MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas, met in a Regular Meeting on Monday, March 21, 2022, 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
Mike Tugman  Commissioner, Place 3
John Beard  Commissioner, Place 4
Marguerite Love  Mayor Pro-Tem, Commissioner, Place 5
Bill Lindenborn  Commissioner, Place 6

Commissioners Brewster and Brinkley were absent.

Others present were Morgan Verette, Public Management (via conference phone); Lawrence Cutrone, City Manager; Mike Whaley, Director of Public Works; Brent Battista, Director of Parks and Recreation; Richard Gordon, Executive Director, Burkburnett Development Corporation; Fred Tillman, Chief of Police; Harold Watkins, Fire Chief; 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. Tom Box, Minister of the Burkburnett Church of Christ, gave the invocation.

ITEM 3. PLEDGE OF ALLEGIANCE

Commissioner Beard led the Pledge of Allegiance.

ITEM 4. CONSENT AGENDA

Approval of Minutes from the February 15, 2022 Regular Meeting.
Approval of Minutes from the February 17, 2022 Special-Called Meeting.

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

ITEM 5. PERSONAL/AUDIENCE COMMENTS

Susan Mitchell addressed the Mayor and Commissioners with her public comments.

ITEM 6. DISCUSS AMBULATORY RESPONSE TIMES TO THE CITY OF BURKBURNETT FROM AMERICAN MEDICAL RESPONSE (AMR)

Fred Tillman, Chief of Police, introduced Kenny Hoffman with American Medical Response (AMR), who addressed the response times with the Mayor and Commissioners. Mr. Hoffman also outlined the changes that AMR has made since the first week of February, including the hope of having a truck stationed in Burkburnett.
ITEM 7. Discuss and take any action necessary on the renovation of the Rotary Pavilion.

After a presentation by Danny Taylor, President-Elect of the Rotary Club and Nat Dickerson, President of the Rotary Club, Mayor Pro-Tem Love made a motion, seconded by Commissioner Lindenborn, to give the Burkburnett Rotary Club the approval to move forward with the Rotary Pavilion project. Motion carried, with Commissioner Tugman abstaining.

ITEM 8. Discuss and take any action necessary on Burkburnett Library's proposed project, The Story Walk at Friendship Park.

After a presentation by Pam Miller, Library Director of the Burkburnett Library, Commissioner Lindenborn made a motion, seconded by Commissioner Tugman, to approve this project. Motion carried unanimously.

ITEM 9. Discuss and take any action necessary for the Fiscal Year 2021 Audit.

After Ms. Valerie Halverson, MWH Group, presented the Mayor and Commissioners with the final fiscal year 2021 audit, Commissioner Tugman made a motion, seconded by Commissioner Beard, to approve the audit as presented. Motion carried unanimously.

ITEM 10. Discuss and take any action necessary regarding Resolution Number 723.

A RESOLUTION OF THE CITY OF BURKBURNETT, TEXAS, AUTHORIZING THE APPROVAL OF THE BURKBURNETT RECOVERY PLAN ASSOCIATED WITH THE IMPLEMENTATION OF THE CITY OF BURKBURNETT AMERICAN RESCUE PLAN ACT (ARPA) – CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS (CLFRF) ALLOCATION.

After a brief overview by Morgan Verette with Public Management, Commissioner Tugman made a motion, seconded by Mayor Pro-Tem Love, to approve Resolution Number 723. Motion carried unanimously.

ITEM 11. Discuss and take any action necessary regarding Resolution Number 724.

A RESOLUTION OF THE CITY OF BURKBURNETT, TEXAS, OBLIGATING SALARY AND BENEFITS FOR SIX FIREFIGHTER POSITIONS ASSOCIATED WITH THE IMPLEMENTATION OF THE CITY’S AMERICAN RESCUE PLAN ACT – CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS (CLFRF) ALLOCATION.

Mr. Pat Bintner addressed the Mayor and Commissioners with his public comments regarding how the City proposes to pay for these individuals. Fred Tillman, Chief of Police, clarified that the positions are funded with the ARPA funds for 4.5 years. In response to Mayor Law’s request to address Mr. Bintner’s question, Lawrence Cutrone, City Manager, confirmed that this Resolution will obligate the money until January 1, 2027, which is the cutoff date when the city will have to pick up these funds. The city will have four budget cycles to consider how the city will incur the cost once the grant monies quit for these six positions. At the last BOC meeting, it was discussed that if the BOC chose to move forward with this, the city would need three increases of 3% in three separate budgets to meet the costs. Commissioner Tugman commented that in 2021 the sales tax revenues are significantly more than what was budgeted and that different revenue streams will be considered to fund this project.

Commissioner Tugman made a motion, seconded by Commissioner Lindenborn, to adopt Resolution Number 724. Motion carried unanimously.
ITEM 12. Discuss and take any action necessary regarding the creation of the Captain of the Police Department, Public Safety Coordinator, and Assistant Chief of the Fire Department positions, and updating the positions of Firefighter and Executive Director of Economic Development job descriptions.

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

After a staff presentation by Fred Tillman, Chief of Police, Commissioner Tugman made a motion, seconded by Commissioner Beard, to create the position of Captain of the Police Department. Motion carried unanimously.

After a staff presentation by Fred Tillman, Chief of Police, Commissioner Tugman made a motion, seconded by Commissioner Lindenborn, to initiate the Public Safety Coordinator position. Motion carried unanimously.

After a staff presentation by Fred Tillman, Chief of Police, Commissioner Lindenborn made a motion, seconded by Commissioner Tugman, to approve the position of Assistant Fire Chief. Motion carried unanimously.

After a staff presentation by Lawrence Cutrone, City Manager, Mayor Pro-Tem Love made a motion, seconded by Commissioner Beard, to approve the updated job description of the Executive Director of the Burkburnett Development Corporation. Motion carried unanimously.

ITEM 13. Discuss and take any action necessary regarding Ordinance Number 1016.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING THE FISCAL YEAR 2022 GENERAL FUND BUDGET POLICE AND FIRE DEPARTMENT SALARIES: FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

After a staff presentation by Lawrence Cutrone, City Manager, Commissioner Tugman made a motion, seconded by Mayor Pro-Tem Love, to approve Ordinance Number 1016. Motion carried unanimously.

ITEM 14. Discuss and take any action necessary regarding Resolution Number 725.

A RESOLUTION DEFINING AND CLARIFYING THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS INTERPRETATION OF ARTICLE V, SECTION 5(C) PERTAINING TO THE ‘ADVICE AND CONSENT’ OF THE BOARD OF COMMISSIONERS IN THE PERSONNEL HIRING AND FIRING DECISIONS OF THE CITY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Mr. Pat Bintner addressed the Mayor and Commissioners with his public comments, to which the Mayor responded with a reply of facts regarding ‘Advice and Consent’.

Commissioner Tugman made a motion, seconded by Commissioner Beard, to approve Resolution Number 725. Motion carried unanimously.

ITEM 15. Discuss and update regarding the Outdoor Warning Siren System.

Fred Tillman, Chief of Police, updated the Mayor and Commissioner regarding the status of the Outdoor Warning Siren System.
ITEM 16. Discuss and take any action necessary on the Memorandum of Understanding (MOU) between the Burkburnett Police Department and the Burkburnett Independent School District Police Department.

After a staff presentation by Fred Tillman, Chief of Police, Mayor Pro-Tem Love made a motion, seconded by Commissioner Beard, to accept the Memorandum of Understanding between the Burkburnett Police Department and the Burkburnett Independent School District Police Department. Motion carried unanimously.

ITEM 17. Discuss and take any action necessary regarding the execution of the Agreement for Fire Protection and First Responder Services with Wichita County Fire Departments and Volunteer Fire Departments.

After a staff presentation by Fred Tillman, Chief of Police and Harold Watkins, Fire Chief, Commissioner Tugman made a motion, seconded by Commissioner Lindenborn, to approve the contract with Wichita County for Fire Protection Services. Motion carried unanimously.

ITEM 18. Discuss and take any action necessary on the City of Burkburnett entering a maintenance agreement with Stewart & Stevenson for annual maintenance of four (4) generators.

After a staff presentation by Fred Tillman, Chief of Police, Commissioner Lindenborn made a motion, seconded by Commissioner Beard, to approve the agreement with Stewart & Stevenson for the annual maintenance of the generators. Motion carried unanimously.

ITEM 19. Discuss and take any action necessary regarding the reappointments of the following individuals to serve on the Parks and Recreation Board: Rodney McCleskey Jr., Kim Horn, Commissioner Cory Brinkley, Brett Einhaus, Tiffany King, and Brian Love.

After a staff presentation by Brent Battista, Director of Parks and Recreation, Mayor Pro-Tem Love made a motion, seconded by Commissioner Beard, to approve the reappointments of this slate of board members to the Parks and Recreation Board. Motion carried unanimously.

ITEM 20. Discuss and take any action necessary on Resolution Number 726 regarding selling property owned by the Burkburnett Development Corporation located on Sheppard Road.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AUTHORIZING THE BURKBURNETT DEVELOPMENT CORPORATION TO SELL 1.30 ACRES TO VAQUERO VENTURES MANAGEMENT, LLC. TO PROMOTE NEW BUSINESS DEVELOPMENT WITHIN BURKBURNETT, TEXAS.

After a staff presentation by Richard Gordon, Executive Director of the Burkburnett Development Corporation, Commissioner Beard made a motion, seconded by Commissioner Lindenborn, to adopt Resolution Number 726. Motion carried unanimously.

ITEM 21. Discuss and take any action necessary on the Contractor Agreement between Richard Gordon and the City of Burkburnett for contract work beyond April 29, 2022.

After a staff presentation by Lawrence Cutrone, City Manager, and comments from Robert Jones, President of the Board of Directors for the Burkburnett Development Corporation,
Commissioner Lindenborn made a motion, seconded by Commissioner Beard, to approve the Contractor Agreement.

Ayes (4): Mayor Pro-Tem Love, Commissioner Beard, Commissioner Lindenborn, and Commissioner Tugman
Nays (1): Mayor Law

Motion carried.

ITEM 22. Discuss and take necessary action on River Creek Golf Course Facility Master Plan.

After a staff presentation by Mike Whaley, Director of Public Works, Mayor Pro-Tem Love made a motion, seconded by Commissioner Tugman, to approve the River Creek Golf Course Facility Master Plan expenditure of $17,500. Motion carried unanimously.

ITEM 23. Discuss and take any action necessary regarding Ordinance Number 1017, budget amendment for the creation of the River Creek Golf Course Master Plan.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING THE FISCAL YEAR 2022 CAPITAL IMPROVEMENT FUND BUDGET FOR RIVER CREEK GOLF COURSE FACILITY MASTER PLAN: FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Commissioner Tugman made a motion, seconded by Mayor Pro-Tem Love, to approve Ordinance Number 1017. Motion carried unanimously.

ITEM 24. 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 551.074 - Discuss the appointment, employment, evaluation, reassignment, duties, discipline, dismissal of, or to hear a complaint against the public officer or employee
   A. Appointment of Chief Fred Tillman as Director of Public Safety
   B. Agreement for Director of Public Safety
   C. Agreement for City Manager

Mayor Law closed the Regular Meeting and adjourned to Executive Session at 8:44 p.m.

ITEM 25. RECONVENE

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

Mayor Law reconvened the Regular Meeting at 10:02 p.m.

Commissioner Tugman made a motion, seconded by Commissioner Lindenborn, to approve Chief Fred Tillman as Director of Public Safety. Motion carried unanimously.

Commissioner Tugman made a motion, seconded by Commissioner Lindenborn, to approve the Agreement with the Director of Public Safety. Motion carried unanimously.
Commissioner Tugman made in a joint motion, seconded by Mayor Pro-Tem Love, to terminate the Agreement with our City Manager, which was dated 9/1/2018, and to approve a new Agreement with the City Manager which will be dated 3/21/2022. Motion carried unanimously.

ITEM 26. CITY MANAGER'S REPORT
Lawrence Cutrone, City Manager, reported that the TML Region V Dinner Meeting would be at the Burk Burnett Community Center on April 21, 2022.

ITEM 27. 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 salutary 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 salutary 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.

Mayor Pro-Tem Love announced that the Candidate Forum would be at the Burk Burnett Community Center on April 19, 2022.

ITEM 28. ADJOURNMENT
Mayor Pro-Tem Love made a motion, seconded by Commissioner Lindenborn, to adjourn. Motion carried unanimously, and the meeting adjourned at 10:05 p.m.

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Carl Law, Mayor

ATTEST:

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Margie Poole, City Clerk