

BURLESON CITY COUNCIL REGULAR MEETING
September 5, 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
Monica Solko, Deputy City Secretary
Lisandra Leal, Assistant City Secretary
Matt Ribitzki, Deputy City Attorney

1. CALL TO ORDER – 4:00 p.m.

Mayor Fletcher called the meeting to order. **Time: 4:00 p.m.**

Invocation – Jake Wernette 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

- None.

C. Community Interest Items

- Join us on Saturday at 8:30 a.m. for the ribbon cutting and opening of Bartlett Soccer Fields.
- Congratulations to Fire Department securing the Safer Grant.
- Participate and vote in the BTX Best Fest going on from September 1-30.
- Join us, Friday, September 8 for the kick-off to the Cool Sounds of Fall.
- Join us, for a meet and greet of the newly appointed City Manager Tommy Ludwig on Friday, September 8 at 5:30 p.m. in the council chambers.
- Join us for the Be Healthy Burleson 5K/10K/Fun Run on September 16.
- Burleson Animal Shelter is full; please consider adopting or donating to the shelter.

- Congratulations to Fire Battalion Rob Moore and Police Officer Saeed Harvey for receiving the First Responders award at the Johnson County Pioneer & Old Settlers Reunion last Saturday.

3. REPORTS AND PRESENTATIONS

A. Receive a report and hold a discussion on Local Option Election process. (Staff Presenter: Amanda Campos, City Secretary)

Amanda Campos, City Secretary, presented the Local Option Election process to the city council.

B. Discuss and review City Council Policy #40 – City Boards, Commissions & Committee Appointment Process and city Code of Ordinances Chapter 2, Section 2-31. (Staff Presenter: Amanda Campos, City Secretary)

Amanda Campos, City Secretary, presented City Council Policy #40 to the city council.

C. Review, discuss, and provide staff direction on Council Policy #17 - City Council Rules of Procedure For City Council Meetings Establishing City Council Rules of Procedure For City Council Meetings. (Staff Presenter: Amanda Campos, City Secretary)

Amanda Campos, City Secretary, presented City Council Policy #17 to the city council.

D. Receive a report, hold a discussion, and provide staff with feedback on the proposed 2024 Council Calendar. (Staff Presenter: Amanda Campos, City Secretary)

Amanda Campos, City Secretary, presented the proposed 2024 Council Calendar to the city council.

4. 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.

5. CITIZEN APPEARANCES

- No speakers.

6. CONSENT AGENDA

A. Minutes from the August 21, 2023 regular council meeting. (Staff Contact: Amanda Campos, City Secretary)

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

Motion passed 7-0.

B. Ordinance amending CSO#660-08-2017, adopting the Official City Map. (First Reading) (Staff Contact: Amanda Campos, City Secretary)

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

Motion passed 7-0.

C. CSO#5196-09-2023, five-year facility maintenance agreement with five (5) one-year renewal options with Fort Worth Mountain Bikers Association (FWMBA) for the maintenance of Chisenhall Hike and Bike Trail. (Staff Contact: Jen Basham, Parks and Recreation Director)

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

Motion passed 7-0.

D. CSO#5197-09-2023, ordinance approving a negotiated settlement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corp., Mid-Tex Division regarding the company's 2023 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; and requiring the company to reimburse ACSC's reasonable ratemaking expenses. (Final Reading) (Staff Contact: Matt Ribitzki, Deputy City Attorney/Compliance Manager)

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

Motion passed 7-0.

E. CSO#5198-09-2023, minute order ratifying the Burleson 4A Economic Development Corporation Board's action to adopt an annual budget for Fiscal Year 2023-2024. (Staff Contact: John Butkus, Assistant Finance Director)

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

Motion passed 7-0.

F. CSO#5199-09-2023, minute order ratifying the Burleson Community Service Development Corporation Board's action to adopt an annual budget for Fiscal Year 2023-2024. (Staff Contact: John Butkus, Assistant Finance Director)

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

Motion passed 7-0.

- G. CSO#5200-09-2023, Estoppel Certificate for the Joshua Farms Development Agreement as amended and renamed First Amended and Renamed Silo Mills Development Agreement by and among Joshua Farms Municipal Management District No. 2, Silo Mills Investment I LLC, and the City of Burleson, Texas. (Staff Contact: Tony D. McIlwain, Development Services Director)**

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

Motion passed 7-0.

- H. CSO#5201-09-2023, resolution authorizing street closures associated with BTX Brew Fest. (Staff Contact: DeAnna Phillips, Director of Community Services)**

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

Motion passed 7-0.

- I. CSO#5202-09-2023, resolution authorizing street closures associated with OpenDoor Church's Fall Fest. (Staff Contact: DeAnna Phillips, Director of Community Services)**

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

Motion passed 7-0.

- J. CSO#5203-09-2023, resolution authorizing street closures associated with The Academy at Nola Dunn's Run for the Rings event. (Staff Contact: DeAnna Phillips, Director of Community Services)**

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

Motion passed 7-0.

- K. CSO#5204-09-2023, resolution adopting the City of Burleson Fiscal Year 23-24 Strategic Plan. (Staff Contact: Justin Scharnhorst, Assistant to the City Manager)**

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

Motion passed 7-0.

- L. **CSO#5205-09-2023, ordinance approving the 2023-24 annual Service and Assessment Plan (SAP) update for the Parks at Panchasarp Farms Public Improvement District No. JC-1 and directing the City Secretary to file this ordinance with the County Clerk. (Final Reading) (Staff Contact: Tony McIlwain, Development Services Director)**

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

Motion passed 7-0.

- M. **CSO#5206-09-2023, ordinance repealing in its entirety Article III “Amusements” of Chapter 14 “Businesses” of the Code of Ordinances, City of Burleson, Texas, setting forth rules and regulations for amusement centers and requiring certain amusement centers to obtain a permit for coin-operated machines. (Final Reading) (Staff Contact: Tony McIlwain, Development Services Director)**

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

Motion passed 7-0.

- N. **CSO#5207-09-2023, minute order appointing members to the City of Burleson boards, commissions, and committees. (Staff Contact: Amanda Campos, City Secretary)**

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

Motion passed 7-0.

- O. **CSO#5208-09-2023, minute order ratifying the 4A Economic Development Corporation Board's action approving six speaking contracts for the 2024 Project U Leadership Conference in the total amount of \$93,000. (Staff Contact: Alex Phillips, Director of Economic Development)**

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

Motion passed 7-0.

RECESS AND BACK TO ORDER

Mayor Fletcher called for a short recess at 5:54 p.m. and called the meeting back to order at 6:21 p.m. with all members present.

7. DEVELOPMENT APPLICATIONS

- A. **CSO#5223-09-2023, resolution for variances to Chapter 63, Sign Regulations, relating to sign setbacks, number of signs, and allowance for a pole sign for**

QuikTrip at 5917 W FM 917 (Case 23-034). (First and Final Reading) (Staff Presenter: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item

Tony McIlwain, Development Services Director, presented items Case 23-034 to the city council.

Bryan Clark, 8700 Freeport Pkwy, Suite 115, Irving, TX representing QuikTrip came forward and presented a variance for a pole sign presentation to the city council.

Motion made by Dan McClendon and seconded by Larry Scott to approve the request to reduce the required setback of 10ft to zero and allow for more than one freestanding sign.

Motion passed 6-1, with Adam Russell voting against.

- B. CSO#5224-09-2023, resolution authorizing a site plan for QuikTrip located at 5917 W FM 917 for QuikTrip at 5917 W FM 917 (Case 23-031). (First and Final Reading) (Staff Presenter: Tony McIlwain, Development Services Director) (The Planning and Zoning Commission recommended approval by unanimous vote)**

Tony McIlwain, Development Services Director, presented items Case 23-031 to the city council.

Motion made by Dan McClendon and seconded by Adam Russell to approve the site plan with the exception of the pole sign.

Motion passed 7-0.

8. BUDGET AND TAX RATE – WILL NOT START PRIOR TO 5:30 PM

- A. Public hearing on the Fiscal Year 2023-2024 proposed annual budget. This budget will raise more property taxes than last year's budget by an amount of \$2,134,839, which is an 8.8 percent increase, and of that amount \$1,485,617 is tax revenue to be raised from new property added to the tax roll this year. (Staff Presenter: John Butkus, Assistant Finance Director)**

John Butkus, Assistant Finance Director presented items 8A-8I as one presentation to the city council.

Mayor Fletcher opened the public hearing. **Time: 7:01 p.m.**

Jake Wernette, 1667 St. Croix Street, Burleson, TX came forward with concerns on taxes.

Matthew Lucci, 6600 Spring wood Lane, Arlington, TX came forward with concerns on taxes.

Mayor Fletcher closed the public hearing. **Time: 7:06 p.m.**

Amanda Campos, City Secretary, announced the city council would not adopt the proposed tax rate tonight following the public hearing. The final reading of the ordinance adopting the tax rate will be at a City Council meeting on Monday, September 11, 2023, at 9:30 a.m. here at City Hall, 141 W. Renfro Street, Burleson, Texas 76028.

- B. Public hearing on the proposed ad valorem tax rate for Tax Year 2023. The proposed tax rate is \$0.6325 per \$100 valuation. The proposed tax rate exceeds the no-new-revenue tax rate. (Staff Presenter: John Butkus, Assistant Finance Director)**

Mayor Fletcher opened the public hearing. **Time: 7:01 p.m.**

No speakers.

Mayor Fletcher closed the public hearing. **Time: 7:06 p.m.**

- C. Ordinance adopting the budget for Fiscal Year 2023-2024 beginning October 1, 2023, and terminating September 30, 2024, and making appropriations for each fund; repealing conflicting ordinances; providing a savings clause and an effective date; and finding that the meeting at which this ordinance is passed is open to the public. This budget will raise more property taxes than last year's budget by an amount of \$2,134,839, which is an 8.8 percent increase, and of that amount \$1,485,617 is tax revenue to be raised from new property added to the tax roll this year. (First Reading) (Staff Presenter: John Butkus, Assistant Finance Director)**

Motion made by Adam Russell and seconded by Larry Scott to approve.

Motion passed 7-0.

- D. Ordinance levying the ad valorem property tax of the City of Burleson for Tax Year 2023 on all taxable property within the corporate limits of the city on January 1, 2023, and adopting a tax rate of \$0.6325 per \$100 of valuation for Tax Year 2023; providing for revenues for payment of current municipal maintenance and operation expenses and for payment of interest and principal on outstanding City of Burleson debt; providing for enforcement of collections; repealing conflicting ordinances; providing a savings clause and an effective date; and finding that the meeting at which this ordinance is passed is open to the public. The proposed tax rate exceeds the no-new-revenue tax rate. (First Reading) (Staff Presenter: John Butkus, Assistant Finance Director)**

Motion made by Dan McClendon and seconded by Larry Scott to move that the property tax rate be increased by the adoption of a tax rate of \$0.6325 cents per one hundred dollars valuation, which is effectively a 6.55% percent increase in the tax rate.

Motion passed 7-0.

- E. Ordinance approving the 2023 tax rolls; and declaring an effective date. (First Reading) (Staff Presenter: John Butkus, Assistant Finance Director)**

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

Motion passed 7-0.

- F. Ordinance providing a Fiscal Year 2023-2024 schedule of fees for various City of Burleson services. (First Reading) (Staff Presenter: John Butkus, Assistant Finance Director)**

Motion made by Larry Scott and seconded by Ronnie Johnson to approve.

Motion passed 7-0.

- G. Ordinance providing Fiscal Year 2023-2024 rates for water and wastewater service. (First Reading) (Staff Presenter: John Butkus, Assistant Finance Director)**

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

Motion passed 7-0.

- H. Ordinance providing Fiscal Year 2023-2024 rates for collection and disposal of residential and non-residential solid waste, recyclables, and trash. (First Reading) (Staff Presenter: John Butkus, Assistant Finance Director)**

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

Motion passed 7-0.

- I. Ordinance providing for a residential homestead exemption from the ad valorem tax for Tax Year 2024 and all future years unless revised of an amount equal to three percent of the appraised value; repealing conflicting ordinances; providing a savings clause; incorporating the recitals; finding that the meeting at which this ordinance is passed is open to the public; and declaring an effective date. (First Reading) (Staff Presenter: John Butkus, Assistant Finance Director)**

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

Motion passed 7-0.

- J. CSO#5209-09-2023, ordinance amending the City budget for fiscal year 2022-2023 by increasing appropriations to various funds to offset expenses incurred throughout the fiscal year. (First and Final Reading) (Staff Presenter: John Butkus, Assistant Finance Director)**

John Butkus, Assistant Finance Director, presented an ordinance to the city council.

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

Motion passed 7-0.

9. GENERAL

- A. Ordinance amending the city's utility customer service leak adjustment policy in Section 82-11 of Division 1 "Utility Charges and Fees" of Article 1 "General" of Chapter 82 "Utilities" of the City of Burleson Code of Ordinances. (First Reading) (Staff Presenter: Jesse Elizondo, Director of Customer Service)**

Jesse Elizondo, Director of Customer Service, presented an ordinance to the city council.

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

Motion passed 7-0.

- B. CSO#5210-09-2023, minute order to reject bids for ITB 2023-013 ITS Construction. (Staff Presenter: Eric Oscarson, Director of Public Works)**

Eric Oscarson, Director of Public Works, presented a minute order to the city council.

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

Motion passed 7-0.

- C. Ordinance amending Article III "Flood Damage Prevention" of Chapter 42 "Floods" of the City of Burleson Code of Ordinances. (First Reading) (Staff Presenter: Errick Thompson, Deputy Public Works Director)**

Errick Thompson, Deputy Public Works Director, presented an ordinance to the city council.

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

Motion passed 7-0.

- D. CSO#5211-09-2023, 3-year contract with Yellowstone Landscape LLC for mowing of Tier 2 properties for monthly mowing cycles for an amount not to exceed \$395,279.23. (Staff Presenter: Jen Basham, Parks and Recreation Director)**

Jen Basham, Parks and Recreation Director, presented items 9D and 9E as one presentation to the city council.

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

Motion passed 7-0.

- E. CSO#5212-09-2023, 3-year contract with BST Mowing for mowing of Tier 3 West properties for monthly mowing cycles for an amount not to exceed \$235,019.61. (Staff Presenter: Jen Basham, Parks and Recreation Director)**

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

Motion passed 7-0.

F. Right-of-Way Use Agreement for outdoor patio seating and metal awning at 112 E. Ellison Street, Old Texas Brewing Company restaurant. (Staff Presenter: Errick Thompson, Deputy Public Works Director)

Errick Thompson, Deputy Public Works Director, presented an agreement to the city council.

No motion was made.

10. CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS OR REPORTS

- Youth business fair.

11. 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.

- **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 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.

Motion was made by Adam Russell and seconded by Dan McClendon to convene into executive session. **Time: 8:16 p.m.**

Motion passed 7-0.

Motion was made by Adam Russell and seconded by Dan McClendon to reconvene into open session. **Time: 9:12 p.m.**

Motion passed 7-0.

12. ADJOURNMENT

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

Mayor Fletcher adjourned the meeting. **Time: 9:12 p.m.**

Monica Solko
Deputy City Secretary