

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, May 21, 2012 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
Bill Lindenborn	Mayor Pro-Tem
Josh Andrajack	Commissioner
Randy Brewster	Commissioner
Don Hardy	Commissioner
Marguerite Love	Commissioner
Michael Tugman	Commissioner

Others present: Tim James, City Manager; Trish Holley, Director of Administration; Michael Whaley, Public Works Director; Janelle Dolan, City Clerk; Lieutenant Ed Stahr, Police Department; Rodney Roberts, Director of Parks and Recreation.

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

Item 2. Invocation was given by Commissioner Andrajack.

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

Item 4. Consent Agenda.

- A. Approval of Minutes from April 10th Special Called Meeting, April 16th, and April 30, 2012 Special Called Meeting.

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

Item 5. Resolution Number 528 was presented in its entirety. Tim James, City Manager, addressed the Mayor and Commissioners, and explained by signing this resolution of support for IESI- Progressive Waste Solutions, the City is indicating support for a feasibility study to be done for the construction of a recycling center in Burkburnett.

Merle Rodgers, District Manager of IESI, addressed the Mayor and Commissioners, and stated IESI would appreciate the City's support for the feasibility study.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Hardy to approve Resolution 528. Motion carried unanimously.

Item 6. Mayor Law closed the regular meeting at approximately 7:07 p.m. and opened the "Public Hearing" for the following Planning & Zoning Commission Case:

Case #2012-7: re-zone application for 75 X 165' or 0.28 AC RRVL BLk 8, also known as 903 Sycamore.

Michael Whaley, Public Works Director, addressed the Mayor and Commissioners. Mr. Whaley stated this is an application to rezone from residential, SF-6 to Commercial. The application was approved by the Planning and Zoning Commission. Mr. Whaley stated all requirements in the Zoning Ordinance have been met and the comprehensive plan was reviewed and it does match future land use plans as set for commercial development. The City Staff recommends accepting the Planning and Zoning Commission's recommendation for approval of the application from SF-6 residential to commercial for 903 Sycamore.

Item 7. Mayor Law closed the "Public Hearing" at approximately 7:11 p.m. and reopened the regular meeting to take action on the Planning & Zoning Commission Cases:

Case #2012-7: re-zone application for 75 X 165' or 0.28 AC RRVL BLk 8, also known as 903 Sycamore.

Motion was made by Commissioner Brewster, seconded by Commissioner Tugman to approve Case # 2012-7 rezone application for 903 Sycamore.

Ayes: Mayor Law, Commissioners: Brewster, Andrajack, Love, Hardy and Tugman

Abstained: Commissioner Lindenborn.

Motion carried.

Item 8. Resolution Number 527 was presented. Mr. James addressed the Mayor and Commissioners and explained the City of Burkburnett is a member of Atmos Cities Steering Committee (ACSC). Atmos Energy Corporation, Mid-Tex Division, requested a rate increase in January 2012. The ACSC has been reviewing the proposed rate increase, negotiations have started but no settlement met. The ACSC has requested the member cities pass a resolution denying the

requested rate change. This will provide more time for negotiations between Atmos and the ACSC.

Motion made by Commissioner Andrajack, seconded by Commissioner Brewster to approve Resolution Number 527. Motion carried unanimously.

Item 9. Mayor Law read the following background information: The terms of Planning and Zoning Commissioners Larry Ford and Frank Andrajack have expired. According to the Zoning Ordinance, Planning and Zoning Commissioners shall be nominated by the Mayor and must be approved by a simple majority vote of the Board of Commissioners. Terms shall be for 3 years. Bob Franklin and Tim Cornelius have been nominated to fill the vacant positions. Both Mr. Franklin and Mr. Cornelius have indicated they would be willing to serve.

Motion made by Mayor Law, seconded by Commissioner Lindenborn to appoint Bob Franklin and Tim Cornelius to the Planning and Zoning Commission. Motion carried unanimously.

Item 10. Resolution Number 529 was read in its entirety. A resolution authorizing an economic incentive agreement between the Burkburnett Development Corporation and Beltech Global/Gary Belvin. First reading-no action taken but some discussion was held. Mr. James addressed the Mayor and Commissioners and reported a question was posed to him on Agenda Items 10 and 11 regarding the applicability of state law to economic incentives for jobs, paying for jobs as included in this agreement. Mr. James stated the City attorney was consulted. The City attorney felt in his opinion both for Agenda Item 10 and 11 the payment for jobs did not meet the applicable state law. (Not that the City could not consider economic incentives but not for jobs.)

Kelly Bolen, Burkburnett Development Corporation Executive Director, addressed the Mayor and Commissioners. She provided a copy of an email from Julian Grant, Office of the Attorney General, reading that the performance agreement must be tied to creation of jobs/capital improvement, as required by the EDC statute, with a claw-back provision. Mrs. Bolen stated she has sent additional information to the Office of the Attorney General and has asked for clarification.

Item 11. Resolution Number 530 was read in its entirety. A resolution authorizing an economic incentive program between the Burkburnett Development Corporation and Burk Market. First reading- no action taken

Item 12. Commissioner Brewster addressed the Mayor and the Commissioners about his concerns with children crossing at the Kramer and Heritage intersection. Commissioner Brewster stated there is no marked crosswalk and he is also

concerned about the speed limit on Kramer, it is 30 mph up till Sugarbush then increases to 35 mph. Commissioner Brewster stated he is worried about the kids and would like it to be easier for them to cross at this intersection. Mr. James stated the City will need to determine the best way to address the safety issues and to provide the best opportunity for safe crossing.

Motion made by Commissioner Brewster, seconded by Commissioner Love to defer action on this item until next the meeting, until it can be figured out what is best for the City, Motion carried unanimously.

The Mayor moved up Item 17.

Item 17. Public Comments.

The following addressed the Commissioners
Paula Smith, 406 W. 1st Street, Burkburnett-Cemetery issues

Item 13. Mr. James addressed the Mayor and Commissioners about Community Involvement Programs. Mr. James stated several ideas have been brought forward by the Commissioners about various Community Involvement Programs. Mr. James stated the programs would help get the community involved with what the city does and provide the City with the needs and desires of the community. Mr. James provided some examples of programs that have been used by other municipalities: Town Hall Meetings; Mayor's round table discussions; Citizen Academies; Citizen Surveys; Social Media; Advisory Boards; and Volunteer Programs. Mr. James stated the list is not all inclusive and any program would have to be tailored to fit our community. There will be cost involved with the establishment of any Community Involvement Plans and cannot be estimated until a specific program is evaluated.

No action taken.

Item 14. Mayor Law closed the meeting at 7:59 p.m. and opened the Executive Session pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code; the Board of Commissioners may convene in Executive Session regarding the following matters:

- A. SECTION 551.074(a)-Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

- (1) Hear and discuss complaint against City Manager, Tim James.

Item 15. Mayor Law reconvened the regular meeting at 8:27 p.m. Commissioner Andrajack stated the following: The City Commission met on April 30, 2012 to hear and discuss a complaint against City Manager, Tim James. The complaint

was determined to be completely false, unfounded, and baseless. No action against the City Manager was required. The Commission also stated that due to the seriousness of the false accusation the Commission supported the continued investigation into the source of the false accusation. We have reviewed the results of the continued investigation and determined that all parties have been interviewed and the available information has been reviewed.

Motion made by Commissioner Andrajack, seconded by Commissioner Tugman based on the information that has been reviewed by the City Commission, no further action is necessary with respect to the false accusation. Motion carried unanimously.

Item 16. Review of monthly reports.

- A. Administration
- B. Public Works
- C. Public Safety-Mr. James reported that the Police Department had received a letter from Michael A. Fantini, Brigadier General, USAF, conveying his appreciation for Lt. Stahr's effort supporting a member from their squadron.

Item 18. City Manager's report.

- A. Commission Calendar is present in their Council packets. It can be used to schedule in the future for planning of meetings.
- B. Website is currently in the programming phase.
- C. Paperless billing is available. Several places on the website to request it.
- D. Optimist Club is now in Burkburnett. They are another group that could be utilized for the Burkburnett Assistance Program.
- E. The City has been approved to get the Oil Derricks from I-44 rest stop. The City will be coordinating with TXDOT to relocate them to Burkburnett.

Item 19. Commission comments.

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

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk