

**MINUTES OF A REGULAR MEETING
OF THE
EULESS CITY COUNCIL
TUESDAY, JUNE 14, 2011**

A regular meeting of the Euless City Council was called to order by Mayor Mary Lib Saleh at 4:00 p.m. on Tuesday, June 14, 2011, in the Precouncil Conference Room of City Hall, 201 North Ector Drive. Those present included Mayor Mary Lib Saleh, Mayor Pro Tem Linda Martin, Council Members Tim Stinneford, Leon Hogg, Donna Mickan, and Perry Bynum. Council Member Glenn Porterfield was on a leave of absence due to knee surgery.

During the Precouncil meeting:

- Council Member Donna Mickan advised that she attended the Colleyville Heritage Top 20 Banquet recently, and the event was well planned. Additionally she reported that she and Council Member Leon Hogg participated in the Rotary Club golf tournament held at the Texas Star Golf Course.
- Lara Kohl, spokeswoman for Bluebonnet Contractors, advised the City Council of the construction progress of the North Tarrant Express. She presented a project overview, including the managed toll lanes, economic impact, traffic management plans, and the status of utility relocations. Additionally, she discussed the means utilized to advise commuters of real-time traffic alerts.
- Director of Planning and Economic Development Mike Collins presented proposed amendments to the City's Right-of-Way Ordinance. He advised that the proposed amendments would be presented to the City Council at the June 28, 2011, regular meeting.
- Assistant City Manager Chris Barker presented amendments to the Code related to reclaimed water usage. He advised that the proposed amendments will be presented to the City Council at the June 28, 2011, regular meeting.
- Director of Planning and Economic Development Collins presented amendments to the Glade Parks Planned Development, and advised that the proposed amendments would be presented at the June 28, 2011, regular meeting.
- Deputy City Manager Loretta Getchell discussed the need to move forward with the construction of additional roads in the Glade Parks development, and advised that a developer's agreement will be presented at the June 28, 2011, meeting for consideration.
- City Manager McKamie advised that a Resolution to consider moving the August 23rd Council Meeting to August 30th will be presented for consideration at the June 28, 2011, regular meeting.
- City Manager McKamie advised that a Resolution amending the City's budget calendar will be presented for consideration at the June 28, 2011, regular meeting.

- Fire Chief Wes Rhodes presented preliminary plans for the 911 memorial, which will incorporate a steel beam from the World Trade Center

City Manager McKamie advised that the memorial is expected to cost approximately \$75,000 to construct.

- City Manager McKamie reviewed the regular agenda items.

Kevin Strausser and Julie Jones, representing Chesapeake Operating, Inc., and David Lunsford, Universal Ensco, Inc. and the City's Inspection Services Provider, were present to address questions related to the Gas Well Pad Site permit (Item #11 on the regular agenda).

CLOSED SESSION

The City Council convened into closed session at 6:21 p.m. for deliberation regarding the following:

- Personnel matters as authorized by Section 551.074 related to:
 - o Zoning Board of Adjustment Appointments

The City Council reconvened into open session at 6:55 p.m.

COUNCIL CONSIDERATION OF SCHEDULED ITEMS – COUNCIL CHAMBERS

The Eules City Council continued their meeting in the Council Chambers at 7:00 p.m. for consideration of scheduled items.

STAFF MEMBERS PRESENT

City Manager Gary McKamie
Deputy City Manager Loretta Getchell
Assistant City Manager Chris Barker
City Attorney Wayne K. Olson
City Secretary Susan Crim
Deputy City Secretary Kim Sutter
Police Chief Mike Brown
Director of Planning and Economic Development Mike Collins
Director of Parks and Community Services Ray McDonald
Fire Chief Wes Rhodes
Finance Director Vicki Rodriguez
Director of Public Works and Engineering Ron Young
Marketing/Communications Manager Betsy Deck
Assistant Police Chief Bob Freeman
Texas Star General Manager Glenda Hartsell-Shelton
Library Administrator Kate Lyon
Human Resources/Risk Administrator Carolyn Marshall
Information Services Administrator Dan McLain
Public Works Manager J.T. Ackerman

Police Corporal Brian Brennan
 Computer Support Specialist Brett Bennett
 Senior Planner Stephen Cook
 Recreation Superintendent Michael Davenport
 Police Captain Steve Eskew
 Fire Inspector II Vernon Gilmore
 Technical Services Manager Gary Gregg
 Firefighter II/Paramedic Michael Hanks
 Police Captain Steve Kockos
 Police Captain Gary Landers
 Firefighter/Driver/Paramedic Jason Moon
 Firefighter II/Paramedic Brad Schupbach
 Firefighter/Driver/Paramedic Jacob Smith
 Police Sergeant Eric Starnes
 Graphic Artist Jeff Towne
 Police Sergeant Ron Williamson

VISITORS

Tony Barbieri	Linda Eilenfeldt	Alex Pascual
Jake Boyle	Iris Elliott	Christian Pascual
Janene Boyle	Nell Herring	Barbara Polk
Melissa Boyle	Avery Hogg	Mani Resendes
Ron Boyle	Jan Hogg	Kevin Staruser
Andrea Cardona	Kendall Hogg	Jake Thomasson
Ava Cardona	Julie Jones	Larry Tresnicky
Roy Deering	Mervyn Lim	Ron Weaver
Loretta Doty	Randall Mickan	
Darl Easton	Ken Olmstead	

And others as noted in the visitor register.

INVOCATION

Finance Director Vicki Rodriguez gave the invocation.

PLEDGE OF ALLEGIANCE

In recognition of Flag Day, the Eules Fire Department Honor Guard, led by Fire Inspector II Vernon Gilmore and represented by Firefighter/Driver/Paramedic Jacob Smith, Firefighter/Driver/Paramedic Jason Moon, Firefighter II/Paramedic Michael Hanks, and Firefighter II/Paramedic Brad Schupbach, posted the colors and Police Chief Mike Brown led the Pledge of Allegiance.

ITEM NO. 1. PRESENTATION OF EMPLOYEE SERVICE PINS

Director of Parks and Community Services Ray McDonald introduced Graphic Artist Jeff Towne. Jeff was accompanied by his wife, Amy, his sons, Nathan and Lucas, and

Recreation Superintendent Michael Davenport. Mayor Saleh presented Jeff with a pin commemorating his 10 years of service with the city.

Police Chief Brown introduced Corporal Brian Brennan. Brian was accompanied by Assistant Police Chief Bob Freeman, Captain Steve Eskew, Sergeant Ron Williamson, Captain Steve Kockos, Captain Gary Landers, Sergeant Eric Starnes, and Technical Services Manager Gary Gregg. Mayor Saleh presented Brian with a pin commemorating his 15 years of service with the city.

ITEM NO. 2. RECOGNITION OF RECIPIENT OF THE EAGLE SCOUT AWARD FROM THE BOY SCOUTS OF AMERICA

Gerald Christian-Reid Vaenuku, Troop 273, was not in attendance at the meeting.

ITEM NO. 3. ADMINISTERED OATHS OF OFFICE AND PRESENTED CERTIFICATES OF ELECTION

City Attorney Wayne Olson administered the Oath of Office to Mary Lib Saleh, elected to the office of Mayor, Leon Hogg, elected to the office of Council Member Place 2, and to Donna Mickan, elected to the office of Council Member Place 4.

Mayor Saleh presented each with a Certificate of Election.

ITEM NO. 4. SELECTED MAYOR PRO TEM

Council Member Hogg motioned to select Council Member Mickan to serve as mayor pro tem.

Council Member Bynum seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

CONSENT AGENDA (items 5 through 8)

Council Member Martin motioned to approve Consent Agenda items number 5 through 8.

Council Member Bynum seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 5. AUTHORIZED THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN GRAPEVINE/COLLEYVILLE ISD AND THE CITY OF EULESS

Authorized the Mayor to execute an Interlocal Agreement between Grapevine/Colleyville ISD and the City of Euless to provide special bus service during the Baze Road construction as construction activity may disrupt the ability for children within the Grapevine Elementary School attendance zone to have an unencumbered path to walk to the school. The estimated expenditure is \$5,464.

ITEM NO. 6. APPROVED RESOLUTION NO. 11-1366

Approved Resolution No. 11-1366 renaming Harrington Gardens Parkway to Rio Grande Boulevard.

ITEM NO. 7. ACCEPTED CAPITAL IMPROVEMENTS ADVISORY COMMITTEE SEMI-ANNUAL REPORT

Accepted the Capital Improvements Advisory Committee Semi-Annual Report for the period of October 1, 2010, through March 31, 2011, recommending no changes to the Capital Improvements Plan or the implementation of the Impact Fee Program.

ITEM NO. 8. APPROVED CITY COUNCIL MINUTES

Approved City Council minutes of the Regular Meeting of May 24, 2011, and the Special Called Meeting of May 26, 2011.

REGULAR AGENDA

ITEM NO. 9. HELD PUBLIC HEARING FOR SPECIFIC USE PERMIT NO. 11-04-SUP AND APPROVED FIRST AND FINAL READING OF ORDINANCE NO. 1911

Mayor Saleh opened the public hearing at 7:16 p.m.

Director of Planning and Economic Development Collins presented the case to the City Council. He advised that the applicant, Lone Star Limousines, currently operates a call and booking center at 1361 W. Euless Boulevard in order to dispatch limousine service to its clients. The applicant has applied for a Specific Use Permit in order to use the remainder of the leased space to maintain and perform light mechanical work on their vehicles. The facility would hold only one to two vehicles, and no fluid system (oil, transmission, etc) repairs will be made at the location. Additionally, the Planning and Zoning Commission held a public hearing on May 17, 2011, and recommended approval of the Specific Use Permit with the following conditions:

1. Tied to the owner of the business: Mr. Aldo Salvatore;
2. Tied to the business name: Lone Star Limousines;

- 3. Repair and /or maintenance on vehicles may only occur within the confines of the leased space and not external to the space;
- 4. Vehicles may not be stored (other than for regular parking) exterior to the leased space;
- 5. No fluid system (oil, transmission, etc) repair would be made at the location; and,
- 6. The Specific Use Permit is issued for the introductory period of one year, after which a renewal of the Specific Use Permit will be required to be heard by the Planning and Zoning Commission and the City Council.

The applicant, Aldo Salvatore, was present to address questions regarding the request.

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

There being none, Mayor Saleh closed the public hearing at 7:19 p.m.

Mayor Pro Tem Mickan motioned to approve Ordinance No. 1911 for a Specific Use Permit on State Highway 10 Business Center, Block A, Lot 2 for Mechanical Maintenance of Limousines in C-2 (Community Business District) zoning, located at 1361 W. Euless Boulevard #202 with the following conditions:

- 1. Tied to the owner of the business: Mr. Aldo Salvatore;
- 2. Tied to the business name: Lone Star Limousines;
- 3. Repair and /or maintenance on vehicles may only occur within the confines of the leased space and not external to the space;
- 4. Vehicles may not be stored (other than for regular parking) exterior to the leased space;
- 5. No fluid system (oil, transmission, etc) repair would be made at the location; and
- 6. The Specific Use Permit is issued for the introductory period of one year, after which a renewal of the Specific Use Permit will be required to be heard by the Planning and Zoning Commission and the City Council.

Council Member Stinneford seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 10. HELD PUBLIC HEARING FOR SPECIFIC USE PERMIT NO. 11-05-SUP AND APPROVED FIRST AND FINAL READING OF ORDINANCE NO. 1912

Mayor Saleh opened the public hearing at 7:20 p.m.

Director of Planning and Development Collins presented the case to the City Council. He advised that the applicant, Pastor Christopher McCowan on behalf of Greater Is He Church, is requesting to use a leased space within the Morrisdale Shopping Center located at 4323

W. Pipeline Road as a church. Additionally, the Planning and Zoning Commission held a public hearing on May 17, 2011, and recommended approval of the Specific Use Permit with the following conditions:

1. Tied to the pastor: Christopher McCowan;
2. Tied to the church name: Greater Is He Church; and
3. The Specific Use Permit is issued for the introductory period of one year, after which a renewal of the Specific Use Permit will be required to be heard by the Planning and Zoning Commission and the City Council.

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

There being none, Mayor Saleh closed the public hearing at 7:22 p.m.

Council Member Stinneford motioned to approve Ordinance No. 1912 for a Specific Use Permit on Morrisdale Addition, Block 1A, Lot 1R for a Church in C-2 (Community Business District) zoning, located at 4323 W. Pipeline Road with the following conditions:

1. Tied to the pastor: Christopher McCowan;
2. Tied to the church name: Greater Is He Church; and
3. The Specific Use Permit is issued for the introductory period of one year, after which a renewal of the Specific Use Permit will be required to be heard by the Planning and Zoning Commission and the City Council.

Council Member Bynum seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 11. HELD PUBLIC HEARING AND APPROVED REQUEST FOR GAS WELL PAD SITE PERMIT CASE NO. 11-01-CC

Mayor Saleh opened the public hearing at 7:23 p.m.

Director of Planning and Economic Development Collins presented the case to the City Council, and advised that the case is being presented to the City Council as the applicant, Chesapeake Operating, Inc., was not able to obtain waivers from all the property owners within 400 to 600 feet of the pad site. He advised that the applicant has applied for a Gas Well Pad Site Permit for an 11.74-acre parcel located west of the intersection of Westpark Way and S. Pipeline Road. The Operator intends to complete a gas well pad site and drill twenty (20) gas wells on the site. The pad site is titled the Mims Pad Site and is intended to accommodate five separate pooled lease units from the single pad site. Chesapeake Land Development Company owns the parcel in which the Operator is requesting the pad site permit.

Kevin Strausser and Julie Jones, representing Chesapeake Operating, Inc. were present for the public hearing and to address any questions regarding the request.

David Lunsford, Universal Ensco, Inc., and the City's Inspection Services provider, was in attendance, and has recommended approval of the pad site permit as all technical requirements of the gas well drilling ordinance have been met.

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

Kevin Strausser, Chesapeake Operating, Inc., 100 Energy Way, Fort Worth, spoke in support of the case and provided information related to the truck route, installation of sound walls, potential royalty payouts, impact to state and local taxes, and stated that drilling is expected to begin sometime in the fall.

There being no additional proponents wishing to address the City Council, Mayor Saleh asked for any opponents to come forward.

Mervyn Lim, Camtech Precision Manufacturing, Inc., 1400 Westpark Way, stated his opposition to the case citing potential impact to Camtech's high precision machinery due to seismic vibrations.

Ron Weaver, 5881 Whitetail Lane, Jupiter, Florida, identified himself as a Camtech investor, and expressed his opposition to the request due to the possible impact of the seismic vibrations to the high precision machinery operated by the company as well as the overall potential impact to the company's business operations.

Tony Barbieri, Legal Counsel for Camtech Precision Manufacturing, Inc., reiterated that the issue related to Camtech is the vibrations from the seismic activity not only during the gas well drilling portion of the operations, but all gas well operations, including fracking. Additionally, he stated concerns for protection of the ground water, diminishing property values, and the risk of future investments in the company.

Larry Tresnicky, 2800 High Point Court, Grapevine, registered his opposition to the case.

Barbara McCauley-Polk, 716 Koen Lane, expressed her opposition to the request as she feels the location of the drilling operations will diminish property values and create a nuisance in the area.

There being no additional opponents wishing to speak, Mayor Saleh closed the public hearing at 7:59 p.m.

City Attorney Wayne K. Olson stated that he has addressed questions from the City Council concerning possible conflicts of interest related to voting on this item and advised that the statutory requirements for conflicts of interest as applied to this case, do not provide for a legal conflict of interest. Therefore, all Council Members are eligible to vote on the matter. He added that passage of a motion would require a majority vote of the Council Members present.

Council Member Martin pointed out that Camtech is located in a heavy industrial zoning district, and asked if Camtech representatives have any safeguards in place to address the impact of future development or expansions of other businesses in the heavy industrial area.

Camtech Investor Ron Weaver replied that Camtech has purchased five (5) acres of land adjacent to their existing facility to control development in the area.

Mayor Pro Tem Mickan stated that the property located along Westpark Way and owned by Barbara Polk is outside of the 600 foot radius notification area.

Kevin Strausser, Chesapeake Operating, Inc., presented a report prepared by Freese and Nichols, Inc. to the City Secretary for distribution to the City Council related to vibration monitoring of a natural gas well in Arlington, Texas.

Tony Barbieri, Legal Counsel for Camtech, responded that he had not seen the Freese and Nichols report; however, the report focused on the impact of vibrations to actual buildings and does not address the impact of the vibrations to Camtech's equipment.

Council Member Stinneford inquired as to how often the machines are recalibrated, how extensive is the process and at what cost.

Ron Weaver, Camtech Investor, responded that the machines are recalibrated annually and at a cost of approximately \$100,000, and the process takes the machine out of operation for six (6) weeks.

Mayor Pro Tem Mickan inquired as to the depth of the drilling and the affect on ground water.

Kevin Strausser, Chesapeake Operating, Inc., responded that the company uses a process referred to as seven (7) layers of protection, and ensures seven (7) layers of concrete and steel between the ground water source and the source of the gas.

Council Member Stinneford cited a study financed by the gas companies regarding the correlation between gas well drilling and earthquakes, and asked if it was determined that the occurrence of earthquakes were related to gas well drilling.

Kevin Strausser, Chesapeake Operating, Inc., responded that the study produced no conclusions between earthquakes and gas well drilling.

Mayor Saleh and Council Member Bynum encouraged Chesapeake and Camtech to sit down and discuss their concerns.

Tony Barbieri, Legal Counsel for Camtech, presented a report released in March 2010 that he feels essentially confirms links between seismic activity and earthquakes, and asked that the City Council table consideration of the case and allow Chesapeake and Camtech another opportunity to talk and work through the concerns.

Council Member Hogg motioned to approve the request for a gas well pad site permit Case No. 11-01-CC from Chesapeake Operating, Inc. proposed to be located on 11.4 acres in the

John A. Groves and Kitty House Surveys, Abstract 599, Tracts 2C and 2C1 (west of the intersection of Westpark Way and S. Pipeline Road).

Council Member Martin seconded the motion.

Council Member Stinneford moved to table consideration of the item to the June 28, 2011, meeting to allow an opportunity for the two companies to discuss the concerns and see if a resolution can be reached, and to allow Council time to review the reports presented to the City Council by each side.

Mayor Saleh seconded the motion.

Ayes: Mayor Saleh, Mayor Pro Tem Mickan, and Council Member Stinneford

Nays: Council Members Hogg, Martin and Bynum

Mayor Saleh declared the motion failed, and called for the vote on the first motion.

Ayes: Council Members Hogg, Martin, and Bynum

Nays: Mayor Saleh, Mayor Pro Tem Mickan, and Council Member Stinneford

Mayor Saleh declared the motion failed.

Council Member Stinneford requested a 15 minute recess to review the reports presented by each party.

The meeting was recessed at 8:30 p.m.

The meeting was reconvened at 8:48 p.m.

Council Member Stinneford moved to reconsider the request and to approve the request for a gas well pad site permit Case No. 11-01-CC from Chesapeake Operating, Inc. proposed to be located on 11.4 acres in the John A. Groves and Kitty House Surveys, Abstract 599, Tracts 2C and 2C1 (west of the intersection of Westpark Way and S. Pipeline Road).

Council Member Hogg seconded the motion

Council Member Stinneford stated that after reviewing the reports he feels he has the information necessary to support the case.

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

Nays: Mayor Saleh

Mayor Saleh declared the motion carried.

ITEM NO. 12. PUBLIC COMMENTS

Tony Barbieri, Legal Counsel for Camtech, questioned the Council's voting process related to consideration of Item No. 11.

City Attorney Wayne K. Olson explained that the City Council had two previous motions that failed by a 3-3 vote and therefore did not approve anything. The City Council had the right to consider any other motion until an affirmative four (4) votes were acquired one way or the other.

ITEM NO. 13. REPORTS

City Attorney

No report given.

City Manager

No report given.

City Council

No reports given.

ITEM NO. 14. ADJOURN

Mayor Saleh adjourned the meeting at 8:55 p.m.

APPROVED:

ATTEST:

Mary Lib Saleh
Mayor

Susan Crim, TRMC
City Secretary