



City Council  
City Council Regular Meeting Agenda

Monday, November 13,  
2023  
5:30 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 - Anthony Perick, Hughley Hospital Chaplain

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

-Receive a report to recognize the selected Employee of the Quarter for the 3rd quarter of 2023. (*Staff Presenter: Wanda Bullard: Interim Director of Human Resources*)

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. 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A. Items to be continued or withdrawn.

B. Items to be withdrawn from the Consent Agenda for separate discussion by the City Council, staff, or members of the public in attendance.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.

**4. 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.

## **5. 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 October 16, 2023 regular council meeting. (*Staff Contact: Amanda Campos, City Secretary*).
- B. Consider approval of a minute order ratifying resolution 4A111323ChishomSummit HooperPark, requesting the City Council pass an intention to reimburse resolution that includes an amount not to exceed \$1,650,000 for capital projects related to Chisholm Summit roadway infrastructure and industrial business park capital improvements. (*Staff Presenter: John Butkus, Finance Director*)
- C. Consider approval of a minute order ratifying resolution 4A11132023NationalIDCP a Performance Agreement between the Burleson 4A Economic Development Corporation and National DCP, LLC for an 85,000 cold storage facility located at 3005 S. Interstate 35W in Highpoint East Business Park in Burleson, Texas. (*Staff Presenter: Alex Philips, Economic Development Director*)
- D. Consider a minute order ratifying resolution 4A11132023ChisholmSummitLakewoodDr and approval of a resolution authorizing the reimbursement of R.A. Development, Ltd., for costs associated with burying United Cooperative Services existing overhead electric lines along Lakewood Drive pursuant to an existing Chapter 380 and Economic Development and Performance Agreement in an amount not to exceed \$669,139.33. (*Staff Presenter: Errick Thompson, Director of Public Works & Engineering*)
- E. Consider approval of a minute order ratifying resolution 4B111323ParksRecreation Capital, requesting the City Council pass an intention to reimburse resolution that includes an amount not to exceed \$2,833,601 related to the design, construction and improvements for Parks and Recreation capital projects. (*Staff Presenter: John Butkus, Finance Director*)
- F. Consider approval of a minute order ratifying 4B11132023FarmLeaseBleeker a five-year farm lease with Charles Bleeker for approximately 11.74 acres located in the H.G. Catlett Survey Abstract No. 177 off S.W. Alsbury Boulevard. (*Staff Contact: Justin Scharnhorst, Assistant to the City Manager*)

- G. Consider approval of a minute order ratifying 4B11132023Razzoo's 1st amendment and approval of an amendment to the Chapter 380 Economic Development and Performance Agreement (CSO#1754-05-2021) between the City of Burleson, Burleson Community Service Development Corporation, and Razzoo's, Inc. (*Staff Contact: Alex Philips, Economic Development Director*)
- H. Consider approval of a minute order ratifying 4B11132023Heim 1st amendment and an amendment to the Chapter 380 Economic Development and Performance Agreement (CSO#1653-01-2021) between the City of Burleson, Burleson Community Service Development Corporation, and Heim Burleson, LLC, (*Staff Contact: Alex Philips, Economic Development Director*)
- I. Consider approval of a minute order for the purchase of firearms, training firearms, and associated equipment with GT Distributors, Inc. through a cooperative purchase agreement with BuyBoard in the amount of \$123,246.78. (*Staff Contact: Tim Mabry, Lieutenant*)
- J. Consider approval of an amendment to CSO#3075-09-2022 wrecker contracts with Beard's Towing serving as an approved operator in the city of Burleson's rotation pursuant to ordinance B-678. (*Staff Contact: Justin Scharnhorst, Assistant to the City Manager*)
- K. Consider approval of an amendment to CSO#3074-09-2022 wrecker contracts with B&W Wrecker serving as an approved operator in the city of Burleson's rotation pursuant to ordinance B-678. (*Staff Contact: Justin Scharnhorst, Assistant to the City Manager*)
- L. Consider approval of a minute order authorizing the Declaration and Bylaws of the property owners association for the real property commonly known as 135 West Ellison Street in Burleson, Johnson County, Texas. (*Staff Contact: Matt Ribitzki, Sr. Deputy City Attorney/Director of Legal Services*)
- M. Consider approval of a one-year contract with Core & Main LP for the purchase of water and wastewater supplies in accordance with ITB 2023-023 Sections B and I in the amount of \$25,391.38. (*Staff Presenter: Errick Thompson, Director of Public Works & Engineering*)
- N. Consider approval of a one-year contract with Ferguson Enterprises LLC for the purchase of water and wastewater supplies in accordance with ITB 2023-023 Sections A, D, G, J and K in the amount of \$65,008.30. (*Staff Presenter: Errick Thompson, Director of Public Works & Engineering*)
- O. Consider approval of a one-year contract with Johnson County WinWater for the purchase of water and wastewater supplies in accordance with ITB 2023-023 Sections C and H in the amount of \$36,366.87. (*Staff Presenter: Errick Thompson, Director of Public Works & Engineering*)
- P. Consider approval of a one year contract with Consolidated Pipe & Supply for the purchase of water and wastewater supplies in accordance with ITB 2023-023 Sections E in the amount of \$3,256.82. (*Staff Presenter: Errick Thompson, Director of Public Works & Engineering*)
- Q. Consider approval of a Chapter 380 agreement with the Burleson Opportunity Fund to promote economic development. (*Staff Contact: Matt Ribitzki, Sr. Deputy City Attorney/Director of Legal Services*)

- R. Consider approval of an estoppel certificate concerning Burleson Cold Storage, LP and Burleson Cold Storage II, LP Tax Abatement Agreement on the subject property in HighPoint Business Park. *(Staff Contact: Alex Philips, Economic Development Director)*
- S. Consider approval of a five year professional services agreement with Front Line Mobile Health, PLLC through a cooperative purchasing agreement with the City of Fort Worth for the services of Fire Department annual medical evaluations and pre-employment medical evaluations in the amount of \$450,000. *(Staff Presenter: Josh Jacobs, Assistant Fire Chief)*
- T. Consider approval of an Interlocal Agreement for Fire Protection Service with Johnson County Emergency Service District No. 1 that will provide automatic/mutual aid services to the City of Burleson. *(Staff Contact: K.T. Freeman, Fire Chief)*
- U. Consider approval of a settlement agreement and mutual release with Paul Karmy, Darlene Karmy, and Christ Chapel Bible Church concerning the real property commonly known as 430 N Burleson Blvd and 220 Centre Drive in Burleson, Johnson County, Texas.
- V. Consider approval of a minute order authorizing the purchase of EMS supplies pursuant to an existing Cooperative Purchasing Interlocal Agreement with the City Midlothian for EMS supplies from Bound Tree Medical, LLC in the amount not to exceed \$234,000. *(Staff Contact: Casey Davis, Assistant Fire Chief)*
- W. ETJ Release Petition for 7901 & 8001 CR 802 and 1820 FM 731 (Case 23-313): Consider approval of a resolution ratifying the petition for release from the City of Burleson's extraterritorial jurisdiction (ETJ) for approximately 97.248 acres of land located at 7901 & 8001 CR 802 and 1820 FM 731. *(Staff Contact: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item.)*
- X. ETJ Release Petition for 819 W Bethesda Rd (Case 23-326): Consider approval of resolution ratifying the petition for release from the City of Burleson extraterritorial jurisdiction (ETJ) for approximately 25.925 acres of land located at 819 W Bethesda Rd. *(Staff Presenter: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item)*
- Y. ETJ Release Petition for 10413 CR 1016 (Case 23-331): Consider approval of resolution ratifying the petition for release from the City of Burleson extraterritorial jurisdiction (ETJ) for approximately 1.281 acres of land known as Lot 2, Block 1, Pruitt Addition; addressed as 10413 CR 1016. *(Staff Presenter: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item)*
- Z. ETJ Release Petition for 5201 CR 707 (Case 23-316): Consider approval of resolution ratifying the petition for release from the City of Burleson's extraterritorial jurisdiction (ETJ) for approximately 12.005 acres of land, located at 5201 CR 707. *(Staff Contact: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item)*
- AA. ETJ Release Petition for 7216 CR 802 (Case 23-318): Consider approval of resolution ratifying the petition for release from the City of Burleson extraterritorial jurisdiction (ETJ) for approximately 1.558 acres of land located at 7216 CR 802. *(Staff Contact: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item)*

- BB. ETJ Release Petition for 8048 CR 802 (Case 23-332): Consider approval of resolution ratifying the petition for release from the City of Burleson extraterritorial jurisdiction (ETJ) for approximately 1.281 acres of land known as Lot 1, Block 1, Dunder Mifflin Estates; addressed as 8048 CR 802. *(Staff Presenter: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item)*

## **6. DEVELOPMENT APPLICATIONS**

- A. The Prairie at Chisholm Trail (Case 23-149): Hold a public hearing and consider approval of an ordinance for a zoning change request from "A", Agricultural to "PD" Planned Development for a single-family attached and townhome development with a commercial component located at 6401 CR 910Z. *(First and Final Reading) (Staff Presenter: Tony D. McIlwain, Development Services Director) (The Planning and Zoning Commission recommended disapproval by unanimous vote)*
- B. Gina's Pizza at 319 NW Renfro St. (Case 23-287): Consider approval of a resolution for variances to Chapter 63, Sign Regulations, relating to conformity, location and separation of a pole sign. *(Staff Presenter: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item.)*

## **7. GENERAL**

- A. Consider approval of a resolution declaring intention to reimburse an amount not to exceed \$41,820,000 for Council approved capital projects with the FY23/24 budget and capital improvement plan. The resolution will give the City the ability to begin incurring capital expenditure costs of these projects with the intent of reimbursing the cost incurred with proceeds from bond debt to be issued at a future date and placing time restrictions on the issuance of tax-exempt obligations. *(Staff Presenter: John Butkus, Finance Director)*
- B. Consider approval of a resolution authorizing the Texas Coalition of Affordable Power to purchase electricity through a strategic hedging program on behalf of the city of Burleson beginning January 1, 2026. *(Staff Presenter: Justin Scharnhorst, Assistant to the City Manager)*
- C. Consider approval of a Reimbursement Agreement and an amendment to the permanent easement with Texas Midstream Gas Services L.L.C. for relocation of the existing 12" gas pipeline located on the south side of the Burleson Police Department complex in the amount of \$1,197,000.00. *(Staff Presenter : Errick Thompson, Director of Public Works & Engineering)*
- D. Consider approval of a minute order adopting the Mobility Plan, and Water & Wastewater Master Plan. *(Staff Contact: Errick Thompson, Director of Public Works & Engineering)*
- E. Hold a Public Hearing and consider approval of an ordinance amending the Roadway Impact Fee Ordinance (CSO#1479-08-2020); finding that the meeting at which this ordinance is passed was open to the public and that the recitals are true; containing a severability clause, cumulative clause, and effective date. *(First Reading) (Staff Presenter: Errick Thompson, Director of Public Works & Engineering)*
- F. Hold a Public Hearing and consider approval of an ordinance amending the Water and Wastewater Impact Fee Ordinance (CSO#977-02-2019); finding that the meeting at which this ordinance is passed was open to the public and that the recitals are true; containing a severability clause, cumulative clause, and effective date. *(First Reading) (Staff Presenter: Errick Thompson, Director of Public Works & Engineering)*

- G. Consider approval of a resolution casting votes for the election of members to the Johnson County Central Appraisal District Board of Directors. *(Staff Presenter: Eric Oscarson, Deputy City Manager)*
- H. Consider approval of a resolution casting votes for the election of members to the Tarrant County Central Appraisal District Board of Directors. *(Staff Presenter: Eric Oscarson, Deputy City Manager)*

## **8. REPORTS AND PRESENTATIONS**

- A. Receive a report, hold a discussion and provide staff direction regarding landscaping along Lakewood Drive. *(Staff Presenter: Errick Thompson, Director of Public Works & Engineering)*
- B. Receive a report, hold a discussion, and provide staff feedback regarding a financial overview of the Parks Performance Fund. *(Staff Presenter: Jen Basham, Director of Parks and Recreation)*
- C. Receive a report, hold a discussion and provide staff direction regarding an update to the city's zoning ordinance. *(Staff Presenter: Tony McIlwain, Development Services Director)*

## **9. CITY COUNCIL REQUESTS AND FUTURE AGENDA ITEMS AND REPORTS**

## **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 Lighthouse Incident Case Number 90743858

-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

-Receive a report and hold a discussion regarding the results of water samples from 616 Memorial Plaza in Burleson, Johnson County, Texas

- Receive a report and hold a discussion regarding TMLIRP Claim No. LB203790/City Claim No. 2023-025

### **B. Discussion regarding possible purchase, exchange, lease, or value of real property pursuant to Section 551.072, Texas Government Code**

-Approximately 30.76 acres of land in Burleson, Johnson County, Texas near the intersection of SW Hulen St and SW Alsbury Blvd, commonly known as 2140 SW Hulen St, 2410 SW Hulen St, 2250 SW Hulen St, and 1303 SW Hulen St

-555 E Hidden Creek Parkway 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, Texas Government Code**

-Project Lunchbreak

-Project Retail

**11. ADJOURN****CERTIFICATE**

I hereby certify that the above agenda was posted on this the 8th of November 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.