MINUTES
BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas, met in a Regular Meeting on Monday, August 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
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

Commissioner Brinkley was absent.

Others present were Travis Haggard, Executive Director, BDC; Fred Tillman, City Manager; Raika Rowe, City Attorney; Mike Whaley, Director of Public Works; Trish Holley, Director of Administration; Nikki Tepfer, Deputy City Clerk; and Margie Poole, City Clerk, Tag Davis; Pam Hughes-Pak.

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

ITEM 2. INVOCATION
Commissioner Love gave the invocation.

ITEM 3. PLEDGE OF ALLEGIANCE
Mayor Kemp led the Pledge of Allegiance.

ITEM 4. PERSONAL/AUDIENCE COMMENTS
There were no comments.

ITEM 5. CONSENT AGENDA
Approval of Minutes from the July 17, 2023 Workshop Meeting
Approval of Minutes from the July 17, 2023 Regular Meeting
Approval of Minutes from the July 31, 2023 Special-Called Workshop

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

ITEM 6. PRESENTATION AND DISCUSSION REGARDING CYBERSECURITY BY RELEVANTTEC
Tag Davis, Chief Revenue Officer with RelevantTec, gave a presentation to the Mayor and Commissioners. No action was taken.

ITEM 7. PUBLIC HEARING: Mayor Kemp closed the Regular Meeting and opened the Public hearing at 7:36 p.m. to discuss the annexation of the 107.9 acre tract of land with the
legal description of 107.9 AC ABST 1 ANDERSON WM H, Wichita County, Texas, commonly known as the River Creek Golf Course.

There were no public comments.

ITEM 8. Mayor Kemp closed the Public Hearing and re-opened the Regular Meeting at 7:36 p.m. to discuss and take any action necessary on Ordinance Number 1041.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF BURKBURNETT; EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE THE HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS; GRANTING TO THE TERRITORY AND TO ALL FUTURE INHABITANTS ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

After a staff presentation by Fred Tillman, City Manager, Commissioner Brewster made a motion, seconded by Commissioner Lindenborn, to approve Ordinance Number 1041. Motion carried unanimously.

ITEM 9. Discuss and take any action necessary regarding Ordinance Number 1042, Work/Live Unit Allowance for the Downtown District.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE BASIC ZONING ORDINANCE NUMBER 589 BY CREATING A DOWNTOWN DISTRICT OVERLAY DEFINED BY ILLUSTRATION 13; MAKING FINDINGS OF FACT; PROVIDING FOR REPEAL OF PORTIONS OF ORDINANCES IN CONFLICT AND PROVIDING FOR RELATED MATTERS.

After a staff presentation by Fred Tillman, City Manager, Commissioner Brewster made a motion, seconded by Commissioner Love, to approve Ordinance Number 1042. Motion carried unanimously.

ITEM 10. Discuss and take any action necessary regarding Resolution Number 747.

A RESOLUTION OF THE CITY OF BURKBURNETT, TEXAS, FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR AND UPDATE GENERATION RIDERS TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AUTHORIZING HIRING OF LEGAL COUNSEL; 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 by Fred Tillman, City Manager, Commissioner Brewster made a motion, seconded by Mayor Kemp, to approve to deny the rates. Motion carried; Commissioner Love abstained.
ITEM 11. Discuss and take any action necessary regarding Resolution Number 748.

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 2023 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 ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING 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 staff presentation by Pam Hughes Pak, Mgr. of Public Affairs with Atmos Energy, Mayor Pro-Tem Richter made a motion, seconded by Commissioner Love, to approve Resolution Number 748. Motion carried unanimously.

ITEM 12. Discuss and take any action necessary to approve the Water and Wastewater Revenue Sufficiency and Rate Study Proposal from NewGen Strategies & Solutions.

After a staff presentation by Fred Tillman, City Manager, Commissioner Lindenborn made a motion, seconded by Commissioner Mitchell, to approve the proposal from NewGen Strategies. Motion carried unanimously.

ITEM 13. Discuss and take any action necessary to approve the Memorandum of Understanding with the Burkburnett Independent School District for the use of a fire truck.

After a staff presentation by Fred Tillman, City Manager, Commissioner Brewster made a motion, seconded by Commissioner Mitchell, to approve the Memorandum of Understanding. Motion carried unanimously.

ITEM 14. Discussion of the proposal from the Texas Municipal League for roofing repair of City Hall, Library, and Fire Station.

A staff presentation by Fred Tillman, City Manager was given to the Mayor and Commissioners. No action taken.

ITEM 15. Discuss and take any action necessary regarding the Hotel/Motel Tax Agreement.

After a staff presentation by Fred Tillman, City Manager, Commissioner Brewster made a motion, seconded by Mayor Kemp, to have the Hotel Occupancy Tax Board recommendation come to the Board of Commissioners for final approval.

Ayes (4): Mayor Kemp, Commissioner Brewster, Commissioner Mitchell, and Commissioner Love

Nays (1): Mayor Pro-Tem Richter
Abstained (1): Commissioner Lindenborn

Motion carried.

ITEM 16. Discuss and take any action necessary to accept the Texas A&M Forest Service Firefighter Property Program Grant.

After a staff presentation by Dan King, Fire Chief, Commissioner Brewster made a motion, seconded by Mayor Kemp, to approve. Motion carried unanimously.

ITEM 17. BURKBURNETT DEVELOPMENT CORPORATION REPORT

Travis Haggard, Executive Director Of The BDC, presented the BDC Report to the Mayor and Commissioners.

ITEM 18. CITY MANAGER’S REPORT

Fred Tillman, City Manager, presented the City Manager’s report to the Mayor and Commissioners.

ITEM 19. COMMISSIONERS’ COMMENTS

Mayor Kemp thanked everyone for taking the time to be there for most of the day and for the work put into preparing for the workshop. Mayor Pro-Tem Richter wanted to inform everyone that next Tuesday would be Bingo at the Community Center to Support the Yellow Rose, Meals on Wheels, Boys and Girls Club, and Grace Ministries. He also mentioned the blood drive that will be held Thursday, 2:30 – 6:30.

ITEM 20. 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 551.072 - Discuss the purchase, exchange, lease, sale, or value of real property, and public discussion of such would not be in the best interests of the City's bargaining position.

SECTION 551.074 - Discuss the appointment, employment, evaluation, reassignment, duties, discipline, dismissal of, or to hear, a complaint against the public officer or employee:
Service Agreement with Scott Anderson, River Creek Golf Course
Melinda Dyer, Assistant Director of Developmental Services
Municipal Court Judge Agreement: Stacy Kosub

SECTION 551.087 - Discuss commercial or financial information received from an existing business or business prospect with which the City is negotiating for the location or retention of a facility, or for incentives the City is willing to extend, or financial information submitted by same.

Per the Minutes of the Special Called Meeting, the Board of Commissioners went into Executive Session at 6:07 p.m.
Commissioner Brewster made a motion, seconded by Commissioner Lindenborn, to approve the Service Agreement for Scott Anderson and River Creek Gold Course. Motion carried unanimously.

Commissioner Brewster made a motion, seconded by Commissioner Lindenborn, to approve the Municipal Court Judge Agreement with Stacy Kosub. Motion carried unanimously.

ITEM 21. RECONVENE
Reconvene to regular session and take action, if any, on matters discussed in Executive Session.

The Mayor reconvened the Special Called Meeting at 6:47 p.m. No action was taken during the Special Called Meeting. The following action was taken during the Regular Meeting concerning the discussions during the mentioned Executive Session.

Commissioner Brewster made a motion, seconded by Commissioner Lindenborn, to approve the Service Agreement for Scott Anderson and River Creek Gold Course. Motion carried unanimously.

Commissioner Brewster made a motion, seconded by Commissioner Lindenborn, to approve the Municipal Court Judge Agreement with Stacy Kosub. Motion carried unanimously.

ITEM 22. ADJOURNMENT
Mayor Kemp adjourned the meeting at 8:47 p.m.

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Lori Kemp, Mayor

ATTEST:

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Margie Poole, City Clerk