

Council Session
June 23, 2005

The Burleson City Council met in a regular session on June 9, 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.

Deputy City Manager, Curtis E. Hawk, City Attorney, Allen Taylor and other interested citizens were also present.

Motion was made by Claudia Humphreys and second by Chip Stephens to approve the minutes of the June 9, 2005, regular session of Council.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Chip Stephens to approve the following purchase requisitions and payments: General Fund – payments: 1) \$ 9,020.00 – City of Cleburne. Equipment Services Fund - purchase requisitions: 1) \$ 3,483.33 – Industrial Power Isuzu Truck. Equipment Replacement Fund - purchase requisitions: 1) \$ 14,200.00 – Wachs Company. Public Safety Grant Fund - purchase requisitions: 1) \$ 8,600.80 – Instant Armor, Inc, 2) \$ 10793.70 – GT Distributor, Inc. – payments: 1) \$ 4,020.00 – Eddie & Tina Nolan.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Chip Stephens to approve the final reading of Ordinance B-733, establishing a school zone speed limit of 20 miles per hour on Royal Oak Lane from Lone Oak Court to S. Hurst Road.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Chip Stephens to approve an amendment to the agreement with Freese & Nichols, Inc. for engineering design services for Hidden Creek Parkway and authorizing the City Manager to sign.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Chip Stephens to approve Resolution 1016, agreement between the City of Burleson and Tarrant County for participation in Tarrant County's Community Development Block Grant program for fiscal years 2006-2008 and authorizing the Mayor sign.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Chip Stephens to approve the contract with SungardHTE for purchase of public safety software applications and authorizing the City Manager to sign.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Jim Bailey to approve an agreement with Prime Strategies, Inc. for Planning & Economic Development Related Services for the Interstate 35W and Commuter Rail corridors in the amount of \$348,000.00 and authorizing the City Manager to sign.

Motion passed 7-0.

Motion was made by Jim Bailey and second by Matt Powell to approve an Engineering Services Agreement with Kimley-Horn and Associates, Inc. to update the City of Burleson's Master Thoroughfare Plan in the amount of \$58,500.00 and authorizing the City Manager to sign.

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Jim Bailey to approve an Easement Use Agreement for Building Blocks Child Development Center for the construction of improvements within an access, drainage and utility easement for 900 SW Alsbury Blvd. and authorizing the City Manager to sign.

Motion passed 7-0.

Motion was made by Jim Bailey and second by Claudia Humphreys to approve the first reading of Ordinance B-734, prohibiting the operator of a motor vehicle from leaving the motor vehicle unattended on any public or private property without stopping the engine, locking the ignition, removing the key, setting the parking brake and if standing on a grade, turning the front wheels to the side, with the removal of items 4 & 5 from Section 1.

Motion passed 5-0. Matt Powell and Chip Stephens opposed.

Motion was made by Chip Stephens and Matt Powell to approve the first reading of ordinance B-735, placing restrictions on the use and operations of motor assisted scooters by limiting or prohibiting the operation of motor assisted scooters on certain paths, trails, alleys, streets or highways; requiring that children wear helmets while riding a motor assisted scooter and providing penalties for parents and children for violations of this ordinance.

Motion passed 7-0.

The record reflects that Mayor Ken Shetter abstained from the following two items related to Rovin (*Babe's Chicken Dinner House*) due to family involvement.

Mayor Pro-tem Allen took over the meeting at this time.

Motion was made by Claudia Humphreys and second by Stuart Gillaspie to approve an amendment to the Easement/Right-of-Way Use Agreement for Babe's Chicken Dinner House, located at 120 S. Main Street for the following: 1) owner will construct unreinforced concrete paving in the alley, starting at the intersection of Ellison Street, 2) the dumpsters must be placed no closer than five feet to the building and 3) the one year limitation on the agreement has been deleted and authorizing the City Manager to sign the agreement.

Motion passed 6-0. Ken Shetter abstained.

Motion was made by Claudia Humphreys and second by Matt Powell to approve an amendment to the 380 Economic Development Agreement between the City of Burleson and Rovin, Inc. (*Babe's Restaurant*) regarding reimbursement for one half of the actual cost of the construction of the concrete pad in the alley way on the west side of the building at 120 S. Main Street and authorizing the City Manager to sign.

Motion passed 6-0. Ken Shetter abstained.

At this time the Mayor returned to the meeting.

Claudia Humphreys left at 8:25 PM

Motion was made by Matt Powell to approve an agreement between the City of Burleson and Tarrant County for the inspection of swimming pools in the City of Burleson and authorizing the Mayor to sign.

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Matt Powell and second by Chip Stephens to approve the first reading of Ordinance B-736, amending Chapter 7, Health and Sanitation, of the Burleson Code of Ordinances by adding Article VI, Public and Semipublic Swimming Pools, providing for inspections, requiring permits and providing for penalties.

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Matt Powell and second by Chip Stephens to approve an amendment of the City of Burleson Fee Schedule 2004-2005 for fees related to the inspection of swimming pools in the City of Burleson.

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Jim Bailey and second by Matt Powell to approve the first reading of Ordinance B-737, adopting a drought contingency/water management plan for the City of Burleson and establishing authority for the City Manager to execute elements of the plan, providing for variances to the plan and penalties for violations of the plan.

Motion passed 6-0. Claudia Humphreys absent.

Police Chief Tom Cowan presented a staff report on towing of vehicles ticketed for no insurance.

(the record reflects that the council took no action on this item)

Police Chief Tom Cowan presented a report on June 25, 2005, military celebration at Spinks Airport.

Assistant Director of Finance, Rhett Clark, presented the Monthly Financial Report for May, 2005.

Motion was made by Jerry Allen to convene into executive session pursuant to Sec. 551.071 of the Texas Government Code, the city council reserves the right to convene in Executive Session(s), from time to time as deemed necessary during this meeting for any posted agenda item, to receive advice from its attorney as permitted by law; 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 and pursuant to Section 418.183(f) of the Texas Government Code (Texas Disaster Act) regarding critical infrastructure

Motion passed 6-0. Claudia Humphreys absent. Time 9:11 PM

Motion was made by Stuart Gillaspie 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 9:56 PM

There being no further business, the Mayor declared the meeting adjourned. Time 9:56pm.

Mary J. Kayser
City Secretary

