

## AGENDA

Notice is hereby given of a meeting of the Board of Commissioners of Burkburnett to be held on **Monday, September 16, 2013 at 7:00 p.m.** at City Hall-Council Chambers, 501 Sheppard Road, Burkburnett, Texas for the purpose of considering the following agenda items. The Board of Commissioners may discuss and take action on any item on this agenda. The Board of Commissioners reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

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

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

**Item 2.** Invocation-Phillip Kenedy, Pastor of New Hope Church of the Nazarene.

**Item 3.** Pledge of Allegiance.

**Item 4. CONSENT AGENDA:**

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

**Item 5.** Discuss and take any action necessary for the appointment of the Burkburnett Development Corporation Board Members.

**Item 6.** Ordinance Number 840. An ordinance adopting the Operating Budget for the Fiscal Year October 1, 2013 through September 30, 2014.

**Item 7.** Ordinance Number 841. An ordinance adopting the Capital Improvement Budget for the Fiscal Year October 1, 2013 through September 30, 2014.

**Item 8.** Ordinance Number 842. An ordinance setting the 2013 Tax Rate.

**Item 9.** Ordinance Number 843. An ordinance to adjust the City of Burkburnett garbage rates.

**Item 10.** Mayor to close regular meeting and open "Executive Session".

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

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

## 1) Employment of City Manager

**Item 11.** Reconvene to regular session and take action, if any, on matters discussed in Executive Session.

**Item 12.** Review of monthly reports.

- A. Administration
- B. Public Works
- C. Public Safety

**Item 13.** Public Comments.

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

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

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

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

- \*Responding with a statement of specific factual information or reciting the City's existing policy on that issue; or
- \*Directing the person making the inquiry to visit with City Staff about the issue.

**Item 14.** City Manager's report.

**Item 15.** Commissioner's Comments.

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

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

**Item 16.** Adjournment.

I, Janelle Dolan, City Clerk for the City of Burkburnett, Texas do hereby certify that I posted this agenda on the glass front door of the City Hall, facing the outside at 9:00 a.m. on Friday, September 13, 2013 in compliance with the Open Meeting Act Chapter 551.

  
Janelle Dolan, City Clerk  
Posted 9/13/2013 @ 9:00am

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

**MINUTES  
BOARD OF COMMISSIONERS  
WORKSHOP SESSION**

The Board of Commissioners of the City of Burkburnett, Texas met in a Budget Workshop/Meeting on Wednesday, August 1, 2013 at 2:00 p.m. in the Council Chambers of the City Hall, 501 Sheppard Road, Burkburnett, Texas. The meeting was open to the public with notice being given in compliance with the Open Meeting Act. The following Commissioners were present:

Carl Law	Mayor
Bill Lindenborn	Mayor Pro-Tem
Josh Andrajack	Commissioner
Randy Brewster	Commissioner
Marguerite Love	Commissioner

Commissioners Hardy and Tugman were not present. Commissioner Brewster arrived at 3:00 pm.

Others present: Chester Nolen, Interim City Manager; Trish Holley, Director of Administration, Michael Whaley, Public Works Director; Janelle Dolan, City Clerk; Mike Tracey, Chief of Police; Ed Stahr, Lieutenant Police Department; and Rodney Ryalls, Fire Chief.

Item 1. Mayor Law called the meeting to order.

Item 2. Invocation was given by Commissioner Love.

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

Item 4. Motion was made by Commissioner Love seconded Commissioner Andrajack to nominate Mr. Mike Smith to serve as a trustee for Region 5 on the TML Intergovernmental Employee Benefits Pool Board. Motion carried unanimously. (Commissioner Brewster not present for this vote.)

Item 5. Chester Nolen, Interim City Manager, addressed the Mayor and Commissioners prior to discussing the budget on the following items:

- Mr. Nolen reported the Senior Citizens' Center of Burkburnett has requested an additional \$10,000 in addition to the \$12,500 donation that is already budgeted for the building, building and grounds maintenance and utilities.

- Mr. Nolen also informed the Mayor and Commissioners that the Wichita County Health Department closed the Burkburnett Pool due excessive levels of cyanuric acid in the pool. Mr. Nolen stated the swimming pool has been drained at this point and would require power washing with a bleach mixture and refilling the pool. Mr. Nolen stated with the water restrictions in place he is requesting direction from the Board of Commissioners, do they want the pool to be refilled? There are reservations for parties through the month of August which will have to be refunded if pool does not reopen. After much discussion it was the consensus of the Board of Commissioners to not refill the pool.
- Mr. Nolen reported that the City received notice today from the City of Wichita Falls that the wholesale water rates will increase 137% effective October 1<sup>st</sup>. This is an increase from \$1.55 to \$3.68 per 100 cubic feet. Mr. Nolen stated there is workshop scheduled with the City of Wichita Falls on August 9.

Mr. Nolen briefly highlighted the Fiscal Year 2014 General Operating Budget. Mr. Nolen presented a budget in the amount of \$6,199,391 expenses and \$6,205,414 in revenues and reviewed each fund to include: General, Solid Waste and Storm Drainage. This will leave a projected unappropriated balance of \$6,023. Mr. Nolen briefly reviewed funded and unfunded projects.

Item 6. City Manager Comments.

Item 7. Council comments.

Item 8. Motion was made by Commissioner Lindenborn, seconded by Commissioner Love to adjourn. Motion carried unanimously.

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Carl Law, Mayor

**ATTEST:**

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Janelle Dolan, City Clerk

**MINUTES  
BOARD OF COMMISSIONERS  
WORKSHOP SESSION**

The Board of Commissioners of the City of Burkburnett, Texas met in a Budget Workshop/Meeting on Tuesday, August 6, 2013 at 2:00 p.m. in the Council Chambers of the City Hall, 501 Sheppard Road, Burkburnett, Texas. The meeting was open to the public with notice being given in compliance with the Open Meeting Act. The following Commissioners were present:

Carl Law	Mayor
Bill Lindenborn	Mayor Pro-Tem
Josh Andrajack	Commissioner
Don Hardy	Commissioner
Marguerite Love	Commissioner

Commissioners Brewster and Tugman were not present.

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

Item 1. Mayor Law called the meeting to order.

Item 2. Invocation was given by Commissioner Hardy.

Item 3. The Pledge of Allegiance was led by Mayor Law.

Item 4. Trish Holley, Director of Administration addressed the Mayor and Commissioners on the purchase of the utility payment Kiosk. Ms. Holley stated when this was presented to the Board earlier this year, staff did not know the cost of the machine didn't include software, installation or the additional cost to remove the drive thru window. After obtaining additional information, staff did not think it would be as beneficial as it had been presented to the Board.

The Company was contacted to see if the order could be cancelled; 75% was paid in advance and on the invoice, it states they have a 25% charge for a restocking fee. However, the company stated the kiosk had already been built and therefore could not be cancelled. They stated they would remove the court payment feature and that would reduce the cost of the kiosk by \$4,000 and offered to come from Lewisville to see if another location would work better and leave the drive-thru window alone.

Mr. Nolen, Interim City Manager stated the City Attorney would review the invoice and if the kiosk can be cancelled there is a possibility the City would lose approximately \$8,750.

Motion was made by Commissioner Andrajack seconded by Commissioner Lindenborn to cancel the order on the Kiosk and pay up to a 25% restocking fee on the cancellation of the order. Motion carried unanimously.

Item 5. Chester Nolen, Interim City Manager, addressed the Mayor and Commissioners and gave a re-cap of the proposed FY 2014 budget which included projected revenue of \$6,197,473 and projected expenses of \$6,199,391 which would leave a projected unappropriated balance of -\$1,918. Examples were provided using the effective tax rate, rollback rate, and same tax rate as the previous year as the proposed tax rate. Mr. Nolen also reviewed funded and unfunded projects.

Item 6. City Manager Comments.

- Mr. Nolen reported 15 applications have been received for the City Manager position which closes on 8/21.

Item 7. Council comments.

Item 8. Motion was made by Commissioner Hardy seconded by Commissioner Lindenborn to adjourn. Motion carried unanimously.

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Carl Law, Mayor

**ATTEST:**

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Janelle Dolan, City Clerk

**MINUTES  
BOARD OF COMMISSIONERS  
WORKSHOP SESSION**

The Board of Commissioners of the City of Burkburnett, Texas met in a Budget Workshop/Meeting on Thursday, August 8, 2013 at 2:00 p.m. in the Council Chambers of the City Hall, 501 Sheppard Road, Burkburnett, Texas. The meeting was open to the public with notice being given in compliance with the Open Meeting Act. The following Commissioners were present:

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

Commissioners Brewster was not present.

Others present: Chester Nolen, Interim City Manager; Trish Holley, Director of Administration, Michael Whaley, Public Works Director; Janelle Dolan, City Clerk; Mike Tracey, Chief of Police and Ed Stahr, Lieutenant Police Department and Rod Ryalls, Fire Chief.

Item 1. Mayor Law called the meeting to order.

Item 2. Invocation was given by Commissioner Tugman.

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

Item 4. Chester Nolen, Interim City Manager, addressed the Mayor and Commissioners and reviewed the proposed FY 2014 budget which included projected revenue of \$6,197,473 and projected expenses of \$6,199,391 which would leave a projected unappropriated balance of -\$1,918. The 2014 General Budget Changes include: using proposed tax rate of \$0.638587; increased sales tax revenue \$137,480; removed BDC Director revenue and expense; deleted summer hire in street department; and deleted all expenses associated with the Aquatic Park. Mr. Nolen also reviewed funded and unfunded projects.

Item 5. City Manager Comments.

- Mr. Nolen reported 16 applications have been received for the City Manager position.

Item 6. Council comments.

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

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Carl Law, Mayor

**ATTEST:**

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Janelle Dolan, City Clerk

**MINUTES  
BOARD OF COMMISSIONERS  
WORKSHOP SESSION**

The Board of Commissioners of the City of Burkburnett, Texas met in a Budget Workshop/Meeting on Thursday, August 15, 2013 at 4:30 p.m. in the Council Chambers of the City Hall, 501 Sheppard Road, Burkburnett, Texas. The meeting was open to the public with notice being given in compliance with the Open Meeting Act. The following Commissioners were present:

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

Others present: Chester Nolen, Interim City Manager; Trish Holley, Director of Administration, Michael Whaley, Public Works Director; Mike Tracey, Chief of Police and Ed Stahr, Lieutenant Police Department and Kelly Carter, Assistant Fire Chief.

Item 1. Mayor Law called the meeting to order.

Item 2. Invocation was given by Commissioner Tugman.

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

Item 4. Chester Nolen, Interim City Manager, addressed the Mayor and Commissioners and stated the City needs to establish a bank account at Fidelity Bank for \$2.2 million from the waterworks and sewer bond proceeds. Mr. Nolen stated the closing on the property has been rescheduled for August 22<sup>nd</sup>.

Motion was made by Commissioner Tugman seconded by Commissioner Andrajack to approve establishing a bank account at Fidelity Bank. Motion carried unanimously.

Item 5. Mr. Nolen addressed the Mayor and Commissioners and provided copy of the proposed FY 2014 Budget. Mr. Nolen presented a budget which included the following summary:

General, Solid Waste & Storm Funds Balanced	
Total Revenues	\$6,462,594
Total Expenses	<u>\$6,462,594</u>
Net	-

Water, Wastewater & Water Wells Funds Balanced	
Total Revenues	\$3,671,364
Total Expenses	<u>\$3,671,364</u>
Net	-

I&S Debt Service	
Total Revenues	\$771,213
Total Expenses	<u>\$766,713</u>
Net	<b>\$4,501</b>

Capital Fund	
Total Revenues	\$407,760
Total Expenses	<u>\$398,442</u>
Net	<b>\$9,318</b>

Grant Fund	
Total Revenues	\$275,000
Total Expenses	<u>\$275,000</u>
Net	-

Municipal Court Security/Technology Fund	
Total Revenues	\$4,500
Total Expenses	<u>\$2,500</u>
Net	<b>\$2,000</b>

Hotel Occupancy Fund	
Total Revenues	\$88,575
Total Expenses	<u>\$26,000</u>
Net	<b>\$62,575</b>

Tax Increment Fund	
Total Revenues	\$86,669
Total Expenses	<u>\$35,300</u>
Net	\$51,369

Item 5. City Manager Comments.

Item 6. Council comments.

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

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Carl Law, Mayor

**ATTEST:**

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Janelle Dolan, City Clerk

## ***MINUTES***

### ***BOARD OF COMMISSIONERS***

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, August 19, 2013 at 7:00 p.m. in the Council Chambers of the City Hall, 501 Sheppard Road, Burkburnett, Texas. The meeting was open to the public with notice being given in compliance with the Open Meetings Act. The following Commissioners were present:

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

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

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

Item 2. Invocation was given by Liz Talbert, Pastor of First United Methodist Church.

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

Item 4. Consent Agenda.

- A. Approval of Minutes July 15, 2013
- B. Approval of DIR/CTS updated service agreement

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

Item 5. Mike Whaley, Director of Public Works, addressed the Mayor and Commissioners and reported David Davis resigned from the Parks and Recreation Board and his term would have ended February 2014. Mr. Whaley reported Rodney McCleskey Jr. has completed a volunteer application and is interested in fulfilling Mr. Davis's term.

Motion was made by Commissioner Lindenborn seconded by Commissioner Tugman to appoint Rodney McCleskey Jr. to the Parks and Recreation Board to serve the remainder of David Davis' term. Motion carried unanimously.

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

- A. Case #2013-12, rezone application for 200 Blk. of W. Williams, from Single Family Residential-6 (SF-6) to Residential (R-2).

Mike Whaley, Public Works Director, addressed the Mayor and Commissioners and stated a joint application to rezone the 200 Blk. of W. Williams, excluding 204 W. Williams, from Residential SF-6 to R-2 was received from property owners George and Ronald Bryant. Mr. Bryant and his son own 215 and 217 W. Williams. Mr. Whaley stated the Bryants have secured signatures from all the property owners of W. Williams excluding the owner of 204 W. Williams who wants to remain zoned SF-6.

The following addressed the Mayor and Commissioners:

- Ronald Bryant, 102 E. Williams
- George Bryant, 102 E. Williams

- B. Case #2013-14, Specific Use Permit for 931 Red River Expressway, for sale of firearms.

Mr. Whaley addressed the Mayor and Commissioners and stated a joint application to allow the sale of firearms was received from owner Mike Fortin and Operator Jason Roush. Mr. Whaley stated all mail outs in the 200ft. radius were sent notifying of the public hearing and no objections have been received at this time. Mr. Whaley stated a federal firearms license has been obtained by Mr. Roush and a copy has been filed with the City and the City would have no further restrictions per zoning as the property is currently zoned commercial and operates as such now.

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

- A. Case #2013-12, rezone application for 200 Blk. of W. Williams, from Single Family Residential-6 (SF-6) to Residential (R-2).

Motion was made by Commissioner Andrajack seconded by Commissioner Hardy to approve Case#2013-12 a rezone application. Motion carried unanimously.

- B. Case #2013-14, Specific Use Permit for 931 Red River Expressway, for sale of firearms.

Motion was made by Commissioner Andrajack seconded by Commissioner Brewster to approve Case#2013-14, specific use permit for 931 Red River Expressway, for sale of firearms. Motion carried unanimously.

Item 8. Trish Holley, Director of Public Administration, addressed the Mayor and Commissioners and stated the Board of Commissioners is required by state law to take a record vote on the proposed tax rate for the FY 2014 Budget. Ms. Holley stated the proposed tax rate discussed in the budget workshops includes the tax increase voted on by the citizens to issue General Obligation Debt for the Family Aquatic Center and the proposed tax rate for the FY 2014 budget is \$0.638587 per \$100 valuation which is \$.060005 cents increase over last year's tax rate.

Motion made by Commissioner Lindenborn seconded by Commissioner Andrajack to approve the proposed tax rate of \$.638587 per \$100 valuation. Motion carried unanimously.

Item 9. Mayor Law closed the meeting at 7:18 p.m. and opened the Executive Session pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code; the Board of Commissioners may convene in Executive Session regarding the following matters:

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

Item 10. Mayor Law reconvened the regular meeting at 8:01 p.m. No action was taken.

Item 11. Review of monthly reports.

- A. Administration-Ms. Holley reported sales tax is down 13% this month but the City is still up 6.82% for the year.
- B. Public Works-
- C. Public Safety-Chief Tracey reported next week the police department will receive training on lap tops that were received by a grant.

Item 12. Public Comments.

Thomas Watson, 209 S. Ave B. Lot 21, Old Nursing Home on I-44 and trucks parking at the old Wal-Mart.

Item 13. City Manager's report.

- Mr. Nolen reported 28 applications have been received for the City Manager posting which closes at 5 pm on August 22.
- Mr. Nolen also stated there was little sewage spillage at the Big Lift Station after lightening knocked out the transformer this past week, but was quickly contained and was back in operation.
- Mr. Nolen also reported demolition has begun at the swimming pool and the design plans for the Family Aquatic Center were received this week.

Item 14. Commission comments.

Item 15. Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to adjourn. Motion carried unanimously.

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Carl Law, Mayor

**ATTEST:**

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Janelle Dolan, City Clerk



## Board of Commissioners Agenda Memo

**From:** Chester Nolen, Interim City Manager

**Date:** September 16, 2013

**Item:** Discuss and take any action necessary for the appointment of the Burkburnett Development Corporation Board Members.

### Background

As provided in the Burkburnett Development Corporation (BDC) By-laws, the Board of Commissioners appoints the Board of Directors for the Burkburnett Development Corporation. The BDC met on September 10<sup>th</sup> and Directors John Robertson, Bill Lindenborn, and Russell Miller have reached their term limits. John Robertson and Russell Miller stated they are both willing to serve another term. The following Ex Officio members have reached their term limits: Jeff Kindt and Ed Godsey. Jeff Kindt stated he is willing to serve another term. The BDC is also recommending the removal of Susan Mitchell and Tag Davis for lack of attendance. This will leave a total of three Ex Officio member positions that need to be filled.

The BDC recommends the following:

- Voting member of the Board of Directors
  - Jeff Briscoe, current Ex Officio member.
- Ex Officio non-voting members (Choose Three):
  - Teresa Brantley, Danny Cremeens, Jerry Johnson, Michelle McDonald, Donna Moore and Brint Richter.

### Fiscal Impact

There is no fiscal impact.

### Options

- Appoint the Board of Directors as proposed by the BDC.
- Appoint different Board of Directors.
- Take no action.

### Staff Recommendation

Staff has no specific recommendation.

### Attachments



## **Board of Commissioners Agenda Memo**

**From:** Chester Nolen, Interim City Manager

**Date:** September 16, 2013

**Item:** Ordinance Number 840 adopting the FY 2014 Maintenance & Operational Budget

### **Background**

The Board of Commissioners has conducted four budget workshops, a record vote on the proposed tax rate, and two public hearings on the proposed FY 2014 M&O Budget. Ordinance Number 840 adopts the FY 2014 M&O Budget that has been discussed and presented in the previous workshops and public hearings.

### **Fiscal Impact**

Ordinance Number 840 establishes the M&O Budget for FY 2014.

### **Options**

Adopt Ordinance Number 840

### **Staff Recommendation**

Staff recommends that the Board of Commissioners adopt Ordinance Number 840.

### **Attachments**

- Ordinance Number 840

**ORDINANCE NUMBER 840**

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

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

**SECTION 1.**

That the City of Burkburnett's operating budget for the fiscal year ending September 30, 2014, which is hereto attached, was duly prepared and filed with the City Clerk, where it is available for inspection of any taxpayer.

**SECTION 2.**

That the operating budget for the City of Burkburnett, Texas hereto attached for the fiscal period ending September 30, 2014 in the amount of \$10,133,958 be and the same is hereby in all respects finally approved and adopted as so changed, and the same shall be and is filed with the City Clerk of said City.

**SECTION 3.**

That the several amounts specified for the several purposes named in said operating budget be, and they are hereby appropriated to and for such purposes.

**SECTION 4.**

That this ordinance shall take effect and be in full force after its date of passage.

**SECTION 5.**

The Board of Commissioners finds that this ordinance relates to the immediate preservation of the public peace, health, safety and welfare and that the City's operating budget should be adopted at the earliest possible moment to comply with Article VI, Section 2 of the City Charter, as amended to continue the essential services to Burkburnett citizens.

**PASSED AND APPROVED** on this 16<sup>th</sup> day of September 2013.

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Carl Law, Mayor

**ATTEST:**

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Janelle Dolan, City Clerk



## Board of Commissioners Agenda Memo

**From:** Chester Nolen, Interim City Manager

**Date:** September 16, 2013

**Item:** Ordinance Number 841 adopting the FY 2014 Capital Improvement Budget

### Background

The Board of Commissioners has conducted four budget workshops, a record vote on the proposed tax rate, and two public hearings on the proposed FY 2014 M&O Budget which included the Capital Improvement Budget. Ordinance Number 841 adopts the FY 2014 Capital Improvement Budget that has been discussed and presented in the previous workshops and public hearings.

### Fiscal Impact

Ordinance Number 841 establishes the Capital Improvement Budget for FY 2014.

### Options

Adopt Ordinance Number 841

### Staff Recommendation

Staff recommends that the Board of Commissioners adopt Ordinance Number 841.

### Attachments

- Ordinance Number 841

**ORDINANCE NUMBER 841**

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

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

**SECTION 1.**

That the City of Burkburnett's capital improvement budget for the fiscal year ending September 30, 2014, which is hereto attached, was duly prepared and filed with the City Clerk where it is available for inspection of any taxpayer.

**SECTION 2.**

That the capital improvement budget for the City of Burkburnett, Texas attached for the fiscal period ending September 30, 2014 in the amount of \$407,760 be and the same if hereby in all respects finally approved and adopted as so changed, and the same shall be and is filed with the City Clerk of said City.

**SECTION 3.**

That the several amounts specified for the several purposes named in said capital improvement budget be, and they are hereby appropriated to and for such purposes.

**SECTION 4.**

That this ordinance shall take effect and be in full force after its date of passage.

**SECTION 5.**

The Board of Commissioners finds that this ordinance relates to the immediate preservation of the public peace, health, safety and welfare and that the City's capital improvement budget should be adopted at the earliest possible moment. These planned capital improvements are to provide quality services to Burkburnett citizens.

**PASSED AND APPROVED** on this 16<sup>th</sup> day of September 2013.

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Carl Law, Mayor

**ATTEST:**

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Janelle Dolan, City Clerk



## Board of Commissioners Agenda Memo

**From:** Chester Nolen, Interim City Manager

**Date:** September 16, 2013

**Item:** Ordinance Number 842 setting the 2013 Tax Rate

### Background

The Board of Commissioners has conducted four budget workshops, a record vote on the proposed tax rate, and two public hearings on the proposed FY 2014 M&O Budget based on the proposed 2013 Tax Rate. Ordinance Number 842 sets the 2013 Tax Rate that has been discussed and presented in the previous workshops and public hearings. The proposed 2013 Tax Rate is \$0.638587 /\$100 in valuation, which is a \$0.060005 increase from last year, citizens voted for tax increase for the New Aquatic Family Center.

### Fiscal Impact

Ordinance Number 842 sets the 2013 Tax Rate

### Options

Adopt Ordinance Number 842

### Staff Recommendation

Staff recommends that the Board of Commissioners adopt Ordinance Number 842.

### Attachments

- Ordinance Number 842

**ORDINANCE NUMBER 842**

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

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

**SECTION 1.**

That an ad valorem tax rate of \$0.638587 per \$100.00 of market value, as said values are fixed by the Wichita County Appraisal District, be and the same is hereby levied for the year 2013 on all real property, personal property and mixed property located and situated within the city limits of the City of Burkburnett as of January 1, 2013.

**“THIS YEAR’S TAX LEVY TO FUND MAINTENANCE AND OPERATIONS EXPENDITURES DOES NOT EXCEED LAST YEAR’S MAINTENANCE AND OPERATIONS TAX LEVY.**

**SECTION 2.**

That the above specified ad valorem tax rate be distributed as follows:

A. MAINTENANCE / OPERATIONS	\$0.460873/\$100
B. INTEREST AND SINKING DEBT	\$0.177714/\$100
TOTAL	\$0.638587/\$100

**SECTION 3.**

Any person failing to pay their taxes after January 31, 2014, shall be subject to maximum penalties thereon allowed by law to be collected on delinquent taxes. All delinquent taxes shall bear interest at the highest per annum interest rate allowed by law to be collected on delinquent taxes and shall bear interest from date of delinquency until paid.

**PASSED, APPROVED AND EFFECTIVE** this 16<sup>th</sup> day of September 2013.

\_\_\_\_\_  
Carl Law, Mayor

**ATTEST:**

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Janelle Dolan, City Clerk



## Board of Commissioners Agenda Memo

**From:** Chester Nolen, Interim City Manager

**Date:** September 16, 2013

**Item:** Ordinance Number 843 adjusting the City of Burkburnett garbage rates

### Background

The Board of Commissioners has conducted four budget workshops, a record vote on the proposed tax rate, and two public hearings on the proposed FY 2014 budget which included the proposed garbage rates. The increase is a result of service provider Progressive Waste Solutions increasing their monthly fees.

### Fiscal Impact

Ordinance Number 843 adjusts the City of Burkburnett garbage rates

### Options

Adopt Ordinance Number 843

### Staff Recommendation

Staff recommends that the Board of Commissioners adopt Ordinance Number 843.

### Attachments

- Ordinance Number 843

**ORDINANCE NUMBER 843**

**AN ORDINANCE AMENDING ORDINANCE NUMBER 827 OF THE CITY OF BURKBURNETT, TEXAS PRESENTLY CODIFIED AS CHAPTER 50, GARBAGE AND REFUSE IN THE CODE OF ORDINANCES, SPECIFYING THE EFFECTIVE DATE; DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

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

**SECTION 1.** That Chapter 50 of the Code of Ordinances of the City of Burkburnett be amended by changing Section 50.10 to the following:

**SECTION 50.10-COLLECTION CHARGES**

(A) The monthly rates for residential garbage service set by the Board of Commissioners shall be as follows:

<u>Service</u>	<u>Rates</u>
Residential collection	\$19.93
Once a week pickup-polycart	
Once a week call in-bulk pickup	
Senior Citizens (65/over)	\$16.24
Once a week pickup-polycart	
Once a week call in-bulk pickup	
Extra polycart	\$ 7.70

(B) The monthly rates for commercial garbage service set by the Board of Commissioners shall be as follows:

<b>CONTAINER SIZE</b>	<b><u>1X</u></b>	<b><u>2X</u></b>	<b><u>3X</u></b>	<b><u>5X</u></b>
2 -Cubic Yd.	\$ 52.07	\$ 103.87	\$160.31	\$278.17
4-Cubic Yd.	\$ 87.01	\$175.82	\$271.59	\$485.95
6-Cubic Yd.	\$129.44	\$270.15	\$406.31	\$727.85
8-Cubic Yd.	\$171.90	\$349.49	\$541.03	\$969.75

(C) The above schedule of rates shall be effective October 1, 2013.

**SECTION 2.** That this ordinance shall take effect immediately on all garbage bills rendered on or after October 1, 2013.

**SECTION 3.** In the event any one or more of the provisions of this Ordinance should be declared to be invalid, unenforceable or illegal; such invalidity, unenforceability or illegality shall not affect the validity, enforcement or legality of the remaining portions of this ordinance.

**SECTION 4.** It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law and that notice of the time, place and purpose of said meeting was given. This ordinance shall become effective following its publication as required by City Charter, Article IV, Section 20.

**PASSED AND APPROVED** on this 16<sup>th</sup> day of September 2013.

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Carl Law, Mayor

**ATTEST:**

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Janelle Dolan, City Clerk