

Council Work Session
August 24, 2006

The Burleson City Council met in a work session on August 24, 2006, in the Burleson City Hall, 141 W. Renfro, Burleson, Texas. Mayor Shetter called the meeting to order at 6:08 P.M., the following members present: Ken Shetter, Jim Wadlow, Matt Powell, Jerry Allen and Chip Stephens. Stuart Gillaspie and Claudia Humphreys absent.

City Manager, Curtis E. Hawk; Deputy City Manager, Paul Cain; and other interested citizens were also present.

The Council heard a presentation and discussion with the Heritage Foundation of Rail Car Project.

Claudia Humphreys arrived at 6:30 PM and Stuart Gillaspie arrived at 6:35 PM.

Budget 2006-2007 – The Council heard an update on the timeline for Emergency Services District to hold elections (November 2007) to include the area outside the Burleson City limits.

Police Chief Tom Cowan gave a presentation on the proposed ordinance to ban the sale of realistic toy guns.

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 6:45 PM

Motion was made by Matt Powell and second by Jim Wadlow to reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

Motion passed 7-0. Time 7:12 PM

The record reflects that the front door was inadvertently closed and locked between the worksession and Council regular session. The door was reopened and remained open for the rest of the meeting.

Council Session
August 24, 2006

The Burleson City Council met in a regular session on August 24, 2006, in the Burleson City Hall, 141 W. Renfro, Burleson, Texas. Mayor Shetter called the meeting to order at 7:12 P.M., the following members present: Ken Shetter, Stuart Gillaspie, Jim Wadlow, Matt Powell, Claudia Humphreys, Jerry Allen and Chip Stephens

City Manager, Curtis E. Hawk; Deputy City Manager, Paul Cain; Assistant City Attorney, Wayne Olson and other interested citizens were also present.

Motion was made by Stuart Gillaspie and second by Chip Stephens to approve the minutes from the August 10, 2006 regular session.

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Chip Stephens to approve the following purchase requisitions and payments: General Fund - purchase requisitions: 1) \$ 4,869.00 – Aerial Focus, 2) \$ 9,936.50 – SMS Woodstone, Inc., 3) \$ 7,200.00 – Macaulay Controls Company, 4) \$ 13,500.00 – Apac-Texas, Inc., 5) \$ 5,200.00 – Coban Research and Tech. General Fund – payments: 1) \$ 5,430.00 – IBM, 2) \$ 26,435.00 – First Southwest Asset Management, Inc. Equipment Services Fund – purchase requisitions: 1) \$ 12,815.44 – Southern Tire Mart, LLC. 2) \$ 8,262.00 – Double C Oil Distributors, Inc. Equipment Services Fund – payments: 1) \$ 3,147.22 – Bridgeport Truck. Water and Wastewater Fund - purchase requisitions: 1) \$ 13,462.50 - Hughes Supply, Inc. Equipment Replacement Fund - purchase requisitions: 1) \$ 3,557.00 – Azteca Systems, Inc. General Fund/Water and Wastewater Fund – payments: 1) \$ 5,000.00 – First Southwest Company. Water and Wastewater Fund/Equipment Replacement Fund - purchase requisitions: 1) \$ 8,136.00 – Portable Computer Systems

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Chip Stephens to approve the first reading of Ordinance C-601-06 vacating and abandoning portions of Ellison Street, Scott Street and Old Alvarado Road.

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Chip Stephens to approve the final reading of Ordinance C-600-06, relating to access to Public Information as required by the Public Information Act and the administration of the City's responsibilities under the Public information Act.

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Chip Stephens to approve the final reading of Ordinance B-755-06, Industrial Waste Ordinance Revision.

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Chip Stephens to approve the final reading of Ordinance B-757-06 Concerning Right Of Way Infrastructure Maintenance and that the publication clause be corrected.

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Chip Stephens to approve the final reading of Ordinance D-070-06, rezoning of 203.9 acres from (A) Agricultural and (SF7) Single Family 7 to (PD) Planned Development located north and south of Hidden Creek Parkway and west of the Union Pacific Railroad.

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Chip Stephens to approve an amending plat of 117 lots, Blocks 1-9, 29.214 acres of Shannon Creek, Phase One located north of Shaffstall Road, west of SH 174 (Wilshire Boulevard). (Case 06-101)

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Chip Stephens to approve a replat of Lot 14, Block 7, into Lots 14RA and 14RB, Block 7, 5.17 acres of Ridgcrest Estates Section Two located east of County Road 803, south of FM 917. (Case 06-099)

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Chip Stephens to Award ITB 2006-032 Automotive and Light Truck Body Repair to Campbell's Auto Body & Mobile Glass of Burleson, Texas.

Motion passed 7-0.

Glenn Tarter, 1729 Rockridge, Wichita Falls, TX, addressed the council in opposition to Ordinance B-756-06.

Motion was made by Claudia Humphreys and second by Jim Wadlow to approve the final reading of Ordinance B-756-06, amending Chapter 38, Fire Prevention and Protection, Article V Uniform Fire Code of the Code of Ordinances of the City of Burleson, Texas (2005) to regulate the storage, use, possession or sale of fireworks within 5000 feet of the corporate limits of the city.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to table the approval of a replat of Lot 2, Block 1 into Lots 2R-1 through 4, Block 1, 7.79 acres of Wolfe Addition located southeast of County Road 1016, and northeast of County Road 916. (Case 06-100) to the September 28, 2006 agenda.

Motion was made by Jerry Allen and second by Jim Wadlow to remove from the table the first reading of Ordinance D-071-06, approving a Special Use Permit for a Monopole Communications Tower by the City of Burleson, located at 231 SW Brushy Mound Road. (Water Tower Site). (Case 06-094)

Motion passed 7-0.

Motion was made by Jerry Allen and second by Stuart Gillaspie to withdraw Ordinance D-071-06, approving a Special Use Permit for a Monopole Communications Tower by the City of Burleson, located at 231 SW Brushy Mound Road. (Water Tower Site). (Case 06-094) from consideration.

Motion passed 7-0.

Staff made a presentation on the request by Four Sevens Operating Company for a gas well drilling permit, known as the ZFN Triplets #1H, on 74.59 acres located north of the end of Hemphill Street and the Hampton Place Subdivision.

The Mayor opened a public hearing on the request by Four Sevens Operating Company for a gas well drilling permit, known as the ZFN Triplets #1H, on 74.59 acres located north of the end of Hemphill Street and the Hampton Place Subdivision (Case 06-088)

K. Sadelhiam, P.O. Box 593, Denton Texas, spoke in favor of the permit.

Amy Pennington, 3501 Sundown Blvd, Denton Texas, spoke in favor of the permit.

Tina Jarrett, 425 Hanover Street, Burleson spoke in opposition to the permit due to noise, safety and distance.

Doris Baxter, 432 Hanover Street, Burleson spoke in opposition to the permit due to noise, safety water usage and distance.

Charles Heasley, 2709 Charter Oak Drive, Plano, Texas spoke in favor of the permit.

Marlene Beckman, 3116 W. 6th Street, Fort Worth (owns Tote System property across the railroad tracks from the proposed location) spoke in opposition to the permit due to location too close to the future Hemphill and the impact on her mineral rights on her property.

Ted Fey and Randall Rodrigue, 6100 Northwestern, Okalahoma City, Oklahoma representing Chesapeake/Four 7s addressed the council and answered questions.

There being no further speakers, the Mayor closed the public hearing.

Motion was made by Jerry Allen and second by Chip Stephens to table the request by Four Sevens Operating Company for a gas well drilling permit, known as the ZFN Triplets #1H, on 74.59 acres located north of the end of Hemphill Street and the Hampton Place Subdivision (Case 06-088) until the Company requests that it be placed on the agenda for action.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Stuart Gillaspie to approve the first reading of Ordinance D-072-06, rezoning Shannon Creek Development on 138.452 acres located north of Shaffstall Road, east of the Burlington Northern Railroad from SF7D Single Family 7 Development Option to PD Planned Development for (Case 06-102).

Councilmember Humphreys wanted to be certain that the developer was clear that the concept plan and site plan must be approved to get the final plat approved.

Motion passed 7-0.

Motion was made by Chip Stephens and second by Jim Wadlow to approve the first reading of Ordinance D-073-06, rezoning 4.00 acres located on the southeast corner of Interstate 35 W and FM 917 from A Agricultural to C Commercial for. (Case 06-104)

Motion passed 7-0.

Motion was made by Jim Wadlow and second by Chip Stephens to approve Resolution 1061-06, calling a special election for November 7, 2006.

Motion passed 7-0.

The record reflects that the petitions for the local option election for the sale of beer and wine for off premise consumption with 4492 signatures, 2152 that were valid were turned in to the City Secretary on July 24, 2006.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve an Engineering Services contract with Graham Associates, Inc. for the design of sanitary sewer improvements for the Quil Miller Creek Wastewater Trunk Main in the amount of \$ 499,237.00 and authorizing the City Manager to execute the contract.

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve an Engineering Services Contract with Schrickel, Rollins and Associates, Inc., for the design of landscape improvements on Hidden Creek Parkway in the amount of \$55,690.00 and authorize the City Manager to sign.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Chip Stephens to approve an Engineering Services Contract with Wier & Associates, Inc., for the design of the North Creek Relief Line in an amount not to exceed \$113,216.00 and authorize the City Manager to sign.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Matt Powell to approve an Engineering Services Contract with Jerry Parche Consulting Engineers for the design of sanitary sewer improvements for the Valley View Estates Outfall Sewer (Village Creek Sanitary Sewer to Valley View Estates in the amount of \$68,200.00 and include language to indemnify the City of there are delays caused by the firm and authorizing the City Manager to execute the contract.

Motion passed 7-0.

Motion was made by Matt Powell and second by Chip Stephens to authorize participation in the cost of oversizing a sewer line within Prairie Timber Estates in the amount of \$118,425.00 and authorize the Mayor to execute the Community Facilities Agreement.

Motion passed 6-0. Claudia Humphreys abstained.

Discuss and Consider Mineral Rights options on pump station on Shaffstall property. (Lot 1, Block 1, Shaffstall Water Tank Edition)

No action needed on this item.

Motion was made by Claudia Humphreys and second by Chip Stephens to set the date for the Public Hearing for the 2006-2007 proposed budget for September 14, 2006, at 7:00 PM.

Motion passed 7-0.

Motion was made by Jim Wadlow and second by Jerry Allen to set September 28, 2006, as the date for the adoption of the 2006 ad valorem tax rate of .6299 per \$100 valuation.

Motion passed 7-0.

Motion was made by Chip Stephens and second by Jerry Allen to set the dates for the Public Hearing on the 2006 ad valorem tax rate as September 14, 2006 at 7:00pm, and September 19, 2006 at 6:00 pm.

Motion passed 7-0.

Motion was made by Chip Stephens and second by Jerry Allen to remove from the table the approval of the final plat of 163 Lots, Blocks 1-6, 43.696 acres of Mountain Valley Heights Phase II, located west of SH 174 (Wilshire Boulevard) and South of Lakewood Drive. (Case 06-086)

Motion passed 7-0.

Motion was made by Jerry Allen and second by Stuart Gillaspie to table the approval of the final plat of 163 Lots, Blocks 1-6, 43.696 acres of Mountain Valley Heights Phase II, located west of SH 174 (Wilshire Boulevard) and South of Lakewood Drive. (Case 06-086) at the request of the developer to the September 14, 2006, Council meeting.

Motion passed 7-0.

Clayton Husband, Director of Planning and Development presented a draft Ordinance amending Chapter 34, Environment, of the Burleson Code of Ordinance, by amending Article V regarding noise nuisances. (Case 06-110)

Motion was made by Chip Stephens and second by Jerry Allen 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 11:06 PM

Motion was made by Stuart Gillaspie and second by Jim Wadlow to reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

Motion passed 7-0. Time 11:21 PM

There being no further business, the Mayor declared the meeting adjourned. Time 11:21 PM.

Mary J. Kayser
City Secretary