

BURLESON CITY COUNCIL REGULAR MEETING

March 20, 2023
DRAFT MINUTES

ROLL CALL

COUNCIL PRESENT:

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

COUNCIL ABSENT:

Staff present

Bryan Langley, 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 – 5:36 p.m.

Invocation – Frank Pace, Minister of the Gospel, Johnson County Prayer Net.

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. REPORTS AND PRESENTATIONS

- A. **Receive a report, hold a discussion and give staff direction regarding fiscal year 2021-2022 Annual Comprehensive Financial Report (ACFR), Single Audit Report and the annual audit. (Staff Presenter: Martin Avila, Director of Finance) (Presented to Finance and Internal Service Committee on March 13, 2023).**

Martin Avila, Director of Finance, introduced Jackie Gonzales partner with Weaver and Tidwell. Ms. Gonzales presented the FY 2021-2022 annual audit to council. Mr. Avila presented the annual comprehensive finance report to council.

- B. **Receive a report, hold a discussion, and give staff direction regarding the Hotel/Motel tax grant policy. (Staff Presenter: Alex Philips, Economic Development Director)**

Alex Philips, Economic Development Director, presented the Hotel/Motel tax grant policy to the council.

3. PUBLIC PRESENTATIONS

A. Proclamations

- None.

B. Presentations

- None.

C. Community Interest Items

- Great turnout last Saturday for City of Burleson events: Dogs and Donuts at the Burleson Bark Park and Burleson Police Department open house.
- ReachCouncil.org of Johnson County is assisting those in need of free formalwear for upcoming prom, March 24-25, at First Baptist of Burleson.
- Join us, March 21, Shaved ice with a cop drop by Bahama Bucks, 3 p.m. - 4 p.m.
- Join us, March 23, Character Council luncheon, 11:30 a.m., open to the community, contact the Chamber of Commerce, free luncheon but do accept donations. Students and individuals in the community will be recognized for good character at the event.
- Join us, March 25, 2:00 p.m., Vietnam Veterans celebration, Veterans Memorial Plaza.

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A. Items to be continued or withdrawn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B. Items to be withdrawn from Consent Agenda for separate discussion or items to be added to the Consent Agenda.

- Add 8A and 8C

Motion made by Tamara Payne seconded by Dan McClendon to move items 8A and 8C to the consent agenda.

Motion passes 7-0.

5. CITIZEN APPEARANCES

- Hank Hoaldrige, 12255 Oak Grove Road South, came forward to give an update to Council on his request for crosses at the entrance of the city.

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, Texas Government Code

- Real estate contract dated April 18, 2022, with Paul and Darlene Karmy selling fee simple title to 430 N Burleson Blvd, Burleson, Johnson County,

Texas for a sales price of \$900,000 and other good and valuable consideration

- Drainage pipeline agreement with Union Pacific Railroad for the use of Union Pacific Railroad property adjacent to N Main St, Burleson, Johnson County, Texas
- Laws governing the placement of political signs, including Chapter 63 of the City of Burleson Code of Ordinances, Chapter 259 of the Election Code, and Chapters 392 and 393 of the Transportation Code.

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 real property commonly known as 116 Warren St in Burleson, Johnson County, Texas for municipal purposes

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

D. Personnel matters pursuant to Section 551.074, Texas Government Code

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, Texas Government Code

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, Texas Government Code

- Project Workforce
- Project Lunchbox

G. Pursuant to Sec. 418.183(f), Texas Government Code, 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: 6:37 p.m.**

Motion passed 7-0.

Motion was made by Dan McClendon and seconded by Ronnie Johnson to reconvene into open session. **Time: 7:39 p.m.**

Motion passed 7-0.

6. CONSENT AGENDA

A. Minutes from the March 6, 2023 regular council meeting. (Staff Contact: Amanda Campos, City Secretary).

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

Motion passed 7-0.

- B. CSO#5030-03-2023, Memorandum of Understanding (MOU) between the City of Burleson and the Dallas-Fort Worth Regional Intelligent Transportation System (ITS) partners. (Staff Contact: Eric Oscarson, Director of Public Works)**

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

Motion passed 7-0.

- C. CSO#5031-03-2023, minute order to reject proposals for RFP 2022-025 Pavement Management Assessment Solutions. (Staff Contact: Eric Oscarson, Director of Public Works)**

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

Motion passed 7-0.

- D. CSO#5032-03-2023, service contract with Fugro USA Land, Inc. through a cooperative purchasing agreement with the North Central Texas Council of Governments to perform a street pavement assessment in the amount of \$151,250. (Staff Contact: Eric Oscarson, Director of Public Works)**

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

Motion passed 7-0.

- E. CSO#5033-03-2023, professional services contract with Accessology Too, LLC for the development of a American with Disabilities Act (ADA) transition plan in the amount not to exceed \$65,340 (Staff Contact: Matt Ribitzki, Deputy City Attorney/Compliance Manager).**

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

Motion passed 7-0.

- F. CSO#5034-03-2023, professional services agreement with Freese and Nichols, Inc. for preliminary design of the Alsbury Phase 3 - Expansion to CR914 project in the amount of \$628,150.00. (Staff Presenter: Errick Thompson, Deputy Director of Public Works - Engineering)**

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

Motion passed 7-0.

- G. CSO#5035-03-2023, amendment to CSO#4034-11-2022 modifying the July 2023 City Council regular meeting dates from July 3, 2023 to July 10, 2023 and July 17, 2023 to July 24, 2023. (Staff Presenter: Amanda Campos, City Secretary)**

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

Motion passed 7-0.

- H. CSO#5036-03-2023, five-year contract for Employee Performance Management Software services by emPerform in the amount not to exceed \$108,000. (Staff Presenter: Rick DeOrdio, Director of Human Resources)**

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

Motion passed 7-0.

- I. CSO#5037-03-2023, resolution authorizing a \$1,500 sponsorship expense for the Burleson Character Council Luncheon. (Staff Contact: Justin Scharnhorst, Assistant to the City Manager)**

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

Motion passed 7-0.

- J. CSO#5038-03-2023, first amendment to a real estate sales contract and lease for the property located at 216 Bransom Street, Burleson, Johnson County, Texas, with First Baptist Church. (Staff Contact: Alex Philips, Economic Development Manager)**

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

Motion passed 7-0.

- K. CSO#5039-03-2023, resolution authorizing the purchase of 0.35 acres of land from Burleson Independent School District in the amount of \$14,000. (Staff Contact: Jen Basham, Director of Parks and Recreation)**

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

Motion passed 7-0.

- L. CSO#5040-03-2023, resolution accepting the results of the September 30, 2022 Annual Audit, Annual Comprehensive Financial Report (ACFR) for the period ending September 30, 2022, and the Single Audit Report as of September 30, 2022. (Staff Presenter: Martin Avila, Director of Finance) (Finance and Internal Service Committee recommended accepting the results of the September 30, 2022 Annual Audit, ACFR for period ending September 30, 2022, and the Single Audit Report as of September 30, 2022 on March 13, 2023)**

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

Motion passed 7-0.

- M. CSO#5041-03-2023, contract with Tarrant County for election services for the May 6, 2023 general election in an amount not to exceed \$14,000. (Staff Presenter: Amanda Campos, City Secretary)**

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

Motion passed 7-0.

- N. CSO#5042-03-2023, minute order ratifying a resolution of the Burleson 4A Economic Development Corporation Board recommending approval of a professional services contract between the City and Kimley-Horn and Associates, Inc. for design of the extension of Lakewood Drive from FM 1902 to Chisholm Trail Parkway in the amount of \$1,090,915.00. (Staff Contact: Errick Thompson, Deputy Director of Public Works)**

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

Motion passed 7-0.

- O. CSO#5043-03-2023, minute order ratifying a resolution of the Burleson 4A Economic Development Corporation recommending approval of demolition agreement between the City and Garrett Demolition, Inc. for asbestos abatement and demolition of 130 East Renfro Street in the amount of \$201,462.00. (Staff Contact: Errick Thompson, Deputy Public Works Director)**

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

Motion passed 7-0.

- P. CSO#5044-03-2023, minute order ratifying a resolution of the Burleson 4A Economic Development Corporation Board recommending approval of a contract with First United Methodist Church Burleson for use of church facilities for community events in exchange for the stained glass windows at 130 E Renfro St. (Staff Contact: Matt Ribitzki, Deputy City Attorney/Compliance Manager)**

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

Motion passed 7-0.

- Q. CSO#5045-03-2023, professional services contract with Kimley-Horn and Associates, Inc. for the design of the extension of Lakewood Drive from FM 1902 to Chisholm Trail Parkway in the amount of \$1,090,915.00. (Staff Contact: Errick Thompson, Deputy Director of Public Works)**

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

Motion passed 7-0.

- R. CSO#5046-03-2023, demolition agreement with Garrett Demolition, Inc. for asbestos abatement and demolition of 130 East Renfro Street in the amount of \$201,462.00. (Staff Contact: Errick Thompson, Deputy Public Works Director)**

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

Motion passed 7-0.

- S. CSO#5047-03-2023, contract with First United Methodist Church Burleson for use of church facilities for community events in exchange for the stained glass windows at 130 E Renfro St. (Staff Contact: Matt Ribitzki, Deputy City Attorney/Compliance Manager)**

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

Motion passed 7-0.

8. GENERAL – ADDED TO CONSENT

- A. CSO#5050-03-2023, resolution authorizing street closures for the upcoming Honey Tour community event. (Staff Contact: Jen Basham, Director of Parks and Recreation)**

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

Motion passed 7-0.

- C. CSO#5052-03-2023, minute order appointing members to City of Burleson boards, commissions, and committees to fill vacancies due to added positions and vacancies on all boards/commission/committees. (Staff Presenter: Amanda Campos, City Secretary)**

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

Motion passed 7-0.

7. DEVELOPMENT APPLICATIONS

- A. CSO#5048-03-2023, ordinance for a zoning change request from “A”, Agriculture to “GR” General Retail at 5917 W FM 917 (Case 23-007) (First and Final Reading) (Staff Presenter: Tony McIlwain, Development Services Director) (The Planning and Zoning Commission recommended approval by unanimous vote)**

Emilio Sanchez, Deputy Director of Development Services, presented Case 23-007 to the city council.

Mayor Fletcher opened the public hearing. **Time: 7:43 p.m.**

Bryan Clark, 8700 Freeport Parkway, developer came forward to answer any questions Council may have.

Mayor Fletcher closed the public hearing. **Time: 7:44 p.m.**

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

Motion passed 7-0.

- B. CSO#5049-03-2023, ordinance for a zoning change request from “PD” Planned Development district, to “PD” Planned Development district, to allow for retail and single-family attached residential development on 35.20 acres at 2500 SW Hulen St (TOD Mixed-Use) (Case 22-131). (*First and Final Reading*) (*Staff Presenter: Tony McIlwain, Director of Development Services*) (*The Planning and Zoning Commission recommended approval by unanimous vote*) (*Public hearing continued from the January 23, 2023 and February 20, 2023 City Council meetings*)**

Emilio Sanchez, Deputy Director of Development Services, presented Case 22-131 to the city council.

Mayor Fletcher opened the public hearing. **Time: 7:54 p.m.**

No speakers.

Mayor Fletcher closed the public hearing. **Time: 7:55 p.m.**

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

Motion passed 7-0.

8. GENERAL

- A. ~~CSO#5050-03-2023, resolution authorizing street closures for the upcoming Honey Tour community event. (Staff Contact: Jen Basham, Director of Parks and Recreation) – MOVED~~**

Item 8A was moved and voted on with the consent agenda above.

- B. CSO#5051-03-2023, professional services agreement with Teague Nall and Perkins, Inc. for the design of the SW Hulen Street Widening – Candler Dr. to SH174 project in the amount of \$2,107,413. (*Staff Presenter: Errick Thompson, Deputy Director of Public Works - Engineering*)**

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

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

Motion passed 7-0.

- C. ~~CSO#5052-03-2023, minute order appointing members to City of Burleson boards, commissions, and committees to fill vacancies due to added positions and vacancies on all boards/commission/committees. (Staff Presenter: Amanda Campos, City Secretary) – MOVED~~**

Item 8C was moved and voted on with the consent agenda above.

D. CSO#5053-03-2023, letter of admonishment and reprimand addressed to City Council member Place 3 concerning his conduct in response to an event at the Library in February of 2023. (Staff Presenter: Allen Taylor, City Attorney)

Allen Taylor, City Attorney, presented a letter of admonishment and reprimand addressed to City Council member, Place 3 to the city council.

The following spoke in favor:

- Isabella Cato, 820 Cedar Ridge Lane.
- Susan Cato, 820 Cedar Ridge Lane.
- Bill Janusch, 117 NE Clinton Street.
- Charlotte Vandervoort, 1237 Highcrest Drive.
- Stephanie Giovanni, 621 NW Lorna Street.
- Betty Arber, 320 Tinker Trail.
- Jamie Jones, 1065 Irene Street.

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

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

9. CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS OR REPORTS

- Request for presentation of a plaque with years of service for all outgoing council members retroactive to last term.

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- 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, Texas Government Code**
 - Project Workforce
 - Project Lunchbox
- G. Pursuant to Sec. 418.183(f), Texas Government Code, deliberation of information related to managing emergencies and disasters including those caused by terroristic acts (must be tape recorded)**
 - No need for a second Executive Session.

ADJOURNMENT

Motion made by Ronnie Johnson and Jimmy Stanford to adjourn.

Mayor Fletcher adjourned the meeting.

Time: 8:33 p.m.

Monica Solko
Deputy City Secretary