

BURLESON CITY COUNCIL WORK SESSION  
November 6, 2008  
MINUTES

Roll Call:

Council present:

Stuart Gillaspie (7:04 p.m.)

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

**WORK SESSION – Call to order – Time: 6:28 p.m.**

**1. Discussion on proposed utility billing cycle changes.**

Aaron Russell, Director of Public Works and Engineering presented the proposed utility billing cycle changes.

**2. Discussion regarding the need to move the January 19, 2009 Council Meeting to January 20, 2009 in observance of MLK Holiday and the September 7, 2009 Council Meeting to September 8, 2009 in observance of Labor Day Holiday.**

Curtis E. Hawk, City Manager, presented the change of council meeting dates for 2009 because of holidays.

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

**7B. Update from Chamber of Commerce on Farmer's Market Operations.**

Dan-O Strong presented an update of the Farmer's Market Operations during the first 8 months of operations.

**4. 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.**

No executive session.

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

BURLESON CITY COUNCIL REGULAR SESSION  
November 6, 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

**REGULAR SESSION – Call to order – Time: 7:07 p.m.**

**Invocation** – Gloria Gillaspie, Lighthouse Church

**Pledge of Allegiance**

**Proclamations**

**Items to be continued or withdrawn**

**Items to be withdrawn from the consent agenda for separate discussion.**

**1B. *Financial Transactions.***

**1I. *Interlocal Agreement with the City of Fort Worth for design and construction of a portion of McAlister Road beginning at the Union Pacific Railroad and ending at the I-35W frontage Road.***

**Consent Agenda**

**1A. Approve the minutes from the October 23, 2008 regular council meeting.**

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

Motion passed 7-0.

**1B. Financial Transactions.**

*\*Removed for separate discussion.*

**1C. Preliminary Plat of Lots 1-5, Block 1, Texas Health Resources at the west corner of the intersection of Lakewood Drive and Wilshire Boulevard. (Case 08-134)**

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

Motion passed 7-0.

**1D. Final Plat of Lots 1-5, Block 1, Texas Health Resources at the west corner of the intersection of Lakewood Drive and Wilshire Boulevard. (Case 08-135)**

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

Motion passed 7-0.

**1E. Final Plat of Lot 1, Block 1, Burleson Recreation Center located at 550 Summercrest Boulevard. (Case 08-125)**

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

Motion passed 7-0.

**1F. Final Plat of Lot 9, Block 1, Phase 2, Pleasant Oaks, west of Renfro Street and north of CR 527. (Case 08-128)**

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

Motion passed 7-0.

**1G. Contract with GSBS for initial design and construction estimates for the Bartlett Park Soccer Fields.**

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

Motion passed 7-0.

**1H. Contracts with Atlas Enterprises for Annual Fireworks Displays.**

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

Motion passed 7-0.

**1I. Interlocal Agreement with the City of Fort Worth for design and construction of a portion of McAlister Road beginning at the Union Pacific Railroad and ending at the I-35W frontage Road.**

*\* Removed for separate discussion.*

**1J. Engineering Services Contract with Freese and Nichols, Inc. for the design of the North/South Connector Road East of I-35W & McCall Street.**

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

Motion passed 7-0.

**1K. Minute Order MO-08-049 moving the January 19, 2009 Council Meeting to January 20, 2009 in observance of MLK Holiday and the September 7, 2009 Council Meeting to September 8, 2009 in observance of Labor Day Holiday.**

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

Motion passed 7-0.

**1L. Minute Order MO-08-050 approving the appointment of Dale Dexheimer as a Library Board Member.**

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

Motion passed 7-0.

**1B. Financial Transactions.**

City of Burleson  
Financial Transactions

Vendor / Description	Amount	Fund
<b>REQUISITIONS OVER \$3,000:</b>		
Denitech Corporation – Maintenance agreement on 12 copiers for FY 2009.	15,435.00	GF
Denitech Corporation – Maintenance agreement and toner on 2 color	7,800.00	GF

copiers for FY 2009.		
Enforcement Technology Group – Remote audio crisis team equipment for the Police Dept.	3,499.95	GF
Ennis Paint Inc. – School crossing tape and sealer for the Street Traffic Maintenance Dept.	4,258.90	GF
Aramark – Floor mat service at all city buildings for FY 2009.	4,000.00	GF
Terminix Commercial Division – Insect control services for all city buildings for FY 2009.	4,737.00	GF
MES-Texas – Repairs to airpaks for the Fire Dept.	4,619.20	GF
Childs World – Books for the Library.	3,568.20	GF
Community Waste Disposal LP – Recycling environmental disposal fees for FY 2009.	280,226.00	SWF
J & J Tree Service – Variety of trees for the Parks Dept.	3,450.00	PDF
Atlas Enterprises, Inc. – Christmas fireworks display.	10,000.00	GF
Patterson & Associates – Portfolio management fees for FY 2009.	20,400.00	GF
CDW Government, Inc. - Veritas backup software annual maintenance for the IT Dept.	4,544.00	GF
CDW Government, Inc. - Trend Micro annual maintenance (Anti-Virus software) for the IT Dept.	3,925.64	GF
CDW Government, Inc. - Email and Internet security software annual maintenance (SPAM & Internet filtering) for the IT Dept.	6,980.00	GF
<b>Vendor/Description</b>	<b>Amount</b>	<b>Fund</b>
Dell Computer Corp – Proxy server for the IT Dept.	4,910.25	ERF
Dell Computer Corp – 6 laptop computers for various departments.	9,845.61	GF/ERF
Gray's Wholesale Tires – stock of tires for the Equipment Services Dept. for FY 2009.	65,000.00	ESF
Martin Eagle Oil Company – Inventory of fuel to be expensed to various departments by the Equipment Services Dept. for FY 2009.	400,000.00	ESF
Tri-Tech Construction, Inc. – C/O #1 Modify manholes in accordance with new TCEQ requirements on the MIGG Phase 3 project.	13,421.14	2005WSRBF/2006COS&D
W. R. Hodgson Co., LP – C/O #1 Manhole modifications on the Quil Miller Sanitary Sewer project.	6,910.00	2008CO
<b>PAYMENTS OVER \$3,000:</b>		

TML Intergovernmental Risk Pool – Annual payment for equipment, building and liability insurance.	235,413.18	GF/W&S/ HCGC/SWF/ ESF
Visa – Credit card charges for October 2008.	3,648.59	GF/W&S
Burleson Heritage Foundation – Annual contribution for FY 2009.	6,000.00	H/M

Rhett Clark, Director of Finance clarified the cost of the police vehicles purchases.

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

Motion passed 6-0. Chip Stephens abstained.

**11. Interlocal Agreement with the City of Fort Worth for design and construction of a portion of McAlister Road beginning at the Union Pacific Railroad and ending at the I-35W frontage Road.**

David Wynn, Deputy City Manager, presented the Interlocal Agreement with the City of Fort Worth for design and construction of a portion of McAlister Road beginning at the Union Pacific Railroad and ending at the I-35W frontage Road.

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

Motion passed 7-0.

Presentations

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

None.

**2B. Citizens Appearance**

Arnold Lester, 2435 Buffalo Run, addressed the council as homeowner about an item being brought forward to the council on December 11, 2008. He would like the opportunity to address his concerns at the time of the meeting.

Public Hearings and Related Ordinances

**3A. Public hearing and consideration of a waiver from Section 7.10.B (Alternative Sewer Facilities) of the Design Standards Manual and consideration of a short form final plat for Lot 1, Block 1, Beacon of Light Addition located at the northwest side of the intersection of CR 802 A (Lace Road) and FM 731 (John Jones Drive) in Burleson's ETJ. (Case 08-124).**

Shai Roos, Director of Community and Economic Development, presented to council the waiver from Section 7.10.B (Alternative Sewer Facilities) of the Design Standards Manual and consideration of a short form final plat for Lot 1, Block 1, Beacon of Light Addition located at the northwest side of the intersection of CR 802 A (Lace Road) and FM 731 (John Jones Drive) in Burleson's ETJ. (Case 08-124).

**Mayor Shetter opened the public hearing: Time: 7:39 p.m.**

No speakers

**Mayor Shetter closed the public hearing: Time: 7:39 p.m.**

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

Motion passed 6-1. Chip Stephens against.

**3B. Public hearing and consideration of Ordinance B-629 (A1108) amending planned development (PD) authorized by Ordinance B-629 within the Interstate 35 (IH35) Overlay district for Bethesda Water Supply Service Complex located at 509 S Burleson Boulevard. (Case No. 08-137) (First Reading)**

Shai Roos, presented to council Ordinance B-629 (A1108) amending planned development (PD) authorized by Ordinance B-629 within the Interstate 35 (IH35) Overlay district for Bethesda Water Supply Service Complex located at 509 S Burleson Boulevard. (Case No. 08-137) (First Reading)

**Mayor Shetter opened the public hearing: Time: 7:51 p.m.**

Ken Olson, 2540 S I35W, owner of Bennett Building Company, speaker on behalf of Bethesda Water Supply Service Complex.

Bobby Spears, Bennett Building System, senior project manager, explained the back of the property is a gas well drilling site. The reason for the screening of is

to allow the police greater visibility. The owner would like to work with the City of Burleson.

**Mayor Shetter closed the public hearing. Time: 8:04 p.m.**

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

Motion failed 3-4. Jim Wadlow, Matt Powell, Ken Shetter and Chip Stephens against.

*\* Item 5A moved up in the agenda in consideration of the audience.*

**5A. Contract Amendment with Hill & Wilkinson, Ltd. for Construction of the Bartlett Park Recreation Center.**

Peter Krause, Director of Parks and Recreation presented to the council the Contract Amendment with Hill & Wilkinson, Ltd. for Construction of the Bartlett Park Recreation Center.

Belinda Robinson, Park Board member, 400 SW Gordon, is excited about the plans proposed and would urge council to move forward.

Matt Powell thanked former Councilmember Claudia Humphreys for being a strong and positive force to make this Recreation Center a reality.

Motion was made by Matt Powell and seconded by Jim Wadlow to accept the guaranteed maximum price of \$17,441,112.00 for the construction of Bartlett Park Recreation Center and authorize the City Manager to execute the contract.

Motion passed 7-0.

**3C. Public Hearing and consideration of a request by Chesapeake Operating, Inc., for a gas well drilling permit for five (5) wells, known as the Glade Trust Unit 1H, 2H, 3H, 4H and 5H on a new pad site located at 399 NW John Jones Drive. (Case Nos. 08-138 and 08-146)**

Laura Melton, Public Works Engineering, presented to council a request by Chesapeake Operating, Inc., for a gas well drilling permit for five (5) wells, known as the Glade Trust Unit 1H, 2H, 3H, 4H and 5H on a new pad site located at 399 NW John Jones Drive. (Case Nos. 08-138 and 08-146)

**Mayor Shetter opened the public hearing: Time: 8:52 p.m.**

No speakers.

**Mayor Shetter closed the public hearing. Time: 8:52 p.m.**

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

Motion passed 7-0.

**3D. Public Hearing and consideration of a request by XTO Energy, Inc., for a variance and a gas well drilling permit for two (2) wells, known as the Burleson ISD A3H and B4H on an existing pad site located at 515 S. Burleson Boulevard. (Case No. 08-141)**

Laura Melton, Public Works Engineering, presented to council a request by XTO Energy, Inc., for a variance and a gas well drilling permit for two (2) wells, known as the Burleson ISD A3H and B4H on an existing pad site located at 515 S. Burleson Boulevard. (Case No. 08-141)

**Mayor Shetter opened the public hearing: Time: 8:58 p.m.**

Bob Manti, 810 Houston St., Fort Worth, representative from XTO, presented to council the reason for the request of the variance.

**Mayor Shetter closed the public hearing. Time: 9:04 p.m.**

Motion made by Dan McClendon and seconded by Chip Stephens to deny the variance request and approve the gas well drilling permit for 2 wells.

Motion passed 7-0.

**3E. Public Hearing and consideration of a request by EOG Resources, Inc., for a gas well drilling permit for one (1) well, known as the Bransom 3H on an existing pad site located at 1993 SW Hulen Street. (Case No. 08-152).**

Laura Melton, Public Works Engineering, presented to council a request by EOG Resources, Inc., for a gas well drilling permit for one (1) well, known as the Bransom 3H on an existing pad site located at 1993 SW Hulen Street. (Case No. 08-152).

**Mayor Shetter opened the public hearing: Time: 9:06 p.m.**

Mark Baysden, 777 Main St., Fort Worth, representative of EOG relayed to council that EOG had no problem with adding sound barrier to the side closest to Prairie Timber Estates.

**Mayor Shetter closed the public hearing. Time: 9:09 p.m.**

Motion made by Matt Powell and seconded by Jim Wadlow to approve with the stipulation that there be sound mitigation or sound walls added to the site along the railroad side. (west side).

Motion passed 7-0.

Ordinances & Resolutions

**4A. No items at this meeting.**

Contracts & Agreements

**5A. Contract Amendment with Hill & Wilkinson, Ltd. for Construction of the Bartlett Park Recreation Center.**

*\* Moved up in the agenda.*

**5B. Contract Amendment with Modern Contractors for Construction of Fire Station Number Three.**

Gary Wisdom, Fire Chief, presented to council the Contract Amendment with Modern Contractors for Construction of Fire Station Number Three.

Motion was made by Jim Wadlow and seconded by Stuart Gillaspie to accept the guaranteed maximum price of \$2,217,326.00 for the construction of Fire Station No. 3 and authorize the City Manager to execute amendment number one to the Construction Manager at Risk with Modern Contractors.

Motion passed 7-0.

Other Items for Consideration

**6A. Final plat of Lots 2, 5-7, 12-20, Block 1, Burleson Commons on southeast corner of the intersection of FM 731 (John Jones Drive) and SH 174 (Wilshire Boulevard). (Case 08-103)**

Shai Roos, Director of Community and Economic Development, presented to council the Final plat of Lots 2, 5-7, 12-20, Block 1, Burleson Commons on southeast corner of the intersection of FM 731 (John Jones Drive) and SH 174 (Wilshire Boulevard). (Case 08-103)

Motion was made by Jim Wadlow and seconded by Matt Powell to approve.

Motion passed 7-0.

### Reports

#### **7A. Discussion of BISD High School # 2 Public Infrastructure Improvements.**

No report.

#### **7B. Update from Chamber of Commerce on Farmer's Market operations.**

Report presented during Work Session.

### Executive Session

#### **8A. 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: 9:31 p.m.

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Amanda J. McCrory  
City Secretary