

AGENDA
BURLESON CITY COUNCIL MEETING
August 3, 2009

BURLESON CITY HALL
141 W. RENFRO
BURLESON, TX 76028

Call to Order

WORK SESSION – 6:00 p.m.

1. Discussion of Issues Related to Preparation of the FY 09-10 Budget.
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Items to be continued or withdrawn

Items to be withdrawn from the consent agenda for separate discussion.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 20, 2009 regular Council session and the July 27, 2009 special Council session.
- B. Financial Transactions.

Ordinances & Resolutions

- C. 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)
- D. 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.
- E. 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)

Other Items for Consideration

- F. Municipality Master Service Interlocal Contract between Harris County Department of Education and the City of Burleson.
- G. Project Development Agreement with Johnson Controls Inc. for a detailed evaluation study of selected existing city facilities to identify energy cost-saving projects.
- H. Award the contract for the installation of the new Fencing for the Burleson Memorial Cemetery and authorize the use of Gas Well fund money.
- I. 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.
- J. 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.
- K. Minute Order MO-09-067, setting the dates for public hearings on the 2009 tax rate as August 31, 2009 and September 8, 2009.
- L. 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.
- M. 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.

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-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)
- B. 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 Burleson Boulevard) and south of Bethesda Road. (Case 09-022).

Ordinances & Resolutions

4. A. No items at this time.

Contracts & Agreements and Other Related Items

- 5 A. No items at this time.

Other Items for Consideration

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

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.



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 413Pth 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.