

MINUTES
A REGULAR MEETING
of the
DALWORTHINGTON GARDENS
Executive Session: Thursday, November 20, 2008 6:30 P.M.
Regular Session: Thursday, November 20, 2008 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 20, 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 items of business were considered, and discussed by the Council:

Litigation: Conference with legal counsel concerning offer of settlement after mediation in the lawsuit styled Robertson v. City of Dalworthington Gardens.

REGULAR SESSION

A regular meeting was held at **7:00 o'clock p.m.** on **Thursday, November 20, 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
Ken Wallace, Councilman
Steve Loe, Councilman
Jim Piland, Councilman

MEMBERS ABSENT:

Mike Pettke, 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 7:14 p.m.

1. **Resolution #08-98 , Executive Session action:** On motion by Councilman Piland, seconded by Councilman Loe, with a vote of 4 ayes and no nays, the following resolution was adopted:

RESOLVED, that the Mediated Settlement Agreement in Robertson v. City of Dalworthington Gardens, Texas and Ben Hicks is hereby approved in complete settlement and release of all matters in controversy in the suit, subject only to the completion of a definitive statement to be made by the Mayor;

RESOLVED FURTHER, that a copy of the Mediated Settlement Agreement be appended to the minutes of this meeting.

2. Citizen comments
3. Presentation by students of The Montessori Academy concerning water quality tests in City Lake.
4. Mayor and Council comments.
There were no comments by the Mayor or Council members
5. Departmental Reports, October Financial Report
Resolution #08-92, On motion by Councilman Loe, seconded by Councilman Wallace, by a vote of 4 ayes and 0 nays, it was:

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

6. Minutes of October 18, 2008 Meeting.
Resolution #08-93, . On motion by Councilman Loe, seconded by Councilman Piland, by a vote of 4 ayes and 0 nays, it was:

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

Public Hearing: There were no public hearings scheduled for this meeting.

Tabled Item from Previous Meetings: There were no tabled items from previous meetings.

Action Items:

7. Contract of Grant Obligations, Texas Department of State Health Services, 2009 EMS Local Projects Grant Awards
Resolution #08-94, On motion by Councilman Wallace, seconded by Councilman Loe, by a vote of 4 ayes and 0 nays, the following resolution was adopted:

RESOLUTION NO. 08-94

A RESOLUTION AUTHORIZING A CONTRACT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR GRANT FUNDS

BE IT RESOLVED:

1.

That the Mayor of the City is hereby authorized to execute on behalf of the City a contract with the Department of State Health Services, an agency of the State of Texas, providing for \$8,400.00 in grant funds for emergency medical services for a term ending 8/31/2009, a copy of the agreement (38 pages + attachments) being maintained on file in the Office of the City Secretary.

2.

That the City Secretary is hereby authorized to attest the execution of the agreement and to affix the seal of the City thereto.

8. Amendment to Title 3.3 of the City Code establishing water/sewer rates
No action was taken.
9. Canvass November 4, 2008 Election
Resolution #08-95, On motion by Councilman Wallace, seconded by Councilman Loe, by a vote of 4 ayes and 0 nays, the following resolution and order was adopted:

RESOLUTION AND ORDER

CANVASSING RETURNS AND DECLARING RESULTS OF ELECTION CONCERNING THE CONTINUATION OF THE DALWORTHINGTON GARDENS CRIME CONTROL AND PREVENTION DISTRICT AND THE CONTINUATION OF A SALES AND USE TAX AT THE RATE OF ONE-HALF OF ONE PERCENT FOR THE SUPPORT OF PROGRAMS OF THE DISTRICT.

WHEREAS, heretofore on the 19th day of June, 2008, the City Council of the City of Dalworthington Gardens, sitting as the board of directors of the Dalworthington Gardens Crime Control and Prevention District (the "District"), adopted an order calling for an election on the proposition of the continuation of a crime control and prevention district in the City and the continuation of a sales and use tax at the rate of one-half of one percent in support of the programs of the District; and

WHEREAS, notice of the election was given as required by law and as provided in the election order; and

WHEREAS, the said election was duly and legally held on the 4th day of November, 2008, in conformity with the election laws of the State of Texas and Chapter 363 of the Texas Local Government Code providing for such districts; and

WHEREAS, the results of the election have been certified and returned by the proper judges and clerks of the said election; and

WHEREAS, the board of directors of the District has today considered the returns of the election held on November 4, 2008; and

WHEREAS, it appears to the said board of directors, and the board so finds, that the said election was in all respects lawfully held; and

WHEREAS, it appears to the said board, and the board so finds, that the presiding election judge and the City Secretary have tabulated the results of the said election and have certified such tabulation to the board, and that such tabulation is correct;

NOW THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS, ACTING HEREIN AS THE BOARD OF DIRECTORS OF THE DAL WORTHINGTON GARDENS CRIME CONTROL AND PREVENTION DISTRICT:

1. That the tabulation of votes cast in the election held on the 4th day of November, 2008, concerning the continuation of the Dalworthington Gardens Crime Control and Prevention District, made and certified to by the presiding election judge and the City Secretary of the City of Dalworthington Gardens, a copy of which is attached hereto and made a part hereof, be and the same is hereby adopted as the official tabulation of the votes cast at said election; that said tabulation be filed and recorded in the official records of the District; and that a certified copy of the same be forwarded to the City Secretary of the City of Dalworthington Gardens to be made a part of the official records of said city.

2. That the said official canvass of the returns of said election reflects the following:

The proposition: WHETHER THE DALWORTHINGTON GARDENS CRIME CONTROL AND PREVENTION DISTRICT SHOULD BE CONTINUED FOR FIVE (5) YEARS AND THE CRIME CONTROL AND PREVENTION DISTRICT SALES TAX SHOULD BE CONTINUED FOR FIVE (5) YEARS.

Voting FOR the proposition: 973 votes.

Voting AGAINST the proposition: 177 votes.

No ballots were left blank.

3. That the official canvass of the returns reflects that the proposition was approved and adopted.

10. Ordinance Amending Chapter 12.2, Parks, of Title 12, Streets, Sidewalks and Public Places
No action was taken.

11. 2006 – 2007 Audit and Financial Statements

Resolution #08-96, On motion by Councilman Wallace, seconded by Councilman Piland, by a vote of 4 ayes and 0 nays, it was:

RESOLVED, that the City Council does hereby acknowledge receipt of the independent audit of the financial affairs of the City for its Fiscal Year 2006-2007.

12. Reschedule December Regular Council Meeting to December 11, 2008

Resolution #08-97, On motion by Councilman Wallace, seconded by Councilman Loe, by a vote of 4 ayes and 0 nays, it was:

RESOLVED, that the December Regular Council Meeting be rescheduled to meet on December 11, 2008.

Future Agenda Items

Adjourn

On motion by Councilman Wallace, seconded by Councilman Loe, by a vote of 4 ayes and 0 nays, the meeting was adjourned.
