

COUNCIL AGENDA

**BURLESON CITY HALL – 7:00 P. M.
(141 W. RENFRO)**

January 13, 2005

Call to Order

Invocation

Pledge of Allegiance

Items for Council Action

Items to be withdrawn from the consent agenda for separate discussion.

Items to be withdrawn by staff.

Consent Agenda

All items under this section are recommended for approval for the "Consent Agenda". These items are of a routine nature and require only brief deliberation by the Council. The City Staff has briefed the Council on these items. Approval of the consent agenda authorizes the City Manager to implement each item in accordance with staff recommendation.

- 1a. Approve the minutes of the December 9, 2004, regular session of Council.**
- 1b. Financial transactions.**
- 1c. Ordinances proposed for final reading.
 - 1. Ordinance B-729, adopting the Burleson Old Town Design Standards. (Final reading)**
 - 2. Ordinance C-575, creating the Old Town Development Standards Review Committee, providing for appointment and terms; providing for qualifications of members; establishing duties and powers of the committee. (Final reading)****
- 1d. Consideration of a mutual aid agreement with the Tarrant County Emergency Services District and authorizing the Mayor to sign.**
- 1e. Appointment of a representative and an alternate to Fort Worth Wholesale Customer Advisory Committee.**
- 1f. Consideration of a personal service contract with Gib Lewis for legislative consulting and authorizing the City Manager to sign.**
- 1g. Resolution 994, authorizing the City of Burleson to retain the law firm of Varnum, Riddering, Schmidt & Howlett, LLP for assistance regarding renewal of the Charter Communications, Inc. cable television franchise.**

- 1h. Consideration of an engineering services contract with Schrickel, Rollins, and Associates, Inc. for the IH-35W/Renfro waterline relocation project and authorizing the City Manager to execute the contract.**
- 1i. Award the bid for half-ton pickup.**
- 1j. Ordinance D-036, changing the zoning on an approximately 1.71-acre tract of land out of the Samuel Myers Survey, Abstract No. 627 and the John W. Rawls Survey, Abstract No. 728 from Agricultural (A) to Commercial (C). (located at 2701 S. IH-35W.) (First reading)**
- 1k. Ordinance D-037, changing the zoning on lot 1, Block 11, Alsbury Estates East, Phase 2 from Single-Family 7 (SF7) to Neighborhood Services (NS). (located at 900 N.E. Alsbury Blvd.) (First reading)**
- 1l. Ordinance D-039, changing the zoning on four tracts (288.545-acres) out of the S.M. Blair Survey, Abstract No. 65; the G.R. Shannon Survey, Abstract No. 1205 and the S.M. Blair Survey, Abstract No. 66. (located adjacent to the 300-700 block of Shaffstall Road.)**
 - Rezoning of the property has been requested as follows:**
 - Tract 1 – Approximately 272.386-acres from Agricultural (A) to Single-Family 7 Density Option (SF7D);**
 - Tract 2 – Approximately 11.235-acres from Agricultural (A) to Two-Family (2F);**
 - Tract 3 – Approximately 2.199-acres from Agricultural (A) to Neighborhood Services (NS); and**
 - Tract 4 – Approximately 2.725-acres from Agricultural (A) to Neighborhood Services (NS). (First reading)**
- 1m. Final plat of lots 1 & 2, Block 2, Burleson Crossing, an approximately 1.333-acre tract of land. (located on the 400 block of E. Renfro.)**
- 1n. Final plat of Rolling Meadows, Phase Three, an approximately 26.31-acre tract of land. (located adjacent to the intersection of CR 602 and CR 527.)**
- 1o. Final plat of the Duval Addition, an approximately 2.538-acre tract of land. (located at the intersection of N. Commerce Street and Rudd Street.)**
- 1p. Resolution 995, directing publication of notice of intention to issue certificates of obligation, series 2005; and providing an effective date.**
- 1q. Resolution 996, providing for regular license plates on certain police department vehicles.**
- 1r. Award the bid for concrete repair & new installation.**

Presentations

2a. 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 discussing 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.)

Cable Franchise

3a. Public hearing regarding Charter Communications cable franchise renewal.

This is the continuation of a public hearing held pursuant to notice on the request by Charter Communications to renew its franchise to provide cable service in the City of Burleson. It is intended to offer citizens the opportunity to comment on:

- 1. Charter Communications' performance under the current franchise and**
- 2. The future cable-related needs of the community.**

We will now receive comments or documents from members of the public on these matters.

Bids and Specifications

4a. Approve and authorize a call for Request for Proposals for subsurface mineral right development on the Chisenhall Park Property.

Engineering

5a. Ordinance B-730, establishing a speed limit of 40 miles per hour on Hurst Road from FM 3391 (East Renfro Street) to Hidden Creek Parkway and establishing a school zone speed limit of 20 miles per hour on Hurst Road from 200 feet north of Evandale to Hidden Creek Parkway. (First reading)

Utilities

6a. Resolution 997, suspending the proposal by Atmos Energy Corporation to implement interim GRIP rate adjustments, authorize participation with other cities served by Atmos Energy Corporation, Mid-Tex Division in a review and inquiry regarding the rates and authorizing intervention in administrative and court proceedings involving the rate adjustments, designating a representative to a steering committee and requiring reimbursement of reasonable legal and consultant expenses.

- 6b. Resolution 998, authorizing intervention before the Railroad Commission of Texas in gas utilities docket (GUD) No. 9530; authorizing participation with other cities served by Atmos Energy Corporation, in administrative and court proceedings involving a gas cost prudence review related to a filing made in September of 2004 as required by the final order in GUD No. 8664; designating a representative of the city to serve on a steering committee; requiring reimbursement of reasonable legal and consultant expenses.**

Council Action

- 7a. Resolution 999, outlining the City Council's legislative priorities for the 79th Legislative Session.**
- 7b. Consideration of an appointment to the Capital Improvements Advisory Committee.**
- 7c. Consideration to appoint 3 councilmembers to the Park Capital Improvement Panel.**

Staff Reports

- 8a. Presentation on the colors of future Fire Department apparatus.**

Council Comments

- 9a. Non-agenda council comments.**

(In compliance with the Texas Open Meetings Act, Council members may comment on routine city matters, may ask questions of staff that require only responses of factual information or statements of existing city policy, or may request that non-routine matters of public concern be placed on a future agenda. Council members may not discuss non-agenda items among themselves.)

Staff Comments

- 10a. Non-agenda staff comments.**

(In compliance with the Texas Open Meetings Act, city staff members may comment on routine city operations and projects. Staff members may respond to questions from others only with statements of factual information or existing city policy.)

Executive Session

- 11a. Pursuant to Sec. 551.071 of the Texas Government Code, the city 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. In addition the Council will convene in executive session to discuss the following:

(A) pending or contemplated litigation including but not limited to the following:

- (1) City of Burleson vs. Club Mark Corporation.**
- (2) City of Burleson vs. Moritz Interests, Inc.; and Moritz Interests, Ltd.; and Conaster Construction, Inc.; and Conaster Construction I, Inc.**
- (3) Floyd Bartula, et al. V. City of Burleson, Texas**
- (4) City of Cleburne, Texas and City of Burleson, Texas v. Johnson County Rural Fire Prevention District.**
- (5) City of Burleson, Texas and City of Cleburne, Texas v. City of Joshua, Texas**

(B) a settlement offer;

(C) a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the chapter.

- 11b. Pursuant to Sec. 551.072, deliberation regarding the purchase, exchange, lease or sale of real property for future expansion of certain programs and services.**
- 11c. Pursuant to Sec. 551.087, deliberation regarding Economic Development Negotiations including (1) discussion or deliberation regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; OR (2) deliberation of a financial or other incentive to a business prospect described in (1) above.**
- 11d. Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.**

POSTED this the 10th day of January, 2005, in the Burleson City Hall, 141 W. Renfro, Burleson, Texas. TIME: 5:00 P.M.

Mary J. Kayser, 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 817-447-5400 or TDD 1-800-735-2989.