

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas, met in a Regular Meeting on Monday, September 20, 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
John Beard	Commissioner, Place 4
Marguerite Love	Mayor Pro-Tem, Commissioner, Place 5
Bill Lindenborn	Commissioner, Place 6

Commissioners Brewster and Tugman were absent.

Others present were Lawrence Cutrone, City Manager; Sarah Culp, Planning Director; Mike Guevara, City Attorney; Trish Holley, Director of Administration; Mike Guevara, City Attorney; 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

James Porterfield, Pastor, Central Baptist Church, gave the invocation.

ITEM 3. PLEDGE OF ALLEGIANCE

Commissioner Lindenborn led the Pledge of Allegiance.

ITEM 4. CONSENT AGENDA

Approval of Minutes from the August 16, 2021 Regular Meeting and August 19, 2021 Special-Called Meeting.

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

ITEM 5. PERSONAL/AUDIENCE COMMENTS

The Board of Commissioners invites citizens to speak on any topic. Please fill out a "***Public Comments***" form and submit the form before 7:00 p.m. to the City Clerk. Public comments are limited to five (5) minutes with a possible two (2) minute extension following the approval by a majority vote of the Commissioners. The Mayor may adjust time limits to accommodate more or fewer speakers. Unless the item is specifically noted on this agenda, the Board of Commissioners is required under the Texas Open Meetings Act to limit its response to a statement of specific factual information or reciting the City's existing policy on that issue.

There were no public comments.

ITEM 6. A1024 Section 3 Presentation to the Local Community regarding the Replacement of a 6-inch Water Line and Street Reconstruction Grant Project.

After an introduction by Mike Whaley, Director of Public Works, Jasmine Amo, Director of Economic Development, Nortex Regional Planning Commission, made a presentation to the Mayor and Commissioners.

ITEM 7. Discuss and take any action necessary on Ordinance Number 1006, the contract renewal for Judge Dan Tompkins, City of Burkburnett Municipal Court.
AN ORDINANCE RE-APPOINTING DAN TOMPKINS AS MUNICIPAL JUDGE FOR A TWO-YEAR TERM COMMENCING ON THE EFFECTIVE DATE OF THIS ORDINANCE AND ENDING SEPTEMBER 30, 2023; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

After a staff presentation by Lawrence Cutrone, City Manager, Commissioner Brinkley made a motion, seconded by Mayor Pro-Tem Love, to approve Ordinance Number 1006 as presented. Motion carried with Commissioner Beard abstaining.

ITEM 8. PUBLIC HEARING: Mayor closed the Regular Meeting and opened the Public Hearing at 7:10 p.m. to discuss Ordinance Number 1007.
AN ORDINANCE ADOPTING THE FISCAL YEAR OPERATING BUDGET OCTOBER 1, 2021 – SEPTEMBER 30, 2022 FOR THE CITY OF BURKBURNETT, TEXAS AND APPROPRIATING THE SEVERAL SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED AND PROVIDING AN EFFECTIVE DATE.

There were no public comments.

ITEM 9. PUBLIC HEARING: Mayor closed the Public Hearing and re-opened the Regular Meeting at 7:11 p.m. to discuss and take any action necessary on Ordinance Number 1007.

After a staff presentation by Lawrence Cutrone, City Manager, Commissioner Lindenborn made a motion, seconded by Mayor Pro-Tem Love, to adopt Ordinance Number 1007.

Ayes (5): Mayor Law, Mayor Pro-Tem Love, Commissioner Brinkley, Commissioner Beard, and Commissioner Lindenborn

Nays (0):

Absent (2): Commissioners Brewster and Commissioner Tugman

Motion carried unanimously.

ITEM 10. Discuss and take any action necessary to ratify the Property Tax Revenue Increase Reflected in the Fiscal Year 2022 Budget.

After a staff presentation by Lawrence Cutrone, City Manager, Mayor Pro-Tem Love made a motion, seconded by Commissioner Beard, to ratify the property tax revenue increase reflected in the fiscal year 2022 budget.

Ayes (5): Mayor Law, Mayor Pro-Tem Love, Commissioner Brinkley, Commissioner Beard, and Commissioner Lindenborn

Nays (0):

Absent (2): Commissioners Brewster and Commissioner Tugman

Motion carried unanimously.

ITEM 11. PUBLIC HEARING: Mayor closed the Regular Meeting and opened the Public Hearing at 7:14 p.m. to discuss Ordinance Number 1008.

AN ORDINANCE LEVYING AN ANNUAL AD VALOREM TAX FOR THE YEAR 2021 SETTING SPECIFIC TAX RATES, APPLICABLE TO ALL REAL, PERSONAL, AND MIXED PROPERTY SITUATED WITHIN THE CITY OF BURKBURNETT CITY LIMITS; SETTING THE DUE DATE AND PROVIDING FOR PENALTIES AND INTEREST ON DELINQUENT TAXES.

There were no public comments.

ITEM 12. PUBLIC HEARING: Mayor closed the Public Hearing and re-opened the Regular Meeting at 7:14 p.m. to discuss and take any action necessary on Ordinance Number 1008.

After a staff presentation by Lawrence Cutrone, City Manager, Mayor Pro-Tem Love made the following motion, seconded by Commissioner Lindenborn:

I MOVE THAT THE MAINTENANCE / OPERATIONS TAX RATE OF \$0.544042/\$100 AND THE INTEREST AND SINKING DEBT TAX RATE OF \$0.170479/\$100 BE ADOPTED.

Ayes (5): Mayor Law, Mayor Pro-Tem Love, Commissioner Brinkley, Commissioner Beard, and Commissioner Lindenborn

Nays (0):

Absent (2): Commissioners Brewster and CommissionerTugman

Motion carried unanimously.

After the first motion carried, Commissioner Lindenborn made the following motion, seconded by Commissioner Beard:

I MOVE THAT THE PROPERTY TAX RATE BE INCREASED BY THE ADOPTION OF A TAX RATE OF \$0.714521, WHICH IS EFFECTIVELY A 4.27 PERCENT INCREASE IN THE TAX RATE.

Ayes (5): Mayor Law, Mayor Pro-Tem Love, Commissioner Brinkley, Commissioner Beard, and Commissioner Lindenborn

Nays (0):

Absent (2): Commissioners Brewster and CommissionerTugman

Motion carried unanimously.

ITEM 13. Discuss and take any action necessary on Ordinance Number 1009.

AN ORDINANCE AMENDING ORDINANCE NUMBER 982 OF THE CITY OF BURKBURNETT, TEXAS, PRESENTLY CODIFIED AS CHAPTER 50, GARBAGE AND REFUSE IN THE CODE OF ORDINANCES, SPECIFYING THE EFFECTIVE DATE; DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

After a staff presentation by Lawrence Cutrone, City Manager, Commissioner Brinkley made a motion, seconded by Commissioner Lindenborn, to approve Ordinance Number 1009. Motion carried unanimously.

ITEM 14. Discuss and take any action necessary on Resolution Number 711.

A RESOLUTION OF THE BOARD OF COMMISSIONERS AMENDING THE FEES FOR THE BOOMTOWN FAMILY AQUATIC CENTER, SETTING AN EFFECTIVE DATE, AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

After a staff presentation by Lawrence Cutrone, City Manager, Commissioner Brinkley made a motion, seconded by Commissioner Beard, to approve Resolution Number 711. Motion carried unanimously.

ITEM 15. PUBLIC HEARING: Mayor closed the Regular Meeting and opened the Public Hearing at 7:19 p.m. to discuss the Fiscal Year 2022 Budget of the Burkburnett Development Corporation.

There were no public comments.

ITEM 16. PUBLIC HEARING: Mayor closed the Public Hearing and re-opened the Regular Meeting at 7:20 p.m. to discuss and take any action necessary on the Fiscal Year 2022 Budget of the Burkburnett Development Corporation.

Commissioner Lindenborn made a motion, seconded by Mayor Pro-Tem Love, to adopt the Fiscal Year 2022 Budget for the Burkburnett Development Corporation.

Ayes (5): Mayor Law, Mayor Pro-Tem Love, Commissioner Brinkley, Commissioner Beard, and Commissioner Lindenborn

Nays (0):

Absent (2): Commissioners Brewster and Commissioner Tugman

Motion carried unanimously.

ITEM 17. Discuss and take any action necessary on the re-election of the officers of the Burkburnett Development Corporation for the Fiscal Year 2022.

Richard Gordon, Executive Director of the Burkburnett Development Corporation (BDC), addressed the Mayor and Commissioners, stating that the BDC Board nominated Robert Jones as President, Jonathan Ellzey as Vice President, and Stacy Hopkins, Secretary/Treasurer for the fiscal year 2022. Commissioner Lindenborn made a motion, seconded by Commissioner Brinkley, to approve the slate of officers for the fiscal year 2022 for the Burkburnett Development Corporation. Motion carried unanimously.

ITEM 18. FIRST READING: Resolution Number 712, authorizing the Burkburnett Development Corporation to provide a grant to the Burkburnett Independent School district for a frisbee golf course.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AUTHORIZING AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE BURKBURNETT DEVELOPMENT CORPORATION AND THE BURKBURNETT INDEPENDENT SCHOOL DISTRICT PROVIDING FUNDING FOR PARK EXPANSION WITHIN BURKBURNETT, TEXAS.

Richard Gordon, Executive Director of the Burkburnett Development Corporation, addressed the Mayor and Commissioners regarding the frisbee golf course. This was the First Reading, so no action was taken.

ITEM 19. Discuss and take any action necessary on Resolution Number 713, updating the Neighborhood Revitalization Grant Program for the Burkburnett Development Corporation.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, APPROVING AND ADOPTING THE BURKBURNETT DEVELOPMENT CORPORATION NEIGHBORHOOD REINVESTMENT PROGRAM POLICY.

After a staff presentation by Richard Gordon, Executive Director of the Burkburnett Development Corporation, Commissioner Brinkley made a motion, seconded by Commissioner Beard, to approve Resolution Number 713. Motion carried unanimously.

ITEM 20. PUBLIC HEARING: Mayor closed the Regular Meeting and opened the Public Hearing at 7:31 p.m. to discuss: Case 2021-5: Specific Use Permit for 908 W Kramer for a Daycare.

After a staff presentation by Sarah Culp, Planning Director, Mariam Torres addressed the Mayor and Commissioners regarding the opening of her daycare.

ITEM 21. PUBLIC HEARING: Mayor closed the Public Hearing and re-opened the Regular Meeting at 7:33 p.m. to discuss and take any action necessary on: Case 2021-5: Specific Use Permit for 908 W Kramer for a Daycare.

Commissioner Brinkley made a motion, seconded by Commissioner Beard, to approve Case 2021-5: Specific Use Permit for 908 W Kramer for a Daycare. Motion carried unanimously.

ITEM 22. Discuss and take any action necessary on the Three (3) Tax Deeds and Property Cards for Trust Properties in the City of Burkburnett from the Texas Communities Group: (1) 306 W 6th St; (2) 608 Floyd St; and (3) 103 W College.

After a staff presentation by Sarah Culp, Planning Director, Commissioner Brinkley made a motion, seconded by Commissioner Lindenborn, to approve selling these properties. Motion carried unanimously.

ITEM 23. 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:

SECTION 551.071 - Consult with Attorney about pending or contemplated litigation or settlement of same.

A. Update on pending SOAH hearing and Civil Litigation: Mr. Zac Leonard

Mayor Law closed the Regular Meeting and adjourned to Executive Session at 7:36 p.m.

ITEM 24. RECONVENE

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

Mayor Law reconvened the Regular Meeting at 7:54 p.m. No action was taken.

ITEM 25. CITY MANAGER'S REPORT

Lawrence Cutrone, City Manager, reported the following:

TML Region V Quarterly Dinner Meeting: September 22, 2021, Lakeside City

Friendship Festival: October 2, 2021 at Friendship Park.

Texas Municipal League's 109th Annual Conference and Exhibition; October 6-8, 2021, Houston, Texas.

ITEM 26. COMMISSIONERS' COMMENTS

Mayor Law stated he attended an Air Force pilot graduation where NATO individuals expressed their regret at not being able to come to Burkburnett for the Steering Committee dinner that we have had for the past two years.

ITEM 27. ADJOURNMENT

Mayor Pro-Tem Love made a motion, seconded by Commissioner Beard, to adjourn. Motion carried unanimously, and the meeting adjourned at 7:55 p.m.

Carl Law, Mayor

ATTEST:

Margie Poole, City Clerk