

**MINUTES**  
of  
**A REGULAR MEETING**  
of the  
**DALWORTHINGTON GARDENS**  
**CITY COUNCIL**  
**Thursday, December 13, 2007**

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**EXECUTIVE SESSION**

An executive session of the City Council was held at **6:45 o'clock p.m.** on **Thursday, December 13, 2007**, 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 was considered and discussed: Consultation with legal counsel concerning gas lease of public property.

**REGULAR SESSION**

A regular meeting was held at **7:00 o'clock p.m.** on **Thursday, December 13, 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**  
**Steve Loe, Councilman**  
**Jim Piland, Councilman**

**STAFF PRESENT:**

**Bill Waybourn, Chief of Public Safety**  
**Jerry Vennum, Deputy Chief of Public Safety**  
**Stan Wilkes, City Attorney**  
**Dick Perkins, City Engineer**  
**Krysten Jeter, Dep. City Secretary**

**CALL TO ORDER**

1. **RESOLUTION 07-109**, Action from Executive Session.  
On motion by Councilman Pettke, seconded by Councilman Wallace, by a vote of 5 ayes and 0 nays, it was:

**RESOLVED**, that the Gas Lease between the City of Dalworthington Gardens and XTO Energy is hereby approved.

**RESOLVED FURTHER**, that the Mayor of the City is hereby authorized to execute the lease and all other documents reasonably necessary thereto, and the City Secretary is authorized to attest to such execution and to affix the seal of the City thereto;

**RESOLVED FURTHER**, the original counterpart of the lease shall be maintained on file in the office of the City Secretary.

2. Citizen comments.

Kathy Price, 2820 Whisperwood Trl- gave park board report

2. Mayor and Council comments.

None

3. **RESOLUTION 07-110**, Departmental Reports and November 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 November Financial Reports be approved and placed in the records of the city.

4. **RESOLUTION 07-111**, Minutes of November 15, 2007 Meeting.

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 regular meeting of the City Council held on November 15, 2007, be approved and placed in the records of the city.

**Mayor Tedder asked Council to take the agenda out of order and move to item 7**

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**Tabled Items from Previous Meetings and Action**

5. **RESOLUTION 07-118**, Automated Signal Enforcement Contract and Implementation Procedures.

On motion by Councilman Pettke, seconded by Councilman Loe, by a vote of 5 ayes and 0 nays, the item was removed from the table.

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

**RESOLVED**, that the Automated Signal Enforcement Contract and Implementation Procedures be approved and placed in the records of the city and that the following citizens be appointed by Council to the advisory committee:

- Lynn Strickland nominated by Councilman Pettke**
- Jerry Helper nominated by Councilman Wallace**
- Pepper Hitchcock nominated by Mayor Tedder**
- Brett Hall nominated by Mayor Pro tem Snodgrass**
- Sandy Evans nominated by Councilman Piland**
- Bobby Beasley nominated by Councilman Loe.**

6. **RESOLUTION 07-119**, Purchase of Fire Engine.  
On motion by Councilman Loe, seconded by Councilman Pettke, by a vote of 5 ayes and 0 nays, it was:

**RESOLVED**, that staff is hereby authorized to prepare specifications for fire engines – a commercial engine and, alternatively, a custom engine, and to submit the same to the City Council for authorization to advertise for bids.

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### **Public Hearings and Action**

7. **Public Hearing: ORDINANCE 07-16**, Taxation of Goods-In-Transit that are otherwise exempted from taxation by Property Tax Code Section 11.253, House Bill 621

Mayor Tedder opened the public hearing at 7:25 p.m. and asked for public comments. There being no public comments to be heard, Mayor Tedder closed the public hearing at 7:25 p.m.

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

**AN ORDINANCE RELATING TO APPROVAL OF TAXATION OF GOODS-IN-TRANSIT THAT ARE OTHERWISE EXEMPTED FROM TAXATION BY PROPERTY TAX CODE SECTION 11.253**

WHEREAS, the Texas Legislature during the 80<sup>th</sup> Regular Session passed H.B. 621 adding Section 11.253 to the Texas Property Tax Code granting an exemption from property taxation of certain goods-in-transit personal property; and

WHEREAS, the said Section 11.253 further provides for a local option by which a taxing unit may tax goods-in-transit property otherwise exempt, if the governing

body of the taxing unit, after public hearing, takes official action to tax such personal property; and

WHEREAS, on December 13, 2007, the City Council, as governing body of the City of Dalworthington Gardens, Texas held a public hearing, after notice as required by law, at which members of the public were permitted to speak for or against the taxation of certain goods-in-transit personal property; and

WHEREAS, the City Council of the said City has determined that such personal property, as exempted by Section 11.253 of the Texas Property Tax Code, should be subject to taxation by the City of Dalworthington Gardens for tax year 2008 and all subsequent years; NOW THEREFORE

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

1.

That all of the recitals contained in the preamble to this ordinance are hereby incorporated in and made a part of this ordinance.

2.

That all goods-in-transit personal property covered by Section 11.253 of the Texas Property Tax Code shall be and are hereby declared taxable by the City of Dalworthington Gardens for tax year 2008 and for every year thereafter, all as provided for and done in accordance with Section 11.253 of the Texas Property Tax Code.

**Action Items:**

8. **RESOLUTION 07-112**, Citizen Request: Street Bore, Lot 2, Blk 2, Twin Springs

On motion by Mayor Pro tem Snodgrass, seconded by Councilman Pettke, by a vote of 5 ayes and 0 nays, it was:

**RESOLVED**, that the citizen request for a street bore at Lot 2, Block 2, Twin Springs Addition, is hereby approved.

9. **RESOLUTION 07-113**, Street Repair: Twin Springs, Burlwood/Whisperwood, Orchid Lane.

On motion by Mayor Pro tem Snodgrass, seconded by Councilman Wallace, a motion was made to table the item. The motion was withdrawn by Mr. Snodgrass with the approval of Dr. Wallace. On motion by Pro tem Snodgrass, seconded by Councilman Pettke, by a vote of 5 ayes and 0 nays, it was:

**RESOLVED**, that the street repair for Burlwood/Whisperwood is approved;

**RESOLVED FURTHER**, that the city engineer prepare estimates of cost for the street repair on Orchid Lane with tree removal and without tree removal and bring estimate back to Council at its January 2008 meeting.

10. **RESOLUTION 07-114**, Engineering Services for TCEQ MS4 Storm Water Permit

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

**RESOLVED**, that the engineering services for TCEQ MS4 Storm Water Permit be provided by Teague, Nall and Perkins.

11. **RESOLUTION 07-115**, Local Transportation Project Advance Funding Agreement (TXDOT)

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

**RESOLVED**, that the Mayor is hereby authorized to execute on behalf of the City a Local Transportation Project Advance Funding Agreement with the Texas Department of Transportation and that the City Secretary is hereby authorized to attest the execution of the agreement and to affix the seal of the City thereto.

**RESOLVED FURTHER**, that a copy of the Agreement shall be placed in the records of the city.

12. **ORDINANCE 07-17**, Amendment to City Code Title 12.02.07

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

ORDINANCE NO. 07-xx

AN ORDINANCE AMENDING CHAPTER 12.2, "PARKS", OF TITLE 12, "STREETS, SIDEWALKS AND PUBLIC PLACES", OF THE CODE OF THE CITY OF DALWORTHINGTON GARDENS, BY AMENDING 12.2.07 THEREOF, REGULATING MINING/DRILLING ACTIVITIES IN ANY CITY PARK; PROVIDING A SAVINGS CLAUSE; PRESCRIBING A PENALTY FOR VIOLATION OF THE PLANS; PROVIDING FOR PUBLICATION; AND, NAMING AN EFFECTIVE DATE.

BE IT ORDAINED:

1.

That 12.2.07 of Chapter 12.2, PARKS, of Title 12, STREETS, SIDEWALKS AND PUBLIC PLACES, of the Code of the City be amended so that hereafter the same shall be and read as follows:

12.2.07        Mining/Drilling Prohibited It shall be unlawful for any person to engage in the activities of mining or drilling for any substance of any kind in any park area within the City, including without limitation Gardens Park, A.H. “Pappy” Elkins Park, Elkins Lake and Grimes Field, without a permit therefore issued by the City Council.

2.

That it is hereby found and determined that the meeting at which this ordinance is passed is open to the public and that notice of the time, place and purpose of the meeting was given as required by law.

3.

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

4.

That any person violating the provisions of this ordinance or any of the regulations adopted pursuant thereto shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$500.00 and for each day that such violation shall continue, there shall be deemed a separate offense.

5.

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

6.

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

13. **RESOLUTION 07-116**, Election of Members of the Board of the Tarrant Appraisal District

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

**RESOLVED**, that the City of Dalworthington Gardens casts its vote collectively for Harold Patterson as its nominee for the Election of Members of the Board of the Tarrant Appraisal District.

14. **RESOLUTION 07-117**, Purchase of Filtering Software/Hardware for Computer System

On motion by Councilman Pettke, seconded by Mayor Pro tem Snodgrass, by a vote of 5 ayes and 0 nays, it was:

**RESOLVED**, that the city acquire filtering software/hardware for at a monthly fee for the city computer system.

Mayor Tedder asked the Council to take up agenda items 5 and 6.

**FUTURE AGENDA ITEMS** There were no agenda items requested for future meetings.

**ADJOURN**

On motion by Councilman Pettke, seconded by Councilman Wallace, by a unanimous vote the meeting was adjourned at 7:40 p.m.