

September 21, 2009

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## **Memorandum**

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

From: Amanda McCrory, City Secretary

Date: September 21, 2009

Subject: Approval of the minutes of the September 8, 2009, regular Council session.

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### **Council Action Requested:**

Approve the minutes of the September 8, 2009, regular Council session.

### **Background Information:**

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

### **Financial Considerations:**

### **Attachments:**

Minutes of the September 8, 2009, regular Council session.

### **Staff Contact:**

Amanda McCrory  
City Secretary  
817-426-9660

BURLESON CITY COUNCIL WORK SESSION  
September 8, 2009  
DRAFT MINUTES

**NO WORK SESSION**

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  
David Wynn, Deputy City Manager  
Allen Taylor, City Attorney

**WORK SESSION – Call to order –**

- 1. Discussion of Conceptual Business Park Master Plan.**
- 2. Discussion of all items on tonight's meeting. No action will be taken and each item will be considered during the Regular Session.**
- 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.**
- 4. Reconvene into open session for possible action.**

BURLESON CITY COUNCIL REGULAR SESSION  
September 8, 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  
David Wynn, Deputy City Manager  
Allen Taylor, City Attorney

**REGULAR SESSION – Call to order – Time: 7:01 p.m.**

**Invocation** – Jeff Gehle - St. Matthew Cumberland Presbyterian Church

**Pledge of Allegiance**

**Proclamations**

**Items to be continued or withdrawn**

**Items to be withdrawn from the consent agenda for separate discussion.**

*1H. Renewal of School Resource Officer (SRO) contract.*

Consent Agenda

**1A. Approve the minutes from the August 17, 2009 and the August 31, 2009.**

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

Motion passed 6-0. Matt Powell absent.

**1B. Financial Transactions.**

**City of Burleson  
Financial Transactions**

Vendor / Description	Amount	Fund
<b>REQUISITIONS OVER \$3,000:</b>		
Charter Communications – Fiber & internet access	4,928.40	GF
HD Supply Waterworks LTD – meters with registers, registers with sub antenna, water hose nozzles, meter boxes	76,774.97	WW
Anderson Machinery – Bomag roller with trailer for Streets	46,845.00	GF
Interstate Trailers – Heavy duty trailer for Streets	15,645.00	GF
TEEX – training for fire dept. Structural collapse tech 2 class	10,400.00	GF
John Deere Landscaping – plants for fire station 3	4,154.70	GF
Mighty Green – hydro mulching for fire station 3	3,100.00	GF
Green Equipment – Gator service camera	7,791.95	WW
<b>PAYMENTS OVER \$3,000:</b>		
Ellerbe Walczak Inc. – engineering lab charges	10,632.50	GF, 2006 CO Str/Drng, 2008 CO Str/Drng, 2008 Eco Dev

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

Motion passed 6-0. Matt Powell absent.

**1C. Final Plat of Lot 1, Block 1, Lakewood Plaza located on the northwest corner of the SW Wilshire Boulevard and Lakewood Drive intersection. (Case 09-038)**

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

Motion passed 5-0. Carter Mahanay abstained. Matt Powell absent.

**1D. Ratification of the 4A Economic Development Corporation's approval of Resolution 4A090809, Conceptual Master Plan and funding for platting of the Business Park.**

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

Motion passed 6-0. Matt Powell absent.

**1E. Ratification of the 4A Economic Development Corporation's approval of Resolution 4A090809BOF.**

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

Motion passed 6-0. Matt Powell absent.

**1F. Professional services contract with Dunaway and Associates for platting and preliminary engineering work related to the Burleson Business Park.**

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

Motion passed 6-0. Matt Powell absent.

**1G. Renewal of Drug Awareness Resistance Education (DARE) Officer contract.**

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

Motion passed 6-0. Matt Powell absent.

**1H. Renewal of School Resource Officer (SRO) contract.**

*\*Removed for separate discussion.*

**1I. Lease agreement with Williams Scotsman for installation of modular offices at the Public Works Service Center.**

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

Motion passed 6-0. Matt Powell absent.

**1J. Renewal of ITB 2006-032 Auto and Light Truck Body Repair.**

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

Motion passed 6-0. Matt Powell absent.

**1K. Request for a two year extension of the approval of the final plat of Mistletoe Hill Phase Five located north of McAllister Road at the intersection of Park Meadow Lane. (Case 07-042)**

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

Motion passed 6-0. Matt Powell absent.

**1H. Renewal of School Resource Officer (SRO) contract.**

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

Motion passed 6-0. Matt Powell absent.

Presentations

**2A. Citizens Appearance**

None

Public Hearings and Related Ordinances

**3A. Public hearing and consideration of a variance for the installation of a water well for irrigation purposes for a Joshua ISD Middle School Site located at 6801 FM 1902. (Case 09-053)**

Aaron Russell, Director of Public Works made a presentation on a variance for the installation of a water well for irrigation purposes for a Joshua ISD Middle School Site located at 6801 FM 1902. (Case 09-053)

**Mayor Shetter opened the public hearing: Time: 7:16 p.m.**

No speakers.

**Mayor Shetter closed the public hearing: Time: 7:17 p.m.**

Motion made by Stuart Gillaspie and seconded by Carter Mahanay to approve.

Motion passed 6-0. Matt Powell absent.

**3B. Public hearing and Ordinance D-101-09, a request for a Specific Use Permit (SUP) for child care as a home occupation (in single family dwelling unit) located at 385 Meadow Ridge Drive (Case 09-056) (First Reading)**

Shai Roos, Director of Community and Economic Development, made a presentation on Ordinance D-101-09, a request for a Specific Use Permit (SUP) for child care as a home occupation (in single family dwelling unit) located at 385 Meadow Ridge Drive (Case 09-056) (First Reading)

Angela Marzahn Stonitsch, 385 Meadow Dr. Burleson, applicant answered questions .

**Mayor Shetter opened the public hearing: Time: 7:30 p.m.**

No speakers

**Mayor Shetter closed the public hearing. Time: 7:30 p.m.**

Motion was made Dan McClendon and seconded by Carter Mahanay to approve.

Motion passed 6-0. Matt Powell absent.

**3C. Remove from the table, and Public Hearing on a request by Chesapeake Operating, Inc., for a gas well drilling permit with a variance for four (4) gas wells, known as the HOG A 1H and 4H, HOG B 1H and Unicorn 1H on a new pad site located at 755 SW Wilshire Boulevard (Case Nos. 09-030, 09-057 and 09-080).**

Motion was made by Stuart Gillaspie and seconded by Chip Stephens to remove from the table.

Motion passed 6-0. Matt Powell absent.

Aaron Russell, Director of Public Works made a presentation on a request by Chesapeake Operating, Inc., for a gas well drilling permit with a variance for four (4) gas wells, known as the HOG A 1H and 4H, HOG B 1H and Unicorn 1H on a new pad site located at 755 SW Wilshire Boulevard (Case Nos. 09-030, 09-057 and 09-080).

**Mayor Shetter opened the public hearing: Time: 7:40 p.m.**

Dan Steblay, 101 NW Newton, Burleson, TX is in favor of the gas well.

John Cashion 113 Thousand Oaks Ln, Joshua, TX is in favor of the gas well option B.

Bobby Humphreys, 564 Tanglewood Dr., Burleson, TX had concerns regarding transportation lines.

William E. Hawkins, 915 W. Tanglewood, Irving, TX is in favor of the gas well option A.

Linda Haas, 309 SW Dian, Burleson, TX is in favor of gas well option A.

Herman D. Wardlaw, 3709 Walton Ave. Fort Worth, TX is against the gas well.

John Unangst, 363 Aviator Dr. Fort Worth, TX is in favor of the gas well option A.

David Hart, 716 Ash, Burleson, TX is in favor of the gas well.

Angela Cox, 5201 Comanche Rd, Godley, TX feels the council should take a moral look at Chesapeake before they continue to do business with them and would also like the city to post gas well fund information on the city's website.

Vedon Otto, 219 Linda, Burleson, TX had concerns regarding Cleburne earth quakes.

Leslee Ahrend 821 Crestmont Dr, Burleson, TX had concerns regarding the Rail Road Commission denying Chesapeake permits and truck traffic.

Chesapeake Energy, Dusty Anderson and Greg Macksood 100 Energy Way, Fort Worth, TX addressed citizen's questions.

Gary Smith 702 NW Summercrest, Burleson, TX made comment on truck traffic.

Charlie Vess 3317 Moss Creek Dr, Grapevine, TX wanted to know if Chesapeake would be grandfathered regarding fracing.

**Mayor Shetter closed the public hearing. Time: 8:42 p.m.**

Motion was made by Dan McClendon and seconded by Jim Wadlow to approve option A.

Motion passed 6-0. Matt Powell absent.

*Break 8:46 p.m. to 8:55 p.m.*

Stuart Gillaspie left the meeting at 8:46 p.m.

**3D. Public Hearing on the proposed 2009 tax rate of \$0.6940 and announcement of the dates for the vote on the 2009 tax rate.**

Rhett Clark, Director of Finance made a presentation on the proposed 2009 tax rate of \$0.6940 and announcement of the dates for the vote on the 2009 tax rate.

**Mayor Shetter opened the public hearing: Time: 9:26 p.m.**

No speakers

**Mayor Shetter closed the public hearing. Time: 9:26 p.m.**

*Mayor Shetter announced the City Council will vote on the tax rate on First Reading on September 08, 2009 at the regular council meeting that will start at 7:00 p.m. and Final Reading on September 21, 2009 at the regular council meeting that will start at 7:00 p.m. All meetings will take place at the Burleson City Hall, 141, W. Renfro, Burleson, TX.*

Ordinances & Resolutions

**4A. Ordinance C-633-07(B0909), setting the 2009 ad valorem Tax Rate at \$0.6940. (First Reading)**

Motion was made by Carter Mahanay and seconded by Jim Wadlow to approve.

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

**4B. Ordinance C-632-07(B0909), revising budget figures for fiscal year 2008-2009 and adopting the 2009-2010 Annual Operating Budget. (First Reading)**

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

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

**4C. Ordinance C-634-07(C0909), establishing rates to be charged for water and wastewater service in the City of Burleson. (First Reading)**

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

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

Contracts & Agreements

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

Other Items for Consideration

**6A. Supplemental Agreement Number One with HNTB for creation of the Park and Trail Master Plan.**

Peter Krause, Director of Parks made a presentation on the Supplemental Agreement Number One with HNTB for creation of the Park and Trail Master Plan.

Motion was made by Jim Wadlow and seconded by Dan McClendon to approve in the amount of \$80,000.00.

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

**6B. Minute Order MO-08-024(A0909) amending the Policy for the Activation of the Outdoor Emergency Warning System and Connect CTY.**

Gary Wisdom, Fire Chief made a presentation on Minute Order MO-08-024(A0909) amending the Policy for the Activation of the Outdoor Emergency Warning System and Connect CTY.

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

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

Reports

**7A. Report on HB 55, Cell Phone use in School Zone.**

Curtis Hawk, City Manager, presented to council HB 55, Cell Phone use in School Zone.

**7B. Community Interest Items.**

Events announced:

Taste of Burleson, September 12

November 3, 2009, fundraiser for Burleson Opportunity Fund at Premier Cinema

September 10, 2009 is Homecoming Parade

September 11, 2009 is Homecoming Game

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 5-0. Stuart Gillaspie and Matt Powell absent. **Time: 10:01 pm**

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

Motion passed 5-0. Stuart Gillaspie and Matt Powell absent. **Time: 10:31 p.m.**

There being no further business Mayor Shetter adjourned the meeting.

Time: 10:31 p.m.

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Cathy Bourg  
Deputy City Secretary