



## Board of Commissioners Agenda Memo

**From:** Tim James, P.E. – City Manager

**Date:** September 17, 2012

**Item:** Discuss and take any action necessary on proposed FY 2013 Operating Budget for Burkburnett Development Corporation.

### Background

The BDC met on September 11, 2012 and recommended a FY 2013 Operating Budget. In accordance with Section 6.04 of the BDC Bylaws, the Corporation shall submit an annual budget to the Board of Commissioners.

### Fiscal Impact

N/A

### Options

- Approve the proposed BDC budget
- Make recommendations for changes to the BDC budget
- Take no Action

### Staff Recommendation

Staff has no specific recommendation.

### Attachments

- Proposed Budget





## Board of Commissioners Agenda Memo

**From:** Tim James, P.E. – City Manager

**Date:** September 17, 2012

**Item:** Discuss and take any action necessary on Resolution Number 534.

### Background

Resolution Number 534 indicates the support of the Board of Commissioners for a Joint Land Use Study (JLUS) regarding Sheppard Air Force Base and Frederick Regional Airport. The Sheppard Military Affairs Committee (SMAC) continually works to identify ways to protect existing and future missions of Sheppard Air Force Base. One of the identified ways to assist in protecting Sheppard is for surrounding Cities to complete a JLUS. The City of Wichita Falls is the lead agency in the process. The study will be funded through a federal grant with a matching portion supplied by the City of Wichita Falls. Representatives of surrounding communities serve on a Policy Committee or a Technical Committee. Mayor Law is on the Policy Committee and I am on the Technical Committee. The Committees received proposals from consultants to perform the study and recommended that the City of Wichita Falls select the Matrix Design Group.

### Fiscal Impact

There is no fiscal impact associated with Resolution Number 534.

### Options

- Approve Resolution Number 534
- Take no Action

### Staff Recommendation

Staff recommends that the Commission approve Resolution Number 534.

### Attachments

- Resolution Number 534

**RESOLUTION NUMBER 534**

**RESOLUTION SUPPORTING THE CITY OF WICHITA FALLS, TEXAS IN ITS SELECTION OF MATRIX DESIGN GROUP TO CONDUCT A JOINT LAND USE STUDY (JLUS) OF SHEPPARD AIR FORCE BASE (SAFB) AND FREDERICK REGIONAL AIRPORT WHICH SERVES AS AN AUXILIARY AIRFIELD IN SUPPORT OF SAFB'S PILOT TRAINING ACTIVITIES**

**WHEREAS**, the Board of Commissioners of the City of Burkburnett recognizes Sheppard Air Force Base's value to the economy of this region and to our national defense; and

**WHEREAS**, the Board of Commissioners of the City of Burkburnett continues to support the development of a Joint Land Use Study of Sheppard Air Force Base and Frederick Regional Airport as an auxiliary field to protect their future operational capabilities; and

**WHEREAS**, the Board of Commissioners of the City of Burkburnett recognizes the participation in and development of a Joint Land Use Study will benefit the health, safety and general welfare of the residents in the City of Burkburnett and surrounding areas; and

**WHEREAS**, representatives of the Board of Commissioners of the City of Burkburnett were given the opportunity to serve on the JLUS Policy and Technical Committees in preparation for the JLUS process; and

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

1. The City Council commits its continued support for the Joint Land Use Study of Sheppard Air Force Base and the Frederick Regional Airport as an auxiliary field; and
2. The City Council endorses the City of Wichita Falls' selection of Matrix Design Group for professional consultant services to conduct the JLUS as necessary and beneficial to all project partners in the effort.

**PASSED AND APPROVED** this 17<sup>th</sup> of September 2012.

\_\_\_\_\_  
Carl Law, Mayor

ATTEST:

\_\_\_\_\_  
Janelle Dolan, City Clerk



## Board of Commissioners Agenda Memo

**From:** Tim James, P.E. – City Manager

**Date:** September 17, 2012

**Item:** Discuss and take any action on election of Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool.

### Background

There are four places up for re-election on the TML Intergovernmental Risk Pool which handle Worker's Compensation, Property, and Liability Insurance. Ballots by member Cities are due by September 30<sup>th</sup>. The candidates for each position are listed on the attached Ballot. The terms will be for six (6) years.

### Fiscal Impact

The Board of Trustees oversee the Worker's Compensation, Property, and Liability Insurance coverage for member Cities so the Board has direct influence over the rates associated with these policies so it is important to nominate members that represent Burkburnett well.

### Options

- Approve nominations for each place on the ballot
- Take no Action

### Staff Recommendation

Staff recommends that the Commission approve nominations for the Incumbent members in each place.

### Attachments

- Ballot
- Letters of support for nominees

# OFFICIAL BALLOT

## Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election

This is the official ballot for the election of Places 11 – 14 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool. Each Member of the Pool is entitled to vote for Board of Trustee members. Please record your organization's choices by placing an "X" in the square beside the candidate's name. You can only vote for one candidate for each place.

The officials listed on this ballot have been nominated to serve a six-year term on the TML Intergovernmental Risk Pool (Workers' Compensation, Property and Liability) Board of Trustees.

Ballots must reach the office of David Reagan, Secretary of the Board, no later than September 30, 2012. Ballots received after September 30, 2012, cannot be counted. **The ballot must be properly signed and all pages of the ballot must be mailed to: Trustee Election, David Reagan, Secretary of the Board, P. O. Box 149194, Austin, Texas 78714-9194. If the ballot is not signed, it will not be counted.**

**PLACE 11**

- Bill Agan.** Mayor of Richland Hills (Region 8). Mr. Agan was elected Mayor in May, 2012, for a term of two years. He has served as a city councilmember from 1986 to 1987. He has served on the City's Planning and Zoning Commission, and has served on the City's Charter Review Commission in 1986 and from 2011 to the present. Mr. Agan has owned an auto repair business for 40 years, and has been involved in an insurance business for two years and a real estate business for six years.
- Greg Ingham (Incumbent).** City Manager, City of Plainview (Region 3) since 2004. He has previously served as City Manager in Levelland and Littlefield, Texas. Mr. Ingham has served in local government since 1975 and is active in numerous statewide and regional organizations. He has an MPA and is a Certified Public Manager. Mr. Ingham has been a board member of the TML Intergovernmental Risk Pool since 1989. He has served as Chair and Vice-Chair of the Board, and has served as Chair of the Board's Finance Committee.
- Kavon Novak.** Alderman, City of Caldwell (Region 10) since 2011. He is a 1991 graduate of Texas A&M University with a Bachelor's Degree in Marketing. He has been a business owner for 14 years in the financial industry and is currently an Investment Consultant with LPL Commerce since 2009. Mr. Novak has been a member of the Caldwell Men's Lions Club for 9 years and is currently the Treasurer. He and his wife of 16 years, Lori, have 4 children. They are members of First Baptist Church in Caldwell and are active in 4-H Shooting Sports and Soccer.
- Troy Stegemoeller.** Mayor Pro Tem, City of Idalou (Region 3). Mr. Stegemoeller has served on the City Council since 2008. He has a B.S. in Agriculture Economics from Texas Tech University and is a graduate of Louisiana State University Graduate Banking School. He has been in banking for 32 years, and currently serves as the President of Vista Bank in Idalou. He has served on an advisory committee to Congressman Randy Neugebauer, and has served as finance chair of the Idalou Methodist Church and Treasurer of the local Salvation Army.

**WRITE IN CANDIDATE:**

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**PLACE 12**

**Larry Gilley** (Incumbent). City Manager, City of Abilene (Region 6) since June of 2002. He previously served as City Manager for San Marcos (1988 – 2002), Assistant City Manager for San Marcos (1987 – 1988), City Manager for Panhandle (1977 – 1987), and City Manager for Bovina (1976 – 1977). Mr. Gilley has been a Board member of the TML Intergovernmental Risk Pool since 2007, and currently serves as Chair of the Board's Underwriting and Claims Committee. He has an MPA from Southwest Texas University, and a BA from Texas Tech University.

**Pete Gonzalez**. Deputy City Manager and Chief Financial Officer of the City of Brownsville (Region 12) since June of 2008. He previously served as Director of Finance for Brownsville from 1978 to 2008. He serves as a Board member and Finance Officer for the United Brownsville Corporation. He has a BBA degree in Accounting from Texas A&I University in Kingsville and is a certified government financial manager. Under his leadership, the City of Brownsville has been awarded the Certificate of Achievement for Excellence in Financial Reporting for the past 34 consecutive years.

**WRITE IN CANDIDATE:**

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**PLACE 13**



**Byron Black** (Incumbent). Board Chair, Central Appraisal District of Johnson County (Region 8) and member of the Area Metro Ambulance Authority Board. He served as Mayor of Burleson from 1998-2004, previously serving as mayor pro tem and as a Councilmember. He was a member of the Burleson Independent School District Board for 12 years, 9 as President, and served as president of TASB. Mr. Black has served as a Board member of the TML Intergovernmental Risk Pool since 2000, and presently serves as Vice-Chair.



**Gary L. Kent**. Councilmember for the City of Copperas Cove (Region 9). Mr. Kent has been a resident of Copperas Cove for over fourteen years. He and his wife have three children and two grandchildren. He served 24 years with the U.S. Army, including three combat tours, and retired as a 1<sup>st</sup> sergeant. He currently serves as police chief for the City of Nolanville and has more than 17 years of law enforcement experience. He is an active member of many community groups, including VFW Post #8577.



**Keith Olson**. Councilmember, City of Huntsville (Region 14) since 2010, and serves as Chair of the City's Finance Committee. Mr. Olson was born in Houston in 1973, and grew up in Huffman, Texas. He graduated from the University of Houston's Police Academy in 1994. Councilmember Olson sits on various local and regional boards pertaining to private finance. He is currently the owner and operator of Olson's Fine Jewelry, with interests in diamonds and specialty watches.

**WRITE IN CANDIDATE:**

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**PLACE 14**



**Cynthia Kirk.** Risk Manager for the City of Bryan (Region 10) since 1984. Ms. Kirk directs the City's workers' compensation, property and casualty coverage, claims administration, and safety/loss control functions. She is past president and currently serves on the Board of Directors of the Texas Chapter of the Public Risk Management Association and of the State and Local Government Benefits Association. She has served on the Board of Directors for the Surplus Lines Stamping Office of Texas and on various committees for the National Public Risk Management Association.



**Pat Norriss (Incumbent).** Nortex Regional Planning Commission (Region 5). Ms. Norriss served on the Burkburnett City Council for 22 years, including 16 years as mayor. She serves as a board member of the National Association of Regional Councils and has served as president of the Texas Association of Regional Councils of Government. She is also a Board member of Wichita Wilbarger 911 District and Nortex 911 Communication District. Ms. Norriss has served as a Board member of the TML Intergovernmental Risk Pool since 1995, and served as chair of the Board from 2004 - 2006.



**Michael S. Nyren.** Risk Manager for Capital Metropolitan Transportation Authority in Austin (Region 10) for 17 years. He has earned the designation of Associate in Risk Management and Associate in Risk Management for Public Entities and he serves on the Board of the Risk and Insurance Management Society, Central Texas Chapter. Mr. Nyren has a degree in Government and recently completed the Certified Public Manager Program at Texas State. He also has 30 years of experience in insurance, wellness, safety, security, and risk management.

**WRITE IN CANDIDATE:**

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**Certificate**

I certify that the vote cast above has been cast in accordance with the will of the majority of the governing body of the public entity named below.

Witness by hand, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Title

\_\_\_\_\_  
Printed Name of Authorized Official

\_\_\_\_\_  
Printed name of Political Entity



## Board of Commissioners Agenda Memo

**From:** Tim James, P.E. – City Manager

**Date:** September 17, 2012

**Item:** Discuss and take any action necessary on Ordinance Number 822.

### 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. The Board of Commissioners approved continuing the Storm Water Drainage Utility System ordinance on August 20, 2012. Ordinance Number 822 re-establishes the Storm Water Drainage Utility System regulations and provides for a review in 5 years.

### Fiscal Impact

Ordinance Number 822 will allow the City to continue to collect the storm water drainage utility fees.

### Options

- Approve Ordinance Number 822
- Take no Action

### Staff Recommendation

Staff recommends that the Commission approve Ordinance Number 822

### Attachments

- Ordinance Number 822

ORDINANCE NUMBER 822

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS (the "CITY") ESTABLISHING: A STORMWATER DRAINAGE UTILITY SYSTEM, CERTAIN FEES AND CHARGES FOR PROPERTY BENEFITED BY THE SYSTEM, CERTAIN EXEMPTIONS FROM THE SYSTEM, FINANCIAL PROCEDURES FOR ADMINISTERING THE SYSTEM, AND AN APPEAL PROCESS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Board of Commissioners of the City has, after due consideration, made the findings set forth below in the section entitled *Adoption of System*;

WHEREAS, this ordinance was adopted in an open meeting following proper notice of such meeting in accordance with Chapter 551 of the Texas Government Code and notice as required by Article IV, Section 18 of the City's charter;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY:

Section 1. That Chapter 54 of the City's Code of Ordinances be amended to read as follows:

**CHAPTER 54. STORMWATER DRAINAGE UTILITY SYSTEM**

Sec. 54.01. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Benefited property* means a lot or tract to which drainage service is made available or which receives water or wastewater or sanitation service from the City.

*Cost of service*, as defined by law, includes:

- (1) The prorated cost of land, easements, and rights-of-way related to drainage improvements;
- (2) The cost of acquisition, construction, repair and maintenance of structures, equipment, and facilities used in draining the benefited properties;
- (3) The cost of architectural, engineering, legal, and related services, plans and specifications, studies, surveys, estimates of cost and of revenue, and all other expenses necessary or incident to planning, providing, or determining the feasibility and practicality of structures, equipment, and facilities used in draining the benefited properties;
- (4) The cost of all machinery, equipment, furniture, and facilities necessary or incident to the provision and operation of draining the benefited properties;

- (5) The cost of funding, debt service, financing charges, and interest arising from construction projects and the start-up of a drainage facility used in draining the benefited properties; and
- (6) The administrative costs of a drainage utility system.

*Drainage charge* means:

- (1) The levy imposed to recover the cost of service of the City in furnishing drainage for any benefited property; and
- (2) An amount made in contribution to funding of future drainage system construction by the City.

*Drainage system* means the drainage owned or controlled in whole or in part by the City and dedicated to the service of benefited property, including provisions for additions to the system.

*Service area* means the municipal boundaries of the City.

Specific terms used in this Chapter or in the administration of this Chapter not otherwise defined shall have the respective meanings assigned to them in TEX. LOC. GOV. CODE §552.044, as amended.

Sec. 54.02. Established.

The City does hereby declare under the state constitution and TEX. LOC. GOVT. CODE §§ 552.041--552.054 (the "Municipal Drainage Utility Systems Act") as such act is adopted and amended, from time to time, that the drainage system of the City shall be a public utility. Pursuant to the provisions of TEX. LOC. GOVT. CODE § 552.046, the City incorporates its existing drainage facilities, materials, and supplies into the system.

Sec. 54.03. Adoption of system.

- (a) The Board of Commissioners of the City finds that the City shall establish a schedule of charges against all eligible real property in the proposed service area.
- (b) The Board of Commissioners of the City finds that the City will provide drainage for all eligible real property in the service area subject to charges under Chapter 552 of the Texas Local Government Code upon payment of drainage charges, unless exempted in this Chapter.
- (c) The Board of Commissioners of the City finds that the City will offer drainage service on nondiscriminatory, reasonable, and equitable terms.

Sec. 54.04. Schedule of charges.

- a) The schedule of charges under this Chapter is based on studies, staff review, and the projects and work program approved by the Board of Commissioners. Future revisions will be made only after a separate hearing has been held with notices properly published.
- b) The schedule of charges is based on a methodology that is nondiscriminatory, reasonable, and equitable. The properties are established as a class unless individual calculation is believed to be necessary. The source of the impervious area data is the City and the stormwater runoff factors are based on engineering quantifications. The fee for all properties is computed using the same formula, which places all properties on the basis of a single-family living unit equivalent (SFLUE).
  - 1) A SFLUE is defined as the impervious area of an average residential lot which is 3,500 square feet.
  - 2) The proposed monthly drainage utility system fee is \$1.50 per SFLUE.
  - 3) Applied to a commercial piece of property with an impervious area of 35,000 square feet, the drainage utility system fee would be \$15.00, computed as follows:

35,000 square feet impervious;  
35,000 square feet of impervious area divided by 3,500 square feet of impervious area per SFLUE;  
Equals 10 SFLUEs times \$1.50 per SFLUE;  
Equals \$15.00 per month.
  - 4) The fee schedule is applied with the following results:
    - a. For single-family residential, condominiums and townhome classifications: \$1.50 per month per utility customer.
    - b. For nonresidential: The fee will be based on the impervious land area of the property as determined by the City if the water service is provided through master meters. In the case of multiple master meters, the sum of the drainage charges for the entire property may be placed on the same utility bill.
- (c) All Weather Surfaces: The drainage utility service fee for any portion of a lot which consists of an all weather surface shall be computed at one half of the rate that would be applicable to an impervious surface area. For purposes of this Section an "all weather

surface” shall mean a surface used for pedestrian or vehicle traffic or vehicle or equipment storage or parking which is not paved with concrete, asphalt or other paving material determined by the City to be impervious.

Sec. 54.05. Exemptions.

The following categories of utility customers shall be exempt from this Chapter and the charges hereby imposed:

- (1) A lot or tract which is owned by one or more of the following governmental entities: the State of Texas, Wichita County or the Burkburnett Independent School District.
- (2) Property which is required to be exempted from this Chapter pursuant to TEX. LOC. GOVT. CODE §552.053(c), as amended.

Sec. 54.06. Billing, deposits, and expenditures.

- (a) The City will bill for drainage services on the monthly utility bill along with water, sewer, and solid waste services.
- (b) There will be no separate deposit required by utility customers.
- (c) In the case of a delinquent payment of the monthly utility bill, which includes the drainage charge, the City is authorized by TEX. LOC. GOVT. CODE § 552.050, and by this Chapter to discontinue service of all city utilities for nonpayment, even if the amount in dispute is the drainage charge component of the monthly utility bill.
- (d) The City shall identify and separate all drainage utility income.
- (e) The monies received from utility drainage charges shall be used only for purposes that are directly or indirectly related to the utility drainage system, as provided by law, including those costs of service defined in Section 54.01 above.

Sec. 54.07. Appeals.

- (a) Disputes regarding the administration of drainage system shall be determined, in the first instance, by the City’s public works director. Any person disputing the decision of the public works director may appeal the decision of the public works director to the City Manager by compliance with the following procedures:

The disputing party must deliver a written notice of appeal to the City Manager and the public works director within ten days of the date of the decision by the public

works director. The notice must specify the decision appealed from and the reason the disputing party believes the decision is incorrect. The City may develop forms for use in such appeals and, if such forms have been developed, then the disputing party must use those forms in prosecuting their appeal.

(b) The City Manager shall sustain the decision of the public works director if there is substantial evidence to support the decision. The City Manager may reverse or modify the decision of the public works director if the City Manager determines:

(1) That the decision of the public works director does not comply with this Chapter or Municipal Drainage Utility Systems Act, as amended; or

(2) That an error was made with regard to the category of land development, the area of imperviousness of the land development, or the size of the developed property; or

(3) That the property is unimproved and therefore not subject to the stormwater drainage utility system fee.

(c) The City Manager shall render a written decision on such appeals within 30 days after receiving a written notice of appeal from the land owner. All such decisions by the City Manager shall be final.

**Section 2.** On or before five (5) years from the date this ordinance is finally adopted the Board of Commissioners shall consider whether the municipal drainage system created by this ordinance should be continued or discontinued. If the Board of Commissioners determines that the municipal drainage system created by this ordinance should be discontinued, that the powers granted by this ordinance should be revoked or that provision for municipal drainage should be made by other revenues, then, following notice as required by TEX. LOC. GOVT. CODE §552.052(a), as amended, the Board of Commissioners may adopt an ordinance to that effect.

**Section 3.** In the event any one or more of the provisions of this Ordinance should be declared to be invalid, unenforceable or illegal; such invalidity, unenforceability or illegality shall not affect the validity, enforcement or legality of the remaining portions of this Ordinance.

**PASSED AND EFFECTIVE** as of the 17<sup>th</sup> day of September 2012.

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Carl Law, Mayor

**ATTEST:**

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Janelle Dolan, City Clerk