

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, March 21, 2011 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 Meetings 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

Others present: Trish Holley, Interim City Manager/City Clerk; Michael Whaley, Public Works Director; Mike Tracey, Chief of Police and Janet Cox, Administrative Assistant.

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 Judy Brock, Pastor First Christian Church.

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

Item 4. Presentation of award-Bill Roach, Area Manager for Veolia Water made a presentation to the City of Burkburnett and Dennis John, Burkburnett Wastewater project manager for First Place in Operational Excellence to the Burkburnett Wastewater Treatment Facility. Mr. Roach stated that out of a field of over 300 water and wastewater projects, Burkburnett was named the winner in the "Small Municipal Project" category, meaning the facility has gone seven years without a lost-time accident and has had no OSHA recordable injuries for three years; and by replacing diffuser membranes as a part of ongoing upgrades to the treatment system were able to save taxpayers \$25,000 per year in energy savings.

Item 5. Consent Agenda.

A. Approval of minutes: (1) February 14, 2011; (2) February 21, 2011

Motion was made by Commissioner Lewis, seconded by Commissioner Lindenborn to approve Consent Agenda 5A (1) (2). Motion carried unanimously.

Item 6. Denise Kirkpatrick-Cemetery Chair addressed the Mayor and Commissioners. Ms. Kirkpatrick stated the cemetery committee is proposing a pavilion be built at the Burkburnett Memorial Cemetery. The City's Cemetery money market has \$104,467.16, the donations from First Baptist Church pavilion fundraising is \$4,291.17 and from St. John Divine Episcopal Church is \$200.00 and \$23,100.00 from cemetery lot sales at the lowered price; also donated is 11 yards of cement from Pitts Ready Mix and a donation of up to \$1,500.00 for a metal roof from Don Caudle of Mills Sheet Metal. Ms. Kirkpatrick presented sample pictures of a pavilion to the board.

After a lengthy discussion, motion was made by Commissioner Lewis, seconded by Commissioner Kwas to allow the cemetery committee the authority to check on architectural renderings/costs associated with the cemetery pavilion and make no commitments until reporting back to the Commissioners.

Ayes: Mayor Law, Commissioners: Lewis, Kwas, Lindenborn, Holland and Thornton

Nays: Commissioner Andrajack

Abstained: none

Item 7. Matt Patterson-Golf Committee Chair addressed the Mayor and Commissioners and introduced River Creek Golf Course Manager Scott Anderson. Mr. Anderson briefly addressed the board and gave an update on the golf course.

Mr. Patterson gave the annual golf course review and discussed the repairs that need to be addressed at the golf course. The bathrooms on the golf course are currently out of order and need repairing and the roadway needs some minor repairs. Mr. Patterson explained the golf course submits an annual amount of \$72,000 which \$60,000 is paid towards the irrigation repairs bank note and the remaining \$12,000 is used for various maintenance jobs. The city also has a golf course money market that has \$53,423.00 that can be used for repairs.

Mr. Patterson stated the repairs will cost \$16,226.00 for the 2 projects.

Motion was made by Commissioner Andrajack, seconded by Commissioner Lindenborn to approve the Golf Course repairs for the bathrooms and the roadway not to exceed \$17,000.00. Motion carried unanimously.

Item 8. The previously opened bids for Professional Auditing Services for 2011, 2012 and 2013 were presented as follows:

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Company	Bid Amount
MWH Group	\$34,000.00
Freemon, Shepard & Story	\$40,695.00
Elgin, Parkman, Fleming & Fleming	\$32,000.00
Gary, Bowers & Miller	\$39,600.00
Davis, Kinard & Co.	\$37,500.00

Citizen Comments: The following briefly addressed the board and gave a brief overview regarding the companies they represent.

Paul Fleming-Elgin, Parkman, Fleming & Fleming
Charles Salter-MWH Group
Randy Greenway-MWH Group

Motion was made by Commissioner Lindenborn, seconded by Commissioner Thornton to accept the bid from MWH, Group for professional auditing services for 2011, 2012 and 2013. Motion carried unanimously.

Item 9. Ordinance Number 801 was presented in its entirety. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING CHAPTER 52 OF THE MUNICIPAL CODE OF ORDINANCES; SEWERS-SECTION 52.60 RATES AND CHARGES; COMMERCIAL; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Motion was made by Commissioner Thornton, seconded by Commissioner Holland to approve Ordinance Number 801 as presented. Motion carried unanimously.

Item 10. Motion was made by Commissioner Andrajack, seconded by Commissioner Lindenborn to approve the appointment of Tim James as City Manager, and approval of the employment agreement.

Citizens speaking against the appointment and employment agreement:
W. L. Bunton, 1585 Ratt Road, Wichita Falls, Texas
Robert Farmer, 919 Cropper Road, Burkburnett, Texas

Ayes: Mayor Law, Commissioners: Andrajack, Lindenborn and Lewis
Nays: Commissioners: Kwas, Thornton and Holland
Abstained: None

Motion carried.

Item 11. Review of monthly reports.

- A. Administration
 - (1) Financial and personnel reports-no comments.
- B. Public Works-Michael Whaley reviewed the following:
 - (1) Water Tower update
 - (2) Street Bond update
 - (3) I-44 Project update
- C. Public Safety-Chief Tracey gave an update regarding the generator paid for by grant monies for the Community Center.

Item 12. Public Comments.

Don Elliott, 1106 Kramer Road, Burkburnett: issues regarding flooding/lack of drainage on Kramer.

Thomas Watson, 209 S. Avenue B, Lot 21, Burkburnett: issues regarding the fiber optics construction crews and lack of care/completion of work.

Item 13. City Manager's report.

- A. Newsletter update-complying newsletter to go out May 1, 2011 with summer activities listed.

Item 14. Council comments.

Commissioner Thornton thanked the staff and the board for the hard work they do and thanked everyone for coming tonight.

Commissioner Holland stated this is still a learning experience and that the board had to make a big decision tonight, and thinks the board is doing a good job and hope the citizens will continue to support them and thanked everyone for coming tonight.

Commissioner Lewis-no comment.

Commissioner Lindenborn thanked the Cemetery Committee for their work and presentation they made and look forward in having the pavilion started; thanked Mr. Whaley for the work done on Ordinance Number 801 and the city staff, and citizens for attending tonight and showing their support; the decisions we make are not always easy as you can see from tonight's meeting.

Commissioner Kwas thanked everyone for attending and showing interest on what is happening in the city; we do our best in representing you and what the citizens want which is why I didn't support the salary of the new city manager.

Commissioner Andrajack stated there is about one month left on citizens being able to purchase a cemetery space at the lower price of \$550.00 and as a Commission, we should be mindful of what the Texas Open Meetings Act allows us to say during the Commissioner comments section and to adhere to what the law states is legal to comment about.

Mayor Law stated he knew many people here tonight think the Board made the wrong decision regarding Mr. James, but we have a responsibility to the citizens that live here to move ahead and be a progressive city.

Item 15. Motion was made by Commissioner Thornton, seconded by Commissioner Lindenborn to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Trish Holley, Interim City Manager/
City Clerk