

## ***MINUTES***

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

The Board of Commissioners of the City of Burkburnett, Texas met in a special called meeting on Wednesday, June 9, 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
Charlene Lewis	Mayor Pro-Tem
Bill Lindenborn	Commissioner
Ted Kwas	Commissioner
Josh Andrajack	Commissioner
Chase Thornton	Commissioner
Raymond Holland	Commissioner

Other's present: Mike Slye, City Manager; Trish Holley, City Clerk; Dale Lewis, Director of Administration; Mike Whaley, Director of Public Works; Mike Tracey, Chief of Police and Rodney Roberts, Parks/Recreation Director.

Other's present: Danny Cremeens, Sharon Bankhead, Shawna Anderson, Robert Farmer, Michael Bunton, Jerry Stubblefield, Clay Gahagan, Susan Disney, Glen Hutchinson, Ron Clarke, Pamela Suneby, Paula Smith, Don Potter, Zac Leonard, Diana Phillips, Jason Brewer, Kelly & Gary Bolen, Amy Brownstein, Kathy Patterson, Brian Smith, Susie & Brooks Hill, Jr., Tina Jackson, Charles Jackson, Marguerite Love, Arnie & Nancy Wells, M.R. Thornton, Cindy Guinn, Dee & Ed Wood, Randy Brewster, Morgan Moore.

Jeff Bromley representing Burkburnett Informer Star was present.

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

Item 2. The invocation was given by Commissioner Andrajack.

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

Mayor Law moved Item 5 up.

Item 5. Mayor Law closed the regular meeting at 7:04 p.m. and opened the "Public Hearing" to review the preliminary 2011 Fiscal Year Budget.

Mike Slye, City Manager briefly reviewed the 2011 Budget. Mr. Slye reported the preliminary operating and maintenance budget anticipated revenues were \$8,774,871.00 and anticipated expenditures were \$8,158,913.00 with \$615,957.00 in unappropriated funds.

Mr. Slye highlighted each department, ad valorem tax analysis, costs of services including water, sewer and garbage in the surrounding communities, and potential budget requests.

Mr. Slye stated a budget workshop will be held during the last of week of July.

Danny Cremeens, 1013 Corbin, Burkburnett addressed the Mayor and Commissioners regarding the annual support to the Burkburnett Boys & Girls Club.

Sharon Bankhead, 927 Tejas, Burkburnett addressed the Mayor and Commissioners requesting the annual support of the Burkburnett Boys & Girls Club be increased to \$50,000.00.

Robert Farmer/Shawna Anderson requested the Citizen Collection Station be open more than one day a week, be more flexible for those that cannot go on Saturdays.

Commissioner Kwas asked if two police cars are actually needed each year. Chief Tracey explained by adding two cars each year, and each officer taking the vehicle home, they are able to maintain the integrity of the cars making them last ten to twelve years. Commissioner Kwas stated he is more interested in the fire trucks and EMT vehicles because of this being a safety issue. Cars generally can get up towards 300,000 miles on them before needing to be replaced. Commissioner Kwas asked if the Chief had looked into motorcycles. Chief Tracey said yes, they had looked into this but the cost is almost comparable to vehicles.

Commissioner Lewis stated to Mr. Farmer and Ms. Anderson that the citizen collection station had been negotiated at the time of the IESI Contract. Mr. Slye stated the Citizen Collection station is operated exclusively by the City. IESI provides 4-40 yard dumpsters per month. On an average, we fill 6 to 8 dumpsters a month and pay for the extra costs, the collection station pays for itself at the \$2.00 per hundred pounds that is being charged. We have tried on more than one occasion to find someone willing to work approximately 20 hours a week and that can operate a backhoe.

Commissioner Lewis stated another issue that is very important to her is the payment to Rick Sims for the Architectural Plans he has provided on the Community Center. I've thought about all the work he has done for the community. I think it is an obligation the city has and it should be paid. I am recommending that somehow we find the money and for the service.

Mike Slye reported that it can be handled in one or two ways. You can budget that amount for the upcoming fiscal year budget, however, that will be \$45,000.00 that will not go towards something in that budget or you can make a budget amendment to this year's budget and it will be paid out of the unappropriated operating dollars that help us get through the month. What that means that at the end of September, the budget will be over budgeted and the funds will come from Fund Balance, which is what this fund is for.

Commissioner Lewis stated that she felt like the city owed the money, that they may have made a decision in the beginning maybe that ought to have been handled differently but it wasn't, the city owes the money.

Mayor Law stated this could be put on the next Commissioners meeting to be voted on.

Commissioner Lindenborn stated he agreed with Commissioner Lewis and that is why he had on the last agenda in order for it to be paid and it didn't happen.

Commissioner Thornton stated whoever made the goof should pay for it out of his/her own pocket.

Commissioner Lewis stated she didn't agree, the Board spoke as a group at the time for our city and the city should pay the fees.

Commissioner Thornton stated that if the city pays for the fees then reprimand the person that goofed.

Commissioner Lindenborn stated then the entire Council goofed, we authorized it.

Commissioner Holland stated we have a recording of this man saying last month that they took it upon themselves to do it and not the city.

Mike Slye, City Manager stated the recording from October 19, 2009 agenda item was to engage Rick Sims to draw up the architectural rendering of the project and there was not a single Commissioner that didn't know what was going on; that this project was in conjunction with BISD, I can quote what was said, "I told the Council that Rick Sims was waiting, laying in wait for your decision tonight, to move forward with the project" and it was a unanimous vote.

Commissioner Kwas stated he thought his decision that night was to move forward to look into the project, not give permission to make drawings.

Mr. Slye stated that he made a statement at the beginning of that agenda item that Mr. Sims came to him and he told Mr. Sims that we would not take another step forward without Council approval.

Commissioner Thornton stated for clarification to move forward conceptually means the contract should be been brought forward and approved.

Mr. Slye stated municipalities do not have to contract out in advance for engineering services, architectural services, lawyers or CPA's; municipalities can hire who they want. The City had a long standing history with Mr. Sims and has done many things for the community. Mr. Sims is prepared to come and talk with you and explain he never thought he was working for me, that he was working for the Council.

Commissioner Lewis said she talked with Mr. Slye and it says in the minutes that it was a unanimous vote to precede, this needs to be paid.

Commissioner Thornton asked if Mr. Slye had met with the department heads to set some type of goals for a reduction in the upcoming budget; I know you said you are trying to maintain as last year and with some shortfalls, where will the cuts be taken from.

Mr. Slye said the city is in the process of putting together a forecast of what the anticipated year end will look like so if there are areas that can be reduced we will start looking at that, to answer your question, the department heads have not been told to reduce their budget by certain amounts at this time.

Commissioner Thornton said okay, the State has reduced their budget by 5% and education has been hit hard, I challenge the department heads to see what they can do to reduce the budget.

Commissioner Holland asked how many streets are seal coated. Mr. Mike Whaley, Director of Public Works stated that last year, we used one tanker of oil because of budget reduction, right now I can't tell you the exact number of miles, but can get it for you.

Item 6. Mayor Law closed the "Public Hearing" at 8:30 p.m. and re-opened the regular Commissioners meeting.

Mayor Law announced there would be a five minute break at this time.

Item 4. Mayor Law read the agenda item-to consider and act upon a replacement position for the reported resignation/retirement of City Administrator Dale Lewis and the methods of selecting a replacement.

Commissioner Kwas stated according to the City Charter, it says there shall be a City Manager and a City Comptroller. We can check with TML to see if they have a list of financial applicants which would be the comptroller that I'm requesting; to establish a salary between \$48-60,000 for negotiating interviews, the comptroller is in charge of all finances of the city and would provide info to the City Manager for yearly budget preparation, any backlash from the City Manager might warrant the Comptroller to report directly to the Council.

It was discussed at length from the Mayor and Commissioners what the difference is between a Comptroller and a Finance Director and what this person job responsibility will be. It was discussed at length the advice and consent language in the City Charter, what responsibilities the City Manager has is finding a Director of Finance and recommending this person to the Commissioners. It was discussed at length the internal controls of finance within the city, who has authorization in moving monies and signing checks.

Commissioner Thornton asked if the Commissioners agreed to letting the City Manager review the applications and based on his judgment bring the resumes and background checks for them to look over on the ones he thinks would be a good applicant.

Motion was made by Commissioner Kwas to re-organize and change the position of Director of Administration to Comptroller. Motion died due to lack of a second. Commissioner Kwas asked for this issue to be put on the next regular meeting agenda.

Item 7. Commissioner Thornton stated on the architectural issue, Mr. Slye mentioned that municipalities didn't need to have contracts for professional services, then why has this been brought to us and also I'd like to thank everyone for coming tonight, it's been interesting and thank you.

Commissioner Holland thanked everyone for coming and that this is fun and that he is having a blast, really starting to enjoy this. He stated he received an email from Mr. Slye that he is livid about, regarding KAUZ reporting police officers were hired without the advice and consent and that some of the Commissioners were complaining, and that if you are trying to cause conflict between the Commissioners, the Personnel Handbook clearly states this is not allowed. Commissioner Holland stated that he'd like to know who gave Mr. Slye this information.

Mr. Slye responded by saying Tim Barnoski with KAUZ had left a message on the Mayor's answering machine, that is my source.

Commissioner Andrajack thanked everyone for coming and for their continued interest in the city. With a background in finance I appreciate being able to see a barebones budget in advance so we have time to study it, I appreciate staff getting this prepared.

Commissioner Kwas stated he was glad to see everyone tonight and why wasn't the architect bid out.

Mr. Slye explained it is against the law to bid out professional services. Commissioner Kwas asked if this was in writing and Mr. Slye responded that yes and I can provide you with a copy of it.

Commissioner Lindenborn thanked everyone for coming and I as well appreciate see the budget in early.

Mayor Law stated the Council adopts rules on how we function as elected officials; when we took the oath of office we were no longer private citizens that can say anything we wanted to, anytime, anywhere. A city ordinance says if you have a complaint(s), charges, discipline concerning council members or city personnel it shall be discussed in executive session unless person charged or person whom a complaint has been lodged shall request a public hearing. I'm just making a point here that before we run around talking to the press we need to be very careful that we are not violating this city ordinance. Thank you for coming.

Item 8. Motion was made by Commissioner Thornton, seconded by Commissioner Andrajack to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

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Trish Holley, City Clerk