MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas, met in a Regular Meeting on Monday, August 16, 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
Cory Brinkley 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 Jake McAdams, Regional Project Manager, Public Management; Lawrence Cutrone, City Manager; Sarah Culp, Planning Director; 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

Mr. Mike Guevara, City Attorney, gave the invocation.

ITEM 3. PLEDGE OF ALLEGIANCE

Commissioner Beard led the Pledge of Allegiance.

ITEM 4. CONSENT AGENDA

Approval of Minutes from the July 19, 2021 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 comments.

ITEM 6. American Legion Law Enforcement Officer of the Year Award Presentation.

Detective Robert Turner, Burkburnett Police Department, was presented the American Legion Law Enforcement Officer of the Year Award by Mr. Dale Stiles and Mr. Ron Corey, American Legion, Frye-Vaughn Post 264.
ITEM 7. Discuss and take any action necessary on Resolution Number 708.
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, IN GRATITUDE.

Commissioner Lindenborn made a motion, seconded by Commissioner John Beard, to approve Resolution Number 708. Motion carried unanimously.

Harold Watkins, Fire Chief, then presented the Resolution of Gratitude to Mr. Chad Gray and Ms. Stephanie Wyke (accepted by her husband, Airman Justin Wyke).

ITEM 8. Mayor closed the Regular Meeting and opened the Public Hearing at 7:16 p.m. to discuss: Case 2021-4: Carport Overlay District for the 100 Block of Terrace Street Burkburnett, Texas.

There were no public comments.

ITEM 9. Mayor closed the Public Hearing and re-opened the Regular Meeting at 7:17 p.m. to discuss and take any action necessary on Case 2021-4: Carport Overlay District for the 100 Block of Terrace Street Burkburnett, Texas.

Commissioner Brewster made a motion, seconded by Mayor Pro-Tem Love, to approve Case 2021-4: Carport Overlay District for the 100 Block of Terrace Street. Motion carried unanimously.

ITEM 10. Discuss and take action to adopt the Code of Conduct – City of Burkburnett Conflict of Interest Policy Pertaining to Procurement Procedures.

After a staff presentation by Harold Watkins, Fire Chief, Commissioner Brewster made a motion, seconded by Commissioner Lindenborn, to adopt the Code of Conduct. Motion carried unanimously.

ITEM 11. Discuss and take any action necessary on Resolution Number 709, authorizing selection of the service provider as Public Management, Inc.

After a staff presentation by Harold Watkins, Fire Chief, Commissioner Brewster made a motion, seconded by Mayor Pro-Tem Love, to approve Resolution Number 709. Motion carried unanimously.

Mr. Jake McAdams from Public Management addressed the Mayor and Commissioners, expressing his appreciation for this opportunity.

ITEM 12. Discuss and take any action necessary on the Nine (9) Tax Deeds and Property Cards for Trust Properties in the City of Burkburnett from the Texas Communities Group: (1) 602 Floyd Street; (2) 404 W 5th Street; (3) 104 Freeman; (4) 309 W 5th Street; (5) 410 W. 5th Street; (6) 608 N Cottonwood; (7) 519 W 6th Street; (8) 632 Floyd Street; and (9) 606 W 6th Street.

After Sarah Culp, Planning Director, responded to Commissioner Tugman’s questions, Commissioner Tugman made a motion, seconded by Commissioner Beard, to approve the sale of Nine (9) Tax Deeds and Property Cards for Trust Properties. Motion carried unanimously.

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ITEM 13. Discuss and take any action necessary on Resolution Number 710.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2021 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATE-MAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

After a presentation by Lawrence Cutrone, City Manager, Mayor Pro-Tem Love made a motion, seconded by Commissioner Brinkley, to approve Resolution Number 710. Motion carried unanimously.

ITEM 14. 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:

SECTION 551.071 - Consult with Attorney about pending or contemplated litigation or settlement of same.
   A. Update on pending SOAH Litigation and Civil Hearing
   B. Update on pending Pena v. Burkburnett
   C. Update on City Facility Roofs

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. Employment Agreement for City Manager
   B. Employment Agreement for Chief of Police
   C. Employment Agreement for Fire Chief

Mayor Law closed the Regular Meeting and adjourned to Executive Session at 7:29 p.m.

ITEM 15. RECONVENE

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

Mayor Law reconvened the Regular Meeting at 9:09 p.m. No action was taken.
ITEM 16. CITY MANAGER'S REPORT

Mr. Lawrence Cutrone, City Manager, announced that City offices would be closed on Monday, September 6, 2021, in observance of Labor Day.

ITEM 17. COMMISSIONERS' COMMENTS

Commissioner Tugman stated Mr. Chuck Lindenborn, a prior Commissioner, will be 90 years old on August 18, 2021. Mayor Law announced that the SMAC event was canceled.

ITEM 18. ADJOURNMENT

Commissioner Tugman made a motion, seconded by Commissioner Lindenborn, to adjourn. Motion carried unanimously, and the meeting adjourned at 9:11 p.m.

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Carl Law, Mayor

ATTEST:

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Margie Poole, City Clerk