

BURLESON CITY COUNCIL WORK SESSION
June 28, 2007
MINUTES

Roll Call:

Council present:

Stuart Gillaspie
Jim Wadlow
Matt Powell
Ken Shetter

Council Absent:

Claudia Humphreys

Dan McClendon
Chip Stephens

Staff

Curtis E. Hawk, City Manager
Paul Cain, Deputy City Manager
Betsy Elam, City Attorney

WORK SESSION – Call to order – Time: 6:10 p.m.

1. Discussion of Cemetery Lease. (Krause and McDowell)

Peter Krause, Director of Parks and Recreation presented to council the proposed Management Agreement with Burleson Cemetery Operators LLC.

Michelle Griffith, 201 NW Lorna, member of Cemetery Board, recommended to council to approve the Management Agreement.

Council requested a current digital map be created of the Burleson Cemetery.

2. Discussion of all items on tonight's meeting. No action will be taken and each item will be considered during the Regular Session

No items

3. Executive Session:

Motion was made by Jim Wadlow and second by Chip Stephens to convene into executive session Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, 551.073, 551.074, 551.076, 551.087, and Section 418.183(f) of the Texas Government Code (Texas Disaster Act). Refer to posted list attached hereto and incorporated here in.

Motion was made by Jim Wadlow and second by Chip Stephens to convene into executive session. Time: 6:40 p.m.

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Chip Stephens and second by Jim Wadlow to reconvene into open session. Time: 7:10 p.m.

Motion passed 6-0. Claudia Humphreys absent.

BURLESON CITY COUNCIL REGULAR SESSION
June 28, 2007
MINUTES

Roll Call:

Council present:

Stuart Gillaspie
Jim Wadlow
Matt Powell
Ken Shetter
Chip Stephens
Dan McClendon

Council Absent:

Claudia Humphreys

REGULAR SESSION – Call to order – Time: 7:10 p.m.

Invocation – Terry Williams

Pledge of Allegiance

(B) Pursuant to Sec. 551.071, a settlement offer; (7) City of Burleson v. Robert Mark Neisler; Cause No. E200700024.

Motion was made by Stuart Gillaspie and second by Chip Stephens to approve the settlement offer for the City of Burleson vs. Robert Neisler as discussed in Executive Session.

Motion passed 6-0. Claudia Humphreys absent.

Proclamations

There were no proclamations.

Items to be continued or withdrawn

- 1E. Consideration of a Disposal Service Agreement with Itasca Landfill and authorize the City Manager to execute was removed at the request of City Manager, Curtis E. Hawk. Agreement terms were not final.

Items to be withdrawn from the consent agenda for separate discussion.

- 1F. Request the approval of the Final Plat of 120 lots, 30.527 acres of Plantation Addition, Phase 2, located south of Hidden Creek Pkwy, east of Oak Valley. (Case 07-037) was removed by the Mayor for separate discussion to allow citizens to speak on the item.

Consent Agenda

1A. Approve minutes from the June 14, 2007 regular session.

Motion was made by Stuart Gillaspie and second by Chip Stephens to approve.

Motion passed 6-0. Claudia Humphreys absent.

1B. Financial Transactions.

Requisitions

Fund: General Fund

Ed's Electric Lighting Service, Inc. - \$3,575.00

DFW Communications, Inc. - \$3,041.00

Roadrunner Traffic Supply - \$675.00

Fund: Equipment Service Fund

Industrial Power Isuzu Truck - \$4,850.00

Fund: Community Services Facilities Fund

Miracle Recreation Equipment Co. - \$9,000.00

Fund: Water & Wastewater Fund

ITT Flygt Corp - \$4,238.00

Payment

Fund: General Fund/4A Sales Tax

Taylor, Olson, Adkins, Sralla & Elam, LLP - \$17,917.61

Fund: General Fund/Water & Wastewater Fund/Equipment Services Fund

Visa - \$7,845.21

Fund: General Fund/Water & Wastewater/ Equipment Replacement Fund/General Government SRF/Hidden Creek Golf Course

MasterCard - \$13,773.07

Fund: 4A Sales Tax

S3B, LLC - \$5,000.00

Robert Mark Neisler - \$15,000.00

Motion was made by Stuart Gillaspie and second by Chip Stephens to approve.

Motion passed 6-0. Claudia Humphreys absent.

1C. Resolution R-1094-07, suspending the July 30, 2007, effective date of the proposal by Atmos Energy Corp., Mid-Tex Division to implement interim GRIP rate adjustments for gas utility investment in 2006

Motion was made by Stuart Gillaspie and second by Chip Stephens to approve.

Motion passed 6-0. Claudia Humphreys absent.

1D. Resolution R-1095-07, designating and authorizing certain city employees to approve wire transfers by and on behalf of the City, designating custodial agent, and authorizing investment pools.

Motion was made by Stuart Gillaspie and second by Chip Stephens to approve.

Motion passed 6-0. Claudia Humphreys absent.

1E. Consideration of a Disposal Service Agreement with Itasca Landfill and authorize the City Manager to execute.

Removed from the agenda.

1F. Award the bid for the construction of the Hemphill Road Paving and Drainage Improvements (NE Alsbury Boulevard to McAlister Road) and authorize the City Manager to execute the contract.

Removed from consent agenda for separate discussion.

1G. Request the approval of the replat of 3 lots of the Wal-Mart Addition at 951 SW Wilshire Blvd. (Case 07-053)

Motion was made by Stuart Gillaspie and second by Chip Stephens to approve.

Motion passed 6-0. Claudia Humphreys absent.

1H. Award the bid for the construction of the Village Creek Sanitary Sewer Relief Line and authorize the City Manager to execute the contract.

Motion was made by Stuart Gillaspie and second by Chip Stephens to approve.

Motion passed 6-0. Claudia Humphreys absent.

Move up in the agenda item 4A and 4B.

4A. Ordinance C-623-07, providing for the issuance of City of Burleson, Texas general obligation bonds, series 2007 and ordaining other matters with respect thereto. (Final reading)

Boyd Lyndon, First Southwest, made presentation to council on the bond sales.

Motion was made by Jim Wadlow and second by Matt Powell to approve the final reading of C-623-07.

Motion passed 6-0. Claudia Humphreys absent.

4B. Ordinance C-624-07, providing for the issuance of City of Burleson, Texas combination tax and revenue certificates of obligations, series 2007 and ordaining other matters with respect thereto. (Final reading)

Boyd Lyndon, First Southwest, made presentation to council on the bond sales.

Motion was made by Chip Stephens and second by Matt Powell to approve the final reading of C-624-07.

Motion passed 6-0. Claudia Humphreys absent.

Item 1F. removed from consent agenda for separate discussion.

1F. Request the approval of the Final Plat of 120 lots, 30.527 acres of Plantation Addition, Phase 2, located south of Hidden Creek Pkwy, east of Oak Valley. (Case 07-037) was removed by the Mayor for separate discussion to allow citizens to speak on the item.

David Wynn, Director of Planning and Engineering Services, presented to council the Final Plat for the Plantation Addition Phase 2.

Robert Sherrod, CR 602, question the drainage on the Plantation Addition. Believes there are problems with the subdivision. Would like detention ponds to allow relief to Quill Miller Creek.

Dena Bowden, 201 South Fox Lane, believes there are flooding problems from Plantation Addition onto her property.

Motion was made by Chip Stephens and second by Stuart Gillaspie to approve.

Motion passed 6-0. Claudia Humphreys absent.

Presentations

2A. Citizens Appearance

No speakers.

Public Hearings and Related Ordinances

3A. Public hearing and consideration of a request by EOG Resources Inc., for a gas well drilling permit on approximately 327 acres located south of Shaffstall Road, east of the BNSF Railroad. (Case 07-018)

David Wynn, Director of Planning and Engineering Services presented to council the gas well drilling permit by EOG Resources Inc.

Mayor Shetter opened the public hearing. Time: 7:43 p.m.

David Birdwell, 10021 Tantarra, owns lots inside the 500 feet buffer of the gas well site. Mr. Birdwell encouraged council not make exception should stay with the same guidelines council has approved previous.

Kenneth Bransom, 112 S. Main, Joshua, owns lot 625 Shaffstall Rd., that EOG wants to place access road on West side of. Mr. Bransom believes this would create a nuisance and decrease his property value.

EOG requested that the item be tabled to address the concerns of the citizens and the council. The request is for one well only.

Marie Reid, 10029 Tantarra Dr., will be directly behind well, is not against well would like to make sure the well site is cleaned afterwards.

Council's directions allow David Wynn, Director of Planning and Engineering Service make the recommendation on the flood way and location of access road.

Mayor Shetter closed the public hearing. Time: 8:20 p.m.

Motion was made by Chip Stephens and second Dan McClendon to table the item.

Motion passed 6-0. Claudia Humphreys absent.

3B. Continue public hearing and consideration of Hollis R. Sullivan, Inc. for a gas well drilling permit, known as the Wilshire #1H, on 61.51 acres. The drilling site is located on the east side of SH 174 (Wilshire Boulevard) north of Shaffstall Road. (Case 07-040)

David Wynn, Director of Planning and Engineering Services presented to council the gas well drilling permit by Hollis R. Sullivan, Inc.

Mayor Shetter continued the public hearing. Time: 8:22 p.m.

No speakers

Mayor Shetter closed the public hearing. Time 8:29 p.m.

Motion was made by Matt Powell and second by Jim Wadlow to approve.

Motion passed 6-0. Claudia Humphreys absent.

3C. Public Hearing and consideration of a request by Wall Homes for a replat of Lot 35R, Block 1 and Lot 45R, Block 3 of West Bend North Addition, located in northwest Burleson south of Tarrant/Johnson County Line at the intersection of Catherine Lane and Edgehill Road. (Case 07-052)

David Wynn, Director of Planning and Engineering Services presented to council the replat

Mayor opened the public hearing. Time: 8:32 p.m.

No speakers

Mayor closed the public hearing. Time: 8:32 p.m.

Motion was made by Jim Wadlow and second by Chip Stephens to approve.

Motion passed 6-0. Claudia Humphreys absent.

3D. THIS ITEM HAS BEEN PLACED ON THE AGENDA SINCE IT WAS ADVERTISED AND NOTICED AS A PUBLIC HEARING. HOWEVER, THIS ITEM HAS BEEN WITHDRAWN AT THE REQUEST OF THE APPLICANT AND IS NO LONGER UNDER CONSIDERATION.

~~Public hearing and consideration regarding a voluntary annexation of approximately 3.066 acres of land located in the Anthony Foster Survey, Abstract No. 284, Johnson County, Texas, located at the northeast corner of East Renfro Street and Christopher Lane. (Case No. 07-059) (Second Public Hearing)~~

Ordinances & Resolutions

4A. Ordinance C-623-07, providing for the issuance of City of Burleson, Texas general obligation bonds, series 2007 and ordaining other matters with respect thereto. (Final reading)

Moved up in the agenda.

- 4B. Ordinance C-624-07, providing for the issuance of City of Burleson, Texas combination tax and revenue certificates of obligations, series 2007 and ordaining other matters with respect thereto. (Final reading)**

Moved up in the agenda.

Contracts & Agreements

- 5A. Consideration of a Management Agreement of the Burleson Memorial Cemetery and its operations to Burleson Cemetery Operators LLC and authorize the City Manager to execute.**

Peter Krause, Director of Parks and Recreation, addressed the two areas of concern by the council during the Worksession. The first concern if there was no agreement on a Master Plan between the City of Burleson and Burleson Cemetery Operators LLC by the deadline of a year. A section added stating the City of Burleson would reimburse Burleson Cemetery Operators LLC for the cost of installed capital improvements. The second concern was the control of the pricing for interments and disinterment, council did not want the price to raise above the industry standard. A section added stating that Burleson Cemetery Operators LLC would link the rates charged for cemetery services to the rates comparable to the metroplex industry standards.

Motion was made by Jim Wadlow and second by Chip Stephens to approve with the Management Agreement with the two added sections.

Motion passed 6-0. Claudia Humphreys absent.

Executive Session

* Item moved up in the agenda.

- 9A. Executive Session: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, 551.073, 551.074, 551.076, 551.087, and Section 418.183(f) of the Texas Government Code (Texas Disaster Act). Refer to posted list attached hereto and incorporated here in. Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council meeting.**

Motion was made by JW and second by CS to convene into executive session.
Time 8:38 p.m.

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Stuart Gillsapie and second by Jim Wadlow to reconvene into open session. Time 9:12 p.m.

Motion passed 6-0. Claudia Humphreys absent.

Other Items for Consideration

6A. Boundary adjustment with adjacent towns and cities.

No discussion or action.

6B. Authorize the appointment of an Associate Judge for the Burleson Municipal Court to serve on an interim basis through September, 2007.

Curtis E. Hawk, City Manager, presented to council the ordinance to appoint an Associate Judge for the Burleson Municipal Court. Current Judge Teresa Evans is leaving for the City of Arlington and current Associate Judge Newman is leaving for the City of Keller.

Motion was made by Matt Powell and second by Jim Wadlow to approve the first reading of Ordinance C-625-07 appointing Brad Bradley as Associate Judge for the City of Burleson.

Motion passed 6-0. Claudia Humphreys absent.

Reports

7A. Legislative Update.

No reports.

7B. Economic Development

No reports.

7C. Land acquisition for flood control, public infrastructure, and other public improvements.

No reports.

7D. Quiet Zone on the Union Pacific Railroad

David Wynn, Director of Planning and Engineering Services presented to council update on Quiet Zone.

7E. Placement of Red Light Cameras at Selected Intersections.

Curtis E. Hawk, City Manager, reported to council on his meeting with TXDOT. Mr. Hawk also updated council on Legislative action pertaining to the Red Light Camera and will present at a later meeting a follow up.

7F. Various Staff Reports

Peter Krause, Director of Parks and Recreation, invited Council to attend the 4th of July activities at Hidden Creek Park Sports Complex. Mr. Krause updated council on the new access route for the day.

Council and Staff Comments

8A. Non-agenda council and staff comments.

Jim Wadlow questioned the signage on the bridge clearance of Renfro under I 35 W.

There being no further business Mayor Shetter adjourned the meeting.

Time: 9:35 p.m.

Amanda J. McDowell
City Secretary