

Council Session
May 26, 2005

ROUGH DRAFT

The Burleson City Council met in a regular session on May 26, 2005, in the Burleson City Hall, 141 W. Renfro, Burleson, Texas. Mayor Shetter called the meeting to order at 7:02 P.M., with the following members present: Ken Shetter, Stuart Gillaspie, Jim Bailey, Matt Powell, Claudia Humphreys, Jerry Allen and Chip Stephens.

City Manager, Bill Davison; Deputy City Manager, Curtis Hawk; Deputy City Manager, Paul Cain; City Attorney, Allen Taylor and other interested citizens were also present.

Deputy City Secretary, Amanda McDowell administered the Oath of Office to newly elected Councilmembers, Stuart Gillaspie, Place 1; Matt Powell, Place 3; and Jerry Allen, Place 5.

Councilmember Chip Stephens requested that item 1e. on consent agenda be removed for separate discussion.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the minutes of the May 12, 2005, regular session of Council with the change in the minutes on Page 2 to reflect council approval of the Skate Park agreement to include the wording "up to \$12,000".

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the minutes of the November 4, 2004, special session of Council.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the minutes of the May 17, 2005, special session of Council.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the following financial transactions:
General Fund - purchase requisitions: 1) \$ 5,480.90 - Brodart, 2) \$ 20,000.00 - Atlas Enterprises, Inc., 3) \$ 35,032.00 - S&A Body Shop. Equipment Replacement Fund - purchase requisitions: 1) \$ 14,885.00 - Wachs Companies, 2) \$ 26,669.52 - Dell Computer Corp. Hotel Motel Tax Fund - purchase requisitions: 1) \$ 11,250.00 - A-1 Lighting and Sound. Hotel Motel Tax Fund - payments: 1) \$ 3,550.00 - Burleson heritage Foundation. 2005 General Obligation Bond Fund - purchase requisitions: 1) \$ 41,720.14 - Dell Computer Corp., 2) \$ 23,617.19 - CDW Government

Solutions. Public Safety Grant Fund - purchase requisitions: 1) \$ 6,078.99 - Dell Computer Corp.

Economic Development Incentive Fund - payments: 1) \$ 92,408.55 - Kimco Burlleson, LP. 2002 General Obligation Bond Fund - payments: 1) \$ 10,132.00 - Texas Department of Transportaion. Hidden Creek Golf Course Fund - payments: 1) \$ 3,760.00 - Turfgrass Solutions, Inc. Equipment Services Fund - payments: 1) \$ 4,447.16 - Goodyear Tire Center.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the final Plat of West Bend South Phase Two, 19.46 acres located at the southeast corner of John Jones Drive (FM 731) and West Bend Boulevard.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the preliminary Plat of Belle Oak Estates, 40.85 acres located near the intersection of CR 914 and CR 1020.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to award the bid for micro-surfacing to Ballou Construction for unit price of \$2.30 per sq. yd. and a total price of \$134,311.00.

Motion passed 7-0.

Motion was made by Chip Stephens and second by Jerry Allen to approve the final Plat of West Bend South Phase Three A, 13.76 acres located on the south side of West Bend Boulevard, east of John Jones Drive (FM 731).

Motion passed 7-0.

Mayor Shetter opened the public hearing regarding the Drought Contingency / Emergency Water Management Plan at 7:12pm.

Several councilmembers asked questions about education for the public on water usage. Rudy Deleon Water Utility Manager indicated that there would be stuffers in the utilities bills and publications in the Burlleson progress report.

There being no further public comment Mayor Shetter closed the hearing at 7:16pm.

Motion was made by Claudia Humphreys and second by Chip Stephens to approve the final reading of Ordinance C-580, establishing rates to be charged for water and wastewater service in the City of Burleson.

Motion passed 7-0

Motion was made by Stuart Gillaspie and second by Jim Bailey to approve the final reading of Ordinance C-581, authorizing the issuance of City of Burleson, Texas waterworks and sewer system revenue bonds, series 2005 in the amount of \$5,370,000 with an interest rate of 4.31%, and ordaining other matters related thereto.

Motion passed 7-0

Mayor Shetter opened the public hearing on a request by Heinz Wichterich for a waiver from the masonry construction ordinance to allow a 1,200 square foot metal accessory building on property located at 325 Fox Lane at 7:34pm.

Clayton Husband, Director of Planning and Community Development, presented the council and public with pictures of the property requesting the waiver. The Council had discussion on the request. There being no public comment Mayor Shetter closed the public hearing at 7:40pm.

Motion was made by Jim Bailey and second by Jerry Allen to approve the request by Heinz Wichterich for a waiver from the masonry construction ordinance to allow a 1,200 square foot metal accessory building on property located at 325 Fox Lane based on the following factors presented: the character of the neighborhood, the nature of the proposed use, the unusually large size of the tract and the significant distance of the proposed building site from the roadway creating a lack of visibility from the public roadway.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Chip Stephens to approve the agreement between the City of Burleson and Tarrant County for the inspection and permitting of on-site sewage disposal systems in the City of Burleson and authorizing the Mayor to sign the agreement.

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Matt Powell to approve the amendment of the City of Burleson Fee Schedule 2004-2005 for fees related to the inspection and permitting of on-site sewage disposal systems in the City of Burleson and raising the fee for repair of system previously permitted to \$100.00.

The record reflects that Councilmember Bailey temporarily left the council chambers.

Motion passed 6-0. Councilmember Bailey absent.

Councilmember Bailey returned to the council chambers.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the Interlocal Agreement between Johnson County and the City of Burleson for chip seal maintenance of County Road 714 & County Road 910 and authorizing the City Manager to sign.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Chip Stephens to elect Jerry Allen Mayor Pro-tem for 2005-2006.

Motion passed 6-0. Jerry Allen abstained.

Rhett Clark, Assistant Director of Finance presented the Monthly Financial Report - April 2005.

Deputy City Manager Curtis E. Hawk, presented the council with a brief legislative update. SB 408 was discussed.

Motion was made by Jerry Allen and second by Matt Powell to convene into executive session pursuant to Sec. 551.071 of the Texas Government Code to receive advice from its attorney as permitted by law. 551.072, deliberation regarding the purchase, exchange, lease or sale of real property for future expansion of certain programs and services. Sec. 551.087, deliberation regarding Economic Development Negotiations.

Motion passed 7-0. Time 8:27pm

The record reflects that Councilmember Humphreys left the Council meeting.

Motion was made by Jim Bailey and second by Matt Powell to reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

Motion passed 6-0. Claudia Humphreys absent. Time 9:01pm.

There being no further business, the Mayor declared the meeting adjourned. Time 9:02pm.

Amanda J. McDowell
Deputy City Secretary

Approved as to form
Mary J. Kayser, City Secretary