

BURLESON CITY COUNCIL WORK SESSION

July 26, 2007

MINUTES

Roll Call:

Council present:

Stuart Gillaspie (arrives at 6:15 p.m.)

Jim Wadlow

Matt Powell

Ken Shetter

Dan McClendon

Claudia Humphreys

Chip Stephens

Council Absent:

Staff

Curtis E. Hawk, City Manager

Paul Cain, Deputy City Manager

Allen Taylor, City Attorney (arrives at 6:24 p.m.)

WORK SESSION – Call to order – Time: 6:10 p.m.

1. Report on Citizen Input Regarding Solid Waste Collections and Direction from City Council regarding future Solid Waste Collection method.

Dave Stringer, Director of Public Works presented to council a report on the responses from the Solid Waste Collection survey.

Council directed staff to pursue the in house method of Solid Waste Collection, bringing forward to council the financial and workforce needed.

2. Discussion of supporting the creation of the Burleson Opportunity Fund.

Item not discussed.

3. Discussion of all items on tonight's meeting. No action will be taken and each item will be considered during the Regular Session.

No items from the meeting were discussed.

4. Executive Session:

Motion was made by Jim Wadlow and second by Chip Stephens to convene into executive session Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, 551.073, 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.

Motion was made by Jim Wadlow and second by Chip Stephens to convene into executive session. Time: 6:41 p.m.

Motion passed 7-0.

5. Reconvene into open session for possible action.

Motion was made by Matt Powell and second Claudia Humphreys to reconvene into open session. Time: 7:20 p.m.

Motion passed 7-0.

BURLESON CITY COUNCIL REGULAR SESSION
July 26, 2007
MINUTES

Roll Call:

Council present:

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

Council Absent:

Staff

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

REGULAR SESSION – Call to order – Time: 7:20 p.m.

Invocation – Dave Wolf

Pledge of Allegiance

Items to be continued or withdrawn

No Items.

Items to be withdrawn from the consent agenda for separate discussion.

No Items.

Consent Agenda

1A. Approve the minutes from the July 12, 2007 regular session.

Motion was made by Stuart Gillaspie and second by Matt Powell to approve.

Motion passed 6-0. Claudia Humphreys abstained.

1B. Financial Transactions.

Requisitions

Fund: General Fund

Redmoon Broadband - \$3,500.00

VeriPro Construction - \$12,020.00

Fund: Equipment Services Fund

Campbell's Auto Body - \$9,287.17

Industrial Power Isuzu Truck - \$3,918.19

Fund: 2006 Certificates of Obligation - 4B

Dunaway & Associates - \$25,200.00

Fund: 2006 Certificates of Obligation – Water & Wastewater

Tri-Tech Construction Inc. - \$5,280.00

Payment

No items.

Motion was made by Stuart Gillaspie and second by Matt Powell to approve.

Motion passed 7-0.

1C. First reading of Ordinance C-626-07, abandoning Tantarra Drive and Paloma Way.

Motion was made by Stuart Gillaspie and second by Matt Powell to approve.

Motion passed 7-0.

1D. Resolution R-1097-07, supporting the creation of the Burleson Opportunity Fund.

Motion was made by Stuart Gillaspie and second by Matt Powell to approve.

Motion passed 7-0.

1E. Consideration of an Agreement with Harvest House for City Support of Little Red Schoolhouse Program and authorizing the City Manager to execute.

Motion was made by Stuart Gillaspie and second by Matt Powell to approve.

Motion passed 7-0.

1F. Consideration of a Disposal Service Agreement with Itasca Landfill and authorize the City Manager to execute.

Motion was made by Stuart Gillaspie and second by Matt Powell to approve.

Motion passed 7-0.

1G. Request the approval of an Inter-Local Purchasing Agreement between the City of Burleson and the City of Arlington for the purchase of like goods and services and authorize the City Manager to execute.

Motion was made by Stuart Gillaspie and second by Matt Powell to approve.

Motion passed 7-0.

1H. This item left intentionally blank.

1I. Request the approval of the Preliminary Plat of 1 lot, 14.79 acres of Burleson Elementary #9, located north of McAlister Road, east of Park Meadow Lane. (Case 07-064)

Motion was made by Stuart Gillaspie and second by Matt Powell to approve.

Motion passed 7-0.

1J. Request the approval of the Final Plat of 1 lot, 14.79 acres of Burleson Elementary #9, located north of McAlister Road, east of Park Meadow Lane. (Case 07-065)

Motion was made by Stuart Gillaspie and second by Matt Powell to approve.

Motion passed 7-0.

1K. Request the approval of the Final Plat for 1 lot, 17.33 acres of Burleson Elementary #8, located at Summercrest Blvd. south of the intersection of West Bend Blvd. and north of the intersection of Cedar Ridge Lane. (Case 07-067)

Motion was made by Stuart Gillaspie and second by Matt Powell to approve.

Motion passed 7-0.

1L. Award the bid for Motor Oil and Lube to Double C Oil Distributors. (ITB 2007-029)

**ITB 2007-029
Motor Oil & Lube**

Item	Description	Jess P. Taylor Oil Co.		Double C Oil	
		Unit Cost	Extended Cost	Unit Cost	Extended Cost
1	SAE 10W30 Synthetic Blend Engine Motor Oil - Est Qty 500 gallons	8.39 per gallon	\$4,195.00	8.15 per gallon	\$4,075.00
		Mystik JT810W-30		Kendall #1047090	
2	SAE 15W40 Diesel Engine Oil Est. Qty 500 gallons	7.89 per gallon	\$3,945.00	7.97 per gallon	\$3,985.00
		Chevron Delo400 LE 15W-40		Kendall Super D3 15W40	
3	Hydraulic Oil Anti-Wear 32 Est Qty 2000 gallons	6.57 per gallon	\$13,140.00	6.21 per gallon	\$12,420.00
		Chevron Hydraulic Oil AW 32		Kendall 4 Seasons 32	
4	Gear Oil (MP – SAE 80W-90 Est Qty 2 drums	488.00 per drum 1.22 per lb	\$976.00 400 lbs	185.57 per drum 1.54 per lb	\$371.14 120 lbs drum
		Chevron RPM Universal Gear Lube 80-9		Kendall Limited Slip	
5	Automatic Transmission Fluid Est Qty 350 gallons	5.89 per gallon	\$1,943.70	7.39 per gallon	\$2,586.50
		Chevron ATF MO-3		Classic ATF-Kendall	
	TOTAL BASED ON EST QTY		\$24,199.70		\$23,437.64
6	Dispose, remove and/or pickup waste oil		N/B		NB
7	Dispose, remove and/or pickup used oil filters		N/B		NB
		Minimum delivery 110 gallons on any single bulk oil product			

Motion was made by Stuart Gillaspie and second by Matt Powell to approve.

Motion passed 7-0.

1M. Award the bid for Automotive, Truck, and Equipment Tires annual contract to Gray's Wholesale. (ITB 2007-030)

**Automotive, Truck and Equipment Tires
ITB 2007-030**

Gray Tires & Wholesale

	Description	Price		
01.	P205/70R15 Goodyear Integrity VSB or equivalent 02606	\$46.89	Bridgestone	Insignia SE 200
02.	P235/55R17 Continental ProConti PURSUIT RATED Eagle RS-A VSB 90S1 or equivalent Pursuit 077325	\$86.94	Firestone	Firehawk GTZ
03.	Size: P225/60R18 Continental ProConti PURSUIT RATED Pursuit 077342	\$96.94	Firestone	Firehawk GTZ
04.	Size: P215/75R15 Goodyear Integrity XNW or equivalent	\$63.63	Firestone	Destination LE 146914
05.	Size: LT215/75R15 Bridgestone Dueler AT or equivalent 062219	\$73.61	Bridgestone	Dueler AT D693
06.	Size: LT215/85R16 Firestone Transforce HT or equivalent	\$80.08	Firestone	Transforce HT 189701
07.	Size: P225/75R16 Firestone Destination LE or equivalent	\$72.48	Firestone	Destination LE 040860
08.	Size: P245/75R16 Firestone Destination AT or equivalent	\$77.43	Firestone	Destination AT 026614
09.	Size: P235/70R16 Firestone Destination AT or equivalent	\$70.88	Firestone	Destination AT 026767
10.	Size: P225/75R15 Firestone FR380 or equivalent	\$45.25	Firestone	FR 380 098353
11.	Size: P265/70R17 Firestone Destination AT or equivalent	\$83.63	Firestone	Destination AT 026784
	Description	Price		

12.	Size: LT245/75R16 Firestone Destination MT BSL or equivalent 155543	\$95.08 Firestone	Destination	MT
13.	Size: P255/70R16 General Ameri-Trac BSW PURSUIT RATED #0354648S Tahoe police model or equivalent	\$80.75 Continental	ContiTrac	111H
14.	Size: LT225/70R19.5G Either Summit AHR, Goodyear G647 or equivalent	\$166.13 Bridgestone M724F 272876		
15.	Size: 11R22.5 H Bridgestone M843 or equivalent	\$264.21 Bridgestone M843 287857		
16.	Size: 12R22.5 H Bridgestone M843 or equivalent	\$280.53 Bridgestone M843 287881		
17.	Size: 315/80R22.5 L Bridgestone M843 or equivalent	\$317.38 Bridgestone M843 151300		
18.	Size: 385/65R22.5 J Bridgestone M844F or equivalent	\$322.13 Bridgestone M844F 287938		
19.	Size: 16.9 X 24 Goodyear IT 525 12 PLY or equivalent	\$328.52 Firestone AT Utility R4		363990
20.	Size: 11.2 X 24 Goodyear Dyna-Torq 6 PLY or equivalent 365180	\$166.16 Firestone SAT II 8 ply R1		
21.	Size: 11L-16 Laborer Goodyear 10 PLY or equivalent	\$93.14 Firestone Ind Special 10 ply F3		314625
22.	Size: P245/70R17 Bridgestone Dueler AT or equivalent 044430	\$103.92 Bridgestone Dueler AT Revo		
23.	Size: P235/70R17 Goodyear Wrangler Silent Armor or equivalent	\$99.67 Firestone Destination AT		094869
24.	Size: 425/65R22.5 Michelin XTE2 No Substitutions	\$353.33 Bridgestone M844F 291684		
25.	Size: 11R/22.5 Michelin XDN2 No Substitutions	\$244.13 Bridgestone M711 283681		
	Description	Price		

GOLF COURSE EQUIPMENT TIRES

1.	23x10.5x12	\$42.69 Carlisle Turf Saver 51121		
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2. 18x8.5x8

\$20.20

Carlisle Fairway Pro

5189761

Motion was made by Stuart Gillaspie and second by Matt Powell to approve.

Motion passed 7-0.

1N. Consider approval of City Manager appointment of Interim Library Director, Gayla D. Tennison, to the position of Library Director.

Motion was made by Stuart Gillaspie and second by Matt Powell to approve.

Motion passed 7-0.

Proclamations

Water Safety Week – Mayor Ken Shetter presented a proclamation to the families of Hunter Prescher and Korbin Brewer.

Presentations

2A. Citizens Appearance

Alice Bleeker, Director of Harvest House thanked the City Council for their support with the Little Red School Program and invited the council to participate in the Back to School Fair on August 18, 2007.

7D. Report on Citizen Input Regarding Solid Waste Collections and Direction from City Council regarding future Solid Waste Collection method.

Dave Stringer, Director of Public Works made presentation to council during the work session.

Dale Dexheimer, 720 Carol Lane, Burleson, did not want bins and thanked council for removing from consideration. Complemented the Public Works Department and is in favor of recycling.

Alvie Bledsoe, 1401 Fox Lane, Burleson, did not want a private company, wished to continue the current service provided by the City of Burleson.

Wanda Currey, 330 NW Lorna St., Burleson, husband works for the Solid Waste Department and does not want to see her husband lose his job.

Lawrence Ray, 1301 CR 904, Joshua, is an employee in the Solid Waste Department for the city and wishes for the decision by council to be made soon. Made comment on the high turnover rate and current poor conditions at the

transfer station. Does not feel a private company would have the same dedication as a city employee and therefore would not do as good of a job.

Pat Dexheimer, 720 Carol Lane, Burleson, commented on the problems the BISD has had with contracting custodial services. Wants to stay with City of Burleson.

David Birdwell, 10021 Tantarra, Burleson, believes the city will lose control if they go with a private contractor. Feels it is a bad idea to use an alternative source.

Stuart Gillaspie wants to keep the same service.

Jim Wadlow undecided, wants more cost information.

Matt Powell wants to follow the survey data. Feels the data is mainly from long term residence and council needs to listen to their opinion. Wants to look at transfer station issue and start recycling. Wants to keep service in house.

Ken Shetter valued the citizen survey and is in favor of keeping the same service and adding recycling.

Claudia Humphreys undecided willing to back rest of council.

Dan McClendon gives support to Solid Waste Department and feels they can provide a better service to the city. Supports keeping in house.

Chip Stephens in favor of keeping in house and curb side recycling.

Public Hearings and Related Ordinances

3A. Remove item from the table, continue public hearing and consideration of a request by XTO Energy Inc., for a gas well drilling permit on 147 acres located 1,400 feet east of Hurst Road, 3,100 feet north of East Renfro Street. (Case No. 07-051)

Motion made by Stuart Gillaspie and second by Chip Stephens to remove item from the table and continue public. **Time: 9:18 p.m.**

Motion passed 7-0.

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

Bob Manthei, representative with XTO Energy, 810 Houston, Fort Worth, reported to council that XTO is willing to spend the money to widen Hurst Rd. Would like the application to be approved as originally presented.

Dr. Mark Jackson, BISD superintendent, believes the Fox Lane access will separate the school from the drilling site and be a better option for safety.

Bob Manthei wishes to use Hurst Rd. and feels XTO has complied with all that is required in the ordinance.

Bruce Lessner, 108 N Hurst Rd., Burleson, feels XTO has not addressed the width problem on Hurst Rd. and repaving the road is not going to be sufficient. The width issue is a very important issue. Hurst Rd. is a dead end road and will strand residence.

Tommy Howe, 1625 Fox Lane, Burleson, has safety and road condition concerns. Presented pictures of Fox Ln. and discussed the heavy traffic flow.

Helen Wallace, 171 N Hurst Rd. Burleson, not pleased with XTO. Feels they do have a right to a public street, but do not have the right to affect her private egress and regress. Presented pictures of the low water crossing on Hurst Rd.

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

Pursuant to Sec. 551.071, a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the chapter.

Motion made by Jim Wadlow and second by Chip Stephens to convene into executive session. Time 9:40 p.m.

Motion passed 7-0.

Motion made by Claudia Humphreys and second by Jim Wadlow to reconvene into open session. Time 10:00 p.m.

Motion passed 7-0.

Motion made by Matt Powell and second by Claudia Humphreys to deny the permit based on the ordinance B-761-06 Sec. 14-358, item E, E1, E2, E4, and E5.

[Sec. 4-358. Gas Well Permit application review procedures.

- E. In making its decision, City Council shall, in addition to other considerations have the power and authority to deny any permit to drill any well at any particular location within the city based on any of the following findings:
 - 1. It is determined that drilling at a particular location would constitute a hazard to residences, commercial activities, schools, hospitals, parks, and civic purposes existing in the area surrounding the proposed drill site.
 - 2. It is determined that drilling at a particular location would be detrimental to the public health, safety or general welfare of the city.

4. It is determined that there are other alternative well site locations that would allow access to explore, develop and produce the mineral estate.
5. It is determined that there is not adequate access for the City fire personnel and fire fighting equipment.]

Motion passed 6-0. Stuart Gillaspie abstained.

3B. Remove item from the table and consider a request by EOG Resources, Inc., for a gas well drilling permit on approximately 327 acres located 1,300 feet south of Shaffstall Road, 195 feet east of the BNSF Railroad. (Case No. 07-018) [NOTE: This is not a Public Hearing. The Public Hearing was held on June 28, 2007, at which this item was tabled in order for the applicant to provide modifications and additional information.]

Motion made by Chip Stephens and second by Jim Wadlow to remove item from the table.

Motion passed 6-0. Claudia Humphreys abstained and left Council Chambers.

David Wynn, Director of Planning and Engineering presented to council a request for a gas well drilling permit by EOG Resources on the property owned by Mr. Kenneth Bransom.

Motion made by Matt Powell and second by Stuart Gillaspie to approve stipulating once the flood study has come in that the driveway alignment at Shaffstall Rd. can be relocated in a more north westerly direction on the north westerly property line at the Bransom tract and also modify the site plan to show the live oaks planted along the rail road right-of-way.

Motion passed 5-1. Chip Stephens opposed and Claudia Humphreys abstained.

3C. Public Hearing and consideration of a request by Chesapeake Energy Corporation for a gas well drilling permit, on 140.06 acres located 960 feet north of McAlister Road, 990 feet west of Hemphill Street. (Case No. 07-075).

David Wynn, Director of Planning and Engineering presented to council a gas well drilling permit by Chesapeake Energy Corporation approximately 140.06 acres located north of McAlister Rd and west of Hemphill St.

Mayor Shetter opened the public hearing: Time: 10:27 p.m.

No speakers

Mayor Shetter closed the public hearing: Time: 10:27 p.m.

Motion made by Matt Powell and second by Chip Stephens to approve.

Motion passed 7-0.

- 3D. Public hearing and consideration of a request by XTO Energy for a gas well drilling permit, on 120.91 acres located 1,206 feet east of IH-35W, 1,500 feet west of Hurst Road, 2,200 feet south of East Renfro Street and 2,700 feet north of Hidden Creek Parkway.
(Case No. 07-076)**

David Wynn, Director of Planning and Engineering presented to council a request for a gas well drilling permit by XTO Energy on 120.91 located east of the IH-35W frontage road and is owned by the Burleson I.S.D.

Mayor Shetter opened the public hearing: Time: 10:34 p.m.

No Speakers

Mayor Shetter closed the public hearing: Time: 10:34 p.m.

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

Motion passed 7-0.

- 3E. Public Hearing and consideration for a waiver from Section 8.2 G Street Standards of the Burleson Design Standards Manual for the maximum length of a cul-de-sac and approval of the Preliminary Plat of 77 lots, 134.97 acres of Oak Meadows located on CR 1020, approximately 1500 feet north of CR 914, in the ETJ. (Case 07-057)**

David Wynn, Director of Planning and Engineering presented to council a waiver and the preliminary plat of 77 lots, 134.97 acres of Oak Meadows Addition, located on CR 1020.

Mayor Shetter opened the public hearing: Time: 10:40 p.m.

No Speakers

Mayor Shetter closed the public hearing: Time: 10:40 p.m.

Motion made by Claudia Humphreys and second by Chip Stephens to approve.

Motion passed 7-0.

Ordinances & Resolutions

- 4A. Ordinance C-627-07, providing for the implementation of an automated red light enforcement program in the City of Burleson through the amendment of the "Traffic and Vehicles" Chapter of the Code of Ordinances for the City of Burleson, Texas, by the addition within Chapter. 78, new Article V, titled Automated Red Light Enforcement. (First Reading)**

Tom Cowan, Chief of Police presented to council the proposed Red Light Enforcement Ordinance C-627-07.

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

Motion passed 5-2. Claudia Humphreys and Dan McClendon opposed.

- 4B. Resolution R-1098-07, approving a Municipal Maintenance Agreement with the Texas Department of Transportation and authorizing the Mayor to execute the agreement.**

Item pulled from agenda.

- 4C. Request the approval of the Concept Plan and Preliminary Plat of 118 lots, 58.2 acres of Shannon Creek Estates located north of Shaffstall Road. (Case 07-007)**

Stephen Cook, Planning Official of the City of Burleson, presented to council the Concept Plan and Preliminary Plat of 118 lots, 58.2 acres of Shannon Creek Estates Case 07-007.

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

Motion passed 7-0.

Contracts & Agreements

- 5A. Request the authorization of the City Manager to Execute a Construction Manager at Risk Contract for the construction of Fire Station 3 in the amount of \$7,500 between the City of Burleson and Modern Contractors, Inc.**

Gary Wisdom, Fire Chief presented to council the Construction Manager at Risk Contract for construction of Fire Station 3.

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

Motion passed 7-0.

Other Items for Consideration

- 6A. Allocation of Charter Community Grant funds received through the 2006 settlement agreement between Charter Communications and the City of Burleson to cover the cost of providing cable government access channel to the community. (MO-07-001)**

Sheri Campbell-Husband, Director of Neighborhood Services presented to council an Allocation of Charter Community Grand funds.

Motion made by Matt Powell and second by Stuart Gillaspie to approve.

Motion passed 7-0.

Reports

- 7A. Legislative Update.**

No reports.

- 7B. Economic Development.**

No reports.

- 7C. Land acquisition for flood control, public infrastructure, and other public improvements.**

No reports.

- 7E. Various Staff Reports**

No reports.

Council and Staff Comments

- 8A. Non-agenda council and staff comments.**

No comments.

Executive Session

- 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 made by Chip Stephens and second by Jim Wadlow to convene into executive session. Time 11:35 p.m.

Motion passed 7-0.

Motion made by Claudia Humphreys and second by Jim Wadlow to reconvene into open session. Time 12:00 a.m.

There being no further business Mayor Shetter adjourned the meeting.

Time: 12:00 a.m.

Cathy Bourg
Deputy City Secretary