

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular called meeting on Monday, December 21, 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: Mike Slye, City Manager; Trish Holley, City Clerk; Dale Lewis, Director of Administration; Mike Whaley, Director of Public Works; Mike Tracey, Chief of Police; Kelly Bolen, Burkburnett Development Corporation Executive Director; Jay Cantrell, City Attorney, Jason Barker representing Horn Enterprises-Quail Holdings and Noor Jooma representing Burkburnett Pioneer Crossing.

Other's present: Brian Smith, Darren Broadus, Curtis Salyer, Jack Stine, Jack Baber, Dick Vallon, Glen Hutchinson, W. L. Bunton, Nellie Dickson, Nova Dickson, John McMullen and Daniel McMullen.

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 Mike Strickland, Pastor of Truth Bible Church.

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

Item 4. Consent Agenda.

A. Approval of minutes from November 2nd, 6th, 10th, 16th and 25, 2009.

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

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

- A. 2009-80 re-zone application for 3.73 acres out of Blocks 10 & 11, Red River Valley Lands, also known as 1120 S. Preston.

Dale Lewis, Secretary for the Planning & Zoning Commission addressed the Commissioners. Mr. Lewis stated the property is zoned Single Family SF-6 and the owner is requesting Residential R-1 to allow the construction of an assisted living facility. The Planning & Zoning Commission reviewed the application and unanimously approved the request.

Jack Stine, G & H Real Estate, 710 Sheppard Road addressed the Commissioners. Mr. Stine is representing Mel Chapman, owner of the property that is requesting the re-zoning. Mr. Stine stated the owner intends to construct an assisted living facility starting with 25 units with the capability of expanding to 10 extra units in the future.

- B. 2009-81 Specific Use application for Lot 1, Quail Holdings Addition (next to Hampton Inn).

Mr. Lewis addressed the Commissioners. Mr. Lewis stated the property is zoned Commercial Business and required a Specific Use application to construct a Community Care Retirement facility. The Planning & Zoning Commission reviewed the application and unanimously approved the application request.

Jason Barker, 5300 Town & Country Blvd, Frisco, Texas addressed the Commissioners. Mr. Barker is representing Horn Enterprises that constructed the Hampton Inn and currently owns the property. Mr. Barker stated Horn Enterprises will be constructing a retirement facility next to Hampton Inn.

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

Item 7. Motion was made by Commissioner Tugman, seconded by Commissioner Lewis to approve Planning & Zoning Commission Case #2009-80, re-zone application for 3.73 acres out of Blocks 10 & 11, Red River Valley Lands, also known as 1120 S. Preston from SF6 to R1 to construct an assisted living facility. Motion carried unanimously.

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to approve Planning & Zoning Commission Case #2009-81, Specific Use Application for Lot 1, Quail Holdings Addition (next to Hampton Inn) to construct a retirement facility. Motion carried unanimously.

Item 8. Motion was made by Commissioner Lewis, seconded by Commissioner Dolan to approve Change Order-Kramer/Cropper Road to construct stone wall with a landscape feature and “Welcome to Burkburnett” signage with \$6,400.00

being contributed by Burkburnett Development Corporation. Motion carried unanimously.

Item 9. Mike Whaley, Director of Public Works presented the previously opened bids for the Million Gallon Storage Tank repairs project. They are as follows:

Bidder	Amount
Tank Builders Inc.	\$320,000.00
Adams Construction	\$324,000.00

Richard Boyd, City Engineer recommends the low bidder-Tank Builders Inc. in the amount of \$320,000.00 based on the number of projects they have done in this area and is considered the premier company for this type of construction.

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to approve Tank Builders, Inc., bid of \$320,000.00 to repair the million gallon storage tank. Motion carried unanimously.

Item 10. Resolution Number 470 was presented in its entirety. A resolution declaring support for Burkburnett Pioneer Crossing for seniors-a senior living facility.

Mr. Noor Jooma, Carrollton, Texas addressed the Commissioners. Mr. Jooma is representing Pioneer Crossing which would consist of up to 80 units located at 109 Williams Drive. The resolution in support will be submitted along with the application for housing tax credit to the Texas Department of Housing and Community Affairs.

Motion was made by Commissioner Dolan, seconded by Commissioner Kwas to approve Resolution Number 470 as presented. Motion carried unanimously.

Item 11. Motion was made by Commissioner Lewis, seconded by Commissioner Dolan to approve the Burkburnett Development Corporation budget amendment in the amount of \$23,696.76 for a 6-month Debt Service (increase) decrease to Economic Development Incentives. Motion carried unanimously.

Item 12. Ordinance Number 772 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 2010 GENERAL AND CAPITAL IMPROVEMENT PROGRAM BUDGETS TO REFLECT THE ADJUSTMENT OF EXPENDITURES NECESSARY TO MAINTAIN CERTAIN GOVERNMENTAL SERVICES PROVIDED BY SAID CITY; 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 Tugman, seconded by Commissioner Dolan to approve Ordinance Number 772, an ordinance amending Fiscal Year 2010 General and Capital Improvement Project Budgets to provide for roof repair to the Senior Citizen Center. Motion carried unanimously.

Item 13. Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to dissolve the Burkburnett Housing Finance Corporation and retain the \$7,500.00 in the city treasury until we find a viable low income housing project to finance. Motion carried unanimously.

Item 14. Resolution Number 471 was presented in its entirety. A resolution approving an agreement between the State of Texas and the City for maintenance and regulation of state highways.

Motion was made by Commissioner Dolan, seconded by Commissioner Wells to approve Resolution Number 471 as presented. Motion carried unanimously.

Item 15. Mayor Law recessed to “Executive Session” pursuant to Texas Government Code Section 551.071-Consultation with Attorney. The Board of Commissioners will meet with the City Attorney in executive session to seek advice regarding pending or contemplated litigation with respect to the claims of John Edward Muller, Edward Salazar, Robert Head and Bernice Head, such being a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code at 7:45 p.m.

Item 16. The Commissioners reconvened to regular session at 8:25 p.m. and no action was taken.

Item 17. The Commissioners reviewed the monthly reports.

Item 18. Personal Audience Comments to Commissioners/Comments on Agenda Items. None

Item 19. City Manager’s report.

- A. A special called meeting will be held for a public hearing-City Charter Articles on January 4, 2010 at 7:00 p.m. and on January 13th at noon to review the remaining City Charter Articles and a special called meeting on December 28th at 8:00 a.m.
- B. Out of the office on January 6th to attend a Texas Municipal League Intergovernmental Employee Benefits Pool Meeting On December 22nd from 2:00 p.m. to 4:00 p.m. the City is hosting a Christmas

reception for the local people that we do business with on a daily basis and that you are welcome to come by. I wish you safe travel, Merry Christmas and Happy New Year.

Item 16. Council comments.

Commissioner Kwas thanked everyone for attending and hope they understand what we have to do and would like to hear more input from you people.

Commissioner Tugman stated Commissioner Pat Norriss will be announcing her candidacy tomorrow at 9:30 am at the Chamber of Commerce and hope you can attend. Commissioner Tugman thanked Mr. Slye, staff and police officers for what they do and invited everyone to attend the 16th Annual Pig Roast on January 9th at the American Legion Hall starting at 6:30 p.m.

Commissioner Lewis stated the park is just beautiful this time of year and thanked the volunteer fire department for delivering 377 gifts to the children of our community and wished everyone Merry Christmas.

Commissioner Dolan wished everyone a Merry Christmas.

Item 15. Motion was made by Commissioner Dolan, seconded by Commissioner Lindenborn to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Trish Holley, City Clerk