

BURLESON CITY COUNCIL WORK SESSION
August 17, 2009
MINUTES

Roll Call:

Council present:

Stuart Gillaspie
Jim Wadlow
Matt Powell
Ken Shetter
Dan McClendon
Carter Mahanay
Chip Stephens (6:16 pm)

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: 6:15 p.m.

- 1. Discussion of possible revision of Policy MO-08-024, activation of the Outdoor Emergency Warning System and Connect CTY.**

Gary Wisdom, Fire Chief and Brent Batla, Battalion Chief presented the possible revisions to Policy MO-08-024.

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

None

- 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.**

BURLESON CITY COUNCIL REGULAR SESSION
August 17, 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: 7:14 p.m.

Invocation – Chris Wigley, First 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Items to be continued or withdrawn

Items to be withdrawn from the consent agenda for separate discussion.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 August 3, 2009 regular council meeting.

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

Motion passed 7-0.

1B. Financial Transactions.

**City of Burleson
Financial Transactions**

Vendor / Description	Amount	Fund
REQUISITIONS OVER \$3,000:		
Lindsey Contractors – Asphalt for Streets	\$24,500.00	GF
Elrod Fence Company – Fence for Burleson Memorial Cemetery	21,500.00	Cemetery fund
Meador Chrysler Jeep – Auto parts	6,547.86	ESF
Visual Innovations Co. – Lcd monitor & overlay, wallmount, cable set for the mobile command vehicle	6,289.00	GF
Royal Truck Body – Change out bed on vehicle #144	8,145.00	GF
Sungard Public Sector – HTE training – Code Enforcement	5,500.00	GF
James C. Kelly – Easement acquisition for Alsbury Blvd. sidewalk construction	7,000.00	2005 GOB Eng. Projects
M.P.S. – Emergency repair of golf course irrigation well pump	13,965.20	HGC
Jana Lynch – change order to increase PO 207158 by \$2,400 for Progress Report to bring total PO to \$17,400	2,400.00	GF & WW
Buy.com – Headsets for new phone system	4,750.00	GF & WW
Elster Amco Water Inc – HT4000 Fire hydrant meter & direct head register	3,425.00	WW
Consolidated Traffic Controls – Back up power supply, traffic signal Hidden Creek	4,850.00	GF

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

Motion passed 7-0.

1C. Ordinance C-652-09, 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, and setting just and reasonable rates. (Final Reading)

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

Motion passed 7-0.

- 1D. Ordinance D-100-09, a request for a Specific Use Permit (SUP) for childcare as a home occupation (in single-family dwelling unit) located at 525 NW Jayellen Avenue, Burleson, Texas 76028. (Final Reading) (Case 09-043)**

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

Motion passed 7-0.

- 1E. Resolution R-1093-07(A0809), adopting guidelines and criteria for the economic development incentives program.**

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

Motion passed 7-0.

- 1F. Request from Chesapeake Energy for a license agreement for the purpose of installing an electrical transmission line to operate required pad site facilities at the Burleson Cemetery pad site.**

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

Motion passed 7-0.

- 1G. Preliminary Plat of Lots 1 and 2, Block 1, Lakewood Plaza located on the northwest corner of the SW Wilshire Boulevard and Lakewood Drive intersection. (Case 09-037)**

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

Motion passed 6-0. Carter Mahanay abstained.

- 1H. Ratify Burleson Community Service Corporation (4B Corporation) Resolution 4B081709.**

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

Motion passed 7-0.

Presentations

- 2A. Citizens Appearance**

None

Public Hearings and Related Ordinances

3A. Public hearing and Ordinance D-067-06 (A0509), a 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. (Final Reading) (Case No. 08-164a).

Shai Roos, Director of Community and Economic Development presented to council Ordinance D-067-06 (A0509), a 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. (Final Reading) (Case No. 08-164a).

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

Sherry Jones, 108 Pine view, Burleson, TX, wanted to make sure all her rights were the same as discussed in the first reading of the ordinance as a current homeowner in Valley View Estates.

Mayor Shetter closed the public hearing: Time: 7:33 p.m.

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

Motion passed 6-0. Carter Mahanay abstained.

3B. Public hearing and Replat of Valley View Estates (Block 1, Lots 1, 9, 10, and 17 and Block 2, Lots 1, 2, and 10 – 25) located west of S Dobson Street and north of County Road 714 (Case 08-164b).

Shai Roos, Director Community and Economic Development presented to council the Replat of Valley View Estates (Block 1, Lots 1, 9, 10, and 17 and Block 2, Lots 1, 2, and 10 – 25) located west of S Dobson Street and north of County Road 714 (Case 08-164b)

Mayor Shetter opened the public hearing: Time: 7:36 p.m.

No speakers

Mayor Shetter closed the public hearing. Time: 7:37 p.m.

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

Motion passed 6-0. Carter Mahanay abstained.

3C. Public hearing and waiver of Section 5.4.C.4a of the Design Standards Manual for the fire hydrant spacing requirement and consideration of a Final Plat of Lots 1-3, Block 7, Easthill Subdivision located on the east side of CR 800A south of East FM 917. (Case 09-045)

Shai Roos, Director of Community and Economic Development presented the waiver of Section 5.4.C.4a of the Design Standards Manual for the fire hydrant spacing requirement and consideration of a Final Plat of Lots 1-3, Block 7, Easthill Subdivision located on the east side of CR 800A south of East FM 917. (Case 09-045)

Mayor Shetter opened the public hearing: Time: 7:41 p.m.

No speakers

Mayor Shetter closed the public hearing. Time: 7:41 p.m.

Motion made by Matt Powell and seconded by Jim Wadlow to approve waiver of Section 5.4.C.4a of the Design Standards Manual for the fire hydrant spacing requirement

Motion passed 7-0.

Motion was made by Matt Powell and seconded by Jim Wadlow to approve the Final Plat of Lots 1-3, Block 7, Easthill Subdivision located on the east side of CR 800A south of East FM 917. (Case 09-045)

Motion passed 7-0.

3D. Public Hearing and request by Chesapeake Operating, Inc., for a gas well drilling permit with a variance for four (4) gas wells, known as the HOG A 1H and 4H, HOG B 1H and Unicorn 1H on a new pad site located at 755 SW Wilshire Boulevard (Case Nos. 09-030, 09-057 and 09-080).

Aaron Russell, Director of Public Works and Engineering presented to council the and request by Chesapeake Operating, Inc., for a gas well drilling permit with a variance for four (4) gas wells, known as the HOG A 1H and 4H, HOG B 1H and Unicorn 1H on a new pad site located at 755 SW Wilshire Boulevard (Case Nos. 09-030, 09-057 and 09-080).

Mayor Shetter opened the public hearing: Time: 7:49 p.m.

Belinda Robinson, 824 Pine Mountain, Burleson, is against the gas well.

Leslee Ahrend, 821 Crestmont, Burleson, TX is against the gas well.

Jack Ahrend, 821 Crestmont, Dr. Burleson, TX is against the gas well.

John Cashion, 724 Ash, Burleson, TX (113 Thousand Oaks Lane, Joshua, TX) is against the gas well.

Joan Asmus, 721 Crestmont, Burleson, TX is against the gas well.

Jack Coker, 3301 CR 530B, Burleson, TX is against the gas well.

Ray Barbee, 500 NW Barbara Lane, is against the gas well.

Scott Hadley, 812 Ryanfield Court, Speakers is in favor of the gas well.

Judy Trice, 712 Grand Court, Burleson, TX, is against the gas well.

Jerry Carlson, 221 SW Murphy, Burleson, TX is against the gas well.

Shirley Blex, 709 Ridge Hill, Burleson, TX is against the gas well.

Mayor Shetter closed the public hearing. Time: 8:45 p.m.

8A. Executive Session: Pursuant to Sec. 551.071(1)a, (1)b, and (2), consultation with its Attorney: The City Council may conduct private consultations with its attorneys when the City Council seeks the advice of its attorney concerning any item on this agenda, about pending and contemplated litigation, or a settlement offer; or a matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code.

Motion was made Jim Wadlow and seconded by Chip Stephens to convene into executive session.

Motion passed 7-0. **Time: 8:46 p.m.**

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

Motion passed 7-0. **Time: 9:14 p.m.**

Greg Macksood, 100 Energy Way, Fort Worth, Chesapeake representative answered questions from the council.

Motion was made by Dan McClendon to approve.

Motion dies for lack of a second.

Motion was made by Matt Powell and seconded by Chip Stephens to deny the permit.

Motion failed 2-4.1 no vote. Matt Powell and Chip Stephens for. Jim Wadlow, Ken Shetter, Carter Mahanay and Dan McClendon against. Stuart Gillaspie no vote.

Motion was made by Chip Stephens and seconded by Stuart Gillaspie to the next scheduled council meeting.

Motion passed 6-1. Dan McClendon against.

Break: 9:42 p.m. to 9:47 p.m.

Ordinances & Resolutions

4A. Ordinance B-786-09, amending Chapter 86, "Vegetation" and Article II "Trees and Shrubbery" of the Code of Ordinances of the City of Burleson by adopting a new Chapter 86, "Trees" and a new Article II, "Tree Preservation", establishing regulations for tree preservation and tree planting in the City. (Final Reading)

Shai Roos, Director of Community and Economic Development presented to council Ordinance B-786-09, amending Chapter 86, "Vegetation" and Article II "Trees and Shrubbery" of the Code of Ordinances of the City of Burleson by adopting a new Chapter 86, "Trees" and a new Article II, "Tree Preservation", establishing regulations for tree preservation and tree planting in the City. (Final Reading)

Kathie Moss, 412 Nathan, Burleson, TX, pastor of Community of Christ Church property is in environmentally sensitive area. Wanted to know more about the ordinance and how it would effects their existing site.

Angela Cox, 5201 Comanche Road, Godley, TX, is worried that the poor economy is a bad time to adopt this ordinance. Is there a cost to the citizens of Burleson.

Albert Bledsoe, 1401 Fox Lane, Burleson, TX is against the ordinance.

Mick Grady, 1401 Lagoon Lake, Fort Worth (100 Quail Lane, Joshua, TX) what is the plan for water.

Mark Basham, 720 Georgia Ave., Burleson, TX the city should have an arborist on the Tree Ordinance Committee.

Bruce Basden, 716 Flamingo Circle, Burleson TX is against the ordinance.

Mike Murphy, 912 Bridle Path, Burleson, TX is against the ordinance.

Genny Brown, 901 Oak Crest Ct, Burleson, TX is a realtor. Is against the ordinance.

Barry Schlech, 3515 Country Vista, is against the ordinance.

Staci & Stephen Eisner, 200 Man O' War, Burleson, TX is worried about how this will affect her property.

Sherry Jones, 108 Pine view, Burleson, TX is against the ordinance.

Bill Mahanay, 113 SE Newton, Burleson, TX is against the ordinance.

Sue Sistrunk, 133 S. Scott, Burleson, TX is against ordinance.

Chuck Heasley, PO Box 50593, Denton, TX is against the ordinance.

Jeff Master, 910 Royal Court, Burleson, TX, is against the ordinance.

William Jones, 108 Pine View, Burleson, TX is against the ordinance.

Dale Dexheimer, 720 Carol Lane, Burleson, TX is in favor of the ordinance.

Patricia Dexheimer, 720 Carol Lane, Burleson, TX is in favor of the ordinance.

Motion was made by Chip Stephens and seconded by Stuart Gillaspie to deny.

Motion passed 6-1. Ken Shetter against.

Contracts & Agreements

5A. No items for consideration at this time.

Other Items for Consideration

6A. Final Plat of Lot 1, Block A of Chisenhall - Dilmore Addition located along the south side of Hidden Creek Parkway east of Irene Street. (Case No. 08-25).

Shai Roos, Director of Community and Economic Development presented to council Final Plat of Lot 1, Block A of Chisenhall - Dilmore Addition located along the south side of Hidden Creek Parkway east of Irene Street. (Case No. 08-25).

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

Motion passed 7-0.

Reports

7A. Discussion of Issues Related to Preparation of the FY 09-10 Budget.

None

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 Chip Stephens to convene into executive session.

Motion passed 7-0. **Time: 1:13 am August 18, 2009 Tuesday**

Motion was made by Jim Wadlow and seconded by Chip Stephens to reconvene into open session.

Motion passed 7-0. **Time: 1:36 a.m. August 18, 2009 Tuesday**

Motion was made by Jim Wadlow and seconded by Carter Mahanay to approve the purchase agreements as discussed in executive session.

Motion passed 7-0.

There being no further business Mayor Shetter adjourned the meeting.

Time: 1:37 a.m. August 18, 2009, Tuesday

Amanda J. McCrory
City Secretary