

**MINUTES of a
SPECIAL MEETING
of the
DALWORTHINGTON GARDENS
CITY COUNCIL
TUESDAY, APRIL 5, 2011 7:00 PM**

A special meeting of the City Council was held at 7:00 o'clock p.m. on Tuesday, April 5, 2011, 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

MEMBERS ABSENT:

Ed Motley, Councilman
Jim Piland, Councilman

STAFF PRESENT:

Melinda Brittain, City Secretary
Bill Waybourn, Chief of Public Safety
Dick Perkins, City Engineer
Jim Jeffrey, City Attorney
Krysten Jeter, Deputy City Secretary

CALL TO ORDER: Mayor Tedder called the meeting to order at 7:20 p.m.

Action Items:

1. Resolution 11-24, Repair proposal in reference to the 300,000 Gallon Elevated Storage Tank

On motion by Mayor Pro tem Snodgrass, seconded by Councilman Pettke, by a vote of 3 ayes and 0 nays, it was:

RESOLVED, that the repair proposal be approved and placed in the records of the city.

2. Resolution 11-25, Agreement: Wastewater Collection System Flow Monitoring

On motion by Mayor Pro tem Snodgrass, seconded by Councilman Pettke, by a vote of 3 ayes and 0 nays, it was:

RESOLVED, that the Agreement for Wastewater Collection System Flow Monitoring be approved and placed in the records of the city.

3. Resolution 11-26, Social Security benefits

On motion by Councilman Pettke, seconded by Mayor Pro tem Snodgrass, by a vote of 3 ayes and 0 nays, it was:

RESOLVED, that the city and city employees opt out of social security benefits with the employees receiving half of the city's portion (3.1%) beginning April 1, 2011 and that employees be reimbursed for the employee portion dating back to January, 1, 2011.

4. Resolution 11-27: Confirming the City Council's approval of previous appointments of Reserve Police Officers and Public Safety Officers pursuant to former Code § 2.3.23 which was recently re-numbered as Code § 9.04.084.

On motion by Councilman Pettke, seconded by Mayor Pro tem Snodgrass, by a vote of 3 ayes and 0 nays, it was:

RESOLVED, that the City Council's approval of previous appointments of Reserve Police Officers and Public Safety Officers pursuant to former Code § 2.3.23 which was recently re-numbered as Code § 9.04.084. is confirmed.

5. Ordinance 11-02: Cancellation of May 14, 2011 General Election in accordance with Section 2.053 of the Texas Election Code in reference to unopposed candidates.

On motion by Councilman Pettke, seconded by Councilman Loe, by a vote of 3 ayes and 0 nays, the following ordinance was adopted, cancelling the May 14, 2011 Election:

AN ORDINANCE DECLARING UNOPPOSED CANDIDATES IN THE MAY 14, 2011 GENERAL CITY ELECTION, ELECTED TO OFFICE; CANCELING THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the general city election was called for May 14, 2011, for the purpose of electing members to the city council; and

WHEREAS, the city secretary has certified in writing that there is no proposition on the ballot, that no person has made a declaration of write-in candidacy, and that each candidate on the ballot is unopposed for election to office; and

WHEREAS, under these circumstances, Subchapter C, Chapter 2, Election Code, authorizes the city council to declare the candidates elected to office and cancel the election;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS:

Section 1. The following candidates, who are unopposed in the May 14, 2011 general city election, are declared elected to office, and shall be issued certificates of election following the time the election would have been canvassed:

Alderman Place 3: Jim Piland
Alderman Place 4: Ed Motley
Alderman Place 5: Steve Loe

Section 2. The May 14, 2011 general city election is cancelled, and the city secretary is directed to cause a copy of this ordinance to be posted on Election Day at each polling place that would have been used in the election.

Section 3. It is declared to be the intent of the city council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance is declared invalid by the judgment or decree of a court of competent jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the city council would have enacted them without the invalid portion.

Section 4. This ordinance shall take effect upon its final passage, and it is so ordained.

6. Resolution 11-28, Public Utility Commission of Texas 2011 Consumer Price Index Adjustment to Municipal Telecommunications Right-Of-Way Access Line Rates.

On motion by Councilman Loe, seconded by Mayor Pro tem Snodgrass, by a vote of 3 ayes and 0 nays, it was:

RESOLVED, that the Public Utility Commission of Texas 2011 Consumer Price Index Adjustment to Municipal Telecommunications Right-Of-Way Access Line Rates be approved and placed in the records of the city.

7. Resolution 11-29, Park Waterfall Feature

On motion by Councilman Pettke, seconded by Mayor Pro tem Snodgrass, by a vote of 3 ayes and 0 nays, it was:

RESOLVED, that the park waterfall feature be approved as presented by Mow & Grow, subject to approval of the conceptual plan, not to exceed \$20,000.

Adjourn

On motion by Councilman Pettke, seconded by Mayor Pro tem Snodgrass, by a vote of 3 ayes and 0 nays, the meeting was adjourned at 8:45 p.m.