

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas, met in a Regular Meeting on Monday, July 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 (<i>via conference phone</i>)	Commissioner
Ted Kwas (<i>departed at 8:36 p.m.</i>)	Commissioner
Bill Lindenborn	Commissioner

Others present were Lawrence Cutrone, City Manager; and Margie Poole, City Clerk.

Present in the City Hall Lobby were: Nick Hardwick, Senior Fleet Consultant, Enterprise Fleet Management; Richard Gordon, Executive Director, BDC; Trish Holley, Director of Administration; Sarah Culp, Executive Assistant; Volunteer Fire Chief Rodney Ryalls; Lt. Shane Culp, Burkburnett Police Department; and Lt. Donald Osborn Burkburnett Police Department.

ITEM 1. CALL MEETING TO ORDER: MAYOR CARL LAW

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

ITEM 2. INVOCATION

Mayor Pro-Tem Love gave the invocation.

ITEM 3. PLEDGE OF ALLEGIANCE

Commissioner Brewster led the Pledge of Allegiance.

ITEM 4. CONSENT AGENDA

Approval of Minutes from the July 9, 2020 Special-Called Meeting.

Commissioner Lindenborn made a motion, seconded by Mayor Pro-Tem Love, to approve the Consent Agenda. Motion carried, with Commissioners Andrajack and Brewster abstaining.

ITEM 5. Discuss the Enterprise for Fleet Services Program for Fiscal Year 2021.

Mr. Nick Hardwick, with Enterprise Fleet Management, presented the Mayor and Commissioners an overview of the Fleet Services Program. The program is a sustainable fleet plan that allows for replacement of vehicles more frequently, chiefly newer, more cost-effective, for less capital than historically spent. The program is geared around knowing when to buy and when to sell a vehicle – keeping maintenance and repair costs low as possible, while controlling fuel costs and ultimately reducing the overall cost of ownership of the fleet of vehicles.

After discussion and confirming that the Board could take action on this item, Commissioner Andrajack made a motion, seconded by Commissioner Kwas, to enter into the Enterprise Fleet Services' Program Agreement with the caveat that we do not take delivery of any vehicles until October 1, 2020, or later. Motion carried unanimously.

ITEM 6. Discuss and take any action on amending Ordinance Number 976.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 75: GOLF CARTS AND OFF-HIGHWAY VEHICLES BY UPDATING A REFERENCE TO THE TEXAS TRANSPORTATION CODE DEFINITION OF GOLF CART; REPEALING OF ALL PORTIONS OF THE CODE OF ORDINANCES IN CONFLICT; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

Mr. Lawrence Cutrone, City Manager, addressed the Mayor and Commissioners, stating that this is just a correction of the Transportation code cited in the previous Ordinance.

Commissioner Brewster made a motion, seconded by Commissioner Andrajack, to adopt Ordinance Number 976. Motion carried unanimously.

ITEM 7. Discuss and take any action on the Coronavirus Aid, Relief, and Economic Security (CARES) Act / Coronavirus Relief Fund (CRF) eligible expenses.

Lt. Donald Osborn of the Burkburnett Police Department provided the Mayor and Commissioners with an overview of the CARES Act, stating that the City of Burkburnett was allocated funds of \$617,265 (total CRF funds) based on a \$55 per capita of the 2019 Census (Burkburnett). With the CRF, twenty percent of the funds (\$123,453) was allocated to the City to spend for immediate relief. Once this amount is spent, then the remainder of the funds will become available. Lt. Osborn then provided the Mayor and Commissioners the requirements necessary for expenses to be eligible for payment under the CARES Act and presented to the Board an itemized list of COVID-19 expenditures for consideration to be submitted under the CARES Act.

Mr. Cutrone clarified that the City is seeking the Board's approval to submit these expenses and that his preference would be to not spend over the initial funds of \$123,453. Once the additional funding is approved, then to expense the rest of the items. Mr. Cutrone stated that there is a risk that while the City believes these expenses eligible (based on preliminary responses from the State), the State reserves the right to consider the expense ineligible and reject reimbursement. In response to Commissioner Brewster's question, Lt. Osborn confirmed that there is no process to receive preapproval from the State prior to submission. As such, the City must clearly articulate the purpose/need of the expense. Commissioner Andrajack requested clarification as to the initial \$123,453 and the 75/25 split. Once clarified as correct, Commissioner Andrajack noted that only about an additional \$30K can be spent on the requested items right now. The remaining items must wait until the initial \$123,453 is spent, and the request for the additional funds is made. Commissioner Andrajack requested that the City consider earmarking funds for Meals and Wheels. In response to Mayor Pro-Tem's question as to whether the additional funds are applied for on a reimbursement basis, Lt. Osborn stated that he is still determining how this process will work, but does understand that any unused funds will be returned to the Treasury Department on December 30th.

Mr. Richard Gordon, Executive Director of the BDC, then provided the Mayor and Commissioners an overview of the use of these CARES Act/CRF funds for non-profit agencies.

Commissioner Brewster made a motion, seconded by Commissioner Andrajack, to approve the expensing grant funds, using caution and due diligence. Motion carried unanimously.

ITEM 8. Mayor Law closed the Regular Meeting and opened the Public Hearing at 8:27 p.m for the:

- A. Rezone Application Case 2020-54: Rezone 524 Dot Ave, Legal Description Lot B Block 1 Schroeder, Burkburnett, Texas from Commercial/Business to SF-6.

There were no public comments.

ITEM 9. Mayor Law closed the Public Hearing and reopened the Regular Meeting at 8:28 p.m. to discuss and take any action necessary for the:

- A. Rezone Application Case 2020-54: Rezone 524 Dot Ave, Legal Description Lot B Block 1 Schroeder, Burkburnett, Texas from Commercial/Business to SF-6.

Mayor Pro-Tem Love made a motion, seconded by Commissioner Andrajack, to approve the Rezone Application as presented. Motion carried unanimously.

The Board recessed for a five (5) minute break. Commissioner Kwas left the meeting at 8:36 p.m.

ITEM 10. Discuss and take any action regarding Ordinance Number 977.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 155: SUBDIVISION REGULATIONS BY AMENDING SECTION 155.25 FILING AND FILING FEES; ESTABLISHING FEES FOR SUBDIVISION PLAT REVIEW; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

After a presentation by the staff and discussion by the Board, it was agreed to postpone further discussion of this agenda item for six (6) months so that staff could gather financial impact data.

ITEM 11. Discuss and take any action on the appointment of members to the Zoning Board of Adjustments.

Ms. Sarah Culp, Executive Assistant, addressed the Mayor and Commissioners, requesting to re-appoint the ZBA members - Mr. Roy Cheney, Mr. Matt Horn, Mr. Mickey Cornelius, and Ms. Lyn Seebo, noting the need for one (1) additional voting member and two (2) alternates.

Commissioner Andrajack made a motion, seconded by Mayor Pro-Tem Love, to approve the re-appointment of these four (4) individuals to the Zoning Board of Adjustments. Motion carried unanimously.

ITEM 12. Discuss and take any action necessary for the Mutual Aid Agreement Between Sheppard AFB Fire Department and Burkburnett Volunteer Fire Department.

Volunteer Fire Chief Rodney Ryalls addressed the Mayor and Commissioners, stating that this is the five (5) renewal of this mutual agreement, which has been in existence for well over 20 years with Sheppard AFB Fire Department.

Commissioner Lindenborn made a motion, seconded by Commissioner Brewster, to approve the Mutual Aid Agreement between Sheppard AFB and Burkburnett Volunteer Fire Department. Motion carried unanimously.

ITEM 13. Discuss and take any action necessary on the appointment of Mr. Dale Lewis to the Burkburnett Development Corporation (BDC) Board of Directors.

Mr. Richard Gordon, Executive Director of the BDC, addressed the Mayor and Commissioners, stating that the BDC Board re-elected the current slate of officers with the exception of Vice President Casey McCleskey, who completed his final term. The BDC Board nominated and elected Mr. Jonathan Ellzey to replace Casey McCleskey as Vice President. Next year's officers comprise Robert Jones, President; Jonathan Ellzey, Vice President, and Stacy Hopkins, Treasurer/Secretary.

Additionally, the voting members of the BDC nominated Mr. Dale Lewis to serve as a voting member of the BDC, replacing Casey McCleskey.

Commissioner Lindenborn made a motion, seconded by Commissioner Andrajack, to approve Mr. Dale Lewis as a voting member of the Burkburnett Development Corporation. Motion carried unanimously.

ITEM 14. Discuss and take any action on Resolution Number 679.

RESOLUTION OF THE CITY OF BURKBURNETT TEXAS ADOPTING TCAP'S PROFESSIONAL SERVICES AGREEMENT AND GEXA ENERGY'S COMMERCIAL ELECTRIC SERVICE AGREEMENT FOR POWER TO BE PROVIDED ON AND AFTER JANUARY 1, 2023.

Mr. Lawrence Cutrone, City Manager, addressed the Mayor and Commissioners, stating that the Texas Coalition for Affordable Power (TCAP) has designed a new procurement strategy called the Strategic Hedging Program (SHP). They commit to purchasing power two (2) years in advance of delivery on behalf of their customers. They have monthly competitive auctions, and they also deal in the wholesale market. They also provide members with twice a year periodic off-ramps if a member desires to revert to a traditional fixed price/fixed terms.

Commissioner Andrajack made a motion, seconded by Commissioner Lindenborn, to adopt Resolution Number 679. Motion carried unanimously.

ITEM 15. Discuss and take any action on the selection of the non-revolving Line of Credit bid for the Waste-Water Treatment Plant Outfall Line Replacement Project.

Mayor Law stated that this agenda item required Commissioners Lindenborn, Andrajack, and Brewster to not participate, which only left three (3) Commissioners available to vote, and at least four (4) are required to take action. The agenda item was postponed until the next meeting.

ITEM 16. Discuss and take any action Resolution Number 680: amending the City of Burkburnett Employee Manual.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE PERSONNEL POLICY HANDBOOK OF THE CITY.

Mr. Lawrence Cutrone, City Manager, addressed the Mayor and Commissioners, stating that he was asked to update the Personnel Policy Handbook. With the feedback from staff, Mr. Cutrone made changes using track changes (red line) to make apparent the difference between the original version and the amended version. Discussion ensued regarding the proposed changes.

Commissioner Andrajack made a motion, seconded by Commissioner Lindenborn, to adopt Resolution Number 680, with the caveat that the Personnel Policy Handbook is corrected to reflect a probationary period of six months. Motion carried with five (5) votes, as Commissioner Duff had to leave before voting.

ITEM 17. CITY MANAGER'S REPORT

- A. Farmers' Market - Wednesday mornings
- B. Movie in the Park is Saturday, July 25th at 9:00 p.m. showing of *Jumanji: The Next Level*

Mr. Lawrence Cutrone, City Manager, thanked the Board for passing the amended handbook, noting that the staff will be very happy.

ITEM 18. COMMISSIONERS' COMMENTS

There were no Commissioners' comments.

ITEM 19. ADJOURNMENT

Commissioner Lindenborn made a motion, seconded by Commissioner Brewster, to adjourn. The meeting adjourned at 9:58 p.m.

Carl Law, Mayor

ATTEST:

Margie Poole, City Clerk