

## **Memorandum**

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

From: Amanda McCrory, City Secretary

Date: October 19, 2009

Subject: Approval of the minutes of the October 5, 2009, regular Council session.

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### **Council Action Requested:**

Approve the minutes of the October 5, 2009, regular Council session.

### **Background Information:**

### **Board/Citizen Input:**

### **Financial Considerations:**

### **Attachments:**

Minutes of the October 5, 2009, regular Council session.

### **Staff Contact:**

Amanda McCrory  
City Secretary  
817-426-9660

BURLESON CITY COUNCIL WORK SESSION  
October 5, 2009  
DRAFT MINUTES

Roll Call:

Council present:

Stuart Gillaspie  
Jim Wadlow

Council Absent:

Matt Powell

Ken Shetter  
Dan McClendon  
Carter Mahanay  
Chip Stephens

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: 6:10 p.m.**

**1. Child Care Centers in Non-Residential Districts**

Shai Roos, Director of Community & Economic Development presented to council the current Child Care Centers Ordinance.

**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.**

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

Motion passed 6-0. Matt Powell absent. **Time: 6:17p.m.**

**5. Reconvene into open session for possible action.**

Motion was made by Jim Wadlow and seconded by Stuart Gillaspie to reconvene into open session.

Motion passed 6-0. Matt Powell absent. **Time: 6:52 p.m.**

**2. 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, presented to council the results from the Council Sub-Committee rankings.

- *Proclamation for National Night Out – Mayor Shetter presented to Officer Owen and Commander Havens.*

BURLESON CITY COUNCIL REGULAR SESSION  
October 5, 2009  
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: 7:01 p.m.**

**Invocation** – Councilmember Chip Stephens

**Pledge of Allegiance**

**Items to be continued or withdrawn**

**Items to be withdrawn from the consent agenda for separate discussion.**

***1I. Consideration of a bid submitted by Chesapeake Energy for the lease of subsurface minerals (natural gas) on 1.8315 acres of city owned property.***

***1J. Award the bid for Annual Contract for Grounds Maintenance for Medians, Pump Stations and Landscape Bed Maintenance. (ITB 2010-001)***

***1K. Award the bid for Annual Contract for Mowing Rights-of-Way (ROW). (ITB 010-002)***

Consent Agenda

**1A. Approve the minutes from the September 21, 2009 regular Council session.**

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

Motion passed 6-0. Matt Powell absent.

**1B. Financial Transactions.**

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

Motion passed 6-0. Matt Powell absent.

**1C. Ordinance C-653-09, changing the name of the street within West Bend South Addition, Phase 5 from Sunset Drive to Shelley Drive. (Final Reading)**

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

Motion passed 6-0. Matt Powell absent.

**1D. Ordinance D-102-09 request for Zoning Change from Single Family 7 (SF7) to Two-Family Dwelling District (2F) for 228 E. Miller Street. (Case 09-060) (Final Reading)**

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

Motion passed 6-0. Matt Powell absent.

**1E. Preliminary Plat of Lots 1 - 4, Block 1, Preston White Addition located south of the Hidden Creek Parkway and east of Interstate 35W. (Case 09-052)**

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

Motion passed 6-0. Matt Powell absent.

**1F. Preliminary Plat of Lots 1 and 2, Block 1, Buswell Addition located at the southeast intersection of E. Renfro Street and County Road 528. (Case 09-058)**

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

Motion passed 6-0. Matt Powell absent.

**1G. Final Plat of Lot 1, Block 1, Buswell Addition located near the southeast intersection of E. Renfro Street and County Road 528. (Case 09-059)**

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

Motion passed 6-0. Matt Powell absent.

**1H. Professional services contract with Freese & Nichols, Inc. for services related to updating the Water & Wastewater Master Plan and Impact Fees in the amount of \$200,168.**

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

Motion passed 6-0. Matt Powell absent.

**1I. Consideration of a bid submitted by Chesapeake Energy for the lease of subsurface minerals (natural gas) on 1.8315 acres of city owned property.**

*\* Removed from Consent Agenda*

**1J. Award the bid for Annual Contract for Grounds Maintenance for Medians, Pump Stations and Landscape Bed Maintenance. (ITB 2010-001)**

*\* Removed from Consent Agenda*

**1K. Award the bid for Annual Contract for Mowing Rights-of-Way (ROW). (ITB 010-002)**

*\* Removed from Consent Agenda*

**1L. Renew the annual contract for Printing Services to Bennett Printing & Office Supply, Print Team, Inc., and Marfield Corporate Stationery. (ITB 2009-001)**

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

Motion passed 6-0. Matt Powell absent.

**1M. Minute Order MO-09-074, accept Quarterly Investment Report – Period ended 06/30/09.**

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

Motion passed 6-0. Matt Powell absent.

**1I. Consideration of a bid submitted by Chesapeake Energy for the lease of subsurface minerals (natural gas) on (1) .4075 acres of city owned land known as Cindy Park in the H.G. Catlett Survey, Abstract No. 183, Johnson County and (2) 1.424 acres of city owned land in the James M. Moore Survey, Abstract No. 620, Johnson County.**

Peter Krause, Director of Parks & Recreation presented the bid from Chesapeake Energy for the lease of subsurface minerals on 1.8315 acres of city owned property.

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

Motion passed 4-2. Chip Stephens, Dan McClendon, Ken Shetter and Jim Wadlow for. Stuart Gillaspie and Carter Mahanay against. Matt Powell absent.

**1J. Award the bid for Annual Contract for Grounds Maintenance for Medians, Pump Stations and Landscape Bed Maintenance. (ITB 2010-001) to the lowest and best bid, TruGreen Landcare, Inc. for an annual cost of \$45,208.10**

Ike Vera, Parks Manager, presented council the area of Grounds Maintenance for Medians, Pump Stations and Landscape Bed Maintenance.

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

Motion passed 6-0. Matt Powell absent

**1K. Award the bid for Annual Contract for Mowing Rights-of-Way (ROW). (ITB 010-002) to the lowest and best bid S&D Enterprise, Inc. for an annual cost of \$60,243.48.**

Ike Vera, Parks Manager, presented council the area of Mowing Rights-of-Way (ROW).

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

Motion passed 6-0. Matt Powell absent.

Presentations

**2A. Citizens Appearance**

John Zapp, 505 NW 38<sup>th</sup> Street, Hanger 335, Fort Worth, TX 76106 presented to council the Flying Musicians organizations Fly-In Musicfest schedule for November 7, 2009 at Spinks Airport.

Public Hearings and Related Ordinances

**3A. Public Hearing and consideration of a request by Chesapeake Operating, Inc., for a gas well drilling permit for four (4) gas wells, known as the King B 1H, 2H, 3H and 4H on a new pad site located at 405 NE Wilshire Boulevard. (Case No. 08-175)**

Aaron Russell, Director of Public Works and Engineering, presented the request by Chesapeake Operating, Inc., for a gas well drilling permit for four (4) gas wells, known as the King B 1H, 2H, 3H and 4H on a new pad site located at 405 NE Wilshire Boulevard. (Case No. 08-175)

**Mayor Shetter opened the public hearing: Time: 7:35 p.m.**

Collen Wildie, 916 NW Renfro, Burleson, TX, is for the gas well.

Becky Dunbar, 364 NW Hillery, concerned about traffic on road and landscaping.

Dusty Anderson, 100 Energy Way, Fort Worth, TX answered questioned about traffic route and landscape.

**Mayor Shetter closed the public hearing: Time: 7:53 p.m.**

Motion made by Carter Mahanay and seconded by Stuart Gillaspie to approve with the conditions:

- City Attorney approval of all conveyance transactions
- changing the haul route to Hillery Street rather than 174 access road.

Motion passed 6-0. Matt Powell absent.

*\* Moved up in the agenda.*

**7A. Police Crime Report.**

Cindy Aaron, Commander of the Police Department, presented to council the Police Crime Report.

Ordinances & Resolutions

**4A. Resolution R-1101-07(A1009), affirming the nominations for candidates for the Board of Directors for the Central Appraisal District of Tarrant County, Texas.**

Curtis Hawk, City Manager presented R-1101-07(A1009), affirming the nominations for candidates for the Board of Directors for the Central Appraisal District of Tarrant County, Texas.

Motion was made by Chip Stephens and seconded by Carter Mahanay to cast all of City of Burleson votes to John Eubanks.

Motion passed 6-0. Matt Powell absent.

**4B. Resolution R-1102-07(A1009), affirming the nominations for candidates for the Board of Directors for the Central Appraisal District of Johnson County, Texas.**

Motion was made by Dan McClendon and seconded by Chip Stephens to cast 118 votes for Byron Black and 117 votes for R. D. Scott.

Motion passed 6-0. Matt Powell absent.

Contracts & Agreements

**5A. No items for consideration at this time.**

Other Items for Consideration

**6A. MO-09-075, Approval of City Manager's appointment of Library Director.**

Curtis Hawk, City Manager, presented Rodney Bland as the candidate for Library Director.

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

Motion passed 6-0. Matt Powell absent.

Reports

**7A. Police Crime Report.**

*\* Moved up in the agenda.*

**7B. Council Committees.**

\* Discussed in Work session.

**7C. Community Interest Items.**

October 10, 2009 Founder's Day event.

November 7, 2009 Veteran's Day event.

**7D. Report on Storm Damage to City Property.**

Peter Krause, Director of Parks & Recreation presented to council the damage to Bartlett Park.

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.**

None.

There being no further business Mayor Shetter adjourned the meeting.

Time: 8:38 p.m.

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Amanda J. McCrory  
City Secretary