

## ***MINUTES***

### ***BOARD OF COMMISSIONERS***

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, January 15, 2018, at 7:00 p.m. in the Council Chambers of the City Hall, 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:

Michael R. Tugman	Mayor
Frank Ducos	Mayor Pro-Tem
Randy Brewster	Commissioner
Jeremy Duff	Commissioner
Don Hardy	Commissioner
Bill Lindenborn	Commissioner
Marguerite Love	Commissioner

Others present: Mike Whaley, City Manager; Trish Holley, Director of Administration; Lawrence Cutrone, Director of Public Works; Brent Battista, Director of Parks and Recreation; Richard Gordon, Executive Director of Burkburnett Development Corporation /Director of Planning; Janelle Dolan, City Clerk; Ed Stahr, Police Chief; and Mike Guevara, with Shahan, Guevara, Decker and Arrott, Attorneys.

Item 1. Mayor Tugman called the meeting to order.

Item 2. Invocation was given by Commissioner Ducos.

Item 3. The Pledge of Allegiance was led by Commissioner Lindenborn.

Item 4. Consent Agenda.

A. Approval of Minutes from December 18, 2017 Regular Scheduled Meeting

Motion was made by Commissioner Lindenborn, seconded by Commissioner Duff to approve the Consent Agenda with the following addition to Item 10: *Motion was made by Commissioner Love, seconded by Commissioner Hardy to approve the appointments to the TIF Board as presented.* Motion carried unanimously.

Item 5. Mayor closed the regular meeting at 7:02 p.m. and opened the “Public Hearing” for the following permit requests to drill proposed Oil Wells located at:

- a) 19.757 ACRES RRVL BLK 11
- b) 558.472 AC E REXFORD S/D ABST – 395

The following addressed the Mayor and Commissioners:

Michael Alpers, 992 Coulter – (\*Mr. Alpers was not in favor allowing the oil wells at Site A located off of Kramer Rd. and Preston Rd.)

Item 6. Mayor closed the Public Hearing and reopened the regular meeting at 7:04 p.m. to discuss and take any action necessary on permit requests to drill proposed Oil Wells located at:

- a) 19.757 ACRES RRVL BLK 11
- b) 558.472 AC E REXFORD S/D ABST – 395

Mike Whaley, City Manager, addressed the Mayor and Commissioners and stated Newport Operating LLC submitted an application to drill five new wells for production. Mr. Whaley stated Site A is located off of Kramer Rd. and Preston Rd. and adjacent to Chapman Circle and Regency. Site B is located behind the property formerly known as the Pitts Property which is also off of Preston Rd. Mr. Whaley stated during the public hearing that was facilitated by Lawrence Cutrone, Director of Public Works, the drillers stated there is a probability of a tank battery being constructed on Site A. Mr. Whaley stated it is staff's recommendation to approve the permits for oil wells located on Site B and deny the permits for oil wells located on Site A (which is designated for residential development within the Comprehensive Plan).

Motion was made by Commissioner Brewster, seconded by Commissioner Duff to approve staff's recommendation to approve the permits for oil wells located on Site B and deny the permits for oil wells located on Site A. Motion carried unanimously.

Item 7. Resolution Number 635 was presented in its entirety.

A RESOLUTION OF SUPPORT OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS SUPPORTING THE BURKBURNETT ROYAL GARDENS, LLC'S PROPOSED DEVELOPMENT OF AFFORDABLE RENTAL HOUSING KNOWN AS BURKBURNETT ROYAL GARDENS, TO BE LOCATED AT DANNY TAYLOR DRIVE IN THE CITY OF BURKBURNETT, WICHITA COUNTY, FINDING AND DETERMINING THIS MEETING WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Lisa Vecchietti, a consultant with Housing Lab by Betco, addressed the Mayor and Commissioners, and stated this apartment complex is similar to the Pioneer Crossing Senior Living Development already located in Burkburnett. This one will only have 49 units and is also tailored to seniors. Ms. Vecchietti stated the resolution of support is needed to apply for the Texas Department of Housing and Community Affairs Housing Tax credit program. Mayor Tugman requested that his name be removed from the resolution leaving the title Mayor only and also asked that the resolution include language that the development is restricted to seniors.

Motion was made by Commissioner Brewster, seconded by Commissioner Love to approve Resolution Number 635 with the removal of the mayor's name leaving the title Mayor only and also that the resolution include language that the development is restricted to seniors. Motion carried unanimously.

Item 8. Resolution Number 634, first reading.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AUTHORIZING THE BURKBURNETT DEVELOPMENT CORPORATION TO FUND UP TO THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) FOR THE DEVELOPMENT AND SUPPORT OF THE PERMIAN PARK PROJECT.

This action requires two readings before final consideration or approval. Mayor Tugman allowed discussion to take place. Discussion was held on the Burkburnett Development Corporation's (BDC) financial standing and the impact of this request on future prospect opportunities. Richard Gordon, Executive Director of the Burkburnett Development Corporation provided a review of the BDC's cash flow in relation to this request. Commissioner Brewster brought up concerns about fundraising efforts for this project. Brent Battista, Director of Parks and Recreation, addressed the fundraising concerns and stated that staff and the Parks and Recreation Board were actively seeking additional funding through various grants and private donations. The second reading of this resolution will occur at the next regular scheduled meeting.

Item 9. Resolution Number 633 was presented in its entirety.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 5, 2018 TO ELECT FOUR COMMISSIONERS; DESIGNATING THE POLLING PLACE AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.

Motion was made by Commissioner Hardy, seconded by Commissioner Lindenborn to approve Resolution Number 633 as presented. Motion carried unanimously.

Item 10. Motion was made by Commissioner Love, seconded by Commissioner Brewster to approve the reappointment of Danny Cremeens, Kim Horn, and Rodney McCleskey Jr. to the Parks and Recreation Board. Motion carried unanimously.

Item 11. Motion was made by Commissioner Ducos, seconded by Commissioner Hardy to approve the reappointment of Mickey Cornelius to the Zoning Board of Adjustments. Motion carried unanimously.

Item 12. Mr. Whaley addressed the Mayor and Commissioners and stated Bob Brady and Jonathan Ellzey have both submitted volunteer applications to serve on the Tax Increment Financing Zone (TIF) Board.

Motion was made by Commissioner Brewster, seconded by Commissioner Hardy to appoint Bob Brady to serve on the TIF Board. Motion carried unanimously.

Mayor Tugman moved up Agenda Item 15.

Item 15. The following addressed the Mayor and Commissioners:

Mike Oechsner, Red River Waste Management, 1402 Larchmont Place, Wichita Falls, TX-discussed requirements of hauling waste from NOV Solutions per the City's franchise agreement and requested the City grandfather his agreement to haul NOV Solutions' waste.

Mike Gaver, Waste Connections, 1201 West Smith Ave, Iowa Park, TX-discussed requirements of hauling waste from NOV Solutions per the City's franchise agreement and requested the City uphold the terms of the franchise agreement.

Item 13. Mayor Tugman closed the meeting at 7:44 p.m. and opened the 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 551.071 – Consultation with Attorney

a. Update on Civil Action No. 7:17-cv-00036M-BP

*Shelly D. Parham, individually, and Victor Hines III, as independent administrator of, and on behalf of, the Estate of Marcus Johnson.*

b. Discussion regarding City Franchise Agreement for the Collection, Hauling and Disposal of Municipal Solid Waste and Construction and Demolition Waste and pending litigation between Progressive Waste Solutions of TX, Inc. and Red River Waste Management, L.L.C.

B. SECTION 551.074(a)-Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

a. City Manager Evaluation

Item 14. Mayor Tugman reconvened the regular meeting at 11:02 p.m. No action was taken.

Item 16. City Manager's report.

- File Application for Place on the Ballot – January 17<sup>th</sup> – February 16<sup>th</sup>

- TML Region 5 Quarterly Meeting – January 18<sup>th</sup> @ 6 pm-Iowa Park
- Chamber of Commerce Banquet –January 20<sup>th</sup> @ 6 pm-Community Center
- “A Servant's Heart” Community Volunteer Forum-January 23<sup>rd</sup> @ 6:30 pm-Community Center
- Polar Plunge with the North Texas Special Olympics – February 3<sup>rd</sup>-Boomtown Aquatic Center

Item 17. No Commissioner’s comments.

Item 18. Motion was made by Commissioner Hardy, seconded by Commissioner Duff to adjourn. Motion carried unanimously.

Michael R. Tugman, Mayor

**ATTEST:**

Janelle Dolan, City Clerk