

BURLESON CITY COUNCIL REGULAR MEETING

November 13, 2023

DRAFT MINUTES

ROLL CALL

COUNCIL PRESENT:

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

COUNCIL ABSENT:

Staff present

Tommy Ludwig, City Manager
Eric Oscarson, Deputy 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: 5:30 p.m.**

Invocation – Mayor Chris Fletcher gave the invocation

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

- Receive a report to recognize the selected Employee of the Quarter for the 3rd quarter of 2023. (Staff Presenter: Wanda Bullard: Interim Director of Human Resources)

C. Community Interest Items

- The community is mourning the loss of Matt Aiken a former council member, he will be greatly missed.
- Thank you to the Parks and Recreation Department for a great celebration at our Veterans Tribute on Saturday.

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A. Items to be continued or withdrawn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B. Items to be withdrawn from Consent Agenda for separate discussion or items to be added to the Consent Agenda.

- None.

4. CITIZEN APPEARANCES

- None.

5. CONSENT AGENDA

A. Minutes from the October 16, 2023 regular council meeting. (*Staff Contact: Amanda Campos, City Secretary*).

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

Motion passed 7-0.

B. CSO#5281-11-2023, minute order ratifying resolution 4A111323ChishomSummit HooperPark, requesting the City Council pass an intention to reimburse resolution that includes an amount not to exceed \$1,650,000 for capital projects related to Chisholm Summit roadway infrastructure and industrial business park capital improvements. (*Staff Presenter: John Butkus, Finance Director*)

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

Motion passed 7-0.

C. CSO#5282-11-2023, minute order ratifying resolution 4A11132023NationalDCP a Performance Agreement between the Burleson 4A Economic Development Corporation and National DCP, LLC for an 85,000 cold storage facility located at 3005 S. Interstate 35W in Highpoint East Business Park in Burleson, Texas. (*Staff Presenter: Alex Philips, Economic Development Director*)

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

Motion passed 7-0.

D. CSO#5283-11-2023, minute order ratifying resolution 4A11132023ChisholmSummitLakewoodDr and approval of a resolution authorizing the reimbursement of R.A. Development, Ltd., for costs associated with burying United Cooperative Services existing overhead electric lines along Lakewood Drive pursuant to an existing Chapter 380 and Economic

Development and Performance Agreement in an amount not to exceed \$669,139.33. (Staff Presenter: Errick Thompson, Director of Public Works & Engineering)

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

Motion passed 7-0.

- E. CSO#5284-11-2023, minute order ratifying resolution 4B111323ParksRecreation Capital, requesting the City Council pass an intention to reimburse resolution that includes an amount not to exceed \$2,833,601 related to the design, construction and improvements for Parks and Recreation capital projects. (Staff Presenter: John Butkus, Finance Director)**

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

Motion passed 7-0.

- F. CSO#5285-11-2023, minute order ratifying 4B11132023FarmLeaseBleeker a five-year farm lease with Charles Bleeker for approximately 11.74 acres located in the H.G. Catlett Survey Abstract No. 177 off S.W. Alsbury Boulevard. (Staff Contact: Justin Scharnhorst, Assistant to the City Manager)**

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

Motion passed 7-0.

- G. CSO#5286-11-2023, minute order ratifying 4B11132023Razzoo's1stamendment and approval of an amendment to the Chapter 380 Economic Development and Performance Agreement (CSO#1754-05-2021) between the City of Burleson, Burleson Community Service Development Corporation, and Razzoo's, Inc. (Staff Contact: Alex Philips, Economic Development Director)**

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

Motion passed 7-0.

- H. CSO#5287-11-2023, minute order ratifying 4B11132023Heim1stamendment and an amendment to the Chapter 380 Economic Development and Performance Agreement (CSO#1653-01-2021) between the City of Burleson, Burleson Community Service Development Corporation, and Heim Burleson, LLC, (Staff Contact: Alex Philips, Economic Development Director)**

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

Motion passed 7-0.

- I. **CSO#5288-11-2023, minute order for the purchase of firearms, training firearms, and associated equipment with GT Distributors, Inc. through a cooperative purchase agreement with BuyBoard in the amount of \$123,246.78. (Staff Contact: Tim Mabry, Lieutenant)**

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

Motion passed 7-0.

- J. **CSO#5289-11-2023, amendment to CSO#3075-09-2022 wrecker contracts with Beard's Towing serving as an approved operator in the city of Burleson's rotation pursuant to ordinance B-678. (Staff Contact: Justin Scharnhorst, Assistant to the City Manager)**

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

Motion passed 7-0.

- K. **CSO#5290-11-2023, amendment to CSO#3074-09-2022 wrecker contracts with B&W Wrecker serving as an approved operator in the city of Burleson's rotation pursuant to ordinance B-678. (Staff Contact: Justin Scharnhorst, Assistant to the City Manager)**

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

Motion passed 7-0.

- L. **C CSO#5291-11-2023, minute order authorizing the Declaration and Bylaws of the property owners association for the real property commonly known as 135 West Ellison Street in Burleson, Johnson County, Texas. (Staff Contact: Matt Ribitzki, Sr. Deputy City Attorney/Director of Legal Services)**

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

Motion passed 7-0.

- M. **CSO#5292-11-2023, one-year contract with Core & Main LP for the purchase of water and wastewater supplies in accordance with ITB 2023-023 Sections B and I in the amount of \$25,391.38. (Staff Presenter: Errick Thompson, Director of Public Works & Engineering)**

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

Motion passed 7-0.

- N. CSO#5293-11-2023, one-year contract with Ferguson Enterprises LLC for the purchase of water and wastewater supplies in accordance with ITB 2023-023 Sections A, D, G, J and K in the amount of \$65,008.30. (Staff Presenter: Errick Thompson, Director of Public Works & Engineering)**

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

Motion passed 7-0.

- O. CSO#5294-11-2023, one-year contract with Johnson County WinWater for the purchase of water and wastewater supplies in accordance with ITB 2023-023 Sections C and H in the amount of \$36,366.87. (Staff Presenter: Errick Thompson, Director of Public Works & Engineering)**

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

Motion passed 7-0.

- P. CSO#5295-11-2023, one year contract with Consolidated Pipe & Supply for the purchase of water and wastewater supplies in accordance with ITB 2023-023 Sections E in the amount of \$3,256.82. (Staff Presenter: Errick Thompson, Director of Public Works & Engineering)**

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

Motion passed 7-0.

- Q. CSO#5296-11-2023, Chapter 380 agreement with the Burleson Opportunity Fund to promote economic development. (Staff Contact: Matt Ribitzki, Sr. Deputy City Attorney/Director of Legal Services)**

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

Motion passed 7-0.

- R. C CSO#5297-11-2023, estoppel certificate concerning Burleson Cold Storage, LP and Burleson Cold Storage II, LP Tax Abatement Agreement on the subject property in HighPoint Business Park. (Staff Contact: Alex Philips, Economic Development Director)**

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

Motion passed 7-0.

- S. CSO#5298-11-2023, five year professional services agreement with Front Line Mobile Health, PLLC through a cooperative purchasing agreement with the City**

of Fort Worth for the services of Fire Department annual medical evaluations and pre-employment medical evaluations in the amount of \$450,000. (Staff Presenter: Josh Jacobs, Assistant Fire Chief)

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

Motion passed 7-0.

- T. CSO#5299-11-2023, Interlocal Agreement for Fire Protection Service with Johnson County Emergency Service District No. 1 that will provide automatic/mutual aid services to the City of Burleson. (Staff Contact: K.T. Freeman, Fire Chief)**

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

Motion passed 7-0.

- U. CSO#5300-11-2023, settlement agreement and mutual release with Paul Karmy, Darlene Karmy, and Christ Chapel Bible Church concerning the real property commonly known as 430 N Burleson Blvd and 220 Centre Drive in Burleson, Johnson County, Texas.**

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

Motion passed 7-0.

- V. CSO#5301-11-2023, minute order authorizing the purchase of EMS supplies pursuant to an existing Cooperative Purchasing Interlocal Agreement with the City Midlothian for EMS supplies from Bound Tree Medical, LLC in the amount not to exceed \$234,000. (Staff Contact: Casey Davis, Assistant Fire Chief)**

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

Motion passed 7-0.

- W. CSO#5302-11-2023, resolution ratifying the petition for release from the City of Burleson's extraterritorial jurisdiction (ETJ) for approximately 97.248 acres of land located at 7901 & 8001 CR 802 and 1820 FM 731 (Case 23-313). (Staff Contact: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item.)**

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

Motion passed 7-0.

- X. CSO#5303-11-2023,ETJ Release Petition for 819 W Bethesda Rd (Case 23-326): Consider approval of resolution ratifying the petition for release from the City of Burleson extraterritorial jurisdiction (ETJ) for approximately 25.925 acres of land located at 819 W Bethesda Rd. (Staff Presenter: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item)**

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

Motion passed 7-0.

- Y. CSO#5304-11-2023, resolution ratifying the petition for release from the City of Burleson extraterritorial jurisdiction (ETJ) for approximately 1.281 acres of land known as Lot 2, Block 1, Pruitt Addition; addressed as 10413 CR 1016 TJ Release Petition (Case 23-331). (Staff Presenter: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item)**

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

Motion passed 7-0.

- Z. CSO#5305-11-2023, resolution ratifying the petition for release from the City of Burleson's extraterritorial jurisdiction (ETJ) for approximately 12.005 acres of land, located at 5201 CR 707 (Case 23-316). (Staff Contact: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item)**

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

Motion passed 7-0.

- AA. CSO#5306-11-2023, resolution ratifying the petition for release from the City of Burleson extraterritorial jurisdiction (ETJ) for approximately 1.558 acres of land located at 7216 CR 802 (Case 23-318). (Staff Contact: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item)**

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

Motion passed 7-0.

- BB. CSO#5037-11-2023, resolution ratifying the petition for release from the City of Burleson extraterritorial jurisdiction (ETJ) for approximately 1.281 acres of land known as Lot 1, Block 1, Dunder Mifflin Estates; addressed as 8048 CR 802 (Case 23-332). (Staff Presenter: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item)**

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

Motion passed 7-0.

6. DEVELOPMENT APPLICATIONS

- A. CSO#5308-11-2023, ordinance for a zoning change request from "A", Agricultural to "PD" Planned Development for a single-family attached and townhome development with a commercial component located at 6401 CR 910Z The Prairie at Chisholm Trail (Case 23-149). (*First and Final Reading*) (Staff Presenter: Tony D. McIlwain, Development Services Director) (The Planning and Zoning Commission recommended disapproval by unanimous vote) - DENIED**

Tony McIlwain, Development Services Director, presented an ordinance to the city council.

Matt Powell, the applicant, P.O. Box 2527, Burleson, came forward and gave a presentation to the council.

Charles Covey, with LandVest, P.O. Box 1387, McKinney, came forward and presented some renderings of the project.

Mayor Fletcher opened the public hearing. **Time: 6:09 p.m.**

Matt Powell, the applicant, P.O. Box 2527, Burleson came forward and spoke on connectivity to the property.

Mayor Fletcher closed the public hearing. **Time: 6:10 p.m.**

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

Motion to deny passed 7-0.

- B. CSO#5309-11-2023, resolution for variances to Chapter 63, Sign Regulations, relating to conformity, location and separation of a pole sign for Gina's Pizza at 319 NW Renfro St. (Case 23-287). (Staff Presenter: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item.)**

Tony McIlwain, Development Services Director, presented an ordinance to the city council.

Rick Robertson, the applicant, 5105 E. California Parkway, was available to answer any questions council may.

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

Motion passed 7-0.

7. GENERAL

- A. CSO#5310-11-2023, resolution declaring intention to reimburse an amount not to exceed \$41,820,000 for Council approved capital projects with the FY23/24 budget and capital improvement plan. The resolution will give the City the ability to begin incurring capital expenditure costs of these projects with the intent of reimbursing the cost incurred with proceeds from bond debt to be issued at a future date and placing time restrictions on the issuance of tax-exempt obligations. (Staff Presenter: John Butkus, Finance Director)**

John Butkus, Finance Director, presented a resolution to the city council.

Motion made by Dan McClendon and seconded by Ronnie Johnson to approve.

Motion passed 7-0.

- B. CSO#5311-11-2023, resolution authorizing the Texas Coalition of Affordable Power to purchase electricity through a strategic hedging program on behalf of the city of Burleson beginning January 1, 2026. (Staff Presenter: Justin Scharnhorst, Assistant to the City Manager)**

Justin Scharnhorst, Assistant to the City Manager, presented a resolution to the city council.

Margaret Sumner, Executive Director of Texas Coalition of Affordable Power, came forward to answer questions from Council.

Motion made by Dan McClendon and seconded by Phil Anderson to approve.

Motion passed 7-0.

- C. CSO#5312-11-2023, Reimbursement Agreement and an amendment to the permanent easement with Texas Midstream Gas Services L.L.C. for relocation of the existing 12" gas pipeline located on the south side of the Burleson Police Department complex in the amount of \$1,197,000.00. (Staff Presenter: Errick Thompson, Director of Public Works & Engineering)**

Errick Thompson, Director of Public Works & Engineering, presented an agreement to the city council.

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

Motion passed 7-0.

- D. CSO#5313-11-2023, minute order adopting the Mobility Plan, and Water & Wastewater Master Plan. (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 Adam Russell and seconded by Victoria Johnson to approve with the correction to the name to 2023 Mobility Plan and 2023 Water & Wastewater Master Plan.

Motion passed 7-0.

- E. Ordinance amending the Roadway Impact Fee Ordinance (CSO#1479-08-2020); finding that the meeting at which this ordinance is passed was open to the public and that the recitals are true; containing a severability clause, cumulative clause, and effective date. (*First Reading*) (Staff Presenter: *Erick Thompson, Director of Public Works & Engineering*)**

Erick Thompson, Director of Public Works & Engineering, presented an ordinance to the city council.

Mayor Fletcher opened the public hearing. **Time: 7:41 p.m.**

Justin Bond, 236 E. Ellison, Burleson came forward with concerns on impact fees for new residents.

Bill Janusch, 117 NE Clinton Street, came forward in favor of the ordinance.

Mayor Fletcher closed the public hearing. **Time: 7:49 p.m.**

Motion made by Dan McClendon and seconded by Larry Scott to accept the findings and approve the fee recommendation.

Motion passed 5-2, with Phil Anderson and Adam Russell voting against.

- F. Ordinance amending the Water and Wastewater Impact Fee Ordinance (CSO#977-02-2019); finding that the meeting at which this ordinance is passed was open to the public and that the recitals are true; containing a severability clause, cumulative clause, and effective date. (*First Reading*) (Staff Presenter: *Erick Thompson, Director of Public Works & Engineering*)**

Erick Thompson, Director of Public Works & Engineering, presented an ordinance to the city council.

Mayor Fletcher opened the public hearing. **Time: 7:41 p.m.**

No speakers.

Mayor Fletcher closed the public hearing. **Time: 7:49 p.m.**

Motion made by Dan McClendon and seconded by Larry Scott to approve.

Motion passed 6-1, with Phil Anderson voting against.

RECESS AND BACK TO ORDER

Mayor Fletcher recessed for a short break at 7:52 p.m. and called the meeting back to order at 8:00 p.m. with all members present.

G. CSO#5314-11-2023, resolution casting votes for the election of members to the Johnson County Central Appraisal District Board of Directors. (Staff Presenter: Eric Oscarson, Deputy City Manager)

Eric Oscarson, Deputy City Manager, presented a resolution to the city council.

Craig Houndley, P.O. Box 656, Grandview came forward to answer questions from Council.

Duaine Goulding, 4837 RM 916, came forward with requesting votes

Motion made by Victoria Johnson and seconded by Dan McClendon to approve casting 298 votes to John Wood and 75 votes to Duaine Goulding.

Motion passed 7-0.

H. CSO#5315-11-2023, resolution casting votes for the election of members to the Tarrant County Central Appraisal District Board of Directors. (Staff Presenter: Eric Oscarson, Deputy City Manager)

Eric Oscarson, Deputy City Manager, presented a resolution to the city council.

Motion made by Adam Russell and seconded by Victoria Johnson to approve all votes to Gary Losado.

Motion passed 7-0.

8. REPORTS AND PRESENTATIONS

A. Receive a report, hold a discussion and provide staff direction regarding landscaping along Lakewood Drive. (Staff Presenter: Errick Thompson, Director of Public Works & Engineering)

Errick Thompson, Director of Public Works & Engineering, gave an update on landscaping along Lakewood Drive to the city council.

B. Receive a report, hold a discussion, and provide staff feedback regarding a financial overview of the Parks Performance Fund. (Staff Presenter: Jen Basham, Director of Parks and Recreation)

Jen Basham, Parks and Recreation Director, gave a financial overview of the Parks Performance Fund to the city council.

C. Receive a report, hold a discussion and provide staff direction regarding an update to the city's zoning ordinance. (Staff Presenter: Tony McIlwain, Development Services Director)

Tony McIlwain, Development Services Director, gave an update on the city's zoning ordinance to the city council.

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 Number 90743858
- Receive a report and hold a discussion regarding the Mockingbird Lane to CR 914A sanitary sewer, the Chapter 380 and Economic Development and Performance Agreement between the City of Burleson, the Burleson 4A Economic Development Corporation, R.A. Development, Ltd., et al. for Chisholm Summit, and the construction contract between R.A. Development, Ltd., and Dagger Construction
- Receive a report and hold a discussion regarding the results of water samples from 616 Memorial Plaza in Burleson, Johnson County, Texas
- Receive a report and hold a discussion regarding TMLIRP Claim No. LB203790/City Claim No. 2023-025

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

- Approximately 30.76 acres of land in Burleson, Johnson County, Texas near the intersection of SW Hulen St and SW Alsbury Blvd, commonly known as 2140 SW Hulen St, 2410 SW Hulen St, 2250 SW Hulen St, and 1303 SW Hulen St
- 555 E Hidden Creek Parkway in Burleson, Johnson County, Texas

C. 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 Lunchbreak
- Project Retail

Motion was made by Adam Russell and seconded by Victoria Johnson to convene into executive session. **Time: 10:18 p.m.**

Motion passed 7-0.

Motion was made by Dan McClendon and seconded by Adam Russell to reconvene into open session. **Time: 11:21 p.m.**

Motion passed 7-0.

11. ADJOURNMENT

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

Mayor Fletcher adjourned the meeting.

Time: 11:21 p.m.

Monica Solko
Deputy City Secretary