

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, May 16, 2016 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
Jeremy Duff	Commissioner
Marguerite Love	Commissioner
Mike Tugman	Commissioner

Others present: Mike Whaley, City Manager; Gordon Smith, Director of Public Works; Janelle Dolan, City Clerk; Gary Robinett, Economic Development Director; Ed Stahr, Police Chief; and Rick Sims, Bundy, Young, Sims & Potter, Inc.

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

Item 2. Invocation was given by Paul Fisher, Associate Pastor of Students, First Baptist Church.

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

Item 4. Consent Agenda.

A. Approval of Minutes from April 18, 2016

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

Item 5. Mayor Law closed the regular meeting at 7:03 p.m. and opened the “Public Hearing” for the following Planning & Zoning Commission Case:

A. Case #2016-28, re-zone application for 1219 thru 1318 Danberry, block rezoned as a carport overlay district.

Gordon Smith, Director of Public Works, addressed the Mayor and Commissioners and stated the application was presented by David Woods owner of the property located at 1310 Danberry. This request is to allow for a carport overlay district on Danberry Street from 1219 thru 1318 Danberry as shown on the attached map. Public Notices, as required by the Zoning Ordinance, were sent to the proposed district and all properties 200 feet adjacent to the proposed district. Also, the required number of signatures (75%) for the petition was satisfied and ownership was verified by City Staff. Sixteen (16) out of the twenty (20) total property owners on the block have signed the petition requesting the carport overlay district. On May 2, 2016 the Planning and Zoning Board met and staff presented the information for review. Mr. Woods was in attendance. The Board

discussed the case and considered the overall evaluation of the request. The vote was 3-0 in favor of approving the request. Three (3) members were in attendance meeting the requirement for a quorum.

Item 6. Mayor Law closed the “Public Hearing” at 7:07 p.m. and reopened the regular meeting to take action on the Planning & Zoning Commission Case:

A. Case #2016-28, re-zone application for 1219 thru 1318 Danberry, block rezoned as a carport overlay district.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Brewster to approve Case #2016-28, re-zone application for 1219 thru 1318 Danberry, block rezoned as a carport overlay district. Motion carried unanimously.

Item 7. Ordinance Number 897 was presented in its entirety. An ordinance approving a negotiated settlement between the Atmos cities steering committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the company’s 2016 Rate Review Mechanism (RRM) filings and approving a settlement agreement.

Mike Whaley, City Manager, addressed the Mayor and Commissioners and stated the City is a member of the Atmos Cities Steering Committee (“ACSC”). The RRM Tariff was originally adopted by ACSC member cities in 2007 as an alternative to the Gas Reliability Infrastructure Program (“GRIP”), the statutory provision that allows Atmos to bypass the City’s rate regulatory authority to increase its rates annually to recover capital investments. The 2016 RRM is the fourth RRM filing under the renewed RRM Tariff. On March 1, 2016, Atmos made a filing requesting \$35.4 million additional revenues on a system-wide basis. ACSC and Atmos have reached an agreement, reflected in the Ordinance, to reduce Atmos’ request by \$5.5 million. The tariffs attached to the Ordinance approve rates that will increase Atmos’ revenues by \$29.9 million for the Mid-Tex Rate Division, effective for bills rendered on or after June 1, 2016. Mr. Whaley stated the monthly bill impact for the typical residential customer will be an increase of \$1.26, or about 2.43% and the typical commercial customer will see an increase of \$3.81, or 1.43%.

Motion was made by Commissioner Brewster, seconded by Commissioner Love to approve Ordinance Number 897 as presented. Motion carried unanimously.

Item 8. Mike Whaley, City Manager, addressed the Mayor and Commissioners and stated the site plan was prepared by Devin Smith with Corlett, Probst, & Boyd, PLLC in conjunction with Bundy, Young, Sims, & Potter Inc. The site plan was developed for the Burkburnett Independent School District (BISD) Evans Elementary Campus additions and improvements. 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 the requirements as set forth by the zoning ordinance. The Planning and Zoning Board has unanimously approved the site plan request.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Brewster to approve the site plan for BISD Evans Elementary Campus additions and improvements. Motion carried unanimously.

Item 9. Resolution Number 608 was presented in its entirety. A Resolution to approve a Fixed Price Right of Way Local Project Funding Agreement with the Texas Department of Transportation for the State Right-of-Way as part of the Highway 240, Gresham Road Project.

Mr. Whaley addressed the Mayor and Commissioners and stated both agenda item 9 & 10 pertain to the Gresham Rd Reconstruction Project. The reason we are having to pass both the resolution and the interlocal agreement is because of the additional funds the City of Burkburnett and Wichita County requested from TXDOT in order to assist in the purchasing of ROW (right of way) for the Gresham Rd Reconstruction project. Both are required by TXDOT to execute the revised contract for Gresham Rd Reconstruction. Within the revised contract TXDOT has agreed to fund an additional \$500,000 for the purpose of ROW acquisition. The funding will be reimbursable once the ROW is purchased. The resolution provides that Wichita County will execute the contract with TXDOT on behalf of Wichita County and the City. The interlocal agreement provides how the \$500,000 provided by TXDOT will be dispersed between Wichita County and the City. In the interlocal agreement, the funds are dispersed by a 70/30 formula. Meaning, Wichita County will receive 70% or \$350,000 of reimbursable value for ROW acquisition and the City will receive 30% or \$150,000 of reimbursable value. When looking at the overall ROW costs for the project, Wichita County will be responsible for approximately 70% while the City will be responsible for the remaining 30% of acquisition.

The following addressed the Mayor and Commissioners:
Edward Clack, 1190 W. Third Street

Motion was made by Commissioner Brewster, seconded by Commissioner Duff to table this item until further information received.

Ayes: Commissioners Brewster and Duff
Nays: Mayor Law, Commissioners Lindenborn, Ducos, Love, and Tugman
Motion failed.

More discussion held.

Motion was made by Commissioner Ducos, seconded by Commissioner Lindenborn to approve Resolution Number 608 as presented.

Ayes: Mayor Law; Commissioners Lindenborn, Ducos, and Tugman
Nays: Commissioners Brewster and Love
Abstained: Commissioner Duff
Motion passed.

Item 10. Motion was made by Commissioner Tugman, seconded by Commissioner Ducos to approve the interlocal agreement between the City of Burkburnett and Wichita County for performance of governmental functions and services, including streets, road and drainage, and other governmental functions.

Ayes: Mayor Law, Commissioners Lindenborn, Ducos, Love and Tugman
Nays: Commissioner Brewster
Abstained: Commissioner Duff

Motion passed.

Item 11. Mr. Smith addressed the Mayor and Commissioners and stated the City of Burkburnett's Planning and Zoning Board consists of five (5) appointed members that serve a 2 year term. One (1) member is nearing the end of their term: Carla Walters. Staff contacted Mrs. Walters and she has agreed to serve the additional term.

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to approve the appointment of Carla Walters to the Planning and Zoning Board. Motion carried unanimously.

Item 12. Review of monthly reports.

A. Public Works – July 4th Celebration-Mr. Smith reviewed the July 4th activities.

Item 13. No public comments.

Item 14. City Manager comments.

- City Manager- TML Leadership Academy May 18th – 20th
- Boomtown Bay Family Aquatic Opening – May 28th
- City Hall Closed – Monday, May 30th

Item 15. No Commissioner comments.

Item 16. Motion was made by Commissioner Tugman, seconded by Commissioner Brewster to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk