

## **Memorandum**

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

From: Amanda McCrory, City Secretary

Date: July 20, 2009

Subject: Approval of the minutes of the July 6, 2009, regular Council session.

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### **Council Action Requested:**

Approve the minutes of the July 6, 2009, regular Council session.

### **Background Information:**

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

### **Financial Considerations:**

### **Attachments:**

Minutes of the July 6, 2009, regular Council session.

### **Staff Contact:**

Amanda McCrory  
City Secretary  
817-447-5400 ext. 277

BURLESON CITY COUNCIL WORK SESSION  
July 6, 2009  
DRAFT MINUTES

Roll Call:

Council present:

Stuart Gillaspie (arrives 6:45 p.m.)

Jim Wadlow

Ken Shetter

Dan McClendon

Carter Mahanay

Council Absent:

Matt Powell

Chip Stephens

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: 6:23 p.m.**

**1. Presentation of Energy Audit of City Facilities.**

Bianca Chafin, Environmental Programs Specialist, explained Texas Senate Bill 12 and introduced Johnson Controls. Johnson Controls presented the Energy Audit of City Facilities.

**2. Report on Emergency Management Exercise on June 24, 2009.**

No report time expired will be presented during regular council meeting.

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

**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.**

None

**5. Reconvene into open session for possible action.**

BURLESON CITY COUNCIL REGULAR SESSION  
July 6, 2009  
DRAFT MINUTES

Roll Call:

Council present:

Stuart Gillaspie  
Jim Wadlow

Ken Shetter  
Dan McClendon  
Carter Mahanay

Council Absent:

Matt Powell

Chip Stephens

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: 7:12 p.m.**

**Invocation** – Tom Pickett, Worldwide Church of God.

**Pledge of Allegiance**

**Proclamations**

**Items to be continued or withdrawn**

**Items to be withdrawn from the consent agenda for separate discussion.**

Consent Agenda

**1A. Approve the minutes from the June 15, 2009 regular council meeting.**

Motion was made by Dan McClendon and seconded by Carter Mahanay to approve.

Motion passed 5-0. Matt Powell and Chip Stephens absent.

**1B. Financial Transactions.**

**City of Burleson  
Financial Transactions**

Vendor / Description	Amount	Fund
<b>REQUISITIONS OVER \$3,000:</b>		
K&K Fencing – New fence project golf course	\$6,825.00	HCGC
Uretek USA Inc. – Underseal pavement on Hemphill St.	\$14,000.00	GF
Industrial Power Isuzu Truck – Transmission repair to vehicle # 340 (Public Works)	\$4,977.57	ESF
Nortex Concrete Lift – Pavement raising for streets maintenance	\$4,425.00	GF
APAC –Texas Inc. – Hot mix asphalt for street maintenance	\$15,996.00	GF
Quiltcraft – 2” prefab acoustic wall panel & installation for service center lobby	\$4,140.28	GF
Kimberling Furniture – Furniture for Fire Station 3	\$7,099.00	GF
Kinloch Equipment & Supply – Hydraulic & hose repair for rodder pump repair #205	\$7,891.20	ESF
CDW Government Inc – Foundry fastiron 624P POE and technet gold support for additional switch needed for new phone system in police dept	\$3,589.31	GF
Interstate Trailers Inc. – Replacement for heavy equipment trailer for PW	\$15,645.00	GF
Weir & Associates – North Creek Relief Line (Non-MH) project # 05227, PO # 202327	\$25,500.00	2005WSRBF
JRJ Paving – C/O #5 2008 Neighborhood Streets/Independent Water; additional water service to grocery store, shopping center meter. Projects 077266 & 077270. PO # 206387	\$7,398.50	2007 CO – W&S
Lindsey Contractors Inc – increase PO # 208705 by \$5,195.43 to a total of \$10,195.43 for HC Sports complex	\$5,195.43	Park Dedication Fund
<b>PAYMENTS OVER \$3,000</b>		
Safeware Inc. – Fire equipment	\$3,286.29	GF
Motor Tech – Pump repair Wicker Hill Booster Pump Station, emergency repair	\$4,132.00	W&S

Motion was made by Dan McClendon and seconded by Carter Mahanay to approve.

Motion passed 5-0. Matt Powell and Chip Stephens absent.

**1C. 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. (First Reading)**

Motion was made by Dan McClendon and seconded by Carter Mahanay to approve.

Motion passed 5-0. Matt Powell and Chip Stephens absent.

**1D. Resolution R-1158-09 (A0709), amending Resolution R-1158-09 to designate the City Manager of the City of Burleson, Texas as the grantee's authorized official.**

Motion was made by Dan McClendon and seconded by Carter Mahanay to approve.

Motion passed 5-0. Matt Powell and Chip Stephens absent.

**1E. Discretionary Service Agreement with Oncor for the relocation of four streetlights in the Hidden Creek Parkway median as part of Chisenhall Park construction.**

Motion was made by Dan McClendon and seconded by Carter Mahanay to approve.

Motion passed 5-0. Matt Powell and Chip Stephens absent.

**1F. Authorization to Enter into an Agreement with Chesapeake Energy for the Sale of Non-potable Water from Bailey Lake.**

Motion was made by Dan McClendon and seconded by Carter Mahanay to approve.

Motion passed 5-0. Matt Powell and Chip Stephens absent.

Presentations

**2A. Citizens Appearance**

Councilmember Brian Johnson and Mayor Bryan Lankhorst from the City of Kennedale addressed the city council and presented to Mayor Shetter their appreciation to him for his efforts on the Transportation Bill TLOTA.

Public Hearings and Related Ordinances

**3A. Public hearing and consideration of a request to replat a portion of Shannon Creek, Lots 2 and 10, Block 1, into Lots 2R and 10R, Block 1, located north of SW Hulen Street. (Case 09-029)**

Shai Roos, Director of Community and Economic Development the request to replat a portion of Shannon Creek, Lots 2 and 10, Block 1, into Lots 2R and 10R, Block 1, located north of SW Hulen Street. (Case 09-029)

**Mayor Shetter opened the public hearing: Time: 7:27 p.m.**

No speakers

**Mayor Shetter closed the public hearing: Time: 7:27 p.m.**

Motion was made by Jim Wadlow and seconded by Stuart Gillaspie to approve with noted plat condition of sidewalk setback.

Motion passed 4-0. Matt Powell and Chip Stephens absent. Carter Mahanay abstained.

**3B. Public Hearing and consideration of D-100-09, a request for a zoning change from Single Family 7 (SF7) to Single Family Estate (SFE) for Lot 1, Block 1, Lowe Acres at 628 NW Jayellen Avenue; Lot 2, Block 1, Lowe Acres at 624 NW Jayellen Avenue; and Tract 20, Abstract 383 at 562 NW Jayellen Avenue. (Case 09-028).**

Shai Roos, Director of Community and Economic Development presented to council D-100-09, a request for a zoning change from Single Family 7 (SF7) to Single Family Estate (SFE) for Lot 1, Block 1, Lowe Acres at 628 NW Jayellen Avenue; Lot 2, Block 1, Lowe Acres at 624 NW Jayellen Avenue; and Tract 20, Abstract 383 at 562 NW Jayellen Avenue. (Case 09-028).

**Mayor Shetter opened the public hearing: Time: 7:41 p.m.**

Charlie Langdon, 628 Jayellen, applicant for the request. Mr. Langdon let council know he has no intentions of having horses on his property, only wants to make the property more marketable.

**Mayor Shetter closed the public hearing. Time: 7:45 p.m.**

Motion was made by Stuart Gillaspie and seconded by Carter Mahanay to approve.

Motion failed 3-2. Dan McClendon, Ken Shetter and Jim Wadlow against. Stuart Gillaspie and Carter Mahanay for. Matt Powell and Chip Stephens absent.

**3C. Public hearing and consideration of 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. (First Reading) (Case 09-047)**

Shai Roos, Director of Community and Economic Development presented to council 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. (First Reading) (Case 09-047)

**Mayor Shetter opened the public hearing: Time: 8:01 p.m.**

No speakers

**Mayor Shetter closed the public hearing. Time: 8:02 p.m.**

Motion was made by Dan McClendon and seconded by Carter Mahanay to approve.

Motion passed 5-0. Matt Powell and Chip Stephens absent.

#### Ordinances & Resolutions

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

*\*Worksession item*

**Report on Emergency Management Exercise on June 24, 2009.**

Battalion Chief Brent Batla reported on the Emergency Management Exercise on June 24, 2009.

Contracts & Agreements

**5A. Professional services contract with SMS Woodstone, Inc. for brush and yard waste processing.**

Aaron Russell, Director of Public Works and Engineering presented to council the Professional services contract with SMS Woodstone, Inc. for brush and yard waste processing.

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

Motion passed 5-0. Matt Powell and Chip Stephens absent.

**5B. 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 (First Reading).**

Aaron Russell, Director of Public Works and Engineering presented to council 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 (First Reading).

Motion made by Dan McClendon and seconded by Carter Mahanay to approve.

Motion passed 5-0. Matt Powell and Chip Stephens absent.

Other Items for Consideration

**6A. Approve an Oil and Gas Lease with Chesapeake Energy for subsurface minerals on 2.428 acres of city-owned property.**

Peter Krause, Director of Parks and Recreation presented to council an Oil and Gas Lease with Chesapeake Energy for subsurface minerals on 2.428 acres of city-owned property.

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

Motion passed 5-0. Matt Powell and Chip Stephens absent.

Reports

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

None

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

There will be a meeting tomorrow (July 7, 2009) night at 6:00 p.m. here at city hall.

**7C. Discussion of road and signal 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.**

David Wynn, Deputy City Manager updated the council on the progress of traffic signals on E. Renfro.

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 5-0. Matt Powell and Chip Stephens absent. **Time: 8:24 p.m.**

Motion was made by Jim Wadlow and seconded by Stuart Gillaspie to reconvene into open session.

Motion passed 5-0. Matt Powell and Chip Stephens absent. **Time: 8:40 p.m.**

There being no further business Mayor Shetter adjourned the meeting.

Time: 8:40 p.m.

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Amanda J. McCrory  
City Secretary