MINUTES
BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a special called meeting on Tuesday, October 9, 2012 at 8:00 a.m. at 104 W. Third, 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
Randy Brewster	Commissioner
Don Hardy	Commissioner

Commissioners Andrajack, Love, and Tugman were not present.

No action was taken by the Commissioners on any of the following Burkburnett Development Corporation agenda items listed below.

Item 1. Meeting called to order.

Item 2. Roll call.

Item 3. Discuss approval of minutes.
- September 11, 2012 Regular Meeting Minutes

Item 4. Discuss September 2012 financials.

Item 5. Welcome new members

Item 6. Discuss personnel committee recommendation of officers for the 2012-2013 fiscal year.

Item 7. Discuss Red River Market Place agreement.

Item 8. Discuss progression of Southern Star, Inc. project.

Item 9. Discuss Friendship Festival.

Item 10. Director's Report
- Wal-Mart Building
- Community Cleanup
- Valero Station

Item 11. Personal Audience Comments to Board Members/Comments on Agenda Items.

Item 12. Board Member Comments

Item 13. Adjournment

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, October 15, 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
Josh Andrajack	Commissioner
Randy Brewster	Commissioner
Don Hardy	Commissioner
Marguerite Love	Commissioner
Michael Tugman	Commissioner

Mayor Pro-Tem Lindenborn was not present.

Others present: Tim James, City Manager; Michael Whaley, Public Works Director; Janelle Dolan, City Clerk; Mike Tracey, Police Chief; Rod Ryalls, Fire Chief; 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 Weslie Odom, Pastor of Grace Lutheran Church.

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

Mayor moved up Item 20 D.

Item 20 D. Rod Ryalls introduced the Fire Fighter of the Year, Jon Morris, to the Commissioners.

Item 4. Consent Agenda.

A. Approval of Minutes from September 10, September 11, September 14 - Special Called Meetings and September 17, 2012.

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

Item 5. Tim James, City Manager, addressed the Board of Commissioners explaining Resolution Number 536 authorizes the approval of the Wichita County

Mitigation Plan. Mr. James stated in order to be eligible for federal funding in times of disaster, government agencies must have a Mitigation Plan and Wichita County Emergency Management has prepared a county-wide Mitigation Plan that includes the City of Burkburnett.

Motion was made by Commissioner Brewster, seconded by Commissioner Andrajack to approve Resolution Number 536 as presented. Motion carried unanimously.

Item 6. Rick Sims, Bundy, Young, Sims & Potter, Inc., addressed the Mayor and Commissioners and reported the bids for the Cemetery Pavilion were opened on October 9, 2012. Mr. Sims stated bids were received on four different packages of work. They are listed below:

Bid Package No. 1 Pre-Engineered Metal Building Estimated Budget $48,000+

Contractor	Bid Package No. 1 Proposal
Scales	$83,294
Santa Rosa	$56,890
Luz Lerma Construction	$58,247
M & F Litteken	$80,920

Bid Package No. 2 Masonry Estimated Budget $29,000+

Contractor	Bid Package No. 2 Proposal
Pro Masonry	$32,000
DeMontel	$36,770
W.P. Howle	$27,531

Bid Package No. 3 Electrical Estimated Budget $8,000+

Contractor	Bid Package No. 3 Proposal
Monty Priddy Electric	$5,990
Marvin Groves	$7,900
Davis Electric	$7,950

Bid Package No. 4 Site work Estimated Budget $20,000+

Contractor	Bid Package No. 4 Proposal
Duke	$22,971
Scales	$30,723
Santa Rosa	$31,360
Luz Lerma	$26,280
M & F Litteken	$27,600

Mr. Sims stated he would recommend the following low bid on each package:

Package	Contractor	Proposal
Bid Package No. 1	Santa Rosa	$56,890
Bid Package No. 2	W.P. Howle	$27,531
Bid Package No. 3	Monty Priddy Electric	$5,990
Bid Package No. 4	Duke	$22,971

Mr. James reported the funds for construction of the Cemetery Pavilion will come from the Cemetery fund. There is currently $167,784.34 available for the project. The total of the low bids is $113,382, which represents an $8,382 increase to the previously approved budget for the Pavilion project. Mr. James also stated there will be additional cost associated with bringing utilities to the site, relocation of the existing siren and storage buildings, and driving surface around the Pavilion.

Motion was made by Commissioner Brewster, seconded by Commissioner Hardy to accept the low bid on each package.
Ayes: Mayor Law, Commissioners: Brewster, Hardy, Love, and Tugman
Abstained: Commissioner Andrajack
Motion carried.

Item 7. Resolution Number 537 was presented in its entirety. A resolution authorizing the adoption of Rules and Regulations for the Burkburnett Cemetery. Mr. James addressed the Mayor and Commissioners stating the Cemetery Board has been reviewing the Cemetery Rules and Regulations for many months and recommended the Board of Commissioners adopt new Rules and Regulations for the Cemetery.

The following addressed the Mayor and Commissioners:
Denise Kirkpatrick, 716 Sunset

Motion was made by Commissioner Andrajack, seconded by Commissioner Love to approve Resolution Number 537 as presented. Motion carried unanimously.

Item 8. Mr. James addressed the Mayor and Commissioners explaining UPS requested the City consider establishing an ordinance that would allow the use of golf carts for holiday parcel delivery.

The following addressed the Commissioners:
LouAnn Cobb, UPS Representative, 511 Lake Wellington Parkway

Ms. Cobb explained during peak time during the holidays they deliver 390 pieces, 270 stops, per day in Burkburnett. UPS is hoping to be allowed to drive the golf carts during this time so first rate service will be provided, there will be lower noise, and night time deliveries can be eliminated.

Motion was made by Commissioner Brewster, seconded by Commissioner Hardy to establish an ordinance that would allow golf carts on city streets for holiday parcel delivery in and/or about November 15.
Ayes: Mayor Law, Commissioners: Brewster, Hardy, Love, and Tugman
Nay: Commissioner Andrajack
Motion carried.

Item 9. Resolution Number 535 was presented in its entirety. A resolution authorizing an economic incentive agreement between the Burkburnett Development Corporation and Bent Penny. First reading, no action taken.

Item 10. Mike Whaley, Public Works Director, addressed the Mayor and Commissioners stating this Final Plat was prepared by Corlett, Probst, & Boyd for owners Rick Otto and Timothy Morris for the purpose of constructing a multi-level apartment complex (64 units). The City of Burkburnett and the BDC have been working with the Overland Property Group in their application to the TDHCA (Texas Department of Housing and Community Affairs) in regards to the Housing Tax Credit and HOME Investment Partnership Program. This program is very competitive in which the Overland Property Group ranked first place for their submittal of the Saddlebrook Apartments in the City of Burkburnett and have been awarded the tax credits. Mr. Whaley reported the Planning and Zoning Commission unanimously approved the Final Plat and it would be City staff recommendation to accept the Planning and Zoning recommendation to approve the Final Plat Lot 1 Block 1 Saddlebrook Addition.

Motion was made by Commissioner Andrajack, seconded by Commissioner Brewster to approve the Final Plat Lot 1 Block 1 Saddlebrook Addition.

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

Item 11. Mr. Whaley addressed the Mayor and Commissioners explaining this Final Plat was prepared by Corlett, Probst, & Boyd for owner Darren Broadus for the purpose of replatting designated lots to single-family detached home specifications as included in the current R-1 District (which are the same as the single family Residential-6). Originally the area was platted for zero-lot line residences; however, the owner believes that larger lots will be more marketable. Currently the property proposed is zoned R1 residential district which allows for a variety of medium density housing. The Plat reflects proper building line and easements. At this time the staff sees no conflict with the Zoning Ordinance or the Subdivision Ordinance. Mr. Whaley reported the Planning and Zoning Commission unanimously approved the Final Plat and it would be City staff recommendation to accept the Planning and Zoning recommendation to approve

Final Plat Lots 19-A thru 24-A and Lots 26-A thru 31-A Block 13 Jan Lee Heights.

Motion was made by Commissioner Andrajack, seconded by Commissioner Love to approve Final Plat Lots 19-A thru 24-A and Lots 26-A thru 31-A Block 13 Jan Lee Heights. Motion carried unanimously.

Item 12. Mayor Law closed the regular meeting at 7:55 p.m. and opened the "Public Hearing" for the following Planning & Zoning Commission Case:

A. Case #2012-10, re-zone application for 800 block of Coulter, block rezoned as a planned development district.

Mike Whaley, Public Works Director, addressed the Mayor and Commissioners explaining this is a request brought forth by the City staff. Recently, a permit request for a zero-lot line home on Coulter brought an issue to light in regards to an existing problem with the set-backs on Coulter. After staff review, it was determined that the existing homes on Coulter did not meet the set-back requirements of a 25' front building lot line as set forth in the Zoning Ordinance and officially the City staff cannot grant a request for a building permit which violates the Zoning Ordinance. Therefore, it was determined that in order to approve this request and eliminate future issues, that a planned development district would need to be assigned to this area. Mr. Whaley stated legal notice and 200' radius written notices were completed per ordinance. Mr. Whaley informed the Board of Commissioners the remaining lots on the north/west side of Coulter will be designed as SF-6 lots and hold to all the existing requirements as set forth by the Zoning Ordinance and the lots on the south/east side of Coulter will remain zero-lot-line lots in which will hold to all existing requirements as set forth by the Zoning Ordinance except: 1) The front set-back requirement will be reduced from 25' to 5' (these homes are rear entry allowing for a lesser front set-back) ; and 2) the usable open space requirements will be reduced from 10% to 5%. Mr. Whaley reported the Planning and Zoning Commissioner unanimously approved the request for a Planned Development District and it would be City staff recommendation to accept the Planning and Zoning recommendation to approve the request for a Planned Development District for the 800 block of Coulter.

Item 13. Mayor Law closed the "Public Hearing" at 7:56 p.m. and reopened the regular meeting to take action on the Planning & Zoning Commission Case:

A. Case #2012-10, re-zone application for the 800 block of Coulter, block rezoned as a planned development district.

Motion was made by Commissioner Love, seconded by Commissioner Brewster to approve Case #2012-10 a re-zone application for 800 block of Coulter, block rezoned as a planned development district.

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

Item 14. Mr. James addressed the Mayor and Commissioners stating Charlotte Spragins owns property immediately adjacent to the City owned River Creek Golf Course and a portion of Mrs. Spragins property adjacent to the west boundary of River Creek Golf Course is divided by a creek and she has historically accessed this portion of the property through City property. This proposed agreement specifies the terms of the easement.

Motion was made by Commissioner Andrajack, seconded by Commissioner Love to approve granting an easement across City property to Charlotte Spragins. Motion carried unanimously.

Item 15. Mr. James addressed the Mayor and Commissioners explaining Resolution Number 538 establishes the guidelines for the Voluntary Contribution Program for the Burkburnett Boys and Girls Club which the Board of Commissioners voted to set up at the previous meeting.

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

Mayor moved up Item 19.

Item 19. Public Comments.

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

Item 16. Mayor Law closed the meeting at 8:12 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 551.072-Deliberation Regarding Real Property
   a. Water Supply
   b. Tax foreclosure property

B. SECTION 551.074 – Personnel Matters
   a. Duties of Public Works Director

Item 17. Mayor Law reconvened the regular meeting at 9:26 p.m. No action was taken.

Item 18. Review of monthly reports.

A. Administration-
B. Public Works- Mike Whaley stated Preston project is completed. The City has now moved onto Davey and Bishop, which will be bundled together and is the final street bond project.
C. Public Safety-

Item 20. City Manager's report.

A. Calendar- Mr. James reviewed all scheduled meetings for November and the TML Conference is scheduled from November 13-14, 2012 which most, if not all, Commissioners will be attending.
B. Cemetery-Mr. James reported there is a group that would like to plant some wild flowers in the Cemetery.
C. Sales Tax –Mr. James reported we were up 14.16% which is a $13,000 gain from last year.

Item 21. Commission comments.

Item 22. Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to adjourn. Motion carried unanimously.

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Carl Law, Mayor

ATTEST:

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Janelle Dolan, City Clerk