

**Council Session
March 10, 2005**

The Burleson City Council met in a regular session on March 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 Claudia Humphreys and second by Jerry Allen to approve the minutes of the February 24, 2005, regular session of Council.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the following purchase requisitions and payments: General Fund - purchase requisitions: 1) \$ 7,000.00 – Brodart Co., 2) \$ 3,445.00 – All American Press. General Fund – payments: 1) \$ 125,000.00 – The Home Depot Receivables. Water and Wastewater Fund - purchase requisitions: 1) \$ 5,100.00 – RLC, Inc., 2) \$ 9,394.00 – Controls International Inc., 3) \$ 4,026.00 – Wallace Control & Electric, Inc. Hidden Creek Golf Course Fund – payments: 1) \$ 9,150.00 – Ernest C. Crosby. General Fund/Water and Wastewater Fund/Hidden Creek Golf Course Fund/2001 4A Sales Tax Fund – payments: 1) \$ 42,109.39 - Taylor, Olson, Adkins, Sralla & Elam. General Fund/2001 General Obligation Bond Fund/2001 Water Sewer Revenue Bond Fund – payments: 1) \$ 9,303.50 – Ellerbee Walczak, Ind. General Fund/Hidden Creek Golf Course Fund – payments: 1) \$ 4,721.15 – Visa.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the final 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 Claudia Humphreys and second by Jerry Allen to approve the final 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 Claudia Humphreys and second by Jerry Allen to approve the final 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.

The Mayor read a proclamation for Red Cross month.

The Mayor presented a proclamation for "Cities Team Together to Fight Colon Cancer" month to representative of the American Cancer Society.

The Mayor opened a public hearing to consider the proposed annexation of the following tracts of land generally described as follows:

1. A tract comprising 27.00 acres, more or less located in the B. Bransom Survey, Abstract No. 58, as filed in the deed records of Johnson County, Texas.
2. A tract comprising 9.105 acres, more or less, located in the SM Blair Survey, Abstract No. 65, as filed in the deed records of Johnson County, Texas

There being no speakers the Mayor closed the public hearing.

Motion was made by Jim Bailey and second by Stuart Gillaspie to approve a one year extension of the City's depository contract with Texas Bank.

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Chip Stephens to approve an amendment to the 2004-2005 City of Burleson Fee Schedule to re-instate a temporary food service permit fee of \$35.00 and making it applicable to all temporary vendors immediately and making vendors responsible for fee payment.

Motion passed 7-0.

Motion was made by Matt Powell and second by Claudia Humphreys to approve the final reading of Ordinance D-042, 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) with the following permitted uses:

Single family detached residential, Bed and breakfast, Group Home, Clinic, Medical, dental, chiropractic office, Title or abstracting company, Travel agency or consultant,

Office, business, Cottage Industry, no outside display or storage, Florist, Photographer's studio, Office, real estate, Art gallery, Art studio, Day care center, adult, Office, professional or spa use, including tanning and hair and additionally to work with staff to reduce the amount of parking spaces to better fit with the permitted uses.

Motion was made by Jim Bailey and second by Chip Stephens to amend the previous motion to remove spa use as a permitted use.

The amending motion passed 5-0. (Ken Shetter and Claudia Humphreys opposed)

The main motion as amended passes 7-0.

(The record reflects that this item required a super majority vote of the Council and the 7-0 vote on the amended motion meets that requirement and the zoning will be changed)

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 and Pursuant to Sec. 551.087, deliberation regarding Economic Development Negotiations.

Motion passed 7-0. (8:57 PM)

Motion was made by Jerry Allen and second by Claudia Humphreys to reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

Motion passed 7-0. (9:17)

Motion was made by Stuart Gillaspie and second by Jerry Allen to authorize staff to negotiate the purchase of land as discussed in executive session.

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Chip Stephens to authorize the staff to purchase Hidden Creek Parkway ROW in the amount of \$58,909.02 and construct a retaining wall and water line and extend sewer to the Student Discipleship Ministries property.

Motion passed 7-0.

There being no further business, the Mayor declared the meeting adjourned.
Time 9:20 PM.

Mary J. Kayser
City Secretary