

Council Work Session  
January 26, 2006

The Burleson City Council met in a work session on January 26, 2006, in the Burleson City Hall, 141 W. Renfro, Burleson, Texas. Mayor Shetter called the meeting to order at 6:12 P.M., the following members present: Ken Shetter, Stuart Gillaspie, Jim Bailey, Matt Powell and Jerry Allen. Claudia Humphreys and Chip Stephens absent.

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

The Council and staff discussed Prairie Timber Sanitary Sewer. The Council directed staff to design and construct the line to serve Prairie Timber and provide reimbursement for aerobic systems installed.

Chip Stephens arrived at 6:20 PM

Claudia Humphreys took her seat at the Council table at 6:30PM

The Council received a 2006 election update. The City will lease equipment from Johnson County and will contract with the Burleson ISD to conduct their May 2006, general election.

The Police Department presented the statistical report for 2005. Council requested that the reports be quarterly and the next report contain information on injuries and absences.

There being no further business, the Mayor declared the meeting adjourned.  
Time 6:58 pm.

The Council took a brief recess.

Council Session  
January 26, 2006

The Burleson City Council met in a regular session on January 26, 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, Jerry Allen, Chip Stephens, Claudia Humphreys, Matt Powell and Jim Bailey.

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 Claudia Humphreys and second by Jerry Allen to approve the minutes of the January 17, 2006, special session and the January 12, 2006 regular session.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the following purchase requisitions:

|   |             |                          |
|---|-------------|--------------------------|
| Brodart Co.                                 | \$20,000.00 | General Fund             |
| City of Fort Worth Environmental Management | \$20,000.00 | General Fund             |
| Aesthetic Landscape                         | \$3,392.00  | Hidden Creek Golf Course |
| Fuego International, LLC.                   | \$9,115.00  | General Fund             |
| Skidril, Inc.                               | \$3,555.00  | General Fund             |
| SMS Woodstone                               | \$1,920.00  | General Fund             |
| Hughes Supply, Inc.                         | \$68,424.70 | Water & Sewer Fund       |
| University Building Specialities, Inc.      | \$5,625.00  | General Fund             |
| Double C Oil Distributors, Inc.             | \$3,262.00  | Equipment Services Fund  |

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the following purchase payments:

|                       |             |  |
|-----------------------|-------------|--|
| Cleveland Golf        | \$3,036.91  | Hidden Creek Golf Course                             |
| Callaway Golf         | \$4,563.33  | Hidden Creek Golf Course                             |
| IBM Corporation       | \$30,741.09 | General Fund   |
| Ellerbe-walczak, Inc. | \$5,355.50  | 2005 Certificates of Obligation Hidden Creek Parkway |

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the final reading of Ordinance D-053, changing the zoning from MF2 Multiple Family Dwelling to C Commercial on 5.21 acres located on the east side of Wilshire Blvd (SH 174), south of John Jones Drive (FM 731).

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the final reading of Ordinance D-054 approving a Specific Use Permit for mini storage warehouses on 4.66 acres located on the east side of Wilshire Blvd (SH 174), south of John Jones Drive (FM 731).

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the final reading of Ordinance D-055, changing the zoning from SF7 Single Family Dwelling to PD Planned Development on 0.47 acres located on lots connecting 109 Haskew Street and 104 NE Anderson

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the final reading of Ordinance B-741, establishing a speed limit of 50 miles per hour on FM 1902 from FM 917 to the north City limit, and establishing a school zone speed limit of 35 miles per hour on FM 1902 for 0.105 miles on each side of the driveway to the Joshua ISD's Caddo Grove Elementary School.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to award the bid number 2006-17 for the municipal court remodel to low bidder VeriPro Construction LLC in the amount of \$64,387.60.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to award bid number 2006-18 for vehicle parts and filters to low bidder per item as follows:

| Item | DESCRIPTION             | 4M Parts           | O'Reilly Auto Parts | Eagle Auto Parts | Stewart & Stevenson   |
|------|-------------------------|--------------------|---------------------|------------------|-----------------------|
|      | <b>WIPER BLADES</b>     |                    |                     |                  | <b>Non-Responsive</b> |
| 1    | N18R                    | 3.49               | 3.38                | 5.39             |                       |
| 2    | N20R                    | 3.59               | 3.54                | 5.39             |                       |
| 3    | N22R                    | 3.69               | 3.54                | 5.39             |                       |
| 4    | U18R                    | 3.69               | 3.54                | 5.39             |                       |
|      |                         |                    |                     |                  |                       |
|      | <b>GATES FITTINGS</b>   |                    |                     |                  |                       |
| 5    | G25100-0406             | 2.35               | 2.40                | 2.67             |                       |
| 6    | G25105-0404             | 4.20               | 5.18                | 4.77             |                       |
| 7    | G25105-0806             | 6.20               | 6.35                | 7.05             |                       |
| 8    | G25165-0406             | 3.06               | 3.13                | 3.48             |                       |
| 9    | G25170-0404             | 2.44               | 2.49                | 2.77             |                       |
| 10   | G25170-0406             | 2.94               | 3.01                | 3.34             |                       |
| 11   | G25170-0808             | 3.64               | 3.73                | 4.14             |                       |
| 12   | G25170-0810             | 4.18               | 4.28                | 4.75             |                       |
| 13   | G25170-1010             | 6.70               | 6.85                | 7.61             |                       |
| 14   | G25170-1012             | 7.40               | 7.61                | 8.46             |                       |
| 15   | G25170-1212             | 6.19               | 6.33                | 7.03             |                       |
| 16   | G25179-0808             | 7.92               | 8.10                | 9.00             |                       |
| 17   | G25230-0606             | 3.36               | 3.44                | 3.82             |                       |
| 18   | G25180-1616             | 23.59              | 24.13               | 26.81            |                       |
|      |                         |                    |                     |                  |                       |
|      | <b>MEGA-CRIMP GATES</b> |                    |                     |                  |                       |
| 19   | 85600                   | Bx of 50<br>72.00  | 1.94 ft             | 2.16 ft          |                       |
| 20   | 85601                   | Bx of 50<br>83.40  | 2.25 ft             | 2.52 ft          |                       |
| 21   | 85602                   | Bx of 50<br>96.00  | 2.58 ft             | 2.88 ft          |                       |
| 22   | 85603                   | Bx of 50<br>115.80 | 3.11 ft             | 3.48 ft          |                       |
| 23   | 85604                   | Bx of 50<br>153.60 | 4.12 ft             | 4.56 ft          |                       |
| 24   | 85605                   | Bx of 50<br>260.04 | 5.32 ft             | 5.88 ft          |                       |
|      |                         |                    |                     |                  |                       |
| 25   | <b>ANTIFREEZE</b>       | * 7.39             | Market Price        | 7.99             |                       |
| 26   | <b>DEX-COOL</b>         | * 9.25             | Market Price        | 11.99            |                       |
| 27   | <b>WASHER FLUID</b>     | * 1.29             | Market Price        | <b>1.39</b>      |                       |

| Item | DESCRIPTION           | 4M<br>Parts | O'Reilly Auto<br>Parts | Eagle Auto<br>Parts | Stewart &<br>Stevenson |
|------|-----------------------|-------------|------------------------|---------------------|------------------------|
|      | <b>WIX<br/>FILTER</b> |             |                        |                     |                        |
| 28   | 24071                 | 6.92        | 6.92                   | <b>6.00</b>         |                        |
| 29   | 51040                 | 3.12        | 3.12                   | <b>2.70</b>         |                        |
| 30   | 41307                 |             | #51307 3.49            | <b>3.02</b>         |                        |
| 31   | 51452                 | 4.63        | 4.63                   | <b>4.01</b>         |                        |
|      | 51791                 | 5.84        | 5.84                   | <b>5.07</b>         |                        |
|      | 51970                 | 11.18       | 11.18                  | <b>9.69</b>         |                        |
| 31   | 51042                 | 3.53        | 3.53                   | 3.06                |                        |
| 32   | 51759                 | 7.49        | 7.49                   | 6.49                |                        |
| 33   | 51372                 | 3.31        | 3.31                   | 2.87                |                        |
| 34   | 51748                 | 22.24       | 22.24                  | 19.28               |                        |
| 35   | 51060                 | 3.12        | 3.12                   | 2.70                |                        |
| 36   | 51660                 | 14.65       | 14.65                  | 12.69               |                        |
| 37   | 46440                 | 10.36       | 10.36                  | 8.98                |                        |
| 38   | 46596                 | 13.01       | 40.72                  | 35.29               |                        |
| 39   | 42253                 | 28.22       | 28.22                  | 24.46               |                        |
| 40   | 46134                 | 4.63        | 4.63                   | 4.01                |                        |
| 41   | 42518                 | 15.50       | 15.50                  | 13.44               |                        |
| 42   | 46077                 | 5.36        | 5.36                   | 4.64                |                        |
| 43   | 33338                 | 7.06        | 7.06                   | 6.12                |                        |
| 44   | 33097                 | 5.92        | 5.92                   | 5.13                |                        |
| 45   | 33118                 | 5.41        | 5.41                   | 4.69                |                        |
| 46   | 33358                 | 5.04        | 5.04                   | 4.37                |                        |
| 47   | 33481                 | 7.33        | 7.33                   | 6.35                |                        |
| 48   | 33376                 | 12.19       | 12.19                  | 10.56               |                        |
| 49   | 33472                 | 6.76        | 6.76                   | 5.86                |                        |
| 50   | 33595                 | 5.86        | 5.86                   | 5.08                |                        |
| 51   | 33405                 | 9.02        | 9.02                   | 7.82                |                        |
| 52   | 51734                 | 9.16        | 9.16                   | 7.94                |                        |
| 53   | 46418                 | 9.61        | 9.61                   | 8.33                |                        |
| 54   | 46744                 | 25.16       | 25.16                  | 21.81               |                        |
| 55   | 33406                 | 10.68       | 10.68                  | 9.26                |                        |
| 56   | 46428                 | 4.66        | 4.66                   | 4.04                |                        |
| 57   | 51409                 | 8.07        | 8.07                   | 6.99                |                        |
| 58   | 46761                 | 34.62       | 34.62                  | 30.00               |                        |
| 59   | 42487                 | 8.50        | 8.50                   | 7.36                |                        |
| 60   | 51522                 | 3.70        | 3.70                   | 3.20                |                        |
| 61   | 42488                 | 9.26        | 9.26                   | 8.03                |                        |

| Item | DESCRIPTION              | 4M Parts      | O'Reilly Auto Parts | Eagle Auto Parts | Stewart & Stevenson |
|------|--------------------------|---------------|---------------------|------------------|---------------------|
| 62   | 24941                    | 3.23          | 3.23                | 2.80             |                     |
| 63   | 57421                    | 23.80         | 23.80               | 20.63            |                     |
| 64   | 46678                    | 11.95         | 11.95               | 10.35            |                     |
| 65   | 57202                    | 4.98          | 4.98                | 4.32             |                     |
| 66   | 33623                    | 7.39          | 7.39                | 6.40             |                     |
| 67   | 33604XE                  | 21.08         | 21.08               | 18.27            |                     |
| 68   | 51085                    | 3.20          | 3.20                | 2.78             |                     |
|      |                          |               |                     |                  |                     |
|      | <b>BULBS</b>             |               |                     |                  |                     |
| 69   | 1157                     | Bx 10<br>1.90 | .19                 | .89              |                     |
| 70   | 1156                     | Bx 10<br>3.90 | .38                 | .89              |                     |
| 71   | 194                      | Bx 10<br>2.20 | .19                 | .89              |                     |
| 72   | 3057                     | Bx 10<br>5.90 | .54                 | 1.16             |                     |
|      |                          |               |                     |                  |                     |
|      | <b>HEADLAMP</b>          |               |                     |                  |                     |
| 73   | 6054                     | 5.49          | 6.83                | 8.99             |                     |
|      |                          |               |                     |                  |                     |
|      | <b>PETERSON LIGHTS</b>   |               |                     |                  |                     |
| 74   | 142A                     | 1.73          | 1.65                | 1.92             |                     |
| 75   | 483R                     | 1.45          | 1.31                | 1.61             |                     |
| 76   | 352A                     | 5.89          | 5.83                | 6.54             |                     |
| 77   | 391C                     | 5.63          | 5.63                | 6.26             |                     |
| 78   | 442                      | 14.55         | 12.87               | 16.17            |                     |
| 79   | 122A                     | 2.87          | 3.23                | 3.67             |                     |
| 80   | 475R                     | .57           | .91                 | 1.02             |                     |
|      |                          |               |                     |                  |                     |
|      |                          |               |                     |                  |                     |
| 81   | 8" SPOT MIRROR           | 10.66         | 12.33               | 9.94             |                     |
| 82   | VELVAC MIRROR            | NB            | NB                  | 12.63            |                     |
| 83   | 705333                   | NB            | 17.29               | 13.31            |                     |
|      |                          |               |                     |                  |                     |
|      | <b>WAGNER BRAKE PADS</b> |               |                     |                  |                     |
| 84   | MX931                    | 39.22         | 39.22               | 41.81            |                     |
| 85   | MX679                    | 41.30         | 41.30               | 46.76            |                     |
| 86   | MX785                    | 36.00         | 40.89               | 44.87            |                     |
|      |                          |               |                     |                  |                     |
|      | <b>TRAILER PLUG</b>      |               |                     |                  |                     |

| Item | DESCRIPTION                 | 4M Parts     | O'Reilly Auto Parts | Eagle Auto Parts | Stewart & Stevenson |
|------|-----------------------------|--------------|---------------------|------------------|---------------------|
| 87   | 4 WIRE TRAILER PLUG         | 1.49         | 2.49                | 2.65             |                     |
| 88   | 6 WIRE TRAILER PLUG         | NB           | 4.59                | 5.98             |                     |
|      |                             |              |                     |                  |                     |
| 89   | <b>B12 CARB SPRAY</b>       | 1.94         | 2.49                | 2.69             |                     |
| 90   | <b>PENETRANT PB BLASTER</b> | Market Price | 3.49                | 3.70             |                     |
|      |                             |              |                     |                  |                     |

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the first reading of Ordinance D-056, changing the zoning from A - Agricultural to C – Commercial and a Specific Use Permit for tractor sales and repair for 4.0 acres located at 3456 IH35W.

Motion passed 7-0..

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the Residential Replat of Pleasant Oaks Lots 1-6, Block 1, on 7.632 acres of land located north of County Road 527, west of East Renfro Road.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the Preliminary Plat of The Hillberg Addition, Lots 1-4, Block 1, on 10.87 acres of land located on the east side of Briar Oaks Road (County Road 809), south of West Bethesda Road (County Road 806).

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the Final Plat of Lot 1, Benson Crossing, 1.35 acres located on the east side of FM 731, south of County Road 803.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the Final Plat of Lots 1-3, Block 1, Tuscan Acres, 3.0 acres located in the 1000 block of County Road 804.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the Final Plat of Lots 1-12, Block 1, Lots 1-19, Block 2, Belle Oak Estates, 40.853 acres located west of County Road 1020, north of County Road 914.

Motion passed 7-0.

Mayor Shetter presented to Rhett Clark, Assistant Director of Finance, the Certificate of Achievement for Excellence in Financial Reporting for the fiscal year ended September 30, 2004.

Mayor Shetter and Stacy Singleton, Director of Emergency Services, presented Certificates of Appreciation to volunteers who participated with the Hurricane Katrina and Hurricane Rita evacuees.

Beth Perry, Library Director along with the Friends of the Library announced to the council that the book to be read for the Burleson Reads 2006 program, will be book to be read is "Issac's Storm" by Eric Larson. The Friends of the Library presented to the City Council and City Management library cards. Roslind Ray, Friends of the Library President presented to Bill Davison, City Manager, a Certificate of Appreciation.

Kay Godbey of the Athena Society addressed the City Council about the Athena Award and the history of the Athena Society.

Motion was made by Stuart Gillaspie and second by Jerry Allen to approve Resolution 1037, recognizing the Athena Award and the Athena Society of Burleson.

Motion passed 7-0.

Bill Davison, City Manager announced the appointment of Curtis E. Hawk to City Manager following his retirement. Bill Davison stepped down and Curtis E. Hawk went to the dais in the City Manager's place. Bill Davison remained at the meeting in the Deputy City Manager's place.

Motion was made by Matt Powell and second by Jim Bailey to authorize the City Manager to execute a lease agreement for 5.0426 acres of land.

Motion passed 6-0. Claudia Humphreys abstained.

Motion was made by Claudia Humphreys and second by Jim Bailey to approve the first reading of Ordinance B-744, 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 or handling of fireworks within 5000 feet of the corporate limits of the city.

Motion passed 7-0.

The City Council of Burleson finds an emergency to exist where action is necessary to adopt an ordinance at only one meeting of the Council for the immediate preservation of the public safety as authorized by Section 37 of the City of Burleson City Charter.

Motion was made by Jim Bailey and second by Jerry Allen to approve on final reading Ordinance B-742, 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 open burning within 5000 feet of the corporate limits of the city.

Motion passed 7-0.

Mayor Shetter opened the public hearing to receive and consider bids submitted for lease of subsurface minerals (natural gas) at Oak Valley Park South. Time : 7:22 PM

There were no speakers. Mayor Shetter closed the public hearing. Time 7:23 PM.

Motion was made by Claudia Humphreys and second by Jerry Allen to execute the contract with Williams Production-Gulf Coast Company for Natural Gas production at Oak Valley Park South and authorizing the City Manager to execute with funds received to be used for Parks and Recreation Capital Improvements.

Motion passed 7-0.

Mayor Shetter opened the public hearing to receive and consider bids submitted for lease of subsurface minerals (natural gas) at Hidden Creek Golf Course. Time 8:37 PM

Brad Cunningham and Larry Brogdon with Four Seven's addressed the council on the drill site location and addressed safety concerns of the Council.

Danney Ratcliff, 407 Hidden Springs Dr., Burleson, TX , voiced concern about the safety of drilling close to a subdivision and The Academy at Nola Dunn School.

Larry Brogdon, Four Seven's, spoke about the safety measures in place and in the contract with the city.

Linda Gryfor, 1001 Hidden Oaks Dr., told the council that she does not want a drill site located at Hidden Creek Golf Course or in a flood plain.

Will Kowarsch, 419 Hidden Ridge Dr., questioned the ability to drill in a flood plain and property values declining. He also voiced concerns about a drainage issue with the building of a second phase on his subdivision.

Helen Wallace, 171 N. Hurst Rd., wanted to know how many acres were in the contract to drill. She had no objections just wanted to know where the money from the drill would be used.

Mayor Shetter closed the public hearing. Time 9:10 PM.

Motion was made by Claudia Humphreys and second by Stuart Gillaspie to execute the contract with Four Sevens Oil Company natural gas production at Hidden Creek Golf Course and finds that there is no feasible and prudent alternative to the use or taking of such land and the program or project includes all reasonable planning to minimize harm to the land, as a park, recreation area, scientific area, wildlife refuge, or historic site, resulting from the use or taking and authorizes the City Manager to execute the agreement.

Motion passed 7-0.

John Land, 711 Santa Fe Dr. #144, Weatherford, addressed the council to explain the process Cypress Energy will use to conduct seismographic surveys.

Motion was made by Matt Powell and second by Claudia Humphreys to approve the License Agreement with Cypress Energy Services to conduct seismographic survey on City owned right-of-way and roads and other city property with the following changes to the License Agreement. Item 5 to include the video before and after, item 11 add the wording "unless all other options have been exhausted", and item 12 Burleson Police Department to provide escort service to be paid for by the licensee.

Motion passed 6-1. Ken Shetter opposed.

Mayor Shetter recessed the council meeting at 10:05 PM. Stuart Gillaspie left meeting.

Mayor Shetter reconvened the meeting at 10:17 PM.

Motion made by Matt Powell and second by Claudia Humphreys to approve Resolution 1038, regarding the application of Crestmoor Park West Apartments, LTD for housing tax credits providing the Scope of Work is attached.

Motion passed 6-0. Stuart Gillaspie absent.

Clayton Husband, Director of Community Development, presented Ordinance B-743, amending Chapter 10, Buildings and Building Regulations, of the Burleson Code of Ordinances, by adding Article XVI Masonry Construction Standards.

Jerry McIntire, 6861 Corporation Parkway, Fort Worth, wanted clarification on percentage requirement for masonry.

Steve Howard, 1707 Market Place #250, Irving, voiced concerns about calculations of percentage of masonry.

No action was taken by the Council on Ordinance B-743, amending Chapter 10, Buildings and Building Regulations, of the Burleson Code of Ordinances, by adding Article XVI Masonry Construction Standards. Modifications will be made and will be presented again at a future meeting.

Motion was made by Jerry Allen and second by Claudia Humphreys to approve a Request by RA Development for a waiver from Article VII Oil and Gas, Section 14-353, Location Criteria, of the Burleson Code of Ordinances to allow a gas drilling pad in an area zoned for single family development.

Motion passed 6-0. Stuart Gillaspie absent.

Motion was made by Jerry Allen and second by Claudia Humphreys 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 Section 551.074, personnel matters related to the City Secretary's evaluation, 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 6-0. Stuart Gillaspie absent. Time 11:17 PM.

Motion was made by Matt Powell 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 6-0. Stuart Gillaspie absent. Time 11:40 PM.

Motion was made by Matt Powell and second by Jerry Allen to amend the City Manager's contract as discussed in Executive Session.

Motion passed 6-0. Stuart Gillaspie absent.

Motion was made by Matt Powell and second by Chip Stephens to approve the expenditure of funds as discussed in executive session for the City Manager's years of service.

Motion passed 6-0. Stuart Gillaspie absent.

There being no further business, the Mayor declared the meeting adjourned.  
Time 11:42 PM.

Prepared by Amanda McDowell

Approved as to form and content

Mary J. Kayser  
City Secretary