

MINUTES
A REGULAR MEETING
of the
DALWORTHINGTON GARDENS
CITY COUNCIL
December 11, 2008, 7:00 P.M.

REGULAR SESSION

A regular meeting of the City Council was held at **7:00 o'clock p.m.** on **Thursday, December 11, 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
Mike Pettke, Councilman

STAFF PRESENT:

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

CALL TO ORDER A quorum being present, Mayor Tedder called the meeting to order at 7:08 p.m.

1. Citizen comments - Cathy Stein, 2622 Clover Lane, addressed the city council concerning a historical project.
2. Mayor and Council comments – Councilman Loe commented concerning the proposed traffic signal at Arkansas Lane and Roosevelt Drive. There were no other comments.
3. Departmental Reports, November Financial Report
 - a. DPS Activity Report
 - b. Financial Report of City Funds & Investments
 - c. Utility, Public Works & Court Activity Reports
 - d. Tarrant County Economic Data/Foreclosures & Employment

Resolution #08-99, On motion by Councilman Loe, seconded by Councilman Pettke, by a vote of 5 ayes and 0 nays, it was:

RESOLVED, that the DPS Activity Report, Financial Report of City Funds & Investments, and the Utility, Public Works & Court Activity Reports be approved and placed in the records of the city and that a copy be appended to the minutes of this meeting.

4. Minutes of November 11, 2008 Meeting.

Resolution #08-100, 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 the November 11, 2008 City Council meeting be approved and placed in the records of the city.

Public Hearing:

5. **Resolution #08-101**, Plat Revision.

Applicant: Joe Tucker

Location: 2916 Roosevelt Dr.

Property Description: Lots 10D1 & 10C, Block 8, Dalworthington Gardens

Zoning: Single Family SF-1

Mayor Tedder opened the public hearing at 7:16 p.m. and asked for public comments.

There being no public comments, Mayor Tedder closed the public hearing at 7:18 p.m.

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

RESOLVED, that the plat revision of Lot 10D1R, Block 8, Dalworthington Gardens be approved and placed in the records of the city.

Tabled Item from Previous Meetings None

Action Items:

6. Engagement letter from Robert Walsh, Jr. for auditing services

Resolution #08-102, On motion by Councilman Wallace, seconded by Councilman Pettke, by a vote of 5 ayes and 0 nays, the following resolution was adopted:

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 30, 2008.

BE IT RESOLVED:

That, Robert L. 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, 2009 in accordance with the terms of the letter to the City dated November 17, 2008, a copy of which shall be appended to the minutes of this meeting.

7. Service Agreement for Water/Sewer utility bill printing and mailing
Resolution #08-103, On motion by Councilman Pettke, seconded by Councilman Wallace, by a vote of 5 ayes and 0 nays, the following resolution was adopted:

A RESOLUTION AUTHORIZING AN AGREEMENT WITH ARISTA INFORMATION SYSTEMS, INC. FOR UTILITY BILLING SERVICES.

BE IT RESOLVED:

1.

That the Mayor of the City is hereby authorized to execute on behalf of the City an agreement between the City and Arista Information Systems Inc., (“ARISTA”) for utility billing services, a copy of the agreement being appended to this resolution, subject to the following changes”

Paragraph 2 of the agreement shall be revised: to provide for a 12 month rather than a 24 term; and, to provide for termination upon 90 days notice by the City, as customer, at any time while the agreement is in effect.

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. **Ordinance #08-16, Amendment** to Chapter 3.3 Prescribing Water Service Rates
On motion by Councilman Wallace, seconded by Councilman Pettke, 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:

Residential Rates

Gallons of Water

First 2000 gallons (minimum)	\$17.50
Over 2000 gallons (per 1000 gallons)	\$ 2.50

Commercial Rates

\$4.50 per 1000 gallons, with \$9.50 deposit

Bulk Rates To purchasers of water from the City in bulk quantities per contract \$9.75 per 1000 gallons.

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 and the rates shall be applied to the first billing cycle thereafter.

9. Amendment to Chapter 3.3 prescribing fees for City Personnel and Equipment
Ordinance #08-17, On motion by Councilman Wallace, seconded by Councilman Loe, by a vote of 5 ayes and 0 nays, the following ordinance was adopted:

AN ORDINANCE AMENDING CHAPTER 3.3, PERMIT AND SERVICE FEES, OF TITLE 3, REVENUE AND FINANCE, OF THE CODE OF THE CITY OF DALWORTHINGTON GARDENS: BY AMENDING 3.3.04 RESOLVING CONFLICT OF THIS CHAPTER WITH OTHER LAWS; BY AMENDING “A. ADMINISTRATIVE SERVICES”, OF 3.3.05 PRESCRIBING FEES FOR ADMINISTRATIVE SERVICES PROVIDED BY THE CITY; 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:

1.

That Section 3.3.04, Conflicts with other ordinances, 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 it shall be and read as follows:

3.3.04 Conflict with other laws

- a. In the event any fee prescribed by Section 3.3.05 hereof may conflict with the amount provided in the ordinances therein referenced, this chapter shall be deemed an amendment to the referenced ordinance.
- b. In the event no ordinance is referenced in 3.3.05 hereof concerning any fee or

charge, this chapter shall constitute full authority for the imposition of the fee or charge without reference to any other ordinance.

- c. In the event of conflict between the provisions of 3.3.05 hereof and the provisions of any Texas or federal law or regulation pertaining to public records that pre-empts local legislation, the state or federal law shall govern.

2.

That paragraph A., ADMINISTRATIVE SERVICES, 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 it shall be and read as follows:

A. ADMINISTRATIVE SERVICES

- (1) Public records/public information
 - a. Building Code \$30.00/copy; local provisions
 - b. Subdivision Ordinance \$30.00/copy
 - c. Zoning Ordinance \$30.00/copy
 - d. City Code
 - i. Initial set \$125.00 w/o annual maintenance
 - ii Annual maintenance (per year) \$30.00 per copy
 - e. Plats
 - i. Copy \$20.00
 - ii. Rental of reproducible (per day) \$10.00/day
 - iii County filing -- 18x24 \$60.00
 - iv. County filing -- 24x36 \$80.00
 - f. Statistical Reports, per page \$5.00
 - g. Other documents:
 - Paper copy - 8-1/2 x 11 per \$0.10
 - Paper copy – 8-1/2 x 14 per page \$0.50
 - Paper copy – 11 x 17 per page \$0.50
 - Diskette* \$1.00
 - VHS video cassette* \$2.50
 - Audio cassette* \$1.00
 - DVD* \$3.00
 - CD-R or CDRW \$1.00
 - *Medium furnished by requesting party
 - h. Labor charge (over 50 pages) \$15.00/hour
 - i. Programming labor \$28.50/hour
 - j. Remote document retrieval Actual cost
 - k. Computer resource charge \$2.50/hour
 - l. Overhead (over 50 pages) 20% of labor cost
- (2) Public safety costs and fees
 - a. Accident / Police/EMS Report \$10.00

- b. Fingerprinting \$35.00
- c. Research \$30.00/hour
- d. Personnel costs (incurred in hazardous materials or utility break cases)
 - Police, fire or EMT \$50.00/hour
 - Hazardous materials technician \$70.00/hour
 - Incident commander/safety officer \$75.00/hour
 - Fire marshal/fire inspector \$50.00/hour
 - Public works inspector \$45.00/hour
- e. Equipment costs (incurred in hazardous materials or utility break cases)
 - Fire engine \$150.00/hour
 - Brush truck/manpower squad \$100.00/hour
 - Patrol unit \$75.00/hour
 - Police motorcycle \$50.00/hour
 - Police bike/ATV \$30.00/hour
 - Command vehicle \$75.00/hour
 - Pick-up truck or van \$50.00/hour
 - Back hoe/tractor \$120.00/hour
 - Dump truck \$75.00/hour
 - Utility trailer \$40.00/hour
 - Generator, portable lighting, wet vacuum \$20.00/hour/unit
 - Portable fan \$10.00/hour
 - Barricade \$5.00/incident
 - Traffic cones \$2.00 each/incident
 - Road flares \$3.50 each/incident
 - Supplies Actual cost
- f. Services
 - EMS treatment with transport declined \$50.00/incident
 - Vehicle accident clean-up \$50.00/incident
- g. Records copies – as in (1) above.

(3) Administrative costs - other

- a. Returned Checks \$30.00
- b. Newsletter advertising \$15.00/month
\$150.00/year
- c. Confidentiality maintenance \$3.00/year
- d. Miscellaneous supplies Actual cost
- e. Postage and shipping charge Actual cost
- f. Photographs Actual cost
- g. Fax charge
 - Local \$0.10/page
 - Long distance \$1.00/page
- h. Other costs Actual cost

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.

4.

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

Future Agenda Items

Discuss the historical 75th Anniversary of Dalworthington Gardens

Adjourn

On motion by Councilman Loe, seconded by Councilman Wallace, by a vote of 5 ayes and 0 nays, the meeting was adjourned at 8:07 p.m.
