

**BURLESON CITY COUNCIL REGULAR MEETING
SEPTEMBER 9, 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
Eric Oscarson, 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 – Kevin Walkowiak, Pastor of Adventist Church of Burleson

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

- A Proclamation recognizing September 17 - September 23, 2024 as "Constitution Week" in the City of Burleson. (Recipient: Betsy Ruffin, National Society Daughters of the American Revolution)

B. Presentations

- None.

C. Community Interest Items

- Recognized the Fire Department on their successful open house/employment drive.
- Recognized the firefighters who climbed 110 flights of stairs in honor of the firefighters lost on 9/11.

- Great turnout at the Conner Prince, Olympic Silver Medalist, Celebration and thank you to Communications Department for helping with the event.
- Join us, Saturday, September 21st for the Annual Be Healthy Run, at the Mayor Vera Calvin Plaza, registration currently open.
- Join us, Saturday, September 28th, 5-9 p.m. for Hispanic Heritage Festival, at the Mayor Vera Calvin Plaza.

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A. **Items to be continued or withdrawn**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B. **Items to be withdrawn from Consent Agenda for separate discussion or items to be added to the Consent Agenda.**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

- Charles Willis, 403 NW Cherlyne Drive, Burleson came forward to express his gratitude and appreciation for Officer Joe Byrom for his help.

5. **CONSENT AGENDA**

A. **Minutes from the August 15, 2024 special council meeting, August 19, 2024 regular council meeting and September 3, 2024 special council meeting. (Staff Contact: Amanda Campos, City Secretary)**

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

Motion passed 7-0.

B. **CSO#5574-09-2024, Interlocal agreement with the Texas Municipal League Intergovernmental Risk Pool to be a member of the Texas Municipal League Joint Cyber Liability and Data Breach Response Self-Insurance Fund. (Staff Contact: Matt Ribitzki, Sr. Deputy City Attorney/Director of Legal Services)**

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

Motion passed 7-0.

C. **CSO#5555-09-2024, 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 Michael J. Moore and Debra Moore, as seller, to purchase fee simple title to approximately 0.317 acres of land, out of the H.G. Catlett Survey Abstract No. 180 in Johnson County, Texas, and necessary adjacent easements. (Staff Contact: Eric Oscarson, Deputy City Manager)**

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

Motion passed 7-0.

- D. Contract with CDW-G, LLC for the purchase of Aruba Switches and support through a cooperative purchasing agreement with the Texas Department of Information Resources (DIR) in the amount of \$87,321.92 (Staff Contact: James Grommersch, Chief Technology Officer, IT)**

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

Motion passed 7-0.

- E. CSO#5556-09-2024, minute order with Johnson County for the Radio Communications System Agreement cost in the amount of \$92,333.04 for Fiscal Year 24/25 (Staff Contact: James Grommersch, Chief Technology Officer, IT)**

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

Motion passed 7-0.

- F. CSO#5557-09-2024, resolution authorizing street closures for an annual Fall Festival hosted by Open Door Church. (Staff Contact: Joni Van Noy, Economic Development Coordinator)**

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

Motion passed 7-0.

- G. Change order to contract CSO#5395-02-2024 with 2L Construction, LLC for additional pavement work in the amount of \$103,650 for a total authorization of \$3,075,377.40. (Staff Contact: Eric Oscarson, Deputy City Manager)**

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

Motion passed 7-0.

- H. CSO#5558-09-2024, minute order authorizing placing a fence around the perimeter of an electric panel adjacent to the Burleson Memorial Cemetery in the amount of \$1,100, in accordance of Council Policy 17. (Staff Contact: Jen Basham, Director of Parks and Recreation)**

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

Motion passed 7-0.

- I. **Ordinance of the approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the company’s 2024 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 ACSCs 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 this ordinance to the company and the ACSC’s legal counsel. (First Reading) (Staff Contact: Matt Ribitzki, Sr. Deputy City Attorney/Director of Legal Services)**

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

Motion passed 7-0.

- J. **CSO#5559-09-2024, ordinance amending Chapter 6 Animal Care and Control, Section 6-16 Animal Shelter Advisory Committee, (c) Number of members; terms, exempting the licensed veterinarian, municipal officer, and daily operations position from term limits. (Final Reading) (Staff Contact: Amanda Campos, City Secretary)**

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

Motion passed 7-0.

- K. **ETJ Release Petition for 7200 CR 802 (Case 24-236): Consider denial of a petition for release from the City of Burleson extraterritorial jurisdiction (ETJ) for approximately 12.879 acres of land addressed as 7200 CR 802. (Staff Contact: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item)**

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

Motion to deny passed 7-0.

8. REPORTS AND PRESENTATIONS – MOVED ITEM

- B. **Receive a report and hold a discussion regarding the Johnson County Bond Program. (Contact: Jennifer VanderLaan, Director, Johnson County Public Works)**

Colt Fredrick, Johnson County Public Works, spoke on the Johnson County Bond program is TxDOT projects. He introduced Chris Bosque with Freese and Nicholas to highlight the projects. For more information on the program, visit the Johnson County website at www.johnsoncountybond.com or contact Jennifer VanderLaan,

Director of Johnson County Public Works at 817-556-6380 phone or via email JenniferV@johnsoncountytexas.org.

6. **BUDGET**

Amanda Campos, City Secretary, announced that items 6A-6J would be presented as one presentation but would be voted on separately.

- A. CSO#5560-09-2024, ordinance adopting the budget for Fiscal Year 2024-2025 beginning October 1, 2024, and terminating September 30, 2025, 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 \$4,381,461 which is an 11.57 percent increase, and of that amount \$1,258,438 is tax revenue to be raised from new property added to the tax roll this year. (Final Reading) (Staff Contact: Harlan Jefferson, Deputy City Manager)**

Harlan Jefferson, Deputy City Manager, stated items 6A-6J would be presented as one presentation to city council. The council did not need to see the presentation.

Motion made by Adam Russell and seconded by Phil Anderson to approve the ordinance adopting the budget for FY 2024-2025.

Motion passed 7-0.

- B. CSO#5561-09-2024, minute order ratifying the adoption of the Fiscal Year 2024-2025 annual operating budget beginning October 1, 2024, and terminating September 30, 2025. (Staff Contact: Harlan Jefferson, Deputy City Manager)**

Motion made by Larry Scott and seconded by Alexa Boedeker to approve the minute order ratifying the adoption the budget for Fiscal Year 2024-2025.

Motion passed 7-0.

- C. CSO#5562-09-2024, ordinance levying the ad valorem property tax of the City of Burleson for Tax Year 2024 on all taxable property within the corporate limits of the city on January 1, 2024, and adopting a tax rate of \$0.6627 per \$100 of valuation for Tax Year 2024; 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. (Final Reading) (Staff Contact: Harlan Jefferson, Deputy City Manager)**

Motion made by Dan McClendon and seconded by Adam Russell to approve that the property tax rate be increased by the adoption of a tax rate of \$0.6627 per one hundred dollars valuation, which is effectively a 6.22% increase in the tax rate.

Motion passed 7-0.

Motion made by Dan McClendon and seconded by Adam Russell to approve that of the total tax rate, \$0.4704 for each one hundred dollars of valuation to fund maintenance and operation expenditures.

Motion passed 7-0.

Motion made by Dan McClendon and seconded by Adam Russell to approve, of the total tax rate, \$0.1923 for each one hundred dollars of valuation to fund the city's debit service.

Motion passed 7-0.

D. CSO#5563-09-2024, ordinance approving the 2024 tax rolls; and declaring an effective date. (Final Reading) (Staff Contact: Harlan Jefferson, Deputy City Manager)

Motion made by Alexa Boedeker and seconded by Phil Anderson to approve the ordinance approving the 2024 tax rolls.

Motion passed 7-0.

E. CSO#5564-09-2024, ordinance to authorize charging credit card processing and non-sufficient funds fees to customers. (Final Reading). (Staff Contact: Richard B. Abernethy, Director of Administrative Services)

Motion made by Adam Russell and seconded by Alexa Boedeker to approve the ordinance adding the payment of fees for credit cards and debits cards and the non-sufficient fund fees.

Motion passed 7-0.

F. CSO#5565-09-2024, ordinance providing a Fiscal Year 2024-2025 schedule of fees for various City of Burleson services. (Final Reading) (Staff Contact: Harlan Jefferson, Deputy City Manager)

Motion made by Larry Scott and seconded by Alexa Boedeker to approve the fee ordinance for FY 2024-2025.

Motion passed 7-0.

G. CSO#5566-09-2024, ordinance providing Fiscal Year 2024-2025 rates for water and wastewater service. (Final Reading) (Staff Contact: Harlan Jefferson, Deputy City Manager)

Motion made by Dan McClendon and seconded by Alexa Boedeker to approve the ordinance providing water and wastewater rates for FY 2024-2025.

Motion passed 7-0.

- H. CSO#5567-09-2024, ordinance providing Fiscal Year 2024-2025 rates for collection and disposal of residential and non-residential solid waste, recyclables, and trash. (Final Reading) (Staff Contact: Harlan Jefferson, Deputy City Manager)**

Motion made by Dan McClendon and seconded by Victoria Johnson to approve the ordinance providing solid waste and recyclable rates for FY 2024-2025.

Motion passed 7-0.

- I. CSO#5568-09-2024, ordinance providing for a residential homestead exemption from the ad valorem tax for Tax Year 2025 and all future years unless revised of an amount equal to five 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. (Final Reading) (Staff Contact: Harlan Jefferson, Deputy City Manager)**

Motion made by Adam Russell and seconded by Victoria Johnson to approve the ordinance providing for a residential homestead exemption from the ad valorem tax for Tax Year 2025 in an amount equal to five percent of the appraised value.

Motion passed 7-0.

- J. CSO#5569-09-2024, resolution adopting the City of Burleson Fiscal Year 24-25 Strategic Plan. (Staff Contact: Janalea Hembree, Assistant to the City Manager)**

Motion made by Victoria Johnson and seconded by Dan McClendon to approve the resolution adopting the strategic plan for FY 2024-2025.

Motion passed 7-0.

- K. CSO#5570-09-2024, resolution adopting the updates to the employee handbook and the city's compensation structures for FY 2024-2025. (Staff Contact: Cheryl Marthijohni, Director of Human Resources)**

Cheryl Marthijohni, Director of Human Resources, presented a resolution to the city council.

Motion made by Victoria Johnson and seconded by Alexa Boedeker to approve the resolution adopting the employee handbook and compensation structure for FY 2024-2025.

Motion passed 7-0.

7. GENERAL

- A. CSO#5571-09-2024, construction contract with Jasco Construction LLC for the construction for the parking lot addition and trailhead improvement at Oak Valley South Scott trailhead in the amount of \$442,734.98 with project**

contingency of \$28,600.54 for a total amount of \$471,335.52. (Staff Contact: Jen Basham, Director of Parks and Recreation)

Jen Basham, Director of Parks and Recreation, presented a contract to the city council.

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

Motion passed 7-0.

B. Contract with C1S for a mechanical equipment package for the Burleson Recreation Center at the guaranteed max price of \$4,079,342. (Staff Contact: Jen Basham, Director of Parks and Recreation)

Jen Basham, Director of Parks and Recreation, presented a contract to the city council.

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

Motion passed 7-0.

C. CSO#5572-09-2024, minute order rejecting bids for ITB 2024-019 Advertisement of City Notices. (Staff Contact: Richard Abernethy, Director of Administrative Services)

Richard Abernethy, Director of Administrative Services, presented a minute order (item 7C) and a contract (item 7D) to the city council.

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

Motion passed 7-0.

D. Contract with McClatchy Shared Services (The Fort Worth Star-Telegram) in the amount of \$45,000 for the advertisement of legal notices for one year. (Staff Contact: Richard Abernethy, Director of Administrative Services)

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

Motion passed 7-0.

E. CSO#5573-09-2024, resolution casting the City of Burleson's vote in the Texas Municipal League Intergovernmental Risk Pool Board of Trustees 2024 Election. (Staff Contact: Amanda Campos, City Secretary)

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

Motion made by Adam Russell and seconded by Alexa Boedeker to approve the resolution casting votes for the following:

- Place 11 – Randy Criswell
- Place 12 – Allison Heyward
- Place 13 – Harlan Jefferson
- Place 14 – Mike Land

Motion passed 7-0.

8. REPORTS AND PRESENTATIONS

A. Receive a report, hold a discussion, and give staff direction, on updates to the FY 2024-2025 Health Fund and benefit plan changes for 2025. (Staff Contact: Cheryl Marthiljohni, Director of Human Resources)

Cheryl Marthiljohni, Director of Human Resources, presented the FY 2024-2025 Health Fund and benefit plan changes for 2025 to city council. Harlan Jefferson, Deputy City Manager, presented the financials of the Health Fund. Lance Pendley, Vice-President of McGriff presented the multi-year approach on budgeting and addressing the funding gap on health benefits. Recommended staying self-funded.

Benefit changes:

- 5% employee medical monthly contribution increase
- Implementing Naviguard with UHC
- Remove health reimbursement account (HRA with Copay plan)
- Remove roll-out insurance with stop loss (only needed if we were going fully-insured)
- Move short-term disability to a voluntary benefit vs. an employer paid benefit
- Increase vision premium increase of 2.5%

<u>Example A</u>		<u>Example B</u>		<u>Example C</u>	
Option	Amount Saved	Option	Amount Saved	Option	Amount Saved
Identified Savings*	\$204,770	Identified Savings*	\$204,770	Identified Savings*	\$204,770
Reduce HSA Contribution	\$110,000	Plan Design – Option 3	\$371,275	Premium - Variable	\$96,775
RX Prior Authorization	\$62,250	TOTAL	\$576,045	Reduce HSA	\$110,000
Plan Design – Option 2	\$180,509			Plan Design – Option 2	\$180,509
TOTAL	\$557,529			TOTAL	\$592,054

All examples exceed the 1st year goal of \$550,000

Staff is recommending example A for a total of \$557,529. This would include savings of \$204,770, reduce HSA contributions, add additional medications to the list of prescriptions that require prior authorization, and plan design option 2.

Council was in favor of staying self-funded and example A with the removal prior authorization prescriptions. Tommy Ludwig, City Manager, stated that staff would update presentation by bringing the minimum goal down to \$475,000 and would bring an item back to council for consideration.

B. Receive a report and hold a discussion regarding the Johnson County Bond Program. (Contact: Jennifer VanderLaan, Director, Johnson County Public Works) - MOVED

Item 8B was moved and discussed after the consent agenda above.

9. LEGISLATIVE - REPORTS AND RELATED ACTION ITEMS

This is a standing item on the agenda of every regular meeting of the City Council that allows the City Council to receive reports, hold discussions, and give staff direction regarding any legislative matters pertaining to the 89th Texas legislative session. Additional action items may be specifically listed below when required.

A. Consider approval of a resolution establishing the City Council's priorities for the 89th Legislative Session. (Staff Contact: Janalea Hembree, Assistant to the City Manager)

Brandon Agahamalian with Focused Advocacy, presented a resolution with the city council priorities for the 89th Legislative session.

Support the following:

1. That ensure comparable workers' compensation coverage for firefighters and EMTs deployed through Texas Intrastate fire Mutual aid system (TIFMAs) and Texas Task force 1 and 2 for state deployments.
2. That strengthens protections for firefighters and EMTs by recognizing presumptive cancers as job-related illnesses of injuries. This includes ensuring that these conditions are covered under workers' compensation, extending coverage for up to five years post-employment. Additionally, support the establishment of statewide and federal registries for research and documentation of work-related injuries and illness, specifically those associated with presumptive cancers, to better understand and address these risks.
3. That enhances municipal water sources/supplies or improves municipal water system redundancy
4. That enhance citizens and or municipalities to relocate migratory egrets that have roosted in residential areas
5. Support the extension of SB 2476 to eliminate balance billing for out-of-network ground ambulance service under commercial health plans regulated by the Texas Department of Insurance, ensuring fair payment for services rendered.

Tommy Ludwig, City Manager, stated that the Firefighters Association would support and bring forward items 1-2 and council could support the initiatives through them.

Mayor Fletcher requested council consider the initiative to raise the sales tax cap by one cent for the creation of a 4C for public safety. Council requested this initiative be brought back for further discussion at a future meeting.

Motion made by Adam Russell and seconded by Victoria Johnson to approve and support the initiatives presented.

Motion passed 7-0.

10. CITY COUNCIL REQUESTS AND FUTURE AGENDA ITEMS AND REPORTS

- None.

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. The City Council may reconvene into open session and take action on posted items.

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 liabilities associated with the Hidden Creek Sports Complex, including the fields, parking lot, and the real property known as commonly known as 295 E Hidden Creek Pkwy in Burleson, Johnson County, Texas
- Receive a report and hold a discussion regarding Case 3:24-CV-01894-B, *Danny R. Mitchell v. City of Burleson, et al.*, in the U.S. District Court, Northern District of Texas
- Receive a report and hold a discussion regarding Case MDL No. 218-mn-2873, *In Re: Aqueous Film-Forming Foams Products Liability Litigation*, in the U.S. District Court, South Carolina District, Charleston Division

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

- Discuss and receive direction on an approximately ninety-acre tract of real property commonly known as 295 E Hidden Creek Pkwy and 555 E Hidden Creek Pkwy, Burleson, Johnson County, Texas
- Discuss and receive direction on real property commonly known as 2140 SW Hulen Street, Burleson, Johnson County, Texas
- Discuss and receive direction on real property commonly known as 2270 SW Hulen Street, Burleson, Johnson County, Texas
- Discuss and receive direction on real property commonly known as 1303 SW Alsbury Blvd, 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 Birdie
- Project Jump

Motion was made by Adam Russell and seconded by Dan McClendon to convene into executive session. **Time: 8:45 p.m.**

Motion passed 7-0.

Motion was made by Adam Russell and seconded by Victoria Johnson to reconvene into open session. **Time: 9:38 p.m.**

Motion passed 7-0.

12. **ADJOURNMENT**

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

Mayor Chris Fletcher adjourned the meeting.

Time: 9:38 p.m.

Monica Solko
Deputy City Secretary