

BURLESON CITY COUNCIL WORK SESSION
April 10, 2008
MINUTES

Roll Call:

NO WORKSESSION

1. **Refund to Taco Bell for overpayment of water/wastewater bill.**
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.**
5. **Reconvene into open session for possible action.**

BURLESON CITY COUNCIL REGULAR SESSION
April 10, 2008
DRAFT MINUTES

Roll Call:

Council present:

Council Absent:

Stuart Gillaspie

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

Staff

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

REGULAR SESSION – Call to order – Time: 7:06 p.m.

Invocation –Dr. Wayne English, First Christian Church of Burleson

Pledge of Allegiance

Items to be continued or withdrawn

Items to be withdrawn from the consent agenda for separate discussion.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 March 27, 2008 regular meeting.

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

Motion passed 6-0. Stuart Gillaspie absent.

1B. Financial Transactions.

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

Motion passed 6-0. Stuart Gillaspie absent.

Requisitions

Fund: Equipment Services Fund
Meador Chrysler Jeep – \$3,218.46
Hall-Mark Fire Apparatus-Texas - \$15,448.50

Fund: Water & Wastewater Fund
Hach Company - \$4,460.00

Fund: 2007 General Obligation Bond
HNTB Corporation - \$24,916.00

Fund: 2007 Certificate of Obligation
Transystems/James Daniels - \$9,000.00

Payment

Fund: General Fund/Water & Wastewater
North Central Texas Council of Governments - \$3,450.00

Fund: Hidden Creek Golf Course Fund
Titliest - \$3265.82

1C. Ordinance B-745(A0308), amending Ordinance B-745 and Chapter 66 of the Burleson Code of Ordinances concerning the sale of Secondhand Goods. (final reading)

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

Motion passed 6-0. Stuart Gillaspie absent.

1D. Ordinance B-558(A0308), amending Ordinance B-558 and Chapter 78 Section 41 of the Burleson Code of Ordinances, concerning maximum parking times of recreational vehicles and trailers on residential streets and rights-of-way. (final reading)

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

Motion passed 6-0. Stuart Gillaspie absent.

1E. Refund in the amount of \$20,479.14 to Taco Bell Incorporated for reimbursement of overcharges of water/wastewater bill.

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

Motion passed 6-0. Stuart Gillaspie absent.

Presentations

2A. Insurance rebate funds from Texas Municipal League.

Richard Dorsey with TML Risk Pool introduced Byron Black.

Byron Black thanked the city for being a part of TML and presented a refund check to the City of Burleson for \$41,497.00.

Proclamations – National Public Safety Telecommunicators Week and National 911 Education Month, National Crime Victims Rights Week, National Library Week, and National Arbor Day.

2B. Boards, Commissions, and other Advisory groups.

Bianca Chafin, Environmental Program Specialist, updated council on upcoming events:

April 18th - Arbor Day Ceremony

April 19th - Burleson's Great American Cleanup Don't Mess with TX Trash Off Event

May 3rd - Household Hazardous Waste Collection Event

May 15th - Burleson Environmental Education Awards Ceremony

May 17th - Electronic Recycling Event

2C. Citizen Appearances.

Bill Mahanay, 113 SE Newton Dr., representative of the Community Gas Lease Property Owners read to council the following information:

April 10, 2008

Mayor Shetter and the Burleson City Council Members:

I apologize for reading our Community of Gas Lease Holdouts message to you, but since I have so much to say on the subject of gas leasing, I need to avoid my tendency of roaming and talking too long.

We want to thank you, Mayor Shetter and the City Council, for your excellent work of guiding the affairs of our city.

We also thank you for your verbal agreement, along with that of Dr. Mark Jackson, representing the BISD, to work along beside our Holdout group, to get a fair Metroplex price for our gas leases. A verbal agreement among people of character is better than a briefcase full of notarized statements.

Again, we want to thank our businesses and churches in south Burleson who have supported us big time with the use of their buildings, financial support and the use of their properties for our holdout signs. Others would have helped, but they signed low ball leases too quickly.

I want to thank our city employees for their excellent cooperation in helping me in my many recent visits to City Hall. I'm especially thankful for our Burleson City Librarian, Gayla Tennison who ended Striker Resources of Texas use of our library immediately after she found out that they were using Burleson city property for the commercial activity of buying gas leases. This was after the landmen had ordered four of our Holdout members off our own library property and called the Burleson police to have us removed. Of course, we did not leave as we knew we were legally there. Thanks again, Gayla, for doing your job.

We are really thankful for over 500 south Burleson property owners who keep up with the news and refused to sign the landmen's pitifully low lease offers of \$4000. or less per mineral acre, many times less than the actual value. (Now, some of our property owners are being

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offered from \$7000. to \$7500. for their leases.) This is also too low.

So, Bill Mahanay, with all these things you are thankful for, why are you here again tonight, with your friends?

As our ads stated in this Wednesday's edition of the Burleson Star, "Another Paul Revere is needed". We need you, Mayor Shetter and the City Council to be this "Paul Revere". A majority of the citizens of Burleson and Business owners are almost completely uneducated on the subject of mineral values, and so, have been easy prey by the predators, better known as landmen, who have been able to purchase leases in Burleson for only a portion of their value, often using very deceitful practices, comments, and references.

Although our Holdout group has passed out pamphlets and talked to many business owners, we have found that they had already signed leases far below their value. Burleson business owners need some organization that can effectively dispense valuable information to them for their benefit and also for the benefit for their customers. Higher residential lease prices results in more sales by our local businesses. Individual businesses have been a great help to our holdout Group.

Mayor Shetter and City Council members, if it is legal for you to do so, we would like for you to use your influence to encourage residential and business owners to educate themselves as to what is in their best interest before they sign anything relating to gas leases. Also, to advise our citizens that thy can use any moral, ethical, and legal means to get a fair Metroplex price for their leases.

We also solicit the help of all our newspapers and TV stations to help in this education process. We are thankful to the Burleson Star for their articles regarding our holdout activities, but we would like to have seen more articles the last two months regarding our verbal coalition with the City of Burleson and Dr. Mark Jackson, representing the BISD. This additional news would have greatly aided our recruiting of new holdout members which would have benefited Burleson residents

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And business owners.

Our neighbors in Central Burleson are now being invaded by the landmen and they sure can use any educational news that can be made available. Scott Tomlinson of Chesapeake told me at the Gas Lease Expo in Ft. Worth, two weeks ago Saturday, that Chesapeake had acquired a drill site on property owned by Mr. Steve Rapfogal on Wilshire Blvd. This makes Central Burleson a prime target for gas leasing. Mr. Jerrell Perkins is organizing a holdout group for that part of Burleson. If he can get Central Burleson's holdouts organized as quickly as the Community of South Burleson, We may ask them to join us for a stronger position, if our bargaining process goes on for very long.

I notice that Mayor Shetter will be preaching twice at the First Methodist Church, Sunday. Preaching is done so people will be well informed and not "perish". This goes along with the message given by God in Old Testament book of Hosea 4:6. "My people are destroyed from the lack of knowledge".

Most Burleson residents have already been financially "damaged" or abused because of this lack of knowledge. Please help us stop this from continuing to happen.

Thank you,

Bill Mahanay

Bill Mahanay, Organizer and Spokesman

Community of Gas Lease Holdouts

113 S.E. Newton Dr. Burleson, Texas 76028

817-295-1430 or 817-295-8030

e-mail: pmahb@sbcglobal.net website: sthbha.org

Bud Davis, 316 SW Harris, came to support the Community Gas Lease Property Owners. He is upset about what the landmen have done to his family and friends. Feels the landmen have lied to the residents of Burleson and need to be stopped. Would appreciate any help from the City Council.

Public Hearings and Related Ordinances

3A. Public Hearing and consideration of a request by Chesapeake Operating, Inc., for a gas well drilling permit for three (3) gas wells on an existing pad site, known as the Panchasarp A Unit 1H, 2H and 3H on 202.68 acres, located at 933 Wicker Hill Road, west of SH 174 (Case No. 08-44).

Laura Melton, Engineer with City of Burleson, presented to council a request by Chesapeake Operating, Inc., for a gas well drilling permit for three (3) gas wells on an existing pad site, known as the Panchasarp A Unit 1H, 2H and 3H on 202.68 acres, located at 933 Wicker Hill Road, west of SH 174 (Case No. 08-44).

Mayor Shetter opened the public hearing: Time: 7:50 p.m.

No speakers

Mayor Shetter closed the public hearing: Time: 7:51 p.m.

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

Motion passed 6-0. Stuart Gillaspie absent.

3B. Public Hearing and consideration of a request by Chesapeake Operating, Inc., for one (1) gas well drilling permit on an existing pad site, known as the Finley Unit 2H on 109.77 acres, located at 491 Wicker Way, approximately 3700' southeast of the intersection of Wildwood Lane and SH 174. (Case No. 08-48).

Laura Melton, Engineer for City of Burleson, presented to council a request by Chesapeake Operating, Inc., for one (1) gas well drilling permit on an existing pad site, known as the Finley Unit 2H on 109.77 acres, located at 491 Wicker Way, approximately 3700' southeast of the intersection of Wildwood Lane and SH 174. (Case No. 08-48).

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 6-0. Stuart Gillaspie absent.

3C. Public Hearing and consideration of a request by XTO Energy, Inc., for a gas well drilling permit for three (3) gas wells on an existing pad site, known as the Warren Unit 3H, 4H and 5H on 352.00 acres, located at 330 W. County Road 714, (Case No. 08-45).

Laura Melton, Engineer of City of Burleson, presented to council a request by XTO Energy, Inc., for a gas well drilling permit for three (3) gas wells on an existing pad site, known as the Warren Unit 3H, 4H and 5H on 352.00 acres, located at 330 W. County Road 714, (Case No. 08-45).

Mayor Shetter opened the public hearing: Time: 7:59 p.m.

No speakers

Mayor Shetter closed the public hearing. Time: 7:59 p.m.

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

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

3D. Public hearing and consideration of the replat of Lot 1, Block 1, Brown's Retreat, 5.79 acres, into lots 1-R, 2-R, and 3-R located in the Extraterritorial Jurisdiction (ETJ) at the northeast corner of East FM 917 and County Road 600. (Case 08-015)

David Wynn, Deputy City Manager for City of Burleson, presented to council for consideration a replat of Lot 1, Block 1, Brown's Retreat, 5.79 acres, into lots 1-R, 2-R, and 3-R located in the Extraterritorial Jurisdiction (ETJ) at the northeast corner of East FM 917 and County Road 600. (Case 08-015)

Mayor Shetter opened the public hearing: Time: 8:03 p.m.

Rose Marie Medford, 8124 E FM 917 wanted to know if there were any restrictions on what type of homes could be built.

Mayor Shetter closed the public hearing. Time: 8:05 p.m.

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

Motion passed 6-0. Stuart Gillaspie absent.

Ordinances & Resolutions

4A. No items at this time.

Contracts & Agreements

5A. Construction Management at Risk Contract for the Bartlett Park Recreation Center, Part One to Hill & Wilkinson, Ltd.

Peter Krause, Director of Parks and Recreation for City of Burleson, presented to council a Construction Management at Risk Contract for the Bartlett Park Recreation Center, Part One.

Motion made by Claudia Humphreys and second by Jim Wadlow to approve and authorize the City Manager to execute the agreement in the amount of \$12,500.00.

Motion passed 6-0. Stuart Gillaspie absent.

5B. A bid from Chesapeake Energy for the lease of subsurface minerals (natural gas) of approximately 20.102 acres of formerly owned city property from the Seth M. Blair Survey Abstract No A-66; W.R. Shannon Survey A-85; Joshua Minett Survey A-548, David Loftin Survey A-507; J.H. Ross Survey A-721, Johnson County, Texas.

Peter Krause, Director of Parks and Recreation for City of Burleson, presented to council a lease of subsurface minerals (natural gas) of approximately 20.102 acres of formerly owned city property from the Seth M. Blair Survey Abstract No A-66; W.R. Shannon Survey A-85; Joshua Minett Survey A-548, David Loftin Survey A-507; J.H. Ross Survey A-721, Johnson County, Texas.

Carter Mahanay, 1817 Colorado Ct., feels this does affect fair market value of mineral interest in Burleson. Wanted to make council aware that their mineral rights could be worth \$20,000 to \$25,000 per acre. Feels there is a problem with unsolicited offers in Burleson. Suggested the city publicize in publications asking citizens to consult attorneys and give information to check the Fort Worth Star Blog to find out the fair market value of their leases.

Dusty Anderson with Chesapeake Energy was available for questions.

Break 8:22 p.m. – 8:45 p.m.

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

Motion passed 6-0. Stuart Gillaspie absent.

Other Items for Consideration

6A. Presentation of the annual audit for the fiscal year ended September 30, 2007.

Rhett Clark, Director of Finance for City of Burleson, introduced James Tidwell to discuss the annual audit for the fiscal year ended September 30, 2007.

James Tidwell presented to council a Presentation of the annual audit for the fiscal year ended September 30, 2007.

Reports

7A. Economic Development.

No reports.

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

No reports.

7C. Staff report of draft RFQ for Hotel/Conference Center and Mixed Use Development

David White, Director of Golf for City of Burleson, presented to council a draft RFQ for Hotel/Conference Center.

Stephen Cook, Sr. Planner for City of Burleson, presented to council a presentation of a draft RFQ for Mixed Use Development

7D. Staff report on Annexation and Development Agreements

No report.

7E. Various Staff Reports

Stacy Singleton, Fire Marshal/Director of Emergency Services presented to council a presentation of the April 10, 2008 storm destruction path. Damage assessment estimates were 15 commercial buildings, 4 residential in-side the city limits and 7 residential out-side city limits.

Council and Staff Comments

8A.

Bart Bingham commented on the TML Region 8 Quarterly Meeting he and Mr. Wadlow attended.

Mayor Ken Shetter, commented on the success of the Book Club Events and thanked Gayla Tennison for her hard work. Mayor Shetter also complimented Dave White on the upcoming Spring Kick-Off Event at the Golf Course.

City Manager Curtis Hawk, commented on development issues tied to the transportation corridor. Curtis invited the council to attend the Partners in Mobility Conference on May 28th and 29th.

Mayor Ken Shetter commented on the RTC Sub-committee and 2009 Legislative information.

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 by Jim Wadlow and second by Claudia Humphreys to convene into executive session.

Motion passed 6-0. Stuart Gillaspie absent. **Time: 9:51 p.m.**

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

Motion passed 6-0. Stuart Gillaspie absent. **Time: 10:17 p.m.**

There being no further business Mayor Shetter adjourned the meeting.

Time: 10:17 p.m.

Cathy Bourg
Deputy City Secretary