

## AGENDA

Notice is hereby given of a meeting of the Board of Commissioners of Burkburnett to be held on **Monday, October 21, 2013 at 7:00 p.m.** at City Hall-Council Chambers, 501 Sheppard Road, Burkburnett, Texas for the purpose of considering the following agenda items. The Board of Commissioners may discuss and take action on any item on this agenda. The Board of Commissioners reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

The public may speak on items listed on the posted agenda. All persons desiring to address a specific agenda item must submit an "Appearance before the City Commissioners" form prior to the reading of the item to the City Clerk, Janelle Dolan. The Mayor will allow comments before each agenda item for which they have requested to be heard. Comments will be limited to three (3) minutes with a maximum two (2) minute extension following approval by a majority of the members of the Board of Commissioners.

**Item 1.** Mayor: Call meeting to order.

**Item 2.** Invocation-

**Item 3.** Pledge of Allegiance.

**Item 4. CONSENT AGENDA:**

- A. Approval of Minutes from September 9, September 13-Special Called Meetings, September 16-Regular Meeting, and September 23, 2013-Special Called Meeting.

**Item 5.** Ordinance Number 845. An ordinance of the City of Burkburnett – Effluent Water Reuse Program.

**Item 6.** Ordinance Number 846. An ordinance approving a negotiated resolution between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corporation, Mid-Tex Division Company's 2013 Annual Rate Review Mechanism Filing in all cities exercising original jurisdiction.

**Item 7.** Pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, the Board of Commissioners may convene in Executive Session regarding the following matters:

- A. SECTION 551.074(a)-Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

- 1) Employment of Police Chief
- 2) Evaluation of City Manager

**Item 8.** Reconvene to regular session and take action, if any, on matters discussed in Executive Session.

**Item 9.** Review of monthly reports.

- A. Administration

- B. Public Works
- C. Public Safety

**Item 10.** Public Comments.

The Board of Commissioners invites citizens to speak on any topic.

Please fill out an "Appearance Before City Commissioners" form in order to address the Commissioners and turn the form in prior to 7:00 p.m. to City Clerk, Janelle Dolan.

Public Comments are limited to five minutes. Time limits can be adjusted by the Mayor as to accommodate more or fewer speakers.

Unless the item is specifically noted on this agenda, the Board of Commissioners is required under the Texas Open Meetings Act to limit its response to one of the following:

\*Responding with a statement of specific factual information or reciting the City's existing policy on that issue; or

**Item 11.** City Manager's report.

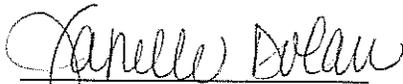
**Item 12.** Commissioner's Comments.

Pursuant to Government Code Section 551.0415, City Commissioner Members may make a report about items of Community interest during a meeting of the governing body without having given notice of the report. Items of community interest include:

- \*Expressions of thanks, congratulations, or condolence;
- \*Information regarding holiday schedules;
- \*An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of the person's public office of public employment is not an honorary or salutary recognition for purposes of this subdivision;
- \*A reminder about an upcoming event organized or sponsored by the governing body;
- \*Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- \*Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

**Item 13.** Adjournment.

I, Janelle Dolan, City Clerk for the City of Burkburnett, Texas do hereby certify that I posted this agenda on the glass front door of the City Hall, facing the outside at 9:00 a.m. on Friday, October 18, 2013 in compliance with the Open Meeting Act Chapter 551.



Janelle Dolan, City Clerk

Posted 10/18/2013 @ 9:00 am

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 72 hours prior to this meeting. Please contact the City Clerk's office at (940) 569-2263 for further information.

**MINUTES  
BOARD OF COMMISSIONERS**

The Board of Commissioners of the City of Burkburnett, Texas met in a special called meeting on Monday, September 9, 2013 at 5:00 p.m. in the Council Chambers of the City Hall, 501 Sheppard Road, Burkburnett, Texas. The meeting was open to the public with notice being given in compliance with the Open Meeting Act. The following Commissioners were present:

Carl Law	Mayor
Bill Lindenborn	Mayor Pro-Tem
Josh Andrajack	Commissioner
Randy Brewster	Commissioner
Don Hardy	Commissioner
Marguerite Love	Commissioner
Michael Tugman	Commissioner

Others present: Chester Nolen, Interim City Manager; Trish Holley, Director of Administration; Mike Whaley, Public Works Director; Janelle Dolan, City Clerk; and Mike Tracey, Police Chief.

Item 1. Mayor Law called the meeting to order.

Item 2. Mayor Law closed the regular meeting at 5:01 p.m. and opened the “Budget Hearing” to discuss the Fiscal Year 2014 City Operating Budget.

Chester Nolen, Interim City Manager, addressed the Mayor and Commissioners. Mr. Nolen presented a balanced budget. Mr. Nolen stated the proposed tax rate is \$0.638587/per \$100 (M&O- \$0.460846 and I&S- \$.177714). Mr. Nolen stated the M&O rate is lower than last year but the overall total tax rate is higher due to the debt service. Mr. Nolen reviewed the 2014 Budgeted Items.

Commissioner Brewster arrived at 5:10

Item 3. Mayor Law closed the “Budget Hearing” at 5:12 p.m. and re-opened the Commissioners meeting.

Item 4. No action was taken.

Item 5. Mr. Nolen addressed the Mayor and Commissioners and reviewed the professional agreement from Conventions Sports & Leisure for a Ball Field

feasibility study. Mr. Nolen stated the agreement is for \$44,500. Mr. Nolen stated \$40,000 was budgeted for the feasibility study in the current year's budget and the remaining \$4,500 will be taken from the Parks and Recreation Board funds.

Motion was made by Commissioner Andrajack, seconded by Commissioner Hardy to approve the professional services agreement with CSL for Ball Field feasibility study for the quoted price in the proposal. Motion carried unanimously.

Item 6. Mayor Law closed the meeting at 5:44 p.m. and opened the Executive Session pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code; the Board of Commissioners may convene in Executive Session regarding the following matters:

SECTION 551.074(a)-Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

1) Employment of City Manager

Item 7. Mayor Law reconvened the regular meeting at 7:03 p.m. No action was taken.

Item 8. City Manager's report.  
A. Budget Status

Item 9. Council comments.

Item 10. Motion was made by Commissioner Tugman, seconded by Commissioner Brewster to adjourn. Motion carried unanimously.

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Carl Law, Mayor

**ATTEST:**

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Janelle Dolan, City Clerk

**MINUTES**  
**BOARD OF COMMISSIONERS**

The Board of Commissioners of the City of Burkburnett, Texas met in a special called meeting on Monday, September 13, 2013 at 5:00 p.m. in the Council Chambers of the City Hall, 501 Sheppard Road, Burkburnett, Texas. The meeting was open to the public with notice being given in compliance with the Open Meeting Act. The following Commissioners were present:

Carl Law	Mayor
Bill Lindenborn	Mayor Pro-Tem
Josh Andrajack	Commissioner
Randy Brewster	Commissioner
Don Hardy	Commissioner
Marguerite Love	Commissioner
Michael Tugman	Commissioner

Others present: Trish Holley, Director of Administration; Janelle Dolan, City Clerk; and Mike Tracey, Police Chief.

Item 1. Mayor Law called the meeting to order.

Item 2. Motion was made by Commissioner Tugman, seconded by Commissioner Andrajack to approve the 2014 Burkburnett Development Corporation budget as presented. Motion carried unanimously.

Item 3. Mayor Law closed the regular meeting at 5:03 p.m. and opened the “Budget Hearing” to discuss the Fiscal Year 2014 City Operating Budget.

Trish Holley, Director of Administration addressed the Mayor and Commissioners. Ms. Holley stated the last sales tax payment for the fiscal year has been received and there was an 8.25% increase from what was budgeted. Ms. Holley then reviewed purchases that were made with the excess sales tax. Ms. Holley reviewed the highlights of the proposed budget and clarified it does not include a step plan for the paramedics, it does include a 3% merit increase for the paramedics along with all other employees.

Item 4. Mayor Law closed the “Budget Hearing” at 5:09 p.m. and re-opened the Commissioners meeting.

Item 5. No action was taken.

Item 6. Council comments.

Item 7. Motion was made by Commissioner Tugman, seconded by Commissioner Brewster to adjourn. Motion carried unanimously.

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Carl Law, Mayor

**ATTEST:**

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Janelle Dolan, City Clerk

## *MINUTES*

### *BOARD OF COMMISSIONERS*

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, September 16, 2013 at 7:00 p.m. in the Council Chambers of the City Hall, 501 Sheppard Road, Burkburnett, Texas. The meeting was open to the public with notice being given in compliance with the Open Meetings Act. The following Commissioners were present:

Carl Law	Mayor
Bill Lindenborn	Mayor Pro-Tem
Josh Andrajack	Commissioner
Randy Brewster	Commissioner
Don Hardy	Commissioner
Marguerite Love	Commissioner
Michael Tugman	Commissioner

Others present: Trish Holley, Director of Administration; Michael Whaley, Public Works Director; Janelle Dolan, City Clerk and Mike Tracey, Police Chief.

Item 1. Mayor Law called the meeting to order and welcomed the visitors.

Item 2. Invocation was given by Phillip Kenedy, Pastor of New Hope Church of the Nazarene.

Item 3. The Pledge of Allegiance was led by Commissioner Brewster.

Item 4. Consent Agenda.

- A. Approval of Minutes from August 1, August 6, August 8, and August 15 Special Called Budget Meetings and August 19, 2013.

Motion was made by Commissioner Love, seconded by Commissioner Hardy to approve Consent Agenda 4. Motion carried unanimously.

Item 5. Motion was made by Commissioner Lindenborn, seconded by Commissioner Tugman to reappoint John Robertson and Russell Miller as voting members to the Burkburnett Development Corporation (BDC) Board; appoint Jeff Briscoe as a voting member of the BDC; reappoint Jeff Kindt as an ex officio member; remove Tag Davis and Susan Mitchell; and appoint Teresa Brantley, Matt Patterson, Danny Cremeens and Jerry Johnson as ex officio members of the BDC Board. Motion carried unanimously.

Item 6. Ordinance Number 840 was presented. Caption of same being:

**AN ORDINANCE ADOPTING THE FISCAL YEAR OPERATING BUDGET OCTOBER 1, 2013 – SEPTEMBER 30, 2014 FOR THE CITY OF BURKBURNETT, TEXAS AND APPROPRIATING THE SEVERAL SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED, AND PROVIDING AN EFFECTIVE DATE.**

Motion was made by Commissioner Andrajack, seconded by Commissioner Hardy to approve Ordinance Number 840 as presented.

Ayes: Mayor Law; Commissioners: Lindenborn, Andrajack, Brewster, Hardy, Love, and Tugman

Motion carried.

Item 7. Ordinance Number 841 was presented. Caption of same being:

**AN ORDINANCE ADOPTING THE FISCAL YEAR CAPITAL IMPROVEMENT BUDGET OCTOBER 1, 2013 - SEPTEMBER 30, 2014 FOR THE CITY OF BURKBURNETT, TEXAS AND APPROPRIATING THE SEVERAL SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED, AND PROVIDING AN EFFECTIVE DATE.**

Motion was made by Commissioner Andrajack, seconded by Commissioner Tugman and Commissioner Hardy to approve Ordinance Number 841 as presented. Motion carried unanimously.

Item 8. Ordinance Number 842 was presented. Caption of same being:

**AN ORDINANCE LEVYING AN ANNUAL AD VALOREM TAX FOR THE YEAR 2013. SETTING SPECIFIC TAX RATES, APPLICABLE TO ALL REAL, PERSONAL AND MIXED PROPERTY SITUATED WITHIN THE CITY OF BURKBURNETT CITY LIMITS; SETTING THE DUE DATE AND PROVIDING FOR PENALTIES AND INTEREST ON DELINQUENT TAXES.**

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn that the property tax rate be increased by the adoption of a tax rate of 0.638587, which is effectively an 11.33 percent increase in the tax rate and to approve Ordinance Number 842. Motion carried unanimously.

Item 9. Ordinance Number 843 was presented. Caption of same being:

**AN ORDINANCE AMENDING ORDINANCE NUMBER 767 OF THE CITY OF BURKBURNETT, TEXAS PRESENTLY CODIFIED AS**

*Minutes, September 16, 2013*

**CHAPTER 50, GARBAGE AND REFUSE IN THE CODE OF ORDINANCES, SPECIFYING THE EFFECTIVE DATE; DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

Motion was made by Commissioner Brewster, seconded by Commissioner Andrajack to approve Ordinance Number 843 as presented. Motion carried unanimously.

The Mayor moved up Item 12.

Item 12. Review of monthly reports.

- A. Administration- Trish Holley, Director of Administration, reported the City received \$103,360.75 in sales tax for the month of September. That is \$90,445.11 over the total sales tax received last year. Ms. Holley also reported there are three vacancies within the City.
- B. Public Works- Mike Whaley, Director of Public Works, provided update on Parks and Recreation Department employee, Shannon Allison, whom had open heart surgery today, which went well. Mr. Whaley asked for continued prayers for Shannon's recovery.
- C. Public Safety- Chief Mike Tracey submitted his letter of resignation to the Mayor and Board of Commissioners effective 10/31/2013. Chief Tracey will be retiring after, 28 years of service with the City of Burkburnett and has a total of 35 years of service in law enforcement.

Mayor Law reported that Interim City Manager, Chester Nolen, is not present at the meeting due to him recovering from surgery that took place the previous week.

Item 10. Mayor Law closed the meeting at 7:15 p.m. and opened the Executive Session pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code; the Board of Commissioners may convene in Executive Session regarding the following matters:

SECTION 551.074(a)-Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

- 1) Employment of City Manager

Item 11. Mayor Law reconvened the regular meeting at 7:48 p.m. No action was taken.

Item 13. There were no public comments.

Item 14. There was no City Manager's report.

Item 15. Commission comments.

Item 16. Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to adjourn. Motion carried unanimously.

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Carl Law, Mayor

**ATTEST:**

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Janelle Dolan, City Clerk

**MINUTES**  
**BOARD OF COMMISSIONERS**

The Board of Commissioners of the City of Burkburnett, Texas met in a special called meeting on Monday, September 23, 2013 at 7:00 p.m. in the Council Chambers of the City Hall, 501 Sheppard Road, Burkburnett, Texas. The meeting was open to the public with notice being given in compliance with the Open Meeting Act. The following Commissioners were present:

Carl Law	Mayor
Bill Lindenborn	Mayor Pro-Tem
Josh Andrajack	Commissioner
Randy Brewster	Commissioner
Don Hardy	Commissioner
Marguerite Love	Commissioner
Michael Tugman	Commissioner

Others present: Chester Nolen, Interim City Manager; Trish Holley, Director of Administration; Mike Whaley; Director of Public Works; and Janelle Dolan, City Clerk.

Item 1. Mayor Law called the meeting to order. Invocation was given by Commissioner Andrajack. The pledge was led by Commissioner Lindenborn.

Item 2. Resolution Number 551 was presented in its entirety. Mike Whaley, Director of Public Works, addressed the Mayor and Commissioners. Mr. Whaley stated he received a request to review the need to dedicate a portion of existing burial sites for cremation purposes. The City was able to block out a section of the new cemetery for this purpose allowing for 64 cremation plots half the size of the traditional burial plots (same as infant plot). Mr. Whaley stated it was recommended at the last Cemetery Board meeting to sell these plots for half the price of the traditional burial plots. Currently the rate for an adult burial space is \$900, therefore, City Staff is recommending that the City sell the cremation spaces for \$450. Mr. Whaley stated while researching the cost for infant burial space, the City feels it prudent to adjust the current price of \$100 to \$300. The City's prices are still lower than other area cemeteries.

Motion was made by Commissioner Andrajack, seconded by Commissioner Hardy to approve Resolution Number 551 as presented. Motion carried unanimously.

Item 3. Ordinance Number 844 was presented. Caption of same being:

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING CHAPTER 53, WATER IN THE CODE OF ORDINANCES, PROVIDING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY.**

Mr. Whaley addressed the Mayor and Commissioners and stated due to the current drought conditions he is concerned the City may be experiencing some violations of usage of the water vending machine. Also, we learned the City of Wichita Falls had closed their water vending machine which would in effect increase our usage. Since then, due to county residents concerns, the City of Wichita Falls will not be closing their water vending machine but has decided to strictly regulate the use of their water vending machine by setting appointment only operation. Mr. Whaley stated currently the City of Burkburnett has a rate of \$0.25 per 95-100 gallons, and is proposing an adjustment to the rate to \$0.25 per 50 gallons. Mr. Whaley stated he would also like to adjust the hours of operation from 7:30am to 4:30pm Monday-Friday, currently the water vending machine is open 24 hours/day-7 days/week. Mr. Whaley stated this will allow the City to have greater control and observation. Signage will be posted showing the new hours of operation and the intended use is for residential use only.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Brewster to approve Ordinance Number 844 as presented.

Ayes: Mayor Law; Commissioners Lindenborn, Love and Brewster

Nays: Commissioners Andrajack, Hardy and Tugman

Motion carried.

Item 4. Ordinance Number 845 was presented. Caption of same being:

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING CHAPTER 52, SEWERS OF THE CODE OF ORDINANCES, PROVIDING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY.**

Mike Whaley, Director of Public Works addressed the Mayor and Commissioners and stated the increase in the City's water re-use program has created a lot of additional work for the Water Department. Mr. Whaley stated what use to take 30 minutes to reconcile a hand full of accounts is now taking all day to reconcile with numerous pages of accounts. Mr. Whaley stated some billing is so low we are not recouping our costs of mailing the bill. Currently the cost of effluent water is set at \$0.0016 per gallon for 1.60 per thousand gallons. Mr. Whaley stated the City is proposing a two bracket system for bulk and non-bulk: bulk

would be set at \$0.0032 per gallon or \$3.20 per thousand gallons and non-bulk would be set at \$.006 per gallon or \$6.00 per thousand gallons. Mr. Whaley stated Burkburnett Independent School District is the only bulk customer.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Love to approve Ordinance Number 845 as presented.

Ayes: Commissioner Lindenborn

Nays: Mayor Law; Commissioners Andrajack, Brewster, Hardy, Love and Tugman

Motion failed.

Item 5. Mayor Law closed the meeting at 7:45 p.m. and opened the Executive Session pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code; the Board of Commissioners may convene in Executive Session regarding the following matters:

SECTION 551.074(a)-Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

1) Employment of City Manager

Item 6. Mayor Law reconvened the regular meeting at 8:29 p.m.

Motion made by Commissioner Andrajack, seconded by Commissioner Lindenborn to offer a personnel agreement to Michael Whaley giving him the temporary title of Assistant City Manager and further, if within a six month period, if he meets the requirements of the personnel agreement, he will be promoted to the position of City Manager. Motion carried unanimously.

Item 7. City Manager Comments.

- Mr. Nolen provided a proposed well design/bidding/construction schedule for the water wells from LBG-Guyton.

Item 8. Council comments.

Item 9. Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to adjourn. Motion carried unanimously.

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Carl Law, Mayor

**ATTEST:**

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Janelle Dolan, City Clerk



## City Commission Agenda Memo

**From:** Chester Nolen  
**Date:** 10-21-2013  
**Item:** Request for Alcohol Sales at the Burkburnett Community Center

### Background

The Blacksox Baseball organization is holding its annual Hall of Fame Banquet at the Community Center on 11-23-2013. The event is a ticketed event and they are expecting about 150 persons in attendance. Applicants requesting to allow the consumption of beer and wine at City facilities are required to obtain a permit from the Board of Commissioners.

### Fiscal Impact

The rental fee is \$250.00 for the use of the facility all day as requested plus a \$400.00 deposit.

### Options

1. Approve the request
2. Deny the request

### Staff Recommendation

**Staff recommends approval of the request**

### Attachments

1. Rental Agreement
2. Application for Wine and Beer consumption at the Community Center
3. Permit

COMMUNITY CENTER RENTAL AGREEMENT FOR CITY OF BURKBURNETT

Name: \_\_\_\_\_

Date: \_\_\_\_\_

DATE OF RENTAL 11/23/13

Large Room Only  Small Room Only  Both Rooms  Kitchen Only

Rental fee: \$ \_\_\_\_\_ 1/2 Day \_\_\_\_\_ Full Day X START TIME \_\_\_\_\_ A.M. 7 P.M. END TIME \_\_\_\_\_ A.M. 1030 P.M.

NAME OF CLUB OR RENTER: BURKBURNETT BLACKSOX Deposit: \$200.00 Cash/Check Deposit (serve alcohol) \$400.00 Cash/Check

IS THIS A PUBLIC EVENT?  Yes  No

REGULATIONS

- Rental payment of the Community Center must be paid in person one week prior to the reservation.
- No alcohol (except as provided for in Ordinance No. 728: consumption of beer and wine ONLY and for which event a permit has been obtained). No glass bottles, drugs or abusive language is to be permitted in building or on grounds.
- A \$200.00 deposit (\$400.00 if request & application to serve alcohol) is required for the use of the Community Center. Deposit will be returned within 48 hours to renter upon verification by staff that the facilities are left in good condition.
- Any person, firm or corporation renting the Community Center shall be held liable for any damages to the center or any of its facilities. Damages to the facilities will not be tolerated - interior, exterior, furniture, fixtures, etc. (renter will pay for damages if it exceeds deposit). Deliberate destruction will result in charges being filed and permanent ban from use of the facility.
- No dishes, tables, chairs, or other property belonging to the building is to be loaned or carried away from the building except by authority from the City Council.
- Rental charges are listed in City Ordinance No. 703.
- The Center may be rented for PUBLIC DANCES. Public dances are those for which there is a public sale of tickets and/or to which the general public is invited.
- Decorations may be applied with tape only. Renter must take down all decorations and tape.
- No tape shall be applied to the floors.
- It shall be the responsibility of the renter to put up and take down all tables and chairs needed for their activity and shall be stacked neatly back in the closet.
- All tables and chairs should be cleaned with dampened cloths if food or beverage is served.
- All tape is to be removed from tables.
- Floors are to be swept and damp mopped.
- All trash shall be removed from facility and placed in proper trash receptacles.
- No cots or sleeping overnight is permitted in the Center.
- All parties must be out of the building by midnight.
- All tenants of the Community Center shall hold the City harmless from any and all liabilities for any claim or claims resulting from their rental or use of the premises and shall indemnify the City in case of any claims resulting from their operations or occurring during their occupation of the premises.

OTHER RULES AND REGULATIONS NOT LISTED IN THIS CONTRACT ARE CONTAINED IN THE CITY ORDINANCE NO. 703

PENALTY: Refusing to abide by all the above-listed regulations and additional regulations listed in Ordinance 703 gives the City of Burkburnett the right to refuse to rent said building to any guilty renter or organization at any time in the future.

I/We have read and understand the above and hereby agree to abide by same.

Printed Name Laura Gadberry Address 3406 McCall Pl

City Amarillo TX Phone No. (day) 806.236.9599 (other) \_\_\_\_\_

Signed Laura Gadberry Date 10/15/13

On behalf of Tom Scholl  
1/ Mickey Cornelius

\_\_\_\_\_  
City Manager  
(Application approved to serve alcohol)

FAX 0

Janelle Dolan

940-569-4192

Laura Gadberry

**From:** Laura Gadberry [lgadberry@suddenlink.net]  
**Sent:** Tuesday, October 15, 2013 4:50 PM  
**To:** 'Laura Gadberry'  
**Subject:** FW: Second Annual Blacksox Hall of Fame Banquet

Having trouble viewing this email? [Click here](#)



**Dear Blacksox Family,**

Our Blacksox program continues to perform at a national level and this past summer was no exception. The Blacksox 15U team won the ORU Invitational and played with the top 64 teams in the United States at the BCS 15U Championships in Ft. Myers, FL. The 16U team won both the Terry Morris & Red River Classic & competed with 280 teams in the WWBA World Championships. The 17U were the UCO Classic Champions and the graduating class of 2013 had 46 Blacksox players offered college scholarships. We also had 5 players drafted in the Major League Baseball amateur draft. After posting record breaking high school enrollment numbers for 6 consecutive years, we kicked off our Blacksox youth program for players age 7-14, with over 150 kids signing up to join our family.

The Blacksox have a lot to celebrate this year. We hope you will join us at our Hall of Fame Banquet November 23rd.

**Tom Scholl**

**Mickey Cornelius**

## **Blacksox Hall of Fame Banquet & Induction Ceremony**

As our Blacksox family expands, we are proud to invite you to our second annual Hall of Fame Banquet & Induction Ceremony. This year's guest speaker will be Stephen F. Austin Head Baseball Coach Johnny Cardenas.

**When:** Saturday, November 23 at 7:00 pm

**Where:** **Burkburnett Community Center** 735 Davey Dr., Burkburnett, TX

**Info:** Dinner, Auction & Hall of Fame Awards

**Cost:** \$35 per person or \$10 for kids 5-12. Additional sponsorship information

below.

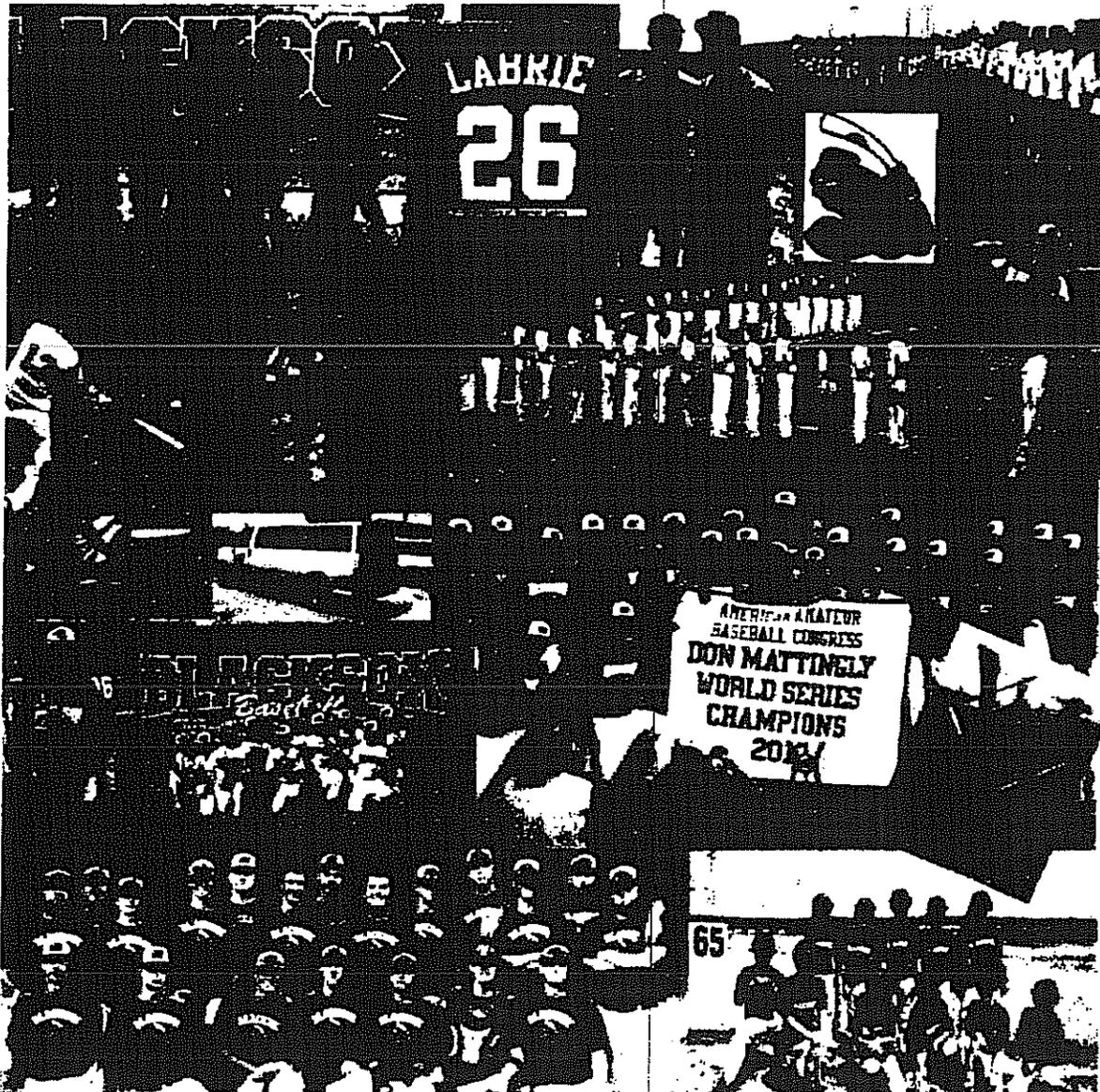
## **Stephen F. Austin Coach Cardenas to headline**

Johnny Cardenas is entering his fourth season as head coach of the Lumberjack baseball program and his seventh season overall in Nacogdoches.

He has the Lumberjacks coming off its best season in the history of the program, winning a school-record 37 games last season, including a 20-13 record in Southland Conference play. He has also served as a head coach in the Texas Collegiate League in both 2006 and 2007, earning TCL Coach of the Year honors in 2007 after leading the Wichita Falls Roughnecks to the Rogers Hornsby Division title. Cardenas was an All-Jayhawk Conference performer for Seward County Community College in 1989 before moving to TCU where he was an All-Southwest Conference selection. While in Fort Worth, he earned team MVP and GTE Academic All-American honors in 1993 for the Horned Frogs. On top of that, in 1993 he was also named the Panhandle Sports Hall of Fame Player of the Year.



Cardenas also enjoyed a career in professional baseball after being picked up by the Seattle Mariners out of TCU. His professional career continued for six years at a number of stops throughout the Chicago White Sox and Seattle Mariners' organizations before breaking into the major leagues with the Texas Rangers in 1997. During his time in the pros, Cardenas led the Oklahoma City 89ers to the AAA American Association title and the Duluth Superior Dukes to the independent Northern League Championship. Cardenas resides in Nacogdoches with his wife, Natalie. He has two children, a son, Easton (16), and a daughter, Zoe (9).



## Help support the Blacksox!

The Blacksox dorms & facilities are unlike any in amateur baseball and our fleet of 10, 15-passenger vans logs thousands of miles transporting players to high profile tournaments across the country every summer. Below are the sponsorship opportunities available.

**\$500** VIP private event with Johnny Cardenas, reserved table of 8 and charitable contribution.

**\$250** VIP private event with Johnny Cardenas, reserved seats for 4 and charitable contribution.

**\$100** VIP private event with Johnny Cardenas, reserved seats for 2 and charitable contribution.

To purchase your VIP/Individual tickets via PayPal:

**2013 BLACKSOX HALL OF FAME BANQUET TICKETS**

(Tickets are purchased 1 at a time or use the donation button for multiples.)

For more information, contact Laura Gadberry at 806.236.9599 or [blacksoxbaseball@ymail.com](mailto:blacksoxbaseball@ymail.com). All VIP funds received by November 15th will be listed in the program.

[Forward this email](#)

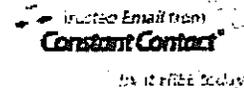


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Blacksox Baseball | P.O. Box 606 | Burkburnett | TX ; 76354

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**APPLICATION FOR PERMIT**

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**ITEM/SUBJECT:** “Burkburnett Hall of Fame” Fundraiser on November 23, 2013  
in the Burkburnett Community Center

**INITIATING PARTY:** Burkburnett Blacksox

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**COMMENTARY:** The Blacksox Baseball organization is holding its annual Hall of Fame Banquet at the Community Center on 11-23-2013. The event is a ticketed event and they are expecting about 150 persons in attendance. Applicants requesting to allow the consumption of beer and wine at this event.

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**INTERIM CITY MANAGER’S REMARKS:**

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**ASSOCIATED INFORMATION:**

\_\_\_\_\_ **APPROVED**

\_\_\_\_\_ **DISAPPROVED**

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\_\_\_\_\_ **CONDITIONS**

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**MAYOR Carl Law**



## City Commission Agenda Memo

**From:** Mike Whaley  
**Date:** 10-3-2013  
**Item:** Ordinance Number 845

### Background

After considering the Council's concerns, in regards to adjusting the current effluent rates and the scope of how we facilitate those operations to meet the changing needs of our community, we are proposing a two bracket system for bulk and non-bulk customers. For bulk purchase we are suggesting a rate change from .0016 per gallon or 1.60 per thousand gallons to .002 per gal or \$2.00 per thousand gallons, and the non-bulk rate will be set with a \$1.00 minimum fee and a rate of .0025 per gallon or 2.50 per thousand gallons. Also, all purchases under \$5.00 will be paid in cash at the WWTP.

### Fiscal Impact

No additional cost to City

### Options

Approve Ordinance as submitted  
Approve with modifications to pricing  
Take no action

### Staff Recommendation

Approving Ordinance 845 as submitted

### Attachments

None

**ORDINANCE NUMBER 845**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING CHAPTER 52, SEWERS OF THE CODE OF ORDINANCES, PROVIDING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY.**

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the City of Burkburnett, Texas:

That Chapter 52 of the Code of Ordinances be amended by adding the following:

**SECTION 52.66-EFFLUENT WATER REUSE PROGRAM**

1. That the rates for the Effluent Water Reuse Program will be as follows:

- (a) Non-bulk rate:      (i) .0025 cents per gallon or \$2.50 per thousand gallons;  
                                 (ii) a \$1.00 minimum fee;  
                                 (iii) purchases totaling less than \$5.00 will be paid in cash onsite.
  
- (b) Bulk rate:           \$.002 cents per gallon or \$2.00 per thousand gallons

**SECTION 2.** The Board of Commissioners of the City of Burkburnett encourages the citizens to participate in the Effluent Water Reuse Program in order to conserve potable water, the increase is to cover the costs of billing for such program.

**SECTION 3.** This ordinance shall be become effective immediately after passage.

**SECTION 4.** It is hereby officially found and determined that the meeting at which this ordinance was considered was open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required by the Open Meeting Act.

**SECTION 5. Emergency**

The immediate need for implementation of this ordinance due to the current drought conditions that affects the public health and safety of the citizens of the City and its surrounding area creates an emergency therefore requiring the action in the ordinance to become effective immediately and suspends the posting requirements set forth in Article IV, Section 18 (c) of the City Charter.

**PASSED AND APPROVED** on this 21<sup>st</sup> day of October, 2013.

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Carl Law, Mayor

ATTEST:

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Janelle Dolan  
City Clerk



## City Commission Agenda Memo

**From:** Chester Nolen  
**Date:** 10-21-2013  
**Item:** Atmos Energy Rate Request Settlement

### Background

Atmos Energy requested a rate increase that originally amounted to a system wide cost of \$25+ million dollars. The ACSC group attorneys, Lloyd, Gosselink etc reviewed the requests and found \$3 million in unwarranted increase requests and upon further negotiation with Atmos by the Atmos Cities Steering Committee were able to reduce the increase to \$16.6 million. At this time the Atmos Cities are being requested to approve the increase request.

### Fiscal Impact

Depending on individual usage gas customer bills will increase beginning November 1<sup>st</sup> to accommodate the \$16.6 million system wide increase.

### Staff Recommendation

Recommend approval of the settlement agreements

### Attachments

Lloyd Gosselink letter explaining request  
Ordinance approving the rate request

**ORDINANCE NUMBER 846**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CITY OF BURKBURNETT, TEXAS, APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2013 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; REPEALING CONFLICTING RESOLUTIONS OR ORDINANCES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; PROVIDING A MOST FAVORED NATIONS CLAUSE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.**

WHEREAS, the City of Burkburnett, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of approximately 164 similarly situated cities served by Atmos Mid-Tex that have joined together to facilitate the review of and response to natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, pursuant to the terms of the agreement settling the Company's 2007 Statement of Intent to increase rates, ACSC Cities and the Company worked collaboratively to develop a Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review

process controlled in a three-year experiment by ACSC Cities as a substitute to the current Gas Reliability Infrastructure Program (“GRIP”) process instituted by the Legislature; and

WHEREAS, the City took action in 2008 to approve a Settlement Agreement with Atmos Mid-Tex resolving the Company’s 2007 rate case and authorizing the RRM tariff; and

WHEREAS, in 2013, ACSC and the Company negotiated a renewal of the RRM tariff process for an additional five years; and

WHEREAS, the City passed an ordinance renewing the RRM tariff process for the City for an additional five years; and

WHEREAS, the RRM renewal tariff contemplates reimbursement of ACSC Cities’ reasonable expenses associated with RRM applications; and

WHEREAS, on or about July 15, 2013, the Company filed with the City its first annual RRM filing under the renewed RRM tariff, requesting to increase natural gas base rates by \$22.7 million; and

WHEREAS, ACSC coordinated its review of Atmos Mid-Tex’s RRM filing through its Executive Committee, assisted by ACSC attorneys and consultants, to resolve issues identified by ACSC in the Company’s RRM filing; and

WHEREAS, the ACSC Executive Committee, as well as ACSC’s counsel and consultants, recommend that ACSC Cities approve the attached rate tariffs (“Attachment A” to this Ordinance), which will increase the Company’s revenues by \$16.6 million; and

WHEREAS, the attached tariffs implementing new rates are consistent with the negotiated resolution reached by ACSC Cities and are just, reasonable, and in the public interest;

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

Section 1. That the findings set forth in this Ordinance are hereby in all things approved.

Section 2. That the City Council finds the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable and new tariffs which are attached hereto and incorporated herein as Attachment A, are just and reasonable and are hereby adopted.

Section 3. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC Cities in processing the Company's RRM application.

Section 4. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

Section 5. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 6. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 7. That if ACSC determines any rates, revenues, terms and conditions, or benefits resulting from a Final Order or subsequent negotiated settlement approved in any proceeding addressing the issues raised in Atmos' 2013 RRM filing would be more beneficial to the ACSC Cities than the terms of the attached tariffs, then the more favorable rates, revenues, terms and conditions, or benefits shall additionally and automatically accrue to the ACSC Cities, including the City, without the need for City to take any further action. If this automatic adjustment occurs, Atmos Mid-Tex shall promptly thereafter file with the City an amended tariff documenting the adjustment to rates.

Section 8. That this Ordinance shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after November 1, 2013.

Section 9. That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Manager of Rates and Regulatory Affairs, at Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## MEMORANDUM

TO: Atmos Cities Steering Committee

FROM: Geoffrey M. Gay, Georgia N. Crump, Eileen L. McPhee

DATE: September 17, 2013

RE: Action Required – Ordinance Approving First Annual RRM Rate Increase Under the Renewed RRM Tariff

### CONFIDENTIAL/ATTORNEY-CLIENT COMMUNICATION

Only July 15, 2013, Atmos Energy Corporation-Mid Tex Division (“Atmos” or “Company”) filed a Rate Review Mechanism (“RRM”) application with each of the Atmos Cities Steering Committee (“ACSC”) members. In the filing, Atmos alleges a test year revenue deficiency of \$25.7 million on a total company basis. Pursuant to the ordinances passed by cities that renewed the RRM process that was negotiated following the Railroad Commission’s (“RRC”) Final Order in the 2012 rate case, Atmos was required to make a downward adjustment of \$3 million to its alleged cost of service revenue deficiency. Thus, Atmos requested \$22.7 million in additional revenues.

ACSC consultants filed several discovery requests on the Company and produced a report to ACSC counsel on August 23, 2013. That report concluded that Atmos was entitled to additional revenues but significantly less than requested by the Company. After several rounds of negotiations with Atmos, the Company has agreed that it will accept additional revenues of \$16.6 million rather than the initially requested \$22.7 million. In a conference call Monday morning, September 16, 2013, the ACSC Executive Committee<sup>1</sup> unanimously approved the compromised revenue deficiency of \$16.6 million. The Executive Committee and legal counsel recommend adoption of an ordinance and tariffs that will collect that amount of additional revenue over a twelve (12) month period beginning November 1, 2013.

While the ordinance establishing a new RRM process passed by cities this past summer calls for an Effective Date of October 15, 2013 for the first RRM under the new process, the Company has agreed to a two-week extension to provide ACSC cities six weeks to take action. The rate ordinance provides an Effective Date of November 1, 2013.

Attached to this communication please find the following:

1. The RRM Rate Ordinance (with tariffs designated as Attachment A);
2. A Model Staff Report in support of the Ordinance; and

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<sup>1</sup> The ACSC Executive Committee includes representatives from Abilene, Arlington, Benbrook, Carrollton, College Station, Colleyville, Denison, Duncanville, Eastland, Farmers Branch, Flower Mound, Fort Worth, Garland, Grand Prairie, Haltom City, Irving, Kerrville, Killeen, Lewisville, Mesquite, Plano, Sherman, Waco and Waxahachie. At least 15 representatives were on the call.

3. A rate impact analysis (Average Bill Comparison-Base Rates).

None of these attachments are confidential and may be distributed as you choose.

The \$16.6 million to be approved by the Ordinance is superior to the \$25.7 million system-wide cost of service revenue deficiency alleged by the Company. The \$16.6 million compromise is significantly better than the \$28 million the Company would have received in the rubber-stamp process review at the RRC, if the Company had chosen to ignore city input by filing a GRIP application.

Please note that the significant increases in customer charges that occurred earlier this year resulted from a RRC order signed December 4, 2012. None of the \$16.6 million increase in this case will be applied to the residential customer charge pursuant to the agreement with Atmos earlier this year that led to the RRM renewal.

The Average Bill Comparison-Base Rates demonstrates that the monthly rate impact of the ordinance and new tariffs on an average residential or commercial customer will be \$0.74 (1.75% increase).

Note that the tariffs include a Conservation and Efficiency (CEE) surcharge that had been previously approved pursuant to RRC orders. It is not a new item and is not referenced in the Ordinance or Model Staff Report.

If you have any concerns or questions, please do not hesitate to call Geoffrey (512-322-5875), Georgia (512-322-5832), or Eileen (512-322-5817).

**ATMOS ENERGY CORP., MID-TEX DIVISION  
AVERAGE BILL COMPARISON - BASE RATES  
TEST YEAR ENDING DECEMBER 31, 2012**

Line						CURRENT	November 1, 2013		
						PROPOSED	CHANGE		
1	<b>Rate R @ 41.7 Ccf</b>								
2	Customer charge				\$ 17.70				
3	Consumption charge	41.7	CCF	X \$ 0.04172 =	1.74				
4	Rider GCR Part A	41.7	CCF	X \$ 0.32167 =	13.41				
5	Rider GCR Part B	41.7	CCF	X \$ 0.16324 =	6.81				
6	Subtotal				\$39.66				
7	Rider FF & Rider TAX		\$ 39.66	X 0.06769 =	2.68				
8	Total				\$42.34				
9									
10	Customer charge					\$ 17.70			
11	Consumption charge	41.7	CCF	X \$ 0.05831 =	2.43				
12	Rider GCR Part A	41.7	CCF	X \$ 0.32167 =	13.41				
13	Rider GCR Part B	41.7	CCF	X \$ 0.16324 =	6.81				
14	Subtotal				\$40.35				
15	Revenue-related Tax Reimbursement		\$ 40.35	X 0.06769 =	2.73				
16	Total				\$43.08			\$0.74	
17								1.75%	
18									
19	<b>Rate C @ 327.2 Ccf</b>								
20	Customer charge				\$ 34.72				
21	Consumption charge	327.2	CCF	X \$ 0.06589 =	21.56				
22	Rider GCR Part A	327.2	CCF	X \$ 0.32167 =	105.24				
23	Rider GCR Part B	327.2	CCF	X \$ 0.11765 =	38.49				
24	Subtotal				\$200.01				
25	Revenue-related Tax Reimbursement		\$ 200.01	X 0.06769 =	13.54				
26	Total				\$213.55				
27									
28	Customer charge					\$ 35.75			
29	Consumption charge	327.2	CCF	X \$ 0.06893 =	22.55				
30	Rider GCR Part A	327.2	CCF	X \$ 0.32167 =	105.24				
31	Rider GCR Part B	327.2	CCF	X \$ 0.11765 =	38.49				
32	Subtotal				\$202.03				
33	Revenue-related Tax Reimbursement		\$ 202.03	X 0.06769 =	13.68				
34	Total				\$215.71			\$2.16	
35								1.01%	

**ATMOS ENERGY CORP., MID-TEX DIVISION  
AVERAGE BILL COMPARISON - BASE RATES  
TEST YEAR ENDING DECEMBER 31, 2012**

36	<u>Rate I @ 3955 MMBTU</u>				<u>CURRENT</u>	<u>PROPOSED</u>	<u>CHANGE</u>
37	Customer charge				\$ 600.00		
38	Consumption charge	1,500	MMBTU	X \$ 0.2473 =	370.95		
39	Consumption charge	2,455	MMBTU	X \$ 0.1812 =	444.88		
40	Consumption charge	0	MMBTU	X \$ 0.0389 =	0.00		
41	Rider GCR Part A	3,955	MMBTU	X \$ 0.3294 =	1,302.79		
42	Rider GCR Part B	3,955	MMBTU	X \$ 0.2591 =	1,024.63		
43	Subtotal				<u>\$3,743.25</u>		
44	Revenue-related Tax Reimbursement	\$ 3,743.25		X 0.06769 =	253.38		
45	Total				<u><u>\$3,996.63</u></u>		
46							
47	Customer charge					\$ 620.00	
48	Consumption charge	1,500	MMBTU	X \$ 0.2565 =		384.75	
49	Consumption charge	2,455	MMBTU	X \$ 0.1879 =		461.33	
50	Consumption charge	0	MMBTU	X \$ 0.0403 =		0.00	
51	Rider GCR Part A	3,955	MMBTU	X \$ 0.3294 =		1,302.79	
52	Rider GCR Part B	3,955	MMBTU	X \$ 0.2591 =		1,024.63	
53	Subtotal					<u>\$3,793.50</u>	
54	Revenue-related Tax Reimbursement	\$ 3,793.50		X 0.06769 =		256.78	
55	Total					<u><u>\$4,050.28</u></u>	\$53.65
56							1.34%
57	<u>Rate T @ 3955 MMBTU</u>				<u>CURRENT</u>	<u>PROPOSED</u>	<u>CHANGE</u>
58	Customer charge				\$ 600.00		
59	Consumption charge	1,500	MMBTU	X \$ 0.2473 =	370.95		
60	Consumption charge	2,455	MMBTU	X \$ 0.1812 =	444.88		
61	Consumption charge	0	MMBTU	X \$ 0.0389 =	0.00		
62	Rider GCR Part B	3,955	MMBTU	X \$ 0.2591 =	1,024.63		
63	Subtotal				<u>\$2,440.46</u>		
64	Revenue-related Tax Reimbursement	\$ 2,440.46		X 0.06769 =	165.19		
65	Total				<u><u>\$2,605.65</u></u>		
66							
67	Customer charge					\$ 620.00	
68	Consumption charge	1,500	MMBTU	X \$ 0.2565 =		384.75	
69	Consumption charge	2,455	MMBTU	X \$ 0.1879 =		461.33	
70	Consumption charge	0	MMBTU	X \$ 0.0403 =		0.00	
71	Rider GCR Part B	3,955	MMBTU	X \$ 0.2591 =		1,024.63	
72	Subtotal					<u>\$2,490.71</u>	
73	Revenue-related Tax Reimbursement	\$ 2,490.71		X 0.06769 =		168.59	
74	Total					<u><u>\$2,659.30</u></u>	\$53.65
75							2.06%