

**Minutes**  
**A REGULAR MEETING**  
**of the**  
**DALWORTHINGTON GARDENS**  
**CITY COUNCIL Regular Session: Thursday, June 18, 2009 7:00 P.M.**

---

**REGULAR SESSION**

A regular meeting was held at 7:00 o'clock p.m. on Thursday, June 18, 2009 in the Council Chambers of the Dalworthington Gardens City Hall, 2600 Roosevelt Drive, Dalworthington Gardens, Texas. The following items of business were considered, discussed and acted upon, as deemed appropriate by the Council:

**MEMBERS PRESENT:**

Michael Tedder, Mayor  
Guy Snodgrass, Mayor Pro tem  
Mike Pettke, Councilman  
Steve Loe, Councilman  
Jim Piland, Councilman  
Clay Ellis, Councilman

**STAFF PRESENT:**

Melinda Brittain, City Secretary  
Stan Wilkes, City Attorney  
Dick Perkins, City Engineer  
Jerry Venum, Deputy Chief of Public Safety  
Krysten Jeter, Deputy City Secretary

**CALL TO ORDER**

- 1. Citizen comments.**
- 2. Mayor and Council comments.**
- 3. Resolution 09-30, Departmental Reports and May Financial Report.**
  - DPS Report
  - Yearly Budget Summary
  - Trial Balance
  - TexSTAR Reports
  - Sales Tax History
  - Ad Valorem Report
  - General, Water & Public Works Report
  - Court Activity Report

On motion by Councilman Ellis, seconded by Councilman Pettke, by a vote of 5 ayes and 0 nays, it was:

**RESOLVED**, that the departmental reports and May financial reports be approved and placed in the records of the city.

**4. Resolution 09-31, Minutes of May 21, 2009 Meeting.**

On motion by Councilman Loe, seconded by Councilman Ellis, by a vote of 5 ayes and 0 nays, it was:

**RESOLVED**, that the minutes from the May 21, 2009 Council meeting be approved and placed in the records of the city.

---

**No Tabled Items from Previous Meetings**

---

**Public Hearings and Action:**

**5. Resolution 09-32, Plat Revision:**

Applicant: Dr. James M. Turner

Location: 2890 Pioneer Parkway

Property Description: Lot 1R and 3, Block 1, J.M. Farrell Subdivision

Zoning: Commercial B-3

Mayor Tedder opened the public hearing at 7:14 p.m. and asked for public comments. The following persons spoke at the hearing:

John Zimmerman- 908 W. Main Street, Arlington

There being no further comments, Mayor Tedder closed the public hearing at 7:14 p.m.

On motion by Councilman Pettke, seconded by Councilman Ellis, with Councilman Loe abstaining by a vote of 4 ayes and 0 nays, it was:

**RESOLVED**, that the plat revision for Lot 1R and 3, Block 1 of the J.M. Farrell Subdivision dated May 2009 and prepared by John Zimmerman be approved and placed in the records of the city.

**6. Natural Gas Drilling Permit Applications/Chesapeake**

Applicant: Chesapeake Operating, Inc.

Location: Near Mini 1H-6H, JW Hale Survey, Abstract 802, Tracts 1B & 1B1

From I-20 north on South Bowen Road for 0.21 miles, west on Pleasant Ridge Road for 0.38 miles, then north to the lease road.

Geologic Formation: Barnett

a. Proposed Well Name and Depth: Near Mini 1H, Depth: 9000

b. Proposed Well Name and Depth: Near Mini 2H, Depth: 9000

- c. Proposed Well Name and Depth: Near Mini 3H, Depth: 9000
- d. Proposed Well Name and Depth: Near Mini 4H, Depth: 9000
- e. Proposed Well Name and Depth: Near Mini 5H, Depth: 9000
- f. Proposed Well Name and Depth: Near Mini 6H, Depth: 9000

Mrs. Griffiths, on behalf of Chesapeake, announced to the City Council that its application was withdrawn.

**7. Resolution 09-33, Natural Gas Drilling Permit Application/XTO**

**Applicant:** XTO Energy, Inc.

**Location:** Lot 2R, Block 1, Dalworthington Gardens Addition,  
Vol.388-A, PG 105, Cabinet A, Slide 3704, D.R.T.C.T.  
Northwest end of Elkins Drive

Proposed Well Name and Depth: Elkins Unit: 11,000

Mayor Tedder opened the public hearing at 7:15 p.m. and asked for public comments. The following persons spoke at the hearing:

Cathy Stein, 2622 Clover Lane

Walter Duease, 810 Houston Street- made a presentation and addressed Council’s questions submitted at the previous meeting.

There being no further comments, Mayor Tedder closed the public hearing at 7:17 p.m.

On motion by Councilman Pettke, seconded by Mayor Pro tem Snodgrass, by a vote of 5 ayes and 0 nays, the following resolution was adopted:

**RESOLUTION 09-33**

**A RESOLUTION GRANTING A FOR GAS DRILLING PERMIT FOR THE “PAPPY ELKINS LEASE” AND STATING THE CONDITIONS THEREOF**

**BE IT RESOLVED:**

That the XTO application for drilling permit on the property identified by the applicant as “Pappy Elkins Lease” is hereby GRANTED, under the conditions and representations contained in the application, and including also the following::

1. Construction of cedar fence, eight (8) to ten (10) feet high, along east boundaries of the Montessori school property.
2. Clearly stated specifications for the access road, including width, composition, maintenance, with plan profile of the road; and, schedule of road reconstruction, subject to approval of the City Engineer.

3. Execution of plans for extracting and replenishing water from Elkins Lake, in accordance with detailed, step-by-step description of the process, as approved by the City Engineer.
4. Applicant will purchase all needed water from the city unless otherwise approved by the city.
5. Compliance with all of the following conditions:
  - A. Applicant to configure the pad site to allow an adequate 6-1 trail that connects the parking area to the trail system.
  - B. Applicant to maintain the existing parking area at the end of Elkins Drive for public use.
  - C. Applicant to obtain all appropriate state and federal permits for the use of Pappy Elkins Lake as a storage pond and to use the lake in a manner that does not adversely impact the habitation or water quality in the lake.
  - D. Applicant to develop a site specific amendment to their emergency response plan to address issues relating to the school to the north of the site.
  - E. Applicant to modify the trail system on the north side of the park to comply with the design therefore as presented to the commission.
  - F. Applicant to develop a site specific safety plan that addresses isolating well site traffic and operations from the school to the north of the site.
  - G. Applicant to conduct operations at the well site during drilling, fracing and production so that dust, noise and light will not adversely impact adjacent property or the use of the park.
6. Construction of the masonry wall on the south and east perimeters of the drill pad before drilling begins.
7. Removal and replacement of mulch on the proposed pad site.
8. Grading of the pad site, to be approved by the City Engineer.
9. Any trees removed from the pad site or adjacent city property must be replaced in a manner complying with the city's tree ordinance.

10. Applicant to landscape the walkways around the pad site in accordance with a plan approved by the city.
11. Applicant to install fire gate and rear access to site for emergency use of a design and in a manner approved by the city.
12. Applicant to acknowledge that at no time will access to the drill site be allowed by way of Elkins Drive.
13. Applicant, at Applicant's expense, to make certain improvements in area of city water utility facilities adjacent to the drill site, relating to site access, as approved by the City Engineer, concerning water connections and water vault, and turning radius right-of-way.
14. The applicant to provide a schedule specifying the starting and completion times for each of the conditions described above.
15. The Applicant shall execute a road maintenance agreement in a form prescribed by the City.

---

**Action Items:**

**8. Resolution 09-34, Commission and Board Appointments**

On motion by Councilman Pettke, seconded by Councilman Loe, by a vote of 5 ayes and 0 nays, it was:

**RESOLVED**, that the commissioners and board members serving on the Planning and Zoning Commission and Zoning Board of Adjustments be reappointed. The following members were reappointed:

Planning and Zoning Commission: Lee Brown and Graham Schadt

Zoning Board of Adjustments: Ned Webster, John Anton and Charles Miller

**9. Resolution 09-35, Pipeline License Agreement**

On motion by Councilman Pettke, seconded by Councilman Loe, by a vote of 5 ayes and 0 nays the following resolution was adopted:

**RESOLUTION NO. 09-35**

**A RESOLUTION AUTHORIZING A PIPELINE LICENSE AGREEMENT WITH DFW MIDSTREAM SERVICES LLC**

**BE IT RESOLVED:**

- 1.

That the Mayor of the City is hereby authorized to execute on behalf of the City a pipeline license agreement between the City and DFW Midstream Services, LLC, provided that there shall be no provision in the agreement for its automatic renewal or extension.

2.

That a copy of the agreement be appended to the minutes of the meeting at which this resolution is adopted.

3.

That the City Secretary is hereby authorized to attest the execution of the agreement and to affix the seal of the City thereto.

**10. Ordinance 09-36, City Council Minute Corrections**

On motion by Councilman Pettke, seconded by Mayor Pro tem Snodgrass, by a vote of 5 ayes and 0 nays, it was:

**RESOLVED**, that the City Council minute corrections from the December 11, 2008 City Council meeting regarding Ordinance 08-16, water service rates be approved and placed in the records of the city.

**11. Resolution 09-37, Elkins Lake Sanitary Sewer Improvements**

On motion by Councilman Pettke, seconded by Councilman Loe, by a vote of 5 ayes and 0 nays, it was:

**RESOLVED**, that the plans and specifications for Elkins Lake sanitary sewer improvements as prepared by J. Richard Perkins, P. E., be approved; and

**RESOLVED FURTHER**, that the improvements project be advertised for bids and that bids therefore shall be taken in the manner provided by law.

**12. Wastewater Contract Amendments**

On motion by Councilman Pettke, seconded by Councilman Loe by a vote of 5 ayes and 0 nays, this item was tabled.

**FUTURE AGENDA ITEMS**

Mayor Pro tem Snodgrass requested an agenda item for the purpose of considering City Hall expansion/improvements.

**ADJOURN**

On motion by Councilman Pettke, seconded by Councilman Loe, by a vote of 5 ayes and 0 nays, the meeting was adjourned at 8:25 p.m.