

## ***MINUTES***

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

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, May 18, 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
Marguerite Love	Commissioner
Mike Tugman	Commissioner

Others present: Mike Whaley, City Manager; Trish Holley, Director of Administration; Gordon Smith, Director of Public Works; Janelle Dolan, City Clerk; Ed Stahr, Police Chief; and Mike Guevara, City Attorney, Shahan, Guevara, Decker, Arrott, Attorneys at Law.

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

Item 2. Invocation was given by Commissioner Tugman.

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

Item 4. Consent Agenda.

- A. Approval of Minutes from April 20, 2015 and April 29, 2015 Special Called Meeting

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

Item 5. Ordinance Number 876 was presented in its entirety. An Ordinance amending The Code of Ordinances; Title IX. General Regulations, Adopting Chapter 102: which regulates smoking in public places in the city limits of the City of Burkburnett. Mike Whaley, City Manager, addressed the Mayor and Commissioners and stated the Health Coalition of Wichita County was formed two years ago. The Coalition is a 40 member organization of all which are interested in the health and well-being of our community. The Health Coalition developed the tobacco subgroup whose goal is to reduce the

prevalence of individuals using tobacco products in Wichita County. Mr. Whaley stated the Ordinance as presented is a result of the efforts of the tobacco subgroup and their work with various stakeholders and focus groups. Mr. Whaley then turned it over to Lou Kreidler, Director of Health, Wichita Falls-Wichita County Public Health District and Amy K. Fagan, Assistant Director of Health, Wichita Falls - Wichita County Public Health District who answered questions from the Mayor and Commissioners.

Motion was made by Commissioner Brewster, seconded by Commissioner Lindenborn to approve Ordinance Number 876 Smoking Ordinance with the addition of sidewalk banning in Burkburnett and banning in all park areas.

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

Item 6. Ordinance Number 877 was presented in its entirety. An ordinance establishing procedures for the consideration of economic development projects within the city of Burkburnett, Texas. Mr. Whaley addressed the Mayor and Commissioners and stated it had been recommended by Mike Barnes, the City's economic development search firm and the City Attorney, Mike Guevara, that the City of Burkburnett adopt an ordinance that would allow the City to operate under Chapter 380 of the Local Government Code. Chapter 380 allows for greater flexibility and less "red tape" in making decisions pertaining to incentive programs for the purpose of local economic development. Chapter 380 also operates on a reimbursement clause that allows the City to verify that the requirements of the agreement have been met prior to any reimbursement.

Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to approve Ordinance Number 877 as presented. Motion carried unanimously.

Item 7. Ordinance Number 878 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 2014 and 2015 rate review mechanism filings and approving a settlement agreement. Mr. Whaley addressed the Mayor and Commissioners and stated the City's representatives at Lloyd Gosselink Attorneys at Law, submitted this Ordinance which if passed would approve a Settlement Agreement between Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corporation that resolves the 2015 RRM proceeding pending with Cities for a rate increase that Atmos would be entitled to receive under the GRIP statute. Additionally, the Settlement Agreement resolves the 2014 RRM case that Atmos appealed to the Railroad Commission. Settlement of both cases was authorized by the ACSC Executive Committee. The Settlement produces a result that is better than what would be the expected result of continued litigation at the Railroad Commission.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Ducos to approve Ordinance Number 878 as presented. Motion carried unanimously.

Item 8. Mayor Law closed the meeting at 7:47 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

A. SECTION 551.071 – Consultation with Attorney regarding City employed EMTs and potential changes to EMT designation

B. SECTION 551.072-Deliberation Regarding Real Property

a. Water Supply

Item 9. Mayor Law reconvened the regular meeting at 9:00 p.m.

A. Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to give the City Manager the authority to discuss and calculate compensation of EMS Staff within the current budget. Motion carried unanimously.

B. No action was taken.

Item 10. Review of monthly reports.

A. Public Works- Gordon Smith, Director of Public Works, reported there has been a delay in construction at the Family Aquatic Center due to rain, and will not be able to open on May 23<sup>rd</sup>.

Megan January, Park Manager, provided update on all scheduled activities at the Family Aquatic Center. She also provided information on party and pavilion reservations.

Item 11. Public Comments.

The following addressed the Mayor and Commissioners:

Ted Kwas, 304 Hayworth, Burkburnett

Item 12. City Manager's report.

- Mr. Whaley reported there are 7 qualified applicants for the EDC Director search. Phone interviews will be scheduled next week.
- Mr. Whaley reported the Entryway Sign plans have been submitted to TxDOT. No timeline was given as far as the approval.
- Mr. Whaley reported the TML conference is being held in San Antonio from 9/22-9/25.
- Mr. Whaley reported that out of 36 Recycle Bin accounts – 8 customers have requested they be discontinued.

Item 13. Commission comments.

Item 14. Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to adjourn. Motion carried unanimously.

Carl Law, Mayor

**ATTEST:**

Janelle Dolan, City Clerk