

## ***MINUTES***

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

The Board of Commissioners of the City of Burkburnett, Texas met in a regular called meeting on Monday, March 15, 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; Mike Whaley, Director of Public Works; Chief Mike Tracy, Police Chief; Kelly Bolen, Executive Director of Burkburnett Development Corporation and Lou Franklin, Wichita Falls Health Department.

Other's present: Charles Kernott, Glen Hutchinson, Scott & Rhonda Simmons, Debbie Isaacs, Ron Clarke, Thomas Watson, Gary Bolen, Mark & Kimberly Jackson, Wade Medberry, Jack Baber, Ken VanLoh, Clay Gahagan, Flora Holland, Brian Smith, Curtis Salyer, Chase Thornton, Michael Bunton, Nancy Wells, Daniel McMullen, Jack McMullen, Lee Harvey, Sr., Paul McBroom, Cindy Guinn, Raymond Holland and Darren Broadus.

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 Bro. Bill Liggett, Pastor of First Baptist Church.

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

Item 4. Consent Agenda.

A. Approval of minutes from February 15, 2010.

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

Item 5. Resolution Number 474 was presented. A resolution authorizing an Economic Incentive Agreement between the Burkburnett Development Corporation and Natura World and other companies for the creation of new jobs-2nd and final reading.

Motion was made by Commissioner Wells, seconded by Commissioner Lewis to approve Resolution Number 474 as presented. Motion carried unanimously.

Item 6. Ordinance Number 775 was presented. Caption of same being:

AN ORDINANCE ESTABLISHING REGULATIONS FOR FOOD ESTABLISHMENTS, INCLUDING FOOD SERVICE ESTABLISHMENTS, RETAIL FOOD STORES, MOBILE FOOD UNITS AND ROADSIDE FOOD VENDORS, PROHIBITING ANY VIOLATION OF SUCH REGULATIONS; ESTABLISHING A FINE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Lou Franklin, Wichita Falls Public Health Department addressed the Mayor and Commissioners. Ms. Franklin explained the ordinance and changes made from the current ordinance on file.

Motion was made by Commissioner Dolan, seconded by Commissioner Lewis to approve Ordinance Number 775 as presented. Motion carried unanimously.

Item 7. Mayor Law closed the regular meeting and opened the “Public Hearing” to review the effects of the City’s juvenile curfew regulations on the City and on the problems the regulation were intended to remedy at 7:15 p.m.

Mike Slye, City Manager addressed the Mayor and Commissioners. Mr. Slye explained the law requires the curfew ordinance be reviewed and re-adopted every three years. Mr. Slye stated City Attorney, Jay Cantrell made a few changes in the ordinance and briefly highlighted those changes.

Charles Kernott, 703 Berry, Burkburnett addressed the Commissioners regarding the curfew hours stating the hours for Friday had been omitted. After discussion, it was determined Friday was not left out, beginning at 12:01 am until 6:00 am on any Saturday or Sunday (Friday is midnight and the hours begin at 12:01 am (which is Saturday).

Item 8. Mayor Law closed the “Public Hearing” and reopened the regular meeting at 7:32 p.m.

Item 9. Ordinance Number 777 was presented in its entirety. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, REPEALING SECTION 131.01 OF THE CODE OF ORDINANCES; ENACTING A NEW SECTION 131.01 RELATING TO JUVENILE CURFEW REGULATIONS; PROVIDING THAT THE VIOLATION OF SUCH REGULATIONS BY MINORS, PARENTS, MINORS OR THE OWNER, OPERATOR OR EMPLOYEE OF A BUSINESS ESTABLISHMENT CONSTITUTES AN OFFENSE; PROVIDING FOR ENFORCEMENT, AND PENALTIES FOR VIOLATION, OF THE REGULATIONS; PROVIDING FOR DEFENSES TO THE OFFENSES ESTABLISHED; AND PROVIDING FOR SEVERABILITY.

Motion was made by Commissioner Dolan, seconded by Commissioner Lindenborn to approve Ordinance Number 777 as presented. Motion carried unanimously.

Item 10. Motion was made by Commissioner Kwas, seconded by Commissioner Tugman to approve an Interlocal Agreement between Wichita County and City of Burkburnett for emergency services. Motion carried unanimously.

Item 11. Resolution Number 475 was presented. A resolution endorsing certain legislative changes relating to the new Sunset review of the Public Utility Commission.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Tugman to approve Resolution Number 475.

Ayes: Mayor Law, Commissioners Lindenborn, Tugman, Wells, Lewis and Dolan  
Nay: Commissioner Kwas  
Abstained: None

Item 12. Mike Slye, City Manager addressed the Mayor and Commissioners. Mr. Slye reviewed the 2001 General Obligation Bonds and stated the city will be able to refund (refinance) the bonds at the same time the Certificates of Obligation are issued for the renovation of the Community Center and the I44 Sewer Project.

Mr. Slye explained, by refunding the current bonds for the existing debt, the city will save approximately \$135,000.00 if refinanced over the next 15 years.

Mr. Slye stated the rates are at an all time low, and now would be a good time to roll this in with the issuance of the Certificates of Obligation for the renovation of the Community Center and the I44 Sewer Project.

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to approve the proposed 2001 General Obligation Bond Refunding with the proposed Certificates of Obligation for the renovations of the Community Center and the I44 Sewer Project.

Ayes: Mayor Law, Commissioners: Tugman, Lindenborn, Wells, Lewis and Dolan.

Nays: Commissioner Kwas

Abstained: None

Item 13. The Commissioners reviewed the monthly reports.

Mayor Law requested a five minute break at 8:14 p.m.

Item 14. Personal Audience Comments to Commissioners/Comments on Agenda Items.

Charles Kernott, 703 Berry, Burkburnett addressed the Mayor and Commissioner expressing his concerns over issuing \$1 million in debt to renovate the Community Center when the city could purchase the old Wal-Mart building for approximately \$1.5 million that would normally sell for \$3 million.

Wade Medberry, 1018 Pawhuska, Burkburnett addressed the Mayor and Commissioners expressing his concern over the renovation of the Community Center and stated citizens should vote of whether bonds should be issued for the renovations.

Lee Harvey, Sr., 1052 Jan Lee, Burkburnett addressed the Mayor and Commissioners and stated that for all our faults, our opinions and the negativity he hears; he is proud to live in Burkburnett; we have a beautiful park and good water.

Item 15. City Manager's report.

- A. City Manager's evaluation report. Mr. Slye stated each Commissioner has a packet with the evaluation form to be filled out and on April 5 a special called meeting will be held to review the evaluation.
- B. Veolia Contract update. Mr. Slye reported the contract will expire in June, staff is currently reviewing the contract; it will be presented in April or May for the Commissioners consideration to extend the contract.
- C. ETJ Meeting will be held on March 18<sup>th</sup> at 7:00 p.m. at the Burkburnett Community Center.
- D. Outstanding Arrest Warrants update-Mr. Slye reported the Police Department and Municipal Court are working together on collecting the fines with \$3,500 collected in January and \$10,000 collected in February.
- E. Texting/Driving Ordinance. Mr. Slye stated many cities are passing an ordinance to prohibit texting while driving; the city has a sample

ordinance to present to you and see if the city should enforce the ordinance.

Mr. Slye stated he had a family function on Friday and asked for the afternoon off and thanked them for their support.

Mr. Slye stated in the Commissioners reading material is a letter from First Bank stating they have a program called “Casual for a Cause” where they pay a dollar to wear jeans and then choose “a cause” to send the donation to. This month First Bank chose Burkburnett EMT’s and donated \$152.00; it is much appreciated by the EMT’s and want to publicly thank First Bank employees.

Item 16. Council comments.

Mayor Law stated at the last meeting he announced he had an email address for citizens to send comments to him; he stated that he had not received any and would like to encourage citizens to send him an email at [mayor@burkburnett.org](mailto:mayor@burkburnett.org) and asked Jeff Bromley with Informer Star to publish the address.

Commissioner Dolan thanked the visitors for coming tonight. Commissioner Dolan stated the Community Center needs to be updated and not sure if that much money should be spent, however, the city can’t let it go to shambles; I don’t know if there is another way to go about this for less money.

Commissioner Lewis thanked the visitors for coming tonight and for those that have called, sent cards and flowers that she received.

Commissioner Wells thanked everyone for coming tonight.

Commissioner Lindenborn thanked the visitors for attending and stated this is a good community to live in and proud to be part of it, I’m also a taxpayer and hear what everyone is saying about the increase on whatever funds are decided on in April, the social networking and Facebook is a good thing, thank you for your research.

Commissioner Kwas thanked everyone for coming and stated since cell/texting phones was mentioned, and the cell phone signs posted by the schools, do we have an ordinance that spells this out? Chief Tracy stated it’s a state law prohibiting cell phone use in a school zone. Commissioner Kwas asked if the law applies to kids that are walking and using cell phones. Mr. Slye stated the law applies to motorized vehicles.

Item 20. Motion was made by Commissioner Tugman, seconded by Commissioner Dolan to adjourn. Motion carried unanimously.

Carl Law, Mayor

**ATTEST:**

Trish Holley, City Clerk