

## **Memorandum**

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

From: Amanda McCrory, City Secretary

Date: February 2, 2009

Subject: Minutes of the January 20, 2009, regular Council session.

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### **Council Action Requested:**

Approve the minutes of the January 20, 2009, regular Council session.

### **Background Information:**

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

### **Financial Considerations:**

### **Attachments:**

Minutes of the January 20, 2009, regular Council session.

### **Staff Contact:**

Amanda McCrory

City Secretary

817-447-5400 ext. 277

BURLESON CITY COUNCIL WORK SESSION  
January 20, 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: 6:22 p.m.**

**1. Discussion of Tree Preservation Ordinance.**

Shai Roos, Director of Community and Economic Development, presented to council the Tree Preservation information. This information and discussion will be used to form a Tree Preservation Ordinance.

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

**3. 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.

**5. Reconvene into open session for possible action.**

None.

BURLESON CITY COUNCIL REGULAR SESSION  
January 20, 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: 7:16 p.m.**

**Invocation** – Donna Schmoyer, St. Matthew Cumberland Presbyterian

**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**Items to be continued or withdrawn**

**Items to be withdrawn from the consent agenda for separate discussion.**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 5, 2009 regular council meeting.**

Motion was made by Stuart Gillaspie and seconded by Jim Wadlow to approve.

Motion passed 7-0.

**1B. Financial Transactions.**City of Burleson  
Financial Transactions

Vendor / Description	Amount	Fund
<b>REQUISITIONS OVER \$3,000:</b>		
HD Supply Waterworks LTD - Stock materials for the Water & Sewer Services Departments.	4,987.35	W&S
Lecor Technologies, Inc. – Fire rescue equipment for the Fire Dept.	5,291.25	SRF
Metro Fire Apparatus – Holmatro/Paratech rescue tools for the Fire Dept.	28,763.00	GF
Industrial Power Isuzu Truck – Transmission repair on Ladder truck #167 in the Fire Dept.	10,681.00	ESF
Sungard Public Sector – OSSI software training for the Police Dept.	5,000.00	GF
Philpot Motor Company – 1 ton truck for the Water Services Dept.	44,183.38	ERF
Nike Golf – Merchandise for resale in the golf course pro shop.	5,000.00	HCGC
Callaway Golf – Merchandise for resale in the golf course pro shop.	5,000.00	HCGC
Titliest – Merchandise for resale in the golf course pro shop.	5,000.00	HCGC
Taylor Made Golf Company, Inc. – Merchandise for resale in the golf course pro shop.	5,000.00	HCGC
Apac-Texas, Inc. – Asphalt for the Street Pavement Maintenance Dept.	26,660.00	GF
Burnsco Construction – C/O #4 – Additional school cross walks and stop bars on the Summercrest and Thomas Drainage Project.	5,400.00	2007CO S&D
<b>PAYMENTS OF \$3,000:</b>		
Blue Moon Acquisitions – ROW acquisitions on North Hurst Road.	8,750.00	2007GO S&D
NetMotion Wireless, Inc. – Software maintenance agreement for 11/1/08 – 10/31/09.	3,437.50	GF
Callaway Golf – Merchandise for resale in the golf course pro shop.	3,460.36	HCGC

- 1C. 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. (Final Reading)**

Motion was made by Stuart Gillaspie and seconded by Jim Wadlow to approve.

Motion passed 7-0

- 1D. Ordinance C-637-07(B0109), establishing rates to be charged for all residential and commercial customers for recyclables and solid waste collection and disposal. (Final Reading)**

Motion was made by Stuart Gillaspie and seconded by Jim Wadlow to approve.

Motion passed 7-0

- 1E. Resolution R-1142-09, endorsing the appointment by the Commissioners Court of Johnson County of County Judge Roger Harmon to the Regional Transportation Council of the North Central Texas Council of Government.**

Motion was made by Stuart Gillaspie and seconded by Jim Wadlow to approve.

Motion passed 7-0

- 1F. Interlocal Agreement with the Burleson Independent School District for the Construction of Hurst Road between Renfro Street and the Northern Drive Approach for the Proposed High School and authorize the Mayor to execute.**

Motion was made by Stuart Gillaspie and seconded by Jim Wadlow to approve.

Motion passed 7-0

- 1G. Master Agreement for Professional Services with Freese and Nichols, Inc. for On-Call Engineering Services generally related to Development Review and authorize the City Manager to Execute**

Motion was made by Stuart Gillaspie and seconded by Jim Wadlow to approve.

Motion passed 7-0

- 1H. Consideration of an amendment to the Comprehensive Plan contract with Freese and Nichols, Inc resulting from an enhanced public input process and authorize the City Manager to execute the agreement**

Motion was made by Stuart Gillaspie and seconded by Jim Wadlow to approve.

Motion passed 7-0

**1I. Consideration of a second amendment to the Chapter 380 Economic Development Agreement between the City of Burleson and Burleson Commons, L.P**

Motion was made by Stuart Gillaspie and seconded by Jim Wadlow to approve.

Motion passed 7-0

**1J. Reconsideration of a request from Texas Midstream Gas Services of a license agreement for the purpose of installing a natural gas transmission line across city owned property located south of Spinks Airport defined as Abstract 496 TR4A, A Lee Survey, Johnson County, Texas and authorize the City Manager to execute the revised agreement**

Motion was made by Stuart Gillaspie and seconded by Jim Wadlow to approve.

Motion passed 7-0

**1K. Business Internet Service Agreement with Charter Business to provide Internet service to the City of Burleson facilities and authorize the City Manager to execute.**

Motion was made by Stuart Gillaspie and seconded by Jim Wadlow to approve.

Motion passed 7-0

**1L. Award the annual contract for Janitorial Supplies & Paper products to JanPak, Corporate Express – a Staples Company and Bennett Printing & Office Supply. (ITB 2009-015)**

Motion was made by Stuart Gillaspie and seconded by Jim Wadlow to approve.

Motion passed 7-0

**1M. Award the annual contract for Pipe & Appurtenances for Water/Wastewater to Texas Water Products, Inc. (ITB 2009-016)**

Motion was made by Stuart Gillaspie and seconded by Jim Wadlow to approve.

Motion passed 7-0

**1N. Preliminary Plat of Lot 1, Block 1, Burlson High School East Addition located along north side of East Renfro Street between Hurst Road and Fox Lane. (Case 08-051)**

Motion was made by Stuart Gillaspie and seconded by Jim Wadlow to approve.

Motion passed 7-0

**1O. Final Plat of Lot 1, Block 1, Burlson High School East Addition located along north side of East Renfro Street between Hurst Road and Fox Lane. (Case 08-063)**

Motion was made by Stuart Gillaspie and seconded by Jim Wadlow to approve.

Motion passed 7-0

**1P. Final Plat of Lot 1, Block 1 Allen Addition located west of Interstate 35 W and north of FM 917. (Case 08-157)**

Motion was made by Stuart Gillaspie and seconded by Jim Wadlow to approve.

Motion passed 7-0

**1Q. Minute order MO-09-053, approving the Human Resources policy – Shared Sick and Vacation Donation Policy.**

Motion was made by Stuart Gillaspie and seconded by Jim Wadlow to approve.

Motion passed 7-0

Presentations

**2A. Citizens Appearance**

None.

Public Hearings and Related Ordinances

**3A. No items at this time.**

Ordinances & Resolutions

- 4A. Resolution R-1139-09, making certain findings and declaring a moratorium effective immediately and expiring at 5:01 p.m. on July 31, 2009, on the enforcement of any city ordinances or codes prohibiting the storage or retail or wholesale sale of fireworks by Renegade Wholesale Fireworks on the property at 4200 South I-35W, Burleson, Texas and providing effective date.**

Stacy Singleton, Fire Marshal presented to council Resolution R-1139-09, making certain findings and declaring a moratorium effective immediately and expiring at 5:01 p.m. on July 31, 2009, on the enforcement of any city ordinances or codes prohibiting the storage or retail or wholesale sale of fireworks by Renegade Wholesale Fireworks on the property at 4200 South I-35W, Burleson, Texas and providing effective date

Mark Minor, 4200 S I35, Alvarado, TX, let the council know about the recent developments with TXDOT and his property on FM 1187.

Motion was made by Dan McClendon and seconded by Matt Powell to approve.

Motion passed 5-2. Chip Stephens and Jim Wadlow against.

- 4B. Ordinance C-651-09, calling for a Special Election on Charter Amendments to be held May 9, 2009. (First Reading)**

**Ordenanza C-651-09, llamando a Elecciones Especiales para las Reformas de los Estatutos a realizarse el 9 de mayo de 2009 (Primera lectura)**

Curtis E. Hawk, City Manager, presented to council Ordinance C-651-09, calling for a Special Election on Charter Amendments to be held May 9, 2009. (First Reading) The additional cost and added burden of translating all printed items for elections to be translated.

Curtis E. Hawk, gerente de la ciudad, presento al Ordenanza C-651-09, llamando a Elecciones Especiales para las Reformas de los Estatutos a realizarse el 9 de mayo de 2009. (Primera lectura)

Council directed staff to bring the Charter Amendment back for the November election.

El Concejo de la ciudad dirigió el personal a devolver las Reformas de los Estatutos para la elección de noviembre, 2009.

**4C. 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. (Final Reading)**

Aaron Russell, Director of Engineering and Public Works, presented to council 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. (Final Reading)

Motion was made by Matt Powell and seconded Dan McClendon to approve with the noted changes:

Staff to develop written procedure for council to inform staff of gas well permits to be presented at a council meeting.

Extend the time from 48 hours to 4 days to review gas well permit list.

Motion passed 7-0.

**4D. Resolution R-1140-09, outlining and stating the City of Burleson's Legislative Agenda.**

Curtis E. Hawk, City Manager presented to council Resolution R-1140-09, outlining and stating the City of Burleson's Legislative Agenda.

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

Motion passed 7-0.

**4E. Resolution R-1141-09, supporting Rail North Texas Initiative.**

Curtis E. Hawk, City Manager presented to council Resolution R-1141-09, supporting Rail North Texas Initiative.

Motion was made by Jim Wadlow and seconded by Stuart Gillaspie to approve.

Motion passed 7-0.

Contracts & Agreements

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

Other Items for Consideration

**6A. Minute Order MO-09-054, approving City Manager appointment of Director of Neighborhood Services.**

David Wynn, Deputy City Manager presented to council Minute Order MO-09-054, approving City Manager appointment of Director of Neighborhood Services.

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

Motion passed 7-0.

Reports

- *Moved up in consideration of the members of the audience.*

**7C. Discussion of City of Burleson Solid Waste Collection Service.**

Aaron Russell, Director of Engineering and Public Works presented to council a report on the Solid Waste Collection Service.

Jason Bagley, 728 Lisa St., Burleson, TX, presented a petition with 146 against going to one commercial vendor. He is against outsourcing solid waste Collection.

Trina Burks, 801 Barkridge Trail, Burleson, TX, is against outsourcing solid waste collection.

Wayne West, 124 W. Renfro, Burleson, TX, owner of West Pharmacy, against outsourcing commercial solid waste collection.

Jeri Harwell, 2669 FM 66, Itasca, TX, with Allied Waste Disposal, complimented staff on their job during the RFP process.

Council directed staff to bring back more information on the residential options for outsourcing solid waste collection leaving out commercial.

**7A. Discussion of Park Master Plan.**

Dalan Walker introduced the HNTB representative who presented the Park Master Plan.

**7B. Discussion of Non-Smoking Ordinance for City of Burleson.**

Bianca Chafin, Environmental Programs Specialist, presented to council an overview of non-smoking ordinances.

Henry Eder, Lace Lane, is against a non-smoking ordinance.

Council directed staff to bring back non-smoking ordinance to a future council meeting.

**7C. Discussion of City of Burleson Solid Waste Collection Service.**

*Moved up in the agenda in consideration for the audience present.*

**7D. Discussion of Attorney General's decision regarding posted agenda items as it applies to non-agenda items discussions and comments.**

General discussion

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 Jim Wadlow and seconded by Matt Powell to convene into executive session.

Motion passed 7-0. **Time: 11:52 p.m.**

Motion made Matt Powell and seconded by Chip Stephens to reconvene into open session.

Motion passed 7-0. **Time: 12:15 a.m. January 21, 2009**

There being no further business Mayor Shetter adjourned the meeting.

Time: 12:15 a.m., January 21, 2009

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Amanda J. McCrory  
City Secretary