

Memorandum

To: Honorable Mayor Shetter and members of the Burleson City Council

From: Amanda McCrory, City Secretary

Date: January 5, 2009

Subject: Minutes of the December 11, 2008, regular Council session.

Council Action Requested:

Approve the minutes of the December 11, 2008, regular Council session.

Background Information:

Board/Citizen Input:

Financial Considerations:

Attachments:

Minutes of the December 11, 2008, regular Council session.

Staff Contact:

Amanda McCrory
City Secretary
817-447-5400 ext. 277

BURLESON CITY COUNCIL WORK SESSION
December 11, 2008
DRAFT MINUTES

Roll Call:

Council present:

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

Council Absent:

Staff

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

WORK SESSION – Call to order – Time: 6:31 p.m.

1. Presentation of recommendations from the Charter Review Committee.

Bruce Basden, Chair of the Charter Review Committee, introduced the members of the Charter Review Committee to the Council and thanked staff for their work.

Bruce Basden, presented to council the Charter Review Committee's recommendations of amendments to the Charter to be presented to voters at an election.

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

None.

3. 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.

None.

4. Reconvene into open session for possible action.

BURLESON CITY COUNCIL REGULAR SESSION
December 11, 2008
DRAFT MINUTES

Roll Call:

Council present:

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

Council Absent:

Staff

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

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

Invocation – Larry Moore, Seventh Day Adventist.

Pledge of Allegiance

Proclamations & Certificates

Items to be continued or withdrawn

Items to be withdrawn from the consent agenda for separate discussion.

1J. Fence waiver requested for a portion of Plantation Phase II. (Case No. 08-158)

Consent Agenda

1A. Approve the minutes from the November 6, 2008, regular Council session.

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

Motion passed 7-0.

1B. Financial Transactions.

Motion was made by Matt Powell and seconded by Stuart Gillaspie to approve.
Motion passed 6-0. Dan McClendon abstain.

City of Burleson
Financial Transactions

Vendor / Description	Amount	Fund
REQUISITIONS OVER \$3,000:		
Aerial Focus – Update aerial maps for the Engineering Dept.	7,000.00	GF
Collegiate Pacific – Softballs for Hidden Creek Sports Complex.	3,574.45	GF
North Texas Commercial Data Exchange – Burleson Prospector/Economic Development Sight Selection.	4,100.00	GF
Holt Company of Texas – Mini excavator for the Water Services Dept.	49,250.00	ERF
Veripro Construction, LLC – Remodel offices in the Finance Dept.	3,750.00	GF
Corporate Express – Modular furniture for two offices in the Finance Dept.	4,695.35	GF
Magee Architects, LP – Architect fees for Fire Station #3.	128,387.66	4AST
NTRLS – Annual access fee for downloadable books for the Library.	9,500.00	GF
J & J Tree Farm – Oak trees for Bartlett Park.	3,450.00	PDF
Elster Amco Water, Inc. – Fire hydrant meters for the Water Services Dept.	3,365.00	W&S
McNaughton Book Service – Library materials lease for FY 2009.	4,395.30	GF
Orval Hall Excavating Co. – Hidden Creek Parkway ADA Compliance issues.	40,213.00	2001STRBF/ 2005CO
Corporate Express – Modular furniture for the Utility Customer Service Dept.	14,000.00	WSMCP
Soilworks, LLC – Durasoil materials for the test road per revisions to the gas well ordinance.	3,076.01	GF
Johnson County SUD – System development fee on the Fire Station #3 project.	12,500.00	4AST
Vendor/Description	Amount	Fund
Industrial Power Isuzu Truck – Repairs to # 379 garbage truck in the Solid Waste Dept & #397 dump truck in the Street Pavement Maintenance Dept.	6,764.03	ESF
HD Supply Waterworks LTD – Stock materials for the Water Services Dept.	8,131.95	W&S

City of Fort Worth Environmental Management – Household hazardous waste disposal fees for FY 2009.	19,578.00	GF
The Card Connection – Police Dept. trading card program.	5,899.00	SRF
North Central Texas Council of Governments – 2009 aerial photos for the Engineering Dept.	11,056.70	GF
Tri-Tech Construction, Inc. – C/O #2 Additional concrete pavement on the MIGG Phase 3/Irene Street project.	26,356.00	2005CO
McClendon Construction Co., Inc. – C/O #9 Fence, utility adjustments and sodding on the McAllister Road project.	26,030.70	2007GOB
Ingram Library Services – Books and Audio/Visual materials for the Library.	4,924.51	GF
Titliest – Merchandise for resale at the golf course pro-shop.	5,000.00	HCGC
HNTB Corporation – Supplement #1 Platting services for Chisenhall Proper.	24,988.00	2007GOB
HNTB Corporation – Supplement #2 Platting services incorporating Dilmore into Chisenhall Park.	7,139.00	2007GOB
HNTB Corporation – Supplement #3 Development of hydrological model for park.	24,916.00	2007GOB
HNTB Corporation – Supplement #4 Additional hydro study/survey Hidden Creek Parkway.	52,097.00	2007GOB
HNTB Corporation – Supplement #5 Building redesign/ drainage and utility CLOMR/LOMR.	178,498.00	2007GOB
Dunaway & Associates – Additional survey fees on the Oak Valley Trail project.	43,899.23	4BST
Vendor/Description	Amount	Fund
PAYMENTS OF \$3,000:		
Burleson Opportunity Fund – Pending action of the BOF board to transfer the balance of the Burleson Opportunity Fund account plus any deposits in transit not to exceed the amount presented. The current balance is \$46,121.40.	48,427.47	SRF
Ellerbee-Walczak, Inc. - Engineering testing for various capital improvement projects.	3,056.00	2006CO/ 2007CO/ 2008CO
Taylor, Olson, Adkins, Sralla & Elam, LLP - Attorney fees for October 2008.	20,412.10	GF
Ping – Merchandise for resale in the golf course pro-shop.	3,152.16	HCGC
Taylor Made Golf Company, Inc. – Merchandise for resale in the golf course pro-shop.	3,096.41	HCGC
DFW Communications – Minor radio equipment for the Emergency Services Dept.	3,422.32	GF

Hill College – Contribution from the Burleson Opportunity Fund.	27,778.60	SRF
Texas Commission on Environmental Quality – Water system fee for FY 2009.	5,024.52	W&S
North Central Texas Council of Governments – Regional storm water program membership fee.	3,173.00	GF

1C. Award the bid to supply Bio-Diesel Fuel for use in City vehicles and equipment to Petroleum Traders Corporation. (ITB 2009-009)

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

Motion passed 7-0

1D. Award the bid for the purchase of two (2) police replacement motorcycles to Fort Worth Harley Davidson. (ITB 2009-011)

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

Motion passed 7-0

1E. Award the bid for Police Department vehicle equipment replacements to Professional Safety Systems. (ITB 2009-013)

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

Motion passed 7-0

1F. Award the bid for the construction of the 2008 Quil Miller Creek Wastewater Trunk Main Construction Project (Phase 3) and authorize the City Manager to execute the contract and approve change orders not exceeding \$25,000.00

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

Motion passed 7-0

1G. Professional services contract with Alpha Testing for performing construction material testing during the construction of Fire Station 3

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

Motion passed 7-0

1H. Development and Leasing Agreement between Burleson 4A Economic Development Corporation and TIG Real Estate Services, Inc. for the Business Park

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

Motion passed 7-0

1I. License agreement for Texas Midstream Gas Services to install a natural gas transmission line across City owned property located on Lakewood Drive at the new Fire Station 3 site.

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

Motion passed 7-0

1J. Fence waiver requested for a portion of Plantation Phase II. (Case No. 08-158)

- *Removed from Consent Agenda for separate discussion..*

1K. Waiver for exempting landscape islands on a portion of western parking lot for BISD High School #2. (Case 08-063)

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

Motion passed 7-0

1L. Approval of Fraud Policy

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

Motion passed 7-0

Presentations

2A. Mayor's Youth Council presentation of National League of Cities Conference 2008.

Mayor's Youth Council Vice-Chair Caitlan Smelley and member A'ndra Ancy presented to council the programs they attended at the Nation League of Cities Conference 2008.

The Burleson Opportunity Fund Committee presented to the City of Burleson a Certificate of Appreciation for their support of the program.

2B. Citizens Appearance

Diane Emerson, 716 Judith St., Burleson, TX, is opposed to the Garage Sale Ordinance, requirements, and fees.

Jack Ahrend, 821 Crestmont, Burleson, TX, spoke about Chesapeake breaking contract agreements with citizens and wants the city to talk to other cities to see how they can help.

1J. Fence waiver requested for a portion of Plantation Phase II. (Case No. 08-158)

Shai Roos, Director of Community and Economic Development presented to council the Fence waiver requested for a portion of Plantation Phase II. (Case No. 08-158)

Motion was made Chip Stephens and seconded by Dan McClendon with modified area as discussed and adding that the metal fence post be placed on 6 foot centers as opposed to the usual 8 foot.

Motion passed 7-0.

Public Hearings and Related Ordinances

3A. Public Hearing and consideration of a request by Chesapeake Operating, Inc., for a gas well drilling permit for one (1) gas well known as the Mountain Valley Unit 3H on an existing pad site located at 2225 SW Wilshire Boulevard. (Case No. 08-167).

Laura Melton, City Engineering Department, presented the request by Chesapeake Operating, Inc., for a gas well drilling permit for one (1) gas well known as the Mountain Valley Unit 3H on an existing pad site located at 2225 SW Wilshire Boulevard. (Case No. 08-167).

Mayor Shetter opened the public hearing: Time: 8:02 p.m.

Arnold Lester, 2435 Buffalo Run, Burleson, TX, complained about the noise from this site. Would like more noise abatement.

This is the incorrect site and Chesapeake will meet with Mr. Lester about the well site he is talking about.

Mayor Shetter closed the public hearing: Time: 8:21 p.m.

Motion made by Matt Powell and seconded by Stuart Gillaspie to approve.

Motion passed 7-0.

3E. Public Hearing and consideration of a variance for the installation of a water well for irrigation purposes for BISD High School #2.

- *Moved up in the agenda.*

Aaron Russell, Director of Pubic Works & Engineering, presented to council the request for a variance for the installation of a water well for irrigation purposes for BISD High School #2.

Mayor Shetter opened the public hearing: Time: 8:25 p.m.

No speakers

Mayor Shetter closed the public hearing. Time: 8:25 p.m.

Motion made by Carter Mahanay and seconded by Chip Stephens to approve.

Motion passed 7-0.

3B. Public Hearing and consideration of a request by EOG Resources, Inc., for a gas well drilling permit for a revised location of one (1) previously permitted gas well, known as the Pallmeyer Unit 6H, located north of County Road 711 and west of IH 35 W. (Case No. 08-46).

Laura Melton, City Engineering Department, presented to council the request by EOG Resources, Inc., for a gas well drilling permit for a revised location of one (1) previously permitted gas well, known as the Pallmeyer Unit 6H, located north of County Road 711 and west of IH 35 W. (Case No. 08-46).

Mayor Shetter opened the public hearing: Time: 8:27 p.m.

No speakers

Mayor Shetter closed the public hearing. Time: 8:27 p.m.

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

Motion passed 7-0.

3C. Public Hearing and consideration of a request by XTO Energy for a variance and a gas well drilling permit for one (1) gas well, known as the MFG Unit 1H located at 2199 SW Wilshire Boulevard (Case No. 08-166).

Laura Melton, City Engineering Department, presented to council the request by XTO Energy for a variance and a gas well drilling permit for one (1) gas well, known as the MFG Unit 1H located at 2199 SW Wilshire Boulevard (Case No. 08-166).

Mayor Shetter opened the public hearing: Time: 8:34 p.m.

No speakers

Mayor Shetter closed the public hearing. Time: 8:37 p.m.

Motion made by Matt Powell and seconded by Chip Stephens to approved the variance until providing 120 notification to the gas well company if adjacent development occurs within 500 feet of a grading permit being issued or the pad sites goes from 4 acres to 2 acres or by the year end of 2012.

Motion passed 7-0.

3D. Public Hearing and consideration of Ordinance D-095-08 for a specific use permit (SUP) for Joshua Baptist Church, located within single family 7 (SF7) zoning district on a portion of Abstract No. 178 and a portion of Abstract No. 179, H.G.Catlett Survey, Johnson County, Texas along the north side of Wilshire Boulevard between Lakewood Drive and Wicker Hill Road. (Case No. 08-132)

- *Removed from the agenda.*

3E. Public Hearing and consideration of a variance for the installation of a water well for irrigation purposes for BISD High School #2.

- *Moved up in the agenda before 3B.*

Ordinances & Resolutions

4A. No items at this meeting

Contracts & Agreements

5A. Consideration of Capital Lease Purchase of Replacement Fire Apparatus for the amount not to exceed \$520,000.00 and authorize the City Manager to execute.

Gary Wisdom, Fire Chief, presented to council the proposed Capital Lease Purchase of Replacement Fire Apparatus.

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

Motion passed 7-0.

5B. Ordinance C-650-08, approving an electric power contract with Cities Aggregation Power Project, Inc (CAPP) for electric capacity and energy, providing capacity payments as public property finance contractual obligations of the City. (Final Reading)

Rhett Clark, Director of Finance, presented to council Ordinance C-650-08, approving an electric power contract with Cities Aggregation Power Project, Inc (CAPP) for electric capacity and energy, providing capacity payments as public property finance contractual obligations of the City. (Final Reading)

Motion was made by Dan McClendon and seconded by Chip Stephens to deny.

Motion passed. (Ordinance C-650-08 denied). 7-0.

Other Items for Consideration

6A. No items at this meeting

Reports

7A. Discussion of BISD High School #2 Public Infrastructure Improvements

David Wynn, updated the council on BISD High School #2 Public Infrastructure Improvements costs to the City of Burleson and the Burleson Independent School District.

7B. Discussion of policy related to donation of sick or vacation benefits to employees on medical leave who have exhausted accrued benefit time.

Curtis E. Hawk, City Manager, presented to council the proposed change to policy related to donation of sick or vacation benefits to employees on medical leave who have exhausted accrued benefit time.

7C. Report on National League of Cities Conference by Councilmember who attended.

Council members Gillaspie, Wadlow, McClendon, Stephens and Mayor Shetter presented various workshops, classes and educations seminars they all attended at the 2008 National League of Cities Conference.

7D. Discussion of City of Burleson Legislative Agenda

Curtis E. Hawk, City Manager, lead the discussion of the upcoming 2009 Legislative Session Agenda for the City of Burleson.

Executive Session

8A. 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 Jim Wadlow and seconded by Chip Stephens to convene into executive session.

Motion passed 7-0. **Time: 9:36 p.m.**

Motion was made Jim Wadlow and seconded by Chip Stephens to reconvene into executive session.

Motion passed 7-0. **Time: 10:00 p.m.**

There being no further business Mayor Shetter adjourned the meeting.

Time: 10:00 p.m.

Amanda J. McCrory
City Secretary