

BURLESON CITY COUNCIL WORK SESSION  
March 13, 2008  
MINUTES

Roll Call:

Council present:

Stuart Gillaspie  
Jim Wadlow

Council Absent:

Matt Powell  
Ken Shetter

Dan McClendon  
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: 6:10 p.m.**

1. Discussion of projects and financing strategies for upcoming debt issuance.

Paul Cain, Deputy City Manager, presented to council an overview of the Planned April 10<sup>th</sup> Debt Issuance.

Rhett Clark, Director of Finance presented to council the Self Supporting Debt projects.

Paul Cain, Deputy City Manager, presented to council the Tax Supporting Debt projects.

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:**

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, 551.074, 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 Dan McClendon to convene into executive session.

Motion passed 5-0. Ken Shetter and Matt Powell absent. **Time: 6:45 p.m.**

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

Motion was made by Claudia Humphreys and second by Jim Wadlow to reconvene into open session.

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

BURLESON CITY COUNCIL REGULAR SESSION  
March 13, 2008  
MINUTES

Roll Call:

Council present:

Stuart Gillaspie  
Jim Wadlow

Council Absent:

Matt Powell  
Ken Shetter

Dan McClendon  
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: 7:15p.m.**

**Proclamations**

Meals on Wheels  
American Red Cross

**Invocation** – David Mills, Crestmont Baptist Church

**Pledge of Allegiance**

**Items to be continued or withdrawn**

**Items to be withdrawn from the consent agenda for separate discussion.**

**1F. Resolution R-1116-08, authorizing the City of Burleson to join the City of Fort Worth and the City of Dallas in the amicus brief in support of the State of Texas in its petition to the Texas Supreme Court in *State v Central Expressway Sign Associates*.**

Curtis E. Hawk, City Manager presented to council resolution R-1116-08 authorizing the City of Burleson to join the City of Fort Worth and the City of Dallas in the amicus brief in support of the State of Texas in its petition to the Texas Supreme Court in *State v Central Expressway Sign Associates*.

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

Motion passed 4-1. Chip Stephens against. Ken Shetter and Matt Powell absent.

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

Motion was made by Jim Wadlow and second by Claudia Humphreys to remove from the table.

Motion passed 5-0. Ken Shetter and Matt Powell absent.

*\* 5A then added to the Consent Agenda*

Consent Agenda

**1A. Approve the minutes from the February 28, 2008 regular session.**

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

Motion passed 3-0. Chip Stephens and Claudia Humphreys abstain. Ken Shetter and Matt Powell absent.

**1B. Financial Transactions.**

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

Motion passed 4-0. Dan McClendon abstain. Ken Shetter and Matt Powell absent.

**Requisitions**

**Fund: General Fund**

TAS Environmental Services - \$4,039.90

Borders - \$3,158.44

City of Fort Worth Treasurer - \$19,158.00

Facts on File - \$3,188.79

Redmoon Broadband - \$3,595.00

G T Distributors, Inc. - \$3,809.40

Coban Research & Tech - \$7,500.00

Diamondback Tactical - \$19,801.72

McNaughton Book Service - \$4,873.35

**Fund: Water & Wastewater Fund**

Industrial Power Isuzu Truck - \$7,500.00

**Fund: NBCPF**  
Cheatham & Associates - \$6,700.00

**Fund: 2002 General Obligation Bond**  
McClendon Construction Co., Inc - \$8,500.00

**Fund: 2007 General Obligation Bond**  
McClendon Construction Co., Inc - \$25,320.00

**Fund: General Fund/ Sewer Revenue Fund**  
Dell Computer Corp. – 43,275.20

**Payment**

**Fund: General Fund**  
North Central Texas Council of Governments – \$3,474.00  
GIS Planning - \$12,000.00

**Fund: General Fund/2006 General Obligation Fund**  
Ellerbee-Walczak, Inc. - \$4,515.00

**Fund: General Fund/Sewer Revenue Fund/Water & Wastewater  
Fund/Sewer Wastewater Fund/ Equipment Services Fund**  
Master Card - \$41,546.23

**Fund: ST-4A**  
Floyd W. Watkins - \$7,600.00

**Fund: General Fund/2007 Certificate of Obligation/2001 General  
Obligation Bond.**  
Fort Worth Star Telegram - \$3,477.81

**Fund: General Fund/Water & Wastewater**  
AT&T - \$4,645.56

**1C. 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. (Final Reading)**

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

Motion passed 5-0. Ken Shetter and Matt Powell absent.

- 1D. Ordinance D-089-08, requesting 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)(Final Reading)**

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

Motion passed 5-0. Ken Shetter and Matt Powell absent.

- 1E. Resolution R-1115-08, requesting the City's approval for the submission of the Criminal Justice Division 421 State Planning Fund grant application.**

Motion was made by Claudia Humphreys and second by Jim Wadlow to approve and authorize the City Manager to execute all necessary agreements, applications and contracts.

Motion passed 5-0. Ken Shetter and Matt Powell absent.

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

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

Motion passed 5-0. Ken Shetter and Matt Powell absent.

#### Presentations

- 2A. Citizens Appearance**

No speakers

#### Public Hearings and Related Ordinances

- 3A. Public Hearing and consideration of Ordinance D-076-07(A0208) request for the annual renewal of (SP) Site Plan zoning within the Interstate 35 Overlay district per Ordinance D-076-07 for 1.61 acres located at 3220 S Burleson Boulevard along the west side of Interstate 35W and north of FM 917. (Case No. 08-009)(First Reading)**

Stephen Cook, Planning Official, presented to council Ordinance D-076-07 (A0208) request for the annual renewal of (SP) Site Plan zoning within the Interstate 35 Overlay district per Ordinance D-076-07 for 1.61 acres located at

3220 S Burleson Boulevard along the west side of Interstate 35W and north of FM 917. (Case No. 08-009)

**Mayor Pro Tem Gillaspie opened the public hearing: Time: 7:56p.m.**

No speakers

**Mayor Pro Tem Gillaspie closed the public hearing: Time: 7:56 p.m.**

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

Motion passed 3-1. Jim Wadlow against. Claudia Humphreys abstain. Ken Shetter and Matt Powell absent.

**3B. Public Hearing and consideration of a request by Williams Production for three (3) gas well drilling permits, known as the Oak Valley Unit 2H on 118.98 acres and the WMA Unit 2H and 3H on 134.13 acres, all on the existing Oak Valley pad site located south of Hidden Creek Parkway, east of Hurst Road (Case Nos. 08-030, 08-031 and 08-032)**

Laura Melton, Engineer with the City of Burleson, presented to council the request by Williams Production for three (3) gas well drilling permits, known as the Oak Valley Unit 2H on 118.98 acres and the WMA Unit 2H and 3H on 134.13 acres, all on the existing Oak Valley pad site located south of Hidden Creek Parkway, east of Hurst Road (Case Nos. 08-030, 08-031 and 08-032)

**Mayor Pro Tem Gillaspie opened the public hearing: Time: 8:02p.m.**

Anton Pavlovsky, 920 Valley Ridge, Burleson, TX, speaking on behalf of Oak Valley estates residents close to the gas well site. Mr. Pavlovsky lives 506 feet of the pad site. He is an Industrial Safety engineer is concerned about the noise, safety and environmental issues.

Sowmya Krishnan, 808 Valley Ridge, Burleson, TX, did not speak.

**Mayor Pro Tem Gillaspie closed the public hearing. Time: 8:20p.m.**

Marilyn Rhodes, Todd Thompson, and Jay Ben Sparks, Williams Representatives presented to council a sample of a sound modifying material that will be used at the well site and stated that frac tanks are on site and therefore will not require water tanker truck traffic.

Gary Wisdom, Fire Chief and Stacy Singleton, Fire Marshal explained the City of Burleson's Emergency Plan for gas wells. City performed extensive training on gas well emergency for all Fire personnel.

Stacy Singleton, Fire Marshal, explained the City of Burleson's newly implemented CTY phone notification system.

Motion was made by Claudia Humphreys and second by Jim Wadlow to approve with the following stipulation:

Sound barriers will be in place at the beginning of production before any drilling or equipment.

Motion passed 5-0. Ken Shetter and Matt Powell absent.

#### Ordinances & Resolutions

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

Paul Cain, Deputy City Manager, presented Resolution R-1114-08, directing the publication of notice of intention to issue certificates of obligation, series 2008; and providing an effective date.

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

Motion passed 5-0. Ken Shetter and Matt Powell absent.

#### Contracts & Agreements

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

*\* Moved to Consent Agenda*

- 5B. Interlocal Agreement with the Burleson Independent School District for joint usage of the exercise swim area within the planned Bartlett Park Recreation Center.**

*\*Withdrawn by staff.*

#### Other Items for Consideration

- 6A. Preliminary plat of 117 lots, 160.63 acres of 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 the Preliminary plat of 117 lots, 160.63 acres of Sherwood Forest Estates, located south of FM 917 and west of CR 810 in the ETJ. (Case 07-088)

*\* Applicant requested the item be withdrawn.*

Motion was made Dan McClendon and second by Chip Stephens to accept the applicants request to withdraw and waive fees associated with this plat as long as DAC determines there have been no changes made.

Motion passed 5-0. Ken Shetter and Matt Powell absent.

**6B. 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.**

Paul Cain, Deputy City Manager, presented to council 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

Motion was made by Jim Wadlow and second by Dan McClendon to approve as amended in executive session.

Motion passed 3-1. Claudia Humphreys against. Chip Stephens abstain. Ken Shetter and Matt Powell absent.

Reports

**7A. Economic Development.**

No reports.

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

No reports.

**7C. Staff Report on proposed changes to Maximum Parking Time on Residential Streets/Rights-of-Way.**

Report will be presented at a future meeting.

**7D. Staff Report on Code Compliance Response Procedures and proposed changes to Secondhand Goods Ordinance.**

Sheri Campbell-Husband presented the staff report on Code Compliance Response Procedures.

Curtis E. Hawk, City Manager, presented to council a brief staff report on proposed changes to Secondhand Goods Ordinance, Maximum Parking Time on Residential Streets/Rights-of-Way and the sign ordinance.

## **7E. Various Staff Reports**

Gary Wisdom, Fire Chief, updated council on the status of Fire Station #3 on property and personnel.

### 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. 551.072, 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. 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. Ken Shetter and Matt Powell absent. **Time: 9:23pm**

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

Motion passed 5-0. **Time: 9:31pm**

There being no further business Mayor Pro Tem Gillaspie adjourned the meeting.

Time: 9:31p.m.

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Amanda J. McDowell  
City Secretary