

AGENDA  
BURLESON CITY COUNCIL MEETING  
**August 17, 2009**

BURLESON CITY HALL  
141 W. RENFRO  
BURLESON, TX 76028

Call to Order

**WORK SESSION – 6:00 p.m.**

1. Discussion of possible revision of Policy MO-08-024, activation of the Outdoor Emergency Warning System and Connect CTY.
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Items to be continued or withdrawn

Items to be withdrawn from the consent agenda for separate discussion.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 August 3, 2009 regular Council session.
- B. Financial Transactions.

Ordinances & Resolutions

- C. Ordinance C-652-09, approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the company's rate review mechanism filing, and setting just and reasonable rates. (Final Reading)
- D. Ordinance D-100-09, a request for a Specific Use Permit (SUP) for childcare as a home occupation (in single-family dwelling unit) located at 525 NW Jayellen Avenue, Burleson, Texas 76028. (Final Reading) (Case 09-043)
- E. Resolution R-1093-07(A0809), adopting guidelines and criteria for the economic development incentives program.

Other Items for Consideration

- F. Request from Chesapeake Energy for a license agreement for the purpose of installing an electrical transmission line to operate required pad site facilities at the Burleson Cemetery pad site.
  
- G. Preliminary Plat of Lots 1 and 2, Block 1, Lakewood Plaza located on the northwest corner of the SW Wilshire Boulevard and Lakewood Drive intersection. (Case 09-037)
  
- H. Ratify Burleson Community Service Corporation (4B Corporation) Resolution 4B081709.

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 discussion of 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 Ordinance D-067-06 (A0509), a request for an amendment to Section 2 of the Planned Development (PD) Zoning Ordinance (D-067-06) for Valley View Estates, located west of S Dobson Street and north of County Road 714. (Final Reading) (Case No. 08-164a).
  
- B. Public hearing and Replat of Valley View Estates (Block 1, Lots 1, 9, 10, and 17 and Block 2, Lots 1, 2, and 10 – 25) located west of S Dobson Street and north of County Road 714 (Case 08-164b).
  
- C. Public hearing and waiver of Section 5.4.C.4a of the Design Standards Manual for the fire hydrant spacing requirement and consideration of a Final Plat of Lots 1-3, Block 7, Easthill Subdivision located on the east side of CR 800A south of East

FM 917. (Case 09-045)

- D. Public Hearing and request by Chesapeake Operating, Inc., for a gas well drilling permit with a variance for four (4) gas wells, known as the HOG A 1H and 4H, HOG B 1H and Unicorn 1H on a new pad site located at 755 SW Wilshire Boulevard (Case Nos. 09-030, 09-057 and 09-080).

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. (Final Reading)

Contracts & Agreements and Other Related Items

- 5 A. No items at this time.

Other Items for Consideration

6. A. Final Plat of Lot 1, Block A of Chisenhall - Dilmore Addition located along the south side of Hidden Creek Parkway east of Irene Street. (Case No. 08-25).

Reports & Discussion Items

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

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.