

BURLESON CITY COUNCIL REGULAR MEETING
September 18, 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
Amanda Campos, City Secretary
Lisandra Leal, Assistant City Secretary
Matt Ribitzki, Deputy City Attorney

1. CALL TO ORDER – 5:30 p.m.

Invocation – Stacy Singleton, retired Fire Marshal, 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

-A Proclamation recognizing September 17 - September 23, 2023 as "Constitution Week" in the City of Burleson. (*Recipient: Nathaniel Winston Chapter, National Society Daughters of the American Revolution*)

B. Presentations

- None.

C. Community Interest Items

- Visit the golf course now that the weather is cooling and the golf paths have been repaired.
- Great turnout at the Be Healthy Fun Run on Saturday.
- Join us for Old Town Picture Show at the plaza on 23.
- Join us on September 29 for Latin Food Truck night at the Brick parking lot.
- Join us on October 3 for National Night Out.
- Join us for Founders Day on October 14 at the plaza from 10am-4pm, free event.

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A. **Items to be continued or withdrawn**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B. **Items to be withdrawn from Consent Agenda for separate discussion or items to be added to the Consent Agenda.**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

- Lisa Deese, 203 Kimberly Drive, Cleburne TX came forward to speak on Meals on Wheels North Central Texas.

5. **CONSENT AGENDA**

A. **Consider approval of the minutes from the September 5, 2023 regular council meeting and September 11, 2023 special council meeting. (Staff Contact: Amanda Campos, City Secretary)**

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

Motion passed 7-0.

B. **CSO#5225-09-2023, ordinance amending Article III “Flood Damage Prevention” of Chapter 42 “Floods” of the City of Burleson Code of Ordinances. (Final Reading) (Staff Contact: Errick Thompson, Deputy Public Works Director)**

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

Motion passed 7-0.

C. **CSO#5226-09-2023, minute order authorizing the proposed rate increase from Waste Connections Lone Star, Inc. permissible to the terms and conditions of the existing contract to be effective October 1, 2023. (Staff Contact: Eric Oscarson, Director of Public Works)**

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

Motion passed 7-0.

D. **CSO#5227-09-2023, estoppel certificate acknowledging Burleson Cold Storage, LP and Burleson Cold Storage II, LP's Tax Abatement Agreement on the subject property in HighPoint Business Park. (Staff Contact: Alex Philips, Economic Development Director)**

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

Motion passed 7-0.

- E. CSO#5228-09-2023, Assignment of Tax Abatement between Burleson Cold Storage, LP, a Delaware Limited Partnership and TMV Highpoint Owner, LLC, a Delaware Limited Liability Company, and The City of Burleson, Texas, Johnson, County on the subject property in HighPoint Business Park. (Staff Contact: Alex Philips, Economic Development Director)Attorney/Compliance Manager)**

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

Motion passed 7-0.

- F. CSO#5229-09-2023, 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. (Final Reading) (Staff Contact: Jesse Elizondo, Director of Customer Service)**

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

Motion passed 7-0.

- G. CSO#5230-09-2023 amendment to contract CSO#5135-06-2023 for three years with ImageTrend, LLC for the purchase of a master software and services agreement for the Fire/EMS department records management system in the amount of \$26,528. (Staff Contact: Casey Davis, Assistant Fire Chief)**

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

Motion passed 7-0.

- H. CSO#5231-09-2023, amended City Council Policy #40 – City Boards, Commissions, Committees Appointment Process by adding new sections VI. Member Responsibilities, VII. Process to address concerns, and VIII. Burleson Rules of Order. (Staff Contact: Amanda Campos, City Secretary)**

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

Motion passed 7-0.

- I. CSO#5232-09-2023, ordinance amending CSO#660-08-2017, adopting the Official City Map. (Final Reading) (Staff Contact: Amanda Campos, City Secretary)**

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

Motion passed 7-0.

- J. CSO#5233-09-2023, minute order seeking spending authorization for the purchase of products and services from Amazon Marketplace through the cooperative contract with Omnia Partners in an amount not to exceed \$150,000.00 for the fiscal year 2023-2024. (Staff Contact: Justin Scharnhorst, Assistant to the City Manager)**

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

Motion passed 7-0.

- K. CSO#5234-09-2023, minute order adopting the 2024 Council Calendar. (Staff Contact: Amanda Campos, City Secretary)**

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

Motion passed 7-0.

6. GENERAL

- A. Hold a public hearing and consider approval of an ordinance amending Article VIII “International Property Maintenance Code” of Chapter 10 “Buildings and Building Regulations” of the City of Burleson Code of Ordinances by adopting the 2021 Edition of the of the International Property Maintenance Code and providing for modifications of the code to incorporate local amendments. (First Reading) (Staff Presenter: Lisa Duello, Neighborhood Services Director)**

Lisa Duello, Neighborhood Services Director, presented an ordinance to the city council.

Mayor Fletcher opened the public hearing. **Time: 6:18 p.m.**

No speakers.

Mayor Fletcher closed the public hearing. **Time: 6:19 p.m.**

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

Motion passed 7-0.

- B. Hold a public hearing and consider approval of an ordinance adopting the 2021 editions of the International Building Code, the International Residential Code, the International Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Energy Conservation Code, the International Swimming Pool and Spa Code, the International existing Building Code and local amendments thereto; adopting the 2020 edition of the National Electric Code and**

local amendments. (First Reading) (Staff Presenter: Tony D. McIlwain, Development Services Director)

Dylan Whitehead, Building Official, presented an ordinance to the city council.

Mayor Fletcher opened the public hearing. **Time: 6:18 p.m.**

No speakers.

Mayor Fletcher closed the public hearing. **Time: 6:19 p.m.**

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

Motion passed 7-0.

C. Hold a public hearing and consider approval of an ordinance amending Article V “International Fire Code” of Chapter 38 “Fire Prevention and Protection” of the City of Burleson Code of Ordinances by adopting the 2021 edition of the International Fire Code and providing for modifications of the code to incorporate local amendments. (First Reading) (Staff Presenter: Rob Moore, Battalion Chief)

Rob Moore, Battalion Chief, presented an ordinance to the city council.

Mayor Fletcher opened the public hearing. **Time: 6:18 p.m.**

No speakers.

Mayor Fletcher closed the public hearing. **Time: 6:19 p.m.**

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

Motion passed 7-0.

D. Hold a public hearing and consider approval of an ordinance abandoning and vacating a certain portion of a thirty (30) foot right-of-way and drainage easement located northeast of N Wilson St in the City of Burleson, Johnson County, Texas. (Staff Presenter: Errick Thompson, Deputy Public Works Director)

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

Mayor Fletcher opened the public hearing. **Time: 6:25 p.m.**

No speakers.

Mayor Fletcher closed the public hearing. **Time: 6:25 p.m.**

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

Motion passed 7-0.

- E. Hold a public hearing and consider approval of an ordinance abandoning the public alley in Block 33, Original Town of Burleson, according to the plat recorded in Volume 59, Page 638, Deed Records, Johnson County, Texas, authorizing the City Manager to execute a Deed Without Warranty to the adjacent landowners. (First and Final Reading) (Staff Presenter: Errick Thompson, Deputy Public Works Director)**

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

Mayor Fletcher opened the public hearing. **Time: 6:39 p.m.**

No speakers.

Mayor Fletcher closed the public hearing. **Time: 6:40 p.m.**

Motion made by Adam Russell and seconded by Victoria Johnson to approve subject to receiving signature application from Oncor.

Motion passed 7-0.

- F. Hold a public hearing and consider approval of an ordinance abandoning the public right-of-way known as Pearl Street in the Original Town of Burleson, according to the plat recorded in Volume 59, Page 638, Deed Records, Johnson County, Texas, authorizing the City Manager to execute a Deed Without Warranty to the adjacent landowners. (First and Final Reading) (Staff Presenter: Errick Thompson, Deputy Public Works Director)**

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

Mayor Fletcher opened the public hearing. **Time: 6:43 p.m.**

No speakers.

Mayor Fletcher closed the public hearing. **Time: 6:44 p.m.**

Motion made by Adam Russell and seconded by Phil Anderson to approve subject to receiving signature application from Oncor.

Motion passed 7-0.

- G. Consider a Resolution adopting the City employee pay plans, benefit programs and updates to the employee handbook for Fiscal Year 2023-24. (Staff Presenter: Rick DeOrdio, Director of Human Resources)**

Rick DeOrdio, Director of Human Resources, presented a Resolution to the city council.

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

Motion passed 7-0.

- H. Consider approval of a resolution authorizing a five-year contract with Bureau Veritas as the primary contractor and Instant Inspections as the secondary contractor for third-party inspection services related to Environmental Services, Residential and Commercial Inspections and Fire Services Inspections pursuant to all applicable codes outlined in RFP 2023-011. (Staff Presenter: Justin Scharnhorst, Assistant to the City Manager)**

Justin Scharnhorst, Assistant to the City Manager, presented a Resolution to the city council.

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

Motion passed 7-0.

- I. Consider approval of a resolution authorizing a five-year professional services contract with Independent Financial for depository services for the City of Burleson. (Staff Presenter: John Butkus, Assistant Finance Director)**

John Butkus, Assistant Finance Director, presented a Resolution to the city council.

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

Motion passed 7-0.

7. REPORTS AND PRESENTATIONS

- A. Receive a report, hold a discussion and provide staff direction regarding council requested realignment of the Parks and Recreation Capital Improvement Plan. (Staff Presenter: Jen Basham, Director of Parks and Recreation)**

Jen Basham, Director of Parks and Recreation, reported on realignment of the Parks and Recreation Capital Improvement Plan.

8. CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS OR REPORTS

- Modifications to a structure at old town, what role does the old town view committee stand, what present role of Old Town Review committee has and for council to have a policy review of Old Town Review Committee.

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.

- A. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071, Texas Government Code**

- Right-of-Way use agreements with Baker Foundation of Burleson, Inc., Daltons Corner, LLC, Grumps, Ltd, Old Texas Brewing Co., Paradigms for Success, and Spice Rack Grill

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

- Approximately 30.76 acres of land in Burleson, Johnson County, Texas near the intersection of SW Hulen St and SW Alsbury Blvd, commonly known as 2140 SW Hulen St, 2410 SW Hulen St, 2250 SW Hulen St, and 1303 SW Hulen St
- 130 E Renfro St in 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

- CHC Development
- Project Frosty

Motion was made by Adam Russell and seconded Victoria Johnson by to convene into executive session. **Time: 8:03 p.m.**

Motion passed 7-0.

Motion was made by Dan McClendon and seconded by Ronnie Johnson to reconvene into open session. **Time: 9:03 p.m.**

Motion passed 7-0.

ADJOURNMENT

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

Mayor Fletcher adjourned the meeting.

Time: 9:04 p.m.

Monica Solko
Deputy City Secretary