

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

Regular Session: Thursday, May 18, 2006 7:00 P.M.

EXECUTIVE SESSION

An executive session of the City Council was held at **6:30 o'clock p.m.** on **Thursday, May 18, 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:

The City Council will meet 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 to discuss:

- a. Land Lease
- b. Property Acquisition

REGULAR SESSION

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

Guy Snodgrass, Mayor Pro tem
Michael Tedder, Councilman
Ken Wallace, Councilman
Jim Piland, Councilman
Mike Pettke, Councilman

Staff Present:

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

CALL TO ORDER- Mayor Pro tem Snodgrass called the meeting to order at 7:10 pm.

1. Executive session action
 - a. Land Lease
 - b. **RESOLUTION 06-25**, Property Acquisition
On motion by Councilman Pettke, seconded by Councilman Piland, the following resolution was adopted by a vote of 4 ayes and 0 nays.

RESOLUTION NO. 06 – 25

A RESOLUTION AUTHORIZING EXECUTION OF
AN AGREEMENT WITH CATHERINE ADELE BLAKE
FOR THE PURCHASE OF REAL PROPERTY

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

1.

That the Mayor is hereby authorized to execute an agreement with Catherine Adele Blake providing for the purchase by the City from Mrs. Blake of certain real property at 2520 Roosevelt Drive in the City, a copy of the agreement being appended to this resolution.

2.

That the Mayor is further authorized to execute all instruments and perform all acts required of the City for the performance of the agreement.

2. Citizen comments
Ryan Osborne of Eagle Scout Troop 215 of Mansfield presented his project requesting approval to replace the trail border of the chat trails with an amount not to exceed \$800.00.

3. Mayor and Council comments
Mayor Pro tem Snodgrass spoke
Councilman Pettke spoke

4. Departmental Reports and April Financial Report
On motion by Councilman Pettke, seconded by Councilman Tedder, it was:

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

Motion passed by a vote of 4 ayes and 0 nays.

5. Minutes of April 20, 2006 Meeting
On motion by Councilman Wallace, seconded by Councilman Piland, it was:

RESOLVED, that the minutes of the April 20, 2006 City Council meeting be approved and placed in the records of the city.

Motion passed by a vote of 4 ayes and 0 nays.

6. **RESOLUTION 06-26**, Canvass May 13, 2006 General Election returns and declare results

Melinda Brittain gave the General Election returns and results from Tarrant County as follows:

Registered voters:	1,940
Ballots cast:	744
Michael Tedder:	420, 56.91%
Al Taub:	318, 43.09%
Mike Pettke:	491, 100.00%
Lynn Remsing:	352, 49.65%
Guy Snodgrass:	357, 50.35%
Over votes: 0	Under votes: 294
Ballots left blank:	0

On motion by Councilman Pettke, seconded by Councilman Piland, the following resolution and order was adopted by a vote of 4 ayes and 0 nays.

RESOLUTION AND ORDER

CANVASSING RETURNS AND DECLARING RESULTS OF
ELECTION OF ALDERMEN HELD ON MAY 13, 2006

WHEREAS, heretofore City the Council of the City of Dalworthington Gardens ordered an election to be held in the City on the 13th day of May, 2006 for the purpose of electing a mayor and aldermen to fill the expiring terms of the incumbent mayor and 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 13th day of May, 2006, 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 13, 2006; 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 13th day of May, 2006, for the election of a mayor and aldermen, places 1 and 2 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:	1,940
Ballots cast:	744
Michael Tedder:	420, 56.91%
Al Taub:	318, 43.09%
Mike Pettke:	491, 100.00%
Lynn Remsing:	352, 49.65%
Guy Snodgrass:	357, 50.35%
Over votes: 0	Under votes: 294
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:

Mayor: Michael Tedder

Alderman, Place 1: Mike Pettke

Alderman, Place 2: Guy Snodgrass

7. Oath of Office of newly elected officials
Michael Tedder, Mike Pettke, Guy Snodgrass were given oath of office as sworn in by Judge Hudson. Michael Tedder read Mayoral Proclamation to

Mayor Taub. Chaplain McDuffie gave a prayer asking for the new administration to be blessed.

8. **RESOLUTION 06-27**, Action on vacancy of Alderman Place 5
On motion by Councilman Pettke, seconded by Mayor Pro tem Snodgrass, it was:

RESOLVED, that the vacancy of Alderman Place 5 be filled by Steve Loe.

Motion passed by a vote of 4 ayes and 1 abstain by Councilman Wallace.

Councilman Piland had to leave the meeting at this time due to a prior engagement.

9. **RESOLUTION 06-28**, Computer network and desktop support service agreement
Kris Stawaratz- representative of KD1 Solutions
Olivia Kim- representative of Datamax gave presentation
On motion by Mayor Pro tem Snodgrass, seconded by Councilman Pettke, it was:

RESOLVED, that the Computer network and desktop support service agreement be approved with KD Solutions in the amount of \$1,250.00 per month for a period of six months, a copy of the agreement shall be placed in the records of the city.

Motion passed by a vote of 4 ayes and 0 nays.

10. **RESOLUTION 06-29**, GRIP filing by ATMOS Energy
On motion by Councilman Wallace, seconded by Councilman Pettke, the following resolution was adopted by a vote of 4 ayes and 0 nays.

RESOLUTION NO. 06-29

A RESOLUTION OF THE CITY OF DALWORTHINGTON GARDENS,
TEXAS, DENYING ATMOS ENERGY CORPORATION 2005 GRIP FILING.

WHEREAS, the City of Dalworthington Gardens (“City”) is a regulatory authority under the Gas Utility Regulatory Act (“GURA”) and has original jurisdiction over the gas utility rates of Atmos Energy Corp., Mid-Tex Division (the “Company”); and

WHEREAS, there is before the governing body of the City the matter of either suspending the effective date of the 2005 grip filing for an additional period of 45 days or of denying the Atmos Energy request contained in its filing; and

WHEREAS, the City Council of the City desires to deny outright and not to further extend action on the 2005 GRIP filing; NOW, THEREFORE,

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

1.

That the City does hereby elect not to suspend the effective date of the 2005 GRIP filing of Atmos Energy Corporation and does hereby further deny the same in all respects.

2

That it is hereby officially found and determined that the meeting at which this Resolution is adopted is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

11. TXU Settlement Benefits

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

RESOLVED, that the city receive TXU settlement benefits quarterly.

Motion passed by a vote of 4 ayes and 0 nays.

12. Park Board requests:

a. **RESOLUTION 06-30**, Set the date and time for the 2006 Gardens Gathering

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

RESOLVED, that the date and time for the 2006 Gardens Gathering be set for Sunday October 1, 2006 from 2:30pm-6:30pm as requested by Park Board.

Motion passed by a vote of 4 ayes and 0 nays.

b. **RESOLUTION 06-31**, Texas Parks and Wildlife Grant Application

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

RESOLVED, that the Resolution for the Texas Parks and Wildlife Grant Application for park improvements be approved.

Motion passed by a vote of 4 ayes and 0 nays.

- c. **RESOLUTION 06-32**, Construction of a pitcher's mound on the baseball field
On motion by Councilman Wallace, seconded by Councilman Pettke, it was:

RESOLVED, that the construction of a pitcher's mound on the baseball field be approved, contingent to it being placed on the side of the ball field and that the field stay flat.

Motion passed by a vote of 4 ayes and 0 nays.

- d. **RESOLUTION 06-33**, Eagle Scout Project
On motion by Mayor Pro tem Snodgrass, seconded by Councilman Wallace, it was:

RESOLVED, that the Eagle Scout project presented by Ryan Osborne be approved not to exceed an amount of \$800.00.

Motion passed by a vote of 4 ayes and 0 nays.

- e. **RESOLUTION 06-34**, Solicitation and allocations of donations
On motion by Councilman Wallace, seconded by Councilman Pettke, it was:

RESOLVED, that the solicitation and allocations of donations be approved.

Motion passed by a vote of 4 ayes and 0 nays.

- f. **RESOLUTION 06-35**, Longhorn photo fundraiser
On motion by Councilman Wallace, seconded by Councilman Pettke, it was:

RESOLVED, that the Longhorn photo fundraiser requested by the Park Board be denied.

Motion passed by a vote of 4 ayes and 0 nays.

13. Inventory and review of existing billboard signs
On motion by Mayor Pro tem Snodgrass, seconded by Councilman Pettke, it was:

RESOLVED, that the city collect all fees now due for the billboards in the city and that the billboard permit fees be reviewed at the next council meeting.

Motion passed by a vote of 4 ayes and 0 nays.

14. **RESOLUTION 06-36**, Replace/Repair of Public Works Tractor
On motion by Councilman Pettke, seconded Councilman Wallace, it was:

RESOLVED, that the Public Works Tractor be replaced with a 4WD tractor for an amount not to exceed \$8,690.00 pursuant to proposal appended to this resolution.

Motion passed by a vote of 3 ayes and 1 nay from Mayor Pro tem Snodgrass.

15. (Tabled) **RESOLUTION 06-37**, Employee Insurance and Health Savings Accounts
On motion by Councilman Wallace, seconded by Councilman Pettke the item was untabled.

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

RESOLVED, that staff bring council a Health Care Plan, not to exceed \$35,000 for remainder of this year.

Motion passed by a vote of 4 ayes and 0 nays.

16. Future agenda items
17. Adjourn
On motion by Councilman Pettke, seconded by Councilman Wallace the meeting was adjourned by unanimous vote.

Guy Snodgrass, Mayor Pro tem

ATTEST:

Melinda Brittain, City Secretary