

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 15, 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 Ken Holsberry
Tenth & Broad Church of Christ

(b) Pledge of Allegiance
3. Presentations
(a) Proclamation – League of Women Voters Equality Day/League of Women Voters

CONSENT AGENDA

4. Approval of minutes of the Mayor and City Council:
 1. August 1, 2023 Regular Meeting
 2. August 8, 2023 Special Meeting

5. Resolutions

- (a) Resolution authorizing the City Manager to execute all documents necessary to purchase the 175 Solarmax LED Ballfield Lights from Solarmax LED, INC. to replace aging lights at the youth baseball fields located at Kiwanis and Lake Wichita Parks in the amount of \$83,125
- (b) Resolution authorizing the City Manager to apply for non-matching Grant Funds from the FY 2023 Edward Byrne Memorial Justice Assistance Grant Program in the amount of \$37,692.00 with co-applicant, Wichita County Sheriff's Office

6. Receive Minutes

- (a) Metropolitan Planning Organization - Technical Advisory Committee, April 6, 2023
- (b) Metropolitan Planning Organization – Transportation Policy Committee, April 25, 2023
- (c) Lake Wichita Revitalization Committee, June 13, 2023

REGULAR AGENDA

7. Public Hearings and Ordinances

- (a) Public hearing and 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
 - i. Public Hearing
 - ii. Take Action
- (b) Ordinance amending Chapter 94, Article I, Section 94-15 to allow for the expansion of the use area, creating new hours of operation, and limiting the speed of Personal Mobility Devices within the Central Business District

8. Public Hearings and Resolutions

- (a) Public Hearing on the Fiscal Year 2024 Proposed Operating Budget and Resolution Setting a Date for Adoption of the FY 2024 Budget
 - i. Public Hearing
 - ii. Take Action
- (b) Resolution expressing the City Council's intent to place a proposal on a future Council agenda approving a property tax rate that exceeds the no new tax rate, but does not exceed the voter-approval tax rate; scheduling one public tax rate hearing, and establishing the date to vote on same

- (c) Resolution nominating Howmet Castings & Services, Inc., located in Wichita Falls, to the Office of the Governor, Economic Development and Tourism through the Economic Development Bank for designation as a Single Enterprise Project (Project) under the Texas Enterprise Zone Program (EZP) under the Texas Enterprise Zones Act, Chapter 2303, Texas Government Code (Act)
- (d) Resolution accepting the Health Official's Report regarding the need for local governmental requirements pertaining to agricultural operations, as required by House Bill 1750, to retain and enforce Chapter 14, Animals, and related ordinances of Wichita Falls
- (e) Resolution authorizing the City Manager to Execute a Raw Water Purchase contract with Oklaunion Power Station LLC

9. Other Council Matters

- (a) Staff Reports
 - 1. Memorial Auditorium Building Renovation Update – Dick Bundy & Steve Wood from BYSP Architects, Blake Jurecek
- (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 § 551.087, to discuss or deliberate the offer of a financial or other incentive to a business prospect that the City Council seeks to have, locate, stay, or expand in or near the territory of the City of Wichita Falls and with which the City and/or economic development corporations created by the City are conducting economic development negotiations
- (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

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 9th day of August, 2023 at 5:50 o'clock p.m.



City Clerk



City of Wichita Falls
City Council Meeting
Minutes
August 1, 2023



Item 1 - Call to Order

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

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

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

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Item 2a – Invocation

Minister Scott Franks, Edgemere Church of Christ, gave the invocation.

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Item 2b – Pledge of Allegiance

Mayor Santellana led the Pledge of Allegiance.

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Item 3a – Employee of the Month – Natali Jimenez, Police Department
8:33 a.m.

Mayor Santellana recognized Natali Jimenez as the Employee of the Month for August 2023 and shared a brief video. Mayor Santellana congratulated Ms. Jimenez and presented her with a plaque, letter of appreciation, dinner for two, and a check, and thanked her for her service.

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Proclamation – Safe Digging Week and National 811 Day, Atmos Energy/Pam Hughes-Pak

8:38 a.m.

Mayor Santellana read a proclamation proclaiming August 6-12, 2023, as Safe Digging Awareness Week and August 11, 2023, as National 811 Day in Wichita Falls, and urged all citizens to focus on the vital message of calling 811 before you dig.

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Proclamation – Farmers Market Week 2023, Downtown Wichita Falls Development/Jana Schmader

8:42 a.m.

Mayor Santellana read a proclamation proclaiming August 6-12, 2023, as Farmers Market Week 2023 in Wichita Falls and urged all citizens to join him in furthering awareness of the importance and impact of Farmers' markets on a community and to ask everyone to support our local market August 6-12 in conjunction with Farmers Market Week.

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Item 4-5 – Consent Items

8:45 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 Nelson and carried by the following vote:

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

Nays: None

Item 4 – Approval of Minutes of the July 18, 2023, Regular Meeting of the Mayor and City Council

Item 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

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Item 6a – Ordinance 40-2023

8:46 a.m.

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.

Moved by Councilor Brewer to approve Ordinance 40-2023.

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

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

Nays: None

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Item 6b – Ordinance 41-2023

8:47 a.m.

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.

Moved by Councilor Browning to approve Ordinance 41-2023.

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

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

Nays: None

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Item 6c – Ordinance 42-2023

8:49 a.m.

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.

Moved by Councilor Brewer to approve Ordinance 42-2023.

Motion seconded by Councilor Browning.

Moved by Councilor Brewer to amend the main motion to change 9' x 29.5" to 9' x 290.5' in the caption and body of the Ordinance.

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

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

Nays: None

The main motion as amended was approved by the following vote:

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

Nays: None

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Item 6d – Ordinance 43-2023

8:52 a.m.

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.

Moved by Councilor Brewer to approve Ordinance 43-2023.

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 6e – Ordinance 44-2023

8:55 a.m.

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.

Moved by Councilor Browning to approve Ordinance 44-2023.

Motion seconded by Councilor Smith.

Charisma Thrash, KFDX News, asked for a breakdown of the this grant as well as the previous agenda item. John Burrus, Director of Aviation, Traffic, and Transportation stated he will provide Ms. Thrash that information. Mr. Leiker stated that an agenda item from the previous meeting includes the contract and breakdown of the funds.

Motion carried by the following vote:

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

Nays: None

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Mayor Santellana moved to item 7a.

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Item 7a – Resolution 83-2023

8:58 a.m.

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.

Moved by Councilor Brewer to approve Resolution 83-2023.

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 7b – Resolution 84-2023

9:03 a.m.

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.

Moved by Councilor Brewer to approve Resolution 84-2023.

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

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

Nays: None

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Item 7c – Resolution 85-2023

9:06 a.m.

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.

Moved by Councilor Browning to approve Resolution 85-2023.

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

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

Nays: None

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Item 7d – Resolution 86-2023

9:18 a.m.

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

Moved by Councilor Brewer to approve Resolution 86-2023.

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 7e – Resolution 87-2023

9:20 a.m.

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.

Moved by Councilor Browning to approve Resolution 87-2023.

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

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

Nays: None

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Item 7f – Resolution 88-2023

9:23 a.m.

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.

Moved by Councilor Brewer to approve Resolution 88-2023.

Motion seconded by Councilor Browning.

Russell Schreiber, Director of Public Works, stated these funds will be rolled into next year's Sewer Budget Utility Improvement Project.

Motion carried by the following vote:

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

Nays: None

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Item 8a – Staff Reports Proposed Personal Mobility Device Ordinance Changes – John Burrus

9:26 a.m.

John Burrus, Director of Aviation, Traffic, and Transportation, gave a presentation regarding the proposed changes to the mobility device Ordinance. The proposed changes include expanding the boundaries in the Downtown area, setting hours of operations from 6:00 a.m. – midnight, requiring companies to report accidents, limit the speed limit to 25 mph, and remove restrictions regarding the limit of the number of mobility devices allowed per company. Mr. Burrus suggests that during the permitting process, each company provide the maximum number of scooters they will have that year. There was brief discussion regarding the minimum age, expanding services to Midwestern Parkway, and safety concerns.

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Item 8b – Announcements concerning items of community interest from members of the City Council. No action will be taken or discussed.

9:34 a.m.

Councilor Whiteley congratulated Natali Jimenez, Employee of the Month, and stated that he is excited to see the study on the Fire and Police facilities and would like to find the money to help make that happen. Congratulations to all acknowledged during the Proclamations this morning.

Councilor Browning stated with Hotter’N Hell coming this month, there is a need for more housing and he encouraged individuals to volunteer.

Councilor Smith discussed calls he received concerning the drought and lowering lake levels. He stated there is a plan and a committee to monitor this, and this is a regional issue since we sell water to other individuals. He discussed a study from TML showing that our water rates are in the middle of rates across the state, even though we are still paying for the water reuse project. He praised the water reuse system that assists with getting approximately 10,000 gallons of water per day back into our lakes, and stated he would like to alleviate any fears or concerns as we have a great water system and plan. If you have any questions, please reach out to your City Councilor or City staff.

Councilor Brewer thanked Marie Balthrop, City Clerk, for her work on the TML Region V meeting, and thanked Christi Klyn for her work getting individuals hired to fill positions. If you are looking for a job come see her and she will put you to work.

Councilor Jackson thanked Mr. Burrus for the new bus stops in his district. He asked individuals to please be careful with cigarettes since we are in a burn ban and drought. He encouraged everyone to be aware, and stay hydrated during the heatwave.

Mayor Santellana thanked Jana Schmader for bringing forward the Farmers Market Proclamation and encouraged citizens to visit the market. He suggested everyone go to see the new sign on the Delta Hotel. He attended the first meeting at the Wichita Falls Country Club of a new group to help with revitalization and raising money for things the City may not have funding for. The meeting was well attended and it was a good meeting with both Mayoral candidates in attendance. He discussed the upcoming Hotter ‘N Hell event and encouraged people to attend and volunteer.

Councilor Nelson discussed the body cam grant and how we should hear if we are being awarded the grant soon. He stated there are four candidates in the audience and asked them to stand.

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Item 9 – Comments from the Public to Members of the City Council Concerning Items That Are Not on the City Council Agenda

9:47 a.m.

There were no comments from citizens.

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Item 10 – Executive Sessions

City Council adjourned into Executive Session at 9:47 a.m. in accordance with Texas Government Code §551.071 and §551.072.

City Council reconvened at 10:28 a.m.

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

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Mayor Santellana returned to item 6f

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Item 6f – Ordinance 45-2023

10:28 a.m.

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.

Moved by Councilor Smith that the City of Wichita Falls authorize the use of the power of eminent domain to acquire 100 Central East Freeway, Wichita Falls, Texas also known as Lot 1, Block B-1 Scotland Gardens Addition, pursuant to the amended final plat of record in Volume 26, Pages 215-216 Wichita County Public Records containing 12.655 acres more or less for the public purpose of a public park.

Motion seconded by Councilor Jackson.

Paul Menzies, Assistant City Manager, discussed the need for public access to The Falls, discussed how the City currently owns and operates an RV Park to the northwest of the

CITY COUNCIL MINUTES
August 1, 2023
PAGE 10 OF 11

property, and recently acquired the 14-acre tract between the RV park and this property for public use. If acquired, 100 Central East Freeway would be used for a public park project. Approval of this Ordinance will authorize the use of eminent domain powers, if necessary, but staff will work with the owners to acquire the property voluntarily.

Motion carried by the following vote:

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

Nays: None

Councilor Smith stated that there is a draft plan for the public park that is attached to this agenda item and available for the public to see. This plan includes trails and bike paths to add to activities already available in that area.

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Item 11 –Adjourn

Mayor Santellana adjourned the meeting at 10:34 a.m.

PASSED AND APPROVED this 15th day of August 2023.

Stephen Santellana, Mayor

ATTEST:

Marie Balthrop, TRMC, MMC
City Clerk



City of Wichita Falls
City Council Meeting
Minutes
August 8, 2023



Item 1 - Call to Order

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

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

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

Item 2a – Invocation

Father Elmer Miguel, Church of the Good Shepard, gave the invocation.

Item 2b – Pledge of Allegiance

Mayor Santellana led the Pledge of Allegiance.

Item 3 – Work Session to Consider Proposed FY 2023-2024 Budget
8:31 a.m.

Jessica Williams, Director of Finance/CFO, presented an overview of the Water Fund, Sanitation Fund, and other funds for the 2023-2024 fiscal year Proposed Budget. Ms. Williams noted that the City was awarded the Distinguished Budget Presentation Award from GFOA for the 2022-2023 fiscal year, and discussed the City's stewardship and financial transparency. The proposed budget is a balanced budget that continues current service levels; reduces the property tax rate from \$0.694321 to \$0.680000 per \$100 assessed value; increases employee pay for Civil Service up to 6.5%, and all other employees up to 6%; increases stability pay for employees with five or more years of service; increases contributions to TMRS and the Firefighter's Pension Fund; proposes increases in sanitation fees; and includes a 5% increase in water rates which was approved last year. \$30 million is included for infrastructure projects and \$10 million from the 2022-2023 fund balance will be set aside for future capital improvement projects. Ms. Williams suggested tying utility rates to the Municipal Cost Index to keep up with inflation. The proposed budget includes the addition of 13.5 full-time equivalent positions and staff provided justification for the additional positions. There was a brief discussion regarding the dedicated bike advocate position that was requested by the bicycle community and how those duties will be included in other positions in various departments.

Chief Borrego gave an update on the new in-car and body-worn camera project. He anticipates state grant funding to be lower than expected and has not received a response regarding federal grant funds.

Mayor Santellana recessed the meeting at 10:13 a.m. for a short break and reconvened at 10:27 a.m.

Ms. Williams provided an overview of the General Fund, Water/Sewer Fund, and other funds revenue and expenditures. She discussed the small change in property tax revenues due to certified tax rolls being released after the proposed budget was completed. Increases in property valuations will increase property tax revenues by approximately 7.59%. It was noted that appraisal values are set by the appraisal district under state-mandated formulas. Ms. Williams provided an in-depth overview of the two portions of the tax rate (I&S and M&O), the voter approval rate, the no new revenue rate, and the proposed rate.

The next steps include the budget public hearing and the approval of the Resolution regarding the intent to vote on a tax rate on August 15, 2023. The tax rate public hearing notice will be published on August 25, 2023, and the tax rate and budget will be approved on September 5, 2023.

Councilor Whiteley discussed concerns with employee pay being below average and issues with losing trained employees to other cities.

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Item 4 – Announcements concerning items of community interest from members of the City Council. No action will be taken or discussed.

11:59 a.m.

Councilor Jackson encouraged everyone to be careful with cigarettes, and keep up with maintenance on vehicles to prevent fires during the drought. Over 500 acres recently burned, and he expressed his appreciation to our Firefighters for the homes saved.

Councilor Brewer thanked Jessica and her staff for the presentation today and for their hard work.

Councilor Browning reminded everyone that school will be starting soon and to pay attention to school zones.

Councilor Nelson visited the Junior Police Academy with Councilor Brewer and he would like to raise awareness of that program.

Mayor Santellana thanked Jessica and her staff for their informative presentation and he noted this presentation is a vast improvement from when he first started on Council. He encouraged Councilors to reach out to staff with any questions.

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Item 5 – Comments from the Public to Members of the City Council Concerning Items That Are Not on the City Council Agenda

12:04 a.m.

There were no comments from citizens.

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Item 6 – Executive Sessions

City Council adjourned into Executive Session at 12:05 a.m. in accordance with Texas Government Code §551.074.

City Council reconvened at 5:50 p.m.

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

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Item 7 –Adjourn

Mayor Santellana adjourned the meeting at 5:51 p.m.

PASSED AND APPROVED this 15th day of August 2023.

Stephen Santellana, Mayor

ATTEST:

Marie Balthrop, TRMC, MMC
City Clerk

CITY COUNCIL AGENDA
August 15, 2023

ITEM/SUBJECT: Resolution authorizing the City Manager to execute all documents necessary to purchase the 175 Solarmax LED Ballfield Lights from Solarmax LED, INC. to replace aging lights at the youth baseball fields located at Kiwanis and Lake Wichita Parks in the amount of \$83,125.

INITIATING DEPT: Parks and Recreation

STRATEGIC GOAL: Efficiently Deliver City Services

STRATEGIC OBJECTIVE: Practice Effective Governance

COMMENTARY: The 2022-23 Budget includes \$90,500 to upgrade and replace outdated ballfield lighting. This 2023 was the first year of a three-year project to replace all the ballfield lighting at Kiwanis and Lake Wichita Parks. This purchase will allow us to have new LED lights to increase efficiency and reduce maintenance costs.

Bids were received from 6 vendors for 125 new LED lights. The bid came in less than anticipated, so we were able to purchase an additional 50 lights. Parks will work with our Traffic Division for installation. BID Tabulations are attached.

The Solarmax 460WINS-NV-L5-00-60D-5080-DSF-SL-V is a 500W light and carries a 5-year warranty.

Staff recommends approving this purchase in the amount of \$83,125.00

☒ 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 175 Solarmax LED Ballfield lights from Solarmax LED, INC. to replace aging lights at the youth baseball fields located at Kiwanis and Lake Wichita Parks in the amount of \$83,125

WHEREAS, the City's 2022-23 budget is \$90,500 to replace and upgrade aging ballfield lighting; and

WHEREAS, this Solarmax lights unit carries a 5-year warranty; and

WHEREAS, the existing lighting is beyond its useful life and requires additional maintenance; and

WHEREAS, quotes were received from six vendors, and Solarmax LED, INC. RIVERSIDE, CA was low bid.

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

Resolution authorizing the City Manager to execute all documents necessary to purchase the 175 Solarmax LED Ballfield Lights from Solarmax LED, INC. to replace aging lights at the youth baseball fields located at Kiwanis and Lake Wichita Parks in the amount of \$83,125.

PASSED AND APPROVED this the 15th of August, 2023.

MAYOR

ATTEST:

City Clerk

BID # 23-12
BALLPARK LIGHTING

(1 ADDENDUM)

VENDOR	BRAND/MODEL	LED SPORT LIGHT, 500W (QTY = 125)		SLIP FITTER ADAPTER (QTY = 125)		TOTAL
		EACH	SUBTOTAL	EACH	SUBTOTAL	
BSE LIGHTING SOLUTIONS CANTON, OH	ASD ASD-SPFL-500D50-PRM W/ ASD-SF-SPFL-300/500	\$581.70	\$72,712.50	\$86.28	\$10,785	\$83,497.50
ELLIOTT ELECTRIC SUPPLY CO WICHITA FALLS, TX	IKIO DYNAM03					\$68,700
	ASD ASD-SPFL-500D50-PRM W/ ASD-SF-SPFL-300/500					\$68,700
NUNN ELECTRIC SUPPLY CO WICHITA FALLS, TX	ASD ASD-SPFL-500D50-PRM W/ ASD-SF-SPFL-300/500	\$492	\$61,500	\$73	\$9,125	\$70,625
PALCO SUPPLY COMPANY BATON ROUGE, LA	SPORTS ARENA PSAHM480L50BR4020VS					\$128,396.25
SOLARMAX LED, INC. RIVERSIDE, CA	SOLARMAX 460WINS-NV-L5-00-60D- 5080-DSF-SL-V	\$499.75	\$62,468.75	INCLUDED		\$62,468.75
THE REYNOLDS COMPANY WICHITA FALLS, TX	ASD ASD-SPFL-500D50-PRM W/ ASD-SF-SPFL-300/500	\$492.63	\$61,578.75	\$72.95	\$9,118.75	\$70,697.50

CITY COUNCIL AGENDA
August 15, 2023

ITEM/SUBJECT: Resolution authorizing the City Manager to apply for non-matching Grant Funds from the FY 2023 Edward Byrne Memorial Justice Assistance Grant Program in the amount of \$37,692.00 with co-applicant, Wichita County Sheriff's Office.

INITIATING DEPT: Police

STRATEGIC GOAL: Efficiently Deliver City Services

STRATEGIC OBJECTIVE: Practice Effective Governance

COMMENTARY: The City of Wichita Falls is eligible to apply for a non-matching grant from the FY 2023 Edward Byrne Memorial Justice Assistance Grant in the amount of \$37,692.00. These funds will be shared by the Wichita Falls Police Department (\$20,730.60) and the Wichita County Sheriff's Office (\$16,961.40). The Police Department intends to use these funds to assist in the purchase of equipment for the Special Operations Section, Criminal Investigation Section, and Traffic Unit. Staff recommends that the City Council approve the resolution authorizing the City's grant application and expenditure of these funds for this purpose.

☒ **Police Chief**

ASSOCIATED INFORMATION: Resolution

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Resolution No. _____

Resolution authorizing the City Manager to apply for non-matching Grant Funds from the FY 2023 Edward Byrne Memorial Justice Assistance Grant Program in the amount of \$37,692.00 with co-applicant, Wichita County Sheriff's Office

WHEREAS, the City of Wichita Falls has been notified that it is eligible to apply for a non-matching grant in the amount of \$37,692.00 from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and,

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

WHEREAS, these funds will be shared by the Wichita Falls Police Department (\$20,730.60) and the Wichita County Sheriff's Office (\$16,961.40), co-applicant for such grant; and,

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

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

The City Manager is hereby authorized to apply as a co-applicant from the Edward Byrne Memorial Justice Assistance Grant Program for funding in the amount of \$37,692.00.

PASSED AND APPROVED this the 15th day of August 2023.

MAYOR

ATTEST:

City Clerk

WICHITA FALLS METROPOLITAN PLANNING ORGANIZATION

Technical Advisory Committee

Minutes

Thursday, April 6, 2023

Voting Members Present:

Lin Barnett, Wichita Falls MPO, MPO Director, TAC Chairperson
Blane Boswell, City of Wichita Falls, City Engineer
Callan Coltharp, TxDOT, Area Engineer
David Rohmer, TxDOT, Director of Operations
Doug Wooster, City of Wichita Falls, Interim Traffic Superintendent
Karen Montgomery-Gagne, City of Wichita Falls, Planning Administrator
Monty Brown, TxDOT, Director of Construction
Scot Reaves, TxDOT, Director of TP&D
Terry Floyd, Director of Development Services

MPO Staff:

Jaimie Lee, Wichita Falls MPO, Senior Transportation Planner

Visitors:

Cody Stahr, City of Wichita Falls, Traffic
Mark McBurnett, SAFB

I. Welcome & Introduction

Mr. Barnett, TAC chairperson, called the meeting to order at 9:35 a.m. and welcomed everyone in attendance.

II. Public Comment on Agenda and Non-Agenda Items

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

III. Review and Approval of the January 13, 2023 Technical Advisory Committee's (TAC) Meeting Minutes

Mr. Barnett asked for any comments or corrections to the January 13, 2022 TAC meeting minutes. Receiving none, he asked for a motion to approve the minutes. Ms. Montgomery-Gagne made the motion to approve. Mr. Reaves seconded the motion, which passed unanimously.

IV. Review and Comment Regarding the January 24, 2023 Transportation Policy Committee's (TPC's) Meeting Minutes – No Action Required

Mr. Barnett asked for comments on the January 24, 2023 TPC meeting minutes. Receiving none, the committee moved on to the next agenda item.

V. Review and Recommendation to the Policy Board to Approve the FY 2024-2025 Unified Planning Work Program (UPWP)

Mr. Barnett directed the committee's attention to the 2024-2025 Unified Planning Work Program (UPWP). He stated this document would guide the work of WFMPO staff over the next two years. Mr. Barnett summarized minor updates to the subtasks and revisions made to the new UPWP. He stated WFMPO will hire a consultant to perform the development of the 2025-2050 MTP update. Mr. Barnett discussed the Budget Summary Tables for FY 2024 and FY 2025 explaining the figures were estimates of forecasted funding levels and expenses. He asked for any comments or questions regarding the 2024-2025 Unified Planning Work Program. Receiving none, he asked for a motion to forward the document to the Policy Board for their review and approval. Mr. Coltharp made the motion to forward the document to the Policy Board. Mr. Brown seconded the motion, which passed unanimously.

VI. Review and Discuss MPO Staff Summer Work Preparations for the 2024 Prioritized Project List Fall Update

Mr. Barnett directed the committee's attention to the 2023 Prioritized Project List handout. He stated over the summer, WFMPO staff will review the current 2023 Prioritized Project List for completed, under construction and "let" projects. Mr. Barnett stated staff will contact City, County and TxDOT for new project additions, and for updates to projects currently on the list. He informed the committee the process will kick-off in mid-August.

VII. Update on the 2023 Bicycle Friendly Community Application for Bronze Level Renewal

Mr. Barnett directed the committee's attention to the hard copy of the Bicycle Friendly Community application. He stated the application was for renewal of the CWF Bronze Level award. Mr. Barnett stated the application is due by August 30th in order to retain our Bronze designation and stated it's possible that we could achieve the Silver Level. Mr. Barnett asked for comments or questions regarding the Bicycle Friendly Community Application. Receiving none, the committee moved on to the next agenda item.

VIII. Other Business:

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

City: Mr. Boswell reported Taft Blvd. widening was 99% complete. 2023 Asphalt St. Rehab was 5% complete. The Business Park Streets and Drainage Project is 80% complete. 2022 Concrete St. Rehab project was 60% complete.

TxDOT: Mr. Coltharp reported four current projects: SH 240 intersection improvements, FM 369 Districtwide Seal Coat, FM 1814 Roadway Widening, and LP 473 Mill at Gutters are currently under construction.

b. **MPO Quarterly Financial Report (1st Quarter FY 2023 – October, November, December)**

Mr. Barnett reported on the 1st quarter expenses for the MPO. He stated that the MPO had spent 22% of its total allocation for FY 2023. Mr. Barnett asked for any comments or questions on the first quarter financial report. He received none.

c. **Grouped TxDOT CSJ Projects Report**

Ms. Lee reported on the 1st quarter grouped CSJ projects report. Ms. Lee discussed the changes to the projects over the quarter.

d. **Other Items**

There were no other items for business

IX. Meeting Adjournment

The meeting adjourned at 10:40 a.m.



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

WICHITA FALLS METROPOLITAN PLANNING ORGANIZATION

Transportation Policy Committee

Minutes

Tuesday, April 25, 2023

Voting Members Present:

Stephen Santellana, Chairperson, Wichita Falls Mayor
Blane Boswell, Proxy for Russell Schreiber, City Public Works
Dennis Wilde, North Texas Regional Planning Commission
Michael Smith, Proxy for Bobby Whiteley, City Council
Mike Beaver, TxDOT, District Engineer

MPO Staff:

Lin Barnett, WFMPO, Transportation Planning Director

Absent:

Cory Glassburn, Mayor, Lakeside City
Jaimie Lee, Wichita Falls MPO, Senior Transportation Planner
Bobby Whiteley, City of Wichita Falls, City Council
Jeff Watts, City of Pleasant Valley, Representative
Judge Jim Johnson, County Judge, Wichita County
Larry Nelson, City of Wichita Falls, City Council
Russell Schreiber, City Public Works Director

Visitors:

Scot Reaves, TxDOT
Callan Coltharp, TxDOT
Adam Steed, NORTEX RPC

- I. Welcome & Introduction**
Mayor Santellana, the TPC chairperson, called the meeting to order at 8:30 a.m. and welcomed everyone in attendance.
- II. Public Comment on Agenda and Non-Agenda Items**
Mayor Santellana asked for any public comments on agenda and non-agenda items. Receiving none, the committee moved on to the next agenda item.
- III. Review and Approval of the January 24, 2023 Transportation Policy Committee's (TPC) Meeting Minutes**
Mayor Santellana asked for any comments or corrections to the January 24, 2023 TPC meeting minutes. Receiving none, he asked for a motion to approve the minutes. Mr. Wilde made the motion to approve. Mr. Beaver seconded the motion, which passed unanimously.
- IV. Review and Comment Regarding the April 6, 2023 Technical Advisory Committee (YAC) Meeting Minutes – No Action Required**
Mayor Santellana asked for any comments or corrections to the April 6, 2023 TAC meeting minutes. Receiving none, the committee moved on to the next agenda item.

V. Review and Approval of the FY 2024-2025 Unified Planning Work Program (UPWP)

Mr. Barnett directed the committee's attention to the 2024-2025 Unified Planning Work Program (UPWP). He stated this document would guide the work of WFMPPO staff over the next two years. Mr. Barnett summarized minor updates to the subtasks and revisions made to the new UPWP. He stated WFMPPO will hire a consultant to perform the development of the 2025-2050 MTP update. Mr. Barnett discussed the Budget Summary Tables for FY 2024 and FY 2025 explaining the figures were estimates of forecasted funding levels and expenses. Mayor Santellana asked for any comments or questions regarding the 2024-2025 Unified Planning Work Program. Receiving none, he asked for a motion to approve the 2024-2025 UPWP. Mr. Wilde made the motion to approve. Mr. Smith seconded the motion, which passed unanimously.

VI. Update on MPO Staff Summer Work Preparations to develop and complete the 2024 Prioritized Project List for Policy Board FYI

Mr. Barnett directed the Policy Boards attention to the 2023 Prioritized Project List handout. He stated over the summer, WFMPPO staff will review the current 2023 Prioritized Project List for completed, under construction and "let" projects. Mr. Barnett stated staff will contact City, County and TxDOT for new project additions, and for updates to projects currently on the list. He informed the Policy Board the process will kick-off in mid-August. Mayor Santellana asked for any comments or questions regarding the 2023 Prioritized Project List. Receiving none, the committee moved on to the next agenda item.

VII. Progress Report on the 2023 Bicycle Friendly Community Application for Bronze Level Renewal

Mr. Barnett directed the committee's attention to page 46 of the meeting packet, which contains a copy of the Bicycle Friendly Community application. He stated the application was for renewal of the CWF Bronze Level award. Mr. Barnett stated the application is due by August 30th in order to retain our Bronze designation and stated it's possible that we could achieve the Silver Level. Mayor Santellana asked for comments or questions regarding the Bicycle Friendly Community application. Receiving none, the committee moved on to the next agenda item.

I. Other Business:

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

City: Mr. Boswell reported Taft Blvd. widening was 99% complete. 2023 Asphalt St. Rehab was 5% complete. The Business Park Streets and Drainage Project is 80% complete. 2022 Concrete St. Rehab project was 60% complete.

TxDOT: Mr. Coltharp reported four current projects: SH 240 intersection improvements, FM 369 Districtwide Seal Coat, FM 1814 Roadway Widening, and LP 473 Mill at Gutters are currently under construction.

b. MPO Quarterly Financial Report (1st Quarter FY 2023 – October, November, December)

Mr. Barnett reported on the 1st quarter expenses for the MPO. He stated that the MPO had spent 22% of its total allocation for FY 2023. Mr. Barnett asked for any comments or questions on the first quarter financial report. He received none.

c. Grouped TxDOT CSJ Projects Report

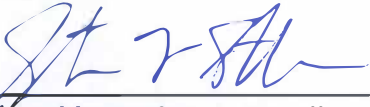
Mr. Barnett reported on the 1st quarter grouped CSJ projects report. He discussed the changes to the projects over the quarter.

d. Other Items

Scot Reaves informed the committee about a new Carbon Reduction funding category through TxDOT. He briefly discussed the stipulations for projects considered under this funding category and stated the projects need to be listed inside the STIP to be eligible for funding.

VIII. Meeting Adjournment

The meeting adjourned at 9:30 a.m.

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

Honorable Stephen L. Santellana
Mayor Wichita Falls

MINUTES
LAKE WICHITA REVITALIZATION COMMITTEE
June 13, 2023

PRESENT:

David Coleman, Chair
Steve Garner, Vice Chair
Tim Brewer, City Council Rep
Rick Hernandez
Sharon Roach
Matt Marrs

■ Members

Blake Jurecek, Asst City Manager
Blane Boswell, City Engineer
Terry Points, Parks Administrator

■ Staff

Steven Hise, TP&W

■ Guests

ABSENT: Ford Swanson, Alison Sanders, Kari Shaw, Michael Battaglino
Alicia Castillo, John Strenski, Austin Cobb

1. **Call to Order:** David called the meeting to order at 10:03 am and introduced Steven Hise, who is filling in for Wes Dutter, TX Parks & Wildlife.

2. **Approval of Minutes:** May meeting minutes were approved unanimously.

3. **Project Updates:**

3.a. **Veteran's Plaza Project:**

Construction is complete and the Dedication Ceremony was held on 29 May. Total expenses were \$2,901.99 and the Committee unanimously approved David to reimburse himself from PayPal for these costs, which included 3 replica tiles for Mrs. Wiechman. Steve took Mark Shallenberger on a tour of the Plaza and thanked him for his support in letting us store the walkway bricks and statue in his warehouse. They discussed the need for a formal entryway to the Plaza, and Steve will look for some good examples. Terry agreed to place a sign at the driveway off Fairway Blvd to direct drivers to the Veterans Memorial Plaza, and more signs will be considered when the parking lot and driveways are repaved in the near future. An ADA inspection of the site revealed that the saluting soldier statue must be raised approximately 2 feet, and the Committee voted unanimously for the City Engineer to negotiate a change order with Marrs Patriot Construction, using the funds already in the City account.

Sharon asked about relocating the Eternal Flame monument from City Hall to the Veterans Plaza, and after some discussion the group agreed to let the City's update of the Parks Master Plan develop a long range plan for this "Veterans Park" area. Sharon will contact one of the WFISD members to see if there's any discussion regarding relocating the Veterans Memorial on the north side of the football stadium.

June 13, 2023

3.b. Lake Deepening:

David informed the group that he talked with two NRCS reps regarding potential properties for the settling basin, which would need to be approximately 150 acres. NRCS identified properties on the west side and south side of Lake Wichita that are candidates, and David will do some research to locate these properties and contact the owners.

3.c. Kayak Launch Grant: The City installed the launch equipment, project is complete and looks great.

3.d. Former Yacht Club Rehabilitation: Carey Dodson agreed to create a project rendering, and he will visit the site this week. Rick suggested we build two jetties rather than three, to keep more water in the basin, and this was approved unanimously.

3.e. Lakeside City Boat Ramp Dredging Project: Steve visited the site last week, and work has begun. The approach has been cleared, with new dirt placed and the ramp area has been deepened. Work will continue.


4. Discussion of Brick Sales and Fundraising Initiatives: David has continued to contact donors who purchased Replica Tiles, and after starting with 250, is now down to 19 donors who cannot be contacted. David provided a list of names with addresses, and Steve will mail hand-written notes to each of them. David informed the group that Austin Stone & Monument is working with their engraver to establish a process and pricing to engrave the blank bricks that were installed in the Plaza walkway.

5. Other Business Matters: Additions to the Veterans Memorial Plaza were discussed, see item 3.a.

6. Adjournment: The meeting adjourned at 10:45 am.



David Coleman, Chair



Date

CITY COUNCIL AGENDA
August 15, 2022

ITEM/SUBJECT: Public hearing and 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.

INITIATING DEPT: Development Services/ Planning

STRATEGIC GOAL: Accelerate Economic Growth

STRATEGIC OBJECTIVE: Revitalize Depressed and Declining Neighborhoods

COMMENTARY:

- January 11, 2023– Staff met with the applicant to discuss proposed development. Staff outlined the site’s zoning, allowed uses, adjacent districts, the process to rezone to a PUD-RU, and the need for a Master Plan
- May 10, 2023– Staff met with the applicant to discuss the prepared Master Plan. The applicant and staff discussed specific development regulations for the PUD, and staff began preparing regulations based on the discussed guidelines.
- June 1, 2023– Staff met with the applicant to discuss and agreed to the prepared developmental regulations. The applicant submitted an application.
- June 23, 2023 – Planning staff mailed notifications of the proposed rezone to property owners within 200 feet of the subject property. Rezone signage was posted at the property notifying of the July 12, 2023 P&Z meeting.
- June 25, 2023 – Notice of July 12, 2023 P&Z public hearing published in the Times Record News (TRN).
- June 30, 2023 – Planning staff mailed notifications of the proposed rezone to property owners within 200 feet of the subject property for the upcoming City Council Meeting on July 18, 2023
- July 2, 2023 – Notice of July 18, 2023 City Council public hearing published in the Times Record News (TRN).
- July 12, 2023 – P&Z conducts public hearing and recommends to the City Council approval of the rezoning requested by unanimous vote.
- July 18, 2023 – City Council heard the petition and voted to table the item until August 15, 2023.
- July 24, 2023 – Staff mailed notices to properties within 200 feet of the subject property notifying of the Planning and Zoning public presentation on August 12, 2023 and the consideration by City Council on August 15, 2023.
- July 27, 2023 – Notice of August 12, 2023 P&Z public presentation published in the Times Record News (TRN).

- July 30, 2023 – Notice of July 18, 2023 City Council public hearing published in the Times Record News (TRN).
- August 9, 2023 – Planning and Zoning Commission holds an additional public hearing on the item.
- **August 15, 2023** – Council consideration of item (per July 18, 2023 action to table the item).

Summary

The property owner, Michael Grassi, is petitioning the City to change the zoning on the subject tract to accommodate the construction of a 48-unit, market rate multi-family development with enhanced landscaping. The current Limited Commercial (“LC”) zoning would allow for up to 85 multi-family units “by right”; however, the applicant is proposing reduced building setbacks along the front (Missile Road) and sides to accommodate an increased buffer between the proposed new residential buildings and the existing single-family homes on Pebblestone Drive (see site plan). To facilitate the reduced setbacks, the owner has agreed to the City’s request to limit the maximum number of units on the site to 48 (currently allowed is 85), as well as the developer providing for enhanced landscaping improvements above and beyond the City’s current ordinance requirements for such. Approval of the rezoning request from LC to the PUD would provide for all of the above.

The item was presented to Council on July 18, 2023 and tabled until August 15, 2023 to allow for additional public comments and the applicant opportunity to meet with concerned property owners. The Planning and Zoning Commission held a public hearing on August 9, 2023 to allow for additional public comments.

Analysis

Staff met with the owner, Michael Grassi, in January 2023 to discuss constructing a multi-family development at the subject site. Staff discussed the general developmental regulations for the proposal. Mr. Grassi and the staff addressed the desire to reduce setbacks in order to accommodate the proposed structures on the site. Staff advised of the options to create a Planned Unit Development – RU (PUD-RU) as a unique zoning district allowing the flexibility Mr. Grassi was seeking. The Planning staff outlined the rezoning process for Mr. Grassi. PUDs can deviate from standard developmental ordinances; however, there is a need for balance and harmony with surrounding properties and uses. When a shift from the standard regulations occurs, there is also an opportunity to exceed usual development standards to create something unique. Discussed options with Mr. Grassi for his proposal to exceed in other project areas to create a true PUD.

The applicant prepared a site plan and followed up with staff to discuss the developmental regulations for the proposal. With its current zoning designation (Limited Commercial LC), a property owner could build a multi-family development up-to 85 units and structures up-to 35 ft. in height. Additionally, uses such as churches, schools, medical offices and daycares (less than 1,200 sq. ft.), along with other commercial/assembly-type uses are allowed by right. The LC zoning allows for developments of more than 25 units per acre,

convenience stores and retail/restaurant uses by Conditional Use. In this PUD, Mr. Grassi presented a proposal with 12 quadplexes, totaling 48 units. Each unit is one-story, which is significantly less than could potentially be developed by right with the current LC zoning. The PUD zoning would require that only those items/uses proposed are developed on the site if approved. Any future changes to those items/uses beyond what is outlined in the PUD document would require a process of Planning Commission consideration and subsequent approval by the City Council.

As part of the site plan, the applicant is requesting reductions in the front and side setbacks and curb-cut clearances from adjacent properties and alleys. The standard multi-family front and side setbacks are 25' in LC zoning, however, the plans show both the side and front setbacks reduced to 15'. The site shows two curb cuts, with one on each side street. The access points are only 5' from the rear property line, whereas the minimum would be 17' for Greentree Street and 7' for Hooper Drive under standard LC zoning. Staff advised that increased landscaping and screening above what is required in LC zoning would offset any potential negative impacts to adjoining properties. Staff then began drafting developmental regulations for the site, and after a discussion with Mr. Grassi, the applicant submitted a rezoning application, to zone the site as a PUD.

The petition was presented to City Council on July 18th, and after discussion and public comments, the Council voted to table the item until August 15, 2023 to allow for the applicant time and opportunity to meet with the neighborhood. Following the City Council meeting, the applicant reached out to the concerned property owners and shared the details of the project and expressed his desire to build a quality development. The item was presented at the Planning and Zoning Commission meeting on August 9, 2023 to allow for additional public comments prior to the final consideration by Council. No additional action was needed by the Commission.

Evaluation Criteria

The site is isolated from the surrounding residential subdivisions by street right-of-way. The primary frontage is adjacent to Missile Road, while its sides are adjacent to residential streets, Hooper Drive, and Greentree Avenue. The rear of the property is adjacent to a 20' alley and shares a property line with a single tract (a single residential property). The proposed site plan complies with parking, open space requirements, and increased setbacks from a residence as outlined in City ordinances. The site design and developmental regulations emphasize mitigating measures to protect the adjacent properties while enhancing the neighborhood.

Staff believes increases in screening in landscaping would protect adjacent properties from any visual and auditory impacts created by the proposed development. With the proposed site separated from other residences by right-of-way, the applicant and the staff believe providing views of the landscaped screening would improve the visual corridor while protecting the adjacent uses as well.

Traffic was also a consideration in the selection of uses and site design. Missile Road is a thoroughfare road where access to the road should be limited, as the purpose of this street is to move persons from the neighborhood roads to other neighborhoods or larger roads to travel to other parts of the city. The site design provides access from the side streets to reduce stoppages or slowdowns on Missile Road. With the proposed development adjacent to the thoroughfare, staff anticipates little to no traffic impacting the adjoining neighborhood.

1. **Changed Conditions:** The property has remained undeveloped while the neighborhood developed around the site since the 1980s. The proposed use will support the need for additional housing options throughout the city.
2. **Relationship to the Comprehensive Plan:** With the proposal, the land use is in direct alignment with the long term designation of Low Density Residential. Staff are not recommending an amendment to the designation to further promote the long term designation.
3. **The nature and degree of impact upon neighboring lands:** Based on the requested developmental regulations, staff believe the increased landscaping and screening will sufficiently create a barrier protecting the single family uses. Any increase in public infrastructure (water and sewer) strain will be calculated during the construction plan review, and any upgrades needed will be at the cost to the applicant.

Staff and Planning & Zoning Commission Recommendations

The Planning & Zoning Commission convened on July 12, 2023 to consider the rezoning case with staff's favorable recommendation for approval to allow for the unique development. The commission unanimously recommended the zoning change from Limited Commercial (LC) to Planned Unit Development – Residential Use (PUD-RU).

On August 9, 2023 the Planning & Zoning Commission convened to hear a public presentation of the petition to allow for additional public comments.

If council approves the rezone to Planned Unit Development – Residential Use (PUD-RU), the applicant is subject to all other zoning and building code regulations for commercial-related project; particularly adhering to any zoning requirements that may help lessen potential impacts to the adjacent properties. Rezoning the tracts to Planned Unit Development – Residential Use (PUD-RU) would be in harmony with the area.

Staff recommends approval of the proposed rezoning request of +/- 3.43 acres at 2203 Missile Road to Planned Unit Development – Residential Use (PUD-RU).

☒ **Assistant City Manager**

☒ **Department Director**

ASSOCIATED INFORMATION: Exhibit A – Aerial Map; Exhibit B – Photos of Subject Property & Area; Exhibit C – Notification Response Map; Exhibit D – Zoning & Land Use

Map; Exhibit E – Existing Zoning Uses in Limited Commercial district; Exhibit F – Planning & Zoning Commission - July 2023 Minutes Excerpt; Exhibit F – 2203 Missile Rd. Master Plan; Ordinance; Attachments 1 and 2.

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Exhibit A – Aerial Location Map



R 23-03 2203 Missile Road Aerial Map

CITY OF WICHITA FALLS, PLANNING DIVISION
MAP PRODUCED BY: Cedric Hu
DATE PRODUCED: 7 June 2023

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

Legend

- Subject Property
- Parcels

EXHIBIT B - Rezoning Request – 2203 Missile Rd.

Photo 1 – View of Subject Property from Trout St.



Photo 2 – View north from the subject property along Missile Rd.



EXHIBIT B Cont. - Rezoning Request – 2203 Missile Rd.

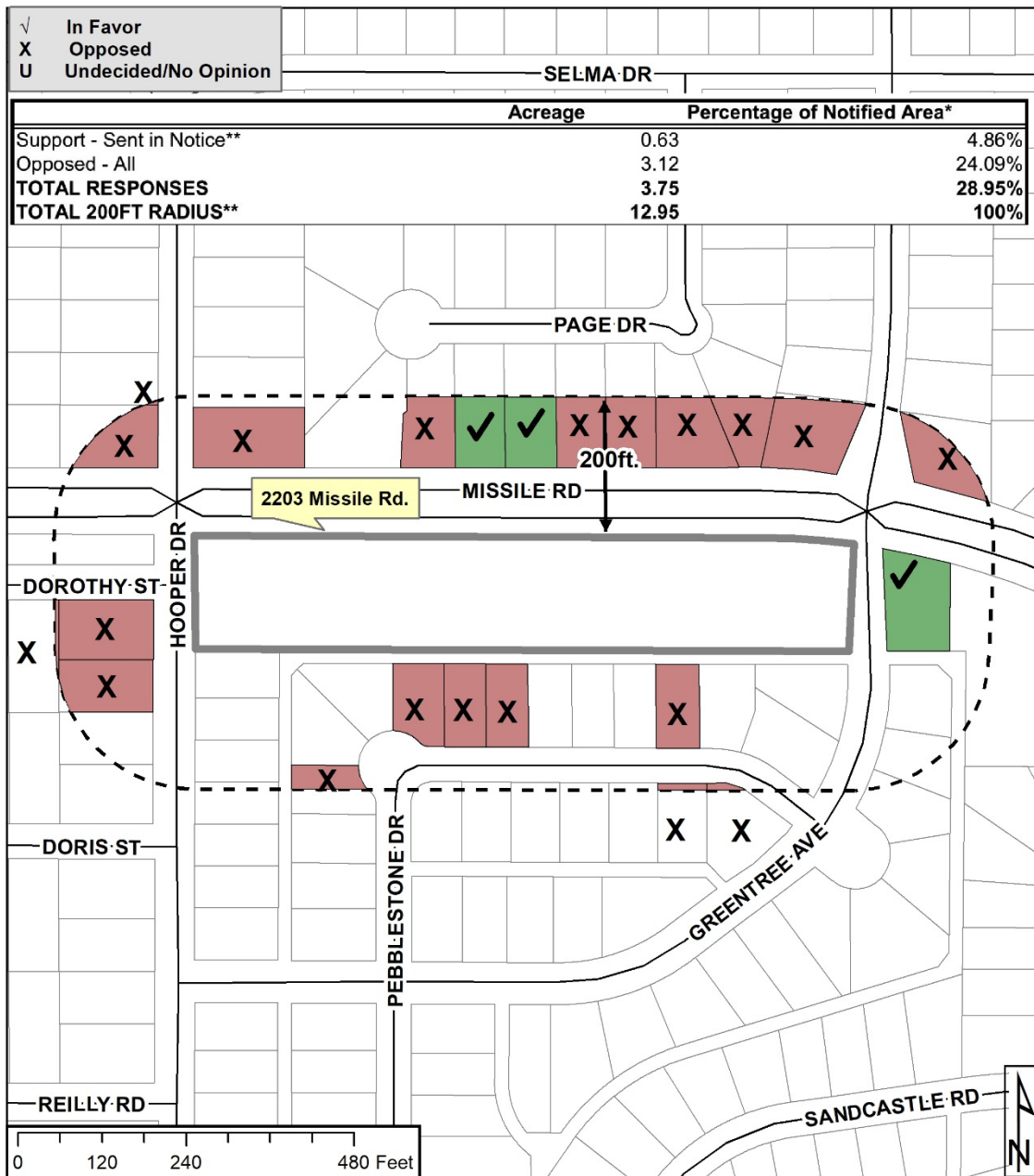
Photo 3 – West view from Subject Property along Missile Rd.



Photo 4– East view from the property along Missile Rd.



Exhibit C – Notification Map



R 23-03 2203 Missile Road PUD Response Map

CITY OF WICHITA FALLS, PLANNING DIVISION
MAP PRODUCED BY: Cedric Hu
DATE PRODUCED: 17 July 2023

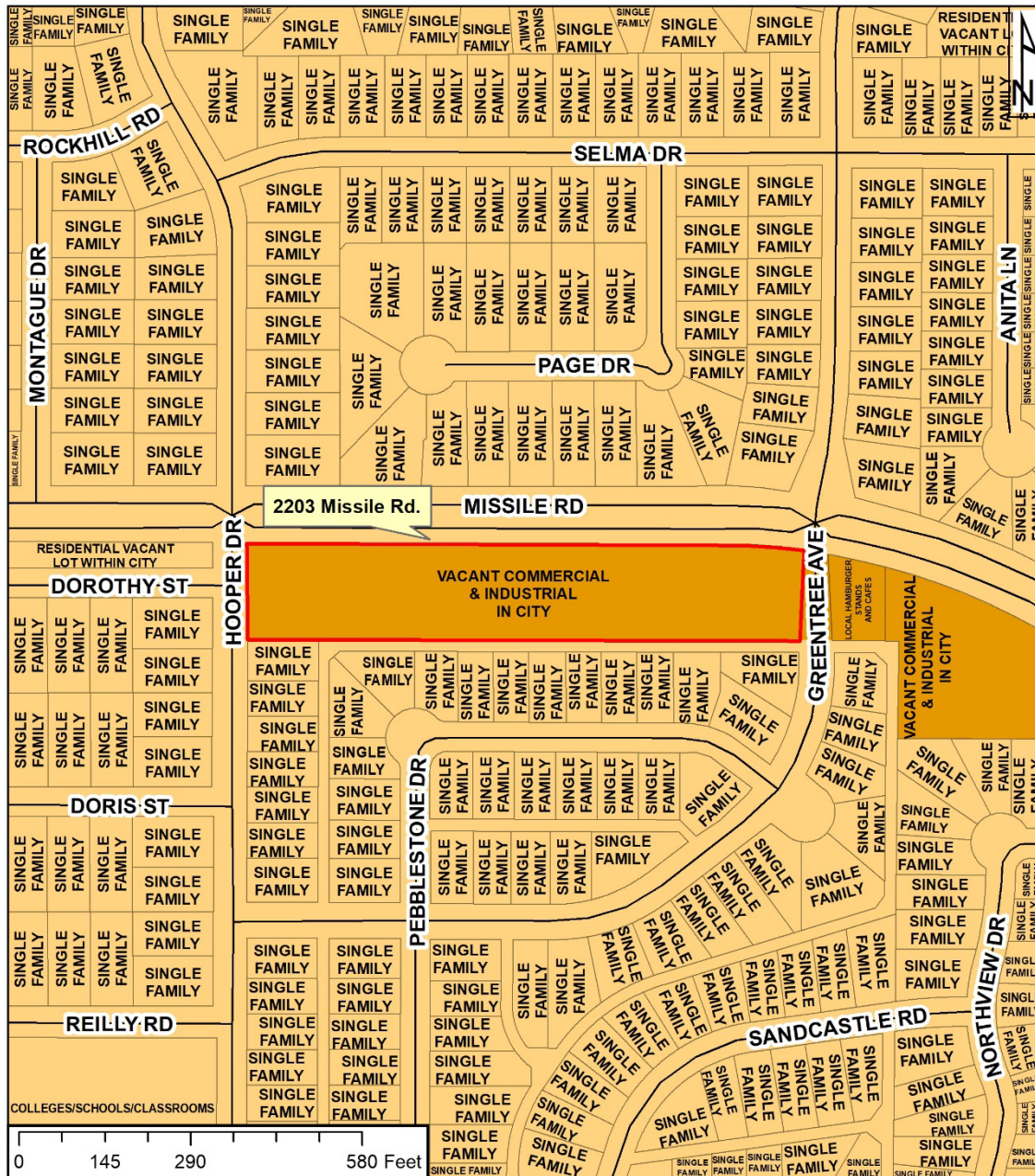
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*The Right-of-Way (ROW) is included in the area calculation.
For the notified properties, only the area in the 200 ft radius is included.
**Subject Property excluded from both the responses & the 200 ft radius.

Legend

- Subject Property
- Notification Buffer
- Parcels
- Supportive Properties
- All Opposed Properties

Exhibit D – Zoning & Land Use Map



R 23-03 2203 Missile Road Zoning and Land Use Map

CITY OF WICHITA FALLS, PLANNING DIVISION
MAP PRODUCED BY: Cedric Hu
DATE PRODUCED: 7 June 2023

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Legend

	Subject Property		Zoning
	Parcels		Single Family 2
			Limited Commercial

Exhibit E

Existing Zoning: Limited Commercial (LC) Zoning District

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

Residential uses:

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

Civic uses:

Day care centers, limited.
Private recreational areas, limited.

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

Residential uses:

Bed and breakfast homestay.
Boardinghouse.
Condominium, residential.
Dwelling, multifamily, up to 25 units per acre.
Dwelling, zero lot line, single-family, subject to the provisions of section 5200.
Fraternity and sorority houses.
Townhouse, residential, subject to the provisions of section 5300.

Civic uses:

Day care centers, commercial, 1,200 square feet or less in gross floor area.
Library, public.
Parks.
Public safety services.
Religious assembly.
School, primary and secondary.
Utility service.

Commercial uses:

Bed and breakfast inn.
Medical offices, 1,200 square feet or less in gross floor area.
Offices, 1,200 square feet or less in gross floor area.
Oil drilling, subject to the provisions of appendix A, Subdivision and Development Regulations, section 6.4 Oil and Gas Well, as amended.
Services, 1,200 square feet or less in gross floor area, excluding automotive repair services and restaurants

Exhibit F Continued

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

Residential uses:

Dwelling, multifamily, exceeding 25 units per acre.
Household care facility
Manufactured homes, subject to the provisions of section 5600.

Civic uses:

Day care centers, commercial, more than 1,200 square feet in gross floor area.
Structured sober living facility.

Commercial uses:

Alcoholic beverage sales, subject to the provisions of section 5400.
Art gallery/museum.
Clinic.
Club.
Convenience stores.
Donation box.
Medical offices, more than 1,200 square feet in gross floor area.
Offices, more than 1,200 square feet in gross floor area.
Restaurant, limited.
Retail trade, excluding automobile sales and supermarkets.
Services, more than 1,200 square feet in gross floor area, excluding automotive repair services and restaurants.
Self-storage facility/mini-warehouse

Exhibit F

MINUTES – EXCERPT

PLANNING & ZONING COMMISSION

July 12, 2023

PRESENT:

David Cook	◆ Chairman
Michael Grassi (Recused)	◆ Member
Blake Haney	◆ Member
Mark McBurnett	◆ SAFB Liaison
Doug McCulloch	◆ Member
Matt Marrs	◆ Member
Noros Martin	◆ Member
Paul Mason	◆ Alternate No. 2
Wayne Pharries	◆ Member
Cayce Wendeborn	◆ Member

James McKechnie, Deputy City Attorney	◆ City Staff
Terry Floyd, Development Services Director	◆ City Staff
Fabian Medellin, Planning Manager	◆ City Staff
Christal Cates, Senior Executive Asst.	◆ City Staff

ABSENT:

Steve Wood	◆ Alternate No.1
Jeremy Woodward	◆ Vice-Chair
Councilor Bobby Whiteley	◆ Council Liaison

Rezone 23-03 – 2203 Missile Road

Public hearing to consider taking action on a proposed rezone at 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.

Applicant/Owner: Michael Grassi

**It is noted Mr. Michael Grassi, P&Z Commission member had recused himself, filing the paperwork with the City Clerk's Office for record.*

Chairman Cook opened the public hearing at 2:01 pm concerning case R 23-03. Mr. Fabian Medellin presented the case and stated the proposed rezone concerning 2203 Missile Road was not to allow for the development of the multi-residential complex as that was currently allowed by-right, but to petition for a reduction in the setbacks. The subject property was an undeveloped parcel of land, zoned as Limited

Exhibit F Continued

Commercial (LC), surrounded by single family uses in a Single Family-2 (SF-2) zoning district.

Mr. Medellin stated staff had previously met with the owner/applicant, Mr. Michael Grassi for a pre-development meeting to discuss the property and development options. During discussions to develop the property for multi-family uses staff advised Mr. Grassi that multi-family uses are allowed by-right, up to 25 units per acre, up to 85 units for this subject property. Development regulations discussed where the 25ft. setback along frontages, 10ft. setback to the rear and a maximum of 35ft. in height of the structures.

Mr. Medellin advised the Commission that infrastructure would be reviewed and addressed in the next development step. The first step of development would be the land use, which was what the discussion was about that day.

Mr. Medellin stated that the owner, Mr. Grassi, was seeking a reduction of setbacks from the roadway from 25ft. down to 15ft. and to reduce the separation requirements for access points adjacent to alleys and other lots. During the pre-development meeting with Mr. Grassi, staff advised of a rezone that takes a base zoning and modifies it to support the unique development. Mr. Grassi was requesting the setbacks so that he could develop a more aesthetically pleasing development by pushing the structures closer to the roadways, creating more space to the rear of the property to provide a larger area for parking.

Chairman Cook asked if the public was having issues hearing or if there was another matter at hand in the audience. A public guest stated they could not hear. Mr. Medellin adjusted his microphone and moved closer. The public stated they could then hear. Mr. Medellin recapped all information he had previously given.

Staff advised Mr. Grassi the development of a Planned Unit Development (PUD) had a give and take. The PUD could relax some of the setbacks while enhancing some sections of the ordinance to provide a unique and more elegant development.

After the meeting, Mr. Grassi contracted a civil engineer to work on the site designs and gather preliminary calculations on infrastructure. Mr. Grassi continued working with staff and provided the site plan the civil engineer had completed, which was also provided as a handout along with the meetings agenda so that the public could see the proposed plan as well as the Commission.

Staff reviewed the site plan, noting the setback reductions and curb cut locations as discussed; however, with Mr. Grassi requesting the PUD, staff also made requests to protect and enhance the development. Mr. Medellin laid out the requirements staff had for the PUD.

Conditions of PUD

- Maximum of 48 Dwelling Units (12 Quadruplexes)

Exhibit F Continued

- Single story structures only
- Reduced setbacks of 15ft. along street frontages
- Reduction of distance of curb cuts from adjacent properties and alleys
- Decorative wrought iron fencing with brick columns along Hooper Drive, Greentree Avenue and Missile Road.
- Enhanced landscaping – open space/landscape screening

Mr. Medellin displayed photos of a developed complex provided by the applicant to show what the fencing would be modeled after, giving an example to the Commission. Mr. Medellin noted in addition, to the example photos given there would be additional landscaping required as the photos show only minimal landscaping.

Mr. Medellin displayed the applicant's site plan as well as providing large prints of the site plan to public attendees. Mr. Medellin noted the dual access points, created one drive from Hooper Drive to Greentree Avenue. Staff believes this is the best location to access the site as Missile Road is a minor arterial road on the City of Wichita Falls Thoroughfare classification, and as such is intended to facilitate and help move traffic from one neighborhood to the next, or to the next highest classification road to move them further beyond the neighborhoods to another portion of town. Public Works did not want to allow any access points along Missile Road as it is a minor arterial road.

Mr. Medellin stated the two entrances would allow for sanitation trucks to enter and exit safely, allowing each unit its own rolling poly-cart for sanitation services. Staff believes the two curb cuts will help with the flow of traffic versus funneling all traffic in and out of one access point.

Mr. Cook asked if the public was having problems hearing again as there continued to be disruptions in the audience. A member of the public stated staff was "passing up a lot of things that was ambiguous to the case". Chairman Cook stated this was the time when staff presented the case to the Commission. Once staff finished the presenting, the public would have a time to express their opinion and then asked Mr. Medellin to continue.

Mr. Medellin directed attention back to the site plan and advised at the center of the plan there was a detention area that captured water and would additionally capture the increased runoff created by the development.

Another element Mr. Medellin advised the Commission of was the proposed paved, internal walking trail inside the complex. In addition, Mr. Grassi would also be constructing a sidewalk outside of the complex, running along Missile Road for pedestrian's safety. Mr. Medellin stated each unit would consist of 2 bedrooms and 2 bathrooms, geared toward military housing. Each unit would be required to have 2 parking stalls, for a total of 96 parking stalls for the complex.

Exhibit F Continued

Mr. Medellin stated staff had mailed 50 notices to surrounding property owners within 200ft. of the subject property. A total of 14 responses had been received, 10 opposed and 4 in favor of the proposed development. Staff had provided maps, staff reports and phone calls to concerned citizens to help them make an informed decision. One of the concerns listed on some of the opposed responses was an increase in traffic on Missile Road. Mr. Medellin clarified that Missile road was a minor arterial street with a recommended usage of 16,000 vehicles a day. As of 2020, the recorded usage was shy of 6,000 vehicles a day, only a one third of the capacity recommended.

Another listed concern was for pedestrian safety, which Mr. Grassi has addressed with the construction of the sidewalk along Missile Road providing a safe place to walk. Privacy was another concern listed that staff has also taken into consideration and it is noted there will be 6ft. fences at the rear of the property. Grading will also be needed and will be leveled out, lowering the property 3-4 ft. That along with the 6 ft. fencing would be a 10ft. difference leaving only rooftops visible.

The last item of concern was listed as infrastructure. Utilities will be addressed in the next phase of platting. Mr. Grassi had already contracted a civil engineer that produced a site plan with noted future work to be done. The Public Works department has preformed testing on-site and stated the pressure was adequate and could handle the requirements the 48 units would need. Mr. Medellin stated there had been recent work performed by the Public Works department on that area but also stated there made be some upgrades needed for the sewer lines. As the developer, Mr. Grassi is aware he will be required to perform such upgrades at his expense.

Mr. Medellin stated after all research and possible impacts taken into consideration, staff recommended the approval of the proposed rezoning request of +/- 3.43 acres at 2203 Missile Road to Planned Unit Development – Residential Use (PUD-RU) subject to the following developmental requirements:

1. If approved, the applicant is subject to all other zoning and building code regulations for commercial-related projects. Adhering to the zoning requirements may help lessen the potential impact on the abutting and adjacent residential neighborhood.

Chairman Cook asked Mr. Medellin what was allowed by-right in the Limited Commercial (LC) zoning district. Mr. Medellin stated multi-family uses, up to 25 units per acre, meaning Mr. Grassi could place up to 85 units on the subject property. Residential uses and some commercial uses are allowed, all capped by square footage, along with some civil uses. Mr. Medellin advised the Limited Commercial (LC) zoning district was intended to serve as a buffer between residential uses and more intense commercial uses.

Exhibit F Continued

Chairman Cook asked if the applicant/owner was present and wished to make a presentation. Mr. Michael Grassi, #7 Amber Valley, was present and stated staff had covered everything in their presentation and this was a private investment of \$6 million dollars in to the City of Wichita Falls, for use by military families while stationed at Sheppard Air Force Base. Mr. Grassi stated he is providing more development amenities than what is required by ordinance to bring an upscale complex to the neighborhood as well as future improvements to infrastructure.

Mr. Doug McCulloch advised he appreciated that Mr. Grassi was not building the maximum units that he could by-right as allowed for in the current zoning of the subject property. He asked about the placement of the sidewalk that would run along Missile Road and if it would be constructed right next to the curb or further away. Mr. Grassi stated the sidewalk would not be located right next to the curb, that it would have a landscaped area between the curb and sidewalk.

Mr. McCulloch next asked about the fencing and what the spread would be between each column. Mr. Grassi stated he believed it would be about 32ft. but was not sure. It would be an even number of feet in between. Mr. McCulloch asked if Mr. Grassi would be provided extra guest parking stalls. Mr. Medellin advised the Commission the required two stalls factored in allowed for guest parking.

Mr. McCulloch apologized for having many questions but believes this will help make a better-informed decision. He asked how sanitation utilities would be in the complex. Mr. Grassi advised each unit would have their own poly-cart that would be rolled to the specified pick-up location along the fence on the south side of the subject property for City sanitation trucks.

Lastly, Mr. McCulloch asked if there would be a designated play area and if at anytime would the quadruplexes be divided and sold. Mr. Grassi stated there is an area for play and dog park on the subject property and that at no time would the properties be divided and sold, so it would remain one singular parcel.

Chairman Cook asked Mr. Grassi what the current appraisal was on the property and what it is projected to be with the development completed for tax purposes. Mr. Grassi stated currently he is paying taxes for the property appraised at \$22,000. Once development has been completed, it will generate tax revenue off of approximately \$6 million dollars.

Chairman Cook stated the Commission would now hear comments from the public. The public must come to the microphone, state their address and would be given three minutes to speak.

Ms. Debra Reed, 5500 Hooper Drive, stated she was upset over the paper notices she received and not being able to navigate the website. She advised she had concerns about the exits out of Hooper Drive where there is located a school crosswalk. Ms. Reed stated she went door to door and collected 25 signatures on a

Exhibit F Continued

petition opposing the rezone. She has concerns about pedestrian safety, detention areas and sewer capacities as she has lived there for 38 years. Ms. Reed also stated the City of Wichita Falls staff was making decisions regarding a school in the Burkburnett School District.

Chairman Cook thanked Ms. Reed for her work in the community and gathering the signatures, and advised the petition be given to Mr. Fabian Medellin as this would go to City Council on July 18th, 2023. Mr. Cook apologized to Ms. Reed about the website not working for her and advised there were other options given for contacting City staff. Chairman Cook stated street, pedestrian safety and infrastructure could not be addressed by the staff or the Commission as those were issues addressed in the next phase of platting by the Public Works department and outside of the Planning & Zoning Commissions jurisdiction. The Commission and staff could address the rezone and the zoning process and any questions related to it. Chairman Cook advised Ms. Reed she could present her questions to the Public Works staff and City Council at the public meeting July 18th, 2023 in the very same council room the current meeting was taking place.

Ms. Margaret Hawkins, 5502 Hooper Drive, stated her husband used to be a City Councilman and she has never heard a chairman tell the public there was nothing they could do or couldn't help. Ms. Hawkins stated the area was too hazardous for children as it was and the City was going to allow additional use. She stated the staff didn't care about the children or their safety. Ms. Hawkins advised there was no need for the additional housing as there were available apartments to rent at other complexes and that staff for one should consider what the tax payers want and be considerate of them and not what staff wants.

Chairman Cook stated that, it was not being said that staff didn't care about the children, to which Ms. Hawkins stated that wasn't true and she didn't want to talk to Chairman Cook. Mr. Cook stated since Ms. Hawkins wished not to continue the floor would be given to the next in line for public comments.

Mr. Lamar Murphey, 5501 Hooper Drive, stated he was upset about the curb cut on Hooper Drive and the fact that the paper notices sent had a different last name for the email address to return responses than what was listed on the website even though he mailed his in and called the office and had multiple conversations with the planning manager and Director of Development Services. Mr. Murphy was also upset about detention and that the fencing Mr. Grassi would be installing would not stop trash from blowing around, and also that the community was told in the original plans that there would be no access on Hooper Drive. Mr. Murphey then stated the only issue he had was increased traffic.

Chairman Cook asked Mr. Grassi if he could address the comments about an original plan. Mr. Grassi stated the site plan he presented and that was given to the Commission and handed out to the public was the only site plan he has done for the subject property and has no idea what original plan Mr. Murphey was talking about.

Exhibit F Continued

It is believed there may have been previous plans possibly another owner of the vacant property.

Mr. Terry Floyd, Director of Development Services apologized for the typo on the notification letters that were mailed out and advised corrections have been made so that this mistake would not happen in the future.

Chairman asked if there were any other comments from the public. Ms. Hawkins stated she wanted to go again. Chairman Cook asked if there were any comments or questions from the Commission. Ms. Cayce Wendeborn stated Mr. Grassi could have went much larger than he presented in his site plan, but has chosen to not do so and had committed to more than what was required.

Mr. Cook stated again to the public that the Planning & Zoning Commissions could not speak for other departments or make concessions on their behalf. The issues the public has would need to be addressed by those departments on July 18th, at the City Council meeting. Mr. Paul Mason asked for clarification on the quadruplexes, if they would all be 2 bedrooms. Mr. Grassi advised that was correct.

Ms. Hawkins approached the microphone and stated she apologized for her previous behavior and language but that when she listened to Chairman Cook speak she only heard negativity and that she couldn't handle that. She asked that Chairman Cook please accept her apology. Chairman Cook accepted the apology and reminded the public there would be a City Council meeting held at 8am on July 18th, 2023 where they could voice their concerns.

Mr. Cook closed the public hearing at 2:57 pm and asked for a motion to recommend the approval of the rezone to City Council. Ms. Cayce Wendeborn made the motion with Mr. Noros Martin seconding. Chairman Cook called for a vote and the motion passed unanimously 8-0.

QUADPLEX DEVELOPMENT
 2203 MISSILE ROAD, WICHITA FALLS, TX
 CITY OF WICHITA FALLS, WICHITA COUNTY, TEXAS
 FEBRUARY 2023

OWNER/DEVELOPER:
 MICHAEL GRASSI
 DBA GRASSI CONSTRUCTION LLC
 7 AMBER VALLEY COURT
 WICHITA FALLS, TX 76308
 (940) 782-5635

SURVEYING FIRM:
 PROVEN SURVEYING
 2406 KELL BLVD.
 WICHITA FALLS, TX 76309
 (940)322-6450
 TBPLS #10015000

CIVIL ENGINEER FIRM:
 M. WOOD ENGINEERING, PLLC
 P.O. BOX 943
 HOLLIDAY, TEXAS 76366
 (970) 556 - 0052
 TBPE FIRM-21932

PROJECT NO: 22011.0
DATE: FEBRUARY 28, 2023

QUADPLEX DEVELOPMENT
 2203 MISSILE RD
 WICHITA FALLS, TX

QUADPLEX DEVELOPMENT
 QUADPLEX CONSTRUCTION LLC
 2203 MISSILE RD
 WICHITA FALLS, TX 76308

CONCEPTUAL SITE PLAN FOR QUADPLEX DEVELOPMENT

LEGEND

- EXISTING AND PROPOSED
- EXISTING BUILDING
- NEW BUILDING
- EXISTING DRIVE
- NEW DRIVE
- EXISTING SIDEWALK
- NEW SIDEWALK
- EXISTING LAND
- NEW LAND
- EXISTING UTILITY
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Ordinance No. _____

Ordinance rezoning 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

WHEREAS, the Planning and Zoning Commission considered the proposed rezoning request at its July 12, 2023 meeting, and voted favorably to recommend approval of this request; and

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

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

1. 2203 Missile Road (+/-3.43 Acres of the Lewis Wells Survey, Abstract 323), as depicted on the attached map incorporated in this ordinance as **Attachment “1”**, is hereby rezoned from Limited Commercial (LC) to Planned Unit Development – Residential Use (PUD-RU) and shall be regulated as follows:

Use and Development Regulations:

A conceptual plan represented by a Preliminary Master Plan for development entitled “Planned Unit Development Site Plan” is herein incorporated as part of this ordinance as **Attachment “2”**. The development regulations shall be as follows:

1. Land use regulations:

A. Primary uses, allowed by right:

1. Residential dwelling, multi-family – Setting a maximum number of dwelling units up to 48 as outlined in the included site plan.

B. Accessory uses allowed in conjunction with the primary uses only:

1. Accessory uses - Typical amenities for multifamily development, e.g., dog walk area, outdoor seating, or congregation areas.

2. Development Regulations: All development shall be consistent with Section 3370 Limited Commercial (LC) development regulations, as amended. The guidelines shall apply to the entire site except as indicated below:

A. Front Setback: 15 ft. minimum.

B. Exterior Side Setback: 15 ft. minimum.

- C. Rear Setback: 30 ft. minimum, shall comply with Section 4670 for structures greater than 30 ft. in height.
- D. Building Coverage: 55 percent of lot area, maximum
- E. Open Space: 20 percent of lot area
- F. Height: 35' Maximum.
- G. Residential Density: 48 primary dwelling units per the Planned Unit Development-Residential Use acreage.
- H. Parking, Off-Street: Minimum on-site parking spaces shall be provided as outlined:

Dwelling, multi-family with multiple bedrooms: 2 spaces per dwelling unit (96 parking spaces)

- I. Parking Lot Layout, Curb Cut Design, and Paving Materials shall be regulated by Section 6200 of the Zoning Ordinance, City of Wichita Falls, as amended.

The development will be granted two curb cuts for the entirety of the site with a single cut on each of the respective side exterior streets, Hooper Drive and Greentree Avenue. The access points will be aligned to create a single linear drive bisecting the property, running parallel and adjacent to the south property line traveling west to east. An alley clearance of 10' will be granted to the proposed cut on Greentree Avenue. A 5' interior lot line curb cut radii return will be allowed for the proposed access point on Hooper Drive.

- J. Screening Requirements: Shall be regulated by Section 4600 Screening Regulations of the Zoning Ordinance, City of Wichita Falls, as amended. A six-foot high wooden fence shall be required on the rear property line to form a barrier to adjacent single-family residential uses. The screening will taper down to 3' in height within the building limit lines of Hooper Drive and Greentree Avenue. Consideration will be given to any existing screening if the replacement of any existing fencing is opposed, in writing by a residential property owner with shared lot lines with the subject site.

Screening on the west, north, and east property lines shall be provided with a four-foot-tall decorative metal fence. The metal will be coated with a sealant or paint to prevent rusting or showing signs of wear. The metal fence will provide 50% of the screening face area clear of any opaque materials to provide visibility of the open & green spaces from the right-of-way. The fencing must ensure no persons can access the site through the screening face area to be left clear. Brick columns will be placed at a maximum of every 50' of metal fencing, measured from column centerline to centerline.

- K. Landscaping: To promote open space & green spaces, encourage outdoor activities, and stimulate the visual corridor of Missile Road, the proposed site

will provide enhanced perimeter landscaping equal to double the standard calculations.

Section 6800 (Landscaping) of the Zoning Ordinance, City of Wichita Falls, as amended, will determine the standard requirement. Based on the total frontage of Hooper Drive, Missile Road, and Greentree Avenue (1,239.36'), 60 perimeter trees will be required. The required plant material ratio may use any methods available under Section 6810.12 Minimum Landscape Requirements or an alternate ratio approved by the Director of Development Services.

Or.

The ratio of 17 canopy trees, 17 understory trees, and 110 five-gallon shrubs will be accepted as an alternative to the ratios outlined in the zoning ordinance.

Due to the site's proximity to Sheppard Air Force Base (SAFB) and being located within the SAFB Birds and Wildlife Strike Hazard Zone, the landscape will be provided through deciduous vegetation, and priority will be given to plantings at walking heights. Canopy trees shall have a mature max height of 25', understory trees shall have a maximum height of 20', and shrubs shall have a maximum size of 6' tall.

- L. Green Circle Trail: A 5' wide concrete sidewalk shall be provided encircling the site to allow for the enjoyment of the open and green spaces.
- M. Outdoor Lighting: shall be directed away from adjacent residential uses and regulated by Section 5975 of the Zoning Ordinance, City of Wichita Falls, as amended.
- 3. Sign Regulations: Signs shall be regulated by the zoning ordinance with the same restrictions as applied in the Limited Commercial (LC) district for Apartment sign types, Section 6700 – Sign Regulations
- 4. Master Plan For Development: The configuration of the parking lot, location of the residential dwelling units, and design of the stormwater drainage shall be as indicated on the Master Plan for Development, Attachment "B," subject only to the changes which may need to occur due to engineering considerations design and review and aesthetic constraints, as constructed and measured drawings are prepared before actual development. Additionally, the developer may make minor changes following Section 3690 (Planned Unit Development District – amendments and changes) of the Zoning Ordinance of the City of Wichita Falls, as amended.
- 5. Other Requirements: All zoning ordinance regulations not addressed explicitly in this ordinance shall apply to this Planned Unit Development – Residential Use (PUD-RU) Ordinance and are hereby made a part hereof and included herein.

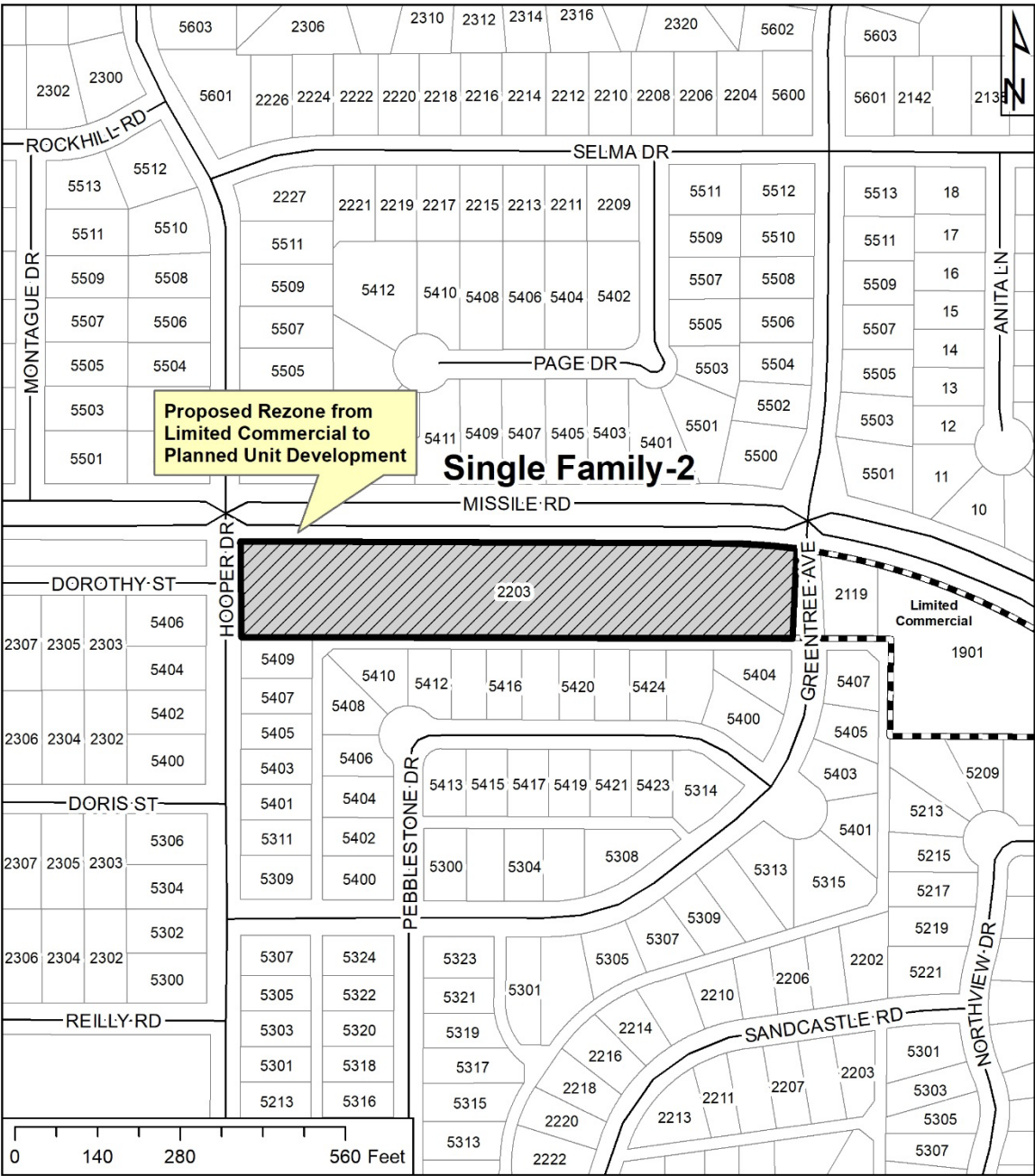
PASSED AND APPROVED this the 15th day of August 2023.

MAYOR

ATTEST:

City Clerk

Attachment "1"



R 23-03
2203 Missile Road
Rezone Map

CITY OF WICHITA FALLS, PLANNING DIVISION
MAP PRODUCED BY: Cedric Hu
DATE PRODUCED: 22 June 2023

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

- Legend**
- Subject Property
 - Rezone Area
 - Zoning Boundary
 - Parcels

CITY COUNCIL AGENDA
August 15, 2023

ITEM/SUBJECT: Ordinance amending Chapter 94, Article I, Section 94-15 to allow for the expansion of the use area, creating new hours of operation, and limiting the speed of Personal Mobility Devices within the Central Business District.

INITIATING DEPT: Aviation, Traffic, & Transportation

STRATEGIC GOAL: Redevelop Downtown

STRATEGIC OBJECTIVE: Create a Live, Work, Play Downtown

COMMENTARY: Over the last six months, staff has reviewed Section 94-15 (Personal Mobility Devices), and changes are recommended to the ordinance. These changes are as follows:

- Expanding the boundaries within which personal mobility device operators can operate
- Removes the limit of 20 personal mobility devices by an operator
- A requirement that operators report all injury/accidents involving their personal mobility devices on a monthly basis
- Personal mobility device operators will be required to set the maximum speed of their equipment to 25 mph. The operator can choose a slower speed if they desire.
- Hours of operation are set from 6 a.m. to midnight.

With the growth and development outside of the core Downtown area, adjustments to the ordinance were required. These changes will allow personal mobility device operators to expand into these areas. To date, the program has been successful, and the lone operator in the Downtown area has fulfilled all obligations to the City of Wichita Falls. Staff will continue to work with Personal Mobility Device operators to further develop alternative modes of transportation.

Staff recommends these amended items to Section 94-15.

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

ASSOCIATED INFORMATION: Ordinance; Map

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Ordinance No. _____

Ordinance amending Chapter 94, Article I, Section 94-15 to allow for the expansion of the area, creating new hours of operation, and limiting the speed of Personal Mobility Devices within the Central Business District

WHEREAS, the City Council has previously determined the redevelopment of downtown was part of the City's long-term Strategic Plan; and,

WHEREAS, the use of Personal Mobility Devices enhances the City of Wichita Falls downtown area by allowing alternative transportation; and

WHEREAS, staff believes this ordinance will expand Personal Mobility Devices will use and continue to lead to an increase in transportation options, and increased sales; and

WHEREAS, the City Council concurs with staff's recommendation to amend the Code of Ordinances at Chapter 94, Article I, Section 94-15.

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

Wichita Falls Code of Ordinances Chapter 94, Article I, Section 94-15 is hereby amended and shall hereafter read as follows:

Sec. 94-15 Personal Mobility Devices

(a).Definitions

- i. Customer means a person who rents or otherwise uses a Personal Mobility Devices from an operator
- ii. Director means the director of the department designated by the city manager to enforce and administer this article and includes representatives, agents, or department employees designated by the director.
- iii. Personal Mobility Devices means an electric bicycle, or an electric motor-assisted scooter, pursuant to the definitions set forth in Texas Transportation Code, Sections 541.201 and 551.351, that can be located and unlocked using a smartphone app whether placed in a docking bay, self-standing, or standing with a kickstand.
- iv. Personal Mobility Device Systems means a collection of Personal Mobility Devices owned and operated by an operator within the City of Wichita Falls pursuant to and in accordance with this section.
- v. Geo-Fence Zone means an area used for Personal Mobility Devices in the City and which is designated in accordance with this Article defined by GPS or RFID that registers when a Personal Mobility Device enters or leaves such designated area and in which operator is allowed to conduct certain activities as set forth in this Article.

- vi. Street means a public roadway, street, or alley in which the municipality has an interest.
- vii. Operator means an individual or company that has been issued an operating authority permit under this article.

(b).General Duty and Authority of Director.

- i. The director shall implement and enforce this article and may by written order establish such rules or regulations, consistent with this article and state or federal law, as he determines are necessary to discharge his duty under, or to affect the policy of, this article, including but not limited to, rules or regulations on hours of operation, slow zones, and areas where riding Personal Mobility Devices are prohibited. The director may contract with vendors to assist with data collection and analysis and to collect and store Personal Mobility Devices deployed or parked in violation of this chapter.

(c).Location

- i. Personal Mobility Device Systems shall only be allowed to operate within the **Downtown Area located within the boundaries as follows:**
 - Beginning at the Northwest corner of the intersection of the Circle Trail and Burnet Street, heading southeast following the east side of Burnett Street to the intersection of Burnett Street and 15th Street;
 - Continuing West following the south side of 15th Street to the intersection of 15th Street and Scott Avenue and Kell West Boulevard;
 - Continuing Northeast along the north side of Kell West Boulevard to the intersection of Kell West Boulevard and the BNSF Railway rail tracks;
 - Continuing Northwest along the eastside of the BNSF Railway rail tracks to the intersection of the BNSF Railway rail tracks and the Circle Trail;
 - Continuing East along the southside of the Circle Trail to the intersection of the Circle Trail and Burnett Street where it ends.
- ii. The boundaries of the “Downtown Area” include and incorporate an area 100 feet from the furthestmost curb line of the boundary. Wherever boundaries are drawn at street intersections, the entire intersection is included inside the boundaries. Legal description controls over any map. (Exhibit A)
- ii. Personal Mobility Devices that are privately owned are not subject to this ordinance and may be used according to state law.

(d).Permit Required

- i. Personal Mobility Device systems are allowed pursuant to this Article, and Personal Mobility Devices may operate in the City only in accordance with the terms of a City permit and must comply with all the provisions of this Article and applicable law. Permits shall be issued upon payment for a 12-month period unless expressly provided otherwise in this Article.
- ii. A permit fee shall be set by a separate ordinance.

(e).Permit Application.

- i. A person desiring to provide a Personal Mobility Devices system must first submit an application for a permit or for renewal of a permit, and may not

operate such system until the permit or renewal thereof is approved by the City. The permit application shall contain the following:

1. The name and form of business of the operator;
2. The name, phone number, and business street address (and mailing address if different) of the operator and operator's agent for service of legal process, if different;
3. The name, phone number (including cell number), street address of the local representative of the operator to the City available and authorized to act on behalf of the operator;
4. Size and location of the fleet;
5. A photographic image or visual representation of each type of bicycle to be deployed as part of operator's Personal Mobility Devices system;
6. A description of an internet-enabled mobile device application to be used by customers to register membership to locate, use, pay for, lock, and unlock each bicycle;
7. The proposed geo-fence zones, including any area in which operator plans to expand its Personal Mobility Devices system during the permit period;
8. Proposed home zones in the City, if any;
9. A plan for operator to maintain each bicycle in a safe and operable condition, and to recover and repair Personal Mobility Devices discovered or reported to be unsafe or inoperable before redeployment;
10. A plan for an operator to rebalance and relocate Personal Mobility Devices
11. A plan for educating customers on the safe use of a bicycle, knowledge of compliance of all applicable laws and proper bicycle parking;
12. Proof of current coverage of insurance as required by this Article;
13. Payment of a permit fee in the amount applicable to the operator as specified in this Article;
14. The provision of any other information reasonably requested by the City in making its determination.

(f). Granting and Renewing Permits, denial of permits, and revocation of permits.

- i. Granting or renewing permit. A person may operate a Personal Mobility Devices system only with a properly granted or renewed City permit as set forth in this Article, and only in accordance with applicable law.
- ii. Denial of permit. The application shall be denied and no permit shall be issued if the City finds that:
 1. Any statement made in the application is incomplete, inaccurate, misleading, or false;
 2. The operator, its partners, officers, owners, and other principals have not paid to the City all fees due under this Article; or
 3. The operator has otherwise not complied with this Article or has had a history of noncompliance with the provisions of this Article.
- iii. Revocation of permit.

1. The City may revoke a permit due to operator's failure to comply with its permit, this Article, or any applicable federal, state, or local law or regulation.
2. Permits may also be revoked for one or more of the following reasons:
 - a. Poor customer response or service;
 - b. Posing an unreasonable risk to the health, safety and welfare of the general public;
 - c. Having a history of violating one or more requirements of this Article;
3. Notice of denial or revocation. The City shall provide written notice within ten days of the denial or revocation of a permit to operator, which notice shall state the reason(s) for the decision and inform the operator of its right to appeal the decision in writing including by when and to whom it must be delivered.

(g).Operations

- i. Each operator shall provide Personal Mobility Devices to accommodate a wide range of users.
- ii. Each Personal Mobility Device permitted under this article must display the emblem of the operator along with a unique identification number.
- iii. Personal Mobility Devices must meet all requirements of local, state, and federal law. Personal Mobility Devices must be high quality and sturdily built to withstand the effects of weather and constant use for five years.
- iv. Personal Mobility Devices must be well maintained and in good riding condition.
- v. Each Personal Mobility Devices permitted under this article must be equipped with active global positioning system technology and display a unique identification number with characters no less than one inch in height per character.
- vi. Spoken word alarm systems are prohibited on Personal Mobility Devices.
- vii. Operators shall maintain a staffed operations center.
- viii. Operators shall maintain a 24-hour customer service number posted on each Personal Mobility Devices for customers and citizens to report safety concerns, make complaints, ask questions, or request a Personal Mobility Devices be relocated.
- ix. Operators shall rebalance Personal Mobility Devices daily.
- x. Operators shall provide the director with contact information for someone who can rebalance and relocate Personal Mobility Devices The operator shall rebalance or relocate Personal Mobility Devices s within two hours of receiving notification on weekdays between 6:00 a.m. and 6:00 p.m. (excluding holidays) and within 12 hours of receiving notice at all other times. An operator shall notify the director within 24 hours of a change of contact information.
- xi. An operator shall remove any inoperable Personal Mobility Device, or a Personal Mobility Device that is not safe to operate, from the right-of-way within 24 hours of notice from the director. A Personal Mobility Device removed from the right-of-way in accordance with this subsection must be repaired before it is returned to revenue service.

- xii. An operator shall provide the director with special access, via the operator's app or other device, to immediately unlock and remove Personal Mobility Devices that are blocking access to city property or the public right-of-way.
- xiii. The director may remove a Personal Mobility Device from city property or the right-of-way that is parked in violation of this article. The operator is responsible for the costs of removal and storage set by a separate fee ordinance.
- xiv. If the city incurs any costs addressing or abating any violations of this article, or incurs any costs of repair or maintenance of public property, the operator shall reimburse the city for the costs within 30 days of receiving written notice from the director.
- xv. An operator shall not place or attach any personal property (other than Personal Mobility Devices), fixtures, or structures in the public right-of-way without the separate written permission of the director. Any permission to place items in the public right-of-way must be incorporated into the permit.
- xvi. An operator shall not adversely affect the property of any third parties during the use of city property or the public right-of-way.
- xvii. An operator shall notify the Director monthly of any accidents or injuries involving a Personal Mobility Device.
- xviii. ~~An operator shall be limited to a total number of 20 Personal Mobility Devices.~~

(h).Parking, and Deployment

- i. Personal Mobility Devices may only be operated on public streets within the designated area herein.
- ii. Personal Mobility Devices shall be limited to no more than a speed of 25 mph.
- iii. Personal Mobility Devices shall be limited to the hours of operation from 6:00 a.m. to 12:00 a.m. (midnight).
- iv. Personal Mobility Devices may not be parked in a manner that would impede normal and reasonable pedestrian access on a sidewalk or in any manner that would reduce the minimum clear width of a sidewalk to less than 36 inches.
- v. Personal Mobility Devices may not be parked in a manner that would impede vehicular traffic on a street or alley.
- vi. Personal Mobility Devices may not be parked in a manner that would impose a threat to public safety or security.
- vii. Personal Mobility Devices may not be parked on a public street without specific permission from the director.
- viii. Personal Mobility Devices may not be deployed on a block where the sidewalk is less than 36 inches in width, or on a block that does not have sidewalks unless a docking zone is safely created for this block. The director may determine other blocks where deploying dockless vehicles is prohibited.
- ix. Personal Mobility Devices may only be deployed on private property with the permission of the property owner, or on government owned or controlled property with the permission of the governmental official.
- x. Personal Mobility Devices must stand upright while parked.
- xi. Personal Mobility Devices may not be parked in a visibility triangle.
- xii. Personal Mobility Devices may not be parked within five feet of a crosswalk or curb ramp unless given specific permission by the director. Personal Mobility

Devices must be parked in a manner to provide a 20-foot clear zone around transit stops, shelters, or platforms.

- xiii. Personal Mobility Devices may not be parked in a way that blocks:
 - 1. Transit stops, shelters, or platforms.
 - 2. Commercial loading zones.
 - 3. Railroad tracks or crossings.
 - 4. Passenger loading zones.
 - 5. Disabled parking zones.
 - 6. Street furniture that requires pedestrian access (for example, benches or parking pay stations).
 - 7. Building entryways.
 - 8. Vehicular driveways.
- xiv. Personal Mobility Devices that are parked in an incorrect manner must be re-parked or removed by the operator within two hours of receiving notice from the director between 5:00 a.m. and 12:00 a.m. (midnight) on a daily basis.
- xv. The director may remove and store any Personal Mobility Devices that is left unutilized at the same location for five or more consecutive days.
- xvi. The director shall invoice the operator for the cost of removal and storage.
- xvii. The director may identify designated Personal Mobility Devices parking zones. Subject to advance approval of the director, an operator may indicate virtual Personal Mobility Devices parking areas with paint or decals where appropriate in order to guide riders to preferred parking zones in order to assist with orderly parking of Personal Mobility Devices throughout the city.
- xviii. Every person riding a Personal Mobility Devices upon the streets of the city shall be subject to provisions of all laws and ordinances applicable to the operator of any other vehicle, except those provisions of laws and ordinances which, by their very nature, can have no application.
- xix. A person commits an offense if the person rides a Personal Mobility Devices in violation of time of day or locational restrictions or on a public sidewalk.

(i). Insurance Requirements.

- i. An operator shall procure and keep in full force and effect no less than the insurance coverage required by this section through a policy or policies written by an insurance company that:
 - 1. is authorized to do business in the State of Texas;
 - 2. is acceptable to the city; and
 - 3. does not violate the ownership or operational control prohibition described in this section.
- ii. The insured provisions of the policy must name the city and its officers and employees as additional insureds, and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a dockless vehicle.
- iii. An operator shall maintain the following insurance coverages:
- iv. The commercial general liability insurance must provide single limits of liability for bodily injury (including death) and property damage of \$1 million for each occurrence, with a \$2 million annual aggregate.

- v. If an operator will utilize motor vehicles in its operations, the business automotive liability insurance must cover owned, hired, and non-owned vehicles, with a combined single limit for bodily injury (including death) and property damage of \$500,000 per occurrence.
- vi. Worker's compensation insurance with statutory limits.
- vii. Employer's liability insurance with the following minimum limits for bodily injury by:
 - 1. Accident, \$500,000 per each accident; and
 - 2. Disease, \$500,000 per employee with a per policy aggregate of \$500,000.
- viii. Insurance required under this article must:
 - 1. Include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before cancelling the insurance policy (for a reason other than non-payment) or before making a reduction in coverage;
 - 2. Include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 10 days before cancelling for non- payment;
 - 3. Include an endorsement to waive subrogation in favor of the city and its officers and employees for bodily injury (including death), property damage, or any other loss.
 - 4. Cover all dockless vehicles during the times that the vehicles are deployed or operating in furtherance of the operator's business;
 - 5. Include a provision requiring the insurance company to pay every covered claim on a first-dollar basis;
 - 6. Require notice to the director if the policy is cancelled or if there is a reduction in coverage; and
 - 7. Comply with all applicable federal, state, and local laws.
- ix. No person who has a 20 percent or greater ownership interest in the operator may have an interest in the insurance company.
- x. An operator may not be self-insured.
- xi. Any insurance policy required by this article must be on file with the city within 45 days of the issuance of the initial operating authority permit, and thereafter within 45 days of the expiration or termination of a previously issued policy.

(j). Data Sharing:

- i. An operator shall comply with the mobility data specification (MDS) standard and cooperate with the city in the collection and analysis of aggregated data concerning its operations.
- ii. An operator shall provide live MDS data to city data vendors. City data vendors shall supply the director a daily report of aggregated data for the previous 24 hours. City data vendors shall not supply the director with live MDS data. The director may request aggregated data from data vendors at other times when necessary for law enforcement and other emergencies.

(k). Criminal Offenses.

- i. A person commits an offense if he violates or attempts to violate a provision of section 94-15. A culpable mental state is not required for the commission of an offense under this article unless the provision defining the conduct expressly requires a culpable mental state. A separate offense is committed each day in which an offense occurs.

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

2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
3. It is the intention of the City Council of the City of Wichita Falls, Texas, that the provisions of this ordinance shall become a part of the Code of Ordinances of the City of Wichita Falls, Texas, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.
4. Should any word, phrase, paragraph, section or portion of this ordinance or the Code of Ordinances, as amended hereby, be held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.
5. This ordinance shall become effective on September 14, 2023.

PASSED AND APPROVED this the 15th day of August 2023.

MAYOR

ATTEST:

City Clerk

CITY COUNCIL AGENDA
August 15, 2023

ITEM/SUBJECT: Public Hearing on the Fiscal Year 2024 Proposed Operating Budget and Resolution Setting a Date for Adoption of the FY 2024 Budget.

INITIATING DEPT: City Manager's Office/Finance

STRATEGIC GOAL: Efficiently Deliver City Services

STRATEGIC OBJECTIVE: Practice Effective Governance

COMMENTARY:

Timeline:

- March 2023 – Fiscal Year 2024 budget process initiated by City staff;
- May 2023 – Department Directors finalize budget requests; City Manager conducts individual budget meetings with Directors;
- June 20, 2023 – FY 2024 budget workshop: City staff presents to City Council initial overview of projected revenues and the major operating funds;
- July 25, 2023 – City Manager's proposed FY 2024 budget conveyed to City Council;
- July 26, 2023 – Proposed budget filed with the City Clerk, and posted on the City's website;
- August 4, 2023 – Notice of forthcoming August 15, 2023, public hearing on FY 2024 budget published in accordance with State law;
- August 8, 2023– City Council conducts a work session on the proposed FY 2024 budget;
- **August 15, 2023** – City Council scheduled to (1) conduct public hearing on FY 2024 budget, and (2) vote to forward a proposed property tax rate and to set a public hearing on such rate for September 5, 2023;
- August 25, 2023 – Pending action on August 15, 2023, City staff to publish notice of the September 5, 2023 public hearing on the proposed tax rate in accordance with State law;
- September 5, 2023 – Pending action on August 15, 2023 City Council scheduled to (1) consider ordinance adopting FY 2024 budget, and (2) conduct public hearing on proposed property tax rate related to FY 2024 budget, and (3) consider ordinance adopting related property tax rate;
- September 30, 2023 – FY 2023 ends;
- October 1, 2023 – FY 2024 begins.

Summary

This item is to seek public comment on the FY 2024 Proposed Operating Budget, which covers the fiscal period beginning October 1, 2023 and ending September 30, 2024. In

general, the City Manager proposes a balanced budget for FY 2024 totaling approximately \$232.9M, which represents a decrease of approximately \$864K from the FY 2023 (current year) adopted budget. This is a decrease of -0.37%. The City's General Fund, representing approximately 45% of the total budget, has proposed expenditures in FY 2023 of approximately \$103.4M or an increase of approximately \$86K from the current year. The proposed budget assumes a decrease in the current City of Wichita Falls property tax rate of \$0.694321 to \$0.68000 per \$100 of assessed value.

The proposed operating budget can be viewed in its entirety on the City's website at: <https://www.wichitafallstx.gov/1668/Annual-Budgets>

Staff recommends the City Council open the public hearing to receive comments. The City Council is scheduled to consider adoption of the FY 2024 budget on September 5, 2023.

☒ CFO & Director of Finance

ASSOCIATED INFORMATION:

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Resolution No. _____

**Resolution setting a Date for Adoption of the FY 2024 Proposed
Operating Budget**

WHEREAS, state law prescribes specific procedures that local governments must follow when setting Public hearings related to the adoption of budgets for the ensuing year; and,

WHEREAS, the City Council has held the required public hearing on the proposed budget and now takes action thereafter.

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

1. The City Council of the City of Wichita Falls hereby expresses its intent to place an item on the City Council agenda of September 5, 2023, to consider adopting the FY 2024 budget.

PASSED AND APPROVED this the 15th day of August 2023.

MAYOR

ATTEST:

City Clerk

CITY COUNCIL AGENDA
August 15, 2023

ITEM/SUBJECT: Resolution expressing the City Council's intent to place a proposal on a future Council agenda approving a property tax rate that exceeds the no new tax rate, but does not exceed the voter-approval tax rate; scheduling one public tax rate hearing, and establishing the date to vote on same.

INITIATING DEPT: Finance/CFO

STRATEGIC GOAL: Efficiently Deliver City Services

STRATEGIC OBJECTIVE: Practice Effective Governance

COMMENTARY: State law provides the guidelines that local governments must follow when setting property tax rates for the ensuing tax year. Specifically, when a city considers adopting a tax rate that city must hold one public hearing and, post notice of the hearing for seven (7) consecutive days prior to the hearing on the City's website and on free access TV. Public Hearing notice must also be published in the newspaper indicating the date, time, and place of the public hearing at least five (5) days prior to the date the hearing is held. The city must then officially adopt the budget and tax rate prior to September 30, 2023.

The current property tax rate for the City of Wichita Falls is \$0.694321 per \$100 of assessed value, and the no-new-revenue tax rate is \$0.639708. The no-new-revenue tax rate is essentially the rate that generates the same tax revenue as the prior year from properties that were on the tax roll in both tax years. The voter-approval rate is \$0.685010. The voter-approval tax rate is the rate the City may adopt, but not exceed.

The Proposed Tax Rate is \$0.680000. The maintenance and operations portion of this tax rate will raise \$0.010466 per \$100 of assessed value over the no-new-revenue-tax rate, and the same assessed value as the voter-approval-tax rate. This tax rate is 6.29% higher than the no-new-revenue tax rate.

The proposed FY 2024 budget recommends a tax rate of \$0.680000, which is 2.1% lower than the tax rate in FY 2023 (current year). This tax rate does not exceed the voter-approval tax rate.

The tax rates considered in this resolution will be calculated and certified by the Wichita County Tax Assessor-Collector, Tommy Smyth.

This resolution has been prepared with a blank for the proposed tax rate in order to allow the City Council to conduct the budget hearing prior to deciding on a proposed tax rate. After completing the budget hearing, the City Council must take a record vote expressing its intent to adopt a tax rate that equals the tax rate in the Proposed Budget or expresses

its intent to adopt a tax rate other than the rate in the Proposed Budget. Council may vote to adopt a tax rate between the no-new-revenue tax rate of \$0.639708 and the voter-approval tax rate of \$0.685010.

Because the Proposed Tax Rate exceeds the no-new-revenue tax rate, but is below the voter-approval tax rate, a record vote of this Council is required. It should be noted, that the resolution must include a proposed tax rate.

Approval of this agenda item expresses the governing body's intent to hold a public hearing on the proposed tax rate on September 5, 2023, and its intent to vote to adopt a tax rate on September 5, 2023, at its regularly planned Council meeting.

Staff recommends the City Council, by record vote, approve the resolution proposing a property tax rate for FY 2024 to be considered at a public hearing on September 5, 2023.

☒ **CFO**

ASSOCIATED INFORMATION: Resolution

☒ **Budget Office Review:**

☒ **City Attorney Review:**

☒ **City Manager Approval**

Resolution No. _____

Resolution expressing the City Council's intent to place a proposal on a future Council agenda approving a property tax rate in accordance with the Texas Property Tax Reform and Transparency Act of 2019; scheduling one public tax rate hearing, and establishing the date to vote on same

WHEREAS, state law prescribes specific procedures that local governments must follow when setting property tax rates for the ensuing year; and,

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

1. The City Council of the City of Wichita Falls hereby expresses its intent to place an item on the City Council agenda of September 5, 2023, to consider adopting a property tax rate of \$__ per \$100 of assessed property value.

2. The City Council furthermore expresses its intent to conduct a public hearing to discuss the property tax rate on September 5, 2023 at 8:30 a.m. to be held in the City Council Chambers.

PASSED AND APPROVED this the 15th day of August, 2023.

MAYOR

ATTEST:

City Clerk

CITY COUNCIL AGENDA August 15, 2023

ITEM/SUBJECT: Resolution nominating Howmet Castings & Services, Inc., located in Wichita Falls, to the Office of the Governor, Economic Development and Tourism through the Economic Development Bank for designation as a Single Enterprise Project (Project) under the Texas Enterprise Zone Program (EZIP) under the Texas Enterprise Zones Act, Chapter 2303, Texas Government Code (Act)

INITIATING DEPT: Development Services/Planning

STRATEGIC GOAL: Accelerate Economic Growth

STRATEGIC OBJECTIVE: Support Implementation of the Economic Development Strategic Plan

COMMENTARY:

- **1979** – Howmet facility opened in Wichita Falls (6200 N Central Fwy); company is a global manufacturer of equinox super alloy blades and vanes for commercial and military aero-engine and industrial gas turbines.
- **June 6, 2017** – City Council approved renewal of 5-year non-annexation/incentive agreement with company; currently negotiating renewal.
- **2022-2023 Biennium** – Wichita Falls (population < 250,000) had six designations available to nominate qualified business entities via the Texas EZIP.
- **August 2, 2023** – Howmet formally requests the City nominate their Wichita Falls facility for a single Enterprise Project designation. Enterprise Project designation allows the company to apply to the State of Texas for a rebate of state sales and use tax for five-years based on capital reinvestment and jobs created/retained.
- **August 15, 2023** – City Council to consider supporting request.
- **September 1, 2023** – Project application due to the State.

Howmet Castings & Services, Inc., a subsidiary of Howmet Aerospace, is committed to invest \$10.2M+ in capital upgrades and improvements to their Wichita Falls facility, including expansion of the generated steam dewax operations (removes wax from ceramic molds) along with replacement of the gas fired dewax furnace. During the 5-year Enterprise Project period (2023-2028), the company anticipates maintaining its existing workforce and retaining up to 500 full-time jobs. Additionally, 35% of new or replaced personnel are to be residents of an enterprise zone, considered economically disadvantaged, and/or a veteran.

City Council action (via resolution) to officially nominate the company for the state program is required prior to the company's application submittal to the State. The Enterprise Project Designation allows the company to apply to the State of Texas for a

rebate of State sales and use tax for five-years based on capital reinvestment and jobs created/retained.

RECOMMENDATION:

Staff recommends Council approve the resolution nominating Howmet Castings & Services, Inc. for potential economic development incentives available through the Texas EZP.

☒ **Director of Development Services**

☒ **Assistant City Manager**

ASSOCIATED INFORMATION: Exhibit A–Location Map, Exhibit B–Aerial View, Exhibit C–Request Letter: Howmet Castings & Services, Inc., Resolution

☒ **Budget Office Review:**

☒ **City Attorney Review:**

☒ **City Manager Approval**

EXHIBIT A

Project Location - Howmet Castings & Services, Inc.
6200 North Central Freeway, Wichita Falls, Texas

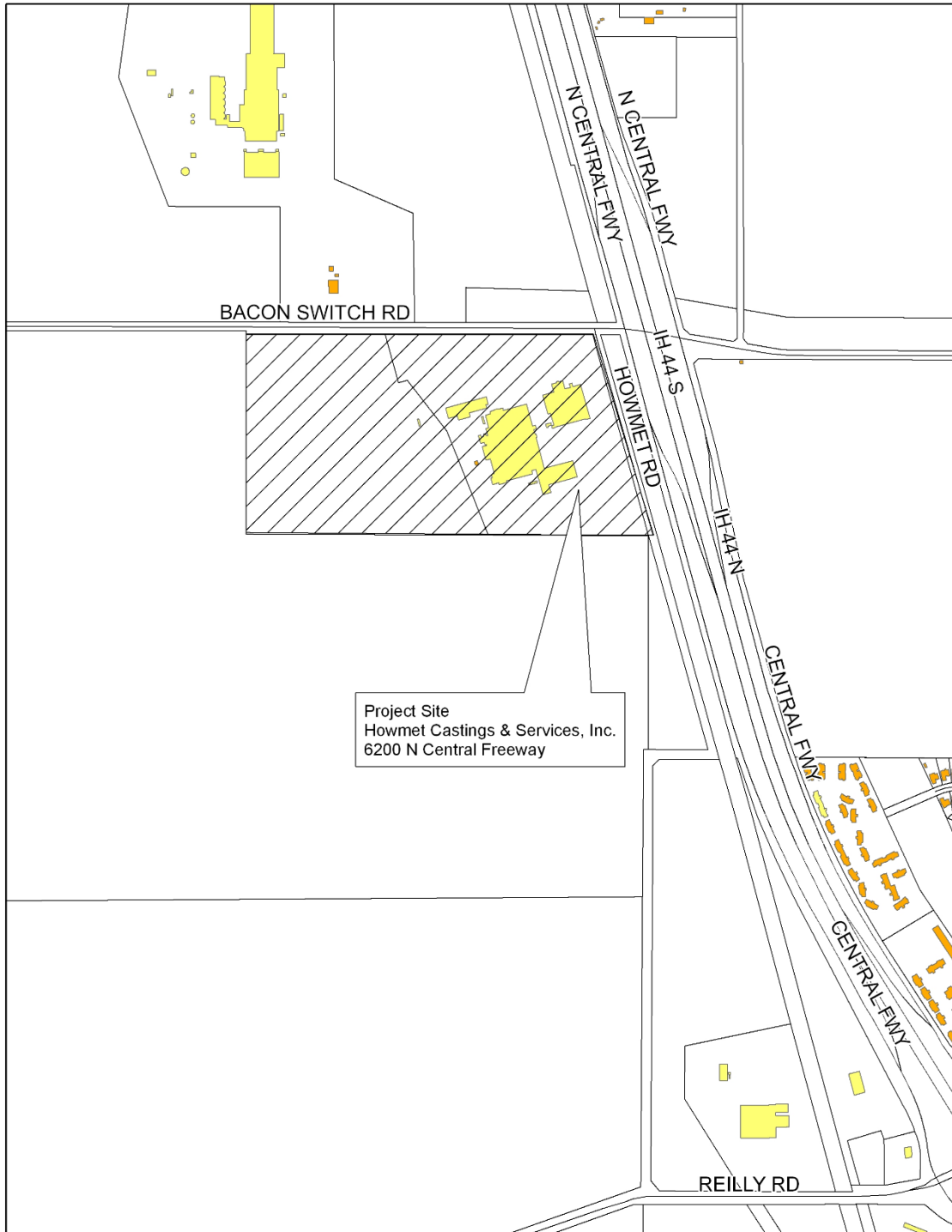


EXHIBIT B

Aerial View of Project Site - Howmet Castings & Services, Inc.
6200 North Central Freeway, Wichita Falls, Texas



Project Location
Howmet Castings & Services, Inc.

Legend

 Project Site

CITY OF WICHITA FALLS, PLANNING DIVISION
MAP PRODUCED BY: Fabian Medellin
DATE PRODUCED: 7 February 2018

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 created. This product is for informational purposes and may not have been prepared for or be suitable for sale, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

0 360 720 1,440 Feet

EXHIBIT C

Request Letter – Howmet Castings & Services, Inc.



Howmet Aerospace, Inc.

201 Isabella St at 7th St Bridge
Pittsburgh, PA 15212-5858
Tel: 412 553 4545
Fax: 412 553 4498

August 2, 2023

Mr. Paul Menzies
Assistant City Manager
Economic Development Services
City of Wichita Falls
1300 7th Street, Room 105
Wichita Falls, Texas 76301

Ms. Adriana Cruz
Executive Director
Economic Development & Tourism
Office of the Governor
P.O. Box 12428
Austin, Texas 78701

Re: Project Description Letter for Howmet Castings & Services, Inc.
City of Wichita Falls, Texas Enterprise Project Application – Tab 12

Dear Mr. Menzies and Ms. Cruz:

Howmet Castings & Services, Inc. (“Howmet”) is a subsidiary of Howmet Aerospace, which is headquartered in Pittsburgh, Pennsylvania and is a leading global provider of advanced engineered solutions for the aerospace and transportation industries. Howmet Aerospace’s primary businesses are focused on jet engine components, aerospace fastening systems and airframe structural components necessary for mission-critical performance and efficiency in aerospace and defense applications, as well as forged aluminum wheels for commercial transportation. Howmet Aerospace (formerly known as Arconic Inc. and prior to that Alcoa Inc.) was founded in 1888 and has operations in various countries and regions outside of North America and Europe, including China and Japan. In 2022, Howmet Aerospace generated \$5.7 billion in revenue and has 21,400 employees in more than 20 countries around the world.

Howmet Castings & Services, Inc. is part of the Howmet Aerospace Engine Products business segment, which has operations in Canada, China, Czech Republic, France, Germany, Japan, Mexico, United Kingdom, and the United States. The Howmet Aerospace Engine Products business segment generated \$2.7 billion in sales in 2022 and is a world-class producer of aero engine and industrial gas turbine components, including airfoils, rings, disks and forgings. Howmet Castings & Services, Inc. owns and operates one location in Texas located at 6200 Central Freeway North, Wichita Falls, Texas.

From April 28, 2023 through September 1, 2028, Howmet anticipates spending more than \$10.2 million to upgrade and improve their Wichita Falls facility. Planned capital investment includes an estimated \$2 million to expand the generated steam dewax operations, which removes wax from ceramic molds by employing a proprietary process to control the rate at which the wax is melted. Howmet anticipates

EXHIBIT C

Request Letter Cont'd – Howmet Castings & Services, Inc.

Mr. Paul Menzies
City of Wichita Falls

Ms. Adriana Cruz
Office of the Governor
Economic Development and Tourism

spending an additional \$1.9 million across 2024 and 2025 to replace the existing gas fired dewax furnace as part of their Plant 2 Monoshell upgrade. Additionally, Howmet expects to spend \$700,000 to add a third wax assembly robot cell to production in 2025. Howmet currently has one cell in production and will have a second cell delivered at the end of 2023. The wax assembly robot cell is a completely automated process, which utilizes robots and produces a completed wax assembly with great precision. Lastly, over the next five years, Howmet plans to spend \$5.6 million to complete various building renovations and equipment upgrades, which includes the addition of a solar panel, replacement of air conditioning units and plant air compressors, and upgrades to their heat treat control panel and preheat combustion safety systems. Howmet does not have additional transportation needs at this time.

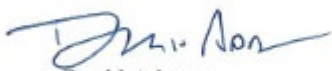
As of April 28, 2023, Howmet employed 672 full-time employees at the Wichita Falls facility. Howmet expects to maintain its existing level of employment and retain up to 500 full-time jobs for benefit under the Texas Enterprise Zone Program. These jobs meet the definition of a "retained job" in Texas Government Code § 2303.401(2) because they currently exist, provide and will continue to provide, at least 1,820 hours of employment annually, and will be employment positions for the longer of the duration of the project's designation period or three years after the expiration date of the claim period for receipt of state benefit.

Howmet qualifies under Government Code § 2303.404 to receive the enterprise project designation, because (1) it involves an expansion, renovation, or new construction; (2) it will be completed within a predetermined period of time not to exceed 5 years; and (3) Howmet utilizes a cost center based accounting system that allows for tracking of income and expenses related to the Wichita Falls facility.

Over the five-year designation period, Howmet, through the Howmet Aerospace Foundation, expects to continue its current level of participation in support of various civic activities and organizations. Throughout 2023 and 2024, Howmet Aerospace Foundation has pledged \$122,000 to local organizations and STEM programs in Wichita Falls and the surrounding community, including grants to the Young Engineering Summer Camp-STEM and the Burkburnett Senior Citizens Center. We are proud to invest in STEM and technical education and workforce development initiatives, with an emphasis on increased access to STEM fields for underrepresented individuals. Howmet has strong ties to the Wichita Falls business community and will continue to be an active participant, contributor, and corporate citizen in Wichita Falls, Texas.

Howmet's investment in their Wichita Falls facility is an exciting and integral part of the business community. We look forward to working with the Texas Enterprise Zone Program, the City of Wichita Falls, and the State of Texas in the coming years.

Sincerely,



David Adams
Vice President, Tax
Howmet Castings & Services, Inc.

Resolution No. _____

Resolution nominating Howmet Castings & Services, Inc., located in Wichita Falls, to the Office of the Governor, Economic Development and Tourism through the Economic Development Bank for designation as a Single Enterprise Project (Project) under the Texas Enterprise Zone Program (EZIP) under the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (Act)

WHEREAS, on May 18, 2010, the **City of Wichita Falls** (the "City") previously passed Ordinance No. 29-2010 electing to participate in the Texas Enterprise Zone Program, and the local incentives offered under this resolution are the same on this date as were outlined in Ordinance No. 29-2010; and,

WHEREAS, the Office of the Governor Economic Development and Tourism (EDC) through the Economic Development Bank (Bank) will consider **Howmet Castings & Services, Inc.** (the "Company") as an enterprise project pursuant to a nomination and an application made by the City; and,

WHEREAS, the City Council of the City of Wichita Falls, Texas, desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals and veterans; and,

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (the "Act"), **Howmet Castings & Services, Inc.**, located in Wichita Falls has applied to the City for designation as an enterprise project; and,

WHEREAS, the City finds that **Howmet Castings & Services, Inc.** meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. **Howmet Castings & Services, Inc.** is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction located outside of an enterprise zone and at least thirty-five percent (35.0%) of the business' new or replacement personnel for certified jobs will be economically disadvantaged persons, veterans or enterprise zone residents; and
2. There already is and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
3. The designation of **Howmet Castings & Services, Inc.** as an enterprise project will contribute significantly to the achievement of the strategic plans of the City for

accelerating economic growth and revitalization through supporting implementation of the City's Economic Development Plan.

WHEREAS, the City finds that **Howmet Castings & Services, Inc.** meets the criteria for tax relief and other incentives adopted by the City and nominates **Howmet Castings & Services, Inc.** for enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City to nominate **Howmet Castings & Services, Inc.** as an enterprise project pursuant to the Act.

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

1. The findings of the City and its actions approving this resolution taken at the council meeting are hereby approved and adopted.
2. The City finds that **Howmet Castings & Services, Inc.** is a "qualified business", as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act.
3. The City nominates **Howmet Castings & Services, Inc.** to the State of Texas for Enterprise Project status.
4. The enterprise project shall take effect on the date of designation of the enterprise project by the EDC and terminate 5 years after the date of designation.

PASSED AND APPROVED this 15th day of August, 2023.

M A Y O R

THE STATE OF TEXAS

COUNTY OF WICHITA

I, _____, _____ of the City of Wichita Falls, Texas do hereby certify that the above and foregoing is a true and correct copy of Resolution Number _____ passed by the City of Wichita Falls City Council on this the ____ day of _____, 20____.

(City Seal)

Marie Balthrop
City Clerk

THE STATE OF TEXAS
COUNTY OF WICHITA

BEFORE ME, the undersigned authority, on this day personally appeared _____
_____ of the City of Wichita Falls, Texas, known to me to be the person
whose name is subscribed to the foregoing instrument, and acknowledged to me that
he/she executed the same for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office this ____ day of _____, 20____

Notary Public, State of Texas

My commission expires: _____

(Notary Seal)

CITY COUNCIL AGENDA
August 15, 2023

ITEM/SUBJECT: Resolution accepting the Health Official's Report regarding the need for local governmental requirements pertaining to agricultural operations, as required by House Bill 1750, to retain and enforce Chapter 14, Animals, and related ordinances of Wichita Falls.

INITIATING DEPT: Health

STRATEGIC GOAL: Efficiently Deliver City Services

STRATEGIC OBJECTIVE: Practice Effective Governance

COMMENTARY: During the 88th Legislative Session, House Bill (H.B.) 1750 was passed by both the House and Senate and subsequently signed into law by Governor Abbott on 06/02/23, with an effective date of 09/01/23. This legislation expands the definition of livestock and prohibits a city from imposing a governmental requirement that applies to agricultural operations located within the corporate boundaries of the city unless certain conditions are met.

The governing body may make a finding, based on a report issued by the Health Official, that such requirements contained in a city's code of ordinances are necessary to protect public health. That report must include clear and convincing evidence of health hazards related to agricultural operations and a determination as to the necessity of regulation and the manner in which the agricultural operation should be regulated. H.B. 1750 also directs Texas A&M AgriLife Extension Service to develop a manual as soon as practicable after the effective date of the Act. The manual is to include generally accepted agricultural practices and indicates which of those practices do not pose a threat to public health.

Based on these requirements, a report regarding the need for local regulations pertaining to agricultural operations from the Wichita Falls – Wichita County Public Health District Local Health Official and Local Health Authority has been made available.

Staff recommends the adoption of the report and retention of Chapter 14, Animals, of the Code of Ordinances.

☒ **Director of Health**

ASSOCIATED INFORMATION: Resolution

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Resolution No. _____

Resolution accepting the Health Official's Report regarding the need for local governmental requirements pertaining to agricultural operations, as required by House Bill 1750, to retain and enforce Chapter 14, Animals, and related ordinances of Wichita Falls

WHEREAS, the Texas Legislature has passed House Bill 1750, which is effective on September 01, 2023; and,

WHEREAS, House Bill 1750 prohibits a city from imposing a governmental requirement that applies to agricultural operations located in the corporate boundaries of the city unless certain conditions are met including a Health Official report; and

WHEREAS, a Health Official's Report regarding the need for local governmental requirements pertaining to agricultural operations has been reviewed; and

WHEREAS, said report identifies evidence of health hazards related to agricultural operations and determines the necessity of the City regulations and the manner of regulation related to agricultural operations; and,

WHEREAS, Chapter 14, Animals, and related ordinances should be retained and enforced to protect the health and safety of citizens.

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

The City of Wichita Falls City Council has reviewed the report, attached hereto as Exhibit A, and finds that clear and convincing evidence exists, and Chapter 14, Animals, and related ordinances are necessary to the public health, and protect persons who reside in the immediate vicinity or persons on public property in the immediate vicinity of the agricultural operation from the imminent danger and hereby adopts the report.

PASSED AND APPROVED this the 15th day of August 2023.

MAYOR

ATTEST:

City Clerk



**A Report Regarding the Need for Local Governmental Requirements
Pertaining to Agricultural Operations
from the Wichita Falls – Wichita County Public Health District
Local Health Official and Local Health Authority**

Overview of H.B. 1750

During the 88th Legislative Session, House Bill (H.B.) 1750 was passed by both the House and Senate and subsequently signed into law by Governor Abbott on 06/02/23, with an effective date of 09/01/23. Briefly, the bill does the following:

- Expands the definition of “Agricultural operation” to include the following: growing vegetation for human food, animal feed, livestock forage for wildlife management, etc. The definition already included (h) raising or keeping livestock or poultry
- Defined “Governmental requirement” as any rule, regulation, ordinance, zoning, license or permit requirement, or other requirement or restriction enacted or promulgated by a county, city, or other municipal corporation that has the power to enact or promulgate the requirement or restriction.
- Amends Section 251.005(c) of the Agriculture Code to read as follows: (2) applies to an agricultural operation located in the corporate boundaries of the city only if the governmental requirement complies with section 251.0055, which reads as follows:

Limitations on city governmental requirements applicable within corporate boundaries.

(a) A city may not impose a governmental requirement that applies to agricultural operations located in the corporate boundaries of the city unless:

- (1) there is clear and convincing evidence that the purposes of the requirement cannot be addressed through less restrictive means and that the requirement is necessary to protect persons who reside in the immediate vicinity or persons on public property in the immediate vicinity of the agricultural operation from the imminent danger of: (A) explosion; (B) flooding; (C) an infestation of vermin or insects; (D) physical injury; (E) the spread of an identified contagious disease that is directly attributable to the agricultural operation; (F) the removal of lateral or subjacent support; (G) an

identified source of contamination of water supplies; (H) radiation; (I) improper storage of toxic materials.

- (2) the governing body of the city makes a finding by resolution, based on a report by subsection(b), that the requirement is necessary to protect public health; and
- (3) the requirement is not otherwise prohibited by this section.

(b) Before making a finding described by Subsection (a)(2), the governing body of the city must obtain and review a report prepared by the city health officer or a consultant that:

- (1) identifies evidence of the health hazards related to agricultural operations;
- (2) determines the necessity of regulation and the manner in which agricultural operation should be regulated;
- (3) states whether each manner of regulation under Subdivision (2) will restrict or prohibit a generally accepted agricultural practice listed in the manual prepared under Section 251.007; and
- (4) if applicable, includes an explanation why the report recommends a manner of regulation that will restrict the use of a generally accepted agricultural practice that the manual indicates does not pose a threat to public health.

(c) A city may not impose a governmental requirement that directly or indirectly:

- (1) prohibits the use of a generally accepted agricultural practice listed in the manual prepared under Section 251.007, except as provided by Subsections (a) and (b);
- (2) prohibits or restricts the growing or harvesting of vegetation for animal feed, livestock forage, or forage for wildlife management, except as provided by Subsection (d);
- (3) prohibits the use of pesticides or other measures to control vermin or disease-bearing insects to the extent necessary to prevent an infestation; or
- (4) requires an agricultural operation be designated for:
 - (A) agricultural use under Section 1-d, Article VIII, Texas Constitution; or
 - (B) farm, ranch, wildlife management, or timber production use under Section 1-d-1, Article VIII, Texas Constitution.

- Directs Texas A&M AgriLife Extension Service to develop a manual as soon as practicable after the effective date of the Act. The manual is to include generally accepted agricultural practices and indicate which of those practices do not pose a threat to public health.

Purpose of this Report

The purpose of this report, as required in H.B. 1750, is to provide clear and convincing evidence that retaining a governmental requirement regarding agricultural operations located in the corporate boundaries of the City of Wichita Falls is necessary to protect the health and safety of the residents and animals as allowed by H.B. 1750. The dangers regarding lack of such requirements are specific to sections (C) an infestation of vermin or insects; (D) physical injury; (E) the spread of an identified contagious disease

that is directly attributable to the agricultural operation; and (G) an identified source of contamination of water supplies identified in H.B. 1750 as 251.006. This report focuses on the raising or keeping of livestock or poultry, as referenced in aforementioned definition of Agricultural operation (251.005(c)) within the corporate limits of the City of Wichita Falls and the inherent issues with maintaining those animals.

This is a preliminary report that reviews the current requirements for the management of animals by the City of Wichita Falls and discusses potential consequences and dangers associated with less restrictive means for the ownership of livestock and poultry. The Texas Agriculture Code does contain laws regarding livestock, to include enforcement actions being the responsibility of the Wichita County Sheriff's Office. Further review and discussion regarding state law and responsibilities are warranted. These recommendations can be reviewed again upon the issuance of the report to be completed by Texas A&M Agrilife Extension Service, per H.B. 1750.

City of Wichita Falls Code of Ordinances, Chapter 14

Chapter 14, Animals, of the City of Wichita Falls Code of Ordinances, sets forth rules regarding animals within the city limits of Wichita Falls. It also assigns the Wichita Falls – Wichita County Public Health District the responsibility to protect the health and safety of residents through the management and control of animals within the jurisdiction. Sections of the Code include permits, animal control, rabies control, cruelty to animals, and control of animals.

The current ordinance generally prohibits livestock and poultry unless specific provisions are met allowing a resident to procure a Livestock Permit. Issuance of such a permit requires certain things regarding setbacks and the amount of land necessary for the number and types of animals. It also prohibits owning exotic livestock, swine, and roosters within the city limits. However, state law and local ordinances differ in terms but not meaning. The following outlines the terms as defined by state law and the City of Wichita Falls ordinance counterpart.

Definitions of Livestock & Poultry

Texas Agriculture Code and Texas Administrative Code

According to the Texas Agriculture Code, the term "Livestock" means cattle, horses, mules, asses, sheep, goats, llamas, alpacas, exotic livestock, and hogs, unless otherwise defined. TEX. AGRIC. CODE § 1.003 (LEXISNEXIS 2023).

According to the Texas Administrative Code, "Exotic livestock" means grass-eating or plant-eating, single-hooved or cloven-hooved mammals that are not indigenous to this state and are known as ungulates, including animals from the swine, horse, tapir, camel, llama, rhinoceros, elephant, deer, and antelope families. TEX. ADMIN. CODE, TITLE 4, PART 2, §51.1 (13) (LEXISNEXIS 2023).

Poultry is defined as chickens, turkeys, game birds of all ages, and other domestic fowl, except baby poultry (Any newly hatched poultry that has not been fed or watered.) TEX. ADMIN CODE, TITLE 4, PART 2, §57.10 (10) (LEXISNEXIS 2023).

Wichita Falls Code of Ordinances, Chapter 14

Livestock is defined as a domestic animal generally used or raised on a farm for profit or use, including but not limited to, bovine, equine (includes horses & donkeys), sheep, goats, swine, or any other animal defined as livestock by the state agriculture code, whether commonly domesticated or not. Wichita Falls, Tex., Code of Ordinances Chapter 14, art. I, §14-1 (2022).

Livestock Production Areas are defined as any parcel of land within the city limits in excess of 25 acres that is used to raise livestock, are exempt from setback, minimum space, odor, vector, pest control and manure container requirements. *Id.*

Fowl includes chickens, turkeys, pheasants, quail, guineas, geese, ducks, peafowl, and other domestic feathered creatures regardless of age or sex, except parakeets, canaries, or similar small-size birds, or any exotic birds, such as parrots, provided they are continuously confined within the residence or business of the owner/harbinger. *Id.*

For purposes of this report and later enforcement of City of Wichita Falls code of ordinances, the City of Wichita Falls definition shall control where in conflict.

Chapter 14 Permitting Requirements to Own Livestock & Poultry

Livestock

A livestock permit is required within the city limits. Wichita Falls, Tex., Code of Ordinances Chapter 14, art. III, §14-198 (2022). A resident must submit an application within 10 days of acquiring livestock and submit a renewal application annually. *Id.* An Animal Care Officer (ACO) must annually inspect the property to ensure all requirements are met. An annual fee is required for the permit. *Id.*

To have livestock, there is a 200-foot setback requirement from another residence with a minimum of 600 square feet per head of livestock required on the property. *Id.* Shelter and shade of reasonable size for the number of livestock are required. *Id.*; Wichita Falls, Tex., Code of Ordinances Chapter 14, art. VI, §14-452(1)(b) (2022).

Property housing livestock shall be kept free of offensive odor, flies, rodents, and other pests. Wichita Falls, Tex., Code of Ordinances Chapter 14, art. III, §14-198 (2022). A manure container that is protected from flies, rodents and other vermin must be on the property, and must be cleaned and disinfected weekly. *Id.*

Livestock may not be at-large or on property without confinement. *Id.*

Revocation of the permit may occur for the following: health & safety violations, cruelty or neglect as defined by the Texas Penal Code, or have two or more citations for livestock-at-large within a year. *Id.*

Fowl (a broader class, including poultry)

A fowl permit is required (14-197) for any person owning, possessing, or harboring any fowl within the city limits. Wichita Falls, Tex., Code of Ordinances Chapter 14, art. III, §14-197 (2022). A resident must submit an application and submit a renewal application annually and an Animal Care Officer (ACO) will annually inspect the property to ensure all requirements are met. *Id.*

To have fowl, there must be a 75-foot setback for any coop, pen, or housing utilized for fowl from any residence excluding the residence of the owner or harbored of the fowl. *Id.* There must be a minimum of 12 square feet of floor or ground area for each fowl. *Id.*

Any structure housing fowl must be cleaned thoroughly at least weekly to ensure there are no noxious and unpleasant odors emitted from the structure. *Id.* Any structure used to house fowl must be treated with an approved disinfectant at least once every six (6) months to discourage insects, flies, ticks, mites, mosquitoes, and flies. *Id.*

Residents may not own, possess, or harbor guineas, peafowl, or roosters. *Id.*

Swine

Swine, pigs, potbellied pigs, or hogs are not permitted within the corporate city limits. Wichita Falls, Tex., Code of Ordinances Chapter 14, art. III, §14-204 (2022).

Danger Regarding Lack of Requirements, Specific to (C) an Infestation of Vermin or Insects

There are a number of concerns regarding the potential for infestation of vermin or insects with unfettered ownership of livestock or poultry within the city limits. According to an Assistant Professor and Extension Entomologist with the Texas A&M System, AgriLife Extension, in her publication entitled *Managing External Parasites of Texas Cattle*, external parasites (ectoparasites) can be costly, harm animals, and transmit disease (Swiger 2012). Cultural control, biological control and chemical control are necessary components of efficient pest management. Pests specific to livestock include the following: horn fly, house fly, stable fly, screwworm fly, blow fly, heel fly (cattle grub), horse fly, deer fly, mosquito, black fly, lice, mites, and ticks. These pests can spread fungal, protozoan, viral and bacterial pathogens.

As detailed in the aforementioned report, the control of horse and deer flies is difficult. Management recommendations include moving livestock from infested areas or having shelter or barriers to protect animals from these type of biting flies (Swiger 2012). Stable flies breed in mixtures of decaying litter, urine, and manure; they live near confined animals, and larvae (maggots) develop in wet hay, manure accumulations, and straw bedding. The University of Florida Entomology and Nematology Department states the following (Kaufman et al. 2015):

“In the U.S. stable flies feed mainly on large ungulates such as cattle and horses. However, they are known to feed on goats, sheep, swine, donkeys, cats, dogs and humans. On large animals, such as cattle and horses, the flies congregate on the legs, moving to other areas such as the belly and lower sides when populations are large (>25 flies per leg). On smaller animals, such as dogs, they feed around the ears due to the superficial blood vessels, and on the head and legs. Humans usually get bitten on the legs, behind the knees, and on the elbows.

Stable flies have great capacity for flight and can fly at speeds of 5 mph without wind. Studies have demonstrated their ability to disperse locally, particularly on farms or between farms, from their breeding sites to feeding sites and vice versa. A study of flies collected on equine facilities in Florida found that only 24.3% of the flies captured on horse farms had fed on horses; 64.6% had fed on cattle, 9.5% had fed on humans and 1.6% had fed on dogs. The flies

that had fed on cattle had travelled between 0.8 and 1.5 km after feeding on cattle to the equine facility.”

There are concerns regarding stable flies, in particular, being a vector of blood-borne zoonotic diseases such as anthrax, equine infectious anemia (EIA), and anaplasmosis (Kaufman et al. 2015). E. coli and other pathogens can be spread when house flies infest cattle wounds with maggots (Swiger 2012).

Health District vector control staff work to reduce the mosquito population within the city limits to control the spread of disease. Having an increased number of livestock and poultry may increase the mosquito population due to standing water for feeding. The type of mosquito, *Culex quinquefasciatus*, that are a primary vector for West Nile Virus (WNV) (Rochlin et al. 2019) are present in the Wichita Falls area, with two pools of mosquitos testing positive for WNV in 2023 (DSHS 2023). WNV is of concern as manifestations of infection in humans range from asymptomatic to neuroinvasive disease leading to flaccid paralysis and death (Jani et al. 2022).

Insect reproduction is encouraged when poor sanitary conditions exist in and around agricultural operations; those who are responsible for livestock should take necessary measures to minimize breeding conditions, including: quick removal of carcasses, disposal of manure and spilled feed, removal of hay that has urine or feces, and wounds on cattle should be cleaned and dressed quickly (Swiger 2012).

Chapter 14 has requirements specific to sanitation, odor, vector control and cage sizes. Animal waste must be disposed of on a daily basis, and the premises must be kept clean and free from noxious and unpleasant odors. Wichita Falls, Tex., Code of Ordinances Chapter 14, art. III, §14-197, §14-198 (2022). Some form of chemical control must be used at reasonable intervals to keep the premises free from flies, mosquitoes, ticks, fleas, and other vectors. Wichita Falls, Tex., Code of Ordinances Chapter 14, art. VII, §14-487 (2022). Owners are also required to keep all premises, pens, or enclosures in such a manner as not to give off offensive odors or as to breed or attract flies and other insects Wichita Falls, Tex., Code of Ordinances Chapter 14, art. III, §14-109 (2022). Permit holders are required to keep all feed provided for animals in a rat-proof, fly-proof container. Wichita Falls, Tex., Code of Ordinances Chapter 14, art. VII, §14-488 (2022).

The permitting process, including inspection of the property, ensures that the above conditions are met. The potential for permit revocation provides a method to ensure compliance to protect the health and safety of the community. Based on my training and experience as a health official, a clean livestock environment, as required by the cited ordinance above, has a direct impact on human health. Poorly managed animal waste and unsanitary conditions can contaminate air, soil, and water sources, creating a breeding ground for harmful bacteria, viruses, and other pathogens. These contaminants can enter the food chain, posing serious health risks to consumers. By ensuring cleanliness in livestock environments, we can prevent the spread of zoonotic diseases and reduce the likelihood of foodborne illnesses within the City of Wichita Falls.

Danger Regarding Lack of Requirements, Specific to (D) Physical Injury

There are substantial concerns regarding safety if livestock and poultry are allowed within the city limits without the permitting process, as required by Chapter 14. These concerns include large farm animals and safety of owners, as well as aggressive breeds of livestock and exotic livestock.

Texas is an open-range state, where livestock owners are not required to fence in their livestock to prevent them from roaming at large, made clear a century ago when Texas Supreme Court stated the following, "It is the right of every owner of domestic animals in this state...to allow them to run large." *Clarendon Land, Investment & Agency Co. v. McClelland*, 23 S.W. 576 (1893). Wichita County is a closed-range county; however, enforcement of these rules is limited by the number of available personnel in the Wichita County Sheriff's Office (WCSO). The Agriculture Code (Title 6 Chapter 142; Section 142.009) designates that the WCSO will impound an estray and hold it for disposition if: the owner is unknown, the owner cannot be notified; the estray is dangerous to the public; the estray is located on public property and is not immediately removed by the owner; or the estray is located on public or private property and is not redeemed within 5 days after notification. If the number of livestock increased within the city limits, the burden would be with the WCSO to handle estray animals. Without the permitting process included in Chapter 14, information regarding livestock within the city will be reduced significantly. WCSO will not have a database of owner information, to include the number and types of animals and how to contact the owner. This could delay removing the animal(s) from public property.

An increase in the number of livestock and poultry within the city limits increases the potential for those animals to be in the public thoroughfare. This may lead to an increase in vehicle crashes, animal bites, and other injuries. According to the Insurance Institute for Highway Safety, Highway Loss Data Institute, Fatality Facts 2021, collisions with fixed objects and animals, "Over the past 10 years, Texas had the highest numbers of deaths from collisions with animals. The numbers reflect the size of the driving population, the size of the animal population and the percentage of rural roads. Among animal-involved crash deaths in 2021, 63 percent occurred in crashes in which the most harmful event was a collision with an animal. Rollover and collisions with fixed objects were the next most common most harmful events, accounting for 16 and 9 percent of deaths, respectively" (IIHS 2021). Potential increases to the number of at-large animals on roadways has the potential to increase motor vehicle crashes.

Additionally, housing livestock that is loose becomes the responsibility of the WCSO. The City of Wichita Falls Animal Services Center (ASC) was only designed to handle a limited number of livestock (typically one at a time) to include one species at a time being housed in the livestock pin. As such, the ASC would not be able to assist the WCSO with storage of these animals. The ASC would be responsible for at-large poultry. Staff and facility resources are at maximum capacity without the addition of other types of fowl that are currently not allowed under Chapter 14, to include roosters, game birds, and pea fowl. There is only one exotics room within the ASC and it is typically occupied by animals that are seized, at-large, or surrendered by their owner; in the first six months of 2023, animals included a chinchilla, ferret, rabbits, chickens, roosters, ducks, guinea pigs, and goats. The ASC is at or exceeding capacity with the current number of animals within the city. Lessening restrictions would increase the number and potentially put the staff and animals at risk with supplemental crates in hallways, staff handling animals with which they are unfamiliar, and the ratio of animals to humans.

As such, maintaining ordinances to protect persons from physical injury is paramount to the goals of Chapter 14.

Chapter 14 requirements regarding at-large

Chapter 14 sets requirements regarding containment of animals and also provides for Animal Services staff to enforce such provisions. Keeping these animals contained and fenced is imperative to maintaining

safety of our citizens, encompassing the well-being of the animals, ensuring their safety, protecting surrounding ecosystems, and promoting efficient and sustainable agricultural practices.

Regarding at-large of animals, including fowl or livestock, within the city is prohibited. Wichita Falls, Tex., Code of Ordinances Chapter 14, art. IV, §14-297, §14-377 (2022). All animals, including fowl or livestock, must be restrained by some physical means. *Id.* The Animal Services Center may impound any animal that is at-large. Wichita Falls, Tex., Code of Ordinances Chapter 14, art. IV, §14-377, §14-378 (2022). Livestock will be held for five (5) working days past the date of impoundment at which time they will be available for adoption or transfer to an appropriate rescue group. Wichita Falls, Tex., Code of Ordinances Chapter 14, art. IV, §14-377, §14-378 (2022). The owner of livestock impounded may reclaim the livestock by providing proof of ownership and paying all expenses, including any fee associated with the capture of the animal, boarding fee, impound fee, and any other expenses incurred by the ASC. *Id.* Livestock at-large with no known owner will be considered estray and be the responsibility of the WCSO as required by state law. *Id.*

Regarding at-large fowl, §14-378 sets forth that chickens, turkeys, or other fowl may not run at-large within the city limits and may be impounded by the ASC. Wichita Falls, Tex., Code of Ordinances Chapter 14, art. IV, §14-378 (2022). The owner of any fowl impounded may redeem such by paying any applicable impound and boarding fees incurred during the impoundment period. *Id.*

Animals must be in an enclosure sufficient to prevent its running at-large. Wichita Falls, Tex., Code of Ordinances Chapter 14, art. VII, §14-487 (2022). Such enclosure shall be of sufficient size to maintain the animal comfortably and in good health. The animal must be able to stand, turn around, sit, and lie down in a natural position.

As previously stated, the enclosure requirements are aimed at maintaining the safety of the citizens of Wichita Falls while still maintaining spacing for the animals to move freely. Based on my training and experience as a health official, fencing is vital for the welfare and safety of livestock. Fencing provides a designated area where animals can graze, roam, and engage in natural behaviors while being protected from external dangers. It prevents them from wandering onto roads, getting lost, or coming into contact with potential hazards, such as vehicles or individuals. Furthermore, fencing is crucial for preserving the integrity of surrounding ecosystems. Livestock, if left uncontained, can have a detrimental impact on natural habitats, water sources, and native plant species. Uncontrolled grazing can lead to overgrazing, soil erosion, and degradation of vegetation, compromising biodiversity and ecological balance. Moreover, fencing plays a pivotal role in biosecurity and disease prevention. It helps to establish a physical barrier that restricts contact between domesticated animals, wildlife, and humans, minimizing the risk of disease transmission. This is especially important in regions where wildlife populations may carry diseases that can be harmful or fatal to livestock.

Cattle Egrets & Aviation – Sheppard Air Force Base

A concern of great significance for the City of Wichita Falls is the safety of Airmen flying at Sheppard Air Force Base as well as citizens flying to and from the Regional Airport and Kickapoo Downtown Airport. On May 09, 2023, the City of Wichita Falls issued a press release regarding a cattle egret roost that had established itself in the southeast portion of Wichita Falls, and increased the threat to general, commercial, and military aviation safety. The impact of birds on aircraft can cause extensive damage to

an aircraft, with the potential for crashes and loss of life. A Notice to Airmen (NOTAM) was issued to advise pilots in the local area that there is an increased bird strike threat due to this roost. The last cattle egret strike known to have occurred in Wichita Falls was in July 2013, resulting in the ejection of two Sheppard AFB pilots and the complete loss of a T-38 aircraft, valued at \$8M.

Based on my training and experience as a health official, without restrictions detailed in Chapter 14 regarding the ownership of cattle, it can be presumed that the number of cattle, horses, and other livestock will increase within the city limits. This increase has the potential to increase the number of cattle egrets in the area. This has the potential consequence of raising the risk for aviation and the safety of the community.

Zoning

Zoning refers to the division of land into specific zones or districts with predetermined regulations and restrictions governing the types of land use and development allowed within each designated area. It is a planning tool used by local governments and municipalities to guide and control the use of land in a systematic and organized manner. Zoning regulations often incorporate provisions to safeguard public health and safety. These may include requirements for setbacks from roads, water bodies, or hazardous areas, as well as provisions for fire safety, parking, and infrastructure standards.

The City of Wichita Falls maintains zoning regulations concerning agriculture uses. Wichita Falls, Tex., Code of Ordinances Appendix B. §2030 (2022). Based on my training and experience, the zoning regulations help protect individuals from physical injury, maintaining sufficient distance from animals by limiting disease, and reducing infestation of vermin and insects.

Danger Regarding Lack of Requirements, Specific to (E) the Spread of an Identified Contagious Disease that is Directly Attributable to the Agricultural Operation

There are a multitude of concerns regarding contagious disease that is directly attributable to agricultural operations. Information presented in this report is not intended to be comprehensive, rather provide an overview of concerns specific to livestock and poultry. There are many infectious diseases associated with animals to include those that are enteric (intestinal), internal parasites, in the saliva and/or mouth, in the skin and external parasites. Enteric bacteria and parasites pose the highest risk for human disease from animals in public settings (LeJeune & Davis 2004). Studying disease transmission in this type of setting is important when considering limited oversight and requirements in municipal settings. Single family dwellings can often be close together, have limited barriers between properties, and be occupied by residents who welcome guests to their property or have unwelcomed guests. According to a study published in 2012 by a group of investigators studying the burden of enteric illness attributable to animal contact in the United States (Hale et al. 2012). The following pathogens were included in the study: *Campylobacter* spp., *Cryptosporidium* spp., nontyphoidal *Salmonella enterica*, STEC O157:H7, non-O157 STEC strains, *Listeria monocytogens*, and *Yersinia enterocolitica*. Investigators reported an estimated 445,213 illnesses, 4,933 hospitalizations, and 76 deaths attributable to these pathogens as a result of animal contact in both public and private settings (Hale et al. 2012). The top disease-causing organisms in this case study were as follows: *Campylobacter* spp (17%), *Cryptosporidium* spp (16%), nontyphoidal *S enterica* (11%), non-O157 STEC strains (8%), and STEC O157:H7 (6%).

Transmission of enteric pathogens most often occurs via fecal-oral route. Fecal organisms can be harbored on animal fur, hair, feathers, scales, skin, and saliva (Keen & Elder 2002). Additionally, transmission can occur when people pet, feed, touch, or are licked by animals (JAVMA 2017). Transmission of pathogens has also been documented with exposure to contaminated materials including animal bedding, clothing, shoes, and environmental surfaces that were exposed to fluid and excreta of animals (Sayers et al. 1996; Friedman et al. 1998; Durso et al. 2005; CDC 2009). Some enteric pathogens can persist in contaminated environments for extended periods of time; as an example, *E. coli* O157:H7 can survive in soil for months (Durso et al. 2005; Keen et al. 2006; Varma et al. 2003).

The increases of agriculture operations within cities and human-modified urban and peri-urban socio-ecosystems are of great concern due to animals living in close contact to dense human populations (Dobigny & Morand 2022). Concerns regarding potential new infectious threats arise when living organisms, including reservoirs, vectors and pathogens, undergo strong selective pressures leading to zoonotic emergence attributable to spillover from animals to humans from increased interactions (Dobigny & Morand 2022). The integration of agricultural operations into cities may provide novel opportunities for pathogens to shift causes new and additional disease (Santiago-Alarcon & MacGregor-Fors 2020). It has been noted that large cities surrounded by agricultural land-uses have higher probabilities for human emergent infectious diseases (Allen et al. 2017).

According to the American Veterinary Medical Association (AVMA), the number of backyard poultry owners climbed 23% in five years, with 1.1% of all households in the United States owning backyard poultry in 2016 (AVMA 2017). A review of zoonotic diseases specific to non-traditional pets (NTPs), which include backyard livestock and poultry, found that contact with NTPs increases the risk of exposure to zoonotic pathogens, which spread between people and animals (Varela et al. 2022). Regarding exotic livestock, which may be imported from around the globe, the risk for emerging or reemerging zoonotic disease to people and animals increases (Smith et al. 2012). Agricultural operations without oversight and management may increase the number of NTPs in households within the city limits. Zoonotic pathogens can be transmitted by direct or indirect animal contact. Transmission of such pathogens can be through direct or indirect contact with a surface or environment contaminated with an animal's body fluids, including urine, feces, blood, saliva, and nasal secretions (Varela et al. 2022). Additional concerns regarding spread of disease via infectious droplets or aerosols are also warranted (Daly et al. 2017). Influenza viruses and other pathogens can spread from people to animals in some situations, especially close contact (Influenza in Animals, 2018). There is a potential for new strains of pathogens to emerge based on mutation or reassortment; new strains may be capable of adapting to new hosts or ecological environments (Ghai et al. 2021).

In a literature review conducted by the Centers for Disease Control and Prevention (CDC) covering the period of 1996 to 2017, studying outbreaks and case reports associated with NTP species in the United States, four primary pathogens were identified: *Salmonella* bacteria (Behraves et al. 2014; Hale et al. 2012), lymphocytic choriomeningitis virus (LCMV), *Streptobacillus moniliformis* bacteria (rat bite fever), and Seoul virus (a member of the hantavirus family) (Varela et al. 2022). Using the Animal Contact Outbreak Surveillance System (ACOSS) (ACOSS 2020), reported through the National Outbreak Reporting System (NORS) (NORS 2019), 243 outbreaks and case reports were reviewed, which include 9,875 human illnesses attributable to the aforementioned four pathogens. Of those, 15% occurred in children younger than five years old. Eighteen percent of the illnesses required hospitalizations, and there were 0.3% of

deaths in the studied cohort. Other pathogens identified during the review include *Campylobacter* species, monkeypox virus, and *Francisella tularensis* (Tularemia) (Varela et al. 2022).

Backyard poultry most commonly includes domestic land fowl (chickens, turkeys), game birds (pheasants), and domestic water fowl (ducks, geese). Concerns with disease transmission to people from these types of animals include *Salmonella* and *Campylobacter*. There are concerns that practices regarding care and keeping of poultry increase risk factors for the spread of disease. These practices include allowing poultry to enter the home, kissing or snuggling birds, cleaning poultry supplies inside the home, and wearing shoes outside while caring for animals and cleaning and then tracking materials inside (Basler et al. 2016; Varela et al. 2022).

Distribution and purchase systems for poultry include operations that range from commercial production systems to backyard flocks, with birds from each of these systems having the opportunity to encounter each other at certain points in the supply chain. These encounters may increase the risk of transmitting pathogens, with salmonella being the most common (Varela et al. 2022). In a study of outbreaks of *Salmonella*, a link to backyard poultry was determined that indicates that individuals who were ill mostly purchased baby poultry through agricultural retail stores. Most of those retail store usually source the birds from a variety of mail-order hatcheries around the United States (Habing et al. 2013; "Hatcheries work with CDC" 2018; Nichols et al. 2018).

Feeder animals are also a concern; these include rats, mice, rabbits or chicks that are fed to other animals. These animals can carry zoonotic pathogens and have been implicated in multiple multistate disease outbreaks, including *Salmonella* (Basler et al. 2016). They may also carry pathogens such as *Streptobacillus moniliformis* (the cause of rat bite fever), LCMV and other disease risks (Basler et al, 2016; Cartwright et al. 2016; Goupil et al, 2012; "Notes from the Field: Infections with Salmonella," 2012; CDC Pet Food Safety, 2022; "Salmonella Typhimurium Infections," 2014).

Excreta

The waste produced by livestock and poultry can significantly contribute to the spread of diseases if not managed properly. Animal waste, such as manure and feces, can harbor various pathogens including bacteria, viruses, parasites, and fungi, which have the potential to infect both animals and humans. Animals carrying human enteric pathogens can shed the organisms in feces while symptomatic and asymptomatic (Keen et al. 2006).

Chapter 14 addresses waste produced by animals providing every owner, possessor, or harbinger of animals, fowl, and livestock, shall dispose of animal excreta at least weekly or more often as needed to prevent a public health nuisance. Wichita Falls, Tex., Code of Ordinances Chapter 14, art. II, §14-109

Additionally, Chapter 14 requires that the owner, caretaker, harbinger, or possessor of every animal be responsible to immediately and properly dispose of excreta deposited by the animal on public walks, recreation areas, public, or private property. Wichita Falls, Tex., Code of Ordinances Chapter 14, art. I, §14-12 (2022). This includes assigning responsibility to the owner or their appropriate representative of any multifamily living complex to enforce or remove waste deposited by any animal being housed/harbored on such property. *Id.* It defines the rules for committing an offense for not upholding the assigned responsibilities and ties excessive excreta to the nuisance regulations. *Id.*

Based on my training and experience as a health official, the presence of excreta on properties permitted to have livestock and poultry increases the probability of potential disease and disease spread to owners and neighbors. Dried or aerosolized particles from livestock waste can become airborne, carrying pathogens with them. These pathogens can be inhaled by both animals and humans, potentially causing respiratory diseases and infections. Further, accumulated waste serves as a breeding ground for flies, mosquitoes, and other pests. These insects can carry disease-causing organisms on their bodies and transmit them to both livestock and humans, increasing the risk of vector-borne diseases.

Death and Disposal

The proper disposal of livestock and fowl is a critical aspect of responsible animal management. When animals are not disposed of in a timely fashion, the potential for vermin or insects to increase is substantial. Moreover, based on my training and experience as a health official, animals that have died due to disease or other health issues can harbor pathogens that may be harmful to humans. Improper disposal methods, such as leaving carcasses exposed or allowing them to contaminate water sources, can increase the risk of disease transmission. Further, contagious diseases can rapidly spread among animals within a farm or even across different farms if infected carcasses are not properly disposed of. Carcasses left exposed or disposed of inappropriately can contaminate soil, water, and air, leading to pollution and ecological damage. The owner or operator of a property, farm, or facility is responsible for disposal in a timely and sanitary manner. 4 TAC Section 59.12 requires that animals that die from a disease recognized as communicable by the veterinary profession must be disposed of within 24 hours by burial or burning. Animals dying from anthrax or ornithosis must be killed, then burned on-site within 24 hours (TCEQ 2021). Persons residing in traditional single-family homes within the corporate boundaries of Wichita Falls will have significant challenges meeting these requirements.

Without oversight through the permitting process, tracking of such animals, to include where deceased animals are buried would be impossible. Assurances regarding containment of disease would be lost. Chapter 14 requires that for one to retain a permit for livestock or fowl, owners are required to dispose of deceased animals and livestock lawfully within 24 hours of discovery by or notification of the responsible party. Wichita Falls, Tex., Code of Ordinances Chapter 14, art. I, §14-09 (2022).

The following sections cover some of the top concerns regarding the potential for the spread of disease associated with agricultural operations:

E. coli

Cattle are asymptomatic carriers of *E. coli* O157:H7, and are the primary reservoirs of the bacterium (Zhao et al. 1995). Cattle shed bacteria in their feces sporadically (Bach et al. 2002). *E. coli* populations can reach 10⁵ colony-forming units (CFU)/g of feces and survive for weeks under natural conditions (Wang et al. 1996). A study published in the Journal of Medical Entomology, regarding the persistence of *Escherichia coli* (*E. coli*) in the larval growth of the house fly and stable fly, documented the observations that house fly larvae use *E. coli* as a food source for growth and maturation and survival (Rochon et al. 2004). Additional serogroups of public health concern include O26 and O103 (Patterson et al. 2022).

Direct or indirect exposure to cattle are important potential sources of infection (Wilson et al. 1997). Shiga toxin-producing *E. coli* (STEC) infection can cause a variety of illnesses, including watery diarrhea, bloody diarrhea and the hemolytic uremic syndrome, a potentially fatal condition involving acute renal failure

(Griffin & Tauxe 1991). Studies using spatial regression analysis demonstrated a strong association between human STEC infection and cattle density (Valcour 2002). There are multiple causes for outbreaks of STEC infection, to include direct contact with cattle (Renwick et al. 1993) and consumption of water from shallow wells. Endemic STEC infection and exposure to agricultural environments has also been found (Wilson et al. 1996). Past studies have also indicated goats and sheep as reservoirs for STEC (Parry et al. 1998). Environmental exposures resulting in STEC was also studied using spatial association between STEC O157 human infections and exposure to livestock in the Netherlands over a nine-year period of time. Authors of that study reported that human exposure to small ruminants was associated with an increase of the incidence rate of human STEC O157 infections (Mulder et al. 2020). STEC can spread to humans directly through contact with livestock or via contaminated food, such as fresh produce, or water (Ongeng et al. 2014; Doyle & Erickson 2006; Mughini-Gras et al. 2018). Foodborne outbreaks in the United States can be caused by enteric pathogens, and STEC is one of the main types (CDC 2014 & Conrad et al. 2016). In a study of 16 farms across four regions of California, positive STEC samples were detected in all sampled livestock species; testing included cattle, goats and swine. *E. coli* O157:H7 was only found in cattle (Patterson et al. 2022).

Salmonella

Healthy poultry can carry *Salmonella*, which can be transmitted to people via handling raw poultry as well as contact with infected poultry and their environment (Basler et al. 2016; Gaffga et al. 2012; Loharikar et al. 2012). This is a public health concern as asymptomatic poultry can shed the bacteria in their droppings and contaminate any surface where birds live and roam, to include their feathers, body and feet (Basler et al. 2016). The number of reported outbreaks of *Salmonella* infections in adults and children has increased as the popularity of backyard flock ownership has increased (Behravesh et al. 2014). The highest number of backyard poultry-associated outbreaks with *Salmonella* infections and outbreak-associated illnesses in a one-year period on record for the United States was documented in 2020 through the national laboratory network for enteric disease surveillance (Varela et al. 2022). Of the 1,722 outbreak-associated *Salmonella* illnesses that were linked to contact with privately-owned poultry during 2020, there were 12 *Salmonella* subtypes identified (Nichols et al. 2018).

Campylobacter

Healthy poultry can also carry *Campylobacter* bacteria in their intestinal tract and be asymptomatic. The majority of human cases reported in the United States occur from eating raw or undercooked poultry or coming in contact with surfaces that had raw or undercooked poultry (CDC 2021). Butchering poultry and contact with contaminated eggs is the next most commonly associated cause. A study conducted on *Campylobacter* infections in Minnesota residents during 2012-2106 who reported an animal agriculture exposure prior to their illness found that, of the 934, 54% had contact with poultry or their environment (Klumb et al. 2020). People with *Campylobacter* infection usually have diarrhea (often bloody), fever, and stomach cramps. Nausea and vomiting may accompany the diarrhea. These symptoms usually start 2 to 5 days after the person ingests *Campylobacter* and last about one week. Infections may cause complications, such as irritable bowel syndrome, temporary paralysis, and arthritis. In people with weakened immune systems, such as those with a blood disorders, with AIDS, or receiving chemotherapy, *Campylobacter* occasionally spreads to the bloodstream and causes a life-threatening infection (CDC 2023).

Cryptosporidium

One of the most common parasitic pathogens causing enteric disease in humans is the intracellular protozoan parasite *Cryptosporidium* (Chalmers 2014); it is also documented in a broad range of animals worldwide. The intracellular protozoan parasite is a leading cause of waterborne diarrheal disease outbreaks throughout the world. Transmission of the parasite occurs via the fecal-oral route by ingestion of infective oocysts, which are highly stable in the environment and resistant to almost all conventional disinfection methods and water treatments (Khan & Witola 2023). Contact with animals, manure or contaminated water and food has been found to lead to infections in humans (Xiao et al. 2004). Infected animals excrete the parasite; contamination of the environment serves as a source of infection for susceptible human and animal hosts. Oocysts are highly stable in the environment and resistant to almost all water treatments and conventional disinfection methods (Fayer et al. 2000). Also recognized as an important foodborne pathogen, *Cryptosporidium* has been linked to more than 40 foodborne outbreaks and more than 8 million cases of foodborne illnesses annually (Zahedia & Ryan 2020).

There are at least four main *Cryptosporidium* species that infect cattle (Lindsay et al. 2000; Santin et al. 2007, Fayer et al., 2005; Fayer et al., 2008), and are a significant cause of diarrhea in neonatal farm ruminants, including calves (Khan & Witola 2023). Sheep and goats also carry this parasite, as well as pigs (Zahedi & Ryan 2020).

There are limited treatment options available for *Cryptosporidium* infections due to limitations on genetic tractability, absence of conventional drug targets, and unique intracellular location within the host (Khan & Witola 2023). Additionally, there are no effective therapeutic drugs available for the treatment of these infections in young children, immunodeficient patients and neonatal livestock.

Avian Influenza

The infection of birds with influenza type A viruses is referred to as avian influenza (AI); the natural hosts for these viruses include many species of wild waterfowl and domestic water and land birds (Influenza in Animals 2018). AIVs are classified as highly pathogenic or low pathogenic based on the ability of the virus to cause disease in chickens in the laboratory and/or genetic markers of pathogenicity (Varela et al. 2022). Highly pathogenic avian influenza A (HPAI) and low pathogenic avian influenza A (LPAI) have been reported in recent years in the United States. Poultry flocks can experience a range of illness, to include death; flocks may also be asymptomatic. Infected birds have virus in their saliva, feces and mucous (CDC 2023).

A severe outbreak of infections with HPAI in 2014-2015 affected 211 commercial and 21 backyard flocks, with a total of 50 million birds lost or eliminated to stop the spread of disease (Final report for the 2014-2015 Outbreak of Highly Pathogenic Avian Influenza (HPAI) in the United States, 2016). The transmission of AIV from birds to people can occur via direct contact with infected birds as well as indirect contact with surfaces that have been contaminated with the virus (CDC 2023). AIV can also be transmitted through the inhalation of virus in the air via droplets or dust (Avian Influenza A Virus Infections in Humans 2022). It is imperative to monitor poultry for outbreaks to limit the possibility that AIVs could change through reassortment or mutation and gain the ability to spread easily between people (Varela et al. 2022).

Virulent Newcastle Disease

Newcastle Disease is caused by avian paramyxovirus that can cause a range of illness in birds, including asymptomatic presentation to 100% mortality, depending on the strain. While Newcastle rarely infects people, symptoms include flu-like illness. Virulent Newcastle Disease (vND) is the most severe form of the disease in poultry, with domestic poultry being particularly susceptible, with large outbreaks of vND occurring periodically in commercial poultry. One outbreak in the western United States was primarily associated with backyard exhibition chickens raised or smuggled illegally for fighting. Due to the movement of exposed and infected birds, hundreds of premises have been affected, including homes with backyard flocks in other states (USDA APHIS vND 2021).

Q Fever

An area studied in The Netherlands experienced an outbreak of Q fever between 2007-2010, resulting in more than 4,000 cases. Studies of that outbreak linked infection through inhalation of air contaminated with *Coxiella burnetii*, the bacterium causing Q fever, by aerosols and dust emitted from infected dairy goat farms, and some sheep farms (Dijkstra 2012). Goats, sheep and cattle are the most frequently implicated animal sources of human infection with *C. burnetii* bacterium in the United States (Smith et al. 2011). Cases of Q fever have been linked to viewing of animal births (Whelan et al. 2009) due to the aerosolization during birthing and inhalation of aerosolized organisms can lead to infection in people (JAVMA 2017). Symptoms in humans can range from an acute influenza-like illness to life-threatening endocarditis, premature birth, stillbirth, and miscarriage in pregnant women (Anderson et al. 2013).

Vancomycin-Resistant *Enterococcus* spp. (VRE)

A substantial increase in the incidence of Vancomycin-resistant *Enterococcus* spp. (VRE) nosocomial infections in intensive care units was noted in the late 90s (NNINS 1999). A bacterium that develops resistance to treatment is of significant clinical and public health concern. Additional concerns focus on VRE contamination of groundwater and recreational water (Harwood et al. 2001). VRE that are intrinsically resistant to low levels of vancomycin have been isolated from bird feces (Sellin 2000) as well as certain types being isolated from chickens and farm lagoons (Coque 1996). The horizontal transmission of VRE from animals to humans has been demonstrated in epidemiological studies in Europe (Bates 1997; Bates et al. 1993; Stobberingh 1999).

Community-Acquired Pneumonia (CAP) & Other Respiratory Illness

A study of electronic health records of general practitioners in a livestock-dense area in The Netherlands examined potential risk sources and disease outcomes in the population. An association between proximity to goat farms and increased risk for pneumonia in data from 2009-2013 was found, with 5.4% of community-acquired pneumonia (CAP) cases in the population being attributable to the proximity to goat farms (Kalkowska et al. 2018). This study expanded upon prior studies that found associations between CAP in humans and living close to poultry and goat farms (Maassen et al. 2016; Hagenaars et al. 2017). These findings are similar to a study of >90,000 patients in Denmark, where an increased occurrence of pneumonia was found in individuals living within 1 kilometer of at least one poultry farm (Smith et al. 2012). Data analysis regarding proximity to goat farms also indicated an association between proximity and CAP (Friedl 2017).

In a study following approximately 4 million individuals residing in The Netherlands for respiratory mortality, including respiratory system diseases, pneumonia and chronic lower respiratory diseases, evidence was found that living within 2000 meters of pig farms was associated with respiratory mortality (Simoes et al. 2022). Authors indicated limited availability of studies regarding physical, chemical, and biological exposures leading to respiratory mortality and morbidity.

Danger Regarding Lack of Requirements, Specific to (G) an Identified Source of Contamination of Water Supplies

The two primary concerns regarding the contamination of water supplies with agricultural operations are from waste and pesticides. The runoff from agricultural land that has been treated with manure has the potential to contaminate wells that supply water for human consumption and local surface water (Great Lakes Commission 1996).

A scoping review of 151 articles published between 1988 and 2019 dealing with the assessment of residential exposure to agricultural pesticides found that pesticide exposure appears to be largely correlated with the spatial organization of agriculture activities in a territory (Teyssie et al. 2020). The meta analysis reviewed epidemiological studies investigating possible links between the onset of adverse health effects, such as cancer, and pesticide exposure. Pesticides are used to influence the life processes of plants and conserve plant products by protecting crops against undesirable organisms or diseases (European Parliament 2009). Application methods of pesticides differ and can affect the compound mobility and persistence in the environment. Contamination of soils, water or air can occur. Pesticides can also be transferred into ground water (Brown et al. 2008). Spray drift during application and volatilization of pesticides after their applications are possible; dermal exposure or ingestion via food or hand can occur (European Food Safety Authority 2014). Transference of chemical in carpets was also identified as a good proxy for indirect residential long-term exposure (Deziel 2015). Numerous studies of those reviewed indicated a significant association between an increased risk to adverse health effects and residential exposure (Teyssie et al. 2020).

As previously documented, the presence of *Cryptosporidium* in a variety of animals is present in excreta. This bacterium caused the largest documented drinking water outbreak in United States history, which affected an estimated 403,000 people in Milwaukee, Wisconsin, and resulted in over \$96 million in combined healthcare costs and productivity losses (MacKenzie et al. 1994; Hoxie et al. 1997; Corso et al. 2003). The majority of the global protozoal water outbreaks that occurred from 2004 to 2010 have been attributed to *Cryptosporidium* (Karani 2018) and pose the biggest pathogen threat to the water industry (Chalmers 2014).

The waste of livestock contains nitrogen in both inorganic and organic compounds (Sahoo et al. 2016). Nitrate and nitrite are both converted from ammonia, which is produced from microbial action in the decomposition of waste containing organic nitrogen (Sahoo et al. 2016). Nitrate is predominant in decomposed waste (Lokesh 2013). Improper management of waste produced by livestock can pose serious threat to groundwater. This can occur from surface water runoff, improper discharge, and excessive land application of wastes (Sloan et al. 1999; Gerber et al. 2006).

Nitrate contamination of groundwater can cause adverse effects on human health via drinking water (Sugimoto & Hirata 2006; Roy et al. 2007; Kim et al. 2009; Wongsanit 2015). These harmful effects include

methemoglobinemia, hypertension, stomach cancer, thyroid disorder, cytogenetic defects and birth defects (Horing 2004). Studies regarding a contamination of Walkerton, Ontario, Canada's municipal water system with *E. coli* O157:H7 and *Campylobacter* with manure runoff from a nearby farm that entered via a shallow well (Bruce-Grey Owen Sound Health Unit 2000).

Sanitation, odor, and vector control concerns are addressed within Chapter 14. Whereby every owner, possessor, or harbinger of animals, fowl, and livestock, shall dispose of animal excreta at least weekly or more often as needed to prevent a public health nuisance. (§ 14-109)

Additionally, Chapter 14 requires that the owner, caretaker, harbinger, or possessor of every animal be responsible to immediately and properly dispose of excreta deposited by the animal on public walks, recreation areas, public, or private property. This includes assigning responsibility to the owner or their appropriate representative of any multifamily living complex to enforce or remove waste deposited by any animal being housed/harbored on such property. It defines the rules for committing and offense for not upholding the assigned responsibilities and ties excessive excreta to the nuisance regulations (§14-12)

Public Nuisance, as defined by Chapter 14

Public nuisance is defined in Chapter 14 as any action or condition that has the potential to affect the health, safety, or welfare of the public, including any animal, fowl, or livestock that: repeatedly at-large (two or more times in a 36-month period), defiles public property, chases or attacks other animals, "barks, whines, howls, crows, or makes other noise in an excessive or continuous fashion." Wichita Falls, Tex., Code of Ordinances Chapter 14, art. IV, §14-298 (2022). The definition also includes the following: fecal matter, garbage, or other organic wastes deposited, stored, discharged, or exposed in such a way as to be a potential instrument or medium in disease transmission; a condition or place that is a breeding ground for flies and/or rats; a place or condition harboring rats; a collection of water in which mosquitoes are breeding; an object, place, or condition that is a potential medium of disease transmission to humans; any animal, fowl, or livestock which damages, soils, defiles, urinates, or defecates on private property other than the owners; a place or condition that has the potential to produce obnoxious or foul odors. *Id.*

In addition to the concerns previously detailed regarding ownership of livestock and poultry within the city limits, there is a significant concern regarding noise disturbances. Individuals residing within city limits generally have the expectation that their residential neighborhoods are free from unreasonable disturbances to the peace. Allowing for additional livestock and poultry without regulation would disturb the peace. Based on my training and experience as a health official, loud noises from livestock and poultry can cause sleep disturbances. There are both psychological and physical effects of noise exposure. Over a extended duration, noise can cause fatigue, irritability, and communication problems. Noise can cause constriction of small arteries in the fingers, toes, skin, and abdominal organs. The heart pumps less blood with every beat in noisy environments; subsequently, the natural resistance to disease can be weakened (Oskam & Mitchell 2023).

This type of regulation is necessary and expected by the residents within the city limits. Allowing for livestock and poultry will also allow for their noises, to include crowing, mooing, bellowing, snorting and bleating. Staff would be unable to enforce the noise component of Chapter 14 relating to livestock and poultry. An excessive number of these types of animals has the potential to create noise pollution. Limited information could be found regarding agricultural operations within a city and the noise produced from

livestock and poultry. It is well documented that noise-induced hearing loss (NIHL) is a common and preventable injury for farmers. Farmers rank among the top three occupations and industries with the highest risk for hearing loss (Ehlers & Graydon 2011).

Care of Animals

There are current requirements in Chapter 14 specific to the care of animals. Wichita Falls, Tex., Code of Ordinances Chapter 14, art. VI, §14-452 (2022). These include rules specific to owners providing animals sufficient, good, and wholesome food and water; adequate shelter, shade, and protection from the weather; adequate space; humane care and treatment; and reasonable veterinary care as needed to prevent suffering. *Id.* Shelter includes construction for animals to remain dry and protected from the elements. *Id.* Specific to livestock, they must be provided access to shelter to allow them to remain dry during rain and snow and protected from severe weather. *Id.* The shelter must have three solid sides and a roof and be structurally sound and in good repair to protect the livestock from injury. *Id.* Such a shelter will provide a minimum amount of space sufficient to accommodate all livestock confined within the shelter, as provided in section 14-198(e). Either natural or artificial shade shall be provided to protect livestock from direct sunlight. Wichita Falls, Tex., Code of Ordinances Chapter 14, art. VI, §14-452 (2022). If shade is provided by the enclosure, allowance shall be made for adequate ventilation. A suitable method shall be provided to eliminate excess water from the shelter area.

It is also unlawful to keep livestock on a chain or rope that is placed in a manner that makes it possible for the animal to become entangled with the restraints of other animals or livestock or with any other objects (14-452). This helps ensure the safety and well-being of livestock and other animals.

While these types of restrictions are specific to the care and keeping of animals, and the focus of H.B. 1750 is on people, based on my training and experience, removing restrictions has the potential to also affect the owners, neighbors, and others. Without limitations regarding space and setbacks, the care and keeping of animals becomes more important and of greater concern.

Summary

It is imperative that the current restrictions regarding livestock and poultry be maintained within the city limits, based on the above stated issues. While agricultural operations within the state of Texas are important and necessary entities to sustain people and the economy, additional regulations for our local jurisdiction ensure the protection of health and safety.

With the goal of mitigating the potential negative impacts of small-scale animal husbandry, our local municipal code provides regulation specific to all animals, including livestock and poultry. In a study of 22 municipalities across the nation that had revised ordinances and/or zoning codes to allow for urban livestock, 20 chose to utilize a permitting process; the two cities that did not use a permit did have requirements to be met upon inspection. Most ordinances included requirements specific to setback, enclosures and the disposal of waste (Butler 2012). These are the same type of regulations currently required in Chapter 14 to protect the health and safety of the public.

Again, this is a preliminary report; further review and discussion regarding state and federal law are warranted. These recommendations can be reviewed again upon the issuance of the report to be completed by Texas A & M Agrilife, per H.B. 1750.



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CITY COUNCIL AGENDA
August 15, 2023

ITEM/SUBJECT: Resolution authorizing the City Manager to Execute a Raw Water Purchase contract with Oklaunion Power Station LLC.

INITIATING DEPT: Public Works

STRATEGIC GOAL: Provide Adequate Infrastructure

STRATEGIC OBJECTIVES: Complete Public Improvements Projects

COMMENTARY: On January 1, 1977, the City and the Wichita County Water Improvement District #2 (District) entered into a raw water purchase agreement with West Texas Utilities to provide up to 20,000 acre-feet of water per year of cooling water for the power plant to be constructed in Oklaunion. The raw water is supplied through the Lake Kemp/Diversion system. Since 1977 ownership of the power plant site has changed several times, with the last sale of the property being to Oklaunion Power Station LLC (OPS). The power plant has been off-line since early 2020 and remains off-line today. While OPS investigates to financial feasibility of converting the existing coal fired power plant to a cleaner gas fired power plant, they have entered into negotiations with a company to produce “green” hydrogen. This new hydrogen plant would be located on or near their existing 1700 ac site.

The existing raw water contract specifies the water can only be used for cooling purposes of the coal fired power plant and does not allow for other uses of the water. Therefore, the new owners have requested the contract be modified to allow the water to be used for other industrial purposes. City staff and the Manager of the District have been in negotiations with OPS since 2021 to modify the existing water agreement to allow other uses of the water. A comparison of the existing contract conditions and the new contract conditions are listed below:

Existing 1977 Agreement

- Volume 20,000 ac-ft/yr
- Minimum Payment \$1.0M/yr
- Rate \$0.40 /1000gals
- Rate increase (other power plants)
- \$2.0M termination fee
- Term 60 yrs (Exp 2037)
- Power generation only

New Agreement

Volume 20,000 ac-ft/yr
Minimum Payment \$1.0M/yr
Rate \$1.30/1000 gals
Rate increase based on CPI
\$2.0M termination fee
Term 40 yrs
Power and other industrial uses
Drought Restriction Provisions

Staff, the District Manager, and OPS believe the new contract conditions are beneficial to all parties. The District approved the agreement at their August 15, 2023 Board Meeting and therefore, staff is recommending approval today.

☒ **Director, Public Works**

ASSOCIATED INFORMATION: Resolution , Contract

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Resolution No. _____

Resolution authorizing the City Manager to Execute a Raw Water Purchase contract with Oklaunion Power Station LLC.

WHEREAS, the City of Wichita Falls has historically provided raw water to the Oklaunion power plant previously owned by American Electric Power; and

WHEREAS, American Electric Power has sold the facilities to Oklaunion Power Station LLC (OPS); and

WHEREAS, OPS desires to expand the use of the raw water to include industrial process water; and

WHEREAS, the City has agreed to allow for these expanded uses of the water.

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

The City Manager is authorized to execute the Raw Water Purchase contract with Oklaunion Power Station LLC in a form to be approved by the City Attorney.

PASSED AND APPROVED this the 15th day of August 2023.

MAYOR

ATTEST:

City Clerk