

**MINUTES
of the
DALWORTHINGTON GARDENS
CITY COUNCIL**

Regular Session: Thursday, June 21, 2007 7:00 P.M.

REGULAR SESSION

A regular meeting was held at **7:00 o'clock p.m.** on **Thursday, June 21, 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:

MEMBERS PRESENT:

Michael Tedder, Mayor
Ken Wallace, Councilman
Mike Pettke, Councilman
Steve Loe, Councilman
Jim Piland, Councilman

MEMBERS ABSENT:

Guy Snodgrass, Mayor Pro tem

STAFF PRESENT:

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

CALL TO ORDER

Agenda Item 1: Citizen comments.

Agenda Item 2: Mayor and Council comments.

Agenda Item 3: Departmental Reports and May Financial Report.

(Resolution 07-54): On motion by Councilman Pettke, seconded by Councilman Wallace, by a vote of 4 ayes and no nays, it was:

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

Agenda Item 5: Minutes of May 17, 2007 Meeting.

(Resolution 07-55): On motion by Councilman Pettke, seconded by Councilman Loe, by a vote of 4 ayes and 0 nays, it was:

RESOLVED, that the minutes of the May 17, 2007 meeting be approved and placed in the records of the city.

Tabled Items from May 17, 2007 Meeting

Agenda Item 6: Resolution: Interlocal agreement with City of Arlington for automated signal enforcement.

(Resolution 07-56) On motion by Councilman Wallace, seconded by Councilman Pettke, by a vote of 4 ayes and no nays, this item was removed from the table. On motion by Councilman Wallace, seconded by Councilman Pettke, by a vote of 4 ayes and 0 nays, it was:

RESOLVED, that the interlocal agreement with the City of Arlington for automated signal enforcement be denied.

Public Hearings with possible Action

Agenda Item 7: Public Hearing: A request for a change in zoning from B2 Commercial to a Planned Development PD with a B3 overlay submitted by RaceTrac Petroleum, Inc., located in the Dalworthington Gardens Addition, Lots 6B, 7C, 7A1, 7B1, and 7D1, Block 2 at the southwest corner of the intersection of Bowen Rd. and Arkansas Lane.

Mayor Tedder opened the public hearing at 7:40 and asked for public comments. The following persons spoke at the public hearing:

Cliff Mycoskie, 200 East Abram, Arlington- for the applicant.

Alicia Warner, 3225 Cumberland Boulevard, suite 100, Atlanta, GA- engineer of project, for the applicant.

Cathy Stein, 2622 Clover Lane- spoke in favor of the application.

(Ordinance 07-08) There being no other public comments, the Mayor closed the public hearing at 7:48 p.m. On motion by Councilman Piland, seconded by Councilman Loe by a vote of 3 ayes and 1 nay, Councilman Pettke voting nay, it was:

ORDAINED, that the request for a change in zoning from B-2 Commercial to a Planned Development PD with a B-3 overlay submitted by RaceTrac Petroleum, Inc., located in the Dalworthington Gardens Addition, Lots 6B, 7C, 7A1, 7B1, and 7D1, Block 2 at the southwest corner of the intersection of Bowen Rd. and Arkansas Lane and the concept plan submitted by the applicant be approved and that the provisions of the concept plan are hereby made a part of this ordinance..

Agenda Item 8: Public Hearing: A request for a change in zoning from SF to B-3 with a Planned Development PD overlay with exclusions detailed in the concept plan submitted by Coy E. Garrett, to be located at the intersection of Bowen and Mayfield, Lot 1 and a portion of Lot 2, Block 5 of the Dalworthington Gardens Addition to the City of Dalworthington Gardens, as described by the plat recorded in Volume 388-A, Page 105 of the Plat Records of Tarrant County, Texas.

Mayor Tedder opened the public hearing at 7:50 and asked for public comments. The following persons spoke at the public hearing:

Coy Garrett, 1309A West Abram Street, Suite 200, spoke for the applicant.

Larry Phillips, 2112 Tretorn Court., Arlington, one of the applicants, spoke in favor of the application.

Cathy Stein, 2622 Clover Lane. – spoke in favor of the application.

There being no other public comments, the Mayor closed the public hearing at 7:56 p.m.

(Ordinance 07-09) Councilman Pettke made a motion to approve an ordinance changing the zoning and adopting the concept plan, which motion was seconded by Councilman Loe. Before a vote Councilman Pettke, with the consent of Councilman Loe, amended his motion to state that all B-3 uses be excluded from the list of uses under the concept plan except for that of a drive-thru restaurant and a drive-thru pharmacy. By a vote of 4 ayes and 0 nays, it was:

ORDAINED, that the request for a change in zoning from SF-1 to B-3 with a Planned Development PD overlay with exclusions detailed in the concept plan located at the intersection of Bowen and Mayfield, Lot 1 and a portion of Lot 2, Block 5 of the Dalworthington Gardens Addition be and the concept plan submitted by the applicant approved, subject however to the requirement that prior to construction, an 8 foot natural stone fence be erected along the entire east line, being the Arlington side, of the property.

Action Items:

Agenda Item 4: Proclamation: Mayor Gene Coats

Mayor Tedder read a proclamation honoring former Mayor Gene Coats.

Agenda Item 9: Resolution: Proposal for memorial for former Dalworthington Gardens Mayor, Gene Coats.

(Resolution 07-57) On motion by Councilman Wallace, seconded by Councilman Pettke, by a vote of 4 ayes and 0 nays, it was:

RESOLVED, that the City create a memorial for former Mayor, Gene Coats.

Agenda Item 10: Resolution: Employee Health Insurance Policy Renewal and Single NonProfit Trust for Premium Tax Reduction.

(Resolution 07-58) Rodney Dryden, Wellspring Insurance made a presentation describing options available to the city. On motion by Councilman Piland seconded by Councilman Pettke, by a vote of 4 ayes and 0 nays, it was:

RESOLVED, that the Employee Health Insurance Policy Renewal and Single Non-Profit Trust for Premium Tax Reduction and Long Term Disability be approved in accordance with the plan documents on file with the City Secretary.

Agenda Item 11: Amendment to planned development amendment requested by Arlington Classics Academy, located at 2800 West Arkansas Lane, Dalworthington Gardens Addition, Lot 3, Block 2 and associated Traffic Study.

Ken Simons, 5123 National Court, Arlington, spoke for the applicant.
Frank Hill, 1400 West Abram, Arlington, attorney, spoke for the applicant

(Ordinance 07-10) On motion by Councilman Wallace, seconded by Councilman Piland, by a vote of 3 ayes and 1 nay from Councilman Pettke, it was:

ORDAINED, that the planned development heretofore approved by Ordinance 07-10 adopted on the 21 of June, 2007, be amended in accordance with the request of the applicant, subject however to the installation of school zone flashers on Arkansas Lane in accordance with the plan; and subject to the City Engineer's approval of the traffic study.

Agenda Item 12: Appoint expired terms for Boards and Commissions

(Resolution 07-59) On motion by Councilman Loe, seconded by Councilman Pettke, by a vote of 4 ayes and 0 nays, it was:

RESOLVED, that Brett Hall be appointed to the Planning and Zoning Commission and that Larry Galbiati be appointed to the Park Board with terms expiring in 2009.

Agenda items 13 and 14 were addressed as one 1 item.

Agenda Item 13: Suspension of the July 30, 2007 Effective date of the proposal by ATMOS Energy Corp., Mid-Tex Division to implement interim grip rates adjustments for gas utility investment in 2006 and authorizing participation with the ATMOS Cities Steering Committee ("ACSC") in a review and inquiry.

Agenda Item 14: ATMOS Energy Corp., Mid-Tex Division’s request for an annual gas reliability infrastructure program rate adjustment in this municipality so that the company may pursue a system-wide annual gas reliability infrastructure program rate adjustment.

Mary Jean Moloney, 800 East Border Street Atmos Energy.

(Ordinance 07-11) On motion by Councilman Pettke, seconded by Councilman Piland, by a vote of 4 ayes and 0 nays, it was:

Be it Ordained:

WHEREAS, Atmos Energy Corp., Mid-Tex Division (the “Company”) operates the distribution system serving the City, and;

WHEREAS, on or about May 31, 2007 the Company filed with the City of Dalworthington Gardens, Texas (the “City”), a request for an annual gas reliability infrastructure program rate adjustment for customers on the Company’s system-wide distribution system, to be effective on July 30, 2007; and

WHEREAS, the City has original jurisdiction to evaluate the Company’s request as it pertains to customers of the Company served from the distribution facilities located within the City, pursuant to Texas Utilities Code 102.001 (b) and 103.001;

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

1.

That the Company’s request for an annual gas reliability infrastructure program rate adjustment with respect to customers served from the Company’s distribution facilities located inside the City, as part of the Company’s system-wide gas utility system, is denied in all respects.

2.

That this Ordinance shall become effective immediately from and after its passage, as the law and charter in such cases provide.

3.

That it is hereby officially found and determined that the meeting at which this Ordinance is passed 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.

4.

That a copy of this Ordinance, constituting final action on the Company's request for an annual gas reliability infrastructure program rate adjustment, shall be forwarded to the Company's designated representative within 10 days at the following address: Charles Yarbrough, Atmos Energy Corp., Mid-Tex Division, 5420 LBJ Freeway, Suite 1800, Dallas, Texas 75240.

Agenda Item 15: Continued participation with the steering committee of cities served by TXU; and the payment of 10 cents per capita to the steering committee to fund regulatory and related activities related to TXU electrical delivery.

(Resolution 07-60) On motion by Councilman Pettke, seconded by Councilman Wallace, by a vote of 4 ayes and 0 nays, the following resolution was adopted:

WHEREAS, the City of Dalworthington Gardens is a regulatory authority under the Public Utility Regulatory Act (PURA) and has exclusive original jurisdiction over the rates and services of TXU Electric Delivery Company (TXU) within its municipal boundaries; and

WHEREAS, the Steering Committee has historically intervened in TXU rate proceedings and electric utility rulemakings to protect the interests of municipalities and electric customers residing within municipal boundaries; and

WHEREAS, the Steering Committee is participating in Public Utility Commission dockets and projects, as well as court proceedings, affecting transmission and distribution utility rates; and

WHEREAS, the City is a member of the Steering Committee of Cities served by TXU; and

WHEREAS, in order for the Steering Committee to continue its participation in these activities that affect the provision of electric utility service and the rates to be charged, it must assess its members for such costs; NOW THEREFORE

BE IT RESOLVED:

I.

That the City is authorized to continue its membership with the Steering Committee of Cities Served by TXU to protect the interests of the City and of the customers of TXU residing and conducting business within the City.

II.

It is further authorized to pay an assessment to the Steering Committee of ten cents (\$0.10) per capita based on the population of the City as shown in the latest TML Directory of City Officials.

III.

A copy of this resolution and the assessment payment check shall be made payable to the Steering Committee and shall be sent to Jay Doegey, P.O. Box 990231, Arlington, TX 76004.

Agenda Item 16: Appointment of NCTCOG voting representative.

(Resolution 07-61) On motion by Councilman Wallace, seconded by Councilman Piland, by a vote of 4 ayes and 0 nays, it was:

RESOLVED, that Mayor Tedder is hereby appointed as the City's NCTCOG voting representative.

Agenda Item 17: Establishment of a time and location for a Council Retreat to discuss goals and priorities.

(Resolution 07-62) On motion by Councilman Wallace, seconded by Councilman Pettke, by a vote of 4 ayes and 0 nays, it was:

RESOLVED, that the time and location for a special meeting regarding oil and gas be set for June 28, 2007 at 7:00 p.m. at city hall and that a Council retreat be scheduled for July 10, 2007 at 5:30 p.m. at Prespa's Restaurant.

Discussion Only

Future agenda items

ADJOURN

On motion by Councilman Pettke, seconded by Councilman Wallace, by a vote of 4 ayes and 0 nays, the meeting was adjourned at 9:45 o'clock p.m.