

## **Memorandum**

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

From: Amanda McCrory, City Secretary

Date: April 20, 2009

Subject: Minutes of the April 6, 2009, regular Council session.

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### **Council Action Requested:**

Approve the minutes of the April 6, 2009, regular Council session.

### **Background Information:**

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

### **Financial Considerations:**

### **Attachments:**

Minutes of the April 6, 2009, regular Council session.

### **Staff Contact:**

Amanda McCrory

City Secretary

817-447-5400 ext. 277

BURLESON CITY COUNCIL WORK SESSION  
April 6, 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: 6:15p.m.**

**1. Presentation of Hooked on Golf.**

Dave White, Director of Golf introduced the Hooked on Golf program. Allan Rasberry instructor of Hooked on Golf program explained the program structure and benefits.

**2. Discussion of Solid Waste Contract and Ordinances.**

Aaron Russell, Director of Public Works and Engineering presented to council the Solid Waste Contract with I.E.S.I. TX Corporation and Ordinance B-772-07(A0409), amending Chapter 82 Article III establishing obligations, duties and responsibilities for collection of residential garbage and recycling and non-residential garbage collection, to include the establishment of an exclusive franchise for collection of solid waste utilizing a private service provider.

**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

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

None

BURLESON CITY COUNCIL REGULAR SESSION  
April 6, 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: 7:11 p.m.**

**Invocation** – Ken Davis, Cavalry Southwest Metro

**Pledge of Allegiance**

**Proclamations**

Earth Day  
Child Abuse Prevention Month  
Burleson Goes Purple – Relay for Life  
National 911 Education Month  
National Public Safety Telecommunication Week

**Items to be continued or withdrawn**

**Items to be withdrawn from the consent agenda for separate discussion.**

Consent Agenda

**1A. Approval of the minutes from the March 16, 2009 regular council meeting.**

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

Motion passed 5-0. Stuart Gillaspie and Ken Shetter abstain.

**1B. Financial Transactions.**

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

Motion passed 7-0.

**1C. Ordinance B-787-09, establishing a school zone on Hillside Drive, Blayke Street, and Collett Street to serve BISD Elementary #11. (First Reading)**

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

Motion passed 7-0.

**1D. Ordinance B-788-09, establishing prima facie speed limits on the I35-W East and West Frontage Roads through the City of Burleson. (First Reading)**

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

Motion passed 7-0.

**1E. Resolution R-1149-09, adopting Amended Water Conservation Plan of the City of Burleson.**

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

Motion passed 7-0.

**1F. Resolution R-1150-09 supporting the closure of State Owned Rest Areas on IH35W known as Johnson County Northbound and Johnson County Southbound.**

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

Motion passed 7-0.

**1G. Preliminary Plat of Lot 1, Block 1, Yonke Motor Sports located along the west side of Interstate 35W south of Hidden Creek Parkway. (Case 08-143)**

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

Motion passed 7-0.

**1H. Final Plat of Lot 1, Block 1, Yonke Motor Sports located along the west side of Interstate 35W south of Hidden Creek Parkway. (Case 08-145)**

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

Motion passed 7-0.

**1I. Preliminary Plat of Chisenhall - Dilmore Addition located along the south side of Hidden Creek Parkway east of Irene Street. (Case No. 08-25)**

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

Motion passed 7-0.

**1J. Final Plat of Lomita Ranch, Lot 1, Block 1, located in the Extraterritorial Jurisdiction (ETJ) along the east side of CR 810 north of CR 707. (Case 09-07)**

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

Motion passed 7-0.

**1K. Award the bid for interior painting of the Industrial No.2, 2.0 MG ground storage tank to Corrosion Eliminators, Inc. (Bid 2009-022)**

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

Motion passed 7-0.

**1L. Approve the contract for the Summer Concert Series and authorize the City Manager to sign.**

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

Motion passed 7-0.

**1M. Approval of funding for the annual Mayor's Book Club from the Hotel/Motel Fund.**

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

Motion passed 7-0.

Presentations

**2A. Citizens Appearance**

Peggy Gibson, Heart For Kids, thanked the City of Burleson for all their help and support. Explained a new project called "The Eagle" for veterans.

- *Moved up in the agenda*

**7B. Discussion of Burleson Tea Party and Mass Gathering Events.**

Curtis E. Hawk, City Manager, introduced the need for a Mass Gathering Events Ordinance. The Ordinance will be brought forward the last meeting in May.

Angela Cox, 5201 Comanche Rd., Godley, TX. organizer for Burleson Tea Party, addressed the council. Ms. Cox stated she visited with the Police Department on March 2, 2009 and no issues were brought up at that time until Street Department was contacted for barricades.

Baker Hughes, 2335 Cheyenne, Crowley, TX, does not want the ordinance for mass gathering to target the Burleson Tea Party.

Larry Neagle, 703 Windridge, Burleson, TX, sent email to Mayor, Council and City Manager Curtis E. Hawk. Believes the Mayor was wrongly accused but stands behind Angela Cox's statement that the City of Burleson wanted to stop the Burleson Tea Party.

Keith Kelly, 107 Blackjack Lane, Burleson, TX, was told by a City Staff member that the City of Burleson would not allow the Burleson Tea Party to happen. Mr. Kelly relayed the information to Angela Cox.

Shirley Blex, 709 Ridge Hill Dr., Burleson, TX wants the Burleson Tea Party to have a better image, they are a good group of concerned citizens.

Public Hearings and Related Ordinances

**3A. Continuation of Public Hearing and consideration of Ordinance D-096-09 for a specific use permit (SUP) for a Monopole Antenna for Verizon Wireless, located at 921 S Burleson Boulevard on a 1,135 square feet portion of lot 1, block 1, Housing of the Future Addition, Johnson County. (Case No. 08-160) (First reading).**

Shai Roos, Director of Community and Economic Development, presented to council the continuation of Public Hearing and consideration of Ordinance D-096-09 for a specific use permit (SUP) for a Monopole Antenna for Verizon Wireless, located at 921 S Burleson Boulevard on a 1,135 square feet portion of lot 1,

block 1, Housing of the Future Addition, Johnson County. (Case No. 08-160)  
(First reading)

**Mayor Shetter continued the public hearing: Time: 8:39 p.m.**

Peter Kavanagh, 1620 Handley Drive, Suite A, Dallas, TX, presented to council the new look of the monopole that looks like a flag pole with a flag attached.

**Mayor Shetter closed the public hearing: Time: 8:50 p.m.**

Motion made by Matt Powell and seconded by Stuart Gillaspie to approve and attach the photo presented to council with the ordinance.

Motion passed 7-0.

**3B. Continuation of Public Hearing and Remove from the Table the Variance request from Section 5.5.F.5 (Median Openings) of the Burluson Design Standards Manual and Authorization for the City Manager to Sign an Agreement for the construction of a temporary median opening and dual left turn lanes with the owner of property 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.**

Aaron Russell, Director of Public Works and Engineering presented to council the continuation of Public Hearing and Remove from the Table the Variance request from Section 5.5.F.5 (Median Openings) of the Burluson Design Standards Manual and Authorization for the City Manager to Sign an Agreement for the construction of a temporary median opening and dual left turn lanes with the owner of property 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.

Motion was made by Stuart Gillaspie and seconded by Jim Wadlow to remove item from the table.

Motion passed 7-0.

**Mayor Shetter continued the public hearing: Time: 8:57 p.m.**

No speakers

**Mayor Shetter closed the public hearing. Time: 8:58 p.m.**

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

Motion passed 7-0.

**3C. Public Hearing and consideration of Ordinance B-789-09, repealing B-737, amending Chapter 82 of the Code of Ordinances by revising Section 82-1 (Water Shortage; Regulations Authorized) and adopting an amended City of Burleson Drought Contingency/Emergency Water Management Plan (First Reading)**

Aaron Russell, Director of Public Works and Engineering presented to council the consideration of Ordinance B-789-09, repealing B-737, amending Chapter 82 of the Code of Ordinances by revising Section 82-1 (Water Shortage; Regulations Authorized) and adopting an amended City of Burleson Drought Contingency/Emergency Water Management Plan (First Reading)

**Mayor Shetter opened the public hearing: Time: 9:02 p.m.**

No speakers

**Mayor Shetter closed the public hearing. Time: 9:03 p.m.**

Motion made by Jim Wadlow and seconded by Chip Stephens to approve.

Motion passed 7-0.

**3D. Public Hearing and authorization to apply for Edward Byrne Memorial Justice Assistance Grant (JAG) recovery funds and provide for public comment.**

Police Chief Tom Cowan, presented to council the Edward Byrne Memorial Justice Assistance Grant (JAG) recovery funds and provide for public comment.

**Mayor Shetter opened the public hearing: Time: 9:10 p.m.**

No speakers

**Mayor Shetter closed the public hearing. Time: 9:10 p.m.**

Motion made by Stuart Gillaspie and seconded by Carter Mahanay to authorize staff to apply for Edward Byrne Memorial Justice Assistance Grant. (JAG)

Motion passed 7-0.

Ordinances & Resolutions

**4A. Ordinance B-790-09, repealing B-775-07(A0109), Article VII of Chapter 14 Oil and Gas, Regulating the Drilling and Production of Gas Wells within the City and replacing it in its entirety. (First Reading).**

Aaron Russell, Director of Public Works and Engineering presented to council Ordinance B-790-09, repealing B-775-07(A0109), Article VII of Chapter 14 Oil

and Gas, Regulating the Drilling and Production of Gas Wells within the City and replacing it in its entirety. (First Reading).

Don Behrens, representative of Behrens and Associates Inc., Manhattan Beach, California, sound expert in sound measurements and assisted in writing the noise portion of the ordinance.

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

Motion passed 7-0.

**4B. Ordinance B-772-07(A0409), amending Chapter 82 Article III establishing obligations, duties and responsibilities for collection of residential garbage and recycling and non-residential garbage collection, to include the establishment of an exclusive franchise for collection of solid waste utilizing a private service provider. (First Reading)**

Aaron Russell, Director of Public Works and Engineering presented to council Ordinance B-772-07(A0409), amending Chapter 82 Article III establishing obligations, duties and responsibilities for collection of residential garbage and recycling and non-residential garbage collection, to include the establishment of an exclusive franchise for collection of solid waste utilizing a private service provider. (First Reading)

Motion was made by Stuart Gillaspie and seconded by Carter Mahanay to approve.

Motion passed 7-0.

**4C. Ordinance C-637-07(A0409), establishing rates to be charged for all residential and non-residential customers for solid waste and trash collection and disposal. (First Reading)**

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

Motion passed 7-0.

Contracts & Agreements

**5A. Award contract to I.E.S.I. TX Corporation for solid waste collection services.**

Aaron Russell, Director of Public Works and Engineering presented to council the contract to I.E.S.I. TX Corporation for solid waste collection services.

Motion was made by Dan McClendon and seconded by Stuart Gillaspie to approve.

Motion passed 7-0.

Other Items for Consideration

**6A. Authorization to apply for COPS Hiring Recovery Program (CHRP) from the office of Community Oriented Policing Services office in order to hire two additional police officers.**

Police Chief Tom Cowan presented to council the COPS Hiring Recovery Program (CHRP) from the office of Community Oriented Policing Services office in order to hire two additional police officers.

Motion was made by Matt Powell and seconded by Carter Mahanay to authorize staff to apply for COPS Hiring Recovery Program (CHRP) in order to hire two additional officers.

Motion passed 7-0.

Reports

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

Mayor Shetter and Curtis E. Hawk updated council.

**7B. Discussion of Burleson Tea Party and Mass Gathering Events.**

- Moved up in the agenda.

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 Chip Stephens to convene into executive session.

Motion passed 7-0. **Time: 10:09 p.m.**

Motion made to reconvene into open session.

Motion passed 7-0. **Time: 11:00 p.m.**

Motion was made by Dan McClendon and seconded Chip Stephens to change the City Secretary's salary to \$75,000.00 annually effective April 1, 2009 and keep all other compensations the same.

Motion passed 7-0.

There being no further business Mayor Shetter adjourned the meeting.

Time: 11:05 p.m.

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Amanda J. McCrory  
City Secretary