

## ***MINUTES***

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

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, November 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
Chase Thornton	Commissioner
Josh Andrajack	Commissioner
Raymond Holland	Commissioner
Randy Brewster	Commissioner

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

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

Item 2. Invocation was given by Phillip Kenedy, Pastor of New Hope Church of the Nazarene.

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

Item 4. Consent Agenda.

A. Approval of minutes: October 17, 2011

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

Item 5. Tim James, City Manager, addressed the Mayor and Commissioners. The City of Burkburnett received a request from First United Methodist Church to build a covered entrance on North Avenue C. The staff has reviewed the area in question and there are no utilities in the right of way that will be affected by the entrance.

Motion was made by Commissioner Andrajack, seconded by Commissioner Lindenborn to authorize the Mayor to sign an encroachment agreement with First United Methodist Church to allow either Option A (encroachment of approximately 4 ft) or Option B (encroachment of approximately 9 ft) per the Church's choosing for their covered entrance. Motion carried unanimously.

Item 6. Ordinance Number 817 was presented. Caption of same being:

**AN ORDINANCE CREATING A CEMETERY BOARD; DEFINING ITS DUTIES AND POWERS; ESTABLISHING THE COMPOSITION OF SAID BOARD; PRESCRIBING THE TERM OF OFFICE AND METHOD OF APPOINTMENT OF MEMBERS; AND PROVIDING AN EFFECTIVE DATE.**

Mr. James addressed the Mayor and Commissioners. He reported historically the Board of Commissioners has been advised by the Cemetery Committee which was not adopted by ordinance. Ordinance 817 would set guidelines for the Cemetery Board to include number of committee members; term limits; and duties and powers. Two ordinance drafts were presented to the Mayor and Commissioners. The first ordinance presented by City Staff read that said Board would be composed of seven (7) members, at least one (1) which shall be a City Commissioner. The normal term of office for each appointed member of the Cemetery Board shall be two (2) years with a three-consecutive term limit. The second ordinance presented by the Cemetery Committee read that said Board would be composed of nine (9) members, at least one (1) which shall be a City Commissioner. The normal term of office for each appointed member of the Cemetery Board shall be two (2) years with a five-consecutive term limit.

The following addressed the Commissioners:

Kathy Patterson, 524 Rosewood Street, Burkburnett

Ron Clarke, 204 Preston, Burkburnett

Motion was made by Commissioner Andrajack, seconded by Commissioner Lewis to approve the first draft of Ordinance 817 with the following corrections. Under Section 1 the line stating "at least one (1) of which will be a City Commissioner will be removed. Under Section 2 the term limits will be changed to read the normal term of office for each appointed member of the Cemetery Board shall be two (2) years with a five-consecutive term limit. Motion carried unanimously.

Item 7. Mr. James addressed the Mayor and Commissioners. The Architectural Fee Proposal from Bundy, Young, Sims & Potter, Inc. is for the conceptual layout of the Cemetery which includes the Pavilion, restrooms and everything associated with Phase III. The fee is based on an hourly rate and it not to exceed \$4000.

Motion was made by Commissioner Holland, seconded by Commissioner Andrajack to authorize Bundy, Young, Sims & Potter, Inc. to perform the conceptual design for the Cemetery associated with Phase III and not to exceed \$4000. Motion carried unanimously.

Item 8. Mr. James addressed the Mayor and Commissioners. The proposal from R.W. Harden & Associates, Inc. for professional services includes an evaluation of the best location and sources for the City's future ground water wells. R. W. Harden & Associates, Inc. will also review the existing wells to find ways to improve existing output. The fee would be billed hourly not to exceed \$16, 000.

Motion was made by Commissioner Andrajack, seconded by Commissioner Thornton to authorize the Mayor to execute a contract with R. W. Harden & Associates, Inc. for professional services not to exceed \$16,000. Motion carried unanimously.

Item 9. Mr. James addressed the Mayor and Commissioners. The City received one bid from Mel and Tina Feller for \$2100.00 for the purchase of Pocket Park.

Motion was made by Commissioner Lewis, seconded by Commissioner Thornton to accept the bid from Mel and Tina Feller for the purchase of Pocket Park for \$2100.00. Motion carried unanimously.

Item 10. Mayor Law closed the regular meeting and opened the "Public Hearing" for public input on a proposed amendment to the Zoning Ordinance that will include a Carport (CP) Overlay District.

Item 11. Mayor Law closed the "Public Hearing" and reopened the regular meeting to take action on Ordinance 818 as presented. Caption of same being:

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING CERTAIN SECTIONS OF ORDINANCE NO. 589 OF THE CITY OF BURKBURNETT AND PROVIDING FOR THE EFFECTIVENESS OF OTHER PROVISIONS IF ANY PROVISION IS DECLARED INVALID; 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 Andrajack, seconded by Commissioner Thornton to approve Ordinance Number 818. Motion carried unanimously.

Item 12. Mayor Law closed the meeting at 7:45 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 551.0729(b) Deliberation

Regarding Real Property (1) Consider purchase of land for the purpose of drainage.

Item 13. Mayor Law reconvened the regular meeting at 7:57 p.m. No action was taken.

Item 14. Review of monthly reports.

- A. Administration-
- B. Public Works-Michael Whaley reported that the County/Williams Road project has been completed. The City is currently in design on the next street bond project which is the complete reconstruction from Hwy 240 to the intersection of Charlotte and North Preston.
- C. Public Safety-Lieutenant Lam reported the back-up generator at the Community Center is up and running. The generator was purchased with funds from Homeland Security.

Item 15. Public Comments

Mike Overby, 1015 Jewel Ave, Burkburnett, discussed dwelling/living in a RV.

Item 16. City Manager's report.

- A. Espy services- has been reviewing our phone and internet services. At this time they have found a savings of \$654.50 based on sales tax that was charged to the City. Espy services will receive half of that savings. Espy services is currently providing estimates for much larger savings based on our phone and internet contracts.
- B. City Christmas Party-Scheduled for December 8 at 6:00 p.m.
- C. Lighted Christmas Parade-Scheduled for December 9.
- D. City Hall Holiday Schedule-City Hall will be closed November 26<sup>th</sup> and 27<sup>th</sup> for the Thanksgiving Holiday.

Item 17. Commission comments.

Item 18. Motion was made by Commissioner Thornton, seconded by Commissioner Holland to adjourn. Motion carried unanimously.

Carl Law, Mayor

**ATTEST:**

Janelle Dolan, City Clerk