

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Thursday, May 30, 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
Josh Andrajack	Commissioner
Randy Brewster	Commissioner
Jeremy Duff	Commissioner
Ted Kwas	Commissioner

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; Fred Tillman, Chief of Police; and Mike Whaley, Director of Public Works.

Item 1. Mayor Law called the meeting to order.

Item 2. Commissioner Duff gave the invocation.

Item 3. Commissioner Andrajack led the Pledge of Allegiance.

Item 4. Motion was made by Commissioner Andrajack, seconded by Mayor Pro-Tem Love to appoint Bill Lindenborn to the Board of Commissioners to fill a vacancy for a one (1) year term. Motion carried unanimously.

Item 5. The Oath of Office was administered to Bill Lindenborn by Trish Holley, Director of Administration.

Item 6. Consent Agenda.

- A. Approval of Minutes from April 2, 2019, Special Called Meeting and April 15, 2019, Regular Meeting.

Motion made by Commissioner Brewster, seconded by Commissioner Duff to approve the Consent Agenda. Motion carried unanimously.

Mayor Law removed Item 7 and Item 8 from the agenda.

Item 9. Ordinance Number 948 was presented in its entirety.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING CHAPTER 100 OF THE BURKBURNETT CODE OF ORDINANCES; REGULATIONS PERTAINING TO THE PUBLIC POOLS AND SPAS; DEFINING CERTAIN TERMS; CREATING AN OFFENSE FOR VIOLATION OF THE REGULATIONS AND ESTABLISHING A PENALTY; ESTABLISHING PROCEDURES FOR PERMITS AND CERTIFICATION OF MANAGERS OF OPERATIONS; AUTHORIZING INSPECTIONS; ESTABLISHING MAINTENANCE AND OPERATION PROCEDURES; PROVIDING FOR REGULATIONS IN THE POOL AND SPA AREA AND FOR SUSPENSION OF A PERMIT; ADOPTING DESIGN STANDARDS; PROVIDING FOR REVIEW OF REPAIR PLANS AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Brent Battista, Director of Parks and Recreation, addressed the Mayor and Commissioners and stated Ms. Susan Morris with the Wichita Falls Health Department, which is the regulatory authority for the City of Burkburnett, can answer any questions you may have.

Ms. Morris stated Ordinance Number 948 will meet the federal aquatic code regulating public and semi-public pools, spas, and aquatic facilities.

Motion made by Commissioner Andrajack, seconded by Commissioner Kwas to approve Ordinance Number 948 as presented. Motion carried unanimously.

Item 10. Richard Gordon, Planning Director, addressed the Mayor and Commissioners. Mr. Gordon stated Victron, Inc. presented a site plan to construct a Commercial Building for a Truck Stop at I44 and East Third Street in Burkburnett.

Mr. Gordon stated the proposed site plan reflects proper building limit lines and easements. The Planning and Zoning Board unanimously approved the request subject to two conditions: 1) Submit final stormwater plans, and 2) Submit final landscape plan specified by the Zoning Ordinance. The members present were Tim Cornelius, Robert Jones, Carla Walters, Mark Barefield, and Paul Gerstner.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Duff to approve the site plan for Victron, Inc. as presented subject to submitting the final stormwater and landscape plans. Motion carried unanimously.

Item 11. Richard Gordon, Planning Director, addressed the Mayor and Commissioners. Mr. Gordon stated Lipscomb Chevrolet presented a site plan to construct a Commercial Building for an Automobile Dealership at I44 and Daniels Road in Burkburnett.

Mr. Gordon stated the proposed site plan reflects the proper building limit lines and easements. The Planning and Zoning Board unanimously approved the request subject to two conditions: 1) Submit final stormwater plans; and 2) Submit final landscape plan specified by the Zoning Ordinance. The members present were Tim Cornelius, Robert Jones, Carla Walters, Mark Barefield, and Paul Gerstner.

Motion was made by Commissioner Brewster, seconded by Commissioner Duff.

Ayes: Mayor Law, Commissioners: Andrajack, Brewster, Duff, Love, and Kwas

Nays: None

Abstained: Commissioner Lindenborn

Item 12. Mayor Law closed the regular meeting at 7:15 p.m. and opened the “Public Hearing” for the following permit requests to drill two proposed Oil Wells located at:

The location of the two proposed oil wells were inadvertently left off the agenda. The location is 0 Roller Road.

Mike Whaley, Director of Public Works, addressed the Mayor and Commissioners. Mr. Whaley stated Newport Operating, L.L.C. has applied to drill two oil wells at 0 Roller Road and permits were issued by the State Railroad Commissioners. A public hearing was held on May 15th for the proposed locations. All adjacent property owners were notified of the hearings. After review and discussion of the well locations, there were no objections from the residents.

Item 13. Mayor Law closed the “Public Hearing” and reopened the regular meeting at 7:18 p.m.

Motion was made by Commissioner Brewster, seconded by Commissioner Duff to approve permit requests to drill two oil wells at 0 Roller Road.

Ayes: Mayor Law, Commissioners: Brewster, Duff, Lindenborn, Love, and Duff

Nays: None

Abstained: Commissioner Andrajack

Item 14. Resolution Number 663 was presented in its entirety.

A RESOLUTION OF THE CITY OF BURKBURNETT, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC’S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR PURSUANT TO 16 TEX. ADMIN. CODE § 25.243 TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; 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.

Lawrence Cutrone, City Manager, addressed the Mayor and Commissioners. Mr. Cutrone stated on April 8, 2019, Oncor Electric Delivery Company, LLC filed an application for approval to amend its Distribution Cost Recovery Factor with the Public Utility Commission of Texas to increase rates. The city is a member of the Steering Committee of Cities and attorneys recommended members deny the rate increase.

Motion was made by Commissioner Andrajack, seconded by Mayor Pro-Tem Love. Motion carried unanimously.

Item 15. Richard Gordon, Executive Director for the Burkburnett Development Corporation (BDC), addressed the Mayor and the Commissioners.

Mr. Gordon stated Mr. Ted Kwas resigned after being elected to the Board of Commissioners, which has created an open voting position on the BDC board. The BDC board selected Mickey Cornelius to fill that position. Mr. Cornelius was serving as an ex-officio member. BDC board members attending were Danny Cremeens, Robert Jones, Teresa Brantley, Casey McCleskey, and Stacy Hopkins and voted unanimously.

Motion was made by Commissioner Brewster, seconded by Commissioner Lindenborn to approve the appointment of Mickey Cornelius to serve as a voting member on the Burkburnett Development Corporation. Motion carried unanimously.

Item 16. Lawrence Cutrone, City Manager, addressed the Mayor and Commissioners and stated the Tax Increment Finance Board (TIF) needs a Chairman, and per Ordinance Number 708, the Board of Commissioners shall appoint one member of the TIF board to serve as the chair.

Motion was made by Commissioner Duff, seconded by Mayor Pro-Tem Love to appoint Bin Ellett to serve as Chair on the TIF board.

Ayes: Mayor Law, Commissioners: Andrajack, Brewster, Duff, Lindenborn, and Love

Nays: None

Abstained: Commissioner Kwas

Item 17. No Public Comments.

Item 18. City Manager's report.

Mr. Cutrone congratulated Bill Lindenborn and apologized for the mistakes on the agenda, thanked the staff for the hard work they do each week.

Item 19. Commissioners' Comments.

Mayor Pro-Tem Love stated the vandalism to the Park Restrooms is disheartening and hopes that it will eventually stop.

Commissioner Kwas stated he feels the same on the park vandalism.

Commissioner Lindenborn thanked the board for appointing him to serve the one-year vacancy and thanked the staff.

Commissioners: Brewster, Duff, and Andrajack thanked the staff as well.

Mayor Law made appointments to the Hotel Tax Occupancy Board. Mayor Pro-Tem Love will serve as the Chairperson, with Commissioners Lindenborn and Brewster as board members.

Item 20. Motion made by Commissioner Duff, seconded by Mayor Pro-Tem Love to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Trish Holley, Director of Administration