

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, December 20, 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
Bill Lindenborn	Commissioner
Ted Kwas	Commissioner
Josh Andrajack	Commissioner
Chase Thornton	Commissioner
Raymond Holland	Commissioner

Commissioner Charlene Lewis was absent.

Other's present: Don Ives, Interim City Manager; Trish Holley, City Clerk; Michael Whaley, Public Works Director 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 Mark Simons, Pastor of Jan Lee Baptist Church.

Item 3. The Pledge of Allegiance was led by Don Ives.

Item 4. Consent Agenda.

A. Approval of minutes from November 15, 2010.

Motion was made by Commissioner Thornton, seconded by Commissioner Holland to approve Consent Agenda 4A. Motion carried unanimously.

Item 5. Mayor Law closed the regular meeting at 7:02 p.m. and opened the Public Hearing for the following Planning & Zoning Commission Cases:

A. Case #2010-83, re-zone correction, Lot 5, JanLee Town, Section 3 also known as 900 W. Kramer.

Michael Whaley, Director of Public Works/Community Planning addressed the Mayor and Commissioners. Mr. Whaley stated this requested was initiated by City Staff, after receiving a request to re-zone adjacent property from Single Family SF-6 to Commercial, the City realized this property was also zoned as SF-6. The City sent out the required notifications and has received no objections to this change; Planning & Zoning Commission and city staff recommends approving.

- B. Case #2010-84, re-zone application, 0.884 acres, Block 11, RRVL, also known as 808/810 (estimate) W. Kramer Road.

Mr. Whaley stated this property is adjacent to a commercial zoning block. The owner is requesting the property be changed to Commercial Business in order to allow construction of an office building for a welding business. If the business intends to use the office later as a welding business, a specific use permit would be required for approval. The City sent out the required notifications and has received no objections to this change; Planning & Zoning Commissioner and city staff recommends approving.

Jack Stine, G & H Real Estate addressed the board on behalf of the owner of the property.

LaDana Stimpson, 609 Preston, Burkburnett addressed the board, owner of the welding business.

- C. Case #2010-86, Specific Use Application, Lot 1, Block 1, Wal-Mart Addition also known as 106 S. Red River Expressway.

Mr. Whaley stated the property is zoned Commercial Business which allows for outside display/storage with a Specific Use Permit. The City sent out the required notifications and has received no objections; Planning & Zoning Commission and city staff recommends approving with the following additional requirements: a) display of goods is only allowed during the weekend of operation; b) no permanent displays or structures be allowed; c) no animal sales and d) specific use permit be reviewed within 2 years.

Item 6. Mayor Law closed the Public Hearing at 7:09 p.m. and re-opened the regular meeting.

Item 7. Planning & Zoning Commission Cases:

- A. Case #2010-83, re-zone correction, Lot 5, JanLee Town, Section 3 also known as 900 W. Kramer.

Motion was made by Commissioner Kwas, seconded by Commissioner Thornton to approve Case #2010-83. Motion carried unanimously.

- B. Case #2010-84, re-zone application, 0.884 acres, Block 11, RRVL, also known as 808-810 W. Kramer Road.

Motion was made by Commissioner Holland, seconded by Commissioner Thornton to approve Case #2010-84. Motion carried unanimously.

- C. Case #2010-86, Specific Use Application, Lot 1, Block 1, Wal-Mart Addition also known as 106 S. Red River Expressway.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Holland to approve Case #2010-86 to include the additional requirements of: a) display of goods be only allowed during the weekend of operation; b) no permanent displays or structures be allowed; c) no animal sales and d) specific use permit be reviewed within 2 years. Motion carried unanimously.

Item 8. Ordinance Number 794 was presented in its entirety. 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: LOT 5, JANLEE TOWN SECTION 3 KNOWN AS 900 W. KRAMER FROM SINGLE FAMILY SF-6 TO COMMERCIAL BUSINESS; 0.884 ACRES, BLOCK 11, RRVL KNOWN AS 808/810 W. KRAMER 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 Kwas, seconded by Commissioner Thornton to approve Ordinance Number 794 as presented. Motion carried unanimously.

Item 9. Michael Whaley, Director of Public Works presented the previously opened bids for the preparation and painting of the North Water Tower. They are as follows:

Bidder	Amount
N. G. Painting, LP	\$287,000

MK Painting, Inc.	\$204,000
TMI Coatings, Inc.	\$278,000
Tank Pro, Inc.	\$244,692
Utility Service Co., Inc.	\$278,300
Classic Protective Coatings, Inc.	\$328,920
L.C. United Painting Co., Inc.	\$214,000

Mr. Whaley stated city engineer Richard Boyd reviewed the bids and the low bidder, MK Painting, Inc. submitted a bid of \$204,000 with an extensive list of projects they have completed, several of which are in Texas. Mr. Boyd stated he talked with three of the references and the contractor has received high marks; therefore he recommends the contract be awarded to MK Painting, Inc.

Motion was made by Commissioner Andrajack, seconded by Commissioner Kwas to approve awarding the contract for the refurbishment of the North Water Tower to MK Painting, Inc. in the amount of \$204,000.00. Motion carried unanimously.

Item 10. Ordinance Number 793 was presented in its entirety. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING THE FISCAL YEAR 2011 WATER/SEWER FUND BUDGET TO REFLECT THE ADJUSTMENT OF EXPENDITURES FOR UNEXPECTED WASTEWATER TREATMENT PLANT MAINTENANCE; FINDING AND 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 Holland to approve Ordinance Number 793 as presented. Motion carried unanimously.

Item 11. Don Ives, Interim City Manager addressed the Mayor and Commissioners. Mr. Ives reported that since 2008 Mel Feller has been maintaining city owned Pocket Park at 221 E. 3rd Street. The Board approved a lease with him to maintain the park and to provide liability insurance. However, the lease wasn't ever signed, but has maintained the park and has provided insurance. Mr. Feller has requested to be allowed to purchase the parcel of land. State law requires the sale of park land be voted on by the citizens. Staff will prepare an ordinance calling the election to include the referendum on the sale of Pocket Park and if approved will be on the May 14, 2011 ballot. No action was taken.

Item 12. Resolution Number 502 was presented. A resolution amending Resolution Number 385, Guidelines and Criteria for granting Tax Abatement in a Reinvestment Zone in the City of Burkburnett.

Motion was made by Commissioner Thornton, seconded by Commissioner Andrajack to approve Resolution Number 503 with the following correction: #6 is changed from at least \$1 million to \$250,000 upon completed. Motion carried unanimously.

Item 13. Don Ives, Interim City Manager addressed the Mayor and Commissioners. Mr. Ives stated Commissioner Thornton had a citizen ask about having a Parks & Recreation Board work with a consultant on the Parks Master Plan instead of working with the Commissioners. Mr. Ives stated after conducting a research he found the city doesn't have an active Parks & Recreation Board. In Section 97.60 of the Code of Ordinances, a board was established in 1966 but cannot find anything repealing that section of the Code.

Mr. Ives stated, staff recommends re-establishing the Parks & recreation Board as an advisory board only that would make recommendations to the Board of Commissioners. If approved to re-establish the board, staff would advertise the board openings in the newspaper and accept applications from interested citizens. No action was taken.

Item 14. Resolution Number 503 was presented. A resolution approving the Purchasing/Procurement Manual for the City of Burburnett.

Motion was made by Commissioner Andrajack, seconded by Commissioner Thornton to defer action until corrections can be made to the manual. Motion carried unanimously.

Item 15. Motion was made by Commissioner Holland, seconded by Commissioner Kwas to accept the resignation of Billy Ray Mize, Planning & Zoning Commission. Motion carried unanimously.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Andrajack to approve the appointment of Rick Griffin to serve the remaining term of Billy Ray Mize.

Ayes: Mayor Law, Commissioners: Lindenborn and Andrajack
Nays: Commissioners: Kwas, Holland and Thornton
Abstained: none

Motion failed

Motion was made by Commissioner Holland, seconded by Commissioner Thornton to approve the appointment of Glen Hutchison (would resign from the Zoning Board of Adjustment if appointed) to serve the remaining term of Billy Ray Mize.

Ayes: Commissioners: Holland, Thornton and Kwas
Nays: Mayor Law, Commissioners: Lindenborn and Andrajack
Abstained: none

Motion failed

Item 16. Review of monthly reports.

- A. Administration
 - (1) Financial and personnel reports were reviewed by Don Ives, Interim City Manager/Director of Administration.
- B. Public Works
 - (1) Street bond-County/Williams Project.
 - (2) Gilbert/Carnes Water Line Project.Michael Whaley, Director of Public Works reviewed the projects.
- C. Public Safety
 - (1) Chief Tracey reviewed the Asset Forfeiture Fund.

Item 17. Public Comments.

Thomas Watson, 209 S. Avenue B, Lot 21, Burkburnett addressed the Mayor and Commissioners regarding the parking of vehicles on Hayworth Street.

Justin Perron, 1405 S. FM 369, Burkburnett addressed the Mayor and Commissioners regarding employment decisions and handling of incident by the previous City Manager.

Ron Smith, 1212 Amherst, Burkburnett addressed the Mayor and Commissioners regarding employment decisions at the Police Department.

Gilbert Lopez, 5056 Lindale Drive, Wichita Falls addressed the Mayor and Commissioners regarding employment decisions at the Police Department.

Susan Mitchell, 1422 Hiawatha, Burkburnett addressed the Mayor and Commissioners regarding a comment made during the discussion of an appointment to the Planning & Zoning Commission.

Item 18. City Manager's report. No comments.

Item 19. Council comments.

Commissioner Andrajack thanked everyone for coming.

Commissioner Kwas stated he appreciated those in attendance and would like to see more people come to the meetings.

Commissioner Lindenborn-no comment.

Commissioner Thornton thanked everyone for coming and wished the staff, board and citizens a Merry Christmas and Happy New Year.

Commissioner Holland thanked everyone for coming and wished everyone a Merry Christmas and Happy New Year and to keep Commissioner Lewis in your prayers.

Mayor Law wished everyone a Merry Christmas and Happy New Year.

Item 20. Motion was made by Commissioner Holland, seconded by Commissioner Kwas to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Trish Holley, City Clerk