

Council Session
November 16, 2006

The Burleson City Council met in a regular session on November 16, 2006, in the Burleson City Hall, 141 W. Renfro, Burleson, Texas. Mayor Shetter called the meeting to order at 7:18 P.M., with the following members present: Ken Shetter, Jim Wadlow, Claudia Humphreys, Jerry Allen, Stuart Gillaspie, Matt Powell and Chip Stephens.

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

Motion was made by Jerry Allen and second by Jim Wadlow to approve minutes from the October 26, 2006 regular council meeting.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Jim Wadlow to approve the following purchase requisitions and payments with a noted addition of a payment to Mark Renter Remodeling Co.

Requisitions

Fund: Hidden Creek Golf Course

Textron Business Services, Inc. - \$47,537.75
Callaway Golf – \$3,850.00
Titliest - \$3,323.71

Fund: General Fund

Brodart Company - \$20,000.00
Environmental Systems Research Institute, Inc. - \$5,752.00
Gayle Thompson - \$3,000.00
Portable Computer Systems - \$5,720.00
Zimmerer Kubota - \$5,491.30
EBSCO Subscription - \$4,330.75
Atlas Enterprises, Inc. - \$6,700.00
Texas Overhead Door Company - \$5,600.00
Corporate Express - \$6,992.18
Denitech - \$3,900.00
Texas Department of Transportation - \$250,026.64
Mastercard - \$4,495.76
Office of the Attorney General - \$11,900.00

Fund: 2005 General Obligation Bonds

Portable Computer Systems - \$5,733.00

Fund: 2005 Water Sewer Revenue Bond

Crescent Constructors, Inc. - \$25,665.27

Fund: 4A – Non-Bond Capital Project

Schrickle, Rollins, and Associates, Inc. - \$5,114.00

Fund: Park Improvement Fund

Instie Amenities - \$54,375.50

The Playwell Group - \$27,300.00

Jasco Services - \$9,657.90

Miracle Recreation Equipment Co. - \$46,500.00

Fund: Park Dedication

Circle T Nursery - \$7,475.00

Fund: General Fund/Water and Sewer

Dell Computer - \$5,169.20

Fund: Equipment Replacement Fund/2002 Water & Sewer Revenue Bond

Portable Computer System - \$12,804.00

Fund: General Fund/Special Revenue Fund/2005 General Obligation Bond

THE, Inc. - \$95,782.00

Fund: General Fund/Water & Sewer/Hidden Creek Golf Course/Equipment Services

TML Intergovernmental Risk Pool - \$220,701.19

Payments

Fund: General Fund

Mark Renter Remodeling Co. - \$1,368.00

Consolidated Restaurant Operations - \$12,437.91

Fund: General Fund/2005 Certificate of Obligation

Ellerbee-Walczak, Inc. - \$18,388.50

Motion passed 7-0.

Motion was made by Jerry Allen and second by Jim Wadlow to approve the final reading of Ordinance C-608-06, appointing an Associate Municipal Court Judge of the Municipal Court of Record in the City of Burleson, making the appointment of Karin Mayer.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Jim Wadlow to approve the final reading of Ordinance C-607-06, creating the position of City Marshal of the City of Burleson.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Jim Wadlow to authorize the Mayor to execute a renewal of a mutual aid agreement with Tarrant County Emergency Services District.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Jim Wadlow to approve an Inter-local Purchasing agreement with Johnson County.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Jim Wadlow to approve the Final Plat for Lots 1-25, Block 1; Lots 1-2, Block 2 & Lots 1-15, Block 3; 10.109 acres of Heritage Village Phase One, located south of Gregory Street, west of Warren Street.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Jim Wadlow to award the bid for Bulk Fuel Delivery to Martin Eagle Oil Co. Inc, for unleaded fuel for .0099 per gallon mark-up above the rack price per gallon and diesel fuel for .0099 per gallon mark-up above the rack price per gallon.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Jim Wadlow to award the contract for a one ton Chassis 60" Cab to Axle with 108" Flat Bed on 60" Chassis w/lift gate to Planet Ford, Houston, Texas in the amount of \$31,598.00; for a one ton Chassis 84" Cab to Axle with 108" Flat Bed on 84" Chassis to Sam Pack's Five Star Ford, Carroll, Texas in the amount of \$31,797.52; one ton Chassis 84" Cab to Axle with 108" Utility Bed on 84" Cab to Axle to Planet Ford, Houston, Texas in the amount of \$34,637.00.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Jim Wadlow to approve the purchase of a mobile stage and sound system for use at all city sponsored events for \$109,861.00.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Jim Wadlow to approve the request by Colby Development Company for a waiver from Section 2G Street Standards of the Burleson Design Standards Manual for the minimum length of a cu-de-sac for approximately 11.07 acres located north of County Road 531 and east of East Renfro Street.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Jim Wadlow to approve Resolution 1071-06 that revises and adopts the Guidelines and Criteria for the Burleson Economic Development Incentives Program.

Motion passed 7-0.

Items 4B and 4C on the regular agenda were moved up to this portion of the meeting.

Motion was made by Matt Powell and second by Chip Stephens to approve on final reading Ordinance C-609-06 to issue City of Burleson, Texas general obligation bonds, series 2006 and ordaining other matters relating to the subject including immediate effectiveness.

Motion passed 7-0.

Motion was made by Claudia Humphreys and second by Chip Stephens to approve the final reading of Ordinance C-610-06 to issue City of Burleson, Texas combination tax and revenue certificates of obligation, series 2006 and ordaining other matters relating to the subject, including immediate effectiveness.

Motion passed 7-0.

Presentation to City Secretary, Mary Kayser, by City Council.

John Miller representing Carrie O'Brien, 940 Rolling Meadows, Burleson Texas, addressed the Council on an issue of a water meter at this address. Mr. Miller believes there to be a problem with the water meter at 940 Rolling Meadows creating a high water bill. Staff sent the meter to an independent company for testing and the reading was normal. Utility Billing is working with the customer to relieve the cost burden.

Toby Ford, Dunaway and Associates, 1501 Merrimac Circle, Suite 100, Fort Worth, Texas 76107 made a power point presentation to the council for Williams Production concerning the gas well drilling permit being requested.

Mayor Shetter opened the public hearing on a request by Williams Production for a gas well drilling permit known as the Crouch Dairy Unit.
Time: 8:15PM

Dennis Halwes, 3448 Indian Trail, Arlington, TX, 76016 expressed his appreciation for all the hard work the gas company and the city staff have done concerning this permit. He would ask the council approve the permit. He and his wife were the surface owners until recently when they sold them to Peter Thomas.

James Crouch, 5806 Llano Ave., Dallas, TX, grew up on the Crouch Dairy and would encourage the council to approve the permit.

Russ Krivor, of Dolce Living Co., asked the question of what the time frame was for the gas well. Dolce Living owns the property adjacent to the Crouch Dairy and they are going to build Town homes. Requested that the council make sure the landscape will higher end quality. Mr. Krivor does not have a problem with the gas well.

There being no speakers the Mayor closed the public hearing. Time 8:40PM

Motion was made by Claudia Humphreys and second by Jerry Allen to approve the gas well drilling permit for Williams Production on the Crouch Dairy Unit, on 288.54 acres located on the east side of Shaffstall Road, south of the BNSF Railroad, subject to the following requirements;

A floodplain development permit shall be submitted and approved prior to the commencement of any construction or operations on the site, the landscaping plan submitted by Dunaway & Associates be attached and incorporated into the permit; the Yaupon Holly, Wax Mirtle, Cedar and Cypress trees be in equal proportions on the site; the trees must be irrigated and have a caliper of at least three inches; if a tree dies within the first two years it will be replaced; the contour lines on the concept plan equate to 1 foot of elevation; a sanitary sewer easement for Shannon Creek be granted to the City; and the compressor buildings on the northwest corner be enclosed and constructed of an exterior material that is industry standard for a comparable structure performing a comparable function and that the City Planning Director will confirm that material classification.

Motion passed 7-0.

Mayor Shetter opened the public hearing on a request by XTO Energy for a gas well drilling permit known as the SDA Burleson Unit. Time: 8:47PM

There being no speakers the Mayor closed the public hearing. Time 8:48PM

Motion was made by Jim Wadlow and second by Stuart Gillaspie to approve the gas well drilling permit for XTO Energy on the SDA Burleson Unit, on 63.35 acres located on the east side of IH-35W, between Hidden Creek Parkway and Memorial Drive, subject to the following requirement; a submittal of a TXDOT Access Permit application for the drive approach.

Motion passed 7-0.

Mayor Shetter opened the public hearing on a request by Chesapeake Energy Corporation for a gas well drilling permit known as Tantarra Estates Unit. Time 8:50PM

There being no speakers the Mayor closed the public hearing. Time 8:51PM

Motion was made by Stuart Gillaspie and second by Jerry Allen to approve the gas well permit by Chesapeake Energy Corporation on Tantarra Estates Unit, on 207.9 acres located on the west side of Shaffstall Road and south of Tantarra Drive.

Motion passed 7-0.

Motion was made by Jerry Allen and second by Chip Stephens to accept the election results as provided by Johnson and Tarrant County to approve Resolution 1072-06, canvassing and declaring the results of the November 7, 2006 special election; amend Resolution 1072-06 to show Jim Wadlow as councilmember and removing Jim Bailey.

Motion passed 7-0.

Motion was made by Matt Powell and second by Stuart Gillaspie to approve the first reading of Ordinance B-760-06 amending the Zoning Ordinance regarding kiosk signs and homebuilder signs.

Motion passed 7-0.

Mayor Shetter called for a break. Time 8:55PM

Mayor Shetter called the meeting back to order. Time 9:10PM

Walter Dueease, 810 Houston Street, Fort Worth Texas, representing

XTO Energy addressed the council regarding portion of the new Gas Drilling Ordinance. XTO would be happy to work with staff on issue of clarifying term road damage. Will write letter at a later time to address more issue such as noise levels, setbacks, etc.

Motion was made by Jerry Allen and second by Matt Powell to approve the first reading of Ordinance B761-06, amending the Code of Ordinances of the City of Burleson, by amending Article VII Chapter 14, Oil and Gas, regulating the drilling and production of gas wells within the city limits of Burleson.

Motion passed 7-0

Motion was made Claudia Humphreys and second by Chip Stephens to approve the first reading of B-762-06 amending Chapter 30, Article III, Alarm Systems.

Motion passed 7-0

Glen Tarter, 1729 Rockridge, Wichita Falls, Texas, is the owner of Big State Fireworks. Mr. Tarter stated that he is willing to comply with the entire City's request.

Motion was made by Claudia Humphreys and second by Chip Stephens to deny the first reading of Ordinance B763-06.

Motion passed 6-1. Councilmember Gillaspie opposed.

Motion was made by Matt Powell and second by Jerry Allen to approve the amendment to the Engineering Services Contract with Kimley Horn for the Alsbury Corridor Traffic Study subject to the allocation formula the Director of Engineering will negotiate with Kimley Horn not to exceed \$12,000.00.

Motion passed 7-0.

Councilmember Humphreys abstained from item 5B and left the council chambers.

Motion was made by Jim Wadlow and second by Stuart Gillaspie to authorize the City Manager to execute a Community Facilities contract with the developer of Prairie Timber Estates in an amount not to exceed \$11,430.00 for the construction of the pedestrian trail in the dedicated parkland.

Motion passed 6-0. Councilmember Humphreys abstained.
Councilmember Humphreys returned to the council chambers.

Clayton Husband, Director of Community Development, addressed the council concerning the International Building Codes. This was informational only.

Motion was made by Jim Wadlow and second by Chip Stephens to amend the motion for a Community Facilities contract with the developer of Prairie Timber Estates in an amount not to exceed \$11,430.00 for the construction of the pedestrian trail in the dedicated parkland to authorize the Mayor not the City Manager authority to execute the contract.

Motion passed 6-0. Councilmember Humphreys abstained.

Clayton Husband, Director of Community Development, informed the council that changes to the Zoning Ordinance is currently being reviewed. This was informational only.

There being no further business, the Mayor declared the meeting adjourned. Time 10:49PM.

Amanda McDowell
Deputy City Secretary

Approved as to form:
Mary J. Kayser
City Secretary