

BURLESON CITY COUNCIL WORK SESSION
October 25, 2007
MINUTES

Roll Call:

Council present:

Stuart Gillaspie
Jim Wadlow

Ken Shetter
Dan McClendon
Claudia Humphreys
Chip Stephens

Council Absent:

Matt Powell

Staff

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

WORK SESSION – Call to order – Time: 6:39p.m.

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

Curtis E. Hawk, City Manager, discussed **1H** Master Service Agreements with TAS Environmental Services and Eagle Construction and Environmental Services for emergency environmental response, has editorial legal changes made to the version in the agenda packets. No major changes to the intent or structure of the contract.

2. 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.

Time: 6:43 p.m.

Motion passed 6-0. Matt Powell absent.

Chip Stephens leaves the council meeting. Time: 6:45 p.m.

November 8, 2007

1A - 1

3. Reconvene into open session for possible action.

Motion was made by Jim Wadlow and second by Dan McClendon to reconvene into open session.

Time: 7:05 p.m.

Motion passed 5-0. Matt Powell and Chip Stephens absent.

BURLESON CITY COUNCIL REGULAR SESSION
October 25, 2007
MINUTES

Roll Call:

Council present:
Stuart Gillaspie
Jim Wadlow

Council Absent:

Matt Powell

Ken Shetter
Dan McClendon
Claudia Humphreys
Chip Stephens (arrives 7:51 p.m.)

Staff

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

REGULAR SESSION – Call to order – Time: 7:06 p.m.

Invocation – David Green, First Baptist in Burleson

Pledge of Allegiance

Proclamations

Municipal Court Week – City Marshal Terry Hambley

Items to be continued or withdrawn

Items to be withdrawn from the consent agenda for separate discussion.

Consent Agenda

1A. Approve the minutes from the October 11, 2007 regular session.

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

Motion passed 5-0. Chip Stephens and Matt Powell absent.

1B. Financial Transactions.

Requisitions

Fund: General Fund

The Star Group - \$8,778.00
West Group - \$3,693.00
Applied Concepts – \$11,460.00
McNaughton Book Service - \$3,829.06
Western Data Systems - \$5,275.00
American Tower, LP - \$8,800.00
Phoenix Distributors - \$3,340.00
Crafco Texas, Inc - \$7,800.00
Corporate Express - \$4,885.48
DFW Communications - \$11,745.00
CDW Government, Inc. - \$11,033.76

Fund: General Fund/ Water and Wastewater Fund

Azteca Systems, Inc. – \$19,000.00
Azteca Systems, Inc. - \$10,000.00
Jana Lynch - \$15,000.00

Fund: Hidden Creek Golf Course

John Deere Landscapes - \$5,000.00
R & R Products - \$7,500.00
BWI-Dallas/Fort Worth - \$10,000.00
Turfgrass Solutions, Inc. - \$25,000.00
John Deere Credit, Inc. - \$40,673.00

Fund: Equipment Replacement Fund

Holt Company of Texas - \$71,616.00
Landmark Equipment, Inc. - \$65,956.73
Rental One - \$12,549.00

Fund: 2001 Sales Tax Revenue Bond Fund – 4A

Terracon - \$3,600.00

Fund: Equipment Services Fund

Snap On Tools - \$3,140.00

Fund: Park Dedication Fund

Game Time - \$3,987.33

Fund: 2005 General Obligation Bond

Union Pacific Railroad - \$3,122.00
Midwest Wrecking Company - \$2,865.00

Payment

Fund: General Fund/Water and Wastewater/Equipment Service Fun
THE, Inc. - \$92,588.70

Fund: General Fund

Johnson County Economic Development commission - \$5,000.00

North Central Texas Council of Government - \$11,519.14

Mastercard - \$26,895.21

Fund: General Fund/Water and Wastewater Fund

Environmental Systems Research Institute, Inc. - \$16,041.09

Fund: General Fund/Water and Wastewater Fund/Hidden Creek Golf Course/ Equipment Services Fund

TML Intergovernmental Risk Pool - \$284,438.92

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

Motion passed 5-0. Chip Stephens and Matt Powell absent.

1C. Final Plat of 39 lots, 41.43 acres of Oak Meadows located along County Road 1020 in the ETJ, southwest of Shaffstall Road and West of the BNSF railroad. (Case 07-097)

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

Motion passed 5-0. Chip Stephens and Matt Powell absent.

1D. Resolution R-1104-07 supporting the Tarrant Regional Transportation Coalition (TRTC) Resolution endorsing state Proposition 12 and encouraging voting citizens of Burleson to vote on all Constitutional Amendments proposed on the November 2007 state ballot.

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

Motion passed 5-0. Chip Stephens and Matt Powell absent.

1E. Personal Services Contract with Harmon Consulting, Inc. for services associated with Federal and State roadway projects.

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

Motion passed 5-0. Chip Stephens and Matt Powell absent.

1F. Inter-local agreement between the City of Burleson and Tarrant County for the purpose of providing hazardous material training for city employees and employees from other local municipalities.

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

Motion passed 5-0. Chip Stephens and Matt Powell absent.

1G. Professional Services Contract with Blue Moon Acquisitions for sanitary sewer easement acquisitions for the Quil Miller Sanitary Sewer Project.

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

Motion passed 5-0. Chip Stephens and Matt Powell absent.

1H. Master Service Agreements with TAS Environmental Services and Eagle Construction and Environmental Services for emergency environmental response.

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

Motion passed 5-0. Chip Stephens and Matt Powell absent.

1I. Minute Order MO-07-009 approving City Council meeting dates for Calendar Year 2008 and cancelling the November 27, 2008 (Thanksgiving Day) and the December 25, 2008 (Christmas Day) meetings.

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

Motion passed 5-0. Chip Stephens and Matt Powell absent.

Presentations**2A. Citizens Appearance**

No speakers.

Public Hearings and Related Ordinances

3A. Public hearing regarding an annexation of approximately 1,208.18 acres of land located along Interstate 35W, south of Bethesda Road, east of Briar Oaks Road, north of Asher Road. (Case No. 07-108) (Second Public Hearing)

David Wynn, Deputy City Manager presented to council the proposed annexation of approximately 1,208.18 acres of land located along Interstate 35W, south of Bethesda Road, east of Briar Oaks Road, north of Asher Road. (Case No. 07-108)

Mayor Shetter opened the public hearing: Time: 7:17 p.m.

Chip Stephens arrives at meeting. Time: 7:51 p.m.

Case No. 107-108

Name	Address	General Comments
Deryl Beakley (1)	6933 Shelmor Rd	Spoke last time and does not believe anything has changed.
Ramon & Lucy Martinez (2)	3612 S IH35W Alvarado 817-790- 2609	Oppose the annexation. Why picking and choosing neighborhood; discriminating believes it's unlawful. Making holes in the annexation plan. How are we benefiting from annexation? What are the services you will be providing? Wants a work study done.
Elcie Taylor (3)	3616 S I35W	Opposed to annexation. Lived there 25 years and lived in peace.
Nell Rudy	6208 CO Rd 809 817-790- 5885	Did not speak.
Jerry Crumpton (4)	6609 Conveyer Dr 817-790- 3977	Lived there 44 years. All the people along the road have mowed the right of way, own sewer system that state inspects. The fire department is too far away for the Burleson Fire to respond.
Mark Minor (5) Renegade Fireworks	3924 Lake Oaks Circle Fort Worth 817-790- 6200	4200 S I-35. Are Keene and Alvarado a threat to take in the area before Burleson? Why not annex in 3-5 years when services are available, like the Fire Station. What is the growth projection for the next 5 years? Fireworks are considered a nuisance, I will not be grandfather. Do you think there are other businesses in the City that are nuisance. Think gas wells are a nuisance.
Rob Buntaine	3713 S	Loop 9 intersection. What do I need to expect from

(6)– Alvarado Paint & Body	IH35W Alvarado 817-783- 6580	Burleson concerning Loop 9 in the next 5-7 years. What are your plans for that area? TXDOT will start buying right of way. What is the tax rate on commercial?
Robert E. Smith (7)	6313 Conveyor Rd Cleburne	Bill on the golf course is 1 million dollars. Reviewed annexation ordinance and summed up 24 miles of city property and 14 is forced is annexed. Loop 9 city will use eminent domain to develop the area.
George Straughan (8)	4201 S. Bellaire Circle Cherry Hills Village, Colorado 80113	Lives in Colorado, his parents owns. What date is the annexation effective? December 13 th . City ordinances apply to land. Gas well permits that come forward after the annexation is final.
Walter Norwood (9)	233 Smith Street	For annexation. Property owners that wanted to be de-annexed regret because the regulations of a city help to maintain the area favorable.
Eddie Goodspeed (10)	PO Box 2 Burleson TX 76097	7001 FM East Alvarado. Own sanding business. Would not be ready for annexation because his project is not complete
James Countes (11)	3829 S. I-35	Who would be responsible taking care of the road? Would the City of Burleson help us with TXDOT?
Albert Proctor (12)	6625 conveyor Dr.	This annexation is an exception to the state annexation law because of the population. Density falls below the level.
Shelia (13)	7814 Looney lane	I am not in the area that will be annexed. Our gas lease is directly above in the proposed annexed area. What will the annex do existing gas lease? How will the annexation affect property value?
George Laurence (14)	3004 I-35 W.	Questions about AG exemption and clarification of how that would work.
Matthew Messer (15)		When will we get services from the last annexation?
Roberta Proctor (16)	FM 917	Anxiety of when all the development will happen. Would like a time table for exact development. What is the time frame of Loop 9?

Mayor Shetter closed the public hearing: Time: 8:55 p.m.

Break: 8:56 p.m. to 9:11 p.m.

3B. Public hearing regarding an annexation of approximately 1 acre of land located at 1280 Hidden Creek Parkway. (Case No. 07-107) (Second Public Hearing)

David Wynn, Deputy City Manager presented to council the proposed annexation of approximately 1 acre of land located at 1280 Hidden Creek Parkway. (Case No. 07-107)

Mayor Shetter opened the public hearing: Time: 9:14 p.m.

No speakers

Mayor Shetter closed the public hearing. Time: 9:14 p.m.

3C. Public hearing regarding an annexation of approximately 172.56 acres of land located between the southeast corner of East Renfro Street and Fox Lane and the southwest corner of East Renfro Street and Hidden Creek Parkway. (Case No. 07-106) (Second Public Hearing)

David Wynn, Deputy City Manager presented to council the proposed annexation of approximately 172.56 acres of land located between the southeast corner of East Renfro Street and Fox Lane and the southwest corner of East Renfro Street and Hidden Creek Parkway. (Case No. 07-106)

Mayor Shetter opened the public hearing: Time: 9:16 p.m.

Case No. 07-106

Name	Address	General Comments
Dave O'Donnell	208 S. Fox Lane	Moved from South Fort Worth to rural area. Wants grandkids to enjoy the rural setting. Happy being rural. Wants the road to stay closed will invite crime.
Jack Cospser	302 S Fox Ln 817-295-1852	Stated last council meeting all the good things they have done to improve the community. Does not want to be annexed.
Ron Myers	1368 East Renfro St 817-426-2507	New neighbor on the block. Lived in 3 years. Lived all over the country in the military. Does not want to be annexed.
Dena Bowen	201 S. Fox 817-480-5942	104 308 310 316 Bowen Circle and 1300 block of east Renfro. Concerned about the Golf Course. Not enough public area for senior citizens. Lost revenue on firework stand. Thinks a lot of the people on the road think that they are AG exempt. The one good thing about being in the city would be able to vote. Does not affect me because she is AG exempt.
Angel Meredith	401 S. Fox	Has had a lot of problems with flooding. Comes from Quil Miller creek. In a flood zone. It will be very expensive for the

		city to take on to fix the problem. Not getting anything they don't already have. What is solid waste rate? Not really asking questions. Pays taxes in sales and feels like not getting free ride.
Bryan Bowen	S. Fox	Did not speak.

Mayor Shetter closed the public hearing. Time: 9:42 p.m.

3D. Public hearing regarding an annexation of approximately 49.12 acres of land located east of SH 174 (SW Wilshire Boulevard) and along Wicker Way and Wildwood Ln. (Case No. 07-105) (Second Public Hearing)

David Wynn, Deputy City Manager presented to council the proposed annexation of approximately 49.12 acres of land located east of SH 174 (SW Wilshire Boulevard) and along Wicker Way and Wildwood Ln. (Case No. 07-105)

Mayor Shetter opened the public hearing: Time: 9:43 p.m.

Case No. 107-105

Name	Address	General Comments
John Foster	484 Pecan Dr Burleson 817-447-0149	Does not want to be annexed. Has not changed their minds. Fully satisfied with all current services.
Rodger Kauffman	441 Wicker Way Burleson 817-975-9410	Used to live in the city limits then disagreed with city management and moved. Now you want to annex. Against it.
Pam Smith	481 Pecan Dr 817-295-9025	29 years resident. Read from the Cleburne Times Review article September 13, 2007 concerning annexation. Quoted Mayor Shetter. Installed their own sewer system and have 10 years to go on paying off the debt. September 30, 2007 Burleson Star, MedStar lags behind in respond. Quoted MedStar Chris. 100% against annexation.
Jennifer Reynolds	472 Pecan Dr 817-996-6978	Oppose annexation. Is there a brush truck pick up? SOB feet requirement from Church.
William Smith	485 SE Wildwood Ln 817-295-9256	Opposed annexation.
James P. Kane	457 wicker Way 817-683-6255	On behalf of mother 40 years. Taxes went down this year for mother and city would create more taxes for her. Vote with their heart not with head. Will sell property if it's annexed.

Jerry Cooper	2408 Sunset Burleson, 817-295 1273	County does have ordinance strong against SOB. Spoke to Jim Simpson @ county. No room to grow. Opposed to annexation. Corrected the count of houses 56 not 53
Rodger Dial	24 Wicker Way	No room for growth. Wicker Way road has been damaged due to gas well. County is fixing road. Only small amount money being added. Comes down to money.

Mayor Shetter closed the public hearing. Time: 10:12 p.m.

* Moved up in the agenda to allow for citizens to speak.

3F. Continuation of public hearing and consideration of a request by Paloma Resources, LLC for a gas well drilling permit for one gas well, known as the Willow Creek A Unit 1H, on 235.08 acres located at 185 Mockingbird Lane, south of Willow Creek Ranch and approximately 800 feet west of SH 174. (Case No. 07-104)

Stephen Cook, Planning Official, presented to council the request by Paloma Resources, LLC for a gas well drilling permit for one gas well, known as the Willow Creek A Unit 1H, on 235.08 acres located at 185 Mockingbird Lane, south of Willow Creek Ranch and approximately 800 feet west of SH 174. (Case No. 07-104) addressing the concerns the council had from the last meeting on October 11, 2007.

Mayor Shetter opened the continued public hearing: Time: 10:19 p.m.

Case No. 07-104

Name	Address	General Comments
JB Crawford	120 Wood Oak Joshua 817-2957949	Came into Burleson in the 1950s. Wants to move the drill site back to the original spot and not come across his property.
Edwin Miles Sharon Miles	101 Country Vista Circle Burleson, 817-447-9758	Our rights to be honored and allow us to gain from our mineral rights. In favor of the gas well will not be bother all the noise.
Craig Hinkle	1001 Yvonne Dr Joshua 817-295-1951	In favor of the gas well.
Chuck Stiles	101 Wood Oak Joshua 817-487-1971	Did not want to speak
Lee Roy Purcelley	1004 Yvonne Joshua 817-295-5805	Does not want to speak- is for the gas well
S C Boynton	951 Yvonne Joshua 817-426-4044	Believes the Paloma has done all that is required for council approve.

Phil Reid	124 Ranchway Burleson 817- 484-2418	On HOA association board. Believes Paloma has been more than fair. Have gone above and beyond. Windfall for all the owners and they want the cash.
Leon BeCoats	120 Ranchway Burleson 817- 426-6836	Did not speak. Left the meeting.
John Johnson	139 Ranchway Dr. Burleson 817- 484-2420	Did not want to speak.
Lawrin Dean	140 Wood Oak Joshua 817- 295-7502	Strongly support the drilling on property.
Don Szurgot	1009 Yvonne Dr Joshua 817- 295-1582	Is part of the Paloma team as land surveyor. Did the actual walking around. Most of the trees are dead. During the course of development Mistletoe Hills clear cut. Pointed out several areas that have been clear cut before in the city and does not think its fair to stop the gas well based on trees.
John Tucker	135 Country Vista Circle Burleson 817- 266-5335	HOA association. 1000 feet of the well. Strongly support the well.
Johnny Johnson	1000 Yvonne	Support Paloma and drilling activity. Mr. Crawford did sign the lease and is under contract.
Frank W. Sargent	128 Ranchway 817-426-4637	Lived there 3 years ago. Has mineral rights. Paloma addressed all the issues and no one signed a lease with a gun to their head. The city should approve the permit.
Leann Sargent	128 Ranchway	Excited about being able to get money from mineral rights. Want the same rights as city has to capitalize on their mineral rights. Supports gas well drilling
Rodger Dial	424 Wicker Way	Did not speak.
John W. Baird	106 Ranchway	Did not speak- left.
Paul and Wynonia Jansky	127 Country Vista Circle Burleson 817- 714-0418	Did not speak- left
Ed Hathaway	1008 Yvonne Joshua	Wants council to vote yes on the permit application
John Perry	104 Ranchway Dr Burleson, 817- 447-9001	Did not speak
Catherine McCormick	104 Wood Oak Dr.	Did not speak

	Burleson, 817-295-6338	
Mr. Dane	Joshua ISD	Met with Paloma and they are going to satisfied all their concerns. Explained all the issues to the Joshua ISD Board Members and they are all satisfied.
Dennis Dean	140 Wood Oak	Feels like Paloma has worked with Mr. Crawford.
Chris Hammond	Paloma	Mayor Shetter asked him to address the proposal to move the pad site back to the original site. Called Laura Melton, COB, to ask about moving and was told the process would start all over again. Paloma would prefer to move the drill site but can not because of the time frame and having to start the process all over again.. Mr. Crawford was told about the route.
John Wiley	Vice President and owner of Paloma Resources	Want to be factual – error in the process in accomplishing this and should not be the concern of the council about timing. Legally binding documents have been signed by Mr. Crawford. The mistake is trying to please each and every person in the lease. Did not know that Mr. Crawford was not happy until last night. Believes they have met all the legal requirement by the city.
Chuck Stiles	101 Wood Oak	Support gas well. Paloma is honest and straight forward.

Break: 11:01 p.m.

Return: 11:15 p.m.

City Attorney, Allen Taylor informed the council that because of the required notifications to the residents within 1000 feet the gas well site a proposed gas well site move would require the process to start over.

Mayor Shetter closed the public hearing. Time: 11: 27 p.m.

Motion was made by Jim Wadlow and a second by Claudia Humphreys to approve.

Motion passed 6-0. Matt Powell absent.

3E. Public hearing and consideration of a request for a waiver from Section 7.10.B of the Burleson Design Standards Manual for lot size for septic systems for two of the lots located within the plat that are less than the 1 acre minimum requirement and approval of the Replat of 4 lots and Final Plat of 2 lots, 7.05 acres, in the ETJ along the north side of CR 527 east of Renfro Street. (Case 07-099)

David Wynn, Deputy City Manager presented to council the request for a waiver from Section 7.10.B of the Burleson Design Standards Manual for lot size for septic systems for two of the lots located within the plat that are less than the 1 acre minimum requirement and approval of the Replat of 4 lots and Final Plat of

2 lots, 7.05 acres, in the ETJ along the north side of CR 527 east of Renfro Street. (Case 07-099)

Mayor Shetter opened the public hearing: Time: 11:34 p.m.

No speakers

Mayor Shetter closed the public hearing. Time: 11:34 p.m.

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

Motion passed 6-0. Matt Powell absent.

Ordinances & Resolutions

4A. No items

Contracts & Agreements

5A. No items

Other Items for Consideration

6A. No items

Reports

7A. Economic Development

None

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

None

7C. Various Staff Reports

None

Council and Staff Comments

8A. None

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.**

No executive session.

There being no further business Mayor Shetter adjourned the meeting.

Time: 11:40 p.m.

Amanda J. McDowell
City Secretary