

## **Memorandum**

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

From: Amanda McCrory, City Secretary

Date: March 2, 2009

Subject: Minutes of the February 16, 2009, regular Council session.

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### **Council Action Requested:**

Approve the minutes of the February 16, 2009, regular Council session.

### **Background Information:**

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

### **Financial Considerations:**

### **Attachments:**

Minutes of the February 16, 2009, regular Council session.

### **Staff Contact:**

Amanda McCrory

City Secretary

817-447-5400 ext. 277

BURLESON CITY COUNCIL WORK SESSION  
February 16, 2009  
DRAFT MINUTES

Roll Call:

Council present:

Jim Wadlow

Ken Shetter  
Dan McClendon  
Carter Mahanay  
Chip Stephens

Council Absent:

Stuart Gillaspie (6:21 p.m.)

Matt Powell

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: 6:17 p.m.**

**1. Discussion of Crestmoor South – Home Funds Resolution.**

Shai Roos, Director of Community and Economic Development presented to council R-1146-09 requesting support of the application for Home Funds to renovate the existing complex.

Joe Chamy, applicant described the proposed changes.

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

Carter Mahanay question the time cycles of the items:

- 1G. Renew the contract for Grounds Maintenance for Medians and Rights-of-Way with Whitmore & Sons, Inc.
- 1H. Renew the contract for Annual Mowing of Rights-of-Way with S&D Enterprises, ITB 2007-018.

Paul Cain, Deputy City Manager explained the time cycles and will follow up with staff.

**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.**

Motion was made by Jim Wadlow and seconded by Stuart Gillaspie

Motion passed. 6-0. Matt Powell absent. **Time: 6:32p.m.**

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

Motion was made by Jim Wadlow and seconded by Carter Mahanay

Motion passed 6-0. Matt Powell absent. **Time: 7:16 p.m.**

BURLESON CITY COUNCIL REGULAR SESSION  
February 16, 2009  
DRAFT MINUTES

Roll Call:

Council present:

Stuart Gillaspie  
Jim Wadlow

Council Absent:

Matt Powell

Ken Shetter  
Dan McClendon  
Carter Mahanay  
Chip Stephens

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: 7:17p.m.**

**Invocation** – Kevin Lombard, Burleson Church of Christ

**Pledge of Allegiance**

**Proclamations**

Mayor Shetter presented a certificate of recognition to the Burleson Police Department Crisis Negotiation Team for their accomplishments at competition.

Mayor Shetter presented a proclamation for Severe Weather Awareness to Fire Chief Gary Wisdom and Battalion Chief Brent Batla.

Action from Executive Session

Motion made by Jim Wadlow and seconded by Carter Mahanay to authorize staff to proceed with negotiations with the settlement as discussed in executive session.

Motion passed 5-1. Dan McClendon against. Matt Powell absent.

*\*Item 4B will be moved to Consent Agenda.*

- 4B. 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.

**Items to be continued or withdrawn**

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

1J. Consideration of Supplemental Agreement Number 1 with HNTB providing for a reduction in fee associated with the Park and Trail Master Plan and authorizes the city manager to sign the supplemental agreement.

**Consent Agenda**

**1A. Approve the minutes from the February 2, 2009 council meeting.**

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

Motion passed 6-0. Matt Powell absent.

**1B. Financial Transactions.**

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

Motion passed 6-0. Matt Powell absent.

City of Burleson  
Financial Transactions

Vendor / Description	Amount	Fund
<b>REQUISITIONS OVER \$3,000:</b>		
Siemens ITS – Signal controllers for the Transportation Safety project.	15,000.00	2005GOB
Union Metal – Strain poles for the Transportation Safety project.	25,000.00	2005GOB
Circle T Nursery - Modifications to sprinkler system at Senior Citizen Center.	4,550.00	PDF
Aramark – Linen services and janitorial supplies for the golf course restaurant.	3,574.08	HCGC
Landmark Equipment, Inc. – Hydraulic tank and parts for equipment in the Water Services Dept.	3,135.62	ESF
G T Distributors, Inc. – Taser cartridges for the Police Dept.	3,642.70	GF
Coban Research & Tech – Annual software maintenance fees for Coban System.	10,020.00	GF
Graham & Associates – C/O #6 Revision to alignment across Sherrod property on the Quil Miller Sanitary Sewer Trunk Main project.	5,450.00	4AST

Integrated Forensic Laboratories – Forensic lab services for the Police Dept for FY 2009.	5,000.00	GF
Sungard Public Sector – Training on OSSl software for the Police Dept.	5,000.00	GF
Collegiate Pacific – Softballs for Hidden Creek Sports Complex.	4,183.90	GF
<b>PAYMENTS OF \$3,000:</b>		
Tarrant Regional Transportation Coalition – Legislative consultant HillCO and efforts toward Rail North Texas.	5,000.00	GF
Target Corporation – Sales tax incentive for calendar year 2007 per the 380 agreement.	73,011.30	EDIF

**1C. 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.**

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

Motion passed 6-0. Matt Powell absent.

Stuart Gillaspie introducir una mocion para aprobar, secundar Chip Stephens.

Mocion aprobo 6-0.

**1D. Resolution R-1145-09, endorsing certain legislative changes to enhance the competitive electric market supported by Cities Aggregation Power Project, Inc.**

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

Motion passed 6-0. Matt Powell absent.

**1E. Renewal of a mutual aid agreement between the City of Burleson and the Tarrant County Emergency Services District and authorize the Mayor to execute.**

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

Motion passed 6-0. Matt Powell absent.

- 1F. Consideration of a facility use agreement with the Burleson School District for Elk Stadium and authorize the Mayor to execute the agreement.**

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

Motion passed 6-0. Matt Powell absent.

- 1G. Renewal of Contract for Grounds Maintenance for Medians and Rights-of-way with Whitmore & Sons.**

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

Motion passed 6-0. Matt Powell absent.

- 1H. Renew contract for Annual Mowing for Rights-of-way with S&D Enterprise. ITB 2007-018**

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

Motion passed 6-0. Matt Powell absent.

- 1I. Consideration of a Contract with Premier Elections for rental of voting machines.**

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

Motion passed 6-0. Matt Powell absent.

- 1J. 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.**

*\*Removed from the consent agenda for separate discussion.*

- 4B. 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.**

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

Motion passed 6-0. Matt Powell absent.

**1J. 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.**

Motion was made by Jim Wadlow to deny the 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.

Motion failed due to lack of second on motion.

Presentations

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

Rhett Clark, Director of Finance introduced Greg Shropshire from Patillo, Brown & Hill who presented the CAFR.

**2B. Citizens Appearance**

None.

Public Hearings and Related Ordinances

**3A. 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).**

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

**Mayor Shetter opened the public hearing: Time: 7:52 p.m.**

No speakers.

**Mayor Shetter closed the public hearing: Time: 7:52 p.m.**

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

Motion passed 6-0. Matt Powell absent.

Ordinances & Resolutions

**4A. 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)**

Lisa Duello, Director of Neighborhood Services, presented to council 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)

Doug Drake, 700 Bryan Dr., Burleson, TX, against the ordinance B-758-09.

Gloria McCann, 608 NW King, Burleson TX, manages Gina's Pizza large portion of the business will go away. Is against the ordinance B-758-09.

Maggie Kramer, 2601 Bent Oaks Dr. survived second hand smoke exposure. Is for ordinance B-758-09.

Bill Albany, 327 S. Burleson Blvd. manages Miranda's Restaurant is against ordinance B-758-09.

Henry Eder, 250 Lace Lane, Burleson TX, is against ordinance B-758-09.

Rodney Smith, 520 Bond St. #7, Burleson, TX is against ordinance B-758-09.

Carlos Rios, 329 S. Burleson, TX , is against ordinance B-758-09.

Roman Cruz, 344 SW Wilshire, Burleson, TX, Antonio Restaurant is against ordinance B-758-09.

Jim Bailey, 344 Warren, Burleson, TX, questions if the City of Burleson has a big problem with smoking currently.

Motion was made by Dan McClendon and seconded by Jim Wadlow to approve.

Motion fails 3-3. Chip Stephens, Carter Mahanay, Stuart Gillaspie against.

**4B. 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.**

*\* Moved to Consent Agenda.*

Contracts & Agreements

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

Other Items for Consideration

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

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

Motion passed 6-0. Matt Powell absent.

Reports

**7A. Update on Comprehensive Plan.**

David Wynn, Deputy City Manager, updated council on the Comprehensive Plan Town Hall meeting. Next meeting is March 12, 2009.

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

Rail North Texas has changed to Local Option Transportation Act.

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: 9:24 p.m.

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Amanda J. McCrory  
City Secretary