

WOLFFORTH CITY COUNCIL AGENDA
May 15, 2023 – 6:00 P.M.
WOLFFORTH CITY HALL
COUNCIL CHAMBERS
302 MAIN STREET
WOLFFORTH, TEXAS

The order of these agenda items may be changed. The City Council may discuss and/or take action on each of the following items:

Call Meeting to Order

Invocation – Council Member Cooper

Pledge of Allegiance – Council Member Stout

Roll Call and Establish a Quorum

Safety Review

Public Comment

This is an opportunity for the public to address the City Council regarding an item on the agenda, except public hearings that are included on the agenda. Comments related to public hearings will be heard when the specific hearing begins. Public comments are limited to three (3) minutes per speaker, unless the speaker requires the assistance of a translator, in which case the speaker is limited to six (6) minutes, in accordance with applicable law. Each speaker shall approach the designated speaker location, complete the public comment sign in sheet and state his/her name and city of residence before speaking. Speakers shall address the City Council with civility that is conducive to appropriate public discussion. Speakers can address only the City Council and not individual city officials or employees. The public cannot speak from the gallery but only from the designated speaker location.

Proclamations/Presentations

- 1. Presentation of a proclamation to the Public Works Department declaring May 21-27, 2023 as, “National Public Works Week.”**
- 2. Presentation of a proclamation to the Police Department declaring May 14-20, 2023 as, “National Police Week.”**

Consent Agenda

Items considered to be routine are enacted by one motion without separate discussion. If the City Council desires to discuss an item, the item is removed from the Consent Agenda and considered separately.

3. Consider and take appropriate action on minutes from May 1, 2023
4. Consider and take appropriate action on Monthly Reports for April 2023

Items for Individual Consideration

5. Consider and take appropriate action on Resolution No 2023-009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH, TEXAS, CANVASSING RETURNS AND DECLARING RESULTS OF THE GENERAL ELECTION HELD ON MAY 6, 2023, FOR THE PURPOSE OF ELECTING THREE CITY COUNCILMEMBERS; AND PROVIDING FOR AN EFFECTIVE DATE.

6. Presentation to Outgoing Council members
7. Oath of Office to newly elected Council members
8. Election of Mayor Pro Tem
9. Consider and take appropriate action on Fiscal Year 2022 Financial Audit
10. **PUBLIC HEARING:** Consider and take appropriate action on a Public Hearing to consider a request for a conditional use for Multifamily Housing on property currently zoned Commercial District (C3) at BLK AK Sec 25 AB 246 TR NE 5 Less W25' of E55' - 19.278 acres Lubbock Central Appraisal District R309132 and BLK AK Sec 25 AB 246 TR NE 8 - 4.91 acres Lubbock Central Appraisal District R309135
11. Consider and take appropriate action on a conditional use permit for Multifamily Housing on property zoned Commercial District (C3) at BLK AK Sec 25 AB 246 TR NE 5 Less W25' of E55' - 19.278 acres
12. Consider and take appropriate action on Monthly Project Progress report from City Manager.
13. Consider and take appropriate action on Water Rate Recommendations presented by NewGen Strategies.
14. Consider and take appropriate action on Ordinance 2023- 011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 13 UTILITIES ARTICLE 13.05 WATER AND SEWER, DIVISION 2 WATER RATES; PROVIDING

**FOR THE ASSESSMENT OF RATES FOR UTILITY SERVICES WITHIN THE CITY;
PROVIDING A REPEAL CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND
PROVIDING AN EFFECTIVE DATE.**

15. Executive Session: In accordance with Texas Government Code, Section 551-001, et seq., the City Council will recess into Executive Session (closed meeting) to discuss the following:

- a. 551.071 Consultation with Attorney:** To consult with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 – Open Meetings, regarding (i)Block 32
- b. 551.072 Deliberations about Real Property:** To deliberate the purchase, exchange, lease or value of real property (i)Water Rights Acquisition

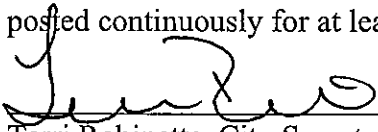
16. Reconvene into Open Session: In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session to consider action, if any, on matters discussed in Executive Session.

17. Council Requests for Future Agenda Items

18. Adjourn

The City Council of the City of Wolfforth reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any matters listed on this agenda, as authorized by the Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development). Executive sessions are closed to the public as provided in the Chapter 551 of the Texas Government Code. Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

“I, the undersigned authority do hereby certify that the Notice of Meeting was posted at City Hall of the City of Wolfforth, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: May 12, 2023 at 5:00 p.m. and remained so posted continuously for at least 72 hours prior to the scheduled time of said meeting.”



Terri Robinette, City Secretary

Date Notice Removed

**MINUTES OF A REGULAR MEETING
CITY COUNCIL OF WOLFFORTH, TEXAS
302 Main Street, WOLFFORTH, TX
Monday, May 1, 2023, 6:00 p.m.**

MEMBERS PRESENT: Mayor Addington; Mayor Pro Tem Hutcheson; Council members Stout, Salazar, Cooper, McDonald

MEMBERS ABSENT:

OTHERS PRESENT: City Manager Randy Criswell; Assistant City Manager Rick Scott; City Secretary Terri Robinette; Public Works Director Randy Hall; Compliance Candace Layman; EDC Director Danielle Sweat; Library Director Kim Brantley

OTHERS PRESENT BY TEAMS: City Attorney Mike Guevara; Fire Chief Lance Barrett

Mayor Addington opened the meeting at 6:00 p.m.

1. There were no public comments.
2. Motion by Council member Hutcheson, second by Council member Cooper to approve the Consent Agenda. Motion carried unanimously.
 - A. Consider and take appropriate action on minutes from April 17, 2023
3. After discussion, Budget workshop was scheduled for June 5, 2023, at 3:00pm at Wolfforth City Hall
4. Motion by Council member Hutcheson, second by Council member McDonald to table Agenda Item #3 Consider and take appropriate action on presentation of FY 2022 Audit to the May 15, 2023, Meeting. Motion carried unanimously.
5. The Council received a report from Staff and Developers within the community regarding the efforts to control blowing and drifting dirt. A meeting was scheduled for May 4, 2023, at 12:00pm between Developers and City Staff to discuss further efforts.
6. Council directed Assistant City Manager Rick Scott to draft a proposal concerning Wolfforth Police Department staffing and wages for the May 15, 2023, meeting.
7. Motion by Council member Hutcheson, second by Council member Cooper to allow City Manager and City Attorney to move forward with the creation of a Hotel Occupancy Tax

Advisory Board to be appointed by the City Council and for all funds to be under the control of the City. Motion carried unanimously.

8. Motion by Council member McDonald, second by Council member Hutcheson to approve Ordinance No 2023-010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH AMENDING CITY OF WOLFFORTH CODE OF ORDINANCES BY AMENDING CHAPTER 10 SUBDIVISION REGULATION, ARTICLE 10.10 IMPROVEMENTS REQUIRED PRIOR TO ACCEPTANCE OF FINAL PLAT TO INCLUDE THE USE OF A TRAFFIC IMPACT ANALYSIS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

Motion carried unanimously.

9. Motion by Council member Hutcheson, second by Council member McDonald to approve the following Board positions:
July Levy to the Tax Increment Reinvestment Zone #1 Board
Joel Robinett, Steve Deaton and Debbie Perkey to a 2 year term on the EDC Board
Glen Frick, Farley Reeves and Russell Thomasson to a 1 year term on the EDC Board
Russell Dabbs, Robert Garcia, Charlotte McDonald and Kyle Reeves to the Planning and Zoning Commission for a 1 year term.
Michael Adams, Randy Whitson and Mark Schneider to a 2 year term on the Board of Adjustment

Motion carried unanimously.

10. The Wolfforth City Council convened into Executive Session at 6:55 pm on May 1, 2023 to discuss matters pertaining to the following:

551.071 Consultation with Attorney: To consult with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional conduct of the State Bar of Texas clearly conflicts with Chapter 551 – Open Meetings, regarding (i) PID#2 Operations (ii) Billboard Permit Moratorium

11. The Wolfforth City Council reconvened into Regular Session at 7:25 pm on May 1, 2023. There was no action resulting from Executive Session.

12. With no other business to come before the Council, motion was made by Council member Hutcheson, second by Council member Cooper to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 7:27pm.

PASSED AND APPROVED THIS THE 15ST DAY OF MAY, 2023.

Charles Addington, II, Mayor

ATTEST:

Terri Robinette, City Secretary

Monthly Report April 2023

New Construction: 32

Estimated Value: \$5,312,946

Subdivision: Harvest 31, Preston Manor: 1

All Single Family

Completed Construction: 21

Subdivision: Harvest: 16, Preston Manor: 1, Frenship Mesa: 2, Overlook: 2

9 Multi-Family

12 Single Family

New Permits Report April 2023

Permit Number	Permit Description	Project Address	Applicant	Date Started	Project Valuation	Project Square Feet
23-000229	Single Family	306 E 23rd Street	Betenbough Homes	04/21/2023	\$ 139,050.00	1350
23-000210	Single Family	2919 Abbeville Avenue	Betenbough Homes	04/14/2023	\$ 149,350.00	1450
23-000211	Single Family	2923 Abbeville Avenue	Betenbough Homes	04/14/2023	\$ 211,150.00	2050
23-000212	New Garden Home	418 E 30th Street	Betenbough Homes	04/14/2023	\$ 104,133.00	1011
23-000213	New Garden Home	423 E 30th Street	Betenbough Homes	04/14/2023	\$ 114,227.00	1109
23-000214	Single Family	508 E 31st Street	Betenbough Homes	04/14/2023	\$ 175,100.00	1700
23-000215	Single Family	512 E 31st Street	Betenbough Homes	04/14/2023	\$ 164,800.00	1600
23-000216	Single Family	601 N 9th St	Southern Homes	04/18/2023	\$ 252,350.00	2450
23-000188	Single Family	506 E 31st St	Betenbough Homes	04/03/2023	\$ 139,050.00	1350
23-000230	Single Family	308 E 23rd Street	Betenbough Homes	04/21/2023	\$ 139,050.00	1350
23-000209	Single Family	2921 Abbeville Avenue	Betenbough Homes	04/14/2023	\$ 164,800.00	1600
23-000228	Single Family	504 E 31st Street	Betenbough Homes	04/21/2023	\$ 159,650.00	1550
23-000221	Single Family	406 E 31st Street	Betenbough Homes	04/20/2023	\$ 139,050.00	1350
23-000222	Single Family	410 E 31st Street	Betenbough Homes	04/20/2023	\$ 175,100.00	1700
23-000223	Single Family	305 E 23rd Street	Betenbough Homes	04/21/2023	\$ 149,350.00	1450
23-000224	Single Family	307 E 23rd Street	Betenbough Homes	04/21/2023	\$ 139,050.00	1350
23-000225	Single Family	309 E 23rd Street	Betenbough Homes	04/21/2023	\$ 139,050.00	1350
23-000226	Single Family	302 E 23rd Street	Betenbough Homes	04/21/2023	\$ 175,100.00	1700
23-000227	Single Family	502 E 31st Street	Betenbough Homes	04/21/2023	\$ 175,100.00	1700
23-000208	Single Family	1213 E 32nd Street	Betenbough Homes	04/14/2023	\$ 259,869.00	2523
23-000243	Single Family	311 E 23rd Street	Betenbough Homes	04/27/2023	\$ 139,050.00	1350
23-000242	Single Family	312 E 23rd Street	Betenbough Homes	04/26/2023	\$ 139,050.00	1350
23-000195	Single Family	3101 Ranch Avenue	Betenbough Homes	04/10/2023	\$ 211,150.00	2050
23-000196	Single Family	1201 E 32nd Street	Betenbough Homes	04/10/2023	\$ 273,980.00	2660
23-000197	Single Family	1215 E 32nd Street	Betenbough Homes	04/10/2023	\$ 244,419.00	2373
23-000241	Single Family	510 E 31st Street	Betenbough Homes	04/26/2023	\$ 169,435.00	1645
23-000240	Single Family	408 E 31st Street	Betenbough Homes	04/26/2023	\$ 139,050.00	1350
23-000239	Single Family	306 E 31st Street	Betenbough Homes	04/26/2023	\$ 200,850.00	1950
23-000238	New Garden Home	3004 Corpus Avenue	Betenbough Homes	04/26/2023	\$ 104,133.00	1011
23-000234	Single Family	304 E 23rd Street	Betenbough Homes	04/21/2023	\$ 139,050.00	1350
23-000233	Single Family	303 E 23rd Street	Betenbough Homes	04/21/2023	\$ 139,050.00	1350
23-000232	Single Family	310 E 23rd Street	Betenbough Homes	04/21/2023	\$ 149,350.00	1450
					\$ 5,312,946.00	51582



Citation Listing

City of Wolfforth Municipal Court

5/10/2023 8:04:44 AM

Citation Listing Report

Totals For 04/01/2023 - 04/30/2023

Report Totals

By Race	4 - 4	2
	6 - 6	1
	B - Black	2
	H - Hispanic	20
	W - White	29

Report Totals	54
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Report Totals

By Gender	1 - Male	3
	F - Female	16
	M - Male	35

Report Totals	54
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Report Totals

By Age Code	A - Adult	43
	J - Juvenile	8
	M - Minor	3

Report Totals	54
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Report Totals:	Number Of Citations:	54
	Number Of Violations:	68



Citation Listing

City of Wolfforth Municipal Court

5/10/2023 8:04:44 AM

Citation Listing Report

Totals For 04/01/2023 - 04/30/2023

Report Totals

Totals By Citation Type	R - Regular	54
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Report Totals	54
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Report Totals:	Number Of Citations:	54
	Number Of Violations:	68

Wolfforth Fire EMS
2023 Run Totals

January	City of Wolfforth	Lubbock County	City of Lubbock	City of Ropesville	Hockley County	Lynn County	
Fire	23	28	1		1		53
EMS	47	56	5	1	8		117
February							
Fire	19	30			2	1	52
EMS	58	54		6	8		126
March							
Fire	14	18			1		33
EMS	54	51		9	7		121
April							
Fire	15	20	2		1		38
EMS	51	45	6	7	9		118



Station Report

WOLFFORTH FIRE DEPARTMENT

April 2023

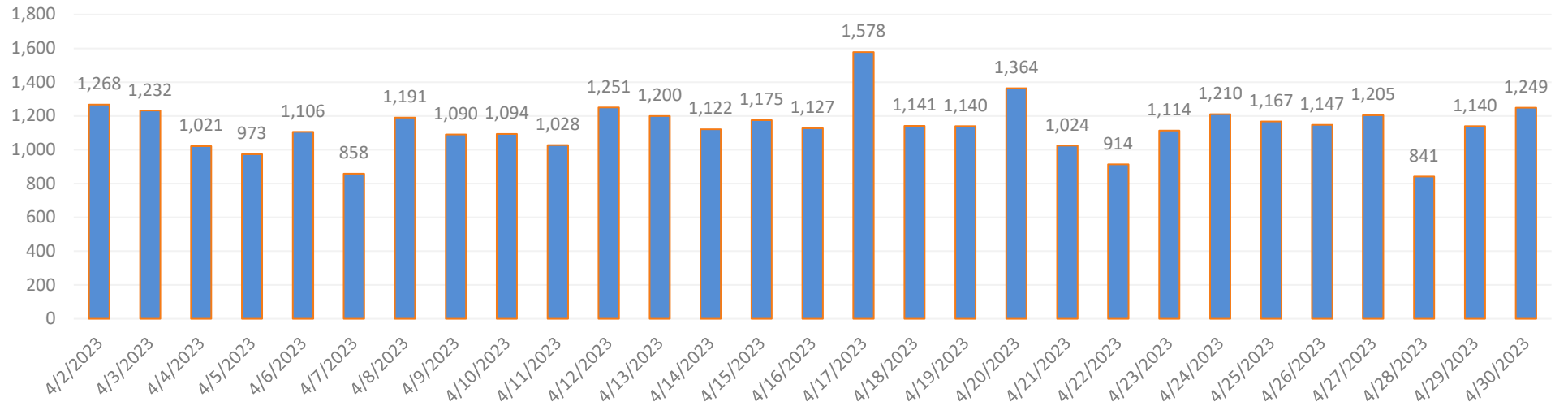
Total # of CFS 38

Date Time_Call Create	Call Type Description	Unit	Address
2023-04-02 18:49:27.430	GRASS FIRE	WFD1	314 E HWY 62-82 FRD SB, WOLFFORTH
		WFDTA1	314 E HWY 62-82 FRD SB, WOLFFORTH
		WFDTR1	314 E HWY 62-82 FRD SB, WOLFFORTH
2023-04-03 15:33:32.713	FIRE OTHER	WFD1	3206 C R 7610, LUBBOCK CO
		WFDTA1	3206 C R 7610, LUBBOCK CO
2023-04-04 15:32:02.447	ACCIDENT	WFD1	DONALD PRESTON DR / E HWY 62-82 FRD, WOLFFORTH
		WFDC1	DONALD PRESTON DR / E HWY 62-82 FRD, WOLFFORTH
2023-04-05 03:19:48.543	STRUCTURE FIRE	WFD1	9317 C R 7640, LUBBOCK CO
		WFDC1	9317 C R 7640, LUBBOCK CO
		WFDE5	9317 C R 7640, LUBBOCK CO
2023-04-05 10:59:22.417	FIRE OTHER	WFD1	ASPEN AVE / SOONER ST, WOLFFORTH
		WFDC1	ASPEN AVE / SOONER ST, WOLFFORTH
		WFDE5	ASPEN AVE / SOONER ST, WOLFFORTH
2023-04-05 17:01:07.930	ACCIDENT	WFD1	701 DOWDEN RD, WOLFFORTH
2023-04-06 16:50:07.847	ACCIDENT	WFD1	701 DOWDEN RD, WOLFFORTH
		WFDC1	701 DOWDEN RD, WOLFFORTH
2023-04-07 20:27:40.263	ILLEGAL BURN	WFD1	ELM AVE / CIRCLE DR, WOLFFORTH
		WFDE5	ELM AVE / CIRCLE DR, WOLFFORTH
2023-04-08 02:14:38.817	ACCIDENT W/INJURIES	WFDTR2	HWY 87 FRD / 146TH ST, LUBBOCK CO
2023-04-08 08:40:55.603	FIRE ALARM	WFD1	8304 C R 6920, LUBBOCK CO
2023-04-08 16:26:45.057	ASSIST AGENCY	WFD1	3820 S F M 168 ROPESVILLE,
		WFDE5	3820 S F M 168 ROPESVILLE,
2023-04-08 22:05:05.913	STRUCTURE FIRE	WFD1	1412 132ND ST, LUBBOCK CO
		WFDE5	1412 132ND ST, LUBBOCK CO
		WFDTA1	1412 132ND ST, LUBBOCK CO
		WFDTA2	1412 132ND ST, LUBBOCK CO
2023-04-08 23:51:30.410	GRASS FIRE	WFD1	UPLAND AVE / 130TH ST, LUBBOCK CO
		WFDTA1	UPLAND AVE / 130TH ST, LUBBOCK CO
		WFDTA2	UPLAND AVE / 130TH ST, LUBBOCK CO
2023-04-09 20:39:05.660	STRUCTURE FIRE	WFD1	3307 C R 7550, LUBBOCK CO
2023-04-10 12:50:58.783	ILLEGAL BURN	WFD1	9913 C R 6900, LUBBOCK CO
		WFDC1	9913 C R 6900, LUBBOCK CO
		WFDTA1	9913 C R 6900, LUBBOCK CO
2023-04-11 20:30:59.537	ACCIDENT	WFD1	F M 179-C R 1400 / F M 1585-C R 7400, LUBBOCK CO
		WFDE5	F M 179-C R 1400 / F M 1585-C R 7400, LUBBOCK CO

2023-04-11 21:14:24.253	FIRE OTHER	WFD1	5302 RESEARCH BLVD, LUBBOCK CO
2023-04-13 00:27:25.123	FIRE OTHER	WFD1	812 6TH ST, WOLFFORTH
2023-04-13 07:53:21.053	ACCIDENT W/INJURIES	WFD1	DOWDEN RD / 7TH ST, WOLFFORTH
2023-04-13 17:24:10.017	ACCIDENT	WFD1	1110 DONALD PRESTON DR, WOLFFORTH
		WFDC1	1110 DONALD PRESTON DR, WOLFFORTH
2023-04-13 20:56:20.707	FIRE OTHER	WFDC1	810 6TH ST, WOLFFORTH
2023-04-14 15:30:58.603	GRASS FIRE	WFD1	12016 UNIVERSITY AVE, LUBBOCK CO
		WFDTA1	12016 UNIVERSITY AVE, LUBBOCK CO
2023-04-14 16:34:11.273	GRASS FIRE	WFD1	DONALD PRESTON DR / E HWY 62-82 FRD, WOLFFORTH
		WFDTA1	DONALD PRESTON DR / E HWY 62-82 FRD, WOLFFORTH
2023-04-15 06:04:28.400	FIRE ALARM	WFD1	6408 C R 7410, LUBBOCK CO
2023-04-17 22:09:32.967	FIRE OTHER	WFD1	701 DOWDEN RD, WOLFFORTH
		WFDE5	701 DOWDEN RD, WOLFFORTH
2023-04-19 22:26:33.633	GRASS FIRE	WFD1	5513 C R 1240, LUBBOCK CO
		WFDTA1	5513 C R 1240, LUBBOCK CO
2023-04-20 10:52:28.540	FIRE ALARM	WFD1	8412 C R 6930, LUBBOCK CO
2023-04-22 18:17:30.350	STRUCTURE FIRE	WFD1	17403 C R 2200, LUBBOCK CO
		WFDTA1	17403 C R 2200, LUBBOCK CO
		WFDTA2	17403 C R 2200, LUBBOCK CO
2023-04-22 23:20:07.253	FIRE OTHER	WFD1	17403 C R 2200, LUBBOCK CO
2023-04-24 08:48:25.403	ACCIDENT	WFD1	DONALD PRESTON DR / HWY 62-82 FRD, WOLFFORTH
2023-04-25 20:58:13.937	FIRE OTHER	WFD1	6301 F M 2378-C R 1000, LUBBOCK CO
		WFDC1	6301 F M 2378-C R 1000, LUBBOCK CO
		WFDTA1	6301 F M 2378-C R 1000, LUBBOCK CO
		WFDTA2	6301 F M 2378-C R 1000, LUBBOCK CO
2023-04-26 14:53:06.843	ACCIDENT	WFD1	806 E 19TH ST, WOLFFORTH
		WFDC1	806 E 19TH ST, WOLFFORTH
2023-04-26 16:40:09.653	GRASS FIRE	WFD1	10808 C R 1300, LUBBOCK CO
		WFDC1	10808 C R 1300, LUBBOCK CO
		WFDTA1	10808 C R 1300, LUBBOCK CO
		WFDTA2	10808 C R 1300, LUBBOCK CO
2023-04-27 08:21:55.590	ACCIDENT	WFD1	135 CALVIN DR, WOLFFORTH
		WFDC1	135 CALVIN DR, WOLFFORTH
2023-04-27 16:51:27.267	ACCIDENT	WFD1	F M 179-C R 1400 / E 20TH ST, WOLFFORTH
		WFDC1	F M 179-C R 1400 / E 20TH ST, WOLFFORTH
2023-04-28 07:58:51.247	VEHICLE FIRE	WFD1	13405 UPLAND AVE, LUBBOCK CO
		WFDE5	13405 UPLAND AVE, LUBBOCK CO
		WFDTA1	13405 UPLAND AVE, LUBBOCK CO
2023-04-28 08:00:58.997	DOMESTIC VIOLENCE	WFDE5	8901 HWY 87 DRVW, LUBBOCK CO
2023-04-28 23:33:19.187	ACCIDENT W/INJURIES	WFD1	C R 7100 / C R 1100, LUBBOCK CO

April 2023

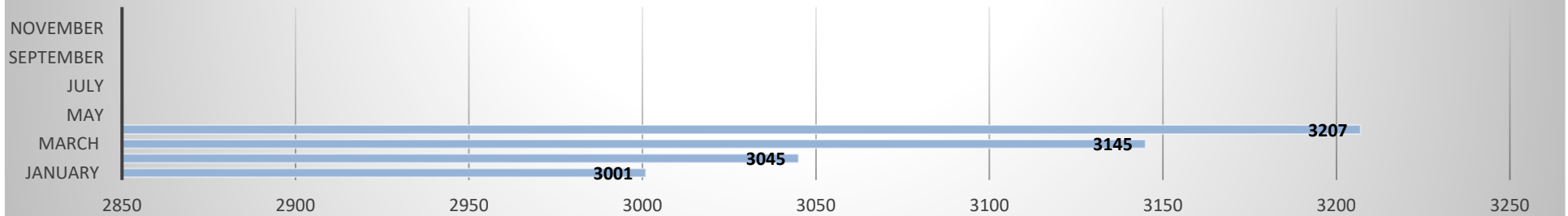
DAILY WELL PUMPAGE



Monthly total of Water Pumped by wells

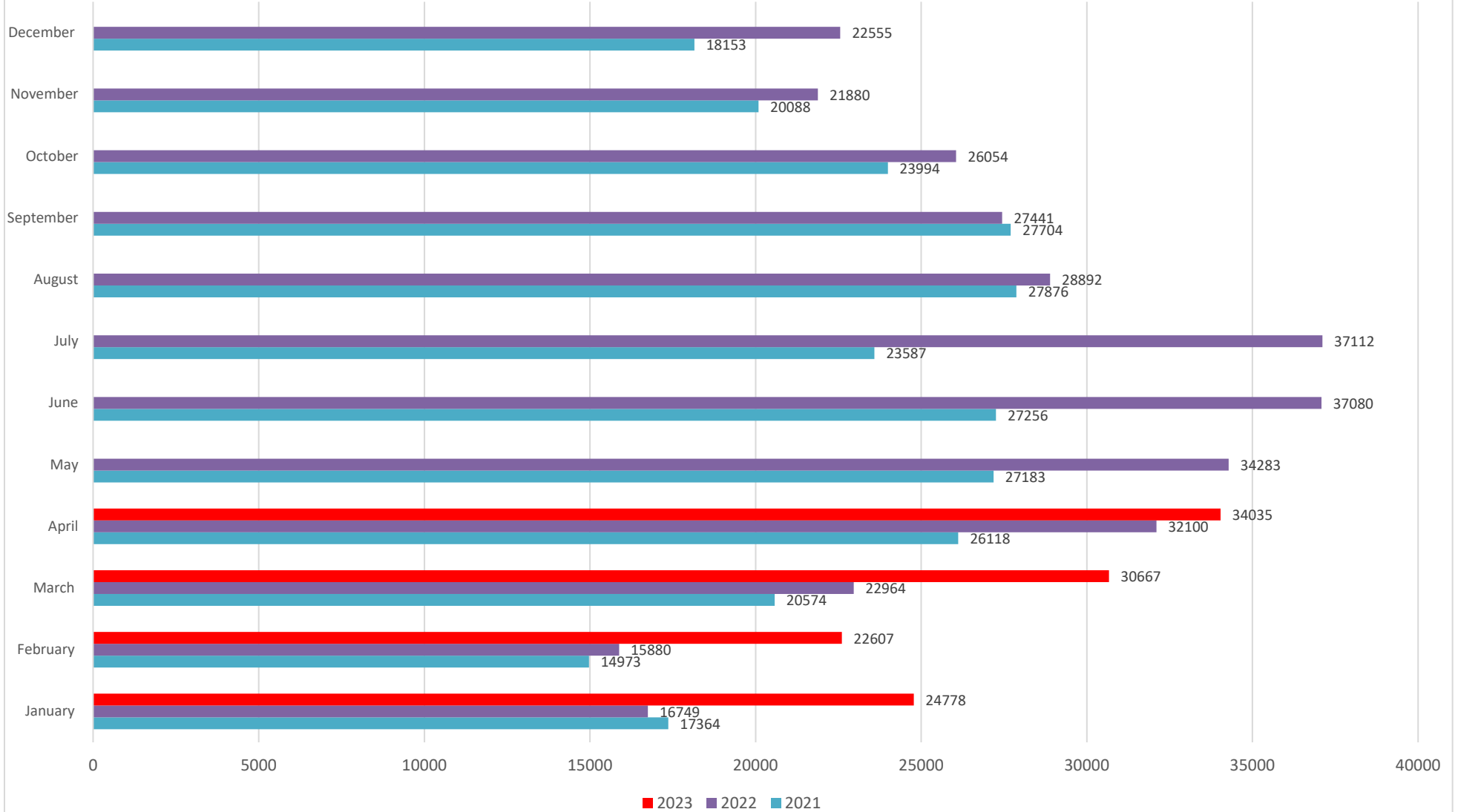


Meter Count



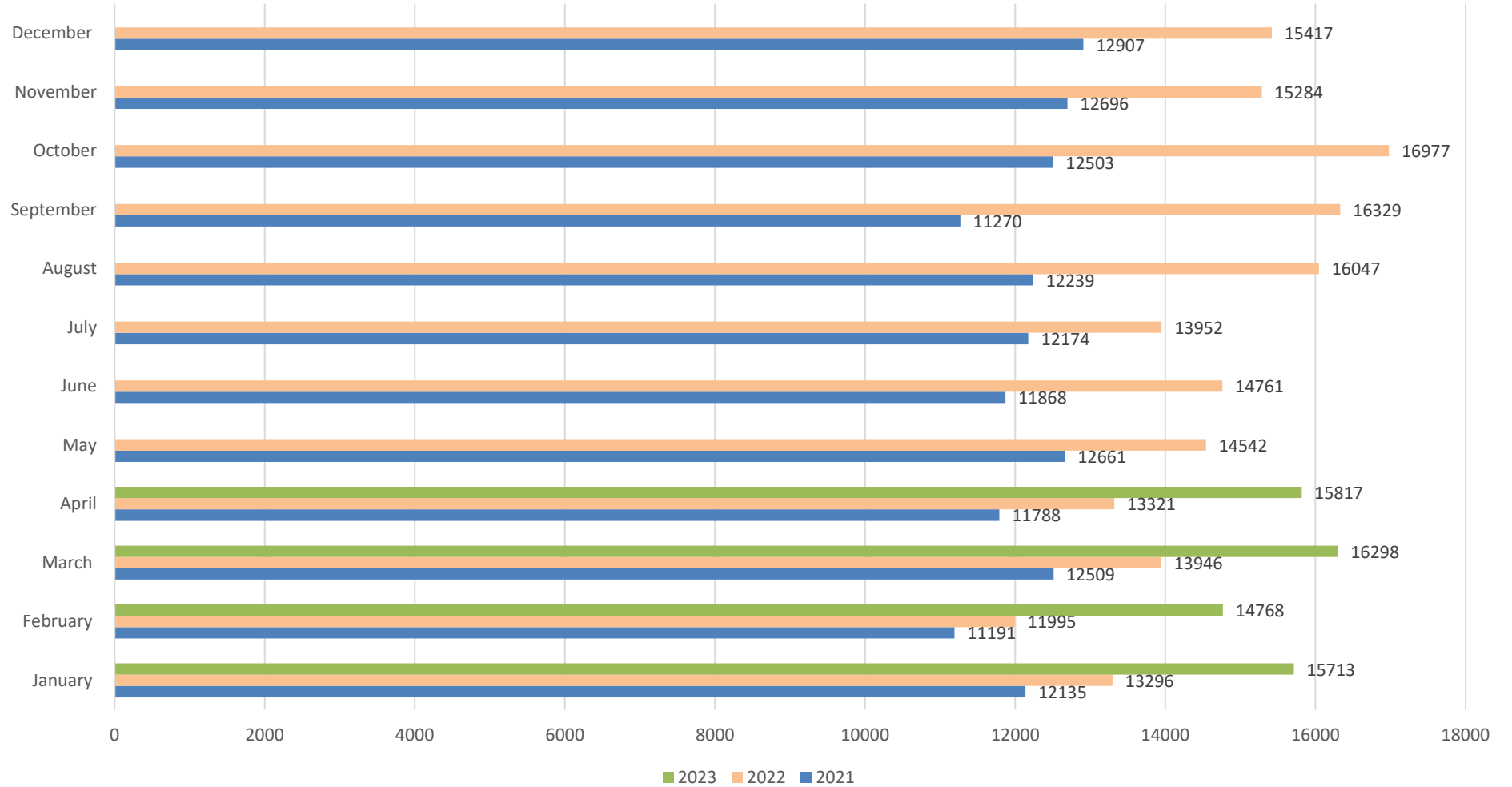
April 2023

Water pumped from wells



April 2023

Sewer Flow



811
locates 59

Iworq summary 69 work orders

Building	
Maintenance	1
Container	
check	2
Water Leak	1
Meter	
installation	12
Meter read	1
Non payment	
disconnect	22
Service	
connect	18
Service	
disconnect	12

Library Report

Dates included: April 1, 2023 – April 30, 2023

Circulation Statistics: 2,192 Checkouts

Cards issued: 37 new cards (5 digitally through website)

Materials Added: 108 Items Value: \$2,762.67

Materials Weeded: 2 Items Value: \$28.95

Overdrive (WT Digital Consortium) – 4,931 eBooks, 3,509 eAudiobooks, and 69 eMagazines

Overdrive New User Registrations – 11 new users

Total number of visitors: 2,101

Total number of computer users: 185

Total number of reference questions: 695

Community Room reservations: 8 Regular **note that we are using the room almost daily for library/ community events, GED/ESL, and for Fire/EMT classes**

Total April Activities: 14 total programs

Program totals: 7 Total: Family – 0 | Children's – 6 | Teen – 0 | Adult – 1 |

Total Activity Participation: 145 total/ 89 children / 0 teens / 56 adults

Public Story Times/ Programs: 142 total/ 89 children Teen Events: 0 total/ 0 teens

Family Events: 0 total/ 0 children / 0 teen Adult Events: 3 Adults

April Beanstack overview: 7 New Registrations | 1,896 books | 9,480 Minutes logged | 30 Active Readers

Volunteer Hours: 3.00 hours

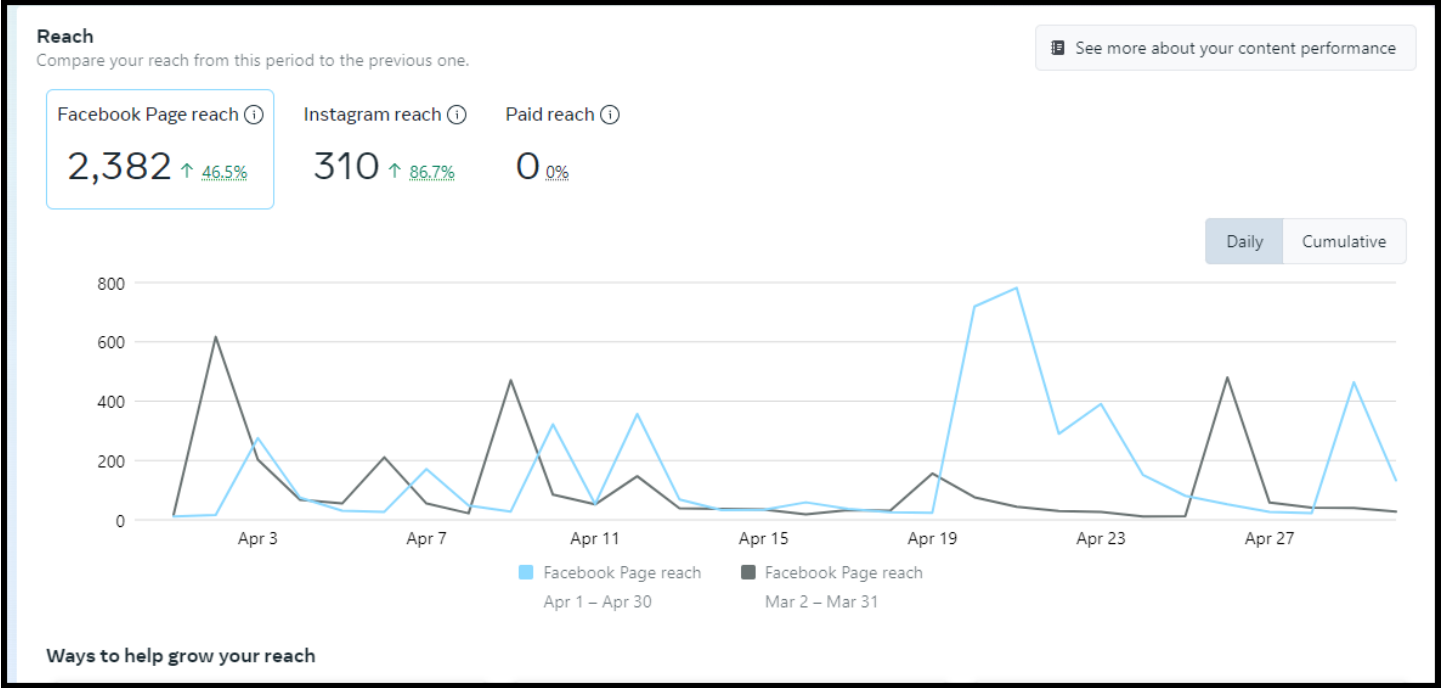
Kimberly and Taylor attended the weeklong Texas Library Association annual conference in Austin, TX from April 17 – 21. We attended many sessions that focused on community development, partnerships, and outreach to meet all residents, as well as one specifically about the Library as a Third Place. We both attended sessions on leadership, programs for all ages including a special session by NASA on programs for the upcoming solar eclipse, updates on various digital resources available through TexShare, policy development, Legislative updates, and sessions on supporting local community and business development. This was the first in-person conference either of us have attended since 2019 and it was an invaluable opportunity to receive continuing education credits and meet with other librarians from across the state.

This month we did offer less programs as both Librarians were at TLA conference, but we still continued to see many users in the library, utilizing our collection, computers and Wi-Fi, and Family Place space. We are also continuing to see many of our homeschool families throughout the day, utilizing our resources and spaces to supplement their educational curriculum. I am currently working on program plans to meet the specific and unique needs of our homeschool families as we are continuing to see an increase in this demographic.

Our newsletter was sent to our subscribers last week in preparation for our annual Summer Reading program. Taylor has prepared programs for all ages and all staff members, including our part-time staff will be assisting and supporting these programs.

I am also excited to announce that Taylor Revilla has completed her master’s in library and information science with a focus on children’s Programming. Taylor will graduate next week, but she is now a degreed Librarian. The City of Wolfforth Library now has two, full-time MLIS degreed Librarians, which is incredible for a small, rural library. Our community is very fortunate to have a Library with qualified, dedicated, and degreed Librarians who are passionate about serving the community.

Facebook reach April 1 – April 30, 2023





Monthly Case Activity Summary

from feed: 04/01/2023 - 04/30/2023

TEMPLATE	REPORTED VIOLATIONS	WORKING VIOLATIONS	CORRECTED VIOLATIONS	TOTAL VIOLATIONS	ACTIVE CASES	ARCHIVED CASES	TOTAL CASES	ISSUED CITATIONS
Illegal Dumping	0	1	0	1	1	0	1	0
Stagnant Water, Weeds, and Rubbish	0	17	0	17	17	8	17	0
AVERAGE	0.00	9.00	0.00	9.00	9.00	4.00	9.00	0.00
TOTAL	0.00	18.00	0.00	18.00	18.00	8.00	18.00	0.00

WOLFFORTH POLICE DEPARTMENT

Calls - By Type

04\01\2023
thru 04\30\2023

Type	Description	# Of Calls
5	ACCIDENT (BLUE FORM)	7
7	ACCIDENT (REPORTABLE)	4
9	ALARM (FALSE BUSINESS)	6
11	ALARM (FALSE NON-BILLABLE)	1
1	ALARM (FALSE RESIDENTIAL)	10
3	ALARM (FALSE SCHOOL)	3
10	ANIMAL COMPLAINT	10
15	ASSAULT (THREAT)	1
16	ASSIST OTHER AGENCY (FIRE EMS)	8
17	ASSIST OTHER AGENCY (MENTAL HEALTH)	3
18	ASSIST OTHER AGENCY (OTHER)	16
22	BURGLARY (RESIDENTIAL)	2
23	BURGLARY (VEHICLE)	1
24	CHECK BUSINESS	71
25	CHECK RESIDENCE	1
26	CHECK WELFARE (PERSON)	17
28	CIVIL DISPUTE	3
29	CIVIL MATTER	8
37	CRIMINAL MISCHIEF (ALL OTHERS)	2
39	CRIMINAL TRESPASS	1
43	DISORDERLY CONDUCT	11
45	DOMESTIC (NON ARREST)	7
46	DOMESTIC (PROTECTIVE ORDER VIOLATION)	1
47	DRUG PARAPHERNALIA	1
48	DRUGS FELONY	5
49	DRUGS MISD.	4
52	EMERGENCY DETENTION	3
55	FIRE (NON STRUCTURE)	1
59	HARASSMENT	1
60	INFORMATION	32
65	MISSING PERSON (JUVENILE)	1
66	MOTORIST ASSIST	11
70	PROWLER	1
73	RUNAWAY	1
100	S.T.E.P	2
74	SCHOOL PATROL	22
78	SUSPICIOUS ACTIVITY (PERSON)	13
79	SUSPICIOUS ACTIVITY (VEHICLE)	21
77	SUSPICIOUS ACTIVITY (OTHER)	1
80	THEFT	10
81	TRAFFIC	1
82	TRAFFIC COMPLAINT	10
85	TRAFFIC CONTACT (WARNING)	4
83	TRAFFIC CONTACT (ARREST)	3
84	TRAFFIC CONTACT (CITATION)	3
86	TRAFFIC HAZARD (LIGHTS OUT, WIRES DOWN, DEBRIS IN ROADWAY, ETC)	3
90	VEHICLE (ABANDONED)	1
93	VEHICLE (REPOSSESSION)	1
96	WARRANT SERVICE (CRIMINAL)	3
97	WARRANT SERVICE (TRAFFIC)	1

Type	Description	# Of Calls
98	ZONE PATROL	1,446
	Total	1,800

WOLFFORTH POLICE DEPARTMENT

Citations - By Violation

04\01\2023
thru 04\30\2023

Violation	Citation#
Defective Head Lamps	21
Defective Stop Lamps	10
Defective Tail Lamps	20
Defective Windshield Wiper	1
Display Unclean License Plates	3
Disregarded Lane Control Signal	1
Driving Around Barricades	1
Driving While License Invalid	3
Driving While License Suspended	2
Drove Without Lights When Required	2
Expired Driver License	2
Expired Registration	18
Fail To Control Speed	1
Fail to Display Driver License	2
Fail to Stop Proper Place - Traffic Light	3
Fail to Stop-Designated Point - Stop Sign	7
Failed to Dim Headlights - Meeting	7
Failed To Drive In Single Lane	1
Failed To Signal Distance Before Turn	4
Failed To Signal Lane Change	3
Failed To Signal Turn	5
Failed To Yield Right Of Way	1
Failure to Maintain Financial Responsibility	6
Fictitious License	1
Plate/Registration/Safety Inspection	
Impeding Traffic	1
Minor in Possession of Tobacco	1
No Driver License	9
No License Plate Light	42
No Motorcycle License	1
No Tail Lamps	2
Obstructed View Through Windshield	1
Open Container in Motor Vehicle - Driver	1
Operate Motor Vehicle Without Plates	2
Operate Unregistered Motor Vehicle	1
Parked Within An Intersection	2
Possession of Drug Paraphernalia	2
Public Intoxication	1
Ran Red Light	2
Ran Stop Sign	10
Speeding	79
Speeding in School Zone	2
Turned Left From Wrong Lane	1
Turned Right Too Wide	9
Use of Wireless Device in School Zone	2
Total Violations	296
Total Citations	230

RESOLUTION NO. 2023-009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH, TEXAS, CANVASSING RETURNS AND DECLARING RESULTS OF THE GENERAL ELECTION HELD ON MAY 6, 2023, FOR THE PURPOSE OF ELECTING THREE CITY COUNCILMEMBERS; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOLFFORTH, TEXAS AS FOLLOWS:

WHEREAS, the election was held on May 6, 2023, for the purpose of electing the hereinafter named officials; and,

WHEREAS, the City Council of the City of Wolfforth, having examined the returns of said election and all election procedures heretofore occurring, finds that the returns of said election have been duly and legally made and submitted to the City Council for canvassing, and a tabulation of the returns for the polling place and for early voting, as canvassed and tabulated by this governing body as follows:

	MAIL CAST	EARLY VOTING CAST	ELECTION DAY CAST	TOTAL VOTES CAST
Doug Hutcheson	0	41	21	62
Austin Brashier	0	39	20	59
Charlotte McDonald	0	40	18	58
Robert Salazar	0	40	13	53

SECTION 1. Doug Hutcheson, Austin Brashier, and Charlotte McDonald were duly elected as Councilmembers, subject to the taking of the oath-of-office as provided by the laws of the State of Texas.

SECTION 2. This resolution shall become effective immediately upon its final passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WOLFFORTH ON THIS THE 15TH DAY OF MAY 2023.

APPROVED:

Charles Addington, II, MAYOR

ATTEST:

Terri Robinette, CITY SECRETARY

AGENDA ITEM COMMENTARY

ITEM TITLE

Consider and take appropriate action on election of Mayor Pro Tem

INITIATOR/STAFF INFORMATION SOURCE

Terri Robinette, City Secretary

BACKGROUND

The City Council shall elect one of its members as Mayor Pro Tem, who shall perform the duties of the mayor if the mayor is unable. Nominations for Mayor Pro Tem shall be taken in the form of a motion by a Council Member, a second followed by a majority vote deciding the appointment.

EXHIBITS

COUNCIL ACTION/STAFF RECOMMENDATION

Elect Mayor Pro Tem

AGENDA ITEM COMMENTARY

ITEM TITLE

Consider and take appropriate action on presentation of Audit for FY 2022

INITIATOR/STAFF INFORMATION SOURCE

Randy Criswell, City Manager

BACKGROUND

Representatives from CRI will be here to present the FY 2022 Annual Audit.

The final draft is available for your review and has been sent to you under separate cover.

EXHIBITS

FY 2022 Financial Audit (attached separately)

COUNCIL ACTION/STAFF RECOMMENDATION

Staff recommends approval of the FY 2022 Annual Audit as presented.

AGENDA ITEM COMMENTARY

ITEM TITLE

Conduct a Public Hearing on a Conditional Use Permit, requested by Masked Rider Properties, for a multi-family development on property currently zoned Commercial District (C3)

INITIATOR/STAFF INFORMATION SOURCE

Randy Criswell, City Manager

BACKGROUND

On April 10, 2023, the Wolfforth Planning and Zoning Commission held a Public Hearing concerning a request for a Conditional Use Permit for a multi-family development named “The Element”. The proposed location for the development is zoned Commercial (C3), which does not allow for residential development without a Conditional Use Permit. The Planning and Zoning Commission denied the application. In accordance with the Ordinance, the denial can be appealed to the City Council, and the applicant is exercising the appeal process. The first part of that process is for the City Council to conduct a Public Hearing.

Representatives from “The Element” are expected to be at the meeting and wish to make a presentation to the City Council.

EXHIBITS

None

COUNCIL ACTION/STAFF RECOMMENDATION

1. Allow for the presentation from the applicant
2. Open the Public Hearing
3. Receive any public comments
4. Close the Public Hearing

AGENDA ITEM COMMENTARY

ITEM TITLE

Consider and take appropriate action on a request for a Conditional Use Permit for Multifamily Housing on property zoned Commercial District (C3), as requested by Masked Rider Properties and MKB Development Group, appellant/applicant

INITIATOR/STAFF INFORMATION SOURCE

Randy Criswell, City Manager

BACKGROUND

On April 10, 2023, the Wolfforth Planning and Zoning Commission considered a request for a Conditional Use Permit for a multi-family development named “The Element”. The proposed location for the development is zoned Commercial (C3), which does not allow for residential development without a Conditional Use Permit. The Planning and Zoning Commission held a public hearing, and then denied the application. In accordance with our Ordinance, the denial can be appealed to the City Council, and the applicant is exercising the appeal process.

The first step was the Public Hearing, which you’ve now conducted. The second and final step will be to either deny or approve the application. You have in your packet a letter from City Councilwoman Charlotte McDonald, also a member of the Planning and Zoning Commission. Mrs. McDonald is unable to be present, but her comments are to be shared. Staff recommends that the comments be read into the record.

EXHIBITS

Letter from Councilwoman McDonald
P & Z packet from April 10 meeting
Minutes of April 10 P & Z meeting
Conditional Use Permit section of Wolfforth Code of Ordinances

COUNCIL ACTION/STAFF RECOMMENDATION

The Planning and Zoning Commission considered this item thoroughly and voted to deny it. Staff has not seen any compelling reason for overturning the decision of the Planning and Zoning Commission.

May 8, 2023

Mayor Addington and Members of the City Council:

I will not be able to attend the meeting on May 15 and I can't tell you how much I'd like to be there. I understand that the developers for The Element will be there to make their presentation and appeal for approval of their project on the 62/82 access road. As a member of the P&Z Committee that denied their petition to change the zoning, I would like to share with you my opinions about the development.

The project began, I believe, in 2021 when they secured zoning for their subdivision. At that time it appeared to be a reasonable request. It "looked like" a project that we could be proud of with cute little cottages, etc. They showed no action. They appeared again in 2022 making a few adjustments, and now they've come up with another plan because the time period for the zoning change has expired. The P&Z Committee denied their zoning change and so they are appealing to the Council.

The project has changed drastically; therefore, the P&Z felt like it was not the best use of the property. The group of 5 left very upset with us because of our denial. Following are my reasons for moving to deny their request. The motion passed unanimously with one member abstaining because of his profession.

Because of the City's long term vision for this property, it is my opinion that the property should stay zoned for commercial only. The project was to include a commercial strip with the gated leasing community with many amenities. That commercial strip was to be anchored by Trader Joe's they said. As we found out later, they wanted us citizens to contact Trader Joe's and beg them to locate here. Nothing had been confirmed with any commercial entity as far as I recall. Now they mention several businesses but none are confirmed except the one they would fund, they say.

I believe it would be a shame to allow residential to build on this property. The cute little cottages have changed because they are now depending on HUD funding to build and HUD requires a multi-structure I think. They say the units are not low income and only the building funds are HUD. We have no guarantee that this NEW project would remain well kept in years to come and could in fact become an eye sore very visible to anyone traveling through Wolfforth.

Among statements the group made to us were:

"We have millions invested in this project already because we believe it is a perfect plan for this property."

"These men flew in on their own money because they believe in this project."

"Then this property will stay like it is—a dirty vacant field with no progress!"

"Then we'll just go to the City Council for an over rule of your decision. Put us on the agenda."

As with any other project a developer is proposing, they tend to have a high pressure presentation.

Thank you.

Charlotte McDonald

Commentary and Packet provided to the Planning and Zoning Commission for the April 11, 2023 Commission meeting

AGENDA ITEM COMMENTARY

ITEM TITLE

Consider and take appropriate action on request from MKB Development Group for a Conditional Use Permit for construction of a multi-family development in a C3 (Commercial) zone

INITIATOR/STAFF INFORMATION SOURCE

Randy Criswell, City Manager

BACKGROUND

We have received a request for a Conditional Use Permit for a multi-family development within a C3 Commercial Zone. Our Zoning Ordinance prohibits residential use in a C3 Zone without a Conditional Use Permit. A copy of Section 205 of the pertinent section of the Zoning Ordinance is included with this commentary.

This is not a completely new request, but more of an amended and restated request. Here is a brief history as I understand it: On December 14, 2021 the Planning and Zoning Commission voted to approve a Conditional Use Permit for this project, which expired 12 months later, resulting in a requirement to start the process all over. A general description of the project **as presented to the P & Z in December 2021:**

- 240 unit gated luxury apartment complex
- Highway frontage to be retained for commercial development
- Trader Joe's has expressed interest in being the commercial "anchor"
- Will include property for a 6,000-10,000 sf retail anchor store (Trader Joe's)
- Will include an additional 8 to 10 commercial store fronts for lease

The applicant, MKB Development Group, sent a letter to us dated March 13, 2023, asking for an extension. A copy of that letter is attached. As you can see in that letter, the applicant states that they have now secured HUD Financing and go on to state "not low income". The letter also states that HUD has requested a letter of support from the City. Their request for an extension was denied.

On March 21, 2023, we met with Mr. Derek Balzano and Mr. Terry Gardner, representing the development. They informed us that the project was the same as it had been described in 2021, except the project construction would now be funded by HUD. I advised them that I didn't feel any type of low income or subsidized housing was a need in Wolfforth. They stated the HUD financing was simply a construction loan, had no low income component or stipulations, and placed no obligations on the project except:

- they would have to build additional handicapped units as a HUD requirement, and
- the construction specifications would have to comply with HUD specifications, which would result in a higher quality of construction than our building standards.

I inquired as to the status of the Trader Joe's anchor they had mentioned in 2021 and they told me Trader Joe's could still be a part of the project if enough people expressed support.

Since that meeting, we have received a substantial amount of information. Here is a link to a Google Drive file that has been provided by the applicant:

https://drive.google.com/drive/folders/1SRqN2qW9TbJA_OOeVEki8c4NjPh32uPU

Your packets as prepared contain less information for the sake of convenience.

In general, the revised request includes a gated luxury apartment complex as shown in the attached information. The HUD financing component is from the construction lending program (HUD 221(d)4). We have included information provided by the applicant regarding this program.

In my opinion, this is not the same project for which a Conditional Use Permit was granted 16 months ago for two very specific and important reasons. One, there is now a HUD component, and two, Trader Joe's was only mentioned when I brought it up. I also believe it's worth noting this development does not conform to the City of Wolfforth's Comprehensive Land Use Plan, which designates this area for commercial development.

Notices were sent to property owners within 200', and as of the date of the preparation of this packet, we have received no responses except an email from George McMahon (attached) which states a qualified support for the project "As long as it's not some kind of government subsidized housing..."

EXHIBITS

Included in your packet:

- Letter from MKB dated March 13, 2023 requesting extension
- The current land use plan adopted by the City Council on April 5, 2021, a map of the area being considered, and pictures of the surrounding businesses.
- Section 205- Conditional Use Review from the City's Zoning Ordinance along with the Zone Use Table for reference.
- Copy of the notice that was mailed to surrounding landowners
- Proposed site details of the development.

ACTION

You have the following options for action tonight:

- Table the item and request additional information (if so desired)
- Deny the application – this will result in an automatic appeal to the City Council
- Approve the application
- Approve the application contingent on approval of the City Council

It is important to note that the letter of support requested by HUD can only be authorized by the City Council.



MKB Development – The Element At Wolfforth
23.93AC Multifamily Development

CITY OF WOLFFORTH, TEXAS

THE ELEMENT AT WOLFFORTH, “Conditional use approval”

To whom it may concern,

March 13, 2023

On February 10, 2022, MKB Development group received a “Conditional Use Approval” for a multi-family project here in Wolfforth, we are looking to provide an update on the project and request approval for an extension.

We were unexpectedly delayed due to unforeseen financial market issues. Our Broker ended up taking us down the path of HUD Financing (not low income) which provided 85% of our construction costs at 5.5 % interest for 40 yrs. So that brought us back to life. HUD has as well has requested a letter of support from the city and we humbly request that in addition to the “extension”.

Updated Costs of Construction is \$61,500,000.00 and we are excited to break ground this June and to be able to bring jobs and revenue to the area along with many decades of tax income for the City.

Any Further information and or questions please feel free reach out, I will be more then happy to have a conversation.

Best Regards,

Derek V. Balzano
Vice President
MKB Development Group

ORDINANCE NO. 563

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH ADOPTING AN UPDATED FUTURE LAND USE PLAN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Wolfforth adopted its Comprehensive Land Use Plan on July 15, 2009, which contains the current Future Land Use Plan; and

WHEREAS, the City Council has determined that it is in the best interest of the City to update its future land use plan; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOLFFORTH, TEXAS, THAT:

Part 1. Enacted.

THAT City of Wolfforth Future Land Use Plan is hereby amended by repealing the current Master Thoroughfare Plan and adopting the Future Land Use Plan attached hereto as Exhibit A.

Part 2. Severability.

If any section, sub-section, clause, phrase, or portion of this Ordinance shall be held unconstitutional or invalid by a court of competent jurisdiction, such section, sub-section, sentence, clause, phrase, or portion shall be deemed to be a separate, distinct, and independent provision and such invalidity shall not affect the validity of the remaining portions.

Part 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Part 4. Open Meetings

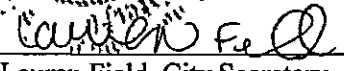
That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

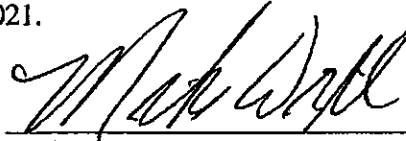
Part 5. Effective Date.

This Ordinance shall be in force and effect upon its passage and adoption by the City Council.

PASSED and ADOPTED this 5th day of April 2021.

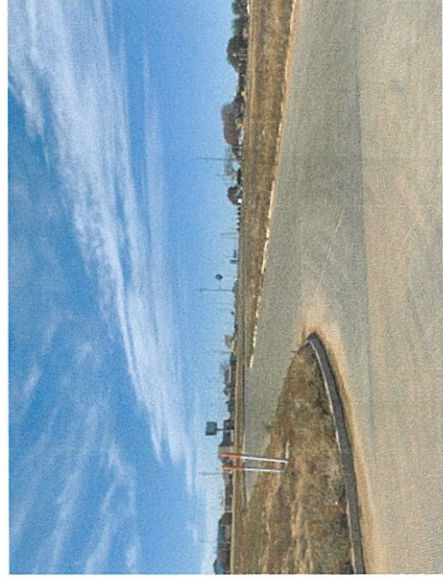
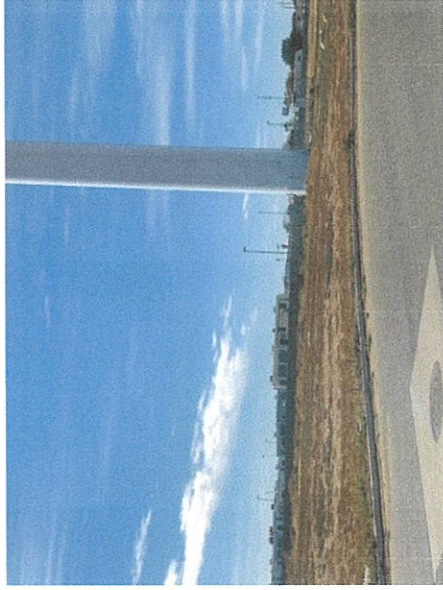



Lauren Field, City Secretary



Michael Wright, Mayor
City of Wolfforth, Texas

Patel Business Park
Hwy 62/82 and Patel Drive



Sec. 205. Conditional Use Review

1. Who May File

An application for conditional use approval shall be submitted by the owner or agent authorized by affidavit to act on the owner's behalf, unless initiated by City officials ordinarily authorized to initiate amendments to the zoning map.

2. Submission of Application

A complete application shall be submitted to the City Administrator, along with the appropriate fee. The City Administrator may require an application for conditional use approval to be accompanied by a site plan of existing and proposed development of the affected site.

3. Applicable Development Standards

Unless otherwise specified in this Zoning Ordinance, no conditional use approval shall be granted for any use that does not conform to standards of the district in which it is located. Each conditional use shall also be subject to any specific use requirements set forth in Articles 3 through 5.

4. Review by City Administrator

After determining that the application is complete, the City Administrator shall place the request on a meeting agenda for consideration by the Planning Commission.

5. Hearing and Action by Planning Commission

- a. The Planning Commission shall, after appropriate notice, conduct a public hearing on each request for approval of a conditional use.
- b. At the public hearing, the Planning Commission shall consider the application, any pertinent comments by the City staff, and relevant support materials and public testimony given at the public hearing.
- c. After the close of the public hearing, the Planning Commission shall approve the request, approve the request with additional conditions, or deny the request. The Planning Commission may attach such conditions to a conditional use approval as are necessary to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: limitations on size, bulk and location, provision of adequate ingress and egress, duration of conditional use approval, and hours of operation for the specific allowed activity.

6. Conditional Use Approval Criteria

Approval of a conditional use by the Planning Commission shall be based upon the following criteria:

- a. Impacts Minimized. Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties.
- b. Consistent with Zoning Ordinance. Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance, including the applicable zoning district intent statement.
- c. Compatible with Surrounding Area. Whether and the extent to which the proposed conditional use is compatible with existing and anticipated uses surrounding the subject land.
- d. Effect on Natural Environment. Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to, adverse impacts on water and air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.
- e. Community Need. Whether and the extent to which the proposed conditional use addresses a demonstrated community need. Zoning Ordinance - Wolfforth, Texas 12
- f. Development Patterns. Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community.

7. Expiration of Conditional Use Approval

- a. All conditional use approvals issued shall be subject to the requirement that the property for which the approval was issued must actually acquire a building permit for the approved use within 12 months from the granting of the conditional use approval, provided that the City Administrator, with significant evidence that the designated use cannot be realistically implemented with due diligence within that time period, may grant a longer period of time, but in no event shall such extension period exceed an additional 12 months.
- b. If the designated use is not made of the property within the time limitation granted, the conditional use approval shall be cancelled and revoked and be of no effect.

8. Appeal

- a. Appeal of the Planning Commission's decision on conditional use approval shall be made within 10 days of the final action by the Planning Commission, to the City Council. The appeal shall be in writing, submitted to the City Administrator and processed in accordance with Sec. 210: Appeals.
- b. In considering such an appeal, the City Council shall review the decision in light of the Comprehensive Plan, this Zoning Ordinance, the Official Zoning Map, and any other land use policies adopted by the Planning Commission or City Council, whichever are applicable. The City Council shall modify or reject the decision of the Planning Commission only if it is not supported by substantial competent evidence or if the Planning Commission's decision is contrary to the Comprehensive Plan, this Zoning Ordinance or the Official Zoning Map.



March 27, 2023

Dear Property Owner:

You have received the enclosed notice because your property is located within two hundred feet (200') of property for which the City of Wolfforth has received an application for a Conditional Use Permit. The application is for the construction of a multi-family complex, which is not allowed within the current zoning unless a Conditional Use Permit is granted. Your property is **not** part of the actual zone case. The dark blue area on the enclosed map indicates the approximate area of the property under consideration for the Conditional Use Permit, and the dashed line represents properties that are within the notification area.

A Public Hearing before the Planning and Zoning Commission has been scheduled (see attached for details) for the purpose of receiving comments from the surrounding property owners, and we encourage you to do so, either in person or in writing prior to the meeting. All comments are provided to the decision-making bodies and are appreciated. Silence is considered consent.

Please feel free to call City Hall at 806-855-4120 or email kgroves@wolfforthtx.us if you have any questions. Please submit any comments by mail or email.

Sincerely,

Kimberlea Groves
Department of Development Services

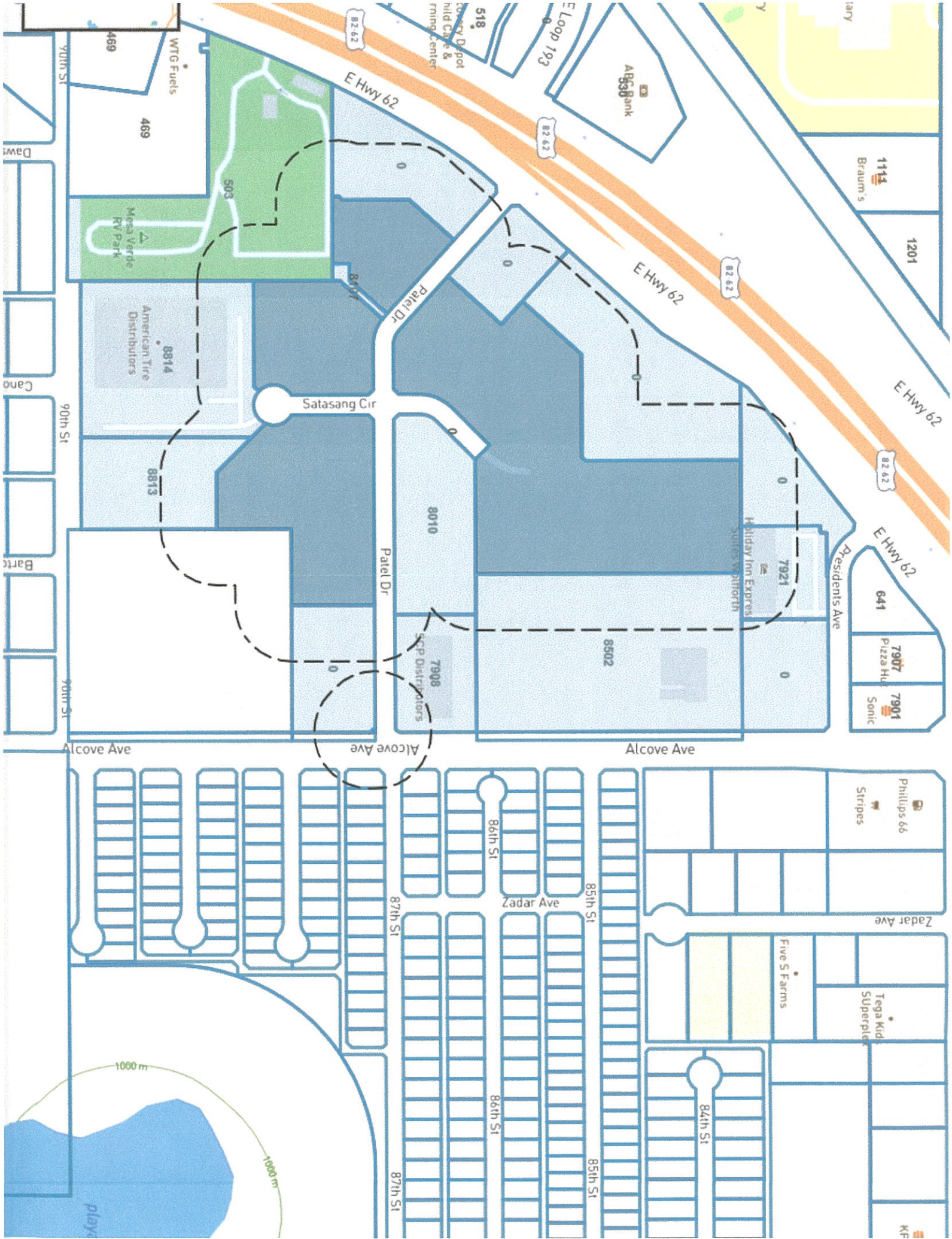
Enclosures: Public Hearing Notice, Zoning Map, Site Plan

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Wolfforth Planning and Zoning Commission will meet on April 11, 2023, at 5:30pm in the City Hall Meeting Room, 302 Main Street, Wolfforth, Texas to hold a public hearing and take public comments regarding a Conditional Use Permit Request for the construction of a multi-family complex, which is not allowed within the current zoning, at BLK AK SEC 25 AB 246 TR NE 5 LESS W25' OF E55' ACS: 1.727 (between US 62/82 and Alcove Avenue and south of 82nd Street.)

At said time and place all such persons shall have the right to appear and be heard.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 806-855-4120 or email at city.secretary@wolfforthtx.us for further information.





Building Quantity	Units in Building	Total Units
1	12	12
1	8	8
1	5	5
16	6	96
14	4	56
15	3	45
11	2	22
Total Unit Count		244

SCHEDULE OF UNITS									
Tan	A-1	1	bed	1	bath	801	sq. ft.	qty	26
Green	B-1	2	bed	2	bath	1,200	sq. ft.	qty	66
Grey	B-2	2	bed	2	bath	1,248	sq. ft.	qty	34
Blue	C-1	3	bed	2 1/2	bath	1,350	sq. ft.	qty	38
Blue	C-1	2	bed	2	bath	1,196	sq. ft.	qty	19
Blue	C-1(b)	3	bed	2 1/2	bath	1,942	sq. ft.	qty	7
Tan	C-2	3	bed	2 1/2	bath	1,550	sq. ft.	qty	36
Tan	C-2	2	bed	2	bath	1,256	sq. ft.	qty	18



In this packet you will find documents pertaining to a proposed subdivision-The Element at Wolfforth.

Included are:

- Architect Renderings
- Site Plan
- Site Plan (2)
- Project Costs
- HUD Financing Sec 221(D)(4) definitions
- Letter from the Community Preservation Corporation re: HUD

I am also providing a link below to the full presentation provided by the developer for you to review if you should wish to.

https://drive.google.com/drive/folders/1SRqN2qW9TbJA_OOeVEki8c4NjPh32uPU

Thank you for continuing to help keep Wolfforth 'The place to be'.

Sincerely,

Kimberlea Groves

Planning and Development

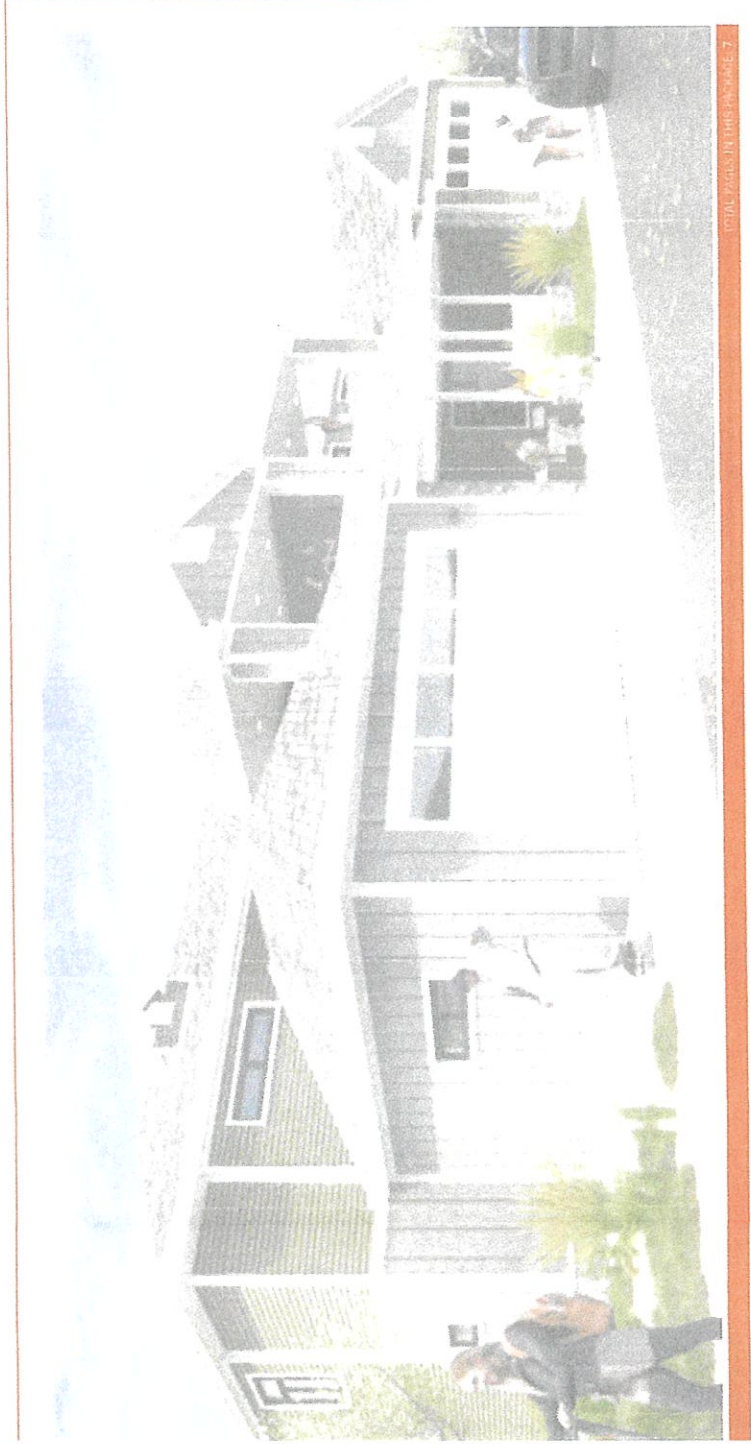


THE ELEMENT AT WOLFORTH
MULTI-FAMILY RESIDENTIAL

WOLFORTH, TEXAS

CONCEPTUAL DESIGN
PHX21-0127-00
03.22.2022

WARE MALCOMB





View at Street

The conceptual design is based upon a preliminary review of relevant requirements and is intended to provide a general impression of the proposed project. It is intended to assist in explaining how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance. All colors shown are for representative purposes only. Refer to material samples for actual color verification.

A1 PROTOTYPE
 THE ELEMENT AT WOLFFORTH
 WOLFFORTH, TEXAS - PHX21-0127-00





View at Rear

A2 PROTOTYPE

THE ELEMENT AT WOLFORTH
WOLFORTH, TEXAS - PHX21-0127-00

This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed. Signs shown are for illustrative purposes only and does not necessarily reflect municipal code compliance. All colors shown are for representative purposes only. Refer to material samples for actual color verification.



WARE MALCOMB

03.18.2022

PAGE 3



Street Elevation

This conceptual design is based upon a preliminary review of entitlement requirements and an unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed. Signs shown are for illustrative purposes only and does not necessarily reflect municipal code compliance. All other shown are for representative purposes only. Refer to material samples for actual color verification.

A1 PROTOTYPE
THE ELEMENT AT WOLFFORTH
WOLFFORTH, TEXAS - PHX21-0127-00



View at Street

This conceptual design is based upon a preliminary review of relevant requirements and an anticipated preliminary design. It is intended to provide a general impression of the project and is not intended to be used for construction. It is intended to be used for illustrative purposes only and does not necessarily reflect municipal code compliance. All colors shown are for representative purposes only. Refer to material samples for actual color verification.

C1 PROTOTYPE
THE ELEMENT AT WOLFORTH
WOLFORTH, TEXAS - PHX21-0127-00





View at Rear

B2 PROTOTYPE

THE ELEMENT AT WOLFORTH
WOLFORTH, TEXAS - PHX21-0127-00

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03.18.2022

PAGE
6



Street Elevation

C1 PROTOTYPE

THE ELEMENT AT WOLFORTH
WOLFORTH, TEXAS - PHX21-0127-00

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6/10/22

ARCHITECTS PC
AMERICAN INSTITUTE OF ARCHITECTS



COXDIRKSARCHITECTS.COM



6/10/22

GENERAL NOTES

SHEET NOTES

A NEW SHOPPING CENTER FOR
DESIGN PLUS WEST, LLC
WOLFORTH TEXAS



ARCHITECTS PC
8101 W. 14TH STREET, SUITE 100
FARMERSBURGH, TX 76044
TEL: 817.555.1234 FAX: 817.555.1235
WWW.ARCHITECTSPC.COM

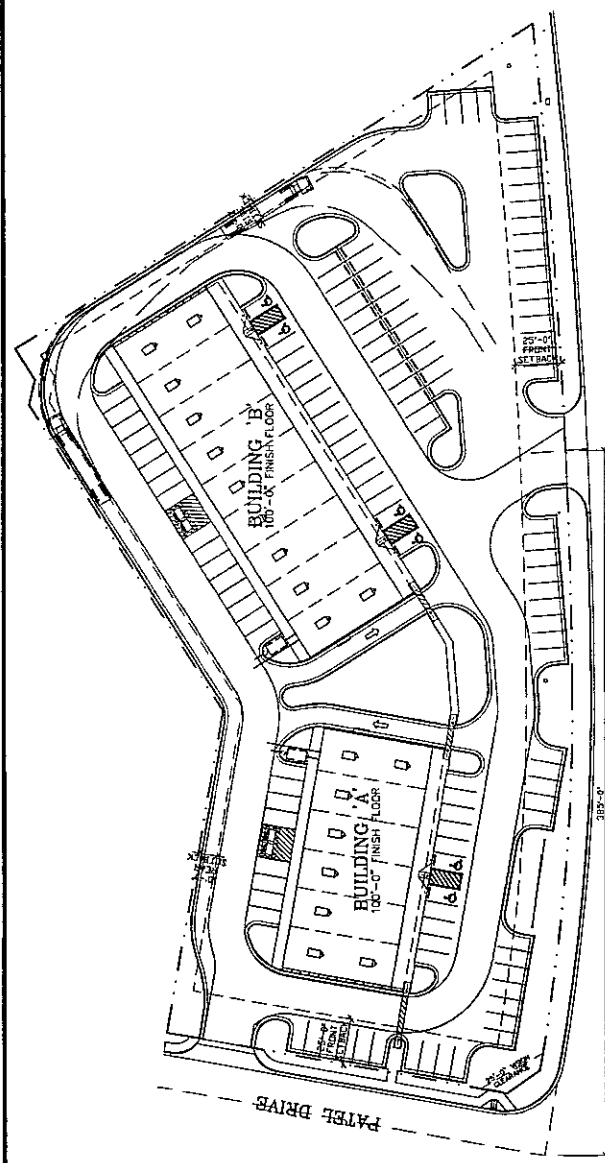
PROJECT NO. 2021-02
SHEET: **SD1**
DATE: 06/14/2022
REVISED

SHEET LEGEND

	NEW 4" THICK CONC. (NOT REINFORCED WITH BBS 1/4"x14" MAX.)
	WATER LINE
	GAS LINE
	SEWER LINE
	STORM WATER LINE
	ELECTRIC LINE
	EROSION CONTROL

SITE DATA

SITE DESCRIPTION	BLK. 24, SEC. 25, AB 245, TR. N.E., LUBBOCK COUNTY, WOLFORTH, TEXAS
ADDRESS	--- E HWY 62-82
ZONED	C-3 (COMMERCIAL)
OCCUPANCY	H (HABITAT)
BUILDING AREAS	7,400 S.F.
BUILDING 'A'	11,000 S.F.
BUILDING 'B'	11,000 S.F.
TOTAL	22,000 S.F.
BUILDING HEIGHT	21'-0"
IMPERVIOUS AREA	---
PERVIOUS AREA	---
LANDSCAPING REQUIREMENTS	15,000 S.F.
LANDSCAPE PROVIDED	15,000 S.F.
PARKING REQUIREMENTS	100 SPACES
PARKING PROVIDED	100 SPACES
ACCESSIBLE REQUIRED	5 SPACES



U.S. 62 FRONTAGE ROAD

SITE AND ROOF PLAN 01
1/8"=1'-0"

THESE DRAWINGS ARE PREPARED BY THE ARCHITECT FOR THE CLIENT'S USE ONLY. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THESE DRAWINGS. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED. THE ARCHITECT DOES NOT ASSUME ANY LIABILITY FOR ANY CONSTRUCTION DEFECTS OR OTHER DEFECTS THAT MAY OCCUR AFTER THE DATE OF COMPLETION OF THE PROJECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED. THE ARCHITECT DOES NOT ASSUME ANY LIABILITY FOR ANY CONSTRUCTION DEFECTS OR OTHER DEFECTS THAT MAY OCCUR AFTER THE DATE OF COMPLETION OF THE PROJECT.

A NEW SHOPPING CENTER FOR



PROJECT NO. 928-22

一、

DATE: 08/14/2022

SHEET NOTES

- 2424401A PLVISED TELEPHONE ROOM MOUNTED ON WALL RE-
ELECTRICAL.
ELECTRICAL PANEL REE ELECTRICAL.
OVERHEAD AND DOWN DASHED.
ALUM THREHOLD TO MEET ADA & T&E REQUIREMENTS.
STRUCTURAL COLUMN REE FINISH PLAN
LAMPED FIRE EXTINGUISHER IN 4017 BRACKET.
NOTAL WATER MAIN ENTRY UNDER 4000S SERVICE HOOKED
DOWN HOOD. WITH RECEIVED PLANTING KIT. IN CHIT OF LUMBER
REQUIREMENTS CONTACT FIRE MARSHALLS OFFICE FOR TESTING
REQUIREMENTS.

GENERAL NOTES

- [illegible]

WALL TYPE LEGEND

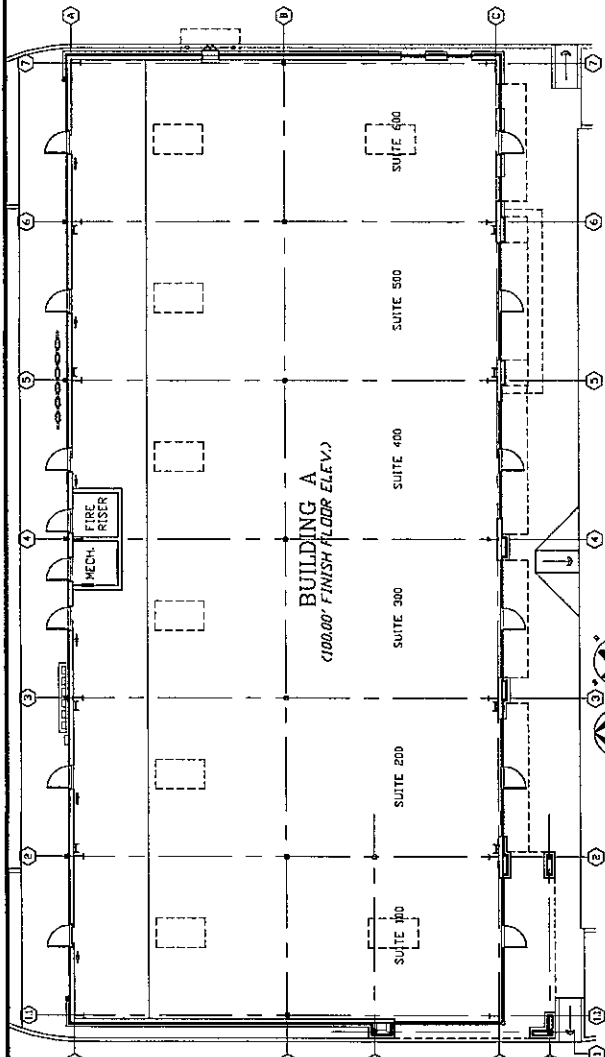
EXTERIOR STUDS TO BE 6" Cx12 OR 6" AT
16" OC UNLESS OTHERWISE NOTED.

CALCULATED USING

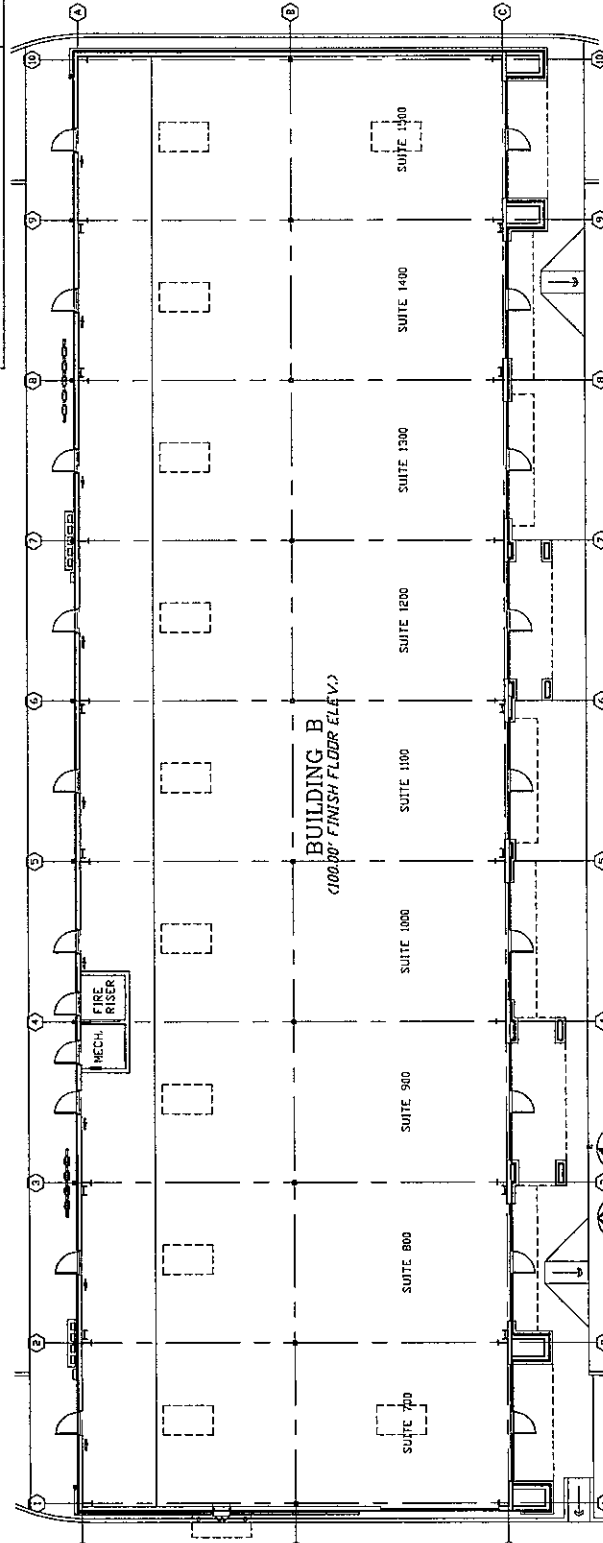
1 1/2" RIPS UNLESS OTHERWISE NOTED.

1. MAX. FLOOR JOIST TO BEOL INTERIOR
STUDS TO BE 6" Cx12 OR 6" AT 16" OC.

2. 1" LAYER 5/8" TYPE X FIBER CEMENT
GYP BOARD TO BEOL INTERIOR STUDS
FULL COMPLY WITH 2003 IBC SECTION
ALL PENETRATIONS.



BLDG. 'A' FLOOR PLAN 01
SCALE 1/8" = 1'-0"



BLDG. 'B' FLOOR PLAN 02

THESE DRAWINGS ARE RELEASED BY THE ARCHITECT WHOMSE SEAL APPEARS ON THIS DRAWING FOR ONE THE CONSTRUCTION. THE ARCHITECT MUST BE NAMED ON AN HOURLY BASIS FOR ADDITIONAL SERVICES TO ENSURE QUALITY CONTROL. ADDITIONAL SERVICES SHALL INCLUDE SUBMITTAL AND SHOP DRAWING REVIEW, INTERPRETATION, AND A FINAL INSPECTION. IN THE EVENT THAT THIS CONDITION IS NOT MET, THE CONSTRUCTION MANAGER ASSUMES ALL RESPONSIBILITY OF QUALITY CONTROL FOR INSTALLATION AND THE ARCHITECT IS THEREBY EXEMPTED FROM ANY LIABILITY OR RESPONSIBILITY FOR UNDOING THE "STANDARD OF CARE" FOR THE PROJECT.

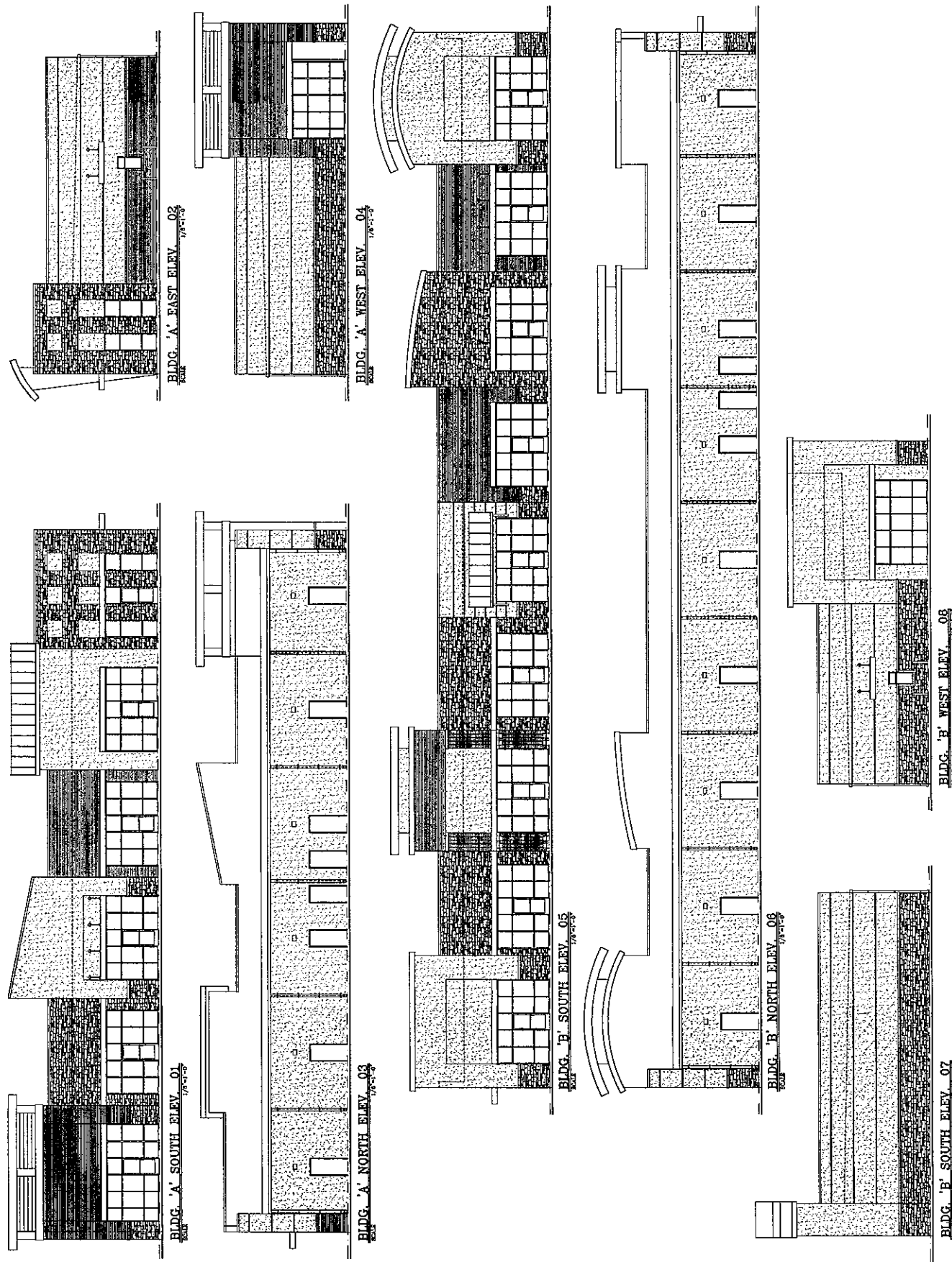
A NEW SHOPPING CENTER FOR
DESIGN PLUS WEST, LLC
 WOLFORTH TEXAS



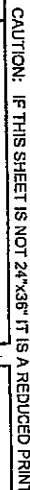
ARCHITECTS PC
 5101 BETH STREET, SUITE 1
 FORT WORTH, TEXAS 76102
 WWW.COOPERARCHITECTS.COM

PROJECT NO. 328-22
 SHEET: **A5.0**
 OF: —
 DATE: 06/14/2022
 REVISIONS:

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3-ET
A1.1



Building	Units	Total Units
Quarry	12	12
1	8	8
2	7	7
3	6	6
4	4	4
5	3	3
6	2	2
7	1	1
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The Element at Wolfforth

Soft Costs	
GC Fees	\$ 2,500,000
Development Fee	\$ 2,000,000
Phase 1 Environmental	\$ 10,000
Soils Report	\$ 7,500
Survey	\$ 20,000
Site Planning	\$ 7,000
Landscape Conceptual	\$ 7,500
Civil Engineering	\$ 200,000
Architectural CD's	\$ 175,000
Structural Engineering	\$ 163,040
Mechanical, Electrical, Plumbing Engineering	\$ 150,000
Legal fees	\$ 180,000
Developer Reimbursables	\$ 250,000
MKB BR Insurance	\$ 95,000
TOTAL	\$ 5,765,040

Land Development Cost		
Temp Fence-Barricades-Tarff Control		\$ 30,000
Testing and Inspection Services		\$ 25,000
Site Maintenance		\$ 15,000
Erosion Control/NPDES		\$ 40,000
Site Access		\$ 5,000
Site amenities		\$ 150,000
Parking Canopies		\$ 65,000
Grading		\$ 450,000
Drywells		\$ 100,000
Soil Import/Export		\$ 80,000
Perimeter Walls / Entry Monuments		\$ 300,000
Asphalt/Conc. Paving/Striping/Signage		\$ 450,000
General Concrete - Misc Conc		\$ 50,000
Concrete Driveways		\$ 210,500
Street and City Sidewalks		\$ 115,000
Site Sidewalks		\$ 350,000
Curb/Gutter (Concrete)		\$ 301,000
Dry Utilities - Primary and Secondary		\$ 620,000
Water - Domestic and Fireline		\$ 680,000
Sanitary		\$ 593,000
Water & Sewer Ties to Buildings		\$ 120,000
Site Painting		\$ 40,000
Gate Operators & Access Control		\$ 130,000
Retaining Walls		\$ 65,000
Site Survey		\$ 85,000
Landscaping & Irrigation		\$ 600,000
Yard Fences and Gates		\$ 600,000
Site Lighting		\$ 275,900
Mailboxes		\$ 30,000
Dumpster Enclosure & Gates		\$ 90,000
General Conditions		\$ 834,600
TOTAL		\$ 7,500,000

TYPE	# Units	VERTICAL	COST PER UNIT	COST PER TYPE	PER SQ FT before tax
A-1	26	1 bed 1 bath 2 park spaces 801 sq ft	\$ 94,040	\$ 2,445,047	\$ 117.40
B-1	66	2 bed 2 bath 2 park spaces 1200 sq ft	\$ 138,109	\$ 9,115,194	\$ 115.09
B-2	34	2 bed 2 bath 2 story 1 car g 1248 sq ft	\$ 144,610	\$ 4,916,756	\$ 115.87
B-2g	34	4 single garage rentals 1248 sq ft	\$ 43,179	\$ 1,468,079	\$ 34.60
C-1	45	3 bed 2.5 bath 2 story 2 car g 1350 sq ft	\$ 157,896	\$ 7,105,301	\$ 116.96
C-2	36	3 bed 2.5 bath 2 story 2 car g 1550 sq ft	\$ 173,877	\$ 6,259,557	\$ 112.18
C1-C2	37	2 bed 2 bath 2 story 1 car g 1133 sq ft	\$ 143,420	\$ 5,306,525	\$ 126.58
Clubhouse / Pool / Gym				\$ 875,000	
TOTAL				\$ 37,491,459	
Sales Tax 8.25%				\$ 3,093,045	
				\$ 40,584,505	
Cost Savings Connect Units				\$ 1,400,000	
Sub Total				\$ 39,184,505	
Contingency				\$ 2,364,551	
TOTAL				\$ 41,549,056	

Summary	
Land Cost	\$ 4,200,000
Closing Cost	\$ 150,000
Land Development Cost	\$ 7,500,000
Hard Cost	\$ 41,459,056
Soft Cost	\$ 5,765,040
Loan Fees	\$ 463,397
Loan Interest	\$ 1,888,805
Operating Losses	\$ 117,883
Total	\$ 61,544,181
PROJECT TOTAL	
\$ 61,544,181	

MULTIFAMILY HOUSING- SEC 221(D)(4) PROGRAM DISCRIPTION-HUD

MORTGAGE INSURANCE FOR RENTAL AND COOPERATIVE HOUSING: SECTION 221(D)(4)

Summary:

Section 221(d)(4) insures mortgage loans to facilitate the new construction or substantial rehabilitation of multifamily rental or cooperative housing for moderate-income families, elderly, and the handicapped. Single Room Occupancy (SRO) projects may also be insured under this section.

Purpose:

Section 221(d)(4) insures lenders against loss on mortgage defaults. Section 221(d)(4) assists private industry in the construction or rehabilitation of rental and cooperative housing for moderate-income and displaced families by making capital more readily available. The program allows for long-term mortgages (up to 40 years) that can be financed with Government National Mortgage Association (GNMA) Mortgage Backed Securities.

Type of Assistance:

FHA mortgage insurance for HUD-approved lenders.

Eligible Activities:

Insured mortgages may be used to finance the construction or rehabilitation of detached, semidetached, row, walkup, or elevator-type rental or cooperative housing containing 5 or more units. The program has statutory mortgage limits which vary according to the size of the unit, the type of structure, and the location of the project.

Eligible Borrowers:

Eligible mortgagors include public, profit-motivated sponsors, limited distribution, nonprofit cooperatives, builder-seller, investor-sponsor, and general mortgagors.

Eligible Customers:

All families are eligible to occupy dwellings in a structure whose mortgage is insured under this program, subject to normal tenant selection. There are no income limits. Projects may be designed specifically for the elderly or handicapped.

Application:

Section 221(d)(4) is eligible for Multifamily Accelerated Processing (MAP). The sponsor works with the MAP-approved lender who submits required exhibits for the pre-application stage. HUD reviews the lender's exhibits and will either invite the lender to apply for a Firm Commitment for mortgage insurance, or decline to consider the application further. If HUD determines that the exhibits are acceptable, the lender then submits the Firm Commitment application, including a full underwriting package, to the local Multifamily Region for review. The application is reviewed to determine whether the proposed loan is an acceptable risk. Considerations include market need, zoning, architectural merits, capabilities of the borrower, availability of community resources, etc. If the proposed project meets program requirements, the local Multifamily Region issues a commitment to the lender for mortgage insurance.

Applications submitted by non-MAP lenders must be processed by HUD field office staff under Traditional Application Processing (TAP). The sponsor has a preapplication conference with the local HUD Multifamily Region to determine preliminary feasibility of the project. The sponsor must then submit a site appraisal and market analysis (SAMA) application (for new construction projects), or feasibility application (for substantial rehabilitation projects). Following HUD's issuance of a SAMA or feasibility letter, the sponsor submits a firm commitment application through a HUD-approved lender for processing. If the proposed project meets program requirements, the local Multifamily Region issues a commitment to the lender for mortgage insurance.

Technical Guidance:

The 221(d)(4) program is authorized by the National Housing Act (12 U.S.C. 17151 (d)(4)). Program regulations are found at 24 CFR 221, subparts C and D. Basic TAP program instructions are in HUD handbook 4560.01 - Mortgage Insurance for Multifamily Moderate Income Housing Projects available on [HUDclips](#). Refer to the MAP web-site for guidelines and instructions, lender approval requirements, and MAP coordinators. The program is administered by the Office of Multifamily Housing Programs, Office of Production, Program Administration Division.

Program Accomplishments:In FY2022, the Department insured mortgages for 180 project with 32,533 units, totaling \$5.1 billion.

MORTGAGE INSURANCE FOR RENTAL AND COOPERATIVE HOUSING: SECTION 221(D)(4)

Summary:

Section 221(d)(4) insures mortgage loans to facilitate the new construction or substantial rehabilitation of multifamily rental or cooperative housing for moderate-income families, elderly, and the handicapped. Single Room Occupancy (SRO) projects may also be insured under this section.

Purpose:

Section 221(d)(4) insures lenders against loss on mortgage defaults. Section 221(d)(4) assists private industry in the construction or rehabilitation of rental and cooperative housing for moderate-income and displaced families by making capital more readily available. The program allows for long-term mortgages (up to 40 years) that can be financed with Government National Mortgage Association (GNMA) Mortgage Backed Securities.

Type of Assistance:

FHA mortgage insurance for HUD-approved lenders.

Eligible Activities:

Insured mortgages may be used to finance the construction or rehabilitation of detached, semidetached, row, walkup, or elevator-type rental or cooperative housing containing 5 or more units. The program has statutory mortgage limits which vary according to the size of the unit, the type of structure, and the location of the project.

Eligible Borrowers:

Eligible mortgagors include public, profit-motivated sponsors, limited distribution, nonprofit cooperatives, builder-seller, investor-sponsor, and general mortgagors.

Eligible Customers:

All families are eligible to occupy dwellings in a structure whose mortgage is insured under this program, subject to normal tenant selection. There are no income limits. Projects may be designed specifically for the elderly or handicapped.

Application:

Section 221(d)(4) is eligible for Multifamily Accelerated Processing (MAP). The sponsor works with the MAP-approved lender who submits required exhibits for

the pre-application stage. HUD reviews the lender's exhibits and will either invite the lender to apply for a Firm Commitment for mortgage insurance, or decline to consider the application further. If HUD determines that the exhibits are acceptable, the lender then submits the Firm Commitment application, including a full underwriting package, to the local Multifamily Region for review. The application is reviewed to determine whether the proposed loan is an acceptable risk. Considerations include market need, zoning, architectural merits, capabilities of the borrower, availability of community resources, etc. If the proposed project meets program requirements, the local Multifamily Region issues a commitment to the lender for mortgage insurance.

Applications submitted by non-MAP lenders must be processed by HUD field office staff under Traditional Application Processing (TAP). The sponsor has a preapplication conference with the local HUD Multifamily Region to determine preliminary feasibility of the project. The sponsor must then submit a site appraisal and market analysis (SAMA) application (for new construction projects), or feasibility application (for substantial rehabilitation projects). Following HUD's issuance of a SAMA or feasibility letter, the sponsor submits a firm commitment application through a HUD-approved lender for processing. If the proposed project meets program requirements, the local Multifamily Region issues a commitment to the lender for mortgage insurance.

Technical Guidance:

The 221(d)(4) program is authorized by the National Housing Act (12 U.S.C. 17151 (d)(4)). Program regulations are found at 24 CFR 221, subparts C and D. Basic TAP program instructions are in HUD handbook 4560.01 - Mortgage Insurance for Multifamily Moderate Income Housing Projects available on [HUDclips](#). Refer to the MAP web-site for guidelines and instructions, lender approval requirements, and MAP coordinators. The program is administered by the Office of Multifamily Housing Programs, Office of Production, Program Administration Division.

Program Accomplishments:In FY2022, the Department insured mortgages for 180 project with 32,533 units, totaling \$5.1 billion.



The Community Preservation Corporation

220 East 42nd St, 16th Floor
New York, New York 10017

December 2, 2022

Kirk Larson
Larson Development Group
9943 E. Bell Road, Suite #113
Scottsdale, AZ 85260

Re: Element at Wolfforth, 221(d)(4) New Construction – single stage processing

Dear Mr. Larson:

The Community Preservation Corporation (“CPC”) has reviewed the material submitted with your request for the financing of the above referenced Project utilizing U.S. Department of Housing and Urban Development (“HUD”) Mortgage Insurance. Based on the information provided by you, we are pleased to advise you that we are prepared to proceed with the processing of your loan request based on the following information, terms, and conditions:

1. BORROWER/SPONSOR:

Entity Name: TBD
Street Address: Patel Drive
City/State: Wolfforth (Lubbock), Texas
Contact: Kirk Larson
Phone: (602)390-3087
Email: Kirk@larsondevelopmentgroup.com
KirkLarson@gmail.com

HUD has specific requirements for the Borrower/Sponsor’s organizational documents, so the Borrower/Sponsor’s entity documents may have to be amended to meet these requirements.

2. DESCRIPTION OF IMPROVEMENTS:

See Exhibit A.

3. LOAN ESTIMATE:

See Exhibit A. The Loan Estimate and mortgage insurance premium (as set forth below) are based on information provided by you and are subject to change based on third party reviews and updated information provided in the HUD mortgage insurance application. The Mortgage Term is established based on CPC’s underwriting.

4. LOAN FEES:

Financing Fee:

See Exhibit A. The Financing Fee (exclusive of the Lender Processing Fee below) is earned upon issuance of the Firm

Commitment for Insurance in conformance with the application, but is not collected until Loan Closing. In the event that a Firm Commitment for Insurance is issued by HUD, but the loan fails to close due to any reason other than material breach by CPC of the terms and conditions of the Funding Commitment, the Financing Fee shall be paid immediately upon request by CPC.

Lender Processing Fee:

See Exhibit A. A non-refundable Lender Processing Fee of \$10,000 is due in two intervals: \$5,000 due when this Engagement Letter is executed and another \$5,000 upon Initial Endorsement.

GNMA Application Fee:

See Exhibit A. GNMA Application Fee is \$500, plus an additional \$200 for every \$1.0 million (or fraction thereof) in loan amount above \$1.5 million.

FHA Application Fee:

FHA Application Fee is thirty hundredths of one percent (.30%) of the Loan Amount. Borrower is proposing single stage processing straight to firm application. With straight to firm processing, the borrower is required to advance the full .20% FHA Application fee with the submittal package. The FHA Application Fee is non-refundable.

Placement Fee:

See Exhibit A. Borrower/Sponsor agrees to pay a Placement Fee to CPC related to the placement of the loan in the secondary market. Borrower/Sponsor agrees that the Placement Fee will have been earned in full upon receipt of the Firm Commitment; however, CPC agrees to defer collection of the Placement Fee until closing so long as the Firm Commitment is in effect.

Broker Fee:

See Exhibit A. The brokerage commission, if any, shall be due and payable at the closing of the loan. Payment of the brokerage commission is not the responsibility of CPC and is governed by a separate agreement between the Broker and the Borrower/Sponsor.

Mortgagee Attorney Fee:

See Exhibit A. Mortgagee Attorney Fee will be a Borrower/Sponsor expense; the cost will be included in the Permanent Placement fee as an eligible cost in the loan.

Should there be Required Repairs (Critical or Non-Critical) required by the Firm Commitment, HUD will be due an

Inspection Fees:

Inspection Fee as follows: (i) \$30 per unit if Required Repairs are greater than \$100,000 but \$3,000 or less per unit, (ii) \$30 per unit or 1% of Required Repairs, whichever is greater, if Required Repairs are greater than \$3,000 per unit, or (iii) \$1,500 where Required Repairs are less than \$100,000.

Additional Fees:

All costs and expenses in connection with processing the application to HUD, the issuance of the Firm Commitment, closing the loan and otherwise in connection with the Project shall be paid by Borrower/Sponsor including, but not limited to, recording, title expenses, survey costs, architect's fees, construction costs, and Borrower's/Sponsor's legal fees.

5. MORTGAGE NOTE RATE:

As determined by market conditions at the time of Rate Lock (see below).

6. PREPAYMENT RESTRICTIONS:

Prepayment privileges are negotiable and determined at the time of Rate Lock.

7. ASSUMABILITY:

Yes, with HUD approval and payment of a fee equal to five hundredths of one percent (0.05%) of the original Loan Amount plus expenses.

8. MORTGAGE INSURANCE PREMIUM:

See Exhibit A. HUD requires the payment of a mortgage insurance premium (MIP) equal to a percentage of the average outstanding loan balance for year one and at an annual percentage of the average outstanding loan balance for each year after year one.

9. THIRD PARTY REPORTS & THIRD PARTY REPORT RETAINER:

See Exhibit A. A retainer for all required third party reports to be ordered by CPC will be required to be remitted to CPC and paid by the borrower. These third party report fees will be required by the borrower after HUD's favorable response to move forward at Concept stage. 3rd party quotes are being requested and will be finalized prior to sending in the funds. The required third party reports are expected to be as follows:

Appraisal
Market Study
Phase One Environmental
Capital Needs Assessment
Permit & Approval Report
Insurance Review
Architectural Cost Review, if

applicable
Green Building Reports
Additional Reports, as required by the applicable program

The Borrower/Sponsor will be responsible for the cost of all required third party reports. Additional reports may be required as a result of further due diligence. The reports are for the exclusive use of CPC and HUD and may not be reproduced by the providers for any other party.

10. RATE LOCK:

A Rate Lock Authorization will be provided to you upon issuance of the Firm Commitment Letter by HUD. Closing and funding will not occur until the Rate Lock Authorization is executed and a Good Faith Deposit is paid. The Good Faith Deposit is refundable and shall be returned to the Borrower/Sponsor at issuance of the GNMA Security. There will be monthly Extension Fees due for failing to endorse the loan within the time frame identified in the Rate Lock Authorization and agreed to by the Borrower/Sponsor.

The Good Faith Deposit shall be forfeited if, for any reason the FHA Endorsement does not occur on or before the Required FHA Endorsement Date set forth in the Rate Lock Authorization, or CPC does not deliver the GNMA Security to the Investor by the GNMA Security Delivery Date set forth in the Rate Lock Authorization, unless such reason is solely due to the fault of the Lender.

If the loan does not close or closing is delayed, the Borrower/Sponsor will be liable for any losses incurred by CPC in connection with unwinding or modifying the Rate Lock.

11. EXCLUSIVE:

The Borrower/Sponsor represents to CPC that there are no outstanding commitments with respect to the financing of the Project and that CPC shall be the exclusive agent of the Borrower/Sponsor in applying for and obtaining HUD financing for the project. The Borrower/Sponsor further represents that the undersigned person signing this Letter of Agreement has the authority to bind the Borrower/Sponsor. If the Borrower/Sponsor decides to curtail the processing of this financing with CPC or rejects the Firm Commitment issued by HUD, Borrower/Sponsor may, for a period of

twelve (12) months thereafter, reapply for FHA-insured financing of the above-referenced property only through CPC.

12. INDEMNIFICATION:

The Borrower/Sponsor agrees to indemnify, defend, and hold harmless CPC (together with its affiliates and the respective directors, officers, and employees of CPC, herein referred to as "Indemnified Parties") from and against any and all losses or liabilities incurred by any Indemnified Party related to or arising out of CPC's activities on the Borrower/Sponsor's behalf in connection with this Project (including, but not limited to, losses or liabilities resulting from an action initiated by or the inaction of the Borrower/Sponsor), other than where such losses or liabilities have been determined by a court of competent jurisdiction to have resulted primarily from CPC's willful misconduct or gross negligence.

13. LIMITATION OF LIABILITY:

CPC's maximum liability arising out of, or in any way relating to, this Letter of Agreement shall not exceed the net total loan fees actually received by CPC. Net total loan fees are hereby defined to be the total loan fees actually paid by the Borrower/Sponsor, less any amount of out-of-pocket cost and third party costs.

14. PRELIMINARY LOAN TERMS:

The attached "Exhibit A" is fully incorporated herein and made a part hereof.

15. OTHER FEES:

Exhibit A lists all other fees associated with the funding of this Project.

These fees do not include any cost of issuance associated with a tax-exempt bond funding.

16. HUD SPECIFIC REQUIREMENTS:

An annual deposit (escrowed monthly) to the Reserve for Replacements will be required. CPC or another HUD-approved party will hold the Reserve for Replacements in an account insured by the Federal government as required under HUD and GNMA requirements. The Reserve for Replacements will be invested as permitted by HUD and GNMA guidelines.

Escrow accounts for real estate taxes, insurance and MIP, (all to be funded monthly) will be established at the start of amortization. CPC or another HUD-approved party will hold these escrow accounts in non-interest bearing accounts

insured by the Federal government as required under HUD and GNMA requirements.

Borrower, management agent and other key principals to the transaction, as HUD shall require, must receive approval through HUD's Active Participants Performance System (2530 clearance.) If any of these parties change prior to the closing, the new party(ies) must receive HUD's 2530 clearance approval. CPC will assist Borrower in obtaining said 2530 clearance.

At closing, a Regulatory Agreement between HUD and Borrower/Sponsor shall be executed, governing, among other things, certain business activities of the Borrower/Sponsor. The Regulatory Agreement, in part, will require Borrower/Sponsor to obtain HUD approval of management, any sale or transfer of ownership, submit audited financial statements and maintain segregated accounts for property funds. In addition, the Regulatory Agreement will require that a party (other than the Borrower) be liable for non-recourse carve-outs.

17. MISCELLANEOUS:

Borrower/Sponsor approves and authorizes CPC to obtain financial statements and credit reports on Borrower/Sponsor and any other related parties, and to provide copies of these reports and statements to HUD in connection with CPC's processing of this loan request. Except to the extent required by HUD for processing, all non-public information conveyed to CPC by Borrower/Sponsor and associated parties will be treated as confidential and will not be used by CPC for any purposes other than the performance of services to be provided to Borrower/Sponsor pursuant to the terms and conditions of this letter agreement, unless Borrower/Sponsor directs or requests in writing. Unless required by law or legislative process, nothing contained herein or resulting from any financial or other advice provided by CPC may be disclosed to any competitor of CPC, or to any client or potential client of CPC, or to any other party (with the exception of representatives from HUD and authorized third party contractors) in any manner without CPC's prior written approval.

If you wish to authorize CPC to proceed with processing this Project and name CPC, or our assignee, as the exclusive HUD Mortgagee for the anticipated loan, please execute where indicated below and return the enclosed copy of this Letter of Agreement to CPC along with \$5,000 processing funds. As mentioned previously, at

Mr. Kirk Larson
December 2, 2022
Page 7


Concept approval, the cost of the HUD required Third Party Reports will be sent to The Community Preservation Corporation; and the balance for the Lender's Processing Fee will be due at Initial Endorsement.

The attached "Exhibit B" provides an initial checklist of items CPC will need to proceed. The list is not comprehensive, but will provide CPC with sufficient information to begin processing and determine the exact information we will need to make application to HUD.

This letter is an agreement for loan processing services. **This Letter of Agreement is not a commitment to make a loan.** CPC has prepared a loan estimate based on information provided by the Borrower/Sponsor. The Borrower/Sponsor acknowledges that HUD will determine (a) whether it will insure the loan, and (b) the final loan amount. Your acceptance indicates this understanding and will become effective only upon acceptance by the applicant and receipt of this signed Agreement by CPC within 21 days following the date hereof. This Letter of Agreement will be enforced and construed under and subject to the laws of the State of New York. CPC may, at its sole option, assign its rights and obligations under any Firm Commitment to another HUD-approved mortgagee for closing.

We look forward to working with you on this endeavor.

Yours Sincerely,



Chanda Tye
Vice President
FHA Deputy Chief Underwriter

Date: December 2, 2022



Timothy M. Deegan
Vice President
Head of HUD Lending & Originations

ACCEPTANCE

The undersigned hereby accepts all the terms and conditions contained herein and request that CPC proceed with the processing and underwriting of the project. We agree to provide you with any additional documentation requested to complete the requirements for processing.

Although the loan anticipated under this letter in NON RECOURSE, any default under this Letter of Agreement will be an obligation of the undersigned entity. The limit of this liability will not exceed the obligations outlined in the Letter of Agreement.

Signing Entity: _____

By: _____
Signature of Authorized Agent

Date

Printed Name and Title

Enclosures:

Exhibit A:
Exhibit B:

Preliminary Loan Terms and HUD forms
Preliminary Information Checklist

Exhibit A

Preliminary Loan Terms

- Description of Improvements:
 - Element at Wolfforth, 221(d)4 New construction – single stage processing
- Loan Estimate:
 - Loan Amount: \$46,209,000
 - Estimated Cash Requirement: \$3,915,116
 - IOD and WC Escrows: IOD \$1,429,994
WC \$1,848,360
 - Mortgage Term: 40 years
- Loan Fees:
 - Financing Fee: 1.00% of the loan amount
 - Lender Processing Fee: \$10,000 due in 2 intervals (\$5,000 with signed Engagement Letter and balance of \$5,000 at Initial Endorsement.
 - GNMA Placement Fee: 0.14% of loan amount due & payable at closing
 - Broker Fee: N/A
 - Mortgagee Attorney Fee: estimated to be \$53.5k (Initial Endorsement and Final Endorsement)
 - Third Party Reports: Quotes are being requested, final bids will be available prior to borrower sending in funds. 3rd party Funds will be required after Concept Approval.
- Mortgage Insurance Premium:
 - Proposed Green MIP: 0.65% times 2 = 1.30% for 1st year
 - Each Year after Year One: 0.65%
- Good Faith Deposit: 0.50% of the loan amount

**MINUTES OF A REGULAR MEETING
PLANNING AND ZONING COMMISSION OF WOLFFORTH, TEXAS
302 Main Street, WOLFFORTH, TX
April 11, 2023, 5:30 p.m.**

MEMBERS PRESENT: Charlotte McDonald, Robert Garcia, Kyle Reeves, Rebekah Peer,
Michael Adams, Russell Dabbs

MEMBERS ABSENT:

OTHERS PRESENT: City Manager Randy Criswell; City Secretary Terri Robinette;

Co-Chairman Garcia opened the meeting at 5:30 p.m.

1. No comments were given during Public Comment
2. Motion by McDonald, second by Adams to appoint Kyle Reeves as Chairman. Motion carried unanimously.
3. Motion made by McDonald, second by Garcia to approve the March 14, 2023 Minutes. Motion carried unanimously.
4. A public hearing was held to consider a request for a conditional use for Multifamily Housing on property currently zoned Commercial District (C3) at BLK AK Sec 25 AB 246 TR NE 5 Less W25' of E55' - 19.278 acres Lubbock Central Appraisal District R309132 and BLK AK Sec 25 AB 246 TR NE 8 - 4.91 acres Lubbock Central Appraisal District R309135.
Chairman Reeves opened the public hearing 7:04pm
Kirk Larson with Larson Development spoke and pledged to sign a 75 million note for the project and asked for the City's support.
With no further comments, Chairman Reeves closed the public hearing at 7:06pm
5. Motion made by McDonald, second by Dabbs to deny the application for a conditional use permit for Multifamily Housing in light of the City's adopted Future Land Use Plan for the property currently zoned Commercial District (C3) located at BLK AK Sec 25 AB 246 TR NE 5 Less W25' of E55' - 19.278 acres Lubbock Central Appraisal District R309132 and BLK AK Sec 25 AB 246 TR NE 8 - 4.91 acres Lubbock Central Appraisal District R309135.
Michael Adams Abstained from voting.
Motion carried 5-0
6. A public hearing was held to consider an amendment to the Wolfforth Zoning Ordinance

Section 205 – Conditional Use Review

7. Chairman Reeves opened the public hearing at 7:20pm
There were no public comments on this issue
Chairman Reeves closed the public hearing at 7:21pm
8. Motion made by Adams, second by McDonald to recommend to the City Council the approval of an Ordinance amending the conditional use process to include final review and approval by City Council. Motion carried unanimously.
9. With no other business to come before the Commission, Motion made by McDonald, second by Garcia to adjourn the meeting. Motion carried unanimously and the meeting adjourned at 7:22pm.

PASSED AND APPROVED THIS THE ____ DAY OF _____, 2023.

ATTEST:

Kyle Reeves, Chairman

Terri Robinette, City Secretary

City of Wolfforth Zoning Ordinance

Sec. 205. Conditional Use Review

1. Who May File

An application for conditional use approval shall be submitted by the owner or agent authorized by affidavit to act on the owner's behalf, unless initiated by City officials ordinarily authorized to initiate amendments to the zoning map.

2. Submission of Application

A complete application shall be submitted to the City Administrator, along with the appropriate fee. The City Administrator may require an application for conditional use approval to be accompanied by a site plan of existing and proposed development of the affected site.

3. Applicable Development Standards

Unless otherwise specified in this Zoning Ordinance, no conditional use approval shall be granted for any use that does not conform to standards of the district in which it is located. Each conditional use shall also be subject to any specific use requirements set forth in Articles 3 through 5.

4. Review by City Administrator

After determining that the application is complete, the City Administrator shall place the request on a meeting agenda for consideration by the Planning Commission.

5. Hearing and Action by Planning Commission

a. The Planning Commission shall, after appropriate notice, conduct a public hearing on each request for approval of a conditional use.

b. At the public hearing, the Planning Commission shall consider the application, any pertinent comments by the City staff, and relevant support materials and public testimony given at the public hearing.

c. After the close of the public hearing, the Planning Commission shall approve the request, approve the request with additional conditions, or deny the request. The Planning Commission may attach such conditions to a conditional use approval as are necessary to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: limitations on size, bulk and location, provision of adequate ingress and egress, duration of conditional use approval, and hours of operation for the specific allowed activity.

6. Conditional Use Approval Criteria

Approval of a conditional use by the Planning Commission shall be based upon the following criteria:

a. Impacts Minimized. Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties.

b. Consistent with Zoning Ordinance. Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance, including the applicable zoning district intent statement.

c. Compatible with Surrounding Area. Whether and the extent to which the proposed conditional use is compatible with existing and anticipated uses surrounding the subject land.

d. Effect on Natural Environment. Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to, adverse impacts on water and air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.

e. Community Need. Whether and the extent to which the proposed conditional use addresses a demonstrated community need.

f. Development Patterns. Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community.

7. Expiration of Conditional Use Approval

a. All conditional use approvals issued shall be subject to the requirement that the property for which the approval was issued must actually acquire a building permit for the approved use within 12 months from the granting of the conditional use approval, provided that the City Administrator, with significant evidence that the designated use cannot be realistically implemented with due diligence within that time period, may grant a longer period of time, but in no event shall such extension period exceed an additional 12 months.

b. If the designated use is not made of the property within the time limitation granted, the conditional use approval shall be cancelled and revoked and be of no effect.

8. Appeal

a. Appeal of the Planning Commission's decision on conditional use approval shall be made within 10 days of the final action by the Planning Commission, to the City Council. The appeal shall be in writing, submitted to the City Administrator and processed in accordance with Sec. 210: Appeals.

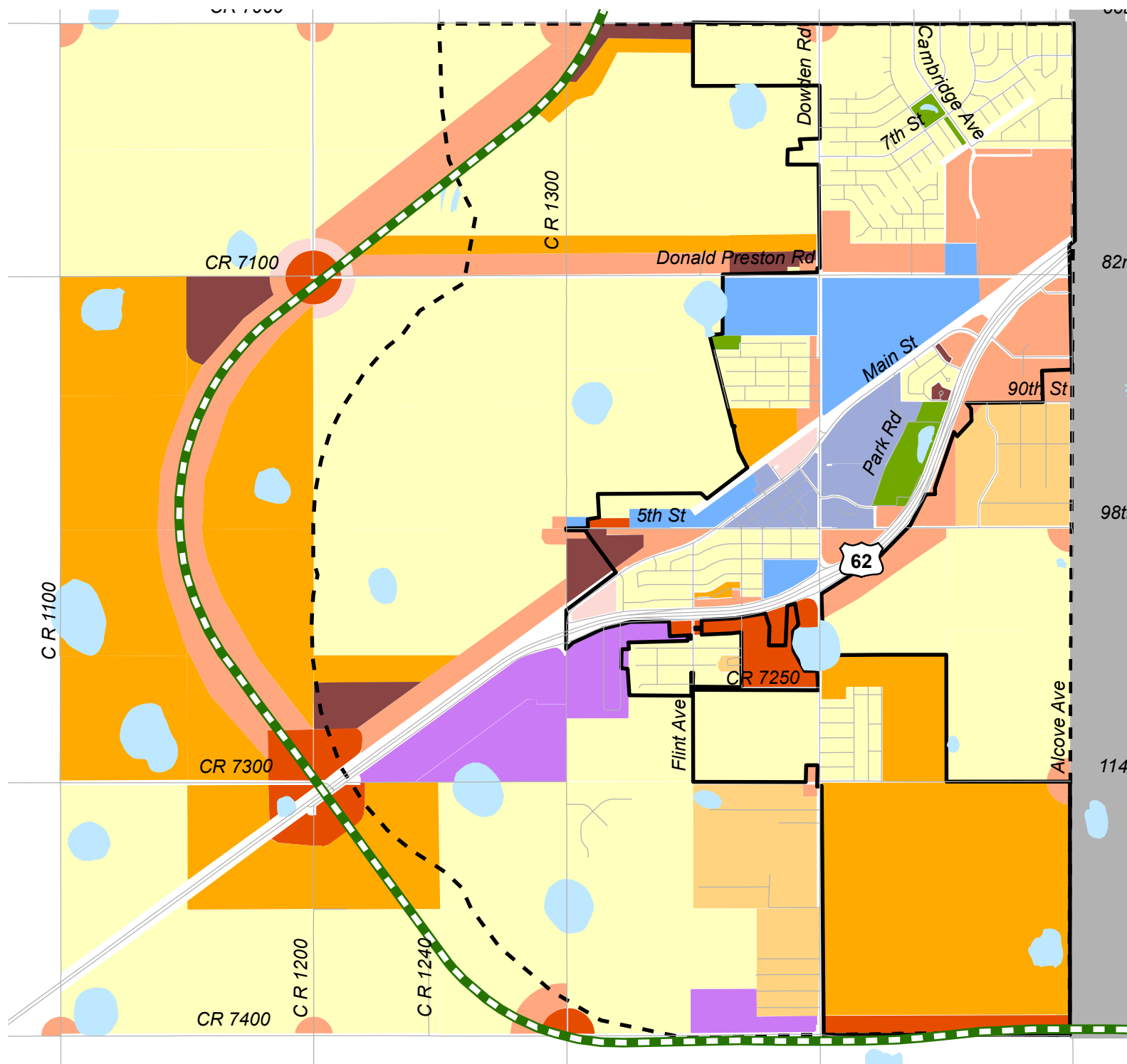
b. In considering such an appeal, the City Council shall review the decision in light of the Comprehensive Plan, this Zoning Ordinance, the Official Zoning Map, and any other land use policies adopted by the Planning Commission or City Council, whichever are applicable. The City Council shall modify or reject the decision of the Planning Commission only if it is not supported by substantial competent evidence or if the Planning Commission's decision is contrary to the Comprehensive Plan, this Zoning Ordinance or the Official Zoning Map.



Wolfforth Future Land Use Plan

Legend

- Loop 88
- Low Density Residential
- Manufactured Home
- Medium Density Residential
- High Density Residential
- Office
- Retail
- Commercial
- Old Town Mixed Use
- Special Study
- Park/Open Space
- Public/Semi-Public
- Industrial
- Wolfforth City Limits
- Wolfforth ETJ
- Lubbock City Limits
- Lakes



AGENDA ITEM COMMENTARY

ITEM TITLE

Consider and take appropriate action on project progress report from City Manager

INITIATOR/STAFF INFORMATION SOURCE

Randy Criswell, City Manager

BACKGROUND

Wells 22-25 (Harvest Wells) (240 gpm +/-)

- Last report:
 - Engineer developing responses to TCEQ request for additional information.
- This report:
 - TCEQ and engineer engaging in exchange of data, TCEQ has submitted another round of comments as of week of May 8
 - Awaiting construction of well houses and wellhead piping prior to submittal of the As-Built drawings.
 - Well house construction being scheduled

Wells 26-32 (Overlook Wells) (1100 gpm +/-)

- Last report:
 - Attorneys working on contract
- This report:
 - Status unchanged

Elevated Storage Tank

- Last Report:
 - Site acquisition contract was in final development
 - Tank Design at 60% complete
- This report:
 - Site acquisition contract has been executed
 - Tank Design is under review by City Staff as of May 9, 2023
- Expected submission to TCEQ by end of May 2023

Loop Line Project

- Last Report:
 - Awaiting comments from TCEQ
- This report:
 - TCEQ Approval received on May 1
 - Working on obtaining construction pricing with intent to begin construction as soon as financing is secured.

Loop 88 LLC Water Supply

- Last report
 - LLC working on minor contract revisions as requested by TCEQ
 - LLC continues working on well exceptions
- This report
 - OJD working on booster station plans

Lubbock Water Supply

- Last report
 - Awaiting TCEQ approval
 - Contractors scheduled
- This report:
 - TCEQ approval has been received
 - RPZ is installed
 - Physical connection is complete
 - City of Lubbock scheduled to install meter and vault on May 15
 - TCEQ will be onsite on May 24 to assist in final startup check
 - June 1 deadline remains good

Local well investigation

- Last report:
 - Driller standing by to drill test holes at selected locations in and around town, once those locations are identified.
- This report:
 - Status unchanged

EDR Plant #2

- Last report:
 - Site acquisition discussion schedule
 - Design remains underway
- This report:
 - Site identified
 - OJD has completed field work for survey
 - Next step staff and engineer to determine desired size of tract

EXHIBITS

COUNCIL ACTION/STAFF RECOMMENDATION

No action recommended. Report only unless action deemed appropriate.

AGENDA ITEM COMMENTARY

ITEM TITLE

Consider and take appropriate action on water rate presentation and recommendations from NewGen Strategies

INITIATOR/STAFF INFORMATION SOURCE

Randy Criswell, City Manager

BACKGROUND

In July 2022, we executed an agreement with Newgen Strategies for a Rate and Impact Fee Study. As a reminder, the need for the Study resulted from the substantial infrastructure improvements and cost of water that we will need to be able to fund going forward. Primarily, those items are the new Elevated Storage Tank, the Distribution Loop Line, EDR Plant #2, and the costs of purchased water (from Lubbock and from Loop 88 LLC).

Because our contract with Lubbock becomes effective on June 1, I asked NewGen for their recommendations regarding water rates. Mr. Chris Ekrut will be present (virtually) to go over the results and recommendations of the Study so far, and to answer any questions you may have.

EXHIBITS

COUNCIL ACTION/STAFF RECOMMENDATION

Staff recommends approval of the recommendations as presented.

AGENDA ITEM COMMENTARY

ITEM TITLE

Consider and take appropriate action on Ordinance No. 2023-011, amending water rates to reflect Rate Study recommendations.

INITIATOR/STAFF INFORMATION SOURCE

Randy Criswell, City Manager

BACKGROUND

Ordinance No. 2023-011 has been prepared to implement new water rates as recommended by NewGen Strategies.

The adjustments that need to be made are made up of two components. The first, and as was discussed during the presentation, is an increase that is necessary to bring rates to a “break-even” amount. (We are currently undercharging for water by about \$600,000 annually.) The second increase is the “purchased water” and capital component.

We will have our final recommendations in the ordinance for you at the meeting on Monday night.

EXHIBITS

COUNCIL ACTION/STAFF RECOMMENDATION

Staff recommends adoption of Ordinance No. 2023-011 as presented