MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas, met in a Regular Meeting on Tuesday, January 18, 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:

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; Sarah Culp, Planning Director; Trish Holley, Director of Administration; Mike Guevara, City Attorney; 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

Dr. Jesse Payne, Pastor, First Baptist Church, gave the invocation.

ITEM 3. PLEDGE OF ALLEGIANCE

Commissioner Lindenborn led the Pledge of Allegiance.

ITEM 4. CONSENT AGENDA

Approval of Minutes from the December 20, 2021 Regular Meeting.

Commissioner Tugman made a motion, seconded by Commissioner Beard, to approve the minutes from the December 20, 2021 Regular Meeting. Motion carried unanimously.

ITEM 5. PERSONAL/AUDIENCE COMMENTS

Susan Mitchell addressed the Mayor and Commissioners with her public comments.

ITEM 6. DISCUSS AND TAKE ANY ACTION NECESSARY TO MOVE THE DATE OF THE FEBRUARY REGULAR BOARD OF COMMISSIONERS MEETING FROM TUESDAY, FEBRUARY 22, 2022 TO TUESDAY, FEBRUARY 15, 2022

Commissioner Tugman made a motion, seconded by Mayor Pro-Tem Love, to move the meeting from February 22, 2022 to February 15, 2022.

Ayes (5): Mayor Law, Mayor Pro-Tem Love, Commissioner Beard, Commissioner Brinkley, and Commissioner Tugman

Nays (2): Commissioner Brewster and Commissioner Lindenborn

Motion carried.
ITEM 7. Discuss and take any action necessary on the Four (4) Tax Deeds and Property Cards for Trust Properties in the City of Burkburnett from the Texas Communities Group:

1) Part of Lots 22-24 Block 40 Original Town Burkburnett, 2) 127 N Avenue D, 3) 707 Louann, and 4) 408 Elm Street.

After a staff presentation by Sarah Culp, Planning Director, Commissioner Brewster made a motion, seconded by Commissioner Brinkley, to approve the sale of the properties. Motion carried unanimously.

ITEM 8. Discuss and take any action necessary on the Authorization under Code of Ordinances Sec. 31.25 to authorize the City Attorney to bring a lawsuit against Kherva Group, LLC. (Best Western Red River Inn) for failure to pay room occupancy tax.

After a presentation by Mike Guevara, City Attorney, Mayor Pro-Tem Love made a motion, seconded by Commissioner Lindenborn, to request the City Attorney proceed with the filing of the lawsuit against Kherva. Motion carried unanimously.

ITEM 9. Discuss and take any action necessary on Ordinance Number 1012.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 7, 2022 TO ELECT MAYOR AND COMMISSIONER FOR PLACE 3 AND COMMISSIONER FOR PLACE 4; DESIGNATING THE POLLING PLACE AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION

Commissioner Lindenborn made a motion, seconded by Commissioner Beard, to approve Ordinance Number 1012. Motion carried unanimously.

ITEM 10. 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 Cory Brinkley.

After Mayor Law outlined the options from the Code of Conduct of the Code of Ordinances that the Commissioners may take:

A) Take no action, B) Denial of agenda items, not to exceed six (6) months, C) Denial of the right to participate in subsequent annual review of the city manager, D) Denial to or restriction of access to city buildings and facilities unless such access is necessary for such Commissioner to conduct official city business as a Commissioner, or E) Resolution of Public Censure.

Mayor Law then allowed public comments on this agenda item. The following people addressed the Mayor and Commissioners with their respective comments: Dayna Jones, Kristy Towery, Marie James, Susan Mitchell, Barney Fudge, Nathan Simpson, and Mark Simons.

Commissioner Tugman made a motion, seconded by Mayor Pro-Tem Love, to move forward with the censure of Cory Brinkley.

After the motion, Commissioner Brinkley questioned whether this agenda item was valid as it did not state Section 36.86(e), which is the section that covers the punishments. In reply, the City Attorney said that, in his legal opinion, the agenda item meets the requirements of the Texas Open Meetings Act.
Commissioner Tugman then addressed the Board with his comments. After Commissioner Tugman’s remarks, Mayor Pro-Tem Love addressed the Board with her comments regarding Commissioner Brinkley’s violation of Ordinance 1010. Following Mayor Pro-Tem Love’s remarks, Commissioner Brinkley addressed the Board with his comments. Commissioner Brewster then addressed the Board with his comments.

After these statements, the Board of Commissioners voted on the motion on the floor:

Commissioner Tugman made a motion, seconded by Mayor Pro-Tem Love, to move forward with the censure of Cory Brinkley.

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

Nays (1): Commissioner Brinkley

Motion carried.

ITEM 11. CITY MANAGER'S REPORT

Lawrence Cutrone, City Manager, stated that the first day for filing an application for a place on the ballot is January 19, 2022. Mr. Cutrone also noted that the TML Region V Meeting will be in Jacksboro on January 27th and that the last day for filing an application for a place on the ballot is February 18th. Additionally, Mike Guevara, City Attorney, thanked the City and the Board for their condolences after his father's death.

ITEM 12. COMMISSIONERS' COMMENTS

There were no comments.

ITEM 13. ADJOURNMENT

Commissioner Lindenborn made a motion, seconded by Mayor Pro-Tem Love, to adjourn. Motion carried unanimously, and the meeting adjourned at 8:02 p.m.

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Carl Law, Mayor

ATTEST:

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Margie Poole, City Clerk