

Memorandum

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

From: Amanda McCrory, City Secretary

Date: August 3, 2009

Subject: Approval of the minutes of the July 20, 2009, regular Council session and the July 27, 2009 special Council session.

Council Action Requested:

Approve the minutes of the July 20, 2009, regular Council session and the July 27, 2009 special session.

Background Information:

Board/Citizen Input:

Financial Considerations:

Attachments:

Minutes of the July 20, 2009, regular Council session.

Minutes of the July 27, 2009 special Council session.

Staff Contact:

Amanda McCrory

City Secretary

817-447-5400 ext. 277

BURLESON CITY COUNCIL WORK SESSION
July 20, 2009
DRAFT MINUTES

Roll Call:

Council present:

Stuart Gillaspie (6:14 pm)
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

WORK SESSION – Call to order – Time: 6:10 p.m.

1. Presentation of Ordinance B-786-09, Tree Preservation.

Item not presented during worksession will be covered in the regular agenda as posted.

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

- 6A. 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.

Shai Roos, Director of Community and Economic Development presented to council the 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.

Sherry Jones, 108 Pineview Ct., Burleson, TX, is concerned about the fact there is no cap on the conservatory agreement.

William Jones, 108 Pineview Ct., Burleson, TX has no problem with the stamped concrete or the decorative lighting either being added or staying the same.

Dan Steblay, 101 NW Newton, Burleson, TX, developer answered any questions.

- 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.**

None.

BURLESON CITY COUNCIL REGULAR SESSION
July 20, 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: 7:08 p.m.

Invocation – Carter Mahanay, Council Place 4

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 July 6, 2009 meeting.

Motion was made by Jim Wadlow and Carter Mahanay to approve.

Motion passed 6-0. Matt Powell abstain.

1B. Financial Transactions.

Motion was made by Jim Wadlow and Carter Mahanay to approve.

Motion passed 7-0.

**City of Burleson
Financial Transactions**

| Vendor / Description | Amount | Fund |
|---|-----------|------------------|
| REQUISITIONS OVER \$3,000: | | |
| Huguley Assessment Center – Annual firefighter physicals | 7,010.00 | GF |
| GL Seaman & Co. – Office chairs, delivery & installation for Fire Station 3 | 3,885.90 | GF |
| CDW Government - Foundry switch for Fire station #3 | 3,589.31 | GF |
| Mike Allen – remove & replace 2800 sq ft pavement at Lakewood Drive for PW | 19,600.00 | GF |
| Nema 3 Electric Inc – Install transformer for modular offices | 8,516.00 | W&W |
| Steel Inspector of TX – increase PO # 208623 by \$1,300 from \$2,000 to total of \$3,300. Industrial park pump #2 | 3,300.00 | W&W |
| Lindsey Contractors, Inc. – street maintenance & repair – asphalt | 49,000.00 | GF |
| Integrated Forensic Lab – increase PO# 207131 by \$4,000 for total of \$14,000. For forensic lab services. Council has previously approved \$10,000 in total. | 4,000.00 | GF |
| Taylor Olson Adkins Sralla & Elam – May & June legal work invoice | 52,295.59 | GF |
| PAYMENTS OVER \$3,000 | | |
| O'Reilly Auto Parts – auto & truck maintenance items | 3,137.98 | ESF, HCGC, GF |

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. (Final Reading)

Motion was made by Jim Wadlow and Carter Mahanay to approve.

Motion passed 7-0.

- 1D. 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)**

Motion was made by Jim Wadlow and Carter Mahanay to approve.

Motion passed 7-0.

- 1E. 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)**

Motion was made by Jim Wadlow and Carter Mahanay to approve.

Motion passed 7-0.

- 1F. Agreement with Harvest House to provide city support to the annual Little Red Schoolhouse program and authorize the City Manager to execute.**

Motion was made by Jim Wadlow and Carter Mahanay to approve.

Motion passed 7-0.

- 1G. Approve Service Agreement with the State of Texas Department of Information Resources to provide long distance service to City facilities.**

Motion was made by Jim Wadlow and Carter Mahanay to approve.

Motion passed 7-0.

Presentations

2A. Citizens Appearance

Angela Cox, 5201 Comanche Rd., Godley, TX, appreciate the coordination of the Police and Fire Marshal for the Burleson Tea Party held on July 4, 2009. Believes there is a draft ordinance Against Mass Gathering. Handed out a letter from the American Center for Law & Justice to council for their review.

- *Moved up in the agenda*

6A. 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.

Motion was made by Dan McClendon and seconded by Chip Stephens to approve the request by applicant to place item back on agenda for discussion and final reading with the addition of a public hearing.

Motion passed 6-0. Carter Mahanay abstain.

Public Hearings and Related Ordinances

3A. 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)

Shai Roos, Director of Community and Economic Development presented to council 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)

Mayor Shetter opened the public hearing: Time: 7:33 p.m.

Pierre Delgado, Victor Delgado's son, 8925 Marion Way, Alvarado, TX, would request that the business to continue at the location with only council allowing parking of work trucks on the property only. No tire storage.

Council discussed the options of the request by the applicant to only allow the use for parking of work trucks and not storing tires on the property. Staff and Attorney answered council questions.

Sherry McClure, 505 Barkridge Trail, Burleson, TX, what makes the council believe the applicant will now be in compliance and not come back on the council agenda.

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

Motion made by Dan McClendon and seconded by Stuart Gillaspie to approve with the stipulation that no outdoor tire storage be permitted on the site and that the number of vehicles parked on the site does not exceed 4 trucks and 1 trailer.

Motion passed 6-1. Jim Wadlow against.

Ordinances & Resolutions

4A. 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)

Shai Roos, Director of Community and Economic Development presented to council 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)

Gregg Gammon, 2976 Clubhouse Circle, Burleson, TX, working with St. Matthews to build new sanitary and asked if they would have to pay for removal of trees in compliance with the proposed Tree Ordinance. A final plat has been filed.

Peter Thomas, 848 Merion Dr. Burleson, was on the Tree Committee and would like the ordinance to go back to the Tree Committee before final reading.

Dan Steblay, 101 NW Newton, Burleson, has concerns about any existing developments. Would like to have the ordinance go back to the Tree Committee before final reading.

Walter Norwood, 404 Arbor Lawn, Burleson, was on the Tree Committee showed examples of how the Tree Ordinance will be good for the city. At the Town Hall meetings for Comprehensive Plan all people wanted to have more trees. He is in support of the Tree ordinance and believes this is going to make a big impact on the city.

Kelli Pistokache 435 Parkview Dr, Burleson, TX, is proud of our city for bringing forward a Tree Ordinances. Is in support of the Tree Ordinance.

William Jones, 108 Pineview Ct, Burleson, TX, would like to know how the ordinance would impact residential owners.

Staci Eisner, 200 ManO' War, Burleson, TX, 100% support of intent of the ordinance. Would like the Tree Committee to review one more time.

Stephen Eisner, 200 Man O' War, Burleson, TX, is in support but would like to have any areas that are removed by Federal Government from flood plan and way be reflected in the ordinance.

Patricia Dexheimer, 720 Carol Lane, Burleson, is in support of council's Tree ordinance. Ann Heberle would be proud of this effort.

James Bailey, 344 S. Warren, Burleson, proud of council's Tree ordinance. Fees can be worked out and we are creating a good ordinance.

Sherry Jones, 108 Pineview, Burleson, TX, raised in small Oklahoma town that was beautiful and believes Burleson is now a beautiful place. Appreciates all the efforts of the council.

Motion was made by Matt Powell and seconded by Jim Wadlow to approve with the conditions that public notification be made to residents and property owners within the environmentally sensitive areas and the Tree Committee meet again before final reading.

Motion 6-1. Chip Stephens against.

Break 9:34 pm – 9:49 pm

- *Moved up in the agenda in consideration for School Board Member present.*

6B. 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.

Shai Roos, Director of Community and Economic Development presented to council 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.

Staci Eisner, 200 Man O' War, School Board President read Dr. Mark Jackson's full comments on this issue. The location is wrong for the sale of alcohol because of the proximity to the high school. The Burleson Independent School District School Board does not support this variance.

Ken Baca, 105 YMCA Dr., Waxahachie, TX, represent the owner of property and the Shell station operator answered questions from the council and presented the applicants case.

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

Motion passed 6-1. Dan McClendon against.

Contracts & Agreements

- 5A. 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.**

Aaron Russell, Director of Public Works and Engineering presented to council 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.

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

Motion passed 7-0.

Other Items for Consideration

- 6A. 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.**

Discussed in Worksession. Moved up in the agenda.

- 6B. 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.**

Moved up in the agenda in consideration for Burlison School Board Members present.

6C. Award the construction bid for Phase 1B of the Youth Sports Complex and related items.

Dalan Walker, Parks Planner, presented to council the construction bid for Phase 1B of the Youth Sports Complex and related items.

Motion was made by Matt Powell and seconded by Jim Wadlow to:

1. Accept the revised Guaranteed Maximum Price of \$13,437,830 for construction of all phases of the Youth Sports Complex at Chisenhall Park; and
2. Appropriate \$786,614 from the Community Service Facilities (Gas) Fund to be available for the project; and
3. Authorize the City Manager to execute Amendment No. 1B to the Construction Manager at Risk Contract with Dean Construction for construction of the improvements.

Motion passed 7-0.

Reports

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

None.

7B. Report on Economic Development Committee meeting.

David Wynn, Deputy City Manager, reported on the Economic Development Committee meeting on July 8, 2009.

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: 10:51 pm**

Motion made by Jim Wadlow and seconded by Chip Stephens to reconvene into open session.

Motion passed 7-0. **Time: 11:12 pm**

There being no further business Mayor Shetter adjourned the meeting.

Time: p.m.

Amanda J. McCrory
City Secretary

BURLESON CITY COUNCIL SPECIAL SESSION
BURLESON CITY COUNCIL 4B SERVICE DEVELOPMENT CORPORATION
July 27, 2009
DRAFT MINUTES

Roll Call:

Council present:

Stuart Gillaspie
Jim Wadlow
Matt Powell
Ken Shetter
Dan McClendon
Carter Mahanay
Chip Stephens

Council Absent:

4B Corporation Board Present

Toby Ford
David Rubenkoenig
Jim Wadlow
Ken Shetter
Stuart Gillaspie (arrives 6:09 p.m.)
Matt Powell
Curtis E. Hawk
Rhett Clark
Amanda McCrory

4B Corporation Board Absent

City Council Call to order – Time: 6:05 p.m.

4B Corporation Call to order – Time: 6:05 p.m.

- 2. 4B Board approval of minutes from the June 22, 1995, April 16, 1998, June 6, 2000 and the December 14, 2006 meetings.**

4B Motion was made by Ken Shetter seconded by Matt Powell to approve all the minutes.

Motion passed 5-0. Stuart Gillaspie absent.

- 3. 4B Board consideration of granting approval to the Burlison Community Theater to request a Certificate of Incorporation under the Texas Non-Profit Corporation Act from the Texas Secretary of State, and authorizing the President of the 4B Corporation to send a letter granting the approval to the Office of the Secretary of State.**

4B Motion was made by Ken Shetter and seconded by Jim Wadlow to grant approval to the Burlison Community Theater to request a Certificate of Incorporation under the Texas Non-Profit Corporation Act from the Texas

Secretary of State, and authorizing the President of the 4B Corporation to send a letter granting the approval to the Office of the Secretary of State.

Motion passed 6-0.

4. Joint Discussion City Council and 4B Board on membership rates and fees for the new Burleson Recreation Center.

Peter Krause, Director of Parks and Recreation presented to council and the 4B Board the proposed membership rates and fees for the new Burleson Recreation Center.

5. Joint Discussion City Council and 4B Board on procedures for subsidization of the Park Performance Fund.

Paul Cain, Deputy City Manager presented to council and the 4B board the proposed procedures for subsidization of the Park Performance Fund.

6. 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.

4B Motion was made by Jim Wadlow and seconded by Ken Shetter to convene into executive session.

Motion passed 6-0. Time: 7:15 p.m.

Council Motion was made by Chip Stephens and Matt Powell to convene into executive session

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

7. Reconvene into open session for possible action resulting from any items posted and legally in Executive Session.

4B Motion was made by Jim Wadlow and seconded by Matt Powell to reconvene into open session.

Motion passed 6-0. Time: 8:00 p.m.

Council Motion was made by Dan McClendon and seconded by Chip Stephens to reconvene into open session.

Motion passed 7-0. **Time: 8:00 p.m.**

8. Adjourn

4B Motion made by Jim Wadlow and seconded by Stuart Gillaspie to adjourn the 4B meeting.

*Motion passed 6-0. **Time: 8:00 p.m.***

There being no further business Mayor Ken Shetter adjourned the special session of the City Council. **Time: 8:01 p.m.**

Amanda J. McCrory
City Secretary and 4B Corporation Secretary