

## ***MINUTES***

### ***BOARD OF COMMISSIONERS***

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, April 20, 2015 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; Janelle Dolan, City Clerk; Ed Stahr, Police Chief; and Mike Guevara, City Attorney, Shahan, Guevara, Decker, Arrott, Attorneys at Law.

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

Item 2. Invocation was given by Dr. Jeff Davison, Pastor, Calvary Baptist Church.

Item 3. The Pledge of Allegiance was led by Boy Scout Pack 64.

Item 4. Consent Agenda.

- A. Approval of Minutes from February 12, 2015 Special Called Meeting and February 16, 2015 Regular Meeting

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

Item 5. Mayor Law closed the regular meeting at 7:02 p.m. and opened the “Public Hearing” for the following Planning & Zoning Commission Cases:

- A. Case #2015-20 re-zone application for 200 Block of Linden, block rezoned as a carport overlay district.

- B. Case #2015-21, Specific Use Permit for 1007 Sugarbush, to construct an accessory building in the rear for the purpose of providing caretaker service for a family member.

Gordon Smith, Director of Public Works, addressed the Mayor and Commissioners on Case #2015-20 and stated on April 6, 2015 the Planning and Zoning Commission met and staff presented an application that was submitted by Mr. Gil Beaver owner of property located at 208 Linden. This request is to allow for a carport overlay district on the 200 Block of Linden. All publishing and mail out requirements have been met. Mr. Smith stated 100% of total property owners (12 out of 12) on the block signed the petition and ownership was verified by City Staff. Mr. Smith stated the Planning and Zoning Commission voted unanimously to recommend to Board of Commissioners for approval of a carport overlay district on the 200 Block of Linden as presented.

Mr. Smith addressed the Mayor and Commissioners on Case #2015-21 and stated on that same date the Planning and Zoning Commission met and staff presented an application request submitted by Sharon Woodruff, Owner of 1007 Sugarbush for a Specific Use Provision (SUP) to construct an accessory building for her elderly mother at 1007 Sugarbush. Burkburnett Texas. The property is zoned Single Family -6 (SF6) and a Specific Use Provision is required for the accessory building. Mr. Smith stated the Accessory Building is 21 feet x 32 feet (672 sq.ft) of wood frame construction to match existing construction of the main home. Mr. Smith reported all publishing and mail out requirements have been met. Mr. Smith stated the Planning and Zoning Commission voted unanimously to recommend to Board of Commissioners approval of the Specific Use Provision (SUP) to construct an accessory building 1007 Sugarbush.

The following addressed the Mayor and Commissioners:  
Bob Stivers, 1005 Sugarbush

Item 6. Mayor Law closed the “Public Hearing” at 7:07 p.m. and reopened the regular meeting to take action on the Planning & Zoning Commission Cases:

- A. Case #2015-20 re-zone application for 200 Block of Linden, block rezoned as a carport overlay district.
- B. Case #2015-21, Specific Use Permit for 1007 Sugarbush, to construct an accessory building in the rear for the purpose of providing caretaker service for a family member.

Case #2015-20 Motion was made by Commissioner Love, seconded by Commissioner Hardy to approve the re-zone application for 200 Block of Linden, block rezoned as a carport overlay district. Motion carried unanimously.

Case #2015-21-Motion was made by Commissioner Lindenborn, seconded by Commissioner Love to approve the Specific Use Permit for 1007 Sugarbush to construct an accessory building.

Ayes: Mayor Law; Commissioners Lindenborn, Brewster, Ducos, Hardy and Love  
Abstained: Commissioner Tugman  
Motion passed.

Item 7. Mike Whaley, City Manager, addressed the Mayor and Commissioners and reported the Park and Recreation Board reviewed the Requests for Qualifications (RFQs) and interviewed three consulting firms regarding the revision and update of the Park Master Plan. After scoring and ranking the three consultants, it is the Park and Recreation Board's recommendation to select and enter into an agreement with Halff Associates, Inc. to facilitate the new Park Master Plan.

The following addressed the Mayor and Commissioners:  
Francois De Kock, Halff Associates Inc.

Motion was made by Commissioner Love, seconded by Commissioner Ducos to approve Halff Associates for creating a Park Master Plan. Motion carried unanimously.

Item 8. Resolution Number 584 was presented in its entirety. A resolution in support of the Pedestrian and Bicycle Facility Improvements Transportation Alternative Program Project.

Mr. Whaley addressed the Mayor and Commissioners and stated this is a resolution in support of the Transportation Alternative Program (TAP). Mr. Whaley stated with the approval of this resolution, the City would be able to submit an application for nomination to the Texas Department of Transportation for additional pedestrian and bicycle path improvements. The TAP grant match is an 80/20 match with the City matching 20% of the overall cost. Mr. Whaley stated the overall match will be determined by the value and amount of the projects submitted.

Motion was made by Commissioner Tugman, seconded by Commissioner Ducos to approve Resolution Number 584 as presented. Motion carried unanimously.

Item 9. Resolution Number 583 was presented in its entirety. A resolution endorsing formation of the Joint Land Use Study (JLUS) Policy Oversight and Implementation Committees and on-going support and commitment to execute the various implementation strategies developed in collaboration with the JLUS project partners. Mr. Whaley addressed the Mayor and Commissioners and stated this resolution would authorize the Board of Commissioners to officially endorse the formation of both a policy and a staff level implementation committee in order to execute the strategies outlined in the Sheppard Air Force Base Joint Land Use report completed spring/summer 2014.

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to approve Resolution Number 583 as presented. Motion carried unanimously.

Item 10. Mr. Whaley addressed the Mayor and Board of Commissioners and stated the City of Burkburnett Board of Commissioners appoints members to the Housing Authority Board. Currently, the Housing Authority Board of Directors consists of Steve Shelter, Fred Hayes, Marion Weese and David Reed. There is a vacancy on the Board due to the resignation of Don Freeman. Mr. Doug Smith has expressed interest in filling that vacancy.

Motion was made Commissioner Tugman, seconded by Commissioner Hardy to approve the appointment of Doug Smith to the Housing Authority Board of Directors. Motion carried unanimously.

Item 11. Ordinance Number 872 was presented in its entirety. An ordinance amending the Fiscal Year 2015 Burkburnett Development Corporation Budget. Mr. Whaley addressed the Board of Commissioners and stated the Burkburnett Development Corporation (BDC) is requesting a budget amendment to the FY15 BDC Budget to include increasing the Neighborhood Reinvestment Program by an additional \$150,000.00. The original budget was \$75,000.00. The Board of Commissioners approved a previous amendment for the amount of \$96,420.00 (carry over from FY14) which increased the budget to \$171,420.00. If approved, the current request of \$150,000 would bring the total budget to \$321,420.00.

Motion was made by Don Hardy, seconded by Commissioner Ducos to approve Resolution Number 872 as presented.

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

Abstained: Commissioner Tugman

Motion carried.

Item 12. Mr. Smith addressed the Mayor and Commissioners and reported the Planning and Zoning Commission consists of five appointed members that serve a 2 year term. Two of the members are nearing their term; Mr. Tim Cornelius, Chairman, and Mr. John Erickson. Mr. Smith stated both have agreed to serve an additional term.

Motion made by Commissioner Tugman, seconded by Commissioner Brewster to approve the reappointments of Mr. Tim Cornelius and Mr. John Erickson to the Planning and Zoning Commission. Motion carried unanimously.

Item 13. Ordinance Number 873 was presented in its entirety. An ordinance to adjust the City of Burkburnett garbage rates.

Mr. Whaley addressed the Mayor and Commissioners and stated the City's solid waste contractors, Progressive Waste Solutions, have been working with the City of Burkburnett in taking steps to create a recycling program within the City. Up to this point, commercial property owners have been able to utilize commercial recycle bins at no cost to help initiate the program. Recently, Progressive has notified the City that they

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would now need to begin charging for those commercial recycle bins. This ordinance amendment would add an optional commercial recycle rate to the current fee structure. Discussion held on the commercial recycle rates and effective date.

Motion made by Commissioner Tugman, seconded by Commissioner Brewster to approve Resolution Number 873 with the following amendments: Recycle 6-Cubic Yd. \$90.54 and 8-Cubic Yd. \$120.56 and the effective date would be June 1, 2015. Motion carried unanimously.

Item 14. Mayor Law closed the meeting at 8:01 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. 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 15. Mayor Law reconvened the regular meeting at 10:31 p.m. No action was taken.

Item 16. Review of monthly reports.

B. Public Works-Mr. Smith reported they will be starting on the parking lots tomorrow at the Family Aquatic Center. The slides are scheduled to be installed on Tuesday.

Item 17. Public Comments.

The following addressed the Mayor and Commissioners:  
Larry Rousseau, 909 Kathryn, Burkburnett

Item 18. City Manager's report.

- Taste of the Town – April 25
- Election – Early Voting begins April 27-May 5
- Relay for Life – May 15

Item 19. Commission comments.

Item 20. Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to adjourn. Motion carried unanimously.

Carl Law, Mayor

**ATTEST:**

Janelle Dolan, City Clerk