MINUTES
BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas, met in a Regular Meeting on Tuesday, February 21, 2023, 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:

Lori Kemp Mayor
Cory Brinkley Commissioner, Place 1
Randy Brewster Commissioner, Place 2
Susan Mitchell Commissioner, Place 3
Michael Richter Mayor Pro-Tem, Commissioner, Place 4
Marguerite Love Commissioner, Place 5
Bill Lindenborn Commissioner, Place 6

Others present were: Fred Tillman, Interim City Manager; Dan King, Fire Chief; Mike Whaley, Director of Public Works; Mike Guevara, City Attorney; Trish Holley, Director of Administration; and Margie Poole, City Clerk.

ITEM 1. CALL MEETING TO ORDER: MAYOR LORI KEMP
Mayor Kemp called the meeting to order at 7:00 p.m.

ITEM 2. INVOCATION
Carl English, Pastor of Providence Baptist Church, gave the invocation.

ITEM 3. PLEDGE OF ALLEGIANCE
Commissioner Brinkley led the Pledge of Allegiance.

ITEM 4. CONSENT AGENDA
Approval of Minutes from the January 23, 2023 Regular Meeting
Commissioner Lindenborn made a motion, seconded by Commissioner Love, to approve the minutes. Motion carried unanimously.

ITEM 5. PERSONAL/AUDIENCE COMMENTS
There were no public comments.

ITEM 6. Discuss and take any action necessary regarding Resolution Number 740:
A RESOLUTION OF THE CITY OF BURKBURNETT AUTHORIZING THE FILING OF A GRANT APPLICATION WITH NORTEX REGIONAL PLANNING COMMISSION (NRPC) FOR A REGIONAL SOLID WASTE GRANTS PROGRAM GRANT, AUTHORIZING MIKE WHALEY TO ACT ON BEHALF OF THE CITY OF BURKBURNETT 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 NRPC, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE STATE OF TEXAS.
After a staff presentation by Fred Tillman, Interim City Manager, Commissioner Brewster made a motion, seconded by Commissioner Brinkley, to approve Resolution Number 740. Motion carried unanimously.

ITEM 7. Discuss and take any action necessary regarding Resolution Number 741:
A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION.

After a staff presentation by Fred Tillman, Interim City Manager, Commissioner Brewster made a motion, seconded by Commissioner Lindenborn, to approve Resolution Number 741. Motion carried unanimously.

ITEM 8. Discuss and take any action necessary regarding Ordinance Number 1032:
AN ORDINANCE AMENDING ORDINANCE NUMBER 1031 ORDERING AND PROVIDING NOTICE OF A SPECIAL HOME-RULE ELECTION IN THE CITY OF BURKBURNETT, TEXAS, TO BE HELD ON MAY 6, 2023, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS, FOR ADOPTION OR REJECTION, PROPOSED AMENDMENTS TO THE EXISTING CHARTER OF THE CITY OF BURKBURNETT, TEXAS, AS AMENDED; AND PROVIDING AN EFFECTIVE DATE.

Pat Bintner addressed the Mayor and Commissioners with his public comments. After a staff presentation by Fred Tillman, Interim City Manager, Commissioner Love made a motion, seconded by Commissioner Lindenborn, to approve Ordinance Number 1032 with the additional statement added to the existing Charter language stating that the requirement of this section may be waived on a case-by-case basis by a majority vote of the Board of Commissioners.

Ayes (3): Mayor Pro-Tem Richter, Commissioner Love, and Commissioner Lindenborn
Nays (4): Mayor Kemp, Commissioner Brinkley, Commissioner Brewster, and Commissioner Mitchell

Motion failed.

Commissioner Brewster made a motion, seconded by Mayor Kemp, to approve Ordinance Number 1032 with language stating that the City Manager must reside within five (5) miles of the City limits of the City of Burk Burnett in Texas.

Ayes (5): Mayor Kemp, Commissioner Brinkley, Commissioner Brewster, Commissioner Lindenborn, and Commissioner Love
Nays (2): Mayor Pro-Tem Richter and Commissioner Mitchell

Motion carried.

ITEM 9. Discuss and take any action necessary to direct staff to explore options and costs for a full-service concession stand to prepare and sell food and drinks at the Boomtown Bay Family Aquatic Center.

Mayor Pro-Tem Richter made a motion, seconded by Commissioner Brewster, to table this agenda item. Motion carried unanimously
ITEM 10. Discuss and take any action necessary to direct staff to explore options and costs to sell prepackaged food and drinks at the Boomtown Bay Family Aquatic Center.

Commissioner Lindenborn made a motion, seconded by Mayor Pro-Tem Richter, to table this agenda item. Motion carried unanimously

ITEM 11. Discuss and take any action necessary regarding the nanofiltration upgrade to the Burkburnett Water Treatment Plant.

After a staff presentation by Fred Tillman, Interim City Manager, and Mike Whaley, Director of Public Works, Commissioner Brewster made a motion, seconded by Commissioner Mitchell, for staff to proceed for the opinion of the probable cost.

Pat Bintner addressed the Mayor and Commissioners with his public comments.

Motion carried unanimously.

ITEM 12. PUBLIC WORKS/COMMUNITY PLANNING REPORT

- Update on the installation of the Advanced Metering Infrastructure (AMI) water meters
- Update on the expenditures of the American Rescue Plan Act (ARPA) funds
- Update on dilapidated structure removal and clean-up efforts

Fred Tillman, Interim City Manager, updated the Mayor and Commissioners regarding these projects. No action was taken

ITEM 13. CITY MANAGER'S REPORT

Fred Tillman, Interim City Manager, presented his report.

ITEM 14. COMMISSIONERS' COMMENTS

Commissioner Brinkley thanked Mike Whaley for his expertise. Mayor Pro-Tem Richer and Commissioner Mitchell thanked the citizens for attending the meeting.

ITEM 15. 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 matter:

SECTION 551.074 - Discuss the appointment, employment, evaluation, reassignment, duties, discipline, dismissal of, or to hear, a complaint against the public officer or employee: Dan King, Interim Fire Chief.

SECTION 551.071 - Consult with the attorney on a matter in which the attorney's duty to the governmental body under the Texas Disciplinary Rules of Professional Conduct conflicts with this chapter.
A. Discuss communication with the Board of Commissioners on confidential issues and law enforcement matters

Mayor Kemp closed the Regular Meeting at 8:03 p.m. and opened the Executive Session.
ITEM 16. RECONVENE
Reconvene to regular session and take action, if any, on matters discussed in Executive Session.

Mayor Kemp reconvened the Regular Meeting at 8:52 p.m.
Commissioner Brinkley made a motion, seconded by Commissioner Lindenborn, to appoint Dan King as the Fire Chief of Burkburnett at a salary of $90,000. Motion carried unanimously.

ITEM 17. ADJOURNMENT
Mayor Kemp made a motion, seconded by Commissioner Brewster, to adjourn. Motion carried unanimously, and the meeting adjourned at 8:55 p.m.

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Lori Kemp, Mayor

ATTEST:

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Margie Poole, City Clerk