

AGENDA
BURLESON CITY COUNCIL MEETING
November 2, 2009

BURLESON CITY HALL
141 W. RENFRO
BURLESON, TX 76028

Call to Order

WORK SESSION – 6:00 p.m.

1. Presentation of Media Solution by Swagit.
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

- *Municipal Court Week*

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Items to be continued or withdrawn

Items to be withdrawn from the consent agenda for separate discussion.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 listed below are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of the items unless a Councilmember or citizen so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence. 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 October 19, 2009 regular Council session.
- B. Financial Transactions.

Ordinances & Resolutions

- C. Ordinance B-732 (A1009), a request for an amendment to the Burleson Old Town Design Standards, specifically Chapter 10, Article XV, Section 10-529 of the Burleson Code of Ordinances, eliminating single family detached residential buildings from the list of excepted buildings. (Final Reading)

Contracts & Agreements

- D. Approval of Standard Form Contract and Volume Rate for Sale of Non-Potable Water from Bailey Lake for use in Gas Well Drilling Processes.
- E. Contract with Pepsi Bottling Company to be the sole provider of soft drinks for Hidden Creek Golf Course.

Presentations

2. A. Expression of Public Appreciation to the City Council by Mr. Mark Minor of Renegade Wholesale Fireworks for the City Council's approval of Resolution R-1139-09

- B. 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 discussion of 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 R-1163-09, officially naming the Chisenhall Youth Sports Complex at 500 Hidden Creek Parkway.

Ordinances & Resolutions and Other Related Items

4. A. Ordinance B-791-09, amending Chapter 34 "Environment" and Chapter 54 "Miscellaneous Nuisances" of the Code of Ordinances of the City of Burleson by deleting the definition of "Graffiti" from Section 34-2 "Definitions" of Article I of Chapter 34 and deleting subsection (23) relevant to graffiti of Section 34-31 "Specific Nuisances" and mark such subsection (23) as "Reserved" of Article II of Chapter 34 and establishing a new Article VI "Graffiti" of Chapter 54 "Miscellaneous Offenses". (First Reading)

Contracts & Agreements and Other Related Items

5. A. Contract with Swagit for Streaming Media Solution for Council Chambers.

Other Items for Consideration

6. A. No items for consideration at this time.

Reports & Discussion Items

7. A. Police Crime Statistical Report.
- B. Report on Council Sub Committees:
- C. Community Interest Items.
- D. Councilmember report on TML Conference.

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 **30th** day of **October, 2009, by 5:00 p.m.** on the official bulletin board at the Burleson City Hall, 141 W. Renfro, Burleson, Texas.



Amanda McCrory

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 817-426-9600 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) 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.
 - (3) Advice concerning boundary agreements with area cities;
 - (4) Advice concerning Burleson High School #2 Public Infrastructure Improvements
 - (5) Impact Outdoor Advertising claim
2. Pursuant to Sec. 551.072, deliberation regarding the purchase, exchange, lease, or value of real property.
 - City of Burleson Mineral Rights
 - Reed Park Right-of-Way
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.