

**MINUTES of a MEETING  
of the  
DALWORTHINGTON GARDENS  
CITY COUNCIL**

**Regular Session: Thursday, December 14, 2006 7:00 P.M.**

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**REGULAR SESSION**

A regular meeting was held at **7:00 o'clock p.m.** on **Thursday, December 14, 2006** 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  
Jim Piland, Councilman  
Ken Wallace, Councilman  
Steve Loe, Councilman

**STAFF PRESENT:**

Bill Waybourn, Chief of Public Safety  
Krysten Jeter, Deputy City Secretary  
Stan Wilkes, City Attorney  
Greg Saunders, City Engineer

**CALL TO ORDER**

(agenda item 1) Citizen comments

Kathy Price, 2820 Whisperwood Trail, gave a Park Board Report  
Brett Hall, 3711 Karalyn Court, spoke in support of neighborhoods  
Chad Crow, 7 Santa Fe Circle, spoke in support of neighborhoods

(agenda item 2) Mayor and Council comments There were no comments.

(agenda item 3) Departmental Reports and November Financial Report

On motion by Mayor Pro tem Snodgrass, seconded by Councilman Pettke  
it was:

**RESOLVED**, that the Departmental Reports and Financial Report for  
November, 2006, be approved and placed in the records of the city

The motion passed by a vote of 5 ayes and no nays.

Mayor Tedder asked the Council to next take up Agenda #9.

(agenda item 9) **Public Hearing:** Plat amendment, Sandefer Acres.

Mayor Tedder opened the public hearing at 7:09 p.m. and asked for public comments. The following persons spoke at the public hearing:

Chad Crow, #7 Santa Fe Circle, spoke in favor of the amendment.

Keith Vanacek, #1 Santa Fe Circle, spoke in favor of the amendment.

Dave Appleton, 3121 Sieber Drive, spoke against the amendment.

Gregg Wilkinson, 3218 Sieber Drive, spoke against the amendment.

Don Kirkham, 3511 Indian Trail, spoke against the amendment.

Jerry Arnold, 3511 Estates Drive, spoke against the amendment.

At this time, in response to citizen comment, Mayor Tedder stated that he did not own land nor was he party to any contract to purchase land in Sandefer Acres.

Susan Crossier, 3018 Idle Creek, spoke in favor of the amendment.

Cathy Stein, 2622 Clover Lane, stated she could see both sides of the issue.

Ken Hanshaw, not a citizen yet but hoping to be, spoke in favor of the amendment.

Mike Redden, 3111 Sieber Drive, spoke against the amendment.

Joan Cartwright, 3810 North Shady Creek Drive, Arlington, spoke in favor of the amendment.

Morrie Minshew, #5 Santa Fe Circle, spoke in favor of the amendment.

Brett Hall, 3711 Karalyn Court, spoke in favor of the amendment.

Adalie Pennington, developer of Sandefer Acres, spoke in favor of the amendment.

Wanda Minshew, #5 Santa Fe Circle, spoke in favor of the amendment.

Matt Creshak, Karalyn Court, spoke in favor of the amendment.

There being no other public comments, Mayor Tedder closed the public hearing at 7:43 p.m. and asked for Council comments. Councilman Wallace, Councilman Pettke, Councilman Loe and Mayor Pro tem Snodgrass addressed the subject.

On motion by Councilman Pettke, seconded by Councilman Piland, it was:

RESOLVED, that the request for a plat amendment in Sandefer Acres be denied.

The motion passed by a vote of 4 ayes and 1 nay, Councilman Wallace voting nay.

(agenda item 4) Fiscal year 2004-2005 Audit Report

On motion by Councilman Pettke, seconded by Councilman Piland, with a vote of 5 ayes and no nays, this item was tabled.

(agenda item 5) Minutes of November 14, 2006 Work Session

On motion by Councilman Pettke, seconded by Councilman Loe, it was:

RESOLVED, that the Minutes of the November 14, 2006 City Council Work Session be approved and placed in the records of the city.

The motion passed by a vote of 5 ayes and no nays.

(agenda item 6) Minutes of November 16, 2006 Meeting

On motion by Councilman Pettke, seconded by Councilman Loe, it was:

RESOLVED, that the Minutes of the November 16, 2006 City Council Meeting be approved and placed in the records of the city.

The motion passed by a vote of 5 ayes and no nays.

### **Public Hearings**

(agenda item 7) **Public Hearing:** Ordinance regulating exploration and production of oil, gas and other minerals.

Mayor Tedder opened the public hearing at 7:58 p.m. and asked for public comments. The following persons spoke at the public hearing:

Cathy Stein, 2622 Clover Lane, spoke against drilling in park.

Pam Dunbar, Montessori Academy, spoke against surface drilling near a school.

Gregg Wilkenson, 3218 Sieber Drive, inquired about drilling contracts.

Jerry Arnold, 3511 Estates Drive, inquired about drilling sites.

Doug Harrison, 3707 Dustin Trail, spoke against drilling.

There being no other public comments, Mayor Tedder closed the public hearing at 8:11 p.m. and asked for Council comments

On motion by Councilman Loe, seconded by Councilman Piland, it was moved that 16.3.06 (f) (3) b. of the City Code as adopted by Ordinance #06-09 be amended so that the minimum distance to the property lines be reduced to 200 feet. In the course of discussion, Mayor Pro tem Snodgrass asked if Councilman Loe would agree to a 150 foot minimum in lieu of 200 feet. With the concurrence of Councilman Piland, Councilman Loe revised his motion to provide for a minimum distance from well sites to property lines of 150 feet.

Councilman Piland asked that property owner consent be added to the motion with the minimum property lines at 150 feet. After further discussion, the following ordinance was adopted by a vote of 5 ayes and no nays:

**ORDINANCE NO. 06 – 14**

AN ORDINANCE AMENDING CHAPTER 16.3 – GAS WELL DRILLING, OF TITLE 16, LAND DEVELOPMENT, OF THE CODE OF THE CITY OF DALWORTHINGTON GARDENS BY THE AMENDMENT OF 16.3.06 (f) (3) b. THEREOF PRESCRIBING THE MINIMUM DISTANCE FROM WELL SITES TO PROPERTY LINES; MAKING THIS ORDINANCE CUMULATIVE OF OTHER ORDINANCES ON THE SUBJECT; PRESCRIBING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION; AND, NAMING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS;

1.

That Section 16.3.06 (f) (3) b. of Chapter 16.3 – GAS WELL DRILLING, of Title 16, LAND DEVELOPMENT, of the Code of the City of Dalworthington Gardens be amended so that hereafter the same shall be and read as follows:

- b. The minimum distance from property lines required by (f)(1) b. may be reduced by council action, but in no event shall the minimum distance be less than one-hundred fifty (150) feet.

2.

That this ordinance shall repeal any prior ordinance in conflict herewith, but to the extent this ordinance does not conflict with prior ordinances, it shall be deemed cumulative of other ordinances on the subject.

3.

That the caption of this ordinance and penalty clause, as contained in 16.3.18 of this chapter, shall be published in the Commercial Recorder, a newspaper of general circulation in the community.

4.

That this ordinance shall be in full force and effect from and after its adoption and the publication provided for herein.

(agenda item 8) **Public Hearing:** Amendment to the Zoning Ordinance creating gas drilling as a special use.

Mayor Tedder opened the public hearing 8:30 p.m. and asked for public comments.

Cathy Stein, 2622 Clover Lane, stated that she liked the way the amendment read. There being no other public comments, Mayor Tedder closed the public hearing at 8:31 p.m. and asked for Council comments.

On motion by Councilman Pettke, seconded by Councilman Piland, by a vote of 5 ayes and no nays, the following ordinance was adopted:

**Ordinance 06 - 15**

AN ORDINANCE OF THE CITY OF DALWORTHINGTON GARDENS AMENDING THE CITY CODE, TITLE 17: "ZONING": BY AMENDING: 17.8 THEREOF, CREATING A NEW SECTION 17.8.03 PROVIDING FOR A DEVELOPMENTAL PERMIT FOR SEISMIC OR GAS DRILLING IN THE CITY; PRESCRIBING THE METHOD FOR ISSUANCE OF A PERMIT; PRESCRIBING A PENALTY FOR THE VIOLATION HEREOF; MAKING THIS ORDINANCE CUMULATIVE OF OTHER ORDINANCES ON THE SUBJECT; REPEALING ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND, NAMING AN EFFECTIVE DATE.

BE IT ORDAINED:

1.

That Chapter 17.8, SPECIAL EXCEPTIONS AND OTHER PERMITS, of Title 17: ZONING, of the Code of the City of Dalworthington Gardens, Texas, be amended by the addition thereto of a new section 17.8.03, which shall be and read as follows:

17.8.03            Developmental Permit – Gas Exploration Notwithstanding anything else to the contrary in this Title, *seismic or natural* gas drilling shall be permitted in all zoning districts in the city subject

only to the provisions of this section and the provisions of Chapter 16.3 of the City Code.

A. Application for an exploration permit under this section shall be made as provided in Chapter 16.3 and shall be filed with the City Administrator. The application shall contain the information required therefor by Chapter 16.3. The granting of a permit thereunder shall comply with applicable provisions of both Chapter 16.3 and this title.

B. Upon receipt of the application, it shall be referred to the Commission for investigation as to the manner in which development pursuant to the application will affect the development of the City consistent with principles of zoning and planning contained in this Title. After public hearing thereon, the Commission will report the results of its study to the City Council, which may impose conditions on the issuance of a permit that the Council may deem essential to insure that the development is consistent with the spirit, purpose and intent of this title, will not substantially and permanently injure the appropriate use of neighboring property, and will substantially serve the public convenience and welfare.

2.

That this ordinance shall repeal any provision of prior ordinances in conflict herewith.

3.

That this ordinance is hereby made cumulative of all other ordinances of the City not in conflict herewith.

4.

That if any section, subsection, sentence, clause or phrase of this ordinance or the code provisions hereby amended is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this title and each section, subsection, sentence, clause and phrases hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared or had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

5.

That any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$500.00 and for each day that such violation shall continue, there shall be deemed a separate offense.

6.

That the caption and penalty clause of this ordinance shall be published in the Commercial Recorder, a newspaper of general circulation within the City.

7.

That this ordinance shall be in full force and effect from and after the date of its passage and publication as required by law.

### **Action Items**

(agenda item 10) **RESOLUTION 06-84**, Request for water well permit at 2911 Oak Trail Court

On motion by Mayor Pro tem Snodgrass, seconded by Councilman Loe, it was:

RESOLVED, that the request for a water well permit at 2911 Oak Trail Court be approved.

The motion passed by a vote of 4 ayes and 1 nay, Councilman Pettke voting nay.

(agenda item 11) Amendment to City Code Title 3.3, Rates and Fees, to include a utility customer confidentiality maintenance fee.

On motion by Mayor Pro tem Snodgrass, seconded by Councilman Loe, by a vote of 5 ayes and no nays, the following ordinance was adopted:

### **ORDINANCE NO. 06 -16**

AN ORDINANCE AMENDING SECTION 3.3.05 OF CHAPTER 3, PERMIT AND SERVICE FEES, OF TITLE 3, REVENUE AND FINANCE, OF THE CODE OF THE CITY OF DALWORTHINGTON GARDENS, BY AMENDING "A. ADMINISTRATIVE SERVICES" BY THE ADDITION

THERE TO OF (12) PRESCRIBING A FEE FOR CONFIDENTIALITY MAINTENANCE; REPEALING ORDINANCES IN CONFLICT HEREWITH; MAKING THIS ORDINANCE CUMULATIVE OF OTHER ORDINANCES OF THE CITY NOT IN CONFLICT HEREWITH; AND, NAMING AN EFFECTIVE DATE.

BE IT ORDAINED:

1.

That paragraph A., ADMINISTRATIVE SERVICES, of Section 3.3.05, Schedule of Fees and Charges, of Chapter 3.3, Permit and Service Fees, of Title 3, REVENUE AND FINANCE, of the Code of the City of Dalworthington Gardens be amended by the addition thereto of a new subparagraph (12), which shall be and read as follows:

(12) Confidentiality maintenance                      \$ 3.00 per year.

2.

That this ordinance shall repeal any provision of prior ordinances in conflict herewith, but is hereby made cumulative of all other ordinances of the City not in conflict herewith.

3.

That this ordinance shall be in full force and effect from and after the date of its passage.

(agenda item 12) Resolution authorizing agreement with City Peace Officer for motor vehicle use by the Department of Public Safety.

On motion by Councilman Wallace, seconded by Councilman Loe, with a vote of 5 ayes and no nays, the following resolution was adopted:

**RESOLUTION NO. 06 -85**

A RESOLUTION AUTHORIZING AN AGREEMENT WITH GREG PETTY FOR MOTOR VEHICLE USE BY THE DEPARTMENT OF PUBLIC SAFETY.

BE IT RESOLVED:

1.

That the Mayor of the City is hereby authorized to execute on behalf of the City an agreement between the City and Greg Petty for the use of a motor

vehicle for public purposes, a copy of the agreement being appended to this resolution.

2.

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

(agenda item 13) Global Software Support Agreement Renewal

On motion by Councilman Pettke, seconded by Councilman Wallace, with a vote of 5 ayes and no nays, this item was tabled.

(agenda item 14) GEXA Energy Agreement

On motion by Councilman Wallace, seconded by Councilman Pettke, with a vote of 5 ayes and no nays, the following resolution was adopted:

**RESOLUTION NO. 06 – 86**

A RESOLUTION AUTHORIZING AN AGREEMENT WITH GEXA ENERGY FOR ELECTRICITY SERVICES.

BE IT RESOLVED:

1.

That the Mayor of the City is hereby authorized to execute on behalf of the City an agreement between the City and GEXA Energy for electricity services for a period of one year, a copy of the agreement being appended to this resolution.

2.

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

(agenda item 15) Award bid: Roosevelt Dr. right turn lane project.

On motion by Councilman Pettke, seconded by Councilman Wallace, with a vote of 5 ayes and no nays, this item was tabled.

(agenda item 16) **Resolution 06-87**, Tarrant County street improvement proposals.

On motion by Councilman Wallace, seconded by Councilman Piland, it was:

**RESOLVED**, that the following Tarrant County street improvement proposals are hereby accepted, subject to the availability of funds:

Roosevelt Drive between Pioneer Parkway and the Pantego city limit at a cost of not more than \$7,200.00; and

Corzine Drive between Pioneer Parkway and Arkansas Lane at a cost of not more than \$35,000.00.

The motion passed by a vote of 5 ayes and 0 nays.

(agenda item 17) Interlocal Agreement with the City of Fort Worth for Rabies Control

On motion by Councilman Pettke, seconded by Councilman Wallace, with a vote of 5 ayes and no nays, the following resolution was adopted:

**RESOLUTION NO. 06 – 88**

A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE CITY OF FORT WORTH FOR RABIES CONTROL SERVICES.

BE IT RESOLVED:

1.

That the Mayor of the City is hereby authorized to execute on behalf of the City an agreement between the City and The City of Fort Worth, Texas, for rabies control services, a copy of the agreement being appended to this resolution.

2.

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

(agenda item 18) Review of proposal for traffic signal system.

On motion by Councilman Pettke, seconded by Councilman Wallace, with a vote of 5 ayes and no nays, the following resolution was adopted:

**RESOLUTION NO. 06 – 89**

A RESOLUTION AUTHORIZING A CONTRACT WITH REDFLEX TRAFFIC SYSTEMS, INC. FOR THE INSTALLATION AND OPERATION OF AN AUTOMATED SIGNAL LIGHT ENFORCEMENT SYSTEM.

WHEREAS, the City Council desires to acquire and operate, either itself or through others, an automated signal light enforcement system; and

WHEREAS, the City is a contract participant (“end user”) in the competitive bidding activities of the Houston-Galveston Area Council of Governments (the “H-GAC”); and

WHEREAS, the H-GAC, in compliance with all applicable municipal contracting requirements, has heretofore entered into a contract with Redflex Traffic Systems, Inc. (“Redflex”) incorporating specifications for the purchase of Traffic Control and Signal Preemption Equipment identified as Bid Specification No. PE05-05; and

WHEREAS, the City desires to avail itself of the benefits of the H-GAC bid process and contract with Redflex; and

WHEREAS, the City Council adopted its Resolution No. 06-77 at its meeting held on November 16, 2006 but now desires to substitute this resolution in lieu thereof; NOW THEREFORE BE IT RESOLVED:

1.

That the Mayor of the City is hereby authorized to execute on behalf of the City a contract and agreement with Redflex Traffic Systems, Inc. for the purchase and operation of a system for automated traffic control and signal preemption, a copy of the agreement being appended to this resolution.

2.

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

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**Discussion Only**

1. Future agenda items  
School Zone light  
Bowen and Pleasant Ridge Project

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ADJOURN

On motion by Councilman Loe, seconded by Councilman Pettke, the meeting was adjourned by unanimous vote.