

## **Memorandum**

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

From: Amanda McCrory, City Secretary

Date: June 15, 2009

Subject: Minutes of the June 1, 2009, regular Council session.

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### **Council Action Requested:**

Approve the minutes of the June 1, 2009, regular Council session.

### **Background Information:**

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

### **Financial Considerations:**

### **Attachments:**

Minutes of the June 1, 2009, regular Council session.

### **Staff Contact:**

Amanda McCrory

City Secretary

817-447-5400 ext. 277

BURLESON CITY COUNCIL WORK SESSION  
June 1, 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: 6:21p.m.**

**1. Discussion of the Tree Preservation Ordinance.**

Shai Roos, Director of Community and Economic Development presented to council a draft overview of the Tree Preservation Ordinance.

**2. Discussion of all items on tonight's meeting. No action will be taken and each item will be considered during the Regular Session.**

None

**3. 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.**

BURLESON CITY COUNCIL REGULAR SESSION

June 1, 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: 7:09p.m.**

**Invocation** – Larry Moore, Seventh Adventist church

**Pledge of Allegiance**

Mayor recognized the Finance Department for their accomplishment of receiving the “Distinguish Budget Presentation Award”. Rhett Clark and Dee Kerr received the award.

**Proclamations**

**Items to be continued or withdrawn**

**Items to be withdrawn from the consent agenda for separate discussion.**

- 1C. 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.

Consent Agenda

**1A. Approve the minutes from the May 18, 2009 council meeting.**

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

Motion passed 7-0.

**1B. Financial Transactions.**

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

Motion passed 7-0.

**1C. 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.**

\* Removed from consent agenda for separate discussion.

**1D. 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.**

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

Motion passed 7-0.

**1E. 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.**

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

Motion passed 7-0.

**1F. Minute Order MO-09-060, accepting the Water/Wastewater Impact Fees Report.**

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

Motion passed 7-0.

**1G. Minute Order MO-09-061, accept Quarterly Investment Report – Period ended 3/31/09.**

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

Motion passed 7-0.

**1H. Minute Order MO-09-062, amending of the 2008-2009 City of Burleson Fee Schedule by approving Fort Worth Water and Wastewater Impact Fees.**

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

Motion passed 7-0.

- *Removed from Consent Agenda*

**1C. 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.**

Aaron Russell, Director of Public Works and Engineering presented to council the 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.

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

Motion passed 7-0.

Presentations

**2A. Presentation of Mayor's Youth Council End of Youth Council Year Report.**

Amanda Worley, Mayor's Youth Council Chair and Brushea Daniels Vice-Chair, presented to council the Year End Report.

## **2B. Citizens Appearance**

None

- *Moved up in the agenda in consideration of the Cemetery Board*

### **7B. 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**

Amanda McCrory, City Secretary, reported to council of proposed 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

### **Discussion of the Tree Preservation Ordinance continued from Work session.**

Shai Roos, Director of Community and Economic Development presented the draft Tree Preservation Ordinance.

### Public Hearings and Related Ordinances

### **3A. 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)**

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

### **Mayor Shetter opened the public hearing: Time: 8:46 p.m.**

Ellen Pearce, 912 Jacobs Crossing Ct., spoke in support of the applicant.

Break 8:52 pm – 9:07 pm

Wendy Garton, 1227 Scarlet Sage, applicant.

Council asked questions of the applicant.

### **Mayor Shetter closed the public hearing: Time: 9:12 p.m.**

Motion made by Stuart Gillaspie and seconded by Jim Wadlow to approve with the following conditions:

- 1) A maximum of 12 children be allowed on-site during the operation of the facility.
- 2) All parents of children attending the day care shall be notified that there is a Registered Sex Offender (RSO) living within 1000 feet of the day care property.
- 3) The child care operation shall only be allowed to operate Monday – Friday between the hours of 6:30 AM – 6:00 PM.
- 4) No signage will be allowed in the yard.

Motion passed 7-0.

**3B. 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.**

Aaron Russell, Director of Public Works and Engineering presented to council 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.

**Mayor Shetter opened the public hearing: Time: 9:40 p.m.**

No speakers

**Mayor Shetter closed the public hearing. Time: 9:40 p.m.**

Motion was made by Carter Mahanay and seconded by Chip Stephens with the condition that at the time the landscape is completed the landscape meets the current city landscape requirements.

Motion passed 6-1. Ken Shetter against.

Ordinances & Resolutions

**4A. No items for consideration at this time.**

Contracts & Agreements

**5A. Architectural Services Contract with GSBS Architects for a Community Facility Study.**

David Wynn, Deputy City Manager presented to council the Architectural Services Contract with GSBS Architects for a Community Facility Study.

Council continued the item.

**5B. Approve a contract for economic development services between the City of Burleson and Burleson Area Chamber of Commerce.**

Shai Roos, Director of Community and Economic Development presented to council a contract for economic development services between the City of Burleson and Burleson Area Chamber of Commerce.

Motion was made by Jim Wadlow and seconded by Stuart Gillaspie to approve.

Motion passed 7-0.

- *Item 5C and 5D were discussed together as one item.*

**5C. Chapter 380 Economic Development Agreement between the City of Burleson and Burleson Premiere Cinema, LLC and Premiere Cinema Corporation and Related Funding.**

Paul Cain, Deputy City Manager presented Chapter 380 Economic Development Agreement between the City of Burleson and Burleson Premiere Cinema, LLC and Premiere Cinema Corporation and Related Funding.

Motion was made by Matt Powell and seconded by Carter Mahanay to approve.

Motion passed 7-0.

**5D. Third amendment to the Chapter 380 Economic Development Agreement between the City of Burleson and Burleson Commons, L.P.**

Motion was made by Dan McClendon and seconded by Jim Wadlow to approve with the condition that the maximum grant payment could be reduced by the loan amount plus legal fees incurred by the city should the occasion arise.

Motion passed 7-0

Other Items for Consideration

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

Kellye Cunningham, Assistant to the City Manager presented Minute Order MO-09-063, appointing voting membership of the Mayor's Youth Council to serve terms commencing June 1, 2009.

Motion was made by Chip Stephens and seconded by Carter Mahanay to approve.

Motion passed 7-0.

Reports

**7A. Discussion of Use of Revenues from Photographic Traffic Signal Enforcement System (PTSES).**

Paul Cain, Deputy City Manager presented to council Use of Revenues from Photographic Traffic Signal Enforcement System (PTSES).

**7B. 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.**

- *Moved up in the agenda.*

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

Ken Shetter, Mayor and Curtis E. Hawk, City Manager updated the council on the Legislative agenda.

**7D. Discussion of Issues Related to Preparation of the FY 09-10 Budget.**

None

**7E. 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.**

None

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 Carter Mahanay to convene into executive session.

Motion passed 7-0. **Time: 11:21 pm**

Motion made by Dan McClendon and seconded by Chip Stephens to reconvene into open session.

Motion passed 7-0. **Time: 12:05 am (June 2, 2009)**

Motion was made by Jim Wadlow and seconded by Carter Mahanay to authorize the Right-of-way acquisition as discussed in executive session.

Motion passed 7-0.

There being no further business Mayor Shetter adjourned the meeting.

Time: 12:10 a.m. (June 2, 2009)

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Amanda J. McCrory  
City Secretary