

***MINUTES***

***BOARD OF COMMISSIONERS***

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, April 18, 2016 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
Randy Brewster	Commissioner
Frank Ducos	Commissioner
Don Hardy	Commissioner
Marguerite Love	Commissioner
Mike Tugman	Commissioner

Others present: Mike Whaley, City Manager; Trish Holley, Director of Administration; Gordon Smith, Director of Public Works; Gary Robinett, Economic Development Director; Ed Stahr, Police Chief and Mike Guevara, Shahan, Guevara, Decker and Arrott, Attorneys at Law.

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

Item 2. Invocation was given by Commissioner Hardy.

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

Item 4. Consent Agenda.

A. Approval of Minutes from March 21, 2016

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

Item 5. Mayor Law stated that on the advice of the City Attorney, after receiving a petition at 2:46 pm this afternoon, he was going to close the meeting at 7:03 p.m. and go into an 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:

A. SECTION 551.071 – Consultation with Attorney

Mayor Law reconvened the regular meeting at 7:29 p.m. and Mike Whaley, City Manager, addressed the Mayor and Commissioners and stated as it pertains to the Certificates of Obligation 2016 Series, for issuance of debt for the Police Department Complex, the City did receive a petition today at 2:46 p.m. He stated Mike Guevara, City Attorney, will explain about validating the petition. Mike Guevara, addressed the Mayor and Commissioners, and stated the petition that was received contains the printed names and signatures on most of the lines, an address, and the date the individuals signed the petition. The petition does note that it is regarding the bond for the police station. Mr. Guevara stated that the validation of the petition or validity of petition signatures is addressed in the Election Code Sec. 277.002. **VALIDITY OF PETITION SIGNATURES.** (a) For a petition signature to be valid, a petition must:

(1) contain in addition to the signature:

(A) the signer's printed name;

(B) the signer's:

(i) date of birth; or

(ii) voter registration number and, if the territory from which signatures must be obtained is situated in more than one county, the county of registration;

(C) the signer's residence address; and

(D) the date of signing; and

(2) comply with any other applicable requirements prescribed by law.

Mr. Guevara stated the petition lacks the signer's date of birth and/or voter registration number and based on the fact that it is lacking one of the provisions required by the Election Code Sec. 277.002 it is not valid.

Mr. Whaley then introduced David Medanich, Hilltop Securities, who addressed the Mayor and Commissioners and reported a competitive bond sale was completed today for \$4,650,000 for Certificates of Obligations. Mr. Medanich stated SAMCO submitted the lowest bid with a 2.56% interest rate. Mr. Medanich stated they were particularly pleased the City received this interest rate.

Motion was made by Commissioner Brewster, seconded by Commissioner Lindborn to approve Ordinance Number 896 Police Complex Certificates of Obligation Series 2016. Motion carried unanimously.

Item 6. Mr. Whaley addressed the Mayor and Commissioners and stated plans and specifications for the New Gateway Monument were prepared and circulated by the architectural firm Bundy, Young, Sims, & Potter. Three bids for the proposed entry way signs were received and opened on Thursday April 7<sup>th</sup>. The low bidder was McLain Construction with the low bid of \$159,000. The Burkburnett Development Corporation had agreed to fund the project not to exceed \$180,000, so, the low bid is within budget for the project. The anticipated construction time is approximately 150 days.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Hardy to award the bid to McLain Construction not to exceed \$180,000.

Ayes: Mayor Law; Commissioners Lindenborn, Brewster, Ducos, Hardy, and Love

Abstained: Commissioner Tugman

Motion carried.

Item 7. Resolution Number 605 was presented in its entirety. A resolution directing ONCOR Electric Delivery Company, LLC concerning just and reasonable rates. Mr. Whaley addressed the Board and Commissioners and stated that with the recent Public Utility Commission of Texas (“Commission”) proceedings related to approval of conversion of Oncor into a Real Estate Investment Trust (“REIT”) resulted in the Commissioners’ desire to share \$200 million to \$250 million in annual federal income tax (“FIT”) savings with Oncor ratepayers. Since the proceeding involving a change of ownership and control of Oncor was not a rate case, the Commission had no jurisdiction to order a reduction in rates. The new owners of Oncor indicated an intent to file a rate case in mid-2017 to become effective in 2018. Believing that a two year wait to factor FIT savings into rates was too long to wait, the Steering Committee of Cities served by Oncor decided to initiate a rate case against Oncor. Mr. Whaley stated the Steering Committees served by Oncor recommend passing this resolution to request Oncor file for rate savings based on this information sooner than they expected to file.

Motion was made by Commissioner Ducos, seconded by Commissioner Love to approve Resolution Number 605 as presented. Motion carried unanimously.

Item 8. Mr. Whaley addressed the Mayor and Commissioners and stated Perdue, Brandon, Fielder, Collins, and Mott received bids for 3 delinquent properties currently stricken off to the City of Burkburnett.

	Bid	Min. Bid
133 N Ave F	\$8,000	\$9,687.83
122 W 1st St.	\$2,000	\$3,779.25
109 S Ave B	\$2,000	\$8,359.99

If bids are accepted, because they are lower than the minimum required bid, we would still have to seek approval from both Wichita County and the BISD.

Motion was made by Commissioner Brewster, seconded by Commissioner Ducos to accept the minimum bids on the delinquent properties.

Ayes: Mayor Law; Commissioners Lindenborn, Brewster, Ducos, Hardy and Love

Nays: Commissioner Tugman

Motion carried.

Item 9. Mayor Law closed the meeting at 7:43 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 551.074(a)-Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

a. City Manager Evaluation Report

Item 10. Mayor Law reconvened the regular meeting at 9:26 p.m. No action was taken.

Item 11. Review of monthly reports.

A. Public Works – Gordon Smith, Director of Public Works, provided an update on the water meter replacements and resin replacement projects.

Item 12. No public comments.

Item 13. City Manager comments.

- TML Region 5 Meeting – April 21, 2016, 6 pm @ Bowie
- Early Voting – April 25-29 8am – 5pm & May 2-3 7am-7pm @ City Hall
- Relay for Life – May 14, 2016, 4-10 pm

Item 14. No Commissioner comments.

Item 15. Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to adjourn. Motion carried unanimously.

Carl Law, Mayor

**ATTEST:**

Janelle Dolan, City Clerk