

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, March 16, 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
Mike Tugman	Commissioner

Commissioner Love was not present.

Others present: Mike Whaley, City Manager; Trish Holley, Director of Administration; Gordon Smith, Director of Public Works; 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 Will Hollingsworth, Minister of Students, Central Baptist Church.

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

Item 4. Consent Agenda.

- A. Approval of Minutes from February 12, 2015 Special Called Meeting and February 16, 2015 Regular Meeting

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

Item 5. Mr. Whaley, City Manager, addressed the Mayor and Commissioners and stated that currently, Glenn Barham serves on the Wichita-Wilbarger 9-1-1 District Board of Managers and represents municipalities. There are seven members on the Board. Two of the members are appointed to represent municipalities. Mr. Barham's term expires on May 11, 2015 and he has indicated he is willing to serve on the Board again.

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to approve the appointment of Glenn Barham to the Wichita-Wilbarger 9-1-1 District Board of Managers. Motion carried unanimously.

Item 6. Resolution Number 578 was presented in its entirety. A resolution opposing Senate Bill 343 and any other legislation which would erode the authority of a home rule municipality. Mr. Whaley addressed the Mayor and Commissioners and stated the Texas Municipal League has been in communication with communities across the state of Texas regarding some of the legislative issues facing cities this legislative session. At the Texas City Managers Association meeting in Salado, Bennett Sandlin with TML addressed the group regarding these legislative issues. One of them being Senate Bill 343. The Texas Constitution, in Article XI, Section 5, authorizes cities over 5,000 population to adopt by election a home rule charter, which charter grants the citizens of that city the power of self-government. Senate Bill 343 would require City of Burkburnett voters and local elected officials to get the Texas state legislature's permission to enact any local ordinance making our charter null and void. Mr. Whaley stated Staff recommends approval of Resolution Number 578 Opposing Senate Bill 343 and sending a copy of said Resolution to our state senator. (Senator Craig Estes)

Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to approve Resolution Number 578 as presented. Motion carried unanimously.

Item 7. Resolution Number 579 was presented in its entirety. A resolution in opposition to a revenue cap and legislative interference with local services. Mr. Whaley addressed the Mayor and Commissioners and stated as previously discussed, additional bills have been introduced that would have a negative impact on municipalities in Texas and their ability to provide service to their citizens. Currently, if a Texas City increases property tax collections by more than eight percent over the previous year, voters can petition for an election to roll back the increase. Bills have been introduced to replace that eight percent "rollback rate" with a hard cap of four percent and require mandatory elections on an increase over four percent. We are under the opinion that imposing a revenue cap on cities: (a) does not provide meaningful tax relief; (b) robs cities of the ability to meet local needs; and (c) diverts attention from the real cause of higher property taxes, which is the legislature's failure to address the problem of school funding. Texas cities collect just 16 percent of the property taxes levied in Texas, and most of the property taxes paid by Texans (55 percent) go to school districts. Mr. Whaley stated Staff recommends approval of Resolution Number 579 Opposing Revenue Cap and sending a copy of said Resolution to our state representative. (Representative James B. Frank).

Motion was made by Commissioner Tugman, seconded by Commissioner Brewster to approve Resolution Number 579 with the removal 3 (c) *diverts attention from the real cause of higher property taxes, which is the legislature's failure to address the problem of school funding.*

Ayes: Mayor Law; Commissioners Brewster, Hardy, Lindenborn, and Tugman

Nays: Commissioner Ducos
Motion carried.

Item 8. Mr. Smith addressed the Mayor and Commissioners and stated the City of Burkburnett Parks and Recreation Board consists of seven appointed members that serve 2 year terms. Four (4) members are nearing their term; Mr. Curtis Willis, Mr. Kelly Brunson, Mr. Cory Brinkley and Mr. Brian Love. Mr. Smith stated Mr. Curtis Willis has contacted Staff and reported he is not able to serve again due to his work obligations. Mr. Smith stated Staff does recommend approval of the re-appointments of Mr. Kelly Brunson, Mr. Cory Brinkley and Mr. Brian Love to the Parks and Recreation Board for an additional 2 year term limit.

Motion was made by Commissioner Brewster and seconded by Commissioner Hardy to approve the re-appointments of Mr. Kelly Brunson, Mr. Cory Brinkley and Mr. Brian Love to the Parks and Recreation Board and to search for a replacement for Curtis Willis. Motion carried unanimously.

Item 9. Mr. Whaley addressed the Mayor and Commissioners and stated because of the need to fill the BDC Executive Director position, he is presenting proposals from two executive search firms. One from Mike Barnes Group, Inc. @ \$13,000.00, the second from Johnson & Associates @ \$15,000.00. Both of these firms specialize in economic development. Mr. Whaley stated he has spoken with representatives from both firms and is confident that either would do us a good job and has also checked references and found good reviews for both. Mr. Whaley stated it is his recommendation to accept the proposal from Mike Barnes Group, Inc. as he feels they have a more direct approach that would serve us in quickly placing possible candidates before the City who could fill the office of BDC Executive Director.

Motion was made by Commissioner Brewster, seconded by Commissioner Lindenborn to approve the proposal from Mike Barnes Group, Inc. at \$13,000.00.

Ayes: Mayor Law; Commissioners Brewster, Ducos, Hardy, and Lindenborn
Nays: Commissioner Tugman
Motion carried.

Item 10. Gordon Smith, Director of Public Works addressed the Mayor and Commissioners and stated The Parks and Recreation Board met with City Commissioners in a workshop to discuss sponsorships and sign proposals for the Aquatic Center. The board took the consensus information from the workshop and met on March 4th to discuss sign types and locations. The following is the recommendation from the Parks and Recreation Board for the sponsorship fees:

Burkburnett Family Aquatic Center

Sponsors: 5 yrs. Slide 1 \$10,000 \$2,000 yearly

Slide 2	\$10,000	\$2,000 yearly
Zero Entry Pool	\$7,500	\$1,500 yearly
Lazy River	\$7,500	\$1,500 yearly
Pavilion 1	\$5,000	\$1,000 yearly
Pavilion 2	\$5,000	\$1,000 yearly

The sign proposal was also reviewed by the Board of Commissioners and some suggestions were made.

Motion was made by Commissioner Brewster, seconded by Commissioner Lindenborn to proceed with this sign package with the following changes: Wildcatter Wrecker name changed to Roustabout Wrecker and modification to the Cowboys Corral picture and approval of the sponsorship fees as presented. Motion carried unanimously.

Item 11. Mr. Whaley addressed the Mayor and Commissioners and reported the proposed Interlocal agreement is also a part of the TXDOT requirements for erecting our entry signs submitted through TXDOT's Gateway Monument Program. The Gateway Monument Interlocal Agreement establishes guidelines for financial responsibilities, design and placement guidelines, maintenance responsibilities, and monument removal if deemed necessary by TXDOT in the future.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Hardy to approve the Interlocal agreement with TXDOT's Gateway Monument Program. Motion carried unanimously.

Item 12. Resolution Number 580 was presented in its entirety. A resolution recommending approval of the proposed design of the Gateway Monument and requesting installation within the operational highway right-of-way. Mr. Whaley addressed the Board and Commissioners and stated the proposed resolution is a part of the TXDOT requirements for erecting our entry signs submitted through TXDOT's Gateway Monument Program. The Gateway Monument proposal must be supported by the local entity that has jurisdiction in the area where the Gateway Monument will be incorporated. The local entity is required to adopt a resolution recommending approval of the proposed design of the gateway monument and requesting installation within the operational highway right-of-way.

Motion was made by Commissioner Brewster, seconded by Commissioner Ducos to approve Resolution Number 580 with the following change: change local entity to City of Burkburnett throughout resolution. Motion carried unanimously.

Item 13. Resolution Number 581 was presented in its entirety. A resolution establishing rules and regulations regarding the use of excessive force during nonviolent civil rights demonstrations. Mr. Whaley addressed the Mayor and Commissioners and stated this resolution is an additional requirement of the Community Development Block Grant Program sponsored by the Texas Department of Agriculture. It requires the City of

Burkburnett to have an “up-to-date” resolution concerning the use of excessive force during nonviolent civil rights demonstrations. Our previous resolution was passed and approved the 15th of December 1997. This resolution sets policy which prohibits the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations.

Motion was made by Commissioner Tugman, seconded by Commissioner Brewster to approve Resolution Number 581 with the fine amount subject to interpretation by the City Manager, Police Chief and City Attorney to include the appropriate amount. Motion carried unanimously.

Item 14. Review of monthly reports.

- A. Administration-Trish Holley, Director of Administration, reported the expenses are greater this month as the bond payments were made.
- B. Public Works-Gordon Smith, Public Works Director, reported progress on the Family Aquatic Center has been delayed to the weather, keys are to be turned over to the City on April 15, 2015.
- C. Public Safety/Fire Department-None reported.
- D. Economic Development- None reported.

Item 15. No Public Comments.

Item 16. City Manager’s report.

- Special Called Meeting/Workshop “Well Field Evaluation and Report/Grant Proposal” will be held on 3/30/15 at noon.
- Personnel Updates- Bob Carroll, Building Inspector will start 3/23/15; Megan January, Family Aquatic Manager, starts on 4/8/15; and Johnny Zellner, Police Officer, was promoted to Emergency Management Coordinator.
- Emergency Management/ SKYWARN 6 Weather Roadshow will held on Thursday at the Community Center at 7 pm.

Item 17. Commission comments.

Item 18. Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk