

Council Work Session  
March 23, 2006

The Burleson City Council met in a work session on March 23, 2006, in the Burleson City Hall, 141 W. Renfro, Burleson, Texas. Mayor Shetter called the meeting to order at 5:35 P.M., with the following members present: Ken Shetter, Jim Bailey, Claudia Humphreys, and Chip Stephens. Jerry Allen, Matt Powell and Stuart Gillaspie absent.

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

Mark Eder, Director of Information Services, presented information on the Wireless Mesh Network project and financing.

Jerry Allen arrived at 5:42 pm.

Allen Taylor arrived at 5:43 pm.

At this time the Council recessed the Workshop and the Burleson TIF #1 Board of Directors met. (Time 5:43 pm)

The Council reconvened at 5:48pm.

Carolyn Kerr and the Interurban Car Restoration Committee gave an update to the Council regarding the progress on the Interurban Car and its future location next to the interurban Building and options for the road bed that could be used.

Mayor asked that staff work on getting the rail car site at the interurban building ready.

Jeff Giebelhausen, with Cullinan Properties made a presentation on the Burleson Commons project. A 380 agreement for this project is scheduled for the next Council meeting.

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 5-0. Stuart Gillaspie and Matt Powell absent. Time 6:15pm.

Motion was made by Chip Stephens and second by Jim Bailey to

reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

Motion passed 5-0. Stuart Gillaspie and Matt Powell absent. Time 6:37pm.

At this time the Council took a brief break. Time 6:40 pm

Proclamations – Library Week.

Council Session  
March 23, 2006

The Burleson City Council met in a regular session on March 23, 2006, in the Burleson City Hall, 141 W. Renfro, Burleson, Texas. Mayor Shetter called the meeting to order at 7:07 P.M., with the following members present: Ken Shetter, Jim Bailey, Claudia Humphreys, Jerry Allen and Chip Stephens. Stuart Gillaspie and Matt Powell 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 Claudia Humphreys and second by Jerry Allen to approve the minutes from the March 9, 2006 regular session of the City Council.

Motion passed 5-0. Jerry Allen abstained. Stuart Gillaspie and Matt Powell absent.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the following purchase requisitions and payments: General Fund - payments: 1) \$ 5,000.00 – Johnson County Economic Development Commission. Equipment Services Fund - purchase requisitions: 1) \$ 5,861.04 – Holt Company of Texas. Equipment Services Fund – payments: 1) \$ 3,004.68 – Goodyear Tire Center. 2001 Water and Sewer Revenue Bond Fund - purchase requisitions: 1) \$ 10,912.00 – Orval Hall Excavating CO #1. 2005 Certificates of Obligation Hidden Creek Parkway - purchase requisitions: 1) \$ 24,619.80 – Orval Hall Excavating CO #4. 2001 Water and Sewer Revenue Bond Fund/2005 Certificates of Obligation Hidden Creek Parkway - purchase requisitions: 1)\$ 18,452.50 – Orval Hall Excavating CO #5. 2003 Water Sewer Revenue Bond Fund - purchase requisitions: 1) \$ 7,792.50 – Tri-Tech Construction Co., CO #2 Inc., 2) \$ 5,525.20 – Insituform Technologies CO #2, 3)\$ 4,212.00 – Hanson Pipe and Products, Inc. General Fund/Water and Wastewater Fund - purchase requisitions: 1) \$ 7,344.00 – Environmental Systems Research, Inc. 2005 General Obligation Bond Fund/General Fund - purchase requisitions: 1) \$ 17,586.96 – Imageware Systems, Inc.

Motion passed 5-0. Stuart Gillaspie and Matt Powell absent.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the final reading of Ordinance B-747-06, an amendment to the Burleson Comprehensive Plan regarding a Transit Oriented Development District in the area of Shaffstall Road (future Hulen Street) and County Road 1020. (future Alsbury Boulevard). (Case 06-031)

Motion passed 5-0. Stuart Gillaspie and Matt Powell absent.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the final reading of Ordinance D-065-06, changing the zoning from Agricultural to Planned Development on approximately 373 acres generally located west of the BNSF railroad along Shaffstall Road and County Road 1020. (Case 06-030)

Motion passed 5-0. Stuart Gillaspie and Matt Powell absent.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the first reading of Ordinance D-066-06, request for rezoning from A Agricultural district to SFE Single Family Estate district on 2.90 acres located on the north side of Fox Lane, north of East Renfro Street. (Case 06-022)

Motion passed 5-0. Stuart Gillaspie and Matt Powell absent.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the Final Plat of 3.78 acres of Morton Hill located on the south side of County Road 802, south of FM 731. (Case 06-016)

Motion passed 5-0. Stuart Gillaspie and Matt Powell absent.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve Resolution 1042-06, joint resolution with the Burleson Independent School District to conduct joint early voting for the May 13, 2006, general election.

Motion passed 5-0. Stuart Gillaspie and Matt Powell absent.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve Resolution 1043-06, extending the business hours of the City Secretary's Office during early voting.

Motion passed 5-0. Stuart Gillaspie and Matt Powell absent.

Motion was made by Claudia Humphreys and second by Jerry Allen to authorize the Mayor to execute a voting machine lease agreement between Johnson County and the City of Burleson for the lease of equipment for the May 13, 2006, general election.

Motion passed 5-0. Stuart Gillaspie and Matt Powell absent.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the first reading of Ordinance B-748-06, amending Article II of Burleson's Municipal Utilities and Service Code. (Industrial Waste Ordinance).

Motion passed 5-0. Stuart Gillaspie and Matt Powell absent.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the first reading of Ordinance B-749-06, Animal Care and Control Ordinance.

Motion passed 5-0. Stuart Gillaspie and Matt Powell absent.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve Resolution 1044-06 acknowledging the City's support for the Village Creek Trail.

Motion passed 5-0. Stuart Gillaspie and Matt Powell absent.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve Resolution 1045-06, regarding the application of Sphinx Development, L.P., for housing tax credits.

Motion passed 5-0. Stuart Gillaspie and Matt Powell absent.

Jim Maxwell, 1029 Hidden Lake Dr., addressed the Council regarding flooding on Hidden Creek Parkway and in Hidden Creek Hills during the rain event March 18 and 19, 2006.

Rick Staley, 370 SE John Jones, addressed the Council regarding the drainage in and around the Burleson Commons property.

Motion was made by Claudia Humphreys and second by Chip Stephens to remove from the table a request by Devon Energy Production for a gas well drilling permit on 280.11 acres located at the southwest corner of Hidden Creek Parkway and the Union Pacific railroad. (Case 06-034)

Motion passed 5-0. Stuart Gillaspie and Matt Powell absent.

The Mayor opened a public hearing on a request by Devon Energy Production for a gas well drilling permit on 280.11 acres located at the southwest corner of Hidden Creek Parkway and the Union Pacific

railroad. (Case 06-034)

Doug McWhorter with Devon Energy told the Council that the well location is positioned to fully develop the minerals on the site. The compressors on the site will have hospital grade mufflers and other sound barriers. They expect to be drilling with in 4-5 weeks after receiving the permit.

Dan Steblay, 111 NW Newton, expressed concerns regarding the compressor noise, access to the site, road damage by trucks going to the site. He indicated that he was about 4 months away from construction of residences in the adjacent subdivision.

Louis Speyer, RV Ranch on I35W, had concerns with the transmission line from the Devon well site. The representative from Devon was not with the transmission division of Devon and was not able to address this issue.

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

Motion was made by Jim Bailey and second by Claudia Humphreys to approve the request by Devon Energy Production for a gas well drilling permit on 280.11 acres located at the southwest corner of Hidden Creek Parkway and the Union Pacific railroad. (Case 06-034)

Motion passed 4-1. Ken Shetter opposed. Stuart Gillaspie and Matt Powell absent.

The Mayor opened a public hearing to receive and consider a bid submitted for lease of subsurface minerals (natural gas) at city park property located south of Spinks Airport (21.87 acres in Abstract 496, A. Lee Survey Tract 4A).

There being no speakers the Mayor closed the public hearing.

Motion was made by Jim Bailey and second by Jerry Allen to award the bid for Natural Gas production at the park located south of Spinks Airport (21.87 acres in Abstract 496, A. Lee Survey Tract 4A) to Four Sevens Oil and Gas Company, to approve a contract with Four Sevens Oil and Gas Company for Natural Gas production at the park; and to authorize the City Manager to execute the contract.

Motion passed 5-0. Stuart Gillaspie and Matt Powell absent.

Motion was made by Jim Bailey and second by Chip Stephens to approve the first reading of Ordinance B-750-06, prohibiting owner, employee, manager /supervisor of a retail fuel business from activating a pumping device or allowing a person to dispense gasoline or diesel fuel without receiving pre-payment.

Motion passed 5-0. Stuart Gillaspie and Matt Powell absent.

City Engineer David Wynn informed the Council that he has met with Dan Steblay (developer) and he is amenable to sewer being brought to the site.

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the first reading of Ordinance D-067-06, request for rezoning from A Agricultural district to PD Planned Development district for 39.71 acres located north of County Road 714 and west of Dobson Street. (Case 05-170) with the street width to be 28 feet with lay down curbs.

Motion passed 5-0. Stuart Gillaspie and Matt Powell absent.

The Council took a break from 8:30 pm to 8:40 pm.

Motion was made by Claudia Humphreys and second by Chip Stephens to authorize the City Manager to sign agreements with TXU Energy Delivery granting Easements at Hidden Creek Golf Course and Chisenhall Park for construction of additional feeder lines to serve the City.

Motion passed 5-0. Stuart Gillaspie and Matt Powell absent.

Motion was made by Chip Stephens and second by Jerry Allen to award bid for Wireless Mesh Network to Redmoon / Chevron ES and authorize the City Manager to sign agreements.

Motion passed 5-0. Stuart Gillaspie and Matt Powell absent.

Motion was made by Claudia Humphreys and second by Chip Stephens to approve a policy regarding Public Improvement Districts. ( Case 06-028)

Motion passed 5-0. Stuart Gillaspie and Matt Powell absent.

Clayton Husband, Director of Planning & Community Development gave a Planning & Community Development Project Update.

Gary Wisdom, Fire Chief, reported on the fire at the Punkin Patch Day Care and gave an update on the missing child incident in the County and the support provided by the City.

The Council received an update on the weekend rain event.

Motion was made by Claudia Humphreys 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 5-0. Stuart Gillaspie and Matt Powell absent. Time 9:10pm

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. Stuart Gillaspie and Matt Powell absent. Time 9:22 pm

Motion was made by Chip Stephens and second by Jerry Allen to settle the Lorenson claim in an amount not to exceed \$2,500.00.

Motion passed 5-0. Stuart Gillaspie and Matt Powell absent.

There being no further business, the Mayor declared the meeting adjourned. Time 9:43 PM.

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Mary J. Kayser  
City Secretary