

AGENDA
BURLESON CITY COUNCIL MEETING
January 20, 2009

BURLESON CITY HALL
141 W. RENFRO
BURLESON, TX 76028

Call to Order

WORK SESSION – 6:00 p.m.

1. Discussion of Tree Preservation Ordinance.
2. Discussion of items listed on tonight's city council agenda.
3. **Executive Session:** Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071. Sec. 551.072, Sec. 551.073, Sec. 551.074, Sec. 551.076, Sec. 551.087 and Sec. 418.0183(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 exception, 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.**
4. Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

Proclamation and Certificates

REGULAR SESSION – 7:00 p.m.

Call to Order

Invocation

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Items to be continued or withdrawn

Items to be withdrawn from the consent agenda for separate discussion.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”. Each is of a routine nature and requires 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 recommendations.

General

1. A. Approval of the minutes from the January 5, 2009 regular council meeting.
- B. Financial Transactions.

Ordinances & Resolutions

- C. Ordinance B-784-09, amending Chapter 82, Utilities of the Code of Ordinances of the City of Burleson by adding regulations regarding the installation of irrigation systems within the corporate limits of the City. (Final Reading)
- D. Ordinance C-637-07(B0109), establishing rates to be charged for all residential and commercial customers for recyclables and solid waste collection and disposal. (Final Reading)
- E. Resolution R-1142-09, endorsing the appointment by the Commissioners Court of Johnson County of County Judge Roger Harmon to the Regional Transportation Council of the North Central Texas Council of Government.

Contracts & Agreements

- F. Interlocal Agreement with the Burleson Independent School District for the Construction of Hurst Road between Renfro Street and the Northern Drive Approach for the Proposed High School and authorize the Mayor to execute.
- G. Master Agreement for Professional Services with Freese and Nichols, Inc. for On-Call Engineering Services generally related to Development Review and authorize the City Manager to Execute
- H. Consideration of an amendment to the Comprehensive Plan contract with Freese and Nichols, Inc resulting from an enhanced public input process and authorize the City Manager to execute the agreement
- I. Consideration of a second amendment to the Chapter 380 Economic Development Agreement between the City of Burleson and Burleson Commons, L.P
- J. Reconsideration of a request from Texas Midstream Gas Services of a license agreement for the purpose of installing a natural gas transmission line across city owned property located south of Spinks Airport defined as Abstract 496 TR4A, A Lee Survey, Johnson County, Texas and authorize the City Manager to execute the revised agreement
- K. Business Internet Service Agreement with Charter Business to provide Internet service to the City of Burleson facilities and authorize the City Manager to execute.

Other Items of Consideration

- L. Award the annual contract for Janitorial Supplies & Paper products to JanPak, Corporate Express – a Staples Company and Bennett Printing & Office Supply. (ITB 2009-015)
- M. Award the annual contract for Pipe & Appurtenances for Water/Wastewater to Texas Water Products, Inc. (ITB 2009-016)

- N. Preliminary Plat of Lot 1, Block 1, Burleson High School East Addition located along north side of East Renfro Street between Hurst Road and Fox Lane. (Case 08-051)
- O. Final Plat of Lot 1, Block 1, Burleson High School East Addition located along north side of East Renfro Street between Hurst Road and Fox Lane. (Case 08-063)
- P. Final Plat of Lot 1, Block 1 Allen Addition located west of Interstate 35 W and north of FM 917. (Case 08-157)
- Q. Minute order MO-09-053, approving the Human Resources policy – Shared Sick and Vacation Donation Policy.

Presentations

- 2. A. Citizen Appearance

(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 & Other Related Items

- 3. A. No items for consideration.

Ordinances & Resolutions

- 4. A. Resolution R-1139-09, making certain findings and declaring a moratorium effective immediately and expiring at 5:01 p.m. on July 31, 2009, on the enforcement of any city ordinances or codes prohibiting the storage or retail or wholesale sale of fireworks by Renegade Wholesale Fireworks on the property at 4200 South I-35W, Burleson, Texas and providing effective date.

- B. Ordinance C-651-09, calling for a Special Election on Charter Amendments to be held May 9, 2009. (First Reading)

Ordenanza C-651-09, llamando a Elecciones Especiales para las Reformas de los Estatutos a realizarse el 9 de mayo de 2009 (Primera lectura)

- C. 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. (Final Reading)
- D. Resolution R-1140-09, outlining and stating the City of Burleson's Legislative Agenda.
- E. Resolution R-1141-09, supporting Rail North Texas Initiative.

Contracts & Agreements

- 5. A. No items for consideration.

Other Items for Consideration

- 6. A. Minute Order MO-09-054, approving City Manager appointment of Director of Neighborhood Services.

Reports & Discussion Items

- 7. A. Discussion of Park Master Plan.
- B. Discussion of Non-Smoking Ordinance for City of Burleson.
- C. Discussion of City of Burleson Solid Waste Collection Service.
- D. Discussion of Attorney General's decision regarding posted agenda items as it applies to non-agenda items discussions and comments.

Executive Session

8. A. **Executive Session:** Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, Sec. 551.073, Sec. 551.074, Sec. 551.076, Sec. 551.087 and Sec. 418.0183(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 exception, 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 _____, **2009**, by **5:00 p.m.**, on the official bulletin board at the Burleson City Hall, 141 W. Renfro, Burleson, Texas.



Amanda McCrory
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.

EXECUTIVE SESSION

The City Council reserves the right to convene in Executive Session(s) during this meeting pursuant to the following Sections of the Government Code of the State of Texas:

1. Pursuant to Sec. 551.071(1)a, (1)b, and (2), consultation with its Attorney: The City Council may conduct private consultations with its attorneys when the City Council seeks the advice of its attorney concerning any item on this agenda, about pending and contemplated litigation, or a settlement offer; or a matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code. This consultation includes, but is not limited to, the following:
 - (1) Floyd Bartula, et al. vs. City of Burleson, Texas.
 - (2) Nashville vs. City of Burleson, Rovin Inc. and Paradigms for Success, Inc.
 - (3) 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.
 - (4) Darren G. Yancy, Sr. and Carol A. Yancy, Individually and as next of friend for et al. vs. City of Burleson, and Burleson Youth Association
 - (5) Advice concerning boundary agreements with area cities;
 - (6) Advice concerning Burleson High School #2 Public Infrastructure Improvements
 - (7) Rick Johnson claim
 - (8) Maggie Ator claim
2. Pursuant to Sec. 551.072, deliberation regarding the purchase, exchange, lease, or value of real property.
 - City of Burleson Mineral Rights
3. Pursuant to Sec. 551.073, deliberation regarding a negotiated contract for a prospective gift or donation to the state or the governmental body.
4. Pursuant to Sec. 551.074, personnel matters related to the appointment, employment, evaluation, and duties of the City Secretary, City Manager, and Municipal Court Judge.
5. Pursuant to Sec. 551.076, deliberation regarding (1) the deployment, or specific occasions for implementation of security personnel or devices; or (2) a security audit.
6. 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 the offer of a financial or other incentive to a business prospect described in (1) above.
7. Pursuant to Section 418.183(f) of the Texas Government Code (Texas Disaster Act) regarding critical infrastructure.