

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas, met in a Regular Meeting on Monday, April 19, 2021, 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
Mike Tugman	Commissioner, Place 3
John Beard	Commissioner, Place 4
Marguerite Love	Mayor Pro-Tem, Commissioner, Place 5
Bill Lindenborn	Commissioner, Place 6

Commissioner Randy Brewster was absent.

Others present were Ron Hobbs, President, Ron Hobbs Architecture (*via phone*); Lawrence Cutrone, City Manager; Richard Gordon, Executive Director, Burkburnett Development Corporation; Mike Whaley, Director of Public Works; Detective Jeff Krc; F.C. Tillman, Chief of Police; Harold Watkins, Fire Chief; Mike Guevara, City Attorney; Trish Holley, Director of Administration; 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

Mayor Pro-Tem Love gave the invocation.

ITEM 3. PLEDGE OF ALLEGIANCE

Commissioner Kwas led the Pledge of Allegiance.

ITEM 4. CONSENT AGENDA

- A. Approval of Minutes from the March 15, 2021 Regular Meeting.
- B. Approval of Minutes from the March 26, 2021 Special Called Meeting.

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

ITEM 5. PERSONAL/AUDIENCE COMMENTS

There were no public comments.

ITEM 6. Discuss and take any action necessary on the Public Adjuster – Insured Agreement with Sandlin Adjusting and Consulting, Inc.

Mr. Tyler Miller with the Marseal Group and Mr. Brady Sandlin with Sandlin Adjusting addressed the Mayor and Commissioners regarding the repairs from the 2020 hail storm.

Commissioner Tugman made a motion, seconded by Commissioner Kwas, to approve the Insured Agreement with Sandlin Adjusting and Consulting, Inc. Motion carried unanimously.

ITEM 7. Discuss and take any action necessary regarding the schematic design options presented by Ron Hobbs Architects for the Burkburnett Events Center and Fire Station.

Mr. Lawrence Cutrone, City Manager, addressed the Mayor and Commissioners, stating that per the Commissioners' request from the last meeting, staff followed up with the owner of the adjacent property shown in Option B schematic of the Events Center and confirmed that the property owner is willing to sell a portion of that lot.

Mr. Ron Hobbs from Ron Hobbs Architecture addressed the Mayor and Commissioners, stating that if you proceed with the purchase of the additional property, then the next step per the contract is to develop a conceptual floor plan with elevations and budgetary information, so you can decide how to proceed with the project.

Motion 1: Mayor Pro-Tem Love made a motion, seconded by Commissioner Tugman, to approve Concept B as the schematic to base the numbers on.

Ayes (2): Mayor Pro-Tem Love and Commissioner Tugman

Nays (2): Mayor Law and Commissioner Lindenborn

Abstains (2): Commissioner Beard and Commissioner Kwas

Motion failed.

AFTER DISCUSSION IN EXECUTIVE SESSION:

Motion to Reconsider: Commissioner Tugman made a motion to reconsider Item 7, seconded by Mayor Pro-Tem Love, to give Ron Hobbs the direction he needs under Plan B, which was recommended at the prior Board of Commissioners' meeting. Motion carried unanimously.

Motion 2: Commissioner Tugman made a motion, seconded by Commissioner Kwas, to give Ron Hobbs direction to go with Plan B, which was approved at the last Board of Commissioners' meeting to get us the dollar estimates that we have already agreed to pay for. Motion carried unanimously.

ITEM 7A. Discuss and take any action necessary regarding a contract for the purchase of real property ID# 122855.

After a staff presentation by Mr. Lawrence Cutrone, City Manager, Mayor Pro-Tem Love made a motion, seconded by Commissioner Tugman, to purchase the land for \$14,000 plus \$2000 for fees.

Ayes (4): Mayor Pro-Tem Love, Commissioner Beard, Commissioner Kwas, and Commissioner Tugman

Nays (2): Mayor Law and Commissioner Lindenborn

Motion carried.

ITEM 8. Discuss and take any action necessary regarding the approval of Mr. Matt Patterson's nomination to participate on the Burkburnett Development Corporation Board as an ex-officio Board Member.

After a staff presentation by Mr. Richard Gordon, Executive Director of the BDC, Commissioner Lindenborn made a motion, seconded by Commissioner Tugman, to appoint Mr. Patterson. Motion carried unanimously.

ITEM 9. Discuss and take any action necessary on the Water Revenue Bond Proposal: Water Meter Conversion to AMI System.

After a staff presentation from Mr. Mike Whaley, Director of Public Works, Commissioner Lindenborn made a motion, seconded by Commissioner Tugman, to proceed with the issuance of a Water Revenue Bond to install the Neptune meters. Motion carried unanimously.

ITEM 10. Discuss and take any action necessary on Resolution Number 700.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

After a staff presentation from Mr. Mike Whaley, Director of Public Works, Commissioner Tugman made a motion, seconded by Commissioner Beard, to approve Resolution Number 700 with the change that the "*Public Works Director*" will serve as the City's Executive Officer be changed to the "*Mayor*". Motion carried unanimously.

ITEM 11. Discuss and take any action necessary on Resolution Number 701.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT APPROVING THE SUBMISSION OF THE GRANT APPLICATION FOR A NETWORK CYBERSECURITY FIREWALL ENHANCEMENT TO THE OFFICE OF THE GOVERNORS CRIMINAL JUSTICE PROGRAM.

After a staff presentation from Detective Jeff Krc of the Burkburnett Police Department, Commissioner Tugman made a motion, seconded by Commissioner Lindenborn, to approve Resolution Number 701. Motion carried unanimously.

ITEM 12. Discuss and take any action necessary on Resolution Number 702.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT APPROVING THE SUBMISSION OF THE GRANT APPLICATION FOR A CAD/MOBILE DATA UPDATE TO THE OFFICE OF THE GOVERNORS CRIMINAL JUSTICE PROGRAM.

After a staff presentation from Detective Jeff Krc of the Burkburnett Police Department, Commissioner Tugman made a motion, seconded by Commissioner Kwas, to approve Resolution Number 702. Motion carried unanimously.

ITEM 13. Discuss and take any action necessary on Resolution Number 703.

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 OCSC; 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.

After a staff presentation from Mr. Lawrence Cutrone, City Manager, Commissioner Tugman made a motion, seconded by Mayor Pro Tem Love, to approve Resolution Number 703. Motion carried unanimously.

ITEM 14. Discuss and take any action necessary on Ordinance Number 997.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CODE OF ORDINANCES BY ADDING SECTION 34.04 CITY SOCIAL MEDIA FORUM POLICY; ESTABLISHING POLICY REGARDING USE OF CITY SOCIAL MEDIA FORUMS; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Mike Guevara, City Attorney, and F.C. Tillman, Chief of Police, addressed the Mayor and Commissioners, providing an overview of the need for this social media policy. Commissioner Tugman made a motion, seconded by Commissioner Kwas, to approve Ordinance Number 997, with the change to "*limited public forums*" in the last "*Whereas*". Motion carried unanimously.

ITEM 15. Discuss and take any action necessary on Ordinance Number 998.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING CHAPTER 156: LAND USAGE FEE SCHEDULE BY ADDING SECTION 156.02 FEES FOR PROFESSIONAL SERVICES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

After a staff presentation from Harold Watkins, Fire Chief, Commissioner Tugman made a motion, seconded by Commissioner Beard, to approve Ordinance Number 998. Motion carried unanimously.

ITEM 16. Discuss and take any action necessary on Ordinance Number 999.
AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 36: CITY COMMISSIONERS BY ADDING SECTION 36.85 CODE OF CONDUCT AND SECTION 36.86 CENSORSHIP AND ENFORCEMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

After a staff presentation from Mr. Lawrence Cutrone, City Manager, Commissioner Tugman made a motion, seconded by Commissioner Beard, to approve Ordinance Number 999. Discussion ensued regarding Commissioner conduct and whether a need exists to legislate this code of conduct.

Ayes (3): Commissioner Beard, Commissioner Kwas, and Commissioner Tugman
Nays (3): Mayor Law, Mayor Pro Tem Love, and Commissioner Lindenborn

Motion failed.

ITEM 17. Discuss and take any action necessary to re-appoint Mr. Glenn Barham as a "cities" representative to the Wichita-Wilbarger 9-1-1 District Board of Managers.

Commissioner Kwas made a motion, seconded by Commissioner Tugman, to appoint Mr. Barham. Motion carried unanimously.

Before closing the meeting, Mr. Mike Guevara, City Attorney, requested that the Mayor recall Agenda Item 7 for consultation with City Attorney to be done in closed session.

ITEM 18. 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
- B. SECTION 551.071 – Consult with Attorney about pending or contemplated litigation or settlement of same.

Mayor Law closed the meeting and adjourned to Executive Session at 8:19 p.m.

ITEM 19. RECONVENE

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

Mayor Law reconvened the regular meeting at 9:28 p.m. Action was taken on Agenda Item 7 (*see details listed in the minutes under ITEM 7*).

ITEM 20. CITY MANAGER'S REPORT

- A. Early voting started today at City Hall ends at 7:00 p.m. on April 27, 2021.
- B. Save the Date: TML Annual Conference, October 6-8, 2021 in Houston.

ITEM 21. COMMISSIONERS' COMMENTS

The Commissioners had no comments.

ITEM 22. ADJOURNMENT

Commissioner Tugman made a motion, seconded by Commissioner Lindenborn, to adjourn. Motion carried unanimously, and the meeting adjourned at 9:34 p.m.

Carl Law, Mayor

ATTEST:

Margie Poole, City Clerk