

August 17, 2009

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## **Memorandum**

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

From: Amanda McCrory, City Secretary

Date: August 17, 2009

Subject: Approval of the minutes of the August 3, 2009, regular Council session.

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### **Council Action Requested:**

Approve the minutes of the August 3, 2009, regular Council session.

### **Background Information:**

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

### **Financial Considerations:**

### **Attachments:**

Minutes of the August 3, 2009, regular Council session.

### **Staff Contact:**

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

BURLESON CITY COUNCIL WORK SESSION  
August 3, 2009  
DRAFT MINUTES

Roll Call:

Council present:

Stuart Gillaspie  
Jim Wadlow  
Matt Powell (6:56 p.m.)  
Ken Shetter  
Dan McClendon  
Carter Mahanay  
Chip Stephens (7:01 p.m.)

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: 6:14p.m.**

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

Curtis E. Hawk, City Manager and Rhett Clark, Director of Finance presented a brief overview of the proposed FY 09-10 Budget.

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

**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.**

Motion was made by Jim Wadlow and seconded by Carter Mahanay to convene into executive session.

Motion passed 7-0. **Time: 6:43 p.m.**

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

Motion was made by Dan McClendon and seconded by Stuart Gillaspie to reconvene into open session.

Motion passed 7-0. **Time: 7:15p.m.**

BURLESON CITY COUNCIL REGULAR SESSION  
August 3, 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: 7:16 p.m.**

**Invocation** – Matt Powell, Council Place 3

**Pledge of Allegiance**

**Proclamations**

**Items to be continued or withdrawn**

**Items to be withdrawn from the consent agenda for separate discussion.**

- 1C. *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. (Final Reading) (Case 09-048)*
- 1L. *Minute Order MO-09-068, placing the proposed 2009-2010 tax rate for vote on the September 21, 2009 regular council agenda and stating the proposed tax rate.*

Consent Agenda

- 1A. Approve the minutes from the July 20, 2009 regular meeting and the July 27, 2009 special session.**

Motion was made by Stuart Gillaspie and seconded by Matt Powell to approve.

Motion passed 7-0.

**1B. Financial Transactions.**

Motion was made by Stuart Gillaspie and seconded by Matt Powell to approve.

Motion passed 7-0.

**City of Burleson  
Financial Transactions**

Vendor / Description	Amount	Fund
<b>REQUISITIONS OVER \$3,000:</b>		
Metro Fire Apparatus – Sublet equipment service only. Fire pump system repair	\$3,426.00	ESF
API Systems – Addition of agenda maker module to Optiview	9,995.00	GF
M.P.S. Inc. – Maintenance of apparatus – pump repair	8,089.00	HCGC
Michael & Sherry Robertson – parcel # 13 Quil Miller Sewer project	7,390.00	4A Sales Tax Misc project
Sungard – Increase PO 207809 by \$17,800 for total of \$31,800 for training	17,800.00	GF
HD Supply Water – Upgrade to two Neptune handheld reading units	11,000.00	WW
Freese & Nichols – Increase PO 208575 by total of \$4,800 for the Review of Detention Requirement Analysis on Shannon Creek for both the HEB site and the Christian Brothers site.	4,800.00	GF
<b>PAYMENTS OVER \$3,000</b>		
Acemart – Emergency replacement of freezer for the golf course, see attached approval memo.	4,000.00	HCGC

**1C. 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. (Final Reading) (Case 09-048)**

*Removed from Consent agenda.*

- 1D. Resolution R-1160-09, adopting a goal to reduce electric consumption by existing City facilities by five percent (5%) each state fiscal year for six years, beginning September 1, 2007.**

Motion was made by Stuart Gillaspie and seconded by Matt Powell to approve.

Motion passed 7-0.

- 1E. 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. (First Reading)**

Motion was made by Stuart Gillaspie and seconded by Matt Powell to approve.

Motion passed 7-0.

- 1F. Municipality Master Service Interlocal Contract between Harris County Department of Education and the City of Burleson.**

Motion was made by Stuart Gillaspie and seconded by Matt Powell to approve.

Motion passed 7-0.

- 1G. Project Development Agreement with Johnson Controls Inc. for a detailed evaluation study of selected existing city facilities to identify energy cost-saving projects.**

Motion was made by Stuart Gillaspie and seconded by Matt Powell to approve.

Motion passed 7-0.

- 1H. Award the contract for the installation of the new Fencing for the Burleson Memorial Cemetery and authorize the use of Gas Well fund money.**

Motion was made by Stuart Gillaspie and seconded by Matt Powell to approve.

Motion passed 7-0.

- 1I. Award the bid for the construction of the 2008 Quil Miller Creek Wastewater Truck Main Construction Project (Phase 2) and authorize the City Manager to approve change orders not exceeding \$25,000.00.**

- 1J. Minute Order MO-09-066, setting the date for the public hearing for the 2009-2010 proposed budget to be August 31, 2009 at 6:00 p.m.**

Motion was made by Stuart Gillaspie and seconded by Matt Powell to approve.

Motion passed 7-0.

- 1K. Minute Order MO-09-067, setting the dates for public hearings on the 2009 tax rate as August 31, 2009 and September 8, 2009.**

Motion was made by Stuart Gillaspie and seconded by Matt Powell to approve.

Motion passed 7-0.

- 1L. Minute Order MO-09-068, placing the proposed 2009-2010 tax rate for vote on the September 21, 2009 regular council agenda and stating the proposed tax rate, \$0.6940.**

Removed from the Consent Agenda

- 1M. Consider approval of Minute Order MO-09-069, approving City Manager's appointment of Municipal Court Administrator Constance White to the position of Director of Municipal Court.**

Motion was made by Stuart Gillaspie and seconded by Matt Powell to approve.

Motion passed 7-0.

- *Removed from Consent Agenda*

- 1C. 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. (Final Reading) (Case 09-048)**

Shai Roos, Director of Community and Economic Development presented 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. (Final Reading) (Case 09-048)

Motion was made by Dan McClendon and seconded by Stuart Gillaspie to approve.

Motion passed 5-2. Jim Wadlow and Carter Mahanay against.

- 1L. Minute Order MO-09-068, placing the proposed 2009-2010 tax rate for vote on the September 21, 2009 regular council agenda and stating the proposed tax rate, \$0.6940.**

Cathy Kriske, 6933 Battle Creek Road, Fort Worth, TX, asked what is the tax rate?

Motion was made by Matt Powell and seconded by Dan McClendon to approve.

Motion passed 7-0.

### Presentations

#### **2A. Citizens Appearance**

John Summer, 24307 Magic Mountain Parkway, Los Angeles, CA, (locate address 2332 Trail Tree, Burleson, TX), wants to move his Radio Station to Burleson Texas to provide the media needs for Burleson and surrounding area. Mr. Summer is asking for the support of the council.

### Public Hearings and Related Ordinances

- 3A. Public hearing and 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. (First Reading) (Case 09-043)**

Shai Roos, Director of Community and Economic Development presented 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. (First Reading) (Case 09-043)

**Mayor Shetter opened the public hearing: Time: 7:51 p.m.**

Sue Sistrunk, 133 S. Scott, Burleson TX, is in support of the applicant having late hour pick up.

Connie Bryan, 525 NW Jayellen Ave., Burleson, TX, applicant.

**Mayor Shetter closed the public hearing: Time: 7:56 p.m.**

Motion made by Chip Stephens and Carter Mahanay to approve with the following stipulations: the number of children be consistent with the number allowed by the State license issued and limit number of children to 5 after 7:00 p.m..

Motion passed 7-0.

**3B. Public hearing and MO-09-065, a waiver of Section 5.4, Subsection D, Item 6.B, Design Requirements for Sanitary Sewer for Lot 2, Block 1, Neubauer Addition and; Final Plat of Lot 1 & 2, Block 1, Neubauer Addition located west of IH-35W (South Burlison Boulevard) and south of Bethesda Road. (Case 09-022).**

Shai Roos, Director of Community and Economic Development presented and MO-09-065, a waiver of Section 5.4, Subsection D, Item 6.B, Design Requirements for Sanitary Sewer for Lot 2, Block 1, Neubauer Addition and; Final Plat of Lot 1 & 2, Block 1, Neubauer Addition located west of IH-35W (South Burlison Boulevard) and south of Bethesda Road. (Case 09-022).

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

No speakers.

**Mayor Shetter closed the public hearing. Time: 8:03 p.m.**

Motion was made by Matt Powell and seconded by Chip Stephens to approve MO-09-065, a waiver of the 1 acre minimum lot size requirement for the installation of an on-site septic system for Lot 2, Block 1, Neubauer Addition; 3.

Motion passed 7-0.

Motion was made by Matt Powell and seconded by Chip Stephens to approve final plat of Lot 1 & 2, Block 1, Neubauer Addition

Motion passed 7-0.

Ordinances & Resolutions

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

Contracts & Agreements

**5A. No items for consideration at this time.**

Other Items for Consideration

**6A. Preliminary Plat of Lots 1 - 14, Block D, MDK Addition, located south of Alsbury/Hemphill intersection. (Case 09-039)**

Shai Roos, Director of Community and Economic Development presented to council the Preliminary Plat of Lots 1 - 14, Block D, MDK Addition, located south of Alsbury/Hemphill intersection. (Case 09-039)

Motion was made by Matt Powell and seconded by Jim Wadlow to approve.

Motion passed 7-0.

Reports

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

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 Chip Stephens to convene into executive session.

Motion passed 7-0. **Time: 8:15 p.m.**

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

Motion made by 7-0. **Time: 10:03 p.m.**

Motion was made by Jim Wadlow and seconded by Stuart Gillaspie to authorize Deputy City Manager Paul Cain to proceed with contract as discussed in executive session.

Motion passed 7-0.

There being no further business Mayor Shetter adjourned the meeting.

Time: 10:05 p.m.

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Amanda J. McCrory  
City Secretary