

## ***MINUTES***

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

The Board of Commissioners of the City of Burkburnett, Texas met in a regular called meeting on Monday, July 20, 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 were: Mike Slye, City Manager; Trish Holley, City Clerk; Dale Lewis, Director of Administration; Mike Whaley, Director of Public Works and Mike Tracey, Chief of Police.

Other's present: Peter Couture, Dick Vallon, Glen Hutchinson, William Lutteringer, Bill Pickett, Paul McBroom, Bryan Smith, Bill Vincent, Thomas Watson, Brenda & Donnie Shepard, Flora Holland, Clay E. Gahagan, Jack Baber, Brian Rush, Cindy Guinn, Jack McMullen, Bill Morgan, Kevin Hatfield and Gary Cox.

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 Dr. Eddie Sirmons, Pastor of Providence Baptist Church.

Item 3. Mayor Law led the Pledge of Allegiance.

Item 4. Mayor Law reviewed the Consent Agenda Items.

A. Approval of minutes from June 1, June 15 and June 22 2009.

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

Item 5. Ordinance Number 762 was presented. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING CHAPTER 91 OF THE CODE OF ORDINANCES OF THE CITY OF BURKBURNETT, TEXAS TO PROVIDE FOR THE REGULATION OF VICIOUS DOGS CREATING CERTAIN OFFENSES WITH RESPECT TO THE KEEPING AND MAINTAINING OF VICIOUS DOGS AND PROVIDING A PENALTY FOR THE VIOLATION OF SUCH OFFENSES; AND AMENDING THE IMPOUNDMENT PERIOD WITH RESPECT TO ANIMALS IMPOUNDED BY THE ANIMAL CONTROL OFFICER; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Motion was made by Commissioner Dolan, seconded by Commissioner Lindenborn to approve Ordinance Number 762 as presented. Motion carried unanimously.

Item 6. Resolution Number 463 was presented. A resolution authorizing participation with the Atmos Cities Steering Committee and authorize payment of 2 cents per capita assessment.

Motion was made by Commissioner Lewis, seconded by Commissioner Wells to approve Resolution Number 463 as presented. Motion carried unanimously.

Item 7. Ordinance Number 763 was presented. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, (“CITY”) APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC” OR “STEERING COMMITTEE”) AND ATMOS ENERGY CORP., MID-TEX DIVISION (“ATMOS MID-TEX” OR “COMPANY”) REGARDING THE COMPANY’S RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; APPROVING ATMOS’ PROOF OF REVENUES; 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 THE STEERING COMMITTEE’S LEGAL COUNSEL.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Dolan to approve Ordinance Number 763 as presented. Motion carried unanimously.

Item 8. Motion was made by Commissioner Tugman, seconded by Commissioner Kwas to approve the purchase of property at 201 E. 4<sup>th</sup> Street, Lots 13, 14 and 15, Block 28, Original Town, BB for future expansion of the Burkburnett Public Library and additional parking space. Motion carried unanimously.

Item 9. Resolution Number 464 was presented. A resolution approving the Technology Improvement Grant to be submitted to the Office of the Governor, Criminal Justice Division.

Motion was made by Commissioner Wells, seconded by Commissioner Lewis to approve Resolution Number 464 as presented. Motion carried unanimously.

Item 10. The Commissioners reviewed the monthly reports.

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

Peter Couture, 111 S. Berry Street, Burkburnett, Texas spoke regarding the legality of improving three railroad crossings that was approved at the July 13, 2009 meeting.

Cindy Guinn, 205 Westwood, Burkburnett, Texas spoke about the appointment of a Commissioner to fill the un-expired term of Commissioner McCullough versus having an election to fill the seat and meetings that are held during the day instead of in the evening.

Item 12. City Manager's report.

- A. Mr. Slye reported the Household hazardous waste disposal day was successful on July 11<sup>th</sup> with 82 citizens taking advantage of using that service.
- B. Mr. Slye stated the City was given very little notice from Visa that the city can no longer accept this credit card due to the fees associated with using the cards can no longer be passed on to the customer wanting to pay with a credit card. The city accepts Mastercard only. Mr. Slye stated a special called meeting would be held on August 4<sup>th</sup> at 8:00 am to review budget changes and take a record vote on the proposed tax rate.

Item 13. Council comments.

Commissioner Kwas stated he is glad to see people take an interest in their government and for their participation and he agrees that some things should be done in a regular meeting but occasionally a morning meeting is the only time everyone can meet.

Commissioner Wells introduced himself and stated he appreciates the support placed in him to represent the citizens of Burkburnett and looks forward to working with everyone and thanked the visitors for coming tonight.

Commissioner Dolan stated he appreciates the citizens for coming tonight with some new faces in the crowd, it's budget season and glad people are coming to see how it works.

Commissioner Lewis stated she had visited the fire department last Thursday during a training meeting and it was good to see pictures of former volunteer firemen including Commissioner Tugman and that she appreciates what the fire department does for the citizens and thanked everyone for coming tonight.

Mayor Law thanked everyone for coming tonight and recognized former Mayor Bill Vincent, Mayor Law stated he had attended 22 events this month which included 3 proclamations, 2 honorary citizenships and events at Sheppard Air Force Base, it has been a busy month.

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

\_\_\_\_\_  
Carl Law, Mayor

**ATTEST:**

\_\_\_\_\_  
Trish Holley, City Clerk