

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, November 19, 2018, 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
Jeremy Duff	Commissioner
Don Hardy	Commissioner
Marguerite Love	Commissioner

Others present: Mike Whaley, City Manager; Trish Holley, Director of Administration; Lawrence Cutrone, Director of Public Works; Brent Battista, Director of Parks and Recreation; Richard Gordon, Executive Director of Burkburnett Development Corporation/Director of Planning; Janelle Stahr, City Clerk; Ed Stahr, Police Chief; and Mike Guevara, with Shahan, Guevara, Decker and Arrott, Attorneys at Law (via phone).

Item 1. Mayor Law called the meeting to order.

Item 2. Invocation was given by Don Pellikan, Associate Pastor, First United Methodist Church, Wichita Falls.

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

Item 4. Consent Agenda.

- A. Approval of Minutes from October 15, 2018 Regular Scheduled Meeting and October 29, 2018 Special Called Meeting.

Motion was made by Commissioner Lindenborn seconded by Commissioners Duff to approve the Consent Agenda. Motion carried unanimously.

Item 5. Resolution Number 651 was presented in its entirety.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING RESOLUTION NUMBER 438; AND ADOPTING THE ROTH 457 AMENDMENT OF THE SECURITY BENEFIT 457 DEFERRED COMPENSATION PLAN; FINDING AND DETERMINING THAT

THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Mike Whaley, City Manager, addressed the Mayor and Commissioners and stated since 2008 the City has participated in a 457 Deferred Compensation Plan which allows for pre-tax elective deferrals. It is currently offered and administered by David Farabee with the Institutional Securities Corporation. Legislation has been passed that also allows for participation in Roth (after-tax) elective referrals which will be an additional option for the employees. For the City's employees to take advantage of the Roth option, the City is required to pass and approve the Roth 457 Amendment by resolution. David Farabee, a registered representative of ISC, was available to answer questions from the Board.

Motion was made by Commissioner Andrajack, seconded by Commissioner Love to approve Resolution Number 651 with the date correction as noted. Motion carried unanimously.

Item 6. Resolution Number 652 was presented in its entirety.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF BURKBURNETT, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

Lawrence Cutrone, Director of Public Works, addressed the Mayor and Commissioners and stated NORTEX is the facilitator of the Texas Community Development Block Grant (CDBG) Program for the City of Burkburnett. This resolution will enable NORTEX to submit the CDBG program application to the Texas Department of Agriculture for the Community Development Fund. This resolution also will authorize the Mayor to act as the Chief Executive Officer in all matters pertaining to the CDBG program.

Motion was made by Commissioner Andrajack, seconded by Commissioner Love to approve Resolution Number 652 as presented. Motion carried unanimously.

Item 7. Mayor Law closed the regular meeting at 7:10 p.m. and opened the "Public Hearing" for the following Planning & Zoning Commission Case:

- A. Case #2018-44, re-zone application for 800 Block of Chestnut, block rezoned as a carport overlay district.

Richard Gordon, Director of Planning, addressed the Mayor and Commissioners and stated the application was presented by Mr. Charles Lewis, owner of the property located

at 809 Chestnut St. This request is to allow for a carport overlay district for the 800 Block of Chestnut St. All publishing and mail out requirements have been met. The Planning and Zoning Commission (P&Z) unanimously approved this request. P&Z members attending, and voting were Tim Cornelius, Paul Gerstner, Jerry Coker, Carla Walters and Mark Barefield. Robert Jones (alternate) was also present.

No member of the public asked to address the Board of Commissioners.

Item 8. Mayor Law closed the “Public Hearing” at 7:13 p.m. and reopened the regular meeting to take action on the Planning & Zoning Commission Case:

- A. Case #2018-44, re-zone application for 800 Block of Chestnut, block rezoned as a carport overlay district.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Hardy to accept the Planning and Zoning Commission’s recommendation to approve Case #2018-44, re-zone application for 800 Block of Chestnut, block rezoned as a carport overlay district. Motion carried unanimously.

Item 9. Mr. Whaley addressed the Mayor and Commissioners and stated the City of Burkburnett Board of Commissioners appoints members to the Burkburnett Housing Authority Board. Recently, the U.S. Department of Housing and Urban Development’s jurisdiction over the Housing Authority Board was transferred from the Fort Worth office to the Oklahoma City office. When this transferred occurred it was brought to light that there should also be a tenant serving on the board. Chairman Steve Schelter has recommended Cecil Dickey be appointed to the board

Motion was made by Commissioner Love, seconded by Commissioner Duff to approve the appointment of Cecil Dickey to the Burkburnett Housing Authority Board. Motion carried unanimously.

Item 10. Mr. Whaley addressed the Mayor and Commissioners and stated the Emergency Medical Service Advisory Board is made up of stakeholders from Wichita Falls, Burkburnett, Iowa Park, Wichita County, and United Regional Health Care System. Mr. Dan King has served on this Board as a representative for Burkburnett for the last 6 years. With his term set to expire, staff would recommend re-appointing Dan King to serve an additional term which would then expire on December 31, 2019.

Motion was made by Commissioner Andrajack, seconded by Commissioner Duff to approve the reappointment of Dan King to the Emergency Medical Service Advisory Board. Motion carried unanimously.

Item 11. Mr. Whaley addressed the Mayor and Commissioners and stated Dr. Mike Avey currently serves as the representative for both the City of Burkburnett and the Burkburnett Independent School District on the Wichita Appraisal District Board of

Directors. The City received notice that Dr. Avey's two-year term will expire on December 31, 2018. Dr. Avey is eligible for reappointment and has communicated that he is wanting to continue to serve on the Board of Directors. Mr. Whaley stated he has spoken with Dr. Chaplin of the Burkburnett Independent School District (BISD) regarding the reappointment. The BISD has agreed to the reappointing of Dr. Avey as the representative to the Wichita Appraisal District Board of Directors.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Hardy to approve the reappointment Dr. Mike Avey to the Wichita Appraisal District Board of Directors. Motion carried unanimously.

Mayor Law moved up Item 14. Public Comments

Item 14. The following addressed the Mayor and Commissioners:

- Jeff Krc, Burkburnett Police Association-The Burkburnett Police Association will be pursuing a petition to become Civil Service.

Item 12. Mayor Law closed the meeting at 7:22 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 551.071 – Consultation with Attorney
 - a. Discuss and take any action necessary regarding the Settlement Agreement and Release with Waste Connections Lone Star, Inc (Progressive Waste); Red River Waste Management; and NOV Fiberglass Systems regarding the hauling of NOV's waste.
- B. SECTION 551.074(a)-Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.
 - a. City Manager Evaluation

Item 13. Mayor Law reconvened the regular meeting at 9:40 p.m.

- A. Motion was made by Commissioner Hardy, seconded by Commissioner Duff to sign the agreement with Waste Connections and NOV. Motion carried unanimously.
- B. Motion was made by Commissioner Andrajack, seconded Commissioner Duff to terminate Mike Whaley's employment effective December 20, 2018 via unilateral severance according to the terms of his city manager agreement. Motion carried unanimously.

Motion was made by Commissioner Andrajack, seconded by Commissioner Duff to relieve Mike Whaley of all duties effective immediately with full compensation and benefits paid through his termination date of December 20, 2018. Motion carried unanimously.

Item 15. Mayor Law reviewed the City Manager's report.

- City Hall Closed – November 22-23
- Lighted Christmas Parade – December 14 @ 6 p.m. Movie in Friendship Park following the parade.
- City Christmas Party – December 6 @ 6 p.m.- Community Center

Item 16. Commissioners Comments.

- Commissioner Andrajack expressed his sympathy to the Doug Green family for his passing.

Item 17. Motion was made by Commissioner Lindenborn, seconded by Commissioner Duff to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Janelle Stahr, City Clerk