

**MINUTES**  
**A REGULAR MEETING**  
**of the**  
**DALWORTHINGTON GARDENS**  
**Executive Session: Thursday, October 16, 2008 6:30 P.M.**  
**Regular Session: Thursday, October 16, 2008 7:00 P.M.**

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**EXECUTIVE SESSION**

An executive session of the City Council was held at **6:30 o'clock p.m.** on **Thursday, October 16, 2008, in the Council Chambers of the Dalworthington Gardens City Hall, 2600 Roosevelt Drive, Dalworthington Gardens, Texas.** The City Council 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 item of business were considered and discussed but not acted upon: Conference with David T. Ritter, trial counsel for the city, regarding possible terms of mediation settlement of pending lawsuit.**

**REGULAR SESSION**

A regular meeting was held at **7:00 o'clock p.m.** on **Thursday, October 16, 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  
Jim Piland, Councilman

**MEMBERS ABSENT:**

Ken Wallace, Councilman

**STAFF PRESENT:**

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

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

1. **Resolution 08-78, Executive Session action**  
On motion by Councilman Pettke, seconded by Councilman Loe, by a vote of 3 ayes and 0 nays, it was:

**RESOLVED**, that the firm of Taylor, Olson, Adkins, Sralla and Elam, legal counsel for the city in the pending lawsuit styled *Robertson vs. City of Dalworthington Gardens*, is hereby authorized to enter into mediation under terms described in the executive session.

2. Citizen comments

Cathy Stein, 2622 Clover Lane, addressed the City Council concerning the city historical committee

3. Mayor and Council comments.

There were no Mayor and Council comments.

4. **Resolution 08-79**, Departmental Reports, September Financial Report

Chief Waybourn gave the monthly DPS report, Melinda Brittain gave the city report and Callahan and Freeman made a presentation regarding plans for City Hall and gave cost estimates to Council.

Councilman Piland entered the meeting at this time.

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

RESOLVED, that the departmental reports and the financial report for September, 2008 be approved and placed in the records of the city.

5. **Resolution 08-80**, Minutes of September 18, 2008 Meeting.

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

RESOLVED, that the minutes of the September 18, 2008 City Council meeting be approved and placed in the records of the city.

**Public Hearing:**

6. **Resolution 08-81**, Plat Revision.

Applicant: Coats Family Trust

Location: 2715 California Lane

Property Description: Lots 9R1 and 9R2, Block 3, Dalworthington Gardens

Zoning: Single Family SF-1

Mayor Tedder opened the public hearing at 7:46 p.m. and asked for public comments.

The following persons spoke in favor of the request:

Mary Alice Coats, 2715 California Lane

There being no other public comments, the Mayor closed the public hearing at 7:47 p.m.

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

RESOLVED, that the final plat of Lots 9R1 and 9R2, Block 3, Dalworthington Gardens Addition, dated September, 2008, be approved and placed of record.

**Tabled Item from Previous Meetings**

7. **Resolution 08-82**, Wholesale Inter-local Wastewater Contract  
On motion by Councilman Pettke, seconded by Councilman Piland, by a vote of 4 ayes and 0 nays the item was removed from the table.  
On motion by Councilman Pettke, seconded by Mayor Pro tem Snodgrass, by a vote of 4 ayes and 0 nays, the following resolution was adopted:

**RESOLUTION NO. 08-82**

**A RESOLUTION AUTHORIZING A WASTEWATER CONTRACT WITH THE CITY OF ARLINGTON, TEXAS.**

BE IT RESOLVED:

1.

That the Mayor of the City is hereby authorized to execute on behalf of the City an interlocal contract for wastewater collection, transportation and treatment service between the City and the City of Arlington, Texas, 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.

**Action Items:**

8. **Resolution 08-83**, Street Bore Request: 2412 Roosevelt Dr.  
On motion by Councilman Pettke, seconded by Councilman Loe, by a vote of 4 ayes and 0 nays, it was:

RESOLVED, that the request of Scott Gray, 3302 Country Club Road, Pantego, TX, to bore under the street at 2412 Roosevelt Drive is hereby approved.

9. **Resolution 08-84**, Street Bore Request: 2705 W. Arkansas Lane  
On motion by Councilman Pettke, seconded by Councilman Loe, by a vote of 4 ayes and 0 nays, it was:  
RESOLVED, that the request of Tom Eidson, 2542 West Pioneer Parkway, Arlington, TX. to bore under Corzine Drive at or about 2705 West Arkansas Lane for sanitary sewer service and to cut Corzine Drive at that location for water service is hereby approved.

10. **Resolution 08-85**, FTW Water Line Locate/Documentation Project  
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 City staff is hereby authorized to procure a contractor to locate and document the location of the City's water transmission line from the City of Fort Worth at a cost to the City not exceeding \$7,000, subject to the approval of the Mayor; and, that the Mayor is hereby authorized to execute an agreement with the contractor and the City Secretary is hereby authorized to attest to such execution.

11. **Resolution 08-86**, Contract for Waterline Extension, Arkansas Lane to serve lots 1R2 and 1R3, Block 1, Dalworthington Gardens Addition  
On motion by Councilman Pettke, seconded by Councilman Loe, by a vote of 4 ayes and 0 nays, it was:

RESOLVED, that the City is hereby authorized to execute, as third-party beneficiary, a contract for waterline extension at Arkansas Lane to serve Lots 1R2 and 1R3, DALWORTHINGTON GARDENS, between Alert Assets, LLC, Owner, JMA, LLC, Prime Contractor, and D.T. Utility Contractors, Inc., sub-contractor for water and sewer improvements.

RESOLVED FURTHER, that copies of the contract documents shall be on file in the office of the City Secretary.

12. **Resolution 08-87**, ONCOR Rate Case Resolution  
On motion by Mayor Pro tem Snodgrass, seconded by Councilman Pettke, by a vote of 4 ayes, it was:

**RESOLUTION NO. 08-87**

**A RESOLUTION OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS FINDING THAT ONCOR ELECTRIC COMPANY'S REQUESTED INCREASES TO ITS ELECTRIC TRANSMISSION AND DISTRIBUTION RATES AND CHARGES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.**

WHEREAS, pursuant to § 33.001 of the Public Utility Regulatory Act ("PURA"), the City has exclusive original jurisdiction over the electric rates, operations, and services provided within city limits;

WHEREAS, on or about June 27, 2008, Oncor Electric Delivery Company ("Oncor" or "Company"), pursuant to PURA §§ 33.001 and 36.001 filed with the City of Dalworthington Gardens ("City") a Statement of Intent to increase electric transmission and delivery rates by \$275 million on a system-wide basis within its service area effective August 8, 2008; and

WHEREAS, pursuant to PURA § 36.108, the City lawfully suspended the August 8, 2008, effective date by resolution to provide time to study the reasonableness of the Company's application to increase rates; and

WHEREAS, the City is a member of the Oncor Cities Steering Committee (Steering Committee) and has cooperated with 145 similarly situated city members to conduct a review of the Company's application, to hire and direct legal counsel and consultants, to prepare a common response to the filing, to negotiate with the Company and to direct any necessary litigation appealing final city action; and

WHEREAS, the City, in a reasonably noticed meeting that was open to the public, considered the Company's application; and

WHEREAS, the consultants who were retained by the Steering Committee to evaluate the merits of the Company's application have determined that the Company's requested \$275 million increase in revenues for its transmission and distribution system is not supported by evidence; and

WHEREAS, PURA § 33.023 provides that reasonable costs incurred by cities in ratemaking activities are to be reimbursed by the regulated utility.

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

1. That the rates proposed by Oncor Electric Delivery Company, to be recovered through its electric transmission and distribution rates charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.
2. That the Company shall continue to charge its existing rates for transmission and distribution services to customers within the City.
3. That the City's reasonable rate case expenses shall be reimbursed by Oncor.
4. That it is hereby officially found and determined that the meeting at which this Resolution is passed 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.

5. A copy of this Resolution shall be sent to Oncor, care of Debra Anderson, Oncor Electric Delivery Company, 1601 Bryan St., Suite 23-055C, Dallas, Texas 75201 and to Geoffrey Gay, General Counsel to the Oncor Cities Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

13. **Resolution 08-88**, Election Contract with Tarrant County  
On motion by Councilman Pettke, seconded by Councilman Piland, by a vote of 4 ayes and 0 nays, the following resolution was adopted:

**RESOLUTION NO. 08-88**

**A RESOLUTION AUTHORIZING A JOINT ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES.**

BE IT RESOLVED:

1.

That the Mayor of the City is hereby authorized to execute on behalf of the City a Joint Election Agreement and Contract for Election Services between the City and the Tarrant County Elections Administrator for the conduct of the Crime Control and Prevention District election, 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.

14. **Resolution 08-89**, Pleasant Ridge Road Interlocal Agreement with City of Arlington.  
On motion by Councilman Pettke, seconded by Councilman Piland, by a vote of 4 ayes and 0 nays, the following resolution was adopted:

**RESOLUTION NO. 08-89**

**A RESOLUTION AUTHORIZING AN INTERLOCAL CONTRACT WITH THE CITY OF ARLINGTON, TEXAS FOR THE CONSTRUCTION OF WATER LINE IMPROVEMENTS IN PLEASANT RIDGE ROAD.**

BE IT RESOLVED:

1.

That the Mayor of the City is hereby authorized to execute on behalf of the City an interlocal contract with the City of Arlington for the construction of a 12-inch water line in Pleasant Ridge Road between Homeplace Court and Bowen Road, 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.

15. **Resolution 08-90**, Increase to EMTRP Supplement.

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

RESOLVED, that an increase to the EMTRP, paramedic supplement, from \$3,300 to \$4,950 is hereby approved; and that a copy thereof be placed in the records of the city.

16. Proposed Ordinance for Personnel Fees

No action was taken.

17. Appoint Historical Committee

No action was taken.

18. **Resolution 08-91**, Interlocal Agreement for Rabies Control with City of Fort Worth.

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

**RESOLUTION NO. 08-91**

**A RESOLUTION AUTHORIZING AN INTERLOCAL CONTRACT WITH THE CITY OF FORT WORTH, TEXAS FOR RABIES CONTROL.**

BE IT RESOLVED:

1.

That the Mayor of the City is hereby authorized to execute on behalf of the City an interlocal contract with the City of Fort Worth for certain rabies control services and activities to be provided by the City of Fort Worth, 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.

**Future Agenda Items** Water rate adjustments

**Adjourn**

On motion by Councilman Pettke, seconded by Councilman Loe, by a vote of 4 ayes and 0 nays, the meeting was adjourned at 8:15 p.m.