

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

Regular Session: Thursday, June 15, 2006 7:00 P.M.

REGULAR SESSION

A regular meeting was held at **7:00 o'clock p.m.** on **Thursday, June 15, 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 may be acted upon, as deemed appropriate by the Council:

MEMBERS PRESENT:

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

STAFF PRESENT:

Melinda Brittain, City Administrator
Jerry Venum, Chief of Public Safety
Krysten Jeter, Dep. City Secretary
Stan Wilkes, City Attorney
Greg Saunders, City Engineer

CALL TO ORDER- Mayor Tedder called the meeting to order at 7:05pm

(agenda item 1) Citizen comments

Kathy Price gave Park Board Report

(agenda item 2) Mayor and Council comments

None

(agenda item 3) Departmental Reports and May Financial Report

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

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

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

(agenda item 4) Minutes of May 18, 2006 Meeting

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

RESOLVED, that the minutes of the May 18, 2006 City 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) Minutes of May 30, 2006 Meeting

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

RESOLVED, that the minutes of the May 30, 2006 special council worksession be approved and placed in the records of the city.

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

(agenda item 6) **Ordinance 06-01**, amending Chapter 2.1 with reference to Council conduct of business

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

RESOLVED, that Ordinance 06-01 amending Chapter 2.1 be approved and placed in the records of the city.

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

(agenda item 7) **RESOLUTION 06-38**, Nomination, Election and Qualification of Mayor Pro-Tem

On motion by Councilman Loe, seconded by Councilman Piland, it was:

RESOLVED, that Guy Snodgrass be appointed Mayor Pro tem for the City of Dalworthington Gardens

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

(agenda item 8) Nominations and appointments to boards, commissions and City offices:

a. **RESOLUTION 06-39**, Planning and Zoning Commission: two expired positions

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

RESOLVED, that Ed Motley and Steve Crudup are appointed to the Planning and Zoning Commission for the two expired positions to expire in 2008.

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

b. **RESOLUTION 06-40**, Zoning Board of Adjustments: two expired positions

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

RESOLVED, that Seth Tibbetts and Ken Kiser are appointed to the Zoning Board of Adjustments for the two expired positions to expire in 2008.

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

c. **RESOLUTION 06-41**, Park Board: two expired positions

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

RESOLVED, that Kathy Price and Cathy Stein are appointed to the Park Board for the two expired positions to expire in 2008.

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

d. **RESOLUTION 06-42**, Municipal Court Judge

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

RESOLVED, that Suzanne Hudson is appointed Municipal Court Judge.

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

e. **RESOLUTION 06-43**, Alternate Judge

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

RESOLVED, that David Kulesz is appointed Alternate Municipal Judge.

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

(agenda item 9) **RESOLUITON 06-44, Public Hearing:** Plat revision Lot 8a, Block 2 Dalworthington Gardens

Mayor Tedder opened the public hearing at 7:25pm and asked for public comments. There being no public comments, Mayor Tedder closed the public hearing at 7:25pm

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

RESOLVED, that the Plat revision Lot 8a, Block 2 Dalworthington Gardens be approved and placed in the records of the city.

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

(agenda item 10) **RESOLUTION 06-45**, Request for special use permit for water well
On motion by Mayor Pro tem Snodgrass, seconded by Councilman Wallace, it was:

RESOLVED, that the request for special use permit for a water well submitted by Arlington Classics Academy be approved and placed in the records of the city.

Motion passed by a vote of 4 ayes and 1 nay from Councilman Pettke.

(agenda item 11) **RESOLUTION 06-46**, Agreement for wireless network services
On motion by Councilman Wallace, seconded by Councilman Pettke, it was:

RESOLVED that the city proceed with the review of a contract for wireless network services with KB Wireless and brought back for approval.

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

(agenda item 12) **Ordinance 06-02**, Water Conservation Ordinance
On motion by Mayor Pro tem Snodgrass, seconded by Councilman Pettke, it was:

RESOLVED, that the Water Conservation Ordinance in accordance with the City of Ft. Worth Water Contract, be approved and placed in the records of the city.

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

(agenda item 13) **RESOLUTION 06-47**, Agreement with Tarrant County for the Collection of Taxes
On motion by Councilman Wallace, seconded by Councilman Pettke, it was:

RESOLVED, that the agreement with Tarrant County for the collection of taxes be approved and placed in the records of the city.

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

(agenda item 14) **RESOLUTION 06-48**, Appointment of Voting Member for the Water System Advisory Committee
On motion by Councilman Wallace, seconded by Councilman Loe, it was:

RESOLVED, that Melinda Brittain be appointed the voting member for the Water System Advisory Committee.

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

(agenda item 15) **ORDINANCE 06-03**, Adoption of the 2006 International Building Code, 2006 International Fire Code, 2006 International Residential Code

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

RESOLVED, that the 2006 International Building Code, 2006 International Fire Code, 2006 International Residential Code be approved and placed in the records of the city.

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

ORDINANCE NO. 06- 03

AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 15.1 - BUILDING CODE, OF TITLE 15, BUILDINGS AND CONSTRUCTION, OF THE CODE OF THE CITY OF DALWORTHINGTON GARDENS; ADOPTING THE INTERNATIONAL BUILDING CODE, 2006 EDITION; ADOPTING THE INTERNATIONAL MECHANICAL CODE, 2006 EDITION; ADOPTING THE INTERNATIONAL RESIDENTIAL CODE, 2006 EDITION; AMENDING 15.4.01 OF CHAPTER 15.4 - FIRE PREVENTION CODE, OF TITLE 15, BY ADOPTING THE INTERNATIONAL FIRE CODE, 2006 EDITION; MAKING THIS ORDINANCE CUMULATIVE OF OTHER ORDINANCES OF THE CITY REGULATING BUILDINGS AND CONSTRUCTION; REPEALING PROVISIONS IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PERPETUATING PROSECUTION FOR VIOLATIONS OF ORDINANCES AMENDED HEREBY; PRESCRIBING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION; AND, NAMING AN EFFECTIVE DATE.

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

1.

That Article I of Chapter 15.1 - BUILDING CODE, of Title 15: BUILDINGS AND CONSTRUCTION, of the Code of the City of Dalworthington Gardens be amended as follows:

I. By the amendment of paragraph A. of 15.1.01, Adoption and Amendment of International Codes, so that hereafter it shall be and read as follows:

A. Building Code The International Building Code, 2006 Edition (herein called the "IBC"), as published by the International Code Council, Inc., is hereby adopted as the

Building Code of the City for the control of building and structures in the City, with the additions, insertions, deletions and changes prescribed in 15.1.02 of this chapter.

II. By the amendment of paragraph B. of 15.1.01, Adoption and Amendment of International Codes, so that hereafter it shall be and read as follows:

A. Mechanical Code The International Mechanical Code, 2006 Edition (herein called the “IMC”), as published by the International Code Council, Inc., is hereby adopted as the Mechanical Code of the City for the control of building and structures in the City, with the additions, insertions, deletions and changes prescribed in 15.1.02 of this chapter.

III. By the amendment of paragraph C. of 15.1.01, Adoption and Amendment of International Codes, so that hereafter it shall be and read as follows:

C. Residential Code The International Residential Code for One- and Two-Family Dwellings, 2006 Edition (herein called the “IRC”), as published by the International Code Council, Inc., is hereby adopted as the Residential Code of the City regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height in the City, with the additions, insertions, deletions and changes prescribed in 15.1.04 of this chapter. This code is adopted and is to be construed and administered in a manner consistent with the terms of Subchapter G of Chapter 214, Local Government Code of the State of Texas.

IV. By the amendment of paragraph D. of 15.1.01, Adoption and Amendment of International Codes, so that hereafter it shall be and read as follows:

D. Incorporation by reference; copies on file The codes adopted in this section are incorporated in this chapter of the City Code the same as if each of said codes were copied at length herein, subject to the additions, insertions, deletions and changes prescribed in this article. A copy of each of the codes shall be maintained on file in the office of the City Secretary of the City.

V. By the repeal of 15.1.02 and 15.1.04 of Chapter 15.1.

2.

That paragraph A. of section 15.4.02, Adoption of International Code, of Chapter 15.4 - FIRE PREVENTION CODE, of Title 15: BUILDINGS AND CONSTRUCTION, of the Code of the City of Dalworthington Gardens be amended so that hereafter it shall be and read as follows:

A. Fire Code The International Fire Code, 2006 Edition (herein called the “IFC”), as published by the International Code Council, Inc., is hereby adopted as the Fire Prevention

Code of the City for the control of buildings and structures in the City, with the additions, insertions, deletions and changes prescribed in 15.4.03 of this Chapter.

3.

That paragraph section 15.4.03, Fire Code - Amendments, of Chapter 15.4 - FIRE PREVENTION CODE, of Title 15: BUILDINGS AND CONSTRUCTION, of the Code of the City of Dalworthington Gardens is hereby repealed.

4.

That this ordinance shall be cumulative of other ordinances of the City regulating buildings and construction In the City.

5.

Neither the adoption of this portion of the City code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the code shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, tax or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, tax, or penalty or the penal validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect.

6.

That if any section, subsection, sentence, clause or phrase of the portion of the code hereby adopted is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the code. The City Council hereby declares that it would have passed this portion of the code, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases had been declared invalid or unconstitutional, and if for any reason the code or any portion thereof hereby adopted should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

7.

That any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$500.00 (or, in the case of

Chapter 15.4, \$2,000.00) and for each day that such violation shall continue, there shall be deemed a separate offense.

8.

That the caption and penalty clause of this ordinance shall be published in the Commercial Recorder, a newspaper of general circulation within the City.

9.

That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and publication.

(agenda item 16) **RESOLUTION 06-49**, Naming of a U.S. Navy Ship the *USS Fort Worth*

On motion by councilman Pettke, seconded by Councilman Piland, it was:

RESOLVED, that the naming of a U.S. Navy Ship the *USS Fort Worth* be supported and approved by the city.

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

(agenda item 17) **RESOLUTION 06-50**, Action on Atmos Energy Statement of Intent to increase gas utility rates

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

RESOLVED, that the Atmos Energy Statement of Intent to increase gas utility rates be denied.

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

RESOLUTION NO. 06-50

A RESOLUTION OF THE CITY OF DALWORTHINGTON GARDENS ENDORSING THE EFFORTS OF THE ATMOS CITIES STEERING COMMITTEE TO REDUCE RATES OF ATMOS ENERGY CORP., MID-TEX DIVISION; DENYING ATMOS ENERGY CORP., MID-TEX DIVISION'S STATEMENT OF INTENT TO INCREASE

THE GAS UTILITY RATES WITHIN THE CITY; AUTHORIZING INTERVENTION IN ANY NECESSARY PROCEEDINGS AFFECTING CITY'S INTERESTS BEFORE ADMINISTRATIVE OR JUDICIAL BODIES AND PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS ADOPTED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

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, at least 88 Texas municipalities served by the Company required the Company to file rate filing packages with those cities to show cause regarding the reasonableness of the Company's current rates in those cities (the "Show Cause Cities"); and

WHEREAS, at least 53 Show Cause Cities have adopted ordinances reducing the Company's rates to be charged to all customers within those cities; and

WHEREAS, the Company has appealed those rate ordinances of the Show Cause Cities to the Railroad Commission of Texas under the provisions of the Gas Utilities Regulatory Act; and

WHEREAS, the Company filed with the City on or about May 31, 2006, its Statement of Intent to increase gas utility rates within the City effective July 5, 2006; 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 GURA §§ 102.001(b) and 103.001; and

WHEREAS, the appeal of the Company's Statement of Intent to increase rates will be consolidated with the appeals of the Show Cause Cities; and

WHEREAS, GURA § 103.022 provides that costs incurred by the City in ratemaking activities are to be reimbursed by the regulated utility;

WHEREAS, the City wishes to participate with the Atmos Cities Steering Committee ("ACSC") and be represented by attorneys and consultants representing ACSC;
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS:

SECTION 1. That the City endorses the efforts of ACSC to reduce the rates charged by the Company within the boundaries of member cities.

SECTION 2. That the Company's Statement of Intent to increase gas utility rates within the City, as part of the Company's statewide gas utility system, be denied in all respects.

SECTION 3. That it is in the best interests of the customers of the Company within the City for the City to participate through the ACSC in the appeals filed by the Company to the Railroad Commission of Texas, and the City's intervention in Railroad Commission proceedings and any litigation associated with the Company's rates charged in the City is hereby authorized.

SECTION 4. That the Company shall promptly reimburse the City's reasonable costs associated with the City's participation in ratemaking proceedings and associated litigation.

SECTION 5. 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.

SECTION 6. A copy of this Resolution shall be sent to Atmos Mid-Tex, care of Richard T. Reis, at Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1800, Dallas, Texas 75240, and to Geoffrey Gay, legal counsel to ACSC, at Lloyd Gosselink Blevins Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

(agenda item 18) **RESOLUTION 06-51**, Authorizing request for proposal for Health Care Plans

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

RESOLVED, that requests for proposals for Health Care Plans be authorized.

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

(agenda item 19) Park Board requests:

f. **RESOLUTION 06-52**, Eagle Scout Project

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

RESOLVED, that the Eagle Scout Projects proposed by Mark Perry and Steven Perry be approved and placed in the records of the city.

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

g. **RESOLUTION 06-53**, Food Service for Gardens Gathering

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

RESOLVED, that the Park Board's request for food service for the Gardens Gathering be approved and placed in the records of the city.

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

(agenda item 20) Future agenda items
ZBA Alternates

ADJOURN

On motion by Councilman Pettke, seconded by Councilman Piland, the meeting was adjourned by unanimous vote.

Michael R. Tedder, Mayor

ATTEST:

Melinda Brittain, City Secretary