

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, August 15, 2011 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
Charlene Lewis	Mayor Pro-Tem
Bill Lindenborn	Commissioner
Josh Andrajack	Commissioner
Raymond Holland	Commissioner
Randy Brewster	Commissioner

Commissioner Thornton was not present.

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

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 Boon Bowling, Student Minister, First Baptist Church.

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

Item 4. Consent Agenda.

A. Approval of minutes: July 13 Budget Workshop, July 18, and August 3 Budget Workshop.

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

Item 5. Motion was made by Commissioner Lindenborn, seconded by Commissioner Andrajack to authorize the City's attorney to file the necessary documents of intervention for the Oklaunion-Fisher Road 345 kV Transmission Line Project. Motion carried unanimously.

Item 6. Kelly Bolen, BDC Executive Director presented the Burkburnett Development Corporation's Fiscal Year 2011-2012 Budget with \$328,488 expenses and \$328,488 revenue.

Motion was made by Commissioner Lewis, seconded by Commissioner Holland to approve the Burkburnett Development Corporation Fiscal Year 2011-2012 Budget. Motion carried unanimously.

Item 7. Motion was made by Commissioner Andrajack, seconded by Commissioner Holland to approve the appointment of the following to the Burkburnett Development Corporation Board: Keith Meyers, President; Darren Broadus, Vice President; Scott Dolan, Secretary/Treasurer; Bill Lindenborn, City Commissioner; Jerry Johnson; Russell Miller; and John Robertson. Ex-Officio members are Jeff Kindt; Aaron King; Ed Godsey; and Bob Franklin. Motion carried unanimously.

Item 8. Denise Kirkpatrick-Cemetery Committee Chairperson addressed the Mayor and Commissioners. Ms. Kirkpatrick discussed having a member removed from the Cemetery Committee due to the fact they have not attended a meeting in three years. There are no bylaws set for the Cemetery Committee. Ms. Kirkpatrick stated a clean-up date has been scheduled for September 16th and September 17th at the Burkburnett Memorial Cemetery. Ms. Kirkpatrick stated urns are being buried at the Cemetery. They are not being reported and there are no records. Ms. Kirkpatrick asked the Commission to allow the Committee to update Cemetery records as they find these.

Motion was made by Commissioner Andrajack, seconded by Commissioner Holland to allow the Committee to update Cemetery records as they find mistakes in the City's records. Motion carried unanimously.

Item 9. Mayor Law closed the meeting at 7:28 p.m. and opened the "Public Hearing" for public input regarding the 2010 Drinking Water Quality Report (Consumer Confidence Report).

Tim James, City Manager, addressed the Mayor and Commissioners. Mr. James stated the date for the Public Participation Opportunities was listed incorrectly on the annual water quality report that was sent to the citizens of Burkburnett. It listed August 22, 2011. The City will have staff available on August 22, 2011 for any public participation.

Item 10. Mayor closed the "Public Hearing" at 7:28 p.m. and reopened the regular meeting.

Item 11. Ordinance Number 808 was presented. Caption of same being:

AN ORDINANCE AMENDING THE BASIC ZONING ORDINANCE NUMBER 589 OF THE CITY OF BURKBURNETT, TEXAS BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTIES: 150' X 288' RRVL BLK 8, ALSO KNOWN AS 901 SYCAMORE FROM SINGLE FAMILY SF-6 TO COMMERCIAL BUSINESS; 80' X 141' (0.23AC) RRVL BLK 8, ALSO KNOWN AS 802 S. BERRY FROM SINGLE FAMILY SF-6 TO COMMERCIAL BUSINESS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Commissioner Andrajack, seconded by Commissioner Brewster to approve Ordinance Number 808 as presented.

Ayes: Mayor Law, Commissioners: Lewis, Holland, Andrajack and Brewster.

Abstained: Commissioner Lindenborn

Motion carried.

Item 12. Ordinance Number 809 was presented. Caption of same being:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURKBURNETT, TEXAS, (“CITY”) APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC” OR “STEERING COMMITTEE”) AND ATMOS ENERGY CORP., MID-TEX DIVISION (“ATMOS MID-TEX” OR “COMPANY”) REGARDING THE COMPANY’S FOURTH ANNUAL RATE REVIEW MECHANISM (“RRM”) FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; REPEALING CONFLICTING RESOLUTIONS OR ORDINANCES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE’S LEGAL COUNSEL.

Motion was made by Commissioner Andrajack, seconded by Commissioner Lindenborn to approve Ordinance Number 809 as presented. Motion carried unanimously.

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Item 13. Tim James, City Manager, addressed the Mayor and Commissioners. Mr. James reviewed the carport requirements in the existing Zoning Ordinance and provided several options the Commissioners could take to modify the carport restrictions.

After much discussion, motion was made by Commissioner Brewster, seconded by Commissioner Holland to use Option 2 which is to create an overlay zoning district to allow carports in specifically requested areas of the City.

Ayes: Mayor Law, Commissioners: Lindenborn, Holland, Andrajack and Brewster.

Nay: Commissioner Lewis.

Motion carried

Item 14. Review of monthly reports.

A. Administration

B. Public Works

C. Public Safety- Chief Tracey reported the grant had been received for the back-up generator for the Community Center.

Item 15. Public Comments.

Roy Mullens, 7052 FM 1740, Thornberry: Third party/Contract inspection.

Ron Clarke, 204 Preston, Burkburnett: removal of cemetery committee member and Third party/Contract inspection.

Ethel Neizthe, 805 N. Ave D, Burkburnett: bulk pick up.

Eddie Viavattene, 610 Easy, Burkburnett: Third party/Contract inspection.

Robert Gill, 820 Muller Rd, Burkburnett: Third party/Contract inspection.

Rocky Logan, PO Box 307, Burkburnett: Third party/Contract inspection.

Max Dowling, 1102 Oriole Lane, Burkburnett: Third party/Contract inspection.

Bill Pickett, 643 Pecan Ct, Burkburnett: Third party/Contract inspection

Chris Mullins, 2033 River Creek Dr, Wichita Falls: Third party/Contract inspection.

Brian Walser, 615 Ohio, Wichita Falls: Third party/Contract inspection.

Susan Mitchell, Burkburnett: Third party/Contract inspection and car ports.

Joe Davis, 7855 Powell Rd, Wichita Falls: Third party/Contract inspection.

John Dulaney, 1422 Chaparral, Burkburnett: Third party/Contract inspection.

Item 16. City Manager's report.

- A. Budget Status- Tim James provided a status update. Two budget workshops have been held. Nothing has been adopted or approved at this time. The city is looking for the most effective way to use the citizen's tax dollars. A third budget workshop has been scheduled for Wednesday, August 17, at 1 p.m.
- B. Water Restrictions-The city purchases water from the City of Wichita Falls and is bound to follow their drought contingency plan. We are currently in Stage 1. We are asking the citizens to reduce their water consumption to preserve the capacity in our lakes. We could possibly go to Stage 2 in the future if the water levels continue to drop.

Item 17. Council comments.

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

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk