

## ***MINUTES***

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

The Board of Commissioners of the City of Burkburnett, Texas met in a regular called meeting on Monday, April 19, 2010 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 Meeting Act. The following Commissioners were present:

|                 |               |
|-----------------|---------------|
| Carl Law        | Mayor         |
| Mike Tugman     | Mayor Pro-Tem |
| Charlene Lewis  | Commissioner  |
| Scott Dolan     | Commissioner  |
| Bill Lindenborn | Commissioner  |
| Ted Kwas        | Commissioner  |
| Arnold Wells    | Commissioner  |

Other's present: Mike Slye, City Manager; Trish Holley, City Clerk; Mike Whaley, Director of Public Works; Chief Mike Tracy, Police Chief and Kelly Bolen, Burkburnett Development Director.

Other's present: Glen Hutchinson, Clay Gahagan, Chase Thornton, Lee Harvey, Sr., Ron Clarke, Wade Medberry, Michael Bunton, Josh Andrajack, W. L. Bunton, Kimberly Jackson, Trudy Thompson, Shae Whitlock, Raymond Holland, John McMullen, Gary Bolen, Thomas Watson, Dale Sherrill, Curtis Salyer, Brian Smith, Stephen Stubblefield, Brenda Shepard, Susan Disney, Flora Holland, Jack Baber, Susan Mitchell, Patrick Mitchell, W.L. McGuire, Larry Russell, Mike Crowley, Warren Fretz, Kathy Patterson, Paula Smith, Mark Jackson, Bill & Janice Vincent, F.T. & Peggy Felty, Nancy Wells, Charlie Lawson, Bin Ellett, Pete Couture, Howard & Helen Locklin, Carol Holland, Rodney McCleskey, Charles Kernott, James Morgan, Patricia Dominiquez, Daniel & Carol McMullen.

Jeff Bromley representing Burkburnett Informer Star was present.

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

Item 2. Invocation was given by Bro. Duane Perkinson, Pastor-Central Baptist Church.

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

Item 4. Consent Agenda.

A. Approval of minutes from March 15, 2010.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Wells to approve Consent Agenda Item 4A. Motion carried unanimously.

Mayor Law moved Item 6 up.

Item 6. Ordinance Number 779 was presented in its entirety. Caption of same being:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF BURKBURNETT, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010", SPECIFYING THE TERMS AND FEATURES OF SAID BONDS; LEVING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE REDEMPTION OF CERTAIN OUTSTANDING OBLIGATIONS OF THE CITY; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS, INCLUDING THE APPROVAL AND EXECUTING OF A PAYING AGENT/REGISTRAR AGREEMENT, A PURCHASE AGREEMENT AND A SPECIAL ESCROW AGREEMENT AND THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT; AND PROVIDING AN EFFECTIVE DATE.

David Medanich, First Southwest addressed the Mayor and Commissioners. Mr. Medanich explained the rate and step process for the refunding of certificates and answered questions.

Motion was made by Commissioner Dolan, seconded by Commissioner Tugman to approve Ordinance Number 779 as presented. Motion carried unanimously.

Item 5. Mike Slye, City Manager addressed the Mayor and Commissioners. Mr. Slye briefly highlighted the Architectural Agreement between the City of Burkburnett and Bundy, Young, Sims and Potter, Inc. for services rendered for the preliminary design-work for the Community Center renovation.

Mr. Slye explained the Hotel Occupancy Committee had preliminary meetings with the Burkburnett Independent School District and Rick Sims. The Hotel Committee asked Mr. Sims to start drawing up preliminary designs for the Community Center renovation thinking the Hotel/Motel Funds would service the debt for the renovations. It was determined additional funding would be required and the best option was to issue Certificates of Obligation. A group of citizens presented a petition that ceased issuing Certificates of Obligation.

The debt was already incurred for the preliminary design-work and the city owes Bundy, Young, Sims and Potters, Inc. approximately \$45,000 for completing approximately 60% of the required architectural services.

Susan Mitchell, 1422 Hiawatha, Burkburnett addressed the Mayor and Commissioners. Ms. Mitchell expressed her concern with the different Phases in the Architectural Agreement.

Motion was made by Commissioner Tugman to approve the Architectural Agreement. The motion died for lack of a second.

Item 7. Mike Slye addressed the Mayor and Commissioners regarding the Atmos Franchise Fee Intervention Review.

Mr. Slye stated that a consultant has been retained by several Atmos Steering Committee cities to review the abnormally low annual franchise fee payment from Atmos this year. It would cost \$3,500 to participate in this review to determine the accuracy of this year's franchise fee payment.

Motion was made by Commissioner Lewis, seconded by Commissioner Kwas to approve the Atmos Franchise Fee Intervention Review. Motion carried unanimously.

Item 8. Motion was made by Commissioner Lewis, seconded by Commissioner Dolan to approve the appointment of Tracy Fears, Iowa Park City Councilor to serve on the Wichita-Wilbarger 9-1-1 District Board of Managers. Motion carried unanimously.

Item 9. Mike Whaley, Director of Public Works presented the previously opened bids for the Texas Community Development Program Water Line Replacement project for the northeast part of town.

The bids are as follows:

| Bidder                     | Amount       |
|----------------------------|--------------|
| Jimmie Garcia Construction | \$198,622.50 |
| Wichita Contractors, Inc.  | \$210,878.75 |
| Bowles Construction Co.    | \$230,605.00 |
| SMB Enterprises, Inc.      | \$409,405.00 |

Mr. Whaley stated City Engineer Richard Boyd had reviewed the bid tabulations and recommended Jimmie Garcia Construction in the amount of \$198,622.50. Mr. Boyd stated Garcia is a well established firm and has performed consistently well on numerous projects.

Motion was made by Commissioner Wells, seconded by Commissioner Kwas to approve the low bid in the amount of \$198,622.50, Jimmie Garcia Construction for the TCDP waterline replacement project. Motion carried unanimously.

Item 10. Resolution Number 476 was presented in its entirety. A resolution designating Burkburnett Informer Star as the official newspaper for the notices, publication and other matters that require publishing for the City of Burkburnett.

Motion was made by Commissioner Tugman, seconded by Commissioner Lewis to approve Resolution Number 476 as presented. Motion carried unanimously.

Item 11. Dale Lewis, Director of Administration briefly highlighted the Mid-Year Financial Review. No action taken.

Item 12. Resolution Number 478 was presented. A resolution authorizing an agreement between the Burkburnett Development Corporation and the City of Burkburnett to finance fifty percent of the proposed renovation project of the Burkburnett Community Center as presented to the BDC Directors on March 15, 2010. First Reading.

Item 13. Motion was made by Commissioner Wells, seconded by Commissioner Dolan to approve the Burkburnett Development Corporation contribute up to \$3,000.00 towards the Wichita Falls Intervention into the Riley-Krum Transmission Line case at the Public Utility Commission. Motion carried unanimously.

Item 14. Resolution Number 479 was presented. A resolution authorizing an economic incentive between the Burkburnett Development Corporation and the Burkburnett RV Park in the amount of \$20,000.00. First Reading.

Jack McMullen owner of the RV Park briefly highlighted the areas to be improved.

Item 15. The Commissioners reviewed the monthly reports.

Item 16. Personal Audience Comments to Commissioners/Comments on Agenda Items.

Susan Mitchell, 1422 Hiawatha, Burkburnett expressed her concern with the salary incentive bonus for Mike Slye and disappointment with the Commissioners.

Charlie Lawson, 700 Magnolia, Burkburnett expressed his concern regarding IC Evans needing a sidewalk on the West side of Sycamore and Dana, more children are walking and riding bicycles to school and is very dangerous.

Item 15. City Manager's report.

- A. Welcome Sign Accident update. Mr. Slye briefly reported on the status of the accident and stated it will be fixed soon with insurance proceeds.
- B. Wastewater Treatment Plant Update. The odor coming from the sewer plant is due to the wet weather we've had over the winter. He anticipates that the Wastewater Treatment Plant will soon begin the normal treatment process that will curb the odor. Until then, the city is being proactive to minimize the infiltration into the sewer collection system.
- C. Payroll Clarification-Employees got a pay raise last year of \$100.00 per month; Senior Management did not get the increase along with the Police Department. The Police Department is on a Step Pay Plan. There is no hiring or pay freezes at this time. On April 5<sup>th</sup> the Commissioners put forth a motion for a one time pay increase to the City Manager, no formal action has been taken.
- D. Fiber Broadband Services update. NTS will start digging in Burkburnett to install fiber broadband services for faster broadband services.
- E. State of the City. Deferred to a later meeting.

Item 16. Council comments.

Commissioner Kwas stated he has been attending meetings for many years and this is the best attendance he has seen, thank you from the bottom of my heart for coming and with your help we will progress, we can only do what you want us to do.

Commissioner Lindenborn thanked everyone for coming tonight and stated he still believes in the Community Center and I44 sewage project and to quote Susan Mitchell, "shame on us" as the Council for not doing a better job on educating the public on the full scope of the project, how it would be funded and what the benefits would be to our city. Commissioner Lindenborn stated that the City owes Bundy, Young, Sims and Potter and would like the agreement on the next council meetings agenda.

Commissioner Wells stated he was glad to see the northeast side of town will get the new water line replacement project, will be a good improvement for our city and Mike Whaley should be congratulated for his hard work on getting the project funded. It's hard to get everything done that people want done, it's a shame that people stop communicating with each other,

Commissioner Tugman stated it was good to see everyone here tonight, but that he gets disturbed when people start spreading falsehoods, if you have questions, ask, and don't assume what people are telling you is always true.

Commissioner Lewis thanked everyone for coming and thanked Howard Locklin for the dedication event held for the Journey's End Cemetery, and that the city is working on getting a sign with directions to the cemetery. I'm also sorry that the Community Center and the I44 Sewage project were bundled together in the petition to stop the issuance of the Certificates of Obligation.

Commissioner Dolan stated that last year, the Police Department received a substantial raise and that Mr. Slye started out at a much lower salary than what the other applicants were asking for. Mr. Slye's salary increased as he became more experienced as a City Manager. Commissioner Dolan stated he had called other cities our size to ask what the City Manager made and we are in line with other cities, we are not overpaying him. I wish everyone the best in the upcoming election.

Mayor Law thanked everyone for coming and stated that if we have to add another row of chairs, we may have to move to the Community Center, we thought about doing that for tonight's meeting, but we didn't have time to re-arrange the microphone equipment.

Item 19. Motion was made by Commissioner Wells, seconded by Commissioner Tugman to adjourn. Motion carried unanimously.

Carl Law, Mayor

**ATTEST:**

Trish Holley, City Clerk