



Board of Commissioners Agenda Memo

From: Tim James, P.E. – City Manager

Date: October 15, 2012

Item: Discuss and take any action necessary on Resolution Number 536.

Background

Resolution Number 536 authorizes the approval of the Wichita County Mitigation Plan. In order to be eligible for federal funding in times of disaster, government agencies must have a Mitigation Plan. Wichita County Emergency Management has prepared a county-wide Mitigation Plan that includes the City of Burkburnett.

Fiscal Impact

N/A

Options

- Approve Resolution Number 536
- Take no Action

Staff Recommendation

Staff recommends that the Commission approve Resolution Number 536.

Attachments

- Resolution Number 536

RESOLUTION NUMBER 536

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS HEREBY AUTHORIZES THE APPROVAL OF THE WICHITA COUNTY MITIGATION PLAN AND ESTABLISHES AN EFFECTIVE DATE.

WHEREAS, the Wichita County Mitigation Plan is more than just another planning document. It is a record of the community's potential risks and hazards, and commitment to reducing the long-term consequences of those hazards. The mitigation plan outlines goals within a community, identifies risk reduction strategies for hazards that threaten the area, and discusses the ongoing risk reduction activities undertaken within the jurisdiction, and

WHEREAS, the Disaster Mitigation Act of 2000 and the Federal Emergency Management Agency (FEMA) require the creation of a Mitigation Plan to ensure consideration of continued federal funding in times of disasters, and

WHEREAS, Wichita County Emergency Management was tasked with the preparation of the County-wide Mitigation Action Plan, and

WHEREAS, the Wichita County Mitigation Plan includes the following communities: the unincorporated areas of Wichita County, the City of Burkburnett, the City of Cashion, the City of Electra, the City of Iowa Park, and the Town of Pleasant Valley, and

PASSED AND APPROVED at a meeting of the Board of Commissioners of City of Burkburnett, Texas on this 15th day of October, 2012.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk

**STATE OF TEXAS
COUNTY OF WICHITA**

I, Janelle Dolan, City Clerk for the Board of Commissioners of the City of Burkburnett, Texas, do hereby certify the foregoing contains a true and correct copy of a resolution passed and adopted by the Board of Commissioners of Burkburnett, Texas in a Regular Meeting held on October 15, 2012.

ATTESTED TO:

Date

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Board of Commissioners Agenda Memo

From: Tim James, P.E. – City Manager

Date: October 15, 2012

Item: Discuss and take any action necessary on previously opened bids for the Cemetery Pavilion.

Background

At the July 16th Board of Commissioners Meeting the Board authorized Bundy, Young, Sims, & Potter, Inc. to perform design development of the Cemetery Pavilion with a starting budget of \$105,000. The bids for the Cemetery Pavilion were opened on October 9th. Bids were received on four (4) different packages of work. The total of the apparent low bids for the Pavilion project is \$113,382 which represents a \$8,382 increase to the previously approved budget for the Pavilion project.

Fiscal Impact

The funds for the construction of the Cemetery Pavilion will come from the Cemetery fund account and not the City's operating budget. Currently there is \$167,784.34 available for the project. In addition to the construction cost for the Pavilion, there will be additional cost associated with bringing utilities to the site, relocation of the existing siren and storage buildings, and driving surface around the Pavilion.

Options

- Approve bids for the Pavilion
- Recommend changes to the scope of work
- Take no Action

Staff Recommendation

Staff recommends that the Commission approve the bids for the Cemetery Pavilion project.

Attachments

- Bid tabulation sheets

BID PACKAGE
NO. 1
PRE-ENGINEERED METAL BUILDING

BUNDY, YOUNG, SIMS & POTTER, INC.
Architects/Planners/Interior Design
1005 Ninth Street - Suite 200
Wichita Falls, Texas 76301

A NEW PAVILION
FOR
BURKBURNETT CEMETERY
BYSF #11033

October 9, 2012

Estimated Budget
Remarks
\$ 48,000 +

Bid Package No. 1
(Pre-Engineered Metal Building & Foundation)
Proposal

Bid Bond if
Required

Addenda #1,
#2 & #3

CONTRACTOR

| | | | | |
|---|------------------|---|---|-----------------------|
| 1 | Scates | ✓ | ✓ | 83,924. ⁰⁰ |
| 2 | Santa Rosa | ✓ | ✓ | 56,890. ⁰⁰ |
| 3 | Loz Perma Const. | ✓ | ✓ | 58,247. ⁰⁰ |
| 4 | M & F Hiteken | ✓ | ✓ | 80,920. ⁰⁰ |
| 5 | | | | |
| 6 | | | | |
| 7 | | | | |
| 8 | | | | |
| 9 | | | | |

BID PACKAGE
NO. 2
MASONRY

BUNDY, YOUNG, SIMS & POTTER, INC.
Architects/Planners/Interior Design
1005 Ninth Street - Suite 200
Wichita Falls, Texas 76301

A NEW PAVILION
FOR
BURKBURNETT CEMETERY
BYSP #11033

October 9, 2012

| CONTRACTOR | Addenda #1, #2 & #3 | Bid Bond if Required | Bid Package No. 2 (Masonry) Proposal | Monuments & Pedium | Estimated Budget Remarks |
|------------------|------------------------|-------------------------|--|--|--------------------------------------|
| 1 Pro Masonry | ✓ | - | 32,000. ⁰⁰ | 2200.† | 34,800. ⁰⁰ \$ 29,000 + |
| 2 DeMontel | ✓ | - | 36,770. ⁰⁰ | - 3200. ⁰⁰ - 1170. ⁰⁰ | |
| 3 W.P. Howler | ✓ | - | 27,531. ⁰⁰ | pedium - 3000. ⁰⁰ | |
| 4 | | | | | |
| 5 | | | | | |
| 6 | | | | | |
| 7 | | | | | |
| 8 | | | | | |
| 9 | | | | | |

**BID PACKAGE
NO. 3
ELECTRICAL**

BUNDY, YOUNG, SIMS & POTTER, INC.
Architects/Planners/Interior Design
1005 Ninth Street - Suite 200
Wichita Falls, Texas 76301

**A NEW PAVILION
FOR
BURKBURNETT CEMETERY**
BYSF #11033

October 9, 2012

| CONTRACTOR | Addenda #1, #2 & #3 | Bid Bond if Required | Bid Package No. 3 (Electrical) Proposal | Estimated Budget Remarks \$ 8000.00 + |
|-------------------------|------------------------|-------------------------|---|---|
| 1 Monty Priddy Electric | ✓ | | 5,990.00 | |
| 2 Marvin Groves | ✓ | | 7,900.00 | |
| 3 Davis Electric | ✓ | | 7,950.00 | |
| 4 | | | | |
| 5 | | | | |
| 6 | | | | |
| 7 | | | | |
| 8 | | | | |
| 9 | | | | |

**BID PACKAGE
NO. 4
SITEWORK**

BUNDY, YOUNG, SIMS & POTTER, INC.
Architects/Planners/Interior Design
1005 Ninth Street - Suite 200
Wichita Falls, Texas 76301

**A NEW PAVILION
FOR
BURKBURNETT CEMETERY
BYS# #11033**

October 9, 2012

| CONTRACTOR | Attendance #1, #2 & #3 | Bid Bond if Required | Bid Package No. 4 (Sitework) Proposal | Estimated Budget Remarks \$ 20,000 + |
|------------------|---------------------------|-------------------------|---|--|
| 1 Duke | ✓ | | 22,971.00 | |
| 2 Scales | ✓ | ✓ | 30,723.00 | |
| 3 Santa Rosa | ✓ | ✓ | 31,360.00 | |
| 4 Luz Lerma | ✓ | | 26,280.00 | |
| 5 M & F Liffeken | ✓ | | 27,600.00 | |
| 6 | | | | |
| 7 | | | | |
| 8 | | | | |
| 9 | | | | |



Board of Commissioners Agenda Memo

From: Tim James, P.E. – City Manager

Date: October 15, 2012

Item: Discuss and take any action necessary on Resolution Number 537.

Background

The Cemetery Board has been reviewing the existing Rules and Regulations for the Cemetery. They have recommended that the Board of Commissioners adopt new Rules and Regulations for the Cemetery.

Fiscal Impact

N/A

Options

- Approve Resolution Number 537
- Recommend changes to Resolution Number 537
- Take no Action

Staff Recommendation

Staff recommends that the Commission approve Resolution Number 537.

Attachments

- Resolution Number 537
- Existing Rules and Regulations

RESOLUTION NUMBER 537

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AUTHORIZING THE ADOPTION OF RULES AND REGULATIONS FOR THE BURKBURNETT CEMETERY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Burkburnett owns and maintains the Burkburnett Cemetery; and

WHEREAS, the Board of Commissioners of the City of Burkburnett has determined that the adoption of Cemetery Rules and Regulations is necessary to preserve the quality and value of the Burkburnett Cemetery to the residents of Burkburnett.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the City of Burkburnett, Texas, that:

Section 1. The City of Burkburnett hereby adopts Rules and Regulations for the Burkburnett Cemetery.

Section 2. The Rules and Regulations for the Burkburnett Cemetery shall include:

1. All headstones shall be no more than 2 inches above ground level, allowing for settling of the headstone.
2. All graves must be level with the surrounding ground to facilitate ease of mowing.
3. No benches, shrubbery, landscaping or border fencing of any kind shall be permitted and will be removed upon discovery. No gravel or rock of any kind shall be placed at gravesites.
4. All curbing, headstones, and footstones must be approved by the City prior to installation and meet the following specifications. Permits for these installations must include applicable measurement restrictions.
 - a. Gravesites are 10 feet long by 5 feet wide.
 - b. Grave openings are 8 feet long by 40 inches wide.
 - c. Curbing will be 5 inches wide, 6 inches in depth, and must be level with the surrounding ground.
 - d. Curbing and headstones combined can be no more than 24 inches in width.
5. All headstones and footstones must be constructed with good quality workmanship and have a supporting base and border of concrete to preclude sinking. Eight (8) feet shall be left for the opening of the grave plot after stones are set.
6. All funerals, including cremations, must be coordinated with the City prior to the funeral and burial to insure proper recording. Opening and closing of the gravesites shall be done by the City or an approved designated professional.

7. The trees in the Cemetery are City property. No item of any kind shall be affixed to them in any manner.
8. All memorial items to the deceased will be placed on the headstone or border. Crosses, shepherd's hooks or other commemorative items (not to exceed 36 inches in height) that are inserted in the ground must be placed directly behind and touching the headstone or the headstone border. Such items will be allowed unless the item interferes with the maintenance of the Cemetery. Such items shall not be constructed of PVC, wood, glass, or other materials that are degradable. All flowers must be in an approved container or hanging from a shepherd's hook. Any loose flowers or arrangements that are inserted directly into the ground will be removed upon discovery. Notwithstanding such placement of memorial items, no memorial item shall interfere with funeral services at adjacent gravesites.
9. If a citizen prefers to maintain a property, they must be registered with the City. Upon registering, citizens will be given markers to identify said property. If the gravesites become unsightly, the City will remove and dispose of the commemorative item(s) and assume responsibility for the mowing and trimming of the grass.
10. Any broken or faded items will be removed upon discovery.
11. A 14-day notice will be placed upon any gravesite found in violation of the Cemetery Rules and Regulations. Failure to comply will result in action taken by the City.

Section 3. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required by law.

PASSED AND APPROVED on this 15th day of October 2012.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk

CEMETERY RESTRICTIONS AND REGULATIONS

These restrictions and regulations are intended to create and preserve the beauty of our cemetery; a place to provide a comfortable setting to visit and pay respects to your departed loved ones. We respectfully request your cooperation with these specified regulations.

- 1). All headstones shall be flush or ground level type of markers as approved by the City.
- 2). All graves shall be level with the surrounding ground to facilitate ease of mowing.
- 3). No benches, shrubbery, or landscaping of any kind shall be permitted except that which is done by the City and in places designated for landscaping.
- 4). No curbing of lots or spaces shall be permitted without prior approval by the City.
- 5). All funerals; including cremations, must be coordinated with the City prior to the funeral and burial to insure proper recording. Opening and closing of gravesites shall be done by the City or an approved designated professional.
- 6). All curbing, headstones and footstones must be approved by the City prior to installation and meet the following specifications. Permits for these installations must include applicable measurement restrictions.

Note: Gravesites are 10 feet long by 5 feet wide and grave openings are 8 feet long by 40 inches wide. Curbing will not be more than 4 to 5 inches wide, 4 to 6 inches in depth and must be level with the surrounding ground. Curbing and Headstones combined can be no more than 24 inches in width. This will avoid any conflict should the grave need to be reopened.

- 7). All headstones and footstones must be set in place by a professional and have a supporting base and border of concrete to preclude sinking. (8) feet must be left for the opening of the grave plot after the Stone is set.
- 8). Only (1) flower vase (12" to 16" in height) will be allowed per headstone. No glass, pvc, or metal pipe shall be used for flower arrangements.
- 9). No gravel or rock of any kind shall be placed at gravesites.
- 10). Small border fences, landscape lighting, and other such items are not allowed and will be removed upon discovery by the City.
- 11). The trees in the cemetery are City property and no items of any kind shall be affixed to them in any manner.
- 12). All Memorial items to the deceased will be placed on the headstone border except for those items (i.e.; Cross, Sheppard's Hook, etc., not to exceed 36 inches in height) that are designed to be inserted into the ground. Such items must be placed at the back of the headstone and must be touching the headstone or headstone border to avoid any conflict with grass mowing. Whenever such items are placed at the gravesites, they are the responsibility of the property owner. The City assumes no responsibility for the mowing, trimming and upkeep of the grass of that grave or gravesites. Notwithstanding such placement of memorial items, no memorial items shall interfere with funeral services at adjacent gravesites. If the gravesites are not mowed or trimmed for 21 days or become unsightly and do not conform to the surrounding landscape, the City may remove and dispose of the commemorative items and assume responsibility for the mowing and trimming of the grass.
- 13). Temporary commemorative items such as flowers, wreaths, balloons, flags, etc. for special occasions such as Birthdays, Anniversaries, Valentine's Day, Mother's Day, Father's Day, Independence Day, Memorial Day, Veteran's Day will be allowed. These items should be removed no later than 7 days following that special occasion. Thanksgiving and Christmas decorations shall be removed 30 days after the holiday. If not removed at that time the City will remove and dispose of such items.

Property Owner _____ City Representative _____



Board of Commissioners Agenda Memo

From: Tim James, P.E. – City Manager

Date: October 15, 2012

Item: Discuss and take any action necessary on request to establish ordinance allowing golf carts for holiday parcel delivery.

Background

UPS has requested that the City consider establishing an ordinance that would allow the use of golf carts for holiday parcel delivery.

Fiscal Impact

N/A

Options

- Direct staff to prepare ordinance to bring back to the Board of Commissioners.
- Take no Action.

Staff Recommendation

Staff has no specific recommendation.

Attachments

- Example of Wichita Falls ordinance

Sec. 94-17. - Golf carts for holiday parcel delivery.

- (a) From 12:00 a.m. on November 15 until 11:59 p.m. on December 31 of each year, an employee or agent of an entity whose primary business is the delivery of parcels may operate golf carts on public highways that have speed limits of not more than 35 miles per hour. Pursuant to Texas Transportation Code § 551.405, golf carts so operated may cross intersections, including a road or street that has a posted speed limit of more than 35 miles per hour, but under no circumstances is a golf cart to be operated pursuant to this section on, at or across an intersection with any of the following roadways:
 - (1) Southwest Parkway,
 - (2) Kell Boulevard East,
 - (3) Kell Boulevard West,
 - (4) Kemp Boulevard,
 - (5) Seymour Highway,
 - (6) Old Jacksboro Highway,
 - (7) Midwestern Parkway,
 - (8) Call Field Road,
 - (9) Fairway Boulevard, or
 - (10) Missile Road.
- (b) Any golf cart operated pursuant to this section must be equipped with headlamps, taillamps, reflectors, a parking brake, and mirrors.
- (c) The operator of a golf cart pursuant to this section must possess a valid drivers' license that authorizes said person to operate a motor vehicle on public highways.
- (d) The operator of a golf cart pursuant to this section must obey all state and local traffic laws.
- (e) "Golf cart" and "public highway" have the meanings assigned by Texas Transportation Code § 502.001.

(Ord. No. 72-2011, § 1, 12-20-2011)



Board of Commissioners Agenda Memo

From: Tim James, P.E. – City Manager

Date: October 15, 2012

Item: Discuss and take any action necessary on Resolution Number 535.

Background

The BDC met on September 11, 2012 and recommended an incentive agreement for Mathieu Herbelin, dba Bent Penny Wildlife Taxidermy & Fur Dressing of Burkburnett. Resolution Number 535 specifies the terms of the proposed incentive agreement. Resolution Number 535 has been reviewed by the City Attorney and his comments have been incorporated.

Fiscal Impact

The funds for the incentive agreement will be provided by the BDC.

Options

- Approve Resolution Number 535
- Recommend changes to Resolution Number 535
- Take no Action

Staff Recommendation

Staff recommends that the Commission approve Resolution Number 535.

Attachments

- Resolution Number 535

RESOLUTION NUMBER 535

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AUTHORIZING AN ECONOMIC INCENTIVE AGREEMENT BETWEEN THE BURKBURNETT DEVELOPMENT CORPORATION AND HERBELIN OF BURKBURNETT PROVIDING FOR ECONOMIC INCENTIVES IN RETURN FOR THE EXPANSION AND RETENTION OF BUSINESS ENTERPRISES WITHIN BURKBURNETT, TEXAS.

WHEREAS, the Burkburnett Development Corporation (the "BDC") is a Type B economic development corporation created by the City of Burkburnett, Texas (the "City"), which has a population of less than 20,000; and

WHEREAS, the BDC has proposed entering into an agreement with Mathieu Herbelin wherein the BDC will provide funding to Mathieu Herbelin, dba Bent Penny Wildlife Taxidermy & Fur Dressing of Burkburnett, (hereinafter "Herbelin"), which funding represents an economic incentive package worth \$40,000.00 provided for the expansion of business within Burkburnett, Texas, the terms of which are more specifically described below; and

WHEREAS, Herbelin represents he will construct and complete improvements at 410 South Red River Expressway, Burkburnett, Wichita County, Texas 76354 and needs financial assistance in order to provide funding for employee training, job creation, relocation and moving expenses, infrastructure improvements and building rehabilitation expenses; and

WHEREAS, the Board of Directors for the BDC has determined that the incentive package to Herbelin is necessary to promote new or expanded business development; and

WHEREAS, the Board of Commissioners is in agreement with the Board of Directors regarding the necessity of the incentive package to promote new or expanded business development; and

WHEREAS, this resolution has been given two readings before the Board of Commissioners: one on October 15, 2012 and another on the date this resolution was approved; and

WHEREAS, this resolution was approved in a meeting, which was open to the public and preceded by proper notice as required by Chapter 551 of the Texas Government Code;

NOW, THEREFORE, be it

RESOLVED, that the BDC is hereby authorized to enter into an agreement with Mathieu Herbelin, dba Bent Penny Wildlife Taxidermy & Fur Dressing of Burkburnett and Robert Shortridge, to provide \$40,000.00 in economic incentives to Herbelin, for which Herbelin shall execute a Promissory Note for the principal sum of Forty Thousand and no/100 (\$40,000.00), which shall be secured by a first lien deed of trust against 410 South Red River Expressway, Burkburnett, Texas 76354 (Lots Eight (8) and Nine (9), Block 2, Bowles Subdivision, an Addition to the City of Burkburnett, Wichita County, Texas). Said Note shall

bear interest at the rate of 0% per annum and shall be paid in three (3) years; provided, however, that the BDC shall apply a credit of \$2,000.00 against principal for each new full time position of employment (35 or more hours per week) generated by Herbelin over the next three (3) consecutive years and the BDC shall also apply a credit against principal equal to 2% sales tax receipts generated by Herbelin's operations as Bent Penny Wildlife Taxidermy & Fur Dressings and received by the City of Burkburnett on an annual basis for the next three (3) consecutive years. The total amount of loan credits will not exceed \$40,000.00. The remaining balance on the note at the end of the initial three (3) years will be converted into a new note, amortized over a ten (10) year period with an interest rate of two (2) percent per annum and payable on a monthly basis.

BE IT FURTHER RESOLVED that the officers of the City are hereby authorized and directed to take such action as may be reasonably necessary to carry this resolution into effect.

First reading on October 15, 2012.

APPROVED on this the ____ day _____, 2012, Second and Final Reading.

Carl Law, Mayor

Janelle Dolan, City Clerk