

AGENDA
BURLESON CITY COUNCIL MEETING
February 16, 2009

BURLESON CITY HALL
141 W. RENFRO
BURLESON, TX 76028

Call to Order

WORK SESSION – 6:00 p.m.

1. Discussion of Crestmoor South – Home Funds Resolution.
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Items to be continued or withdrawn

Items to be withdrawn from the consent agenda for separate discussion.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 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 February 2, 2009 regular council meeting.
- B. Financial Transactions.

Ordinances & Resolutions

- C. Resolution R-1144-09, calling for a Joint Election Resolution with Burleson Independent School District (BISD), and approving the Joint Election Agreement for election services and authorizing the Mayor to sign.

Resolución R-1144-09, solicitando una Resolución Electoral Conjunta con el Distrito Escolar Independiente de Burleson (BISD), y la aprobación del Acuerdo Electoral Conjunto para los servicios electorales y la homologación de la firma del Alcalde.

- D. Resolution R-1145-09, endorsing certain legislative changes to enhance the competitive electric market supported by Cities Aggregation Power Project, Inc.

Other Items of Consideration

- E. Renewal of a mutual aid agreement between the City of Burleson and the Tarrant County Emergency Services District and authorize the Mayor to execute.
- F. Consideration of a facility use agreement with the Burleson School District for Elk Stadium and authorize the Mayor to execute the agreement.
- G. Renewal of Contract for Grounds Maintenance for Medians and Rights-of-way with Whitmore & Sons.
- H. Renew contract for Annual Mowing for Rights-of-way with S&D Enterprise. ITB 2007-018
- I. Consideration of a Contract with Premier Elections for rental of voting machines.
- J. Consideration of Supplemental Agreement Number 1 with HNTB providing for a reduction in fee associated with the Park and Trail Master Plan and authorize the city manager to sign the supplemental agreement.

Presentations

- 2. A. Presentation of the annual audit for the fiscal year ended September 30, 2008.

- 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 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 a request by Chesapeake Operating, Inc., for a gas well drilling permit for two (2) gas wells known as the Gearhart Unit 1H and 2H on a new pad site located at 3120 SW Wilshire Boulevard. (Case No. 08-177).

Ordinances & Resolutions

4. A. Ordinance B-758-09, repealing Chapter 70, Article III, "Smoking in Public Places" of the Code of Ordinances of the City of Burleson and replacing it in its entirety and establishing revised regulations for smoking in public places. (First Reading)
- B. Resolution R-1146-09 in support of Chamy Investments' application for TDHCA Housing Tax Credits and HOME Funds for the renovation and rehabilitation of the Crestmoor South Apartments located at 514 SE Gardens.

Contracts & Agreements

5. A. No items for consideration.

Other Items for Consideration

6. A. Acceptance of the annual audit for the fiscal year ended September 30, 2008.

Reports & Discussion Items

7. A. Update on Comprehensive Plan.
- B. Discussion of City of Burleson Legislative Agenda adopted by Council on January 20, 2009 by Resolution R-1140-09.

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
 - (9) Lisa Parker 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.