The Board of Commissioners of the City of Burkburnett, Texas, met in a Regular Meeting on Monday, September 19, 2022, 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:

Lori Kemp          Mayor
Michael Richter    Mayor Pro-Tem, Commissioner, Place 4
Cory Brinkley      Commissioner, Place 1
Susan Mitchell     Commissioner, Place 3
Marguerite Love    Commissioner, Place 5

Commissioners Brewster and Lindenborn were absent.

Others present were Lawrence Cutrone, City Manager; Mike Guevara, City Attorney; Brent Battista, Director of Parks and Recreation; Sarah Culp, Planning Director; Mike Whaley, Director of Public Works; Dan King, Interim Fire Chief; Fred Tillman, Director of Public Safety; Trish Holley, Director of Administration; and Margie Poole, City Clerk.

ITEM 1. CALL MEETING TO ORDER: MAYOR LORI KEMP

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

ITEM 2. INVOCATION

Jesse Payne, Senior Pastor, First Baptist Church of Burkburnett, gave the invocation.

ITEM 3. PLEDGE OF ALLEGIANCE

Commissioner Love led the Pledge of Allegiance.

ITEM 4. CONSENT AGENDA

Approval of Minutes from the August 15, 2022 Special-Called Meeting
Approval of Minutes from the August 15, 2022 Regular Meeting
Approval of Minutes from the August 19, 2022 Special-Called Meeting
Approval of Minutes from the September 9, 2022 Special-Called Meeting

Commissioner Love made a motion, seconded by Commissioner Mitchell, to approve the Consent Agenda, as presented. 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.

John Beard addressed the Mayor and Commissioners with his public comments.
ITEM 6. Discuss and take any action necessary on Resolution Number 735.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF
BURKBURNETT, TEXAS, IN GRATITUDE.

After the City Clerk read the Resolution, Brent Battista, Director of Parks and Recreation, thanked Shannon Peterson, John Born, and Lainie Hume and presented them with the Resolution of Gratitude. Emily Jo Schrick was not in attendance, and a copy of the Resolution of Gratitude will be mailed to her. Commissioner Brinkley made a motion, seconded by Commissioner Mitchell, to approve Resolution Number 735.

ITEM 7. PUBLIC HEARING: Mayor closed the Regular Meeting and opened the Public Hearing at 7:10 p.m. to discuss the Fiscal Year Operating Budget for October 1, 2022 through September 30, 2023 for the City of Burkburnett, Texas.

Bill McGuire addressed the Mayor and Commissioners with his comments regarding the potential water rate increase.

ITEM 8. Mayor closed the Public Hearing and re-opened the Regular Meeting at 7:12 p.m. to discuss and take any action necessary on Ordinance Number 1025.

AN ORDINANCE ADOPTING THE FISCAL YEAR OPERATING BUDGET
OCTOBER 1, 2022 – SEPTEMBER 30, 2023 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.

Commissioner Love made a motion, seconded by Mayor Pro-Tem Richter, to adopt the budget as presented.

Ayes (5): Mayor Kemp, Mayor Pro-Tem Richter, Commissioner Brinkley, Commissioner Love, and Commissioner Mitchell

Nays (0):

Absent (2): Commissioner Brewster and Commissioner Lindenborn

Motion carried unanimously.

ITEM 9. Discuss and take any action necessary to ratify the property tax increase reflected in the Fiscal Year 2023 Budget.

After a staff presentation by Lawrence Cutrone, City Manager, Mayor Pro-Tem Richter made a motion, seconded by Commissioner Brinkley, to ratify the property tax increase. Motion carried unanimously.

ITEM 10. PUBLIC HEARING: Mayor closed the Regular Meeting and opened the Public Hearing at 7:16 p.m. to discuss Ordinance Number 1026.

There were no public comments.

ITEM 11. Mayor closed the Public Hearing and re-opened the Regular Meeting at 7:16 p.m. to discuss and take any action necessary on Ordinance Number 1026.

AN ORDINANCE LEVYING AN ANNUAL AD VALOREM TAX FOR THE
YEAR 2022 SETTING SPECIFIC TAX RATES, APPLICABLE TO ALL REAL,
PERSONAL, AND MIXED PROPERTY SITUATED WITHIN THE CITY OF

Minutes, September 19, 2022
BURKBURNETT CITY LIMITS; SETTING THE DUE DATE, AND PROVIDING FOR PENALTIES AND INTEREST ON DELINQUENT TAXES.

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

I MOVE THAT THE PROPERTY TAX RATE BE INCREASED BY THE ADOPTION OF A TAX RATE OF $0.671453, WHICH IS EFFECTIVELY A 7.08 PERCENT INCREASE IN THE TAX RATE.

Ayes (5): Mayor Kemp, Mayor Pro-Tem Richter, Commissioner Brinkley, Commissioner Love, and Commissioner Mitchell

Nays (0):

Absent (2): Commissioner Brewster and Commissioner Lindenborn

Motion carried unanimously.

ITEM 12. Discuss and take any action necessary on Ordinance Number 1027.

AN ORDINANCE AMENDING ORDINANCE NUMBER 1009 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 Love, to approve Ordinance Number 1027. Motion carried unanimously.

ITEM 13. Discuss and take any action necessary on Ordinance Number 1028.

AN ORDINANCE SUPERSEDING ORDINANCE NUMBER 906 OF THE CITY OF BURKBURNETT, TEXAS, PRESENTLY CODIFIED AS CHAPTER 53, WATER 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, Mayor Pro-Tem Richter made a motion, seconded by Commissioner Brinkley, to pass Ordinance Number 1028. Motion carried unanimously.

ITEM 14. PUBLIC HEARING: Mayor closed the Regular Meeting and opened the Public Hearing at 7:26 p.m. to discuss the Fiscal Year 2023 Budget of the Burkburnett Development Corporation.

There were no public comments.

ITEM 15. Mayor closed the Public Hearing and re-opened the Regular Meeting at 7:26 p.m. to discuss and take any action necessary on the Fiscal Year 2023 Budget of the Burkburnett Development Corporation.

After a staff presentation by Lawrence Cutrone, City Manager, Commissioner Love made a motion, seconded by Commissioner Brinkley, to accept the Fiscal Year 2023 Budget for the Burkburnett Development Corporation, as presented. Motion carried unanimously.
ITEM 16. Discuss and take any action necessary to approve Resolution Number 736.
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION, REGARDING THE COMPANY’S 2022 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATE-MAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

After a staff presentation by Lawrence Cutrone, City Manager, Commissioner Love made a motion, seconded by Commissioner Brinkley, to approve Resolution Number 736, ATMOS Steering Committee Rate Review Mechanism. Motion carried unanimously.

ITEM 17. PUBLIC HEARING: Mayor closed the Regular Meeting and opened the Public Hearing at 7:31 p.m. for discussion of the following Rezoning Applications:
A. Case 2022-11: Rezone 1.454 acres of Abst 322 CW survey from Multi-Family to Commercial/Business for the construction of a retail store.
B. Case 2022-12: Rezone 0.884 acres of RRVL Blk 11 from Commercial/Business to SF-6 to build a single-family home.

There were no comments.

ITEM 18. Mayor closed the Public Hearing and re-opened the Regular Meeting at 7:33 p.m. to Discuss and take any action necessary on the following Rezoning Applications:
A. Case 2022-11: Rezone 1.454 acres of Abst 322 CW survey from Multi-Family to Commercial/Business for the construction of a retail store.
B. Case 2022-12: Rezone 0.884 acres of RRVL Blk 11 from Commercial/Business to SF-6 to build a single-family home.

After a staff presentation by Sarah Culp, Director of Community Planning, Commissioner Brinkley made a motion, seconded by Mayor Pro-Tem Richter, to approve Case 2022-11. Motion carried unanimously.

B. Case 2022-12: Rezone 0.884 acres of RRVL Blk 11 from Commercial/Business to SF-6 to build a single-family home.

After a staff presentation by Sarah Culp, Director of Community Planning, Commissioner Brinkley made a motion, seconded by Commissioner Mitchell, to approve Case 2022-12. Motion carried unanimously.

ITEM 19: Discuss and take any action necessary on an appointment of Leslie McCartney to the Hotel Occupancy Tax Board.
After a staff presentation by Sarah Culp, Director of Community Planning, Commissioner Love made a motion, seconded by Commissioner Mitchell, to accept the appointment of Leslie McCartney to the Hotel Occupancy Tax (HOT) Board. Motion carried unanimously.

**ITEM 20:** Discuss and take any action necessary regarding the Hotel Occupancy Tax Board Policy, Bylaws, Directives, Rules, and Procedures.

Mayor Kemp provided the context for this agenda item.

MOTION 1: Commissioner Love made a motion, seconded by Commissioner Mitchell, to discuss the proposed changes regarding the Hotel Occupancy Tax Board Policy, Bylaws, Directives, Rules, and Procedures. Motion failed.

MOTION 2: Commissioner Brinkley made a motion, seconded by Commissioner Mitchell, to propose that the HOT Board to provide initial approval of the application for HOT funds and that approval to go before the Board of Commissioners for final approval of applications for HOT funds. When the written application is approved and received, 1/3 of the funds will be distributed. When the receipts are received, 1/3 of the funds will be distributed. When the appropriate documentation is received, the last allotment of monies will be distributed. Motion carried unanimously.

**ITEM 21:** Discuss and take any action necessary on the reappointments of Mark Barefield and Carla Walters to the Planning and Zoning Commission.

After a staff presentation by Sarah Culp, Director of Community Planning, Commissioner Brinkley made a motion, seconded by Mayor Pro-Tem Richter, to approve the reappointments of Mark Barefield and Carla Walters to the Planning and Zoning Commission. Motion carried unanimously.

**ITEM 22:** Discuss and take any action necessary on the Mutual Agreement of Resignation, Lawrence Cutrone, City Manager.

After Lawrence Cutrone, City Manager, addressed the Mayor and Commissioners, Mayor Kemp thanked him for his service to the City of Burkburnett. Commissioner Love made a motion, seconded by Commissioner Brinkley, to accept the resignation of Lawrence Cutrone, City Manager, and execute the agreement. Motion carried unanimously.

**ITEM 23. ADJOURNMENT**

Commissioner Brinkley made a motion, seconded by Commissioner Mitchell, to adjourn. Motion carried unanimously, and the meeting adjourned at 8:12 p.m.

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Lori Kemp, Mayor

**ATTEST:**

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Margie Poole, City Clerk