

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



Amended 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, February 7, 2023, Beginning At 8:30 A.M.

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

- 1. A livestream will be shown on the Spectrum/Time Warner Cable Channel 1300**
- 2. A livestream will be shown on the City's Facebook page (City of Wichita Falls, Texas Government) (<https://www.facebook.com/CityofWF>)**
- 3. A video of the meeting will be posted on the City's YouTube page (<https://www.youtube.com/cityofwf>)**

Item #

1. Call to Order
2. (a) Invocation: Pastor Craig Lile
Faith Baptist Church

(b) Pledge of Allegiance
3. Presentations
 - (a) Employee of the Month – Luke Baker, Public Works/Water Purification
 - (b) Proclamation – Youth Leadership Wichita Falls Recognition Day, Youth Leadership Wichita Falls
 - (c) Proclamation – African American History Month, Wichita Falls Alliance for Arts and Culture

CONSENT AGENDA

4. Approval of minutes of the January 17, 2023 Regular Meeting of the Mayor and City Council.
5. Resolutions
 - (a) Resolution authorizing the City Manager to award bid and contract for the 2023 Asphalt Rehabilitation Project to Freeman Paving, LLC in the amount of \$2,396,285.00
6. Receive Minutes
 - (a) Animal Shelter Advisory Committee, December 10, 2021
 - (b) Fire Fighters and Police Officers' Civil Service Commission, March 2, 2022
 - (c) WFMPO Technical Advisory Committee, October 6, 2022
 - (d) Fire Fighters and Police Officers' Civil Service Commission, October 12, 2022
 - (e) Fire Fighters and Police Officers' Civil Service Commission, November 7, 2022
 - (f) Wichita Falls-Wichita County Public Health Board, November 9, 2022
 - (g) Wichita Falls Economic Development Corporation, December 15, 2022

REGULAR AGENDA

7. Public Hearing & Ordinances
 - (a) Conduct a public hearing and take action on an ordinance to rezone 4520 Kemp Boulevard (Faith Village, Unit II, Lot 10A, Block 70) from Limited Commercial (LC) to General Commercial (GC) zoning district and amend the Land Use Plan from Low Density Residential to Commercial to allow for development of a multi-tenant facility with drive-thru services
 - i. Public Hearing
 - ii. Take Action
 - (b) Ordinance amending Section 50-34 of the Code of Ordinances, Identifying the Classifications and Number of Positions in Each Classification for the Fire Department
 - (c) Ordinance authorizing the City Manager to approve a request from the Wichita Falls Housing Authority to close, vacate, and abandon an alley and any utility easement therein at 800 Juarez Street

- (d) Ordinance amending the Wichita Falls Regional Airport fiscal year 2023 budget in an amount of \$97,000 for various project expenditures
- (e) Ordinance appropriating \$3.2 million of unrestricted Water & Sewer fund balance to facilitate various repairs to the Jasper and the Cypress 61 Water Treatment Plants and authorizing the City Manager to execute a professional services agreement for the Jasper Water Treatment Plant High Service Pump Station Design, with Garver, LLC in the amount of \$187,100.00
- (f) Public Hearing on the application of United Electric - Magic Aire to the Texas Commission on Environmental Quality (TCEQ) for a Municipal Setting Designation at 501 Galveston, Wichita Falls, Texas
- (g) Ordinance authorizing the acceptance of Deed Restrictions prohibiting the use of designated groundwater from beneath the property located at 501 Galveston, Wichita Falls, Texas, 76301, to facilitate certification of a Municipal Setting Designation (MSD) of said property by the Texas Commission on Environmental Quality (TCEQ) pursuant to the Texas Solid Waste Disposal Act; and providing for an effective date of this Ordinance

8. Resolutions

- (a) Resolution in support of the application of United Electric - Magic Aire to the Texas Commission on Environmental Quality (TCEQ) for a Municipal Setting Designation at 501 Galveston, Wichita Falls, Texas
- (b) Resolution authorizing the City Manager to award bid and contract for the 2023 Seal Coat Project to Freeman Paving, LLC in the amount of \$297,794.75
- (c) Resolution authorizing award of bid for demolition, clearing, and cleaning of 15 properties to Mote's Wholesale, Inc. in the amount of \$64,320.00
- (d) Resolution authorizing the purchase of one thousand two hundred (1,200) banquet chairs and four (4) wheel hand trucks through the Omnia Partners Purchasing Cooperative from Michigan Tube Swagers & Fab Inc dba MTS Seating in the amount of \$250,349.32
- (e) Resolution authorizing the City Manager to execute a contract with L-D Systems, L.P. in the amount of \$579,701.73 for the installation of a new sound system in the Kay Yeager Coliseum
- (f) Resolution authorizing the City Manager to make application for a grant from the Office of the Governor, Public Safety Office, Homeland Security Grants Division, 2023 State Homeland Security Program – Law Enforcement Terrorism Prevention Activities in the amount of \$65,000.00

- (g) Resolution authorizing the City Manager to make application for a grant from the Office of the Governor, Public Safety Office, Criminal Justice Division, FY 2024 Edward Byrne Memorial Justice Assistance Grant Program (JAG), in the amount of \$131,616.00

9. Other Council Matters

- (a) Announcements concerning items of community interest from members of the City Council. No action will be taken or discussed.

10. Comments from the public to members of the city council concerning items that are not on the city council agenda. People wishing to address the council should sign up prior to the start of the meeting. A three-minute time frame will be adhered to for those addressing their concerns. Since comments from citizens are not posted agenda items, the City Council is prohibited from deliberating or taking any action, other than a proposal to place the item on a future agenda. Staff may provide factual statements in response to inquiries or recite existing policy.

11. Executive Sessions

- (a) Executive Session in accordance with Texas Government Code § 551.087, to discuss or deliberate the offer of a financial or other incentive to a business prospect that the City Council seeks to have, locate, stay, or expand in or near the territory of the City of Wichita Falls and with which the City and/or economic development corporations created by the City are conducting economic development negotiations (including, but not limited to an economic development update).
- (b) Executive Session in accordance with Texas Government Code §551.071, consultation with attorney on matter involving pending or contemplated litigation or other matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act.

12. Adjourn

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

Every item on this agenda shall be considered a public hearing. Regardless of the agenda heading under which any item is listed, any word or phrase of any item listed on this agenda shall be considered a subject for consideration for purposes of the Texas Open Meetings Act and other relevant law, and City Council may deliberate and vote upon any such subject and resolutions related thereto. Resolutions, ordinances, and other actions concerning any word, phrase, or other subject may be voted upon, regardless of any language of limitation found in this agenda or any document referring to such action. Any penal ordinance, development regulation or charter provision of the City of Wichita Falls or item which is funded by the current

or next proposed City of Wichita Falls budget, including, without limitation, any street, water pipe, sewer, drainage structure, department, employee, contract or real property interest of the City of Wichita Falls, may be discussed and deliberated, and the subject is hereby defined as such without further notice. Any item on this agenda may be discussed in executive session if authorized by Texas law regardless of whether any item is listed under "Executive Sessions" of this agenda, regardless of any past or current practice of the City Council. Executive sessions described generally hereunder may include consideration of any item otherwise listed on the agenda plus any subject specified in the executive session notice. Executive sessions described generally hereunder are closed meetings, may include consideration of any item otherwise listed on the agenda plus any subject specified in the executive session notice, and may include items under Texas Government Code Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.084, and/or 551.087.

CERTIFICATION

I certify that the above notice of meeting was posted on the bulletin board at Memorial Auditorium, Wichita Falls, Texas on the 31st day of January, 2023 at 4:45 o'clock p.m.



City Clerk

CITY COUNCIL AGENDA
February 7, 2023

ITEM/SUBJECT: Employee of the month.

INITIATING DEPT: Water Purification

NAME: Luke Baker

DEPARTMENT: Water Purification

HIRE DATE: 05/08/1996

PRESENT POSITION: Senior Pump/Plant Maintenance Mechanic

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

☒ **Director of Human Resources**

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**



City of Wichita Falls
City Council Meeting
Minutes
January 17, 2023



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	-	
Darron Leiker	-	City Manager
Kinley Heggland	-	City Attorney
Marie Balthrop	-	City Clerk

Absent: Councilor Michael Smith, District 1

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

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Item 2a – Invocation

Pastor Tim Puckett, Heritage Assembly of God, 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 – Sgt. Brian Sheehan, Police Department

8:32 a.m.

Mayor Santellana recognized Sgt. Brian Sheehan as the Employee of the Month for January 2023 and shared a brief video. Mayor Santellana congratulated Sgt. Sheehan 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 4-6 – Consent Items

8:35 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 Brewer and carried by the following vote:

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

Nays: None

Item 4 – Approval of Minutes of the December 20, 2022, Regular Meeting of the Mayor and City Council

Item 5a – Resolution 01-2023

Resolution authorizing award of bid for the purchase of roll-out refuse and yard waste carts from Rehrig Pacific Company in the amount of \$88,155.00.

Item 5b – Resolution 02-2023

Resolution authorizing the purchase of eleven (11) in-car camera systems for new Police patrol units through the Houston-Galveston Area Council (H-GAC) Purchasing Cooperative from COBAN Technologies, Inc., in the amount of \$67,595.00.

Item 6 – Receive Minutes

- (a) Wichita Falls Business Park Association Development Review Board, June 17, 2014
- (b) Wichita Falls Business Park Association Board of Directors, May 16, 2019
- (c) Amended Minutes of the Wichita Falls 4B Sales Tax Corporation (4BSTC) August 17, 2022
- (d) Wichita Falls 4B Sales Tax Corporation (4BSTC) October 13, 2022

- (e) Wichita Falls Business Park Association Development Review Board, October 20, 2022
- (f) Wichita Falls Business Park Association Board of Directors, October 20, 2022
- (g) Planning & Zoning Commission, November 9, 2022
- (h) Wichita Falls Economic Development Corporation, November 17, 2022
- (i) Lake Wichita Revitalization Committee, December 13, 2022

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Item 7a – Ordinance 01-2023

8:37 a.m.

Ordinance appropriating \$1,500,000 in federal American Rescue Plan Act (ARPA) funds for assistance to local nonprofit organizations and authorizing the City Manager to execute all related documents.

Moved by Councilor Brewer to approve Ordinance 01-2023.

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

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

Nays: None

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Item 7b – Ordinance 02-2023

8:46 a.m.

Ordinance appropriating no more than \$600,000.00 of General Fund General Liability Reserves for the emergency repair of the Health Department and MPEC facilities and declaring an emergency.

Moved by Councilor Brewer to approve Ordinance 02-2023.

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

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

Nays: None

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Item 7c – Ordinance 03-2023

8:51 a.m.

Ordinance appropriating \$122,364.00 of grant funds pursuant to the Office of the Governor, Public Safety Office, Criminal Justice Division, FY 2023 Bullet-Resistant Shield Grant Program, appropriating said funds to the Special Revenue Fund, and authorizing the City Manager to execute all documents necessary to accept and share said funds.

Moved by Councilor Brewer to approve Ordinance 03-2023.

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

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

Nays: None

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Item 8a – Resolution 03-2023

8:54 a.m.

Resolution Renaming Cleveland Avenue to Cleaver Street.

Moved by Councilor Browning to approve Resolution 03-2023

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

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

Nays: None

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Item 8b – Resolution 04-2023

8:59 a.m.

Resolution authorizing the sole-source purchase of various end caps and replacement parts for six reverse osmosis trains at Cypress Water Treatment Facility and associated labor for installation, from Worth Hydrochem of Okla., Inc., in the amount of \$211,660.64.

Moved by Councilor Browning to approve Resolution 04-2023.

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

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

Nays: None

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Item 8c – Resolution 05-2023

9:02 a.m.

Resolution authorizing award of bid to Retail Motorcycle Ventures, Inc. dba BMW Motorcycles of North Dallas for the purchase of three (3) BMW Police Motorcycles for the Wichita Falls Police Department in the amount of \$92,933.31.

Moved by Councilor Browning to approve Resolution 05-2023.

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

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

Nays: None

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Item 8d – Resolution 06-2023

9:03 a.m.

Resolution authorizing the purchase of four (4) TS2 traffic signal cabinets for the Traffic Engineering Division through the BuyBoard Purchasing Cooperative from Paradigm Traffic Systems, Inc. in the amount of \$58,800.00.

Moved by Councilor Browning to approve Resolution 06-2023.

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

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

Nays: None

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Item 8e – Resolution 07-2023

9:08 a.m.

Resolution granting a one-year extension to the existing contract with American Medical Response Ambulance Services, Inc. (AMR).

Moved by Councilor Brewer to approve Resolution 07-2023.

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

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

Nays: Councilor Whiteley

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Item 8f – Resolution 08-2023

9:10 a.m.

Resolution authorizing the City Manager to make application for a grant from the Office of the Governor, Public Safety Office, Criminal Justice Division, FY 2024 Body-Worn Camera Grant Program, in the amount of \$942,603.00.

Moved by Councilor Browning to approve Resolution 08-2023.

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

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

Nays: None

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Item 8g – Resolution 09-2023

9:14 a.m.

Resolution authorizing a five-year license agreement with the YMCA of Wichita Falls granting extended reservation privileges for the use of ball fields in University Kiwanis Park and Lake Wichita Park for youth baseball leagues.

Moved by Councilor Browning to approve Resolution 09-2023.

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

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

Nays: None

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Item 8h – Resolution 10-2023

9:18 a.m.

Resolution authorizing the City Manager to enter into an agreement with Anthony Inman Construction, Inc. for Construction Manager at Risk services related to the Memorial Auditorium Building Renovation Project, with an estimated construction cost of \$12,500,000.

Moved by Councilor Brewer to approve Resolution 10-2023.

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

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

Nays: None

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Item 8i – Resolution 11-2023

9:28 a.m.

Resolution authorizing award of bid for the purchase of carpet and padding for the MPEC Exhibit Hall from the low bidder, Royal Thai Americas (2017) Inc, in the amount of \$196,141.65.

Moved by Councilor Browning to approve Resolution 11-2023.

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

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

Nays: None

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Item 8j – Resolution 12-2023

9:30 a.m.

Resolution approving an amendment to the existing \$2,750,000 performance agreement between the Wichita Falls Economic Development Corporation (WFEDC) and P&WC Aerospace, Inc. (Pratt & Whitney) to assist with the company's proposed new product line and employment expansion at the existing Wichita Falls facility.

Moved by Councilor Brewer to approve Resolution 12-2023.

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

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

Nays: Councilor Jackson

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

9:33 a.m.

Councilor Whiteley congratulated the employee of the month, and thanked the non-profit organizations for their work as the community depends and thrives on their services.

Councilor Jackson asked Terry Floyd, Director of Development Services, the number of applications received and if Base Camp Lindsey applied. Mr. Floyd stated they received 30 applications and Base Camp Lindsey did not apply.

Mayor Santellana also congratulated the employee of the month, discussed the Memorial Auditorium project and encouraged citizens to reach out to the Council with any questions. Mr. Leiker encouraged citizens to take a tour of Memorial Auditorium if they have any questions. He thanked Amy Fagan, Interim Director of Health, and her staff for their work during the flood and for all of the information that has been provided to the public. Mayor Santellana thanked staff for their quick responses to recent concerns and stated he is very grateful for their hard work and timely responses.

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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

9:42 a.m.

There were no comments from the public.

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Item 11 – Executive sessions

City Council adjourned into Executive Session at 9:42 a.m. in accordance with Texas Government Code §551.074.

Councilor Browning left the meeting at 10:59 a.m.

City Council reconvened at 11:32 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

11:32 a.m.

Moved by Councilor Whiteley to remove Robert Clement from the Helen Farabee Centers Board.

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

Ayes: Mayor Santellana, Councilors Brewer and Whiteley

Nays: Councilors Jackson and Nelson.

Moved by Councilor Whiteley to reappoint Ben Filer to Place 3 on the TIF #2 Board with a term to expire 12/31/2024.

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

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

Moved by Councilor Whiteley to move Jose Garcia from Place 6 – Alternate to Place 2 on the Zoning Board of Adjustments with a term to expire 12/31/2024.

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

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

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Item 13 –Adjourn

Mayor Santellana adjourned the meeting at 11:35 a.m.

PASSED AND APPROVED this 7th day of February 2023.

Stephen Santellana, Mayor

ATTEST:

CITY COUNCIL MINUTES
January 17, 2023
PAGE 9 OF 10

Marie Balthrop, TRMC, MMC
City Clerk

CITY COUNCIL AGENDA
February 7, 2023

ITEM/SUBJECT: Resolution authorizing the City Manager to award bid and contract for the 2023 Asphalt Rehabilitation Project to Freeman Paving, LLC in the amount of \$2,396,285.00.

INITIATING DEPT: Public Works

STRATEGIC GOAL: Provide Adequate Infrastructure

STRATEGIC OBJECTIVE: Complete Public Improvement Projects

COMMENTARY: On January 24, 2023, bids were opened for the 2023 Asphalt Rehabilitation Project. This project is generally described as the rehabilitation of various City asphalt streets, and associated work. The Engineer's estimate for the Base Bid and Add/Alts No. 1 – 5 is \$2,800,000.00.

The bids received for this project, which includes the Base Bid and Add/Alts No. 1 – 5, are as follows:

<u>COMPANY</u>		<u>AMOUNT</u>
Freeman Paving, LLC	– Vernon, TX	\$ 2,396,285.00
Blacksmith Ventures, LLC	– Jacksboro, TX	\$ 3,278,370.00

Freeman Paving, LLC is a local contractor that has successfully completed similar projects for the City in the past. Therefore, staff recommends award of the contract to Freeman Paving, LLC in the amount of \$2,396,285.00, which includes the Base Bid and Add/Alts No. 1 – 5, based on unit price quantities.

☒ **Director, Public Works**

ASSOCIATED INFORMATION: Resolution, Bid Tab, Location Maps

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Resolution No. _____

Resolution authorizing the City Manager to award bid and contract for the 2023 Asphalt Rehabilitation Project to Freeman Paving, LLC in the amount of \$2,396,285.00

WHEREAS, the City of Wichita Falls has advertised for bids for the 2023 Asphalt Rehabilitation Project; and,

WHEREAS, it is found that the lowest responsible bidder is Freeman Paving, LLC, who made a unit price bid with an estimated total of \$2,396,285.00.

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

The unit price bid for the 2023 Asphalt Rehabilitation Project is awarded to Freeman Paving, LLC in an estimated total amount of \$2,396,285.00, and the City Manager is authorized to execute a contract for the City with said Contractor for the construction of such project.

PASSED AND APPROVED this the 7th day of February 2023.

MAYOR

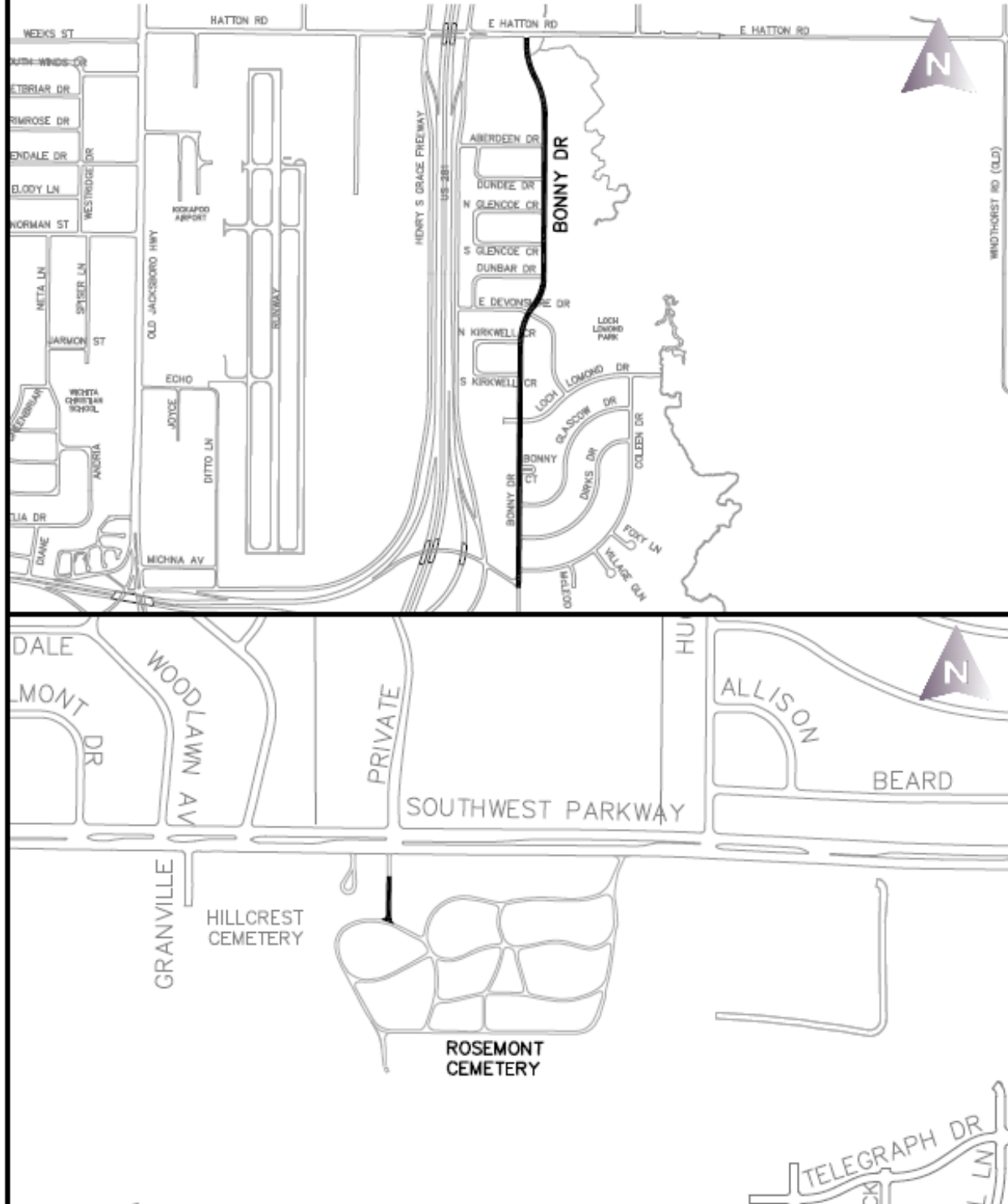
ATTEST:

City Clerk

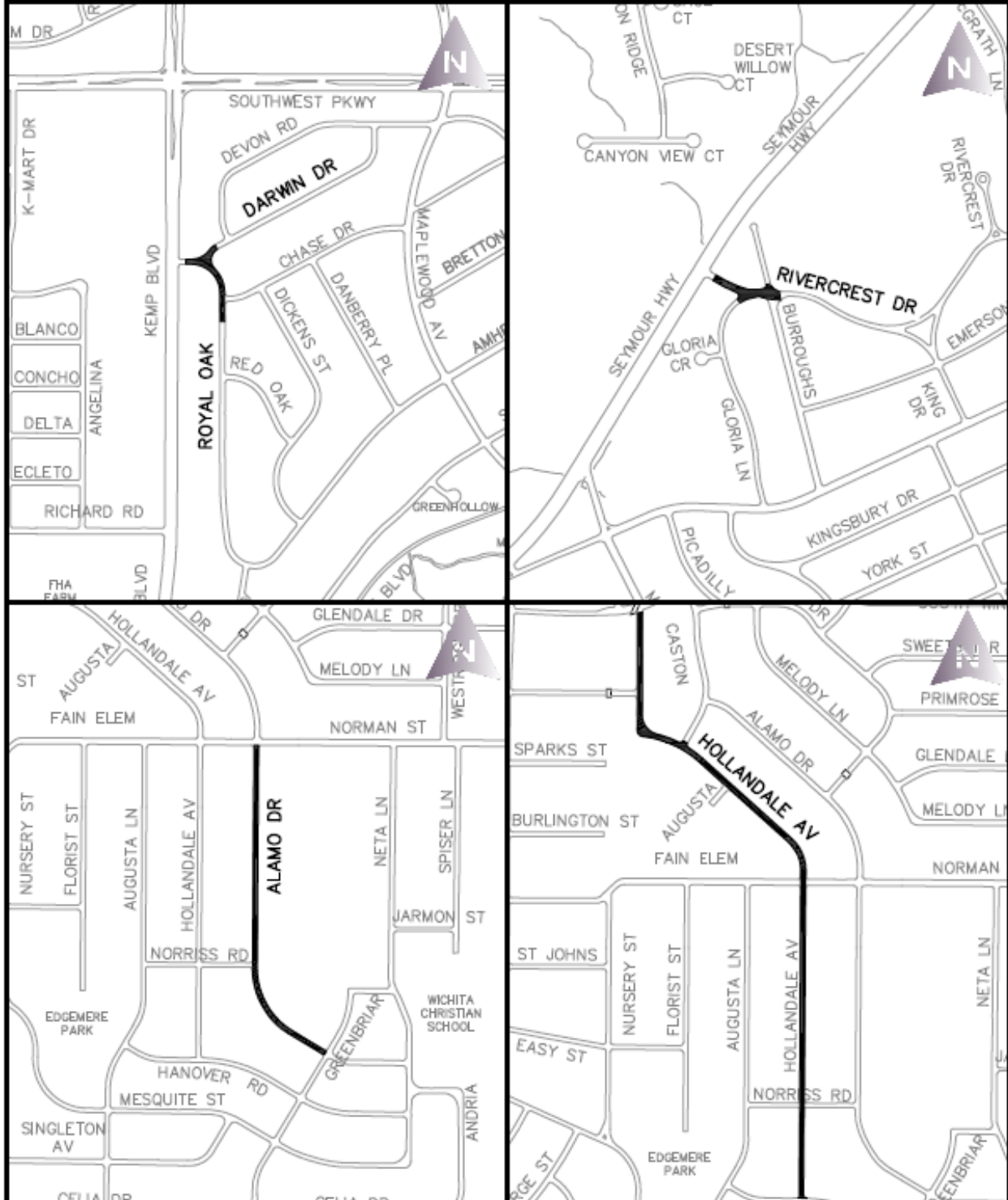
2023 Asphalt Rehabilitation Project CWF23-100-02 Bid Date: January 24, 2023									
BASE BID ** ORDER OF BIDS FROM LOWEST TO HIGHEST **				Freeman Paving, LLC Vernon, TX		Blacksmith Ventures, LLC Jacksboro, TX			
Pay Item	Description	Unit	Project Totals	Unit Price	Total	Unit Price	Total		
200.1	SITE PREP & MOBILIZATION (NOT TO EXCEED 5%)	LS	1	\$15,000.00	\$15,000.00	\$65,000.00	\$65,000.00		
302-D	TYPE D HOT MIX ASPHALT	TON	2,075	\$125.00	\$259,375.00	\$139.00	\$288,425.00		
305.1	REMOVE & REPLACE CURB & GUTTER	LF	510	\$65.00	\$33,150.00	\$50.00	\$25,500.00		
305.2	REMOVE & REPLACE VALLEY GUTTER	SY	380	\$85.00	\$32,300.00	\$180.00	\$68,400.00		
402	BASE REPAIR	SY	11,900	\$60.00	\$714,000.00	\$73.10	\$869,890.00		
403-M	MILLING	SY	11,400	\$3.00	\$34,200.00	\$5.25	\$59,850.00		
702	REMOVE & REPLACE CURB INLET	EA	2	\$7,500.00	\$15,000.00	\$5,000.00	\$10,000.00		
801	TEMPORARY TRAFFIC CONTROL	LS	1	\$8,500.00	\$8,500.00	\$5,000.00	\$5,000.00		
				Total Base Bid	\$1,111,525.00	Total Base Bid	\$1,392,065.00		
ADDITIVE / ALTERNATE NO. 1 - ROYAL OAK ST / DARWIN DR				Freeman Paving, LLC Vernon, TX		Blacksmith Ventures, LLC Jacksboro, TX			
Pay Item	Description	Unit	Project Totals	Unit Price	Total	Unit Price	Total		
302-D-ALT	TYPE D HOT MIX ASPHALT	TON	215	\$125.00	\$26,875.00	\$200.00	\$43,000.00		
305.1-ALT	REMOVE & REPLACE CURB & GUTTER	LF	55	\$65.00	\$3,575.00	\$100.00	\$5,500.00		
305.2-ALT	REMOVE & REPLACE VALLEY GUTTER	SY	80	\$85.00	\$6,800.00	\$200.00	\$16,000.00		
402-ALT	BASE REPAIR	SY	975	\$60.00	\$58,500.00	\$85.00	\$82,875.00		
403-M-ALT	MILLING	SY	1,920	\$3.00	\$5,760.00	\$5.25	\$10,080.00		
804-4YS-ALT	4" YELLOW SOLID STRIPING	LF	400	\$3.50	\$1,400.00	\$10.00	\$4,000.00		
804-18YA-ALT	18" WHITE YIELD ARROW	EA	7	\$750.00	\$5,250.00	\$300.00	\$2,100.00		
				Total Add / Alt No. 1	\$108,160.00	Total Add / Alt No. 1	\$163,555.00		
ADDITIVE / ALTERNATE NO. 2 - RIVERCREST DR				Freeman Paving, LLC Vernon, TX		Blacksmith Ventures, LLC Jacksboro, TX			
Pay Item	Description	Unit	Project Totals	Unit Price	Total	Unit Price	Total		
302-D-ALT	TYPE D HOT MIX ASPHALT	TON	200	\$125.00	\$25,000.00	\$200.00	\$40,000.00		
305.1-ALT	REMOVE & REPLACE CURB & GUTTER	LF	95	\$65.00	\$6,175.00	\$100.00	\$9,500.00		
305.2-ALT	REMOVE & REPLACE VALLEY GUTTER	SY	75	\$85.00	\$6,375.00	\$200.00	\$15,000.00		
402-ALT	BASE REPAIR	SY	3,260	\$60.00	\$195,600.00	\$85.00	\$277,100.00		
403-M-ALT	MILLING	SY	1,800	\$3.00	\$5,400.00	\$6.00	\$10,800.00		
502.1-R-ALT	ADJUST MANHOLE	EA	1	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00		
				Total Add / Alt No. 2	\$240,050.00	Total Add / Alt No. 2	\$353,900.00		
ADDITIVE / ALTERNATE NO. 3 - ALAMO DR				Freeman Paving, LLC Vernon, TX		Blacksmith Ventures, LLC Jacksboro, TX			
Pay Item	Description	Unit	Project Totals	Unit Price	Total	Unit Price	Total		
302-D-ALT	TYPE D HOT MIX ASPHALT	TON	830	\$125.00	\$103,750.00	\$175.00	\$145,250.00		
305.1-ALT	REMOVE & REPLACE CURB & GUTTER	LF	35	\$65.00	\$2,275.00	\$100.00	\$3,500.00		
402-ALT	BASE REPAIR	SY	2,700	\$60.00	\$162,000.00	\$85.00	\$229,500.00		
403-M-ALT	MILLING	SY	4,400	\$3.00	\$13,200.00	\$6.00	\$26,400.00		
				Total Add / Alt No. 3	\$281,225.00	Total Add / Alt No. 3	\$404,650.00		
ADDITIVE / ALTERNATE NO. 4 - HOLLANDALE AVE				Freeman Paving, LLC Vernon, TX		Blacksmith Ventures, LLC Jacksboro, TX			
Pay Item	Description	Unit	Project Totals	Unit Price	Total	Unit Price	Total		
302-D-ALT	TYPE D HOT MIX ASPHALT	TON	1,160	\$125.00	\$145,000.00	\$165.00	\$191,400.00		
305.1-ALT	REMOVE & REPLACE CURB & GUTTER	LF	200	\$65.00	\$13,000.00	\$90.00	\$18,000.00		
305.2-ALT	REMOVE & REPLACE VALLEY GUTTER	SY	165	\$85.00	\$14,025.00	\$200.00	\$33,000.00		
305.2-PR-ALT	PEDESTRIAN RAMPS	EA	10	\$1,800.00	\$18,000.00	\$3,500.00	\$35,000.00		
305.2-SW-ALT	REMOVE & REPLACE 4" CONCRETE SIDEWALK	SY	100	\$125.00	\$12,500.00	\$135.00	\$13,500.00		
402-ALT	BASE REPAIR	SY	6,200	\$60.00	\$372,000.00	\$80.00	\$496,000.00		
403-M-ALT	MILLING	SY	8,600	\$3.00	\$25,800.00	\$5.50	\$47,300.00		
				Total Add / Alt No. 4	\$600,325.00	Total Add / Alt No. 4	\$834,200.00		
ADDITIVE / ALTERNATE NO. 5 - BONNY DR (DRAINAGE IMPROVEMENTS)				Freeman Paving, LLC Vernon, TX		Blacksmith Ventures, LLC Jacksboro, TX			
Pay Item	Description	Unit	Project Totals	Unit Price	Total	Unit Price	Total		
305.1-ALT	REMOVE & REPLACE CURB & GUTTER	LF	100	\$65.00	\$6,500.00	\$50.00	\$5,000.00		
305.2-ALT	REMOVE & REPLACE VALLEY GUTTER	SY	100	\$85.00	\$8,500.00	\$200.00	\$20,000.00		
402-ALT	BASE REPAIR	SY	500	\$60.00	\$30,000.00	\$180.00	\$90,000.00		
702-F-ALT	REMOVE EXISTING CURB INLETS & INSTALL CONCRETE FLUME	LS	1	\$10,000.00	\$10,000.00	\$15,000.00	\$15,000.00		
				Total Add / Alt No. 5	\$55,000.00	Total Add / Alt No. 5	\$130,000.00		
				Base Bid + Add/Alts No. 1 - 5	\$2,396,285.00	Base Bid + Add/Alts No. 1 - 5	\$3,278,370.00		

2023 Asphalt Rehabilitation Project

CWF23-100-02



2023 Asphalt Rehabilitation Project CWF23-100-02 (ADD/ALT)



THE ANIMAL SHELTER ADVISORY COMMITTEE (ASAC) MINUTES

December 10, 2021

Animal Services Center
1207 Hatton Road
Wichita Falls, Texas

COMMITTEE MEMBERS PRESENT:

Angela Bakken
Marvin Peevey
Bryan Wade, D.V.M

Local Rabies Control Authority
Animal Welfare Organization
Veterinarian

COMMITTEE MEMBERS ABSENCE:

Nicki Bacon
Leslie Harrelson
Steve Jackson

Animal Shelter Administrator
Public Citizen
City Council Liaison

OTHERS PRESENT:

Lou Kreidler
Amy Fagan
Diann Bowman

Director of Public Health
Assistant Director of Public Health
Animal Care and Adoption Supervisor

I. CALL TO ORDER

Angela Bakken, Local Rabies Control Authority, called the meeting to order.

II. REVIEW & APPROVAL OF FEBRUARY MINUTES

The minutes from the ASAC Meeting from July 7, 2021 were distributed and reviewed. Mr. Peevey made the motion to accept these minutes with a second by Dr. Wade. The motion was carried.

III. OLD BUSINESS

None

IV. NEW BUSINESS

Ms. Bakken updated the committee with the current shelter numbers as of December 7, 2021. The live outcome rate for the shelter is sixty percent. The live outcome for dogs and cats is sixty-three percent. Adoptions had a two percent increase from 2020, which is fifteen percent. The shelter's euthanasia rate increased by four percent from 2020, increasing it to thirty-seven percent. Transfers to rescues had a seven percent decrease from 2020, bringing it to twenty-five percent. The shelter's return to owner rate had a one percent increase from 2020, bringing it to Twenty –three percent. The shelter's overall total is sixty-three percent which is a decrease of four percent. The number of animals that came into the shelter increased by seventeen percent from 2020. COVID affected the shelter's numbers positively last year due to a decrease in animals brought into the shelter. We have seen an increase in the shelter's intake since things are getting back to normal. Ms. Bakken stated that even though the shelter's intake increased by seventeen percent, the live outcome rate only changed by four percent.

THE ANIMAL SHELTER ADVISORY COMMITTEE (ASAC) MINUTES
December 10, 2021

Mrs. Kreidler advised the committee that Ms. Bakken has worked with her Animal Care Officer to get the animals returned to their owners out in the field and that a one percent increase represents a whole lot of work by the officers out in the field of getting the animals back home before bringing them into the shelter. Mr. Peevey stated that the one percent also has to do with the groups on Facebook telling the citizens to bring the animals to the shelter to be checked for microchips. This way, the owner can look for them there. Mr. Peevey stated that he has seen citizens post thank you's to the officers for getting their animals back to them and not bringing them to the shelter.

Ms. Bakken continued to the next agenda item, the city ordinances. Mrs. Kreidler informed the committee that they have been working on the city ordinances for a while. Mrs. Kreidler stated that it took so long because they had to stop working on them due to COVID. Ms. Kreidler informed the committee that the changes they were reviewing today are mostly administrative.

Mrs. Kreidler stated that the first change was on page two, and that was the additional wording to enclosures to say secured on all sides to prevent escape. Mrs. Kreidler explained that the reason for that change was they had individuals say that I have an enclosure. I have a fence. It has four holes in it, but they have a fence. This change was really driven by animal control to have significant language in the ordinance to say that the enclosure had to be secured on all sides to prevent escape.

Mrs. Kreidler continued to the next change on page eight. Ms. Kriedler informed the committee that they would see this in many places throughout the ordinance. We have had issues with individuals not wanting to give animal control or animal services a valid ID showing that they live inside the city limits. The other item added is that if someone owner surrenders an animal, the individual will not be allowed to adopt an animal from Animal Services for one year. Mrs. Kreidler went on to explain that there were exceptions. Those exceptions were if the animal was elderly, sick, or aggressive. The reason for those exceptions is that Animal Services use to provide a euthanasia service. This service was for citizens with dogs that were sick or elderly, and we would charge a fee to euthanize their animal. But we had individuals who would come in and euthanize healthy animals because they didn't want the animal but didn't want it at the shelter. So we decided to change that to everything being owner surrendered. Then we will decide whether to euthanize the animal from that point based on the interview whether the animal is elderly, sick, or aggressive.

Mrs. Kreidler continued to the next change on page nine. Mrs. Kreidler stated they removed the word microchipped from the adoption policies for animals that currently reside in the home. Those animals being adopted from Animal Services still has to be microchipped. Animal Services has had a lot of potential adopters walk out because they didn't want to get their older pets at home microchipped. Mrs. Kreidler stated that even though we all know the importance of microchipping animals. The loss of getting animals out of the shelter due to microchipping was not worth that requirement in hopes of getting more animals adopted in the long run.

Mrs. Kreidler continued to the next change on page eleven. Mrs. Kreidler informed the committee that they added language to the responsible pet owner section of the ordinance. The language was added that would require the individuals who received reduced or waived fees instead of failing to complete the responsible pet ownership class because sometimes the individuals do not show up for the

THE ANIMAL SHELTER ADVISORY COMMITTEE (ASAC) MINUTES

December 10, 2021

class. Mrs. Kreidler explained to the committee that there are two ways that a citizen can be required to take a pet ownership class. The first is through the front desk, and the second is from the officers that mandated the class out in the field. So we always give them a chance. If they do not show up to the first class, we will call and reschedule them for a second class. With the changes, if they miss the second class, we will charge them the fees that were waived, and we will have the ability to write them citations.

Mrs. Kreidler continued to the next change on page thirteen. Mrs. Kreidler stated. We just added language so that individuals who own dogs or cats are required to show proof of an animal's current license when requested by an Animal Care Officer. This was added to address the officers' issues out in the field, and the added language that the city license must be renewed concurrently with the rabies vaccination. Mrs. Kreidler explained to the committee is the animal has a one-year rabies vaccination, they can only get a one-year city license even though we offer a reduced fee for a three-year license. So if they have a three-year rabies vaccination, they are eligible for a three-year city license. Animal Services does have the ability if someone new comes in to get a city license to prorate the city license with the expiration of the rabies vaccination.

Mrs. Kreidler continued to the next change on page twenty. Mrs. Kreidler stated. We removed the requirement for microchipping under the kennel permit.

Mrs. Kreidler continued to the next change on page twenty-three. Mrs. Kreidler stated. This is another area under the private animal shelter permit where we added the language that a citizen has to provide a valid ID and maintain this information in their system.

Mrs. Kreidler continued to the next change on page thirty-five. Mrs. Kreidler stated under the dangerous dog license. We had declared an animal dangerous, and we had someone trying to meet those requirements. What we found is that there used to be a national registry for dangerous dogs. We had a citizen look and couldn't find the registry, and when we looked, we couldn't find it either. So we are removing that requirement from the ordinance. We are also dropping the insurance requirement from \$750,000 to \$500,000, and that's because a citizen couldn't find any place that would offer those limits of liability insurance.

Mrs. Kreidler continued to the next change on page thirty-eight. Mrs. Kreidler stated that we added the language birthdate and government ID under the records required so that the citizens would know what was required of them.

Mrs. Kreidler continued to the next change on page thirty-nine. Mrs. Kreidler stated that we added the language of what's required of the citizens who have received the reduced or waived fees. The biggest addition to the ordinances and this section is that sterilization is not required if a veterinarian has signed a written opinion that sterilization would jeopardize the animal's health or animals registered with a national dog registry and have not been previously impounded with the city. The other change is if the dog has been impounded once and the owner has prepaid for the spay and neuter, and the animal comes in a second time, and the animal hasn't been altered. The owner will need to prepay for the spay or neuter again. However, we will hold the animal in the shelter until the appointment and take the

THE ANIMAL SHELTER ADVISORY COMMITTEE (ASAC) MINUTES

December 10, 2021

animal to the veterinarian ourselves to ensure the animal gets altered. That has been an issue with Animal Services, and we are seeing it more and more and something we were not anticipating when we made the ordinance changes in 2019. Dr. Wade asked on item E, when the dog is registered with the national dog registry s, does that mean being registered with the AKC and other registries. Mrs. Kreidler responded yes. Dr. Wade asked, so they are not required to be sterilized. Mrs. Kreidler asked Mrs. Bowman to speak on the change. Mrs. Bowman advised that it was just for the first impound. Dr. Wade replied okay. Mrs. Kreidler also informed the committee that they removed the ten-day requirement since most veterinarians cannot get the animal in within ten days.

Mrs. Kreidler continued to the last change was on page forty-six. Mrs. Kreidler stated that after snowmageddon last year, we have had some conversations about shelter and shade for animals that were out in the cold. Mrs. Kreidler continued by saying that Ms. Bacon did some extensive research looking at different ordinances across the state and in the nation. Mrs. Bacon looked at states that get extremely cold and extremely hot. While doing that research, we found some language that we wanted to add to our ordinance to make the shelter portion of that ordinance better and make it easier for the officers to enforce. We have taken this language from another ordinance and added that it is free of surrounding debris or other materials that could endanger the dog. We also added that the structure should have a solid attached roof with no gaps and a solid floor attached to the structure. We also added that the four sides of the shelter entrance are strong enough to block wind, rain, hail, sleet, snow, subfreezing temperatures, and any other elements deemed detrimental to the animal's health and well-being. We also added language for the bedding. We added new language because when we went out on calls during snowmageddon last year, many of the shelters didn't have appropriate bedding. So we added the language that the bedding had to be clean and dry and could not retain moisture.

Mrs. Kreidler stated that those were all of the changes to the ordinance. Our plan today is to get a recommendation to approve the changes in the ordinance so that we can present those to the Board of Health in January. Then they would bring them to City Council two weeks after that meeting. Mrs. Kreidler asked if there were any questions. Mr. Peevey replied that he thought adding the valid ID was a great ID. Otherwise, you have citizens driving from places where they either do not have an animal shelter or the shelters are full. Mrs. Kreidler stated that there would still be issues, and we will still have exceptions to the rules, and those would be handled on individual bases.

Mr. Peevey made the motion for the ordinance changes to be brought forth to the city council. Dr. Wade seconded the motion. The motion carried all were in favor.

Mrs. Kreidler informed the committee that the Animal Shelter Advisory Committee position is appointed and can serve three consecutive terms. She announced that Mr. Peevey had been on the committee longer than the three terms because of COVID. Mrs. Kreidler announced that this would be Mr. Peevey's last meeting and presented him with a plaque to thank him for serving on the committee. Mrs. Kreidler then announced that Ms. Amber Browning from Texas Pit Crew would be joining Animal Shelter Advisory Committee as the Animal Welfare Organization member.

THE ANIMAL SHELTER ADVISORY COMMITTEE (ASAC) MINUTES
December 10, 2021

ADJOURN

No date was set for the next meeting. Mr. Peevey made the motion to adjourn. Dr. Wade seconded the motion to adjourn. The motion carried all were in favor.

Nicki Bacon

Nicki Bacon
ASAC Chairman
Animal Services Administrator

1-24-23
Date

Steven Parady

Steven Parady
ASAC Recording Secretary
Animal Services Sr. Admin Clerk

1-25-23
Date

**MINUTES OF THE FIREFIGHTERS AND POLICE OFFICERS'
CIVIL SERVICE COMMISSION
MARCH 2ND, 2022**

Present:

Jim Heiman, Chair	§	Commission Members
Laura Fidelie	§	
John Buckley	§	
Christi Klyn, Civil Service Director	§	City Administration/Staff
Julia Vasquez, First Assistant City Attorney	§	
Manuel Borrego, Police Chief	§	
Guy Gilmore, Deputy Police Chief	§	
Scott Vaughn, Deputy Police Chief	§	
Kenneth Prillaman, Fire Chief	§	
Holly Morgan, HR Generalist	§	
David Ferguson, Lieutenant	§	Wichita Falls Police Department
Kevin Folmar, Lieutenant	§	
Johnathan Lindsey, Lieutenant	§	
Jack Coltrain, Lieutenant	§	

1. Call to Order

Chairman Heiman called the meeting to order at 4:00 PM

2. Approval of Minutes (1/31/22)

Laura Fidelie moved for approval. Seconded by John Buckley, the motion carried 3-0.

3. Review Appeals of the Police Lieutenant Exam Administered January 26, 2022.

Question 22. (Texas Local Government Code, Chapter 143.028) Answer Key C

A firefighter is not eligible for promotion to the rank of captain or its equivalent unless the person has at least years' actual service in that fire department.

- | | |
|------|------|
| a. 5 | c. 4 |
| b. 2 | d. 3 |

LT Jonathan Lindsey appeals the question due the fact it asks for eligibility in the fire department and Chapter 143 discusses duties for the position for which the exam is held. The exam was for Police Captain not Fire Captain.

LT David Ferguson argues that the question should stand. Questions are subject to anything in the material. Question is word for word from the text.

Commissioner Heiman asks if this position needs to know the level of experience needed.

LT Ferguson states, we work with the fire department so that would be upto the interpretation of the individual.

LT Kevin Folmar argues that the question should stand. Required to know the material. The exam tests general knowledge.

Commissioner Fidelie moved that the question be thrown out. Seconded by Commissioner Buckley, the motion carried 3-0.

Question 25. (Texas Local Government Code, Chapter 143.056) Answer Key C
Which of the following is cause for dismissal?

- a. Conviction of a Class B Misdemeanor
- b. Conviction of a Class A Misdemeanor
- c. Conviction of a felony
- d. All of the above are correct

LT Ferguson argues dismissal is never defined in the local government code and is open to the interpretation of the reader. The license of an officer convicted of family violence shall be revoked. The majority of family violence offenses are Misdemeanors and an individual cannot be a peace officer in Texas without a TCOLE license. If an individual is convicted of family violence the individual would have to be dismissed. A TCOLE license is required to be a Police Officer. Therefore, answer D should be accepted as an answer.

Commissioner Fidle asks, are you asking that more than one answer be accepted or the question thrown out?

LT Ferguson responds whichever the board choses.

Commissioner Heiman asks, are all Class A and B Misdemeanors cause for dismissal?

LT Ferguson states he does not know.

Assistant City Attorney Julia Vasquez interjects that indefinite suspension and dismissal are known to be one in the same. The code is inconsistent.

LT Ferguson asks to clarify that they mean the same thing, and asks why are there two terms?

Assistant City Attorney Julia Vasquez states that given the chance, she would clean up the inconsistencies in Code 143.

Commissioner Fidelie asks in determining whether to dismiss, it is up to the governing authority?

Assistant City Attorney Julia Vasquez, ultimately the reason is things are handled differently for civil versus criminal. Indefinite suspension is dismissal from service.

Commissioner Heiman, going back to the question, which of the following is cause for dismissal? Only one listed from the code is conviction of a felony. Class A and Class B may not be. Only answer would be C.

LT Coltrain reiterates the TCOLE Rules regarding Class A and Class B dismissals. Cannot offer a job to someone who has a conviction in the last 10 years. Cannot maintain license.

Commissioner Fidle asks whether to accept all the answers or throw the question out.

LT Coltrain says either one.

LT Folmar states that the wording of the question using the word "a" is important. It does not state any but a. There are Class A's and Class B's that will get you dismissed. The way of the wording seems to ask for an example. Also refers to TCOLE licensing.

Commissioner Heiman reiterates that Section G states conviction of a felony is cause for dismissal. Conviction of a Class A or B may be cause for dismissal.

LT Folmar, again if you look at that "a" that is what I focused on.

Commissioner Heiman, verbatim from the text?

LT Folmar, yes

Commissioner Fidelie states she finds this a horrible question and should be thrown out.

Assistant City Attorney Julia Vasquez refers to the 180 day rule and how someone can be put on suspension pending investigation. States the section is difficult to understand.

Commissioner Fidelie moved that the question be thrown out. Seconded by Commissioner Buckley, the motion carried 3-0.

Question 33. (Wichita Falls Police Department General Orders, Grievance Procedures, Page 4) Answer Key A

The Grievance Committee is formed at the end of Step _____ in the Formal Grievance Committee.

- | | |
|---------|----------|
| a. Four | c. Five |
| b. Two | d. Three |

LT Folmar this question is taken from the General Orders and it is word for word, I do not dispute that. The basis for my appeal is there is other information in the general order that directly conflicts with it. If you look at step four it states, if the aggrieved officer has reached the Deputy Chief level and the grievance has not been resolved to his satisfaction then he or may within five working days request that a grievance committee be formed and proceed to step five. This is merely an opportunity for the officer to file the appeal. However, step five states if the aggrieved officer rejects the solution in step four, he or she may request the chief of police form a grievance committee. So it is impossible for it to be formed in step four due the fact in step five it has not been requested yet. The committee is not formed until step five. Asks to accept step four and step five as answers.

Commissioner Heiman, question, when do you think the formal grievance committee is formed, in step five?

LT Folmar, yes because in step five we are still dealing with the request to the chief. Clearly in step five is where it begins.

Commissioner Heiman, the end of step four is where the grievance committee begins, correct?

LT Folmar states no. Technically in the middle of Step five is when it is formed.

Commissioner Hieman, the end of which step does the next step begin, it's not the end of step five.

LT Folmar suggests throwing out the question due to poor wording.

Commissioner Fidelie asks if she is reading correctly that it could be formed in Step four or Step five? Depending on the officer.

LT Folmar again states no. There is not a committee that is formed until the chief is involved and that happens in Step five.

Commissioner Heiman, reads the appeal that LT Folmar gave them verbatim that they have to complete the first four steps before formation.

Commissioner Fidelie, we have left step four behind at the point the committee is formed.

LT Folmar, at the end of Step five, you know it has been created. Asks for question to be thrown out

LT Ferguson, question being verbatim from source material, LT Folmar is misinterpreting the text.

Commissioner Fidelie, do you disagree the formation is discussed in the subtext of Step five?

LT Ferguson, no but that is going on the president that it must be requested. That's not what it states. Do not feel like it is a bad question.

Commissioner Hieman, just to clarify, within five working days of receiving disposition, request that a grievance committee be formed and proceed to Step five.

LT Ferguson, correct, which is after it is formed, which is at the end of Step four.

LT Lindsey, I did not appeal this question but would like to speak on it. I think an important point is the fact that the test should test the knowledge we have, not just memory recall verbatim from the book. This question tests understanding.

LT Folmar, I would like to address LT Fergusons points. Discusses process of formation.

Commissioner Hieman, after the end of Step four is when Step five begins.

LT Folmar, there is no correct answer

Commissioner Hieman, we all agree it is not the end of Step two or three, Step four, verbatim, Step five, everything begins.

LT Folmar, understands its verbatim but there is contradiction.

Commissioner Fidelie moved that the question be thrown out. Seconded by Commissioner Buckley, the motion carried 3-0.

Question 80. (Intelligence-Led Policing, 2nd Ed., Page 32) Answer Key B

In the United States, the primary reason for not reporting violent crimes is which of the following?

- | | |
|---|---------------------------------------|
| a. Not important enough | c. Police would not or could not help |
| b. Dealt with another way/personal matter | d. Fear of reprisal |

LT Ferguson this question quotes a table at the bottom of page 32. Asks for clarification of what was the correct answer.

Commissioner Hieman reads the question and answers. Answer key was B.

LT Ferguson if you look at the last sentence of the page it states "Table 3.2 shows that when people detected crime but did not report it, most often the reason was because they thought that the police would not or could not help". The table referenced does show "dealt with another way/personal matter" at the top of the table for not reporting violent crime. Both answers should be accepted. The table is confusing.

Commissioner Hieman, your answer comes from the table below?

LT Ferguson, no from the last sentence.

Commissioner Fidelie, do you disagree that the sentence refers to general crime whereas the question refers to violent crime?

LT Ferguson, it does refer to general crime.

Commissioner Fidelie, so there is no discrepancy

LT Ferguson, crime is crime. Violent is more specific but it is still crime.

LT Folmar, I agree with Ms Fidelie, it is specific to violent crime. I think the appeal should be rejected.

Commissioner Fidelie moved that the answer key be upheld. Seconded by Commissioner Buckley, the motion carried 3-0.

5. Report from Police Chief

Chief Borrego thanks the commission for attending the meeting today. All officer candidates passed their background checks and are hoping for sixteen trainees in the academy. Thankful to HR for assistance.

Commissioner Hieman, is the police department getting new vests?

Chief Borrego, yes they have been received already. They look professional and takes weight off the officers hips. They are very lightweight.

6. Report from Fire Chief

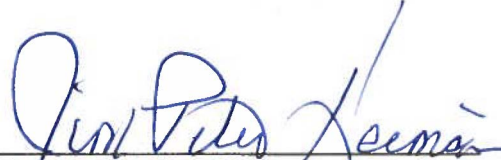
Chief Prillaman doesn't have much to report but takes a moment to brag on the crews this past week. Rescued two individuals through a window.

Commissioner Hieman asks about the grant for additional staff.

Chief Prillaman, we have applied and we don't expect to hear until later in the year if we will receive it. Requested six firefighters.

7. Adjourn

The meeting adjourned at 4:48 PM.



Jim Peter Heiman, Chairman

WICHITA FALLS METROPOLITAN PLANNING ORGANIZATION

Technical Advisory Committee

Minutes

Thursday, October 6, 2022

Voting Members Present:

Lin Barnett, Wichita Falls MPO, MPO Director, TAC Chairperson
Blane Boswell, City of Wichita Falls, City Engineer
Callan Coltharp, TxDOT, Area Engineer
David Rohmer, TxDOT, Director of Operations
Doug Wooster, Proxy for Larry Wilkinson, City of Wichita Falls, Traffic Superintendent
Karen Montgomery-Gagne, City of Wichita Falls, Planning Administrator
Monty Brown, TxDOT, Director of Construction
Shaun Barnes, TxDOT, Proxy for Scot Reaves, Director of TP&D

MPO Staff:

Jaimie Lee, Wichita Falls MPO, Senior Transportation Planner

Non-Voting Members Present:

Mark McBurnett, SAFB

Guests:

Absent:

Terry Floyd, Director of Development Services

I. Welcome & Introduction

Mr. Barnett, TAC chairperson, called the meeting to order at 9:32 a.m. and welcomed everyone in attendance.

II. Public Comment on Agenda and Non-Agenda Items

Mr. Barnett asked for any public comments on agenda and non-agenda items. Receiving none, the committee moved on to the next agenda item.

III. Review and Approval of the July 7, 2022 Technical Advisory Committee's (TAC) Meeting Minutes

Mr. Barnett asked for any comments or corrections to the July 7, 2022 TAC meeting minutes. Receiving none, he asked for a motion to approve the minutes. Ms. Gagne made the motion to approve. Mr. Coltharp seconded the motion, which passed unanimously.

IV. Review and Comment Regarding the July 26, 2022 Transportation Policy Committee's (TPC's) Meeting Minutes – No Action Required

Mr. Barnett asked for comments on the July 26, 2022 TPC meeting minutes. Receiving none, the committee moved on to the next agenda item.

V. Review and Comment Regarding the August 23, 2022 Transportation Policy Committee's (TPC) Special Called Meeting Minutes – No Action Required

Mr. Barnett asked for comments on the August 23, 2022 TPC Special Called meeting minutes. Receiving none, the committee moved on to the next agenda item.

VI. Review and Recommendation to the Policy Board to Approve Amending the Metropolitan Transportation Plan (MTP), the Transportation Improvement Program (TIP) and the Unified Planning Work Program (UPWP) with Language from the Infrastructure Investment and Jobs Act (IIJA) for Federal Compliance Purposes.

Mr. Barnett briefly discussed the three federally required documents: the Metropolitan Transportation Plan, the Transportation Improvement Program, and the Unified Planning Work Program. Mr. Barnett stated MPO staff updated all of these documents with language from the Infrastructure Investment and Jobs Act (IIJA). The IIJA was passed by Congress and signed into law on November 5, 2021. He stated this bill replaces the Fixing America's Surface Transportation (FAST) Act as the current USDOT/FHWA/TxDOT transportation funding bill. Mr. Barnett stated all MPO's are required to update their planning documents with language from the currently active transportation bill. Mr. Barnett asked for any comments regarding the language and updates to the plans. Receiving none, Mr. Barnett asked for a motion to forward the updates to the Policy Board for review and approval. Mr. Wooster made the motion to approve. Mr. Boswell seconded the motion, which passed unanimously.

VII. Review and Recommendation to the Policy Board to Approve the Wichita Falls Transit System's (WFTS/Falls Ride) Addition and Revision of Section 5339 Funds in the 2021-2024 TIP.

Mr. Barnett directed the committee's attention to page 44 of the meeting packet. Mr. Barnett stated the Wichita Falls Transit System has requested that WFMPO update, and add, two Section 5339 Federal Transit Administration grants located in Section VI of our 2021-2024 Transportation Improvement Program. He stated WFTS received letters from the TxDOT Public Transportation Division instructing them of changes in their Section 5339 Capital grant allocations. Mr. Barnett asked for any questions regarding the additions and revisions of Section 5339 funds to the 2021-2024 TIP. Receiving none, he asked for a motion to forward the revisions to the Policy Board for review and approval. Ms. Gagne made the motion to approve. Mr. Rohmer seconded the motion, which passed unanimously.

VIII. Update on the Website Makeover Used for the Annual Scoring of the Prioritized Project List (Presentation at Meeting)

Mr. Barnett informed the committee that WFMPO's internet and website provider, Crane West, had nearly completed work on the Long Range Project Readiness Plan portal used for scoring projects in the MPO's Prioritized Project List. Ms. Lee gave a brief demonstration of the new portal. She asked for any comments or questions regarding the website makeover. Receiving none, the committee moved on to the next agenda item.

IX. Other Business:

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

City: Mr. Boswell reported Taft Blvd. widening was 75% complete. 2022 Asphalt St. Rehab was 75% complete. The Business Park Streets and Drainage Project is 30% complete. 2022 Concrete St. Rehab project was 0% complete and has been awarded to Wilson Construction.

TxDOT: Mr. Coltharp reported FM 369 bridge improvement along Southwest Parkway at Holliday Creek has started work on the west bound side and is on schedule and making progress. SH 240 intersection improvements near Robinson Road has begun construction.

b. MPO Quarterly Financial Report (3rd Quarter FY 2022 – July, August, September)

Mr. Barnett reported on the 3rd quarter expenses for the MPO. He stated that the MPO had spent 72% of its total allocation for FY 2022. Mr. Barnett asked for any comments or questions on the third quarter financial report. He received none.

c. Grouped TxDOT CSJ Projects Report

Ms. Lee reported on the 3rd quarter grouped CSJ projects report. Ms. Lee discussed the changes to the projects over the quarter.

d. Other Items

There were no other items for business

X. Meeting Adjournment

The meeting adjourned at 10:21 a.m.



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

**MINUTES OF THE FIRE FIGHTERS AND POLICE OFFICERS'
CIVIL SERVICE COMMISSION
OCTOBER 12, 2022**

Present:

Jim Heiman, Chair	§	Commission Members
Laura Fidelie	§	
John Buckley	§	
Christi Klyn, Civil Service Director	§	City Administration/Staff
Julia Vasquez, First Assistant City Attorney	§	
Manuel Borrego, Police Chief	§	
Guy Gilmore, Deputy Police Chief	§	
Scott Vaughn, Deputy Police Chief	§	
Donald Hughes, Deputy Fire Chief	§	
Holly Morgan, HR Generalist	§	
Alfonso Vitolo, Captain	§	Wichita Falls Fire Department
John Riley Schreiber, Fire Equipment Operator	§	

1. Call to Order

Chairman Heiman called the meeting to order at 3:31 p.m.

2. Approval of Minutes (3/2/22)

John Buckley moved for approval. Seconded by Laura Fidelie, the motion carried 3-0.

3. Review Appeals of the Fire Lieutenant Exam Administered September 22, 2022.

Question 49, Chapter 3, Page 144, Answer Key A

_____ is an organizational level having responsibility for operations within a geographic area.

- A. Division
- B. Section
- C. Branch
- D. Unit

Fire Equipment Operator John Riley Schreiber contests this question and asks for it to be thrown out. FEO Schreiber states that the question seemed vague. Commissioner Heiman states that it is verbatim from the text material.

Commissioner Fidelie moved that the answer key be upheld. Seconded by Commissioner Buckley, the motion carried 3-0.

4. Review and Approval of Amendments to the City of Wichita Falls Police Officers' physical/ practical ability test as outlined in the Local Civil Service Commission Rules and Regulations, Section 143.024 "Entrance Examination Notice" item 1.b.

Commissioner Heiman asks for clarification on the change. Civil Service Director Christi Klyn explains that currently candidates may only test one time. The change would allow for a retest of the physical portion only. It has been successful in fire testing and police would like to try it as well.

Commissioner Heiman clarifies when applicants are eligible to retest. Christi Klyn states the same day after everyone has completed the first round of testing.

Commissioner Fidelie moved that the amendment be approved. Seconded by Commissioner Buckley, the motion carried 3-0.

5. Report from Fire Chief

Deputy Chief Hughes thanks the commission for their time. States we have an academy of five in progress currently. They will be in station around January. Currently nine people short, so will be starting another process and academy.

6. Report from Police Chief

Chief Borrego thanks the commission for their time and for the approval of the testing change. Hiring is becoming difficult and we are trying to make the process more functional. Just graduated an academy of thirteen who are now in the FTO program and it will be January before they are working by themselves. Currently around six officers down and looking at five to six retirements between now and the next academy. Dealing with low application count like many others. Hopeful to receive enough qualified applicants to get an academy started.

Commissioner Heiman asks about quality of quantity. Chief Borrego states that they are better quality. However, this year is the first time we are concerned about the low count of applicants. We do not get many officers from other areas. It's been a tough couple years for law enforcement.

Seeing the same problem in dispatching. We have great support from our community but the national native toward law enforcement is hard.

Deputy Chief Hughes states at their last testing there was only eight-one applicants and forty-one showed up to test. Lose 30% at testing and another 30% at physical. Also having trouble with candidates thinking they want to be a firefighter and then getting into the career and discovering it is not for them.

Deputy Chief Hughes states that three hundred to four hundred people testing was normal back in his and Chief Borrego's day but it is not that way anymore.

Commissioner Heiman asks two questions that came to mind, the applicants know what the physical portions are prior to testing. Both Chief Borrego and Deputy Chief Hughes state, yes, there are practice opportunities. Mention of training for fire is the medical training, has fentanyl changed that? Chief Borrego states they have new gloves that prevent transfer of drugs

on skin and they now carry Narcan for overdose which they have not done before. Deputy Chief Hughes states they have provided extra training and are up on skills to deliver Narcan if needed and they are seeing it more.

7. Adjourn

The meeting adjourned at 3:49 p.m.


Jim Peter Heiman, Chairman

**MINUTES OF THE FIRE FIGHTERS AND POLICE OFFICERS'
CIVIL SERVICE COMMISSION
NOVEMBER 7, 2022**

Present:

Jim Heiman, Chair	§	Commission Members
Laura Fidelie	§	
Christi Klyn, Civil Service Director	§	City Administration/Staff
Julia Vasquez, First Assistant City Attorney	§	
Guy Gilmore, Deputy Police Chief	§	
Scott Vaughn, Deputy Police Chief	§	
Kenneth Prillaman, Fire Chief	§	
Donald Hughes, Deputy Fire Chief	§	
Holly Morgan, HR Generalist	§	
Tanner Gordy	§	Wichita Falls Fire Department
Kevin Morgan	§	
Clay McCarthy	§	
Tyler Blevins	§	
Blake Gulley	§	

1. Call to Order

Chairman Heiman called the meeting to order at 4:00 p.m.

2. Approval of Minutes (10/12/22)

Laura Fidelie moved for approval. Seconded by Jim Heiman, the motion carried 2-0.

3. Review Appeals of the Fire Equipment Operator Exam Administered October 11, 2022.

Question 42, Chapter 6, Page 22, Answer Key A

The concept that driver/operators should scan far enough ahead of the apparatus, for the speed it is being driven, to assure that evasive action can be taken if it becomes necessary, is a definition of _____.

- A. Visual Lead Team
- B. Driver Reaction Distance
- C. Total Stopping Distance
- D. Command Presence

Firefighter Clay McCarthy asks the question be thrown out due to typo in the correct answer leading one to assume it is intentional to test the individual's attention to detail.

Commissioner Fidelie moved that the question be thrown out. Seconded by Chairman Heiman, the motion carried 2-0.

Question 69, Chapter 3, Page 147, Answer Key C

The specialized or technical language of a trade, profession, or similar group is a definition of _____.

- A. Slang
- B. Argot
- C. Jargon
- D. Phonics

Firefighter McCarthy withdraws question. No action needed.

Question 72, Chapter 4, Page 177, Answer Key C

There are three common types of movement in smoke. Which of the following IS NOT one of the three common types?

- A. Floating or Hanging
- B. Volume Pushed
- C. Outside Atmosphere Affected
- D. Heat Pushed

Firefighter McCarthy asks the question be thrown out for the same reasons as questions 42. Firefighter Tanner Gordy asks that answers A and C be accepted.

Commissioner Fidelie moved that answers A and C be accepted. Seconded by Chairman Heiman, the motion carried 2-0.

Question 96, Section 143.014 (f), Answer Key D

The department head shall make each appointment under this section within _____ days after the date a vacancy occurs in the position.

- A. 15
- B. 30
- C. 60
- D. 90

Firefighter Gordy asks that more than one answer be accepted. The question is not specific enough about an eligibility list so there are two potentially correct answers.

Firefighter Tyler Blevins also asks that more than one answer be accepted.

Commissioner Fidelie moved that answers C and D be accepted. Seconded by Chairman Heiman, the motion carried 2-0.

4. Report from Fire Chief


Chief Prillaman states that graduation for the current academy will be on January 27th, 2023. The department anticipates an additional two openings to occur prior to graduation.

5. Report from Police Chief

Deputy Chief Vaughn gives report of the current hiring process. There were 85 applicants and 27 remain in process. There are currently eight openings and there will be eleven by the end of the year. The department is looking at a lateral officer academy in January.

6. Adjourn

The meeting adjourned at 4:18 p.m.


Jim Peter Heiman, Chairman



WICHITA FALLS-WICHITA COUNTY PUBLIC HEALTH BOARD MINUTES

November 9, 2022

Wichita Falls-Wichita County Public Health District
1700 Third Street – Warren Assembly Room
Wichita Falls, Texas

BOARD MEMBERS PRESENT:

Keith Williamson, M.D., Chair

Lauren Jansen, Ph.D., R.N., Vice-Chair

Jered Harlan, D.V.M.

David Carlston, Ph.D.

Physician – City Appointment

Registered Nurse – City Appointment

Veterinarian – City Appointment

Citizen At-Large – County Appointment

BOARD MEMBERS EXCUSED ABSENCE:

Paris Ward, M.A., B.S., Secretary

Tonya Egloff, D.D.S.

Citizen At-Large - City Appointment

Dentist – County Appointment

BOARD MEMBERS UNEXCUSED ABSENCE:

Melissa Plowman

Restaurant Association – City Appointment

OTHERS PRESENT:

Lou Kreidler, R.N., B.S.N.

Amy K. Fagan, M.P.A.

Woodrow W. Gossom, Jr.

Robert McBroom, M.D., FACP

Michael Smith

Director of Health

Assistant Director of Health

County Judge

Health Authority

Council Liaison

I. CALL TO ORDER

Dr. Williamson, Chair, called the meeting to order at 12:15 pm after a quorum of members attained.

II. APPROVAL OF MINUTES AND ABSENCES

Dr. Williamson asked Lou to clarify a statement she made on page 3. The word epidemic should be endemic.

Dr. Williamson called for the review and approval of the September 9, 2022 minutes.

A motion was made by Dr. Lauren Jansen to approve the minutes as amended and Dr. David Carlston seconded the motion. The motion passed unanimously.

Excused absence noted for Paris Ward and Dr. Tonya Egloff.

III. Ebola Virus Update

Lou introduced Brandi Smith, the new Health & Wellness Administrator, to discuss updates on Ebola.

What is Ebola Virus Disease?

It is a deadly disease with occasional outbreaks that occur mostly on the African Continent.

First discovered in 1976 near the Ebola River in what is now the DRC (Democratic Republic of Congo).

Transmission is by Direct Physical Contact with body fluids, contaminated objects and tissues of animals.

SYMPTOMS

Fever
Aches and pains
Weakness and fatigue
Sore throat
Loss of appetite
Abdominal pain, Diarrhea and Vomiting
Unexplained Hemorrhaging

On September 20, 2022, the ministry of Health in Uganda, together with the World Health Organization – Regional office for Africa confirmed an outbreak of EVD due to Sudan Ebola Virus in Mubende District, Uganda, after one fatal case was confirmed.

The Index case was a 24-year-old man, in Mubende District. The patient experienced high fever, diarrhea, abdominal pain, and had been vomiting blood since September 11, 2022. Samples were collected on September 18, 2022 and EVD was laboratory-confirmed on September 19. The patient died on the same day, five days after hospitalization.

On October 15, 2022, the President of Uganda imposed a 21 day lockdown on Mubende and Kassanda Districts to contain the outbreak of EVD. Measures include an overnight curfew, closing places of worship and entertainment and restricting movement in and out of the two Districts.

On October 28, 2022, the Ministry of Health in Uganda implemented measures to restrict travelling of contacts of confirmed Ebola cases during the follow-up period (21 days).

Previously, EVD in Uganda was reported in 2019 due to Zaire (Zy-ear) Ebola Virus, which was imported from the Democratic Republic of the Congo. EVD outbreaks caused by Sudan Ebola Virus have previously occurred in Uganda (four outbreaks) and Sudan (three outbreaks). The last outbreak of EVD due to Sudan Ebola virus in Uganda was reported in 2012.

As of November 2, 2022, there have been 131 confirmed cases of Ebola Virus Disease including 48 deaths (case fatality rate: 37%).

Among these at least 18 Healthcare workers were infected of whom six died.

There are also 21 probable cases who died before samples were obtained for confirmation.

61 cases have recovered.

There was a large increase in cases in Kassandra District in week 43. However only one new case was reported during week 44.

Health officials have identified 3,794 contacts of cases from 14 Districts in Uganda (51% of identified contacts have completed 21 days of monitoring).

There are currently seven Ugandan Districts affected by this outbreak.

Uganda is screening all air passengers out of Uganda. Five airports in the US are conducting risk assessments & screenings.

As of 10/31/22, there are 135 persons under monitoring in Texas.

Zaire vaccine is FDA approved, but not effective on Sudan Strain. The serum institute of India plans to manufacture 20,000 to 30,000 doses of an experimental Ebola vaccine by the end of November for use in the trials against the outbreak in Uganda. Its developers and company sources said, there have been no proven vaccines found yet for Sudan Strain of Ebola.

QUESTION:

Lou – the Health District has meetings with staff and Community partners. We are notified when travelers arrive and follow them for 21 days. We receive text messages and risk assessments on them. We never meet face to face with them.

Lauren Jansen asked if there are any students exposed.

Lou stated no students.

Dr. McBroom stated risk assessments are more effective and we are more prepared now. Contact is the highest form of transmission.

IV. Fellowship Program

Amy asked what is the Fellowship?

Fellowship is a training program for individuals currently seeking their undergraduate or graduate degree with an interest in public health.

Part-time, 20-40 hours per week paid position.

Three Fellowship positions located at the Wichita Falls-Wichita County Public Health District.

For the fellowship, fellows will determine the Public Health division they are most interested in experiencing. Fellows will explore the daily lives of those in Public Health and gain valuable hands-on knowledge. The division they can engage in include:

- Preparedness
- Epidemiology
- Environmental
- Animal Services
- Immunizations
- STI
- TB
- Prevention
- Women, Infant, Children (WIC)
- Disease Intervention Services (DIS)
- Laboratory

Community Benefits

- Provides knowledge and skills specific to public health
- Creates public health advocates
- Partnership with local schools enhances our relationships
- Expands & bridges clinical and laboratory placements with MSU, Vernon & WFISD CEC

Organization Benefits

- An expansion of prior practice to help students
- Past projects include
 - New Employee Orientation
 - New Employee Welcome
 - Policy Availability – web-based

Amy – the Fellowship Program allocates more money to help College students find internships in Public Health.

Dr. Williamson asked when the program starts?

Amy said the program has already started.

Lou – we have more business-

Lou introduced and recognized the following Board of Health members that have served on the Board and will be leaving at the end of 2022. Each were given a plaque and thanked for their service.

Dr, Lauren Jansen 2018 - 2022

Dr. David Carlston 2014 – 2022

Judge Woodrow W. Gossom, Jr. For of over 20 years

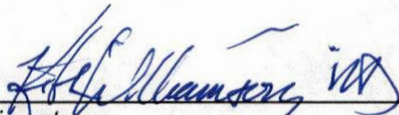
Dr. Williamson is there any other business?

V. NEXT MEETING DATE

Next meeting will be January 13, 2023.

VI. ADJOURN

Dr. Williamson adjourned the meeting at 12:50.



Signature

*Print Name - Keith Williamson, MD, Chair, Lauren Jansen, PhD, RN, Vice-Chair,
Paris Ward, MA, BS, Secretary*

MINUTES OF THE
WICHITA FALLS ECONOMIC DEVELOPMENT CORPORATION

December 15, 2022

Present:

Leo Lane, President	§	WFEDC Members
Phyllis Cowling, Secretary-Treasurer	§	
Darron Leiker	§	
Brent Hillery	§	
Stephen Santellana, Mayor	§	Mayor & Council
Paul Menzies, Assistant City Manager	§	City Administration
Blake Jurecek, Assistant City Manager	§	
Kinley Hegglund, City Attorney	§	
Stephen Calvert, Senior Budget Analyst	§	
Chris Horgen, Public Information Officer	§	
Paige Lessor, Recording Secretary	§	
Ron Kitchens, CEO	§	Wichita Falls Chamber of Commerce
Taylor Davis, Dir of Bus Retention & Expansion	§	
Matt Anderson	§	Sherrill & Gibson, PLLC

Absent

David Toogood, Vice President	§	WFEDC Member
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1. Call to Order

Mr. Leo Lane called the meeting to order at 2:30 p.m.

2. Consent Agenda

a. Approval of Minutes (November 17, 2022)

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

0.

b. Financial Report

Mr. Menzies addressed the Board, stating that the Board had a healthy fund balance early in this fiscal year. The sales tax report came out last week. Sales tax is reporting 5.5% ahead of this time last year. We wish we could see it a little higher, considering inflation and CPI. The end-of-the-year revenue totaled \$5.2 million, the most this corporation has ever had.

Mr. Hillery moved to approve the financial report. Seconded by Ms. Cowling, the motion carried 4-0.

3. Executive Session

Mr. Lane adjourned the meeting into executive session at **2:32 p.m.** pursuant to Texas Government Code §§ 551.087, 551.071, and 551.074. He announced the meeting back into regular session at **3:06 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.

4. Discussion and possible action related to authorizing board president to execute a contract with Panda Biotech, LLC, regarding contract term date.

Mr. Matt Anderson addressed the Board and discussed the proposed extension agreement reached between the Corporation and Panda Biotech, LLC. This proposal would extend the current extension agreement, which has expired. The material components of the second extension agreement are that no payments would be made until March 15, 2023, then monthly payments of \$70,000 commence until the note is paid in full, which should be by the end of 2023. As additional security Robert W. Carter, chairman of Panda Biotech, LLC, executed a personal guaranty.

Mr. Leiker moved to allow President Leo Lane to engage, sign, and ratify regarding an eleven-month maturity date extension between Panda Biotech, LLC and WFEDC, with increased monthly payments of \$70,000, beginning March 15, 2023, and a personal guaranty by company owner Robert W. Carter with continued accrual of interest at the rate of 5%. Seconded by Ms. Cowling, the motion carried 4-0.

5. Adjourned.

The meeting adjourned at 3:06 p.m.



Leo Lane, President

CITY COUNCIL AGENDA
February 7, 2023

ITEM/SUBJECT: Conduct a public hearing and take action on an ordinance to rezone 4520 Kemp Boulevard (Faith Village, Unit II, Lot 10A, Block 70) from Limited Commercial (LC) to General Commercial (GC) zoning district and amend the Land Use Plan from Low Density Residential to Commercial to allow for development of a multi-tenant facility with drive-thru services.

INITIATING DEPT: Development Services/ Planning

STRATEGIC GOAL: Accelerate Economic Growth

STRATEGIC OBJECTIVE: Revitalize Depressed and Declining Neighborhoods

COMMENTARY:

- February 9, 2022– Staff met with the owner/applicant to discuss proposed development. Staff outlined the development and all requirements in order to demolish and rebuild a salon.
- December 14, 2022 – Staff met with architect, Mark Rhodes, to discuss a change in the project into a multi-tenant facility. Staff outlined the site's zoning, allowed uses, adjacent districts, and the process to rezone. The applicant/ owner, soon thereafter, submitted an application.
- December 22, 2022 - Planning staff mailed notifications of the proposed rezone to property owners within 200 feet of the subject property. Rezone signage was posted at the property notifying of the January 11, 2023 P&Z meeting.
- December 25, 2022 – Notice of January 11, 2023 P&Z public hearing published in the Times Record News (TRN).
- January 11, 2023 – P&Z conducts public hearing and recommends to the City Council approval of the rezoning requested by unanimous vote.
- January 13, 2023 - Notice of February 7, 2023 City Council public hearing mailed to all property owners within 200 feet of the subject property. Posted rezone signage revised to list city council public hearing date.
- January 15, 2023 - Notice of February 7, 2023 City Council public hearing published in TRN.
- **February 7, 2023** – City Council scheduled to conduct public hearing and consider ordinance rezoning the subject property.

Staff met with the applicants, Trevor & Jennifer Fowler, to discuss development of 4520 Kemp Blvd. into a new multi-tenant facility with drive-thru services. The facility being proposed is a 3,159 sf multi-tenant building including a drive-thru for a future unknown tenant. In the meeting, staff informed the applicant and owner of the zoning designation and the district guidelines prohibited drive thru services and multi-tenant facilities. Staff

advised of the option of rezoning the property from Limited Commercial to a General Commercial designation by extending the General Commercial district just to the east of the subject property. The applicant then submitted a rezone application for Planning and Zoning Commission recommendation.

Evaluation

The 0.35 acre rezone proposal is situated in the southwestern portion of the City along Kemp Boulevard. The site has an existing structure for Salon FX, and a vacant residential structure; both are to be demolished for the future multi-tenant development if the rezone is approved by City Council. The applicant (Jennifer Fowler) is the business owner of Salon FX, which will be occupying one of the proposed suites in the new building. To the south of the subject site is a vacant lot along with some residences and retail/services. To the east are a number of commercial uses along Kemp Boulevard leading up to Maplewood Avenue all within a General Commercial zoning district. To the west is a residential subdivision. To the north are a number of services such as clinics and offices. This site is separated from the residential uses by a vacant lot to the south and Featherston Ave. to the west. The current Land Use Plan designation for the property is Low Density Residential. However, staff are recommending a change in the Land Use Plan to Commercial as properties on both the east and west side of Kemp Boulevard are largely commercial and have re-developed into commercial properties over time.

If council approves the rezone to General Commercial (GC), the applicant is subject to all other zoning and building code regulations for residential project. Rezoning the tracts to General Commercial (GC) would be in harmony with the area and the Land Use Plan.

Recommendation

The Planning and Zoning Commission (P&Z) conducted a public hearing at their meeting January 11, 2023, and unanimously recommended approval.

Staff also recommends the approval of the ordinance and subsequent property re-zone.

☒ **Assistant City Manager**

☒ **Development Services Director**

ASSOCIATED INFORMATION: : Exhibit A – Aerial Map; Exhibit B – Photos of Subject Property & Area; Exhibit C – Notification Response Map; Exhibit D – Zoning & Land Use Map; Exhibit E – Allowed Uses in Single Family 2; Exhibit F – Planning & Zoning Commission – January 2023 Minutes Excerpt; Ordinance; Attachments 1 & 2.

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Exhibit A – Aerial Location Map



R 23-01
4520 Kemp Boulevard
Aerial Map

CITY OF WICHITA FALLS, PLANNING DIVISION
MAP PRODUCED BY: Cedric Hu
DATE PRODUCED: 16 December 2022

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

Legend

- Subject Property
- Parcels

EXHIBIT B - Rezoning Request – 4520 Kemp Blvd.

Photo 1 – View of Subject Property from Kemp Blvd.

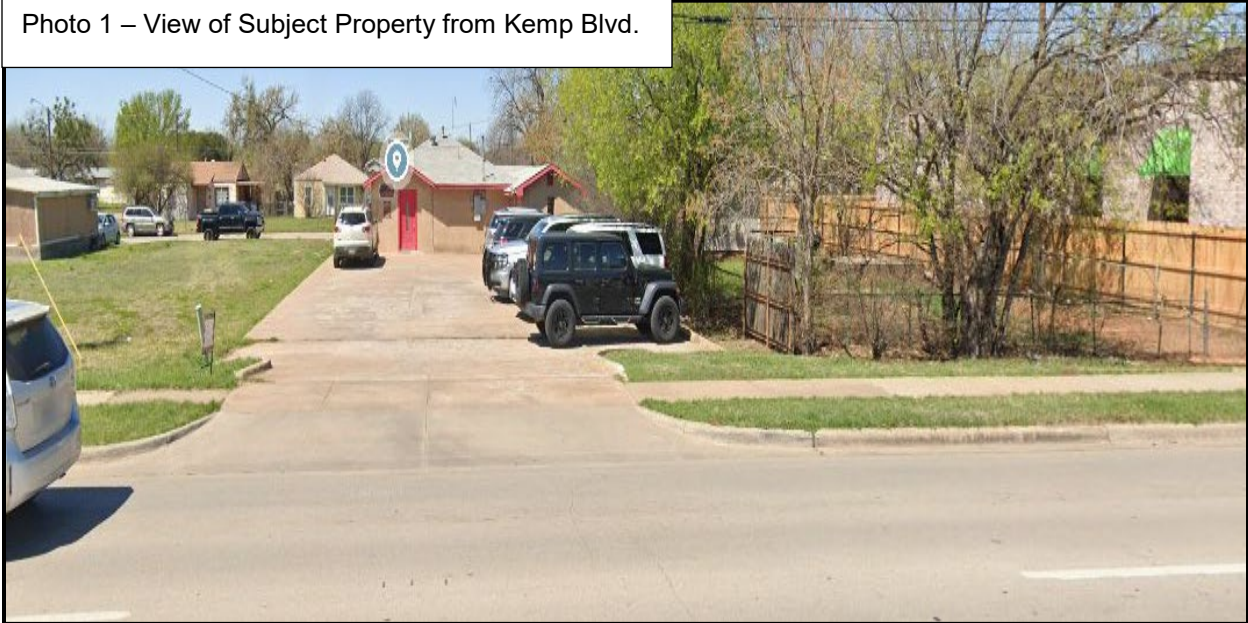


Photo 2 – View east from the subject property along Kemp Blvd.



EXHIBIT B Cont. - Rezoning Request – 4520 Kemp Blvd.

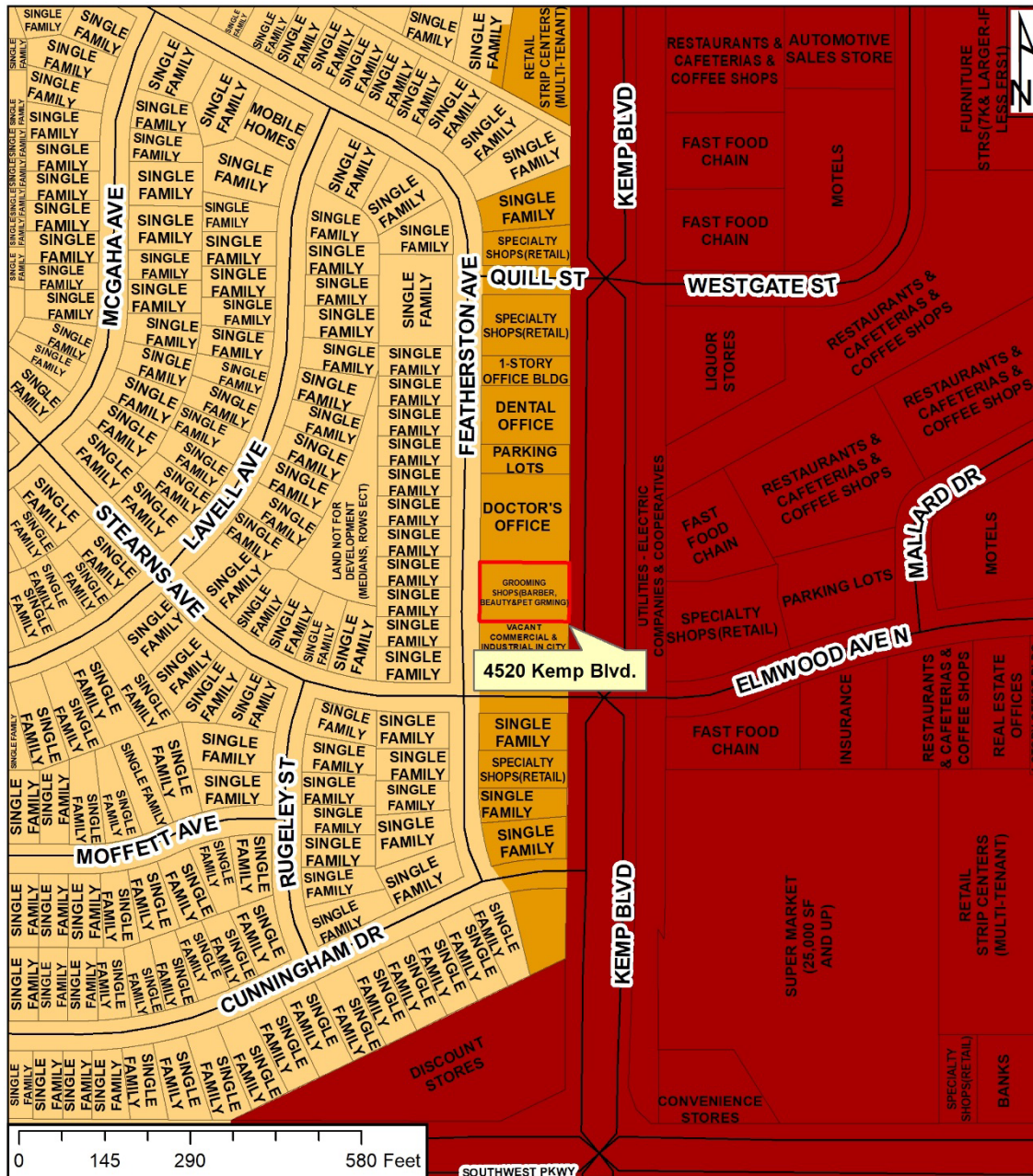
Photo 3 – North view from Subject Property along Kemp Blvd.



Photo 4– South view from the property along Kemp Blvd.



Exhibit C – Notification Map



R 23-01 4520 Kemp Boulevard Zoning and Land Use Map

CITY OF WICHITA FALLS, PLANNING DIVISION
MAP PRODUCED BY: Cedric Hu
DATE PRODUCED: 16 December 2022

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Legend	
	Subject Property
	Parcels
	Single Family 2
	Limited Commercial
	General Commercial

Exhibit E
Proposed Zoning: General Commercial (GC)

The following uses are permitted without any further review by the Planning and Zoning Commission. For additional regulations or definitions, contact the Planning Division.

Residential uses:

Dwelling, duplex two-family
Dwelling, single-family detached

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

Residential uses:

Bed and breakfast homestay
Boardinghouse
Condominium, residential
Dwelling, multifamily
Dwelling, zero lot line, single-family
Fraternity and sorority houses
Household care facility
Townhouse, residential

Civic uses:

Cemetery
College and University
Day care centers, limited and commercial
Library, public
Parks
Public safety services
Religious assembly
School, primary and secondary
Structured sober living facility
Utility service

Commercial uses:

Alcoholic beverage sales, subject to the provisions of [section 5400](#).
Art gallery/museum.
Automotive sales and service
Automotive service station
Bed and breakfast inn
Boat sales and service
Business and trade schools
Car wash

Exhibit E Continued

Clinic
Club
Coin-operated amusement machines establishment, as regulated by [section 5905](#).
Convenience store
Donation box
Exterminating services, without chemical storage
Funeral home
Hospital
Hotel
Indoor sports and recreation
Medical office
Motel
Movie Theater
Nursery
Offices
Oil drilling
Repair services
Restaurants
Retail trade
Self-storage facilities/mini-warehouse
Services
Shopping center
Veterinary services

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

Commercial uses:

Alcoholic beverage sales, subject to the provisions of [section 5400](#).
Automotive repair service
Bus station
Community residential center
Contractor's yard
Flea market
Kennel
Light manufacturing
Manufacturing homes
Outdoor entertainment and recreation
Outdoor Food Court
Outdoor storage
Parking facility
Recreational vehicle park
Warehousing facility

Exhibit F

MINUTES – EXCERPT PLANNING & ZONING COMMISSION

January 11, 2023

PRESENT:

David Cook
Michael Grassi
Blake Haney
Steve Lane
Matt Marrs
Paul Mason
Mark McBurnett
Doug McCulloch
Cayce Wendeborn
Jeremy Woodward

◆ Chairman
◆ Member
◆ Member
◆ Member
◆ Member
◆ Alternate No.2
◆ SAFB Liaison
◆ Member
◆ Member
◆ Vice-Chair

James McKechnie, Senior Asst. City Attorney
Terry Floyd, Development Services Director
Fabian Medellin, Planning Manager
Christal Ashcraft, Development Services Admin. Asst.
Cedric Hu, Planning Technician

◆ City Staff
◆
◆
◆
◆

ABSENT:

Noros Martin
Wayne Pharries
Councilor Whiteley
Steve Wood

◆ Member
◆ Member
◆ Council Liaison
◆ Alternate No.1

Case 23-01 – 4520 Kemp Boulevard

Public hearing to consider taking action on a proposed rezone at 4520 Kemp Boulevard (Faith Village, Unit II, Lot 10A, Block 70) from Limited Commercial (LC) to General Commercial (GC) zoning district and amend the Land Use Plan from Low Density Residential to Commercial to allow for development of a multi-tenant facility with drive-thru services.

- a) Public Hearing
- b) Take Action

Chairman Cook opened the public hearing at 2:06 pm concerning case R 23-01. Mr. Fabian Medellin presented the case, and stated the owner and applicant, Ms. Jennifer Fowler, owner of Salon FX located at 4520 Kemp Boulevard, came to the

Exhibit F Continued

Planning Division office once the Urgent Care Center to the north of her property had been developed to discuss the development of her property. A pre-development meeting was held between staff and Ms. Fowler to discuss the potential demolition of her current facility and development of a new salon. Ms. Fowler then had her properties platted and engaged an architect after which another follow-up meeting was held with the architect. At that time the architect advised Ms. Fowler wanted to expand on her previous proposal, maximizing the use of her lot by developing a multi-tenant facility, one offering the use of a drive-thru if needed. Staff advised Ms. Fowler the Limited Commercial (LC) district prohibits both proposed uses, however, staff advised there was potential to rezone to change the boundary of the adjacent neighboring General Commercial (GC) district to the east to extend and cover her property. Ms. Fowler is seeking approval to rezone the subject property today.

Mr. Medellin stated the subject property was located north of the Kemp Boulevard and Southwest Parkway intersection. Ariel maps showed the current structure, Salon FX on the south portion of the subject property, and a vacant residential structure located to the north. When the salon was built in the 1950's it was a residential structure, over the years it was renovated to a commercial structure that housed many other commercial operations before Ms. Fowler took ownership and created Salon FX.

Ms. Fowler's proposal is to demolish the vacant residential structure on the north portion of the property and develop the new multi-tenant facility. Once demolition of the current salon is complete, demolition of the old salon will begin, creating a seamless transition.

Mr. Medellin advised the uses surrounding the property currently to the north were: retail; medical; and offices. To the east is Dunkin' Donuts and a pawn shop, to the west are some residents in a residential district and to the south are some residential uses up to Southwest Parkway, a major corridor.

Site plans displayed showed the proposed structure to be a total of 3,159sf. housing two tenants, Salon FX and the other will be a white-box space until a tenant is determined to occupy the space. Floor plans showed Salon FX will occupy 2,300sf., leaving the remaining 860sf. with a drive-thru for lease space.

When comparing the proposed use to other uses, the proposed site sits between an urgent care center and a vacant land, and would share similar uses and impacts to nearby properties. Staff recommended a petition to rezone the property from Limited Commercial (LC) to General Commercial (GC) and amend the Land Use Plan from Low Density Residential to Commercial to extend the commercial use around the area.

Mr. Medellin advised staff notified 22 property owners within 200ft. of the subject property and received only one response, that being in opposition to the proposal.

Exhibit F Continued

Staff recommends approval of the proposed rezoning request of +/- 0.52 acres at 4520 Kemp Boulevard to General Commercial (GC), and amending the Land Use Plan designation to Commercial.

Chairman Cook asked if there was anyone from the public that would like to comment. The owner, Ms. Fowler, was present for the meeting and advised she had nothing to add to the presentation. With no other comments, Mr. Cook closed the public hearing at 2:15 pm and asked for a motion to open the item for discussion. Ms. Cayce Wendeborn made the motion with Mr. Matt Marrs seconding.

Commission member, Mr. Doug McCulloch asked for a diagram of the drive-thru to be displayed. Mr. Medellin displayed the site plan to the Commission. Mr. McCulloch asked if the 10ft. wide calculation for the drive-thru was correct. Mr. Medellin advised that was correct, 9ft. would be sufficient for single vehicles. Mr. McCulloch asked about impacts to the residents near the subject property, Mr. Medellin advised nothing significant. Mr. McCulloch asked about traffic entering from Featherston. Mr. Medellin stated that was a second egress, however, the Kemp egress would be primarily used. With no further discussion among the Commission, Chairman Cook called for a vote. The vote was 7-0 in favor of the rezoning recommendation.

Ordinance No. _____

Ordinance rezoning 4520 Kemp Blvd. (Lot 10-A, Block 70, Unit II, Faith Village) from Limited Commercial (LC) to General Commercial (GC) zoning district and amend the Land Use Plan from Low Density Residential to General Commercial

WHEREAS, the Planning and Zoning Commission considered the proposed zoning change at its January 11, 2023 meeting, and voted to recommend approval of this request; and

WHEREAS, the City Council has reviewed this request and has determined the herein described Zoning amendment is in the public interest.

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

1. 4520 Kemp Blvd. (Lot 10-A, Block 70, Unit II, Faith Village) as depicted on the attached map incorporated in this ordinance as **Attachment “1”**, is hereby rezoned from Limited Commercial (LC) to General Commercial (GC).
2. The area on the Land Use Map, as depicted on the attached map incorporated in this ordinance as **Attachment “2”**, is hereby amended to change the area from Low Density Residential to Commercial.

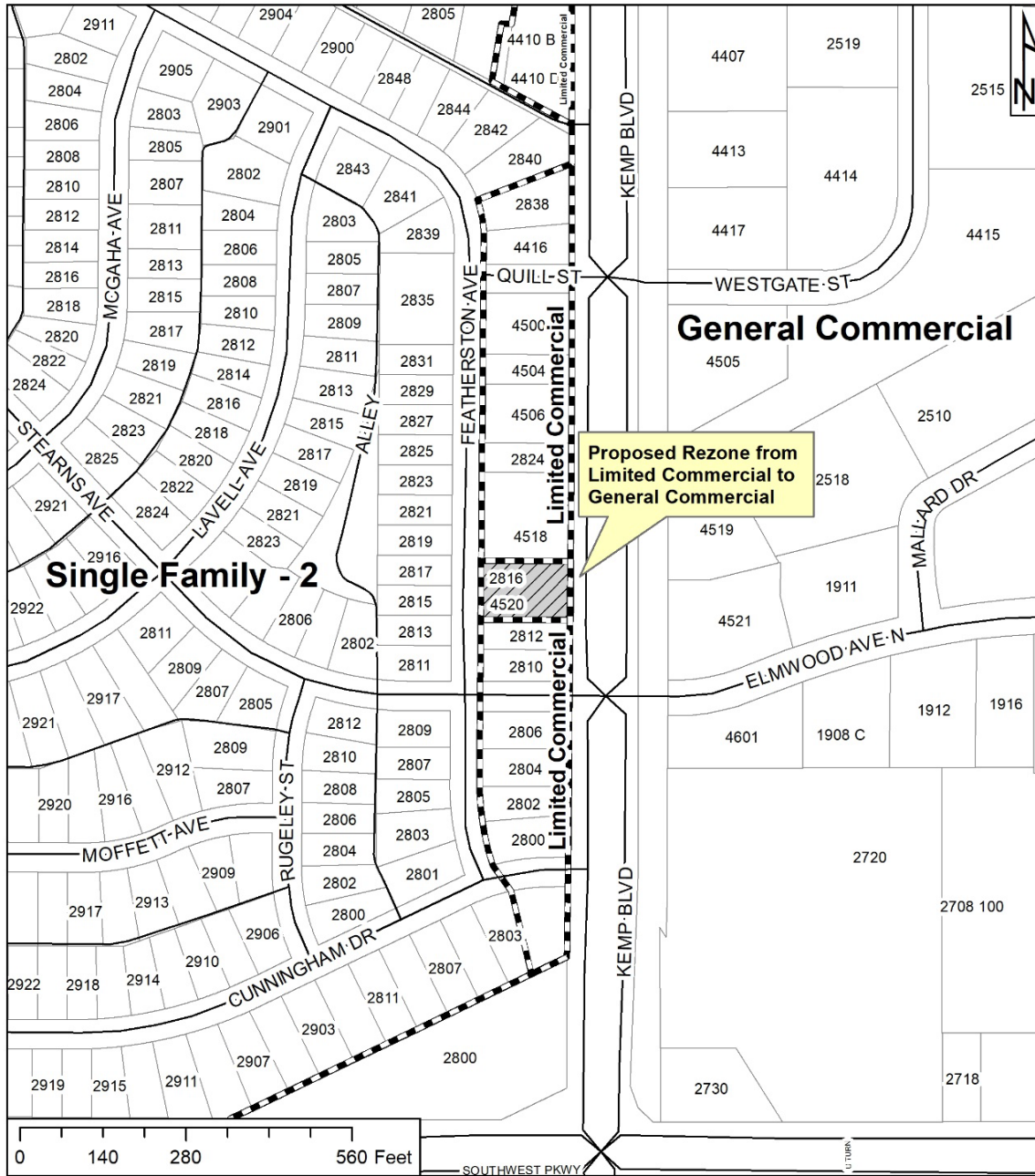
PASSED AND APPROVED this the 7th day of February 2023.

MAYOR

ATTEST:

City Clerk

Attachment "1"



R 23-01 4520 Kemp Boulevard Rezone Map

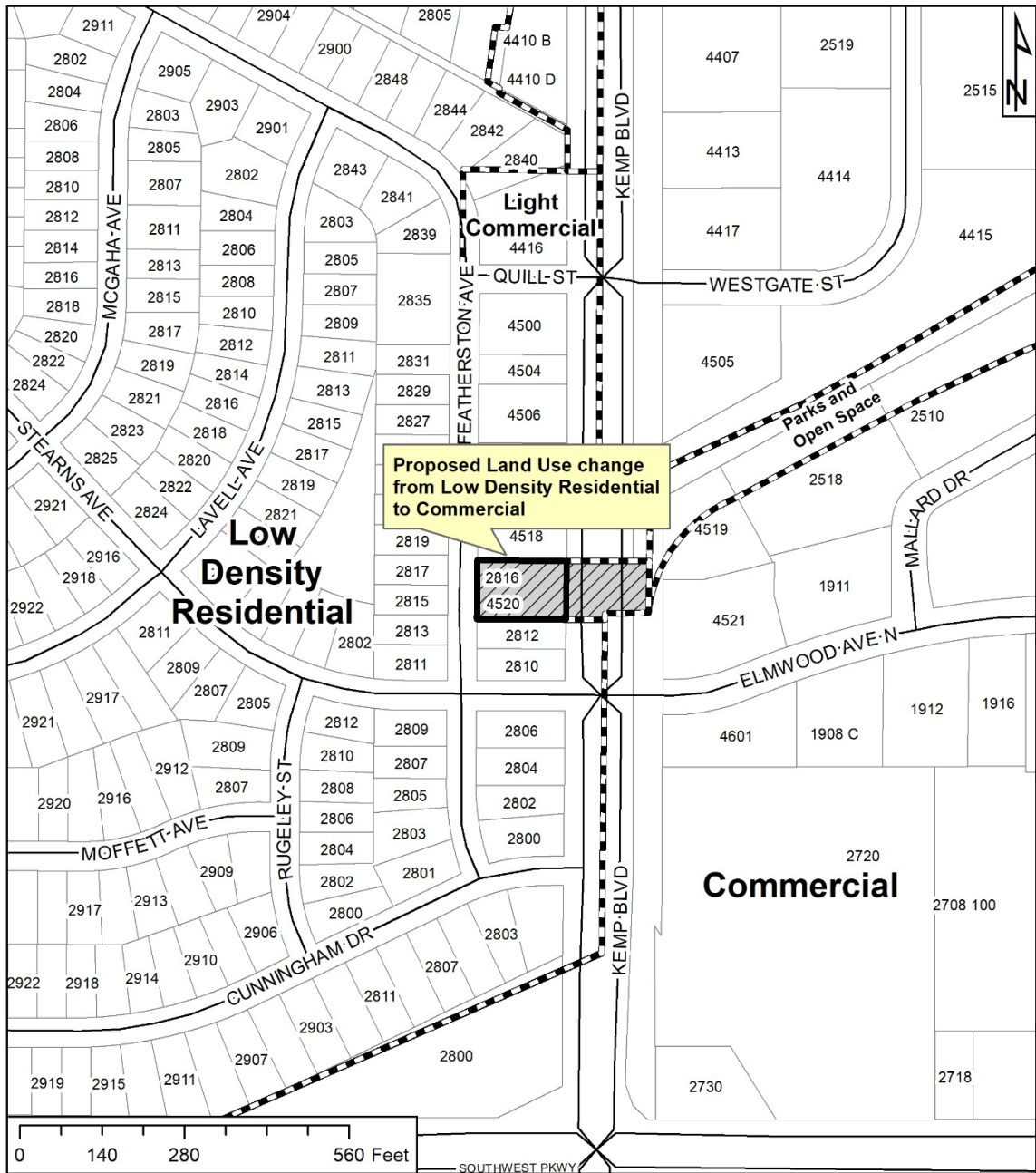
CITY OF WICHITA FALLS, PLANNING DIVISION
MAP PRODUCED BY: Cedric Hu
DATE PRODUCED: 16 December 2022

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

Legend

- Zoning Boundary
- Rezone Area
- Subject Property
- Parcels

Attachment "2"



R 23-01 4520 Kemp Boulevard Land Use Map

CITY OF WICHITA FALLS, PLANNING DIVISION
MAP PRODUCED BY: Cedric Hu
DATE PRODUCED: 24 January 2023

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

Legend

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

CITY COUNCIL AGENDA
February 7, 2023

ITEM/SUBJECT: Ordinance amending Section 50-34 of the Code of Ordinances, Identifying the Classifications and Number of Positions in Each Classification for the Fire Department.

INITIATING DEPT: Fire

STRATEGIC GOAL: Efficiently Deliver City Services

STRATEGIC OBJECTIVE: Practice effective governance.

COMMENTARY: State civil service law applicable to firefighters and police officers requires that the municipality's governing body establish the classifications and the number of positions in each classification by ordinance. In the 2022 - 2023 Approved Budget, the personnel schedule for the Fire Department increases the number of Fire Lieutenants by three positions and eliminates three Firefighter Equipment Operator positions.

Currently, the Wichita Falls Fire Department has four full-time personnel assigned to the Fire Prevention, Education, and Investigation Division. There is one (1) Lieutenant and two (2) Assistant Fire Marshals who hold the Civil Service rank equivalent of Fire Equipment Operator. The division is supervised by a Fire Marshal who holds the Civil Service rank equivalency of a Battalion Chief.

The Fire Marshal division has, for many years, lacked a succession plan or path from entry level to the Fire Marshal/Battalion Chief role without requiring the staff member to leave the division for promotion. When this occurs we are unable to leverage the tremendous cost of training and without intermediate ranks within the division, the member could not return to the division unless or until they qualified for and were appointed to the Fire Marshal role.

For the past three years, there has been a concerted effort between the fire administration and the association to address the problem, and several proposals were considered. After much work and debate, we have jointly agreed to a multi-year plan that would add up to three Lieutenants this year, and propose that we add a Captain position in the 2024-2025 fiscal year. If that were to be supported, we would, for the first time, have a succession plan that would allow members who are committed to the Fire Marshal division to promote within the division and would allow for future Fire Marshals to be selected from members who have both the requisite training and experience to serve the community.

In November 2022, the council took the first step by authorizing a single Lieutenant position. This action is the next step of that plan, which will finish the implementation of the Lieutenant rank within the division.

Staff recommends approval.

☒ **Fire Chief**

ASSOCIATED INFORMATION: Ordinance

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Ordinance No. _____

**Ordinance amending Section 50-34 of the Code of Ordinances,
Identifying the Classifications and Number of Positions in Each
Classification for the Fire Department**

WHEREAS, Section 143.021 of the TEXAS LOCAL GOVERNMENT CODE requires a municipality's governing body to establish Fire Department classifications by ordinance, and the governing body by ordinance shall prescribe the number of positions in each classification.

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

Section 50-34 of the Wichita Falls Code of Ordinances is hereby amended to read as follows:

"Sec. 50-34. Civil service positions designated.

(a) The following positions in the fire department are classified under civil service in compliance with V.T.C.A., LOCAL GOVERNMENT CODE §143.021:

Classification Title	Number of Positions
Firefighter Trainee	As Required
Firefighter	72
Fire Equipment Operator	44 <u>39</u>
Fire Lieutenant	25 <u>27</u>
Fire Captain	15
Fire Battalion Chief	5
Deputy Fire Chief	1

(b) No other person employed by the city may be classified as holding a position under civil service with the fire department."

PASSED AND APPROVED this the 7th day of February 2023.

MAYOR

ATTEST:

City Clerk

CITY COUNCIL AGENDA
February 07, 2023

ITEM/SUBJECT: Ordinance authorizing the City Manager to approve a request from the Wichita Falls Housing Authority to close, vacate, and abandon an alley and any utility easement therein at 800 Juarez Street.

INITIATING DEPT: Property Administration

STRATEGIC GOAL: Accelerate Economic Growth

STRATEGIC OBJECTIVE: Revitalize Depressed and Declining Neighborhoods

COMMENTARY: A request has been received from Donna Piper with the Wichita Falls Housing Authority to close and abandon the alley that is located and runs through 800 Juarez St. in Block 2, of the Blackmon and Williams Third Addition. This closure will not retain or require dedication of an easement in this location and will be a complete abandonment of all rights to the proposed area.

Approval of this ordinance would assist in facilitating the construction of a new proposed Boys and Girls Club facility, which will greatly enhance the area. The value of the alley to be abandoned has been determined to be worth **\$625.00**, which has been delivered to the Property Management Division pending Council approval.

All utility companies and affected City departments have approved this request in its entirety, including the complete abandonment of all rights.

Staff recommends approval of this ordinance, which will authorize the City Manager to execute a Special Warranty Deed to convey the property.

☒ **Asst. City Manager**

☒ **Property Administrator**

ASSOCIATED INFORMATION: Ordinance, Exhibit, Location Map

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Ordinance No. _____

Ordinance authorizing the City Manager to approve a request from the Wichita Falls Housing Authority to close, vacate, and abandon an alley and any utility easement therein at 800 Juarez Street

WHEREAS, the Wichita Falls Housing Authority has requested to close and abandon said alley along with any rights to the proposed area located at 800 Juarez Street, Block 2, Blackmon and Williams Third Addition, Wichita County, Wichita Falls, Texas; and

WHEREAS, all affected utility companies and City departments have reviewed this request, and have approved to close, abandon, and vacate this alley.

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

1. The approximately 2,443 square feet, more or less, alley located between North Rosewood and Bailey Street and addressed 800 Juarez Street as indicated on the attached Location Map, an addition to the City of Wichita Falls, is hereby vacated, closed, and abandoned.
2. In consideration of the receipt of \$625.00 for the fair market value, this ordinance shall approve the closure of the alley.
3. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.
4. This will authorize the City Manager to execute a Special Warranty Deed to convey the property.

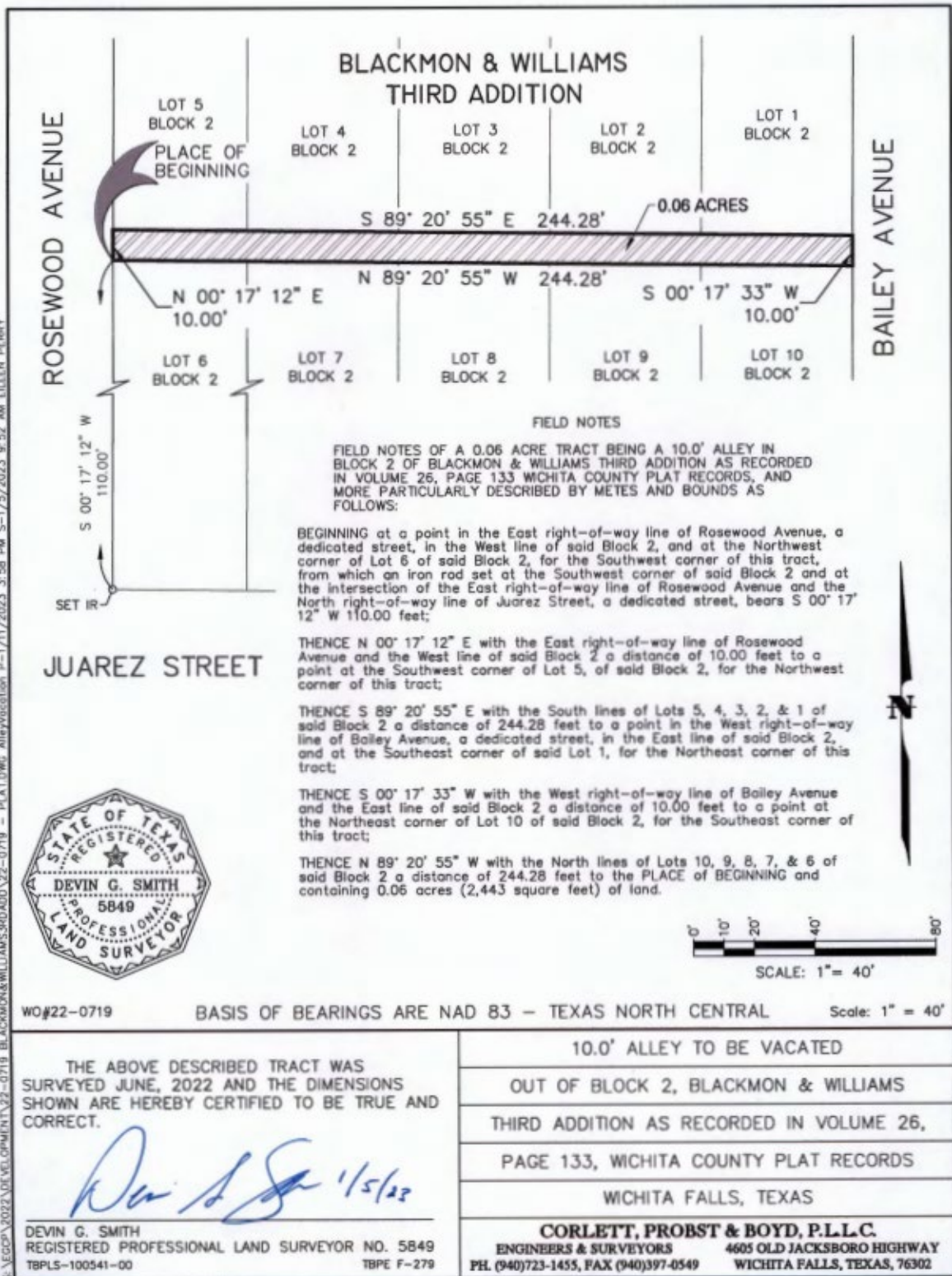
PASSED AND APPROVED this the 7th day of February 2023.

MAYOR

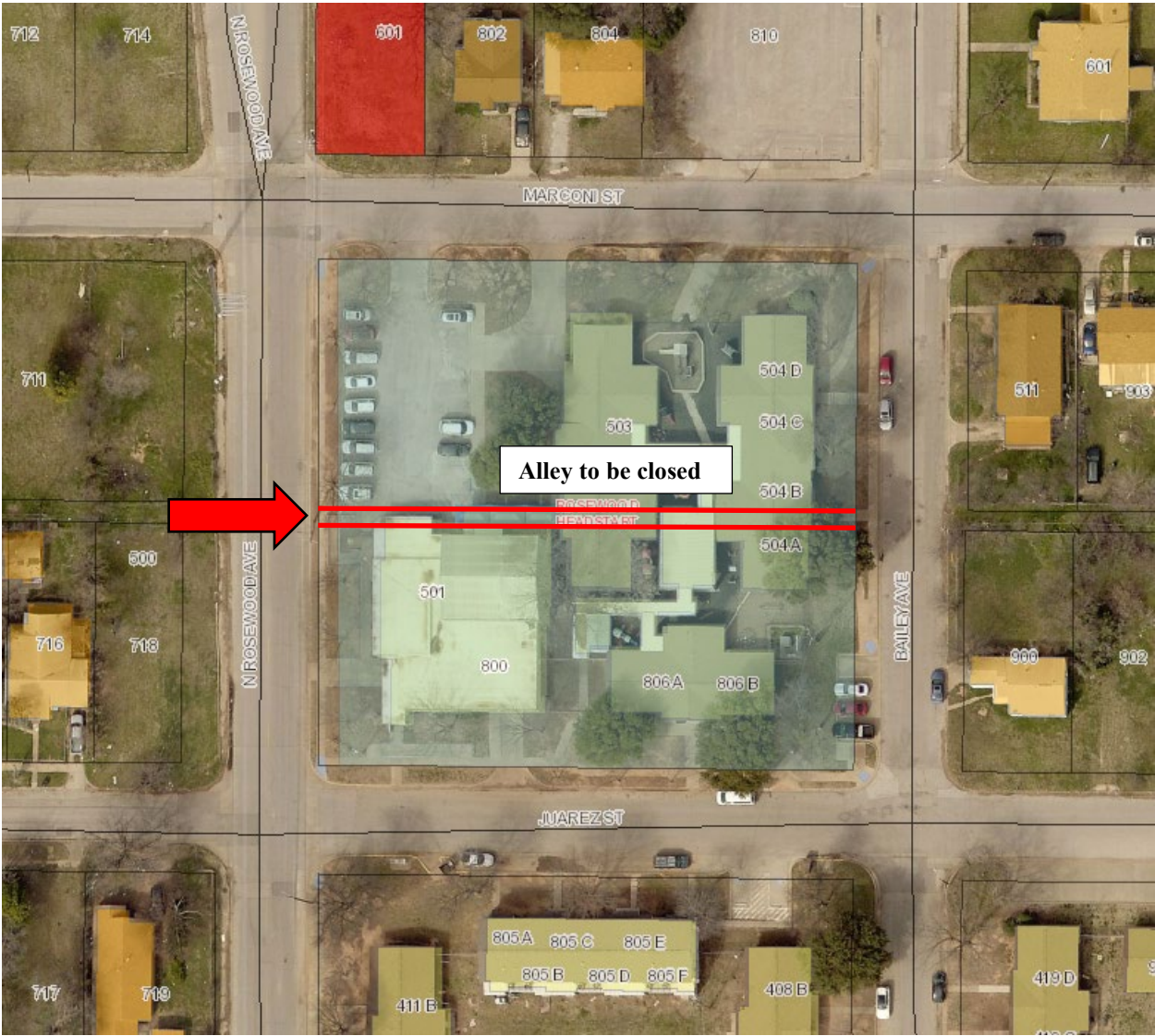
ATTEST:

City Clerk

EXHIBIT



LOCATION MAP



CITY COUNCIL AGENDA
February 7, 2023

ITEM/SUBJECT: Ordinance amending the Wichita Falls Regional Airport fiscal year 2023 budget in an amount of \$97,000 for various project expenditures.

INITIATING DEPT: Aviation, Traffic, & Transportation

STRATEGIC GOAL: Accelerate Economic Growth

STRATEGIC OBJECTIVE: Look for Post-Pandemic Economic Opportunities

COMMENTARY: The Wichita Falls Regional Airport has received over \$3.3 million in various COVID grants from the FAA over the last two years. While most of these funds have been used on the terminal bond debt service, records show that approximately \$300,000 remains. These grants are eligible to be used on a variety of projects, including operational and maintenance support. Staff has identified four items that weren't budgeted in FY 23:

- | | |
|---|-------------|
| • Concrete panel repair/entry gate controls | \$28,050.00 |
| • Replacement of damaged HVAC Chiller Assembly | \$36,070.00 |
| • ProDIGIQ for Flight Data and Advertising | \$28,080.00 |
| • Vehicle Detector Loop Replacement for Parking Gates | \$4,800.00 |

Because of the limited rainfall through last summer, several airside concrete panels buckled and failed at the entry gate location between the staff parking and the aircraft apron. The failed concrete left the gate inoperable, but it did not impact aircraft movement areas. The vehicle detection loops on the secure side of the gate also failed due to the shifting concrete.

There are two chilling units for the terminal HVAC system that alternate the load. During the last cold weather event, one of the units froze, and some of its piping failed. This destroyed the chiller assembly unit once the fluid leaked from the unit and the system returned to operation. Staff has taken corrective action to address future problems, but the chiller assembly needs to be repaired before the weather warms.

The vendor that had served the departure/arrival flight information for the airport notified staff in the fall that they would cease supporting Regional in January 2023. Wichita Falls was not the only airport that lost service, and many peer airports around the region were impacted by this decision to leave the market. Staff selected ProDIGIQ to provide new departure/arrival information. In addition, the new service will also allow for advertising sales on the display monitors. This fee covers the initial startup and programming, and then will return to an annual maintenance fee like the previous vendor.

Finally, the vehicle detection loops at the parking lot entry gates are over ten years in service. Recent testing has shown that several of the loops are beginning to fail. This project will proactively replace all vehicle detection loops in the parking facilities instead of responding to individual failures in the future.

Staff requests the support of City Council via this ordinance to amend the fiscal year 2023 Wichita Falls Regional Airport budget in the amount of \$97,000 and to use Airport COVID funding for the completion of these unbudgeted projects.

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

ASSOCIATED INFORMATION: Ordinance

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Ordinance No. _____

Ordinance amending the Wichita Falls Regional Airport fiscal year 2023 budget in an amount of \$97,000 for various project expenditures

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

WHEREAS, the City of Wichita Falls has identified the need for four minor projects for Wichita Falls Regional Airport; and

WHEREAS, the Federal Aviation Administration allows the use of COVID grant funding for operational and maintenance projects; and

WHEREAS, the City of Wichita Falls desires to use COVID grant funds to complete the projects identified in the above commentary at Wichita Falls Regional Airport in an amount of \$97,000.00; and

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

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

The Wichita Falls Regional Airport fiscal year 2023 budget is hereby amended in an amount of \$97,000.00 for four project expenditures and using Federal Aviation Administration COVID grant funds to complete the required funding.

PASSED AND APPROVED this the 7th day of February 2023.

MAYOR

ATTEST:

City Clerk

CITY COUNCIL AGENDA
February 7, 2023

ITEM/SUBJECT: Ordinance appropriating \$3.2 million of unrestricted Water & Sewer fund balance to facilitate various repairs to the Jasper and the Cypress 61 Water Treatment Plants and authorizing the City Manager to execute a professional services agreement for the Jasper Water Treatment Plant High Service Pump Station Design, with Garver, LLC in the amount of \$187,100.00.

INITIATING DEPT: Public Works / Water Purification

STRATEGIC GOAL: Efficiently Deliver City Services

STRATEGIC OBJECTIVE: Enhance Focus on Long-Term Street and Utility Infrastructure Needs

COMMENTARY: As part of the overall budget process and approval, staff earmarked \$3.2 million to be utilized to make various repairs at the Jasper and Cypress Water Treatment Plants. These repairs include replacement of pumps, piping, filter media and other equipment. The first of these improvement projects is the replacement of one of the high service pumps at the Jasper Water Treatment Plant. This plant has 4 High Service Pumps that discharge treated water to the distribution system for use by the citizens of Wichita Falls and its Wholesale customers. In 2022, Garver conducted an evaluation of the Jasper High Service Pumps and determined that the current configuration was incapable of discharging the total amount of water that the Jasper Plant could produce due to changes over the last 20 years within the configuration and operation of the distribution system hydraulics.

In order to bring the Jasper High Service Pump Station up to full capacity, Garver has recommended that the City of Wichita Falls replace the failed High Service Pump #4 with a larger pump in order to provide adequate pumping capacity to match the treatment capacity of the Jasper WTP. This single change would still allow for varying flow volumes to be discharged from the Jasper Plant and will facilitate a 100% of the water that it is capable of producing to be discharged to meet the system demands.

Therefore, staff recommends approval of this ordinance and execution of the agreement for the design, bidding and construction oversight for the replacement of High Service Pump #4 at the Jasper Water Treatment Plant, with Garver, LLC. Funding for this project will be supplied from available fund balance within Utilities Revenue accounts.

☒ **Director Public Works**

ASSOCIATED INFORMATION: Resolution , Agreement

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Ordinance No. _____

Ordinance appropriating \$3.2 million of unrestricted Water & Sewer fund balance to facilitate various repairs to the Jasper and the Cypress 61 Water Treatment Plants and authorizing the City Manager to execute a professional services agreement for the Jasper Water Treatment Plant High Service Pump Station Design, with Garver, LLC in the amount of \$187,100.00

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

WHEREAS, the City desires to continue to have reliable treatment and pumping systems to distribute drinking water; and,

WHEREAS, the replacement of High Service Pump #4 is necessary to achieve said reliability; and

WHEREAS, the City of Wichita Falls has received an estimate from Garver, LLC for consulting services to design, bid, and provide construction oversight to replace High Service Pump #4 at the Jasper Water Treatment Plant.

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

1. \$3.2 million is appropriated from the unrestricted water and sewer fund balance to facilitate various repairs to the Jasper and the Cypress 61 Water Treatment Plants and
2. City Manager is authorized to execute the professional services agreement for the Jasper Water Treatment Plant High Service Pump Station Design with Garver, LLC in the amount of \$187,100.00

PASSED AND APPROVED this the 7th day of February 2023.

MAYOR

ATTEST:

City Clerk

**Professional Services Agreement between the City of Wichita Falls and Garver, LLC
for Consulting Services for the
Jasper Water Treatment Plant High Service Pump Station Design**

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

CONSULTANT: Garver, LLC

PROJECT: Jasper Water Treatment Plant (WTP) High Service Pump Station (HSPS) Design

TIMETABLE: Time is of material consideration for services performed under this Agreement. CONSULTANT shall complete the scope of work in accordance with the schedule outlined in Appendix A – Scope of Services.

PAYMENT:

1. **Payment for Basic Services.** OWNER agrees to pay the following amounts for Basic Services rendered pursuant to this contract, a total amount of \$187,100.00 subject to completion of the following phases of the PROJECT:

TASK	FEE AMOUNT	FEE TYPE
Task 1 – Project Administration	\$15,900.00	LUMP SUM
Task 2 – Survey	\$10,200.00	LUMP SUM
Task 3 – Preliminary Design	\$28,200.00	LUMP SUM
Task 4 – Detailed Design	\$63,800.00	LUMP SUM
Task 5 – Bidding Services	\$25,300.00	LUMP SUM
Task 6 – Construction Phase Services	\$35,300.00	LUMP SUM
Task 7 – Hydraulic Model Update	\$8,400.00	LUMP SUM
TOTAL FEE	\$ 187,100.00	

CONSULTANT shall invoice Owner on a monthly basis. Such invoice shall include supporting documentation reasonably necessary for Owner to know with reasonable certainty the proportion of Services accomplished.

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

2.1. Payment for Additional Services of CONSULTANT rendered under this Contract (“Contract” or “Agreement”) shall be paid as mutually agreed to scope and fee. Additional services shall be authorized by an executed amendment to this agreement.

3. **Times of Payments.**

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

3.2. **Past-Due Payments--OWNER** agrees to pay a charge of 0.5% per month, or the allowed interest according to applicable law (whichever is higher) on all invoiced owed amounts not paid within 30 days of the date of the invoice, calculated from the date of the invoice. In addition, CONSULTANT may, after giving 10 days' written notice to OWNER, suspend services under this Agreement until the CONSULTANT has been paid in full all amounts due for services and expenses.

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

BASIC SERVICES: CONSULTANT shall complete the professional services as Basic Services as outlined in Appendix A – Scope of Services according to the industry standard of care; CONSULTANT shall perform any and all services

required herein in accordance with generally accepted practices and standards employed by the applicable United States professional services industries as of the effective date of this Agreement, practicing under similar conditions and locale. Such generally accepted practices and standards are not intended to be limited to the optimum practices, methods, techniques, or standards to the exclusion of all others, but rather to a spectrum of reasonable and prudent practices employed by the United States professional services industry:

GENERAL CONDITIONS:

1. **Termination**—OWNER may terminate this Agreement upon ten (10) days written notice to CONSULTANT with the understanding that all services being performed under this Agreement shall cease upon the date specified in such notice. Upon termination for CONSULTANT'S alleged default, CONSULTANT shall have ten (10) days opportunity to cure. In the event of early termination, CONSULTANT shall invoice OWNER and be compensated for (i) all services properly performed under this Agreement, and reasonable costs incurred by CONSULTANT on or before CONSULTANT'S receipt of the termination notice, including all outstanding and unpaid invoices. Upon termination for convenience, CONSULTANT shall allow be provided (ii) all costs reasonably incurred to bring such services to an orderly cessation.

2. **Ownership & Maintenance of Documents**--All documents and digital files prepared and/or assembled by CONSULTANT under this Agreement shall become the property of the OWNER and shall be delivered to OWNER without restriction on future use; provided however, any and all underlying intellectual property, if any (unless provided by OWNER), shall remain the property of CONSULTANT such that CONSULTANT may continue to perform its business in the normal course. Upon payment in full, CONSULTANT shall grant OWNER an irrevocable, non-exclusive, royalty-free license to use the same for the purposes contemplated under this Agreement. To the extent allowed under applicable law, OWNER shall defend, indemnify and hold harmless CONSULTANT and its subconsultants against all claims, losses, damages, injuries, and expenses, including reasonable attorneys' fees arising out of change to, or re-use of deliverables for any other project. OWNER's re-use of documents on future projects will be at the sole risk of OWNER. CONSULTANT may make copies of any and all documents for its files and re-use information contained therein. CONSULTANT will maintain project records for three years after the OWNER has made final payment to the contractor and all other pending matters are closed and provide copies thereof to OWNER if requested.

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

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

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

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

7. **Indemnity**--CONSULTANT agrees to release, indemnify, and hold the OWNER whole and harmless against any and all third party tort claims, suits, and actions for any claims of bodily injury or tangible property damage resulting from the negligent performance or negligent attempted performance of this Contract. This indemnity shall not apply to any claim to the extent to which CONSULTANT is prohibited from indemnifying a governmental entity pursuant to Tex. Local Gov't Code § 271.904 or other law.

8. **Governmental Function Clause** – All parties agree that this Contract is one wherein OWNER is solely performing a governmental function. All parties expressly agree that OWNER is not engaging in any proprietary functions.

9. Contractual Damages Limitation Clause –

- 9.1 All parties agree that exposures for damages in this Contract are limited by agreement of the parties, and to those damages authorized under Texas Local Government Code Section 271.153.
- 9.2 NOTWITHSTANDING, NEITHER PARTY SHALL BE LIABLE TO THE OTHER PARTY FOR CONSEQUENTIAL DAMAGES OR EXEMPLARY DAMAGES OF ANY KIND REGARDLESS OF THE CAUSE OR ACTION (INCLUDING NEGLIGENCE OF ANY KIND OR CHARACTER INCLUDING GROSS NEGLIGENCE).
- 9.3 NOTWITHSTANDING ANY PROVISION TO THE CONTRARY HEREIN, CONSULTANT'S (INCLUDING ITS SUBCONSULTANTS, AGENTS, ASSIGNEES, AFFILIATES AND VENDORS) TOTAL AGGREGATE LIABILITY UNDER THE AGREEMENT SHALL BE LIMITED TO 100% OF THE AGREEMENT PRICE REGARDLESS OF THE CAUSE OR ACTION (INCLUDING NEGLIGENCE OF ANY KIND OR CHARACTER INCLUDING GROSS NEGLIGENCE).
- 9.4 CONSULTANT shall be entitled to an equitable adjustment in the Agreement price and project schedule for impacts to the services resulting from events beyond CONSULTANT'S control.

10. Waiver of Attorney's Fees – If any action at law or in equity is necessary to enforce this agreement, each party agrees to pay its own attorneys' fees and will not seek to recover its own attorneys' fees from the other party. CONSULTANT understands that Texas Local Government Code subchapter I, § 271.153(a)(3) provides that the total amount of money awarded in an adjudication brought against a government entity for breach of a contract includes attorneys' fees. Both CONSULTANT and OWNER expressly waive all statutory and other rights to recover attorneys' fees pursuant to in § 271.153(a)(3) and all other law.

11. Exhibits

The following Exhibits are attached to and made a part of this Agreement:

Attachment 1 – Scope of Services

OWNER and CONSULTANT, by signing this Agreement, acknowledges that they have independently assured themselves and confirms that they individually have examined all Exhibits, and agrees that all of the aforesaid Exhibits shall be considered a part of this Agreement and agrees to be bound to the terms, provisions, and other requirements thereof, unless specifically excluded.

Acceptance of this proposed Agreement is indicated by an authorized agent of the OWNER signing in the space provided below.

12. Verification

I, (authorized official) _____ do hereby depose and verify the truthfulness and accuracy of the contents of the statements submitted on this certification under the provisions of Subtitle F, Title 10, Government Code Chapter 2270 and that the company named below:

- 1) Does not boycott Israel currently; and
 - 2) Will not boycott Israel during the term of the contract; and
- Is not currently listed on the State of Texas Comptroller's Companies that Boycott Israel List located at <https://comptroller.texas.gov/purchasing/publications/divestment.php>

Company Name

Signature of Authorized Official

Title of Authorized Official

Date


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

EXECUTED, this the _____ day of _____, 20__.

OWNER: City of Wichita Falls, Texas

CONSULTANT: Garver, LLC

Darron Leiker, City Manager


Daniel N. Olson, Vice President

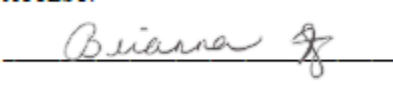
(seal)

(seal)

ATTEST:

ATTEST:

Marie Balthrop, City Clerk



FORM APPROVED:

Kinley Heggland, City Attorney



APPENDIX A
(SCOPE OF SERVICES)

GENERAL

Generally, the scope of services includes design, bidding services, and construction support services for improvements to City of Wichita Falls' (CITY) Jasper Water Treatment Plant (WTP) High Service Pump Station (HSPS). Improvements will consist primarily of replacement of Pump No. 4 and associated piping, electrical, and structural improvements as indicated during the Jasper HSPS Evaluation project to increase firm pump station capacity and provide pumping redundancy.

1. TASK 1 – PROJECT ADMINISTRATION

1.1. Kick-off Meeting

Garver will hold a kick-off meeting with the City of Wichita Falls (CITY) to confirm goals, schedule, and deliverables for the project.

1.2. Research and Data Collection

- A. Review existing materials and reports, including those obtained from the CITY, and perform field investigations to establish final improvements. The data reviewed will be used in the development of the PROJECT documents and will include, but not be limited to, the following:
 - 1. CITY details, specifications, design manuals, and guidelines; and
 - 2. Existing site/facility record drawings.
- B. Meet with CITY engineering staff and obtain design criteria, existing easement information, and other information available for the project area. Conduct an on-site review and walk through to assess existing condition. Review all relevant record drawings.

1.3. Project Management and Quality Control/Assurance Plan

- A. Garver will prepare and provide up to twenty (20) monthly progress/status reports, sufficient to support monthly billings. Monthly status reports will be submitted with monthly invoices and project updates. Garver will manage all efforts of the project team and maintain appropriate records and documentation of project decisions, modifications, activities, communication, correspondence, and schedules.
- B. Garver will develop a Project Management Plan and Quality Control/Assurance Plan for internal use and will perform Quality Assurance/Quality Control (QA/QC) reviews at major milestones of the project.
- C. Attend up to two (2) virtual progress meetings during design phases to provide status and progress updates.

2. TASK 2 – SURVEY

- A. GARVER, through a subconsultant, will obtain a high-definition point cloud and associated photographs for the Jasper HSPS area. This will be computed into a 3D model of the Jasper HSPS area. This task assumes up to 20 scan setups.



3. TASK 3 – PRELIMINARY DESIGN

- A. Following the kickoff meeting, Garver will perform a site visit to the Jasper HSPS with up to three (3) personnel.
- B. Garver, through a subconsultant, will perform field testing on the existing Pump No. 4 Motor Control Center (MCC) and associated starter. Results and recommendations will be included in the Preliminary Design TM.
- C. Garver will develop a Preliminary Design Technical Memorandum (TM) to document design criteria for the replacement of Pump No. 4.

The Preliminary Design TM will consist of the following items:

- Document existing site conditions and details of the existing Jasper HSPS. Provide existing and proposed site layouts.
 - Garver will perform a hydraulic analysis for selection of the proposed pump to replace Pump No. 4.
 - Document results of the visual electrical inspection and MCC/starter field testing.
 - Design criteria for the valve replacement(s) and discharge piping.
 - Develop Association for the Advancement of Cost Engineering (AACE) Class 3 opinion of probable construction cost (OPCC).
- D. Deliverables
 - Three (3) copies and a digital copy in PDF format of the Preliminary Design TM.
 - AACE Class 3 OPCC
 - E. Attend one (1) virtual workshop with the CITY to receive comments on the Preliminary Design TM. Incorporate comments from the workshop into final Preliminary Design TM.

4. TASK 4 – DETAILED DESIGN

The construction documents will be completed in three (3) design phase deliverables: 60%, 90%, and Bid-Ready Documents.

4.1. 60% Design

- A. Prepare detailed design drawings to a 60% level and include the proposed improvements.

The following is the estimated sheet list:

- Cover sheet and index (Assume 1 sheet)
- General notes, legend, abbreviations (Assume 3 sheets)
- Jasper HSPS demolition plan (Assume 1 sheet)
- Jasper HSPS improvements plans (Assume 5 sheets)
 - a. Process mechanical sheets (2)
 - b. Electrical (2)
 - c. Structural (1)
- Standard details (Assume 1 sheet)

Estimated total number of sheets: 11

- B. Prepare a specification index. No front-end specifications are included in this submittal.
- C. Prepare an estimate of construction quantities and develop an AACE Class 3 opinion of probable construction costs (OPCC).
- D. Deliverables



The following will be submitted to the CITY:

- Three (3) half size (11"x17") copies and a digital copy in PDF format of the 60% plans
 - Three (3) (8.5"x11") copies and a digital copy in PDF format of the 60% technical specifications table of contents.
 - AACE Class 3 OPCC.
- E. Conduct a Workshop with the CITY pertaining to the CITY comments and design considerations of the deliverable.

4.2. 90% Design

- A. Following approval of the 60% design plans, Garver will prepare 90% design plans for all sheets.
- B. Following approval of the 60% specifications, Garver will prepare 90% specifications. These specifications will include all technical specification and CITY front-end documents including general conditions, supplementary conditions, proposal forms, notice to bidders, bid forms, construction contract, and bond forms.
- C. Prepare an estimate of construction quantities and develop an AACE Class 2 OPCC.
- D. Deliverables

The following will be submitted to the CITY:

- Three (3) half size (11"x17") copies and a digital copy in PDF format of the Final Design (90%) plans
 - Three (8.5"x11") copies and a digital copy in PDF format of the 90% specifications.
 - AACE Class 2 OPCC
- E. Conduct a Workshop with the CITY pertaining to the CITY comments and design considerations of the deliverable.
- F. Coordinate submission to regulatory authority and address comments in Bid-Ready documents.

4.3. Bid-Ready Design

- A. Following approval of the 90% design plans, Garver will prepare Bid-Ready design plans for all sheets.
- B. Following approval of the 90% specifications, Garver will prepare Bid-Ready specifications. These specifications will include all technical specification and CITY front-end documents including proposal forms, notice to bidders, bid forms, and bond forms.
- C. Update the estimate of construction quantities and develop an AACE Class 1 OPCC.
- D. Deliverables

The following will be submitted to the CITY:



- Five (5) half size (11"x17") copies and a digital copy in PDF format of the Bid-Ready plans.
- Five (8.5"x11") copies and a digital copy in PDF format of the Bid-Ready specifications.
- AACE Class 1 OPCC

5. TASK 5 – BIDDING SERVICES

During the bidding phase of the Project, Garver will:

- A. Prepare and submit Advertisement for Bids to newspaper(s) for publication as directed by the Owner and CivCast. Owner will pay advertising costs outside of this contract.
- B. Support the contract documents by preparing addenda as appropriate.
- C. Participate in a pre-bid meeting if necessary.
- D. Attend the bid opening.
- E. Prepare bid tabulation.
- F. Evaluate bids and recommend award.
- G. Prepare construction contracts.

6. TASK 6 – CONSTRUCTION PHASE SERVICES

During the construction phase of work, Garver will accomplish the following:

- A. Issue a Notice to Proceed letter to the Contractor and attend preconstruction meeting.
- B. Attend up to six (6) construction progress/coordination meetings with the CITY/Contractor. Garver will prepare agenda and conduct progress meeting. Garver will maintain submittal log and provide submittal status log at monthly progress meeting.
- C. Evaluate and respond to up to twenty (20) construction material submittals and shop drawings. Corrections or comments made by Garver on the shop drawings during this review will not relieve Contractor from compliance with requirements of the drawings and specifications. The check will only be for review of general conformance with the design concept of the project and general compliance with the information given in the contract documents. The Contractor will be responsible for confirming and correlating all quantities and dimensions, selecting fabrication processes and techniques of construction, coordinating his work with that of all other trades, and performing his work in a safe and satisfactory manner. Garver's review shall not constitute approval of safety precautions or constitute approval of construction means, methods, techniques, sequences, procedures, or assembly of various components. When certification of performance characteristics of materials, systems or equipment is required by the Contract Documents, either directly or implied for a complete and workable system, Garver shall be entitled to rely upon such submittal or implied certification to establish that the materials, systems or equipment will meet the performance criteria required by the Contract Documents.
- D. Issue instructions to the Contractor on behalf of the CITY and issue necessary clarifications (respond to up to three (3) RFIs) regarding the construction contract documents.
- E. Review the Contractor's progress payment requests based on the actual quantities of contract items completed and accepted, and will make a recommendation to the CITY regarding payment. Garver's recommendation for payment shall not be a representation that Garver has made exhaustive or continuous inspections to (1) check the quality or exact quantities of the Work; (2) to review billings from Subcontractors and material suppliers to substantiate the Contractor's right to payment; or (3) to ascertain how the Contractor has



- used money previously paid to the Contractor.
- F. Prepare and furnish record drawings based on contractor's red-line record drawings.
 - G. Provide periodic construction observation services for the 300-calendar-day construction contract performance time. The proposed fee is based on approximately three (3) visits to the construction site during the 300-calendar-day construction contract performance time. If the construction time extends beyond the time established in this agreement or if the CITY wishes to increase the time or frequency of the observation, the CITY will pay Garver an additional fee agreed to by the CITY and Garver.
 - H. When authorized by the CITY, prepare up to three (3) change orders for changes in the work from that originally provided for in the construction contract documents. If redesign or substantial engineering or surveying is required in the preparation of these change order documents, in excess of three (3) change orders, the CITY will pay Garver an additional fee to be agreed upon by the CITY and Garver.
 - I. Participate in final project inspection and acceptance testing, prepare punch list, review final project closing documents, and submit final pay request.

The proposed fee for Construction Phase Services is based on a 300-calendar-day construction contract performance time. If the construction time extends beyond the time established in this agreement, and the CITY wants Garver to continue the applicable Construction Phase Services, the CITY will pay Garver an additional fee agreed to by the CITY and Garver.

In performing construction observation services, Garver will endeavor to protect the CITY against defects and deficiencies in the work of the Contractor(s); but Garver cannot guarantee the performance of the Contractor(s), nor be responsible for the actual supervision of construction operations or for the safety measures that the Contractor(s) takes or should take. However, if at any time during construction Garver observes that the Contractor's work does not comply with the construction contract documents, Garver will notify the Contractor of such non-compliance and instruct him to correct the deficiency and/or stop work, as appropriate for the situation. Garver will also record the observance, the discussion, and the actions taken. If the Contractor continues without satisfactory corrective action, Garver will notify the CITY immediately, so that appropriate action under the CITY's contract with the Contractor can be taken.

7. TASK 7 – HYDRAULIC MODEL UPDATE

- A. Garver will update the CITY's existing water distribution system hydraulic model with the Pump No. 4 replacement installed during this project. Any other model updates will be considered extra work.
- B. Garver will update the *Wichita Falls Water Distribution System Hydraulic Model Updates TM* with the updated Jasper HSPS capacity and re-evaluate operational challenges for the following scenarios.
 - Normal winter day demand of 10 MGD.
 - Normal maximum day demand of 28 MGD.
 - Emergency operations where only Jasper HSPS is supplying flow to the system during demands of 25 MGD.
 - Emergency operations with only Jasper HSPS supplying flow to the system during demands of 15 MGD.



8. EXTRA WORK

The following items are not included under this agreement but will be considered as extra work:

- A. Redesign for the CITY's convenience or due to changed conditions after previous alternate direction and/or approval.
- B. Advertisement/bidding services in addition to those listed herein.
- C. Submittals or deliverables in addition to those listed herein.
- D. Design of any utilities relocation other those identified in this scope of work.
- E. Retaining walls or other significant structural design beyond that required for the improvements defined herein.
- F. Street lighting or other electrical design beyond that required for the improvements defined herein.
- G. Preparation of a Storm Water Pollution Prevention Plan (SWPPP). The construction contract documents will require the Contractor to prepare, maintain, and submit a SWPPP to the Texas Commission on Environmental Quality (TCEQ).
- H. Construction materials testing.
- I. Environmental Handling and Documentation, including wetlands identification or mitigation plans or other work related to environmentally or historically (culturally) significant items.
- J. Coordination with FEMA and preparation/submittal of a CLOMR and/or LOMR.
- K. Services after construction, such as warranty follow-up, operations support, field testing, etc.
- L. Factory witness testing.

Extra Work will be as directed by the Owner in writing for an addition fee as agreed upon by the Owner and Garver.

9. SCHEDULE

Garver shall begin work under this Agreement within ten (10) days of a Notice to Proceed and shall complete the work in accordance with the schedule below:

Phase Description	Calendar Days
Task 1 – Project Administration	14 days from Notice to Proceed (NTP) and ongoing
Task 2 – Survey	90 days from NTP
Task 3 – Preliminary Design	45 days from Kickoff Meeting
Task 4 – Detailed Design	120 days from Task 2 or Task 3 comments
Task 5 – Bidding Services	60 days from Task 4 comments
Task 6 – Construction Phase Services	300 days from Contractor NTP
Task 7 – Hydraulic Model Update	30 days from approved pump submittal

CITY COUNCIL AGENDA
February 7, 2023

ITEM/SUBJECT: Public Hearing on the application of United Electric - Magic Aire to the Texas Commission on Environmental Quality (TCEQ) for a Municipal Setting Designation at 501 Galveston, Wichita Falls, Texas.

INITIATING DEPT: Public Works

STRATEGIC GOAL: Accelerate Economic Growth

STRATEGIC OBJECTIVE: Revitalize Depressed and Declining Neighborhoods

COMMENTARY: The State of Texas first adopted legislation to allow for Municipal Settings Designation (MSD) in September 2003. The State Legislature felt the MSD program was in the best interest of the State to help promote development of sites that have contaminated groundwater that will not be used for potable purposes. By allowing the property owner to obtain a MSD, the cleanup levels for groundwater are reduced from drinking water standards to non-digestible concentrations level for the primary chemicals of concern through eliminating the use of groundwater for potable use. This change makes cleanup requirements less costly and quicker to obtain allowing the TCEQ to issue a "Certificate of Completion." The "Certificate of Completion" allows the banks to fund investment and development on the property. Additionally, TCEQ requires the applicant, if the property is within the city limits, to acquire city support for the application and for the groundwater under the site to be prohibited from potable use with legal enforcement. Therefore, in April 2008, the City of Wichita Falls passed Ordinance 106 Article XI to allow for MSD applications within our City to help support future development in certain areas that could potentially benefit from this program.

On October 5, 2022, United Electric - Magic Aire, with assistance from ENSAFE, submitted an MSD application to the City of Wichita Falls for approval. The designated property is located at 501 Galveston and is currently occupied by Magic Aire. Upon receipt, City staff reviewed the application checklist, which was distributed for review to the Departments of Public Works, Health, and Community Development. The Department of Public Works returned comments to the applicant on October 5, 2022. Additionally, staff consulted with the TCEQ representatives concerning the United Electric – Magic Aire application, and they stated that they had no issues concerning the MSD.

Upon approval of the response to comments, a Public Meeting was held on Thursday, December 1, 2022, at 6:00 PM located in the Council Chambers Conference Room, 1300 7th Street, Wichita Falls, Texas. The meeting notice was published in the Times Record News, on the City of Wichita Falls website, on the City Hall message board, and through the distribution of letters mailed to adjacent property owners within a 200 foot buffer and well owners within a five-mile radius of the designated property. Prior to the Public

Meeting, staff fielded questions from residents who received notices in the mail. The meeting minutes and attendance list from the Public Meeting are attached. The meeting had several comments and questions from the attendees. After the Public Meeting one objection letter to the MSD was sent to City staff (attached).

Throughout the last twenty-seven years of sampling from 1995 to 2022 by environmental consultants, the analysis has indicated that the plume has been stable. The plume also shows evidence that natural attenuation is taking place within the plume meaning that natural process within the plume are breaking down the contaminants of concern.

The benefit of the MSD to United Electric - Magic Aire is that it potentially decreases additional length of time for monitoring and provides another layer of protection against the use of the groundwater by future property owners.

The benefit of the MSD to the City is an enforceable ordinance to restrict the use of groundwater for potable use within this property and could remove environmental concerns from lenders, which would allow for the expansion or redevelopment of the property.

In conclusion, United Electric - Magic Aire has met all the requirements to qualify for the MSD per the City Ordinance; however, the final authorization lies with the TCEQ.

☒ Director, Public Works Director

ASSOCIATED INFORMATION: Location Map, Public Meeting Minutes, Objection letter

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**





**Municipal Settings Designation (MSD)
Wichita Falls Manufacturing
501 Galveston
Public Meeting Report**

City representatives present

Drew Begley – Environmental Coordinator
Randall Barker – Pollution Control Specialist
Ethan Shaw – Environmental Permit Coordinator

Environmental Consultant for the proposed MSD

ENSAFE – Richard Record

General information

On the 30th of December, 2022, a public meeting was held at the City of Wichita Falls Council Chambers to discuss a proposed MSD for 501 Galveston, which is occupied by Magi Aire. Six individuals were present, but only three of the attendees were community members who were informed about the MSD a result of the mandatory 5-mile well search letter. The remaining attendees were City of Wichita Falls employees, ENSAFE representative, and the owner of Wichita Falls Manufacturing. The meeting began at 6:00 p.m. and lasted until 6:40 p.m. The presentation took approximately 20 minutes, and the remaining time was spent accommodating the citizens' questions and concerns.

Agenda

- Introduction – Mr. Begley
- Presentation by Mr. Richard Record (ENSAFE)
- Question and answer session
- Dismissal

Meeting

Introduction

- Mr. Begley convened the meeting. He gave a brief introduction regarding what would be discussed.

Overview of what an MSD is and Main technical aspects discussed

- Mr. Record gave an overview of what an MSD entails. In his presentation, he defined an MSD and most importantly emphasized that no adjoining properties are affected by the trichloroethene (TCE).
- Mr. Record, a Professional Geoscientist, provided background information about the site as well as that technical details for the project.
- He noted the location of the designated property.
- He stated that sampling events had occurred since 1995 at 29 different monitoring wells.
- He stated that the site had been in the Voluntary Cleanup Program since 1995.
- Site remediation was conducted from March 2016 through October 2018.
- TCEQ approved of use of MSD for the property in correspondence dated November 15, 2021, pending approval of an ordinance by the City.
- He stated that TCE is the main pollutant of concern.
- Groundwater sampling since 1995 has demonstrated plume stability.
- Surface and water samples from Holliday Creek have been collected since 2014 and show no detections requiring action.
- No registered water wells within 0.535 miles of the property and the wells in that direction show no detectable TCE concentrations in the groundwater.
- Finally, he explained why citizens received a letter.

Question (Q) and answer (A) session

Pertinent questions from Mr. Morris Key (Key Associates – Fort Worth, TX)

- Q: What is the gradient of the soil?
A: The gradient of the soil is to the southeast as indicated by the TCE plume map.
- Q: How many environmental firms have been involved in this project?
A: Five, since 2010 EnSafe has had the site.
- Q: Will data be available to the public?
A: The data is available to the public for viewing from 8:00 am to 5:00 pm. A Public Information request can also be made.
- Q: How many well have been drilled?
A: 29 wells have been drilled.
- Q: Does TCE penetrate shale?
A: No, the TCE does not penetrate the shale layer.
- Q: Does this affect my property values?
A: No, the TCE plume does not leave the property. Therefore, the MSD will not affect your property values.

- Q: Is Magic Aire planning on expanding?

A: Don't know. The MSD will make it easier to obtain loans if Magic Aire is planning on expanding.

Dismissal

After the presentations were made and questions and answers portion of the meeting were completed, Mr. Begley brought the proceedings to a close.



Scientists Engineers Technologists

via email

on

Friday, 30 December 2022

December 27, 2022

Mr. Drew Begley
Environmental Coordinator
City of Wichita Falls
Public Works Department
1300 7th Street
Wichita Falls, Texas 76307

In re objection to: City of Wichita Falls Municipal Setting Designation
Application
United Electric Company — Magic Aire Division Facility
501 Galveston Street — Wichita Falls, Texas

Dear Mr. Begley:

I am writing this letter on behalf of Billy Charles Stewart, colleague and friend, in response to his request to assist him in expressing concern about the possible impact on him and others of the Municipal Setting Designation (MSD) application by United Electric Company (United). In short, this letter is to advise you that Bill objects to the granting of the MSD to United.

Bill opines that insufficient evaluation has been done to assess pollutant impact on adjacent properties up-gradient from United, such properties including the Stewart Family property, 1006-1014 California Street, and other adjacent properties up-gradient from the contaminant-plume. Bill's primary concern relates both to personal experience with health issues and to the resale value of his family's property.

Review and discussion with Bill of the Ensafe, Inc. database information related to United's MSD application causes him to conclude that insufficient information is provided to indicate how his property has been impacted by United's use of halocarbons over the years. Mr. Stewart asserts that United's operations have both contaminated his property and have been contributory to the deaths by cancer of both his mother Hazel and his younger brother Jody. Furthermore, Bill opines that lung issues he has result from his long exposure over time to vapors from United Electric's operations.

As is inherent within the text of Wichita Falls City Code dealing with Municipal Settings Designations (MSDs) (<https://ecode360.com/WI6513>) the purpose of the MSD is to protect drinking water users from groundwater pollution caused by the applicant, while allowing the applicant to continue/expand operations, thus increasing its economic value to the company and to the City. In effect, Mr. Stewart believes the MSD to be an instrument that essentially exonerates an environmental offender, allowing said offender to leave its contamination in place and continue/expand its operations without cleanup, and without complete assessment of damages to adjacent properties.

Mr. Stewart thus requests that, prior to granting the MSD to United that up gradient assessment of his and surrounding properties be done to assuage concerns about airborne and/or waterborne halocarbon contamination damage to adjacent properties. Mr. Stewart's life experience over the period mid-80s to mid-90s indicates that such operations have contaminated a relict water well on the Stewart property, as well as having contributed to injury and death to certain of his family members.

Please advise if there is anything further that Bill Stewart or I, as his environmental consultant, need to do to formalize his objection to the issuance of the MSD to United Electric.

Submitted by,
KeyAssociates

(original signed by Morris Key)

Morris Key, PhD
Principal Consultant

CITY COUNCIL AGENDA
February 7, 2023

ITEM/SUBJECT: Ordinance authorizing the acceptance of Deed Restrictions prohibiting the use of designated groundwater from beneath the property located at 501 Galveston, Wichita Falls, Texas, 76301, to facilitate certification of a Municipal Setting Designation (MSD) of said property by the Texas Commission on Environmental Quality (TCEQ) pursuant to the Texas Solid Waste Disposal Act; and providing for an effective date of this Ordinance.

INITIATING DEPT: Public Works

STRATEGIC GOAL: Accelerate Economic Growth

STRATEGIC OBJECTIVE: Revitalize Depressed and Declining Neighborhoods

COMMENTARY: Per Ordinance 106 Article XI, the City must enact an ordinance prohibiting the potable use of designated groundwater from beneath the MSD area. The ordinance must include a metes and bounds description of the MSD area to which the ordinance applies; a listing of the contaminants; and a statement that the ordinance is necessary because the contaminant concentrations exceed TCEQ potable water standards. The ordinance will apply to the property and the use of the groundwater within the MSD may be enforced by the City.

Approval of this ordinance will allow the property owner to proceed forward in securing an MDS designation from TCEQ which, in turn, will allow for redevelopment of the site.

Therefore, since the property owner has met all the requirements to qualify for the MSD, Staff recommends approval of the Ordinance eliminating the use of groundwater on the site for portable purposes.

☒ Director, Public Works Director

ASSOCIATED INFORMATION: Ordinance, Exhibit "A", Exhibit "B"

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Ordinance No. _____

Ordinance authorizing the acceptance of Deed Restrictions prohibiting the use of designated groundwater from beneath the property located at 501 Galveston, Wichita Falls, Texas, 76301, to facilitate certification of a Municipal Setting Designation (MSD) of said property by the Texas Commission on Environmental Quality (TCEQ) pursuant to the Texas Solid Waste Disposal Act; and providing for an effective date of this Ordinance

WHEREAS, Chapter 361, Subchapter W of the Texas Solid Waste Disposal Act (the “MSD legislation”) authorizes the TCEQ to certify Municipal Setting Designations for properties upon receipt and approval of a properly submitted application to TCEQ; and

WHEREAS, the Texas legislature, in enacting the MSD legislation, found that an action by a municipality to restrict access to or the use of groundwater in support of or to facilitate a Municipal Setting Designation advances a substantial and legitimate state interest; and

WHEREAS, as a part of the application process for a Municipal Setting Designation, the applicant is required to provide documentation that the property for which designation is sought is subject to an ordinance that prohibits the use of designated groundwater from beneath the property as potable water and that appropriately restricts other uses of and contact with that groundwater; and

WHEREAS, United Electric - Magic Aire (hereinafter, “applicant”) has submitted an application for certification of a Municipal Setting Designation for the property whose street address is 501 Galveston, Wichita Falls, Texas 76301, the legal description of which is set forth in Exhibit “A” attached hereto and made a part hereof (the “MSD property”), said property being located within the city limits of the City of Wichita Falls; and

WHEREAS, applicant has certified to the City of Wichita Falls that:

(1) The purpose of such application is to assist applicant in obtaining from TCEQ documents demonstrating TCEQ’s determination, after completion of any remedial requirements and appropriate review by TCEQ, that no further environmental cleanup or restoration is required by TCEQ with respect to the MSD property (“TCEQ closure documentation”);

(2) As a part of such application, applicant has submitted a statement regarding the type of known contamination in the groundwater beneath the MSD property and has identified that shallow groundwater (less than 50 feet below ground surface) (“designated groundwater”) contains chemicals of concern above Tier 1 groundwater ingestion protective concentration levels as stated in 30 Texas Administrative Code Chapter 350 (“Texas Risk Reduction Program” or “TRRP”);

(3) The designated property has two (2) chemicals of concern in the groundwater above the TCEQ and Environmental Protection Agency regulatory limits that include trichloroethylene (TCE) and tetrachloroethene (PCE) and TCE/PCE daughter products including cis-1,2dichloroethene (cis-1,2-DCE), trans-1,2-dichloroethene (trans-1,2-DCE), and vinyl chloride (VC). TCE is the primary chemical of concern in groundwater with the daughter products being the result of breakdown of the TCE/PCE over time. The affected soil and groundwater are fully contained within the Designated Property boundaries.

(4) Notice of the application for this ordinance was published in a newspaper of general circulation in the community, as set forth in and as evidenced by Exhibit B, attached hereto and made a part hereof; and

(5) A public meeting was held at 6:00 p.m. on Thursday, December 1, 2022 at the City Council Chamber Conference Room, 1300 7th Street, Wichita Falls, Texas 76301, wherein interested parties were afforded the opportunity to ask questions and to voice issues or concerns to the applicant; and

WHEREAS, the executive director of TCEQ has determined, pursuant to Section 361.807(c) of the MSD Legislation, that the applicant has submitted a complete application, excepting only the ordinance being herein considered, and has issued a letter to the applicant stating that a Municipal Setting Designation will be certified for the MSD property on submission of a copy of this ordinance after approval by the City Council; and

WHEREAS, applicant has continuing obligations to satisfy Section 361.808 of the MSD legislation and applicable TCEQ regulations concerning groundwater contamination investigation and response actions; and

WHEREAS, all information requested by representatives of the City of Wichita Falls has been furnished to such representatives by applicant, and the City representatives have reviewed such information and applicant has satisfied all requirements imposed upon applicant by the City of Wichita Falls; and

WHEREAS, applicant strongly desires to secure a Municipal Setting Designation for the MSD property, as well as TCEQ closure documentation, and has requested the City of Wichita Falls to facilitate said objectives through passage of this ordinance pertaining to deed restrictions prohibiting the use of designated groundwater from beneath the MSD property; and

WHEREAS, the City Council of the City of Wichita Falls is of the opinion that it is in the best interest of the public and the City to facilitate applicant's efforts to secure a Municipal Setting Designation and TCEQ closure documentation from the TCEQ by passage of the ordinance set forth hereinafter.

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

SECTION 1. That all of the declarations and findings contained in the preambles of this ordinance are made a part hereof and shall be fully effective as a part of the ordained subject matter of this ordinance.

SECTION 2. That the City Council finds that it is in the best interest and welfare of the public to facilitate TCEQ's certification of a Municipal Setting Designation for the property whose street address is 501 Galveston, Wichita Falls, Texas 76301, the legal description of which is set forth in Exhibit "A" attached hereto and made a part hereof (the "MSD property"), as well as TCEQ closure documentation.

SECTION 3. That to facilitate TCEQ's certification of a Municipal Setting Designation for the MSD property and the issuance of closure documentation by TCEQ, applicant shall execute, deliver and file, no later than 10 days from the effective date hereof, in the official real property records of Wichita County, Texas, a deed restriction approved as to form by the City Attorney prohibiting the drilling of wells and the use of designated groundwater for any purpose, including but not limited to any potable purpose, and excepting only: (i) wells used as monitoring wells for the collection of groundwater samples for chemical or biological laboratory analysis; and (ii) wells used for the purpose of remediation of soil or groundwater contamination. The deed restriction shall also include that all underground construction material shall meet design requirements for the level and type of contamination in the soil and groundwater and material and construction method shall be approved by a licensed professional engineer in the State of Texas; and all contaminated soil or groundwater removed from the designated site shall be disposed of properly.

SECTION 4. That a file-stamped copy of said deed restriction shall be delivered to the City Attorney within three business days after the date of filing. The deed restriction shall run with the land and be binding on and enforceable as to any and all subsequent owners of the MSD property. The deed restriction shall be enforceable by the City of Wichita Falls and may be amended or terminated only with the prior written consent of the City of Wichita Falls after at least 30 days prior written notice to TCEQ of any pending amendment or termination.

SECTION 5. That failure to execute, record and deliver the deed restriction in accordance with this ordinance within the time limits set forth in Sections 3 and 4 hereof shall render this ordinance null and void, and of no further force or effect.

SECTION 6. That the applicant shall submit, upon receipt of the Municipal Setting Designation certificate from TCEQ respecting the MSD property, a true and correct copy of same to the Director of Public Works. The applicant shall also submit, upon receipt of TCEQ closure documentation from TCEQ respecting the MSD property, a true and correct copy of such documentation to the Director of Public Works.

SECTION 7. That failure of the applicant to diligently pursue and obtain from TCEQ, within 90 days from the effective date of this ordinance: (1) a Municipal Setting

Designation certificate for the MSD property; and (2) TCEQ closure documentation for the MSD property, shall render this ordinance voidable by the City Council following 30 days advance written notice to TCEQ and the applicant.

SECTION 8. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Wichita Falls, and it is accordingly so ordained.

PASSED AND APPROVED this, the 7th day of February 2023.

MAYOR

ATTEST:

City Clerk

Exhibit “A”

Legal Description

TRACT 1
FIELD NOTES

FIELD NOTES OF 38.76 ACRES OUT OF A PORTION OF BLOCKS 22, 31, 32, 37 AND 38, WITH THE ADJACENT CLOSED ALLEYS AND STREETS, JOSEPH A. KEMP'S SUBDIVISION AS RECORDED IN VOLUME 4, PAGE 26, WICHITA COUNTY PLAT RECORDS, ALL OF LOT 43, BLOCK 1, IRRIGATION SUBDIVISION AS RECORDED IN VOLUME 28, PAGE 50, WICHITA COUNTY PLAT RECORDS, A PORTION OF BLOCK 1, IRRIGATION SUBDIVISION OF THE JOHN SCOTT SURVEY No. 10, A-302 AND A PORTION OF BLOCK 3, KEMP AND NEWBY SUBDIVISION OF THE CHEROKEE COUNTY SCHOOL LAND, A-53, WICHITA FALLS, WICHITA COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found at an all corner of California Avenue at the Northwest corner of said Lot 43, for the most Westerly Northwest corner of this tract, from which a fence corner bears N 81° 08' 24" E 5.1 feet;

THENCE S 89° 45' 19" E, with the South line of California Avenue and the North line of said Lot 43, a distance of 97.43 feet to an iron rod found at a 3" pipe fence corner of an all corner of California Avenue and the Southwest corner of said Block 38, for an all corner of this tract;

THENCE with the East line of California Avenue as follows: N 00° 39' 37" E a distance of 162.89 feet to a mag nail found at an all corner of California Avenue and of this tract; S 89° 19' 44" E a distance of 25.02 feet to a pk nail found at an all corner of California Avenue and of this tract; and N 00° 45' 20" E a distance of 304.87 feet to an iron rod found at the intersection of the East line of California Avenue and the South line of Galveston Street, for the most Northerly Northwest corner of this tract;

THENCE with the South line of Galveston Street as follows: N 83° 58' 42" E a distance of 25.07 feet to an iron rod found for an angle corner of this tract; N 77° 12' 32" E a distance of 51.38 feet to an iron rod found at the beginning of a curve to the left having a radius of 500.00 feet; Northeasterly with said curve to the left an arc distance of 165.03 feet (Chord = N 68° 18' 01" E - 164.34 feet) to an iron rod found at the end of said curve to the left; N 58° 03' 49" E a distance of 58.17 feet to an iron rod found for an angle corner of this tract; and N 52° 42' 59" E a distance of 63.49 feet to an iron rod found in the West line of a tract of land conveyed to Soil Compaction Properties, LLC by deed recorded in Volume 2713, Page 541, Official Public Records of Wichita County, for the most Northerly Northeast corner of this tract;

THENCE S 00° 05' 37" E, with the West line of said Soil Compaction Properties, LLC tract, at 53.0 feet pass a fence line and continuing on the same course a total distance of 67.87 feet to a mag nail found for an all corner of said Soil Compaction Properties, LLC tract and of this tract;

THENCE S 88° 58' 42" E, with the South line of said Soil Compaction Properties, LLC tract, at 13.6 feet pass a fence line and continuing on the same course a total distance of 29.05 feet to an iron rod found for an all corner of said Soil Compaction Properties, LLC tract and of this tract;

THENCE S 00° 37' 39" W, with the West line of said Soil Compaction Properties, LLC tract, a distance of 43.01 feet to an iron rod found for an all corner of said Soil Compaction Properties, LLC tract and of this tract, from which a fence corner bears S 87° 06' 24" W 15.3 feet;

THENCE S 88° 20' 42" E, with the South line of said Soil Compaction Properties, LLC tract, a distance of 129.84 feet to an iron rod found for an all corner of said Soil Compaction Properties, LLC tract and of this tract, from which a fence corner bears N 55° 50' 04" E 1.1 feet;

THENCE S 00° 45' 52" W, with the West line of said Soil Compaction Properties, LLC tract, a distance of 178.97 feet to an iron rod found for an all corner of said Soil Compaction Properties, LLC tract and of this tract, from which a fence corner bears S 45° 37' 24" W 2.5 feet;

THENCE S 88° 14' 10" E, with the South line of said Soil Compaction Properties, LLC tract, a distance of 280.19 feet to an iron rod found at the Southeast corner of said Soil Compaction Properties, LLC tract and in the West line of a tract of land conveyed to 703 Real Estate LLC and 2506 Real Estate LLC by deed recorded in Volume 3605, Page 778 Official Public Records of Wichita County, for an all corner of this tract, from which a fence corner bears S 78° 01' 28" W 2.0 feet;

THENCE S 00° 43' 27" W, with the West line of said 703 Real Estate LLC and 2506 Real Estate LLC tract, at 166.1 feet pass a fence corner 3.2 feet West and continuing on the same course a total distance of 318.21 feet to an iron rod found at the Southwest corner of said 703 Real Estate LLC and 2506 Real Estate LLC tract and being an all corner of this tract;

THENCE S 88° 43' 25" E, with the South line of said 703 Real Estate LLC and 2506 Real Estate LLC tract, the South line of Denison Avenue and the South line of a tract of land conveyed to the City of Wichita Falls by deed recorded in Volume 1416, Page 740, Wichita County Deed Records, a distance of 803.65 feet to a K in concrete at a power pole in the West line of Holiday Creek, for the most Easterly Northeast corner of this tract;

THENCE with the West line of Holiday Creek as follows: S 34° 51' 57" W a distance of 701.53 feet to an iron rod found for an angle corner of this tract; S 34° 52' 52" W a distance of 52.50 feet to an iron rod found at the beginning of a curve to the left having a radius of 1562.44 feet; Southwesterly with said curve to the left an arc distance of 49.79 feet (Chord = S 33° 53' 53" W - 49.79 feet) to an iron rod found at the end of said curve to the left and at the beginning of a second curve to the left having a radius of 1562.44 feet; Southwesterly with said second curve to the left an arc distance of 245.02 feet (Chord = S 25° 30' 14" W - 244.77 feet) to an iron rod found at the end second curve to the left; S 24° 10' 12" W a distance of 45.53 feet to an iron rod found at the beginning of a curve to the right having a radius of 1302.40 feet; Southwesterly with said curve to the right an arc distance of 60.23 feet (Chord = S 25° 48' 00" W - 60.24 feet) to an iron rod found at Northwest corner of a tract of land conveyed to Onco Electric Delivery Co. by deed recorded in Volume 2315, Page 120, Official Public Records of Wichita County, for the Southeast corner of this tract;

THENCE N 88° 37' 55" W, with the North line of said Onco Electric Delivery Co. tract, at 1066.33 feet pass a North/South fence line and continuing on the same course a total distance of 1068.43 feet to an iron rod found at the Northwest corner of said Onco Electric Delivery Co. tract and in the East line of California Avenue, for the Southwest corner of this tract, from which a 14" Wooden fence corner bears S 09° 58' 17" E 11.4 feet;

THENCE with the East line of California Avenue as follows: N 00° 22' 28" E a distance of 378.00 feet to an iron rod found in the South line of a 50.0 Texas Utilities Easement as recorded in Volume 1120, Page 342, Wichita County Deed Records, for an angle corner of this tract; N 00° 18' 42" E a distance of 50.01 feet to an iron rod found in the North line of said 50.0 foot Texas Utilities Easement, for an angle corner of this tract; N 00° 27' 35" E a distance of 207.07 feet to an iron rod found in the South line of a second Texas Utilities Easement as recorded in Volume 1932, Page 744, Official Public Records of Wichita County, for an angle corner of this tract; N 00° 20' 49" E a distance of 59.93 feet to an iron rod set at a broken concrete monument at the Southwest corner of said Lot 43, for an angle corner of this tract; and N 00° 23' 05" E a distance of 295.10 feet to the PLACE of BEGINNING and containing 38.76 acres of land.

TRACT 2
FIELD NOTES

FIELD NOTES OF 23.71 ACRES BEING ALL OF BLOCKS 6, 17, 18, AND 28, SOUTHSIDE ACRES SUBDIVISION AS RECORDED IN VOLUME 5, PAGE 46, WICHITA COUNTY PLAT RECORDS, A PORTION OF BLOCK 9, KEMP AND NEWMY SUBDIVISION OF THE CHEROKEE COUNTY SCHOOL LAND, A-33, WICHITA FALLS, WICHITA COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found at the intersection of the South line of Windows Lane and the West line of an Unnamed Street being at the Northeast corner of said Block 6, for the Northeast corner of this tract;

THENCE S 00° 05' 36" W, with the East line of said Blocks 6, 17, 17 and 28 and the West line of Unnamed Street, a distance of 1176.98 feet to an iron rod at the Southeast corner of said Block 28 and the Northeast corner of a tract of land conveyed to Cabrera Alejandro and Maria E. Ramirez by deed recorded in Volume 3806, Page 356, Official Public Records of Wichita County, for the most Easterly Southeast corner of this tract;

THENCE N 89° 57' 24" W, with the South line of said Block 28 and the North line of said Alejandro/Ramirez tract, a distance of 344.34 feet to an iron rod found at the Southwest corner of said Block 28 and the Northeast corner of Alejandro/Ramirez tract, for an all corner of this tract;

THENCE S 00° 56' 49" W, with the West line of said Alejandro/Ramirez tract and the West line of a tract of land conveyed to Mary T. Rhyard by deed recorded in Document #20193898, Official Public Records of Wichita County, a distance of 468.35 feet to an iron rod found at the Northeast corner of a tract of land conveyed to Kenneth M. Weiss by deed recorded in Volume 3311, Page 733, Official Public Records of Wichita County, for the most Southerly Southeast corner of this tract;

THENCE N 89° 38' 48" W, with the North line of said Weiss tract, of 411.6 feet pass fence corner and continuing on the same course a total distance of 437.01 feet to an iron rod found in the East line of a tract of land conveyed to Onco Electric Delivery Co. by deed recorded in Volume 2315, Page 126, Official Public Records of Wichita County and at the Northwest corner of said Weiss tract, for the most Southerly Southwest corner of this tract;

THENCE with the East line of said Onco Electric Delivery Co. tract as follows: N 00° 42' 04" E a distance of 859.89 feet to an iron rod found at an all corner of this tract; N 89° 29' 08" E a distance of 50.12 feet to an iron rod found at an all corner of this tract; N 00° 24' 23" E a distance of 150.02 feet to an iron rod found at an all corner of this tract; S 89° 32' 25" W a distance of 105.04 feet to an iron rod found in the East line of Holiday Creek and being at the most Northerly Northwest corner of said Onco Electric Delivery Co. tract, for the most Westerly Southwest corner of this tract;

THENCE with the East line of Holiday Creek as follows: N 23° 51' 04" E a distance of 20.28 feet to an iron rod found at the beginning of a curve to the right having a radius of 1302.44 feet; Northeasterly with said curve to the right an arc distance of 345.80 feet (Chord = N 29° 27' 27" E - 245.43 feet) to an iron rod found at the end of said curve to the right; and N 34° 50' 40" E a distance of 634.58 feet to an iron rod found at an angle corner of a tract of land conveyed to Regens Neimeyer and Tommy Neimeyer by deed recorded in Volume 1911, Page 742, Official Public Records of Wichita County, for the Northwest corner of this tract;

THENCE S 00° 06' 14" W, with the West line of said Neimeyer tract, a distance of 80.53 feet to an iron rod found in the North line of Windows Lane at the Southwest corner of said Neimeyer tract, for an angle corner of this tract, from which a fence corner bears N 56° 37' 57" E 0.99 feet;

THENCE S 00° 10' 44" W, with the West line of Windows Lane, a distance of 40.01 feet to an iron rod found in the South line of Windows Lane at the Northeast corner of said Block 6, for an all corner of this tract;

THENCE N 89° 56' 25" E, with the South line of Windows Lane and the North line of said Block 6, a distance of 343.14 feet to the PLACE of BEGINNING and containing 23.71 acres of land.

TRACT 3
FIELD NOTES

FIELD NOTES OF 2.20 ACRES BEING ALL OF BLOCK 7, SOUTHSIDE ACRES SUBDIVISION AS RECORDED IN VOLUME 5, PAGE 46, WICHITA COUNTY PLAT RECORDS, WICHITA FALLS, WICHITA COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found in the South line of Windows Lane at the Northeast corner of said Block 7 and at the Northwest corner of a tract of land conveyed to Regens Neimeyer and Tommy Neimeyer by deed recorded in Volume 2525, Page 844, Official Public Records of Wichita County, for the Northeast corner of this tract, from which a fence corner bears N 30° 38' 34" W 16.9 feet;

THENCE S 00° 08' 42" W, with the East line of said Block 7 and the West line of said Neimeyer tract, a distance of 279.61 feet to an iron rod found at the Southeast corner of said Block 7, the Southwest corner of said Neimeyer tract and at the most Northerly Northeast corner of a tract of land conveyed to Mary T. Rhyard by deed recorded in Document #20193898, Official Public Records of Wichita County, for the Southeast corner of this tract, from which a fence corner bears S 49° 47' 59" W 4.1 feet;

THENCE S 89° 59' 04" W, with the South line of said Block 7 and the North line of said Rhyard tract, of 57.3 feet pass a fence line and continuing on the same course a total distance of 342.93 feet to an iron rod found in the East line of an Unnamed Street at the Southwest corner of said Block 7 and the Northwest corner of said Rhyard tract, for the Southwest corner of this tract, from which a fence corner bears N 33° 00' 57" W 7.5 feet;

THENCE N 00° 10' 16" E, with the West line of said Block 7 and the East line of Unnamed Street, of 6.3 feet pass a fence line and continuing on the same course a total distance of 279.29 feet to an iron rod found at the intersection of the East line of an Unnamed Street and the South line of Windows Lane at the Northwest corner of said Block 7, for the Northwest corner of this tract;

THENCE N 89° 55' 51" E, with the North line of said Block 7 and the South line of Windows Lane, a distance of 342.80 feet to the PLACE of BEGINNING and containing 2.20 acres of land.

CITY COUNCIL AGENDA
February 7, 2023

ITEM/SUBJECT: Resolution in support of the application of United Electric - Magic Aire to the Texas Commission on Environmental Quality (TCEQ) for a Municipal Setting Designation at 501 Galveston, Wichita Falls, Texas.

INITIATING DEPT: Public Works

STRATEGIC GOAL: Accelerate Economic Growth

STRATEGIC OBJECTIVE: Revitalize Depressed and Declining Neighborhoods

COMMENTARY: Per Ordinance 106 Article XI, the City must adopt a resolution supporting the MSD application to be presented to TCEQ as part of the formal approval process.

Approval of this resolution will allow the property owner to proceed forward with securing an MSD from the TCEQ, which will allow for redevelopment of the site.

Therefore, since United Electric - Magic Aire has met all the requirements to qualify for the MSD, Staff recommends approval of the Resolution supporting the application to TCEQ for the MSD.

☒ Director, Public Works Director

ASSOCIATED INFORMATION: Resolution, Exhibit "A" Legal Description

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Resolution No. _____

Resolution in support of the application of United Electric - Magic Aire to the Texas Commission on Environmental Quality (TCEQ) for a Municipal Setting Designation at 501 Galveston, Wichita Falls, Texas

WHEREAS, Chapter 361, Subchapter W, of the Texas Solid Waste Disposal Act authorizes the Texas Commission on Environmental Quality (TCEQ) to certify Municipal Setting Designations for properties upon receipt and approval of a properly submitted application to TCEQ; and

WHEREAS, as a part of the application to TCEQ for a Municipal Setting Designation, the applicant is required to provide documentation that the application is supported by: (1) the city council of the municipality in which the Site is located, (2) the city council of each municipality with a boundary located not more than one-half mile from the Site, (3) the city council of each municipality that owns or operates a groundwater supply well located not more than five miles from the Site, and (4) the governing body of each retail public utility, as defined by section 13.002, Texas Water Code, that owns or operates a groundwater supply well located not more than five miles from the Site; and

WHEREAS, United Electric - Magic Aire (Applicant) has filed an application with the City of Wichita Falls, Texas, for the City's support of a Municipal Setting Designation for the property located at 501 Galveston, Wichita Falls, Texas, which is more fully described in the metes and bounds description attached hereto as Exhibit "A" (Site); and

WHEREAS, the City of Wichita Falls owns and operates a public drinking water system supplied entirely through the City of Wichita Falls surface water treatment plants, and currently does not use or operate groundwater wells for the supply of public drinking water; and

WHEREAS, following the adoption of resolutions by the City of Wichita Falls, Applicant will submit to TCEQ an application for certification of a Municipal Setting Designation for the Site pursuant to Texas Health and Safety Code, Chapter 361, Subchapter W; and

WHEREAS, the City of Wichita Falls approved Applicant's application and adopted a Municipal Setting Designation ordinance for the MSD Site on February 7, 2023.

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

SECTION 1.

The City of Wichita Falls recognizes the need for and supports the Applicant's application to TCEQ for the certification of a Municipal Setting Designation for the Site.

PASSED AND APPROVED this, the 7th day of February 2023

ATTEST:

MAYOR

City Clerk

Exhibit “A”

Legal Description

TRACT 1
FIELD NOTES

FIELD NOTES OF 38.76 ACRES OUT OF A PORTION OF BLOCKS 22, 31, 32, 37 AND 38, WITH THE ADJACENT CLOSED ALLEYS AND STREETS, JOSEPH A. KEMP'S SUBDIVISION AS RECORDED IN VOLUME A, PAGE 20, WICHITA COUNTY PLAT RECORDS, ALL OF LOT 43, BLOCK 1, IRRIGATION SUBDIVISION AS RECORDED IN VOLUME 28, PAGE 30, WICHITA COUNTY PLAT RECORDS, A PORTION OF BLOCK 1, IRRIGATION SUBDIVISION OF THE JOHN SCOTT SURVEY No. 10, 4-302 AND A PORTION OF BLOCK 9, KEMP AND MEYER SUBDIVISION OF THE GEORGE COUNTY SCHOOL LAND, A-33, WICHITA FALLS, WICHITA COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found at an all corner of California Avenue at the Northwest corner of said Lot 43, for the most Westerly Northwest corner of this tract, from which a fence corner bears N 81° 08' 24" E 5.1 feet;

THENCE S 89° 45' 18" E, with the South line of California Avenue and the North line of said Lot 43, a distance of 97.43 feet to an iron rod found at a 3" pipe fence corner at an all corner of California Avenue and the Southwest corner of said Block 38, for an all corner of this tract;

THENCE with the East line of California Avenue as follows: N 00° 39' 37" E a distance of 163.95 feet to a mag nail found at an all corner of California Avenue and of this tract; S 89° 19' 44" E a distance of 25.02 feet to a pipe nail found at an all corner of California Avenue and of this tract; and N 00° 45' 20" E a distance of 304.87 feet to an iron rod found at the intersection of the East line of California Avenue and the South line of Galveston Street, for the most Northerly Northwest corner of this tract;

THENCE with the South line of Galveston Street as follows: N 83° 58' 42" E a distance of 35.07 feet to an iron rod found for an angle corner of this tract; N 77° 12' 32" E a distance of 64.38 feet to an iron rod found at the beginning of a curve to the left having a radius of 525.00 feet; Northeasterly with said curve to the left an arc distance of 165.03 feet (Chord = N 69° 18' 01" E - 164.34 feet) to an iron rod found at the end of said curve to the left; N 58° 03' 49" E a distance of 55.17 feet to an iron rod found at an angle corner of this tract; and N 52° 42' 09" E a distance of 63.49 feet to an iron rod found in the West line of a tract of land conveyed to Soil Compaction Properties, LLC by deed recorded in Volume 2713, Page 541, Official Public Records of Wichita County, for the most Northerly Northeast corner of this tract;

THENCE S 00° 05' 37" E, with the West line of said Soil Compaction Properties, LLC tract, at 53.0 feet pass a fence line and continuing on the same course a total distance of 57.87 feet to a mag nail found for an all corner of said Soil Compaction Properties, LLC tract and of this tract;

THENCE S 88° 58' 42" E, with the South line of said Soil Compaction Properties, LLC tract, at 13.5 feet pass a fence line and continuing on the same course a total distance of 29.05 feet to an iron rod found for an all corner of said Soil Compaction Properties, LLC tract and of this tract;

THENCE S 00° 37' 39" W, with the West line of said Soil Compaction Properties, LLC tract, a distance of 43.05 feet to an iron rod found for an all corner of said Soil Compaction Properties, LLC tract and of this tract, from which a fence corner bears S 87° 06' 34" W 15.3 feet;

THENCE S 88° 20' 42" E, with the South line of said Soil Compaction Properties, LLC tract, a distance of 129.84 feet to an iron rod found for an all corner of said Soil Compaction Properties, LLC tract and of this tract, from which a fence corner bears N 55° 50' 04" E 1.1 feet;

THENCE S 00° 45' 52" W, with the West line of said Soil Compaction Properties, LLC tract, a distance of 175.97 feet to an iron rod found for an all corner of said Soil Compaction Properties, LLC tract and of this tract, from which a fence corner bears S 45° 27' 24" W 2.5 feet;

THENCE S 88° 14' 10" E, with the South line of said Soil Compaction Properties, LLC tract, a distance of 280.19 feet to an iron rod found at the Southeast corner of said Soil Compaction Properties, LLC tract and in the West line of a tract of land conveyed to 703 Real Estate LLC and 2506 Real Estate LLC by deed recorded in Volume 3605, Page 779 Official Public Records of Wichita County, for an all corner of this tract, from which a fence corner bears S 78° 01' 26" W 2.0 feet;

THENCE S 00° 43' 27" W, with the West line of said 703 Real Estate LLC and 2506 Real Estate LLC tract, at 166.1 feet pass a fence corner 3.2 feet West and continuing on the same course a total distance of 316.21 feet to an iron rod found at the Southeast corner of said 703 Real Estate LLC and 2506 Real Estate LLC tract and being an all corner of this tract;

THENCE S 88° 43' 25" E, with the South line of said 703 Real Estate LLC and 2506 Real Estate LLC tract, the South line of Denison Avenue and the South line of a tract of land conveyed to the City of Wichita Falls by deed recorded in Volume 1416, Page 740, Wichita County Deed Records, a distance of 803.65 feet to a K in concrete at a power pole in the West line of Holiday Creek, for the most Easterly Northeast corner of this tract;

THENCE with the West line of Holiday Creek as follows: S 34° 51' 57" W a distance of 701.63 feet to an iron rod found for an angle corner of this tract; S 34° 52' 52" W a distance of 52.50 feet to an iron rod found at the beginning of a curve to the left having a radius of 1562.44 feet; Southwesterly with said curve to the left an arc distance of 48.79 feet (Chord = S 33° 53' 53" W = 48.79 feet) to an iron rod found at the end of said curve to the left and at the beginning of a second curve to the left having a radius of 1362.44 feet; Southwesterly with said second curve to the left an arc distance of 345.02 feet (Chord = S 28° 30' 14" W = 244.77 feet) to an iron rod found at the end and second curve to the left; S 24° 10' 12" W a distance of 45.53 feet to an iron rod found at the beginning of a curve to the right having a radius of 1302.40 feet; Southwesterly with said curve to the right an arc distance of 80.25 feet (Chord = S 25° 48' 00" W = 80.24 feet) to an iron rod found at Northeast corner of a tract of land conveyed to Oncor Electric Delivery Co. by deed recorded in Volume 2315, Page 126, Official Public Records of Wichita County, for the Southeast corner of this tract;

THENCE N 89° 37' 55" W, with the North line of said Oncor Electric Delivery Co. tract, at 1066.33 feet pass a North/South fence line and continuing on the same course a total distance of 1066.43 feet to an iron rod found at the Northwest corner of said Oncor Electric Delivery Co. tract and in the East line of California Avenue, for the Southwest corner of this tract, from which a 14" wooden fence corner bears S 09° 59' 17" E 11.4 feet;

THENCE with the East line of California Avenue as follows: N 00° 22' 28" E a distance of 378.00 feet to an iron rod found in the South line of a 50.0 Texas Utilities Easement as recorded in Volume 1120, Page 343, Wichita County Deed Records, for an angle corner of this tract; N 00° 18' 42" E a distance of 50.01 feet to an iron rod found in the North line of said 50.0 foot Texas Utilities Easement, for an angle corner of this tract; N 00° 27' 30" E a distance of 207.07 feet to an iron rod found in the South line of a second Texas Utilities Easement as recorded in Volume 1832, Page 744, Official Public Records of Wichita County, for an angle corner of this tract; N 00° 20' 49" E a distance of 99.93 feet to an iron rod set at a broken concrete monument at the Southwest corner of said Lot 43, for an angle corner of this tract; and N 00° 23' 05" E a distance of 395.10 feet to the PLACE of BEGINNING and containing 38.76 acres of land.

TRACT 2
FIELD NOTES

FIELD NOTES OF 23.71 ACRES BEING ALL OF BLOCKS 6, 17, 18, AND 28, SOUTHSIDE ACRES SUBDIVISION AS RECORDED IN VOLUME 5, PAGE 48, WICHITA COUNTY PLAT RECORDS, A PORTION OF BLOCK 9, KEMP AND NEWBY SUBDIVISION OF THE CHEROKEE COUNTY SCHOOL LAND, A-33, WICHITA FALLS, WICHITA COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found at the intersection of the South line of Windows Lane and the West line of an Unnamed Street being at the Northeast corner of said Block 6, for the Northeast corner of this tract;

THENCE S 00° 05' 36" W, with the East line of said Blocks 6, 17, 17 and 28 and the West line of Unnamed Street, a distance of 1176.95 feet to an iron rod at the Southeast corner of said Block 28 and the Northeast corner of a tract of land conveyed to Cabrera Alejandro and Maria E. Ramirez by deed recorded in Volume 3806, Page 356, Official Public Records of Wichita County, for the most Easterly Southeast corner of this tract;

THENCE N 89° 57' 24" W, with the South line of said Block 28 and the North line of said Alejandro/Ramirez tract, a distance of 344.34 feet to an iron rod found at the Southwest corner of said Block 28 and the Northwest corner of Alejandro/Ramirez tract, for an ell corner of this tract;

THENCE S 00° 56' 49" W, with the West line of said Alejandro/Ramirez tract and the West line of a tract of land conveyed to Mary T. Rivard by deed recorded in Document #20193898, Official Public Records of Wichita County, a distance of 468.35 feet to an iron rod found at the Northeast corner of a tract of land conveyed to Kenneth M. Weiss by deed recorded in Volume 3311, Page 733, Official Public Records of Wichita County, for the most Southerly Southeast corner of this tract;

THENCE N 89° 38' 48" W, with the North line of said Weiss tract, at 411.6 feet pass fence corner and continuing on the same course a total distance of 437.01 feet to an iron rod found in the East line of a tract of land conveyed to Oncor Electric Delivery Co. by deed recorded in Volume 2315, Page 128, Official Public Records of Wichita County and at the Northwest corner of said Weiss tract, for the most Southerly Southwest corner of this tract;

THENCE with the East line of said Oncor Electric Delivery Co. tract as follows: N 00° 42' 04" E a distance of 859.89 feet to an iron rod found at an ell corner of this tract; N 89° 29' 08" E a distance of 50.12 feet to an iron rod found at an ell corner of this tract; N 00° 24' 23" E a distance of 150.02 feet to an iron rod found at an ell corner of this tract; S 89° 32' 25" W a distance of 105.04 feet to an iron rod found in the East line of Holiday Creek and being at the most Northerly Northwest corner of said Oncor Electric Delivery Co. tract, for the most Westerly Southwest corner of this tract;

THENCE with the East line of Holiday Creek as follows: N 23° 51' 04" E a distance of 20.26 feet to an iron rod found at the beginning of a curve to the right having a radius of 1352.44 feet; Northeasterly with said curve to the right an arc distance of 345.80 feet (Chord = N 29° 27' 27" E - 245.43 feet) to an iron rod found at the end of said curve to the right; and N 34° 50' 40" E a distance of 634.58 feet to an iron rod found at an angle corner of a tract of land conveyed to Regens Neimeyer and Tammy Neimeyer by deed recorded in Volume 1911, Page 742, Official Public Records of Wichita County, for the Northwest corner of this tract;

THENCE S 00° 05' 14" W, with the West line of said Neimeyer tract, a distance of 80.53 feet to an iron rod found in the North line of Windows Lane at the Southwest corner of said Neimeyer tract, for an angle corner of this tract, from which a fence corner bears N 56° 37' 57" E 0.99 feet;

THENCE S 00° 10' 44" W, with the West line of Windows Lane, a distance of 40.01 feet to an iron rod found in the South line of Windows Lane at the Northeast corner of said Block 6, for an ell corner of this tract;

THENCE N 89° 58' 25" E, with the South line of Windows Lane and the North line of said Block 6, a distance of 343.14 feet to the PLACE of BEGINNING and containing 23.71 acres of land.

TRACT 3
FIELD NOTES

FIELD NOTES OF 2.20 ACRES BEING ALL OF BLOCK 7, SOUTHSIDE ACRES SUBDIVISION AS RECORDED IN VOLUME 5, PAGE 48, WICHITA COUNTY PLAT RECORDS, WICHITA FALLS, WICHITA COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

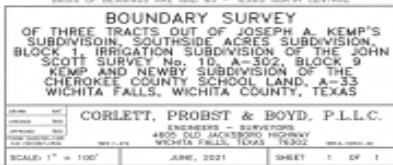
BEGINNING at an iron rod found in the South line of Windows Lane at the Northeast corner of said Block 7 and at the Northwest corner of a tract of land conveyed to Regens Neimeyer and Tammy Neimeyer by deed recorded in Volume 2526, Page 844, Official Public Records of Wichita County, for the Northeast corner of this tract, from which a fence corner bears N 30° 39' 34" W 16.9 feet;

THENCE S 00° 08' 42" W, with the East line of said Block 7 and the West line of said Neimeyer tract, a distance of 279.51 feet to an iron rod found at the Southeast corner of said Block 7, the Southwest corner of said Neimeyer tract and at the most Northerly Northwest corner of a tract of land conveyed to Mary T. Rivard by deed recorded in Document #20193898, Official Public Records of Wichita County, for the Southeast corner of this tract, from which a fence corner bears S 49° 47' 59" W 4.1 feet;

THENCE S 89° 59' 04" W, with the South line of said Block 7 and the North line of said Rivard tract, at 57.3 feet pass a fence line and continuing on the same course a total distance of 342.93 feet to an iron rod found in the East line of an Unnamed Street at the Southwest corner of said Block 7 and the Northwest corner of said Rivard tract, for the Southwest corner of this tract, from which a fence corner bears N 33° 00' 57" W 7.5 feet;

THENCE N 00° 10' 16" E, with the West line of said Block 7 and the East line of Unnamed Street, at 6.3 feet pass a fence line and continuing on the same course a total distance of 279.29 feet to an iron rod found at the intersection of the East line of an Unnamed Street and the South line of Windows Lane at the Northeast corner of said Block 7, for the Northeast corner of this tract;

THENCE N 89° 55' 51" E, with the North line of said Block 7 and the South line of Windows Lane, a distance of 342.80 feet to the PLACE of BEGINNING and containing 2.20 acres of land.



CITY COUNCIL AGENDA
February 7, 2023

ITEM/SUBJECT: Resolution authorizing the City Manager to award bid and contract for the 2023 Seal Coat Project to Freeman Paving, LLC in the amount of \$297,794.75.

INITIATING DEPT: Public Works

STRATEGIC GOAL: Provide Quality Infrastructure

STRATEGIC OBJECTIVE: n/a

COMMENTARY: On January 24, 2023, bids were opened for the 2023 Seal Coat Project. This project is generally described as the application of a seal coat surface treatment to various City streets and associated work. The Engineer's estimate for this project is \$290,000.00.

The bids received for this project are as follows:

<u>COMPANY</u>	<u>AMOUNT</u>
Freeman Paving, LLC – Vernon, TX	\$297,794.75
Ronald R. Wagner & Co., L.P. – Kendalia, TX	\$327,433.30

Construction of this project should require approximately 90 consecutive days to complete.

Freeman Paving, LLC has successfully completed similar projects for the City, and staff recommends award of the contract to Freeman Paving, LLC in the amount of \$297,794.75, based on unit price quantities.

☒ **Director, Public Works**

ASSOCIATED INFORMATION: Resolution , Bid Tab, Location Map

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Resolution No. _____

Resolution authorizing the City Manager to award bid and contract for the 2023 Seal Coat Project to Freeman Paving, LLC in the amount of \$297,794.75

WHEREAS, the City of Wichita Falls has advertised for bids for the 2023 Seal Coat Project; and,

WHEREAS, it is found that the lowest responsible bidder is Freeman Paving, LLC who made a unit price bid with an estimated total of \$297,794.75.

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

The unit price bid for the 2023 Seal Coat Project is awarded to Freeman Paving, LLC in an estimated total amount of \$297,794.75, and the City Manager is authorized to execute a contract for the City with said Contractor for the construction of such project.

PASSED AND APPROVED this the 7th day of February 2023.

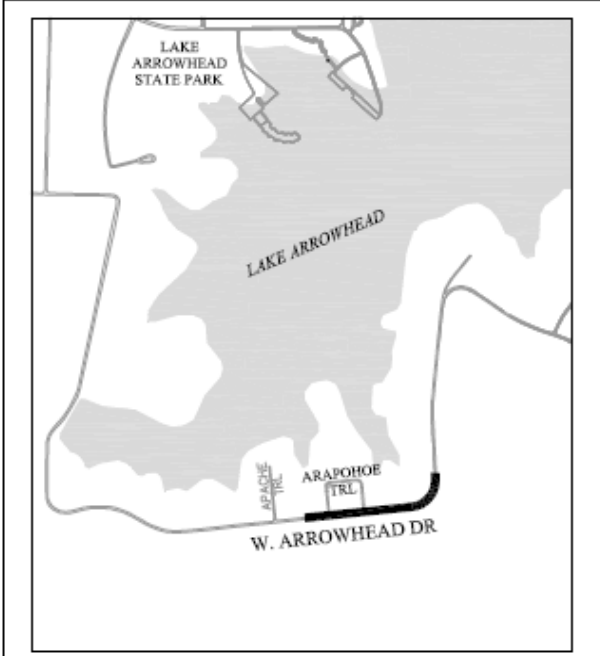
MAYOR

ATTEST:

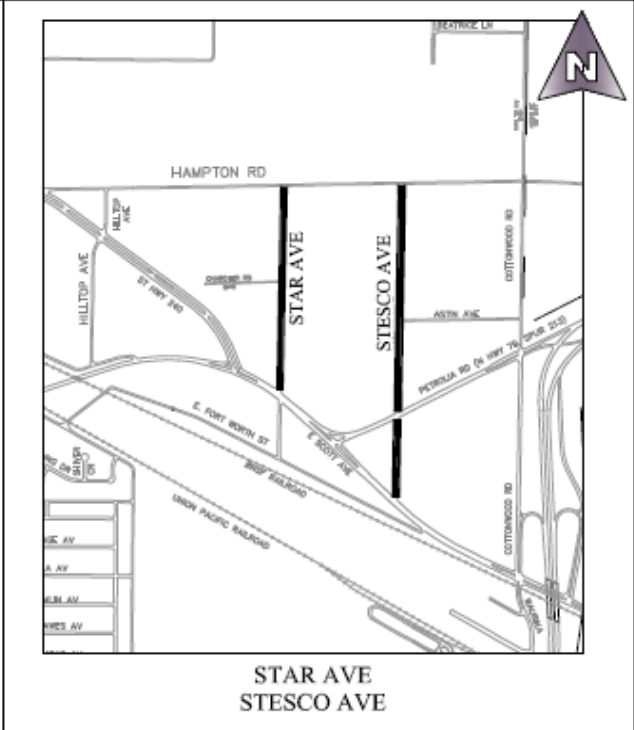
City Clerk

2023 Seal Coat Project CWF23-100-03 Bid Date: January 24 , 2023									
BASE BID ** ORDER OF BIDS FROM LOWEST TO HIGHEST **				Freeman Paving, LLC Vernon, TX		Ronald R. Wagner & Co., L.P. Kendalia, TX			
Pay Item	Description	Unit	Project Totals	Unit Price	Total	Unit Price	Total		
404.4-SC	SEAL COAT (SINGLE COURSE)	SY	19,895	\$3.50	\$69,632.50	\$4.20	\$83,559.00		
404.4-DC	SEAL COAT (DOUBLE COURSE)	SY	26,419	\$7.25	\$191,537.75	\$7.10	\$187,574.90		
801	TRAFFIC CONTROL	LS	1	\$10,000.00	\$10,000.00	\$24,350.00	\$24,350.00		
				Total Base Bid	\$271,170.25	Total Base Bid	\$295,483.90		
404.4-SC-ALT4	SEAL COAT (SINGLE COURSE)	SY	6967	\$3.50	\$24,384.50	\$4.20	\$29,261.40		
404.4-SC-ALT6	SEAL COAT (SINGLE COURSE)	SY	640	\$3.50	\$2,240.00	\$4.20	\$2,688.00		
2023 SEAL COAT PROJECT (CWF23-100-03) TOTAL AWARD BASE BID+ADD/ALT NO. 4+ ADD/ALT NO. 6				Total Award	\$297,794.75	Total Award	\$327,433.30		
ADDITIVE/ALTERNATE NO. 1-8				Freeman Paving, LLC Vernon, TX		Ronald R. Wagner & Co., L.P. Kendalia TX			
404.4-SC-ALT1	SEAL COAT (SINGLE COURSE)	SY	11587	\$3.50	\$40,554.50	\$4.20	\$48,665.40		
404.4-SC-ALT2	SEAL COAT (SINGLE COURSE)	SY	3550	\$3.50	\$12,425.00	\$4.20	\$14,910.00		
404.4-SC-ALT3	SEAL COAT (SINGLE COURSE)	SY	15378	\$3.50	\$53,823.00	\$4.20	\$64,587.60		
404.4-SC-ALT5	SEAL COAT (SINGLE COURSE)	SY	2960	\$3.50	\$10,360.00	\$4.20	\$12,432.00		
404.4-SC-ALT7	SEAL COAT (SINGLE COURSE)	SY	1847	\$3.50	\$6,464.50	\$4.20	\$7,757.40		
404.4-SC-ALT8	SEAL COAT (SINGLE COURSE)	SY	6918	\$3.50	\$24,213.00	\$4.20	\$29,055.60		
				Total ADD/ALT Bid	\$147,840.00	Total ADD/ALT Bid	\$177,408.00		

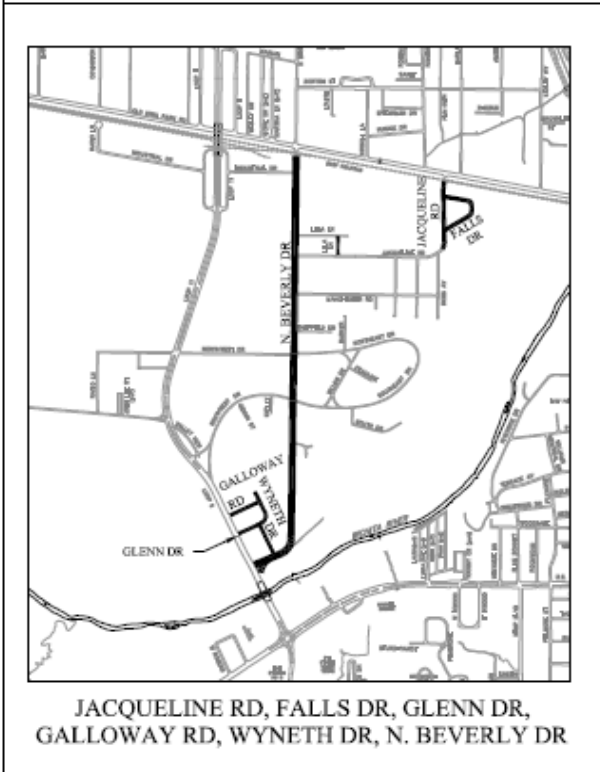
2023 Seal Coat Project CWF23-100-03



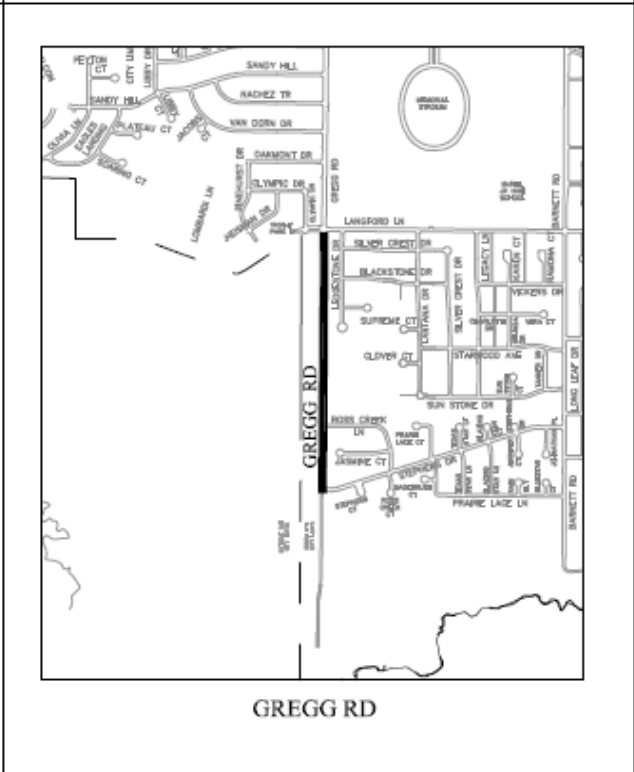
W. ARROWHEAD DR



STAR AVE
STESCO AVE



JACQUELINE RD, FALLS DR, GLENN DR,
GALLOWAY RD, WYNETH DR, N. BEVERLY DR



GREGG RD

NOT TO SCALE

NOT TO SCALE

2023 Seal Coat Project CWF23-100-03 (Continued)



LELA LN

NOT TO SCALE

SHEET 2 OF 3

CITY COUNCIL AGENDA
February 7, 2023

ITEM/SUBJECT: Resolution authorizing award of bid for demolition, clearing, and cleaning of 15 properties to Mote's Wholesale, Inc. in the amount of \$64,320.00.

INITIATING DEPT: Development Services/Code Enforcement

STRATEGIC GOAL: Accelerate Economic Growth

STRATEGIC OBJECTIVE: Revitalize Depressed and Declining Neighborhoods

COMMENTARY: Bids were opened January 9, 2023 for the demolition, clearing, and cleaning of 15 properties previously declared hazardous by the City Council and ordered for demolition. Five (5) responses were received (bid tabulation attached).

Bids were requested for a single contractor capable of providing demolition services. The low bidder, Mote, Inc. has satisfactorily performed these services for the City in the past.

Staff recommends award of bid to the low bidder Mote, Inc. in the amount of \$64,320.00 and is within the annual Community Development Block Grant (CDBG) demolition budget.

☒ **Director of Development Services** ☒ **Purchasing**

ASSOCIATED INFORMATION: Resolution, Bid Tabulation

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Resolution No. _____

Resolution authorizing award of bid for demolition, clearing, and cleaning of 15 properties to Mote's Wholesale, Inc. in the amount of \$64,320.00

WHEREAS, the City of Wichita Falls advertised and requested bids for the demolition of hazardous structures; and

WHEREAS, bids were received and publicly opened on January 9, 2023; and

WHEREAS, the City Council has previously approved the demolition of these hazardous structures; and

WHEREAS, the City Council desires to have the 15 properties demolished and finds that Mote, Inc. is the lowest responsible bidder.

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

1. The bid for demolition, clearing, and cleaning of 15 properties is awarded to Mote's Wholesale, Inc. in the amount of \$64,320.00, and City Staff is authorized to execute contracts for demolition with said entity for said work.
2. If the awarded bidder fails to execute contracts for the demolition as awarded herein, City Staff are authorized to execute contracts for demolition with the next lowest bidder(s) for these properties in accordance with the bid specifications.

PASSED AND APPROVED this the 7th day of February 2023.

MAYOR

ATTEST:

City Clerk

**BID # 22-58 DEMOLITION, CLEARING AND CLEANING
OF 15 PROPERTIES**

ITEM	DESCRIPTION	BIDDER	BIDDER	BIDDER	BIDDER	BIDDER
		DALLAS DEMO	FORTIN	JB SERVICES	MOTE	RISE UP REFUSE
1	1323 N 8TH ST	\$ 24,035	\$ 7,592	\$ 7,891	\$ 3,195	\$ 6,700
2	2202 8TH ST	\$ 31,130	\$ 9,858	\$ 12,892	\$ 6,446	\$ 13,980
3	2006 10TH ST	\$ 26,895	\$ 12,764	\$ 10,939	\$ 5,469	\$ 6,000
4	1514 15TH ST (WET DEMO)	\$ 28,000	\$ 9,956	\$ 6,039	\$ 4,700	\$ 5,500
5	1516 15TH ST (ASBESTOS)	\$ 38,390	\$ 12,102	\$ 12,716	\$ 6,358	\$ 14,500
6	1310 35TH ST	\$ 28,490	\$ 10,450	\$ 10,582	\$ 5,200	\$ 15,800
7	1312 35TH ST	\$ 18,805	\$ 3,210	\$ 3,000	\$ 950	\$ 7,600
8	2502 BUCHANAN ST	\$ 20,130	\$ 5,180	\$ 5,016	\$ 2,750	\$ 6,500
9	400 CHESTER AVE	\$ 19,225	\$ 2,860	\$ 2,640	\$ 1,440	\$ 1,500
10	1503 GIDDINGS ST	\$ 31,680	\$ 17,950	\$ 13,519	\$ 7,128	\$ 24,800
11	2915 KESSLER AVE	\$ 22,600	\$ 8,950	\$ 7,953	\$ 3,976	\$ 8,000
12	2802 LEBANON RD	\$ 25,650	\$ 10,950	\$ 11,135	\$ 6,072	\$ 9,900
13	1220 REDWOOD AVE	\$ 43,285	\$ 15,340	\$ 8,184	\$ 5,250	\$ 5,000
14	606 WACO ST	\$ 22,775	\$ 11,180	\$ 7,260	\$ 3,894	\$ 4,800
15	1918 WINTHORST RD (UNIT B)	\$ 20,760	\$ 2,876	\$ 3,102	\$ 1,492	\$ 3,000
	SUBTOTAL	\$ 401,850	\$ 141,218	\$ 122,868	\$ 64,320	\$ 133,580

**CITY COUNCIL AGENDA
FEBRUARY 7, 2023**

ITEM/SUBJECT: Resolution authorizing the purchase of one thousand two hundred (1,200) banquet chairs and four (4) wheel hand trucks through the Omnia Partners Purchasing Cooperative from Michigan Tube Swagers & Fab Inc dba MTS Seating in the amount of \$250,349.32.

INITIATING DEPT: MPEC

STRATEGIC GOAL: Redevelop Downtown

STRATEGIC OBJECTIVE: Grow hotel occupancy tax revenues to support the Multi-Purpose Events Center

COMMENTARY: This purchase will be comprised of 1,200 extra wide banquet stacking chairs. In addition, the purchase includes four (4) wheel hand trucks which are used to stack and move the chairs for setup and teardown. Last, the purchase includes the freight for all items. The current banquet chairs the MPEC uses for its events are original to the building. The new chairs, while providing more comfort and durability, will also match the fabric and color of the Conference Center chairs at the Delta by Marriott Hotel and Convention Center. This ensures a consistent design theme between the facilities. The chairs are manufactured in the United States and come with a 12-year structural warranty and 1-year fabric warranty. This is a prior budgeted project for this fiscal year.

MTS Seating is the preferred banquet chair supplier for all major hotel brands including Hilton, Marriott, Omni, etc. Within Texas, MTS provided all the stacking chairs for the Austin & San Antonio convention centers. Their largest project to date in the US was the Orange County, Florida convention center, where they provided over 70,000 chairs.

The 2023 fiscal budget includes \$2,589,000 of one-time capital expenditures from excess General Funds to be used for several projects at the Ray Clymer Exhibit Hall. The largest of which was \$2,000,000 for the renovation project. Of the remaining \$589,000, there is \$250,000 budgeted for chair replacement. The additional remaining funds are budgeted for kitchen equipment and serving ware.

Staff recommends the purchase of one thousand two hundred (1,200) banquet stacking chairs and four (4) wheel hand trucks through the Omnia Partners Purchasing Cooperative from MTS Seating in the amount of \$250,349.32.

☒ **Purchasing**

☒ **Director of MPEC and PIO**

ASSOCIATED INFORMATION: Resolution

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

QUOTATION



Acct:

City of Wichita Falls
PO BOX 1431
Wichita Falls, TX 76307



Attn: Accounts Payable

Date: January 11, 2023
FOB: Temperance, MI 48182
Lead Time: 15 - 17 weeks pending raw materials
Terms: Based upon credit approval



MTS Seating is proud to be UL Greenguard certified and a MindClick Global Sustainability Leader.

We are pleased to quote on the following: Multi Purpose Event Center

Qty.	Description	Unit Price	Ext. Price
1200	MODEL CF578-EW OMEGA II EXTRA WIDE BANQUET STACKING CHAIR  <ul style="list-style-type: none"> High strength steel frame construction Standard MTS powdercoat frame finish Espresso [M7] Patented leg/seat reinforcement bar Stacking bars Hand Hold Contoured COMFORTflex® back with lumbar support Silhouette style back Contoured COMFORTweb® seat Triple stitched French seams Extra wide frame Premium metal base floor glides with protective boot and stacking bumper Black retractable wire gangers (RLB) Stacks leg on leg 10+ high 12-year structural frame warranty <p>MTS to provide upholstery:</p> <ul style="list-style-type: none"> MTS grade 6 Paradigm / Silt PDM506 	\$200.39	\$240,468.00
4	MODEL 017 FIVE WHEEL HAND TRUCK  <ul style="list-style-type: none"> S18 Satin Black finish Five-year structural frame warranty For medium duty applications Ideal for larger banquet facilities and hotels Recommended load: 10 chairs 	\$345.94	\$1,383.76

It is the specifier/purchaser's responsibility to advise MTS if specific flammability requirements other than CAL 117 must be met or if ganging devices are required on stack chairs.

MTS does not warrant any upholstery that experiences dye transfer caused by external contaminants during use. Additionally, upholstery manufacturers and/or suppliers have limited to no warranties regarding dye transfer. Light colors are most susceptible to dye transfer, but it can occur to any color & is difficult to impossible to remove.

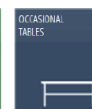
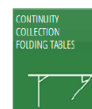
Cc: Marlowe

Thank you for the opportunity to quote. We look forward to your business.

Pricing valid through: 2/13/2023

Lisa McAfee
Sales Coordinator

Visit these links to browse other MTS Seating products:



MTS Seating
7100 Industrial Dr.
Temperance, MI 48182
734-847-3875
FAX: 800-329-0687
mtsseating.com



QUOTATION



Acct:

City of Wichita Falls
PO BOX 1431
Wichita Falls, TX 76307

Attn: Accounts Payable

Date: January 11, 2023
FOB: Temperance, MI 48182
Lead Time: 15 - 17 weeks pending raw materials
Terms: Based upon credit approval



MTS Seating is proud to be UL Greenguard certified and a MindClick Global Sustainability Leader.

We are pleased to quote on the following: Multi Purpose Event Center

Qty.	Description	Unit Price	Ext. Price
2	FREIGHT VIA (2) DEDICATED 53' TRAILER To Zip Code 76301 Customer must be able to accept a 53' semi trailer with no restrictions Customer must be able to accept delivery Mon-Fri 8am-12pm Customer must have loading dock and/or ability to remove freight from truck Rate does not include lift gate, ramps, driver assist, inside delivery or any other special delivery or handling requirements. Valid for 30 days OMNIA CONTRACT R191810	\$4,248.78	\$8,497.56
			TAX EXEMPT
		TOTAL	\$250,349.32

It is the specifier/purchaser's responsibility to advise MTS if specific flammability requirements other than CAL 117 must be met or if ganging devices are required on stack chairs.

MTS does not warrant any upholstery that experiences dye transfer caused by external contaminants during use. Additionally, upholstery manufacturers and/or suppliers have limited to no warranties regarding dye transfer. Light colors are most susceptible to dye transfer, but it can occur to any color & is difficult to impossible to remove.

Cc: Marlowe

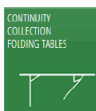
Thank you for the opportunity to quote. We look forward to your business.

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Lisa McAfee

Sales Coordinator

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Resolution No. _____

Resolution authorizing the purchase of one thousand two hundred (1,200) banquet chairs and four (4) wheel hand trucks through the Omnia Partners Purchasing Cooperative from Michigan Tube Swagers & Fab Inc dba MTS Seating in the amount of \$250,349.32

WHEREAS, Texas Local Government Local Government Code §252.022 exempts items purchased through interlocal cooperative purchasing contracts from the State's competitive bidding requirements; and

WHEREAS, the \$250,349.32 is budgeted in the 2023 budget for the replacement of 1200 chairs and 4 wheel trucks; and

WHEREAS, the existing chairs have exceeded their useful life expectancy and were originally purchased when the Exhibit Hall opened in 1996; and

WHEREAS, the City Council finds that MTS Seating is offering 1,200 banquet chairs and 4 wheel hand trucks through the Omnia Partners Purchasing Cooperative. It is in the best interest to purchase equipment in accordance with the Cooperative Purchasing Programs.

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

City Staff is authorized to execute all documents necessary to purchase one thousand two hundred (1,200) banquet chairs and four (4) wheel hand trucks through the Omnia Partners Purchasing Cooperative from Michigan Tube Swagers & Fab Inc dba MTS Seating in the amount of \$250,349.32.

PASSED AND APPROVED this the 7th day of February 2023.

MAYOR

ATTEST:

City Clerk

**CITY COUNCIL AGENDA
FEBRUARY 7, 2023**

ITEM/SUBJECT: Resolution authorizing the City Manager to execute a contract with L-D Systems, L.P. in the amount of \$579,701.73 for the installation of a new sound system in the Kay Yeager Coliseum.

INITIATING DEPT: MPEC

STRATEGIC GOAL: Redevelop Downtown

STRATEGIC OBJECTIVE: Grow hotel occupancy taxes to support the MPEC

COMMENTARY: In 2019, voters approved a 2% Venue Tax which was to be used for renovation projects for the MPEC facilities. At that time, a sound upgrade for the Kay Yeager Coliseum was identified as a high-priority project to be funded through the use of the Venue Tax revenues. The 2023 budgeted expenditures for the Venue Tax fund included funds for this project. Issues with the current system include coverage deficiencies, poor intelligibility, and dead spots throughout the seating areas.

This proposal includes the manufacturing and installation of the A-Series system. The manufacturer, L-Acoustics, utilized a 3D Soundvision model to uniquely design the sound system specifically for the KYC's multi-use configurations such as rodeos, graduations, sporting events, banquets, etc. The model displays the location for each speaker array, the subwoofers, and the SPL rating for each seating section. The system can be programmed with presets depending on the type of event.

L-Acoustics sound systems are considered the #1 choice for energizing international events ranging from the Hollywood Bowl to the Olympic ceremonies. Specifically, in Texas, they have installations in the Alamo Dome, Amon G. Carter Stadium, AT&T Center, Freeman Coliseum, and the Toyota Center. Once the equipment has been manufactured, LD Systems completes the installation. LD Systems also has extensive experience in the industry, having done installations at several Texas venues, including NRG Stadium, the Toyota Center, Minute Maid Park, Alamo Dome, and the AT&T Center.

Staff recommends the City Council approve the resolution authorizing the City Manager to execute a contract with LD Systems in the amount of \$579,701.73 for the installation of a new sound system in the Kay Yeager Coliseum.

☒ **Purchasing** ☒ **Director of Marketing and Communications**

ASSOCIATED INFORMATION: Resolution

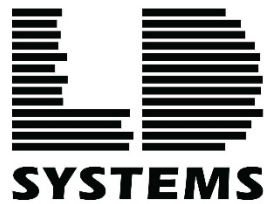
☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

TIPS Contract No. 200105

Exhibit A
Proposal To:
City of Wichita Falls
Lindsay Barker
January 16, 2023



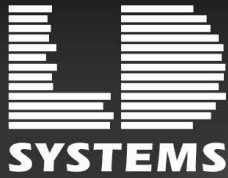
City of Wichita Falls

Prepared By:
MattRhodes
mrhodes@ldsystems.com

LD Systems - Houston



407 Garden Oaks Blvd.
Houston, TX, 77018
800.229.2686
www.ldsystems.com



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Daikin Industries



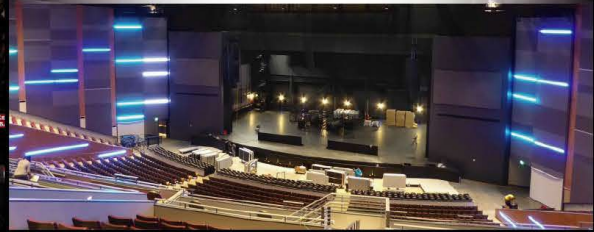
Bid-Spec
Alley Theatre



Sports Arenas
Toyota Center



Performance Venues
Smart Financial Centre



Offshore Platforms
West Auriga - BP



Houses of Worship
Church Eleven32



Corporate Facilities
Flotek Industries



Field Service
SLAs and Repair

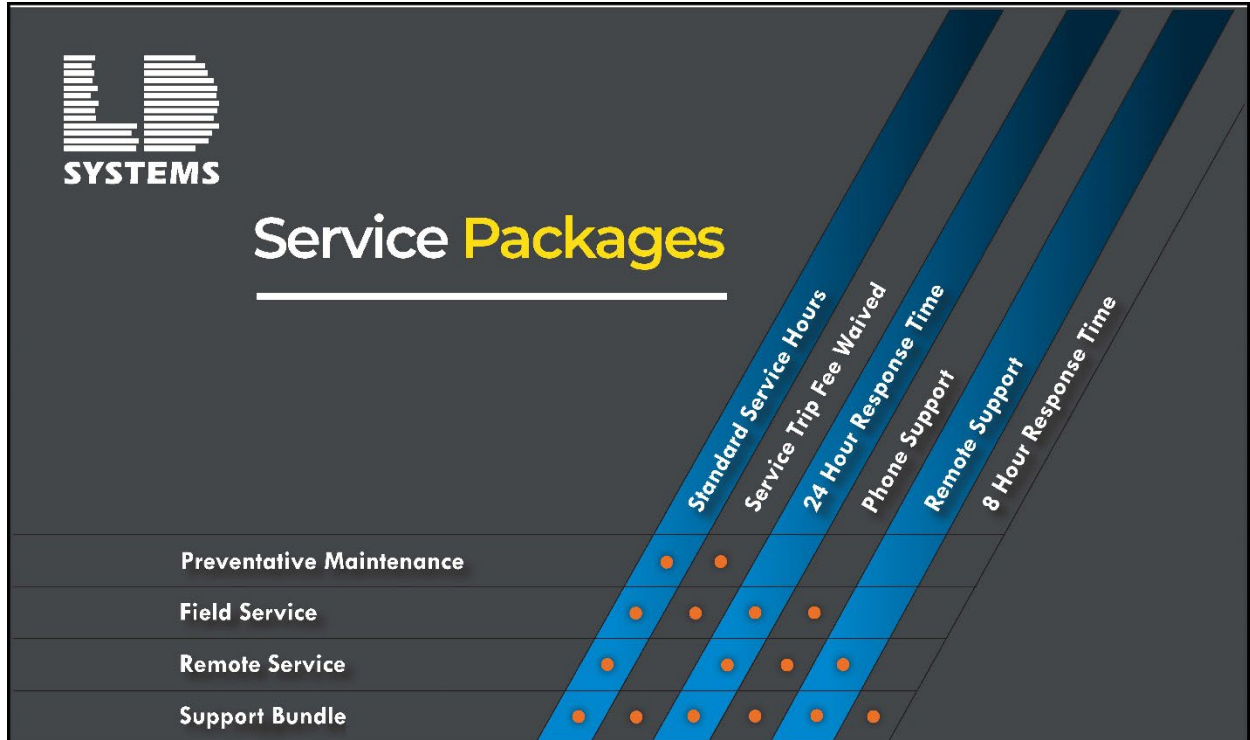


www.idsystems.com

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Service Packages



Preventative Maintenance	Field Service	Remote Service	Premium Support Bundle
Annual Fee	Annual Fee	Annual Fee	Annual Fee
<p>M-F 8am-5pm</p> <p>Assess if any components need to be replaced or repaired, or if not functioning normally.</p> <p>Software checks and Programming verification to make sure everything is communicating properly.</p> <p>Realigning and leveling of displays, projectors and any other device that needs adjustment.</p> <p>Wipe down all of the equipment and clean filters and dust from devices.</p>	<p>M-F 8am-5pm</p> <p>Field Service is a total of 36 hours of on-site service labor to be used at your discretion.</p> <p>Typical service is within 24 hours of notification.</p> <p>This also includes phone support.</p>	<p>M-F 8am-5pm</p> <p>Remote Support computer Must be installed on site at owner's one time expense.</p> <p>Software monitors the equipment and network.</p> <p>Alerts to potential problems by way of email.</p> <p>Customer portal for monitoring the system.</p> <p>Customer must provide internet access.</p>	<p>M-F 8am-5pm</p> <p>Preventative Maintenance, Field Service, Remote Service, included.</p> <p>The Bundled Service option adds 10 hours of labor (total of xx), to be used at your discretion.</p> <p>Shortest time of within 8 hours of receiving service call.</p>

COLISEUM BOWL**SCOPE**

SCOPE IN PROGRESS

AUDIO SYSTEM













IMAGE	QTY	DESCRIPTION
	1	LD Systems Various Labor Bundle Various Labor Services
	1	LD Systems Various Labor Mobilization
	1	LD Systems Engineering Effort Bundle Various Engineering Services
	1	LD Systems Engineering Effort Documentation, Drawings & As-Built
	1	LD Systems Engineering Effort Design & Engineering
	1	LD Systems Engineering Effort System Commissioning
	1	LD Systems Engineering Effort Systems Training
	1	LD Systems Engineering Effort First Use System Support
	1	LD Systems Various Materials Bundle Various Installation Materials
	1	LD Systems Various Materials Travel & Lodging
	1	LD Systems Various Materials Freight from Manufacturers (Estimate Only - Subject to Change)
	1	LD Systems Various Materials Equipment Rental















IMAGE	QTY	DESCRIPTION
	1	LD Systems Various Materials Structural Engineering Stamp
	1	LD Systems Miscellaneous Installation Materials Hardware & Accessories
	1	LD Systems Various Materials Wire and Cable
	12	L-Acoustics A15i FOCUS 2-way passive constant curvature WST® 10° enclosure: 15" LF + 3" HF diaphragm (installation version)
	26	L-Acoustics A15i WIDE 2-way passive constant curvature WST® 30° enclosure: 15" LF+ 3" HF diaphragm (installation version)
	12	L-Acoustics KS21i High power compact subwoofer: 1 x 21" (installation version)
	18	L-Acoustics A15i-BUMP Flying frame for vertical deployment of A15i and KS21i
	12	L-Acoustics A15i FOCUS-LINK Rigging plates for A15i Focus x4 (Front x2, Rear x2)
	26	L-Acoustics A15i WIDE-LINK Rigging plates for A15i Wide x4 (Front x2, Rear x2)
	12	L-Acoustics KS21i-LINK Rigging plates for KS21i x4 (Front x2, Rear x2)
	10	L-Acoustics LA4X US Amplified controller with PFC 4 x 1000 W / 8 Ohms. Ethernet network. AES/EBU. US version
	2	L-Acoustics LA12X US Amplified controller 4 x 2600W/4 ohms US mains connector
	1	L-Acoustics CALIBRATION System calibration and validation (1day)
	1	L-Acoustics TRAVEL-SHORT Short haul travel meals and lodging

IMAGE	QTY	DESCRIPTION
	1	Middle Atlantic UPS-2200R 2200VA/1650W UPS
	1	L-Acoustics Freight Freight Surcharge
	18	LD Systems - Houston Rigging Structure Custom Rigging Structure above Array

FRONT OF HOUSE



















IMAGE	QTY	DESCRIPTION
	1	Allen & Heath AH-SQ-5 96kHz XCVI FPGA processing, 48 Input Channels, DEEP Processing, 17 Faders / 6 Layers, 16 onboard preamp, 12 Stereo mixes+LR, 3 Stereo Matrix, 7" capacitive touchscreen
	1	Allen & Heath AH-M-SQ-SDANTE64-A 64 X 64 SQ Dante card for SQ Series, AHM-64 - 96kHz / 48kHz
	1	Gator Cases G-TOUR-GRC12X12 ATA Console Wood Flight Rack Case; 12U Top; 12U Bottom
	1	Middle Atlantic UPS-2200R 2200VA/1650W UPS
	1	Tascam CD-400U CD/MEDIA PLAYER
	1	Shure ULXD4Q--G50 Quad Digital Wireless Receiver with internal power supply, 1/2 Wave Antenna and Rack Mounting Hardware
	4	Shure ULXD2/SM58--G50 Handheld Transmitter with SM58® Microphone
	2	Shure ULXD1--G50 Digital Wireless Bodypack Transmitter with Miniature 4-Pin Connector
	2	Shure WL183 Microflex® Omnidirectional Lavalier Microphone
	8	Shure SB900B RECHARGEABLE BATTERY

IMAGE	QTY	DESCRIPTION
	1	Shure SBC800-US 8-Bay Shure Battery Charger
	1	RF Venue DFINB Diversity Fin Antenna
	1	Ultimate Support JS-MC100 JamStands Tripod Mic Stand
	1	QSC TSC-80tw-G2-BK 8.0" Touch Panel with Table Top mounting accessory included.

DSP

IMAGE	QTY	DESCRIPTION
	1	QSC Q-SYS CORE 110F Bundle Comes with Q-SYS CORE 110F with Q-SYS Core 110 Scripting Engine Software License, Perpetual. & Q-SYS Core 110 UCI Deployment Software License, Perpetual.
	1	QSC CORE 110f Unified Core with 24 local audio I/O channels, 128x128 total network I/O channels with 8x8 Software-based Dante license included, USB AV bridging, dual LAN ports, POTS and VoIP telephony, 16x16 GPIO, 16 next-generation AEC processors, 1RU.
	1	QSC SL-QSE-110-P Q-SYS Core 110 Scripting Engine Software License, Perpetual.
	1	QSC SL-QUD-110-P Q-SYS Core 110 UCI Deployment Software License, Perpetual.
	1	QSC TSC-80tw-G2-BK 8.0" Touch Panel with Table Top mounting accessory included.
	1	Middle Atlantic UPS-2200R 2200VA/1650W UPS
	1	Netgear GSM4230PX-100NAS Netgear M4250 26G4XF POE+ MNGD SWITCH
	2	Netgear GSM4212P-100NAS M4250-10G2F-POE+8X1G POE

INFRASTRUCTURE

IMAGE	QTY	DESCRIPTION
	1	LD Systems Various Labor Wire Installation
	4	LD-WIRE LD-WIRE CAT6 1000FT Shielded Plenum CAT6 LD-WIRE CAT6 1000FT Shielded Plenum CAT6
	1	LD Systems Cabling & Wire System Cabling & Wire
	1	LD Systems Miscellaneous Plates & Panels A/R

PROJECT SUMMARY

LOCATIONS

TOTAL

COLISEUM BOWL

\$579,701.73

LOCATIONS TOTAL

\$579,701.73

SYSTEMS

TOTAL

AUDIO SYSTEM

\$508,786.72

FRONT OF HOUSE

\$21,196.58

DSP

\$16,846.44

INFRASTRUCTURE

\$32,872.00

SYSTEMS TOTAL

\$579,701.73

SALES TAX

\$0.00

PROJECT TOTAL

\$579,701.73

THIS PROPOSAL IS FOR A TURN-KEY SERVICE AND INCLUDES COSTS OF ALL MATERIALS, INSTALLATION LABOR, COMMISSIONING, ENGINEERING AND TRAINING.

DUE TO CURRENT GLOBAL SUPPLY CHAIN CHALLENGES, MATERIAL DELIVERY DATES ARE UNPREDICTABLE. LEAD TIMES CAN BE DETERMINED AT TIME OF ORDER OR UPON REQUEST. PRICING IS HONORED FOR 14 DAYS.

THIS PROPOSAL IS A RESULT OF DESIGN EFFORT AND CONTAINS PROPRIETARY AND CONFIDENTIAL INFORMATION OF LD SYSTEMS. THIS DOCUMENT SHALL NOT BE USED, DISTRIBUTED, DISPLAYED OR REPRODUCED, WITHOUT WRITTEN CONSENT OF LD SYSTEMS, IN WHOLE OR IN PART FOR ANY PURPOSE OTHER THAN EVALUATION OF THIS PROPOSAL BY PERSONS TO WHOM IT WAS SPECIFICALLY ADDRESSED.

ACCEPTANCE

ACCEPTANCE

PAYMENT SCHEDULE
Per the Contract

SUBTOTAL	\$579,701.73
TOTAL SALES TAX	\$0.00
PROJECT TOTAL	\$579,701.73

ACCEPTANCE

CITY OF WICHITA FALLS

SIGNED _____

DATE _____

PRINT NAME _____

TITLE _____

LD SYSTEMS - HOUSTON

SIGNED _____

DATE _____

PRINT NAME _____

TITLE _____

Resolution No. _____

Resolution authorizing the City Manager to execute a contract with L-D Systems, L.P. in the amount of \$579,701.73 for the installation of a new sound system in the Kay Yeager Coliseum

WHEREAS, Texas Local Government Local Government Code §252.022 exempts items purchased through interlocal cooperative purchasing contracts from the State's competitive bidding requirements; and

WHEREAS, the \$579,701.73 is available in the venue tax fund to replace the sound system in the Kay Yeager Coliseum; and

WHEREAS, the existing system has coverage deficiencies, poor intelligibility, dead spots and is 20 years old; and

WHEREAS, LD Systems is on The Interlocal Purchasing System (TIPS).

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

The City Manager is authorized to execute a contract with L-D Systems, L.P. in the amount of \$579,701.73 for the installation of a new sound system in the Kay Yeager Coliseum.

PASSED AND APPROVED this the 7th day of February 2023.

MAYOR

ATTEST:

City Clerk

CITY COUNCIL AGENDA
February 7, 2023

ITEM/SUBJECT: Resolution authorizing the City Manager to make application for a grant from the Office of the Governor, Public Safety Office, Homeland Security Grants Division, 2023 State Homeland Security Program – Law Enforcement Terrorism Prevention Activities in the amount of \$65,000.00.

INITIATING DEPT: Police

STRATEGIC GOAL: Efficient Delivery of City Services

STRATEGIC OBJECTIVE: Practice Effective Governance

COMMENTARY: The Office of the Governor, Public Safety Office, Homeland Security Grants Division, has opened the application period for grants from the 2023 State Homeland Security Program – Law Enforcement Terrorism Prevention Activities (SHSP-LETPA). The Wichita Falls Police Department requests to apply for a grant totaling \$65,000.00. Grant funding will be used to contract with C3 Pathways to host an Advanced Active Shooter Incident Management (ASIM) class in Wichita Falls, Texas. The class would benefit local and surrounding agencies in the preparation of any type of critical incident. It is recommended that the Office of the Governor, Public Safety Office, Homeland Security Grants Division Program be earmarked for this purpose.

Staff recommends approval of the resolution.

☒ **Police Chief**

ASSOCIATED INFORMATION: Resolution

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Resolution No. _____

Resolution authorizing the City Manager to make application for a grant from the Office of the Governor, Public Safety Office, Homeland Security Grants Division, 2023 State Homeland Security Program – Law Enforcement Terrorism Prevention Activities in the amount of \$65,000.00

WHEREAS, the City of Wichita Falls is eligible to apply for a non-matching grant, from the Office of the Governor, Public Safety Office, Homeland Security Grants Division, 2023 State Homeland Security Program – Law Enforcement Terrorism Prevention Activities in the amount of \$65,000.00; and,

WHEREAS, the Wichita Falls City Council finds it in the best interest of the citizens of Wichita Falls, that the Homeland Security Grants Division Program be operated for FY 2023; and,

WHEREAS, the Wichita Falls City Council agrees that in the event of loss or misuse of funding from the Office of the Governor, the Wichita Falls City Council assures that the funds will be returned to the Office of the Governor in full; and,

WHEREAS, the Wichita Falls City Council designates Darron Leiker, City Manager, as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

The City Manager is hereby authorized to make application for a grant from the Office of the Governor, Public Safety Office, Homeland Security Grants Division, 2023 State Homeland Security Program – Law Enforcement Terrorism Prevention Activities (SHSP-LETPA), Grant Number #4727401, in the amount of \$65,000.00.

PASSED AND APPROVED this the 7th day of February 2023.

MAYOR

ATTEST:

City Clerk

CITY COUNCIL AGENDA
February 7, 2023

ITEM/SUBJECT: Resolution authorizing the City Manager to make application for a grant from the Office of the Governor, Public Safety Office, Criminal Justice Division, FY 2024 Edward Byrne Memorial Justice Assistance Grant Program (JAG), in the amount of \$131,616.00.

INITIATING DEPT: Police

STRATEGIC GOAL: Efficient Delivery of City Services

STRATEGIC OBJECTIVE: Practice Effective Governance

COMMENTARY: The Office of the Governor, Public Safety Office, Criminal Justice Division, has opened the application period for grants from the FY 2024 Edward Byrne Memorial Justice Assistance Grant Program (JAG). The Wichita Falls Police Department requests to apply for an Edward Byrne Memorial Justice Assistance Grant Program (JAG) totaling \$131,616.00, grant number #4738901. The Grant funding will be used to provide specialized law enforcement training to investigators, to support officers' physical & mental health by providing a variety of physical fitness equipment and to host training opportunities in our region. It is recommended that the Office of the Governor, Criminal Justice Division, Edward Byrne Memorial Justice Assistance Grant Program (JAG) be earmarked for this purpose.

Staff recommends approval of the resolution.

☒ **Police Chief**

ASSOCIATED INFORMATION: Resolution

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Resolution No. _____

Resolution authorizing the City Manager to make application for a grant from the Office of the Governor, Public Safety Office, Criminal Justice Division, FY 2024 Edward Byrne Memorial Justice Assistance Grant Program (JAG), in the amount of \$131,616.00

WHEREAS, the City of Wichita Falls is eligible to apply for a non-cash matching grant, from the Office of the Governor, Public Safety Office, Criminal Justice Division, Edward Byrne Memorial Justice Assistance Grant Program (JAG), in the amount of \$131,616.00; and,

WHEREAS, the Wichita Falls City Council finds it in the best interest of the citizens of Wichita Falls, that the Criminal Justice Division, Edward Byrne Memorial Justice Assistance Grant Program (JAG) be operated for FY 2024; and,

WHEREAS, the Wichita Falls City Council agrees that in the event of loss or misuse of funding from the Office of the Governor, the Wichita Falls City Council assures that the funds will be returned to the Office of the Governor in full; and,

WHEREAS, the Wichita Falls City Council designates Darron Leiker, City Manager, as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

The City Manager is hereby authorized to make application for a grant from the Office of the Governor, Public Safety Office, Criminal Justice Division, Edward Byrne Memorial Justice Assistance Grant Program (JAG), FY2024 Grant #4738901, in the amount of \$131,616.00.

PASSED AND APPROVED this the 7th day of February 2023.

MAYOR

ATTEST:

City Clerk