

AGENDA

Notice is hereby given of a meeting of the Board of Commissioners of Burkburnett to be held on **Monday, February 18, 2019, at 7:00 p.m.** at City Hall-Council Chambers, 501 Sheppard Road, Burkburnett, Texas for the purpose of considering the following agenda items. The Board of Commissioners may discuss and take action on any item on this agenda. The Board of Commissioners reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

The public may speak on items listed on the posted agenda. All persons desiring to address a specific agenda item must submit an "Appearance before the City Commissioners" form prior to the reading of the item to the City Clerk, Janelle Stahr. The Mayor will allow comments before each agenda item for which they have requested to be heard. Comments will be limited to three (3) minutes with a maximum two (2) minute extension following approval by a majority of the members of the Board of Commissioners.

Item 1. Mayor: Call meeting to order.

Item 2. Invocation-

Item 3. Pledge of Allegiance.

Item 4. CONSENT AGENDA:

A. Approval of Minutes from January 21, 2019, Regular Meeting.

Item 5. Discuss and take any action necessary on Resolution Number 657.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AUTHORIZING THE BURKBURNETT DEVELOPMENT CORPORATION TO ENTER INTO A LINE OF CREDIT IN THE AMOUNT OF \$150,000 WITH FIRST BANK FOR THE PURPOSE OF FUNDING NEW GROWTH AND DEVELOPMENT IN THE CITY OF BURKBURNETT, TEXAS AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Item 6. Discuss and take any action necessary on Resolution Number 658, First Reading.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE BURKBURNETT DEVELOPMENT CORPORATION AND LEE HARVEY PROVIDING FOR THE PAYMENT OF ECONOMIC INCENTIVES IN RETURN FOR THE NEW BUSINESS DEVELOPMENT WITHIN BURKBURNETT, TEXAS.

Item 7. Discuss and take any action necessary on possible purchase of a double door cargo container and placement of the container.

Item 8. Discuss and take any action necessary on reappointment to the Planning and Zoning Commission.

Item 9. Discuss and take any action necessary on reappointments to the Parks and Recreation Board.

Item 10. Discuss and take any action necessary on appointment of an ex-officio member to the Parks and Recreation Board.

Item 11. Discuss and take any action necessary on Ordinance Number 946.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CITY OF BURKBURNETT CODE OF ORDINANCES BY AMENDING CHAPTER 36: CITY COMMISSIONERS BY REPEALING SECTION 36.24 SPECIAL MEETINGS AND SECTION 36.30 ABSENCE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Item 12. 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. Discuss and take any action necessary regarding instituting and implementing civil service in the Burkburnett Police Department.
- B. SECTION 551.072-Deliberation Regarding Real Property

Item 13. Reconvene to regular session and take action, if any, on matters discussed in Executive Session.

Item 14. Public Comments.

The Board of Commissioners invites citizens to speak on any topic.

Please fill out an "Appearance Before City Commissioners" form in order to address the Commissioners and turn the form in prior to 7:00 p.m. to City Clerk, Janelle Stahr.

Public Comments are limited to five minutes. Time limits can be adjusted by the Mayor to accommodate more or fewer speakers.

Meetings Act to limit its response to a statement of specific factual information or reciting the City's existing policy on that issue.

Item 15. City Manager's report.

- Friends of the Library Book Sale February 28th – March 1st.

Item 16. Commissioner's 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 other 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.

Item 17. Adjournment.

I, Janelle Stahr, City Clerk for the City of Burkburnett, Texas do hereby certify that I posted this agenda on the glass front door of the City Hall, facing the outside at 3:45 p.m. on February 15, 2019 in compliance with the Open Meeting Act Chapter 551.



Janelle Stahr, City Clerk

Posted 2/15/19 @ 3:45 PM

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 72 hours prior to this meeting. Please contact the City Clerk's office at (940) 569-2263 for further information.

I certify that the attached notice of the Board of Commissioners was removed by me from the glass front door of City Hall on the _____ day _____ 2019.

Title: _____

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, January 21, 2019, 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:

Carl Law	Mayor
Bill Lindenborn	Mayor Pro-Tem
Josh Andrajack	Commissioner
Randy Brewster	Commissioner
Jeremy Duff	Commissioner
Marguerite Love	Commissioner

Commissioner Hardy was not present.

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

Item 1. Mayor Law called the meeting to order.

Item 2. Ted Box, Church of Christ Minister gave the invocation.

Item 3. Commissioner Brewster led the Pledge of Allegiance.

Item 4. Consent Agenda.

A. Approval of Minutes from December 17, 2018, Regular Scheduled Meeting.

Motion made by Commissioner Love, seconded by Commissioner Lindenborn to approve the Consent Agenda. Motion carried unanimously.

Item 5. Resolution Number 654 was presented in its entirety.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE BURKBURNETT DEVELOPMENT CORPORATION AND DOUG SMITH PROVIDING FOR THE PAYMENT OF

ECONOMIC INCENTIVES IN RETURN FOR CONSTRUCTION AND OPERATION OF A CAR WASH WITHIN BURKBURNETT, TEXAS.

Motion made by Commissioner Andrajack, seconded by Commissioner Duff to approve Resolution Number 654 as presented. Motion carried unanimously.

Item 6. Resolution Number 655 was presented in its entirety.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE BURKBURNETT DEVELOPMENT CORPORATION AND WHALEY PRODUCTS, INC. PROVIDING FOR THE PAYMENT OF ECONOMIC INCENTIVES IN RETURN FOR THE CREATION OF NEW JOBS WITHIN BURKBURNETT, TEXAS.

Motion made by Commissioner Duff, seconded by Commissioner Love to approve Resolution Number 655 as presented. Motion carried unanimously.

Item 7. Resolution Number 656 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 4, 2019 TO ELECT THE MAYOR AND COMMISSIONERS FOR PLACE 1 AND PLACE 2; DESIGNATING THE POLLING PLACE AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.

Motion made by Commissioners Lindenborn, and Andrajack, seconded by Commissioner Duff to approve Resolution Number 656 as presented. Motion carried unanimously.

Item 8. Lawrence Cutrone, City Manager, addressed the Mayor and Commissioners and stated Section 15 of the bylaws of Nortex Regional Planning Commission outlines the procedure for allowing alternate or proxy voting delegates. Any voting alternate (or proxy) who is not an elected official from the member entity's governing body must (1) be a resident within the member entity's local jurisdiction, and (2) must be appointed by a letter signed by a quorum of the member entity's governing body. The Mayor has appointed Lawrence Cutrone to serve as a voting alternate (or proxy) to the Nortex Regional Planning Commission.

Motion made by Commissioner Andrajack, seconded by Commissioner Duff to approve the appointment of City Manager, Lawrence Cutrone as a voting alternate (or proxy) to the Nortex Regional Planning Commission. Motion carried unanimously.

Mayor Law moved up Agenda Items 11 and 12.

Item 11. Mr. Cutrone addressed the Mayor and Commissioners and stated due to the retirement of the Chief of Police Ed Stahr effective April 30, 2019, he is requesting advice and consent from the Board of Commissioners to begin the hiring process of a new Chief of Police. Direction is needed for staff to perform an internal search, external search, or both in the filling of the career position.

The following addressed the Mayor and Commissioners:

- Blake Deeb, Burkburnett Police Association (BPA), 101 E. College-Requested the BPA have input in the search for the new police chief.

Motion made by Commissioner Brewster, seconded by Commissioner Lindenborn to give advice and consent to begin the research and advertising for the new police chief. Motion carried unanimously.

Item 12. The following addressed the Mayor and Commissioners:

- Randy Neff, 979 Cheryl-Questions regarding the Burkburnett Police Department Employment Standards.
- Bill McKee, 219 Laurel Lane- Requested an LED upgrade to the street lights.

Item 9. Mayor Law closed the meeting at 7:18 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 551.074. Personnel Matters

- a. Discuss and take any action regarding the retirement of Chief Stahr.

B. Section 551.071 – Consultation with Attorney

- a. Discuss and take any action necessary regarding instituting and implementing civil service in the Burkburnett Police Department.
- b. Discuss and take any action necessary regarding possible tax laws affecting Texas municipalities.
- c. Discuss and take any action necessary on Civil Action No. 7:18-cv-00081-O filed by Joshua S. Stimpson in the United States District Court in the Northern District of Texas.

C. Section 551.072, Deliberation Regarding Real Property

- a. Discuss and take any action necessary regarding utility easements located at 901 Sycamore.

Item 10. Mayor Law reconvened the regular meeting at 9:53 p.m.

A. Section 551.074. Personnel Matters

- a. Discuss and take any action regarding the retirement of Chief Stahr.

Motion made by Commissioner Andrajack, seconded by Commissioner Duff to accept the retirement of Chief Stahr effective April 30, 2019. Motion carried unanimously.

B. Section 551.071 – Consultation with Attorney

- c. Discuss and take any action necessary regarding instituting and implementing civil service in the Burkburnett Police Department.

No action taken.

- d. Discuss and take any action necessary regarding possible tax laws affecting Texas municipalities.

No action taken.

- c. Discuss and take any action necessary on Civil Action No. 7:18-cv-00081-O filed by Joshua S. Stimpson in the United States District Court in the Northern District of Texas.

Motion made by Commissioner Andrajack, seconded by Commissioner Duff to authorize the City Manager to sign a compromise settlement agreement and release for Civil Action No. 7:18-cv-00081-O filed by Joshua S. Stimpson in the United States District Court in the Northern District of Texas. Motion carried unanimously.

C. Section 551.072, Deliberation Regarding Real Property

- a. Discuss and take any action necessary regarding utility easements located at 901 Sycamore.

Motion made by Commissioner Andrajack, seconded by Commissioner Duff to authorize city staff to proceed in obtaining an easement for utilities at 901 Sycamore. Motion carried unanimously.

Item 13. City Manager's report.

- Library Open House – January 26, 2019, 10:30 a.m. – 12:30 p.m.
- Polar Plunge with the North Texas Special Olympics – February 2, 2019, Boomtown Aquatic Center – Plunge 10:00 a.m.
- Mayor Law reported he and Mr. Cutrone would be attending an Emergency Management Training in Henrietta on February 6, 2019.

Item 14. No Commissioners Comments.

Item 15. Motion made by Commissioner Lindenborn, seconded by Commissioner Duff to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Janelle Stahr, City Clerk

RESOLUTION NUMBER 657

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AUTHORIZING THE BURKBURNETT DEVELOPMENT CORPORATION TO ENTER INTO A LINE OF CREDIT IN THE AMOUNT OF \$150,000 WITH FIRST BANK FOR THE PURPOSE OF FUNDING NEW GROWTH AND DEVELOPMENT IN THE CITY OF BURKBURNETT, TEXAS AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Board of the Burkburnett Development Corporation (the “BDC”) has requested a \$150,000.00 line of credit with First Bank for the purpose of funding new growth and development in the City of Burkburnett, Texas; and

WHEREAS, the Board of Commissioners desires to authorize the BDC President and Secretary/Treasurer to execute all documents necessary to enter into said line of credit;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, THAT:

SECTION 1. That the BDC is authorized to enter into a \$150,000.00 line of credit with First Bank, attached hereto as Exhibit A. The BDC President and Secretary/Treasurer are authorized to execute any document necessary to enter into the line of credit. This line of credit may be in any form and may bear interest at a rate and be payable upon terms deemed advisable by the BDC Board.

SECTION 2. That the meeting at which this Resolution was passed was open to the public as required by law.

PASSED AND APPROVED on this 18th day of February 2019.

Carl Law, Mayor

ATTEST:

Janelle Stahr, City Clerk

RESOLUTION NUMBER 658

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE BURKBURNETT DEVELOPMENT CORPORATION AND LEE HARVEY PROVIDING FOR THE PAYMENT OF ECONOMIC INCENTIVES IN RETURN FOR THE NEW BUSINESS DEVELOPMENT WITHIN BURKBURNETT, TEXAS.

WHEREAS, the Burkburnett Development Corporation (the “BDC”) is a Type B economic development corporation created by the City of Burkburnett, Texas (the “City”), a municipality with a population of less than 20,000;

WHEREAS, the BDC has proposed entering into an agreement with Lee Harvey wherein the BDC will provide Lee Harvey with economic incentives as set forth in the Economic Development Agreement (the “Agreement”) attached to this resolution as Exhibit A for the building improvements that will bring new business development to Burkburnett and will create at least five (5) new jobs in Burkburnett;

WHEREAS, this resolution has been given two readings before the Board of Commissioners: one on February 18, 2019 and another on the date this resolution was approved; and

WHEREAS, this resolution was approved in a meeting which was open to the public and preceded by proper notice as required by Chapter 551 of the Texas Government Code.

NOW, THEREFORE, be it

RESOLVED that the BDC is hereby authorized to provide economic incentives to Lee Harvey as set forth in the Agreement.

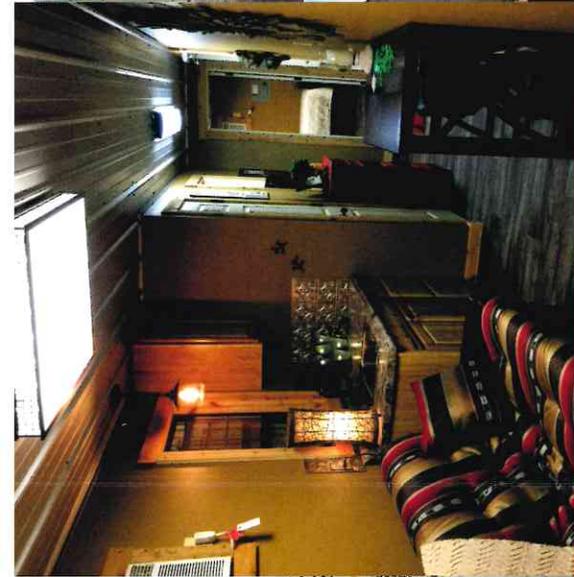
FURTHER RESOLVED that the officers of the City are hereby authorized and directed to take such action as may be reasonably necessary to carry this Resolution into effect.

First reading on February 18, 2019

APPROVED on this ___ day _____ 2019.

Carl Law, Mayor

Janelle Stahr, City Clerk



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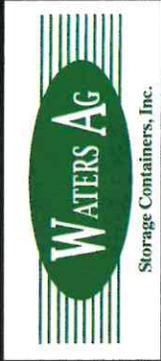
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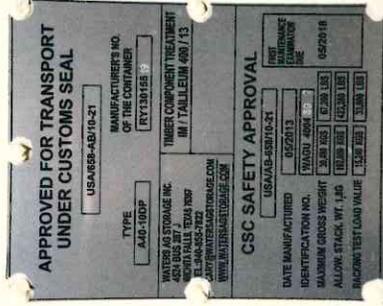
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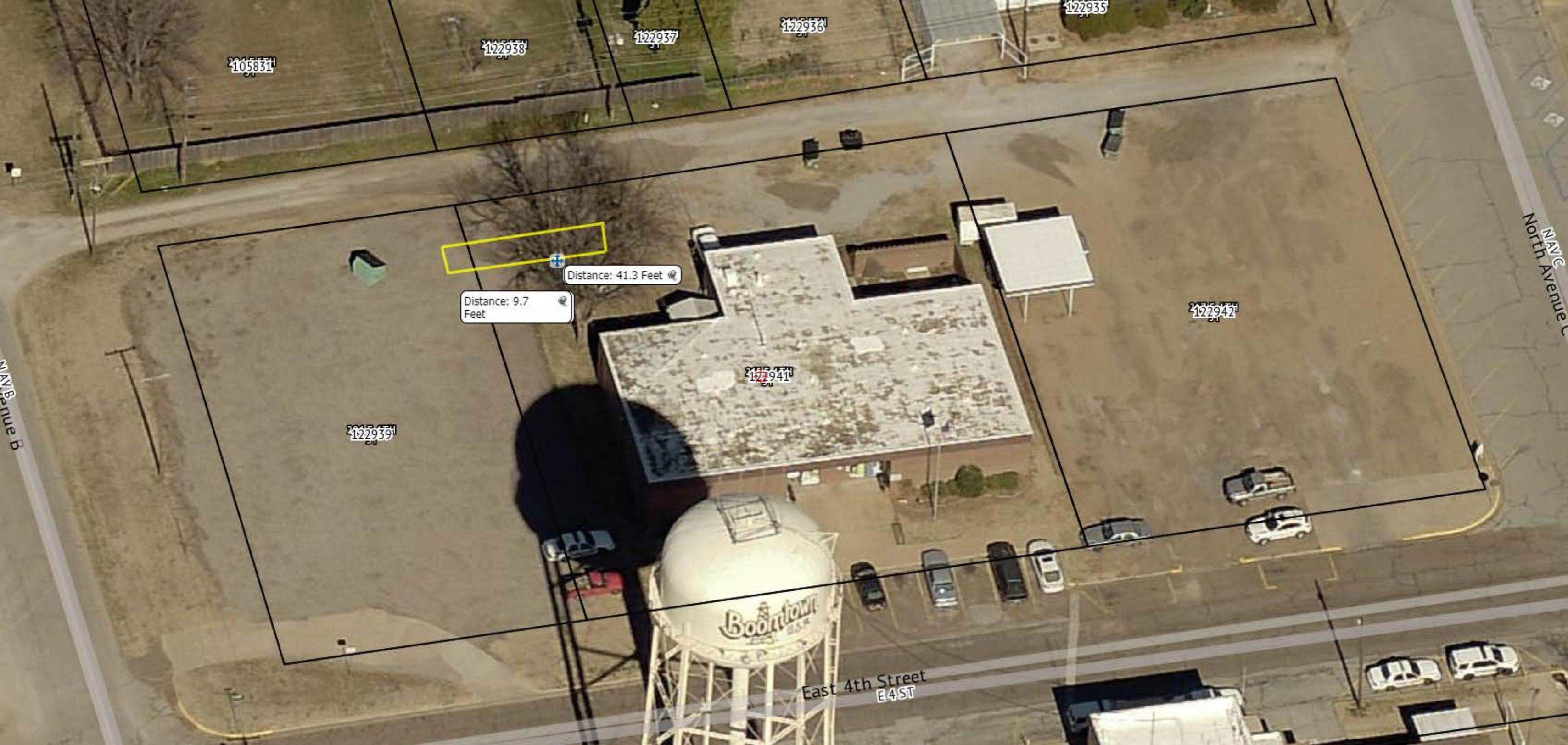
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Distance: 9.7 Feet

Distance: 41.3 Feet

East 4th Street
E 4ST

North Avenue C

North Avenue B

Boonton
N.J.

OYD

119440

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303 W 6TH ST

119442

JACK ST

614 W 6TH ST

119439

119447

Distance: 37.5 Feet

Distance: 11.7 Feet

205 W 5TH ST

119443

308 W 5TH ST

119438

119446

158625

West 5th Street

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201 WEST

N HOLLY DR

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446704

ORDINANCE NUMBER 946

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CITY OF BURKBURNETT CODE OF ORDINANCES BY AMENDING CHAPTER 36: CITY COMMISSIONERS BY REPEALING SECTION 36.24 SPECIAL MEETINGS AND SECTION 36.30 ABSENCE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Commissioners has determined Section 36.24 is contradictory to Article IV, Section 16 of the Burkburnett Charter and is unnecessary and Section 36.30 is contradictory to Article IV, Section 16 of the Charter which allows the Board of Commissioners to determine its own rules and procedure.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AS FOLLOWS:

Part 1. Enacted

THAT the Code of Ordinances of the City of Burkburnett is hereby amended by repealing in their entirety Section 36.24 Special Meetings and Section 36.30 Absence. As a place holding the following language shall be placed in both sections:

(Repealed Ord. 946, 02-18-2019; reserved for future use)

Part II: Repealer

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or are in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

Part III: Severability

It is hereby declared to be the intention of the Board of Commissioners that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, and the remainder of this Ordinance shall be enforced as written.

Part IV: Compliance with Texas Open Meetings Act

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

Part V: Effective Date

This Ordinance shall be in force and effect from and after its approval.

PASSED AND APPROVED THIS 18th DAY OF FEBRUARY 2019.

Carl Law, Mayor
City of Burkburnett, Texas

ATTEST:

Janelle Stahr, City Clerk