

AGENDA
BURLESON CITY COUNCIL MEETING
September 08, 2009

BURLESON CITY HALL
141 W. RENFRO
BURLESON, TX 76028

Call to Order

WORK SESSION – 6:00 p.m.

1. Discussion of Conceptual Business Park Master Plan.
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Items to be continued or withdrawn

Items to be withdrawn from the consent agenda for separate discussion.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 17, 2009 regular Council session and the August 31, 2009 Special Session.
- B. Financial Transactions.

Other Items for Consideration

- C. Final Plat of Lot 1, Block 1, Lakewood Plaza located on the northwest corner of the SW Wilshire Boulevard and Lakewood Drive intersection. (Case 09-038)
- D. Ratification of the 4A Economic Development Corporation's approval of Resolution 4A090809, Conceptual Master Plan and funding for platting of the Business Park.
- E. Ratification of the 4A Economic Development Corporation's approval of Resolution 4A090809BOF.

- F. Professional services contract with Dunaway and Associates for platting and preliminary engineering work related to the Burluson Business Park.
- G. Renewal of Drug Awareness Resistance Education (DARE) Officer contract.
- H. Renewal of School Resource Officer (SRO) contract.
- I. Lease agreement with Williams Scotsman for installation of modular offices at the Public Works Service Center.
- J. Renewal of ITB 2006-032 Auto and Light Truck Body Repair.
- K. Request for a two year extension of the approval of the final plat of Mistletoe Hill Phase Five located north of McAllister Road at the intersection of Park Meadow Lane. (Case 07-042)

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 a variance for the installation of a water well for irrigation purposes for a Joshua ISD Middle School Site located at 6801 FM 1902. (Case 09-053)

- B. Public hearing and 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) (First Reading)
- C. Remove from the table, and Public Hearing on a 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).
- D. Public Hearing on the proposed 2009 tax rate of \$0.6940 and announcement of the dates for the vote on the 2009 tax rate.

Ordinances & Resolutions

- 4. A. Ordinance C-633-07(B0909), setting the 2009 ad valorem Tax Rate at \$0.6940. (First Reading)
- B. Ordinance C-632-07(B0909), revising budget figures for fiscal year 2008-2009 and adopting the 2009-2010 Annual Operating Budget. (First Reading)
- C. Ordinance C-634-07(C0909), establishing rates to be charged for water and wastewater service in the City of Burleson. (First Reading)

Contracts & Agreements and Other Related Items

- 5 A. No items at this time.

Other Items for Consideration

- 6. A. Supplemental Agreement Number One with HNTB for creation of the Park and Trail Master Plan.
- B. Minute Order MO-08-024(A0909) amending the Policy for the Activation of the Outdoor Emergency Warning System and Connect CTY.

Reports & Discussion Items

7. A. Report on HB 55, Cell Phone use in School Zone.
- 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 _____ 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 817-426-9600 or TDD 1-800-735-2989.

9/4/2009
2:47:01 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.