

Memorandum

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

From: Amanda McCrory, City Secretary

Date: May 4, 2009

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

Council Action Requested:

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

Background Information:

Board/Citizen Input:

Financial Considerations:

Attachments:

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

Staff Contact:

Amanda McCrory

City Secretary

817-447-5400 ext. 277

BURLESON CITY COUNCIL WORK SESSION
April 20, 2009
DRAFT MINUTES

Roll Call:

Council present:

Stuart Gillaspie
Jim Wadlow
Matt Powell

Council Absent:

Ken Shetter

Dan McClendon
Carter Mahanay
Chip Stephens

Staff

Curtis E. Hawk, City Manager
Paul Cain, Deputy City Manager
Betsy Elam, City Attorney

WORK SESSION – Call to order – Time: 6:20 p.m.

1. Presentation of Bailey Lake Master Plan.

Peter Krause, Director of Parks and Recreation presented the Bailey Lake Master Plan. John Fielder, Kimley-Horn representative was available for questions.

2. Discussion of Early Out construction bid for Chisenhall Farms Baseball Park.

Peter Krause, Director of Parks and Recreation presented to council the Early Out construction for Chisenhall Farms Baseball Park.

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.

Motion was made by Matt Powell and seconded by Dan McClendon to convene into executive session.

Motion passed 6-0. Ken Shetter absent. **Time: 6:35p.m.**

5. Reconvene into open session for possible action.

Time: 7:05 p.m.

BURLESON CITY COUNCIL REGULAR SESSION
April 20, 2009
DRAFT MINUTES

Roll Call:

Council present:

Stuart Gillaspie
Jim Wadlow
Matt Powell

Council Absent:

Ken Shetter

Dan McClendon
Carter Mahanay
Chip Stephens

Staff

Curtis E. Hawk, City Manager
Paul Cain, Deputy City Manager
Betsy Elam, City Attorney

REGULAR SESSION – Call to order – Time: 7:05 p.m.

Invocation – Lamar Black, Crestmont Baptist Church

Pledge of Allegiance

Motion was made by Jim Wadlow and seconded by Matt Powell to approve the purchase of the Robinson and Gifford-Thomas parcels as discussed in executive session.

Motion passed 6-0. Ken Shetter absent.

Motion was made by Jim Wadlow and seconded by Carter Mahanay to approve the settlement agreement with Gayla Tennison as discussed in executive session.

Motion passed 6-0. Ken Shetter absent.

Proclamations

National Volunteer Week
Motorcycle Safety and Awareness Month
El dia de La Buena Vida de Burleson
Counseling Awareness Month
National Crime Victims' Rights 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 April 20, 2009 regular council meeting.

Motion was made by Chip Stephens and seconded by Dan McClendon to approve.

Motion passed 6-0. Ken Shetter absent.

1B. Financial Transactions.

Motion was made by Chip Stephens and seconded by Dan McClendon to approve.

Motion passed 6-0. Ken Shetter absent.

City of Burleson
Financial Transactions

Vendor / Description	Amount	Fund
REQUISITIONS OVER \$3,000:		
Jackson Construction, LTD – Construction of driveway at Lynnwood and Hidden Creek Parkway.	11,414.00	2005CO
Kimley-Horn and Associates, Inc. – Alsbury Traffic Control Plan from Douglas to I-35.	25,000.00	2005GOB
Canon Business Solutions – 6 scanners for document imaging.	4,170.00	GF
Callaway Golf – Merchandise for resale at the golf course pro-shop.	4,000.00	HCGC
Burleson Independent School District – City’s portion of construction of Hurst Road from Renfro Street to Wyche Court to serve new high school.	256,979.27	2007GOB
Jacqueline Green PR, Inc. – Speaker fees for Cheryl Charles for the Mayor’s Book Club and Mayors’ Summit for Children and Families of North Texas.	5,000.00	H/M
Southwest International – invoice for Solid Waste garbage trucks. (See memo from Finance Director, attached)	417,890.04	ERF

PAYMENTS OF \$3,000:		
Vulcan Signs – Sign materials for the Streets Traffic Maintenance Dept.	4,196.00	GF

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

Motion was made by Chip Stephens and seconded by Dan McClendon to approve.

Motion passed 6-0. Ken Shetter absent.

1D. 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)

Motion was made by Chip Stephens and seconded by Dan McClendon to approve.

Motion passed 6-0. Ken Shetter absent.

1E. 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)

Motion was made by Chip Stephens and seconded by Dan McClendon to approve.

Motion passed 6-0. Ken Shetter absent.

1F. 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)

Motion was made by Chip Stephens and seconded by Dan McClendon to approve.

Motion passed 6-0. Ken Shetter absent.

- 1G. 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)**

Motion was made by Chip Stephens and seconded by Dan McClendon to approve.

Motion passed 6-0. Ken Shetter absent.

- 1H. 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).**

Motion was made by Chip Stephens and seconded by Dan McClendon to approve.

Motion passed 6-0. Ken Shetter absent.

- 1I. Resolution R-1151-09, adopting policies mandated by the Fair and Accurate Credit Transactions Act of 2008 (FACT Act.)**

Motion was made by Chip Stephens and seconded by Dan McClendon to approve.

Motion passed 6-0. Ken Shetter absent.

- 1J. Quarterly Investment Report – 09/30/08 and 12/31/08.**

Motion was made by Chip Stephens and seconded by Dan McClendon to approve.

Motion passed 6-0. Ken Shetter absent.

- 1K. Contract with Ellerbee-Walczak, Inc. for materials testing and related services for the improvements at Chisenhall Park.**

Motion was made by Chip Stephens and seconded by Dan McClendon to approve.

Motion passed 6-0. Ken Shetter absent.

1L. 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)

Motion was made by Chip Stephens and seconded by Dan McClendon to approve.

Motion passed 6-0. Ken Shetter absent.

1M. Preliminary Plat of Lot 1, Block 1, Reed Parke Addition located east of SH 174 and north of FM 731. (Case 09-09)

Motion was made by Chip Stephens and seconded by Dan McClendon to approve.

Motion passed 6-0. Ken Shetter absent.

1N. Final Plat of Lot 1, Block 1, Reed Parke Addition located east of SH 174 and north of FM 731. (Case 09-10)

Motion was made by Chip Stephens and seconded by Dan McClendon to approve.

Motion passed 6-0. Ken Shetter absent.

1O. 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.

Motion was made by Chip Stephens and seconded by Dan McClendon to approve.

Motion passed 6-0. Ken Shetter absent.

1P. Award ITB 200-023 for the 2009 Micro Surface Program to Ballou Construction Co., Inc.

Motion was made by Chip Stephens and seconded by Dan McClendon to approve.

Motion passed 6-0. Ken Shetter absent.

1Q. Award ITB 2009-024, 2009 Mill overlay Program to Reliable Paving.

Motion was made by Chip Stephens and seconded by Dan McClendon to approve.

Motion passed 6-0. Ken Shetter absent.

1R. Award the bid for the "Early Out" construction bid for the grading, drainage and paving for Chisenhall Farms Baseball Park to Dean Electric.

Motion was made by Chip Stephens and seconded by Dan McClendon to approve.

Motion passed 6-0. Ken Shetter absent.

- *Moved to the consent agenda.*

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

Motion was made by Chip Stephens and seconded by Dan McClendon to approve.

Motion passed 6-0. Ken Shetter absent.

Presentations

2A. Lary Hawkins – Seasonal Permits.

Presented to council the need to change the process for seasonal permits.

2B. Citizens Appearance

David Scott, 100 E. Miller St, Burleson TX, requested the city help him maintain his property because he believes the city caused the drainage problem.

Public Hearings and Related Ordinances

3A. 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)

Shai Roos, Director of Community and Economic Development presented to council 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)

Mayor Pro Tem Gillaspie opened the public hearing: Time: 7:47 p.m.

Elizabeth Par, 2808 Fairmont, Dallas, TX representing the applicant answered questions about the development.

Mayor Pro Tem Gillaspie closed the public hearing: Time: 8:03 p.m.

Motion made by Dan McClendon and seconded by Chip Stephens to approve D-097-09 and approve the waiver for the area designed by the site plan for inventory parking.

Motion passed 6-0. Ken Shetter absent.

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. (Final Reading).**

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

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

Motion passed 6-0. Ken Shetter absent.

- 4B. 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.**

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

Motion passed 6-0. Ken Shetter absent.

- 4C. 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**

Curtis E. Hawk, City Manager presented 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.

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

Motion passed 6-0. Ken Shetter absent.

Contracts & Agreements

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

Other Items for Consideration

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

- *Moved to the consent agenda.*

Reports

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

Curtis E. Hawk, City Manager updated council on the City of Burleson Legislative Agenda.

7B. Update on the April 15, 2009 Burleson Tea Party.

Stacy Singleton, Fire Marshal, updated the council the April 15, 2009 Burleson Tea Party.

7C. Discussion of Council Workshop dates for Budget Process.

No 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.

There being no further business Mayor Pro Tem Gillaspie adjourned the meeting.

Time: 8:50 p.m.

Amanda J. McCrory
City Secretary