

## ***MINUTES***

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

The Board of Commissioners of the City of Burkburnett, Texas met in a regular called meeting on Monday, January 21, 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:

Lee Potts	Mayor
Mike Tugman	Commissioner
Charlene Lewis	Commissioner
Billy T. Elder	Commissioner
Scott Dolan	Commissioner
Carl Law	Commissioner
Jim Phillips	Commissioner

Other's present were: Mike Slye, City Manager; Trish Holley, City Clerk; Dale Lewis, Director of Administration; Michael Whaley, Director of Public Works; Mike Tracey, Chief of Police; Rod Ryalls, Fire Chief; Kelly Bolen, BDC Director; Matt Patterson, Golf Committee Chair and Jeff Bromley representing Burkburnett Informer Star.

Local residents: John Beard, Dan Mills, Jerry Blevins, Kenneth Alexander, Curtis Salyer, Thomas Watson and Tina Feller.

Item 1. Mayor Potts called the meeting to order and welcomed the visitors.

Item 2. Invocation was given by Commissioner Law.

Item 3. Citizens/Visitors Comments to Commissioners.

Item 4. Mayor Potts reviewed the items under the Consent Agenda.

- A. Approval of the minutes from December 17, 2007.
- B. Budget amendment-Loop 267 \$10,000.00
- C. Budget amendment-Citizen Collection Station Roll-off Expense \$18,000.00
- D. Budget amendment-Municipal Court Technology Fund \$4,500.00; Security Fund \$3,500.00 transferred to individual funds #07 and #08.

Motion was made by Commissioner Elder, seconded by Commissioner Lewis to approve Consent Agenda Items 4 A-D with a correction to the minutes. Item 10-After much discussion, motion was made by Commissioner Tugman, seconded by Commissioner Elder to approve the Gresham Road Contribution (TXDOT project) in the amount of

\$75,000. The remaining projects were prioritized in the following order: Pawhuska Bridge Change Order \$75,000; Preston Sidewalks \$42,000; Cherokee Circle Rehab \$60,000 and North Bishop Drainage \$80,000. These change orders will be presented at a later time for approval. Motion carried unanimously.

Item 13 should read-“Commissioner Elder wished everyone a Merry Christmas and expressed concern about the vandalism in the park”.

Motion carried unanimously.

Item 5. Mayor Potts closed the regular meeting and opened the “Public Hearing” at 7:03 p.m. in regard to a variance application from Kenneth Alexander, doing business as: Snappy Stop, Inc.

Dale Lewis, Director of Administration addressed the Commissioners. Mr. Lewis stated the business located at 400 East Third (Snappy Stop) does not meet the 300-foot distance requirement from a church to sell alcohol per Ordinance Number 744. Mr. Lewis stated notification had been sent to those in the area and no one had contacted him with objections to the variance.

Mr. Kenneth Alexander addressed the Commissioners. Mr. Alexander reported that he has owned and operated the Snappy Stop for 27 years. If not allowed to sell beer and wine, it would be detrimental to his business; customers would go to another place to purchase beer/wine along with other items such as gasoline, lotto, soft drinks and snacks.

Item 6. Mayor Potts closed the “Public Hearing” and re-opened the regular Commissioners meeting at 7:07 p.m.

Item 7. Motion was made by Commissioner Tugman, seconded by Commissioner Elder to approve the variance application request from Kenneth Alexander, doing business as Snappy Stop, Inc.

Ayes: Mayor Potts, Commissioners Law, Elder, Phillips, Tugman and Lewis.

Nays: None

Abstained: Commissioner Dolan

Mayor Potts moved Item 17 up.

Item 17. Matt Patterson, Golf Committee Chair addressed the Commissioners. Mr. Patterson reported bids were solicited to replace the existing pumping system at River Creek Golf Course since there have been chronic problems with the pump motors in the existing system. Mr. Patterson stated two bids were submitted as follows:

Monroe Pump Service	\$85,784.97
Austin Turf & Tractor	\$147,329.20

Mr. Patterson stated city engineer Richard Boyd reviewed the bids and recommended Monroe Pump Service in the amount of \$85,784.97. Mr. Patterson reported no expenses would be incurred by the city. The green fees that are paid monthly to the City would cover the costs of replacing the pumps.

Motion was made by Commissioner Elder, seconded by Commissioner Tugman to award the bid to Monroe Pump Service in the amount of \$85,784.97 and to not exceed \$100,000.00 in repairs paid by the green fees. Motion carried unanimously.

Item 8. Mayor Potts closed the regular meeting and opened the "Public Hearing" for the demolition hearings on the following properties: (1) 511 W. 1<sup>st</sup>, (2) 608 E. 4<sup>th</sup>, and (3) 120 ½ N. Avenue C at 7:15 p.m.

Dale Lewis, Director of Administration addressed the Commissioners. Mr. Lewis reported the owners of the above properties had been notified according to the Local Government Code, legal notices had been published in the paper with no input from the owners. Lonnie Blevins, Building Inspector and Rodney Matthews, Code Enforcement Officer had inspected the properties and recommended demolition due to the health and safety hazards.

Item 9. Mayor Potts closed the "Public Hearing" and re-opened the regular Commissioners meeting at 7:30 p.m.

Item 10. Motion was made by Commissioner Elder, seconded by Commissioner Phillips for the approval of demolition of the following properties: (1) 511 W. 1<sup>st</sup>, (2) 608 E. 4<sup>th</sup>, and (3) 120 ½ N. Avenue C. Motion carried unanimously.

Item 11. The garbage service collection day changes was discussed and no action taken.

Item 12. Ordinance Number 745 was presented in its entirety. Caption of same being:

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, ("CITY") APPROVING A SETTLEMENT AGREEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "THE COMPANY") REGARDING THE COMPANY'S STATEMENT OF INTENT TO CHANGE GAS RATES IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE SETTLEMENT AGREEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND**

**REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL.**

Motion was made by Commissioner Tugman, seconded by Commissioner Dolan to approve Ordinance Number 745 as presented. Motion carried unanimously.

Item 13. The Commissioners reviewed the Annual Racial Profiling Report required by the Code of Texas Criminal Procedures. No action taken.

Item 14. Motion was made by Commissioner Tugman, seconded by Commissioner Lewis to approve the following Change Orders of the Preston Road Project (a) New sidewalk on west side of Preston Road north of Pawhuska \$33,450; (b) Pawhuska bridge drainage improvement \$62,000; and (c) Cherokee Circle road repair \$55,750. Motion carried unanimously.

Item 15. Resolution Number 429 was presented. A resolution authorizing the filing of a solid waste grant application.

Motion was made by Commissioner Phillips, seconded by Commissioner Dolan to approve Resolution Number 429 as presented. Motion carried unanimously.

Item 16. Mike Slye, City Manager addressed the Commissioners. Mr. Slye discussed the benefits of having the Burkburnett Municipal Court as a Court of Record. Mr. Slye stated the city attorney and the municipal judge are in favor of the court of record. Mr. Slye reported new video and audio equipment would be required and funds have been set aside for these purchases. The equipment that is being used is outdated and the update is long over due. An ordinance can be presented at the new regular meeting to change the court over to a Court of Record.

Item 18. Mayor Potts tabled Item 18.

Item 19. The Commissioners reviewed the monthly reports.

Item 20. Mike Slye, City Manager addressed the Commissioners. Mr. Slye reported he would be meeting with Oncor next week in Addison, Texas. The meeting is intended to reach a compromise on the future Street Light Tariff that will be proposed and adopted by the Public Utility Commission.

Mr. Slye stated a meeting would be held tomorrow with officials from Wichita County and Texas Department of Transportation to discuss the Gresham Road project. The Sheppard Loop 267 project will begin sometime in June or July.

In closing, Mr. Slye reported an employee meeting would be held on February 7<sup>th</sup> to review changes to the Texas Municipal Retirement System and to update the employees on the Deferred Compensation Plan employees can participate in and reminded the

council of the upcoming lunch invitation sent by Jeff Watts at the J.S. Bridwell Ag Center in Wichita Falls on February 8<sup>th</sup>.

Item 21. Commissioner Lewis thanked the visitors for coming and expressed her concern regarding the garbage service collection day changes requested by I.E.S.I., Inc.

Commissioner Tugman thanked the visitors for coming and stated he enjoyed the Annual Chamber of Commerce banquet.

Commissioner Elder expressed his concern about the vandalism at the park and if security cameras were going to be installed?

Mr. Slye reported city staff was presented with a demo of how the cameras work, preliminary discussion on monitoring at the Police Department is being worked out before any action takes place. Mr. Slye reported the approximate cost is \$20,000.

Commissioner Phillips stated whoever cleaned up and painted the Wal-Mart building looks good and asked if the dumpsters would be removed before they became full.

Mike Slye reported the Burkburnett Volunteer Fire Department was called out to Ameron and the fire department was able to contain the fire.

Commissioner Lewis stated the pancake feed sponsored by the Sertoma Club, the Burkburnett Volunteer Fire Department and Elks Lodge was a success and cleared around \$3,000.00 that was given to the Burkburnett Boys & Girls Club.

Commissioner Dolan reported a “Woodystock Concert” would be held on the banks of the Red River on April 5<sup>th</sup> with the parking proceeds benefiting the Burkburnett Volunteer Fire Department.

Item 22. Motion was made by Commissioner Potts, seconded by Commissioner Elder to adjourn at 8:20 p.m. Motion carried unanimously.

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Lee Potts, Mayor

**ATTEST:**

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Trish Holley, City Clerk