

AGENDA

Notice is hereby given of a meeting of the Board of Commissioners of Burkburnett to be held on **Monday, December 16, 2013 at 7:00 p.m.** at City Hall-Council Chambers, 501 Sheppard Road, Burkburnett, Texas for the purpose of considering the following agenda items. The Board of Commissioners may discuss and take action on any item on this agenda. The Board of Commissioners reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

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

Item 1. Mayor: Call meeting to order.

Item 2. Invocation- Bishop Jerry Johnson, Church of Jesus Christ of Latter-Day Saints.

Item 3. Pledge of Allegiance.

Item 4. CONSENT AGENDA:

A. Approval of Minutes from November 4 and November 15 Special Called Meetings and November 18, 2013

Item 5. Discuss and take any action necessary for the appointment of an ex-officio member to the Burkburnett Development Corporation Board Members.

Item 6. Resolution Number 553. A resolution designating signatures for all City of Burkburnett checking accounts.

Item 7. Discuss and take any action necessary on the reappointment of Lyn Seebo to serve on the Zoning Board of Adjustment.

Item 8. Discuss and take any action necessary on previously opened bids for the Family Aquatic Center.

Item 9. Discuss and take any action necessary on reappointment of Dan King to the Emergency Medical Service Advisory Board.

Item 10. Pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, the Board of Commissioners may convene in Executive Session regarding the following matters:

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

1) Assistant City Manager Evaluation Report

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

Item 12. Review of monthly reports.

- A. Administration
- B. Public Works
- C. Public Safety

Item 13. Public Comments.

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

Please fill out an "Appearance before City Commissioners" form in order to address the Commissioners and turn the form in prior to 7:00 p.m. to City Clerk, Janelle Dolan.

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

Unless the item is specifically noted on this agenda, the Board of Commissioners is required under the Texas Open Meetings Act to limit its response to one of the following:

Responding with a statement of specific factual information or reciting the City's existing policy on that issue.

Item 14. City Manager's report.

- A. Holiday Schedule

Item 15. Commissioner's Comments.

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

*Expressions of thanks, congratulations, or condolence;

*Information regarding holiday schedules;

*An honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of the person's public office of public employment is not an honorary or salutory recognition for purposes of this subdivision;

*A reminder about an upcoming event organized or sponsored by the governing body;

*Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and

*Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Item 16. Adjournment.

I, Janelle Dolan, City Clerk for the City of Burkburnett, Texas do hereby certify that I posted this agenda on the glass front door of the City Hall, facing the outside at 3:30 p.m. on Thursday, December 12, 2013 in compliance with the Open Meeting Act Chapter 551.


Janelle Dolan, City Clerk
Posted 12/12/2013 @ 3:30pm

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 72 hours prior to this meeting. Please contact the City Clerk's office at (940) 569-2263 for further information.

MINUTES
BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a special called meeting on Monday, November 4, 2013 at 5:30 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: Chester Nolen, Interim City Manager; Mike Whaley, Assistant City Manager; Trish Holley, Director of Administration; Janelle Dolan, City Clerk and Ed Stahr, Police Chief.

Item 1. Mayor Law called the meeting to order.

Item 2. Invocation was given by Commissioner Tugman.

Item 3. The pledge was led by Commissioner Love.

Item 4. Chester Nolen, Interim City Manager, addressed the Mayor and Commissioners and stated the Blacksox Baseball Organization is holding its annual Hall of Fame Banquet at the Community Center on 11-23-2013. Mr. Nolen stated the event is a ticketed event and they are expecting about 150 people to attend. Mr. Nolen stated the applicants are requesting to allow the consumption of beer and wine at City facilities and are required to obtain a permit from the Board of Commissioners.

Motion was made by Commissioner Andrajack, seconded by Commissioner Tugman to approve the permit for the Blacksox Hall of Fame Banquet. Motion carried unanimously.

Mayor Law moved up Item 6.

Item 6. Mayor Law stated the Charter Review Committee was made up of 15 hard working citizens who worked on reviewing the entire Charter from January

31, 2013 through July 29, 2013. Mayor Law stated based on the summary of the review he has separated the results into three categories: 122 – no changes; 20 need City Attorney Review; and 17 changes recommended by the Committee. Mayor Law reported that the Texas Municipal League highly recommends a workshop be held by the Board of Commissioners. Mayor Law asked all Commissioners to review the summary and rank the 17 recommended changes according to importance of the change to each of the Commissioner and email results to Mr. Nolen.

The Board of Commissioners recessed at 5:37 pm at which time a Planning and Zoning meeting was held. The Board of Commissioners reconvened after that meeting and continued with Item 5.

Item 5. Ordinance Number 847 was presented in its entirety.

AN ORDINANCE SUPERSEDING ORDINANCE NUMBER 835 OF THE CITY OF BURKBURNETT, TEXAS PRESENTLY CODIFIED AS CHAPTER 53, WATER IN THE CODE OF ORDINANCES, SPECIFYING THE EFFECTIVE DATE; DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Mr. Nolen addressed the Mayor and Commissioners and stated this ordinance was put on the agenda to extend the water increases that were approved on July 15, 2013 which was to help offset the deficit experienced by loss of water sales. Mr. Nolen stated after reviewing the ordinance, consumption history, and realizing the City will be going to Stage 4 water restrictions shortly it is crucial that we continue taking steps for water conservation. Mr. Nolen provided consumption history for commercial customers to the Mayor and Board of Commissioners.

Motion made by Commissioner Andrajack, seconded by Commissioner Lindenborn to approve Ordinance Number 847 with the following changes:

In Section (A) leaving the minimum of the first 2,000 gallons at \$20.00 per month; 2,000-10,000 gallons at \$6.15 per 1,000 gallons; 10,001-20,000 gallons at \$7.15 per 1,000 gallons; and greater than 20,000 gallons at \$8.15 per 1,000 gallons.

In Section 2 it will read: This Ordinance shall take effect immediately on all bills rendered on or after December 15, 2013 and all other ordinances and resolutions and parts of thereof in conflict with any part of this Ordinance are hereby expressly repealed to the extent of such conflict. The water usage rate as detailed above will remain in effect for a period of 90 days at such time with no further action by the council, rates will revert to \$4.15 per 1,000 gallons.

Motion was made by Commissioner Andrajack, seconded by Commissioner Lindenborn to postpone action on the motion on the table until November 18th. Motion carried unanimously.

Item 7. Mayor Law closed the meeting at 6:48 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:

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

- 1) Employment of Economic Development Director

Item 8. Mayor Law reconvened the regular meeting at 7:09 p.m. No action was taken.

Item 9. City Manager Comments.

Item 10. Council comments.

Item 11. Motion was made by Commissioner Tugman, 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 Friday, November 15, 2013 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 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: Chester Nolen, Interim City Manager; Mike Whaley, Assistant City Manager; Trish Holley, Director of Administration; and Janelle Dolan, City Clerk.

Item 1. Mayor Law called the meeting to order.

Item 2. Invocation was given by Commissioner Love.

Item 3. The pledge was led by Commissioner Hardy.

Item 4. Mayor Law gave a brief history of the water rates and restrictions for the City of Burkburnett since February 2013 through the last meeting held on November 4, 2013. At the meeting on November 4 a motion was made by Commissioner Andrajack, seconded by Commissioner Lindenborn to approve Ordinance Number 847 with specific changes. After discussion was held on the motion Commissioner Andrajack then made a motion, seconded by Commissioner Lindenborn to postpone action on the motion on the table until November 18th which carried unanimously. Mayor Law stated the City Attorney, Mike Guevara, was consulted and determined the Board of Commissioners would not be prohibited from discussing and taking action on the item at this meeting. Referencing the previous motion, acknowledging that the Commission was not aware of this special meeting at the time of the motion and asking if any Commissioner has an objection to discussing and taking action. Mayor Law asked if any commissioner had an objection to discussing the previous motion and no one stated they did.

Item 5. The Board of Commissioners directed City Staff to review the current water rate structure and Water Conservation Plan and bring completed revisions to the regular scheduled Commissioner meeting scheduled for November 18, 2013.

Item 6. City Manager Comments.

Item 7. Council comments.

Item 8. Motion was made by Commissioner Tugman, 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 regular meeting on Monday, November 18, 2013 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

Mike Guevara, City Attorney, Guevara, Decker & Arrott, PC.

Others present: Chester Nolen, Interim City Manager; Mike Whaley, Assistant City Manager; Janelle Dolan, City Clerk and Ed Stahr; Police Chief.

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

Item 2. Invocation was given by Weslie Odom, Pastor of Grace Lutheran Church

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

Item 4. Consent Agenda.

- A. Approval of Minutes from October 3 Special Called Meeting and October 21, 2013

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

Item 5. Mayor Law closed the regular meeting at 7:04 p.m. and opened the “Public Hearing” for the following Planning & Zoning Commission Case:

- A. Case #2013-15, Site Plan/Specific Use Permit for 106 S. Red River Expressway, for outdoor storage.

Mike Whaley, Assistant City Manager, addressed the Mayor and Commissioners and stated owner Lee Brumfield and proposed tenant Tractor Supply Company submitted a site plan pertaining to the vacant pre-existing commercial building located at 106 S. Red River Expressway. The co-applicants are requesting site plan approval with a specific use permit to allow for outside display. City Staff has reviewed the site plan as well as preliminary construction details such as easements, utilities and parking and recommends approval.

Item 6. Mayor Law closed the “Public Hearing” at 7:04 p.m. and reopened the regular meeting to take action on the Planning & Zoning Commission Case:

- A. Case #2013-15, Site Plan/Specific Use Permit for 106 S. Red River Expressway, for outdoor storage.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Brewster to accept the Planning and Zoning recommendation to approve the Site Plan and Specific Use Permit for outside storage and display at 106 S. Red River Expressway. Motion carried unanimously.

Item 7. Resolution Number 552 was presented in its entirety. A resolution authorizing the filing of a grant application with Nortex RPC for a regional solid waste grants program grant. Mr. Whaley addressed the Board of Commissioners and stated this resolution is for fiscal year 2014/2015 of the solid waste grant which is administered by Nortex. Mr. Whaley stated this resolution is necessary to allow us to participate in the program. The City is requesting \$5,000.00 to assist in the clean-up of illegal dumping which also allows us to utilize the funds to demo any structure deemed dilapidated on property stricken off to the City and the clean-up of that property.

Motion was made by Commissioner Andrajack, seconded by Commissioner Hardy to approve Resolution Number 522. Motion carried unanimously.

Item 8. Mr. Whaley addressed the Mayor and Commissioners and stated that Commissioner Lindenborn requested this item on the agenda for discussion. Mr. Whaley stated City Staff has looked at updating the water vending machine. Mr. Whaley stated he has been in contact with the City of Wichita Falls to determine the process they are using to convert their water vending machine into an automated station and they provided a copy of their quote from Flowpoint which showed the conversion costs to be \$31,446.27. Mr. Whaley contacted Flowpoint and received a rough estimate of \$15,000.00 to \$38,000.00 to convert the City of Burkburnett’s water vending station. Mr. Whaley stated he is requesting guidance from the Board of Commissioners if they want him to move ahead and secure estimates for the conversion.

Motion was made by Commissioner Andrajack, seconded by Commissioner Hardy to authorize staff to move forward with gathering hard numbers with

respect to converting to an automated water vending system. Motion carried unanimously.

Item 9. Ordinance Number 847 was presented. Caption of same being:

AN ORDINANCE SUPERSEDING ORDINANCE NUMBER 835 OF THE CITY OF BURKBURNETT, TEXAS PRESENTLY CODIFIED AS CHAPTER 53, WATER IN THE CODE OF ORDINANCES, SPECIFYING THE EFFECTIVE DATE; DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Mr. Whaley addressed the Mayor and Commissioners and stated after the last workshop and reviewing the water rate and surcharge structure it was determined the City would not adjust the water rates but would extend the current water rate of \$6.15 per 1,000 gallons.

Commissioner Andrajack withdrew his previous motion from the November 4, 2013 meeting which reads as follows:

Motion made by Commissioner Andrajack, seconded by Commissioner Lindenborn to approve Ordinance Number 847 with the following changes:

In Section (A) leaving the minimum of the first 2,000 gallons at \$20.00 per month; 2,000-10,000 gallons at \$6.15 per 1,000 gallons; 10,001-20,000 gallons at \$7.15 per 1,000 gallons; and greater than 20,000 gallons at \$8.15 per 1,000 gallons.

In Section 2 it will read: This Ordinance shall take effect immediately on all bills rendered on or after December 15, 2013 and all other ordinances and resolutions and parts of thereof in conflict with any part of this Ordinance are hereby expressly repealed to the extent of such conflict. The water usage rate as detailed above will remain in effect for a period of 90 days at such time with no further action by the council, rates will revert to \$4.15 per 1,000 gallons.

Motion was made by Commissioner Tugman, seconded by Commissioner Andrajack to approve Ordinance Number 847. Motion carried unanimously.

Item 10. Ordinance Number 848 was presented. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING APPENDIX J OF THE WATER CONSERVATION PLAN; ESTABLISHING CRITERIA FOR THE DROUGHT CONTINGENCY PLAN; PROVIDING PENALTIES, SEVERABILITY; AN EFFECTIVE DATE AND DECLARING AN EMERGENCY.

Mr. Whaley addressed the Mayor and Commissioners and reviewed the changes made to the water conservation plan.

Motion was made by Commissioner Andrajack, seconded by Commissioner Lindenborn to approve Ordinance Number 848 as presented. Motion carried unanimously.

Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to go to Stage 4 water restrictions effective Monday, November 25, 2103. Commissioner Tugman withdrew his motion.

Motion was made by Commissioner Tugman, seconded by Commissioner Brewster to go to Stage 4 water restrictions immediately and staff will start enforcement when they see fit. Commissioner Tugman withdrew his motion.

Motion was made by Commissioner Tugman, seconded by Commissioner Andrajack to go the Stage 4 water restrictions on Monday, November 25, 2013. Motion carried unanimously.

Item 11. Charter Review Workshop. Mike Guevara, City Attorney, Guevara, Decker & Arrott, PC., addressed the Mayor and Commissioners and discussed the Charter Review Committee Summary and will be reviewing suggestions from the Ad Hoc committee.

Item 12. Mayor Law closed the meeting at 8:27 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:

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

- 1) Employment of Economic Director
- 2) Evaluation of City Manager

Item 13. Mayor Law reconvened the regular meeting at 9:02 p.m.

Motion was made by Commissioner Tugman, seconded by Commissioner Andrajack to give consent to the City Manager to hire Deana Sheriff as the Burkburnett Economic Director. Motion carried unanimously.

Item 14. Review of monthly reports.

- A. Administration- Trish Holley, Director of Administration, stated the financials provided to the Board of Commissioners does not include the FY2014 approved budget. The auditors will be in the office on

12/2 to begin the audit once audit completed and adjustments entered the FY2014 budget can be entered. Ms. Holley also reported \$171,264.00 in sales tax was received and historically is the most ever received.

- B. Public Works- Mike Whaley, Assistant City Manager, stated he is currently working on a schedule of all work events and will provide that to the Board of Commissioners.
- C. Public Safety- Chief Stahr reviewed the asset forfeiture account with the Board of Commissioners.

Item 15. There were no public comments.

Item 16. City Manager's report.

- A. Thanksgiving Holiday-City Hall closed on 11/28 and 11/29.
- B. Christmas Dinner-12/10
- C. Christmas Parade-12/13 at 6pm

Item 17. Commission comments.

Item 18. Motion was made by Commissioner Tugman, seconded by Commissioner Brewster to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk



City Commission Agenda Memo

From: Chester Nolen
Date: 12 – 16 - 2013
Item: Request for Ex-Officio Appointment to BDC Board

Background

The BDC Board at its regular meeting on December unanimously approved submitting the name of Brint Richter to the Commission for appointment to the BDC Board as an Ex-Officio member.

Fiscal Impact

There is no fiscal impact

Options

1. Approve the request
2. Deny the request

Staff Recommendation

Staff recommends approval of the request

Attachments



City Commission Agenda Memo

From: Trish Holley, Director of Administration

Date: December 16, 2013

Item: Resolution Number 553

Background

Request adding the Assistant City Manager as one of the approved signatures for the City of Burkburnett checking accounts. **Two signatures** are required on all checks that are processed.

The signatures shall consist of the City Manager, Assistant City Manager, Director of Administration, City Clerk, Mayor and Mayor Pro-Tem for the City of Burkburnett.

Staff Recommendation

Approve adding the Assistant City Manager to the list of checking account signatories.

Attachments

Resolution Number 553

RESOLUTION NUMBER 553

At a regular scheduled meeting of the Board of Commissioners of the City of Burkburnett, Texas the following Resolution was introduced.

WHEREAS, the Board of Commissioners of the City of Burkburnett desire to have five signatures on all checking account signature cards for the City of Burkburnett; and

WHEREAS, two of the six signatures are required on all checks processed by the City of Burkburnett; and

WHEREAS, the six signatures shall consist of the City Manager, Assistant City Manager, Director of Administration, City Clerk, Mayor and Mayor Pro-Tem for the City of Burkburnett.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the City of Burkburnett to authorize these signatures on all City of Burkburnett checking account signature cards and two signatures are required on all checks processed by the City of Burkburnett.

PASSED AND APPROVED on this 16th day of December 2013.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk



City Commission Agenda Memo

From: Mike Whaley, Assistant City Manager

Date: December 16, 2013

Item: Discuss and take any action necessary on the reappointment of Lyn Seebo to serve on the Zoning Board of Adjustment.

Background

The Zoning Board of Adjustment (ZBA) is appointed by the Board of Commissioners. The term for Board member Lyn Seebo expired. Ms. Seebo has indicated she is willing to serve another two year term on the ZBA.

Fiscal Impact

There is no fiscal impact.

Options

- Re-appoint Lyn Seebo to the ZBA.
- Appoint a different Board member.

Staff Recommendation

Staff has no specific recommendation.

Attachments

None



City Commission Agenda Memo

From: Chester Nolen, Interim City Manager

Date: December 16, 2013

Item: Discuss and take any action necessary on reappointment of Dan King to the Emergency Medical Service Advisory Board.

Background

The Emergency Medical Service Advisory Board an advisory Board to ensure a quality EMS program by monitoring the personnel, vehicles, financial information and service level of the joint Ambulance Services Contract between the cities of Wichita Falls, Burkburnett, Iowa Park and Wichita County; and to review citizen complaint. Dan King has been jointly appointed to serve on this board by the City of Burkburnett and City of Iowa Park. Mr. King's term is ending December 21, 2013. The City of Iowa Park will be also be reappointing Mr. King at their December 23, 2013 meeting.

Fiscal Impact

There is no fiscal impact.

Options

- Re-appoint Dan King
- Take no action.

Staff Recommendation

Staff recommends re-appointment of Dan King.

Attachments

None