

AGENDA

Notice is hereby given of a meeting of the Board of Commissioners of Burkburnett to be held on **Monday, October 17, 2016 at 7:00 p.m.** at City Hall-Council Chambers, 501 Sheppard Road, Burkburnett, Texas for the purpose of considering the following agenda items. The Board of Commissioners may discuss and take action on any item on this agenda. The Board of Commissioners reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

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

Item 1. Mayor: Call meeting to order.

Item 2. Invocation-

Item 3. Pledge of Allegiance.

Item 4. CONSENT AGENDA:

- A. Approval of Minutes from September 6 and September 13, 2016 Special Called Meetings, September 19, 2016 Regular Scheduled Meeting, and September 29, 2016 Special Called Meeting

Item 5. Ordinance Number 902. An ordinance granting ONCOR Electric Delivery Company LLC. an electric power franchise to use the present and future streets, alleys, highways, public utility easements, public ways and public property of the City of Burkburnett, Texas, and providing for compensation, Final Reading.

Item 6. Mayor to close regular meeting and open "Public Hearing" for the following Planning & Zoning Commission Case:

- A. Case #2016-30, re-zone application for Highland Drive, rezoned as a carport overlay district.

Item 7. Mayor to close Public Hearing and reopen the regular meeting and take any action necessary on Planning & Zoning Commission Case:

- A. Case #2016-30, re-zone application for Highland Drive, rezoned as a carport overlay district.

Item 8. Discuss and take any action necessary on the regulation of alcohol at the community center.

Item 9. Discuss and take any action necessary on appointment to the Burkburnett Housing Authority Board of Directors.

Item 10. 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. Mike Whaley, City Manager Evaluation

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

Item 12. 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 13. City Manager's report.

- Auditors in office November 7th -11th

Item 14. 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 15. 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 1:00 p.m. on October 14, 2016 in compliance with the Open Meeting Act Chapter 551.



Janelle Dolan, City Clerk

Posted 10/14/16 1:08 PM

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 September 6, 2016 at 6:00 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
Jeremy Duff	Commissioner
Marguerite Love	Commissioner
Michael Tugman	Commissioner

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

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

Item 2. Invocation was given by Commissioner Ducos.

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

Mayor moved up Items 6, 7 and 8.

Item 6. Mayor Law closed the regular meeting at 6:01 p.m. and opened the “Budget Hearing” to discuss:

- a) Proposed City Operating Budget for Fiscal Year 2016-2017
- b) Proposed Property Tax Rate for Fiscal Year 2016-2017

Mike Whaley, City Manager, addressed the Mayor and Commissioners. Mr. Whaley presented a balanced budget and reviewed the proposed tax rate is \$0.727067/per \$100 (M&O- \$0.525861 and I&S- \$.201206) which is an increase in the M&O of \$0.007044 over last year’s M&O rate and an increase of \$0.026761 in the I&S rate for a total increase of \$0.033805.

Item 7. Mayor Law closed the “Budget Hearing” at 6:02 p.m. and re-opened the Commissioners meeting.

Item 8. No action was taken.

Item 4. Mr. Whaley addressed the Mayor and Commissioners and presented a balanced budget for Fiscal Year 2017.

Motion was made by Commissioner Love, seconded by Commissioner Lindenborn to approve the Fiscal Year 2017 BDC budget as presented. Motion carried unanimously.

Item 5. Mr. Whaley addressed the Mayor and Commissioners and stated that the following have been provided to them: the table from the HDR agreement that was on the previous agenda along with a table that includes the estimated cost that will be paid to the title company for land and title work. The table in the agreement is accurate and reflects only the costs that will be paid directly to HDR. The second table reflects the cost for title work and land with an estimated total of \$56,639.50.

Total estimated cost and fund balances are listed below:

HDR Cost reflected in the agreement:	\$150,365.00
Title and land purchase cost:	<u>\$ 56,639.50</u>
Total Cost	\$207,004.50

TXDOT reimbursement fund:	\$150,000.00
Gresham Rd Fund:	<u>\$ 75,000.00</u>
Total Funds Available	\$225,000.00

Motion was made by Commissioner Love, seconded by Commissioner Ducos to approve the Professional Service Agreement with HDG Engineering, Inc.

Ayes: Mayor Law; Commissioners Ducos, Duff, Lindenborn, Love and Tugman
Nays: Commissioner Brewster
Motion carried.

Item 9. City Manager Comments.

- Boomtown Rodeo - September 9 and 10
- SAFB Open House Air Show 2016 – Sept 17th and 18th
- SAFB 75th Anniversary and ENJJPT’s 35th Anniversary Dinner – Sept 21st MPEC
- TML Region 5 Meeting – Sept 22 at 6:00 pm, MPEC
- Boomtown Glow Run 5K and Friendship Festival – Sept 30 and Oct 1
- TML Annual Conference - Oct 4-7, Austin

Item 10. No Commissioner Comments.

Item 11. Motion was made by Commissioner Tugman, seconded by Commissioner Duff to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a special called meeting on September 13, 2016 at 6:00 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
Jeremy Duff	Commissioner
Marguerite Love	Commissioner
Michael Tugman	Commissioner

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

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

Item 2. Invocation was given by Mark Simons, Pastor of Jan Lee Baptist Church.

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

Item 4. Mayor Law closed the regular meeting at 6:03 p.m. and opened the “Budget Hearing” to discuss:

- a) Proposed City Operating Budget for Fiscal Year 2016-2017
- b) Proposed Property Tax Rate for Fiscal Year 2016-2017

Mike Whaley, City Manager, addressed the Mayor and Commissioners. Mr. Whaley presented a balanced budget and reviewed the proposed tax rate is \$0.727067/per \$100 (M&O- \$0.525861 and I&S- \$.201206) which is an increase in the M&O of \$0.007044 over last year’s M&O rate and an increase of \$0.026761 in the I&S rate for a total increase of \$0.033805.

Item 5. Mayor Law closed the “Budget Hearing” at 6:04 p.m. and re-opened the Commissioners meeting.

Item 6. No action was taken.

Item 7. Mr. Whaley addressed the Mayor and Commissioners and stated there are four places up for re-election on the TML Intergovernmental Risk Pool which handle Worker’s Compensation, Property, and Liability Insurance. The candidates for each position are listed on attached Ballot. The terms will be for six (6) years.

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to elect the following officials to serve on the TML Intergovernmental Risk Pool: Mary Gauer, Place 6; C.J. Wax, Place 7; Larry Melton, Place 8; and Andres Garza; Place 9. Motion carried unanimously.

Item 8. Mr. Whaley addressed the Mayor and Commissioners and stated at Board of Commissioners meeting in July, the Board nominated Mike Smith to serve on the TML Intergovernmental Employee Benefits Pool Board of Trustees. Mike is the City Manager of Jacksboro and incumbent board member for Region 5. Mr. Whaley stated the Board is now required to vote on Mike Smith's nomination. Mike is the only candidate running for Region 5 (unless there is a write in candidate). Mr. Whaley stated staff recommends voting for Mike Smith to serve as the Region 5 representative on the TML IEBP Board of Trustees.

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to accept staff's recommendation and elect Mike Smith to serve as the Region 5 representative on the TML IEBP Board of Trustees. Motion carried unanimously.

Item 9. City Manager Comments.

- SAFB Open House Air Show 2016 – Sept 17th and 18th
- Board of Commissioners Meeting – Sept 19th
- SAFB 75th Anniversary and ENJJPT's 35th Anniversary Dinner – Sept 21st MPEC
- TML Region 5 Meeting – Sept 22 at 6:00 pm, MPEC
- Boomtown Glow Run 5K and Friendship Festival – Sept 30 and Oct 1
- TML Annual Conference - Oct 4-7, Austin

Item 10. No Commissioner Comments.

Item 11. Motion was made by Commissioner Brewster, seconded by Commissioner Tugman 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, September 19, 2016 at 7:00 p.m. in the Council Chambers of the City Hall, 501 Sheppard Road, Burkburnett, Texas. The meeting was open to the public with notice being given in compliance with the Open Meetings Act. The following Commissioners were present:

Carl Law	Mayor
Bill Lindenborn	Mayor Pro Tem
Randy Brewster	Commissioner
Frank Ducos	Commissioner
Jeremy Duff	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; Rod Ryalls, Fire Chief; and Mike Guevara, Shahan, Guevara, Decker and Arrott, Attorneys at Law.

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

Item 2. Invocation was given by Dave Poole, Deacon Candidate, St. Jude Catholic Church.

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

Item 4. Consent Agenda.

- A. Approval of Minutes from August 8 and August 9, 2016 Special Called Budget Meetings, August 15, 2016 Regular Scheduled Meeting, and August 18, 2016 Special Called Budget Meeting

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

Item 5. Ordinance Number 902 was presented. Caption of same being:

AN ORDINANCE GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC

UTILITY EASEMENTS, PUBLIC WAYS AND PUBLIC PROPERTY OF THE CITY OF BURKBURNETT, TEXAS, PROVIDING FOR COMPENSATION THEREFOR, PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE, PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE, PROVIDING FOR THE REPEAL OF ALL EXISTING FRANCHISE ORDINANCES TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS PREDECESSORS AND ASSIGNS, AND FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC.

Second reading, no action taken.

Item 6. Presentation by Don Miller on Sheridan Medical Lodge update.

Item 7. Ordinance Number 908 was presented in its entirety. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CITY OF BURKBURNETT CODE OF ORDINANCES BY AMENDING CHAPTER 33 MUNICIPAL COURT OF RECORD BY AMENDING SECTION 33.11 APPEALS; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mike Guevara, Shahan, Guevara, Decker and Arrott, Attorneys at Law addressed the Mayor and Commissioners and stated the City's existing Municipal Court of Record Ordinance was passed in 2008. The Ordinance included a provision for Appeals, which was very general and stated only that appeals would "be governed by the applicable provisions of the Act and the Texas Code of Criminal Procedure." The Local Government Code Sec. 30.00014 provides that "a municipality shall by ordinance establish a fee for the preparation of the clerk's record in the amount of \$25." Burkburnett has not established that fee directly. This proposed ordinance amendment establishes the \$25 fee to be collected for the preparation of the clerk's record, as well as sets out the additional duties required of the defendant in order to perfect their appeal.

Motion was made by Commissioner Brewster, seconded by Commissioner Lindenborn to approve Ordinance Number 908 with the following correction: 2) The defendant may not take an appeal... Motion carried unanimously.

Item 8. Ordinance Number 903 was presented in its entirety. Caption of same being:

AN ORDINANCE ADOPTING THE FISCAL YEAR OPERATING BUDGET OCTOBER 1, 2016 – SEPTEMBER 30, 2017 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.

Motion was made by Commissioner Brewster, seconded by Commissioner Love to approve Ordinance Number 903 as presented. Motion carried unanimously.

Item 9. Ordinance Number 904 was presented in its entirety. Caption of same being:

AN ORDINANCE ADOPTING THE FISCAL YEAR CAPITAL IMPROVEMENT BUDGET OCTOBER 1, 2016 - SEPTEMBER 30, 2017 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.

Motion was made by Commissioner Brewster, seconded by Commissioner Duff to approve Ordinance Number 904 as presented. Motion carried unanimously.

Item 10. Ordinance Number 905 was presented in its entirety. Caption of same being:

AN ORDINANCE LEVYING AN ANNUAL AD VALOREM TAX FOR THE YEAR 2016 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 DELINQUENT TAXES.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Ducos that the property tax rate be increased by the adoption of a tax rate of 0.727067, which is effectively a 4.30 percent increase in the tax rate and to approve Ordinance Number 905. Motion carried unanimously.

Item 11. Ordinance Number 906 was presented in its entirety. Caption of same being:

AN ORDINANCE SUPERSEDING ORDINANCE NUMBER 895 OF THE CITY OF BURKBURNETT, TEXAS PRESENTLY CODIFIED AS CHAPTER 53, WATER IN THE CODE OF ORDINANCES, SPECIFYING THE EFFECTIVE DATE; DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Motion was made by Commissioner Ducos, seconded by Commissioner Love to approve Ordinance Number 906 as presented. Motion carried unanimously

Item 12. Ordinance Number 907 was presented in its entirety. Caption of same being:

AN ORDINANCE AMENDING ORDINANCE NUMBER 887 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.

Motion was made by Commissioner Duff, seconded by Commissioner Ducos to approve Ordinance Number 907 as presented. Motion carried unanimously

Mayor presented a city blanket to Gordon Smith, Director of Public Works, in honor of his retirement.

Mayor moved up Item 14.

Item 14. Mayor Law closed the meeting at 7:27 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. Employment of Bob Cochran as Interim Public Works Director
- b. Mike Whaley, City Manager Evaluation

Mayor Law reconvened the regular meeting at 9:27 p.m.

- a. Motion was made by Commissioner Tugman, seconded by Commissioner Ducos to give the City Manager authority to enter into an employment agreement with Bob Cochran as the Interim Public Works Director. Motion carried unanimously.
- b. No action taken.

Item 13. No action taken.

Item 15. No public comments.

Item 16. City Manager comments.

- Library Open House -
- SAFB 75th Anniversary and ENJJPT's 35th Anniversary Dinner – Sept 21st MPEC 6:00 PM
- TML Region 5 Meeting – Sept 22 at 5:45 pm, MPEC
- Boomtown Glow Run 5K and Friendship Festival – Sept 30 and Oct 1
- TML Annual Conference - Oct 4-7, Austin
- Volunteer Fire Department Installation Dinner -October 13th

Item 17. No Commissioner Comments.

Item 18. Motion was made by Commissioner Ducos, seconded by Commissioner Duff to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a special called meeting on September 29, 2016 at 8:00 a.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
Frank Ducos	Commissioner
Jeremy Duff	Commissioner
Marguerite Love	Commissioner
Michael Tugman	Commissioner

Commissioner Brewster was not present.

Others present: Mike Whaley, City Manager and Janelle Dolan, City Clerk.

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

Item 2. Invocation was given by Commissioner Duff.

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

Item 4. Janelle Dolan, City Clerk, addressed the Mayor and Commissioners and stated Sarah Fuller submitted a request for the consumption of beer and wine at the Fighting for 9 Hole - Benefit for Tracy Slayden to be held at the Community Center on October 15, 2016. This is a fundraiser for Tracy, who was recently diagnosed with ALS. There will be a band, food, silent auction and raffle. The event will be open to the public. Appropriate security will be on hand and the additional deposit has been paid.

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to approve the permit application for the Fighting for 9 Hole -Benefit for Tracy Slayden to use the Community Center on October 15, 2016. Motion carried unanimously.

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



City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: October 17, 2016

Item: Ordinance Number 902 ONCOR Franchise Renewal

Background

The City's electric franchise with ONCOR Electric Delivery is set to expire December 31st, 2016. Enclosed is a copy of the franchise renewal. The City attorney has reviewed and approved the ordinance supplied by ONCOR. The previous franchise agreement was passed and approved in 2006. The current franchise renewal has a term of 20 years and would expire Sept. 30th, 2037. Gordon Drake, ONCOR West Regional Customer Operations Area Manager will be present to answer any questions you may have at the meeting. As required by Charter this will be the third and final reading.

Fiscal Impact

N/A

Options

Approve Ordinance Number 902
Deny with recommendations

Staff Recommendation

Staff recommends approval of Ordinance Number 902 ONCOR Franchise Renewal

Attachments

Ordinance Number 902

ORDINANCE NUMBER 902

AN ORDINANCE GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, PUBLIC WAYS AND PUBLIC PROPERTY OF THE CITY OF BURKBURNETT, TEXAS, PROVIDING FOR COMPENSATION THEREFOR, PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE, PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE, PROVIDING FOR THE REPEAL OF ALL EXISTING FRANCHISE ORDINANCES TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS PREDECESSORS AND ASSIGNS, AND FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC.

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

SECTION 1. GRANT OF AUTHORITY: That there is hereby granted to Oncor Electric Delivery Company LLC, its successors and assigns (herein called "Company"), the right, privilege and franchise to construct, extend, maintain and operate in, along, under and across the present and future streets, alleys, highways, public utility easements, public ways and other public property (Public Rights-of-Way) of the City of Burkburnett, Texas (herein called "City") electric power lines, with all necessary or desirable appurtenances (including underground conduits, poles, towers, wires, transmission lines, telephone and communication lines, and other structures for its own use), (herein called "Facilities") for the purpose of delivering electricity to the City, the inhabitants thereof, and persons, firms and corporations beyond the corporate limits thereof, for the term set out in Section 7.

SECTION 2. Poles, towers and other structures shall be so erected as not to unreasonably interfere with traffic over streets, alleys and highways.

SECTION 3. The City reserves the right to lay, and permit to be laid, storm, sewer, gas, water, wastewater and other pipe lines, cables, and conduits, or other improvements and to do and permit to be done any underground or overhead work that may be necessary or proper in, across, along, over, or under Public Rights-of-Way occupied by Company. The City also reserves the right to change in any manner any curb, sidewalk, highway, alley, public way, street, utility lines, storm sewers, drainage basins, drainage ditches, and the like. Upon request by City, Company shall relocate its facilities at the expense of the City except as otherwise required by Section 37.101(c) of the Texas Public Utility Regulatory Act (PURA), which statutory provision currently states, the governing body of a municipality may require an electric utility to

Oncor Electric Delivery Company LLC/City of Burkburnett Electric Franchise Agreement

relocate the utility's facility at the utility's expense to permit the widening or straightening of a street. City and Company further agree that widening and straightening of a street includes the addition of any acceleration, deceleration, center or side turn lanes, and sidewalks (meaning sidewalks done in conjunction with widening or straightening of a street), provided that the City shall provide Company with at least thirty (30) days' notice and shall specify a new location for such facilities along the Public Rights-of-Way of the street. Company shall, except in cases of emergency conditions or work incidental in nature, obtain a permit, if required by City ordinance, prior to performing work in the Public Rights-of-Way, except in no instance shall Company be required to pay fees or bonds related to its use of the Public Rights-of-Way, despite the City's enactment of any ordinance providing the contrary. Company shall construct its facilities in conformance with the applicable provisions of the National Electrical Safety Code.

If the City requires the Company to adapt or conform its Facilities, or in any manner to alter, relocate, or change its Facilities to enable any other corporation or person to use, or use with greater convenience, said street, alley, highway, or public way, the Company shall not be bound to make such changes until such other corporation or person shall have undertaken, with good and sufficient bond, to reimburse the Company for any costs, loss, or expense which will be caused by, or arises out of such change, alteration, or relocation of Company's Facilities.

If City abandons any Public Rights-of-Way in which Company has facilities, such abandonment shall be conditioned on Company's right to maintain its use of the former Public Rights-of-Way and on the obligation of the party to whom the Public Rights-of-Way is abandoned to reimburse Company for all removal or relocation expenses if Company agrees to the removal or relocation of its facilities following abandonment of the Public Rights-of-Way. If the party to whom the Public Rights-of-Way is abandoned requests the Company to remove or relocate its facilities and Company agrees to such removal or relocation, such removal or relocation shall be done within a reasonable time at the expense of the party requesting the removal or relocation. If relocation cannot practically be made to another Public Rights-of-Way, the expense of any right-of-way acquisition shall be considered a relocation expense to be reimbursed by the party requesting the relocation.

SECTION 4.

A. In consideration of the granting of this Franchise, Company shall, at its sole cost and expense, indemnify and hold the City, and its past and present officers, agents and employees harmless against any and all liability arising from suits, actions or claims regarding injury or death to any person or persons, or damages to any property arising out of or occasioned by the intentional and/or negligent acts or omissions of Company or any of its officers, agents, or employees in connection with Company's construction, maintenance and operation of Company's system in the City Public Rights-of-Way, including any court costs, reasonable expenses and reasonable defenses thereof.

B. This indemnity shall only apply to the extent that the loss, damage or injury is attributable to the negligence or wrongful act or omission of the Company or its officers, agents or employees, and does not apply to the extent such loss, damage or injury is attributable to the negligence or wrongful act or omission of the City or the City's officers, agents, or employees or any other person or entity. This provision is not intended to create a cause of action or liability for the benefit of third parties but is solely for the benefit of Company and the City.

C. In the event of joint and concurrent negligence or fault of both Company and the City, responsibility and indemnity, if any, shall be apportioned comparatively between the City and Company in accordance with the laws of the state of Texas without, however, waiving any governmental immunity available to the City under Texas law and without waiving any of the defenses of the parties under Texas law. Further, in the event of joint and concurrent negligence or fault of both Company and the City, responsibility for all costs of defense shall be apportioned between the City and Company based upon the comparative fault of each.

D. In fulfilling its obligation to defend and indemnify City, Company shall have the right to select defense counsel, subject to City's approval, which will not be unreasonably withheld. Company shall retain defense counsel within seven (7) business days of City's written notice that City is invoking its right to indemnification under this franchise. If Company fails to retain counsel within such time period, City shall have the right to retain defense counsel on its own behalf, and Company shall be liable for all reasonable defense costs incurred by City, except as otherwise provided in section 4.B and 4.C.

SECTION 5. This franchise is not exclusive, and nothing herein contained shall be construed so as to prevent the City from granting other like or similar rights, privileges and franchises to any other person, firm, or corporation. Any Franchise granted by the City to any

other person, firm, or corporation shall not unreasonably interfere with this Franchise.

SECTION 6. In consideration of the grant of said right, privilege and franchise by the City and as full payment for the right, privilege and franchise of using and occupying the said Public Rights-of-Way, and in lieu of any and all occupation taxes, assessments, municipal charges, fees, easement taxes, franchise taxes, license, permit and inspection fees or charges, street taxes, bonds, street or alley rentals, and all other taxes, charges, levies, fees and rentals of whatsoever kind and character which the City may impose or hereafter be authorized or empowered to levy and collect, excepting only the usual general or special ad valorem taxes which the City is authorized to levy and impose upon real and personal property, sales and use taxes, and special assessments for public improvements, Company shall pay to the City the following:

- A. A final quarterly payment will be made on or before December 15, 2016 for the basis period of July 1, 2016 through September 31, 2016 and the privilege period of July 1, 2017 through September 31, 2017 in accordance with the provisions in the previous franchise.
- B. As authorized by Section 33.008(b) of PURA, the original franchise fee factor calculated for the City in 2002 was 0.003003 (the "Base Factor"), multiplied by each kilowatt hour of electricity delivered by Company to each retail customer whose consuming facility's point of delivery is located within the City's municipal boundaries for determining franchise payments going forward.

Due to a 2006 agreement between Company and City the franchise fee factor was increased to a franchise fee factor of 0.003153 (the "Current Factor"), multiplied by each kilowatt hour of electricity delivered by Company to each retail customer whose consuming facility's point of delivery is located within the City's municipal boundaries on an quarterly basis.

However, consistent with the 2006 agreement, should the Public Utility Commission of Texas at any time disallow Company's recovery through rates of the higher franchise payments made under the Current Factor as compared to the Base Factor, then the franchise fee factor shall immediately revert to the Base Factor of 0.003003 and all

future payments, irrespective of the time period that is covered by the payment, will be made using the Base Factor.

Company shall make quarterly payments as follows:

<u>Payment Due Date</u>	<u>Basis Period</u>	<u>Privilege Period</u> <u>(Following Year)</u>
March 15	Oct.1 – Dec. 31	Oct. 1 – Dec. 31
June 15	Jan. 1 – Mar. 31	Jan. 1 – Mar. 31
September 15	Apr.1 – Jun. 30	Apr.1 – Jun. 30
December 15	Jul.1 – Sept. 30	Jul.1 – Sept. 30

1. The first payment hereunder shall be due and payable on or before March 15, 2017 and will cover the basis period of October 1, 2016 through December 31, 2016 and privilege period of October 1, 2017 through December 31, 2017. The final payment under this franchise is due on or before December 15, 2036 and covers the basis period of July 1, 2036 through September 30, 2036 and the privilege period of July 1, 2037 through September 30, 2037; and

1. 2. After the final payment date of December 15, 2036, Company may continue to make additional quarterly payments in accordance with the above schedule. City acknowledges that such continued payments will correspond to privilege periods that extend beyond the term of this Franchise and that such continued payments will be recognized in any subsequent franchise as full payment for the relevant quarterly periods.

C. A sum equal to four percent (4%) of gross revenues received by Company from services identified as DD1 through DD24 in Section 6.1.2 “Discretionary Service Charges,” in Oncor’s Tariff for Retail Delivery Service (Tariff), effective 1/1/2002, that are for the account and benefit of an end-use retail electric consumer. Company will, upon request by City, provide a cross reference to Discretionary Service Charge numbering changes that are contained in Company’s current approved Tariff.

1. The franchise fee amounts based on “Discretionary Service Charges” shall be

- calculated on an annual calendar year basis, i.e. from January through December 31 of each calendar year.
2. The franchise fee amounts that are due based on “Discretionary Service Charges” shall be paid at least once annually on or before April 30 each year based on the total “Discretionary Service Charges”, as set out in Section 6C, received during the preceding calendar year. The initial Discretionary Service Charge franchise fee amount will be paid on or before April, 30 2017 and will be based on the calendar year January 1 through December 31, 2016. The final Discretionary Service Charge franchise fee amount will be paid on or before April 30, 2038 and will be based on the calendar months of January 1 through September 30, 2037.
 3. Company may file a tariff or tariff amendment(s) to provide for the recovery of the franchise fee on Discretionary Service Charges.
 4. City agrees (i) to the extent the City acts as regulatory authority, to adopt and approve that portion of any tariff which provides for 100% recovery of the franchise fee on Discretionary Service Charges; (ii) in the event the City intervenes in any regulatory proceeding before a federal or state agency in which the recovery of the franchise fees on such Discretionary Service Charges is an issue, the City will take an affirmative position supporting the 100% recovery of such franchise fees by Company and; (iii) in the event of an appeal of any such regulatory proceeding in which the City has intervened, the City will take an affirmative position in any such appeals in support of the 100% recovery of such franchise fees by Company.
 5. City agrees that it will take no action, nor cause any other person or entity to take any action, to prohibit the recovery of such franchise fees by Company.
 6. In the event of a regulatory disallowance of the recovery of the franchise fees on the Discretionary Service Charges, Company will not be required to continue payment of such franchise fees.

SECTION 7. This Ordinance shall become effective upon Company's written acceptance hereof, said written acceptance to be filed by Company with the City within sixty (60) days after final passage and approval hereof. The right, privilege and franchise granted hereby shall expire on September 30, 2037; provided that, unless written notice of cancelation is given by either party hereto to the other not less than sixty (60) days before the expiration of this franchise agreement, it shall be automatically renewed for an additional period of six (6) months

from such expiration date and shall be automatically renewed thereafter for like periods until canceled by written notice given not less than sixty (60) days before the expiration of any such renewal period.

SECTION 8. This Ordinance shall supersede any and all other franchises granted by the City to Company, its predecessors and assigns.

SECTION 9 The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any portion of this Ordinance is declared illegal or unconstitutional by the valid final non-appealable judgment or decree of any court of competent jurisdiction, such illegality or unconstitutionality shall not affect the legality and enforceability of any of the remaining portions of this Ordinance.

SECTION 10. In order to accept this franchise, Company must file with the City Clerk its written acceptance of this franchise ordinance within sixty (60) days after its final passage and approval by City.

SECTION 11. It is hereby officially found that the meeting at which this Ordinance is passed is open to the public and that due notice of this meeting was posted by City, all as required by law.

PASSED AND APPROVED on the 1st reading at a regular meeting of the City Council of Burkburnett, Texas, on this the ____ day of _____, 2016.

PASSED AND APPROVED on the 2nd reading at a regular meeting of the City Council of Burkburnett, Texas, on this the ____ day of _____, 2016.

PASSED AND APPROVED on the 3rd and final reading at a regular meeting of the City Council of Burkburnett, Texas, on this the ____ day of _____, 2016.

Mayor
The City of Burkburnett

ATTEST:

City Clerk

STATE OF TEXAS §
COUNTY OF WICHITA §
CITY OF BURKBURNETT §



City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: October 17, 2016

Item: Rezone Application: Carport Overlay District

Background

The application was presented by Eddie and Carla Morrow owner of property located at 103 Highland Dr. This request is to allow for a carport overlay district for Highland Dr. All publishing and mail out requirements have been met. Also, the required amount of signatures (75%) has been satisfied and ownership has been verified by City staff. 27 out of the 36 total property owners on the block has signed the petition.

Public Notices, as required by the Zoning Ordinance, were sent to the proposed district and all properties within a 200 foot radius.

The Planning and Zoning Board met and staff presented the information for review.

The vote was 4-0 in favor of approval the request. 4 members were in attendance.

Zoning Ordinance

The request follows the guidelines as set forth by the Zoning Ordinance.

Staff Recommendation

Accepting P&Z Boards recommendation to approve

Attachments

Application

Petition

Area map highlighting block to be overlaid

CITY OF BURKBURNETT
REZONING APPLICATION

OFFICE USE:

CASE NO. 2016-30

FEE PAID \$150⁰⁰

PROPERTY ADDRESS: 103 Highland Dr

LEGAL DESCRIPTION: 2 1
LOT (S) BLOCK SECTION SUBDIVISION

AREA IN ACRES _____

PRESENT ZONING CLASSIFICATION _____

PROPOSED ZONING _____

PRESENT USE _____

PROPOSED USE Carport overlay

REASON FOR REQUEST Trees ARE taking the paint off of our vehicles.
Would like to keep the trees. CARPORT overlay

NAME OF APPLICANT Eddie & Carla Morrow

ADDRESS 103 Highland Dr.

PHONE # 569-0700

I hereby certify that all information contained herein is true and correct, and that all required submissions (see reverse) have been submitted.

SIGNATURE OF APPLICANT Eddie Morrow DATE 9/9/16

SIGNATURE OF PROPERTY OWNER Carla Morrow DATE 9/9/16

NOTE: SEE REVERSE SIDE FOR INSTRUCTIONS

Attach PUD application for a Planned Unit Development

COMMIT (To be completed by the Planning Department)

The rezoning request is hereby approved based on Ord. No. _____

The rezoning request is hereby disapproved by City Council on _____

Signature of Planning _____ Date _____

City of Burk Burnett



Carpport Overlay District (CP) Request Form

Note: All property owners should verify deed restrictions regarding carports prior to signing

Property Address	Property Legal Description	Property Owner	Contact Number	Signature
115 Highland Dr	Lot 8 BIK 1	Angela Spangler ROY SPANGLER	940 636-0318	Angela Spangler
116 Highland Dr	Lot 28 BIK 1	Peggy Woods	940-867-2234	Peggy Woods
117 Highland Dr	Lot 9 BIK 1	Jerry Ostby	940 569-2357	Jerry Ostby
118 Highland Dr	Lot 27 BIK 1	Jack, Myrna Recer	940 569-0433	Myrna Recer
119 Highland Dr	Lot 10 BIK 1	Michael, Valerie Simmas	940 723-8494	Michael Simmas
121 Highland Dr	Lot 11 BIK 1	Jack, Rita Hedger	940 569 4835	Jack Hedger
122 Highland Dr	Lot 26 BIK 1	Steven, Sherry James	940-569-9761	Sherry James
123 Highland Dr	Lot 12 BIK 1	Tyler Caldwell	405-201-4015	Tyler Caldwell
124 Highland Dr	Lot 25 BIK 1	Robert, Michelle Klusmeyer	940-569-0760	Michelle Klusmeyer
125 Highland Dr	Lot 13 BIK 1	Ernest Grant	940 569-2882	Ernest Grant
128 Highland Dr	Lot 23 BIK 1	Shirley Neal	Shirley Neal	E. J. Drant
130 Highland Dr	Lot 22 BIK 1	Wayne Hughes	940-569-5100	Wayne Hughes
133 Highland Dr	Lot 17 BIK 1 ^{revised}	David Kennedy		Shirley Neal

City of Burk Burnett



Carpport Overlay District (CP) Request Form

Note: All property owners should verify deed restrictions regarding carports prior to signing

Property Address	Property Legal Description	Property Owner	Contact Number	Signature
100 Highland Dr	Lot 36 BIK 1	Michael, fonde Hrazdil	940-782-8095	Menas → D. Hrazdil
101 Highland Dr	Lot 1 BIK 1	Keith, Janet Rickard	940-642-4509	W.K. Rickard
102 Highland Dr	Lot 35 BIK 1	Jeffrey, Mary Ann Roraback	940-867-4096	Mary Ann Roraback
103 Highland Dr	Lot 2 BIK 1	Eddie & Carla Morrow	940-569-0700	Eddie & Carla Morrow
104 Highland Dr	Lot 34 BIK 1	Jeffery, Alice Davison	940-500-2891	Jeffery A. Davison
105 Highland Dr	Lot 3 BIK 1	Jerry, Norma Kemp	940-569-1091	Jerry Kemp
107 Highland Dr	Lot 4 BIK 1	Jose Morales	940-923-5868	Jose Morales
108 Highland Dr	Lot 3a BIK 1	Patricia Burk	940-882-0596	Patricia Burk
109 Highland Dr	Lot 5 BIK 1	Andrew, Amy Garcia	580-618-6678	Andrew Garcia
110 Highland Dr	Lot 31 BIK 1	Mario, Shannon Gonzales	940-642-1297 541-892-4045	Mario GNO
112 Highland Dr	Lot 30 BIK 1	Debra Byrd	940-631-2604	Debra Byrd
113 Highland Dr	Lot 7 BIK 1	Jimmie Recer	940-569-0100	Jimmie Recer
114 Highland Dr	Lot 29 BIK 1	Cindy Crain	940-782-2181	Cindy Crain
110				



01/30/2016

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City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: October 17th, 2016

Item: Discuss and take any action necessary on the regulation of alcohol at the community center.

Background

It was brought to my attention that the BOC may be interested in reviewing the procedures for obtaining an alcohol permit for events held at the Community Center as well as the possibility to allow liquor at these events which is currently restricted to beer and wine.

Current procedures allow the City Manager review and approve private events, but requires the BOC to review and approve public events. The recommendation is to allow the City Manager the authority to review and approve both public and private events.

Fiscal Impact

N/A

Options

Allow liquor to be consumed/leave as is

Grant City Manager the authority to approve public events also/leave as is

Staff Recommendation

After discussion and general consensus from the BOC, staff will make necessary changes, if any, to the ordinance and will place on the next regular scheduled meeting for consideration.

Attachments

Ordinance Number 728

Application

ORDINANCE NUMBER 728

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING SECTIONS 97.03 AND 97.48 OF THE CODE OF ORDINANCES OF THE CITY OF BURKBURNETT TO PROVIDE FOR THE UNIFORM REGULATION OF ALCOHOL AND CONTROLLED SUBSTANCES IN CITY PARKS AND AT THE COMMUNITY CENTER, PRESCRIBING APPLICATION PROCEDURES FOR PUBLIC AND PRIVATE EVENTS AND PROVIDING FOR THE EFFECTIVENESS OF OTHER PROVISIONS IF ANY PROVISION IS DECLARED INVALID.

WHEREAS, the Board of Commissioners of the City of Burkburnett, Texas (hereinafter referred to as the "City") desire to amend Sections 97.03 and 97.48 of the Code of Ordinances of the City of Burkburnett, Texas (the "Code") to provide for the uniform regulation of alcohol and controlled substances in city parks and at the Community Center; and

WHEREAS, the Board of Commissioners has determined that this ordinance was deliberated upon and adopted following notice and in a public meeting as required by the provisions of Chapter 551 of the Texas Government Code;

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

Section 1. That Section 97.03 of the Code be amended to add the following language below.

§ 97.03 REGULATION OF ALCOHOL AND CONTROLLED SUBSTANCES.

(A) The possession or consumption of alcoholic beverages, toxic drugs, narcotic drugs or any substance which is classified as a "controlled substance" under state or federal law is prohibited in all city parks and in all public street rights-of-way abutting such parks and at the Community Center except as follows:

(1) A person may possess or use prescription drugs which have been prescribed for that individual by a physician licensed to prescribe the particular drug or drugs being used, so long as such drug or drugs are only being used by the person for whom they have been prescribed and are being used in strict compliance with the instructions of the physician prescribing them; and

(2) A person or persons may possess or consume beer and/or wine if a permit has been obtained from the City in the manner set forth in division (B) of this section and if the person or persons possessing or consuming the beer and/or wine are doing so in strict compliance with the terms of the permit and any other applicable law.

(B) An event coordinator desiring to have beer or wine available for consumption for a special event in a city park or the Community Center may make application to the city manager or his designee for a permit to do so. The “event coordinator” is the person making the application and who will be responsible for compliance with this chapter. In addition to the information required for other permits provided by this chapter, the city staff may request such additional information as may be reasonably required so that they can evaluate the application to insure that the consumption of beer and wine will not: violate any applicable law or regulation applicable to the use of the park or the Community Center or create a nuisance to adjoining areas. An application shall not be approved if it is determined that any persons involved in the function have been convicted of any felonies, Class A or Class B misdemeanors or any offense in violation of the Texas Alcoholic Beverage Code or any similar law regulating the use, consumption or possession of alcoholic beverages. The city may require the applicant and any other person involved in the proposed event to consent to a criminal history check as a condition for the issuance of a permit. The city may specify terms and conditions to the issuance of a permit which are in addition to the terms and conditions otherwise provided by this chapter (including additional insurance coverage) to accomplish the purposes of this division.

(1) The city may charge an application fee for each application submitted pursuant to this Section 97.03(B). The amount of said application fee shall be established, from time to time, by resolution of the Board of Commissioners based upon the recommendation of the city manager. In addition, the city may charge, in advance, upon filing of an application, an amount equal to its estimated cost which will be payable to third parties in processing an application, such as the cost of a criminal history check.

(2) The application for a permit for a public event shall be submitted to the Board of Commissioners for a determination as to whether the permit should be issued and as to what terms and conditions should be required for the issuance of the permit.

(3) The application for a permit for a private event shall be submitted to the city manager for a determination as to whether the permit should be issued and as to what terms and conditions should be required for the issuance of the permit.

(4) For purposes of this subsection 97.03(B) a “public event” includes any of the following: (a) any event which is advertised as being open to the public, (b) any event which is not restricted to a definable group of people so that the event coordinator is unable to estimate the maximum number of persons who will be permitted to participate in the event or (c) any event for which a fee or any type of consideration is required for admission by participants. For purposes of this subsection 97.03(B) a “private event” is any event which is not a public event.

Section 2. That Section 97.48 of the Code be amended to add the following language.

(A) There shall be no alcohol on the premises except as permitted by Section 97.03 of this code.

(B) No one who is intoxicated (as that term is defined in the Texas Penal Code) will be admitted.

(C) Abusive language will not be tolerated.

(D) Anyone found abusing any part of the center or its equipment will be ejected immediately.

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.

PASSED AND APPROVED on this 20th day of November 2006.

Bill Vincent, Mayor

ATTEST:

Trish Holley, City Secretary

COMMUNITY CENTER RENTAL AGREEMENT FOR
CITY OF BURKBURNETT

Name: _____
Date: _____

DATE OF RENTAL _____

Large Room Only Small Room Only Both Rooms Kitchen Only

Rental Fee: \$ _____ 1/2 Day _____ Full Day _____ START TIME _____ A.M. _____ P.M.
END TIME _____ A.M. _____ P.M.

NAME OF CLUB OR RENTER: _____ Deposit: \$200.00 Cash/Check
Deposit (serve alcohol) \$400.00 Cash/Check

IS THIS A PUBLIC EVENT? Yes No

REGULATIONS

1. Rental payment of the Community Center must be paid in person by 5:00 P.M. of the previous day of the reservation.
2. No alcohol (except as provided for in Ordinance No. 728: consumption of beer and wine ONLY and for which event a permit has been obtained). No glass bottles, drugs or abusive language is to be permitted in building or on grounds.
3. A \$200.00 deposit (\$400.00 if request & application to serve alcohol) is required for the use of the Community Center. Deposit will be returned within 48 hours to renter upon verification by staff that the facilities are left in good condition.
4. Any person, firm or corporation renting the Community Center shall be held liable for any damages to the center or any of its facilities. Damages to the facilities will not be tolerated - interior, exterior, furniture, fixtures, etc. (renter will pay for damages if it exceeds deposit). Deliberate destruction will result in charges being filed and permanent ban from use of the facility.
5. No dishes, tables, chairs, or other property belonging to the building is to be loaned or carried away from the building except by authority from the City Council.
6. Rental charges are listed in City Ordinance No. 703.
7. The Center may be rented for PUBLIC DANCES. Public dances are those for which there is a public sale of tickets and/or to which the general public is invited.
8. Decorations may be applied with tape only. Renter must take down all decorations and tape.
9. No tape shall be applied to the floors.
10. It shall be the responsibility of the renter to put up and take down all tables and chairs needed for their activity and shall be stacked neatly back in the closet.
11. All tables and chairs should be cleaned with dampened cloths if food or beverage is served.
12. All tape is to be removed from tables.
13. Floors are to be swept and damp mopped.
14. All trash shall be removed from facility and placed in proper trash receptacles.
15. No cots or sleeping overnight is permitted in the Center.
16. All parties must be out of the building by midnight.
17. All tenants of the Community Center shall hold the City harmless from any and all liabilities for any claim or claims resulting from their rental or use of the premises and shall indemnify the City in case of any claims resulting from their operations or occurring during their occupation of the premises.

OTHER RULES AND REGULATIONS NOT LISTED IN THIS CONTRACT ARE
CONTAINED IN THE CITY ORDINANCE NO. 703

PENALTY: Refusing to abide by all the above-listed regulations and additional regulations listed in Ordinance 703 gives the City of Burkburnett the right to refuse to rent said building to any guilty renter or organization at any time in the future.

I/We have read and understand the above and hereby agree to abide by same.

Printed Name _____ Address _____

City _____ Phone No. (day) _____ (other) _____

Signed _____ Date _____

City Manager
(Application approved to serve alcohol)



City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: October 17, 2016

Item: Housing Authority Board of Directors Appointment

Background

The City of Burkburnett Board of Commissioners appoints members to the Housing Authority Board. Currently, the Housing Authority Board of Directors consists of Chairman, Steve Schelter, Vice Chair Fred Hayes, Marion Weese, Doug Smith, and David Reed. Marion Reese is resigning from the Board creating a vacancy. The Housing Authority Board has recommended Mr. Keith Myers to be placed on the board to fill the vacancy.

Fiscal Impact

N/A

Options

Appoint Keith Myers to the Housing Authority Board of Directors
Appoint someone else

Staff Recommendation

Staff recommends appointing Keith Myers to the Housing Authority Board of Directors

Attachments

N/A