

***MINUTES***

***BOARD OF COMMISSIONERS***

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, May 20, 2013 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

Others present: Tim James, City Manager; Trish Holley, Director of Administration; Mike Whaley, Director of Public Works; Janelle Dolan, City Clerk; and Mike Tracey, Police Chief.

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

Item 2. Invocation was given by Robert Blackmon, Pastor of Valley's Shadow Fellowship, Baton Rouge, Louisiana.

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

Item 4. The Commissioners canvassed the election returns for the Municipal Election held on May 11, 2013.

Item 5. Resolution Number 548 was presented in its entirety.

***RESOLUTION NUMBER 548***  
**RESOLUTION CANVASSING ELECTION RETURNS**

On this the 20<sup>th</sup> day of May 2013, the City Commissioners of the City of Burkburnett, Texas convened in a special session open to the public at the regular meeting place thereof with the following members present, to wit:

Carl Law	Mayor
Bill Lindenborn	Mayor Pro-Tem
Josh Andrajack	Commissioner

Randy Brewster	Commissioner
Don Hardy	Commissioner
Marguerite Love	Commissioner
Michael Tugman	Commissioner
Tim James	City Manager
Janelle Dolan	City Clerk

There came to be considered the returns of an election held on the 11<sup>h</sup> day of May, 2013 for the purpose of electing the herein after named officials, and it appearing from said returns, duly and legally made, that there were cast at said election 1408 valid and legal votes (816 Early, 0 Mail, and 592 Election Day); that each of the candidates in said election received the following votes:

	Early	Election Day	Mail	Total
Raymond Holland	276	181		457
Mark G Ewell	116	98		214
Bill Lindenborn	475	344		819
Carl Law	454	335		789
Theophile "Ted" Kwas	331	217		548
Randy Brewster	404	299		703

Therefore, be it resolved by the Board of Commissioners of the City of Burkburnett, Texas that said election was duly called, that said notice of election was given in accordance with law, and the election was held in accordance with law, and that Randy Brewster, Bill Lindenborn and Carl Law were duly elected Commissioners of said City at said election.

Said above named parties are hereby declared duly elected to said respective offices, subject to the taking of their oaths as provided by the laws of the State of Texas.

It is further found and determined that in accordance with the order of this governing body, the City Clerk posted written notice of the date, place and subject of this meeting on the glass front door facing the outside located in the City Hall, a place convenient and readily accessible to the General Public, and said notice having been so posted and remaining posted continuously for at least 72 hours preceding the scheduled time of meeting.

Passed and approved this 20<sup>th</sup> day of May 2013.

**ATTEST:**

\_\_\_\_\_  
Carl Law, Mayor

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Janelle Dolan, City Clerk

Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to approve Resolution Number 548 as read. Motion carried unanimously.

Item 6. Resolution Number 549 was presented in its entirety.

**RESOLUTION NUMBER 549**

**A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE BOND ELECTION HELD MAY 11, 2013.**

**WHEREAS**, an election was held in the City of Burkburnett, Texas on the 11th day of May, 2013, for the purpose of submitting a certain proposition for the issuance of bonds to the resident electors of the City; and

**WHEREAS**, it is hereby found and determined that notice of the election was duly given in the form, manner and time required by law, and said election was in all respects legally held and conducted in accordance with applicable laws of the State of Texas and the proceedings calling and governing the holding of such election; and

**WHEREAS**, the returns of said election have been duly and legally made and submitted to the Board of Commissioners for canvassing, and a tabulation of the returns for the polling place and for early voting, as canvassed and tabulated by this governing body and shown in Exhibit A attached hereto, reflect that the total sum of votes counted “FOR” and “AGAINST” the proposition submitted is as follows:

“THE ISSUANCE OF \$4,500,000 GENERAL OBLIGATION BONDS FOR CONSTRUCTING AND EQUIPPING A FAMILY AQUATIC CENTER AND THE LEVYING OF THE TAX IN PAYMENT THEREOF”

“FOR”                      766 votes

“AGAINST”                622 votes

**THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS:**

**SECTION 1:** All of the recitals contained in the preamble of this resolution are found to be true and are adopted as findings of fact by this governing body and as part of its judgment.

**SECTION 2:** It is further found and determined that the results of the election are as canvassed and tabulated in the preamble hereof and in **Exhibit A** attached hereto, and a majority of the electors voting at said election having voted in favor of the proposition; the Board of Commissioners is hereby declared to be authorized and empowered to issue bonds of the City in the amount and for the purposes stated in said proposition; as more fully set forth and identified above and in the proceedings calling said bond election.

**SECTION 3:** The City Clerk is hereby authorized and directed to make the appropriate entries of information appearing in the tabulation of precinct results shown in **Exhibit A** attached hereto in the election register maintained by the City in accordance with provisions of Section 67.006 of the Election Code.

**PASSED AND APPROVED, this the 20th day of May, 2013.**

**CITY OF BURKBURNETT, TEXAS**

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Carl Law, Mayor

**ATTEST:**

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Janelle Dolan, City Clerk

**EXHIBIT A**

**TABULATION OF VOTES  
RE: SPECIAL BOND ELECTION  
HELD MAY 11, 2013**

**“THE ISSUANCE OF \$4,500,000 GENERAL OBLIGATION BONDS FOR  
CONSTRUCTING AND EQUIPPING A FAMILY AQUATIC CENTER  
AND THE LEVYING OF THE TAX IN PAYMENT THEREOF”**

	<b>FOR</b>	<b>AGAINST</b>	<b>TOTAL</b>
POLLING PLACE	<u>332</u>	<u>254</u>	<u>586</u>
EARLY VOTING	<u>434</u>	<u>368</u>	<u>802</u>

Motion made by Commissioner Hardy seconded by Commissioner Andrajack to approve Resolution Number 549 as read. Motion carried unanimously.

Item 7. The Oath of Office was administered to Randy Brewster, Carl Law, and Bill Lindenborn by City Clerk/Public Notary Janelle Dolan.

Item 8. Janelle Dolan, City Clerk, opened the floor for Election of Mayor for the ensuing year in compliance with Article 4, Section 7 of the City Charter.

Commissioner Tugman nominated Commissioner Carl Law, seconded by Commissioner Brewster.

Janelle Dolan, City Clerk, asked if there were any other nominations. There were none.

Motion carried unanimously to elect Carl Law as Mayor for the next ensuing year.

Item 9. Janelle Dolan, City Clerk, opened the floor for Election of Mayor Pro-Tem for the ensuing year in compliance with Article 4, Section 7 of the City Charter.

Commissioner Brewster nominated Commissioner Lindenborn, seconded by Commissioner Andrajack.

Janelle Dolan, City Clerk, asked if there were any other nominations. There were none.

Motion carried unanimously to elect Bill Lindenborn as Mayor Pro-Tem for the next ensuing year.

Item 10. Consent Agenda.

A. Approval of Minutes April 8 Special Called Meeting and April 15, 2013

Motion was made by Commissioner Tugman seconded by Commissioner Andrajack to approve Consent Agenda 4 with the following correction to April 15, 2013 Item 8:(removed Commissioner Brewster's name from the Ayes). Motion carried unanimously.

Item 11. Mayor Law closed the regular meeting at 7:21 p.m. and opened the "Public Hearing" for the following Planning & Zoning Commission Case:

A. Case #2013-11, Specific Use Permit for 1007 Sheppard Rd., to allow storage rental units

Michael Whaley, Public Works Director, addressed the Mayor and Commissioners. Mr. Whaley stated this is an application for a Specific Use Permit, to allow storage rental units at 1007 Sheppard Rd. which is within a commercial zone. Mr. Whaley stated the use charts allow for storage rental units to be constructed within a commercial zone but

has to be approved for a Specific Use Permit. The City Staff has reviewed the site plan as well as preliminary construction details such as: storm drainage, easements, set back, utilities, and parking. The proposed change does meet the future land use plan as set for commercial development. Mr. Whaley reported the Planning and Zoning Commission voted unanimously to approve a Specific Use Permit and it would be the City staff's recommendation, to accept the Planning and Zoning recommendation, to approve the Specific Use Permit.

Item 12. Mayor Law closed the "Public Hearing" at 7:23 p.m. and reopened the regular meeting to take action on the Planning & Zoning Commission Case:

A. Case #2013-11, Specific Use Permit for 1007 Sheppard Rd., to allow storage rental units

Motion was made by Commissioner Lindenborn seconded by Commissioner Hardy to approve the Specific Use Permit to allow construction of storage rental units. Motion carried unanimously.

Item 13. Tim James, City Manager, addressed the Mayor and Commissioners and stated Alan Plummer Associates has provided a proposal for professional engineering services for the design and analysis of the infrastructure needed for the expansion of the City's water supply. The total cost of the proposal is \$217,635. Mr. James stated the funds for the proposed services will come from the existing revenue bonds and currently there is \$618,312 available.

Motion was made by Commissioner Tugman, seconded by Commissioner Love to approve the contract with Alan Plummer Associates Inc. in the amount not to exceed \$217,635.

Discussion was held on Section 15 of the contract.

Motion was made by Commissioner Andrajack, seconded by Commissioner Love to amend the first motion to require the City attorney review the contract with Alan Plummer Associates Inc. most specific with regard to Section 15, increasing the indemnification requirements upon the engineer and including but not limiting to an unlimited amount of liability that the engineer would incur in the event they cause a liability that was their fault. Motion carried unanimously.

The Mayor then took vote on the first motion and motion carried unanimously.

Item 14. Ordinance Number 833 was presented in its entirety. An ordinance approving and adopting rate schedule "RRM-Rate Review Mechanism" for Atmos Energy Corporation for a period of time as specified in the rate schedule.

Mr. James addressed the Mayor and Commissioners and explained the City of Burkburnett is a member of the Atmos Cities Steering Committee (ACSC). The ACSC has recommended that member Cities adopt Ordinance Number 833 providing for a Rate Review Mechanism with Atmos.

Motion was made by Commissioner Tugman seconded by Commissioner Andrajack to approve Ordinance Number 833. Motion carried unanimously.

Item 15. Ordinance Number 834 was presented in its entirety. An ordinance amending Appendix J of the Water Conservation Plan.

Mr. James addressed the Mayor and Commissioners and reported since the implementation of Stage 3 water restrictions on March 1, 2013, the City has not experienced a decrease in the total consumption. Mr. James stated since there has not been an effective reduction in consumption, Ordinance Number 834 is being proposed to increase the level of water use reduction. The major addition in Appendix J is surcharges for water usage over specified amounts. Mr. James stated the specified amounts correspond to the amounts implemented by the City of Wichita Falls and are based on normal consumption for essential purposes. Mr. James stated this would be effective June 1, 2013 and citizens will be notified via their water bill, City website and the local newspaper.

Motion was made by Commissioner Tugman seconded by Commissioner Hardy to approve Ordinance Number 834. Motion carried unanimously.

Item 16. Resolution Number 550 was presented in its entirety. A resolution approving the submission of a grant application for an Audio/ Video Patrol Car Camera System. Jeffrey Krc, Emergency Management Coordinator, addressed the Mayor and Commissioners and stated the Police Department applied for a grant for \$17,000 for Audio/Video Patrol Car Cameras. The grant has been approved and this resolution is needed for the normal processing of the grant.

Motion was made by Commissioner Tugman seconded by Commissioner Lindenborn to Approve Resolution Number 550. Motion carried unanimously.

Item 17. Mayor Law addressed the Board concerning the City's Hiring Policies and Procedures as he had received a complaint on a recent personnel action. Mayor Law stated the Board of Commissioners does not currently have a policy on the filling of vacant positions. Discussion was held on the current Personnel Policy in the City's Employee Handbook, it is as follows:

Job Vacancies

The City Manager or designee shall be notified of current and anticipated vacancies as soon as they are occur by the appropriate supervisor.

Promotions will occur from within the organization whenever possible and employees are encouraged to develop the qualifications. However, if the organization is to succeed, it must constantly progress and become more efficient. Therefore, we will seek to have in each position the most capable person obtainable to perform a particular job without regard to race, religion, color, sex, or age, disability, or national origin. Depending upon the job qualifications, internal and external candidates may be considered concurrently.

Mayor Law stated he would like a workshop for the Board of Commissioners to develop a Board policy concerning filling vacant positions.

Motion was made by Commissioner Tugman seconded by Commissioner Lindenborn to hold a workshop in July 2013 to develop a Board policy concerning filling vacant positions either by new hire or promotion. Motion carried unanimously.

Item 18. Mayor Law closed the meeting at 8:01 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:

A. SECTION 551.072-Deliberation Regarding Real Property

a. Tax Foreclosure Properties

Item 19. Mayor Law reconvened the regular meeting at 8:23 p.m.

Motion was made by Commissioner Tugman, seconded by Commissioner Andrajack to accept the bid of \$500.00 from Brinda Tabion for 607 N. Cottonwood; accept the bid from Michael Frazier for demolition/cleaning of lot at 132 North Ave. F in exchange for the lot; and accept the withdrawal of Troy Hill for the property located at 506 W. 6<sup>th</sup> and accept the bid of \$1000 from Mr. Bunton for 506 W. 6<sup>th</sup> and the City will provide four roll-offs and will perform the eviction for this property; with regard to the two properties that will be demolished, the City will allow them a time limit of six months. Motion carried unanimously.

Item 20. Review of monthly reports.

- A. Administration- Trish Holley, Director of Public Administration, reported the sales tax increased this month with an overall increase of 9.23% from last year.
- B. Public Works- Mr. Whaley reported the Davey/Bishop Rehabilitation will start on June 1. Mr. Whaley also reported the masonry contractor has begun work at the Cemetery Pavilion.
- C. Public Safety- Chief Tracey reported there is a new city link through the Code Red System that notifies people of severe weather warnings from Norman OK.

Item 21. Public Comments.

There were no public comments.

Item 22. City Manager's report.

A. Calendar:

5/27/13-City Hall closed in observance of Memorial Day

5/30/13- Charter Commission Meeting

6/3/13- Planning and Zoning Meeting

6/5/13-Parks and Recreation Board meeting

6/10/13-Cemetery Board Meeting

6/11/13-BDC Meeting

6/13/13-Charter Review Meeting

6/17/13-Board of Commissioners Meeting

Mr. James also asked the Board of Commissioners for the availability for a Special Called Meeting for design proposals for the Water Wells and Family Aquatic Center.

B. Water Well Project-Mr. James reported City Staff will be moving as fast as possible on this project.

C. Family Aquatic Center

D. Water Conservation-Mr. James reported the City is closely monitoring consumption along with enforcement of the restrictions.

Item 23. Commission comments.

Item 24. Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to adjourn. Motion carried unanimously.

Carl Law, Mayor

**ATTEST:**

Janelle Dolan, City Clerk