

MINUTES

BOARD OF COMMISSIONERS

Due to the inclement weather and snowstorms, the Board of Commissioners' Regular Meeting was rescheduled to February 22, 2021 at 7:00 p.m.

The Board of Commissioners of the City of Burkburnett, Texas, met in the rescheduled, Regular Meeting on Monday, February 22, 2021, 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
Ted Kwas	Commissioner, Place 1
Randy Brewster	Commissioner, Place 2
Mike Tugman	Commissioner, Place 3
John Beard	Commissioner, Place 4
Bill Lindenborn	Commissioner, Place 6

Mayor Pro-Tem Marguerite Love was absent.

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

Present in the City Hall Lobby were: Sarah Culp, Planning Director; Richard Gordon, Executive Director of the BDC; Harold Watkins, Fire Chief; Detective Jeff Krc, BPD; Fred Tillman, Chief of Police; and Trish Holley, Director of Administration.

ITEM 1. CALL MEETING TO ORDER: MAYOR CARL LAW

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

ITEM 2. INVOCATION

Mark Simons, Pastor, Jan Lee Baptist Church, gave the invocation.

ITEM 3. PLEDGE OF ALLEGIANCE

Commissioner Tugman led the Pledge of Allegiance.

PUBLIC COMMENTS

Mr. Zac Leonard addressed the Mayor and Commissioners regarding his petition for reinstatement. Mr. William Dunleavy addressed the Mayor and Commissioners regarding Mr. Leonard's petition for reinstatement.

ITEM 4. CONSENT AGENDA

A. Approval of Minutes from the January 18, 2021 Regular Meeting.

Commissioner Tugman made a motion, seconded by Commissioner Lindenborn, to approve the minutes from the January 18, 2021 Regular Meeting. Motion carried unanimously.

ITEM 5. Mayor closed the Regular Meeting and opened the Public Hearing at 8:03 p.m. to discuss:

- A. Case 2020-66: Rezone from R-2 to R-1 and create a Planned Development Overlay District (PD-3) at 401, 405, and 407 E. 8th Street Burkburnett, Texas. (Legal Description lots 7-10 Blk 16 Original Town Burkburnett) for the construction of townhomes.

There were no public comments.

- B. Case 2020-69: Rezone from SF-6 to R-1 and create a Planned Development Overlay District (PD-5) at 409 and 417 Tidal Street, Burkburnett, Texas. (Legal Description lots 4 thru 9 blk 1 Howell, 25 X 125' blk 9 RRVL and lot 10 blk 1 Howell) for the construction of townhomes.

There were no public comments.

ITEM 6. Mayor closed the Public Hearing and re-opened the Regular Meeting at 8:04 p.m. to discuss and take any action necessary on:

- A. Case 2020-66: Rezone from R-2 to R-1 and create a Planned Development Overlay District (PD-3) at 401, 405, and 407 E. 8th Street Burkburnett, Texas. (Legal Description lots 7-10 Blk 16 Original Town Burkburnett) for the construction of townhomes.

Mr. Benny Loucios provided an overview of the project to the Mayor and Commissioners. Commissioner Tugman made a motion, seconded by Commissioner Lindenborn, to approve the Rezone Case 2020-66. Motion carried unanimously.

- B. Case 2020-69: Rezone from SF-6 to R-1 and create a Planned Development Overlay District (PD-5) at 409 and 417 Tidal Street, Burkburnett, Texas. (Legal Description lots 4 thru 9 blk 1 Howell, 25 X 125' blk 9 RRVL and lot 10 blk 1 Howell) for the construction of townhomes.

Mr. Benny Loucios provided an overview of the project and the timeframe to the Mayor and Commissioners. Commissioner Tugman made a motion, seconded by Commissioner Brewster, to approve the Rezone Case 2020-69. Motion carried unanimously.

ITEM 7. Discussion and take any action necessary on the Emergency Management Coordinator Position.

Mayor Law moved discussion of this agenda item to immediately after the Public Comments. Mayor Law noted that he had appointed Fire Chief Harold Watkins as the Emergency Management Coordinator. Detective Krc has agreed to continue as the Assistant Emergency Management Coordinator and monitor the weather until the next fiscal year. Detective Krc agreed to send weather updates to the Commissioners as well as the Mayor, Chief Watkins, Chief Tillman, and the City Manager.

ITEM 8. Discuss and take any action necessary on Ordinance Number 993.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CITY OF BURKBURNETT ZONING ORDINANCE BY CREATING A PLANNED DEVELOPMENT OVERLAY DISTRICT AT 401, 405, AND 407 E. 8TH STREET; MAKING FINDINGS OF FACT; PROVIDING FOR REPEAL OF PORTIONS OF ORDINANCES IN CONFLICT AND PROVIDING FOR RELATED MATTERS.

After a presentation from Ms. Sarah Culp, Director of Planning, Commissioner Brewster made a motion, seconded by Commissioner Beard, to approve Ordinance Number 993. Motion carried unanimously.

ITEM 9. Discuss and take any action necessary on Ordinance Number 994.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CITY OF BURKBURNETT ZONING ORDINANCE BY CREATING A PLANNED DEVELOPMENT OVERLAY DISTRICT AT 409 AND 417 TIDAL STREET MAKING FINDINGS OF FACT; PROVIDING FOR REPEAL OF PORTIONS OF ORDINANCES IN CONFLICT AND PROVIDING FOR RELATED MATTERS.

Commissioner Tugman made a motion, seconded by Commissioner Kwas, to approve Ordinance Number 994. Motion carried unanimously.

ITEM 10. Discuss and take any action necessary on Ordinance Number 995, updating the zoning map.

AN ORDINANCE AMENDING THE BASIC ZONING ORDINANCE NUMBER 589 OF THE CITY OF BURKBURNETT, TEXAS BY UPDATING THE ZONING MAP; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Lindenborn made a motion, seconded by Mayor Law, to adopt Ordinance Number 995. Motion carried unanimously.

ITEM 11. Discuss and take any action necessary on the appointment of Karen "Susie" Hill to the Planning and Zoning Board.

After a presentation from Ms. Sarah Culp, Director of Planning, Commissioner Brewster made a motion, seconded by Commissioner Tugman, to approve Karen "Susie" Hill's appointment. Motion carried unanimously.

ITEM 12. Discuss and take any action necessary on Resolution Number 693: 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 HAYDEN PRICE, POST OAK BBQ, LLC PROVIDING FUNDING TO PROMOTE BUSINESS DEVELOPMENT WITHIN BURKBURNETT, TEXAS.

Commissioner Lindenborn made a motion, seconded by Commissioner Beard, to adopt Resolution Number 693. Motion carried unanimously, with Commissioner Tugman abstaining.

ITEM 13. Discuss and take any action on Resolution Number 694.

A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION.

After a presentation from Mr. Lawrence Cutrone, City Manager, Commissioner Kwas made a motion, seconded by Commissioner Beard, to adopt Resolution Number 694. Motion carried unanimously.

ITEM 14. Discuss and take any action necessary Resolution Number 695

A RESOLUTION OF SUPPORT OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS SUPPORTING THE BURKBURNETT ROYAL GARDENS, LLC'S PROPOSED DEVELOPMENT OF AFFORDABLE RENTAL HOUSING KNOWN AS BURKBURNETT ROYAL GARDENS, TO BE LOCATED AT DW TAYLOR PATHWAY IN THE CITY OF BURKBURNETT, WICHITA COUNTY, FINDING AND DETERMINING THIS MEETING WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Mr. Michael Beard representing Burkburnett Royal Gardens provided an overview of the project to the Mayor and Commissioners and confirmed that the entrance is planned to be off DW Taylor.

Commissioner Brewster made a motion, seconded by Commissioner Lindenborn, to adopt Resolution Number 695. Motion carried unanimously.

ITEM 15. Discuss and take any action necessary Resolution Number 696.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS DETERMINING THAT AN AREA OF THE CITY CONTAINS CONDITIONS WHICH ARE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY AND CONSTITUTES A BLIGHTED AREA.

After a presentation from Mr. Richard Gordon, Executive Director, Burkburnett Development Corporation, Commissioner Lindenborn made a motion, seconded by Commissioner Tugman, to approve Resolution Number 696. Motion carried unanimously.

ITEM 16. Discuss and take any action necessary on the appointment of Mr. Joe Lemond to the Burkburnett Development Corporation Voting Board.

Commissioner Tugman made a motion, seconded by Commissioner Kwas, to approve the appointment of Mr. Joe Lemond to the voting board of the Burkburnett Development Corporation. Motion carried unanimously.

ITEM 17. Discuss and take any action necessary to purchase the property located at 414 Avenue A and the vacant lot on 4th Street in Burkburnett, Texas. Property Descriptions:

A. TRACT 1: LOT NOS. NINE (9), TEN (10), ELEVEN (11) AND TWELVE (12), BLOCK NO. THIRTY-EIGHT (38), ORIGINAL TOWN OF BURKBURNETT, AN ADDITION TO WICHITA COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 4, PAGE 41, WICHITA COUNTY PLAT RECORDS; AND

B. TRACT 2: LOT NOS. FOUR (4), FIVE (5), SIX (6), SEVEN (7) AND EIGHT (8), BLOCK NO. THIRTY-EIGHT (38), ORIGINAL TOWN OF BURKBURNETT, AN ADDITION TO WICHITA COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 4, PAGE 41, WICHITA COUNTY PLAT RECORDS.

Mr. Lawrence Cutrone, City Manager, addressed the Mayor and Commissioners, confirming the balance in the money market (1.7M) and the location of these properties.

Commissioner Tugman made a motion, seconded by Commissioner Lindenborn, to purchase the property located at 414 Avenue A and the vacant lot on 4th Street in Burkburnett, Texas.

Mayor Law and Commissioner Lindenborn expressed concern regarding the purchase of this property due to upcoming expenses. In response to Commissioner Lindenborn's question regarding using the increased sales tax revenue to purchase property, Mr. Cutrone confirmed that sales tax is unrestricted.

Ayes (5): Commissioner Beard, Commissioner Brewster, Commissioner Kwas, Commissioner Lindenborn, and Commissioner Tugman

Nays (1): Mayor Law

Motion carried.

ITEM 18. Discuss and take any action necessary on Ordinance Number 996.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING THE FISCAL YEAR 2021 GENERAL FUND FOR PURCHASE OF 414 AVENUE A AND THE VACANT LOT ON 4TH STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Commissioner Tugman made a motion, seconded by Commissioner Kwas, to approve Ordinance Number 996.

Ayes (5): Commissioner Beard, Commissioner Brewster, Commissioner Kwas, Commissioner Lindenborn, and Commissioner Tugman

Nays (1): Mayor Law

Motion carried.

ITEM 19. Discuss and take any action necessary regarding the leasing and ownership of the cemetery and other city properties.

Mayor Law moved discussion of this agenda item to follow the Public Comments and Agenda Item 7.

Mr. Barney Fudge and Mr. Kreg Keesee addressed the Mayor and Commissioners regarding Mr. Keesee's interest in the cemetery's care and maintenance.

The discussion then focused on questions regarding perpetual care, lease agreement, bidding requirements for the sale/lease of land, and the available gravesites/scanning the cemetery's old side.

Motion 1: Commissioner Lindenborn made a motion, seconded by Commissioner Brewster, to move forward with the sale of land with the stipulation that it be for a perpetual care facility, leasing the two existing properties. Commissioner Lindenborn withdrew his motion.

Mr. Kessee stated he needed to do more research regarding state law.

Motion 2: Commissioner Tugman made a motion, seconded by Commissioner Lindenborn, to move forward with a transition with the cemetery and allow staff to return to the next meeting with a recommendation based on conversations had with Mr. Fudge and Mr. Kessee. Motion carried unanimously.

ITEM 20. Discuss and take any action necessary on Resolution Number 697.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, APPROVING AND ADOPTING THE CHAPTER 380 ECONOMIC DEVELOPMENT AND BUSINESS STIMULUS PROGRAM.

Mr. Mike Guevara, City Attorney, addressed the Mayor and Commissioners, summarizing the Chapter 380 agreement, which allows for longer-term economic development programs, for example, sales tax or property tax abatements.

Commissioner Tugman made a motion, seconded by Commissioner Brewster, to approve Resolution Number 697. Motion carried unanimously.

ITEM 21. Discuss and take any action necessary on Resolution Number 698.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, APPROVING AND ADOPTING THE PUBLIC IMPROVEMENT DISTRICT POLICY.

Mr. Mike Guevara, City Attorney, addressed the Mayor and Commissioners, summarizing the Public Improvement District (PID) Policy, which puts assessments on the property within the PID to cover infrastructure costs.

Commissioner Tugman made a motion, seconded by Commissioner Lindenborn, to approve Resolution Number 698. Motion carried unanimously.

ITEM 22. Discuss and take any action necessary to change the day and time for Regular Meetings of the Board of Commissioners.

Commissioner Brewster made a motion to move the Regular Meetings to the third Tuesday at 5:30 p.m. Without a second; the motion was not considered.

ITEM 23. CITY MANAGER'S REPORT

Mr. Lawrence Cutrone, City Manager, reported that the drawing for the place on the ballot occurred today:

Place 1 – (1) Cory Brinkley, (2) Ted Kwas, and (3) Dale Stiles

Place 2 – (1) Randy Brewster and (2) Matt Harmon

ITEM 24. COMMISSIONERS' COMMENTS

There were no comments.

ITEM 25. ADJOURNMENT

Commissioner Tugman made a motion, seconded by Mayor Law, to adjourn. Motion carried unanimously, and the meeting adjourned at 9:00 p.m.

Carl Law, Mayor

ATTEST:

Margie Poole, City Clerk