

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, January 19, 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; Deana Sheriff, Economic Development Director; 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 Commissioner Tugman.

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

Item 4. Consent Agenda.

A. Approval of Minutes from December 15 , 2014

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

Item 5. Resolution Number 575 was presented in its entirety. A resolution of support for JES Development for River Terrace affordable housing. Mike Whaley, City Manager, addressed the Mayor and Commissioners and stated JES Development Company has applied to the TDHCA for 2015 Housing Tax Credits to build a 58-65 unit affordable rental housing project, to be known as "River Terrace." The approximate cost for development of the project is between \$7 and \$7.5 million dollars. JES Development Company has entered into a contract with Burkburnett Development Corporation to purchase 5.459 acres on Sheppard Road (ABST 322 WINTERS), located between the Red River Inn and Twilite Inn. Purchase price for the property was set at \$150,000, and

sale is contingent upon JES Development Company receiving the TDHCA 2015 Housing Tax Credits. The TDHCA Housing Tax Credit program requires the community wherein the project will be located to provide financial assistance to the development. The City of Burkburnett would be required to provide a commitment of \$94,000.00 to the project. The commitment may be in the form of a real estate tax abatement or an in-kind contribution for fees associated with the development, or a loan with an interest rate not to exceed 3%, or an in-kind commitment for infrastructure development, or a combination of any or all of the above resulting in financial assistance totaling \$94,000.00. Said financial assistance shall be for a minimum term of 15 years.

Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to approve Resolution Number 573 with the following change: *...provide for an applicant to be awarded one (1) point for a Resolution from a unit of general local government...one (1) point should be two (2).* Motion carried unanimously.

Item 6. No action taken on this agenda item.

Item 7. Ordinance Number 868 was presented in its entirety. An Ordinance amending section 97.09 Friendship Community Park Pond. Mr. Whaley addressed the Mayor and Commissioners and stated a request was made to review our existing fishing ordinance to allow for additional persons to utilize the pond for fishing purposes. In researching the topic, we were introduced to Mr. Tom Lang the Fisheries Supervisor, Wichita Falls District Office, Texas Parks and Wildlife Department - Inland Fisheries. Mr. Lang offered to partner with the City in order to help us expand the fishing experience for all ages. In partnering with the Texas Parks and Wildlife Department, their regulations would be in effect including a fishing license requirement for anglers over the age of 16. However they could assist us in stocking the pond and provide 12" catfish for special events a couple times a year. They have similar agreements with the City of Iowa Park and Wichita Falls which allows for a greater variety of fishing and opens up the experience to all ages.

The following addressed the Mayor and Commissioners:

Tom Lang - District Supervisor, Texas Parks and Wildlife Department, Wichita Falls

Motion was made by Commissioner Tugman, seconded by Commissioner Brewster to approve Ordinance Number 868 as presented. Motion carried unanimously.

Item 8. Mr. Whaley addressed the Mayor and Commissioners and the City staff has been working to further develop our facility assessment in order to create a facility master plan as previously discussed. The Architectural firm of Bundy, Young, Sims & Potter who performed the facility assessment has submitted a contract not to exceed \$6,000.00. Mr. Whaley stated this agreement would consist of developing a spatial program which will list all rooms and spaces with the square footage required for each space (using Facility Improvement data provided by the City). From this information, we will develop the total square footage requirement for the facility and use this for conceptual planning.

They would also design a conceptual floor plan using data from the spatial program and provide a cost estimate for the project based on information from previous data gathered.

Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to approve the agreement with Bundy, Young, Sims & Potter not to exceed \$6000. Motion carried unanimously.

Item 9. Mayor Law closed the regular meeting at 7:25 p.m. and opened the “Public Hearing” for the following Planning & Zoning Commission Cases:

- A. Case #2014-19 rezone application for 1609 and 1611 Sheppard Rd., from Single Family Residential-6 (SF-6) to Residential Open (R-2).

Mr. Whaley addressed the Mayor and Commissioners and stated this Planning and Zoning Case was on last month’s agenda and at that time the Board of Commissioners delayed taking action on it. Mr. Whaley stated he consulted with Dan Sefko of Freese and Nichols, who wrote the original Zoning Ordinance. Mr. Sefko reviewed the zoning request and reported that the recommended zoning change request be denied at this time. Mr. Sefko stated that to change the zoning on a lot by lot basis to R-2 in this area (or other areas for that matter) is contrary to the original intent of the Residential Open concept.

Item 10. Mayor Law closed the “Public Hearing” at 7:26 p.m. and reopened the regular meeting to take action on the Planning & Zoning Commission Cases:

- A. Case #2014-19 rezone application for 1609 and 1611 Sheppard Rd., from Single Family Residential-6 (SF-6) to Residential Open (R-2).

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to deny the rezone application for 1609 and 1611 Sheppard Rd., from Single Family Residential-6 (SF-6) to Residential Open (R-2), and to accept the Planning and Zoning Board’s recommendation to deny the rezone application, after receiving information from Mr. Sefko.

Ayes: Commissioners Lindenborn, Brewster, Ducos and Tugman

Nays: Mayor Law and Commissioner Love

Abstained: Commissioner Hardy

Motion passed.

Item 11. Mr. Whaley addressed the Mayor and Commissioners and stated by adopting Ordinance Number 708, the City created a Board of Directors for the Tax Increment Financing Zone. The ordinance requires five (5) members, at least four (4) of which shall be appointed by the Board of Commissioners, one (1) by the Wichita County Commission. Previous County Commissioner Bill Presson served on the TIF Board but has recently been replaced by the Wichita County Commission by current Commissioner Lee Harvey. Also, TIF Board member Brennan Moore’s term has expired as of December 31st. Mr. Moore is no longer a resident of Burkburnett. City Staff has received

an application from Darren Baber who has expressed an interest and desire to serve on the Board.

Motion was made Commissioner Lindenborn, seconded by Commissioner Love to approve the appointment of Darren Baber to the TIF Board. Motion carried unanimously.

Item 12. Resolution Number 571 was presented in its entirety. A resolution establishing the fees for the Burkburnett Family Aquatic Center. Mike Whaley, addressed the Mayor and Commissioners and reported Resolution Number 571 establishes the fees for the Burkburnett Family Aquatic Center.

Motion was made by Commissioner Brewster, seconded by Commissioner Tugman to approve Resolution Number 571 as presented. Motion carried unanimously.

Item 13. Resolution Number 572 was presented in its entirety. A resolution establishing fees for the Burkburnett Memorial Cemetery. Mr. Whaley addressed the Mayor and Commissioners and stated some Cemetery fees have been established by motion others by resolution. City Staff is presenting this resolution to establish an additional fee regarding the permitting of military name plates to be placed on the monuments erected at the Burkburnett Memorial Cemetery Pavilion which is \$200.00 and to bring the remaining cemetery fee structure under one resolution.

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to approve Resolution Number 572 as presented. Motion carried unanimously.

Item 14. Resolution Number 574 was presented in its entirety. A resolution authorizing the submission of a Texas Community Development Block Grant Program Application to the Department of Agriculture. Mr. Whaley addressed the Mayor and Commissioners and stated this resolution is a requirement of the Development Block Grant Program sponsored by the Texas Department of Agriculture. The City of Burkburnett has participated in this grant program in the past and has successfully completed various projects which allowed the City to improve our firefighting capabilities and overall water quality within our water distribution system. The grant fund cap is \$275,000 with the City matching fund required at \$55,000. Mr. Whaley stated approving this resolution allows the City to apply in the next round of application submittals.

Motion was made by Commissioner Tugman, seconded by Commissioner Ducos to approve Resolution Number 574 as presented. Motion carried unanimously.

Item 15. Review of monthly reports.

- A. Administration-Trish Holley, Director of Administration, provided a report from the Texas Comptroller's website that provides historical data back to 1992 in addition to the standard Sales Tax report that is normally provided.
- B. Public Works-Nothing reported.

C. Public Safety/Fire Department-Nothing reported.

D. Economic Development- Deana Sheriff, Economic Development Director, reported she continues to work current prospects and she is also working with local land owners to compile information on land that is for sale. Ms. Sheriff stated that the Neighborhood Reinvestment Grant Program is still going strong. Fast Trucking and Mike Graham Heating and Air Conditioning were recently approved for grants.

Item 12. No Commissioner comments.

Item 13. City Manager's report.

Mr. Whaley reported the Chamber of Commerce banquet is January 24. Doors open at 6pm.

Item 14. Commission 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