

**BURLESON CITY COUNCIL REGULAR MEETING
SEPTEMBER 23, 2024
DRAFT MINUTES**

ROLL CALL

COUNCIL PRESENT:

Victoria Johnson
Phil Anderson
Alexa Boedeker
Chris Fletcher
Larry Scott
Dan McClendon
Adam Russell

COUNCIL ABSENT:

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, Jr., City Attorney
Matt Ribitzki, Deputy City Attorney

1. CALL TO ORDER – 5:30 p.m.

Mayor Fletcher called the meeting to order. **Time: 5:32 p.m.**

Invocation – Mayor Chris Fletcher

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

B. Presentations - MOVED

- Recognized Mayor for a Day “Kenzie Stepan”.

A. Proclamations

- A Proclamation recognizing The City of Burleson and Keep Burleson Beautiful as the winner of the fourth annual "North Texas Community Cleanup Challenge" and the winner of the "2024 Mayor's Challenge." (*Recipient: Jen Basham, Director of Parks and Recreation*)

C. Community Interest Items

- Recognized the Johnson County Children’s Advocacy Centers recent fundraiser and encouraged citizens to support the organization.

- Recognized CASA of Johnson County clay shot fundraiser and encouraged citizen to the support the organization.
- Great turnout on Saturday for the Be Healthy Run. Thank you to Parks Department and all the volunteers for making the event successful.
- Join us in celebrating Hispanic Heritage month:
 - September 25 – Zumba Latin Nights at 7pm in the Mayor Vera Calvin Plaza.
 - September 28 – Hispanic Heritage Festival at 5pm in the Mayor Vera Calvin Plaza.
- Join us for Founder Days on October 12 from 10am-4pm in the Mayor Vera Calvin Plaza.

11. RECESS INTO EXECUTIVE SESSION - MOVED

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

Motion was made by Adam Russell and seconded by Alexa Boedeker to convene into executive session. **Time: 5:45 p.m.**

Motion passed 7-0.

Motion was made by Adam Russell and seconded by Victoria Johnson to reconvene into open session. **Time: 6:10 p.m.**

Motion passed 7-0.

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 items 7A and 7E to consent agenda.
- Withdraw item 7C.

4. CITIZEN APPEARANCES

- None.

5. CONSENT AGENDA

A. Minutes from the September 9, 2024 regular council meeting. (*Staff contact: Amanda Campos, City Secretary*)

Motion made by Dan McClendon and seconded by Alexa Boedeker to approve the consent agenda.

Motion passed 7-0.

- B. Contract with Jeff Eubank Roofing Co., Inc. through a cooperative purchasing agreement with Tarrant County, Texas for roof replacement at Fire Station 3 in the amount of \$62,220. (Staff Contact: Justin Scharnhorst, Deputy Director of Public Works)**

Motion made by Dan McClendon and seconded by Alexa Boedeker to approve the consent agenda.

Motion passed 7-0.

- C. Contract renewal CSO#5057-04-2023 (10230024) with Ambassador Services, LLC. exercising the first of two remaining renewals for janitorial services in the amount of \$222,300. (Staff Contact: Justin Scharnhorst, Deputy Director of Public Works)**

Motion made by Dan McClendon and seconded by Alexa Boedeker to approve the consent agenda.

Motion passed 7-0.

- D. CSO#5583-09-2024, ordinance of the approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2024 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; requiring the company to reimburse ACSCs reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the company and the ACSC's legal counsel. (Final Reading) (Staff Contact: Matt Ribitzki, Sr. Deputy City Attorney/Director of Legal Services)**

Motion made by Dan McClendon and seconded by Alexa Boedeker to approve the consent agenda.

Motion passed 7-0.

- E. CSO#5584-09-2024, resolution ratifying the actions of the Burleson 4A Economic Development Corporation's actions on September 23, 2024 authorizing a land purchase contract with Burleson Highpoint Investments, LLC for a 10-acre tract located in Highpoint Business Park on Vantage Drive near FM 917. (Staff Contact: Alex Philips, Economic Development Director)**

Motion made by Dan McClendon and seconded by Alexa Boedeker to approve the consent agenda.

Motion passed 7-0.

- F. CSO#5585-09-2024, resolution ratifying the 4A Economic Development Board's action taken on the Performance Agreement between The Burleson 4A Economic Development Corporation and the Bethany Special Utility District for infrastructure to support industrial development in the City of Burleson, Texas. (Staff Contact: Alex Philips, Economic Development)**

Motion made by Dan McClendon and seconded by Alexa Boedeker to approve the consent agenda.

Motion passed 7-0.

- G. Cooperative Purchase Agreement for the purchase of products and services from Amazon Marketplace through the cooperative contract with Choice Partners in the amount of \$175,000.00 for the fiscal year 2024-2025. (Staff Contact: Richard Abernethy, Director of Administrative Services)**

Motion made by Dan McClendon and seconded by Alexa Boedeker to approve the consent agenda.

Motion passed 7-0.

- H. CSO#5586-09-2024, minute order authorizing the purchase and installation of guardrail along S. Dobson Street through a cooperative purchasing agreement with Tarrant County, Texas and Vann Elli, Inc. in the amount of \$15,325, in accordance with Council Policy 17. (Staff Contact: Justin Scharnhorst, Deputy Director of Public Works)**

Motion made by Dan McClendon and seconded by Alexa Boedeker to approve the consent agenda.

Motion passed 7-0.

- I. CSO#5587-09-2024, minute order authorizing the replacement and framing of the restroom doors at Warren Park, replacing the existing wrought iron gates, including the installation of magnetic locks, in the amount of \$9,400, in accordance with Council Policy 17. (Staff Contact: Jen Basham, Director of Parks and Recreation)**

Motion made by Dan McClendon and seconded by Alexa Boedeker to approve the consent agenda.

Motion passed 7-0.

- J. CSO#5588-09-2024, resolution ratifying appointment of Place 2 on the Boren Property Advisory Council. (Staff Contact: Amanda Campos, City Secretary)**

Motion made by Dan McClendon and seconded by Alexa Boedeker to approve the consent agenda.

Motion passed 7-0.

- K. ETJ Release Petition for 6424 Rough RD (Case 24-248): Consider denial of a petition for release from the City of Burleson extraterritorial jurisdiction (ETJ) for approximately 9.997 acres of land addressed as 6424 Rough RD. (Staff Contact: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item)**

Motion made by Dan McClendon and seconded by Alexa Boedeker to approve denial.

Motion to deny passed 7-0.

7. GENERAL – ADDED TO CONSENT AGENDA

- A. Release agreement with Paymentus Solutions for Utility Billing credit card payments. (Staff Contact: Richard Abernethy, Director of Administrative Services)**

Motion made by Dan McClendon and seconded by Alexa Boedeker to approve the consent agenda.

Motion passed 7-0.

- E. CSO#5593-09-2024, minute order appointing members to the City of Burleson boards, commissions, and committees for 2024 – 2027 terms and filling vacancies. (Staff Presenter: Lisandra Leal, Assistant City Secretary)**

Motion made by Dan McClendon and seconded by Alexa Boedeker to approve the consent agenda.

Motion passed 7-0.

6. DEVELOPMENT APPLICATIONS

- A. CSO#5589-09-2024, ordinance for a zoning change request from “SF10” Single-family dwelling district 10 and “A” Agricultural to “PD”, Planned Development to allow for an existing school (Centennial High School) and the colocation of an antenna on a stadium light pole at 201 S Hurst (Case 24-207). (First & Final Reading) (Staff Contact: Tony McIlwain, Development Services Director) (The Planning and Zoning Commission recommended approval unanimously)**

Tony McIlwain, Development Services Director, presented an ordinance to the city council.

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

No speakers.

Mayor Fletcher closed the public hearing. **Time: 6:20 p.m.**

Motion made by Phil Anderson and seconded by Dan McClendon to approve.

Motion passed 7-0.

- B. CSO#5590-09-2024, ordinance for a zoning change request from “SF7” Single-family dwelling district-7 to “CC” Central Commercial district for all of Lot 6, Block 30; Original Town of Burleson Addition at 216 W Eldred Street (Case 24-210). (First and Final Reading) (Staff Contact: Tony McIlwain, Development Services Director) (The Planning and Zoning Commission recommended approval unanimously)**

Tony McIlwain, Development Services Director, presented an ordinance to the city council.

Mayor Fletcher opened the public hearing. **Time: 6:23 p.m.**

No speakers.

Mayor Fletcher closed the public hearing. **Time: 6:24 p.m.**

Motion made by Dan McClendon and seconded by Alexa Boedeker to approve.

Motion passed 7-0.

7. GENERAL

- A. Release agreement with Paymentus Solutions for Utility Billing credit card payments. (Staff Contact: Richard Abernethy, Director of Administrative Services)**

Item 7A was added to the consent agenda above.

- B. CSO#5501-09-2024, resolution adopting the guidelines and criteria for the Economic Development incentives program. (Staff Contact: Alex Philips, Economic Development Director)**

Alex Philips, Economic Development Director, presented a resolution to the city council.

Mayor Fletcher opened the public hearing. **Time: 6:26 p.m.**

No speakers.

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

Motion made by Larry Scott and seconded by Victoria Johnson to approve a resolution adopting the guidelines and criteria for the Economic Development incentives program.

Motion passed 7-0.

- C. Second Amendment to the 380 and Development Agreement for Public and Private Improvements in the Reinvestment Zone Number Two (CSO#542-11-2016), City of Burleson Between the City of Burleson and Realty Capital Management, LLC. (Staff Contact: Alex Philips, Economic Development Director) - WITHDRAWN**

Item 7C was tabled during the TIF#2 meeting and therefore withdrawn from the agenda under Section 3B Changes to the Posted Agenda.

- D. Playground Equipment Removal and Indemnification Agreement with Kids Around The World, Inc. for the donation, disassembly, and removal of end-of-life playground equipment at no cost to the City. (Staff Contact: Jen Basham, Director of Parks and Recreation)**

Jen Basham, Director of Parks and Recreation, presented an agreement to the city council.

Motion made by Victoria Johnson and seconded by Alexa Boedeker to approve.

Motion passed 7-0.

- E. CSO#5593-09-2024, minute order appointing members to the City of Burleson boards, commissions, and committees for 2024 – 2027 terms and filling vacancies. (Staff Presenter: Lisandra Leal, Assistant City Secretary)**

Item 7E was added to the consent agenda above.

- F. CSO#5594-09-2024, resolution casting the City of Burleson's vote for Texas Municipal League Region 8 Director. (Staff Contact: Amanda Campos, City Secretary)**

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

Motion made by Adam Russell and seconded by Victoria Johnson to approve casting the City of Burleson's vote for Mary Sarver, Mayor Pro Tem, from Grandview for the Texas Municipal League Region 8 Director.

Motion passed 7-0.

Amanda Campos, City Secretary, announced that items 7G and 7H would be presented as one presentation but voted on separately.

- G. CSO#5595-09-2024, resolution nominating candidates for the election of members to the Tarrant County Central Appraisal District Board of Directors. (Staff Contact: Janalea Hembree, Assistant to the City Manager)**

Janalea Hembree, Assistant to the City Manager, presented items 7G and 7H to the city council.

Duaine Goulding, 4837 W. FM 916, Rio Vista, came forward to ask for council nomination to Johnson County Central Appraisal District Board of Directors.

Brannon Potts, 600 Elm Hill, Burleson, came forward to ask for council nomination to the Johnson County Central Appraisal District Board of Directors.

John Wood, 8801 CR 408A, Grandview, came forward to ask for council nomination to the Johnson County Central Appraisal District Board of Directors.

Motion made by Victoria Johnson and seconded by Phil Anderson to nominate Gary Losada to the Tarrant County Central Appraisal District Board of Directors.

Motion passed 7-0.

H. CSO#5596-09-2024, resolution nominating candidates for the election of members to the Board of Directors for the Central Appraisal District of Johnson County. (Staff Contact: Janalea Hembree, Assistant to the City Manager)

Motion made by Victoria Johnson and seconded by Adam Russell to nominate Duaine Goulding, Amy Lingo, John R. Wood, Brannon Potts and James M. (Jim) Cockrell to the Central Appraisal District of Johnson County Board of Directors.

Motion passed 7-0.

8. REPORTS AND PRESENTATIONS

A. Receive a report, hold a discussion, and provide staff feedback regarding the capital improvement program. (Staff Contact: Eric Oscarson, Deputy City Manager)

Eric Oscarson, Deputy City Manager, presented the capital improvement program to the city council.

There were no comments from the council.

B. Receive a report, hold a discussion, and provide direction regarding the Pavement Management Program and Pavement Maintenance Scenarios. (Staff Contact: Janalea Hembree, Assistant to the City Manager)

Janalea Hembree, Assistant to the City Manager, reported on the Pavement Management Program and Pavement Maintenance Scenarios to the city council.

Mayor left the dais at 7:40 p.m. and returned at 7:43 p.m.

Summary of Scenarios

| Scenario | Years | O&M Dollars | Capital Dollars | Total Budget | Beginning OCI | 5 Year OCI | 10 Year OCI |
|----------|-------|---------------|-----------------|----------------|---------------|------------|-------------|
| 1 | 10 | \$ - | \$ - | \$ - | 69.0 | 60.0 | 52.0 |
| 2 | 5 | \$ 3,716,394 | \$ 10,855,620 | \$ 14,572,014 | 69.0 | 62.5 | 56.0 |
| 3 | 5 | \$ 12,211,011 | \$ 10,855,146 | \$ 23,066,157 | 69.0 | 65.8 | 62.7 |
| 4 | 5 | \$ 3,716,395 | \$ 24,998,033 | \$ 28,714,428 | 69.0 | 64.0 | 59.5 |
| 5 | 5 | \$ 12,211,011 | \$ 24,993,389 | \$ 37,204,400 | 69.0 | 67.3 | 66.0 |
| 6 | 5 | \$ 24,984,410 | \$ 71,869,910 | \$ 96,854,320 | 69.0 | 75.0 | -- |
| 7 | 10 | \$ 33,554,832 | \$ 127,444,231 | \$ 160,999,063 | 69.0 | -- | 75.0 |
| 8 | 5 | \$ 11,700,539 | \$ 10,859,167 | \$ 22,559,706 | 69.0 | 63.9 | 61.2 |
| 9 | 5 | \$ 3,716,394 | \$ 18,856,710 | \$ 22,573,104 | 69.0 | 62.1 | 56.7 |
| 10 | 5 | \$ 8,716,393 | \$ 13,856,670 | \$ 22,573,063 | 69.0 | 63.8 | 59.4 |
| 11 | 5 | \$ 6,716,395 | \$ 15,858,275 | \$ 22,574,670 | 69.0 | 63.2 | 58.2 |

Staff supports and recommends Scenario 8. Staff will prepare a maintenance plan for review by Public Works. Upon review, staff will present the pavement management plan and pavement maintenance schedule for FY 24/25 to council.

There were no questions from the council.

9. **LEGISLATIVE - REPORTS AND RELATED ACTION ITEMS**

This is a standing item on the agenda of every regular meeting of the City Council that allows the City Council to receive reports, hold discussions, and give staff direction regarding any legislative matters pertaining to the 89th Texas legislative session. Additional action items may be specifically listed below when required.

Alexa Boedeker requested staff to add home owners insurance to the legislative watch list.

Tommy Ludwig, City Manager, stated that the addition would need to be brought back to council for an amendment to the policy.

10. **CITY COUNCIL REQUESTS AND FUTURE AGENDA ITEMS AND REPORTS**

- None.

11. **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 *Demetria Joyce Wiley v. Brandon Phillip Heard and City of Burleson*, Cause No. DC-C202400602, 249th District Court, Johnson County, Texas

-Receive a report and hold a discussion regarding street maintenance fees and *Picket v. City of El Paso*, Cause No. 2020DCV3514, 384th District Court, El Paso County, Texas

-Receive a report and hold a discussion regarding facility conditions at 828 SW Alsbury Blvd in Burleson, Johnson County, Texas

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 a certain tract or parcel of real property in Tarrant County, Texas for municipal purposes 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 Adam Russell and seconded by Victoria Johnson to convene into executive session. **Time: 7:56 p.m.**

Motion passed 7-0.

Motion was made by Adam Russell and seconded by Victoria Johnson to reconvene into open session. **Time: 8:25 p.m.**

Motion passed 7-0.

12. ADJOURNMENT

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

Mayor Chris Fletcher adjourned the meeting.

Time: 8:25 p.m.

Monica Solko
Deputy City Secretary