

**MINUTES of a MEETING
of the
DALWORTHINGTON GARDENS
CITY COUNCIL
on
Thursday, February 16, 2006**

EXECUTIVE SESSION

An executive session of the City Council was held at 6:30 o'clock p.m. on Thursday, February 16, 2006, in the Council Chambers of the Dalworthington Gardens City Hall, 2600 Roosevelt Drive, Dalworthington Gardens, Texas in closed, executive session pursuant to the provision of the Open Meetings Law, Chapter 551 of the Government Code, in accordance with the authority contained in Section 551.071 for the purpose of discussing property acquisition.

REGULAR SESSION

A regular meeting was held at 7:00 o'clock p.m. on Thursday, February 16, 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.

Members Present:

Albert A. Taub, Mayor
Guy Snodgrass, Mayor Pro tem
Mike Pettke, Councilman
Michael Tedder, Councilman
Ken Wallace, Councilman
Jim Piland, Councilman

Staff Present:

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

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

Action from Executive session:

The Mayor asked if the Council wanted to take action on the matter of property acquisition discussed in the executive session. Upon a motion by Councilman Pettke, seconded by Councilman Wallace, by a vote of 5 ayes and no nays, the following resolution was adopted:

RESOLUTION NO. 06-07

A RESOLUTION DECLARING THE NECESSITY OF ACQUIRING THE REAL PROPERTY LOCATED AT 2520 ROOSEVELT DRIVE; DETERMINING THAT THE PROPERTY IS NEEDED FOR A PUBLIC PURPOSE AND AUTHORIZING NEGOTIATION WITH THE OWNER(S) FOR SUCH ACQUISITION

WHEREAS, the City Council has determined and hereby finds that it is in the best interest of the City and for the public good that certain property adjacent to the present City Hall of the City be acquired in order to provide land area for an orderly growth and expansion of the City Hall and related municipal facilities; and

WHEREAS, the said adjacent property (the "Property") is described as the southeast part of Lot 8, Block 1, DALWORTHINGTON GARDENS, located at and otherwise known as 2520 Roosevelt Drive; and

WHEREAS, the City has caused an appraisal of the Property to be performed by a land appraiser licensed and certified by the State of Texas and otherwise qualified to perform real property appraisals, for the purpose of determining the fair market value of the Property; and

WHEREAS, the City Council now wishes to offer to the owner or owners of the Property an amount constituting its appraised value and to enter into negotiation for the City's acquisition of the Property; NOW THEREFORE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS:

1.

That a title examination be conducted to determine and identify all parties having an ownership interest in the Property (as described above).

2.

That the City Attorney and city staff are hereby authorized and directed to enter into negotiation with the party or parties determined to own the Property in a bona fide attempt to acquire the Property for an amount not less than its fair market value.

3.

That the value of the Property as appraised by Dennis Jorgensen, SRA, as of February 6, 2006, is accepted as the fair market value of the Property for the purpose of the offer and negotiation hereby authorized.

(agenda item 1) **Citizen comments**

The Mayor called for citizen comments and the following persons addressed the council:

Cathy Stein, 2622 Clover Lane, gave a park board report.

Chris Danford, 3710 Dustin Trail, addressed the council concerning potential land uses and potential buyers of the Frazier Estate on Dustin Trail.

(agenda item 2) **Mayor and Council comments**

Councilman Wallace responded to Mr. Danford with the observation that the neighborhood is designed and being used for single-family residences and that the homeowners' association for that subdivision should address the concerns.

(agenda item 3) **Departmental Reports and January Financial Report**

Chief Waybourn and Ms. Brittain presented departmental and financial reports. On motion by Councilman Piland, seconded by Councilman Tedder, it was:

RESOLVED, that the departmental reports and financial report for the month of January be approved and placed in the records of the city.

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

(agenda item 4) **Minutes of January 19, 2006 City Council meeting**

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

RESOLVED, that the minutes of the January 19, 2006 council meeting be approved and placed in the records of the city.

Motion passed by a vote of 5 ayes and 0 nays.

(agenda item 5) **Inter-local Agreement between the Region IV Education Service Center providing for a cooperative purchasing program for goods and services.**

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

RESOLUTION No. 06 -08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BETWEEN THE REGION IV EDUCATION SERVICE CENTER, WHICH SPONSORS THE COOPERATIVE PURCHASING NETWORK (TCPN), PROVIDING FOR A COOPERATIVE PURCHASING PROGRAM FOR GOODS AND SERVICES;

DESIGNATING THE MAYOR OF THE CITY AS OFFICIAL REPRESENTATIVE OF THE CITY RELATING TO THE PROGRAM.

WHEREAS, the City Council of the City of Dalworthington Gardens has been presented a proposed Interlocal Agreement by and between the Region IV Education Service Center, which sponsors The Cooperative Purchasing Network, and the City and found to be acceptable and in the best interests of the City; and

WHEREAS, the City, pursuant to the authority granted under Sections 271.101 to 271.102 of the Local Government Code, desires to participate in the described purchasing program sponsored by the Region IV Education Service Center which is known as "The Cooperative Purchasing Network", and is of the opinion that participation in this program will be highly beneficial to the taxpayers through the anticipated savings to be realized; NOW THEREFORE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS:

1.

That the terms and conditions of the agreement having been reviewed by the City Council of the City, are found to be acceptable and in the best interests of the City and its citizens, and are hereby in all things approved.

2.

That the Mayor of the City is hereby designated to act for the City in all matters relating to The Cooperative Purchasing Network including the designation of specific contracts in which the City desires to participate.

(agenda item 6) **Resolution and Staff Report Abating Show Cause Proceeding & Ratifying Settlement and Notice of Steering Committee Meeting.**

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

Resolution No. 06 - 09

**RESOLUTION CONTINUING ABATEMENT OF SHOW-CAUSE
AND ACCEPTING SETTLEMENT WITH TXU ELECTRIC DELIVERY**

WHEREAS on or about September 16, 2004, the City of Dalworthington Gardens, Texas, acting under its original jurisdiction to regulate electric transmission and distribution utilities and as a member of the Steering Committee

of Cities served by TXU (Steering Committee) did pass a resolution requiring TXU Electric Delivery (Electric Delivery) to show-cause why its rates should not be reduced; and

WHEREAS Electric Delivery and the Steering Committee engaged in settlement discussions regarding abatement of any full-scale rate investigation and interim relief that may be available to Cities leading to a settlement in February 2005 that made Steering Committee members whole for their alleged excess costs associated with street lighting and water pumping in exchange for delay in Show-Cause filing requirements; and

WHEREAS Electric Delivery has desired to further extend for two years the currently scheduled June 2006 rate case filing in exchange for extension of payments to Cities under the February 2005 Agreement and other benefits to Cities; and

WHEREAS the Steering Committee and Electric Delivery have reached a Settlement Agreement that extends the previously negotiated settlement terms by two years and adds benefits to Cities, including reimbursement for participation in ERCOT and market development activities and \$18 million in funds for beneficial public use as may be determined in the discretion of Steering Committee member cities and which may include, but which is not limited to, energy education for citizens, reductions in rates for city services, investments in community facilities, and investment in energy efficiency measures; and

WHEREAS current electric market constraints make it impractical to pass the potential benefits of rate reductions on to residential ratepayers, because most consumers remain on price to beat rates which are fixed by statute and rule, and the minority of consumers who have switched to service from a competitive retail electric supplier may only realize rate reduction benefits if their REP contract requires a pass-through of such rate reduction; and

WHEREAS the Steering Committee and Electric Delivery have reached a separate agreement wherein the Company will increase franchise fee factors over a four-year period producing increased revenues for each member city; and

WHEREAS Electric Delivery has committed to the Steering Committee during the period of rate case abatement to share information on certain company operations and procedures that should enhance the Cities' ability to appropriately exercise regulatory responsibilities in the rate proceeding that Electric Delivery has agreed to file on or before July 1, 2008;

WHEREAS the Settlement Agreement calls for immediate and long-term benefits to flow to all city members of the Steering Committee which in turn have indirect but positive benefit to all city residents and public safety in general; and

WHEREAS the Steering Committee values the benefits of settlement to Cities at approximately \$85 million between 2005 and 2009 and comparable value is unlikely to be achieved through litigation. **NOW THEREFORE**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS:

1. That the Show-Cause proceeding initiated against TXU Electric Delivery in Resolution No. 04-48 is further abated and no rate case filing will be expected from Electric Delivery before July 1, 2008.
2. That the Extension And Modification of Settlement Agreement and Agreement To Resolve Outstanding Franchise Issues, both dated January 19, 2006, between the Cities' Steering Committee and TXU Electric Delivery are hereby ratified.

(agenda item 7) **Public Hearing: Application for preliminary plat.**
Applicant: Charles Wilbanks & Company, Inc.
Location: Vacant property located on Pioneer Parkway east of Michigan Avenue and west of Roosevelt Drive adjacent to Campo Verde restaurant.
Property Description: Lot 1, Block 1, Nathan Smith Addition.
Present Zoning: B3 (Business District).

Mayor Taub opened the public hearing at 7:26 p.m. and asked for public comment. There being no persons wishing to speak, the Mayor closed the public hearing at 7:26 p.m.

(Resolution #06-10) On motion by Mayor Pro tem Snodgrass, seconded by Councilman Wallace, it was:

RESOLVED, that the application for preliminary plat of the vacant property located on Pioneer Pkwy east of Michigan Avenue and west of Roosevelt Drive adjacent to Campo Verde restaurant be approved as submitted.

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

(agenda item 8) **Steering Committee for the Garden's Gathering.**

(Resolution #06- 11) On motion by Councilman Wallace, seconded by Councilman Piland, it was:

RESOLVED, that the steering committee for the 2006 Garden's Gathering, consisting of the following chairs: General Chair/Park Board Liaison, Publicity/Correspondence Chair, Entertainment Chair, Food/Refreshments Chair, Activities/Neighborhood Coordinator, Arrangements Chair, and Solicitations Chair is hereby approved.

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

(agenda item 9) (Tabled) **Agreement with JPMorgan Chase Bank for Procurement Cards.**

(Resolution #06-12) On motion by Councilman Piland, second by Mayor Pro tem Snodgrass and a vote of 5 ayes and no nays, the item was taken off the table. On motion by Councilman Wallace, seconded by Councilman Piland, it was:

RESOLVED, that the agreement with JPMorgan Chase Bank for Procurement Cards be approved with a limit of \$10,000 and two (2) cards for a single account.

RESOLVED FURTHER, that the Mayor is hereby authorized to execute the agreement and the City Secretary is authorized to attest to such execution.

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

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

(agenda item 10) (Tabled) **Employee Insurance and Health Savings Accounts.**

On motion by Mayor Pro tem Snodgrass, seconded by Councilman Wallace by a vote of 5 ayes and no nays, the item was taken off the table. After discussion, on motion by Councilman Tedder, seconded by Councilman Pettke, by a vote of 5 ayes and no nays, the item was tabled.

(agenda item 11) (Tabled) **City Employee Payroll Direct Deposit Resolution.**

(Resolution #06-13) On motion by Mayor Pro tem Snodgrass, seconded by Councilman Pettke, by a vote of 5 ayes and no nays, the item was taken off the table. On motion by Councilman Tedder, seconded by Mayor Pro tem Snodgrass, it was:

RESOLVED, that the proposal of Paychex for a city employee payroll direct deposit system is hereby approved.

RESOLVED FURTHER, that the Mayor and City Secretary are hereby authorized to execute all documents necessary to implement the plan in accordance with the proposal.

RESOLVED FURTHER, that a copy of the Paychex proposal be appended to this resolution.

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

(agenda item 12) (Tabled) **Black Dot Lease Agreement- Lease Optimization Term Sheet and Sample Amendment**

On motion by Mayor Pro tem Snodgrass, seconded by Councilman Pettke, by a vote of 5 ayes and no nays, the item was taken off the table. After discussion, on motion by Councilman Tedder, seconded by Mayor Pro tem Snodgrass, by a vote of 5 ayes and no nays, the item was tabled.

(agenda item 13) **Proposal for headwalls for Elkins Drive box culvert.**

(Resolution 06-14) On motion by Councilman Pettke, seconded by Councilman Tedder, it was:

RESOLVED, that the bid proposal of Reliant Paving, Inc. of Arlington, Texas dated February 6, 2006, for the construction of headwalls for a box culvert on Elkins Drive in accordance with plans prepared by Teague, Nall and Perkins, the city engineers, be approved in the amount of \$8,220.00.

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

The motion carried by a vote of 4 ayes and 1 nay, Mayor Pro tem Snodgrass voting nay.

(agenda item 14) **Contractual Payroll Services.** No action was taken on this agenda item, such matters having been addressed by prior actions of the city council.

(agenda item 14 a.) **Memorandum of Understanding for the use of Gardens Park and Elkins Lake by the TEJAS District, Longhorn Council, Boy Scouts of America.**

(Resolution #06-15) On motion by Councilman Tedder, seconded by Councilman Piland, it was:

RESOLVED, that the Memorandum of Understanding for the use of Gardens Park and Elkins Lake by the TEJAS District, Longhorn Council, Boy Scouts of America during the period of June 12 to June 16, 2006, is hereby approved.

RESOLVED FURTHER, that the Mayor is hereby authorized to execute the said memorandum on behalf of the City and the City Secretary is hereby authorized to attest to its execution.

RESOLVED FURTHER, that a copy of the Memorandum shall be placed in the records of the city.

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

(agenda item 15) **Future agenda items**

There was no request for future agenda items. There was discussion of a possible change in the meeting date for the City Council meeting in March, 2006, but the matter not being on the agenda for this meeting, no action was taken.

The Mayor called a special meeting for March 9, 2006 at 7:00p.m.

(agenda item 16) **Adjournment**

There being no further business before the council, on motion by Mayor Pro tem Snodgrass, seconded by Councilman Piland, by unanimous vote, the meeting was adjourned at 8:30 p.m.