

BURLESON CITY COUNCIL REGULAR MEETING

JUNE 17, 2024
DRAFT MINUTES

ROLL CALL

COUNCIL PRESENT:

Victoria Johnson
Phil Anderson
Alexa Boedeker
Chris Fletcher
Larry Scott
Dan McClendon
Adam Russell

COUNCIL ABSENT:

Staff present

Tommy Ludwig, City Manager
Harlan Jefferson, Deputy City Manager
Amanda Campos, City Secretary
Monica Solko, Deputy City Secretary
Allen Taylor, Jr., City Attorney
Matt Ribitzki, Deputy City Attorney

1. CALL TO ORDER – 5:30 p.m.

Mayor Fletcher called the meeting to order. **Time: 5:32 p.m.**

Invocation – Margaret Fields, Pastor First United Methodist Church

Pledge of Allegiance to the US Flag

Texas Pledge: *Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God; one and indivisible*

2. PUBLIC PRESENTATIONS –

A. Proclamations

- None.

B. Presentations

- None.

C. Community Interest Items

- Thank you Fire Department for great experience during the Fire Training Orientation on June 8 in Cleburne.
- Congratulations to Communications Department for winning 8 awards at the Texas Association of Municipal Information Officers (TAMIO) conference on June 6, 2024.
- Join us at the Library, on Tuesday, June 18 at 6 p.m. for Ramblin Rita's Texas Tale.
- Library services has many summer programs, such as the summer reading club for children and adults, Bingo prizes, Teen 90's Party this Saturday, custom bracelets and more.

- Reminder to join us on Friday's during the Hot Sounds of Summer concerts at 7:30 p.m. on the plaza.
- Juneteenth was celebrated last week with a proclamation and festival with art and music. Thank you staff for supporting the community with this great event.
- Thank you to Council member Phil Anderson for helping with Hot Sounds of Summer last Friday.
- Congratulations Council member Victoria Johnson for being elected as Vice-President on the NCTCOG Executive Board.
- Spots are still available for floats and trailers for the Lions Club 4th of July parade, please plan to come out and support.

3. **CHANGES TO POSTED AGENDA**

A. Items to be continued or withdrawn

- None.

B. Items to be withdrawn from Consent Agenda for separate discussion or items to be added to the Consent Agenda.

- 5I to be removed for separate discussion and consideration.

4. **CITIZEN APPEARANCES**

- Daniel Bennett, 408 Pemberton, White Settlement, came forward to speak on Tarrant Council Appraisal District.

5. **CONSENT AGENDA**

A. Minutes from the May 28, 2024 special council meeting and June 3, 2024 regular council meeting. (Staff Contact: Amanda Campos, City Secretary)

Motion made by Victoria Johnson and seconded by Dan McClendon to approve the consent agenda.

Motion passed 7-0.

B. CSO#5486-06-2024, Council Policy #17 - Establishing City Council Rules of Procedure for City Council Meetings. (Staff Contact: Amanda Campos, City Secretary)

Motion made by Victoria Johnson and seconded by Dan McClendon to approve the consent agenda.

Motion passed 7-0.

C. CSO#5487-06-2024, ordinance appointing J. Greg Coontz as Presiding Municipal Court Judge of the Burleson Municipal Court of Record, City of Burleson for a term of two years, expiring July 5, 2026, and approving a Professional Service Agreement. (Final Reading) (Staff Contact: Amanda Campos, City Secretary)

Motion made by Victoria Johnson and seconded by Dan McClendon to approve the consent agenda.

Motion passed 7-0.

- D. CSO#5488-06-2024, four-year inter-local agreement with the City of Mansfield for use of their gun range and driving track in the amount of \$8,200. (Staff Contact: Billy J. Cordell, Chief of Police)**

Motion made by Victoria Johnson and seconded by Dan McClendon to approve the consent agenda.

Motion passed 7-0.

- E. Cooperative Purchase Customer Agreement for repair services and replacement parts for fire apparatuses from Metro Fire Apparatus Specialists, Inc., through BuyBoard Cooperative Purchasing (Contract #698-23) for three years in the amount of \$325,000. (Staff Contact: Clinton Sumerall, Deputy Director – Operations, Public Works & Engineering)**

Motion made by Victoria Johnson and seconded by Dan McClendon to approve the consent agenda.

Motion passed 7-0.

- F. Cooperative Purchase Customer Agreement for repair services and replacement parts for fire apparatuses from Siddons-Martin Emergency Group, LLC., through BuyBoard Cooperative Purchasing (Contract #698-23), for three years in the amount of \$325,000. (Staff Contact: Clinton Sumerall, Deputy Director – Operations, Public Works & Engineering)**

Motion made by Victoria Johnson and seconded by Dan McClendon to approve the consent agenda.

Motion passed 7-0.

- G. CSO#5489-06-2024, resolution authorizing the purchase of merchandise with Titleist Golf for merchandise at Hidden Creek Golf Course in the amount of \$100,000. (Staff Contact: Jen Basham, Director of Parks and Recreation)**

Motion made by Victoria Johnson and seconded by Dan McClendon to approve the consent agenda.

Motion passed 7-0.

- H. CSO#5490-06-2024, contract to purchase Compliance as a Service (CaaS) Software and three years of subscription services from ThinkGard through a cooperative purchase agreement with TIPS Contract (#220105) in the amount of \$84,250. (Staff Contact: James Grommersch, Chief Technology Officer)**

Motion made by Victoria Johnson and seconded by Dan McClendon to approve the consent agenda.

Motion passed 7-0.

- I. ~~Consider approval of a settlement agreement and mutual release with Dagger Construction regarding the Mockingbird Lane to CR 914A sanitary sewer. (Staff Contact: Matt Ribitzki, Sr. Deputy City Attorney/Director of Legal Services) – REMOVED.~~

Item 5I was removed from consent agenda for separate discussion and consideration.

- J. **CSO#5491-06-2024**, resolution designating the Johnson County Tax Assessor-Collector to perform the required calculation of relevant tax rates and the City Manager to publish and deliver the tax rate forms in accordance with Chapter 26 of the Texas Tax Code. *(Staff Contact: Harlan Jefferson, Deputy City Manager)*

Motion made by Victoria Johnson and seconded by Dan McClendon to approve the consent agenda.

Motion passed 7-0.

- K. **CSO#5492-06-2024**, resolution directing the City Manager to prepare a calendar for the orderly adoption of the property tax rate and annual operating budget for Fiscal Year 2024-2025 assuming a property tax rate that does not exceed the voter-approval rate. *(Staff Contact: Harlan Jefferson, Deputy City Manager)*

Motion made by Victoria Johnson and seconded by Dan McClendon to approve the consent agenda.

Motion passed 7-0.

10. RECESS INTO EXECUTIVE SESSION

- A. **Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071, Texas Government Code**

Motion was made by Dan McClendon and seconded by Alexa Boedeker to convene into executive session. **Time: 5:47 p.m.**

Motion passed 7-0

Motion was made by Adam Russell and seconded by Dan McClendon to reconvene into open session. **Time: 5:55 p.m.**

Motion passed 7-0

5. CONSENT AGENDA – REMOVED ITEM

- I. **CSO#5500-06-2024**, settlement agreement and mutual release with Dagger Construction regarding the Mockingbird Lane to CR 914A sanitary sewer. *(Staff Contact: Matt Ribitzki, Sr. Deputy City Attorney/Director of Legal Services).*

Motion made by Adam Russell and seconded by Dan McClendon to approve.

Motion passed 7-0.

6. DEVELOPMENT APPLICATIONS

- A. CSO#5493-06-2024, ordinance for a zoning change request from “PD”, Planned Development to “PD” Planned Development for Lot 3, Block 1, Shannon Creek Development, “The Cottages at Candler Drive” located at 1530 Candler Dr. (Case 24-064). (This item was continued from the June 3rd City Council meeting.) (Staff Contact: Tony McIlwain, Development Services Director) (The Planning and Zoning Commission recommended approval unanimously)**

Amanda Campos, City Secretary, advised that the item was continued from the June 3, 2024 council meeting. The public hearing was opened and continued.

Tony McIlwain, Development Services Director, continued the presentation to the city council.

Drew Wegman, 129 S. Main Street, Grapevine, came forward to answer any questions Council may have. Council questions included parking, traffic and public safety entry.

Mayor Fletcher closed the public hearing. **Time: 6:28 p.m.**

Motion made by Dan McClendon and seconded by Adam Russell to approve the request with substantial coherence to the map presented, along with the stipulation that a maximum number of units be 100, that there be only rare entry garages, no front garages, the dumpster collection be limited to 9:00 am to 5:00 p.m., that the site plan be brought back to City Council for consideration to ensure conformance to the elevations that have been shown to the landscaping and a limit to four units per building.

Motion passed 5-2, with Phil Anderson and Alexa Boedeker against.

7. GENERAL

- A. CSO#5494-06-2024, minute order for the purchase of a replacement Fire Department Brush Truck chassis with Lake Country Chevrolet, through The Interlocal Purchasing System (TIPS), (Contract # RFP 210907) in the amount of \$76,168. (Staff Contact: Clinton Sumerall, Deputy Director Public Works & Engineering)**

Amanda Campos, City Secretary advised that items 7A, 7B and 7C would be presented together as one presentation but would be voted on separately.

Clinton Sumerall, Deputy Director Public Works & Engineering, presented items 7A, 7B and 7C as one presentation to the city council.

Motion made by Alexa Boedeker and seconded by Victoria Johnson to approve.

Motion passed 7-0.

- B. CSO#5495-06-2024, minute order for the purchase of nine City of Burleson vehicles with Reliable Chevrolet II (TX) LLC., through The Interlocal Purchasing System (TIPS), (Contract # RFP 230204) in the amount of \$454,921. (Staff Contact: Clinton Sumerall, Deputy Director Public Works & Engineering)**

Motion made by Adam Russell and seconded by Alexa Boedeker to approve.

Motion passed 7-0.

- C. CSO#5496-06-2024, minute order for the purchase of nineteen City of Burleson vehicles with Caldwell Country Chevrolet, through BuyBoard cooperative purchasing (Contract # 724-23) in the amount of \$1,454,344. (Staff Contact: Clinton Sumerall, Deputy Director Public Works & Engineering)**

Motion made by Victoria Johnson and seconded by Alexa Boedeker to approve.

Motion passed 7-0.

- D. CSO#5497-06-2024, Award of bid ITB 2024-011 to Reliable Paving Inc. for the Neighborhood Streets Reconstruction with Water and Sewer Reconstruction project in the amount of \$3,218,145 with a project contingency of \$160,907 for a total amount of \$3,379,052. (Staff Contact: Errick Thompson, Director of Public Works & Engineering)**

Errick Thompson, Director of Public Works & Engineering, presented a minute order to the city council.

Motion made by Dan McClendon and seconded by Adam Russell to approve.

Motion passed 7-0.

- E. CSO#5498-06-2024, resolution of the City Council of the City of Burleson, Texas, directing publication of notice of intentions to issue combination tax and revenue certificates of obligation; and resolving other matters relating to the subject. (Staff Contact: Harlan Jefferson, Deputy City Manager)**

Harlan Jefferson, Deputy City Manager, presented a resolution to the city council.

Motion made by Adam Russell and seconded by Dan McClendon to approve.

Motion passed 7-0.

- F. CSO#5499-06-2024, ordinance amending the annual City budget for the Fiscal Year 2023-2024 (CSO#5214-09-2023) by adjusting appropriations to various funds due to changing conditions since the adoption of the annual budget, and finding that this ordinance may be considered and approved at only one meeting because time is of the essence. (First and Final Reading) (Staff Contact: Harlan Jefferson, Deputy City Manager)**

Harlan Jefferson, Deputy City Manager, presented an ordinance to the city council.

Motion made by Adam Russell and seconded by Phil Anderson to approve.

Motion passed 7-0.

RECESS AND BACK TO ORDER

Mayor Fletcher recessed for a short break at 7:14 p.m. and called the meeting back to order at 7:25 p.m. with all members present.

8. REPORTS AND PRESENTATIONS

- A. Receive a report, hold a discussion, and provide staff direction regarding the 5-year forecast for the General Debt Service Fund, Health Insurance Fund, IT Support Service Fund, Medical Transport Fund, American Rescue Plan Act Fund, Hotel/Motel Fund, Public Education Government Fund, Municipal Court Funds, Solid Waste Fund, Cemetery Operating Fund, Cemetery Endowment Fund, Equipment Replacement Fund, and Equipment Services Fund. (Staff Contact: Harlan Jefferson, Deputy City Manager)**

Harlan Jefferson, Deputy City Manager, reported on the 5 year forecast on the General Debt Service Fund, Health Insurance Fund, IT Support Service Fund, Medical Transport Fund, American Rescue Plan Act Fund, Hotel/Motel Fund, Public Education Government Fund, Municipal Court Funds, Solid Waste Fund, Cemetery Operating Fund, Cemetery Endowment Fund, Equipment Replacement Fund, and Equipment Services Fund to the city council.

Discussion included:

- Medical Transport Fund:
 - Adding the 18 firefighters involved in medical transport into the fund as well as any other expenses to see the entire revenue that was collected, entire expenses, track dollar amount to cover those expenses and the exact amount of tax dollars that go to that.
 - Cost of a fourth ambulance approximately \$925,000 annual cost (upfront cost of \$600,000 and a little over \$400,000 for ambulance). Those costs are today's dollars and a fourth ambulance is not in the five year horizon but it is also depending on call volume and mutual aid. Discussion would be to issue debt for this expense should the need arise.
 - Other questions included: call volume increase and replacement of vehicles. There is currently a 30% increase in call volume and fire is tracking monthly mileage and looking at when to rotate vehicles to reserve and order new ones. Council requested an extra slide to get an idea of what's coming on the horizon for ambulances in the five-year horizon.
- Hotel Motel Tax:
 - Could this fund potentially pay for a staff person that could bring tournaments to the city? Legal will need to be research and look into the fund regulations.

- B. Receive a report, hold a discussion and provide staff direction regarding the operation of Chisenhall Sports Complex. (Staff Contact: Jen Basham, Director of Parks and Recreation)**

Jen Basham, Director of Parks and Recreation, reported on the operation of Chisenhall Sports Complex to the city council.

Discussion included:

- Potential full time employee for in-house tournament management
- Reallocation of current park staff
- Transitioning to turf fields
- Third-party relationship management with sponsorships
- Community leader relationships
- Repairs and clean up
- If HOT MOT funds could pay for some of the expenses

Council was in favor of exploring a third party management through competitive bidding process to see what kind of proposals are out there before making a final decision.

Ms. Basham commented this item was to start the conversation. Staff would bring something back in the fall of next year so Council could consider:

- Full management including maintenance of the fields
- Partial management with city continuing to maintain the fields
- Partial management could oversee tournament soliciting, marketing and sponsorships or menu items to see what combination council would prefer

C. Receive a report, hold a discussion and provide staff direction regarding implementation of the Intelligent Transportation System (ITS) Strategic Plan. (Staff Contact: Errick Thompson, Director of Public Works & Engineering)

Errick Thompson, Director of Public Works & Engineering, reported on the implementation of the Intelligent Transportation System (ITS) Strategic Plan.

Discussion included:

- Staff has reduced the cost by about \$1.9 million roughly just by changing the approach to how the city is procuring the project. The current procurement process is now about \$2.6 plus about \$370,000 in IT related items that would be procured directly through IT for a total just under \$3 million and about \$200,000 allocated for a dedicated website dashboard that's outside of these costs.
- Signal maintenance, there are 44 signals that are located in Burleson however 27 of those are maintained by TxDOT and they are on state routes. Once the city reaches a population of 50,000, the city will have no choice but to take over signal maintenance responsibility from TxDOT. The city could voluntarily request to take over that responsibility and if approved by TxDOT they will not reimburse the city for our maintenance but will pay for the power of the signals until you reach the 50,000 population.
- Costs to consider:
 - New signal technician/traffic management center operator - \$100,000 annual cost plus would need to consider having a second for coverage in the future.

- Inventory to run about \$75,000
 - Buck truck \$200,000
 - Traffic Control Equipment for lane closures and safe work zone - \$50,000
 - Ongoing IT costs - \$100,000 recurring
 - Council could use the \$1.9 million cost savings from the procuring project
- The plan is to start slowly with one staff person add a secondary if budget allows, wait to take control of TxDOT signals. It will not operate 24-7, will basically operating during peak periods morning and afternoon and during special events.
 - Council also discussed costs of maintenance, how much supplies (inventory) to have on demand, responsibilities such as providing traffic control, replacing things that are damaged and keeping maintenance records and inspections of each intersection. By having the data the city can analyze the data and make a better case to TxDOT and NCTCOG to change the timing patterns for traffic.

Council was in favor with moving forward with the project as presented.

9. CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS OR REPORTS

- None.

10. RECESS INTO EXECUTIVE SESSION

In accordance with Chapter 551 of the Texas Government Code, the City Council may convene in Executive Session in the City Council Workroom in City Hall to conduct a closed meeting to discuss any item listed on this Agenda.

A. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071, Texas Government Code

- Receive a report and hold a discussion regarding Lighthouse Incident Case Numbers 2000310019, 2000310351, and 2000310313
- Receive a report and hold a discussion regarding City facilities and buildings and *Bostock v. Clayton County*
- Receive a report and hold a discussion regarding the First Amended 380 and Development Agreement for Public and Private Improvements in Reinvestment Zone Number Two, City of Burleson between the city of Burleson and Realty Capital Management, LLC
- Receive a report and hold a discussion regarding City sales tax received from the state comptroller and LoveSac
- Receive a report and hold a discussion regarding Subchapters D and E of Chapter 42 of the Local Government Code and existing development agreements

B. Discussion regarding possible purchase, exchange, lease, or value of real property pursuant to Section 551.072, Texas Government Code

- Real property at the corner of W Ellison Street and S Wilson Street, commonly known as 111 and 113 S Wilson Street, and 114 W Ellison Street in Burleson, Johnson County, Texas
- Receive a report and hold a discussion on certain parcels of real property in Johnson County, Texas for economic development purposes where deliberation in open session would have a detrimental effect on the position of negotiations with third parties

C. Personnel matters pursuant to Section 551.074, Texas Government Code

- Municipal Judge

D. Deliberation regarding (1) the deployment, or specific occasions for implementation of security personnel or devices; or (2) a security audit Pursuant to Sec. 551.076, Texas Government Code

- Receive a report and hold a discussion regarding an informal security audit of certain City facilities and buildings
- Receive a report and hold a discussion regarding an informal security audit related to the preparedness to deploy and implement security personnel or devices during certain events

E. Deliberation regarding commercial or financial information received from or the offer of a financial or other incentive made to a business prospect seeking to locate, stay or expand in or near the territory of the City and with which the City is conducting economic development negotiations pursuant to Section 551.087, Texas Government Code

- Project Dough
- Project Wave

Motion was made by Adam Russell and seconded by Alexa Boedeker to convene into executive session. **Time: 9:22 p.m.**

Motion passed 7-0

Motion was made by Adam Russell and seconded by Victoria Johnson to reconvene into open session. **Time: 11:35 p.m.**

Motion passed 7-0

10. ADJOURNMENT

Motion made by Adam Russell and seconded by Victoria Johnson to adjourn.

Mayor Chris Fletcher adjourned the meeting.

Time: 11:35 p.m.

Monica Solko
Deputy City Secretary