

## ***MINUTES***

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

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, January 21, 2013 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
Josh Andrajack	Commissioner
Randy Brewster	Commissioner
Don Hardy	Commissioner
Marguerite Love	Commissioner
Michael Tugman	Commissioner

Others present: Tim James, City Manager; Trish Holley, Director of Administration; Mike Whaley, Director of Public Works; Janelle Dolan, City Clerk; Mike Tracey, Police Chief; and Ed Stahr, Lieutenant Police Department.

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

Item 2. Invocation was given by Don Pellikan, Pastor of First United Methodist Church.

Chief Mike Tracey introduced Donna the new drug dog and her handler, Officer Steven Barnes. Officer Barnes stated that Donna is trained and certified in detection of: methamphetamine, cocaine, and marijuana.

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

Item 4. Consent Agenda.

A. Approval of Minutes from December 17, 2012.

Motion was made by Commissioner Tugman seconded by Commissioner Andrajack to approve Consent Agenda 4. Motion carried unanimously.

Item 5. Tim James, City Manager, introduced Austin Powers, Kimley-Horn and Associates, and Kevin Post, Counsilman-Hunsaker. Mr. Powers and Mr. Post presented information that was gathered from the Board of Commissioners'

workshop that was held prior to this meeting. They provided a compiled list of elements of the Family Aquatic Center that were ranked by the Board of Commissioners at the workshop.

Motion made by Commissioner Andrajack, seconded by Commissioner Tugman to accept the results of the work session to authorize the consultants to move forward with the conceptual design of a potential new Family Aquatic Center in Burkburnett.

The following addressed the Mayor and Commissioners:

Pat Binter, 305 Kirk

David Davis, 719 Gayle Street, Parks and Recreation Board Chairman

Motion carried unanimously.

Item 6. Mike Whaley, Public Works Director, addressed the Mayor and Commissioners stating this Site Plan was prepared by Corlett, Probst, & Boyd in conjunction with JGR Architects Planners and Designers. The Overland Property Group is requesting approval of the site plan for Saddlebrook Apartments (64 units). The City Staff has reviewed the site plan as well as preliminary construction details such as: storm drainage; easements; set back, utilities; parking and landscaping. The developer has met our requirements as set forth by the zoning ordinance. Mr. Whaley reported the Planning and Zoning Commission unanimously approved the Site Plan and it would be City staff recommendation to accept the Planning and Zoning recommendation to approve the site plan request.

Motion made by Commissioner Andrajack, seconded by Commissioner Lindenborn to approve the site plan for Saddlebrook Apartments as presented.

Motion carried unanimously.

Item 7. Mike Whaley, Public Works Director, addressed the Mayor and Commissioners stating this Site Plan was prepared by Corlett, Probst, & Boyd and submitted by Eddie Viavattene of EV Electric. The owners are requesting approval of the site plan for Southern Star (Warehouse Facility). The City Staff has reviewed the site plan as well as preliminary construction details such as: storm drainage; easements; set back, utilities; parking and landscaping. The developer has met our requirements as set forth by the zoning ordinance. Mr. Whaley reported the Planning and Zoning Commission unanimously approved the Site Plan and it would be City staff recommendation to accept the Planning and Zoning recommendation to approve the site plan request.

Motion was made by Commissioner Hardy, seconded by Commissioner Andrajack to accept the site plan for Southern Star as presented. Motion carried unanimously.

Item 8. Resolution Number 542 was presented in its entirety. A resolution authorizing amendments to the Burkburnett Development Corporation bylaws. Motion was made by Commissioner Andrajack, seconded by Commissioner Lindenborn to accept Resolution Number 542 as presented.

The following addressed the Mayor and Commissioners:

Jerry Johnson, 914 Mohawk  
Keith Myers, 1200 Amherst  
Susan Mitchell, 1422 Hiawatha  
Charlene Lewis, 1422 Red Fox  
Scott Dolan, 928 Tejas  
Lee Harvey, 1052 Jan Lee Dr.

Motion was made by Commissioner Brewster to table Resolution Number 542 for 60 days. Motion died for lack of a second.

Mayor took vote on first motion.

Ayes: Mayor Law; Commissioners Lindenborn, Andrajack, Hardy, Love, Tugman

Nay: Commissioner Brewster

Motion carries.

Item 9. Resolution Number 543 was presented in its entirety. A resolution defining city manager's duties in regard to the "advice and consent" per City Charter Article IV, Section 5 (c). Mr. James addressed the Mayor and Commissioners stating the Board of Commissioners had previously authorized a change in the organizational structure of the City at the January 7, 2013 meeting which made the Executive Director of the Burkburnett Development Corporation an employee of the City and would be reporting to the City Manager. Resolution Number 543 reflects the approved changes.

Ayes: Mayor Law; Commissioners Lindenborn, Andrajack, Hardy, Love, Tugman

Nay: Commissioner Brewster

Motion carries.

Item 10. Resolution Number 544 was presented in its entirety. A resolution authorizing an economic incentive agreement between the Burkburnett Development Corporation and A Piece of Cake by Nikki Lynn, LLC. First reading, no action taken.

Item 11. Ordinance Number 831. An ordinance amending Chapter 132 relating to drug control by adding an offense related to the sale, use, possession, ingestion or smoking of certain substances. Chief Tracey addressed the Mayor and Commissioners stating in September 2011 a law was passed prohibiting the use or

sale of K2 and similar substances which are synthetic marijuana. Chief Tracey stated the law is so vague it is hard to enforce the law and Ordinance Number 831 will provide the local police another tool to enforce it and he recommends it be approved.

Motion made by Commissioner Brewster, seconded by Commissioner Lindenborn to approve Ordinance Number 831 as presented. Motion carried unanimously.

Item 12. Chief of Police, Mike Tracey, addressed the Mayor and Commissioners. Chief Tracey presented the annual Racial Profiling Statistics for 2012 which is required by law. No action taken.

Item 13. Resolution Number 545. A resolution authorizing an economic incentive agreement between the Burkburnett Development Corporation and Southern Star, Inc. First reading, no action taken.

Item 14. Mayor Law closed the meeting at 8:14 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. Tax foreclosure properties

Item 15. Mayor Law reconvened the regular meeting at 8:33 p.m.

Motion was made by Commissioner Tugman, seconded by Commissioner Andrajack to allow Troy Hill to purchase 506 W. 6<sup>th</sup> with a timeline of six months to demo the property at his expense and accept Bill Bunton's bid for 213 W. 5<sup>th</sup>, 101 Freeman, and 811 N. Ave D, with regard to 101 Freeman, Mr. Bunton must demo the property with a deadline of 90 days and the City will provide him 1 to 2 roll offs at no charge. Motion carried unanimously.

Item 16. Review of monthly reports.

- A. Administration- Trish Holley, Director of Administration reported sales tax has increased 17.23%. Mrs. Holley states this is a good indication that sales tax will continue to increase this year.
- B. Public Works-Mr. Whaley reported there has been some movement at the cemetery.
- C. Public Safety- Chief Tracey reported that two new officers have been hired: Randall Quick and Christopher Salas. Chief Tracey stated they are fully staffed.

Item 17. Public Comments.

The following addressed the Mayor and Commissioners:

Pat Binter, 305 Kirk  
Susan Mitchell, 1422 Hiawatha

Item 18. City Manager's report.

- A. Calendar- Mr. James reviewed the monthly Board meetings that are scheduled.
- B. JULS Meeting-Scheduled for 1/29/2013- open meeting.
- C. Family Aquatic Center- Mr. James reviewed tentative dates for the next meetings with Kimely-Horn.
- D. Chamber Banquet- Scheduled for 2/9/13- Mr. James is presenting the program "What the City Can Do For You?"

Item 19. Commission 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