

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, July 15, 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
Randy Brewster	Commissioner
Don Hardy	Commissioner
Marguerite Love	Commissioner
Michael Tugman	Commissioner

Commissioner Andrajack was not present.

Others present: Chester Nolen, Interim City Manager; Trish Holley, Director of Administration; Mike Whaley, Director of Public Works; Janelle Dolan, City Clerk; and Chief Mike Tracey, Police Department.

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

Item 2. Invocation was given by Jim Zug, Pastor of First Christian Church.

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

Item 4. Consent Agenda.

- A. Approval of Minutes June 6 and June 13 Special Called Meetings, June 17 Regular Meeting, and June 24, 2013 Special Called Meeting.

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

Mayor Law moved up Items 14 and 15.

Item 14. Ordinance Number 838 was presented in its entirety. An ordinance authorizing the issuance of "City of Burkburnett, Texas, Waterworks and Sewer System Revenue Bonds, New Series 2013". Nick Bulaich, Senior Vice President First Southwest, addressed the Mayor and Commissioners and reported the City of Burkburnett received an A rating from Standard & Poor's Rating Services. Mr.

Bulaich stated that two conforming bids were received and he recommended approval of the bid received from BOSCH, Inc. which offered an interest rate of 3.90%.

Motion was made by Commissioner Tugman seconded by Commissioner Lindenborn to adopt Ordinance Number 838 authorizing the issuance of “City of Burkburnett, Texas, Waterworks and Sewer System Revenue Bonds, Series 2013”; approving and authorizing the execution of a Paying Agent/Registrar Agreement and approving and authorizing the distribution of an Official Statement in relation to such Bonds. Motion carried unanimously.

Item 15. Ordinance Number 839 was presented in its entirety. An ordinance authorizing the issuance of “City of Burkburnett, Texas, General Obligation Bonds, Series 2013”. Nick Bulaich, Senior Vice President First Southwest, addressed the Mayor and Commissioners and reported the City of Burkburnett received an A+ rating from Standard & Poor’s Rating Services. Mr. Bulaich stated that four conforming bids were received and he recommended approval of the bid received from SAMCO Capital Markets, which offered an interest rate of 3.92%.

Motion was made by Commissioner Tugman seconded by Commissioner Hardy to adopt Ordinance Number 839 authorizing the issuance of “City of Burkburnett, Texas, General Obligation Bonds, Series 2013”; approving and authorizing the execution of a Paying Agent/Registrar Agreement and approving and authorizing the distribution of an Official Statement in relation to such Bonds. Motion carried unanimously.

Item 5. Mike Whaley, Director of Public Works, addressed the Mayor and Commissioners and reported the term for Zoning Board and Adjustments member David Nix expired on June 20th and Mr. Nix has indicated a desire to continue serving on the Board.

Motion was made by Commissioner Love seconded by Commissioner Lindenborn to reappoint David Nix to the Zoning Board of Adjustments. Motion carried unanimously.

Item 6. Mayor Law closed the regular meeting at 7:28 p.m. and opened the “Public Hearing” for the following Planning & Zoning Commission Case:

- A. Case #2013-13, Specific Use Permit for 302 S. Ave D., for vehicle storage.

Mike Whaley, Public Works Director, addressed the Mayor and Commissioners stating Brian Rush submitted an application to expand the current Specific Use Permit (SUP) for 306 S. Ave D which allows for an Auto collision repair facility.

Mr. Rush has purchased 302 S. Ave D and would like to expand his existing business and operation. Mr. Whaley stated this amendment would allow Mr. Rush to utilize the 302 S. Ave D address with the same provisions set forth in the original SUP which states “no damaged or disabled vehicles or parts to be left outside of fenced area should be visible from any street and shall adhere to all TCEQ requirements and regulations”. Mr. Whaley stated the property is zoned commercial which allows an Auto Collision repair facility by SUP and is in harmony with the Comprehensive future land use plan. Mr. Whaley reported there was no opposition at the Planning and Zoning public hearing and the Planning and Zoning Board voted unanimously to approve the request.

The following addressed the Mayor and Commissioners:

Brian Rush, 1406 Quail Run, owner of Brian’s Paint and Body

Item 7. Mayor Law closed the “Public Hearing” at 7:33 p.m. and reopened the regular meeting to take action on the Planning & Zoning Commission Case:

- A. Case #2013-13, Specific Use Permit for 302 S. Avenue D, for vehicle storage.

Motion was made by Commissioner Brewster seconded by Commissioner Hardy to approve Case#2013-13, Specific Use Permit for 302 S. Avenue D., for vehicle storage. Motion carried unanimously.

Item 8. Mr. Whaley addressed the Mayor and Commissioners and stated Sharon Bankhead, whose term would have ended February 2014, resigned from the Parks and Recreation Board. Mr. Whaley stated Mark Swope has completed the volunteer application form and is interested in serving the remainder of Ms. Bankhead’s term.

Motion was made by Commissioner Love seconded by Commissioner Lindenborn to appoint Mark Swope to the Parks and Recreation Board for the fulfillment of the February 2014 term. Motion carried unanimously.

Item 9. Ordinance Number 835 was presented in its entirety. An ordinance to adjust the City of Burkburnett water rates.

Motion was made by Commissioner Tugman seconded by Commissioner Lindenborn to approve Ordinance Number 835 as read. Motion carried unanimously.

Item 10. Staff determined this ordinance was not necessary. No action was taken.

Item 11. Mayor Law closed the regular meeting at 7:37 p.m. and opened the “Public Hearing” to review the effects of the City’s juvenile curfew regulations on the City and on the problems the regulations were intended to remedy.

Chief Tracey reported this is valuable tool for the Police Department and since January 1, 2011 fifty-two citations have been issued.

Item 12. Mayor Law closed the “Public Hearing” at 7:39 p.m. and reopened the regular meeting.

Item 13. Ordinance Number 837 was presented in its entirety. An ordinance regulating Juvenile Curfew Regulations.

Motion was made by Commissioner Brewster seconded by Commissioner Hardy to adopt Ordinance Number 837. Motion carried unanimously.

Item 16. Mayor Law closed the meeting at 7:40 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

Item 17. Mayor Law reconvened the regular meeting at 7:58 p.m.

Motion was made by Commissioner Tugman seconded by Bill Lindenborn to approve the amendment to purchase the property from Fred Dwyer as described in the agreement that was reviewed. Motion carried unanimously.

Item 18. Review of monthly reports.

- A. Administration- Trish Holley, Director of Administration reported sales tax has increased again this month. Ms. Holley stated this is an increase of 18% from same time last year.
- B. Public Works-
 - Water Reduction-Mr. Whaley reported we are currently at 35% reduction.
 - Cemetery Pavilion-Mr. Whaley reported currently finishing electric for pavilion and shop, paving will be next.
 - Family Aquatic Center-tentative date of 9/16/13 to award bids.
 - Base Ball Field – 3 firms interviewed with the Parks and Recreation Board they will make a recommendation to the Board of Commissioners at the 8/19/13 Council meeting

Drinking water- TCEQ contacted the City on 7/11 to report the nitrate levels were over the allowed levels. Mr. Whaley stated by regulation the City put out public notice. The City took a sample to an accredited lab and is in compliance. TCEQ took two more samples and results will be in shortly. City Staff is on top of this matter testing twice daily and we are below the allowed amount.

- C. Public Safety-Chief Tracey reported the Police Department received a grant for 16 laptops for the patrol cars. Chief Tracey stated with the laptops, installation, and training it is valued at \$55,000.

Item 19. Public Comments.

Item 20. City Manager's report.

- A. City Manager Search

Item 21. Commission comments.

Item 22. Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk