

BURLESON CITY COUNCIL WORK SESSION
May 24, 2007
MINUTES

Roll Call:

Council present:

Stuart Gillaspie
Jim Wadlow
Matt Powell
Ken Shetter
Chip Stephens (arrives 6:19 p.m.)
Jerry Allen
Claudia Humphreys

Council Absent:

Staff

Curtis E. Hawk, City Manager
Paul Cain, Deputy City Manager
Allen Taylor, City Attorney

WORK SESSION – Call to order – Time: 6:08 p.m.

1. Solid Waste Collections

David Stringer, Director of Public Works, updated council on the RFP for Solid Waste Service process.

Council would like staff to conduct Town Hall Meetings with the citizens to present the Solid Waste Options.

2. Drainage CIP Projects

David Wynn, Director of Planning and Engineering, requests direction from council on how to complete the drainage CIP projects. There are increase cost associated with the project and the re-direction of funds to more immediate needs.

3. No Executive Session

BURLESON CITY COUNCIL REGULAR SESSION
May 24, 2007
DRAFT MINUTES

Roll Call:

Council present:

Stuart Gillaspie
Jim Wadlow
Matt Powell
Ken Shetter
Chip Stephens
Dan McClendon
Claudia Humphreys
Jerry Allen

Council Absent:

REGULAR SESSION – Call to order – Time: 7:10 p.m.

Invocation – Tom Picket

Pledge of Allegiance

Proclamations

Mayor Shetter presented a proclamation for Family Emergency Preparedness Month to Katherine Raine, Shanda Perkins, Tim Southerland and Stacy Singleton.

Oath of Office

City Secretary, Amanda McDowell, administered the oath of office to newly elected councilmembers, Place 1 Stuart Gillaspie, Place 3 Matt Powell, and Place 5 Dan McClendon.

Issuance of Certificates of Election

Mayor Shetter issued the Certificate of Election to newly elected councilmembers, Place 1 Stuart Gillaspie, Place 3 Matt Powell, and Place 5 Dan McClendon.

Item 4A was moved up to honor outgoing Councilmember Jerry Allen.

4A. Resolution R-1090-07, establishing the Jerry Allen Award for Excellence in Community Improvement.

Motion was made by Stuart Gillaspie and second by Claudia Humphreys to approve.

Motion passed 7-0.

2A. Citizens Appearance

Kelli Powell, 340 CR 714, requested council to add better boundary signs separating City Park and private property.

Items to be continued or withdrawn

No items.

Items to be withdrawn from the consent agenda for separate discussion.

Consent Agenda

1A. Approve the minutes from the May 10, 2007 regular session.

Motion was made by Jim Wadlow and second by Chip Stephens to approve.

Motion passed 6-0. Claudia Humphreys abstain.

1B. Financial Transactions.

Requisitions

Fund: General Fund
Whitmore and Sons - \$3,720.00

Fund: Water & Sewer
Texas Water Products - \$5,587.67

Fund: 2005 Water Sewer Revenue Bond Fund
James Kelly - \$15,000.00

Fund: General Fund/Sewer Revenue Fund
Facts on File - \$3,050.00

Fund: 2006 Certificate of Obligation
Jeff Tillman, MAI - \$3,000.00

Fund: Equipment Replacement Fund
Dell Computer Corp. - \$10,565.96

Fund: Equipment Services Fund
Kirby Smith Machinery, Inc. - \$11,818.32

Fund: Sewer Revenue Fund
Century Industries, LLC - \$6,591.00

Payment

Fund: General Fund
City of Irving - \$4,000.00

Fund: General Fund/4A Street/2001 STRBF-4A
Taylor, Olson, Adkins, Sralla & Elam, LLP - \$18,790.45

Motion was made by Jim Wadlow and second by Chip Stephens to approve.

Motion passed 7-0.

1C. Hidden Vistas – Revised Preliminary Plat – Request the approval of the revised preliminary plat of 238 single-family lots, 310.942 acres of Hidden Vistas Addition located south of Hidden Creek Parkway and west of Union Pacific Railroad.

Motion was made by Jim Wadlow and second by Chip Stephens to approve.

Motion passed 7-0.

1D. Consideration of Ordinance D-081-07, requesting an amendment to Ordinance D-070-06, PD Planned Development zoning district for 203.90 acres (Hidden Vistas) located south of Hidden Creek Parkway and west of the Union Pacific Railroad. (Case No. 07-033). (Final Reading)

Motion was made by Jim Wadlow and second by Chip Stephens to approve.

Motion passed 7-0.

1E. Ordinance B-768-07, amending Chapter 82 of the City of Burleson Code of Ordinances adding section 8-7 through 8-14 “Lawn and Landscape Irrigation Conservation”. (Final Reading)

Motion was made by Jim Wadlow and second by Chip Stephens to approve.

Motion passed 7-0.

1F. Ordinance C-621-07, revising the FY 2006-2007 annual operating budget and approving organizational changes. (Final Reading)

Motion was made by Jim Wadlow and second by Chip Stephens to approve.

Motion passed 7-0.

1G. Request amendment to the 2006-2007 Fee Schedule to increase Gas Well Permit Fee to \$5,000.00 per wellhead location effective June 1, 2007.

Motion was made by Jim Wadlow and second by Chip Stephens to approve.

Motion passed 7-0.

Presentations

2A. Citizens Appearance

Item moved up in the agenda.

Public Hearings and Related Ordinances

- Mayor Shetter moved up the Item 3D to accommodate several citizens who wanted to speak.

3D. Public hearing and consideration of a request by XTO Energy Inc., for a gas well drilling permit on 147 acres located east of Hurst Road, north of East Renfro Street. (Case No. 07-051)

David Wynn, Director of Planning and Engineering presented to council the request for permit by XTO Energy on behalf of the Neal Family Trust.

Mayor Shetter opened the public hearing: Time: 8:02 p.m.

Bruce Basden, 716 Flamingo Court, spoke against the permit if adequate safety and access is not provided.

Bruce Lessner, 108 N. Hurst Road, was concerned about the safety especially with traffic. Hurst Road is neither adequate nor safe. Do not use Hurst Road.

Carol Guzman, 749 Wyche Court, is concerned also about the safety issues especially with traffic. Concerned about all the small children in the area. Do not use Hurst Road.

William Jackson, 100 S. Hurst Rd, same concerned as all the other neighbors. His drive way is opened onto Hurst Road and has the same concerns. Would like council to deny if safety issues not addressed.

Helen Wallace, 171 N. Hurst Rd., presented council with pictures taken from other XTO drilling site. Wanted council to be aware that conditions are not being kept to what XTO promises. Hurst Road can not handle the traffic and there are no alternate route to her house.

Judge John Neil, 101 N. Hurst Rd., re-enforce what all other residents have said. Hurst Rd. is only 1 and ½ lane of road. The entrance off the Hurst Rd. is unacceptable. If no alternate route can be found then council is requested to deny permit.

Ricky Nugent, 117 S. Hurst Rd., same concerns as the other residents about Hurst Rd. He spoke in opposition to the permit.

David Wynn, Director of Planning and Engineering gave the council the date the additional lane on Renfro would be opened. It should be opened

Bob Manthei, 810 Houston St., Fort Worth, representative from XTO Energy gave a presentation to council about measure they can put into place to reduce impact to residents.

Walter Dueease, 810 Houston Rd., representative from XTO Energy expressed that there would be no other alternate route he believes is viable. XTO will work on finding alternate route and will work with city staff to accomplish this to assure neighborhood of the safety.

Mayor Shetter continued the public hearing till the first meeting in July, 2007. Time: 9:01 p.m.

Motion was made by Claudia Humphreys and second by Jim Wadlow to continue the public hearing and table the item for the first meeting in July, 2007.

Motion passed 7-0.

Break 9:02 p.m.

Return from break 9:16 p.m.

3A. Public hearing and consideration of a request by Chesapeake Operating, Inc., for a gas well drilling permit on 121.39 acres located south of Wicker Hill Road, west of SH 174. (Case No. 07-047)

David Wynn, Director of Planning and Engineering, presented to council the request for permit by Chesapeake Operating Inc. on 121.39 acres located south of Wicker Hill Road.

Mayor Shetter opened the public hearing: Time: 9:32 p.m.

No speakers

Mayor Shetter closed the public hearing. Time: 9:33 p.m.

Motion was made by Claudia Humphreys and second by Chip Stephens to approve with the condition that if the well head site is still in production when the roadways from the Master Thoroughfare Plan are developed that the well site is required to adhere to the same landscape that is equivalent to commercial buffering landscape in our commercial ordinance.

Motion passed 7-0

3B. Public hearing and consideration of a request by Chesapeake Operating, Inc., for a gas well drilling permit on 97.78 acres located east of SH 174, south of the intersection of Shaffstall Road. (Case No. 07-048)

David Wynn, Director of Planning and Engineering, presented to council the request for permit by Chesapeake Operating Inc. for 97.78 acres located east of 174.

Mayor Shetter opened the public hearing: Time: 9:37 p.m.

No speakers

Mayor Shetter closed the public hearing. Time: 9:37 p.m.

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

Motion passed 7-0

3C. Public hearing and consideration of a request by XTO Energy Inc., for a gas well drilling permit on 35.262 acres located east of SH 174, south of the intersection of Shaffstall Road. (Case No. 07-050)

David Wynn, Director of Planning and Engineering, presented to council the request for permit by XTO Energy Inc. on behalf of Richard Holybee.

Mayor Shetter opened the public hearing: Time: 9:40 p.m.

No speakers

Mayor Shetter closed the public hearing. Time: 9:40 p.m.

Motion was made by Stuart Gillaspie and second by Chip Stephens to approve.

Motion passed 7-0

3E. Public hearing and consideration of a request by Chesapeake Operating, Inc., for a gas well drilling permit on 109 acres located approximately 3,700 feet southeast of the intersection of Wildwood Lane and SH 174 (Wilshire Boulevard). (Case No. 07-054)

David Wynn, Director of Planning and Engineering, presented to council the request for permit by Chesapeake on behalf of the Finley Family.

Mayor Shetter opened the public hearing: Time: 9:45 p.m.

No speakers

Mayor Shetter closed the public hearing. Time: 9:45 p.m.

Motion was made by Jim Wadlow and second by Stuart Gillaspie to approve.

Motion passed 7-0

Ordinances & Resolutions

4A. moved up in meeting.

4B. Resolution R-1091-07, directing publication of notice of intention to issue certificates of obligation, series 2007; and providing an effective date.

Motion was made by Stuart Gillaspie and second by Chip Stephens to approve

Motion passed 7-0

Contracts & Agreements

5A. Approval of a Memorandum of Agreement with FEMA for Cooperation in the Preparation of Digital Flood Insurance Rate Maps.

David Wynn, Director of Planning and Engineering Services, presented to council the requirement of this agreement.

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

Motion passed 7-0

5B. Approval of Advance Funding Agreement for the installation of a traffic signal at the intersection of SH 174 and SW Hulen Street, authorization for the City Manger to execute the Advance Funding Agreement, and authorizing payment not to exceed \$116,000 to the Texas Department of Transportation.

David Wynn, Director of Planning and Engineering Services, presented to council the information on the need for the signal.

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

Motion passed 7-0

5C. Authorize the City Manager to Execute an Agreement with Polleyco Services for the sale of water from Bailey Lake.

Peter Krause, Director of Parks and Recreation, presented the request for agreement for sale of water from Bailey Lake.

Motion was made by Jim Wadlow and second by Stuart Gillaspie to approve

Motion passed 7-0

Executive Session

- Moved up in the agenda.

9A. Executive Session: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, 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 by Matt Powell and second by Chip Stephens to convene into executive session. Time 10:08 p.m.

Motion passed 7-0

Motion was made by Stuart Gillaspie and second by Jim Wadlow to reconvene into open session. Time 10:50 p.m.

Motion passed 6-0

Matt Powell no vote

There were no items requiring action from Executive Session.

Other Items for Consideration

6A. Granting easement to Mid Stream Gas Services on the Shaffstall pump station property.

No action.

Reports

7A. Legislative Update.

Curtis E. Hawk, City Manager, updated council on legislative bills currently passed.

7B. Land acquisition for flood control, public infrastructure, and other public improvements.

No discussion

7C. Election polling place and Honeyfest.

Curtis E. Hawk, City Manager, informed council about problem with having Honeyfest and Election Polling place at the same time in the same place.

7D. Economic Development

No discussion

7E. Potential guidelines and criteria for residential abatement.

Paul Cain, Deputy City Manager, presented to council a report on Support of Affordable Housing Project through Municipal Tax Incentives. Will bring back an ordinance at the June 14, 2007 council meeting requiring action

7F. Various Staff Reports

David Smyth, Assistant Director of Public Works, updated the council on the sewer line maintenance on Timber Ridge Dr. Public Works maintenance the line and TV the line to asset the problem. The finding is that there was nothing that was a problem the city was at fault for. Homeowners were given advice on installing a pop up device to aid with back up. Public Works has added Timber Ridge Dr. to a strict maintenance list for cleaning on a 30 days cycle.

David Wynn, Director of Planning and Engineering, updated council on current street projects. Hidden Creek Parkway, I 35 W and Shadowing tolling project, Alsbury turn lanes, I35 @ Bethesda,

Council and Staff Comments

Curtis E. Hawk, City Manager, reviewed the upcoming of seminars and events for council. Introduced Bart Bingham, Assistant to the City Manager, and Kellye Cunningham, Management Assistant.

Executive Session

9A. Executive Session moved up in the agenda.

There being no further business Mayor Shetter adjourned the meeting.

Time: 11:51 p.m.

Amanda J. McDowell
City Secretary