

Council Work Session
June 22, 2006

The Burleson City Council met in a work session on June 22, 2006, in the Burleson City Hall, 141 W. Renfro, Burleson, Texas. Mayor Shetter called the meeting to order at 6:16 P.M., the following members present: Ken Shetter, Stuart Gillaspie Jim Wadlow, Matt Powell, Claudia Humphreys, and Chip Stephens. Jerry Allen absent.

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

Council viewed a video of the accident on I35W on June 13, 2006.

Allison Thompson, Director of Economic Development and Mark Eder, Director of Information Technology, presented their departmental budget requests.

Motion was made by Matt Powell 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. 551.076, 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. Jerry Allen absent. Time 6:40 PM

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

Motion passed 6-0. Jerry Allen absent. Time 7:05 PM

The Mayor presented a proclamation to David McDowell, Recreation Manager, for Parks and Recreation Week.

Council Session
June 22, 2006

The Burleson City Council met in a regular session on June 22, 2006, in the Burleson City Hall, 141 W. Renfro, Burleson, Texas. Mayor Shetter called the meeting to order at 7:00 P.M., the following members present: Ken Shetter, Stuart Gillaspie, Jim Wadlow, Matt Powell, Claudia Humphreys, and Chip Stephens. Jerry Allen absent.

City Manager, Curtis E. Hawk; Deputy City Manager, Paul Cain; Assistant City Attorney, Wayne Olson and other interested citizens were also present.

Motion was made by Matt Powell and second by Claudia Humphreys to

approve the minutes from the May 16, 2006 special session and June 8, 2006 regular meeting.

Motion passed 6-0. Jerry Allen absent.

Motion was made by Matt Powell and second by Claudia Humphreys to approve the following purchase requisitions and payments: General Fund - purchase requisitions: 1) \$ 5,599.00 – Acom Solutions, 2) \$ 3,635.98 – KS2 Technologies, 3) \$ 5,088.59 – HTE Inc., 4) \$ 4,335.00 – C&C Gates, 5) \$ 15,500.00 – Kimley-Horn and Asso., Inc. Special Revenue Fund - purchase requisitions – 1) \$ 3,859.75 – American Detection. 2001 Sales Tax Revenue Bond Fund – 4B - purchase requisitions: 1) \$ 4,687.50 – Magee Associates, LP. Water and Wastewater Fund - purchase requisitions: 1) \$4,769.00 – Wallace Control and Electric, Inc., 2) \$ 52,500 – Hughes Supply, Inc. Equipment Replacement Fund – 1) \$ 38,950.00 – Industrial Disposal Supply General Fund/Water and Wastewater Fund - purchase requisitions: 1) \$ 36,810.00 – HTE, Inc. Equipment Services Fund/Equipment Replacement Fund - purchase requisitions – 1) \$ 3,315.00 – Priority Public Safety. General Fund/2001 Sales Tax Revenue Bond Fund – 4A - purchase requisitions: 1) \$ 9,751.75 - Taylor, Olson, Adkins, Sralla & Elam, LLP.

Motion passed 6-0. Jerry Allen absent.

Motion was made by Matt Powell and second by Claudia Humphreys to approve the first reading of Ordinance C-598-06, denying the request of Atmos Energy Corp., Mid-Tex Division, for an annual Gas Reliability Infrastructure Program (GRIP) rate increase.

Motion passed 6-0. Jerry Allen absent.

Motion was made by Matt Powell and second by Claudia Humphreys to approve the final reading of Ordinance B-743-06, amending Chapter 10, Buildings and Building Regulations, of the Burlson Code of Ordinances, by adding Article XVI Masonry Construction Standards (Case 06-006)

Motion passed 6-0. Jerry Allen absent.

Motion was made by Matt Powell and second by Claudia Humphreys to approve the final reading of Ordinance C-597-06, approving the Project and Financing Plan for Tax Increment Finance Reinvestment Zone Number Two.

Motion passed 6-0. Jerry Allen absent.

Motion was made by Matt Powell and second by Claudia Humphreys to approve the final reading of Ordinance B-752-06, amending Article II, Section 12 and Article III, Section 27 of Ordinance B-582, Zoning Ordinance of the City of Burleson Code of Ordinances to allow Drop-In Child Care Uses within the (C) Commercial zoning district. (Case 06-061)

Motion passed 6-0. Jerry Allen absent.

Motion was made by Matt Powell and second by Claudia Humphreys to approve the Resolution 1056-06, denying the request of Atmos Energy Corp., Mid-Tex Division's statement of intent to increase the gas utility rates in the city.

Motion passed 6-0. Jerry Allen absent.

Motion was made by Matt Powell and second by Claudia Humphreys to approve the Final Plat for Lots 1-11, Block 1, Devonshire Phase 2, 25.897 acres located east of County Road 808, south of FM 917. (Case 06-075)

Motion passed 6-0. Jerry Allen absent.

Motion was made by Matt Powell and second by Claudia Humphreys to approve the final plat for Lot 1, Block 1, Eubank Addition, 2.903 acres located north of Fox Lane, east of East Renfro Street. (Case 06-081)

Motion passed 6-0. Jerry Allen absent.

Motion was made by Matt Powell and second by Claudia Humphreys to approve the Final Plat for Lots 1-17, Block 1, Lots 1-25, Block 2, 33.668 acres of Valley View Estates Phase I located north of County Road 714 and west of Dobson Road. (Case 06-066) contingent on the installation of a public sanitary sewer system.

Motion passed 6-0. Jerry Allen absent.

Motion was made by Matt Powell and second by Claudia Humphreys to approve the Final Plat for Lots 1-20, Block 1 and Lot 1, Block 2 of Rolling Meadows Phase Four 25.35 acres located east of County Road 602, west of East Renfro Street. (Case 06-082).

Motion passed 5-0. Jerry Allen absent. Claudia Humphreys abstained.

Motion was made by Matt Powell and second by Claudia Humphreys to approve the payments to TXU Electric Delivery in the amount of \$29,896.94 and United Cooperative Services in the amount of \$31,970.60 for costs associated with the installation of street lights on Hidden Creek Parkway.

Motion passed 6-0. Jerry Allen absent.

Clayton Husband, Director of Planning and Community Development gave the

staff report on a request by North Texas Llano Operating Company for a gas well drilling permit on 159.86 on the north side of E Renfro St, west of Hurst Rd (Case No. 06-064)

The Mayor opened a public hearing on a request by North Texas Llano Operating Company for a gas well drilling permit on 159.86 on the north side of E Renfro St, west of Hurst Rd (Case No. 06-064)

Jimmy Duke, 261 S. Hurst Road, is opposed to the drill site.

Helen Wallace, 717 Wyche Court, has concerns about the location of the horizontal drilling and the fact that there is a gas line in the vicinity of the drill site.

Craig Dodson, (no address given) owns two lots in Flamingo Estates and has 6 under contract. Has safety concerns.

Stephen R. Keene, 200 N. Main St, Suite 101, Mansfield TX, representing North Texas Llano, the well will be 8400 ft vertical, 90 degree turn south for a 4000 foot depth well. Spoke about the safety record of the company, safety procedures, addressed noise mitigation, 28 days to drill, 2 weeks to complete the well. Fence will be erected around the well site.

John Neill, no address, concerns about property values decreasing and a day care that will be within 500 feet.

Bruce Basden, 756 Douglas, (will live in Flamingo Estates) property owner where well will be drilled. Location is industrial, the housing addition (Flamingo Estates) is less than 500 feet from an industrial facility. Burleson Independent School District will own 85% of the mineral rights. Screening already exists.

Council concerns: not consistent with previous applications regarding 500 feet from residential, not equitable, closer to day care is a concern.

There being no more speakers, the Mayor closed the public hearing.

Motion was made by Stuart Gillaspie and second by Matt Powell to deny a request by North Texas Llano Operating Company for a gas well drilling permit on 159.86 on the north side of E Renfro St, west of Hurst Rd (Case No. 06-064)

Motion passed 5-1. Claudia Humphreys opposed. Jerry Allen absent.

The Council recessed at 8:00 PM.

The Council reconvened at 8:10 PM

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve an agreement with Harvest House for City Support of Little Red Schoolhouse

Program with the addition of an agreement by the Harvest House to provide an accounting of money donated and dispersed to students attending public schools in Burleson and authorize the City Manager to sign.

Motion passed 6-0. Jerry Allen absent.

Clayton Husband, Director of Planning and Community Development gave the staff report on a request by XTO Energy for a gas well drilling permit on 155.64 acres on the north side of County Road 714, east of John Jones Drive (Case No. 06-068)

The Mayor opened a public hearing on a request by XTO Energy for a gas well drilling permit on 155.64 acres on the north side of County Road 714, east of John Jones Drive (Case No. 06-068)

There being no speakers the Mayor closed the public hearing.

Motion was made by Claudia Humphreys and second by Matt Powell to approve a request by XTO Energy for a gas well drilling permit on 155.64 acres on the north side of County Road 714, east of John Jones Drive (Case No. 06-068) subject tot the applicant obtaining a flood plain development permit from the City prior to construction on the site.

Motion passed 6-0. Jerry Allen absent.

Motion was made by Chip Stephens and second by Claudia Humphreys to approve the first reading of Ordinance C-599-06, establishing rates to be charged for water and wastewater service in the City of Burleson (as authorized in section 10-4, Code of Ordinances); adding a rate of \$9.42 per 1000 gallons over 2000 used for gas well drilling, repealing all ordinances and parts of ordinances in conflict herewith; providing a repealer clause; and providing an effective date clause.

Motion passed 6-0. Jerry Allen absent.

Motion was made by Chip Stephens and second by Matt Powell to approve the first reading of Ordinance D-069-06, rezoning 9.4987 acres of Lot 3, Block 1 Southcliff Addition from (A) Agricultural to (SP) Site Plan zoning district located west of Wilshire Boulevard (SH 174) south of Shaffstall Road. (Case 06-054)

Motion passed 6-0. Jerry Allen absent.

Motion was made by Matt Powell and second by Chip Stephens to approve Resolution 1057-06, urging Congress to approve Compromise Agreement on Wright Amendment approved by Cities of Dallas and Fort Worth.

Motion passed 6-0. Jerry Allen absent.

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve Resolution 1058-06, supporting transit-oriented development within the City of

Burleson.

Motion passed 6-0. Jerry Allen absent.

Motion was made by Claudia Humphreys and second by Matt Powell to approve a License Agreement with Ascend Geo, LLC, to conduct a seismographic survey on City-owned rights-of-way and authorize the City Manager to sign.

Motion passed 6-0. Jerry Allen absent.

Motion was made by Chip Stephens and second by Stuart Gillaspie to appoint Jim Wadlow to 4A, 4B and TIF #1 boards to replace former Councilmember Bailey.

Motion passed 6-0. Jerry Allen absent.

Motion was made by Matt Powell and second by Chip Stephens to authorize the City Manager to Execute Assignment of Gas Well Leases with Four Sevens to Chesapeake Exploration Limited Partnership.

Motion passed 6-0. Jerry Allen absent.

Motion was made by Claudia Humphreys and second by Jim Wadlow to extend Executive Order 2006-03 prohibiting outdoor burning, issued by the Mayor June 16, 2006, until the state of disaster is terminated.

Motion passed 6-0. Jerry Allen absent.

Motion was made by Stuart Gillaspie and second by Matt Powell to approve the Community Facilities Contract (Three Party Format) for Mistletoe Hill, Phase 4 and for the payment of all associated development fees prior to the filing of the plat.

Motion passed 6-0. Jerry Allen absent.

There being no further business, the Mayor declared the meeting adjourned. Time 9:28 PM.

Mary J. Kayser
City Secretary