

BURLESON CITY COUNCIL WORK SESSION
January 24, 2008
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
David Wynn, Deputy City Manager
Allen Taylor, City Attorney

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

Mayor Shetter introduced Congressman Chet Edwards. Congressman Chet Edwards praised the City of Burleson for all their hard work especially in the area of transportation. Congressman Edwards spoke to the council and the public on the importance of Transportation and cooperation among different agencies.

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

3D. Public hearing and consideration of Resolution R-1113-08, authorizing acceptance of a Municipal Setting Designation for 1.3619 acres located at the southeast corner of W. Renfro Street and SH 174 (Wilshire Blvd.)

Sheri Campbell-Husband, Director of Neighborhood Services, presented a power point presentation to council on a Municipal Setting Designation.

2. **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 Stuart Gillaspie.

Motion passed 7-0. **Time: 6:25 p.m.**

3. **Reconvene into open session for possible action.**

Motion was made by Jim Wadlow and second by Stuart Gillaspie to reconvene into open session.

Motion passed 7-0. **Time: 7:14 p.m.**

BURLESON CITY COUNCIL REGULAR SESSION
January 24, 2008
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
David Wynn, Deputy City Manager
Allen Taylor, City Attorney

REGULAR SESSION – Call to order – Time: 7:14 p.m.

Invocation – Larry Moore, Seventh Day Adventist Church of Burleson

Pledge of Allegiance

Proclamations

Items to be continued or withdrawn

- 1V. **Minute Order MO-08-014, appointing 13 voting youth as youth council members to serve an initial term from January 24, 2008 to May 31, 2008.**

Items to be withdrawn from the consent agenda for separate discussion.

Consent Agenda

- 1A. **Approve the minutes from the January 10, 2008 regular session.**

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

Motion passed 7-0.

1B. Financial Transactions.

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

Motion passed 7-0.

Requisitions

Fund: General Fund

City of Fort Worth - \$24,000.00
Redmoon Broadband - \$7,331.25
Redmoon Broadband - \$3,600.00
Borders, Inc. - \$3,790.00
Whitmore & Sons, Inc. - \$35,340.00
S & D Enterprises - \$56,464.00

Fund: Equipment Service Fund

Industrial Power Isuzu truck - \$13,356.62
RLS Services - \$3,632.00
Holt Company of Texas - \$25,000.00

Fund: Park Dedication Fund

Circle T Nursery - \$3,630.00
Decherts Landscaping & Irrigation, Inc. - \$5,075.00

Fund: 2005 Water Sewer Revenue Bond Fund

Weir & Associates - \$12,500.00

Fund: 4A Sales Tax

Jackson Construction - \$3,400.00

Fund: 2002 General Obligation Fund

Texas Department of Transportation - \$51,207.00

Payment

Fund: General Fund

Taylor, Olson, Adkins, Sralla & Elam, LLP - \$30,364.47
North Central Texas Council of Governments - \$4,000.00
Denitech Corporation - \$3,900.00

Fund: General Fund/2006 Certificate of Obligation/2007 General Obligation Bond

Ellerbee-Walczak, Inc. - \$5,012.00

1C. Ordinance C-640-08, changing the name (spelling) of the section of street known as "Meadowbrook Drive" from Bryan Drive going southwest 256 feet to "Meadowbrook Drive". (First Reading)

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

Motion passed 7-0.

1D. Ordinance C-634-07(A0108), amending C-634-07 Section II (B) 1, 2 and 3, changing water rates of Johnson County Special Utility District in Shannon Creek Estates. (First Reading)

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

Motion passed 7-0.

1E. Ordinance C-641-08, appointing the Presiding Municipal Court Judge and Associate Municipal Court Judges of the Municipal Court of Record of the City of Burleson, for a term of two years, and Authorizing the Mayor to Execute An Agreement with the Presiding Municipal Court Judge. (First Reading)

Motion was made by Claudia Humphreys and second by Dan McClendon to approve amending to remove Amy Messer as Associate Judge.

Motion passed 7-0.

1F. Ordinance C-642-08, approving a settlement agreement between the Atmos Cities Steering Committee and ATMOS ENERGY CORP, MID-TEX DIVISION. (First Reading)

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

Motion passed 7-0.

1G. Ordinance B-776-08, establishing a speed limit of 35 miles per hour on Houston Road from Renfro Street east to the City Limits. (Final Reading)

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

Motion passed 7-0.

1H. Ordinance B-777-08, establishing a speed limit of 40 miles per hour on Hidden Vistas Boulevard from Hidden Creek Parkway to Landmark Drive. (Final Reading)

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

Motion passed 7-0.

1I. Resolution R-1111-08, calling the May 10, 2008 General Election for the City of Burleson Mayor and Council Places 2, 4, and 6.

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

Motion passed 7-0.

1J. Resolution R-1112-08, calling for a Joint Election Resolution with Burleson Independent School District (BISD), and approving the Joint Election Agreement for election services and authorizing the Mayor to sign.

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

Motion passed 7-0.

1K. Resolution R-1087-07(A0108), amending Resolution R-1087-07, Section 4 Membership, to include youth residing in the City of Burleson ETJ.

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

Motion passed 7-0.

1L. Agreement with the Burleson Heritage Foundation regarding use of the Interurban building/Heritage Visitors Center.

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

Motion passed 7-0.

1M. Agreement with Katherine Crouch Halwes and James W. Crouch, Jr. to amend an oil and gas lease.

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

Motion passed 7-0.

1N. Lease Agreement with S.W. Goodnight for 159.397 acres of land and authorize the City Manager to execute.

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

Motion passed 7-0.

1O. Renewal of mutual aid agreement between the City of Burleson and the Tarrant County Emergency Services District.

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

Motion passed 7-0.

1P. Award the annual contract for Janitorial Supplies & Paper Products to Corporate Express, JanPak Supply and Empire Paper Company (ITB 2008-015)

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

Motion passed 7-0.

1Q. Award the annual contract for vehicle parts and filters to O'Reilly Automotive, Inc. (ITB 2008-013)

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

Motion passed 7-0.

- 1R. Award the contract for the construction of the Summercrest boulevard, Thomas Road, Hillside Drive, and Jayellen Avenue Drainage Improvements project to BurnsCo Construction, Inc. in the amount of \$1,618,464.00 and authorize the City Manager to execute the contract and approve change orders not exceeding \$25,000.00.**

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

Motion passed 7-0.

- 1S. Rescind the City Council's September 13, 2007 ratification of the 4A Economic Development Corporation Board's action to adopt the Burleson Opportunity Fund as project of the corporation; and Authorize the payment of \$25,000 from Natural Gas revenues as the City's contribution to the Burleson Opportunity Fund.**

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

Motion passed 7-0.

- 1T. Changing the holiday schedule for 2008 to substitute the day after Christmas for Christmas Eve as a designated holiday for the Christmas Holiday, 2008.**

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

Motion passed 7-0.

- 1U. Minute Order MO-08-013, extending Executive Order 2008-01 prohibiting outdoor burning, issued by the Mayor January 18, 2008, until such time as the Fire Marshal determines the prohibitions and restrictions of the order are no longer required.**

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

Motion passed 7-0.

* Removed from Consent Agenda.

1V. Minute Order MO-08-014, appointing 13 voting youth as youth council members to serve an initial term from January 24, 2008 to May 31, 2008.

Kellye Cunningham, Management Assistant, presented to council the 13 youth to be appointed to the Mayor's Youth Council.

The 13 voting youth council member are:

1. Brushea Daniels
2. Samuel Graf
3. Matt Smith
4. Caitlan Smelley
5. Matthew Bruce
6. Amanda Werley
7. Kalyn Daily
8. Amanda Granato
9. James Owen
10. Rachel Ball
11. Andra Ancy
12. Katie Frisk
13. Donnie Allan

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

Motion passed. 7-0

Presentations

2A. Presentation from Burleson High School Green Club.

Brittany Rosenberg and Kayla Edmond, from the Burleson High School Green Club presented to council the top issues the club was concerned about. The main theme was tree preservation especially the preservation of older trees. They gave several statistics on environmental impact of mature trees. The Club does appreciate the city's newly implemented recycling program and hopes the

city will continue. Wants council to keep in mind when making new policies the environmental issues.

2B. Citizens Appearance

Carter Mahaney, 1817 Colorado Ct, lives off of Shaffstall Road travels through the intersection of Shaffstall Road and 174, believes this is a dangerous intersection and needs the traffic light especially for the school buses.

Dianne Janusch, 228 NE Timber Ridge Dr., works at First Financial Bank and would receive information on when the traffic light will be installed at Shaffstall Road and 174. Feels this is dangerous intersection for staff and customers.

Tim Davis, 121 NW Renfro, read a letter from South Burleson Community Gas Lease hold outs:

Gas Lease Holdouts

If you have not signed a Gas Lease and are holding out alone, or with a small group of 5 to 10 members, please listen up. By doing this you are helping the Leasing companies keep the Lease Payment very low, probably in the 4 to 6 thousand dollar range per acre. Please join with The South Burleson Homeowners Association and help us All get a fair price for our gas rights. In some areas people are receiving as much as \$18,000 per acre.

If you, our City Government, School Board Members, Churches and Businesses are holding out alone, then you are hurting yourselves and others. By holding out this property of the city, schools, Churches and businesses, with a group of land owners such as The South Burleson Homeowners Association, we can all pool or land together and get a Fair Market Price for our gas leases.

We as a group are Customers, Church Members, Students, and Business owners that together can Negotiate with the Gas Companies and have a larger influence on their offers. However, if they are able to divide us by leasing small lots we will be far less valuable and have little or no impact on the price that we all receive.

If we stand together and get a Fair Market Price of \$16,000 to \$18,000 per acre, it could easily put a large amount of money into the economy her in South Burleson. If we do not, the leasing companies and with the Billion Dollar Gas Companies will gobble us up one by one.

If you have not leased your mineral rights, please join in with the South Burleson Homeowners Association for the benefit of all.

It is well known that the Cities property as well as the Schools properties can be offered ridiculously over priced leasing bonuses and if they accept them it will allow The Gas Companies to mow down the citizens and their property for far less money. Shouldn't we all work together and pull our resources. The old saying "There is STRENGTH IN NUMBERS" could never be more applicable. If we all work together we can use our numbers to help negotiate not only more money up front, but other items such as Transportation costs, drilling expenses, road repairs, and sound barriers in our contracts.

We are distributing this information throughout the community, and currently have 284 pieces of property that have agreed to hold-out!

We want to encourage all hold outs to join with us to get a Fair Market Share for our leases. We charge no dues for joining our group, and we have no funds. Individual organizers and some businesses are helping with some of the costs. We owe our thanks to the First National Bank and three churches who have offered their facilities for our next meetings.

Our next scheduled meetings are as follows:

Feb 2nd at 4:00 PM at the First Christian Church on Johnson Ave.

Church of Christ on Wilshire at the end of Feb or one of the first two Saturdays in March.

* Moved up in the agenda to address the citizen's appearance.

7F. Leasing of mineral on city owned properties.

Paul Cain, Deputy City Manager, presented to council the process for gas leases for City property. Gas leases for city property are bid through the process of competitive seal bids. Paul Cain recommended to council to set aside a period of time to cease the gas lease competitive bid process to allow the group to organize.

Bill Mahaney, 113 SE Newton Dr., liked the information that was presented by Paul Cain on what the city would do. Mr. Mahaney believes if property owners receive more money for their gas leases than the city would benefit by the owners spending money in the city.

Public Hearings and Related Ordinances

3A. Remove from the table, continue the public hearing and consider request by Devon Energy for a gas well permit on approximately 161 acres located 1100 feet west of FM 1902 and 200 feet south of CR 913. (Case No. 07-081)

Motion was made by Stuart Gillaspie and second by Matt Powell to remove item from the table.

Motion passed 7-0.

Stephen Cook, Planning Official, presented to council a request by Devon Energy for a gas well permit on approximately 161 acres located 1100 feet west of FM 1902 and 200 feet south of CR 913. (Case No. 07-081)

Mayor Shetter opened the public hearing: Time: 8:07 p.m.

No speakers

Mayor Shetter closed the public hearing: Time: 8:07 p.m.

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

Motion passed 7-0.

3B. Public Hearing and consideration of a request by Chesapeake Operating, Inc., for a gas well drilling permit for one gas well, know as the Brown Unit 1H, on 198.26 acres located at 128 Loy Street, approximately 10000' north of E. Renfro Street and approximately 2000' east of IH-35W. (Case No. 07-138)

David Wynn, Deputy City Manager, presented to council a request by Chesapeake Operating, Inc., for a gas well drilling permit for one gas well, know as the Brown Unit 1H, on 198.26 acres located at 128 Loy Street, approximately 10000' north of E. Renfro Street and approximately 2000' east of IH-35W. (Case No. 07-138)

Mayor Shetter opened the public hearing: Time: 8:11 p.m.

Helen Wallace, 171 N Hurst Road, does not object to Chesapeake. The engineering on Loy Street has not stopped soil erosion. Is concerned all the traffic and movement of dirt will cause more erosion.

Justin Bond, Chesapeake Energy, informed council that no key pads have been installed. Bids have been received for key pads.

Max Montgomery, 123 Loy Street, informed council that he signed a gas lease with Williams.

Mayor Shetter closed the public hearing. Time: 8:31 p.m.

Motion was made by Claudia Humphreys and second by Dan McClendon to approve with the following stipulation:

Chesapeake will abide by the new Oil & Gas Ordinance B-775-07 when the pad site is complete or if the B-775-07 has not passed by the time the pad site is

complete will at a minimum abide by the proposed security measures in B-775-07.

Motion passed 6-0. Stuart Gillaspie abstain.

Break 8:00 p.m. to 8:54 p.m.

* Moved up in the agenda.

6A. Final plat of 27 lots, 32.74 acres of Hidden Vistas, Phase 3, located south of Hidden Creek Parkway and west of Union Pacific Railroad. (Case No. 07-127)

David Wynn, Deputy City Manager, presented to council the Final plat of 27 lots, 32.74 acres of Hidden Vistas, Phase 3, located south of Hidden Creek Parkway and west of Union Pacific Railroad. (Case No. 07-127) highlighting the tree preservation plan.

Peter Thomas, developer of Hidden Vistas, explained the big picture of the development. Nursery grown Red Oaks will be required through the homeowners association.

Motion was made by Dan McClendon and second by Chip Stephens to approve with preservation of trees placed on the face of the plat and DAC comments followed.

Motion passed 7-0.

3C. Public Hearing and consideration of a request by Williams Production for a gas well drilling permit for two additional wells known as the Crouch Farms Unit 4H and 5H, on an existing drill pad site on 288.54 acres located at 610 SW Hulen Street (Shaffstall Road), on the east side of SW Hulen Street (Shaffstall Road), south of the BNSF Railroad. (Case No. 08-3)

David Wynn, Deputy City Manager, presented to council a request by Williams Production for a gas well drilling permit for two additional wells known as the Crouch Farms Unit 4H and 5H, on an existing drill pad site on 288.54 acres located at 610 SW Hulen Street (Shaffstall Road), on the east side of SW Hulen Street (Shaffstall Road), south of the BNSF Railroad. (Case No. 08-3)

Mayor Shetter opened the public hearing: Time: 9:11 p.m.

Ivan Norfolk, Williams Production, will be meeting about security issues at current and future well sites.

Mayor Shetter closed the public hearing. Time: 9:13 p.m.

Motion made by Dan McClendon and second by Matt Powell to approve provided that the operator agrees to meet the security requirements of the new gas well ordinance B-775-07.

Motion passed 7-0.

3D. Public hearing and consideration of Resolution R-1113-08, authorizing acceptance of a Municipal Setting Designation for 1.3619 acres located at the southeast corner of W. Renfro Street and SH 174 (Wilshire Blvd.)

Sheri Campbell-Husband, Director of Neighborhood Services, presented to council a power point presentation on Resolution R-1113-08, authorizing acceptance of a Municipal Setting Designation for 1.3619 acres located at the southeast corner of W. Renfro Street and SH 174 (Wilshire Blvd.)

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

Rasheed Hallak, 210 Wilshire, owner of Exxon Gas station, considers the containment important to the entire city. Wants all the clean up done on any site before any development is completed.

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

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

Motion passed 7-0.

Ordinances & Resolutions

4A. Remove from the table and consider Ordinance B-773-07, establishing a school zone on Hidden Creek Parkway from Hurst Road to 660 feet to the west. (First Reading)

Request by Burleson Independent School District and City of Burleson staff to re-table the item.

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

Motion passed 6-0. Claudia Humphreys absent from council chambers.

Motion was made by Chip Stephens and second by Dan McClendon to table

Motion passed 6-0. Claudia Humphreys absent from council chambers.

4B. Ordinance B-778-08, amending Chapter 34, Environment, of the City of Burleson Code of Ordinances to include Article X, Municipal Setting Designation. (First Reading)

Sheri Campbell-Husband, Director of Neighborhood Services, presented to council Ordinance B-778-08, amending Chapter 34, Environment, of the City of Burleson Code of Ordinances to include Article X, Municipal Setting Designation. (First Reading)

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

Motion passed 7-0.

Contracts & Agreements

5A. Engineering services contract with Elder Engineering, Inc. for the design of Arnold Avenue from State Highway 174 to Vaden Street.

David Wynn, Deputy City Manager, presented to council the Engineering services contract with Elder Engineering, Inc. for the design of Arnold Avenue from State Highway 174 to Vaden Street.

Motion was made by Matt Powell and second by Claudia Humphreys to approve.

Motion passed 6-0. Chip Stephens abstain.

5B. Interlocal Agreement Between the City of Fort Worth and the City of Burleson for Design and Construction of McAlister Road Improvements.

Paul Cain, Deputy City Manager, presented to council the Interlocal Agreement Between the City of Fort Worth and the City of Burleson for Design and Construction of McAlister Road Improvements.

Motion was made by Chip Stephens and second by Matt Powell authorize the Mayor to execute and approve and amending the FY 07-08 budget by appropriating \$240,000.00 from the Unreserved/Undesignated Fund balance of the General Fund to the General Fund Operating Budget, Department of Engineering Services.

Motion passed 7-0.

Other Items for Consideration

* Moved up in the agenda.

6A. Final plat of 27 lots, 32.74 acres of Hidden Vistas, Phase 3, located south of Hidden Creek Parkway and west of Union Pacific Railroad. (Case No. 07-127)

6B. Change Order No. 1 to the City Wide Drainage Improvements – Phase 1 project in the amount of \$118,000.00.

David Wynn, Deputy City Manager, presented to council the Change Order No. 1 to the City Wide Drainage Improvements – Phase 1 project in the amount of \$118,000.00.

Motion was made by Dan McClendon and second by Chip Stephens to approve and authorize the City Manager to sign.

Motion passed 7-0.

Reports

7A. Economic Development.

No reports.

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

No reports.

7C. RFQ for Business Park

Paul Cain, Deputy City Manager presented to council a preliminary report on the RFP for Business Park.

7D. Status of amendments to the Gas Well Ordinance

David Wynn, Deputy City Manager, updated council on the Gas Well Ordinance which would be brought to council for final approval at the first council meeting in February.

7E. Update on revisions/amendments to the Comprehensive Land Use Plan and the Zoning Ordinance

Stephen Cook, Planning Official, reported to council about the meeting with Sefko Planning Group, a branch of Freese and Nichols, who will update our Comprehensive Plan.

7F. Leasing of minerals on city owned properties

Paul Cain, Deputy City Manager discussed during 2B. Citizen's Appearance.

7G. Various Staff Reports

Paul Cain, Deputy City Manager, reported to council the new format for the Crime Reports and several upcoming items that will be presented to council at later meetings.

Paul Cain, Deputy City Manager thanked staff members: Peter Krause, Director of Parks and Recreation, David Wynn, Deputy City Manager, and Stephen Cook, Planning Official for all their help and work on the RFQs. He also thanked Todd House, Deputy City Engineer for his work on McAlister and Kellye Cunningham, Management Assistant for her work with the Mayor's Youth Council.

David Wynn, Deputy City Manager, recognized the following staff members: Sheri Campbell-Husband, Director of Neighborhood Services, named Rotarian of the Year and Chamber Volunteer of the quarter. Jay Hutchinson and Bill Hallack for obtaining their Class A Water License. Larry Taylor for obtaining his Backflow Prevention inspector License.

Curtis Hawk, City Manager, discussed the possibility of moving the next council meeting from February 14, 2008 to February 12, 2008, staff believes this will help with any conflicts developers and the public would have with attending the meeting.

Council and Staff Comments

8A.

Councilmember Matt Powell would like to suggest that members of council and the Planning & Zoning commission attend the 12th Annual Land Use Conference in Austin, March 5-7, 2008. Councilmember Powell received calls about the red cameras. David Wynn, Deputy City Manager, estimated the cameras would be installed in another 4 weeks.

Ken Shetter, Mayor, thanked Paul Cain, Deputy City Manager, Kellye Cunningham, Management, and Sally Ellertson, Public Information Officer, for all their hard work on the Mayor's Youth Council.

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.**

Adjourn 10:39 p.m.

Amanda J. McDowell
City Secretary