

Council Work Session  
September 14, 2006

The Burleson City Council met in a work session on September 14, 2006, in the Burleson City Hall, 141 W. Renfro, Burleson, Texas. Mayor Shetter called the meeting to order at 5:46 P.M. with the following members present: Ken Shetter, Stuart Gillaspie, Jim Wadlow, Claudia Humphreys and Jerry Allen. Matt Powell and Chip Stephens absent.

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

Police Chief Tom Cowan gave a report on Verified Response.

Planning and Community Development Director Clayton Husband gave a report on Sign Ordinance enforcement.

Motion was made by Jerry Allen and second by Jim Wadlow 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 5-0. Matt Powell and Chip Stephens absent. Time 6:38 PM

Motion was made by Jerry Allen and second by Stuart Gillaspie 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 Chip Stephens absent. Time 7:10 PM

Council Session  
September 14, 2006

The Burleson City Council met in a regular session on September 14, 2006, in the Burleson City Hall, 141 W. Renfro, Burleson, Texas. Mayor Shetter called the meeting to order at 7:10 P.M., the following members present: Ken Shetter, Stuart Gillaspie, Jim Wadlow, Claudia Humphreys and Jerry Allen. Matt Powell and Chip Stephens absent.

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 Stuart Gillaspie and second by Jim Wadlow to approve the minutes from the August 24, 2006 regular council meeting.

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

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve the following purchase requisitions and payments: General Fund - purchase requisitions: 1) \$4,250.00 – Mapsco Map and Travel Center, 2) \$5,114.10 – CDW Government Solutions, 3) \$ 10,554.03 – Dell Computer Corp., 4) \$ 5,100.00 – Metro Fire Apparatus, 5) \$ 5,400.00 – Darryl Lackey Roofing, 6) \$ 6,881.99 – Mark Reuter Remodeling Company, Inc., 7) \$ 12,000.00 – GIS Planning, 8) \$ 5,000.00 – Kleinfelder, 9) \$ 3,500.00 – Municipal Code Corp. Public Safety Grant Fund – purchase requisitions: 1) \$ 4,320.00 – HTE, Inc. Park Development Fund - purchase requisitions: 1) \$ 6,995.00 – Insite Amenities, LP. Equipment Services Fund - purchase requisitions: 1) \$ 4,227.82 – Campbells Auto Body. Equipment Replacement Fund - purchase requisitions: 1) \$ \$27,065.68 – Lynn Smith Chevrolet. 4A-NBCPF - purchase requisitions: 1) \$1,000.00 – Schrickel, Rollins and Associates. 2002 Water Sewer Revenue Bond Fund - purchase requisitions: 1) \$ 6,500.00 – Freese & Nichols, Inc. General Fund – payments: 1) \$ 3,240.34 – Office Depot. General Fund/2005SWRBF – payments: 1) \$ 6,804.50 - Ellerbee Walczak, Inc. Hotel Motel Fund – payments: 1) \$ 6,000.00 – Burleson Heritage Foundation. TIF#1 – payments: 1) \$ 429,339.60 – Kimco Burleson, LP. General Fund/2001 Sales Tax Revenue Bond Fund – 4A – payments: 1) \$ 13,803.06 - Taylor, Olson, Adkins, Sralla & Elam, LLP.

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

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

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

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

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

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve Resolution 1062-06, amending the City's Authorized Representatives to Texas Local Government Investment Pool ("TexPool, TexPool Prime")

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

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve Resolution 1063-06, designating and authorizing certain city employees to approve wire transfers by and on behalf of the City and designating custodial agent.

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

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve the GIS Planning Application Services Agreement Renewal.

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

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve Resolution 1064-06, authorizing the City Manager to execute a capital lease purchase agreement with Municipal Services Group, Inc. for the purchase of golf course maintenance equipment.

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

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve the renewal of interlocal agreement with Fort Worth for Household Hazardous Waste Disposal.

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

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve the contribution agreement with Johnson County for Tax Increment Finance Reinvestment Zone Number Two.

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

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve a contract with James Kelly, DBA Blue Moon Acquisitions for professional services related to real estate acquisitions for the Shannon Creek Sanitary Sewer Extension Capital Improvement Project, and authorize the City Manager to execute the contract.

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

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve a Lease Agreement with American Tower Corporation for Wi-Fi Network.

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

David McDowell, Recreation Manager, presented framed posters from the City of Burleson Summer Concerts Series to Mayor Ken Shetter and Dano Strong and Keith Kelly in thanks for their support of the Summer Concerts Series.

Brittany Cain, Amanda Werley and Samantha McPherson gave a presentation on Jostens Renaissance Program at Burleson High School and asked for the support of the Council.

Interim Director of Finance, Rhett Clark, gave a presentation on the proposed FY 2006-2007 Operating Budget.

The Mayor opened a public hearing on the proposed FY 2006-2007 Operating Budget.

Henrietta Freeman, 709 Vaughn, addressed the Council with questions regarding the golf course, water and waste water impact fees and the tax rate.

Linda McDaniel, 1232 Highcrest, addressed the Council with questions regarding animal services on the weekend, why did we run out of funds at the compost site and the retirement system.

Council and staff addressed the concerns.

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

The Mayor opened a public hearing on the 2006 ad valorem tax rate of \$0.6299.

There being no speakers the Mayor closed the Public Hearing.

The Mayor announced that the first reading of and vote on the tax ordinance will be at a special called City Council meeting on September 19, 2006 at 6:00 PM in the Council Chambers with the final vote on the tax ordinance at the regularly scheduled City Council meeting on September 28, 2006, at 7:00 PM in the Council Chambers.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the first reading of Ordinance C-602-06, revising budget figures for fiscal year 2005-06 and adopting the 2006-2007 Annual Operating Budget.

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

Motion was made by Stuart Gillaspie and second by Jim Wadlow to

approve the first reading of Ordinance C-603-06, establishing FY 2006-2007 rates to be charged for Water and Wastewater Service provided by the City of Burleson.

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

Motion was made by Claudia Humphreys and second by Jim Wadlow to approve the first reading of Ordinance C-604-06 establishing rates to be charged for the hauling and disposal of residential and commercial solid waste and trash within the City of Burleson.

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

Motion was made by Jim Wadlow and second by Jerry Allen to approve the first reading of Ordinance C-605-06, establishing a Class Surcharge Program for FY 2006-2007 for reciprocation of costs for treatment of abnormal sewage discharge contributed by commercial and industrial customers in the City of Burleson wastewater service area.

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

Motion was made by Claudia Humphreys and second by Jim Wadlow to approve the first reading of Ordinance B-758-06, amending Chapter 34, Environment, of the Burleson Code of Ordinance, by amending Article V regarding noise nuisances. (Case 06-110)

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

Motion was made by Claudia Humphreys and second by Stuart Gillaspie to approve the final reading of Ordinance D-072-06, request a rezoning from SF7D Single Family 7 Development Option and (2F) Two Family zoning district to PD Planned Development for Shannon Creek Development on 138.452 acres located north of Shaffstall Road, east of the Burlington Northern Railroad (Case 06-102) with a change in conditions of the Planned Development District, section 1.04 as follows: "1.04 **Amenity Center**: The Developer for Single Family in the Planned Development District *shall* provide for an amenity center which may include, but not be limited to a swimming pool, cabana, and landscaping to be owned, operated, and maintained by a property owner's association." on final reading.

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

Motion was made by Jim Wadlow and second by Stuart Gillaspie to approve a Personal Services Agreement with L.F. Sloane Consulting Group Inc. for the creation of an RFP for the long term lease of the Memorial Cemetery.

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

Motion was made by Jerry Allen and second by Claudia Humphreys to renew a contract for providing fire extinguishment and emergency services for the Bent Oaks Area with the Johnson County Emergency Services District No. 1 for 1 year (ending September 30, 2007) and upon approval by the Board of Directors of the Johnson County Emergency Services District No. 1 (JCESD#1), authorize the Mayor to execute an extension to this renewal agreement through December 31, 2007.

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

Motion was made by Jerry Allen and second by Stuart Gillaspie to remove from the table the final plat for 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 5-0. Matt Powell and Chip Stephens absent.

Motion was made by Claudia Humphreys and second by Stuart Gillaspie to approve the final plat for 163 Lots, Blocks 1-6, 43.696 acres of Mountain Valley Heights Phase II (now known as Willow Creek Crossing), located west of SH 174 (Wilshire Boulevard) and south of Lakewood Drive with an amendment to development standard #2, to reflect compliance with the masonry requirements in effect at the time of this approval and found in Article 16, Chapter 10 of the Burleson Code of Ordinances.(Case 06-086)

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

Motion was made by Claudia Humphreys and second by Stuart Gillaspie to cast the City's Votes for Byron Black in Place 13 of the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election.

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

Motion was made by Jerry Allen and second by Stuart Gillaspie to remove from the table a 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 No. 06-088) – Tabled August 24, 2006

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

Motion was made by Stuart Gillaspie and second by Jerry Allen to

approve a request by Four Sevens Operating Company for a gas well drilling permit (which includes fencing and sound blankets), known as the ZFN Triplets #1H, on 74.59 acres located north of the end of Hemphill Street and the Hampton Place subdivision (Case No. 06-088)

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

Motion was made by Jim Wadlow and second by Claudia Humphreys to change the date of the November 9, 2006, Council meeting to November 16, 2006 and cancel the November 23, 2006 and December 28, 2006 Council meetings.

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

There being no further business, the Mayor declared the meeting adjourned. Time 9:33 PM.

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Mary J. Kayser  
City Secretary