

AGENDA
BURLESON CITY COUNCIL MEETING
January 5, 2009

BURLESON CITY HALL
141 W. RENFRO
BURLESON, TX 76028

Call to Order

WORK SESSION – 6:00 p.m.

1. Presentation of Gas Well Inspections and Discussion of Ordinance Revisions.
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Items to be continued or withdrawn

Items to be withdrawn from the consent agenda for separate discussion.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 December 11, 2008 regular council meeting.
- B. Financial Transactions.

Contracts & Agreements

- C. 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.
- D. 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.
- E. 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.

Ordinances & Resolutions

- F. 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)

Other Items of Consideration

- G. Replat of Lots 2-R-1, 2-R-2 and 2-R-3, Block 1, Seventh Day Adventist Burleson Addition located along the east side of IH35 W and north of Hidden Creek Parkway. (Case 08-127)
- H. 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).
- I. Minute Order MO-09-051, accepting the Water / Wastewater Impact Fees Report.

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. Public Hearing and consideration of Ordinance D-095-08 for a specific use permit (SUP) for Joshua Baptist Church, 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)

- B. 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 Dale Dr. located in the Extraterritorial Jurisdiction (ETJ). (Case 08-151)

- C. 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)

Ordinances & Resolutions

4. A. 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)

- B. 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. (First Reading)

Contracts & Agreements

5. A. No Items at this time.

Other Items for Consideration

6.
 - A. 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.
 - B. Any action necessary pertaining to recommendation of Charter Review Committee.
 - C. Red Light Camera Traffic Enforcement.

Reports & Discussion Items

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

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 **31st** day of **December , 2008**, 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 for future expansion of certain programs and services.
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.