

BURLESON CITY COUNCIL WORK SESSION
September 25, 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: 6:27p.m.

1. Summary of gas well development inspections.

Aaron Russell, Director of Public Works and Engineering presented to council a summary of gas well development inspections. There will be changes to the current ordinance to meet the identified needs for security.

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.

None.

4. Reconvene into open session for possible action.

None.

BURLESON CITY COUNCIL REGULAR SESSION
September 25, 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: 7:03 p.m.

Invocation – Lamar Black, Crestmont Baptist Church

Pledge of Allegiance

Proclamations

Items to be continued or withdrawn

Items to be withdrawn from the consent agenda for separate discussion.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 September 11, 2008 regular council session.

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

Motion passed 7-0.

1B. Financial Transactions.

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

Motion passed 6-0. Dan McClendon abstained.

City of Burleson
Financial Transactions

Vendor / Description	Amount	Fund
REQUISITIONS OVER \$3,000:		
DBSP, Inc. – ASIST Stormwater Management Plan software for the Environmental Services Dept.	4,000.00	GF
North Central Texas Council of Governments – Economic Development website.	6,000.00	GF
James E. Kunde – Economic Development Strategic Plan.	6,500.00	GF
KS2 Technologies – LVD tape drive for the Information Technology Dept.	8,131.50	GF
McClendon Construction Co., Inc. – C/O #8 Additional quantities to address changed site conditions on the McAlister Rd project.	12,610.00	2007GOB S&D
Zoll Medical Corporation – 3 defibrillators for the Fire Dept. (See attached memo.)	62,286.35	ERF
PAYMENTS OVER \$3,000:		
Taylor, Olson, Adkins, Sralla & Elam, LLP - Attorney fees for July & August 2008.	34,135.01	GF
Johnson, Rial & Parker, PC – Easement for parcel #33 on the Quil Miller Sanitary Sewer project.	40,000.00	4A-ST
Hall-Mark Fire Apparatus-Texas, LLC – Annual pump testing for the Fire Dept.	3,475.00	GF
HD Supply Waterworks, LTD – Stock materials for the Water Services Dept.	4,154.48	W&S
Kimco Burleson LP – Sales tax incentive for calendar year 2007 per Gateway Station economic development program agreement.	105,613.71	EDIF
Sungard Public Sector – Software training for Municipal Court Personnel.	6,417.02	SRF
Tru Track Alignment Center – Repairs to sewer truck #205 and garbage truck #318.	3,464.20	ESF
Vendor / Description	Amount	Fund
REQUISITIONS OVER \$3,000:		
<u>Fiscal Year 2008-09 – Contingent on the approval of the FY2009 Budget.</u>		
All American Press – Printing of the fall/winter brochure for the Parks and Recreation Dept.	11,465.00	GF

Veripro Construction LLC – Construction of offices at Fire Station #1.	9,200.00	GF
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1C. Final plat of Lot 1, Block 25, West Bend South Addition, Phase 1-D located along the south side of Summercrest Boulevard and east of FM 731 (Case No. 08-104).

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

Motion passed 7-0.

1D. 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. (Final Reading)

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

Motion passed 7-0.

1E. Resolution R-1134-08, opening a demand deposit account with JPMorgan Chase for funding of employee Health Reimbursement Accounts.

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

Motion passed 7-0.

1F. Renew the contract for the Newsletter Printing, ITB 2007-003 with The Imaging Bureau for one (1) year beginning October 1, 2008 to September 30, 2009 for the amount of \$0.1185 per piece.

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

Motion passed 7-0.

1G. Renew the contract for time and material for Electrical Services, ITB 2008-002 with Nema 3 Electric for one(1) year beginning October 15, 2008 and ending October 14, 2009.

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

Motion passed 7-0.

1H. Renew Interlocal Agreement with the City of Fort Worth for Burleson's participation at the Environmental Collection Center for Oct. 1, 2008 - September 30, 2009, and authorize the Mayor to execute.

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

Motion passed 7-0.

1I. Renew Interlocal Agreement Between City of Burleson and Hill College for Library Services and authorize the Mayor to execute.

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

Motion passed 7-0.

1J. License Agreement with Texas Midstream Gas Services to allow installation of a natural gas transmission line across city owned park property located adjacent to the Parnolan Gas Unit and surveyed as Hillside Park at Wakefield, Lot 34, Block 17 in Johnson County, Texas.

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

Motion passed 7-0.

1K. License Agreement with Texas Midstream Gas Services to allow installation of a natural gas transmission line across city owned park property located adjacent to the Burleson Memorial Cemetery and authorize the City Manager to execute.

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

Motion passed 7-0.

1L. Authorize the City Manager to Execute Contracts with Various Vendors for Employee Benefits during FY 2008-2009 as follows:

Health	Cigna
Life Insurance	Cigna
Dental	Metlife
Employee Assistance	Alliance Work Partners
Long Term Disability	Cigna
Vision Insurance	VSP
Supplemental health	Aflac
Legal Services Insurance	Prepaid Legal

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

Motion passed 7-0.

- 1M. Minute Order MO-08-045 authorizing entry into an agreement with Williams Production Gulf Coast Company, L.P., for the sale of non-potable water from Bailey Lake and authorization for the City Manager to execute the contract.**

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

Motion passed 7-0.

Presentations

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

- 2B. Citizens Appearance**

Public Hearings and Related Ordinances

- 3A. Public Hearing and consideration of a request by Williams Production for a gas well drilling permit for four (4) wells, known as the Bransom Unit 2H, 3H, 4H and 5H on an existing pad site located at 3613 County Road 530B. (Case No. 08-078).**

Laura Melton, Public Works Engineering, presented to council a request by Williams Production for a gas well drilling permit for four (4) wells, known as the Bransom Unit 2H, 3H, 4H and 5H on an existing pad site located at 3613 County Road 530B. (Case No. 08-078)

Mayor Shetter opened the public hearing: Time: 7:13p.m.

No speakers

Mayor Shetter closed the public hearing: Time: 7:13 p.m.

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

Motion passed 7-0.

3B. Public Hearing and consideration of a request by Williams Production, for a gas well drilling permit for one well, known as the Burleson Bible Church Unit 3H, located on an existing pad site at 837 E Renfro Street (Case No. 08-120).

Laura Melton, City Engineering Department, presented to council a request by Williams Production, for a gas well drilling permit for one well, known as the Burleson Bible Church Unit 3H, located on an existing pad site at 837 E Renfro Street (Case No. 08-120)

Mayor Shetter opened the public hearing: Time: 7:19p.m.

Marilyn Rhodes, representative from Williams Production will meet with residents about sound.

Mayor Shetter closed the public hearing. Time: 7:21 p.m.

Motion was made by Matt Powell and second by Stuart Gillaspie to approve with condition that sound walls be placed on the site with the exception of the east wall and that the sound walls meet staffs approval.

Motion passed 7-0.

3C. Public Hearing and consideration of Changes in the Scope of Projects included in the May 2007 Park and Recreation Capital Improvements Program.

Peter Krause, Director of Parks and Recreation and Dalan Walker, Senior Planner presented to council changes in the Scope of Projects included in the May 2007 Park and Recreation Capital Improvements Program.

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

Jason Bryan, 452 Berkshire, Burleson, TX, believes the city should stay in the budget and not go over the amount allocated. Should reduce baseball fields and replace with softballs fields and would not build new football field would repair the existing football.

Larry Loveless, 401 SW Rand, has two concerns first is there enough parking. Believes there will be the same problem for Bartlett about the parking. Second when bond was floated why did the city not lock in the contract for hardware by locking in price.

Shawn Minor, 1016 Cardinal Ridge, appreciates the statement about the consultants. The football changes will satisfy the needs. The problem would have been less severe if the problem had been communicated earlier in the process. The moment the problem was identified there should have been input from associations to work through this. Would like to prioritize the way the construction has been scheduled. He would like a committee with not just councilmembers but also representatives from BYA, Boys and Girls and BISA to help proceed forward. Open communication.

David Birdwell, 10021 Tantarra Dr., Burleson, disappointed that the over-budget was not known sooner. Believes someone in the city did know prior. He would like the city to look at oil and gas revenue.

James Sullivan, 221 Woodvine Dr., president of the Burleson Youth Association, obvious the ball was dropped a long the way. Responsibility was with the planning ahead of time. Basic scope of work should have been sent to vendors to get quote on cost. Did it happen? Batting lanes were taken away from around fields. Initial budget was optimistic and should have been more conservative. Advance warning of the changes and problems would have avoided the need to feel blind sided. Information has been scaled down considerably after the election.

Jimmy Middlebrook, 202 Willow Bend Ct., Joshua, TX, how sure are we now that the project will be able to meet the projected cost that was presented today. Still believes the softballs fields are still not enough for the demand. Are construction documents completed?

There are drainage problems with the existing site of Chisenhall and there are extensive flood studies that must be completed.

The construction documents will be made available through the Community Center and the library.

Pat McDonald, 316 Warren, Burleson, TX, has 7 grandkids involved in the sports here in Burleson, has issues with unpaved parking and limited bathrooms and concession. He has doubts that Phase 2 construction will be completed. The current revisions are unacceptable. Believes there needs to be a little more time to improve the designs with help from youth associations. He would like to give BYA a shot to try to get private donations to help with the shortfall.

Lisa Prescher, 209 Sherry, Burleson, TX, believes Burleson does not support softball most players play out of Crowley. BYA chose to play slow pitch instead of fast pitch at one time. Now BYA does have fast pitch but still does not have the facilities to play a tournament. Burleson is losing money because fast pitch softball makes a lot of money. Burleson needs more fields especially for practice.

Tom Collett, is the newly appointed Tri State Softball Regional director and believes this park will not be able to handle softball tournaments. Believes that hosting softball tournaments would bring revenue to the city and the economy. He commends the council for all their hard work and listening to the people.

Gary Malloy, 1005 Ridge Top Drive, staff is talking about using recycle materials from Bartlett fields to create 4 day use fields and would like to know if staff believes there is enough recycle material to create the 4 fields. Believes there is an opportunity for the city to gain revenue from softball play. Is disappointed because there is a second revision that was created in one day and believes there is room for even more improvement that can be done with a little more time. Need to think about what avenue the deliveries will take.

The best estimates from staff using recycle materials is for 2 full day use fields to be completed..

Jeff Morton, 815 Huebner Way, The ASA has contacted BYA to host a softball tournament which will require about 6 softball fields min. If at the best estimates there will only be 3 softball and 2 joint use fields, then there would not be enough fields for us to host. The City needs to talk to vendors for additional support.

Hank Moore, 3413 Oak leaf, would like to talk about the development of the city. There is a lack of infrastructure in the city. His children utilize the fields and he came here today to make sure the city did what they said they would do. Would like to see Burleson become a city of destination and believes this is a good starting point to build the best facility.

Jim Bailey, 344 S. Warren, has been on the council and was in the process of looking for about 80-100 acres to build a big facilities. We have modified current land to build a good facility. He is glad to see the associations here to work on the issue.

Mayor Shetter closed the public hearing. Time: 10:45 p.m.

Motion made by Matt Powell and second by Chip Stephens to approve the scope of the project with the reallocation of funds as discussed at the meeting and that staff meet with the BYA, BISA, Boys and Girls Club to address the changes.

Motion passed 7-0.

Break 10:50 pm – 11:09 pm

3D. Public Hearing and consideration of Ordinance D-093-08, rezoning Lot 15, Block 12, The Gardens Addition (624 Maple Avenue) from Single-family zoning district (SF7) to site plan zoning district (SP) (Case No. 08-107). (First Reading)

Shai Roos, Director of Community and Economic Development presented to council Ordinance D-093-08, rezoning Lot 15, Block 12, The Gardens Addition (624 Maple Avenue) from Single-family zoning district (SF7) to site plan zoning district (SP) (Case No. 08-107). (First Reading)

Mayor Shetter opened the public hearing: Time: 11:19 p.m.

David Sane, Memphis Tenn. represents owner of Trinity Mission Home and is willing to place any type of wall or fencing that would be pleasing.

Mayor Shetter closed the public hearing: Time: 11:41 p.m.

Motion was made by Stuart Gillaspie and second by Carter Mahanay to approve with no street parking for employees and adding a wooden fence.

Motion passed 7-0.

Ordinances & Resolutions

* Items 4A- 4F have already been discussed at length and no presentation was made.

4A. Ordinance C-632-07(A0908), revising budget figures for fiscal year 2007-08 and adopting the 2008-2009 Annual Operating Budget. (Final Reading)

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

Motion passed 7-0.

4B. Minute Order MO-08-041, vote to ratify the property tax increase reflected in the 2008-2009 Budget.

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

Motion passed 7-0.

4C. Minute Order MO-08-042 adopting the fiscal year 2008-2009 City of Burleson Fee Schedule.

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

Motion passed 7-0.

4D. Ordinance C-633-07(A0908), setting the 2008 ad valorem tax rate at \$0.6940. (Final Reading)

Motion was made by Matt Powell and second by Chip Stephens that property taxes be increased by the adoption of a tax rate of \$0.6940. The final reading of Ordinance C-633-07(B0908).

Motion passed 7-0.

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

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

Motion passed 7-0.

4F. 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)

Motion was made by Jim Wadlow and second by Carter Mahanay to approve.

Motion passed 7-0.

4G. Ordinance C-646-08 appointing a Charter Review Committee. (Final Reading)

Motion was made by Chip Stephens and second by Dan McClendon to approve with the following people appointed:

Bill Schultz
Jim Bailey
Bruce Basden
Devonia Leach
Genny Brown
David Russell
Tom Collett

Motion passed 7-0.

Contracts & Agreements

5A. No items for consideration at this time.

Other Items for Consideration

6A. Minute Order MO-08-043, changing the November 13, 2008 regularly scheduled City Council meeting to November 6, 2008.

**There was no discussion.*

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

Motion passed 7-0.

6B. Minute Order MO-08-044, changing the days of the regularly scheduled City Council meetings from the second and fourth Thursdays to the first and third Mondays.

Curtis E. Hawk, City Manager, presented the reasons for the change of meeting dates. In a 16 county region of TML that the City of Burleson belongs to there are only 6 cities that have Thursday night meetings and only 3 of those including Burleson, are the 2nd and 4th Thursdays.

Motion was made by Stuart Gillaspie and second by Chip Stephens to approve to be effective January 2009.

Motion passed 7-0.

Reports

7A. Economic Development.

No reports.

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

No reports.

7C. Discussion of Sign Ordinance

Shai Roos, Director of Community and Economic Development presented to council the possible change to the ordinance to allow for digital billboards. These signs can be used as public announcements such as Amber alerts, traffic alerts and weather alerts. Staff will bring back the exact changes at another council meeting.

7D. Joshua Boundary Agreement

David Wynn, Deputy City Manager, explained to the council that there is a need to agree on a boundary agreement giving Joshua some of our ETJ. This area is the second phase of a current subdivision which is in the Joshua city limits. Staff will bring back a resolution at the next meeting to set this agreement in place.

7E. Discussion of Cities Aggregation Power Project and potential long-term power purchase agreement

Rhett Clark, Director of Finance, presented to council the concept of Cities Aggregation Power Project and long term purchase agreement.

7F. Various Staff Reports

Stacy Singleton, Fire Marshal and Gary Wisdom, Fire Chief updated council on Hurricane IKE. City of Burleson sent a 4 man team to relief Galveston Fire Fighters.

7G. Discussion of BISD High School #2

David Wynn, Deputy City Manager met with BISD staff and has no new figures to discuss.

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 Matt Powell to convene into executive session.

Motion passed 7-0. **Time: 12:39 a.m.**

Motion made by Matt Powell and second by Chip Stephens to reconvene into open session.

Motion passed 7-0. **Time: 12:44 a.m.**

Motion was made by Stuart Gillaspie and second by Jim Wadlow to settle the claim as discussed in executive session.

Motion passed 6-1. Dan McClendon against.

There being no further business Mayor Shetter adjourned the meeting.

Time: September 26, 2008. 12:45 a.m.

Amanda J. McCrory
City Secretary