

# MINUTES

A REGULAR MEETING  
of the  
DALWORTHINGTON GARDENS  
CITY COUNCIL

Regular Session: Thursday, September 20, 2007 7:00 P.M.

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## EXECUTIVE SESSION

An executive session of the City Council as held at **6:30 o'clock p.m.** on **Thursday, September 20, 2007, in the Council Chambers of the Dalworthington Gardens City Hall, 2600 Roosevelt Drive, Dalworthington Gardens, Texas.** The City Council will met 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:

1. Personnel

## REGULAR SESSION

A regular meeting was held at **7:00 o'clock p.m.** on **Thursday, September 20, 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  
Guy Snodgrass, Mayor Pro tem  
Mike Pettke, Councilman  
Ken Wallace, Councilman  
Jim Piland, Councilman  
Steve Loe, Councilman

## STAFF PRESENT:

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

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

**Mayor asked that Mr. Ken Simon of Arlington Classics Academy step forward to make their presentation to the Dalworthington Gardens Department of Public Safety. After the presentation was made, Mayor continued on with the agenda in order.**

1. **RESOLUTION 07-83**, Executive Session action:
  - a. Personnel  
On motion by Councilman Pettke, seconded by Councilman Piland, by a vote of 5 ayes and 0 nays, it was:

**RESOLVED**, that the action taken in executive session establishing 2007-2008 compensation for key personnel be approved.

2. Citizen comments.  
Cathy Stein, 2622 Clover Lane- gave park board report

3. Mayor and Council comments.

Mayor Tedder asked Council to move ahead to agenda item 9.

9. **RESOLUTOIN 07-84**, Scout Landscape Project.  
On motion by Councilman Wallace, seconded by Councilman Loe, by a vote of 5 ayes and 0 nays, it was:

**RESOLVED**, that the scout landscape project presented by Doug Boothe be approved not to exceed an amount of \$700.00.

Mayor Tedder continued on with the agenda in order.

4. **RESOLUTION 07-85**, Departmental Reports and August Financial Report.  
On motion by Councilman Pettke, seconded by Councilman Loe, by a vote of 5 ayes and 0 nays, it was:

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

5. **RESOLUTION 07-86**, Minutes of August 16, August 27, August 28, August 30, September 11, 2007, Meetings.  
On motion by Councilman Pettke, seconded by Councilman Wallace, by a vote of 5 ayes and 0 nays, it was:

**RESOLVED**, that the minutes of August 16, August 27, August 28, August 30, September 11, 2007, Meetings be approved and placed in the records of the city.

6. Proclamation designating Sept 17 – 23 as Constitution Week  
Mayor Tedder made a presentation proclaiming September 17-23 as Constitution Week and presented the proclamation to Jane Schneeberger.

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**No Tabled Items from Previous Meetings**

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**Public Hearings and Action:**

7. **ORDINANCE 07-12**, Consider application for Amended Concept Plan:  
Applicant: Quik Trip  
Location: Dalworthington Gardens Addition, Lot 1, Block 1  
Property Desc: Northwest corner of the intersection of Bowen Rd. and Pleasant Ridge.

Mayor Tedder opened the public hearing at 7:22 p.m. and asked for public comments, the following persons spoke in favor:

J.D. Dudley- representing Quik Trip

There being no other public comments, Mayor Tedder closed the public hearing at 7:25 p.m.

On motion by Councilman Wallace, seconded by Councilman Loe, by a vote of 5 ayes and 0 nays, it was:

**ORDAINED**, that the concept plan of the applicant approved by Resolution 05-49 (Ordinance) is hereby amended in accordance with the application therefore providing for the addition of one additional pump island; and that the plans therefore are hereby incorporated herein by this reference.

8. Application for Zoning Change  
Applicant: Larry Evans  
Location: 2701 Pleasant Ridge  
Property Desc: Track 181, J.W. Hale Addition  
Current Zoning: B1  
Proposed Zoning: B3

Application was withdrawn by legal, no action was taken.

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**Action Items:**

10. **RESOLUTION 07-87**, Street Bore Request - 3000 Sieber Dr.  
On motion by Councilman Pettke, seconded by Councilman Loe, by a vote of 5 ayes and 0 nays, it was:

**RESOLVED**, that the street bore request located at 3000 Sieber Drive be approved.

11. **RESOLUTION 07-88**, Waiver of Encroachment: 2217 Michigan Ave  
On motion by Councilman Pettke, seconded by Councilman Wallace, by a vote of 5 ayes and 0 nays, it was:

**RESOLVED**, that the encroachment of a structure into a city easement at 2217 Michigan Avenue is hereby waived to the extent of five (5) feet; and

**RESOLVED FURTHER**, that the city initiate an abandonment of the easement to the extent of such encroachment.

12. **RESOLUTION 07-90**, Texas Traffic Safety Program Grant Agreement (STEP WAVE)

On motion by Councilman Piland, seconded by Councilman Loe, by a vote of 5 ayes and 0 nays, it was:

**RESOLVED**, that the Texas Traffic Safety Program Grant Agreement be approved and placed in the records of the city.

13. **RESOLUTION 07-91**, Texas Department of Public Safety Inter-local Cooperation Contract.

On motion by Councilman Wallace, seconded by Councilman Pettke, by a vote of 5 ayes and 0 nays, it was:

**RESOLVED**, that the Texas Department of Public Safety Inter-local Cooperation Contract be approved and placed in the records of the city.

14. **Ordinance 07-13**, 2007-2008 Budget: General Fund, Water Fund, Court Security Fund, Court Automation Fund, Park Fund, Capital Improvement Fund  
On motion by Councilman Piland, seconded by Councilman Wallace, by a vote of 5 ayes and 0 nays, the following ordinance was adopted:

**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, 2007 AND ENDING SEPTEMBER 30, 2008.**

**BE IT ORDAINED:**

1.

**Subject to the applicable laws of the State of Texas, the budget for the fiscal year of the City beginning October 1, 2007 and ending September 30, 2008 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.

15. **Ordinance 07-14, 2007-2008 Tax Rate**

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

**AN ORDINANCE ADOPTING AN AD VALOREM TAX RATE AND LEVYING A TAX ON PROPERTY IN THE CITY OF DALWORTHINGTON GARDENS, TEXAS FOR THE 2007-2008 TAX YEAR.**

**BE IT ORDAINED:**

1.

That there is hereby adopted an ad valorem tax rate per \$100 valuation for this City for tax year 2007 – 2008 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 2007 - 2008.

16. **Ordinance 07-15**, Amendment to Title 3.3 to adjust water rates  
 On motion by Councilman Pettke, seconded by Councilman Wallace, by a vote of 5 ayes and 0 nays, the following ordinance was adopted:

**AN ORDINANCE AMENDING SECTION 3.3.05 OF CHAPTER 3, PERMIT AND SERVICE FEES, OF TITLE 3, REVENUE AND FINANCE, OF THE CODE OF THE CITY OF DALWORTHINGTON GARDENS, BY AMENDING C., WATER AND SEWER, PARAGRAPH (4), WATER SERVICE RATES; PRESCRIBING RATES FOR WATER SERVICE IN THE CITY; REPEALING ORDINANCES IN CONFLICT HEREWITH; MAKING THIS ORDINANCE CUMULATIVE OF OTHER ORDINANCES OF THE CITY NOT IN CONFLICT HEREWITH; PRESCRIBING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION; AND, NAMING AN EFFECTIVE DATE.**

**BE IT ORDAINED:**

1.

**That paragraph (4), Water service rates, of sub-section C, WATER AND SEWER, of Section 3.3.05, Schedule of Fees and Charges, of Chapter 3.3, Permit and Service Fees, of Title 3, REVENUE AND FINANCE, of the Code of the City of Dalworthington Gardens be amended so that hereafter the same shall be and read as follows:**

(4) Water service rates

a. The following rates per month shall be the rates charged for water service furnished to the customer within the corporate limits of the City, except as provided in paragraph c of this section:

	<u>Gallons of Water</u>	<u>Residential Rates</u>	<u>Commercial Rates</u>
\$39.00	First 2000 gallons (minimum)	\$17.50	
	Over 2000 gallons (per 1000 gallons)	2.35	2.35

b. The schedule in paragraph a, of this section is based upon the amount of water used, as measured by a single meter, in increments of one thousand (1000) gallons.

c. In all cases where more than one residential or commercial unit is supplied water measured through a single meter, not less than the minimum charge hereinabove provided shall be made for each such unit supplied through such meter, multiplied by amount of minimum. All water usage in excess of the total multiple unit minimum charge (2000 gallons X number of residential living or commercial units), shall be based upon the schedule provided in paragraph (a) above.

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 any person violating any provision of this ordinance shall be guilty of a misdemeanor and shall, upon conviction, be fined in an amount not more than \$500.00.**

4.

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

5.

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

17. **RESOLUTION 07-92**, Approval of Equipment Purchases from surplus  
On motion by Councilman Loe, seconded by Councilman Pettke, by a vote of 5 ayes and 0 nays, it was:

**RESOLVED**, that the request of Equipment Purchases from surplus be approved in accordance with the documentation attached to and made a part of this resolution.

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FUTURE AGENDA ITEMS  
RFB for Oil and Gas Lease

ADJOURN

On motion by Councilman Pettke, seconded by Councilman Loe, by unanimous vote, the meeting was adjourned at 7:37 p.m.