

BURLESON CITY COUNCIL WORK SESSION
February 28, 2008
MINUTES

Roll Call:

NO WORKSESSION

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

- 1. Discussion of projects and financing strategies for upcoming debt issuance.**
- 2. Discussion of all items on tonight's meeting. No action will be taken and each item will be considered during the Regular Session.**
- 3. 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.**
- 4. Reconvene into open session for possible action.**

BURLESON CITY COUNCIL REGULAR SESSION
February 28, 2008
MINUTES

Roll Call:

Council present:

Stuart Gillaspie
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

REGULAR SESSION – Call to order – Time: 7:05 p.m.

Invocation – Gloria Gillaspie – Lighthouse Church

Pledge of Allegiance

Proclamations

Items to be continued or withdrawn

Curtis E. Hawk, City Manager, requested the following item be withdrawn from the consent agenda.

- 1F. Amendment to Economic Development Incentive (380) Agreement with Burleson Commons, L.P. for the Burleson Commons Retail Development and authorize the City Manager to execute.**

Items to be withdrawn from the consent agenda for separate discussion.

Consent Agenda

- 1A. Minutes from the February 12, 2008, regular session and the minutes from the February 21, 2008, special session.**

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

Motion passed 5-0. Claudia Humphreys and Chip Stephens absent.

1B. Financial Transactions.

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

Motion passed 5-0. Claudia Humphreys and Chip Stephens absent.

Requisitions

Fund: General Fund

All American Press - \$7,560.00

Fund: Hidden Creek Golf Course

Callaway Golf - \$5,000.00

Fund: Water & Wastewater Fund

HD Supply Waterworks LTD - \$36,850.00

HD Supply Waterworks LTD - \$6,933.00

Fund: 2007 General Obligation Bond

HNTB Corporation - \$24,916.00

Fund: 2005 Certificate of Obligation

Nema 3 Electric, Inc. - \$7,893.00

Fund: Equipment Services Fund

Metro Fire Apparatus - \$3,189.00

Tools Unlimited - \$3,600.00

Fund: SRF

Portable Computer Systems - \$5,571.46

Payment

Fund: Water & Wastewater Fund

Johnson County Special Utility District - \$1,727.01

Fund: Solid Waste Fund

Industrial Power Isuzu Truck - \$3,470.38

1C. 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. (Final Reading)

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

Motion passed 5-0. Claudia Humphreys and Chip Stephens absent.

1D. Ordinance B-780-08, establishing a school zone on McAlister Road from 500 feet west of Hemphill Road to 60 feet west of Park Meadow Lane. (First Reading)

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

Motion passed 5-0. Claudia Humphreys and Chip Stephens absent.

1E. Final plat of 5 lots, 6.38 acres of Antonio's Vistas located on the west side of South Fox Lane south of East Renfro Street. (Case 08-001)

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

Motion passed 5-0. Claudia Humphreys and Chip Stephens absent.

1F. Amendment to Economic Development Incentive (380) Agreement with Burluson Commons, L.P. for the Burluson Commons Retail Development and authorize the City Manager to execute.

This item was withdrawn by Curtis E. Hawk, City Manager for a future council meeting. No action taken by the council.

Presentations

2A. Citizens Appearance

Don Kuhn, Library Board Chair, announced the Mayor's Book Club beginning March 8, 2008 at the Library. The Mayor will be handing out the book "To Kill a Mockingbird". As part of the Mayor's Book Club there will be book discussion meetings as well as showings of the 1962 movie "To Kill a Mockingbird". Mr. Kuhn invited the community to participate.

Larry Lewis, 2001 N CR 810, Alvarado, lives in the ETJ. Mr. Lewis asked the city to assist with the noise problem at a gas well that has been constructed near his home. Some neighbors have had to move because of the noise causing problems to the live stock.

Public Hearings and Related Ordinances

3A. Public hearing and consideration of the preliminary plat of 117 lots, 160.63 acres of Sherwood Forest Estates, and the consideration of a waiver from Section 8.2.G of the Burluson Design Standards Manual regarding street standards for the maximum length of a cul-de-sac for Sherwood Forest Estates located south of FM 917 and west of CR 810 in the ETJ. (Case 07-088)

David Wynn, Deputy City Manager, presented to council the preliminary plat of 117 lots, 160.63 acres of Sherwood Forest Estates, and the consideration of a waiver from

Section 8.2.G of the Burluson Design Standards Manual regarding street standards for the maximum length of a cul-de-sac for Sherwood Forest Estates located south of FM 917 and west of CR 810 in the ETJ. (Case 07-088)

Mark Hickman, Hickman Consulting Engineers, 1771 International Park Place, Suite 127, Richardson, Texas addressed questions about the subdivision.

Mayor Shetter opened the public hearing: Time: 7:33 p.m.

Catherine Moak, questioned the time of the day the water pressure test occurred. Believes the test was wrong because no one was home. The water lines are not sufficient enough to supply water when water is pulled. There are gas wells out on the property were the subdivision is being proposed.

Mayor Shetter closed the public hearing: Time: 7:42 p.m.

Motion made by Matt Powell second by Stuart Gillaspie to approve the waiver from Section 8.2.G of the Burluson Design Standards Manual regarding street standards for the maximum length of a cul-de-sac for King Arthur Court, Sherwood Forest Estates located south of FM 917 and west of CR 810 in the ETJ.

Mayor Ken Shetter's statement for the record prior to the vote:

"I am in favor of this particular waiver because of equitable reasons because these are large lots and it is for below the maximum number of lots that can be on a cul-de-sac. However I do not want the vote to reflect in any way that this waiver should be granted because this meets our standards set out in the Comprehensive Land Use Plan, which favors cul-de-sacs and curvilinear streets. I do not think it does meet those standards. It falls somewhat outside those standards as an exception because of the large lot size."

Motion passed 5-0. Claudia Humphreys and Chip Stephens absent.

Motion was made by Dan McClendon and second by Stuart Gillaspie to table the preliminary plat of 117 lots, 160.63 acres of Sherwood Forest Estates to the March 13, 2008 council meeting at the request of the developer.

Motion passed 5-0. Claudia Humphreys and Chip Stephens absent.

3B. Public Hearing and consideration of Ordinance D-088-08 rezoning from (SF7) Single Family 7 to (GR) General Retail zoning district for 1.02 acres located at 461 S. Dobson Street along the east side of Dobson Street and north of Hidden Creek Pkwy. (Case No 08-002)(First Reading)

Stephen Cook, Planning Official, presented to council Ordinance D-088-08 rezoning from (SF7) Single Family 7 to (GR) General Retail zoning district for 1.02 acres located at 461 S. Dobson Street along the east side of Dobson Street and north of Hidden Creek Pkwy. (Case No 08-002)

Mayor Shetter opened the public hearing: Time: 8:20 p.m.

No Speakers

Mayor Shetter closed the public hearing. Time: 8:20 p.m.

Motion was made by Matt Powell and second by Jim Wadlow to deny

Motion passed 5-0. Claudia Humphreys and Chip Stephens absent.

3C. Public Hearing and consideration of Ordinance D-089-08 a request for a (SUP) Specific Use Permit for automobile sales in (C) Commercial zoning district, within the Interstate 35 Overlay district for 10.0864 acres in Lot 1, Block 1, Oak Creek Village located along the east side of Interstate 35W and north of E. Renfro Street. (Case No. 08-005)(First Reading)

Stephen Cook, Planning Official, presented to council Ordinance D-089-08 a request for a (SUP) Specific Use Permit for automobile sales in (C) Commercial zoning district, within the Interstate 35 Overlay district for 10.0864 acres in Lot 1, Block 1, Oak Creek Village located along the east side of Interstate 35W and north of E. Renfro Street. (Case No. 08-005)

Break 8:31 p.m. to 8:48 p.m.

Mayor Shetter opened the public hearing: Time: 8:48 p.m.

Chuck Freeman, Callahan Freeman Architectures introduced the architectures who are working the development and introduced the Longhorn Dodge family.

Brian Gibson, CFO Longhorn Dodge and Longhorn Finance, Longhorn Dodge has been in business since 1971 and at their current location since 1981. In researching their customer base they discovered that 40 – 50 % of customers are from Johnson County. There is approximately 60 -70 % of personnel that work for Longhorn Dodge that come from Johnson County. So moving to Burleson is a good fit for their business. Longhorn Dodge currently hires approx. 80 employees with sales at 50 million gross. In the next 3-5 years expect the growth of 100-110 employees with sales at 70-80 million gross.

Mayor Shetter closed the public hearing. Time: 9:04 p.m.

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

Motion passed 5-0. Claudia Humphreys and Chip Stephens absent.

3D. Public Hearing and consideration of a request of Devon Energy for a gas well permit known as the Joseph Thomas 3H Unit on an existing pad site and lease area of approximately 161 acres located 1100 feet west of FM 1902, and 200 feet south of CR 913. (Case No. 08-012)

David Wynn, Deputy City Manager, presented to council a request of Devon Energy for a gas well permit known as the Joseph Thomas 3H Unit on an existing pad site and lease area of approximately 161 acres located 1100 feet west of FM 1902, and 200 feet south of CR 913. (Case No. 08-012)

Mayor Shetter opened the public hearing: Time: 9:07 p.m.

No speakers

Mayor Shetter closed the public hearing. Time: 9:07p.m.

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

Motion passed 5-0. Claudia Humphreys and Chip Stephens absent.

3E. Public Hearing and consideration of a request by Chesapeake Operating, Inc., for five (5) gas well drilling permits, known as the Parnolan Units 1H, 2H, 3H, 4H and 5H on 304.17 acres, located approximately 1500' southwest of the intersection F.M. 731 and SW Hillside Drive. (Case Nos. 08-017, 08-018, 08-019, 08-020 and 08-021)

David Wynn, Deputy City Manager, presented to council a request by Chesapeake Operating, Inc., for five (5) gas well drilling permits, known as the Parnolan Units 1H, 2H, 3H, 4H and 5H on 304.17 acres, located approximately 1500' southwest of the intersection F.M. 731 and SW Hillside Drive. (Case Nos. 08-017, 08-018, 08-019, 08-020 and 08-021)

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

No speakers

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

Motion made by Dan McClendon and second by Matt Powell to approve.

Motion passed 5-0. Claudia Humphreys and Chip Stephens absent.

Ordinances & Resolutions

4A. Resolution 791(A0208), amending Resolution 791, Design Standards Manual, modifying Section 11 (Franchise Utility Installation) to require that utilities within the Transit Oriented Development District be placed underground.

David Wynn, Deputy City Manager, presented to council Resolution 791(A0208), amending Resolution 791, Design Standards Manual, modifying Section 11 (Franchise

Utility Installation) to require that utilities within the Transit Oriented Development District be placed underground.

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

Motion passed 5-0. Claudia Humphreys and Chip Stephens absent.

4B. Resolution R-1114-08, directing the publication of notice of intention to issue certificates of obligation, series 2008; and providing an effective date.

Staff indicated a delay to the March 13, 2008 council meeting. No action taken by council.

Contracts & Agreements

5A. License Agreement with Southwestern Gas Pipeline to construct and operate a gas pipeline on property owned by the City.

David Wynn, Deputy City Manager, presented to council the License Agreement with Southwestern Gas Pipeline to construct and operate a gas pipeline on property owned by the City.

Motion was made by Matt Powell and second by Stuart Gillaspie to table until next council meeting, March 13, 2008.

Motion passed 5-0. Claudia Humphreys and Chip Stuart absent.

Other Items for Consideration

6B. Minute Order MO-08-018, approving an amendment to the City of Burleson's Statement of Financial Policies (Council Policy 32).

Rhett Clark, Director of Finance, presented to council Minute Order MO-08-018, approving an amendment to the City of Burleson's Statement of Financial Policies (Council Policy 32)

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

Motion passed 5-0. Claudia Humphreys and Chip Stephens absent.

Reports

7A. Economic Development.

No reports

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

No reports

7C. Boundary Agreements with Area Cities.

No reports

7E. Various Staff Reports

Stacy Singleton, Fire Marshal updated council on the fire situation and how the city is being updated. There is a command post in Granbury which is our main point of contact. We are in a “very high” fire danger area.

Gary Wisdom, Fire Chief, updated council on the number of grass fires that the City of Burleson Fire Department has responded to. There is a large increase of grass fires in City of Burleson from last years. It is beneficial that the warning is high.

Council and Staff Comments

8A.

Executive Session

9A. Executive Session: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.073, 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 Matt Powell to convene into executives session.

Motion passed 5-0. Claudia Humphreys and Chip Stephens absent.

Time: 9:39pm

Motion was made by Jim Wadlow and second by Matt Powell to reconvene into open session.

Motion made by 5-0. Claudia Humphreys and Chip Stephens absent.

Time: 10:10 p.m.

6A. Change Order No. 2 to the Village Creek Sanitary Sewer Relief Line project in the amount of \$188,845.25 and authorize the City Manager to execute.

Motion was made by Matt Powell and second by Dan McClendon to approve.

Motion passed 5-0. Claudia Humphreys and Chip Stephens absent.

7D. Amicus Brief Supporting the State of Texas in *State v Central Expressway Sign Associates*.

Curtis E. Hawk, City Manager, presented to council the request by the City of Fort Worth for the City of Burleson to join in the Amicus Brief as a Friend of the Court at no cost to the City of Burleson. Staff will bring forward to the March 13, 2008 a resolution.

Motion was made by Matt Powell and Jim Wadlow to approve the effective date of the amendments to the City Manager contract as discussed in executive session.

Motion passed 5-0. Claudia Humphreys and Chip Stephens absent.

There being no further business Mayor Shetter adjourned the meeting.

Time: 10:15 p.m.

Amanda J. McDowell
City Secretary