

## ***MINUTES***

### ***BOARD OF COMMISSIONERS***

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, March 19, 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:

Michael R. Tugman	Mayor
Frank Ducos	Mayor Pro-Tem
Randy Brewster	Commissioner
Jeremy Duff	Commissioner
Don Hardy	Commissioner
Bill Lindenborn	Commissioner
Marguerite Love	Commissioner

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 Dolan, City Clerk; Ed Stahr, Police Chief; and Mike Guevara, with Shahan, Guevara, Decker and Arrott, Attorneys at Law.

Item 1. Mayor Tugman called the meeting to order.

Item 2. Invocation was given by Commissioner Love.

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

Item 4. Consent Agenda.

A. Approval of Minutes from February 19, 2018 Regular Scheduled Meeting

Motion was made by Commissioner Love, seconded by Commissioner Hardy to approve the Consent Agenda. Motion carried unanimously.

Item 5. Valerie Halverson, MWH Group, presented the final FY2017 Audit.

Item 6. Brent Battista, Parks and Recreation Director, addressed the Mayor and Commissioners and stated Owens and Brumley Funeral Home contacted the City and would like to install a columbarium at the cemetery for the interment of cremated remains. It will have fifty individual niches that will be sold by Owens and Brumley Funeral Home and the city will receive \$100 for each niche sold. Mr. Battista stated the Cemetery Board unanimously recommended to the Board of Commissioners that the

lease agreement with Owens and Brumley Funeral Home be approved. Voting members present were Ted Kwas, Ron Clarke, Paula Smith, Brenda Whaley, Nova Dickson, Eric Rutledge, and Denise Kirkpatrick.

Motion was made by Commissioner Brewster, seconded by Commissioner Ducos to approve the lease agreement with Owens and Brumley Funeral Home. Motion carried unanimously.

Item 7. Ordinance Number 931 was presented in its entirety.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM (“RRM”) AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS DEFINED BY SECTION 104.301 OF THE TEXAS UTILITIES CODE, AND AS NEGOTIATED BETWEEN ATMOS ENERGY CORP., MID-TEX DIVISION (“ATMOS MID-TEX” OR “COMPANY”) AND THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE.

Mike Whaley, City Manager, addressed the Mayor and Commissioners and stated ACSC has been negotiating a new Rate Review Mechanism (RRM) tariff to govern future annual rate filings by Atmos Mid-Tex. The new tariff has been agreed upon by the Executive Committee of ACSC and Atmos Mid-Tex. The Executive Committee is now recommending cities accept the new RRM Tariff by April 1st. Changes in the new tariff include: the revised RRM Tariff reduces rates to 9.8% from 10.5%; it captures the reduction in federal income tax rates from 35% to 21% which should result in rate reduction; and prior RRM tariffs allowed Cities only three months to review the Company’s filing, the new revised Tariff allows five months.

Motion was made by Commissioner Duff, seconded by Commissioner Brewster to approve Ordinance Number 931 as presented. Motion carried unanimously.

Item 8. Mayor Tugman closed the regular meeting at 7:19 p.m. and opened the “Public Hearing” for the following Planning & Zoning Commission Case:

- a. Case #2018-39, re-zone application for 600 and 700 Blocks of LouAnn and Pearl St., rezoned from Single Family Residential-6 (SF-6) to Residential-2 (R-2).

Item 9. Mayor Tugman closed the “Public Hearing” at 7:20 p.m. and reopened the regular meeting to take action on the Planning & Zoning Commission Case:

- a. Case #2018-39, re-zone application for 600 and 700 Blocks of LouAnn and Pearle St., rezoned from Single Family Residential-6 (SF-6) to Residential-2 (R-2).

Richard Gordon, Director of Planning, addressed the Mayor and Commissioners and stated Mr. Randy Gann had submitted a request to rezone 605 LouAnn from Single Family Residential-6 (SF-6) to Residential-2 (R-2). After reviewing the request, the Planning and Zoning Board tabled the request and directed staff to submit a request to review rezoning the entire area of LouAnn and Pearle St. The Planning and Zoning Board recommend unanimously to approve the rezone of LouAnn and Pearle St. from SF-6 to R-2. Voting members present: Paul Gerstner, Robert Jones, Tim Cornelius, and John Erickson. Voting members absent: Jerry Coker, Carla Walters.

Motion was made by Commissioner Brewster, seconded by Commissioner Duff to approve Case #2018-39, re-zone application for 600 and 700 Blocks of LouAnn and Pearle St., rezoned from Single Family Residential-6 (SF-6) to Residential-2 (R-2). Motion carried unanimously.

Item 10. Resolution Number 638 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 ARJAN CORPORATION PROVIDING FOR THE PAYMENT OF ECONOMIC INCENTIVES IN RETURN FOR CONSTRUCTION AND OPERATION OF A CONVENIENCE STORE WITHIN BURKBURNETT, TEXAS.

Item 11. Mr. Whaley addressed the Mayor and Commissioners and stated the Taste of Town fundraiser is scheduled for April 28, 2018 in the Burkburnett Community Center and a permit is required. The event is sponsored by the Burkburnett Lions Club and is conducted as a fundraiser for the club's local scholarship and community service projects.

Motion was made by Commissioner Hardy, seconded by Commissioner Love to approve the Taste of Town Permit.

Ayes: Commissioners Ducos, Hardy, Lindenborn, and Love  
Abstained: Mayor Tugman; Commissioners Brewster and Duff  
Motion carried.

Item 12. Mr. Gordon addressed the Mayor and Commissioners and stated with the recent appointments of Stacy Hopkins and Robert Jones from ex-officio to voting members of the Board of Directors of the Burkburnett Development Corporation (BDC) it has created a need for additional ex-officio members. Staff received applications from Mickey Cornelius and Jonathan Ellzey who have shown interest in serving as ex-officio members

of the BDC. The BDC Board reviewed the applications and unanimously voted to appoint Mickey Cornelius and Jonathan Ellzey as ex-officio members. Voting members present: Dale Lewis, Teresa Brantley, Robert Jones, John Erickson, and Stacy Hopkins. Voting members absent: Danny Cremeens and Casey McCleskey.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Ducos to approve the appointments of Mickey Cornelius and Jonathan Ellzey as ex-officio members to the Board of Directors. Motion carried unanimously.

Mayor Tugman moved up Agenda Item 15.

Item 15. The following addressed the Mayor and Commissioners:

- Steven Booker, 824 Sheppard, Attorney for Josh and LaDana Stimpson, provided information in support of Mr. Josh Stimpson.
- John Erickson, 505 Meadow, Planning and Zoning Board member, provided information in support of Mr. Josh Stimpson.
- LaDana Stimpson, 809 Coulter, provided information in support of Mr. Josh Stimpson.

Item 13. Mayor Tugman closed the meeting at 7:39 p.m. and opened the 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 551.071 – Consultation with Attorney

- a. Discuss and take possible action regarding zoning ordinances and 205 Mimosa.

Item 14. Mayor Tugman reconvened the regular meeting at 8:39 p.m.

Motion was made by Commissioner Ducos, seconded by Commissioner Lindenborn to file action in District Court for the removal of the building and assessment of civil fines and direct City Staff to issue citations in accordance with the city ordinance.

Ayes: Mayor Tugman; Commissioners Brewster, Duff, Ducos, Lindenborn, and Love

Abstained: Commissioner Hardy

Motion carried.

Item 16. City Manager's report.

Item 17. No Commissioner's comments.

Item 18. Motion was made by Commissioner Lindenborn, seconded by Commissioner Duff to adjourn. Motion carried unanimously.

Michael R. Tugman, Mayor

**ATTEST:**

Janelle Dolan, City Clerk