

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, September 19, 2016 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
Jeremy Duff	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; Rod Ryalls, Fire 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 Dave Poole, Deacon Candidate, St. Jude Catholic Church.

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

Item 4. Consent Agenda.

- A. Approval of Minutes from August 8 and August 9, 2016 Special Called Budget Meetings, August 15, 2016 Regular Scheduled Meeting, and August 18, 2016 Special Called Budget Meeting

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

Item 5. Ordinance Number 902 was presented. Caption of same being:

AN ORDINANCE GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC

UTILITY EASEMENTS, PUBLIC WAYS AND PUBLIC PROPERTY OF THE CITY OF BURKBURNETT, TEXAS, PROVIDING FOR COMPENSATION THEREFOR, PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE, PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE, PROVIDING FOR THE REPEAL OF ALL EXISTING FRANCHISE ORDINANCES TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS PREDECESSORS AND ASSIGNS, AND FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC.

Second reading, no action taken.

Item 6. Presentation by Don Miller on Sheridan Medical Lodge update.

Item 7. Ordinance Number 908 was presented in its entirety. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CITY OF BURKBURNETT CODE OF ORDINANCES BY AMENDING CHAPTER 33 MUNICIPAL COURT OF RECORD BY AMENDING SECTION 33.11 APPEALS; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mike Guevara, Shahan, Guevara, Decker and Arrott, Attorneys at Law addressed the Mayor and Commissioners and stated the City's existing Municipal Court of Record Ordinance was passed in 2008. The Ordinance included a provision for Appeals, which was very general and stated only that appeals would "be governed by the applicable provisions of the Act and the Texas Code of Criminal Procedure." The Local Government Code Sec. 30.00014 provides that "a municipality shall by ordinance establish a fee for the preparation of the clerk's record in the amount of \$25." Burkburnett has not established that fee directly. This proposed ordinance amendment establishes the \$25 fee to be collected for the preparation of the clerk's record, as well as sets out the additional duties required of the defendant in order to perfect their appeal.

Motion was made by Commissioner Brewster, seconded by Commissioner Lindenborn to approve Ordinance Number 908 with the following correction: 2) The defendant may not take an appeal... Motion carried unanimously.

Item 8. Ordinance Number 903 was presented in its entirety. Caption of same being:

AN ORDINANCE ADOPTING THE FISCAL YEAR OPERATING BUDGET OCTOBER 1, 2016 – SEPTEMBER 30, 2017 FOR THE CITY OF BURKBURNETT, TEXAS AND APPROPRIATING THE SEVERAL SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED, AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Commissioner Brewster, seconded by Commissioner Love to approve Ordinance Number 903 as presented. Motion carried unanimously.

Item 9. Ordinance Number 904 was presented in its entirety. Caption of same being:

AN ORDINANCE ADOPTING THE FISCAL YEAR CAPITAL IMPROVEMENT BUDGET OCTOBER 1, 2016 - SEPTEMBER 30, 2017 FOR THE CITY OF BURKBURNETT, TEXAS AND APPROPRIATING THE SEVERAL SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED, AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Commissioner Brewster, seconded by Commissioner Duff to approve Ordinance Number 904 as presented. Motion carried unanimously.

Item 10. Ordinance Number 905 was presented in its entirety. Caption of same being:

AN ORDINANCE LEVYING AN ANNUAL AD VALOREM TAX FOR THE YEAR 2016 SETTING SPECIFIC TAX RATES, APPLICABLE TO ALL REAL, PERSONAL AND MIXED PROPERTY SITUATED WITHIN THE CITY OF BURKBURNETT CITY LIMITS; SETTING THE DUE DATE AND PROVIDING FOR PENALTIES AND INTEREST ON DELINQUENT TAXES.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Ducos that the property tax rate be increased by the adoption of a tax rate of 0.727067, which is effectively a 4.30 percent increase in the tax rate and to approve Ordinance Number 905. Motion carried unanimously.

Item 11. Ordinance Number 906 was presented in its entirety. Caption of same being:

AN ORDINANCE SUPERSEDING ORDINANCE NUMBER 895 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.

Motion was made by Commissioner Ducos, seconded by Commissioner Love to approve Ordinance Number 906 as presented. Motion carried unanimously

Item 12. Ordinance Number 907 was presented in its entirety. Caption of same being:

AN ORDINANCE AMENDING ORDINANCE NUMBER 887 OF THE CITY OF BURKBURNETT, TEXAS PRESENTLY CODIFIED AS CHAPTER 50, GARBAGE AND REFUSE 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.

Motion was made by Commissioner Duff, seconded by Commissioner Ducos to approve Ordinance Number 907 as presented. Motion carried unanimously

Mayor presented a city blanket to Gordon Smith, Director of Public Works, in honor of his retirement.

Mayor moved up Item 14.

Item 14. Mayor Law closed the meeting at 7:27 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:

- a. Employment of Bob Cochran as Interim Public Works Director
- b. Mike Whaley, City Manager Evaluation

Mayor Law reconvened the regular meeting at 9:27 p.m.

- a. Motion was made by Commissioner Tugman, seconded by Commissioner Ducos to give the City Manager authority to enter into an employment agreement with Bob Cochran as the Interim Public Works Director. Motion carried unanimously.
- b. No action taken.

Item 13. No action taken.

Item 15. No public comments.

Item 16. City Manager comments.

- Library Open House -
- SAFB 75th Anniversary and ENJJPT's 35th Anniversary Dinner – Sept 21st MPEC 6:00 PM
- TML Region 5 Meeting – Sept 22 at 5:45 pm, MPEC
- Boomtown Glow Run 5K and Friendship Festival – Sept 30 and Oct 1
- TML Annual Conference - Oct 4-7, Austin
- Volunteer Fire Department Installation Dinner -October 13th

Item 17. No Commissioner Comments.

Item 18. Motion was made by Commissioner Ducos, seconded by Commissioner Duff to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk