

October 5, 2009

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## **Memorandum**

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

From: Amanda McCrory, City Secretary

Date: October 5, 2009

Subject: Approval of the minutes of the September 21, 2009, regular Council session.

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### **Council Action Requested:**

Approve the minutes of the September 21, 2009, regular Council session.

### **Background Information:**

### **Board/Citizen Input:**

### **Financial Considerations:**

### **Attachments:**

Minutes of the September 21, 2009, regular Council session.

### **Staff Contact:**

Amanda McCrory  
City Secretary  
817-426-9660

BURLESON CITY COUNCIL WORK SESSION  
September 21, 2009  
DRAFT MINUTES

Roll Call:

Council present:

Stuart Gillaspie  
Jim Wadlow  
Matt Powell  
Ken Shetter (arrived 6:29)  
Dan McClendon  
Carter Mahanay  
Chip Stephens

Council Absent:

Staff

Curtis E. Hawk, City Manager  
Paul Cain, Deputy City Manager  
David Wynn, Deputy City Manager  
Betsy Elam, City Attorney

**WORK SESSION – Call to order – Time: 6:13 p.m.**

- 1. Discussion of all items on tonight's meeting. No action will be taken and each item will be considered during the Regular Session.**

David Wynn, Deputy City Manager gave a presentation on item 1P, a bid for the construction of the Pavement Improvements for Alsbury Boulevard (Summercrest Blvd. to Edgehill Road).

Shai Roos, Director of Community and Economic Development gave a presentation on item 3A a consideration of Ordinance D-102-09 request for Zoning Change from Single Family 7 (SF7) to Two-Family Dwelling District (2F) for 228 E. Miller Street. (First Reading) (Case 09-060)

Shai Roos, Director of Community and Economic Development gave a presentation on item 1H a Development Plan for Community Bank located at 201 W. Ellison within Old Town Overlay District.

- 2. 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 Stuart Gillaspie seconded by Jim Wadlow to convene into executive session.

Motion passed 7-0. **Time: 6:42 p.m.**

**3. 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: 7:05 p.m.**

BURLESON CITY COUNCIL REGULAR SESSION  
September 21, 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  
Betsy Elam, City Attorney

**REGULAR SESSION – Call to order – Time: 7:05 p.m.**

**Invocation** – Marcus Vail with Victory Family Church

**Pledge of Allegiance**

**Proclamation and Certificates**

Mark Fox with the National Weather Service presented a StormReady recognition certificate to Mayor Shetter, Fire Chief Gary Wisdom and Battalion Chief Brent Batla.

Mayor Shetter presented a proclamation for Fire Prevention Week to David Butler, Fire Inspector/Investigator.

Mayor Shetter presented a Certificate of Appreciation to Cory Smithee for his service on the Planning and Zoning Commission.

**Items to be continued or withdrawn**

None

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

- 1P. Award the bid for the construction of the Pavement Improvements for Alsbury Boulevard (Summercrest Blvd. to Edgehill Road) project to Stable & Winn, Incorporated in the amount of \$606,505.62 and authorize City Manager to approve change orders not exceeding \$25,000.00.**

Consent Agenda

- 1A. Approve the minutes from the September 8, 2009 regular council meeting.**

Motion was made by Jim Wadlow and seconded by Carter Mahanay to approve.

Motion passed 7-0.

- 1B. Financial Transactions.**

**City of Burleson  
Financial Transactions**

<b>Vendor / Description</b>	<b>Amount</b>	<b>Fund</b>
<b>REQUISITIONS OVER \$3,000:</b>		
SMS Woodstone Inc – Brush grinding at compost site	\$11,548.00	SW
Kimley-Horn & Assoc. Inc – HCPW/Walmart driveway transportation safety engineering contract	\$9,000.00	2005 GOB Eng projects
West Group Payment Center – increase PO 207147 by \$430 for total of \$4,430 for City Secretary’s office	\$430.00	GF
Municipal Code Corporation – increase PO 209153 by \$1,130.55 for total of \$3,244.24 for code ordinance zoning requirements	\$1,130.55	GF
Recreation Consultants of Texas – playground equipment for Chisenhall Park	\$74,663.00	2008 GO Park Improvement
Tiseo Paving Co. – change order to increase PO 208737 by \$102,465.10 for a total of \$1,342,926.20 for TDOT & Renfro concrete pavement	\$102,465.10	GF & 2006 CO street/drng

Motion was made by Jim Wadlow and seconded by Carter Mahanay to approve.

Motion passed 7-0.

- 1C. Ordinance D-101-09, a request for a Specific Use Permit (SUP) for child care as a home occupation (in single family dwelling unit) located at 385 Meadow Ridge Drive (Case 09-056) (Final Reading)**

Motion was made by Jim Wadlow and seconded by Carter Mahanay to approve.

Motion passed 7-0.

- 1D. Ordinance C-653-09, changing the name of the street within West Bend South Addition, Phase 5 from Sunset Drive to Shelley Drive. (First Reading)**

Motion was made by Jim Wadlow and seconded by Carter Mahanay to approve.

Motion passed 7-0.

- 1E. Final Plat of Lot 2, Block D, MDK Addition located on the south side of N. E. Alsbury Boulevard at the Vicksburg Lane and N. E. Alsbury Boulevard intersection. (Case 09-054)**

Motion was made by Jim Wadlow and seconded by Carter Mahanay to approve.

Motion passed 7-0.

- 1F. Preliminary Plat of Lots 1, 2, and 3, Block 1, CBAC Addition located along the east side of NW John Jones Drive south of SW Hillside Drive. (Case 09-062)**

Motion was made by Jim Wadlow and seconded by Carter Mahanay to approve.

Motion passed 7-0.

- 1G. Final Plat of Lots 1 and 2, Block 1, CBAC Addition located along the east side of NW John Jones Drive south of SW Hillside Drive. (Case 09-063)**

Motion was made by Jim Wadlow and seconded by Carter Mahanay to approve.

Motion passed 7-0.

- 1H. Development Plan for Community Bank located at 201 W. Ellison within Old Town Overlay District.**

Motion was made by Jim Wadlow and seconded by Carter Mahanay to approve.

Motion passed 7-0.

**1I. Master Agreement with Freese and Nichols, Inc. for Professional Services generally related to development review.**

Motion was made by Jim Wadlow and seconded by Carter Mahanay to approve.

Motion passed 7-0.

**1J. Renew Interlocal Agreement for Participation in Fort Worth's Environmental Collection Center Household Hazardous Waste Program.**

Motion was made by Jim Wadlow and seconded by Carter Mahanay to approve.

Motion passed 7-0.

**1K. Renew the annual contract for Time and Material Contract for Electrical Services.**

Motion was made by Jim Wadlow and seconded by Carter Mahanay to approve.

Motion passed 7-0.

**1L. Renew the contract for Newsletter Printing, ITB 2007-003 with The Imaging Bureau.**

Motion was made by Jim Wadlow and seconded by Carter Mahanay to approve.

Motion passed 7-0.

**1M. Renew the contract for Newsletter Distribution, ITB 2009-004 with Nixin Printing & Mailing.**

Motion was made by Jim Wadlow and seconded by Carter Mahanay to approve.

Motion passed 7-0.

**1N. Award the bid for the construction of the Burleson Memorial Cemetery Paving Improvement project and authorize the City Manager to approve change orders not exceeding \$5,000.00.**

Motion was made by Jim Wadlow and seconded by Carter Mahanay to approve.

Motion passed 7-0.

**10. Award the contract for the Cemetery Irrigation System to Cole Construction, Inc. (ITB 2010-004)**

Motion was made by Jim Wadlow and seconded by Carter Mahanay to approve.

Motion passed 7-0.

**1P. Award the bid for the construction of the Pavement Improvements for Alsbury Boulevard (Summercrest Blvd. to Edgehill Road) project to Stabile & Winn, Incorporated in the amount of \$606,505.62 and authorize City Manager to approve change orders not exceeding \$25,000.00.**

Motion was made by Dan McClendon and seconded by Chip Stephens approve a change order not to exceed \$80,000.00 for construction of a median crossing at Brushy Mound and miscellaneous change orders not to exceed \$25,000.00.

Motion Passed 7-0.

Presentations

**2A. Citizens Appearance**

Randy James, 3845 SW Johnson, Burleson, gave a presentation on his company Elite Earth Energy and asked to put a 30 ft. wind turbine as a working display on his property.

Public Hearings and Related Ordinances

**3A. Public hearing and consideration of Ordinance D-102-09 request for Zoning Change from Single Family 7 (SF7) to Two-Family Dwelling District (2F) for 228 E. Miller Street. (First Reading) (Case 09-060)**

Shai Roos, Director of Community and Economic Development presented to council Ordinance D-102-09 request for Zoning Change from Single Family 7 (SF7) to Two-Family Dwelling District (2F) for 228 E. Miller Street. (First Reading) (Case 09-060)

Matt Aiken 212 Castle Hill Dr., Burleson addressed council on the Planning and Zoning Commissions concerns in making their decision.

**Mayor Shetter opened the public hearing: Time: 7:43 p.m.**

Richard Atchison, 912 Lyndon Dr. Burleson is the architect for the property and spoke on behalf of the applicant Arnulfo Hernandez.

**Temporarily adjourned due to severe weather. Time: 7:45 p.m. to 8:16 p.m.**

**Continue public hearing. Time: 8:16 p.m.**

Richard Atchison continued.

Jim Bailey, 344 South Warren, Burleson asked if there would be design guidelines for residential development in the Old Town.

Matt Aiken, 212 Castle Hill Dr., Burleson is in favor of the request.

**Mayor Shetter closed the public hearing: Time: 8:35 p.m.**

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

Motion passed 7-0.

Ordinances & Resolutions

**4A. Ordinance C-632-07(B0909), revising budget figures for fiscal year 2008-2009 and adopting the 2009-2010 Annual Operating Budget. (Final Reading)**

Rhett Clark, Director of Finance presented to council Ordinance C-632-07(B0909), revising budget figures for fiscal year 2008-2009 and adopting the 2009-2010 Annual Operating Budget. (Final Reading)

Motion made by Chip Stephens and seconded by Stuart Gillaspie to approve.

Motion passed 7-0.

**4B. Minute Order MO-09-070, vote to ratify the property tax increase reflected in the 2009-2010 FY Budget.**

Curtis Hawk, City Manager presented to council Minute Order MO-09-070, vote to ratify the property tax increase reflected in the 2009-2010 FY Budget.

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

Motion passed 7-0.

**4C. Ordinance C-633-07(B0909), setting the 2009 ad valorem Tax Rate at \$0.6940. (Final Reading)**

Curtis Hawk, City Manager presented to council Ordinance C-633-07(B0909), setting the 2009 ad valorem Tax Rate at \$0.6940. (Final Reading)

Motion made by Stuart Gillaspie as follows "I move that property taxes be increased by the adoption of a tax rate of \$0.6940. The final reading of Ordinance C-633-07(B0909), adopts this tax rate." and seconded by Chip Stephens to approve.

Motion passed 7-0.

**4D. Ordinance C-634-07(C0909), establishing rates to be charged for water and wastewater service in the City of Burleson. (Final Reading)**

Curtis Hawk, City Manager presented Ordinance C-634-07(C0909), establishing rates to be charged for water and wastewater service in the City of Burleson. (Final Reading)

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

Motion passed 7-0.

**4E. Minute Order MO-09-071, adopting the fiscal year 2009-2010 City of Burleson Fee Schedule.**

Curtis Hawk, City Manager presented to council Minute Order MO-09-071, adopting the fiscal year 2009-2010 City of Burleson Fee Schedule.

Motion made by Dan McClendon 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-09-072, approval of the placement of proper signage to allow for enforcement of cell phone use ban.**

Tom Cowan, Chief of Police presented to council Minute Order MO-09-072, approval of the placement of proper signage to allow for enforcement of cell phone use ban.

Motion made by Dan McClendon and seconded by Chip Stephens to approve.

Motion passed 7-0.

**6B. Minute Order MO-09-073, approval of the 2009 City Council Board and Commission appointments.**

Appointments Committee members, Mayor Shetter and Jim Wadlow made comments on Minute Order MO-09-073, approval of the 2009 City Council Board and Commission appointments.

Motion made by Jim Wadlow and seconded by Carter Mahanay to approve.

Motion passed 7-0.

Reports

**7A. Proposed City Council Subcommittees.**

Curtis Hawk, City Manager presented the general structure of the proposed City Council Subcommittees.

Paul Cain, Deputy City Manager gave a presentation on the proposed City Council Subcommittees.

**7B. Community Interest Items.**

Events announced:

Comprehensive Plan, Town Hall Meeting # 6 – September 22, 2009

Grand Opening Ceremony for Fire Station No. 3 – September 23, 2009

Veterans Day Tribute at Renfro Square – November 7, 2009

MusicFest at Spinks Airport – November 7, 2009

Stuart Gillaspie offered to give a presentation on “Operation Life Savior” to any city departments interested.

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.**

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

Motion passed 7-0. **Time: 9:21 p.m.**

Motion was made by Jim Wadlow and seconded by Stuart Gillaspie to reconvene into open session.

Motion passed 7-0. **Time: 10:16 p.m.**

There being no further business Mayor Shetter adjourned the meeting.

Time: 10:17 p.m.

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Cathy Bourg  
Deputy City Secretary