

## ***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**

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