

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas, met in a Regular Meeting on Monday, April 20, 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
Bill Lindenborn	Commissioner

Others present were Lawrence Cutrone, City Manager; Fred Tillman, Chief of Police/Detective Daniel Elbaum; Mike Whaley, Director of Public Works; 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 Bill Lindenborn gave the invocation.

ITEM 3. PLEDGE OF ALLEGIANCE

Commissioner Brewster led the Pledge of Allegiance.

ITEM 4. CONSENT AGENDA

- A. Approval of Minutes from March 27, 2020 Special-Called Emergency Meeting at noon.
- B. Approval of Minutes from March 27, 2020 Special-Called Emergency Meeting at 5:00 p.m.

Commissioner Andrajack made a motion, seconded by Mayor Pro-Tem Love, to approve the Consent Agenda. Motion carried unanimously.

ITEM 5. Discuss and take any action on Ordinance Number 972.

AN ORDINANCE OF THE CITY OF BURKBURNETT, TEXAS REAFFIRMING THE ESTABLISHMENT OF THE POLICE DEPARTMENT, REQUIRING ALL POLICE OFFICERS TO BE LICENSED, REAFFIRMING THE POSITION OF CHIEF OF POLICE, OUTLINING THE GENERAL DUTIES AND RESPONSIBILITIES OF THE CHIEF OF POLICE, AND REAFFIRMING THE AUTHORITY, DUTIES, AND RESPONSIBILITIES OF POLICE OFFICERS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

Detective Daniel Elbaum, Burkburnett Police Department, addressed the Mayor and Commissioners, stating that the Police Department is trying to obtain the Recognition of the Texas Police Chiefs Association by applying Best Business Practices. Part of the recognition process is to standardize the departmental operations and to consolidate the information into a single ordinance.

Commissioner Brewster made a motion, seconded by Commissioner Lindenborn, to pass Ordinance Number 972. Motion carried unanimously.

ITEM 6. Discuss and take any action on Resolution Number 674.

A RESOLUTION OF THE CITY OF BURKBURNETT, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH ONCOR CITIES STEERING COMMITTEE; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

Mr. Lawrence Cutrone, City Manager, addressed the Mayor and Commissioners, stating that on April 3, 2020, Oncor filed an Application to Amend its Distribution Cost Recovery Factor with each of the cities retaining original jurisdiction and with the Commission. In the filing, the Company sought to increase distribution rates by \$75.9 million annually (an approximately \$0.88 increase to the average residential customer bill). This Resolution authorizes the City to join with Oncor Steering Committee to evaluate the filing, determine whether the filing complies with the law, and, if it is lawful, to determine what further strategy, including settlement, to pursue. The purpose of the Resolution is to deny the Distribution Cost Recovery Factor Amendment proposed by Oncor. Staff's recommendation is to approve this Resolution to deny Oncor's Distribution Cost Recovery Factor Amendment.

Commissioner Andrajack made a motion, seconded by Commissioner Duff, to adopt Resolution Number 674. Motion carried unanimously.

ITEM 7. Discuss and take any action on the City of Wichita Falls Water Contract Amendment.

Mr. Mike Whaley, Director of Public Works, addressed the Mayor and Commissioners, stating that the City of Wichita Falls staff contacted their wholesale customers, which included Burkburnett regarding this proposed Amendment. The purpose of the Amendment is to convert our current rate-setting principle from an annual rate-setting principle to a three-year rolling rate-setting principle. Currently, a portion of the formula is determined by our usage from the previous fiscal year. The proposed Amendment would consider the last three fiscal years averaged for the consumption to input into the formula. Converting to a three-year average versus an annual basis would "level out" some of the annual up and down adjustments made based upon the previous year's consumption/usage. Usage can vary greatly from a year to year basis. Since Burkburnett is producing the majority of our water and purchasing 5% or less since constructing the new well field, this action will have little fiscal impact on the City of Burkburnett.

Based upon a question from Commissioner Lindenborn, Mr. Whaley confirmed that there is no requirement to buy water from Wichita Falls, and there is no minimum monthly charge in this contract.

Commissioner Duff made a motion, seconded by Mayor Pro-Tem Love, to adopt the First Amendment to Potable Water Purchase Contract between the City of Wichita Falls and the City of Burkburnett, Texas. Motion carried unanimously.

ITEM 8. 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 551.074 – Discuss the appointment, employment, evaluation, reassignment, duties, discipline, dismissal of, or to hear a complaint against the public officer or employee.
 - a. Annual evaluation of Lawrence Cutrone, City Manager

Mayor Law closed the meeting, muted the telephone conference bridge, and adjourned to Executive Session in the Council Chambers at 7:15 p.m.

ITEM 9. RECONVENE

Reconvene to regular session and take action, if any, on matters discussed in Executive Session.

Mayor Law reconvened the regular meeting at 8:30 p.m.

Commissioner Randy Brewster made a motion, seconded by Commissioner Lindenborn, on a much-deserved pay increase to Mr. Cutrone to \$112,000. Motion carried unanimously.

ITEM 10. CITY MANAGER'S REPORT

The report was given during Executive Session.

ITEM 11. COMMISSIONERS' COMMENTS

Commissioner Andrajack commented that he liked the new police department patch and badge. Commissioner Lindenborn expressed condolences to the Zac Henderson family.

ITEM 12. ADJOURNMENT

The meeting adjourned at 8:31 p.m.

Carl Law, Mayor

ATTEST:

Margie Poole, City Clerk