

BURLESON CITY COUNCIL WORK SESSION
November 08, 2007
MINUTES

Roll Call:

Council present:

Stuart Gillaspie (arrives 6:20 p.m.)
Jim Wadlow
Matt Powell
Ken Shetter
Dan McClendon

Council Absent:

Claudia Humphreys

Chip Stephens

Staff

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

WORK SESSION – Call to order – Time: 6:15 p.m.

1. Report on The Little Red Schoolhouse from the Harvest House.

Alice Bleeker, Director of Harvest House, gave a report to council on The Little Red Schoolhouse. Mrs. Bleeker noted that the event was a huge success.

2. Discussion of Burleson Commons.

David Wynn, Deputy City Manager, presented to council (Item 3E) the proposed Ordinance D-085-07 rezoning 5.433 acres from (SF7) Single Family 7 to (GR) General Retail zoning located north of Lakewood Drive between SH 174 (SW Wilshire Blvd) and Cherry Hills Lane. (Case No. 07-102) (First Reading). This would modify the current 380 agreement that was signed.

David Glarner, 37 Crestwood Dr., St. Louis, MO, representing Burleson Commons explained to council the reason for the amendments. CVS drug store wants to be part of Burleson Commons and would require an amended curb cut.

Stuart Gillaspie arrives 6:20 p.m.

3. Discussion of Curbside Recycling.

David Stringer, Director of Public Works presented to council (Items 4A, 4B and 4C) Ordinance B-772-07, amending Chapter 82 Article III establishing obligations, duties and responsibilities for collection of residential garbage and recycling and non-residential garbage collection, to include the establishment of curbside recycling services for the City of Burleson residents. (First Reading), Contract with Community Waste Disposal (CWD) to provide collection and processing of residential recyclable

materials and Ordinance C-637-07, establishing rates to be charged for Solid Waste Collections including Curbside Recycling. (First Reading)

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

5. Executive Session:

Motion was made by and second by 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.

No Executive Session.

BURLESON CITY COUNCIL REGULAR SESSION
November 08, 2007
MINUTES

Roll Call:

Council present:

Stuart Gillaspie
Jim Wadlow
Matt Powell
Ken Shetter
Dan McClendon
Claudia Humphreys (arrives 7:48 p.m.)
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: 7:09 p.m.

Invocation – Mark Greenroy, Victory Family Church

Pledge of Allegiance

Proclamations

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 25,2007 regular session.

Motion was made by Jim Wadlow and second by Dan McClendon to approve.

Motion passed 5-0. Claudia Humphreys absent. Matt Powell abstain.

1B. Financial Transactions.

Requisitions

Fund: General Fund
Imagewave Corporation - \$3,995.00
Atlas Enterprises - \$10,000.00
Shor Line - \$7,937.11

Fund: Hidden Creek Golf Course
Callaway Golf - \$4,275.88

Fund: Park Dedication Fund
Nema 3 Electric, Inc. - \$4,313.00

Fund: Water & Wastewater Fund
HD Supply Waterworks, LTD - \$19,953.00

Fund: Equipment Replacement Fund
Zimmerer Kubota - \$28,315.00

Fund: 2001 Sales Tax Revenue Bond Fund
Magee Associates, LP - \$51,525.00

Fund: 2005 General Obligation Bond
Huitt Zollars, Inc. - \$3,900.00

Payment

Fund: General Fund/Water & Sewer/Hidden Creek Golf Course
Wal-Mart - \$3,189.50

Fund: General Fund
Taylor, Olson, Adkins, Sralla & Elam - \$10,799.20

Fund: 2007 Certificate of Obligation
Marsh, USA UPRR - \$4,840.00

Fund: General Fund/2006 Certificate of Obligation
Ellerbee-Walczak, Inc. - \$5,227.50

Motion was made by Jim Wadlow and second by Dan McClendon to approve.

Motion passed 6-0. Claudia Humphreys absent.

1C. Ordinance B-771-07, amending Chapter 38 of the Fire Prevention and Protection Code by adopting the 2003 International Fire Code with local amendments. (First Reading)

Motion was made by Jim Wadlow and second by Dan McClendon to approve.

Motion passed 6-0. Claudia Humphreys absent.

1D. Amendments to Contracts with Chevron ES and RedMoon, Inc. for the Wireless Mesh Network.

Motion was made by Jim Wadlow and second by Dan McClendon to approve and authorize City Manager to execute.

Motion passed 6-0. Claudia Humphreys absent.

1E. Interlocal Cooperative Agreement with the North Central Texas Council of Governments for the Transit Oriented Development (TOD) Planning Project.

Motion was made by Jim Wadlow and second by Dan McClendon to approve.

Motion passed 6-0. Claudia Humphreys absent.

1F. Agreement with Polleyco Services for the sale of non-potable water from Bailey Lake.

Motion was made by Jim Wadlow and second by Dan McClendon to approve and authorize the City Manager to execute.

Motion passed 6-0. Claudia Humphreys absent.

1G. Final Plat of Lot 3, Blk A, 1.88 acres of McNairn Gardens, located along the south side of SW Wilshire Boulevard (SH174) north of Aaron Rents. (Case 07-113)

Motion was made by Jim Wadlow and second by Dan McClendon to approve.

Motion passed 6-0. Claudia Humphreys absent.

1H. Award the bid for Police Motorcycles to Fort Worth Harley Davidson. (ITB 2008-007)

Motion was made by Jim Wadlow and second by Dan McClendon to award the bid for Police Motorcycle for two new motorcycles to Fort Worth Harley Davison in the amount of \$26,830.40 per motorcycle for a total of \$53,660.80.

Motion passed 6-0. Claudia Humphreys absent.

1I. Change Order No. 1 to Purchase Order 203483 on a new fire engine in the amount of \$53,666.

Motion was made by Jim Wadlow and second by Dan McClendon to approve.

Motion passed 6-0. Claudia Humphreys absent.

1J. Change Order No. 3 to the 2007 Neighborhood Streets and 2007 Independent Water Projects in the amount of \$92,143.45.

Motion was made by Jim Wadlow and second by Dan McClendon to approve and authorize the City Manager to execute.

Motion passed 6-0. Claudia Humphreys absent.

1K. Waiver from Sections 17.1 and 17.2 of the Subdivision and Development Ordinance which require payment of filing fees with submission of preliminary and final plats for the Chisenhall Sport Complex.

Motion was made by Jim Wadlow and second by Dan McClendon to approve.

Motion passed 6-0. Claudia Humphreys absent.

Presentations

2A. Citizens Appearance

Kelli Powell, 340 CR 714, reported to council that a pressure value went off on the gas well on her property. The Burleson Fire Department responded in about 5 minutes and XTO response time was about 45 minutes. There needs to be additional training for Fire, Police and citizen to deal with incidences at the well sites.

Stacy Singleton, Fire Marshal, presented a gas well incident report on two different sites. The Fire Marshal's Office, the Fire Department, Gas Well Inspectors Office and the City Management team met today to review the procedures. On site training will be provided to Fire and Police Department. There will be manuals on the fire trucks, included in the manuals will be the locations of the gas well sites and their entrance points.

Public Hearings and Related Ordinances

3A. Public Hearing and consideration of Ordinance D-084-07 for a specific use permit of a convenience store with fuel sales on 1.36 acres located at the southeast corner of W Renfro Street and SH 174 (SW Wilshire Blvd). (Case 07-096) (First Reading)

Stephen Cook, Planning Official, presented to council Ordinance D-084-07 for a specific use permit of a convenience store with fuel sales on 1.36 acres located at the southeast corner of W Renfro Street and SH 174 (SW Wilshire Blvd). (Case 07-096) (First Reading)

Mayor Shetter opened the public hearing: Time: 7:36 p.m.

Scott Butler, 141 NW Renfro, residents at the corner of Anderson and Renfro. No based objection to the SUP. Mr. Butler has concerns about traffic on Renfro and Anderson will increase on the already heavy traffic road. Would like council to consider removing left hand turns on Renfro. Wants to bring the delivery truck thru Anderson St. believes the street can handle the weight.

Karen Mitchell, Mitchell Planning Group, Fort Worth, would like to thank city staff. City Staff has been easy to work with. Introduced staff associated with Quick Trip. Presented Quick Trip power point presentation of what the area will look like and a brief history of Quick Trip.

J D Dubley, representative of Quick Trip, answered the questions concerning number of employees. Quick Trip's only issue is the requested added accents on the windows, they believe it will not wear well because of the heavily trafficked area.

Stephen Cook, Planning Officials explained to council the recommendations of the Old Town Standards Review Committee's request of the added window accents. This request was based on the Old Town Overlay District recommendation of windows to be depressed

Claudia Humphreys arrives 7:48 p.m.

Kelly Park, representative of Quick Trip spoke about the traffic flow and about the traffic questions on Renfro and Anderson.

Randy Foss, representative of Quick Trip spoke about the left turns on to Wilshire. Mr. Foss will check with Quick Trip Corporate office on the turn lane changes requested by council concerning Wilshire (174).

Michelle Griffith, 201 Lorna St., believes people will use Anderson St. to turn south on Wilshire. Anderson St. may not be able to handle the weight of the delivery truck.

Mayor Shetter closed the public hearing: Time: 8:18 p.m.

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

Motion passed 7-0.

3B. Public Hearing and consideration of an 18 month lease of subsurface minerals (natural gas) and a drill site located at the Burleson Memorial Cemetery 580 Memorial Plaza (Abstract 4, Tract being 7.5 acres, 13D David Anderson Survey) and adjoining city owned property 620 Memorial Plaza (Abstract 4, Tract 13A1 being 19.82 acres David Anderson Survey) to Chesapeake Energy and authorizing the City Manager to execute the contract.

Peter Krause, Director of Parks and Recreation presented to council an 18 month lease of subsurface minerals (natural gas) and a drill site located at the Burleson Memorial Cemetery 580 Memorial Plaza (Abstract 4, Tract being 7.5 acres, 13D David Anderson Survey) and adjoining city owned property 620 Memorial Plaza (Abstract 4, Tract 13A1 being 19.82 acres David Anderson Survey) to Chesapeake Energy and an 18 month lease renewal for the subsurface minerals (natural gas) at city owned park property located south of Spinks Airport consisting of 21.87 acres in Abstract 496, A. Lee Survey Tract 4A to Chesapeake Energy because the two items are related.

**Mayor Shetter opened the public hearing on items 3B and 3C:
Time: 8:28 p.m.**

No speakers.

Mayor Shetter closed the public hearing. Time: 8:29 p.m.

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

Motion passed 6-0. Dan McClendon abstain.

3C. Public Hearing and consideration of an 18 month lease renewal for the subsurface minerals (natural gas) at city owned park property located south of Spinks Airport consisting of 21.87 acres in Abstract 496, A. Lee Survey Tract 4A to Chesapeake Energy and authorizing the City Manager to execute the contract.

Peter Krause covered this item during item 3B because the two are related.

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

Motion passed 6-0. Dan McClendon abstain.

3D. Public Hearing and consideration of a request by Chesapeake Operating, Inc., for a gas well drilling permit for one gas well, known as the Panchasarp Unit 1H, on 121.39 acres located on an existing drill site near CR 1021 and Wicker Hill Road. (Case No. 07-114)

Stephen Cook, Planning Official, presented to council a request by Chesapeake Operating, Inc., for a gas well drilling permit for one gas well, known as the Panchasarp Unit 1H, on 121.39 acres located on an existing drill site near CR 1021 and Wicker Hill Road. (Case No. 07-114)

Mayor Shetter opened the public hearing: Time: 8:34 p.m.

No speakers.

Mayor Shetter closed the public hearing. Time: 8:34 p.m.

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

Motion passed 7-0.

3E. Public Hearing and consideration of Ordinance D-085-07 rezoning 5.433 acres from (SF7) Single Family 7 to (GR) General Retail zoning located north of Lakewood Drive between SH 174 (SW Wilshire Blvd) and Cherry Hills Lane. (Case No. 07-102) (First Reading)

Stephen Cook, Planning Official presented to council Ordinance D-085-07 rezoning 5.433 acres from (SF7) Single Family 7 to (GR) General Retail zoning located north of Lakewood Drive between SH 174 (SW Wilshire Blvd) and Cherry Hills Lane. (Case No. 07-102) (First Reading)

Mayor Shetter opened the public hearing: Time: 8:39 p.m.

David Glarner was available for any questions.
No speakers.

Mayor Shetter closed the public hearing. Time: 8:46 p.m.

Motion was made by Claudia Humphreys and second by Dan McClendon to approve.

Motion passed 6-0. Chip Stephens abstain.

Break 8:47 p.m. to 9:00 p.m.

* Moved up 6A in consideration of the public in attendance for this item.

6A. Site plan and building elevation for a child care use located at 215 W Eldred Street within the Old Town Overlay District. (Case 07-093)

Stephen Cook, Planning Official presented to council site plan and building elevation for a child care use located at 215 W Eldred Street within the Old Town Overlay District. (Case 07-093)

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

Motion passed 7-0.

* Moved up 4A, 4B and 4C in the agenda in consideration of the public in attendance for these items.

4A. Ordinance B-772-07, amending Chapter 82 Article III establishing obligations, duties and responsibilities for collection of residential garbage and recycling and non-residential garbage collection, to include the establishment of curbside recycling services for the City of Burleson residents. (First Reading)

David Stringer, Director of Public Works presented during work session.

Rey Gonzales, Assistant Director of Public Works presented to council the proposed route changes for solid waste pick up and the recycling pick up schedules. This will change to zones.

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

Motion passed 7-0.

4B. Contract with Community Waste Disposal (CWD) to provide collection and processing of residential recyclable materials.

Dave Stringer, Director of Public Works presented during work sessions.

Motion was made by Dan McClendon and second by Chip Stephens to approve with an initial period of ten years beginning January, 2008 with the option to renew for three additional ten year terms.

Motion passed 7-0.

4C. Ordinance C-637-07, establishing rates to be charged for Solid Waste Collections including Curbside Recycling. (First Reading)

Dave Stringer, Director of Public Works presented during work session.

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

Motion passed 7-0.

3F. Public Hearing and consideration of Ordinance C-636-07 to Tax Tangible Personal Property in Transit which would otherwise be exempt pursuant to Texas Tax Code, Section 11.253. (First Reading)

Rhett Clark, Director of Finance presented to council Ordinance C-636-07 to Tax Tangible Personal Property in Transit which would otherwise be exempt pursuant to Texas Tax Code, Section 11.253. (First Reading)

Mayor Shetter opened the public hearing: Time: 9:39 p.m.

No speakers

Mayor Shetter closed the public hearing. Time: 9:39 p.m.

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

Motion passed 6-1. Claudia Humphreys against.

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 Jim Wadlow and second by Chip Stephens to convene into executive session.

Motion passed 7-0. **Time 9:42 p.m.**

Motion was made by Jim Wadlow and second by Chip Stephens to reconvene into executive session.

Motion passed 7-0. **Time 10:15 p.m.**

Ordinances & Resolutions

4A – C. Moved up in the agenda.

4D. Resolution R-1105-07, authorizing the City Manager or his designee to enter into cooperative inter-local agreements with other governmental entities and to grant the City Manager or his designee the authority to determine best value method of goods and services.

Rhett Clark, Director of Finance presented to council Resolution R-1105-07, authorizing the City Manager or his designee to enter into cooperative inter-local agreements with other governmental entities and to grant the City Manager or his designee the authority to determine best value method of goods and services.

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

Motion passed 7-0.

4E. Resolution R-1106-07, affirming a joint resolution between the City of Burleson and the City of Alvarado for the mutual adjustment of the Extra Territorial Jurisdiction (ETJ) boundary between the two cities and for the authorization of the City Manager to execute an Interlocal Boundary Agreement for the adjustment of said boundary.

Stephen Cook, Planning Official presented to council Resolution R-1106-07, affirming a joint resolution between the City of Burleson and the City of Alvarado for the mutual adjustment of the Extra Territorial Jurisdiction (ETJ) boundary between the two cities and for the authorization of the City Manager to execute an Interlocal Boundary Agreement for the adjustment of said boundary.

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

Motion passed 7-0.

4F. Resolution R-1107-07, casting votes for the election of Members of the Board of the Tarrant Appraisal District.

Curtis E. Hawk, City Manager presented to council Resolution R-1107-07, casting votes for the election of Members of the Board of the Tarrant Appraisal District.

Motion was made by Jim Wadlow and second by Matt Powell cast all 5 votes for Dionne Babsby.

Motion passed 7-0.

4G. Resolution R-1108-07, casting votes for the election of Members of the Board of the Central Appraisal District of Johnson County.

Curtis E. Hawk, City Manager presented to council Resolution R-1108-07
Motion was made by Claudia Humphreys and second by Chip Stephens to cast 121 votes for Byron Black and 120 votes for R. D. Scott.

Motion passed 7-0.

Contracts & Agreements

5A. No items at this time.

Other Items for Consideration

6A. Moved up in the agenda.

Reports

7A. Economic Development.

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

7C. Water / Wastewater Impact Fees Report.

7D. Annexation.

Curtis E. Hawk, City Manager and Stephen Cook, Planning Official presented to council more information on the areas being considered for annexation.

7E. Various Staff Reports

Council and Staff Comments

8A. David Wynn, Deputy City Manager updated council on the progress of the "quiet zone".

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.**

There being no further business Mayor Shetter adjourned the meeting.

Time: 10:52 p.m.

Amanda J. McDowell
City Secretary