

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

Regular Session: Thursday, January 18, 2007 7:00 P.M.

REGULAR SESSION

A regular meeting was held at **7:00 o'clock p.m.** on **Thursday, January 18, 2007** 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:

CALL TO ORDER- Mayor Tedder called the meeting to order at 7:00pm

1. Citizen comments
Kathy Price, 2820 Whisperwood Trail- gave park board report
Bob Harvey, 2716 Park Drive- questioned the oil drilling progress
2. Mayor and Council comments
None
3. Proclamation: Volunteer of the Year
Mayor Tedder presented Jack Hull with the 2006 Volunteer of the Year award.
4. **Resolution 07- 01:** Departmental Reports and December Financial Report
On motion by Councilman Pettke, seconded by Councilman Wallace it was:

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

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

5. **Resolution 07-02:** Minutes of December 14, 2006 Meeting
On motion by Councilman Pettke, seconded by Mayor Pro tem Snodgrass, it was:

RESOLVED, that the Minutes of the December 14, 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.

At this time, Mayor Tedder asked that Council move to Item 8

Tabled Items from December 14, 2006

6. Resolution: Global Software Support Agreement Renewal
No action
7. **Resolution 07-03**, Fiscal year 2004-2005 Audit Report
On motion by Councilman Pettke, seconded by Councilman Loe, by a vote of 5 ayes and no nays, the item was removed from the table.

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

RESOLVED, that the Audit Report for Fiscal year 2004-2005 be approved and placed in the records of the city.

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

8. Resolution 07-04 Award bid: Roosevelt Dr. right turn lane project.
On motion by Councilman Pettke, seconded by Councilman Loe, by a vote of 5 ayes and no nays, the item was removed from the table.
On motion by Councilman Pettke, seconded by Councilman Loe, it was:

RESOLVED, that all bids be rejected on the Roosevelt Drive right turn lane project and that no other action be taken on the project...

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

At this time, Mayor asked Council to move to item 6 and proceed with the agenda in order.

Action Items

9. **Resolution 07-05**: Annual Charter Agreement with TEJAS District, Longhorn Council, BSA, Pack 518.
On motion by Councilman Wallace, seconded by Councilman Piland, the following resolution was adopted by a vote of 5 ayes and no nays:

RESOLVED, that the Mayor is hereby authorized to execute on behalf of the city a charter agreement with the TEJAS District, Longhorn Council, BSA, Pack 518;

RESOLVED FURTHER, that a copy of the agreement be appended to the minutes of this meeting.

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

10. **Resolution 07-06:** Memorandum of Understanding with TEJAS District, Longhorn Council, Boy Scouts of America to conduct a Cub Scout Day Camp. On motion by Mayor Pro tem Snodgrass, seconded by Councilman Piland, the following resolution was adopted by a vote of 5 ayes and no nays:

RESOLVED, that the Mayor is hereby authorized to execute on behalf of the city a Memorandum of Understanding with the TEJAS District, Longhorn Council, BSA, providing for the use of Gardens Park for a Cub Scout Day Camp;

RESOLVED FURTHER, that a copy of the Memorandum of Understanding be appended to the minutes of this meeting

11. **Resolution 07-07:** Order General Election for three Aldermen, Saturday, May 12, 2007. On motion by Councilman Pettke, seconded by Councilman Loe, the following resolution was adopted by a vote of 5 ayes and no nays:

RESOLUTION NO. 07 – 07

AN ORDER AND RESOLUTION CALLING AN ELECTION IN THE CITY OF DALWORTHINGTON GARDENS ON MAY 12, 2007, FOR THE ELECTION OF ALDERMEN, PLACES THREE, FOUR AND FIVE, FOR A TERM OF TWO YEARS.

1. Call of election An election shall be held in the City of Dalworthington Gardens on Saturday, May 12, 2007, to submit to the voters of the city the election of aldermen (city councilmen) for places three (3), four (4) and five (5). This election shall be conducted by the City of Dalworthington Gardens in accordance with applicable provisions of the Texas Election Code.

2. Ballot The official ballots for the election shall be prepared in accordance with the Texas Election Code with each candidate to draw for a position on the ballot.

3. Polling place The polling place for the election shall be at the Dalworthington Gardens Municipal Facility (City Hall), 2600 Roosevelt Drive, Dalworthington Gardens, TX 76016. Voting will be conducted between the hours of 7:00 a.m. and 7:00 p.m. on Saturday, May 12, 2007.

4. Election officials The following persons are hereby appointed as election officials:

Election judge:

Alternate election judges:

The city secretary shall deliver to the election officials, in accordance with Election Code Section 32.009, notice of their appointment not later than 20 days from the effective date of this resolution. The election judge shall appoint up to 5 election clerks to serve at the polling place.

5. Early voting

a. By personal appearance Early voting by personal appearance will be conducted at the office of the City Secretary, 2600 Roosevelt Drive, Dalworthington Gardens, Texas, on the following dates and during the following hours:

b. By mail Applications for early voting by mail must be received in the office of the City Secretary, 2600 Roosevelt Drive, Dalworthington Gardens, TX 76013 no later than 5:00 p.m. on Friday, May 4, 2007. Early voting ballots voted by mail shall be mailed to Steve Raborn, Office of Elections Administration, 100 East Weatherford Street, Fort Worth, TX 76196.

c. Early ballot canvassing Early balloting shall be by optic scan machine and shall be canvassed by the early voting ballot board, consisting of the election judge, as presiding officer, the alternate election judge, and the other election officials.

6. Election precinct In accordance with Election Code Section 42.061, the election precinct shall be the same precinct established for municipal elections, being coterminous with the boundaries of Tarrant County Election Precinct No. 2223 as established by the Tarrant County Commissioners' Court most recently preceding the date of adoption of this resolution.

7. Compensation of election officials The presiding election judge shall be compensated at the rate of \$10.00 per hour, alternate election judge and each election clerk shall be compensated at the rate of \$9.00 per hour in accordance with Election Code Section 32.091. The presiding election judge shall also be paid \$25.00 for delivering the returns of the election.

8. Supplies; method of voting The City Secretary of the City is hereby authorized to provide and furnish all necessary election supplies to conduct the election hereby ordered in accordance with this resolution. Voting shall be by electronic voting machine in accordance with the provisions therefor contained in the Texas Election Code.

9. Governing law The election shall be held in accordance with the constitution of the United States of America and of the State of Texas and the Texas Election Code. All resident qualified voters of the city shall be eligible to vote in the election.

12. **Resolution 07-08:** TXDot Municipal Maintenance Agreement. On motion by Councilman Pettke, seconded by Councilman Piland, the following resolution was adopted by a vote of 5 ayes and no nays:

RESOLVED, that the Mayor is hereby authorized to execute on behalf of the city a Municipal Maintenance Agreement with the Texas Department of Transportation;

RESOLVED FURTHER, that a copy of the agreement be appended to the minutes of this meeting.

13. Interlocal agreement with City of Arlington for automated signal enforcement. On motion by Councilman Pettke, seconded by Councilman Piland, by a vote of 5 ayes and no nays, this item was tabled.
14. Interlocal agreement with City of Pantego for automated signal enforcement. On motion by Councilman Pettke, seconded by Councilman Piland, by a vote of 5 ayes and no nays, this item was tabled.
15. **Resolution 07-09:** Supporting a Local Option Sales Tax to Fund Regional Rail in North Central Texas. On motion by Councilman Pettke, seconded by Mayor Pro tem Snodgrass, it was:

RESOLVED, that the request to support a Local Option Sales Tax to Fund Regional Rail in North Central Texas be denied.

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

16. **Resolution 07-10:** Supporting the Proposed Municipal Setting Designation (MSD) for the Former Interstate Trailers Site at 1000, 1100, and 1104 West Interstate Highway 20 in Arlington, Texas. On motion by Councilman Pettke,

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

Resolution No. 07 - 10

**A RESOLUTION IN SUPPORT OF THE APPLICATION OF V.T., INC.
TO THE CITY OF ARLINGTON, TEXAS AND THE TEXAS
COMMISSION ON ENVIRONMENTAL QUALITY FOR A MUNICIPAL
SETTING DESIGNATION ON INTERSTATE HIGHWAY 20 IN
ARLINGTON BETWEEN COOPER STREET AND MATLOCK ROAD**

WHEREAS, Chapter 361, Subchapter W, of the Texas Solid Waste Disposal Act authorizes the Texas Commission on Environmental Quality (TCEQ) to certify Municipal Setting Designations for properties upon receipt and approval of a properly submitted application to TCEQ; and

WHEREAS, as a part of the application to TCEQ for a Municipal Setting Designation, the applicant is required to provide documentation that the application is supported by: (1) the city council of the municipality in which the Site is located, (2) the city council of each municipality with a boundary located not more than one-half mile from the Site, (3) the city council of each municipality that owns or operates a groundwater supply well located not more than five miles from the Site, and (4) the governing body of each retail public utility, as defined by Section 13.002, Texas Water Code, that owns or operates a groundwater supply well located not more than five miles from the Site; and

WHEREAS, V.T., INC. (Applicant) has filed or is filing an application with the City of Arlington, Texas, and the TCEQ for the issuance of a Municipal Setting Designation ordinance for the following described property (the Site): approximately 29.96 acres situated along the south side of Interstate Highway 20 in Arlington between Cooper Street and Matlock Road, as shown on Figure 1 attached hereto and incorporated herein; and

WHEREAS, the Site is within 5 miles of the boundary of the City of Dalworthington Gardens; and

WHEREAS, following the issuance of an MSD ordinance by the City of Arlington and each additional municipality and retail public utility for which approval is required, Applicant will submit to TCEQ an application for certification of a Municipal Setting Designation for the Site pursuant to Texas Health and Safety Code, Chapter 361, Subchapter W; **NOW THEREFORE BE IT RESOLVED:**

That the City supports Applicant's application to the TCEQ for certification of a Municipal Setting Designation for the Site.

17. Purchase of School Zone Flasher Equipment.
On motion by Councilman Piland, seconded by Councilman Pettke, with a vote of 5 ayes and no nays, this item was tabled.

18. Amend Title 3.3 to reflect Public Information Request Rate Table.
On motion by Councilman Pettke, seconded by Councilman Piland, by a vote of 5 ayes and no nays, the following ordinance was adopted:

ORDINANCE 07-01

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 THERETO OF (13) PRESCRIBING FEES FOR PUBLIC INFORMATION REQUESTS; 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 sub-paragraph (13), which shall be and read as follows:

(12)	Public Information Requests	
	Paper copy - 8-1/2 x 11 first page	\$0.25
	Each additional	0.10
	Paper copy – 8-1/2 x 14 per page	0.25
	Paper copy – 11 x 17 per page	0.50
	Diskette*	1.00
	VHS video cassette*	2.50
	Audio cassette*	1.00
	DVD*	3.00
	CD-R or CD RW*	1.00
	*Medium furnished by requesting party	
	Personnel charge	
	Programming personnel	Actual cost
	Other personnel	\$15.00 per hour
	Overhead charge	20% of personnel charge

Remote document retrieval	Actual cost
Computer resource charge	\$2.50 per hour
Miscellaneous supplies	Actual cost
Postage and shipping charge	Actual cost
Photographs	Actual cost
Fax charge	
Local	0.10 per page
Long distance	1.00 per page
Other costs	Actual cost

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.

19. Amend Title 10.5.04 Vehicles and Traffic, Traffic Control Devices. On motion by Councilman Wallace, seconded by Councilman Loe, by a vote of 5 ayes and no nays, the following ordinance was adopted:

ORDINANCE 07-02

AN ORDINANCE OF THE CITY OF DALWORTHINGTON GARDENS AMENDING SECTION 10.5.04, "AUTOMATED TRAFFIC SIGNAL ENFORCEMENT", OF CHAPTER 10.5, "VEHICLES AND TRAFFIC" OF THE CITY CODE: BY AMENDING PARAGRAPH 1. OF SUBSECTION D., "ADMINISTRATIVE ADJUDICATION HEARING"; PROVIDING A RESPONSE PERIOD AFTER RECEIPT OF NOTICE OF VIOLATION; 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 Paragraph 1. of Subsection D, Administrative adjudication hearing, of Section 10.5.04, "Automated Traffic Signal Enforcement", of Chapter 10.5, TRAFFIC CONTROL DEVICES, of Title 10, VEHICLES AND TRAFFIC, of

the Code of the City of Dalworthington Gardens, be amended so that hereafter the same shall be and read as follows:

1. A person who receives a notice of violation may contest the imposition of the civil penalty by requesting in writing an administrative adjudication of the civil penalty within 25 days after receipt of the notice of violation. Upon receipt of a timely request, the department shall notify the person of the date and time of the administrative adjudication hearing. The hearing shall be held before a hearing officer appointed by the mayor.

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

Discussion Only

20. Future agenda items-
Mayor Pro tem Snodgrass requested a mid-term budget review
Engineering contract and a detailed brief on the Pleasant Ridge project
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ADJOURN

On motion by Councilman Piland, seconded by Councilman Loe, by a vote of 5 ayes and no nays, the meeting was adjourned.