

AGENDA
BURLESON CITY COUNCIL MEETING
September 21, 2009

BURLESON CITY HALL
141 W. RENFRO
BURLESON, TX 76028

Call to Order

WORK SESSION – 6:00 p.m.

1. Discussion of items listed on tonight's city council agenda.
2. **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.**
3. Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

Proclamation and Certificates

- *Storm Ready Certification presented by The National Weather Service to Burleson Emergency Management*
- *Proclamation for Fire Prevention Week*
- *Certificate of Appreciation to Cory Smithee, Chair of the Planning and Zoning Commission*

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Items to be continued or withdrawn

Items to be withdrawn from the consent agenda for separate discussion.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 September 8, 2009 regular Council session
- B. Financial Transactions.

Ordinances & Resolutions

- C. Ordinance D-101-09, a request for a Specific Use Permit (SUP) for child care as a home occupation (in single family dwelling unit) located at 385 Meadow Ridge Drive (Case 09-056) (Final Reading)
- D. Ordinance C-653-09, changing the name of the street within West Bend South Addition, Phase 5 from Sunset Drive to Shelley Drive. (First Reading)

Planning & Development

- E. Final Plat of Lot 2, Block D, MDK Addition located on the south side of N. E. Alsbury Boulevard at the Vicksburg Lane and N. E. Alsbury Boulevard intersection. (Case 09-054)

- F. Preliminary Plat of Lots 1, 2, and 3, Block 1, CBAC Addition located along the east side of NW John Jones Drive south of SW Hillside Drive. (Case 09-062)
- G. Final Plat of Lots 1 and 2, Block 1, CBAC Addition located along the east side of NW John Jones Drive south of SW Hillside Drive. (Case 09-063)
- H. Development Plan for Community Bank located at 201 W. Ellison within Old Town Overlay District.

Contracts & Agreements

- I. Master Agreement with Freese and Nichols, Inc. for Professional Services generally related to development review.
- J. Renew Interlocal Agreement for Participation in Fort Worth's Environmental Collection Center Household Hazardous Waste Program.

Purchasing

- K. Renew the annual contract for Time and Material Contract for Electrical Services.
- L. Renew the contract for Newsletter Printing, ITB 2007-003 with The Imaging Bureau.
- M. Renew the contract for Newsletter Distribution, ITB 2009-004 with Nixin Printing & Mailing.
- N. Award the bid for the construction of the Burleson Memorial Cemetery Paving Improvement project and authorize the City Manager to approve change orders not exceeding \$5,000.00.
- O. Award the contract for the Cemetery Irrigation System to Cole Construction, Inc. (ITB 2010-004)

- P. Award the bid for the construction of the Pavement Improvements for Alsbury Boulevard (Summercrest Blvd. to Edgehill Road) project to and authorize City Manager to approve change orders not exceeding \$25,000.00.

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 consideration of Ordinance D-102-09 request for Zoning Change from Single Family 7 (SF7) to Two-Family Dwelling District (2F) for 228 E. Miller Street. (First Reading) (Case 09-060)

Ordinances & Resolutions and Other Related Items

- 4. A. Ordinance C-632-07(B0909), revising budget figures for fiscal year 2008-2009 and adopting the 2009-2010 Annual Operating Budget. (Final Reading)
- B. Minute Order MO-09-070, vote to ratify the property tax increase reflected in the 2009-2010 FY Budget.
- C. Ordinance C-633-07(B0909), setting the 2009 ad valorem Tax Rate at \$0.6940. (Final Reading)

- D. Ordinance C-634-07(C0909), establishing rates to be charged for water and wastewater service in the City of Burleson. (Final Reading)

- E. Minute Order MO-09-071, adopting the fiscal year 2009-2010 City of Burleson Fee Schedule.

Contracts & Agreements and Other Related Items

- 5 A. No items at this time.

Other Items for Consideration

6. A. Minute Order MO-09-072, approval of the placement of proper signage to allow for enforcement of cell phone use ban.
- B. Minute Order MO-09-073, approval of the 2009 City Council Board and Commission appointments.

Reports & Discussion Items

7. A. Proposed City Council Subcommittees
- B. Community Interest Items.

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 **18th** day of **September, 2009, by 5:00 p.m.,** on the official bulletin board at the Burleson City Hall, 141 W. Renfro, Burleson, Texas.



Amanda McCrory

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 817-426-9600 or TDD 1-800-735-2989.

9/18/2009
12:49:35 PM

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 413th 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.