

Council Session
November 10, 2005

The Burleson City Council met in a regular session on November 10, 2005, in the Burleson City Hall, 141 W. Renfro, Burleson, Texas. Mayor Shetter called the meeting to order at 7:00 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 E. Hawk; Deputy City Manager, Paul Cain; Assistant City Attorney, Doug Black and other interested citizens were also present.

Presentation of special recognition to Parks and Recreation Department.

Presentation by students at Crossroads High School.

Motion was made by Jerry Allen and second by Matt Powell to approve the minutes of the October 26, 2005 special session of Council.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Matt Powell to approve the financial transactions: purchase requisitions – General Fund: 1) \$25,033.00 – Apac-Texas, Inc, 2) \$4,362.82 – Brodart Co, 3) \$5,558.89 – CDW Government Solutions, 4) \$3,689.00 – Dell Computer Corp, 5) \$20,000.00 – Brodart Co, 6) \$7,500.00 – The Star Group, 7) \$20,000.00 – Texas Ranger Baseball Club, 8) \$3,000.00 – West Group Payment Center, 9) \$14,569.60 – Voice Print International, Inc. Public Safety Grant Fund: 1) \$9,378.00 – Breakthrough Communications. Equipment Replacement Fund: 1) \$65,968.68 – Dell Computer Corp. 2002 Water & Sewer Revenue Bond Fund: 1) \$4,778.50 – Red River Construction Company, Inc. Equipment Services Fund: 1) 3,820.00 – San Antonio Equipment, 2) \$3,576.34 – Domonic's Collision Repair. Hidden Creek Golf Course: 1) \$3,850.00 – Top Flite Golf Company. Payments – General Fund/Hidden Creek Golf Course: 1) \$3,984.31 – Lowe's Home Centers, Inc. General Fund: 1) \$3,109.21 – Fort Worth Star Telegram, 2) \$5,600.00 – Del Carmen Consulting LLC, 3) \$4,621.36 – Visa. Non-bond Capital Project Fund: 1) \$6,800.00 – Cheatham and Associates, 2) \$5,900.00 – Cheatham and Associates. 2005 General Obligation Bond: 1) \$1,295.00 – Siemens ITS, 2) \$6,394.00 – Texas Highway Products, Inc., 3) \$24,311.00 – JEM Engineering & Manufacturing.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Matt Powell to approve the final 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 Jerry Allen and second by Matt Powell to authorize the Mayor to execute deeds for right-of-way for the construction of "backage" roads for SH 121.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Matt Powell to approve an adjustment to the FY 2005-2006 Annual Operating Budget by authorizing the expenditure of \$17,850.00 from fund balance for items that were not purchased in FY 2005.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Matt Powell to authorize City Manager to execute a contract with Magee and Associates for design of the Senior Citizen Center Expansion.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Matt Powell to award the bid for the City's fuel supply to Martin Eagle Oil Co. Inc. for unleaded fuel at a markup price of \$0.0099 and diesel fuel for a markup price of \$0.0099.

Motion passed 7-0.

Yvonne White, 1316 CR 920, addressed the Council with a request that her property be omitted from the annexation area.

Ernest White, 1316 CR 920, asked why the annexation is necessary and indicated that someone at North Central Texas Council of Governments told him that there would be no rail transit in Burleson.

Motion was made by Chip Stephens and second by Jim Bailey to approve the final 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 5-0. Matt Powell and Claudia Humphreys abstained.

Motion was made by Jerry Allen and second by Chip Stephens to approve the first reading of Ordinance D-052, specific use permit for self storage warehouses on 13.09 acres located in the 1105 John Jones Drive, Case 05-139 and directed staff to have more specific language regarding the landscaping included in the ordinance.

Motion passed 7-0.

Motion was made by Chip Stephens and second by Stuart Gillaspie to approve the Preliminary Plat Mountain Valley Heights Phase 2, 49.7 acres located on Wilshire Blvd (SH 174), south of Granbury Road. Case 05-144

Motion passed 7-0.

Dorothy Nash, 216 Lester, thanked the Council for calling the Senior Tax Freeze election and asked that the Council consider reinstating the homestead exemption for seniors.

Mickey Fishbeck with _____, gave a presentation on the water and wastewater impact fees.

The Mayor opened a public hearing on water and wastewater impact fees.

There being no speakers the Mayor closed the public hearing.

Motion was made by Stuart Gillaspie and second by Matt Powell to approve the first reading of Ordinance C 590, providing for the implementation and collection of water and wastewater impact fees.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Chip Stephens to award the bid for the construction of the *Broad Valley/Wyche Court Sanitary Sewer Improvements* to Patco Utilities Inc, in the amount of \$992,472.22 and 150 days and authorize the City Manager to execute the contract.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Chop Stephens to award the bid for construction of the *2005 Neighborhood Street Reconstruction, Water, Sanitary sewer and Sidewalk Improvements* project to Tri Tech Construction Co. in the amount of 1,044,334.20 and approve change order No.1 decreasing the project by \$104,317.00 for a final total project amount of \$940,014.20 and authorize the City Manager to execute the contract and change order No. 1.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to authorize the staff to modify the escrow requirements for Shannon Creek, Phase 1 by reducing the escrow amount required of Shannon Creek, Phase 1 for the design and construction of Shaffstall Road by the cost of the offsite culvert improvements and authorization for staff to accept design plans for the installation of the Shaffstall Road/S.H. 174 signal as the developer's full share of this signal.

Motion passed 7-0.

Motion was made by Jim Bailey and second by Jerry Allen to deny the request for a waiver of Section 32 of the Subdivision and Development Ordinance (B-622) requiring the developer of the Old West Mini Golf Course to pay escrow for future improvements to Elk Dr.

Motion passed 6-0. Chip Stephens abstained.

Motion was made by Matt Powell and second by Chip Stephens to authorize a call for requests for proposals for subsurface mineral right development on the Hidden Creek Golf Course with the addition of the option for drilling on the site.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Chip Stephens to approve the first reading of Ordinance C-591, adopting the official map of the City of Burleson, Texas; declaring said map to be the official boundaries of the corporate limits of the City and its extraterritorial jurisdiction.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Stuart Gillaspie to approve Resolution 1032, supporting the Regional Transit Initiative.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Chip Stephens 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 7-0. Time 9:24 PM

Claudia Humphreys left at 9:37 P.M.

Motion was made by Matt Powell and second by Chip Stephens 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 10:56 P.M.

Motion was made by Stuart Gillaspie and second by Jerry Allen to Authorize the City Manager to execute an agreement with the Myron Corporation for Fire Station 3 as discussed in executive session.

There being no further business, the Mayor declared the meeting adjourned. Time 10:57 P.M.

Mary J. Kayser
City Secretary