

BURLESON CITY COUNCIL REGULAR MEETING

October 3, 2022
DRAFT MINUTES

COUNCIL PRESENT:

Victoria Johnson
Rick Green

Chris Fletcher
Tamara Payne
Dan McClendon
Ronnie Johnson

COUNCIL ABSENT:

Jimmy Stanford

Staff present

Bryan Langley, City Manager
Tommy Ludwig, 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 – 4:00 PM

Invocation – Rocky Bransom.

Pledge of Allegiance to the US Flag

Texas Pledge:

2. REPORTS AND PRESENTATIONS

A. Receive a report, hold a discussion, and give staff direction regarding the Jayellen and Wintercrest Sidewalk Improvements Project. (*Staff Contact: Errick Thompson, Public Works Deputy Director*)

Errick Thompson, Deputy Public Works Director, presented the Jayellen and Wintercrest sidewalk improvements project to the city council.

Tamara Payne left the dais at 4:24 p.m. and returned at 4:27 p.m.

B. Receive a report, hold a discussion and provide staff direction regarding public art. (*Staff Presenter: Jen Basham, Director of Parks and Recreation*).

Jen Basham, Director of Parks and Recreation, presented public art program to the city council.

11. RECESS INTO EXECUTIVE SESSION – MOVED

Pursuant to Section 551.071, Texas Government Code, the Council reserves the right to convene in Executive Session(s), from time to time as deemed necessary during this meeting for any posted agenda item, to receive advice from its attorney as permitted by law.

A. Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071

-Discuss and receive direction on a real estate contract between the Burleson 4A Economic Development Corporation, as buyer, and James Crouch and Katherine Halwes, as sellers, for 30.76 acres in Johnson County, Texas, commonly known as 2140 SW Hulen St, Burleson, Texas.

-Discuss and receive direction on SOAH Docket No. 407-22-09369, *Joshua Lott v. Burleson Police Department*, Before the State Office of Administrative Hearings.

-Discuss and receive direction on Internal Affairs Investigation IA 22-02.

B. Discussion Regarding Possible Purchase, Exchange, Lease, or Value of Real Property Pursuant to Section 551.072

-Discuss and receive direction on certain parcels of real property for municipal purposes where deliberation in open session would have a detrimental effect on the position of negotiations with third parties.

-Discuss and receive direction on certain parcels of real property for the expansion of Lakewood Drive where deliberation in open session would have a detrimental effect on the position of negotiations with third parties.

-Discuss and receive direction on certain parcels of real property for the expansion of County Road 1020 where deliberation in open session would have a detrimental effect on the position of negotiations with third parties.

C. Deliberation regarding a negotiated contract for a prospective gift or donation to the state or the governmental body Pursuant to Section 551.073

D. Personnel Matters Pursuant to Section 551.074

E. 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

F. 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

-Project Workforce

-Project Spec

G. Pursuant to Sec 418.183(f), deliberation of information related to managing emergencies and disasters including those caused by terroristic acts (must be tape recorded)

Motion was made by Dan McClendon and seconded by Rick Green to convene into executive session. **Time: 4:45 p.m.**

Motion passed 6-0, with Jimmy Stanford absent.

Motion was made by Victoria Johnson and seconded by Dan McClendon to reconvene into open session. **Time: 5:48 p.m.**

Motion passed 6-0, with Jimmy Stanford absent.

3. PUBLIC PRESENTATIONS

A. Proclamations

- None.

B. Presentations

- None.

C. Community Interest Items

- Congratulations on your retirement Stacy Singleton, Fire Marshal.
- Congratulations on your retirement Desire Choate, Police Records.
- Great turnout at the Fire Department Banquet and congratulations to the award winners.
- Thank you to the Police Department for assisting a citizen that was passing through our town.
- Join us for Founders Day, Saturday, October 8, from 10 a.m. – 4 p.m., Mayor Vera Calvin Plaza.
- Join us in celebrating Hispanic Heritage month, with Latin Food Truck night at the Brick, Friday, October 14 from 6 to 8 p.m.
- Continuing celebrating Hispanic Heritage month with a free concert, the Selena forever tribute band, Saturday, October 15, at 7:30 p.m., Mayor Vera Calvin Plaza.

Allen Taylor, Jr, City Attorney, announced that he gave the wrong ruling at our last council meeting by not allowing a citizen speak on an item.

4. CHANGES TO POSTED AGENDA

A. Items to be continued or withdrawn

- 9A withdrawn.

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

- None.

5. CITIZEN APPEARANCES

- Bill Janusch, 117 NE Clinton Street, came forward with concerns about the public's ability to speak at public meetings.

Council member Tamara Payne left the dais 5:58 p.m. and returned at 6:04 p.m.

- Susan Cato, 820 Cedar Ridge Lane, came forward with concerns about the public's ability to speak at public meetings.

6. CONSENT AGENDA

A. Minutes from the September 19, 2022 regular council meeting. (Staff Contact: Amanda Campos, City Secretary)

Motion made by Ronnie Johnson and seconded by Victoria Johnson to approve.

Motion passed 6-0, with Jimmy Stanford absent.

- B. CSO#3089-10-2022 minute order ratifying the 4B Community Development Service Corporation Board's action requesting the City Council pass an intention to reimburse resolution that includes an amount not to exceed \$14,915,000 for various parks and trails capital improvements as reflected in the Park and Recreation 5 year Capital Improvement Plan (CIP). (Staff Contact: Martin Avila, Finance Director)**

Motion made by Ronnie Johnson and seconded by Victoria Johnson to approve.

Motion passed 6-0, with Jimmy Stanford absent.

- C. CSO#3090-10-2022 minute order ratifying the Burleson 4A Economic Development Corporation's approval of a resolution requesting the voluntary annexation of approximately 106 acres of land lying contiguous to Burleson city limits. (Staff Contact: Tony McIlwain, Development Services Director)**

Motion made by Ronnie Johnson and seconded by Victoria Johnson to approve.

Motion passed 6-0, with Jimmy Stanford absent.

- D. CSO#3091-10-2022 minute order ratifying the 4A Economic Development Corporation Board's actions taken on the resolution approving the acquisition of real property along and around County Road 914 for right of way and other purposes in the name of the City of Burleson and authorizing the expenditure of funds at their October 3, 2022 meeting. (Staff Contact: Alex Philips, Economic Development Director)**

Motion made by Ronnie Johnson and seconded by Victoria Johnson to approve.

Motion passed 6-0, with Jimmy Stanford absent.

- E. CSO#3092-10-2022 minute order ratifying the 4A Economic Development Corporation Board's action on a resolution authorizing the reimbursement of R.A. Development, Ltd., for roadway construction costs and for the limited authorization for grading, stormwater infrastructure, and roadway construction for R.A. Development, Ltd., pursuant to an existing Chapter 380 and Economic Development and Performance Agreement in an amount not to exceed \$17,980,956.61 including contingency. (Staff Contact: Eric Oscarson, Public Works Director)**

Motion made by Ronnie Johnson and seconded by Victoria Johnson to approve.

Motion passed 6-0, with Jimmy Stanford absent.

- F. CSO#3093-10-2022 minute order ratifying the 4A Economic Development Corporation Board's actions taken on the professional services contract with MMA, Inc. in the amount of \$105,000 at their October 3, 2022 meeting. (Staff Contact: Alex Philips, Economic Development Director)**

Motion made by Ronnie Johnson and seconded by Victoria Johnson to approve.

Motion passed 6-0, with Jimmy Stanford absent.

- G. CSO#3094-10-2022 minute order ratifying the 4A Economic Development Corporation Board's action requesting the City Council pass an intention to reimburse resolution that includes an amount not to exceed \$30,000,000 for capital projects related to Chisholm Summit roadway infrastructure and industrial business park capital improvements. (Staff Contact: Martin Avila, Finance Director)**

Motion made by Ronnie Johnson and seconded by Victoria Johnson to approve.

Motion passed 6-0, with Jimmy Stanford absent.

- H. CSO#3095-10-2022 minute order ratifying the 4A Economic Development Corporation Board's actions approving an amendment to the Burleson Works agreement with the Burleson Opportunity Fund. (Staff Contact: Alex Philips, Economic Development Director)**

Motion made by Ronnie Johnson and seconded by Victoria Johnson to approve.

Motion passed 6-0, with Jimmy Stanford absent.

- I. CSO#3096-10-2022 minute order ratifying the 4A Economic Development Corporation Board's actions on the approval of a one-year services contract with the Burleson Area Chamber of Commerce. (Staff Contact: Alex Philips, Economic Development Director)**

Motion made by Ronnie Johnson and seconded by Victoria Johnson to approve.

Motion passed 6-0, with Jimmy Stanford absent.

- J. CSO#3097-10-2022 resolution authorizing the City Manager to execute all necessary documents and make necessary expenditures to enter into and close on a real estate contract with Melba W. Monroe, as seller, to purchase fee simple title to approximately 48,177.36 square feet of land out of the H.G. Catlett Survey Abstract No. 185 in Johnson County, Texas. (Staff Contact: Michelle McCullough, Assistant Director of Public Works)**

Motion made by Ronnie Johnson and seconded by Victoria Johnson to approve.

Motion passed 6-0, with Jimmy Stanford absent.

- K. CSO#3098-10-2022 minute order for the lease and/or purchase of library books through an existing agreement with the State of Texas Cooperative Purchasing Program from Brodart Books & Library Services in the amount not to exceed \$67,415. (Staff Contact: Sara Miller, Deputy Director-Library)**

Motion made by Ronnie Johnson and seconded by Victoria Johnson to approve.

Motion passed 6-0, with Jimmy Stanford absent.

- L. CSO#3099-10-2022 professional services contract amendment with 720 Design, Inc. for year two of the Burleson Public Library's master plan and facility study in the amount not to exceed \$40,000. (Staff Contact: Sara Miller, Deputy Director-Library)**

Motion made by Ronnie Johnson and seconded by Victoria Johnson to approve.

Motion passed 6-0, with Jimmy Stanford absent.

- M. CSO#4000-10-2022 first amendment to the Pre-Development Services and Cost Sharing Agreement with Jackson-Shaw Company (CSO#2070-05-2022) for the development of 555 and 295 Hidden Creek in Burleson, Texas. (Staff Contact: Alex Philips, Economic Development Director)**

Motion made by Ronnie Johnson and seconded by Victoria Johnson to approve.

Motion passed 6-0, with Jimmy Stanford absent.

- N. CSO#4001-10-2022 contract with Business Interiors for the purchase, delivery, and installation of furniture for the future parks annex facility through an interlocal cooperative purchasing agreement with Omnia Partners in the amount not to exceed \$63,887.56 (Staff Contact: Justin Scharnhorst, Purchasing Manager)**

Motion made by Ronnie Johnson and seconded by Victoria Johnson to approve.

Motion passed 6-0, with Jimmy Stanford absent.

- O. CSO#4002-10-2022 resolution finding that Oncor Electric Delivery Company LLC's application to change rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; and requiring notice of this resolution to the company and legal counsel. (Staff Contact: Matt Ribitzki, Deputy City Attorney/Compliance Manager)**

Motion made by Ronnie Johnson and seconded by Victoria Johnson to approve.

Motion passed 6-0, with Jimmy Stanford absent.

- P. CSO#4003-10-2022 resolution authorizing participation in Tarrant County's 2022- 23 HOME Investment Partnership Program that assist citizen's with homeowner rehabilitation in an amount not to exceed \$9,600. (Staff Contact: Lisa Duello, Neighborhood Services Director)**

Motion made by Ronnie Johnson and seconded by Victoria Johnson to approve.

Motion passed 6-0, with Jimmy Stanford absent.

- Q. CSO#4004-10-2022 one-year services contract with the Burleson Area Chamber of Commerce in an amount not to exceed \$30,000 of HOT/MOT Occupancy Tax Funds. (Staff Contact: Alex Philips, Economic Development Director)**

Motion made by Ronnie Johnson and seconded by Victoria Johnson to approve.

Motion passed 6-0, with Jimmy Stanford absent.

- R. CSO#4005-10-2022 minute order excusing council member place 3 Jimmy Stanford's absence from the October 3, 2022, October 17, 2022, and November 14, 2022 council meetings. (Staff Contact: Amanda Campos, City Secretary)**

Motion made by Ronnie Johnson and seconded by Victoria Johnson to approve.

Motion passed 6-0, with Jimmy Stanford absent.

7. DEVELOPMENT APPLICATIONS

- A. 4139 S Burleson Blvd (Case 22-122): Hold a public hearing and consider approval of an ordinance for a zoning change request from "A", Agricultural to "I", Industrial for a 4.13 acre site. (First and Final Reading) (Staff Presenter: Tony McIlwain, Director of Development Services) (The Planning and Zoning Commission motion for approval passed 4-1)**

Tony McIlwain, Director of Development Services, presented Case 22-122 to the city council.

Mayor Fletcher opened the public hearing. **Time: 6:15 p.m.**

Collin Maher, 2501 Mountain View Road, Joshua, TX, representing the applicant came forward to answer any question council may have .

Mayor Fletcher continued the public hearing for later this evening. **Time: 6:25 p.m.**

9. GENERAL - MOVED

- C. CSO#4014-10-2022 five-year professional services contract with Dr. Joseph Cordova to serve as the Medical Director for the City of Burleson in the amount not to exceed \$300,000. (Staff Presenter: K.T. Freeman, Fire Chief)**

K.T. Freeman, Fire Chief, presented a professional services contract to the city council.

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

Motion passed 6-0, with Jimmy Stanford absent.

8. CHISHOLM SUMMIT

Amanda Campos, City Secretary, announced items 8A-8D (Case 22-094, Case 21-128, Case 22-093 and Case 21-127) would be presented together by Tony McIlwain, Development Services Director. Each item will be voted on separately.

- A. CSO#4006-10-2022 ordinance for voluntary annexation of approximately 234.304 acres tracts of land out of the Francis A Claridge survey, and Stephen Townsend survey, addressed as 9517 CR 1016 and located in the exclusive Extraterritorial Jurisdiction (ETJ) of the City of Burleson, related to a previously approved development agreement - Chisholm Summit at 9517 CR 1016, Voluntary Annexation (Case 22-094). (First and Final Reading) (Staff Presenter: Tony McIlwain, Development Services Director)**

Mayor Fletcher opened the public hearing. **Time: 7:00 p.m.**

Justin Bond, 236 E. Ellison, Street, came forward in support of the item.

Mayor Fletcher closed the public hearing. **Time: 7:04 p.m.**

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

Motion passed 6-0, with Jimmy Stanford absent.

- B. CSO#4007-10-2022 ordinance for voluntary annexation of approximately 106.582 acres addressed as 9640 FM 1902 and 9028 CR 1019, and located in the exclusive Extraterritorial Jurisdiction (ETJ) of the City of Burleson, related to a previously approved development agreement - Hooper Business Park at FM 1902 & CR 1019, Voluntary Annexation (Case 21-128). (First and Final Reading) (Staff Presenter: Tony McIlwain, Development Services Director)**

Mayor Fletcher opened the public hearing. **Time: 7:00 p.m.**

Justin Bond, 236 E. Ellison, Street, came forward in support of the item.

Mayor Fletcher closed the public hearing. **Time: 7:04 p.m.**

Motion made by Victoria Johnson and seconded by Rick Green to approve.

Motion passed 6-0, with Jimmy Stanford absent.

- C. CSO#4008-10-2022 ordinance for a zoning change request from defaulted "A", Agriculture, to "PD" Planned Development District for properties addressed as 9517 CR 1016 for the Chisholm Summit master planned community - Chisholm Summit at 9517 CR 1016 (Case 22-093). (First and Final Reading) (Staff Presenter: Tony McIlwain, Director of Development Services) (The Planning and Zoning Commission recommended approval unanimously).**

Mayor Fletcher opened the public hearing. **Time: 7:00 p.m.**

Justin Bond, 236 E. Ellison, Street, came forward in support of the item.

Mayor Fletcher closed the public hearing. **Time: 7:04 p.m.**

Motion made by Dan McClendon and seconded by Rick Green to approve.

Motion passed 6-0, with Jimmy Stanford absent.

- D. CSO#4009-10-2022 ordinance for a zoning change request from defaulted "A", Agriculture, to "PD" Planned Development District for properties addressed as 9640 FM 1902 and 9028 CR 1019 for a future business park - Hooper Business Park at FM 1902 & CR 1019 (Case 21-127). (First and Final Reading) (Staff Presenter: Tony McIlwain, Director of Development Services) (The Planning and Zoning Commission recommended approval unanimously)**

Mayor Fletcher opened the public hearing. **Time: 7:00 p.m.**

Justin Bond, 236 E. Ellison, Street, came forward in support of the item.

Mayor Fletcher closed the public hearing. **Time: 7:04 p.m.**

Motion made by Victoria Johnson and seconded by Ronnie Johnson to approve.

Motion passed 6-0, with Jimmy Stanford absent.

Amanda Campos, City Secretary, announced items 8E-8G would be presented together by Eric Oscarson, Public Works Director. Each item will be voted on separately.

- E. CSO#4010-10-2022 resolution approving the final design of the roadway improvements for Lakewood Drive, authorizing the reimbursement of R.A. Development, Ltd., for roadway construction costs and for the limited authorization for grading, stormwater infrastructure, and roadway construction for R.A. Development, Ltd., pursuant to an existing Chapter 380 and Economic Development and Performance Agreement in an amount not to exceed \$17,980,956.61, including contingency. (Staff Presenter: Eric Oscarson, Public Works Director)**

Motion made by Dan McClendon and seconded by Victoria Johnson to approve with modification to final design to allow for the sidewalks along Lakewood Drive to follow parallel the curvilinear path of Lakewood Drive.

Motion passed 6-0, with Jimmy Stanford absent.

- F. CSO#4011-10-2022 resolution authorizing a community facilities contract with RA Development, LTD, for the construction of approximately 8,800 linear feet of Lakewood Drive, authorizing the City Manager to execute the contract on behalf of the City, and authorizing the City Attorney to make any necessary further changes to the contract. (Staff Presenter: Eric Oscarson, Public Works Director)**

Motion made by Dan McClendon and seconded by Rick Green to approve.

Motion passed 6-0, with Jimmy Stanford absent.

- G. CSO#4012-10-2022 resolution identifying funds associated with Phase 2 and 3 sewer infrastructure design and construction improvements pursuant to the Chapter 380 Economic Development and Performance Agreement for the Chisholm Summit development. (Staff Presenter: Eric Oscarson, Public Works Director)**

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

Motion passed 6-0, with Jimmy Stanford absent.

7. DEVELOPMENT APPLICATIONS – CONTINUED ITEM

- A. 4139 S Burleson Blvd (Case 22-122): Hold a public hearing and consider approval of an ordinance for a zoning change request from “A”, Agricultural to “I”, Industrial for a 4.13 acre site. (First and Final Reading) (Staff Presenter: Tony McIlwain, Director of Development Services) (The Planning and Zoning Commission motion for approval passed 4-1)**

Mayor Fletcher reopened the public hearing. **Time: at 7:22 p.m.**

Collin Maher, 2501 Mountain View Road, Joshua, TX, representing the applicant came forward requesting industrial zoning.

Mayor Fletcher closed the public hearing. **Time: 7:30 p.m.**

Motion made by Dan McClendon and seconded by Victoria Johnson to deny.

Motion to deny passed 6-0, with Jimmy Stanford absent.

9. GENERAL

- A. ~~Consider approval of a resolution authorizing the City Manager to execute all necessary documents and make necessary expenditures to enter into and close on a real estate contract with Sebastiano and Cristin Leoni, as sellers, to purchase fee simple title to a tract of land commonly known as 120 NW Newton Drive, Burleson, Johnson County, Texas. (Staff Presenter: DeAnna Phillips, Community Services Director)~~ WITHDRAWN**

Item 9A was withdrawn under Section 4A.

Council member Tamara Payne left the dais at 7:31 p.m. and returned at 7:34 p.m.

- B. CSO#4013-10-2022 resolution declaring intention to reimburse an amount not to exceed \$65,100,000 for capital projects related to Chisholm Summit roadway infrastructure, industrial business park, various parks and trail improvements, improvements in Old Town and Ellison Street project within the Tax Increment Reinvestment Zone #2, improvements and extensions to water and sewer systems, public safety improvements, streets, drainage and public mobility infrastructure improvements including traffic signal improvement, median improvements, and the acquisition of right-of-way throughout the City. The**

resolution will allow the ability to begin incurring capital expenditure cost on these project 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: Martin Avila, Finance Director)*

Martin Avila, Finance Director, presented a resolution to the city council.

Motion made by Ronnie Johnson and seconded by Victoria Johnson to approve.

Motion passed 6-0, with Jimmy Stanford absent.

C. CSO#4014-10-2022 five-year professional services contract with Dr. Joseph Cordova to serve as the Medical Director for the City of Burleson in the amount not to exceed \$300,000. *(Staff Presenter: K.T. Freeman, Fire Chief)*

Item was discussed and voted on above prior to Section 8 Chisholm Summit.

10. CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS OR REPORTS

- Designated parking signs for Heritage Foundation (3) with hours of operation listed.

11. RECESS INTO EXECUTIVE SESSION

- *Item 11 was also discussed above following item 2. Reports and Presentations.*

Pursuant to Section 551.071, Texas Government Code, the Council reserves the right to convene in Executive Session(s), from time to time as deemed necessary during this meeting for any posted agenda item, to receive advice from its attorney as permitted by law.

A. Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071

- Discuss and receive direction on a real estate contract between the Burleson 4A Economic Development Corporation, as buyer, and James Crouch and Katherine Halwes, as sellers, for 30.76 acres in Johnson County, Texas, commonly known as 2140 SW Hulen St, Burleson, Texas.
- Discuss and receive direction on SOAH Docket No. 407-22-09369, *Joshua Lott v. Burleson Police Department*, Before the State Office of Administrative Hearings.
- Discuss and receive direction on Internal Affairs Investigation IA 22-02.

B. Discussion Regarding Possible Purchase, Exchange, Lease, or Value of Real Property Pursuant to Section 551.072

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- D. Personnel Matters Pursuant to Section 551.074
- E. 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
- F. 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
 - Project Workforce
 - Project Spec
- G. Pursuant to Sec 418.183(f), deliberation of information related to managing emergencies and disasters including those caused by terroristic acts (must be tape recorded)

Motion was made by Rick Green and seconded by Victoria Johnson to convene into executive session. **Time: 7:42 p.m.**

Motion passed 6-0, with Jimmy Stanford absent.

Motion was made by Dan McClendon and seconded by Rick Green to reconvene into open session. **Time: 8:06 p.m.**

Motion passed 6-0, with Jimmy Stanford absent.

ADJOURNMENT

Motion made by Victoria Johnson and Dan McClendon to adjourn.

Mayor Fletcher adjourned the meeting. **Time: 8:07 p.m.**

Monica Solko
Deputy City Secretary