

AGENDA

Notice is hereby given of a Regular Meeting of the Board of Commissioners of Burkburnett to be held on **Monday, July 15, 2019, at 7:00 p.m.** at City Hall-Council Chambers, 501 Sheppard Road, Burkburnett, Texas to consider 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 before the reading of the item to the City Clerk, Margie Poole. 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 June 17, 2019, Regular Meeting and July 2, 2019, Special Called Meeting.

ITEM 5. Discuss and take any action necessary on a Site Plan for Josh Stimpson Six (6) individual quadruplexes at 306-404 S. Preston, Burkburnett.

ITEM 6. Discuss and take any action necessary on a Site Plan for a Portable Commercial Building at 800 County road for the Boys and Girls Club of Burkburnett.

ITEM 7. Resolution Number 664. 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 VICTRON STORES, L.P., dba TEXAS BEST BURKBURNETT PROVIDING FOR THE PAYMENT OF ECONOMIC INCENTIVES IN RETURN FOR CONSTRUCTION AND OPERATION OF THREE RESTAURANTS WITHIN BURKBURNETT, TEXAS.

ITEM 8. Resolution Number 665. 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 LITTLE WORLD LEARNING CENTER, INC. PROVIDING FOR THE PAYMENT OF ECONOMIC

INCENTIVES IN RETURN FOR EXPANSION OF A DAYCARE WITHIN
BURKBURNETT, TEXAS.

ITEM 9. Chief of Police report regarding Police Department update, including restructuring, certifications, and department identity.

ITEM 10. PUBLIC COMMENTS

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

Please fill out an “*Appearance Before City Commissioners*” form to address the Commissioners and submit the form before 7:00 p.m. to the City Clerk, Margie Poole.

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

Unless the item is specifically noted on this agenda, the Board of Commissioners is required under the Texas Open Meetings Act to limit its response to a statement of specific factual information or reciting the City’s existing policy on that issue.

ITEM 11. CITY MANAGER’S REPORT

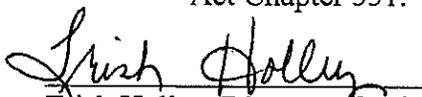
ITEM 12. COMMISSIONERS’ COMMENTS

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 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 13. ADJOURNMENT

I, Trish Holley, Director of Administration 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 9:00 am on July 12, 2019, in compliance with the Open Meetings Act Chapter 551.


Trish Holley, Director of Administration
Posted 7/12/19 @ 9:00 am

This facility is wheelchair accessible, and accessible parking spaces are available. If any accommodations for a disability are required, please notify the City Clerk's Office at 940.569.2263 at least 72 hours before the meeting date. With regards to any item, the Board of Commissioners may take various actions, including but not limited to rescheduling an item in its entirety or for particular action at a future date or time.

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, June 17, 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
Marguerite Love	Mayor Pro-Tem
Jeremy Duff	Commissioner
Ted Kwas	Commissioner
Bill Lindenborn	Commissioner

Commissioners Andrajack and Brewster were 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; Mike Whaley, Director of Public Works; Margie Poole, City Clerk; and Fred Tillman, Chief of Police.

ITEM 1. Mayor Law called the meeting to order.

ITEM 2. Liz Talbert, Pastor; First United Methodist Church gave the invocation.

ITEM 3. Commissioner Kwas led the Pledge of Allegiance.

ITEM 4. CONSENT AGENDA.

A. Approval of Minutes from May 13, 2019, Special Called Meeting and May 30, 2019, Regular Meeting

Motion made by Commissioner Duff, seconded by Mayor Pro-Tem Love to approve the Consent Agenda. Motion carried unanimously.

ITEM 5. Discuss and take any action necessary on Ordinance Number 949.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING THE BURKBURNETT CODE OF ORDINANCES BY AMENDING CHAPTER 97: PARKS AND RECREATION; AMENDING § 97.01 HOURS OF OPERATION; OVERNIGHT CAMPING; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Brent Battista, Director of Parks and Recreation, addressed the Mayor and Commissioners and stated that due to recent vandalism and theft, the staff recommends changing the operating hours of the parks. The parks would close at 10:00 p.m. to 5:00 a.m. and 10:00 p.m. to 8:00 a.m. for the skate park.

Motion made by Commissioner Lindenborn, seconded by Commissioner Kwas to approve Ordinance Number 949 as presented. Motion carried unanimously.

ITEM 6. Mayor Law closed the regular meeting at 7:05 p.m. and opened the “Public Hearing” for the following permit requests to drill two proposed Oil Wells located at 0 Roller Road.

Mike Whaley, Director of Public Works, addressed the Mayor and Commissioners. Mr. Whaley stated that Newport Operating, LLC has applied to drill two (2) additional oil wells at 0 Roller Road and permits were issued by the State Railroad Commissioners. Newport Operating, LLC also submitted the payment for the cost of the two (2) permits which was \$250 per well for a total of \$500 for the two (2) wells. A public hearing was held on June 10th as required by Ordinance. All adjacent property owners were notified of the public hearing. There was no one in attendance at this hearing. The staff does not see any conflict with the comprehensive plan or zoning regulations and recommends approval of both well permit requests.

ITEM 7. Mayor Law closed the “Public Hearing” and reopened the regular meeting at 7:07 p.m.

Motion was made by Mayor Pro-Tem Love, seconded by Commissioner Duff to approve permit requests to drill two (2) oil wells at 0 Roller Road. Motion carried unanimously.

ITEM 8. Richard Gordon, Executive Director for the Burkburnett Development Corporation (BDC), addressed the Mayor and the Commissioners. Mr. Gordon stated that there will be three (3) existing Board Members who will be reaching their term limit. The BDC has applications from three (3) individuals: Kathy Koch, Joe Lemond and Nathaniel Dickerson. These individuals have agreed to serve if the Commissioners approve. They were recommended and approved by the BDC Board by unanimous consent. The staff recommends appointment of these three (3) individuals.

Motion was made by Commissioner Duff, seconded by Commissioner Kwas to approve the appointment of Kathy Koch, Joe Lemond and Nathaniel Dickerson as ex-officio officers of the BDC Board. Motion carried unanimously.

ITEM 9. Lawrence Cutrone, City Manager, addressed the Mayor and Commissioners and stated that according to the Tax Increment Finance Board (TIF) By-Laws, the Board of Commissioners shall appoint a Vice Chairman for the TIF Board from the TIF Board members. The current Chairman of the TIF Board, Mr. Bin Ellett, recommended Aaron King.

Motion was made by Commissioner Duff, seconded by Commissioner Lindenborn to appoint Aaron King to serve as Vice Chair on the TIF Board. Motion carried unanimously.

Mayor Law recessed the meeting at 7:15 p.m.
Mayor Law reconvened the meeting at 7:30 p.m.

ITEM 10. Mayor Law closed the meeting at 7:31 p.m. pursuant to the Texas Opening 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 – Consult with Attorney

- a. Discussion regarding Petition to Correct Separation of License Report by Zachary Leonard.

ITEM 11. Mayor Law reconvened the meeting at 7:50 p.m.
The Executive Session convened with no consultation. The closed session did not commence.

ITEM 12. No Public Comments.

ITEM 13. CITY MANAGER’S REPORT

Lawrence Cutrone stated that City Hall will be closed on July 4th for the Fourth of July holiday. Additionally, Celebrate Freedom will be held on July 5th. We will have an opening band and a headline band, Casey Pilgreen, along with bounce houses and fireworks. Celebrate Freedom starts at 6:00 p.m. with fireworks at 9:30 p.m. Mr. Cutrone also announced that Lieutenant Lahoma Vaughn will be retiring on July 5, 2019, after working a total of 22 years in the police force – 16 years with the City of Burkburnett. We thank Lieutenant Vaughn for her service.

ITEM 14. COMMISSIONERS’ COMMENTS

Mayor Law thanked the City Staff for their great work putting together Juneteenth Event. The Mayor thought it was a success from the city’s standpoint.

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

Carl Law, Mayor

ATTEST:

Margie Poole, City Clerk

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a special called meeting on Tuesday, July 2, 2019, at noon 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
Marguerite Love	Mayor Pro-Tem
Josh Andrajack	Commissioner
Ted Kwas	Commissioner
Bill Lindenborn	Commissioner

Commissioners Duff and Brewster were not present.

Others present were Craig Peterson, TML Health; Lawrence Cutrone, City Manager; Trish Holley, Director of Administration; and Margie Poole, City Clerk.

ITEM 1. Mayor Law called the meeting to order.

ITEM 2. Commissioner Andrajack gave the invocation.

ITEM 3. Mayor Pro-Tem Love led the Pledge of Allegiance.

ITEM 4. Discuss and take any action necessary on Employee Benefits and Medical Insurance for Fiscal Year 2020.

In the absence of a competitive bid, Lawrence Cutrone, City Manager, addressed the Mayor and Commissioners and presented information from TML Health. TML requires a response by Monday, July 8, 2019. Mr. Craig Peterson with TML Health explained that the renewal is October 1, 2019, and the agreement between the city and TML Health Benefits Risk Pool specifies adhering to the timeline set each year - October renewals are released June 1, 2019, requiring completion around July 8, 2019. This timeline allows for an Open Enrollment period of August 15th to September 15th. Despite requests from the City for Claims Data, TML Health did not provide data; as such, no competitive bids were received. Mr. Peterson confirmed that TML Risk Pool is not under Texas State regulations for the Department of Insurance.

Lawrence Cutrone presented to the Commissioners a brief history of health plan coverage - Health Reimbursement Arrangement (HRA) added to offset rising deductibles. HRA benefit decreased from \$1200 to \$600 per year, the city dropped the dental coverage for employees and changed health plan to reduce city costs.

Lawrence Cutrone compared the costs of the Current Plan (Classic Plan) for the fiscal year 2019 with the Current plan for the fiscal year 2020, indicating a 5% reduction in cost for the city, with no change in coverage.

For the Fiscal Year 2020, there is the option to offer Collective Plans. Mr. Peterson addressed the commissioners and explained the benefits of the Collective Plans. The current plan or Classic Plan and is a single plan that does not have an office copay. The Collective Plans allows the City to offer three (3) plans to the employees (aka Triple Option). The employee can then review options and choose a plan. Mr. Peterson then described each of the plans comprising the Collective Plans - two (2) of the plans have an office copay, and one (1) of the plans is a Health Savings Account (HSA) Plan. The HSA plan is a high deductible plan with no office copays and an associated HSA.

Lawrence Cutrone provided employee feedback on the 2020 options and recommended the Commissioners move forward with the Collective Plans.

A motion was made by Commissioner Lindenborn, seconded by Commissioner Andrajack to move forward with the Collective Plans, utilizing a defined contribution amount of \$650 per employee, and continuing a 25% Dependent Contribution with a maximum cap of \$23,402.64. Motion carried unanimously.

ITEM 5. Lawrence Cutrone thanked the Commissioners for their time and that the employees are happy with this year's options.

ITEM 6. There were no additional comments from the Commissioners.

ITEM 7. Motion made by Commissioner Andrajack, seconded by Commissioner Lindenborn to adjourn. Motion carried unanimously, and the meeting adjourned at 1:08 p.m.

Carl Law, Mayor

ATTEST:

Margie Poole, City Clerk



City Commission Agenda Memo

From: Richard Gordon, Planning Director

Date: July 15, 2019

Item: Discuss and take any action necessary on the site plan for Mr. Josh Stimpson Quadrplexes at 306-404 S. Preston, Burkburnett, Texas.

Background

Mr. Stimpson has submitted a revised site plan for six Quadrplexes at this location. Prior submissions on included four Quadrplexes. The site plan has been reviewed by staff. Mr. Devin Smith, with Corlett, Probst, and Boyd is completing the final parts of the civil plan for the project to be started. The Civil plan will include the relocation of a sewer line that dissects the property.

The request follows the guidelines as set forth by Ordinance #589 and is zoned R1. Following rezoning in 2017-2018. The Site Plan reflects proper building limit lines and easements. The P&Z board unanimously approved this request subject to two conditions 1. Final submittal of Storm- water plan & 2. Final submittal of the landscape Plan specified in the Zoning Ordinance. P&Z board members present were Tim Cornelius, Robert Jones, and Carla Walters. Mark Barefield and Paul Gerstner were absent.

Fiscal Impact

N/A

Options

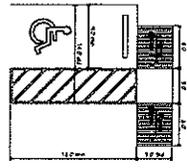
Approve Site Plan
Deny Site Plan
Approve with conditions

Staff Recommendation

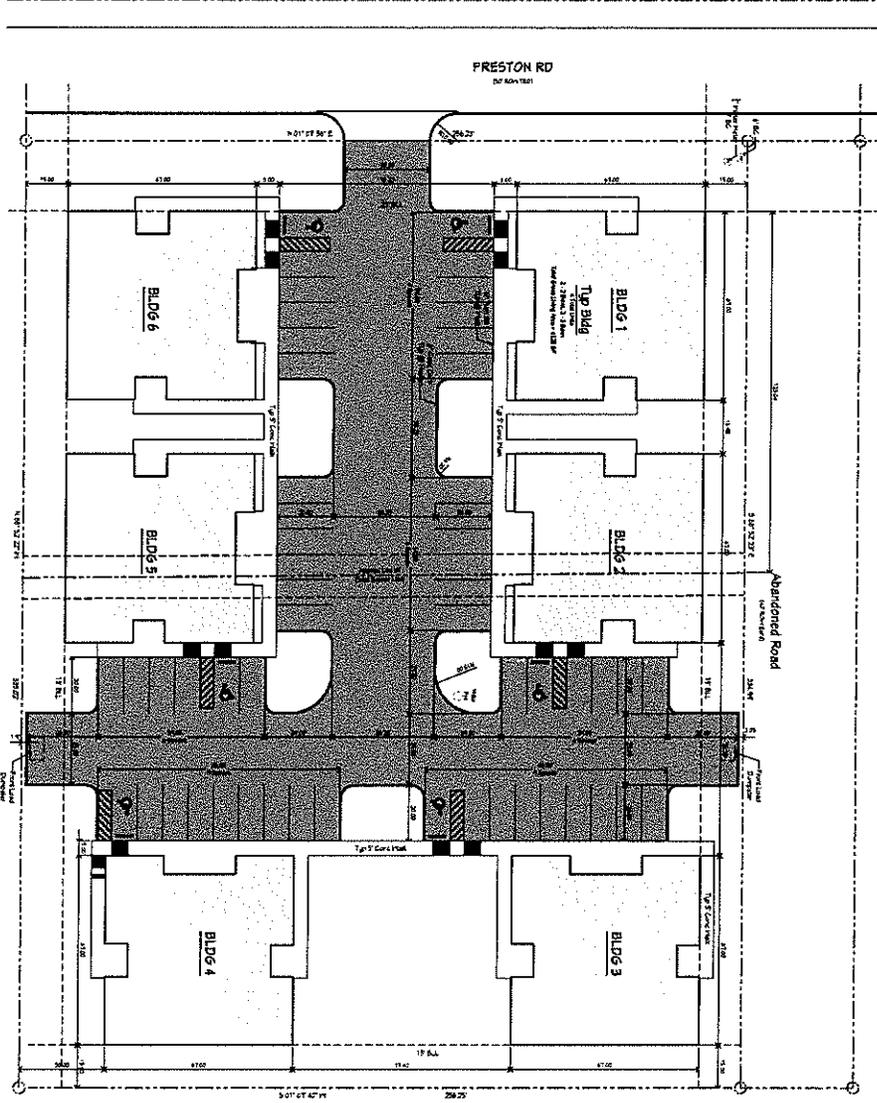
Approval conditionally as specified in the Background section.

Attachments

Site Plan
Elevation view



A Typ HC Space Detail
 2024-07-19



Vital Statistics
 267 Units
 21,280 sq ft
 27,000 sq ft
 47 Total Spaces
 6 HC Spaces

Grand Lot Area = 69,242.11 sq ft
 Gross Building Area = 24,700 sq ft

Proposed Site Plan

**Four-Plex Development
 306 Preston Rd
 Burkburnett, TX**

SP1.1



City Commission Agenda Memo

From: Richard Gordon, Planning Director

Date: July 15, 2019

Item Discuss and take any action necessary on the site plan for a Portable Commercial Building at 800 County Road for the Boys and Girls Club of Burkburnett.

Background

Mr. Mike Stauffer, the BBGC board member, has presented a site plan for consideration of approval to site a 1500 SF commercial building at this location. The Building will be used for much-needed classroom space at the Club. The location requested is within an existing commercial/business zone, and the developer has satisfied requirements as set forth by the zoning ordinance. The City staff has reviewed the plat for utility, access, setbacks and so forth and finds no conflict with the Subdivision Ordinance. The P&Z board approved this request to recommend to the Board of Commissioners by a unanimous vote of the members. Voting members Tim Cornelius, Robert Jones, and Carla Walters present. Board members Mark Barefield and Paul Gerstner were absent.

Fiscal Impact

N/A

Options

Approve Site Plan

Deny Site Plan

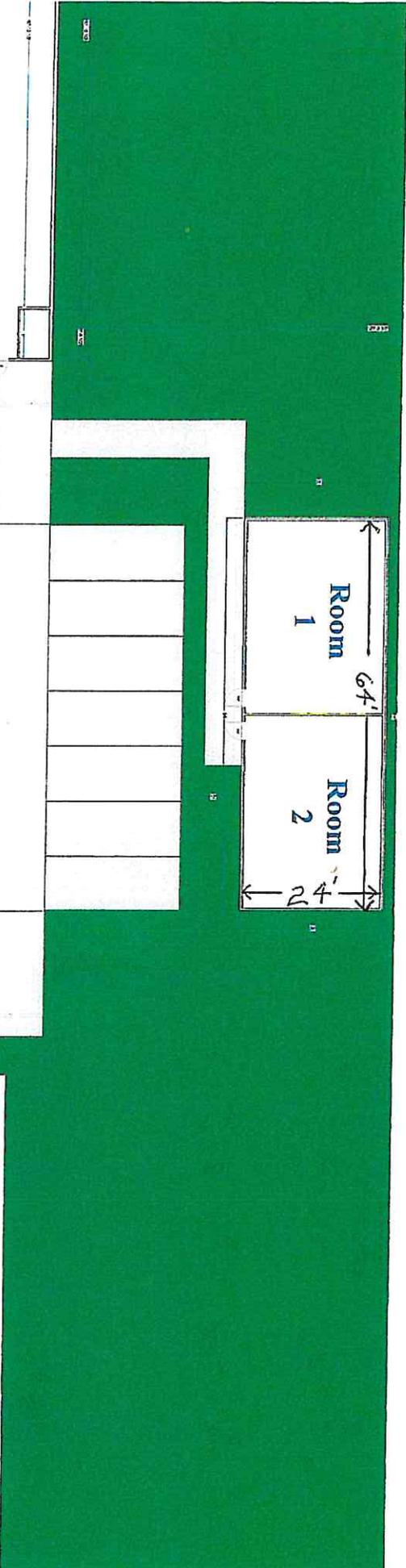
Approve with conditions

Staff Recommendation

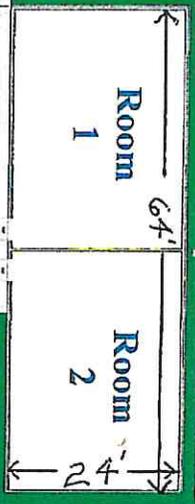
Approval

Attachments

Site Plan



**BBGC
Gym**



**Skate
Park**

N
Scale
1" = 25'



City Commission Agenda Memo

From: Richard Gordon, Planning Director

Date: July 15, 2019

Item Discuss and take any action necessary on Resolution 664, First Reading.

Background

Victron Stores, L.P., dba Texas Best Burkburnett has approached the BDC regarding financial incentives to construct a new building at the SW corner of I-44 and Third Street in Burkburnett.

Mr. Mohamed Sharf, Vice President, plans to construct a new building for a truck stop operation. They submitted a request to the BDC for funding to assist them with utility infrastructure including water, sewer, gas, and electric to this 18000 sq. Ft. Facility in the amount estimated at \$350,000. They plan to invest about \$9,000,000 into this facility. The BDC proposes an incentive package that includes a grant for \$200,000 to cover a portion of the off-site improvement utilities required. In addition to this agreement, a TIF agreement has been prepared for a \$150,000 to cover the remaining off-site development cost of these utilities. The Performance agreement is subject to business operation and the verification of utility construction. The BDC will pay this incentive over a roughly three year period starting with the first \$50,000 payment when the Certificate of Occupancy is issued and then payments every 12 months after that until the balance is paid.

The BDC board approved the incentive contract for submission to the Commissioners at July 9, 2019 board meeting by a unanimous vote (4-0). Board members present and voting were Ellzey, Hopkins, Cornelius, and Jones. Cremeen, Brantley, and McCleskey were absent.

Fiscal Impact

BDC \$200,000

TIF (TRIZ Fund) \$150,000 when approved by TIF Board.

Options

Approve agreement

Deny agreement

Staff Recommendation

Staff recommends approval of the agreement as presented.

Attachments

Resolution Number 664

Application by Vitron

Incentive Agreement

RESOLUTION NUMBER 664

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE BURKBURNETT DEVELOPMENT CORPORATION AND VICTRON STORES, L.P., dba TEXAS BEST BURKBURNETT PROVIDING FOR THE PAYMENT OF ECONOMIC INCENTIVES IN RETURN FOR CONSTRUCTION AND OPERATION OF THREE RESTAURANTS 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 Victron Stores, L.P., dba Texas Best Burkburnett (“Victron”) wherein the BDC will provide Victron economic incentives as set forth in the Economic Development Agreement (the “Agreement”) attached to this resolution as Exhibit A for new business development;

WHEREAS, this resolution has been given two readings before the Board of Commissioners: one on July 15, 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 Victron Stores, L.P. 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 July 15, 2019

APPROVED on this ____ day _____ 2019.

Carl Law, Mayor

Margie Poole, City Clerk



City Commission Agenda Memo

From: Richard Gordon, Planning Director

Date: July 15, 2019

Item Discuss and take any action necessary on Resolution 665, First Reading.

Background

Little World Learning Center, Inc., Burkburnett has approached the BDC regarding financial incentives.

Mrs. Marlowe Waddell, Director of this center, has applied for assistance with an emergency request for an Automatic Fire Alarm notification system for this facility. State regulations require that these facilities must have an automatic fire alarm system when their attendance reaches 100 children. This center now has over 200 children operated with a staff of 26 employees. The only way to keep in operation would be to reduce the number of children to less than 100, which would require a staff reduction of 14 employees. The staff has developed an incentive package to facilitate this required upgrade to the facility. The BDC would provide a \$24,000 jobs grant to retain 14 employees with an average wage rate of \$15/hour. The agreement has performance requirements for employees at Little World Learning Center. The financial support proposed would be secured by verification of employees annually during the term of the agreement and by a personal guarantee of Brian and Marlowe Waddell.

The BDC board approved the incentive contract for submission to the Commissioners at July 9, 2019 board meeting by a unanimous vote (4-0). Board members present and voting were Ellzey, Hopkins, Cornelius and Jones. Cremeen, Brantley, and McCleskey were absent.

Fiscal Impact

\$24,000

Options

Approve agreement

Deny agreement

Staff Recommendation

Staff recommends approval of the agreement as presented.

Attachments

Resolution Number 665

Application by Little World

Incentive Agreement

RESOLUTION NUMBER 665

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE BURKBURNETT DEVELOPMENT CORPORATION AND LITTLE WORLD LEARNING CENTER, INC. PROVIDING FOR THE PAYMENT OF ECONOMIC INCENTIVES IN RETURN FOR EXPANSION OF A DAYCARE 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 Little World Learning Center, Inc. ("Little World") wherein the BDC will provide Little World economic incentives as set forth in the Economic Development Agreement (the "Agreement") attached to this resolution as Exhibit A for new business development;

WHEREAS, this resolution has been given two readings before the Board of Commissioners: one on July 15, 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 Little World Learning Center, Inc. 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 July 15, 2019.

APPROVED on this ____ day _____ 2019.

Carl Law, Mayor

Margie Poole, City Clerk