

Council Work Session
September 28, 2006

The Burleson City Council met in a work session on September 28, 2006, in the Burleson City Hall, 141 W. Renfro, Burleson, Texas. Mayor Protem Allen called the meeting to order at 6:10 P.M., the following members present: Jim Wadlow, Matt Powell, Claudia Humphreys, Jerry Allen and Chip Stephens. Ken Shetter and Stuart Gillaspie absent.

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

Stuart Gillaspie arrived at 6:12 PM

City Manager Curtis E. Hawk and Emergency Services Director Stacy Singleton presented for discussion regulations applicable to Specific Use Permits for Fireworks sales.

City Manager Curtis E. Hawk and Director of Planning and Community Development, Clayton Husband presented for discussion Site Plan Zoning for redevelopment of SH 174 (Wilshire) Corridor.

Assistant City Attorney, Betsy Elam arrived at 6:19 PM.

Motion was made by Stuart Gillaspie 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 6-0. Ken Setter absent. Time 6:34 PM

Ken Shetter arrived at 6:37 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 7:10 PM

Council Session
September 28, 2006

The Burleson City Council met in a regular session on September 28, 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, Matt Powell, Claudia Humphreys, Jerry Allen and Chip Stephens

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

Motion was made by Stuart Gillaspie and second by Jerry Allen to approve minutes from the September 14, 2006 regular session.

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Jerry Allen to approve the following purchase requisitions and payments: General Fund - purchase requisitions: 1) \$ 4,500.00 – C&M Electrical Contractor, 2) \$ 10,156.26 – Corporate Express. General Fund – payments: 1) \$ 4,715.81 – Visa. 2005 General Obligation Bond Fund - purchase requisitions: 1) \$ 139,755.00 – HTE, Inc., 2) \$ 8,300.00 – HTE, Inc. Equipment Replacement Fund - purchase requisitions: 1) \$ 106,493.50 – Dallas Dodge Chrysler Jeep, 2) \$ \$65,026.30 – Dell Computer Corp. (contingent on the approval of the FY 2007 budget) 2001 Sales Tax Revenue Bond Fund – 4A - purchase requisitions: 1) \$142,464.20 – Orval Hall Excavation. General Fund/Culture and Recreation Grant Fund – payment: 1) \$ 3,346.15 – Check Point Metro.

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Jerry Allen to approve Resolution 1065-06 calling for a joint election with Johnson County for November 7, 2006, and Resolution 1066-06, calling for a joint election with Tarrant County for November 7, 2006.

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Jerry Allen to approve Resolution 1067-06, correcting the Early Voting polling place for Tarrant County for the special election for November 7, 2006.

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Jerry Allen to approve a Final Plat of 32 Lots, Blocks 6, 11 & 12, 7.375 acres of West Bend South Addition Phase Three B located south of Summercrest Blvd., east of FM 731 (Case 06-108)

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Jerry Allen to approve a Final Plat of 58 Lots, Blocks 12, 13 & 16, 15.295 acres of West Bend South Addition Phase Five, located south of Summercrest Blvd., east of FM 731. (Case 06-109)

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Jerry Allen to approve a Preliminary Plat for Lot 6R, 4.00 acres of Sparks- Dale Addition, located on the southeast corner of Interstate 35 W and FM 917. (Case 06-103)

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Jerry Allen to approve a Final Plat of Lots 1 and 2, Block 1, 4.20 acres of Peels Crossing located south of East Bethesda Road and east of Interstate 35W. (Case 06-112)

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Jerry Allen to approve a Final Plat of Lots 1 through 6, Block 1, 4.894 acres of Meadow Crest Addition Section 9 Phase I located northeast of John Jones (FM 731) and southeast of Alsbury Boulevard. (Case 06-105)

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Jerry Allen to approve renewal of School Resource Officer (SRO) contract.

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Jerry Allen to approve renewal of Drug Awareness Resistance Education (D.A.R.E) Officer Contract.

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Jerry Allen to approve the Inter-local Agreement for the Operation of the Stop the Offender Program (S.T.O.P.) Special Crime Unit.

Motion passed 7-0.

Motion was made by Chip Stephens and second by Claudia Humphreys to approve (Case 06-110) Ordinance B-758-06, amending Chapter 34, Environment, of the Burleson Code of Ordinances, by amending Article V regarding noise nuisances on final reading with the following changes:

That, Chapter 34 of the Burleson Code of Ordinances is hereby amended by amending Article V, Section 34-192 (9) thereof to read as follows:

(9) *Building Construction.* The erection or construction of any new building, or the excavation, demolition, alteration or repair work on any existing building, other than between 7:00 a.m. and 10:00 p.m. on weekdays and ~~7:00 a.m. and 6:00 p.m. on weekends~~ 7:00 a.m. and 6:00 p.m. on Saturday, and 10:00 a.m. and 6:00 p.m. on Sunday. . ~~However, outside construction activity shall be prohibited on Sunday in a residential district or within five hundred (500) feet of a residence.~~ In the case of urgent necessity in the interest of public safety or convenience, the city manager or designee may permit a deviation within these hours.

That, Chapter 34 of the Burleson Code of Ordinances is hereby amended by amending Article V, Section 34-192 to add the following:

(15) *Operation of equipment.* The operation of any heavy equipment, machinery or apparatus used in any exterior or outdoor construction, repair, remodeling, demolition, drilling, excavation, grading, earth moving, paving, cement laying or pouring, or other work of any nature, other than between 7:00 a.m. and 10:00 p.m. on weekdays and 7:00 a.m. and 6:00 p.m. on Saturday, and 10:00 a.m. and 6:00 p.m. on Sunday ~~and 7:00 a.m. and 6:00 p.m. on weekends.~~ ~~However, operation of equipment shall be prohibited on Sunday in a residential district or within one thousand (1,000) feet of a residence.~~ Heavy equipment, machinery or apparatus includes, but is not limited to, dump trucks, motor graders, motor scrapers, excavators, crawler-tractors, backhoes, compactors, cranes, dozers, and asphalt/concrete pavers.

Noise generated by heavy equipment and machinery related to the drilling of gas wells is regulated in Chapter 14, Article VII of the Code of Ordinances.

Motion passed 6-1. Stuart Gillaspie opposed.

Mayor Shetter presented Tarrant County Challenge with a Proclamation for "National Drug and Alcohol Recovery Awareness Month"

The Mayor announced that the public hearing on the Verified Response Alarm Ordinance and Ordinance B-759-06, amending Chapter 30, Article III, Alarm Systems of the City of Burleson Code of Ordinances. (First Reading) would be withdrawn from consideration at this time. A new alarm ordinance would be brought back for consideration later in October.

Tom Cowan, Chief of Police, made a presentation on alarm statistics.

The Mayor announced that the public hearing would not be held but if anyone wanted to speak on the verified alarm topic they could do so. The following individuals addressed the Council.

Mark Eissler, 116 West Renfro spoke in opposition to the proposed ordinance.

Derald Freeman, 359 NE James Cir. spoke in opposition to the proposed ordinance.

James Bailey, 344 S. Warren, glad to see discussion on the alarm issue.

Howard Sanders, 1000 Lakewood, Southlake TX, supports the discussion on the alarm ordinance.

Charles Williams, 2727 Pinnacle Dr. concerned about the late notice he received of the hearing, would like to see the ordinance and maybe a workshop prior to changing anything.

DW Peres, 308 Linda Dr. would prefer to see annual fee for permit and charges for false alarms.

Frank Schretter, 1013 Summit Ct. residential alarm system is useless without immediate response by Police. Charge for false alarms.

Carl Dukes, 117 SW Alsbury would like to see the fee for alarms set at the maximum and revocation of permit holders with excessive false alarms.

Kenneth Neubauer 608 Sue Ann, Critical that police respond to alarms, willing to pay for false alarms.

Lana Steblay, 400 Kingswood Dr. Alarm system is a deterrent along with the response time of the police.

Brenda Gammon 2976 Clubhouse Dir. moved to the city to have police and fire protection. Opposed to verified response.

Larry Harris, 436 White Oak Verified response will take longer, owners need to be educated on how to use the systems.

Wendy Gardner, 825 Crestmont Dr. doesn't want the long response time that will happen under verified response. Willing to pay for false alarms.

The Council recessed at 8:25 PM and reconvened at 8:45 PM.

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

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Chip Stephens to approve the final 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 7-0.

Motion was made by Claudia Humphreys and second by Chip Stephens to approve the final reading of Ordinance C-604-06, establishing FY 2006-2007 rates to be charged for the hauling and disposal of residential and commercial solid waste and trash within the City of Burleson.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Matt Powell to approve the final 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 7-0.

Motion was made by Matt Powell and second by Claudia Humphreys to approve the final reading of Ordinance C-606-06, setting the 2006 ad valorem tax rate.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Chip Stephens to approve Resolution 1068-06 supporting and endorsing joint recommendation of three existing transit authorities concerning regional rail in North Central Texas.

Motion passed 7-0.

Motion was made by Jim Wadlow and second by Jerry Allen to authorize the City Manager to execute a contract in the amount of \$8,680.00 with Magee Architects for design of the Interurban Railcar Exhibit.'

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Chip Stephens to renew a personal service contract with Gib Lewis for legislative consulting in the amount of \$2,000.00 per month and authorizing the City Manager to sign.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Chip Stephens to renew a personal service contract with Brandon Aghamalian for legislative consulting in the amount of \$2,000.00 per month and authorizing the City Manager to sign.

Motion passed 7-0.

Motion was made by Stuart Gillaspie and second by Jim Wadlow to adopt the 2006-2007 City of Burleson Fee Schedule.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jerry Allen to table the Lease of Mineral Rights on 7-acre Pump Station Property on Shaffstall Road. (Lot 1, Block 1, Shaffstall Water Tank Edition)

Motion passed 7-0.

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

Mary J. Kayser
City Secretary