

AGENDA

Notice is hereby given of a meeting of the Board of Commissioners of Burkburnett to be held on **Monday, February 15, 2016 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 January 18, 2016 Regular Meeting and January 25, 2016 Special Called Meeting

Item 5. 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 551.072-Deliberation Regarding Real Property

a. Facility Assessment

Item 6. Reconvene to regular session and take action, if any, on matters discussed in Executive Session.

Item 7. Consider all matters incident and related to calling and holding a bond election to be held May 7, 2016, including the adoption of a resolution pertaining thereto.

Item 8. Discuss and take any action necessary on Fiscal Year 2015 Audit.

Item 9. Ordinance Number 895. An ordinance superseding Ordinance Number 883 of the City of Burkburnett, Texas presently codified as Chapter 53, Water in the Code of Ordinances, providing penalties, severability and an effective date.

Item 10. Discuss and take any action necessary on Boomtown Family Aquatic Center operations.

Item 11. Resolution Number 601. A resolution amending the fees for the Burkburnett Family Aquatic Center.

Item 12. Resolution Number 600. A resolution authorizing the Texas Coalition for Affordable Power, Inc. (TCAP) to negotiate an electric supply agreement for five years for deliveries of electricity effective January 1, 2018.

Item 13. Discuss and take any action necessary on final plat, Block 1, Lots 1 -7, Gilbert Acres Addition.

Item 14. Resolution Number 602. A resolution ordering a general election to be held on May 7, 2016 to elect four (4) City Commissioners.

Item 15. Discuss and take any action necessary on permit application for Taste of Town.

Item 16. Review of monthly reports.

- A. City Clerk
 - Election Update
- B. Public Works
 - TWUA Meeting – February 18, 2016

Item 17. 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 18. City Manager’s report.

Item 19. 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 20. 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 11:00 a.m. on February 12, 2016 in compliance with the Open Meeting Act Chapter 551.



Janelle Dolan, City Clerk

Posted 2/12/16 @ 11:00 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 regular meeting on Monday, January 18, 2016 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
Mike Tugman	Commissioner

Others present: Mike Whaley, City Manager; Trish Holley, Director of Administration; Gordon Smith, Director of Public Works; Janelle Dolan, City Clerk; Gary Robinett, Economic Development Director; and Ed Stahr, Police Chief.

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

Item 2. Invocation was given by Commissioner Brewster.

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

Item 4. Consent Agenda.

A. Approval of Minutes from December 21, 2015.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Ducos to approve Consent Agenda 4. Motion carried unanimously.

Item 5. Gordon Smith, Director of Public Works, addressed the Mayor and Commissioners and stated that Mr. In Jun Shim, Owner of Dandy Donuts presented a site plan for consideration of approval to construct a commercial building at 700 Sheppard Rd. Burkburnett Texas. The owner intends to relocate the existing Dandy Donuts business into the new facility just adjacent to the existing Dandy Donuts location. Mr. Smith stated that the property is currently zoned Commercial Business. The proposed building is 1,850 square feet and meets the required parking and landscape requirements. The Planning and Zoning Board voted unanimously to recommend approval of the site plan to the Board of Commissioners

Motion was made by Commissioner Lindenborn, seconded by Commissioner Hardy to approve the Dandy Donuts Site Plan as presented. Motion carried unanimously.

Item 6. Mayor Law closed the regular meeting at 7:04 p.m. and opened the “Public Hearing” for the following Planning & Zoning Commission Cases:

A. Case #2016-26, re-zone application for 1709 South FM 369, rezoned from Residential Open (R-2) to Agriculture (AG).

Mr. Smith addressed the Mayor and Commissioners and stated that City Staff informed Mr. Nathan Waddell, the owner of 1709 South FM 369 that the existing shipping storage container and vehicles on his property would need to be removed due to non-compliance with City ordinances and a nuisance complaint had been reported. After inspection by City Code Official, Mr. Waddell was informed that the container was not permitted and the other items were creating a nuisance under the code. Additionally he was informed that Residential Open (R-2) requires a main structure to be constructed on the property prior to any accessory buildings to be located on the property.

An application was then presented by Mr. Nathan Waddell to request the property be rezoned from R-2 to AG. Mr. Waddell owns 21.23 acres at the south end of the City Limits on FM 369. Part of the property is in the city limits and the remainder is in the county. He stated the reason for his rezone request is to allow for an accessory building to be used for Agricultural use and storage.

Public Notices as required by the Zoning Ordinance were sent to all properties 200 feet adjacent to the proposed district. All publishing and mail out requirements were met. The Planning and Zoning Board met on January 4, 2016. Mr. Waddell was in attendance and presented additional information for his rezone request. Property Owners adjacent to the property were also in attendance and expressed concerns that the property had signs of turning into junkyard. The Board discussed the case and considered the overall evaluation of the request, and its assessment regarding how the request related to the City’s Comprehensive Plan. The Planning and Zoning Board voted unanimously (3-0) to deny the request to rezone the property from Residential Open (R-2) to Agriculture (G).

The following addressed the Mayor and Commissioners:

Nathan Waddell, 1709 FM 369 S

Jeff Turner, 1705 FM 369

Item 7. Mayor Law closed the “Public Hearing” at 7:16 p.m. and reopened the regular meeting to take action on the Planning & Zoning Commission Cases:

A. Case #2016-26, re-zone application for 1709 South FM 369, rezoned from Residential Open (R-2) to Agriculture (AG).

Motion was made by Commissioner Brewster, seconded by Commissioner Lindenborn to deny the rezone application for 1709 South FM 369, from Residential Open (R-2) to Agriculture (AG).

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

Nays: Commissioner Tugman

Motion carried.

Item 8. Mr. Smith addressed the Mayor and Commissioners and stated the terms of the following members of the Parks and Recreation Board are expiring at the end of February 2016: Danny Cremeens, Jeremy Duff, and Rodney McCleskey Jr. All three were contacted by Staff and are willing to serve an additional term.

Motion was made by Commissioner Hardy, seconded by Commissioner Brewster to approve the reappointments of the following individuals to serve on the Parks and Recreation Board: Danny Cremeens, Jeremy Duff, and Rodney McCleskey Jr. Motion carried unanimously.

Item 9. Mr. Smith addressed the Mayor and Commissioner and stated the terms of the following members of the Zoning Board of Adjustment are expiring at the end of February 2016: Donna Beaver and Mickey Cornelius. Both were contacted by Staff and are willing to serve an additional term.

Motion was made by Commissioner Love, seconded by Commissioner Ducos to approve the reappointments of the following individuals to serve on the Zoning Board of Adjustments: Donna Beaver and Mickey Cornelius. Motion carried unanimously.

Item 10. Mayor Law closed the meeting at 7:23 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 8:01 p.m. No action taken.

Item 12. Review of monthly reports.

A. Ed Stahr, Police Chief, reviewed the annual Racial Profiling Report and the Asset Forfeiture Report which shows an account balance of \$14,166.11.

Item 13. There were no public comments.

Item 14. Mr. Whaley reviewed the following dates:

- TML Region 5 Quarterly Meeting – January 21 @ 6pm

- Chamber of Commerce Banquet –January 23 @ 6pm
- Special Called Meeting/Workshop-January 25 @ 12pm

Item 15. No Commissioner comments.

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

Carl Law, Mayor

ATTEST:

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 January 25, 2016 at 12:00 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
Don Hardy	Commissioner
Frank Ducos	Commissioner
Marguerite Love	Commissioner
Mike Tugman	Commissioner

Others present: Mike Whaley, City Manager; Trish Holley, Director of Public Works; Gordon Smith, Director of Public Works; Janelle Dolan, City Clerk; Francene Neff, Utility Billing Supervisor; and Chris Eckrut, NewGen Strategies & Solutions.

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

Item 2. Invocation was given by Commissioner Lindenborn.

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

Item 4. Mike Whaley, City Manager, addressed the Mayor and Commissioners and stated as discussed in budget workshops, there was a need to set a meeting in January to review the performance of the water fund. There has also been some concerns brought to staff's attention regarding both commercial customers and irrigation customers. Chris Eckrut, NewGen Strategies & Solutions, addressed the Mayor and Commissioners. He provided a regional rate comparison update; update on the FY2015 financial performance; and provided options for potential rate action. Mr. Eckrut stated that although financial performance is improving, there is still a long way to go.

Mr. Whaley stated that staff is presenting two options that reduce the higher end of our rate blocks that would help relieve some of the financial burden on those two categories of customers. This would have a negative financial impact to the City. The thought, especially with our irrigation customers, is that by lowering the rate some, they would be encouraged to continue watering. Two ordinances have been prepared, one with option 1 and one with option 2 as presented. If an ordinance to reduce the rates is passed, our

customers will see a reduction on the March bill which covers the usage from February 6th to March 6th. The Board of Commissioners also has the option to do nothing and leave the current rates in place.

Item 5. Mr. Whaley addressed the Mayor and Commissioners and reported the 2014 Tax Note Bond Fund Balance is \$637,410. The original scope of work for the water well project was reduced from 28 to 18 wells which left the remaining balance. Mr. Whaley reported the following information on the city's water meters. The meters have a battery shelf life of approximately 10 years. They were put in the system in 2003. Over the last few years they have started to fail. Staff has addressed this issue with a meter change out program with the water department and utilized funds from the operating budget to accomplish this. However, with the increasing failure rate of the meters, it will become impossible to continue to keep up with the failure rate solely using operating budget dollars and in-house labor. The City has been working with our meter provider and consultant, HydroPro Solutions on a proposal. They have presented a proposal to change out 2,772 ¾ inch meter registers and 108 one inch meters for **\$500,940.00**. We have a total of 4,565 meters in the system, 4,290 residential and 275 commercial. In addition to the meters staff have already replaced, this would take care of the majority of the meters in our system. There would be a few larger meters (1 1/2 inch and larger) that we would continue to replace in-house through the operating budget.

Secondly, staff has been working with Tonka Water on a quote for replacing the resin at the Water Treatment Plant (WTP). The WTP consists of four large vessels filled with specific resins. The resins control the removal of nitrates and hardness from the water treated through the plant. The current resin has been in operation at the WTP since its construction in 2001. The life of the resin has been extended, largely due to the reduction of production during the drought over the past five years. However, the recent audit performed by Tonka Water on the resin performance suggests we replace the resin in all four vessels. The need to do so is compounded by the fact that the City is anticipating increased production capability with the additional wells and will be increasing treatment as we move towards our peak season. The quote to replace resin in all four vessels is **\$210,000**. This includes equipment necessary to remove resin and disposal cost. The City currently has \$75,000 budgeted for resin replacement.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Hardy to use the remaining bond fund balance in addition to the \$75,000 currently budgeted for resin replacement to purchase the water meters and the resin replacement. Motion carried unanimously.

Item 6. No action taken.

Item 7. City Manager comments.

Item 8. No Commissioner comments.

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

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk



City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: February 15th, 2016

Item: Resolution Number 603. Ordering a bond election for the purpose of constructing a Police Dept. facility

Background

Resolution Number 603 makes provisions for a bond proposition to be placed on the May ballot for the purpose of acquiring land/buildings, construction, renovation, improving and equipping police station/municipal court, and demolition of any substandard buildings. The resolution and ballot language was prepared by Norton Rose Fulbright US LLP. We have also acquired a preclearance by the Attorney General's office.

Fiscal Impact

N/A

Options

Approve Resolution 603 ordering a bond election for the purpose of constructing a Police Dept. facility
Deny Resolution Number 603 ordering a bond election for the purpose of constructing a Police Dept. facility

Staff Recommendation

Staff recommends approving Resolution Number 603 ordering a bond election for the purpose of constructing a Police Dept. facility as presented.

Attachments

Resolution Number 603

RESOLUTION NUMBER 603

A RESOLUTION CALLING A BOND ELECTION TO BE HELD IN THE CITY OF BURKBURNETT, TEXAS, MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION

WHEREAS, the Board of Commissioners of the City of Burkburnett, Texas hereby finds that an election should be held to determine whether said governing body shall be authorized to issue bonds of said City in the amount and for the purposes hereinafter identified; now, therefore,

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

SECTION 1: An election shall be held on the 7th day of May, 2016, in the City of Burkburnett, Texas, which date is not less than seventy-eighty (78) nor more than ninety (90) days from the date of the adoption hereof and is a uniform election date pursuant to Texas Election Code, Section 41.001, for the purpose of submitting the following measure:

BOND PROPOSITION

"SHALL the Board of Commissioners of the City of Burkburnett, Texas, be authorized to issue general obligation bonds of the City in the principal amount of \$4,800,000 for acquiring, constructing, renovating, improving and equipping a police station and municipal court compound, including land therefor and the demolition of the existing police facility; such bonds to mature serially or otherwise over a period not to exceed forty (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the Board of Commissioners at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

SECTION 2: The entire City shall constitute one election precinct for this election and the Burkburnett Community Center, 735 Davy Drive, Burkburnett, Texas is hereby designated the polling place. The persons hereby appointed to serve as the election officials at said polling place are as follows:

Laurie Munson

Presiding Judge

Margie Poole

Alternate Presiding Judge

The Presiding Judge shall appoint not less than two (2) nor more than six (6) qualified clerks to serve and assist in holding said election; provided that if the Presiding Judge herein appointed actually serves, the Alternate Presiding Judge shall be one of the clerks.

On Election Day, the polls shall be open from 7:00 A.M. to 7:00 P.M.

SECTION 3: Early voting for this election shall be conducted by the City Clerk at the Burkburnett City Hall, 501 Sheppard Road, Burkburnett, Texas 76354, in accordance with the provisions of the Texas Election Code. Early voting for this election shall begin Monday,

April 25, 2016 and end on Tuesday, May 3, 2016, and the hours designated for early voting by personal appearance shall be from 8:00 a.m. to 5:00 p.m. on each day, except Saturdays, Sundays and official State holidays. Hours for early voting shall be extended on Monday, May 2, 2016 and Tuesday, May 3, 2016, from 7:00 a.m. to 7:00 p.m.

For purposes of processing ballots cast in early voting, the election officers of the aforesaid polling place shall also serve as the early ballot board for this election.

SECTION 4: A voting system or systems meeting the standards and requirements of the Texas Election Code, as amended, is hereby adopted and approved for early voting by personal appearance and by mail and for election day voting.

Ballots shall be prepared in accordance with Texas Election Code, and permit electors to vote "FOR" or "AGAINST" the aforesaid measure which shall appear on the ballot substantially as follows:

BOND PROPOSITION

"THE ISSUANCE OF \$4,800,000 GENERAL OBLIGATION BONDS FOR A POLICE STATION AND MUNICIPAL COURT COMPOUND, INCLUDING LAND THEREFOR AND THE DEMOLITION OF THE EXISTING POLICE FACILITY AND THE LEVYING OF THE TAX IN PAYMENT THEREOF"

SECTION 5: All resident qualified electors of the City shall be permitted to vote at said election. This election shall be held and conducted in accordance with the provisions of Texas Election Code and Texas Government Code, Chapter 1251, as amended, and to the extent required by law, all election materials and proceedings shall be printed in both English and Spanish.

SECTION 6: A substantial copy of this Resolution shall serve as proper notice of said election. Said notice shall be published on the same day in each of two successive weeks in a newspaper of general circulation in said City, the first of said publications to appear in said newspaper not more than thirty (30) days and not less than fourteen (14) full days prior to the day of the election. Additionally, said notice shall be posted (i) at three (3) public places within the City and at the City Hall not less than twenty-one (21) full days prior to the date on which said election is to be held, (ii) prominently on the City's Internet website during the twenty-one (21) days prior to election day, and (iii) in a prominent location at each polling place on the day of the election and during early voting.

SECTION 7: In accordance with Texas Election Code, Section 3.009(b), as amended, the aggregate amount of outstanding principal of the City's debt obligations as of the beginning of the City's 2015/2016 fiscal year, totaled \$12,790,000; the aggregate amount of outstanding interest on the City's debt as of the beginning of the City's 2015/2016 fiscal year totaled \$4,205,794; and the ad valorem debt service tax rate for the City for the 2015/2016 fiscal year is \$0.174445 per \$100 of taxable assessed valuation. Based on the bond market conditions at the date of adoption of this Resolution, the maximum net effective interest rate for any series of the bonds is estimated to be 4.15%. Such estimated maximum rate is provided as a matter of information and in accordance with the requirements of Texas law, but is not a limitation on the interest rate at which the bonds, or any series thereof, may be sold.

SECTION 8: Should any information contained in this Resolution change following the adoption hereof, the City Manager or his designee, is hereby authorized to correct, modify or change the information in this Resolution based upon the final locations, dates and times determined.

PASSED AND ADOPTED, this February 15, 2016.

CITY OF BURKBURNETT, TEXAS

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk

(City Seal)



City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: February 15th, 2016

Item: FY 2015 Audit Review: Annual Financial Report

Background

Our certified public accounting consultant, MWH Group has submitted the Annual Financial Report for the City of Burkburnett year ending September 30, 2015 for review. You have received a copy of that report for evaluation. Mrs. Valerie Halverson of the MWH Group will be presenting the Annual Financial Report.

Fiscal Impact

N/A

Options

N/A

Staff Recommendation

N/A

Attachments

FY 2015 Audit (previously provided)



City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: February 15, 2016

Item: Ordinance Number 895 Adjusting Water Rates

Background

As previously discussed, we are presenting two scenarios for consideration. One scenario will have the residential and commercial rates as two separate rates. The second scenario leaves them as a combined rate. Chris with New Gen/staff will present a short power point explain both scenarios and the financial impacts of both.

Fiscal Impact

(See attached presentation)

Options

- Approve Ordinance 895 scenario 1 as presented
- Approve Ordinance 895 scenario 2 as presented
- Approve Ordinance 895 with modifications
- Take no action (leave rates the same)

Staff Recommendation

No specific recommendation

Attachments

Ordinance 895
Power Point Presentation

ORDINANCE NUMBER 895 – Option 1

AN ORDINANCE SUPERSEDING ORDINANCE NUMBER 883 OF THE CITY OF BURKBURNETT, TEXAS PRESENTLY CODIFIED AS CHAPTER 53, WATER 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.

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

Section 1. That Chapter 53 of the Code of Ordinances of the City of Burkburnett be as follows:

SECTION 53.20-RATES; BILLING

(A) That the water rates to be charged and collected per month by the City of Burkburnett, Texas, from all customers within the city limits obtaining service from said Waterworks System of said City, shall be and are hereby fixed as follows:

Residential Rates:

Minimum First 2,000 Gallons	\$24.50
2,000-10,000 gallons	\$6.87 per 1,000 gallons
10,001-20,000 gallons	\$8.31 per 1,000 gallons
20,001 + gallons	\$9.35 per 1,000 gallons

Commercial Rates:

Minimum First 2,000 Gallons	\$24.50
2,000-10,000 gallons	\$6.61 per 1,000 gallons
10,001-20,000 gallons	\$8.00 per 1,000 gallons
20,001 + gallons	\$9.00 per 1,000 gallons

(B) That all customers outside the city limits of Burkburnett obtaining service from the Waterworks System of said City, shall pay double the above fixed rates.

SECTION 53.28 - LATE CHARGE FEE

A late charge fee of 10% of the total amount of the bill will be added to a customer's water bill if paid after the due date posted on the bill.

Section 2. This ordinance shall be in full force and effect immediately upon passage and publication.

Section 3. This Ordinance shall take effect immediately and all other ordinances and resolutions and parts of thereof in conflict with any part of this Ordinance are hereby expressly repealed to the extent of such conflict.

Section 4. In the event any one or more of the provision of this Ordinance should be declared to be invalid, unenforceable or illegal; such invalidity, unenforceability or illegality shall not affect the validity, enforcement, or legality of the remaining portions of this Ordinance.

Section 5. It is hereby officially found and determined that said meeting at which this Ordinance is passed is open to the public as required by law and that notice of said time, place and purpose of said meeting was given.

PASSED AND APPROVED on this 15th day of February, 2016.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk

ORDINANCE NUMBER 895

AN ORDINANCE SUPERSEDING ORDINANCE NUMBER 883 OF THE CITY OF BURKBURNETT, TEXAS PRESENTLY CODIFIED AS CHAPTER 53, WATER 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.

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

Section 1. That Chapter 53 of the Code of Ordinances of the City of Burkburnett be as follows:

SECTION 53.20-RATES; BILLING

(A) That the water rates to be charged and collected per month by the City of Burkburnett, Texas, from all customers within the city limits obtaining service from said Waterworks System of said City, shall be and are hereby fixed as follows:

Minimum First 2,000 Gallons	\$24.50
2,000-10,000 gallons	\$6.61 per 1,000 gallons
10,001-20,000 gallons	\$8.00 per 1,000 gallons
20,001 + gallons	\$9.00 per 1,000 gallons

(B) That all customers outside the city limits of Burkburnett obtaining service from the Waterworks System of said City, shall pay double the above fixed rates.

SECTION 53.28 - LATE CHARGE FEE

A late charge fee of 10% of the total amount of the bill will be added to a customer's water bill if paid after the due date posted on the bill.

Section 2. This ordinance shall be in full force and effect immediately upon passage and publication.

Section 3. This Ordinance shall take effect immediately and all other ordinances and resolutions and parts of thereof in conflict with any part of this Ordinance are hereby expressly repealed to the extent of such conflict.

Section 4. In the event any one or more of the provision of this Ordinance should be declared to be invalid, unenforceable or illegal; such invalidity, unenforceability or illegality shall not affect the validity, enforcement, or legality of the remaining portions of this Ordinance.

Section 5. It is hereby officially found and determined that said meeting at which this Ordinance is passed is open to the public as required by law and that notice of said time, place and purpose of said meeting was given.

PASSED AND APPROVED on this 15th day of February, 2016.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk



City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: February 15th, 2016

Item: BFAC Operations Review

Background

I have attached an outline that will be used to cover the BFAC operations information for your review. Staff/Park Board will be making a presentation of the outline and presenting a resolution for proposed fee changes for your consideration.

Fiscal Impact

Increase in party fees will cover the additional labor cost for the parties.

Options

- Approve the BFAC operations as presented
- Approve BFAC operations with changes

Staff Recommendation

Staff recommends approving BFAC operations as presented.

Attachments

BFAC Operations Review Outline
Supporting Documents

BFAC Operations Review (BOC)

1. Proposed 2016 Operations Calendar

(98 days, 10 – parties only)

- Opening Day – Saturday, May 28th (Memorial Day May 30th)
- Full operation until Sunday August 21st (School Starts August _____)
- Parties only from August 22nd-26th, August 29th – September 2nd
- Full operation on weekends: August 27th, 28th and September 3rd, 4th
- Last Day September 5th (Labor Day)

2. Proposed Hours of Operation

- Swim Lessons 10 am-12pm
- Monday – Saturday 12pm-6pm
- Sunday 1pm-6pm
- Parties (Tuesday-Sunday) 6:30pm-8:30pm
- (Mondays) Open Night 6:00pm-8:30pm/10pm

(We are going to try extended hours of operation on Monday nights to see how well it is attended.)

3. Proposed Rates (Resolution)

- Admission \$ 5.00
- Season Pass-Single \$ 75.00
- Season Pass-Family (5) \$ 250.00
- Passbook (25 visits) \$ 100.00
- 2 hr. Party Private Party (100) \$ 325.00 (was 275.00)
- 2 hr. Semi-Private Party (50) \$ 200.00 (was 175.00)
- (NEW) Corporate Party (150) \$ 500.00 (will add 200.00 for every additional 50 people up to 400)
- Pavilion Rental Half day (3hrs) \$ 50.00
- Pavilion Rental Full day (6hrs) \$ 100.00
- Swimming Lessons \$ 45.00

(We increased the party cost to cover our labor. We also added a corporate party fee for larger parties)

4. Sponsorships (5 year) (*42,000 visitors, 2015 :awarded Texomas Best Family Entertainment)

- Lazy River Sold/Graham Heating & Air \$7,500/\$1,500 annual
- Kiddie Pool Sold/Chicken Express \$7,500/\$1,500 annual
- Pavilion 1 Sold/Fidelity Bank \$5,000/\$1,000 annual
- Pavilion 2 Sold/Pruitt Ford \$5,000/\$1,000 annual
- Slide 1 Need Sponsor \$10,000/\$2,000 annual
- Slide 2 Need Sponsor \$10,000/\$2,000 annual

Staff is working a target list for potential sponsors for the remaining slides. What we have this year that wasn't available to us last year is two great selling points :(42,000 in attendance with anticipated increase and voted as Texomas Best family Entertainment)

5. Concessions/Food

- Canteen Services/contract (vending machines inside)
 - Red River Hot Dogs/contract (food cart inside)
 - Food Trucks/contract hot & cold (list attachment)
 - Proposed Location/Set-up (map)
6. Advertising/Marketing
- Social Media
 - Newspaper Runs
 - News Station Spots
 - Radio Package
 - 50, 30 second spots
 - KNIN/BLAKE FM/BUZZ
 - Cinemark Theatre Package
 - WF/Lawton
 - 26 screens/1,568 spots
 - 35,000 projected impressions
 - Trade Shows
 - Sheppard Travel & Recreation (SAFB, Feb 22nd, 11-3)
 - Kids Fest (MPEC, May 7th, 9-4)

Boomtown Bay Family Aquatic Center

2016

May

S	M	T	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28 Opening Day 12-6
29	30	31				
1-6	12-6	12-6				

June

S	M	T	W	Th	F	Sa
			1	2	3	4
			12-6	12-6	12-6	12-6
5	6	7	8	9	10	11
1-6	12-6	12-6	12-6	12-6	12-6	12-6
12	13	14	15	16	17	18
1-6	12-6	12-6	12-6	12-6	12-6	12-6
19	20	21	22	23	24	25
1-6	12-6	12-6	12-6	12-6	12-6	12-6
26	27	28	29	30		
1-6	12-6	12-6	12-6	12-6		

July

S	M	T	W	Th	F	Sa
					1	2
					12-6	12-6
3	4	5	6	7	8	9
1-6	12-6	12-6	12-6	12-6	12-6	12-6
10	11	12	13	14	15	16
1-6	12-6	12-6	12-6	12-6	12-6	12-6
17	18	19	20	21	22	23
1-6	12-6	12-6	12-6	12-6	12-6	12-6
24	25	26	27	28	29	30
1-6	12-6	12-6	12-6	12-6	12-6	12-6
31						
1-6						

August

S	M	T	W	Th	F	Sa
	1	2	3	4	5	6
	12-6	12-6	12-6	12-6	12-6	12-6
7	8	9	10	11	12	13
1-6	12-6	12-6	12-6	12-6	12-6	12-6
14	15	16	17	18	19	20
1-6	12-6	12-6	12-6	12-6	12-6	12-6
21	22	23	24	25	26	27
1-6	open from 630-830 for parties					
28	29	30	31			
1-6	open from 630-830 for parties					

September

S	M	T	W	Th	F	Sa
				1	2	3
				open from 630-830 for parties		
4	5					12-6
1-6	Last Day 12-6					



1995

Imagery Date: 7/12/2015

34°04'50.23" N 98°34'02.42" W elev 1045 ft eye alt 1514 ft

Google earth

Food Truck Vendors:

Hot:

El Norteno (working)

Best Bayou Bites

Deli Planet

DD Delights

Red River Hot Dogs

Cold:

Koana Ice

Additional Vendor List:

Texas Best

Stone Oven

Don Jose

El Cabrito

Bite My Biscuit

What Cook N Chef

Gorgonzilla

Queen Bee

Davenport

Mijas

TGS

Gypsy Kit



City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: February 15th, 2016

Item: Resolution Number 601 Establishing Fees for the BFAC

Background

Resolution Number 601 effectively establishes fees for the Burkburnett Family Aquatic Center. It includes the proposed changes to the party fees as well as an additional fee for corporate parties.

Fiscal Impact

Increase in party fees will cover the additional labor cost for the parties.

Options

- Approve Resolution Number 601
- Approve Resolution Number 601 with BOC changes
- Take no action/leave fees same

Staff Recommendation

Staff recommends approval of Resolution Number 601 establishing fees for the BFAC as presented.

Attachments

Resolution Number 601

RESOLUTION NUMBER 601

A RESOLUTION OF THE BOARD OF COMMISSIONERS AMENDING THE FEES FOR THE BURKBURNETT FAMILY AQUATIC CENTER; SETTING AN EFFECTIVE DATE AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. The following fees for the Burkburnett Family Aquatic Center are hereby established:

Admission	\$ 5.00
Season Pass-Single	\$ 75.00
Season Pass-Family (5)	\$ 250.00
Passbook (25 visits)	\$ 100.00
2 hr. Party Private Party (100)	\$ 325.00
2 hr. Semi-Private Party (50)	\$ 200.00
Corporate Party (150)	\$ 500.00
Each additional 50 people	\$ 200.00
<i>(Maximum capacity-400 people)</i>	
Pavilion Rental Half day (3hrs)	\$ 50.00
Pavilion Rental Full day (6hrs)	\$ 100.00
Swimming Lessons	\$ 45.00

SECTION 2. This resolution shall become effective immediately upon approval.

SECTION 3. This meeting was open to the public as required by law.

PASSED AND APPROVED on this 15th day of February, 2016.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk



City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: February 15th, 2016

Item: Resolution 600 TCAP (Texas Coalition for Affordable Power) proposed electrical rate options

Background

As you know, the City is a member of Texas Coalition for Affordable Power (TCAP). Resolution 600 gives authorization to TCAP to negotiate on the behalf of the City of Burkburnett a five year electric supply agreement which would become effective January 1, 2018 and end in 2022. You have all had an opportunity to watch the video provided by TCAP detailing the options available to Burkburnett and the other communities represented by TCAP. Also, there is a memorandum in your packet circulated by TCAP explaining the Resolution and options available. Because Burkburnett does not have a considerable large block of demand for electric supply nor do we have large peaks in our daily usage, I do not believe options two or three are suitable for our needs. Both options deal with a fixed rate and variable market rates that fluctuate, therefore they come with additional risk for any savings reward the City might capture but are not guaranteed. I am recommending the BOC choose option one which locks in a fixed rates not to exceed 4.1 cents per kWh.

Fiscal Impact

Future savings for future electric supply

Options

Approve Resolution with option one
Approve Resolution with option two
Approve Resolution with option three

Staff Recommendation

Staff recommends approval of Resolution 600 authorizing TCAP to negotiate on the behalf of the City of Burkburnett a five year electric supply agreement with the option one selection.

Attachments

Memorandum from TCAP representative
Resolution Number 600
History of pricing

Model Staff Report to Support Resolution Authorizing TCAP to Procure Electricity for 2018-2022

This resolution is designed to support the second of several opportunities for TCAP members to contract for electricity for the post-2017 time period. If interested in contracting for a five-year term (2018-2022) during 2016, the authorizing resolution must be passed by the governing body of the interested TCAP member by February 25, 2016. The deadline will allow definition of the load to be served under each of three different electric supply options, which must be at least a minimum of 50 megawatts. Also, the deadline will give the wholesale provider ample opportunity to lock a fixed-price, equal to or less than a specific benchmark for each ERCOT zone, before June 30, 2016. When that supply scenario is locked, each member that passed the authorizing resolution must immediately sign a contract for that power. Please Note: The draft resolution is in Word and blanks must be filled in to identify the member, the preferred supply option and several individuals by name or position who will sign the contract when the appropriate price point is reached.

Explanation of Whereas Clauses:

What is TCAP?

As reflected in the fourth and seventh Whereas clauses, TCAP is a non-profit, political subdivision corporation, owned and controlled by its 171 political subdivision members, the vast majority of whom are cities. TCAP was formed in 2011 from the merger of Cities Aggregation Power Project (“CAPP”) and South Texas Aggregation Project (“STAP”), both of which were created in 2001, shortly before retail deregulation became effective on January 1, 2002. TCAP is governed by a 15 member board of directors, all of whom must be city employees or elected city officials. Typically, board members have been mayors, city managers, assistant city managers, finance directors or city attorneys.

Market Benefits of TCAP

An individual city, citizen or commercial customer can only purchase power directly from a Retail Electric Provider (“REP”) which under Texas law exists to give the impression of a competitive market. REPs cannot generate electricity, nor can they own wires. REPs are unnecessary middlemen between the wholesale and retail markets. As reflected in the second and fourth Whereas clauses, TCAP, as a political subdivision corporation, uniquely can go directly to the wholesale market. CAPP and STAP, prior to their merger into TCAP, separated contracts between a wholesale supplier and an independent REP, providing TCAP consultants with greater insight into the margins of various market participants than would be possible for most consumers. A broker or a REP would hand a form contract to an individual consumer. In the case of TCAP, no form contract is acceptable and, because of the size of TCAP’s load, both wholesale suppliers and REPs are willing to negotiate contract terms that are beneficial to TCAP members, enabling the refunds members have consistently received, special terms for adds and deletes, including an ability to add new loads at current market prices even if the market price is lower than the price of the master agreement.

TCAP's benefits regarding pricing

TCAP's membership consumes approximately 1.4 billion kWh annually which amounts to approximately \$100 million in revenue for the wholesale provider at current contract prices. The value of the aggregated load is extremely appealing to wholesale market participants, enabling TCAP to get the market competitive pricing at any particular moment. As reflected in the third Whereas clause, in addition to the size of its load, TCAP derives benefit from geographic diversity. TCAP members reside in all four ERCOT zones and are spread between the entire length and breadth of Texas, from Wichita Falls to Harlingen and Fort Stockton to Palestine. Since consumption is influenced by weather and since weather conditions are seldom the same across all of Texas, it is unlikely that all TCAP members are reaching peak consumption simultaneously. If the peaks of all TCAP members were totaled, the sum would equal 313.1 MW. But a wholesale supplier looks at the peak consumption of TCAP as an aggregated load rather than the sum of the peaks of all members. TCAP's peak demand is 246.9 MW. That reduction in peak is a specific and unique benefit of aggregation. And unlike other aggregation groups that accept counties and school districts as members, TCAP has focused its membership on cities and other political subdivisions that have a relationship with cities to maintain the very favorable load factor of cities with high off peak consumption from street lights which provides favorable pricing terms.

History of CAPP, STAP, TCAP pricing

As reflected in the fifth and eighth Whereas clauses, aggregated cities have historically been interested in flat, fixed-price, full-requirements contracts and price stability. The resolution under consideration maintains that goal for a five-year period at a price much lower than the current contract price. In 2002, CAPP and STAP were able to obtain prices for energy at 4 cents per kWh. Very quickly after retail deregulation was implemented, natural gas prices started to rise, and they continued on an upward trend until late 2008. In late 2008, CAPP cities were paying approximately 13.5 cents per kWh. Fear that natural gas price volatility would continue to result in high electricity rates, CAPP cities were excited to lock-in long term rates beginning in 2009 that were significantly lower than prices experienced in the 2007-2008 time frame. STAP cities experienced their highest rate in 2006 at slightly more than 9 cents per kWh. STAP cities saw prices drop to around 7.8 cents per kWh in 2008 and were happy to find a contract that would stabilize prices in the 7 to 8 cent range for an extended period. When CAPP and STAP members signed new contracts in late 2008, no one could have predicted that the economy was about to enter a multi-year recession and that fracking would bring a glut of natural gas to a market with reduced demand, putting natural gas and electricity prices into a downward trend. Fortunately, gas prices have continued to drop and now TCAP members have an opportunity to again capture rates in the range of, and hopefully below, 4 cents per kWh.

Contract Requirements

As explained in the tenth Whereas clause, there is no legal requirement that a city engage in a competitive bidding process prior to contracting for electricity. The primary expectation of contracting for wholesale energy in a deregulated energy market is that a purchaser sign a contract accepting a particular offered price within 24 hours of receipt of the offer. NYMEX gas futures prices change daily, and since gas prices drive electricity prices, it is unlikely that any

given price quote for wholesale electricity during a given period will remain open for more than a day. As explained in the ninth Whereas clause, TCAP members are expected to immediately execute a contract once TCAP's supplier is able to lock in a price at or below the benchmark prices specified in the resolutions for a five-year period commencing January 1, 2018. That is why Section 2 of the resolution requires the naming of specific individuals with whom TCAP can correspond and provide a contract for signing when appropriate.

Resolution's Objective

As explained in the eleventh thru fourteenth Whereas clauses, after the size of the load for the 2015 contract opportunity is defined by February 25, 2016, TCAP's supplier will look for an opportunity to lock prices for the five-year term at or below specified benchmarks (4.1 – 4.25 cents per kWh). That may happen by the second week of March, but if it appears that prices are trending downward, TCAP will direct its designated supplier, NextEra, to daily monitor the market to hopefully capture a price under lower than benchmarked prices. The window of opportunity for capturing a reasonable price at or below the benchmarks will expire by June 30, 2016. TCAP will develop another supply opportunity in the Fall of 2016 for any members not contracting in this offering.

TCAP benefits to the consuming public

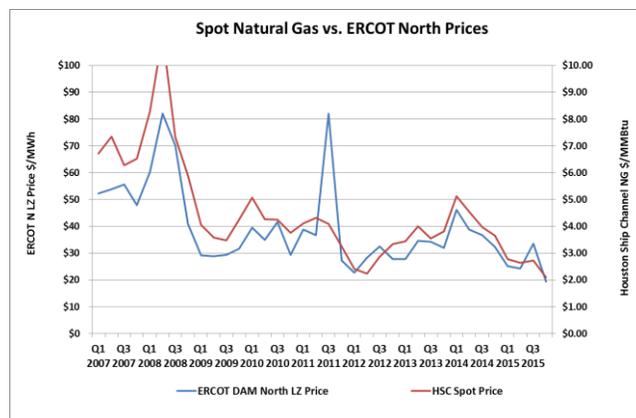
Whereas clause six references TCAP becoming a forceful voice for consumer protections and market reform to benefit the public as well as political subdivisions. When CAPP and STAP merged in 2011, one of the guiding principles established in meetings with members and through subsequent board priority-setting meetings was that TCAP should advocate for reforms in the market that would enhance competition and benefit the general public. TCAP has become the closest thing to a consumer advocate that exists in the deregulated marketplace on both the wholesale and retail sides of the business. TCAP membership not only provides political subdivisions with resources to monitor markets, capture reasonable prices and best available terms, stabilize budgets, address problems with invoices and help with governmental reports, provide best of class portals to understand consumption patterns, membership also affords an opportunity to represent to constituents that they have an advocate on their behalf.

CHOICE OF SUPPLY OPTION

Whereas Clause 13 identifies three different supply options that TCAP has arranged as choices for each member. Option 1 is a fixed price for all consumption regardless of time of day. The price will not exceed 4.1 cents per kWh in the North and West ERCOT zones. It will not exceed 4.25 cents per kWh in the Houston and South zones. The actual price is likely to be less than the benchmark prices. The prices will become effective January 1, 2018. Given that these prices are to be locked in 2016 and will not expire until December 31, 2022, they are reflective of the lowest prices for electricity experienced since the retail market was deregulated January 1, 2002. Generally speaking, there ought to be an expectation that the price of energy will climb marginally for each year of the contract term beyond two years. The possibility of locking-in energy prices at or below 4 cents per kWh for a period that terminates in seven years is truly remarkable based upon the history of deregulation.

In the Spring of 2015, TCAP consultants received indicative fixed-prices around 4.5 cents per kWh. They then developed two supply options to the fixed price full requirements contract that offered attractive savings opportunities. Both Options 2 and 3 have variable components related to the energy spot market. While the average spot price in the past three years has been \$32.14/Mwh (2013), \$38.50/Mwh (2014), \$25.53/Mwh (2015), respectively, it is important to note that spot market prices can change every 15 minutes, therefore it is impossible to provide members a precise price for Options 2 and 3. While they provide an opportunity for savings off of the benchmarked prices for Option 1, savings cannot be guaranteed, and thus Option 2 and 3 involve risk to that does not exist with Option 1. A TCAP member that is completely risk adverse should select Option 1.

Option 2 fixes a price for the peak usage period and then turns to the spot market for all off-peak usage. When TCAP was developing these products in 2014, there was a large enough gap between fixed price options and spot prices that this option looked very attractive. Now, with market prices at historic recent term lows, both spot prices and fixed prices have fallen and their price differential has shrunk to the point that future savings from the spot market may not be as great as the risk of future price increases. The following graph shows how low current spot market prices have gone.



Option 2 was developed with the anticipation that spot prices during the off peak period would be in the range of \$10/MWh to \$40/MWh (\$0.01-\$0.04/kWh) over time for spot purchases. Our latest quotes for fully fixed priced products (Option 1) includes off peak pricing fixed at under \$20/MWh. These low Option 1 fixed prices for off peak usage may make it harder for future off peak spot prices to create additional savings under Option 2 over time even though the customer will be incurring market price risk.

Option 3 begins with the purchase of a block of power to cover the base use of all members who commit to this option. Block power, since it is a firm commitment 24 hours a day, is the cheapest form of energy available in the wholesale market. Daytime peak consumption will be partly covered by a fixed price for solar power with all other consumption supplied by the spot market.

In considering Option 2, TCAP consultants would tell you that with current prices about a half cent less than the price that existed when Option 2 was conceptualized last Spring, it will be difficult for Option 2 to generate savings sufficient to justify its selection. Option 3 with its

majority reliance on the cheapest form of energy has a greater probability than Option 2 of producing savings over Option 1. But again, with such low Option 1 fixed priced products now available to TCAP members, and since there are no guarantees that Options 2 or 3, which utilize spot market pricing, will remain as attractive as they were even a few months ago.

EXPLANATION OF “BE IT RESOLVED” SECTIONS

- Section 1.** Authorizes TCAP to submit the members load, along with the load of other authorizing members, to be aggregated into a pool by TCAP’s wholesale supplier for a contract commencing January 1, 2018 and terminating December 31, 2022 with the understanding that the fixed, full-requirements price under Option 1 must not exceed 4.1 cents per kWh in the North and West zones and must not exceed 4.25 cents in the Houston and South zones.
- Section 2.** Sets conditions precedent that the aggregated load exceed 50 MW, that the resolution be passed before February 25, 2016, and that NextEra has until June 3, 2016 to lock in a fixed price for the aggregated load that does not exceed benchmark prices. It also requires the designation of a specific individual, by name or title, who are authorized to sign a contract within 24 hours of submittal, assuming the conditions have been met.
- Section 3.** Consistent with the last two Whereas clauses, this section commits the member to budget for and approve funds necessary to pay for the member’s proportionate share of the aggregated load that TCAP commits to with NextEra. TCAP will contract with NextEra based upon representations of authorizing members, each of whom will be provided with a Commercial Electric Service Agreement (“CESA”) with GEXA, the current REP, that extends current retail service terms with the lower wholesale price arranged with NextEra for the 2018-2020 time period.
- Section 4.** In order for TCAP to be informed of the passage of the resolution so that the member’s load can be aggregated by NextEra, this section specifies that a copy of the resolution should be sent to TCAP’s Executive Director and General Counsel.

RESOLUTION NUMBER 600

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AUTHORIZING THE TEXAS COALITION FOR AFFORDABLE POWER, INC. (TCAP) TO NEGOTIATE AN ELECTRIC SUPPLY AGREEMENT FOR FIVE YEARS FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2018; AUTHORIZING TCAP TO ACT AS AN AGENT ON BEHALF OF THE CITY TO ENTER INTO A CONTRACT FOR ELECTRICITY; AUTHORIZING MAYOR or MAYOR PRO-TEM TO EXECUTE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2018 AND COMMITTING TO BUDGET FOR ENERGY PURCHASES IN 2018 THROUGH 2022 AND TO HONOR THE CITY'S COMMITMENTS TO PURCHASE POWER FOR ITS ELECTRICAL NEEDS IN 2018 THROUGH 2022 THROUGH TCAP

1. **WHEREAS**, the City of Burkburnett, Texas (City) is a member of Texas Coalition For Affordable Power, Inc. (TCAP), a non-profit, political subdivision corporation dedicated to securing electric power for its more than 170 members in the competitive retail market; and

2. **WHEREAS**, TCAP has unique rights under Texas law to negotiate directly in the wholesale market and arrange separate contracts for power supply and retail services which provides TCAP leverage to achieve contract provisions that single city negotiations with a Retail Electric Provider (REP) would be unlikely to produce; and

3. **WHEREAS**, TCAP's geographic diversity across all four ERCOT zones produces an aggregated peak load that is lower than the total of individual peak loads of the individual TCAP members, allowing price benefits in the wholesale market that are not likely to be available to any given TCAP member alone; and

4. **WHEREAS**, TCAP and its predecessor organizations, Cities Aggregation Power Project, Inc. (CAPP) and South Texas Aggregation Project, Inc. (STAP), negotiated favorable

contract terms that resulted in rebates from the wholesale supplier and reasonable commodity prices for delivered electricity since 2002 resulting in stable budgets for electricity for members; and

5. **WHEREAS**, commodity prices for electricity experienced significant volatility between 2002 and 2009, with prices ranging from 4 cents to over 13 cents per kWh, causing CAPP and STAP members to welcome a five year contractual commitment that came close to cutting the 2008 prices in half, with that contract being extended until December 31, 2017, with a negotiated price reduction of about 1 cent per kWh; and

6. **WHEREAS**, TCAP has become a forceful voice for consumer protections and market reform to benefit the public and well as cities and other political subdivisions; and

7. **WHEREAS**, TCAP is owned by its members and distributes monetary and other resources according to relative load size of members and is controlled by a 15 member Board of Directors, all of whom must be city employees of members who represent diversity in size and geography; and

8. **WHEREAS**, wholesale power prices within the deregulated Texas market are largely determined by the NYMEX gas futures prices for natural gas which are currently low and relatively stable, but which change daily; and

9. **WHEREAS**, daily price changes require retail customers to execute a contract immediately upon receipt of a favorable offer; and

10. **WHEREAS**, pursuant to Texas Local Government Code Section 252.022(a)(15) expenditures for electricity are exempt from competitive bidding requirements; and

11. **WHEREAS**, on any given day, TCAP is able to capture a favorable wholesale price for any period of time, comparable to or better than any given REP or broker; and

12. **WHEREAS**, TCAP intends to continue to contract with its current wholesale supplier, NextEra, because the relationship with NextEra is such that NextEra is willing, after it knows the size of a given load, to execute a contract at or below prescribed price and terms; and

13. **WHEREAS**, the City desires to execute a contract for electricity for the period beyond the expiration of its current contract on December 31, 2017, that locks-in favorable wholesale prices under one of three different supply options:

Option 1 - fixed-price, full-requirements at a price not to exceed 4.1 cents per kWh for the North and West zones or 4.25 cents per kWh for the South and Houston zones;

Option 2 - fixed price for on-peak hours and variable spot market prices for off-peak hours;

Option 3 - block energy at a fixed price to cover the base load hours, a fixed price for solar energy to cover mid-day peak hours (approximately 10% of total load) and variable spot market prices for all remaining consumption; and

14. **WHEREAS**, TCAP will allow members six weeks from receipt of this resolution to consider whether to participate in this second opportunity to contract for post-2017 electrical supply, and thereafter allow NextEra until June 30, 2016 to contact for power for five years at a price not to exceed 4.1 cents per kWh in the North and West zones and a price not to exceed 4.25 cents per kWh in the South and Houston zones for Option 1, so long as the aggregated load for any of the three supply options reaches at least 50 megawatts; and

15. **WHEREAS**, wholesale suppliers demand assurance that TCAP will pay for all contracted load; and

16. **WHEREAS**, the City needs to assure TCAP that it will sign a Commercial Electric Supply Agreement (CESA) reflecting the contract extension and budget for energy purchases for

the post-2017 period and honor its commitment to purchase power for its electrical needs for 2018 through 2022 through TCAP,

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

Section 1:

That the TCAP Board of Directors and its consultants and advisors are agents authorized to negotiate for the City's electricity needs as a member of TCAP for the period 2018 through 2022 at a price not to exceed 4.1 cents per kWh for the North and West zones and a price not to exceed 4.25 cents per kWh in the Houston and South zones for supply Option 1;

Section 2:

The City prefers to participate in supply Option _____ with the following understanding: a) while supply Option 1 is a full-requirements, fixed-price option, Options 2 (fixed price on-peak, variable spot prices for off-peak usage) and 3 (fixed price for base load, fixed price for a portion of peak load, and variable spot market for remainder) have variable price components and savings over Option 1 cannot be guaranteed, and b) if there is insufficient desire among members to achieve a 50 MW threshold for either Option 2 or 3, the member selecting the inadequately subscribed option will be placed in the Option 1 category. If no option is selected, TCAP will assume that a passed Resolution approves of Option 1.

Section 3:

Assuming this resolution is passed before February 25, 2016 and the combined load of TCAP members passing this resolution exceeds 50 megawatts for the preferred Option and NextEra is able to provide TCAP an opportunity prior to June 30, 2016 to contract for power to be delivered to members at a price not to exceed 4.1 cents per kWh for the North and West zones and not to exceed 4.25 cents per kWh in the Houston and South zones for supply Option 1 for the period January 1, 2018 through December 31, 2022, any one of the following individuals is hereby authorized to sign an electric supply agreement for the City within 24 hours of receipt of a contract that has been approved and recommended by the TCAP Board of Directors: MAYOR or MAYOR PRO-TEM.

Section 4:

That the City will commit to purchase power to meet all of its electricity needs eligible for competition pursuant to the TCAP approved supply agreement and approve funds necessary to pay electricity costs proportionate to the City's load under the supply agreement (whether wholesale or retail) arranged by TCAP and signed by TCAP's Executive Director or President or other TCAP representatives authorized by the TCAP Board.

Section 5:

That a copy of this resolution shall be sent to Jay Doegey, Executive Director, TCAP, 15455 Dallas Parkway, Suite 600, Addison, Texas 75001 and Geoffrey M. Gay, legal counsel to TCAP at 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PRESENTED AND PASSED on this the 15th day of February, 2016, by a vote of _____
_____ ayes and _____ nays at a regular meeting of the Board of Commissioners of
Burkburnett, Texas.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk

3137/10/4975879

CAPP/STAP/TCAP PRICE HISTORY

\$/KwH

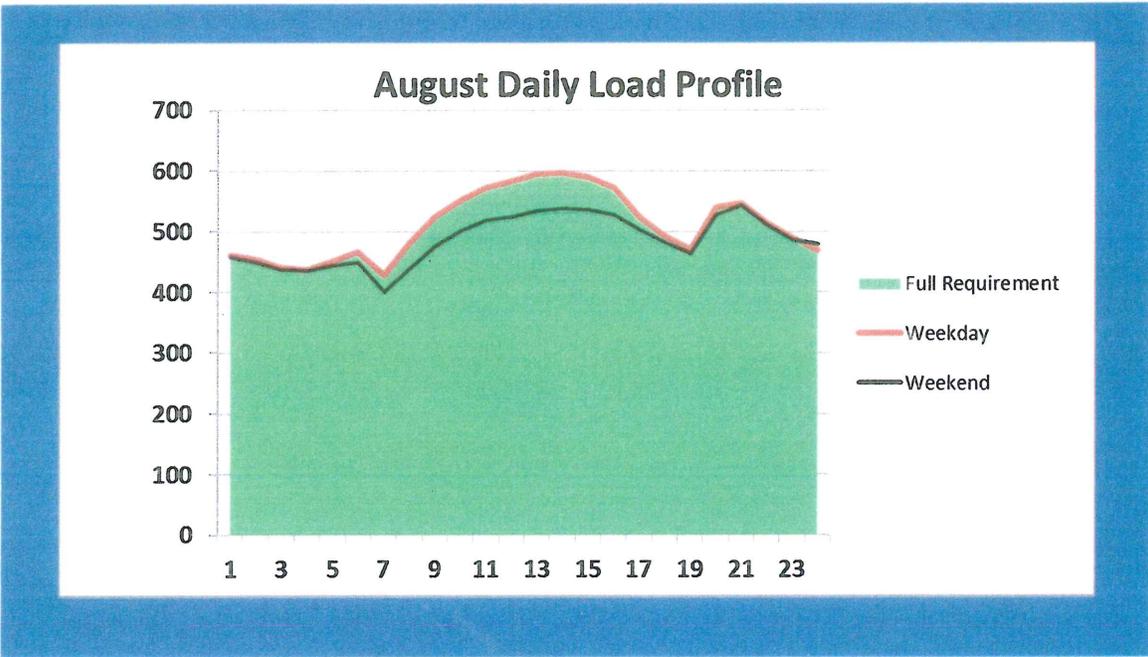
ENERGY

YEAR	CHARGE (Does not include delivery/transmission charge/ONCOR)
2002	0.04000
2003	0.04320
2004	0.04940
2005	0.06838
2005	0.06605
2006	0.11860
2006	0.07752
2007	0.08132
2008	0.08571
2008	0.10855
2008	0.13589 (Hurricane Katrina)
2009	0.05257
2010	0.05781
2011	0.05914
2011	0.05705
2012	0.05705
2013	0.05705
2014	0.06372
2015	0.06372
2016	0.06372
2017	0.06372
2018-2022	

City of Burkburnett

Current Contract Structure
Full Requirements

2014 Usage 4,192,473 /kWh	
Future Indicative Price \$0.0394 /kWh	Future Annual Energy Cost \$165,183
Future Indicative Price for Burkburnett Isolated \$0.0402 /kWh	\$168,537
Savings vs Current Contract (\$107,705)	



Option 2	Average Price \$0.0392 /kWh	Option 3	Average Price \$0.0349 /kWh
	Savings (\$838)		Savings (\$18,865)

Electric Power Price Comparison Options - West Zone





City Commission Agenda Memo

From: Gordon Smith, Director of Public Works
Date: February 15, 2016
Item: Discuss and take any action necessary on the final plat of Gilbert Acres Block 1, Lots 1-7

Background

Lynn Landrum and Richard Boyd, Owners of the property located at 1701 Sheppard Rd. presented an application request for a Final Plat to subdivide the 10 acre tract into 7 residential lots.

The property is a 10 acre tract out of Tract 1, Myers Subdivision of the west 100 acres of Block 3, Red River Valley Land, Burkburnett, Wichita County, Texas.

The property is zoned SF -6 Single Family (6,000 S.F. Lots) and will remain SF-6.

Lot 1 has existing brick home and will front Sheppard and the remaining 6 lots will front Gilbert Rd.

The plat does meet the subdivision requirements.

On February 8, 2016 the Planning and Zoning Board met and staff presented the information for review and a recommendation to City Commissioners. The Board discussed the case and consider the overall evaluation of the request, and its assessment regarding how the request relates to the City's Comprehensive Plan.

The Comprehensive Plan has the area projected to remain medium density residential. The Board questioned staff if the current SF- 6 (Single Family 6,000 S.F. Lots) would remain with the new lots. Staff provided acknowledgement that the zoning would remain in place with the new final plat and that it was the developers' intent to market the new lots to homebuilders.

Then a motion was made and seconded for approval of the zoning change request. Chairman Tim Cornelius took a vote. The vote was 4-4 unanimous in favor of approving the request.

Fiscal Impact

N/A

Options

- Approval of the Final Plat as presented.
- Non- Approval of the Final Plat as presented.

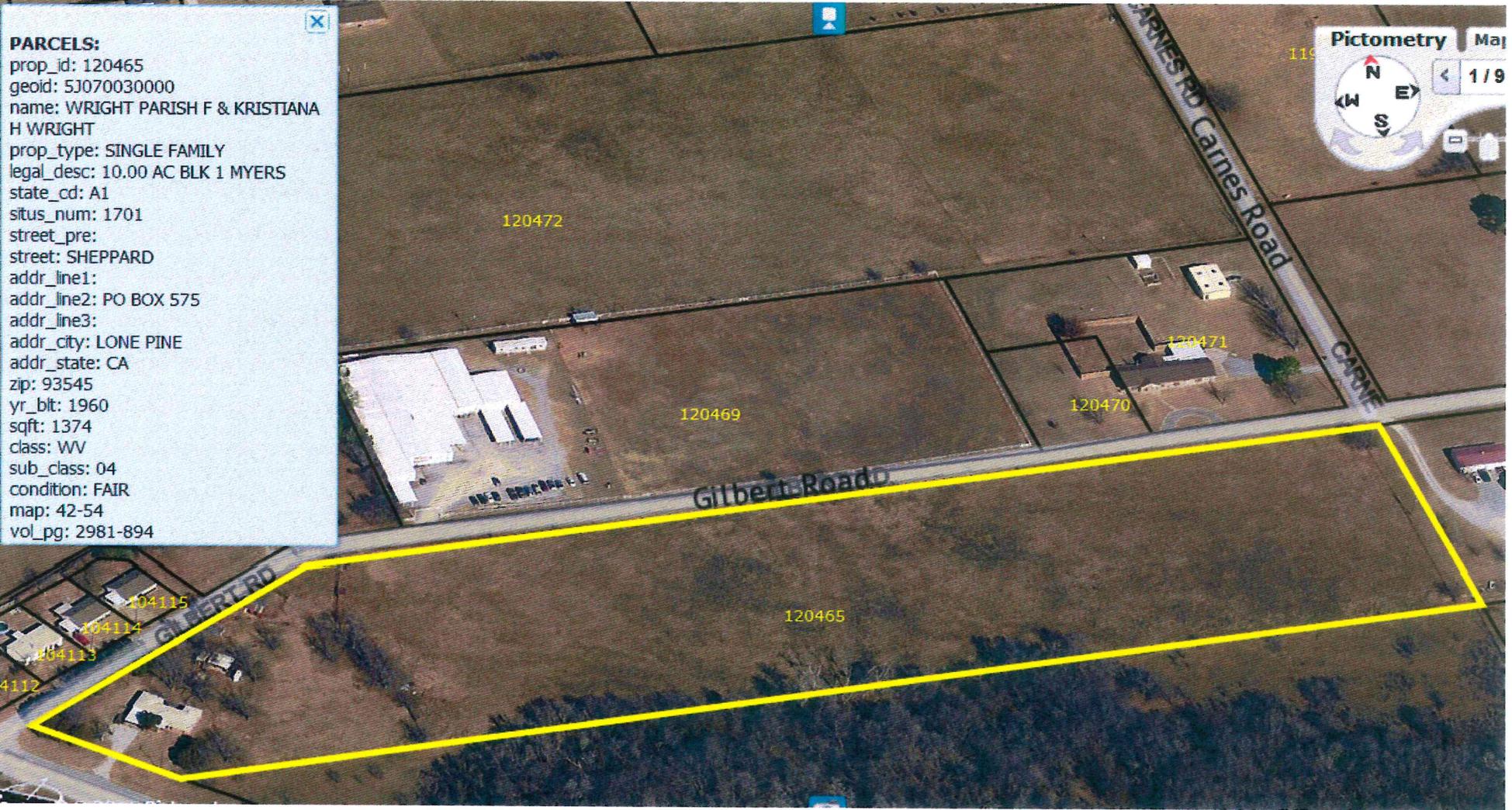
Staff Recommendation

Staff recommends approval of the final plat.

Attachments

- 1) Final Plat
- 2) Site Map

PARCELS:
prop_id: 120465
geoid: 5J070030000
name: WRIGHT PARISH F & KRISTIANA
H WRIGHT
prop_type: SINGLE FAMILY
legal_desc: 10.00 AC BLK 1 MYERS
state_cd: A1
situs_num: 1701
street_pre:
street: SHEPPARD
addr_line1:
addr_line2: PO BOX 575
addr_line3:
addr_city: LONE PINE
addr_state: CA
zip: 93545
yr_blt: 1960
sqft: 1374
class: WV
sub_class: 04
condition: FAIR
map: 42-54
vol_pg: 2981-894



FIELD NOTES OF A 10.0 ACRE TRACT OF LAND OUT OF TRACT 1, MYERS SUBDIVISION OF THE WEST 100 ACRES OF BLOCK 3, RED RIVER VALLEY LAND SUBDIVISION AS SHOWN ON PLAT RECORDED IN VOLUME 5, PAGE 694, WICHITA COUNTY PLAT RECORDS, WICHITA COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod set at the intersection of the South right-of-way line of Gilbert Road with the Northeast right-of-way line of State Hwy. No. 240, said beginning point bears S 49° 42' E a distance of 337.00 feet from the Northwest corner of the Jeff Landrum Subdivision, as recorded in Volume 27, Page 252, Wichita County Plat Records;

THENCE with the South right-of-way of Gilbert Road as follows:
N 60° 48' 23" E a distance of 412.86 feet to an iron rod set for an angle corner of this tract; and

S 89° 45' 12" E a distance of 1189.66 feet to an iron rod set in the South right-of-way line of Gilbert Road for the Northeast corner of this tract;

THENCE leaving said South right-of-way line, S 00° 08' 52" E a distance of 308.50 feet to an iron rod set for the Southwest corner of this tract and the Southwest corner of a 5.0 acre tract conveyed to Steve Abbin in Volume 1502, Page 657, of the Wichita County Deed Records;

THENCE N 89° 45' 35" W a distance of 1426.00 feet to an iron rod set in the above mentioned Northeast right-of-way line of State Highway No. 240 for the Southwest corner of this tract;

THENCE N 49° 38' 13" W with the Northeast right-of-way line of State Highway No. 240, a distance of 164.00 feet to the PLACE OF BEGINNING and containing 10.0 acres of land.

THEREFORE, the Owners of the land shown on this plat and whose names are subscribed thereon and in person or through a duly authorized agent, hereby dedicates to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown for the purposes and considerations therein expressed.

W. LYNN LANDRUM, Owner
RICHARD K. BOYD, Owner

STATE OF TEXAS
COUNTY OF WICHITA

BEFORE ME, the undersigned authority, on this day personally appeared W. LYNN LANDRUM, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 2016.

Notary Public in and for State of Texas

STATE OF TEXAS
COUNTY OF WICHITA

BEFORE ME, the undersigned authority, on this day personally appeared RICHARD K. BOYD, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 2016.

Notary Public in and for State of Texas

The Plat of GILBERT ACRES ADDITION, BLOCK 1, LOTS 1 - 7, an addition to the City of Burkburnett, Texas, has been submitted to and considered by the City Commission of the City of Burkburnett, Texas, and is hereby approved by such Board.

Dated this _____ day of _____, 2016.

Carl Law, Mayor

This is to certify that all taxes due and collected by Burkburnett Independent School District on the above described property have been paid up to and including _____ with the following exceptions:

This certification is conditional on values certified by the Appraisal District as of this date. Any changes to the certified value made subsequent to the date of the certification are not included.

Tax Collector: _____
by Deputy: _____
Date: _____

This is to certify that all taxes due and collected by the City of Burkburnett, on the above described property have been paid up to and including _____ with the following exceptions:

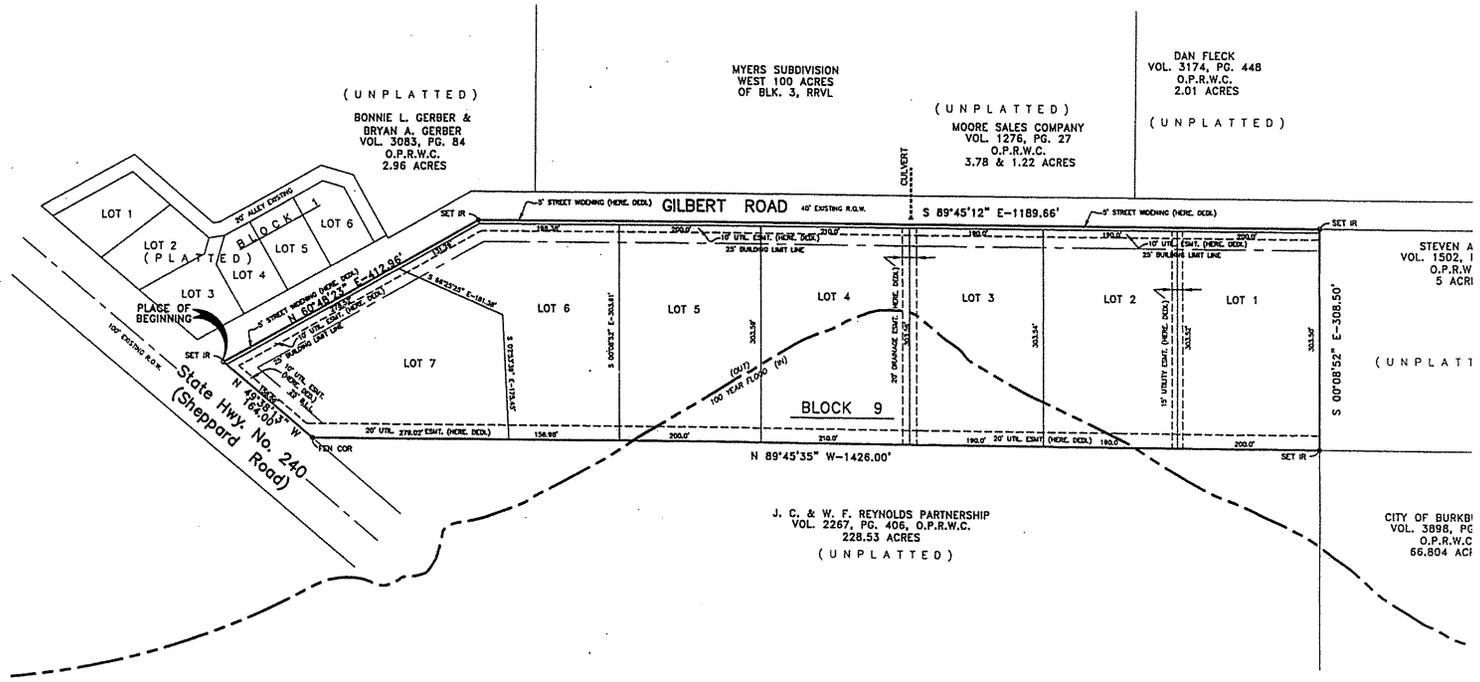
This certification is conditional on values certified by the Appraisal District as of this date. Any changes to the certified value made subsequent to the date of the certification are not included.

Tax Collector: _____
by Deputy: _____
Date: _____

This is to certify that all taxes due and collected by the County of Wichita, on the above described property have been paid up to and including _____ with the following exceptions:

This certification is conditional on values certified by the Appraisal District as of this date. Any changes to the certified value made subsequent to the date of the certification are not included.

Tax Collector: _____
by Deputy: _____
Date: _____



(UNPLATTED)
BONNIE L. GERBER &
BRYAN A. GERBER
VOL. 3083, PG. 84
O.P.R.W.C.
2.96 ACRES

MYERS SUBDIVISION
WEST 100 ACRES
OF BLK. 3, RRVL

(UNPLATTED)
MOORE SALES COMPANY
VOL. 1276, PG. 27
O.P.R.W.C.
3.78 & 1.22 ACRES

DAN FLECK
VOL. 3174, PG. 448
O.P.R.W.C.
2.01 ACRES
(UNPLATTED)

STEVEN A
VOL. 1502, I
O.P.R.W.
5 ACRI
(UNPLATT)

CITY OF BURKBI
VOL. 3898, PE
O.P.R.W.C
66.804 ACI

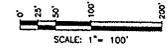
J. C. & W. F. REYNOLDS PARTNERSHIP
VOL. 2267, PG. 406, O.P.R.W.C.
228.53 ACRES
(UNPLATTED)

I hereby certify that this plat has been prepared from an actual survey of the land made under my supervision and direction in JANUARY 2016, and that all information shown is true and correct to the best of my knowledge, and that all monuments were properly placed in accordance with the Subdivision Regulations of the City of Wichita Falls, Texas.

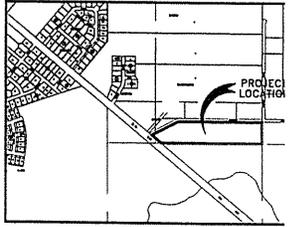


RICHARD K. BOYD
Registered Professional Land Surveyor No. 3662

NOTE: COMPLIANCE WITH THE CURRENT STORMWATER DETENTION ORDINANCE WILL BE REQUIRED ON THIS PROPERTY BEFORE BUILDING PERMITS WILL BE ISSUED.



BASIS OF BEARING= SOUTH RIGHT-OF-WAY
LINE OF GILBERT ROAD = S 89° 45' 12" E.



The herein described property does lie within the Special Flood Hazard Areas inundated by 100 Year Flood as delineated on the Flood Insurance Rate Map for the City of Wichita Falls, Wichita County, Texas. Map Number: 484850C0185 G Dated: FEBRUARY 3, 2010 as published by the U.S. Department of Homeland Security, Federal Emergency Management Agency, the 100 Year Flood elevation is 988 above MSL. The lowest finish floor elevation of the houses on this property is 982 above MSL. Flood Zone designation is Zone X & AE.

FINAL PLAT
GILBERT ACRES ADDITION,
BLOCK 1, LOTS 1-7,
BURKBURNETT, TEXAS

(10.0 ACRES OUT OF TRACT 1, MYERS SUB'D. OF THE WEST 100 ACRES OF BLOCK 3, RED RIVER VALLEY LAND, BURKBURNETT, WICHITA COUNTY, TEXAS)

JANUARY 2016
SCALE: 1" = 100'

OWNERS:

2007 LANDRUM-TX. LTD.
111 NORTH AVENUE D
BURKBURNETT, TEXAS 76354
PHONE: (940) 632-8740

RICHARD K. BOYD
2614 BRETTON
WICHITA FALLS, TEXAS 76308
PHONE: (940) 733-4414

PREPARED BY:
CORLETT, PROBST & BOYD, P.L.L.C.
ENGINEERS & SURVEYORS
4605 JACKSBORO HIGHWAY
WICHITA FALLS, TEXAS 76302
PHONE: (940) 723-1455



City Commission Agenda Memo

From: Janelle Dolan, City Clerk

Date: February 17, 2014

Item: Resolution Number 602. A resolution ordering a general election to be held on May 7, 2016 to elect four (4) City Commissioners.

Background

A General Election is being called according to State Law.

Fiscal Impact

\$5,000 was budgeted for FY 2014-2015 election expenses, \$5,006.06 was actually spent. \$3,000.00 has been budgeted for FY 2015-2016 election expenses.

Options

- Approve Resolution Number 602
- Not approve Resolution Number 602

Staff Recommendation

Approve Resolution Number 602

Attachments

Resolution Number 602

RESOLUTION NUMBER 602

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 7, 2016 TO ELECT FOUR COMMISSIONERS; DESIGNATING THE POLLING PLACE AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.

WHEREAS, in accordance with the Texas Election Code, a general election shall be held at the following place, in said City, and the following are hereby appointed officers for said election.

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

SECTION 1. The polling place for Precincts No. 205 and 206 will be held at the Burkburnett Community Center Building, 735 Davy, Burkburnett, Texas and shall be open from 7:00 a.m. to 7:00 p.m. on Election Day May 7, 2016 with Laurie Munson as Presiding Judge and Margie Poole as Alternate Presiding Judge, the said Presiding Judge shall appoint the necessary clerks to assist on Election Day.

SECTION 2. The Presiding Judge of said election shall serve as the Presiding Officer of the Early Voting Ballot Board in accordance with the Texas Election Code.

SECTION 3. Janelle Dolan, City Clerk is hereby appointed Early Voting Clerk and early voting shall be conducted at the City Clerk's office in City Hall, 501 Sheppard Road, Burkburnett, Texas in accordance with the Texas Election Code. Early voting shall begin on April 25, 2016 and end on May 3, 2016 and shall be conducted Monday through Friday during the regular business hours of the City Clerk's office which are from 8:00 a.m. to 5:00 p.m. with extended early voting hours on May 2, 2016 and May 3, 2016 from 7:00 a.m. to 7:00 p.m.

SECTION 4. Notice of posting and publishing of said election and the preparation of ballots for said election will be in accordance with the Texas Election Code.

SECTION 5. The Board of Commissioners of the City of Burkburnett shall canvass the election not earlier than the third day nor later than the eleventh day after said election in accordance with the Texas Election Code.

PASSED AND APPROVED on this 15th day of February 2016.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk



City Commission Agenda Memo

From: Mike Whaley, City Manager

Date: February 15, 2016

Item: Discuss and take any action necessary on permit application for Taste of Town.

Background

The Taste of Town fundraiser is scheduled for April 30, 2016 in the Burkburnett Community Center. The event is sponsored by the Burkburnett Lions Club and is conducted as a fundraiser for the club's local scholarship and community service projects. 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 City will receive rental fees for the use of the Community Center.

Options

- Approve the permit for Taste of Town
- Deny permit for Taste of Town

Staff Recommendation

Staff recommends that the Board of Commissioners approve the permit for Taste of Town.

Attachments

Permit Application

APPLICATION FOR PERMIT

ITEM/SUBJECT: "Taste of Town" Fundraiser on April 30, 2016 in the Burkburnett Community Center

INITIATING PARTY: Burkburnett Lions Club

COMMENTARY: Request approval of beer and wine consumption at this event. The Mullet Boyz, a professional 4 piece party band will be featured. There will be approximately 300 tickets sold. There will be approximately 15 food vendors.

Proceeds support the local club's scholarships and community service projects.

MANAGER'S REMARKS: Appropriate security will be on hand; the additional deposit has been paid. Recommend approval.

ASSOCIATED INFORMATION:

_____ **APPROVED**

_____ **DISAPPROVED**

_____ **CONDITIONS**

MAYOR Carl Law