

Council Work Session  
December 14, 2006

The Burleson City Council met in a work session on December 14, 2006, in the Burleson City Hall, 141 W. Renfro, Burleson, Texas. Mayor Shetter called the work session to order at 6:14 P.M., with the following members present Ken Shetter, Jerry Allen, Jim Wadlow, and Matt Powell. Chip Stephens, Claudia Humphreys, and Stuart Gillaspie were absent.

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

Presentation was made by representatives from Prime Strategies concerning "Shadow Tolling".

Motion was made by Matt Powell and second by Jerry Allen 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. 551.074, personnel matters, 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 4-0. Stuart Gillaspie, Claudia Humphreys and Chip Stephens absent. Time 6:40 PM

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

Motion passed 4-0. Stuart Gillaspie, Claudia Humphreys and Chip Stephens absent. Time 7:20 PM

Motion was made by Matt Powell and second by Jerry Allen to appoint Amanda McDowell as Interim City Secretary effective November 20, 2006 to replace Mary Kayser until a suitable candidate is hired with salary discussed in Executive Session.

Motion was passed 4-0. Stuart Gillaspie, Claudia Humphreys and Chip Stephens.

Council Session  
December 14, 2006

The Burleson City Council met in a regular session on December 14, 2006, in the Burleson City Hall, 141 W. Renfro, Burleson, Texas. Mayor Shetter called the meeting to order at 7:23 P.M., with the following members present: Ken Shetter, Jerry Allen, Jim Wadlow, and Matt Powell. Chip Stephens, Claudia Humphreys, and Stuart Gillaspie were absent.

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

Mayor Shetter removed consent items 1H (Ordinance B-760-06, Kiosk signs final reading) and 1I (Professional Services Agreement with Arendondo,Zepeda & Brunz) for separate discussion.

Interim City Secretary, Amanda McDowell made the following amendment to the minutes of the November 14, 2006 Council Meeting. Changing the motion made to convene into executive session to read: Motion made by Jerry Allen and second by Jim Wadlow.

Motion was made by Matt Powell and second by Jim Wadlow to approve minutes from the November 14, 2006 regular council meeting with the stated amendment.

Motion passed 4-0. Chip Stephens, Claudia Humphreys and Stuart Gillaspie absent.

Motion was made by Matt Powell 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: General Fund/Water & Sewer**

Environmental Systems Research Inc. (Annual maintenance agreement for ARCview software - \$11,403.01

**Fund: General Fund**

Johnson & Sons - \$4,800.00

Apac-Texas, inc - \$22,500.00

Coban Research & Tech - \$6,000.00

**Fund: 4A - Non-Bond Capital Project**

Cheatham & Associates - \$31,700.00

**Fund: Park Improvement Fund**  
The Playwell Group - \$24,546.93

**Fund: PSGF**  
Lab Safety Supply, Inc - \$4,028.43  
Fisher Scientific - \$3,061.88

**Fund: ERF**  
KMP Graphics

**Fund: Hidden Creek Golf Course**  
John Deere Credit, Inc. - \$36,955.32  
Aesthetic Landscape - \$3,500.00

**Fund: 2001 STRBF 4A**  
Johnson County Fence - \$8,079.10

**Fund: Water & Sewer**  
HD Supply Waterworks, LTD - \$105,690.00

**Fund: Equipment Services Fund**  
Industrial Power - \$477.56

Payments

**Fund: 2005 Certificate of Obligation – 4A**  
Ellerbee Walczak, Inc. - \$8,496.50

**Fund: 2006 Certificate of Obligation**  
Texas Department of Transportation - \$60,932.50

**Fund: Water & Sewer**  
Texas Commission on Environmental Quality - \$4,268.40

**Fund: General Fund – 2005 Certificate of Obligation Hidden Creek Parkway**  
Ellerbee-Walczak, Inc - \$20,099.50

**Fund: General Fund**  
Fort Worth Star Telegram - \$4,363.08

Motion passed 4-0. Chip Stephens, Claudia Humphreys and Stuart Gillaspie absent.

Motion was made by Matt Powell and second by Jim Wadlow to authorize the Mayor to execute a contract to purchase Bailey Lake

property from Orval Hall Excavating, Ltd. For a nominal fee of \$10.00 and authorize the payment of closing costs to Ratikin Title Company of up to \$1,500.00

Motion passed 4-0. Chip Stephens, Claudia Humphreys and Stuart Gillaspie absent.

Motion was made by Matt Powell and second by Jim Wadlow to grant a permanent utility easement adjacent to the north right-of-way line of Hidden Creek Parkway on Hidden Creek Golf Course property and authorize the Mayor to execute the easement.

Motion passed 4-0. Chip Stephens, Claudia Humphreys and Stuart Gillaspie absent.

Motion was made by Matt Powell and second by Jim Wadlow to approve the amendment of the 2006-2007 City of Burlison Fee Schedule.

Motion passed 4-0. Chip Stephens, Claudia Humphreys and Stuart Gillaspie absent.

Motion was made by Matt Powell and second by Jim Wadlow to approve the first reading of Ordinance B-764-06, amending Chapter 10, Buildings and Building Regulations, of the Code of Ordinances of the City of Burleson, by adopting updated Building, Residential, Electrical, Plumbing, Mechanical, Property Maintenance, Fuel Gas and Conservation Codes.

Motion passed 4-0. Chip Stephens, Claudia Humphreys and Stuart Gillaspie absent.

Motion was made by Matt Powell and second by Jim Wadlow to waive the requirements of Council Policy #13 (3/13/86) concerning abandonment of streets; approve the first reading of Ordinance C-611-06 abandoning 0.173 acres of existing right-of-way adjacent to Hidden Creek Parkway near Dobson Street to Jerry G. Hahn and Patte Hahn; and authorize the Mayor to execute the Quitclaim Deed.

Motion passed 4-0. Chip Stephens, Claudia Humphreys and Stuart Gillaspie absent.

Motion was made by Matt Powell and second by Jim Wadlow to authorize the City Manager to execute an Inter-local Purchasing Agreement with the City of Cleburne.

Motion passed 4-0. Chip Stephens, Claudia Humphreys and Stuart Gillaspie absent.

Motion was made by Matt Powell and second by Jim Wadlow to approve Resolution 1073-06, declaring the City as a Cooperative Member of the Local Government Purchasing Cooperative and authorize the Mayor to sign the Organizational Interlocal Agreement with the Local Government Purchasing Cooperative.

Motion passed 4-0. Chip Stephens, Claudia Humphreys and Stuart Gillaspie absent.

Motion was made by Matt Powell and second by Jim Wadlow to authorize the City Manager to execute two (2) "Encroachment on Easement" Agreements and a permanent sanitary sewer easement document with TXU Electric Delivery Company for construction improvements associated with the Village Creek Sanitary Sewer Relief Line Project and authorize a payment to TXU of up to \$5,000.00 should payment for these encroachments be requested by TXU.

Motion passed 4-0. Chip Stephens, Claudia Humphreys and Stuart Gillaspie absent.

Motion was made by Matt Powell and second by Jim Wadlow to authorize the City Manager to execute Change Order No. 11 to the Hidden Creek Parkway project in the amount of \$33,091.70.

Motion passed 4-0. Chip Stephens, Claudia Humphreys and Stuart Gillaspie absent.

Motion was made by Matt Powell and second by Jim Wadlow to authorize the City Manager to execute a Pipeline License Agreement with BNSF Railway Company in the amount of \$3,500.00 to facilitate construction of improvements associated with the Shannon Creek Sanitary Sewer Extension project.

Motion passed 4-0. Chip Stephens, Claudia Humphreys and Stuart Gillaspie absent.

Motion was made by Matt Powell and second by Jim Wadlow to approve the Final Plat for Lot 1, Block 23; 0.801 acres of West Bend South Addition Phase 1-C, located south of West Bend Boulevard, East of FM 731..

Motion passed 4-0. Chip Stephens, Claudia Humphreys and Stuart Gillaspie absent.

Motion was made by Matt Powell and second by Jim Wadlow award the bid for Pipe and Appurtenances to Texas Water Products as stated in the bid tabulation.

Motion passed 4-0. Chip Stephens, Claudia Humphreys and Stuart Gillaspie absent.

Motion was made by Matt Powell and second by Jim Wadlow to create a Records Clerk position for the STOP SCU Task Force as an approved and authorized city position for Fiscal Year 2006-2007 and the City Manager execute the appropriate agreement with the STOP SCU Task Force in which the STOP SCU Task Force agrees to reimburse the City for all salary and personnel costs associated with this position.

Motion passed 4-0. Chip Stephens, Claudia Humphreys and Stuart Gillaspie absent.

Motion was made by Matt Powell and second by Jim Wadlow to ratify the 4B Community Services Development Corporation Board action adopting Multi-Media Video as and approved project and authorize the City Manager to Execute the Professional Services Contract with HNTB for development of the video.

Motion passed 4-0. Chip Stephens, Claudia Humphreys and Stuart

Gillaspie absent.

Ordinance B-760-06, final reading was removed from consent by Mayor Shetter for separate discussion.

Mayor Shetter removed item to allow any concerned citizens to address any issues on this item. No citizens wanted to address the council on this item. Mayor Shetter called for a vote.

Motion was made by Jerry Allen and second by Jim Wadlow to approve the final reading of Ordinance B-760-06 amending the sign regulations of the Zoning Ordinance to delete homebuilder signs and to provide for kiosk signs.

Motion passed 4-0. Chip Stephens, Claudia Humphreys and Stuart Gillaspie absent.

Chip Stephens arrives at the council meeting. TIME 7:28 P.M.

Professional Services Agreement with Arendondo, Zepeda & Brunz, Inc. was removed from consent by Mayor Shetter to allow citizens to address any issues on this item.

Mark Eissler, 116 W. Renfro, thanked the council for all their hard work. He believes the solid waste issue is a cost versus convenience issue. Deputy City Manager, Paul Cain, provided a lot of information and in the process answered several questions he had. He would like the council to allow the citizens to decide if they want to pay more for their solid waste pickup or not. Let everyone know what all the options are.

Patricia Dexheimer, 720 Carol Lane, would like the council to conduct a survey first of the citizens on the solid waste issue. She questions the high cost of the consultants at @\$30,000.00. She is speaking on behalf of the Burleson Beautification Committee and they the bins look horrible. The community has a high desire to recycle and she believes the citizens would be willing to pay for it.

Jim Bailey, 344 S Warren St., received several phone calls from citizens worried about this solid waste issue. As a former Councilmember he never received any negative comments about the solid waste department. The council should always keep the citizens informed of what is going on with this issue.

Mayor Shetter stated that they are reviewing several methods of communicating with the citizens on this issue. They are working on either adding information to water bills, conducting a citizen's survey or adding information o the Burleson Progress Report.

Motion was made by Matt Powell and second by Jim Wadlow to approve the Professional Services Agreement with Arendondo, Zepeda & Brunz, Inc., for consulting services to assist the city in developing a Request for Proposal for Solid Waste Collections.

Motion passed 5-0. Claudia Humphreys and Stuart Gillaspie absent.

Bob Sherrod, 1100 CR 602, informed the council that the Hidden Creek cross over of Quill Miller was not being addressed properly. He granted drainage easements to city so that contractor could complete Hidden Creek at Quill Miller. He stated that several issues that were agreed upon are not being met and would council and city to do something about before it's too late and the contractor is gone. He would like a councilmember to make an appointment with him to visit the site he is talking about. He stated that David Wynn has been very helpful and his main problem is with the contractor.

Council directed David Wynn to meet with Mr. Sherrod and make sure contractor is performing his job and make sure all his concerns are addressed and asked David Wynn to report back to the council.

John Yancey, 1051 S Dobson, stated his concerns on Dobson Street for bicycle riders. He would like the city to add double yellow lines and add more speed limit signs along the street.

Council directed David Wynn to meet with Mr. Yancey concerning Dobson Street.

Mayor Shetter opened the public hearing on a request by Chesapeake Energy for a gas well permit, known as Armet Dale Street Unit.

Representatives from Chesapeake as well as Gary Havener, developer, were available for questions. Gary Havener would be willing to do whatever the council and the ordinance dictate he does.

There being no speakers the Mayor closed the public hearing. TIME 8:18P.M.

Motion was made by Jerry Allen to approve the request by Chesapeake Energy for a gas well drilling permit, known as the Armet Dale Street Unit, on 140.06 acres locate north of McAlister Road, west of Hemphill Street, with the following stipulations; that the permit remain effective only as long as the lots within 500ft of the drill site remain under the ownership of the developing entity and with added landscape option with masonry wall.

Motion passed 5-0. Claudia Humphreys and Stuart Gillaspie absent.

Mayor Shetter opened the public hearing on a request by Chesapeake

Energy for a gas well drilling permit known as the Hidden Creek Golf Course Unit. TIME 8:29 P.M.

Cecil Alexander, 412 E. Hidden Cove Court, is the closest resident to the gas well site. Most of his questions were answered by the presentation.

There being no further speakers the Mayor closed the public hearing. TIME 8:31P.M.

Chesapeake representatives were on hand to answer questions from the council or citizens. After much discussion on the location of the gas well drill site, it was noted that more discussion and meeting about the location needed to take place. Councilmember Powell and Mayor Pro Tem Allen will be involved in these discussions.

Motion was made by Matt Powell and second by Chip Stephens to table this item to the January 11, 2007 regular council meeting.

Motion passed 5-0. Claudia Humphreys and Stuart Gillaspie absent.

Mayor Shetter opened the public hearing on a request by Williams Production for a gas well drilling permit known as the Bransom Oak Valley Unit. TIME 8:58 P.M.

There being no speakers the Mayor closed the public hearing. TIME 8:59 P.M.

Council questioned Ian Northfork of Dunaway and Associates about the timing of the permit. The developer of the closest property is Rocky Bransom of 240 East Renfro. Mr. Bransom informed council that the closest platted lot is over 500ft away.

Motion was made by Jerry Allen and second by Jim Wadlow to approve the request by Williams Production for a gas well permit, known as the Bransom Oak Valley Unit, on 97.78 acres located south of Hidden Creek Parkway, east of Hurst road to be drilled with 1 year period of the permit being granted and with the landscape plan as indicated that was submitted to Community Development that created a park like area.

Motion passed 5-0. Claudia Humphreys and Stuart Gillaspie absent.

Mayor Shetter opened the public hearing on the proposal for a lease of subsurface mineral at the Oak Valley North Park. TIME 9:05 P.M.

There being no speakers the Mayor closed the public hearing. TIME 9:05 P.M.

Motion was made by Matt Powell and second by Jim Wadlow to

approve the proposal for lease of subsurface minerals at the Oak Valley North Park and authorize the City Manager to execute the contract.

Motion passed 5-0. Claudia Humphreys and Stuart Gillaspie absent.

Mayor Shetter called for a brief break. TIME 9:06 P.M.

Mayor resumed the meeting. TIME 9:21 P.M.

Motion was made by Matt Powell and second by Jim Wadlow to approve the final reading of Ordinance B-761-06, amending the Code of Ordinances of the City of Burleson, by amending Article VII of Chapter 14, Oil and Gas, regulating the drilling and production of gas wells within the city limits and including the language discussed for Section 14-356; on multi well permit all drilling must be completed within one year of the date of permit issuance unless specifically extended by council action.

Motion passed 5-0. Claudia Humphreys and Stuart Gillaspie absent.

Mayor Shetter removed item 4B, Resolution 1074-06, outlining the City Council's legislative priorities for the 80<sup>th</sup> Texas Legislative Session and moved it to the January 11, 2007 council meeting. This would allow more councilmembers to be present.

Motion was made by Chip Stephens and second by Matt Powell to approve the final reading of Ordinance B-762-06, amending Chapter 30, Article III, Alarm Systems of the Code of Ordinances, City of Burleson, Texas 2005.

Motion passed 5-0. Claudia Humphreys and Stuart Gillaspie absent.

Mayor Shetter stated for the record that he was disappointed in where we were with regards to the Alarm Ordinance and does not like adding cost to the citizens. He would like this issue monitored closely.

Motion was made by Jerry Allen and second by Jim Wadlow to declare Ordinance B-765-06 an emergency ordinance to accomplish the preservation of public peace, health, or safety and approve Ordinance B-765-06, setting the prima facie speed limit on I-35W at 55 miles per hour from Tarrant County Mile Point 2.035 to Tarrant County Mile Point 1.000 and from Johnson County Mile Point 23.142 to Johnson County Mile Point 18.649 until such time as the construction with these limits is completed.

Motion passed 5-0. Claudia Humphreys and Stuart Gillaspie absent.

Motion was made by Jim Wadlow and second by Chip Stephens to authorize the City Manager to execute a Tower Lease Agreement with

T-Mobile for the usage of the Brushy Mound water tower site for the attachment of Cellular antennas.

Motion passed 5-0. Claudia Humphreys and Stuart Gillaspie absent.

Motion was made by Matt Powell and second by Jim Wadlow to approve the Preliminary Plat for Lots 1-11, Block 1, 11.135 acres of Mi Cielo, located north of Houston Road, County Road 531 east of East Renfro Street.

Motion passed 4-1. Jerry Allen against. Claudia Humphreys and Stuart Gillaspie absent.

Motion was made by Matt Powell and second by Chip Stephens to approve the Preliminary Plat for 413 lots, 108.530 acres of Plantation, located south of Hidden Creek Parkway, east of Hurst Road.

Motion passed 5-0. Claudia Humphreys and Stuart Gillaspie absent.

Deputy City Manager, Paul Cain gave a follow up report on Fire Department's First Response Outside City Limits. City understands that citizens in those areas affected have been meeting together. They are currently trying to find alternative fire coverage. City has been in discussion with ESD on how we may be able to assist them in coverage. Wanted to let council know that movement is being made on this issue and will continue to have discussions.

David Wynn, Director of Engineering, updated the council on Hidden Creek Parkway. We have paid out 86% equally approx. 12.8 million dollars. East side will open up jughandle from frontage road to Renfro in mid-January, 2007. Will open a small section between Hurst Road and School Driveway on January 3, 2007. West side will open up in latter part of March. Area around Golf Course will access Hidden Creek Subdivision and the Bridge and jughandle in Summer 2007.

Mayor Shetter would like a future workshop to discuss NLC 2006.

There being no further business, the Mayor declared the meeting adjourned. Time 10:29PM.

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Amanda McDowell  
Interim City Secretary