

## ***MINUTES***

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

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, February 21, 2011 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 Thornton	Commissioner
Raymond Holland	Commissioner

Others present: Don Ives, 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 Don Freeman, Elder, Central Church of Christ.

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

Item 4. Consent Agenda.

- A. Approval of minutes: (1) January 17, 2011  
(2) January 24, 2011

Motion was made by Commissioner Thornton, seconded by Commissioner Holland to approve Consent Agenda 4A (1) (2). Motion carried unanimously.

Item 5. Don Ives, Interim City Manager addressed the Mayor and Commissioners. Mr. Ives explained staff met with the residents on Meadow Drive; very few were interested in helping with the fees involved with the costs of reconstructing the street. Mr. Ives explained the city does not have \$352,000 in the budget for the reconstruction costs and the street had been resurfaced within

the last two years. City staff does not see how anything else can be done to improve Meadow Drive than what has already been done.

Annette Herrington, 2992 Vaughn Road addressed the Mayor and Commissioners and asked if anything was being done to slow down the vehicles that speed on Meadow Drive.

Mr. Ives stated it may be feasible to park a patrol car along Meadow Drive during the busy times which would help alleviate some of the ones that speed.

Chief Tracey said they will be patrolling the area during the morning and afternoons.

No action was taken.

Item 6. Eric Miller with Gary, Bowers & Miller reviewed the Fiscal Year 2010 Audit. No action was taken.

Item 7. Motion was made by Commissioner Andrajack, seconded by Commissioner Lindenborn to approve the amended City of Burkburnett Community Revitalization Plan as presented. Motion carried unanimously.

Item 8. Motion was made by Commissioner Kwas, seconded by Commissioner Andrajack to approve Friendship Park Permit Application-American Cancer Society Relay for Life. Motion carried unanimously.

Item 9. Motion was made by Commissioner Thornton, seconded by Commissioner Holland to approve the site plan for Elqerach LLC (proposed Ice House) at 405 S. Avenue D. Motion carried unanimously.

Item 10. Mayor Law closed the regular meeting at 7:40 pm and opened the Public Hearing for the following Planning & Zoning Cases:

- A. Case #2010-85, Specific Use Application for 402 S. Avenue D to allow a franchised private utility.

Mr. Michael Whaley, Director of Community Planning/Public Works addressed the Mayor and Commissioners. Mr. Whaley stated the request is being made by NTS Communication which is defined in the City of Burkburnett Zoning Ordinance as a franchised private utility. A specific use permit is required to allow a 220 square foot structure known as a pride hut and be constructed in a Commercial zoned area. The structure will serve as a main junction box for the fiber optic utility lines. The Planning & Zoning Commission approved this request; all notifications were mailed out as required and there have been no objections to the request.

Nick Catherman, with NTS Communication introduced the Brad Wothington, President of NTS Communication and Pride Network Inc. Mr. Worthington briefly addressed the Board and explained the process of installing the fiber optic lines that will take place over the next several months.

- B. Case #2011-87, Specific Use Application for 124 E. First Street to allow a wrecker service was withdrawn.

Item 11. Mayor Law closed the Public Hearing at 7:45 pm and re-opened the regular Commissioners meeting.

Item 12. Motion was made by Commissioner Lewis, seconded by Commissioner Lindenborn to approve Case #2010-85, Specific Use Application for 402 W. Avenue D to allow a franchised private utility. Motion carried unanimously.

Item 13. Resolution Number 507 was presented. A Burkburnett Development Corporation economic incentive agreement-Carter Aviation. First reading-no action taken.

Item 14. Ordinance Number 799 was presented. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS CALLING AN ELECTION TO BE HELD IN THE CITY OF BURKBURNETT, TEXAS TO ELECT THREE COMMISSIONERS AND SUBMIT THE PROPOSITION OF SELLING A CITY OWNED PARK, KNOWN AS POCKET PARK, 221 E. THIRD STREET, BURKBURNETT, TEXAS AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.

Motion was made by Commissioner Holland, seconded by Commissioner Kwas to approve Ordinance Number 799 as presented. Motion carried unanimously.

Item 15. Chief Police Mike Tracey addressed the Mayor and Commissioners. Chief Tracey presented the annual Racial Profiling Statistics for 2010 which is required by law. No action taken.

Item 16. Ordinance Number 800 was presented in its entirety. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS REPEALING CERTAIN SECTIONS OF CHAPTER 97, PARKS AND RECREATION BOARD; SECTIONS 97.60 – 97.65, IN THE CODE OF ORDINANCES, AND ADOPTING NEW SECTIONS 97.60 – 97.65; PARKS AND RECREATION BOARD; 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 Kwas, seconded by Commissioner Thornton to approve Ordinance Number 800 as presented. Motion carried unanimously.

Item 17. Don Ives, Interim City Manager addressed the Mayor and Commissioners. Mr. Ives stated a Commissioner requested the Board of Commissioners consider appointing a new Hotel Occupancy Tax Advisory Board to be made up of citizens and/or business owners or officials.

The Commissioners briefly discussed the proposed rules and regulations; no action was taken.

Item 18. Ordinance Number 801 was presented in its entirety. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING CHAPTER 53 OF THE MUNICIPAL CODE OF ORDINANCES; WATER, SECTION 53.28 LATE CHARGE FEE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Motion was made by Commissioner Lewis to approve Ordinance Number 801 as presented. Motion died for lack of a second.

Item 19. Resolution Number 508 was presented in its entirety. A resolution revising the City of Burkburnett Holiday Schedule.

Motion was made by Commissioner Andrajack, seconded by Commissioner Thornton to defer action until such time deemed appropriate by the Commissioners to coincide with the budgetary planning for Fiscal Year beginning October 1, 2011. Motion carried unanimously.

Item 20. Review of monthly reports.

A. Administration

(1) Financial and personnel reports. Mr. Ives briefly reviewed the balance sheet and personnel report.

B. Public Works

C. Public Safety

D. Parks & Recreation

(1) Cemetery Pavilion. Mr. Ives reported the Cemetery Board would like to meet with the Board of Commissioners and show them where they propose a Pavilion should be built in the cemetery. Mr.

Ives stated he will check to see if a special called meeting of the Board of Commissioners can be held at the cemetery.

Item 21. Public Comments.

The following spoke against the installation of the fiber optics that is being funded by Government stimulus money.

Tony Corsaut, 933 Tejas, Burkburnett  
Larry Lewis, 5202 Turkey Ranch Road, Wichita Falls  
Phoebe Kahler, 716 Park Street Apt. G-3, Burkburnett  
Gina Green, 5 Ramona Court, Wichita Falls  
Shelia Hartzler, 505 S. Center, Archer City

Item 22. City Manager's report.

- A. Cemetery Board Rules and Regulations-Mr. Ives reported the current advisory board has no set of rules/regulations to follow and stated something needs to be put into place.

Item 23. Council comments.

Commissioner Andrajack stated on the monthly Fire Department Report he notice a new volunteer had signed up-Nathan Simpson and wanted to thank him for his service to our city.

Commissioner Kwas thanked everyone for attending the meeting and for the accolades you gave us, and stated the board tries to do their work and be prepared prior to the meetings in order to make good decisions, if you have problems come to us.

Commissioner Lindenborn thanked everyone for attending tonight and for the citizen input.

Commissioner Lewis thanked everyone for attending and for those that spoke tonight and for the stand they are taking.

Commissioner Holland stated he is still learning a lot and appreciate everyone for attending, if you have problems let us know and we hope you keep coming back.

Commissioner Thornton thanked the City Staff and Kelly Bolen for the hard work they do for the city and for the ones that attended tonight and those that addressed the board tonight.

Mayor Law stated that he believes strongly in the Open Meetings Act and if someone wants to speak to the board, then everyone should follow the rules; I want to

thank the Commissioners for being prepared prior to the meetings in order for them to make good decisions for the citizens of Burkburnett.

Item 24. Motion was made by Commissioner Thornton, seconded by Commissioner Holland to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Trish Holley, City Clerk