

BURLESON CITY COUNCIL WORK SESSION  
May 18, 2009  
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: 6:25p.m.**

**1. Discussion of Mass Gathering Ordinance.**

Stacy Singleton, Fire Marshal presented to council a rough draft of a Mass Gathering Ordinance.

**2. Discussion of Economic Development Marketing Plan.**

No discussion during worksession moved to Reports section.

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

**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.**

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

BURLESON CITY COUNCIL REGULAR SESSION  
May 18, 2009  
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: 7:08 p.m.**

**Invocation** – Dr. Terry Williams, Boulevard Baptist Church

**Pledge of Allegiance**

**Proclamations**

**Resolution R-1155-09, canvassing the results of the General Election conducted on May 9, 2009.**

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

Motion passed 7-0.

**Administer Oath of Office to Place 1, Place 3 and Place 5 council members.**

Amanda McCrory, City Secretary administered the Oath of Office to Stuart Gillaspie, Place 1, Matt Powell, Place 3 and Dan McClendon, Place 5.

**Items to be continued or withdrawn**

**Items to be withdrawn from the consent agenda for separate discussion.**

Consent Agenda

**1A. Approval of the minutes from the May 4, 2009 regular council meeting.**

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

Motion passed 7-0.

**1B. Financial Transactions.**

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

Motion passed 7-0

**City of Burleson  
Financial Transactions**

| <b>Vendor / Description</b>  | <b>Amount</b> | <b>Fund</b>                 |
|--|---------------|-----------------------------|
| <b>REQUISITIONS OVER \$3,000:</b>  |               |                             |
| North Central Texas COG – 2009 Aerial photos – Engineering   | 11,056.07     | GF                          |
| Veripro Construction – Remodel Records & Information area  | 10,000.00     | GF                          |
| SMS Woodstone Inc. – mulch grinding at compost site  | 5,000.00      | SW                          |
| Freese & Nichols Inc. – flood studies: general, Chisenhall, Honda of Burleson, Hurst Creek   | 6,697.00      | GF                          |
| Flair Datasystems Inc. – Cisco ASA 5520  | 4,477.20      | GF                          |
| Hall-mark Fire Apparatus – Preventive maintenance on E-1, E-2 and E-3 and annual pump test – Fire dept   | 6,750.00      | GF                          |
| Turfgrass Solutions Inc. – Fairway and tees fertilizer and Gro-power – golf course   | 3,000.00      | HCGC                        |
| Crafco Texas Inc – crack sealer for Service Center   | 4,704.00      | GF                          |
| Ace Fence – C/O #1 – fence relocation at Hidden Creek Pkwy and Lisa for visibility for Hidden Creek Pkwy project. Original contract amount \$2,610, C/O #1 makes total \$3,468 | 858.00        | 2005 CO – Hidden Creek Pkwy |
| Bernard Erickson – parcel #16 for Quil Miller Sewer project  | 22,250.00     | 4a Sales Tax - misc project |
| Frank’s Casing Crew and Rental Tools, Inc. – parcel #32 for Quil Miller Sewer project  | 12,883.00     | 4a Sales Tax - misc project |
| <b>PAYMENTS OVER \$3,000:</b>  |               |                             |
| First Southwest Asset Mgmt Inc – Arbitrage rebate compliance   | 37,775.00     | GF                          |

- 1C. Approve a contract with Insituform Technologies, Inc. for the 2008-2009 Neighborhood Street and Independent Sewer Rehabilitation Project and authorize the City Manager to approve change orders not exceeding \$25,000.00.**

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

Motion passed 7-0

- 1D. Vacating plat of Lot 1& 2, Block 2, McCall's Industrial Addition, located south of McCall Street and east of N Burleson Boulevard.**

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, The Honda of Burleson Addition, located south of McCall Street and east of North Burleson Boulevard. (Case 09-17)**

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

Motion passed 7-0

- 1F. Preliminary Plat of Lot 1, Block 1, & Lot 1, Block 2, Shellam Addition located along FM 731 north of CR 802 in the ETJ. (Case 09-26)**

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

Motion passed 7-0

- 1G. Final Plat of Lot 1, Block 1, Shellam Addition located along FM 731 north of CR 802 in the ETJ. (Case 09-18)**

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

Motion passed 7-0

Presentations

- 2A. Mayor's Youth Council presentation on Shattered Dreams.**

Mayor Youth Council Chair and Burleson High School Student Body President, presented to council the program "Shattered Dreams."

## **2B. CWD Presentation to City of Burleson.**

Greg Roemer and Robert Medigovich representatives from CWD presented to council the 2008 Annual Report.

## **2C. Citizens Appearance**

Newell K. Stonebraker, 137 NW Jill Ann, Burleson, TX, has a problem with speeders on Jill Ann.

### Public Hearings and Related Ordinances

*\*Councilmember Carter Mahanay abstained and left the council chambers.*

## **3A. Public hearing and consideration of D-067-06(A0509), request for an amendment to Section 2 of the Planned Development (PD) Zoning Ordinance (D-067-06) for Valley View Estates, located west of S Dobson Street and north of County Road 714. (Case No. 08-164a)**

Shai Roos, Director of Community and Economic Development presented to council D-067-06(A0509), request for an amendment to Section 2 of the Planned Development (PD) Zoning Ordinance (D-067-06) for Valley View Estates, located west of S Dobson Street and north of County Road 714. (Case No. 08-164a)

**Mayor Shetter opened the public hearing: Time: 8:13 p.m.**

Bobby Hefner, 608 Meadowbrook Drive, on behalf of the Developer was available to answer any questions.

**Mayor Shetter closed the public hearing: Time: 8:20 p.m.**

*Councilmember Carter Mahanay returned to the council chambers and sat in the audience.*

**Mayor Shetter re-opened the public hearing: Time: 8:25 p.m.**

Carter Mahanay, spoke as representative for developer of Valley View Estates to answer any questions about conservatory.

**Mayor Shetter closed the public hearing: Time: 8:27 p.m.**

Motion made by Matt Powell and Chip Stephens to approve leaving section 7(b) and (d) in the ordinance and providing that a conservatory agreement is presented to city attorney that satisfies the requirement that all current and future land owners are tied by the conservatory agreement

Motion passed 5-1. Jim Wadlow opposed. Carter Mahanay abstained.

*\*Carter Mahanay returns to his place.*

### Ordinances & Resolutions

Motion was made by Matt Powell and seconded by Stuart Gillaspie to remove 4A and 4B from the table for consideration.

Motion passed 7-0.

**4A. Remove from the table to consider Ordinance B-790-09, repealing B-775-07(A0109), Article VII of Chapter 14 Oil and Gas, Regulating the Drilling and Production of Gas Wells within the City and replacing it in its entirety. (Final Reading)**

Aaron Russell, Director of Engineering and Public Works presented to council Ordinance B-790-09, repealing B-775-07(A0109), Article VII of Chapter 14 Oil and Gas, Regulating the Drilling and Production of Gas Wells within the City and replacing it in its entirety. (Final Reading)

Bob Manti, 810 Houston St., Fort Worth, TX spoke to council about the proposed ordinance.

Motion was made by Dan McClendon and seconded by Chip Stephens to approve with the following modifications:

- Dust Control. All unpaved private roads and driveways used for access to the drill site and operation site shall be treated with an approved polymer based emulsion agent or approved equivalent prior to commencement of drilling operations. An approved list is available in the Public Works Department.
  - Operators shall follow manufacturer's application and maintenance schedule or re-apply agent as directed by City Manager or designee.
  - However, in certain locations, at the discretion of the City Manager or City Council, an asphalt roadway (2" asphalt on 6" flex base) or a concrete drive (6" concrete on 8" stabilized base) may be required.

Motion passed 7-0.

**4B. Remove from the table to consider MO-09-058, amending of the 2008-2009 City of Burleson Fee Schedule by approving new fees associated with Ordinance B-790-09, Article VII of Chapter 14 Oil and Gas, Regulating the Drilling and Production of Gas Wells in the city, and authorizing the creation of a Gas Well Development Division of Public Works.**

Aaron Russell, Director of Engineering and Public Works presented to council MO-09-058, amending of the 2008-2009 City of Burleson Fee Schedule by approving new fees associated with Ordinance B-790-09, Article VII of Chapter 14 Oil and Gas, Regulating the Drilling and Production of Gas Wells in the city, and authorizing the creation of a Gas Well Development Division of Public Works.

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

Motion passed 7-0.

#### Contracts & Agreements

##### **5A. Amendment to Automated Red Light Services Contract and Right of Way Use Agreement with American Traffic Solutions, Inc (ATS).**

Curtis E. Hawk, presented to council the Amendment to Automated Red Light Services Contract and Right of Way Use Agreement with American Traffic Solutions, Inc (ATS).

Motion was made by Stuart Gillaspie and seconded by Jim Wadlow to approve with the terms presented.

Motion passed 7-0.

#### Other Items for Consideration

##### **6A. No items for consideration at this time.**

#### Reports

##### **7A. Discussion of City of Burleson Legislative Agenda adopted by Council on January 20, 2009 by Resolution R-1140-09.**

Ken Shetter, Mayor updated council on the latest Legislative activity.

##### **7B. Discussion of Right of way acquisition and road construction projects, as part of the Joint Agreement between the City of Burleson and the Burleson Independent School District pertaining to the New Burleson High School.**

None.

##### **7C. Discussion of Council Workshop dates for Budget Process**

None.

- Moved from the Work session.

**Discussion of Economic Development Marketing Plan.**

Shai Roos, Director of Community and Economic Development presented the Economic Development Marketing Plan.

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.**

Motion was made Jim Wadlow and seconded by matt Powell

Motion passed 7-0. **Time: 10:09 p.m.**

Motion made by Jim Wadlow and seconded by Dan McClendon to reconvene into open session.

Motion passed 7-0. **Time: 10:30 p.m.**

Motion was made by Dan McClendon and seconded by Carter Mahanay to authorize the City Manager to proceed with Right-Of-Way acquisition as discussed in executive session.

Motion passed 7-0.

There being no further business Mayor Shetter adjourned the meeting.

Time: p.m.

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Amanda J. McCrory  
City Secretary