

BURLESON CITY COUNCIL REGULAR MEETING December 12, 2022

ROLL CALL

COUNCIL PRESENT:

Rick Green
Jimmy Stanford
Chris Fletcher
Tamara Payne
Dan McClendon
Ronnie Johnson

COUNCIL ABSENT:

Victoria Johnson

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 – 4:36 PM

Invocation - Bob Massey, Elder Emeritus of Grace Bible Fellowship/Secretary Treasurer of Burleson Christian Ministerial Alliance

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 the City Council's priorities for the 88th Legislative Session (*Staff Presenter: Justin Scharnhorst, Assistant to the City Manager*).

Justin Scharnhorst, Assistant to the City Manager, presented the Legislative Program to council.

Bryan Langley, City Manager, requested item 8A be discussed and considered next.

8. GENERAL - MOVED

- A. CSO#4066-12-2022, five-year professional services agreement with Emergicon, LLC for Automated Ambulance Billing Services to be provided to the city for a fee

not to exceed 6.5% of all net revenues collected. (*Staff Presenter: K.T. Freeman, Fire Chief*)

K.T. Freeman, Fire Chief, presented a professional services agreement to the council.

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

Motion passed 6-0, with Victoria Johnson absent.

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**
 - Discuss and receive direction on certain parcels of real property in Johnson County, Texas 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 in Johnson County and Tarrant County, Texas for community park 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 in Johnson County, Texas 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 in Johnson County, Texas 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**
 - 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 Tamar Payne and seconded by Ronnie Johnson to convene into executive session. **Time: 5:13 p.m.**

Motion passed 6-0, with Victoria Johnson absent.

Motion was made by Jimmy Stanford and seconded by Ronnie Johnson to reconvene into open session. **Time: 5:36 p.m.**

Motion passed 6-0, with Victoria Johnson absent.

3. PUBLIC PRESENTATIONS

A. Proclamations

- None.

B. Presentations

- Presentation of Texas Municipal Clerks Association Office of Excellence Award. *(Presenters: Dr. Amy Holt, Education Director, TMCA and Miriam Sheehan, Administrative Director, TMCA)*
- Recognition of Employee of the 4th Quarter 2022. *(Staff Presenter: Rick DeOrdio, Director of Human Resources)*
- Recognition of Employee of the Year 2022. *(Staff Presenter: Rick DeOrdio, Director of Human Resources)*

C. Community Interest Items

- Great Christmas parade and tree lighting.
- Thank you to staff and volunteers for all their hard work for the Christmas events.
- Thank you to Human Resources for the employee service awards event.
- Thank you to Economic Development and artist for their parade float.
- Congratulations to Alex Philips, Economic Development Director on his certification.
- Thank you the Rotary Club for a wonderful Christmas parade.
- We wish everyone a wonderful holiday season.
- Great turnout at the November Toys for Tots collection.

4. CHANGES TO POSTED AGENDA

A. Items to be continued or withdrawn

- 7A withdrawn.

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

- 6B moved to the January 3 City Council regular meeting.

5. CITIZEN APPEARANCES

- No speakers.

6. CONSENT AGENDA

- A. Minutes from the November 14, 2022 regular council meeting. (Staff Contact: Amanda Campos, City Secretary).**

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

Motion passed 6-0, with Victoria Johnson absent.

- ~~B. 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 Contact: Amanda Campos, City Secretary) – MOVED.~~**

Item 6B was moved to the January 3, 2022, Regular City Council meeting for discussion and consideration.

- C. CSO#4052-12-2022, ordinance modification for text amendments to Section 100-115 of Article IV – Overlay Zoning Districts of Appendix B, of the Code of Ordinances of the City of Burleson (Case 22-124): Consider approval of an ordinance amendment to add “restaurant or cafeteria (drive through type)” to the list of allowable uses with a specific use permit, with conditions within the Old Town Overlay District. (Final Reading) (Staff Contact: Tony McIlwain, Development Services Director) (The Planning and Zoning Commission recommended approval by unanimous vote)**

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

Motion passed 6-0, with Victoria Johnson absent.

- D. CSO#4053-12-2022, minute order continuing and renewing the 13th Declaration of Local Disaster and Public Health Emergency regarding Covid-19 dated March 7, 2022, through December 31, 2022. (Staff Contact: Matt Ribitzki, Deputy City Attorney/Compliance Manager)**

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

Motion passed 6-0, with Victoria Johnson absent.

- E. CSO#4054-12-2022, resolution authorizing a one-year contingency fee contract with McCall Parkhurst & Horton LLP to provide bond counsel services. (Staff Contact: Matt Ribitzki, Deputy City Attorney/Compliance Manager.)**

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

Motion passed 6-0, with Victoria Johnson absent.

- F. CSO#4055-12-2022, minute order extending the contract with Mansfield Oil Company of Gainesville through an inter-local agreement with the City of Fort Worth in the amount not to exceed \$711,712. (Staff Contact: Kip Dernovich, Deputy Director – Operations, Public Works)**

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

Motion passed 6-0, with Victoria Johnson absent.

- G. CSO#4056-12-2022, contract for the purchase of fleet vehicles with Caldwell Country Chevrolet through the BuyBoard Cooperative in the amount not to exceed \$1,000,412.25. (Staff Contact: Kip Dernovich, Deputy Director – Operations Public Works)**

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

Motion passed 6-0, with Victoria Johnson absent.

- H. CSO#4057-12-1022, ordinance amending Chapter 70 “Streets, Sidewalks and Other Public Places” of the Code of Ordinances, City of Burleson, by repealing and replacing Article V “Public Events” to require permits for public events; providing for procedures for the issuance of a permit; requiring the City Council to approve portions of certain permit applications involving certain street closures or in-kind sponsorships; providing for water, health and sanitation facilities for the event; providing for police protection and emergency medical services for the event; requiring the permit application and permittee to carry liability insurance of a certain amount and indemnify the city. (Final Reading) (Staff Contact: DeAnna Phillips, Director of Community Services)**

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

Motion passed 6-0, with Victoria Johnson absent.

- I. CSO#4058-12-2022, resolution creating a special citizens public art committee to make recommendations to the City Council regarding the creation, implementation, and management of a public art masterplan to display public art throughout the city; appointing committee members; and establishing a charge for the committee. (Staff Contact: Jen Basham, Director of Parks and Recreation).**

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

Motion passed 6-0, with Victoria Johnson absent.

- J. CSO#4059-12-2022, three-year contract with SHI International Corp for Artic Wolf Security Operations Center as a Service (SOCaaS) through a cooperative purchasing agreement with the Texas Department of Information Resources (DIR) in the amount not to exceed \$276,298.70. (Staff Contact: James Grommersch, Chief Technology Officer, IT)**

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

Motion passed 6-0, with Victoria Johnson absent.

- K. CSO#4060-12-2022, three-year contract with AT&T for Switched Ethernet Services for in the amount not to exceed \$361,457. (Staff Contact: James Grommersch, Chief Technology Officer, IT)**

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

Motion passed 6-0, with Victoria Johnson absent.

- L. CSO#4061-12-2022, minute order ratifying the Burleson 4A Economic Development Corporation Board's action to approve a Second Amendment to the commercial lease between FWAVE, Inc., and the Burleson 4A Economic Development Corporation located at 921 South Burleson Boulevard. (Staff Contact: Alex Philips, Economic Development Director)**

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

Motion passed 6-0, with Victoria Johnson absent.

- M. CSO#4062-12-2022, contract with The Brandt Companies, LLC. through a cooperative purchasing agreement with BuyBoard for the purchase of a new AC control software and computer boards for the Burleson Recreation Center in the amount not to exceed \$160,255. (Staff Contact: Jen Basham, Director of Parks and Recreation)**

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

Motion passed 6-0, with Victoria Johnson absent.

- N. CSO#4063-12-2022, contract with Progressive Commercial Aquatics, Inc. through a cooperative purchasing agreement with BuyBoard for the purchase of replacement outdoor pool sand filters for the Burleson Recreation Center in the amount not to exceed \$99,667.50. (Staff Contact: Jen Basham, Director of Parks and Recreation)**

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

Motion passed 6-0, with Victoria Johnson absent.

- O. CSO#4064-12-2022, contract with Focused Advocacy for legislative consulting services in the amount not to exceed \$54,199.92. (Staff Contact: Justin Scharnhorst, Assistant to the City Manager)**

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

Motion passed 6-0, with Victoria Johnson absent.

- P. CSO#4065-12-2022, amendment to an existing contract (CSO#2005-02-2022) with Siddons-Martin Emergency Group modifying the specification of four ambulances to diesel chassis in the amount not to exceed \$55,000. (Staff Contact: K.T. Freeman, Fire Chief)**

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

Motion passed 6-0, with Victoria Johnson absent.

7. DEVELOPMENT APPLICATIONS

- ~~A. 2220 W FM 917 (Case 22-125): Hold a public hearing and consider approval of an ordinance for a zoning change request from "A", Agricultural to "GR", General Retail for a 13.20 acre site. (First and Final Reading) (Staff Presenter, Tony McIlwain, Director of Development Services) (The Planning and Zoning Commission motion for approval passed 7-0). - WITHDRAWN~~**

Amanda Campos, City Secretary, announced that item 7A was withdrawn by the applicant. No action required.

8. GENERAL

- A. CSO#4066-12-2022, five-year professional services agreement with Emergicon, LLC for Automated Ambulance Billing Services to be provided to the city for a fee not to exceed 6.5% of all net revenues collected. (Staff Presenter: K.T. Freeman, Fire Chief) - MOVED**

Item 8A was discussed and voted on after Section 2, Reports and Presentations above.

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

- B. CSO#4067-12-2022, ordinance amending the City budget for fiscal year 2022-2023 by increasing appropriations in the Golf Fund in the amount of \$628,000 for equipment and improvements at Hidden Creek Golf Course, and finding that this ordinance may be considered and approved at only one meeting because time is of essence. (First and Final Reading) (Staff Presenters: Martin Avila, Director of Finance; Jen Basham, Director of Parks & Recreation)**

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

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

Motion passed 6-0, with Victoria Johns absent.

- C. **CSO#4068-12-2022, contract with Fleetwood Services for furnishing and replacement of 16 bunkers at Hidden Creek Golf Course in the amount not to exceed \$331,606. (Staff Presenter: Jen Basham, Director of Parks and Recreation)**

Jen Basham, Director of Parks and Recreation, presented a contract to the city council.

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

Motion passed 6-0, with Victoria Johnson absent.

- D. **CSO#4069-12-2022, minute order ratifying the Burleson Community Service Development Corporation's action to approve a resolution authorizing a contract with Marilyn Bleeker for the acquisition of approximately 13 acres of real property at or near 2410 SW Hulen St, Burleson, Johnson County, Texas and authorizing the expenditure of funds. (Staff Presenter: Jen Basham, Director of Parks and Recreation)**

Jen Basham, Director of Parks and Recreation, presented a minute order to the city council.

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

Motion passed 6-0, with Victoria Johnson absent.

9. **CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS OR REPORTS**

- Future report on short-term rentals.
- Golf course before and after pictures by drone.

10. **RECESS INTO EXECUTIVE SESSION**

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

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

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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 in Johnson County, Texas where deliberation in open session would have a detrimental effect on the position of negotiations with third parties.
- J. Deliberation regarding a negotiated contract for a prospective gift or donation to the state or the governmental body Pursuant to Section 551.073**
- K. Personnel Matters Pursuant to Section 551.074**
- L. 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**
- M. 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
- N. 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 Jimmy Stanford and Rick Green to adjourn.

Mayor Fletcher adjourned the meeting.

Time: 6:20 p.m.

Monica Solko
Deputy City Secretary