



Board of Commissioners Agenda Memo

From: Tim James, P.E. – City Manager

Date: August 20, 2012

Item: Discuss and take any action necessary on storm water drainage ordinance.

Background

The City of Burkburnett adopted Ordinance 735 in September 2007. The Ordinance provides that on or before five (5) years from the date of the adoption of the ordinance, the Board of Commissioners shall consider whether the municipal drainage system created by the ordinance should be continued or discontinued. If the Board of Commissioners desires to continue the municipal drainage system, a new ordinance needs to be adopted. If the Commission desires to discontinue the municipal drainage system, the City would need to provide notice as provided in Loc Gov Code 552.052(a), as amended, and adopt an ordinance to that effect.

Fiscal Impact

If the Board of Commissioners elects to discontinue the storm water drainage ordinance, all funds needed for the repair, maintenance, and improvement to the drainage system would need to come from the general operating budget. To date, the City has spent \$206,752.80 on drainage projects using the storm water drainage fees.

Options

- Approve the design proposal
- Deny the design proposal
- Take no Action

Staff Recommendation

Staff recommends that the Commission continue the storm water drainage utility and adopt a new ordinance accordingly.

Attachments

- List of drainage projects and expenditures

Stormwater Fund

	Amount	Decription
2008	\$ 13,806.50	Drainage Improvements: Joy Springs Addition
	\$ 930.00	Curb and Gutter Repair
	\$ 26,029.00	Drainage Improvements: Preston Heights
	\$ 400.00	Sod
	\$ 8,750.00	Drainage Improvements: Berry St / IC Evans
2009	\$ 2,714.00	Quail Run/Alley Culervts
	\$ 946.99	Concrete/ Pallets: Burk Building Supply
	\$ 100.00	TCEQ
	\$ 31,050.00	HES Grant : Ameron/County Realignment
2010	\$ 24,504.79	HES Grant : Ameron/County Realignment
	\$ 1,800.00	Retaining Wall: Gayle St Bridge
2011	\$ 36,000.00	Stormwater Master Plan: 2ft contours
	\$ 558.59	Rock:Rip-Rap
	\$ 500.00	Curb and Gutter Repair
2012	\$ 22,662.93	Acquisition of property : W.Williams Dr.
	\$ 36,000.00	Stormwater Master Plan (outstanding : payment upon completion)
	\$ 206,752.80	



City Commission Agenda Memo

From: Mike Whaley

Date: August 20, 2012

Item: TCDP/CDBG: Troy Mills and Bowles Additions

Background

TCDP is a competitive grant for the amount of \$275,000.00 in which the City would have to match 20% (\$55,000.00). The project submitted involves deleting existing 2" steel lines and replacing with 6" and 4" PVC water lines. It would also boost fire protection in the area with an addition of 6 fire hydrants. The project will improve the pressure, volume, fire fighting capabilities, and overall quality of the drinking water for the area. Also the BDC has committed leveraging funds at 5% of project for the amount of \$13, 750.00. This will allow the City to score additional points to increase our scoring potential. The project submitted, with the additional leverage points from the BDC should put Burkburnett at the top of the rankings securing funding in the upcoming cycle for CDBG.

Fiscal Impact

\$55,000.00

Options

Pass Resolution Number 532

Staff Recommendation

Approve

Attachments

Resolution Number 532

Aerial View

Utility Plan

RESOLUTION NUMBER 532

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF BURKBURNETT, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, the Board of Commissioners of Burkburnett desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and

WHEREAS, certain conditions exist which represent a threat to the public health and safety; and

WHEREAS, it is necessary and in the best interests of the City of Burkburnett to apply for funding under the Texas Community Development Block Grant Program;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF BURKBURNETT, TEXAS:

1. That a Texas Community Development Block Grant Program application for the Community Development Fund is hereby authorized to be filed on behalf of the City with the Texas Department of Agriculture.
2. That the City's application be placed in competition for funding under the Community Development Fund.
3. That the application be for \$275,000.00 of grant funds for Water System and Street Improvements.
4. That the Board of Commissioners directs and designates the Mayor as the City's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the City's participation in the Texas Community Development Block Grant Program.
5. That it further be stated that the City of Burkburnett is committing \$55,000.00 from its General Fund as a cash contribution toward the construction activities of this Water System and Street Improvement project.

Passed and approved this 20th day of August, 2012.

2011-2012 TCDP
 GRANT APPLICATION
 FOR
 CITY OF BURKBURNETT,
 TEXAS

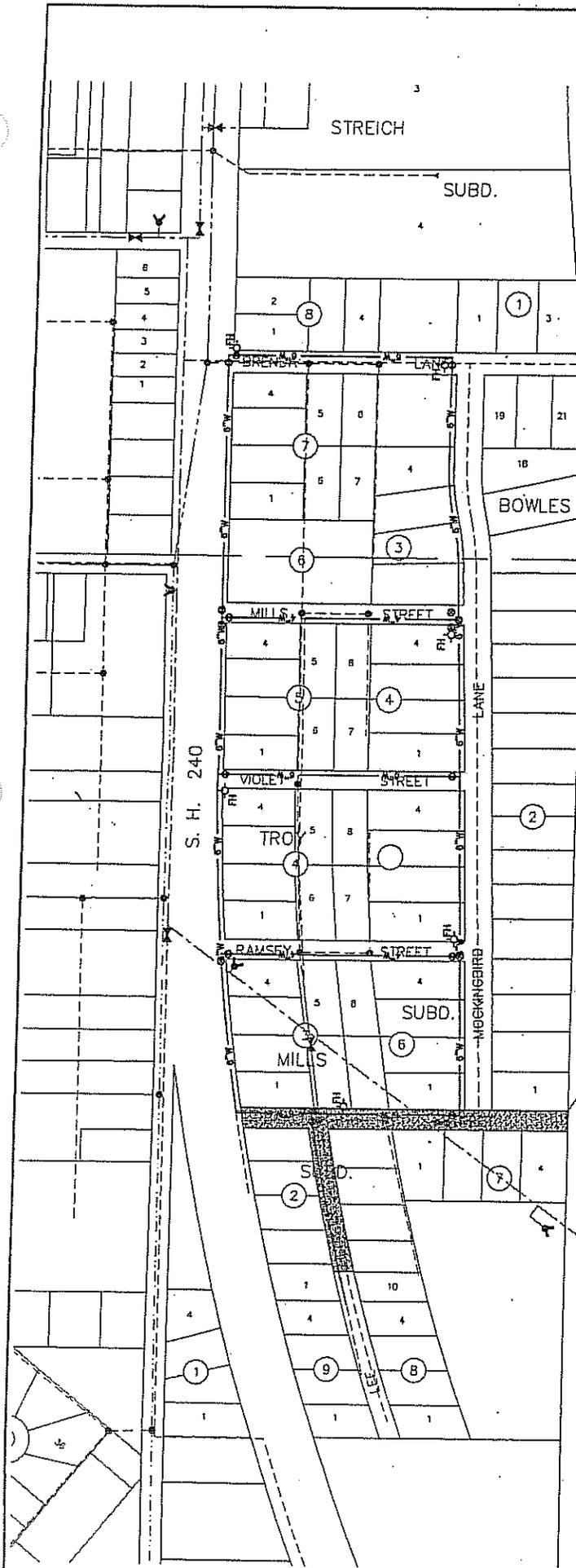
CORLETT, PROBST & BOYD, P.L.L.C.
 ENGINEERS - SURVEYORS TBPE F-279
 4605 OLD JACKSBORO HIGHWAY
 WICHITA FALLS, TEXAS 76302

DRAWN	CLV
CHECKED	RKB
APPROVED	RKB
PHONE	(817)723-1455
FAX	(817)723-0410

SCALE: 1" = 1000'

August, 2010

SHEET 2 OF 2



U.S. 277-281

LEGEND

- FIRE HYDRANT
- GATE VALVE
- 4" WATER LINE
- 6" WATER LINE
- STREET REHAB



Board of Commissioners Agenda Memo

From: Tim James, P.E. – City Manager

Date: August 20, 2012

Item: Discuss and take record vote on ad valorem tax rate for proposed fiscal year 2013 budget.

Background

The Board of Commissioners is required by state law to take a record vote on the proposed tax rate for the FY 2013 budget. The proposed tax rate included in the budget workshop is equal to the existing tax rate of \$0.5785820 per \$100 valuation. If the Commission elects to recommend the existing tax rate, there will be two public hearings conducted prior to the final adoption of the FY 2013 budget and tax rate.

Fiscal Impact

There is no fiscal impact for the record vote.

Options

- Approve the proposed existing tax rate of \$0.5785820 per \$100 valuation
- Approve a different tax rate
- Take no Action

Staff Recommendation

Staff recommends that the Commission approve the proposed existing tax rate of \$0.5785820 per \$100 valuation.

Attachments

None



Board of Commissioners Agenda Memo

From: Tim James, P.E. – City Manager

Date: August 20, 2012

Item: Discuss and take any action necessary on contract renewal with Texas Department of Public Safety on the Failure to Appear Program.

Background

Currently the City has a contract with the Texas Department of Public Safety which allows the state to deny the renewal of a person's driver's license if the individual has failed to appear for a cause before the Municipal Court. Due to amendments to state law made during the 82nd Legislative Session, the state is requesting an amended contract from Cities to continue the participation in the Failure to Appear Program.

Fiscal Impact

There is no fiscal impact for the contract amendment

Options

- Approve the contract amendment
- Deny the contract amendment
- Take no Action

Staff Recommendation

Staff recommends that the Commission approve the contract amendment

Attachments

- Proposed contract amendment



TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN TEXAS 78773-0001
512/424-2600



STEVEN C. McCRAW
DIRECTOR
DAVID G. BAKER
BECKWORTH
CHERYL MacBRIDE
DEPUTY DIRECTORS

COMMISSION
ALLAN B. POLUNSKY, CHAIR
ADA BROWN
JOHN STEEN
CARIN MARCY BARTH
A.CYNTHIA LEON

August 3, 2012

BURKBURNETT MUNICIPAL COURT
501 SHEPPARD RD
BURKBURNETT TX 76354

Dear Court Administrator:

You currently have a contract for the Failure To Appear Program offered by the Driver License Division under Transportation Code Chapter 706.

During the 82nd Legislative Session, Section 706.005 was amended to require courts to immediately notify us when no cause exists to continue to deny renewal of a person's driver license. Under the existing contract, courts are required to report compliance within 5 business days.

To continue this contract, your court must complete and submit the enclosed amended contract. Please complete all of the appropriate entries on the contract, and arrange for the approval and signature of the presiding official authorized to sign contractual documents in your jurisdiction (mayor, city manager, county judge, etc.) within 45 days of the receipt of this letter.

Only 1 original signed contract should be submitted for each political subdivision; if you require a final copy for your records, please indicate so when you return the document. Signed contracts must be returned to:

Texas Department of Public Safety
Attn: Enforcement and Compliance Service
P.O. Box 4087
Austin, Texas 78773-0320

After the contract has been returned, it will be processed for approval. Any changes made to this contract by the political subdivision will result in the rejection of the contract. Should you have further questions, please contact a Customer Service Representative at 512-424-5727.

Respectfully,

Manager
Enforcement and Compliance Service

RH: tfp

Enclosure

Interlocal Cooperation Contract

STATE OF TEXAS

§

COUNTY OF Wichita

§

§

I. Parties

This Interlocal Cooperation Contract ("Contract") is made and entered into between the Texas Department of Public Safety ("TDPS"), a political subdivision of the State of Texas, and the city of Burkburnett, a local political subdivision of the State of Texas.

II. Overview

The purpose of this Contract is to implement the provisions of Texas Transportation Code Chapter 706. A local political subdivision may contract with the TDPS to provide information necessary to deny renewal of the driver license of a person who fails to appear for a complaint or citation or fails to pay or satisfy a judgment ordering payment of a fine and cost in the manner ordered by the court in a matter involving any offense that a court has jurisdiction of under Chapter 4, Code of Criminal Procedure.

The TDPS has authority to contract with a private vendor ("Vendor") pursuant to Texas Transportation Code §706.008. The Vendor will provide the necessary goods and services to establish an automated system ("FTA System") whereby information regarding violators subject to the provisions of Texas Transportation Code Chapter 706 may be accurately stored and accessed by the TDPS. Utilizing the FTA System as a source of information, the TDPS may deny renewal of a driver license to a person who is the subject of an FTA System entry.

Each local political subdivision contracting with the TDPS will pay monies to the Vendor based on a fee established by this Contract. The TDPS will make no direct or indirect payments to the Vendor. The Vendor will ensure that accurate information is available to the TDPS, political subdivisions and persons seeking to clear their licenses at all reasonable times.

III. Definitions

"Complaint" means notice of an offense as defined in Article 27.14(d) or Article 45.019, Code of Criminal Procedure.

VII. Required Warning on Citation for Traffic Law Violations

A peace officer authorized to issue citations within the jurisdiction of the local political subdivision shall issue a written warning to each person to whom the officer issues a citation for a traffic law violation. This warning shall be provided in addition to any other warnings required by law. The warning must state in substance that if the person fails to appear in court for the prosecution of the offense or if the person fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner ordered by the court, the person may be denied renewal of the person's driver license. The written warning may be printed on the citation or on a separate instrument.

VIII. FTA Report

If the person fails to appear or fails to pay or satisfy a judgment as required by law, the local political subdivision may submit an FTA Report containing the following information:

- (1) the jurisdiction in which the alleged offense occurred;
- (2) the name of the local political subdivision submitting the report;
- (3) the name, date of birth and Texas driver license number of the person who failed to appear or failed to pay or satisfy a judgment;
- (4) the date of the alleged violation;
- (5) a brief description of the alleged violation;
- (6) a statement that the person failed to appear or failed to pay or satisfy a judgment as required by law;
- (7) the date that the person failed to appear or failed to pay or satisfy a judgment; and
- (8) any other information required by the TDPS.

There is no requirement that a criminal warrant be issued in response to the person's failure to appear. The local political subdivision must make reasonable efforts to ensure that all FTA Reports are accurate, complete and non-duplicative.

IX. Clearance Reports

The originating court that files the FTA Report has a continuing obligation to review the report and promptly submit appropriate additional information or reports to the Vendor or the TDPS. The clearance report shall identify the person, state whether or not a fee was required, advise the TDPS to lift the denial of renewal and state the grounds for the action. All clearance reports must be submitted immediately from the time and date that the originating court receives appropriate payment or other information that satisfies the citizen's obligation to that court.

calendar quarter and retain \$10.00 of each fee for payment to the Vendor and credit to the general fund of the municipal or county treasury.

XII. Payments to Vendor

The TDPS has contracted with OmniBase Services of Texas ("Vendor"), a corporation organized and incorporated under the laws of the State of Texas, with its principal place of business in Austin, Texas, to assist with the implementation of the FTA Program.

Correspondence to the Vendor may be addressed as follows:

OmniBase Services of Texas
7320 North Mo Pac Expressway, Suite 310
Austin, Texas 78731
(512) 346-6511 ext. 100; (512) 346-9312 (fax)

The local political subdivision must pay the Vendor a fee of \$6.00 per person for each violation which has been reported to the Vendor and for which the local political subdivision has subsequently collected the statutorily required \$30.00 administrative fee. In the event that the person has been acquitted of the underlying charge, no payment will be made to the Vendor or required of the local political subdivision.

The parties agree that payment shall be made by the local political subdivision to the Vendor no later than the last day of the month following the close of the calendar quarter in which the payment was received by the local political subdivision.

XIII. Litigation and Indemnity

In the event that the local political subdivision is aware of litigation in which this Contract or Texas Transportation Code Chapter 706 is subject to constitutional, statutory, or common-law challenge, or is struck down by judicial decision, the local political subdivision shall make a good faith effort to notify the TDPS immediately.

Each party may participate in the defense of a claim or suit affecting the FTA Program, but no costs or expenses shall be incurred for any party by the other party without written consent.

To the extent authorized by law, the local political subdivision City agrees to indemnify and hold harmless the TDPS against any claims, suits, actions,

Local political subdivision
City of Burkburnett
501 Sheppard Rd.
Burkburnett, TX 76354
1-940-569-2263

Texas Department of Public Safety
Attn: Enforcement and Compliance Service
5805 North Lamar Boulevard
Austin, Texas 78773-0001
(512) 424-5311 [fax]

Notice is effective upon receipt or three days after deposit in the U. S. mail, whichever occurs first. After termination, the local political subdivision has a continuing obligation to report dispositions and collect fees for all violators in the FTA System at the time of termination.

**TEXAS DEPARTMENT OF
PUBLIC SAFETY**

LOCAL POLITICAL SUBDIVISION*

Sheri Gipson
Deputy Administrator

Authorized Signature

Date

Title

Date

*An additional page may be attached if more than one signature is required to execute this Contract on behalf of the local political subdivision. Each signature block must contain the person's title and date.



Board of Commissioners Agenda Memo

From: Tim James, P.E. – City Manager

Date: August 20, 2012

Item: Discuss and take any action necessary on voluntary contribution program on utility bills.

Background

During the FY 2013 budget workshop a proposal to increase the City’s allocation to the Boys and Girls Club for recreation programs was discussed. An option of including a voluntary contribution item of \$0.50 per month on the utility bill was proposed. The program would consist of the inclusion of a \$0.50 voluntary contribution on each utility bill for recreation programs provided by the Boys and Girls Club. All funds collected by the City through the program would be set aside in a separate fund and would be provided to the Boys and Girls Club and would not be used for any other purpose. Any resident that would not want to participate in the program could opt out of the voluntary program by contacting the City and requesting to be removed from the program.

Fiscal Impact

The City would not see any increase in revenue through the voluntary contribution program since all collections would be provided to the Boys and Girls Club.

Options

- Approve the development of a voluntary contribution program
- Take no Action

Staff Recommendation

Staff recommends that the Commission approve the development of a voluntary contribution program

Attachments

None