

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday August 17, 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; Gary Robinett, Economic Development Director; 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 Mike Guevara.

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

Item 4. Consent Agenda.

- A. Approval of Minutes from July 2, 2015 Special Called Meeting, July 20, 2015 Regular Meeting, July 21, 2015 Special Called Meeting, and July 29, 2015 Special Called Meeting

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

Item 5. Gordon Smith, Director of Public Works, addressed the Mayor and Commissioners and stated William Clement and William Campbell, Owners of the property at 1007 South Red River Expressway presented an application request for a Final Plat to construct a skilled nursing facility. The property is zoned Commercial Business and a Specific Use Provision is required for the facility. The property is 8.894 acres and is platted into 2 commercial lots. Lot 1 is 5.626 acres and Lot 2 is 3.268 acres. The skilled nursing facility is proposed to be constructed on Lot 1 and Lot 2 will

remain in current status for proposed future development. The final plat is in compliance with Subdivision Ordinance and Zoning building limit lines per commercial business district requirements of the ordinance. The property was previously zoned commercial and will remain commercial. The Planning and Zoning Board met on August 11, 2015 and voted unanimously to recommend to City Commissioners approval of the final plat.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Hardy to approve the final plat, Burke NH Addition Lots 1 and 2 Block 1. Motion carried unanimously.

Item 6. Mayor Law closed the regular meeting at 7:05 p.m. and opened the “Public Hearing” for the following Planning & Zoning Commission Cases:

- A. Case #2015-22, Specific Use Permit for Lots 1 & 2 Block 1, Burke NH Addition formerly known as WINTERS, C Abstract 322 to allow for a skilled nursing facility.

Mr. Smith addressed the Mayor and Commissioners and stated Don Miller, Owner of Skilled Nursing Facilities presented an application request for a Specific Use Provision (SUP) to construct a skilled nursing facility at 1007 South Red River Expressway Burkburnett Texas. The property is zoned Commercial Business and a Specific Use Provision is required for the Skilled Nursing Facility. The Planning and Zoning Board met on August 11, 2015 and voted unanimously to recommend to the Board of Commissioners approval of the Specific Use Application with the contingency that the Board of Commissioners receive a revised site plan for review prior to approval. Public input was received at the Planning & Zoning meeting, a total of 8 residents voiced concerns on lighting, security, maintenance and traffic. All concerns were addressed as the owner and engineer described the new improvements. Public expressed that the development would help current conditions created by the existing field (i.e.; dirt, weeds, and rodents).

The following addressed the Mayor and Commissioners:

Don Miller, owner of Foursquare Healthcare

Charlie Jackson, 1118 Bishop Rd.

Item 7. Mayor Law closed the “Public Hearing” at 7:12 p.m. and reopened the regular meeting to take action on the Planning & Zoning Commission Cases:

- A. Case #2015-22, Specific Use Permit for Lots 1 & 2 Block 1, Burke NH Addition formerly known as WINTERS, C Abstract 322 to allow for a skilled nursing facility.

Motion was made by Commissioner Love, seconded by Commissioner Ducos to approve Case #2015-22, Specific Use Permit for Lots 1 & 2 Block 1, Burke NH Addition

formerly known as WINTERS, C Abstract 322 to allow for a skilled nursing facility. Motion carried unanimously.

Item 8. Resolution Number 591 was presented in its entirety. A resolution authorizing the City of Burkburnett to sell the following properties by sealed bids pursuant to Sections 34.05(a) and (b) of the Texas Property Tax Code and the Texas Rules of Civil Procedure: 133 N. Ave F, 0 Bishop Road, 0 4th Street, 122 W. 1st, 625 E. 3rd St., 316 W. 6th Street, 0 Floyd Street, and 109 S. Avenue B.

Mike Whaley, City Manager, addressed the Mayor and Commissioners and reported this resolution allows us to solicit sealed bids on properties in delinquent tax status which did not sell in the Sheriff's auction. Notice of resale would be published in the paper on August 20th and 27th. Deadline for submitting sealed bids would be September 21st at 12:00pm and opened at 2:00pm. The bids would then be considered at the regular scheduled meeting on September 21st at 7:00pm.

The following addressed the Mayor and Commissioners:

Jeanmarie Baer, Perdue, Brandon, Fielder, Collins & Mott, LLP.

Motion was made by Commissioner Don Hardy, seconded by Commissioner Bill Lindenborn to approve Resolution Number 591 as presented. Motion carried unanimously.

Item 9. Mr. Whaley addressed the Mayor and Commissioners and provided the following information on potential residential curbside recycling:

Option 1: Add curbside residential recycling at \$4.40 per

home Requirements:

- ▶ Reduce franchise fee by \$16,807 annually (approximately 3%)
- ▶ Reduce free roll offs from 144 to 36 annually
- ▶ Increase commercial rates 10% (include CPI at 2%)

In addition: If the City purchases ploy carts at the approximate cost of \$175,000, the rate can be reduced from \$4.40 per home to \$3.40 per home.

Option 2: Add curbside residential recycling at \$4.15 per

home Requirements:

- ▶ Reduce franchise fee by \$16,807 annually (approximately 3%)
- ▶ Reduce free roll offs from 144 to 0 (close Citizen Collection Station)
- ▶ Increase commercial rates 10% (include CPI at 2%)

In addition: If the City purchases ploy carts at the approximate cost of \$175,000, the rate can be reduced from \$4.15 per home to \$3.15 per home.

The following addressed the Mayor and Commissioners:

Mike Gaver, Progressive Waste Solutions

Charlie Jackson, 1118 Bishop Rd.

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to move forward with Option 1 Curbside Residential Recycling.

More discussion was held and Commissioner Brewster requested a mail out to the citizens and public hearings to be held to receive input from the citizens on Curbside Residential Recycling.

Commissioner Tugman withdrew his motion and Commissioner Lindenborn withdrew his second to the motion.

Then a new motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to come back in 30 days to vote on curbside residential recycling, after a minimum of one public hearing, social media blitz and/or survey on the website be completed to receive the public input. Motion carried unanimously.

Item 10. Mr. Whaley addressed the Mayor and Commissioners and stated the City is currently contracted with Veolia Water for the operations and maintenance service of our Waste Water Treatment Plant. The original contract was signed March 16th, 1998. We have had four previous amendments to the contract. The current contract amendment expired July 31st, 2015. We are presenting amendment number five which would effectively extend the contract for an additional five years. This amendment sets the current cost of service and makes additional amendments to the existing insurance coverage terms. Mr. Whaley stated the City Attorney has done a full review of the contract and amendment five. He has approved the amendment as presented. We have had a strong partnership with Veolia Water and have not had significant increases in the costs of services over the duration of the contract. The current contract cost is \$439,909.69. Our current cost is \$440,281. Mr. Whaley stated staff recommends approval of the amended contract as presented with a 5 year extension.

Motion was made by Commissioner Tugman, seconded by Commissioner Brewster to approve the contract amendment number five with Veolia Water North America. Motion carried unanimously.

Item 11. Mr. Whaley addressed the Mayor and Commissioners and stated some amendments need to be made to the public hearing dates on the memo that was provided because there is a conflict with the TML Region 5 Quarterly Meeting which is now scheduled for 9/10/15 at 6:00 pm and is in conflict with the First Public Hearing.

Motion was made by Commissioner Brewster, seconded by Commissioner Hardy to leave the public hearing scheduled on 9/10/15 and move the time to 5:00 pm. More discussion was held. Commissioner Brewster withdrew his motion and Commissioner Hardy withdrew his second. A new motion was made by Commissioner Brewster, seconded by Commissioner Hardy to move the First Public hearing to 9/8/15 at 6:00 pm. Motion carried unanimously.

Item 12. Mr. Smith addressed the Mayor and Commissioners and stated Felty Operating Company presented an application for drilling an oil well within the City limits. The proposed location is Gresham Rd. - 20 acres of section 816 of the Redman survey within City limits. Mr. Smith stated the permit fee of \$250.00 is paid. A copy of the approved permit by the Railroad Commission, Oil & Gas Division was received and site plan was received and approved by City Staff. Mr. Smith stated letters were mailed out to adjacent property owners notifying them of a hearing that was held by the Director of Public works on August 12, 2015 at 3:00 pm at City Hall (per ordinance). No attendance from the public was at that hearing.

Motion was made by Commissioner Brewster, seconded by Commissioner Tugman to approve the permit request to drill proposed Oil Well Malone#2 submitted by F.T. Felty Operating Company. Motion carried unanimously.

Item 13. Ordinance Number 883 was presented in its entirety. An ordinance superseding Ordinance Numbers 571 and 880 of the City of Burkburnett, Texas presently codified as Chapter 53, Water in the Code of Ordinances, providing penalties, severability and an effective date. Mr. Whaley addressed the Mayor and Commissioners and stated as previously discussed in our budget workshops, this ordinance proposes an increase of \$2.00 in our base charge from \$22.50 to \$24.50. An increase in the first rate block from 6.47 to 6.61 and an increase of .10 cents to the remaining four rate blocks. Also, included in the ordinance is a change of the late fee from \$2.00 to 10% of bill.

Minimum First 2,000 Gallons	\$24.50
2,000-10,000 gallons	\$6.61 per 1,000 gallons
10,000-15,000 gallons	\$7.57 per 1,000 gallons
15,000-20,000 gallons	\$8.86 per 1,000 gallons
20,000-25,000 gallons	\$10.54 per 1,000 gallons
25,000 + gallons	\$12.75 per 1,000 gallons

Motion was made by Commissioner Brewster, seconded by Commissioner Tugman to approve Ordinance Number 883 as presented. Motion carried unanimously.

Item 14. Mr. Whaley addressed the Mayor and Commissioners and stated Don Miller, owner of Foursquare Healthcare approached the City of Burkburnett about the development of a skilled nursing facility and possible incentives available for the development. Here are some of the details of the proposed development: 52,000 square foot building, 7-8 million dollar investment, approximately 130 employees, 4 million dollar payroll, wage structure from \$9.00 per hour up to salary of \$125,000 annual salary. The site selection of the development is located within the TIF Zone. The proposed agreement consists of funds totaling \$170,000. \$50,000 for the extension of a three-phase electric line from ONCOR and \$120,000 for the extension of an eight inch water main. Included in the packet are a plat of the site and the preliminary site plan. Both have been approved by the Planning and Zoning Commission and will seek final approval from Board of Commissioners on the 17th at 7:00pm. Mr. Whaley

stated the current balance of the TIF fund is \$271,295 with an estimated revenue of \$95,000 for fiscal year 2016.

Motion was made by Commissioner Hardy, seconded by Commissioner Ducos to approve a TIF Escrow Agreement for utility expansion. Motion carried unanimously.

Item 15. Mr. Whaley addressed the Mayor and Commissioners and stated Don Miller, owner of Foursquare Healthcare approached the City of Burkburnett about the development of a skilled nursing facility and possible incentives available for the development. The original terms we were negotiating were set for a five year tax abatement and a request from developer of \$225,000 to extend Marian Drive to the service road. I asked Mr. Miller to assume the cost of the Marian extension in exchange for extending the tax abatement to a ten year abatement.

The following addressed the Mayor and Commissioners:

Don Miller, owner of Foursquare Healthcare

Motion was made by Commissioner Tugman, seconded by Commissioner Brewster to approve a tax abatement agreement with Burke NH Realty, LTD, a Texas Limited Partnership. Motion carried unanimously.

Item 16. Review of monthly reports.

A. Public Works:

- Mr. Smith provided a 2015 Boomtown Bay Family Aquatic Center Draft Financial Report.

B. Public Safety:

- Ed Stahr, Police Chief, reported Hotter 'n Hell is this weekend. It will be all hands on deck and they will be working from 6am to 1pm.

C. Economic Development:

- Gary Robinett, introduced himself to the Board of Commissioners.

Item 17. No public comments:

Item 18. City Manager's report.

- Budget Calendar Dates-reviewed previously.
- TML Region 5 Meeting is September 10th @ 6pm at MPEC
- TML Annual Conference – September 23rd-25th
- BDC Director- Meet & Greet, August 25th, 2-4 pm

Item 19. No Commissioner comments.

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

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk