

BURLESON CITY COUNCIL WORK SESSION  
June 26, 2008  
MINUTES

Roll Call:

Council present:

Stuart Gillaspie  
Jim Wadlow  
Matt Powell  
Ken Shetter  
Dan McClendon  
Carter Mahanay  
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: 6:15 p.m.**

- 1. Presentation regarding responses to requests for qualification for the Business Park and discussion with the Staubach Company on their qualifications and vision for the Burleson Industrial Park.**

George Curry, a representative from the Staubach Company and Mark Preswood with IDI Corp as partners presented their responses to the City of Burleson's RFQ for the Business Park Development.

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

No items.

- 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.**

None.

- 5. Reconvene into open session for possible action.**

BURLESON CITY COUNCIL REGULAR SESSION  
June 26, 2008  
MINUTES

Roll Call:

Council present:

Stuart Gillaspie  
Jim Wadlow  
Matt Powell  
Ken Shetter  
Dan McClendon  
Carter Mahanay  
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: 7:07p.m.**

**Invocation** – Pastor Gloria Gillaspie, Lighthouse Church

**Pledge of Allegiance**

**Proclamations**

**Items to be continued or withdrawn**

- 1I. Award the bid for the construction of the CR 711 Business Park Gas Pipeline Installation Project and authorize the City Manger to execute the contract and approve change orders not exceeding \$5,000.00.***

**Items to be withdrawn from the consent agenda for separate discussion.**

- 1P. Minute Order MO-08-032, granting a variance to Chapter 14, Article II, Section 14-44 (b) (1) of the Code of Ordinances of the City of Burleson [Ord. No. B-718, Section 11-183], Sale of Alcoholic Beverages near Churches, Public Hospitals, Public or Private Schools in accordance with provision 109.33 (e) of the Texas Alcoholic Beverage Code, for Bransom's Food Market located at 200 E Renfro in Burleson's Old Town area.***

**1Q. Ordinance B-582 (A0508) amending Chapter 10 Buildings and Building Regulations, of the Burleson Code of Ordinances, by adding Article XVII Fence, Screening and Transitional Buffer Regulations and modifying Ordinance B-726 Landscape Ordinance. (Case 06-073) (Final Reading)**

*\*Moved up in the Agenda*

**1R. Minute Order MO-08-031 awarding the 2008 Jerry Allen Award for Excellence in Community Improvement to B & G Commercial Investments for the Renfro Square Development.**

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

Motion passed 7-0.

**2B. Presentation of Jerry Allen Award for Excellence in Community Improvement to B & G Commercial Improvements for the Renfro Square Development as addressed in Minute Order MO-08-031**

Mayor Shetter and Past Mayor Pro Tem Jerry Allen presented the Jerry Allen Award for Excellence in Community Improvement to B & G Development. Rocky Bransom and Jim Garret were present to accept the award.

Consent Agenda

**1A. Approve the minutes from the June 12, 2008 regular council meeting.**

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve.

Motion passed 7-0.

**1B. Financial Transactions.**

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve.

Motion passed 6-0. Dan McClendon abstained.

City of Burleson  
Financial Transactions

Vendor / Description	Amount	Fund
<b>REQUISITIONS OVER \$3,000:</b>		
Lynn Smith Chevrolet – Repair transmission on brush truck #367 in the Fire Dept.	4,146.72	ESF
Meador Chrysler Jeep – Repairs to Dodge Charger #479 in the Police Dept. due to flood damage.	7,166.00	ESF

Richardson Logic Control, Inc. – Service calls for Water Dept. pump stations.	3571.38	W&S
Aqua-Rec, Inc. – Chlorine for the swimming pool.	6,000.00	GF
McClendon Construction Co., Inc. – C/O #7 - Construction of drainage flume and sanitary sewer extension on the McAlister Rd project.	18,050.00	2002WSRBF/ 2005WSRBF/ & 2007GOB
C. Green Scaping, Inc. – C/O #4 Hydromulch for the Hidden Creek Parkway Landscaping Improvement project.	5,955.35	2005COB
<b>PAYMENTS OVER \$3,000:</b>		
Burleson Heritage Foundation – Annual contribution for FY 2008.	6,000.00	H/M
Mastercard – Credit card payments for May 2008.	48,395.79	GF/SRF/ W&S/SWF/ ESF/HCGC/ CF
Hidden Vistas, LLC – Reimbursement of escrow funds and interest for extension of Valley Crest Drive.	27,345.00	SPTF
Rondi & Cheryl Gordon – Easement #26 on the Quil Miller Sanitary Sewer project.	4,400.00	4AST

**1C. Resolution R-1124-08, providing for the abandonment of State drainage easements, the dedication of drainage easements to the State, and the authorization for the City Manager to execute a contract for maintenance of the dedicated drainage easements and facilities associated with the Burleson Commons development.**

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve.

Motion passed 7-0.

**1D. Ordinance B-781-08, establishing a school zone on West Bend Boulevard from Hearthstone Drive to Summercrest Boulevard. (Final Reading)**

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve.

Motion passed 7-0.

- 1E. Ordinance C-549 (A0508), amending the existing gas franchise between the City and Atmos Energy Corporation to provide for a different consideration. (Final Reading)**

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve.

Motion passed 7-0.

- 1F. Concession agreement with John Starnes for Concession Operations at Hidden Creek Softball Complex and authorization for the City Manager to execute the agreement.**

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve.

Motion passed 7-0.

- 1G. Agreement with Harvest House for City Support of Little Red Schoolhouse Program.**

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve.

Motion passed 7-0.

- 1H. Change Order No. 1 to the 2007 Old Town Street Project in the amount of \$256,197.60 and Change Order No. 1 to the 2008 Neighborhood Street Project in the amount of \$223,742.20 and authorization for the City Manager to sign.**

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve.

Motion passed 7-0.

- 1I. Award the bid for the construction of the CR 711 Business Park Gas Pipeline Installation Project and authorize the City Manger to execute the contract and approve change orders not exceeding \$5,000.00.**

*Removed from the Agenda*

- 1J. Award the Bid for Lorna/SH 174 SS rehabilitation to Insituform Technologies and authorization for the City Manager to execute the contract and approve change orders not to exceed \$18,000.**

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve.

Motion passed 7-0.

- 1K. Inter-local Agreement with the Burleson Independent School District for the lease of 3 three additional lap lanes at the Bartlett Park Recreation Center and authorization for the Mayor to execute the agreement.**

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve.

Motion passed 7-0.

- 1L. Construction Manager at Risk Contract With Dean Electric for the Construction of the Fields at Chisenhall Farms, Bartlett Park Soccer Fields and the Village Creek Trail and authorization for the City Manager to execute the agreement.**

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve.

Motion passed 7-0.

- 1M. Minute Order MO-08-028, approving City Manager appointment of the Director of Public Works.**

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve.

Motion passed 7-0.

- 1N. Minute Order MO-08-029, approving City Manager appointment of the Director of Community and Economic Development.**

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve.

Motion passed 7-0.

- 1O. Authorize Staff to Transfer Funds for Water Utility Customer Service Area Improvements.**

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve.

Motion passed 7-0.

- 1P. Minute Order MO-08-032, granting a variance to Chapter 14, Article II, Section 14-44 (b) (1) of the Code of Ordinances of the City of Burleson [Ord. No. B-718, Section 11-183], Sale of Alcoholic Beverages near Churches, Public Hospitals, Public or Private Schools in accordance with provision 109.33 (e) of the Texas**

**Alcoholic Beverage Code, for Bransom's Food Market located at 200 E Renfro in Burleson's Old Town area.**

*Removed for separate discussion.*

- 1Q. Ordinance B-582 (A0508) amending Chapter 10 Buildings and Building Regulations, of the Burleson Code of Ordinances, by adding Article XVII Fence, Screening and Transitional Buffer Regulations and modifying Ordinance B-726 Landscape Ordinance. (Case 06-073) (Final Reading)**

*Removed for separate discussion.*

- 1R. Minute Order MO-08-031 awarding the 2008 Jerry Allen Award for Excellence in Community Improvement to B & G Commercial Investments for the Renfro Square Development.**

*Removed for separate discussion.*

- 1P. Minute Order MO-08-032, granting a variance to Chapter 14, Article II, Section 14-44 (b) (1) of the Code of Ordinances of the City of Burleson [Ord. No. B-718, Section 11-183], Sale of Alcoholic Beverages near Churches, Public Hospitals, Public or Private Schools in accordance with provision 109.33 (e) of the Texas Alcoholic Beverage Code, for Bransom's Food Market located at 200 E Renfro in Burleson's Old Town area.**

Curtis Hawk, City Manager cited staff position and reason for Minute Order MO-08-032.

Shailaja Roos, Director of Community Development presented to council Minute Order MO-08-032, granting a variance to Chapter 14, Article II, Section 14-44 (b) (1) of the Code of Ordinances of the City of Burleson [Ord. No. B-718, Section 11-183], Sale of Alcoholic Beverages near Churches, Public Hospitals, Public or Private Schools in accordance with provision 109.33 (e) of the Texas Alcoholic Beverage Code, for Bransom's Food Market located at 200 E Renfro in Burleson's Old Town area.

Mayor Shetter commented on the economic impact of waiver for Bransom Store and the positive aspect of having a grocery store in Old Town.

Mayor Pro Tem Stuart Gillaspie stated his position on the waiver. Bransom Store could still be successful with no waiver given the long standing history of the store and customers.

Carter Mahanay stated his position on the waiver. With Bransom Store history the family Bransom would never sell alcohol and would not support the waiver with the name of Bransom remaining.

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

Motion passed 5-2. Stuart Gillaspie and Carter Mahanay against.

**1Q. Ordinance B-582 (A0508) modifying the Zoning Ordinance by amending Section 40 Fence Regulations, Article IV Supplemental Regulations of the Zoning Ordinance, and removing said fence regulations from Section 40, Article IV of the Zoning Ordinance, and amending the Burleson Code of Ordinances by adding said fence regulations, Chapter 36, Fencing and Screening Regulations. (Case 06-073) (Final Reading)**

Shailaja Roos, Director of Community Development presented to council Ordinance B-582-(A0508) amending Chapter 10 Buildings and Building Regulations, of the Burleson Code of Ordinances, by adding Article XVII Fence, Screening and Transitional Buffer Regulations and modifying Ordinance B-726 Landscape Ordinance. (Case 06-073)

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

Motion passed 5-2. Stuart Gillaspie and Carter Mahanay against.

Presentations

**2A. Boards, Commissions, and other Advisory groups.**

None.

**2B. Presentation of Jerry Allen Award for Excellence in Community Improvement to B & G Commercial Improvements for the Renfro Square Development as addressed in Minute Order MO-08-031.**

Mayor Shetter thanked Past Mayor Pro Tem for attending the meeting.

**2C. Citizens Appearance**

None.

Public Hearings and Related Ordinances

**3A. Public Hearing and consideration of a request by EOG Resources, Inc., for two (2) gas well drilling permits, known as the Little Buddy**

**Unit 11H and 12H, located north of County Road 711, approximately 1200' west of IH 35 W. (Case No. 08-82)**

Laura Melton, Engineering Department presented a request by EOG Resources, Inc., for two (2) gas well drilling permits, known as the Little Buddy Unit 11H and 12H, located north of County Road 711, approximately 1200' west of IH 35 W. (Case No. 08-82)

**Mayor Shetter opened the public hearing: Time: 8:06 p.m.**

Diane Hardin, 4824 Looney Lane, Cleburne, lives at the closest residence to the gas well lives within 500 feet. There is constant noise and disturbance and the well is too close. She is opposed to the well.

Duane Sorenson, 1312 S. Briar Oaks, Cleburne, the gas well company needs to give more consideration to residences around the gas well. There is too much dust on everything. Is opposed.

Stacy Monroe, 1401 S. Briar Oaks, trucks are not taking route they were suppose to take. Gas company has taken out phone box leaving residents without phone service and too much dust on everything. Is opposed.

Mark Basden, Carter Burgess, representing EOG, the company is willing to use an annual chemical treatment that will reduce the dust to the level what dust would be on an asphalt road without curbs. (Soil Cement) EOG would like to have complaints sent to them to address the problem with traffic not following the scheduled time and route. Mr. Basden requested council to table the item till they request it be placed on the agenda.

Diane Hardin did call EOG and was told to call the City of Burleson.

**Mayor Shetter closed the public hearing: Time: 8:44p.m.**

Motion made by Chip Stephens and second by Stuart Gillaspie to table the item until such time the applicant request it be placed back on the agenda.

Motion passed 7-0.

**3B. Public Hearing and consideration of a request by XTO Energy for two (2) gas well drilling permits, known as the Holybee Unit B1H and B2H, located west of SH 174, north of S.W. Hulen Street. (Case No. 08-79)**

Laura Melton, Engineering Department presented a request by XTO Energy for two (2) gas well drilling permits, known as the Holybee Unit B1H and B2H, located west of SH 174, north of S.W. Hulen Street. (Case No. 08-79)

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

No speakers

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

Motion was made by Stuart Gillaspie and second by Jim Wadlow to approve.

Motion passed 7-0.

Break 8:50 p.m. – 9:15 p.m.

**3C. Public hearing to consider a bid submitted by Chesapeake Energy for the lease of subsurface minerals (natural gas) on 59.7056 acres of city owned property and authorize the City Manager to execute the agreement and place the funds in the Community Facilities Fund Account.**

Peter Krause, Director of Parks and Recreation presented to council a bid submitted by Chesapeake Energy for the lease of subsurface minerals (natural gas) on 59.7056 acres of city owned property and authorize the City Manager to execute the agreement. Mr. Krause recommended the council place the funding in the Community Facilities Fund for one time uses in the city.

**Mayor Shetter opened the public hearing: Time: 9:24 p.m.**

No speakers

**Mayor Shetter closed the public hearing. Time: 9:24 p.m.**

Motion made by Carter Mahanay and second by Chip Stephens to approve with the money being placed in the Community Facilities Fund.

Motion passed 7-0.

**3D. Public hearing regarding a voluntary annexation of approximately 108.6 acres located south of Hidden Creek Parkway west of East Renfro Street. (Case No 08-085) (First Public Hearing)**

Curtis E. Hawk, City Manager presented to council the voluntary annexation of approximately 108.6 acres located south of Hidden Creek Parkway west of East Renfro Street, (Case No 08-085) (First Public Hearing) and the Development Contract.

**Mayor Shetter opened the public hearing: Time: 9:27 p.m.**

No speakers

**Mayor Shetter closed the public hearing. Time: 9:27 p.m.**

**3E. Public hearing regarding a voluntary annexation of approximately 14.23 acres located south of Hidden Creek Parkway west of East Renfro Street. (Case No 08-084) (First Public Hearing)**

Curtis E. Hawk, City Manager presented to council a voluntary annexation of approximately 14.23 acres located south of Hidden Creek Parkway west of East Renfro Street. (Case No 08-084) (First Public Hearing)

**Mayor Shetter opened the public hearing: Time: 9:28 p.m.**

No speakers

**Mayor Shetter closed the public hearing. Time: 9:28 p.m.**

Ordinances & Resolutions

**4A. Ordinance C-637-07 (A0608), establishing rates to be charged for all residential and commercial customers for solid waste and trash collection and disposal. (First Reading)**

Aaron Russell, Director of Public Works presented to council Ordinance C-637-07 (A0608), establishing rates to be charged for all residential and commercial customers for solid waste and trash collection and disposal. (First Reading)

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

Motion passed 7-0.

Contracts & Agreements

**5A. No items for consideration at this time.**

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. Delgado Tire Company Compliance with Zoning**

Stephen Cook, Senior Planning Official, reported on the current condition of the Delgado Tire Company Compliance with Zoning.

**7D. Proposed FY 2008-09 Annual Operating Budget**

Paul Cain, Deputy City Manager, presented a Budget Snapshot of the Current Year End Estimates and Proposed FY 08/09 Base.

**7E. Creation of a Teen Court**

Constance White, Court Administrator presented a report on the creation of a Teen Court.

Mayor Shetter would like the record to reflect that the development of the Teen Court should not slow down by involving the Mayor's Youth Council in the process.

**7F. Prioritization of revisions to municipal ordinances**

Moved to next meeting.

**7G. Possible Amendments to the City Charter and the process and schedule for amending the Charter.**

Moved to next meeting.

**7H. Legislative Agenda for the upcoming legislative session**

Moved to next meeting.

**7I. Council appointments to Boards, Commissions and Committees.**

Moved to next meeting.

## **7J. Various Staff Reports**

Chief Tom Cowan presented to council a monthly report of crime statistics, Comparison of Traffic and Arrest Statistics and Juvenile Arrest Residency.

Sgt. Randy Crum, Burlison Police Department presented the Automated Red Light Camera System statistics.

### Council and Staff Comments

#### **8A.**

Jim Wadlow was impressed by the NASA link at the Burlison High School, which gave students an opportunity to speak to Astronauts.

Peter Krause announced the July 4<sup>th</sup> celebration.

Curtis E. Hawk gave our official population from COG at 33,258.

Dan McClendon will not be at the next council meeting because he will be in a local play.

### 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 7-0. **Time: 11:48 p.m.**

Motion made by Jim Wadlow and second by Carter Mahanay to reconvene into open session.

Motion passed 5-0. **Time: 12:15 a.m.** Chip Stephens and Matt Powell out of council chambers.

There being no further business Mayor Shetter adjourned the meeting.

Time: 12:16 a.m.

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Amanda J. McCrory  
City Secretary