

BURLESON CITY COUNCIL REGULAR MEETING

March 6, 2023
DRAFT MINUTES

ROLL CALL

COUNCIL PRESENT:

Victoria Johnson
Rick Green

Chris Fletcher

Dan McClendon
Ronnie Johnson

COUNCIL ABSENT:

Jimmy Stanford

Tamara Payne

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 – 4:31 PM

Invocation – Rusty Gilliam, Pastor of Cross Timber Church.

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 provide feedback to staff regarding EMS Billing best practices and recommendations. (Staff Presenter: K.T. Freeman, Fire Chief).**

K.T. Freeman, Fire Chief, presented a report on EMS Billing best practices and recommendations to council.

- B. Receive a report, hold a discussion, and provide feedback regarding a demonstration of the city's new customer relationship management software and 311 customer service call center launch. (Staff Contact: Jesse Elizondo, Director of Customer Service)**

Jesse Elizondo, Director of Customer Service, presented a demo of the city's new customer relationship management software to the council.

3. PUBLIC PRESENTATIONS

A. Proclamations

- A Proclamation recognizing "Theatre in our Schools" for the month of March.
(Recipient: Christian Steele, Burleson Mayors Youth Council Chair and Burleson High School Elk Theatre)

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.

- **Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071**
 - *City of Allen, Texas et al., v. Time Warner Cable, Texas, LLC d/b/a Spectrum and Charter Communications*, Case No. 6:10-cv-345-ADA-DTG, United States District Court for the Western District of Texas
 - Potential abatement and demolition contract for 130 E Renfro St, removal and conveyance of stained glass windows, and Texas Constitution Article III, § 52(a) and Article XI, § 3
- **Discussion Regarding Possible Purchase, Exchange, Lease, or Value of Real Property Pursuant to Section 551.072**
- **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
 - Project Lunchbox

Motion was made by Rick Green and seconded by Dan McClendon to convene into executive session. **Time: 5:51 p.m.**

Motion passed 5-0, with Jimmy Stanford and Tamara Payne absent.

Motion was made by Dan McClendon and seconded by Victoria Johnson to reconvene into open session. **Time: 6:37 p.m.**

Motion passed 5-0, with Jimmy Stanford and Tamara Payne absent.

3. PUBLIC PRESENTATIONS – cont'd

B. Presentations

- None.

C. Community Interest Items

- Great turnout at the Senior Center craft show on Saturday with a portion of the proceeds to benefit the Library.
- Join us Saturday, March 11 at 9:30 a.m. for Dogs and Donuts at Burleson Bark Park and Burleson Police Department open house at 10:00 a.m.

- Join us on Saturday, March 23 at 11:30 a.m. for Character Council Awards Luncheon at Pathway Church, no cost for the ticket but do take donations.

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.

- None.

5. CITIZEN APPEARANCES

- Hank Holdridge, 1225 Oak Grove, asked City Council to consider crosses at the entrance of the city (35W).

6. CONSENT AGENDA

A. Minutes from the February 20, 2023 regular council meeting. (*Staff contact: Amanda Campos, City Secretary*).

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

Motion passed 5-0, with Jimmy Stanford and Tamara Payne absent.

B. CSO#5019-03-2023, professional services agreement with Birkhoff, Hendricks & Carter, LLP for the design of the Lift Station Rehabilitations project in the amount of \$75,500.00. (*Staff Presenter: Errick Thompson, Deputy Director of Public Works - Engineering*)

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

Motion passed 5-0, with Jimmy Stanford and Tamara Payne absent.

C. CSO#5020-03-2023, facility use agreement with Burleson Farmer's Market for the use of the Mayor Vera Calvin Plaza in Old Town for the upcoming season. (*Staff Contact: Joni Van Noy, Economic Development Coordination*)

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

Motion passed 5-0, with Jimmy Stanford and Tamara Payne absent.

D. CSO#5021-03-2023, contract with Home Run Construction, LLC for the construction of a parking lot for Oak Valley Park in the amount not to exceed \$169,344.34. (*Staff Contact: Jen Basham, Parks and Recreation Director*)

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

Motion passed 5-0, with Jimmy Stanford and Tamara Payne absent.

- E. **CSO#5022-03-2023, professional services contract for an Automated Meter Reading (AMR) / Automated Metering Infrastructure (AMI) feasibility study with Quanta, LLC in the amount \$100,318.00. (Staff Contact: Eric Oscarson, Director of Public Works)**

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

Motion passed 5-0, with Jimmy Stanford and Tamara Payne absent.

- F. **CSO#5023-03-2023, resolution authorizing an advance funding agreement (AFA) with the Texas Department of Transportation for the Highway Safety Improvement Program grant in the amount of \$89,329. (Staff Contact: Eric Oscarson, Director of Public Works)**

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

Motion passed 5-0, with Jimmy Stanford and Tamara Payne absent.

- G. **CSO#5024-03-2023, amendment to the professional services contract (CSO#1353-05-2020) with Freese and Nichols, Inc. for the Water / Wastewater Masterplan, Impact Fee Study, and America's Water Infrastructure Act (AWIA) of 2018 Development Plan in the amount of \$48,500.00 for a total contract amount of \$428,500.00 (Staff Contact: Errick Thompson, Deputy Director of Public Works)**

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

Motion passed 5-0, with Jimmy Stanford and Tamara Payne absent.

- H. **CSO#5025-03-2023, minute order authorizing the City Manager to execute a Settlement Agreement and Mutual Release with Spectrum Gulf Coast, LLC settling a dispute over franchise fees and PEG fees in the case styled *City of Allen, Texas et al., v. Time Warner Cable, Texas, LLC d/b/a Spectrum and Charter Communications*, Case No. 6:10-cv-345-ADA-DTG. (Staff Contact: Matt Ribitzki, Deputy City Attorney/Compliance Manager)**

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

Motion passed 5-0, with Jimmy Stanford and Tamara Payne absent.

7. DEVELOPMENT APPLICATIONS

- A. **CSO#5026-03-2023, ordinance for a zoning change request from "A", Agriculture to "SFE" Single-family estate district at 1101 CR 1021 (Case 23-004) (First and Final Reading) (Staff Presenter: Tony McIlwain, Development Services Director) (The Planning and Zoning Commission recommended approval by unanimous vote)**

Tony McIlwain, Director of Development Services, presented Case 23-004 to the city council.

Mayor Fletcher opened the public hearing. **Time: 6:48 p.m.**

No speakers.

Mayor Fletcher closed the public hearing. **Time: 6:48 p.m.**

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

Motion passed 5-0, with Jimmy Stanford and Tamara Payne absent.

- B. CSO#5027-03-2023, ordinance for a zoning change request from “A”, Agricultural to “PD”, Planned Development for a 39.696 acre site at Belle Oak Estates (Case 22-169): (First and Final Reading) (Staff Presenter, Tony McIlwain, Director of Development Services) (The Planning and Zoning Commission motion for approval passed 6-0)**

Tony McIlwain, Director of Development Services, presented Case 22-169 to the city council.

Mayor Fletcher opened the public hearing. **Time: 6:54 p.m.**

No speakers.

Mayor Fletcher closed the public hearing. **Time: 6:54 p.m.**

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

Motion passed 5-0, with Jimmy Stanford and Tamara Payne absent.

- C. CSO#5028-03-2023, resolution for a sign variance to the setback of a pylon sign; Chapter 63, Sign Regulations at McNairn Plaza at 826 SW Wilshire Blvd (Case 22-143). (Staff Presenter: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item.)**

Tony McIlwain, Development Services Director, presented Case 22-143 to the city council.

Danielle Kaufman, representing the development, came forward to answer questions by Council.

Motion made by Dan McClendon and seconded by Rick Green to approve option 2.

Motion passed 5-0, with Jimmy Stanford and Tamara Payne absent.

8. GENERAL

- A. CSO#5029-03-2023, professional services agreement with Kimley-Horn and Associates, Inc. for design of the Industrial Blvd Pump Station Expansion and Alsbury Pump Station Decommissioning project in the amount of \$1,154,795.00. (Staff Presenter: Errick Thompson, Deputy Director of Public Works - Engineering)**

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

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

Motion passed 5-0, with Jimmy Stanford and Tamara Payne absent.

B. Hold a discussion regarding the behavior of city council members in response to the February 2023 event at the Library, to determine whether there were violations of the city charter and/or if the public comments created a hostile working environment for city staff).

Victoria Johnson, City Council, Place 1, discussed the behavior of city council members in response to the February 2023 event at the Library.

During the discussion, Council consensus was to bring back an item on the next agenda.

The following came forward with concerns of demeanor at the dais and in favor of a reprimand.

- Susan Cato, 820 Cedar Ridge Lane
- Bill Janusch, 117 NE Clinton Street

Kristen McVean, 700 Date Court, praised the Library for engaging all age groups and requested more support.

Shannan Sutter, 301 NE Summercrest, voiced disappointment.

Rachel Breneman, 836 Blue Ridge Drive, requested council action on comments made by council member on social media platform.

Sarah Carlson, 1158 Crossvine Drive, requested council action and an apology.

Steve Carson, 133 SW Rand Street, spoke on the rights to free speech and praised the council member for speaking up.

Matt Cobb, 1325 Shelley Drive, voiced disapproval and requested an apology.

Jacqueline Jones, 321 Shane Lane, requested council action on comments made by council member.

9. CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS OR REPORTS

- None.

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.

- **Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071**
 - *City of Allen, Texas et al., v. Time Warner Cable, Texas, LLC d/b/a Spectrum and Charter Communications*, Case No. 6:10-cv-345-ADA-DTG, United States District Court for the Western District of Texas
 - Potential abatement and demolition contract for 130 E Renfro St, removal and conveyance of stained glass windows, and Texas Constitution Article III, § 52(a) and Article XI, § 3
- **Discussion Regarding Possible Purchase, Exchange, Lease, or Value of Real Property Pursuant to Section 551.072**
- **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
 - Project Lunchbox
- No need for a second Executive Session.

ADJOURNMENT

Motion made by Rick Green and Victoria Johnson to adjourn.

Mayor Fletcher adjourned the meeting.

Time: 8:00 p.m.

Monica Solko
Deputy City Secretary