

AGENDA
BURLESON CITY COUNCIL MEETING
April 20, 2009

BURLESON CITY HALL
141 W. RENFRO
BURLESON, TX 76028

Call to Order

WORK SESSION – 6:00 p.m.

1. Presentation of Bailey Lake Master Plan.
2. Discussion of Early Out construction bid for Chisenhall Farms Baseball Park.
3. Discussion of items listed on tonight's city council agenda.
4. **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.**
5. Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

Proclamation and Certificates

AGENDA
BURLESON CITY COUNCIL MEETING
April 20, 2009

BURLESON CITY HALL
141 W. RENFRO
BURLESON, TX 76028

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Items to be continued or withdrawn

Items to be withdrawn from the consent agenda for separate discussion.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

- B. Financial Transactions.

Ordinances & Resolutions

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

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

- E. 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. (Final Reading)

- F. 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. (Final Reading)
- G. 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 (Final Reading)
- H. 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) (Final reading).
- I. Resolution R-1151-09, adopting policies mandated by the Fair and Accurate Credit Transactions Act of 2008 (FACT Act.)

Other Items of Consideration

- J. Quarterly Investment Report – 09/30/08 and 12/31/08.
- K. Contract with Ellerbee-Walczak, Inc. for materials testing and related services for the improvements at Chisenhall Park.
- L. Conveyance plat of lots 1&2 block 1 and lot 1 blocks 2-7 Reed Parke located east of SH 174 and north of FM 731 (Case No.08-163)
- M. Preliminary Plat of Lot 1, Block 1, Reed Parke Addition located east of SH 174 and north of FM 731. (Case 09-09)
- N. Final Plat of Lot 1, Block 1, Reed Parke Addition located east of SH 174 and north of FM 731. (Case 09-10)

- O. Award bid for the construction of the MIGG Phases 1 and 2 (Irene St., Gregory St., and Gardens Blvd.) project and authorize the City Manager to execute the contract and approve change orders not exceeding \$25,000.00.
- P. Award ITB 200-023 for the 2009 Micro Surface Program to Ballou Construction Co., Inc.
- Q. Award ITB 2009-024, 2009 Mill overlay Program to Reliable Paving.
- R. Award the bid for the "Early Out" construction bid for the grading, drainage and paving for Chisenhall Farms Baseball Park to Dean Electric.

Presentations

- 2. A. Lary Hawkins – Seasonal Permits.
- 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 Ordinance D-097-09 a request for a Specific Use Permit (SUP) for automobile sales in (C) Commercial and (I) Industrial zoning districts, within the Interstate 35 Overlay district for 9.9 acres on Lots 1 and 2, Block 2 of McCall's Industrial Addition and a portion of Tract 5E of the Sarah Gray Survey, Abstract No. 558, Tarrant County, Texas **Case 08-161a** (First Reading);

and

Consideration of a waiver to Ordinance B-726 (Landscaping) Section 5-188 (g) (2) for landscaped

parking islands and Ordinance B-767-07 (IH-35W Overlay District) Section 29.1-180 (c) (2) for the spacing of parking spaces in proximity to trees.
(Case 08-161b)

Ordinances & Resolutions

4.
 - A. 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. (Final Reading).
 - B. MO-09-058, amending of the 2008-2009 City of Burleson Fee Schedule by approving new fees associated with Ordinance B-790-09, Article VII of Chapter 14 Oil and Gas, Regulating the Drilling and Production of Gas Wells in the city, and authorizing the creation of a Gas Well Development Division of Public Works.
 - C. Resolution R-1152-09, declaring the support and participation of the City of Burleson in the Mayors' Action Challenge for Improving Outcomes of Burleson Children, Youth, and Families

Contracts & Agreements

5.
 - A. No items at this time.

Other Items for Consideration

6.
 - A. Consideration and adoption of the Master Development Plan for Bailey Lake Park.

Reports & Discussion Items

7.
 - A. Discussion of City of Burleson Legislative Agenda adopted by Council on January 20, 2009 by Resolution R-1140-09.
 - B. Update on the April 15, 2009 Burleson Tea Party.
 - C. Discussion of Council Workshop dates for Budget Process.

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 17th day of **April, 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) 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 413Pth District Court for Johnson County, Texas.
 - (3) Advice concerning boundary agreements with area cities;
 - (4) Advice concerning Burleson High School #2 Public Infrastructure Improvements
 - (5) Rick Johnson claim
 - (6) Maggie Ator claim
 - (7) Impact Outdoor Advertising vs. City of Burleson
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, Municipal Court Judge and Library Director
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.