will also suggest areas that may be considered for purposes of cost effectiveness and voter/resident convenience.

### **INITIAL SUMMARY FINDINGS REGARDING NUMERICAL BALANCE:**

Please review the information contained under Tab B carefully. Please pay particular attention to the following:

1. Please consider the Total Maximum Deviation in terms of population between the Actual Population of each City Council Ward and the Ideal Population. Remember that the ideal population of each Ward is exactly one-quarter of the total City population.
2. Next, consider the Relative Deviation, expressed as a percentage, of the Actual Population of each Ward as compared to the Ideal Population of each Ward.
3. Redistricting will be necessary to comply with 'One-Person-One-Vote' standards if the Total Maximum Deviation between the largest Ward and the smallest Ward (in terms of population) exceeds 10%.
4. Therefore, carefully examine the Total Maximum Deviation calculation. If that number is more than 10%, the City of Wichita Falls is legally obligated to make changes in its political boundaries to re-balance the population to more equal terms.

5. If the Total Maximum Deviation exceeds approximately 7%, you may want to consider redistricting in order to re-balance your boundaries, although you are not legally required to do so at this time.
6. If the eventual resulting Total Maximum Deviation is below 5%, you are generally safe from legal challenge on a "one-person-one-vote" basis for the next few years.

### **MINORITY VOTING RIGHTS**

As a general rule, where the total minority percentage exceeds 25% of the total population, there is ample justification to create a City Council Ward that contains a potential voting majority of minority residents. In concentrations greater than 40%, consideration should be given to creating at least one Ward with a potential voting majority of minority residents, with the possibility of any "excess population" being used to impact one or more other Wards. Where the total minority concentration exceeds 40%, the issue of "Packing" becomes a consideration, meaning that minority populations cannot be "packed" into a single Ward, but must be allowed to influence as many Wards as the total minority population warrants without efforts to fragment otherwise contiguous concentrations of minority population.

Please examine the demographic data contained under Tab B very carefully.

With the racial profile outlined under Tab B, minority representation must not be diluted, and where possible, a voting majority of minority residents should be created. In order to achieve the maximum minority representation within the demographic and geographic limitations in existence, it will be necessary to determine which election Wards, and which census blocks, contain the highest percentage of minority population and to take such reasonable measures as will insure the highest possible minority voice in City government. To achieve this goal, some attention must be paid to voting age minority residents. Again, please review the data contained under Tab B. In order to create a viable voting majority of ethnic, race or language minority voters, it is necessary to attain a voting age population within at least one City Council Ward of approximately 55% or better. In order to accomplish this high number of voting age population, a total population figure in excess of 60% is typically required.

Please examine Tab B to determine the minority population of each of the four City Council Wards. A determination of whether or not the minority populations in these Wards could be joined in a single Ward, or perhaps concentrated in an effort to maximize minority impact upon elections is difficult to assess without a more detailed evaluation of historical voting patterns, racial demographics, and the realities of political boundaries.

When taken with the numerical imbalances that must be addressed, it would appear that if at all possible, minority populations might be concentrated in at least one City Council Ward to the degree possible to achieve an acceptable potential minority concentration. Typically, the City Council Ward with the largest minority concentration prior to redrawing lines is the best candidate for any alternative plan, but other possible constructions of Ward lines might well result in a favorable racial profile.

Fragmenting minority population concentrations must be avoided. Any modification of political boundaries to accomplish compliance with the requirements of the Voting Rights Act must be carefully considered.

### **ASSESSMENT OF ELECTION PRECINCTS**

Election Precincts are the building blocks for all other political boundaries. The County is responsible for the creation of election precincts for use in primary and general elections, and are therefore convenient for use in city elections as well where possible. Therefore, our assessment begins with this primary political unit. According to Article 42.006, Texas Election Code, V.A.C.S., each election precinct must contain not fewer than 50 registered voters and not more than 5000 registered voters. (Exceptions apply depending upon City population). For the Initial Assessment, no attempt has been made to acquire actual registered voter information. In this preliminary assessment, a formulaic approach will be used. For purposes of the Initial Assessment, we make some

assumptions that allow us to estimate the highest probable number of registered voters that might reside within an election precinct. Using the voting age population demographic information contained in Appendix B, we assume that the percentage of actual registered voters would never exceed 70% of the total "eligible" voters over the age of 18 years. This assumption will generally hold true, but in some isolated cases, the actual number of registered voters may exceed 70% of total eligible voters.

Reducing the number of election precincts, where appropriate, lowers the overall costs of elections, but this reduction must be coupled with other factors, such as automated vote counting, in order to ensure that election returns can be quickly and accurately tabulated in the resulting larger election precincts. With automated vote counting systems, smaller polling place staff can accommodate larger numbers of voters, and achieve overall reductions in the costs of elections.

Current election precincts are generally acceptable. However, as the boundaries of the City Council Wards are altered to accommodate "one-person-one-vote" and Voting Rights Act changes, there will be incidental modification to your existing election precincts in most areas. In addition, you may wish to make other changes in existing election precincts to accommodate state law requirements regarding the number of voters permitted in election precinct, or to address other issues of local concern. As the process continues, we will discuss these issues with you for your guidance.

### **CONSOLIDATION FACTORS**

A limiting factor in wholesale consolidation of City election precincts will be the restraints imposed by Art. 42.005, Texas Election Code, V.A.C.S., which restricts City election precincts to that territory which does not contain more than one commissioner's precinct, justice precinct, congressional district, state representative district, state senatorial district, or a State Board of Education District. It is also recommended that residents of a municipality be in separate election precincts from rural voters, for purposes of conducting city elections.

In any plan for City election precincts within a city having single member election districts, city ward lines must be followed to prevent a violation of state law. Therefore, all cities within the City should be encouraged to participate and cooperate in the reapportionment process.

### **GENERAL HOUSEKEEPING**

Some attention should be given to "straightening" political boundaries into more uniform shape. In some cases, certain election precincts may be altered to use a more commonly understood or recognized physical boundary in lieu of a poorly identified or recognized boundary. Public Law 94-171, which directed the Census Bureau to develop a uniform mapping and demographic profiling approach for use by small personal computers, required that all voter tabulation districts (VTDs) follow census block boundaries. In many cases, City voting districts had been previously drawn in a manner that did not follow a census block boundary. This required the State of Texas, acting in conjunction with the State Data Center and the Texas Legislative Council, to move the actual voting district boundary to coincide with a nearby census block boundary for tabulation purposes only. The resulting VTD was no longer "actual," but an approximation referred to as a "pseudo-voting district."

Every reasonable effort has been made to conform the pseudo voting district to actual VTD boundaries. However, due to the nature of the available data base, and the requirements of Public Law 94-171, there may be occasions in which the pseudo voting districts, or the resulting lines between election precinct and Ward boundary, are different from those that actually exist. Again, the use of the pseudo voting district was for tabulation purposes only, and any apparent difference between actual and apparent political lines should be considered as minimal. However, since all later census counts were undertaken upon the census blocks, there could be a valid argument that a necessity to alter current election district boundaries to match the census block format exists. Under these circumstances, new political lines will be required to avoid conflict with census block lines that do not match current political area definitions. While matching census blocks to actual political lines would not, in and of itself, generally support a decision to reapportion under the circumstances that exist in the City of Wichita Falls, there is a justifiable combination of factors that would support a reapportionment decision. These factors would include:

1. Redrawing election precincts to increase voter convenience.
2. Consolidation of election precincts where practicable.
3. Resizing election precincts to achieve greater efficiency.
4. Harmonizing actual political lines with pseudo voting districts based upon census blocks.
5. Redrawing all lines to achieve “one-person-one-vote” deviations of the smallest possible percentage.

### **CONCLUSION**

While the primary task of reapportionment will concentrate on the issue of numerical balance and minority representation in the formation of City Council Wards, other valuable improvements could also be achieved in the political well-being of the City of Wichita Falls by redrawing existing lines. The method and manner by which these less direct goals are accomplished is a responsibility imposed upon the City Council beyond those expressly required by the Voting Rights Act or the Constitution, but which may have just as much value to the general public. Cost efficiency and voter convenience in elections that might be achieved by a serious evaluation of election precincts, and the elimination of unnecessary confusion by cooperation with other governmental entities are only two of the benefits that might be achieved by reapportionment beyond the legal duties required by law.

Redistricting should be viewed as an opportunity for streamlining City organization, and a chance to address as many issues as possible to achieve greater participation and involvement in City government. This is the time to plan for future growth, anticipate costs of government operations, and to involve the public in the process of City government. We look forward to working with you in this exacting but rewarding process.

ALLISON, BASS & MAGEE, L.L.P.

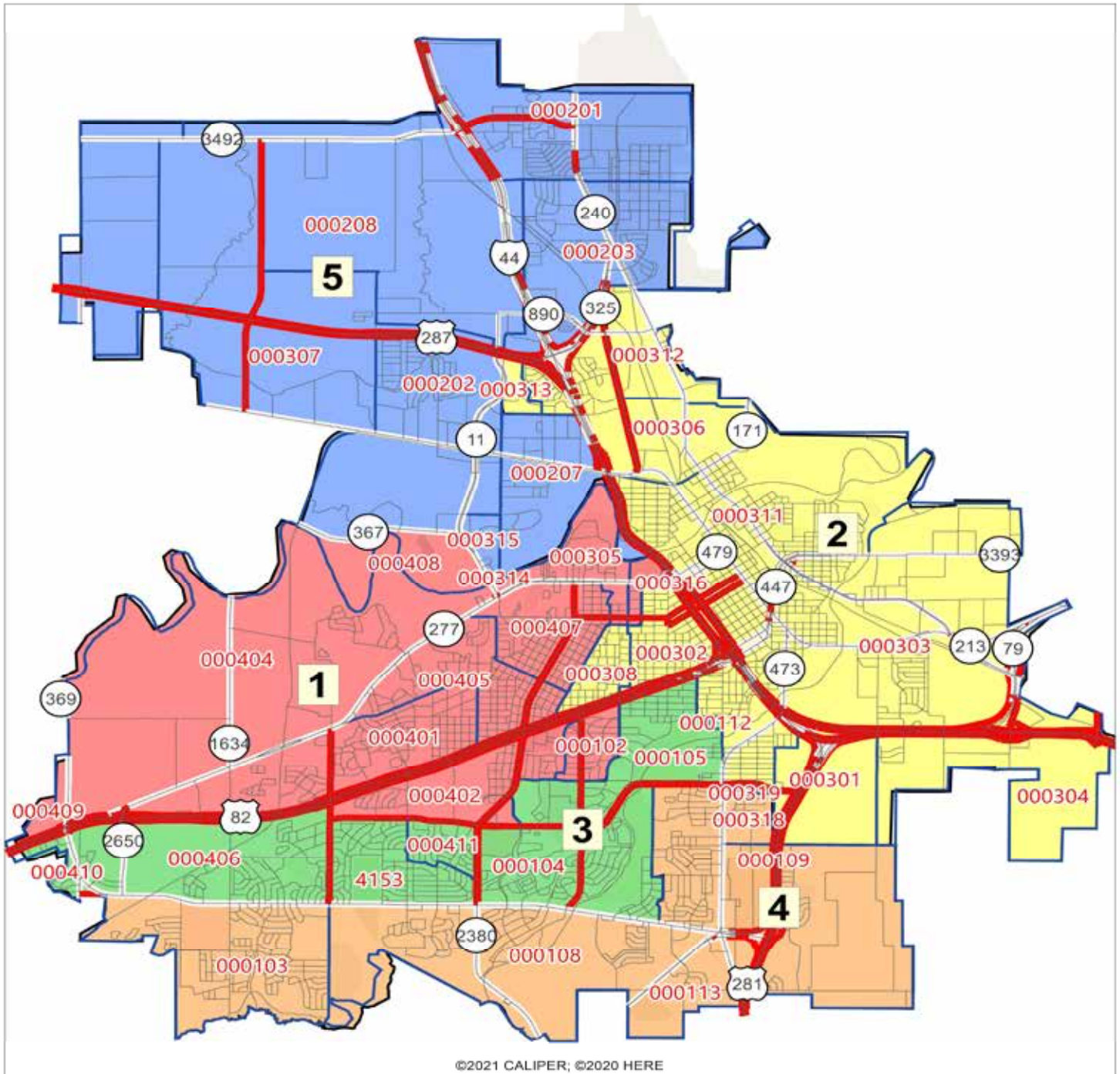
TAB B

DETERMINATION OF  
TOTAL MAXIMUM DEVIATION And  
POPULATION DEMOGRAPHICS  
BY PRECINCT

TAB C

THE CITY OF WICHITA FALLS  
EXISTING POLITICAL  
BOUNDARIES IN MAP FORM

# MAP 1 DEPICTION OF EXISTING CITY COUNCIL PRECINCTS and VOTING/ELECTION PRECINCTS



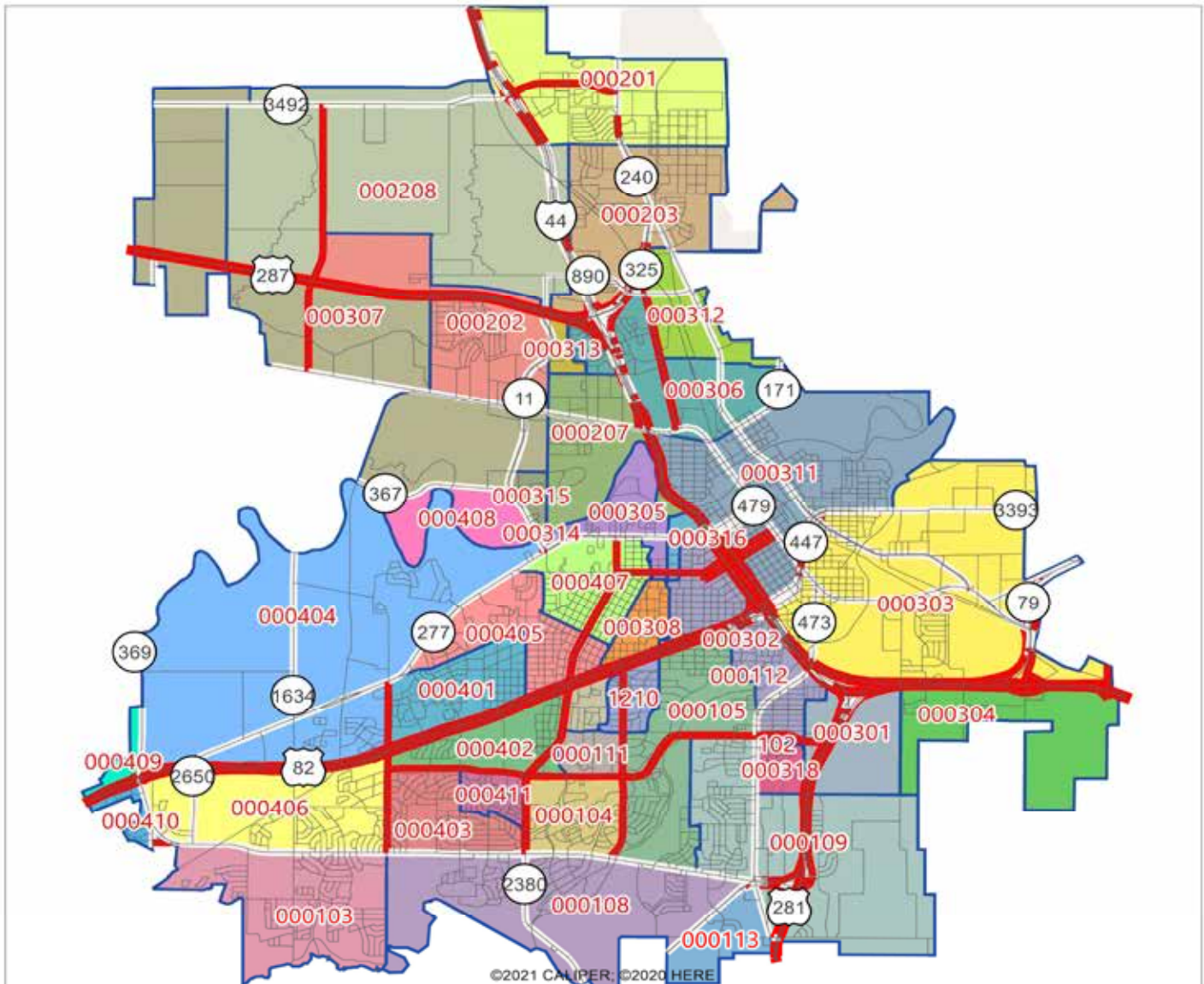
- District 1
- District 2
- District 3
- District 4
- District 5

## City of Wichita Falls

### Initial Assessment City Council Districts



Allison, Bass & Magee, LLP  
Data Source: 2020 Census



000102	000103	000104	000105	000108	000109
000110	000111	000112	000113	000201	000202
000203	000207	000208	000301	000302	000303
000304	000305	000306	000307	000308	000311
000312	000313	000314	000315	000316	000318
000319	000401	000402	000403	000404	000405
000406	000407	000408	000409	000410	000411



## City of Wichita Falls

### Initial Assessment City Council Districts

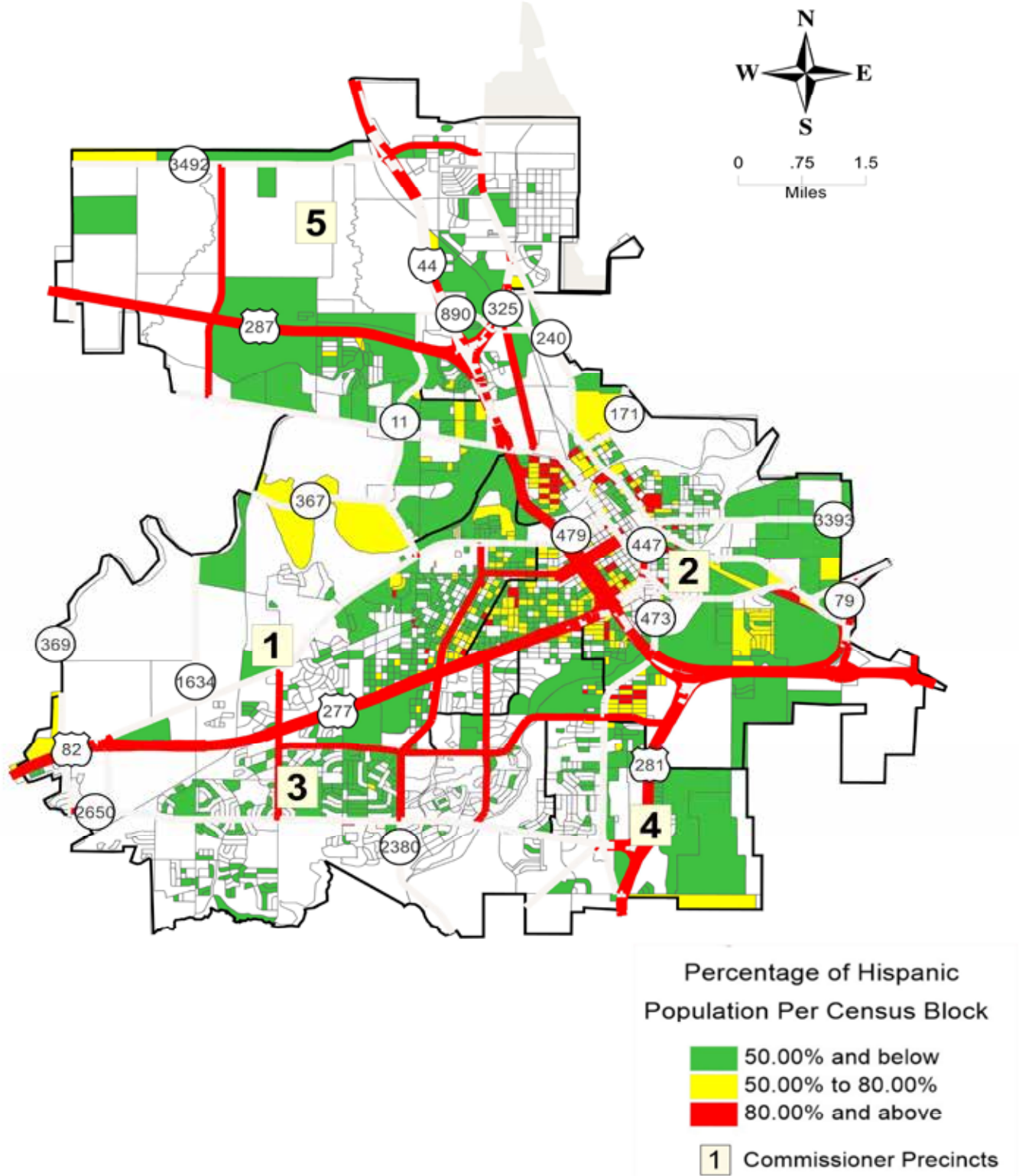
Allison, Bass & Magee, LLP  
Data Source: 2020 Census

# MAP 2

## HISPANIC POPULATION

# City of Wichita Falls

## Hispanic Population



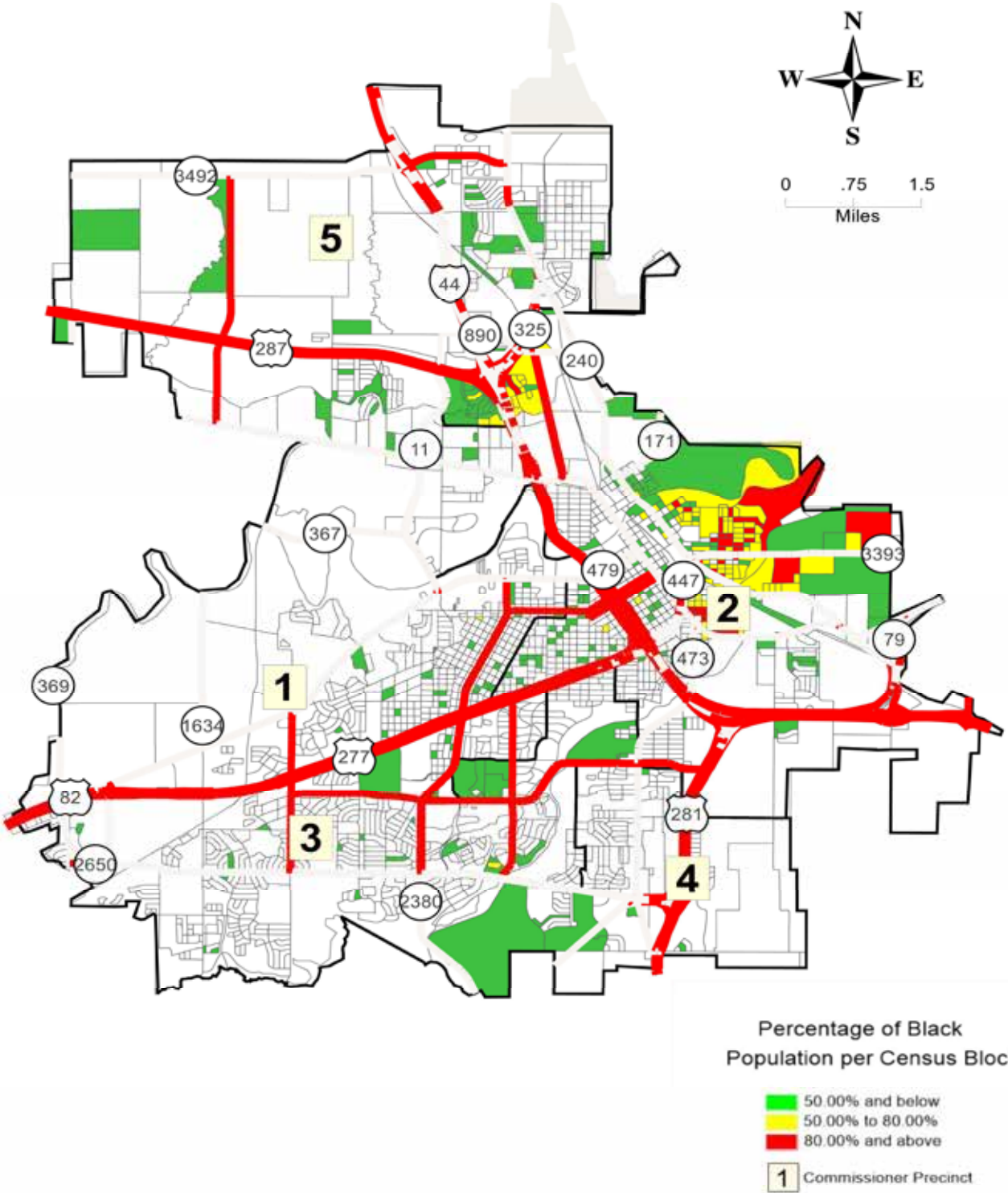
©2021 CALIPER; ©2020 HERE

# MAP 3

## BLACK POPULATION

# City of Wichita Falls

## Black Population



Allison, Bass & Magee LLP  
Date: 9/14/2021  
Data Source: Census 2020

©2021 CALIPER; ©2020 HERE

# MAP 4

## OTHER MINORITY POPULATION

NOTE: If “Other” minority populations within the City of Wichita Falls do not equal or exceed five percent (5%), this portion of the population will not be depicted in map form.

## Exhibit – 2

### **Resolution No. 151-2021**

#### **Resolution initiating the process of Redistricting City Council Districts, establishing Criteria for Redistricting, and appointing an Advisory Committee to provide advice and input to the Redistricting process**

WHEREAS, the Wichita Falls City Council has previously retained the firm of Allison, Bass & Magee, LLP, of Austin, Texas, to conduct an Initial Assessment of existing political boundaries of the City of Wichita Falls, following the issuance of census data by the United States Census Bureau;

WHEREAS, the Initial Assessment was based upon PL94-171 data, as required by federal law, and is further based upon information provided to Allison, Bass & Associates, LLP by the Texas Legislative Council, other official sources of information, and by the City of Wichita Falls, Texas;

WHEREAS, based upon this information, the City of Wichita Falls has a total maximum deviation of 13.23%;

WHEREAS, the “total maximum deviation” is determined by dividing the total population of the City of Wichita Falls by five, the number of city districts to determine an ideal district size. The actual population of each district was then determined, based upon the official population data contained within the census count, as defined by Public Law 94-171;

WHEREAS, the actual population of each district was compared to the ideal district size and a range of deviation by percentage was determined;

WHEREAS, a total maximum deviation in excess of 10% is presumptively unconstitutional under established federal law; therefore, the City of Wichita Falls, Texas, has a constitutional duty to redistrict its political boundaries to achieve “One-Person-One-Vote” numerical balance between the Council districts at a legally acceptable margin of deviation, and to make such changes as are necessary to comply with the Voting Rights Act and applicable state and federal law; and

WHEREAS, the City Council finds the public interest will be served by redrawing the existing political boundaries of the City of Wichita Falls in such a manner as to comply with applicable state and federal law.

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

1. The City will undertake such necessary and appropriate action to accomplish redistricting of existing city districts.

2. The City Council will convene in open meetings, duly posted in accordance with the Texas Open Meetings Act, to take up and consider one or more alternative plans for the legal redistricting of the City of Wichita Falls.

3. After due consideration of one or more alternative plans, the City of Wichita Falls will adopt a plan deemed to satisfy legal requirements, and which best suits the legitimate governmental needs of the City of Wichita Falls.

4. The plan should, to the maximum extent possible, conform to the following criteria:

- a. The plan should ensure that all applicable provisions of the U.S. and Texas Constitutions, the Voting Rights Act, and the Texas Election Code are honored.
- b. The plan should be drawn in such a manner that the maximum deviation from an ideal size, as determined by dividing the total population of the city by the number of single member districts that compose the City Council of the City of Wichita Falls be not more than plus or minus five (5%) percent for any individual single member district, or a total top to bottom deviation (percentage of deviation below and above the ideal size) between the most populated district and the least populated district by not more than a maximum deviation of no more than ten (10%) percent.
- c. The plan should address minority representation, and if at all possible, in conformity with constitutional standards, avoid retrogression in the percentage of population and voting age demographics consistent with existing minority representation.
- d. The plan should, avoid fragmentation and preserve minority communities of interest to the maximum extent possible. These communities of interest should be recognized and retained intact where possible. Only when the overall minority population of the county is sufficiently large to require more than one minority district should minority populations be divided, and only then to the least degree possible.
- e. The plan should not, however, attempt to unreasonably join geographically remote minority populations into a single precinct unless there are strong and genuine connections between these communities as reflected by common schools, churches, or cultural ties. For example, minority populations in two separate neighborhoods, located miles apart, may not have sufficient links or common political cohesion to justify joining these two minority population centers into a single electoral group. Particularly, when dealing with distinct minority groups, such as Black and Hispanic populations, a general

assumption that separate minority populations will vote in a “block” may be unsupportable in fact.

- f. The plan should seek compact and contiguous political boundaries. Physical boundaries of cultural or economic significance, such as rivers, multi-lane control access highways or turnpikes, which tend to divide populations in fundamental ways, should be recognized and where possible, should only serve as necessary to achieve recognized objectives. Communities of interest should be retained intact where possible. To the maximum extent possible, clearly recognized boundaries, such as streets and highways, should be used to facilitate ease of voter identification of boundaries, as well as election administration.
- g. Where possible, well-recognized and long used election precinct boundaries should be retained intact (within the limitations imposed by state and federal law) or with as little alteration as possible.
- h. Election precincts in the plan should be sized in conformity with state law. For example, in counties that use traditional, hand counted paper ballots, no election precinct may contain more than 2000 voters. In jurisdictions with voting systems that allow for automated ballot counting, this number may be increased to as many as 5000 registered voters.
- i. The plan should afford incumbent office holders with the assurance that they will continue to represent the majority of individuals who elected these incumbents, and all incumbents’ residential locations should be retained in their reformed precincts to ensure continuity in leadership during the remaining term of incumbents to the extent possible.
- j. The plan should address fundamental and necessary governmental functions, and to the extent possible, ensure that these functions are enhanced rather than impaired. Election administration should not be unduly complex as a result of election boundaries.
- k. The plan should attempt to locate polling places in convenient, well-known locations that are accessible to disabled voters to the maximum extent possible. Public buildings should be utilized to the maximum extent possible as polling places. Where necessary, buildings routinely open to the public, such as churches, retail businesses, or private buildings dedicated to public activities, can be used as polling places.
- l. If the reduction of polling places can be accomplished, without impinging upon voter convenience and minority voting rights, such reductions can be considered.

- m. Citizen input should be encouraged, but in order to minimize cost and to have sufficient information to evaluate such proposals fairly, the City will only consider proposed plans submitted to the City for evaluation by individual citizens or groups if the proposed plan is submitted to the City in a commonly used GIS format, such as .SHP, .MAP, .KLM, .GPX, .MDB, along with maps and demographic data sufficient to address voting rights concerns.

5. The following people are appointed to the Advisory Committee for Redistricting: Stephen Santellana, Mayor, Bobby Whiteley, Councilor At-Large, Paul Menzies, Assistant City Manager, and Marie Balthrop, City Clerk.

PASSED AND APPROVED this the 7<sup>th</sup> day of December 2021



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M A Y O R

ATTEST:



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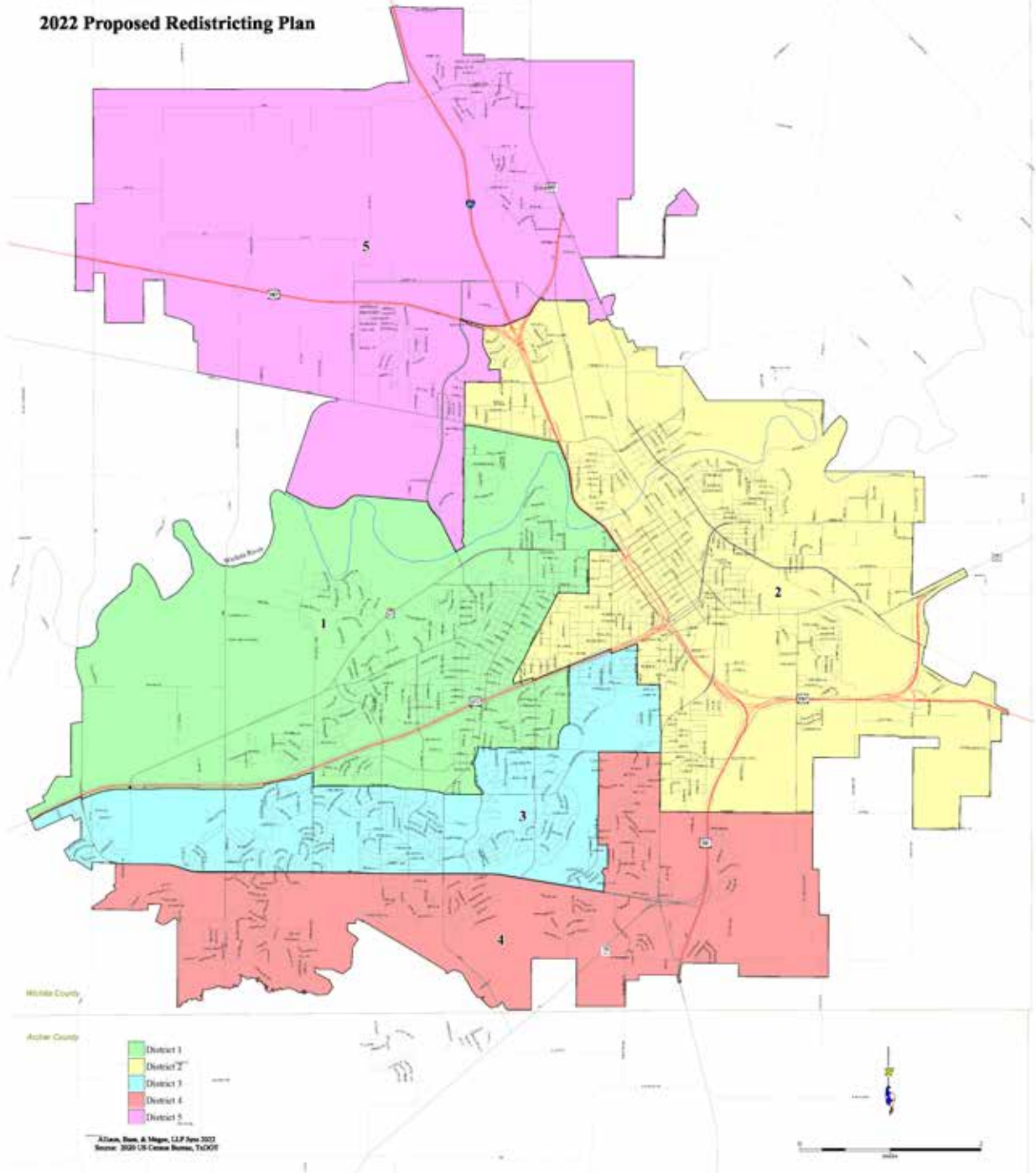
City Clerk

## Exhibit 3

	Actual Pop.	Ideal Pop.	Deviate	Relative Deviation						
Precinct 1	20248	20463	-215	-1.05%						
Precinct 2	20394	20463	-69	-0.34%						
Precinct 3	20286	20463	-177	-0.87%						
Precinct 4	20945	20463	482	2.35%						
Precinct 5	20443	20463	-20	-0.10%						
Total	102316	102316								
Total Maximum Deviation	3.4									
Ethnic/Racial Data-Total										
	Anglo	Black	Am. Ind.	Asian	Hispanic	Haw/Pac Is	Other	Multi	Totals	%
Precinct 1	12708	1104	190	578	4648	11	62	947	20248	19.79%
Precinct 2	7059	4576	169	189	7481	5	63	852	20394	19.93%
Precinct 3	13058	1875	103	535	3671	22	146	876	20286	19.83%
Precinct 4	13957	1723	127	698	3222	30	85	1103	20945	20.47%
Precinct 5	10968	3560	148	464	4159	56	53	1035	20443	19.98%
Total	57750	12838	737	2464	23181	124	409	4813	102316	100.00%
% of County	56.44%	12.55%	0.72%	2.41%	22.66%	0.12%	0.40%	4.70%	100.00%	
Ethnic %										
Precinct 1	62.76%	5.45%	0.94%	2.85%	22.96%	0.05%	0.31%	4.68%	100.00%	
Precinct 2	34.61%	22.44%	0.83%	0.93%	36.68%	0.02%	0.31%	4.18%	100.00%	
Precinct 3	64.37%	9.24%	0.51%	2.64%	18.10%	0.11%	0.72%	4.32%	100.00%	
Precinct 4	66.64%	8.23%	0.61%	3.33%	15.38%	0.14%	0.41%	5.27%	100.00%	
Precinct 5	53.65%	17.41%	0.72%	2.27%	20.34%	0.27%	0.26%	5.06%	100.00%	
Voting Age Ethnic/Racial Data										
	Anglo	Black	Am. Ind.	Asian	Hispanic	Haw/Pac Is	Other	Multi	Totals	%
Precinct 1	10632	825	152	460	3070	8	39	69	15255	19.68%
Precinct 2	5976	3300	133	163	4938	3	42	123	14678	18.93%
Precinct 3	10870	1512	86	436	2541	13	128	83	15669	20.21%
Precinct 4	11304	1213	94	551	1985	23	65	94	15329	19.77%
Precinct 5	9390	3111	111	397	3352	49	32	150	16592	21.40%
Total	48172	9961	576	2007	15886	96	306	519	77523	100%
% of County	62.14%	12.85%	0.74%	2.59%	20.49%	0.12%	0.39%	0.67%	100%	
Voting Age %										
Precinct 1	69.70%	5.41%	1.00%	3.02%	20.12%	0.05%	0.26%	0.45%	100.00%	
Precinct 2	40.71%	22.48%	0.91%	1.11%	33.64%	0.02%	0.29%	0.84%	100.00%	
Precinct 3	69.37%	9.65%	0.55%	2.78%	16.22%	0.08%	0.82%	0.53%	100.00%	
Precinct 4	73.74%	7.91%	0.61%	3.59%	12.95%	0.15%	0.42%	0.61%	100.00%	
Precinct 5	56.59%	18.75%	0.67%	2.39%	20.20%	0.30%	0.19%	0.90%	100.00%	



## 2022 Proposed Redistricting Plan



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**CITY COUNCIL AGENDA**  
**August 2, 2022**

---

**ITEM/SUBJECT:** Resolution authorizing the City Manager to apply for non-matching Grant Funds from the FY 2022 Edward Byrne Memorial Justice Assistance Grant Program in the amount of \$30,141.00 with co-applicant, Wichita County Sheriff's Office.

**INITIATING DEPT:** Police

---

**STRATEGIC GOAL:** Efficiently Deliver City Services

**STRATEGIC OBJECTIVE:** Practice Effective Governance

---

**COMMENTARY:** The City of Wichita Falls is eligible to apply for a non-matching grant from the FY 2022 Edward Byrne Memorial Justice Assistance Grant in the amount of \$30,141.00. These funds will be shared by the Wichita Falls Police Department (\$16,577.50) and the Wichita County Sheriff's Office (\$13,563.50). The Police Department intends to use these funds to assist in the purchase of equipment for the Special Operations Section, Training Section, Criminal Investigation Section, and the Crime Scene Unit.

Staff recommends the City Council approve the resolution authorizing the City's grant application and expenditure of these funds for this purpose.

☒ **Police Chief**

---

**ASSOCIATED INFORMATION:** Resolution

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

---

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

**Resolution authorizing the City Manager to apply for non-matching Grant Funds from the FY 2022 Edward Byrne Memorial Justice Assistance Grant Program in the amount of \$30,141.00 with co-applicant, Wichita County Sheriff's Office**

WHEREAS, the City of Wichita Falls has been notified that it is eligible to apply for a non-matching grant in the amount of \$30,141.00 from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and,

WHEREAS, the City Council desires to authorize the City Manager to submit an application to obtain any available funds from the Edward Byrne Memorial Justice Assistance Grant Program; and,

WHEREAS, these funds will be shared by the Wichita Falls Police Department (\$16,577.50) and the Wichita County Sheriff's Office (\$13,563.50), co-applicant for such grant; and,

WHEREAS, the use of these funds are planned to be used to assist in the purchase of equipment for the Special Operations Section, Training Section, Criminal Investigation Section, and the Crime Scene Unit.

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

The City Manager is hereby authorized to apply as a co-applicant from the Edward Byrne Memorial Justice Assistance Grant Program for funding in the amount of \$30,141.00.

PASSED AND APPROVED this the 2<sup>nd</sup> day of August, 2022.

\_\_\_\_\_  
MAYOR

ATTEST:

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

---

**CITY COUNCIL AGENDA**  
**August 2, 2022**

---

**ITEM/SUBJECT:** Resolution finding that Leetech Solutions, LLC is in material breach of contract for the 2021 Lift Station 15, 36 & 39 Rehabilitation Project, and declaring an immediate termination of contract.

**INITIATING DEPT:** Public Works

---

**STRATEGIC GOAL:** Provide Quality Infrastructure

**STRATEGIC OBJECTIVE:** n/a

---

**COMMENTARY:** On June 1, 2021, the City awarded the 2021 Lift Station 15, 36 & 39 Rehabilitation Project to Leetech Solutions, LLC, in the amount of \$389,000.00. The Notice to Proceed was issued on July 19, 2021 and the original contract period was 150 days, placing the completion date for the project on December 29, 2021.

The City granted Leetech two extensions totaling 140 days, along with credits for 6 weather days and 4 holidays, moving the completion date to May 28, 2022. As of July 20, 2022, approximately 3% of the project work has been completed and 133% of the contract time has elapsed.

Staff believes that Leetech Solutions is in material breach of the contract for the following reasons:

- Contractor has failed to complete the project within the specified working time;
- Contractor has failed to provide materials and adequate construction forces for executing the work;
- Contractor has discontinued the performance of work and has abandoned the project as of July 20, 2022;
- Contractor has placed workers in unsafe working conditions after being explained the dangers by City staff.

Staff recommends approval of the resolution terminating the contract with Leetech and to move forward with filing a claim against the contractor's performance bond.

☒ **Director, Public Works**

---

**ASSOCIATED INFORMATION:** Resolution

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

---

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

**Resolution finding that Leetech Solutions, LLC is in material breach of contract for the 2021 Lift Station 15, 36 & 39 Rehabilitation Project, and declaring an immediate termination of contract**

WHEREAS, the City of Wichita Falls awarded the 2021 Lift Station 15, 36 & 39 Rehabilitation Project to Leetech Solutions, LLC on June 1, 2021; and,

WHEREAS, the contract end date was May 28, 2022, and the project is approximately 3% complete as of July 20, 2022; and,

WHEREAS, the City of Wichita Falls finds Leetech Solutions, LLC to be in material breach of contract (section 108.9(2)) in that there is substantial evidence that the progress of work being made by the Contractor is insufficient to complete the work within the specified working time; and,

WHEREAS, the City of Wichita Falls finds Leetech Solutions, LLC to be in material breach of contract (section 108.9(3)) in that the Contractor has failed to provide sufficient and proper equipment, materials or construction forces for properly executing the work; and,

WHEREAS, the City of Wichita Falls finds Leetech Solutions, LLC to be in material breach of contract (section 108.9(4)) in that the Contractor has abandoned the project and discontinued the performance of the work; and,

WHEREAS, the City of Wichita Falls finds Leetech Solutions, LLC to be in material breach of contract (section 108.9(9)) in that repeated and flagrant violations of safe working procedures by the Contractor has been witnessed by Staff.

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

Leetech Solutions, LLC is in material breach of contract for the 2021 Lift Station 15, 36 & 39 Rehabilitation Project, and the City Manager is authorized to send Leetech Solutions, LLC a notice of termination of said contract. The City Manager and City Attorney are authorized to take all other actions necessary to effectuate termination of this contract, protect City resources and perfect any and all legal claims.

PASSED AND APPROVED this the 2<sup>nd</sup> day of August, 2022.

\_\_\_\_\_  
MAYOR

ATTEST:

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

---

**CITY COUNCIL AGENDA**  
**August 2, 2022**

---

**ITEM/SUBJECT:** Resolution authorizing the purchase of two Smith & Loveless Model 4B2X Star One assemblies and one control panel from Smith & Loveless, Inc., in the amount of \$74,041.00 as part of the planned rehabilitation of Lift Station 61.

**INITIATING DEPT:** Public Works

---

**STRATEGIC GOAL:** Provide Quality Infrastructure

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

---

**COMMENTARY:** WFISD is currently constructing what will be known as Memorial High School on the west side of town. The wastewater from the new high school will enter the City's sewer system and will eventually pass through the existing Lift Station 61. In order to handle the additional wastewater flow for the new high school, Lift Station 61 must be upgraded.

The City and the WFISD have agreed to cost share this upgrade as both parties will benefit from the improvements. This work involves replacement of the existing pumps and control panel and is planned to be completed by in-house wastewater crews. This should allow the City and the WFISD to save money as opposed to having a contractor perform the work. The existing pump station is manufactured by Smith & Loveless; therefore, the equipment upgrade must be sole-sourced and provided by Smith & Loveless.

*This purchase is exempt from the bid statute pursuant to Local Government Code §252.022 General Exemptions, "... (7) a procurement of ..... (A) items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies; ....."*

Adequate funding is available in the City's current Wastewater Collection's budget to facilitate the purchase. Staff recommends approval of the resolution.

☒ **Director, Public Works**

---

**ASSOCIATED INFORMATION:** Sales Agreement, Memorandum of Understanding Agreement

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

---

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

**Resolution authorizing the purchase of two Smith & Loveless Model 4B2X Star One assemblies and one control panel from Smith & Loveless, Inc. in the amount of \$74,041.00 as part of the planned rehabilitation of Lift Station 61.**

WHEREAS, Wichita Falls Independent School District is building a new high school, whose wastewater will enter the City's sewer system through Lift Station 61, and,

WHEREAS, currently Lift Station 61's pumps aren't designed to handle the additional flow from the new high school, and,

WHEREAS, upgrades to the pumps are necessary to remain compliant with TCEQ requirements, and,

WHEREAS, the City of Wichita Falls has entered into a MOU agreement with Wichita Falls Independent School District for reimbursement of 30% of the total cost, not to exceed \$45,000.00, and,

WHEREAS, the City of Wichita Falls Wastewater Treatment Department is capable of making the upgrades in-house.

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

City Manager is authorized to purchase two Smith & Loveless Model 4B2X Star One assemblies and one control panel from Smith & Loveless, Inc., a Kansas Corporation, in the amount of \$74,041.00.

PASSED AND APPROVED this the 2nd day of August, 2022.

\_\_\_\_\_  
MAYOR

ATTEST:

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



**Smith & Loveless, Inc.**

14040 Santa Fe Trail Drive  
Lenexa, KS 66215  
USA  
913-888-5201

## SALES AGREEMENT

NAME AND ADDRESS:

QUOTATION DATE: JULY 13, 2022  
INQUIRY NUMBER: HS-32641  
ENGINEER:  
JOB LOCATION: WICHITA FALLS, TX

SMITH & LOVELESS®, INC. having an office at 14040 Santa Fe Trail Drive, Lenexa, Kansas 66215 (hereinafter referred to as "Seller"), hereby agrees to sell to the buyer designated below (hereinafter referred to as "Buyer"), the following equipment is subject to all provisions set forth in this Sales Agreement. *The Sales Representative is not an agent or employee of Seller and is not authorized to enter into any agreement on Seller's behalf or bind Seller in any way.*

SMITH & LOVELESS®, INC. is pleased to offer our quotation for the following:

- TWO** SMITH & LOVELESS® Model 4B2X STAR ONE® Vertical, Close-Coupled, Motor-Driven, Non-Clog Rotating Assemblies. Each rotating assembly is designed to deliver 275 GPM at 68' TDH, and will be connected to a 15 HP, 1800 RPM, 3-phase, 60-cycle, 460 V, TEFC motor. It will utilize an X-PELLER® trimmed to 9". Includes a touch-up paint kit, WAVESTART™ upgrade kit, and installation hardware for attaching the motor adaptor to the volute.
- ONE** Complete Control Panel in a NEMA 1 Enclosure, for existing station serial number EV-01084. This will have the same functions and features as the existing panel. The panel will be designed for 3/60/460 volt service with the ability to control two (2), 15 HP motors. Customer shall reuse existing 3 KVA transformer.

### CORROSION PROTECTION

All fabricated steel components shall be commercial blasted and prime coated by the manufacturer with one 3-mil DFT coat of red oxide primer prior to shipment. All motors and gearboxes shall be furnished with the original manufacturer's coating. Final touch-up and finish coating shall be the responsibility of the purchasing contractor.

Seller will provide Buyer with four hard copies of the O&M Manual, also on CD (.pdf format). Additional copies can be provided for \$50 per copy.

### PRICE, SUBMITTAL DATA, AND DELIVERY

#### \$74,041

We are currently experiencing large increases in the price of materials and components with very little advance notice. Therefore, the sales price of the equipment quoted herein is subject to an escalation in price. Escalation shall be based upon the increase incurred by SMITH & LOVELESS® for the material or components in excess of 5% from the time of quote. The escalation shall be calculated as the percent (%) of increase over 5% of the material/component item and shall include material handling factor and overhead. Such escalation shall be verified through quotes, invoices, or receipts from suppliers to SMITH & LOVELESS®, INC.

F.O.B. factory plus any taxes, which may apply. Truck/rail freight allowed to the jobsite, rail siding or nearest unloading area; unloading to be by Buyer. Due to the spike in gas prices, which is beyond the control of Seller at the time of our quotation/bid, a fuel surcharge may need to be assessed at time of shipment.

Quote is valid for 30 days.

Seller will provide a one-year standard warranty from date of shipment.

Payment is 100% prior to shipment, or with continuing credit approval, 100% Net 30 days from date of shipment or at time of start-up, whichever occurs first.

Seller to send submittal data for approval 4 to 6 weeks after receipt of complete details at Seller's factory.

Manufacturing completion is estimated at 22 to 24 weeks after receipt in Seller's office of approved submittal data and/or after all notations or comments have been clarified, approved, and inserted into the manufacturing documents by the Seller. Variations in the time submittal data is returned to Seller and/or submittal data marked 'approved' but which contain contingencies or variations may impact the completion time of the equipment.

If the equipment SMITH & LOVELESS® is providing is associated with the retrofit or modification of existing equipment, then field adjustments to the existing and/or new equipment may be required for correct installation. Such adjustments may include but are not limited to, piping modifications, grouting, shimming, control panel or electrical changes, etc. SMITH & LOVELESS® is relying on information provided by the customer, the installing contractor, or others regarding the measurement, model or part numbers, drawings, and descriptions of existing equipment in the design and manufacturing of the new equipment for this project. As a result, SMITH & LOVELESS® shall not be responsible for any problems or difficulties encountered when fitting-up new equipment with existing equipment.

#### **ADDITIONAL TERMS, AND CONDITIONS**

1. **GENERAL** A. Buyer's execution of this Agreement constitutes Buyer's offer to purchase, on the terms and conditions set forth herein, the equipment described in this agreement, and such offer is irrevocable for thirty (30) days after Buyer executes and delivers to Seller this Agreement together with all necessary engineering data and information. Prices are firm for thirty (30) days after the bid date provided a firm order is received at the factory within that time period and provided approved Submittal Data is received at the factory within forty-five (45) days from the date submittals are forwarded from the factory. In the event firm orders and Submittal Data are not received by Seller within the times set forth above, then price and delivery estimates may change due to changes in the costs of material and labor and/or factory capacity at the time when the firm orders or approved Submittal Data is received by Seller. Seller reserves the right to amend this Sales Agreement if not signed and returned within thirty (30) days from the quotation date. In the event we are unable to ship within estimated period for reasons beyond our control, including a request by the Buyer to defer shipment, the prices are subject to adjustment to those prevailing at the time of shipment.
- B. THIS AGREEMENT IS NOT BINDING ON SELLER UNLESS SIGNED ON SELLER'S BEHALF BY AN OFFICER OR MANAGER OF SELLER.
- C. This Agreement constitutes the entire contract between the parties with respect to said equipment (any prior agreement, representation, covenant or warranty, written or oral, being superseded hereby) and may not be amended or modified except by a written instrument duly executed by both parties, the provisions of any purchase order or other document submitted by or on behalf of Buyer to the contrary notwithstanding.
- D. All notices hereunder are to be in writing and mailed postage prepaid to the party being notified at the address indicated in this agreement or at such other address as may be designated in writing.
- E. Remedies provided for herein are cumulative and are in addition to all other remedies as may be available at law or in equity.
- F. This Agreement is governed by and subject to the laws of the State of Kansas and the Buyer by executing this agreement agrees to submit to the Jurisdiction of the State of Kansas and the venue for any disputes between the parties will be in the District Court of Johnson County, Kansas, or the Federal District Court of Kansas.

2. **NOTICE TO PROCEED-** Return to Seller of approved Submittal Data or notification to Seller that the submission of submittals will be waived, constitutes notice to Seller to proceed with manufacture. In the event Seller does not receive approved Submittal Data within forty-five (45) days after Seller's submission of submittal data for approval, then Seller reserves the right to amend price and delivery of the equipment being sold. Final approved Submittal Data means approval by Buyer (or Buyer's representative) of Seller's Submittal Data and/or after all notations or comments have been clarified, approved and inserted into Seller's manufacturing documents at which point Seller's estimated completion schedule commences. Variations in the time Submittal Data is returned to Seller and/or Submittal Data marked approved but which contain contingencies or variations may impact the completion time of the equipment. Seller agrees to furnish only the equipment included in Seller's quotation and/or as described and modified in the Submittal Data. Approval of the Submittal Data constitutes acceptance of the equipment in the configuration described therein. If Seller is directed to change the scope of the equipment after notice to proceed to manufacture, then Seller reserves the right to amend the price and delivery of the equipment.

3. **EXCUSED PERFORMANCE-** Seller is not liable for any failure or delay in performance hereof, with respect to delivery or otherwise, if such failure or delay is due to any cause beyond Seller's control including, but not limited to, any Act of God, war, civil disturbance, riot, labor difficulty, factory capacity, fire, other casualty, accident or supplier's failure or inability to perform.

4. **CREDIT APPROVAL-** The credit terms specified herein are subject to Seller's continuing approval of Buyer's credit and if, in Seller's sole judgment, Buyer's credit or financial standing is impaired as to cause Seller to deem itself insecure, Seller may withdraw the extension of credit and require other payment terms.

5. **PAYMENT-** Subject only to any credit terms, which Seller may extend, the total purchase price hereunder is due at such time, within or after the estimated shipment period specified herein, as said equipment is ready to be shipped. Buyer shall pay in full all invoices within the time for payment specified therein and Buyer's payment obligation is in no way dependent or contingent upon Buyer's receipt of payment from any other party. Any balance owed by Buyer for thirty (30) days or more after the same becomes due is subject to a 2% per month delinquency charge until paid. In addition to all other amounts due hereunder, Buyer shall reimburse Seller in full for all damages, costs and expenses, including reasonable attorneys' fees, which Seller may incur with respect to Buyer's breach of this Sales Agreement or the collection of past due amounts from Buyer. If Buyer is in default under this or any other agreement with Seller, Seller may, at its option, defer performance hereunder until such default is cured.

6. **SECURITY INTEREST-** Until all amounts due hereunder have been paid in full, Seller has a security interest in said equipment and has all rights of a secured party under the Uniform Commercial Code including, without limitation, the right to take possession of said equipment without legal process and the right to require Buyer to assemble said equipment and make it available to Seller at a place reasonably convenient to both parties. At Seller's request, Buyer shall execute any financing statement or statements submitted by Seller in order that Seller's security interest in said equipment may be perfected.

7. **WARRANTY & LIABILITY-** Seller warrants only that said equipment is free from defects in materials and workmanship as set forth in Seller's standard Certificate of Warranty furnished to Buyer at the time of final shipment. THIS WARRANTY IS EXPRESSLY IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ALL IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR ANY PARTICULAR PURPOSE OR DESIGN AND WHICH ARE EXPRESSLY DISCLAIMED BY SELLER. Seller's sole responsibility with respect to any equipment which proves to be defective as to materials or workmanship is either to replace or to repair the same as is set forth in said Certificate of Warranty. Unless authorized in writing by Seller, Seller is not responsible for any charge or expense incurred for the modification, servicing or adjusting of said equipment after the same has been delivered to Buyer. Seller is not liable in association with its warranty or in any other capacity for any consequential, incidental or liquidated damages, late fees/damages or penalties.

8. **CLAIM PERIOD-** Buyer shall immediately inspect said equipment upon receipt thereof and immediately notify the carrier of any damage, shortage or other nonconformance. Seller is not obligated to consider any claim for damages, shortages or non-conformance unless notified by Buyer within ten (10) days after Buyer's receipt of said equipment.

9. **CANCELLATION-** Should Buyer cancel this agreement without Seller's prior written consent, Seller may, at its option, recover from Buyer a cancellation charge of not less than 20% of the purchase price hereunder. This cancellation charge is intended to compensate Seller for difficult-to-calculate economic losses, including but not limited to, material and labor costs, as well as loss of anticipated profits suffered due to cancellation.

10. **SEVERABILITY** – If any provision or provisions of this Agreement shall be held to be invalid, illegal, unenforceable or in conflict with the law of any jurisdiction, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

11. **STORAGE-** If at such time, within or after the estimated shipment period specified herein, as Seller notifies Buyer that said equipment is ready to be shipped Buyer requests a delay in shipment, Seller may, at its option, agree to store said equipment for a period of time determined by Seller, provided that such agreement will not affect Buyer's obligation to pay in full all invoices as they become due, and provided further that for each month, or portion thereof, said equipment is so stored by Seller, Buyer shall pay to Seller as a storage fee an amount equal to 2% of the purchase price.

12. **DRAWINGS, ILLUSTRATIONS AND MANUALS-** Catalog and proposal drawings, bulletins, and other accompanying literature are solely for purpose of general style, arrangement and approximate dimensions. Seller may make any changes Seller deems necessary or desirable. Submittal for approval, if required, will be made after receipt of complete information from Buyer. Unless otherwise specified at the time of quotation, six sets will be furnished. Additional sets are at \$25.00 per set. Installation, maintenance and operation manuals will be furnished in the number of copies specified at the time of quotation. If none specified, four will be provided at no added cost, with additional copies at \$50.00 each.

INQUIRY NUMBER: HS-32641  
QUOTATION DATE: JULY 13, 2022

PAGE 4 OF 4

13. **PERMITS, LICENSES-** Buyer at its sole cost and expense shall obtain all building or other permits or licenses with respect to the installation and operation of said equipment required by any federal, state or local governmental body.

14. **PATENT INDEMNIFICATION-** Seller shall, at its own expense, defend any suit instituted against Buyer, based on any claim that equipment furnished hereunder infringes any Letters Patent of the United States, and Seller shall pay any damages assessed against Buyer in any such suit, provided that Buyer, upon service of process upon Buyer, gives to Seller notice in writing of the institution of such suit, and permits Seller, through counsel chosen by Seller, to defend the same, and gives Seller all information in Buyer's possession and reasonable assistance and authority to enable Seller so to do. Seller shall have no liability or obligation to Buyer for patent infringement resulting from compliance by Seller with written instructions or specifications of Buyer concerning the structure, operation, material, or method of making equipment furnished hereunder.

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## **SIGNATURES**

Agreed to this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
*Buyer*

By \_\_\_\_\_  
*(Print Name)*

By \_\_\_\_\_  
*(Authorized Signature)*

\_\_\_\_\_  
*Address*

Is this purchase tax exempt? YES \_\_\_\_\_ NO \_\_\_\_\_  
If YES, attach Sales Tax Exemption Certificate. Failure to provide tax exempt certificate prior to shipment will result in Buyer being responsible for all applicable taxes.

Agreed to this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
At Lenexa, KS.

\_\_\_\_\_  
**SMITH & LOVELESS®, INC.**

*Seller*

By \_\_\_\_\_  
*(Authorized Signature)*

Prepared by \_\_\_\_\_  
*(Sales Representative)*

NOTE: The Sales Representative is not an agent or employee of Seller and is not authorized to enter into any agreement on Seller's behalf or to bind Seller in any way.

## **Memorandum of Understanding Agreement**

between the

**Wichita Falls Independent School District**

and the

**City of Wichita Falls**

This document outlines the agreement between the Wichita Falls Independent School District (WFISD) and the City of Wichita Falls, Texas (CWF) to pay a portion of the upgrade cost to CWF Lift Station No.61 and to provide needed Temporary Construction Permits (TCPs) and requirements for Temporary Occupancy Permits (TOPs) for two new High Schools. See Exhibit A.

**Whereas**, WFISD wishes to convey wastewater flows from the new Memorial High School, located at 6600 Kell West Blvd, Wichita Falls, TX, to an existing CWF lift station, commonly known as Lift Station No. 61 and,

**Whereas**, the new Memorial High School will increase the wastewater flows to the CWF Lift Station No. 61, which will require it to be upgraded to accommodate the additional flows from the new high school and,

**Whereas**, there will be costs incurred to upgrade Lift Station No. 61 and WFISD agrees to pay a portion of the upgrade costs.

**Whereas**, the CWF will provide the needed TCPs and requirements for TOPs for two new High Schools.

NOW, THEREFORE, for and in consideration of the mutual promises and agreements contained herein, the parties agree as follows:

### **I. WFISD Financial Responsibility and Duties**

- 1) WFISD shall pay to CWF a 30% reimbursement for the Lift Station No. 61 upgrade construction cost in an amount not to exceed \$45,000 to accommodate the additional wastewater flows from the new Memorial High School.
- 2) In addition, WFISD, at its cost, shall construct a new Memorial High School Lift Station and Force Main to convey wastewater flows to the upgraded Lift Station No. 61. The new Memorial High School lift station will be constructed on WFISD property and will be located approximately 250 linear feet north of the southeast corner of the property and generally along its east property line. WFISD shall work with CWF to provide all necessary documents to allow CWF access to the new Memorial High School Lift Station.

## II. CWF Financial Responsibility and Duties

- 1) CWF, at its cost and with the 30% reimbursement from WFISD, shall make all required upgrades to existing Lift Station No. 61 required to accommodate the additional wastewater flow from the new high school in compliance with the Texas Commission on Environmental Quality (TCEQ) minimum requirements.
- 2) Once the Memorial High School Lift Station and Force Main are completed, approved, and accepted, the CWF shall take ownership and perpetual maintenance and operation of the new Memorial High School Lift Station and Force Main.
- 3) Based on the approval and acceptance of both sets WFISD High School construction documents by Public Works, CWF shall issue permits for the construction up to a concrete slab at both Memorial HS (Kell/FM 369) and Legacy HS located at Midwestern Pkwy and Henry S Grace Freeway.
- 4) CWF agrees to provide TOPs as building wings, sections, or portions of the athletic areas are deemed substantially complete to allow for the sequential finishing of the project. These TOPs are intended to allow furniture, fixtures, and equipment to be placed in the building prior to Final Occupancy Permits (FOPs) being issued.

Executed this 14<sup>th</sup> day of June 2022.

City of Wichita Falls, TX

By:

  
Darren Leiker, City Manager

Attest:

By:

  
Mavis Balthrop  
City Clerk


Wichita Falls Independent School District

By:

  
Mike Rucker, Board President

Attest:

By:

  
Mindy Praher  
Executive Assistant

Approved to form:

By:

  
City Attorney

## Exhibit A

### Wichita Falls – Phases of TCO and C of O

#### FF&E TCO:

##### **Fixtures, Furniture & Equipment only (FF&E only)**

FF&E TCO's are for fixtures, furniture and equipment to be installed in the space, that are NOT included in the approved plan set. A TCO for FF&E does not need landscape or engineering approvals in most cases. The space is not open to the public at this point of the TCO, but rather is an approval from the inspectors to begin allowing the installation of items needed for an Occupancy TCO. Furniture, fixtures or equipment installed prior to the release of the TCO for FF&E will require that the space be cleared before an inspection will be provided. For FF&E approvals are needed from:

- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/> Building   | <input type="checkbox"/> Plumbing  |
| <input type="checkbox"/> Mechanical | <input type="checkbox"/> Fire  |
| <input type="checkbox"/> Electrical | <input type="checkbox"/> Health (if kitchen, pool or the sale of food items are part of the project) |

#### Occupancy TCO:

##### **FF&E plus staff, or admin, or training personnel only**

Occupancy TCO's are for actual occupancy but on a limited basis. This may be partial or full occupancy, training or stocking, or for a set amount of time. Occupancy TCO's require engineering to be added to the approval list. If a kitchen area is included, food or food items are sold or a pool is included, a Health Department approval is added to the list for approval. Since now we have added occupants to the building, adequate parking needs to be included as well as approaches and sidewalks. An expiration date will be provided with an Occupancy TCO, additional time can be requested for cause. For an Occupancy TCO approvals are needed from:

- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/> Building   | <input type="checkbox"/> Engineering   |
| <input type="checkbox"/> Mechanical | <input type="checkbox"/> Fire  |
| <input type="checkbox"/> Electrical | <input type="checkbox"/> Health (if a kitchen, pool or the sale of food items are part of the project) |
| <input type="checkbox"/> Plumbing   |  |

#### Certificate of Occupancy (C of O)

Full Certificate of Occupancy (C of O) means to be open for business, full staff in operation with customers and the general public having access to the facility. This will require all inspections to be scheduled and completed prior to the issuance of the full C of O. This is where landscape & irrigation inspections become required to be approved to receive a full Certificate of Occupancy. The approvals needed for the full C of O are:

- |   |  |
|---|--|
| <input type="checkbox"/> Building       | <input type="checkbox"/> Health (if a kitchen, pool or the sale of food items are part of the project) |
| <input type="checkbox"/> Mechanical     | <input type="checkbox"/> Energy Compliance   |
| <input type="checkbox"/> Electrical     |  |
| <input type="checkbox"/> Plumbing       |  |
| <input type="checkbox"/> Engineering    |  |
| <input type="checkbox"/> Landscape/Tree |  |
| <input type="checkbox"/> Fire           |  |

Revised: May 10, 2022

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**CITY COUNCIL AGENDA  
AUGUST 2, 2022**

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**ITEM/SUBJECT:** Resolution amending the award of certain chemicals to authorize the City to revoke the awards issued to Water Tech Inc. and award certain chemicals to Univar Solutions, Shannon Chemical Corporation, and Chemrite Inc. as part of 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:** On June 7, 2022 the City awarded 26 bids to various vendors for the City's annual supply of bulk chemicals for water and wastewater treatment. Since then Water Tech can no longer supply two (2) of the chemicals at the bid price. The next lowest bid for Food Grade Citric Acid was from Chemrite Inc. in the amount of \$15,960 (\$3.99/lb). The next lowest bid for Liquid Citric Acid was from Shannon Chemical Corporation in the amount of \$113,335.20 (\$19.44/gal). A bid submission for the third chemical, Liquid Sodium Hydroxide, was incorrectly recorded in the original bid tabulation. It should have been awarded to Univar Solutions USA Inc. in the amount of \$22,315.50. A corrected tabulation is attached.

These modifications will increase the awarded amount in Resolution 67-2022 by \$14,900.20. All vendors involved have confirmed the pricing on the above chemicals and agreed to the terms in the original bid specifications.

Staff recommends award of three (3) 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 amending the award of certain chemicals to authorize the City to revoke the awards issued to Water Tech Inc. and award certain chemicals to Univar Solutions, Shannon Chemical Corporation, and Chemrite Inc. as part of 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, staff mistakenly noted that Univar Solutions did not place a bid, however, reviewing the documents, Univar Solutions was the low bidder for the liquid sodium hydroxide; and,

WHEREAS, staff wishes to correct the oversight and award the low bid to Univar Solutions for liquid sodium hydroxide and the City Council desires to purchase chemicals from Univar Solutions for the City's water and wastewater treatment operations; and,

WHEREAS, further Water Tech Inc. has notified the City that it can no longer supply chemicals for which they bid due to supply chain issues and has withdrawn its bid; and,

WHEREAS, City staff has contacted each of the next low bidders and they have agreed to honor their price on the chemicals from which Water Tech Inc. withdrew and staff recommends amending the original award on certain chemicals.

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

1. This Resolution hereby revokes the following awards:
  - a. Water Tech Inc. in the amount of \$34,510.00 for Liquid Sodium Hydroxide (Caustic Soda).
  - b. Water Tech Inc. in the amount of \$95,320.50 for Liquid Citric Acid.
  - c. Water Tech Inc. in the amount of \$6,880.00 for Citric Acid (Food Grade)
2. Authorization is granted to award bids for the purchase of bulk water and wastewater treatment for each chemical as follows:
  - a. Liquid Sodium Hydroxide (Caustic Soda) to Univar Solutions for up

to 14,500 gallons at \$1.53 per unit cost in the amount not to exceed \$22,315.50.

- b. Liquid Citric Acid to Shannon Chemical Corporation for up to 5,830 gallons at \$19.44 per unit cost in the amount not to exceed \$113,335.20.
- c. Citric Acid (Food Grade) to Chemrite, Inc. for up to 4,000 pounds at \$3.99 per unit cost for an amount not to exceed \$15,960.00

PASSED AND APPROVED this the 2nd day of August, 2022.

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M A Y O R

ATTEST:

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City Clerk

**BID:** 22-30

**CHEMICAL:** LIQUID SODIUM HYDROXIDE (CAUSTIC SODA)

**PURPOSE:** PH Adjustment

**AMOUNT:** 14,500 GAL

**2019 COST: \$1.066/GAL**

COMPANY	UNIT COST	EXTENDED COST
MAVERICK LOGISTICS LLC	\$ 3.27	\$ 47,415.00
PVS MINIBULK INC.	\$ 2.386	\$ 34,597.00
UNIVAR SOLUTIONS USA INC.	\$ 1.539	\$ 22,315.50
WATER TECH INC.	\$ 2.38	\$ 34,510.00

**STAFF RECOMMENDATION:**

Award of bid to Univar Solutions USA Inc. in the amount of \$22,315.50.

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**CITY COUNCIL AGENDA**  
**August 2, 2022**

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**ITEM/SUBJECT:** Resolution authorizing award of bid for the City's estimated annual supply of unleaded gasoline and low sulfur diesel fuel to W. Douglas Distributing, LTD. (d.b.a Douglas Distributing).

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

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**STRATEGIC GOAL:** Efficiently Deliver City Services

**STRATEGIC OBJECTIVE:** N/A

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**COMMENTARY:** Bids were opened July 8, 2022, for the purchase of the City's estimated annual supply of unleaded gasoline and low sulfur diesel fuel. Four bid responses were received (bid tabulation attached). The term of the fuel contract is one (1) year with two one (1) year renewal options under the same terms and conditions.

Due to the fluctuating prices of fuel products, bidders were required to bid a dollar/cent mark-up per gallon of fuel. The City will pay the average of the four (4) lowest OPIS/CPC prices on the date of delivery, plus the dealer mark-up and applicable taxes.

	<u>Proposed Contract</u>	<u>Previous Contract</u>
Diesel Fuel Mark-Up	\$0.0125 per gallon	\$0.0150 per gallon
Unleaded Fuel Mark-up	\$0.0125 per gallon	\$0.0150 per gallon

The total dealer markup will be calculated \$21,875 for the purchase of 1,750,000 estimated gallons of fuel at the various City of Wichita Falls fueling locations. In the FY 22-23 budget, the City is estimated to use 1,187,000 gallons of fuel budgeted at \$5,241,560.

Staff recommends award of bid for the City's estimated annual requirement of fuel products to the low bidder W. Douglas Distributing (d.b.a Douglas Distributing).

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

☒ **Purchasing**

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**ASSOCIATED INFORMATION:** Resolution

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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7/8/2022

**BID TABULATION  
BID 22-44 UNLEADED GASOLINE & DIESEL FUEL**

**CITY OF WICHITA FALLS**

BIDDER	MARK-UP UNLEADED CENTRAL (600,000 GAL)	TOTAL UNLEADED CENTRAL	MARK-UP DIESEL CENTRAL (750,000 GAL)	TOTAL DIESEL CENTRAL	MARK-UP DIESEL LANDFILL (100,000 GAL)	TOTAL DIESEL LANDFILL	MARK-UP UNLEADED TRANSIT (100,000 GAL)	TOTAL UNLEADED TRANSIT	MARK-UP DIESEL TRANSIT (300,000 GAL)	TOTAL DIESEL TRANSIT	TOTAL DEALER MARKUP
DOUGLAS DISTRIBUTING SHERMAN TX	\$ 0.0125	\$ 6,250	\$ 0.0125	\$ 9,375	\$ 0.0125	\$ 1,250	\$ 0.0125	\$ 1,250	\$ 0.0125	\$ 3,750	\$ 21,875
HAIGOOD & CAMPBELL ARCHER CITY TX	\$ 0.02	\$ 10,000	\$ 0.02	\$ 15,000	\$ 0.02	\$ 2,000	\$ 0.02	\$ 2,000	\$ 0.02	\$ 6,000	\$ 35,000
PETROLEUM TRADERS FORT WAYNE IN	\$ 1.03	\$ 515,000	\$ (0.23)	\$ (172,500)	\$ 22.18	\$ 2,218,000	\$ 1.62	\$ 162,000	\$ 0.44	\$ 132,000	\$ 2,854,500
PINNACLE PETROLEUM HUNTINGTON BEACH, CA	\$ 0.0694	\$ 34,700	\$ 0.0376	\$ 28,200	\$ 1.0884	\$ 108,840	\$ 0.0708	\$ 7,080	\$ 0.0392	\$ 11,760	\$ 190,580

NOTE: This bid tabulation has been calculated using the City's estimated usage for the last 12 months.

**WICHITA COUNTY**

BIDDER	BURKBURNETT 2 TANKS / 3 COMPARTMENTS		IOWA PARK 2 TANKS		ELECTRA 3 TANKS	
	UNLEADED (6,000 GAL)	DIESEL (10,000 GAL)	UNLEADED (8,000 GAL)	DIESEL (9,000 GAL)	UNLEADED (1,000 GAL)	DIESEL (2,000 GAL)
DOUGLAS DISTRIBUTING SHERMAN TX	\$ 0.15	\$ 0.15	\$ 0.15	\$ 0.15	\$ 0.15	\$ 0.15
HAIGOOD & CAMPBELL WICHITA FALLS TX	\$ 0.19	\$ 0.19	\$ 0.17	\$ 0.17	\$ 0.25	\$ 0.25
PETROLEUM TRADERS FORT WAYNE IN			NO BID			
PINNACLE PETROLEUM HUNTINGTON BEACH, CA			NO BID			

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

**Resolution authorizing award of bid for the City's estimated annual supply of unleaded gasoline and low sulfur diesel fuel to W. Douglas Distributing, LTD. (d.b.a Douglas Distributing)**

WHEREAS, the City of Wichita Falls advertised and requested bids for its estimated annual requirement of unleaded gasoline and diesel fuel; and,

WHEREAS, bids were received and publicly opened on July 8, 2022; and,

WHEREAS, the City Council desires to purchase fuel for the City's fleet.

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

Authorization is granted to award the bid for the purchase of the City's estimated annual requirement of unleaded gasoline and diesel fuel to W. Douglas Distributing, Ltd. (d.b.a Douglas Distributing).

PASSED AND APPROVED this the 2nd day of August, 2022.

\_\_\_\_\_  
MAYOR

ATTEST:

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

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**CITY COUNCIL AGENDA**  
**August 2, 2022**

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**ITEM/SUBJECT:** Resolution approving a substantial amendment to the PY 2019 Community Development Block Grant (CDBG) Annual Action Plan of the 2015-2019 Consolidated Plan to reallocate \$600,304.95 of CDBG – Coronavirus (CDBG-CV) funding through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) in a special allocation from US Department of Housing and Urban Development (HUD).

**INITIATING DEPT:** Development Services/Neighborhood Resources

**STRATEGIC GOAL:** Accelerate Economic Growth, Actively Engage & Inform the Public

**STRATEGIC OBJECTIVE:** Revitalize Depressed and Declining Neighborhoods, Strengthen Supportive Partnerships with the Non-For-Profit Community

**COMMENTARY:** City Council conducted a public hearing at the July 19<sup>th</sup>, 2022 City Council Meeting for the proposed substantial amendment to the PY 2019 Annual Action Plan of the 2015-2019 Consolidated Plan. The proposed Resolution would allocate the funding as outlined below.

The City of Wichita Falls proposes to reallocate \$600,304.95 in funding from a special allocation from the US Department of Housing and Urban Development to be used to prevent, prepare for, and respond to COVID-19. This allocation was authorized by the CARES Act, Public Law 116-136, and it includes \$1,328,013.00 received in two allocations of \$733,264.00 and \$594,749.00 under the Community Development Block Grant – Coronavirus (CDBG-CV). Funds to be reallocated were from unreserved funds and funding from cancelled programs.

The City Council Subcommittee on Outside Agencies (Brewer, Browning, Nelson) met with agency representatives on May 26<sup>th</sup>, 2022 recommend the following allocations:

**CDBG-CV: City Departments**

Grant Administration: Operational & Administrative costs for CDBG Program (Continued from previous year)	\$118,949.80
Emergency Repair Program: Immediate-need home repair for low-income homeowners	\$67,504.95
Parks: Rehabilitation of Bridwell, Morningside, and Tenth Street Pocket Park	\$357,800.00
Transportation: Bus Shelter Rehabilitation and Construction	\$175,000.00
<b>Total:</b>	<b>\$719,254.00</b>

It is proposed those entities currently receiving CDBG-CV funds maintain their contracts

through March 2023 in order to maximize our use of CDBG-CV funding.

**RECOMMENDATION:**

Staff and the Council Subcommittee on Outside Agencies recommends approval of the resolution as described above.

☒ **Director of Development Services**

☒ **Assistant City Manager**

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**ASSOCIATED INFORMATION:** Resolution , Table of Awarded Funds

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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

**Resolution approving a substantial amendment to the PY 2019 Community Development Block Grant (CDBG) Annual Action Plan of the 2015-2019 Consolidated Plan to reallocate \$600,304.95 of CDBG – Coronavirus (CDBG-CV) funding through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) in a special allocation from US Department of Housing and Urban Development (HUD)**

WHEREAS, the City of Wichita Falls acting in its capacity as a HUD Grantee administers federally-funded programs to the benefit of the community; and,

WHEREAS, the City Council has held a Public Hearing on July 19, 2022 to receive citizen input and the Council Subcommittee on Outside Agencies, City Manager, and staff have recommended this change to the PY 2019 Annual Action Plan; and,

WHEREAS, during the Public Hearing, the City Council reviewed the recommended substantial amendment, proposed application and use of funds, concurred that this application for funding is in the interest of the community, approved the project in the PY 2019 Annual Action Plan, and determined that no matching funds are expected to be required by the City of Wichita Falls.

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

The City Council approves a substantial amendment to the PY 2019 Community Development Block Grant (CDBG) Annual Action Plan of the 2015-2019 Consolidated Plan to reallocate \$600,304.95 of CDBG – Coronavirus (CDBG-CV) funding through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) in a special allocation from US Department of Housing and Urban Development (HUD).

PASSED AND APPROVED this the 2nd day of August, 2022.

\_\_\_\_\_  
MAYOR

ATTEST:

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

**Table of Awarded Funds**

**CDBG-CV: City Departments**

Grant Administration: Operational & administrative costs for CDBG CV Program (Continued from previous year)	\$118,949.80
Emergency Repair Program: Immediate-need home repair for low-income homeowners	\$67,504.95
Parks: Rehabilitation of Bridwell, Morningside, and Tenth Street Pocket Park	\$357,800.00
Transportation: Bus Shelter Rehabilitation and Construction	\$175,000.00

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**CITY COUNCIL AGENDA**  
**August 2, 2022**

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**ITEM/SUBJECT:** Resolution approving a substantial amendment to the 2021 Action Plan Amendment of the 2020-2024 Consolidated Plan and the HOME-American Rescue Plan (HOME-ARP) Allocation Plan of the City of Wichita Falls to include any and all revisions to the plans approved by the U.S. Department of Housing and Urban Development (HUD), to receive and administer a special allocation of \$1,572,080 in HOME-ARP funds through the American Rescue Plan (ARP) in a special allocation from HUD.

**INITIATING DEPT:** Development Services / Neighborhood Resources

**STRATEGIC GOAL:** Accelerate Economic Growth, Actively Engage & Inform the Public

**STRATEGIC OBJECTIVE:** Revitalize Depressed and Declining Neighborhoods, Strengthen Supportive Partnerships with the Non-For-Profit Community

**COMMENTARY:** Council conducted a public hearing at the July 19, 2022 City Council Meeting to solicit citizen comments on the proposed substantial amendment to the 2021 Annual Action Plan and HOME-ARP Allocation Plan. This proposed Resolution would approve the substantial amendment to the 2021 Annual Action Plan and HOME-ARP Allocation Plan to include the funding in the Five-Year Consolidated Plan which allocates \$1,572,080 in FY 2021 HOME-ARP. The proposed Resolution will also authorize the City Manager, or his designee, to submit the plan to HUD for review and approval and execute grant agreements and contracts to implement the approved plan, including any and all revisions approved by HUD.

The substantial amendment to the 2021 Annual Action Plan and HOME-ARP Allocation Plan program is as follows:

**HOME-ARP: Outside Agencies**

First Step: ADA Improvements & ADA Ramp Construction	\$700,000.00
Unreserved: TBD Non-congregate Shelter Rehabilitation	\$714,872.00
<b>TOTAL</b>	<b>\$1,414,872.00</b>

**CDBG: City Departments**

Grant Administration: Operational & administrative costs for CDBG Program	\$157,208.00
<b>TOTAL</b>	<b>\$157,208.00</b>

**RECOMMENDATION:**

Staff and the Council Subcommittee on Outside Agencies recommends approval of the

resolution as described above.

☒ **Director of Development Services**

☒ **Assistant City Manager**

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**ASSOCIATED INFORMATION:** Resolution, Table of Awarded Funds

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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

**Resolution approving a substantial amendment to the 2021 Action Plan Amendment of the 2020-2024 Consolidated Plan and the HOME-American Rescue Plan (HOME-ARP) Allocation Plan of the City of Wichita Falls to include any and all revisions to the plans approved by the U.S. Department of Housing and Urban Development (HUD), to receive and administer a special allocation of \$1,572,080 in HOME-ARP funds through The American Rescue Plan (ARP) in a special allocation from HUD**

WHEREAS, the City of Wichita Falls acting in its capacity as a HUD Grantee administers federally-funded programs to benefit the community; and,

WHEREAS, on May 26, 2022 the City Council Subcommittee on Outside Agencies met with and considered requests from local non-profit organizations and City departments who have applied for funding; and,

WHEREAS, on July 19, 2022 the City Council held a public hearing to receive comments and citizen input; and,

WHEREAS, during the Public Hearing the City Council has considered citizen comments and has reviewed the proposed use of funds,

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

1. The City Council of Wichita Falls, Texas hereby approves and adopts the substantial amendment to the 2021 Annual Action Plan and the HOME-ARP Allocation Plan of the City of Wichita Falls that will provide for developing, implementing, and administering eligible programs and activities through the HOME-ARP Program,

2. The City of Wichita Falls, acting in its capacity as a HUD Entitlement Grantee, is authorized to apply for, receive, and administer \$1,572,080 in PY 2021 HOME-ARP funding. Such funding shall be utilized for eligible projects and administrative costs.

3. The City Council authorizes the City Manager, or their designee, to submit the substantial amendment to the 2021 Annual Action Plan and HOME-ARP Allocation Plan to the U.S. Department of Housing and Urban Development for review and approval, execute any and all amendments, agreements, and other documents necessary to implement the aforementioned Action Plan, to include any and all revisions approved by HUD.

PASSED AND APPROVED this the 2<sup>nd</sup> day of August, 2022.

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MAYOR

ATTEST:

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City Clerk

**Table of Awarded Funds**

**HOME-ARP: Outside Agencies**

First Step: ADA Improvements & ADA Ramp Construction	\$700,000.00
Unreserved: TBD Non-congregate Shelter Rehabilitation	\$714,872.00
<b>TOTAL</b>	<b>\$1,414,872.00</b>

**CDBG: City Departments**

Grant Administration: Operational & administrative costs for CDBG Program	\$157,208.00
<b>TOTAL</b>	<b>\$157,208.00</b>

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**CITY COUNCIL AGENDA**  
**August 2, 2022**

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**ITEM/SUBJECT:** Resolution approving the 2022 Action Plan of the 2020-2024 Consolidated Plan of the City of Wichita Falls to include any and all revisions to the plans approved by the U.S. Department of Housing and Urban Development (HUD), to allocate FY 2022 Community Development Block Grant (CDBG) funds in the amount of \$1,203,986, reallocate \$100,000 in prior year CDBG funding, and 2022 HOME Investment Partnership Program (HOME) funds in the amount of \$449,845; authorizing the City Manager to execute HUD grant applications and agreements to implement the approved plans, to include any and all revisions approved by HUD.

**INITIATING DEPT:** Development Services / Neighborhood Resources

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**STRATEGIC GOAL:** Accelerate Economic Growth, Actively Engage & Inform the Public

**STRATEGIC OBJECTIVE:** Revitalize Depressed and Declining Neighborhoods, Strengthen Supportive Partnerships with the Non-For-Profit Community

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**COMMENTARY:** On July 19<sup>th</sup>, 2022 during the City Council meeting a Public Hearing was conducted to solicit citizen comments on the proposed 2022 Annual Action Plan. This proposed Resolution would approve the 2022 Annual Action Plan of the Five-Year Consolidated Plan which allocates \$1,203,986 in FY 2021 Community Development Block Grant (CDBG) funds and \$449,845 in HOME Investment Partnership (HOME) funds. The proposed Resolution will also authorize the City Manager, or his designee, to submit the plan to HUD for review and approval and execute grant agreements and contracts to implement the approved plan, including any and all revisions approved by HUD.

Funding requests totaling \$1,630,299.20 were submitted to the subcommittee. CDBG funds available for projects totaled \$1,303,986, including the 2022-2023 allocation of \$1,203,986 and \$100,000 in reprogrammed funds from the prior fiscal year. Funding for public service type activities is further limited (capped) by HUD to no more than 15% of the new annual grant amount.

To be considered, an approved activity eligible for funding, HUD requires that projects meet local needs and priorities identified in the Consolidated Plan. Activities must also meet specific criteria for eligibility defined in federal regulations and meet one of the following three national objectives:

1. Benefit low and moderate income persons
2. Aid in the prevention or elimination of slum and blight, or
3. Meet an urgent need to remove a serious and immediate threat to health or safety.

The City Council Subcommittee on Outside Agencies (Brewer, Browning, Nelson), who met with agency representatives on May 26th, 2022, propose to use FY 2022-2023 CDBG and HOME entitlement funding in the amounts as follows:

**CDBG: Outside Agencies**

Child Care, Inc.: Child care subsidies for low-income working families	\$126,418.00
Christmas in Action: Home repair for elderly and handicapped owners	\$100,000.00
Senior Citizens Services of North Texas: Meals on Wheels Program	\$54,179.00
<b>TOTAL</b>	<b>\$280,597.00</b>

**CDBG: City Departments**

Code Enforcement: Demolition and clearance of hazardous structures	\$177,592.00
Code Enforcement: Demolition and clearance (Carryover from PY 2021)	\$200,000.00
Code Enforcement: Administration & operational costs	\$80,000.00
CDBG Program Delivery Costs: Minor & Emergency Repair Programs	\$30,000.00
Grant Administration: Operational & administrative costs for CDBG Program	\$240,797.00
Minor Repair Program: Minor home repair for low-income homeowners	\$213,000.00
Emergency Repair Program: Immediate-need home repair for low-income homeowners	\$167,000.00
Parks: Safety, Security, and General Rehab Improvements at the Martin Luther King Center	\$65,000.00
Traffic: Audible Pedestrian Signals in the downtown area	\$50,000.00
<b>TOTAL</b>	<b>\$1,223,389.00</b>

**HOME Program**

First-Time Homebuyer Program: Acquisition assistance costs for down payment, closing costs, minor repairs	\$307,384.00
Affordable Housing Program: Closing costs/principal reduction for Habitat home buyers	\$30,000.00
CHDO Set-Aside: Statutory 15% of entitlement amount	\$67,477.00
HOME Administration: Operational & administrative costs for HOME Program	\$44,984.00
<b>TOTAL</b>	<b>\$449,845.00</b>

**RECOMMENDATION:**

Staff and the Council Subcommittee on Outside Agencies recommends approval of the resolution as described above.

☒ **Director of Development Services**

☒ **Assistant City Manager**

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**ASSOCIATED INFORMATION:** Resolution, Table of Awarded Funds

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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

**Resolution approving the 2022 Action Plan of the 2020-2024 Consolidated Plan of the City of Wichita Falls to include any and all revisions to the plans approved by the U.S. Department of Housing and Urban Development (HUD), to allocate FY 2022 Community Development Block Grant (CDBG) funds in the amount of \$1,203,986, reallocate \$100,000 in prior year CDBG funding, and 2022 HOME Investment Partnership Program (HOME) funds in the amount of \$449,845; authorizing the City Manager to execute HUD Grant Applications and Agreements to implement the approved plans, to include any and all revisions approved by HUD**

WHEREAS, the City of Wichita Falls acting in its capacity as a HUD Grantee administers federally-funded programs to benefit the community; and,

WHEREAS, the City Council Subcommittee on Outside Agencies on May 26, 2022 met with and considered requests from local non-profit organizations and City departments who have applied for funding; and,

WHEREAS, the City Council on July 19, 2022 held a public hearing to receive citizen input; and,

WHEREAS, during the Public Hearing, the City Council has considered citizen comments and has reviewed the proposed use of funds,

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

1. The City Council of Wichita Falls, Texas hereby approves and adopts the PY 2022 Annual Action Plan that will provide for developing, implementing, and administering eligible programs and activities through the CDBG and HOME Programs,

2. The City of Wichita Falls, acting in its capacity as a HUD Entitlement Grantee, is authorized to apply for \$1,203,016 in FY 2022 CDBG funding and \$449,845 in FY 2022 HOME funding, and reallocate \$100,000 in prior year CDBG funding. Such funding shall be utilized for eligible projects and administrative costs.

3. The City Council authorizes the City Manager, or his designee, to submit the 2022 Annual Action Plan to the U.S. Department of Housing and Urban Development for review and approval, execute any and all amendments, agreements, and other documents necessary to implement the aforementioned Action Plan, to include any and all revisions approved by HUD.

PASSED AND APPROVED this the 2<sup>nd</sup> day of August, 2022.

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MAYOR

ATTEST:

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City Clerk

### **Table of Awarded Funds**

#### **CDBG: Outside Agencies**

Child Care, Inc.: Child care subsidies for low-income working families	\$126,418.00
Christmas in Action: Home repair for elderly and handicapped owners	\$100,000.00
Senior Citizens Services of North Texas: Meals on Wheels Program	\$54,179.00
<b>TOTAL</b>	<b>\$280,597.00</b>

#### **CDBG: City Departments**

Code Enforcement: Demolition and clearance of hazardous structures	\$177,592.00
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Traffic: Audible Pedestrian Signals in the downtown area	\$50,000.00
<b>TOTAL</b>	<b>\$1,223,389.00</b>

#### **HOME Program**

First-Time Homebuyer Program: Acquisition assistance costs for down payment, closing costs, minor repairs	\$307,384.00
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CHDO Set-Aside: Statutory 15% of entitlement amount	\$67,477.00
HOME Administration: Operational & administrative costs for HOME Program	\$44,984.00
<b>TOTAL</b>	<b>\$449,845.00</b>

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**CITY COUNCIL AGENDA  
AUGUST 2, 2022**

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**ITEM/SUBJECT:** Resolution appropriating a total of \$150,000 of American Rescue Plan (ARPA) Funding to the City's General Fund for payment of salary and benefits for a Senior Grant Accountant position.

**INITIATING DEPT:** Finance/Purchasing

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**STRATEGIC GOAL:** Accelerate Economic Development

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

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**COMMENTARY:** On June 14, 2022 the City Council approved a resolution adopting a general plan related to the future appropriations of the City's approximately \$29.1M in federal ARPA funds. The plan included \$150,000 for the creation of a Grant Accountant position that would be fully funded for two years to assist the City in properly accounting for and reporting to the federal government on the use of the ARPA funds.

Staff recommends approval of the resolution. If approved, staff will immediately begin the hiring process.

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**ASSOCIATED INFORMATION:** Resolution

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

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

**Resolution appropriating a total of \$150,000 of American Rescue Plan (ARPA) Funding to the City's General Fund for payment of salary and benefits for a Senior Grant Accountant position.**

WHEREAS, the City of Wichita Falls has received funding from the American Rescue Plan; and

WHEREAS, City Council passed a non-binding resolution on June 14, 2022; and

WHEREAS, funding of \$150,000 was allocated for a Grant Accountant; and

WHEREAS, the guidance from the American Rescue Plan Act allows for the appropriation of these funds, for this purpose.

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

The City Manager is hereby authorized to create and fund a position for a Grant Accountant in the Finance Department using a total \$150,000 of American Rescue Plan funding through the grant performance period, ending December 31, 2026.

PASSED AND APPROVED this the 2nd day of August, 2022.

\_\_\_\_\_  
MAYOR

ATTEST:

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