

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

**Regular Session: Thursday, September 21, 2006 7:00 P.M.**

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**EXECUTIVE SESSION**

An executive session of the City Council was held at **6:15 o'clock p.m.** on **Thursday, September 21, 2006, in the Council Chambers of the Dalworthington Gardens City Hall, 2600 Roosevelt Drive, Dalworthington Gardens, Texas.** 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. The following items of business were considered, discussed and acted upon, as deemed appropriate by the Council:

- a. Personnel

**REGULAR SESSION**

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

Michael Tedder, Mayor  
Guy Snodgrass, Mayor Pro tem- arrived late to the meeting  
Mike Pettke, Councilman  
Jim Piland, Councilman  
Steve Loe, Councilman

**MEMBERS ABSENT:**

Ken Wallace, Councilman

**STAFF PRESENT:**

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

**CALL TO ORDER-** Mayor Tedder called the meeting to order at 7:00pm

(agenda item 1) Executive Session action:

- a. Personnel

(agenda item 3) Mayor and Council comments

b. Proclamation: Daughters of the American Revolution

Mayor Tedder gave the proclamation of Constitution week to the Daughters of the American Revolution.

(agenda item 4) Departmental Reports and August Financial Report

Chief introduced representative of Redflex. Redflex gave presentation of red light camera systems.

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

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

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

(agenda item 7) **Resolution 06-65**, Engineering study to update Capital Recovery Fees

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

**RESOLVED**, that the engineering study to update capital recovery fees be denied and placed in the records of the city.

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

(agenda item 2) Citizen comments

Mr. Steve Osgood, 3014 Idle Creek Dr.- addressed gas line extension

Kathy Price, 2820 Whisperwood Trl.- gave park board report

(agenda item 16) **Resolution 06-66**, Engagement letter from Robert Walsh, Jr. for auditing services

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

#### **Resolution 06-66**

**A RESOLUTION APPROVING ENGAGEMENT OF SERVICES OF ROBERT L. WALSH, JR., CPA TO PERFORM THE FINANCIAL AUDIT AND PREPARE THE FINANCIAL REPORTS FOR THE YEAR ENDING SEPTEMBER 2006.**

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

That, Robert I. Walsh, Jr., certified public accountant, is hereby engaged to perform an audit of the financial statements of the City for the year ending September 30, 2006 in

accordance with the terms of the letter to the City dated September 18, 2006, a copy of which shall be appended to the minutes of this meeting.

(agenda item 6) **Resolution 06-67**, request for proposals – Non-exclusive elevated water storage tank use

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

**RESOLVED**, that the city staff prepare and advertise for public response a request for proposals for non-exclusive elevated water storage tank use.

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

(agenda item 9)

**Public Hearing:** Application for plat revision

Applicant: Dick Frazier & Debbie Frazier

Location: 3629 Wooded Creek Estates

Property Description: Lot 15R1, Block 1 an Addition to the City of Dalworthington Gardens, Tarrant County, Texas as described by plat in Cabinet A, Slide 4966 of the plat records of Tarrant County, Texas, and by deed in volume 15191, page 373, of the deed records of Tarrant County, Texas.

On motion by Councilman Loe, seconded by Councilman Piland, by a vote of 4 ayes and no nays, the following resolution was adopted:

**Resolution 06-68**

**RESOLVED**, that the application for plat revision of Lot 15R1, an Addition to the City of Dalworthington Gardens, Tarrant County, Texas as described by plat in Cabinet A, Slide 4966 of the plat records of Tarrant County, Texas, and by deed in volume 15191, page 373, of the deed records of Tarrant County, Texas be approved and placed in the records of the city.

(agenda item 8)

**Public Hearing:** Ordinance regulating exploration and production of oil, gas and other minerals. **Comments Only – No Action was taken**

Mayor Tedder opened the public hearing at 7:36pm and asked for public comment. The following persons spoke at the hearing:

Ned Webster, 3301Evie Ct.

Pam Dunbar, Montessori Academy

Cathy Stein, 2622Clover Ln.

There being no other comments, Mayor Tedder closed the public hearing at 7:53pm.

(agenda item 10) **Ordinance 06-05**, providing for wireless service to residential and non-residential users

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

### **ORDINANCE 06-05**

AN ORDINANCE AMENDING TITLE 13, PUBLIC SERVICES, OF THE CODE OF THE CITY OF DALWORTHINGTON GARDENS BY THE ADDITION THERETO OF CHAPTER 13.6, WIRELESS INTERNET SERVICES; DECLARING THE PROVISION OF WIRELESS INTERNET SERVICES BY THE CITY TO BE IN THE PUBLIC INTEREST, PROVIDING FOR SYSTEM ACCESS; AND PROVIDING FOR REVENUES FROM USE OF THE SERVICES BY NON-RESIDENTIAL USERS; REPEALING ORDINANCES IN CONFLICT HEREWITH; MAKING THIS ORDINANCE CUMULATIVE OF OTHER ORDINANCES OF THE CITY NOT IN CONFLICT HEREWITH; AND, NAMING AN EFFECTIVE DATE.

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

1.

That Title 13, PUBLIC SERVICES, of the Code of the City of Dalworthington Gardens is hereby amended to add thereto a new chapter, designated "Chapter 13.6, WIRELESS INTERNET SERVICES", which shall be and read as follows:

#### Chapter 13.6 WIRELESS INTERNET SERVICES

13.6.01 Service in public interest It is appropriate and serving the public health, safety and welfare that the City make available to its citizens and others a system of wireless internet services utilizing properties and facilities of the City. Such a system shall be created, maintained and operated by either city staff, contractors or both, so as to provide Internet-based or Internet accessible communication benefiting City residents in both business and leisure activities.

13.6.02 Wireless system access The City shall make the system available to all residential users within the city; provided, that the cost of equipment, labor, materials and other elements necessary for an individual user to access the system shall be an expense of each such user.

13.6.03 Nonresidential service In the event that the City should contract with other entities, either public or private, resulting in the availability of wireless internet services to non-residential users either within or outside

the corporate limits of the City (“non-residential users”), any such contractor shall pay to the City for such access an amount equal to ten percent (10.000%) of the gross revenues to the contractor derived from the use of the City’s system by non-residential users of the service.

2.

That this ordinance shall repeal any provision of prior ordinances in conflict herewith, but is hereby made cumulative of all other ordinances of the City not in conflict herewith.

3.

That this ordinance shall be in full force and effect from and after the date of its passage and publication.

(agenda item 5) Minutes of August 17, 2006 Meeting

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

**RESOLVED**, that the Minutes of August 17, 2006 Meeting be approved and placed in the records of the city.

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

**Mayor Pro tem Snodgrass arrived at this time.**

(agenda item 11) **Resolution 06-69**, Designation of voting representative for the North Central Texas Council of Government

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

**RESOLVED**, that the voting representative for the North Central Texas Council of Government be Mayor Michael Tedder.

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

(agenda item 12) 2006-2007 Parks and Recreation Facilities Development Corporation Budget

There was discussion, but action was deferred to be included with agenda item 14.

(agenda item 13) 2006-2007 Crime Control and Prevention District Budget

There was discussion, but action was deferred to be included with agenda item 14.

(agenda item 14) **Ordinance 06-06**, 2006-2007 Budget: General Fund, Water Fund, Court Security Fund, Court Automation Fund, Park Fund, Capital Improvement Fund

On motion by Councilman Pettke, seconded by Councilman Piland, the following ordinance was adopted by a vote of 5 ayes and 0 nays:

**ORDINANCE NO. 06-06**

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, 2006 AND ENDING SEPTEMBER 30, 2007.

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, 2006 and ending September 30, 2007 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 15) **Ordinance 06-07**, setting 2006-2007 Tax Rate

On motion by Councilman Pettke, seconded by Councilman Loe, the following ordinance was adopted by a vote of 5 ayes and 0 nays:

**ORDINANCE 06-07**

AN ORDINANCE ADOPTING AN AD VALOREM TAX RATE AND LEVYING A TAX ON PROPERTY IN THE CITY OF DALWORTHINGTON GARDENS, TEXAS FOR THE 2006-2007 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 2006 – 2007 as follows:

**.2014079** FOR THE PURPOSES OF MAINTENANCE AND OPERATION

**.0613311** FOR THE PAYMENT OF PRINCIPAL INTEREST ON DEBT OF THIS 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 2006 - 2007.

(agenda item 17) Future agenda items Council members asked that the following topics be included as agenda items for the next city council meeting:

Gas line extension

Site plan approval on commercial development

ADJOURN

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