



City of Burleson
City Council
Regular Meeting Agenda

City Hall
Council Chambers
141 W. Renfro
Burleson, TX 76028

Monday, October 7, 2019

Council Chambers

5:30 P.M. WORK SESSION IN THE COUNCIL CHAMBERS

Call to Order

1. **QUESTIONS ON CURRENT AGENDA ITEMS** - City Councilmembers
2. **REPORTS AND PRESENTATIONS**
 - A. Receive a report, hold a discussion, and give staff direction regarding the Project U Leadership Conference. (*Staff Presenter: Alex Philips, Economic Development Manager*)
 - B. Receive a report, hold a discussion, and give staff direction regarding the re-design of the SH174/Wilshire Blvd. medians. (*Staff Presenter: Marc Marchand, Director of Recreation and Lifelong Learning*)
 - C. Receive a report, hold a discussion, and give staff direction on the goals, strategies, and implementation sections of the City's Comprehensive Plan related to:
 - Land Use
 - Complete Streets
 - Community Enhancement(*Staff Presenter: Mandy Clark, Development Services Director*)
3. **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**
 - Discuss and receive direction regarding Boot Jack King Development, LLC and the Bluebird Meadows Development.
 - Discuss and receive direction regarding the effect of House Bill 2439 and House Bill 3167 (from the 2019 Texas legislative session) on city codes and practices.
 - Discuss and receive direction regarding *John Barto Clark v. City of Burleson, et al*, Cause No. 3:19-CV-2126.
 - B. **Discussion Regarding Possible Purchase, Exchange, Lease, or Value of Real Property Pursuant to Section 551.072**
 - Discuss and receive direction regarding a contract to purchase approximately 34.6 acres located at S Burleson Blvd, E. Hidden Creek Pkwy, and S. Hurst Rd in Burleson, Johnson County, Texas.
 - C. **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

- Discuss and receive direction regarding The Development at The Standard

7:00 P.M. REGULAR SESSION IN THE COUNCIL CHAMBERS

1. **CALL TO ORDER**

Invocation - Pastor Roger Fankhauser, Burleson Bible 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. **PROCLAMATIONS, PRESENTATIONS, & COMMUNITY INFORMATION**

A. Proclamations

B. Presentations

C. Community Interest Items

This is a standing item on the agenda of every regular meeting of the City Council. (The Texas Open Meetings Act effective September 1, 2009, provides that "a quorum of the city council may receive from municipal staff, and a member of the governing body may make, a report regarding items of community interest during a council meeting without having given notice of the subject of the report, provided no action is taken or discussed." The Open Meetings Act does not allow Council to discuss an item concerning pending City Council business unless it is specifically, appropriately posted on the agenda). An "item of community interest" includes the following:

- expressions of thanks, congratulations, or condolence;
- information regarding holiday schedules;
- honorary recognitions of city officials, employees, or other citizens;
- reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by city official or city employee; and
- announcements involving imminent public health and safety threats to the city.

D. Changes to the City Council Agenda

At times the agenda order may be changed to better serve the public. This includes request for items to be withdrawn or moved to another meeting.

3. **CITIZEN APPEARANCES**

(Citizens who have signed a card to speak to the City Council will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the presentation is on the agenda, the city staff and City Council members are prevented from discussion of the subject and may respond only with statements of factual information or existing city policy. Public comment will not be taken on items that the Council has previously considered

in a public hearing).

4. **CONSENT AGENDA**

All items listed below are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of the items unless a Councilmember or citizen so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence. Approval of the consent agenda authorizes the City Manager to implement each item in accordance with staff recommendations.

- A. Consider approval of minutes from the September 16, 2019 regular council meeting. (*Staff Contact: Amanda Campos, City Secretary*)
- B. Consider approval of an amendment to the interlocal agreement with City of Fort Worth to allow the use of a "Wave" talk group on the City of Fort Worth Trunked Voice Radio System in an amount not to exceed \$756, which allows the use of the radio system from a smart phone app in lieu of using a portable radio. (*Staff Contact: K.T. Freeman, Fire Chief*)
- C. Consider approval of an agreement with Operation Finally Home for City sponsorship of the home opening celebration for the Arroyo family home located at 385 Coral Vine Lane in the amount of \$5,000. (*Staff Contact: Mandy Clark, Development Services Director*)
- D. Consider approval of a contract with America's Nationwide Netting to replace backstop netting on 13 fields at Chisenhall Fields in the amount not to exceed \$33,000. (*Staff Contact: Marc Marchand, Director of Recreation and Lifelong Learning*)
- E. Consider approval of an ordinance amending Section 54-34 of the Code of Ordinances prohibiting sleeping in public places; repealing all ordinances or parts of ordinances in conflict; providing a severability clause; providing a savings clause; providing for inclusion in the Code; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; providing for an effective date and publication; and providing for penalties. (*Final Reading*) (*Staff Contact: Matt Ribitzki, Deputy City Attorney*)
- F. Consider approval of an ordinance amending Section 14-405 of the Code of Ordinances prohibiting solicitations and sales in the roadway and other locations; repealing all ordinances or parts of ordinances in conflict; providing for a severability clause; providing a savings clause; providing for inclusion in the Code; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; providing for an effective date and publication; providing for penalties. (*Final Reading*) (*Staff Contact: Matt Ribitzki, Deputy City Attorney*)
- G. Consider approval of an ordinance creating Section 54-174 "Higher Charges" of Article X "Protection of Children Exposed to Unjustified Violence" of Chapter 54 "Miscellaneous Offenses" of the Code of Ordinances requiring higher criminal charges be disposed of prior to the filing of a complaint for a violation of Section 54-172 of the Code of Ordinances in the municipal court; providing for a severability clause; providing a savings clause; providing for inclusion in the Code; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; providing for an effective date and publication; providing for penalties. (*Final Reading*) (*Staff Contact: Matt Ribitzki, Deputy City Attorney*)

- H. Consider approval of an ordinance creating Section 54-175 “Protocol for Responding to Children Exposed to Violence” of Article X “Protection of Children Exposed to Unjustified Violence” of Chapter 54 “Miscellaneous Offenses” of the Code of Ordinances requiring the chief of police adopt a protocol for officers when encountering children exposed to violence; providing for a severability clause; providing a savings clause; providing for inclusion in the Code; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; providing for an effective date and publication. *(Final Reading)*
(Staff Contact: Matt Ribitzki, Deputy City Attorney)
- I. Consider approval of a contract with Pyro Shows of Texas for Christmas and Independence Day celebrations in an amount not to exceed \$40,000. *(Staff Contact: Marc Marchand, Director of Recreation & Lifelong Learning)*
- J. Consider a minute order granting an Electric Easement and Right-of-Way to Oncor Electric Delivery Company, LLC at 370 NW John Jones Dr. *(Staff Contact: Aaron Russell, Public Works Director)*
- K. Consider approval of a professional services agreement with Ralph Andersen & Associates for national recruiting search for the Director of Finance position in the amount of \$28,000. *(Staff Presenter: Wanda Bullard, Director of Human Resources)*
- L. Consider approval of a minute order for the purchase of services for processing credit card and electronic check payments from utility customers utilizing a telephonic payment option and fees for applicable Automated Clearing House (ACH) payments under an existing contract term ending October 7, 2020, from Paymentus Corporation in the amount not to exceed \$40,000. *(Staff Contact: Aaron Russell, Public Works Director)*
- M. Consider approval of a minute order ratifying the October 7, 2019 Burleson 4A board actions considering a contract to purchase approximately 34.6 acres located at S Burleson Blvd, E. Hidden Creek Pkwy, and S. Hurst Rd in Burleson, Johnson County, Texas. *(Staff presenter: Alex Phillips, Economic Development Manager)*
- N. Consider approval of a minute order for the purchase of utility bill processing services under an existing contract with Dataprose, LLC in the amount not to exceed \$83,560. *(Staff Contact: Aaron Russell, Public Works Director)*
- O. Consider approval of a minute order ratifying the interlocal agreement with National Joint Powers Alliance for participation in a cooperative purchasing program at no cost. *(Staff Contact: Rhett Clark, Director of Finance)*
- P. Consider approval of an Interlocal Agreement with Sourcewell for the participation in a cooperative purchasing program at no cost. *(Staff Contact: Rhett Clark, Director of Finance)*
- Q. Consider approval of a minute order for the purchase of Goodyear tires from Opel Tire through the cooperative purchasing contract with Sourcewell not to exceed \$55,000 for the fiscal year 2019-2020 *(Staff Contact: Rhett Clark, Director of Finance)*.
- R. Consider approval of a minute order for the purchase of auto parts from O’Reilly through the cooperative purchasing contract with Sourcewell not to exceed \$50,000 for the fiscal year 2019-2020 *(Staff Contact: Rhett Clark, Director of Finance)*.
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5. DEVELOPMENT APPLICATIONS

- A. **Electric Vehicle Charging Stations (Case 19-081):** Consider removing from the table an ordinance amending ordinance B-582, the zoning ordinance of the City of Burleson to add additional definitions and a section outlining development regulations for electric vehicle charging stations, making this ordinance cumulative of prior ordinances; providing a severability clause; providing a penalty clause; and providing for an effective date and continue public hearing. *(First Reading) (Staff Presenter: Mandy Clark, Development Services Director) (The Planning and Zoning Commission recommended approval by unanimous vote.)*

This item was continued from September 16, 2019 Council Meeting. This will be continued to the October 21, 2019 Council Meeting.

- B. **Ten Oaks Addition, Lots 1R-A and 1R-B, Block 1, located at 2400 Conveyor Drive within the City's Extraterritorial Jurisdiction (Case 19-075):** Hold a public hearing and consider approval of a minute order for a replat of Ten Oaks Addition, Lots 1R-A and 1R-B Block 1. *(Staff Presenter: Mandy Clark, Development Services Director) (The Planning and Zoning Commission recommended approval by unanimous vote)*
- C. **Shannon Creek Multi-Family Development located north of the intersection of SW Hulén Street and Candler Drive (Case 18-164):** Consider approval of a minute order for a site plan for a multi-family residential development within the Shannon Creek Development *(Staff Presenter: Mandy Clark, Development Services Director) (The Planning and Zoning Commission recommended approval by a vote of 4 to 2.)*

6. GENERAL

- A. Consider approval of an ordinance amending Article IV "Curfew" of Chapter 54 "Miscellaneous Offenses" of the Code of Ordinances, City of Burleson, Texas making it an offense for minors, parents and guardians of minors, and business establishments to violate curfew regulations; providing defenses; providing for enforcement by the police department; providing for waiver by the municipal court of jurisdiction over a minor when required under the Texas Family Code; incorporating the recitals into the body of the ordinance; repealing all ordinances or parts of ordinances in conflict herewith; providing a savings clause; providing for inclusion in the code; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; providing for an effective date and publication; and providing for penalties. *(Final Reading) (Staff Presenter: Billy Cordell, Police Chief)*
- B. Consider approval of a Tax Abatement agreement with Project Yukon Burleson, LLC at Highpoint Business Park within Tax Abatement Reinvestment Zone Number 008, City of Burleson. *(Staff Presenter: Alex Philips, Economic Development Manager)*
- C. Consider approval of a contract with Webb's Landscape Management, Incorporated for the maintenance of medians, rights-of-way, and landscape beds in the amount not to exceed \$322,200.31. *(Staff Presenter: Marc Marchand, Director of Recreation & Lifelong Learning)*

7. CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS OR REPORTS

8. **RECESS INTO EXECUTIVE SESSION**

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CERTIFICATE

I hereby certify that the above agenda was posted on this the **4th of October 2019, by 5:00 p.m.**, on the official bulletin board at the Burleson City Hall, 141 W. Renfro, Burleson, Texas.

Amanda Campos

Amanda Campos
City Secretary



ACCESSIBILITY STATEMENT

The Burleson City Hall is wheelchair accessible. The entry ramp is located in the front of the building. Accessible parking spaces are also available in that area. Sign interpretative services for meetings must be made 48 hours in advance of the meeting. Call the A.D.A. Coordinator at 817-426-9600, or TDD 1-800-735-2989.