

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, August 20, 2018, at 7:00 p.m. in the Council Chambers of the City Hall, 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
Bill Lindenborn	Mayor Pro-Tem
Josh Andrajack	Commissioner
Jeremy Duff	Commissioner
Marguerite Love	Commissioner

Commissioners Brewster and Hardy were not present.

Others present: Mike Whaley, City Manager; Trish Holley, Director of Administration; Lawrence Cutrone, Director of Public Works; Brent Battista, Director of Parks and Recreation; Richard Gordon, Executive Director of Burkburnett Development Corporation /Director of Planning; Janelle Stahr, City Clerk; Ed Stahr, Police Chief; Mike Guevara and Barbara Quirk, with Shahan, Guevara, Decker and Arrott, Attorneys at Law.

Item 1. Mayor Law called the meeting to order.

Item 2. Invocation was given by Dr. Dustin Van Tassell from the Church of Jesus Christ of Latter Day Saints.

Item 3. The Pledge of Allegiance was led by Commissioner Duff.

Item 4. Consent Agenda.

- A. Approval of Minutes from July 16, 2018 Regular Scheduled Meeting and July 18, 2018 Special Called Meeting/Workshop

Motion was made by Commissioner Duff, seconded by Commissioner Lindenborn to approve the Consent Agenda. Motion carried unanimously.

Item 5. Richard Gordon, Director of Planning, addressed the Mayor and Commissioners and stated Mr. Scott Dolan has requested this replat to divide one commercial lot into two commercial lots. The replat meets all the requirements in the subdivision and zoning ordinance and presents no utility access issues. The Planning and Zoning Commission (P&Z) unanimously approved this request to be submitted to the Board of

Commissioners. P&Z Commission members present were Jerry Coker, Robert Jones, Carla Walters, Mark Barefield and Paul Gerstner. Tim Cornelius was absent.

Motion was made Commissioner Love, seconded by Commissioner Duff to approve the replat of Lots 3-B and 3-C Block 1 Bowles Subdivision, 212 S. Red River Expressway. Motion carried unanimously.

Item 6. Mayor Law closed the regular meeting at 7:04 p.m. and opened the “Public Hearing” for the following Planning & Zoning Commission Case:

- A. Case #2018-43, Specific Use Provision for 113 S. Ave D, to construct a single-family residence in a commercial zone.

Mr. Gordon addressed the Mayor and Commissioners and stated Mrs. Mary Graves owns this property located next to the Family Dollar Store. This property has been used as residential. Mrs. Graves wishes to demolish the existing structure and build a new residential dwelling. The Zoning Ordinance allows this only with a Specific Use Provision (SUP) since the property is zoned C/B Commercial. All notice requirements including the public notice and notifications of properties within 200 feet have been completed. The Planning and Zoning Commission (P&Z) unanimously approved the SUP on August 6, 2018 with a 5-0 Vote. P&Z Commission members present were Jerry Coker, Robert Jones, Carla Walters, Mark Barefield and Paul Gerstner. Tim Cornelius was absent.

No member of the public asked to address the Board of Commissioners.

Item 7. Mayor Law closed the “Public Hearing” at 7:05 p.m. and reopened the regular meeting to take action on the Planning & Zoning Commission Cases:

- A. Case #2018-43, Specific Use Provision for 113 S. Ave D, to construct a single-family residence in a commercial zone.

Motion was made by Commissioner Duff, seconded by Commissioner Andrajack to approve Case #2018-43, Specific Use Provision for 113 S. Ave D, to construct a single-family residence in a commercial zone. Motion carried unanimously.

Item 8. Mayor Law addressed the Board and read the agenda item. Mayor Law stated this agenda item is to see if the Board of Commissioners would like to put the previous motion back on the table.

Previous motion from August 1, 2018 Special Called Budget Meeting:

Motion was made by Commissioner Andrajack, seconded by Commissioner Hardy to lay the pending motion: *Motion to approve the request for funding of \$48,105.00 for the*

project via a budget amendment for this current fiscal year, on the table until the regular scheduled meeting in August. Motion carried unanimously.

Motion was made by Commissioner Andrajack, seconded by Commissioner Duff to lay the item back on the table until the regular scheduled September meeting to allow for all commissioners to be in attendance.

Ayes: Mayor Law; Commissioners Andrajack, Duff and Love

Nays: Commissioner Lindenborn

Motion carried.

The following addressed the Mayor and Commissioners:

- Pamela Dixon (Spokesperson for Journey's End Cemetery Committee), 603 W. 7th Street- Ms. Dixon asked what would happen if a full Council was not present at the next meeting, would it be moved again?
 - Commissioner Andrajack stated that it was his intent, if a full Council is not present for the regular September meeting he will make a motion to move the item to the regular scheduled October meeting. Commissioner Andrajack stated that he unequivocally supports the proposed project.
 - Ms. Dixon reported there is one historical marker in place at the cemetery, one that will be installed on September 1, 2018 and two other historical markers that are in the planning stages. She stated they are anticipating a lot of traffic in this area.

Item 9. No action taken on this item.

Item 10. No action taken on this item.

Item 11. Resolution Number 645 was presented in its entirety.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT APPROVING THE SUBMISSION OF THE GRANT APPLICATION FOR A RADIO COMMUNICATIONS UPGRADE TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION.

Jonny Zellner, Emergency Management Coordinator, addressed the Mayor and Commissioners and stated the Burkburnett Police Department received a grant to replace 7 outdated portable radios in 2017. The monies from this grant will be utilized to replace additional outdated/inoperative portable radios. The Police Department will be awarded a grant in the amount of \$27,127.80 from the Office of the Governor, Criminal Justice Division. This grant is for 12 Motorola APX 4000 VHF P25 Portable Radios with charger, microphone, and earpiece (\$2260.59 per radio) and there is no cost to the City.

Motion was made by Commissioner Andrajack, seconded by Commissioner Duff to adopt Resolution Number 645 as presented. Motion carried unanimously.

Item 12. Resolution Number 646 was presented in its entirety.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT APPROVING THE SUBMISSION OF THE GRANT APPLICATION FOR A SWAT EQUIPMENT UPGRADE TO THE OFFICE OF THE GOVERNOR, HOMELAND SECURITY DIVISION.

Mr. Zellner addressed the Mayor and Commissioners and stated the Burkburnett Police Department will be awarded a grant in the amount of \$34,975.92 from the Office of the Governor, Homeland Security Division. The grant for new ballistic vests, new ballistic helmets, and new uniforms for the current 8-member SWAT Team. Mr. Zellner stated the equipment they currently have has passed its life expectancy. Mr. Zellner stated this again is at no cost to the City.

Motion was made by Commissioner Andrajack, seconded by Commissioner Duff to adopt Resolution Number 646 as presented. Motion carried unanimously.

Item 13. Resolution Number 647 was presented in its entirety, First 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 BOOMTOWN PERFORMANCE LLC PROVIDING FOR THE PAYMENT OF ECONOMIC INCENTIVES IN RETURN FOR THE CREATION OF JOBS AND TO MODIFY THE FITNESS FACILITY WITHIN BURKBURNETT, TEXAS.

Item 14. Brent Battista, Director of Parks and Recreation, addressed the Mayor and Commissioners and stated the City of Burkburnett Cemetery Board consists of seven (7) appointed members that serve two (2) year terms. Cemetery Board member Ted Kwas' term is ending, and he is eligible for reappointment. Staff has contacted Mr. Kwas and he is willing to serve another term.

Motion was made by Commissioner Andrajack, seconded by Commissioner Duff to approve the reappointment of Ted Kwas to the Cemetery Board. Motion carried unanimously.

Item 15. Richard Gordon, Executive Director of Burkburnett Development Corporation (BDC), addressed the Mayor and Commissioners and stated Mr. Ryan Hardy has submitted an application for voluntary board service for the BDC. The BDC board nominated and approved Mr. Hardy's appointment as an ex-officio member of the BDC board. The vote was 5-0. Voting members present: Jonathan Ellzey, Robert Jones, Casey McCleskey, Stacy Hopkins, and Ted Kwas. Voting members absent: Danny Cremeens and Teresa Brantley.

Motion was made by Commissioner Love, seconded by Commissioner Lindenborn to approve the appointment of Ryan Hardy as an ex-officio member of the Burkburnett Development Corporation Board. Motion carried unanimously.

Item 16. The following addressed the Mayor and Commissioners:

Anita Owens, 817 Coulter – complemented the City on the 4th of July Celebration, entryway signs, cleanliness of the Community Center, and the esthetics of the park. She thanked the City for being progressive and asked that they continue to be progressive.

Item 17. City Manager's report.

- Hotter 'N Hell – August 25
- City Hall Closed-Labor Day – September 3
- TML Region 5 Quarterly Meeting – September 20 -Burkburnett Community Center

Item 18. No Commissioners Comments.

Item 19. Motion was made by Commissioner Lindenborn, seconded by Commissioner Duff to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Janelle Stahr, City Clerk