

BURLESON CITY COUNCIL REGULAR MEETING
AUGUST 4, 2025
DRAFT MINUTES

ROLL CALL

COUNCIL PRESENT:

Victoria Johnson
Phil Anderson

Chris Fletcher
Larry Scott
Dan McClendon
Adam Russell

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, City Attorney
Matt Ribitzki, Deputy City Attorney

COUNCIL ABSENT:

Alexa Boedeker

1. CALL TO ORDER - Time 5:30 p.m.

Mayor Fletcher called the meeting to order. **Time: 5:33 p.m.**

Invocation – Mayor Pro Tem Dan McClendon

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 Gun Safety Awareness Month in August (*Recipient: Eric Gonzalez, Program Manager, Injury Prevention at Cook Children's*)

B. Presentations

- None.

C. Community Interest Items

- The council thanked DeAnna Philips and her team at the Animal Shelter for going above and beyond to help a resident in need of a solution for their animals.
- Join us, Saturday, August 9, Back to School Bash, Mayor Vera Calvin Plaza, 141 W. Renfro Street, 4-7 p.m., free event.

- Welcome to all the new teachers in the BISD and keep them in your prayers for the upcoming school year.

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A. Items to be continued or withdrawn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B. Items to be withdrawn from Consent Agenda for separate discussion or items to be added to the Consent Agenda.

- Add item 6B.

4. **CITIZEN APPEARANCES**

- Shawn Minor, 1016 Cardinal Ridge Road, Burleson came forward to praise Alex Philips and Dusty Arnold for helping him resolve an issue with a construction project.

5. **CONSENT AGENDA**

A. Minutes from the July 21, 2025 regular council meeting. (Staff Contact: Monica Solko, Deputy City Secretary)

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

Motion passed 6-0, with Alexa Boedeker absent.

B. CSO#5866-08-2025, minute order amending CSO#5667-11-2024, modifying the City Council 2025 meeting calendar. (Staff Contact: Monica Solko, Deputy City Secretary)

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

Motion passed 6-0, with Alexa Boedeker absent.

C. CSO#5867-08-2025, resolution approving the settlement participation form to participate in the settlement of the State of Texas opioid litigation through the Texas Attorney General's Office with Purdue Pharma and the Sackler Family and authorizing the City Manager to execute all necessary documents in connection with the same. (Staff Contact: Matt Ribitzki, Sr. Deputy City Attorney/Legal Services Director)

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

Motion passed 6-0, with Alexa Boedeker absent.

- D. CSO#5868-08-2025, ordinance approving a real estate contract for the purchase of city owned property located at 114 West Ellison Street, Burleson, Texas in response of the bid acceptance to RFP 2025-003 in the amount of \$1.1 million dollars. (Final Reading) (Staff Contact: Alex Philips, Director of Economic Development)**

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

Motion passed 6-0, with Alexa Boedeker absent.

- E. CSO#5869-08-2025, resolution accepting the Quarterly Investment Report for June 30, 2025, as submitted in accordance with the Public Funds Investment Act (PFIA). (Staff Contact: Kevin Hennessey, Interim Director of Finance)**

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

Motion passed 6-0, with Alexa Boedeker absent.

- F. CSO#5870-08-2025, resolution on a Petition for Consent to Creation of Johnson County Municipal Utility District (MUD) No. 4 in the City of Burleson's extraterritorial jurisdiction (ETJ). (Staff Contact: Tony D. McIlwain, Development Services Director)**

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

Motion passed 6-0, with Alexa Boedeker absent.

6. GENERAL – ADD TO CONSENT

- B. CSO#5872-08-2025, resolution authorizing the rejection of bids for RFCSP 2025-002 for the construction of Shannon Creek Park. (Staff Contact: Jen Basham, Parks and Recreation Director)**

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

Motion passed 6-0, with Alexa Boedeker absent.

6. GENERAL

- A. CSO#5871-08-2025, Guaranteed Maximum Price (GMP) contract with Byrne Construction Services for Phase 1 of the Police Headquarters Expansion and Remodel in the amount of \$9,007,947. (FA2301) (Staff Contact: Eric Oscarson, Deputy City Manager)**

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

Motion made by Adam Russell and seconded by Phil Anderson to approve with the updated amount of \$9,036,361.

Motion passed 6-0, with Alexa Boedeker absent.

- B. CSO#5872-08-2025, resolution authorizing the rejection of bids for RFCSP 2025-002 for the construction of Shannon Creek Park. (Staff Contact: Jen Basham, Parks and Recreation Director)**

Item 6B was added to the consent agenda above.

- C. CSO#5873-08-2025, ordinance authorizing the issuance of City of Burleson, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2025; establishing procedures and delegating authority for the sale and delivery of the Certificates; providing an effective date; and enacting other provisions relating to the subject.(First and Final Reading) (Staff Contact: Harlan Jefferson, Deputy City Manager)**

Harlan Jefferson, Deputy City Manager, presented items 6C and 6D as one presentation to the city council.

Motion made by Adam Russell and seconded by Dan McClendon to move approval of the ordinance authorizing the issuance of City of Burleson, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2025; establishing procedures and delegating authority for the sale and delivery of the Certificates; providing an effective date; and enacting other provisions relating to the subject.

Motion passed 6-0, with Alexa Boedeker absent.

- D. CSO#5874-08-2025, ordinance authorizing the issuance of City of Burleson, Texas, General Obligation Bonds, Series 2025; establishing procedures and delegating authority for the sale and delivery of the Bonds; providing an effective date; and enacting other provisions relating to the subject. (First and Final Reading) (Staff Contact: Harlan Jefferson, Deputy City Manager)**

Motion made by Adam Russell and seconded by Dan McClendon to move approval of the ordinance authorizing the issuance of City of Burleson, Texas, General Obligation Bonds, Series 2025; establishing procedures and delegating authority for the sale and delivery of the Bonds; providing an effective date; and enacting other provisions relating to the subject.

Motion passed 6-0, with Alexa Boedeker absent.

- E. Ordinance amendment to Chapter 2 and Chapter 6 of the Code of Ordinances (Boards, Commissions, Committees) and City Council Policy #40 (Boards). (First Reading) (Staff Contact: Amanda Campos, City Secretary)**

Amanda Campos, City Secretary, presented an ordinance to the city council.

Council was in favor of changes to Chapter 2 and Policy 40 member responsibilities and review of data changes.

Edit Chapter 2; section 2-35:

(a) Each board and commission shall review data and circumstances pertaining to their respective boards and commissions and formulate recommendations to the city council, **on** for its adoption, policies and regulations consistent with the overall city plan and ordinances. **This should exclude items concerning budget, finances of the city, fees/fines, and maintenance operation functions of the city.**

Edit Council Policy #40: Add a new subsection under Section VI. Board/Commission/Committee Member responsibilities.

The members should fully consider the items presented to them at a meeting providing recommendations to be forwarded to the city council or council committee by the Director or designee with consideration given to the necessary timeframe for the item.

All recommendations of the board, commission, or committee should be presented in a report that provides the council full consensus of the members, understanding the recommendations may not all be unanimous. The reports should reflect the discussion and questions of the members present at the meeting in a high level executive summary format. This is not intended to be verbatim minutes.

During discussion, the council requested the following:

- No changes to current board terms
- Member term out - sit out for one-year instead of three-years
- Council in favor of changes to attendance

Addition to Council Policy #40:

Quorum - establishing parameters for a defined quorum for Advisory Committee on People with Disabilities, Animal Shelter Advisory Committee, Boren Property Advisory Council and Citizen Public Art Committee. Change quorum to be 3-members to have a discussion but a quorum is needed for formal action to city council.

Other changes:

- Amend the Russell Farm Facility Use Agreement and resolution establishing Boren Property Advisory Council allowing membership to meet virtually.
- Keep unchanged: Planning & Zoning Commission, Board of Adjustment and Capital Improvement Advisory Board, Advisory Committee on People with Disabilities, Animal Shelter Advisory, Building Codes & Standards, Library Board.
- Rename Parks Board to Parks and Recreation Board and remove Russell Farm. The property will continue under Boren Property Advisory.
- Combine into new board: Cemetery and Citizens Public Art. New Board Public Spaces & Cultural Heritage
- Expand duties of Old Town Development Standards

Staff will bring forward an item to discuss the membership requirements for the Building Code & Standards Board.

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

Motion passed 6-0, with Alexa Boedeker absent.

7. REPORTS AND PRESENTATIONS

A. Receive a report, hold a discussion and provide staff direction on an ordinance amending Chapter 34, Article VIII, of the Code of Ordinances regulating unattended clothing donation containers. (Staff Contact: Tony D. McIlwain, Development Services Director)

Tony McIlwain, Development Services Director, presented an amendment to Chapter 34, Article VIII, of the Code of Ordinances to the city council.

Proposed fee and maintenance requirements:

- Permit required with Fee (\$100) – one (1) year non-transferable
- Property owner written permission and acknowledgement holding property owner and operator jointly and severally liable for any violations
- donation box exemption (40 cubic feet or less)
- Site plan, description of the containers, detailed maintenance plan
- Collection schedule- including time of day
- Vehicular circulation plan
- Graffiti and litter abatement plan
- Decal permit on container and name/operator contact information on container
- Nonprofit operator: provide evidence of exemption status from IRS
- For – profit: provide active business tax certification

Donation container proposed requirements:

- Size Limitation- Donation containers shall have four (4) walls, a roof and a floor, shall not exceed the dimensions 512 cubic feet (8'w x 8'd x 8'h)- typical 8 yard dumpster.
- Not located in residential area and located 200 feet from residential area.
- No more than one per platted/unplatted lot; subject lot must contain an occupied building.
- Placement behind required building setbacks – e.g. front yard.
- Designed to withstand wind and element resistant, designed to not blow away.
- Designed to prevent people from entering inside container.
- Painted one solid color, trade dress color schemes or corporate logos will be allowed, No fluorescent colors.
- Cannot impede traffic, visibility triangle, pedestrian circulation, on-site circulation, fire lane, utility easement, landscape area.
- Cannot be located on parking space required to meet minimum parking requirements.
- Cannot impede the functioning of exhaust, ventilation, or fire extinguishing systems.
- Shall not be located closer than three hundred (300) feet from another container.
- The property owner of real property with a donation box shall keep the donation box and the real property situated under the donation box clean and free of trash, debris, broken glass, or excess donations.

- No more than one (1) donation box may be located on a single platted lot or unplatted tract of land. In the case of a shopping center or office development that consist of multiple platted lots, the center or office development shall be considered as if it is only one contiguous lot.
- Donation boxes shall not impede traffic nor visually impair any motor vehicle drivers from a public street and shall not interfere with visibility triangles or on-site vehicle or pedestrian circulation.

Maintenance and Enforcement:

- The operator and property owner shall maintain, or cause to be maintained, the area within 25 feet of the donation collection box, free from any junk, debris, overflow items or other materials.
- The property owner shall be responsible to the extent provided by law for the city's cost to abate any nuisance. (lien)
- Use nuisance notification and services for abatement area not maintained (one time notice)
- Unpermitted containers – property owner responsibility – issue citations
- Impoundment for no permit or received 2 notices of violation in the past 12 months
- Permit revocation
- Appeal for denial or revocation of permit

Exemptions:

(a) Donation collection containers that are entirely enclosed within a principal building, or are accessory to a principal activity on a property owned or leased by the operator of the donation container, shall not require a permit, but must still comply with the remainder of the requirements in this chapter.

(b) Exemption for Donation Boxes

Notwithstanding any other provision of this ordinance, donation boxes that meet the following criteria shall be exempt from the permitting, registration, and placement requirements of this chapter:

1. The box has a volume of 40 cubic feet or less;
2. The box is located entirely on private property or public property with the consent of the property owner;
3. The box is maintained in a neat, clean, and orderly condition & does not obstruct pedestrian or vehicular traffic;
4. No more than one exempt box is placed per parcel or business location.

(c) The City reserves the right to revoke this exemption and require compliance with the ordinance if the box is found to cause a public nuisance, blight, or otherwise violates applicable health, safety, or zoning codes.

After and brief discussion and questions, council was in favor. Staff will bring the item back for council's consideration.

- B. Receive a report, hold a discussion, and provide staff direction on proposed amendments to Chapter 26, *Courts* and Chapter 34, *Environment*, of the Code of Ordinances regulating noise. (Staff Contact: Tony D. McIlwain, Development Services Director)**

Tony McIlwain, Development Services Director, presented an amendment to Chapter 34, Article VIII, of the Code of Ordinances to the city council. The presentation included proposed amendments, verbiage changes, and exceptions.

Proposed amendments:

- Purpose: delete the reference to only manmade noises.
- Maximum sound levels: replace “are presumed to be public nuisances,” to, “are prima facie evidence sufficient to establish a public nuisance.”
- Enforcement: revise to state, “The provisions of this article shall be enforced by a city code officer or police officer in the course of employment. A citizen may file a written complaint with the municipal court for prosecution.”
- Continuing violations constituting a public nuisance: Adopt an ordinance to authorize the Municipal Court to have civil jurisdiction over nuisance violations under Texas Gov. Code Sec. 30.00005. This will allow the court to declare a public nuisance and then order an appropriate method for compliance, even using contempt remedies.
- Penalties: revise (4) to state, “A violation of this article is a nuisance. The prosecution of an offense under this article does not limit the city’s right to abate the nuisance, including the use of injunctive or other civil relief.”

Exceptions:

Exceptions. Notwithstanding anything in this section to the contrary, the following sound-related activities are not a violation of this section:

(1) A food service establishment, as defined in Texas Health and Safety Code § 437.001, as may be amended from time to time, that accepts delivery of supplies or other items, provided that if the delivery occurs between 10 p.m. and 5 a.m., then:

- (a) the delivery lasts for one hour or less;
- (b) the delivery is only for food, nonalcoholic beverages, food service supplies, or ice; and
- (c) the delivery sound level when measured from the residential property closest in proximity to the establishment does not exceed 65 dBA, excluding traffic and other background noise that can be reasonably excluded.

(2) A restaurant, as defined by Alcoholic Beverage Code § 1.04, as may be amended from time to time, that limits the use of amplified sound for playing music or amplifying human speech within the establishment's indoor or outside property boundaries to ensure:

- (a) the amplified sound is not used after 10 p.m. on Sunday through Thursday and 11 p.m. on Friday and Saturday; and
- (b) the amplified sound level does not exceed 70 dBA or 75 dBC when measured at the establishment's property perimeter, excluding traffic and other background noise that can be reasonably excluded.

(3) Subsection (i)(2), above, does not apply to a food service establishment on property that is located within 300 feet of a residence that was occupied before any food service establishment was located on the property.”

After and brief discussion and questions, council was in favor of the changes. Staff will bring back an item for council consideration.

C. Receive a report, hold a discussion and provide staff direction regarding a neighborhood empowerment zone (NEZ) program and draft ordinance. (Staff Contact: Tony McIlwain, AICP, CFM, Development Services Director)

Tony McIlwain, Development Services Director, presented an amendment to Chapter 34, Article VIII, of the Code of Ordinances to the city council. Development Services and the Police Department met to evaluate potential neighborhoods for a Neighborhood Empowerment Zone (NEZ) designation based on statistical data and previous Code Compliance efforts. Three areas were identified: Hillery Heights, Montclair Addition, and Crestmoor Park, each characterized by older housing stock and past targeted code enforcement. The Hillery–Montclair community was selected as the target pilot area for NEZ designation. This area consists of 464 residential lots, with structures primarily over 60 years old and an average 2024 property appraisal of \$218,787—below the HUD threshold of \$309,000. The NEZ designation, limited to residential uses, is intended to reduce blight, encourage reinvestment, and extend the life cycle of aging homes through rehabilitation.

During the discussion, Council member Scott recommended a 20% minimum improvement threshold, while staff emphasized the need for a broader policy discussion and incentive menu. The council expressed overall support for the pilot initiative, with further exploration needed on permit forgiveness, the impact on future appraisals, and clarifying incentives without relying on code citations. Staff will return with a comprehensive policy proposal for Council consideration.

RECESS AND BACK TO ORDER

Mayor Fletcher recessed for a short break at 7:45 p.m. and called the meeting back to order at 7:57 p.m. with all members present as recorded above.

D. Receive a report, hold a discussion, provide staff directions on the FY 2025-2026 (tax year 2025) property tax rates, and receive any additional feedback from the City Council regarding the annual budget for FY 2025-2026. (Staff Contact: Kevin Hennessey, Interim Director of Finance)

Kevin Hennessey, Interim Director of Finance, presented the FY 2025-2026 (tax year 2025) property tax rates to the city council.

After and brief discussion and questions, council was in favor.

E. Receive a report, hold a discussion, and provide staff direction regarding the pursuit of the Texas Comptroller of Public Accounts' Transparency Stars Program, which recognizes local governments for going above and beyond in their transparency efforts. (Staff Contact: Michael Franklin, Deputy Director of Finance)

Micheal Franklin, Deputy Director of Finance, presented the Texas Comptroller of Public Accounts' Transparency Stars program to the city council. The presentation included the purpose of the program, types of stars, benefits, city awarded with first star Traditional Finances Star, what needed to receive the transparency practice, discussed reduced security risk on information on website, statewide award recipients, and working towards continuing the program

The city council was in favor of the program.

8. CITY COUNCIL REQUEST FOR FUTURE AGENDA ITEMS AND REPORTS

- None.

9. 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 EEOC Charge No. 450-2025-09414
- Receive a report and hold a discussion regarding Cause No. DC-C202500558, *Crites v City of Burleson*, 18th Judicial District Court, Johnson County, Texas
- Receive a report and hold a discussion regarding the 380 and Development Agreement for Public and Private Improvements in Reinvestment Zone Number Two, City of Burleson, between the City of Burleson and Depot on Main Holdings, LLC, dated November 14, 2016, and amended on September 9, 2020
- Receive a report and hold a discussion regarding Chapter 395 of the Texas Local Government Code, the City's impact fees, and impact fees charged by other special districts in the city limits
- Receive a report and hold a discussion regarding a facility management agreement with Sports Facilities Management, LLC
- Receive a report and hold a discussion regarding the interlocal agreement with the Burleson Independent School District for Police/School Liaison Officers

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

- Receive a report and hold a discussion on certain parcels of real property for the alignment and expansion of Lakewood Drive in Johnson County, Texas where deliberation in open session would have a detrimental effect on the position of negotiations with third parties

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

Motion was made by Dan McClendon and seconded by Victoria Johnson to convene into executive session. **Time: 8:14 p.m.**

Motion passed 6-0, with Alexa Boedeker absent.

Motion was made by Adam Russell and seconded by Dan McClendon to reconvene into open session. **Time: 9:55 p.m.**

Motion passed 6-0, with Alexa Boedeker absent.

10. ADJOURNMENT

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

Mayor Chris Fletcher adjourned the meeting.

Time: 9:55 p.m.

Monica Solko
Deputy City Secretary