

MINUTES
BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a Special Called Meeting on Monday, June 24, 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 Meeting 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; Michael Whaley, Public Works Director; and Janelle Dolan, City Clerk.

Item 1. Mayor Law called the meeting to order.

Item 2. Tim James, City Manager, addressed the Mayor and Commissioners and stated the Board of Commissioners approved the Purchase and Sale Agreement with Fred Dwyer on May 8, 2013. Mr. James reported since the approval of the original agreement, the Seller has been unable to provide free and clear title to a forty (40) acre tract along Hwy 240. Mr. James stated the amendment to the agreement reduces the purchase price in accordance with the original agreed prices and provides a legal description of the property.

Motion was made by Commissioner Tugman seconded by Commissioner Hardy to approve the amended agreement to buy this property so we can move forward, with the provision the closing date is extended to 90 days from the date of this amended agreement and the City also tries to acquire this property from whomever owns it.

After much discussion on the amendment to the agreement, Commissioner Tugman withdrew his motion and Commissioner Hardy withdrew his second. No action taken.

Item 3. Mr. James addressed the Mayor and Commissioners and reported with the implementation of the City's Drought Contingency Plan the overall

consumption of water in Burkburnett has declined. Mr. James stated the City of Burkburnett's water rates are based on the revenue from projected water sales which pay for the operational cost of the water system each year. Mr. James stated due to the projected reduction in water sales, there will also be a projected deficit in the water fund for FY 2013 budget. Mr. James stated the Board of Commissioners may alter water rates at any time to address budget conditions. Mr. James reviewed the June usage and the FY 2013 Water Fund Status. The City is looking at a projected deficit of \$401,606 for FY 2013. Mr. James reported the City currently has \$672,055 in the water reserves. Mr. James stated there are two ways to address the deficit: 1) adjust water rates or 2) utilize the reserve funds.

Motion was made by Commissioner Andrajack, seconded by Commissioner Love to increase the water usage rate to \$6.15 per 1000 gallons for a period of 90 days, at such time with no further action by council, rates would revert to \$4.15 per 1000 gallons.

Ayes: Commissioners Lindenborn, Andrajack, Brewster, Hardy, Love, and Tugman

Nay: Mayor Law

Motion carried.

Item 4. Mr. James addressed the Mayor and Commissioners and stated due to unforeseen circumstances, Municipal Court Judge Dan Tompkins may be unavailable for Municipal Court business for a period of time in June and July. Mr. James stated Judge Tompkins has recommended the appointment of Diane Dockery to serve as Associate Judge during his time of absence due to the volume of work in the Municipal court.

Motion was made by Commissioner Tugman seconded by Commissioner Lindenborn to approve the appointment of Diane Dockery to serve as Associate Judge for Municipal Court. Motion carried unanimously.

Item 5. Mayor Law closed the meeting at 7:42 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 551.074(a)-Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

1) Conduct interviews of candidates for Interim City Manager.

2) Employment of Interim City Manager and/or City Manager.

Item 6. Mayor Law reconvened the regular meeting at 10:08 p.m.

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Motion was made by Commissioner Tugman seconded by Commissioner Lindenborn to accept the proposal from SGR to hire Chester Nolen as the interim City Manager and give the Mayor the opportunity to negotiate the contract. Motion carried unanimously.

Item 7. Council comments.

Item 8. Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk