

BURLESON CITY COUNCIL WORK SESSION
August 9, 2007
MINUTES

Roll Call:

Council present:

Stuart Gillaspie
Jim Wadlow
Matt Powell
Ken Shetter
Dan McClendon
Claudia Humphreys

Council Absent:

Chip Stephens

Staff

Curtis E. Hawk, City Manager
Paul Cain, Deputy City Manager
Allen Taylor, City Attorney (arrives at 6:20 p.m.)

WORK SESSION – Call to order – Time: 6:11 p.m.

1. Presentation of the Ethics Task Force membership, mission, and core values.

Maria Reed, Director of Human Resources presented to council a report on the Ethics Task Force membership, mission, and core values. Members of the Ethics Task Force were introduced and thanked by the council for their hard work.

2. Discussion of the revised Financial Policy and RFP 2007-027 for Professional Auditing Services.

Rhett Clark, Finance Director presented to council a report on the revised Financial Policy and RFP 2007-027 for Professional Auditing Services.

3. Discussion of an Abatement Policy and the creation of an Abatement Reinvestment Zone.

Paul Cain, Deputy City Manager presented to council a report on an Abatement Policy and the creation of an Abatement Reinvestment Zone.

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

Paul Cain, Deputy City Manager and Peter Krause, Director of Parks and Recreation discussed item 6C regarding the Bid for the Inter-Urban Rail Car Exhibit concrete work and drainage improvements. (ITB 2007-032).

**5. No Executive Session
Break Time: 6:58 p.m.**

BURLESON CITY COUNCIL REGULAR SESSION
August 9, 2007
MINUTES

Roll Call:

Council present:

Stuart Gillaspie
Jim Wadlow
Matt Powell
Ken Shetter
Dan McClendon
Claudia Humphreys

Council Absent:

Chip Stephens

Staff

Curtis E. Hawk, City Manager
Paul Cain, Deputy City Manager
Allen Taylor, City Attorney

REGULAR SESSION – Call to order – Time: 7:12 p.m.

Invocation – Rick Owen, St. Matthews Church

Pledge of Allegiance

Proclamations

There were no proclamations.

2A. Recognition of local winners of Keep Texas Beautiful awards.

Sheri Campbell-Husband, Director of Neighborhood Services and Mayor Shetter recognized Keep Burleson Beautiful President Donna Hollowell and members of the Students Environmentally Aware Club for their community efforts to raise environmental awareness and for winning 2007 Keep Texas Beautiful awards for those efforts.

Items to be continued or withdrawn

No items.

Items to be withdrawn from the consent agenda for separate discussion.

Mayor Shetter requested to remove item 1G.

Matt Powell requested to remove item 1J.

Consent Agenda

1A. Approve the minutes from the

Motion was made by Stuart Gillaspie and second by Claudia Humphreys to approve.

Motion passed 6-0. Chip Stephens absent.

1B. Financial Transactions.

Requisitions

Fund: General Fund

Municipal Code Corporation - \$5,852.77

RDK Truck Sales & Service - \$6,250.00

CDW Government, Inc. - \$3,844.00

Apac-Texas, Inc. - \$13,500.00

J.L. Bertram Construction, Inc. - \$29,094.90

All American Press - \$7,849.00

Fund: 2006 General Obligation Bond

Texas Highway Products - \$8,105.00

Fund: GF/W&S

Automated Merchant Systems, Inc. - \$7,500.00

Fund: 2005 General Obligation Bond

Kimley-Horn & Associates, Inc. - \$5,000.00

Payment

Fund: General Fund

Denitech Fort Worth - \$3,900.00

Strategic Government Resources - \$13,500.00

Fund: General Fund/Water & Sewer

Visa - \$3,064.39

Motion was made by Stuart Gillaspie and second by Claudia Humphreys to approve.

Motion passed 6-0. Chip Stephens absent.

1C. Ordinance C-626-07, abandoning Tantarra Drive and Paloma Way (Final Reading) and Quit Claim.

Motion was made by Stuart Gillaspie and second by Claudia Humphreys to approve.

Motion passed 6-0. Chip Stephens absent.

1D. Request the approval of the Preliminary Plat of Lots E, F, and G, Block 1, 5.25 acres of Fig Tree Plaza located along I-35 south of Memorial Plaza. (Case No. 07-082)

Motion was made by Stuart Gillaspie and second by Claudia Humphreys to approve.

Motion passed 6-0. Chip Stephens absent.

1E. Request the approval of the Final Plat of Lot F, Block 1, 1.98 acres of Fig Tree Plaza located along I-35 south of Memorial Plaza. (Case No. 05-145)

Motion was made by Stuart Gillaspie and second by Claudia Humphreys to approve.

Motion passed 6-0. Chip Stephens absent.

1F. Request the approval of the Final Plat of 77 single-family lots and 3 open space lots, 22.88 acres of Cooper Valley, Phase 2-B Addition located south of FM 917 and east of SH 174 in the ETJ. (Case No. 07-071)

Motion was made by Stuart Gillaspie and second by Claudia Humphreys to approve.

Motion passed 6-0. Chip Stephens absent.

1H. Authorization for Release of Escrow funds for Drainage Improvements to Sphinx Development Corporation.

Motion was made by Stuart Gillaspie and second by Claudia Humphreys to approve.

Motion passed 6-0. Chip Stephens absent.

1I. Authorization for ingress/egress easement abandonment at the end of Commercial Blvd.

Motion was made by Stuart Gillaspie and second by Claudia Humphreys to approve.

Motion passed 6-0. Chip Stephens absent.

*** This item was added to the consent agenda by council.**

6C. Authorize Expenditures and Award the Bid for Inter-Urban Rail Car Exhibit concrete work and drainage improvements. (ITB 2007-032) * Find the amount and to whom the bid awarded.

Motion was made by Stuart Gillaspie and second by Claudia Humphreys to authorize the expenditure of \$40,000.00 from the hotel/motel fund for construction of the Inter-Urban Rail Car Exhibit and to authorize Staff to include an additional \$40,000.00 in the year-end budget revision to be adopted with the 2007-2008 budget and to award the contract for Inter-Urban Rail Car Exhibit Concrete Work and Drainage Improvements (ITB 2007-032) to Circle T Landscape in the amount of \$31,938.00.

Motion passed 6-0. Chip Stephens absent.

*** Items 1G and 1 J were removed from consent for separate discussion.**

1G. Request the approval of the Final Plat of 56 lots, 15.32 acres of Hidden Vistas, Phase 2 located south of Hidden Creek Parkway and West of Union Pacific Railroad. (Case No. 07-070)

David Wynn, Director of Planning and Engineering Services presented to council the Final Plat of 56 lots, 15.32 acres of Hidden Vista, Phase 2 located south of Hidden Creek Parkway and West of Union Railroad.

Motion was made by Claudia Humphreys and second by Matt Powell to approve.

Motion passed 6-0. Chip Stephens absent.

1J. Authorizing the Mayor to execute an Advanced Funding Agreement with TxDOT for a change order to the Hidden Creek Parkway/I-35W bridge contract for the landscaping for the east jughandle of Hidden Creek Parkway.

David Wynn, Director of Planning and Engineering Services discussed the landscaping dollar amount of \$75,512.00. All the money is allocated for landscaping only.

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

Motion passed 6-0. Chip Stephens absent.

Presentations

2B. Citizens Appearance

No speakers.

Public Hearings and Related Ordinances

3A. Public hearing and consideration of a request by Devon Energy for a gas well drilling permit on approximately 128 acres located on 1,400 feet west of FM 1902, and 1,230 feet south of CR 910B. (Case No. 07-079)

David Wynn, Director of Planning & Engineering Services presented to council a request by Devon Energy for a gas well drilling permit on approximately 128 acres west of FM 1902 and south of CR 910B.

Mayor Shetter opened the public hearing: Time: 7:50 p.m.

No Speakers.

Mayor Shetter closed the public hearing: Time: 7:50 p.m.

Motion was made by Matt Powell and second by Claudia Humphreys to approve requiring landscaping be provided within the area at such time that the water service is provided along the 121 corridor and that the site be also provided with the adequate irrigation in accordance with the landscaping plan as attached.

Motion passed 6-0. Chip Stephens absent.

3B. Public hearing and consideration of a request by Devon Energy for a gas well drilling permit on approximately 161 acres located 450 feet west of FM 1902, and 3,000 feet south of CR 913, across from Caddo Peak Road. (Case No. 07-081)

David Wynn, Director of Planning & Engineering Services presented a request by Devon Energy for a gas well drilling permit on approximately 161 acres located west of FM 1902 and south of CR 913 across from Caddo Peak Road.

Mayor Shetter opened the public hearing: Time: 8:06: p.m.

Juan Segonia, 1908 Caddo Peak, Joshua, TX. asked questions regarding additional schools being built near the site. Also has concerns regarding the school playground being so close to the well site, the lighting and road conditions.

Diane Hairston, 7108 FM 1902, Joshua, TX. concerned about auto accidents and noise levels.

Wendy Warton with Devon Energy discussed concerns regarding safety, security and location of the site. Requested to table this item.

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

Motion was made by Matt Powell and second by Claudia Humphreys to table.

Motion passed 6-0. Chip Stephens absent.

Break 8:32 p.m.

Back into open session Time: 8:45 p.m.

- 3C. Public hearing and consideration of Ordinance D-082-07 request to rezone property from (C) Commercial and (SF7) Single Family 7 to PD Planned Development for 55.7 acres located at the Northeast intersection of FM 731 (John Jones Dr) and SH 174 (SW Wilshire Blvd.) behind the existing Exxon station. (First Reading) (Case No. 07-072)**

Stephen Cook, Planning Official presented to council Ordinance D-082-07 a request to rezone property from Commercial and Single Family 7 to Planned Development for 55.7 acres located at the northeast intersection of FM 731 and SH 174.

Mayor Shetter opened the public hearing: Time: 9:55 p.m.

Sherman Clark, 1150 Clark St. voiced concerns regarding renters and building height.

Jim Bailey, 344 S. Warren made comments regarding tree preservation.

Mayor Shetter continued the public hearing. Time: 9:58 p.m.

Motion was made by Claudia Humphreys and second by Jim Wadlow to table.

Motion passed 6-0. Chip Stephens absent.

- 3D. Public Hearing and consideration of a request by Ramon Romo for a replat of 2 lots of the Murphy Addition located at 213 SW Alsbury Blvd. (Case No. 07-069)**

David Wynn, Director of Planning and Engineering Services presented to council a request by Ramon Romo for a replat of 2 lots of the Murphy Addition located at 213 SW Alsbury Blvd.

Mayor Shetter opened the public hearing: Time: 10:02 p.m.

No Speakers

Mayor Shetter closed the public hearing. Time: 10:02 p.m.

Motion was made by Matt Powell and second by Claudia Humphreys to approve.

Motion passed 6-0. Chip Stephens absent.

3E. Resolution R-1093-07, Revising and adopting the Guidelines and Criteria for Property Tax Abatement under the Economic Development Incentives Program.

Paul Cain, Deputy City Manager presented to council Resolution R-1093-07 for Property Tax Abatement under the Economic Development Incentives Program.

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve.

Motion passed 5-0. Dan McClendon abstained and Chip Stephens absent.

3F. Public Hearing and Ordinance C-628-07, the Designation of approximately a 10 acre tract of land as “Tax Abatement Reinvestment Zone Number 001-07, City of Burleson” under Chapter 312 of the Texas Tax Code. (First Reading)

Paul Cain, Deputy City Manager presented to council Ordinance C-628-07, designation of approximately a 10 acre tract of land as Tax Abatement Reinvestment Zone Number 001-007.

Mayor Shetter opened the public hearing: Time: 10:09 p.m.

Patricia Ward with Tarrant County thanked Paul Cain and council for working together on this item.

Mayor Shetter closed the public hearing. Time: 10:10 p.m.

Motion was made by Jim Wadlow and second by Claudia Humphreys to approve.

Motion passed 5-0. Dan McClendon abstained and Chip Stephens absent.

*** Items 6A and 6B were moved up in the agenda to allow representative from Weaver and Tidwell to leave.**

Matt Powell left council chambers 10:10 p.m.

6A. Amendment to the City of Burleson’s Financial Policy. (Council Policy 32)

Rhett Clark, Director of Finance presented to council an amendment to the City of Burleson Financial Policy.

Motion was made by Jim Wadlow and second by Stuart Gillaspie to approve.

Motion passed 5-0. Matt Powell not present for vote and Chip Stephens absent.

Matt Powell returns to council chambers 10:13 p.m.

6B. Award the contract RFP 2007-027 for Professional Auditing Services and authorize the City Manager to execute the contract.

Rhett Clark, Director of Finance presented to council RFP 2007-027 for Professional Auditing Services.

Motion was made by Claudia Humphreys and second by Matt Powell to award the contract for professional auditing services to Weaver and Tidwell L.L.P. in the amount of \$49,500.00.

Motion passed 6-0. Chip Stephens absent.

Ordinances & Resolutions

4A. Ordinance C-627-07, providing for the implementation of an automated red light enforcement program in the City of Burleson through the amendment of the "Traffic and Vehicles" Chapter of the Code of Ordinances for the City of Burleson, Texas, by the addition within Chapter. 78, new Article V, titled Automated Red Light Enforcement. (Final Reading)

Tom Cowan, Chief of Police presented to council Ordinance C-627-07 providing for the implementation of an automated red light enforcement program.

Motion was made by Matt Powell and second by Stuart Gillaspie to approve with the addition allowing for all fleet owners being able to submit affidavits responding to tickets issued for their vehicles in their ownership; to be treated in the same manner as rental car businesses.

Motion passed 5-1. Dan McClendon voted against and Chip Stephens absent.

4B. Resolution R-1098-07, approving a Municipal Maintenance Agreement with the Texas Department of Transportation and authorizing the Mayor to execute the agreement.

David Wynn, Director of Planning & Engineering Services presented to council Resolution R-1098-07 approving a Municipal Maintenance Agreement with the Texas Department of Transportation.

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

Motion passed 5-1. Dan McClendon voted against and Chip Stephens absent.

Contracts & Agreements

5A. Consideration of the Automated Red Light Program Services Contract and Right of Way Use Agreement with American Traffic Solutions, Inc. ("ATS"), and to authorize the City Manager to execute.

Tom Cowan, Chief of Police presented a Automated Red Light Program Services Contract and Right of Way Use Agreement with American Traffic Solutions.

Justin from ATS addressed the council's question about the cost of installation. ATS first performs a study of intersections through town and determines which ones would benefit. ATS is paid only if money is collected from red light violations.

Motion was made by Matt Powell and second by Stuart Gillaspie to approve.

Motion passed 4-2. Claudia Humphreys and Dan McClendon voted against and Chip Stephens absent.

Break 11:30 p.m.

Back into open session 11:32 p.m.

Other Items for Consideration

6D. Election of Mayor Pro Tem.

Motion was made by Jim Wadlow and second by Matt Powell to elect Stuart Gillaspie.

Motion passed 6-0. Chip Stephens absent.

6E. Action necessary to initiate 2007 Annexation Procedures and set Annexation Calendar.

Item not discussed.

Reports

7A. Economic Development.

No reports.

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

No reports.

7C. Various Staff Reports.

No reports.

Council and Staff Comments

8A. Non-agenda council and staff comments.

Stuart Gillaspie addressed the Alsbury and Renfro intersection catering to Renfro.

Jim Wadlow thanked staff, the press and citizens for staying with council for the long hours.

Mayor commented on the Transportation Summit.

Matt Powell complimented the Parks Department for the fields looking so great for the Pony Zone. Let staff know about the rebar sticking out of the ground near Hidden Creek and 174 and also commented on the handicap ramp at that intersection having the crosswalk push button in the right turn lane instead of in front of the sidewalk.

Claudia asked about the opening of Hidden Creek Parkway bridge.

Dan McClendon made comments regarding red light cameras.

Curtis Hawk reminded council about the TML brochure.

Mayor Shetter complimented the great group of students that recently graduated from the Citizens Police Academy.

Paul Cain reminded council of Budget Workshop on Thursday, August 16th.

Executive Session

9A. No executive session.

There being no further business Mayor Shetter adjourned the meeting.

Time: 11:45 p.m.

Amanda McDowell, City Secretary