

## ***MINUTES***

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

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, September 19, 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; Mike Tracey, Chief of Police; and Rodney Roberts, Director of Parks/Recreation.

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 Bobby Scott, Pastor of The Lighthouse Church.

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

Item 4. Consent Agenda.

- A. Approval of minutes: August 15, August 17, August 23, September 6, and September 12, 2011.

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

Item 5. Keith Meyers, President of the Burkburnett Development Corporation addressed the Mayor and Commissioners and stated the Board of Directors approved amending Section 4.09. He requested the Commissioners approve the

amendment by striking the last sentence of Section 4.09 which reads: “The Executive Director must be a resident of Burkburnett.”

Motion was made by Commissioner Thornton, seconded by Commissioner Lewis to strike the last sentence of Section 4.09 that states the Executive Director must be a resident of Burkburnett.

Ayes: Mayor Law, Commissioners: Lewis, Lindenborn, Thornton, Brewster, and Holland.

Nays: Commissioner Andrajack

Item 6. Michael Whaley, Director of Public Works, addressed the Mayor and Commissioners. Mr. Whaley stated the Planning & Zoning Commission reviewed and approved the commercial site plan for Rodriguez Auto Parts. Mr. Whaley stated city staff recommends approving the site plan that is being presented to you.

Motion was made by Commissioner Andrajack, seconded by Commissioner Holland to approve commercial site plan for Rodriguez Auto Parts as presented. Motion carried unanimously.

Item 7. Tim James, City Manager, addressed the Mayor and Commissioners and reported two (2) estimates were received for the demolition and removal of 600 W. 6<sup>th</sup> Street. They are:

Name	Amount
Weakley’s Welding Burkburnett, TX	\$3,600.00
W.L. Bunton Wichita Falls	\$3,500.00

Mr. James stated the Commissioners approved the demolition for 600 W. 6<sup>th</sup> Street in 2008 and Mr. Bunton has submitted the lowest estimate for the removal. Mr. Bunton has agreed in lieu of payment he would accept the City providing nine (9) roll-off dumpsters for the use in the removal of 600 W. 6<sup>th</sup> Street and for the clean-up of his properties in that area.

Motion was made by Commissioner Andrajack, seconded by Commissioner Thornton to approve demolition agreement with Mr. Bunton with the following conditions: (a) in lieu of payment, the City will provide nine (9) roll-off dumpsters for the clean-up of 600 W. 6<sup>th</sup> Street and allow him to use the roll-offs for other properties in that area; (b) the structure and clean-up of 600 W. 6<sup>th</sup> Street will be completed first; and (c) the agreement will include a hold harmless statement that Mr. Bunton will not hold the City liable for any damages that may

occur to his properties during the time he is using the roll-offs. Motion carried unanimously.

Item 8. Tim James, City Manager, addressed the Mayor and Commissioners and stated that the City can submit a letter of preferred routes for relocation of Oklaunion-Fisher Road 345 kV Transmission Line Project.

David Strayhorn, 1414 Chaparral Road, Burkburnett, addressed the Mayor and Commissioners regarding this matter and his concern where the lines run.

Motion was made by Commissioner Andrajack, seconded by Commissioner Holland to approve the City of Burkburnett's preferred routes for relocation of Oklaunion-Fisher Road 345 kV Transmission Project to include on the Western Side: WW, WV, WU, WS, WT, and WR and on the Eastern Side: EE, EF, EW, ET, and EU. Motion carried unanimously.

Item 9. Michael Whaley, Director of Public Works, addressed the Mayor and Commissioners and reported FT Felty Operating Co. has requested a Drilling Permit and has met all requirements which includes: (1) payment of \$250.00 permit fee; and (2) permit from the Railroad Commission of Texas, Oil & Gas Division. Letters were mailed out notifying adjacent property owners of a hearing held at City Hall on September 14<sup>th</sup>, 5:00 p.m. by Director of Public Works. There were no objections. Mr. Whaley stated the site plan has been approved and city staff recommends approving the permit submitted by FT Felty Operating Co.

Motion was made by Commissioner Andrajack, seconded by Commissioner Lindenborn to approve the permit to drill oil within city limits submitted by FT Felty Operating Co subject to the City receiving certification of insurance with at least a ten day notice of cancellation. Motion carried unanimously.

Item 10. Ordinance Number 810 was presented. Caption of same being:

AN ORDINANCE ADOPTING THE FISCAL YEAR OPERATING BUDGET OCTOBER 1, 2011 – SEPTEMBER 30, 2012 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 Andrajack, seconded by Commissioner Lindenborn to approve Ordinance Number 810 as presented. Motion carried unanimously.

Item 11. Ordinance Number 811 was presented. Caption of same being:

AN ORDINANCE ADOPTING THE FISCAL YEAR CAPITAL IMPROVEMENT BUDGET OCTOBER 1, 2011 - SEPTEMBER 30, 2012 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 Lindenborn, seconded by Commissioner Holland to approve Ordinance Number 811 as presented. Motion carried unanimously.

Item 12. Ordinance Number 812 was presented. Caption of same being:

AN ORDINANCE LEVYING AN ANNUAL AD VALOREM TAX FOR THE YEAR 2011. 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 Thornton, seconded by Commissioner Lewis to approve Ordinance Number 812 as presented. Motion carried unanimously.

Item 13. Ordinance Number 813 was presented. Caption of same being:

AN ORDINANCE AMENDING ORDINANCE NUMBER 767 OF THE CITY OF BURKBURNETT, TEXAS PRESENTLY CODIFIED AS CHAPTER 50, GARBAGE AND REFUSE IN THE CODE OF ORDINANCES, SPECIFYING THE EFFECTIVE DATE; DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Motion was made by Commissioner Holland, seconded by Commissioner Lewis to approve Ordinance Number 813 as presented. Motion carried unanimously.

Item 14. Ordinance Number 814 was presented. Caption of same being:

AN ORDINANCE SUPERSEDING ORDINANCE NUMBER 765 OF THE CITY OF BURKBURNETT, TEXAS PRESENTLY CODIFIED AS CHAPTER 53, WATER IN THE CODE OF ORDINANCES, SPECIFYING THE EFFECTIVE DATE; DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Motion was made by Commissioner Thornton, seconded by Commissioner Holland to approve Ordinance Number 814 as presented. Motion carried unanimously.

Item 15. Ordinance Number 815 was presented. Caption of same being:

AN ORDINANCE SUPERSEDING ORDINANCE NUMBER 766 OF THE CITY OF BURKBURNETT, TEXAS PRESENTLY CODIFIED AS CHAPTER 52, SEWERS IN THE CODE OF ORDINANCES, SPECIFYING THE EFFECTIVE DATE; DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Motion was made by Commissioner Holland, seconded by Commissioner Thornton to approve Ordinance Number 815 as presented. Motion carried unanimously.

Item 16. Resolution Number 513 was presented in its entirety. A resolution authorizing continued participation in the Steering Committee of Cities served by Oncor.

Motion was made by Commissioner Holland, seconded by Commissioner Lewis to approve Resolution Number 513 as presented. Motion carried unanimously.

Item 17. Resolution Number 514 was presented in its entirety. A resolution authorizing continued participation with the Atmos Cities Steering Committee and authorizing payment of .05 cents per capita assessment.

Motion was made by Commissioner Thornton, seconded by Commissioner Holland to approve Resolution Number 514 as presented. Motion carried unanimously.

Item 18. No action was taken on this agenda item.

Item 19. Review of monthly reports.

- A. Administration
- B. Public Works
- C. Public Safety- Chief Tracey submitted an amended budget of the Asset Forfeiture account. The Police Department purchased a new security recording system for \$2497.48 from the Asset Forfeiture account. He also introduced his newest officer, Curtis Hamlin.

Item 20. Public Comments:

Ron Clarke, 204 Preston, Burkburnett-cemetery clean-up

Item 21. City Manager's report.

- A. Budget Process-Mr. James thanked the Board of Commissioners for all of hard work on the budget. Mr. James stated he welcomes any input they have on the process.
- B. Friendship Festival-Mr. James reminded the Commissioners that Friendship Festival is set for October 8. Fireworks are scheduled for that night. The City will continue to monitor the situation and determine if we will continue with the Fireworks Display after receiving advice from the fire officials.
- C. Water Conservation Status-The lakes are currently at 53% full. Wichita Falls will not enter Drought Management Stage Two until the lakes fall below 50%. The City will continue to monitor.

Item 22. Council comments.

Item 23. Motion was made by Commissioner Thornton, seconded by Commissioner Holland to adjourn. Motion carried unanimously.

Carl Law, Mayor

**ATTEST:**

Janelle Dolan, City Clerk