

City of Wichita Falls City Council Agenda



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

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



Notice Of Regular Meeting Of The Mayor And City Council Of The City Of Wichita Falls, Texas, To Be Held In The City Council Chambers, Memorial Auditorium, 1300 Seventh Street, Tuesday, August 1, 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/cityofwichitafalls>)**
- 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: Minister Scott Franks
Edgemere Church of Christ

(b) Pledge of Allegiance
3. Presentations
 - (a) Employee of the Month – Natali Jimenez, Police Department
 - (b) Proclamation – Safe Digging Week and National 811 Day, Atmos Energy/Pam Hughes-Pak
 - (c) Proclamation – Farmers Market Week 2023, Downtown Wichita Falls Development/Jana Schmader

CONSENT AGENDA

4. Approval of minutes of the July 18, 2023 Regular Meeting of the Mayor and City Council.
5. Receive Minutes
 - (a) Library Advisory Board, April 4, 2023
 - (b) Wichita Falls – Wichita County Public Health Board, May 12, 2023
 - (c) Fire Fighters and Police Officers' Civil Service Commission, May 22, 2023
 - (d) Planning & Zoning Commission, June 14, 2023

REGULAR AGENDA

6. Ordinances
 - (a) Ordinance calling a General Election by the qualified voters of the City of Wichita Falls to be held on Tuesday, November 7, 2023, for the purpose of electing a Mayor, Councilor District 3, Councilor District 4, and Councilor District 5; and authorizing a contract with Wichita County to furnish election services and equipment
 - (b) Ordinance making an appropriation to the Special Revenue Fund in the amount of \$4,000.00 for reimbursement funding from the Treasury Executive Office for Asset Forfeiture (TEOAF) Reimbursement Program administered by the Office of the Secret Service Administration
 - (c) Ordinance authorizing the City Manager to approve a request from Raul Rodriguez and Jessyca Martinez to close, vacate, and abandon a 9' X 29.5" alley between 1311 Bell Street and 1401 Bell Street as well as between 1310 Giddings Street and 1312 Giddings Street that consist of approximately 2,614.5 square feet more or less as depicted and indicated on the attached exhibit
 - (d) Ordinance authorizing the City Manager to execute all documents necessary to apply for and accept up to \$1 million in 2023 Federal Aviation Administration Entitlement grants at Wichita Falls Regional Airport
 - (e) Ordinance authorizing the City Manager to execute all documents necessary to apply for and accept up to \$100,000 in Texas Department of Transportation Aviation Division Routine Airport Maintenance Program (RAMP) Funds for FY 2024 Projects at Kickapoo Downtown and Wichita Falls Regional Airports

- (f) Ordinance of the City of Wichita Falls, Texas Determining the Necessity of Acquiring Real Property for the Construction of a Public Park on Property Located at 100 Central East Freeway, owned by Wichita Falls Hospitality, Inc.; Authorizing Appropriation of the Real Property and/or the Use of the Power of Eminent Domain to Acquire the Real Property for Public Use; and Delegating Authority to Initiate Condemnation Proceedings to the City Manager

7. Resolutions

- (a) Resolution approving a substantial amendment to the 2021 Action Plan to amend the HOME-American Rescue Plan (HOME-ARP) Allocation Plan and re-allocate \$714,872 in HOME-ARP funding
- (b) Resolution approving the 2023 Annual Action Plan to allocate Community Development Block Grant (CDBG) funds in the amount of \$1,220,974 and HOME funds in the amount of \$459,482, and reallocating \$200,000 in prior year CDBG Funds; authorizing the City Manager and Assistant City Manager to execute all HUD documents
- (c) Resolution authorizing a contract for professional services to Brinkley Sargent Wiginton Architects, Inc. (BSW) in association with Bundy, Young, Sims, and Potter (BYSP) Architects for a Public Safety Facilities Study for the Wichita Falls Police Department Headquarters (PDHQ) and Fire Stations #1, 2, 4, & 6, in the amount not to exceed \$169,030
- (d) Resolution authorizing the repair of a raw water pump and motor in the Lake Kemp Pump Station at Headquarters Road through the BuyBoard Purchasing Cooperative from Smith Pump Company, Inc., in the amount of \$130,495.00
- (e) Resolution authorizing the sole-source replacement of a Brine Pump at the Microfiltration/Reverse Osmosis Brine Pump Station within the Cypress Water Treatment Facility, from Xylem Water Solutions U.S.A., Inc., in the amount of \$180,080.00
- (f) Resolution authorizing the City Manager to approve Change Order #1 & Final for the 2023 Sewer Budget Utility Improvement Project Phase 1 for a decrease in the amount of \$622,456.00

8. Other Council Matters

- (a) Staff Reports
 - Proposed Personal Mobility Device Ordinance Changes – John Burrus
- (b) Announcements concerning items of community interest from members of the City Council. No action will be taken or discussed.

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

11. Executive Sessions

(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 HB 1750).

(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 (including, but not limited to, the purchase and/or value of 100 Central East Freeway and the alley between 1311 Bell Street and 1401 Bell Street).


12. Adjourn

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

Every item on this agenda shall be considered a public hearing. Regardless of the agenda heading under which any item is listed, any word or phrase of any item listed on this agenda shall be considered a subject for consideration for purposes of the Texas Open Meetings Act and other relevant law, and City Council may deliberate and vote upon any such subject and resolutions related thereto. Resolutions, ordinances, and other actions concerning any word, phrase, or other subject may be voted upon, regardless of any language of limitation found in this agenda or any document referring to such action. Any penal ordinance, development regulation or charter provision of the City of Wichita Falls or item which is funded by the current or next proposed City of Wichita Falls budget, including, without limitation, any street, water pipe, sewer, drainage structure, department, employee, contract or real property interest of the City of Wichita Falls, may be discussed and deliberated, and the subject is hereby defined as such without further notice. Any item on this agenda may be discussed in executive session if authorized by Texas law regardless of whether any item is listed under "Executive Sessions" of this agenda, regardless of any past or current practice of the City Council. Executive sessions described generally hereunder may include consideration of any item otherwise listed on the agenda plus any subject specified in the executive session notice. Executive sessions described generally hereunder are closed meetings, may include consideration of any item otherwise listed on the agenda plus any subject specified in the executive session notice, and may include items under Texas Government Code Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.084, and/or 551.087.

CERTIFICATION

I certify that the above notice of meeting was posted on the bulletin board at Memorial Auditorium, Wichita Falls, Texas on the 26th day of July, 2023 at 5:00 o'clock p.m.



City Clerk

CITY COUNCIL AGENDA
August 1, 2023

ITEM/SUBJECT: Employee of the Month.

INITIATING DEPT: Human Resources

NAME: Natali Jimenez

DEPARTMENT: Police Department

HIRE DATE: 07/11/2022

PRESENT POSITION: Lead Records Clerk

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
July 18, 2023



Item 1 - Call to Order

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

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

Absent: Michael Smith, Councilor District 1

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

Item 2a – Invocation

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

Item 2b – Pledge of Allegiance

Mayor Santellana led the Pledge of Allegiance.

Item 3a – Employee of the Month – Drew Begley, Environmental Coordinator

8:32 a.m.

Mayor Santellana recognized Drew Begley as the Employee of the Month for July 2023 and shared a brief video. Mayor Santellana congratulated Mr. Begley and presented him with a plaque, letter of appreciation, dinner for two, and a check, and thanked him for his service.

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Item 3b – Proclamation – National Day of the Cowboy, Arts Council, Wichita Falls Area, Inc.

8:38 a.m.

Mayor Santellana read a proclamation proclaiming July as National Month of the Cowboy and encouraged all citizens to celebrate the history and culture of the Cowboy.

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Item 4-6 – Consent Items

8:44 a.m.

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

Moved by Councilor Browning to approve the consent agenda.

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

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

Nays: None

Item 4 – Approval of Minutes of the June 20, 2023, Regular Meeting of the Mayor and City Council

Item 5a – Resolution 74-2023

Resolution authorizing the City Manager to execute all documents necessary to purchase Information Technology Internal Service Fund Consultant Services from Berry, Dunn, McNeil & Parker, LLC in the amount of \$68,185

Item 5b – Resolution 75-2023

Resolution reducing the rental fee of the Mobile Stage for the Founders Lions Club for the T-O Fair on September 12-16, 2023

Item 6 – Receive Minutes

- (a) Wichita Falls Economic Development Corporation, Amended, January 12, 2023
- (b) Wichita Falls 4B Sales Tax Corporation (4BSTC), March 2, 2023
- (c) Park Board, April 27, 2023
- (d) Planning & Zoning Commission, May 10, 2023
- (e) Wichita Falls Economic Development Corporation, May 18, 2023
- (f) Landmark Commission, May 23, 2023
- (g) Park Board, May 25, 2023
- (h) Landmark Commission, June 27, 2023

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Item 7a(i) – Public Hearing for the consideration to rezone 2203 Missile Road (+/- 3.43 Acres of the Lewis Wells Survey, Abstract 323), from Limited Commercial (LC) to Planned Unit Development – Residential Use (PUD-RU) zoning district to allow for the construction of a 48-unit multi-family complex
8:46 a.m.

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

Terry Floyd, Director of Development Services discussed the proposed rezone of 2203 Missile Road from Limited Commercial to Planned Unit Development – Residential Use for a 48-unit multi-family complex. This project was unanimously approved by the Planning and Zoning Commission on July 12, 2023. Mr. Floyd discussed the differences between Limited Commercial and Planned Unit Development – Residential Use, and stated this rezone will lead to a higher quality project than what can currently be built under Limited Commercial zoning. Mr. Floyd discussed the notification process, conversations with concerned individuals, and stated staff recommends approval of the Ordinance.

Mr. Heggland stated that when 20% of the affected individuals petition against the rezone, there is a super majority rule, which means 75% or 6 of the seven Councilors must vote yes to approve the rezone.

Michael Grassi, #7 Hidden Valley, local builder and residential developer, discussed his proposed project and the impact on the tax rolls. He stated that the apartments in the proposed project will be rented at market rate.

Councilor Brewer asked about the population of the homes in that area. Mr. Grassi stated there is 90 to 95% populace in the area, and there are not many vacant units. His project is geared towards Sheppard Air Force Base and the need for additional rentals in that area.

Debra Reed, 5500 Hooper, discussed the petition signed by 25 individuals within the 200 foot range. She stated that Stone Gate Terraces are at 85% capacity, and of the 49 units that were notified within 200 feet, there are 4 vacant houses. She is not concerned about the apartment complex, but citizens in the area are concerned about the crosswalk going to Tower Elementary. Ms. Reed discussed concerns with the entry and exit points, lack of visitor parking, drainage ponds, and inadequate water and sewer utilities in the area. She stated that Burkburnett ISD was unaware of the project, and expressed concerns regarding the notification process. Ms. Reed asked Mr. Grassi to consider making some adjustments to his plan.

Mayor Santellana discussed the notification provided and stated there is a lengthy engineering process for all development. He noted that Ms. Reed said she is not opposed to the project, and discussed the extensive process that will address concerns with utilities, parking requirements, and the crosswalk as the project moves forward. Mayor Santellana suggested possibly modifying the crosswalk, as everyone is concerned about safety, and he discussed the input provided by professionals throughout the project.

There was a question regarding the original zoning of the area, and Terry Floyd stated that it is likely this area has been zoned as Limited Commercial since zoning was established in 1985.

Councilor Browning stated that Mr. Grassi is making this development less invasive than what can currently be built on the property, and he respects Mr. Grassi for working with the community to construct a high-quality project.

Mayor Santellana stated that other developers that are not from our community do not give as much consideration as Mr. Grassi has.

Councilor Whiteley thanked Ms. Reed for attending and expressing her concerns. He discussed how the project will take care of the overgrown lot, with limited obstruction to the view from adjacent homes. One of the biggest complaints he has received is opposition to multi-story apartments. Other neighborhoods have the type of units proposed and there have been no problems. There is a lot of development in District 5 and he feels that this is an opportunity for the developer and community to come together and discuss their concerns.

Councilor Jackson stated he is concerned and has received around one hundred phone calls regarding this development. He asked Mr. Grassi if there was a possibility he could build homes in the area to help with congestion. Mr. Grassi stated this would require a rezone as residential homes are not approved under Limited Commercial zoning. Mr.

Grassi discussed the parking requirement of 2 spaces for each complex, and stated there will be a continuous sidewalk. Councilor Jackson asked if Mr. Grassi would be willing to meet with individuals impacted and Mr. Grassi said he would. Mr. Grassi reiterated that this is just the zoning piece and he is a long way from breaking ground.

Councilor Nelson addressed the water drainage concern for the new project and how that can be addressed.

Mr. Schreiber stated that this is just the zoning piece and drainage issues will be addressed in the future when Mr. Grassi submits his official set of plans. Mr. Schreiber stated that the water and sewer lines in that area are adequate.

Lamar Murphy, 5501 Hooper, stated that there is no opposition to Mr. Grassi's proposed plan. He understands that there could be a three story building built there, but the crosswalk is the concern. They are trying to mitigate a child or crossing guard from losing their life. Mr. Grassi has invested his time and he has the city and District 5 at heart. Mr. Murphy is a retired civil engineer and he obtained a copy of the plans and there are many ways to address the crosswalk issues. He stated there is no malice or intent to try and stop the development, and concerns can be addressed as the project moves forward. The only problems are the crosswalk and traffic congestion. He stated that the situation was inflamed by the notification forms and process, and the incorrect email address. Mr. Murphy discussed the water detention problem and the possible need of a culvert.

Mayor Santellana noted that everyone seems to be in favor of the development, but the concern is the crosswalk. He reminded everyone that this is the zoning piece only.

Mr. Grassi stated that due to the City Attorney's discussion regarding the super majority vote being required, he suggested postponing this item until more discussion could be held, and the full council is present.

Councilor Jackson agreed and stated he would vote no today, but would like to have a meeting with community members.

Mr. Murphy stated that he sees no reason to delay this process, and the rezone should not be opposed.

Mayor Santellana stated he would like a full council and more discussion.

Mayor Santellana closed the public hearing at 9:39 a.m.

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Item 7a(ii) – Ordinance 33-2023
9:39 a.m.

Ordinance approving to rezone 2203 Missile Road (+/-3.43 Acres of the Lewis Wells Survey, Abstract 323), from Limited Commercial (LC) to Planned Unit Development – Residential Use (PUD-RU) zoning district to allow for the construction of a 48-unit multi-family complex.

Moved by Councilor Browning to table this item until August 15, 2023.

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

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

Nays: None

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Item 7b – Public Hearing on a Substantial Amendment to the 2021 Annual Action Plan to Re-allocate \$714,872 in HOME-American Rescue Plan (HOME-ARP) Allocation Plan funding

9:40 a.m.

Mayor Santellana opened the public hearing at 9:40 a.m.

Mr. Floyd discussed the substantial amendment to the 2021 Annual Action Plan, and stated this is the first of the two-step process required. The committee is recommending funding \$714,872 for a new wing at Faith Mission.

There were no comments from the public.

Mayor Santellana closed the public hearing at 9:47 a.m.

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Item 7c – Public Hearing on Action Plan to allocate \$1,220,974 in FY 2023-2024 Community Development Block Grant (CDBG) funds, and \$459,482 in FY 2023-2024 HOME Investment Partnership Program (HOME) funds

9:47 a.m.

Mayor Santellana opened the public hearing at 9:48 a.m.

Mr. Floyd discussed the proposed plan to allocate CDGB and HOME funds.

There were no comments from the public.

Mayor Santellana closed the public hearing at 9:48 a.m.

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Item 7d(i) – Conduct a public hearing and consider and take action on an ordinance finding certain buildings and/or structures to be dangerous; requiring property owners to demolish said buildings and/or structures within thirty (30) days of the date of this ordinance and declaring an emergency and immediate effective date
9:48 a.m.

Mayor Santellana opened the public hearing at 9:49 a.m.

Rita Miller, Code Enforcement & Housing Administrator, discussed the dangerous structure criteria, demolition process, and notice timeline, and presented the following dangerous structures for demolition: (add taxes, water disconnection and fire info)

1913 8th Street, main and accessory structures – Date of notice January 23, 2023, and structure fires on March 24, 2022, and July 14, 2022. Juan Piceno, stated he is purchasing this property and 1915 8th Street, and would like to remodel both. Mayor Santellana stated that both properties are beyond just a remodel. Ms. Miller stated that he is not the current property owner, but is in the process of purchasing the property. Mr. Piceno is a concrete contractor from Fort Worth. She addressed the structural issues that would have to be addressed, and the timeline for substantial completion of the remodel.

1915 8th Street, residential property – Date of notice January 23, 2023. Mr. Piceno is in the process of purchasing this property to remodel.

2004 10th Street, main and accessory structures – Date of notice March 31, 2023, and structure fires July 21, 2019 and July 19, 2020. Brian Dickerson, 1018 Westerly, is a potential buyer if the Council grants the extension. He stated he has a contractor, will have the demolition completed quickly, and plans to homestead this property.

2311 10th Street, main structure – Date of notice January 23, 2023, and structure fire November 30, 2022. There were no public comments.

2159 Avenue F, accessory structure – Date of notice March 30, 2023, and structure fire September 30, 2022. There were no public comments.

2160 Avenue G, main structure – Date of notice October 7, 2022, and structure fire February 17, 2021. The property owner addressed the Council and stated she has someone that wants to purchase the property.

4506 Concord Rd., main structure – Date of notice March 31, 2023, and there were no public comments.

1805 Fillmore Street, main and accessory structures – Date of notice March 31, 2023, and structure fire August 8, 2018. There were no public comments.

1802 Huff Avenue, main structure – Date of notice October 14, 2022, and there were no public comments.

905 Jacqueline Road, main structure – Date of notice March 30, 2023, and structure fire February 27, 2023. There were no public comments.

1809 Kemp Blvd., main structure – Date of notice January 23, 2023, and structure fire December 15, 2022. There were no public comments.

1418 Mitchell Street, main structure – Date of notice January 20, 2023, and structure fire December 1, 2022. There were no public comments.

2007 Polk Street, main structure – Date of notice March 27, 2023, and structure fire March 14, 2023. There were no public comments.

Councilor Browning discussed the notice process and how there has been plenty of time for the owners to take action.

Councilor Jackson recommended allowing the three properties with potential buyers to be granted an extension, and to demolish the others.

Mayor Santellana closed the public hearing at 10:12 a.m.

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Item 7b(ii) – Ordinance 34-2023

10:12 a.m.

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

Moved by Councilor Jackson to approve Ordinance 34-2023 with 1913 8th, 1915 8th, and 2004 10th to be placed on the repair list.

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

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

Nays: Mayor Santellana and Councilor Browning.

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Item 8a – Ordinance 35-2023

10:16 a.m.

Consider and adopt an ordinance amending the Code of Ordinances by amending Chapter 62 Historic Preservation, Article II Landmark Commission, §62-36

Moved by Councilor Brewer to approve Ordinance 35-2023.

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

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

Nays: None

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Item 8b – Ordinance 36-2023

10:18 a.m.

Ordinance amending Chapter 102 of the Code of Ordinances by amending Article IX – Golf Cart to create Article IX – Unique Vehicles, providing for severability, and setting an effective date

Moved by Councilor Brewer to approve Ordinance 36-2023.

Motion seconded by Councilor Browning.

Manuel Borrego, Police Chief, discussed the proposed amendment and stated he is opposed to this amendment as these vehicles are not designed to drive on roads. If council decides to approve the amendment he asked that they not approve ATV's and dune buggy or sand rail type vehicles.

James McKechnie, Assistant City Attorney, gave a presentation to clarify the terminology and types of unique vehicles.

Councilor Browning made a motion to amend the main motion by excluding ATV's and sand rails.

Motion seconded by Councilor Jackson.

Trey Sralla, 401 N. Scott, stated that he appreciates the discussion, and that the ATV definition is clear, but he is concerned about the definition of sand rails.

Chief Borrego stated that sand rails have rear engines.

Motion to amend the main motion carried by the following vote:

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

Nays: Councilor Brewer

The main motion as amended carried by the following vote:

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

Nays: Councilor Brewer

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Item 8c – Ordinance 37-2023

10:33 a.m.

Ordinance modifying the appropriations in the Sanitation Fund budget for the 2022-23 fiscal year to purchase one (1) Landfill Wheel Scraper through the Sourcewell Purchasing Cooperative from Caterpillar Inc. in the amount of \$1,311,700.00, and declaring an emergency

Moved by Councilor Brewer to approve Ordinance 37-2023.

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 8d – Ordinance 38-2023

10:36 a.m.

Ordinance modifying the appropriations in the Water/Sewer Fund budget for the 2022-23 fiscal year for the sole-source replacement of a 7,200 gallon, fiberglass, Sodium Hydroxide bulk storage tank and associated attachments at the Microfiltration/Reverse Osmosis Plant within the Cypress Water Treatment Facility, by Fiber Glass Systems, L.P., in the amount of \$89,653.00, and declaring an emergency

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Moved by Councilor Brewer to approve Ordinance 38-2023.

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

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

Nays: None

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Item 8e – Ordinance 39-2023

10:39 a.m.

Ordinance repealing Chapter 78, Article IV. – Curfew for Minors in compliance with House Bill 1819 and declaring an effective date

Moved by Councilor Browning to approve Ordinance 39-2023.

Motion seconded by Councilor Jackson.

This Ordinance is in response to the Legislature passing a new law removing the City's ability to set curfews effective September 1, 2023.

Motion carried by the following vote:

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

Nays: Councilors Brewer and Jackson. (councilor Jackson clicked Aye but stated his intent was to click Nay)

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Item 9a – Resolution 76-2023

10:43 a.m.

Resolution of the City of Wichita Falls, Texas, finding that Oncor Electric Delivery Company LLC's Application to Amend its Distribution Cost Recovery Factor and Update Generation Riders to Increase Distribution Rates within the City should be denied; Authorizing participation with the Steering Committee of Cities Served by Oncor; Authorizing hiring of legal counsel; Finding that the City's reasonable rate case expenses shall be reimbursed by the Company; Finding that the meeting at which this Resolution is passed is open to the public as required by law; Requiring notice of this Resolution to the Company and legal counsel.

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Moved by Councilor Brewer to approve Resolution 76-2023.

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

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

Nays: None

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Item 9b – Resolution 77-2023

10:46 a.m.

Resolution authorizing the replacement of the Transfer Station Exhaust Fans through the TIPS Purchasing Cooperative from Trinity Air Conditioning in the amount of \$51,362.00.

Moved by Councilor Brewer to approve Resolution 77-2023.

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

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

Nays: None

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Item 9c – Resolution 78-2023

10:48 a.m.

Resolution authorizing the City Manager to Approve Change Order No. 1 and Final for the 2021 Taft Blvd Street Improvement Project for a deduct in the amount of \$371,747.26.

Moved by Councilor Brewer to approve Resolution 78-2023.

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

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

Nays: None

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Item 9d – Resolution 79-2023

10:49 a.m.

Resolution authorizing the City Manager to award bid and contract for the 2023 Duncan Channel & Slide Gate Repair to Earth Builders, L.P. in the amount of \$1,264,115.00
Moved by Councilor Browning to approve Resolution 79-2023.

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

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

Nays: None

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Item 9e – Resolution 80-2023

10:51 a.m.

Resolution authorizing the City Manager to execute a professional services agreement with Black & Veatch Corporation for the Improvements to the Cypress 61 Plant Pipe Gallery, Filter Surface Wash System and Basin Trough Replacement, in the amount of \$180,000.00

Moved by Councilor Brewer to approve Resolution 80-2023.

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

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

Nays: None

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Item 9f – Resolution 81-2023

10:53 a.m.

Resolution authorizing the City Manager to execute a Consulting Services Agreement with Garver, LLC for the purpose of developing a Master Plan Update for Wichita Falls Regional Airport in an amount of \$748,426.00

Moved by Councilor Brewer to approve Resolution 81-2023.

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

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

Nays: None

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Item 9g – Resolution 82-2023

10:57 a.m.

Resolution of the City of Wichita Falls authorizing and approving the reappointments of individuals to the Board of Directors of the Nortex Housing Finance Corporation

Moved by Councilor Brewer to approve Resolution 82-2023.

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

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

Nays: None

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

10:58 a.m.

Councilor Jackson thanked the individuals that showed up today regarding Missile Road. He will schedule a meeting with Mr. Grassi when he returns from vacation.

Councilor Brewer asked Lindsay Lewis to step up and congratulated her on the 4th in the Falls event, and the quality of the TML Region V meeting. Ms. Lewis stated it was a team effort.

Councilor Whiteley addressed the discussion today and reiterated that our citizens are in charge. He appreciates everyone that spoke today on the Planning & Zoning issue, but it sounds like it is more of a safety issue than a zoning issue. He also thanked everyone for their input on the off-highway vehicle ordinance, stated that everything depends on our citizens following the rules. He discussed complaints he received regarding trash problems from illegal fireworks. Mr. Leiker stated that he did not feel it was more than normal, and we do our best to police this and educate the public. This is one of the reasons the City hosts a first class fireworks display for the community. Councilor Whiteley stated that he reluctantly seconded Councilor Jackson's motion to the demolition of property and asked for those individuals granted an extension to follow through. If someone doesn't follow through in the near future he will stop giving second chances.

Councilor Nelson discussed how great the 4th in the Falls event was and he did not see any incidents during the event.

Mayor Santellana stated that 4th in the Falls was a very positive event and every year it is bigger and better. The City received many compliments for this event. He echoed Mr. Leiker's comments and gave kudos to the MPEC staff. The new General from Sheppard Air Force Base was blown away by the event. Mayor Santellana discussed watering restrictions and how tickets will be written for noncompliance. Make sure you and your neighbors are following the rules as it is critical. This weekend is Ranch Roundup and he encouraged everyone to attend.

- - - - -

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

11:08 a.m.

There were no comments from citizens.

- - - - -

Item 12 – Executive Sessions

City Council adjourned into Executive Session at 11:08 a.m. in accordance with Texas Government Code §551.071, §551.074, §551.087 and §551.072.

City Council reconvened at 12:28 a.m.

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

- - - - -

Item 13 – Appointments and Actions regarding Boards and Commissions

12:28 a.m.

Moved by Councilor Whiteley to reappoint Tony Fidelie to Place 1 on the 4B Sales Tax Corporation with a term to expire 07/31/2025.

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

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

Nays: None

- - - - -

Moved by Councilor Jackson to appoint Kevin Hunter to Place 2 on the 4B Sales Tax Corporation with a term to expire 07/31/2025.

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

Ayes: Councilors Jackson and Nelson.

Nays: Mayor Santellana, Councilors Brewer, Browning, and Whiteley

- - - - -

Moved by Councilor Whiteley to appoint Craig Reynolds to Place 2 on the 4B Sales Tax Corporation with a term to expire 07/31/2025.

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

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

Nays: Councilor Jackson

- - - - -

Moved by Councilor Browning to reappoint Nicholas Schreiber to Place 5 on the 4B Sales Tax Corporation with a term to expire 07/31/2025.

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

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

Nays: Councilor Jackson

- - - - -

Moved by Councilor Jackson to appoint Carol Murray to Place 7 on the 4B Sales Tax Corporation with a term to expire 07/31/2025.

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

Ayes: Councilors Jackson and Nelson.

Nays: Mayor Santellana, Councilors Brewer, Browning, and Whiteley

- - - - -

Moved by Councilor Brewer to appoint John Deason to Place 7 on the 4B Sales Tax Corporation with a term to expire 07/31/2025.

Motion seconded by Councilor Jackson, and failed by the following vote:

Ayes: Councilors Brewer, and Jackson

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

- - - - -

Moved by Councilor Browning to reappoint Dave Clark to Place 7 on the 4B Sales Tax Corporation with a term to expire 07/31/2025.

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

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

Nays: Councilors Brewer and Jackson

- - - - -

Moved by Councilor Whiteley to appoint Fred Tillman to the unexpired term of Place 4 on the Airport Board of Adjustment with a term to expire 12/31/2023.

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

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

Nays: None

- - - - -

Moved by Councilor Whiteley to appoint David Cook to the unexpired term of Place 8 on the Helen Farabee Board of Trustees, term to expire 08/31/2024.

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

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

Nays: None

- - - - -

Moved by Councilor Whiteley to appoint Jessica Traw to the Place 8 on the Helen Farabee Board of Trustees, term to expire 08/31/2025.

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

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

Nays: None

- - - - -

Moved by Councilor Browning to appoint Daniel Juarez to Place 4 on the Library Advisory Board, term to expire 07/31/2026.

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

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

Nays: None

- - - - -

Moved by Councilor Browning to appoint Katherine Love to Place 5 on the Library Advisory Board, term to expire 07/31/2026.

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

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

Nays: None

- - - - -

Moved by Councilor Whiteley to appoint Shamann Smith to the unexpired term of Place 2 on the Tax Increment Financing District Reinvestment Zone #3, term to expire 12/31/2023.

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

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

Nays: None

- - - - -

Moved by Councilor Whiteley to move Tom Taylor from Place 8 – Alternate 2 to Place 2 of the Zoning Board of Adjustment, term to expire 12/31/2024.

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

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

Nays: None

- - - - -

Moved by Councilor Whiteley to appoint Brady Enlow to the unexpired term of Place 7, of the Zoning Board of Adjustment, term to expire 12/31/2024.

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

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

Nays: None

- - - - -

Item 14 –Adjourn

Mayor Santellana adjourned the meeting at 12:37 p.m.

PASSED AND APPROVED this 1st day of August 2023.

Stephen Santellana, Mayor

ATTEST:

Marie Balthrop, TRMC, MMC
City Clerk

LIBRARY ADVISORY BOARD MINUTES
April 4, 2023

MEMBERS PRESENT:

Emily Adams (chair)
Marianne Dowdy
Kristen Garrison
Daniel Juarez
Katherine Love
Shunta McFadden
Betty Richie

Jana Hausburg
Blake Jurecek

MEMBERS ABSENT

Amy Bobrowitz
Suhua Huang

Librarian's report

Ms. Adams called the meeting to order at 4:35 p.m. Minutes were approved from September of 2022.

Theo Stoll from the City Clerk's office issued the Oath of office to Marianne Dowdy and had her fill out the Release of Information documentation.

There being no old business to discuss, Ms. Hausburg reviewed a number of documents and pamphlets she distributed to the Board.

Celena Bradley, Children's specialist, designed a **"This year in programming so far"** pamphlet giving highlights starting with the Holiday Open House and ending with the most recent Severe Weather program.

Ms. Hausburg then reviewed an infographic which featured statistics from the State Report, a newly designed information brochure for new library card owners, and a brochure regarding Beanstack, a new piece of software the library is using to help with reading challenges issued during the year.

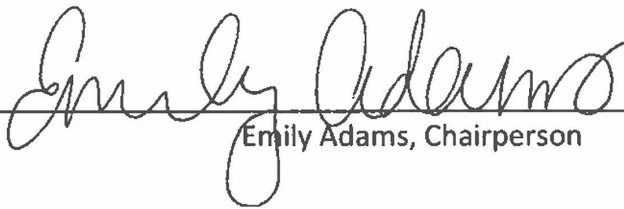
Ms. Hausburg informed the group that the library had received a grant from The Priddy Foundation in excess of \$170,000 of in-kind donation. The Rural Library Community Impact Project includes equipment such as new computers and monitors, headphones, two large smart tvs, an additional 3D printer, and more.

Library staff have begun a project to increase the linear footage for our Biography section, with a goal of having the work done before Summer Reading.

Lastly, Ms. Hausburg showed some double page spreads from the artist who is illustrating a book featuring the library's mascots. It will be a Halloween themed-book dealing with self-esteem for young children.

Next meeting with by Tuesday, July 18th at 4:30 p.m.

Signature: _____


Emily Adams, Chairperson



WICHITA FALLS-WICHITA COUNTY PUBLIC HEALTH BOARD MINUTES May 12, 2023

Wichita Falls-Wichita County Public Health District
1700 Third Street – Clements Conference Room
Wichita Falls, Texas

BOARD MEMBERS PRESENT:

Keith Williamson, M.D., Chair
Paris Ward, M.A.B.S.
Jered Harlan, D.V.M.
Melissa Plowman

Physician – City Appointment
Citizen At-Large – City Appointment
Veterinarian – City Appointment
Restaurant Association – City Appointment

BOARD MEMBERS EXCUSED ABSENCE:

Nichole Jefferson, RN
Tonya Egloff, D.D.S.
Raymond Forsythe

Registered Nurse – City Appointment
Dentist – County Appointment
Citizen At-Large – County Appointment

OTHERS PRESENT:

Amy K. Fagan, M.P.A.
Robert McBroom, M.D., FACP
Henry Anderson
Jim Johnson

Interim Director of Health
Health Authority
Intern City Manager
County Judge

I. CALL TO ORDER

Dr. Williamson, Chair, called the meeting to order at 12:08 pm after a quorum of members attained.

II. APPROVAL OF MINUTES AND ABSENCES

Dr. Williamson called for the review and approval of the March 10, 2023 minutes.

A motion was made by Melissa Plowman to accept the minutes and Paris Ward seconded. The minutes were approved unanimously.

Excused absences noted for Dr. Tonya Egloff, Raymond Forsythe & Nichole Jefferson.

III. Overview of Health & Wellness Division

Dr. Williamson introduced Brandi Smith, Health and Wellness Administrator.

Brandi said there are about 50 employees in the Division and they provide a vast array of services to our Community.

- 1) Sexually Transmitted Infections Clinic (STI) saw 423 clients last year. Through DSHS, the STI clinic is able to provide more medications directly to clients at the time of their visit instead of having to give them a prescription to fill. This increases compliance and cure rate among clients by preventing costly medications out of pocket.
- 2) The Tuberculosis (TB) Program saw 18 clients in the past year. Of these, 1 was identified as having active TB and completed the required course of treatment. The remaining 17 clients were diagnosed and treated for Latent TB Infection (LTBI). The TB program collected 25 T-spot tests, which is the blood test that determines TB infection and completed 579 TB skin

tests throughout the year. TB staff work closely with Midwestern State University Vinson Health Center to provide TB education and guidance as well as outreach and testing to students.

- 3) The HIV Prevention Program provides routine and targeted HIV testing and education to priority populations such as Faith Refuge, Faith Mission, The Salvation Army, The Recovery Center and Helen Farabee's substance abuse programs in surrounding counties. Staff performed 251 HIV tests, which resulted in 2 new HIV positive individuals that were linked to medical care. The Program also identified 42 new Syphilis positive cases and provided treatment referrals to these individuals.
- 4) Disease Intervention & STD Surveillance Program (DIS) works in partnership with the community to assess, plan and implement effective public health strategies to reduce the spread of HIV, Syphilis, Hepatitis and other sexually transmitted diseases in Wichita County. Since March of 2022, the DIS team has investigated 82 individuals with 29 of those being women of child bearing age.
- 5) Immunizations Clinic: Last year, 3,715 individuals received services from our clinics to include 3,209 people being seen in the immunization clinic. Approximately 5,243 vaccines were administered with 740 of those being influenza vaccines. The Immunization staff conducted 25 vaccination outreach clinics and 43 vaccine education outreach events at various locations.
- 6) Epidemiology, which covers infectious disease surveillance and reporting received 212 reports of infectious disease; of those, 126 were investigated based on case criteria set by DSHS.

The Wellness side is comprised of 5 distinct grants who are responsible for six programs with the shared goal of improving community health.

- 1) Eat Well promotes healthy choices at local restaurants and has 21 restaurants, 2 grocery stores and 7 hotels at 46 locations. The restaurants and grocery stores offer 139 approved menu items.
- 2) Health Promotions Program (HPP) provides free and high quality health education for the community. HPP addresses the top health concerns based on community feedback and current data. Available programs include Breathe Well Tobacco Cessation classes, Diabetes Prevention classes and Diabetes self-management workshops. During 2022, HPP facilitated 14 diabetes workshops (6 sessions each) for 71 participants. The tobacco cessation program provided individual consultations and group classes for 8 participants.
- 3) The Community Clinical Health Bridge Project (CCHBP) uses the Live Well website to provide resources and other information to the public and provides Chronic Pain Self-Management classes. Last year the staff completed 5 Chronic Disease workshops (6 sessions each). The interest (and need) for these classes has increased and we currently have a waiting list for participants wanting to attend. Our CCHBP staff also hosted 10 cooking classes at various locations throughout the community educating more than 90 people on how to make healthy recipe modifications.
- 4) The Texas Healthy Communities (TXHC) Program recognizes cities for having environmental and policy infrastructure and practices in place that are public health priorities for reducing cardiovascular disease (CVD), stroke and other chronic diseases.
- 5) The Health Equity Program provides community engagement in targeted communities. Staff meet with community organizations to develop relationships while building cross-sector partnerships. The Health Equity staff partnered with All Hands Cultural Community Center,

Texas Agri-life and the Abilene Recovery Center to develop a Demonstration Garden to address food insecurity in the community. To date, the garden has produced over 150 pounds of produce and has fed over 55 families. The Health Equity Program attended 83 events, interacted with over 5,000 people and facilitated 4 vaccine clinics.

Questions:

Judge Johnson asked about the wait list for the Chronic Disease classes, if it was because of staffing of lack of space.

Brandi said they are waiting for the materials to come in to schedule the Chronic Pain classes.

Judge Johnson said as part of the renovation at the Court House they will have a Multi-purpose event room on the 5th floor available later this year and they would like to offer it. It might be a challenge if it is outside of normal business hours, but they could work through it. He said reach out later about it.

Amy said we would love to get County employees in the programs. Before COVID there was a need for the Chronic Disease and Diabetes Prevention classes. Thank you so much.

Brandi mentioned that we have nurses taking blood pressures of our staff. We offer that because we are also part of the community.

Amy said we are also doing that at the Farmers Market and telling people about the classes we offer.

Dr. McBroom said they have referrals from Immigrations and Customs Enforcement for TB & STI screening. We have 2 or 3 a month and it is easily managed. Most of the STI's have been negative. We have had several positive LTBI's. Also, easily managed. But, there is a big disconnect between border states and what the Fed's really have in mind. Are we prepared for a potential influx? Maybe we need to look at our policies since title 42 has expired and see if there is anything we need to alert ourselves to as far as in house or county policies.

Dr. McBroom stated we have a lot of great county and city services. What is our relationship with Helen Farabee? Because he sees more and more mental health issues being more of a crisis.

Amy stated that Helen Farabee has a Focus Group that we have participated in from the beginning. It started in 2012 and was paused during COVID. Three months ago we reached out to the group and they are meeting monthly now and we have staff that attend to help coordinate care.

Amy said she has made it mandatory that staff be trained in mental health first aid. This helps us recognize when people are in crises and how to refer them into services.

IV. ACTIVE LIVING PLAN

Amy introduced Karel Davis. She is the Program Manager for Texas Healthy Communities Grant.

Karel said the Active Living Guide is an overview of the various aspects of all walks of life in Wichita County. There are 10 sectors:

1. Business & Industry
2. Community, Recreations, Fitness and Parks
3. Education
4. Faith-based settings
5. Health Care
6. Mass Media
7. Military
8. Public Health
9. Sports
10. Transportation, Land use and Community Design

The "Active Living Guide" was initially created in 2014/2015 as a project of the Texas Healthy Communities grant. Its initial title was "Active Living Plan".

It was shelved for a few years, but was revisited in 2020/2021. She started asking for volunteers from each sector to help edit this large project. We had to meet virtually, which was a very difficult task.

The Department of State Health Services sent templates that were a format suggestions. There was one that looked like a magazine with pictures.

During a meeting with Health District leadership, Lou Kreidler, former Director of Health, suggested changing the name to Active Living Guide.

From April, 2022 – November, 2022, the "Active Living Guide" went through an extensive overhaul/rewrite and was streamlined to its current format/style.

The Health District leadership approved the final version of the Active Living Guide in November, 2022.

The future plan for this Active Living Guide is to be placed on the websites of Wichita County cities/towns: Wichita Falls, Burkburnett, Electra and Iowa Park. It will also be placed on LiveWellWichitaCounty.com, and the goal is to place it on the Wichita Falls Chamber and Commerce and Convention & Visitor's Bureau websites, as well.

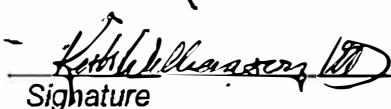
Amy added information about exercise and engaging people in their own health. The Guide gives a lot of good information.

V. NEXT MEETING DATE

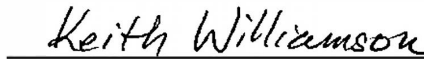
Next meeting will be July 14, 2023.

VI. ADJOURN

Dr. Williamson adjourned the meeting at 12:55.



Signature



Print - Keith Williamson, MD, Chair, Tonya Egloff, D.D.S., Vice-Chair, Paris Ward, MA, BS,
Secretary

**MINUTES OF THE FIRE FIGHTERS AND POLICE OFFICERS'
CIVIL SERVICE COMMISSION
MAY 22, 2023**

Present:

Jim Heiman, Chair	§	Commission Members
Laura Fidelie	§	
John Buckley	§	
Christi Klyn, Civil Service Director	§	City Administration/Staff
Julia Vasquez, First Assistant City Attorney	§	
Manuel Borrego, Police Chief	§	
Guy Gilmore, Deputy Police Chief	§	
Scott Vaughn, Deputy Police Chief	§	
Donald Hughes, Fire Chief	§	
Holly Morgan, HR Generalist	§	
Bradley Higgins, Police Officer	§	
Daniel Wilson, Police Officer	§	
John Chesar, Police Officer	§	
Michael Goins, Police Officer	§	
Floyd McPherson, Police Officer	§	

1. Call to Order

Chairman Heiman called the meeting to order at 10:00 a.m.

2. Approval of Minutes (3/9/23)

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

3. Review Appeals of the Police Department Sergeants Exam administered on April 27, 2023. Pursuant to Section 143.034 of the Texas Local Government Code and Related Civil Service Commission Rules.

Question 59. (Intelligence-Led Policing, Chapter 5, Pages 71-72) The DIKI Continuum involves four parts. Which of the following IS NOT one of the four parts of the DIKI Continuum?

- a. Date
- b. Knowledge
- c. Intelligence
- d. Investigation

Answer Key: D

Michael Goins asks the commission to accept more than one answer. Date is correct due to a spelling error. Laura Fidelie ask if answers A and D are the two he wishes to accept, he states yes.

John Buckley moves to accept answers A and D. Seconded by Laura Fidelie, the motion carries 3-0.

4. Report from Fire Chief

Commissioner Heiman congratulates Chief Hughes on his appointment to Fire Chief. Chief Hughes states the department is currently 5 members short. There is a current academy ongoing and one trainee is a certified firefighter so upon EMT completion can be placed in a station. That is all to report. Will be choosing a Deputy Chief soon.

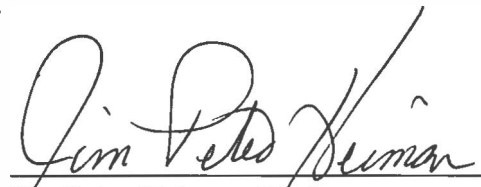
5. Report from Police Chief

Chief Borrego thanks the commission for their time and being in attendance. Been busy in the department. Current academy due to graduate in August. On top of the academy there at 8 current vacancies, making the roster 17 officers short on the street. Testing scheduled for early June. Have met and done meet and confer with the POA in order to allow for lateral hires to test independently and waive the age limit for lateral hires. Commissioner Heiman ask about the vests that have been approved. Chief Borrego explains that the grant is for 50% reimbursement. Police memorial service was well attended and was done in conjunction with Sheppard AFB. The department attended the bases closing ceremonies.

First Assistant City Attorney Julia Vasquez introduces Monica Aguon to the commission. Monica will be learning about Civil Service in order to fill in when Julia is not able to be present.

6. Adjourn

The meeting adjourned at 10:10 a.m.



Jim Peter Heiman, Chairman

MINUTES
PLANNING & ZONING COMMISSION

June 14, 2023

PRESENT:

David Cook
Michael Grassi
Blake Haney
Mark McBurnett
Doug McCulloch
Matt Marrs
Paul Mason
Wayne Pharries
Cayce Wendeborn
Steve Wood

◆ Chairman
◆ Member
◆ Member
◆ SAFB Liaison
◆ Member
◆ Member
◆ Alternate No. 2
◆ Member
◆ Member
◆ Alternate No. 1

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

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

ABSENT:

Noros Martin
Jeremy Woodward
Councilor Whiteley

◆ Member
◆ Vice-Chair
◆ Council Liaison

I. CALL TO ORDER

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

III. PUBLIC COMMENTS

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

IV. APPROVAL OF MINUTES

Mr. Matt Marrs made a motion to adopt the May 10, 2023, minutes. Mr. Michael Grassi seconded the motion. The motion was passed unanimously, 9-0

VII. REGULAR AGENDA

1. Case C 23-11 – 809 Indiana Avenue:

Consider taking action on a conditional use at 809 Indiana Avenue to allow for a floral shop use in the Central Business District (CBD) zoning district.

Applicant: Audrey Leach

Owner: Wichita Investments Inc.

Mr. Fabian Medellin presented the case and stated, staff had previously met with the applicant, Ms. Audrey Leach, and her design professionals at Syd Litteken Architects to discuss the conversion of the former retail space into a multi-purpose event facility. Mr. Medellin advised the Commission that Ms. Leach was interested in purchasing the property and having a mix of uses with the event venue at the front of the structure, playcenter next followed by the florist shop with the Air BNB situated in the rear of the property.

Mr. Medellin stated the subject property was located between 8th & 9th Street in the center of the Central Business District (CBD) zoning and surrounded by multiple uses such as; drinking establishments, parking lots, offices, vacant structures, retail and a few residences.

The floor plan from Syd Litteken Architects was displayed while Mr. Medellin stated the floral shop would not be your traditional floral shop in that, it would mainly be to support the events the applicant does deliveries and pick-ups for as well as events held in that venue.

Mr. Medellin advised staff notified 24 property owners within 200sf. of the subject property and received back 9 responses, all in favor of this petition. It is noted that of the 9 responses, 7 of those are from the same property owner.

Mr. Medellin stated with all potential impacts taken into consideration, staff recommended the approval of the proposed floral shop use at 809 Indiana Ave. subject to the following condition:

1. The development 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. The owner was present, but wished not to present anything. Chairman Cook asked if there were any questions or comments from the public. There were no comments. Chairman Cook asked if there were any questions from the Commission. Mr. Doug McCulloch asked how the different uses would exist. Mr. Medellin stated an example of someone renting the venue to host a baby shower would have use of an area for guests as well as an area of play for children and the convenience of floral services at the same location. The AirBNB could be used for out of town guests or a place to stay the night if the event ran later than expected.

Ms. Wendeborn asked what if any, plans were for the 2nd floor and if so, would those require another conditional use approval. Mr. Medellin stated the conditional

use was for the entire structure and would not require another conditional use approval.

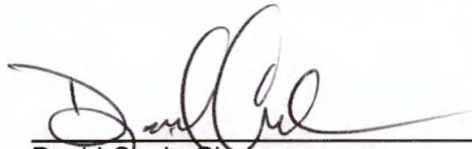
Mr. Sabian Santisteven, with Syd Litteken Architects, clarified to the Commission the plans were to demo the entire second story and restore the structure back to a single-story venue with 16ft. walls.

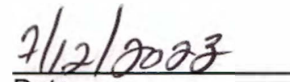
There were no comments from the Commission. Mr. Cook called for a vote and the motion passed unanimously 9-0.

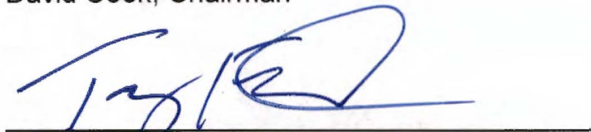
VIII. ADJOURN

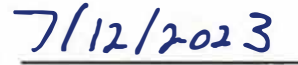
Director of Development, Mr. Terry Floyd, thanked the Commission members for volunteering their time to the board every month and attending.

Chairman Cook adjourned the meeting at 2:11 p.m.



David Cook, Chairman

Date

Terry Floyd, Director of Development Services

Date

CITY COUNCIL AGENDA
August 1, 2023

ITEM/SUBJECT: Ordinance calling a General Election by the qualified voters of the City of Wichita Falls to be held on Tuesday, November 7, 2023, for the purpose of electing a Mayor, Councilor District 3, Councilor District 4, and Councilor District 5; and authorizing a contract with Wichita County to furnish election services and equipment.

INITIATING DEPT: City Clerk

STRATEGIC GOAL: Efficiently Deliver City Services

STRATEGIC OBJECTIVE: Practice Effective Governance

COMMENTARY: The next uniform election date is November 7, 2023.

Places on the ballot will be Mayor, Councilor District 3, Councilor District 4, and Councilor District 5.

This Ordinance calls the Election for November 7, 2023, authorizes the City Manager to execute a contract with Wichita County to furnish election services and equipment, and authorizes the Mayor to sign the Election Order and Election Notice.

☒ **City Clerk**

ASSOCIATED INFORMATION: Ordinance

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Ordinance No. _____

Ordinance calling a General Election by the qualified voters of the City of Wichita Falls to be held on Tuesday, November 7, 2023, for the purpose of electing a Mayor, Councilor District 3, Councilor District 4, and Councilor District 5; and authorizing a contract with Wichita County to furnish election services and equipment

WHEREAS, in accordance with the TEXAS ELECTION CODE, the TEXAS LOCAL GOVERNMENT CODE, Constitution of the State of Texas, City Charter and general laws, a General Election is hereby called and ordered for the first Tuesday following the first Monday in November, 2023; and,

WHEREAS, the City Clerk has advised the City Council that the next authorized uniform election date is November 7, 2023. The purpose of this Election will be to elect a Mayor, Councilor District 3, Councilor District 4, and Councilor District 5; and,

WHEREAS, the City of Wichita Falls will enter into a joint election agreement and contract for election services with the Wichita County Clerk pursuant to Texas Election Code Section 31.092.

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

1. A General Election is hereby ordered to be held on the 7th day of November 2023, for the purpose of electing a Mayor, Councilor District 3, Councilor District 4, and Councilor District 5.

2. The City Manager is hereby authorized to execute a contract with the Wichita County Clerk or Elections Administrator for the purpose of having Wichita County furnish all or any portion of the election services and equipment needed by the City Clerk to conduct the election. The contract document and election services provided herein shall conform to Chapter 31, Subchapter D, of the Texas Election Code and other applicable statutes and laws.

3. Such election shall be held at the polling places established by Wichita County. The polls for said election shall be open from 7:00 a.m. to 7:00 p.m.

4. The presiding judges, alternate judges and clerks shall be appointed by Wichita County and shall be compensated at the rate established by Wichita County for this joint election. The Wichita County Clerk will provide notification and training for early voting and election day workers.

5. An electronic voting system, as defined in Chapter 121 of the Texas Election Code, shall be used for voting at the regular polling locations for said election and for

counting the ballots and the tabulation of the results. The conduct of the election and the use of the electronic voting system shall be in accordance with the Texas Election Code.

6. The Wichita County Clerk or Elections Administrator is designated as the Early Voting Clerk. Early voting by personal appearance shall be conducted beginning October 23, 2023, and end on November 3, 2023. The main Early Voting polling location will be located at:

Wichita County Courthouse
900 7th Street, Room 139
Wichita Falls, TX 76301

Additional Early Voting polling locations and times will be set by the Wichita County Clerk.

7. Applications for early voting by mail may be delivered no later than October 27, 2023 to:

Early Voting Clerk
900 7th Street, Room 250
Wichita Falls, TX 76301

8. An Early Voting Ballot Board is hereby designated to canvass the early votes cast by mail and provisional ballots. Wichita County shall appoint a Presiding Judge of said Board, and said judge shall appoint such other members as provided in the TEXAS ELECTION CODE, Section 87.002.

9. The County Clerk's Office, located in the County Courthouse, 900 7th Street, Room 250, Wichita Falls, Texas, is hereby established as the Central Counting Station to receive and tabulate votes and ballots cast in said election.

10. The election materials as outlined in Chapter 272, TEXAS ELECTION CODE, shall be printed in both English and Spanish for use at the polling places and for early voting for said election.

11. In the event no candidate receives a majority of votes for an office, a runoff election will be held in accordance with Texas Election Code Chapter 2, Subchapter B, as amended by the 88th Legislature of the State of Texas, on a date set by the secretary of state, not earlier than the 30th day after the date of the main election and not later than the 45th day after the date of the main election.

12. The Mayor is authorized to sign the Order of Election and Notice of General Election. The Notice of General Election shall be published in accordance with the provisions of the TEXAS ELECTION CODE and the City Charter. The City Clerk, in consultation with the City Attorney, is hereby authorized and directed to take any and all

actions necessary to comply with the provisions of federal law, state law, and charter provisions in conducting the election, whether or not expressly authorized herein.

12. This Ordinance is effective immediately upon its passage and approval.

PASSED AND APPROVED this the 1st day of August, 2023.

M A Y O R

ATTEST:

City Clerk

CITY COUNCIL AGENDA
August 1, 2023

ITEM/SUBJECT: Ordinance making an appropriation to the Special Revenue Fund in the amount of \$4,000.00 for reimbursement funding from the Treasury Executive Office for Asset Forfeiture (TEOAF) Reimbursement Program administered by the Office of the Secret Service Administration.

INITIATING DEPT: Police

STRATEGIC GOAL: Efficiently Deliver City Services

STRATEGIC OBJECTIVE: Practice Effective Governance

COMMENTARY: The City of Wichita Falls has been invited to participate in the TEOAF Reimbursement Program funded by the Office of the Secret Service Administration with funding totaling up to \$4,000.00 with no cash match required. This is a reimbursement program which requires the City to expend the funds and then submit for reimbursement. The Wichita Falls Police Department intends to use these funds to assist in the purchase of computer hardware/software and hard drives used by the Financial Crimes Unit.

Staff recommends approval of the ordinance.

☒ **Police Chief**

ASSOCIATED INFORMATION: Ordinance

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Ordinance No. _____

Ordinance making an appropriation to the Special Revenue Fund in the amount of \$4,000.00 for reimbursement funding from the Treasury Executive Office for Asset Forfeiture (TEOAF) Reimbursement Program administered by the Office of the Secret Service Administration

WHEREAS, the City of Wichita Falls has been notified that it is eligible to receive TEOAF funding from the Secret Service Administration in the amount of \$4,000.00 with no cash match required; and,

WHEREAS, the use of these funds are planned to be used by the Wichita Falls Police Department to assist in the purchase of computer hardware/software and hard drives used by the Financial Crimes Unit.

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

There is appropriated \$4,000.00 in the Special Revenue Fund from the TEOAF Reimbursement Program administered by the Secret Service Administration, and the City Manager is authorized to execute all documents necessary to accept said funds on behalf of the City of Wichita Falls.

PASSED AND APPROVED this the 1st day of August 2023.

MAYOR

ATTEST:

City Clerk

CITY COUNCIL AGENDA
August 1, 2023

ITEM/SUBJECT: Ordinance authorizing the City Manager to approve a request from Raul Rodriguez and Jessyca Martinez to close, vacate, and abandon a 9' X 29.5" alley between 1311 Bell Street and 1401 Bell Street as well as between 1310 Giddings Street and 1312 Giddings Street that consist of approximately 2,614.5 square feet more or less as depicted and indicated on the attached exhibit.

INITIATING DEPT: Property Administration

STRATEGIC GOAL: Accelerate Economic Growth

STRATEGIC OBJECTIVE: Revitalize Depressed and Declining Neighborhoods

COMMENTARY: A request has been received from Raul Rodriguez and Jessyca Martinez, adjacent property owners, to close and abandon a public alley that is located adjacent to Lot 7, Block 1, Soule Addition as well as Lot 6, Block 1, Soule Addition.

Approval of this ordinance would give the owners the ability to keep the area clean and maintained. The value of the alley to be abandoned has been determined to be worth **\$155.00**. Pending approval of the closure, checks in the amount of \$77.50 from both requesting parties have been delivered to the Property Management Division.

All affected City departments and all utility companies were notified and the following responses were received:

1. AT&T has requested approval.
2. Atmos has requested approval.
3. Oncor has requested approval.
4. Spectrum has requested approval.
5. TxDOT has requested approval.

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

☒ **Asst. City Manager**

☒ **Property Administrator**

ASSOCIATED INFORMATION: Ordinance, Exhibit, Location Map

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Ordinance No. _____

Ordinance authorizing the City Manager to approve a request from Raul Rodriguez and Jessyca Martinez to close, vacate, and abandon a 9' x 290.5' alley adjacent to 1311 Bell Street and 1310 Giddings Street that consists of approximately 2,614.5 square feet more or less as depicted and indicated on the attached exhibit

WHEREAS, Raul Rodriguez, property owner of 1311 Bell Street, and Jessyca Martinez, property owner of 1310 Giddings Street, have requested to close and abandon said alley located adjacent to 1311 Bell Street and 1310 Giddings Street; and,

WHEREAS, all affected utility companies and City departments have reviewed this request, and have approved to close, abandon, and vacate this alley upon retention of all utility easements for the entire width and length; and,

WHEREAS, it has been determined to be in the best public interest to close and abandon said alley as herein indicated on the attached Location Map.

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

1. The 9' X 29.5' alley consisting of approximately 2,614.5 square feet, more or less, is located adjacent to 1311 Bell Street and 1310 Giddings Street as indicated on the attached Exhibit and Location Map is hereby vacated, closed, and abandoned.
2. In consideration of the receipt of \$155.00 for the fair market value, this ordinance shall approve the closure of the alley.
3. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.
4. This will authorize the City Manager to execute Special Warranty Deeds to convey the properties with retention of all utility easements for the entire width and length.

PASSED AND APPROVED this the 1st day of August 2023.

MAYOR

ATTEST:

City Clerk

EXHIBIT



1311 & 1401 Bell Street Alley Closure Map

CITY OF WICHITA FALLS, PLANNING DIVISION
MAP PRODUCED BY: Cedric Hu
DATE PRODUCED: 6 February 2023

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

Legend

- Subject Properties
- Alley to be Closed

0 50 100 200 Feet

CITY COUNCIL AGENDA
August 1, 2023

ITEM/SUBJECT: Ordinance authorizing the City Manager to execute all documents necessary to apply for and accept up to \$1 million in 2023 Federal Aviation Administration Entitlement grants at Wichita Falls Regional Airport.

INITIATING DEPT: Aviation, Traffic, & Transportation

STRATEGIC GOAL: Provide quality infrastructure

STRATEGIC OBJECTIVE: Upgrade or replace outdated public facilities

The City of Wichita Falls has the opportunity to receive \$1 million in entitlement funds from the Federal Aviation Administration (FAA), and these funds will be used to complete the Wichita Falls Regional Airport Master Plan approved by the City Council on July 18th.

- | | |
|---------------------------------------|--------------------|
| • Federal Aviation Administration | \$673,583.40 |
| • 4A Economic Development Corporation | <u>\$74,842.60</u> |

Total Project Cost:	\$748,426.00
---------------------	--------------

The remaining \$326,416.60 in funds will be reserved for future projects.

Therefore, staff requests the support of City Council via this ordinance to pursue and apply for entitlement funding of \$1 million.

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

ASSOCIATED INFORMATION: Ordinance

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Ordinance No. _____

Ordinance authorizing the City Manager to execute all documents necessary to apply for and accept \$1 million in 2023 Federal Aviation Administration Entitlement grants at Wichita Falls Regional Airport

WHEREAS, the City of Wichita Falls has assumed responsibility from Sheppard Air Force Base in its lease agreement for the maintenance of leased property at Wichita Falls Regional Airport; and

WHEREAS, the City has identified the need for using Federal Aviation Administration Entitlement funds for a Master Plan Update and other future projects for full use of its leased facilities; and

WHEREAS, the City desires to apply for \$1 million of Federal Aviation Administration Entitlement funds; and,

WHEREAS, the City anticipates using FAA Entitlement funds for the completion of a Master Plan update and other projects at Wichita Falls Regional Airport.

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

The City Manager is hereby authorized to execute all documents necessary to pursue, apply for, and accept the aforementioned Federal Aviation Administration grant for the use of Entitlement funds for future projects at Wichita Falls Regional Airport, and said funds are hereby appropriated to the FAA Airport Improvement Project Grant 2023 Fund.

PASSED AND APPROVED this the 1st day of August 2023.

MAYOR

ATTEST:

City Clerk

CITY COUNCIL AGENDA
August 1, 2023

ITEM/SUBJECT: Ordinance authorizing the City Manager to execute all documents necessary to apply for and accept up to \$100,000 in Texas Department of Transportation Aviation Division Routine Airport Maintenance Program (RAMP) Funds for FY 2024 Projects at Kickapoo Downtown and Wichita Falls Regional Airports.

INITIATING DEPT: Aviation, Traffic, & Transportation

STRATEGIC GOAL: Provide Adequate Infrastructure

STRATEGIC OBJECTIVE: Routine Maintenance of Airport Infrastructure

COMMENTARY: The Routine Airport Maintenance Program (RAMP) is sponsored by the Texas Department of Transportation's (TxDOT) Airports Division. This is a 50% matching program where TxDOT allows for reimbursement on various projects up to \$50,000. As a result, the City's local match is \$50,000 for a combined scope of impact of \$100,000 for each Airport. The maximum amount received under this program is \$50,000 for each Airport with a total maximum of \$100,000 for both Airports.

The program includes "lower cost" airside and landside airport capital/maintenance improvements. Examples of eligible airside projects include runway repair/maintenance, pavement markings, sweeping, airfield lighting repairs, and herbicide applications. Landside projects include drainage projects, fencing, automated weather equipment repair, terminal and hanger repair, and security cameras. The City of Wichita Falls will pay the invoice on the project, and then request reimbursement from TxDOT for 50% of the eligible work.

The RAMP grant is an item budgeted within the Airports Division for FY 2024. As a result, matching funds will be available to participate in this program. Approval will allow City staff to begin reimbursement activities for future projects beginning October 1, 2023.

Therefore, staff requests the support of the City Council via this ordinance to pursue and apply for this RAMP funding in the amount of \$50,000 for each Airport.

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

ASSOCIATED INFORMATION: Ordinance

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Resolution No. _____

Ordinance authorizing the City Manager to execute all documents necessary to apply for and accept up to \$100,000 in Texas Department of Transportation Aviation Division Routine Airport Maintenance Program (RAMP) Funds for FY 2024 Projects at Kickapoo Downtown and Wichita Falls Regional Airports

WHEREAS, the City of Wichita Falls is responsible for repair and maintenance items at Kickapoo Downtown and Wichita Falls Regional Airports; and

WHEREAS, the City desires to maintain the Airport to better serve general, commercial, and military aviation operations; and

WHEREAS, possible funding for such project repair and maintenance items may be available from the Texas Department of Transportation's Aviation Division beginning October 1, 2023; and

WHEREAS, the City will apply for reimbursement from the Texas Department of Transportation's Routine Airport Maintenance Program up to \$50,000 at each Airport for assistance in completing various repair and maintenance items; and

WHEREAS, approval of these funds has been anticipated prior to the adoption of the Airport's FY 2024 budget.

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

The City Manager is authorized to execute all documents necessary to pursue, apply for, and accept Texas Department of Transportation Aviation Division Routine Airport Maintenance Program funds for FY 2024 for repair and maintenance work at Kickapoo Downtown and Wichita Falls Regional Airports, as described above. There is hereby appropriated into the Special Revenue Fund \$100,000 from the Texas Department of Transportation.

PASSED AND APPROVED this the 1st day of August 2023.

MAYOR

ATTEST:

City Clerk

CITY COUNCIL AGENDA
August 1, 2023

ITEM/SUBJECT: Ordinance of the City of Wichita Falls, Texas Determining the Necessity of Acquiring Real Property for the Construction of a Public Park on Property Located at 100 Central East Freeway, owned by Wichita Falls Hospitality, Inc.; Authorizing Appropriation of the Real Property and/or the Use of the Power of Eminent Domain to Acquire the Real Property for Public Use; and Delegating Authority to Initiate Condemnation Proceedings to the City Manager.

INITIATING DEPT: City Manager's Office

STRATEGIC GOAL: Accelerate Economic Growth

STRATEGIC OBJECTIVE: Aggressively Market the City

COMMENTARY: If approved, this ordinance establishes the public necessity to acquire real property interests in certain property, and authorizes the uses of eminent domain powers, *if necessary*, for the acquisition of real property interests in the property.

The scope of the proposed project would be to acquire the subject property, which currently includes the long-derelict structure that contained a now defunct hotel, for the purposes of developing a public park for public use (see exhibit). The City of Wichita Falls currently owns and operates an RV Park on public property just to the northwest of the subject tract, and recently acquired the 14.7-acre tract between the RV Park and the subject tract, also for public use.

Passing this ordinance would not necessarily mean the city will use eminent domain to acquire the property, but would establish public necessity for the park project. The ordinance would put the eminent domain tool in the city's "tool belt" in case it became necessary to use. Staff will continue to attempt to reach an agreement with the property owner(s) to acquire the tract. One of the steps to move forward with the acquisition of land, if there is no agreement on price, is to file a petition for eminent domain. Prior to filing an eminent domain case, City Council will be apprised of the status of the land negotiations and staff's recommendation to file the case.

Additionally, approval of this ordinance *would not* appropriate any funds towards purchase of the land, demolition, or programming of the space for a public park. Such would occur at future dates as the project progresses.

Staff recommends approval of the ordinance.

☒ **Assistant City Manager**

ASSOCIATED INFORMATION: Ordinance

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Ordinance No. _____

Ordinance of the City of Wichita Falls, Texas Determining the Necessity of Acquiring Real Property for the Construction of a Public Park on Property Located at 100 Central East Freeway, owned by Wichita Falls Hospitality, Inc.; Authorizing Appropriation of the Real Property and/or the Use of the Power of Eminent Domain to Acquire the Real Property for Public Use; and Delegating Authority to Initiate Condemnation Proceedings to the City Manager

WHEREAS, the City of Wichita Falls is a home-rule municipality acting under its Charter pursuant to Article XI, Section 5 of the Texas Constitution and Section 251.001 of the Texas Local Government Code; and,

WHEREAS, the property located at 100 Central East Freeway acts as a gateway for the City of Wichita Falls; and,

WHEREAS, the City of Wichita Falls needs the property located at 100 Central East Freeway for the purpose of a public park (herein referred to as “Project” and shown on **Exhibit A**); and,

WHEREAS, the Project will require the acquisition of an approximate 12.66 acres of land at 100 Central East Freeway; and,

WHEREAS, upon consideration of this matter and for construction and maintenance of the Project, the City Council has determined that there is a public need and necessity for the health, safety, and welfare of the City of Wichita Falls (“City”) and the public at large (the “Public Uses”) to acquire fee simple title (the “Real Property Interests”) on and across the property as described and depicted in **Exhibit B** (100 Central East Freeway); and,

WHEREAS, the City Council has investigated and determined that the Project constitutes a public use for a public purpose; and,

WHEREAS, the City Council finds that the descriptions of the Real Property Interests for acquisition on and across the Property by eminent domain for the Project comply with applicable law in that the same identifies the Property that will be used by the City for the Project in a way that provides the property owners reasonable notice that the owner’s property may be subject to condemnation proceedings during the planning or construction of the Project; and,

WHEREAS, the City is required to make a bona fide offer, as defined by and in compliance with Texas Property Code Section 21.0113, to acquire the Real Property Interests on and across the Property for Public Use, voluntarily, from the subject landowners prior to moving forward with the acquisition by eminent domain.

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

Section 1. The City Council hereby finds and determines that the recitals made in the preamble of this Ordinance are true and correct and incorporates such recitals in the body of this Ordinance as if copied in their entirety.

Section 2. The City Council hereby finds and determines that a public use and a necessity exists for the Public Use and authorizes the acquisition of the necessary Real Property Interests on and across the Property for such purposes, as allowed by law, together with all necessary appurtenances, additions, and improvements on, over, under and through that certain lot, tract, or parcel of land.

Section 3. The City Council authorizes the City Manager to negotiate for and to acquire the required Real Property Interests on and across the Property for the City, and to acquire said rights in compliance with State and any other applicable law, including Chapter 21 of the Texas Property Code. Moreover, the City Manager is specifically authorized and directed to do each and every act necessary to acquire the needed Real Property Interests on and across the Property including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, to retain and designate a qualified appraiser to determine the just compensation for the acquisition of the Real Property Interests on and across the Property being acquired, as well as any other experts or consultants the City Manager deems necessary for the acquisition process and, if necessary, to institute proceedings in eminent domain.

Section 4. The City Manager or designee is appointed as negotiator for the acquisition of the needed Real Property Interests and, as such, the City Manager is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference, subject to the availability of funds appropriated by the City Council for such purpose. Additionally, if the City Manager determines that an agreement as to damages or compensation cannot be reached after making a bona fide offer, then the City Attorney is hereby authorized and directed to file, or cause to be filed, against the owner(s) and interested parties of the needed Real Property Interests on and across the Property, proceedings in eminent domain to acquire the above-stated Real Property Interests on and across the Property.

Section 5. Should any word, sentence, clause, paragraph, or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this Ordinance shall remain in full force and effect.

Section 6. This Ordinance shall become effective from and after its date of passage and as permitted by law.

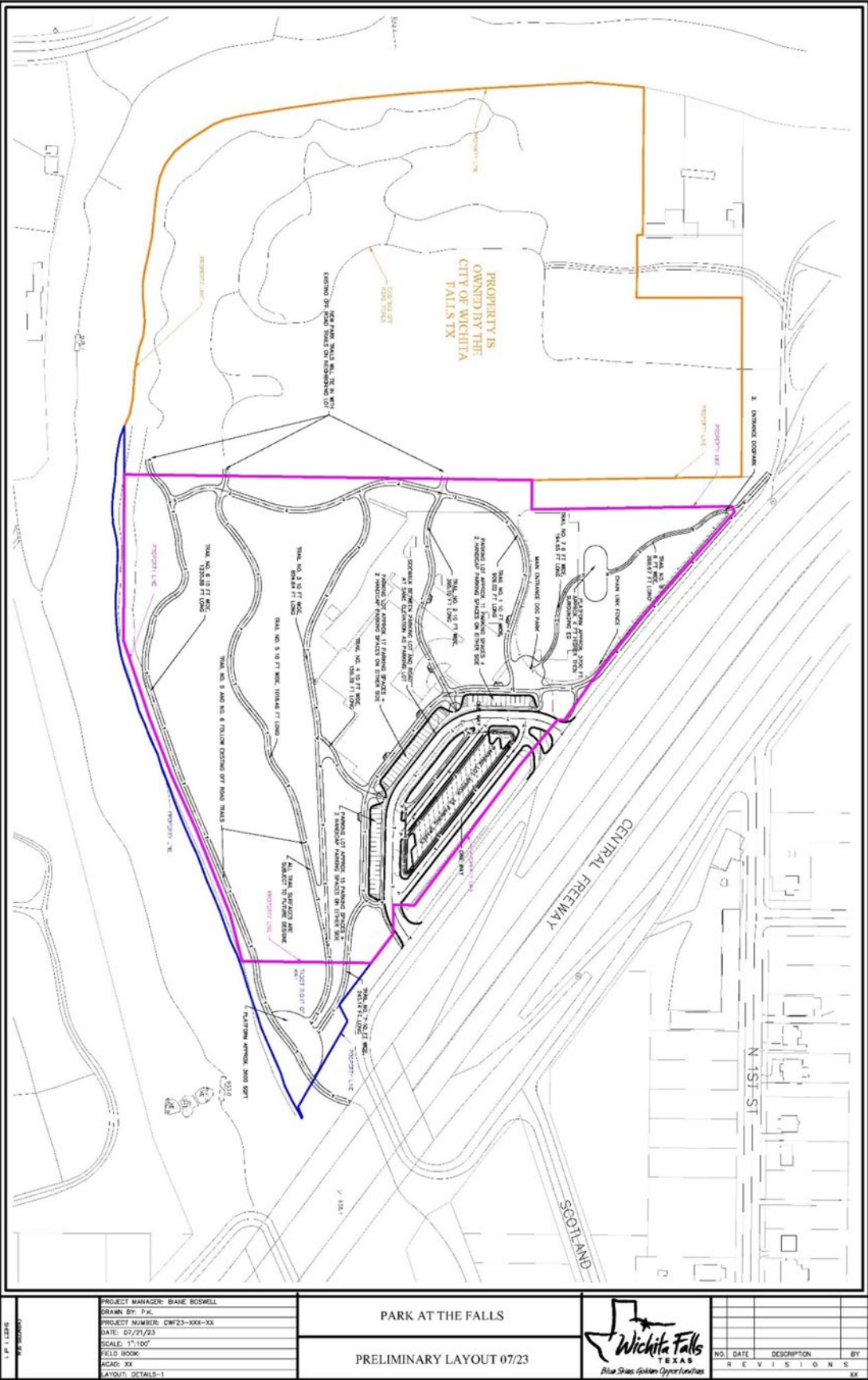
PASSED AND APPROVED this the 1st day of August 2023.

MAYOR

ATTEST:

City Clerk

Exhibit A
Project
Park at the Falls




SHEET 1 OF 1	PROJECT MANAGER: BIANE BOSWELL		PARK AT THE FALLS					
	DRAWN BY: P.K.							
	PROJECT NUMBER: CMF23-000-XX							
	DATE: 07/21/23							
	SCALE: 1"=100'							
	FIELD BOOK							
	ACAD: XX							
	LAYOUT: DETAILS-1							
PRELIMINARY LAYOUT 07/23								
					NO.	DATE	DESCRIPTION	BY
					REVISIONS			
					XX			

Exhibit B

Real Property Interests

Property Description

Lot 1, Block B-1 Scotland Gardens Addition, pursuant to the amended final plat of record in Volume 26, Pages 215-216 W.C.P.R. containing 12.655 acres more or less

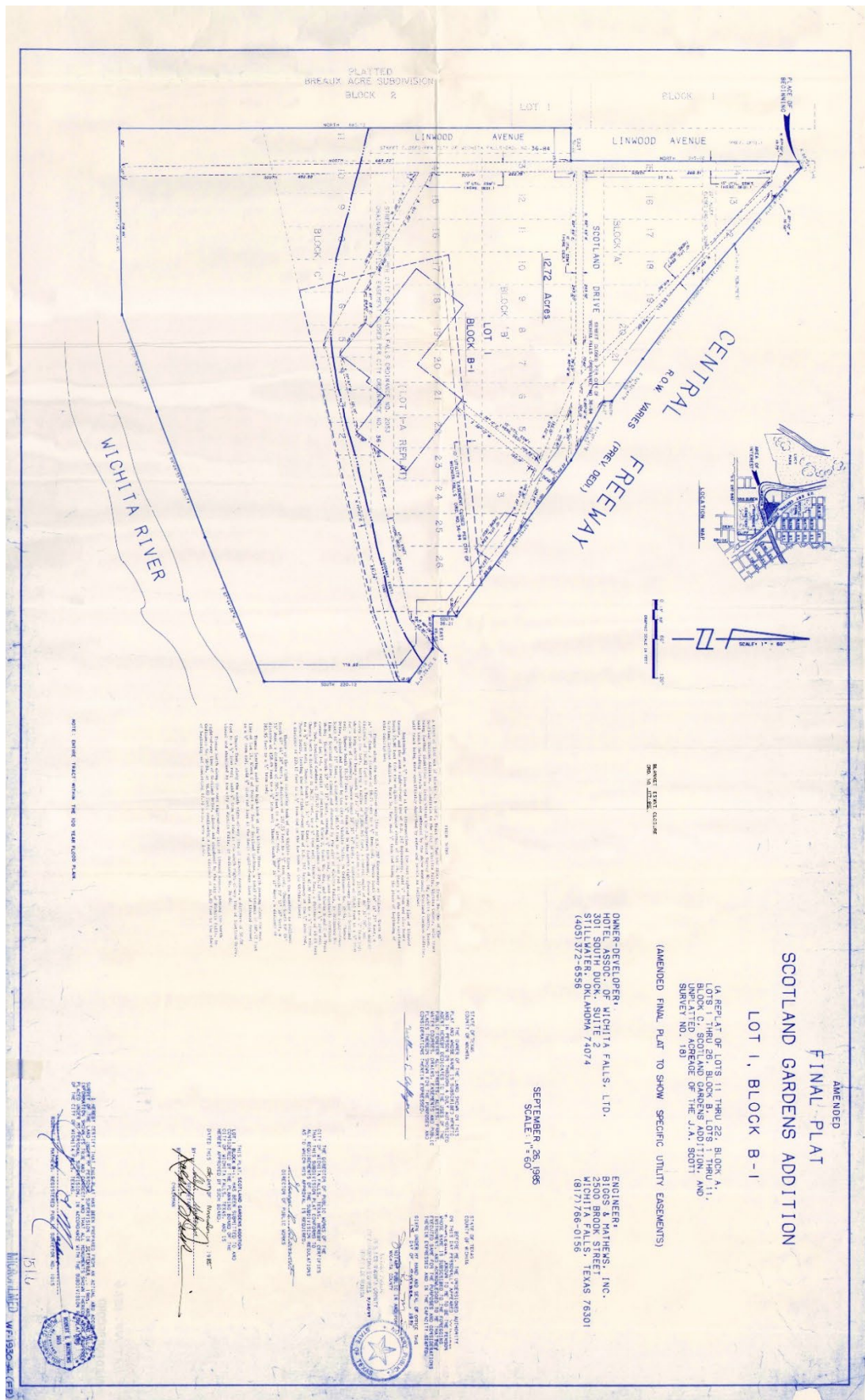
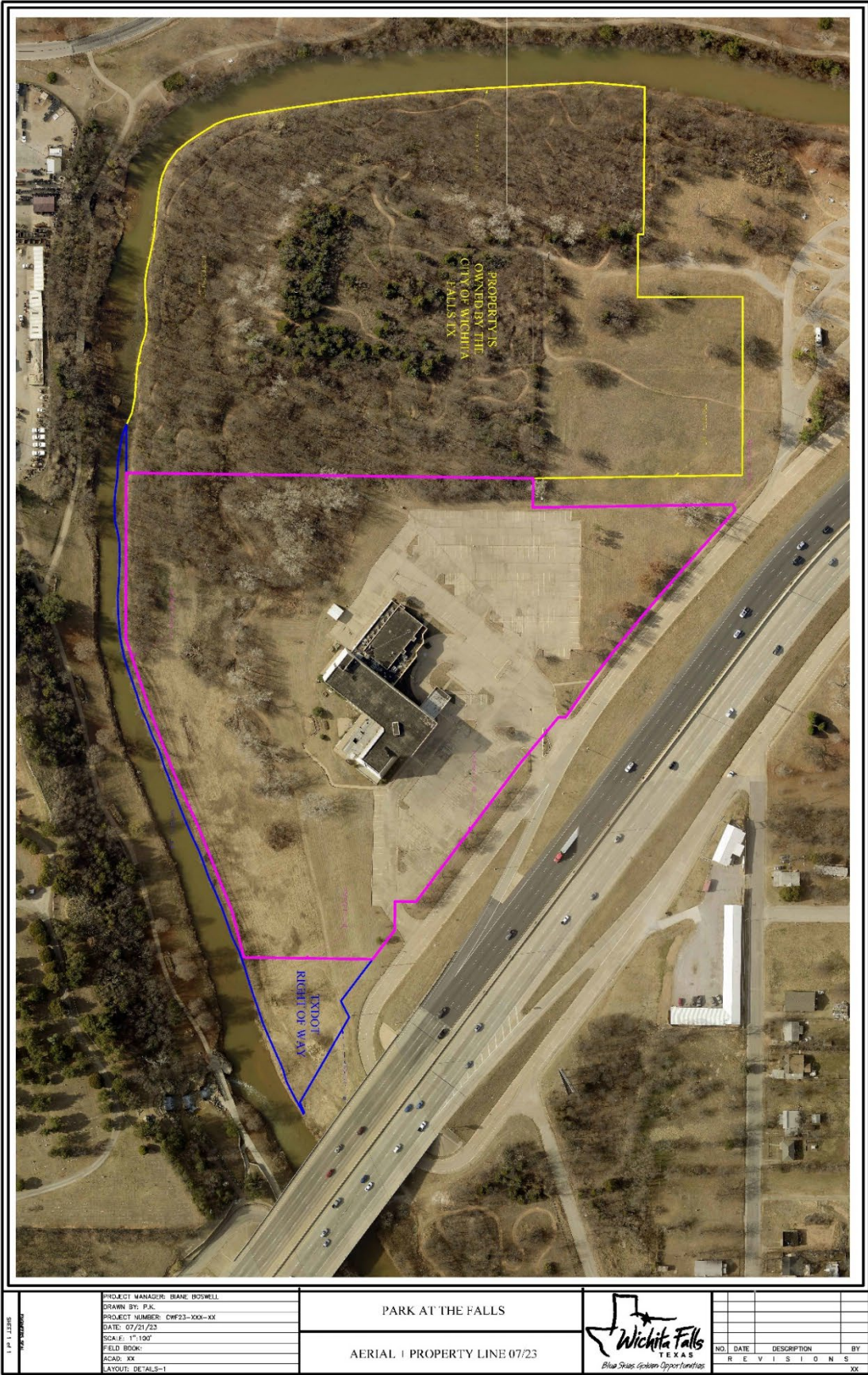


Exhibit B
Real Property Interests



CITY COUNCIL AGENDA
August 1, 2023

ITEM/SUBJECT: Resolution approving a substantial amendment to the 2021 Action Plan to amend the HOME-American Rescue Plan (HOME-ARP) Allocation Plan and re-allocate \$714,872 in HOME-ARP funding.

INITIATING DEPT: Development Services / Neighborhood Services / Neighborhood Resources

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

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

COMMENTARY: On July 18, 2023, during City Council meeting, a public hearing was held to solicit citizen comments on the proposed substantial amendments to the PY 2021 Annual Action Plan and HOME-ARP Allocation Plan. This resolution would approve substantial amendments to the PY 2021 Annual Action Plan and HOME-ARP Allocation Plan to reallocate \$714,872 in funding and continue the programs from the previous year.

The resolution will also authorize the City Manager and/or Assistant City Manager to submit the plan to HUD for review and approval, execute grant agreements and contracts to implement the approved plan, including any and all revisions approved by HUD, and to also serve as the certifying officer for the city.

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

HOME-ARP: Outside Agencies

First Step: Non-Congregate Shelter Rehabilitation (Continued from previous year)	\$700,000.00
Faith Mission / Faith Refuge – Non-Congregate Shelter Construction and Rehab (New program)	\$714,872.00
TOTAL	\$1,414,872.00

CDBG: City Departments

Grant Administration: Operational & Administrative Costs for HOME-ARP Program (Continued from previous year)	\$157,208.00
TOTAL	\$157,208.00

RECOMMENDATION:

Staff and the Council Subcommittee on Outside Agencies (Councilors Brewer, Browning, and Nelson) recommend approval of the Resolution as described above.

☒ **Neighborhood Services Manager**

☒ **Director of Development Services**

☒ **Assistant City Manager**

ASSOCIATED INFORMATION: Resolution, Table of Awarded Funds

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Resolution No. _____

**Resolution approving a substantial amendment to the 2021
Action Plan to amend the HOME-American Rescue Plan
(HOME-ARP) Allocation Plan and re-allocate \$714,872 in
HOME-ARP funding**

WHEREAS, the City of Wichita Falls, acting in its capacity as a Grantee of the United States Department of Housing and Urban Development (HUD), administers federally-funded programs to benefit the community; and,

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

WHEREAS, on July 18th, 2023 the City Council held a public hearing to receive comments and citizen input; and,

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

WHEREAS, the City of Wichita Falls recognizes that these funds are subject to environmental review, decision-making, and action responsibilities under the National Environmental Policy Act (NEPA) and 24 C.F.R. Part 58, "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities".

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

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

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

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

4. The City Council grants authority to the City Manager, and also the Assistant City Manager, so that either may carry out the responsibilities of certifying officer as provided in 24 C.F.R. Part 58, its related Federal authorities listed in Sections 58.5 and 58.6, as well as Section 102 of NEPA and its related provisions in 40 CFR parts 1500 through 1508. Further, as the delegated and authorized certifying officer, each is also authorized to and accepts on behalf of the City of Wichita Falls the jurisdiction of the federal courts for enforcement of all these responsibilities.

PASSED AND APPROVED this the 1st day of August 2023.

MAYOR

ATTEST:

City Clerk

Table of Awarded Funds

HOME-ARP: Outside Agencies

First Step: Non-Congregate Shelter Rehabilitation (Continued from previous year)	\$700,000.00
Faith Mission / Faith Refuge – Non-Congregate Shelter Construction and Rehab (New program)	\$714,872.00
TOTAL	\$1,414,872.00

CDBG: City Departments

Grant Administration: Operational & Administrative Costs for CDBG Program (Continued from previous year)	\$157,208.00
TOTAL	\$157,208.00

CITY COUNCIL AGENDA
August 1, 2023

ITEM/SUBJECT: Resolution approving the 2023 Annual Action Plan to allocate Community Development Block Grant (CDBG) funds in the amount of \$1,220,974 and HOME funds in the amount of \$459,482, and reallocating \$200,000 in prior year CDBG Funds; authorizing the City Manager and Assistant City Manager to execute all HUD documents.

INITIATING DEPT: Development Services / Neighborhood Services / Neighborhood Resources

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

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

COMMENTARY: On July 18th, 2023, during the City Council meeting, a Public Hearing was conducted to solicit citizen comments on the proposed 2023 Annual Action Plan. This resolution would approve the 2023 Annual Action Plan of the Five-Year Consolidated Plan which allocates \$1,220,974 in Fiscal Year 2023 Community Development Block Grant (CDBG) funds, reallocates \$200,000 in prior year CDBG funding and allocates \$459,482 in HOME Investment Partnership (HOME) funds.

The resolution will also authorize the City Manager and/or Assistant City Manager to submit the plan to HUD for review and approval, execute grant agreements and contracts to implement the approved plan, including any and all revisions approved by HUD, and assign certifying officers.

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

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

The City Council Subcommittee on Outside Agencies (Councilors Brewer, Browning, and Nelson), met with agency representatives on June 5, 2023, and propose to use FY 2023-2024 CDBG and HOME entitlement funding in the amounts as follows:

CDBG: Outside Agencies

Child Care, Inc.: Child care subsidies for low-income working families	\$128,202.00
Christmas in Action: Home repair for elderly and handicapped owners	\$125,000.00
Senior Citizens Services of North Texas: Meals on Wheels Program	\$54,944.00
TOTAL	\$308,146.00

CDBG: City Departments

Code Enforcement: Demolition and clearance of hazardous structures	\$225,000.00
Code Enforcement: Administration & operational costs	\$60,000.00
CDBG Program Delivery Costs: Minor & Emergency Repair Programs	\$35,000.00
Grant Administration: Operational & administrative costs for CDBG Program	\$244,194.00
Minor Repair Program: Minor home repair for low-income homeowners	\$170,000.00
Emergency Repair Program: Immediate-need home repair for low-income homeowners	\$131,454.00
Parks: General Rehab improvements to Lamar, Lions, and Williams Parks	\$231,180.00
Traffic: Audible Pedestrian Signals in the downtown area	\$16,000.00
TOTAL	\$1,112,828.00

HOME Program

First-Time Homebuyer Program: Acquisition assistance costs for down payment and closing costs.	\$314,611.00
Affordable Housing Program: Closing costs/principal reduction for Habitat homebuyers	\$30,000.00
CHDO Set-Aside: Statutory 15% of entitlement amount	\$68,923.00
HOME Administration: Operational & administrative costs for HOME Program	\$45,948.00
TOTAL	\$459,482.00

RECOMMENDATION:

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

☒ **Neighborhood Services Manager**

☒ **Director of Development Services**

☒ **Assistant City Manager**

ASSOCIATED INFORMATION: Resolution, Table of Awarded Funds

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Resolution No. _____

Resolution approving the 2023 Annual Action Plan to allocate Community Development Block Grant (CDBG) funds in the amount of \$1,220,974 and HOME funds in the amount of \$459,482, and reallocating \$200,000 in prior year CDBG Funds; authorizing the City Manager and Assistant City Manager to execute all HUD documents

WHEREAS, the City of Wichita Falls, acting in its capacity as a Grantee of the United States Department of Housing and Urban Development (HUD), administers federally-funded programs to benefit the community; and,

WHEREAS, the City of Wichita Falls recognizes that these funds are subject to environmental review, decision-making, and action responsibilities under the National Environmental Policy Act (NEPA) and 24 C.F.R. Part 58, "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities"; and,

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

WHEREAS, the City Council on July 18, 2023, held a public hearing to receive citizen input; and,

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

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

1. The City Council of Wichita Falls, Texas hereby approves and adopts the PY 2023 Annual Action Plan that will provide for developing, implementing, and administering eligible programs and activities through the CDBG and HOME Programs.

2. The City of Wichita Falls, acting in its capacity as a HUD Entitlement Grantee, is authorized to apply for \$1,220,974 in FY 2023 CDBG funding and \$459,482 in FY 2023 HOME funding, and reallocate \$200,000 in prior year CDBG funding. Such funding shall be utilized for eligible projects and administrative costs.

3. The City Council authorizes the City Manager, and/or Assistant City Manager, to submit the 2023 Annual Action Plan to the U.S. Department of Housing and Urban Development for review and approval, execute any and all amendments, agreements, and other documents necessary to implement the aforementioned Action Plan, to include any and all revisions approved by HUD.

4. The City Council delegates and grants authority to the City Manager, and also the Assistant City Manager, so that either may carry out the responsibilities of certifying officer as provided in 24 C.F.R. Part 58, its related Federal authorities listed in Sections 58.5 and 58.6, as well as Section 102 of NEPA and its related provisions in 40 CFR parts 1500 through 1508. Further, as the delegated and authorized certifying officer, each is also authorized to and accepts on behalf of the City of Wichita Falls the jurisdiction of the federal courts for enforcement of all these responsibilities.

PASSED AND APPROVED this the 1st day of August 2023.

MAYOR

ATTEST:

City Clerk

Table of Awarded Funds

CDBG: Outside Agencies

Child Care, Inc.: Child care subsidies for low-income working families	\$128,202.00
Christmas in Action: Home repair for elderly and handicapped owners	\$125,000.00
Senior Citizens Services of North Texas: Meals on Wheels Program	\$54,944.00
TOTAL CDBG Funds: Outside Agencies	\$308,146.00

CDBG: City Departments

Code Enforcement: Demolition and clearance of hazardous structures	\$225,000.00
Code Enforcement: Administration & operational costs	\$60,000.00
CDBG Program Delivery Costs: Minor & Emergency Repair Programs	\$35,000.00
Grant Administration: Operational & administrative costs for CDBG Program	\$244,194.00
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Parks: General Rehab improvements to Lamar, Lions, and Williams Parks	\$231,180.00
Traffic: Audible Pedestrian Signals in the downtown area	\$16,000.00
TOTAL CDBG Funds: City Departments	\$1,112,828.00

HOME Program

First-Time Homebuyer Program: Acquisition assistance costs for down payment and closing costs.	\$314,611.00
Affordable Housing Program: Closing costs/principal reduction for Habitat homebuyers	\$30,000.00
CHDO Set-Aside: Statutory 15% of entitlement amount	\$68,923.00
HOME Administration: Operational & administrative costs for HOME Program	\$45,948.00
TOTAL HOME Funds	\$459,482.00

CITY COUNCIL AGENDA
August 1, 2023

ITEM/SUBJECT: Resolution authorizing a contract for professional services to Brinkley Sargent Wiginton Architects, Inc. (BSW) in association with Bundy, Young, Sims, and Potter (BYSP) Architects for a Public Safety Facilities Study for the Wichita Falls Police Department Headquarters (PDHQ) and Fire Stations #1, 2, 4, & 6, in the amount not to exceed \$169,030.

INITIATING DEPT: Information Technologies & Facilities

STRATEGIC GOAL: Provide Quality Infrastructure

STRATEGIC OBJECTIVE: Upgrade or Replace Outdated Public Facilities

COMMENTARY: In March 2017, the City published a Request for Qualifications for Architectural and Engineering (A/E) Services for a Restoration and Feasibility Evaluation for Memorial Auditorium, PDHQ, and Fire Station 1. A plan was developed from the Feasibility Study to build a new City Hall, PDHQ, and Fire Central Station.

The current plan is to have a new feasibility study performed on the Police and Fire Departments' oldest facilities. These facilities consist of the PDHQ and Fire Stations #1, 2, 4, & 6. The study will help determine the cost and identify the priority for each facility. These facilities currently do not provide adequate space for the existing staff and the operations they support.

The current FY 23 budget includes \$200,000 to cover the cost of these services. It is recommended that the City Council authorize the City Manager to sign all documents necessary to purchase professional services from Brinkley Sargent Wiginton Architects, Inc (BSW) in association with Bundy, Young, Sims, and Potter (BYSP) Architects for a Public Safety Facilities Study for the Wichita Falls Police Department Headquarters (PDHQ) and Fire Stations #1, 2, 4, & 6, in the amount not to exceed \$169,030.

☒ Assistant City Manager

ASSOCIATED INFORMATION: Resolution

☒ Budget Office Review

☒ City Attorney Review

☒ City Manager Approval

Resolution No. _____

Resolution authorizing The City Manager to execute all documents necessary to purchase professional services from Brinkley Sargent Wiginton Architects, Inc. (BSW) in association with Bundy, Young, Sims, and Potter (BYSP) Architects for a Public Safety Facilities Study for the Wichita Falls Police Department Headquarters (PDHQ) and Fire Stations #1, 2, 4, & 6, in the amount not to exceed \$169,030

WHEREAS, these services will be provided by Brinkley Sargent Wiginton Architects, Inc (BSW) in association with Bundy, Young, Sims, and Potter (BYSP) Architects; and

WHEREAS, the City's 2022-23 budget includes \$200,000 to purchase these services; and

WHEREAS, the City Manager is authorized to execute a contract for the City with said Contractor for the completion of such project in a form as approved by the City Attorney; and

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

The City Manager is authorized to execute all documents necessary to professional services from Brinkley Sargent Wiginton Architects, Inc (BSW) in association with Bundy, Young, Sims, and Potter (BYSP) Architects for a Public Safety Facilities Study for the Wichita Falls Police Department Headquarters (PDHQ) and Fire Stations #1, 2, 4, & 6, in the amount not to exceed \$169,030.

PASSED AND APPROVED this the 1st day of August 2023.

MAYOR

ATTEST:

City Clerk

CITY COUNCIL AGENDA
August 1, 2023

ITEM/SUBJECT: Resolution authorizing the repair of a raw water pump and motor in the Lake Kemp Pump Station at Headquarters Road through the BuyBoard Purchasing Cooperative from Smith Pump Company, Inc., in the amount of \$130,495.00.

INITIATING DEPT: Public Works

STRATEGIC GOAL: Provide Quality Infrastructure

STRATEGIC OBJECTIVE: N/A

COMMENTARY: The Lake Kemp Pump Station at Headquarters Road has three high volume pumps that transfer water from Lake Kemp to the Cypress Water Treatment Facility for treatment through the Microfiltration/Reverse Osmosis Plant. This pump station has been operational since 2008 and has served its designed capacity of providing a new source of drinking water to Wichita Falls without fail. However, the pumps are starting to exhibit signs of normal wear and tear through years of service and are now in need of repair to continue to maintain the operational reliability. Two of these three pumps have already been repaired in previous years by Smith Pump Co.

Work will include the removal of the pump from service, inspection of the pump to determine repair needs, repair work, motor replacement, reinstallation and field testing to confirm success of the repairs. Repair work will be performed on the impeller portion of the pump and will include, but not limited to, replacement of bearings, wear rings, impeller, shaft sleeves, deflectors and gaskets, as well as repair of the pump shaft and balancing. Additionally, the pump motor will be replaced at the same time.

Water Source has received a quote from Smith Pump Co. in the amount of \$70,595.00 to perform the repair on the pump and \$59,900.00 for the new motor. The pump repairs are not currently budgeted in this fiscal year's budget and will be funded from the savings in the microfiltration and reverse osmosis maintenance and replacement account.

Texas Local Government Local Government Code §252.022 exempts items purchased through interlocal cooperative purchasing contracts from the State's competitive bidding requirements. This chapter does not apply to expenditure for. . . (12) personal property sold under an interlocal contract for cooperative purchasing administered by a regional planning commission established under Chapter 391.

Staff recommends award of the Lake Kemp Pump Station at Headquarters Road pump repairs and new pump motor to Smith Pump Co., through the Buyboard Purchasing Cooperative, in the amount of \$130,495.00.

☒ **Director, Public Works**

ASSOCIATED INFORMATION: Resolution, BuyBoard Quotes

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Resolution No. _____

Resolution authorizing the repair of a raw water pump and motor in the Lake Kemp Pump Station at Headquarters Road through the BuyBoard Purchasing Cooperative from Smith Pump Company, Inc., in the amount of \$130,495.00

WHEREAS, the City of Wichita Falls developed the supply of raw water from Lake Kemp after the 1995 – 2000 drought, and

WHEREAS, the City of Wichita Falls has been utilizing the supply of raw water from Lake Kemp since 2008 as an integral part of the City's water resource management portfolio, and

WHEREAS, the City Council of the City of Wichita Falls has passed a resolution approving the participation in such cooperative agreements; and

WHEREAS, the City of Wichita Falls has received a quote from Smith Pump Co. Inc. for repair of the pump and new replacement motor, and it is in the best interest to complete the repair and replacement in accordance with the Cooperative Purchasing Programs,

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

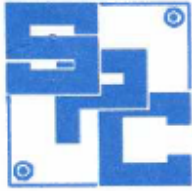
City Staff is authorized to execute all documents necessary for the repair of a raw water pump and replacement motor in the Lake Kemp Pump Station at Headquarters Road through the BuyBoard Purchasing Cooperative from Smith Pump Company, Inc., in the amount of \$130,495.00.

PASSED AND APPROVED this the 1st day of August 2023.

MAYOR

ATTEST:

City Clerk

**Smith Pump Company, Inc.**301 MB Industrial Blvd
Waco, TX 76712 USPhone: 800-299-8909
Fax: 254-776-0023
www.smithpump.com**Quote No: 35713****Monday, July 3, 2023**

Page: 1

Prepared For :**Shipping: Butch Leinweber****City of Wichita Falls**P.O. Box 1431
Wichita Falls, TX 76307
Phone: 940 761 7404
Fax: 940 761 8877**City of Wichita Falls**Headquarters Road Pump Station
4959 HWY 258 W
Iowa Park, TX 76367*Shipping Method*
Bestway*Freight Terms*
FOB Destination*Payment Terms*
Net 30 Days*Salesperson:*
TXNW - Eduardo Garcia

Thank you for the opportunity to present our quotation for your upcoming project. Please give us a call if you require additional information.

*** BUYBOARD CONTRACT # 672-22 ***

Sincerely,

Eduardo Garcia

eduardog@smithpump.com

Line: 2

Part ID: 4511

Rev: 0

Pump Inspection - VTP

Item of Shop Disassembly & Inspection of Vertical Turbine Pump

Inspection Includes:

1. Incoming data gathering, inspection sheets & photos.
2. Teardown of pump.
3. Inspection, measurements, documentation of component condition.
4. Generate PMG Repair Report.
5. Generate Quotation for repair and/or upgrades.

* Repair Quote will be provided after inspection *

Quantity	U/M	Unit Price	Discount	Discounted Unit Price	Line Price
1.00	EA	2,645.00000			\$2,645.00 *

Line: 3

Part ID: 4511

Rev: 1

Pump Repair - Vertical Turbine Pump

Worst Case Scenario - Pump Estimated Repair

Repair will include rebowl with new bowl assembly.
 Repair will include reusing discharge head.
 Blast & Coating of parts
 Assembly

* This is only an estimate, an accurate repair quote will be provided after inspection *

* This is a sight unseen estimate, pump condition could vary drastically *

**Smith Pump Company, Inc.**301 MB Industrial Blvd
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Quote No: 35713**Monday, July 3, 2023**

Page: 2

Quantity	U/M	Unit Price	Discount	Discounted Unit Price	Line Price
1.00	EA	63,350.00000			\$63,350.00 *

Line: 4 Part ID: 4201 Rev: 0

Install Vertical Turbine Pump(2) Field Service Technician to Install and Reconnect a Vertical Turbine Pump
&

(1) Field Service Technician to complete start-up on additional trip if needed

Includes:

1. Labor
2. Mileage to/from Jobsite

* Customer to provide crane to help with installation *

Quantity	U/M	Unit Price	Discount	Discounted Unit Price	Line Price
1.00	EA	4,600.00000			\$4,600.00 *

* Indicates which quantity price is included in the Total

Total:**\$70,595.00**

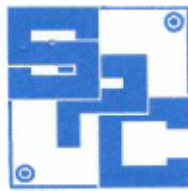
Prices are Valid Until Sunday, September 3, 2023

ACCEPTED BY: _____

PRINTED NAME: _____

PURCHASE ORDER (IF APPLICABLE): _____

SIGNED ON DATE: _____



Smith Pump Company, Inc.

301 MB Industrial Blvd
Waco, TX 76712 US

Phone: 800-299-8909
Fax: 254-776-0023
www.smithpump.com

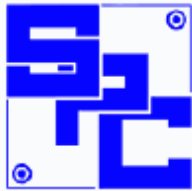
Quote No: 35713

Monday, July 3, 2023

Page: 3

Terms and Conditions

1. **Applicability** - These Terms and Conditions of Sale ("Terms") shall govern all sales of equipment or services to Customer. These Terms supersede any prior written or oral agreement, understanding, representation or promise and any pre-printed or standard terms and conditions contained in Customer's request for quote, purchase order, invoice, order acknowledgment or similar document. These Terms may not be amended, supplemented, changed or modified except by concurrent or subsequent written agreement signed by an authorized representative of both Smith Pump Company ("SPCO") and Customer. SPCO's acknowledgment of Customer's purchase order shall not constitute acceptance of any terms or conditions contained therein which are in any way inconsistent with the Terms. Any additional or different terms or conditions included in any acceptance of this quotation are expressly disclaimed and rejected in advance, and unless there is prior mutual agreement otherwise, shall not become a part of any contract resulting from this quotation.
2. **Price** - Unless otherwise stated in this quotation, all prices are FOB shipping point. All transportation, insurance and similar charges incident to delivery shall be borne by the Customer. This quotation is valid for thirty (30) days only. Shipping dates are approximate and are based on prompt receipt of all necessary information. In the case of delay in furnishing complete information to SPCO, dates of shipment may be extended for a reasonable time. In the event SPCO provides transport services, these will be quoted as a lump sum price based on destination and shipping mode. In the event Customer requests a delay or suspension in the completion and/or shipment of equipment or services covered by this quotation, or any part thereof, for any reason, the parties shall agree upon any cost and/or scheduling impact of such delay and all such costs to Customer's account. Any delay period beyond thirty (30) days after original scheduled shipment date shall require Customer to (i) take title and risk of loss of any equipment covered by this quotation, and (ii) make arrangements for the storage of such equipment with SPCO or other party. SPCO's invoice, which is contractually based on shipment, shall be issued upon SPCO's readiness to ship the equipment covered by this quotation. SPCO shall not be liable for delay and delivery due to causes beyond its reasonable control including, but not limited to, acts of God, acts of government, acts of Customer, fires, labor disputes, boycotts, floods, epidemics, quarantine restrictions, war, insurrection, terrorism, riot, civil or military authority, freight embargoes, transportation shortages or delays, unusually severe weather or inability to obtain necessary labor, materials or manufacturing facilities due to such causes. In the event of any such delay, the date of delivery shall be extended for a length of time equal to the period of the delay.
3. **Warranty** - SPCO warrants new equipment or parts to be free from defects in materials and workmanship for a period of eighteen (18) months from the date of shipment or twelve (12) months from the date of startup or initial use, whichever comes first. SPCO SHALL NOT BE RESPONSIBLE FOR ANY CONSEQUENTIAL, INCIDENTAL, SPECIAL OR LIQUIDATED DAMAGES. NO EXPRESSED OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE SHALL APPLY. Repairs performed by SPCO are warranted against defects in workmanship and/or materials for a period of twelve (12) months from the date of shipment. SPCO will not be responsible for any removal or installation charges or transportation charges in cases where equipment has failed under these warranty conditions. SPCO's sole obligation and Customer's sole remedy under this warranty is repair or replacement at SPCO's election. Customer agrees to provide SPCO reasonable and clear access to any equipment covered by this warranty which may include removal of materials or structures as well as supplying any equipment, materials or structures which are necessary to provide reasonable access to the equipment being repaired or replaced. Costs to remove and/or reinstall equipment for warranty purposes shall be the responsibility of Customer. Replacement parts or repairs furnished under this warranty shall be subject to warranty provisions herein for the remaining warranty period. All equipment repaired or replaced will be re-warranted only for the remainder of the original warranty period. SPCO does not warrant the equipment covered by this quotation or any repair/replacement part against the effects of erosion, corrosion, or normal wear and tear due to operation or the environment. The warranty and remedies set forth herein are conditioned upon proper storage, installation, use and maintenance of the equipment covered by this quotation in all material respects, and in accordance with SPCO's written recommendations. Customer must notify SPCO in writing of any warranty claim during the warranty period or within thirty (30) days thereafter. SPCO will not be liable under this warranty if warranted goods have been exposed or subjected to any (1) maintenance, repair, installation, handling, packaging, transportation, storage, operation, or use which is improper or otherwise not in compliance with SPCO's instructions, (2) alteration, modification or repair by anyone other than SPCO or those specifically authorized by SPCO, (3) accident, contamination, foreign object damage, abuse, neglect, or negligence after shipment to Customer, (4) damage caused by failure of a SPCO supplied product not under warranty or by any hardware or software not supplied by SPCO, (5) use of counterfeit or replacement parts that are not manufactured by the manufacturer of goods provided by SPCO or approved by SPCO for use in goods provided by SPCO, or (6) goods which are normally consumed in operation or which have normal life inherently shorter than the warranty period including, but not limited to, consumables (e.g. lamps, batteries, storage capacitors).
4. **Payment** - All prices are net cash to be paid thirty (30) days after date of invoice. Customer agrees to make payment within that period. Discounts will apply only as stated on the invoice. Invoices unpaid for thirty (30) days after issuance shall bear interest at the highest lawful rate due and payable on any invoiced account, which is delinquent and not paid within the stated terms. Should Customer for any reason fail to pay in accordance with these terms, Customer agrees to pay all collection costs, attorney's fees and expenses incurred in collecting payment. If Customer's financial condition is or becomes unsatisfactory to SPCO, SPCO reserves the right to (a) require payment from Customer on a cash in advance basis, (b) require a letter of credit or other acceptable security before shipment, (c) cancel shipment at any time prior to delivery without further obligation or liability on SPCO's part, (d) terminate any contract or obligation on the part of SPCO, or (e) require other special payment terms acceptable to SPCO to ensure payment. All extensions of credit are subject to the approval of SPCO's credit department and management.
5. **Joint Check Agreement** - If Customer fails to pay laborers and materialmen within thirty (30) days after payment by SPCO, SPCO will have the right to make future payments by check payable jointly to Customer and laborers or materialmen to the extent of unpaid indebtedness arising out of the job. SPCO will credit joint checks against the contract sum on the next payment application.
6. **Taxes** - The amount of all federal, state or local taxes applicable to the sale, use, delivery or transportation of the equipment or services sold hereunder and all duties, imports, tariffs, and other similar levies shall be added to the contract price and paid by the Customer except where the Customer shall furnish an appropriate certificate of exemption.
7. **Property Damage** - SPCO shall not be responsible for damage to topsoil or groundcover in connection with the work or service performed under this contract. SPCO shall not be responsible for claims arising from the pumping of water onto the ground which is necessary in connection with the service or work provided by SPCO. The customer agrees to hold SPCO harmless from claims arising out of damage caused by the pumping of water onto the ground.
8. **Startup** - If the equipment supplied pursuant to this quotation has a warranty requirement, qualified SPCO personnel must be present during the initial equipment startup and commissioning. Failure to request and ensure the presence of qualified SPCO personnel will void any warranty herein. Requests for startup must occur at least seven (7) days prior to the scheduled date of the startup.
9. **Limitation of Liability** - The remedies set forth herein are exclusive and the total liability of SPCO with respect to this quotation, and any contract for goods or services arising from this quotation, or for any breach thereof, whether based on contract, warranty, torts (including negligence), indemnity, strict liability or otherwise, shall not exceed the quotation or sales price of the specific equipment or service which gives rise to the claim.
10. **Setoff** - All amounts that Customer owes SPCO under this quotation shall be due and payable in accordance with the terms of the quotation. Customer shall not setoff such amounts or any portion thereof, whether or not liquidated, against sums which Customer asserts are due to it, its parent, affiliates, subsidiaries or other division under other transactions with SPCO.
11. **Customer Cancellation** - Customer may cancel this order only upon written notice and payment to SPCO of reasonable and proper cancellation charges. In the event of cancellation, Customer must pay for all material, expense and labor costs incurred by SPCO in connection with the materials and services to be provided pursuant to this quotation, as well as all expenses relating to any specially fabricated materials and restocking charges.
12. **Assignment** - Neither party may assign this order or any portion thereof without the advance, written consent of the other party, which consent shall not be unreasonably withheld.
13. **Waiver/Severability** - Failure by SPCO to assert all or any of its rights upon any breach by Customer shall not be deemed a waiver of such rights either with respect to such breach or any subsequent breach, nor shall any waiver be implied from the acceptance of any payment. No waiver of any right shall extend to or affect any other right. Customer may possess nor shall such waiver extend to any subsequent similar or dissimilar breach. If any portion of these Terms are determined to be illegal, invalid or unenforceable for any reason, such provision shall be deemed stricken for the purposes of the dispute in question and all other provisions shall remain in full force and effect.
14. **Applicable Law** - The contract involving the sale of the equipment and services covered by this quotation shall be interpreted in accordance with the laws of the State of Texas. This contract is performable in McLennan County, Texas and venue for any court action in any way relating to or arising out of this contract shall be McLennan County, Texas.

**Smith Pump Company, Inc.**301 MB Industrial Blvd
Waco, TX 76712 US

Phone: 800-299-8909

Fax: 254-776-0023

www.smithpump.com

Quote No: 36510**Monday, July 3, 2023**

Page: 1

Prepared For:**Shipping: Butch Leinweber****City of Wichita Falls**P.O. Box 1431
Wichita Falls, TX 76307
Phone: 940 761 7404
Fax: 940 761 8877**City of Wichita Falls**P.O. Box 1431
Wichita Falls, TX 76307*Shipping Method*
Bestway*Freight Terms*
FOB Destination*Payment Terms*
Net 30 Days*Salesperson:*
TXNW - Eduardo Garcia

Thank you for the opportunity to present our quotation for your upcoming project. Please give us a call if you require additional information.

* BUYBOARD CONTRACT # 672-22 *

Sincerely,

Eduardo Garcia

eduardog@smithpump.com

*Line: 1**Part ID: 0907-M**Rev: 0***NEW MOTOR**

(1) Nidec US Motor

300 HP 1200 RPM
460V / 3PH / 60Hz

- VSS
- HT
- WPI Enclosure
- Class "F" Insulation
- Premium Efficiency
- Aegis Ground Ring
- Insul. Bearing - Upper Bracket
- Metrix 440DR (Vibration switch)
- Q-1 Upper/Short End Bracket
- Frame 5008VP
- Type RVEI4

Lead Time: 13-14 weeks ARO

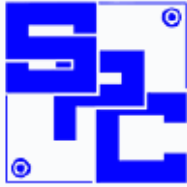
Quoting replacement per nameplate shared

<i>Quantity U/M</i>	<i>Unit Price</i>	<i>Discount</i>	<i>Discounted Unit Price</i>	<i>Line Price</i>
1.00 EA	59,900.00000			\$59,900.00 *

* Indicates which quantity price is included in the Total

Total: \$59,900.00

Prices are Valid Until Sunday, September 3, 2023



Smith Pump Company, Inc.

301 MB Industrial Blvd
Waco, TX 76712 US

Phone: 800-299-8909
Fax: 254-776-0023
www.smithpump.com

Quote No: 36510

Monday, July 3, 2023

Page: 2

ACCEPTED BY: _____

PRINTED NAME: _____

PURCHASE ORDER (IF APPLICABLE): _____

SIGNED ON DATE: _____



Smith Pump Company, Inc.

301 MB Industrial Blvd
Waco, TX 76712 US

Phone: 800-299-8909

Fax: 254-776-0023

www.smithpump.com

Quote No: 36510

Monday, July 3, 2023

Page: 3

Terms and Conditions

- 1. Applicability** - These Terms and Conditions of Sale ("Terms") shall govern all sales of equipment or services to Customer. These Terms supersede any prior written or oral agreement, understanding, representation or promise and any pre-printed or standard terms and conditions contained in Customer's request for quote, purchase order, invoice, order acknowledgement or similar document. These Terms may not be amended, supplemented, changed or modified except by concurrent or subsequent written agreement signed by an authorized representative of both Smith Pump Company ("SPCO") and Customer. SPCO's acknowledgement of Customer's purchase order shall not constitute acceptance of any terms or conditions contained therein which are in any way inconsistent with the Terms. Any additional or different terms or conditions included in any acceptance of this quotation are expressly disclaimed and rejected in advance, and unless there is prior mutual agreement otherwise, shall not become a part of any contract resulting from this quotation.
- 2. Price** - Unless otherwise stated in this quotation, all prices are FOB shipping point. All transportation, insurance and similar charges incident to delivery shall be borne by the Customer. This quotation is valid for thirty (30) days only. Shipping dates are approximate and are based on prompt receipt of all necessary information. In the case of delay in furnishing complete information to SPCO, dates of shipment may be extended for a reasonable time. In the event SPCO provides transport services, these will be quoted as a lump sum price based on destination and shipping mode. In the event Customer requests a delay or suspension in the completion and/or shipment of equipment or services covered by this quotation, or any part thereof, for any reason, the parties shall agree upon any cost and/or scheduling impact of such delay and all such costs to Customer's account. Any delay period beyond thirty (30) days after original scheduled shipment date shall require Customer to (i) take title and risk of loss of any equipment covered by this quotation, and (ii) make arrangements for the storage of such equipment with SPCO or other party. SPCO's invoice, which is contractually based on shipment, shall be issued upon SPCO's readiness to ship the equipment covered by this quotation. SPCO shall not be liable for delay and delivery due to causes beyond its reasonable control including, but not limited to, acts of God, acts of government, acts of Customer, fires, labor disputes, boycotts, floods, epidemics, quarantine restrictions, war, insurrection, terrorism, riot, civil or military authority, freight embargos, transportation shortages or delays, unusually severe weather or inability to obtain necessary labor, materials or manufacturing facilities due to such causes. In the event of any such delay, the date of delivery shall be extended for a length of time equal to the period of the delay.
- 3. Warranty** - SPCO warrants new equipment or parts to be free from defects in materials and workmanship for a period of eighteen (18) months from the date of shipment or twelve (12) months from the date of startup or initial use, whichever comes first. SPCO SHALL NOT BE RESPONSIBLE FOR ANY CONSEQUENTIAL, INCIDENTAL, SPECIAL OR LIQUIDATED DAMAGES, NO EXPRESSED OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE SHALL APPLY. Repairs performed by SPCO are warranted against defects in workmanship and/or materials for a period of twelve (12) months from the date of shipment. SPCO will not be responsible for any removal or reinstallation charges or transportation charges in cases where equipment has failed under these warranty conditions. SPCO's sole obligation and Customer's sole remedy under this warranty is repair or replacement at SPCO's election. Customer agrees to provide SPCO reasonable and clear access to any equipment covered by this warranty which may include removal of materials or structures as well as supplying any equipment, materials or structures which are necessary to provide reasonable access to the equipment being repaired or replaced. Costs to remove and/or reinstall equipment for warranty purposes shall be the responsibility of Customer. Replacement parts or repairs furnished under this warranty shall be subject to warranty provisions herein for the remaining warranty period. All equipment repaired or replaced will be re-warranted only for the remainder of the original warranty period. SPCO does not warrant the equipment covered by this quotation or any repair/replacement part against the effects of erosion, corrosion, or normal wear and tear due to operation or the environment. The warranty and remedies set forth herein are conditioned upon proper storage, installation, use and maintenance of the equipment covered by this quotation in all material respects, and in accordance with SPCO's written recommendations. Customer must notify SPCO in writing of any warranty claim during the warranty period or within thirty (30) days thereafter. SPCO will not be liable under this warranty if warranted goods have been exposed or subjected to any (1) maintenance, repair, installation, handling, packaging, transportation, storage, operation, or use which is improper or otherwise not in compliance with SPCO's instructions, (2) alteration, modification or repair by anyone other than SPCO or those specifically authorized by SPCO, (3) accident, contamination, foreign object damage, abuse, neglect, or negligence after shipment to Customer, (4) damage caused by failure of a SPCO supplied product not under warranty or by any hardware or software not supplied by SPCO, (5) use of counterfeit or replacement parts that are not manufactured by the manufacturer of goods provided by SPCO or approved by SPCO for use in goods provided by SPCO, or (6) goods which are normally consumed in operation or which have normal life inherently shorter than the warranty period including, but not limited to, consumables (e.g. lamps, batteries, storage capacitors).
- 4. Payment** - All prices are net cash to be paid thirty (30) days after date of invoice. Customer agrees to make payment within that period. Discounts will apply only as stated on the invoice. Invoices unpaid for thirty (30) days after issuance shall bear interest at the highest lawful rate due and payable on any invoice account, which is delinquent and not paid within the stated terms. Should Customer for any reason fail to pay in accordance with these terms, Customer agrees to pay all collection costs, attorney's fees and expenses incurred in collecting payment. If Customer's financial condition is or becomes unsatisfactory to SPCO, SPCO reserves the right to (a) require payment from Customer on a cash in advance basis, (b) require a letter of credit or other acceptable security before shipment, (c) cancel shipment at any time prior to delivery without further obligation or liability on SPCO's part, (d) terminate any contract or obligation on the part of SPCO, or (e) require other special payment terms acceptable to SPCO to assure payment. All extensions of credit are subject to the approval of SPCO's credit department and management.
- 5. Joint Check Agreement** - If Customer fails to pay laborers and materialmen within thirty (30) days after payment by SPCO, SPCO will have the right to make future payments by check payable jointly to Customer and laborers or materialmen to the extent of unpaid indebtedness arising out of the job. SPCO will credit joint checks against the contract sum on the next payment application.
- 6. Taxes** - The amount of all federal, state or local taxes applicable to the sale, use, delivery or transportation of the equipment or services sold hereunder and all duties, imports, tariffs, and other similar levies shall be added to the contract price and paid by the Customer except where the Customer shall furnish an appropriate certificate of exemption.
- 7. Property Damage** - SPCO shall not be responsible for damage to topsoil or groundcover in connection with the work or service performed under this contract. SPCO shall not be responsible for claims arising from the pumping of water onto the ground which is necessary in connection with the service or work provided by SPCO. The customer agrees to hold SPCO harmless from claims arising out of damage caused by the pumping of water onto the ground.
- 8. Startup** - If the equipment supplied pursuant to this quotation has a warranty requirement, qualified SPCO personnel must be present during the initial equipment startup and commissioning. Failure to request and assure the presence of qualified SPCO personnel will void any warranty herein. Requests for startup must occur at least seven (7) days prior to the scheduled date of the startup.
- 9. Limitation of Liability** - The remedies set forth herein are exclusive and the total liability of SPCO with respect to this quotation, and any contract for goods or services arising from this quotation, or for any breach thereof, whether based on contract, warranty, torts (including negligence), indemnity, strict liability or otherwise, shall not exceed the quotation or sales price of the specific equipment or service which gives rise to the claim.
- 10. Setoff** - All amounts that Customer owes SPCO under this quotation shall be due and payable in accordance with the terms of the quotation. Customer shall not setoff such amounts or any portion thereof, whether or not liquidated, against sums which Customer asserts are due to it, its parent, affiliates, subsidiaries or other division under other transactions with SPCO.
- 11. Customer Cancellation** - Customer may cancel this order only upon written notice and payment to SPCO of reasonable and proper cancellation charges. In the event of cancellation, Customer must pay for all material, expense and labor costs incurred by SPCO in connection with the materials and services to be provided pursuant to this quotation, as well as all expenses relating to any specially fabricated materials and restocking charges.
- 12. Assignment** - Neither party may assign this order or any portion thereof without the advance, written consent of the other party, which consent shall not be unreasonably withheld.
- 13. Waiver/Severability** - Failure by SPCO to assert all or any of its rights upon any breach by Customer shall not be deemed a waiver of such rights either with respect to such breach or any subsequent breach, nor shall any waiver be implied from the acceptance of any payment. No waiver of any right shall extend to or affect any other right Customer may possess nor shall such waiver extend to any subsequent similar or dissimilar breach. If any portion of these Terms are determined to be illegal, invalid or unenforceable for any reason, such provision shall be deemed stricken for the purposes of the dispute in question and all other provisions shall remain in full force and effect.
- 14. Applicable Law** - The contract involving the sale of the equipment and services covered by this quotation shall be interpreted in accordance with the laws of the State of Texas. This contract is performable in McLennan County, Texas and venue for any court action in any way relating to or arising out of this contract shall be McLennan County, Texas.

CITY COUNCIL AGENDA
August 1, 2023

ITEM/SUBJECT: Resolution authorizing the sole-source replacement of a Brine Pump at the Microfiltration/Reverse Osmosis Brine Pump Station within the Cypress Water Treatment Facility, from Xylem Water Solutions U.S.A., Inc., in the amount of \$180,080.00.

INITIATING DEPT: Public Works

STRATEGIC GOAL: Provide Quality Infrastructure

STRATEGIC OBJECTIVE: N/A

COMMENTARY: The Brine Pump Station for the Microfiltration and Reverse Osmosis Plant has a series of Pumps that convey the RO Concentrate (Brine) from the plant for disposal in the Big Wichita River under a TCEQ Discharge Permit. This Brine Pump Station has been operational since 2008 and has served its designed function of pumping the RO concentrate that is produced during the treatment of drinking water from the Lake Kemp system into the Big Wichita River. However, the pumps are beginning to fail from exposure to the highly concentrated brine (salt) water and now are in need of replacement.

Water Purification has received a quote from Xylem Water Solutions U.S.A., Inc. in the amount of \$180,080.00 to supply the replacement pump for the Brine Pump Station. The pump replacement is not currently budgeted in this year's budget; however, the replacement will be funded using salary and treatment chemical savings.

Xylem Water Solutions U.S.A., Inc. is the original manufacturer of the Brine Pumps and the City wishes to utilize them as a sole source to match the existing fittings, electrical system, and mounting rails.

Staff recommends award of the MF/RO Brine Pump replacement project to Xylem Water Solutions U.S.A., Inc., in the amount of \$180,080.00.

☒ **Director, Public Works**

ASSOCIATED INFORMATION: Resolution, Quote, Sole-source Letter

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Resolution No. _____

Resolution authorizing the sole-source replacement of a Brine Pump at the Microfiltration/Reverse Osmosis Brine Pump Station within the Cypress Water Treatment Facility, from Xylem Water Solutions U.S.A., Inc., in the amount of \$180,080.00

WHEREAS, the City of Wichita Falls developed the supply of raw water from Lake Kemp after the 1995 – 2000 drought, and

WHEREAS, the City of Wichita Falls has been utilizing the supply of raw water from Lake Kemp since 2008 as an integral part of the City's water resource management portfolio, and

WHEREAS, the City of Wichita Falls has received a quote from Xylem Water Solutions U.S.A., Inc. for a replacement pump for the MF/RO Brine Pump Station, and it is in the best interest to sole-source the purchase of the pump from Xylem Water Solutions U.S.A., Inc.

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

City Staff is authorized to execute all documents necessary for the replacement of the brine pump at the Microfiltration/Reverse Osmosis Brine Pump Station at Cypress Water Treatment Facility from Xylem Water Solutions U.S.A., Inc. in the amount of \$180,080.00.

PASSED AND APPROVED this the 1st day of August 2023.

MAYOR

ATTEST:

City Clerk



Xylem Water Solutions USA, Inc.

June 28, 2023

Flygt Products

CITY OF WICHITA FLS WWTP
1005 RIVER RD
WICHITA FALLS TX 76305-7071

2310 McDaniel Drive
Carrollton, TX 75006
Tel (972) 418-2400
Fax (972) 416-9570

Quote # 2022-DAL-0537 Alternate 3, Version 3

Job Name: Cypress WP - Brine PS 3300.280 - Drive Unit/Impeller

Xylem Water Solutions USA, Inc. is pleased to provide a quote for the following Flygt equipment.

Drive End Only (Motor/Cable)

Qty	Description
1	Drive Unit (Motor & 50ft. Cable), 460V/75hp for Model 3300.280 Stainless Steel 10" Pump. Does not Include Pump Housing (volute) or Impeller.

Impeller & Related

Qty	Description
1	IMPELLER, C MT CODE 644 329 SS
1	KEY, PARALLEL 20X12X70MM SS
1	WASHER, STEEL/FPM
1	ASSEMBLY, LOCKING 55X85
1	SCREW, ALLEN M16 X 70 SS

Total Discount 10.4%

Total Price \$ 180,080.00

(Includes AIR freight)

(Lead-time; 18-24 weeks)

Terms & Conditions

This order is subject to the Standard Terms and Conditions of Sale – Xylem Americas effective on the date the order is accepted which terms are available at <http://www.xylem.com/en-us/Pages/terms-conditions-of-sale.aspx> and incorporated herein by reference and made a part of the agreement between the parties.

Purchase Orders: Please make purchase orders out to: Xylem Water Solutions USA, Inc.

Freight Terms: 3 DAP - Delivered At Place 08 - Jobsite (per Incoterms 2020)

See Freight Payment (Delivery Terms) below.

Taxes: State, local and other applicable taxes are not included in this quotation.

Back Charges: Buyer shall not make purchases nor shall Buyer incur any labor that would result in a back charge to Seller without prior written consent of an authorized employee of Seller.

Shortages: Xylem will not be responsible for apparent shipment shortages or damages incurred in shipment that are not reported within two weeks from delivery to the jobsite. Damages should be noted on the receiving slip and the truck driver advised of the damages.



Page 1 of 3



	Please contact our office as soon as possible to report damages or shortages so that replacement items can be shipped and the appropriate claims made.
Exclusions:	This Quote includes only the items listed specified above.
Terms of Delivery:	Prepaid. Equipment shipment standard is DIRECT with "partial shipments permissible".
Validity:	This Quote is valid for no less than thirty (30) days. Please note that this pricing is valid for 30 days and contingent upon final approval of submittals and release to fabrication by (within 90 days of bid date). This quotation is subject to change if any changes to the specifications or plans are made that alter the scope of supply.
Warranty:	Standard warranty terms apply to the items in this quotation.
Terms of Payment:	100% N30 after invoice date; subject to credit approval. Xylem's payment shall not be dependent upon Purchaser being paid by any third party unless Owner denies payment due to reasons solely attributable to items related to the equipment being provided by FLYGT.
Start Up:	Not included.
Time of Delivery:	DRIVE UNIT: Approximately 18-24 working weeks after receipt of order acceptance and written release to manufacture.
COVID 19:	Our current delivery lead-times are forecasted estimates only due to the outbreak of the COVID-19 virus pandemic and its global effects on commerce, supply chain, and logistics. Xylem will, however, use all commercially reasonable efforts to minimize any delivery delay impacts.
Changes:	This Quotation is based on the current design criteria provided to Xylem Water Solutions USA, Inc. Revisions may result in price changes.
Terms/Conditions:	The Xylem Water Solutions USA, Inc. North American Terms and Conditions of Sale apply to this offer.

Thank you for the opportunity to provide this quotation. Please contact us if there are any questions.

Sincerely,

Bryan Weemes
Engineered & Aftermarket Sales - Flygt
Cell: 214-952-9301
bryan.weemes@xylem.com



Customer Acceptance

This order is subject to the Standard Terms and Conditions of Sale – Xylem Americas effective on the date the order is accepted which terms are available at <http://www.xyleminc.com/en-us/Pages/terms-conditions-of-sale.aspx> and incorporated herein by reference and made a part of the agreement between the parties.

A signed copy of this Quote is acceptable as a binding contract.

Purchase Orders: Please make purchase orders out to: Xylem Water Solutions USA, Inc.

Quote #: 2022-DAL-0537 Alternate 3, Version 3
Customer Name: CITY OF WICHITA FLS WWTP
Job Name: Cypress WP - Brine PS 3300.280 - Pump Drive Unit/Impeller
Total Amount: \$ 180,080.00
(includes AIR freight)

Signature: _____	Name: _____ (PLEASE PRINT)
Company/Utility: _____	PO: _____
Address: _____	Date: _____
_____	Phone: _____
_____	Email: _____
_____	Fax: _____



Xylem Water Solutions USA, Inc
2310 McDaniel Drive
Carrollton, TX 75006



July 6, 2023

RE: Xylem/Flygt Branded Products

Sole Authorized Sales and Service for Wichita Falls, City of (Wichita County)

To Whom it May Concern:

Flygt is a Xylem, Inc brand (xylem.com). The Xylem, Inc subsidiary - Xylem Water Solutions USA, Inc (XWS) - exclusively sells Flygt branded products and authorized support services for the municipal water and wastewater market in North America. Although XWS does maintain various territory-specific and exclusive distributor contracts throughout North America, the area of **Wichita County Texas**, including **Wichita, City of** has no such distributor, i.e. XWS is direct to market. No other sellers or distributors are authorized by either Xylem, Inc. or XWS in North Central Texas for this market, and for the products and services mentioned below.

Products included are Flygt branded: submersible pumps, mixers and accessories; OEM Flygt replacement parts, controllers, level sensors, and electrical components. Trademarks and/or patents may be in effect for a particular product listed here, however XWS indemnifies our direct buyers against any losses, liability or costs, arising out of the use of this equipment for infringement of any patent, copyright, trademark, trade name, brand or slogan.

Factory *authorized* Flygt field and shop services - supported out of the XWS branch service team in Carrollton Texas include: authorized field services for the products; labor and components for repairs (shop and field), labor for product and/or maintenance training (shop and field); and authorized field start-up services for the products. Specialized skills are required to service Flygt equipment and must be authorized by XWS to maintain warranty. To be authorized, different levels of training are required for the XWS service team, depending on the discipline needed in servicing a particular product. This training must be completed by the XWS services team for the services to be authorized, to maintain warranty. No other seller in **Wichita County Texas** is authorized to perform the services above, for these products listed here, and in the market noted above.

Please feel free to contact the undersigned with any questions regarding this matter.

Sincerely,

Bryan Weemes
Engineered & Aftermarket Sales – Flygt Products
Xylem Water Solutions USA, Inc
bryan.weemes@xylem.com
C: 214-952-9301

CITY COUNCIL AGENDA
August 1, 2023

ITEM/SUBJECT: Resolution authorizing the City Manager to approve Change Order #1 & Final for the 2023 Sewer Budget Utility Improvement Project Phase 1 for a decrease in the amount of \$622,456.00.

INITIATING DEPT: Public Works

STRATEGIC GOAL: Provide Quality Infrastructure

STRATEGIC OBJECTIVE: n/a

COMMENTARY: On February 22, 2023, a proposal was received for the 2023 Sewer Budget Utility Improvement Project Phase 1. This project was meant to rehabilitate existing sanitary sewer line segments underneath Kell Blvd and along Galveston Street. Due to the proposed work crossing under Kell Blvd and within TxDOT ROW, pipebursting was to be used to upsize and replace the existing line under Kell Blvd. After some exploratory excavation by the contractor, the pipe was discovered to be encased in concrete. Due to the unforeseen site conditions, this form of sewer rehab was no longer feasible. Therefore, rather than holding the contract open while the City investigated, surveyed, and designed an alternate project, staff and the contractor have decided it is in everyone's best interest to close out the project.

This change order will adjust final quantities to in place quantities after paying the contractor for work that was completed and materials that were purchased and delivered to the project. These include a portion of his mobilizations costs, material costs, point repairs completed, and by-pass pumping cost.

Staff recommends approval of Change Order #1 & Final for the 2023 Sewer Budget Utility Improvement Project Phase 1 to allow the project close-out to be completed. These funds will roll back into our Wastewater Capital Improvement fund and be utilized for a future sewer rehab project.

☒ **Director, Public Works**

ASSOCIATED INFORMATION: Resolution , Change Order #1 & Final

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Resolution No. _____

**Resolution authorizing the City Manager to approve Change Order #1
& Final for the 2023 Sewer Budget Utility Project Phase 1, a decrease
of \$622,456.00**

WHEREAS, the City of Wichita Falls entered into a contract with Insituform Technologies, LLC, with the estimated total of \$759,616.00; and

WHEREAS, the City of Wichita Falls has tabulated the final quantities for Change Order #1 & Final for a decrease of \$622,456.00 for a final contract amount of \$137,160.00.

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

The City Manager is authorized to execute Change Order #1 & Final for the 2023 Sewer Budget Utility Project Phase 1 in the amount of a decrease of \$622,456.00.

PASSED AND APPROVED this the 1st day of August 2023.

MAYOR

ATTEST:

City Clerk

**CITY OF WICHITA FALLS, TEXAS
CONTRACT CHANGE ORDER FORM**

CHANGE ORDER NO.: 1 & FINAL
DATE: 7/17/2023
AMOUNT OF CHANGE: \$ (622,456.00)

PROJECT/CONTRACT: 2023 Sewer Budget Utility Improvement Project Phase 1, CWF23-550-06

TO: Insituform Technologies, LLC, this Change Order, after approval by the Owner, will be your
(Contractor)
authority to make the following changes in the work under your contract:

Description of Changes	Decrease in Contract	Increase in Contract	Total Change in Contract
Due to the proposed work crossing under Kell Boulevard and within TxDOT ROW, pipebursting was to be used to upsize the existing line under Kell Blvd. After some exploratory digging by the Contractor, the pipe was discovered to be encased in concrete and cannot be pipeburst. Staff plans to encumber the funds to design a different trenchless option for upsizing the sewer main under Kell Blvd. This change order will adjust final quantities to in place quantities after paying the Contractor for work that was completed. The pipe bought for the project will be reused for a future project.			
Item 1, Travel & Mobilization - Clean/TV Crew	\$ 7,500.00	\$ -	\$ (7,500.00)
Decreased 1 EA at \$7,500.00 per EA for a final total of 0 EA.			
Item 2, 12" Clean/TV Sanitary Sewer	\$ 9,992.00	\$ -	\$ (9,992.00)
Decreased 1,249 LF at \$8.00 per LF for a final total of 0 LF			
Item 4, Additional Mobilization for Static Pull Equipment & Method	\$ 21,750.00	\$ -	\$ (21,750.00)
Decreased 0.50 LS at \$43,500.00 per LS for a final total of 0.50 LS.			
Item 5, Burst Existing 12" or 15" to 16" IPS SDR 19 (0' - 8' Deep)	\$ 124,900.00	\$ -	\$ (124,900.00)
Decreased 1,249 LF at \$100.00 per LF for a final total of 0 LF			
Item 6, 16" - 22" Pipeburst Setup Charge Per Install Length	\$ 18,725.00	\$ -	\$ (18,725.00)
Decreased 749 LF at \$25.00 per LF for a final total of 500 LF.			
Item 7, Change Pipeburst to Non-Standard Pipe Type Add-On (SDR 17 Static Pull)	\$ 299,760.00	\$ -	\$ (299,760.00)
Decreased 14,988 IN-DIA/LF at \$20.00 per IN-DIA/LF for a final total of 0 IN-DIA/LF.			
Item 8, Set Up 6" Pump (Per Pump)	\$ 4,000.00	\$ -	\$ (4,000.00)
Decreased 4 EA at \$1,000.00 per EA for a final total of 3 EA.			
Item 10, Operate 6" Pumping System (Fuel & Maintenance)	\$ 3,900.00	\$ -	\$ (3,900.00)
Decreased 6 DAY at \$650.00 per DAY for a final total of 1 DAY.			
Item 11, Bypass Pump Watch Labor	\$ 3,600.00	\$ -	\$ (3,600.00)
Decreased 6 DAY at \$600.00 per DAY for a final total of 1 DAY.			
Item 12, 16" Post-TV Inspection After Rehabilitation	\$ 4,996.00	\$ -	\$ (4,996.00)
Decreased 1,249 LF at \$4.00 per LF for a final total of 0 LF			
Item 13, External Reconnect (0' - 8' Deep)	\$ 3,000.00	\$ -	\$ (3,000.00)
Decreased 2 EA at \$1,500.00 per EA for a final total of 0 EA.			
Item 14, Install Cleanout at Property Line	\$ 600.00	\$ -	\$ (600.00)
Decreased 2 EA at \$300.00 per EA for a final total of 0 EA.			
Item 15, Access Pit (0' - 8' Deep)	\$ 14,000.00	\$ -	\$ (14,000.00)
Decreased 4 EA at \$3,500.00 per EA for a final total of 3 EA			

Item 16, Increase Access Pit Size for Static Pull Equipment	\$ 24,000.00	\$ -	\$ (24,000.00)
Decreased 6 EA at \$4,000.00 per EA for a final total of 1 EA.			
Item 17, Potholing for Nearby Utility Location (0' - 8' Deep)	\$ 2,925.00	\$ -	\$ (2,925.00)
Decreased 3 EA at \$975.00 per EA for a final total of 3 EA.			
Item 18, Trench Safety	\$ 525.00	\$ -	\$ (525.00)
Decreased 52.5 LF at \$10.00 per LF for a final total of 93.5 LF.			
Item 19, Granular Backfill	\$ 1,425.00	\$ -	\$ (1,425.00)
Decreased 19 TON at \$75.00 per TON for a final total of 5 TON.			
Item 20, Repair/Rehab 2" Asphalt Pavement	\$ 4,200.00	\$ -	\$ (4,200.00)
Decreased 28 SY at \$150.00 per SY for a final total of 0 SY.			
Item 21, Repair/Rehab 8" Flex Base	\$ 2,100.00	\$ -	\$ (2,100.00)
Decreased 28 SY at \$75.00 per SY for a final total of 0 SY.			
Item 22, Repair/Rehab 8" Concrete Pavement (Not Full Panel)	\$ 9,900.00	\$ -	\$ (9,900.00)
Decreased 44 SY at \$225.00 per SY for a final total of 0 SY.			
Item 23, Repair/Rehab 4" Concrete Sidewalk	\$ 1,008.00	\$ -	\$ (1,008.00)
Decreased 48 SF at \$21.00 per SF for a final total of 0 SF.			
Item 24, Repair/Rehab Concrete Curb & Gutter	\$ 1,800.00	\$ -	\$ (1,800.00)
Decreased 36 LF at \$50.00 per LF for a final total of 0 LF.			
Item 25, Repair/Rehab Chain Link Fence w/ Existing	\$ 1,600.00	\$ -	\$ (1,600.00)
Decreased 32 LF at \$50.00 per LF for a final total of 0 LF.			
Item 26, Traffic Control	\$ 4,800.00	\$ -	\$ (4,800.00)
Decreased 32 DAY at \$150.00 per DAY for a final total of 8 DAY.			
Item 27, Light Arrow Board (Per Arrow Board)	\$ 7,500.00	\$ -	\$ (7,500.00)
Decreased 30 DAY at \$250.00 per DAY for a final total of 5 DAY.			
Item 29, Major Manhole Bench Rebuild	\$ 1,500.00	\$ -	\$ (1,500.00)
Decreased 1 EA at \$1,500.00 per EA for a final total of 3 EA.			
Item 30, Erosion Control Devices (Does Not Include SWPPP)	\$ 3,550.00	\$ -	\$ (3,550.00)
Decreased 0.5 LS at \$7,100.00 per LS for a final total of 0.5 LS.			
Item 31, Parkway/Yard Restoration - TxDOT ROW Hydromulch ROW Blend	\$ 3,500.00	\$ -	\$ (3,500.00)
Decreased 1 LS at \$3,500.00 per LS for a final total of 0 LS.			
Item 32, Travel & Mobilization - MH Rehab Crew	\$ 7,500.00	\$ -	\$ (7,500.00)
Decreased 1 EA at \$7,500.00 per EA for a final total of 0 EA.			
Item 33, Manhole, Pipe, or Other Structure - Spray Rehabilitation (Warren Epoxy)	\$ 15,600.00	\$ -	\$ (15,600.00)
Decreased 240 SF at \$65.00 per SF for a final total of 0 SF.			
Item 35, Bonds	\$ 12,300.00	\$ -	\$ (12,300.00)
Decreased 0.82 LS at \$15,000.00 per LS for a final total of 0.18 LS.			
TOTAL	\$ 622,456.00	\$ -	\$ (622,456.00)
AMOUNT OF ORIGINAL CONTRACT:			\$ 759,616.00
TOTAL AMOUNT OF THIS CHANGE ORDER:			\$ (622,456.00)
TOTAL AMOUNT OF PREVIOUS CHANGE ORDERS:			\$ -
CONTRACT AMOUNT TO DATE:			\$ 137,160.00

The completion time under your contract will be extended by zero (0) days because of this change order making the revised completion date September 28, 2023.

Accepted By Contractor:

By: 

Title: Project Manager - ITI

Date: 7/19/2023

Recommended By Arch/Eng:
(if applicable)

By: 

Title: City Engineer

Date: 7-19-23

Approved By Owner:

By: _____

Title: City Manager

Date: _____