MINUTES
BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas, met in a Regular Meeting on Monday, December 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
Randy Brewster Commissioner, Place 2
Mike Tugman Commissioner, Place 3
John Beard Commissioner, Place 4
Marguerite Love Mayor Pro-Tem, Commissioner, Place 5
Bill Lindenborn Commissioner, Place 6

Others present were Lawrence Cutrone, City Manager Richard Gordon, Executive Director, Burkburnett Development Corporation (BDC); Sarah Culp, Planning Director; Trish Holley, Director of Administration; 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

Mark Simons, Pastor, Jan Lee Baptist Church, gave the invocation.

ITEM 3. PLEDGE OF ALLEGIANCE

Mayor Pro-Tem Love led the Pledge of Allegiance.

ITEM 4. CONSENT AGENDA

Approval of Minutes from the November 16, 2021 Regular Meeting.

Commissioner Beard made a motion, seconded by Mayor Pro-Tem Love, to approve the Consent Agenda. Motion carried unanimously.

ITEM 5. PERSONAL/AUDIENCE COMMENTS

There were no comments.

ITEM 6. PUBLIC HEARING: Mayor closed the Regular Meeting and opened the Public Hearing at 7:02 p.m. for Case 2021-6: Specific Use Permit to operate a Storage Facility at 200 S Red River Expy (Legal Description LOT 2 Streich) Burkburnett, Texas.

There were no comments.

ITEM 7. Mayor closed the Public Hearing and reopened the Regular Meeting at 7:03 p.m. to discuss and take any action necessary on Case 2021-6: Specific Use Permit to operate a Storage Facility at 200 S Red River Expy (Legal Description LOT 2 Streich) Burkburnett, Texas.

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After a staff presentation by Sarah Culp, Planning Director, Commissioner Brewster made a motion, seconded by Mayor Pro-Tem Love, to approve the Specific Use Permit for Case 2021-6. Motion carried unanimously.

ITEM 8. Discuss and take any action necessary on the recommendation of Ms. Sheila Johnson (member) and Ms. Mariam Torres (alternate) to the Planning and Zoning Commission.

After a staff presentation by Sarah Culp, Planning Director, Commissioner Lindenborn made a motion, seconded by Commissioner Beard, to approve the Planning and Zoning Commission appointments of Ms. Sheila Johnson and Ms. Mariam Torres.

Ayes (6): Mayor Law, Mayor Pro-Tem Love, Commissioner Beard, Commissioner Brewster, Commissioner Lindenborn, and Commissioner Tugman

Nays (1): Commissioner Brinkley

Motion carried.

ITEM 9. Discuss and take any action necessary on the recommendation of Ms. Mariam Torres to the Hotel Occupancy Tax (HOT) Board.

After a staff presentation by Sarah Culp, Planning Director, Mayor Pro-Tem Love made a motion, seconded by Commissioner Lindenborn, to approve the recommendation of Ms. Mariam Torres to the Hotel Occupancy Tax Board. Motion carried unanimously.

ITEM 10. Discuss and take any action necessary on Resolution Number 718.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AUTHORIZING THE EXPENDITURE OF $12,895 FOR THE WINTERIZATION OF THE PUMP HOUSE AT THE BURKBURNETT FAMILY AQUATIC CENTER.

After a staff presentation by Richard Gordon, Executive Director of the BDC, Commissioner Brinkley made a motion, seconded by Commissioner Beard, to approve Resolution Number 718. Motion carried unanimously.

ITEM 11. Discuss and take any action necessary on Ordinance Number 1011, rescheduling Board of Commissioners meetings that fall on a city holiday.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 36: CITY COMMISSIONERS BY AMENDING § 36.23 REGULAR MEETINGS TO ALLOW THE BOARD OF COMMISSIONERS TO MOVE THE REGULAR MEETING BY MOTION; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Brewster made a motion, seconded by Commissioner Brinkley, to approve Ordinance Number 1011.

Ayes (6): Mayor Law, Mayor Pro-Tem Love, Commissioner Beard, Commissioner Brewster, Commissioner Brinkley, and Commissioner Tugman

Nays (1): Commissioner Lindenborn

Motion carried.
ITEM 12. Discuss and take any action necessary to reschedule the January and February Regular Meetings of the Board of Commissioners.

After a staff presentation by Lawrence Cutrone, City Manager, Commissioner Brewster made a motion to have the January and February meetings on the following Tuesday at the regularly scheduled time. The Mayor then re-stated the motion as the Tuesday following the third Monday, seconded by Mayor Pro-Tem Love.

Ayes (6): Mayor Law, Mayor Pro-Tem Love, Commissioner Beard, Commissioner Brewster, Commissioner Brinkley, and Commissioner Tugman
Nays (1): Commissioner Lindenborn

Motion carried.

ITEM 13. Discuss and take any action necessary regarding alleged violation of Section 36.85 of the Code of Conduct of the Code of Ordinances by Commissioner Brinkley.

Mayor Law read a statement provided by City Attorney Mike Guevara into the record and stated the procedure moving forward. Commissioner Tugman then stated his complaint that Commissioner Brinkley contacted a front-line Police Department employee. Commissioner Tugman provided the Commissioners with a copy of the texts between the individuals. He then discussed in his opinion how this falls within Ordinance Number 1010, which Commissioner Tugman believes was put into place to try to protect our employees from City Commissioners who may have an agenda. His other concern was that a City Commissioner was talking to an employee about what they perceived to be a mistake by the City Manager. Commissioner Tugman believes that this Ordinance was passed to ensure the chain of command. Commissioners hire and fire the City Manager. If Commissioners have questions, they should be directed to the City Manager.

Commissioner Brinkley stated that from the beginning, he had problems with the Ordinance that was passed because it contradicts itself and does not give a definition of who “Staff” is. Commissioner Brinkley then reviewed Sections I and J and stated that he did not give an order or directive to any subordinate, just asked if a report could be created. Once confirmed that the report could be made, Commissioner Brinkley stated he sent an Open Records Request trying to get the AMR times. Commissioner Brinkley stated that he requested the times because AMR is held to a contract from the City of Burkburnett with a response time and should be accountable to the contract. Commissioner Brinkley stated that there were no hidden agendas, just his way of confirming the information before a meeting. Commissioner Brinkley then asked Commissioner Tugman if someone from the City or the City Manager came to him. In response, Commissioner Tugman stated that he had called the City Manager about an issue which was when he found out about a city employee being upset about this situation. Commissioner Tugman stated that he then asked the City Manager to put him in contact with the Police Chief for more details.

Following these statements by the Mayor, Commissioner Tugman, and Commissioner Brinkley, Stephanie Humberd addressed the Mayor and Commissioners with her comments regarding this agenda item.

Commissioner Tugman made a motion, seconded by Commissioner Brewster, to bring this before the next meeting to discuss discipline.

Ayes (6): Mayor Law, Mayor Pro-Tem Love, Commissioner Beard, Commissioner Brewster, Commissioner Lindenborn, and Commissioner Tugman
Nays (1): Commissioner Brinkley

Motion carried.
ITEM 14. CITY MANAGER'S REPORT

Lawrence Cutrone, City Manager, stated that City Hall would be closed on:

- December 23rd and 24th for the Christmas Holiday.
- December 31st for the New Year's Holiday.
- January 17, 2022 for the Martin Luther King Holiday.

January 19, 2022 will be the first day for filing an application for a place on the ballot.

ITEM 15. COMMISSIONERS' COMMENTS

There were no comments.

ITEM 16. ADJOURNMENT

Commissioner Brewster made a motion, seconded by Commissioner Beard, to adjourn. Motion carried unanimously, and the meeting adjourned at 7:38 p.m.

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Carl Law, Mayor

ATTEST:

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Margie Poole, City Clerk