

AGENDA

Notice is hereby given of a meeting of the **Board of Commissioners of Burkburnett** to be held on **Monday, January 18, 2021, at 7:00 p.m.** at City Hall-Council Chambers, 501 Sheppard Road, Burkburnett, Texas, to consider the following agenda items. The Board of Commissioners may discuss and take action on any item on this agenda. The Board of Commissioners reserves the right to meet in a closed session on any agenda item should the need arise and, if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

Due to Governor Abbott's executive order limiting gatherings, citizens wishing to speak at the Meeting will be allowed in the Council Chambers one at a time. Additionally, a call bridge is available for those who want to participate by phone or computer.

MEETING ACCESS INFORMATION

Computer: <https://global.gotomeeting.com/join/648466653>

Telephone Dial-In: 1 (571) 317 3116
1 (866) 899 4679 (Toll-Free)

Access Code: 648-466-653

PUBLIC COMMENTS ON AGENDA ITEMS

All persons desiring to address a specific agenda item must submit a "Public Comments" form to the City Clerk, Margie Poole, before the reading of the agenda item. The public will be allowed into the Council Chambers one at a time to speak on items listed on the posted agenda.

For those participating through the call bridge, please TEXT questions to 940.500.2314. If you would like to speak, TEXT your name to be called on for your comment.

Comments will be limited to three (3) minutes with a maximum of a two (2) minute extension following approval by a majority of the Commissioners.

ITEM 1. CALL MEETING TO ORDER: MAYOR CARL LAW

ITEM 2. INVOCATION

ITEM 3. PLEDGE OF ALLEGIANCE

ITEM 4. CONSENT AGENDA

- A. Approval of Minutes from the December 21, 2020 Regular Meeting.
- B. Approval of Minutes from the January 11, 2021 Special-Called Meeting.

ITEM 5. Recognition of Service Awards for the City and Fire Department.

ITEM 6. Resolution Number 693: 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 HAYDEN PRICE, POST OAK BBQ, LLC PROVIDING FUNDING TO PROMOTE BUSINESS DEVELOPMENT WITHIN BURKBURNETT, TEXAS.

ITEM 7. Discuss and take any action necessary to sell aged/out of service Fire Department vehicles.

ITEM 8. Discuss and take any action necessary regarding the purchase of office furnishings for the Fire Administration Building.

ITEM 9. Discuss and take any action necessary for the authorization and approval to purchase five (5) Integrated Computer Systems (ICS) Mobile User Licenses for CAD.

ITEM 10. Discuss and take any action necessary on Ordinance Number 990, amending the Fiscal Year 2021 Budget to purchase office furnishings and Mobile User Licenses for the Fire Department.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING THE FISCAL YEAR 2021 GENERAL FUND FIRE DEPARTMENT FOR ADMINISTRATION BUILDING AND TECHNOLOGY EQUIPMENT: FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

ITEM 11. Discuss and take any action necessary on the Citizen Participation Plan (A1013) for the Texas Community Development Block Grant Program.

ITEM 12. Discuss and take any action necessary on Ordinance Number 991.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 1, 2021 TO ELECT COMMISSIONER FOR PLACE 1 AND COMMISSIONER FOR PLACE 2; DESIGNATING THE POLLING PLACE AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.

ITEM 13. Discuss and take any action necessary on Ordinance Number 992.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 97: PARKS AND RECREATION; REGARDING THE SALE OF ALCOHOLIC BEVERAGES AT CITY PARKS DURING PERMITTED EVENTS; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

ITEM 14. CITY MANAGER'S REPORT

A. The period for filing an application for a place on the ballot is now open. The last date to file is Friday, February 12, 2021 on or before 5:00 p.m.

ITEM 14. COMMISSIONERS' COMMENTS

Pursuant to Government Code Section 551.0415, City Commissioner Members may make a report about Community interest items during a meeting of the governing body without having given notice of the report. Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutory recognition of a public official, public employee, or another citizen, except that a discussion regarding a change in the status of the person's public office of public employment is not an honorary or salutory recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to people's public health and safety in the municipality that has arisen after the posting of the agenda.

ITEM 16. ADJOURNMENT

I, Margie Poole, City Clerk for the City of Burkburnett, Texas, do hereby certify that I posted this agenda on the glass front door of the City Hall, facing the outside at _____ on January 15, 2021, in compliance with the Open Meetings Act Chapter 551.

Margie Poole, City Clerk
Posted 1/15/2021 @

I certify that the attached notice of the Board of Commissioners' Meeting was removed by me from the glass front door of City Hall on the _____ day of _____ 2021 at _____

Title: _____

This facility is wheelchair accessible, and accessible parking spaces are available. If any accommodations for a disability are required, please notify the City Clerk's Office at 940.569.2263 at least 72 hours before the meeting date. Concerning any item, the Board of Commissioners may take various actions, including but not limited to rescheduling an item in its entirety or for particular action at a future date or time.

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas, met in a Regular Meeting on Monday, December 21, 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
Ted Kwas	Commissioner, Place 1
Randy Brewster	Commissioner, Place 2
Mike Tugman	Commissioner, Place 3
John Beard	Commissioner, Place 4
Marguerite Love	Mayor Pro-Tem, Commissioner, Place 5
Bill Lindenborn	Commissioner, Place 6

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

Present in the City Hall Lobby were: Mike Whaley, Director of Public Works; Richard Gordon, Executive Director of the BDC; Brent Battista, Director of Parks and Recreation; and Trish Holley, Director of Administration.

ITEM 1. CALL MEETING TO ORDER: MAYOR CARL LAW

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

ITEM 2. INVOCATION

Dr. Jesse Payne, Pastor, First Baptist Church, gave the invocation.

ITEM 3. PLEDGE OF ALLEGIANCE

Commissioner Beard led the Pledge of Allegiance.

ITEM 4. CONSENT AGENDA

- A. Approval of Minutes from the November 16, 2020 Special-Called Meeting.
- B. Approval of Minutes from the November 16, 2020 Regular Meeting.
- C. Approval of Minutes from the December 4, 2020 Special-Called Meeting.

Commissioner Lindenborn made a motion, seconded by Commissioner Beard, to approve the Consent Agenda. Motion carried unanimously.

ITEM 5. 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 551.072 – Deliberation Regarding Real Property

Mayor Law closed the meeting, muted the telephone conference bridge, and adjourned to Executive Session in the Council Chambers at 7:02 p.m.

ITEM 6. RECONVENE

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

Mayor Law reconvened the meeting and unmuted the telephone conference bridge at 7:53 p.m. No action was taken.

ITEM 7. Discuss and take any action necessary on the Ron Hobbs Architecture pre-design services agreement to renovate the Community Center into a Fire Station.

After a presentation of the pre-design services and process from Mr. Ron Hobbs, Commissioner Tugman made a motion, seconded by Mayor Pro-Tem Love, to approve the Ron Hobbs Architecture pre-design services agreement to renovate the Community Center in an amount not to exceed \$14,750. Motion carried unanimously.

ITEM 8. Discuss and take any action necessary on the Ron Hobbs Architecture pre-design services agreement to construct an Events Center in the Downtown District.

Commissioner Tugman made a motion, seconded by Commissioner Lindenborn, to approve the Ron Hobbs Architecture pre-design services agreement to construct an Events Center in an amount not to exceed \$16,000. Motion carried unanimously.

ITEM 9. Discuss and take any action necessary on Ordinance Number 988, amending the budget for the pre-design services agreements for the Community Center's renovation into a Fire Station and the construction of an Events Center in the Downtown District.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING THE FISCAL YEAR 2021 GENERAL FUND FIRE AND PARKS/RECREATION DEPARTMENTS BUDGET FOR PRE-DESIGN ARCHITECT SERVICES: FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Commissioner Brewster made a motion, seconded by Commissioner Lindenborn, to approve Ordinance Number 988. Motion carried unanimously.

ITEM 10. Discuss and take any action regarding Ordinance Number 989, updating the Public Works and Water Service fee schedules.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING TITLE V: PUBLIC WORKS OF THE CODE OF ORDINANCES BY AMENDING SECTIONS SETTING FEES AND ADDING CHAPTER 55: PUBLIC WORKS FEE SCHEDULE; SETTING FEES CHARGED FOR SERVICES PROVIDED BY THE PUBLIC WORKS DEPARTMENT AND WATER BILLING DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

In response to questions regarding the revised fee schedule, Mr. Mike Whaley, Director of Public Works, addressed the Mayor and Commissioner, clarifying the revised fees in question.

Main Motion: Commissioner Lindenborn made a motion, seconded by Mayor Pro-Tem Love, to approve Ordinance Number 989.

Amend Motion: Commissioner Tugman made a motion to amend, seconded by Commissioner Kwas, to change the Brush Truck Fee to \$25 for 30 minutes plus \$10 per each additional hour.

Amend Motion: Motion carried unanimously.

Main Motion as amended: Motion carried unanimously.

ITEM 11. Discuss and take any action necessary to award the Texas Community Development Block Grant Program (TxCDBG) grant.

Mr. Mike Whaley, Director of Public Works, addressed the Mayor and Commissioner, stating that the purpose of this grant is for upgrading water infrastructure and fire fighting capability in the specified area. Of the two bids received, Mr. Whaley stated that the engineering firm, Corlett, Probst & Boyd, and staff recommend awarding the bid to Bowles Construction for the base bid amount of \$201,452.

Mayor Pro-Tem Love made a motion, seconded by Commissioner Tugman, to accept the base bid from Bowles Construction in the amount of \$201,452 for the CDBG grant. Motion carried unanimously.

ITEM 12. Discuss and take any action necessary on Resolution Number 692.

A RESOLUTION OF THE CITY OF BURKBURNETT AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE NORTEX RPC FOR A DOWNTOWN REVITALIZATION PROJECT TO BE DETERMINED AT A LATER DATE FROM THE TEXAS DEPARTMENT OF AGRICULTURE; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ACT ON BEHALF OF THE CITY IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT IF A GRANT IS RECEIVED THE CITY OF BURKBURNETT WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE NORTEX RPC, THE TEXAS DEPARTMENT OF AGRICULTURE AND THE STATE OF TEXAS.

Mr. Richard Gordon, Executive Director of the BDC, addressed the Mayor and Commissioner, summarizing the scope of this Downtown Revitalization grant and any associated fees.

Commissioner Tugman made a motion, seconded by Commissioner Lindenborn, to approve Resolution Number 692. Motion carried unanimously.

ITEM 13. Discuss and take any action necessary on the Interlocal Governmental Cooperation Contract for Application and Administrative Services Community Development Program with the Nortex Regional Planning Commission.

Commissioner Tugman made a motion, seconded by Commissioner Lindenborn, to approve the Interlocal Agreement. Motion carried unanimously.

ITEM 14. Discuss and take any action necessary on the Engagement Agreement for Guevara Law, P.C.

Mayor Law noted that the agreement has been updated to reflect Burkburnett, Wichita County, from Cedar Park, Williamson County.

Commissioner Kwas made a motion, seconded by Commissioner Tugman, to approve the Engagement Agreement. Motion carried unanimously.

ITEM 15. Discuss and take any action necessary on the reappointment of Dan King to the County's Emergency Medical Services Board.

Commissioner Tugman made a motion, seconded by Commissioner Brewster, to reappoint Dan King to the County's Emergency Medical Services Board. Motion carried unanimously.

ITEM 16. Discuss and take any action necessary on the reappointment of the Parks and Recreation Board Members Rodney McCleskey Jr., Vice President; and Kim Horn, Secretary/Treasurer.

In response to Mayor Law's question as to whether the Board is reappointing them to the positions held, Mr. Brent Battista clarified that they need reappointment to the Board.

Commissioner Brewster made a motion, seconded by Commissioner Tugman, to approve the reappointment of the Parks and Recreation Board Members Rodney McCleskey Jr., Vice President; and Kim Horn, Secretary/Treasurer. Motion carried unanimously.

ITEM 17. 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 – Consult with Attorney

a. Pending Police Department State Office of Administrative Hearing (SOAH) Matter

Mayor Law closed the meeting, muted the telephone conference bridge, and adjourned to a break followed by Executive Session in the Council Chambers at 8:30 p.m.

ITEM 18. RECONVENE

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

Mayor Law reconvened the meeting and unmuted the telephone conference bridge at 8:59 p.m. No action was taken.

ITEM 19. CITY MANAGER'S REPORT

Mr. Lawrence Cutrone, City Manager, wished everyone a Merry Christmas and Happy New Year. Mr. Cutrone also shared details of the "Christmas Star".

ITEM 20. COMMISSIONERS' COMMENTS

Pursuant to Government Code Section 551.0415, City Commissioner Members may make a report about items of Community interest during a meeting of the governing body without having given notice of the report. Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutory recognition of a public official, public employee, or another citizen, except that a discussion regarding a change in the status of the person's public office of public employment is not an honorary or salutory recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

The Mayor and Commissioners wished all a Merry Christmas.

ITEM 21 ADJOURNMENT

Commissioner Tugman made a motion, seconded by Commissioner Brewster, to adjourn. Motion carried unanimously, and the meeting adjourned at 9:00 p.m.

Carl Law, Mayor

ATTEST:

Margie Poole, City Clerk

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas, met in a Special-Called Meeting on Monday, January 11, 2021 at noon 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
Ted Kwas	Commissioner, Place 1
Randy Brewster	Commissioner, Place 2
Mike Tugman	Commissioner, Place 3
John Beard	Commissioner, Place 4
Marguerite Love	Mayor Pro-Tem, Commissioner, Place 5
Bill Lindenborn	Commissioner, Place 6

Others present were: Ron Hobbs, President, Wadona Stich, Partner, Ron Hobbs Architecture & Interior Design; Lawrence Cutrone, City Manager; and Margie Poole, City Clerk.

Present in the City Hall Lobby were: Mike Whaley, Director of Public Works; Brent Battista, Director of Parks and Recreation; Richard Gordon, Executive Director of Burkburnett Development Corporation (BDC); Harold Watkins, Fire Chief; Fred Tillman, Chief of Police; and Sarah Culp, Community Planning.

ITEM 1. CALL MEETING TO ORDER: MAYOR CARL LAW

Mayor Law called the meeting to order at noon.

ITEM 2. INVOCATION

Commissioner Kwas gave the invocation.

ITEM 3. PLEDGE OF ALLEGIANCE

Commissioner Lindenborn led the Pledge of Allegiance.

ITEM 4. Discuss and take any action necessary on the proposed new Events Center downtown, including the design and planning of the building, land, and any new city events to be held downtown.

Mr. Lawrence Cutrone, City Manager, introduced Mr. Ron Hobbs and Ms. Wadona Stich from Ron Hobbs Architecture and addressed the Mayor and Commissioners, stating that this kick-off meeting was called to hear the public comments regarding the design of the building and any future events to be held downtown.

Mr. Ron Hobbs addressed the Mayor and Commissioners with a briefing on the pre-design process and the importance of understanding what the community needs for the Events Center. Mr. Hobbs provided the Board a sample questionnaire that could be posted for the citizens to complete.

In response to Mayor Carl Law's question whether anyone on the phone had asked to speak, the City Clerk stated that no one on the phone had asked to speak, except for having received a

previous text from a citizen unable to attend the meeting. Additionally, the City Clerk had received an email from Mr. Mel Feller, who is currently on the phone.

Mr. Mel Feller addressed the Mayor and Commissioners, stating that his email addressed his comments. There were no further comments from the conference bridge. Mayor Law noted that the Board had copies of the three inputs received. Discussion among the Commissioners then ensued regarding the design and function of the Events Center.

Commissioner Tugman:

- expressed concern about having two kitchens (Culinary Arts Center) close in proximity – coordination with BISD?
- favored moving the Council Chambers to the Events Center and using this current space for City Hall needs.
- suggested hosting an evening meeting in the current Community Center to allow for more public input. Mayor Pro-Tem and Commissioner Kwas agreed.
- commented that restaurants and entertainment facilities bring the public to the area.

Mayor Pro Tem Love:

- noted that versatility is the key and favored a utilitarian concept.
- expressed the need to garner the business owners' support currently in the Downtown District.
- suggested sending a survey to garner public feedback.

ITEM 5. COMMISSIONERS' COMMENTS

Mayor Law noted that Mr. Lawrence Cutrone would speak at the Chamber of Commerce on Wednesday (1/13) regarding downtown revitalization.

ITEM 6. ADJOURNMENT

Commissioner Tugman made a motion, seconded by Commissioner Kwas, to adjourn. Motion carried unanimously, and the meeting adjourned at 1:08 p.m.

Carl Law, Mayor

ATTEST:

Margie Poole, City Clerk

RESOLUTION NUMBER 693

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE BURKBURNETT DEVELOPMENT CORPORATION AND HAYDEN PRICE, POST OAK BBQ, LLC PROVIDING FUNDING TO PROMOTE BUSINESS DEVELOPMENT WITHIN BURKBURNETT, TEXAS.

WHEREAS, Hayden Price owns the property at 121 S. Berry Street (the “Property”) within the corporate limits of the City of Burkburnett on which he intends to invest \$60,000 to \$80,000 in improving and expanding the building on the Property for the operation of Post Oak BBQ;

WHEREAS, pursuant to Chapter 505 of the Texas Local Government Code, the Board of Commissioners of the City of Burkburnett and the BDC have implemented economic development programs to promote economic development within the City of Burkburnett;

WHEREAS, PRICE will employ five (5) full-time employees and ten (10) part-time employees at Post Oak BBQ;

WHEREAS, the improvements to the Property will promote new or expanded business development within the City; and

WHEREAS, this Resolution was approved in a meeting that was open to the public and preceded by proper notice as required by Chapter 551 of the Texas Government Code.

NOW, THEREFORE, BE IT

RESOLVED that the BDC is hereby authorized to provide a forgivable loan in the amount of \$20,000 to Post Oak BBQ, LLC as set forth in the Performance Agreement attached hereto as Exhibit A.

FURTHER RESOLVED that the officers of the City are hereby authorized and directed to take such action as may be reasonably necessary to carry this Resolution into effect.

PASSED AND APPROVED ON THIS 15TH DAY OF FEBRUARY 2021.

Carl Law, Mayor

ATTEST:

Margie Poole, City Clerk

ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT

This **ECONOMIC DEVELOPMENT AGREEMENT** (this "Agreement") is effective as of _____, 2020, by and between the **BURKBURNETT DEVELOPMENT CORPORATION** (the "BDC"), an economic development corporation of the City of Burkburnett, Texas, and **HAYDEN PRICE, POST OAK BBQ, LLC** ("PRICE").

RECITALS

WHEREAS, PRICE owns the property at 121 S. Berry Street (the "Property") within the corporate limits of the City of Burkburnett on which he intends to invest \$60,000 to \$80,000 in improving and expanding the building on the Property for the operation of Post Oak BBQ; and

WHEREAS, pursuant to Chapter 505 of the Texas Local Government Code, the City Commission of the City of Burkburnett and the BDC have implemented economic development programs to promote economic development within the City of Burkburnett; and

WHEREAS, the PRICE will employ 5 full-time employees and 10 part-time employees at Post Oak BBQ; and

WHEREAS, the improvements to the Property that will promote new or expanded business development within the City.

NOW, THEREFORE, for and in consideration of the premises and mutual agreements and covenants set forth herein, the BDC and PRICE agree as follows:

**ARTICLE I.
TERMS OF ECONOMIC INCENTIVES**

\$20,000.00 Forgivable Loan

1) BDC hereby loans PRICE Twenty Thousand and 00/100 Dollars (\$20,000.00) ("Loan Amount") for the purpose of creating jobs and expanding business in the City of Burkburnett through his operation of Post Oak BBQ in the building on the Property in Burkburnett, Texas.

2) Subject to the terms and conditions set forth in this Agreement, the Loan Amount shall be provided to PRICE by BDC as follows:

Twenty Thousand and 00/100 Dollars (\$20,000.00) shall be paid to PRICE within thirty (30) days after the execution of this Agreement.

3) PRICE has indicated that he will employ a minimum of five (5) full-time employees ("FTEs") and ten (10) part-time employees (as defined below) in Burkburnett, Texas, and will maintain a minimum of five (5) FTEs for a period of two years following the receipt of the Loan Amount.

- 4) Within thirty (30) days following the receipt of the Loan Amount and within thirty (30) days of the yearly anniversary of such date for a period of two years, PRICE shall certify to the BDC the number of FTEs that were employed at the Property for the preceding year.
- 5) Certification of FTEs shall be accomplished by an affidavit executed by PRICE which shall state how many people he has employed at the Post Oak BBQ in Burkburnett, Texas during the previous year.
- 6) If, at any time, beginning with the BDC's receipt of the first FTE certification from PRICE, the BDC determines PRICE has failed to employ a minimum of five (5) FTEs in any year during the term of this Agreement, then PRICE shall repay to the BDC two thousand and 00/100 Dollars (\$2,000.00) for each FTE per year that the PRICE is short of the five (5) ten FTE yearly requirement. If PRICE maintains five (5) or more FTE's for two years after the receipt of the Loan Amount from the BDC, then no repayment shall be due. If repayment is due it shall be made as soon as commercially practicable after the receipt of a written demand by BDC (but in no event later than thirty (30) days from the receipt of such written demand.)

ARTICLE II. FULL-TIME EMPLOYEES

- A. An individual will be considered a full-time employee (FTE) for the purposes of this Agreement if that individual is an employee of PRICE at Post Oak BBQ in Burkburnett and has worked a minimum of thirty-five (35) hours per week during the previous year and such hours are verified as set forth in this Agreement.
- B. Two or more part-time employees will be counted as an FTE for the purposes of this Agreement if such part-time employees have worked a combined minimum of thirty-five (35) hours per week during the previous year and such hours are verified as set forth in this Agreement.
- C. Hours worked shall include allowed time off and paid vacation and sick leave if such benefits are provided during the calendar quarter.

ARTICLE III. TERMINATION

This Agreement terminates at the end of the Term and may prior to the end of the Term be terminated:

- A. by mutual written agreement of the parties;
- B. at the option of either party (the "Non-defaulting Party") in the event the other party (the "Defaulting Party") breaches or fails to comply with any of the representations, terms or

conditions of this Agreement (whether such breach or failure is expressly termed a breach in this Agreement or not) and (except as otherwise provided in this Agreement) such breach or failure is (i) not cured within fifteen (15) days after written notice thereof, or (ii) if the breach or failure cannot with all due diligence be cured within said fifteen (15) day period, if within such fifteen (15) day period the Defaulting Party provides the Non-defaulting Party written notice of the curative measures which it proposes to undertake, and proceeds promptly to initiate such measures to cure such breach or failure, and thereafter prosecutes the curing of such breach or failure with all due diligence and continuity, the time within which such breach or failure may be cured shall be extended for such period as may be necessary to complete the curing of such breach or failure with all due diligence and continuity, but in any event not more than thirty (30) days following the occurrence of the breach or failure; and

- C. by either party if any subsequent Federal or State legislation or any decision of a court of competent jurisdiction declares or renders this Agreement invalid, unlawful, or unenforceable.

ARTICLE IV. REMEDIES

In the event of an asserted breach or failure to comply with any term or provision of this Agreement, in addition to a party's right to terminate the Agreement as set forth herein, the party asserting breach may (subject to any cure period set forth in this Agreement) institute such proceedings as may be necessary or desirable in its opinion to cure and remedy such breach or failure. Such proceedings may include, but are not limited to, seeking specific performance and/or injunctive relief, enforcement by mandamus, or by the appointment of a receiver in equity with power to charge and collect rents, purchase price payments, and loan payments and to apply the revenues from the Store in accordance with this Agreement, as required by Local Government Code Section 501.157. Such rights and remedies are not exclusive and are in addition to any other rights or remedies the parties (or either of them) may have at law, in equity, or otherwise including reimbursement to BDC of the Loan or portions of the Loan. Upon a breach of this Agreement by either party (which breach has not been cured, if a cure is available, pursuant to the terms of this Agreement), the non-breaching party shall have the sole right and discretion to either terminate this Agreement and/or pursue any and all remedies as may be provided by law, in equity, or otherwise.

ARTICLE V. GENERAL PROVISIONS

- A. Severability. The provisions of this Agreement are severable, and if for any reason a provision of this Agreement is determined to be invalid by a court having competent jurisdiction over the subject matter of the invalid provision, the invalidity shall not affect other provisions that can be given effect without the invalid provision. Furthermore, in lieu of such illegal, invalid or unenforceable provision, there shall be added automatically as a part of this Agreement, a provision as similar in its terms to such illegal, invalid or unenforceable provision as may be possible and be legal, valid and enforceable.

- B. Amendment. This Agreement may be amended only by written amendment signed by both parties.
- C. Venue. All payments made pursuant to this Agreement and other obligations performed under this Agreement shall be made or performed in Burkburnett, Wichita County, Texas. Venue shall lie in Wichita County, Texas; and this Agreement shall be governed by and construed in accordance with the laws of the State of Texas without respect to the conflict of laws rules thereof.
- D. Notices. All notices given with respect to this Agreement shall be in writing and shall be deemed to have been properly given for all purposes (i) if sent by a nationally recognized overnight carrier for next business day delivery, on the first business day following deposit of such notice with such carrier unless such carrier confirms such notice was not delivered, then on the day such carrier actually delivers such notice, or (ii) if personally delivered, on the actual date of delivery, or (iii) if sent by certified U.S. Mail, return receipt requested postage prepaid, on the fifth business day following the date of mailing, or (iv) if sent by facsimile, then on the actual date of delivery (as evidenced by a facsimile confirmation) provided that a copy of the facsimile and confirmation is also sent by regular U.S. Mail, addressed as follows:
1. For BDC

Economic Development:
BURKBURNETT DEVELOPMENT CORPORATION
501 Sheppard Road
Burkburnett, Texas 76354
 2. For HAYDEN PRICE

Hayden Price

- E. Assignment. This Agreement shall be binding upon the parties hereto and their successors and assigns. Except as set forth in Article II, this Agreement may not be assigned by either party without the specific prior written consent of the other, which consent will not be unreasonably withheld.
- F. Parties In Interest. Nothing in this Agreement shall entitle any party other than the PRICE or BDC to any claim, cause of action, remedy or right of any kind.
- G. Term. The term of this Agreement (the “Term”) shall commence on the date of execution and shall terminate when the requirements set forth in this Agreement are completed.

- H. Construction. The language of this Agreement shall be construed according to its fair meaning and not strictly for or against either party. There is no one author of this Agreement and each party and its counsel participated in the drafting of this document.
- I. Rights and Remedies Cumulative; No Waiver. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the parties may have by law statute, ordinance, or otherwise. The failure by either party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof.
- J. Entire Agreement. This Agreement represents the entire agreement of the parties with respect to the subject matter hereof.
- K. Interest. Except as otherwise provided in this Agreement, interest will accrue on all sums due or found to be due under this Agreement at the rate of five percent (5%) compound interest per annum. If judgment shall be rendered on a suit brought under this Agreement, interest shall accrue on such judgment, until such judgment is satisfied, at the rate of six percent (6%) compounded.
- L. Attorneys' Fees and Expenses. In the event of the breach of any of the covenants, conditions or obligations contained herein by PRICE, or if it becomes necessary for BDC to employ attorneys to enforce its rights accruing from such default, PRICE agrees to pay BDC reasonable attorneys' fees and all costs of court and expenses incurred as a result.
- N. Indemnity. **PRICE SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS THE CITY OF BURKBURNETT, ITS COMMISSIONERS, AGENTS AND EMPLOYEES AND THE BDC, ITS MEMBERS AND AGENTS, FROM ALL SUITS, ACTIONS, OR CLAIMS OF ANY CHARACTER, TYPE, OR DESCRIPTION BROUGHT OR MADE FOR OR ON ACCOUNT OF ANY INJURY OR DAMAGES RECEIVED OR SUSTAINED BY ANY PERSON OR PERSONS OR PROPERTY, ARISING OUT OF, OR OCCASIONED BY, THE ACTS OF PRICE OR ITS AGENTS OR EMPLOYEES. PRICE SHALL PROVIDE A DEFENSE OF SUCH CLAIMS AT ITS OWN EXPENSE WITH LEGAL COUNSEL WHO SHALL REPORT TO THE CITY OF BURKBURNETT AND THE BDC.**
- O. PRICE specifically agrees that under this Agreement BDC shall only be liable to PRICE for the actual amount of the amounts to be conveyed to PRICE and shall not be liable to PRICE for any other actual or consequential damages, direct or indirect, interest, attorney fees, or cost of court for any act of default by BDC under the terms of this Agreement.

Executed this _____ day of _____ 2020 in duplicate originals.

BURKBURNETT DEVELOPMENT CORPORATION

By: _____
Robert Jones, President

ATTEST:

Stacy Hopkins, Secretary

HAYDEN PRICE, POST OAK BBQ, LLC

By: _____

APPROVED:

CITY OF BURKBURNETT

By: _____
Carl Law, Mayor

ATTEST:

Margie Poole, City Clerk



577 Brook Ave Deer Park NY 11729

Burkburnett VFD
100 Tommy Thornton Way
Burkburnett TX 76354

January 8, 2021

Hello Chief,

Here are my updated offers for 2021,

Thank you for allowing me to have a look at your units. As we enter 2021, I prefer to purchase units that are 2012 and newer and take in as inventory. On the older units I typically will line up a purchaser and then present my offer to purchase units. I am not a broker and there are no fees for my services. Once I line up a buyer I will present my offer, once accepted I would pay for said vehicle via certified funds.

1995 International Ferrara Pumper \$20,000

1996 F350 Mini Brush Truck \$6,500

2003 Freightliner FL70 Neil & Associates Brush Truck \$20,000

2011 F350 ETI Mini Rescue \$ 17,000 (If this unit was an F550 the value would be \$25,000)

2011 Pierce Saber Pumper \$165k

If you have any questions, please feel free to contact me.

Michael G. Shaughnessy President
631-612-8712
www.RedTruckSales.com

WILSON OFFICE SUPPLY

CHARGE TICKET NUMBER # 935482-0

DATE 12/21/20 TIME 14:46

SLS 166 / 106

PAGE 1

CUST.# 1379

P.O.# FIRE CHIEF

ORDER STATUS --

===== BILLED TO =====
CITY OF BURKBURNETT
ATTN: JANET
501 SHEPPARD RD
BURKBURNETT TX 76354

CHARGE

===== SHIPPED TO =====
CITY OF BURKBURNETT
FIRECHIEF 867-4547
BURKBURNETT TX 76354

PH. (940) 569-2263

LOCATIONS	ORDER	B/O	SHIP	QTY	C	UM	MFG	ITEM	NUMBER	ITEM DESCRIPTION	PRICE
BIN1	BIN2	QTY	QTY	QTY							
Who Called : HAROLD WATKINS											
		1	1				W EA	LLR	69371	DESK, LAM, 71X36, MY	N 245.000
		3	3				W EA	LLR	69535	DESK, LAM, 7230, MAH	N 229.000
		3	3				W EA	LLR	69387	RETURN, RECT, LAM, 48X24", MY	N 145.000
		1	1				W EA	LLR	69376	CREDENZA, RECT, LAM, 71X24, MY	N 195.000
		4	4				W EA	LLR	69603	PEDESTAL, B/B/F, FIXED, MAH	N 245.000
		1	1				W EA	LLR	69390	BRIDGE, RECT, LAM, 48X24", MY	N 135.000
		4	4				W EA	BOP	B992BK	HEAVY DUTY EXECUTIVE CHAIR	N 339.000
		8	8				W EA	BOP	B6566BK	CHAIR, TASK, BK	N 179.000
		8	8				W EA	LLR	23100	CHAIR, GUEST, BLACK	N 145.000
		2	2				W EA	QRT	S53B	BOARD, MKER, ALUMFRM, 8X4	N 269.000
		2	2				W EA	QRT	S537	BOARD, MKER, ALUMFRM, 6X4	N 195.000
		3	3				W EA	QRT	S535	BOARD, MKER, ALUMFRM, 5X3	N 179.000

SPECIAL DISCOUNTED PRICING INCLUDES
ALL FREIGHT, SHIPPING, ASSEMBLY,
DELIVERY AND SET-UP TO SITE

MANY THANKS
DICK WILSON

8090⁰⁰

TOTAL ON-HAND TICKET .00

CUSTOMER # DEPT ---DATE--- ---TIME--- SLSPRN --- ORDTKR
1379 01/11 14:46 166 / 106

CITY OF BURKBURNETT


935482-0



Integrated Computer Systems
 3499 FM 1461
 McKinney, TX 75071
 214-544-0022 fax: 214-544-0025

QUOTATION

Number: ICSQ2221
 Date: Jan 11, 2021

Your Sales Consultant	Bill To	Contact
 <p><i>Thomas P. Galloway</i> 214-544-0022 x322 tommy@icsnews.com</p>	<p>Burkburnett Fire Department Harold watkins 108 E. Williams St Fire Administration Bldg. Burkburnett, TX 76354 Phone 940-569-3553 Fax hwatkins@burkburnett.org</p>	<p>Burkburnett Fire Department Harold watkins 108 E. Williams St Fire Administration Bldg. Burkburnett, TX 76354 Phone 940-569-3553 Fax hwatkins@burkburnett.org</p>

Fire MDC Licenses

Expiration Date	P.O. Number	Requested Install Date	Terms
4/1/2021			

Product and Description	Qty	List \$	Disc Price	Extended	SAP3
<p>MDC: Mobile Data Client Full-function, in-field, integrated call processing software (licensed by workstation)</p>	5	3,700.00	3,145.00	15,725.00	2775.00
<p>MDC-MAP-INIT: Mobile Basic Mapping Map highlights the exact call location. No vehicle GPS data available. See product details for prerequisites.</p>	1	150.00	127.50	127.50	22.00
<p>MDC-MAP-SUB: Mobile Basic Mapping Map highlights the exact call location. Subsequent license for users after purchase of MDC-MAP-INIT.</p>	4	150.00	127.50	510.00	92.00
<p>SVC-TECH-I: One Hour of Technical Services, Level I technician</p>	1	225.00	225.00	225.00	

- 1) Training for all ICS applications will be provided by the police Department.
- 2) Customer to supply all required maps in ICS approved formats for basic mapping.
- 3) Customer is responsible for all hardware, OS software, third-party software and network services.
- 4) No hardware, operating software, or hardware maintenance is provide in this quote.

Sub-total	19,475.00
Less discount	2,887.50
Distribution	0.00
Total	\$16,587.50

Software Assurance Plan (SAP 3) per Yr	\$2,889.00
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Signature or valid purchase order number

Upon approval by your agency, this document will become a purchase agreement by and between LICENSEE and Integrated Computer Systems Inc., located at 3499 FM 1461, McKinney, Texas 75071, and is subject to all terms and conditions or user license agreements executed at an earlier date.

ORDINANCE NUMBER 990

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING THE FISCAL YEAR 2021 GENERAL FUND FIRE DEPARTMENT FOR ADMINISTRATION BUILDING AND TECHNOLOGY EQUIPMENT: FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, throughout the course of the budget year, events occur that require adjustments to be made to the current budget and or specifically the General Fund Fire Department; and

WHEREAS, to provide an accurate record of the City's expenses, the General Fire Fund Department be amended; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS THAT:

SECTION 1. There is a need for furniture in the Fire Department Administration Building and five (5) Integrated Computer Systems (ICS) Mobile User Licenses for CAD.

<u>ACCOUNT #</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
Expenses		
Increase		
01-406-4395	New Equipment	+\$8,090.00
Fire Department	Furniture	
01-406-4395	New Equipment	+\$16,587.50
Fire Department	Computer Systems	
Decrease		
01-1160	General Fund MM /	-\$24,677.50
	Prior Year Unrestricted Fund Balance	

SECTION 2. In the event any one or more of the provisions of this Ordinance should be declared to be invalid, unenforceable, or illegal, such invalidity, unenforceability, or illegality shall not affect the validity, enforcement, or legality of the remaining portions of this Ordinance.

SECTION 3. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required by law and that public notice of time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED ON THIS THE 18TH DAY OF JANUARY 2021.

Carl Law, Mayor

ATTEST:

Margie Poole City Clerk

THE CITY OF BURKBURNETT
CITIZEN PARTICIPATION PLAN
TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of the Texas Department of Agriculture's Texas Community Development Block Grant (TxCDBG) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at the City of Burkburnett, 501 Sheppard Rd., Burkburnett, TX, 76354, 940-569-2263, during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the TxCDBG project.

1. A person who has a complaint or grievance about any services or activities with respect to the TxCDBG project, whether it is a proposed, ongoing, or completed TxCDBG project, may during regular business hours submit such complaint or grievance, in writing to the City of Burkburnett, at 501 Sheppard Rd., Burkburnett, TX, 76354 or may call 940-569-2263.
2. A copy of the complaint or grievance shall be transmitted by the Mayor to the entity that is the subject of the complaint or grievance and to the City Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The Mayor shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3 above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the TxCDBG for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

TECHNICAL ASSISTANCE

When requested, the City shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the use of TxCDBG funds. The City, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by the City, the following public hearing provisions shall be observed:

1. Public notice of all hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice must include the date, time, location, and topics to be considered at the public hearing. A published newspaper article can also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
2. When a significant number of non-English speaking residents are a part of the potential service area of the TxCDBG project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and the City must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to the hearing.
4. A public hearing held prior to the submission of a TxCDBG application must be held after 5:00 PM on a weekday or at a convenient time on a Saturday or Sunday.
5. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City shall comply with the following citizen participation requirements for the preparation and submission of an application for a TxCDBG project:

1. At a minimum, the City shall hold at least one (1) public hearing to prior to submitting the application to the Texas Department of Agriculture.
2. The City shall retain documentation of the hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the proposed use of funds for three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.
3. The public hearing shall include a discussion with citizens as outlined in the applicable TxCDBG application manual to include, but is not limited to, the development of housing and community development needs, the amount of funding available, all eligible activities under the TxCDBG program, and the use of past TxCDBG contract funds, if applicable. Citizens, with particular emphasis on persons of low- and moderate-income who are residents of slum and blight areas, shall be encouraged to submit their views and proposals regarding community development and housing needs. Citizens shall be made

aware of the location where they may submit their views and proposals should they be unable to attend the public hearing.

4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City must comply with the following citizen participation requirements in the event that the City receives funds from the TxCDBG program:

1. The City shall also hold a public hearing concerning any substantial change, as determined by TxCDBG, proposed to be made in the use of TxCDBG funds from one eligible activity to another again using the preceding notice requirements.
2. Upon completion of the TxCDBG project, the City shall hold a public hearing and review its program performance including the actual use of the TxCDBG funds.
3. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, for either a public hearing concerning substantial change to the TxCDBG project or for the closeout of the TxCDBG project, publish notice in both English and Spanish, or other appropriate language and provide an interpreter at the hearing to accommodate the needs of the non-English speaking residents.
4. The City shall retain documentation of the TxCDBG project, including hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

Passed and approved this _____ day of _____, 2021.

Carl Law, Mayor
Burkburnett, Texas

Margie Poole, City Clerk
Burkburnett, Texas

ORDINANCE NUMBER 991

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 1, 2021 TO ELECT COMMISSIONER FOR PLACE 1 AND COMMISSIONER FOR PLACE 2; DESIGNATING THE POLLING PLACE AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.

WHEREAS, in accordance with the Texas Election Code, a general election shall be held at the following place, in said City, and the following are hereby appointed officers for said election.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, THAT:

SECTION 1. A General Election is ordered to be held on May 1, 2021, for which sufficient time elapses for the holding of an election after passage of this Ordinance. Said election shall be held to elect the Commissioners for Place 1 and Place 2.

SECTION 2. The polling place for Precincts No. 205 and 206 will be held at the Burkburnett Community Center Building, 735 Davy, Burkburnett, Texas, and shall be open from 7:00 a.m. to 7:00 p.m. on Election Day, May 1, 2021, with Laurie Munson as Presiding Judge and Susan Morris as Alternate Presiding Judge, the said Presiding Judge shall appoint the necessary clerks to assist on Election Day.

SECTION 3. The Presiding Judge of said election shall serve as the Presiding Officer of the Early Voting Ballot Board in accordance with the Texas Election Code.

SECTION 4. Margie Poole, City Clerk, is hereby appointed the Early Voting Clerk, and early voting shall be conducted at the City Clerk's office in City Hall, 501 Sheppard Road, Burkburnett, Texas, in accordance with the Texas Election Code. Early voting shall begin on April 19, 2021, and end on April 27, 2021, and shall be conducted Monday through Friday during the regular business hours of the City Clerk's office, which are from 8:00 a.m. to 5:00 p.m. with extended early voting hours on April 26, 2021, and April 27, 2021, from 7:00 a.m. to 7:00 p.m.

SECTION 5. Notice of posting and publishing of said election and the preparation of ballots for said election will be in accordance with the Texas Election Code.

SECTION 6. The Board of Commissioners of the City of Burkburnett shall canvass the election not earlier than the third day nor later than the eleventh day after said election in accordance with the Texas Election Code.

PASSED AND APPROVED ON THIS 18TH DAY OF JANUARY 2021.

Carl Law, Mayor

ATTEST:

Margie Poole, City Clerk

ORDINANCE NUMBER 992

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 97: PARKS AND RECREATION; REGARDING THE SALE OF ALCOHOLIC BEVERAGES AT CITY PARKS DURING PERMITTED EVENTS; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has received a request to hold an event at a City park which includes the sale of alcoholic beverages; and

WHEREAS, the Board of Commissioners finds that it is in the best interest of the City to allow the sale and consumption of alcoholic beverages at City parks, including the Community Center, when the event coordinator obtains a permit from the City;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AS FOLLOWS:

Part I: Enacted

THAT the Code of Ordinances of the City of Burkburnett is hereby amended by amending certain sections of Chapter 97: PARKS AND RECREATION, which such amended sections or portions of sections shall read as follows:

§ 97.03 REGULATION OF ALCOHOL AND CONTROLLED SUBSTANCES.

(A) The possession or consumption of alcoholic beverages, toxic drugs, narcotic drugs, or any substance which is classified as a "controlled substance" under state or federal law is prohibited in all city parks and all public street rights-of-way abutting such parks and at the Community Center except as follows:

(1) A person may possess or use prescription drugs which have been prescribed for that individual by a physician licensed to prescribe the particular drug or drugs being used, so long as such drug or drugs are only being used by the person for whom they have been prescribed and are being used in strict compliance with the instructions of the physician prescribing them; and

(2) A person or persons may sell, possess, or consume beer, wine, and/or mixed beverages if a permit has been obtained from the City in the manner set forth in division (B) of this Section and if the person or persons possessing or consuming the beer and/or wine are doing so in strict compliance with the terms of a permit received from the City and any other applicable law or permit requirements.

(B) An event coordinator desiring to sell or have beer or wine available for consumption for a special event in a city park, including the Community Center, may make an application to the City Manager or his or her designee for a permit to do so. The "event coordinator" is the person making the application and who will be responsible for compliance with this chapter. In addition to the information required for other permits provided by this chapter, the city staff may request such additional information as may be reasonably required so that they can evaluate the application to ensure that the sale or consumption of beer and wine will not violate any applicable law or regulation applicable to the use of the park or the Community Center or create a nuisance to adjoining areas. The City may require the applicant and any other person working at the City facility during the proposed event to consent to a criminal history check as a condition for the issuance of a permit. The City may specify terms and conditions to the issuance of a permit, which are in addition to the terms and conditions otherwise provided by this chapter (including additional insurance coverage) to accomplish the purposes of this division.

(1) The City may charge an application fee for each application submitted pursuant to this division (B). The amount of said application fee shall be established, from time to time, by resolution of the Board of Commissioners based upon the recommendation of the City Manager. In addition, the City may charge, in advance, upon filing an application an amount equal to its estimated cost, which will be payable to third parties in processing an application, such as the cost of a criminal history check.

(2) The application for a permit for the sale, possession, or consumption of alcoholic beverages shall be submitted to the City Manager and Chief of Police for a determination as to whether the permit should be issued and as to what terms and conditions should be required for the issuance of a permit.

(3) Any special event under this Section, except events that are confined solely to the Community Center, shall include a fee of \$30 per hour for each required officer. The Chief of Police will determine the number of officers required for an event. Unless otherwise authorized by the Chief of Police, the officers used at the event will be Burburnett Police Officers. The security requirement for the Community Center is found in §97.37 of this Code.

§ 97.12 USE OF FRIENDSHIP COMMUNITY PARK AMPHITHEATER.

(D) Prohibited uses. The following uses are prohibited:

(3) Unless otherwise authorized in a special event permit obtained under §97.03 of this Code, the use on any portion by any individual, firm, or corporation for the purpose of selling merchandise, except the selling of merchandise by displaying, exhibiting, or presenting of the merchandise under the sponsorship of a civic organization, antique club, or other charitable organization.

(5) Except as authorized in a special event permit under §97.03 of this Code, the consumption or possession of alcoholic beverages.

Part II: Repealer

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective, which are inconsistent or are in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

Part III: Severability

It is hereby declared to be the intention of the Board of Commissioners that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph, or SSection of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

Part IV: Compliance with Texas Open Meetings Act

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

Part V: Effective Date

This Ordinance shall take effect immediately upon its passage.

PASSED AND APPROVED ON THIS 18th DAY OF JANUARY 2021.

Carl Law, Mayor

ATTEST:

Margie Poole, City Clerk