

BURLESON CITY COUNCIL REGULAR MEETING

February 6, 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
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 – 4:30 PM

Invocation – Bob Massey, Secretary/Treasurer of the Burleson Christian Ministerial Alliance and Elder Emeritus at Grace Bible Fellowship

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*

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

- Exclusive Franchise Agreement for the Collection, Hauling and Disposal of Municipal Solid Waste in the City of Burleson with Waste Connections Lone Star, Inc. Dated June 1, 2019
- Article III “Solid Waste Collection” of Chapter 82 “Utilities” of the City of Burleson Code of Ordinances (2005)

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
 - Project Workforce
- 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)

Motion was made by Dan McClendon and seconded by Jimmy Stanford to convene into executive session. **Time: 4:33 p.m.**

Motion passed 7-0.

Motion was made by Dan McClendon and seconded by Victoria Johnson to reconvene into open session. **Time: 5:34 p.m.**

Motion passed 7-0.

2. REPORTS AND PRESENTATIONS

- A. Receive a report, hold a discussion, and give staff direction regarding short term rentals of real property. (*Staff Presenter: Tony McIlwain, Development Services Director*).

Tony McIlwain, Development Services Director, presented short-term rentals to council.

Todd Hulseley,

3. PUBLIC PRESENTATIONS

A. Proclamations

- None.

B. Presentations

- None.

C. Community Interest Items

- Great turnout and fundraiser benefiting the Burleson Police Department by First United Methodist Church Burleson on Saturday.
- Thank you to Public Works, Police Department, Fire Department, Communications, and city staff for updating the community during the icy conditions last week.

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.

- Remove items 6B and 6F for separate discussion.

5. CITIZEN APPEARANCES

- No speakers.

6. CONSENT AGENDA

A. Minutes from the January 18, 2023 special council meeting and January 23, 2023 regular council meeting. (*Staff contact: Amanda Campos, City Secretary*).

Motion made by Jimmy Stanford and seconded by Rick Green to approve.

Motion passed 7-0.

B. ~~CSO#4095-02-2023, interlocal agreement with Johnson County Special Utility District (JCSUD) regarding placement of JCSUD water facilities within the City of Burleson's right-of-way of Lakewood Drive. (*Staff Contact: Errick Thompson, Deputy Director of Public Works*)~~ - REMOVED

Item 6B was removed, discussed and voted on separately.

C. CSO#4096-02-2023, renew Mutual Aid agreement between the City of Burleson and Tarrant County Emergency Services District No. 1. (*Staff Contact: K.T. Freeman, Fire Chief*)

Motion made by Jimmy Stanford and seconded by Rick Green to approve.

Motion passed 7-0.

D. CSO#4097-02-2023, construction contract with Reliable Paving, Inc. for construction of the Neighborhood Street Reconstruction - Cindy Ct. project in an amount not to exceed \$949,330.56. (*Staff Presenter: Errick Thompson, Deputy Director of Public Works - Engineering*)

Motion made by Jimmy Stanford and seconded by Rick Green to approve.

Motion passed 7-0.

E. CSO#4098-02-2023, resolution authorizing continued membership in the Steering Committee of Cities Served by Oncor and authorizing a payment of an annual assessment to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC in an amount not to exceed

\$5,161.80. (Staff Contact: Matt Ribitzki, Deputy City Attorney/Compliance Manager)

Motion made by Jimmy Stanford and seconded by Rick Green to approve.

Motion passed 7-0.

- F. ~~CSO#4099-02-2023, five-year contract with Priority Dispatch Corporation for the sole source purchase of the Medical Priority Dispatch System in the amount not to exceed \$188,537. (Staff Contact: Paul Bradley, Director of Public Safety Communications) - REMOVED~~**

Item 6F was removed, discussed and voted on separately.

- G. CSO#5000-02-2023, resolution ratifying the appointments of chairpersons and vice-chair persons of the City of Burleson Boards, Commissions and Committees. (Staff Contact: Amanda Campos, City Secretary)**

Motion made by Jimmy Stanford and seconded by Rick Green to approve.

Motion passed 7-0.

- H. CSO#5001-02-2023, resolution appointing the deputy city secretary to serve as acting city secretary in the absence of the city secretary. (Staff Contact: Amanda Campos, City Secretary)**

Motion made by Jimmy Stanford and seconded by Rick Green to approve.

Motion passed 7-0.

- I. CSO#5002-02-2023, ordinance amending the text of Appendix B, Zoning, Article I, Board of Adjustments and Appendix C, Urban Design Standards, Article IV Old Town Design Standards, Old Town Design Standards Committee of the Code of Ordinances by amending the number of voting members and terms of members for the Board of Adjustments and Old Town Design Standards Committee. (Final Reading) (Staff Presenter: Amanda Campos, City Secretary)**

Motion made by Jimmy Stanford and seconded by Rick Green to approve.

Motion passed 7-0.

- J. CSO#5003-02-2023, Amendment to the Chapter 380 Economic Development and Performance Agreement between the City of Burleson, Burleson 4A Economic Development Corporation, Burleson Community Service Development Corporation, and AC Burleson, LLC for a family entertainment facility located at 1258 SW Alsbury Blvd. (Staff Presenter: Alex Philips, Economic Development Director)**

Motion made by Jimmy Stanford and seconded by Rick Green to approve.

Motion passed 7-0.

- K. **CSO#5004-02-2023, minute order ratifying the Burleson 4A Economic Development Corporation Board's actions taken on approval of an Amendment to the Chapter 380 Economic Development and Performance Agreement between the City of Burleson, Burleson 4A Economic Development Corporation, Burleson Community Service Development Corporation, and AC Burleson, LLC for a family entertainment facility located at 1258 SW Alsbury Blvd. (Staff Presenter: Alex Philips, Economic Development Director)**

Motion made by Jimmy Stanford and seconded by Rick Green to approve.

Motion passed 7-0.

- L. **CSO#5005-02-2023, minute order ratifying the Burleson Community Service Development Corporation Board's actions taken on approval of an Amendment to the Chapter 380 Economic Development and Performance Agreement between the City of Burleson, Burleson 4A Economic Development Corporation, Burleson Community Service Development Corporation, and AC Burleson, LLC for a family entertainment facility located at 1258 SW Alsbury Blvd. (Staff Presenter: Alex Philips, Economic Development Director)**

Motion made by Jimmy Stanford and seconded by Rick Green to approve.

Motion passed 7-0.

- M. **CSO#5006-02-2023, minute order ratifying the 4A Economic Development Corporation Board's actions taken on the approval of a Performance Agreement between the Burleson 4A Economic Development Corporation and 2525 FTG - Tulsa, LLC for a development located at 700, 708, 712, 714, 716, and 720 SW Wilshire Blvd in Burleson, Texas (Staff Presenter: Alex Philips, Economic Development Director)**

Motion made by Jimmy Stanford and seconded by Rick Green to approve.

Motion passed 7-0.

6. CONSENT AGENDA – REMOVED ITEMS

- B. **CSO#4095-02-2023, interlocal agreement with Johnson County Special Utility District (JCSUD) regarding placement of JCSUD water facilities within the City of Burleson's right-of-way of Lakewood Drive. (Staff Contact: Errick Thompson, Deputy Director of Public Works)**

Motion made by Dan McClendon and seconded by Tamara Payne to approve with attorney review of the agreement.

Motion passed 7-0.

- F. **CSO#4099-02-2023, five-year contract with Priority Dispatch Corporation for the sole source purchase of the Medical Priority Dispatch System in the amount not to exceed \$188,537. (Staff Contact: Paul Bradley, Director of Public Safety Communications)**

Motion made by Victoria Johnson and seconded by Tamara Payne to approve.

Motion passed 7-0.

7. DEVELOPMENT APPLICATIONS

- A. **Resolution approving a waiver to Section 5.5.E “Parking Lot/Site Layout Design Criteria” of the Design Standards Manual as amended by Resolution R-1175-10 for the parking lot design within 4139 S. Burleson Blvd. (Case 22-139) (Staff Presenter: Errick Thompson, Deputy Director of Public Works) (The Planning and Zoning Commission motion for approval passed 5-1) - DENIED**

Errick Thompson, Deputy Director of Public Works, presented Case 22-139 to the city council.

Mayor Fletcher opened the public hearing. **Time: 6:22 p.m.**

No speakers.

Mayor Fletcher closed the public hearing. **Time: 6:22 p.m.**

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

Motion to deny passed 6-1, with Mayor Fletcher voting against denial.

- B. **CSO#5007-02-2023, ordinance for a zoning change request from “A”, Agriculture to “C” Commercial at 2825 S Burleson (Case 22-152). (First and Final Reading) (Staff Presenter: Tony McIlwain, Development Services Director) (The Planning and Zoning Commission recommended approval by unanimous vote)**

Tony McIlwain, Development Services Director, presented Case 22-152 to the city council.

Mayor Fletcher opened the public hearing. **Time: 6:27 p.m.**

Chris Reed, 6825 County Road 518, Burleson, came forward with concerns that the change would allow for a business that could potentially become a nuisance next to his home.

Andrew Feghali, 9900 Tantarra Drive, Burleson, came forward to answer questions that Council may have.

Mayor Fletcher closed the public hearing. **Time: 6:45 p.m.**

Motion made by Tamara Payne and seconded by Victoria Johnson to approve.

Motion passed 7-0.

8. GENERAL

- A. CSO#5008-02-2023, Resolution ordering a General Election to be held on May 6, 2023 for the purpose of electing 4 council positions; Mayor, Place 2, Place 4, and Place 6 for full terms. (Staff Presenter: Amanda Campos, City Secretary)**

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

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

Motion passed 7-0.

- B. CSO#5009-02-2023, contract with Johnson County for election services for the May 6, 2023 general election in an amount not to exceed \$35,000. (Staff Presenter: Amanda Campos, City Secretary)**

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

Motion made by Tamara Payne and seconded by Jimmy Stanford to approve.

Motion passed 7-0.

9. CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS OR REPORTS

- Update on LKQ property.
- Hidden Creek Parkway: Volkswagen driveway construction and traffic safety at the cross intersections at Gardens Blvd., Chisenhall Park Ln., and Baily Lake Park (signal warranted).
- Solicitation codes, rules, registration, and complaints.
- Follow up on traffic speed on Hemphill.

10. RECESS INTO EXECUTIVE SESSION

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

- Exclusive Franchise Agreement for the Collection, Hauling and Disposal of Municipal Solid Waste in the City of Burleson with Waste Connections Lone Star, Inc. Dated June 1, 2019
- Article III "Solid Waste Collection" of Chapter 82 "Utilities" of the City of Burleson Code of Ordinances (2005)

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**
 - Project Workforce
- 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 need for a second Executive Session.

ADJOURNMENT

Motion made by Dan McClendon and Victoria Johnson to adjourn.

Mayor Fletcher adjourned the meeting.

Time: 7:10 p.m.

Monica Solko
Deputy City Secretary