

**MINUTES of a MEETING
of the
DALWORTHINGTON GARDENS
CITY COUNCIL
May 19, 2005**

REGULAR SESSION

A regular meeting of the City Council of the City of Dalworthington Gardens was held at 7:00 o'clock p.m. on Thursday, May 19, 2005 in the Council Chambers of the Dalworthington Gardens City Hall, 2600 Roosevelt Drive, Dalworthington Gardens, Texas.

Members Present:

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

Members Absent:

Max Stewart

Staff Present:

Melinda Brittain- City Administrator
Stan Wilkes- City Attorney
Bill Waybourn- Chief of Public Safety
Greg Saunders- City Engineer

CALL TO ORDER: A quorum of the Council being present, the Mayor, Mr. Taub called the meeting to order at 7:05 pm

(Agenda Item 1) **Canvas election results**

The City Administrator, Melinda Brittain, reported the election results:

On motion by Councilman Wallace, seconded by Councilman Tedder it was resolved:

RESOLUTION AND ORDER

CANVASSING RETURNS AND DECLARING RESULTS OF
ELECTION OF ALDERMEN HELD ON MAY 7, 2005

WHEREAS, heretofore City the Council of the City of Dalworthington Gardens ordered an election to be held in the City on the 7th day of May, 2005 for the purpose of electing aldermen to fill the expiring terms of incumbent aldermen; and

WHEREAS, notice of the election was given as required by law and as provided in the election order; and

WHEREAS, the said election was duly and legally held on the 7th day of May, 2005, in conformity with the election laws of the State of Texas and applicable provisions of the Texas Local Government Code; and

WHEREAS, the results of the election have been certified and returned by the proper judges and clerks of the said election; and

WHEREAS, the City Council of the City has today considered the returns of the election held on May 7, 2005; and

WHEREAS, it appears to the said City Council, and the City Council so finds, that the said election was in all respects lawfully held; and

WHEREAS, it appears to the said City Council, and the City Council so finds, that the presiding election judge and the City Secretary have tabulated the results of the said election and have certified such tabulation to the City Council, and that such tabulation is correct;

NOW THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS:

1. That the tabulation of votes cast in the election held on the 7th day of May, 2005, for the election of aldermen to the governing body of the City of Dalworthington Gardens, made and certified to by the presiding election judge and the City Secretary of the City, a copy of which is attached hereto and made a part hereof, be and the same is hereby adopted as the official tabulation of the votes cast at said election; that said tabulation be filed and recorded in the official records of the City; and that a certified copy of the same be forwarded to the City Secretary of the City of Dalworthington Gardens to be made a part of the official records of said city.

2. That the said official canvass of the returns of said election reflects the following:

Registered voters:	1,899
Ballots cast:	556
Michael Tedder:	312, 21.02%
Jim Piland:	296, 19.95%
Max Stewart:	276, 18.60%
Steve Crudup:	283, 19.07%
Ken Wallace:	317, 21.36%
Over votes: 0	Under votes: 184
Ballots left blank:	None

3. That the official canvass of the returns reflects that the following persons were elected to the governing body of the City:

Michael Tedder

Ken Wallace

Jim Piland

RESOLVED, that the canvas of the votes for the May 7, 2005 election, be approved and placed in the records of the City.

The motion passed by a vote of 3 ayes and 0 nays

(Agenda Item 2) **Administer Oath of Office**

Jim Piland, Ken Wallace, and Michael Tedder took oaths of office for new terms.

(Agenda Item 3) **Citizen comments**

Dr. Phil Bailey, 4100 Hemingsford Ct.- requested that Council make sure that the buffer and landscaping go in before construction starts on the Bowen/Pleasant Ridge project.

Kathy Price, 2820 Whisperwood Trail- gave the Park Board status report.

(Agenda Item 4) **Mayor and Council comments**

Mayor stated how good the park looked.

Councilman Pettke stated that he would like to see some of the cattails thinned out at the pond on the south end.

(Agenda Item 5) **Departmental Reports and April Financial Report**

Melinda Brittain gave the departmental and financial report for April, stated corrections on budget, and mentioned that we had a lot of projects coming up.

Chief Waybourn gave the DPS report and asked everyone to mark their calendars for June 4, 2005 for Day with the Law.

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

RESOLVED, that the departmental and financial reports for the month of April, be approved and placed in the records of the City.

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

(Agenda Item 6) **Minutes of April 21, 2005 Meeting**

Council reviewed the minutes of the April 21, 2005 meeting, and asked that the stated corrections be made. On motion by Councilman Pettke, seconded by Councilman by Wallace it was:

RESOLVED, that the minutes of the meeting of the City council held on April 21, 2005 with corrections made, be approved and placed in the records of the City.

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

(Agenda Item 7) **Citizen Claim**

(Agenda Item 8) **Resolution 05-38, Abating Show-Cause and Accepting Settlement with TXU Electric Delivery**

Council reviewed the Settlement with TXU Electric Delivery. On motion by Councilman Pettke, seconded by Councilman Tedder, the following resolution was adopted:

RESOLUTION 05-38

**RESOLUTION ABATING SHOW-CAUSE
AND ACCEPTING SETTLEMENT WITH
TXU ELECTRIC DELIVERY**

WHEREAS on or about May 19, 2005, the City of Dalworthington Gardens, 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; and

WHEREAS it remains impractical, if not impossible, to deliver rate relief to the vast majority of residential customers until the expiration of price to beat (PTB) on January 1, 2007; and

WHEREAS the unfair and adverse impacts of street lighting and water pumping tariffs that Cities have experienced since the implementation of retail deregulation on January 1, 2002 can be addressed on an interim basis pending a final order in a future rate case through a financial distribution

from the Steering Committee of funds received from Electric Delivery as part of a Settlement; and

WHEREAS the coupling of interim relief with the Steering Committee's recognition that resources should be devoted to the 2005 Legislative Session to promote overall enhancements in electric retail competition for the benefit of all end-users; and

WHEREAS the Steering Committee and Electric Delivery have entered into a Settlement Agreement pending approval by the 20 Cities that passed show-cause resolutions; and

WHEREAS Electric Delivery has agreed to improve communication, coordination and timing of construction in rights of way, permit development of a tariff that will allow city mandated underground placement of distribution facilities, modify certain franchise renewal negotiation positions and improve meter reading on certain city accounts that are estimated; 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, 2006; and

WHEREAS that 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.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS that:

1. The Show-Cause proceeding initiated against TXU Electric Delivery in Resolution No. 05-38 is abated and no rate case filing will be expected from Electric Delivery before July 1, 2006.

2. The Settlement Agreement between the Cities' Steering Committee and TXU Electric Delivery is hereby ratified.

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

(Agenda Item 9) **Set date for 2005 Gardens Gathering**

Council reviewed the Park Board's request to hold the Gardens Gathering on October 9, 2005. On motion by Councilman Pettke, seconded by Councilman Wallace, the following resolution was adopted:

RESOLUTION NO. 05 – 36

A RESOLUTION DECLARING OCOTBER 9, 2005 TO BE THE GARDENS GATHERING DATE FOR 2005.

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

That October 9, 2005 is hereby declared to be the annual Gardens Gathering Day for 2005.

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

(Agenda Item 10) **Resolution 05-37, Approval of contract with the Texas Commission on Fire Protection to award an emergency funding grant**

Council reviewed the contract with the Texas Commission on Fire Protection to award and emergency funding grant. On motion by Councilman Tedder, seconded by Councilman Pettke it was:

RESOLVED, that the contract with the Texas Commission on Fire Protection to award an emergency funding grant, be approved and placed in the records of the City.

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

(Agenda Item 11) **Resolution 05-39 Appoint Zoning Board of Adjustments members to fill vacancies.**

Council discussed citizens to be nominated to fill the vacancy. On motion by Mayor Pro tem Snodgrass, seconded by Councilman Pettke it was:

RESOLVED, that the nomination of Ned Webster to be appointed to the Zoning Board of Adjustments to fill vacancy, be approved and placed in the records of the City.

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

(Agenda Item 12) **Consultant report of City Hall needs assessment study.**

Council scheduled a work-session with the consultant for Monday June 6, 2005, in the Council Chambers.

(Agenda Item 13) **Future Agenda Items**

Councilman Wallace asked that David Cox, City Engineer for the City of Arlington be invited to the next council meeting to discuss and get an update of the Pleasant Ridge Road project.

(Agenda Item 14) **Adjourn**

On motion by Councilman Tedder, seconded by Councilman Wallace, the meeting was adjourned at 7:57 pm.