

AGENDA

Notice is hereby given of a meeting of the Board of Commissioners of Burkburnett to be held on **Monday, December 21, 2015 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 November 16, 2015 Regular Meeting

Item 5. Resolution Number 598. A resolution of gratitude for Morgan Perron.

Item 6. Resolution Number 599. A resolution of gratitude for Trace Davis and Morgan Perron.

Item 7. Discuss and take any action necessary on Golf Course lease.

Item 8. Ordinance Number 893. An ordinance providing for increased prior and current service annuities under the act governing the Texas Municipal Retirement System for retirees and beneficiaries of deceased retirees of the City of Burkburnett.

Item 9. Discuss and take any action necessary on reappointment of Dan King to the Emergency Medical Service Advisory Board.

Item 10. Resolution Number 596. A resolution declaring support for the River Terrace Senior Apartments.

Item 11. Resolution Number 597. A resolution authorizing the filing of a grant application with the Nortex Regional Planning Commission for a regional solid waste grants program grant.

Item 12. Ordinance Number 890. An ordinance amending Chapter 94: Fire Prevention; Fireworks; prohibiting the sale or use of restricted fireworks within city limits; prohibiting the sale or use of restricted fireworks within city limits.

Item 13. Mayor to close regular meeting and open “Public Hearing” for the following Planning & Zoning Commission Cases:

A. Amend Section 27.9 (page 82) of Zoning Ordinance #589 Section 27.11 (page 90) as follows:

Add Fireworks Sales to use chart (COMMERCIAL USES). Add “S” to the use chart to allow Fireworks Sales by Specific Use Provision in commercial business districts and industrial districts.

B. Case #2015-24, Specific Use Permit for 936 Cropper Rd. R, to allow for a Wrecker Service Impound Yard.

C. Case#2015-25, Specific Use Permit for 208 S. Red River Expressway vacant lot frontage, to allow for the seasonal business of Firework Sales.

Item 14. Mayor to close Public Hearing and reopen the regular meeting and take any action necessary on Planning & Zoning Commission Cases:

A. Amend Section 27.9 (page 82) of Zoning Ordinance #589 Section 27.11 (page 90) as follows:

Add Fireworks Sales to use chart (COMMERCIAL USES). Add “S” to the use chart to allow Fireworks Sales by Specific Use Provision in commercial business districts and industrial districts.

B. Case #2015-24, Specific Use Permit for 936 Cropper Rd. R, to allow for a Wrecker Service Impound Yard.

C. Case#2015-25, Specific Use Permit for 208 S. Red River Expressway vacant lot frontage, to allow for the seasonal business of Firework Sales.

Item 15. Ordinance Number 894. An ordinance amending Zoning Ordinance 589 by adding fireworks sales to use chart (commercial uses).

Item 16. 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-Personnel matters:

a. Discussion and take any action necessary regarding the salaries and potential raises for the following employees:

1. Amanda Angle
2. Daniel Elbaum
3. Roy Mullens
4. Michael Ikeler
5. Blake Deeb

6. Matthew McDonald
7. Keenan Stubblefield
8. Donnie Osborn
9. Liberty Billingsley
10. Jonathan Zellner
11. Jeffery KRC
12. Steven Barnes
13. Eric Holt
14. Royce Challis
15. Zachary Leonard
16. Juan Gonzales
17. Donald Morgan
18. Lahoma Vaughn
19. Eddie Stahr

Item 17. Reconvene to regular session and take action, if any, on matters discussed in Executive Session.

Item 18. 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.

Item 19. City Manager's report.

- Christmas Holiday- City Hall closed December 25th
- Tracy Cissell Retirement – December 31st , 2:30 pm, Courtroom, Police Department
- New Year's Eve – City Hall closed January 1st

Item 20. 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 salutory 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 salutory 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 21. 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 10:00 a.m. on December 18, 2015 in compliance with the Open Meeting Act Chapter 551.

Janelle Dolan

Janelle Dolan, City Clerk

Posted 12/18/15 @ 10:00am

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 regular meeting on Monday November 16, 2015 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
Randy Brewster	Commissioner
Frank Ducos	Commissioner
Don Hardy	Commissioner
Marguerite Love	Commissioner

Commissioner Mike Tugman was not present.

Others present: Mike Whaley, City Manager; Trish Holley, Director of Administration; Gordon Smith, Director of Public Works; Janelle Dolan, City Clerk; Ed Stahr, Police Chief; and Mike Guevara, Shahan, Guevara, Decker and Arrott, Attorneys at Law.

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

Item 2. Invocation was given by Commissioner Hardy.

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

Item 4. Consent Agenda.

A. Approval of Minutes from October 19, 2015.

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

The Mayor allowed those that had signed up to speak on Item 6 to do so before the Board of Commissioners convened into Executive Session.

The following addressed the Mayor and Commissioners:

Mike Gaver, Progressive Waste Solutions
Mickey Fincannon, M & R Services, 1260 Harris Rd
Robin Fincannon, 1260 Harris Rd
Thomas Watson, 209 S. Ave B

Item 5. Mayor Law closed the meeting at 7:10 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:

A. SECTION 551.071 – Consultation with Attorney

Ordinance Number 891. An ordinance granting the authority for the execution of a waste services contract with IESI TX Corporation, requiring use of IESI TX Corporation for solid waste disposal within city limits and provide criminal penalties for non-compliance.

Item 6. Mayor Law reconvened the regular meeting at 7:53 p.m.

Ordinance Number 891 was presented. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT; GRANTING THE AUTHORITY FOR THE EXECUTION OF A WASTE SERVICES CONTRACT WITH IESI TX CORPORATION; REQUIRING USE OF IESI TX CORPORATION FOR SOLID WASTE DISPOSAL WITHIN BURKBURNETT CITY LIMITS; AND PROVIDING CRIMINAL PENALTIES FOR NON-COMPLIANCE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING THIS ORDINANCE IS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Motion was made by Commissioner Brewster, seconded by Commissioner Love to adopt Ordinance Number 891 but exclude Section 1.03 of the ordinance. Motion carried unanimously.

Item 7. Ordinance Number 892 was presented. Caption of same being:

AN ORDINANCE ESTABLISHING REGULATIONS FOR FOOD ESTABLISHMENTS, INCLUDING FOOD SERVICE ESTABLISHMENTS, RETAIL FOOD STORES, MOBILE FOOD UNITS AND ROADSIDE FOOD VENDORS; PROHIBITING ANY VIOLATION OF SUCH REGULATIONS; ESTABLISHING A FINE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

The following addressed the Mayor and Commissioners:

Lou Kreidler, Director of Health, Wichita County Public Health District
Susan Morris, Environmental Health Administrator, Wichita County Public Health District

Ms. Kreidler stated that the Texas Food Establishment Rules (TFER) were established in 2009 and have not been changed since that time until this new revision went into effect October 11, 2015. This ordinance will get the City aligned with state regulations.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Hardy to adopt Ordinance Number 892 as presented. Motion carried unanimously.

Item 8. Gordon Smith, Director of Public Works, addressed the Mayor and Commissioners and stated at the November 9, 2015 Cemetery Board meeting, Staff informed Board Members Ron Clarke, Denise Kirkpatrick and Nova Dickson that their terms to the Cemetery Board was nearing completion and asked if they would consider reappointment to the board. All three board members expressed their desire to continue to serve on the Cemetery Board.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Love to approve the reappointments of Board Members Ron Clarke, Denise Kirkpatrick and Nova Dickson for a 2 year term. Motion carried unanimously.

Item 9. Mike Whaley, City Manager, addressed the Mayor and Commissioners and reported Lyn Seebo is currently serving on our Zoning Board of Adjustments. Her 2-year term expires on December 16th of this year. Mr. Whaley stated he had been in touch with Mrs. Seebo and she has expressed the desire to continue to serve on the board for another 2-year term and it is his recommendation that Mrs. Seebo be reappointed to the ZBA.

Motion was made by Commissioner Hardy, seconded by Commissioner Brewster to approve the reappointment of Lyn Seebo to the Zoning Board of Adjustments. Motion carried unanimously.

Item 10. Mr. Whaley stated he was prepared to move forward to place “In God We Trust” decals on all city vehicles. The U.S. Supreme Court has ruled that the phrase “In God We Trust” is “ceremonial” and “patriotic” and not an expression of religion.

Motion was made by Commissioner Brewster, seconded by Commissioner Lindenborn for placement of the National Motto “In God We Trust” on all city vehicles. Motion carried unanimously.

Item 11. Resolution Number 595 was presented in its entirety. A resolution amending fees for the Burkburnett Memorial Cemetery. Mr. Smith stated the Cemetery Board received and reviewed a proposal from Celestial Etched Arts on providing brass military nameplates for the memorial monument at the new pavilion. Celestial Etched Arts indicated they could provide the 3” inch x 11” inch brass name plate with etched laser font at a cost of \$110.00 per nameplate. The Cemetery Board recommends to the Board of Commissioners amending and reducing the established fee of \$200.00 per nameplate

to \$125.00. The board further recommended the \$15 difference would be to cover mounting and administration costs.

Motion was made by Commissioner Brewster, seconded by Commissioner Hardy to approve Resolution Number 595 as presented. Motion carried unanimously.

Mayor Law moved up Item 15.

Item 15. Public comments:

The following addressed the Mayor and Commissioners:

Mickey Fincannon, M & R Services, 1260 Harris Rd

Item 12. Mayor Law closed the meeting at 8:10 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:

A. SECTION 551.072-Deliberation Regarding Real Property

a. Facility Assessment

Item 13. Mayor Law reconvened the regular meeting at 8:57 p.m. No action taken.

Item 14. Review of monthly reports.

A. Public Works- Gordon Smith, Director of Public Works, provided update on Roller Road improvements.

Item 16. Mr. Whaley reviewed the following dates:

- Thanksgiving Holiday- City Hall closed November 26th and 27th
- Christmas Dinner-December 10, 2015 at 6pm
- Christmas Parade-December 11, 2015

Item 17. No Commissioner comments.

Item 18. Motion was made by Commissioner Lindenborn, seconded by Commissioner Hardy to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk

RESOLUTION NUMBER 598
RESOLUTION OF GRATITUDE

WHEREAS, the Board of Commissioners of the City of Burkburnett wish to express their sincere gratitude to Morgan Perron for her heroic efforts on August 22, 2015; and

WHEREAS, while working as lifeguards at Boomtown Bay Family Aquatic Center Kyle Ye treaded into water that was too deep for him; and

WHEREAS, Kyle Ye was trying to keep his head above water, he kept bobbing up and down causing water to into his mouth making it harder for him to breathe; and

WHEREAS, Morgan Perron immediately responded to Kyle Ye, who was very lethargic, and brought him back to the pool deck to comfort and monitor him until the ambulance arrived; and

WHEREAS, if not for her quick response and willingness to put the safety of others first, the life of the little boy may have ended tragically the Saturday afternoon.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the City of Burkburnett, Texas hereby extends a special recognition to Morgan Perron for her courageous act of heroism August 22, 2015.

PASSED AND APPROVED this 21st day of December 2015.

ATTEST:

Janelle Dolan, City Clerk

Carl Law, Mayor

Randy Brewster, Commissioner

Bill Lindenborn, Commissioner

Don Hardy, Commissioner

Marguerite Love, Commissioner

Mike Tugman, Commissioner

Frank Ducos III, Commissioner

Mike Whaley, City Manager

RESOLUTION NUMBER 599
RESOLUTION OF GRATITUDE

WHEREAS, the Board of Commissioners of the City of Burkburnett wish to express their sincere gratitude to Morgan Perron and Trace Davis for their heroic efforts on September 6, 2015; and

WHEREAS, while working as lifeguards at Boomtown Bay Family Aquatic Center, Angel Steel was holding her breath and going to the bottom of the pool; and

WHEREAS, Angel Steel completed this task many times, but the last time she attempted this task she did not come back up; and

WHEREAS, Trace Davis immediately noticed that and signaled over to Morgan Perron to let her know he was going to check on her; and

WHEREAS, Trace Davis found Angel Steel on the bottom of the pool unconscious and immediately brought her up to the surface; and

WHEREAS, Morgan Perron jumped in to assist Trace Davis to bring Angel Steel to the pool deck and immediately started their Basic Life Support Rescue Techniques; and

WHEREAS, while waiting for the ambulance, they continued their Rescue Techniques and the girl became conscious and was transported to the hospital and later transferred to Cooks where she was discharged two days later; and

WHEREAS, if not for their quick response and willingness to put the safety of others first, the life of Angel Steel may have ended tragically that Saturday afternoon.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the City of Burkburnett, Texas hereby extends a special recognition to Morgan Perron and Trace Davis for their courageous act of heroism September 6, 2015.

PASSED AND APPROVED this 21st day of December 2015.

ATTEST:

Janelle Dolan, City Clerk

Carl Law, Mayor

Randy Brewster, Commissioner

Bill Lindenborn, Commissioner

Don Hardy, Commissioner

Marguerite Love, Commissioner

Mike Tugman, Commissioner

Frank Ducos III, Commissioner

Mike Whaley, City Manager



City Commission Agenda Memo

From: Mike Whaley, City Manager

Date: December 21, 2015

Item: River Creek Golf Course Lease Agreement Extension

Background

Per the terms in the lease agreement for River Creek Golf Course, Mr. Scott Anderson is exercising his right to request a one year extension to the current lease agreement. Currently the lease agreement would end on December 31st, 2016. This extension would effectively push the date out to December 31st 2017. All other matters within the lease agreement will remain the same.

Fiscal Impact

N/A

Options

- Approve Extension
- Do not approve

Staff Recommendation

Staff recommends approval of extension

Attachments

Lease Agreement

Extension Signature Page

1. Lessee shall furnish an annual operations report no later than March 31st of each year of the term of the Lease to inform the City as to usage by the public of the leased premises. This annual report shall include the number of rounds played, annual memberships, and a calendar of the succeeding year's tournaments. Lessee also agrees to furnish an annual Balance Sheet, a Profit & Loss Statement for River Creek Golf Course (excluding only pro shop sales), and such other information as any state or federal government agency might require the City to produce.

2. The City may, at its option and expense, review or audit the books and records of the Lessee at any time and lessee agrees to cooperate with Lessor in this endeavor.

III. TERM

1. The term of this Lease shall be for a primary period of three (3) years unless sooner terminated or extended longer as provided in this Lease, with the first such "lease year" commencing on January 1, 2014 and ending on December 31, 2016.

2. On or before December 1, 2014, the parties may extend the term of this lease for one additional lease year commencing January 1, 2017 and ending on December 31, 2017 with an agreed upon adjustment in the rent. The adjustment in the rent agreed to on or before December 1, 2014, will not affect the rent or the other terms of this lease in the preceding three year term ending on December 31, 2016. Likewise, on or before December 1, 2015 and on or before December 1st of each year thereafter during the term (or any extended term) of this lease, the parties may extend the term of this lease for one additional lease year commencing on January 1st following the end of the preceding three-year term. The adjustment in the rent agreed to shall not affect the agreed upon rent applicable to each year in the preceding three-year term. As used herein, the phrase "preceding three year term" shall refer to the three year term or extended term of this lease which has been agreed to by the parties and for which the parties have agreed upon the rental amounts applicable to each of those three years.

3. The term "lease year" as used in this Lease shall mean each period of twelve (12) consecutive calendar months, ending on December 31st and beginning on January 1st, to begin as provided in the first paragraph of Section III "TERM". A lease year may be changed by written agreement of the parties.



4. In the event the lease is terminated for any reason prior to the end of a lease year, that short period will be subject to appropriate proration.

IV. RENT

Lessee shall pay an annual rent of _____ during the first year of this Lease in monthly installments on the first day of each month beginning January 1, 2014 as follows;

**LEASE AGREEMENT
CITY OF BURKBURNETT RIVER CREEK GOLF COURSE
Addendum 1 - Extension**

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF WICHITA §

The LEASE AGREEMENT (“Agreement”) was made and entered into effective the 1st day of January, 2014, by and between the CITY OF BURKBURNETT, a municipal corporation of Wichita County, Texas (the “City”) and River Golf, Ltd., a Texas Corporation (the “Lessee”).

WITNESSETH:

WHEREAS, the Board of Commissioners of the City of Burkburnett and River Golf, Ltd. (the Lessee) entered into the Agreement effective January 1, 2014 and ending on December 31, 2016;

WHEREAS, according to section III. 2. of the Agreement, the parties may extend the term of the Agreement by an additional year on or before December 1 of any year during the term of the Agreement;

WHEREAS, the parties desire and the Board of Commissioners finds that it is in the best interest of the City of Burkburnett to extend the term of the Agreement for an additional year; and

NOW, THEREFORE, the City and the Lessee, for and in consideration of the terms, conditions and provisions hereinafter established have agreed, and do hereby agree as follows:

I. TERM

1. The term of the Agreement shall be extended by this Addendum for an additional year beginning on January 1, 2017 and ending on December 31, 2017. Provided, however, that the term of this Addendum and the Agreement shall be subject to earlier termination as set forth in Section VI of the Agreement.

II. RENT

Lessee shall pay an annual rent of _____ during the term of this Addendum in monthly installments on the first day of each month:

- a. For the months of January, February, March, October, November and December, the monthly installment shall be _____-;
- b. For the months of April, May, June, July, August and September, the monthly installment shall be _____.

III. COMPLETE AGREEMENT

Unless specifically revised by this Addendum, all terms, conditions and agreements as set forth in the underlying Agreement attached hereto as Exhibit A remain in full force and effect. The underlying Agreement and this Addendum constitute the entire agreement between the City and the Lessee.

CITY OF BURKBURNETT, TEXAS

By: _____
Carl Law, Mayor

Executed this the ____ day of _____, 2015.

LESSEE:

Scott Anderson, President
River Golf Management, L.L.C., general partner of River Golf, Ltd.

Executed this the ____ day of _____, 2015.



City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: December 21, 2015

Item: TMRS Retiree Benefit Plan

Background

We have had a retiree request that the City consider a COLA increase in the retiree benefit. The last increase went into effect in 2008 and was a 70% Ad Hoc or one-time increase to the retiree benefit. We have total of 43 retirees. I have calculated a 30%, 50%, & 70% Ad Hoc increase. Below is a table reflecting the financial impact:

30% - \$4,703 increase in cost to City, 19 retirees will see an avg. mo. increase of \$25.52
50% - \$18,719 increase in cost to City, 41 retirees will see an avg. mo. increase of \$51.48
70% - \$40,941 increase in cost to City, 42 retirees will see an avg. mo. increase of \$116.57

Fiscal Impact

\$4,703, \$18,719, or \$40,914 pending on your decision

Options

- Approve increase (30%, 50%, or 70%)
- Deny Request at this time

Staff Recommendation

Staff has no specific recommendation

Attachments

n/a

ORDINANCE NUMBER 893

AN ORDINANCE PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY OF BURKBURNETT, AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE.

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

INCREASE IN RETIREMENT ANNUITIES

- (A) On the terms and conditions set out in Sections 854.203 and 853.404 of Subtitle G of Title 8, Government Code, as amended (hereinafter referred to as the "TMRS Act"), the City hereby elects to allow and to provide for payment of the increases below stated in monthly benefits payable by the System to retired employees and to beneficiaries of deceased employees of the City under current service annuities and prior service annuities arising from service by such employees to the City. An annuity increased under this section replaces any annuity or increased annuity previously granted to the same person.
- (B) The amount of the annuity increase under this section is computed as the sum of the prior service and current service annuities on the effective date of retirement of the person on whose service the annuities are based, multiplied by ___% of the percentage change in Consumer Price Index for All Urban Consumers, from December of the year immediately preceding the effective date of the person's retirement to the December that is 13 months before the effective date of the increase under this Section.
- (C) An increase in an annuity that was reduced because of an option selection is reducible in the same proportion and in the same manner that the original annuity was reduced.
- (D) If a computation hereunder does not result in an increase in the amount of an annuity, the amount of the annuity will not be changed hereunder.
- (E) The amount by which an increase under this Section exceeds all previously granted increases to an annuitant is an obligation of the City and of its account in the Municipality accumulation fund of the System.

Effective Date

Subject to approval by the Board of Trustees of the System, this ordinance shall be and become effective on the 1st day of January 2016.

PASSED AND APPROVED on this 21st day of December 2015.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk



City Commission Agenda Memo

From: Ed Stahr, Police Chief

Date: December 21, 2015

Item: Discuss and take any action necessary on reappointment of Dan King to the Emergency Medical Service Advisory Board.

Background

The Emergency Medical Service Advisory Board an advisory Board to ensure a quality EMS program by monitoring the personnel, vehicles, financial information and service level of the joint Ambulance Services Contract between the cities of Wichita Falls, Burkburnett, Iowa Park and Wichita County; and to review citizen complaint. Dan King has been jointly appointed to serve on this board by the City of Burkburnett and City of Iowa Park. Mr. King's term is ending December 21, 2015. The City of Iowa Park will be also be reappointing Mr. King at their December 14, 2015 meeting.

Fiscal Impact

There is no fiscal impact.

Options

- Re-appoint Dan King
- Take no action.

Staff Recommendation

Staff recommends re-appointment of Dan King.

Attachments

None



City Commission Agenda Memo

From: Gary Robinett, Executive Director, Burkburnett Development Corporation

Date: December 21, 2015

Item: Resolution Number 596. A resolution of support for JES Development Company's application for Texas Department of Housing and Community Affairs (TDHCA) for 2016 Housing Tax Credits for River Terrace Senior Apartments.

Background

JES Development Company has applied to the TDHCA for 2016 Housing Tax Credits to build a 50 unit affordable senior housing rental project, to be known as "River Terrace Senior Apartments." The approximate cost for development of the project is between \$7 and \$7.5 million dollars.

JES Development Company has entered into a contract with Burkburnett Development Corporation to purchase 5.459 acres on Sheppard Road (ABST 322 WINTERS), located between the Red River Inn and Twilite Inn. Purchase price for the property was set at \$150,000, and sale is contingent upon JES Development Company receiving the TDHCA 2016 Housing Tax Credits.

Fiscal Impact

The TDHCA Housing Tax Credit program requires the community wherein the project will be located to provide financial assistance to the development. A letter indicating that some form of financial assistance will be provided is all that is required at this point. The Burkburnett Development Corporation met on Dec 8, 2015 and approved a letter of financial support of up to \$10,000 towards the project in the form of a grant, reduced fees or contribution of other value for the benefit of the development.

Options

- Approve Resolution Number 596
- Not approve Resolution Number 596

Staff Recommendation

Approve Resolution Number 596

Attachments

Resolution Number 596

RESOLUTION NUMBER 596

A RESOLUTION OF SUPPORT OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS SUPPORTING JES DEVELOPMENT COMPANY'S PROPOSED DEVELOPMENT OF AFFORDABLE SENIOR HOUSING RENTALS KNOWN AS RIVER TERRACE SENIOR APARTMENTS, TO BE LOCATED IN THE 1000 BLOCK OF SHEPPARD ROAD IN THE CITY OF BURKBURNETT, WICHITA COUNTY, FINDING AND DETERMINING THIS MEETING WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, JES Development Company has proposed a development for affordable senior rental housing in the 1000 block of Sheppard Road named **River Terrace Senior Apartments** in the City of Burkburnett; and

WHEREAS, JES Development Company has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2016 Competitive 9% Housing Tax Credits for **River Terrace Senior Apartments**.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS;

SECTION 1. That acting through its Governing Body, hereby confirms that it supports the proposed **River Terrace Senior Apartments** development.

SECTION 2. That on behalf of the Governing Body, Carl Law, Mayor of the City of Burkburnett, Texas is hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

SECTION 3. The meeting at which this resolution was passed was open to the public as required by law.

PASSED AND APPROVED on this 21st day of December, 2015.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk



City Commission Agenda Memo

From: Gordon Smith, Director of Public Works

Date: 12-21-2015

Item: Resolution Number 597-NORTEX Regional Planning Commission- Solid Waste Grant

Background

The resolution is for fiscal year 2016/2017 of the solid waste grant program which is administered by NORTEX Regional Planning Commission. This resolution is necessary to allow the City to participate in the grant program. The City is requesting \$12,000.00 to assist in the removal of a dilapidated structure located at 122 W 1st.

The Grant allows Cities to utilize the grant funds to demo any structure deemed dilapidated on property stricken off to the City and the clean-up of that property.

Fiscal Impact

N/A

Options

- Pass Resolution Number 597
- Deny Resolution Number 597

Staff Recommendation

Recommend approval.

Attachments

- 1) Resolution
- 2) Pictures of 122 W1st

RESOLUTION NUMBER 597

RESOLUTION OF CITY OF BURKBURNETT AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE NORTEX RPC FOR A REGIONAL SOLID WASTE GRANTS PROGRAM GRANT; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT IF A GRANT IS RECEIVED THE CITY OF BURKBURNETT WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE NORTEX RPC, THE TEXAS COMMISSION on ENVIRONMENTAL QUALITY AND THE STATE OF TEXAS.

WHEREAS, the NORTEX RPC is directed by the Texas Commission on Environmental Quality to administer solid waste grant funds for implementation the COG’s adopted regional solid waste management plan; and

WHEREAS, CITY OF BURKBURNETT in the State of Texas is qualified to apply for grant funds under the Request for Applications.

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

1. That the CITY MANAGER is authorized to request grant funding under the NORTEX RPC Request for Applications of the Regional Solid Waste Grants Program and act on behalf of the CITY OF BURKBURNETT in all matters related to the grant application and any subsequent grant contract and grant project that may result.
2. That if the project is funded, the CITY OF BURKBURNETT will comply with the grant requirements of the NORTEX RPC, Texas Commission on Environmental Quality and the State of Texas.
3. The grant funds and any grant-funded equipment or facilities will be used only for the purposes for which they are intended under the grant.
4. That activities will comply with and support the adopted regional and local solid waste management plans adopted for the geographical area in which the activities are performed.
5. That the CITY OF BURKBURNETT is not in arrears in payment of any municipal solid waste fee owed to the State of Texas.

PASSED AND APPROVED by the Board of Commissioners of the City of Burkburnett, Texas on this 21st day December 2015.

(Signature of Authorized Official)

Notary: _____
(Signature)

Carl Law

(Typed or Printed Name)

(Type or Printed Name)

Mayor

(Title)

(Commission Expires)











City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: December 21, 2015

Item: Fireworks Ordinance 890

Background

Senate Bill 1593 was passed altering Local Government Code 217.042 which addressed the sale of fireworks. Previously, home rule cities had the authority to prohibit the sale of fireworks within 5,000 feet of the city limits. 217.042 of the Local Government Code was changed so that home rule cities can no longer regulate fireworks under the nuisance provision of that chapter. Our ordinance currently restricts the sale of fireworks within 5,000 feet of the city limits. This amendment omits that language from the ordinance and aligns with the new legislation that has been passed.

Secondly, at our previous meeting, the BOC discussed the possibility of allowing fireworks sales within the City Limits. We have presented an ordinance that allows sales with certain additional requirements: 1) signage requirements stating the use of fireworks inside City limits prohibited 2) time requirements for set up of site and teardown of site once season is over.

Fiscal Impact

N/A

Options

- Approve Ordinance 890

Staff Recommendation

Staff recommends approval of Approve Ordinance 890

Attachments

Ordinance 890

ORDINANCE NUMBER 890

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CODE OF ORDINANCES; TITLE IX. GENERAL REGULATIONS, AMENDING CHAPTER 94: FIRE PREVENTION; FIREWORKS; PROHIBITING THE USE OF RESTRICTED FIREWORKS WITHIN CITY LIMITS; ALLOWING THE SALE OF FIREWORKS WITH CITY LIMITS; PROVIDING A SEVERABILITY CLAUSE REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas legislature has amended the Local Government Code regarding the regulation of the fireworks in the extraterritorial jurisdiction by a home rule municipality;

WHEREAS, the Board of Commissioners has determined that the regulated sale of fireworks within the City limits of the City of Burkburnett is in the best interest of the City; and

WHEREAS, the Board of Commissions finds that this Ordinance is necessary to promote the health and safety of the citizens and their property and comply with State law; **NOW, THEREFORE**,

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

Part 1: Enacted

THAT the Code of Ordinances of the City of Burkburnett is hereby amended by amending Chapter 94 FIREWORKS by amending '94.21 Discharge of Fireworks, '94.22 Sale of Fireworks during Burn Ban and '94.99 Penalty and adding '94.24 Posting of Sign at Location Selling or Giving Away Fireworks, which, as amended, shall read as follows:

' 94.21 DISCHARGE OF FIREWORKS.

No person shall throw or explode any firecrackers, Roman candles, skyrockets, torpedoes, grenades, or other combustible fireworks of any kind within the City limits.

Penalty, see ' 94.99

' 94.22 SALE OF FIREWORKS.

No person shall exhibit or have in his possession with the intent to give away or sell or offer for sale any firecrackers, Roman candles, skyrockets, torpedoes, grenades, or other combustible fireworks within the City limits during a period in which the Wichita County Commissioners' Court has issued a burn ban in and for Wichita County. However, this section shall not apply to the legitimate sale of any such articles by wholesalers to each other or to the sale of such articles at wholesale entirely without the jurisdiction of the City, or to the sale by wholesalers for private or public demonstration as hereinafter provided.

Penalty, see ' 94.99

94.24 POSTING OF SIGN AT LOCATION SELLING OR GIVING AWAY FIREWORKS.

Each individual or entity selling, giving away or offering for sale fireworks within the City limits of the City of Burkburnett shall display signs of at least 1' by 2" that contains the following language:

The throwing or exploding of any firecrackers, Roman candles, skyrocketes, torpedoes, grenades or other combustible fireworks within the City limits of the City of Burkburnett is a violation of the Burkburnett Code of Ordinances and a misdemeanor punishable by a fine of up to \$500.00.

Every entity or individual selling, giving away or offering for sale fireworks within the City limits of the City of Burkburnett shall display such signs on each side of the building out of which fireworks are sold and display the signs in a manner that can be easily seen by individuals purchasing fireworks. The entity or individual selling, giving away or offering for sale fireworks within the City limits of the City of Burkburnett shall also provide each individual who buys or receives fireworks from them a notice printed on a piece of paper at least 5 1/2" by 8 1/2" with the above language in at least Times New Roman 26 pt font.

94.25 SET UP AND REMOVAL OF TEMPORARY FIREWORKS SELLING FACILITY.

Every entity or individual selling fireworks within the City limits is prohibited from placing or setting up any temporary facility placed or erected for the purpose of selling fireworks prior to five (5) days before the date on which firework sales are allowed by state law. Every entity or individual selling fireworks within the City limits must completely remove any temporary facility placed or erected for the purpose of selling fireworks no later than five (5) days after to the date on which firework sales are no longer allowed by state law. For the purposes of this section, a facility is any structure that does not conform to the City building code and has not been issued a building permit and certificate of occupancy by the City.

94.99 PENALTY.

Any person, firm, or corporation violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500.00 for each offense. Each day the violation continues shall constitute a new offense.

Part 2. Severability.

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

Part 3. Repeal.

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

Part 4. Open Meetings.

That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code and Chapter 211, Texas Local Government Code.

Part 5. Publication.

The City Clerk is hereby authorized and directed to cause publication of this Ordinance in accordance with law.

Part 6. Date Effective.

This Ordinance shall be in force and effect from and after its publication as required by law.

PASSED AND APPROVED on this the 21st day of December, 2015.

CITY OF BURKBURNETT

CARL LAW, MAYOR

ATTEST:

Janelle Dolan, City Clerk



City Commissioners Agenda Memo

From: Gordon Smith, Director of Public Works

Date: 12/14/2015

Item: Discuss and take any action necessary on a Zoning Ordinance Amendment to add Fireworks sales to section 27.11 Commercial Uses.

Background

David Munsey, Owner of Rebel Fireworks LLC. presented a request to add Fireworks Sales to the zoning ordinance.

Public Notices were submitted as required by the Zoning Ordinance.

On December 7, 2015 the Planning and Zoning Board met and staff presented the information for review and a recommendation to City Commissioners. Mr. Munsey was in attendance and presented additional information. The Board discussed the case and consider the overall evaluation of the request.

Then a motion was made and seconded for approval of the zoning ordinance amendment. Chairman Tim Cornelius took a vote. The vote was unanimous in favor of recommending approval of the request to the Board of Commissioners to:

Add Fireworks Sales to use chart (Commercial Uses). Add "S" to the use chart to allow Fireworks Sales by Specific Use Provision in commercial business and industrial districts.

Options

- Approval of adding fireworks sales to the zoning ordinance as presented.
- Non -Approval of adding fireworks sales to the zoning ordinance as presented.

Staff Recommendation

Planning Staff has no recommendation.

Attachments

N/A



City Commission Agenda Memo

From: Gordon Smith, Director of Public Works

Date: December 15, 2015

Item: Specific Use Application: 936 Cropper Rd R.

Background

A specific use application was presented by Mr. Daniel Hill leaser of the property located at 936 Cropper Rd. R. The applicant is requesting a Certificate of Occupancy to conduct the daily business of Wrecker Service Impound Yard. The Owner of the property is Dude Smith and staff contacted Mr. Smith for verification of the request to which he stated that he was aware of the submitted request and was authorized.

Public Notices as required by the Zoning Ordinance were sent to the proposed district and all properties 200 feet adjacent to the proposed district.

On December 7, 2015 the Planning and Zoning Board met and staff presented the information for review and requested a recommendation to City Commissioners. Mr. Hill was in attendance and presented additional information. The Board discussed the case and consider the overall evaluation of the request.

The Board expressed concerns over the impound yard turning into a salvage yard. Staff assured the P&Z that with the specific use permit if any changes in use occur Staff will immediately issue a notice to cease any unauthorized use. Mr. Hill informed P&Z that it was not his intent to keep the cars impounded, but as soon as vehicles could be released to auction he would move them out. Some would be moved out within a week and the most a vehicle would stay was 90 days.

Mr. Mel Fuller owner of rental property on Sheridan was in attendance and expressed concerns for potential loss in property value to the adjacent neighborhood on Sheridan. He also expressed concerns on how the property was to be kept and requesting no fluids from the vehicles be allowed to fall onto the property and seep into the ground water system.

Mr. Hill expressed the property will be inspected by the state vehicle impound authority and will have to be kept clean. He further stated he has cleaned and continues remove oil field scrap materials and equipment from the property preparing it for new security fence if approved.

Then a motion was made and seconded for the approval of zoning change request. Chairman Tim Cornelius took a vote. The vote was unanimous recommending to City Commission approving the specific use request.

Zoning Ordinance

The request is listed in the tables and requires a specific use permit.

Comprehensive Plan

N/A

Subdivision Ordinance

N/A

Options

- Approval of the Specific Use Provision Application as presented.
- Non- Approval of the Specific Use Provision Application as presented.

Staff Recommendation

Staff recommends approval of the specific use application of a wrecker service impound yard at 936 Cropper Rd.

Attachments

- 1) Application
- 2) Site Plan

CITY OF BURKBURNETT
**SPECIFIC USE
APPLICATION**

OFFICE USE:

CASE NO. 2015-4

FEE PAID \$50.00

Property Address 936 Cropper Rd R

Legal Description _____

Tax Account No. 32058138485 Lot(s) 109645 Block _____ Section _____ Subdivision _____

Proposed Use Impound Yard for wrecker service

Present Use _____ Zoning _____

Property Platted ? [] Yes [] No

Applicant's Name Daniel Hill Daytime Phone # 940 636 7558

Mailing Address 300 E 7th
Burkburnett Zip 76354

I hereby certify that all information contained herein is true and correct; that I have been informed of the date and time that this request will be considered by the Planning and Zoning Commission; and that all required submissions (see reverse) have been provided.

Applicant's Signature Daniel Hill DATE 11-4-15

Owner's Signature Dude Smith DATE 11-4-15

- Note:
- Application must be submitted with a site plan.
 - See reverse side for instructions for site plan submission requirements.

Permit (To be completed by the Planning Department .)

A conditional use permit is hereby:

- [] Approved
[] Disapproved
[] Conditionally Approved (conditions attached) based on the Planning and Zoning Commission's action on _____

NOTE: A CONDITIONAL USE PERMIT IS VALID FOR 1 YEAR UNLESS A BUILDING PERMIT IS ISSUED AND CONSTRUCTION IS ON GOING.

City Planning Administrator

Date



CROPPER RD

130 ft.

20x30

Impound Yard

310 ft.

New chain-link fence and gate
In front

Existing gate

Office

Google earth

1995

Imagery Date: 7/12/2015 34°04'23.26" N 98°33'52.00" W elev 1041 ft eye alt 1928 ft

Map

Local Road Labels

- Local Roads
- Railroad
- Extra-territorial Jurisdiction
- City Limits
- Easements
- WCAD Tax Parcels
- Abstracts



Data displayed were gathered by the City of Burkburnett for municipal purposes. No guarantee is made regarding suitability for any other use or purpose.



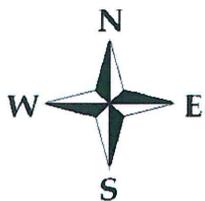
Map

Local Road Labels

-  Local Roads
-  Railroad
-  Agriculture
-  Commercial/Business
-  Industrial
-  Residential - 1
-  Residential (open) - 2
-  Single Family - 6 (6000 SF Lots)
-  Multi Family Residential
-  Extra-territorial Jurisdiction
-  City Limits
-  Easements
-  WCAD Tax Parcels
-  Abstracts



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City Commission Agenda Memo

From: Gordon Smith, Director of Public Works

Date: 12/16/2015

Item: Discuss and take any action necessary on a Specific Use Provision Application and Site Plan for 208 S Red River Expressway I-44 Vacant Lot Frontage. The applicant is requesting a Certificate of Occupancy to conduct the seasonal business of Fireworks Sales.

Background

David Munsey, Owner of Rebel Fireworks LLC. presented an application request for a Specific Use Provision (SUP) to place an enclosed trailer on a seasonal basis at 208 S. Red River Expressway Burkburnett Texas (Vacant Lot directly in front of Subway fronting the service road) . The property is zoned Commercial Business and a Specific Use Provision is required for Fireworks Sales.

The enclosed trailer is 8 feet x 18 feet and will be located on the property per the proposed site plan on a seasonal basis. The owner of the property is Mike Shallenberger and has signed approval of the application.

Public Notices have been submitted as required by the Zoning Ordinance.

On December 7, 2015 the Planning and Zoning Board met and staff presented the information for review and a recommendation to City Commissioners. Mr. Munsey was in attendance and presented additional information on how the business would be a seasonal business and the enclosed trailer would be removed after each sale season. No public was in attendance to speak about the agenda item.

The Board discussed the case and consider the overall evaluation of the request. Then a motion was made and seconded for approval of the specific use request. Chairman Tim Cornelius took a vote. The vote was unanimous in favor of approving the request.

Enclosed is the site plan for the seasonal business and pictures of the enclosed trailer.

Options

- Approval of the Specific Use Provision Application as presented.
- Non- Approval of the Specific Use Provision Application as presented.

Staff Recommendation

Planning Staff has no recommendation.

Attachments

- 1) Specific Use Application.
- 2) Site plan for seasonal use
- 3) Pictures of portable trailer

CITY OF BURKBURNETT
SPECIFIC USE
APPLICATION

OFFICE USE:

CASE NO. 2015-25

FEE PAID \$50.00

Property Address _____

Legal Description 11998/Lot 3 Lot(s) _____ Block _____ Section _____ Streich Subdivision

Tax Account No. 3-20583-1951-1

Proposed Use Fireworks Stand / Sales

Present Use Vacant Commercial Lot Zoning Commercial

Property Platted? [] Yes [] No

Applicant's Name Rebel Fireworks LLC / David Muncey Daytime Phone # 940-842-7996

Mailing Address 931 Schmaker Rd Burkburnett TX
2085 RED RIVER Zip 76354

I hereby certify that all information contained herein is true and correct; that I have been informed of the date and time that this request will be considered by the Planning and Zoning Commission; and that all required submissions (see reverse) have been provided.

Applicant's Signature [Signature] DATE Nov 2, 2015

Owner's Signature [Signature] DATE Nov 2, 2015

- Note:
- Application must be submitted with a site plan.
 - See reverse side for instructions for site plan submission requirements.

Permit (To be completed by the Planning Department.)

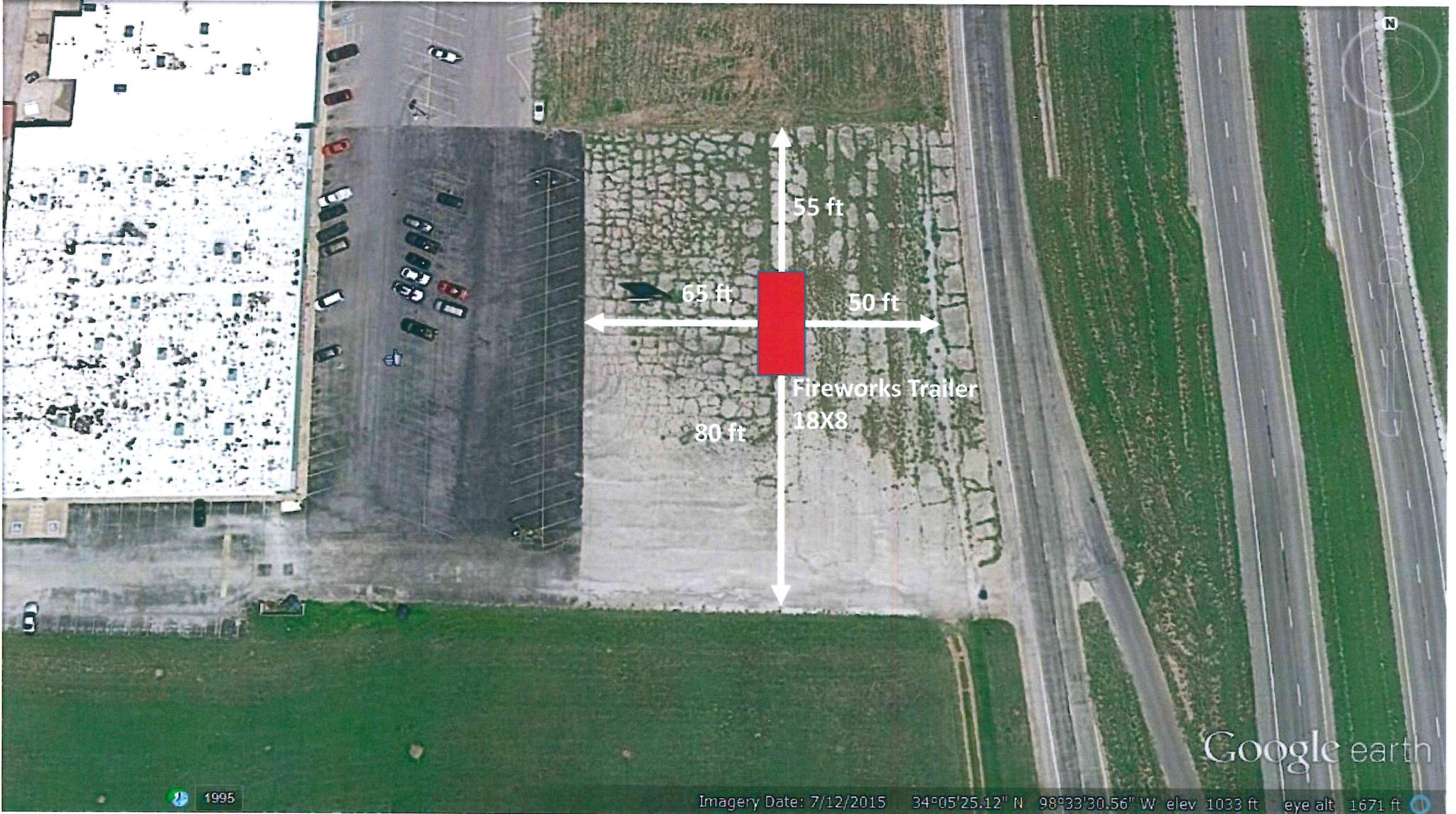
A conditional use permit is hereby:

- [] Approved
[] Disapproved
[] Conditionally Approved (conditions attached) based on the Planning and Zoning Commission's action on _____.

NOTE: A CONDITIONAL USE PERMIT IS VALID FOR 1 YEAR UNLESS A BUILDING PERMIT IS ISSUED AND CONSTRUCTION IS ON GOING.

Director of Planning & Zoning

Date



1995

Imagery Date: 7/12/2015 34°05'25.12" N 98°33'30.56" W elev 1033 ft eye alt 1671 ft

BURKBURNETT, TEXAS
CITY ORDINANCE 94.21 DISCHARGE OF FIREWORKS.

No person shall throw or explode any firecrackers,
Roman candles, skyrockets, torpedoes, grenades, or
other combustible fireworks of any kind within the city limits

HOMI



CONNECTICUT





SUBWAY
SUBWAY
SUBWAY

OPEN 24 HOURS

SUBWAY

REBEL FIREWORKS

REBEL FIREWORKS
DEC 29 - JAN 1
REBEL 24 - 2017
REBEL 24 - 2017
REBEL 24 - 2017







REBEL FIREWORKS



DEC 20 * JAN 11
JUNE 24 * JULY 4

* VISIT OUR TWO LOCATIONS
IN BURKBURNETT AND KAMAY

Facebook icon /RebelFireworks
RebelFireworks@gmail.com

SUBWAY
SUBWAY
SUBWAY

OPEN 24 HOURS

SUBWAY

REBEL FIREWORKS

REBEL FIREWORKS
DEC 29 - JAN 1
REBEL 24 - 2017
REBEL 24 - 2017
REBEL 24 - 2017







City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: December 21, 2015

Item: Fireworks Ordinance Number 894

Background

This Ordinance is required by the Zoning Ordinance in order to finalize the decision to amend the Zoning Ordinance by adding the sale of fireworks to the use charts. I know this is somewhat redundant, but once the decision is made in a public hearing to approve an amendment to the Zoning Ordinance, it must be followed up by the adoption of an ordinance stating the amendment.

Fiscal Impact

N/A

Options

- Approve Ordinance Number 894

Staff Recommendation

Staff recommends approval of Approve Ordinance Number 894

Attachments

Ordinance Number 894

ORDINANCE NUMBER 894

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING ZONING ORDINANCE NUMBER 589, SECTION 27.11 (PAGE 90), BY ADDING FIREWORK SALES TO USE CHART (COMMERCIAL USES); ADDING “S” TO THE USE CHART TO ALLOW FIREWORK SALES BY SPECIFIC USE PROVISION IN COMMERCIAL BUSINESS DISTRICTS AND INDUSTRIAL DISTRICTS; ADDING “S” TO THE USE CHART TO ALLOW A FIREWORKS SALES BY SPECIFIC USE PROVISION IN COMMERCIAL BUSINESS DISTRICTS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Planning and Zoning Commission of the City of Burkburnett and the Board of Commissioners of the City of Burkburnett, Texas in compliance with state law with reference to the Zoning Ordinance Regulations and Zoning Map, have given requisite notices by publication and otherwise and, after holding due hearings and affording a full and fair hearing to all the property owners generally and to the persons interested situated in the affected area and in the vicinity thereof, the Board of Commissioners of the City of Burkburnett is of the opinion that the zoning changes should be made as set forth herein;

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

SECTION 1. The text in Section 27.11(Page 90) of Zoning Ordinance Number 589 be amended by adding: firework sales to use chart (commercial uses); adding “S” to the use chart to allow firework sales by specific use provision in commercial business districts and industrial districts; adding “S” to the use chart to allow a fireworks sales by specific use provision in commercial business districts

SECTION 2. In all other respects, the above shall be subject to all the applicable regulation contained in the Zoning Ordinance of the City of Burkburnett, Texas.

SECTION 3. The terms and provisions of this Ordinance shall be deemed to be severable in that if the validity of the zoning affecting any portion of the above described property shall be declared to be invalid; the same shall not affect the validity of the zoning of the balance of said property.

SECTION 4. Any person, firm or corporation violating any of the terms and provisions of this Ordinance shall be subject to the same penalties provided for in the basic Zoning Ordinance of the City of Burkburnett.

SECTION 5. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of state law.

PASSED AND APPROVED by the Board of Commissioners of the City of Burkburnett, Texas on this 21st day of December, 2015.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk