

September 8, 2009

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## **Memorandum**

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

From: Amanda McCrory, City Secretary

Date: September 8, 2009

Subject: Approval of the minutes of the August 17, 2009, regular Council session and the August 31, 2009 special session.

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### **Council Action Requested:**

Approve the minutes of the August 17, 2009, regular Council session and the August 31, 2009 special session.

### **Background Information:**

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

### **Financial Considerations:**

### **Attachments:**

Minutes of the August 17, 2009, regular Council session.  
Minutes of the August 31, 2009 special session

### **Staff Contact:**

Amanda McCrory  
City Secretary  
817-426-9661

BURLESON CITY COUNCIL WORK SESSION

August 17, 2009

DRAFT MINUTES

Roll Call:

Council present:

Stuart Gillaspie  
Jim Wadlow  
Matt Powell  
Ken Shetter  
Dan McClendon  
Carter Mahanay  
Chip Stephens ( 6:16 pm)

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: 6:15 p.m.**

- 1. Discussion of possible revision of Policy MO-08-024, activation of the Outdoor Emergency Warning System and Connect CTY.**

Gary Wisdom, Fire Chief and Brent Batla, Battalion Chief presented the possible revisions to Policy MO-08-024.

- 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  
August 17, 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: 7:14 p.m.**

**Invocation** – Chris Wigley, First Baptist Church

**Pledge of Allegiance**

**Proclamations**

**Items to be continued or withdrawn**

**Items to be withdrawn from the consent agenda for separate discussion.**

Consent Agenda

**1A. Approve the minutes from the August 3, 2009 regular council meeting.**

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

Motion passed 7-0.

**1B. Financial Transactions.**

City of Burleson  
Financial Transactions

Vendor / Description	Amount	Fund
<b>REQUISITIONS OVER \$3,000:</b>		
Lindsey Contractors – Asphalt for Streets	\$24,500.00	GF
Elrod Fence Company – Fence for Burleson Memorial Cemetery	21,500.00	Cemetery fund
Meador Chrysler Jeep – Auto parts	6,547.86	ESF
Visual Innovations Co. – Lcd monitor & overlay, wallmount, cable set for the mobile command vehicle	6,289.00	GF
Royal Truck Body – Change out bed on vehicle #144	8,145.00	GF
Sungard Public Sector – HTE training – Code Enforcement	5,500.00	GF
James C. Kelly – Easement acquisition for Alsbury Blvd. sidewalk construction	7,000.00	2005 GOB Eng. Projects
M.P.S. – Emergency repair of golf course irrigation well pump	13,965.20	HGC
Jana Lynch – change order to increase PO 207158 by \$2,400 for Progress Report to bring total PO to \$17,400	2,400.00	GF & WW
Buy.com – Headsets for new phone system	4,750.00	GF & WW
Elster Amco Water Inc – HT4000 Fire hydrant meter & direct head register	3,425.00	WW
Consolidated Traffic Controls – Back up power supply, traffic signal Hidden Creek	4,850.00	GF

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

Motion passed 7-0.

**1C. Ordinance C-652-09, approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the company's rate review mechanism filing, and setting just and reasonable rates. (Final Reading)**

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

Motion passed 7-0.

**1D. Ordinance D-100-09, a request for a Specific Use Permit (SUP) for childcare as a home occupation (in single-family dwelling unit) located at 525 NW Jayellen Avenue, Burleson, Texas 76028. (Final Reading) (Case 09-043)**

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

Motion passed 7-0.

**1E. Resolution R-1093-07(A0809), adopting guidelines and criteria for the economic development incentives program.**

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

Motion passed 7-0.

**1F. Request from Chesapeake Energy for a license agreement for the purpose of installing an electrical transmission line to operate required pad site facilities at the Burleson Cemetery pad site.**

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

Motion passed 7-0.

**1G. Preliminary Plat of Lots 1 and 2, Block 1, Lakewood Plaza located on the northwest corner of the SW Wilshire Boulevard and Lakewood Drive intersection. (Case 09-037)**

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

Motion passed 6-0. Carter Mahanay abstained.

**1H. Ratify Burleson Community Service Corporation (4B Corporation) Resolution 4B081709.**

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

Motion passed 7-0.

Presentations

**2A. Citizens Appearance**

None

Public Hearings and Related Ordinances

**3A. Public hearing and Ordinance D-067-06 (A0509), a request for an amendment to Section 2 of the Planned Development (PD) Zoning Ordinance (D-067-06) for Valley View Estates, located west of S**

**Dobson Street and north of County Road 714. (Final Reading) (Case No. 08-164a).**

Shai Roos, Director of Community and Economic Development presented to council Ordinance D-067-06 (A0509), a request for an amendment to Section 2 of the Planned Development (PD) Zoning Ordinance (D-067-06) for Valley View Estates, located west of S Dobson Street and north of County Road 714. (Final Reading) (Case No. 08-164a).

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

Sherry Jones, 108 Pine view, Burleson, TX, wanted to make sure all her rights were the same as discussed in the first reading of the ordinance as a current homeowner in Valley View Estates.

**Mayor Shetter closed the public hearing: Time: 7:33 p.m.**

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

Motion passed 6-0. Carter Mahanay abstained.

**3B. Public hearing and Replat of Valley View Estates (Block 1, Lots 1, 9, 10, and 17 and Block 2, Lots 1, 2, and 10 – 25) located west of S Dobson Street and north of County Road 714 (Case 08-164b).**

Shai Roos, Director Community and Economic Development presented to council the Replat of Valley View Estates (Block 1, Lots 1, 9, 10, and 17 and Block 2, Lots 1, 2, and 10 – 25) located west of S Dobson Street and north of County Road 714 (Case 08-164b)

**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 Stuart Gillaspie and seconded by Jim Wadlow to approve.

Motion passed 6-0. Carter Mahanay abstained.

**3C. Public hearing and waiver of Section 5.4.C.4a of the Design Standards Manual for the fire hydrant spacing requirement and consideration of a Final Plat of Lots 1-3, Block 7, Easthill Subdivision located on the east side of CR 800A south of East FM 917. (Case 09-045)**

Shai Roos, Director of Community and Economic Development presented the waiver of Section 5.4.C.4a of the Design Standards Manual for the fire hydrant spacing requirement and consideration of a Final Plat of Lots 1-3, Block 7, Easthill Subdivision located on the east side of CR 800A south of East FM 917. (Case 09-045)

**Mayor Shetter opened the public hearing: Time: 7:41 p.m.**

No speakers

**Mayor Shetter closed the public hearing. Time: 7:41 p.m.**

Motion made by Matt Powell and seconded by Jim Wadlow to approve waiver of Section 5.4.C.4a of the Design Standards Manual for the fire hydrant spacing requirement

Motion passed 7-0.

Motion was made by Matt Powell and seconded by Jim Wadlow to approve the Final Plat of Lots 1-3, Block 7, Easthill Subdivision located on the east side of CR 800A south of East FM 917. (Case 09-045)

Motion passed 7-0.

**3D. Public Hearing and 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).**

Aaron Russell, Director of Public Works and Engineering presented to council the and 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: 7:49 p.m.**

Belinda Robinson, 824 Pine Mountain, Burleson, is against the gas well.

Leslee Ahrend, 821 Crestmont, Burleson, TX is against the gas well.

Jack Ahrend, 821 Crestmont, Dr. Burleson, TX is against the gas well.

John Cashion, 724 Ash, Burleson, TX (113 Thousand Oaks Lane, Joshua, TX) is against the gas well.

Joan Asmus, 721 Crestmont, Burleson, TX is against the gas well.

Jack Coker, 3301 CR 530B, Burleson, TX is against the gas well.

Ray Barbee, 500 NW Barbara Lane, is against the gas well.

Scott Hadley, 812 Ryanfield Court, Speakers is in favor of the gas well.

Judy Trice, 712 Grand Court, Burleson, TX, is against the gas well.

Jerry Carlson, 221 SW Murphy, Burleson, TX is against the gas well.

Shirley Blex, 709 Ridge Hill, Burleson, TX is against the gas well.

**Mayor Shetter closed the public hearing. Time: 8:45 p.m.**

**8A. Executive Session: Pursuant to Sec. 551.071(1)a, (1)b, and (2), consultation with its Attorney: The City Council may conduct private consultations with its attorneys when the City Council seeks the advice of its attorney concerning any item on this agenda, about pending and contemplated litigation, or a settlement offer; or a matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code.**

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

Motion passed 7-0. **Time: 8:46 p.m.**

Motion made by Matt Powell and seconded by Chip Stephens to reconvene into open session.

Motion passed 7-0. **Time: 9:14 p.m.**

Greg Macksood, 100 Energy Way, Fort Worth, Chesapeake representative answered questions from the council.

Motion was made by Dan McClendon to approve.

Motion dies for lack of a second.

Motion was made by Matt Powell and seconded by Chip Stephens to deny the permit.

Motion failed 2-4.1 no vote. Matt Powell and Chip Stephens for. Jim Wadlow, Ken Shetter, Carter Mahanay and Dan McClendon against. Stuart Gillaspie no vote.

Motion was made by Chip Stephens and seconded by Stuart Gillaspie to the next scheduled council meeting.

Motion passed 6-1. Dan McClendon against.

Break: 9:42 p.m. to 9:47 p.m.

#### Ordinances & Resolutions

**4A. Ordinance B-786-09, amending Chapter 86, "Vegetation" and Article II "Trees and Shrubbery" of the Code of Ordinances of the City of Burleson by adopting a new Chapter 86, "Trees" and a new Article II, "Tree Preservation", establishing regulations for tree preservation and tree planting in the City. (Final Reading)**

Shai Roos, Director of Community and Economic Development presented to council Ordinance B-786-09, amending Chapter 86, "Vegetation" and Article II "Trees and Shrubbery" of the Code of Ordinances of the City of Burleson by adopting a new Chapter 86, "Trees" and a new Article II, "Tree Preservation", establishing regulations for tree preservation and tree planting in the City. (Final Reading)

Kathie Moss, 412 Nathan, Burleson, TX, pastor of Community of Christ Church property is in environmentally sensitive area. Wanted to know more about the ordinance and how it would effects their existing site.

Angela Cox, 5201 Comanche Road, Godley, TX, is worried that the poor economy is a bad time to adopt this ordinance. Is there a cost to the citizens of Burleson.

Albert Bledsoe, 1401 Fox Lane, Burleson, TX is against the ordinance.

Mick Grady, 1401 Lagoon Lake, Fort Worth (100 Quail Lane, Joshua, TX) what is the plan for water.

Mark Basham, 720 Georgia Ave., Burleson, TX the city should have an arborist on the Tree Ordinance Committee.

Bruce Basden, 716 Flamingo Circle, Burleson TX is against the ordinance.

Mike Murphy, 912 Bridle Path, Burleson, TX is against the ordinance.

Genny Brown, 901 Oak Crest Ct, Burleson, TX is a realtor. Is against the ordinance.

Barry Schlech, 3515 Country Vista, is against the ordinance.

Staci & Stephen Eisner, 200 Man O' War, Burleson, TX is worried about how this will affect her property.

Sherry Jones, 108 Pine view, Burleson, TX is against the ordinance.

Bill Mahanay, 113 SE Newton, Burleson, TX is against the ordinance.

Sue Sistrunk, 133 S. Scott, Burleson, TX is against ordinance.

Chuck Heasley, PO Box 50593, Denton, TX is against the ordinance.

Jeff Master, 910 Royal Court, Burleson, TX, is against the ordinance.

William Jones, 108 Pine View, Burleson, TX is against the ordinance.

Dale Dexheimer, 720 Carol Lane, Burleson, TX is in favor of the ordinance.

Patricia Dexheimer, 720 Carol Lane, Burleson, TX is in favor of the ordinance.

Motion was made by Chip Stephens and seconded by Stuart Gillaspie to deny.

Motion passed 6-1. Ken Shetter against.

#### Contracts & Agreements

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

#### Other Items for Consideration

**6A. Final Plat of Lot 1, Block A of Chisenhall - Dilmore Addition located along the south side of Hidden Creek Parkway east of Irene Street. (Case No. 08-25).**

Shai Roos, Director of Community and Economic Development presented to council Final Plat of Lot 1, Block A of Chisenhall - Dilmore Addition located along the south side of Hidden Creek Parkway east of Irene Street. (Case No. 08-25).

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

Motion passed 7-0.

#### Reports

**7A. Discussion of Issues Related to Preparation of the FY 09-10 Budget.**

None

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: 1:13 am August 18, 2009 Tuesday**

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

Motion passed 7-0. **Time: 1:36 a.m. August 18, 2009 Tuesday**

Motion was made by Jim Wadlow and seconded by Carter Mahanay to approve the purchase agreements as discussed in executive session.

Motion passed 7-0.

There being no further business Mayor Shetter adjourned the meeting.

Time: 1:37 a.m. August 18, 2009, Tuesday

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Amanda J. McCrory  
City Secretary

BURLESON CITY COUNCIL SPECIAL SESSION

August 31, 2009

DRAFT MINUTES

Roll Call:

Council present:

Stuart Gillaspie  
Jim Wadlow  
Matt Powell  
Ken Shetter

Council Absent:

Dan McClendon

Carter Mahanay

Chip Stephens

Staff

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

**REGULAR SESSION – Call to order – Time: 6:12p.m.**

**Invocation** – Mayor Ken Shetter

**Pledge of Allegiance**

**Proclamations**

**Items to be continued or withdrawn**

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

Consent Agenda**1A. Financial Transactions.**

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

Motion passed 5-0. Dan McClendon and Chip Stephens absent.

**City of Burleson  
Financial Transactions**

Vendor / Description	Amount	Fund
<b>REQUISITIONS OVER \$3,000:</b>		
M.K. Allen Construction – Concrete work for Streets maintenance	\$3,550.00	GF
Sutphen Towers Inc. – Repairs to certify 7137 fire pump system annual inspection	6,968.29	ESF
Arnold Crushed Stone – crushed limestone for Streets	3,400.00	GF
Liquid Stone Concrete – Streets, sand for icy roads	3,300.00	GF
Centerline Supply Inc. – Streets, post driver	3,850.00	GF
GSBS – Community Facility Study for PD	7,200.00	GF
Ergon Inc. – Streets, CRS2-H chip sealing, asphalt, oil	33,660.00	GF
Tarrant County ME – PD C/O add \$1,500.00 to PO 207046 for total of \$4,500.00	1,500.00	GF
Nortex Concrete – Concrete raising	4,050.00	GF

Public Hearings**2A. Public hearing on the Proposed FY 2009-2010 Operating Budget.**

Rhett Clark, Finance Director, presented the Proposed FY 2009-2010.

**2B. Public hearing on the 2009 tax rate and announcement of the dates for the vote on the 2009 tax rate.**

Rhett Clark, Finance Director, presented the 2009 tax rate.

**Mayor Shetter opened the public hearing on the Budget FY 09-10 and the Tax Rate: Time: 6:46 p.m.**

JoAnne Smith, 304 Meandering Lane, new citizen, would like to know, if there are any pay increases scheduled for employees.

Harold Noble, 921 Jessica Drive, Burleson wanted to clarify if the tax rate will increased from last year.

**Mayor Shetter closed the public hearing: Time: 6:56 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 Council Chambers, 141, W. Renfro, Burleson, TX.*

Executive Session

**3A. 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: 7:00p.m.

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Amanda J. McCrory  
City Secretary