

AGENDA  
BURLESON CITY COUNCIL MEETING  
**June 1, 2009**

BURLESON CITY HALL  
141 W. RENFRO  
BURLESON, TX 76028

Call to Order

**WORK SESSION – 6:00 p.m.**

1. Discussion of the Tree Preservation Ordinance.
2. Discussion of items listed on tonight's city council agenda.
3. **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.**
4. Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

Proclamation and Certificates

**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Items to be continued or withdrawn

Items to be withdrawn from the consent agenda for separate discussion.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 May 18, 2009 regular council meeting.
- B. Financial Transactions.

Other Items of Consideration

- C. Escrow agreement with CEB Triple Play, Ltd. for the use of previously deposited escrow funds for the construction of parking spaces on NE Johnson Avenue.
- D. Award the bid for the construction of the Paving Improvements for Alsbury Boulevard (Douglas St. to I-35 Service Road) project and authorize the City Manager to approve change orders not to exceed \$25,000.00.
- E. Minute order MO-09-059, authorizing the retirement of the solid waste equipment capital lease purchase agreement with Chase Equipment Leasing dated February 5, 2008, and authorizing the amendment of the 2008-2009 solid waste fund budget for an additional \$206,000.

- F. Minute Order MO-09-060, accepting the Water/Wastewater Impact Fees Report.
- G. Minute Order MO-09-061, accept Quarterly Investment Report – Period ended 3/31/09.
- H. Minute Order MO-09-062, amending of the 2008-2009 City of Burleson Fee Schedule by approving Fort Worth Water and Wastewater Impact Fees.

Presentations

- 2. A. Presentation of Mayor's Youth Council End of Youth Council Year Report.
- 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-099-09, a request for a Specific Use Permit (SUP) for child care as a home occupation in Single Family Dwelling District 7 (SF7), at 1227 Scarlet Sage PKWY, Burleson, Texas 76028. (First Reading) (Case No. 09-020)
- B. Public Hearing and consideration of a request for a variance by Williams Production, from Item G. Landscaping, of Section 14-363, of Ordinance B779-09, regulating the drilling of gas wells within the City of Burleson, allowing the delay of landscaping for the Oak Valley pad site and accepting an escrow agreement for the funds.

Ordinances & Resolutions

- 4. A. No items at this time.

Contracts & Agreements

5. A. Architectural Services Contract with GSBS Architects for a Community Facility Study.
- B. Approve a contract for economic development services between the City of Burleson and Burleson Area Chamber of Commerce.
- C. Chapter 380 Economic Development Agreement between the City of Burleson and Burleson Premiere Cinema, LLC and Premiere Cinema Corporation and Related Funding.
- D. Third amendment to the Chapter 380 Economic Development Agreement between the City of Burleson and Burleson Commons, L.P.

Other Items for Consideration

6. A. Minute Order MO-09-063, appointing voting membership of the Mayor's Youth Council to serve terms commencing June 1, 2009.

Reports & Discussion Items

7. A. Discussion of Use of Revenues from Photographic Traffic Signal Enforcement System (PTSES).
- B. Discussion of amendments to the contract with Burleson Cemetery Operations LLC for Management services for Burleson Memorial Cemetery and expenditures of gas well fund money for improvements to Burleson Memorial Cemetery.
- C. Discussion of City of Burleson Legislative Agenda adopted by Council on January 20, 2009 by Resolution R-1140-09.
- D. Discussion of Issues Related to Preparation of the FY 09-10 Budget.
- E. Discussion of Right of way acquisition and road construction projects, as part of the Joint Agreement between the City of Burleson and the Burleson Independent School District pertaining to the New Burleson High School.

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 \_\_\_\_\_ day of \_\_\_\_\_, **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 413<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 claim
  - (8) Laura France.
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.