

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, June 20, 2016 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
Randy Brewster	Commissioner
Frank Ducos	Commissioner
Marguerite Love	Commissioner
Mike Tugman	Commissioner

Commissioners Brewster and Duff were not present.

Others present: Mike Whaley, City Manager; Trish Holley, Director of Administration; Gordon Smith, Director of Public Works; Janelle Dolan, City Clerk; Gary Robinett, Economic Development Director; Ed Stahr, Police Chief; Nicole Burns, Shahan, Guevara, Decker and Arrott, Attorneys at Law; Rick Sims, Bundy, Young, Sims & Potter, Inc.; and David Hawes, Hawes, Hill, Calderon, LLP.

Item 1. Mayor Law called the meeting to order and welcomed the visitors.

Item 2. Invocation was given by Reverend Khoi Tran, Pastor of St. Jude Catholic Church.

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

Item 4. Consent Agenda.

- A. Approval of Minutes from May 16, 2016 Special Called Meeting and May 16, 2016 Regular Called Meeting

Motion was made by Commissioner Love, seconded by Commissioner Ducos to approve Consent Agenda 4. Motion carried unanimously.

Item 5. Presentation by Wichita County Judge Woody Gossom on a County Wide Election Precinct Program.

The following addressed the Mayor and Commissioners:

James Skinner, 3262 FM 367 W., Iowa Park

Donna Long, 2019 Ardath Ave., Wichita Falls
David Reed, 217 Beech, Burkburnett
Bill McKee, 219 Laurel Ln., Burkburnett

Item 6. Mayor Law closed the regular meeting at 7:29 p.m. and opened the “Public Hearing” to receive public comment with regard to the First Amended Project Plan and Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone Number One, City of Burkburnett (the Zone) for the provision of increased public infrastructure costs and extending the life of the Zone by an additional ten (10) years.

Mike Whaley, City Manager, addressed the Mayor and Commissioners and stated the current Tax Increment Reinvestment Zone (TIF/TIRZ) is established until 2025. City staff has been working with David Hawes, Hawes, Hill, Calderon, LLP., a consultant to extend the life of the TIF/TIRZ for an additional ten (10) years to 2035. This would give the City additional time and ability to leverage funds (notes, bonds, obligations) in the TIF/TIRZ fund for current and future projects generated within the TIF/TIRZ. As a requirement, we are presenting an amended project and financing plan for review that will be submitted with the request to extend the zone until 2035. Currently, Wichita County participates in the TIF/TIRZ at a 100 percent. They have agreed to continue to participate at a 100 percent for the period of extension. They have already passed a Resolution agreeing to do so. This is called the Participation Plan which will be addressed under Agenda Item 8. Wichita County’s current participation is approximately \$55,000.00. The City’s current participation is approximately \$69,000.00. Our balance today is \$190,706.00. Both the City and County installments occur in July. Our balance should increase to approximately \$314,000.00 after the installment is received.

Mayor Law closed the “Public Hearing” at 7:31 p.m. and reopened the regular meeting.

Item 7. Ordinance Number 900 was presented in its entirety. Caption of same being:

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR REINVESTMENT ZONE NUMBER ONE, CITY OF BURKBURNETT, TEXAS; AUTHORIZING THE CITY CLERK TO DISTRIBUTE SUCH PLANS; EXTENDING THE DURATION OF THE ZONE TO DECEMBER 31, 2035; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND PROVIDING FOR SEVERABILITY.

First reading, no action taken.

Item 8. Resolution Number 610 was presented in its entirety. A resolution with Wichita County for an amended Participation Agreement for the Tax Increment Reinvestment Zone.

Mr. Whaley addressed the Mayor and Commissioners and stated this is the resolution with Wichita County that he referred to previously in the public hearing. Wichita County has agreed to continue participating in the TIF/TIRZ at a 100 percent for the period of the extension.

The following addressed the Mayor and Commissioners:

David Hawes, Hawes, Hill, Calderon, LLP.

Motion was made by Commissioner Ducos, seconded by Commissioner Love to approve Resolution Number 610 as presented. Motion carried unanimously.

Item 9. Gordon Smith, Director of Public Works, addressed the Mayor and Commissioners and stated the Burkburnett Independent School District (BISD) 2016 Capital Improvement plan is to add a classroom addition to the east end of the main building and a locker room addition to the north side of the main gym. The construction plan also outlines eight (8) new tennis courts to be constructed north of the gym. City Staff has reviewed the site plan as well as preliminary construction details such as, storm drainage, easements, set back, utilities, parking, and landscaping. The developer has met the requirements as set forth by the zoning ordinance. The Planning and Zoning Board unanimously approved the site plan request.

The following addressed the Mayor and Commissioners:

Rick Sims, Bundy, Young, Sims & Potter, Inc.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Tugman to approve the site plan for the BISD High School Campus. Motion carried unanimously.

Item 10. Ordinance Number 899 was presented in its entirety. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CITY OF BURKBURNETT CODE OF ORDINANCES BY AMENDING CHAPTER 72 STOPPING, STANDING, AND PARKING BY ADDING SECTION 72.09 PRESUMPTION THAT OWNER OF VEHICLE ILLEGALLY PARKED SAME; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

Ed Stahr, Police Chief, addressed the Mayor and Commissioners and stated upon request of the City Attorney's Office, the Burkburnett Police Department is seeking approval to revise Chapter 72 of the City of Burkburnett Code of Ordinances. This revision would allow the prosecuting attorney to hold the owner of the vehicle responsible for the illegal parking of a vehicle without proving who was operating the vehicle at the time of the violation. Chief Stahr introduced Nicole Burns, Shahan, Guevara, Decker and Arrott, Attorneys at Law, Prosecuting Attorney, whom addressed the Mayor and Commissioners and stated approving this ordinance would assist her in prosecuting residents who are

illegally parking their vehicles. Ms. Burns stated it would eliminate one of the steps in the prosecution process by allowing a presumption that the registered owner of the vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

Motion was made by Commissioner Love, seconded by Commissioner Ducos to approve Ordinance Number 899 with the typographical errors corrected. Motion carried unanimously.

Item 11. Mayor Law closed the regular meeting at 7:46 p.m. and opened the “Public Hearing” for the following Planning & Zoning Commission Cases:

- A. Review and make recommendation regarding the following text in Zoning Ordinance Number 589, Section 8.2.A-“There is created, in accordance with Chapter 211 of the Texas Local Government code, and established by Ordinance #589 of the City of Burkburnett, the “Planning and Zoning Commission” , hereafter sometimes referred as the “Commission”, which shall consist of five (5) regular members and two (2) alternate members, who are resident citizens, taxpayers and qualified voters of the City of Burkburnett. The alternate members shall act and serve as members of the Commission when a regular member(s) is absent or is otherwise unable to serve. Choice of the alternate member to serve at a particular meeting of the Planning and Zoning Commission shall be on an alternating basis such that both alternates have equal opportunities to serve; and
- B. Review and make recommendation regarding the following text in Zoning Ordinance Number 589, Section 8.3-A.1. Quorum – A quorum shall consist of four (4) members of the Commission, and any issue to be voted upon shall be resolved by four (4) of those members present.

Mr. Smith addressed the Mayor and Commissioners and stated as requested, City staff has prepared Ordinance Number 898 amending the existing Zoning Ordinance: **SECTION 8 PLANNING AND ZONING COMMISSION.** This ordinance effectively creates the addition of two alternate members to be added to the Planning and Zoning Commission. It also effectively changes the current requirement of a quorum from three members to four members. The publication requirement required by the zoning ordinance was met. On June 6, 2016 the Planning and Zoning Board met and staff presented the ordinance for review and discussion. The board discussed the ordinance and considered the overall evaluation of the request and stated adding the two alternate positions would be an opportunity to train future board members. Also stated that a required quorum of four (4) could possibly result in a split vote, if only four (4) members were in attendance. With additional discussion, the board stated the likelihood of the split vote happening with two additional alternate members would be slim and unique if it did occur.

A required public hearing was conducted at the meeting and no public was in attendance. The Planning and Zoning Board unanimously approved Ordinance Number 898.

Item 12. Mayor Law closed the “Public Hearing” at 7:49 p.m. and reopened the regular meeting to take action on the Planning & Zoning Commission Cases:

- A. Review and make recommendation regarding the following text in Zoning Ordinance Number 589, Section 8.2.A-“There is created, in accordance with Chapter 211 of the Texas Local Government code, and established by Ordinance #589 of the City of Burkburnett, the “Planning and Zoning Commission” , hereafter sometimes referred as the “Commission”, which shall consist of five (5) regular members and two (2) alternate members, who are resident citizens, taxpayers and qualified voters of the City of Burkburnett. The alternate members shall act and serve as members of the Commission when a regular member(s) is absent or is otherwise unable to serve. Choice of the alternate member to serve at a particular meeting of the Planning and Zoning Commission shall be on an alternating basis such that both alternates have equal opportunities to serve; and
- B. Review and make recommendation regarding the following text in Zoning Ordinance Number 589, Section 8.3-A.1. Quorum – A quorum shall consist of four (4) members of the Commission, and any issue to be voted upon shall be resolved by four (4) of those members present.

No action taken on this agenda item.

Item 13. Ordinance Number 898 was presented in its entirety. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING ZONING ORDINANCE NUMBER 589 BY AMENDING SECTION 8.2A. CREATED; MEMBERSHIP; OFFICERS; RULES & BYLAWS; AMENDING SECTION 8.3.A-1 PARLIAMENTARY PROCEDURE; QUORUM; VOTING; AMENDING SECTION 9.2B. MEMBERS; TERMS OF OFFICE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Motion was made by Commissioner Love, seconded by Commissioner Ducos to approve Ordinance Number 898 as presented. Motion carried unanimously.

Item 14. Resolution Number 609 was presented in its entirety. A resolution authorizing a Burkburnett Development Corporation economic incentive agreement with HomeWell Senior Care Inc., First reading, no action was taken.

Item 15. Mr. Whaley addressed the Mayor and Commissioners and stated with the adoption of Ordinance Number 800, the City created a Board of Directors for the Park and Recreation Board. The Board consists of seven (7) members who are resident citizens. With the election of Commissioner Duff to the Board of Commissioners, it leaves a vacancy on the Park and Recreation Board. Kim Horn has completed an

application and has requested to serve on the Board. If appointed, Mrs. Horn will serve the remainder of Commissioner Duff's term which ends on February 17, 2018. The Park and Recreation Board members serve two (2) year staggered terms.

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to approve the appointment of Kim Horn to serve the remainder of Commissioner Duff's term on the Park and Recreation Board. Motion carried unanimously.

Item 16. Mr. Whaley addressed the Mayor and Commissioners and stated with the adoption of Ordinance Number 589, the City created a Board of Directors for the Planning and Zoning Commission. The Board consists of five (5) members who are resident citizens, taxpayers and qualified voters. Aaron King has resigned from the Planning & Zoning Board to serve on the TIF Board. That leaves a vacancy on the Planning and Zoning Board. Paul Gerstner has completed a volunteer application and requested to serve on the Planning & Zoning Board. Mr. Gerstner will serve out the remainder of Mr. King's term which ends on May 1, 2017. The Planning and Zoning Board members serve three (3) year staggered terms.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Love to approve the appointment of Paul Gerstner to serve the remainder of Aaron King's term on the Planning and Zoning Board.

Ayes: Mayor Law; Commissioners Lindenborn, Ducos, and Love

Abstained: Commissioner Tugman

Motion carried.

Item 17. Mr. Whaley addressed the Mayor and Commissioners and stated with the adoption of Ordinance Number 708, the City created a Board of Directors for the Tax Increment Financing Zone (TIF). The ordinance requires five (5) members, at least four (4) of which shall be appointed by the Board of Commissioners, one (1) member appointment by the Wichita County Commissioners. Mayor Carl Law is stepping down from the TIF Board and would like to appoint Aaron King fulfill the remainder of his term which ends December 31, 2016.

Motion was made by Commissioner Love, seconded by Commissioner Lindenborn to approve the appointment of Aaron King to serve the remainder of Mayor Law's term on the TIF Board.

Ayes: Mayor Law; Commissioners Lindenborn, Ducos, and Love

Abstained: Commissioner Tugman

Motion carried.

Item 18. Review of monthly reports.

- A. Public Works – Mr. Smith provided an update on construction at the Sheridan Medical Lodge.

Item 19. No public comments.

Item 20. City Manager comments.

- 4th of July Celebration – July 2nd
- City Hall Closed – Monday, July 4th
- Budget Meeting Dates – July 11th and July 12th – 1pm

Item 21. No Commissioner comments.

Item 22. Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk