

**MINUTES OF A REGULAR MEETING  
OF THE  
EULESS CITY COUNCIL  
TUESDAY, OCTOBER 13, 2009**

**CALL TO ORDER**

A regular meeting of the Euless City Council was called to order by Mayor Mary Lib Saleh at 4:05 p.m. on Tuesday, October 13, 2009, in the Precouncil Conference Room of City Hall, 201 North Ector Drive. Those present included: Mayor Mary Lib Saleh, Mayor Pro Tem Tim Stinneford, Council Members Leon Hogg, Linda Martin, Donna Mickan, Glenn Porterfield, and Perry Bynum (arrived at 5:00 p.m.)

During the Precouncil meeting:

- Mayor Mary Lib Saleh expressed the importance of getting a flu shot, announced that she recently attended a Tarrant Regional Transportation Coalition meeting, recognized and expressed her appreciation to the Fire Department clowns with regards to the Fire Safety Program, and provided an update on the Library book sale, the Heritage Park open house event, and the Greek Food Festival held at the St. John the Baptist Greek Orthodox Church.
- City Secretary Susan Crim reminded the Council Members of upcoming city activities and events.
- City Manager Gary McKamie updated the City Council regarding the status of the flu shots. He also announced that Dan Walden will join the staff at Texas Star Golf Course as the golf pro on November 5, 2009.
- Council Member Martin announced that an article regarding the Euless Revitalization "ER" program was published in the September edition of *Texas Town and City*, a publication of the Texas Municipal League.
- Director of Economic Development and Administrative Services Mike Collins introduced Ms. Cathy Hernandez, president of ArtsNet. Ms. Hernandez addressed the City Council regarding her background and vision for the organization.
- City Manager Gary McKamie reviewed the Regular Agenda Items.
- Finance Director Vicki Rodriguez updated the City Council on the recent sales tax revenues. Ms. Rodriguez stated that the sales tax receipts for August 2009 are down by 22% collectively over the past two years, and car rental receipts are down by 18% collectively over the same period. In response, she advised the City Council that staff has reviewed the 2010 fiscal year budget and has identify approximately \$850,000 in expenditures cuts.
- Director of Public Works Ron Young provided an update regarding the city's Capital Projects, specifically the façade improvements to the animal emergency clinic

located on Main Street, the Trinity River Authority water line, traffic signal timing at Mid Cities Boulevard and SH121, neighborhood meetings with the residents of the Hurricane Creek area, and the Baze Road and Ash Lane street construction projects, and the Texas Department of Transportation's North Tarrant Express project.

## **CLOSED SESSION**

The City Council convened into closed session at 5:37 p.m. for deliberation concerning litigation related to Merced vs. Eules; Union Pacific; and Primary Purpose as authorized by Section 551.071 of the Texas Government Code, and for deliberation regarding real property related to Right-of-Way acquisition, as authorized by Section 551.072 of the Texas Government Code. The City Council reconvened into open session at 6:52 p.m.

## **COUNCIL CONSIDERATION OF SCHEDULED ITEMS – COUNCIL CHAMBERS**

The Eules City Council continued their meeting in the Council Chambers at 7:02 p.m. for the consideration of scheduled items.

## **STAFF MEMBERS PRESENT**

City Manager Gary McKamie  
Deputy City Manager Loretta Getchell  
City Attorney Bob McFarland  
City Secretary Susan Crim  
Deputy City Secretary Kim Sutter  
Director of Parks and Community Services Ray McDonald  
Director of Finance Vicki Rodriguez  
Planning and Development Director Chris Barker  
Police Chief Mike Brown  
Fire Chief Robert Isbell  
Director of Economic Development and Administrative Services Mike Collins  
Director of Public Works Ron Young  
Assistant Police Chief Bob Freeman  
Assistant Police Chief Harland Westmoreland  
Texas Star General Manager Glenda Hartsell-Shelton  
Human Resources/Risk Administrator Carolyn Marshall  
Library Administrator Kate Lyon  
Fleet and Facilities Administrator Kyle McAdams  
Information Services Administrator Dan McLain  
Public Works Manager J.T. Ackerman  
Communications and Marketing Manager Betsy Deck  
Purchasing Manager Mike Lowry  
Parks Manager Randy Smith  
Parks Foreman Dan Dearborn  
Inspection Services Supervisor Richard Ross  
Police Records Supervisor Michele Hastings  
City Engineer Robert Barker

Computer Specialist Brett Bennett  
Leadman Ruben Cardenas  
Police Records Clerk Celia Carrillo  
Computer Programmer Tommy Christopherson  
Senior Planner Stephen Cook  
Inspector I Robert Crawford  
Web Designer Adam Eakins  
Police Secretary Amber Fanning  
Secretary Deborah Howard  
Building Official Kurt Kasson  
Inspector II Jeff Lee  
Police Records Clerk Jolie McManus  
Senior Inspector Jim Moy  
Senior Police Officer Michael Nafziger  
Parks Field Tech III Larry Pelzel  
Senior Police Officer Ralph "Trey" Turner

**VISITORS**

James Acree	Iris Elliott	June Mennis
Ashley Adair	Frank Keith	Troy Mennis
Patty Adair	Rebeka Flora	Charlotte Nafziger
Carol Agee	Marian Goethe	Larry Nafziger
Johnny Alexander	Buddy Haston	Mary Nafziger
Patty Adair	Helen Haston	Tristan Nafziger
Sharon Bailey	Don Horton	John Norvell
Margie Bowen	Randy James	Haley Pelzel
Richard Bowen	Sherry James	Susan Rogers
Keith Busey	Branden Johns	Mohammed Salem
Jeff Cantrell	Keith Koraska	John Schleeter
Bill Carino	Melanie Koraska	Tom Schmoll
Karen Chopp	Jerrie Keller	Scott Snyder
Michael Chopp	Daniel Kleehammer	Sylvester Stroot
Charles Cinquemani	Stephanie Kleehammer	Jake Thomasson
James Connor	Darrel Knobloch	Margaret Turner
Morris Counts	Nel Labar	Story Turner
Robert Deardorff	Virgil Laferney	Scott Wilshusen
Rocky Dennis	David Lunsford	Sue Williams
Todd Duncan	Neli Maluf	Tom Williams
Dana Dates	Doug McMullin	Bob Yosten
Tony Dates	Reggie McMullin	Toni Yosten

**INVOCATION**

Computer Programmer Tommy Christopherson gave the invocation.

**PLEDGE OF ALLEGIANCE**

Council Member Glenn Porterfield led the Pledge of Allegiance.

**ITEM NO. 1. PRESENTATION OF EMPLOYEE SERVICE PINS**

Police Chief Mike Brown introduced Jolie McManus, Records Clerk, Police Department, and recognized her for completing five years of service with the city.

Police Chief Brown introduced Michael Nafziger, Senior Police Officer, Police Department, and recognized him for completing ten years of service with the city. His wife, Charlotte, son, Tristan, his mom and dad, and his nephew, Dylan, accompanied Officer Nafziger.

Police Chief Brown introduced Ralph "Trey" Turner, Senior Police Officer, Police Department, and Officer Turner introduced his wife, Margaret, and their 17-month-old daughter, Story. Officer Turner has completed ten years of service with the city.

Planning and Development Director Chris Barker introduced Jeff Lee, Inspector II, Planning and Development, and Mr. Lee introduced Inspection Services Supervisor Richard Ross, Inspector I Robert Crawford, Secretary Deborah Howard, Senior Inspector Jim Moy, and Senior Planner Stephen Cook. Mr. Lee has completed ten years of service with the city.

Director of Parks and Community Services Ray McDonald introduced Larry Pelzel, Parks Field Tech III, Parks and Community Services, and Mr. Pelzel introduced his daughter, Haley, his fiancée, Patty, and her daughter, Ashley, and his mother, Sue. Larry Pelzel has completed ten years of service with the city.

Public Works Director Ron Young introduced Ruben Cardenas, Leadman, Public Works, and Mr. Cardenas introduced his wife, Maggy, daughters, Jazlin and Bianca, and son, Cruz. Ruben Cardenas has completed ten years of service with the city.

Mayor Saleh presented each employee with a service award pin commemorating his or her years of service with the City.

**ITEM NO. 2. PRESENTATION OF QUARTERLY WASTEWATER REPORT**

Director of Public Works Ron Young presented the wastewater report for the period of July through September 2009. Mr. Young advised that the number of calls is comparable to the past three years. Additionally, Mr. Young presented a graph of wastewater calls by month for the year as well as maps delineating the geographic distribution of calls across the city.

**CONSENT AGENDA** *(items 3 through 7)*

Council Member Martin motioned to approve Consent Agenda Items numbered 3 through 7.

Mayor Pro Tem Stinneford seconded the motion.

Ayes: Mayor Saleh, Mayor Pro Tem Stinneford, Council Members Hogg, Martin, Mickan, Porterfield, and Bynum

Nays: None

Mayor Saleh declared the motion carried.

**ITEM NO. 3. APPROVED RESOLUTION NO. 09-1320**

Approved Resolution No. 09-1320, supporting and adopting the Euless Revitalization “ER” Program as part of the economic development efforts of the City of Euless, Texas.

**ITEM NO. 4. APPROVED RESOLUTION NO. 09-1321**

Approved Resolution No. 09-1321, nominating John Clanton and John Eubanks for positions on the Board of Directors of the Tarrant Appraisal District for terms of two years beginning January 1, 2010.

**ITEM NO. 5. AUTHORIZED PURCHASE OF ELECTRIC GOLF CARS**

Authorized purchase of electric golf cars for Texas Star Golf Course from EZ-GO, Division of Textron, Inc., through the Texas Multiple Award Schedule (TXMAS) Cooperative purchasing program.

The total estimated expenditure is \$209,040.00

**ITEM NO. 6. AUTHORIZED CITY MANAGER TO EXECUTE A CONTRACT EXTENSION**

Authorized the City Manager to execute a contract extension for one additional year with Office Depot for office supplies through the U.S. Communities Government Purchasing Alliance.

The total estimated expenditure is \$95,000.00

**ITEM NO. 7. APPROVED CITY COUNCIL MINUTES**

Approved the minutes of the regular City Council Meeting of September 22, 2009.

**REGULAR AGENDA**

**ITEM NO. 8. AUTHORIZED THE CITY MANAGER TO EXECUTE AN ENGINEERING DESIGN CONTRACT**

Council Member Mickan motioned to authorize the City Manager to execute an engineering design contract with Alan Plummer Associates, Inc. for the design of an effluent water main in an amount not to exceed \$127,600.00.

Council Member Martin seconded the motion.

Ayes: Mayor Saleh, Mayor Pro Tem Stinneford, Council Members Hogg, Martin, Mickan, Porterfield, and Bynum

Nays: None

Mayor Saleh declared the motion carried.

**ITEM NO. 9. APPROVED BID AWARD TO TARRANT COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDGB-R) PROJECT NO. B09-US-48-0001-22-50**

Council Member Hogg motioned to approve the bid award to Tarrant County for Community Development Block Grant Project No. B09-US-48-0001-22-50, for a construction contract to Hall Albert Construction Company for the replacement of the sanitary sewer main in the Oakwood Terrace West Addition.

The total estimated expenditure is \$171,574.40, of which Tarrant County Community Development will pay \$91,710.00

Mayor Pro Tem Stinneford seconded the motion.

Ayes: Mayor Saleh, Mayor Pro Tem Stinneford, Council Members Hogg, Martin, Mickan, Porterfield, and Bynum

Nays: None

Mayor Saleh declared the motion carried.

**ITEM NO. 10. APPROVED ORDINANCE NO. 1864**

Mayor Pro Tem Stinneford motioned to approve Ordinance No. 1864, amending Chapter 6, "Alcoholic Beverages" of the City of Euless, Texas Code of Ordinances, Section 6-2 "State License or Permit required; Duration."

Council Member Mickan seconded the motion.

Ayes: Mayor Saleh, Mayor Pro Tem Stinneford, Council Members Hogg, Martin, Mickan, Porterfield, and Bynum

Nays: None

Council Member Mickan advised those in attendance that this amendment is a housekeeping item to align the city's alcoholic beverage permit duration with that of the State.

Mayor Saleh declared the motion carried.

**ITEM NO. 11. HELD PUBLIC HEARING AND APPROVED REQUEST FOR GAS WELL PAD SITE PERMIT REVELLE 1H, 2H-CASE NO. 09-10-CC**

Mayor Saleh opened the public hearing at 7:30 p.m., and asked Planning and Development Director Chris Barker to present the case.

Mr. Barker presented a PowerPoint presentation and reviewed the gas well pad site permit approval process, proximity to adjacent structures, transportation route with ingress and egress from State Highway 10 (West Eules Boulevard), noise impact, and the proposed location of water to be used for well fracturing and production.

Mr. Barker stated that the City Council approved Ordinance No. 1852 in June 2009, which amended the Gas Well Drilling Ordinance and bifurcated the gas well pad site and the gas well operations permitting process. In addition to waivers from affected property owners, the Ordinance requires a simple majority approval by the City Council of a gas well pad site permit request if a proposed wellhead is intended to be located between 200 and 400 feet of any commercial, residential or public building structure. Mr. Barker advised that waivers have been obtained for seven (7) of the eight (8) proximity structures, with the City of Eules being the only exception.

The operation intends to utilize State Highway 10 (West Eules Boulevard) and an 865 foot section of Westpark Way as the transportation route to bring construction, drilling and completion equipment and supplies to the site in order to complete the drilling process. Access to the site will be from a drive approach to Westpark Way, designed to City of Eules standards, at the north end of the subject parcel. If the permit is approved, the transportation route will be part of the conditions of the permit and would prohibit any truck traffic associated with the gas well pad site from utilizing an alternative route north on Westpark Way accessing State Highway 183.

As part of the gas well operations permit, the operator will enter into a road damage mitigation agreement with the City of Eules to compensate for any damage the additional truck traffic will have on the 865 feet of Westpark Way identified in the transportation route. Additionally, the operator has agreed to employ traffic control personnel when moving drilling equipment onto and off the pad site location and for other large or multiple load equipment moves at the discretion of the City.

The drive approach on the subject parcel will be designed and installed as a 75 foot concrete drive. A tier mud shaker (grate) will be located at the junction of the pad site and the concrete drive and the operator will provide street sweeping services as necessary and required by the city during the pre-production period. A manually operated security gate will be located at the end of the drive.

At the request of staff and through computer modeling, the operator has shown the potential impact nuisance noise generated by the drilling operation on surrounding property as well as measured the existing pre-drilling average ambient noise level. Ordinance No. 1852 requires that the drilling operations not generate any noise greater than 78 decibels as measured at a distance of 300 feet from the source of the noise. The operator intends to construct a 16 foot high noise attenuation barrier (sound blanket) along the northern, western, eastern, and southern sides of the rig operations. This barrier would surround the

diesel engines used to run the rig's electric generation and the areas surrounding the wellheads where the greatest amount of noise is generated. Post mitigation noise computer modeling has shown the proposed noise attenuation measures to provide significant noise reduction to the adjacent properties and neighborhoods.

The gas well operation will utilize fresh surface water (a tank) to be located on the adjacent property to the east. This property owner would be responsible for the permitting and construction of the surface water tank in compliance with all federal, state, and local requirements.

Once drilling operations are complete, the operator will construct a perimeter surrounding wall comprised of a masonry wall to the north, west and a portion of the southern pad site, which is parallel to West Pipeline Road. The remainder of the perimeter wall to the south and to the east of the pad site will be fenced with a steel or aluminum fence in a wrought iron style. The applicant would be required to begin the installation of the required fencing within 30 days of the completion of the wells. It is anticipated that the completion of the wells would occur approximately 90 days from the commencement of work at the location. Staff will work with the operator during the final design phase of the site to install landscaping in accordance with the City of Euless landscape requirements.

If the gas well pad site permit is approved by the City Council, the operator intends to submit an application for the gas well operations permits for both wellheads. The gas well operations permit is a technical permit and would be reviewed and approved at the staff level.

As required by ordinance, the Inspection Services Provider, Mr. David Lunsford with Universal Pegasus International, has completed his review of the application and has provided a letter recommending approval of the gas well pad site permit.

Staff has reviewed the gas well pad site permit for technical criteria and has certified that the documentation submitted by the operator complies with all applicable City regulations.

Mayor Saleh asked to hear from any proponents and opponents of the case.

The following individual spoke in support of the item:

- Keith Frank, 1913 Chatburn Court, Fort Worth, 76110

The following individuals spoke in opposition of the item, citing concern with the setback, proximity to a residential neighborhood, noise mitigation, increased traffic, environmental hazards, odor, water disposal, and a decline in property values:

- Mr. James Connor, 2407 Westpark Way Circle
- Melanie Koraska, 711 Live Oak Court
- Bill Carino, 2202 Eva Lane
- John Schleeter, 2121 Bear Creek Parkway
- Rebeka Flora, 1024 Denton Drive
- Tom Williams, 704 Live Oak Drive
- James Acree, 605 Evans Drive

- Todd Duncan, 714 Live Oak Court
- Bob Yosten, 702 Live Oak Drive
- Scott Snyder, 2516 Westpark Way Circle
- Troy Mennis, 604 Evans Drive

Keith Busey, Keith Frank, and Scott Wilshusen, all representing the applicant, were present and addressed questions raised by those in attendance.

There being no additional proponents or opponents, Mayor Saleh closed the public hearing at 8:49 p.m.

City Attorney Bob McFarland, at the request of Council Member Bynum, reviewed and ruled that Council Member Bynum's situation does not constitute a conflict of interest with the case. *(Council Member Bynum advised that he has signed a Gas Well Lease with David H. Arrington, Oil and Gas, Inc., but his property is not included in the pool for the permit being requested.)*

Council Member Hogg motioned to approve the request for a gas well pad site permit Reveille 1H, 2H-Case No. 09-10-CC, to be located on James M. Matson Survey, A-1080, Tract 3B at 1051 Westpark Way (the northeast corner of West Pipeline Road and Westpark Way), with the stipulation that no flaring or venting take place at the drill site.

Council Member Martin seconded the motion.

Council discussion ensued regarding the decibel levels, odor, water disposal, and truck traffic.

Dave Lunsford, Universal Pegasus International and an independent consultant hired by the City to review the application for the gas well pad site permit, was present and addressed questions regarding the odor emitting from the site. Mr. Lunsford stated that natural gas has very little or no odor.

Mr. Keith Busey, representing the applicant, addressed questions raised regarding wastewater disposal and frequency. Mr. Busey stated that the wastewater will be transported to commercial saltwater disposal wells outside of the city, and based on production, wastewater will be transported to the disposal wells approximately every eight (8) days.

Council Member Mickan expressed her support for the project and stated that she feels the City Council has worked very hard to develop a stringent ordinance that would protect the residents of the city.

Mayor Saleh thanked everyone who attended, and called for the vote.

Ayes: Mayor Pro Tem Stinneford, Council Members Hogg, Martin, Mickan, Porterfield, and Bynum

Nays: Mayor Saleh

Mayor Saleh declared the motion carried by a vote of 6-1.

**ITEM NO. 12. PUBLIC COMMENTS**

There were no public comments.

**ITEM NO. 13. REPORTS**

No report given.

**CITY ATTORNEY**

No report given.

**CITY MANAGER**

No report given.

**CITY COUNCIL**

No report given.

**ITEM NO. 14. ADJOURNMENT**

Mayor Saleh adjourned the meeting at 9:20 p.m.

**APPROVED:**

**ATTEST:**

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Mary Lib Saleh  
Mayor

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Susan Crim, TRMC  
City Secretary