

**MINUTES**  
**BOARD OF COMMISSIONERS**  
**WORKSHOP SESSION**

The Board of Commissioners of the City of Burkburnett, Texas met in a Budget Workshop/Meeting on Wednesday, August 2, 2012 at 9:00 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 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; Mike Tracey, Chief of Police; Ed Stahr, Lieutenant Police Department; Rodney Roberts, Director of Parks/Recreation and Rodney Ryalls, Fire Chief.

Item 1. Mayor Law called the meeting to order.

Item 2. Invocation was given by Mayor Law.

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

Item 4. Tim James, City Manager addressed the Mayor and Commissioners. Mr. James briefly highlighted the Fiscal Year 2013 Operating Budget. Mr. James presented a budget in the amount of \$9,702,473 expenses and \$9,734,895 in revenues and reviewed each fund to include: General, Garbage, Water, Sewer, and Capital Improvements. Mr. James briefly reviewed funded and unfunded projects and stated the budget is based on the current ad valorem tax rate and utility rates.

Sharon Bankhead, Executive Director of the Burkburnett Boys and Girls Club addressed the Mayor and Commissioners. Ms. Bankhead stated the Burkburnett Boys and Girls Club has received the same amount, \$9,500, from the City for six years. Ms. Bankhead stated that the Burkburnett Boys and Girls Club is now serving 200 children per day and is requesting an increase in the amount the Boys and Girls Club receives.

Mr. James provided the following dates:

August 9 <sup>th</sup>	Publish 2012 Property Tax Rates
August 20 <sup>th</sup>	Take record vote for proposed tax rate
August 23 <sup>rd</sup>	Publish record vote for proposed tax rate with dates for Public Hearings
September 10 <sup>th</sup>	1 <sup>st</sup> Public Hearing
September 13 <sup>th</sup>	Publish notice for tax increase (if staying with current tax rate)
September 14 <sup>th</sup>	2 <sup>nd</sup> Public Hearing
September 17 <sup>th</sup>	Adopt tax rate

The next scheduled budget workshop is August 13, 2012 at 6 p.m.

Item 5. Council comments.

Item 6. Motion was made by Commissioner Brewster, seconded by Commissioner Lindenborn to adjourn. Motion carried unanimously.

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Carl Law, Mayor

**ATTEST:**

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Janelle Dolan, City Clerk

**MINUTES**  
**BOARD OF COMMISSIONERS**

The Board of Commissioners of the City of Burkburnett, Texas met in a special called meeting on Monday, August 13, 2012 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 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; Ed Stahr, Lieutenant Police Department; Rodney Roberts, Director of Parks/Recreation and Rodney Ryalls, Fire Chief.

Item 1. Mayor Law called the meeting to order.

Item 2. Invocation was given by Commissioner Lindenborn.

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

Item 4. Tim James, City Manager, addressed the Mayor and Commissioners. He provided a copy of the proposed FY 2013 Budget. Mr. James also provided the FY 2013 Equipment Replacement Plan and provided an update on the FY 2013 Budget Requests. Mr. James stated the City has now received notice from IESI (1.68%) and Veolia (2.65%) whom have requested Consumer Price Index (CPI) adjustments to their contracts, which has caused a budget deficit. Discussion was held and resulted in a proposed increase in the garbage residential base rate of \$.24/month to \$19.52/ month and a proposed increase to the sewer base rate of \$.05/month from \$9.00/month to \$9.05/month along with a proposed increase to usage rate of \$.05/1000 gallons from \$1.75/1000 gallons to \$1.80/1000 gallons. This would be an increase of \$5.88 per year for each utility customer.

Item 5. City Manager's report.

Mr. James stated a record vote will be taken on August 20, 2012 on the proposed tax rate. Public Hearings are scheduled for September 10 and

September 14, 2012 at 7 pm. Mr. James stated on September 17, 2012 the Board of Commissioners will adopt the tax rate and the FY 2013 budget.

Item 6. Council comments.

Item 7. 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

*MINUTES*  
*BOARD OF COMMISSIONERS*

The Board of Commissioners of the City of Burkburnett, Texas met in a special called meeting on Tuesday, August 14, 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	Commissioner
Randy Brewster	Commissioner
Don Hardy	Commissioner
Marguerite Love	Commissioner

Commissioners Andrajack 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.

- July 10, 2012 Regular Meeting Minutes

**Item 4.** Discuss approval of the July 2012 financials.

**Item 5.** Discuss funding of the conceptual design and cost estimate for a splash park.

**Item 6.** Discuss funding for entryway signage along I44 corridor. (Governor's Community Achievement Award Application Process).

**Item 7.** Discuss design for industrial park signage.

**Item 8.** Discuss economic development negotiations/incentives for Southern Star, Inc.

**Item 9. Personnel/Operations-**Scott Dolan, Chairman

-Personnel committee meeting report.

**Item 9A.** Discuss, consider, and act upon BDC Officers and Directors for the 2012- 2013 fiscal year.

**Item 9B.** Discuss, consider, and act upon Executive Director's salary for fiscal year 2012-2013.

**Item 9C.** Discuss and consider an employment contract for the Executive Director.

**Item 10.** Director's Report

- Overland Properties

- Wal-Mart Building
- Potential Industrial Park Business
- Valero
- Burkburnett Channel
- Community Map/Brochure
- Friendship Festival
- Consignment Shop

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

**Item 12. Board Member Comments**

**Item 13. Adjournment**

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Carl Law, Mayor

**ATTEST:**

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Janelle Dolan, City Clerk

*MINUTES*

*BOARD OF COMMISSIONERS*

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, August 20, 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; Mike Tracey, Chief of Police; Rod Ryalls, Fire Chief; Rodney Roberts, Director of Parks and Recreation; and Rodney Mathews, Code Enforcement.

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

Item 2. Invocation was given by Bill Liggett, Pastor of First Baptist Church.

Item 3. The Pledge of Allegiance was led by Mike Crowley.

Item 4. Consent Agenda.

- A. Approval of Minutes from July 3 and July 10 Special Called Meetings, and July 16, 2012.

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

Item 5. Tim James, City Manager, addressed the Board of Commissioners about the need for maintaining and improving City facilities as well as the potential for new facilities in the future. In order to develop a plan for the necessary maintenance improvements of existing facilities and for the potential of new facilities in the future, it was recommended that a facility master plan be established. The facility master plan will include an evaluation of the current

condition of each facility, the viability of renovation, and the spatial requirements for the intended use. The plan would also include an overall plan for facility needs and cost estimate for facility considerations. The agreement with Bundy, Young, Sims and Potter, Inc. is based on an hourly rate with a not-to-exceed amount of \$5,600; funds are available in the current budget.

Motion was made by Commissioner Andrajack, seconded by Commissioner Tugman to approve the professional service agreement with Bundy, Young, Sims, & Potter, Inc., for a facility master plan with a cost not-to-exceed \$5,600. Motion carried unanimously.

Item 6. Keith Myers, President of the Burkburnett Development Corporation (BDC), addressed the Board of Commissioners about the BDC's recommendation for two possible replacements for the Board of Directors: Randy Brewster and Tag Davis. Mr. Myers stated when the BDC made their recommendations they were based on those whom had participated in their strategic planning sessions. Mr. Myers stated Tag Davis was very instrumental during those meetings and Commissioner Brewster asked to be considered when the recommendations were made. After further discussion was held, the following motion was made:

Motion was made by Commissioner Tugman, seconded by Commissioner Brewster that the voting members of the BDC include Keith Myers, Scott Dolan, John Robertson, Bill Lindenborn, Randy Brewster, Bob Franklin, Russell Miller and the following as ex officio: Jeff Kindt, Jeff Briscoe, Ed Godsey and Tag Davis. Motion carried unanimously.

Item 7. Resolution Number 533 was presented in its entirety. A resolution authorizing an economic incentive agreement between the Burkburnett Development Corporation and Southern Star, Inc. First reading, no action taken.

Item 8. Mayor Law closed the regular meeting at 7:24 p.m. and opened the "Public Hearing" for the demolition hearing on the following property: 709 Avenue F.

Rodney Mathews, Code Enforcement Officer, addressed the Board of Commissioners explaining the Code Enforcement Department investigated a structure fire at 709 N. Ave. F also known as Lot 1-2-3-4 Blk 3 Original Town , BB. Photo documents and structure report were obtained. The building was found to be in violation of Code of Ordinances Chapter 150.35 Unsafe/Dangerous Building. Notifications were mailed via certified mail to property owner, Rosa Castro, and returned unclaimed. Under advice from the City Attorney, notices were posted on said property and structure for an additional thirty days. There has been no response or contact from anyone in regards to said property, which brings us to the hearing tonight in which staff is requesting to demolish the

dangerous building and assess a lien on property for the amount of expenses (low bid \$4200.00) and \$100.00 administrative fee per ordinance.

Item 9. Mayor Law closed the "Public Hearing" at 7:26 p.m. and reopened the regular meeting.

Item 10. Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to accept the low bid of \$4200.00 for the demolition of 709 Ave. F. Motion carried unanimously.

Item 11. Mayor Law closed the meeting at 7:29 p.m. and opened the "Public Hearing" for public input regarding the 2011 Drinking Water Quality Report (Consumer Confidence Report).

Mike Whaley, Public Works Director, addressed the Board of Commissioners and explained the Drinking Water Quality Report has changed its format. It previously reported all contaminates that were tested and now only reports contaminates that are found. Mr. Whaley reported no contaminates were found.

Item 12. Mayor closed the "Public Hearing" at 7:35 p.m. and reopened the regular meeting.

Item 13. Ordinance Number 821 was presented. Caption of same being:

**AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF BURKBURNETT, TEXAS.**

Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to approve Ordinance Number 821 as presented. Motion carried unanimously.

Item 14. Mayor Law closed the regular meeting at 7:36 p.m. and opened the "Public Hearing" for the following Planning & Zoning Commission Case:

- A. Case #2012-8, Specific Use Permit for Lot 16 Hardin Replat, also known as 106 N. Ave C, to allow storage rental units.

Michael Whaley, Public Works Director, addressed the Board of Commissioners. Mr. Whaley stated this is an application for a Specific Use Permit, to allow storage rental units at 106 N. Ave. C. Mr. Whaley stated the use charts allow for storage rental units to be constructed within a commercial or industrial zone but have to be approved for a Specific Use Permit. Mr. Whaley stated the setbacks in the site plan have been approved by the Zoning Board of Adjustments. Mr. Whaley stated all mail outs to property owners within a 200 ft radius and proper notifications have been satisfied. The proposed change does meet the future land

use plan as set for commercial development and the Planning and Zoning Committee unanimously approved the Specific Use Permit application.

Item 15. Mayor Law closed the “Public Hearing” at 7:39 p.m. and reopened the regular meeting to take action on the Planning & Zoning Commission Case:

- A. Case #2012-8, Specific Use Permit for Lot 16 Hardin Replat, also known as 106 N. Ave C, to allow storage rental units.

Motion was made by Commissioner Hardy, seconded by Commissioner Lindenborn to approve Case#2012-8, Specific Use Permit for Storage Rental Units at 106 N. Ave C.

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

Abstained: Commissioner Andrajack

Motion carried.

Item 16. Mr. James addressed the Board of Commissioners, due to recent concerns about the interaction and relationship of the Board of Commissioners and Burkburnett Development Corporation, it was requested that a professional service agreement be considered with Strategic Government Resources, Inc. (SGR) to evaluate the current situation and provide recommendation to the Board of Commissioners. Mr. James stated the professional services agreement provides for a fixed fee of \$2,000 plus the reimbursement of project and travel expenses. Funds are available in FY2012 budget for professional services.

The following addressed the Commissioners:

Keith Myers, 1200 Amherst, Burkburnett

Kelly Bolen, 2154 JB Riley Rd., Burkburnett

Motion was made by Commissioner Andrajack, seconded by Commissioner Brewster to approve the professional agreement between the City of Burkburnett and Strategic Government Resources, provided that the scope of services include input from the City representatives listed, as well, as the Burkburnett Development Corporation, to include but not be limited to Kelly Bolen and Keith Myers. Motion carried unanimously.

Item 17. Mr. James addressed the Board of Commissioners explaining Ordinance 735 was adopted in September 2007 for Municipal Drainage System. The Ordinance provides that on or before five years from the date of the adoption of the ordinance, the Board of Commissioners shall consider whether the ordinance should be continued or discontinued. If the Board of Commissioners wants to continue the municipal drainage system, a new ordinance will have to be adopted

and if they elect to discontinue, the City will need to provide notice as provided in Loc Gov Code 552.052(a), as amended, and adopt an ordinance to that effect.

Motion was made by Commissioner Tugman, seconded by Commissioner Andrajack to continue the storm water drainage ordinance. Motion carried unanimously.

Item 18. Resolution Number 532 was presented in its entirety. A resolution authorizing the submission of a Texas Community Development Block Grant Program Application to the Department of Agriculture.

Mr. Whaley, Public Works Director, addressed the Board of Commissioners explaining TCDP is a competitive grant for \$275,000 in which the City will have to match 20% (\$55,000). Mr. Whaley stated the project involves removing existing 2" steel lines and replacing with 6" and 4" PVC water lines. It will boost fire protection with the installation of 6 fire hydrants. Mr. Whaley also reported the Burkburnett Development Corporation has committed at 5% of the project for the amount of \$13,750, which will allow the City to score additional points to increase scoring potential.

Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to approve Resolution Number 532 after changing the following wording: General Fund to Water Fund in Number 5. Motion carried unanimously.

Item 19. Tim James addressed the Board of Commissioners and reported it is a requirement of state law to take a record vote on the proposed tax rate for the FY 2013 budget. The proposed tax rate included in the budget workshop is equal to the existing tax rate of \$0.5785820 per \$100 valuation. Mr. James stated if the Commissioners elect to recommend the exiting tax rate, there will be two public hearing conducted prior to the final adoption of the FY 2013 budget and tax rate.

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to approve the proposed existing tax rate of \$0.5785820 per \$100 valuation. Motion carried unanimously.

Item 20. Mr. James addressed the Board of Commissioners explaining the City currently has a contract with the Texas Department of Public Safety which allows the state to deny the renewal of a person's driver's license if the individual has failed to appear for a cause before the Municipal Court. Mr. James stated due to some amendments to state law, the state is requesting an amended contract from Cities to continue the participation in the Failure to appear program.

Motion was made by Commissioner Brewster, seconded by Commissioner Love to approve the contract amendment. Motion carried unanimously.

Item 21. Mr. James stated during the FY 2013 budget workshop a proposal to increase the City's allocation to the Boys and Girls Club for recreation programs was discussed. An option of including a voluntary contribution item of \$0.50 per month on the utility bill was proposed. Mr. James stated all funds collected by the City would be set aside in a separate fund and would be provided to the Boys and Girls Club. Mr. James explained notice would be provided to the residents by the City website, newspaper and utility bill any resident not wanting to participate in the program and could opt out of the voluntary program by contacting the City and requesting to be removed from the program.

Motion was made by Commissioner Lindborn, seconded by Commissioner Brewster to approve the development of the voluntary contribution program as written for \$.50. Motion carried unanimously.

Item 22. Review of monthly reports.

- A. Administration-
- B. Public Works- Mr. Whaley provided an update on the North Preston Project-the contractors are working on the final phase and construction should be completed the 2<sup>nd</sup> week of September.
- C. Public Safety- Chief Tracey reminded everyone that his weekend is Hotter than Hell and for everyone to be safe.

Item 23. Public Comments.

The following addressed the Mayor and Commissioners:  
Raymond Holland, 216 Dogwood, Burkburnett, TX  
Mark Ewell, 203 S. Holly, Burkburnett, TX

Item 24. City Manager's report.

- A. Calendar-Aug 30<sup>th</sup> – record vote published  
Sept 3<sup>rd</sup>- City Hall Closed  
Sept 4<sup>th</sup> – Planning and Zoning Meeting @ 6pm  
Sept 10<sup>th</sup> and 14<sup>th</sup> – Public Hearings @ 7pm  
Sept 17<sup>th</sup> – Regular Meeting
- B. Monthly Reports- these will be provided to the Board of Commissioners at the September meeting. Mr. James stated the format has been developed and will provide a snapshot of the City's monthly operations.
- C. Budget-Mr. James thanked the Board of Commissioners, staff and the advisory boards for all the work that has been done on the budget.

Item 25. Commission comments.

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

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Carl Law, Mayor

**ATTEST:**

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Janelle Dolan, City Clerk