

AGENDA  
BURLESON CITY COUNCIL MEETING  
July 20, 2009

BURLESON CITY HALL  
141 W. RENFRO  
BURLESON, TX 76028

Call to Order

**WORK SESSION – 6:00 p.m.**

1. Presentation of Ordinance B-786-09, Tree Preservation.
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Items to be continued or withdrawn

Items to be withdrawn from the consent agenda for separate discussion.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 July 6, 2009 regular council meeting.
- B. Financial Transactions.

Ordinances & Resolutions

- C. Ordinance C-594-06 (A0709), adopting the official map of the City of Burleson, declaring said map to be the official boundaries of the corporate limits of the city and its extraterritorial jurisdiction as of the date of adoption. (Final Reading)
- D. Ordinance B-582 (A0709), an amendment to the City of Burleson Code of Ordinances, Appendix B: Zoning Ordinance, Article IV, Section 35, General Yard Requirements, adding clarification language for the definition of a double frontage lot. (Final Reading) (Case 09-047)
- E. Ordinance C-637-07 (B0709), establishing rates to be charged for all residential and non-residential customers for solid waste and trash collection and disposal. (Final Reading)

Other Items for Consideration

- F. Agreement with Harvest House to provide city support to the annual Little Red Schoolhouse program and authorize the City Manager to execute.
  
- G. Approve Service Agreement with the State of Texas Department of Information Resources to provide long distance service to City facilities.

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. Public hearing and consideration of Ordinance D-076-07 (B0609), the annual renewal of Site Plan (SP) zoning classification, specifically the tire disposal transportation service use, within the Interstate 35 Overlay District for 1.61 acres located at 3220 S Burleson BLVD. west side of Interstate 35W and north of FM 917. (First Reading) (Case 09-048)

Ordinances & Resolutions

- 4. A. Ordinance B-786-09, amending Chapter 86, "Vegetation" and Article II "Trees and Shrubbery" of the Code of Ordinances of the City of Burleson by adopting a new Chapter 86, "Trees" and a new Article II, "Tree Preservation", establishing regulations for tree preservation and tree planting in the City. (First Reading)

Contracts & Agreements and Other Related Items

5. A. Consideration of an Engineering Services Contract with Cheatham and Associates for the design of a ground storage tank at the Brushy Mound Water Pump Station and authorize the City Manager to execute the contract.

Other Items for Consideration

6. A. Consideration of a request from the applicant to bring back for discussion and final reading an amendment to Section 2 of the Planned Development (PD) Zoning Ordinance (D-067-06)(A509) for Valley View Estates located west of S Dobson Street and north of County Road 714 without meeting the stipulations from the City Council's motion at the public hearing and first reading.
- B. Minute Order MO-09-064, granting a variance to Section 11-183. Sale of Alcoholic Beverages near Churches, Public Hospitals, Public or Private Schools in accordance with provision 109.33 (e) of the Texas Alcoholic Beverage Code for the existing Shell Convenience Store located at 1200 SW Wilshire Blvd.
- C. Award the construction bid for Phase 1B of the Youth Sports Complex and related items.

Reports & Discussion Items

7. A. Discussion of Issues Related to Preparation of the FY 09-10 Budget.
- B. Report on Economic Development Committee meeting.

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.



\_\_\_\_\_  
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.