MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a special called meeting on Tuesday, April 10, 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

Commissioners Thornton, Holland, Lewis, and Andrajack were not present.

There was no quorum and no action taken 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.

- March 13, 2012 regular meeting minutes
- April 4, 2012 finance committee minutes

Item 4. Discuss approval of the March 2012 financials.

Item 5. Discuss presentation of Texas Department of Agriculture Programs-Nancy Cordero reports.

Item 6. Director's Report

-New website
-Strategic Planning
-New shop local campaign
-New businesses
-Retail Coach
-Little Critters Grand Re-Opening

Item 7. Discuss funding of tree program.

Item 8. Discuss new signage for industrial park.

Item 9. Discuss purchase of laptop and projector.

Item 10. Discuss incentive payment for Red River Market Place.

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, April 16, 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
Charlene Lewis	Mayor Pro-Tem
Bill Lindenborn	Commissioner
Chase Thornton	Commissioner
Josh Andrajack	Commissioner
Raymond Holland	Commissioner
Randy Brewster	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; 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 Anthony West, Pastor of Abundant Life Church of God.

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

Item 4. Presentation of Proclamation to Eugene Weakley. Mayor Law read and presented the Proclamation honoring Mr. Weakley for his longtime rodeo career. Mr. Weakley received a standing ovation.

Item 5. Consent Agenda.

A. Approval of Minutes from March 12 and March 13, 2012 Special Called Meetings and March 19, 2012.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Holland to approve Consent Agenda 5. Motion carried unanimously.

Item 6. Rick Sims architect with Bundy, Sims, & Potter, Inc., made a presentation to the Board of Commissioners on the layout of Phase III, of the cemetery. Mr. Sims stated the pavilion will be the center focus and have entrances from the different sections. Mr. Sims stated there will be a circular road around the pavilion for easy access for family members and parking on the west side for others. Mr. Sims stated when drawing these plans he tried to make it all work with the existing cemetery and with immediate expansion of the Cemetery. Pictures were provided.

Motion was made by Commissioner Andrajack, seconded by Commissioner Lindenborn to approve the initial Phase III layout of the Cemetery as presented. Motion carried unanimously.

Item 7. Motion was made by Commissioner Lewis, seconded by Commissioner Brewster to approve the appointment of Mr. Dan Fears to serve on the Wichita-Wilbarger 9-1-1 District Board of Managers (representing the surrounding municipalities). Motion carried unanimously.

Item 8. Mayor Law closed the regular meeting at approximately 7:20 p.m. and opened the "Public Hearing" for the following Planning & Zoning Commission Cases:

A. Amend Section 27.2 (page 79) of Zoning Ordinance #589 Section 27.9 (page 82) as follows:

Add playfield or stadium (private) to use chart (RECREATIONAL AND ENTERTAINMENT USES). Add "•" to the use chart to allow a playfield or stadium (private) in commercial/business and industrial districts. Add "S" to the use chart to allow a playfield or stadium (private) by Specific Use Provision in all other districts.

B. Case #2012-5: Specific Use Application, Blacksox Baseball Complex.

Michael Whaley, Public Works Director, addressed the Mayor and Commissioners regarding both A and B. Mr. Whaley stated that when Mr. Mickey Cornelius, on behalf of Blacksox Baseball, came to the City to see what would be required to add an additional storage building to his property some setback issues were found. In reviewing the case, Mr. Whaley stated that the Blacksox organization was defined in the Zoning Ordinance as a private playfield or stadium but realized it was not listed in the Use Chart. City Staff determined it was the intention of the Zoning Ordinance to be listed. City Staff is bringing the amendment request to add playfield or stadium (private) to the Use Chart.

Item 9. Mayor Law closed the "Public Hearing" at approximately 7:24 p.m. and reopened the regular meeting to take action on the Planning & Zoning Commission Cases:

A. Amend Section 27.2 (page 79) of Zoning Ordinance #589 Section 27.9 (page 82) as follows:

Add playfield or stadium (private) to use chart (RECREATIONAL AND ENTERTAINMENT USES). Add "•" to the use chart to allow a playfield or stadium (private) in commercial/business and industrial districts. Add "S" to the use chart to allow a playfield or stadium (private) by Specific Use Provision in all other districts.

B. Case #2012-5: Specific Use Application, Blacksox Baseball Complex.

A. Motion was made by Commissioner Brewster, seconded by Commissioner Holland to approve the amendment to section 27.2 (page79) of the Zoning Ordinance, to approve both Case A and B. Motion was then made by Commissioner Andrajack to amend Commissioner Brewster's motion, for clarification, to add the approval of Case# 2012-5, Specific Use Application, Blacksox Baseball Complex, seconded by Commissioner Holland. Motion carried unanimously.

Item 10. Ordinance Number 819 was presented. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING ZONING ORDINANCE NUMBER 589, SECTION 27.9 (PAGE 82), BY ADDING PLAYFIELD OR STADIUM (PRIVATE) TO USE CHART (RECREATIONAL AND ENTERTAINMENT USES); ADDING THE SYMBOL "•" TO THE USE CHART TO ALLOW A PLAYFIELD OR STADIUM (PRIVATE) IN COMMERICAL BUSINESS AND INDUSTRIAL DISTRICTS; ADDING "S" TO THE USE CHART TO ALLOW A PLAYFIELD OR STADIUM (PRIVATE) BY SPECIFIC USE PROVISION IN ALL OTHER DISTRICTS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Mike Whaley addressed the Mayor and Commissioners and explained the Zoning Ordinance requires an Ordinance be adopted when there is a change to the Use Chart.

Motion was made by Commissioner Brewster, seconded by Commissioner Holland to approve Ordinance Number 819 as presented. Motion carried unanimously.

Item 11. Ordinance Number 820 was presented. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING ZONING ORDINANCE NUMBER 589, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTIES: 1.25 ACRE TRACT OF LAND OUT OF WM. P. B. DUBOSE SURVEY, A-335 FROM SINGLE FAMILY SF-6 TO COMMERCIAL BUSINESS; 1100 BLOCK OF LISA LANE, 1400 BLOCK OF AMHERST, 500 BLOCK OF W. COLLEGE ALL TO BE REZONED AS CARPORT OVERLAY DISTRICTS; LOT 14 BLK 27 ORIGINAL TOWN, BB, ALSO KNOWN AS 203 E. THIRD, SPECIFIC USE PERMIT TO ALLOW FOR AN INDOOR FIRING RANGE AND 200 X 115' OUT OF WM. P. B. DUBOSE SURVEY, A-335, ALSO KNOWN AS 511 W. FIRST, SPECIFIC USE PERMIT TO ALLOW A PRIVATE PLAYFIELD OR STADIUM; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mike Whaley addressed the Mayor and Commissioners and explained again this is a redundancy in the Zoning Ordinance that requires an Ordinance be adopted to change the zoning map.

Motion was made by Commissioner Andrajack, seconded by Commissioner Thornton to approve Ordinance Number 820 as presented.

Ayes: Mayor Law, Commissioners: Lindenborn, Brewster, Andrajack, Thornton, and Holland.
Nays: Commissioner Lewis.
Motion carried.

Item 12. Mr. James addressed the Mayor and Commissioners and stated that the City has budgeted $40,000 annually for the purchase of a new street sweeper. Mr. James stated the City solicited bids from several financial institutions and the following proposals were received:

American National Leasing		**Total**
3.5% interest rate	5 annual payments of $38,832.88 Interest total $12,859.40	$194,164.40
	60 monthly payments of $3,301.24 Interest total $16,769.40	$198,074.40

Chase Bank

2.39% interest rate	5 annual payments of $38,901.84 Interest total $13,204.20	$194,509/20
	60 monthly payments of $3,208.90 Interest total $11,229.00	$192,534.00

Fidelity Bank

3.9% interest rate	5 annual payments of $40,611.67 Interest total $21,750.00	$203,058.40
	60 monthly payments of $3,330.83 Interest total $18,544.91	$199,849.80

Governmental Capital Corp

3.216% interest rate	5 annual payments of $38,663.84 Interest total of $12,014.20	$193,319.20

Motion was made by Commissioner Lindenborn to accept the bid from Chase Bank which has the lowest interest rate of 2.39% with a total of $192,534.00. After some discussion, Commissioner Lindenborn amended his motion to accept the proposal from Chase Bank, including a $40,000 down payment, to be made and the remaining balance to be over 48 months, seconded by Commissioner Brewster. Motion carried unanimously.

Item 13. Mr. James addressed the Mayor and Commissioners and provided the Board with a rough estimate of costs from Shotts, Trevino & Guevara LLP for proposed redistricting. The estimate is for a minimum of $9000. Shotts, Trevino & Guevara would charge approximately $4000 to coordinate with a third party firm, Allison Bass Law Firm. Allison Bass Law Firm would charge approximately $5000 to compile and analyze demographic information and drawing a district plan. Mr. James stated the actual cost could be more if a special election would be needed and other publication costs.

The following addressed the Commissioners:
Arnold Wells, 1040 Jan Lee

No action was taken.

Item 14. Mr. James addressed the Mayor and Commissioners and provided the following recommendation from the Park and Recreation Board Advisory Board:

Teen Night, which is currently teens from 13 years old-19 years old, be split into two separate nights. Mr. Roberts stated Middle School Night would be held on Mondays from 8pm-10pm for 6th-8th graders and High School Night would be held on Thursday nights from 8pm-10pm for 9th-12th graders. The following rate changes were proposed:

	Current	**Proposed**
Single Season pass	$60.00	$75.00
Family Pass (5 members)	$180.00	$200.00
Pool Parties Reservation Fee (Lifeguard fee remains the same)	$25.00	$35.00
Swimming Lessons	$35.00	$50.00

Since operating hours and specific age nights are not adopted by ordinance. No action was necessary by the Board of Commissioners to change Teen Night.

No action was taken on proposed rate changes.

Item 15. Mayor Law closed the meeting at 8:23 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 551.0729(b)-Deliberation Regarding Real Property

(1) Consider purchase of land for the purpose of street right-of-way.

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

(1) Evaluation of City Manager, Tim James.

Item 16. Mayor Law reconvened the regular meeting at 9:38 p.m. No action was taken.

Item 17. Review of monthly reports.

A. Administration-Commissioner Andrajack reported on the continuous increase in sales tax, so far this year we have seen an increase of 7.3% increase. Commissioner Andrajack also reported the City received $92,446.00 in sales tax last month and $70,981.00 in the same month last year which is an increase of 30.24% comparatively year to year.

B. Public Works-Mr. James stated next Monday night at 6pm a Town Hall Meeting is set in the Council Chambers for the North Preston Project and the City and County Auction is set for Saturday at 10 am at 200 W. 5th St.

C. Public Safety- Chief Tracey reported the Police Department has received a 2nd Humvee from the Government Surplus Program. This vehicle is fully armored so it can serve as a SWAT vehicle as well as emergency vehicle. Chief Tracey stated there was no cost to the Citizens. The shipping costs were paid out of the Asset Forfeiture Fund

Item 18. Public Comments.

Item 19. City Manager's report.

A. Mr. James stated that Staff has discussed the need for efficiency. Each month the department heads present a new idea to try and become more efficient. Some of the ideas that have been implemented include: police officers doubling up in vehicles; elimination of pagers in the Public Works Department; color ink eliminated from the water bills; and double sided copies utilized by City Hall Staff.
B. Mr. James reported that there are several ways Building Fees can be charged. The City is currently evaluating the fee schedule to provide a fee structure that will recover the City's costs.
C. Mr. James stated that recently Special Use Permit was approved for an indoor firing range. Mr. James stated it was then discussed the City has an Ordinance prohibiting the discharge of a firearm inside the city's limits. Mr. James reported that in Section 229.001 of the Local Government Code a city cannot prohibit a sport shooting range in the city limits.

Item 20. Commission comments.

Item 21. Motion was made by Commissioner Thornton, seconded by Commissioner Holland 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, April 30, 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
Charlene Lewis	Mayor Pro-Tem
Bill Lindenborn	Commissioner
Josh Andrajack	Commissioner
Chase Thornton	Commissioner
Raymond Holland	Commissioner
Randy Brewster	Commissioner

Other's present: Tim James, City Manager; Trish Holley, Director of Administration; and Janelle Dolan, City Clerk.

Item 1. Mayor Law called the meeting to order.

Item 4. Mayor Law recessed at 7:01 p.m. into 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 551.074(a) deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public office or employee. (1) Hear and discuss complaint against City Manager, Tim James.

Item 5. Mayor Law reconvened at 8:30 p.m. to regular session. Motion was made by Commissioner Thornton, seconded by Commissioner Andrajack that the City Commission had received a complaint against the City Manager, Tim James, relating to the recent retirement of an employee. The complaint alleged that the City Manager misused his authority and caused the removal of an employee for personal reasons. The Commission has thoroughly discussed and reviewed the facts pertaining to the allegation. I move that the allegation against City Manager, Tim James, are completely false, unfounded, and baseless, and no action against the City Manager is required. Due to the seriousness of this false accusation, the Commission supports a continued investigation into the source of this false accusation. Motion carried unanimously.

Item 6. Commissioner's comments.

Item 7. Motion was made by Commissioner Thornton, seconded by Commissioner Andrajack to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk