

BURLESON CITY COUNCIL REGULAR MEETING

July 18, 2022

DRAFT MINUTES

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, City Attorney
Matt Ribitzki, Deputy City Attorney

1. CALL TO ORDER – 5:32 PM

Invocation - Bob Massey, Pastor 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

2. PUBLIC PRESENTATIONS

A. Proclamations

- None.

B. Presentations

- Receive a report to recognize the selected Employee of the Quarter for the 2nd quarter of 2022. (Staff Presenter: Rick DeOrdio, Director of Human Resources)

C. Community Interest Items

- Kudos to the Police and Fire Department email.
- Thank you to the citizen for the SRO comments received by Council member Payne and Stanford
- Thank you to the Communications Department for their newsletter.
- New Suicide hotline number is now 811.
- Reminder Splash Pad special hours for 5 years and under is 8 a.m. to 10 a.m. on Tuesday and Thursday and sensory hours is 8 a.m. to 10 a.m. on Wednesday and Friday.
- Good job to the Library for summer programming, check the calendar for weekly events.

- Acknowledged National Parks and Recreation month – July 22 watermelon day at Russel Farms and July 30 pops at the pool.
- Great job on the resource page on city website.

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A. Items to be continued or withdrawn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B. Items to be withdrawn from Consent Agenda for separate discussion or items to be added to the Consent Agenda.

- Item 5G to be discussed separately under General.

4. **CITIZEN APPEARANCES**

- Bill Janusch, 117 NE Clinton Street, came forward with concerns of grandstanding from the dais.

5. **CONSENT AGENDA**

A. City council minutes from the July 5, 2022 regular council meeting. (Staff Contact: Amanda Campos, City Secretary)

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

Motion passed 7-0.

B. CSO#3009-07-2022, amending contract CSO#1713-04-2021 with e-Builder, Inc. in the amount not to exceed \$75,000.00. (Staff Contact: Eric Oscarson, Public Works Director)

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

Motion passed 7-0.

C. CSO#3010-07-2022, professional services contract with Freese and Nichols, Inc. to update the City's Design Standards Manual and Subdivision and Development Ordinance as it relates to general engineering and construction requirements in the amount not to exceed \$183,004.50. (Staff Contact: Eric Oscarson, Public Works Director)

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

Motion passed 7-0.

D. Ordinance amending Section 6-1 (Definitions) and 6-9 (Care and Humane Treatment of Animals) of Chapter 6, (Animal Care and Control) of the Burleson Code of Ordinances by adding definitions for adequate shelter, harness, and adverse weather conditions, and amending the definitions for cruelly treated and properly fitted, and by modifying the manner and location a dog or other animal may be tied or tethered; making this ordinance cumulative of prior ordinances; providing a severability clause; providing for the violation of this

ordinance; providing a penalty clause; and providing for an effective date. (First Reading) (Staff Contact: Lisa Duello, Neighborhood Services Director)

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

Motion passed 7-0.

- E. CSO#3011-07-2022, construction contract with Gra Tex Utilities for the construction of the East Renfro Waterline Improvements project in the amount not to exceed \$454,110. (Staff Contact: Eric Oscarson, Public Works Director)**

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

Motion passed 7-0.

- F. CSO#3012-07-2022, minute order for the purchase of a new Signal Technician Service Truck and a new Parks ROW Crew Truck using an existing Purchasing Cooperative agreement with Buyboard from Caldwell Country Chevrolet of Caldwell Texas in the amount not to exceed \$104,884.56. (Staff Contact: Eric Oscarson, Public Works Director)**

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

Motion passed 7-0.

- ~~G. CSO#3013-07-2022, ordinance amending the City budget for fiscal year 2021-2022 by increasing appropriations in the 4A Economic Development fund in the amount of \$5,000,000, Hotel Motel fund in the amount of \$225,000 for camera production equipment for the plaza, and finding that this ordinance may be considered and approved at only one meeting because time is of essence. (First and Final Reading) (Staff Contact: Martin Avila, Director of Finance) MOVED~~**

Item G was removed from consent agenda and discussed and considered under General items below.

- H. CSO#3014-07-2022, minute order ratifying the 4A Economic Development Corporation Board's action approving a resolution authorizing an unimproved property contract with James W. Crouch and Katherine Crouch Halwes purchasing approximately 30 acres in Johnson County, Texas. (Staff Contact: Alex Philips, Economic Development Director)**

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

Motion passed 7-0.

- I. CSO#3015-07-2022, minute order ratifying the 4A Economic Development Corporation Board's actions on the approval of increasing appropriations in the 4A Economic Development fund in the amount of \$5,000,000 for FY 2021-2022. (Staff Contact: Martin Avila, Director of Finance)**

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

Motion passed 7-0.

- J. CSO#3016-07-2022, resolution designating the Johnson County Tax Assessor-Collector perform the required calculation of relevant FY2022-2023 tax rates and designating the City Manager to publish and deliver the tax rate forms in accordance with Chapter 26 of the Texas Tax Code. (Staff Contact: Martin Avila, Finance Director)**

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

Motion passed 7-0.

6. DEVELOPMENT APPLICATIONS

- A. CSO#3017-07-2022, ordinance requesting a zoning change from “A”, Agricultural district, to “PD” Planned Development district for future industrial development, at 3936 S Burleson (Case 22-043). (First and Final Reading) (Staff Presenter: Tony McIlwain, Director of Development Services)**

Tony McIlwain, Director of Development Services, presented Case 22-043 to the city council.

Mayor Fletcher opened the public hearing. **Time: 6:07 p.m.**

No speakers.

Mayor Fletcher closed the public hearing. **Time: 6:07 p.m.**

Motion made by Jimmy Stanford and seconded by Dan McClendon to approve Case 22-043.

Motion passed 7-0.

- B. CSO#3018-07-2022, ordinance requesting a zoning change from “A” Agricultural, to “C” Commercial, to allow for future commercial development, at 8121 CR 1016Z (Case 22-062). (First and Final Reading) (Staff Presenter: Tony McIlwain, Director of Development Services)**

Tony McIlwain, Director of Development Services, presented Case 22-062 to the city council.

Mayor Fletcher opened the public hearing. **Time: 6:11 p.m.**

No speakers.

Mayor Fletcher closed the public hearing. **Time: 6:12 p.m.**

Motion made by Tamara Payne and seconded by Rick Green to approve Case 22-062.

Motion passed 7-0.

7. GENERAL

A. New City Council Policy #40, City Boards & Commissions Appointment Process. (Staff Presenter: Amanda Campos, City Secretary)

Amanda Campos, City Secretary, presented a new City Council Policy #40 to the city council.

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

Motion passed 4-3, with Victoria Johnson, Rick Green, Dan McClendon and Ronnie Johnson voting in favor and Jimmy Stanford, Chris Fletcher and Tamara Payne voting against.

MOVED CONSENT AGENDA ITEM 5G:

G. CSO#3013-07-2022, ordinance amending the City budget for fiscal year 2021-2022 by increasing appropriations in the 4A Economic Development fund in the amount of \$5,000,000, Hotel Motel fund in the amount of \$225,000 for camera production equipment for the plaza, and finding that this ordinance may be considered and approved at only one meeting because time is of essence. (First and Final Reading) (Staff Contact: Martin Avila, Director of Finance)

Martin Avila, Director of Finance, presented an ordinance amending the FY 2021-2022 city budget to the city council.

Motion made by Jimmy Stanford and seconded by Ronnie Johnson to approve.

Motion passed 7-0.

8. REPORTS AND PRESENTATIONS

A. Receive a report and hold a discussion regarding the 88th Texas State Legislature Session and other upcoming state legislative items. (Presenter: Focused Advocacy, city's legislative consultant)

Snapper Carr with Focused Advocacy gave a presentation to the city council on the 88th Texas State Legislature Session and upcoming state legislative items.

Council member Tamara Payne left the dais at 6:30 p.m. and returned at 6:30 p.m.

B. Receive a report, hold a discussion and give staff direction regarding an operational overview and proposed FY22-23 citywide budget request for Benefits, Training and Policy changes forecast by the Human Resources Department. (Staff Presenter: Rick DeOrdio, Director of Human Resources))

Rick DeOrdio, Director of Human Resources, presented an operational overview on the proposed FY 2022-2023 Human Resources Department budget to the city council.

Council member Victoria Johnson left the dais at 6:55 p.m. and returned at 6:55 p.m.

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.

A. Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071

- Land use, design standards, and density in the City's transit-oriented development district
- Receive a report, hold a discussion, and receive direction on the City's legal department and the department's goals and priorities.
- Cause No 6:19-cv-345-ADA-JCM, *City of Allen, Texas, et al., v. Time Warner Cable Texas, LLC, d/b/a Spectrum and Charter Communications*
- Cause No 3:19-CV-02126-K, *John Barto Clark v. City of Burleson, Clint Robert Thompson, & Louis Michael Giddings*
- Cause No MDL No. 96-000003-158, *City of Burleson, Texas v. Chesapeake Exploration, LLC, et al.*
- Cause No DC-C202100269, Michael Fagan, et al, v. Homes by Towne of Texas, Inc, et al.
- Code enforcement issues at 105 NE Cindy, Burleson, Texas
- EEOC Charge 450-2022-04011
- HUD Compliant Section 504 Case No. 06-22-4133-4
- Docket No 51998, *Application of the City of Burleson to Amend its Sewer Certificate of Convenience and Necessity in Johnson County*, Public Utility Commission of Texas

B. Discussion Regarding Possible Purchase, Exchange, Lease, or Value of Real Property Pursuant to Section 551.072

- Discuss and receive direction on certain parcels of real property for municipal purposes where deliberation in open session would have a detrimental effect on the position of negotiations with third parties.
- Discuss and receive direction on certain parcels of real property for the expansion of Lakewood Drive where deliberation in open session would have a detrimental effect on the position of negotiations with third parties.
- Discuss and receive direction on certain parcels of real property for the expansion of County Road 1020 where deliberation in open session would have a detrimental effect on the position of negotiations with third parties.
- Discuss and receive direction on certain parcels of real property for public library purposes where deliberation in open session would have a detrimental effect on the position of negotiations with third parties.

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**
- 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: 7:09 p.m.**

Motion passed 7-0.

Motion was made by Dan McClendon and seconded by Jimmy Stanford to reconvene into open session. **Time: 8:07 p.m.**

Motion passed 7-0.

ADJOURNMENT

Motion made by Tamara Payne and Dan McClendon to adjourn.

Mayor Fletcher adjourned the meeting. **Time: 8:07 p.m.**

Monica Solko
Deputy City Secretary