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AGENDA

Notice is hereby given of a meeting of the Board of Commissioners of Burkburnett to be held on **Monday, March 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- Will Hollingsworth, Minister of Students, Central Baptist Church.

Item 3. Pledge of Allegiance.

Item 4. CONSENT AGENDA:

A. Approval of Minutes from February 12, 2015 Special Called Meeting and February 16, 2015 Regular Meeting

Item 5. Discuss and take any action necessary on the appointment of Mr. Glenn Barham to serve on the Wichita-Wilbarger 9-1-1 District Board of Managers (representing the surrounding municipalities).

Item 6. Resolution Number 578. A resolution opposing Senate Bill 343 and any other legislation which would erode the authority of a home rule municipality.

Item 7. Resolution Number 579. A resolution in opposition to a revenue cap and legislative interference with local services.

Item 8. Discuss and take any action necessary on reappointments to the Park and Recreation Board.

Item 9. Discuss and take any action necessary on proposal for executive search for Burkburnett Development Corporation Executive Director.

Item 10. Discuss and take any action necessary on sponsorship/signage proposal.

Item 11. Discuss and take any action necessary on Interlocal agreement with the Texas Department of Transportation concerning the construction of Entry Signs through the Gateway Monument Program.

Item 12. Resolution Number 580. A resolution recommending approval of the proposed design of the Gateway Monument and requesting installation within the operational highway right-of-way.

Item 13. Resolution Number 581. A resolution establishing rules and regulations regarding the use of excessive force during nonviolent civil rights demonstrations.

Item 14. Review of monthly reports.

- A. Administration
- B. Public Works
 - Family Aquatic Center – Construction Update
- C. Public Safety/Fire Department
- D. Economic Development

Item 15. 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 16. City Manager’s report.

- Special Called Meeting/Workshop “Well Field Evaluation and Report/Grant Proposal”
- Personnel Updates
- Emergency Management/ SKYWARN 6 Weather Roadshow

Item 17. 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 18. 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 2:30 p.m. on March 13, 2015 in compliance with the Open Meeting Act Chapter 551.



Janelle Dolan, City Clerk

Posted 3/13/2015 @

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 February 12, 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 |
| Mike Tugman | Commissioner |

Others present: Mike Whaley, City Manager; Trish Holley, Director of Administration; Gordon Smith, Director of Public Works; Janelle Dolan, City Clerk; Ed Stahr, Police Chief; and Rick Sims, Bundy, Young, Sims, & Potter, Inc.

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. Rick Sims, Bundy, Young, Sims & Potter, Inc., addressed the Mayor and Commissioners regarding the Facility Master Plan for the Police Department. Mr. Sims stated he has visited the current Police Department and has spent some time with Chief Stahr gathering information for the Facility Master Plan for the Police Department. Mr. Sims provided a departmental breakdown and space allocation for a new facility which included a total gross square footage of 12,201 feet. It was discussed that there are some possible existing buildings in the City that could be utilized. Mr. Whaley stated he will be working with Deana Sheriff, Economic Development Director, and compile a property inventory. A subsequent meeting will be set in the future.

Item 5. No City Manager comments.

Item 6. No Commissioner comments.

Item 7. Motion was made by Commissioner Tugman, 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 regular meeting on Monday, February 16, 2015 at 7:00 p.m. in the Council Chambers of the City Hall, 501 Sheppard Road, Burkburnett, Texas. The meeting was open to the public with notice being given in compliance with the Open Meetings Act. The following Commissioners were present:

| | |
|-----------------|---------------|
| Carl Law | Mayor |
| Bill Lindenborn | Mayor Pro Tem |
| Randy Brewster | Commissioner |
| Frank Ducos | Commissioner |
| Don Hardy | Commissioner |
| Marguerite Love | Commissioner |
| Mike Tugman | Commissioner |

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

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

Item 2. Invocation was given by Boon Bowling, Minister to Students, First Baptist Church.

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

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

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

The Mayor moved up the Item 11.

Item 11. Ordinance Number 871 was presented in its entirety. 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.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Hardy to approve Ordinance Number 871 as presented. Motion carried unanimously.

Item 5. Valerie Halverson, MWH Group, presented the final FY2014 Audit.

Motion was made by Commissioner Brewster, seconded by Commissioner Lindenborn to accept FY2014 audit as presented. Motion carried unanimously.

Item 6. Mayor Law closed the regular meeting at 7:22 p.m. and opened the “Public Hearing” for the following demolition cases: 216 E. 3rd St., 109 S. Avenue B, and 103 W. College.

Rodney Mathews, Code Enforcement Officer, addressed the Board of Commissioners and stated the Code Enforcement Department investigated a complaint at LOT 5 BLK 26 ORIGINAL TOWN, BB, also known as 216 E. 3rd St. Photo documents and structure report were 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 Ken 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.

Rodney Mathews, Code Enforcement Officer, addressed the Board of Commissioners and stated the Code Enforcement Department 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.

Rodney Mathews, Code Enforcement Officer, addressed the Board of Commissioners and stated the Code Enforcement Department 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.

Item 7. Mayor Law closed the “Public Hearing” at 7:37 p.m. and reopened the regular meeting to take action on the following demolition cases: 216 E. 3rd St., 109 S. Avenue B, and 103 W. College.

Item 8. Action was taken on each individual address:

216 E. Third Street - Motion was made by Commissioner Tugman, seconded by Commissioner Brewster to give Mr. Robert Gossett two weeks to get together a plan, liability insurance and any other requirements necessary to proceed with the demolition. If Mr. Gossett meets those requirements within those two weeks he can go forward with the demolition. Motion carried unanimously.

109 S. Avenue B – Motion was made by Commissioner Tugman, seconded by Commissioner Love to approve the estimated cost of \$5,500 for the demolition of 109 S. Avenue B. Motion carried unanimously.

103 W. College – Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to approve the estimated cost of \$6,900 for the demolition of 103 W. College. Motion carried unanimously.

Item 9. Resolution Number 576 was presented in its entirety. A resolution providing for the Citizen Participation Plan associated with the Texas Community Development Program Block Grant (TXCDBG) application submittal process. Mr. Whaley addressed the Mayor and Commissioners and stated Citizen Participation Plan outlines the formal procedures that are designed to provide adequate opportunities for all citizens to participate in the planning, design, implementation and assessment of the TXCDBG.

Motion was made by Commissioner Hardy, seconded by Commissioner Brewster to approve Resolution Number 576 as presented.

Item 10. Ordinance Number 870 was presented its entirety. An ordinance amending the Fiscal Year 2015 budget of the Burkburnett Development Corporation for the Neighborhood Reimbursement Grant. Deana Sheriff, Economic Development Director, addressed the Board and stated the Burkburnett Development Corporation is requesting an amendment to 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.

Motion was made by Commissioner Brewster, seconded by Commissioner Lindenborn to approve Ordinance Number 870 as presented. Motion carried unanimously.

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

Motion was made by Commissioner Hardy, seconded by Commissioner Love to approve Resolution Number 577 as presented.

Item 13. Mr. Whaley addressed the Mayor and Commissioners and stated 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. Mr. Whaley reported the application for permit does have the incorrect date listed and will need to be corrected to April 25, 2015.

Motion was made by Commissioner Brewster, seconded by Commissioner Lindenborn to approve the permit application for the Taste of Town with the corrected date of April 25, 2015. Motion carried unanimously.

Item 14. Mr. Whaley stated there is an opening for an alternate position on the Zoning Board of Adjustments (ZBA). 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.

Motion was made by Commissioner Brewster, seconded by Commissioner Hardy to approve Scott Dolan to serve as an alternate on the Zoning Board of Adjustments. Motion carried unanimously.

Item 15. Review of monthly reports.

A. Administration-Nothing reported.

B. Public Works-Gordon Smith, Public Works Director, reported progress on the Family Aquatic Center is going well still on schedule for a completion date of April 1, 2015. Mr. Smith reported the City is working with an engineer on the new well field output.

C. Public Safety/Fire Department- Ed Stahr, Police Chief, reviewed the Racial Profiling Report and reported the Police Department was awarded a grant for \$18,000 which will be used for K-9 projects.

D. Economic Development- Deana Sheriff, Economic Development Director, reported Burk Light Truck and Auto was awarded funds for training. E L Harvey, Inc. will be hiring 10-12 new employees.

Item 12. No Commissioner comments.

Item 13. City Manager's report.

- The General and Charter Amendment Election will be on May 19, 2015. The last day to sign up to be on the ballot is February 27. Early Voting is April 27 through May 5, 2015.
- Mr. Whaley stated he will be out of the office on February 26th and 27th attending a TCMA Management Clinic.

Item 14. Commission comments.

Item 15. 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: March 16, 2015

Item: Discuss and take any action necessary on the appointment of Mr. Glenn Barham to serve on the Wichita-Wilbarger 9-1-1 District Board of Managers (representing the surrounding municipalities).

Background

Currently, Glenn Barham serves on the Wichita-Wilbarter 9-1-1 District Board of Managers and represents municipalities. There are seven members on the Board. Two of the members are appointed to represent municipalities. Mr. Barham's term expires on May 11, 2015 and has indicated he is willing to serve on the Board again.

Fiscal Impact

N/A

Options

- Recommend that Glenn Barham be reappointed to the Wichita-Wilbarger 9-1-1 District Board of Managers.
- Provide an alternate recommendation.
- Take no Action

Staff Recommendation

Staff recommends that he Board of Commissioners recommend the reappointment of Glenn Barham to the Wichita-Wilbarger 9-1-1 District Board of Directors.

Attachments

Letter from Wichita-Wilbarger 9-1-1 District.



Wichita-Wilbarger 9-1-1 District

906 Travis Street
P.O. Box 1829
Wichita Falls, Texas 76307
Phone - 940-723-8225 Fax - 940-723-5355

February 18, 2015

Michael Whaley, City Manager
City of Burkburnett
501 Sheppard Rd
Burkburnett, Texas 76354

Dear Mr. Whaley,

The term of Mr. Glenn Barham, of Wichita Falls, one of the "cities appointees" to the Wichita-Wilbarger 9-1-1 District Board of Managers, expires on May 11, 2015. Mr. Barham has expressed his interest and willingness to be re-appointed to the board. Mr. Barham has represented all of the cities within our district with honor and integrity.

I want to take a moment to explain the Board of Managers structure. The legislature which governs this 9-1-1 Board is the "Health and Safety Code, Title 9, ch. 772, subchapter d," for counties with a population over 20,000, and the legislated board makeup is as follows:

1. Two members appointed by the commissioners' court from the original county in the district. (Wichita)
2. Two members appointed jointly by all the participating municipalities in the district. (One of these positions is the subject of this letter.) These appointees represent all of the cities in the district collectively.
3. One member appointed jointly by the volunteer fire departments. This member represents all volunteer fire departments in the district.
4. One member appointed by counties, which joined the district subsequent to its inception. (Wilbarger)
5. One non-voting member appointed by the principal service supplier.

Our present board structure is as follows:

Our present board structure is as follows:

| <u>Member</u> | <u>Represents</u> |
|---------------------|-----------------------|
| Greg Lynn, Chairman | Volunteer Fire Depts. |
| Jeff Watts | Wichita County |
| Glenn Barham | Municipalities |
| Dana Ross | Municipalities |
| Kent Smead | Wilbarger County |
| Pat Norriss | Wichita County |
| Vacant | AT&T |

I request that you place the appointment of a "cities" representative to our board of managers on a future council agenda prior to May 11, 2015. Please let me know of your decision by way of a certified copy of your minutes.

Respectfully,



Gary L. Young, M.A.
Executive Director

GLY/bc



City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: March 16th, 2015

Item: Resolution Number 578. A resolution opposing Senate Bill 343 and any other legislation which would erode authority of a home rule municipality.

Background

Texas Municipal League has been in communication with communities across the state of Texas regarding some of the legislative issues facing cities this legislative session. At the Texas City Managers Association meeting in Salado, Bennett Sandlin with TML addressed the group regarding these legislative issues. One of them being Senate Bill 343. The Texas Constitution, in Article XI, Section 5, authorizes cities over 5,000 population to adopt by election a home rule charter, which charter grants the citizens of that city the power of self-government. Senate Bill 343 would require City of Burkburnett voters and local elected officials to get the Texas state legislature's permission to enact any local ordinance making our charter null and void.

Fiscal Impact

N/A

Options

- Approve Resolution Number 578
- Take no action

Staff Recommendation

Staff recommends approval of Resolution Number 578 Opposing Senate Bill 343 and sending a copy of said Resolution to our state senator. (Senator Craig Estes)

Attachments

Resolution Number 578

RESOLUTION NUMBER 578

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, OPPOSING SENATE BILL 343 AND ANY OTHER LEGISLATION WHICH WOULD ERODE THE AUTHORITY OF A HOME RULE MUNICIPALITY; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, in 1868 a federal judge named Dillon issued a ruling that cities can do only what their state government expressly authorizes them to do; and

WHEREAS, after that federal court decision, the people of Texas decided that local governance of local services and needs and, in 1912, adopted a constitutional amendment affirming Texas' commitment to local decision making; and

WHEREAS, the Texas Constitution, in Article XI, Section 5, authorizes cities over 5,000 population to adopt by election a home rule charter, which charter grants the citizens of that city the power of self-government; and

WHEREAS, the City of Burkburnett adopted its Home Rule Charter on May 8, 1923; and

WHEREAS, Senate Bill 343, filed by Senator Don Huffines during this the 84th Texas Legislative Session, would totally upend the relationship between Texas cities and state government by causing Texas to revert to the rule created in Dillon's 1868 federal court decision and would require City of Burkburnett voters and local elected officials to get the Texas state legislature's permission to enact any local ordinance.

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

Section 1. The Board of Commissioners of the City of Burkburnett strongly opposes Senate Bill 343 and any legislation that would erode the authority of a home rule municipality.

Section 2. The Board of Commissioners of the City of Burkburnett officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the Board of Commissioners is posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. The Board of Commissioners further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 3. This Resolution shall be effective upon its passage and approval.

PASSED AND APPROVED this 9th day of March, 2015.

CITY OF BURKBURNETT

By: _____
Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk



City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: March 16th, 2015

Item: Resolution Number 579. A resolution in opposition to a revenue cap and legislative interference with local services.

Background

As previously discussed, additional bills have been introduced that would have a negative impact on municipalities in Texas and their ability to provide service to their citizens. Currently, if a Texas City increases property tax collections by more than eight percent over the previous year, voters can petition for an election to roll back the increase. Bills have been introduced to replace that eight percent “rollback rate” with a hard cap of four percent and require mandatory elections on an increase over four percent. We are under the opinion that imposing a revenue cap on cities: (a) does not provide meaningful tax relief; (b) robs cities of the ability to meet local needs; and (c) diverts attention from the real cause of higher property taxes, which is the legislature’s failure to address the problem of school funding. Texas cities collect just 16 percent of the property taxes levied in Texas, and most of the property taxes paid by Texans (55 percent) go to school districts.

Fiscal Impact

N/A

Options

- Approve Resolution Number 579
- Take no action

Staff Recommendation

Staff recommends approval of Resolution Number 579 Opposing Revenue Cap and sending a copy of said Resolution to our state representative. (Representative James B. Frank)

Attachments

Resolution Number 579

RESOLUTION NUMBER 579

A RESOLUTION OF THE CITY OF BURKBURNETT, TEXAS, IN OPPOSITION TO A REVENUE CAP AND LEGISLATIVE INTERFERENCE WITH LOCAL SERVICES.

WHEREAS, bills have been introduced to cap the amount of property tax revenue cities can collect each year in a misguided effort to reduce the property tax burden on homeowners and businesses; and

WHEREAS, currently, if a Texas city increases property tax collections by more than eight percent over the previous year, voters can petition for an election to rollback the increase; and

WHEREAS, bills have been introduced to replace that eight percent “rollback rate” with a hard cap of four percent and require mandatory elections on an increase over four percent – all with the false claim that this would provide property tax relief; and

WHEREAS, according to the state comptroller’s latest survey of property tax rates in 1,002 cities in Texas, 67 percent of cities raised their property taxes by less than four percent from 2012 to 2013 and 37 percent of cities actually reduced their property taxes; and

WHEREAS, that means property owners in at least 669 Texas cities would have seen no reduction in their city property taxes if the four percent cap had been in effect; and

WHEREAS, while the savings to individual taxpayers are very small or even non-existent, a four percent cap could represent a loss in vital city services; and

WHEREAS, cities collect just 16 percent of the property taxes levied in Texas, and most of the property taxes paid by Texans (55 percent) go to school districts; and

WHEREAS, according to the comptroller’s report, the total amount of property taxes collected by cities rose by 3.61 percent between 2012 and 2013, while school district tax collections rose by more than twice that rate or 7.72 percent; and

WHEREAS, school property taxes have been rising because the legislature continues to reduce the state’s share of funding for schools, which forces districts to get more revenue from property taxes.

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

1. That all of the above recitals are true and correct;
2. That the Board of Commissioners of the City of Burkburnett, Texas, is **OPPOSED** to the legislative imposition of a revenue cap and legislative interference with local services; and

3. That imposing a revenue cap on cities: (a) does not provide meaningful tax relief; (b) robs cities of the ability to meet local needs; and (c) diverts attention from the real cause of higher property taxes, which is the legislature's failure to address the problem of school funding.

PASSED AND APPROVED this 9th day of March, 2015.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk



City Commission Agenda Memo

From: Gordon Smith, Director of Public Works
Date: March 12, 2015
Item: Re-Appointments for Parks and Recreation Board

Background

The City of Burkburnett Parks and Recreation Board consist of seven appointed members that serve 2 year terms. Four (4) members are nearing their term; Mr. Curtis Willis, Mr. Kelly Brunson, Mr. Cory Brinkley and Mr. Brian Love.

Fiscal Impact

N/A

Options

- Approve Appointment
- Not approve Appointment

Staff Recommendation

Approve Re-Appointments of Mr. Curtis Willis, Mr. Kelly Brunson, Mr. Cory Brinkley and Mr. Brian Love to the Parks and Recreation Board for an additional 2 year term limit.

Attachments

N/A



City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: March 16th, 2015

Item: Executive Search for BDC Executive Director

Background

As you know, our BDC Executive Director, Deans Sheriff, resigned effective this month on March 13th in order to return to her home in Colorado to care for her aging parents. Because of the need to fill her position, you have in your packet proposals from two executive search firms. One from Mike Barnes Group, Inc. @ \$13,000.00, the second from Johnson & Associates @ \$15,000.00. Both of these firms specialize in economic development. I have spoken with representatives for both and am confident that either would do us a good job. I have also checked references and found good reviews for both. I have presented both for your review. That being said I am making a recommendation to accept the proposal from Mike Barnes Group, Inc. I feel they have a more direct approach that would serve us in quickly placing possible candidates before the City who could fill the office of BDC Executive Director.

Fiscal Impact

\$13,000.00-\$15,000.00

Options

- Approve proposal from Mike Barnes Group, Inc. @ \$13,000.00
- Approve proposal from Johnson & Associates @ \$15,000.00
- Make alternate motion

Staff Recommendation

Staff recommends accepting proposal from Mike Barnes Group, Inc. @ \$13,000.00

Attachments

Mike Barnes Group, Inc. proposal
Johnson & Associates proposal

MIKE BARNES GROUP, INC



Economic Development Executive Search Proposal to City of Burkburnett, Texas EDC

Submitted to Michael Whaley, City Manager,
Burkburnett, Texas

Mike Barnes Group, Inc.
Economic Development

Submitted by Mike Barnes Group

The Mike Barnes Group, Inc. is an economic development consulting company that provides services to communities, companies and organizations. The firm was founded in 2005 and is located in the beautiful Texas Hill Country midway between Austin and San Antonio.



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Mike Barnes Group, Inc.
Economic Development

Submitted by Mike Barnes Group

Mike Barnes Group, Inc.
Economic Development

300 Main St., Suite 103, P.O. Box 1729 Blanco, TX 78606-1729

Michael Whaley
City Manager

Sent via email to : mwhaley@burkburnett.org

March 5, 2015

RE: Executive Search/Interim Staffing

Dear Mr. Whaley:

Thank you for the opportunity to submit our firm's proposal relative to the executive search for the Executive of the Burkburnett EDC. The Mike Barnes Group was formed in 2005 to provide economic development consulting services to communities, companies and organizations.

In the following pages, we will describe our services, background and our approach to the provision of services. Our most recent executive searches for economic development executives include the West Texas community of Lamesa and the Economic Development Corporation of Lea County, New Mexico. Both positions were filled with candidates possessing advanced degrees and more than six years' experience. In addition, MBG has provided interim and ongoing staffing for numerous economic development agencies in Texas and New Mexico.

We welcome your comments and questions. MBG is well integrated into the profession of economic development throughout Texas and the United States. Thank you for your consideration in this matter.

Sincerely,

Michael G. Barnes

Michael G. Barnes
President/CEO

Office: 830.833.5300 Mobile: 254.214.5969
<http://mikebarnesgroup.com>
mbarnes@mikebarnesgroup.com

About the Firm

About the Mike Barnes Group:

Mike Barnes Group, Inc. is a consulting firm specializing in economic development, providing consulting to companies, communities, and organizations. With over 30 years' experience in the industry, **Mike Barnes** leads the Mike Barnes Group, Inc as president and CEO.

Education & Experience:

Mike earned a Master of Public Administration and a Bachelor of Science degree from Indiana State University. He has been a licensed real estate broker in two states.

His role in government includes work as a quasi-department head and quasi-assistant city manager. Prior to forming MBG, Mike Barnes provided leadership to award-winning economic development organizations over the past 30 years, including:

- Terre Haute, IN
- High Point, NC
- Plano, TX
- Florence County, SC
- Southern IN
- Waco, TX
- Clermont County, OH.

Affiliations:

International Economic Development Council

- Current member
- Previously served on Board of Directors

Industrial Asset Management Council

- Associate Member
- Mike Barnes is a Charter Member

Texas Economic Development Council

- Current member
- Previously served on Board of Directors

Texas Municipal League

- Current Member

Sample List of Clients/Projects With References:

Southeast Texas Economic Development Foundation

The firm was retained to provide the leadership for the establishment of a regional economic development effort. **The firm has provided a Regional Economic Development Strategy** and facilitated a regional economic development website, www.setedf.org. Marketing activities were directed by the firm for approximately three years. MBG assisted with developing the branding and message of this newly formed organization. MBG has been asked to provide the CEDS for 2015.

Jim Rich, President (Directs the Southeast Texas Economic Development Foundation)

Greater Beaumont Chamber of Commerce

PO Box 3150

Beaumont, Texas 77704

(409) 838-6581

jimrich@bmtcoc.org

About the Firm (Continued)

Ann Galassi, Manager of Economic Development and Public Relations (Chairs the Southeast Texas Economic Development Foundation)

Sabine River Authority

P. O. Box 579

Orange, TX 77631

409-746-2192

409-670-6760 cell

agalassi@sratx.org

Economic Development Corporation of Lea County, NM

The MBG was retained to develop a Strategic and Marketing Plan for this organization. The firm has previously assisted this organization with their ongoing economic development effort, including marketing, website evaluation/analysis, etc. MBG provided assistance with the branding and messaging of this very successful economic development agency. ***Mike Barnes served as the Interim President/CEO 9.13-4.14 and provided leadership to the executive search for the President/CEO.***

Melinda Allen, President/CEO

EDC of Lea County

200 E. Broadway, Suite A201

P.O. Box 1376

Hobbs, NM 88241-1376

800.443.2236

melinda@edcl.org

The City of Lufkin, TX Economic Development Corporation retained MBG to develop a Market Valuation and Action Plan. The project was completed in 2011. The plan provided marketing and prospect development guidance and organizational analysis.

Jim Wehmeier

Director of Economic Development, City of Lufkin (former)

President / CEO McKinney EDC

5900 S. Lake Forrest, Suite 110, McKinney, TX 775070

972.562.5430 x1104 jimw@mckinneyedc.com

Development Authority of Rockdale County (Georgia)

The firm provided a "Critical Path" or Strategic Plan for this Metro Atlanta County. The rollout for the Final Report was January 2009.

Mike Sullivan, Chair-Development Authority of Rockdale County, GA

P.O. Box 1022

Conyers, GA 30012

770.483.6000

seat2b4mike@yahoo.com

About the Firm (Continued)

Lamesa, TX EDC/LEAP—MBG provided the **Executive Search for the new Executive Director** of this Type 4A/B Economic Development Corporation. The project was completed 2.15.

Scott Leonard, President

Lamesa EDC/LEAP
123 Main Avenue
Lamesa, TX 79331
(806) 759-5426
scott.leonard@lamesacpas.com

Orange County Economic Development Corporation Orange, TX

The firm, in partnership with an Austin company, established the Strategic Plan providing for the marketing, fund-raising, and overall guidance and direction of the economic development effort.

Bobby Fillyaw, Executive Director

Orange County Economic Development Corporation (SETEDF Member)
1201 Childers Rd.
Orange, TX 77630
409.883.7770 (ofc)
409.882.1399 (cell)
bobbyf@orangeedc.com

Balch Springs 4B Corporation Balch Springs, TX

The firm completed the Economic Development Strategy of Action including marketing, business attraction and retention/expansion. The firm provided on-site staffing for the Balch Springs 4B group with 20 hours per week in the community. The firm was retained for two years. The Balch Springs 4B hired former MBG Associate to direct its program.

Julie Greer, Balch Springs 4B Chair (former)

Former City Council Member
(214) 724-8435 (cell)
juliebgreer@yahoo.com

Hillsboro, TX

Establishment of the Marketing and Development Department, including Executive Search for its previous Executive Director, cataloguing of sites and buildings, ongoing advice/counsel on economic development matters. The firm was retained for three years. MBG was recently retained to provide a Labor Market Analysis for the EDC. MBG is currently under retainer to provide advice/counsel on economic development matters.

Art Mann, Executive Director
127 E. Franklin Street.
Hillsboro, TX 78845
(254) 582-5776
AMann@hillsborotx.org

About the Firm (Continued)

Other Clients:

Groesbeck, TX EDC

Brookshire, TX EDC

Jefferson County Commissioners Court, Beaumont, TX

Lamar Institute of Technology Foundation Board of Directors, Beaumont, TX

International Economic Development Council—BP Oil Spill Disaster Recovery Team, Escambia Co., FL

Royal Classic Properties, Austin, TX

Lacy Lakeview, TX EDC

Stafford, TX EDC

Bowling Green Regional Chamber of Commerce, Bowling Green, KY

California Workforce Solutions

Michigan Workforce Solutions

Southeast Texas Workforce Solutions, Port Arthur, TX

South Central Michigan Works

Greater Beaumont Chamber of Commerce, Beaumont, TX

Carlsbad, NM Department of Economic Development

Hobbs Bonded Fibers, Waco, TX

Llano, TX EDC

Triad Hospitals

Blanco, TX Streetscape Project

Everman, TX EDC

LHP Hospital Partners

Suggested Scope of Services

Executive Search Burkburnett EDC Executive —MBG will serve as the executive search firm to provide the Burkburnett EDC candidates for its Executive. MBG, in tandem with the Client, will **develop a** Candidate Profile/Job Description after interviewing EDC Board Members (as available/applicable) to identify their priorities in the following categories relative to the candidate:

??**Years/Type of Experience**

??**Education**

??**Characteristics/Personality**

??**Salary**

Once this candidate profile/job description is developed, MBG will recommend the applicable places for advertisement and recruitment and place those advertisements. MBG has an extensive database of economic development professionals in addition to those individuals responding to the recruitment advertisements. MBG will, in conjunction with the Client, provide a list of semifinalists/finalists suitable for interviewing. MBG will provide sample questions and participate in the interviews, to the extent desired by the Client. MBG will check applicable references of finalists. MBG will serve as the point of contact for this process.

Timeline/Fees

MBG would anticipate a 90-180 day process for completion of the Executive Search for the position. This is subject to consensus of the Client in terms of position profile and advertising venues.

Fees: MBG would conduct the Executive Search for the Client for a fee of \$13,500 plus expenses to include meals, mileage reimbursable at the IRS allowable amount, vehicle rentals, airfare and lodging, not to exceed \$2500.

MBG would welcome the opportunity to provide “interim” staffing for the Burkburnett EDC. Fees would be negotiated consistent with hours served, duties, etc. MBG has provided onsite staffing and/or interim /virtual staffing for the following agencies:

**Brookshire, TX EDC
Groesbeck, TX EDC
Balch Springs, TX EDC
Everman, TX EDC
Stafford, TX EDC
Robinson, TX EDC
Lacy Lakeview, TX EDC
EDC of Lea County, NM
Hillsboro, TX EDC**



Johnson & Associates



**Burkburnett Development Corporation
Proposal for
Executive Director
Executive Search**

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Johnson & Associates

February 24, 2015

Mike Whaley, City Manager
City of Burburnett
501 Sheppard Road
Burburnett, TX 76354

Dear Mr. Whaley:

Johnson & Associates is a full-service community and economic development firm offering expertise in executive searches. We understand the Burburnett Development Corporation will soon be in the search process for a new Executive Director. We would like to provide you with information on our services. Our knowledge of community and economic development is based on over twenty-nine years of hands-on experience, not just textbook training or theory. Because of our experience, we know the right questions to ask candidates to determine their level of expertise.

Johnson & Associates will conduct all aspects of the search to give both you and your candidate the continuity and personal attention that can be the critical difference in a successful search. Our process involves extensive research, background investigation and screening that is designed to present you with qualified candidates from which to make your selection. We will identify and recruit the most qualified executive talent in the shortest possible time while maintaining uncompromising standards of business ethics, professionalism and confidentiality.

Our executive selection methodology includes a thorough analysis of the position to be filled. We look at the candidate's fitness for the position and how well that person will fit within the community, the thrust of the community, its fundamental needs, the blend of values, ideas, style and personalities which make it special, and the key qualifications needed to help accomplish its mission.

Candidates who are well qualified for these positions do not usually job hunt. Many will seek a position with another community only when invited to do so. Johnson & Associates will personally contact those professionals who meet or exceed your requirements and inform them of the employment opportunity with the Burburnett Development Corporation .

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Mr. Mike Whaley
February 24, 2015
Page 2

I have enclosed a list of the steps in selecting your new Executive Director, a list of our past and current clients, as well as a list of references that we encourage you to contact.

Our fee is \$15,000 plus candidate development expenses. Candidate development expenses include, but are not limited to clerical labor, advertising, postage, printing and travel expenses. This fee is valid for thirty (30) days from the date of this letter. Our contract includes a guarantee for our services.

Please contact me if you have any questions.

Sincerely,

Chloe R. Johnson, CEcD, CPC
Founder



Johnson & Associates

Finding tomorrow's solutions today!

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Information About Johnson & Associates

Number of years in business

Johnson & Associates is a sole proprietorship, owned and operated by Chloe R. Johnson, that began operations on August 13, 1986.

Credentials

Chloe Johnson is both a Certified Economic Developer and a Certified Personnel Consultant. To her knowledge, she is the only person in the United States who is dually certified. The experience, training and testing that is required for both certifications makes her an outstanding choice for facilitating your executive search.

Susan Long, CPBA has been with J&A since its inception in 1986. In 2005, she returned as Director of Operations and quickly moved into the Chief Executive Officer position. Susan is a Certified Professional Behavior Analyst through Target Training International and facilitates J&A's Dynamic Communication workshops. She is the point of contact for clients and candidates alike, using her years of experience as an Executive Recruiter to match people with positions.

Randall McDavid is the Director of Operations at Johnson & Associates and has been with the company since 2008. Randy provides quality control, office support and plans and executes the various phases of each Executive Search.

Number of searches completed

Johnson & Associates has successfully completed over 140 searches.

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Executive Recruitment Steps

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Organization/Position Needs Assessment

Interview with search committee to review position requirements.

We meet with the search committee to determine your selection requirements and assist you in preparing your job description.

Computer enhanced Work Environment™ to determine your perception of the job.

The search committee is given the opportunity to focus on their expectations of the job. A report (Work Environment™), using the DISC form of observable human behavior, will be produced that can be compared with the observable behavior style of the candidates.

Community leader contact.

The opportunity is given to contact community leaders to request them to share their valued thoughts and ideas about the person for this key position and to identify the ideal characteristics and personality traits in an individual for the position.

National Recruitment Network

Selected state and national publications.

Johnson & Associates newsletter – **JAToday**.

Reaching professionals throughout the United States.

Professional network.

Through our national network of 10,000 plus professionals, we provide you with the most comprehensive list of qualified candidates. We are active members of TEDC, SEDC and IEDC.

Initial Candidate Screening

Receive, review and evaluate all resumes from candidates. Prepare summary of top candidates' qualifications.

Present resumes of top candidates.

We review all resumes, note those that meet or exceed your require-

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Executive Recruitment Steps

ments, and note others that we feel should be considered for interview.

Semi-Finalist Selection

Meet with the search committee to review resumes of top candidates.

After reviewing your top candidates, you will have the opportunity to select those you wish to interview via video conference.

Skype Interview

Top Semi-finalists are interviewed via Skype to determine the Finalists you will be inviting for personal interviews.

Background Investigation

Verify pertinent education and training; employment check.

Education, training and experience pertinent to your job requirements are verified for your top candidates. Education is verified; however, transcripts are not obtained.

Contact references given by candidate.

We select and contact the top candidates' references.

Contact references in J&A's network.

Individuals independent of the top candidates' references are contacted.

FICO Score.

Individuals are requested to complete a credit check and submit FICO Score.

Summarize background investigation.

A written report with background verification is presented to the search committee.

Background Investigation DOES NOT include a criminal records

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Executive Recruitment Steps

check. The search committee may contract with a private investigator to conduct these checks, or many communities utilize the resources available to them through their local law enforcement.

Finalist Interviews

Coordinate interviews.

We work with you and your candidates in scheduling interviews which can include a tour of the city, reception with the community leadership, opportunity to meet spouses, and coordination of overnight accommodations.

Provide interview guidelines and questions.

We provide you with interview guidelines and suggested questions that you may and may not ask under EEOC requirements.

Evaluation form for the selection committee's use.

Attend interviews.

We are present during the interviews to serve as a resource and as a facilitator.

Candidate Selection

Notify candidate selected.

We contact the candidate you select and give him/her the opportunity to work with you on contract negotiations.

Selection Announcement

Notify selected state and national publications.

Notify other candidates of action taken.

We will notify those candidates not selected.

Regular Follow-Up

Contact search committee regularly during the first twelve (12) months of employment to determine satisfaction as guaranteed in our contract.

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Executive Recruitment Steps

Options that can be utilized by the search committee:

Candidate Video

We request a Video from each candidate which gives a brief introduction to their education, training and work experience allowing you to assess the candidates' ability to successfully communicate ideas and make a presentation without having to bring all candidates to your community for interview.

Skype Interview

Top Semi-finalists are interviewed via Skype to determine the Finalists you will be inviting for personal interviews.

Team Talk

Helps city council members, chamber and economic development board members understand the communication style of the candidates. The goal of J&A's *Team Talk* is to become more effective communicators. This entertaining and educational presentation gives valuable information about individual communication styles and details how different styles effect job performance. Participants of *Team Talk* gain a greater appreciation of how differing styles are required to achieve team goals.

Assessment Center

Candidates complete in-basket exercises; leaderless group discussions; media interviews; oral presentations that have been prepared in advance and oral biographical presentations. The search committee covers the expenses of the assessors.

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Executive Recruitment Guarantee

Johnson & Associates (J&A) shall replace the employee in the event that the employee hired through J&A terminates or is terminated from his/her position of employment within one year from the date employment is accepted, if we are notified in writing within seven (7) days after termination. If leaving within the first year, replacement will be for expenses only.

Johnson & Associates' fee and expense reimbursement shall be payable in full and no guarantee will be applicable if employment is terminated due to insufficient work for the employee.

J&A guarantees to remain with the assignment until an appointment is made.

No refund of fees or expenses shall be due if a candidate is hired from another source. This is an exclusive Executive Search Agreement.

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Estimated Costs

Johnson & Associates charges a fee of \$15,000 plus candidate development expenses.

These expenses include but are not limited to clerical labor, advertising, printing and travel expenses for five meetings. (Several of these meetings can be combined to reduce costs).

This fee is valid for thirty (30) days from the date of this letter. Our contract includes a guarantee for our services.

The fee is billed in three (3) installments with the first being due upon the signing of a contract; the second is due when candidates have been selected for interview; and the final payment is due when a candidate accepts an offer. Expenses are billed monthly until all bills have been received by J&A.

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Key Personnel/Project Team

Johnson & Associates (J&A) is a highly regarded and dependable community and economic development firm. J&A is the model of Community Economic Development Consulting Firms; we set the standard and watch others follow our lead.

***J&A ... Exceeding Expectations in
Community Economic Development Since 1986!***

**Chloe Johnson, CEcD, CPC
Founder**

Chloe R. Johnson is a Certified Economic Developer (CEcD) with experience in management of local chambers of commerce, statewide industrial development programs, and small business. She maintains memberships in the International Economic Development Council, Southern Economic Development Council, Texas Economic Development Council and the Texas Chamber of Commerce Executives.

Chloe is also a Certified Personnel Consultant (CPC) and is a member of the Texas Association of Personnel Consultants.

Mrs. Johnson has been Executive Director for the Chambers of Commerce in the Texas cities of Quitman, Waxahachie and Grand Prairie and has served as a consultant in the Industrial Locations Division of the Texas Economic Development Commission, now known as The Governor's Office, Economic Development and Tourism. She has assisted prospects in locating suitable sites and has coordinated start-up training for employees and trained community leaders to serve on economic development sales teams.

Currently she works with community leaders in building consensus through the use of our Team Talk program. In addition, she conducts executive searches for cities, counties, ports, associations, convention and visitor's bureaus, law enforcement, electric cooperatives, chambers of commerce and economic development organizations, as well as facilitating community economic development seminars.

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Key Personnel/Project Team

Ms. Johnson has taught at both the Economic Development Course through Texas A&M Engineering Extension Service and the Community Development Institute at the University of Central Arkansas and Lone Star College.

Ms. Johnson participates on the Goodwill Industries Business Advisory Council and is a graduate of Leadership Texas.

Susan K. Long, CPBA
President & Chief Executive Officer

Susan wears many hats at Johnson & Associates and now oversees the Galveston County operations division. Susan began her career with J&A at its inception in 1986. She returned in 2005 as the Communications Coordinator, and is now the President and the Chief Executive Officer of Johnson and Associates. In the Executive Search process, Susan will be the hub for all communications as well as coordinate the preparation of documents, identifying key skill sets for top candidates and matching those skill sets to the needs of your community.

As well as ensuring that the Search Process runs smoothly, Susan facilitates Dynamic Communication Workshops for individuals and teams wishing to enhance their communication skills. These workshops are customized according to needs of the organization and can be condensed to be great kick-offs for Board Retreats, or expanded to encompass the many and varied aspects beyond the simple DISC model.

The designation of CPBA identifies her as proficient in the administration and interpretation of DISC instruments. J&A has found DISC to be one of the more valuable tools in the arsenal used to locate the perfect Candidate when conducting Executive Searches. The DISC Instrument prepares and provides a person, team, or organization with the tools needed for accurately analyzing human behavior and making style adjustments which allow different communication styles to blend well with others. Testimonials from our past clients state that their productivity was dramatically increased, once their respective teams better understood the requirements for effectively communicating thoughts and ideas with one another. Susan takes special care in ensuring that clients and candidates alike are confident that achieving their goals are the foremost priority at Johnson & Associates!

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Time Line

A search typically takes approximately ninety (90) days from signing the contract to making a job offer to a candidate.

Johnson & Associates proposes to facilitate five (5) meetings. The first is the initial meeting where information is gathered about the position, the organization, and the community.

The second trip is to conduct Team Building utilizing *Team Talk* with the Selection Committee.

The third trip is to review the top ten and select the Semi-Finalists that will be interviewed via Skype

The fourth trip is for the Skype Video Conference.

The final trip is to facilitate the interviews with the Finalists.

(Trips 2, 3 and 4 are often combined to decrease travel expenses).

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Client List

Executive Search Clients

Economic Development Positions

Alice & Jim Wells County Economic Development Corp. (1997, 2012)
Allen Economic Development Corporation
Arkadelphia (AR)Regional Economic Development Alliance
Arlington, City of, Economic Development Dept, Executive Director
Athens Economic Development Corporation (2007, 2009)
Bartlesville Development Corporation (OK)
Bastrop Economic Development Corporation (1997, 1999)
Beeville/Bee County Redevelopment Authority
Brazoria County Partnership, Inc.
Brownsville Economic Development Council
Buda 4B Corporation (2002, 2012)
Clear Lake Area Economic Development Foundation
Coleman 4A EDC & 4B Community Coalition
Copperas Cove Economic Development Corporation
Crockett Economic & Industrial Development Corp. (1995, 1996)
Danville-Boyle County Economic Development Partnership (KY)
DeSoto Economic Development Corporation
Development Corporation of Snyder, Inc.
East Montgomery County Improvement District
Edinburg Economic Development Corporation
Fairfield Industrial Development Corporation (1997, 2000)
Farmers Electric Cooperative, Inc.
Forney Economic Development Corporation
Forward Sheridan (WY)
Frisco Economic Development Corporation
Gainesville Economic Development Corporation
Gladewater Economic Development Corporation (1996, 1999)
Goliad County Economic Development Corporation (1995, 2000)
Graham Industrial Association
Greenville Board of Development
Harlingen, Inc., Development Corporation of
Hempstead Economic Development Corporation (AR)
Industrial Development Corporation of Marble Falls
Jefferson County, The Economic Development Alliance (AR)
Kendall County Economic Development Corporation
Katy Area Economic Development Council
Lebanon / Laclede County Economic Development Council (MO)

Communities are in Texas unless otherwise identified

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Lindale Economic Development Corporation
Linden Economic Development Corporation
Lockhart, City of, Economic Development (1997, 2000)
Longview Economic Development Corporation (1992, 1999)
Mansfield Economic Development Corporation
Marble Falls Industrial Development Corporation
McGregor Economic Development Corporation
McKinney Economic Development Corporation (1994, 1996)
Market Lubbock, Inc.
Matagorda County Economic Development Corporation (1995, 1999)
Mission Economic Development Authority
Nacogdoches Economic Development Corporation (1996, 2008)
North Richland Hills Economic Development Corporation, City of
Palacios Economic Development Corporation
Palestine Economic Development Corporation
Partners Economic Development Corporation (SC)
Plainview Industrial Foundation
Port Arthur Section 4A Economic Development Corporation, City of
Rains County Economic Growth, Inc.
Rockwall Economic Development Corporation
Sachse Economic Development Corporation
San Antonio Economic Development Foundation
San Marcos EDF (placement)
Seagoville Economic Development Corporation
Seymour, City of, Economic Development
Somervell County Development Commission
SouthEast Texas, Inc.
Sweetwater Enterprise for Economic Development
Taylor Economic Development Corporation
Temple Economic Development Corporation
Terrebonne Economic Development Authority (LA)
Terrell County Economic Development Corporation (1995, 1997)
Tomball Economic Development Corporation
Vernon, Business Development Corporation
Vicksburg-Warren Community Alliance, Inc. (MS)
Waco Chamber of Commerce
West Tennessee Industrial Association (TN)
Wood County Industrial Commission
Yoakum Economic Development Corporation

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Client List

Chamber of Commerce Positions

Alvin-Manvel Chamber of Commerce
Big Spring Chamber of Commerce
Clovis Chamber of Commerce/Economic Development Council (NM)
Community Chamber of Commerce
Copperas Cove Chamber of Commerce
Dyersburg/Dyer Cty Chamber of Commerce (TN)
El Campo Chamber of Commerce
Georgetown Chamber of Commerce
Grand Prairie Chamber of Commerce
Houston County Chamber of Commerce
Houston Northwest Chamber of Commerce
Jackson Area Chamber of Commerce (TN)
Jasper Chamber of Commerce
Kerrville Area Chamber of Commerce (2003, 2011)
Kyle Area Chamber of Commerce
McKinney Chamber of Commerce (1987, 1999)
Monroe County Chamber of Commerce (MS)
Palestine Chamber of Commerce
Port Arthur Chamber of Commerce
Rockwall Chamber of Commerce
Sherman Chamber of Commerce

Professional Association Executive Positions

Texas Economic Development Council
Texas Fire Chiefs Association
West Tennessee Industrial Association (TN)

Convention & Visitors Bureau Positions

Nacogdoches Convention & Visitors Bureau
Palestine Convention & Visitors Bureau

Electric Cooperative Positions

FEC Electric

Port Authority Economic Development Positions

Little Rock Port Authority (AR)

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City Positions

City of Buda, City Administrator (2001, 2005)
City of Caldwell, City Administrator
City of Commerce, City Manager
City of Crockett, City Administrator
City of DeSoto, City Manager
City of Elgin, City Manager
City of Gladewater, Public Works Director
City of Gonzales, City Manager
City of Hearne, City Manager
City of Lockhart (1999, 2000), City Manager, Chief of Police
City of Marble Falls, City Manager
City of Royse City, Police Sergeant
City of Royse City, City Manager
City of Schertz, City Manager
City of Shavano Park, City Manager
City of Seagoville, City Manager
City of Silsbee, City Manager (2000, 2005)
City of Taylor, City Manager (1998, 2009)
City of Vidor, City Manager

Community Economic Development Clients

Local Governments

Alpine/Brewster County
Bastrop, City of
Buda, City of
Del Rio, City of
Kyle, City of
Madison Chamber of Commerce (MS)
Madison (MS), City of
Mansfield, City of
Matagorda County Economic Development Corporation
Panola County Industrial Foundation
Port Isabel, City of
Rains County
San Antonio City Public Service
San Augustine County
San Benito, City of
Schertz, City of

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Client List

Seabrook Economic Development, City of
 Seymour Economic Development, City of
 Shelby County
 Temple Economic Development Corporation
 Tri-Cities ~ Hempstead ~ Prairie View ~ Waller
 Tucumcari/Quay County (NM), City of
 Tulia Economic Development, City of
 Weatherford/Parker County

Community Economic Development Organizations

Abilene Chamber of Commerce
 AEP Public Service Co of (OK)
 Alice & Jim Wells County Economic Development Corporation
 Atlanta Economic Development Corporation
 Bastrop Economic Development Corporation
 Bay City Chamber of Commerce
 Bridgeport EDC
 Buda Economic Development Corporation
 Canyon Economic Development Corporation
 Central Power & Light Company
 Chabin Concepts, Inc. (CA)
 Community Chamber of Commerce: ~ Copeville ~ Josephine ~ Lavon
 ~ Nevada
 Crossett EDF (AR)
 Cuba, IDA of (MO)
 Cuero Development Corporation
 Dayton Community Development Corporation
 Decatur Economic Development Corporation
 Del Rio, City of
 Del Rio Economic Development Corporation
 Dyersburg/Dyer County Chamber of Commerce (TN)
 Fairfield Industrial Development Corporation
 Farmers Electric Cooperative, Inc.: ~ Hunt County ~ Rains County
 ~ City of East Tawakoni ~ City of Emory ~ City of Point ~ City of
 Quinlan ~ City of West Tawakoni ~ City of Wills Point ~ Lake Tawa-
 koni Chamber of Commerce ~ Quinlan Area Chamber of Commerce
 ~ Rains County Chamber of Commerce ~ Royse City ~ Wills Point
 Chamber of Commerce ~ Wills Point EDC ~ Boles ISD ~ Lone Oak
 ISD ~ Quinlan ISD ~ Rains ISD ~ Wills Point ISD ~ Presbyterian
 Hospital ~ Leadership Greenville
 Farmersville, City of

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Client List

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Fayetteville Area EDC (NC)
 Granbury Economic Development Corporation
 Greater Conroe Economic Development Council
 Greater Killeen Chamber of Commerce
 Greater Northwest Austin
 Greater Oklahoma Chamber of Commerce (OK)
 Greater Paducah Economic Development Council (KY)
 GTE World Headquarters
 GTE Telephone - Texas: ~ Houston County~ Fairfield Area~ Kilgore Area
 GTE Telephone-Pennsylvania: ~ 49 Corridor Enterprise Zone ~ Northern Bradford Authority
 Hampton Roads EDA (VA)
 Haskell EDC
 Henderson Economic Development Corporation
 Howell-Oregon Electric Coop, Inc. (MO)
 Lake Hills EDC: ~ Cedar Park ~ Jonestown ~ Lago Vista ~ Leander
 Mansfield Economic Development Corporation
 Marion County Development Partnership (MS)
 Matagorda County Economic Development Corporation
 McGregor Economic Development Corporation
 Monahans EDC
 Mont Belvieu Economic Development Corporation
 Muncie/Delaware County Chamber of Commerce (IN)
 Nacogdoches County Chamber of Commerce
 Nocona Economic Development Corporation
 Panola County Chamber of Commerce
 Panola County Industrial Foundation
 Pedernales Electric Cooperative: ~ Cedar Park ~ Dripping Springs ~ Johnson City ~ Junction ~ Hays County ~ Marble Falls
 Port Isabel Economic Development Corporation
 Prescott Valley EDF (AZ)
 San Angelo Development Corporation
 San Antonio City Public Service
 San Augustine County: ~ Broaddus ~ San Augustine
 San Benito
 Seabrook Economic Development, City of
 Seymour Economic Development, City of
 Shelby County
 Southeast Harris County EDC

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Communities are in Texas unless otherwise identified

Client List

Snyder, Development Corporation of
Stamford, Development Corporation of
Temple Economic Development Corporation
The Economic Development Alliance of Jefferson County (AR)
Tri-Cities: ~ Hempstead ~ Prairie View ~ Waller
Tucumcari/Quay County Economic Development Corporation(NM)
Tulia Economic Development, City of
Tye Economic Development Corporation
Tyler Chamber of Commerce
Sulphur Springs-Hopkins County Economic Development Corporation
University of Texas at Austin
Vernon, Business Development Corporation
Weatherford/Parker County
Whitewright Economic Development Corporation
Yankton Area Chamber of Commerce (SD)
1960 Area Business Alliance, Houston
1960 Area Community Alliance, Houston

Team Talk Clients

Arkadelphia (AR) Regional Economic Development Alliance
Bartlesville Development Corporation, Bartlesville (OK)
Basic Economic Development Course, TX A&M University (04, 05, 06)
Bellville Economic Development Corporation
Boerne Area Chamber of Commerce
Brazoria County Partnership, Angleton
Brownsville Economic Development Corporation
Buda Economic Development Corporation
Buda, City of
Caldwell, City of
Clear Lake Area Economic Development Foundation, Houston
Commerce, City of
Community Chamber of Commerce, New Caney
Community Development Institute - North Harris Montgomery Community College, The Woodlands
Danville-Boyle County Economic Development Partnership
Dayton, City of
Del Rio, City of
Del Rio Economic Development Corporation, Del Rio
East Montgomery County Improvement District, New Caney
Elgin, City of

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Client List

FEC Electric, Inc.: Board of Directors - Vice Presidents - Supervisors
 Forney Economic Development Corporation
 Forward Sheridan (WY)
 Goodwill Business Advisory Council, Austin
 Greenville Chamber of Commerce
 Hearne, City of
 Hidalgo County Urban County Leadership Conference
 Houston Northwest Chamber of Commerce
 Katy Area Economic Development Council
 Kendall County Economic Development Corporation
 Kerrville Area Chamber of Commerce
 Kyle Area Chamber of Commerce
 Lebanon / Laclede County Economic Development Council
 Lower Colorado River Authority, Austin
 Mansfield Economic Development Corporation
 Marble Falls, City of
 Mission Economic Development Authority
 National Rural Economic Developers Assoc. - Annual Meeting, Charleston (SC)
 National Rural Economic Developers Assoc. - Annual Meeting, Tucson (AZ)
 New Harvest Christian Church, Alvin
 Palestine, City of
 Palmetto Economic Development Corporation - Annual Meeting, Columbia (SC)
 Pedernales Electric Cooperative: ED and Marketing Divisions, Johnson City
 Rains County Chamber of Commerce, Emory
 Riverbend Church
 Rockwall Chamber of Commerce Board Retreat 1998 and 2001
 Rockwall Economic Development Council
 Royse City
 Ryan & Company
 San Antonio Economic Development Foundation, San Antonio
 Seagoville Economic Development Council
 Silsbee, City of
 South Louisiana Economic Council, Thibodaux (LA)
 Southern Economic Development Council Spring Conference, Gulfport (MS)
 Taylor, City of

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Client List

Taylor Police Department
Terrebonne Economic Development Authority (LA)
Texas Economic Development Council Board of Directors
Texas Main Street Managers
Texas Historical Commission
Taylor Police Department
Vernon Business Development Corporation
Vicksburg-Warren Community Alliance, Inc.
Whitewright Economic Development Corporation
Yankton Office of Economic Development (SD)

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References

Recent Executive Searches Conducted:

Mr. Kevin Coleman, Yoakum City Manager
Phone #: 361.293.6321
citymanager@cityofyoakum.org
City Manager when Ms. Debbie Sadler, CEcD was selected as Executive Director, Yoakum EDC.

Mr. Cale Baese, Hill Country Payroll
512 826 8437
cale@hillcountrypayroll.com
Former Chair of the Board when Johnson & Associates recruited Ms. Julie Snyder, President & CEO, Kyle Area Chamber of Commerce.

Ms. Sandra Tenorio
Buda Economic Development Corporation
512 219 0468
Chair of the Board when Johnson & Associates conducted the Executive Search, concluding with Ann Miller, CEcD being hired as the President & CEO.

Mr. Dan Yancey
Copperas Cove Economic Development Corporation
254.547.7874
Chairman when Johnson & Associates conducted the economic development search which concluded with the hiring of Mr. Apolonio Enriquez, Executive Director.

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Why Choose J&A?

As you can see from our client list, we specialize in community economic development and municipal government placements. During her long and successful career, Chloe Johnson, CEcD, CPC, has used her strong organization, communication and people skills to guide organizations. This hands-on insight gives her an advantage of recognizing those same abilities in your candidates. She has been conducting executive searches since 1986.

Searches have been conducted for organizations in Arkansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, South Carolina, Tennessee, Wyoming and Texas. Through our membership in the International Economic Development Council, the Southern Economic Development Council, the Texas Economic Development Council, Texas Chamber of Commerce Executives and our extensive network of professionals, we contact candidates throughout the United States and inform them of the opportunity with the Burkburnett Development Corporation .

Johnson & Associates does what we say we'll do. Our behavioral practices are above reproach, we are highly ethical and we expect our clients to hold us accountable.

A satisfied client is paramount to our success.

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City Commission Agenda Memo

From: Gordon Smith, Director of Public Works
Date: March 16, 2015
Item: Discussion and Action on Sponsorship/Sign Proposals for Burkburnett Family Aquatic Center

Background

The Parks and Recreation Board met with City Commissioners in a workshop to discuss sponsorships and sign proposals for the Aquatic Center. The board took the consensus information from the workshop and met March 4th to discuss sign types and locations.

Mr. Danny Cremeens, Chairman will attend to present the attached sign package proposal and the following sponsorship rates:

Burkburnett Family Aquatic Center

| | | | | |
|-----------|--------|------------|----------|----------------|
| Sponsors: | 5 yrs. | Slide 1 | \$10,000 | \$2,000 yearly |
| | | Slide 2 | \$10,000 | \$2,000 yearly |
| | | Bucket | \$7,500 | \$1,500 yearly |
| | | River | \$7,500 | \$1,500 yearly |
| | | Pavilion 1 | \$5,000 | \$1,000 yearly |
| | | Pavilion 2 | \$5,000 | \$1,000 yearly |

Fiscal Impact

N/A

Options

- Approve sign package proposal and sponsorship rates.
- Not approve sign package proposal and sponsorship rates.

Staff Recommendation

Approve sign package proposal and sponsorship rates.

Attachments

Sign Package Proposal

SIGNAGE PACKAGE

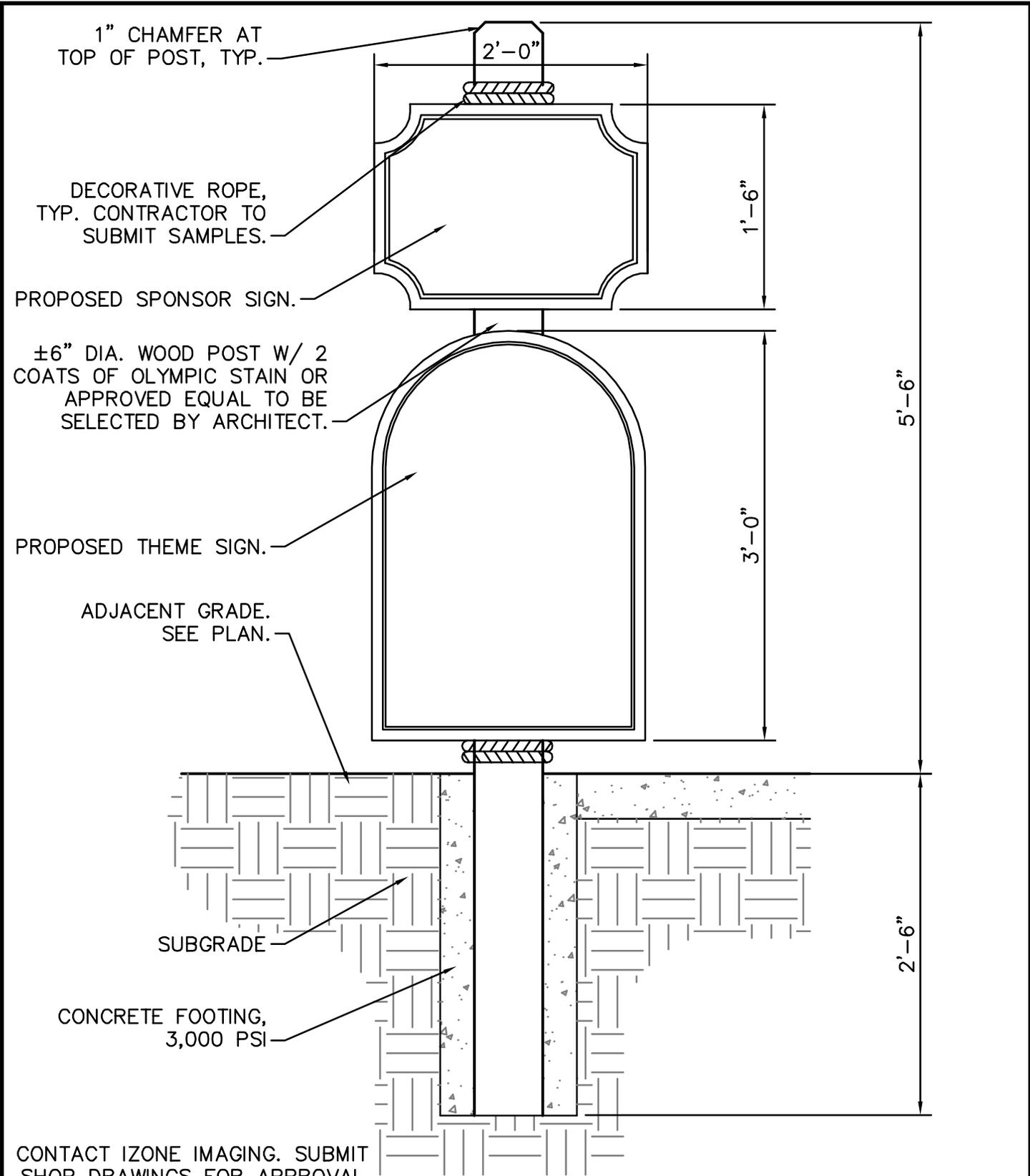
FOR THE

BURKBURNETT FAMILY AQUATIC CENTER
BURKBURNETT, TEXAS

PREPARED BY:

Kimley»»Horn

FEBRUARY 2015



CONTACT IZONE IMAGING. SUBMIT SHOP DRAWINGS FOR APPROVAL. CONTACT INFO: BRAD HUCKABAY 254-778-0722X111

**BURKBURNETT FAMILY
AQUATIC CENTER
BURKBURNETT, TEXAS**

| | |
|-------------|---------------|
| TITLE: | SIGN DETAIL A |
| SCALE: | 1" = 1" |
| PROJECT NO: | 064460201 |
| DATE: | 3/10/2015 |
| SHEET: | EX- 1 |

SIGNAGE KEY

- | | |
|--------------------------|-----------------------------|
| 1 RULES SIGN | 5 WILDCATTER WRECKER |
| 2 AIRMAN'S ENTRY | 6 CAHOOT'S CORRAL |
| 3 RUSTLIN' RAPIDS | 7 BULLDOG'S BARN |
| 4 BOOMTOWN BANDIT | |



Burk Burnett Family Aquatic Center
 Signage Key
 Burk Burnett, Texas



0 10 20 40
 SCALE: 1" = 20'-0"

 Kimley-Horn
 and Associates, Inc.
 February 2015

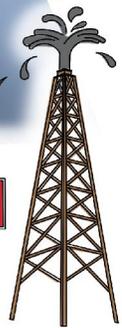
AIRMAN'S

ENTRY

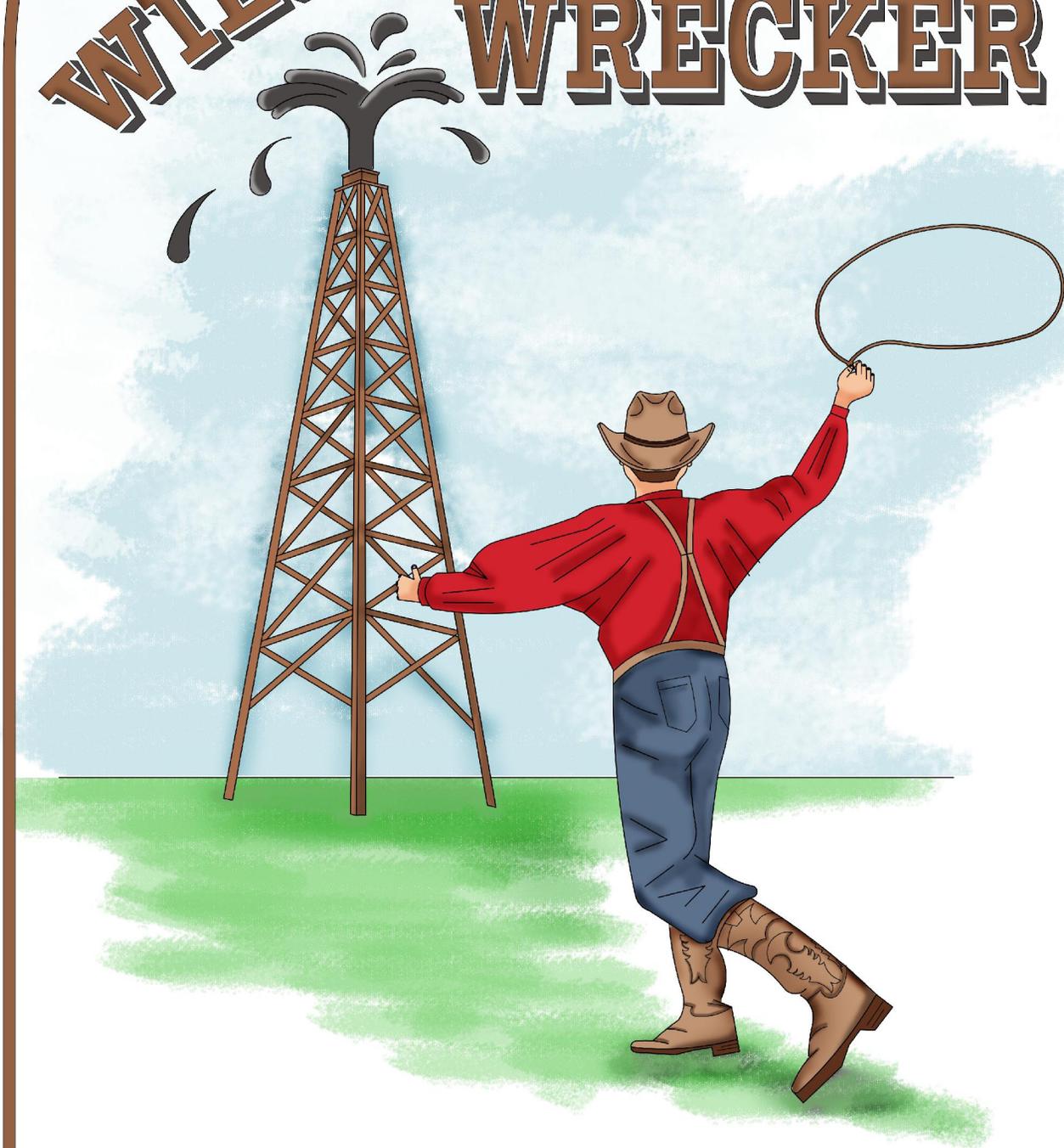




BOOMTOWN BANDIT

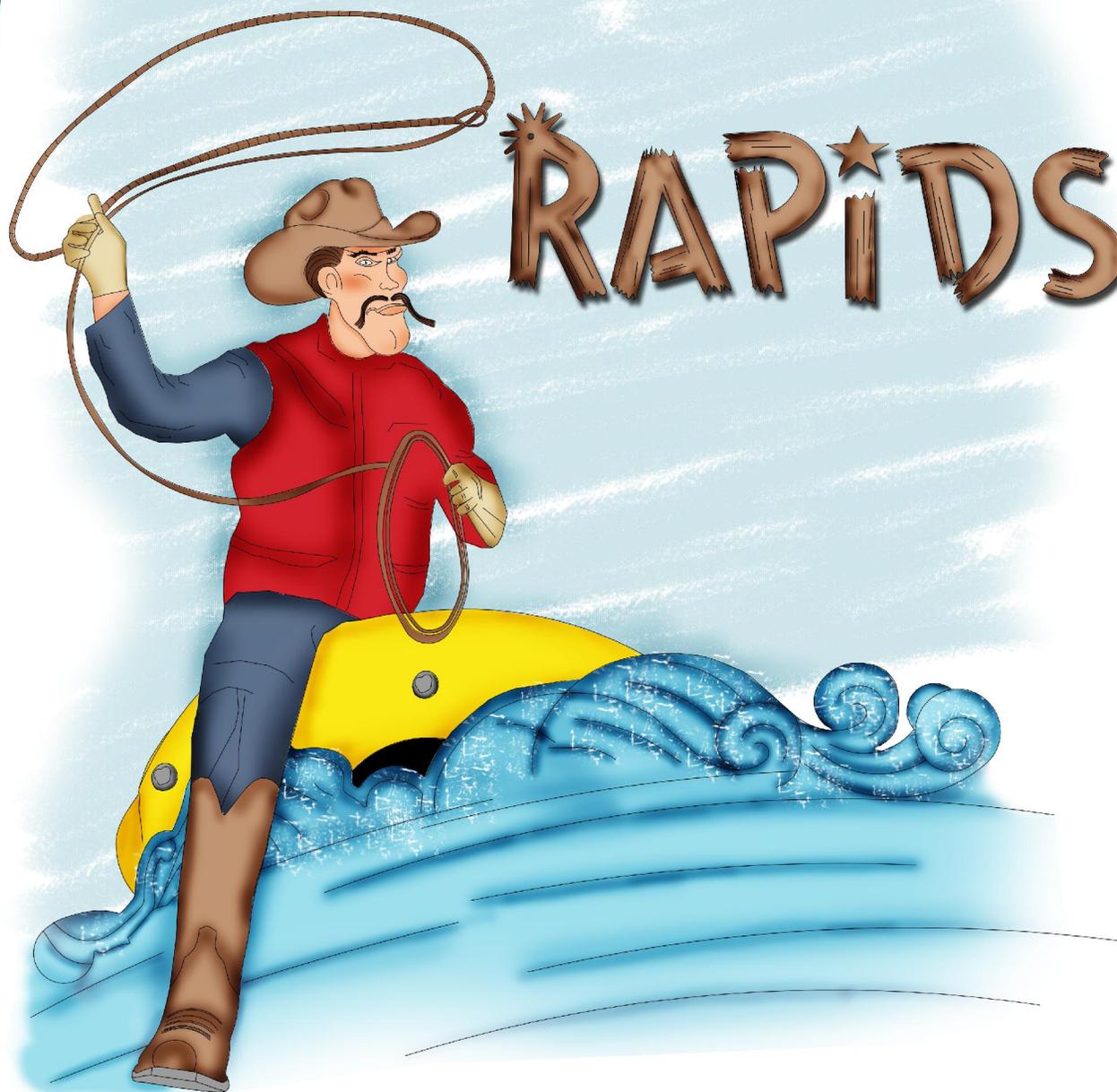


WILDCATTER WRECKER

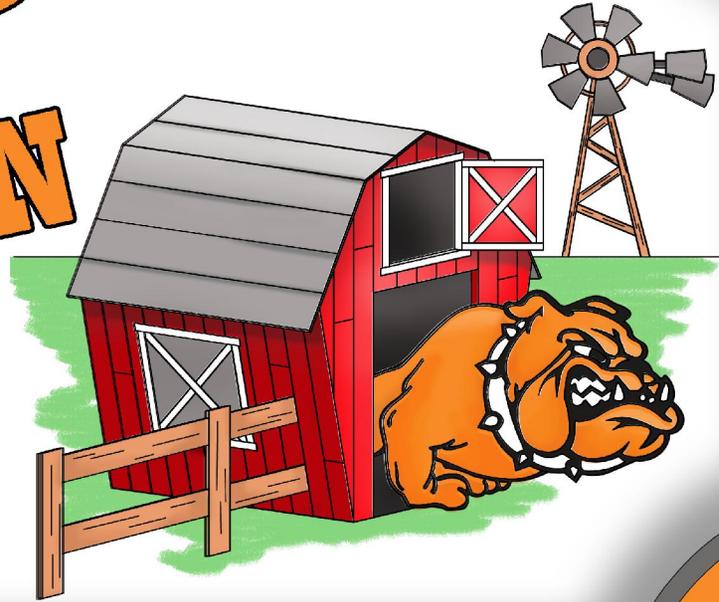


RUSTLIN'

RAPIDS



**BULLDOG'S
BARN**





COWBOYS

CORRAL

PARK RULES



City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: March 16th, 2015

Item: Interlocal Agreement with TXDOT concerning the construction of Entry Signs through the Gateway Monument Program

Background

The proposed Interlocal agreement is also a part of the TXDOT requirements for erecting our entry signs submitted through TXDOT's Gateway Monument Program. The Gateway Monument Interlocal Agreement establishes guidelines for financial responsibilities, design and placement guidelines, maintenance responsibilities, and monument removal if deemed necessary by TXDOT in the future.

Fiscal Impact

N/A

Options

- Approve Interlocal Agreement with TXDOT concerning the construction of Entry Signs through the Gateway Monument Program
- Take no action (disqualified from submitting application)

Staff Recommendation

Staff recommends approval of Interlocal Agreement with TXDOT concerning the construction of Entry Signs through the Gateway Monument Program

Attachments

Interlocal Agreement

**GATEWAY MONUMENT
AGREEMENT**

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

THIS AGREEMENT is made by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the "State", and the City of Burkburnett, acting through its duly authorized officials, as evidenced by Resolution Number 580, dated March 16, 2015, hereinafter called the "Local Entity".

BACKGROUND

The State owns and maintains a system of highways, including Interstate 44 in Wichita County, Texas, for public use and benefit. The State agrees to allow for the construction of a Gateway Monument within the State's right of way and the Local Entity agrees to construct the Monument and to conduct the long term maintenance for this structure located at (to be determined), referred to as the "Gateway Monument," more specifically described in **Attachment "A,"** Project Map, which is attached hereto. The Local Entity will conduct the Monument's long term maintenance activities through the use of Local Entity forces, contractors, or other means satisfactory to the Local Entity and the State.

THEREFORE, in consideration of the mutual promises contained in this Agreement, the parties agree to the following.

A G R E E M E N T

SECTION 1. PERIOD OF THE AGREEMENT

This Agreement becomes effective when finally executed by the State and shall continue unless or until otherwise terminated as provided by this agreement.

SECTION 2. FINANCIAL RESPONSIBILITIES

All costs covered by this agreement including design, engineering, testing, construction, installation, access for maintenance, maintenance, labor, materials, supplies, traffic control, additional improvements, and if required, removal of the Gateway Monument, shall be the responsibility of the Local Entity.

Any administrative costs associated with the Gateway Monument that are incurred by the State, such as those related to proposal review, as well as developing, issuing, and monitoring the Agreement for approved the Gateway Monument project shall be the responsibility of the State.

SECTION 3. RESPONSIBILITY OF THE PARTIES

A. The Local Entity agrees to:

1. Provide Gateway Monument design plans to the State before execution of this agreement according to TxDOT policy and, upon final approval, furnish and construct the Gateway Monument according to plans approved by the State, which are set out more specifically in **Attachment "B,"** Local Entity's Final Gateway Monument Proposal, which is attached to this Agreement, and include any other related installation items that may be required; and
2. Furnish, erect, and maintain any barricades, signs and traffic handling devices, in accordance with the latest Texas Manual of Uniform Traffic Control Devices (MUTCD) and to the satisfaction of the State related to this project, as may be required to protect the safety of the public; and
3. Conduct periodic inspections of the Gateway Monument as deemed necessary; and
4. Provide for the construction and maintenance of all associated appurtenances that are considered by the State to be a part of the project. The Local Entity further agrees to remove such items from the project's location and restore the area to the satisfaction of the State upon termination of this Agreement in accordance with Section 9.

B. The State agrees to:

1. Review and evaluate the Gateway Monument proposal submitted by the Local Entity with due consideration to safety (location, potential for motorist distraction, accessibility for maintenance, etc.), aesthetics, community support and maintainability; and
2. Coordinate with other TxDOT Divisions, as appropriate, as well as interact with the Federal Highway Administration (FHWA) for input, review and approval; and
3. Cooperate with the Local Entity to determine the requirements for barricades, signs, and traffic handling devices to be used by the Local Entity during the construction and maintenance of the Gateway Monument; and

4. Provide maintenance access to the project location for the Local Entity or for its Contractor or group, and if possible, from outside the highway right of way; and
5. Conduct periodic inspections of the Gateway Monument as deemed necessary.

C. The Local Entity and State further agree that nothing contained in this Agreement will be construed to:

1. Give either party the power to direct and control the day-to-day activities of the other; or
2. Constitute the parties as partners, joint venturers, co-owners, or otherwise as participants in a joint or common undertaking; or
3. Allow either party to create or assume any obligation on behalf of the other party for any purpose whatsoever.

SECTION 4. DESIGN AND PLACEMENT OF GATEWAY MONUMENTS

A. Gateway Monuments shall be designed and placed so as to:

1. Be freestanding.
2. Feature only the letters of the community name and/or officially adopted seal.
3. Include, if required by TxDOT, approved protective graffiti coatings.
4. Be appropriate to its proposed setting and community context.
5. Be in proper size and scale with its surroundings.
6. Be composed of materials that are durable for the projected life span of the project.
7. Be located beyond the clear zone, for both main lane traffic and frontage road traffic.
8. Be located where maintenance can be safely performed, as specified in the Gateway Monument Agreement, and in conformance with TxDOT procedures.
9. Be subject to the review and approval of TxDOT in consideration of design, size, and scale for appropriate integration on urban or rural highway features.

B. Gateway Monuments shall not:

1. Be allowed within the center median areas of interstate highway rights-of-way.
2. Contain religious, political, special interest, private, or commercial messages of any sort, including, but not limited to, symbols, logos, business names, trade names, jingles, or slogans.
3. Contain any displays of any sort, advertising, decorative banners, flags, or flag poles.
4. Display telephone numbers, street addresses, or Internet addresses.
5. Interfere with airspace above the roadway.
6. Create a distraction to the motoring public; for example, the Gateway Monument shall be large enough to interpret at highway speed, but not be so large that it demands attention from the motorist.
7. Include reflective or glaring surface finishes.
8. Include illumination that impairs or distracts the vision of transportation system users. Other lighting may be permitted.
9. Display blinking or intermittent or moving lights, including changeable message signs, digital displays, or lighted static displays such as LED.
10. Include moving elements (kinetic art) or simulate movement.
11. Include water features of any sort.
12. Interfere with official traffic control devices, nor interfere with the operational right-of-way above the roadway.
13. Be placed within State right-of-way upon trees, or painted or drawn upon rocks or other existing natural features.
14. Make use of or simulate colors or combinations of colors usually reserved for official traffic control devices described in the Texas Manual on Uniform Traffic Control Devices.

15. Require the removal of trees or other vegetation for visibility, or harm trees during construction. Pruning of tree branches or roots, and removal of shrubs should be avoided.
16. Negatively impact existing highway features, including existing signs, irrigation systems, necessary drainage patterns, and facilities.

SECTION 5. MAINTENANCE

The Local Entity shall provide regularly scheduled maintenance, as described in **Attachment "B,"** the Local Entity's Final Gateway Monument Proposal, for its projected lifespan. Maintenance shall include, but not be limited to, restoration work to maintain the integrity of the approved Gateway Monument, maintenance of any associated landscaping or lighting, and graffiti removal. Gateway Monuments shall be kept clean, free of graffiti, and in good repair. Graffiti removal shall conform to the most current TxDOT policies and guidelines, which require prompt removal of offensive messages and timely removal of all other graffiti. Maintenance practices of the Local Entity or its agent shall protect air and water quality as required by federal and state law.

SECTION 6. MONUMENT REMOVAL

The Local Entity shall remove the Gateway Monument covered by this agreement, if in the opinion of TxDOT, it creates safety or operational concerns due to deterioration or inadequate maintenance or upon termination of the main Gateway Monument Agreement. TxDOT will notify the Local Entity when it has determined that the Gateway Monument requires special attention. In the event the Local Entity fails to maintain, repair, rehabilitate, or remove the Gateway Monument in a timely manner, TxDOT may choose to remove the Gateway Monument after thirty (30) days following notification to the Local Entity, and bill the Local Entity for all costs of removal and restoration of the area.

TxDOT reserves the right to remove the Gateway Monument due to construction, rehabilitation, violation of the terms of this agreement, or other necessary activities affecting the transportation facilities without any obligation, compensation to, or approval of the Local Entity. TxDOT will strive to notify the Local Entity of its intent to remove the Gateway Monument to allow for timely removal and salvage by the Local Entity, if possible.

TxDOT reserves the right to remove or alter any Gateway Monument that presents an immediate safety hazard to the public without delay or advanced notification to the Local Entity.

SECTION 7. USE OF CONTRACTOR OR GROUP

The Local Entity shall have the right to engage any responsible Contractor or group to perform or provide any portion of the Local Entity's Gateway Monument

activities specified in this Agreement. However, notwithstanding this provision, the Local Entity shall continue to remain responsible to the State to ensure performance of all its duties and responsibilities specified in this Agreement. The Local Entity shall ensure that any Contractor or group complies with all provisions of this agreement, and federal, state, and local laws, and regulations as may be applicable.

In the event the Local Entity engages a Contractor to perform Gateway Monument construction or maintenance activities under this Agreement, the Local Entity shall ensure that said Contractor shall indemnify the State for any and all damages and claims for damages by said Contractor, its employees, agents, or representatives, including any claims resulting from bodily injury or death to others, or, for loss of or damage to property of others, arising out of, incident to, or in any manner connected to Gateway Monument construction or maintenance activities, and, for any or all liability arising from the negligent acts of said Contractor, its employees, agents, or representatives.

In the event the Local Entity engages and approves a responsible group to perform Gateway Monument construction or maintenance activities under this Agreement, the Local Entity shall require and ensure that said Contractor or group follow all the terms of this Agreement as well as all Attachments.

SECTION 8. INDEMNIFICATION

- A. The Local Entity and the State each acknowledge responsibility for the acts, deeds, errors and omissions of its own employees. The parties agree that the Texas Tort Claims Act pertaining to governmental liability for tortious conduct and/or property damage shall apply to this Agreement.
- B. The Local Entity shall also indemnify and save harmless the State from any and all expense, including, but not limited to, attorney fees, which may be incurred by the State in litigation or otherwise resisting a claim or liabilities that may be imposed on the State as a result of error, omission, or act of the Local Entity, its agents, or its employees.

SECTION 9. TERMINATION

This Agreement may be terminated under any of the following conditions:

- A. By mutual written agreement and consent of both parties; or
- B. By either party upon giving the other party thirty (30) days prior written notice; or
- C. By the State, in the event the State determines that the Gateway Monument is not in the best interest of the traveling public.

If either party terminates this Agreement, as provided herein, the Local Entity will be responsible for repair or removal of the Gateway Monument. In the event that the Local Entity does not provide the repair or removal services, the State may remove or repair the Gateway Monument and shall be entitled to reimbursement from the Local Entity for any reasonable costs incurred by the State to restore the State's right of way to its original condition.

SECTION 10. AMENDMENTS

Amendments to this Agreement shall be in writing and shall be executed by both parties.

SECTION 11. AUDIT

The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

SECTION 12. SUCCESSORS AND ASSIGNS

Subject to the provisions of Section 7, the Local Entity shall not assign or otherwise transfer its rights and obligations under this Agreement except with prior written consent of the State, and any prohibited assignment or transfer shall be null and void.

SECTION 13. REMEDIES

This Agreement shall not be considered as specifying the exclusive remedy for any default. All legal remedies may be pursued by either party and shall be cumulative.

SECTION 14. INSURANCE

If this agreement authorizes the Local Entity or its contractor to perform any work on State right of way, before beginning work, the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on the State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

SECTION 15. NOTICES

All notices to either party by the other under this Agreement shall be delivered personally or sent by U.S. mail, postage prepaid, addressed to such party at the following addresses:

| | |
|--|--|
| <p>STATE : Texas Department of Transportation District Engineer (mailing address) _____ _____ _____, Texas _____</p> | <p>LOCAL ENTITY: City of Burkburnett _____ Attn: Mike Whaley _____ _____</p> |
|--|--|

SECTION 16. GRATUITIES

Texas Transportation Commission policy mandates that employees of the State shall not accept any benefits, gifts, or favors from any person doing business or who reasonably speaking may do business with the State under this Agreement. The only exceptions allowed are ordinary business lunches and items that have received advanced written approval of the Texas Department of Transportation Executive Director. Any person doing business with or who may reasonably speaking do business with the State under this Agreement may not make any offer of benefits, gifts or favors to State employees, except as mentioned here above. Failure on the part of the Local Entity to adhere to this policy may result in the termination of this Agreement.

SECTION 17. SIGNATORY WARRANTY

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

SECTION 18. INCORPORATION OF PROVISIONS

Attachments "A" and "B" are made part of this contract. The parties shall comply with the provisions of Attachments "A" and "B" as if they were set forth in full within the body of this contract.

THEREFORE, the Parties have executed this Agreement in duplicate originals.

THE CITY OF _____

THE STATE OF TEXAS

By: _____

Title: _____

Date: _____

Certified as being executed for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by The Texas Transportation Commission

Attest: Janelle Dolan
City Clerk

By: _____

District Engineer
_____ District

Date: _____

Approved as to form:

City Attorney

List of Attachments:

- “A” – Project Map for Gateway Monument**
- “B” - Local Entity’s Final Gateway Monument Proposal**



City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: March 16th, 2015

Item: Resolution Number 580. A resolution recommending approval of the proposed design of the gateway monument and requesting installation within the operational highway right-of-way.

Background

The proposed resolution is a part of the TXDOT requirements for erecting our entry signs submitted through TXDOT's Gateway Monument Program. The Gateway Monument proposal must be supported by the local entity that has jurisdiction in the area where the Gateway Monument will be incorporated. The local entity is required to adopt a resolution recommending approval of the proposed design of the gateway monument and requesting installation within the operational highway right-of-way.

Fiscal Impact

N/A

Options

- Approve Resolution
- Take no action (disqualified from submitting application)

Staff Recommendation

Staff recommends approval of Resolution Number 580 "Gateway Monument Requirements"

Attachments

Resolution Number 580 "Gateway Monument Requirements"

RESOLUTION NUMBER 580

A RESOLUTION OF THE CITY OF BURKBURNETT, TEXAS, RECOMMENDING APPROVAL OF THE PROPOSED DESIGN OF THE GATEWAY MONUMENT AND REQUESTING INSTALLATION WITHIN THE OPERATIONAL HIGHWAY RIGHT-OF-WAY.

WHEREAS, the State of Texas, acting by and through the Texas Department of Transportation (TxDOT) owns and maintains a system of highways, including Interstate 44 in Wichita County, Texas, for public use and benefit. The State agrees to allow for the construction of a Gateway Monument within the State's right of way and the Local Entity agrees to construct the Monument and to conduct the long term maintenance for this structure; and

WHEREAS, the Local Entity will provide Gateway Monument design plans to the State before execution of the Interlocal agreement according to TxDOT policy and, upon final approval, furnish and construct the Gateway Monument according to plans approved by the State; and

WHEREAS, All costs covered by this agreement including design, engineering, testing, construction, installation, access for maintenance, maintenance, labor, materials, supplies, traffic control, additional improvements, and if required, removal of the Gateway Monument, shall be the responsibility of the Local Entity; and

WHEREAS, the Local Entity shall provide regularly scheduled maintenance, as described in the Local Entity's Final Gateway Monument Proposal, for its projected lifespan. Maintenance shall include, but not be limited to, restoration work to maintain the integrity of the approved Gateway Monument, maintenance of any associated landscaping or lighting, and graffiti removal. Gateway Monuments shall be kept clean, free of graffiti, and in good repair. Graffiti removal shall conform to the most current TxDOT policies and guidelines, which require prompt removal of offensive messages and timely removal of all other graffiti. Maintenance practices of the Local Entity or its agent shall protect air and water quality as required by federal and state law; and

WHEREAS, the proposed schedule for commencement is as approved and the completion of the project installation will be within six months of commencement.

PASSED AND APPROVED on this 16th day of March, 2015.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk



City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: March 16th, 2015

Item: Resolution Number 581. A resolution establishing rules and regulations regarding the use of excessive force during nonviolent civil rights demonstrations.

Background

This resolution is an additional requirement of the Community Development Block Grant Program sponsored by the Texas Department of Agriculture. It requires the City of Burkburnett to have an “up-to-date” resolution concerning the use of excessive force during nonviolent civil rights demonstrations. Our previous resolution was passed and approved the 15th of December 1997. This resolution sets policy which prohibits the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations.

Fiscal Impact

N/A

Options

- Approve Resolution
- Take no action (disqualified from submitting application)

Staff Recommendation

Staff recommends approval of Resolution Number 581 “establishing rules and regulations regarding the use of excessive force during nonviolent civil rights demonstrations”

Attachments

Resolution Number 581 “establishing rules and regulations regarding the use of excessive force during nonviolent civil rights demonstrations”.

RESOLUTION NUMBER 581

EXCESSIVE FORCE POLICY

A RESOLUTION ESTABLISHING RULES AND REGULATIONS REGARDING THE USE OF EXCESSIVE FORCE DURING NONVIOLENT CIVIL RIGHTS DEMONSTRATIONS, INCLUDING PHYSICALLY BARRING ENTRANCE TO A FACILITY OR LOCATION WHICH IS THE SUBJECT OF SUCH DEMONSTRATIONS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE FOLLOWING CITY OF BURKBURNETT, COUNTY OF WICHITA, STATE OF TEXAS, AS FOLLOWS:

ARTICLE I

SECTION 1: The City hereby adopts and will enforce this policy prohibiting the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in nonviolent civil rights demonstrations. The City prohibits the physical barring of any entrance or exit of such a facility and will enforce all applicable state laws regarding same.

ARTICLE II

SECTION 1: Any person found to be violating any provisions of this resolution shall be served by the City with written notice stating the nature of the violation.

SECTION 2: Any person guilty of this violation shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any violation shall continue shall be deemed a separate offense.

SECTION 3: Any person violating any of the provisions of this resolution shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

ARTICLE III

PASSED AND APPROVED at a meeting of the Board of Commissioners of the City of Burkburnett, Texas this 16th day of March, 2015.

Carl Law, Mayor

Janelle Dolan, City Clerk