

## ***MINUTES***

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

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, November 18, 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

Mike Guevara, City Attorney, Guevara, Decker & Arrott, PC.

Others present: Chester Nolen, Interim City Manager; Mike Whaley, Assistant City Manager; Janelle Dolan, City Clerk and Ed Stahr; Police Chief.

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

Item 2. Invocation was given by Weslie Odom, Pastor of Grace Lutheran Church

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

Item 4. Consent Agenda.

- A. Approval of Minutes from October 3 Special Called Meeting and October 21, 2013

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

Item 5. Mayor Law closed the regular meeting at 7:04 p.m. and opened the “Public Hearing” for the following Planning & Zoning Commission Case:

- A. Case #2013-15, Site Plan/Specific Use Permit for 106 S. Red River Expressway, for outdoor storage.

Mike Whaley, Assistant City Manager, addressed the Mayor and Commissioners and stated owner Lee Brumfield and proposed tenant Tractor Supply Company submitted a site plan pertaining to the vacant pre-existing commercial building located at 106 S. Red River Expressway. The co-applicants are requesting site plan approval with a specific use permit to allow for outside display. City Staff has reviewed the site plan as well as preliminary construction details such as easements, utilities and parking and recommends approval.

Item 6. Mayor Law closed the “Public Hearing” at 7:04 p.m. and reopened the regular meeting to take action on the Planning & Zoning Commission Case:

- A. Case #2013-15, Site Plan/Specific Use Permit for 106 S. Red River Expressway, for outdoor storage.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Brewster to accept the Planning and Zoning recommendation to approve the Site Plan and Specific Use Permit for outside storage and display at 106 S. Red River Expressway. Motion carried unanimously.

Item 7. Resolution Number 552 was presented in its entirety. A resolution authorizing the filing of a grant application with Nortex RPC for a regional solid waste grants program grant. Mr. Whaley addressed the Board of Commissioners and stated this resolution is for fiscal year 2014/2015 of the solid waste grant which is administered by Nortex. Mr. Whaley stated this resolution is necessary to allow us to participate in the program. The City is requesting \$5,000.00 to assist in the clean-up of illegal dumping which also allows us to utilize the funds to demo any structure deemed dilapidated on property stricken off to the City and the clean-up of that property.

Motion was made by Commissioner Andrajack, seconded by Commissioner Hardy to approve Resolution Number 522. Motion carried unanimously.

Item 8. Mr. Whaley addressed the Mayor and Commissioners and stated that Commissioner Lindenborn requested this item on the agenda for discussion. Mr. Whaley stated City Staff has looked at updating the water vending machine. Mr. Whaley stated he has been in contact with the City of Wichita Falls to determine the process they are using to convert their water vending machine into an automated station and they provided a copy of their quote from Flowpoint which showed the conversion costs to be \$31,446.27. Mr. Whaley contacted Flowpoint and received a rough estimate of \$15,000.00 to \$38,000.00 to convert the City of Burkburnett’s water vending station. Mr. Whaley stated he is requesting guidance from the Board of Commissioners if they want him to move ahead and secure estimates for the conversion.

Motion was made by Commissioner Andrajack, seconded by Commissioner Hardy to authorize staff to move forward with gathering hard numbers with

respect to converting to an automated water vending system. Motion carried unanimously.

Item 9. Ordinance Number 847 was presented. Caption of same being:

AN ORDINANCE SUPERSEDING ORDINANCE NUMBER 835 OF THE CITY OF BURKBURNETT, TEXAS PRESENTLY CODIFIED AS CHAPTER 53, WATER IN THE CODE OF ORDINANCES, SPECIFYING THE EFFECTIVE DATE; DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Mr. Whaley addressed the Mayor and Commissioners and stated after the last workshop and reviewing the water rate and surcharge structure it was determined the City would not adjust the water rates but would extend the current water rate of \$6.15 per 1,000 gallons.

Commissioner Andrajack withdrew his previous motion from the November 4, 2013 meeting which reads as follows:

Motion made by Commissioner Andrajack, seconded by Commissioner Lindenborn to approve Ordinance Number 847 with the following changes:

In Section (A) leaving the minimum of the first 2,000 gallons at \$20.00 per month; 2,000-10,000 gallons at \$6.15 per 1,000 gallons; 10,001-20,000 gallons at \$7.15 per 1,000 gallons; and greater than 20,000 gallons at \$8.15 per 1,000 gallons.

In Section 2 it will read: This Ordinance shall take effect immediately on all bills rendered on or after December 15, 2013 and all other ordinances and resolutions and parts of thereof in conflict with any part of this Ordinance are hereby expressly repealed to the extent of such conflict. The water usage rate as detailed above will remain in effect for a period of 90 days at such time with no further action by the council, rates will revert to \$4.15 per 1,000 gallons.

Motion was made by Commissioner Tugman, seconded by Commissioner Andrajack to approve Ordinance Number 847. Motion carried unanimously.

Item 10. Ordinance Number 848 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; AN EFFECTIVE DATE AND DECLARING AN EMERGENCY.

Mr. Whaley addressed the Mayor and Commissioners and reviewed the changes made to the water conservation plan.

Motion was made by Commissioner Andrajack, seconded by Commissioner Lindenborn to approve Ordinance Number 848 as presented. Motion carried unanimously.

Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to go to Stage 4 water restrictions effective Monday, November 25, 2103. Commissioner Tugman withdrew his motion.

Motion was made by Commissioner Tugman, seconded by Commissioner Brewster to go to Stage 4 water restrictions immediately and staff will start enforcement when they see fit. Commissioner Tugman withdrew his motion.

Motion was made by Commissioner Tugman, seconded by Commissioner Andrajack to go the Stage 4 water restrictions on Monday, November 25, 2013. Motion carried unanimously.

Item 11. Charter Review Workshop. Mike Guevara, City Attorney, Guevara, Decker & Arrott, PC., addressed the Mayor and Commissioners and discussed the Charter Review Committee Summary and will be reviewing suggestions from the Ad Hoc committee.

Item 12. Mayor Law closed the meeting at 8:27 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:

SECTION 551.074(a)-Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

- 1) Employment of Economic Director
- 2) Evaluation of City Manager

Item 13. Mayor Law reconvened the regular meeting at 9:02 p.m.

Motion was made by Commissioner Tugman, seconded by Commissioner Andrajack to give consent to the City Manager to hire Deana Sheriff as the Burkburnett Economic Director. Motion carried unanimously.

Item 14. Review of monthly reports.

- A. Administration- Trish Holley, Director of Administration, stated the financials provided to the Board of Commissioners does not include the FY2014 approved budget. The auditors will be in the office on

12/2 to begin the audit once audit completed and adjustments entered the FY2014 budget can be entered. Ms. Holley also reported \$171,264.00 in sales tax was received and historically is the most ever received.

- B. Public Works- Mike Whaley, Assistant City Manager, stated he is currently working on a schedule of all work events and will provide that to the Board of Commissioners.
- C. Public Safety- Chief Stahr reviewed the asset forfeiture account with the Board of Commissioners.

Item 15. There were no public comments.

Item 16. City Manager's report.

- A. Thanksgiving Holiday-City Hall closed on 11/28 and 11/29.
- B. Christmas Dinner-12/10
- C. Christmas Parade-12/13 at 6pm

Item 17. Commission comments.

Item 18. Motion was made by Commissioner Tugman, seconded by Commissioner Brewster to adjourn. Motion carried unanimously.

Carl Law, Mayor

**ATTEST:**

Janelle Dolan, City Clerk