

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular called meeting on Monday, September 15, 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; Jay Cantrell, City Attorney and Richard Boyd, City Engineer.

Other's present: Thomas Watson, Flora Holland, Clay Gahagan, Peter Couture, Julie Alaniz, Adriana Alaniz, Jo Ann Fanjmann, Glen Hutchinson, Cara Simmons, Kelly Bolen, Dick Vallon, Robert Holland, Wade Medberry, Curtis Salyer, Ted Kwas, Wendy and Jimmy Duke, Tracy Cissell, John Hopkins, Brenda and Donnie Shepard, Daisy Chancellor, Jamie Simmons, Jack Baber, Daniel Moore, Carol Holland, Dee Wood, Robert Moore, Lahoma Wood, Ed Wood, Linda Dudenhoeffer, John Reinke, Jim Pitts, Bill Pitts, Susan Disney, Brittany Ingalls, Mike Bunton and Raymond Holland.

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 Pastor Judy Brock, First Christian Church.

Item 3. Mayor Law reviewed the Consent Agenda Items.

1. Approval of the minutes from August 18th, September 2nd and 4th, 2008.

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

Item 4. Michael Whaley, Director of Public Works addressed the Commissioners. Mr. Whaley presented the previously opened bids on September 9, 2008 for the College Street Reconstruction project. They are as follows:

	Base Bid	Alternate Bid
Duke Construction	\$612,909.30	na
Luz Lerma Construction	\$583,757.55	\$350,787.55
Barnett Paving & Sealing	\$402,073.90	\$490,431.80
Jordan Paving	\$735,919.15	\$1,113,588.10
McGrath Brothers	na	\$668,833.25

Mr. Whaley explained the bids that were submitted. Luz Lerma Construction was the low bidder using the alternate bid of concrete paving. The units of concrete paving were square yards and he mistakenly thought it was square feet. Based on this, Richard Boyd, City Engineer recommends rejecting the low bid as an honest mistake (error amounted to almost \$400,000) and relinquish his bid security. The city staff and city engineer recommends accepting the next lowest bid from Barnett Paving and Sealing.

Bill Pitts with Pitts Construction addressed the Commissioners. Mr. Pitts explained he was concerned with the bids using asphalt verses the concrete due to the soil. Mr. Pitts asked the Commissioners to hold off on letting the bid until a study was done to see which is less costly, concrete or asphalt.

Motion was made by Commissioner Dolan, seconded by Commissioner McCullough to table Item 4 until further studies can be made on the soil to see the most cost efficient way to reconstruct College road.

Ayes: Mayor Law, Commissioners: Dolan, McCullough, Elder, Phillips and Lewis.
Nays: Commissioner Tugman
Abstained: None

Item 5. Resolution Number 422 was presented in its entirety. A resolution authorizing the submission of a Texas Community Development Block Grant Program for the Disaster Relief Fund.

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

Item 6. Motion was made by Commissioner Tugman, seconded by Commissioner Elder to approve fiscal year 2008-09 Budget for the Burkburnett Development Corporation. Motion carried unanimously.

Item 7. Motion was made by Commissioner McCullough, seconded by Commissioner Lewis to approve the following Burkburnett Development Corporation Board Appointments: Voting members: Danny Cremeens, Chad Lobaugh, Darren Broadus and

Ex-officio members: Butch Doerre, Keith Myers and Bob Franklin. Motion carried unanimously.

Item 8. Ordinance Number 753 was presented in its entirety. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, ("CITY") APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "THE COMPANY") REGARDING THE COMPANY'S RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; APPROVING ATMOS' PROOF OF REVENUES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL.

Motion was made by Commissioner Tugman, seconded by Commissioner Dolan to approve Ordinance Number 753 as presented. Motion carried unanimously.

Item 9. Ordinance Number 754 was presented in its entirety. Caption of same being:

AN ORDINANCE ADOPTING THE FISCAL YEAR OPERATING BUDGET OCTOBER 1, 2008 - SEPTEMBER 30, 2009 FOR THE CITY OF BURKBURNETT, TEXAS AND APPROPRIATING THE SEVERAL SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED, AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Commissioner Elder, seconded by Commissioner Phillips to approve Ordinance Number 754 as presented. Motion carried unanimously.

Item 10. Ordinance Number 755 was presented in its entirety. Caption of same being:

AN ORDINANCE ADOPTING THE FISCAL YEAR CAPITAL IMPROVEMENT BUDGET OCTOBER 1, 2008 - SEPTEMBER 30, 2009 FOR THE CITY OF BURKBURNETT, TEXAS AND APPROPRIATING THE SEVERAL SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED, AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Commissioner Tugman, seconded by Commissioner Phillips to approve Ordinance Number 755 as presented. Motion carried unanimously.

Item 11. Ordinance Number 756 was presented in its entirety. Caption of same being:

AN ORDINANCE LEVYING AN ANNUAL AD VALOREM TAX FOR THE YEAR 2008. SETTING SPECIFIC TAX RATES, APPLICABLE TO ALL REAL, PERSONAL AND MIXED PROPERTY SITUATED WITHIN THE CITY OF BURKBURNETT CITY LIMITS: SETTING THE DUE DATE AND PROVIDING FOR PENALTIES AND INTEREST ON DELINQUENT TAXES.

Motion was made by Commissioner Tugman, seconded by Commissioner Dolan to approve Ordinance Number 756 as presented. Motion carried unanimously.

Item 12. The Commissioners reviewed the monthly reports.

Item 13. Mayor Law recessed to “Executive Session” at 7:59 p.m. pursuant to Subchapter D of Chapter 551 of the Texas Government Code to deliberate on the following matters:

(1) Section 551.072 (2) Consultation with City Attorney and outside counsel (by teleconference, as permitted by § 551.129) representing the City to obtain legal advice regarding the matters listed below with respect to which the attorney(s) have the duty to advise the client confidentially, pursuant to the Attorney-Client Privilege and the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas:

- (a) The authority of the City Manager, pursuant to the City’s Charter, Code of Ordinances and applicable law, to deal with personnel issues and take disciplinary actions with respect to employees of the City.
- (b) Due process requirements applicable to disciplinary actions taken with respect to employees of the City.

Item 14. Mayor Law reconvened to regular session at 9:21 p.m. No action taken.

Item 15. Mayor Law recessed to “Executive Session” at 9:24 p.m. pursuant to Subchapter D of Chapter 551 of the Texas Government Code to deliberate on the following matters:

(1) Section 551.074 (a)(1) To deliberate the evaluation, reassignment, duties, and discipline of a public officer or employee, to wit: Officer Raymond Holland.

Item 16. Mayor Law reconvened to regular session at 9:55 p.m. No action taken.

Item 17. Personal Audience Comments to Commissioners/Comments on Agenda Items.

Glen Hutchinson, 1318 Lucille, Burkburnett. Correction of statement made during a council meeting.

Peter Couture, 111 S. Berry, Burkburnett. Correction of statement made during a council meeting.

Charlie Jackson, 1118 Bishop, Burkburnett. Statement showing improvement to the Police Department.

Item 18. Mike Slye, City Manager addressed the Commissioners. Mr. Slye reported an administrative committee meeting is scheduled for October 8th at noon to review the following: Pocket Park Lease agreement, Tree Ordinance, Personnel Policy regarding active duty insurance coverage, and the Fire Department Revenue and Rescue Program.

In closing Mr. Slye reminded the Commissioners about the Burkburnett Volunteer Fire Department Banquet on October 2nd and that he would be out of the office attending a TML Health Board Meeting on Wednesday.

Item 19. Commissioner McCullough thanked the visitors for coming tonight.

Mayor Law thanked the visitors for coming and made the following statement: “Mayor Law stated he did say that he didn’t think the police department deserve a raise anymore than anyone else working for the city, none of the city employees are paid what they should be paid and one day the commissioners will entertain raising taxes for a pay increase.”

Item 16. Motion was made by Commissioner Tugman, seconded by Commissioner Elder to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Trish Holley, City Clerk