

## ***MINUTES***

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

The Board of Commissioners of the City of Burkburnett, Texas met in a regular called meeting on Monday, January 19, 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
Billy T. Elder	Commissioner
Scott Dolan	Commissioner
Jim Phillips	Commissioner
Charlie McCullough	Commissioner

Other's present were: Mike Slye, City Manager; Trish Holley, City Clerk; Dale Lewis, Director of Administration; Michael Whaley, Director of Public Works and Mike Tracey, Chief of Police.

Other's present: Dick Vallon, Brenda Shepard, Daisy Chancellor, Glen Hutchinson, Michael Bunton, Bill Lindenborn, W. L. Bunton, Flora Holland, Curtis Salyer, John McMullen, Ronny Baize, Wade Medberry, Ted Kwas, Thomas Watson, Jack Baber, Trudy Thompson, Nathan Reinke and Raymond Holland.

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 Pastor Daryl Waddell, Jubilee Christian Center.

Item 3. Michael Whaley, Director of Public Works addressed the Mayor, Commissioners and visitors. Mr. Whaley presented a slide presentation of Storm Drainage improvements made to the City this past year.

Item 4. Mayor Law reviewed the Consent Agenda Items.

1. Approval of minutes from December 15 and December 18, 2008.

Motion was made by Commissioner Tugman, seconded by Commissioner Dolan to approve Consent Agenda Item 4-1. Motion carried unanimously.

Item 5. Ronnie Baize, Crowell, Texas addressed the Commissioners. Mr. Baize reported he owned the property at the corner of Kramer Road and South Preston Loop. Mr. Baize stated he is building self-storage facilities at the location and is requesting the entry drive be located on West Kramer Road.

Mr. Baize stated on April 21, 2008, the Board of Commissioner met to consider the request of the Specific Use Permit to construct the self storage units and was approved contingent on the following: 1. All surface area not covered by building must be concrete paved as well as all curbed entrances; and 2. Ingress and egress only allowed from Preston Road.

Mr. Baize stated having the ingress and egress from Preston Road; he would loose 45' of usable space because of the dimension of the property. By using the Kramer Road as the ingress/egress will give better utilization of the site.

Motion was made by Commissioner Elder, seconded by Commissioner Phillips to approve the request by Mr. Baize concerning the entry to the property off Kramer Road as opposed to Preston Road and be at least 150' west of the intersection of Kramer and Preston Roads. Motion carried unanimously.

Item 6. Michael Whaley, Director of Public Works presented the previously opened bids for the East Third Street replacement water mains.

<b>Bidder Name</b>	<b>Bid Amount</b>
Wichita Contractors	\$35,796.75
Walker Contracting	\$45,205.00
Jimmie Garcia Const.	\$51,750.00
Jalyn Construction	\$56,260.00
Bowles Construction	\$63,285.00

Mr. Whaley reported City Engineer recommends the low bid from Wichita Contractors, which was less than half of the estimate; Wichita Contractors has performed many jobs for the City of Burkburnett and has always done excellent work.

Motion was made by Commissioner Elder, seconded by Commissioner Dolan to approve the low bid from Wichita Contractors in the amount of \$35,796.75 and request staff look into extending the contract to complete the project as long as it is below the original estimate. Motion carried unanimously.

Item 7. Ordinance Number 759 was presented in its entirety. Caption of same being:

AN ORDINANCE OF THE CITY OF BURKBURNETT, TEXAS AMENDING SECTION 91.61 OF CHAPTER 90 OF THE CODE OF ORDINANCES OF THE CITY OF BURKBURNETT, TEXAS MAKING IT AN OFFENSE TO KEEP CERTAIN

WILD ANIMALS WITHIN THE CITY, MAKING AN EXCEPTION FOR CERTAIN HOLDERS OF PERMITS ISSUED BY THE STATE OF TEXAS AND PERMITTING TEMPORARY POSSESSION OF CERTAIN WILD ANIMALS UPON SATISFACTION OF CERTAIN CONDITIONS AND PROVIDING FOR SEVERABILITY.

After much discussion, motion was made by Commissioner Dolan, seconded by Commissioner McCullough to table the ordinance.

Ayes: Commissioners: Dolan, McCullough, Elder, Tugman and Lewis.

Nays: Mayor Law and Commissioner Phillips

Abstained: None

Item 8. Resolution Number 449 was presented in its entirety. A resolution amending the City of Burkburnett holiday schedule.

Motion was made by Commissioner Dolan and died due to a lack of a second.

Item 9. Burkburnett Development Corporation Resolution Number 2008-01 was presented in its entirety for the 2<sup>nd</sup> and final reading. A resolution supporting the submission of a Texas Community Development Block Grant Program Application by the City of Burkburnett.

Motion was made by Commissioner Elder, seconded by Commissioner Tugman to approve Burkburnett Development Corporation Resolution Number 2008-01 on the 2<sup>nd</sup> and final reading. Motion carried unanimously.

Item 10. The Commissioners reviewed the monthly reports.

Item 11. Personal Audience Comments to Commissioners/Comments on Agenda Items.

Raymond Holland, 216 Dogwood, Burkburnett, Texas addressed the Mayor and Commissioners regarding the letter he received from the Mayor/Commissioners in reference to the complaint he made against the City Manager.

Item 12. City Manager's report.

(A) Mr. Slye reported the Veolia Water Contract will expire in a couple of years and they have approached the city about extending the contract for another 10 years. Mr. Slye reported Veolia is internationally recognized company in the waste water operation and took a firm stand with the City regarding the discharge incident in Wild Horse Creek that cost the company a substantial amount of money. Mr. Slye stated Veolia typically presents a long term Capital Improvement Program when discussing contract terms. They are interested in the continued use of the effluent water program and are looking at options that would eliminate any discharge into the Wild Horse Creek. I

would like to schedule a Public Works Committee to review the contract and options at a later date.

- (B) Mr. Slye stated the River Creek Golf Contract is also coming up for renewal in two years. Commissioners Elder and Phillips both serve on the Golf Committee and have been working diligently towards renewing the contract. This would have been on the agenda tonight, but Matt Patterson, president of the Golf Committee wasn't available tonight. It is possible a special called meeting will be held to discuss River Creek Golf Course Contract and the amendment to the Wild Animal ordinance.
- (C) The annual Chamber of Commerce Banquet is this Saturday, January 24<sup>th</sup> and please let us know if you plan to attend.
- (D) Mr. Slye reported he will be out of the office January 28-30<sup>th</sup> to attend a TML IEBP Quarterly Health Board meeting.
- (E) The TML Region 5 meeting is Thursday, January 29<sup>th</sup> in Iowa Park and to please let Trish know if you plan to attend. Mayor Law stated he would not be attending due to a trip scheduled to Ft. Bliss. Mayor Law reported representatives from Burkburnett Development Corporation, Burkburnett Independent School, local businesses and the City would be attending a "Burkburnett" night to showcase the attributes of living in Burkburnett. Many from Ft. Bliss will be transferring to Ft. Sill and will be looking for places to live.
- (F) Mr. Slye stated on February 9<sup>th</sup>, he would be attending a Texas Legislative update in Austin.
- (G) Mr. Slye thanked those that participated in the Strategic Planning Session last week and felt it was a successful event held with the Burkburnett Development Corporation and the Burkburnett Independent School District. It gave a renewed sense of commitments to the three entities of improvements that are needed in our community.
- (H) The amendment to the existing tree ordinance is currently being revised and will be presented at the next meeting that will require citizens to trim their trees that are in the public right-of-way. This continues to be a problem and the city has to address this issue.
- (I) The security camera is in place at Friendship Park. The camera has many features that allow the Police Department to zoom in and get details that will help alleviate vandalism to the park. Mr. Slye reported improvements are being made to the Senior Citizen Center sidewalks this week. Mr. Slye also reported Rodney Roberts, Parks & Recreation Director went to Austin for the Governor's Physical Fitness program. Mr. Roberts came back with many ideas for city employees and citizens that he would like to implement and will be discussed at a later time. In closing, Mr. Slye reported a joint meeting with the Burkburnett Independent School District, Burkburnett Development Corporation and City will be held on February 14<sup>th</sup> at the Burkburnett High School Food Court to discuss the Strategic Plan and goals for each entity.

Item 13. Commissioner Dolan asked if the security camera at the park was wireless and Mr. Slye stated no, it is by radio communication. Commissioner Dolan stated he was sorry to see the child that the Habit for Humanity House was being built for would not be able to see it completed. Mr. Slye stated that Brian has passed away and our thoughts and prayers go out to that family along with the Jeep Ellett family. Jeep passed away and was the major factor in getting the Habit house built in Burkburnett. His funeral arrangements are pending.

Commissioner Elder stated that those who didn't get to attend the Strategic Planning Session missed out and was pleased with the things that need to be addressed and enjoyed the three entities working together.

Commissioner McCullough stated several people had asked about the two sessions that were held for the Strategic Planning Session. Commissioner McCullough stated the pre-session didn't included anyone from the boards, only citizens and were asked to address issues they would like to see improvements on. Commissioner McCullough stated it was amazing to see how the same issues were matched up for discussion the next day, it was a good deal.

Mayor Law stated he had reviewed the City's Comprehensive Plan that was created in 2000. Mayor Law reported many issues that were discussed during at the Strategic Plan were also listed in the Comprehensive Plan.

Item 14. Motion was made by Commissioner Tugman, seconded by Commissioner Dolan to adjourn. Motion carried unanimously.

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Carl Law, Mayor

**ATTEST:**

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Trish Holley, City Clerk