

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular called meeting on Monday, January 18, 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
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 Tracey, Chief of Police; Rodney Ryalls, Fire Chief, Kelly Bob Carter, Assistant Fire Chief, EMTS-Greg Neal and Dan King; Commissioner Pat Norriss and Dr. Jonathan Williams, MD.

Other's present: Jared Burchett, Cory Brinkley, Brian Smith, Jarred Judd, Brett Wall, Scott White, Terry & Bennie Lindeman, Sherri Brogdon, Clay Gahagan, Sue Waddell, Billie Gorham, Della & Larry Brandenburg, Len Nauman, Kenneth Cox, Thomas Watson, Frank Harrimon, Kelly Bolen, Glen Hutchinson, Justin & Cara Perron, Brent Schelter, Nancy Wells, Curtis Salyer, W.L. Bunton, Steve Schelter, Chase Thornton, Nathaniel Dickerson, Cindy Waddell, Michael Bunton, Jeff Krc, Shae Whitlock, Trudy Thompson, Kristy Towery, Sandra & Donald Lucia, Howard Locklin, Kevin Hatfield, Darren Broadus, Cindy Guinn, Erwin Lee Harvey Sr., Warren & Vicky Reis and John McMullen.

Jeff Bromley representing Burkburnett Informer Star was present as well as Bethany Rumble with KAUZ and Darrell Franklin, KFDX.

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

Item 2. Invocation was given by Billy Pate, Pastor of First Assembly of God Church.

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

Item 4. Consent Agenda.

A. Approval of minutes from December 9, 21 and 28, 2009.

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

Item 5. Resolution Number 472 was presented. A resolution opposing Oncor's proposed electric transmission lines that are in direct conflict with the City of Burkburnett's comprehensive thoroughfare plan.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Tugman to approve Resolution Number 472 as presented. Motion carried unanimously.

Item 6. Mr. Slye introduced Doctor Jonathan Williams, Burkburnett Medical Director, to give an infrastructure medical presentation.

Dr. Williams addressed the Commissioners. Dr. Williams presented a program of the medical needs for the citizens of Burkburnett. Dr. Williams presented statistics and an analysis of our future medical and economic needs. No action was taken.

Item 7. Mike Slye, City Manager addressed the Commissioners. Mr. Slye reported that currently, the Burkburnett EMT's respond to medical calls that are within our Extra Territorial Jurisdiction (one mile past the city limits). Mr. Slye explained, if called into this area, our paramedics respond to the call as if inside the city limits, however, the citizen is billed \$250.00 since they do not pay city taxes; if it is a structure fire, a \$250.00 fee is charged; grass fires are not subject to the fee. Lately, the EMT's have responded to areas that are outside the ETJ and we need clarification on how far they should respond to emergency calls. The fire department may also send First Responders if city paramedics are not available, however, many times, our paramedics are arriving when the ambulance service is also arriving. The city has a contract with Wichita County to respond to fire emergencies that are outside the ETJ, not medical emergencies. Tonight, we need to decide how far you want the paid city paramedics to respond.

Local residents that spoke regarding the EMT response were:

Terry Lindeman, 789 Gresham
Benny Lindeman, 789 Gresham
Frank Harriman, 988 Muller Road
Billie Gorham, 2386 Holman Road

After much discussion, motion was made by Commissioner Dolan, seconded by Commissioner Kwas to approve the following:

“For all out of ETJ EMS emergencies, personnel will proceed to Station 3 and once two volunteer EMS certified personnel are available, one will respond with an on duty medic and the other will stand by in town with the other medic. Should on duty EMS personnel be on an in town call, EMS certified firefighters will respond to the out of town call in an appropriate apparatus with sufficient EMS equipment.”

Ayes: Mayor Law, Commissioners: Dolan, Kwas, Lindenborn, Wells and Lewis

Nays: Commissioner Tugman

Abstained: none

Item 8. Mike Slye, City Manager presented a City of Burkburnett Travel Policy to the Commissioners that will be used by all city staff and Commissioners.

Motion was made by Commissioner Wells, seconded by Commissioner Dolan to approve the travel policy with corrections by adding in Section 2-Elected officials travel must be approved by Council; and in Section 4 (F) delete the word manager. Motion carried unanimously.

Item 9. Ordinance Number 773 was presented in its entirety. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS CITING CERTAIN STATUTORY AUTHORIZATION FOR THIS ORDINANCE RELATING TO FLOOD DAMAGE PREVENTION , MAKING CERTAIN FINDINGS, STATING ITS PURPOSE AND DEFINING CERTAIN TERMS; ADOPTING CERTAIN REGULATIONS, PROVIDING FOR ADMINISTRATION OF THE REGULATIONS; AND PROVIDING FOR SEVERABILITY AND PENALTIES.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Dolan to approve Ordinance Number 773 as presented. Motion carried unanimously.

Item 10. Mayor Law closed the regular meeting and opened the “Public Hearing” to discuss the City Charter at 9:02 p.m.

D. Compensation of Commissioners Art. IV, Section 9

Mr. Slye reported for the Commissioners to be covered in the cities health insurance plan, they would all have to participate in the program.

F. Duties of Mayor Art. IV, Section 12

W.L. Bunton, 1585 Ratt Road, Wichita Falls spoke stating he was against any change that would include the words “his designee”.

G .Contract for Personal Services Art. IV, Section 25

Chase Thornton, 303 Kirk, Burkburnett spoke stating that the city manager should not have a contract.

H. City Manager, Powers/Duties Art. V, Section 5

W.L. Bunton, 1585 Ratt Road, Wichita Falls this is giving the City Manager too much power in the daily hiring and firing process.

Raymond Holland, 216 Dogwood, Burkburnett stated in the City Handbook the appeal process stops with the City Manager and if you change the Charter it would eliminate this process.

Justin Perron, 1405 S. FM 369, Burkburnett asked when/where do the department heads fall into the decision making process of the hiring/firing.

Item 11. Mayor Law closed the “Public Hearing” and re-opened the regular Commissioners meeting at 9:25 p.m.

Item 12. Potential change to Compensation of Commissioners, Art. IV, Section 9.

Died lack of a motion.

Item 13. Potential change to Duties of Mayor, Art. IV, Section 12.

Motion was made by Commissioner Wells, seconded by Commissioner Kwas to approve adding the words or his designee as approved the City Council. Motion carried unanimously.

Item 14. Potential change to Contract for Personal Services, Art. IV, Section 25.

Motion was made by Commissioner Wells, seconded by Commissioner Lindenborn to approve changing the wording to “any person that enters into a contract with the city for personal services shall be subject to preemptory discharge; provided that the contract for personal services may provide for benefits or compensation payable on termination of the contract if the contract is being terminated at the election of the city and not due to any fault of the other party of the contract.

Ayes: Mayor Law, Commissioners: Wells, Lindenborn, Tugman

Nays: Commissioners Lewis, Dolan, Kwas

Abstained: none

Item 15. Potential change to City Manager, Powers/Duties, Art. V, Section 5.

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to approve changing Section C to read as “to appoint or hire, suspend

and remove, all employees of the city except as otherwise provided in this Charter and subject to any polices or procedures that may be adopted by the Board of Commissioners from time to time.

Ayes: Mayor Law, Commissioners: Tugman, Lindenborn, Kwas and Dolan

Nays: Commissioners: Lewis and Wells

Abstained: None

Item 16. The Commissioners reviewed the monthly reports.

Item 17. Personal Audience Comments to Commissioners/Comments on Agenda Items.

Darren Broadus, 1405 Red Fox, Burkburnett addressed the Commissioners regarding the 2009 Blizzard and the wrecker businesses that service Burkburnett.

Item 18. City Manager's report.

- A. Mr. Slye reported he would be out of the office on January 27-29th for a Texas Municipal League Intergovernmental Employees Benefits meeting.
- B. Mr. Slye reported Cropper Road is open and letters are being made to put on the welcoming sign with landscaping to come.
- C. A special called meeting will be held on January 25 at 7:00 pm with the proposed ballot language to be presented and for the Hotel Occupancy Tax Committee to review an application it has received.

Item 19. Council comments.

Commissioner Dolan thanked everyone for attending and that is was nice to see Lee Harvey here and thanks to the Fire and Rescue Departments for their work.

Commissioner Lewis thanked everyone for attending along with the fire department and Kelly Bolen and Darren Broadus for trying to get a medical center here.

Commissioner Wells thanked those in attendance tonight.

Commissioner Lindenborn thanked Dr. Williams for the presentation he made that has opened our eyes in respect of needing a medical facility here and to Kelly and Darren and to everyone else in attendance.

Commissioner Kwas thanked everyone for coming tonight.

Mayor Law thanked everyone for coming, and stated that in order to not violate the Open Meeting Act, it is his duty to make sure during the meeting and discussion that everyone stays on the topic posted on the agenda. We live in a great city and I appreciate everyone that is here tonight.

Item 20. Motion was made by Commissioner Kwas, seconded by Commissioner Lindenborn to adjourn at 9:55 p.m. Motion carried unanimously. Resident Benny Lindeman requested he be allowed to dismiss the meeting in prayer.

Carl Law, Mayor

ATTEST:

Trish Holley, City Clerk