

AGENDA

Notice is hereby given of a meeting of the Board of Commissioners of Burkburnett to be held on **Monday, May 20, 2019, 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 Stahr. 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. Discuss and take any action necessary on the appointment of a Board of Commissioner to fill a vacancy for a one (1) year term.

Item 5. Oath of Office for the newly appointed Commissioner.

Item 6. CONSENT AGENDA:

A. Approval of Minutes from April 2nd and April 15, 2019.

Item 7. Mayor to close regular meeting and open the "Public Hearing" for a demolition hearing on the following properties: (1) 718 E. College; (2) 203 Hardin; (3) 414 Elm; (4) 421 Glendale; (5) 209 S. Ave B Lot 31.

Item 8. Mayor to close the "Public Hearing" and reopen the regular Commissioners meeting and take any action necessary on the following properties: (1) 718 E. College; (2) 203 Hardin; (3) 414 Elm; (4) 421 Glendale; (5) 209 S. Ave B Lot 31.

Item 9. Ordinance Number 948. **AN ORDINANCE OF THE BOARD OF THE CITY OF BURKBURNETT, TEXAS AMENDING CHAPTER 100 OF THE BURKBURNETT CODE OF ORDINANCES; REGULATIONS PERTAINING TO PUBLIC POOLS AND SPAS; DEFINING CERTAIN TERMS; CREATING AN OFFENSE FOR VIOLATION OF THE REGULATIONS AND ESTABLISHING A PENALTY; ESTABLISHING PROCEDURES FOR PERMITS AND CERTIFICATIN OF MANAGERS OF OPERATIONS; AUTHORIZING INSPECTIONS; ESTABLISHING MAINTENANCE AND OPERATION PROCEDURES; PROVIDING FOR REGULATIONS IN THE POOL AND SPA AREA AND FOR SUSPENSION OF A PERMIT; ADOPTING DESIGN STANDARDS; PROBVIDING FOR REVIEW OF REPAIR PLANS AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

Item 10. Discuss and take any action necessary on a site plan to construct a Commercial Building for a Truck Stop at I44 and East 3rd Street in Burkburnett.

Item 11. Discuss and take any action necessary on a site plan to construct a 22,400 SF Commercial Building at I44 and Daniels Road in Burkburnett.

Item 12. Mayor to close the regular meeting and open “Public Hearing” for the following permit requests to drill proposed Oil Wells located at:

Item 13. Mayor to close Public Hearing and reopen the regular meeting to discuss and take any action necessary on permit requests to drill proposed Oil Wells located at:

Item 14. Resolution Number 663. A resolution finding that OnCor Electric Delivery Company LLC’s application for approval to amend its distribution cost recovery factor pursuant to 16 Tex. Administrative Code § 25.243 to increase distribution rates within the city should be denied.

Item 15. Discuss and take any action necessary on appointment to the Burkburnett Development Corporation Board of Directors.

Item 16. Public Comments.

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

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

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

Meetings Act to limit its response to a statement of specific factual information or reciting the City’s existing policy on that issue.

Item 17. City Manager’s report.

- City Hall will be closed on May 27, 2019 for Memorial Day

Item 18. Commissioner’s Comments.

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

*Expressions of thanks, congratulations, or condolence;

*Information regarding holiday schedules;

*An honorary or 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 19. Adjournment.

I, Trish Holley, Director of Administration 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 10 a.m. on May 17, 2019 in compliance with the Open Meeting Act Chapter 551.

Trish Holley

Trish Holley, Director of Administration

Posted 5/17/19 @ 10:00

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.

I certify that the attached notice of the Board of Commissioners was removed by me from the glass front door of City Hall on the _____ day _____ 2019.

Title: _____

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a special called meeting on April 2, 2019 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
Josh Andrajack	Commissioner
Randy Brewster	Commissioner
Jeremy Duff	Commissioner
Don Hardy	Commissioner
Marguerite Love	Commissioner

Others present Lawrence Cutrone, City Manager; Trish Holley, Director of Administration; Brent Battista, Parks & Recreation Director, and Mike Guevara, with Shahan, Guevara, Decker and Arrott, Attorneys at Law (via phone).

Item 1. Mayor Law called the meeting to order.

Item 2. Commissioner Lindenborn gave the invocation.

Item 3. Commissioner Duff led the Pledge of Allegiance.

Item 4. Resolution Number 659 was presented in its entirety.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, REVISING THE CITY OF BURKBURNETT PERSONNEL POLICY HANDBOOK REQUIRING DEPARTMENT HEADS TO LIVE WITHIN FIVE MILES OF THE CITY LIMITS OF THE CITY OF BURKBURNETT.

Motion was made by Commissioner Brewster, seconded by Commissioner Lindenborn to approve Resolution Number 659.

Ayes: Commissioners Brewster, Lindenborn, Andrajack, Duff, Love, and Hardy

Nays: Mayor Law

Abstained: none

Item 5. Brent Battista, Director of Parks and Recreation, addressed the Mayor and Commissioners. Mr. Battista gave a brief update on the Permian Park Renovation Project.

Mr. Battista reported the restrooms will be complete on April 5, and the grant paperwork has been completed and submitted to the Priddy Grant Foundation last week. The Doug Green memorial signage and design work will begin next week according to Park Board member Danny Cremeens.

Mr. Battista stated the security cameras are being installed at the park this week; three cameras are in the park and five cameras at the amphitheater; each camera has a 360-degree radius and equipped with night vision.

Item 6. Mayor Law closed the meeting at 12:27 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. Section 551.071 – Consultation with Attorney.

a. Discussion on potential personnel litigation.

Item 7. Mayor Law reconvened the regular meeting at 1:30 p.m.

a. No action was taken.

Item 8. No City Manager Comments.

Item 9. No Commissioner Comments.

Item 10. Motion made by Commissioner Hardy, seconded by Commissioner Love to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Trish Holley, Director of Administration

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, April 15, 2019, 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
Josh Andrajack	Commissioner
Randy Brewster	Commissioner
Jeremy Duff	Commissioner
Marguerite Love	Commissioner

Commissioner Hardy was absent.

Others present: Lawrence Cutrone, City Manager; Trish Holley, Director of Administration; Brent Battista, Director of Parks and Recreation; Richard Gordon, Executive Director of Burkburnett Development Corporation/Director of Planning; Ed Stahr, Chief of Police; Mike Whaley, Director of Public Works, and Mike Guevara with Shahan, Guevara, Decker and Arrott, Attorneys at Law.

Item 1. Mayor Law called the meeting to order.

Item 2. Commissioner Love gave the invocation.

Item 3. Commissioner Brewster led the Pledge of Allegiance.

Item 4. Consent Agenda.

- A. Approval of Minutes from March 13, 2019, Special Called Meeting and March 18, 2019, Regular Meeting.

Motion made by Commissioner Brewster, seconded by Commissioner Lindenborn to approve the Consent Agenda. Motion carried unanimously.

Item 5. Mr. Cutrone, City Manager, addressed the Mayor and Commissioners and stated that currently, Glenn Barham serves on the Wichita-Wilbarger 9-1-1 District Board of Managers and represents municipalities within our district. There are seven members on the Board. Two of the members are appointed to represent municipalities. Mr. Barham's term expires on May 11, 2019, and he has indicated he is willing to serve on the Board again.

Motion was made by Commissioner Andrajack seconded by Commissioner Duff to approve the appointment of Glenn Barham to the Wichita-Wilbarger 9-1-1 District Board of Managers. Motion carried unanimously.

Item 6. Mr. Gordon addressed the Mayor and Commissioners and stated the terms of Carla Walters, Jerry Coker, and Paul Gerstner on the Planning & Zoning Commission (P&Z) will be expiring May 1, 2019. Carla Walters and Paul Gerstner have agreed to continue to serve on the board; Jerry Coker asked to step down due to his work requirements limiting his participation in meetings. There will be one open seat on the Board. Mr. Gordon stated staff will be advertising for new applicants.

Motion was made by Commissioner Brewster, seconded by Commissioner Duff to approve the reappointments of Carla Walters and Paul Gerstner to the P&Z Board. Motion carried unanimously.

Item 7. Ordinance Number 947 was presented in its entirety.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CITY OF BURKBURNETT CODE OF ORDINANCES CHAPTER 99: CONSTRUCTION AND IMPROVEMENTS; REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING AN OPEN MEETINGS CLAUSE, AND PROVIDING FOR RELATED MATTERS.

Mr. Cutrone, City Manager, addressed the Mayor and Commissioners and stated the proposed ordinance gives better clarification on the placement of signs and the like on public ways and places.

Motion made by Commissioner Andrajack, seconded by Commissioner Duff to approve Ordinance Number 947 as presented. Motion carried unanimously.

Item 8. Mayor Law closed the meeting at 7:30 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 551.071 – Consultation with Attorney

a. Discussion on potential personnel litigation.

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

a. City Manager Evaluation Report.

Item 9. Mayor Law reconvened the regular meeting at 9:05 p.m. No action taken.

Item 10. No Public Comments.

Item 11. City Manager's report.

- TML Region 5 Meeting-April 18, 2019, 6 p.m. @ Bowie
- BVFD-Annual Easter Egg Hunt-10 a.m.-April 20th, United Amphitheater
- Early Voting-April 22-26 8 a.m. – 5 p.m. & April 29 and 30 7 a.m. – 7 p.m. @ City Hall; Election Day – May 4, 2019 7 a.m. – 7 p.m. @ Community Center.
- Taste of Town-April 27, 2019, 6 p.m. @ Community Center.

Item 12. Commissioners Comments.

Commissioner Brewster thanked Lawrence Cutrone for his leadership and stated he is excited to see the direction the city is going as well as the increase in economic development within the city.

Item 13. Motion made by Commissioner Brewster, seconded by Commissioner Duff to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Trish Holley, Director of Administration



City Commission Agenda Memo

From: Brent Battista
Director of Parks and Recreation

Date: May 20th, 2019

Item: Proposed Aquatics, Public Pools and Spas Ordinance No. 948

Background

We the City of Burkburnett are being asked by our local public health district (Wichita Falls – Wichita County Public Health District) along with the state office, who are encouraging local regulatory authorities to adopt the federal code for aquatic centers, public pools, and spas.

The Health District is the regulatory authority for the City of Burkburnett and therefore responsible entity to ensure that all public pools, spas, and public/semi-public aquatic facilities, within their jurisdiction, are operated in a manner which protects the health and safety of those who utilize the facilities. The Health District regulates all public and semi-private (apartments, HOA) aquatic facilities, public pools, and spas.

Fiscal Impact

\$ 250.00 – Annual Electrical inspection

Options

- Approve the adoption of the Federal Aquatic Code as recommended by our local Health District
- Take no action

Staff Recommendation

Staff recommends adopting the proposed Ordinance Number 948

Attachments

Proposed Ordinance Number 948

ORDINANCE NUMBER 948

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING CHAPTER 100 OF THE BURKBURNETT CODE OF ORDINANCES; REGULATIONS PERTAINING TO PUBLIC POOLS AND SPAS; DEFINING CERTAIN TERMS; CREATING AN OFFENSE FOR VIOLATION OF THE REGULATIONS AND ESTABLISHING A PENALTY; ESTABLISHING PROCEDURES FOR PERMITS AND CERTIFICATION OF MANAGERS OF OPERATIONS; AUTHORIZING INSPECTIONS; ESTABLISHING MAINTENANCE AND OPERATION PROCEDURES; PROVIDING FOR REGULATIONS IN THE POOL AND SPA AREA AND FOR SUSPENSION OF A PERMIT; ADOPTING DESIGN STANDARDS; PROVIDING FOR REVIEW OF REPAIR PLANS AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Article III, Section 2 of the Charter of the City of Burkburnett, Texas (the “City”) authorizes the City to adopt, amend, and enforce all ordinances necessary to protect the health and life of the City and its inhabitants; and

WHEREAS, the Board of Commissioners of the City has determined that the regulations amended in this ordinance are necessary to protect the health and life of the City and its inhabitants; and

WHEREAS, this ordinance was adopted at a meeting of the Board of Commissioners which was open to the public and was preceded by proper notice, as required by Chapter 551 of the Texas Government Code (the Open Meetings Act);

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

SECTION 1. Amending, Chapter 100. That Chapter 100 of the Code of Ordinances of the City of Burkburnett, Texas, be amended as follows:

CHAPTER 100: REGULATION OF PUBLIC POOLS

State law reference—Public pools and spas, V.T.C.A., Health, and Safety Code § 341.064 et seq.

§ 100.01 ADOPTION OF RULES AND REGULATIONS

(A) The standards of the following statutes, laws, and regulations in their current form and as they may hereafter be amended, are adopted, amended, and applied into this article as if they were set forth at length herein:

- (1) Tex. Health and Safety Code Title 5. § 341.064 "Swimming Pools and Bathhouses;" and
- (2) Tex. Health and Safety Code Chapter 757 (Pool Yard Enclosures); and
- (3) Tex. Administrative Code Title 25, Part I, Chapter 265 Subchapter L, "Standards of Public Pools and Spas;" and
- (4) Tex. Administrative Code Title 25, Part I, Chapter 265 Subchapter M, "Public Interactive Water Features and Fountains."

(B) If a conflict occurs between a provision of this article and a provision of the above statutes, laws, or regulations, the stricter provision shall apply.

§ 100.02 DEFINITIONS

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aquatic facility means a pool, spa, special aquatic activity device, public interactive water feature, fountain or venue that may be used for swimming or bathing, or other regulated water body as defined by state aquatic facility regulations.

Authorized agent or employee means the director of health of the regulatory authority, which shall have the enforcement responsibility for this article.

Certified pool operator. A person who:

- (a) Possesses a valid and current certificate of accreditation, and
- (b) Obtains certification by completion of one of the following courses or other nationally recognized course in aquatic facility operation, safety and management, and:
 1. NRPA, "Aquatic Facility Operator" (A.F.O.);
 2. NSPF, "Certified Pool-Spa Operator" (C.P.O);
 3. Y.M.C.A., "Pool Operator on Location" (P.O.O.L.);
 4. NSPI, "Professional Pool and Spa Operator" (P.P.S.O.); or
 5. ASPSA, "Licensed Aquatic Facility Technician" (L.A.F.T.); or
 6. Other training at discretion of the Director of Health

Coliform testing refers to total coliform, not fecal coliform.

Enclosure means a fence, wall, or combination of fences, walls, gates, windows, or doors that completely surround an aquatic facility.

Extensively remodeled means the replacement of or modification to an aquatic facility structure or its enclosure, its circulation system or its appurtenances, so that the design, configuration or operation is different from the original design, configuration or operation, including the installation of new deck detail or tile work that is different from the original design. This term does not include the normal maintenance and repair or the replacement of equipment which has been previously approved if the size, type, or operation of the equipment is not substantially different from the original equipment.

Manager of operations means the person primarily responsible for the safe, sanitary maintenance of a public pool, spa, or other water-related activity.

Permit holder means a local person who has the ultimate responsibility for the operation of any pool, spa, or other related water activity regulated in this Chapter, and who shall, in all respects, act as the representative for any entity having an ownership interest in the same.

Private aquatic facility means any aquatic facility located on private, single-family residential property under the control of the homeowner or tenant, the use of which is limited to members of the homeowner's or tenant's family or invited guests.

Public aquatic facility means any aquatic facility which is intended to be used by the general public for swimming, bathing or other related purposes and is operated by an owner, lessee, operator, licensee or concessionaire, regardless of whether a fee is charged for use.

Regulatory authority means the Wichita Falls-Wichita County Public Health District.

Secured means that an enclosure during normal operation is maintained so that all gates and entrances are maintained closed with functioning self-latching and self-closing mechanisms, and that the enclosure is not allowed to maintain gaps large enough to allow the passage of a four-inch sphere or provide any feature that may be easily climbed to gain access to the aquatic facility. The enclosure during times when the aquatic facility is closed to the public must maintain the above conditions, but the gates or entrances to the enclosure must also be locked so that no person may enter the gates or entrances without the authorization of the certified pool operator and or the person in charge.

Semi-public aquatic facility means any aquatic facility which is not included within the definition of either "private aquatic facility" or "public aquatic facility" as those terms are defined in this section.

Service animal means a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability.

State aquatic facility regulations means the regulations adopted by the state of Texas to regulate public pools and spas, and includes the following, as amended from time to time:

- (a) Tex. Health and Safety Code Title 5, § 341.064 "Swimming Pools and Bathhouses;" and
- (b) Tex. Health and Safety Code Chapter 757 (Pool Yard Enclosures); and
- (c) Tex. Administrative Code Title 25, Part I, Chapter 265 Subchapter L, "Standards of Public Pools and Spas;" and
- (d) Tex. Administrative Code Title 25, Part I, Chapter 265 Subchapter M, "Public Interactive Water Features and Fountains."

§ 100.03 OFFENSE; PENALTY FOR VIOLATION

A violation under this section is a Class C misdemeanor, punishable by a fine. Also thereto, such person may be enjoined from continuing such violations. Each day upon which such violation occurs constitutes a separate violation.

§ 100.04 PERMIT, CERTIFICATION OF MANAGER OF OPERATIONS

(A) *Permit required; transferability; posting.* A person may not operate an aquatic facility without a permit issued by the regulatory authority. Permits are not transferable from one person to another person or from one location to another location. A valid permit must be posted at every establishment regulated by this ordinance. Therapeutic pools and class E pools as defined in the standards are not exempt from this section.

(B) *Application for permit.* A person desiring to operate an aquatic facility must make a written application for a permit on forms provided by the regulatory authority. The application must contain the name and address of each applicant, the location and type of the pool, the name and address of each manager of operations, and the application fee. An incomplete application will not be processed. Failure to provide all required information or falsifying information required may result in denial or revocation of the permit. All permits will expire March 31 of each year; the same information is required for a renewal permit as for an initial permit. Each pool and spa at each location will be charged a separate permit fee as determined by the regulatory authority.

(C) *Certification of manager of operations.*

(1) A manager of operations of an aquatic facility shall obtain certification from the regulatory authority. A manager of operations may obtain certification by successfully completing a training course conducted by the regulatory authority. No person will be allowed to act as the manager of operations without first having obtained certification.

(2) At least two certification training programs will be conducted per year. The fee for certification of a manager of operations shall be determined by the regulatory authority, and the certification shall expire one year following its issuance.

(3) A person showing a current certificate as a Certified Aquatic Facility Operator (AFO), Certified Pool-Spa Operator (CPO), a Pool Operator on Location (POOL) or any other training approved by the regulatory authority, may be exempt from the health district training as long as:

- a. Facilities constructed before the adoption of this article must comply with all provisions of this article and all future amendments to this article, unless the regulatory authority grants a variance in writing, or unless otherwise exempted under Tex. Health and Safety Code Sec. 757.005.
- b. If a variance to this article is issued by the regulatory authority, the permit applicant must annually reapply for the variance in writing. The granting of a variance does not guarantee that the director will grant future variances.
- c. All fees are nonrefundable and will not be prorated.

§ 100.05 INSPECTIONS AND ANNUAL PRE-INSPECTIONS

(A) The regulatory authority is authorized to conduct inspections as necessary to ensure compliance with all sections of this article. The regulatory authority shall have the right of entry at any reasonable hour upon the premises where an aquatic facility is located. The regulatory authority shall have the authority to collect water samples from the aquatic facility for laboratory analysis.

(B) Each public or semi-public aquatic facility shall pass an annual pre-operation inspection by the regulatory authority prior to use by the public each permit year. There shall be no charge for one preliminary pre-operation inspection that is not requested by the facility and for one pre-operation inspection that is requested by the facility; a re-inspection fee shall be required for all further pre-operation inspections.

(C) Effective with permit renewal in 2020, each public or semi-public aquatic facility shall also annually submit certification by a licensed, registered electrician that the electrical equipment for the aquatic facility meets all local, state, and federal electrical codes on a form promulgated by the city.

§ 100.06 MAINTENANCE AND OPERATION

(A) Every aquatic facility shall be under the supervision of the permit holder, who shall be responsible for compliance with all parts of this article relating to aquatic facility maintenance, aquatic facility operation, and safety of swimmers. It shall be unlawful for such permit holder to cause or permit the existence of a condition which violates any section of this article. It shall be the duty of the certified pool operator and or an appropriately trained designee to:

- (1) assure that someone can physically respond within one hour of being notified by the regulatory authority to the site of the aquatic facility; and

- a. Check at least once per day that the aquatic facility remains in compliance with this article and with state aquatic facility regulations; and
 - b. Check and record water chemistry at least once per day for each aquatic facility permitted to ensure compliance with state and local aquatic facility regulations, including:
 - 1. Disinfectant levels; and
 - 2. pH levels; and
 - 3. Cyanuric acid levels (if applicable); and
 - c. Ensure that an appropriate method is used to check water chemistry as specified in state aquatic facility regulations; and
 - a. Retain records of daily water chemistry checks for at least two years on site; and
 - b. All records must be made available to the regulatory authority upon request.
 - c. Register certification as a certified pool operator or manager of operations with the regulatory authority and maintain a copy of the registration on-site at the facility. In the event that the certified pool operator/manager of operations is no longer employed on premises, the aquatic facility must employ another certified pool operator/manager of operations who possesses or obtains a current Wichita Falls Wichita County Public Health District Manager of operations or certified pool operator as defined by this ordinance.
- 2) To ensure compliance with this article, it is recommended that all manager of operations/certified pool operators use a DPD test kit certified by the American National Standards Institute (ANSI).

(B) All pumps, filters, sanitizers, and chemical feeders, drains, ladders, lighting, ropes and appurtenant equipment used in the operation of all aquatic facilities, shall be maintained in a good state of repair.

(C) All aquatic facilities shall be treated and maintained in accordance with current state department of health standards unless otherwise stated:

(1) Every pool shall contain a sanitizer concentration equivalent to a free chlorine residual between 1.0-8.0 ppm. Every spa shall contain a minimum sanitary concentration equivalent to a free chlorine residual of 3.0 - 8.0ppm minimum. If an aquatic facility is outside the required range of free chlorine residual equivalent, then the aquatic facility shall be immediately closed to the public. A test kit for measuring the concentration of the free chlorine shall be present at each aquatic facility. The regulatory authority must approve use of any sanitizer other than chlorine.

(2) Every aquatic facility shall have water with a pH of not less than 7.2 and not more than 7.8. An adequate pH test kit shall be present at each aquatic facility. If a aquatic facility test shows an acid reaction less than 7.2 or basic reaction over 7.8, then the aquatic facility shall be immediately closed to the public.

(3) The presence of microorganisms of the total coliform group or E coli in any water sample shall be deemed unacceptable water quality. Two consecutive samples showing microorganisms of total coliform will be grounds for immediate closure of the aquatic facility.

(4) Every aquatic facility shall have water clarity sufficient for the main drain or a six-inch diameter turbidity test disk placed at the deepest part of the aquatic facility, to be visible from the sidewalks of the aquatic facility at all distances up to ten yards, measured from a line drawn across the pool through the disc. Failure to meet this requirement shall be sufficient cause for immediate closure of the aquatic facility.

(5) A 15-minute maximum timer will be installed and operational at each spa. The timer must be located so that it cannot be reached unless a person exits the spa.

(6) Cyanuric acid shall not exceed 100ppm in any aquatic facility. If the level exceeds 100ppm, the facility shall close until the level can be lowered to below 80ppm.

(7) During any routine inspection, if the regulatory authority is required to close the pool for non-compliance, a re-inspection fee may be charged to the permit holder for each requested return visit for re-inspection

§ 100.07 REGULATIONS IN POOL AND SPA AREA; SUSPENSION OF PERMIT

(A) A person commits an offense if he/she violates any portion of this article or the standards set forth by the state department of health.

(B) Failure to comply with any section of this article may result in the immediate closure of the aquatic facility and/or the initiation of legal action. Upon determination that the aquatic facility does not comply with the provisions of this article, the regulatory authority shall notify the permit holder or manager of operations of the existing violations. If the regulatory authority determines that the condition of the aquatic facility may be hazardous to the health or safety of the swimmers or the general public, the aquatic facility shall be immediately closed. A new water sample and inspection of the aquatic facility will be conducted from 8:00 AM to 2:00 PM, Monday through Thursday at the request of the pool manager of operations or the permit holder. The aquatic facility water must completely turnover through the filtration and chlorination system at least once before reinspection and resampling. If compliance has been achieved, the permit holder shall be notified that the aquatic facility may be opened.

(C) When the regulatory authority has ordered that an aquatic facility be closed due to noncompliance with any provision of this article, the permit holder shall not allow the aquatic facility to be used for swimming, diving or bathing purposes and shall immediately take every

reasonable step to prevent the use of such aquatic facility for such purposes. By way of example and without limiting such duty, the permit holder shall immediately:

(1) Post notices reasonably likely to come to the attention of potential users of the pool or spa advising of the closure; and

(2) Lock all gates and doorways in any fence or other enclosure surrounding such pool.

(3) Failure to immediately comply with the above will result in the regulatory authority posting a sign at the pool, which states, "Pool Closed by Order of the Wichita Falls-Wichita County Public Health District." It shall be unlawful to remove, cover, or mutilate such sign without the approval of the regulatory authority. Use of the aquatic facility by an individual for swimming, diving or bathing purposes after the regulatory authority has ordered such aquatic facility to be closed shall be deemed prima facie evidence that the permit holder of such aquatic facility has knowingly allowed the aquatic facility to be used for such purposes.

(D) The regulatory authority shall suspend a permit to operate a public pool or spa if:

(1) A permit holder fails to designate a certified manager of operations as specified in this Chapter;

(2) The condition or operation of a pool or spa is considered to be hazardous or constitutes an imminent health hazard to the health or safety of swimmers or the general public; or

(3) The permit holder fails to keep all spa equipment and devices working properly.

(4) The suspension shall continue until the regulatory authority has conducted a new inspection, and the cause of suspension is corrected.

§ 100.08 CONSTRUCTION COMPLIANCE AND PLAN REVIEW

(A) Prior to beginning the construction of a new aquatic facility or the extensive remodeling of an existing aquatic facility, the owner shall submit plans and specifications for such construction or remodeling to the City building inspections department for review.

(B) The plans and specifications shall indicate the proposed layout and arrangement of mechanical, plumbing, fencing, electrical, construction materials of work areas, the type, and model of proposed fixed equipment and facilities and all associated buildings or structures.

(C) A licensed professional engineer shall examine the final aquatic facility design/blueprints for all new and extensively remodeled aquatic facilities (including structural, mechanical, plumbing or electrical renovations) and certify by original signature and engineer's seal compliance with state aquatic facility regulations and this article.

(D) No work shall begin until regulatory authority has received the engineer's certificate of pre-construction, conducted a plan review, and has communicated with the City building inspections department that a building permit may be issued. Work shall commence and conclude within the time allowed by such permits. Deviations from approved plans shall not be permitted without approval in writing from the regulatory authority and the City building inspections department. If no work has begun within 180 days from the date the regulatory authority has given written notice that work may begin, or if work has begun and is halted more than 60 days, the director may withdraw approval.

(E) The aquatic facility construction shall pass a pre-gunitite inspection, pre-plaster inspection and preoperational inspection by the regulatory authority prior to issuance of a permit. The completion of these inspections by a regulatory authority does not substitute or replace inspections required by other departments within the city.

(F) It is the responsibility of the person in charge to ensure that the building permit applicant and licensed professional engineer comply with all zoning, building, fire, and health ordinances of the City of Burkburnett.

§ 100.09 REGULATIONS FOR ALL PERSONS IN AQUATIC FACILITIES

A person commits an offense if they:

- (a) Have skin abrasions, open sores, skin disease, eye disease, nasal or ear discharge, diarrhea, or a communicable disease and bathes in a public or semi-public aquatic facility; or
- (b) Alter or remove safety equipment or signage from a public or semi-public aquatic facility except in an emergency; or
- (c) Alter or damage any part of a public or semi-public aquatic facility enclosure or allows the aquatic facility enclosure to remain unsecured while the enclosure is under repair; or
- (d) Alter or damage drain and suction outlet covers or grates; or
- (e) Carry glass within a public or semi-public aquatic facility area or enclosure; or
- (f) Allow an animal under their control to enter or remain within the aquatic facility, area or enclosure of a public or semi-public aquatic facility without approval from the regulatory authority, unless the animal is a service animal; or
- (g) Interfere with or obstructs the regulatory authority while they are in the process of enforcing this article; or
- (h) Are the manager of operations or the certified pool operator or is the person in charge and violates any provision of this article.

§ 100.10 RESERVED

SECTION TWO. Severability. In the event any portion of this ordinance is held invalid, illegal or unenforceable, such invalidity, illegality or unenforceability shall not affect the validity, legality or enforceability of the other provisions of this ordinance.

SECTION THREE. Publication. The Director of Administration is authorized and directed to publish the caption and penalty prescribed by this Ordinance in accordance with State Law.

SECTION FOUR. Effective Date. This Ordinance shall be in force and effect from and after its publication.

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

APPROVED AND PASSED this 20th day of May 2019.

Carl Law, Mayor

ATTEST:

Trish Holley, Director of Administration



City Commission Agenda Memo

From: Richard Gordon, Planning Director

Date: May 20, 2019

Item: 10 Discuss and take any action necessary on the site plan for Victron Truck Stop Facility at I44 and East 3rd St. Burkburnett, Texas.

Background

Victron, Inc. has presented a site plan for consideration of approval to construct a commercial building at this site. The proposed investment and jobs creation are detailed below:

- An \$8M-\$9M total capital investment in the City.
- Expected sales of \$7-\$8M in sales between the convenience store, three restaurants, and fueling services
- A creation of 40-50 full-time jobs, including several high-paying salaried managers
- Addressing the void in 24 hours, sit down, breakfast restaurants with Denny's, the void with a good BBQ place with our own Texas Best BBQ' along with a Wing Stop providing locals and travelers alike a safe and unique convenience and fueling destination
- We will work to sponsor school and local civic programs at our expense and can offer a variety of discounts to students, seniors, casino goers, and more to attract buses and travelers to the town
- Work with the City to create a welcome sign that includes unique elements of Burk and will draw travelers off the highway and locals from surrounding towns by welcoming them to Texas
- We are currently in discussions with the Kiowa Tribe to provide programs, shuttles, and discounts with the Kiowa Casino just to the north with our travel center to allow guests at the casino and the hotel a nearby place for them to eat, rest, and fuel, particularly late at night since there are no late-night dining options. I met with the Treasurer of the Kiowa Tribe last week and will be attending the Kiowa Gambling Council's monthly meeting in Oklahoma City in three weeks to work with them to provide services and bring synergy. This will be an even greater boom by giving visitors to the casino from all across the state the chance to come and see Burkburnett.

The request follows the guidelines as set forth by Ordinance #589 and is zoned C/B Commercial business. The Site Plan reflects proper building limit lines and easements. The P&Z board unanimously approved this request subject to two conditions 1. Final submittal of Stormwater plan & 2. Final submittal of the landscape Plan specified in the Zoning Ordinance. P&Z board members present were Tim Cornelius, Robert Jones, Carla Walters, Mark Barefield, and Paul Gerstner.

Fiscal Impact

N/A

Options

Approve Site Plan

Deny Site Plan

Approve with conditions

Staff Recommendation

Approval conditionally as specified in the Background section.

Attachments

Site Plan

Elevation view



City Commission Agenda Memo

From: Richard Gordon, Planning Director

Date: May 20, 2019

Item: 11 Discuss and take any action necessary on the site plan for a Commercial Building at I44 and Daniels Rd. Burkburnett, Texas.

Background

Mr. Rick Lipscomb has presented a site plan for consideration of approval to construct a commercial building. The Owner intends to construct a new building for an Automobile Dealership at is the location. The request follows the guidelines as set forth by Ordinance #589 and is zoned C/B Commercial business. The Site Plan reflects proper building limit lines and easements. The P&Z board unanimously approved this request subject to two conditions 1. Final submittal of Stormwater plan & 2. Final submittal of the landscape Plan specified in the Zoning Ordinance. P&Z board members present were Tim Cornelius, Robert Jones, Carla Walters, Mark Barefield, and Paul Gerstner.

Fiscal Impact

N/A

Options

Approve Site Plan

Deny Site Plan

Approve with conditions identified in Background.

Staff Recommendation

Approval conditionally as specified in the Background section.

Attachments

Site Plan

Elevation view



City Commission Agenda Memo

From: Mike Whaley, CPM

Date: March 20th, 2019

Item: Oil Well Permit Request; Newport Operating, LLC

Background

Newport Operating, LLC applied to drill 2 wells. Copies of the drilling applications and permits which were issued by the State Railroad Commission were submitted to the City for review along with the additional requirements for City application. The permit cost of \$250.00 per well has been received. ($\$250 \times 2 = \500)

The public hearing was held on May 15th. The 2 proposed locations were discussed and reviewed. As required all adjacent property owners were notified of the hearings. During the hearing, 5 residents attended the hearing as well as representatives from Newport Operating. After review and discussion of the proposed well locations, there were no objections from the residents.

The staff does not find any direct conflict with the comprehensive plan or zoning regulations. The parcel on which the proposed drillings sites are located is zoned AG.

Fiscal Impact

Permit fee of \$500 has been received.

Options

Approve both wells.

Deny both wells.

Approve/Deny portion of the wells.

Staff Recommendation

Staff Recommends approval of both well permit requests.

Attachments

Aerial view of proposed locations

Hearing sign in sheet



City Commission Agenda Memo

From: Lawrence Cutrone

Date: 5-20-19

Item: Oncore Distribution Cost Recovery Factor Filing

Background

On April 8, 2019, Oncor Electric Delivery Company LLC filed an Application for Approval to Amend its Distribution Cost Recovery Factor (“DCRF”) in Public Utility Commission of Texas (“Commission”) Docket No. 49427. In the filing, the Company is seeking an increase in distribution revenues of \$29,433,804. This is Oncor’s second DCRF filing under a law adopted in 2011 allowing electric utilities to file limited issue, limited review cases.

The Steering Committee of Cities Served by Oncor has engaged the services of a consultant, Mr. Karl Nalepa, to review the Company’s filing. Mr. Nalepa will review the filing and identify adjustments that should be made to the Company’s request. The steering committee is recommending that cities retaining original jurisdiction deny the requested relief. Resolution 663 denies the DCRF.

Fiscal Impact

PUC Docket No. 49427 is seeking to increase electric distribution rates by approximately \$29,433,804. If passed, all user Cities’ citizens will share the increased utility cost.

Options

Approve 663

Take no action

Staff Recommendation

Staff recommends approval of Resolution 663

Attachments

Resolution 663

RESOLUTION NUMBER 663

A RESOLUTION OF THE CITY OF BURKBURNETT, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR PURSUANT TO 16 TEX. ADMIN. CODE § 25.243 TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of Burkburnett, Texas ("City") is an electric utility customer of Oncor Electric Delivery Company LLC ("Oncor" or "Company"), and a regulatory authority with an interest in the rates and charges of Oncor; and

WHEREAS, the City is a member of the Steering Committee of Cities Served by Oncor ("OCSC" or "Cities"), a membership of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor's service area; and

WHEREAS, on or about April 8, 2019 Oncor filed with the City an Application for Approval to Amend its Distribution Cost Recovery Factor ("DCRF"), PUC Docket No. 49427, seeking to increase electric distribution rates by approximately \$29,433,804; and

WHEREAS, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if it is granted; and

WHEREAS, Cities are coordinating its review of Oncor's DCRF filing with designated attorneys and consultants to resolve issues in the Company's application; and

WHEREAS, Cities' members and attorneys recommend that members deny the DCRF.

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

Section 1. That the City is authorized to participate with OCSC in PUC Docket No. 49427.

Section 2. That subject to the right to terminate employment at any time, the City of Burkburnett hereby authorizes the hiring of the law firm of Lloyd Gosselink Rochelle & Townsend, P.C. and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceeding or court litigation associated with an appeal of this application filed with the PUC.

Section 3. That the rates proposed by Oncor to be removed through its DCRF charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

Section 4. That the Company shall continue to charge its existing rates to customers within the City.

Section 5. That the City's reasonable rate case expenses shall be reimbursed in full by Oncor within 30 days of presentation of an invoice to Oncor.

Section 6. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

Section 7. That a copy of this Resolution shall be sent to Matthew C. Henry, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202 and to Thomas Brocato, Legal Counsel to OCSC, at Lloyd Gosseink Rochelle & Townsend, P.C., P. O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this 20th day of May, 2019.

Carl Law, Mayor

ATTEST:

Trish Holley, Dir of Administration



City Commission Agenda Memo

From: Richard Gordon, Executive Director

Date: May 20, 2019

Item: Discuss and take action necessary on Appointment to the BDC Board of Directors.

Background

The resignation recently of Mr. Ted Kwas has created open voting positions on the BDC Board. The Board has selected Mr. Mickey Cornelius as a new voting member. Mickey was serving as ex-official members of the BDC Board. Board members attending were Danny Cremeens, Robert Jones, Teresa Brantley, Casey McCleskey, and Stacy Hopkins. The Vote was unanimous.

Fiscal Impact

N/A

Options

N/A

Staff Recommendation

Approval of Mr. Mickey Cornelius as a voting board member.

Attachments

None