

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas, met in a Regular Meeting on Monday, May 17, 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
Cory Brinkley	Commissioner, Place 1
Randy Brewster	Commissioner, Place 2
Mike Tugman	Commissioner, Place 3
John Beard	Commissioner, Place 4
Marguerite Love	Mayor Pro-Tem, Commissioner, Place 5
Bill Lindenborn	Commissioner, Place 6

Others present were Lawrence Cutrone, City Manager; Richard Gordon, Executive Director, Burkburnett Development Corporation; F.C. Tillman, Chief of Police; Harold Watkins, Fire Chief; Mike Guevara, City Attorney; Trish Holley, Director of Administration; and Margie Poole, City Clerk.

ITEM 1. CALL MEETING TO ORDER: MAYOR CARL LAW

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

ITEM 2. INVOCATION

Reverend Carl English, Senior Pastor of Providence Baptist Church, gave the invocation.

ITEM 3. PLEDGE OF ALLEGIANCE

Commissioner Brewster led the Pledge of Allegiance.

ITEM 4. CONSENT AGENDA

Approval of Minutes from the May 6, 2021 Special Called Meeting.

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

ITEM 5. PERSONAL/AUDIENCE COMMENTS

The following individuals addressed the Mayor and Commissioners:

- Mr. Michael Pappas regarding permit enforcement.
- Ms. Paula Sanders regarding ambulance service
- In support of Harold Watkins, Fire Chief
 - Mr. Joseph Dubski
 - Mr. Brennan Leslie
 - Mr. Greg Neal

ITEM 6. Discuss and take any action necessary on Resolution Number 705, annual three percent merit increase, Lawrence Cutrone, City Manager.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AUTHORIZING A SALARY ADJUSTMENT TO THE CITY MANAGER.

Mayor Law moved this Agenda Item to be a part of Agenda Item 14.

AFTER DISCUSSION IN EXECUTIVE SESSION:

Commissioner Tugman made a motion, seconded by Commissioner Brewster, to approve Resolution Number 705 as read.

Ayes (5): Mayor Law, Mayor Pro-Tem Love, Commissioners Brewster, Tugman, and Beard
Nays (2): Commissioners Brinkley and Lindenborn

Motion carried

ITEM 7. Mayor closed the Regular Meeting and opened the Public Hearing at 7:12 p.m. to discuss:
A. Case 2021-3: Carport Overlay District for the 1300 Block of Eleanor St.
Burkburnett, Texas

There were no public comments.

B. Case 2021-P1: Final Plat for Lots 7A, 7B, 8A, 8B, and 8C Avenue C Crossing Addition (a replat of lots 7&8 Block 20 Original Town Burkburnett.)

There were no public comments.

ITEM 8. Mayor closed the Public Hearing and re-opened the Regular Meeting at 7:13 p.m. to discuss and take any action necessary on:
A. Case 2021-3: Carport Overlay District for the 1300 Block of Eleanor St.
Burkburnett, Texas

Ms. Sarah Culp, Planning Director, addressed the Mayor and Commissioners regarding the carport overlay application. Commissioner Tugman noticed that it appeared that several renters (not owners) signed the petition.

Motion 1: Commissioner Tugman made a motion, seconded by Commissioner Beard, to table Agenda Item 8A until we get a better understanding of the owners and signers. Motion carried unanimously.

(RE-OPENED AFTER EXECUTIVE SESSION)

Ms. Sarah Culp, Planning Director, provided the Mayor and Commissioners information to clarify the owners/signers of the application.

Motion 2: Commissioner Tugman made a motion, seconded by Mayor Pro Tem Love, to approve Case 2021-3: Carport Overlay District for the 1300 Block of Eleanor Street. Motion carried unanimously.

B. Case 2021-P1: Final Plat for Lots 7A, 7B, 8A, 8B, and 8C Avenue C Crossing Addition (a replat of lots 7&8 Block 20 Original Town Burkburnett.)

Commissioner Tugman made a motion, seconded by Commissioner Brinkley, to approve Case 2021-P1. Motion carried unanimously.

ITEM 9. Discuss and take any action necessary on the Development Agreement with Lipscomb Chevrolet and the Tax Increment Financing District.

After a staff presentation from Ms. Sarah Culp, Planning Director, and discussion among the Commissioners, Commissioner Tugman made a motion, seconded by Mayor Pro Tem Love, to agree to terminate the Agreement with Lipscomb as presented. Motion carried with Commissioner Lindenborn abstaining.

ITEM 10. Discuss and take any action necessary on Ordinance Number 1001.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 113: BODY ART ESTABLISHMENTS; REMOVING COSMETIC TATTOOING FROM THE DESCRIPTION OF BODY ART; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

After a staff presentation from Ms. Sarah Culp, Planning Director, Mayor Pro Tem Love made a motion, seconded by Commissioner Brinkley, to approve Ordinance Number 1001 to allow for permanent makeup / cosmetic tattooing. Motion carried unanimously.

ITEM 11. Discuss and take any action necessary regarding the Texas Downtown Association City of Burkburnett - Downtown Assessment Proposal

After a staff presentation from Mr. Lawrence Cutrone, City Manager, Commissioner Tugman made a motion, seconded by Commissioner Beard, to move forward with the Downtown Assessment.

Ayes (6): Mayor Pro-Tem Love, Commissioners Brinkley, Brewster, Tugman, Beard, and Lindenborn
Nays (1): Mayor Law

Motion carried.

ITEM 12. Discuss and take any action necessary regarding the purchase of Fire Fighting Hose Equipment for the Fire Department.

After a staff presentation from Fire Chief Harold Watkins, Jr., Commissioner Brinkley made a motion, seconded by Commissioner Lindenborn, to approve the purchase of Fire Fighting Hose Equipment for the Fire Department. Motion carried unanimously.

ITEM 13. Discuss and take any action necessary on Ordinance Number 1002.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING THE FISCAL YEAR 2021 GENERAL FUND FIRE DEPARTMENT FOR FIRE FIGHTING HOSE EQUIPMENT: FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Commissioner Brewster made a motion, seconded by Commissioner Tugman, to approve Ordinance Number 1002. Motion carried unanimously.

ITEM 14. 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 551.074 – Discuss the appointment, employment, evaluation, reassignment, duties, discipline, dismissal of, or to hear a complaint against the public officer or employee.
 - a. Annual evaluation of Lawrence Cutrone, City Manager
 - b. ITEM 6: Resolution Number 705, annual three percent merit increase, Lawrence Cutrone, City Manager
- B. SECTION 551.071 – Consult with Attorney
 - a. Wichita County's Proposed Agreement for the Fire Protection and First Responder Services and Dispatch Services with the City of Burkburnett
 - b. Gexa Energy Storm Recovery Agreement Invoice
- C. SECTION 551.074 – Discuss the appointment, employment, evaluation, reassignment, duties, discipline, dismissal of, or to hear a complaint against the public officer or employee.
 - a. Employment agreement for Chief of Police
 - b. Employment agreement for Fire Chief

Mayor Law closed the Regular Meeting and adjourned to Executive Session at 7:43 p.m.

ITEM 15. RECONVENE

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

Mayor Law reconvened the Regular Meeting at 9:20 p.m.

*Action was taken on Agenda Item 6 and Agenda Item 8A
(see details listed in the minutes under the respective Agenda Items)*

No action was taken regarding Wichita County's Proposed Agreement for the Fire Protection and First Responder Services and Dispatch Services.

Commissioner Tugman made a motion, seconded by Commissioner Lindenborn, to approve the invoice with Gexa Energy under the default option. Motion carried unanimously.

Commissioner Brewster made a motion, seconded by Commissioner Tugman, to bring the City Manager, Chief of Police, and Fire Chief Agreements based on current City Manager agreement with Charter language added to the June Meeting. Motion carried unanimously.

ITEM 16. CITY MANAGER'S REPORT

City offices will be closed on Monday, May 31, 2021 in observance of Memorial Day.

ITEM 17. COMMISSIONERS' COMMENTS

Commissioner Brewster commented that the support Chief Watkins received from his staff spoke volumes. Mayor Law mentioned that on May 31st (Memorial Day), there would be a ceremony at the cemetery.

ITEM 18. ADJOURNMENT

Commissioner Lindenborn made a motion, seconded by Commissioner Tugman, to adjourn. Motion carried unanimously, and the meeting adjourned at 9:25 p.m.

Carl Law, Mayor

ATTEST:

Margie Poole, City Clerk