## BURLESON CITY COUNCIL REGULAR MEETING September 6, 2022 MINUTES

### COUNCIL PRESENT:

**COUNCIL ABSENT:** 

Victoria Johnson Rick Green Jimmy Stanford Chris Fletcher

Tamara Payne

Dan McClendon Ronnie Johnson

#### Staff present

Bryan Langley, City Manager Tommy Ludwig, Deputy City Manager Amanda Campos, City Secretary Monica Solko, Deputy City Secretary Matt Ribitzki, Deputy City Attorney

1. CALL TO ORDER - 2:00 PM

#### 2. REPORTS AND PRESENTATIONS

A. Receive a report, hold a discussion, and give staff direction regarding the Capital Improvements Program Advisory Committee. (Staff Presenter: Eric Oscarson, Public Works Director)

Eric Oscarson, Public Works Director, presented the Capital Improvements Program Advisory Committee to the city council. Council consensus was option 2.

B. Receive a report, hold a discussion, and give staff direction regarding a proposed services contract with the Burleson Area Chamber of Commerce. (Staff Presenter: Alex Philips, Economic Development Director)

Alex Philips, Economic Development Director, presented the proposed services contract with the Burleson Area Chamber of Commerce to the city council.

C. Receive a report, hold a discussion, and give staff direction regarding the submission of RFP 2022-12, sale or long-term ground lease of real property located at 130 East Renfro Street, Burleson, Texas. (Staff Presenter: Alex Philips, Economic Development Director)

Alex Philips, Economic Development Director, presented the submission of RFP 2022-12, sale or long-term ground lease for 130 East Renfro Street, to the city council.

D. Receive a report, hold a discussion, and give staff direction regarding an update of American Rescue Plan Act (ARPA) 2021 stimulus funds. (Staff Presenter: Martin Avila, Finance Director)

Martin Avila, Finance Director, presented an update of American Rescue Plan Act (ARPA) 2021 stimulus funds to the city council.

E. Receive a report, hold a discussion, and provide staff direction regarding gateway monument signs. (Staff Presenter: Jen Basham, Director of Parks and Recreation).

Jen Basham, Director of Parks and Recreation, presented the gateway monument signs to the city council.

- F. Receive a report, hold a discussion, and give staff direction regarding the discontinuation of services provided by the Burleson Public Health Authority. (Staff Presenter: K.T. Freeman, Fire Chief)
  - K.T. Freeman, Fire Chief, presented the discontinuation of services provided by the Burleson Public Health Authority to the city council.

#### RECESS AND BACK TO ORDER

Mayor Fletcher recessed for a short break at 3:14 p.m. and called the meeting back to order at 3:18 p.m. with all members present as recorded.

Amanda Campos, City Secretary announced that the following items would be moved up in the meeting order: Items 6A-6P Consent Agenda, Item 9B General and Executive Session.

### 6. CONSENT AGENDA - MOVED

A. Minutes from the August 15, 2022 regular council meeting. (Staff Contact: Amanda Campos, City Secretary).

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

Motion passed 6-0, with Tamara Payne absent.

B. CSO#3048-09-2022, contract with Incapsulate Salesforce Solutions for a customer relationship management software supporting the city's 311 system in the amount of \$766,491.60 over five years. (Staff Contact: Jesse Elizondo, Director of Customer Service)

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

Motion passed 6-0, with Tamara Payne absent.

C. CSO#3049-09-2022, five-year lease agreement with AT&T Mobility Corporation for the lease space on the City owned monopole located at 231 SW Brushy Mound Road. (Staff Contact: Justin Scharnhorst, Purchasing Manager)

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

Motion passed 6-0, with Tamara Payne absent.

D. CSO#3050-09-2022, five-year lease agreement (second amendment), CSO#3051-09-2022 form of memorandum agreement and CSO#3052-09-2022 associated access and utility easement with T-Mobile West, LLC, for the lease space on the City owned monopole located at 231 SW Brushy Mound Road. (Staff Contact: Justin Scharnhorst, Purchasing Manager)

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

Motion passed 6-0, with Tamara Payne absent.

E. CSO#3053-09-2022, ordinance approving the 2022-23 annual service and assessment plan update for the Parks at Panchasarp Farms Public Improvement District No. JC-1 and directing the City Secretary to file this ordinance with the County Clerk. (Final Reading) (Staff Contact: Matt Ribitzki, Deputy City Attorney/Compliance Manager)

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

Motion passed 6-0, with Tamara Payne absent.

F. CSO#3054-09-2022, resolution adopting the City of Burleson Fiscal Year 22-23 Strategic Plan. (Staff Contact: DeAnna Phillips, Director of Community Services)

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

Motion passed 6-0, with Tamara Payne absent.

G. Ordinance authorizing a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2022 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 ACSC's 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 the

ordinance to the company and ACSC's legal counsel. (First Reading) (Staff Contact: Matt Ribitzki, Deputy City Attorney/Compliance Manager)

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

Motion passed 6-0, with Tamara Payne absent.

H. CSO#3055-09-2022, resolution accepting Burleson Animal Emergency Hospital's offer to provide free care and treatment to Burleson Police Department K-9 Officer Sonic. (Staff Contact: Billy J. Cordell, Chief of Police)

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

Motion passed 6-0, with Tamara Payne absent.

I. CSO#3056-09-2022, contract for the application of Pavement Rejuvenator by Pavement Restoration Inc. in an amount not to exceed \$300,000. (Staff Contact: Eric Oscarson, Public Works Director)

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

Motion passed 6-0, with Tamara Payne absent.

J. CSO#3057-09-2022, minute order authorizing the proposed rate increase from Waste Connections Lone Star, Inc. permissible to the terms and conditions of the existing contract to be effective October 1, 2022. (Staff Contact: Eric Oscarson, Director of Public Works)

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

Motion passed 6-0, with Tamara Payne absent.

K. CSO#3058-09-2022, minute order to increase funds allocation for the utilization of lab services from NMS Labs of Horsham, Pennsylvania in the amount not to exceed \$10,000 through the end of FY21-22 (Staff Contact: Tim Mabry, Criminal Investigations Sergeant)

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

Motion passed 6-0, with Tamara Payne absent.

L. CSO#3059-09-2022, minute order to increase funds allocation for the utilization of lab services from Armstrong Forensic Laboratory, Inc. of Arlington, Texas in the amount not to exceed \$10,000 through the end of FY21-22 (Staff Contact: Tim Mabry, Criminal Investigations Sergeant).

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

Motion passed 6-0, with Tamara Payne absent.

M. CSO#3060-09-2022, resolution supporting grant funding from the Office of the Governor for rifle rated ballistic shields. (Staff Contact: Tim Mabry, Criminal Investigations Sergeant)

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

Motion passed 6-0, with Tamara Payne absent.

N. CSO#3061-09-2022, Relocation Scope Reimbursement Agreement with Texas Midstream Gas Services L.L.C. for preliminary design services associated with the relocation of the existing gas pipeline located on the south side of the Burleson Police Department complex in the amount of \$60,000. (Staff Contact: Eric Oscarson, Public Works Director)

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

Motion passed 6-0, with Tamara Payne absent.

O. CSO#3062-09-2022, change order to purchase order 224796 for the purchase of two True Stair Steppers in the amount of \$16,565 from Comm-Fit (Staff Contact: Jen Basham, Director of Parks and Recreation).

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

Motion passed 6-0, with Tamara Payne absent.

P. CSO#3063-09-2022, minute order authorizing the expenditure to Taylor, Olson, Adkins, Sralla, & Elam, LLP, for legal services in the amount not to exceed \$280,000. (Staff Contact: Matt Ribitzki, Deputy City Attorney/Compliance Manager)

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

Motion passed 6-0, with Tamara Payne absent.

#### 9. GENERAL - MOVED

B. CSO#3064-09-2022, minute order electing a councilmember to serve as Mayor Pro Tem. (Staff Presenter: Amanda Campos, City Secretary)

Amanda Campos, City Secretary, presented a minute order electing a councilmember to serve as Mayor Pro Tem to the city council.

Motion made by Victoria Johnson and seconded by Rick Green to approve nomination of Dan McClendon.

Motion passed 6-0, with Tamara Payne absent.

### 11. 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
  - -Extraterritorial Jurisdiction between the cities of Burleson, Crowley, and Fort Worth
- B. Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071
  - -Extraterritorial Jurisdiction between the cities of Burleson, Crowley, and Fort Worth
  - -Discuss Burleson Police Department Internal Affairs Investigation IA 22-02
- C. 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.
- D. Deliberation regarding a negotiated contract for a prospective gift or donation to the state or the governmental body Pursuant to Section 551.073
- E. Personnel Matters Pursuant to Section 551.074
- F. 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
- G. 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
  - -Hyder Ranch
  - -Project Boomer
- H. 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 Ronnie Johnson and seconded by Dan McClendon to convene into executive session. **Time: 3:22 p.m.** 

Motion passed 6-0, with Tamara Payne absent.

Motion was made by Victoria Johnson and seconded by Jimmy Stanford to reconvene into open session. **Time: 4:05 p.m**.

Motion passed 6-0, with Tamara Payne absent.

#### **RECESS AND BACK TO ORDER**

Mayor Fletcher recessed for a dinner break at 4:06 p.m. and called the meeting back to order at 5:30 p.m. with all members present as recorded.

## 3. PUBLIC PRESENTATIONS

Invocation - Tom Pickett, A Time to Reconcile Ministry

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

#### A. Proclamations

None.

#### B. Presentations

 Presentation of the Achievement of Excellence in Procurement to the City of Burleson. (Staff Presenter: Matt Ribitzki, Deputy City Attorney/Compliance Manager)

#### C. Community Interest Items

- Generation Church is having a special service recognizing First Responders on September 11<sup>th</sup>.
- Join us for a free event, on Saturday, September 10<sup>th</sup>, at 7:00 p.m., at the Mayor Vera Calvin Plaza for an Old Town picture show featuring Sing.
- Join us for a free concert, the Cool Sounds of Fall, at 7:30 p.m., at the Mayor Vera Calvin Plaza, on October 15<sup>th</sup> featuring Selena forever tribute band and on November 12<sup>th</sup> featuring variety bands.

## 4. CHANGES TO POSTED AGENDA

#### A. Items to be continued or withdrawn

Items 9C and 9D, withdrawn.

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

None.

## 5. <u>CITIZEN APPEARANCES</u>

None.

### 6. CONSENT AGENDA – MOVED ABOVE.

- Items 6A-6P were discussed and voted on above.
  - A. Minutes from the August 15, 2022 regular council meeting. (Staff Contact: Amanda Campos, City Secretary).
  - B. CSO#3048-09-2022, contract with Incapsulate Salesforce Solutions for a customer relationship management software supporting the city's 311 system in the amount of \$766,491.60 over five years. (Staff Contact: Jesse Elizondo, Director of Customer Service)
  - C. CSO#3049-09-2022, five-year lease agreement with AT&T Mobility Corporation for the lease space on the City owned monopole located at 231 SW Brushy Mound Road. (Staff Contact: Justin Scharnhorst, Purchasing Manager)
  - D. CSO#3050-09-2022, five-year lease agreement (second amendment), CSO#3051-09-2022 form of memorandum agreement and CSO#3052-09-2022 associated access and utility easement with T-Mobile West, LLC, for the lease space on the City owned monopole located at 231 SW Brushy Mound Road. (Staff Contact: Justin Scharnhorst, Purchasing Manager)
  - E. CSO#3053-09-2022, ordinance approving the 2022-23 annual service and assessment plan update for the Parks at Panchasarp Farms Public Improvement District No. JC-1 and directing the City Secretary to file this ordinance with the County Clerk. (Final Reading) (Staff Contact: Matt Ribitzki, Deputy City Attorney/Compliance Manager)
  - F. CSO#3054-09-2022, resolution adopting the City of Burleson Fiscal Year 22-23 Strategic Plan. (Staff Contact: DeAnna Phillips, Director of Community Services)
  - G. Ordinance authorizing a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2022 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 ACSC's 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 the ordinance to the company and ACSC's legal counsel. (First Reading) (Staff Contact: Matt Ribitzki, Deputy City Attorney/Compliance Manager)
  - H. CSO#3055-09-2022, resolution accepting Burleson Animal Emergency Hospital's offer to provide free care and treatment to Burleson Police Department K-9 Officer Sonic. (Staff Contact: Billy J. Cordell, Chief of Police)

I. CSO#3056-09-2022, contract for the application of Pavement Rejuvenator by Pavement Restoration Inc. in an amount not to exceed \$300,000. (Staff Contact: Eric Oscarson, Public Works Director)

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## 7. <u>DEVELOPMENT APPLICATIONS</u>

A. 2301 CR 805E. (Case 22-096): Hold a public hearing and consider a waiver to Section 5.1.a "Street and right-of-way basic policies" of the Design Standards Manual for the design criteria for streets within the Good Farms Subdivision. (Staff Presenter: Michelle McCullough, Public Works Assistant Director) (Planning and Zoning Commission recommended denial by a vote of 3-1.)-WITHDRAWN

Amanda Campos, City Secretary announced that a request was received from the applicant to withdraw the application for consideration.

#### 8. BUDGET

A. Public hearing on the Fiscal Year 2022-2023 proposed annual budget. This budget will raise more total property taxes than last year's budget by an amount of \$1,749,741, a 7.78 percent increase, and of that amount \$944,179 is

tax revenue to be raised from new property added to the tax roll this year. (Staff Presenter: Martin Avila, Finance Director)

Martin Avila, Finance Director, presented the proposed annual budget FY 2022-2023 to the city council.

Mayor Fletcher opened the public hearing. Time: 5:42 p.m.

No speakers.

Mayor Fletcher closed the public hearing. Time: 5:43 p.m.

B. Public hearing on a proposal to adopt a Tax Year 2022 ad valorem property tax rate of \$0.6572 per \$100 valuation. The proposed tax rate exceeds the no-new-revenue tax rate. (Staff Presenter: Martin Avila, Finance Director)

Martin Avila, Finance Director, presented the proposed tax rate to the city council.

Mayor Fletcher opened the public hearing. **Time: 5:43 p.m.** 

No speakers.

Mayor Fletcher closed the public hearing. **Time: 5:44 p.m.** 

Amanda Campos, City Secretary announced that the City Council would not adopt the proposed tax rate following the public hearing. The final reading of the ordinance adopting the tax rate would be at the City Council meeting on Monday, September 12, 2022, at 9:00 a.m., at City Hall, 141 W. Renfro Street, Burleson, Texas 76028.

Amanda Campos, City Secretary announced that Martin Avila, Finance Director would be presenting items 6C-6I together but each item would be voted on separately.

C. Consider approval of an ordinance adopting the budget for fiscal year 2022-2023 beginning October 1, 2022, and terminating September 30, 2023, and making appropriations for each fund; repealing conflicting ordinances; providing a savings clause, severability clause, declaring an effective date; and finding that the meeting at which this ordinance is passed is open to the public. (First Reading) (Staff Presenter: Martin Avila, Finance Director)

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

Record vote:

For: Chris Fletcher, Mayor

Victoria Johnson, Place 1 Rick Green, Place 2 Dan McClendon, Place 5 Ronnie Johnson, Place 6

Against: Jimmy Stanford, Place 3.

Abstain: None.

Absent: Tamara Payne, Place 4

Motion passed 5-1, with Jimmy Stanford against and Tamara Payne absent.

D. Consider approval of an ordinance levying the ad valorem property tax of the City of Burleson for Tax Year 2022 on all taxable property within the corporate limits of the city on January 1, 2022, and adopting a tax rate of \$0.6572 per \$100 of valuation for Tax Year 2022; providing revenues for payment of current municipal maintenance and operation expenses and for payment of interest and principal on outstanding City of Burleson debt; providing for enforcement of collections; repealing conflicting ordinances; providing a savings clause; declaring an effective date; and finding that the at which this ordinance is passed is open to the public. (First Reading) (Staff Presenter: Martin Avila, Finance Director)

Motion made by Dan McClendon and seconded by Rick Green that the property tax rate be increased by the adoption of a tax rate of \$0.6572 cents per one hundred dollars valuation, which is effectively a 5.69% percent increase in the tax rate.

#### Record vote:

For: Chris Fletcher, Mayor

Victoria Johnson, Place 1 Rick Green, Place 2 Dan McClendon, Place 5 Ronnie Johnson, Place 6

Against: Jimmy Stanford, Place 3.

Abstain: None.

Absent: Tamara Payne, Place 4

Motion passed 5-1, with Jimmy Stanford voting against and Tamara Payne absent.

E. Consider approval of an ordinance approving the 2022 tax rolls; and declaring an effective date. (First Reading) (Staff Presenter: Martin Avila, Finance Director)

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

Motion passed 6-0, with Tamara Payne absent.

F. Consider approval of an ordinance providing a FY 2022-23 schedule of fees for various city services; incorporating the recitals into the body of the ordinance; providing a severability clause, cumulative clause, and savings clause; finding that the meeting at which this ordinance is passed is open to the public; and declaring an effective date. (First Reading) (Staff Presenter: Martin Avila, Finance Director)

Motion made by Victoria Johnson and seconded by Ronnie Johnson to approve as presented.

Motion passed 6-0, with Tamara Payne absent.

G. Consider approval of an ordinance establishing FY 2022-23 rates for water and wastewater service; repealing conflicting ordinances; providing a savings clause; declaring an effective date; and finding that the meeting at which this ordinance is passed is open to the public. (First Reading) (Staff Presenter: Martin Avila, Finance Director)

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

Motion passed 6-0, with Tamara Payne absent.

H. Ordinance establishing FY 2022-23 rates for collection and disposal of residential and non-residential solid waste, recyclables, and trash; repealing conflicting ordinances; providing a savings clause, declaring an effective date; and finding that the meeting at which this ordinance is passed is open to the public. (First Reading) (Staff Presenter: Martin Avila, Finance Director)

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

Motion passed 6-0, with Tamara Payne absent.

I. Ordinance amending Ordinance No. CSO#1857-09-2021 by providing for a residential homestead exemption from the ad valorem property tax for Tax Year 2023 and all future years unless revised of an amount equal to two percent of the appraised value; repealing conflicting ordinances; providing a savings clause; incorporating the recitals; finding that the meeting at which this ordinance is passed is open the public; declaring an effective date. (First Reading) (Staff Presenter: Martin Avila, Finance Director)

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

Motion passed 6-0, with Tamara Payne absent.

#### 9. **GENERAL**

A. Ordinance establishing curfew hours for minors under Article IV. Chapter 54 "Curfew". (First Reading) (Staff Presenter: Tim Mabry, Criminal Investigations Sergeant)

Tim Mabry, Criminal Investigations Sergeant, presented an ordinance to the city council.

Mayor Fletcher opened the public hearing. **Time: 6:08 p.m.** 

No speakers.

Mayor Fletcher closed the public hearing. Time: 6:09 p.m.

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

Motion passed 6-0, with Tamara Payne absent.

B. Consider approval of a minute order electing a councilmember to serve as Mayor Pro Tem. (Staff Presenter: Amanda Campos, City Secretary)- MOVED

Item 9B was discussed and voted on above following the consent agenda.

C. Consider an ordinance amending the City budget for fiscal year 2021-2022 by increasing appropriations in the General Fund in the amount of \$850,000 for land purchase, and finding that this ordinance may be considered and approved at only one meeting because time is of essence. (First and Final Reading) (Staff Presenter: Martin Avila, Director of Finance) - WITHDRAWN

Item 9C was withdrawn from the agenda.

D. Consider approval of a resolution authorizing the City Manager to execute all necessary documents and make necessary expenditures to enter into and close on a real estate contract with Sebastiano and Cristin Leoni, as sellers, to purchase fee simple title to a tract of land commonly known as 120 NW Newton Drive, Burleson, Johnson County, Texas. (Staff Presenter: DeAnna Phillips, Director of Community Services) - WITHDRAWN

Item 9D was withdrawn from the agenda.

## 10. <u>CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS OR REPORTS</u>

- Public Art program.
- HOTMOT policy.

#### 11. RECESS INTO EXECUTIVE SESSION - MOVED

Executive Session was conducted following item 9B above.

## **ADJOURNMENT**

Motion made by Ronnie Johnson and Jimmy Stanford to adjourn.

Mayor Fletcher adjourned the meeting.

Time: 6:11 p.m.

Monica Solko
Deputy City Secretary