

**MINUTES**

**BOARD OF COMMISSIONERS**

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, August 19, 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

Commissioner Bill Lindenborn was not present.

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

**ITEM 1.** Mayor Law called the meeting to order at 7:00 p.m.

**ITEM 2.** Commissioner Kwas gave the invocation.

**ITEM 3.** Commissioner Andrajack led the Pledge of Allegiance.

**ITEM 4. CONSENT AGENDA.**

A. Approval of Minutes from July 15, 2019, Regular Meeting and July 31, 2019, Special Called Meeting.

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

**ITEM 5.** Discuss and take any action necessary on the Capital Improvement Program (CIP) and Operations & Maintenance (O&M) reallocation for the Fiscal Year 2020 Budget.

Lawrence Cutrone, City Manager, addressed the Mayor and Commissioners and stated that the Burkburnett Development Corporation had indicated that they would be interested in paying for two items requested during the CIP allocation portion of the FY-20 Budget workshop. These two items were the amphitheater sound and video systems. The City requests reallocation to fund a list of items for the Police Department and a Zero-Turn Mower for the Street Department. All of the requested reallocated CIP and O&M items equal the same amount previously approved at \$29,190.

Commissioner Andrajack made a motion, seconded by Mayor Pro-Tem Love, to approve the reallocation for the Fiscal Year 2020 Budget. Motion carried unanimously.

**ITEM 6.** Discuss and take any action necessary on Ordinance Number 950.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 71: TRAFFIC RULES, SECTION 71.01 STOP INTERSECTIONS TO SPECIFY THE PROCEDURE OF PLACING TRAFFIC CONTROL DEVICES WITHIN THE CITY LIMITS; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mike Guevara with Shahan Guevara Decker Arrott, addressed the Mayor and Commissioners and stated that this proposal honors the previous ordinance with added language to assist the prosecutor, authorizes the Public Works Director to place traffic control devices, under certain guidelines, and requires a report to be filed with the City Clerk. Commissioner Andrajack asked what specific areas of town brought this matter to light. Mike Whaley, Director of Public Works, commented that review was underway on an intersection in Green Acres addition (Sunset, Maple, and Pecan) to decide what would work best to control speed in this area.

Commissioner Duff made a motion, seconded by Mayor Pro-Tem Love, to adopt Ordinance Number 950. Motion carried unanimously.

**ITEM 7.** Discuss and take any action necessary on the Fiscal Year 2020 budget of the Burkburnett Development Corporation.

Richard Gordon, Executive Director of Burkburnett Development Corporation, addressed the Mayor and Commissioners and stated that the proposed final budget of \$386,564 includes \$100,000 for Vitro agreement (final payment), \$75,000 for NRG grants, \$50,000 for the BFAC, and, if approved, will provide the \$50,000 per year for the Victron Truck Stop. Commissioner Brewster asked if the reallocation funds were included in this budget. Mr. Gordon confirmed that those costs were not included in the budget. Discussion continued regarding the budget reserves and outstanding potential requests for additional funds.

Commissioner Andrajack made a motion, seconded by Commissioner Kwas, to approve the Fiscal Year 2020 budget of the Burkburnett Development Corporation. Motion carried unanimously.

**ITEM 8.** Discuss and take any necessary action on the re-election of officers of the Burkburnett Development Corporation for the Fiscal Year 2020.

Richard Gordon, Executive Director of Burkburnett Development Corporation, addressed the Mayor and Commissioners and stated that the Burkburnett Development Corporation Board met and opted to re-elect the current slate of officers: Robert Jones, President, Casey McCleskey, Vice President, and Stacy Hopkins as Secretary/Treasurer.

Commissioner Brewster made a motion, seconded by Mayor Pro-Tem Love, to approve the re-election of officers of the Burkburnett Development Corporation for the Fiscal Year 2020. Motion carried unanimously.

**ITEM 9.** Discuss and take action necessary on ex-officio appointments to the Burkburnett Development Corporation Board of Directors.

Richard Gordon, Executive Director of Burkburnett Development Corporation, addressed the Mayor and Commissioners and stated that Mr. Danny Cremeens, Ms. Teresa Brantley, and Mr. Matt Patterson had reached their term limits on the Board, as specified in the bylaws. The BDC Board has selected/nominated Mr. Bradley Adcock and Mr. Ryan Hardy as new voting members of the Board. Both these individuals were serving as ex-officio members of the BDC Board.

Commissioner Brewster made a motion, seconded by Mayor Pro-Tem Love, to approve the ex-officio appointments to the Burkburnett Development Corporation Board of Directors. Motion carried unanimously.

**ITEM 10.** Discuss and take any action necessary on Resolution 664, Second and Final 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.

Commissioner Duff made a motion, seconded by Commissioner Andrajack, to approve Resolution Number 664, the agreement between the Burkburnett Development Corporation and Victron Stores. Motion carried unanimously.

**ITEM 11.** Discuss and take any action necessary on Resolution 665, Second and Final 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.

Commissioner Kwas made a motion, seconded by Commissioner Duff, to adopt Resolution Number 665. Motion carried unanimously.

**ITEM 12.** Discuss and take any action necessary on the Seven (7) Tax Deeds and Property Cards for Trust Property in the City of Burkburnett from Texas Communities Group: (1) Sheppard Road; (2) 318 Buckner Street; (3) 316 W. 6th Street; (4) 602 Floyd Street; (5) W. 6th Street; (6) 607 Tidal Street; (7) 109 S. Avene B.

Richard Gordon, Planning Director, addressed the Mayor and Commissioners and stated that Texas Communities Group was contracted to review the trust properties and other properties that could be subjected to foreclosure by the City. Of the 15 trust properties, this is the first group of seven properties to be sold. Wichita County has already taken action in these transactions, and the Burkburnett ISD will take affirmative action on August 22, 2019. These sales totaling \$4,959 make our contract net positive for the first year of charges by this firm.

Commissioner Andrajack made a motion, seconded by Commissioner Duff, to approve the sale of the seven referenced properties. Motion carried unanimously.

**ITEM 13.** Mayor Law closed the regular meeting and opened the “Public Hearing” for the following Planning & Zoning Commission Case at 7:29 p.m.

- A. Rezone Case 2019-45: Charlotte and FM 369 - rezone 27.04 acres of property at this location from Residential Single-Family-6 (RSF-6) and Residential-2 (R-2) to Agricultural (AG).

Mr. Josh Stimpson addressed the Mayor and Commissioners and stated that he wants to build a building without a house.

**ITEM 14.** Mayor Law closed the “Public Hearing” and reopened the regular meeting at 7:30 p.m. to take any action necessary on the Planning & Zoning Commission Case.

- A. Rezone Case 2019-45: Charlotte and FM 369 - rezone 27.04 acres of property at this location from Residential Single-Family-6 (RSF-6) and Residential-2 (R-2) to Agricultural (AG).

Mr. Richard Gordon, Planning Director, confirmed that the staff recommends approval of this rezoning request.

Commissioner Andrajack made a motion, seconded by Commissioner Kwas, to approve Rezone Case 2019-45. Motion carried unanimously.

Mayor Law moved ITEM 17. PUBLIC COMMENTS before ITEM 15. EXECUTIVE SESSION.

**ITEM 15. 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 – Consult with Attorney
  - a. Discussion regarding pending TCOLE matter.

Mayor Law closed the meeting at 7:38 p.m. and opened the Executive Session.

**ITEM 16. RECONVENE**

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

Mayor Law reconvened the regular meeting at 8:29 p.m. No action was taken.

**ITEM 17. PUBLIC COMMENTS**

Mr. Henry Rodriguez addressed the Mayor and Commissioners and provided a close-out report of the Boomtown Summer Throwdown event. Mr. Rodriguez thanked the Commissioners, summarized the event's statistics and the financial impact on the city. Mr. Rodriguez stated that they plan to use the 2019 data to grow the event in 2020 and thereby bring more people to the city of Burkburnett.

**ITEM 18. CITY MANAGER'S REPORT**

Lawrence Cutrone thanked the Commissioners for their decisions tonight and their representation of the city. Mr. Cutrone also thanked Mike Guevara for his participation tonight and wished him luck in his upcoming election for State Representative.

**ITEM 19. COMMISSIONERS' COMMENTS**

Commissioner Duff passed on the many compliments he had received regarding our 4<sup>th</sup> of July Celebration. Commissioner Kwas mentioned we are moving in the right direction.

**ITEM 20. ADJOURNMENT**

Commissioner Brewster made a motion, seconded by Commissioner Duff to adjourn. Motion carried unanimously, and the meeting was adjourned at 8:35 p.m.

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Carl Law, Mayor

**ATTEST:**

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Margie Poole, City Clerk