

Memorandum

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

From: Amanda McCrory, City Secretary

Date: February 16, 2009

Subject: Minutes of the February 2, 2009, regular Council session.

Council Action Requested:

Approve the minutes of the February 2, 2009, regular Council session.

Background Information:

Board/Citizen Input:

Financial Considerations:

Attachments:

Minutes of the February 2, 2009, regular Council session.

Staff Contact:

Amanda McCrory
City Secretary
817-447-5400 ext. 277

BURLESON CITY COUNCIL WORK SESSION
February 2, 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: 6:19 p.m.

1. Discussion of Utility Billing Cycle Change.

Aaron Russell, Director of Public Works and Engineering, presented to council the new proposed Utility Billing Cycle.

2. Discussion of City of Burleson Solid Waste Collection Service.

Aaron Russell, Director of Public Works and Engineering, presented to council options for the City of Burleson Solid Waste Collection Service.

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

None.

4. 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.

None.

BURLESON CITY COUNCIL REGULAR SESSION
February 2, 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: 7:15 p.m.

Invocation – Darren Brannon, Victory Family Church

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Items to be continued or withdrawn

Items to be withdrawn from the consent agenda for separate discussion.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 January 20, 2009 regular meeting.

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.

February 2, 2009

1b. - 1

Supplemental

City of Burleson
Financial Transactions

Vendor / Description	Amount	Fund
REQUISITIONS OVER \$3,000:		
Planet Ford – 3/4 ton truck for Water Services Dept.	29,642.00	ERF
JRJ Paving, Inc. – C/O #3 Handicap ramp, driveway construction and additional parking lot paving on the Old Town Street Rebuild project.	51,436.07	2006COS&D/ 2006COW&S
PAYMENTS OF \$3,000:		
Taylor, Olson, Adkins, Sralla, & Elam, LLP – Attorney fees for November & December 2008.	23,859.43	GF
Visa – Credit card charges for December 2008.	3,024.57	GF/HCGC/ SW/ESF
Mastercard – Credit card charges for December 2008.	29,441.10	GF/W&S/ SW/ESF/ CEM/SRF

- 1C. 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) (Final reading)**

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

Motion passed 7-0.

1D. Resolution R-1143-09, calling the May 9, 2009, General Election for City of Burleson Council Places 1, 3 and 5.

Resolucion R-1143-09, llamando la eleccion del 9 de mayo en la Ciudad de Burleson, para las tres bancas del Concejo Municipal lugar 1,3, y 5.

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

Motion passed 7-0.

Matt Powell introducir una mocion para aprobar, secundar Jim Wadlow.

Mocion aprobo 7-0.

1E. Preliminary Plat of Lots 1 and 2, Block 1, First Baptist Church Joshua Addition located along the north side of Wilshire Boulevard between Lakewood Drive and Wicker Hill Road. (Case 08-130)

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

Motion passed 7-0.

1F. Final Plat of Lot 1, Block 1, First Baptist Church Joshua Addition located along the north side of Wilshire Boulevard between Lakewood Drive and Wicker Hill Road. (Case 08-131)

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

Motion passed 7-0.

1G. Appointment of Councilmember Dan McClendon to the Joint Utilization Committee and Councilmembers Dan McClendon and Carter Mahanay to the Council Finance Committee.

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

Motion passed 7-0.

** Mayor Shetter presented a Proclamation for the Athena Society.*

Presentations

2A. Citizens Appearance

Sharon Wright, representative from the Athena Society of Johnson County presented the council with their efforts and accomplishments of their work in

Johnson County. Mrs. Wright informed the council and the public of their fundraiser on February 21, 2009 at Mountain Valley Country Club.

John Duke Smith, informed council he was the new president of the Heritage Foundation.

Bobby Cox, 8117 CR 1016A, Burleson, TX, against privatizing Solid Waste Collection.

Public Hearings and Related Ordinances

3A. Public Hearing and Consideration of a Variance from Section 5.5.F.5 (Median Openings) of the Burleson Design Standards Manual for a proposed development located on a portion of Abstract No. 178, Tract 7C, H.G. Catlett Survey, Johnson County, Texas located at the northwest corner of the intersection of SW Wilshire Boulevard and Lakewood Drive.

Mandy Clark, Deputy City Engineer, presented to council the variance from Section 5.5.F.5 (Median Openings) of the Burleson Design Standards Manual for a proposed development located on a portion of Abstract No. 178, Tract 7C, H.G. Catlett Survey, Johnson County, Texas located at the northwest corner of the intersection of SW Wilshire Boulevard and Lakewood Drive.

Mayor Shetter opened the public hearing: Time: 8:10 p.m.

Jake Barron, 14450 Trinity Blvd. Suite 300, Fort Worth, TX representative from Quick Trip would request council to approve the variance.

Motion was made by Jim Wadlow and seconded by Stuart Gillaspie to convene into executive Session: Pursuant to the Open Meetings Act, Chapter 551, Sec. 551.071, consultation with its Attorney.

Motion passed 7-0. Time: 8:37 p.m.

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

Motion passed 7-0. Time: 8:50 p.m.

Motion was made by Stuart Gillaspie and seconded by Chip Stephens to table to such time as the applicant request this be placed back on the agenda for consideration.

Motion passed 7-0.

Mayor Shetter continued the public hearing: Time: 9:27 p.m.

- 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 Jim Wadlow and seconded by Chip Stephens to convene into executive session.

Motion passed 7-0. **Time: 9:28 p.m.**

Motion was made by Stuart Gillaspie and seconded by Chip Stephens to reconvene into open session.

Motion passed 7-0. **Time: 10:12 p.m.**

Motion was made by Jim Wadlow and seconded by Matt Powell to authorize Mayor to sign First Amendment to Contract for Purchase as discussed in executive session.

Motion passed 7-0.

Motion was made by Jim Wadlow and seconded by Carter Mahanay to settle claim as discussed in executive session.

Motion passed 7-0.

Ordinances & Resolutions

- 4A. No items for consideration.**

Contracts & Agreements

- 5A. No items for consideration at this time.**

Other Items for Consideration

- 6A. Minute Order MO-09-055, and Minute Order MO-09-056 granting variances to Section 11-183. Sale of Alcoholic Beverages near Churches, Public Hospitals, Public or Private Schools in accordance with provision 109.33 (e) of the Texas Alcoholic Beverage Code for the proposed Wine Down restaurant located at 124 S Scott in Burleson's Old Town area.**

Shai Roos, Director of Community and Economic Development presented to council Minute Order MO-09-055, and Minute Order MO-09-056 granting variances to Section 11-183. Sale of Alcoholic Beverages near Churches, Public Hospitals, Public or Private Schools in accordance with provision 109.33 (e) of the Texas Alcoholic Beverage Code for the proposed Wine Down restaurant located at 124 S Scott in Burleson's Old Town area.

Motion was made by Chip Stephens and seconded by Dan McClendon to approve Minute Order MO-09-55

Motion passed 5-2. Jim Wadlow and Stuart Gillaspie against.

Motion was made by Chip Stephens and seconded by Dan McClendon to approve Minute Order MO-09-56.

Motion passed 5-2. Jim Wadlow and Stuart Gillaspie against.

Reports

7A. Discussion of Master Plan for Bailey Lake – Kimley Horn.

Peter Krause, Director of Parks and Recreation, introduced the representative from Kimley Horn who presented to council the Master Plan for Bailey Lake.

7B. Discussion of Food Service Inspection agreement with Tarrant County.

Curtis E. Hawk, City Manager introduced Lisa Duello, Director of Neighborhood Services. Lisa Duello, reviewed the current Food Service Inspection agreement with Tarrant County.

7C. Discussion of Charter Amendments and election time frame.

The Charter Amendments and election time frame was discussed.

7D. Update on Comprehensive Plan

Shai Roos, Director of Community and Economic Development updated council on the Comprehensive Plan Town Hall Meeting on January 31, 2009.

7E. Discussion of City of Burleson Legislative Agenda adopted by Council on January 20, 2009 by Resolution R-1140-09.

Mayor Ken Shetter, discussed the Rail North Texas Initiative progress.

7F. Presentation of Year End Crime Report.

Chief Tom Cowan, presented the 4th Quarter Crime Stats.

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: 11:36 p.m.

Amanda J. McCrory
City Secretary