

BURLESON CITY COUNCIL WORK SESSION
September 13, 2007
MINUTES

Roll Call:

No Work Session held.

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

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

2. Executive Session:

Motion was made by and second by 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.

3. Reconvene into open session for possible action.

BURLESON CITY COUNCIL REGULAR SESSION
September 13, 2007
MINUTES

Roll Call:

Council present:

Stuart Gillaspie (arrives 8:02 p.m.)
Jim Wadlow

Council Absent:

Matt Powell

Ken Shetter
Dan McClendon
Claudia Humphreys
Chip Stephens

Staff

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

REGULAR SESSION – Call to order – Time: 7:27 p.m.

Invocation – Cory Smithee, Lighthouse Church

Pledge of Allegiance

Proclamations

Mayor Shetter presented to Fire Marshal Singleton, Fire Chief Wisdom and representatives from the Fire Department a proclamation for National Preparedness Month prior to the council meeting.

Items to be continued or withdrawn

No items.

Items to be withdrawn from the consent agenda for separate discussion.

No items.

Consent Agenda

1A. Approve the minutes from the August 23, 2007 regular session and the September 6, 2007 special session.

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

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

1B. Financial Transactions.

Requisitions

Fund: General Fund

Foundry Networks, Inc. - \$ 51,587.41

CDW Government, Inc. - \$8,310.36

Fund: Water and Sewer

Datapose, Inc. - \$9,500.00

Payment

Fund: 2001 Sales Tax Revenue Bond Fund- 4A

Bob Sherrod - \$14,507.00

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

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

1C. Ordinance B-770-07, an Emergency Ordinance Reducing the Speed Limit in Construction Areas of Interstate I-35W and South Burleson Boulevard (first and final reading).

Motion was made by Claudia Humphreys and second by Jim Wadlow declare B-770-07 an emergency ordinance to preserve the public peace, health, and safety and to approve the first and final reading.

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

1D. Ordinance C-631-07, appointing interim Associate Municipal Court Judge of the Municipal Court of Record in the City of Burleson, term commencing September 13, 2007 and terminating December 31, 2007 (final reading).

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

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

1E. Resolution R-1099-07, denying the request of Atmos Energy Corp., Mid-Tex Division to implement interim GRIP rate adjustments for gas utility investment in 2006.

Motion was made by Claudia Humphreys and second by Jim Wadlow to approve, amending resolution number from R-1099-07 to R-1100-07 no changes to the actual resolution.

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

1F. Renewal of an Inter-Local Agreement for participation in the Fort Worth Environmental Collection Center's Household Hazardous Waste program and authorize the Mayor to sign.

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

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

1G. Request the approval of an Inter-Local Purchasing Agreement between the City of Burleson and the City of Grand Prairie for the purchase of like goods and services.

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

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

1H. Consideration of a Standard Master Agreement with Kimley-Horn and Associates, Inc. for continuing professional engineering consulting services.

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

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

1I. Award the bid for Solar Light System for Bailey Lake to NEMA 3 Electric, Inc (ITB 2007-036).

Motion was made by Claudia Humphreys and second by Jim Wadlow to approve awarding ITB 2007-036 to NEMA 3 Electric, Inc in the amount of \$48,786.65.

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

1J. Award the bid for Two (2) Fountains for Bailey Lake to Professional Turf Products, L.P. of Euless, Texas (ITB 2007-037).

Motion was made by Claudia Humphreys and second by Jim Wadlow to approve awarding ITB 2007-037 to Professional Turf Products, L.P. in the amount of \$27,764.76.

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

1K. Award the bid for Generator for City Hall to Mathis Electrical Contractors of Garland, Texas (ITB 2007-038).

Motion was made by Claudia Humphreys and second by Jim Wadlow to approve awarding ITB 2007-038 to Mathis Electric Contractors in the amount of \$54,812.61.

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

1L. Ratify action of the 4A Economic Development Corporation Board approving certain Projects as 4A Economic Development Projects.

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

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

Presentations

2A. Citizens Appearance

None.

Reports

* Moved up in the agenda to allow citizens to speak.

7C. Report on SE Tarrant low water crossing.

David Wynn, Director of Planning and Engineering presented to council the information on the low water crossing of SE Tarrant street and presented the options to fix the problem.

Mr. Charles Bryant, 208 SE Tarrant street would like to keep SE Tarrant available for neighbors to travel to and from Johnson St. Mr. Bryant does not have a problem with the options the City has for allowing the low water crossing to remain.

Council directed staff to bring back options at a later meeting.

Public Hearings and Related Ordinances

3A. Remove from the table, continue public hearing and consideration of Ordinance D-082-07, a 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 (Case No 07-072) (first reading).

Councilmember Chip Stephens abstained from this item and sat in the audience for the entire item.

Mayor Shetter removed the item from the table with no objections from the council.

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 with all the changes made from the original request based on comments from Council Meeting August 8, 2007.

Councilmember Stuart Gillaspie arrives at the meeting. Time: 8:02 p.m.

Mayor Shetter opened the public hearing: Time: 8:23p.m.

No speakers

Mayor Shetter closed the public hearing: Time: 8:23 p.m.

Motion was made by Claudia Humphreys and second by Dan McClendon to approve on first reading with the following amendments to be made prior to final approval:

- Section 1.14 of the ordinance is changed to read: "The developer for the Multi-Family Residential Tracts shall provide for an amenity which shall include, but not be limited to, a clubhouse, a swimming pool, cabana, and landscaping to be owned, operated and maintained by the developer." Additionally, paragraph "b" has been modified to clarify that the clubhouse portion of the amenity center will be constructed of at least 1,500 sqft.
- Section 4.19 in regards to the building height of the office tracts has been modified to specify that tract "5", the north tract adjacent to the existing single family development, will have a maximum of four stories. Tract "3", the south tract located nearer to FM 731, will have the maximum of four stories, with the additional allowable two stories if the development conditions are met.
- Section 6.02 has been added to indicate that no trees within the tracts of the Planned Development zoning district may be cut, removed, or damaged without approval of a tree retention plan as part of the concept plan approval process.

- Greenbelt screening within section 6 of the ordinance has been reworded to require residential uses (multi-family and townhomes) to be oriented in such a way that they are open to pedestrian and recreational usage of the greenbelt. If the developer requests a fence along any portion of the frontage, the fence, if approved by the City Council shall be of wrought iron appearance steel with masonry columns.

Motion passed 5-0. Matt Powell absent. Chip Stephens abstain.

3B. Second Public Hearing on the 2007 tax rate and announce the dates for the vote on the 2007 tax rate.

Rhett Clark, Director of Finance, presented to council the proposed 2007 tax rate.

Mayor Shetter opened the public hearing: Time: 8:26 p.m.

Mr. Harry Noble, 921 Jessica Dr., is opposed to the tax increase.

Mayor Shetter closed the public hearing. Time: 8:38 p.m.

Mayor Shetter announced "the City Council will vote on the 2007 tax rate; first reading September 13, 2007 regular council meeting at 7:00 p.m., final reading adopting the tax rate September 27, 2007 regular council meeting at 7:00 p.m. All meetings to take place in the Burleson City Hall Council Chambers, 141 W. Renfro, Burleson, TX".

Ordinances & Resolutions

* Moved up on the agenda to keep related items together.

4A. Ordinance C-632-07, revising budget figures for fiscal year 2006-07 and adopting the 2007-2008 Annual Operating Budget (first reading).

Rhett Clark, Director of Finance presented an overview of the proposed 2007-2008 FY budget.

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

Motion passed 6-0. Matt Powell absent.

4B. Ordinance C-633-07, setting the 2007 Ad Valorem Tax Rate (first reading).

Presentation was made during the public hearing item 3B.

Jim Wadlow motion: "I move the property taxes be increased by the adoption of a tax rate of \$0.661825. The first reading of Ordinance C-633-

07, adopts this tax rate on first reading. The final reading of the tax rate ordinance will be September 27, 2007.” second by Claudia Humphreys to approve.

Motion passed 6-0. Matt Powell absent.

4C. Ordinance C-634-07, establishing rates to be charged for water and wastewater service in the City of Burleson (first reading).

Rhett Clark, Director of Finance, presented to council the rates to be charged for the water and wastewater service.

Motion was made by Claudia Humphreys and second by Dan McClendon to approve amending Section II B. (4) Gas Well Drilling to be a charge of \$9.99 per 1000 gallons.

Motion passed 6-0. Matt Powell absent.

3C. Public Hearing and consideration of Ordinance D-083-07 a request for a rezoning from (SF10) Single Family 10 to (C) Commercial for 6.88 acres located on the southwest corner of SW Wilshire Boulevard (SH174) and NW John Jones Drive (FM 731) (Case 07-083) (first reading).

Stephen Cook, Planning Official presented to council Ordinance D-083-07, a request for rezoning 6.88 acres from (SF10) Single Family 10 to (C) Commercial.

Mayor Shetter opened the public hearing: Time: 8:55p.m.

No speakers.

Mayor Shetter closed the public hearing. Time: 8:55 p.m.

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

Motion passed 6-0. Matt Powell absent.

Break: Time 8:56 p.m.

Return: Time 9:13 p.m.

Ordinances & Resolutions

* Items 4A, 4B, and 4C were moved up on the agenda.

4D. Ordinance C-635-07, amending Chapter 6 (Animal Care and Control) of the Burluson Code of Ordinances (first reading).

Sheri Campbell-Husband, Director of Neighborhood Services, presented to council Ordinance C-635-07 to council and stated these changes were to implement state law changes.

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

Motion passed 6-0. Matt Powell absent.

Contracts & Agreements

5A. Consideration of an Engineering Services Contract with TranSystems Corporation Consultants for a feasibility study for the implementation of quiet zones on the Union Pacific Railroad and authorizing the City Manager to execute the contract.

David Wynn, Director of Planning and Engineering, presented to council the Engineering Service Contract consulting services for the implementation of quiet zone on the Union Pacific Railroad.

Motion was made by Claudia Humphreys and second by Stuart Gillaspie to approve in the amount of \$44,900.00.

Motion passed 6-0. Matt Powell absent.

Other Items for Consideration

6A. Request the approval of the Final Plat of 160 lots, 51.79 acres of Mistletoe Hill, Phase 5 located north of McAlister Road at the Park Meadow Lane intersection (Case 07-042).

David Wynn, Director of Planning and Engineering presented the final plat of 160 lots, Phase 5 of Mistletoe Hill.

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

Motion passed 6-0. Matt Powell absent.

Reports

7A. Economic Development.

No items.

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

No items.

7C. Report on SE Tarrant low water crossing.

* Moved up in the agenda after Citizen Appearance.

7D. Various Staff Reports

Sheri Campbell-Husband, Director of Neighborhood Services, reported to council the City of Burleson's West Nile testing results. There was a positive test of West Nile of a mosquito not a human. Announced Trash Bash on Saturday, September 15, 2007 and E-waste September 22, 2007.

Dave White, Golf Director, updated council on Meals-On-Wheels tournament that was a huge success at Hidden Creek Golf Course.

Rhett Clark, Director of Finance, update council on the internet payment options.

Council and Staff Comments

8A. Mayor Shetter thanked Chief Wisdom for presenting to the TRTC on highway incidents.

Executive Session

9A. Executive Session: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, 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 Jim Wadlow and second Stuart Gillaspie to convene into executive session. Time: 9:47 p.m.

Motion passed 6-0. Matt Powell absent.

Motion was made by Jim Wadlow and Chip Stephens to reconvene into open. Time: 10:10 pm

Motion passed 6-0. Matt Powell absent.

There being no further business Mayor Shetter adjourned the meeting.

Time: 10:10 p.m.

Amanda J. McDowell
City Secretary