

Memorandum

To: Honorable Mayor Shetter and members of the Burleson City Council

From: Amanda McCrory, City Secretary

Date: January 20, 2009

Subject: Minutes of the January 5, 2009, regular Council session.

Council Action Requested:

Approve the minutes of the January 5, 2009, regular Council session.

Background Information:

Board/Citizen Input:

Financial Considerations:

Attachments:

Minutes of the January 5, 2009, regular Council session.

Staff Contact:

Amanda McCrory

City Secretary

817-447-5400 ext. 277

BURLESON CITY COUNCIL WORK SESSION

January 5, 2009
DRAFT MINUTES

Roll Call:

Council present:

Stuart Gillaspie
Jim Wadlow
Matt Powell
Ken Shetter
Dan McClendon
Carter Mahanay
Chip Stephens

Council Absent:

Staff

Curtis E. Hawk, City Manager
Paul Cain, Deputy City Manager
David Wynn, Deputy City Manager
Allen Taylor, City Attorney

WORK SESSION – Call to order – Time: 6:21 p.m.

1. Presentation of Gas Well Inspections and Discussion of Ordinance Revisions.

Aaron Russell, Director of Public Works and Engineering reviewed the proposed revisions of Ordinance B-775-07.

** The Gas Well Inspection Report will be done immediately after the consent agenda.*

2. **Discussion of all items on tonight's meeting. No action will be taken and each item will be considered during the Regular Session.**
3. **Executive Session: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, 551.073, 551.074, 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.**

Motion was made by Jim Wadlow and seconded by Stuart Gillaspie to convene into executive session.

Motion passed 7-0. **Time: 7:00p.m.**

4. Reconvene into open session for possible action.

Motion was made by Jim Wadlow and seconded by Matt Powell to reconvene into open session.

Motion passed 7-0. **Time: 7:24p.m.**

Motion was made by Dan McClendon and seconded by Chip Stephens to Authorize payment not to exceed \$19,000.00 to Mr. Jeff Tillman for appraisal services.

Motion passed 7-0.

BURLESON CITY COUNCIL REGULAR SESSION
January 5, 2009
DRAFT MINUTES

Roll Call:

Council present:

Stuart Gillaspie
Jim Wadlow
Matt Powell
Ken Shetter
Dan McClendon
Carter Mahanay
Chip Stephens

Council Absent:

Staff

Curtis E. Hawk, City Manager
Paul Cain, Deputy City Manager
David Wynn, Deputy City Manager
Allen Taylor, City Attorney

REGULAR SESSION – Call to order – Time: 7:25p.m.

Invocation – Councilmember Matt Powell

Pledge of Allegiance

Proclamations

Items to be continued or withdrawn

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

Consent Agenda

1A. Approve the minutes from the December 11, 2008.

Motion was made by Matt Powell and seconded by Jim Wadlow to approve.

Motion passed 7-0.

1B. Financial Transactions.

Motion was made by Matt Powell and seconded by Jim Wadlow to approve.

Motion passed 7-0.

Vendor / Description	Amount	Fund
REQUISITIONS OVER \$3,000:		
Center Point Publishing – Books for the library.	4,255.07	GF
Modern Contractors, Inc. – Preconstruction fees for fire station #3.	7,500.00	4AST
Magee Associates, LP – Architect fees for fire station #3.	26,825.16	4AST
Lynn Smith Chevrolet – Fuel pump repairs to truck #293 in the Fire Dept.	3,385.14	ESF
Campbell's Auto Body – Repairs to Facility Maintenance Dept truck #322 as a result of a theft.	3,903.76	ESF
Ingram Library Services – Books for the library.	9,841.70	GF
Crafco Texas, Inc. – Crack sealer for the Street Pavement Maintenance Dept.	6,600.00	GF
KMP Graphics – Graphics for new police vehicles.	3,603.60	ERF
Industrial Power Isuzu Truck – Repairs to garbage trucks #317 & #318 in the Solid Waste Dept.	3,796.65	ESF
Industrial Power Isuzu Truck – Repairs to ladder truck in the Fire Dept. (Emergency purchase – see attached memo)	7,416.05	GF
Ace Fence Company – McAlister Road fence reconstruction.	12,400.00	2007GOB
Chastang's Bayou City Ford – Brush truck for the Fire Dept.	110,689.00	ERF
Southern Tire Mart – Stock of tires for the Equipment Services Dept.	65,000.00	ESF
PAYMENTS OF \$3,000:		
Burleson Area Chamber of Commerce – Quarterly contribution to the BACC.	10,750.00	H/M
North Central Texas Council of Governments – Emergency preparedness fees for FY 2009.	4,000.00	GF
Kimley-Horn and Associates – Lakewood Drive median opening traffic impact analysis review and consulting services.	4,000.00	GF
O'Reilly Auto Parts – Materials and supplies for the various city departments.	3,057.54	GF/W&S/ ESF
Central Appraisal District – Appraisal services for FY 2009.	131,712.68	GF
Tarrant Appraisal District – Appraisal services for FY 2009.	19,487.00	GF

Southwest International Trucks – Purchase 5 yard dump truck for streets – BuyBoard Contract #281-07	79,390.80	ERF
Planet Ford – Purchase 4 - ½ Ton pickups for Water and Facilities – BuyBoard Contract #281-07	75,640.00	ERF
Philpott Motors Company – Purchase 1 – 1 Ton with Specialty Body – HGAC Contract #VE03-06	39,760.00	ERF

1C. Consideration of a Professional Services Contract with Crafton, Tull, Sparks & Associates, Inc., for a conceptual/preliminary engineering design of an overpass over I-35W at County Road 711 and authorize the City Manager to execute.

Motion was made by Matt Powell and seconded by Jim Wadlow to approve.

Motion passed 7-0.

1D. Consideration of an Amendment to the AIA Professional Services Agreement with GSBS for re-design of the Bartlett Park Recreation Center resulting from value engineering and authorize the City Manager to execute the agreement.

Motion was made by Matt Powell and seconded by Jim Wadlow to approve.

Motion passed 7-0.

1E. Consideration of a Professional Services Contract with James Kelly, DBS Blue Moon Acquisitions for real estate acquisitions for the Hidden Creek Parkway Project and authorize the City Manager to execute.

Motion was made by Matt Powell and seconded by Jim Wadlow to approve.

Motion passed 7-0.

1F. Ordinance C-637-07(B0109), establishing rates to be charged for all residential and commercial customers for recyclables and solid waste collection and disposal. (First Reading)

Motion was made by Matt Powell and seconded by Jim Wadlow to approve.

Motion passed 7-0.

1G. Replat of Lots 2-R-1, 2-R-2 and 2-R-3, Block 1, Seventh Day Adventist Burluson Addition located along the east side of IH35 W and north of Hidden Creek Parkway. (Case 08-127)

Motion was made by Matt Powell and seconded by Jim Wadlow to approve.

Motion passed 7-0.

1H. Final Plat of Lot 1, Block 1, Young Addition located on the northwest corner of Cummings Drive (CR 600) and CR 517 in the Burleson ETJ. (Case 08-155).

Motion was made by Matt Powell and seconded by Jim Wadlow to approve.

Motion passed 7-0.

1I. Minute Order MO-09-051, accepting the Water / Wastewater Impact Fees Report.

Motion was made by Matt Powell and seconded by Jim Wadlow to approve.

Motion passed 7-0.

Presentations

**Work Session presentation*

Collin Gregory, Gas Well Inspector, gave a Report to Council on the Gas Well Security Enforcement.

**Moved up in the agenda because it was a related item to Gas Well presentation.*

4A. Ordinance B-775-07(A0109), amending sections of Article VII of Chapter 14 regulating the drilling and production of gas wells within the City of Burleson. (First Reading)

Aaron Russell, Director of Public Works and Engineering presented the revisions to Ordinance B-775(A0109).

Motion was made by Stuart Gillaspie and seconded by Dan McClendon to approve.

Motion passed 7-0.

**Moved up in the agenda in consideration of the members of the Cemetery Board present.*

7A. Discussion of Burleson Memorial Cemetery Operations and Management Agreement between Burleson Cemetery Operators, LLC and City of Burleson.

Jim Lucas, President of Lucas Blessing and Judee Brown, representative handling the day to day operations from Lucas Blessing, Burleson Cemetery Operators LLC presented to council an update on the Cemetery.

Michelle Griffith, chair of Cemetery Board, updated the council on the work the Cemetery Board has done together with Burleson Cemetery Operators, L.L.C.. Barb Shire ,435 SE Gardens, has been an active participation in the Burleson Cemetery where her son is buried. The clean-up removed several items from the memorial of his son that had been there for over 10 years.

2A. Citizens Appearance

Break 8:57 p.m. – 9:12 p.m.

Public Hearings and Related Ordinances

3A. Public Hearing and consideration of Ordinance D-095-08 for a specific use permit (SUP) for First Baptist Church of Joshua , located within single family 7 (SF7) zoning district on a portion of Abstract No. 178 and a portion of Abstract No. 179, H.G.Catlett Survey, Johnson County, Texas along the north side of Wilshire Boulevard between Lakewood Drive and Wicker Hill Road. (Case No. 08-132)

Shai Roos, Director of Community and Economic Development presented to council Ordinance D-095-08 for a specific use permit (SUP) for First Baptist Church, of Joshua located within single family 7 (SF7) zoning district on a portion of Abstract No. 178 and a portion of Abstract No. 179, H.G.Catlett Survey, Johnson County, Texas along the north side of Wilshire Boulevard between Lakewood Drive and Wicker Hill Road. (Case No. 08-132)

Mayor Shetter opened the public hearing: Time: 9:18 p.m.

Arnold Lester, 2435 Buffalo Run, Burleson, TX 76028, wanted to make sure all the trees will remain as they are. Wants to make sure the placement of the shrubs achieves the correct coverage.

Mayor Shetter closed the public hearing: Time: 9:21 p.m.

Motion made by Stuart Gillaspie and seconded by Jim Wadlow to approve.

Motion passed 7-0.

3B. Public Hearing for a waiver from Section 8.2 G of the Burleson Design Standards Manual regarding the maximum length of a dead-end street and consideration of a preliminary plat for Lots 1-4, Block 1 D&D Addition at the intersection of CR 531 and Wood Date Dr. located in the Extraterritorial Jurisdiction (ETJ). (Case 08-151)

Shai Roos, Director of Community and Economic Development presented to council the waiver from Section 8.2 G of the Burlison Design Standards Manual regarding the maximum length of a dead-end street and consideration of a preliminary plat for Lots 1-4, Block 1 D&D Addition at the intersection of CR 531 and Wood Dale Dr. located in the Extraterritorial Jurisdiction (ETJ). (Case 08-151) and the Final Plat of Lots 1-4, Block 1, D&D Addition at the intersection of CR 531 and Wood Dale Dr. located in the Extraterritorial Jurisdiction (ETJ) (Case 08-171)

Mayor Shetter opened the public hearing: Time: 9:26 p.m.

No speakers

Mayor Shetter closed the public hearing. Time: 9:26 p.m.

Motion was made by Matt Powell and seconded by Chip Stephens to approve.

Motion passed 7-0.

3C. Final Plat of Lots 1-4, Block 1, D&D Addition at the intersection of CR 531 and Wood Dale Dr. located in the Extraterritorial Jurisdiction (ETJ) (Case 08-171)

**Presentation combined with item 3B.*

Motion made by Matt Powell and seconded by Chip Stephens to approve.

Motion passed 7-0.

Ordinances & Resolutions

4A. Ordinance B-775-07(A0109), amending sections of Article VII of Chapter 14 regulating the drilling and production of gas wells within the City of Burlison. (First Reading)

** Moved up in the agenda.*

4B. Ordinance B-784-09, amending Chapter 82, Utilities of the Code of Ordinances of the City of Burlison by adding regulations regarding the installation of irrigation systems within the corporate limits of the City. (First Reading)

Shai Roos, Director of Community and Economic Development presented to council Ordinance B-784-09, amending Chapter 82, Utilities of the Code of Ordinances of the City of Burlison by adding regulations regarding the installation of irrigation systems within the corporate limits of the City. (First Reading)

Motion was made by Matt Powell and seconded by Chip Stephens to approve.

Motion passed 7-0.

Contracts & Agreements

5A. No items for consideration at this time.

Other Items for Consideration

6A. Minute Order MO-09-052 request by Mark Minor for Council to consider placing on the January 20, 2009 City Council agenda, an extension to R-1110-08, on the moratorium on the enforcement of any city ordinances or codes prohibiting the storage or retail or wholesale of fireworks.

Stacy Singleton, Fire Marshal, presented to council Minute Order MO-09-052 request by Mark Minor for Council to consider placing on the January 20, 2009 City Council agenda, an extension to R-1110-08, on the moratorium on the enforcement of any city ordinances or codes prohibiting the storage or retail or wholesale of fireworks.

Mark Minor presented to council his reasons for requesting the extension to R-1110-08.

Motion was made by Dan McClendon and seconded by Chip Stephens to place an extension on R-1110-08 on the January 20, 2009 agenda.

Motion passed 7-0.

6B. Any action necessary pertaining to recommendation of Charter Review Committee.

Curtis E. Hawk, City Manager, presented the recommendation of the Charter Review Committee.

Tom Collett, 1141 N.W. Renfro, Burleson, TX 76028, member of the Charter Review Committee, thanked staff and the other members of the Charter Review Committee.

Council would like staff to bring forward the ordinance to call a special election for charter amendment.

6C. Red Light Camera Traffic Enforcement.

No presentation nor discussion.

Reports

7A. Discussion of Burleson Memorial Cemetery Operations and Management Agreement between Burleson Cemetery Operators, LLC and City of Burleson.

**Moved up in the agenda.*

7B. Discussion of City of Burleson Legislative Agenda.

Curtis E. Hawk, City Manager will bring forward at the next council meeting a Resolution stating the Burleson Legislative Agenda.

Executive Session

8A. Executive Session: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, 551.073, 551.074, 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.

There being no further business Mayor Shetter adjourned the meeting.

Time: 10:45 p.m.

Amanda J. McCrory
City Secretary