



Burleson
TEXAS

NATIONAL NIGHT OUT 2019

WEEKLY REPORT

OCTOBER 4, 2019

TO: MAYOR SHETTER AND COUNCIL MEMBERS
FROM: BRYAN LANGLEY, CITY MANAGER

Burleson
TEXAS

MARKETING & COMMUNICATIONS
141 W RENFRO, BURLESON, TX 76028 | (817)426-9622

Weekly Report | October 4, 2019

I. Council Schedule

Meetings

- **Monday, October 7:** Type A Economic Development Corporation Meeting, City Hall Council Chambers, 141 W. Renfro St. Burleson, TX, 5:00 p.m.
- **Monday, October 7:** City Council Meeting. City Hall Council Chambers, 141 W. Renfro St. Burleson, TX, 5:30 p.m. Work session, 7 p.m. regular session

Work Session Items

October 7

- a. Project U Leadership Conference (Staff Presenter: Alex Philips, Economic Development Manager)
- b. Redesign of the SH 174/Wilshire medians. (Staff Presenter: Marc Marchand, Director of Recreation and Lifelong Learning)
- c. Goals, strategies, and implementation section of the City's Comprehensive Plan related to:
 - i. Land Use
 - ii. Complete Streets
 - iii. Community Enhancement

(Staff Presenter: Mandy Clark, Development Services Director)

October 21

- a. Employee of the Quarter for the 3rd quarter of 2019. (Staff Presenter: Wanda Bullard, Director of Human Resources)
- b. State of the City community event. (Staff Presenter: DeAnna Phillips, Marketing and Communications Director).
- c. Goals, strategies, and implementation sections of the City's Comprehensive Plan, specifically related to:
 - i. Environmental Sustainability
 - ii. Diversified Economy
 - iii. Urban Design

(Staff Presenter: Mandy Clark, Development Services Director)

- d. Progress of the construction of the Mayor Vera Calvin Plaza in Old Town. (Staff Presenter: Drew Pennywell, Economic Development Specialist)
- e. Discussion of programming and planning operations for the Mayor Vera Calvin Plaza in Old Town.

- f. Options for automatic renewal of BRiCk memberships and residency verification requirements. (Staff Presenter: Marc Marchand, Director of Recreation and Lifelong Learning)

II. General Information and Status Updates

A. Mayor Vera Calvin Plaza in Old Town Weekly Update

Construction of the Mayor Vera Calvin Plaza remains on schedule and within budget.

Construction activity for next week, October 7 - October 11, will include:

- Trolley cars return and are set 10/7 or 10/8
- Continue work for site foundations
- Continue electric branch/site circuits
- Shade structure conduits
- Restroom/Storage building in-wall rough-in
- Restroom/Storage building CMU
- Restroom/Storage building brickwork
- Erect stage platform steel

Look Ahead:

- Storm extension to Bufford Street to begin soon. Staff continues to develop a plan with Hill & Wilkinson in coordination with local business owners for the staging and timing of storm work and future phases of ROW parking to mitigate the impact as much as possible.



B. Status of Planning Contracts

In June, a contract with Calvin Giordano and Associates was approved for planning services in an amount not to exceed \$85,000. Included in those services was an interim planning manager as an extension of staff in the amount of \$45,000 and miscellaneous services in the amount of \$40,000. The interim planning manager services were complete at the beginning of August, and approximately \$15,000 has been spent on services related to the evaluation of engineering functions within the development services department. There is approximately \$45,000 left in the contract.

Currently, the city has a contract in the amount of \$200,000 with Freese and Nichols for updates to the Comprehensive Plan and Zoning Ordinance. As discussed in prior work sessions, we will be finishing up the Comprehensive Plan with Freese and Nichols and pursuing the completion of the Zoning Ordinance update with another planning consultant. There will be approximately \$70,000 remaining on the Freese and Nichols Contract.

It is staff's intent to use the remaining funds for the zoning ordinance tasks. Staff is currently in the process of selecting a consultant. Staff is also in the process of hiring a new assistant director of development services. The remaining funds will likely not cover a full zoning ordinance update. However, upon evaluating the strengths and areas of expertise of the new assistant director, we will negotiate a contract that is a partnership between staff and the consultant and bring forward a contract at the first of the year.

C. JOCO Community Radio Retail Lease Update

Staff received a formal 30-day notice required in the lease from Ensemble Media Group that they will be vacating the space along with the sub-leases located at 114 W. Ellison Street. The last day of the lease will be October 31, 2019. Please see the attached notice on page 9.

D. BRiCk Gym Flooring (Update)

Staff has continued to work on repairing the BRiCk gym floor problem that has been discussed in previous Friday reports. Staff has been waiting for the city's insurance carrier, Texas Municipal League-Intergovernmental Risk Pool (TML-IRP), to complete a forensic engineering report. TML-IRP hired Stephens Engineering Consultants to complete the report. The purpose of the report is to identify the cause of the swelling to the gym floor and provide recommendations to fix the problem. TML-IRP also used the report to determine if it would approve the city's insurance claim for the damages.

The engineering report concluded that the warped flooring is the result of moisture intrusion into the space below the wood flooring at locations of low grade near the building. The report concluded that the locations of low grading are causing a drainage deficiency. The report further concluded that elevated humidity in the gym contributed to the problem. Based on the engineering report, TML-IRP concluded that the problem

was not caused by wind-driven rain from a storm. Based on their conclusion, TML-IRP denied the city's claim.

Staff is working to permanently repair the flooring and fix the problems causing the damage. The engineering report recommended that the city adjust the grading in areas outside the building to ensure that it is sloping away from the building. The report also recommended adding additional drainage methods (similar to those used to keep basements dry), inspecting the membrane/moisture barrier under the flooring during the repair, and having a licensed technician inspect the HVAC system to ensure the avoidance of condensation formation.

To date, staff has received quotes to fix the flooring and examine the membrane/moisture barrier, and a licensed HVAC technician examined the HVAC system and found that no adjustments are necessary. Staff is also working with an engineering firm to develop a plan to adjust the grading outside the building. Staff wants to fix the floor, and the cause of the warping, as soon as possible. It is staff's opinion that the best course of action is to adjust the grading outside the building concurrent to repairing the floor. This will ensure that additional moisture does not damage a newly-repaired floor. As soon as a plan is developed and priced to adjust the grading, staff will bring the cost of the comprehensive repair (grading and flooring) to city council for consideration.

E. Parks crew hosts special guest

On September 20, the parks crew hosted a special guest, Blake. Blake is a 19-year-old young man with special needs, and he loves mowers. Blake came by to visit with the crews, see the equipment, and take a tour of the maintenance building. The parks crew lined up all types of equipment for him, and he had the opportunity to sit on each one and see how they operate and what all the buttons and switches do. The crew had hats and a special shirt made for him with his name on it and made him an honorary member of the mowing crew. A big thanks to Sgt. Brian O'Heren, Amy O'Heren, Ryan Nolting, Jeff Scott, David Rosenbam, Paul Upton, TJ Arthur, Kelly Nerios, Hugo Ramirez, Mark Rankin, Blake Lytle, Jay Blair, and Manual Murillo.



F. Work to begin on Hidden Creek Golf Course back patio

There will be some construction activity on the back patio at Hidden Creek Golf Course over the next few weeks. Two years ago, in May, a very severe thunderstorm damaged the patio cover at the golf course. The winds ripped a portion of the patio cover off of the frame, destroying the cover and damaging the underlying frame and breaking several windows in the clubhouse. The windows have already been replaced, but it has taken a significant amount of time to find a solution for the patio cover.

The city looked into several possible solutions, including repairing the existing structure, replacing the existing covers with a newly constructed covering, and building a pavilion separate from the clubhouse. Each of those solutions had significant drawbacks. It was not possible to match the existing 18-year-old covering. Replacing the existing structure with new construction was very cost-prohibitive. Building a tournament pavilion separate from the clubhouse was less expensive, but led to several logistical problems. Issues included were relocating food for tournaments, setting up and taking down chairs and tables to seat 100 plus people, along with having storage for the tables and chairs.

After considering those options, it was decided that the best solution was to remove all of the damaged sections, clean and paint the remaining undamaged sections, and add more outdoor seating. The plus to this approach is all of it can be done in-house and absorbed into the regular golf course budget. The patio will have plenty of cover with the ability to seat and serve an additional 80 players. The golf course will also add several picnic tables with umbrellas to provide additional seating with shade. This solution meets all of the needs of the golf course and restaurant and is a very cost-effective solution. Portions of the patio will be closed during the construction, but parts of the patio will still be accessible to golfers.



Current



Proposed



Current



Proposed

G. 484 Irene Street – Code Compliance Case

A memo from neighborhood services can be found, starting on page 11, regarding a code compliance case located at 484 Irene Street. The complainant (unknown) requested that their concerns be distributed to the Council at the October 21, 2019, Council meeting. The memo outlines the action taken by staff, including consultation with City attorney Allen Taylor.

H. BRiCk Pool Closure

The Indoor Pool closed, October 3, due to an unforeseen issue. This issue requires hyper-chlorination and chemical adjustments that necessitates a 24-hour closure. Staff anticipates re-opening Saturday, October 5, at 1 p.m. at the latest. The pool will re-open earlier, if possible.

III. Upcoming Road Construction/Closures

| Upcoming Road Construction/Closures | | | |
|--|--|--|---|
| Project & Limits | Current Status | Traffic Affected | Estimated Completion |
| Renfro Street Medians in Old Town – Johnson to IH35W | Construction substantially complete. Inter-departmental walkthrough to be scheduled. | Possible Lane closures when Oncor sets street lighting otherwise all lanes are open. | The current contract completion date is August 23. City staff continues to push the contractor for completion of the project. |
| Old Town Quiet Zones - RR xings at Commerce, Renfro, Ellison, Eldred | <i>UPRR is continuing work on new gates. Once UPRR finishes, the Contractor will be able to proceed.</i> | Traffic may be stopped by UPRR for new gate installation as necessary | Start in June 2019, End in February 2020. Work is currently projected to be complete in October, but is dependent on UPRR's progress. |

| | | | |
|--|--|--|------------|
| NW Renfro Improvements – Wilshire Blvd. To Cindy Lane | <i>10/03 UPDATE: Median poured. Colored stamped concrete scheduled. Landscaping scheduled next week.</i> | Right turn lane is open, one thru lane closed for median construction. | Early 2020 |
|--|--|--|------------|

IV. Upcoming Community Events

Saturday, October 5 from 10 a.m. - 2 p.m.: Historic Home Tours and Demonstrations at Russell Farm

Friday, October 11 from 7 – 9:30 p.m.: Friday Night Dance at the Senior Activity Center

Saturday, October 12 at 6:00 p.m.: ReInspire’s Battle for the Golden Spike Charity Basketball Game

V. Attachments

- A.Notice to Vacate.....page 9
- B.National Night Out Photo Page.....page 10

VI. Informal Staff Reports

- A.484 Irene Street – Code Compliance Case.....page 11



September 30, 2019

The City of Burleson
Attn: Alex Phillips

Dear Alex,

Please accept this letter as our official 30 day notice of move out, effective today. Ensemble Media Group, with it's sub-lesers will vacate the property by midnight, October 31st, 2019. We greatly appreciate everything you and Drew Pennywell have done to work with us and with Pam Masters to help keep JoCo Community Radio in the heart of Old Town Burleson. Unfortunately, as a non-retail and non-restaurant establishment, the rent rate is just not affordable. We are a small community-based business which thrives on advertising dollars and community support, not daily spending. The rent amount is just not reasonable for even the 3 of us to be splitting as they as well are non-retail/restaurant businesses. I sincerely hope the city focuses on the business owner in the future, creating affordable spaces for small business owners to thrive and grow. As of right now, the rental rates in Burleson are chasing the small business owners away, into surrounding communities and into Fort Worth. Please do not let this continue.

With gratitude,

A handwritten signature in black ink, appearing to read "Tiffany K Hurd", with a long horizontal line extending to the right.

Tiffany K Hurd
President, Ensemble Media Group, LLC

National Night Out – October 1



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

From: Lisa Duello, Neighborhood Services Director
Joshua Frost, Code Compliance Supervisor

CC: Robert Ranc, Deputy City Manager

Date: October 3, 2019

Re: 484 Irene - Code Compliance Case

This memo is a follow-up with background information in response to the correspondence from a concerned citizen with the *Subject: Trash warehouse and street residential are* (Attachment A) dated September 18, 2019. The citizen noted the following in the communication:

*“truck & trailer, loaded with playground equipment, swings, playhouse, old washing machine, laundry dryers, old central air units, trash galore, yard full of debris, truck park cross way of drive to protect look---
garage door up, sight is unbelievable! bags (black) of debris & garbage every morning. Yard sale all day every day, daylight to dark
Now in 3^d year, many complaints registered, no action – says contact made
“getting ready for “garage sale” (everyday)*

BACKGROUND

Records show that the first complaint received about this location was on June 6, 2017. The address provided at this time was 485 Irene. No violation was found at that address and no violations were noticed in the area.

The next complaint staff received regarding 484 Irene was on August 12, 2019 (Attachment B) and the inspection on August 13, 2019 revealed the following at the property:

- Many items on a trailer and in the garage. (Photo - Attachment B)
- Several lawn ornaments and decorations that they keep up year around. (Photo – Attachment B)
- Staff spoke the occupants and they stated they were getting ready to have a garage sale and they were cleaning up the area (when staff arrived brooms and vacuums were out).
- Staff informed the occupants that they will need a permit for the garage sale.
- Staff also educated the occupants regarding the home occupation restrictions which states the following:

“Home occupation. An occupation conducted in a dwelling unit, provided that:

(1) No person other than members of the family residing on the premises are engaged in the occupation on the premises.

(2) The use of the dwelling unit for the home occupation is clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 250 square feet of floor area of the dwelling unit are used in the conduct of the home occupation.

(3) There is no visible evidence of the conduct of the home occupation from outside the building.

(4) The home occupation is not conducted in an accessory building.

(5) Any sales in connection with the home occupation are clearly secondary, and there are no sales from the dwelling.

(6) Traffic is not generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation is met off the street and other than in a required front yard.

(7) Equipment, processes or work is not used or conducted in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment, process or work is used or conducted which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off the premises.

(8) The following occupations are specifically excluded as home occupations: operation of beauty culture schools, beauty parlors, barber shops, lawn mower or other small engine repair, automotive repair, television, radio, or electronic repair and bicycle repair.

(9) No outdoor storage of any type is permitted with any home occupation.”

- The resident confirmed they had a resale business where they sold items at resale “events” such as Traders Village but they did not advertise or sell from the property and usually stored the items out of view and those items were limited to the garage but they would make sure to keep them out of view.
- At the time of the inspection on 8.13.19, staff informed the occupants that a notice would be sent to them with all applicable ordinance. Notice of violation was sent certified mail on August 30, 2019 that was signed for as claimed on September 3, 2019.

- The property was subsequently monitored and staff did not observe garage sales or other outdoor storage violations. Case was closed after another week of monitoring.

On Tuesday, October 1, 2019, staff was notified of the citizens' concerns of the condition and activity on the property. Staff inspected the property on October 2, 2019 with the following findings:

- A trailer was parked in the street connected to a truck with "scrap metal" items stored on it. A child's bed frame and headboard was in the front-drive. (Attachment C - photos)
- Staff made contact with the occupant and explained the following:
 - The trailer could not be stored at the property with items that pertain to the business. (*9. No outdoor storage of any type is permitted with any home occupation.*)
 - The garage door should be kept closed to keep any stored items from public view.
 - The property must be kept free of any junk and debris.
 - If they are working in the garage they cannot just store the items in the driveway. This gives the impression that they are possibly selling the items or having a said garage sale.
- The occupant agreed that they would remove the trailer and junk from the property/street. They also informed staff that they had just bought a new bed that day and they are getting rid of the old child's bed that was currently setting outside.
- The occupant allowed staff to inspect the interior of the home to confirm. During the inspection of the interior of the home, staff did not find any evidence of the home occupation throughout the interior of the home other than the garage area.
- Staff advised the occupant to remove the junk from the trailer and the child's bed from public view/property. Staff made them aware that if these items were still there during the next inspection citations would have to be issued.

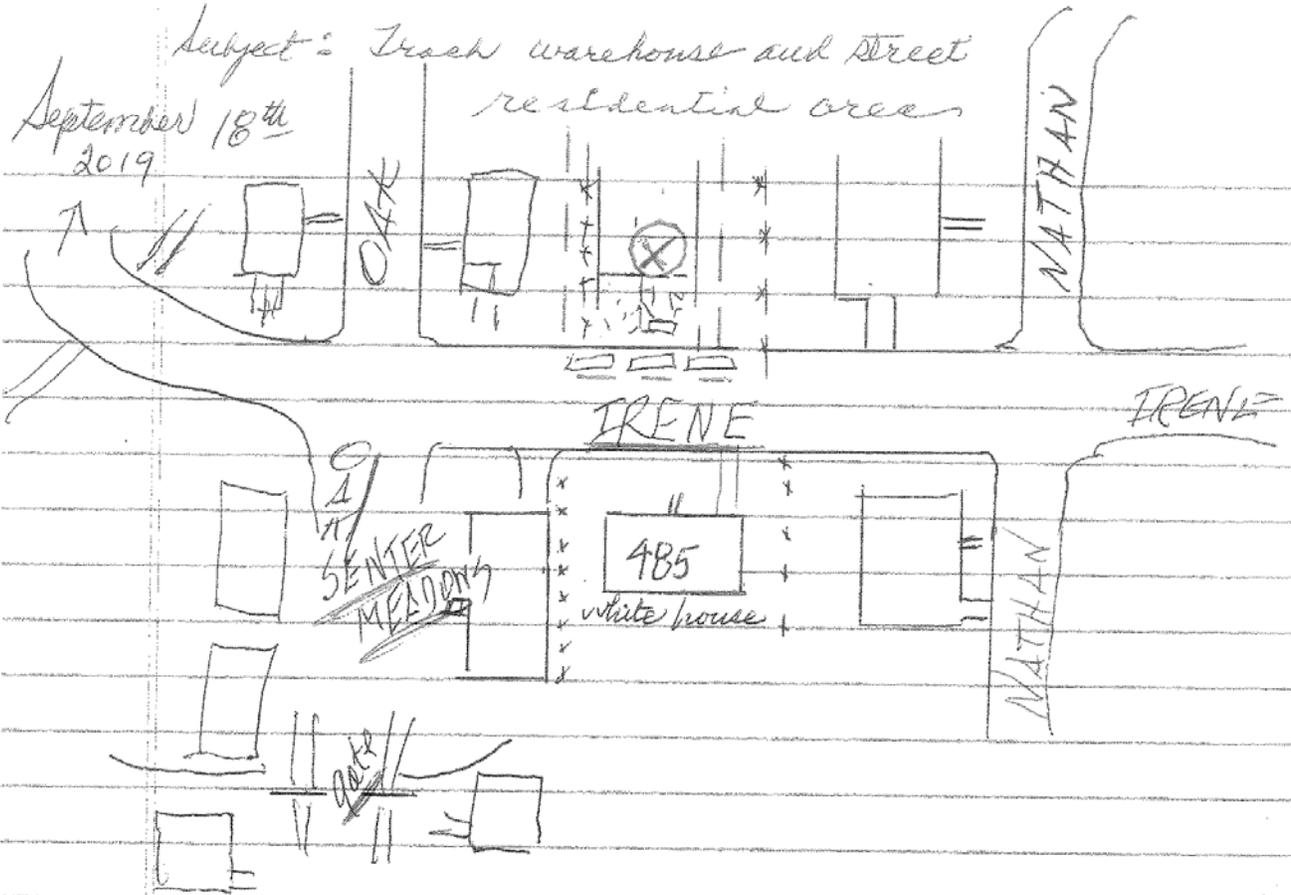
A follow-up inspection was conducted on October 3, 2019, (Attachment D – photos) no violations were found on the property. During the time of the inspection the occupant was picking up some broken glass near the road.

Staff will continue to monitor the property and if any violations are identified, citations will be issued with no further notice.

ATTORNEY'S OPINION

Staff has consulted with Allen Taylor, with TOASE regarding the possibility of any other zoning or property use violations and he confirmed that there were no other use violations. The home occupation violation was the correct applicable code for this case and the activity could continue on the property provided that there is compliance with the nine (9) criteria outlined above.

Attachment A



Truck + trailer, loaded with old playground equipment, swings, playhouse
old washing mach, laundry dryer
old central air units, trash galore,
yard full of debris, truck park cross way of drive to protect the lot -
Garage door up, sight is unbelievable!
Bags (black) of debris & garbage every morn.
Yard sale everyday, every day, daylight to dark
Now in 3rd year, many complaints registered,
No action - sayse contact made
"getting ready for "garage sale" (everyday)

AVT

Attachment B



Attachment C



Attachment D

