

# BURLESON CITY COUNCIL REGULAR MEETING

September 19, 2022

DRAFT MINUTES

## **COUNCIL PRESENT:**

Victoria Johnson  
Rick Green  
Jimmy Stanford  
Chris Fletcher  
Tamara Payne  
Dan McClendon  
Ronnie Johnson

## **COUNCIL ABSENT:**

### **Staff present**

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 – 5:31 PM**

Invocation - Kevin Walkeiak, Pastor of Burleson Adventist 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**

- Proclamation recognizing the Week of September 19, 2022, the 235th anniversary of the framing of the constitution, as Constitution Week. (*Recipient: Betsy Ruffin, Daughters of the American Revolution, Nathaniel Winston Chapter*)

### **B. Presentations**

- None.

### **C. Community Interest Items**

- Great turnout at the Be Healthy Run and thank you to all the departments that helped with the event.
- The Academy at Nola Dunn Elementary School city hall tour was a success.
- Acknowledged September 15-18 as Hispanic Heritage month.
- Great job to the Tarrant County Sheriff's office and Everman Police Department for stopping a possible mass shooting.
- Thank you to all the volunteers and sponsors at the annual Trash Bash event.
- Old Town Picture Show "The Little Rascals" on September 24th at the Mayor Vera Calving Plaza at 7:00 p.m.

- Dogs and Donuts at the Burleson Bark Park on September 24 from 9:30 a.m. - 11:00 a.m.
- Cool Sounds of Fall – Selena Forever Tribute Band on October 15th at 7:30 p.m. at the Mayor Vera Calvin Plaza.
- Visit the Burleson Library during Hispanic Heritage month to find Hispanic authors, books on culture and art.

### 3. **CHANGES TO POSTED AGENDA**

#### A. Items to be continued or withdrawn

- 5B and 5C remove.

#### B. Items to be withdrawn from Consent Agenda for separate discussion or items to be added to the Consent Agenda.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 September 6, 2022 regular council meeting and September 12, 2022 special council meeting. (*Staff Contact: Amanda Campos, City Secretary*)

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

Motion passed 7-0.

#### ~~B. CSO#3074-09-2022, five year contract with B&W Wrecker serving as an approved operator in the city of Burleson's rotation pursuant to ordinance B-67B. (*Staff Contact: Justin Scharnhorst, Purchasing Manager*) REMOVED.~~

*Item 5b was removed from the consent agenda.*

#### ~~C. CSO#3075-09-2022, five year contract with Beard's Towing serving as an approved operator in the city of Burleson's rotation pursuant to ordinance B-67B. (*Staff Contact: Justin Scharnhorst, Purchasing Manager*) REMOVED.~~

*Item 5c was removed from the consent agenda*

#### D. CSO#3076-09-2022, ordinance authorizing a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2022 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; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in

accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of the ordinance to the company and ACSC's legal counsel. (Final Reading) (Staff Contact: Matt Ribitzki, Deputy City Attorney/Compliance Manager)

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

Motion passed 7-0.

- E. **CSO#3077-09-2022, resolution approving and accepting the bid from Ferguson Enterprises, LLC. for pipe and appurtenances on a one year contract CSO#3078-09-2022 in the amount not to exceed \$139,100. (Staff Contact: Eric Oscarson, Director of Public Works)**

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

Motion passed 7-0.

- F. **CSO#3079-09-2022, professional services contract with Brinkley Sargent Wiginton Architects for City Hall Renovation design in an amount not to exceed \$283,392. (Staff Contact: Eric Oscarson, Director of Public Works)**

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

Motion passed 7-0.

- G. **CSO#3080-09-2022, resolution authorizing a real estate contract with Jerry L. Trimble, as seller, to purchase fee simple title to a 3.96 acre tract of land, more or less, situated in Johnson County, Texas, commonly known as 2413 SW Hulén Street; authorizing the City Manager to execute all documents necessary to close on the contract; authorizing the expenditure of funds; and providing an effective date. (Staff Contact: Eric Oscarson, Public Works Director)**

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

Motion passed 7-0.

- H. **CSO#3081-09-2022, resolution authorizing staff to enter negotiations with CHC Development in response to their submission on RFP 2022-12, sale or long-term ground lease of real property located at 130 East Renfro Street, Burleson, Texas. (Staff Contact: Alex Philips, Economic Development Director)**

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

Motion passed 7-0.

- I. **CSO#3082-09-2022, ordinance readopting curfew hours for minors under Article IV of Chapter 54 "Curfew" of the Code of Ordinances. (Final Reading) (Staff Contact: Tim Mabry, Criminal Investigations Sergeant)**

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

Motion passed 7-0.

- J. CSO#3083-09-2022, three year contract with Core and Main, L.P. for the purchase of water meters with a total not to exceed \$553,032. (Staff Contact: Eric Oscarson, Director of Public Works)**

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

Motion passed 7-0.

- K. CSO#3084-09-2022, resolution for the rejection of all proposals responsive to RFP 2022-015 for a near site clinic for City of Burleson employees. (Staff Presenter: Rick DeOrdio, Director of Human Resources)**

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

Motion passed 7-0.

- L. CSO#3085-09-2022, change order to an existing contract with Luminare, Inc. to pay final invoicing for the COVID-19 vaccine scheduling software in the amount not to exceed \$13,220.90. (Staff Contact: K.T. Freeman, Fire Chief)**

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

Motion passed 7-0.

- M. CSO#3086-09-2022, 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 John and Linda Martindale, as seller, to purchase fee simple title to approximately 11,722 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 Dan McClendon and seconded by Victoria Johnson to approve.

Motion passed 7-0.

**ITEMS REMOVED FROM THE CONSENT AGENDA:**

*Amanda Campos, City Secretary announced that Justin Scharnhorst, Purchasing Manager, would presented both items together but Council would vote on each separately.*

- B. CSO#3074-09-2022, five year contract with B&W Wrecker serving as an approved operator in the city of Burleson's rotation pursuant to ordinance B-67B. (Staff Contact: Justin Scharnhorst, Purchasing Manager)**

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

Motion passed 7-0.

- C. **CSO#3075-09-2022, five year contract with Beard's Towing serving as an approved operator in the city of Burleson's rotation pursuant to ordinance B-67B. (Staff Contact: Justin Scharnhorst, Purchasing Manager)**

Motion made by Jimmy Stanford and seconded by Ronnie to approve.

Motion passed 7-0.

## **6. DEVELOPMENT APPLICATIONS**

- A. **CSO#3087-09-2022, ordinance for a zoning change request from "SF7", Single-family dwelling district-7, to "SFA" Single-family attached dwelling district for future residential development at 200 S Dobson (Case 22-108). (First and Final Reading) (Staff Presenter: Tony McIlwain, Director of Development Services) (The Planning and Zoning Commission motion for approval failed to pass 2-2)**

Tony McIlwain, Director of Development Services, presented Case 22-108 to the city council.

Mayor Fletcher opened the public hearing. **Time: 5:53 p.m.**

Richard Harrison, 2823 Sunnybrook Drive, came forward against the item.

Brett Davenport, 1130 Tarver Road, came forward in support of the item.

Vicki Sorensen, 368 S. Dobson Street, came forward against the item.

Jessica Nelson, 3612 Hastings, came forward in support of the item.

Paul Jenkins, 3908 Bishops Flower, came forward in support of the item.

Mayor Fletcher closed the public hearing. **Time: 6:49 p.m.**

Mayor Fletcher reopened the public hearing. **Time: 6:50 p.m.**

Richard Harrison, 2823 Sunnybrook Drive came forward with a question for staff.

Mayor closed the public hearing. **Time: 6:51 p.m.**

Motion made by Jimmy Stanford and seconded by Dan McClendon to approve.

Motion passed 6-1, with Tamara Payne voting against.

## **7. GENERAL**

- A. **CSO#3088-09-2022, minute order appointing members to all the City of Burleson boards/commissions. (Staff Presenter: Amanda Campos, City Secretary)**

Amanda Campos, City Secretary, presented a minute order to the city council.

*Tamara Payne left the dais at 6:59 p.m. and returned at 7:01 p.m.*

Motion made by Jimmy Stanford and seconded by Tamara Payne to approve all appointments except the reappointment of Bill Janush to the Planning and Zoning Commission, Place 5.

Motion failed 2-5, with Victoria Johnson, Rick Green, Chris Fletcher, Dan McClendon and Ronnie Johnson voting against.

Motion made by Dan McClendon and seconded by Rick Green to approve all appointments as presented.

Motion passed 5-2, with Jimmy Stanford and Tamara Payne voting against.

**8. REPORTS AND PRESENTATIONS**

- None.

**9. CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS OR REPORTS**

- None.

**10. 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**
- B. Discussion Regarding Possible Purchase, Exchange, Lease, or Value of Real Property Pursuant to Section 551.072**
- 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**
- 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)**

- No Executive Session is needed.

## **ADJOURNMENT**

Motion made by Dan McClendon and Rick Green to adjourn.

Mayor Fletcher adjourned the meeting. **Time: 7:04 p.m.**

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Monica Solko  
Deputy City Secretary