

## ***MINUTES***

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

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, December 17, 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: Lawrence Cutrone, City Manager; Trish Holley, Director of Administration; Mike Whaley, Director of Public Works; Richard Gordon, Executive Director of Burkburnett Development Corporation/Director of Planning; Janelle Stahr, City Clerk; and Ed Stahr, Chief of Police.

Item 1. Mayor Law called the meeting to order.

Item 2. Invocation was given by Commissioner Andrajack.

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

Item 4. Consent Agenda.

- A. Approval of Minutes from November 19, 2018, Regular Scheduled Meeting and November 30, 2018, Special Called Meeting.

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

Item 5. Mike Whaley, Director of Public Works addressed the Mayor and Commissioners and stated last month the Board of Commissioners approved Resolution Number 652 which gave permission for NORTEX to submit the Texas Community Development Block Grant (TxCDBG) program application to the Texas Department of Agriculture for the Community Development Fund. There are new rules for the grant that requires the City to secure administration and engineering for the project prior to the grant being awarded. Mr. Whaley stated three (3) proposals for engineering services were received for the TxCDBG project. As required by the grant program, the proposals

were scored and ranked using the TxCDBG criteria sheets. Out of the three proposals submitted, Corlett, Probst, & Boyd scored the highest. Staff recommends securing Corlett, Probst, & Boyd to perform engineering services for the TxCDBG. The cost for engineering (covered by the grant) is \$32,000. Mr. Whaley stated this is contingent upon the City of Burkburnett being awarded the grant for the current funding cycle. The application will be submitted in Austin on February 5, 2019.

Motion was made by Commissioner Andrajack, seconded by Commissioner Hardy to award the engineering contract, pending receipt of the CDBG grant, to Corlett, Probst, & Boyd in the amount of \$32,000. Motion carried unanimously.

Item 6. Lawrence Cutrone, City Manager addressed the Mayor and Commissioners and stated Doug Green had been a citizen of Burkburnett for many years. As most know, Mr. Green played a big role in the children's lives of our community over many years as Santa. On December 5, 2018, at the Parks Board meeting there was a consensus of the board members to have a memorial plaque made to dedicate and name the playground equipment after Doug Green. The Parks Board is seeking permission from the Board of Commissioners to move forward with this request. Danny Cremeens, Park and Recreation Board Chairperson was available for questions from the Board. Mr. Cremeens stated he felt there was no better way to honor Mr. Green than dedicating the new playground to him.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Duff to approve the Permian Park playground equipment be named and dedicated after Doug Green. Motion carried unanimously.

Item 7. Resolution Number 653 was presented in its entirety.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO AN ANNUALLY RENEWABLE, NON-REVOLVING LINE OF CREDIT FOR THE PURPOSE OF PROVIDING CAPITAL IMPROVEMENTS FOR RIVER CREEK MUNICIPAL GOLF COURSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Mr. Cutrone addressed the Mayor and Commissioners and stated the River Creek Municipal Golf Course is in need of capital improvements. The City has reached out to Brandon Anderson with First Bank for reopening a line of credit that was previously settled. The line of credit is structured with a twelve-month maturity date, and it is backed by a CD. The current CD rate is set at 2.3%, and the interest rate of the line of credit would be placed at 3.3%. The City is proposing a line of credit set at \$166,000 with the payments conducted at annual maturity. Additionally, the City proposes annual payments of \$48,000 for the first three years, and then a final payment of \$35,305.89 to complete the transaction in the fourth year.

Motion was made by Commissioner Andrajack, seconded by Commissioner Duff to approve Resolution Number 653 as presented.

Ayes: Mayor Law; Commissioners Andrajack, Brewster, Duff, Lindenborn, and Love  
Abstained: Commissioner Hardy  
Motion carried.

Item 8. Resolution Number 654 was presented in its entirety, First Reading.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE BURKBURNETT DEVELOPMENT CORPORATION AND DOUG SMITH PROVIDING FOR THE PAYMENT OF ECONOMIC INCENTIVES IN RETURN FOR CONSTRUCTION AND OPERATION OF A CAR WASH WITHIN BURKBURNETT, TEXAS.

Richard Gordon, Director of Planning, addressed the Mayor and Commissioners and stated Mr. Doug Smith, owner of Double D's and Scott's Shots in Burkburnett, has approached the Burkburnett Development Corporation (BDC) regarding financial incentives and proposed a development agreement in order to construct and operate a car wash located at 515 Sheppard Rd. Mr. Smith has requested funding in the amount of \$19,500 to remove the fuel storage tanks and remediate the site for new construction. This incentive payment would be secured in a performance agreement for two years based upon the execution and verification of the completed site work. Mr. Smith would be required to start construction of the car wash within a six-month time period following the site work completion date. The BDC board approved the incentive contract for submission to the Commissioners at the December 11, 2018 board meeting by a unanimous vote (5-0). Board members present and voting were Jones, Ellzey, Hopkins, Kwas, and McCleskey. Cremeens and Brantley were absent.

No action taken.

Item 9. Resolution Number 655 was presented in its entirety, First Reading.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE BURKBURNETT DEVELOPMENT CORPORATION AND WHALEY PRODUCTS, INC. PROVIDING FOR THE PAYMENT OF ECONOMIC INCENTIVES IN RETURN FOR THE CREATION OF NEW JOBS WITHIN BURKBURNETT, TEXAS.

Mr. Gordon addressed the Mayor and Commissioners and stated Mr. Jay Whaley, President of the Whaley Products, LLC in Burkburnett has approached the BDC regarding financial incentives in order to construct a 10,000 square foot addition to their

manufacturing facility at 526 Charlotte Avenue. They plan to invest over \$1,000,000 into this expansion which will create 10-12 new full-time jobs. The total proposed incentive agreement amount is \$30,000 and requires the retention of 10 new employees for a two-year period and completion of the construction project. The BDC board approved the incentive contract for submission to the Commissioners at the December 11, 2018 board meeting by a unanimous vote (5-0). Board members present and voting were Ellzey, Jones, Kwas, Hopkins, and McCleskey. Cremeens and Brantley were absent.

No action taken.

Item 10. Mr. Cutrone addressed the Mayor and Commissioners and stated the City of Burkburnett Cemetery Board consists of seven (7) appointed members that serve two (2) year terms. Brenda Whaley and Paula Smith have terms that are ending. The Advisory Boards' volunteer application is on the City's Website under the Announcements section. The City did not receive any new applications related to these two positions. The staff has contacted Mrs. Whaley and Mrs. Smith, and both are willing to serve another term.

Motion was made by Commissioner Duff, seconded by Commissioner Andrajack to approve the reappointment of Paula Smith and Brenda Whaley to the Cemetery Board. Motion carried unanimously.

Item 11. Mr. Cutrone addressed the Mayor and Commissioners and stated the construction of the Burkburnett Justice Center is complete except for installation of the canopy signage. A punch list is currently being reviewed by Bundy Young Sims & Potter, Inc. Architects for the project closeout. The original contract amount for this project was \$4,062,000. There was a contingency of \$65,000 allotted for the project within the original contract. The contingency fund was expensed at the entire amount noted, and now a change order has been issued at \$19,756.49 for the remaining unpaid balance that is required for final approval and payout of the project.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Hardy to approve the change order. Motion carried unanimously.

Item 12. No public comments.

Item 13. City Manager's report.

- City Manager -Meet & Greet -December 18, 2018, 5:00 – 7:00 p.m. @ City Hall Council Chambers
- City Hall Closed – December 24 & 25, 2018
- City Hall Closed – January 1, 2019
- Chamber of Commerce Banquet – January 19, 2019, @ 6:00 p.m. Community Center

Item 14. Commissioners Comments.

- Commissioner Andrajack asked that with the Burburnett Police Association seeking a petition for Civil Service he has asked the City Manager to help educate the Board of Commissioners to better understand what the Association is seeking and what it means to the citizens.
- Commissioner Andrajack stated that Governor Abbot is seeking new legislation that will significantly impact how cities, counties, and schools independently operate and limit the amount of property tax revenue cities can collect. He also stated he would like the Board of Commissioners to receive education on this from the city attorney, in addition to asking Representative James Frank to speak to the Board on this matter also.

Item 15. Motion was made by Commissioner Lindenborn, seconded by Commissioner Hardy to adjourn. Motion carried unanimously.

Carl Law, Mayor

**ATTEST:**

Janelle Stahr, City Clerk