

Council Session  
July 14, 2005

ROUGH DRAFT

The Burleson City Council met in a regular session on July 14, 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, Jerry Allen and Chip Stephens. Claudia Humphreys absent.

City Manager, Bill Davison; Deputy City Manager, Curtis E. 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 Matt Powell to approve the minutes of the June 23, 2005, and the February 24, 2005 regular session of Council.

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Jerry Allen and second by Matt Powell to

Motion was made by Jerry Allen and second by Matt Powell to approve the final 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 Jerry Allen and second by Matt Powell to approve the final 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.

Motion was made by Jerry Allen and second by Matt Powell to approve the final plat of Tract C, Phase 3, Mountain Valley Lake, 22.63 acres located northwest of the intersection of St. Andrews Drive and Glenn Ranch Drive.

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Jerry Allen and second by Matt Powell to approve the final plat of lots 3 and 4, Block 1, Four Corners Addition Phase 2, 2.76 acres located in the 1400 block of Wilshire Boulevard (SH 174)

Motion passed 5-0. Claudia Humphreys absent. Chip Stephens abstained.

Motion was made by Jerry Allen and second by Matt Powell to approve the preliminary plat of Plantation, 142.78 acres located south of Hidden Creek Parkway, east of Cardinal Ridge Road.

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Jerry Allen and second by Matt Powell to approve the replat of lot 4R, Block 2, Rudd Street Industrial Addition, 0.30 acres located in the 400 block of North Commerce Street.

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Chip Stephens and second by Jim Bailey to ratify the action of the 4A Economic Development Corporation Board regarding approval of the expenditure of 4A funds for lighting ( \$50,000.00) and landscaping on the Main Street parking lot (\$25,000.00) and the lease of railroad property for the landscaping (\$1,100.00) in the total amount of \$76,100.00.

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Jerry Allen and second by Chip Stephens to table the contract with Insituform Technologies, Inc for the rehabilitation of the I-35, 8" waterline located along the east side frontage road and authorize the City Manager to execute the contract.

Motion passed 6-0. Claudia Humphreys absent.

Tanner Singleton, 1024 Acorn Lane, and supporters; Tom and Mallory Foster, 404 Reagan and Bill Whiteside, 705 Live Oak spoke in opposition to Ordinance B-735.

Motion was made by Jerry Allen to approve the final 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.

The motion failed for lack of a second.

The final reading of Ordinance B-739, prohibiting the use and operation of pocketbikes/minimotorcycles on sidewalks, paths, trails, alleys, streets and highways in the City of Burleson; prohibiting a parent from allowing a child to ride a pocketbike/minimotorcycles in a prohibited location and providing penalties failed for lack of a motion.

The Mayor opened a public hearing regarding Charter Communications cable franchise renewal.

There being no speakers, the Mayor recessed the public hearing.

Motion was made by Matt Powell and second by Jerry Allen to approve an inter-local agreement between the City of Burleson and the City of Alvarado for euthanasia services for 90 days and authorizing the Mayor to sign.

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Jim Bailey and second by Chip Stephens to approve the first reading of Ordinance B-738, amending Section 17-92 of the Burleson Code of Ordinances regarding wrecker service agreements.

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Chip Stephen and second by Stuart Gillaspie to approve an agreement with wrecker service companies to provide certain wrecker services and authorizing the City Manager to sign.

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Stuart Gillaspie and second by Jim Bailey to approve the final 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 and removing the key.

Motion passed 5-0. Matt Powell opposed and Claudia Humphreys absent.

Motion was made by Jerry Allen and second by Matt Powell to approve the first reading of Ordinance C-582, 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; approving costs incurred as reasonable and providing a requirement for prompt reimbursement of costs; 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 6-0. Claudia Humphreys absent.

There was a consensus of the Council to move forward with the construction of sidewalks with the direction to look at Thomas Street by Hughes Middle School, the area around Nola Dunn Academy and Mistletoe Hills subdivision in addition to the area proposed by staff.

Motion was made by Matt Powell and second by Jerry Allen to approve a contract with Insituform Technologies, Inc. for the rehabilitation of sewer lines in the Old Town Area in the amount of \$446,518.00 and authorize the City Manager to execute the contract.

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Stuart Gillaspie and second by Matt Powell to approve Resolution 1017, determining the necessity of acquiring a permanent sanitary sewer easement containing 0.077 acres and a temporary construction easement containing 0.070 acres within the City of Burleson, Texas, and authorizing the city attorney to proceed with eminent domain proceedings.

Motion passed 6-0. Claudia Humphreys absent.

Resolution 1018, determining the necessity of acquiring a permanent sanitary sewer easement containing 0.334 acres and a temporary construction easement containing 0.334 acres within the City of Burleson, Texas, and authorizing the city attorney to proceed with eminent domain proceedings was pulled from consideration.

Motion was made by Chip Stephens and second by Jim Bailey to approve the first reading of Ordinance B-740, amending Section 7-23 through 7-29 of the City of Burleson Code of Ordinances regarding requirements for the mowing of weeds grass and uncultivated plants.

Motion passed 6-0. Claudia Humphreys absent.

Mark Eder, Director of Information Services gave the Council a report on the possibility of installing fiber optic cable on Hidden Creek Parkway.

Motion was made by Matt Powell and second by Chip Stephens to convene into executive session pursuant to Sec. 551.071 of the Texas Government Code, 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; 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. 9:19 PM

Motion was made by Jerry Allen 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 5-0. Matt Powell and Claudia Humphreys absent. 9:30 PM.  
Motion was made by Stuart Gillaspie and second by Jerry Allen to authorize payment to John and Deanna Reichard in the amount of \$12,282.50 for Broad Valley/Wyche Court right-of-way.

Motion passed 6-0. Claudia Humphreys absent.  
Motion was made by Stuart Gillaspie and second by Chip Stephens to authorize the negotiation a contract related to Fire Station #3 as discussed in Executive Session.

Motion passed 6-0. Claudia Humphreys absent.

There being no further business, the Mayor declared the meeting adjourned.  
Time 9:32pm.

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Mary J. Kayser  
City Secretary