

BURLESON CITY COUNCIL REGULAR MEETING January 9, 2023

ROLL CALL

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

1. CALL TO ORDER – 3:43 PM

Invocation – Ron Williams, Pastor of Faith to Faith Ministries

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 give staff direction regarding regional transportation updates. (Staff Presenter: Eric Oscarson, Director Public Works).

Eric Oscarson, Director of Public Works presented regional transportation updates to council.

6. CONSENT AGENDA - MOVED

A. Minutes from the December 12, 2022 regular council meeting. (Staff Contact: Amanda Campos, City Secretary).

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

Motion passed 7-0.

- B. ~~CSO#4070-01-2023, contract with Stolz Telecom for the purchase of nineteen (19) handheld Kenwood radios through a cooperative purchase agreement with BuyBoard in the amount not to exceed \$57,699.20. (Staff Contact: Melvin McGuire, Captain) - REMOVED~~**

Item 6B was removed from the consent agenda to be discussed and voted on separately.

- C. Ordinance amending Article II “Fire Department” of Chapter 38 “Fire Prevention” of the City of Burleson Code of Ordinances by repealing and replacing Division 2 “Volunteer Fire Department” and Division 3 “Fire Prevention Department” setting forth that the fire department is no longer a volunteer fire department, that the fire prevention department is a division of the fire department, and that the fire marshal reports to the fire chief. (First Reading) (Staff Contact: Matt Ribitzki, Deputy City Attorney/Compliance Manager)**

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

Motion passed 7-0.

- D. CSO#4071-01-2023, contract with Simplot Turf and Horticulture to purchase fertilizer and chemicals used for maintaining Hidden Creek Golf Course through a cooperative purchasing agreement with BuyBoard in the amount not to exceed \$90,000. (Staff Contact: Jen Basham, Director, Parks and Recreation)**

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

Motion passed 7-0.

- E. ~~Minute order ratifying the Burleson 4A Economic Development Corporation Board’s action taken on approval of a Chapter 380 Agreement between the Burleson 4A Economic Development Corporation and CHC Development for the development of 130 East Renfro Street, Burleson, Texas. (Staff Contact: Alex Philips, Economic Development Director) - TABLED~~**

Item 6E was removed from the consent agenda and tabled to a future meeting.

- F. CSO#4072-01-2023, interlocal agreement with the City of Denton for cooperative purchasing between the cities that will allow, among other cooperative purchases, utilization of an existing City of Denton contract for the maintenance and equipment repair of the City of Burleson’s current outdoor warning system. (Staff Contact: Josh Jacobs, Assistant Fire Chief)**

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

Motion passed 7-0.

- G. **CSO#4073-01-2023, inter-local agreement for the Tri-County Auto Theft Task Force in partnership with the City of Mansfield, City of Burleson, City of Kennedale, City of Midlothian, City of Alvarado, and the Tarrant County Constable Precinct 7 and authorize the City Manager and the Chief of Police to execute the agreement. (Staff Contact: Billy J. Cordell, Chief of Police)**

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

Motion passed 7-0.

- H. **CSO#4074-01-2023, interlocal agreement with the cities of Decatur, Haltom City, Haslet, Keller, Richland Hills, Roanoke, Saginaw, Watauga, the Benbrook Library District and the Forest Hill Library District for library courier service. (Staff Contact: Sara Miller, Deputy Director-Library)**

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

Motion passed 7-0.

- I. **CSO#4075-01-2023, resolution establishing the City Council's priorities for the 88th Legislative Session. (Staff Contact: Justin Scharnhorst, Assistant to the City Manager)**

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

Motion passed 7-0.

- J. **CSO#4076-01-2023, contract with Kraftsman through a cooperative purchasing agreement with buyboard in the amount of \$88,562.94 for the purchase and installation of three shade structures for the Outdoor Pool at the Burleson Recreation Center. (Staff Contact: Jen Basham, Director of Parks and Recreation)**

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

Motion passed 7-0.

- K. **CSO#4077-01-2023, construction contract with G Rod Construction for the renovation of the Bartlett Park soccer fields in the amount not to exceed \$1,102,968.46. (Staff Contact: Jen Basham, Parks and Recreation Director)**

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

Motion passed 7-0.

- L. **CSO#4078-01-2023, resolution supporting grant funding from the Office of the Governor for renewal of the full-time victim assistant coordinator. (Staff Contact: Billy J. Cordell, Chief of Police).**

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

Motion passed 7-0.

6. CONSENT AGENDA – REMOVED

- B. CSO#4070-01-2023, contract with Stolz Telecom for the purchase of nineteen (19) handheld Kenwood radios through a cooperative purchase agreement with BuyBoard in the amount not to exceed \$57,699.20. (Staff Contact: Melvin McGuire, Captain)**

Motion made by Jimmy Stanford and seconded by Tamara Payne to approve.

Motion passed 7-0.

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**
- B. Discussion Regarding Possible Purchase, Exchange, Lease, or Value of Real Property Pursuant to Section 551.072**
- 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**
 - Review, deliberate, and discuss the annual performance evaluation, duties, benefits, compensation, and contract for the City Manager
 - Review, deliberate, and discuss the annual performance evaluation, duties, benefits, compensation, and contract for the City Secretary
 - Review, deliberate, and discuss the annual performance evaluation, duties, benefits, compensation, and contract for the City Attorney
- 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**
 - Project Workforce
 - Project Facelift

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 Victoria Johnson and seconded by Dan McClendon to convene into executive session. **Time: 4:17 p.m.**

Motion passed 7-0.

Motion was made by Victoria Johnson and seconded by Rick Green to reconvene into open session. **Time: 6:26 p.m.**

Motion passed 7-0.

3. PUBLIC PRESENTATIONS

A. Proclamations

- None.

B. Presentations

- None.

C. Community Interest Items

- City of Burleson, General Election is May 6, 2023; filing dates January 18 through February 17, 2023, Monday-Friday, 8am-5pm.
- Burleson Independent School District Election, filing dates January 18 through February 17, 2023.
- Recognized city accomplishment for 2022.
- Recognized law enforcement.

4. CHANGES TO POSTED AGENDA

A. Items to be continued or withdrawn

- 6E tabled.

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

- None.

5. CITIZEN APPEARANCES

- Ken Richardson, 1132 Hidden Glen Court, Burleson, came forward to discuss city savings by using volunteers.
- Bill Janusch, 117 NE Clinton Street, Burleson, came forward with concerns of drainage.

6. CONSENT AGENDA

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- B. ~~CSO#4070-01-2023, contract with Stolz Telecom for the purchase of nineteen (19) handheld Kenwood radios through a cooperative purchase agreement with BuyBoard in the amount not to exceed \$57,699.20. (*Staff Contact: Melvin McGuire, Captain*) - REMOVED~~
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- G. CSO#4073-01-2023, inter-local agreement for the Tri-County Auto Theft Task Force in partnership with the City of Mansfield, City of Burleson, City of Kennedale, City of Midlothian, City of Alvarado, and the Tarrant County Constable Precinct 7 and authorize the City Manager and the Chief of Police to execute the agreement. (*Staff Contact: Billy J. Cordell, Chief of Police*)
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- I. CSO#4075-01-2023, resolution establishing the City Council’s priorities for the 88th Legislative Session. (*Staff Contact: Justin Scharnhorst, Assistant to the City Manager*)
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- K. CSO#4077-01-2023, construction contract with G Rod Construction for the renovation of the Bartlett Park soccer fields in the amount not to exceed \$1,102,968.46. (*Staff Contact: Jen Basham, Parks and Recreation Director*)

- L. **CSO#4078-01-2023, resolution supporting grant funding from the Office of the Governor for renewal of the full-time victim assistant coordinator. (Staff Contact: Billy J. Cordell, Chief of Police).**

Consent agenda was moved and voted on after item 2B above.

7. **DEVELOPMENT APPLICATIONS**

- A. **CSO#4079-01-2023, ordinance for a zoning change request from “PD”, Planned Development, to “GR” General Retail with a SUP, Specific Use Permit, allowing “Automobile fuel sales” in specific plan area 1, “Spinks” of the IH35 Overlay district located at QuikTrip at 449 E Renfro (Case 22-105). (First and Final Reading) (Staff Presenter: Tony McIlwain, Development Services Director) (The Planning and Zoning Commission recommended approval by unanimous vote)**

Tony McIlwain, Development Services Director, presented Case 22-105 to the city council.

Mayor Fletcher opened the public hearing. **Time: 6:43 p.m.**

No speakers.

Mayor Fletcher closed the public hearing. **Time: 6:44 p.m.**

Motion made by Dan McClendon and seconded by Jimmy Stanford to approve.

Motion passed 7-0.

- B. **Site plan for QuikTrip with waivers to the IH35 parking setback, Section 5-51, Article V of Appendix C, IH35 Design Standards, and the minimum driveway spacing, Section 5.5 – Streets and Site Standards, Table 1 of the Engineering Design Manual at QuikTrip at 449 E Renfro (Case 22-106). (Staff Presenter: Tony McIlwain, Development Services Director) (The Planning and Zoning Commission recommended approval of staff’s recommendation by unanimous vote)**

Tony McIlwain, Development Services Director, presented Case 22-106 to the city council.

Mayor Fletcher opened the public hearing. **Time: 6:50 p.m.**

Tommy Vilbig, 400 Chisolm Place, civil engineer on the project came forward.

Mayor Fletcher closed the public hearing. **Time: 7:00 p.m.**

Motion made by Dan McClendon and seconded by Ronnie Johnson to approve with parking setback and developer recommended driveway approach.

Motion passed 7-0.

- C. CSO#4080-01-2023, resolution for a variance to allow a pole sign; Chapter 63, Sign Regulations at QuikTrip at 449 E Renfro (Case 22-120). (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 22-120 to the city council.

Bryan Clark, 8700 Freeport Parkway, Irving, representing QuikTrip came forward.

Motion made by Tamara Payne and seconded by Dan McClendon to approve.

Motion passed 7-0.

- D. CSO#4081-01-2023, ordinance for a zoning change request from "A", Agricultural to "PD", Planned Development for a 4.13 acre site at 4139 S Burleson Blvd (Case 22-145). (First and Final Reading) (Staff Presenter: Tony McIlwain, Development Services Director) (The Planning and Zoning Commission motion for approval passed 7-0).**

Tony McIlwain, Development Services Director, presented Case 22-145 to the city council.

Mayor Fletcher opened the public hearing. **Time: 7:12 p.m.**

No speakers.

Mayor Fletcher closed the public hearing. **Time: 7:13 p.m.**

Motion made by Dan McClendon and seconded by Jimmy Stanford to approve.

Motion passed 7-0.

- E. 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.) - TABLED**

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

Tony Filley, 2525 McKinnon, Dallas, came forward to answer questions that council may have.

Motion made by Dan McClendon and seconded by Tamara Payne to table.

Motion passed 7-0.

8. **GENERAL**

Amanda Campos, City Secretary, announced items 8A and 8B would be presented together but voted on separately.

- A. **CSO#4082-01-2023, ordinance amending the City budget for fiscal year 2022-2023 by increasing appropriations in the Hotel Motel Fund in the amount of \$368,000 for Plaza Visitor Parking Lot and network infrastructure improvements, 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)**

Errick Thompson, Deputy Director of Public Works, presented items 8A and 8B to the city council.

Motion made by Tamara Payne and seconded by Jimmy Stanford to approve.

Motion passed 7-0.

- B. **CSO#4083-01-2023, construction contract with 2L Construction, LLC for reconstruction of the Plaza Visitor Parking Lot in the amount of \$437,487.30. (Staff Presenter: Errick Thompson, Deputy Director of Public Works - Engineering)**

Item 8B was presented and discussed with item 8A above.

Motion made by Jimmy Stanford and seconded by Tamara Payne to approve.

Motion passed 7-0.

- C. **CSO#4084-01-2023, construction contract with JR West Texas Concrete, LLC for construction of the Neighborhood Street Reconstruction (W King, N Warren, & NE Johnson Ave) Project in an amount not to exceed \$1,800,476.52. (Staff Presenter: Errick Thompson, Deputy Director of Public Works - Engineering)**

Errick Thompson, Deputy Director of Public Works, presented a contract to the city council.

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

Motion passed 7-0.

- D. **CSO#4085-01-2023, Funding Interlocal Agreement with Tarrant County for the Design and Construction of the Stone Rd. / Village Creek Parkway Widening Project in the amount of \$3,030,000. (Staff Presenter: Errick Thompson, Deputy Director of Public Works - Engineering)**

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

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

Motion passed 7-0.

- E. CSO#4086-01-2023, Engineering Services Contract with Freese and Nichols Inc. for the design of the Stone Rd. / Village Creek Parkway Widening and Reconstruction project in an amount not to exceed \$380,595. (Staff Presenter: Erick Thompson, Deputy Director of Public Works - Engineering)**

Erick Thompson, Deputy Director of Public Works, presented a contract to the city council.

Motion made by Dan McClendon and seconded by Jimmy Stanford to approve.

Motion passed 7-0.

- F. Ordinance amending the City of Burleson code of ordinances Chapters 2, 6, 10, 18, 44, 46, 62, and 86 amending the number of voting members and terms of members. (First Reading) (Staff Presenter: Amanda Campos, City Secretary)**

Amanda Campos, City Secretary, presented an ordinance to the city council.

Motion made by Jimmy Stanford and seconded by Rick Green to approve.

Motion passed 7-0.

9. CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS OR REPORTS

- Harvest House – solution for after-hours donation drop off outside.

10. RECESS INTO EXECUTIVE SESSION

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- A. Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071**
- B. Discussion Regarding Possible Purchase, Exchange, Lease, or Value of Real Property Pursuant to Section 551.072**
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- D. Personnel Matters Pursuant to Section 551.074**

- Review, deliberate, and discuss the annual performance evaluation, duties, benefits, compensation, and contract for the City Manager
 - Review, deliberate, and discuss the annual performance evaluation, duties, benefits, compensation, and contract for the City Secretary
 - Review, deliberate, and discuss the annual performance evaluation, duties, benefits, compensation, and contract for the City Attorney
 - 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**
 - Project Workforce
 - Project Facelift
 - 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)**
- No need for a second Executive Session.

ADJOURNMENT

Motion made by Ronnie Johnson and Rick Green to adjourn.

Mayor Fletcher adjourned the meeting.

Time: 8:04 p.m.

Monica Solko
Deputy City Secretary