

BURLESON CITY COUNCIL WORK SESSION
February 12, 2008
MINUTES

Roll Call:

Council present:

Jim Wadlow

Ken Shetter

Dan McClendon

Claudia Humphreys

Chip Stephens

Council Absent:

Stuart Gillaspie

Matt Powell

Staff

Curtis E. Hawk, City Manager

Paul Cain, Deputy City Manager

David Wynn, Deputy City Manager

Betsy Elam, City Attorney

WORK SESSION – Call to order – Time: 6:14 p.m.

- 1. Discussion of MO-08-015, amending of the 2007-2008 City of Burleson Fee Schedule by approving new fees for Municipal Setting Designations**

Curtis E. Hawk, City Manger, explained the fee schedule amendment is a result of the passage of B-778-08 establishing a Municipal Setting Designation. (MSD)

- 2. Discussion of Parks and Recreation Capital Improvement Project and Financing.**

Peter Krause, Director of Parks and Recreation, Representatives from HNTB presented to council an over view of the Chisenhall Park Sports Complex design and concept.

Peter Krause, Director of Parks and Recreation and Representatives from GSBS presented to council the design and over view of Bartlett Park Community Center.

- 3. Discussion of Ordinance B-775-07, repealing B-761-06, Article VII of Chapter 14 Oil and Gas, Regulating the Drilling and Production of Gas Wells within the City and replacing it in its entirety.**

No discussion.

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: 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.**

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

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent. **Time: 6:52 p.m.**

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

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

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent. **Time: 7:13 p.m.**

BURLESON CITY COUNCIL REGULAR SESSION
February 12, 2008
MINUTES

Roll Call:

Council present:

Council Absent:

Stuart Gillaspie

Jim Wadlow
Matt Powell (arrives
Ken Shetter
Dan McClendon
Claudia Humphreys
Chip Stephens

Staff

Curtis E. Hawk, City Manager
Paul Cain, Deputy City Manager
David Wynn, Deputy City Manager
Betsy Elam, City Attorney

REGULAR SESSION – Call to order – Time: 7:13 p.m.

Invocation – Tom Pickett, Burleson Fellowship Church

Pledge of Allegiance

Proclamations

Items to be continued or withdrawn

Items to be withdrawn from the consent agenda for separate discussion.

1B. Financial Transactions

Curtis E. Hawk, City Manager, pointed out the financial transaction of vendor Four D Construction in the amount of \$188,845.25. The reason for this is to re-bore SH 174 and installation of associated pipe and manholes made necessary by a conflict with existing utilities on the Village Creek Sewer Relief Line Project.

1F. 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. (Final Reading)

Curtis E. Hawk, City Manager, let council know that Presiding Municipal Court Judge Carol Montgomery will be sworn in on Thursday, February 14, 2008 and sign the agreement.

Consent Agenda

1A. Approve the minutes from the January 24, 2008, regular session.

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

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent.

1B. Financial Transactions.

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

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent.

Requisitions

Fund: General Fund

Foundry Network - \$10,631.32
Kimley-Horn and Associates, Inc - \$3,000.00
Laser Technology, Inc. - \$3,474.00
Ratliff Ready Mix - \$17,450.00
Squaw Creek Materials - \$13,450.00
Rental One - \$3,150.00
Tee's Plus - \$4,235.14

Fund: Equipment Replacement Fund

Cloverleaf Tool Co. - \$3,632.00

Fund: Water & Wastewater Fund

Green Equipment - \$11,123.78
Netmotion Wireless - \$3,322.92

Fund: Hidden Creek Golf Course Fund

Nike Golf - \$7,000.00

Fund: 2006 Certificate of Obligation

Four D Construction - \$188,845.25

Fund: 2007 Certificate of Obligation Misc. Street & Drainage

Linder Construction Company, Inc. - \$47,146.50

Fund: Solid Waste Fund / Equipment Replacement Fund

Dallas Dodge Chrysler Jeep - \$283,247.00

Payment

Fund: General Fund

Imageware Systems, Inc. - \$3,020.23

Strategic Government Resources, Inc. - \$4,504.00

Fund: General Fund/2007 General Obligation Fund

Ellerbe-Walczak, Inc. - \$4,148.00

Fund: General Fund/ Water and Wastewater Fund

Mastercard - \$32,975.33

Fund: Hidden Creek Golf Course

Textron Financial Services, Inc. - \$4,173.64

1C. Ordinance B-778-08, amending Chapter 34, Environment, of the City of Burleson Code of Ordinances to include Article X, Municipal Setting Designation. (Final Reading)

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

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent.

1D. Ordinance C-634-07 (A0108), amending C-634-07 Section II (B) 1, 2 & 3 to reflect the changing water rates of Johnson County Special Utility District for Shannon Creek Estates. (Final Reading)

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

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent.

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

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

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent.

1F. Ordinance C-641-08, appointing Carol Montgomery Presiding Municipal Court Judge, Toni Driver, First Associate Municipal Court Judge and Eugene Kim and Michael Newman as Associate Judges of the Municipal Court of Record of the City of Burleson, for a term of two years expiring February 12, 2010 and authorizing the Mayor to execute an agreement with the Presiding Municipal Court Judge. (Final Reading)

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

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent.

1G. Ordinance C-642-08 approving a settlement agreement between the Atmos cities steering committee and ATMOS ENERGY CORP., MID-TEX DIVISION. (Final Reading)

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

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent.

1H. Semi-Annual contract for Street Materials to Vulcan Materials Company, Squaw Creek Materials, LP, Ratliff Ready Mix. (ITB 2008-014)

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

February 12, 2008
1H - 2

ITB 2007-026
STREET MATERIAL
TABULATION SHEET

ITEM	DESCRIPTION	Vulcan Material	Ratliff Ready Mix	Squaw Creek Material
1	Flexible Base, Type "A", Grade 2 , Texas Highway Dept. Item 249, in accordance with the following specifications: Ret. on 1-3/4" Sieve 0-10%, Ret. on No. 4 Sieve 45-75%, Ret. on No. 40 Mesh Sieve 60-85% Approximately 3,000 tons Soil Constants to be: Liquid Limit Max. 40 plasticity Index 4 min. to 12 max. Max. West Ball Mill – 50	\$15.85 per ton delivered	No Bid	\$13.45 per ton delivered
2	River Sand (cushion sand/de-icing sand) Approximately 1,000 tons Materials: Sand (fine aggregate) Sand (river sand) shall consist of clean, tough, well graded, moderately sharp sand conforming to the following limitations when tested by dry sieve analysis: Passing a No. 10 sieve - 100% Ret. on a No. 30 sieve - 40% Ret. on a No. 200 sieve - 60-100%	No Bid	\$23.00 per ton	No Bid
3	CRS-2H Emulsion Asphalt , Texas Highway Dept. Item 300, in accordance with newest standard specifications. Approximately 20,000 gallons City of Burleson haul local (within 50 miles of Burleson, Texas) Truck Hold Over Fee Shipping From Producer Is	No Bid	No Bid	No Bid
4	Crushed Limestone Aggregate, Grade 4B Texas Highway Dept. Item 302, in accordance with the latest standard specifications Shipping From Producer Is Freight Rate Approximately 1,000 Tons	\$21.10 per ton delivered	No Bid	\$18.95 per ton delivered
5	5-Sack Crushed Limestone (1") Ready Mix Concrete , Approximately 100 yds	No Bid	\$77.00 per yd	No Bid
6	2-Sack (2.27) Ready Mix Concrete Approximately 250 yds	No Bid	\$68.00 per yd	No Bid

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent.

1I. Lease Agreement with Premier Election Systems for Election Equipment and Services for the May 10, 2008 General Election and authorize the City Manager to execute.

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

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent.

1J. Authorization to enter into an agreement with Chesapeake Energy for the sale of non-potable water from Bailey Lake and authorize City Manager to execute.

Motion was made by Chip Stephens and second by Dan McClendon to approve the agreement with Chesapeake Energy who will compensate the City of Burleson in the amount of \$49,060.00 and will be limited to 5.5 million gallons of water. Chesapeake Energy shall pay \$8.92 per 1,000 gallons for any additional water usage.

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent.

1K. Preliminary plat of 4 lots, 91.78 acres of Joshua School Addition located along the west side of FM1902 and north of FM917. (Case 07-136)

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

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent.

1L. MO-08-017, approving revisions to the Burleson Public Library's Operating and Policy Manual.

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

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent.

1M. Authorize the City Manager to pay Johnson County Special Utility District the remaining balance on sanitary sewer system payments for residential properties within the annexed area of Wildwood Estates.

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

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent.

1N. MO-08-015, amending of the 2007-2008 City of Burleson Fee Schedule by approving new fees for Municipal Setting Designations.

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

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent.

Presentations

2A. Presentation by Medstar on Resuscitation Outcomes Consortium.

Dr. John Giswald, the Medical Officer for Medstar for the City of Burleson, presented to council the Resuscitation Outcomes Consortium which allows the joining of multiple cities and millions of people in a health research program for heart attacks. The lead research doctor attended and gave a lecture on the actual process of the research program.

2B. Citizens Appearance

Bill Mahanay, 113 SE Newton Dr., "Community of Gas Lease Holdouts" updated council on this organizations progress.

Public Hearings and Related Ordinances

3A. Public Hearing and consideration of a replat of Lots 28, 29, 30, & 31, Block 1, 9.38 acres of Burleson Oaks Estates into Lots 28R and 29R located in the ETJ at the end of the Burleson Oaks Drive cul-de-sac south of FM 917. (Case 07-137)

David Wynn, Deputy City Manager, presented to council a replat of Lots 28, 29, 30, & 31, Block 1, 9.38 acres of Burleson Oaks Estates into Lots 28R and 29R located in the ETJ at the end of the Burleson Oaks Drive cul-de-sac south of FM 917. (Case 07-137)

Mayor Shetter opened the public hearing: Time: 7:56 p.m.

No speakers

Mayor Shetter closed the public hearing: Time: 7:56 p.m.

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

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent.

3B. Public hearing and consideration of a request by Chesapeake Energy for gas well drilling permits for three (3) gas wells, known as the Torres 2H, 3H and 4H Units, to be drilled on an existing pad site, on

107.92 acres located approximately 900 feet south of SW Hulen Street (Shaffstall Road) and 250 feet west of Wilshire Boulevard. (Case Nos. 08-6, 08-7, and 08-8)

David Wynn, Deputy City Manager, presented to council the request by Chesapeake Energy for gas well drilling permits for three (3) gas wells, known as the Torres 2H, 3H and 4H Units, to be drilled on an existing pad site, on 107.92 acres located approximately 900 feet south of SW Hulen Street (Shaffstall Road) and 250 feet west of Wilshire Boulevard. (Case Nos. 08-6, 08-7, and 08-8)

Mayor Shetter opened the public hearing: Time: 8:01 p.m.

No speakers

Mayor Shetter closed the public hearing. Time: 8:01 p.m.

Motion was made Claudia Humphreys and second by Dan McClendon with conditions that the gas wells adhere with the new oil and gas well ordinance B-775-07.

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent.

Ordinances & Resolutions

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

Curtis E. Hawk, City Manager, presented to council the request and recommendation by staff to remove the item from the table and deny. This recommendation is based on the meeting of the Joint Utilization Committee where BISD will remedy the traffic problem at Bransom Elementary by changing drop off and pick up on the school property.

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

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent.

Motion was made by Dan McClendon and second by Chip Stephens to deny B-773-07.

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent.

4B. Ordinance B-775-07, repealing B-761-06, Article VII of Chapter 14 Oil and Gas, Regulating the Drilling and Production of Gas Wells within the City and replacing it in its entirety. (Final Reading)

David Wynn, Deputy City Manager, presented to council Ordinance B-775-07, repealing B-761-06, Article VII of Chapter 14 Oil and Gas, Regulating the Drilling and Production of Gas Wells within the City and replacing it in its entirety. (Final Reading)

Justin Bond, 301 Commerce St. #600, Fort Worth, Chesapeake Energy, highlighted the positive aspects of the new ordinance that Chesapeake Energy supports and the negative one Chesapeake would like to change or modify.

Bob Manthei, 810 Houston Rd, XTO Energy, request council give the industry more time to study the new features of the new ordinance.

Ron Crook, 120 Country Vista Circle, written comment: supports the new ordinance.

Motion was made by Jim Wadlow to approve the second by Claudia Humphreys added the following:

Item #1.

Sec. 14-363. Security and screening. Item B.3.c.

- c. Response to alarms. ~~The monitoring facility alarm system shall be responsible for permitting the alarm permitted~~ with the City of Burleson Police Department (BPD) in accordance with the city's alarm Ordinance. The monitoring facility shall notify the Operator and the BPD in case of security breach at the drill site. The Operator shall respond with an authorized representative on site within forty five (45) minutes of notification of alarm. Fines for false alarms shall be as follows:

Item #2.

Sec. 14-363. Security and screening. Item F.

- F. Security compliance review and upgrade requirement. All well sites within the City limits are expected to meet the requirements in this Section at all times and shall be subject to a periodic security review to assure they remain in compliance with the requirements of this Section as conditions change around the well site. This shall apply to all wells within the city limits, including ~~wells annexed into the city and existing wells~~ and wells annexed into the city, where development has encroached into the well site area. Operators shall be given a reasonable time, but in no case more than ~~thirty (30)~~ ninety (90) days, once notified of a finding of noncompliance, to cure the noncompliance.

Item #3.

Road Damage Remediation Agreement

ARTICLE 14.

GOVERNING LAW AND VENUE

This Agreement shall be construed under and governed by, and in accordance with the laws of the State of Texas, and venue for any action arising under the terms and conditions of this Agreement shall lie in the state courts located in ~~Denton~~ Johnson County, Texas.

City's definition of an emergency

Add the word "exits" to the sentence "The gate must close automatically once someone enters or exits the site.

Requirement for a lock on all the internal fencing.

Change the requirement of a camera view from ¼ mile to 1000 feet.

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent.

4B1. MO-08-016, amending of the 2007-2008 City of Burleson Fee Schedule by approving new fees associated with the Road Damage Remediation Agreement.

David Wynn, Deputy City Manager, presented to council MO-08-016, amending of the 2007-2008 City of Burleson Fee Schedule by approving new fees associated with the Road Damage Remediation Agreement.

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

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent.

4C. Ordinance B-779-08, designating CB-MSD-0001, prohibiting the use of groundwater for potable and irrigation purposes on 1.3619 acres located at the southeast corner of W. Renfro Street and SH 174. (First Reading)

Bianca Chafin, Environmental Specialist, presented to council Ordinance B-779-08, designating CB-MSD-0001, prohibiting the use of groundwater for potable and irrigation purposes on 1.3619 acres located at the southeast corner of W. Renfro Street and SH 174. (First Reading)

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

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent.

Contracts & Agreements

5A. Agreement with Connect-CTY for a comprehensive communication system in the amount of \$21,825.00 per year for a three year term and authorize the City Manager to execute the agreement.

Stacy Singleton, Fire Marshal, presented to council Connect-CTY for a comprehensive communication system and authorize the City Manager to execute the agreement.

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

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent.

Other Items for Consideration

6A. No items for consideration at this time.

Reports

7A. Economic Development.

No reports

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

No reports

7C. Report on Police Department Alarm Reports.

Tom Cowan, Police Chief, presented to council the Burleson Police Department Alarm Report that collected data from the passage of Ordinance B-762-06 (Alarm ordinance) to present.

7D. Report on Police Department Crime Statistics.

Tom Cowan, Police Chief presented to council the new format for the Burleson Police Department's Crime Statistics report. The Police Department will have to examine the system to see if there is a possibility of obtaining more specific information.

7E. Various Staff Reports

Council and Staff Comments

8A.

Curtis E. Hawk, City Manager presented the following comments:

*TMRS update letting council know that the City of Burleson is in good shape.

*JUC meeting updates and will now be regular meeting.

David Wynn, Deputy City Manager presented a Red light camera update.

Councilmember Jim Wadlow, thanked staff for keeping bandits signs picked up.

Mayor Ken Shetter, commented on the success of the first Mayor's Youth Council meeting.

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

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent. **Time: 10:31 p.m.**

Motion made by Claudia Humphreys and second by Chip Stephens to reconvene into open session.

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent. **Time: 11:15 p.m.**

Motion made by Claudia Humphreys and second by Jim Wadlow to approve the salary for the Curtis E. Hawk, City Manager and the contract amendments as discussed in executive session.

Motion passed 5-0. Matt Powell and Stuart Gillaspie absent.

There being no further business Mayor Shetter adjourned the meeting.

Time: 11:22 p.m.

Amanda J. McDowell
City Secretary