

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas, met in a Regular Meeting on Monday, November 18, 2019, at 7:00 p.m. at City Hall-Council Chambers, 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
Jeremy Duff	Commissioner
Ted Kwas	Commissioner
Bill Lindenborn	Commissioner

Commissioner Randy Brewster was absent.

Others present were Lawrence Cutrone, City Manager; Brent Battista, Director of Parks and Recreation; Richard Gordon, Executive Director of Burkburnett Development Corporation (BDC) and Director of Planning; Fred Tillman, Chief of Police; Sarah Culp, Executive Assistant; Trish Holley, Director of Administration; Margie Poole, City Clerk; and Barbara Quirk with Shahan Guevara Decker Arrott, Attorneys at Law.

ITEM 1. CALL MEETING TO ORDER: MAYOR CARL LAW

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

ITEM 2. INVOCATION: DR. DUSTIN VAN TASSELL, THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

ITEM 3. PLEDGE OF ALLEGIANCE

Commissioner Duff led the Pledge of Allegiance.

ITEM 4. CONSENT AGENDA

A. Approval of Minutes from October 21, 2019.

Commissioner Andrajack made a motion, seconded by Commissioner Duff, to approve the Consent Agenda. Motion carried unanimously.

ITEM 5. PERSONAL/AUDIENCE COMMENTS

There were no comments from the audience.

ITEM 6. Discuss and take any action on a Contract for Services for the Verdunity Group for the City of Burkburnett and the Burkburnett Development Corporation to develop a Comprehensive Master Plan for Downtown Burkburnett.

Mr. Lawrence Cutrone, City Manager, addressed the Mayor and Commissioners and stated that recent developer interests have emerged in the downtown area of the City of Burkburnett. This area of town has historical value, and an appropriate vision and plan are recommended. The Board of Commissioners (BOC) has set aside \$20,000 in the FY 2020 CIP fund for a Strategic Plan for the City. Staff is now seeking approval from the BOC to reallocate the funds into a Strategic Plan for Downtown Burkburnett.

Mr. Cutrone introduced Mr. Kevin Shepherd, CEO of the Verdunity Group. Mr. Shepherd shared with the Mayor and Commissioners the rationale for developing a Master Plan for the Downtown area. Mr. Cutrone then introduced Mr. Solomon Floyd, CEO of Reunion Investments. Mr. Floyd shared with the Mayor and Commissioners his vision for developing the Downtown area, using private funds.

Mr. Cutrone clarified that staff is seeking approval of the reallocation of the \$20,000 and also the approval of the BDC's action for committing \$20,000 toward a total of \$40,000 to hire the Verdunity Group to develop the Master Plan for Downtown.

The discussion then focused on timelines and the balance of developing downtown versus commercial highway development. Mr. Cutrone then introduced Ms. Brook Beckett (Boomtown Revitalization), who addressed the Mayor and Commissioners, sharing her collaboration efforts to revitalize Boomtown, and thus celebrate our heritage.

Commissioner Andrajack made a motion, seconded by Commissioner Kwas, to approve the Contract for Services with the Verdunity Group for \$40,000 with \$20,000 of that price coming from the funds allocated in CIP for a Strategic Plan and the other \$20,000 coming from the Burkburnett Development Corporation. Motion carried unanimously.

ITEM 7. Discuss and take any action necessary on Resolution 666: 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 LEE HARVEY PROVIDING FOR THE PAYMENT OF ECONOMIC INCENTIVES IN RETURN FOR THE NEW BUSINESS DEVELOPMENT WITHIN BURKBURNETT, TEXAS.

Commissioner Lee Harvey addressed the Mayor and Commissioners, stating that an addendum to the original contract had been submitted to the BDC for additional items and unplanned expenses. Mr. Harvey requested additional funding not to exceed \$40,000, and he estimates to be under by approximately \$5,000.

Mr. Regan Reser, the Regional Fire Coordinator for the Texas A&M Forest Service, provided the Mayor and Commissioners an overview of the need for this project to fill a gap in their strategic plan, by bringing a small task force here to Burkburnett. Mr. Reser confirmed that there is no current plan to bring a fire truck. The discussion then centered around the potential of lowering the ISO rating and the total project costs – initial and current.

Commissioner Andrajack expressed concern that the citizens will not see a decrease in their homeowners' insurance costs due to learning that there will not a full-time paid fire service on the edge of town (no fire truck). Mr. Richard Gordon, Executive Director of the BDC, addressed the Mayor and Commissioners discussing the ISO fire code rating and the economic impact of this project for our citizens and town.

Commissioner Duff made a motion, seconded by Mayor Pro-Tem Love, to approve Resolution 666.

Ayes (5): Mayor Law, Mayor Pro Tem Love, Commissioners Duff, Kwas, and Lindenborn

Nays (1): Commissioner Andrajack

Motion carried.

ITEM 8. Discuss and take any action on the appointment of Mr. Dale Lewis as an Ex-Officio Director for the Burkburnett Development Corporation Board of Directors.

Commissioner Lindenborn made a motion, seconded by Commissioner Andrajack, to approve the appointment of Mr. Dale Lewis to the BDC Board as an Ex-Officio Director.

Ayes (5): Mayor Law, Mayor Pro Tem Love, Commissioners Andrajack, Duff, and Lindenborn

Nays (1): Commissioner Kwas

Motion carried.

ITEM 9. Discuss and take any action necessary on Ordinance Number 958.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CODE OF ORDINANCES BY REPEALING AND REPLACING CHAPTER 75: GOLF CARTS FOR CHRISTMAS PARCEL DELIVERY; REGULATING THE OPERATION OF GOLF CARTS WITHIN THE CITY LIMITS OF BURKBURNETT; REPEALING OF ALL PORTIONS OF THE CODE OF ORDINANCES IN CONFLICT; PROVIDING A PENALTY; PROVIDING FOR PUBLISHED NOTICE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

Mr. Lawrence Cutrone, City Manager, addressed the Mayor and Commissioners and stated that this is a continuation of our last meeting. The city attorney created two ordinances based on the feedback and recommendations expressed in the previous meeting. Ordinance 958A is the statutory language from Transportation Code 551 (minimal regulation). Ordinance 958B is the original ordinance drafted, inclusive of the feedback and recommendations received from last month's meeting (more comprehensive and regulated).

The discussion focused on the license plate requirement and the possibility of striking the verbiage "*...and for transportation to or from a golf course.*"

Commissioner Duff made a motion, seconded by Mayor Pro-Tem Love, to approve Ordinance 985B (original ordinance). Motion failed.

ITEM 10. Discuss and take any action necessary on Ordinance Number 959.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 102: SMOKING IN PUBLIC PLACES TO ADD CITY OWNED FACILITIES TO PUBLIC PLACES AND TO RAISE THE SMOKING AGE; REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

Commissioner Andrajack made a motion, seconded by Commissioner Duff, to approve Ordinance Number 959. Motion carried unanimously.

ITEM 11. Discuss and take any action necessary on Ordinance 960: Hotel Occupancy Tax Board.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 30: DEPARTMENTS, BOARDS, AND COMMISSIONS; ESTABLISHING THE HOTEL OCCUPANCY TAX BOARD; PROVIDING AN OPEN MEETINGS CLAUSE; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR RELATED MATTERS.

Ms. Sarah Culp, Executive Assistant, addressed the Mayor and Commissioners, stating that the staff is recommending the adoption of this Ordinance, which officially creates the Hotel Occupancy Tax Board.

Commissioner Duff made a motion, seconded by Mayor Pro-Tem Love, to adopt Ordinance 960. Motion carried unanimously.

ITEM 12. Discuss and take any action necessary regarding the adoption of bylaws for the Hotel Occupancy Tax Board.

Ms. Sarah Culp, Executive Assistant, addressed the Mayor and Commissioners, stating that at the November meeting, the HOT Board discussed and approved these bylaws unanimously. The HOT Board requests approval from the BOC.

Commissioner Lindenborn made a motion, seconded by Commissioner Duff, to approve the bylaws as presented. Motion carried unanimously.

ITEM 13. Discuss and take any action necessary regarding the selection of a Vice-Chair for the Hotel Occupancy Tax Board.

Ms. Sarah Culp, Executive Assistant, addressed the Mayor and Commissioners, stating that the HOT Board nominated and appointed Commissioner Bill Lindenborn as Vice-Chair of the HOT Board.

Commissioner Andrajack made a motion, seconded by Commissioner Duff, to approve the appointment of Commissioner Lindenborn as the Vice-Chair of the HOT Board. Motion carried unanimously with one abstention.

ITEM 14. Discuss and take any action necessary regarding implementing new Hotel Occupancy Tax Forms: Funding Application Form and Post-Event Form.

Ms. Sarah Culp, Executive Assistant, addressed the Mayor and Commissioners, stating that the previous application to request HOT funding was very basic, and the new version is more comprehensive, providing the nine state-mandated categories for how HOT funds may be applied. The post-event form will allow for tracking the success of the event and the utilization of funds.

Commissioner Duff commented that the post-event form would generate important data that can be used to recruit future events to the city.

Commissioner Duff made a motion, seconded by Commissioner Andrajack, to approve new Hotel Occupancy Tax Forms: Funding Application Form and Post-Event Form. Motion carried unanimously.

ITEM 15. CITY MANAGER'S REPORT

- A. City Audit process began today, November 18, 2019.
- B. Burkburnett Volunteer Fire Department is hosting Operation Santa with a motorcycle fun run on December 1st.
- C. First Annual Chili Cook-Off: December 7th at United Friendship Amphitheater from 11:00 a.m. to 2:00 p.m.
- D. City of Burkburnett's Annual Christmas Dinner: December 12th at the Community Center at 6:00 p.m.
- E. Burkburnett Chamber of Commerce Lighted Christmas Parade - *Winter Nights & Winter Lights*: December 14th at 6:30 p.m. with the parade line up starting at 5:30 p.m.

Mr. Cutrone also stated that he officially completed one year as the City Manager with this meeting.

ITEM 16. COMMISSIONERS' COMMENTS

Commissioner Andrajack shared that Mr. Kamali will open his store on Friday. There were no other comments.

ITEM 17. ADJOURNMENT

Commissioner Duff made a motion, seconded by Commissioner Kwas, to adjourn. The meeting adjourned at 8:44 p.m.

Carl Law, Mayor

ATTEST:

Margie Poole, City Clerk