

Council Work Session  
March 9, 2006

The Burleson City Council met in a work session on March 9, 2006, in the Burleson City Hall, 141 W. Renfro, Burleson, Texas. Mayor Shetter called the meeting to order at 6:10 P.M., the following members present: Ken Shetter, Jim Bailey, Jerry Allen and Chip Stephens. Stuart Gillaspie, Claudia Humphreys and Matt Powell absent.

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

Director of Environmental Services, Sheri Campbell-Husband gave an update on Animal Care & Control Ordinance and the changes made by staff in response to the comments of the Council at the February 23, 2006, workshop.

Director of Parks and Recreation, Peter Krause presented information on a Grant application for Village Creek Trail

Reem Samram, with Deloitte and Touche presented information on the annual audit for the fiscal year ended September 30, 2005

Stuart Gillaspie arrived at 6:20 PM

Motion was made by Jerry Allen 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 5-0. Matt Powell and Claudia Humphreys absent. Time 6:25 PM

Matt Powell arrived at 6:55 PM

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

Motion passed 6-0. Claudia Humphreys absent. Time 6:58 PM

The Mayor presented a proclamation to the Red Cross and to the Women's Business Center.

Council Session  
March 9, 2006

The Burleson City Council met in a regular session on March 9, 2006, in the Burleson City Hall, 141 W. Renfro, Burleson, Texas. Mayor Shetter called the meeting to order at 7:17 P.M., the following members present: Ken Shetter, Stuart Gillaspie, Jim Bailey, Matt Powell, Jerry Allen and Chip Stephens. Claudia Humphreys absent.

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

Motion was made by Matt Powell and second by Chip Stephens to approve the minutes of the February 23, 2006 regular session.

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

Motion was made by Matt Powell and second by Chip Stephens to approve the following purchase requisitions and payments: General Fund - purchase requisitions: 1) \$ 5,655.00 – Donald's Floors. General Fund – payments: 1)\$ 15,692.40 – Johnson County Tax Accessor. Park Dedication Fund - purchase requisitions: 1) \$ 24,350.00 – Circle T Nursery. Equipment Replacement Fund - purchase requisitions: 1) \$ 39,993.00 – Philpott Motor Company. Hidden Creek Golf Course Fund – payment: 1) \$ 3,060.00 – Harris Permit. General Fund/Special Revenue Fund - purchase requisitions: 1) \$ 3,550.00 – Priority Public Safety. General Fund/Water and Wastewater Fund – payment: 1) \$ SBC Global Services, Inc. General Fund/Water and Wastewater Fund/Hidden Creek Golf Course Fund/Equipment Services Fund – payment: 1) \$ 3,137.61 – Lowe's Home Centers, Inc.

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Matt Powell and second by Chip Stephens to approve the final reading of Ordinance A-307-06, annexing approximately 82.811 acres located in the H.G. Catlett Survey, No. 14, Abstract No. 180, Johnson County, Texas

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Matt Powell and second by Chip Stephens to approve the final reading of Ordinance B-746-06, consideration of an amendment to the Zoning Ordinance regarding the SP Site Plan district. (Case 06-004)

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Matt Powell and second by Chip Stephens to approve the final reading of Ordinance D-061-06, changing the zoning from A Agricultural to PD Planned Development on 152.807 acres located south of Shaffstall Road and east of County Road 1020. (Case 05-175)

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Matt Powell and second by Chip Stephens to approve the final reading of Ordinance D-062-06, amending a Specific Use Permit for self storage warehouses on 4.11 acres located north of FM 917 and west of FM 1902. (Case 05-179)

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Matt Powell and second by Chip Stephens to approve a Preliminary Plat of Prairie Timbers Estates, 152.807 acres located south of Shaffstall Road and east of County Road 1020 (Case 05-185)

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Matt Powell and second by Chip Stephens to approve Resolution 1041-06 calling a general election for May 13, 2006.

Motion passed 6-0. Claudia Humphreys absent.

Ken Devero, 1000 Henderson #137, Fort Worth, requested that the Council provide a Resolution of support for the Alsbury Villas project.

Motion was made by Jerry Allen and second by Chip Stephens to accept the annual audit for the fiscal year ended September 30, 2005.

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Stuart Gillaspie and second by Chip Stephens to remove from the table a request by Williams Production-Gulf Coast Company for a gas well drilling permit on 123.46 acres located south of Hidden Creek Parkway and east of Hurst Road (Case 06-019).

Motion passed 6-0. Claudia Humphreys absent.

The Mayor opened a public hearing on the request by Williams

Production-Gulf Coast Company for a gas well drilling permit on 123.46 acres located south of Hidden Creek Parkway and east of Hurst Road (Case 06-019).

Bernard Erickson, 1300 CR 602 stated that he had an unresolved claim regarding the mineral rights but had no issues with the location.

There being no further comments the Mayor closed the public hearing.

Motion was made by Matt Powell and second by Jim Bailey to approve the request by Williams Production-Gulf Coast Company for a gas well drilling permit on 123.46 acres located south of Hidden Creek Parkway and east of Hurst Road (Case 06-019).

City Manager Curtis Hawk clarified for the Council that the applicant (Williams Production-Gulf Coast Company) would have to complete their floodplain development permit before they could begin work.

The mayor opened a public hearing on a request by Devon Energy Production for a gas well drilling permit on 280.11 acres located at the southwest corner of Hidden Creek Parkway and the Union Pacific railroad. (Case 06-034)

Carter Mahanay, 1017 Glen Oak Dr., had concerns about noise, safety, the distance between the well site and structures.

Doug McWhorter with Devon energy addressed the noise concerns and the safety procedures and protocols that are in place.

Dan Steblay, 111 NW Newton, owns 40 acres to the south of this location and is concerned that the drill site will harm the development. Would like the well site to be moved.

Doug McWhorter with Devon energy indicated that they cannot move the well or drill in a different direction due to fault lines.

Lana Steblay, 400 Kingswood Drive, wanted to know if the noise standard in the ordinance was for Burleson specifically or the gas well industry. Wanted to know if they would be allowed to travel on the new streets in the development. Wanted to know if there was a time limit on the permit.

Director of Planning and Community Development, Clayton Husband addressed some of the issues related to the new development and noise level requirements.

Motion was made by Jerry Allen and second by Stuart Gillaspie to table the request by Devon Energy Production for a gas well drilling permit on 280.11 acres located at the southwest corner of Hidden Creek Parkway and the Union Pacific railroad. (Case 06-034)

Motion passed 6-0. Claudia Humphreys absent.  
Mayor requested that staff set up a town hall meeting related to gas well drilling.

Motion was made by Jerry Allen and second by Stuart Gillaspie to continue consideration of Ordinance D-064-06, changing the zoning from A Agricultural and SF7 Single Family 7 to PD Planned Development for 72.31 acres located southeast of SW Gregory Street and west of the Union Pacific Railroad. (Case 06-015) (First Reading) until the developer requests that it be placed back on the agenda.

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Chip Stephens and second by Matt Powell to approve the first reading of Ordinance B-747-06, an amendment to the Burleson Comprehensive Plan regarding a Transit Oriented Development District in the area of Shaffstall Road (future Hulen Street) and County Road 1020 (future Alsbury Boulevard). (Case 06-031)

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Jerry Allen and second by Chip Stephens to approve the first reading of Ordinance D-065-06, changing the zoning from A Agricultural to PD Planned Development on approximately 373 acres generally located west of the BNSF railroad along Shaffstall Road and County Road 1020 (Case 06-030)

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Chip Stephens and second by Jerry Allen to remove from the table the final reading of Ordinance B-744-06, amending Chapter 38, Fire Prevention and Protection, Article V Uniform Fire Code of the Code of Ordinances of the City of Burleson Texas (2005) to regulate the storage, use or handling of fireworks within 5000 feet of the corporate limits of the city.

Motion passed 6-0. Claudia Humphreys absent.

Fire Marshal, Stacy Singleton presented an update on the ordinance.

Richard Holybee, 2141 SW Wilshire, ordinance is overboard. Is against ordinance, city cannot stop fireworks from coming into town.

Albert Litterio, 5202 Elk Creek, San Antonio, supports the ordinance.

Dena Bowden, 201 S. Fox Lane, opposed to the ordinance, wants a grandfather clause for length of contract. Discontinue use but no the sale.

Steve Parkhust, 6900 N. IH 35E, Waxahachie, is opposed to the 5000 foot ban, they do not allow discharge of fireworks within 125 feet of the stand and they control their property. Want to be in compliance and will abide by the requirements.

Glen Tarter, 1729 Rockridge, Wichita Falls, does not allow the discharge of fireworks on his property, wants to be allowed to continue to operate.

Motion was made by Stuart Gillaspie and second by Jerry Allen to approve final reading of Ordinance B-744-06, amending Chapter 38, Fire Prevention and Protection, Article V Uniform Fire Code of the Code of Ordinances of the City of Burleson Texas (2005) to regulate the storage, use or handling of fireworks within 1000 feet of the corporate limits of the city and grandfather the sites in the 1000 foot radius until July 10, 2006.

Motion failed 3-3. Matt Powell, Jim Bailey and Chip Stephens opposed.

Motion was made by Jim Bailey to approve the final reading of Ordinance B-744-06, amending Chapter 38, Fire Prevention and Protection, Article V Uniform Fire Code of the Code of Ordinances of the City of Burleson Texas (2005) to regulate the storage, use or handling of fireworks within 5000 feet of the corporate limits of the city.

Motion died for a lack of a second.

Motion was made by Matt Powell and second by Chip Stephens to final reading of Ordinance B-744-06, amending Chapter 38, Fire Prevention and Protection, Article V Uniform Fire Code of the Code of Ordinances of the City of Burleson Texas (2005) to regulate the discharge of fireworks within a 1000 foot radius of where fireworks are sold within 5000 feet of the corporate limits of the city.

Motion passed 6-0. Claudia Humphreys absent.

Motion was made by Matt Powell to authorize the City Manager to execute an Agreement with the Texas Rangers Baseball Partners to

conduct a Youth Baseball Camp.

Motion passed 7-0.

There being no further business, the Mayor declared the meeting adjourned. Time 9:35 PM.

---

Mary J. Kayser  
City Secretary