

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular called meeting on Monday, August 16, 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
Charlene Lewis	Mayor Pro-Tem
Bill Lindenborn	Commissioner
Ted Kwas	Commissioner
Josh Andrajack	Commissioner
Chase Thronton	Commissioner
Raymond Holland	Commissioner

Other's present: Mike Slye, City Manager; Trish Holley, City Clerk; Don Ives, Director of Administration/Comptroller; Michael Whaley, Director of Public Works; Mike Tracey, Chief of Police, Kelly Bolen, BDC Executive Director.

Other's present at the 6:00 p.m. and/or 7:00 p.m. meeting: Steve Schelter, Clay Gahagan, Michael Bunton, James Kincaid, Stuart King, Glen Hutchinson, Billy Ray Mize, Susan Mitchell, Jack Baber, Curtis Salyer, M. R. Thornton, Bill & Janice Vincent, F.T. & Peggy Felty, Jason & Marguerite Love, Eddie Viavattene, Cindy & Steve Guinn, Larry Russell, Bill McGuire, Thomas Watson, Flora Holland, Bill Morgan, Mike & Debbie Graham.

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 Will Hollingsworth, Youth Minister, Central Baptist Church.

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

Item 4. Consent Agenda.

- A. Approval of minutes from July 6th and July 19th workshop session and July 19, 2010 regular meeting.

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

Item 5. Mayor Law closed the meeting at 7:20 p.m. and opened the “Public Hearing” for public input regarding the 2009 Drinking Water Quality Report (Consumer Confidence Report).

Mike Whaley, Director of Public Works addressed the Mayor and Commissioners. Mr. Whaley stated the annual water quality report was mailed to each water customer in Burkburnett. The Texas Commission on Environmental Quality requires this action to be taken by municipalities. The report contains a list of the federally regulated or monitored constituents that are found in drinking water. There are no EPA or TCEQ violations contained or reported in this year’s report.

Item 6. Mayor closed the “Public Hearing” at 7:25 p.m. and reopened the regular meeting.

Item 7. Resolution Number 488 was presented. A resolution of the Burkburnett Development Corporation economic incentive agreement with Red River Marketplace-2nd and final reading.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Kwas to approve Resolution Number 488 as presented, 2nd and final reading. Motion carried unanimously.

Item 8. Resolution Number 487 was presented. A resolution of the Burkburnett Development Corporation economic incentive agreement with Burkburnett Blacksox-2nd and final reading.

Motion was made by Commissioner Thornton, seconded by Commissioner Lindenborn to approve Resolution Number 487 as presented. Motion carried unanimously.

Item 9. Motion was made by Commissioner Kwas, seconded by Commissioner Holland to approve Change Order No. 1-Water Line replacements, TCDP Project No. 729091 for the following: with the additional monies of \$30,722.50 the following will be replaced- 1,185’ of 6” PVC pipe, 2 fire hydrants and eliminate 2 dead mains. Motion carried unanimously.

Item 10. Resolution Number 491 was presented. A resolution authorizing continued participation with the Atmos Cities Steering Committee and authorize payment assessment in the amount of two cents (\$0.02) per capita.

Motion was made by Commissioner Andrajack, seconded by Commissioner Lewis to approve Resolution Number 491 as presented. Motion carried unanimously.

Item 11. Mike Whaley, Director of Public Works addressed the Mayor and Commissioners. Mr. Whaley stated the next street bond project is County and Williams Road; which also contains a component of drainage issues (Mimosa Heights). In looking over the project and the area affected, the city could expand the bond project to include the drainage issue and pay for the drainage project with storm drainage utilities. It would make sense to bid the two projects together since they overlap each other and you would have only one mobilization cost and one contractor fees.

Motion was made by Commissioner Thornton, seconded by Commissioner Holland to approve the Mimosa Heights/County Road Storm Drainage project in conjunction with County Road/Williams Drive Street Bond Project. Motion carried unanimously.

Item 12. Resolution Number 492 was presented. A resolution of the Burkburnett Development Corporation economic incentive agreement with Bella's Italian Restaurant-1st reading.

Caption read-no action taken.

Item 13. Resolution Number 493 was presented. A resolution of the Burkburnett Development Corporation economic incentive agreement with Whaley Products-1st reading.

Caption read-no action taken.

Item 14. Resolution Number 494 was presented. A resolution of the Burkburnett Development Corporation economic incentive agreement with Sheppard Military Affairs Committee-1st reading.

Caption read-no action taken.

Item 15. Motion was made by Commissioner Andrajack, seconded by Commissioner Kwas to approve the proposed engagement letter with J. Stowe & Co., LLC for an audit of ONCOR Franchise fees paid to the City of Burkburnett with a cost of \$2,000 if more than 10 cities participate or \$2500 for less than 10 cities participating. Motion carried unanimously.

Item 16. Motion was made by Commissioner Lewis, seconded by Commissioner Thornton to approve the following Board Members for the Burkburnett Development Corporation: Darren Broadus-President; Keith Myers-Vice President; Bill Lindenborn-Board Member; Jerry Johnson-Board Member; Scott Dolan-Board Member; John Robertson-At Large Ex Officio and Bob Franklin-At Large Ex Officio.

Ayes: Mayor Law, Commissioners: Lewis, Thornton, Andrajack, Kwas and Holland

Nays: None

Abstained: Commissioner Lindenborn

Item 17. Resolution Number 495 was presented. A resolution authorizing a salary adjustment to the City Clerk and the Director of Public Works.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Thornton to approve Resolution Number 495 as presented. Motion carried unanimously.

Item 18. Resolution Number 496 was presented. A resolution authorizing the Planning & Zoning Commission authority to approve simple plats, Industrial & Commercial Site Plans.

Cindy Guinn, 205 Westwood addressed the Mayor and Commissioners. Ms. Guinn spoke against giving the Planning & Zoning Commission the authority to approve the simple plats and Industrial & Commercial Plans because of members serving on the board are in the real estate.

After a lengthy discussion, motion was made by Commissioner Lindenborn to approve Resolution Number 496. Motion failed for lack of a second.

Item 19. Mayor Law recessed to “Executive Session” at 8:34 p.m. pursuant to the Texas Open Meetings Act, Section 551.074 (a)(1) to review the Request for Proposals for a City Attorney.

Item 20. The Mayor and Commissioners reconvened at 8:56 p.m. to regular session and take action, if any on matters discussed in “Executive Session”.

Motion was made by Commissioner Andrajack, seconded by Commissioner Holland to approve the appointment of Jean Shotts with Shotts, Pardue, Trevino & Guevara LLP, Stamford, Texas as City Attorney. Motion carried unanimously.

Item 21. Review of monthly reports.

- A. Administration-Don Ives reported transfers have been made to the Capital Improvement Fund for the year, the Library has not filled their vacancy but are in the process of interviewing applicants and there is one opening in the Street department.
- B. Public Works-Michael Whaley reviewed the TCDP project stating it is ahead of schedule and will be starting soon, TXDOT will be striping the HES project (Ameron/County) which will complete the project.
- C. Public Safety-Chief Mike Tracey thanked the Board for the animal control vehicle that is budged for FY2011 and stated another car will

need to have the transmission replaced but will make do with the fleet they have.

Item 22. Personal Audience Comments to Commissioners/Comments on Agenda Items.

Debbie Graham, 7445 Roller Road, addressed the Mayor and Commissioners about the City having a Water Splash Park similar to the one in Iowa Park.

Bill Morgan, 602 Forest, addressed the Mayor and Commissioners about how he was treated in City Hall at the Water Department.

Item 23. City Manager's report.

- A. Request for Proposal-Audit Services Timeline. Mr. Slye reported if the Board desires to solicitants proposals for a new auditing firm, the RFP's should be submitted in September and be reviewed in October, you would want a new firm to begin when our calendar year begins.
- B. Health Care Reform Meeting-Nortex-Mr. Slye reported a representative will be at Nortex on August 23 from 11 am to 3 pm; Mr. Ives and I will be attending. Mr. Slye thanked Mr. Ives for the excellent work on the proposed budget and stated it will be on the website for public review.

Item 24. Council comments.

Commissioner Andrajack stated he'd like to close with a comment from our previous meeting this evening, that he thinks it is a mistake by not adhering to the maintenance of the streets; it's a mistake by not taking care of our roads and also the Boys & Girls Club serves a public purpose in our city and by not helping them with funding is a big mistake.

Commissioner Kwas stated he went on the North side of town, checking on different properties, seeing water lines being replaced, but was mainly interested in the Northwest side where the city has some property and a lot of elderly people have lived for many years, some dwelling are dilapidated; but there is a family that has spent a lot of time trying to clean up some of the lots and it's looking good, still have a lot of work to be done. There is one thing he'd like for the city to check on is the highway going into Journey's End Cemetery; don't know who is responsible for keeping the grass mowed, but some maintenance is needed, the road needs improvement, there is no place to turn around once you get to the cemetery. It's been designated as a Historical place and he hopes something can be done to alleviate the problem; also on each side of the road is a

field full of weeds with some horses, one of them has ribs showing, don't know who owns the horses, that needs to be checked on and the mowing needs to happen, he thanked everyone for coming tonight.

Commissioner Lindenborn thanked everyone for coming and for their input and thanked the city staff for the work done on the city budget.

Commissioner Thornton thanked everyone for coming and thanked the city staff for the work done on the budget.

Commissioner Holland stated he is still having a blast and hope everyone that is coming is enjoying the meetings, he appreciates the participation, if you have something to say, sign up to speak; the board has been working on the budget and the sad part is there just isn't enough money, they all realize that and it's hard to raise taxes during tough economic times, it's tight for everyone; he apologized for that and hopes that the board is doing what the citizens want, appreciate everyone coming tonight and hope you continue to come to the meetings.

Commissioner Lewis thanked Mrs. Graham for the information and research she provided tonight on the Water Splash Park; if you missed the Red River Marketplace this weekend, you missed a good time, she stated she had a booth there and did well, had people from Amarillo/Tyler and they were impressed, it's the only indoor flea market in the area, it was good to see the Mayor and the City Manager there, she thanked everyone for coming tonight.

Mayor Law thanked everyone for their participation and for coming tonight.

Item 25. Motion was made by Commissioner Thornton, seconded by Commissioner Lewis to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Trish Holley, City Clerk