

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas, met in a Regular Meeting on Monday, March 16, 2020, at 7:00 p.m. at City Hall-Council Chambers, 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
Marguerite Love	Mayor Pro-Tem
Josh Andrajack	Commissioner
Randy Brewster	Commissioner
Jeremy Duff	Commissioner
Ted Kwas	Commissioner

Commissioner Lindenborn was absent.

Others present were Lawrence Cutrone, City Manager; Mike Whaley, Director of Public Works; Brent Battista, Director of Parks and Recreation; Richard Gordon, Executive Director of Burkburnett Development Corporation (BDC) and Director of Planning; Rodney Ryalls, Fire Chief; Trish Holley, Director of Administration; Sarah Culp, Executive Assistant; and Margie Poole, City Clerk.

ITEM 1. CALL MEETING TO ORDER: MAYOR CARL LAW

Mayor Law called the meeting to order at 7:00 p.m.

ITEM 2. INVOCATION

Commissioner Brewster gave the invocation.

ITEM 3. PLEDGE OF ALLEGIANCE

Mayor Pro-Tem led the Pledge of Allegiance.

ITEM 4. CONSENT AGENDA

A. Approval of Minutes from February 17, 2020 Meeting.

Commissioner Brewster made a motion, seconded by Commissioner Duff, to approve the minutes from the February 17, 2020 Meeting. Motion carried unanimously.

ITEM 5. PERSONAL/AUDIENCE COMMENTS

There were no personal/audience comments.

ITEM 6. Discuss and consider all matters incident and related to the issuance and sale of "City of Burkburnett, Texas, General Obligation Refunding Bond, Series 2020", including the adoption of an ordinance authorizing the issuance of such bond.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF BURKBURNETT, TEXAS, GENERAL OBLIGATION REFUNDING BOND, SERIES 2020"; SPECIFYING THE TERMS AND FEATURES OF SAID BONDS;

LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE REDEMPTION OF THE OBLIGATIONS BEING REFUNDED; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, A PURCHASE AGREEMENT AND A DEPOSIT LETTER; AND PROVIDING AN EFFECTIVE DATE.

Mr. Adam LanCarte, Vice President of Hilltop Securities Inc., presented the Mayor and Commissioners, a summary of refinancing opportunity for the Series 2010 bonds that the City has outstanding. The winning bid came from Amergy Bank at 1.19%. The debt service savings to the City is \$84,118.50 over the next six years. The net PV savings is \$78,312.98 (6.66%).

Commissioner Andrajack made a motion, seconded by Commissioner Duff, to adopt Ordinance Number 966. Motion carried unanimously.

ITEM 7. Discuss and take any action necessary for the Fiscal Year 2019 Audit.

Valerie Halverson, MWH Group, presented the Mayor and Commissioners the final fiscal year 2019 audit.

Commissioner Andrajack made a motion, seconded by Mayor Pro-Tem Love, to approve the fiscal year 2019 audit. Motion carried unanimously.

ITEM 8. Presentation of the Final Downtown Master Plan by the consultant, Verdunity.

Mr. Kevin Shepherd and Ms. AJ Fawver of Verdunity addressed the Mayor and Commissioners, presenting the final version of the downtown master plan.

ITEM 9. Discuss and take any action necessary on Resolution 670.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, ADOPTING THE BURK DOWNTOWN MASTER PLAN.

Commissioner Kwas made a motion, seconded by Mayor Pro-Tem Love, to approve Resolution Number 670. Motion carried unanimously.

ITEM 10. Discuss and take any action on the Verdunity contract for implementation services.

Mr. Lawrence Cutrone, City Manager, addressed the Mayor and Commissioners, stating that now that the City's Downtown Master Plan is adopted, City staff will be moving into the implementation phase of the plan. Freese and Nichols are currently on retainer for plan review services, utilizing Mr. Dan Sefko, who is planning to retire. We propose moving our retainer contract from Freese and Nichols to Verdunity for code review and downtown-specific contractor services.

In response to the Commissioners' questions, AJ Fawver summarized Verdunity's experience in zoning review and grant management.

Commissioner Andrajack made a motion, seconded by Commissioner Duff, to approve the contract with Verdunity for implementation services. Motion carried unanimously.

ITEM 11. Mayor Law closed the Regular Meeting at 8:14 p.m. and opened the Public Hearing for the:

- A. Rezone Application Case 2020-50: Carport Overlay District encompassing these addresses: 912-917 Patricia Drive, 1-3 Patricia Court, 1007-1013 Court Street, 1-3 Kathryn Court, and 911-917 Kathryn Street.

Ms. Sarah Culp, Executive Assistant, addressed the Mayor and Commissioners, stating that the application was presented by Kenneth Boatman, the owner of the property located at 1 Patricia Court. Mr. Boatman is requesting to construct a carport and allow for a Carport Overlay District. Mr. Boatman acquired the required signatures. All publishing and mail out requirements were met. Public Notices, as required by the Zoning Ordinance, were sent to the proposed district and all properties within 200 feet to the proposed district, with no feedback from property owners.

There were no public comments.

ITEM 12. Mayor Law closed the Public Hearing and reopened the Regular Meeting at 8:16 p.m. to discuss and take any action necessary for the:

- A. Rezone Application Case 2020-50: Carport Overlay District encompassing these addresses: 912-917 Patricia Drive, 1-3 Patricia Court, 1007-1013 Court Street, 1-3 Kathryn Court, and 911-917 Kathryn Street.

With the absence of signatures from 911-917 Kathryn Street, Commissioner Andrajack questioned if this application complies with how a block or district is defined in our ordinance, due to the multiple streets involved in this case. Mr. Richard Gordon, Planning Director, replied that the zoning ordinance for carport overlays is built for a curb to curb of a street or block. After staff review of this area, it was agreed that it represents one continuous area.

Commissioner Brewster made a motion, seconded by Commissioner Duff, to approve Rezone Application Case 2020-50. Motion carried unanimously.

ITEM 13. Mayor Law closed the Regular Meeting and opened the Public Hearing at 8:19 p.m. for these properties found to be substandard and dangerous according to the Local Government Code 214.001 and Chapter 150, Building Regulations of the Code of Ordinances of the City of Burkburnett, Section 150.35 – 150.99.

- A. Property ID# 119558
414 Elm Street (*Located on 416 Elm Street*)
Legal description: S75X177.8' RRVL BLK 9

There were no public comments.

- B. Property ID# 107072
203 Hardin Street
Legal description: 1.04 ACS ABST 335

Ms. Linda Valdez of 4005 Lenore in Wichita Falls, Texas, addressed the Mayor and Commissioners, stating that she inherited this property from her uncle. She is in the process of taking the property down and is asking the Board of Commission for leniency and cooperation as the intent is to tear the property down but not in the near future – perhaps by September.

- C. Property ID# 119706
718 E College
Legal description: 75X142' RRVL BLK 9

There were no public comments.

ITEM 14. Mayor Law closed the Public Hearing and reopened the Regular Meeting at 8:23 p.m. to discuss and take any action necessary for these properties found to be substandard and dangerous according to the Local Government Code 214.001 and Chapter 150, Building Regulations of the Code of Ordinances of the City of Burkburnett, Section 150.35 – 150.99.

- A. Property ID# 119558
414 Elm Street (*Located on 416 Elm Street*)
Legal description: S75X177.8' RRVL BLK 9

Commissioner Duff made a motion, seconded by Commissioner Kwas, to take the required action. Motion carried unanimously.

- B. Property ID# 107072
203 Hardin Street
Legal description: 1.04 ACS ABST 335

Commissioner Kwas made a motion, seconded by Mayor Pro-Tem Love, to show leniency and allow 60 days for complete destruction and removal of the property. If not completed, the City will ensure the destruction and removal of the property and file an Affidavit of Lien. Motion carried unanimously.

- C. Property ID# 119706
718 E College
Legal description: 75X142' RRVL BLK 9

Commissioner Brewster made a motion, seconded by Commissioner Duff, to take the required action. Motion carried unanimously.

ITEM 15. Discuss and take any action necessary on the Tax Deed and Property Card for Trust Property in the City of Burkburnett from Texas Communities Group: 616 E 4th Street.

Commissioner Kwas made a motion, seconded by Commissioner Duff, to approve the sale of the referenced property. Motion carried unanimously.

ITEM 16. Discuss and take any action on the purchase of an exhaust system for the Burkburnett VFD.

Mr. Lawrence Cutrone, City Manager, addressed the Mayor and Commissioners, stating that an item from the FY19 CIP budget, was not purchased within the intended annual budget. The FY19 budget allocated \$18,941 for the system to be placed at Station 3. The current cost estimates for the exhaust system are \$11,324.80 and \$1,458.80 for electrical installation, thus totaling \$12,783.60. Discussion then ensued regarding why the exhaust system was not purchased as approved and if the funds are still available.

Mayor Pro-Tem Love made a motion, seconded by Commissioner Duff, to purchase an exhaust system for the Burkburnett VFD Station 3. Motion carried unanimously.

ITEM 17. Discuss and take any action on Ordinance 967, a budget amendment to purchase an exhaust system.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING THE FISCAL YEAR 2020 GENERAL FUND AND CAPITAL IMPROVEMENT FUND BUDGETS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Mr. Lawrence Cutrone, City Manager, presented the Mayor and Commissioners a budget amendment for the Capital Improvement item (exhaust system) that was not in the current budget.

Commissioner Andrajack made a motion, seconded by Commissioner Kwas, to approved Ordinance 967. Motion carried unanimously.

ITEM 18. Discuss and take any action on Ordinance 968.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 94: FIRE PREVENTION; FIREWORKS; ADDING FIRE DEPARTMENT REGULATION UNDER §94.10 THROUGH §94.16; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Lawrence Cutrone, City Manager, addressed the Mayor and Commissioners, stating that the proposed amendment consists of the necessary language to memorialize the operation of the City of Burkburnett and the Burkburnett Volunteer Fire Department. Mayor Law noted that the Ordinance creates a City Fire Department and wanted clarification of the name – Burkburnett Volunteer Fire Department vs. Burkburnett Fire Department. Mr. Cutrone stated that the name would be Burkburnett Fire Department. Discussion then ensued regarding the language of this Ordinance.

The BOC agreed that in Section 94.10, the sentence should be amended to read: *The fire department shall be under the control and direction of the chief of the fire department, who shall be appointed by the city manager with the advice and consent of the Board of Commissioners.*

The BOC agreed that in Section 94.14, the sentence should be amended to read: *If the fire marshal is also the fire chief, the fire marshal shall be appointed and subject to removal by the city manager with the advice and consent of the Board of Commissioners.*

The BOC agreed that in Section 94.11 the sentence should be amended to read: *In accordance with the City of Burkburnett Personnel Policy Handbook, the chief shall have power to discipline any subordinate officers, members or employees for a violation of such rules and regulations and upon executing any such suspension or dismissal, forthwith in writing, advise the city manager of their reasons therefor.*

The Mayor questioned who appoints the assistant chief of the fire department. Chief Ryalls explained that they currently work under a separate constitution, which elects a fire chief and an assistant fire chief. Commissioner Andrajack then questioned the possibility of having two fire

chiefs – one appointed by the city and one elected by the membership. How does the city ensure that there are not two fire chiefs? Chief Ryalls responded that, based on the actions from this meeting, the constitution committee needs to address the constitution to match the actions decided.

The BOC agreed that in Section 94.12(c), the sentence should be amended to read: *The City's fire department shall provide uniforms, gear, equipment, and special items of identification for the City's volunteer membership as deemed necessary by the fire chief.*

The Mayor questioned whether Section 94.16 is a duplicate of Section 94.15(b). Mr. Cutrone agreed to consult with the city attorney as to whether Section 94.16 could be struck from the Ordinance.

Commissioner Andrajack made a motion, seconded by Commissioner Duff, to adopt Ordinance 968 with the noted changes to Fire Department Chapter 94. Motion carried unanimously.

ITEM 19. Discuss and take any action on Ordinance 969.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 94: FIRE PREVENTION; FIREWORKS; AMENDING THE REGULATION OF OUTDOOR BURNING; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Andrajack made a motion, seconded by Commissioner Duff, to adopt Ordinance 969. Motion carried unanimously.

ITEM 20. Discuss and take any action on Resolution Number 671 'Advice and Consent' to include the Burkburnett VFD Fire Chief to the list of senior staff department positions.

A RESOLUTION DEFINING AND CLARIFYING THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS INTERPRETATION OF ARTICLE V, SECTION 5(c) PERTAINING TO THE 'ADVICE AND CONSENT' OF THE BOARD OF COMMISSIONERS IN THE PERSONNEL HIRING AND FIRING DECISIONS OF THE CITY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Commissioner Andrajack made a motion, seconded by Commissioner Duff, to approve Resolution Number 671. Motion carried unanimously.

ITEM 21. Discuss and take any action on the creation of a job description for the Fire Chief.

Mr. Lawrence Cutrone, City Manager, shared with the BOC two sample job descriptions to facilitate the discussion of the job description for the Fire Chief. Discussion ensued regarding whether the fire chief would be a volunteer, part-time, or full-time position. The consensus of the BOC was a part-time position with the schedule worked out with the city manager and salary at \$15,000 or below as dictated. Mr. Cutrone will then create our city's job description, host interviews, find the best applicant, and report back to the BOC.

No action necessary on this agenda item.

ITEM 22. Discuss and take any action on Resolution Number 672.

A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF SEVEN CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC.

Commissioner Duff made a motion, seconded by Commissioner Brewster, to approve Resolution Number 672. Motion carried unanimously.

ITEM 23. CITY MANAGER'S REPORT

- A. BISD Family Night in the Park: Thursday, April 2nd (*depending on the virus situation*)
- B. Dedication of Doug Green Playground: Saturday, April 4th 10:00 a.m. - 1:00 p.m. at Permian Park.
- C. Burkburnett VFD Easter Egg Hunt: Saturday, April 11th, 10:00 a.m. – 12:00 p.m. in the open area from Williams Road south to the basketball courts.

ITEM 24. COMMISSIONERS' COMMENTS

Mayor Law commented that there had been many cancellations this week, and he is now receiving daily briefings.

ITEM 25. ADJOURNMENT

Commissioner Duff, seconded by Commissioner Brewster, made a motion to adjourn. The meeting adjourned at 10:13 p.m.

Carl Law, Mayor

ATTEST:

Margie Poole, City Clerk