

BURLESON CITY COUNCIL WORK SESSION  
October 9, 2008  
MINUTES

Roll Call:

Council present:  
Stuart Gillaspie

Matt Powell  
Ken Shetter  
Dan McClendon  
Carter Mahanay

Council Absent:

Jim Wadlow

Chip Stephens

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: 6:22 p.m.**

**1. Presentation of Police Department Strategic Plan by Del Carmen Consulting.**

Dr. Alex Del Carmen introduced the Police Department Strategic Plan and thanked Chief Cowan for his cooperation in the study and his approach to the study by allowing them to perform the study without basis. Dr. Del Carmen introduced Bradley Ford who presented to council the results of the Police Department Strategic Plan.

**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 discussed.

**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.**

Motion was made by Matt Powell and second by Stuart Gillaspie to convene into executive session.

Motion passed. 5-0. Chip Stephens and Jim Wadlow absent. **Time: 7:15 p.m.**

**4. Reconvene into open session for possible action.**

Motion was made by Stuart Gillaspie and seconded by Matt Powell to reconvene into open session.

Motion passed 5-0. Chips Stephens and Jim Wadlow absent. **Time: 7:42 p.m.**

BURLESON CITY COUNCIL REGULAR SESSION  
October 9, 2008  
MINUTES

Roll Call:

Council present:

Stuart Gillaspie

Matt Powell

Ken Shetter

Dan McClendon

Carter Mahanay

Council Absent:

Jim Wadlow

Chip Stephens

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: 7:43 p.m.**

**Invocation** – Ken Davis, Calvary Chapel Southwest Metro

**Pledge of Allegiance**

**Proclamations**

**Items to be continued or withdrawn**

**Items to be withdrawn from the consent agenda for separate discussion.**

**1E. Ordinance A-314-08 disannexing and discontinuing from the corporate limits of the City of Burleson an approximately 72 acre tract of land situated in the J.S. Huie Survey, Abstract Number 380 (Case No. 08-148). (First Reading)**

**1G. Software License and Service Agreement and Software Maintenance Agreement between SunGard Public Sector and the City of Burleson, and authorization for the City Manager to execute.**

**Consent Agenda**

**1A. Approve the minutes from the September 25, 2008 regular council meeting.**

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

Motion passed 5-0. Jim Wadlow and Chip Stephens absent.

**1B. Financial Transactions.**

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

Motion passed 5-0. Jim Wadlow and Chip Stephens absent.

City of Burleson  
Financial Transactions

Vendor / Description	Amount	Fund
<b>REQUISITIONS OVER \$3,000:</b>		
Barney, Inc. – Ammunition for the Police Dept.	6,328.98	GF
Integrated Forensic Laboratories – Forensic lab services for the Police Dept for FY 2009.	5,000.00	GF
NcNaughton Book Service – Book service for the Library for FY 2009.	8,790.60	GF
Bicycles, Inc. – 4 bikes and related equipment for the Police Dept.	4,733.60	GF
Hill's Pet Nutrition Sales, Inc. – Pet food for the Animal Services Dept for FY 2009.	3,876.00	GF
HD Supply Waterworks Ltd – 250 5/8" meters for the Water Services Dept.	46,062.50	W&S
HD Supply Waterworks Ltd – Warehouse stock for the Water Services Dept.	9,542.59	W&S
Dataprose, Inc. – Outsourcing/postage for water bills for FY 2009.	85,550.00	W&S
Course Trends, Inc. – Advertising for the golf course for FY 2009.	3,500.00	HCGC
American Tower LP – ATC lease for the IT Dept. for FY 2009.	9,984.00	GF
Apac-Texas, Inc. – Asphalt for the Street Pavement Maintenance Dept.	45,000.00	GF
Crafcot Texas, Inc. – Crack sealer for the Street Pavement Maintenance Dept.	13,020.00	GF
Azteca Systems, Inc. – Annual maintenance contract for the Public Works Department Cityworks software.	21,801.00	GF/W&S/SW
Metro Fire Apparatus – Core upgrade for the E2 rescue tool for the Fire Dept.	3,774.00	GF

Vendor/Description	Amount	Fund
Ratliff Ready Mix – Concrete for the Street Pavement Maintenance Dept.	15,400.00	GF
Harmon Consulting, Inc. – Transportation consulting services for FY 2009.	12,000.00	GF
Jana Lynch – Design services of the Burleson Progress Report for FY 2009.	15,000.00	GF/W&S
Imaging Bureau – Printing services of the Burleson Progress Report for FY 2009.	16,722.00	GF/W&S
Large Print Overstocks – Books for the Library.	5,718.23	GF
Reliable Paving, Inc. – Concrete repairs for the Street Pavement Maintenance Dept.	30,000.00	GF
Zytron – Microfilming of Police Dept vital records for FY 2009.	5,000.00	GF
Johnson County Clerk – Filing fees for Johnson County records for FY 2009.	3,500.00	GF
The Star Group – Legal publications in the Burleson Star newspaper for FY 2009.	12,000.00	GF
West Group Payment Center – Law publications and updated for FY 2009.	4,000.00	GF
Burnsco Construction – C/O 2 - Retrofit curb ramps for the existing sidewalks on the Summercrest and Thomas Drainage project.	48,984.00	2007COS&D
Jackson Construction – C/O #5 Overrun in quantities for rock wall, sidewalk & driveway on the Hemphill Road Paving project. (Replaces C/O #5 on the 7/24/08 transactions)	86,627.25	2006GO
Kimley-Horn & Associates – Study to provide recommendations & costs to alleviate traffic accidents on Hidden Creek Parkway at the Walmart intersection.	6,500.00	2005GOB
<b>Vendor/Description</b>	<b>Amount</b>	<b>Fund</b>
<b>PAYMENTS OVER \$3,000:</b>		
Freese & Nichols – Reimbursement of unused funds provided to reconstruct bore under SH 174 on the Village Creek Sanitary Sewer Relief Line project.	3,393.00	2006CO
Sungard Public Sector – Annual maintenance contract for software plus catalogs and maintenance of reporting software.	67,025.00	GF/W&S/ ESF
Sungard Public Sector – Annual maintenance contract for Police Dept	99,617.10	GF/SRF

and Municipal Court software applications.		
Sungard Public Sector – Annual fee for online training help pass.	4,800.00	GF/W&S
KS2 Technologies, Inc. – Software support annual fees for the Police Dept for FY 2009.	3,861.52	GF
Ellerbe-Walczak, Inc. – Engineering testing for Burleson subdivisions and capital improvement projects.	17,980.00	GF/2005CO/ 2006CO/ 2007CO
Visa – Credit card charges for September 2008.	8,687.30	GF
CALEA, Inc. – Third installment on the Police Dept accreditation fee.	4,195.00	GF
Del Carmen Consulting, LLC – Racial profiling data auditing services for FY 2009.	7,600.00	GF
International Code Council – Code books for Building Inspections Dept.	3,493.36	GF
National Flood Insurance Program – FEMA review fee of the Quil Miller Letter of Map Revision from the constructed Hidden Creek Parkway bridge.	4,800.00	2001STRBF
TML Administrative Services – Annual membership dues for FY 2009.	3,561.00	GF/W&S
Tarrant Regional Transportation Coalition – Annual membership dues for FY 2009.	3,325.00	GF/W&S
Burleson Area Chamber of Commerce – Quarterly contribution to the BACC.	11,094.50	H/M

**1C. Preliminary plat of Lot 1, Block 1, Burleson Recreation Center located at 550 Summercrest Boulevard (Case No. 08-109).**

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

Motion passed 5-0. Jim Wadlow and Chip Stephens absent.

**1D. Ordinance D-093-08 amending Ordinance B-582, rezoning Lot 15, Block 12, of the Gardens Addition (624 Maple Avenue) from Single-family 7 zoning district (SF7) to site plan zoning district (SP) (Case No. 08-107). (Final Reading)**

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

Motion passed 5-0. Jim Wadlow and Chip Stephens absent.

- 1E. Ordinance A-314-08 disannexing and discontinuing from the corporate limits of the City of Burleson an approximately 72 acre tract of land situated in the J.S. Huie Survey, Abstract Number 380 (Case No. 08-148). (First Reading)**

*\*Removed from consent for separate discussion and action.*

- 1F. Joint Resolution R-1135-08 and Agreement, relinquishing a portion of the City of Burleson Extraterritorial Jurisdiction to the City of Joshua.**

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

Motion passed 5-0. Jim Wadlow and Chip Stephens absent.

- 1G. Software License and Service Agreement and Software Maintenance Agreement between SunGard Public Sector and the City of Burleson, and authorization for the City Manager to execute.**

*\*Removed from consent for separate discussion and action.*

- 1H. Minute Order MO-08-046, approving City Council meeting dates for Calendar Year 2009.**

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

Motion passed 5-0. Jim Wadlow and Chip Stephens absent.

- 1I. Award the annual contract for Printing Services to Bennett Printing & Office Supply, Print Team, Inc., and Marfield Corporate Stationary (ITB 2009-001).**

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

Motion passed 5-0. Jim Wadlow and Chip Stephens absent.

- 1J. Award the annual contract for Motor Oil & Lube to Felts Heavy Duty Oil (ITB 2009-003).**

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

Motion passed 5-0. Jim Wadlow and Chip Stephens absent.

**1K. Award the annual contract for Newsletter Distribution to Nixin Printing, Mailing & So Much More! (ITB 2009-004).**

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

Motion passed 5-0. Jim Wadlow and Chip Stephens absent.

**1E. Ordinance A-314-08 disannexing and discontinuing from the corporate limits of the City of Burleson an approximately 72 acre tract of land situated in the J.S. Huie Survey, Abstract Number 380 (Case No. 08-148). (First Reading)**

Matt Powell questioned if the City of Fort Worth had approved the agreement and filed with the counties. Paul Cain, Deputy City Manager, and Amanda McCrory City Secretary verified that the agreement had been executed and filed with the counties.

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

Motion passed 5-0. Jim Wadlow and Chip Stephens absent.

**1G. Software License and Service Agreement and Software Maintenance Agreement between SunGard Public Sector and the City of Burleson, and authorization for the City Manager to execute.**

Council questioned the commitment from the vendor to deliver the software in the timeframe needed which is 6 -9 months.

Motion made by Matt Powell and seconded by Stuart Gillaspie to approve with the stipulation that it's up and running in 9 months.

Motion passed 6-0. Jim Wadlow and Chip Stephens absent.

Presentations

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

None

**2B. Citizens Appearance**

Lucas Smith, 6776 Corporation Pkwy, Fort Worth, environmental specialist with Williams Corporation, would like council to reconsider at a future council meeting the gas well permit Burleson Bible Church Case 08-120 that was approved at the September 25, 2008 regular council meeting.

## Public Hearings and Related Ordinances

### **3D. Public Hearing and consideration of a request by Chesapeake Operating, Inc., for a variance and gas well drilling permit for three (3) gas wells, known as the Burleson Elks Unit 1H, 3H and 5H on a new pad site located at 902 NW John Jones Drive (Case No. 08-119).**

Laura Melton, Public Works Engineering, presented to council a request by Chesapeake Operating, Inc., for a variance and gas well drilling permit for three (3) gas wells, known as the Burleson Elks Unit 1H, 3H and 5H on a new pad site located at 902 NW John Jones Drive (Case No. 08-119)

#### **Mayor Shetter opened the public hearing: Time: 8:10 p.m.**

Lucille Jones, 1004 Redfish, Burleson, submitted a note to council to read in the record. " I am having surgery soon and would like to know if I will be able to rest in my home". Question related to the location of gas well to her home.

Jeff Hansen, 1101 Little School Rd., Arlington, attorney representing Mr. Watson and sons who are developers in Johnson County. Watson Family owns the property adjacent to the proposed gas well and started their interest at the corner of 174 and 731 10 years ago. The commercial property is valuable to them they have worked with city staff over time. During platting session were told the entire area would be consistent with all commercial development. Against the gas well site in the middle of commercial site and would like time to negotiate with Chesapeake.

Kelvin Baker, 1029 Marcia Ln., Burleson, purchased home for the location now there are gas wells going across the street. He is against gas wells in neighborhood district. He would ask that council look to the future.

Michael Pope, 1028 Kingfish Dr., Burleson, has 3 concerns about the gas well. 1. 75% of trees will go away which houses rodents and rabbits. Once trees are removed all the rodents and rabbits will move to the neighborhood yards. 2. Is there a compressor on the site and if there is can there be sound proofing. 3. During drilling the light issues will be great. Houses on the edge of 500 feet will be affected by light. What will be done to address the issue?

Russell Hendrix, 1004 Kingfish Dr., Burleson, main concerns are truck traffic on John Jones (731). He would like to find out what is being done about the large trucks going to the site. What determines the ambient noise level for our site and who determines and would like to see the levels? Who would he call if Chesapeake causes problems and how quickly will they respond? The lighting is a large issue.

John Watson, Meadow Crest Estates developer submitted preliminary plat on 7.7 acre tract the gas well site would not be able to see his commercial development. Has a concern on how the heavy truck traffic will affect John Jones (731). He would request time from council to allow them to discuss with Chesapeake a possible change of land to move the gas well site.

Dr. Mark Jackson, superintendent with the BISD, the school has interest in the gas lease. He would request the council look at the actual request of the variance and base the decision on what is best and highest use for that property. He would request they look at the facts. There will be issues regardless of where the gas well is located. He is for the variance and the gas well site.

**Mayor Shetter closed the public hearing. Time: 9:02 p.m.**

**Mayor Shetter re-opened the public hearing. Time: 9:02 p.m.**

Dusty Anderson, Chesapeake Energy responded to the questions from the public hearing.

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

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

Motion passed 5-0. Jim Wadlow and Chip Stephens absent.

Break 9:35 p.m. to 9:44 p.m.

**3A. Public Hearing and consideration of replat of Lots 1 and 2, Block 6, Shannon Creek, Phase One, into Lots 1R and 2R, Block 6, Shannon Creek, Phase One (Case No. 08-113).**

Shai Roos, Director of Community and Economic Development presented to council the replat of Lots 1 and 2, Block 6, Shannon Creek, Phase One, into Lots 1R and 2R, Block 6, Shannon Creek, Phase One (Case No. 08-113).

**Mayor Shetter opened the public hearing: Time: 9:46 p.m.**

No speakers

**Mayor Shetter closed the public hearing: Time: 9:46 p.m.**

Motion made by Matt Powell and seconded by Dan McClendon to approve.

Motion passed 5-0. Jim Wadlow and Chip Stephens absent.

**3B. Public Hearing and consideration of Ordinance D-094-08 rezoning Lot 11 of Spring Valley Addition (3808 South IH 35W), located within the IH-35 Overlay district, from Agricultural zoning district (A) to Site Plan zoning district (SP) (Case No. 08-102). (First Reading)**

Shai Roos, Director of Community and Economic Development presented to council Ordinance D-094-08 rezoning Lot 11 of Spring Valley Addition (3808 South IH 35W), located within the IH-35 Overlay district, from Agricultural zoning district (A) to Site Plan zoning district (SP) (Case No. 08-102). (First Reading)

**Mayor Shetter opened the public hearing: Time: 9:49 p.m.**

No speakers

**Mayor Shetter closed the public hearing. Time: 9:49 p.m.**

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

Motion passed 5-0. Jim Wadlow and Chip Stephens absent.

**3C. Public Hearing and consideration of a request by Williams Production for a gas well drilling permit for two (2) wells known as the Crouch Dairy Unit 6H and 7H, on an existing pad site located at 610 SW Hulen Street (Case No. 08-139).**

Laura Melton, Public Works Engineering, presented to council the request by Williams Production for a gas well drilling permit for two (2) wells known as the Crouch Dairy Unit 6H and 7H, on an existing pad site located at 610 SW Hulen Street (Case No. 08-139)

**Mayor Shetter opened the public hearing: Time: 9:52 p.m.**

No speakers.

**Mayor Shetter closed the public hearing. Time: 9:52 p.m.**

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

Motion passed 5-0. Jim Wadlow and Chip Stephens absent.

**3D. Public Hearing and consideration of a request by Chesapeake Operating, Inc., for a variance and gas well drilling permit for three (3) gas wells, known as the Burleson Elks Unit 1H, 3H and 5H on a new pad site located at 902 NW John Jones Drive (Case No. 08-119).**

*\*Item was moved up in the agenda in consideration of the public present.*

**3E. Public Hearing and consideration of a request by Chesapeake Operating, Inc., for a gas well drilling permit for one (1) gas well, known as the Armet Dale Street South Unit 1H, on a new pad site located at 646 NE Alsbury Boulevard (Case No. 08-110).**

Laura Melton, Public Works Engineering, presented to council the request by Chesapeake Operating, Inc., for a gas well drilling permit for one (1) gas well, known as the Armet Dale Street South Unit 1H, on a new pad site located at 646 NE Alsbury Boulevard (Case No. 08-110).

**Mayor Shetter opened the public hearing: Time: 9:56 p.m.**

Larry Vonholf, built his property in 2000 since that time there have been numerous incidents with the traffic. He is against the well set in the middle of highly developed area. He is concerned about the heavy traffic on Hemphill street and damage to the road. He is against the well site.

Khoshow Sadehian, PO Box 50593, Denton, TX, owns property within the area of the gas well. He and his fellow developers have a development in mind for the development on the property that face Alsbury. Their development is based on Southlake. Has property available to Chesapeake to drill the wells out of the site and away from the homes and frontage onto Alsbury. He is against the gas well site.

Philip Samples, PO Box 111202, Carrollton, TX, has partial interest in the land that is within the 500 feet. He knows Chesapeake has the option to drill on the location that is out of the way. This drill site would decrease the value of the land. He is against the gas well site.

Chuck Heasley, 2709 Charter Oak, Plano, TX, is a property manager within a few miles of the gas well drill site. He was against the previous drilling until the site was changed to the existing site of Mr. Sadehian

Bradley Young, 3021 Clear Creek, Midlothian, TX, is a developer that has property that is being developed as an Independent Living Site. The gas well site is within 20 feet of what will be his development. He is against the gas well permit. This is not an appropriate location.

Dusty Anderson, Chesapeake representative responded to the public comments.

**Mayor Shetter continued the public hearing. Time: 10:35 p.m.**

**3F. Public Hearing and consideration of a request by Chesapeake Operating, Inc., for a gas well drilling permit for one (1) well, known**

**as the Glade Trust Unit 1H, on a new pad site located at 399 NW John Jones Drive (Case No. 08-138).**

*\* Item removed at applicant request.*

**3G. Public Hearing and consideration of a request by Chesapeake Operating, Inc., for a gas well drilling permit for four (4) gas wells known as the Brown Unit 4H, 5H, 6H and 7H, located on an existing pad site at 128 Loy Street (Case No. 08-123).**

Laura Melton, Public Works Engineering, presented to council the request by Chesapeake Operating, Inc., for a gas well drilling permit for four (4) gas wells known as the Brown Unit 4H, 5H, 6H and 7H, located on an existing pad site at 128 Loy Street (Case No. 08-123).

**Mayor Shetter opened the public hearing: Time: 10:36 p.m.**

No speakers

**Mayor Shetter closed the public hearing. Time: 10:36 p.m.**

Motion made by Dan McClendon and seconded by Carter Mahanay to approve.

Motion passed 5-0. Jim Wadlow and Chip Stephens absent.

**3H. Public Hearing and consideration of a request by Chesapeake Operating, Inc., for a gas well drilling permit for one (1) gas well known as the Mountain Valley Unit 2H on an existing pad site located at 2225 SW Wilshire Boulevard (Case No. 08-140).**

Laura Melton, Public Works Engineering, presented to council the request by Chesapeake Operating, Inc., for a gas well drilling permit for one (1) gas well known as the Mountain Valley Unit 2H on an existing pad site located at 2225 SW Wilshire Boulevard (Case No. 08-140).

**Mayor Shetter opened the public hearing: Time: 10:39 p.m.**

Emilia Vazquez and Joe Vazquez Jr., 633 Oakbrook, Burlison, TX, are within 1000 ft. would like to make sure Chesapeake keeps their promises. They would like to make it public to comply with the promises of sound barriers. The last gas well that was permitted was loud and disturbing to the residents. The noise pollution is bad for the neighborhood.

Dusty Anderson, Chesapeake representative responded to the public comments.

**Mayor Shetter closed the public hearing. Time: 10:46 p.m.**

Motion made by Matt Powell and seconded by Stuart Gillaspie to approve with stipulation of noise mitigation to the western on the side of the gas well site as specified by the Chesapeake representative.

Motion passed 5-0. Jim Wadlow and Chip Stephens to approve.

**Executive Session: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071.**

Motion was made by Stuart Gillaspie and seconded by Dan McClendon to convene into executive session.

Motion passed 5-0. Jim Wadlow and Chip Stephens absent. **Time: 10:49 p.m.**

Motion was made by Dan McClendon and seconded by Matt Powell to reconvene into open session.

Motion passed 5-0. Jim Wadlow and Chip Stephens absent. **Time: 11:17 p.m.**

**3E. Public Hearing and consideration of a request by Chesapeake Operating, Inc., for a gas well drilling permit for one (1) gas well, known as the Armet Dale Street South Unit 1H, on a new pad site located at 646 NE Alsbury Boulevard (Case No. 08-110).**

Mayor Shetter announced that the council has several questions and will require more information from staff pertaining to traffic and will request a motion to table.

Dusty Anderson, Chesapeake let council know that they are under a strict schedule of drilling. Chesapeake would like a vote tonight.

**Mayor Shetter continued the public hearing: Time: 11:20 p.m.**

Khoshow Sadehian, PO Box 50593, Denton, TX, would like council to know that he does not believe Chesapeake statements about limitation on drill length are correct.

Dusty Anderson, Chesapeake would consider a table if the next council meeting would be the date of the vote.

**Mayor Shetter closed the public hearing: Time: 11:25 p.m.**

Motion made by Stuart Gillaspie and seconded by Dan McClendon to table item to the next regular council meeting.

Motion passed 5-0. Jim Wadlow and Chip Stephens absent.

**3I. Public Hearing and consideration of Ordinance B-783-08 adopting a new Subdivision and Development Ordinance. (First Reading)**

Mandy Clark, Deputy City Engineer, presented to council Ordinance B-783-08 adopting a new Subdivision and Development Ordinance. (First Reading)

**Mayor Shetter opened the public hearing: Time: 11:37 p.m.**

Jim Bailey, 344 S. Warren, would request that the council would keep in mind when it comes to Park Master Plan to stay away from clear cutting. Wider band needed around Shannon Creek.

**Mayor Shetter closed the public hearing. Time: 11:42 p.m.**

Motion made by Matt Powell and seconded by Carter Mahanay to approve.

Motion passed 5-0. Jim Wadlow and Chip Stephens absent.

Ordinances & Resolutions

**4A. Ordinance B-559 (A1008), amending Chapter 42, "Floods" of the Code of Ordinances of the City of Burleson. (First Reading)**

Mandy Clark, Deputy City Engineer, presented to council Ordinance B-559 (A1008), amending Chapter 42, "Floods" of the Code of Ordinances of the City of Burleson. (First Reading)

Motion was made by Matt Powell and seconded by Carter Mahanay to approve.

Motion passed 5-0. Jim Wadlow and Chip Stephens absent.

**4B. Ordinance C-650-08, approving an electric power contract with Cities Aggregation Power Project, Inc (CAPP) for electric capacity and energy, providing capacity payments as public property finance contractual obligations of the City. (First Reading)**

Rhett Clark, Director of Finance, presented to council Ordinance C-650-08, approving an electric power contract with Cities Aggregation Power Project, Inc (CAPP) for electric capacity and energy, providing capacity payments as public property finance contractual obligations of the City. (First Reading)

Motion was made by Carter Mahanay and seconded by Matt Powell to approve.

Motion passed 4-1. Dan McClendon against. Jim Wadlow and Chip Stephens absent.

Contracts & Agreements

**5A. Award City of Burleson contract for depository services to First Financial Bank – RFP 2009-002.**

Rhett Clark, Director of Finance, presented the contract for depository services to First Financial Bank – RFP 2009-002.

Motion was made by Stuart Gillaspie and seconded by Carter Mahanay to approve.

Motion passed 5-0. Jim Wadlow and Chip Stephens absent.

Other Items for Consideration

**6A. Minute Order MO-08-047, approving the 2008 City of Burleson Board and Commission appointments.**

Amanda McCrory, City Secretary, presented to council the Appointments Committee's recommendations.

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

Motion passed 5-0. Jim Wadlow and Chip Stephens absent.

Reports

**7A. Economic Development.**

No reports.

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

No reports.

**7C. Discussion of Various Ordinances**

No report.

**7D. Discussion of BISD High School #2**

No report.

**7E. Various Staff Reports and discussion re future meetings of Council.**

No report.

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 Matt Powell and seconded by Carter Mahanay to convene into executive session

Motion passed 5-0. Jim Wadlow and Chip Stephens absent. **Time: 12:23 a.m. October 10, 2008**

Motion made by Dan McClendon and seconded by Stuart Gillaspie to reconvene into open session.

Motion passed 5-0. Jim Wadlow and Chip Stephens absent. **Time: 12:32 a.m. October 10, 2008**

There being no further business Mayor Shetter adjourned the meeting.

Time: 12:33 a.m. October 10, 2008

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Amanda J. McCrory  
City Secretary