

## ***MINUTES***

### ***BOARD OF COMMISSIONERS***

The Board of Commissioners of the City of Burkburnett, Texas, met in a Special-Called Meeting on Tuesday, May 26, 2020, at 5:30 p.m. at City Hall-Council Chambers, 501 Sheppard Road, Burkburnett, Texas. The meeting was open to the public via telephone conference call, with notice being given in compliance with the Open Meetings Act. The following Commissioners were present:

Carl Law	Mayor
Marguerite Love	Mayor Pro-Tem
Randy Brewster	Commissioner
Jeremy Duff	Commissioner
Ted Kwas	Commissioner
Bill Lindenborn	Commissioner

Commissioner Josh Andrajack was absent.

Others present were Lawrence Cutrone, City Manager; and Margie Poole, City Clerk.

Present in the City Hall Lobby were: Richard Gordon, Executive Director, BDC; Sarah Culp, Executive Assistant; Trish Holley, Director of Administration; Fred Tillman, Chief of Police; and Lt Shane Culp, Burkburnett Police Department.

#### **ITEM 1. CALL MEETING TO ORDER: MAYOR CARL LAW**

Mayor Law called the meeting to order at 5:30 p.m.

#### **ITEM 2. INVOCATION**

Commissioner Duff gave the invocation.

#### **ITEM 3. PLEDGE OF ALLEGIANCE**

Commissioner Kwas led the Pledge of Allegiance.

#### **ITEM 4. Recognition of the Burkburnett Emergency Management Team.**

F.C. Tillman, Chief of Police, addressed the Mayor and Commissioners, stating that approximately two months ago, city staff began the process of making an application for the National Oceanic and Atmospheric Administration's (NOAA) Weather-Ready Nation Ambassador Certification. Due to the Burkburnett Emergency Management Team's previous efforts, this achievement was a natural progression of credibility. Mr. Scott McRee and Detective Jeff Krc applied for and received this designated honor for our City. This achievement is above and beyond our current Storm-Ready Certification. This certification has real benefits for our citizens and is a very exclusive achievement. Chief Tillman requested that the Board of Commissioners recognize Mr. McRee and Detective Krc's initiative, hard work, and dedication. Chief Tillman presented them with the Director's Award of Excellence in Public Service.

**ITEM 5.** Recognition of employees of the Burkburnett Police Department.

F.C. Tillman, Chief of Police, addressed the Mayor and Commissioners, stating that in 2014 the Federal Bureau of Investigation in the State of Texas mandated that law enforcement agencies make the transition from uniformed crime reporting to national incident-based reporting submissions, with a completion date of January 1, 2021. To assist agencies with associated costs, the Department of Homeland Security has made grant funding available since 2014. Chief Tillman requested that the Board of Commissioners recognize Detective Jeff Krc, Administrative Assistant Shae Krc, and Lieutenant Shane Culp in securing a NIBRS grant from the Department of Homeland Security. Due to their efforts, the department will receive \$130,852 to implement new software to achieve the NIBRS mandate. Chief Tillman presented them with the Director's Award of Excellence in Public Service.

**ITEM 6.** Discuss and take any action on Resolution Number 677.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT APPROVING THE SUBMISSION OF THE GRANT APPLICATION FOR A NATIONAL INCIDENT-BASED REPORTING SYSTEM (NIBRS) TO THE DEPARTMENT OF HOMELAND SECURITY.

The City Manager asked to table this item until the next meeting.

**ITEM 7.** Discuss and take any action on the Burkburnett Police Department, entering a contract with Integrated Computer Systems (ICS).

The City Manager asked to table this item until the next meeting.

**ITEM 8.** Mayor Law closed the Special-Called Meeting and opened the Public Hearing at 5:38 p.m for the:

- A. Rezone Application Case 2020-51: Rezone 375 ft of lots 14 and 15 of Block 1 of the Deer Trails Addition, Burkburnett, Texas from R-2 to SF-6.

There were no public comments.

**ITEM 9.** Mayor Law closed the Public Hearing and reopened the Special-Called Meeting at 5:39 p.m. to discuss and take any action necessary for the:

- A. Rezone Application Case 2020-51: Rezone 375 ft of lots 14 and 15 of Block 1 of the Deer Trails Addition, Burkburnett, Texas from R-2 to SF-6.

In response to Mayor Pro-Tem Love's question regarding the difference between R-2 and SF-6, Sarah Culp, Executive Assistant, explained that R-2 allowed for mobile homes and manufactured homes, and SF-6 was single-family residential on a minimum of 6000 square foot lots.

Commissioner Lindenborn made a motion, seconded by Mayor Pro-Tem Love, to approve the Rezone Application Case 2020-51 from R-2 to SF-6 as written.

Commissioner Brewster expressed his concern on the public not be able to attend in person.

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

Nays (1): Commissioner Brewster

Motion carried.

**ITEM 10.** Mayor Law closed the Special-Called Meeting and opened the Public Hearing at 5:42 p.m. for the:

A. Final Plat Application 2020-52: Lots 1 through 29 of Block 1 and Lots 1 through 12 of Block 2 of the Deer Trails Addition, Burkburnett, Texas.

Mr. Bruce Deeb has asked that his request for the final plat be removed from consideration tonight.

B. Final Plat Application 2020-53: Lots 1 through 3 of Block 1, Lots 1 and 15a of Block 4 and Lot 1 of Block 6 of the Joy Springs Addition, Burkburnett, Texas.

Mr. John Adams addressed the Mayor and Commissioners, stating his concerns regarding this addition, including an increase in property tax, construction noise, and taking away from a country atmosphere.

Mr. Frank Andrajack addressed the Mayor and Commissioners, stating his support of this addition and that tabling this item until the Governor re-enacts the allowance for attendance by the citizens possibly would be problematic for multiple reasons. The lots in the development are committed, and any delay in the project would force six families to delay their construction plans for an unknown amount of time. Mr. Andrajack stated that the detention pond would reduce the periodic stormwater runoff in Joy Springs. New construction will increase the tax base in the City and the school district. New people and new students will be good for Burkburnett.

In response to Commissioner Duff's question regarding the pond, Mr. Boyd of Corlett Probst & Boyd PLLC addressed the Mayor and Commissioners, stating that the detention pond is designed to capture, store and gradually release the water that drains to it. Additionally, there is an alley being constructed on the West and North sides of the property that will limit the water that comes into this property from the North and the West. Mr. Boyd stated that he designed the detention pond with conservative values trying to not only limit the amount of water that comes through the subdivision but lessen it where the development is proposed.

**ITEM 11.** Mayor Law closed the Public Hearing and reopened the Special-Called Meeting to discuss and take any action necessary for the:

A. Final Plat Application 2020-52: Lots 1 through 29 of Block 1 and Lots 1 through 12 of Block 2 of the Deer Trails Addition, Burkburnett, Texas.

Mr. Bruce Deeb has asked that his request for the final plat be removed from consideration tonight.

B. Final Plat Application 2020-53: Lots 1 through 3 of Block 1, Lots 1 and 15a of Block 4 and Lot 1 of Block 6 of the Joy Springs Addition, Burkburnett, Texas.

Commissioner Lindenborn made a motion, seconded by Commissioner Duff, to approve the Final Plat Application 2020-53, as written.

Commissioner Brewster expressed his concern that the public was not able to attend in person. Mike Guevara, City Attorney, confirmed that under TOMA, Governor Abbott suspended the requirement that individuals be able to appear with the exception of Public Hearings. Individuals have to have the opportunity to speak during a Public Hearing. The rules allow for individuals to appear either by telephone or by video.

In response to Mayor Pro-Tem Love's question regarding neighborhood notifications, Sarah Culp, Executive Assistant, confirmed that notices were sent to all properties within 200 feet to the proposed district and a public notice published in the newspaper.

The discussion then centered around what would happen if this motion fails due to this telephonic process for Public Hearings.

AMENDED MOTION: Commissioner Brewster made an amended motion, seconded by Mayor Pro-Tem Love, to table this item until we can get further clarification so we can get public comments.

Ayes (3): Mayor Pro-Tem Love, Commissioners Brewster and Kwas

Nays (3): Mayor Law, Commissioners Duff and Lindenborn

The motion to amend failed as there were not four votes in support.

ORIGINAL MOTION: Commissioner Lindenborn made a motion, seconded by Commissioner Duff, to approve the Final Plat Application 2020-53, as written.

Ayes (4): Mayor Law, Mayor Pro-Tem Love, Commissioners Duff and Lindenborn

Nays (2): Commissioner Brewster and Kwas

Motion carried.

#### **ITEM 12. COMMISSIONERS' COMMENTS**

Mayor Pro-Tem Love commented that after the storm we had last Friday night, she had noticed that our Carport Overlay District had made a real difference in people filing hail claims on their vehicles.

#### **ITEM 13. ADJOURNMENT**

Mayor Pro-Tem Love made a motion, seconded by Commissioner Duff, to adjourn. The meeting adjourned at 6:30 p.m.

---

Carl Law, Mayor

**ATTEST:**

---

Margie Poole, City Clerk