

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, May 19, 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
Randy Brewster	Commissioner
Frank Ducos	Commissioner
Don Hardy	Commissioner
Marguerite Love	Commissioner
Michael 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 Deana Sheriff, Economic Development Director.

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

Item 2. Invocation was given by Bud Branson, Minister of Central Church of Christ.

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

Item 4. Consent Agenda.

A. Approval of Minutes from April 21, 2014 and April 28, 2014 Special Called Meeting

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

Item 5. Mike Whaley, City Manager, addressed the Mayor and Commissioners and reported a variance request has been submitted by Mr. Charles Adams who resides at 1013 Preston Rd. requesting the Board of Commissioners allow him to drill a private water well in the front yard of his property. Ordinance Number 612 pertaining to drilling of private water wells restricts the well to the rear yard and

does not allow for drilling in the front or side yard. Section 12 of the ordinance does allow for a variance request to be made under cases of emergency and hardship. Mr. Whaley stated another issue at play deals with a state requirement that a well cannot be drilled within 50 feet of a sealed sanitary sewer without seeking a variance from the Texas Department of Licensing and Regulation (TDLR). The TDLR rule prevents Mr. Adams from drilling in the back yard due to the proximity of the sanitary sewer in the alley. The City spoke to TDLR for Mr. Adams and they have agreed to issue a variance (\$100 Fee) but would require an additional casing and concrete barrier to the well to be constructed to protect the well from contamination. Mr. Adams chose not to seek a variance from the TDLR, but instead seek a variance from the City under hardship of the Drought Restrictions.

The following addressed the Mayor and Commissioners:
Charles Adams, 1013 South Preston Rd.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Hardy to approve the variance request for a front yard water well. Motion carried unanimously.

Item 6. Mr. Whaley addressed the Mayor and Commissioners and provided some historical information on the crosswalks on Davey Drive. Mr. Whaley stated a general obligation bond was voted on and passed in 2006. It included 3 propositions which included the following projects: Bishop Road, East Sycamore Drive, South Preston Road, Kramer Road, Cropper Road, College Drive, County Road, Williams Drive, North Preston Road, North Bishop Road and Davey Drive. Mr. Whaley stated North Bishop and Davey Drive were the final projects in the bond. In preparing for discussion with staff and the City's engineering contractor it was determined that out of the two existing crosswalks, only the one closest to Fire Station 3 was being utilized. Mr. Whaley stated the other crosswalks connecting the softball complex with the baseball complex was poorly marked and located as to lead the pedestrian in the direct vehicular traffic flow of an approach for the baseball complex. Mr. Whaley stated while watching the flow of traffic along Davey Drive, it was apparent that a majority of motorist were driving above of the speed limit of 30 mph and were not slowing the rate of speed as they approached the crosswalk. Mr. Whaley stated his conclusion was that Davey Drive needed an increased number of crosswalks to handle the amount of foot traffic observed at various locations, as well as the need to create a crosswalk that had higher visibility. Mr. Whaley stated the City Manager at that time agreed with that conclusion and after discussing the issue with the City's engineering consultant, it was determined that an elevated feature would resolve the issue. It is an engineering technique that is commonly used due to the fact that an elevated feature instinctively causes a motorist to lower their rate of speed. Mr. Whaley stated the City's engineering consultant took the City staff's counsel and incorporated it into the design of the crosswalks.

The following addressed the Mayor and Commissioners:

Susan Mitchell, 1422 Hiawatha
James Dickson, 1039 Pawhuska

Motion was made by Commissioner Brewster, seconded by Commissioner Love to remove the existing crosswalk curbing on Davey Drive. Motion carried unanimously.

Item 7. Motion was made by Commissioner Tugman, seconded by Commissioner Brewster to defer Item 7 until such time that a workshop can be held. Motion carried unanimously.

Item 8. Mr. Whaley, addressed the Mayor and Commissioners and stated as you know, the City of Wichita Falls has recently amended their Drought Contingency Plan to include language concerning Stage 5 Drought Catastrophe which is defined and triggered when combined lake levels reach 25%. The most recent report has the combined lake levels below 25% prompting the City of Wichita Falls to declare Stage 5 Drought Catastrophe active Saturday. As a wholesale water customer, the City of Burkburnett is obligated to follow the same trigger for our Stage 5 Drought Restrictions. What we have presented is Staff's recommendations for Stage 5 Drought Restrictions. In our recommendation, all requirements of stage 2, 3, and 4 shall remain in effect during Stage 5 except these recommended changes. *1) It shall be prohibited to fill, refill or add potable water to any residential pool. All water features (waterfalls, sprays, slides, etc.) for residential pools shall be prohibited. 2) Commercial car washes shall only operate 8 hours a day, 6 days a week, between the hours of 10:00a.m. and 6:00p.m. 3) It shall be an affirmative defense that a car dealer or car rental company was preparing a vehicle for pickup and washed that vehicle on the day of pick up by the customer.*

4) Residential Meters

\$6.00 per 1,000 gallons for usage between 10,001 gallons and 15,000 gallons

\$9.00 per 1,000 gallons for usage between 15,001 gallons and 20,000 gallons

\$12.00 per 1,000 gallons for usage between 20,001 gallons and 25,000 gallons

\$15.00 per 1,000 gallons for usage over 25,000 gallons

Mr. Whaley stated the following will also need to be added to Stage 5 Restrictions:

Washing vehicles when Lakes Arrowhead and Kickapoo are below 20%: It shall be unlawful for any person to use potable water to wash a vehicle at any time when the levels of Lakes Arrowhead and Kickapoo are at a combined capacity of less than 20%.

The following addressed the Mayor and Commissioners:

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Douglas Stroud, 1521 Oak Forest Dr., Graham, TX – owner of Turtle Hole Auto Bath, Burkburnett, TX

Motion was made by Commissioner Brewster, seconded by Commissioner Hardy to approve the proposed language for Stage 5 Drought Restrictions with the following changes:

(e) Commercial car washes shall only operate 17 hours a day, 7 days a week, between the hours of 5:00 a.m. and 10:00 p.m.

Motion carried unanimously.

Item 9. Ordinance Number 854 was presented. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING APPENDIX J OF THE WATER CONSERVATION PLAN; ESTABLISHING CRITERIA FOR THE DROUGHT CONTINGENCY PLAN; PROVIDING PENALTIES, SEVERABILITY AND AN EFFECTIVE DATE.

Motion made by Commissioner Brewster, seconded by Commissioner Hardy to approve Ordinance Number 854 with the approved changes in the proposed language for Stage 5 Drought Restrictions. Motion carried unanimously.

Item 10. Mike Whaley, addressed the Mayor and Commissioner and stated Ordinance Number 855 pertains to the use of the City's water vending machine and establishes a policy for customers for the new automated water dispensing station. Mr. Whaley stated it will be limited to county residents who have no other option for potable water than to purchase water from the water vending machine and haul water to their residence. Also there has been a purchase limit set at 10,000 gallons per month per customer. The City has established a rate of \$6.15 per thousand gallons, with a deposit of \$75.00, and an administrative fee of \$25.00 per month, \$20.00 retained by the City for an administrative fee and \$5.00 will be paid to the County for their service in verifying an affidavit confirming identity, residency within Wichita County, and access to a potable water system. Mr. Whaley stated Staff believes this policy is necessary to establish control of the water vending machine and accountability of the water customers.

Motion made by Commissioner Ducos, seconded by Commissioner Brewster to approve the proposed language for water vending machine. Motion carried unanimously.

Item 11. Ordinance Number 855 was presented. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING CHAPTER 53, WATER VENDING

MACHINE IN THE CODE OF ORDINANCES, PROVIDING AN EFFECTIVE DATE.

Motion made by Commissioner Brewster, seconded by Commissioner Hardy to approve Ordinance Number 855 as presented. Motion carried unanimously.

Item 12. Mr. Whaley addressed the Mayor and Commissioners and stated the Interlocal Agreement with Wichita County would establish a partnership between the City of Burkburnett and Wichita County in regards to providing water to County residents who otherwise have no other availability to a potable water system, in other words have no other option to haul their water. Mr. Whaley stated within this agreement, the City would utilize a \$25.00 administration fee in which \$5.00 of that fee would be set aside and paid to the County for their service. That service specifically would be to review an affidavit submitted by potential water customers in order to verify their identification, residence in Wichita County, and access to a potable water supply.

Motion made by Commissioner Brewster, seconded by Commissioner Law to approve the Interlocal agreement with Wichita County. Motion carried unanimously.

Item 13. Mr. Whaley addressed the Mayor and Commissioners and explained the City entered into a purchase and sale agreement with Fred Dwyer for acreage adjacent to Ashton Road. This agreement allows Mr. Dwyer to occupy and use the property for agricultural and farming purposes. The Farm Lease will need to be executed in order to meet the terms of the purchase and sale agreement. Mr. Whaley stated the City Attorney has reviewed and approved the farm lease.

Motion was made Commissioner Love, seconded by Commissioner Hardy to approve the Farm Lease as presented. Motion carried unanimously.

Item 14. Ed Stahr, Chief of Police, addressed the Mayor and Commissioners and stated he is seeking alternate methods for disposal of animals other than euthanasia. Chief Stahr requested the Board of Commissioners authorization to enter into any necessary agreements on behalf of the City regarding the adoption of animals in police department custody and giving him, as the Chief of Police, the authority to implement and operate an animal adoption program for such animals.

Motion was made by Commission Lindenborn, seconded by Commissioner Tugman to approve Chief Stahr's request to set up an animal adoption program. Motion carried unanimously.

Item 15. Resolution Number 559 was presented it is entirety. A resolution ordering payment of up to \$55,000 for the purchase of a new electronic Community Center sign, 2nd and final reading.

Motion was made by Commissioner Hardy, seconded by Commissioner Ducos to approve Resolution Number 559 as presented. Motion carried unanimously.

Item 16. Resolution Number 563 was presented in its entirety. A resolution denying a rate increase under Atmos Second Annual RRM Rate Increase under the Renewed RRM Tariff. Mr. Whaley addressed the Mayor and Commissioners and stated the Atmos Cities Steering Committee submitted a memorandum and model staff report to the 164 cities served by the Atmos Energy Mid-Tex Division and provided a proposed resolution denying the rate increase requested by Atmos Energy.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Hardy to approve Resolution Number 563 as presented. Motion carried unanimously.

Item 17. Review of monthly reports.

- A. Administration-None.
- B. Public Works- Mr. Smith provided updated update on water well field, 16 wells have been drilled, wells are projected to be up and running in 30 days or less.
Mr. Smith reported there has been a short delay at the Family Aquatic Center due to change in project manager. Mr. Smith reported the water well for the Family Aquatic Center has been drilled and is producing 12 gallons per minute.
- C. Public Safety- Ed Stahr, Chief of Police, reported there is an event (rally) set for May 24 on Jimmy Smith's property, with approximately 1000 people anticipated to participate.
- D. Economic Development-Deana Sheriff, Economic Development Director, reported she is working with four active prospects. Ms. Sheriff also reported that Domino's pizza is will be opening in Burkburnett in late Fall.

Item 18. Public comments.

The following addressed the Mayor and Commissioners:

Bill Morgan, 602 Forest

Item 19. City Manager's report.

- A. Kiosk Update- Mr. Whaley reported the kiosk has been delivered. There are some renovations that need to be made for the installation of the Kiosk. Mr. Whaley stated the drive thru will stay open.
- B. Water Vending Machine Update-Mr. Whaley stated the electrical work is being completed at the water vending machine.
- C. Events-TML Region 5 Quarterly Meeting scheduled for June 19th in Lakeside City.

Item 20. Commission comments.

Item 21. Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk