

AGENDA

BURLESON CITY COUNCIL MEETING August 24, 2006

BURLESON CITY HALL
141 W. RENFRO
BURLESON, TX 76028

Call to Order

WORK SESSION – 6:00 PM

1. Presentation and discussion with the Heritage Foundation of Rail Car Project.
2. Budget 2006-2007
3. Sale of realistic toy guns
4. Discussion of all items on tonight's meeting. No action will be taken and each item will be considered during the Regular Session.
5. **Executive Session:** Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, 551.076, 551.087, and Section 418.183(f) of the Texas Government Code (Texas Disaster Act). Refer to posted list attached hereto and incorporated here in. **Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council meeting.**
6. Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

Proclamations

REGULAR SESSION 7:00 PM OR IMMEDIATELY FOLLOWING THE WORK SESSION

Call to Order

Invocation – Gloria Gillaspie, The Lighthouse Church

Pledge of Allegiance

Items to be continued or withdrawn

Items to be withdrawn from the consent agenda for separate discussion.

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.

1. General

- A. Approve the minutes from the August 10, 2006 regular session.
- B. Financial Transactions.

Ordinances for First Reading

- C. Ordinance C-601-06 vacating and abandoning portions of Ellison Street, Scott Street and Old Alvarado Road. (First Reading)

Ordinances for Final Reading

- D. Ordinance C-600-06, relating to access to Public Information as required by the Public Information Act and the administration of the City's responsibilities under the Public information Act. (Final Reading)
- E. Ordinance B-755-06, Industrial Waste Ordinance Revision. (Final Reading)
- F. Ordinance B-756-06, amending Chapter 38, Fire Prevention and Protection, Article V Uniform Fire Code of the Code of Ordinances of the City of Burleson, Texas (2005) to regulate the storage, use, possession or sale of fireworks within 5000 feet of the corporate limits of the city. (Final Reading)
- G. Ordinance B-757-06 Concerning Right Of Way Infrastructure Maintenance. (Final Reading)
- H. Ordinance D-070-06, rezoning of 203.9 acres from (A) Agricultural and (SF7) Single Family 7 to (PD) Planned Development located north and south of Hidden Creek Parkway and west of the Union Pacific Railroad. (Final Reading)

Plats

- I. Request approval of an amending plat of 117 lots, Blocks 1-9, 29.214 acres of Shannon Creek, Phase One located north of Shaffstall Road, west of SH 174 (Wilshire Boulevard). (Case 06-101)
- J. Request approval of a replat of Lot 14, Block 7, into Lots 14RA and 14RB, Block 7, 5.17 acres of Ridgecrest Estates Section Two located east of County Road 803, south of FM 917. (Case 06-099)
- K. Request approval of a replat of Lot 2, Block 1 into Lots 2R-1 through 4, Block 1, 7.79 acres of Wolfe Addition located southeast of County Road 1016, and northeast of County Road 916. (Case 06-100)

Other items for consideration

- L. Award ITB 2006-032 Automotive and Light Truck Body Repair.

Presentations

2. A. 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.)

Public Hearings

3. A. Public Hearing and consideration of a request by Four Sevens Operating Company for a gas well drilling permit, known as the ZFN Triplets #1H, on 74.59 acres located north of the end of Hemphill Street and the Hampton Place Subdivision (Case 06-088)

Ordinances & Resolutions

4. A. Remove from the table and consider approval of Ordinance D-071-06, approving a Special Use Permit for a Monopole Communications Tower by the City of Burleson, located at 231 SW Brushy Mound Road. (Water Tower Site). (Case 06-094) (First Reading)
- B. Ordinance D-072-06, request a rezoning from SF7D Single Family 7 Development Option to PD Planned Development for Shannon Creek Development on 138.452 acres located north of Shaffstall Road, east of the Burlington Northern Railroad (Case 06-102) (First Reading)
- C. Ordinance D-073-06, request a rezoning from A Agricultural to C Commercial for 4.00 acres located on the southeast corner of Interstate 35 W and FM 917. (Case 06-104) (First Reading)
- D. Resolution 1061-06, calling a special election for November 7, 2006.

Contracts & Agreements

5. A. Consideration of an Engineering Services contract with Graham Associates, Inc. for the design of sanitary sewer improvements for the Quil Miller Creek Wastewater Trunk Main and authorizing the City Manager to execute the contract.
- B. Consideration of an Engineering Services Contract with Schrickel, Rollins and Associates, Inc., for the design of landscape improvements on Hidden Creek Parkway.
- C. Consideration of an Engineering Services Contract with Wier & Associates, Inc., for the design of the North Creek Relief Line.
- D. Consideration of an Engineering Services Contract with Jerry Parche consulting Engineers for the design of sanitary sewer improvements for the Valley View Estates Outfall Sewer (Village Creek Sanitary Sewer to Valley View Estates and authorizing the City Manager to execute the contract.
- E. Authorization to participate in the cost of oversizing a sewer line within Prairie Timber Estates.

Other Items for Consideration

6. A. Discuss and Consider Mineral Rights options on pump station on Shaffstall property. (Lot 1, Block 1, Shaffstall Water Tank Edition)
- B. Set the date for the Public Hearing for the 2006-2007 proposed budget.
- C. Setting September 28, 2006, as the date for the adoption of the 2006 ad valorem tax rate.
- D. Setting the dates for the Public Hearing on the 2006 ad valorem tax rate as September 14, 2006 at 7:00pm, and September 19, 2006 at 6:00 pm.
- E. Remove from the table and consider approval of 163 Lots, Blocks 1-6, 43.696 acres of Mountain Valley Heights Phase II, located west of SH 174 (Wilshire Boulevard) and South of Lakewood Drive. (Case 06-086)

Reports

7. A. Ordinance amending Chapter 34, Environment, of the Burleson Code of Ordinance, by amending Article V regarding noise nuisances. (Case 06-110)
- B. Various department reports.

Council and Staff Comments

8. A. Non-agenda council and staff 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.) (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

9. A. **Executive Session:** Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, 551.076, 551.087, and Section 418.183(f) of the Texas Government Code (Texas Disaster Act). Refer to posted list attached hereto and incorporated here in. **Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council meeting.**

Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

CERTIFICATE

I hereby certify that the above agenda was posted on this the _____ day of _____, 2006, by 5:00 P.M., on the official bulletin board at the Burleson City Hall, 141 W. Renfro, Burleson, Texas.

Mary J. Kayser,
City Secretary

(City Seal)

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.

EXECUTIVE SESSION

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) Floyd Bartula, et al. V. City of Burleson, Texas
- (2) AT&T Fiber Optic Cable Litigation, US District Court, Southern District of Indiana.
- (3) Andrea Conzoneri-Kyle vs. City of Burleson, Texas.
- (4) Nashville vs City of Burleson, Rovin Inc. and Paradigms for Success, Inc.
- (5) City of Burleson Texas vs Tolmay Enterprises Inc.
- (6) Kevin Schronk, Individually and as Representative of the Estate of Helen Schronk, Deceased, and Dustin Schronk vs. City of Burleson and Laerdale Medical Corp. Cause No. C200600118 – In the 413th District Court for Johnson County, Texas
- (7) Pedro Munzo vs City of Burleson, Texas
- (8) John David McShan, Sr. et al vs City of Burleson, 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.

Pursuant to Sec. 551.072, deliberation regarding the purchase, exchange, lease or sale of real property for future expansion of certain programs and services.

Pursuant to Sec. 551.076, deliberation regarding security devices.

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.

Pursuant to Section 418.183(f) of the Texas Government Code (Texas Disaster Act) regarding critical infrastructure.