

AGENDA  
BURLESON CITY COUNCIL MEETING  
**April 6, 2009**

BURLESON CITY HALL  
141 W. RENFRO  
BURLESON, TX 76028

Call to Order

**WORK SESSION – 6:00 p.m.**

1. Presentation of Hooked on Golf.
2. Discussion of Solid Waste Contract and Ordinances.
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 6, 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Items to be continued or withdrawn

Items to be withdrawn from the consent agenda for separate discussion.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 March 16, 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. (First 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. (First Reading)
  
- E. Resolution R-1149-09, adopting Amended Water Conservation Plan of the City of Burleson.
  
- F. Resolution R-1150-09 supporting the closure of State Owned Rest Areas on IH35W known as Johnson County Northbound and Johnson County Southbound.

### Other Items of Consideration

- G. 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)
- H. 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)
- I. Preliminary Plat of Chisenhall - Dilmore Addition located along the south side of Hidden Creek Parkway east of Irene Street. (Case No. 08-25)
- J. 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)
- K. Award the bid for interior painting of the Industrial No.2, 2.0 MG ground storage tank to Corrosion Eliminators, Inc. (Bid 2009-022)
- L. Approve the contract for the Summer Concert Series and authorize the City Manager to sign.
- M. Approval of funding for the annual Mayor's Book Club from the Hotel/Motel Fund.

### Presentations

- 2. A. 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. 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 Burlison 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).
  - B. Continuation of Public Hearing and Remove from the Table the Variance request from Section 5.5.F.5 (Median Openings) of the Burlison 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.
  - C. 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 Burlison Drought Contingency/Emergency Water Management Plan (First Reading)
  - D. Public Hearing and authorization to apply for Edward Byrne Memorial Justice Assistance Grant (JAG) recovery funds and provide for public comment.

### 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. (First Reading).
  - B. 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)

- C. 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)

#### Contracts & Agreements

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

#### Other Items for Consideration

- 6. A. 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

#### 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. Discussion of Burleson Tea Party and Mass Gathering Events.

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 **3rd<sup>th</sup>** day of **April, 2009**, by **5:00 p.m.**, on the official bulletin board at the Burleson City Hall, 141 W. Renfro, Burleson, Texas.



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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 413P<sup>th</sup> 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, 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.