

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a special called meeting on Tuesday, May 11, 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	Commissioner
Bill Lindenborn	Commissioner
Ted Kwas	Commissioner
Arnold Wells	Commissioner

Commissioners Scott Dolan and Mike Tugman were absent.

Other's present: Mike Slye, City Manager and Trish Holley, City Clerk

Other's present: Nancy Wells, Rhonda & Scott Simmons, Charles Kernott, Glen Hutchinson, Pat Dollar, Jerry Burden, Tina Jackson, Charles Jackson, William Jackson, Carrie Rigsby, Wade Medbery, Curtis Salyer, Susan Disney, John Beard, Flora Holland, Frank & Laura Andrajack, Hunley & Gail Elmore, Amy Brownstein, Mark Jackson, Trudy Thompson, Michael Bunton, Kristy Towely, Alisa Dunford, Brooks & Susie Hill, Peter Couture, Gary & Kelly Bolen, Dick Vallon, Carol Holland, Jason Sheppard, Larry Russell, Susan Mitchell, Lahoma Wood, Yvette Thornton, Ed Wood, Thomas Watson, Cindy Guinn, Bill Vincent, M. R. Thornton, W. L. Bunton, Jack McMullen, Daniel McMullen, Daniel Hill, Stuart Tammell.

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 County Commissioner Pat Norriss and the Pledge of Allegiance was led by Commissioner Kwas.

Item 3. The Commissioners canvassed the election returns for the Municipal Election held on May 8, 2010.

Item 4. Ordinance Number 780 was presented in its entirety.

ORDINANCE NUMBER 780

AN ORDINANCE CANVASSING THE ELECTION RETURNS OF THE GENERAL MUNICIPAL ELECTION HELD IN THE CITY OF BURKBURNETT, TEXAS, ON MAY 8, 2010; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Board of Commissioners of the City of Burkburnett, Texas has called for a General Election to be held in said City on May 8, 2010 to elect Four Commissioners and Five City Charter Propositions; and

WHEREAS, said Board of Commissioners has investigated all matters pertaining to said election, including the ordering, giving notice, officers, holding and making returns of said election; and

WHEREAS, the election officers who held said election have duly made the returns of the result thereof, and said returns have been duly delivered to said Board of Commissioners; and

WHEREAS, there came to be considered the returns of an election held on the 8th day of May, 2010 for the purpose of electing the herein after named officials, and it appearing from said returns, duly and legally made, that there were cast at said election 1272 valid and legal votes; that each of the candidates in said election received the following votes:

	Early	Total	
Chase Thornton	<u>290</u>	<u>260</u>	<u>550</u> Votes
Josh Andrajack	<u>307</u>	<u>342</u>	<u>649</u> Votes
Scott Dolan	<u>251</u>	<u>247</u>	<u>498</u> Votes
Ron Clarke	<u>203</u>	<u>173</u>	<u>376</u> Votes
Michael R. Tugman	<u>242</u>	<u>232</u>	<u>474</u> Votes
Charlene Lewis	<u>308</u>	<u>272</u>	<u>580</u> Votes
Raymond Holland	<u>274</u>	<u>231</u>	<u>505</u> Votes
Arnie Wells	<u>240</u>	<u>212</u>	<u>452</u> Votes
Lee Harvey Sr.	<u>198</u>	<u>167</u>	<u>365</u> Votes

WHEREAS, that said election was duly called, that said notice of election was given in accordance with law, and the election was held in accordance with law, and that Josh Andrajack, Charlene Lewis, Chase Thornton and Raymond Holland were duly elected Commissioner of said City at said election.

WHEREAS, said above named parties are hereby declared duly elected to said respective offices, subject to the taking of their oaths as provided by the laws of the State of Texas; and

WHEREAS, after canvassing the returns of said election, it was found to be duly and legally held in all respects, and that 1272 voters voted in said election for Five Propositions as follows:

Proposition One – Maintenance of Railroad Crossings:

Shall Section 11 of Article III of the Charter of the City of Burkburnett, Texas be amended by repealing the phrase which currently reads "...provided, further that all street railways, steam railways, or other railways shall pay the cost of improving the said street between the rails and

tracks of any such railway companies and for two feet on each side thereof” and enacting the following language in place of said phrase:

...provided, further that all railways shall pay the cost of maintaining railroad crossings with public streets to a standard which is not less than that required by applicable law but the city may assist in improving railroad crossings to a standard in excess of the minimum applicable standards.

	Early		Total
For	<u>317</u>	<u>350</u>	<u>667</u> Votes
Against	<u>292</u>	<u>219</u>	<u>511</u> Votes

Proposition Two – Vacancies in Office:

Shall Section 6 of Article IV of the Charter of the City of Burkburnett, Texas be amended to read as follows:

A vacancy in the Board of Commissioners due to, death or resignation shall be filled, for the unexpired term, by the remaining commissioners; provided, that should two or more vacancies occur at the same time, then it shall be the duty of the remaining members of the Board to call an election, to be held at the earliest date permitted by state law, to fill such vacancies.

	Early		Total
For	<u>344</u>	<u>337</u>	<u>681</u> Votes
Against	<u>278</u>	<u>232</u>	<u>510</u> Votes

Proposition Three – Duties of Mayor:

Shall Section 12 of Article IV of the Charter of the City of Burkburnett, Texas be amended to repeal the sentence which reads “He shall sign all contracts entered into by the city and all bonds issued under the provisions of this Charter, and shall be the chief executive officer of the city.” and by enacting the following language in place of said sentence:

The Mayor or a designee of the Mayor approved by the Board of Commissioners shall sign all contracts entered into by the city and all bonds issued under the provisions of this Charter, and shall be the chief executive officer of the city.

	Early		Total
For	<u>271</u>	<u>292</u>	<u>292</u> Votes
Against	<u>357</u>	<u>279</u>	<u>636</u> Votes

Proposition Four – Contracts for Personal Services.

Shall Section 25 or Article IV of the Charter of the City of Burkburnett, Texas be amended to read as follows:

Any person that enters into a contract with the city for personal services shall be subject to preemptory discharge; but the contract may provide for benefits or

compensation payable on termination of the contract if the contract is being terminated at the election of the city and not due to any fault of the other party to the contract.

	Early		Total
For	<u>267</u>	<u>298</u>	<u>565</u> Votes
Against	<u>349</u>	<u>257</u>	<u>606</u> Votes

Proposition Five – City Manager, Powers/Duties

Shall subsection (c) of Section 5 of Article V of the Charter of the City of Burkburnett, Texas be repealed and the following language enacted in place of the language repealed:

(c) To appoint or hire, suspend and remove, all employees of the city except as otherwise provided in this Charter and subject to any policies or procedures that may be adopted by the Board of Commissioners from time to time;

	Early		Total
For	<u>228</u>	<u>239</u>	<u>467</u> Votes
Against	<u>394</u>	<u>321</u>	<u>715</u> Votes

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, THAT:

SECTION 1. Said election was in all respects legally held in accordance with the laws of the State of Texas and the Charter and the Ordinances of the City of Burkburnett.

SECTION 2. The Board of Commissioners officially finds, determines and declares the results of said election the following were duly elected as Commissioners: Josh Andrajack, Charlene Lewis, Chase Thornton and Raymond Holland.

SECTION 3. The Board of Commissioners hereby declares that Propositions #One and #Two which were submitted to the voters in this election have been approved by a majority of the voters who voted in said election and are hereby adopted effective on the date of this ordinance but subject to the following: These amendments shall not be enforced until receipt by the City of Burkburnett, Texas of a letter from the United States Department of Justice stating that it does not interpose any objection to these amendments pursuant to the Voting Rights Act of 1965. Upon receipt of such letter the City Clerk is hereby directed to attach a copy of such letter to this ordinance on file in the official records of the City of Burkburnett, Texas.

SECTION 4. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

PASSED AND APPROVED this 11th day of May 2010.

Carl Law, Mayor

ATTEST:

Trish Holley, City Clerk

Motion was made by Commissioner Lindenborn, seconded by Commissioner Wells to approve Ordinance Number 780 as read. Motion carried unanimously.

Mayor Law thanked Commissioner Wells for his service to the City and asked if he would like to say something before stepping down. Commissioner Wells stated it has been a short 10 months that he has served on the board and wish the newly elected Commissioners well, it's not an easy job and I would like to thank the city staff that have helped me.

Item 5. The Oath of Office was administered to Josh Andrajack, Chase Thornton and Raymond Holland by City Clerk/Public Notary Trish Holley.

Item 6. Trish Holley, City Clerk opened the floor for Election of Mayor for the ensuing year in compliance with Article 4, Section 7 of the City Charter.

Commissioner Lindenborn nominated Commissioner Carl Law, seconded by Commissioner Andrajack.

Commissioner Holland nominated Commissioner Charlene Lewis, seconded by Commissioner Thornton.

Commissioner Lewis declined the nomination.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Andrajack to elect Commissioner Carl Law as Mayor for the ensuing year.

Ayes: Commissioners Lindenborn, Andrajack, Lewis and Kwas

Nays: Commissioners Holland and Thornton

Abstained: Commissioner Law

Motion carried to elect Carl Law as Mayor for the next ensuing year.

Item 7. Trish Holley, City Clerk opened the floor for Election of Mayor Pro-Tem for the ensuing year in compliance with Article 4, Section 7 of the City Charter.

Commissioner Kwas nominated Commissioner Thornton, seconded by Commissioner Holland.

Commissioner Andrajack nominated Commissioner Lewis, seconded by Commissioner Lindenborn.

A vote was taken for Commissioner Thornton as Mayor Pro-Tem.

Ayes: Commissioners Kwas, Holland and Thornton

Nays: Mayor Law, Commissioners: Andrajack, Lindenborn, Lewis

A vote was taken for Commissioner Lewis as Mayor Pro-Tem.

Ayes: Mayor Law, Commissioners Andrajack, Lindenborn, Lewis

Nays: Commissioners: Kwas, Holland and Thornton

Motion carried to elect Charlene Lewis as Mayor Pro-Tem for the next ensuing year.

Item 8. City Manager's report.

Mr. Slye congratulated the newly elected Commissioners and stated he looked forward in working with each one. Commissioner orientation will be on Friday at 10 am and a workshop meeting will be held at 6 pm before the regular scheduled Council meeting on the 17th.

Item 9. Council comments.

Commissioner Thornton thanked everyone for coming tonight and look forward to working with everyone and thinks it will be a good year.

Commissioner Holland thanked everyone for voting and stated for the record it's not the end of Burkburnett since he has been elected; I'm not the antichrist as some have said. I look forward to working with the fellow Commissioners and to make the city a better place for the citizens, to get everyone involved with the Burkburnett Watchdog group, the Soapbox group, for everyone to be able to have input and work together to make our city a better place to live. Thank you for coming tonight and please continue to attend the meetings.

Commissioner Andrajack thanked Commissioners Dolan, Wells and Tugman for their service to the City. Congratulations to the newly elected Commissioners and to this panel, my commitment to you is to have a strong work ethic, serve adequately and to build relationships with you so that we may all serve our city. For those here tonight, I thank you for your attendance and my commitment to you is to make educated, independent decisions that I feel best for our future for the City of Burkburnett.

Commissioner Lewis stated she wanted to look at this as a new beginning and to stop the bickering that has been going on. We should respect each other and their ideas. I thank you all for the hard work you did during the election. I went to our nice park today to relax and get away from the phone. I wished more people would get out and vote, men fought for our right to vote, encourage your neighbor to vote. Josh, Chase and Raymond, thank you and thank you Arnie Wells for your service to the City.

Commissioner Kwas welcomed the newly elected Commissioners and as Richard Nixon once said, let me make something perfectly clear, if somebody brings a complaint to me, I don't care who it is, what your status is or anything else, I will look into it. Contrary to what the television represented, I am not playing favorites; I want to see justice, liberty for all. I didn't work for ages to try and get on this Commission to be put down by anybody, I need help from you all, if you want my help, ask for it, if you don't, fine but I'm here for you all. I want to thank Mr. Arnie Wells even though we didn't agree at times, we worked pretty well together. Mr. Tugman, Mr. Dolan, we all had our

differences, but that's gone. I hope to get along with everyone on this board, I want to be fair to everybody, no clicks, no particular people, no races, and I just want to be fair to everyone.

Commissioner Lindenborn thanked those that ran in the election; it was a great turn out and congratulations to the newly elected Commissioners. I want to acknowledge Mike Tugman, Scott Dolan and Arnie Wells for their service to the community; it was a pleasure to work with them. Also Ron Clarke and Lee Harvey, they ran and stated what they believed in. We do need to get back to work and I look forward in working with everyone. I'd like to see some civility and respect restored back to Facebook and the other networking internet sites, a lot is being said on those sites that I do not believe everyone agrees with, there has been a lot of trash talking and I'd like to see that cleaned up. If you have a legitimate concern, I think we are all available. I look forward to working together and for the good of our city and thank you for coming.

Mayor Law read a statement: "I'm grateful for the opportunity to be the mayor of Burkburnett for another year. It's an honor to represent Burkburnett at a wide variety of events all over North Central Texas including those at Sheppard AFB. Eloise and I have always tried to perform this duty in a way that will bring honor to our city. I constantly remind myself that I'm just one of seven people elected to serve all the citizens of Burkburnett. My vote is no more important than that of any other Commissioner. My viewpoint is no more important than any other Commissioner's. That's why, during the past two years, I've tried to make sure every Commissioner had an opportunity to be heard with respect and without conflict. I will continue to do that. I also try always to remember that I represent every citizen of Burkburnett, not one particular section of town, not one group that may be more vocal than others, and certainly not for my own personal interests. This year ahead, May 2010 to May 2011 can be one of the most rewarding years in our city's history if we work together-and I'm confident that we will.

Item 10. Motion was made by Commissioner Kwas, seconded by Commissioner Lindenborn to adjourn.

Carl Law, Mayor

ATTEST:

Trish Holley, City Clerk