

MINUTES
BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a special called meeting on Friday, September 14, 2012 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 Meeting Act. The following Commissioners were present:

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

Commissioner Tugman was not present.

Others present: Tim James, City Manager; Trish Holley, Director of Administration, Michael Whaley, Public Works Director; Janelle Dolan, City Clerk; and Ed Stahr, Lieutenant Police Department.

Item 1. Mayor Law called the meeting to order.

Item 2. Mayor Law closed the regular meeting at 7:01 p.m. and opened the "Budget Hearing" to discuss the Fiscal Year 2013 City Operating Budget.

The following addressed the Commissioners:

Raymond Holland, 216 Dogwood

Item 3. Mayor Law closed the "Budget Hearing" at 7:03 p.m. and re-opened the Commissioners meeting.

Item 4. No action was taken.

Item 5. City Manager's report.

- A. Budget Status- Mr. James reported this is the 2nd and final public hearing, adoption of the budget will occur on September 17, 2012.

Item 6. Council comments.

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

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk

MINUTES
BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a special called meeting on Monday, September 10, 2012 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 Meeting Act. The following Commissioners were present:

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

Others present: Tim James, City Manager; Trish Holley, Director of Administration, Michael Whaley, Public Works Director; Janelle Dolan, City Clerk; and Ed Stahr, Lieutenant Police Department.

Item 1. Mayor Law called the meeting to order.

Mayor moved up Item 5.

Item 5. Resolution Number 533 was presented. A resolution authorizing an economic incentive agreement between the Burkburnett Development Corporation and Southern Star, Inc. 2nd and final reading.

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to approve Resolution Number 533 as presented. Motion carried unanimously.

Item 2. Mayor Law closed the regular meeting at 7:03 p.m. and opened the “Budget Hearing” to discuss the Fiscal Year 2013 City Operating Budget.

No discussion.

Item 3. Mayor Law closed the “Budget Hearing” at 7:04 p.m. and re-opened the Commissioners meeting.

Item 4. No action was taken.

Item 6. City Manager's report.

A. Budget Status- Second Public Hearing scheduled for September 14, 2012 at 7 pm.

Item 6. Council comments.

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

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, September 17, 2012 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
Don Hardy	Commissioner
Marguerite Love	Commissioner
Michael Tugman	Commissioner

Others present: Tim James, City Manager; Trish Holley, Director of Administration; Michael Whaley, Public Works Director; Janelle Dolan, City Clerk; Ed Stahr, Lieutenant Police Department; and Rodney Roberts, Director of Parks and Recreation.

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

Item 2. Invocation was given by Billy Pate, Pastor of The River Assembly Church of God.

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

Item 4. Consent Agenda.

A. Approval of Minutes from August 2 and August 13- Special Called Budget, August 14-Special Called Meeting, and August 20, 2012.

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

Item 5. Motion was made by Commissioner Andrajack, seconded by Commissioner Lindenborn to approve the 2013 Burkburnett Development Corporation budget as presented. Motion carried unanimously.

Item 6. Resolution Number 534 was presented in its entirety. A resolution supporting a joint land use study (JLUS) of Sheppard Air Force Base (SAFB) and Frederick Regional Airport.

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to approve Resolution Number 534 as presented. Motion carried unanimously.

Item 7. Tim James, City Manager, addressed the Board of Commissioners. Mr. James stated the TML Intergovernmental Risk Pool handles Worker's Compensation, Property and Liability Insurance Coverage for member cities and they have a direct influence over rates associated with those policies.

Motion was made by Commissioner Andrajack, seconded by Commissioner Tugman to vote for each incumbent for all four positions on the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool. Motion carried unanimously.

Item 8. Ordinance Number 822 was presented. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS (the "CITY") ESTABLISHING: A STORMWATER DRAINAGE UTILITY SYSTEM, CERTAIN FEES AND CHARGES FOR PROPERTY BENEFITED BY THE SYSTEM, CERTAIN EXEMPTIONS FROM THE SYSTEM, FINANCIAL PROCEDURES FOR ADMINISTERING THE SYSTEM, AND AN APPEAL PROCESS; AND PROVIDING FOR SEVERABILITY.

Mr. James addressed the Board of Commissioners explaining at the previous month's City Council meeting the Board of Commissioners approved continuing the Storm Water Drainage Utility System ordinance. Ordinance Number 822 re-establishes the Storm Water Drainage Utility System regulations and provides for a review in 5 years.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Hardy to approve Ordinance Number 822 re-establishing a Storm Water Drainage Utility System. Motion carried unanimously.

Item 9. Mayor Law closed the regular meeting at 7:08 p.m. and opened the "Public Hearing" for the following Planning & Zoning Commission Case:

- A. Case #2012-9, re-zone application for 900 block of Victoria Dr., block rezoned as a carport overlay district.

Mike Whaley, Public Works Director, addressed the Board of Commissioners and explained this is a re-zone application for a carport overlay district for the 900 Block of Victoria. Mr. Whaley reported all publishing and mail out requirements have been met and the required amount of signatures (75%) has been satisfied. Mr. Whaley stated this application was approved unanimously by the Planning and Zoning Commission and it is the recommendation of City Staff to approve this re-zone application.

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

- A. Case #2012-9, re-zone application for 900 block of Victoria Dr., block rezoned as a carport overlay district.

Motion was made by Commissioner Love, seconded by Commissioner Brewster to approve Case #2012-9 a re-zone application for a carport overlay district for the 900 Block of Victoria.

Ayes: Mayor Law, Commissioners: Lindenborn, Brewster, Hardy, and Love
Nays: Commissioner Andrajack
Abstained: Commissioner Tugman.
Motion carried.

Item 11. Mr. James addressed the Commissioners explaining LBG-Guyton Associates is a Groundwater and Environmental Engineering firm located in Austin Texas. The Board of Commissioners had previously given direction to the staff to move forward with the water well project and to focus on developing increased supply from our existing aquifer. Mr. James stated staff worked with LBG-Guyton Associates to develop a plan for the next phase and this agreement provides for the consultant to identify two new test well locations, design the specifications for the test wells, and assist with the evaluation of the test wells.

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to approve the contract giving the Mayor authority to read and approve the contact as the Mayor sees fit. Motion carried unanimously.

Item 12. Ordinance Number 824 was presented. Caption of same being:

AN ORDINANCE ADOPTING THE FISCAL YEAR OPERATING BUDGET OCTOBER 1, 2012 – SEPTEMBER 30, 2013 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 Andrajack, seconded by Commissioner Hardy to approve Ordinance Number 824 as presented. Motion carried unanimously.

Item 13. Ordinance Number 825 was presented. Caption of same being:

AN ORDINANCE ADOPTING THE FISCAL YEAR CAPITAL IMPROVEMENT BUDGET OCTOBER 1, 2012 - SEPTEMBER 30, 2013 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 Andrajack, seconded by Commissioner Brewster to approve Ordinance Number 825 as presented. Motion carried unanimously.

Item 14. Ordinance Number 826 was presented. Caption of same being:

AN ORDINANCE LEVYING AN ANNUAL AD VALOREM TAX FOR THE YEAR 2012. SETTING SPECIFIC TAX RATES, APPLICABLE TO ALL REAL, PERSONAL AND MIXED PROPERTY SITUATED WITHIN THE CITY OF BURKBURNETT CITY LIMITS; SETTING THE DUE DATE AND PROVIDING FOR PENALTIES AND INTEREST ON DELIQUENT TAXES.

Motion was made by Commissioner Tugman, seconded by Commissioner Brewster that the property tax rate be increased by the adoption of a tax rate of 0.578582, which is effectively a 1.63 percent increase in the tax rate and to approve Ordinance Number 826. Motion carried unanimously.

Item 15. Ordinance Number 827 was presented. Caption of same being:

AN ORDINANCE AMENDING ORDINANCE NUMBER 767 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 Lindenborn, seconded by Commissioner Hardy to approve Ordinance Number 827 as presented.

Ayes: Mayor Law, Commissioners: Lindenborn, Andrajack, Brewster, Hardy, and Love

Nays: Commissioner Tugman
Motion carried.

Item 16. Ordinance Number 828 was presented. Caption of same being:

AN ORDINANCE SUPERSEDING ORDINANCE NUMBER 766 OF THE CITY OF BURKBURNETT, TEXAS PRESENTLY CODIFIED AS CHAPTER 52, SEWERS 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 Andrajack seconded by Commissioner Lindenborn to approve Ordinance Number 828 as presented. Motion carried unanimously.

Item 17. Mr. James addressed the Board of Commissioners stating input has been received from several citizens requesting that Burkburnett obtain a Tree City USA designation. In order to be considered for that designation, one of the requirements is that the City adopts a Tree Ordinance. Ordinance Number 829 will meet the necessary requirement and would establish specifications for trees on public property, establish an advisory board for trees, and provide regulations for diseased and dangerous trees.

Motion was made by Commissioner Andrajack, seconded by Commissioner Tugman that action be deferred on this item until such time that the definition of nuisance can be modified to meet the city's intent and Section 102.10, appeals, can be modified to reflect appeals to the ordinance can be made in writing and heard by the Board of Commissioners, rather than appeals to a violation can be in writing and heard by the Board of Commissioners.

Item 18. Mr. James addressed the Board of Commissioners and stated at the previous meeting the Commissioners approved the motion to move forward with voluntary contributions on the utility bills, also, the budget that was just approved included \$9,500 allocation to the Boys and Girls Club. Mr. James stated Commissioner Lindenborn requested to re-evaluate the proposed program. Commissioner Lindenborn stated his biggest concern was that this program would be an opt-out program; he would like to see it be an opt-in.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Love that in setting up the voluntary contribution program, have the program as an opt-in, with varying amounts whether it be \$.50, \$1.00 or other amount, that goes out in a flyer and each person has to sign up through this flyer, or come to City Hall to sign up and the money will go to the Boys and Girls Club.

Motion was made by Commissioner Brewster to amend the present motion to table this item to give more time to think about it until the next City Council Meeting. Motion died due to lack of second.

Mayor Law took a vote on the original motion:

Ayes: Mayor Law, Commissioners: Lindenborn, Hardy, and Love

Nays: Commissioners: Andrajack and Tugman

Abstained: Commissioner Brewster

Motion carried.

Item 19. Motion was made by Commissioner Lindenborn, seconded by Commissioner Andrajack to establish the number of the members for the Charter Review Committee at 15. Motion carried unanimously.

Item 20. Mr. James addressed the Board of Commissioners reporting in his research of forming a Charter Review Committee he found that every city does it differently and there is no set format. Mr. James reported the two common factors found are the importance of taking time to make the selection of the members and providing a clear set of parameters for the Committee. Mr. James stated all selection processes for advisory boards must be done in open session.

Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to defer this action until we have information on all the candidates and we establish the guidelines for the Committee. Motion carried unanimously.

Item 21. Review of monthly reports.

- A. Administration- Trish Holley, Director of Administration, reported the City received \$100,992.19 in sales tax for the month of September. That is \$57,441.81 over the total sales tax received last year.
- B. Public Works- Tim James reported the Preston project should be completed this week. The next two street bond projects are Davey Drive and North Bishop which are under design.
- C. Public Safety- Lieutenant Stahr reported that Officer Stubblefield had submitted his resignation.

Item 22. Public Comments.

The following addressed the Mayor and Commissioners:
Raymond Holland, 216 Dogwood, Burkburnett, TX

Item 24. City Manager's report.

- A. Calendar-October 12 & 13th 8am-12pm are Cemetery Clean-Up Days
- B. Website-New website has a new format which is more user friendly.
- C. Budget- Mr. James thanked the Commissioners and the Staff for completing the budget.

Item 25. Commission comments.

Item 26. Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk