

BURLESON CITY COUNCIL WORK SESSION
July 24, 2008
DRAFT MINUTES

Roll Call:

Council present:

Stuart Gillaspie
Jim Wadlow
Matt Powell
Ken Shetter
Dan McClendon
Carter Mahanay
Chip Stephens

Council Absent:

Staff

Paul Cain, Deputy City Manager
David Wynn, Deputy City Manager

WORK SESSION – Call to order – Time: 6:20 p.m.

* Moved up in the agenda

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

4A. Resolution R-1126-08, stating that the City Council has taken action to suspend Oncor Electric Delivery Company rate increase for 90 days.

Rhett Clark, Director of Finance, discussed Resolution R-1126-08. This item will be moved to the consent agenda.

4B. Ordinance B-760-06 (A0708) revising the Sign Ordinance to amend Section 39-145 to allow truck mounted signs within the city limits of the City of Burleson. (Case No. 08-88) (Final Reading)

Paul Cain, Deputy City Manager, discussed Ordinance B-760-06 (A0708). This item will be moved to the consent agenda.

1. Presentation on Subdivision Rules and Design Manual

Mandy Clark, Deputy City Engineer, presented to council the proposed revisions to the Subdivision and Development Ordinance and Design Standards Manual.

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

4. Reconvene into open session for possible action.

BURLESON CITY COUNCIL REGULAR SESSION
July 24, 2008
DRAFT MINUTES

Roll Call:

Council present:

Stuart Gillaspie
Jim Wadlow
Matt Powell
Ken Shetter
Dan McClendon
Carter Mahanay
Chip Stephens

Council Absent:

Staff

Paul Cain, Deputy City Manager
David Wynn, Deputy City Manager
Allen Taylor, City Attorney

REGULAR SESSION – Call to order – Time: 7:17 p.m.

Invocation – Councilmember Dan McClendon

Pledge of Allegiance

Proclamations

Items to be continued or withdrawn

None

Items to be withdrawn from the consent agenda for separate discussion.

None

* Moved up in the Agenda

2B. Silent Hero Award presented to Telecommunications Operator Desire Spruill.

Mayor, Ken Shetter presented the Silent Hero Award to Telecommunications Operator, Desire Spruill.

Lions Club representative Keith Kelly gave an update on what the Lions Club is presently doing in the community. He also presented awards to the winners from the 4th of July parade in various categories.

Consent Agenda

1A. Approve the minutes from the July 10, 2008, regular council session.

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

Motion passed 7-0.

1B. Financial Transactions.

City of Burleson
Financial Transactions

Vendor / Description	Amount	Fund
REQUISITIONS OVER \$3,000:		
Graham Associates, Inc. – Realignment through Speece property on the Quil Miller Sewer project.	12,470.00	ST-4A
Jackson Construction Ltd – C/O #5 Quantity overruns due to gas main relocation on the Hemphill Paving and Drainage Improvement project.	30,540.25	2006GO
Jeff Tillman, MAI – Appraisal services on the Quil Miller Sewer project.	15,000.00	ST-4A
Freese & Nichols – Dust control study for gas well hauling routes. (Reimbursement from Chesapeake Energy Corp).	5,000.00	GF
The Star Group – Legal publications for FY 2008.	3,222.00	GF
PAYMENTS OVER \$3,000:		
Denitech Corporation – Maintenance agreement on 12 copiers for the quarter ending 9/30/08.	3,900.00	GF

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

Motion passed 7-0.

- 1C. Final plat of Lot 10, Block 1, Burleson Commons located on the south corner of the SW Wilshire Boulevard (SH 174) and John Jones Drive (FM 731) intersection. (Case No 08-072)**

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

Motion passed 7-0.

- 1D. Final plat of Lot 21, Block 1, Burleson Commons located on the south corner of the SW Wilshire Boulevard (SH 174) and John Jones Drive (FM 731) intersection. (Case No 08-073)**

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

Motion passed 7-0.

- 1E. Final plat of Lot 1, Block 1, McClendon Industrial Addition located at the intersection of N. Commerce Street and Rudd Street east of NE Wilshire Boulevard (SH 174). (Case No 08-074)**

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

Motion passed 6-0. Dan McClendon abstained.

- 1F. Ordinance D-090-08, for the issuance of a Specific Use Permit (SUP) allowing a corporate office and race team preparation facility for Adrenaline Motorsports, to be situated within the Commercial (C) zoning district on Tract 3, Abstract 132, J.M. Cartwright Survey, with said SUP's expiration in ten years from the date of Council adoption and any renewal requiring Council approval. (Case No 08-075) (Final Reading)**

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

Motion passed 7-0.

- 1G. Ordinance B-782-08, establishing a speed limit of 35 miles per hour on Hemphill Street from Alsbury Boulevard to the north City Limit line. (First Reading)**

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

Motion passed 7-0.

- 4A. Resolution R-1126-08, stating that the City Council has taken action to suspend Oncor Electric Delivery Company rate increase for 90 days.**

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

Motion passed 7-0.

- 4B. Ordinance B-760-06 (A0708) revising the Sign Ordinance to amend Section 39-145 to allow truck mounted signs within the city limits of the City of Burleson. (Case No. 08-88) (Final Reading)**

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

Motion passed 7-0.

Presentations

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

Samuel Graff, Amanda Werley, Brushea Daniels, and Caitlin Smelley presented to council an update on the Mayor's Youth Council activities.

- 2C. Citizen Appearances.**

No speakers.

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, known as the City of Burleson Unit 1H, 3H and 4H on an existing pad site, located at 630 Memorial Drive. (Case No. 08-83)**

Aaron Russell, Director of Public Works presented to council a request by Chesapeake Operating, Inc., for a gas well drilling permit for three (3) gas wells, known as the City of Burleson Unit 1H, 3H and 4H on an existing pad site, located at 630 Memorial Drive. (Case No. 08-83)

Mayor Shetter opened the public hearing: Time: 7:52 p.m.

Wayne Keeton, 806 Valley Terrace Rd. wanted to speak in favor of all of the gas well drilling permits. He would like to see responsible drilling.

Peter Krause answered questions regarding the roadway and the landscaping plan along the trail system.

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

Motion was made by Matt Powell and second Jim Wadlow to approve with the landscape plan being approved by staff and negotiated by Chesapeake

Motion passed 7-0.

3B. Public Hearing and consideration of a request by XTO Energy for a gas well drilling permit for one (1) gas well, known as the Arango Unit 1H on a new pad site located southwest of the intersection of IH-35W and FM917. (Case No. 08-80)

Aaron Russell, Director of Public Works presented to council a request by XTO Energy for a gas well drilling permit for one (1) gas well, known as the Arango Unit 1H on a new pad site located southwest of the intersection of IH-35W and FM917. (Case No. 08-80)

Mayor Shetter opened the public hearing: Time: 8:08 p.m.

No speakers

Mayor Shetter closed the public hearing. Time: 8:08 p.m.

Motion was made by Dan McClendon and second Stuart Gillaspie to approve.

Motion passed 7-0.

Break 8:17 p.m. to 8:25 p.m.

3C. Public Hearing and consideration of a request by Williams Production for a gas well drilling permit for two (2) gas wells, known as the Oak Valley Unit 3H and the WMA Unit 4H on the existing Oak Valley pad site located south of Hidden Creek Parkway, east of Hurst Road. (Case No. 08-96)

Aaron Russell, Director of Public Works presented to council a request by Williams Production for a gas well drilling permit for two (2) gas wells, known as the Oak Valley Unit 3H and the WMA Unit 4H on the existing Oak Valley pad site located south of Hidden Creek Parkway, east of Hurst Road. (Case No. 08-96)

Mayor Shetter opened the public hearing: Time: 8:33 p.m.

Anton Pavlovsky, 910 Valley Ridge Ct., Burleson, TX, spoke against the gas well drilling permit. He voiced concerns about the safety and noise levels. Mr. Pavlovsky asked the city council to deny the request for the two additional wells on the Oak Valley pad site. He feels the wells will diminish property values. He also expressed concerns regarding the refracing being hazardous, the safety buffer zones, set back requirements not being far enough, the sound walls not being adequate and how the noise from the wells is being measured. He strongly advises that the city start a citizen committee. Mr. Pavlovsky stated that Williams told homeowners that there would only be four wells on this site. He questioned why the Bransom site was not being used for the additional wells.

Mayor, Ken Shetter read a letter from Peggy Scheler, 804 Oak Crest Rd., who was unable to attend the meeting but is in support of the gas well permit.

David Bently, 805 Valley Terrace Rd., Burleson, TX, spoke in support of the gas well permit.

Merl Glasscock, 845 Royal Oak Ln., Burleson, TX, spoke in support of the gas well permit.

Roger Ford, 924 Valley Ridge Ct., Burleson, TX, spoke against the gas well permit.

Patricia Pettit, 836 Valley Ridge Rd., Burleson, TX, spoke against the gas well permit.

Robert Pettit, 836 Valley Ridge Rd., Burleson, TX, spoke against the gas well permit.

Bob Edwards, 708 Parkridge Blvd., Burleson, TX, spoke in support of the gas well permit.

Kevin Dobson, 1054 Cardinal Ridge, Burleson, TX, spoke in support of the gas well permit.

William Shaffer, 766 Little Ridge Ct., Burleson, TX, spoke in support of the gas well permit.

Leonard Yanowski, 1058 Cardinal Ridge Rd., Burleson, TX, spoke in support of the gas well permit.

Nikki Briscoe, 723 Yaupon Ct., Burleson, TX, spoke in support of the gas well permit.

David Lee, 804 Evandale Rd., Burleson, TX, spoke in support of the gas well permit.

Jason Briscoe, 723 Yaupon Ct., Burleson, TX, spoke in support of the gas well permit.

Jean Yanowski, 1058 Cardinal Ridge, Burleson, TX, spoke in support of the gas well permit.

Rodney Chappell, 912 Cardinal Ridge, Burleson, TX, spoke in support of the gas well permit.

Cleo Johnson, 904 Valley Ridge Ct., Burleson, TX, spoke against the gas well permit. Mr. Johnson believes that gas well drilling is a violation of their homeowner association bylaws of the Oak Valley subdivision. He stated that he did not receive any correspondence about the proposed gas wells. He would like to receive notice in the future.

Preston Rose, 759 W. Valley Terrace Circle, Burleson, TX, spoke in support of the gas well permit.

David Smith, 916 Cardinal Ridge Rd., Burleson, TX, spoke in support of the gas well permit.

Lovell Glassock, 845 Royal Oak Lane, Burleson, TX, spoke in support of the gas well permit.

Larry Cassella, 809 Valley Terrace Rd., Burleson, TX, spoke in support of the gas well permit.

Janie Brayfield, 755 Little Ridge Ct., Burleson, TX, spoke in support of the gas well permit.

Perette Anderson, 1108 Breanne Ct., Burleson, TX, spoke in support of the gas well permit.

Raymond Neal, 515 Cardinal Ridge Rd., Burleson, TX, spoke in support of the gas well permit.

Sowmya Krishnan, 808 Valley Ridge Rd., Burleson, TX, spoke against the gas well permit. She wanted to know what would happen to the retention pond when the fracing was complete.

Bill Fouchtman, 812 Evandale Rd., Burleson, TX, spoke in support of the gas well permit.

Dorothy Arrington, 904 Dylan Ct., Burleson, TX, spoke in support of the gas well permit.

Jeral Ellis, 808 Evandale Rd., Burleson, TX, spoke in support of the gas well permit.

Marilyn Rhodes, representative with Williams, addressed council to respond to citizens issues. Marilyn said that in the beginning she was told the site would only require four gas wells. That to the best of her knowledge the spacing requirements would only support the four wells. Recently, Engineers and Geologist decided they were not drilling the wells close enough and this is why they were asking for two more wells. By not adding the additional wells, they would be leaving a valuable resource in the ground.

Martin Garza, with K&L Gates, stated they are not going to get 100% of the gas now. They are saying they will get more gas using three wells per unit rather than two wells per unit.

Jimmy Kay, Drilling Superintendent with Williams, stated that they should get more gas with the two additional wells. This will put the spacing at 250 ft. verses the current 500 ft. spacing.

Lucas Smith, Environmental Health and Safety Specialist with Williams, addressed the sound issue. He said Williams enlisted Brennon & Associates Inc., to do their noise survey. This company is also used by Fort Worth. Williams is also currently using Fort Worth's noise abatement standards. Mr. Smith said they are not required to do 24 hour monitoring, but they have been and they have provided the City of Burleson with this information

Aaron Russell, Director of Public Works commented that the ordinance requires the drillers to establish an ambient noise level that is described in the ordinance. It states that created noise is not to exceed the ambient noise level by more than 5 to 10 decibels for a total of 15 minutes per hour.

Paul Cain, Deputy City Manager, discussed the ordinance requirements to measure sound. He feels there are things Williams can do to reduce sound levels.

Lucas Smith, Environmental Health and Safety Specialist with Williams, stated it would not be safe to raise the wall and enclosing the site may cause it to be louder. Will look into muffling the equipment. Mr. Smith said Williams has addressed the sound complaints in the past week.

Anton Pavlovsky, 910 Valley Ridge Ct., Burleson, TX stated that the overall operation noise levels have not changed in the last week.

Marilyn Rhodes, representative with Williams, said there is no prescribed procedure to measure sound in the city's ordinance. That is why they relied on an outside consultant used by Fort Worth. This information was given to city staff and they have complied with the city's ordinance.

Bob Gibson, District Superintendent with Williams in Tulsa, answered questions regarding the additional wells. He said the two additional wells will increase recovery efficiency on the site. It will increase from 30% at 500 ft. spacing to 50% at 250 ft. spacing of the wells. He stated the two additional wells will pull more gas out of the ground. He also responded to the question of the Bransom site being an alternative to this location for the additional wells. His answer was no, the Bransom site would not be an alternative location.

Marilyn Rhodes, representative with Williams, addressed the retention pond issue. She said it is a fresh water pond and is owned by Bransom and when finished, the pond will be reclaimed to its natural state. She also checked the notification list and discovered Mr. Johnson's address was listed incorrectly. In regards to the question of electric rigs being used her response was they can not be used on this site due to the pads not being the same.

Mayor Shetter closed the public hearing. Time: 10:14 p.m.

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

Motion passed 7-0.

* Moved up in the agenda

7D. Discussion regarding Garage Sale Permits

David Wynn, Deputy City Manager discussed the current Garage Sale Ordinance and purposed changes to Ordinance.

Jeanie Ryan Flagstone feels the purposed \$5 cost of the signs is too high. The citation fees should recover the city's cost.

Brenda Geeslin, 131 Cliffside Dr S., feels that enforcing the law and giving citations will recover the city's cost.

David Wynn stated that the item will be on the next council agenda and will require two readings.

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. Proposed FY 2008-09 Annual Operating Budget

No reports.

7D. Discussion regarding Garage Sale Permits

*Moved up in the agenda.

7E. Police Department Quarterly Report

Tom Cowan, Police Chief presented to council the Police Departments quarterly crime statistics report.

7F. Various Staff Reports

Council and Staff Comments

8A. Non-agenda council and staff comments.

Paul Cain, Deputy City Manager reminded council of the upcoming Transportation Summit to be held on Aug 12th -15th, the Budget Workshop to be held on August 11th at 8:30 a.m. and the Special Session and 4A Board meeting to be held on July 31st at 6:00 p.m.

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 Chip Stephens to convene into executive session.

Motion passed 7-0. **Time: 11:06 p.m.**

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

Motion passed 7-0. **Time: 12:11 p.m.**

Motion was made by Jim Wadlow and second by Dan McClendon to authorize staff to make the offer discussed in executive session.

Motion passed 6-0. Matt Powell abstained.

There being no further business Mayor Shetter adjourned the meeting.

Time: 12:13 a.m.

Cathy Bourg
Deputy City Secretary