

BURLESON CITY COUNCIL REGULAR MEETING

June 5, 2023
DRAFT MINUTES

ROLL CALL

COUNCIL PRESENT:

Victoria Johnson
Phil Anderson

Chris Fletcher
Larry Scott
Dan McClendon
Adam Russell

Staff present

Tommy Ludwig, Interim City Manager
Amanda Campos, City Secretary
Monica Solko, Deputy City Secretary
Allen Taylor, Jr., City Attorney
Matt Ribitzki, Deputy City Attorney

COUNCIL ABSENT:

Council Place 3, Vacant

1. CALL TO ORDER – 3:01 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*

Administer Oath of Office to Council Place 6 Adam Russell. (Amanda Campos, City Secretary)

Amanda Campos, City Secretary, administered the oath of office to the newly elected official:

- Adam Russell Council, Place 6

A. Minute Order acknowledging and accepting the resignation of Council Place 3, Jimmy Stanford and provide staff direction. (Staff Presenter: Amanda Campos, City Secretary)

Amanda Campos, City Secretary, presented the resignation of Council Place 3, Jimmy Stanford to the city council.

Motion made by Victoria Johnson and seconded by Phil Anderson to accept the resignation.

Motion passed 6-0, with Council Place 3 vacant.

Amanda Campos, City Secretary, presented options on filling the vacancy to the city council.

Council consensus was to move forward with the appointment process. Ms. Campos will be bringing the item to council for consideration at the Thursday, June 8, 2023 special council meeting.

2. PUBLIC PRESENTATIONS

A. Proclamations

- None.

B. Presentations

- A presentation acknowledging the 2023 Burleson Character Council recipients. (Presenter: Victoria Johnson, Council member Place 1).

C. Community Interest Items

- Thank you to the Chamber of Commerce and those who helped with the Honey Tour event, it was a great success.
- Great attendance at the Hot Sounds of Summer concert last Friday night. Join us in the plaza for our next concert, this Friday, June 9, at 7:30 p.m., featuring Derek Spence (George Strait Tribute).
- Please visit our city website for upcoming events this summer at the Library and Brick.

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, Texas Government Code

-Civil Action No. 3:23-cv-00948-k, *Eder v. City of Burleson*, In the U.S. District Court Northern District of Texas, Dallas Division

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, Texas Government Code

- Project Workforce
- Project Facelift
- Project 330
- Project Farmer's Mind

Motion was made by Dan McClendon and seconded by Adam Russell to convene into executive session. **Time: 3:15 p.m.**

Motion passed 6-0, with Council Place 3 vacant.

Motion was made by Dan McClendon and seconded by Adam Russell to reconvene into open session. **Time: 3:31 p.m.**

Motion passed 6-0, with Council Place 3 vacant.

3. REPORTS AND PRESENTATIONS

A. Receive a report, hold a discussion and give staff direction regarding Project Workforce. (*Alex Philips, Economic Development Director*)

Alex Philips, Economic Development Director, reported on Project Workforce to the city council.

B. Receive a report, hold a discussion, and provide staff direction regarding the structure of City Council meetings. (*Staff Presenter: Tommy Ludwig, Interim City Manager*)

Tommy Ludwig, Interim City Manager, reported on the structure of City Council meetings to the city council.

C. Receive a report, hold a discussion and provide staff feedback regarding the design of Shannon Creek Park. (*Staff Presenter: Jen Basham, Director of Parks and Recreation*)

Jen Basham, Director of Parks and Recreation, reported on the design of Shannon Creek Park to the city council.

Bill Janusch, 117 NE Clinton Street, came forward with concerns with flooding in the area.

RECESS AND BACK TO ORDER

Mayor Fletcher recessed for a short break at 5:06 p.m. and called the meeting back to order at 5:23 p.m. with all members present.

3. REPORTS AND PRESENTATIONS – cont'd

D. Receive a report, hold a discussion and give staff direction on the General Fund and General Debt Service Fund Financial Overview, and receive any additional direction from City Council regarding the annual budget for fiscal year 2023-2024. (*Staff Presenter: Martin Avila, Director of Finance*)

Martin Avila, Director of Finance, gave a financial overview of the general fund and general debt service fund to the city council. Eric Oscarson, Director of Public Works, presented the revised 5 year CIP Plan for FY 2023-2028 to the city council.

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

- Jameye Jones, P.O. Box 519, Alvarado, TX 76009, came forward and spoke about the upcoming Johnson County Pioneers and Old Settlers Reunion, August 30-September 3. She also announced the 3rd Annual First Responder Tributes on September 2, 2023 and asked the Chief of Police and Fire Chief to nominate outstanding responders to be considered for the Tribute award for 2023.
- Steven Janssen, 1105 Emerson Drive, came forward to request Council recognize the pride month and diversity in the community.

6. CONSENT AGENDA

A. Minutes from the May 15, 2023 regular council meeting. (*Staff Contact: Amanda Campos, City Secretary*).

Motion made by Adam Russell and seconded by Larry Scott to approve.

Motion passed 6-0, with Council Place 3 vacant.

B. CSO#5113-06-2023, resolution appointing Kevin North, Assistant Director of Public Works, as voting member and Eric Oscarson, Director of Public Works, as alternate member of the City of Fort Worth's Wholesale Water and Wastewater Customer Advisory Committee for fiscal year 2023. (*Staff Contact: Eric Oscarson, Director of Public Works*)

Motion made by Adam Russell and seconded by Larry Scott to approve.

Motion passed 6-0, with Council Place 3 vacant.

C. CSO#5115-06-2023, ordinance amending the Reinvestment Zone Number Two, City of Burleson, Texas, Project and Financing Plan by adopting the Renfro Street & Johnson Avenue Pedestrian Improvements, and the purchase of the Independent Bank lot and construction of the parking lot as additional projects. (Final Reading) (*Staff Contact: Martin Avila, Finance Director*)

Motion made by Adam Russell and seconded by Larry Scott to approve.

Motion passed 6-0, with Council Place 3 vacant.

D. CSO#5116-06-2023, five year contract with Knight Security Systems for software, hardware, and maintenance for the installation of security cameras and access control throughout city water facilities through a cooperative purchasing agreement with the Texas Department of Information Resources (DIR) in the amount not to exceed \$315,122.25. (*Staff Contact: Hugo Rodriguez, Deputy Director, IT*)

Motion made by Adam Russell and seconded by Larry Scott to approve.

Motion passed 6-0, with Council Place 3 vacant.

- E. CSO#5114-06-2023, Extraterritorial Jurisdiction (ETJ) boundary agreement between the cities of Burleson and Fort Worth, subject to the release of 130.446 acres from Fort Worth's ETJ. (Staff Contact: Tony McIlwain, Development Services Director)**

Motion made by Adam Russell and seconded by Larry Scott to approve.

Motion passed 6-0, with Council Place 3 vacant.

- F. CSO#5117-06-2023, contract for the purchase of a replacement fleet vehicle with Caldwell Country Chevrolet through the BuyBoard Cooperative in the amount of \$87,494.89. (Staff Contact: Eric Oscarson, Director of Public Works)**

Motion made by Adam Russell and seconded by Larry Scott to approve.

Motion passed 6-0, with Council Place 3 vacant.

- G. CSO#5118-06-2023, interlocal agreement with the City of Midlothian for cooperative purchasing between the cities that will allow among other cooperative purchases, utilization of an existing City of Midlothian agreement with Bound Tree Medical, LLC for EMS supplies. (Staff Contact: Justin Scharnhorst, Assistant to the City Manager)**

Motion made by Adam Russell and seconded by Larry Scott to approve.

Motion passed 6-0, with Council Place 3 vacant.

- H. CSO#5119-06-2023, contract for the purchase of replacement fleet equipment with Turf & Soil Management through the BuyBoard Cooperative in the amount of \$105,950.68. (Staff Contact: Eric Oscarson, Director of Public Works)**

Motion made by Adam Russell and seconded by Larry Scott to approve.

Motion passed 6-0, with Council Place 3 vacant.

- I. CSO#5120-06-2023, permanent easement and right-of-way to Oncor Electric Delivery Company, LLC, located at approximately 720 W County Road 714, and authorize the Interim City Manager to execute the easement on behalf of the City. (Staff Contact: Errick Thompson, Deputy Public Works Director)**

Motion made by Adam Russell and seconded by Larry Scott to approve.

Motion passed 6-0, with Council Place 3 vacant.

- J. CSO#5121-06-2023, contract with Motorola Solutions, Inc. through a cooperative purchasing agreement with the City of Fort Worth for the purchase**

of 23 Motorola APX Next XE portable radios, associated equipment, services, and subscriptions in the amount not to exceed \$188,650.71. (Staff Contact: K.T. Freeman, Fire Chief)

Motion made by Adam Russell and seconded by Larry Scott to approve.

Motion passed 6-0, with Council Place 3 vacant.

- K. CSO#5122-06-2023, minute order appointing voting membership of the Mayor's Youth Council to service terms commencing June 6, 2023. (Staff Contact: Lisandra Leal, Assistant City Secretary)**

Motion made by Adam Russell and seconded by Larry Scott to approve.

Motion passed 6-0, with Council Place 3 vacant.

- L. CSO#5123-06-2023, minute order to amend CSO#4034-11-2022 modifying the June 2023 City Council regular meeting dates from June 19th to June 20th. (Staff Contact: Tommy Ludwig, Interim City Manager)**

Motion made by Adam Russell and seconded by Larry Scott to approve.

Motion passed 6-0, with Council Place 3 vacant.

7. DEVELOPMENT APPLICATIONS

- A. CSO#5124-06-2023, ordinance for a SUP, Specific Use Permit, allowing "Kennel (Indoor)" in the C, Commercial Zoning District, at Top Dog Texas located at 136 NW Ellison (Case 22-134). (First and Final Reading) (Staff Presenter, Tony McIlwain, Director of Development Services) (The Planning and Zoning Commission recommended approval by a unanimous vote).**

Tony McIlwain, Director of Development Services, presented Case 22-134 to the city council.

Mayor Fletcher opened the public hearing. **Time: 6:58 p.m.**

No speakers.

Mayor Fletcher closed the public hearing. **Time: 6:59 p.m.**

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

Motion passed 6-0, with Council Place 6 vacant.

- B. CSO#5125-06-2023, ordinance for a zoning change request from "A", Agricultural, to "GR" General Retail with a SUP, Specific Use Permit, allowing for a "Food Truck Park" to operate at 2635 S Burleson Blvd. (Case 23-028). (First and Final Reading) (Staff Presenter: Tony McIlwain, Director of Development Services) (The Planning and Zoning Commission recommended approval by a vote of 8 to 0).**

Tony McIlwain, Director of Development Services, presented Case 23-028 to the city council.

Mayor Fletcher opened the public hearing. **Time: 7:06 p.m.**

No speakers.

Mayor Fletcher closed the public hearing. **Time: 7:06 p.m.**

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

Motion passed 6-0, with Council Place 6 vacant.

- C. CSO#5126-06-2023, resolution for a sign variance to allow for two monument signs without masonry wrapping; Chapter 63, Sign Regulations Burleson ISD at 517 SW Johnson Ave. (Case 23-036). (Staff Presenter: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item.)**

Tony McIlwain, Director of Development Services, presented Case 23-036 to the city council.

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

Motion passed 6-0, with Council Place 6 vacant.

8. GENERAL

- A. CSO#5127-06-2023, four-month vehicle lease agreement with Einstein Group, LLC, d/b/a, Speedway EMS, to utilize and lease an ambulance to enable the City to begin receiving necessary certifications from the State of Texas to provide emergency medical services in an amount not to exceed \$4,000. (Staff Presenter: K.T. Freeman)**

K.T. Freeman, Fire Chief, presented an agreement to the city council.

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

Motion passed 6-0, with Council Place 6 vacant.

- B. CSO#5128-06-2023, service contract with Freese and Nichols, Inc. to create an asset management policy, risk matrix, and a pavement management plan in the amount of \$148,814. (Staff Contact: Eric Oscarson, Director of Public Works)**

Eric Oscarson, Director of Public Works, presented a contract to the city council.

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

Motion passed 6-0, with Council Place 6 vacant.

C. Minute order appointing a councilmember replacement to the Burleson Opportunity Fund Board to fill a vacancy. (Staff Presenter: Amanda Campos, City Secretary) - TABLED

Amanda Campos, City Secretary, presented a minute order appointing a council member replacement to the Burleson Opportunity Fund Board to the city council.

Motion made by Victoria Johnson and seconded by Adam Russell to table.

Motion passed 6-0, with Council Place 6 vacant.

D. Remove from the table and consider approval a professional services contract with Komatsu/Rangel, Inc. dba Komatsu Architecture for design of the Burleson Fire Station 1 Renovation project in the amount of \$219,831. (Staff Presenter: K.T. Freeman, Fire Chief)

Motion made by Victoria Johnson and seconded by Adam Russell to remove from the table.

Motion passed 6-0, with Council Place 6 vacant.

E. CSO#5129-06-2023, professional services contract with Komatsu/Rangel, Inc. dba Komatsu Architecture for design of the Burleson Fire Station 1 Renovation Project. (Staff Presenters: K.T. Freeman, Fire Chief, and Eric Oscarson Director of Public Works)

K.T. Freeman, Fire Chief and Eric Oscarson, Director of Public Works presented a contract to the city council. The following options were presented:

- Option 1: Design Fire Station Living Quarters and Fire Administration Remodel as one project: Cost: \$518,000 (\$25k –Programming (completed), \$300k – Architect, \$193k other services)
- Option 2: Design Fire Station Living Quarters Remodel as separate project: Cost: \$358,000 (\$25k –Programming (completed), \$220k – Architect, \$113k other services)
- Option 3: Design Fire Administration as a future separate project: Cost: \$188,000 (\$108k – Architect, \$80k other services)
- Option 4: Authorize City Manager to execute Professional Services Contract with Komatsu Architects in the amount of \$23,000 to develop a programming needs assessment to identify total number of administrative offices, & workspace needed for FD Headquarters at build out.

Mike Jones, President of the Fire Fighters Association, came forward with full support for options 1 and 4.

Motion made by Dan McClendon and seconded by Phil Anderson to approve options 1 and 4.

Motion passed 6-0, with Council Place 6 vacant.

9. CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS OR REPORTS

- Downtown parking.
- Burleson ISD golfing at Hidden Creek.
- More lighting in the plaza.
- Lights are being left on at the softball fields.

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, Texas Government Code

-Civil Action No. 3:23-cv-00948-k, *Eder v. City of Burleson*, In the U.S. District Court Northern District of Texas, Dallas Division

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

-5500 Vantage Drive, Burleson, Johnson County, Texas

C. Deliberation regarding a negotiated contract for a prospective gift or donation to the state or the governmental body Pursuant to Section 551.073, Texas Government Code

D. Personnel matters pursuant to Section 551.074, Texas Government Code

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, Texas Government Code

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, Texas Government Code

-Project Workforce

-Project Facelift

-Project 330

-Project Farmer's Mind

G. Pursuant to Sec. 418.183(f), Texas Government Code, deliberation of information related to managing emergencies and disasters including those caused by terroristic acts (must be tape recorded)

Motion was made by Victoria Johnson and seconded by Adam Russell to convene into executive session. **Time: 8:17 p.m.**

Motion passed 6-0, with Council Place 3 vacant.

Motion was made by Adam Russell and seconded by Victoria Johnson to reconvene into open session. **Time: 8:49 p.m.**

Motion passed 6-0, with Council Place 3 vacant.

ADJOURNMENT

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

Mayor Fletcher adjourned the meeting.

Time: 8:49 p.m.

Monica Solko
Deputy City Secretary