

**MINUTES of a MEETING
of the
DALWORTHINGTON GARDENS
CITY COUNCIL
September 15, 2005**

A regular meeting of the City Council of the City of Dalworthington Gardens was held at 6:30 o'clock p.m. on Thursday, September 15, 2005 in the Council Chamber 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:

Albert A. Taub, Mayor
Mike Pettke, Councilman
Michael Tedder, Councilman
Kenneth Wallace, Councilman
Jim Piland, Councilman

Members Absent:

Guy Snodgrass, Mayor Pro tem

EXECUTIVE SESSION The City Council met in closed, executive session pursuant to Section 551.074 of the Open Meetings Law, Chapter 551 of the Government Code, for the purpose of deliberating the performance evaluation of the city secretary/city administrator and the chief of the department of public safety.

REGULAR SESSION The City Council thereupon recessed until the scheduled time of the public meeting of the City Council for which public notice had been given.

Staff Present:

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

CALL TO ORDER- Mayor Taub called the meeting to order at 7:15 p.m.

EXECUTIVE SESSION ACTION: No action was taken on the matters discussed in the Executive Session.

Agenda Item 1 - Citizen comments

George Rodriguez, addressed the Council in support of the Park Board's request for a trout stocking program.

Kathy Price, 2820 Whisperwood, chairwoman of the park board, gave a park board status report.

Agenda Item 2 - Mayor and Council comments

There were no mayor and council comments at this time.

Agenda Item 3 - Mayoral Proclamations

At the Mayor's request, Ms. Brittain read a Proclamation for Constitution week.

Agenda Item 4 - Departmental Reports and August Financial Report

Ms. Brittain and Chief Waybourn presented departmental and financial reports. On motion by Councilman Pettke, seconded by Councilman Wallace, it was:

RESOLVED, that the departmental reports and financial report of the City for August, 2005 be approved and placed in the records of the City

The motion passed by a vote of 4 ayes and 0 nays.

Agenda Item 5 - Minutes of August 18, 2005 City Council Meeting On motion by Councilman Wallace, seconded by Councilman Tedder, it was:

RESOLVED, that the minutes of the August 18, 2005 City Council meeting be approved and placed in the records of the city.

The motion passed by a vote of 4 ayes and 0 nays.

Agenda Item 6 - Resolution 05-58, Engagement letter from Robert Walsh, Jr. auditing services

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

RESOLVED, that Robert L. Walsh, Jr., certified public accountant, is hereby engaged by the City to perform an audit of the financial statements of the City for the year ending on September 30, 2005 in accordance with the terms of the letter to the City dated August 16, 2005, a copy of which shall be appended to the minutes of this meeting.

The motion passed by a vote of 4 ayes and 0 nays.

Agenda Item 7 - Resolution 05-59, Audit Report

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

RESOLVED, that the "Annual Financial Report for the Fiscal Year Ended September 30, 2004" be approved and that a copy of the report be placed in the records of the City.

The motion passed by a vote of 4 ayes and 0 nays.

Agenda Item 8 - Ordinance 05-12, 2005-2006 Budget

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

ORDINANCE NO. 05-12

AN ORDINANCE OF THE CITY OF DALWORTHINGTON GARDENS , TEXAS ADOPTING COURT SECURITY, COURT TECHNOLOGY, PARK FUND, CRIME CONTROL AND PREVENTION DISTRICTS, PARK AND RECREATION DEVELOPMENT FACILITIES CORPORATION, WATER AND SEWER FUND AND GENERAL FUND OPERATING BUDGETS AND APPROPRIATING RESOURCES FOR THE BUDGET YEAR TO BEGIN OCTOBER 1, 2005 AND ENDING SEPTEMBER 30, 2006.

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

1.

Subject to the applicable laws of the State of Texas, the budget for the fiscal year of the City beginning October 1, 2005 and ending September 30, 2006 as filed and submitted by the Mayor and adjusted by the City Council, containing estimates of resources and revenues for the year from all the various sources, and the projects, operations, activities and purchases, proposed to be undertaken during the year, together with the estimated costs thereof and estimated amounts of all other proposed expenditures; is hereby approved and adopted.

2.

There is hereby appropriated from the funds indicated and for such purposes respectively, such sums of money as may be required for the accomplishment of each of the projects, operations, activities, purchases and other expenditures proposed in such budget not to exceed for all such purposes proposed for any department, to the total amount of the estimated costs of the projects activities, purchases and other expenditures proposed for such department.

3.

A copy of each of the budgets described in the caption to this ordinance shall be attached to and each is hereby made a part of this ordinance.

Agenda Item 9 - Ordinance 05-13, 2005-2006 Tax Rate

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

ORDINANCE NO. 05-13

AN ORDINANCE ADOPTING AN AD VALOREM TAX RATE AND LEVYING A TAX ON PROPERTY IN THE CITY OF DALWORTHINGTON GARDENS, TEXAS FOR THE 2005-2006 TAX YEAR.

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

1.

That there is hereby adopted an ad valorem tax rate per \$100 valuation for this City for tax year 2005 – 2006 as follows:

.2014079 FOR THE PURPOSES OF MAINTENANCE AND OPERATION

.0613311 FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON DEBT OF THE CITY

.262739 TOTAL TAX RATE

2.

That a tax at the rate hereinabove adopted is hereby levied on all non-exempt property in the City for the tax year 2005 - 2006.

Agenda Item 10 -Ordinance 05-14, Amendment to Chapter 3.12, Property Taxation, establishing a limitation on increases of taxes for the disabled and senior citizens

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

ORDINANCE NO. 05-14

AN ORDINANCE AMENDING 3.1.04 OF CHAPTER 3.1 - PROPERTY TAXATION, OF TITLE 3: REVENUE AND TAXATION, OF THE CODE OF THE CITY OF DALWORTHINGTON GARDENS; APPROVING AD VALOREM TAX EXEMPTION FOR THE ELDERLY OR DISABLED; PROHIBITING INCREASE IN TAXES ON

PROPERTIES HAVING SUCH EXEMPTION AND, NAMING AN EFFECTIVE DATE.

BE IT ORDAINED:

1.

That 3.1.04, Exemptions, of Chapter 3.1 - PROPERTY TAXATION, of TITLE 3: REVENUE AND TAXATION, of the City Code be amended so that hereafter the same shall be and read as follows:

3.1.04 Exemptions

3.1.04.1 Pursuant to Article VIII, Section I-b of the Texas Constitution and Section 11.13 of the Texas Property Tax Code, as amended, the governing body of a city or town hereby exempts from ad valorem taxation Three Thousand Dollars (\$3,000) of the market value of a residence homestead of an individual who is disabled or is 65 or older. A surviving spouse is entitled to the exemption for the residence homestead if (a) the deceased spouse died in a year in which the deceased spouse received the exemption; (b) the surviving spouse was 55 or older when the deceased spouse died; and (c) the property was and remains the residence homestead of the surviving spouse.

3.1.04.2 Pursuant to Article VIII, Section I-b of the Texas Constitution and Section 11.13 of the Texas Property Tax Code, if an individual qualifies for an exemption under 3.1.04.1 because the individual is disabled or is sixty-five (65) years of age or older, he/she is entitled to exemption from ad valorem taxation by the City of an additional \$57,000.00 for a total of \$60,000.00 of the appraised value of the residence homestead of the individual for tax year 2005.

3.1.04.3 If a person receives a residential homestead exemption and further meets the exemption qualifications described in 3.1.04.1 and 3.1.04.2 above, the total amount of ad valorem taxes imposed on that homestead by the city shall not be increased while it remains the residence homestead of that person or that person's spouse who is disabled or sixty-five (65) years of age or older and receives a residence homestead exemption on the property.

3.1.04.4 "Disabled" means under a disability for purposes of payment of disability insurance under Federal Old-Age, Survivors, and Disability Insurance.

3.1.04.5 An eligible disabled person who is sixty-five (65) years of age or older may not receive both the disabled and elderly exemption, but may choose either. If two or more individuals who are eligible for an exemption under this Article own the same residence homestead, the exemptions for each may not be combined and only one (1) owner may receive the exemption. Eligibility for this exemption is determined by an individual's and his or her residence's qualifications on January 1, 2005.

3.1.04.6 Applications for exemption shall be made pursuant to Section 11.43 of the Texas Property Tax Code, and pursuant to the rules and regulations of the Tarrant Appraisal District and the Tarrant County County Tax Assessor-Collector.

3.1.04.7 Exemptions recognized and established herein shall be effective until altered or appealed by the City Council of the City of Dalworthington Gardens.

Agenda Item 11 - Resolution 05-60, Park Board capital request

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

RESOLVED, that the park board's request for capital funds for the purchase of tents be denied.

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

Agenda Item 12 - Resolution 05-61, Park Board "Garden's Gals & Pappy's Pals" Program

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

RESOLVED, that the Park Board "Garden's Gals and Pappy's Pals" adoption and special projects program is hereby approved.

The motion passed by a vote of 4 ayes and 0 nays.

Agenda Item 13 - Resolution 05-62, Park Board donations budget designation

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

RESOLVED, that the Park Board donations budget designation be tabled.

The motion passed by a vote of 4 ayes and 0 nays.

Agenda Item 14 - Resolution 05-63, Final Plat, Lots 1-4, Block 2, Phase II, the Gardens Addition

Mayor Taub excused himself regard to this agenda item due to personal involvement in the subject, Councilman Pettke presiding in his stead. On motion by Councilman Wallace, seconded by Councilman Piland, it was:

RESOLVED, that the Final Plat, Lots 1-4, Block 2, Phase II, the Gardens Addition be approved subject to the following: That the dedications at the cul-de-sac end of Garden Lane and at the intersection of Garden Lane and Indian Trail be entered upon and dedicated by plat and not by separate instruments.

The motion passed by a vote of 4 ayes and 0 nays.

Agenda Item 15 - Resolution 05-64, Texas Department of Public Safety Inter-local Cooperation Contract

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

RESOLVED, that the Mayor is hereby authorized to execute on behalf of the City an Interlocal Agreement with the Texas Department of Public Safety.

RESOLVED FURTHER, that the City Secretary is hereby authorized to attest to the execution of the agreement and to affix the seal of the City thereto.

RESOLVED FURTHER, that a copy of the agreement shall be appended to the minutes of this meeting.

The motion passed by a vote of 4 ayes and 0 nays.

Agenda Item 16 - Citizen request for zoning ordinance amendment in "B-3" Business District

There was discussion of a citizen request, but no action was taken.

Agenda Item 17 (Tabled) - Employee insurance and health savings accounts

No action was taken.

Agenda Item 18 (Tabled) - Ordinance Amending 15.5 concerning Flood Damage Prevention- FEMA

No action was taken.

Agenda Item 19 - Future agenda items

There were no requests for future agenda items.

Agenda Item 20 -Adjourn

On motion by Councilman Tedder, seconded by Councilman Wallace, the meeting was adjourned by unanimous vote at 9:15 p.m..