

## ***MINUTES***

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

The Board of Commissioners of the City of Burkburnett, Texas met in a regular called meeting on Monday, December 15, 2008 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
Billy T. Elder	Commissioner
Scott Dolan	Commissioner
Jim Phillips	Commissioner
Charlie McCullough	Commissioner

Other's present were: Mike Slye, City Manager; Trish Holley, City Clerk; Dale Lewis, Director of Administration; Michael Whaley, Director of Public Works and Mike Tracey, Chief of Police.

Other's present: Ed Stahr, Michael Crowley, Glen Hutchinson, Peter Couture, John Reinke, Mike Reinke, Jack & Carol McMullen, W. L. Bunton, Jeff Krc, Warren Fretz, Steve Barnes, Corissa Barnes, John Hopkins, Nathan Reinke, Thomas Watson, Ernest Terry, Flora Holland, Scott Hogue, Jonathan Zellner, Mikki Zellner, Brenda Shepard, Trudy Thompson, Raymond Holland, Mike Bunton, Donnie Shepard, Zachary Leonard.

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 Reverend Phillips Kenedy, Pastor, New Hope Church of the Nazarene.

Item 3. Mayor Law reported the City of Burkburnett received a Certificate of Appreciation from Wichita County on November 20, 2008.

Item 4. Mayor Law reviewed the Consent Agenda Items.

1. Approval of minutes from November 17, 2008.
2. Approval of Chad Lobaugh to serve on the Wichita Appraisal Review Board.

Motion was made by Commissioner Elder, seconded by Commissioner Phillips to approve Consent Agenda Items 1-2. Motion carried unanimously.

Item 5. Ordinance Number 759 was presented in its entirety. Caption of same being:

**ORDINANCE OF THE CITY OF BURKBURNETT, TEXAS APPROVING AN ELECTRIC POWER CONTRACT WITH CITIES AGGREGATION POWER PROJECT, INC. ("CAPP") FOR ELECTRIC CAPACITY AND ENERGY, PROVIDING CAPACITY PAYMENTS AS PUBLIC PROPERTY FINANCE CONTRACTUAL OBLIGATIONS OF THE CITY, PLEDGING AND LEVYING AN AD VALOREM TAX TO SUCH PAYMENTS, PROVIDING FOR ENERGY PAYMENTS FOR ELECTRIC ENERGY SUBJECT TO ANNUAL APPROPRIATION BY THE CITY, PROVIDING FOR THE ASSIGNMENT OF SUCH CAPACITY PAYMENTS TO SUPPORT DEBT ISSUED BY CAPP INCURRED TO ACQUIRE ELECTRIC CAPACITY RIGHTS FROM LUMINANT GENERATION COMPANY AND RELATED ENTITIES PURSUANT TO A 24-YEAR POWER PURCHASE AGREEMENT ("PPA"); AUTHORIZING THE CITY MANAGER OR OTHER APPROPRIATE CITY OFFICER OR EMPLOYEE TO EXECUTE AND DELIVER THE MEMBER CONTRACT; FURTHER AUTHORIZING THE CITY MANAGER OR OTHER APPROPRIATE CITY OFFICER OR CITY EMPLOYEE TO SIGN ADDITIONAL AGREEMENTS ARRANGED BY CAPP FOR ELECTRIC POWER NEEDED BY THE CITY IN THE PERIOD 2009-2011 IN EXCESS OF THE AMOUNT OBTAINED UNDER THE MEMBER CONTRACT; ACKNOWLEDGING, AUTHORIZING AND DIRECTING THE CITY MANAGER OR APPROPRIATE CITY OFFICER OR CITY EMPLOYEE TO SIGN AND RETURN CAPP'S DISCLOSURE LETTER; FURTHER AUTHORIZING THE CITY MANAGER OR APPROPRIATE CITY OFFICER OR OTHER CITY EMPLOYEE TO ACCEPT CONFORMING CHANGES TO THE MEMBER CONTRACT DEPENDENT ON THE FINAL TERMS OF THE CAPP PPA; PROVIDING FOR VALIDITY AND SUFFICIENCY OF CITY EMPLOYEE'S OR CITY OFFICER'S SIGNATURE IF THE OFFICER OR EMPLOYEE LEAVES OFFICE OR EMPLOYMENT PRIOR TO THE DELIVERY OF THE MEMBER CONTRACT; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT.**

Motion was made by Commissioner Tugman to approve Ordinance Number 759. Motion died due to lack of second.

Item 6. Resolution Number 447 was presented in its entirety. A resolution authorizing the Burkburnett Police Department Step Pay Plan.

Motion was made by Commissioner Tugman, seconded by Commissioner Lewis to approve Resolution Number 447 as presented.

Ayes: Mayor Law, Commissioners: Tugman, Lewis, McCullough, Elder, Dolan  
Nays: Commissioner Phillips  
Abstained: None

Item 7. Mike Slye, City Manager addressed the Commissioners. Mr. Slye reported local citizen-John Reinke approached the city about amending the Animal Control Ordinance pertaining to wild animals. Mr. Slye explained that Mr. Reinke works for a zoo in Oklahoma that rescues baby wild animals. Mr. Reinke had been trained in handling wild animals and occasionally brings them home on the weekends to continue their care. The current ordinance prohibits wild animals.

Mr. Slye stated Jay Cantrell, City Attorney is researching the possibility of allowing certain wild animals inside city limits.

If the Commissioners desire the city attorney to continue the research, it may be possible to have an ordinance on the next agenda.

Item 8. Resolution Number 448 was presented in its entirety. A resolution authorizing City Manager or his designee to enter into demolition contracts to low bidder.

Motion was made by Commissioner Dolan, seconded by Commissioner Elder to approve Resolution Number 448 as presented. Motion carried unanimously.

Item 9. Motion was made by Commissioner McCullough, seconded by Commissioner Dolan to approve final plat, Alexander Addition, Lots 21A & 22A. Motion carried unanimously.

Item 10. Motion was made by Commissioner Elder, seconded by Commissioner McCullough to approve final plat, Lots 1A & 2A, Block 5, Buckner Addition. Motion carried unanimously.

Item 11. Burkburnett Development Corporation Resolution Number 2008-01 was presented in its entirety for the 1<sup>st</sup> reading. A resolution supporting the submission of a Texas Community Development Block Grant Program Application by the City of Burkburnett.

Motion was made by Commissioner Tugman, seconded by Commissioner Elder to approve Burkburnett Development Corporation Resolution Number 2008-01 on the 1<sup>st</sup> reading. Motion carried unanimously.

Item 12. The Commissioners reviewed the monthly reports.

Item 13. Personal Audience Comments to Commissioners/Comments on Agenda Items.

Peter Couture, 111 S. Berry, Burkburnett, Texas signed up to speak but had left the meeting before being called.

Item 14. City Manager's report.

- (A) Mr. Slye stated a Christmas Reception will be held after the meeting tonight and everyone is invited to stay.
- (B) Mr. Slye reported a Special Called Meeting would be held on December 18<sup>th</sup> at 2:00 pm.

Item 15. Commissioner McCullough stated many citizens had told him how nice the park looks with the Christmas decorations and the Christmas parade was one of the best in years.

Commissioner Elder wished everyone a Merry Christmas.

Commissioner Phillips wished everyone a Merry Christmas.

Commissioner Dolan appolized for being late and stated he the Burkburnett Police Department does a good job and deserves a raise, the Christmas parade was great this year and wished everyone a Merry Christmas.

Commissioner Lewis stated the park looks very nice and wished everyone a Merry Christmas.

Commissioner Tugman stated the annual Christmas Party was great and that even though the Commissioners might not agree on everything they can still resolve issues, which is a good thing, and Merry Christmas.

Mayor Law thanked the visitors for coming tonight and stated the Christmas parade was great and the Jazz Band that played that night at the park was very good. Mayor Law wished everyone a Merry Christmas.

Item 16. Motion was made by Commissioner Tugman, seconded by Commissioner Lewis to adjourn. Motion carried unanimously.

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Carl Law, Mayor

**ATTEST:**

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Trish Holley, City Clerk