

## ***MINUTES***

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

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, March 17, 2014 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

Mike Guevara, City Attorney, Guevara, Decker & Arrott, PC.

Others present: Chester Nolen, Interim City Manager; Mike Whaley, Assistant City Manager; Trish Holley, Director of Administration; Janelle Dolan, City Clerk; Ed Stahr, Police Chief; and Deana Sheriff, Economic Development Director.

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

Item 2. Invocation was given by Commissioner Hardy

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

Item 4. Consent Agenda.

- A. Approval of Minutes from February 4<sup>th</sup> Workshop, February 4<sup>th</sup> Special Called Meeting, February 17, 2014 and February 24, 2014 Special Called Meeting

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

Item 5. Charles Salter, MWH Group, presented the final FY2013 Audit.

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to accept FY2013 audit as presented. Motion carried unanimously.

Item 6. Chester Nolen, Interim City Manager, addressed the Mayor and Board of Commissioners and stated the Board appointed a Charter Review Committee in 2013 to review and identify possible changes to the City Charter. Mike Guevara, City Attorney, received input from the Board in regard to the following items:

- Art. III Sec. 10 Eminent Domain
- Art. IV Sec. 8 Gender
- Art. IV Sec. 23 Wording of Ordinances
- Art. IV a Sec. 5 Recall Certification
- Art. VIII Sec. 1 Franchise Agreements

Mr. Guevara will compile ballot language for these measures along with other recommendations made by the Charter Review Committee and will present it to the Board at a future meeting.

Item 7. Mike Whaley, Assistant City Manager, addressed the Mayor and Commissioners and reported on March 10<sup>th</sup> a Cemetery Board meeting was held. One of the agenda items was to review Ordinance Number 817 which created the board and defined its duties and powers. Section 5 of the ordinance states the Cemetery Board shall not solicit funds on behalf of the City unless expressly authorized to do so by the Board of Commissioners. Historically, it could not be determined if this express authorization had been given.

The following addressed the Mayor and Commissioners:

Ron Clarke, Chair of the Cemetery Board, 201 S. Preston

Motion was made by Commissioner Love to authorize the Cemetery Board to solicit funds for Burkburnett Memorial Cemetery. Motion died for lack of second.

After further discussion, motion made by Commissioner Tugman, seconded by Commissioner Andrajack to authorize the Cemetery Board to solicit funds for specific items approved by the City Manager. Motion carried unanimously.

Item 8. Ordinance Number 852 was presented. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS APPROVING THE USE OF CREDIT CARD PAYMENTS MADE BY CARDHOLDERS; SETTING SERVICE FEES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS

ORDINANCE IS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Trish Holley, Director of Administration, addressed the Mayor and Commissioners and stated the automated kiosk payment center will soon be installed and the current credit card vendor will not interface with the automated kiosk payment center. Ms. Holley stated this ordinance allows the City to contract with AdComp Systems, Inc., which allows the collection of payments for utility bills, fines, court costs, and other charges by credit card through the City's website, telephone system and the new payment kiosk. Ms. Holley stated the cardholder will be charged a service fee, no fees will be assessed to the City for the use of the credit card payments.

Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to approve Ordinance Number 852 as presented. Motion carried unanimously.

Item 9. Motion was made by Commissioner Brewster, seconded by Commissioner Andrajack to approve the permit application for the American Cancer Society for the Relay for Life. Motion carried unanimously.

Item 10. Ordinance Number 853 was presented. Caption of same being:

AN ORDINANCE SUPERSEDING ORDINANCE NUMBER 847 OF THE CITY OF BURKBURNETT, TEXAS PRESENTLY CODIFIED AS CHAPTER 53, WATER IN THE CODE OF ORDINANCES, SPECIFYING THE EFFECTIVE DATE; DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW AND DECLARING AN EMERGENCY.

Mr. Whaley addressed the Mayor and Commissioners and stated Ordinance Number 853 is an extension of Ordinance Number 847 which passed in November and increased the second tier of the City's water rate structure, the next 8,000 gallons (after the first 2,000 gallons) from \$4.15 to \$6.15 per 1,000 gallons and it would remain in effect for 90 days. Mr. Whaley stated Ordinance Number 853 would extend the rate structure through May.

Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to approve Ordinance Number 853 as presented. Motion carried unanimously.

Item 11. Mr. Whaley addressed the Mayor and Commissioners and stated at a previous city council meeting, the option of converting the water vending machine to an automated system, was discussed. A quote was received from Flowpoint Environmental Systems for a total of \$43,632.38. Mr. Whaley stated there would be some additional cost associated with the project for electrical service, driveway, and materials approximately \$5,000 to \$7,000. Total financial

impact would be approximately \$50,000. The City currently has a water money market balance of \$123,039.27 and it would be the staff's opinion, if the Board of Commissioners chooses to move ahead with this project, to fund the project utilizing a portion of the water money market.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Tugman to approve the bid from Flowpoint for installation of a bulk water station.

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

Nay: Commissioner Brewster

Motion carried.

Item 12. Mr. Whaley addressed the Mayor and Commissioners and stated the Texas Community Development Block Grant (TxCDBG) program requires the City to request and score proposals for engineering services for TxCDBG. That process has been satisfied and the City of Burkburnett has selected Corlett, Probst, & Boyd, P.L.L.C. for engineering services. Mr. Whaley stated the City has worked numerous projects with Corlett, Probst, & Boyd, P.L.L.C. including previous TxCDBG projects that were awarded to the City and all were successful.

Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to approve the selection of Corlett, Probst & Boyd, P.L.L.C. for engineering services for the TxCDBG. Motion carried unanimously.

Item 13. Mayor Law closed the meeting at 8:18 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:

SECTION 551.074(a)-Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

- 1) Assistant City Manager Evaluation Report

Item 14. Mayor Law reconvened the regular meeting at 10:47 p.m.

Motion was made by Commissioner Andrajack, seconded by Commissioner Hardy to enter into a city manager agreement with Michael Whaley effective April 1, 2014. Motion carried unanimously.

Item 15. Review of monthly reports.

- A. Administration- Mr. Whaley informed the Board that the bond payments from the water fund and the debt service fund were made in February and the next payment is due in August.

- B. Public Works- Mr. Whaley reported the subcontractor has removed the old swimming pool shell and we will be seeing movement going on there. Rick Sims is working on the design for the entry signs. He will provide a 3-D rendering at the April 21<sup>st</sup> meeting. Mr. Whaley reported they have finished testing on the last water well and he expects them to meet the scheduled time frames for completion.
- C. Public Safety- None.
- D. Economic Development-Deana Sheriff, Economic Development Director, reported Tractor Supply Company is open. She has five strong business prospects. Ms. Sheriff also reported the Burkburnett.biz website is up and running. Ms. Sheriff reported a new chiropractor will be opening on April 1<sup>st</sup>. At the last BDC meeting the Board approved the purchase of a LED sign for the community center.

Item 16. Public comments.

Item 17. City Manager's report.

Mr. Whaley reviewed the Top 100 Water User List.

Item 18. Commission comments.

Item 19. Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to adjourn. Motion carried unanimously.

Carl Law, Mayor

**ATTEST:**

Janelle Dolan, City Clerk