

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

Executive Session: Thursday, November 17, 2005 6:30 P.M.

Regular Session: Thursday, November 17, 2005 7:00 P.M.

EXECUTIVE SESSION

An executive session of the City Council was held at **6:30 o'clock p.m.** on **Thursday, November 17, 2005, in the Council Chambers of the Dalworthington Gardens City Hall, 2600 Roosevelt Drive, Dalworthington Gardens, Texas.** The following items of business will be considered, discussed and may be acted upon, as deemed appropriate by the Council:

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 to discuss litigation and property acquisition.

REGULAR SESSION

A regular meeting was held at **7:00 o'clock p.m.** on **Thursday, November 17, 2005 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:

Albert A. Taub, Mayor
Guy Snodgrass, Mayor Pro tem
Michael Tedder, Councilman
Ken Wallace, Councilman
Jim Piland, Councilman

Members Absent:

Mike Pettke- 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 Taub called the meeting to order at 7:00pm

(Agenda Item 1) Action from Executive Session

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

RESOLVED, that the City get an updated appraisal for the land acquisition

Motion passed by a vote of 4 ayes and 0 nays

(Agenda Item 2)Citizen comments

Adam Zduniewicz, Adam's Feed Store
Angela Smitty
Mark Young
Kathy Price, 2820 Whisperwood

(Agenda Item 3)Mayor and Council comments

None

(Agenda Item 4)Departmental Reports and October Financial Report

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

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

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

(Agenda Item 5)Minutes of October 20 and November 15, 2005 Meetings

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

RESOLVED, that the minutes of the October 20 and November 15, 2005 Council meeting be approved and placed in the records of the city.

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

(Agenda Item 6)Ordinance 05-18, Public Hearing: Amendment to Title 17: Zoning, Chapter 17.10 Sign Standards to clarify the area of wall and roof signs in commercial districts. (see attached)

Mayor Taub opened the public hearing at 7:20 pm and asked for public comments. There being no one to speak, Mayor closed the hearing at 7:21pm.

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

RESOLVED, that the Amendment to 17: Zoning, Chapter 17.10 Sign Standards to clarify the area of wall and roof signs in commercial districts be approved and placed in the records of the City.

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

(Agenda Item 9) Resolution 05-70, Agreement with Tarrant County for installation of box culverts across Elkins Drive

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

RESOLVED, that Resolution 05-70, Agreement with Tarrant County for installation of box culverts across Elkins Drive be approved and a copy of the agreement be attached and placed in the records of the City.

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

(Agenda Item 10) Agreement with JPMorgan Chase Bank for Procurement Cards

On motion by Councilman Tedder, seconded by Councilman Wallace, this item was tabled.

(Agenda Item 11) Resolution 05-71, Step-Wave Grant.

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

RESOLVED, that the Resolution 05-71, Step-Wave Grant be approved and placed in the records of the City.

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

RESOLUTION NO. 05-71

A RESOLUTION ACCEPTING OF SUBRECIPIENT A WARD UNDER THE 2006 STEP-WAVE PROGRAM AND AUTHORIZING EXECUTION OF GRANT AGREEMENT.

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

1.

That the City hereby accepts a subrecipient award from the Texas Department of Transportation under the 2006 Step-Wave Grant program, received pursuant to an application therefor heretofore duly made by the City.

2.

That the Mayor is hereby authorized to execute the Grant Agreement on behalf of the City and the City Secretary is hereby authorized to attest such execution.

3.

That Krysten Jeter, Evidence Officer of the City's Department of Public Safety, is hereby identified as the Project Director for the grant and is authorized to act on behalf of the City in its administration of the grant.

4.

That a copy of the Grant Agreement shall be maintained on file in the office of the City Secretary.

(Agenda Item 12)(Tabled)Employee insurance and health savings accounts.

No action

(Agenda Item 13)(Tabled)City Employee Payroll Direct Deposit Resolution.

No action

(Agenda Item 14)Ordinance 05-19, Atmos Grip Request

On motion by Councilman Tedder, seconded by Mayor Pro tem Snodgrass, it was:

RESOLVED, that the Atmos Grip Request be denied.

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

ORDINANCE NO. 05-19

AN ORDINANCE OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, DENYING ATMOS ENERGY CORP., MID-TEX DIVISION'S REQUEST FOR AN ANNUAL GAS RELIABILITY INFRASTRUCTURE PROGRAM RATE ADJUSTMENT IN THIS MUNICIPALITY SO THAT THE COMPANY MAY PURSUE A SYSTEM-WIDE ANNUAL GAS RELIABILITY INFRASTRUCTURE PROGRAM RATE ADJUSTMENT WITH THE RAILROAD COMMISSION OF TEXAS; PROVIDING AN EFFECTIVE DATE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR NOTICE OF THIS ORDINANCE TO ATMOS ENERGY CORP., MID-TEX DIVISION

WHEREAS, Atmos Energy Corp., Mid-Tex Division (the "Company") operates the distribution system serving the City, and;

WHEREAS, on or about September 20, 2005, the Company filed with the

City of Dalworthington Gardens, Texas (the "City"), a request for annual gas reliability infrastructure program rate adjustment for customers on the Company's system-wide distribution system, to be effective on November 19, 2005; and

WHEREAS, the City has original jurisdiction to evaluate the Company's request as it pertains to customers of the Company served from the distribution facilities located within the City, pursuant to Texas Utilities Code §§ I 02.001 (b) and 103.001;

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

SECTION 1. That the Company's request for an annual gas reliability infrastructure program rate adjustment with respect to customers served from the Company's distribution facilities located inside the City, as part of the Company's system-wide gas utility system, is denied in all respects.

SECTION 2. That this Ordinance shall become effective immediately from and after its passage, as the law and charter in such cases provide.

SECTION 3. That it is hereby officially found and determined that the meeting at which this Ordinance 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.

SECTION 4. That a copy of this Ordinance, constituting final action on the Company's request for an annual gas reliability infrastructure program rate adjustment, shall be forwarded to the Company's designated representative within 10 days at the following address: Richard Reis, Atmos Energy Corp., Mid-Tex Division, 5420 LBJ Freeway, Suite 1800, Dallas, Texas 75240.

(Agenda Item 15)Resolution 05-72, Park Board Donations Budget Designation.

On motion by Councilman Tedder, seconded by Mayor Pro tem Snodgrass, the item was taken off the table.

On motion by Mayor Pro tem Snodgrass, seconded by Councilman Piland, it was:

RESOLVED, that the Resolution 05-72, Park Board Donations Budget Designation be approved and placed in the records of the City.

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

Resolution #05-72

A RESOLUTION CONCERNING DONATIONS
TO THE CITY FOR PARK PURPOSES

WHEREAS, from time to time gifts are made from private sources to be used for park and recreation facilities and/or activities of the City; and

WHEREAS, gifts are sometimes made to the City by a donee with a specific purpose or use in mind; and

WHEREAS, the acceptance by the City of gifts made for designated purposes creates a requirement for the proper accounting of such funds and their uses; NOW THEREFORE

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

That the City policy for receipt, retention and use of monies contributed to the City by private donees (one or more) for park and recreation uses shall be as follows:

1. Any gift of less than \$5,000 shall be placed in the park endowment fund to be used by the City Council, in its discretion, for park and recreation purposes.
2. No gift of less than \$5,000 may be designated by the donor for a specific park and recreation use or purpose.
3. Any gift of \$5,000 or more that is designated by the donor for a specific park and recreation use or purpose must, for acceptance by the City, be formally approved by the City Council after consideration of both (a) the cost of initial implementation of the use or purpose for which the gift is made; and (b) the annual or on-going cost of maintenance of such implementation.

(Agenda Item 16)Schedule December Council meeting.

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

RESOLVED, that the next City Council meeting be scheduled for December 8, 2005.

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

(Agenda Item 17)Future agenda items

(Agenda Item 18)Adjourn

On motion by Councilman Tedder, seconded by Councilman Wallace, the meeting was adjourned.

Motion passed by 4 ayes and 0 nays.