

***MINUTES***

***BOARD OF COMMISSIONERS***

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday November 16, 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

Commissioner Mike Tugman was not present.

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, Shahan, Guevara, Decker and Arrott, Attorneys at Law.

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 Ducos.

Item 4. Consent Agenda.

A. Approval of Minutes from October 19, 2015.

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

The Mayor allowed those that had signed up to speak on Item 6 to do so before the Board of Commissioners convened into Executive Session.

The following addressed the Mayor and Commissioners:

Mike Gaver, Progressive Waste Solutions  
Mickey Fincannon, M & R Services, 1260 Harris Rd  
Robin Fincannon, 1260 Harris Rd  
Thomas Watson, 209 S. Ave B

Item 5. Mayor Law closed the meeting at 7:10 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

Ordinance Number 891. An ordinance granting the authority for the execution of a waste services contract with IESI TX Corporation, requiring use of IESI TX Corporation for solid waste disposal within city limits and provide criminal penalties for non-compliance.

Item 6. Mayor Law reconvened the regular meeting at 7:53 p.m.

Ordinance Number 891 was presented. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT; GRANTING THE AUTHORITY FOR THE EXECUTION OF A WASTE SERVICES CONTRACT WITH IESI TX CORPORATION; REQUIRING USE OF IESI TX CORPORATION FOR SOLID WASTE DISPOSAL WITHIN BURKBURNETT CITY LIMITS; AND PROVIDING CRIMINAL PENALTIES FOR NON-COMPLIANCE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING THIS ORDINANCE IS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Motion was made by Commissioner Brewster, seconded by Commissioner Love to adopt Ordinance Number 891 but exclude Section 1.03 of the ordinance. Motion carried unanimously.

Item 7. Ordinance Number 892 was presented. Caption of same being:

AN ORDINANCE ESTABLISHING REGULATIONS FOR FOOD ESTABLISHMENTS, INCLUDING FOOD SERVICE ESTABLISHMENTS, RETAIL FOOD STORES, MOBILE FOOD UNITS AND ROADSIDE FOOD VENDORS; PROHIBITING ANY VIOLATION OF SUCH REGULATIONS; ESTABLISHING A FINE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

The following addressed the Mayor and Commissioners:

Lou Kreidler, Director of Health, Wichita County Public Health District  
Susan Morris, Environmental Health Administrator, Wichita County Public Health District

Ms. Kreidler stated that the Texas Food Establishment Rules (TFER) were established in 2009 and have not been changed since that time until this new revision went into effect October 11, 2015. This ordinance will get the City aligned with state regulations.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Hardy to adopt Ordinance Number 892 as presented. Motion carried unanimously.

Item 8. Gordon Smith, Director of Public Works, addressed the Mayor and Commissioners and stated at the November 9, 2015 Cemetery Board meeting, Staff informed Board Members Ron Clarke, Denise Kirkpatrick and Nova Dickson that their terms to the Cemetery Board was nearing completion and asked if they would consider reappointment to the board. All three board members expressed their desire to continue to serve on the Cemetery Board.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Love to approve the reappointments of Board Members Ron Clarke, Denise Kirkpatrick and Nova Dickson for a 2 year term. Motion carried unanimously.

Item 9. Mike Whaley, City Manager, addressed the Mayor and Commissioners and reported Lyn Seebo is currently serving on our Zoning Board of Adjustments. Her 2-year term expires on December 16th of this year. Mr. Whaley stated he had been in touch with Mrs. Seebo and she has expressed the desire to continue to serve on the board for another 2-year term and it is his recommendation that Mrs. Seebo be reappointed to the ZBA.

Motion was made by Commissioner Hardy, seconded by Commissioner Brewster to approve the reappointment of Lyn Seebo to the Zoning Board of Adjustments. Motion carried unanimously.

Item 10. Mr. Whaley stated he was prepared to move forward to place “In God We Trust” decals on all city vehicles. The U.S. Supreme Court has ruled that the phrase “In God We Trust” is “ceremonial” and “patriotic” and not an expression of religion.

Motion was made by Commissioner Brewster, seconded by Commissioner Lindenborn for placement of the National Motto “In God We Trust” on all city vehicles. Motion carried unanimously.

Item 11. Resolution Number 595 was presented in its entirety. A resolution amending fees for the Burkburnett Memorial Cemetery. Mr. Smith stated the Cemetery Board received and reviewed a proposal from Celestial Etched Arts on providing brass military nameplates for the memorial monument at the new pavilion. Celestial Etched Arts indicated they could provide the 3” inch x 11” inch brass name plate with etched laser font at a cost of \$110.00 per nameplate. The Cemetery Board recommends to the Board of Commissioners amending and reducing the established fee of \$200.00 per nameplate

to \$125.00. The board further recommended the \$15 difference would be to cover mounting and administration costs.

Motion was made by Commissioner Brewster, seconded by Commissioner Hardy to approve Resolution Number 595 as presented. Motion carried unanimously.

Mayor Law moved up Item 15.

Item 15. Public comments:

The following addressed the Mayor and Commissioners:

Mickey Fincannon, M & R Services, 1260 Harris Rd

Item 12. Mayor Law closed the meeting at 8:10 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 551.072-Deliberation Regarding Real Property

a. Facility Assessment

Item 13. Mayor Law reconvened the regular meeting at 8:57 p.m. No action taken.

Item 14. Review of monthly reports.

A. Public Works- Gordon Smith, Director of Public Works, provided update on Roller Road improvements.

Item 16. Mr. Whaley reviewed the following dates:

- Thanksgiving Holiday- City Hall closed November 26<sup>th</sup> and 27<sup>th</sup>
- Christmas Dinner-December 10, 2015 at 6pm
- Christmas Parade-December 11, 2015

Item 17. No Commissioner comments.

Item 18. Motion was made by Commissioner Lindenborn, seconded by Commissioner Hardy to adjourn. Motion carried unanimously.

Carl Law, Mayor

**ATTEST:**

Janelle Dolan, City Clerk

*Minutes, November 16, 2015*