



City Council  
City Council Regular Meeting Agenda

Tuesday, September 05,  
2023  
4:00 PM

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Live Stream at <https://www.burlesontx.com/watchlive>

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

1. **CALL TO ORDER**

Invocation

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

B. Presentations

C. Community Interest Items

This is a standing item on the agenda of every regular meeting of the City Council. An "item of community interest" includes the following:

- Expression 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.

3. **REPORTS AND PRESENTATIONS**

- A. Receive a report and hold a discussion on Local Option Election process. (*Staff Presenter: Amanda Campos, City Secretary*)
- B. Discuss and review City Council Policy #40 – City Boards, Commissions & Committee Appointment Process and city Code of Ordinances Chapter 2, Section 2-31. (*Staff Presenter: Amanda Campos, City Secretary*)
- C. Review, discuss, and provide staff direction on Council Policy #17 - City Council Rules of Procedure For City Council Meetings Establishing City Council Rules of Procedure For City Council Meetings. (*Staff Presenter: Amanda Campos, City Secretary*)
- D. Receive a report, hold a discussion, and provide staff with feedback on the proposed 2024 Council Calendar. (*Staff Presenter: Amanda Campos, City Secretary*)

**4. CHANGES TO POSTED AGENDA**

- A. Items to be continued or withdrawn.
- B. Items to be withdrawn from the Consent Agenda for separate discussion by the City Council, staff, or members of the public in attendance. Items to be added to the Consent Agenda require an official vote by the City Council.

**5. CITIZENS APPEARANCES**

Each person in attendance who desires to speak to the City Council on an item NOT posted on the agenda, shall speak during this section.

A speaker card must be filled out and turned in to the City Secretary prior to addressing the City Council. Each speaker will be allowed three (3) minutes.

Please note that City Council may only take action on items posted on the agenda. The Texas Open Meetings Act prohibits the City Council from deliberating or taking action on an item not listed on the agenda. City Council may, however, receive your comments on the unlisted item, ask clarifying questions, respond with facts, and explain policy.

Each person in attendance who desires to speak to the City Council on an item posted on the agenda, shall speak when the item is called forward for consideration.

**6. 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. Approval of the consent agenda authorizes the City Manager to implement each item in accordance with staff recommendations.

- A. Consider approval of the minutes from the August 21, 2023 regular council meeting. (*Staff Contact: Amanda Campos, City Secretary*)
  - B. Consider approval of an ordinance amending CSO#660-08-2017, adopting the Official City Map. (First Reading) (*Staff Contact: Amanda Campos, City Secretary*)
  - C. Consider approval of a five-year facility maintenance agreement with five (5) one-year renewal options with Fort Worth Mountain Bikers Association (FWMBA) for the maintenance of Chisenhall Hike and Bike Trail. (*Staff Contact: Jen Basham, Parks and Recreation Director*)
  - D. Consider approval of an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corp., Mid-Tex Division regarding the company's 2023 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; and requiring the company to reimburse ACSC's reasonable ratemaking expenses. (Final Reading) (*Staff Contact: Matt Ribitzki, Deputy City Attorney/Compliance Manager*)
  - E. Consider approval of a minute order ratifying the Burleson 4A Economic Development Corporation Board's action to adopt an annual budget for Fiscal Year 2023-2024. (*Staff Contact: John Butkus, Assistant Finance Director*)
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- F. Consider approval of a minute order ratifying the Burleson Community Service Development Corporation Board's action to adopt an annual budget for Fiscal Year 2023-2024. *(Staff Contact: John Butkus, Assistant Finance Director)*
- G. Consider approval of an Estoppel Certificate for the Joshua Farms Development Agreement as amended and renamed First Amended and Renamed Silo Mills Development Agreement by and among Joshua Farms Municipal Management District No. 2, Silo Mills Investment I LLC, and the City of Burleson, Texas. *(Staff Contact: Tony D. McIlwain, Development Services Director)*
- H. Consider approval of a resolution authorizing street closures associated with BTX Brew Fest. *(Staff Contact: DeAnna Phillips, Director of Community Services)*
- I. Consider approval of a resolution authorizing street closures associated with OpenDoor Church's Fall Fest. *(Staff Contact: DeAnna Phillips, Director of Community Services)*
- J. Consider approval of a resolution authorizing street closures associated with The Academy at Nola Dunn's Run for the Rings event. *(Staff Contact: DeAnna Phillips, Director of Community Services)*
- K. Consider approval of a resolution adopting the City of Burleson Fiscal Year 23-24 Strategic Plan. *(Staff Contact: Justin Scharnhorst, Assistant to the City Manager)*
- L. Consider an ordinance approving the 2023-24 annual Service and Assessment Plan (SAP) 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: Tony McIlwain, Development Services Director)*
- M. Consider approval of an ordinance repealing in its entirety Article III "Amusements" of Chapter 14 "Businesses" of the Code of Ordinances, City of Burleson, Texas, setting forth rules and regulations for amusement centers and requiring certain amusement centers to obtain a permit for coin-operated machines. *(Final Reading) (Staff Contact: Tony McIlwain, Development Services Director)*
- N. Consider approval of a minute order appointing members to the City of Burleson boards, commissions, and committees. *(Staff Contact: Amanda Campos, City Secretary)*
- O. Consider approval of a minute order ratifying the 4A Economic Development Corporation Board's action approving six speaking contracts for the 2024 Project U Leadership Conference in the total amount of \$93,000. *(Staff Contact: Alex Philips, Director of Economic Development)*

## **7. DEVELOPMENT APPLICATIONS**

- A. QuikTrip at 5917 W FM 917 (Case 23-034): Consider approval of a resolution for variances to Chapter 63, Sign Regulations, relating to sign setbacks, number of signs, and allowance for a pole sign. *(First and Final Reading) (Staff Presenter: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item)*
- B. QuikTrip at 5917 W FM 917 (Case 23-031): Consider approval of a resolution authorizing a site plan for QuikTrip located at 5917 W FM 917. *(First and Final Reading) (Staff Presenter: Tony McIlwain, Development Services Director) (The Planning and Zoning Commission recommended approval by unanimous vote)*

**8. BUDGET AND TAX RATE - WILL NOT START PRIOR TO 5:30 PM**

- A. Hold a public hearing on the Fiscal Year 2023-2024 proposed annual budget. This budget will raise more property taxes than last year's budget by an amount of \$2,134,839, which is an 8.8 percent increase, and of that amount \$1,485,617 is tax revenue to be raised from new property added to the tax roll this year. *(Staff Presenter: John Butkus, Assistant Finance Director)*
- B. Hold a public hearing on the proposed ad valorem tax rate for Tax Year 2023. The proposed tax rate is \$0.6325 per \$100 valuation. The proposed tax rate exceeds the no-new-revenue tax rate. *(Staff Presenter: John Butkus, Assistant Finance Director)*
- C. Consider approval of an ordinance adopting the budget for Fiscal Year 2023-2024 beginning October 1, 2023, and terminating September 30, 2024, and making appropriations for each fund; repealing conflicting ordinances; providing a savings clause and an effective date; and finding that the meeting at which this ordinance is passed is open to the public. This budget will raise more property taxes than last year's budget by an amount of \$2,134,839, which is an 8.8 percent increase, and of that amount \$1,485,617 is tax revenue to be raised from new property added to the tax roll this year. (First Reading) *(Staff Presenter: John Butkus, Assistant Finance Director)*
- D. Consider approval of an ordinance levying the ad valorem property tax of the City of Burleson for Tax Year 2023 on all taxable property within the corporate limits of the city on January 1, 2023, and adopting a tax rate of \$0.6325 per \$100 of valuation for Tax Year 2023; providing for 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 and an effective date; and finding that the meeting at which this ordinance is passed is open to the public. The proposed tax rate exceeds the no-new-revenue tax rate. (First Reading) *(Staff Presenter: John Butkus, Assistant Finance Director)*
- E. Consider approval of an ordinance approving the 2023 tax rolls; and declaring an effective date. (First Reading) *(Staff Presenter: John Butkus, Assistant Finance Director)*
- F. Consider approval of an ordinance providing a Fiscal Year 2023-2024 schedule of fees for various City of Burleson services. (First Reading) *(Staff Presenter: John Butkus, Assistant Finance Director)*
- G. Consider approval of an ordinance providing Fiscal Year 2023-2024 rates for water and wastewater service. (First Reading) *(Staff Presenter: John Butkus, Assistant Finance Director)*
- H. Consider approval of an ordinance providing Fiscal Year 2023-2024 rates for collection and disposal of residential and non-residential solid waste, recyclables, and trash. (First Reading) *(Staff Presenter: John Butkus, Assistant Finance Director)*
- I. Consider approval of an ordinance providing for a residential homestead exemption from the ad valorem tax for Tax Year 2024 and all future years unless revised of an amount equal to three 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 to the public; and declaring an effective date. (First Reading) *(Staff Presenter: John Butkus, Assistant Finance Director)*

- J. Consider approval of ordinance amending the City budget for fiscal year 2022-2023 by increasing appropriations to various funds to offset expenses incurred throughout the fiscal year. (First and Final Reading) *(Staff Presenter: John Butkus, Assistant Finance Director)*

## 9. **GENERAL**

- A. Consider approval of an ordinance amending the city's utility customer service leak adjustment policy in Section 82-11 of Division 1 "Utility Charges and Fees" of Article 1 "General" of Chapter 82 "Utilities" of the City of Burleson Code of Ordinances. (First Reading) *(Staff Presenter: Jesse Elizondo, Director of Customer Service)*
- B. Consider approval of a minute order to reject bids for ITB 2023-013 ITS Construction. *(Staff Presenter: Eric Oscarson, Director of Public Works)*
- C. Consider approval of an ordinance amending Article III "Flood Damage Prevention" of Chapter 42 "Floods" of the City of Burleson Code of Ordinances. (First Reading) *(Staff Presenter: Errick Thompson, Deputy Public Works Director)*
- D. Consider approval of a 3-year contract with Yellowstone Landscape LLC for mowing of Tier 2 properties for monthly mowing cycles for an amount not to exceed \$395,279.23. *(Staff Presenter: Jen Basham, Parks and Recreation Director)*
- E. Consider approval of a 3-year contract with BST Mowing for mowing of Tier 3 West properties for monthly mowing cycles for an amount not to exceed \$235,019.61. *(Staff Presenter: Jen Basham, Parks and Recreation Director)*
- F. Consider approval of a Right-of-Way Use Agreement for outdoor patio seating and metal awning at 112 E. Ellison Street, Old Texas Brewing Company restaurant. *(Staff Presenter: Errick Thompson, Deputy Public Works Director)*

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

## 11. **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.

### **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 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.

## 12. **ADJOURN**

### **CERTIFICATE**

I hereby certify that the above agenda was posted on this the 31st of August 2023, by 5:00 p.m., on the official bulletin board at the Burleson City Hall, 141 W. Renfro, Burleson, Texas.



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 from Warren St. Accessible parking spaces are also available in the Warren St. parking lot. 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.