

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular called meeting on Monday, August 17, 2009 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 was: Mike Slye, City Manager; Trish Holley, City Clerk; Dale Lewis, Director of Administration; Mike Whaley, Director of Public Works and Mike Tracey, Chief of Police.

Other's present: Charles Kernott, Glen Hutchinson, Dick Vallon, Warren Fretz, Clay Gahagan, Thomas Watson, Kelly Bolen, Keith & Shannon Myers, Danny & Monica Kidwell, Brian Smith, Kimberly Jackson, Flora Holland, Pennie & Jerry Hayes, Bill Pickett, Brenda Shepard, Pauline Morris, Curtis Slayer, Raymond Holland, Eloise Law, Nellie Dickson, Nova Dickson, Debbie Wineinger, Randy Aaron, Dr. Morgan Moore, Jack Baber, Jeff Kindt, Paul McBroom, John McMullen, Nancy Wells, Jerry Johnson, Randy Brewster

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 Father Joseph Meledon, St. Jude Catholic Church.

Item 3. Commissioner Lindenborn led the Pledge of Allegiance.

Item 4. Resolution Number 465 was presented. A resolution of gratitude to Commissioner Charlie McCullough.

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to approve Resolution Number 465 as presented. Motion carried unanimously.

Item 5. Chamber of Commerce President Jeff Kindt presented a check to the City of Burkburnett for \$5,800.00 for the final debt payment for the Historical Downtown Lights, Mayor Law accepted on behalf of the Board of Commissioners of the City of Burkburnett.

Item 6. Consent Agenda.

A. Approval of minutes from July 13th, 14th and 20th 2009.

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to approve Consent Agenda Item 6A. Motion carried unanimously.

Item 7. Motion was made by Commissioner Tugman, seconded by Commissioner Kwas to approve final plat, Lot 1, Stimpson Addition. Motion carried unanimously.

Item 8. Mike Slye, City Manager presented the previously opened bids for the City of Burkburnett Depository for October 1, 2009 – September 30, 2014 from Fidelity Bank and First Bank, Burkburnett. Mr. Slye briefly highlighted the differences in the two bids.

Jerry Johnson, 914 Mohawk, Burkburnett, Texas First Bank President addressed the Commissioners. Mr. Johnson stated it has been a pleasure to have the City's banking business, briefly highlighted their services and stated either bank would serve the City well.

Randy Aaron, 3311 Robin Lane, Wichita Falls, Texas Fidelity Bank President addressed the Commissioners and stated they would welcome the opportunity to have the City of Burkburnett banking business. Mr. Aaron briefly highlighted their services and the history of their bank.

Motion was made by Commissioner Kwas, seconded by Commissioner Lewis to accept the banking bid from First Bank.

Ayes: Mayor Law, Commissioners: Kwas, Lewis, Dolan and Wells

Nays: None

Abstained: None

Commissioner Tugman and Lindenborn did not vote due to Conflict of Interest-(disclosures on file).

Item 9. Motion was made by Commissioner Lewis, seconded by Commissioner Wells to approve the appointment of the following to the Burkburnett Development Corporation Board Members: Chad Lobaugh, Charlene Lewis, John Barad- terms to expire in 2011; Keith Myers, Board Member term to expire in 2010 (fill remaining term of Danny

Creameens); Ex-Officio members Nancy Viavattene and Jerry Hayes term to expire 2011 and Danny Creameens term to expire 2010. Motion carried unanimously.

Item 10. Resolution Number 466 was presented. A resolution adopting the Mainstreet Madness Community Event on September 18, 2009.

Kelly Bolen, Executive Director for the Burkburnett Development Corporation addressed the Commissioners. Ms. Bolen explained several activities will be taking place during this event downtown and hoped to see everyone there.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Dolan to approve Resolution Number 466 as presented. Motion carried unanimously.

Item 11. The Commissioners reviewed the agreement with the Texas Department of Transportation closing Main Street for the Mainstreet Madness Community Event on September 18, 2009. No action was taken. Resolution Number 466 authorizes the Mayor to enter into the agreement to close Highway 240 from Avenue A to Avenue E for the event.

Item 12. Mayor Law closed the regular meeting and opened the “Public Hearing” for public input regarding the 2008 Drinking Water Quality Report (Consumer Confidence Report) at 7:34 p.m.

Mike Whaley, Director of Public Works addressed the 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 13. Mayor Law closed the “Public Hearing” and re-opened the regular Commissioners meeting at 7:41 p.m.

Item 14. Mayor Law closed the regular meeting and opened the “Budget Hearing” to discuss the proposed Fiscal Year 2009-2010 Operating Budget at 7:41 p.m.

Mike Slye, City Manager addressed the Commissioners. Mr. Slye briefly reviewed the budget.

Kelly Bolen, Executive Director of the Burkburnett Development Corporation addressed the Commissioners regarding the BDC sales tax allocation. Mayor Law asked her to speak regarding the issue during the review of the Ordinance of the sales tax allocation.

Item 15. Mayor Law closed the “Budget Hearing” and re-opened the Commissioners meeting at 8:20 p.m.

Item 16. Ordinance Number 765 was presented in its entirety. Caption of same being:

AN ORDINANCE SUPERSEDING ORDINANCE NUMBER 724 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 Lewis, seconded by Commissioner Tugman to approve Ordinance Number 765 as presented. Motion carried unanimously.

Item 17. Ordinance Number 766 was presented in its entirety. Caption of same being:

AN ORDINANCE SUPERSEDING ORDINANCE NUMBER 696 OF THE CITY OF BURKBURNETT, TEXAS PRESENTLY CODIFIED AS CHAPTER 52, SEWERS 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 Lindenborn, seconded by Commissioner Tugman to approve Ordinance Number 766 as presented. Motion carried unanimously.

Item 18. Ordinance Number 767 was presented in its entirety. Caption of same being:

AN ORDINANCE AMENDING ORDINANCE NUMBER 737 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 Wells, seconded by Commissioner Tugman to approve Ordinance Number 767 as presented.

Ayes: Mayor Law, Commissioners: Wells, Tugman, Lindenborn, Lewis and Dolan
Nays: Commissioner Kwas
Abstained: None

Item 19. Ordinance Number 768 was presented in its entirety. Caption of same being:

AN ORDINANCE OF THE CITY OF BURKBURNETT, TEXAS CALLING AN ELECTION WITH A COMBINED BALLOT PURSUANT TO SECTION 321.409 OF THE TEXAS TAX CODE TO DETERMINE WHETHER THE CITIZENS DESIRE TO REDUCE THE CITY'S ECONOMIC DEVELOPMENT SALES

TAX AND LEVY A SALES AND USE TAX TO SUPPORT THE MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; DESIGNATING POLLING PLACES; APPOINTING ELECTION OFFICIALS; DESIGNATING EARLY VOTING HOURS AND PLACES; DIRECTING POSTING AND PUBLICATION NOTICES FOR SAID ELECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND MAKING PROVISIONS FOR THE CONDUCT THEREOF AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.

Keith Myers, 104 Hidden Creek, Burkburnett is not in favor of re-distributing or abolishing the BDC.

Kimberly Jackson, 513 Sycamore, Burkburnett is not in favor of re-distributing or abolishing the BDC.

Kelly Bolen, BDC Executive Director addressed the Commissioners. Ms. Bolen stated monies cannot be re-distributed if the corporation was created before 1999, the corporation would have to be abolished in order to change the amount of sales tax it receives.

Motion was made by Commissioner Wells to approve Ordinance Number 768. Motion died due to lack of a second.

Item 20. The Commissioners reviewed the monthly reports.

Item 21. Personal Audience Comments to Commissioners/Comments on Agenda Items.

Charles Kermott, 703 S. Berry, Burkburnett addressed the Commissioners regarding an alley that people are using, driving too fast and includes City vehicles. Mr. Slye stated he would have the police to patrol the area.

Item 22. City Manager's report.

- A. Stimulus Criminal Justice Grant update. Mr. Slye explained the Burkburnett Police Department has applied and received a grant.
- B. TML Convention update. Mr. Slye reported registrations need to be made and to please contact Trish Holley if you plan to attend.

Item 23. Council comments.

Commissioner Kwas thanked everyone for attending and stated the budget is tight this year, trying to stay within a strict budget but cannot always make everyone happy.

Commissioner Lindenborn thanked everyone for coming tonight and that Commissioner Kwas, Wells and he had attended a Newly Elected Commissioners Orientation last week in Austin with some good training and insight pertaining to city government.

Commissioner Wells thanked everyone for attending and stated he had received many calls regarding the BDC sales tax allocation ordinance and thanked those for expressing their concerns.

Commissioner Dolan thanked the visitors for coming tonight and stated since Burkburnett lost Wal-Mart, the downtown businesses have pulled together with help from the BDC and the Chamber and are working together.

Commissioner Lewis thanked everyone for coming tonight and stating their opinions.

Commissioner Tugman stated that many of the calls Commissioner Wells received may have been friends of his that speak bluntly and that everyone has their own opinions of what needs to happen. Commissioner Tugman thanked the city staff for the time spent working on the budget and thanked the BDC for the work they do. Commissioner Tugman invited everyone to attend the swearing in of Attorney Barney Fudge as the new 78th District Court Judge on August 28th at 1:00 p.m. in Judge Brotherton's courtroom at the Wichita County Courthouse.

Mayor Law thanked everyone for coming and stated he welcomes phone calls, comments or emails that can be sent to mayor@burkburnett.org. Mayor Law stated he hoped to see everyone at the next meeting.

Item 24. Motion was made by Commissioner Tugman, seconded by Commissioner Wells to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Trish Holley, City Clerk