

BURLESON CITY COUNCIL WORK SESSION
September 27, 2007
MINUTES

Roll Call:

Council present:

Stuart Gillaspie
Jim Wadlow
Matt Powell
Ken Shetter
Dan McClendon
Claudia Humphreys (6:20 p.m.)
Chip Stephens

Council Absent:

Staff

Curtis E. Hawk, City Manager
Paul Cain, Deputy City Manager

WORK SESSION – Call to order – Time: 6:18 p.m.

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

1D. 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 SW Wilshire Blvd (SH 174) and NW John Jones Dr (FM 731) behind the existing Exxon station. (Case No 07-072) (Final Reading)

Mark Hickman, Engineer for Reed Parke, presented to council a tree protection area map with a protected tree list and replacement plan.

Stephen Cook, Planning Official, highlighted the amended wording to Ordinance D-082-07 that was requested by council prior to final approval.

1B. Financial Transactions

Curtis Hawk, City Manager explained Mathis Electrical Contractors – (-\$36,457.50) the generator for City Hall and Kimco Burleson L.P. - \$143,874.47, B & G Commercial Investments - \$34,958.62 payment from TIF fund.

1C. Ordinance C-635-07, amending Chapter 6 (Animal Care and Control) of the Burleson Code of Ordinances. (Final Reading)

Curtis Hawk, City Manager highlighted a memo by Sheri Campbell-Husband explaining a typo in the Ordinance on first reading. The error did not change the ordinance.

1E. 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) (Final Reading)

1F. Request the approval of the Preliminary Plat of 2 lots, 119.7 acres of River Place Addition located on the southwest corner of SW Wilshire Boulevard (SH174) and NW John Jones Drive (FM731). (Case 07-084)

David Wynn, Director of Planning and Engineering, updated council on River Place Addition.

4. 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.

No executive session.

Break 6:42 p.m.

BURLESON CITY COUNCIL REGULAR SESSION
September 27, 2007
MINUTES

Roll Call:

Council present:

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

Council Absent:

Staff

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

REGULAR SESSION – Call to order – Time: 7:07 p.m.

Invocation – Tom Pickett

Pledge of Allegiance

Proclamations

Month of October Burleson CAN recycle proclamation.

Month of October Disabilities

Items to be continued or withdrawn

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

- 1D. 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 SW Wilshire Blvd (SH 174) and NW John Jones Dr (FM 731) behind the existing Exxon station. (Case No 07-072) (Final Reading)

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Consent Agenda

1A. Approve the minutes from the September 13, 2007 regular session.

Motion was made by Chip Stephens and second by Claudia Humphreys to approve.

Motion passed 7-0.

1B. Financial Transactions.

Requisitions

Fund: General Fund

Nortex Concrete Lift & Stabilization - \$16,550.00

Kimley-Horn and Associates - \$3,000.00

Kimley-Horn and Associates - \$3,000.00

Mathis Electrical Contractors – (-\$36,457.50)

Clifford Power Systems, Inc. - \$32,916.00

Circle T Nursey - \$5,500.00

(FY 2007-2008 Budget)

KS2 Technologies, Inc - \$36,876.40

Foundry Networks - \$67,554.53

Fund: 2006 General Obligation Bond/ 2003 Sales Tax Revenue Bond Fund

James Kelly - \$31,500.00

Fund: 2003 Sales Tax Revenue Bond Fund

Cheatham & Associates - \$11,210.00

Fund: 2005 Water Sewer Revenue Bond Fund

Jackson Construction Ltd. - \$5,000.00

Fund: 2006 Certificates of Obligation – Water & Sewer

Four D Construction, Inc. - \$32,871.42

Tri-Tech Construction - \$26,000.00

Fund: Hidden Creek Golf Course

M.P.S. - \$5,080.26

Fund: TIF

Kimco Burleson L.P. - \$143,874.47

B & G Commercial Investments - \$34,958.62

Payment

Fund: General Fund

Mastercard - \$14,891.67

Fund: General Fund/2003 Sales Tax Revenue Bond Fund

Taylor, Olson, Adkins, Sralla & Elam - \$16,884.57

Fund: 2003 Sales Tax Revenue Bond Fund

First United Methodist Church - \$5,000.00

Fund: General Fund/2006 Certificate of Obligation/2006 General Obligation Bond/

Ellerbee-Walczak, Inc. - \$7,134.00

Fund: EDIF

The Home Depot - \$ 231,834.06

Fund: General Fund/ Water & Wastewater

Visa - \$3,822.95

Motion was made by Chip Stephens and second by Claudia Humphreys to approve.

Motion passed 7-0.

1C. Ordinance C-635-07, amending Chapter 6 (Animal Care and Control) of the Burlison Code of Ordinances. (Final Reading)

Motion was made by Chip Stephens and second by Claudia Humphreys to approve.

Motion passed 7-0.

1D. *Removed from Consent Agenda for separate discussion and vote.

1E. 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) (Final Reading)

Motion was made by Chip Stephens and second by Claudia Humphreys to approve.

Motion passed 7-0.

1F. Request the approval of the Preliminary Plat of 2 lots, 119.7 acres of River Place Addition located on the southwest corner of SW Wilshire Boulevard (SH174) and NW John Jones Drive (FM731). (Case 07-084)

Motion was made by Chip Stephens and second by Claudia Humphreys to approve.

Motion passed 7-0.

1G. Request the approval of the Preliminary Plat of 10 lots, 18.84 acres of McNairn Gardens located at the south corner of SW Wilshire Boulevard (SH174) and Gardens Boulevard. (Case 07-089)

Motion was made by Chip Stephens and second by Claudia Humphreys to approve.

Motion passed 7-0.

1H. Consideration of an agreement with Oncor Electric Delivery Company for streetlight installation in Old Town parking lots and authorize the City Manager to execute.

Motion was made by Chip Stephens and second by Claudia Humphreys to approve.

Motion passed 7-0.

1D. 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 SW Wilshire Blvd (SH 174) and NW John Jones Dr (FM 731) behind the existing Exxon station. (Case No 07-072) (Final Reading)

This item was presented during the Work Session.

Motion was made by Matt Powell and second by Jim Wadlow to approve with two exception change section 6.02 to contain Protect Tree requirements and map of Tree Protection area map as exhibit C.

Motion passed 6-0. Chip Stephens abstain.

Presentations

2A. Citizens Appearance

Public Hearings and Related Ordinances

3A. Public hearing and consideration of a request by Chesapeake Energy for a gas well drilling permit for one gas well, known as the Allenco 1H Unit, on 126.13 acres located approximately 1100 feet north of Shaffstall Road and 800 feet west of Wilshire Boulevard. (Case No. 07-100)

David Wynn, Director of Planning and Engineering presented to council the request by Chesapeake Energy for a gas well drilling permit for one gas well, known as the Allenco 1H Unit. Mr. Wynn added an amended Landscape plan.

Mayor Shetter opened the public hearing: Time: 7:20 p.m.

No speakers

Mayor Shetter closed the public hearing: Time: 7:21 p.m.

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

Motion passed 7-0.

3B. Public hearing and consideration of a request by Chesapeake Energy for a gas well drilling permit for one gas well, known as the Torres 1H Unit, on 107.92 acres located approximately 900 feet south of Shaffstall Road and 250 feet west of Wilshire Boulevard. (Case No. 07-101)

David Wynn, Director of Planning and Engineering presented to council the request by Chesapeake Energy for a gas well drilling permit for one gas well, known as the Torres 1H Unit, with an amended landscape plan.

Mayor Shetter opened the public hearing: Time: 7:31 p.m.

No speakers.

Mayor Shetter closed the public hearing. Time: 7:32 p.m.

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

Motion passed 7-0.

3C. Public Hearing and consideration of a request by HEB Grocery Company for a waiver from Section 14.8 (Procedures for Final Plat Approval) and Section 52 (Data and Agreements) required for final plat action of the Burluson Subdivision and Development Ordinance (B-622); and the approval of the Final Plat of 1 lot, 26.9 acres of River Place Addition located on the southwest corner of SW Wilshire Boulevard (SH174) and NW John Jones Drive (FM731). (Case 07-085)

Mayor Shetter opened the public hearing: Time: 7:36 p.m.

No speakers.

Mayor Shetter closed the public hearing. Time: 7:37 p.m.

Motion was made by Claudia Humphreys and second and Chip Stephens to approve.

Motion passed 7-0.

Ordinances & Resolutions

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

Rhett Clark, Director of Finance presented to council the FY 2007-2008 Annual Operating Budget and the 2007 Ad Valorem tax rate. (4C)

Motion was made by Chip Stephens and second by Matt Powell to approve.

Motion passed 7-0.

4B. Minute Order MO-07-005, vote to ratify the property tax revenue increase reflected in the 2007-2008 FY Budget.

Motion was made by Matt Powell and second by Chip Stephens to approve.

Motion passed 7-0.

4C. Ordinance C-633-07, setting the 2007 Ad Valorem Tax Rate. (Final Reading)

Presentation was made during item 4A.

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

Motion passed 7-0.

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

Motion was made by Claudia Humphreys and second by Chip Stephens to approve.

Motion passed 7-0.

4E. MO-07-006, adopting the 2007-2008 FY City of Burleson fee schedule.

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

Motion passed 7-0.

4F. Resolution R-1101-07, affirming the nomination for candidate for the Board of Directors for the Central Appraisal District of Tarrant County, Texas.

No action on the item. Item will be presented at the October 11, 2007 regular council meeting.

4G. Resolution R-1102-07, affirming the nomination for candidate for the Board of Directors for the Central Appraisal District of Johnson County, Texas.

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Motion was made by Claudia Humphreys and second by Matt Powell to approve with 120 votes to R.D. Scott and 121 votes to Byron Black.

Motion passed 7-0.

Contracts & Agreements

5A. Amendment to Chapter 380 Supplemental Cost of Infrastructure Reimbursement Agreement with B&G Commercial Investments, L.P. for Phases II through IV of Renfro Square.

Paul Cain, Deputy City Manager, presented to council the amendment to Chapter 380 Supplemental Cost of Infrastructure Reimbursement Agreement with B&G Commercial Investments, L.P. for Phases II through IV of Renfro Square commonly known as "Old Town TIF".

Motion was made by Chip Stephens and second by Dan McClendon to approve the amendment with a change to the language being stated as *up to* 8.25 percent.

Motion passed 7-0.

Other Items for Consideration

6A. MO-07-007, approving the 2007-2008 City of Burleson Board and Commission appointments.

Motion was made by Stuart Gillaspie and second by Dan McClendon to approve as recommended by the Appointment Committee.

4A Board – 5 Directors

		<u>Term Expires</u>
Chip Stephens -	re-appointment	2010
	President appointment	2008
Claudia Humphreys -	re-appointment	2010
Jim Wadlow -	re-appointment	2010
Stuart Gillaspie -	re-appointment	2010
Dan McClendon –	new appointment	2010

4B Board – 7 Directors

		<u>Term Expires</u>
Toby Ford –	re-appointment	2009
	President appointment	2008
Bob Fear –	re-appointment	2009
David Rubenkoenig –	re-appointment	2009
Jim Wadlow -	re-appointment	2009
Ken Shetter -	re-appointment	2009
Matt Powell -	re-appointment	2009
Stuart Gillaspie -	re-appointment	2009

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<u>Animal Shelter Advisory Committee</u>		<u>Term Expires</u>
Scott Lumpee -	re-appointment	2009
Sheri Campbell – Husband	re-appointment	2009
Michelle Spradling -	new appointment	2009
Jay Sabatucci -	new appointment	2009

<u>Cemetery Board</u>		<u>Term Expires</u>
Judy Hajek -	re-appointment	2009
Barbara Black -	re-appointment	2009
Mary Norris -	re-appointment	2009
Michelle Griffith -	Chair appointment	2008

<u>Library Board</u>		<u>Term Expires</u>
Susan Peterson -	new appointment	2009
Robert Slaney -	new appointment	2009
Nancy Haggerty -	new appointment	2009
Don Kuhn -	Chair appointment	2008

<u>Park Board</u>		<u>Term Expires</u>
Jerita O’Neal -	re-appointment	2009
Bill Schultz -	re-appointment	2009
Jason Owen -	new appointment	2009
Belinda Robinson -	new appointment	2009
Noel Campos -	Chair appointment	2008

<u>Planning and Zoning Commission</u>		<u>Term Expires</u>
Vicki Lewis -	re-appointment	2009
Scott McMilan -	re-appointment	2009
Matt Aiken -	new appointment	2009
Tempa Sherrill -	new appointment	2008
Douglas Peterson -	new appointment	2008
Cory Smithee -	Chair appointment	2008

<u>Zoning Board of Adjustments and Appeals</u>		
Michael Guthrie -	new appointment	2009
	Chair appointment	2008
Sue Carey -	new appointment	2009

<u>Old Town Development Standards Review Committee</u>		<u>Term Expires</u>
<i>(OTDSRC appointments will be effective November 1, 2007)</i>		
Robert Griffith -	re-appointment	2009
Art Brucks -	new appointment	2009
Matt Ribitzki -	new appointment – Alternate	2009
Jim Bailey -	Chair appointment	2008
<i>(The two alternate positions listed below are to fill un-expired terms and will be effective upon approval by council)</i>		
Art Brucks -	new appointment – Alternate	2008
Matt Ribitzki -	new appointment – Alternate	2008

Golf Course Committee

Chip Stephens -	new appointment
Ken Shetter -	re-appointment
David White -	ex-officio
Rhett Clark -	ex-officio

Motion passed 7-0.

6B. Declare Paid Official Holidays for City Employees.

Motion was made by Jim Wadlow and second by Claudia Humphreys to approve as follows:

1. New Year's Day (January 1)
2. Martin Luther King (Third Monday in January)
3. Good Friday (Friday before Easter)
4. Memorial Day (Fourth Monday in May)
5. Independence Day (July 4)
6. Labor Day (First Monday in September)
7. Thanksgiving Day (Fourth Thursday in November)
8. Day after Thanksgiving Day (Fourth Friday in November)
9. Christmas Eve (December 24)
10. Christmas Day (December 25)

Motion passed 7-0.

Reports

7A. Economic Development.

No item.

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

No item.

7C. Various Staff Reports

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 by Chip Stephens to convene into executive session.

Motion passed 7-0. **Time: 8:15 p.m.**

Motion was made by Stuart Gillaspie and second by Claudia Humphreys to reconvene into open session.

Motion passed 7-0. **Time 9:08 p.m.**

Motion was made by Chip Stephens and second by Claudia Humphreys to direct staff to proceed with land acquisition as discussed in executive session.

Motion passed 7-0.

Motion was made by Dan McClendon and second by Chip Stephens to adjust the City Secretary's salary as discussed in executive session.

Motion passed 7-0.

Council and Staff Comments

8A. Non-agenda council and staff comments.

Dan McClendon updated council on his conversation with the contract for Hidden Creek Parkway Bridge. The delay in opening the bridge has to do with weather delays in June and July and no adjustments to the time line by TXDOT to reflect these delays.

There being no further business Mayor Shetter adjourned the meeting.

Time: 9:16 p.m.

Amanda J. McDowell
City Secretary