

Council Session
October 26, 2005

The Burleson City Council met in a special session on October 26, 2005, in the Burleson City Hall, 141 W. Renfro, Burleson, Texas. Mayor Shetter called the meeting to order at 7:00 P.M., 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 E. Hawk; Deputy City Manager, Paul Cain; Assistant City Attorney, Doug Black and other interested citizens were also present.

Motion was made by Claudia Humphreys and second by Jim Bailey to approve the minutes of the October 13, 2005 regular session of Council and the minutes of the October 17, 2005 special session of Council.

Motion passed 4-0. Stuart Gillaspie, Claudia Humphreys and Chip Stephens abstained.

Motion was made by Claudia Humphreys and second by Jim Bailey to approve the financial transactions: purchase requisitions - General Fund: 1) \$ 4,144.00 – Apac Texas, Inc., 2) \$ 9,300.00 – Crafcot Texas, Inc., 3) \$ 6,200.00 – Atlas Enterprises, Inc., 4) \$ 5,180.00 – Apac-Texas, Inc. General Fund – payments: 1) \$ 3,900.00 – Denitech Fort Worth, Equipment Services Fund - purchase requisitions: 1) \$ 3,029.42 – Sutphen Towers, Inc., 2) \$ 24,700.00 – Mayfran, 3) \$ 4,620.00 – Underground, Inc. Hidden Creek Golf Course Fund - purchase requisitions: 1) \$ 3,000.00 – Nike Golf. 2002 Water Sewer Revenue Bond Fund - purchase requisitions: 1) \$ 5,230.00 – Richardson Logic Control, Inc. Public Safety Grant Fund – purchase requisitions: 1) \$ 20,317.00 – Comtex Communications. General Fund/Water and Wastewater Fund – payments: 1) \$ 3,052.00 – TML Administrative Services. General Fund/Water and Wastewater Fund/2001 Sales Tax Revenue Bond Fund-4A – payment: 1) \$ 27,495.42 - Taylor, Olson, Adkins, Sralla & Elam.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jim Bailey to approve the final reading of Ordinance D-045, amending the Planned Development standards for Senter Meadows on 6.719 acres located in the 400 block of Oak Street.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jim Bailey to approve a Disposal Service Agreement Extension for one-year with Coyote Environmental, Inc.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jim Bailey Award Bid No. 2006-001 – Newsletter Printing to Great Impressions (primary) and DFW Printing Company, Inc. (secondary)

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jim Bailey Award Bid No. 2006-002 - Newsletter Distribution to GM Direct, Inc.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jim Bailey Award Bid No. 2006-003 – One Ton Crew Cab Pickup to Metro Truck Sales in the amount of \$37,173.00.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jim Bailey to approve the waiver of the street pavement width requirements for Scott Street between Renfro Street and Ellison Street. (request by B&G Commercial Investments Corp.)

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jim Bailey to approve the Final Plat of Lots 1 & 2, Block 1, McCoy Addition, 15.60 acres located on the west side of County Road 808, south of FM 917. (Case 05-121)

Motion passed 7-0.

Donald Bleeker, 240 NE Taylor St, and Paul Shepard, 221 Lester St. spoke in opposition to Ordinance C-588.

Motion was made by Claudia Humphreys and second by Jim Bailey to approve the final reading of Ordinance C-588, repealing the property tax exemption for the residential homesteads of individuals 65 years of age or older, and providing an effective date contingent upon approval of tax freeze at a special election to be held on November 8, 2005.

Motion passed 6-1. Matt Powell opposed.

Motion was made by Jim Bailey and second by Stuart Gillaspie to approve the first reading of Ordinance A-306, annexing a tract of land comprising 653 acres, more or less, located in the H.G. Catlett Survey, Abstract No. 180; the H.G. Catlett Survey, Abstract No. 186; the E. Smith Survey, Abstract No. 763; the J.S. Huie Survey, Abstract No. 380; the H.G. Catlett Survey, Abstract No. 177; and the S.M. Blair Survey, Abstract No. 65, Johnson County, Texas.

Motion passed 6-0. Matt Powell abstained.

Motion was made by Stuart Gillaspie and second by Chip Stephens to approve the first reading of Ordinance C-589, denying the request of Atmos Energy Corp., Mid-Tex Division, for an annual Gas Reliability Infrastructure Program (GRIP) rate increase in this municipality, as a part of the company's statewide gas utility distribution system; approving cooperation with other cities within the Atmos Energy Corp., Mid-Tex Division distribution system as part of the Atmos Cities Steering Committee (ACSC); authorizing ACSC to hire legal and consulting services and to negotiate with the company and direct any necessary litigation; authorizing intervention as part of ACSC in any appeal of the City's action to the Railroad Commission; providing a requirement for a prompt reimbursement of costs incurred by the City; finding that the meeting at which this ordinance is passed is open to the public as required by law; and providing for notice of this ordinance to Atmos Energy Corp., Mid-Tex Division.

Motion passed 7-0.

Motion was made by Jim Bailey and second by Jerry Allen to approve Resolution 1031, ordering Atmos Energy, Mid-Tex Division to show cause regarding the reasonableness of its existing natural gas distribution rates within the City; requiring Atmos Energy, Mid-Tex Division to submit a rate package based on a rate year ending June 30, 2005; directing that such filing shall be made by December 21, 2005; requiring reimbursement of reasonable legal and consultant expenses; and requiring delivery of this resolution to the company and legal counsel.

Motion passed 7-0.

Councilmember Humphreys left the meeting at 7:00 PM.

Motion was made by Jerry Allen and second by Chip Stephens to amend the contract with RCC Consultants, Inc. for consulting services related to the citywide radio system and to authorize the City Manager to execute the agreement.

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Stuart Gillaspie and second by Jim Bailey to convene into executive session pursuant to Sec. 551.071 of the Texas Government Code, pursuant to Sec. 551.072, deliberation regarding the purchase, exchange, lease or sale of real property for future expansion of certain programs and services, pursuant to Sec. 551.076, deliberation regarding security devices, pursuant to Sec. 551.087, deliberation regarding Economic Development Negotiations, pursuant to Section 418.183(f) of the Texas Government Code (Texas Disaster Act) regarding critical infrastructure.

Motion passed 6-0. Claudia Humphreys. 7:05 pm.

Motion was made by Chip Stephens and second by Jerry Allen 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. 7:14 pm.

There being no further business, the Mayor declared the meeting adjourned. Time 7:20 pm.

Mary J. Kayser
City Secretary