

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular called meeting on Monday, October 20, 2008 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
Billy T. Elder	Commissioner
Scott Dolan	Commissioner
Jim Phillips	Commissioner
Charlie McCullough	Commissioner

Other's present were: Mike Slye, City Manager; Trish Holley, City Clerk; Dale Lewis, Director of Administration; Michael Whaley, Director of Public Works; Mike Tracey, Chief of Police; Billy Ray Mize, Planning & Zoning Commission Chairman and Mike Neito, OnCor Representative.

Other's present: Gary Moore, Mel & Tina Feller, Thomas Watson, Curtis Salyer, Jack Baber, Brenda Shepard, Daisy Chancellor, Wade Medberry, Raymond Holland, Ted Kwas, Dick Vallon, Bill Lindenborn, Glen Hutchinson, Pete Courture, Flora Holland, Michael Bunton and T. Bunton.

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 Minister Roy Christopher, Central Church of Christ.

Item 2A. Mr. Gary Moore presented a plaque of appreciation to Police Chief Mike Tracy and the Burkburnett Police Department for being responsive and professional when he has called the department for assistance.

Item 3. Mayor Law reviewed the Consent Agenda Items.

1. Approval of the minutes from September 8th, 15th and October 8, 2008.

Motion was made by Commissioner McCullough, seconded by Commissioner Lewis to approve Consent Agenda Item 3 (1). Motion carried unanimously.

Item 4. Mike Slye, City Manager introduced Billy Ray Mize, Chairman of the Planning & Zoning Commission. Mr. Mize addressed the Commissioners. Mr. Mize stated the Planning & Zoning Commission met on October 6, 2008 and reviewed the Comprehensive Plan and Zoning Land Use Map. A Public Hearing was conducted to take input from citizens of Burkburnett. No comments were received. The following are items the Commission recommends reviewing for future action.

1. Vehicles parked on grass (residential)
2. RV/Boat parking behind property building line
3. Age limit on newly installed mobile homes

The Commissioners thanked Mr. Mize for bringing the recommendations to their attention. No action taken.

Item 5. Motion was made by Commissioner Elder, seconded by Commissioner Phillips to approve a five-year term lease agreement with an automatic one-year extension for Pocket Park. Motion carried unanimously.

Motion was made by Commissioner Lewis, seconded by Commissioner Phillips to approve Resolution Number 442 as presented. Motion carried unanimously.

Item 6. Mike Slye, City Manager removed Item 6-Resolution Number 443.

Item 7. Resolution Number 444 was presented in its entirety. A resolution denying OnCor Electric Company's requested increase for electric transmission and distribution rates.

Motion was made by Commissioner Elder, seconded by Commissioner Dolan to approve Resolution Number 444 as presented. Motion carried unanimously.

Item 8. Resolution Number 445 was presented in its entirety. A resolution authorizing Cities Aggregation Power Project, Inc. (CAPP) to negotiate an electric supply agreement for deliveries of electricity and necessary related services effective January 1, 2009.

Motion was made by Commissioner Tugman, seconded by Commissioner Elder to approve Resolution Number 445 as presented. Motion carried unanimously.

Item 9. Mike Slye, City Manager presented the previously opened Police Vehicle Bids on October 10, 2008 at 2:00 p.m. They are as follows:

Bidder	Amount
Four Stars Auto Ranch	\$40,830.00
Herb Easley	\$42,312.80
Lipscomb Chevrolet	\$44,000.00

Caldwell Country (Buyboard)

\$39,872.00

Mr. Slye stated the city belongs to the Buyboard and Caldwell Country has the vehicles in stock and was the lowest bidder.

Motion was made by Commissioner Elder, seconded by Commissioner Dolan to accept the low bid from Caldwell County (Buyboard) in the amount of \$39,872.00 for two (2) new police vehicles.

Ayes: Mayor Law, Commissioners: Elder, Dolan, McCullough, Phillips and Tugman

Nays: Commissioner Lewis

Abstained: None

Item 10. Resolution Number 446 was presented in its entirety. A resolution authorizing lease agreement for two (2) new police vehicles.

Motion was made by Commissioner Phillips, seconded by Commissioner Tugman to approve Resolution Number 446 as presented. Motion carried unanimously.

Item 11. The Commissioners reviewed the monthly reports. Mike Slye, City Manager stated a new report has been added regarding Personnel. Mr. Slye reported Gary Warrington-water wells, had a stroke but is recovering and should be back to work soon.

Item 12. Personal Audience Comments to Commissioners/Comments on Agenda Items.

Pete Couture, 111 S. Berry, Burkburnett. Government operations

Raymond Holland, 216 Dogwood, Burkburnett. Process to file a complaint on City Manager.

Item 13. City Manager's report.

(A) Mr. Slye addressed the Commissioners regarding Attorney General's Opinion No. GA-0668 and its application to Burkburnett. Mr. Slye stated the act requires specific items be listed under the City Manager's report and possibly under the Council Discussion. Attorney General's Summary of the Act-- "The notice at issue does not sufficiently notify a reader, as a member of the interested public, of the subjects to be addressed at a meeting subject to the Open Meetings Act, Government Code Chapter 551. Section 551.042 of the Act authorizes a limited response to inquiries of a member of the public or of the governmental body about a subject not included in the posted notice. To the extent that a subject is addressed by a city manager or a member of the governing body in the manner and under the circumstances authorized under section 551.042, it does not have to be included in a posted meeting notice.

(B) Mr. Slye reported on November 3rd, the contractors should start on the College Street project, a town hall meeting will be held for the citizens in that area for questions. The profiling has been started on Preston and should be completed very soon.

(C) Mr. Slye stated new rules for the Solid Waste Grants allows cities to use the monies for demolition of dilapidated structures. A list of structures needing to be demolished will be presented to you soon.

(D) In closing, Mr. Slye reported Flu Shots are scheduled for October 22nd at 8 a.m. and he would be out of the office of November 12th for a Utility Rate Case Meeting.

Item 14. Mayor Law stated due to the Attorney General's Opinion No. GA-0668 and until further study can be attained, he will speak on behalf of the entire Board of Commissioners tonight and thank everyone for attending and for their input tonight.

Item 15. Motion was made by Commissioner Dolan, seconded by Commissioner Phillips to adjourn. Motion carried unanimously.

Commissioner Dolan stated he was sorry to hear about Larry DiMarzio. Mr. DiMarzio served as a Commissioner and Mayor; our thoughts and prayers are with the family.

Carl Law, Mayor

ATTEST:

Trish Holley, City Clerk