

BURLESON CITY COUNCIL WORK SESSION
September 11, 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: 6:25 p.m.

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

Curtis E. Hawk, City Manager stated that item 3A. Continued Public Hearing and consideration of a request by EOG Resources, Inc., for a gas well drilling permit for two (2) wells, known as the Little Buddy Unit 11H and 12H, located north of County Road 711, approximately 1200' west of IH 35W. (Case 08-082) was posted legally to allow for the council to accept public hearing although the original public hearing was opened and closed on June 26, 2008. All notices were posted on the website as well as City Hall official bulletin board.

3B. Public Hearing and consideration of a request by EOG Resources, Inc., for a gas well drilling permit for three (3) gas wells, known as the Pallmeyer Unit 6H, 7H, and 8H, located north of County Road 711 and west of IH 35W. (Case No. 08-046)

Curtis E. Hawk, City Manager informed the council that EOG Resources, Inc., owes the city money and if the council chooses to approve the gas well permit the motion needs to indicate the condition of the settling of the money owed.

4D. Ordinance C-637-07(A0908) establishing rates to be charged for all residential and commercial customers for solid waste and trash collection and disposal. (Final Reading)

Curtis E. Hawk, City Manager informed the council that there was a mistake in the Ordinance being listed as a Final Reading and should be listed as a First Reading.

7E. Update on Chisenhall Complex.

Peter Krause, Director of Parks and Recreation and Dalan Walker, Senior Park Planner presented an update on Chisenhall Complex.

- 2. 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.

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

None.

Break 6:52 p.m.

BURLESON CITY COUNCIL REGULAR SESSION
September 11, 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: 7:04 p.m.

Invocation – Terry Williams, Boulevard Baptist Church

Pledge of Allegiance

Proclamations

Stacy Singleton, Fire Marshal reported to council that Texas Emergency Management request the City of Burleson open up an Information Center for evacuees from Hurricane Ike. The Information Center was opened and has already begun receiving evacuees. There was also a request to send our Mobile Command Truck to San Antonio with a standby mode to deploy to handle the aftermath of any storms.

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 August 28, 2008 regular meeting and the September 4, 2008 special session.

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 7-0.

City of Burleson
Financial Transactions

Vendor / Description	Amount	Fund
REQUISITIONS OVER \$3,000:		
McNaughton Book Service – Books for the Library.	3,241.20	GF
Brodart Company – Books for the Library.	5,000.00	GF
Elster AMCO Water, Inc. – Fire hydrant meters for the Water Services Dept.	6,730.00	W&S
Nortex Concrete Lift & Stabilization, Inc. – Lifting and undersealing contract for the Street Pavement Maintenance Dept.	25,000.43	GF
Allied Tube – Sign materials for the Street Traffic Maintenance Dept.	3,841.00	GF
Dell Computer Corp – Domain controller for the Information Technology Dept.	5,276.80	ERF
CDW Government Solutions – Network time server for the Information Technology Dept.	4,998.48	GF
Burnsco Construction – Asphalt paving on the Summercrest/Thomas Drainage project.	7,233.50	2007CO
JRJ Paving – Additional waterline at Renfro St. on the 2008 Neighborhood Streets/Independent Water project.	46,880.40	2007CO
PAYMENTS OVER \$3,000:		
Taylor, Olson, Adkins, Sralla & Elam, LLP - Attorney fees for June 2008.	21,390.81	GF
Ellerbee-Walczak, Inc. - Payment for engineering testing for Burleson subdivisions and capital improvement projects.	16,539.00	GF/2005CO/ 2006CO/ 2007CO/ 2007GO
First Southwest Asset Management, Inc. – Arbitrage calculations for 9/06 – 9/07.	29,825.00	GF

- 1C. Preliminary plat of Lot 1, Block 1, Burleson Elementary #11 Addition located north of Hillside Drive and west of John Jones Drive (FM 731). (Case No. 08-092)**

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

Motion passed 7-0.

- 1D. Final plat of Lot 1, Block 1, Burleson Elementary #11 Addition located north of Hillside Drive and west of John Jones Drive (FM 731). (Case No. 08-092)**

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

Motion passed 7-0.

- 1E. Ordinance B-683(A0808) amending Ordinance B-683, the Villages of Wakefield Planned Development (PD) zoning district, located along the west side of FM 731 between Alsbury Boulevard and Hillside Drive. (Case 08-105) (Final Reading)**

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

Motion passed 7-0.

- 1F. Ordinance D-091-08 amending Ordinance B-582, rezoning 2.164 acres from (A) Agricultural to (SP) Site Plan zoning district within the Interstate 35 Overlay district for tract 8A and a portion of tract 8C, Abstract No. 517, Hiram Lewis Survey, Johnson County, Texas located along the west side of Interstate 35W and north of FM 917. (Case No. 07-026) (Final Reading)**

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

Motion passed 7-0.

- 1G. Ordinance D-092-08 amending Ordinance B-582, rezoning 9.512 acres out of the Stephen Kensey Survey, Abstract No 475, Johnson County, located at 3300 South Interstate 35W (at the southwest corner of the Interstate 35W and FM 917 intersection) and situated within the IH-35W Overlay district, from (A) Agricultural to (SP) Site Plan zoning district with the authorized property use on said property expiring ten years from the date of passage. (Case No. 08-087) (Final Reading)**

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

Motion passed 7-0.

1H. Ordinance B-582(A0808) revising the Burleson Zoning Ordinance Section 39 Sign regulations with regard to garage sale signs. (Case No. 08-111) (Final Reading)

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

Motion passed 7-0.

1I. Ordinance C-645-08, approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the company's rate review mechanism filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; and adopting tariffs that reflect rate adjustments consistent with the negotiated settlement. (First Reading)

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

Motion passed 7-0.

1J. Minute Order MO-08-038, consideration of a request from Texas Midstream Gas Services to lease an easement for the purpose of installing a natural gas transmission line across city owned property located south of Spinks Airport , 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.

1K. Minute Order MO-08-040 amending Section 43.035 of the LGC Develop Agreement between City of Burleson and Frances Sherrod depicted in Exhibit "C" to Annexation Ordinance A-312-08 (Case No. 08-085), for the voluntary annexation of approximately 108.6 acres located south of Hidden Creek Parkway west of East Renfro Street.

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

Motion passed 7-0.

Presentations

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

None

2B. Citizens Appearance

No speakers

Public Hearings and Related Ordinances

3A. Continue Public Hearing and consideration of a request by EOG Resources, Inc., for a gas well drilling permit for two (2) wells, known as the Little Buddy Unit 11H and 12H, located north of County Road 711, approximately 1200' west of IH 35W. (Case No. 08-082)

Laura Melton, Public Works Engineering, presented a request by EOG Resources, Inc., for a gas well drilling permit for two (2) wells, known as the Little Buddy Unit 11H and 12H, located north of County Road 711, approximately 1200' west of IH 35W. (Case No. 08-082)

Mayor Shetter opened the public hearing: Time: 7:18 p.m.

Sheila Vose, 4817 Looney Lane, came to thank the council for taking a strong stand on this item and has given her hope in city government. She still does not agree with the city's Business Park Project, but is happy the council has listened.

George Straughan, 4201 S. Bellaire Circle, CO, is the owner of the gas well drilling site and will take responsibility for the confusion and trouble with the first time the gas well permit was presented. There have been concessions to accommodate the residents around the gas wells and believes this is a good situation for all involved.

Larry Pool, 1021 S. Briar Oaks Road, Cleburne, wanted to support Mr. Straughan's gas well permit request. EOG has accommodated the residents and the surrounding area.

Tim Davis, 175 W. Bethesda Road, wanted to compliment EOG for all their efforts to accommodate the residents.

Mayor Shetter closed the public hearing: Time: 7:28 p.m.

Motion made by Matt Powell and second by Chip Stephens to approve.

Motion passed 7-0.

3B. Public Hearing and consideration of a request by EOG Resources, Inc., for a gas well drilling permit for three (3) gas wells, known as the Pallmeyer Unit 6H, 7H, and 8H, located north of County Road 711 and west of IH 35W. (Case No. 08-046)

Laura Melton, Public Working Engineering Department presented a request by EOG Resources, Inc., for a gas well drilling permit for three (3) gas wells, known as the Pallmeyer Unit 6H, 7H, and 8H, located north of County Road 711 and west of IH 35W. (Case No. 08-046)

Mayor Shetter opened the public hearing: Time: 7:32 p.m.

No speakers

Mayor Shetter closed the public hearing. Time: 7:32 p.m.

Motion was made by Dan McClendon and second by Matt Powell to approve with the contingency of payment of land use remediation fees due by EOG be paid to the City.

Motion passed 7-0.

3C. Public Hearing and consideration of a request by Chesapeake Operating Inc., for a gas well drilling permit for three (3) wells, known as the Joshua First Baptist Church Unit 1H, 2H and 3H, on a new pad site located at 2434 SW Wilshire Boulevard. (Case 08-115)

Laura Melton, Public Works Engineering, presented to council a request by Chesapeake Operating Inc., for a gas well drilling permit for three (3) wells, known as the Joshua First Baptist Church Unit 1H, 2H and 3H, on a new pad site located at 2434 SW Wilshire Boulevard. (Case 08-115)

Mayor Shetter opened the public hearing: Time: 7:35 p.m.

Lawrence Mraz, 2421 Castle Pines Dr., asked if the council knew how much money he would receive from the gas lease. Mayor Shetter directed him to speak to Chesapeake Operating, Inc., to discuss this matter privately.

Jason Spiller, 2416 Castle Pines Dr., feels like he and his neighbors have been taken advantage of by Chesapeake Operating Inc. He would like to have more time to hire a lawyer to file a cease work. Chesapeake informed him that the gas wells would be more than 1000 feet from his residents and paid only 2.5% of the going rate.

Ramona Alexander, 337 Hillview Dr. Hurst, TX, feels like she was deceived by Chesapeake Operating Inc., about the location of the road. She needs more

time to remedy the issues she has with Chesapeake Operating Inc. Would like the record to reflect she is requesting this from the council. She requested maps from Chesapeake and was not given the information and did not know till she came to look at the site where the road was planned.

Jack Guthrie, PO Box 172, Joshua, represents Joshua First Baptist Church they willingly and aggressively worked with Chesapeake Operating Inc. for this gas well. They are very much in favor of moving ahead and moving quickly. The money will ensure they can build debt free. There will be a joint road that will be utilized by both Chesapeake and Joshua First Baptist Church that should not impact Mrs. Alexander's property.

Rusty Anderson, Chesapeake representative, the strict guidelines are the reason for the placement of the gas well. They met with representatives from Joshua First Baptist Church to inform them of the new location of gas well site and they agreed and signed a waiver.

Mayor Shetter closed the public hearing. Time: 8:14 p.m.

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

Motion passed 7-0

Break 8:15 p.m. - 8:26 p.m.

3D. Public Hearing and consideration of a request by Chesapeake Operating Inc., for a gas well drilling permit for seven (7) wells, known as the B. Davenport Unit 1H-6H and 8H, on an existing pad site located at 7940 FM 1902. (Case No. 08-114)

Laura Melton, Public Works Engineering, presented a request by Chesapeake Operating Inc., for a gas well drilling permit for seven (7) wells, known as the B. Davenport Unit 1H-6H and 8H, on an existing pad site located at 7940 FM 1902. (Case No. 08-114)

Mayor Shetter opened the public hearing. Time: 8:28 p.m.

Darrell Brown, Verde Drive, has an environmental question about if the drilling is affecting his property with deep cracks and sidewalks buckling since the drilling began.

Rusty Anderson, Chesapeake representatives has not received a compliant before with these issues of deep cracks.

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

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

Motion passed 7-0.

3E. Public Hearing on the proposed 2008 ad valorem tax rate of \$0.6940.

Rhett Clark, Director of Finance, presented to council the Fiscal Year 2008-2009 Budget and Tax Rate.

Mayor Shetter opened the public hearing: Time: 9:17 p.m.

No speakers

Mayor Shetter closed the public hearing. Time: 9:18 p.m.

Mayor Shetter announced the votes on the Tax Rate at tonight's meeting on item 4A. and the final reading will be September 25, 2008 at the City Council to begin at 7:00 p.m.

Ordinances & Resolutions

4A. Ordinance C-633-07(A0908), setting the 2008 ad valorem Tax Rate at \$0.6940. (First Reading)

*Presentation made during Item 3E.

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

Motion passed 7-0.

4B. Ordinance C-632-07(A0908), revising budget figures for fiscal year 2007-2008 and adopting the 2008-2009 Annual Operating Budget. (First Reading)

*Presentation made during Item 3E.

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

Motion passed 7-0.

4C. Ordinance C-634-07(B0908), establishing rates to be charged for water and wastewater service in the City of Burleson. (First Reading)

*Presentation made during Item 3E.

Motion was made by Chip Stephens and second by Carter Mahanay to approve.

Motion passed 7-0.

4D. Ordinance C-637-08(A0908), establishing rates to be charged for all residential and commercial customers for solid waste and trash collection and disposal. (First Reading)

*Presentation during Item 3E.

Motion was made by Dan McClendon and second by Carter Mahanay to approve.

Motion passed 7-0.

4E. Ordinance C-646-08 appointing a Charter Review Committee. (First Reading)

Curtis E. Hawk, City Manager presented to council Ordinance C-646-08 appointing a Charter Review Committee. (First Reading)

Motion was made by Carter Mahanay and second by Chip Stephens 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.

Shai Roos, Director of Community and Economic Development reported on the need and plan of composing an Economic Development Strategic Plan.

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

No reports.

7C. Discussion of Various Ordinances.

Shai Roos, Director of Community and Economic Development reported on LED and Digital Billboard signs.

7D. Discussion of joint City-BISD Board Meeting and Joint Utilization projects.

No report.

7E. Update on Chisenhall Complex

*Presented during Work Session.

7F. Various Staff Reports

No report

Council and Staff Comments

8A.

Curtis E. Hawk, City Manager informed the council that City Hall will be extending the hours of operation on a trial basis starting September 29, 2008 ending the end of calendar year. The new hours are 7 a.m. to 6 p.m. Monday thru Thursday and 8 a.m. to 5 p.m. on Fridays.

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.

There being no further business Mayor Shetter adjourned the meeting.

Time: 10:17 p.m.

Amanda J. McCrory
City Secretary