

Council Work Session  
August 10, 2006

The Burleson City Council met in a work session on August 10, 2006, in the Burleson City Hall, 141 W. Renfro, Burleson, Texas. Mayor Shetter called the meeting to order at 6:37 P.M., the following members present: Ken Shetter, Stuart Gillaspie, Jim Wadlow, Matt Powell, Claudia Humphreys and Jerry Allen. Chip Stephens absent.

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

City Manager, Curtis Hawk addressed the statistics in the report of accidents/fatalities on state numbered highways for the last 12 months.

Deputy City Manager, Paul Cain presented and overview of the City Manager's Proposed Budget for 2006-2007 (only through the discussion of fund balance, Mayor asked if the report could be finished during the staff reports)

The Council took a break at 6:58 PM

Director of Planning, Clayton Husband presented the Mayor with The Planning Excellence Recognition Award presented to the City by the Texas Chapter of the American Planning Association.

Council Session  
August 10, 2006

The Burleson City Council met in a regular session on August 10, 2006, in the Burleson City Hall, 141 W. Renfro, Burleson, Texas. Mayor Shetter called the meeting to order at 7:07 P.M., the following members present: Ken Shetter, Stuart Gillaspie, Jim Wadlow, Matt Powell, Claudia Humphreys and Jerry Allen. 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 Matt Powell and second by Stuart Gillaspie to table the first reading of Ordinance D-071-06, approving a Specific Use Permit for a Monopole Communications Tower by the City of Burleson, located at 231 SW Brushy Mound Road (water tower site) to August 24, 2006. (Case 06-094)

Motion passed 6-0. Chip Stephens absent.

Motion was made by Jerry Allen and second by Matt Powell to approve the minutes from the July 27, 2006 regular session.

Motion passed 4-0. Jerry Allen and Stuart Gillaspie abstained. Chip

Stephens absent.

Motion was made by Jerry Allen and second by Matt Powell to approve the following purchase requisitions and payments: General Fund – payments: 1) \$ 3,900.00 – Denitech Corporation, 2) \$ 3,000.00 – TCC NW Campus. Equipment Services Fund - purchase requisitions: 1) \$ 30,000.00 – Continental Equipment, 2) \$ 10,783.46 – Gray’s Wholesale Tires, 3) \$ 19,175.00 – Industrial Power Isuzu Truck. Public Safety Grant Fund - purchase requisitions: 1) \$ 9,006.45 – Dell Computer Corp. 2) \$ \$71,887.42 – Motorola/DFW Communications. Cemetery Fund - purchase requisitions: 1) \$ 5,000.00 - Virgil Rhodes. 2005 Water Sewer Revenue Bond Fund - purchase requisitions: 1) \$ 40,299.69 – Patco Utilities, Inc. Special Revenue Fund – payments: 1) \$ 3,037.38 – Johnson County District Attorney. General Fund/2005 General Obligation Bond Fund – payments: 1) \$ 5,083.18 – HTE, Inc. General Fund/2005 Certificates of Obligation/2005 Water Sewer Revenue Bond Fund – payments: 1) \$ 8,891.00 - Ellerbee Walczak, Inc.

Motion passed 6-0. Chip Stephens absent.

Motion was made by Jerry Allen and second by Matt Powell to approve the first reading of Ordinance B-755-06, Industrial Waste Ordinance revision.

Motion passed 6-0. Chip Stephens absent.

Motion was made by Jerry Allen and second by Matt Powell to approve Resolution 1060-06, providing a funding mechanism for Burleson’s pre-treatment Enforcement Response Plan.

Motion passed 6-0. Chip Stephens absent.

Motion was made by Jerry Allen and second by Matt Powell to approve the first 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 6-0. Chip Stephens absent.

Motion was made by Jerry Allen and second by Matt Powell to approve the first 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. (Case 06-085)

Motion passed 6-0. Chip Stephens absent.

Motion was made by Jerry Allen and second by Matt Powell to approve the Preliminary Plat for Lots 1-3, Block 1, 19.865 acres of Children's Courtyard Addition, located north of N. W. Renfro Street, east of FM 731. (Case 06-095)

Motion passed 6-0. Chip Stephens absent.

Motion was made by Jerry Allen and second by Matt Powell to approve a Pipeline Crossing Agreement with the Union Pacific Railroad Company for construction of improvements associated with the Village Creek Sanitary Sewer Relief Line project, and authorization for the City Manager to execute the agreement.

Motion passed 6-0. Chip Stephens absent.

Motion was made by Claudia Humphreys and second by Jim Wadlow to table the approval of the Final Plat for 163 Lots, Blocks 1-6, 49.696 acres of Mountain Valley Heights Phase II, located west of SH 174 (Wilshire Boulevard) and south of Lakewood Drive to August 24, 2006, at the request of the applicant. (Case 06-086)

Motion passed 6-0. Chip Stephens absent.

Councilmember Humphreys left the meeting at 7:47 PM due to a family emergency.

Motion was made by Matt Powell and second by Jim Wadlow to approve a Commercial Site Plan for Lot 8R, Block 15, Original Town of Burleson, Worley's Corner, located at the southwest corner of East Ellison and South Dobson, as per the City of Burleson Code of Ordinances Chapter 10, Article XV. (Case 06-049)

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

Richard Holybee, 2141 SW Wilshire spoke in opposition to the proposed ordinance regulating the storage, use, possession or sale of fireworks within 5000 feet of the corporate limits of the city.

Brenda McDade, 100 Robin Dr. spoke in support of the proposed ordinance regulating the storage, use, possession or sale of fireworks within 5000 feet of the corporate limits of the city.

HW Everett, 101 Ricky Lane spoke in support of the proposed ordinance regulating the storage, use, possession or sale of fireworks within 5000 feet of the corporate limits of the city.

Motion was made by Jerry Allen and second by Jim Wadlow to approve the first reading of Consideration 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 5-0. Claudia Humphreys and Chip Stephens absent.

David Pulliam, 724 Chisholm Ct. addressed the Council with his concerns related to the proposed ordinance regarding nuisances.

Motion was made by Jim Wadlow and second by Stuart Gillaspie to approve the final reading of Ordinance B-754-06, amending Chapter 34, Environment, of the Burleson Code of Ordinance, by amending Articles I and II in their entirety regarding nuisance codes. (Case 06-070) subject to staff including the changes to the sections on compost, discharge of swimming pool water and sprinkler system overspray.

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

The Council took a break at 8:55 PM

The Council reconvened at 9:12 PM

Motion was made by Jim Wadlow and second by Jerry Allen to approve the first reading of Ordinance B-757-06 concerning right-of-way infrastructure maintenance.

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

Motion was made by Matt Powell and second by Jerry Allen to: waive steps 10 – 16 of Council Policy 13 for the abandonment of the right of way for portions of Scott Street, Old Alvarado Highway and Ellison Street; and to authorize the abandonment of said street portions to B&G Commercial Investments, L.P. and to authorize the City Manger to execute the documents necessary to accomplish the abandonment; and to authorize the City Manager to Execute the Supplemental Cost of Infrastructure Reimbursement (“380”) Agreement with B&G Commercial Investments, L.P.

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

Motion was made by Matt Powell and second by Jerry Allen to remove from the table approval of a Preliminary Plat for Heritage Village, 23.2 acres, 95 Lots, located south of Warren Street, southeast of Gregory Street. Tabled from July 27, 2006 City Council Meeting (Case 06-058)

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

Motion was made by Jerry Allen and second by Stuart Gillaspie to approve the Preliminary Plat for Heritage Village, 23.2 acres, 95 Lots, located south of Warren Street, southeast of Gregory Street (Case 06-058) as submitted with the inclusion of the proposed restrictive covenants and deed restrictions and development standards as submitted by the developer at the August 10, 2006, Council meeting.

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

Request the abandonment of right-of-way consisting of 0.55 acres, of Scott Street; 0.299 acres of Old Alvarado Road; 0.649 acres of Ellison Street described by Book 3271, Page 0835 Johnson County Deed Records. (Case 06-076) **(Continued from 7-27-06 Council Meeting)**

This item is moot due to the action by the Council on the Roadway Abandonment and Infrastructure Reimbursements to B&G Commercial Investments via Approval of Chapter 380 Agreement for Phases II-IV of the B&G "Renfro Square" development at Renfro and Interstate 35 in Old Town so no further action on this item is needed.

Motion was made by Stuart Gillaspie and second by Jim Wadlow to authorize the transfer of \$685,382.61 from the Equipment Replacement Fund to the General Fund; and increase the 2006 General Fund budget by \$688,239 in order to provide the funding necessary to retire the note on the former First United Methodist Church property located at 130 E. Renfro Street.

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

The City Secretary gave an update on the petitions submitted for the off-premise sale of beer and wine.

Allison Thompson presented the new City of Burleson Demographic Profile.

Motion was made by Jerry Allen and second by Stuart Gillaspie 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. Claudia Humphreys and Chip Stephens absent. Time 9:50 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 5-0. Claudia Humphreys and Chip Stephens absent.  
Time 10:21 PM

There being no further business, the Mayor declared the meeting adjourned. Time 10:22 PM.

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Mary J. Kayser  
City Secretary