

AGENDA

Notice is hereby given of a meeting of the Board of Commissioners of Burkburnett to be held on **Monday, February 16, 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- Boon Bowling, Minister to Students, First Baptist Church.

Item 3. Pledge of Allegiance.

Item 4. CONSENT AGENDA:

- A. Approval of Minutes from January 7, 2015 and January 13, 2015 Special Called Meetings; January 19, 2015 Regular Meeting; and January 26, 2015 Special Called Meeting

Item 5. Discuss and take any action necessary on Fiscal Year 2014 Audit.

Item 6. Mayor to close regular meeting and open the "Public Hearing" for a demolition hearing on the following properties: 216 E. 3rd St., 109 S. Avenue B, and 103 W. College.

Item 7. Mayor to close "Public Hearing and re-open the regular Commissioners meeting.

Item 8. Discuss and take any action necessary on demolition of the following properties: 216 E. 3rd St., 109 S. Avenue B, and 103 W. College.

Item 9. Resolution Number 576. A resolution providing for the Citizen Participation Plan associated with the Texas Community Development Program Block Grant (TXCDBG) application submittal process.

Item 10. Ordinance Number 870. An ordinance amending the Fiscal 2015 budget of the Burkburnett Development Corporation for the Neighborhood Reimbursement Grant.

Item 11. Ordinance Number 871. An ordinance for the purpose of submitting to the qualified voters, for adoption or rejection, proposed amendments to the existing charter of the City of Burkburnett.

Item 12. Resolution Number 577. A resolution ordering a general election to be held on May 9, 2015 to elect three (3) City Commissioners.

Item 13. Discuss and take any action necessary on permit application for Taste of Town.

Item 14. Discuss and take any action necessary on an alternate for the Zoning Board of Adjustment.

Item 15. Review of monthly reports.

- A. Administration
- B. Public Works
 - Family Aquatic Center – Construction Update
- C. Public Safety/Fire Department
 - Annual review of the Racial Profiling Report
- D. Economic Development

Item 16. 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 17. City Manager’s report.

- Election
- Training Schedule

Item 18. 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 19. Adjournment.

I, Janelle Dolan, City Clerk for the City of Burkburnett, Texas do hereby certify that I posted this agenda on the glass front door of the City Hall, facing the outside

at 9:30 a.m. on February 13, 2015 in compliance with the Open Meeting Act Chapter 551.


Janelle Dolan, City Clerk

Posted 2/13/2015 @ 9:30 am

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

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a special called meeting on January 7, 2015 at 3:00 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
Marguerite Love	Commissioner

Commissioner Hardy and Commissioner Tugman were not present.

Others present: Mike Whaley, City Manager; Gordon Smith, Director of Public Works; and Janelle Dolan, City Clerk.

The following members of the Park and Recreation Board were present: Cory Brinkley, Jeremy Duff, Brian Love and Curtis Willis.

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

Item 2. Invocation was given by Commissioner Love.

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

Item 4. Discussion was held with City Staff, Board of Commissioners and Park and Recreation Board members on possible donations/sponsorships ideas for the Family Aquatic Center.

Item 5. No City Manager comments.

Item 6. No Commissioner comments.

Item 7. Motion was made by Commissioner Ducos, seconded by Commissioner Lindenborn 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 13, 2015 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

Commissioner Tugman was not present.

Others present: Mike Whaley, City Manager; Trish Holley, Director of Public Works; Gordon Smith, Director of Public Works; and Janelle Dolan, City Clerk.

The following members of the Park and Recreation Board were present: Cory Brinkley, Danny Cremeens, Jeremy Duff, Brian Love and Rodney McCleskey Jr.

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 Mayor Law.

Item 4. Discussion was held with City Staff, Board of Commissioners and Park and Recreation Board members on possible donations/sponsorships ideas for the Family Aquatic Center.

Item 5. No City Manager comments.

Item 6. No Commissioner comments.

Item 7. Motion was made by Commissioner Lindenborn, seconded by Commissioner Brewster 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 regular meeting on Monday, January 19, 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
Mike Tugman	Commissioner

Others present: Mike Whaley, City Manager; Trish Holley, Director of Administration; Deana Sheriff, Economic Development Director; Janelle Dolan, City Clerk; 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 Tugman.

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

Item 4. Consent Agenda.

A. Approval of Minutes from December 15 , 2014

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

Item 5. Resolution Number 575 was presented in its entirety. A resolution of support for JES Development for River Terrace affordable housing. Mike Whaley, City Manager, addressed the Mayor and Commissioners and stated JES Development Company has applied to the TDHCA for 2015 Housing Tax Credits to build a 58-65 unit affordable rental housing project, to be known as "River Terrace." 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 2015 Housing Tax Credits. The TDHCA Housing Tax Credit program requires the community wherein the project will be located to provide financial assistance to the development. The City of Burkburnett would be required to provide a commitment of \$94,000.00 to the project. The commitment may be in the form of a real estate tax abatement or an in-kind contribution for fees associated with the development, or a loan with an interest rate not to exceed 3%, or an in-kind commitment for infrastructure development, or a combination of any or all of the above resulting in financial assistance totaling \$94,000.00. Said financial assistance shall be for a minimum term of 15 years.

Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to approve Resolution Number 573 with the following change: *...provide for an applicant to be awarded one (1) point for a Resolution from a unit of general local government...one (1) point should be two (2).* Motion carried unanimously.

Item 6. No action taken on this agenda item.

Item 7. Ordinance Number 868 was presented in its entirety. An Ordinance amending section 97.09 Friendship Community Park Pond. Mr. Whaley addressed the Mayor and Commissioners and stated a request was made to review our existing fishing ordinance to allow for additional persons to utilize the pond for fishing purposes. In researching the topic, we were introduced to Mr. Tom Lang the Fisheries Supervisor, Wichita Falls District Office, Texas Parks and Wildlife Department - Inland Fisheries. Mr. Lang offered to partner with the City in order to help us expand the fishing experience for all ages. In partnering with the Texas Parks and Wildlife Department, their regulations would be in effect including a fishing license requirement for anglers over the age of 16. However they could assist us in stocking the pond and provide 12" catfish for special events a couple times a year. They have similar agreements with the City of Iowa Park and Wichita Falls which allows for a greater variety of fishing and opens up the experience to all ages.

The following addressed the Mayor and Commissioners:

Tom Lang - District Supervisor, Texas Parks and Wildlife Department, Wichita Falls

Motion was made by Commissioner Tugman, seconded by Commissioner Brewster to approve Ordinance Number 868 as presented. Motion carried unanimously.

Item 8. Mr. Whaley addressed the Mayor and Commissioners and the City staff has been working to further develop our facility assessment in order to create a facility master plan as previously discussed. The Architectural firm of Bundy, Young, Sims & Potter who performed the facility assessment has submitted a contract not to exceed \$6,000.00. Mr. Whaley stated this agreement would consist of developing a spatial program which will list all rooms and spaces with the square footage required for each space (using Facility Improvement data provided by the City). From this information, we will develop the total square footage requirement for the facility and use this for conceptual planning.

They would also design a conceptual floor plan using data from the spatial program and provide a cost estimate for the project based on information from previous data gathered.

Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to approve the agreement with Bundy, Young, Sims & Potter not to exceed \$6000. Motion carried unanimously.

Item 9. Mayor Law closed the regular meeting at 7:25 p.m. and opened the “Public Hearing” for the following Planning & Zoning Commission Cases:

- A. Case #2014-19 rezone application for 1609 and 1611 Sheppard Rd., from Single Family Residential-6 (SF-6) to Residential Open (R-2).

Mr. Whaley addressed the Mayor and Commissioners and stated this Planning and Zoning Case was on last month’s agenda and at that time the Board of Commissioners delayed taking action on it. Mr. Whaley stated he consulted with Dan Sefko of Freese and Nichols, who wrote the original Zoning Ordinance. Mr. Sefko reviewed the zoning request and reported that the recommended zoning change request be denied at this time. Mr. Sefko stated that to change the zoning on a lot by lot basis to R-2 in this area (or other areas for that matter) is contrary to the original intent of the Residential Open concept.

Item 10. Mayor Law closed the “Public Hearing” at 7:26 p.m. and reopened the regular meeting to take action on the Planning & Zoning Commission Cases:

- A. Case #2014-19 rezone application for 1609 and 1611 Sheppard Rd., from Single Family Residential-6 (SF-6) to Residential Open (R-2).

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to deny the rezone application for 1609 and 1611 Sheppard Rd., from Single Family Residential-6 (SF-6) to Residential Open (R-2), and to accept the Planning and Zoning Board’s recommendation to deny the rezone application, after receiving information from Mr. Sefko.

Ayes: Commissioners Lindenborn, Brewster, Ducos and Tugman

Nays: Mayor Law and Commissioner Love

Abstained: Commissioner Hardy

Motion passed.

Item 11. Mr. Whaley addressed the Mayor and Commissioners and stated by adopting Ordinance Number 708, the City created a Board of Directors for the Tax Increment Financing Zone. The ordinance requires five (5) members, at least four (4) of which shall be appointed by the Board of Commissioners, one (1) by the Wichita County Commission. Previous County Commissioner Bill Presson served on the TIF Board but has recently been replaced by the Wichita County Commission by current Commissioner Lee Harvey. Also, TIF Board member Brennan Moore’s term has expired as of December 31st. Mr. Moore is no longer a resident of Burkburnett. City Staff has received

an application from Darren Baber who has expressed an interest and desire to serve on the Board.

Motion was made Commissioner Lindenborn, seconded by Commissioner Love to approve the appointment of Darren Baber to the TIF Board. Motion carried unanimously.

Item 12. Resolution Number 571 was presented in its entirety. A resolution establishing the fees for the Burkburnett Family Aquatic Center. Mike Whaley, addressed the Mayor and Commissioners and reported Resolution Number 571 establishes the fees for the Burkburnett Family Aquatic Center.

Motion was made by Commissioner Brewster, seconded by Commissioner Tugman to approve Resolution Number 571 as presented. Motion carried unanimously.

Item 13. Resolution Number 572 was presented in its entirety. A resolution establishing fees for the Burkburnett Memorial Cemetery. Mr. Whaley addressed the Mayor and Commissioners and stated some Cemetery fees have been established by motion others by resolution. City Staff is presenting this resolution to establish an additional fee regarding the permitting of military name plates to be placed on the monuments erected at the Burkburnett Memorial Cemetery Pavilion which is \$200.00 and to bring the remaining cemetery fee structure under one resolution.

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to approve Resolution Number 572 as presented. Motion carried unanimously.

Item 14. Resolution Number 574 was presented in its entirety. A resolution authorizing the submission of a Texas Community Development Block Grant Program Application to the Department of Agriculture. Mr. Whaley addressed the Mayor and Commissioners and stated this resolution is a requirement of the Development Block Grant Program sponsored by the Texas Department of Agriculture. The City of Burkburnett has participated in this grant program in the past and has successfully completed various projects which allowed the City to improve our firefighting capabilities and overall water quality within our water distribution system. The grant fund cap is \$275,000 with the City matching fund required at \$55,000. Mr. Whaley stated approving this resolution allows the City to apply in the next round of application submittals.

Motion was made by Commissioner Tugman, seconded by Commissioner Ducos to approve Resolution Number 574 as presented. Motion carried unanimously.

Item 15. Review of monthly reports.

- A. Administration-Trish Holley, Director of Administration, provided a report from the Texas Comptroller's website that provides historical data back to 1992 in addition to the standard Sales Tax report that is normally provided.
- B. Public Works-Nothing reported.

C. Public Safety/Fire Department-Nothing reported.

D. Economic Development- Deana Sheriff, Economic Development Director, reported she continues to work current prospects and she is also working with local land owners to compile information on land that is for sale. Ms. Sheriff stated that the Neighborhood Reinvestment Grant Program is still going strong. Fast Trucking and Mike Graham Heating and Air Conditioning were recently approved for grants.

Item 12. No Commissioner comments.

Item 13. City Manager's report.

Mr. Whaley reported the Chamber of Commerce banquet is January 24. Doors open at 6pm.

Item 14. Commission comments.

Item 15. Motion was made by Commissioner Tugman, seconded by Commissioner Hardy 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 26, 2015 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
Frank Ducos	Commissioner
Marguerite Love	Commissioner
Michael Tugman	Commissioner

Commissioner Hardy was not present.

Others present: Mike Whaley, City Manager; Trish Holley, Director of Administration; Janelle Dolan, City Clerk; Ed Stahr, Police Chief; and Deana Sheriff, Economic Development Director.

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. Resolution Number 575 was presented in its entirety. A resolution of support for JES Development for River Terrace affordable housing. Mike Whaley, City Manager, addressed the Mayor and Commissioners and reported this is a resolution confirming the support of the Board of Commissioners for JES Development Company who has applied to the Texas Department of Housing and Community Affairs (TDHCA) for 2015 Housing Tax Credits to build a 58-65 unit affordable rental housing project, to be known as "River Terrace".

Motion was made by Commissioner Brewster, seconded by Commissioner Lindenborn to approve Resolution Number 575 as presented. Motion carried unanimously.

Item 5. Mr. Whaley addressed the Mayor and Commissioners and reported City Staff has been working with Councilman-Hunsaker to set a proposal for Pre-Opening Services and Assessment Services. The specific pre-opening services include the following:

Organizational Development and Staff Recruitment Support; Operational Development Support; Aquatic Operating Templates; Facilities Training; and Grand Opening Support.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Ducos to accept the services proposal from Counsilman-Hunsaker for \$55,000. Motion carried unanimously.

Item 6. Rick Sims, Bundy, Young, Sims & Potter, Inc., made a presentation to the Mayor and Commissioners on the Oil Derrick Entry Signs on I-44 which included pictures of potential locations for the entry signs. No action taken.

Item 7. Rick Sims, Bundy, Young, Sims & Potter, Inc., addressed the Mayor and Commissioners regarding the Facility Master Plan for the Police Department. Mr. Sims used this time to gather information from City Staff and the Board of Commissioners and will compile the information. At the next meeting a review will be completed.

Item 8. No City Manager comments.

Item 9. No Commissioner Comments.

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

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk



City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: February 16th, 2015

Item: Item 5. FY 2014 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, 2014 for review. You have received a copy of that report for evaluation. Mr. Charles Salter and 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 2014 Audit



City Commission Agenda Memo

From: Rodney Mathews
Code Enforcement Officer

Date: February 16, 2015

Item: Public Hearing: Demo 109 S Avenue B (Dangerous Building)

Background

Code Enforcement investigated a complaint at LOT 7 BLK 1 PARSONS, also known as 109 S Avenue B. Photo documents and structure reports were obtained. The buildings were found to be in violation of Code of Ordinances Chapter 150.35 Unsafe/Dangerous Building. Code Enforcement performed property research indicating owners of said property to be Michael Ebner and Fernando Rangel. Notification was hand delivered to Michael Ebner and delivered by certified mail on 01/15/2015 to Fernando Rangel. There were no appeals from either party in regards to said property. Staff is requesting funds be allowed for the purpose of demolishing said structures and clean up of said property. Once accomplished, staff will assess value of project as a lien on property, plus \$100.00 administration fee, per ordinance.

Fiscal Impact

Estimated cost = \$5,500.00

Options

Approve demo
Take no action

Staff Recommendation

N/A

Attachments

Photos of structure
Appraisal sheet
Aerial view
Copy of notice



City Commission Agenda Memo

From: Rodney Mathews
Code Enforcement Officer

Date: February 16, 2015

Item: Public Hearing: Demo 216 E 3rd St (Dangerous Building)

Background

Code Enforcement investigated a complaint at LOT 5 BLK 26 ORIGINAL TOWN, BB, also known as 216 E. 3rd St. Photo documents and structure report was obtained. The building was found to be in violation of Code of Ordinances Chapter 150.35 Unsafe/Dangerous Building. Code Enforcement performed property research indicating owner of said property to be Robert Gossett. Notification was delivered by certified mail on 01-16-2015. Staff is requesting funds be allowed for the purpose of demolishing said structure and clean up of said property. Once accomplished, staff will assess value of project as a lien on property, plus \$100.00 administration fee, per ordinance.

Fiscal Impact

Estimated cost = \$8,200.00

Options

Approve demo
Take no action

Staff Recommendation

N/A

Attachments

Photos of structure(s)
Appraisal sheet
Aerial view
Copy of notice



City Commission Agenda Memo

From: Rodney Mathews
Code Enforcement Officer

Date: February 16, 2015

Item: Public Hearing: Demo 103 W. College (Dangerous Building)

Background

Code Enforcement investigated a complaint at 17&18 Blk 7 Wighams, also known as 103 W College. Photo documents and structure reports were obtained. The buildings were found to be in violation of Code of Ordinances Chapter 150.35 Unsafe/Dangerous Building. Code Enforcement performed property research indicating owners of said property to be Kenneth Cox, Janis Elliott and Brenda Newell. Notifications were hand delivered to each of the three owners by Code Enforcement. There were no appeals from any of the owners in regard to said property. Staff is requesting funds be allowed for the purpose of demolishing said structures and clean up of said property. Once accomplished, staff will assess value of project as a lien on property, plus \$100.00 administration fee, per ordinance.

Fiscal Impact

Estimated cost = \$6,900.00

Options

Approve demo
Take no action

Staff Recommendation

N/A

Attachments

Photos of structure
Appraisal sheet
Aerial view
Copy of notice



City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: February 16th, 2014

Item: Item 8. Demolition and cleanup of 216 E. 3rd St., 109 S Ave B, and 103 W. College

Background

As previously discussed in the public hearing, Staff is requesting direction from the Board of Commissioners for the demolition and clean-up of 216 E. 3rd St., 109 S Ave B, and 103 W. College as presented. I would recommend accounting for the additional expense in the planning budget where there is a line item account established for demolition of dilapidated structures. City staff will review the budget as we enter the last fiscal quarter and determine if any unspent funds were available to cover the costs in whole or part. At that time, if necessary, we would do a budget amendment to offset the difference if needed.

Fiscal Impact

\$21,000

Options

Motion to direct staff to demolition and clean properties as presented

Staff Recommendation

Staff recommends moving forward with the projects as presented.

Attachments

N/A



City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: February 16th, 2015

Item: Resolution Number 576 Citizen Participation Plan CDBG

Background

Resolution Number 576 is a part of the CDBG program which specifies an emphasis on citizen participation. The City of Burkburnett, Texas will follow the procedures set forth in this Citizen Participation Plan. These procedures are designed to provide adequate opportunities for all citizens to participate in the planning, design, implementation and assessment of Texas Community Development Program (TXCDBG) Block Grant. This Citizens Participation Plan outlines the formal procedures to disseminate information about public meeting and hearings to citizens thus enabling their participation, as well as identifying how and where citizens may otherwise comment on these programs.

Fiscal Impact

\$55,000.00 (grant match) \$275,000.00 grant cap

Options

Approve Resolution Number 576 to qualify for upcoming CDBG

Staff Recommendation

Staff recommends approving Resolution Number 576

Attachments

Resolution Number 576

RESOLUTION NUMBER 576

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS PROVIDING FOR TEXAS COMMUNITY DEVELOPMENT GRANT CITIZEN PARTICIPATION PLAN; DETERMING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Board of Commissioners of the City of Burkburnett, Texas will follow the procedures set forth in this Citizen Participation Plan. These procedures are designed to provide adequate opportunities for all citizens to participate in the planning, design, implementation and assessment of Texas Community Development Program (TXCDBG) Block Grant. This Citizens Participation Plan outlines the formal procedures to disseminate information about public meeting and hearings to citizens thus enabling their participation, as well as identifying how and where citizens may otherwise comment on these programs.

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

SECTION 1. The Board of Commissioners of the City of Burkburnett hereby adopts the Texas Community Development Program-Citizen Participation Plan attached hereto as Exhibit "A" as required by the regulations of the United States Department of Housing and Urban Development.

SECTION 2. The Texas Community Development Program-Citizen Participation Plan described in Exhibit "A" attached hereto, may be amended, to conform to state law or to update procedures.

SECTION 3. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required by law and shall be in full force immediately upon passage.

PASSED AND APPROVED by the Board of Commissioners of the City of Burkburnett, Texas on this 16th day February 2015.

Carl Law, Mayor

Janelle Dolan, City Clerk

Exhibit "A"

TEXAS COMMUNITY DEVELOPMENT PROGRAM

CITIZEN PARTICIPATION PLAN

INTRODUCTION

The City of Burkburnett, Texas will follow the procedures set forth in this Citizen Participation Plan. These procedures are designed to provide adequate opportunities for all citizens to participate in the planning, design, implementation and assessment of Texas Community Development Program (TXCDBG) Block Grant. This Citizens Participation Plan outlines the formal procedures to disseminate information about public meeting and hearings to citizens thus enabling their participation, as well as identifying how and where citizens may otherwise comment on these programs.

This Citizen Participation Plan assures procedures that adequately accomplish the following six objectives:

1. To provide for and encourage citizen participation, with particular emphasis on participation by persons of low-to-moderate income;
2. To provide citizens with reasonable and timely access to local meetings, information, and records relating to the grantee's proposed use of funds, as required by the regulations of the United States Department of Housing and Urban Development, and relating to the actual use of funds under the Housing and Community Development Act of 1974;
3. To provide for technical assistance to individuals and groups representative of low-to-moderate income citizens that request such assistance in the development of proposals relating to the use of Texas Community Development Program Block Grants;
4. To provide for public hearings to obtain citizens views and to respond to proposals at all stages of the Texas Community Development Program, including, at least, the uncovering of community needs, the development of proposed activities, and the review of program performance. These hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodations for the handicapped;
5. To provide for timely written responses to written complaints and grievances within fifteen (15) working days where practicable; and

6. To identify how the needs of non-English speaking citizens will be met in the case of public hearings where a significant number of non-English speaking citizens can be reasonably expected to participate.

ENCOURAGING CITIZEN PARTICIPATION

The City shall use several methods to encourage citizen's participation. These methods include:

1. Public announcements,
2. Outreach efforts to special interest groups, and
3. Formal public hearings.

Public Announcements

Public announcements shall be used at various times during the application for the implementation and the closure of Texas Community Development Program (TXCDBG) Grant Contracts. These times include:

1. Prior to the development and submission of a Texas Community Development Program application as required by application guidelines;
2. As part of the process for Requests for Proposals for Engineering Services and Requests for Construction Bids;
3. Prior to any substantial changes to the awarded contract, and
4. After completion of any Texas Community Development Program Contract and prior to the submittal of closeout documents.

The public announcements shall consist of notices published in the local newspaper; notices posted in various public places, and may include public service announcements carried by radio and television media.

Technical Assistance

Upon request, the City will provide any citizen or special interest group with technical assistance in the form of advice and knowledge relevant to Texas Community Development Programs. When the need is shown, the City may also provide individual consultation, workshops, training, and documents to any citizen organization or groups of residents of slum or blighted areas or of low-to-moderate income.

Outreach Efforts to Special Interest Groups

Public notices shall be mailed to local interest groups including minorities, the elderly, the handicapped, business organizations and civic groups as part of a special outreach effort; the City shall personally notify special interest groups in advance of meetings or hearings concerning Texas Community Development Program activities.

Assistance to Non-English Speaking Persons

The City will attempt to meet the needs of non-English speaking citizens who are residents of eligible Texas Community Development Programs areas or who may be affected by TXCDBG activities. When the City knows that a significant number of non-English speaking citizens require bilingual assistance in matters relating to TXCDBG activities, the city will attempt to provide that assistance. Specifically, assistance may be provided whenever a significant need is identified in the following ways.

1. When needed the City will attempt to have a bilingual translator present at hearings and other public meetings.
2. When needed, the City will attempt to have notices and other TXCDBG-related documents translated into other relevant languages. The City may also elect to publish all TXCDBG-related notices in a bilingual format.

Public Hearings

As part of this Citizen Participation Plan, the City will hold several public hearings which serve as an opportunity to provide information; answer citizen's questions; and receive proposals, suggestions, and other comments regarding the City's Texas Community Development Program (TXCDBG) activities. Each hearing shall be open to all comments regarding TXCDBG activities but shall have a primary purpose as described below.

Hearing on Needs

Prior to the preparation of an Application for a Texas Community Development Program, at least one hearing shall be held by the City at which citizens are asked to suggest and identify community needs, which should be addressed by the TXCDBG, and propose programs and projects to be included in the application.

The public hearing shall include an introductory presentation to provide summary information about the nature and purpose of Texas Community Development Program, the types of eligible activities, and the amount of funds expected to be available for upcoming applications.

Hearing on Substantial Changes

Prior to submission of any substantial changes in the executed contract, at least one hearing shall be held by the City at which citizens are given the opportunity to comment on contract amendments or modifications.

Hearing on Project Completion

Upon completion of the project, but prior to the submittal of closeouts documents, at least one hearing shall be held by the City at which citizens are asked to comment upon all aspects of the completed project.

Location and Time of Hearings

The first hearing shall be held after normal work hours (5:00 P.M.) or on Saturday, to allow working persons to attend and comment. All hearings shall be held at a convenient location accessible to handicapped citizens.

Notices for Public Hearings

Notices for public hearings shall include the time and location of the hearing and information regarding the purpose of the hearing. Notices shall be published in a local newspaper at least 72 hours prior to the starting time of the hearing. Additionally, notices for public hearings shall also be posted at City Hall and at other locations the City deems appropriate. Posting of these notices shall occur at least 72 hours prior to the starting time of the hearing.

ACCESS TO RECORDS

Records regarding the Texas Community Development Program shall be kept at City Hall. Requests to review any records of the Texas Community Development Program project may be made to the City Secretary who will make these records available by appointment during normal business hours. When the City receives a request to see TXCDBG project records, the City Secretary will invite the applicant to view these records at a mutually satisfactory time.

COMMENTS/SUGGESTIONS

Citizen comments and suggestions regarding the Texas Community Development Program are not limited to those received in the hearing process and may be made at any time. Comments about present TXCDBG Projects and suggestions for future TXCDBG Projects may be submitted in writing at any time to the Mayor. The Mayor shall receive the comments or suggestions and present them at a regularly scheduled City Council meeting.

GRIEVANCE & COMPLAINT PROCEDURES

The City Council passed and approved the Grievance/Complaint Procedures on April 21, 2014, and will be attached to this document.

As officers and representative of the City of Burkburnett, we the undersigned have read and fully agree to this plan, and become a part to the full implementation of this program.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BURKBURNETT, TX ON
THIS THE 16th, DAY OF FEBRUARY, 2015.

CARL LAW
MAYOR OF BURKBURNETT

JANELLE DOLAN
CITY CLERK

RESOLUTION NUMBER 560

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS PROVIDING FOR TEXAS COMMUNITY DEVELOPMENT GRANT GRIEVANCE/COMPLAINT PROCEDURES.

WHEREAS, the City of Burkburnett desires to use the following system for reviewing grievance or complaints associated with the Texas Community Development Block Grant (TxCDBG); and

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

Section 1. A citizen, who has a grievance/complaint regarding the City's participation in a TxCDBG application and/or grant activity, may submit his/her views in writing to the Mayor at Burkburnett City Hall during regular business hours.

**City of Burkburnett
501 Sheppard Rd.
Burkburnett, TX 76354
940-569-2263
Monday-Friday 8:00am – 5:00 pm**

Section 2. The City will respond in writing to the grievance/complaint within fifteen (15) working days of the date in which the grievance/complaint was received.

Section 3. If the City is unable to resolve the issues stated in the grievance/complaint to the satisfaction of both parties, the City will refer the grievance/complaint to the following agency:

**TEXAS DEPARTMENT OF AGRICULTURE
OFFICE OF RURAL AFFAIRS
PROGRAM COMPLIANCE DIVISION
P.O. BOX 12847
AUSTIN, TEXAS 78711
512-463-7476 OR 800-835-5832
888-216-9867 FAX**

As officers and representative of the City of Burkburnett, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

PASSED AND APPROVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT on this 21th day of April, 2014.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk



City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: February 16th, 2015

Item: Item 10. Ordinance Number 870 Amending Fiscal 2015 Budget of the BDC

Background

The BDC is requesting the FY15 BDC Budget to include the funds that had been allocated – but unspent – in FY14 for Neighborhood Reinvestment Grant Program. The FY15 BDC budget was adopted with the current-year allocated funds (**\$75,000**). There were unexpended funds from FY14 that were previously allocated, but were not carried forward to FY15 (**\$96,420**). The ordinance is proposing to carry the balance of \$96,420.00 forward which would bring the FY15 budget fund total to **\$171,420**. The BDC board reviewed the proposed ordinance and unanimously approved the ordinance.

Fiscal Impact

Increase of NRG funds from **\$75,000.00** to **\$171,420.00**

Options

Approve amendment

Approve amendment with changes (adjustment to amount of unspent funds carried over)

Deny amendment

Staff Recommendation

Due to the overwhelming success of the Neighborhood Reinvestment Grant Program, it would be staff's recommendation to approve Ordinance Number 870 Amending Fiscal 2015 Budget of the BDC as presented.

Attachments

Ordinance Number 870

ORDINANCE NUMBER 870

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING THE FISCAL YEAR 2015 BURKBURNETT DEVELOPMENT CORPORATION BUDGET TO REFLECT THE ADJUSTMENT OF EXPENDITURES FOR THE NEIGHBORHOOD REINVESTMENT GRANT PROGRAM; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, throughout the course of the fiscal year 2015 events occur that require adjustments be made to the Neighborhood Reinvestment Grant program; and

WHEREAS, allocated fiscal year 2014 funds for the Neighborhood Reinvestment Grant were not fully expended; and

WHEREAS, these adjustments allow the program to continue to function normally and thereby ensure adequate documentation of the program is provided to the citizens and taxpayers of Burkburnett; and

WHEREAS, to provide a accurate record of Burkburnett Development Corporation revenues versus expenses, the Neighborhood Reinvestment Budget be amended to record these adjustments; and

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

SECTION 1.

The following line items of the Burkburnett Development Corporation Fiscal Year 2015 Neighborhood Reinvestment Grant Program Budget be amended as follows:

	<u>Acct #</u>	<u>Account Name</u>	<u>Amount</u>
<u>Expenses</u>			
Increase	50-400-4710	Façade Improvement	\$96,420
<u>Revenue</u>			
Increase	50-300-3536	Advance from Reserves	\$96,420

SECTION 2. In the event any one or more of the provisions of this Ordinance should be declared to be invalid, unenforceable or illegal; such invalidity, unenforceability or illegality shall not affect the validity, enforcement or legality of the remaining portions of this Ordinance.

SECTION 3. It is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and notice of time, place and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this 16th day of February 2015.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk



City Commission Agenda Memo

From: Janelle Dolan, City Clerk

Date: February 16, 2015

Item: Ordinance Number 871. An ordinance ordering a charter amendment election on May 9, 2015.

Background

A Charter Review Committee was formed by the Board of Commissioners in December 2012. The Committee met from January 2013-July 2013. After a thorough review of the City's Charter, the Committee made their recommendations to the Board of Commissioners. Motion was on August 6, 2014 that the Charter Election Amendments be placed on the May 2015 Ballot. The vote was 6-1 in favor of the motion. Ordinance Number 871 calls for the Special Election for the proposed amendments to the existing charter of Burkburnett.

Fiscal Impact

\$4,000 was budgeted for FY 2013-2014 election expenses, \$2,143.00 was actually spent. \$5,000.00 has been budgeted for FY 2014-2015 election expenses.

Options

- Approve Ordinance Number 871
- Not approve Ordinance Number 871

Staff Recommendation

Approve Ordinance Number 871

Attachments

Ordinance Number 871

ORDINANCE NUMBER 871

AN ORDINANCE ORDERING AND PROVIDING NOTICE OF A SPECIAL HOME-RULE ELECTION IN THE CITY OF BURKBURNETT, TEXAS, TO BE HELD ON MAY 9, 2015 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS, FOR ADOPTION OR REJECTION, PROPOSED AMENDMENTS TO THE EXISTING CHARTER OF THE CITY OF BURKBURNETT, TEXAS, AS AMENDED; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Burkburnett, Texas, in the exercise of the discretion reposed in it by the Constitution and laws of this State, and in accordance with the provisions of Chapter 9 of the Texas Local Government Code, has determined to submit the following proposed amendments of the existing Charter of the City of Burkburnett at a special election to be held concurrently with the general election to be held May 9, 2015;

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

**Section 1
ELECTION ORDER AND NOTICE OF ELECTION**

There is hereby ordered a Special Election to be participated in by the qualified voters of the City of Burkburnett, Texas, to be held on the 2nd Saturday in May, being the 9th day of May, 2015, between the hours of 7:00 a.m. and 7:00 p.m., for the purpose of submitting to the qualified voters of the City, for adoption or rejection, the following proposed amendments to the existing Charter of the City of Burkburnett, Texas.

**Section 2
PROPOSED AMENDMENTS**

I.

Amending Article III, Section 4 of the City Charter to correct a typographical error changing the word “choses” to “choices” so that the language shall read as follows:

“All real estate owned in fee simple title, or held by lease, sufferance, easement or otherwise; all public buildings, fire stations, parks, streets and alleys, and all property, whether real or personal, of whatever kind, character or description now owned or controlled by the City of Burkburnett, shall vest in, inure to, remain and be the property of said City of Burkburnett under this Charter; and all causes of action, choices in action, rights or privileges of every kind and character and all property of whatsoever character or description which may have been held, and is now held, controlled or used by said City of Burkburnett for public uses or in trust

for the public, shall vest in and remain and inure to the City of Burkburnett under this Charter, and all suits and pending actions to which the City of Burkburnett heretofore was or now is a party, plaintiff or defendant, shall in no wise be affected or terminated by the adoption of this Charter, but shall be continued unabated.

II.

Amending Article III, Section 10 of the City Charter clarifying the eminent domain authority for the City by authorizing the use of eminent domain authority as provided by the Constitution and laws of the State. The current language lists multiple areas of eminent domain authority. The new language will authorize the City to use the eminent domain authority provided by the Constitution and laws of the state of Texas so that the language will read as follows:

“The City shall have the full power and right to exercise the power of eminent domain where necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the Constitution and laws of the State of Texas. The City may exercise the power of eminent domain in any manner authorized or permitted by the Constitution and laws of the State. The power of eminent domain hereby conferred shall include the right of the City to take the fee in land so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this Charter.”

III.

Amending Article III, Section 18 of the City Charter to correct a typographical error changing the word “damand” to “demand” so that the language shall read as follows:

“The City of Burkburnett shall have the power to buy, own, construct and to maintain and operate, within or without the city limits, a system or systems, of gas, or electric lighting plants, power plants, telephones, street railways, fertilizing plants, abattoirs, municipal railway terminals, loading and unloading devices, and shipping facilities, or any other public services or public utilities and to demand and receive compensation for services furnished for private purposes or otherwise, and to exercise the right to eminent domain for the appropriations of lands, rights-of-way or anything whatsoever that may be proper and necessary to efficiently carry out said objects. And said City of Burkburnett shall have the power to acquire by lease, purchase or condemnation, the property or any part thereof of any person, firm or corporation now or hereafter conducting any such business, for the purpose of operating such public utility or utilities and for the purpose of distributing such service throughout the city or any part thereof, and the governing body of said city shall pass all ordinances or resolutions necessary or proper to give full force and effect to the provisions contained in this section.”

IV.

Repealing Article III, Section 30 of the City Charter designating the fire limits within the City.

V.

Repealing Article III, Section 31 of the City Charter designating the materials that must be used for construction within the fire limits.

VI.

Repealing Article III, Section 32 of the City Charter authorizing the Board of Commissioners to extend the boundary of the fire limits.

VII.

Amending Article III, Section 34 of the City Charter by removing the requirement for fire escapes for all public buildings. The language will read as follows:

“In addition to the powers hereinbefore specifically enumerated, said city shall have the power to define all nuisances, prohibit the same within the city and outside the city limits for a distance of five thousand feet.

To police all parks, grounds, speed ways, streets, avenues and alleys owned by said city within or without the city limits.

To prohibit the pollution of all sources of water supply of said city, and to provide for the protection of water sheds.

To inspect dairies, slaughter pens, and slaughter houses, inside and outside the city limits of the city, from which meat or milk is furnished to the inhabitants of the city.

To license, operate and control the operation of all character of vehicles using public streets, and to prescribe the speed of the same, the qualifications of the operator of the same, and the lighting of the same by night and to provide for the giving of bond or other security for the operation of same.

To regulate, license and fix charges of fares made by any person owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire or transportation of freight for hire on the public streets and alleys of the city.

To license any lawful business, occupation or calling that is susceptible to the control of the police power.

To license, regulate, control or prohibit the erection of signs or bill boards within the corporate limits of said city.

To provide for Police and Fire Departments.

To provide for a Health Department and to establish all necessary rules and regulations protecting the health of the city and the establishment of quarantine stations and pest houses, emergency hospitals and hospitals, and to provide for the adoption of necessary quarantine laws to protect the inhabitants against contagious or infectious diseases.

To require property owners to make connections with the sewer system with their premises and to provide for fixing a lien against any property owner's premises, who fails or refuses to make sanitary sewer connections and to charge the cost against said owner and make it a personal liability, also provide for fixing penalties for failure to make sanitary sewer connections, provided the sewer system is owned and operated by the city.

To provide that gas companies, street car companies, telephone companies, telegraph companies and electric light companies or any other companies or individuals enjoying a franchise now or hereafter from the city to make and furnish extension of their service to such territory within the corporate limits as may be prescribed from time to time by ordinance.

To provide for the regulation and control of plumbers and plumbing works and to require efficiency in the same.

To provide for the inspection of weights, measures and meters and fix a standard of such weights, measures and meters, and to require conformity to such standards, and to provide penalties for failure to use or conform to the same, and to provide for inspection fees.

To provide for the issuance of permits for erecting all buildings; for the inspection of the construction of buildings, in respect to proper wiring for electric lights and other electric appliances; piping for gas, flues, chimneys, plumbing and sewer connections, and to enforce proper regulations in regard thereto.

To provide for the enforcement of all ordinances enacted by the city, by a fine not to exceed the amount allowed by state law; provided, that no ordinances enacted by the city shall prescribe a greater or less penalty than is prescribed for a like offense by the laws of this State.”

VIII.

Amending Article III, Section 36 of the City Charter to reference Chapter 9 of the Texas Local Government Code as the statute that enumerates Home-Rule authority so that the language will read as follows:

“The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the City of Burkburnett shall have and may exercise all other powers which, under the Constitution and laws of this State, it would be competent for this Charter to specifically enumerate.”

IX.

Amending Article IV, Section 18(B) of the City Charter to change the time of filing and posting notice of the referenced measures to seventy-two (72) hours to be consistent with the time set forth in the Texas Open Meetings Act for notice of meetings. The language will read as follows:

“(B) Seventy-two (72) hours prior to the meeting at which a measure will be considered, a draft of the measure shall be filed with the City Clerk, and notice of

that filing shall be posted at City Hall. The notice shall consist of the caption of the measure.”

X.

Amending Article IV, Section 23 of the City Charter to allow for an ordinance amending the Code of Ordinances or a city ordinance to include only the language that is being amended. Since the City has codified many of its ordinances in the Code of Ordinances, there is no need for each ordinance that amends the Code of Ordinances to contain the entire language of the previous ordinances adopting that chapter or section. The revised language allows the ordinance to contain the entire language but does not make it mandatory. The language will read as follows:

“The Code of Ordinances and ordinances of the city may be amended by ordinance. The ordinance amending the Code of Ordinances or an ordinance may contain only the portion of the Code of Ordinances or ordinance that is being amended.”

XI.

Amending Article IV, Section 33 of the City Charter to cause that the audit of the City books of accounts of each and every department, although continuous, shall be completed annually or in accordance with state law and deleting the requirement that the auditor not be a resident of the City. The language will read as follows:

“The Board of Commissioners shall cause a continuous audit to be made of the books of accounts of each and every department of the city. Such audit shall be made by a certified public accountant, who shall be selected by said Board and contract entered into from year to year, and, if practicable, such contract shall provide that the books of the city shall be audited annually or in accordance with state law, the audit to be made at the close of the fiscal year and such auditor’s report to the Board, in a condensed form, shall be published at least once in the official paper of the city.”

XII.

Amending Article IVa, Section 1 of the City Charter to correct a typographical error changing the word “fall” to “fill” so that the language shall read as follows:

“Any member of the Board of Commissioners, whether elected to office by the qualified electors of the city or elected by said Board to fill a vacancy, shall be subject to recall and removal from office by the qualified electors of the city as in this Charter provided.”

XIII.

Amending Article IVa, Section 5 of the City Charter to allow for a period of twenty (20) days for the City Clerk to certify a recall petition and set procedures for recall petitions that do not meet the requirements for a recall petition. The language will read as follows:

“Within twenty (20) days after the date of the filing of the papers constituting the recall petition, the City Clerk shall certify to the Board of Commissioners the number of qualified voters within the City of Burkburnett, shall further certify the number of qualified voters signing said petition, and shall present such petition and their certificate thereto to said Board. The City Clerk shall declare void any papers constituting the recall petition which does not meet the requirements of Section 3 of this Article. If the papers constituting the recall petition are found by the City Clerk to be insufficient, the City Clerk shall notify the person filing the petition. The person filing the petition shall have fifteen (15) days from the date of such notice to file an amended or supplementary petition signed and filed as prescribed in the original petition. Within ten (10) days after the person files the supplemental petition, the City Clerk shall examine the amended or supplemental petition and certify its sufficiency. If the City Clerk finds the amended or supplementary petition to be insufficient, there shall be no further proceedings on the petition.

XIV.

Amending Article V, Section 2 of the City Charter to add language that the individual who is hired as City Manager and does not live within the City limits of the City of Burkburnett must move to and reside within the City limits within 90 days of employment as City Manager. The language will read as follows:

“The City Manager may or may not be a resident of the City of Burkburnett when appointed. The individual hired as City Manager will have ninety (90) days from their appointment as City Manager to move within the City limits of the City of Burkburnett and must continue to reside within the City limits of the City of Burkburnett during their term of employment as City Manager.”

XV.

Amending Article V, Section 5c of the City Charter to give the City Manager the authority to appoint and remove all other City employees”. The language will read as follows:

“(c) to appoint and remove all other City employees;”

Section 3

The official ballots to be used in this special election shall comply with the applicable provisions of the Texas Election Code, shall state each proposed amendment separately and distinctly so that the voters shall pass upon each amendment separately and apart from another so that each voter may vote “For” or “Against” any amendment or amendments without voting “For” or “Against” all such amendments, and shall have written or printed thereon the following:

CHARTER AMENDMENTS

I.

- FOR
- AGAINST

Shall Article III, Section 4 of the City Charter be amended to correct a typographical error changing the word “choses” to “choices”?

II.

- FOR
- AGAINST

Shall Article III, Section 10 of the City Charter be amended to clarify the authorization that the City has to exercise eminent domain authority as provided by the Constitution and laws of the State?

III.

- FOR
- AGAINST

Shall Article III, Section 18 of the City Charter be amended to correct a typographical error changing the word “damand” to “demand”?

IV.

- FOR
- AGAINST

Shall Article III, Section 30 of the City Charter regarding the setting of fire limits within the City be repealed?

V.

- FOR

AGAINST

Shall Article III, Section 31 of the City Charter regarding the requirement to use certain materials for construction within the fire limits be repealed?

VI.

FOR

AGAINST

Shall Article III, Section 32 of the City Charter allowing the Board of Commissioners to extend the boundary of the fire limits be repealed?

VII.

FOR

AGAINST

Shall Article III, Section 34 of the City Charter be amended to remove the language which requires the construction of fire escapes on all public buildings and to allow for an increase in fines as allowed by state law?

VIII.

FOR

AGAINST

Shall Article III, Section 36 of the City Charter be amended to reference Chapter 9 of the Local Government Code as the appropriate statute for the enumeration of Home-Rule municipal authority?

IX.

FOR

AGAINST

Shall Article IV, Section 18(b) of the City Charter be amended to change the time of filling and posting notice of certain measures to seventy-two (72) hours to be consistent with the time set forth in the Texas Open Meetings Act for notice of meetings?

X.

- FOR
- AGAINST

Shall Article IV, Section 23 of the City Charter be amended to allow for an ordinance amending the Code of Ordinances or a city ordinance to include only the language that is being amended or added?

XI.

- FOR
- AGAINST

Shall Article IV, Section 33 of the City Charter be amended to cause that the audit of the City books of accounts of each and every department shall be completed annually or in accordance with state law and allow the audit to be completed by a resident of the City?

XII.

- FOR
- AGAINST

Shall Article IVa, Section 1 of the City Charter be amended to correct a typographical error changing the word “fall” to “fill”?

XIII.

- FOR
- AGAINST

Shall Article IVa, Section 5 of the City Charter be amended to set a period of twenty (20) days for the City Clerk to certify a recall petition; to authorize the City Clerk to determine whether a recall petition is void, to set a period of fifteen (15) days for the person filing a recall petition to amend or supplement the petition to make it valid in the event a petition is

declared void and set a period of ten (10) days for the City Clerk to review an amended or supplemental documentation for certification?

XIV.

- FOR
- AGAINST

Shall Article V, Section 2 of the City Charter be amended to require that the individual who is hired as City Manager and does not live within the City limits of the City of Burkburnett must move within the City limits within 90 days of employment as City Manager and reside in the City limits during the term of employment as City Manager?

XV.

- FOR
- AGAINST

Shall Article V, Section 5c of the City Charter be amended to authorize the City Manager to appoint and remove all other City employees?

**Section 4
POLLING PLACES**

PASSED AND APPROVED this 16th day of February, 2015.

By: _____
Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk



City Commission Agenda Memo

From: Janelle Dolan, City Clerk

Date: February 16, 2015

Item: Resolution Number 577. A resolution ordering a general election to be held on May 9, 2015 to elect three (3) City Commissioners.

Background

A General Election is being called according to State Law.

Fiscal Impact

\$4,000 was budgeted for FY 2013-2014 election expenses, \$2,143.00 was actually spent. \$5,000.00 has been budgeted for FY 2014-2015 election expenses.

Options

- Approve Resolution Number 577
- Not approve Resolution Number 577

Staff Recommendation

Approve Resolution Number 577

Attachments

Resolution Number 577

RESOLUTION NUMBER 577

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 9, 2015 TO ELECT THREE 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 9, 2015 with Susan Morris as Presiding Judge and Laurie Munson 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 27, 2015 and end on May 5, 2015 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 4, 2015 and May 5, 2015 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 16th day of February 2015.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk



City Commission Agenda Memo

From: Mike Whaley, City Manager

Date: February 16, 2015

Item: Item 13. Discuss and take any action necessary on permit application for Taste of Town.

Background

The Taste of Town fundraiser is scheduled for April 25, 2015 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 August 25, 2015 in the Burkburnett Community Center

INITIATING PARTY: Burkburnett Lions Club

COMMENTARY: Request approval of beer and wine consumption at this event. "Cover Down", a professional 7 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



City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: February 16th, 2015

Item: Item 14. Zoning Board of Adjustments Alternate

Background

We currently have an open alternate position for the Zoning Board of Adjustments. Mr. Scott Dolan has expressed interest in serving on the ZBA as an alternate and has submitted an application for your review. Considering Mr. Dolan's experience as a former Commissioner of the City of Burkburnett, staff recommends appointing Mr. Dolan to the ZBA as an alternate.

Fiscal Impact

N/A

Options

Appoint Mr. Scott Dolan to the ZBA as an alternate
Make another recommendation

Staff Recommendation

Staff recommends appointing Mr. Scott Dolan to the ZBA as an alternate

Attachments

Volunteer Application

CITY OF BURKBURNETT
VOLUNTEER APPLICATION
FOR BOARDS, COMMISSIONS OR COMMITTEES

DATE: _____ (Applications retained for 12 months)

Full Name: <u>Michael Scott Dolan</u> Maiden (if applicable):																			
Address: <u>905 Texas</u>		E-mail Address:																	
Date of Birth: <u>9-1-67</u>	Social Security # (not mandatory):	Home Phone: <u>569-0244</u>																	
Spouse's Name: <u>Janelle</u>		Work Phone: <u>-2465</u>																	
# of Children: <u>3</u>	Years Residing in Burkburnett: <u>47</u>	Other Cities Lived In: _____																	
High School Name: <u>BURKBURNETT</u>		Location: _____																	
College Information:																			
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Name of College(s)</th> <th>Location</th> <th>Degree</th> <th>Date Degree Received</th> </tr> </thead> <tbody> <tr><td>1.</td><td></td><td></td><td></td></tr> <tr><td>2.</td><td></td><td></td><td></td></tr> <tr><td>3.</td><td></td><td></td><td></td></tr> </tbody> </table>				Name of College(s)	Location	Degree	Date Degree Received	1.				2.				3.			
Name of College(s)	Location	Degree	Date Degree Received																
1.																			
2.																			
3.																			
Occupation: <u>SALES</u>		Employer: <u>Perkins & Co Dist</u>																	
Employer's Address: <u>212 S. Led Kivch Ex.</u>																			
(City, State, Zip) <u>BURKBURNETT, TX 76354</u>																			
Professional Associations/Organizations: <u>BDC</u>																			
Previous & Current Community Service: (Memberships, Offices held, etc.) <u>BDC, City Council,</u>																			
Hobbies/Interests: <u>GOLFING / FISHING</u>																			
Clubs & Organizations:																			
Selection of Boards (Indicate first, second, third and fourth choices for board memberships by placing a number in space adjacent to the board's name)																			
<input type="checkbox"/> Cemetery Board	<input type="checkbox"/> Planning & Zoning	<input checked="" type="checkbox"/> Zoning Board of Adjustment																	
<input type="checkbox"/> Parks/Recreation	<input type="checkbox"/> Friends of Library	<input type="checkbox"/> Golf Committee																	
<input type="checkbox"/> HOT Committee	<input type="checkbox"/> Appraisal Review	<input type="checkbox"/> Library Board of Directors																	
<input type="checkbox"/> Burkburnett Develop. Corp.		<input type="checkbox"/> Ad Hoc Charter Committee																	
Are you registered to vote in Wichita County? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																			
Please explain why you want to serve on the boards listed above and/or your qualifications:																			

By executing this document, the applicant does hereby certify and affirm the truth and accuracy of the information contained herein. The applicant further authorizes the Board of Commissioners, or its designee, to verify any information. The applicant agrees to release and hold harmless the City from all claims incident to the verification of information contained herein.

Please return this application to: Janelle Dolan, City Clerk
City of Burkburnett
501 Sheppard Road
Burkburnett, TX 76354
Ph(940)569-2263 * Fax (940)569-4192 * jdolan@burkburnett.org

Janelle Dolan
Signature of Applicant