

**Minutes**  
**A REGULAR MEETING**  
**of the**  
**DALWORTHINGTON GARDENS**  
**CITY COUNCIL and the CRIME CONTROL & PREVENTION DISTRICT**  
**Regular Session: Thursday, June 19, 2008 7:00 P.M.**

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**REGULAR SESSION**

A regular meeting was held at 7:00 o'clock p.m. on Thursday, June 19, 2008 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  
Ken Wallace, Councilman

**MEMBERS ABSENT:**

Jim Piland, Councilman

**STAFF PRESENT:**

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

**CALL TO ORDER - Mayor Tedder called the meeting to order at 7:04 p.m.**

1. RESOLUTION 08-42, Canvass Election Returns  
On motion by Councilman Pettke, seconded by Councilman Loe, by a vote of 4 ayes and 0 nays, the following resolution and order was adopted:

RESOLUTION AND ORDER

CANVASSING RETURNS AND DECLARING RESULTS OF  
RUNOFF ELECTION OF ALDERMAN, PLACE 2 HELD ON JUNE  
14, 2008

WHEREAS, heretofore City the Council of the City of Dalworthington Gardens ordered an election to be held in the City on the 14<sup>th</sup> day of June, 2008 for the purpose of electing an alderman to fill the expiring terms of the incumbent Place 2; 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 14th day of June, 2008, 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 June 14, 2008; 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 14th day of June, 2008, for the election of aldermen, place 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:

**Official Joint General Election Results— Tarrant County — June 14, 2008**

**Alderman, Place 2 City of Dalworthington Gardens**

<b><u>Candidate</u></b>	<b><u>Early</u></b>	<b><u>Election</u></b>	<b><u>Total</u></b>
Guy Snodgrass	157 57.09%	125 62.81%	282 59.49%
Cathy Stein	118 42.91%	74 37.19%	192 40.51%

<b>Cast Votes:</b>	275	99.28%	199	100.00%	474	99.58%
<b>Over Votes:</b>	0	0.00%	0	0.00%	0	0.00%
<b>Under Votes: 0</b>	2	0.00%	0	0.34%	2	0.42%
<b>Precincts</b>	<b>Counted</b>		<b>Total</b>		<b>Percent</b>	
	1		1		100.00%	
<b>Voters</b>	<b>Ballots</b>		<b>Registered</b>		<b>Percent</b>	
	476		1890		25.19%	

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

Alderman, Place 2: Guy Snodgrass

2. Administer Oath of Office  
Melinda Brittain gave the oath of office to Mr. Guy Snodgrass, Alderman Place 2
3. Board and Commission Appointments  
On motion by Councilman Wallace, seconded Councilman Pettke, by a vote of 4 ayes and 0 nays, the board and Commission appointments were tabled.
4. Citizen comments.  
Donna Peck, Sunset Oaks  
Cathy Stein, 2622 Clover Lane
5. Mayor and Council comments.
6. RESOLUTION 08-43, Departmental Reports, May Financial Report  
On motion by Councilman Pettke, seconded by Councilman Wallace, by a vote of 4 ayes and 0 nays, it was:

**RESOLVED**, that the Departmental Reports and May 2008 Financial Reports be approved and placed in the records of the city

7. RESOLUTION 08-44, Minutes of May 15, 2008 Meeting.  
On motion by Councilman Loe, seconded Councilman Pettke, by a vote of 4 ayes and 0 nays, it was:

**RESOLVED** that the minutes of the regular meeting of the City Council held May 15, 2008, be approved and placed in the records of the city.

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**Tabled Item from Previous Meetings**

8. **Public Hearing:** RESOLUTION 08-45, Plat Revision.

Applicant: John Anton

Location: 3623 Wooded Creek Circle

Property Description: Lot 12R, Block 1 & Tract 3B, Wooded Creek Estates

Zoning: Single Family SF-1

Mayor Tedder opened the public hearing at 7:27 p.m. and asked for public comments. There being no public comments, Mayor Tedder closed the public hearing at 7:27 p.m.

On motion by Councilman Wallace, seconded by Councilman Pettke, by a vote of 4 ayes and 0 nays, this item was removed from the table.

On motion by Councilman Pettke, seconded by Councilman Wallace, by a vote of 4 ayes and 0 nays, it was:

**RESOLVED**, that the plat revision requested by John Anton of Lot 12R, Block 1 & Tract 3B, Wooded Creek Estates be approved and placed in the records of the city.

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**Tabled Item:**

9. RESOLUTION 08-46, Engagement letter from Robert Walsh, Jr. for auditing services

On motion by Councilman Pettke, seconded by Councilman Wallace, by a vote of 4 ayes and 0 nays, this item was removed from the table.

On motion by Councilman Pettke, seconded by Councilman Wallace, by a vote of 4 ayes and 0 nays, it was:

**RESOLVED**, that the City engage the services of Robert Walsh, Jr. to perform an independent audit of the City's financial records for its fiscal year 2005-2006 in accordance with the terms of the engagement letter from Mr. Walsh dated May 28, 2008.

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**Action Items:**

10. RESOLUTION 08-47, 2005 – 2006 Audit and Financial Statements

On motion by Councilman Pettke, seconded by Mayor Pro tem Snodgrass, by a vote of 4 ayes and 0 nays, it was:

**RESOLVED**, that the Audit and Financial Statements for Fiscal Year 2005-2006 prepared by Robert L. Walsh, Jr. is hereby accepted

**RESOLVED FURTHER**, that a copy of the report of audit and financial statements be placed in the records of the city.

11. Pleasant Ridge Road 12” Water Line – Engineer Report and Recommendations  
No action was taken.

12. RESOLUTION 08-48, Twin Springs/Twin Lakes Road Reconstruction – Ratify Change Order  
On motion by Councilman Wallace, seconded by Councilman Loe, by a vote of 4 ayes and 0 nays, it was:

**RESOLVED**, that the Twin Springs/Twin Lakes Road Reconstruction Change Order dated June 02, 2008 heretofore executed by the Mayor is hereby ratified and affirmed.

**RESOLVED FURTHER**, that a copy of the change order be placed in the records of the city.

13. RESOLUTION 08-49, Citizen Request for Authorization to drill water well.  
On motion by Councilman Wallace, seconded by Councilman Loe, by a vote of 3 ayes and 1 nay from Councilman Pettke, it was:

**RESOLVED**, that the request of Terry & Clarissa Hansen to drill a water well at 9 Home Place Court is hereby granted.

14. RESOLUTION 08-50, Policies and Procedures on Energy Conservation  
On motion by Councilman Wallace, seconded by Mayor Pro tem Snodgrass, by a vote of 4 ayes and 0 nays, it was:

**RESOLVED**, that the City hereby adopts its updated policies and procedures on energy conservation, as follows:

**CITY OF DALWORTHINGTON GARDENS  
Policies and Procedures on Energy Conservation**

**I. PURPOSE** The City recognizes the need to conserve energy and protect the environment for future generations. These policies and procedures are intended to balance the management of natural resources with the efficient and effective delivery of city services in a manner that complies with applicable state and federal law.

**II. DEFINITIONS** Certain terms used herein shall have the following meanings:

Business Hours Unless otherwise elsewhere provided, City business hours shall be from 9:00 a.m. to 5:00 p.m. Monday through Friday, holidays excepted.

Energy policy workgroup The Mayor shall appoint city staff members (one or more) to develop and implement energy policy. The workgroup shall evaluate the city's policy components annually and shall coordinate compliance with reporting requirements to the state and/or federal government.

Nonattainment area This is any area that does not meet ambient air quality standards established pursuant to the Federal Clean Air Act. Tarrant County is presently a nonattainment area.

Senate Bill 5, 77<sup>th</sup> Legislature This legislation adds Chapter 388 of the Texas Health and Safety Code. It contains energy efficiency measures designed to decrease energy consumption.

**III. POLICY SCOPE** The policy has the following objectives:

1. To serve as the City's notice of intent to comply with SB 5.
2. To set a goal of reducing the City's consumption of electricity by 5% per year for five years beginning January 1, 2002 in a manner that does not negatively affect delivery of city services.
3. To establish guidelines that will:
  - a. evaluate alternative electric service providers to the city;
  - b. measure progress toward increased energy efficiency;
  - c. evaluate user fees to offset costs of implementing greater energy efficiency;
  - d. increase city staff awareness of energy conservation;
  - e. consider energy efficiency in current and future capital facilities planning.
4. Establish annual evaluation and reporting procedures.

**IV. SERVICE DELIVERY STANDARDS** The City should weigh the projected cost savings from the use of alternative purchasing mechanisms to achieve equal or superior service delivery when compared to the current provider.

**V. DATA COLLECTION**

1. The City shall measure data in kilowatt hours of consumption.
2. The policy workgroup will develop and maintain a facilities inventory to capture historical information.
3. The City shall periodically schedule energy audits of city facilities, to be used for conservation planning, budget development, and identification of methods to increase energy conservation.

**VI. STAFF EDUCATION AND AWARENESS**

1. The realization of policy objectives is the joint responsibility of staff, council and city residents, but the staff shall be responsible for implementation of energy conservation guidelines.
2. After each annual evaluation the results will be shared with the city staff.
3. The city administrator will provide for energy awareness discussions in staff meetings, with periodic review of this policy with city staff.

**VII. CONSERVATIONS GUIDELINES AND PROCEDURES**

1. General guidelines for energy conservation
  - a. During business hours, all staff shall use resources in the most efficient manner consistent with the delivery of city services.
  - b. During non-business hours, energy use shall be efficient:
    - i. Water heaters for kitchen utensil and equipment sanitation shall be set at 170 degrees at the faucet.
    - ii. Other water heaters shall be set no higher than 130 degrees at the faucet.
  - c. All computers, copiers, printers and other electrical devices shall be turned off when not in use after business hours, except when vital to city's network functions or in use for emergency response purposes.
  - d. Lighting of city facilities shall be maintained at recommended illumination levels as established by the Illumination Engineering Society (IES).
  - e. Time and motion detectors shall be implemented to the fullest extent possible at city facilities. Such devices shall be maintained in proper operating condition.
2. Guidelines for HVAC Guidelines for HVAV energy conservation are:
  - a. All exterior windows and doors shall be closed when HVAC is in use.
  - b. In the event of temperature problems, staff shall give prompt notice to maintenance personnel.
  - c. Events shall be scheduled in the smallest comfortable space available for the events.
3. Guidelines for lighting Guidelines for lighting are:
  - a. Employees shall turn off lights in areas not in use.
  - b. Outside lighting shall be turned off during the daytime and between 12:00 M and 5:00 a.m. where security considerations permit.
  - c. Skylights and windows with day light capabilities should be used for light source if possible.
  - d. Display lighting shall be turned off at night where possible.

**VIII. IRRIGATION SYSTEMS AND WATER CONSERVATION**

Water conserving landscaping The city, in a manner consistent with its landscape ordinance, shall use the following irrigation practices:

1. Use of low water plants and grasses and efficient irrigation systems.
2. Discontinue irrigation between 6:00 a.m. and 6:00 p.m.
3. Use drip irrigation systems when possible and design irrigation systems with water conservation features, such as large-drop rather than fine mist sprinklers.

#### **IX. RETROFITTING OF EXISTING FACILITIES**

1. The City shall use data from energy audits to identify and prioritize possible retrofitting of existing facilities, considering the life expectancy of the facility and the cost/benefit of retrofitting when funding therefore is available.
2. The City shall explore the availability of alternative funding mechanisms such as state or federal grant programs or donations from the private sector.
3. The City shall evaluate the use of user fees to help offset the cost of retrofitting city facilities.

#### **X. FUTURE CAPITAL FACILITIES**

A. Planning for new capital facilities should be modeled on the U.S. Department of Energy, Center for Excellence of Sustainable Development's "Green Building Principles". Any consultant to be engaged for design of capital facilities should demonstrate that he/she is familiar with these principles and the ability to calculate energy conservation by measurable standards. These principles address five main areas of conservation:

1. Energy efficiency and renewable energy resources – property siting and airtight construction, energy efficient equipment and appliances and renewable energy systems.
2. Environmental impact – Site character preservation, appropriate landscaping, and appropriate material selection.
3. Resource conservation – Use of recycled materials; minimizing construction waste; choice of appropriate roof systems to reduce energy use and prevent storm water runoff.
4. Indoor air quality – Airtight buildings; use of building materials low in chemicals and toxins; use of mechanical ventilation systems.
5. Community issues – Utilizing existing infrastructure; build structures that blend into the environment.

B. Consultants designing future capital facilities should submit construction cost-benefit estimates for incorporating energy conservation features, such as:

1. Rainwater recycling and roof systems to support stand-alone irrigation systems.
2. Use of solar energy for lighting and hot-water heating.
3. Hot-water piping in floor systems for ambient heat distribution.

4. Ceiling systems with light scoops and baffles to distribute natural lighting.
5. Use of alternative renewable energy sources such as wind and geothermal power.

#### **ANNUAL REVIEW AND REPORTING**

- A. A copy of the annual report to the State Energy Conservation Office (SECO) should be sent to the City Council.
  - B. The policy workgroup should perform annual evaluations of the implementation of this policy.
15. Resolution regarding participation in Tarrant County's Community Development Block Grant Program for the three program year period, fiscal year 2009 through fiscal year 2011  
On motion by Mayor Pro tem Snodgrass, seconded by Councilman Wallace, by a vote of 4 ayes and 0 nays, the following resolution was adopted:

#### **RESOLUTION REGARDING CITY PARTICIPATION IN TARRANTY COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR THE THREE PROGRAM-YEAR PERIOD OF FISCAL YEAR 2009 THROUGH FISCAL YEAR 2011.**

WHEREAS, Title I of the Housing and Community Act of 1974, as amended through the Housing and Community Act of 1992, establishes a program of community development block grants for the specific purpose of developing viable communities by providing decent housing and suitable living environment and expanding economic opportunities principally for persons of low and moderate income; and

WHEREAS, Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, establishes the HOME Investment Partnership Act to expand the supply of decent, safe, sanitary and affordable housing for very low-income and low-income Americans; and

WHEREAS, Tarrant County has been designated an "Urban County" by the Department of Housing and Urban Development entitled to a formula share of Community Development Block Grant and HOME program funds provided the County has a combined population of 200,000 persons in its unincorporated areas and units of general local government with which it has entered into cooperative agreements; and

WHEREAS, Article III, Section 64 of the Texas Constitution authorizes Texas counties to enter into cooperative agreements with local governments for essential Community Development and Housing Assistance activities; and

WHEREAS, the City of Dalworthington Gardens (the “City”) shall not apply for grants under the State CDBG Program from appropriations for fiscal years during the period in which it is participating in Tarrant County’s CDBG program; and

WHEREAS, through cooperative agreements Tarrant County has authority to carry out activities funded from annual Community Development Block Grant (CDBG) and HOME Program Allocation from Federal Fiscal Years 2009, 2010 and 2011 appropriations and from any program income generated from the expenditure of such funds; and

WHEREAS, Tarrant County and the City agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities; and

WHEREAS, Tarrant County will not fund activities in support of any cooperating unit of general government that does not affirmatively further fair housing within its own jurisdiction or that impedes the county’s actions to comply with its fair housing certification; and

WHEREAS, the City has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

WHEREAS, the City has adopted and is enforcing a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within jurisdictions; and

WHEREAS, Tarrant County and the City shall take all actions necessary to assure compliance with the Urban County’s certification required by section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, section 109 of Title I of the Housing and Community Development Act of 1974, and other applicable laws; and

WHEREAS, prior to disbursing any CDBG or HOME Program funds to a subrecipient, Tarrant County shall sign a written agreement with such subrecipient; and

WHEREAS, the City agrees to inform the county of any income generated by the expenditure of CDBG funds received and that any such program income must be paid to the county to be used for eligible activities in accordance with all Community Development Block Grant and Home Program requirements; and

WHEREAS, in accordance with 24 CFR 570.501(b), Tarrant County is responsible for ensuring that CDBG funds are used in accordance with all

program requirements, including monitoring and reporting to the U.S. Department of Housing and Urban Development on the use of program income and that in the event of close-out or change in the status of the City, any program income that is on hand or received subsequent to the close-out or change in status shall be paid to the county; and

WHEREAS, in accordance with 24 CFR 570.501(b), Tarrant County, as recipient is responsible for ensuring that CDBG funds are used in accordance with all program requirements. The use of designated public agencies, subrecipients, or contracts does not relieve Tarrant County of this responsibility. Tarrant County is also responsible for determining the adequacy of performance under subrecipient agreements and procurement contracts, and for taking appropriate action when performance problems arise, such as the actions described in 570.910. Where a city is participating with, or as part of Tarrant County Urban County, as a participating unit, or as part of a metropolitan city, the County is responsible for applying to the unit of general local government the same requirements as are applicable to subrecipients, except that the five-year period identified under 570.503(b)(8)(i) shall begin with the date that the unit of general local government is not longer considered by HUD to be a part of the metropolitan city or urban county, as applicable, instead of the date the subrecipient agreement expires; and

WHEREAS, the City agrees to notify Tarrant County of any modification or change in the use of real property from that planned at the time of acquisition or improvement, including disposition, and further agrees to reimburse the County in an amount equal to the current fair market value (less any portion thereof attributable to expenditure of non-CDBG funds) of property acquired or improved with CDBG funds that is sold or transferred for a use which does not qualify under the CDBG regulations; and

WHEREAS, any money generated from disposition or transfer of property will be treated as program income and returned to the county prior to or subsequent to the close-out, change of status or termination of the cooperation agreement between county and the City,

NOW THEREFORE BE IT RESOLVED that the City Council supports the application of Tarrant County for funding from Housing and Community Development Act of 1974, as amended, and Cranston-Gonzalez National Affordable Housing Act, as amended, and asks that its population be included for three consecutive years with that of Tarrant County, Texas, to carry out Community Development Program Activities Eligible for Assistance under Public Law 93-383, and Affordable Housing activities under Public Law 101-625, and authorized the Mayor the City to sign such additional forms as requested by the Department of Housing and Urban Development pursuant to the purposes of this resolution, and further that the City understands that Tarrant County will have final responsibility for selecting projects and filing annual grant requests.

BE IT FURTHER RESOLVED, that this agreement will automatically be renewed for participation in successive three-year qualification periods unless Tarrant County or the City provides written notice that it elects not to participate in a new qualification period. Tarrant County will notify the City in writing of its right to make such election on the date specified by the U.S. Department of Housing and Urban Development in HUD's urban county qualification notice for the next qualification period. Any amendments or changes contained within the Urban County Qualification Notice applicable for a subsequent three-year urban county qualification period must be adopted by Tarrant County and the City, and submitted to HUD. Failure by either party to adopt such an amendment to the agreement will void the automatic renewal of the agreement.

The agreement hereby created remains in effect until CDBG, HOME funds, and income received to the fiscal 2009, 2010 and 2011 programs, and to any successive qualification periods provided through the automatic renewal of this agreement are expended and the funded activities are completed, neither Tarrant County nor the City may terminate or withdraw from the agreement while the agreement remains in effect.

Official notice of amendments or changes applicable for a subsequent three-year urban county agreement shall be in writing and sent by certified mail to the City Secretary of the City. Any notice of changes or amendments to this agreement by the City shall be sent in writing to the Tarrant County Community Development Division Director.

16. RESOLUTION 08-51, Agreement for the collection of taxes – Tarrant County Tax Assessor/Collector

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

A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE TARRANT COUNTY TAX ASSESSOR-COLLECTOR FOR THE COLLECTION OF TAXES.

BE IT RESOLVED:

1.

That the Mayor of the City is hereby authorized to execute on behalf of the City An agreement for the collection of taxes with the Tarrant County Tax Assessor-Collector, a copy of the agreement being appended to this resolution.

2.

That the City Secretary is hereby authorized to attest the execution of the agreement and to affix the seal of the City thereto.

17. Roosevelt Drive Right Turn Lane Project

No action was taken

18. RESOLUTION 08-52, Park Board request: Obtain a grant writer to pursue TXPW Small Community Grant in January 2009 and 80/20 Recreational Trail Grant

On motion by Mayor Pro tem Snodgrass, seconded by Councilman Wallace, by a vote of 4 ayes and 0 nays, it was:

**RESOLVED**, that the Park Board's request to obtain a grant writer to pursue TXPW Small Community Grant in January 2009 and 80/20 Recreational Trail Grant be approved with a limit of the city's expenditure in matching funds under such grants not to exceed \$125,000.

19. Employee Health Insurance Renewal

On motion by Councilman Loe, seconded by Councilman Pettke, by a vote of 4 ayes and 0 nays, employee health insurance renewal was tabled.

20. RESOLUTION 08-53, Approve Crime Control and Prevention District Budget for 2008-2009 and 2009-2010

On motion by Councilman Pettke, seconded by Councilman Loe, by a vote of 4 ayes and 0 nays, it was:

**RESOLVED**, that the two-year Crime Control and Prevention Plan and Budget for 2008-2009 and 2009-2010 be and the same are hereby adopted as the District's plan and budget for such period of time and that a copy of the plan and budget as hereby adopted be appended to and made a part of this resolution.

21. RESOLUTION 08-54, Election Order for Crime Control and Prevention District Renewal, Tuesday, November 4, 2008

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

RESOLUTION

AN ORDER AND RESOLUTION CALLING AN ELECTION IN THE CITY OF DALWORTHINGTON GARDENS ON THE PROPOSITION OF THE CONTINUATION OF THE DALWORTHINGTON GARDENS CRIME CONTROL AND PREVENTION DISTRICT FOR A TERM OF FIVE YEARS.

WHEREAS, by vote of the electorate of the City of Dalworthington Gardens, Texas on November 3, 1998, the

Dalworthington Gardens Crime Control and Prevention District (the "District") was created pursuant to the provisions of Chapter 363 of the Texas Local Government Code and a sales tax of one-half of one percent (\$0.005) was levied in support of the programs of the District; and

WHEREAS, by referendum held on September 13, 2003, the District and tax were continued for a period of five years to November 3, 2008;

WHEREAS, a referendum election is required by the terms of said Chapter 363 if the District is to continue in existence after five (5) years from the date on which the tax was levied; and

WHEREAS, the Board of Directors of the District has determined that an election should be held in the City of Dalworthington Gardens for the purpose of voting on the proposition of the continuation of the District for a term of five years; NOW THEREFORE

BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY, ACTING HEREIN AS THE BOARD OF DIRECTORS OF THE CRIME CONTROL AND PREVENTION DISTRICT OF THE CITY:

**1. Call of election** An election shall be held in the City of Dalworthington Gardens on Tuesday, November 4, 2008, to submit to the voters of the city a proposition to determine whether the Crime Control and Prevention District created on November 3, 1998, and continued by referendum on September 13, 2003, should be continued for a term of five (5) years, with a continuation of a sales tax of one-half of one percent (\$0.005) heretofore levied for the support of the programs of the said district. This election shall be conducted by the City of Dalworthington Gardens in accordance with applicable provisions of the Texas Election Code.

**2. Plan and Budget** The board of directors of this district have approved and adopted a crime control plan and a budget plan for the district.

**3. Ballot** The official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "FOR" or "AGAINST" the proposition, with the ballots to contain such provisions, marking and language as is

required by law, and with such proposition to read substantially as follows:

WHETHER THE DALWORTHINGTON GARDENS CRIME CONTROL AND PREVENTION DISTRICT SHOULD BE CONTINUED FOR FIVE (5) YEARS AND THE CRIME CONTROL AND PREVENTION DISTRICT SALES TAX SHOULD BE CONTINUED FOR FIVE (5) YEARS.

**4. Polling place** The polling place for the election shall be at the Dalworthington Gardens Municipal Facility (City Hall), 2600 Roosevelt Drive, Dalworthington Gardens, TX 76016. Voting will be conducted between the hours of 7:00 a.m. and 7:00 p.m. on Tuesday, November 4, 2008.

**5. Election officials** The following persons are hereby appointed as election officials:

Election judge: David Hudson

Alternate election judges: Laura Waybourn

The city secretary shall deliver to the election officials, in accordance with Election Code Section 32.009, notice of their appointment not later than 20 days from the effective date of this resolution. The election judge shall appoint up to 5 election clerks to serve at the polling place.

**6. Early voting**

**a. By personal appearance** Early voting by personal appearance will be conducted at the office of the City Secretary, 2600 Roosevelt Drive, Dalworthington Gardens, Texas, on the dates and hours to be determined by the Tarrant County Elections Office.

**b. By mail** Applications for early voting by mail must be received in the office of the Elections Administration, 2700 Premier Street, Fort Worth, TX. 76111 no later than 5:00 p.m. on October 28, 2008. Early voting ballots voted by mail shall be mailed to Steve Raborn, Office of Elections Administration, 2700 Premier Street, Fort Worth, TX 76111

**c. Early ballot canvassing** Early balloting shall be by optic scan machine and shall be canvassed by the early voting ballot

board, consisting of the election judge, as presiding officer, the alternate election judge, and the other election officials.

**7. Election precinct** In accordance with Election Code Section 42.061, the election precinct shall be the same precinct established for municipal elections, being coterminous with the boundaries of Tarrant County Election Precinct No. 2223 as established by the Tarrant County Commissioners' Court most recently preceding the date of adoption of this resolution.

**8. Compensation of election officials** The presiding election judge, alternate election judge and each election clerk shall be compensated at the rate of \$9.00 per hour in accordance with Election Code Section 32.091. The presiding election judge shall also be paid \$25.00 for delivering the returns of the election.

**9. Supplies; method of voting** The City Secretary of the City is hereby authorized to provide and furnish all necessary election supplies to conduct the election hereby ordered in accordance with this resolution. Voting shall be by electronic voting machine in accordance with the provisions therefor contained in the Texas Election Code.

**10. Governing law** The election shall be held in accordance with the constitution of the United States of America and of the State of Texas and the Texas Election Code. All resident qualified voters of the city shall be eligible to vote in the election.

**11. Effective date** This resolution shall be in full force and effect from and after its adoption.

### **Adjourn**

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