

Council Work Session  
January 11, 2007

The Burleson City Council met in a work session January 11, 2007, in the Burleson City Hall, 141 W. Renfro, Burleson, Texas. Mayor Shetter called the work session to order at 6:08 P.M., with the following members present Ken Shetter, Jerry Allen, Jim Wadlow, Matt Powell, Chip Stephens, and Claudia Humphreys. Stuart Gillaspie was absent.

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

City Manager Curtis E. Hawk presented a brief overview of all the items before the legislative session for 2007.

Councilmembers who attend National League of Cities reported on the value of the conference and what they learned.

Motion was made by Jerry Allen and second by Chip Stephens 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. 551.074, personnel matters, 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. Stuart Gillaspie absent. Time: 6:47 P.M.

Stuart Gillaspie arrives at the meeting. Time: 6:48 P.M.

Motion was made by Matt Powell and second by Jerry Allen to reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

Motion passed 7-0. Time: 7:16 P.M.

Council Session  
January 11, 2007

The Burleson City Council met in regular session January 11, 2007, in the Burleson City Hall, 141 W. Renfro, Burleson, Texas. Mayor Shetter called the regular session to order at 7:16 P.M., with the following members present Ken Shetter, Jerry Allen, Jim Wadlow, Matt Powell, Chip Stephens, Claudia Humphreys, and Stuart Gillaspie.

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

Motion was made by Claudia Humphreys and second by Jim Wadlow to approve the minutes from the December 14, 2006 regular council meeting.

Motion passed 5-0. Stuart Gillaspie and Claudia Humphreys abstain.

Motion was made by Claudia Humphreys and second by Jim Wadlow to approve the following purchase requisitions and payments:

Requisitions

**Fund: General Fund**

Mallory's Screenprint - \$3,253.00  
McNaughton Book Service - \$3,019.20  
McNaughton Book Service (DVDs) - \$10,000.00  
3M Company - \$3,445.88  
Knox Company - \$5,002.00  
Ratliff Ready Mix - \$3,685.00  
Central Appraisal District - \$60,858.90

**Fund: Equipment Services Fund**

Continental Equipment - \$68,705.15

**Fund: 2005 Water Sewer Revenue Bond Fund**

Crescent Constructors, Inc. - \$11,806.05

**Fund: Public Safety Grant Fund**

Robotronics - \$10,076.00  
Cargo Trailer Sales, Inc. - \$3,450.00

**Fund: Water and Sewer**

RLC, Inc. - \$5,230.00

**Fund: Equipment Replacement Fund**

Masters International - \$74,891.16  
Masters International - \$74,818.75  
Portable Computer Systems - \$6,136.00

**Fund: Hidden Creek Golf Course Fund**

Nike Golf - \$11,359.65

**Fund: 2005 General Obligation Bond**

Portable Computer Systems - \$10,870.00

Payments

**Fund: General Fund/2005 Water and Sewer Revenue Fund**

Ellerbee Walczak, Inc. - \$12,333.00  
Ellerbee Walczak, Inc - \$12,333.00

**Fund: General Fund**

Texas Economic Development Council - \$3,000.00  
Denitech Corporation - \$4,471.24

**Fund: General Fund/Water Sewer Fund**

Visa - \$6,519.25  
Mastercard - \$8,811.98

**Fund: General Fund/2001 Sales Tax Revenue Bond Fund-4A**

Taylor, Olson, Adkins, Sralla, Elam, LLP - \$25,201.05

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jim Wadlow to approve the first reading of Ordinance D-074-07, rezoning approximately 1.787 acres of the Shannon Creek Development from (SF7D) Single Family 7 Development Option to (NS) Neighborhood Service, located at the northwest corner of Shaffstall Road and Tantarra Drive.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jim Wadlow to approve the first reading of Ordinance D-075-07, rezoning approximately 108.27 acres from (SF7) Single Family 7, (SF10) Single Family 10 to (SF16) Single Family 16, located south of Hidden Creek Parkway, west of the Union Pacific Railroad.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jim Wadlow to approve Resolution 1075-07, stating that the City Council has reviewed the City's written investment policy as required by the Public Funds Investment Act.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jim Wadlow to approve Resolution 1076-07, adopting a list of qualified brokers authorized to engage in investment transactions with the City.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jim Wadlow to approve the final reading of Ordinance B-764-06, amending Chapter 10, Buildings and Building Regulations, of the Code of Ordinances of the City of Burleson, by adopting the International Building Code, 2003 Edition; the International Residential Code, 2003; the National Electrical Code 2002 Edition; the International Plumbing Code, 2003 Edition; the International Mechanical Code, 2003 Edition; the International Property Maintenance Code, 2003 Edition; the International Fuel Gas Code, 2003 Edition; and the International Energy Conservation Code, 2003 Edition.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jim Wadlow to approve the Final Plat of 128 lots, 68.707 acres of Villages of Wakefield Phase IIA, located north and west of the intersection of Hillside Drive and FM 731.

Motion passed 7-0

Motion was made by Claudia Humphreys and second by Jim Wadlow to approve the Final Plat of 107 lots, 21.644 acres of Villages of Wakefield Phase IIB, located north and west of the intersection of Hillside Drive and FM 731.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jim Wadlow to approve the Final Plat of Lot 1, Block 1, 3.027 acres of Sandy Meadows, located east of FM 731, north of FM 917.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jim Wadlow to approve the waiver from Section 8.2.G for the maximum length of a cul de sac and Section 7.10.B for lot size for septic systems of the Burleson Design Standards Manual for approximately 13.71 acres located at the northwest corner of Bent Oaks Road and Brooks Road.

Motion passed 6-0. Ken Shetter abstain.

Motion was made by Claudia Humphreys and second by Jim Wadlow to approve the Preliminary Plat for 16 lots, 13.71 acres of Esperanza, located at the northwest corner of Bent Oaks Road and Brooks Road.

Motion passed 6-0. Ken Shetter abstain.

Motion was made by Claudia Humphreys and second by Jim Wadlow to dedicate a permanent utility and temporary construction easements on City owned property for the Village Creek Sanitary Sewer Relief line and authorize the City Manager to execute the easements.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jim Wadlow to approve the bid for Janitorial Supplies and Paper Products, ITB 2007-014 to low bid per item as described in the ITB 2007-014 tabulation.

Motion passed 7-0.

Alice Bleeker, Director of the Harvest House, gave a powerpoint presentation to the council on the Holiday Friends Program for 2006.

Mayor Shetter opened the public hearing on a request from Lumberjack Partners, LLC, for a waiver from the masonry construction ordinance B-734-06. Time: 7:35 P.M.

Bob Mize, 108 Robin Dr., spoke against the waiver. Mr. Mize's property is adjacent to the property and he has concerns of a business that sells guns and ATVs. He is also concerned about the lights that would shine down on his property. Mr. Mize believes that a masonry building would help to deter burglary of the guns being sold.

Mayor Shetter advised Mr. Mize that the property is already zoned for commercial and the council is considering only the waiver from the masonry requirements.

There being no further speakers Mayor Shetter closed the public hearing. Time: 7:39 P.M.

Motion was made by Jerry Allen and second by Claudia Humphreys to deny the request for a waiver of the masonry construction ordinance B743-06, for a new sporting goods store to be located on 8.98 acres at 1440 S. I-35W.

Motion passed 7-0.

Motion was made by Matt Powell and second by Jim Wadlow to approve the first reading of Ordinance d-076-07, rezoning 1.61 acres from (A) Agricultural to (SP) Site Plan with the second reading as (SP) Site Plan as stated in comments with specific performance requirements as discussed in the meeting.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Chip Stephens to return this item to the Planning and Zoning Commission and request that they evaluate the Industrial and Commercial zoning areas and determine a place for this particular type of zoning, whether it be a Special Use Permit, in one of these particular categories or more specified Industrial Zone.

Motion passed 7-0.

Motion was made by Matt Powell and second by Jim Wadlow to approve Resolution 1074-06, outlining the City Council's legislative priorities for the 80<sup>th</sup> Texas Legislative Session and attach the priority list.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Chip Stephens to authorize the City Manager to execute an agreement for services for Kiosk Sign Construction, Installation and Management with Baker-Clearview Operating LLC.

Motion passed 7-0.

Motion was made by Jim Wadlow and second by Chip Stephens to authorize the City Manager to execute the Sales tax refund agreement between the City of Burleson and FC Restaurant Group, LLC, d/b/a Frescos Cocina Mexicana.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Jim Wadlow to authorize the City Manager to execute a Professional Services Agreement with GSBS for architectural services for the Bartlett Park Recreation Center.

Motion passed 7-0.

Motion was made by Jerry Allen 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. 551.074, personnel matters, 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 7-0. Time: 8:38 P.M.

Motion was made by Stuart Gillaspie and second by Matt Powell to reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

Motion passed 7-0. Time: 8:59 P.M.

Motion was made by Chip Stephens and second by Jerry Allen to direct staff to execute and implement a lease for the exchange of minerals for easements as discussed in executive session.

Motion passed 7-0

Motion was made by Chip Stephens and second by Jerry Allen to implement the settlement discussion relating to the Tolmay litigation as discussed in executive session.

Motion passed 7-0.

Motion was made by Matt Powell and second by Jim Wadlow to remove from the a request by Chesapeake Energy for a gas well drilling permit, known as the Hidden Creek Golf Course Unit, on 220.44 acres located at the northwest corner of Hidden Creek Parkway and I-35W.

Motion passed 7-0.

Motion was made Chip Stephens and second by Jerry Allen to approve the request by Chesapeake Energy for a gas well drilling permit, known as the Hidden Creek Golf Course Unit, on 220.44 acres located at the intersection of Hidden Creek Parkway and Dobson St. adjacent to the current drill site.

Motion passed 7-0.

David Wynn, Director of Engineering, reviewed the Water/Wastewater Impact Fee Report for the first year.

Gary Wisdom, Fire Chief, reported on the new ladder Fire Truck. The truck is state of the art and should be ready for full operations mid to late February.

David Wynn, Director of Engineering, update the council on Mr. Sherrod. Mr. Sherrod addressed the council during Citizens Appearance at the December 14, 2006 regular council meeting. All of Mr. Sherrod concerns have been addressed and he is satisfied.

David Wynn, Director of Engineering, reported to the council that Nelson Hottel resigned his place on the Capital Improvement Advisory Committee. Mr. Del Winn, who is on the Capital Improvements Advisory Committee moved into the city limits and will replace Mr. Hottel. Mr. Winn's, place was representing the ETJ. David Wynn requested that council contact him with any nominations from the ETJ.

Jim Wadlow, complimented Fire Station 2 for being nice to his grandson.

Jerry Allen was glad to see the signal light at Market St. happening.

Chip Stephens expressed his sorrow for Rey Gonzales, Streets Manager, and his family for their loss.

David Wynn, Director of Engineering, updated the council on the left hand turn lanes on Alsbury. Kimbley Horn is moving forward and he expects to bring amendments to the contract forward to council in the near future.

There being no further business, the Mayor declared the meeting adjourned. Time 9:34 P.M.

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Amanda McDowell  
Interim City Secretary