

## BURLESON CITY COUNCIL REGULAR MEETING

February 5, 2024

### MINUTES

#### ROLL CALL

##### COUNCIL PRESENT:

Victoria Johnson  
Phil Anderson  
Ronnie Johnson  
Chris Fletcher  
Larry Scott  
Dan McClendon  
Adam Russell

##### COUNCIL ABSENT:

##### Staff present

Tommy Ludwig, City Manager  
Eric Oscarson, Deputy City Manager  
Harlan Jefferson, 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 – 5:30 p.m.

Mayor Fletcher called the meeting to order. **Time: 5:30 p.m.**

Invocation – Rusty Gilliam, Pastor Cross Timbers Baptist Church

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

- None.

##### C. Community Interest Items

- Join us in celebrating Black History Month with Opal Lee book signing on February 17. She will be signing copies of her children's book "Juneteenth: A Children's Story", at City Hall, 141 W. Renfro, from 10 a.m. - 2 p.m.

- Join us for City Fest on February 8, from 4:30 p.m. - 8 p.m. at the Burleson Recreation Center, 550 NW Summercrest Blvd.
- Request for public input on the Johnson County Thoroughfare Development Plan by Freese and Nichols is in process, get involved by attending a meeting, filling out the survey and checking out the interactive map online.

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#### **A. Items to be continued or withdrawn**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#### **B. Items to be withdrawn from Consent Agenda for separate discussion or items to be added to the Consent Agenda.**

- None.

### 4. **CITIZEN APPEARANCES**

- Helen Kerwin, 470 Grand Avenue, Glenrose, came forward to introduce herself as a candidate for State Representative House District 58.

### 5. **CONSENT AGENDA**

#### **A. Minutes from the January 22, 2024 regular council meeting. (Staff Contact: Amanda Campos, City Secretary)**

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

Motion passed 7-0.

#### **B. CSO#5386-02-2024, purchasing agreement for dredging services by American Underwater Services LLC for Bailey Lake Park via an interlocal agreement with the City of Southlake in the amount of \$72,450.00. (Staff Contact: Jen Basham, Parks and Recreation Director)**

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

Motion passed 7-0.

#### **C. CSO#5387-02-2024, estoppel certificate concerning Burleson Cold Storage, LP and Burleson Cold Storage II, LP Tax Abatement Agreement and an Assignment of Tax Abatement between Burleson Cold Storage, LP, a Delaware Limited Partnership and VCS Burleson Property I, LLC, a Delaware Limited Liability Company, and the City of Burleson, Texas, Johnson, County on the subject property in Highpoint Business Park. (Staff Contact: Alex Philips, Economic Development Director)**

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

Motion passed 7-0.

- D. CSO#5388-02-2024, permanent aerial easement and right-of-way to Oncor Electric Delivery Company, LLC, located at 2321 SW Wilshire Blvd. (Staff Contact: Michelle McCullough, Assistant Director/City Engineer)**

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

Motion passed 7-0.

- E. CSO#5389-02-2024, Resolution for the City of Burleson's Equal Employment Opportunity Plan (EEOP). (Staff Contact: Wanda Bullard, Interim Director of Human Resources)**

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

Motion passed 7-0.

- F. CSO#5390-02-2024, ETJ Release Petition for 2825 Bryan St (Case 24-002): Consider denial of a petition for release from the City of Burleson extraterritorial jurisdiction (ETJ) for approximately 3.99 acres of land addressed as 2825 Bryan St. (Staff Contact: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item) - DENIED**

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

Motion passed 7-0.

## 6. DEVELOPMENT APPLICATIONS

- A. CSO#5391-02-2024, Ordinance for a zoning change request from "SFR", Single-family rural district to "SFE", Single-family estate district for 4.619 acres of property located at 1560 Broad Valley Court (Case 23-345). (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 an ordinance to the city council.

Mayor Fletcher opened the public hearing. **Time: 5:41 p.m.**

No speakers.

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

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

Motion passed 7-0.

**B. CSO#5392-02-2024, Resolution for a variance to Chapter 63, Sign Regulations, relating to the number of poster signs per elevation at Alley Cats located at 1258 SW Alsbury Blvd. (Case 23-399). (Staff Presenter: Tony McIlwain, Development Services Director)**

Tony McIlwain, Development Services Director, presented a resolution to the city council.

Motion made by Ronnie Johnson and seconded by Adam Russell to approve.

Motion passed 7-0.

**7. GENERAL**

**A. CSO#5393-02-2024, Resolution ordering the May 4, 2024 General Election. (Staff Presenter: Amanda Campos, City Secretary)**

Amanda Campos, City Secretary, presented a resolution to the city council.

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

Motion passed 7-0.

**B. CSO#5394-02-2024, Joint Election Resolution with the Burleson Independent School District for the May 4, 2024 General Election. (Staff Presenter: Amanda Campos, City Secretary)**

Amanda Campos, City Secretary, presented a resolution to the city council.

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

Motion passed 7-0.

**C. CSO#5395-02-2024, bid award to 2L Construction for the Ellison Street and Parking Improvements project in the amount of \$2,911,727.40 with a project contingency of \$60,000. (Staff Presenter: Tiana Jackson, Engineering Manager – Capital)**

Tiana Jackson, Engineering Manager – Capital, presented a bid award to the city council.

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

Motion passed 7-0.

- D. CSO#5395-02-2024, Ordinance altering the Speed Limit along Hemphill Street between NE Alsbury Boulevard and Burleson City Limits from 45 miles per hour to 40 miles per hour; directing the City Manager or designee to erect the appropriate signage; incorporating the recitals into the body of the ordinance; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; providing a cumulative clause, a severability clause, a savings clause, a penalty clause, and an effective date. (First and Final Reading) (Staff Presenter: Errick Thompson, Director of Public Works & Engineering)**

Errick Thompson, Director of Public Works & Engineering, presented an ordinance to the city council.

Motion made by Ronnie Johnson and seconded by Adam Russell to approve.

Motion passed 7-0.

- E. CSO#5397-02-2024, Resolution authorizing a right-of-way use agreement for a removable metal canopy with removable decorative metal and wood fence and bollards for an existing outdoor seating patio at 112 W. Ellison Street, Old Texas Brewing Company. (Staff Presenter: Tony McIlwain, Development Services Director)**

Tony McIlwain, Development Services Director, presented a resolution to the city council.

Motion made by Dan McClendon and seconded by Phil Anderson to approve with the finishing treatment (black roof, black metal standing seam cladde poles).

Motion passed 7-0.

- F. CSO#5398-02-2024, Resolution setting a public hearing to be held jointly by the City Council and the Planning and Zoning Commission on March 4, 2024, to consider an ordinance amending the City of Burleson Zoning Ordinance codified in Appendix B of the City of Burleson Code of Ordinances relating to liquor sales. (Staff Presenter: Tony McIlwain, Development Services Director)**

Tony McIlwain, Development Services Director, presented a resolution to the city council.

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

Motion passed 7-0.

- G. CSO#5399-02-2024, Resolution setting the method by which notice shall be given of the joint public hearing to be held jointly by the City Council and the Planning and Zoning Commission on March 4, 2024 to consider an ordinance amending the City of Burleson Zoning Ordinance codified in Appendix B of the City of Burleson Code of Ordinances relating to liquor sales. (Staff Presenter: Tony McIlwain, Development Services Director)**

Tony McIlwain, Development Services Director, presented a resolution to the city council.

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

Motion passed 7-0.

## **8. REPORTS AND PRESENTATIONS**

- A. Hold a discussion and receive a report regarding the Burleson Public Library master plan and facility study. (Staff Presenter: DeAnna Phillips, Community Services Director)**

DeAnna Phillips, Community Services Director, gave an update on the Burleson Public Library master plan to the city council.

Beth Lytner, 512 Laurelwood Road, came forward in favor of library master plan.

Daniel McClain, 833 Montcello, came forward in favor of the plan as the library was too capacity.

- B. Receive a report, hold a discussion and provide staff feedback regarding Burleson Fire/EMS delivery of ambulance transportation services (Staff Presenter: Casey Davis, Assistant Fire Chief)**

Casey Davis, Assistant Fire Chief, gave an update on the Burleson Fire/EMS delivery of ambulance transportation services to the city council.

- C. Receive a report and hold a discussion regarding the city's contract with Focused Advocacy. (Staff Presenter: Matt Ribitzki, Senior Deputy City Attorney)**

Eric Oscarson, Deputy City Manager, gave an update on the contract with Focused Advocacy to the city council.

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

- None.

## **10. RECESS INTO EXECUTIVE SESSION**

In accordance with Chapter 551 of the Texas Government Code, the City Council may convene in Executive Session in the City Council Workroom in City Hall to conduct a closed meeting to discuss any item listed on this Agenda.

**A. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071, Texas Government Code**

- Receive a report and hold a discussion regarding Subchapter D of Chapter 42 of the Local Government Code and existing development agreements
- Receive a report and hold a discussion regarding the internal investigation into Human Resources Department Complaint No. 2023-0001 and No. 2023-0002
- Receive a report and hold a discussion regarding U.S. Equal Employment Opportunity Commission Charge No. 450-2024-03370
- Receive a report and hold a discussion regarding City liability under the Texas Tort Claims Act and Recreational Use Statute for City parks and recreational areas
- Receive a report and hold a discussion regarding the City's interlocal agreement with Johnson County regarding platting in the City's extraterritorial jurisdiction pursuant to Chapter 242 of the Texas Local Government Code
- Receive a report and hold a discussion regarding the Mockingbird Lane to CR 914A sanitary sewer, the Chapter 380 and Economic Development and Performance Agreement between the City of Burleson, the Burleson 4A Economic Development Corporation, R.A. Development, Ltd., et al. for Chisholm Summit, and the construction contract between R.A. Development, Ltd., and Dagger Construction

**B. 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 Ducky's Revenge

Motion was made by Adam Russell and seconded by Dan McClendon to convene into executive session. **Time: 7:55 p.m.**

Motion passed 7-0.

Motion was made by Adam Russell and seconded by Victoria Johnson to reconvene into open session. **Time: 9:16 p.m.**

Motion passed 7-0.

**11. ADJOURNMENT**

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

Mayor Fletcher adjourned the meeting. **Time: 9:16 p.m.**

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Monica Solko  
Deputy City Secretary