

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 Heggland, City Attorney
Marie Balthrop, City Clerk



Notice Of Regular Meeting Of The Mayor And City Council Of The City Of Wichita Falls, Texas, To Be Held In The City Council Chambers, Memorial Auditorium, 1300 Seventh Street, Tuesday, February 21, 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: Dr. Mark Bender
First Christian Church

(b) Pledge of Allegiance
3. Presentations

(a) Employee of the Month – Luke Baker, Public Works/Water Purification

CONSENT AGENDA

4. Approval of minutes of the February 7, 2023 Regular Meeting of the Mayor and City Council.

5. Receive Minutes

- (a) MPO Transportation Policy Committee, October 25, 2022
- (b) Park Board, December 1, 2022
- (c) Planning & Zoning Commission, December 14, 2022
- (d) Planning & Zoning Commission, January 11, 2023

REGULAR AGENDA

6. Ordinances

- (a) Ordinance replacing Ordinance No. 37-2022 that was amended by Ordinance 64-2022, the fee schedule applied to City operations; providing for severability; providing that such ordinance shall not be codified; and providing an effective date

7. Resolutions

- (a) A Resolution of the City of Wichita Falls, Texas, authorizing the City Attorney to proceed with litigation against the property owners at 3003 Cumberland Ave., Wichita Falls Texas under Texas Local Government Code Chapter 54
- (b) Resolution authorizing the City Manager to execute a one-year lease agreement renewable up to four times with the Wichita Falls Federal Credit Union for the amount of \$1,500.00 a month

8. Other Council Matters

- (a) Staff Reports
 - i. Update on Personal Mobility Devices (Scooters) downtown – John Burrus
 - ii. Update on ARPA-funded projects – Paul Menzies
 - iii. Update on projects funded in FY2023 using excess fund balances (i.e. “1-time funds”) – Jessica Williams
 - iv. FY 2024 Budget Calendar – Jessica Williams
- (b) Announcements concerning items of community interest from members of the City Council. No action will be taken or discussed.

9. Comments from the public to members of the city council concerning items that are not on the city council agenda. People wishing to address the council should sign up prior to the start of the meeting. A three-minute time frame will be adhered to for those addressing their concerns. Since comments from citizens are not posted agenda items, the City Council is prohibited from deliberating or taking any action, other than

a proposal to place the item on a future agenda. Staff may provide factual statements in response to inquiries or recite existing policy.

10. Executive Sessions

- a. Executive Session in accordance with Texas Government Code §551.071, consultation with attorney on matter involving pending or contemplated litigation or other matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act (including, but not limited to, legal issues related to 3003 Cumberland).
- b. Executive Session in accordance with Texas Government Code § 551.072, to deliberate the purchase, exchange, lease, or value of real property interests due to the fact that deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party.

11. 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 15th day of February, 2023 at 3:15 o'clock p.m.



City Clerk

CITY COUNCIL AGENDA
February 21, 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
February 7, 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	-	
Michael Smith	-	
Darron Leiker	-	City Manager
Kinley Heggland	-	City Attorney
Marie Balthrop	-	City Clerk

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

Item 2a – Invocation

Pastor Craig Lile, Faith Baptist Church, gave the invocation.

Item 2b – Pledge of Allegiance

Mayor Santellana led the Pledge of Allegiance.

Item 3a – Employee of the Month – Luke Baker, Public Works/Water Purification

8:32 a.m.

This item was postponed due to illness.

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Item 3b – Proclamation – Youth Leadership Wichita Falls Recognition Day, Youth Leadership Wichita Falls

8:32 a.m.

Mayor Santellana read a proclamation proclaiming February 7, 2023, as Youth Leadership Recognition Day in Wichita Falls and he invited all citizens to join him in congratulating our Youth Leadership class and to continue encouraging our youth to keep striving toward excellence.

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Item 3c – Proclamation – African American History Month, Wichita Falls Alliance for Arts and Culture

8:36 a.m.

Mayor Santellana read a proclamation proclaiming the month of February as African American History Month in Wichita Falls and encouraged all citizens to celebrate our diverse heritage and culture and to continue efforts to create a world that is more just, peaceful, and prosperous for all.

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Item 4-6 – Consent Items

8:41 a.m.

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

Moved by Councilor Browning to approve the consent agenda.

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

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

Nays: None

Item 4 – Approval of Minutes of the January 17, 2023, Regular Meeting of the Mayor and City Council

Item 5a – Resolution 13-2023

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.

Item 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

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Item 7a(i) – Public Hearing on ordinance to rezone 4520 Kemp Blvd. from Limited commercial (LC) to General Commercial (GC)

8:42 a.m.

Mayor Santellana opened the public hearing at 8:42 a.m.

Terry Floyd, Director of Development Services, discussed the proposed rezone from LC to GC, and the amendment to the Land Use Plan to allow for a multi-tenant facility. This rezone was unanimously approved by the Planning and Zoning Commission and staff recommends approval.

Mayor Santellana closed the public hearing at 8:46 a.m.

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Item 7a(ii) Ordinance 04-2023

8:37 a.m.

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.

Moved by Councilor Browning to approve Ordinance 04-2023.

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

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

Nays: None

Item 7b – Ordinance 05-2023

8:47 a.m.

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

Moved by Councilor Browning to approve Ordinance 05-2023.

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

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

Nays: None

Item 7c – Ordinance 06-2023

9:00 a.m.

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.

Moved by Councilor Browning to approve Ordinance 06-2023.

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

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

Nays: None

Item 7d – Ordinance 07-2023

9:02 a.m.

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

Moved by Councilor Smith to approve Ordinance 07-2023.

Motion seconded by Councilor Browning.

John Burrus, Director of Aviation Traffic & Transportation, discussed the proposed projects and stated that they will be funded with COVID funds.

Motion carried by the following vote:

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

Nays: None

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Item 7e – Ordinance 08-2023

9:06 a.m.

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.

Moved by Councilor Brewer to approve Ordinance 08-2023.

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

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

Nays: None

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Item 7f – Public Hearing on application of United Electric – Magic Aire to the Texas Commission of Environmental Quality (TCEQ) for a Municipal Setting Designation at 501 Galveston, Wichita Falls, TX.

9:09 a.m.

Mayor Santellana opened the public hearing at 9:09 a.m.

Russell Schreiber, Director of Public Works, discussed the proposed Municipal Setting Designation (MSD) and the legislation that allows these designations issued by the Texas Commission on Environmental Quality (TCEQ). Magic Aire has met all Ordinance requirements and TCEQ believes the best thing to do is to allow the site to naturally attenuate and relieve the property owner of their testing requirements. Staff recommends support of the MSD.

Councilor Jackson asked if any surrounding properties would be affected or be able to use groundwater. Mr. Schreiber stated that this MSD only applies to 501 Galveston and will not affect other properties or their ability to use groundwater.

Councilor Nelson asked about Tier 1 studies.

Dick Record, 102 Thompson, Richardson, TX, discussed Phase I studies, subsurface investigations and groundwater monitoring that have been completed over the last 27 years and remediation completed between 2016-2018 as part of the TCEQ's voluntary cleanup program.

Councilor Nelson asked Mr. Record about a spreadsheet from 2018, and discussed concerns with property on California Street. Mr. Record stated that there are two monitor wells that have been sampled consistently with undetectable results, the contamination levels are stable, and the environmental concerns will correct themselves over time.

Morris Key, 5709 El Campo Ave., Fort Worth, TX read a prepared letter against the MSD for Mr. Bill Stewart who owns land adjacent to Magic Aire, and discussed concerns and questions Mr. Stewart has regarding the MSD process. Mr. Key stated that he holds a doctorate in environmental geochemistry and that the plume itself does not properly define whether or not there is pollution upgradient from it.

Mayor Santellana closed the public hearing at 9:19 a.m.

Item 7g – Ordinance 09-2023

9:19 a.m.

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.

Moved by Councilor Browning to approve Ordinance 09-2023.

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

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

Nays: None

Item 8a – Resolution 14-2023

9:21 a.m.

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.

Moved by Councilor Browning to approve Resolution 14-2023

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

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

Nays: None

Item 8b – Resolution 15-2023

9:24 a.m.

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.

Moved by Councilor Brewer to approve Resolution 15-2023.

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

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

Nays: None

Item 8c – Resolution 16-2023

9:26 a.m.

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.

Moved by Councilor Brewer to approve Resolution 16-2023.

Motion seconded by Councilor Jackson

Mr. Floyd stated this project will be federally funded through the Community Development Block Grant.

Motion carried by the following vote:

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

Nays: None

Item 8d – Resolution 17-2023

9:32 a.m.

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.

Moved by Councilor Brewer to approve Resolution 17-2023.

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

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

Nays: Councilor Jackson

Item 8e – Resolution 18-2023

9:36 a.m.

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.

Moved by Councilor Browning to approve Resolution 18-2023.

Motion seconded by Councilor Whiteley.

Lindsay Barker, Director of MPEC, Communication and Marketing, stated that this project will be funded through the Venue Tax approved by voters in 2019.

Motion carried by the following vote:

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

Nays: Councilor Jackson

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Item 8f – Resolution 19-2023

9:41 a.m.

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.

Moved by Councilor Brewer to approve Resolution 19-2023.

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

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

Nays: None

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Councilor Browning left the meeting at 9:42 a.m.

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Item 8g – Resolution 20-2023

9:45 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 Edward Byrne Memorial Justice Assistance Grant Program (JAG), in the amount of \$131,616.00.

Moved by Councilor Brewer to approve Resolution 20-2023.

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

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

Nays: None

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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.

9:48 a.m.

Councilor Jackson stated that on some of the spending he thinks we could look at it in different ways and that just because he votes no it does not mean he disagrees or agrees with a lot of it. He feels we could spend extra money in different areas such as infrastructure.

Councilor Brewer announced he will not run for City Council in November. He stated that he is really pleased with the Hotel project and feels it will help reduce costs at the MPEC, and that the new schools will help the economy and help Wichita Falls grow. He thanked everyone who has worked with him and stated that he will continue to work for the citizens until his term ends. He expressed his thanks for the great Police and Fire Departments we have and their professionalism. He encouraged those interested in running for District 4 to reach out to staff to learn more about the position.

Councilor Smith acknowledged and thanked staff for their work during the recent inclement weather, and stated staff does a great job. He stated that the Firefighter Academy graduation was an awesome presentation and was inspiring, and he congratulated Chief Prillaman and the graduates.

Councilor Whiteley congratulated Police Officers that received awards at the recent Police Officer's Association banquet, and congratulated the new firefighters that recently graduated.

Councilor Nelson thanked Carol Murray for attending, and thanked Russell Schreiber for the sewer and street work at the Police Department. He stated he will be going to Austin to ask about body cameras, and he thanked everyone for attending.

Mayor Santellana expressed his thanks for the recent Firefighter Academy graduation and congratulated the graduates. He discussed Councilor Jackson's comments regarding spending and noted that some funds are restricted on how they can be used, and he encouraged citizens to reach out to their Councilor, staff, or the City Manager with any questions they may have. He stated he is sad that Councilor Brewer is not going to run for his position again, stated Councilor Brewer has done a fantastic job, and he has

enjoyed his time on Council with him. He encouraged citizens that might be interested in running for City Council to apply and acknowledged the two individuals that have already announced their candidacy for Mayor. He stated he has been blessed with great Councilors who are compassionate about the City and their District, even though they may not always agree. He thanked Councilor Jackson for speaking up about why he voted no. Mayor Santellana thanked staff and TxDOT for the response to the recent winter weather, discussed the preparation that goes into our response, and thanked them for their work.

Councilor Brewer asked Marie Balthrop, City Clerk, for the dates when individuals can apply for a place on the ballot. Mrs. Balthrop stated the filing period is July 22, 2023 – August 21, 2023, and individuals that publicly announce their candidacy need to file their Campaign Treasurer designation with the Clerk's office.

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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

9:28 a.m.

Joe Miller, 4322 S. Leighton Cir., discussed his desire to close the easement for 2131 Jacksboro Highway and concerns he has. He asked the Council to look at the appraisal, to consider just closing the easement, and stated that he feels the appraisal was high.

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Item 11 – Executive sessions

City Council adjourned into Executive Session at 10:03 a.m. in accordance with Texas Government Code §551.087, and §551.071.

Councilor Browning returned to the meeting at 10:36 a.m.

City Council reconvened at 11:26 a.m.

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

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Item 12 –Adjourn

Mayor Santellana adjourned the meeting at 11:26 a.m.

PASSED AND APPROVED this 21st day of February 2023.

Stephen Santellana, Mayor

ATTEST:

Marie Balthrop, TRMC, MMC
City Clerk

WICHITA FALLS METROPOLITAN PLANNING ORGANIZATION

Transportation Policy Committee

Minutes

Tuesday, October 25, 2022

Voting Members Present:

Stephen Santellana, Chairperson, Wichita Falls Mayor
Dennis Wilde, North Texas Regional Planning Commission
Jeff Watts, City of Pleasant Valley, Representative
Judge Woody Gossom, County Judge, Wichita County
Larry Nelson, City of Wichita Falls, City Council
Mike Beaver, TxDOT, District Engineer
Russell Schreiber, City Public Works Director

MPO Staff:

Lin Barnett, WFMPPO, Transportation Planning Director
Jaimie Lee, Wichita Falls MPO, Senior Transportation Planner

Absent:

Cory Glassburn, Mayor, Lakeside City
Bobby Whiteley, City of Wichita Falls, City Council

Visitors:

Cody Bates, TxDOT, Area Engineer
Callan Coltharp, TxDOT, Area Engineer

I. Welcome & Introduction

Mayor Santellana, the TPC chairperson, called the meeting to order at 8:30 a.m. and welcomed everyone in attendance.

II. Public Comment on Agenda and Non-Agenda Items

Mayor Santellana 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 26, 2022 Transportation Policy Committee's (TPC) Meeting Minutes

Mayor Santellana asked for any comments or corrections to the July 26, 2022 TPC meeting minutes. Receiving none, he asked for a motion to approve the minutes. Mr. Beaver made the motion to approve. Mr. Schreiber seconded the motion, which passed unanimously.

IV. Review and Approval of the August 23, 2022 Transportation Policy Committee's (TPC's) Special Called Meeting Minutes

Mayor Santellana asked for any comments or corrections to the August 23, 2022 TPC Special Called meeting minutes. Receiving none, he asked for a motion to approve the minutes. Judge Gossom made the motion to approve. Mr. Wilde seconded the motion, which passed unanimously.

V. Review and Comment Regarding the October 6, 2022 Technical Advisory Committee (TAC) Meeting Minutes – *No Action Required*

Mayor Santellana asked for any comments on the October 6, 2022 TAC meeting minutes. Receiving none, the committee moved on to the next agenda item.

VI. Review and Approval of Amendments to 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. Mayor Santellana asked for any comments or questions regarding the language from the IIJA. Receiving none, he asked for a motion to approve the updated documents. Judge Gossom made the motion to approve. Mr. Beaver seconded the motion, which passed unanimously.

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

Mr. Barnett stated the Wichita Falls Transit System has requested that WFMPD 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. Mayor Santellana asked for any questions regarding the WFTS revisions. Receiving none, he asked for a motion to approve the 2021-2024 TIP with revisions. Judge Gossom made the motion to approve. Mr. Wilde seconded the motion, which passed unanimously.

VIII. Update on Implementation of the New Prioritized Project List Scoring Process

Mr. Barnett informed the Policy Board of the changes being made to the Prioritized Project List scoring portal that the TAC committee utilizes to produce the Long-Range Prioritized List. He stated the portal was complete and the Policy Board should see a new Prioritized List by the January meeting. 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. Schreiber 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 discussion.

X. Meeting Adjournment

The meeting adjourned at 9:31 a.m.



Honorable Stephen L. Santellana
Mayor Wichita Falls

**Wichita Falls Park Board Meeting
December 1, 2022**

**W.F. Recreation Center
600 11th Street Room 205
Time: 1:30pm**

Presiding: Jim Heiman

**Members Present: Alan Donaldson, Dorcas Chasteen, Sandy Fleming,
Patrick Hearn, Jessica Traw, Thomas Taylor, Josh
Phillips, Simeon Hendrix, Larri Jean Jacoby**

Members Absent: Michael Battaglino

City Council Representative: Absent: Steve Jackson

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

- 1. CALL TO ORDER:**
Jim Heiman called the meeting to order at 1:30 p.m.
- 2. APPROVAL OF MINUTES:**
The minutes from October 27, 2022, were put before the Board for approval. Josh Phillips made the motion to approve the minutes and Alan Donaldson seconded the motion.
- 4. DEPARTMENTAL REPORT:**
 - A. Recreation: Scott McGee**
 - See Attached Recreation Report
 - Added: Security funding being added to next year budget, due to safety issues for staff.
 - B. Parks: Terry Points**
 - See Attached Parks Report
 - C. Lake Wichita Revitalization Committee:**
 - Designs for Veterans memorial plaza, has been approved and construction should start first part of December.
 - D. Circle Trail Update:**
 - A company that is trying to buy Wichita Falls RV Park on Seymour Hwy is considering putting in a Kayak ramp by park to the Wichita River.
 - E. Parks Review Update:**

- Park Review Board Report : Went over survey results

F. Other Business, Announcements, Comments:

- Next meeting set for January 26, 2023.

Meeting was adjourned at 2:30pm

Signature: _____

Jim Heiman
Jim Heiman (First Chair)

MINUTES
PLANNING & ZONING COMMISSION
December 14, 2022

PRESENT:

David Cook
Michael Grassi
Blake Haney
Mark McBurnett
Doug McCulloch
Noros Martin
Wayne Pharries
Jeremy Woodward

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

James McKechnie, Deputy City Attorney
Terry Floyd, Development Services Director
Christal Cates, Senior Executive Assist.
Cedric Hu, Planning Technician

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

ABSENT:

Steve Lane
Matt Marrs
Cayce Wendeborn
Steve Wood
Councilor Whiteley

◆ Member
◆ Alternate No. 2
◆ Member
◆ Alternate No. 1
◆ Council Liaison

I. CALL TO ORDER

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

- a. This meeting is being televised live on Channel 1300. It will be replayed at 2:00 p.m. daily including Saturday and Sunday until the next live meeting is aired which will be the second Wednesday of next month at 2:00 p.m.
- b. Motions made by the Commission members include all staff recommendations and developmental requirements listed in the staff report. Any deviations will be discussed on a case-by-case basis and voted on accordingly.
- c. Applicants and citizens who wish to address the Commission or answer questions from the Commission members are asked to please speak into the microphone at the podium. This meeting is being taped and there is no microphone to record statements made from the audience.
- d. Please silence all cell phones during the meeting. If it is necessary for you to have a cell phone conversation during the meeting, please use the hallway outside this room.

III. PUBLIC COMMENTS

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

IV. APPROVAL OF MINUTES

Vice Chairman, Jeremy Woodward made a motion to adopt the November 9, 2022, minutes. Mr. Noros Martin seconded the motion. The motion was passed unanimously, 7-0

VII. CONSENT AGENDA

**Case P 22-21 Brook Hollow Apartments Addition, Lot 1, Block 1
Case P 22-22 East End Gardens, Lots 1C, 1D & 1E**

Chairman Cook asked if anyone had an item to be moved to the regular agenda. Nothing to be moved. Mr. Wayne Pharris made a motion to approve the consent agenda. Vice-Chairman, Mr. Jeremy Woodward seconded the motion. Motion passed unanimously, 8-0.

VIII. REGULAR AGENDA

1. Case C 22-21 – 814 Indiana Avenue:

Consider taking action on a conditional use at 814 Indiana Avenue to allow for drinking establishment in the Central Business District (CBD) zoning district.

Applicant: Tanner Lucking

Mr. Noros Martin made a motion to approve the case. Mr. Jeremy Woodward seconded the motion. Mr. Fabian Medellin presented the case and stated the applicant had met with staff for a pre-development meeting in regards to leasing a multi-story structure located at 814 Indiana Avenue. Mr. Tanner Lucking, the applicant has propositions for each floor that will be phased in throughout his lease. The first development he would like to pursue is for a nightclub to be located on the first floor. Drinking establishments in the Central Business Districts (CBD) are not allowed by right and do require an approved conditional use permit from the Committee.

Mr. Medellin advised the property was located on Indiana Avenue between 8th and 9th Street, within the core of central downtown Wichita Falls. The surrounding uses are parking lots to the north, office space, indoor recreation, multi-family uses, park central, vacant structures, retail uses restaurants and another drinking establishment.

A conceptual plan provided by Mr. Lucking was displayed to show the major elements of a nightclub. The structure was most recently used as a gymnastics facility, however, it was used as a nightclub from 2007 to 2014 under different names. Mr. Medellin stated directly across the street is another drinking establishment and many more in the core area of downtown. A drinking establishment is defined as a business that operates with 50% or more profits from the sale of alcohol.

Staff notified 18 property owners within 200ft. of the subject property and received back 5 responses in opposition, all from the same owner whose major concern was parking and if staff had addressed this. Mr. Medellin stated in the Central Business District (CBD) there were no parking requirements.

While studying the proposal and the use downtown, staff reviewed the potential for negative impacts on the surrounding properties, such as the noise level with nightclubs not closing until 2am. The noise level will be buffered and located inside the structure at all times. Staff felt nightclubs are a good fit for the downtown area and that they give a second life to the area. During the day there are businesses being operated with office workers and at night citizens seeking entertainment and recreation. It is not believed there will be a time where dual coverage or both uses are fully operational at the same time. It is also believed the traffic created at night will be offset by the absence of daytime traffic.

Staff recommended the approval of the proposed drinking establishment at 814 Indiana Ave. subject to the following conditions:

1. Compliance with the special conditions as outlined in Section 3769 pertaining to the exclusion of operating from the hours of 2:15 am – 5:30 am and the limitations of sign types.
2. The conversion shall comply with all applicable building, health, zoning, and fire codes leading to the issuance of a Certificate of Occupancy.

Chairman Cook asked if the applicant was present, Mr. Lucking was present and did not wish to present anything further to the Commission. Chairman Cook asked for any public comments. Chairman Cook closed public comments and opened the floor up to Commission discussion. Commission member, Mr. Noros Martin asked if the structure was a 2 or 3 story building and what the other floors were to be developed into. Mr. Lucking advised it was a 3-story structure and the petition was only for the nightclub on the 1st floor. There were no further comments from the Commission. Mr. Cook called for a vote and the motion passed unanimously 7-0.

2. Case C 22-21 – 724 Indiana Avenue:

Consider taking action on a conditional use at 724 Indiana Avenue to allow for a tattoo studio in the Central Business District (CBD) zoning district.

Applicant: Anthony Kappes

Mr. Jeremy Woodward made a motion to approve the case. Mr. Blake Haney seconded the motion. Mr. Fabian Medellin presented the case, stating this case was another adding to the nightlife of downtown. The applicant, Mr. Anthony Kappes, met with staff in regard to leasing and converting one of the floors of 724 Indiana Avenue into a tattoo studio. During the pre-development meeting staff outlined steps that would need to be followed and this included petitioning for a conditional use that would allow Mr. Kappes to move forward with his development.

The subject property is located in the central area of downtown Wichita Falls, between 7th and 8th Street, home of the former Crash Works. To the north of the property is The North Central Texas Museum and a parking lot. To the west is the Big Blue building and parking garage. To the south are office spaces, maniac mansion and multi-family living spaces. To the east is a parking garage, office and retail spaces, eating establishments and the brewery.

The applicant will only be occupying the 2nd floor of the subject property as a tattoo studio and currently there are no further plans for the other floors. Staff notified 18 property owners and received 3 in favor, all from the same owner and 3 opposed, all from the same owner. The property owner opposed to the request had concerns for parking downtown, however, tattoo studios have limited amounts of walk-in clients, and most are by appointment only in the afternoon and evening hours. Staff believes the tattoo studio and the way it functions is a unique part of American culture and a personal expression of art that will add to the growing downtown arts scene. With all potential impacts taken into consideration, staff recommends the approval of the proposed tattoo studio at 724 Indiana Ave. subject to the following conditions:

1. Compliance with the special conditions as outlined in Section 3769 pertaining to the exclusion of operating from the hours of 2:15 am – 5:30 am and the limitations of sign types.
2. The conversion shall comply with all applicable building, health, zoning, and fire codes leading to the issuance of a Certificate of Occupancy.
3. Business hours shall not extend beyond 10 pm daily.
4. The conversion shall comply with all applicable building code regulations, permitting, and inspections.

Chairman Cook asked if the applicant was present, Mr. Kappes was present and did not wish to present anything further to the Commission. Chairman Cook asked if there was anyone from the public that would like to comment. There were no comments and Chairman Cook closed public comments and opened the floor up to Commission discussion. With no other discussion, Mr. Cook called for a vote and the motion passed unanimously 7-0.

3. Case C 22-22 – 1903 Hampton Road:

Consider taking action on a conditional use at 1903 Hampton Road to allow for a contractor's yard in a Residential Mixed Use (RMU) zoning district.

Applicant: Ivan Galarza

Mr. Doug McCulloch made a motion to approve the case. Mr. Jeremy Woodward seconded the motion. Chairman Cook stated the next two petitions would be presented together due to being adjacent to one another and for the same use, but would be voted on separately.

Mr. Cedric Hu presented the case and stated a conditional use permit was required to develop a contractor's yard with outdoor storage in a Residential Mixed Use (RMU) zoning district.

The subject properties are vacant, located on the east side of Wichita Falls near the city limits. The surrounding areas are vacant with some residential uses. Located further down on Stesco Avenue is a warehouse use, showing the mixed residential and commercial character of the neighborhood.

Mr. Hu displayed the site plan and stated a fence would enclose the two properties with two gates along Hampton Road for access, to obscure views from the right-of-way and protect from any future development on the vacant properties.

Staff notified 11 property owners and received 2 responses back with no opinion. Staff recommends approval of this request to allow a contractor's yard in a Residential Mixed Use (RMU) zoning district with the following conditions;

1. The property shall have a fence or other approved screening (6 ft. minimum) installed and maintained to obscure the view of the outdoor storage from any adjacent land or right-of-way. Owner to provide example of fence or screening material.
2. Gates, normally used for access to the contractor's yard / outdoor storage yards, are not required to provide a solid screen; the outdoor storage yard immediately behind and perpendicular to such gate, to a distance of at least 30 feet, shall be kept clear of all storage materials. Unscreened gates shall be no wider than 20 feet;
3. Areas around or under outdoor storage materials or buildings shall be kept free and clear of accumulations of grass, weeds, brush or other uncultivated vegetation.
4. Outdoor storage must be on an improved surface, gravel shall be considered for the outdoor storage in a contractor's yard.
5. Site improvements subject to site plan review.

Chairman Cook asked if the applicant was present, Mr. Galarz was present, but gave no further presentation. Chairman Cook asked if there was anyone from the public that would like to comment. There were no comments and Chairman Cook closed public comments and opened the floor up to Commission discussion. Mr. Doug McCulloch stated the fencing did not specify it would be screened. Mr. Fabian Medellin advised it would be screened fencing. With no other discussion, Mr. Cook called for a vote, the motion passed unanimously 7-0.

4. Case C 22-22 – 1907 Hampton Road:

Consider taking action on a conditional use at 1907 Hampton Road to allow for a contractor's yard in a Residential Mixed Use (RMU) zoning district.

Applicant: Ivan Galarza

Mr. Doug McCulloch made a motion to approve the case. Mr. Jeremy Woodward seconded the motion. Mr. Hu had presented this case with the previous case.

Chairman Cook asked if there was anyone from the public that would like to comment. There were no comments and Chairman Cook closed public comments and opened the floor up to Commission discussion. With no other discussion, Mr. Cook called for a vote, the motion passed unanimously 7-0.

5. Case C 22-24 – 713 10th Street:

Consider taking action on a conditional use at 713 10th Street to allow for a tattoo studio in the Central Business District (CBD) zoning district.

Applicant: Joshua Williams

Mr. Michael Grassi made a motion to approve the case. Mr. Jeremy Woodward seconded the motion. Mr. Fabian Medellin presented the case and stated this was the third case for the downtown area to be presented. The applicant and owner, Mr. Joshua Williams had met with staff previously to discuss the development of a portion of a vacant structure to use as a tattoo studio.

The subject property is located at 713 10th Street, between Scott Avenue and Indiana Avenue still in the core of the Central Business District (CBD) downtown area. The property is surrounded by a daycare and vacant structures to the north, a parking lot and vacant building to the south, retail and offices to the east and to the west more retail.

Mr. Medellin stated the site plan provided by Mr. Williams's shows only the front portion of the structure will be used as his tattoo studio and the rest currently had no plans other than storage.

Staff believes the artistic expression of tattooing fits in well with the downtown arts movement. Notices were mailed to 15 property owners with one response in favor. Any potential negative impacts will be mitigated by appointments and later hours of operation. With all potential impacts taken into consideration, staff recommends the approval of the proposed tattoo studio at 713 10th Street subject to the following conditions:

1. Compliance with the special conditions as outlined in Section 3769 pertaining to the exclusion of operating from the hours of 2:15 am – 5:30 am and the limitations of sign types.

2. The conversion shall comply with all applicable building, health, zoning, and fire codes leading to the issuance of a Certificate of Occupancy.
3. Business hours shall not extend beyond 10 pm daily.

Chairman Cook asked if the applicant was present, Mr. Williams was present, but did not give a presentation. Chairman Cook asked if there was anyone from the public that would like to comment. There were no comments and Chairman Cook closed public comments and opened the floor up to Commission discussion. With no other discussion, Mr. Cook called for a vote, the motion passed unanimously 7-0.

6. Street Name Change – from Cleveland Avenue to Cleaver Street:

Consider making a recommendation on a street name change from Cleveland Avenue to Cleaver Street.

Applicant: Bishop James Lee Hicks II

Mr. Noros Martin made a motion to approve the case. Mr. Wayne Pharries seconded the motion. Mr. Fabian Medellin introduced Bishop James Hicks II to present the petition for recommendation of a street name change.

Bishop Hicks gave the impressive history of Pastor Leroy Cleaver and his many accomplishments and achievements to the Commission and that he had the citizens would like to rename Cleveland Avenue to Cleaver Street to honor not only Pastor Leroy Cleaver, but the entire Cleaver family.


Bishop Hicks advised Pastor Cleaver served as a Tuskegee Airman during WWII, being the recipient of a Congressional Gold Medal, he was the first African American Civilian Flight Instructor at Sheppard Air Force Base and served as a cornerstone in the community with decades of services at his church, Jackson Memorial Church of God in Christ located on Cleveland Ave., and as a teacher at Barwise Jr. High. Staff advised the applicant of the process, and Mr. Hicks began to reach out to the community to gather support. Staff provided ownership information of all the properties along Cleveland Ave., and Mr. Hicks reached out to each by mail. The applicant collected a petition with over 400 signatures from those impacted and beyond.

Mr. Fabian Medellin advised there were 38 properties adjacent to Cleveland Ave. of those, only 12 face Cleveland Ave. Of the 12 properties that face Cleveland Ave., only one has a primary structure. If approved, only one resident would have to change their address. Mr. Hicks has reached out to the one homeowner to offer his services in assisting with any work/ fees in changing their address. The staff has reached out to the Streets Dept. to discuss the name change, and the owner has volunteered to pay the cost of the new street signs. The staff has also reached out to the utility companies, county offices, and United States Postal Service to advise of the requested street name change. After consideration of the request and the reason, staff recommend the approval of the street name change from Cleveland Avenue to Cleaver Street.


Chairman Cook asked if there was anyone from the public that would like to comment. There were no comments and Chairman Cook closed public comments and opened the floor up to Commission discussion. Mr. Doug McCulloch asked why the proposal was to use only Pastor Leroy Cleavers last name and not his full name. Bishop Hicks stated the wish was to honor the entire family as it was made up of many honorable people that gave back to the community. With no other discussion, Mr. Cook called for a vote to recommend the street name change to Council. The motion passed unanimously 7-0. Chairman Cook stated he believed this was a much overdue honor to an amazing, decorated man and his family.

IX. ADJOURN


Chairman Cook adjourned the meeting at 2:40 pm.



David Cook, Chairman


Date

Terry Floyd, Director of Development Services


Date

MINUTES
PLANNING & ZONING COMMISSION
January 11, 2023

PRESENT:

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

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

James McKechnie, Deputy City Attorney
Terry Floyd, Development Services Director
Fabian Medellin, Planning Manager
Christal Cates, Senior Executive Assist.
Cedric Hu, Planning Technician

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

ABSENT:

Noros Martin
Wayne Pharries
Steve Wood
Councilor Whiteley

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

I. CALL TO ORDER

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

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- c. Applicants and citizens who wish to address the Commission or answer questions from the Commission members are asked to please speak into the microphone at the podium. This meeting is being taped and there is no microphone to record statements made from the audience.
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III. OATH OF OFFICE

Ms. Christal Cates, Development Services Administrative Assistant administered the Oath of Office Pledge to all members present.

IV. PUBLIC COMMENTS

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

V. APPROVAL OF MINUTES

Vice Chairman, Jeremy Woodward made a motion to adopt the December 14, 2022, minutes. Mr. Marrs seconded the motion. The motion was passed unanimously, 7-0

VII. REGULAR AGENDA

1. Case C 23-01 – 5050 Kiel Lane:

Consider taking action on a conditional use at 5050 Kiel Lane to allow for a manufactured home as in fill development in the Single Family-1 (SF-1) zoning district.

Applicant: Shawn & Laurel Terry

Ms. Cayce Wendeborn made a motion to approve the case. Mr. Matt Marrs seconded the motion. Mr. Cedric Hu presented the case and stated the applicants were seeking a conditional use approval from the Planning and Zoning Commission to place a manufactured home in a Single Family-1 (SF-1) zoning district. City ordinance requires an approved conditional use permit to place a manufactured home in residential districts.

The subject property is located in the north area of Wichita Falls, north of Northwest Freeway and west of City View Drive. Mr. Hu advised the property currently is vacant surrounded primarily by other vacant land with a few residences nearby. The neighboring property adjacent to the east, 5040 Kiel Lane is also owned by the applicants.

Mr. Hu displayed a proposed site plan provided by the applicants showing the structure will be 30ft. X 76ft. (2,305sf.) consisting of 4 bedrooms and 2 bathrooms. The site plan proposed also showed 2 covered patios to be constructed. The front covered patio will measure 10ft. X 17ft. and the rear covered patio 12ft. X 39ft. The subject property is a 10-acre lot the structure will be on, exceeding all setback requirements.

Staff notified 5 property owners within a 200ft. radius and received back 3 responses in favor and 1 in opposition. Mr. Hu advised staff recommended approval of a conditional use for a manufactured home at 5050 Kiel Lane with the following conditions.

1. The manufactured home meets the requirements of Section 5600 for in-fill manufactured housing of the zoning ordinance for manufactured housing.
2. The proposed home must comply with all applicable codes and ordinances at the time of construction permitting.

Chairman Cook asked if the applicant was present. The applicant was present and did not wish to present anything further to the Commission. Chairman Cook asked for any public comments. Chairman Cook closed public comments and opened the floor up to Commission discussion. There were no comments and Chairman Cook called for a vote and the motion passed unanimously 7-0.

2. Case R 23-01 4520 Kemp Boulevard - Rezone:

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.

Applicant: Trevor & Jennifer Fowler

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

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

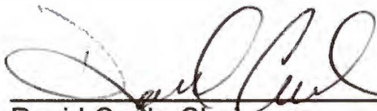
Chairman Cook asked if there was anyone from the public that would like to comment. The owner, Ms. Fowler, was present for the meeting and advised she had nothing to add to the presentation. With no other comments, Mr. Cook closed

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.

VIII. ADJOURN

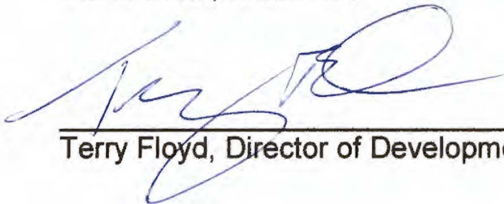
Chairman Cook adjourned the meeting at 2:18 pm.



David Cook, Chairman

2/8/2023

Date



Terry Floyd, Director of Development Services

2/8/2023

Date

CITY COUNCIL AGENDA
February 21, 2023

ITEM/SUBJECT: Ordinance replacing Ordinance No. 37-2022 that was amended by Ordinance 64-2022, the fee schedule applied to City operations; providing for severability; providing that such ordinance shall not be codified; and providing an effective date.

INITIATING DEPT: Legal

STRATEGIC GOAL: Efficiently Deliver City Services

STRATEGIC OBJECTIVE: Practice effective governance

COMMENTARY: This fee ordinance amendment has been prepared using the tracked changes function so that the City Council can see the current and proposed fees. This amendment includes the following:

1c. Airport

- 1c-1 – Adds Airport Overnight Hangar Fees and Airport Incidental Fees

4. Finance

- 4a-1 – Increases the Credit Card Service Fees due to the change in vendors.

9. Parks and Recreation

- Changed field rental fees to account for new artificial turf and grass.
- Changed tennis fees from adults to individuals and juniors to family.

10. Police

- Adds Credit Card/Online Transaction Fee of 2.95% of transaction amount.
- Adjust the towing fees to allow for a 25% increase in costs due to increase costs of gas and maintenance.

Staff recommends approval.

Document Key:

Original Text

Proposed Changes

~~Excluded Language~~

☒ City Attorney

ASSOCIATED INFORMATION: Ordinance

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Ordinance No. _____

Ordinance replacing Ordinance No. 37-2022 that was amended by Ordinance 64-2022, the fee schedule applied to City operations; providing for severability; providing that such ordinance shall not be codified; and providing an effective date.

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

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

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

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

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

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

1. Aviation, Traffic and Transportation

1a. Taxicabs

1a-1. Miscellaneous Taxicab Fees:

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

1b. Street Closure and Parade

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

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

1c. Airport

1c. Airport Fees:

(1) Long term parking fee.....\$5.00 per day

(2) Overnight Hangar Fees at Kickapoo Airport and Regional FBO:

Single Engine..... \$25.00
Twin Engine..... \$50.00
Turbo Prop..... \$100.00
Jet Turbine..... \$100.00
Jet Turbine (XL)..... \$150.00

(3) Airport Incidental Fees

- Kickapoo Airport
 - Ground Power Unit (GPU)..... \$25.00
- Regional FBO
 - Ground Power Unit (GPU)..... \$50.00
 - Lavatory Service..... \$25.00

1d. Personal Mobility Devices

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

2. Development Services

2a. Building Inspections

2a-1. Building Permits & Fees:

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

- (1) New building construction or addition:
- Single-family or duplex residence, per square foot of building or addition \$0.18
 - Single-family or duplex use storage, outbuilding, carport or patio, per square foot of building or addition \$0.06
 - Commercial use, which includes all other occupancies not listed in this section, per total square feet of building or addition \$0.29
 - Commercial storage building, per total square feet of building or addition \$0.10

- Commercial plan review, per square foot of covered area \$ 0.10
 - Commercial plan review for remodel work, per value \$ 0.0019
 - Commercial plan review for storage and finish outs, per square foot \$ 0.04
- (2) Finish out of existing shell buildings or areas within shell buildings, per total square feet of area \$ 0.08
- (3) Repair, alteration or remodel of existing residential buildings, per total square foot of work area \$ 0.18
- (4) Repair, alteration or remodel of existing commercial buildings, per total valuation of work \$ 0.006
- (5) Roofing or siding, per square foot of area covered or repaired \$ 0.006
- (6) Window replacement \$20.00
- (7) Foundation repair \$30.00
- (8) Foundation only, per square foot of area of foundation \$0.003
- (9) Signs, each:
- Up to and including 80 square feet of total sign face area (on-premises) \$10.50
 - Over 80 square feet of total sign face area (on-premises) \$37.00
 - All off-premises \$89.00
- (10) Demolition, which is required for any structure exceeding 150 square feet in area, per square foot of all structures at each location \$0.007
- (11) Building moves, which does not include mobile or manufactured homes transported by a licensed installer \$52.00
- Plus:
- Aviation, traffic and transportation department fees for moves two hours or less in duration \$100.00
 - Aviation, traffic and transportation department fees for moves exceeding two hours in duration will be the base rate of \$100.00, plus a charge of \$65.00 per hour or any part of an hour, per vehicle used for the time exceeding two hours.
- (12) Swimming pool \$21.00
- (13) Mobile or manufactured home installation outside of a mobile home park \$21.00
- (14) Flammable or combustible liquid storage tank or service station pump:
- Each new tank or replacement, which includes test verification \$35.00
- (15) Fire suppression system:
- Each fire suppression system \$125.00
 - Repair or alteration of an existing fire suppression system \$25.00
- (16) Miscellaneous:
- Demolition cleanup deposit, refundable to the permittee following final inspection approval, per square foot of all structures at each location \$0.05
 - Reinspection permit
 - First occurrence \$45.00

- Second occurrence..... \$55.00
- Each reinspection thereafter \$65.00
- General inspection.... \$50.00
- Equipment or structures not listed in this section \$50.00
- A permit fee may be refunded to the payee upon approval of the building and code administrator.
- Building, electrical, plumbing, or mechanical permits issued to premises located outside of the city limits shall include an additional inspection service charge of \$50.00.
- Weekend or after hours inspections \$75.00 to include the first hour, \$75.00 for each additional hour

2a-2. Electrical Permits & Fees:

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

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

2a-3. Plumbing Permits:

A minimum fee of \$75.00 shall be charged for issuing any class of permit required by the city plumbing code excluding Backflow Device Annual Inspections, which will be charged only the amount listed below. In addition to the minimum fee there shall be charged the following inspection fees:

- (1) New building or addition or complete re-plumb of existing building:
 - Single-family, multifamily or duplex use not exceeding three stories, which includes an attached or detached residential garage, storage or outbuilding per square foot of building or addition \$0.019
 - Commercial use, which includes all other occupancies not listed in this section, per square foot of building or addition \$0.012
 - Commercial storage, warehouse or parking garage which does not apply to accessory office areas, per square foot of building or addition..... \$0.008
- (2) Alteration, repair or replacement of plumbing service:
 - Existing single-family, duplex, or multifamily residences tenant or premises, for each..... \$5.25
 - Alteration, repair, addition to or replacement of plumbing installations or fixtures on commercial structures, for each \$15.75
- (3) General inspection\$5.25
- (4) Lawn sprinkler system, which includes backflow preventer..... \$32.00
- (5) Excavation\$15.75
- (6) Temporary gas \$5.25
- (7) Reinspection:
 - First occurrence..... \$45.00
 - Second occurrence\$55.00
 - Each reinspection thereafter.....\$65.00
- (8) Backflow Device – Annual Inspection \$30.00
- (9) Other equipment or appliances not listed in this section, each.....\$5.25

2a-4. Mechanical Permits:

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

- (1) New building or addition or complete re-fit of existing buildings:
 - Single-family, multifamily or duplex use not exceeding three stories, which includes an attached or detached residential garage, storage or outbuilding, per square foot of building or addition \$0.007
 - Commercial use, which includes all other occupancies not listed in this section, per square foot of building or addition \$0.009
 - Commercial storage, warehouse or parking garage, which does not apply to accessory office areas, per square foot of building or addition..... \$0.003
- (2) Alteration, repair or replacement of mechanical units:
 - Existing single-family, duplex, or multifamily residences tenant or

- premise, for each:..... \$5.25
 - Alteration, repair, addition to or replacement of mechanical units on commercial structures, for each:..\$15.75
- (3) Reinspection:
 - First occurrence..... \$ 45.00
 - Second occurrence\$ 55.00
 - Each reinspection thereafter.....\$ 65.00
- (4) Other equipment or appliances not listed, each\$5.25
- (5) General inspection\$5.25

2b. Code Enforcement

2b-1. Miscellaneous Fees:

- (1) Fee to Abate Junk Vehicleno more than \$150.00
- (2) Public Right-of-Way Sign Removal\$25.00 plus \$1.00 per day for storage
- (3) Vacant Structure Registry (Annual)...\$150.00
- (4) Vacant Structure Inspection Fee (Annual)...\$100.00

2c. Planning

2c-1. Platting:

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

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

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

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

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

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

2c-2. Miscellaneous Development Fees:

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

- Administrative appeals\$200.00
 - Zoning amendments (rezoning)..... \$ 450.00
 - Up to five acres..... \$ 450.00
 - More than five acres\$ 450.00
 - Plus, per acre or fraction thereof..... \$10.00
 - Rezoning to PUD..... \$ 560.00
 - Plus, per acre or fraction thereof..... \$10.00
- (8) Credit Card/Online Transaction Fee... additional 3% of transaction amount

3. City Clerk

3a. Miscellaneous City Clerk Fees:

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

4. Finance

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

4a.-1 Credit Card Service Fees:

- (1) For payments made via IVR, the City's website, or Kiosk: No more than ~~\$3.25~~\$3.75 per ~~\$250.00~~\$125.00 charge
- (2) For payments made in person at the Utility Collections' counter: No more than ~~\$3.25~~\$3.75 per ~~\$250.00~~\$125.00 charge

4a.-2 ACH Participation:

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

5. Fire

5a.-1 Miscellaneous Fire Department Fees:

- (1) The following fees shall be assessed and collected for the use or presence of equipment and supplies in fire department responses to open burning permit supervision, vehicle fires and accidents, hazardous material spills and releases, and low water crossing rescues and rescue attempts:

- For each response to an incident scene involving at least one fire apparatus (engine, truck, rescue/Hazmat, manpower squad, command vehicle, mini-pumper): \$450.00 per day, with a one-day minimum;
 - The actual cost of any consumable used or partly used for the mitigation of any hazardous materials spill or release; and
 - The actual cost of repairing or replacing any nonconsumable item damaged during attempts to mitigate an incident covered under this section.
 - If a vehicle that is the subject of a response is covered by an automobile insurance policy, the occupants of said vehicle will not be billed in accordance with this section for the response, and the responsible vehicle's insurance company will instead be billed for that response.
- (2) Pyrotechnic display permit\$100.00; plus \$50.00 per hour for standby fire crew with 2-hour minimum
 - (3) Bonfire Standby ... \$50.00 per hour with 2-hour minimum
 - (4) Other fire department permits\$50.00
 - (5) Extended on-scene time to mitigate gas line breaks and downed power lines.
 - a. For each response to a hazardous condition involving gas line breaks and downed power lines involving at least one fire apparatus (engine, truck, rescue, squad, command vehicle), a one-time fee of \$450.00 will be assessed if the responsible utility company is not on-scene and prepared to release the fire department within 45 minutes of being notified by dispatch.

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

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

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

- (1) Fire Sprinkler Systems

- a. New fire sprinkler systems ... \$125.00 plus \$25.00 per 5,000 square foot to a maximum of \$500.00
- b. Alterations/Repairs ... \$40.00 for up to 50 heads; \$80.00 for 51-100 heads; \$125 for 100+ heads
- c. Subsequent inspections ... \$50.00
- (2) Fire Alarm Systems
 - a. New fire alarm system ... \$75.00 plus \$25.00 per 5,000 square foot to a maximum of \$450
 - b. Alterations/Repairs ... \$40.00 per alarm panel swap; \$40.00 for up to 25 devices; \$80.00 for 26-40 devices; New Alarm System rate for 41+ devices
 - c. Subsequent inspections ... \$50.00
- (3) Alarm Service Fees:
 - a. If the location has more than three but fewer than six false alarms in the preceding 12-month period\$50.00
 - b. If the location has more than five but fewer than eight false alarms in the preceding 12-month period\$75.00
 - c. If the location had eight or more false alarms in the preceding 12-month period\$100.00
- (4) Failed Final Inspection Fee
 - Assessed when contractor calls for a final inspection on sprinkler system or detection system and fails to correct identified errors/violations
 - a. Initial final inspection with identified errors/violations \$0.00
 - b. First follow-up inspection with identified errors/violations \$0.00
 - c. Second follow-up inspection with outstanding errors/violations \$50.00
 - d. Subsequent follow-up inspections with outstanding errors/violations \$100.00

5a.-4 Credit Card/Online Transaction Fee:

- Additional 3% of transaction amount up to \$3.25 per transaction

6. Health

6a. Animal Services

(1) Licenses:

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

- Duplicate city tag: \$7.00

(2) Annual permits:

- Commercial:
 - Fowl, Rabbit, Guinea Pig, Ferret: \$150.00
 - Grooming Shop: \$150.00
 - Kennel: \$125.00
 - Performing Animal, Petting Zoo, Circus: \$150.00
 - Pet Store: \$150.00
 - Private Animal Shelter: \$150.00
 - Stable, Riding School: \$150.00
 - Permit Reapplication Fee: \$50.00
 - Permit Reinspection Fee: \$25.00
- Residential:
 - Fowl: \$30.00
 - Livestock: \$75.00
 - Livestock with identification: \$55.00
 - Pet Fancier: \$50.00
 - Project Animal: \$20.00
 - Rabbit: \$25.00
 - Swine: \$45.00
 - Permit Reapplication Fee: \$25.00
 - Permit Reinspection Fee: \$25.00

(3) Special permits:

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

(4) Impound fees:

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

(5) Daily boarding fees:

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

(6) Quarantine fees:

Quarantine Vaccinations\$20

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

(7) Animal surrender fee payable by owner:

- Single animal: \$30.00
- Litter less than 4 months old – three or less (Mom charged as single animal): \$40.00
- Litter less than 4 months old – four or more (Mom charged as single animal): \$60.00
- Animal Pickup Fee: \$15.00 (in addition to surrender fee)

(8) Deceased animal removal fee:

- Animal weighing 50 lbs or less: \$20.00
- Animal weighing greater than 50 lbs: \$30.00

(9) Trapping:

- Small trap deposit: \$60.00
- Large trap deposit: \$155.00
- Trapping and animal removal fee: \$35.00 for 5 days, and \$10.00 for every day thereafter.
- Animal removal fee – private trap:
 - Animal weighing 50 lbs. or less: \$20.00
 - Animal weighing 50 lbs. or more: \$30.00

(10) Adoption fees:

- Dog Adoption Fee: \$40.00
- Cat Adoption Fee: \$40.00
- Transport Fee to Veterinarian out of City limits: \$25.00
- Small Animal: (birds, rabbits, guinea pigs, snakes, hamsters, fish, etc.) \$10.00
- Fowl: \$3.00
- Small Livestock: (goats, sheep, pigs): \$40.00
- Large Livestock (Horses, donkeys and cows): \$75.00

(11) Miscellaneous fees:

- Microchipping: \$10.00

- Rabies voucher: \$12.00
- Late Fee Permit: \$25.00
- Late Fee License: \$10.00
- The health district is hereby authorized to pass along the cost of any veterinary services incurred for the care of an animal to that animal's owner, possessor, or harborer.

(12) WCSO Basic Call for Service Fees

- Required Trip Fee (Per Call for Service): \$40.00
- Animal Pick Up Fee per animal: \$10.00

6b. Environmental

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

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

(1) Permits:

- Process 1 (low to moderate risk): \$200.00
- Process 2 (high risk): \$225.00
- Process 3 (very high risk): \$300.00
- Temporary events: \$30.00 for non-profit event; \$50.00 for for-profit event
- An additional permitting fee of \$125.00 will be charged to a food establishment for each of the following activities at the establishment:
 - Meat market
 - Catering
 - Bakery
 - Snack bar
 - Fish market
 - Commissary
 - Produce
 - Dog Patio
- Seasonal Permits: \$175.00
- Non-profit organizations which are exempt from federal tax liability under 26 U.S.C. 501(c)(3) are exempt from permit fees, unless consideration is charged for the food served.

(2) Certifications:

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

(3) Food handler's training certificate:

- Food handler training certificate: \$20.00

- Replacement food handler's training certificates (lost card): \$5.00
- (4) Re-inspection fees:
 - Each inspection: \$75.00
 - Soft-serve sample fee: \$25.00
- (5) Plan review fees:
 - New construction: \$150.00
 - Extensive remodel that requires construction: \$100.00
 - Concept change that requires change of equipment: \$100.00
 - Each requested site visit: \$50.00

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

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

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

6b-3. Body Art Fees:

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

6b-4. Miscellaneous Fees:

- (1) Foster home inspection fee: \$50.00
- (2) Day care inspection fee: \$100.00
- (3) Swimming pool permits: \$200.00 per pool per year.
- (4) Manager of public and semi-public water-related activity operation: \$50.00 per manager per year.
Re-inspection fees: ... \$25.00 for each failed water sample
- (5) Late charge for renewal of expired division 1 permits: \$25.00 for every month expired.

6b-5. Lodging Permit Fee Schedule:

1-10 Rooms:	\$100.00
11-25 Rooms:	\$125.00
26-50 Rooms:	\$150.00
51-75 Rooms:	\$200.00

76-100 Rooms:	\$225.00
101-150 Rooms:	\$250.00
151-200 Rooms:	\$300.00
201+ Rooms:	\$350.00

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

- (1) Vacuum truck permit fee (per truck): \$150.00
- (2) Grease trap permit fee: \$75.00
- (3) Late fees:
 - Grease trap permit: \$25.00 for every month expired
 - Vacuum truck permit: \$25.00 for every month expired
 - Industrial wastewater permit: Five percent of permit fee
- (4) The rates in this section are for a permit issued for a period of one year. The control authority may prorate the amounts for permits with shorter durations, or, for initial permits only, may increase the amounts by the appropriate factor for a slightly longer period.

On-Site Sewage Facilities (OSSF) Fees

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

6c. Laboratory

6c-2. Miscellaneous Laboratory Fees:

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

6.d. Donation Boxes

6d-1. Donation Boxes:

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

7. Library

7a. Miscellaneous Library Fees:

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

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

8. Municipal Court of Record

8a. Miscellaneous Court Fees:

- (1) Child Safety Fund Fee\$5.00
State law reference— Fee for child safety authorized, Vernon's Ann. C.C.P. art. 102.014.
- (2) Credit Card Transaction Fee.....\$2.50 per transaction

9. Parks and Recreation

9a. Athletic Complex Fees:

- (1) Tournament Deposit Fees:
 - Tournament Reservation Security Deposit\$100.00

- Cleanup, Damage, and Loss Deposit\$200.00
- Tournament Waiting List Deposit\$100.00
- (2) Facilities Fees:
 - Scorekeeper's Booths/Meeting Room Rental\$50.00 per day plus 100.00 damage deposit
 - Field Rental: per field per day ~~\$75.00~~
 - Grass: \$75.00
 - Artificial Turf: \$200.00
 - Light Use Fee: per hour per field \$30.00
- (3) Practice Fees:
 - Light Use Fee: per 1.5 hours per field \$30.00
- (4) In addition to the above fees, certain percentage-based fees may apply as outlined in relevant portions of the City of Wichita Falls Code of Ordinances.

9b. Athletic & Recreation Fees:

- (1) Athletic Fees:
 - Spring Softball \$300.00
 - Fall Softball \$300.00
 - Kickball \$300.00
 - Flag Football \$225.00
 - Volleyball \$200.00
 - Basketball \$350.00
 - Registration Late Fee \$25.00
- (2) Summer Day Camp Fees: \$100.00 per 2-week session
 - Transfer Fee \$15.00
 - Late Registration \$15.00
- (3) Swimming Pool Fees:
 - Admission Fee \$2.00 under 18 or \$3.00 18 & over
 - Swim Lesson Fee \$40.00 per 2 week session
 - Swimming Pool Rental \$200.00 per two hours
- (4) Tennis Fees:
 - At all times \$3.00 per 1.5 hours per person
 - Tournament Fee \$5.00 per person
 - Annual Permit Fees:
 - ~~Adult (19 & over)~~Individual ~~\$100.00~~\$120.00
 - ~~Juniors (18 & under)~~Family ~~\$100.00~~\$300.00
- (5) Summer Track Program: June 6-July 9 ... \$50.00

9c. Cemetery Fees:

- (1) Riverside Cemetery:
 - Single Space\$1,600.00
 - Two Space Lot\$3,200.00
 - Baby Space\$750.00

- (2) Rosemont and Lakeview:
 - Single Space\$1,300.00
 - Two Space Lot\$2,600.0
 - Baby Space\$550.00
- (3) Opening /Closing Adult Grave - Includes 1 tent set-up\$813.00
- (4) Opening/Closing Infant Grave\$375.00
- (5) Cremation including tent....\$438.00
- (6) Adult Disinterment\$1,300.00
- (7) Infant Disinterment\$550.00
- (8) Lot Maintenance - Steel or Concrete Container\$125.00
- (9) Lot Maintenance – Wood\$188.00
- (10) Lot Maintenance - No Container.....\$250.00
- (11) Overtime Monday - Friday Arrival to cemetery after 3:00 p.m.....\$281.00
- (12) Overtime Monday - Friday After 3:00 p.m.\$281.00
- (13) Overtime Saturday\$625.00
- (14) Additional Tent Set-up\$94.00
- (15) Cemetery Transfers.....\$25.00 per burial site

9d. Mobile Stage Fees:

- (1) Reservation Deposit \$100.00
- (2) Stage Rental Fee \$600.00 per day
- (3) Cleanup & Damage Deposit \$1000.00
- (4) Call Back Fee \$50.00 per occasion
- (5) Sound System \$100.00 per day

9e. Miscellaneous Parks Fees:

- (1) RV Park Usage Fee\$17.00 per day per site
- (2) 50 Plus Zone Membership Fee\$30.00 per year
- (3) Log Cabin Rental Fees:
 - Cleanup & Key Deposit\$115.00
 - Rental Fee (4 Hour Block)\$60.00
 - Rental Fee (5 Hour Block)\$70.00
 - After-hours key pickup \$30.00
- (4) Kemp Sunnyside Center
 - Cleanup & Key Deposit \$115.00
 - Rental Fee (Up to 5 Hours) \$50.00/(6 Hours+)\$100.00
 - After-Hours Key Pickup \$30.00
- (5) East Lynwood Center
 - Cleanup & Key Deposit \$115.00
 - Rental Fee (Up to 5 Hours) \$50.00/(6 Hours+)\$100.00
 - After-Hours Key Pickup \$30.00
- (6) Recreation Center Meeting Room Rentals:
 - Large Room Rental Fee (4,500 sq. ft.)\$60.00 per four hours plus \$50.00 deposit
 - Small Room Rental Fee (1,050 Sq. ft.)\$40.00 per four hours plus \$50.00 deposit

- (7) Park Shelter Rental ... \$15.00 per four hours

10. Police

10a. Accident Investigation Reports:

- (1) Accident Investigation Reports Fee higher of \$6.00 or maximum allowed statutory fee
- (2) Certification Fee\$2.00

10b. Alarm Permits:

- (1) Issuance Fee\$25.00
- (2) Permit Renewal Fee\$15.00
- (3) Late Permit Renewal Fee ...\$25.00
- (4) Alarm Service Fees:
 - \$50.00, if the location has more than three but fewer than six false alarms in the preceding 12-month period.
 - \$75.00, if the location has more than five but fewer than eight false alarms in the preceding 12-month period.
 - \$100.00, if the location had eight or more false alarms in the preceding 12-month period.

(5) Credit Card/Online Transaction Fee:

- \$2.95 per transaction

10c. Towing and Rotation Contracts:

- (1) New or Renewal Permit\$15.00
- (2) New or Renewal Rotation Contract\$200.00
- (3) Public Safety Fee on Police Tows ... \$25.00
- (4) Light Duty Towing (towing a vehicle with a gross vehicle weight of 10,000 pounds or less)
 - 1st Tow Truck \$150.00 per hour
 - 2nd Tow Truck ... \$150.00 per hour
- (5) Medium Duty Towing (towing a vehicle with a gross vehicle weight over 10,000 pounds but less than 25,000 pounds)
 - 1st Tow Truck \$187.50 per hour
 - 2nd Tow Truck ... \$187.50 per hour
- (6) Heavy Duty Towing (towing a vehicle with a gross vehicle weight of over 25,000 pounds)
 - 1st Tow Truck \$375.00 per hour
 - 2nd Tow Truck ... \$375.00 per hour

The above hourly towing fees include any work performed during the first hour. Time posted after the first hour will be billed in increments of 15 minutes.

- (7) Hourly rates for private property non-consent tows

- Light duty: Not more than \$112.50
- Medium duty: Not more than \$150.00
- Heavy duty: Not more than \$256.25

10d. Miscellaneous Police Fees:

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

11. Public Works

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

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

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

11b. Sanitation, Sewage, & Stormwater

11b-1. Abnormal Sewage Surcharges:

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

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

- (1) Municipal/industrial solid waste hauled to landfill, per ton\$30.80

- (2) Municipal/industrial solid waste hauled to transfer station, per ton\$40.15
- (3) Tires hauled to the transfer station, per ton\$200.00
- (4) Source-separated compostable organics hauled to the landfill, per ton\$19.80
- (5) Credit Card Transaction Fee \$3.25 per transaction
- (6) Only exclusive franchise holders shall be allowed to obtain a waste disposal agreement by written contract with the city manager. The city manager shall negotiate a minimum monthly amount of 100 tons and a rate profitable to the city after considering current market conditions and the city's disposal costs.
- (7) Commercial haulers will be assessed the appropriate user fee for the use of the landfill or transfer station. All governmental entities, excluding the city, shall be charged the commercial rate.
- (8) Any hauler who delivers solid waste material to the landfill or transfer station shall be charged a loose materials fee of \$25.00 unless the following conditions are met:
 - Waste material is completely covered with a tarp, cargo net, wire screen or other covering adequate to prevent the trash or other refuse from escaping therefrom, and said covering shall be securely tied to the bed of the vehicle or trailer, or
 - Large waste material items must be securely tied to the bed of the vehicle or trailer with ropes or straps adequate to prevent the large items from escaping therefrom, or
 - Brush or tree limbs must be securely tied to the bed of the vehicle or trailer with ropes or straps of adequate strength and number, or covered completely with a tarp, cargo net, wire screen or other covering adequate to prevent the trash or other refuse from escaping therefrom, or
 - The waste material is completely enclosed by the load-carrying compartment of the vehicle.
- (9) The purchase price for compost shall be \$12.50 per cubic yard with a three-yard minimum.

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

- (1) Single-family unit:
 - Alley collection\$23.11 per month
 - Curbside automated collection\$16.48 per month
- (2) One-family unit or single-family unit, without alley entrance, where it is necessary to carry out municipal solid waste for more than ten feet but less than 50 feet from the curb\$41.66 per month
- (3) One-family unit or single-family unit, without alley entrance, where it is necessary to carry out municipal solid waste for more than 50 feet but less than 100 feet from the curb\$51.09 per month

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

Container Size (cubic yard)	Pickups Per Week	Monthly Charge Per Container
3	2	\$113.58
3	3	\$170.24
3	4	\$227.00
3	5	\$284.13
3	6	\$340.47
4	2	\$128.63
4	3	\$192.97
4	4	\$257.26
4	5	\$321.60
4	6	\$386.58
6	2	\$227.16
6	3	\$340.53

6	4	\$454.00
6	5	\$568.21
6	6	\$680.84
8	2	\$245.87
8	3	\$368.83
8	4	\$491.73
8	5	\$614.75
8	6	\$737.60

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

- (11) Commercial Dumpster Lock, per month....\$5.00
- (12) Service rendered outside the corporate limits shall be 200 percent of the rates set out in this section.
- (13) Automated curbside service rates will be calculated on the same basis as subsections (1) through (9) of this section. Additional automated curbside service may be added to any account for a rate, for each additional container, that is 50 percent of the established rate.
- (14) Replacement deposit on curbside container if abuse or neglect is determined shall be \$65.00 per container.
- (15) The charges for ten cubic yard roll-off service are as follows: (Updated July 1, 2022)
 - Delivery set fee\$80.35
 - Pull / Reset Fee \$44.65
 - Per day rental.....\$5.35
 - Landfill charge for refuse, per ton\$30.80
 - Landfill charge for compostable organic material, per ton\$19.80
- (16) Payload Service:
 - Initial trip charge \$31.20
 - Plus loading fee \$2.10 per minute
- (17) Automated Curbside Organic Reuse:
 - Residential 96-gallon cart ... \$3.00 per month

- Residential customers must maintain the organic reuse service for a minimum of six months or be charged a pick up fee of \$12.50.
- In order to participate in the twice-per-year compost give-away, residential customers must participate in the organics reuse program for 45 days prior to a scheduled give-away.
- Commercial 96-gallon cart ... \$7.00 per month
 - Commercial customers are not allowed to participate in the compost give-away program.

(18) Commercial Dumpster Organic Reuse:

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

(19) Franchise Hauler

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

(20) Commercial Service Site Permit

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

11b-4. Sewer Service Rates:

- (1) Retail User Monthly Minimum \$8.21 per full billing cycle
- (2) Monthly Sewer Usage Rate(Non-Residential)..... \$1.91 for each 100 cubic feet of water
- (3) Monthly Sewer Usage Rate (Residential)based upon the average winter months' water usage

11b-5. Water Connection Application Deposits:

(1) Fees & Minimum Deposits:

- Single-Unit Residential Meters\$100.00
- Duplexes, Apartments, Mobile Home Park Meters
 - Each Unit or Occupiable Space\$75.00
 - Minimum\$110.00
- Business, Commercial, and Industrial Meters.....Estimate of a two-month bill, \$110.00 minimum
- Special-Purpose Meters (e.g. Yard Sprinklers, Pools).....\$75.00 per service connection

(2) Builder Deposit for New Construction Site\$110.00

11b-6. Water Usage Rates:

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

Meter Size (inches)	Minimum Bill
3/4	\$19.52
1	\$39.55
1½	\$72.91
2	\$112.95
3	\$206.41
4	\$339.91
6	\$673.62
8	\$1,194.25
10	\$1,861.83

- (2) For consumption, the rates per 100 cubic feet for single-family units and multi-family units up to four units shall be at an inclining block rate as follows:
- First 200 cubic feet of water at \$3.97 per hundred.
 - Next 800 cubic feet of water at \$4.15 per hundred.
 - Next 1,000 cubic feet of water at \$4.35 per hundred.
 - Next 2,000 cubic feet of water at \$4.75 per hundred.
 - Next 2,000 cubic feet of water at \$5.02 per hundred.
 - Next 6,000 cubic feet and above of water at \$5.33 per hundred.
 - Specific use meters installed for lawn sprinklers, swimming pools, and other nondomestic uses will also be billed at the inclining block rate described above.
- (3) For Reilly Road Water Fill Station customers, the rates shall be:
- City residents \$7.34 per thousand gallons of water.
 - Non-city residents \$14.67 per thousand gallons of water.
 - Non-resident service fee \$27.25 per month.
- (4) For multi-family units having 5 or more units, and all other non-residential use meters, the rate shall be a flat rate of \$4.25 per hundred cubic feet.
- (5) During the first and last billing cycle in which an account is active, the minimum monthly bill shown in this section shall be prorated for the number of days the account is active; the prorated daily charge shall be based on a 30-day month. The amount charged in the first and last billing cycle for water consumed and the prorated minimum bill shall not exceed the charges for the same amount of water in a full billing cycle.
- (6) The current rate structure for raw water retail customers inside the corporate city limits is as follows:
- Minimum bill, per month \$19.52
 - Volume charge per 100 cubic feet for consumption \$0.57

- Retail treated and raw water customers outside the corporate city limits will pay two times the above rates.
- (7) Wholesale Water Rates: The following rates are approved for the indicated category of wholesale water customer, and shall apply unless a contract expressly provides for fees to be charged or calculated in a different manner than as shown below:

Category	Per 1,000 Gallons	Per 100 Cubic Feet
Treated water transmitted (TWT)	NA	\$3.9246
Raw water only (RWO)	\$0.6441	NA

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

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

Windthorst Water Supply Corporation	TWT	
Wichita Valley Water Supply Corporation	RWO	Lake Kickapoo Meter
Wichita Valley Water Supply Corporation	TWT	Wranglers Retreat Meter

(8) Credit Card Convenience Fee \$3.25 per transaction.

(9) City Utilities Division Fees for Service:

- Standard water tap: A three-quarter-inch or one-inch water tap that does not exceed 15 feet of service line. Excavation is performed in soil using a backhoe and no additional construction (e.g. cutting of asphalt or concrete; underground boring or specialized construction to avoid other utility lines, etc.) is required.

Size of Tap	
3/4"	\$1,541
1"	\$1,663

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

Type Tap	
Pipe	\$119.49
Manhole	\$300.00

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

to estimate non-standard water and sewer taps and other special utility-related services:

Item	
Labor (Normal duty hours)	\$22.50/hour
Labor (Overtime)	\$33.75/hour
Materials	Current cost City + 10% for Administration & Warehousing
Backhoe/ditcher/front-end loader	\$63.50/hour (4-hour min.)
Crew truck with tools	\$40.00/day (1/2 day min.)
Sewer rod truck, or jet cleaner with crew	\$80.00/hr (Normal duty hours) \$112.50/hr (Overtime)
Sewer Recycle Unit with crew	\$160.00/hr (Normal duty hours) \$225.00/hr (Overtime)
Air compressor	\$33.00/hr (2-hour min.)
Tap machine (6" and smaller)	\$200.00/job
Tap machine (larger than 6")	\$364.00/job
Lighted arrow board	\$132.25/day (1/2 day min.)
Standard barricading of excavation: use of not more than 3 Type I barricades w/lights as necessary and/or plastic fencing, 3 standard traffic signs and 6 standard traffic cones. Includes 1 on-site check per day.	\$86.00/day (1/2 day min.)
Standard manhole (5' deep)	\$2,148.34 plus \$380/ft. over 5'
Fire Hydrant (installed)	Determine by job estimate using standard charges

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

Service	
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Meter size reduction or increase	Determine by job estimate using standard charges
Underground boring without casing (up to 60') (for 1" and less)	\$476.10/job
Underground boring without casing	Diameter in Inches X \$4 + \$4/linear foot
Underground boring with casing	Boring cost plus materials cost
Shoring (if required for other services)	\$264.50/day
Backfill and Pavement Repair:	
Labor (Normal duty hours)	\$22.50/hour (2-hour min.)
Labor (Overtime)	\$33.75/hour (2-hour min.)
Materials	Current cost City + 10% for Administration and Warehousing
Backhoe	\$33.36/hour (2-hour min.)
Front End Loader	\$47.17/hour (2-hour min.)
Dump Truck	\$72.05/hour (2-hour min.)
Crew truck with tools	\$20.00/hour (2-hour min.)
Pavement repair for water tap	\$475.00/job min.
Unload septic waste from vacuum truck at City Wastewater Treatment Plant	\$0.08 per gallon for loads originating within city limits; \$0.16 per gallon for loads originating outside city limits
Laboratory testing of septic loads with excessive levels of FOG, TSS, or BOD or with other constituents not acceptable at plant.	Commercial lab cost plus 10% for administration and handling
Dewatering and disposal of grease and/or grit waste at City Waste-water Treatment Plant	N/A - refer customer to private Type 5 facility
Returned check (no cut-off required)	\$30.00

Cut-off/reconnect as per request of customer	\$30.00
Service Disconnect and Restoration Fee	\$30.00 plus \$20.00 extra if same day reconnect requested
Remove meter (up to and including 1")	\$66.00 plus deposit or payment
Remove meter (larger than 1")	Determine by job estimate using standard charges
Meter Reset for Pre-existing Residence (up to and including 1")	\$500.00, unless within 5 years after removal of the meter
Meter Reset for Pre-Existing Residence (larger than 1")	Determine by job estimate using standard charges
Padlock and saddle damage	\$37.00
Water-off lid (customer damage)	\$53.00
Cut-off/replacement (customer damage)	\$125.00
Meter damage (customer tampering) up to 1"	\$66.00 plus parts
Remove/install cut-off and install/remove plug customer service line (up to 1")	\$190.00
Additional measures to prevent illegal use of water	Determine by job estimate using standard charges
Meter test (of accurate meter) (up to 1")	\$72.75
Meter test (of accurate meter) (larger than 1")	Determine by job estimate using standard
Reread (reading accurate)	\$20.00
Establish temporary water Account	\$30.00 (includes establishment of account, turn-on/turn-off of water)
Deposit for Fire Hydrant Meter	\$1,900.00 meter deposit plus \$100.00 billing deposit
Manual invoicing (minimum charge)	\$22.50/hr., 1 hr. min.
Standard barricading of excavation: use of not more	\$86.00/day (½ day Min.)

than 3 Type I barricades w/lights as necessary and/or plastic fencing, 3 standard traffic signs and 6 standard traffic cones. Includes 1 on-site check per day.	
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11b-7. Industrial Wastewater Discharge Permit Fees:

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

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

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

- (1) New landscaping fee during Stage 1 & 2 drought.....\$50
- (2) New Landscaping Water Rate during Stage 2 ...3 x normal rate over 10 ccf
- (3) Stormwater fee\$5.00 per unit. Maximum commercial fee \$1,666.65 per month
- (4) Street Sweeper Fee\$83.00 per hour. Minimum 2-hour charge.
- (5) Engineering Construction Bid Plan Set \$35.00
- (6) Late Payment Fee \$25.00 for every 30 days after due date
- (7) Municipal Settings Designation (MSD) Application Fee\$2,500.00
- (8) Industrial Water Reuse Rate.... \$4.07/1000 ccf"

12. Property Management

12.a Miscellaneous Fees & Liens:

- (1) Administrative Fee For Abatement\$ 125.00 per lot or parcel
- (2) Dangerous Weeds and Grass Abatement fee \$125.00 per lot or parcel
- (3) Credit Card/Online Transaction Fee.....3% of the transaction amount

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

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

- (1) General default.....\$1,000
- (2) Sidewalk Encroachment\$250.00

- (3) Trail Connection Encroachment.....\$0

12.c Lake Lot Fees:

- (1) Annual Fee:
- Pier: \$75.00 (2004)
 - Boathouse: \$150.00 (2004)
 - Crappie House: \$150.00 (2004)
- (2) Pier, Boathouse, and Crappie House
- Applications: ...\$50.00 one-time fee (1998)
- (3) Transfer Fees:
- Old Leases: \$75.00 per lease
 - Current Leases: \$200.00 (1994)
- (4) Waterfowl Hunting Permit..... \$50.00
- (5) Late Payment Penalty.... \$100.00

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

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

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

6. This ordinance shall take effect **March 23, 2023** and it is so ordained.

PASSED AND APPROVED this 21st day of February, 2023.

M A Y O R

ATTEST:

City Clerk

CITY COUNCIL AGENDA
February 21, 2023

ITEM/SUBJECT: A Resolution of the City of Wichita Falls, Texas, authorizing the City Attorney to proceed with litigation against the property owners at 3003 Cumberland Ave., Wichita Falls, Texas under Texas Local Government Code Chapter 54.

INITIATING DEPT: City Attorney

STRATEGIC GOAL: Efficiently Deliver City Services

STRATEGIC OBJECTIVE: Practice Effective Governance

COMMENTARY:

3003 Cumberland Ave. has received 31 citations for numerous City of Wichita Falls Code of Ordinance violations. To date, the citations have failed to solve the issues plaguing 3003 Cumberland Avenue and the surrounding properties. The accumulation of items create rodent and insect habitats that are conducive to breeding disease. The accumulation of items, the manner in which they are stacked, and the close proximity to the neighboring structures create an undue fire risk. As such, the City Attorney's Office finds it necessary to institute a nuisance abatement lawsuit under Chapter 54 of the Texas Local Government Code to cure the violations and protect the health and safety of the community.

☒ **City Attorney**

ASSOCIATED INFORMATION: Resolution

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Resolution No. _____

A Resolution of the City of Wichita Falls, Texas, authorizing the City Attorney to proceed with litigation against the property owners at 3003 Cumberland Ave., Wichita Falls, Texas under Texas Local Government Code Chapter 54.

WHEREAS, the property owners at 3003 Cumberland Ave., Wichita Falls, Texas are maintaining a property conducive to rodent and insect infestation causing a health safety risk to the surrounding properties, and creating a fire risk due to the stacking of combustible materials; and

WHEREAS, citations issued by the City of Wichita Falls to the property owners at 3003 Cumberland Ave., Wichita Falls, Texas have failed to rectify the issue; and

WHEREAS, the City wishes to pursue civil litigation to require conformance with City of Wichita Falls Code of Ordinances under Texas Local Government Code Chapter 54; and

WHEREAS, the City Council hereby finds and determines that the adoption of this Resolution is in the best interests of the residents of the City.

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

SECTION 1. That the recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

SECTION 2. That the City Council hereby finds that there is a substantial need for legal services to be provided in the litigation

SECTION 3. Based on the findings by the City Council described above, the City Council hereby authorizes the City Attorney to proceed with litigation against Salvador Prieto and Mariana Prieto, *in personam*, and 3003 Cumberland Ave., Wichita Falls, Texas, *in rem*.

PASSED AND APPROVED this the 21st day of February, 2023.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

CITY COUNCIL AGENDA

February 21, 2023

ITEM/SUBJECT: Resolution authorizing the City Manager to execute a one-year lease agreement renewable up to four times with the Wichita Falls Federal Credit Union for the amount of \$1,500.00 a month.

INITIATING DEPT: AT&T

STRATEGIC GOAL: Efficiently Deliver City Services

STRATEGIC OBJECTIVE: Practice Effective Governance

COMMENTARY: The Wichita Falls Federal Credit Union (WFFCU) has been serving the City of Wichita Falls employees for 74 years. Its current location is 2100 Seymour Highway inside the Central Services Complex, and it has been at this location for approximately 25 years. Previously, it was located in the Memorial Auditorium. The field of membership includes the following employees, retirees, spouses, relatives, and household members:

- City of Wichita Falls
- Wichita County Water Districts #1 and #2
- Wichita Falls Housing Authority
- Wichita Falls City/County Health Unit
- Wichita County Appraisal District
- Lakeside City
- TB Electrical
- Century Construction
- Members of the Wichita Falls City Council

Changes in the new lease include the following:

- Increase from \$1,000/month to \$1,500/month
- Annual rate adjustment tied to the Consumer Price Index
- One-year lease with the option to renew for four years by both parties
- Pedestal-mounted WFFCU signage at the front entrance to the Central Service Facility
- Process to address capital improvements requested by WFFCU
- Standard City of Wichita Falls indemnity clauses
- Updated minimum insurance requirements for WFFCU

The WFFCU has grown to \$24+ million in assets, and it serves approximately 2,500 members. The City and the Wichita Falls Credit Union wish to continue the relationship and allow the Wichita Falls Credit Union to continue usage of the office space.

Staff recommends approval of this lease agreement.

☒ Director, Aviation, Traffic & Transportation

ASSOCIATED INFORMATION: Resolution, Contract

☒ **Budget Office**

☒ **City Attorney**

☒ **City Manager**

Resolution No. _____

Resolution authorizing the City Manager to execute a one-year lease agreement renewable up to four times with the Wichita Falls Federal Credit Union for the amount of \$1,500.00 a month

WHEREAS, Wichita Falls Federal Credit Union currently offices and operates out of the City of Wichita Falls Central Services building; and,

WHEREAS, the City of Wichita Falls and Wichita Falls Federal Credit Union wish to continue the operation and officing out of the City of Wichita Falls Central Services building and enter into a lease agreement.

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 one-year lease agreement renewable up to four times with the Wichita Falls Federal Credit Union for the amount of \$1,500.00 a month in form as approved by the City Attorney.

PASSED AND APPROVED this the 21st day of February 2023.

MAYOR

ATTEST:

City Clerk

LEASE AGREEMENT

THIS LEASE AGREEMENT is made and entered into this ____ **day of February, 2023** by and between the **City of Wichita Falls**, hereinafter referred to as the "LANDLORD," and **Wichita Falls Federal Credit Union**, a federal credit union organized and operating under the laws of the State of Texas, hereinafter referred to as the "TENANT."

WITNESSETH

WHEREAS, the Landlord maintains office space within the City of Wichita Falls Transportation building; and

WHEREAS, the Tenant desires to utilize a portion of the office space as a credit union that would benefit the City.

NOW, THEREFORE, in consideration of the mutual promises and agreements of the Landlord and Tenant, it is understood and agreed by and between the Landlord and Tenant as follows:

1. Obligations of the Landlord:

- A. The Landlord hereby leases to the Tenant, pursuant to the terms of this Agreement, a portion of certain real property located in the City of Wichita Falls, Texas, hereafter called the CREDIT UNION OFFICE SPACE, OR THE PREMISES, and described as follows:

a. Office Space at 2100 Seymour Highway, Wichita Falls, Texas 76301

- B. The term of this Lease shall commence on February 21, 2023, and continue through December 31, 2023. This Agreement shall be automatically renewed at the end of each term for an additional one-year term up to four times. Either Landlord or Tenant may terminate, without cause, the tenancy by giving the other 180 days' written notice of an intention to terminate the Agreement.

- a. Base Rent payment to the City of Wichita Falls: \$1,500.00 per month.
- b. CPI Adjustment. The Base Rent for each Lease Year during the Term hereof subsequent to the first Lease Year shall be increased in the same amount as any increase in the Consumer Price Index during the preceding Lease Year. Such increase shall be calculated by multiplying the annual Base Rent by a fraction whose numerator is the Consumer Price Index for the twelfth month of the preceding Lease Year and whose denominator is the Consumer Price Index for the first month of such Lease Year. In no event shall the Base Rent be decreased due to changes in the Consumer Price Index. For purposes, hereof, "Consumer Price Index" shall mean the Consumer Price Index for All Urban Consumers, U.S. City Average, published by the Bureau of Labor Statistics of the United States Department of Labor, All Items (1982-84=100).

2. Obligations of the Tenant:

- A. Use of Premises. Tenant shall use the Premises for the purpose of operating a federal credit union.
- B. Tenant shall comply with all governmental laws, ordinances, and regulations applicable to the use of the Premises and shall promptly comply with all governmental orders and directives for the correction, prevention, and abatement of nuisances in or upon, or connected with the Premises, all at Tenant's sole expense. Tenant is responsible for collecting, filing, and paying any sales taxes that may be assessed on their productions. Tenant is responsible for any state or local health permits required.
- C. No additions or alterations to the Premises may be made by the Tenant or placed on the Premises by the Tenant during the term of the Lease Agreement, except with the prior written consent of Landlord. Any repairs as a result of the negligence or intentional act of the Tenant or any employee, agent, invitee, or patron of the Tenant, shall be promptly made by the Tenant in a good workmanlike manner.
- D. Tenant shall maintain the Premises in good repair, condition, and cleanliness at Tenant's sole expense. Tenant shall be responsible for all trash removal from the leased space on a daily basis. Landlord shall provide adequate dumpsters and collection as agreed upon with Tenant.
- E. Tenant accepts the Premises in an "As Is - Where IS" condition. Landlord makes no warranty, either expressed or implied, of the Premises, including, but not limited to, structure, plumbing, or surface conditions. Notwithstanding the above, Tenant shall annually provide Landlord with requests for major repair items in accordance with General Provisions paragraph 3. (B).
- F. The Tenant's representative will procure and keep in effect during the term hereof a public liability and property damage insurance for the benefit of Tenant and Landlord in the amount of at least \$200,000 for damages resulting to one person and \$500,000 for damages resulting from one casualty, and \$100,000 property damage resulting from any one occurrence. Tenant shall provide Landlord date proof of insurance certificate showing these minimum amounts prior to the commencement. Landlord shall be named an additional insured on all insurance policies obtained by the Tenant.
- G. Any prior oral or written agreement or understanding between the parties which has not been expressly stated in this Lease Agreement is hereby deemed to be waived, not part of this Lease Agreement, and no longer of any force or effect.

3. General Provisions:

- A. Tenant will be responsible for the costs of minor repairs, maintenance, and any other costs incidental to the operation of a credit union in the leased space.
- B. Annually, prior to March 1, Tenant will provide Landlord with Tenant's requests for capital expenditures or improvements that may be desired for the upcoming fiscal year (October 1 through September 30). Tenant may submit additional written requests in any given fiscal year for capital expenditures or improvements in said fiscal year, which must be approved by Landlord in writing at its sole discretion.

- C. For any claim resulting from the condition of the Premises not brought to the attention of the Landlord by Tenant pursuant to provision 2(E) of this Agreement, Tenant releases Landlord from all claims for loss of life, personal injury, or damage to the property or business sustained by Tenant or any person claiming through Tenant resulting from any fire, accident, occurrence or condition in or upon the premises or any adjacent property owned by Landlord, including, but not limited to, such claims resulting from:
- a. Defect in or failure of plumbing, electrical wiring, water pipes, railing, or walks;
 - b. Any equipment being out of repair;
 - c. The bursting, leaking, or running of any drain or any other pipe in or about the Premises;
 - d. The backing up of any sewer pipe;
 - e. Water, wind, snow, or ice coming through the roof of the structure above the Premises;
 - f. Broken glass;
 - g. Any act or omission of another Tenant, invitee, or other occupant; and
 - h. Any act or omission of Landlord, or of its principals, agents, servants, or employees, unless caused solely by the negligence of Landlord.
- D. The Tenant shall use and operate the Premises in a careful, safe, and reasonable manner. It shall not use or permit the Premises to be used for any purpose prohibited by the laws of the United States of America, the State of Texas, or the charter or ordinances of the City of Wichita Falls and the County of Wichita. It shall not use or keep any substance or material in or about the Premises which would endanger the Premises or vitiate the validity of any insurance upon the structure or increase the hazard of any risk.
- E. The Tenant shall not assign or transfer its rights under this Lease Agreement either in whole or in part without obtaining the prior written consent of the Landlord. Tenant is authorized to issue License Agreements, approved by Landlord, to entities authorized by Landlord.
- F. ***The Tenant shall indemnify, defend and hold the Landlord harmless against all damages, losses, claims, demands, costs, and expenses {including, without limitation, attorneys fees, and court costs} and liabilities of any kind or nature whatsoever, including injury or damage to persons or property, sustained or claimed to have been sustained by anyone whomsoever by reason of the operation, use or occupancy by Tenant, whether such use is authorized by this Lease Agreement or not, or by any act or omission of Tenant or any of its officers, agents, employees, independent contractors, or patrons, and Tenant shall pay for any and all damages to the property of the Landlord, or loss or theft of such property done or caused by such persons.*** The insurance coverage specified herein constitutes a minimum requirement which shall in no way lessen or limit the liability of the Tenant under the terms of this Lease Agreement. The Tenant shall procure and maintain at its own cost and expense any additional kinds and amounts of insurance that, in its own judgment, may be necessary for its protection and the protection of the Premises.

- G. All personal property of any kind or description whatsoever, either placed upon or currently upon the Premises, shall be at the Tenant's sole risk. The Landlord shall not be held liable for any damage to or loss of such personal property or damage or loss suffered by the employees, guests, or invitees of the Tenant from any source, including bursting, overflowing, or leaking of water, sewer, or steam pipes or from heating or plumbing fixtures, or from gases or odors, or caused in any other manner whatsoever, except in the case of the gross negligence or willful misconduct of the Landlord.
- H. The Tenant agrees to deliver and surrender possession of the Premises to the Landlord upon the expiration, cancellation, or termination of the Lease Agreement; The Premises shall be delivered clean and in good repair, excepting only ordinary, normal wear and tear.
- I. No waiver or any breach of any one or more of the conditions or covenants of this Lease Agreement by either party shall be deemed to imply or constitute a waiver of any succeeding or other breach hereunder.
- J. The parties hereto acknowledge and agree that in entering into this Lease Agreement, they have not relied upon any statements, representations, agreements, or warranties, except such as are expressed herein, and that no amendment or modification of this Lease Agreement shall be valid or binding unless in writing and executed by the parties hereto in the same manner as the execution of this Lease Agreement.
- K. All notices required to be given to the Landlord shall be given by certified or registered mail at the following address:

John Burrus, Director
City of Wichita Falls
PO Box 1431
Wichita Falls, TX 76307

All notices required to be given to the Tenant hereunder shall be given by certified or registered mail at the following address:

Stacey Rogers, CEO
Wichita Falls Federal Credit Union
2100 Seymour Highway
Wichita Falls, TX 76301

- L. The Landlord shall warrant and defend the Tenant in the enjoyment and peaceful possession of the Premises during the term of the Lease Agreement.
- M. Nothing in this Lease Agreement shall either obligate or prevent the Landlord from contributing money and/or manpower as the Landlord may, from time to time, in its sole and absolute discretion, deem necessary for the proper operation, maintenance, and continued development of the credit union.
- N. Landlord shall have, at all times, a valid security interest to secure payment of all rentals and other sums of money becoming due under this Lease Agreement from Tenant and to secure payment of any damages or loss that Landlord may suffer by reason of the breach by Tenant of any covenant, Agreement, or condition contained

in this Lease, upon all goods, wares, equipment, fixtures, furniture, and other personal property of Tenant which is now on the Premises or which is placed on the Premises at some later date, and all proceeds from them. The property shall not be removed from the Premises without the prior consent of Landlord and until all arrearages in rent and all other sums of money then payable to Landlord under this Lease Agreement shall have been paid and discharged, and all the covenants, agreements, and condictions of this Lease Agreement have been fully complied with and performed by Tenant.

- a. Upon the occurrence of an event of default by Tenant, Landlord may, in addition to any other remedies provided in this Lease Agreement or by law, after giving reasonable notice of the intent to take possession, enter upon the Premises and take possession of any and all goods, wares, equipment, fixtures, furniture, and other personal property of Tenant situated on the Premises, without liability for trespass or conversion, and the Landlord may sell the same at public or private sale, with or without having such property at the sale, after giving Tenant reasonable notice of the time and place of any public sale or of the time after which any private sale is to be made. Landlord or its assigns may purchase any items to be sold at such a sale unless they are prohibited from doing so by law.
- b. Unless otherwise provided by law, and without intending to exclude any other manner of giving Tenant reasonable notice, the requirement of reasonable notice shall be met if such notice is given at least 30 days before the time of sale. The proceeds from any such disposition, less any and all expenses connected with the taking of possession, holding, and selling of the property, including reasonable attorney's fees and other costs, shall be applied as a credit against the indebtedness secured by the security interest granted in this section. Any surplus shall be paid to Tenant or as otherwise required by law, and Tenant shall immediately pay any deficiencies to Landlord. Upon request by Landlord, Tenant agrees to execute and deliver to Landlord a financial statement in a form sufficient to perfect the security interest of Landlord in the aforementioned property and proceeds under the provisions Of the Uniform Commercial Code in force in the State of Texas, The statutory lien for rent is not waived, the security interest granted in this article being in addition, and supplementary, to that lien.
- O. Any provision of this Lease Agreement to the contrary notwithstanding this Lease Agreement shall not be construed or deemed to be or create either a partnership or joint venture between the Landlord and Tenant.
- P. Tenant may place a pedestal-mounted sign at the front door of 2100 Seymour Highway.

4. Attorney's Fees and Other Expenses:

If any action at law or in equity is necessary to enforce this Agreement, each party agrees to pay its own attorney fees and will not seek to recover its attorney fees from the other party. Parties acknowledge that pursuant to Tex. Local Govt. Code §271.153(a)(3), the total amount of money awarded in an adjudication brought against a governmental entity for breach of a contract under this statute includes reasonable and necessary attorneys' fees that are equitable and just. Tenant expressly waives any such statutory rights to recover attorneys' fees as outlined in §271.153(a)(3).

5. Immunity Retained:

Tenant understands this is not an agreement to provide goods or services to Landlord under Tex. Local Gov't Code §271.151. As such, Parties understand and agree this Agreement does not waive immunity against Landlord under Tex. Local Gov't Code §271.152.

In the event it is determined by a court of competent jurisdiction this is an agreement where a good or service is provided by Tenant to Landlord, Tenant expressly waives any and all rights granted to Tenant under Tex. Local Gov't Code §271.151-154 such that Landlord retains its governmental immunity from suit.

6. Entire Agreement and Modification:

This Lease constitutes the entire Agreement between Landlord and Tenant and may be modified or amended only by a written document duly executed by both Landlord and Tenant.

7. Governing Law:

This Lease shall be governed by and construed in accordance with the laws of the State of Texas. All legal actions to improve or continue this Lease shall be instituted in the courts of Wichita County, Texas. If any provision hereof is invalid or unenforceable, then the remainder of this Lease shall not be affected thereby and shall remain in full force and effect.

8. Governmental Function:

All parties agree that this Agreement is one that pertains solely to a governmental function taken by or on behalf of Landlord. All parties expressly agree that Landlord is not engaging in any propriety functions.

SIGNED this ____ day of _____, 2023.

CITY OF WICHITA FALLS

**WICHITA FALLS FEDERAL
CREDIT UNION**

By: _____
Darron Leiker
City Manager

By: _____
Stacey Rogers
CEO

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney