

**Council Session
February 24, 2005**

The Burleson City Council met in a regular session on February 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 Hawk; Deputy City Manager, Paul Cain; City Attorney, Allen Taylor and other interested citizens were also present.

Motion was made by Jerry Allen and second by Chip Stephens to approve the minutes of the February 10, 2005, regular session of Council.

Motion passed 5-0. Claudia Humphreys, Jerry Allen abstained.

Motion was made by Jerry Allen and second by Chip Stephens to approve the following purchase requisitions and payments: General Fund - purchase requisitions: 1) \$ 8,500.00 – Random House, Inc. Water and Wastewater Fund - purchase requisitions: 1) 8,450.00 – Interstate Trailers, Inc. Hidden Creek Golf Course Fund - purchase requisitions: 1) \$ 5,000.00 – Callaway Golf. Equipment Replacement Fund - purchase requisitions: 1) \$ 36,500.00 – Professional Turf Product. Grant fund - purchase requisitions: 1) \$ 75,359.62 – Four Alarm Fire Equipment. 2001 4A Sales Tax Fund - purchase requisitions: 1) \$ 5,000.00 – James Daniels and Associates. General Fund/Hidden Creek Golf Course Fund/2001 4A Sales Tax Fund – payments: 1) \$ 49,881.57 - Taylor, Olson, Adkins, Sralla & Elam.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Chip Stephens to approve the final reading of Ordinance B-731, amending ordinance B-697, amending Article III of Chapter 10 of the Code of Ordinances of the City of Burleson; establishing obligations, duties and responsibilities for residential and non-residential garbage and collection.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Chip Stephens to approve the first reading of Ordinance D-040, zoning change from Industrial (I) to Commercial (C) on an approximately 2.29-acre tract of land out of the J.M. Cartwright Survey, Abstract No. 132. (located at 1108 S. Dobson.)

Motion passed 6-0. Matt Powell abstained.

Motion was made by Jerry Allen and second by Chip Stephens to approve the first reading of Ordinance D-043, Specific Use Permit to allow a miniature golf course to be located in the Commercial (C) zoning district on an approximately 2.00-acre tract of land out of the Joshua Minett Survey, Abstract No. 548. (located in the 200 block of Elk Drive.)

Motion passed 6-0. Chip Stephens abstained.

Motion was made by Jerry Allen and second by Chip Stephens to approve the final plat of Mistletoe Hill, Phase IV, an approximately 37.864-acre tract of land out of the Sarah Gray Survey, Abstract No. 558 and the R.W. Waggoner Survey, Abstract No. 1618. (located adjacent to the 600 block of McAlister Road)

Motion passed 7-0.

Motion was made by Jerry Allen and second by Chip Stephens to ratify the action of the 4B Community Service Development Corporation regarding dedication of right-of-way and easements across property owned by the Burleson Community Service Development Corporation for Hidden Creek Parkway.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Chip Stephens to ratify the action of the 4A Economic Development Corporation regarding expenditure of 4A funds for the engineering management and inspection of Hidden Creek Parkway and authorizing the transfer of funds from the 4A Special Revenue Fund in the amount of \$80,000.00 to fund the Civil Engineer position from April 1, 2005, through September 30, 2005.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jim Bailey to approve the revised final plat of West Bend North, Phase One, an approximately 44.392-acre tract of land out of the H.G. Catlett Survey No. 6, Abstract No. 181. (located at the northwest end of Summercrest Blvd.)

Motion passed 7-0.

Mayor Shetter presented a proclamation for "Congenital Heart Defect Awareness Month" to Jenny Turner.

Motion was made by Matt Powell and second by Jim Bailey to convene into executive session Pursuant to Sec. 551.071 of the Texas Government Code.

Motion passed 7-0. Time 7:23 pm

Motion was made by Jerry Allen and second by Chip Stephens to reconvene into open session.

Motion passed 7-0. Time 7:31 pm

Motion was made by Stuart Gillaspie and second by Jim Bailey to remove Resolution 1001 from the table

Motion passed 7-0.

Janet O'Neill, 1015 Pennsylvania, Fort Worth, TX 76104, addressed the council and requested that the council not act on Resolution 1001 at this time.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve Resolution 1001 determining the necessity of acquiring a permanent sanitary

sewer easement and temporary construction easement containing 0.098 acres within the City of Burleson, Texas, and authorizing the city attorney to proceed with eminent domain proceedings.

Motion passed 7-0.

Motion was made by Jim Bailey and second by Claudia Humphreys to remove Resolution 1002 from the table

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jim Bailey to approve Resolution 1002, determining the necessity of acquiring a permanent sanitary sewer easement and temporary construction easement containing 0.139 acres within the City of Burleson, Texas, and authorizing the city attorney to proceed with eminent domain proceedings.

Motion passed 7-0.

Motion was made by Chip Stephens and second by Claudia Humphreys to approve the first reading of Ordinance B-732, modifying Ordinance B-729, which adopted the Burleson Old Town Design Standards, by adding a penalty clause and other clarifications.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Matt Powell to approve an Easement/Right-of-Way use agreement for Babe's Chicken Dinner House, located at 120 S. Main Street with the stipulation that roof gutters are installed and the term of the agreement is for one year.

Motion passed 6-1. Jim Bailey opposed.

Ordinance D-041, zoning change from Single-Family 7 (SF7) to Agricultural (A) on Lot 1, Block 66, Original Town of Burleson. (located at 393 S. Warren.) (First reading)

The record reflects that this item was removed from consideration at the request of the applicant.

Motion was made by Jim Bailey and second by Chip Stephens to deny the zoning change from Single-Family 7 (SF7) to Planned Development (PD) on Lots 6-R, 7-R and 8-R, Block 31, Original Town of Burleson. (located at 124, 132 & 140 W. Eldred.) (Ordinance D-042 on first reading)

Motion failed 3-4 (Claudia Humphreys, Matt Powell, Ken Shetter and Stuart Gillaspie opposed)

Motion was made by Claudia Humphreys and second by Matt Powell to approve the zoning change from Single-Family 7 (SF7) to Planned Development (PD) on Lots 6-R, 7-R and 8-R, Block 31, Original Town of Burleson. (located at 124, 132 & 140 W. Eldred.) (Ordinance D-042 on first reading)

Motion passed 4-3. (Jim Bailey, Jerry Allen and Chip Stephens opposed)

Motion was made by Jerry Allen and second by Chip Stephens to ratify the selection of Cory Smithee as the Planning and Zoning Commission Vice-Chair.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to ratify the board members appointed to the 4A and 4B Corporations and ratify the terms of the appointments as follows:

The 4A members are:

Claudia Humphreys	appointment ends in 2006
Chip Stephens	appointment ends in 2006
Jim Bailey	appointment ends in 2005
Jerry Allen	appointment ends in 2006
Stuart Gillaspie	appointment ends in 2005

The 4B members are:

Toby Ford	appointment to end in 2005
Jim Bailey	appointment to end in 2005
Bob Fear	appointment to end in 2005
David Rubenkoenig	appointment to end in 2005
Ken Shetter	appointment to end in 2005
Matt Powell	appointment to end in 2005
Stuart Gillaspie	appointment to end in 2005

Motion was made by Jim Bailey and second by Stuart Gillaspie 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. and pursuant to Sec. 551.087, deliberation regarding Economic Development Negotiations.

Motion passed 7-0. Time 9:10 pm.

Motion was made by Jim Bailey 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 7-0. Time 9:51 pm.

Motion was made by Stuart Gillaspie and second by Chip Stephens to authorize the Mayor to request that the state declare property discussed in executive session as surplus.

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Claudia Humphreys to authorize staff to have the property discussed in executive session appraised by a state appraiser.

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Jim Bailey to authorize the purchase of property (York) for Hidden Creek Parkway right of way in the amount of \$3,940.00.

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Claudia Humphreys to authorize staff to obtain an appraisal on property for Fire Station 3.

Motion passed 7-0.

There being no further business, the Mayor declared the meeting adjourned.
Time 9:54 PM.

Mary J. Kayser
City Secretary