

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

**Regular Session: Thursday, December 8, 2005 7:00 P.M.**

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**REGULAR SESSION**

A regular meeting was held at 7:00 o'clock p.m. on Thursday, December 8, 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:**

Guy Snodgrass, Mayor Pro tem  
Mike Pettke, Councilman  
Michael Tedder, Councilman  
Jim Piland, Councilman  
Ken Wallace, Councilman

**Members Absent:**

Albert A. Taub, Mayor

**Staff Present:**

Stan Wilkes, City Attorney  
Krysten Jeter, Deputy City Secretary  
Jerry Vennum, Deputy Chief of Public Safety

**Staff Absent:**

Melinda Brittain, City Secretary  
Bill Waybourn, Chief of Public Safety

CALL TO ORDER- Mayor Pro tem called the meeting to order at 7:05pm

(agenda item 1)Citizen comments

Kathy Price gave the park board report

(agenda item 2)Mayor and Council comments

None

(agenda item 3)Departmental Reports and November Financial Report

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

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

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

(agenda item 4) Minutes of November 17, 2005 Meetings

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

**RESOLVED**, that the minutes of the November 17, 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 5) Ordinance 05-20, City of Ft. Worth FY 2006 Impact Fee Correction

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

**RESOLVED**, that Ordinance 05-20, City of Ft. Worth FY 2006 Impact Fee Correction be approved and placed in the records of the city.

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

#### ORDINANCE NO. 05 - 20

AN ORDINANCE AMENDING CHAPTER 16.2 – IMPACT FEES, OF TITLE 16: LAND DEVELOPMENT, OF THE CODE OF THE CITY OF DALWORTHINGTON GARDENS, BY AMENDING APPENDIX B, SCHEDULE OF IMPACT FEES, TO SAID CHAPTER; PRESCRIBING IMPACT FEES FOR WATER AND WASTEWATER SYSTEM DEVELOPMENT IN THE CITY; REPEALING ORDINANCES IN CONFLICT HEREWITH; MAKING THIS ORDINANCE CUMULATIVE OF OTHER ORDINANCES ON THE SUBJECT; PROVIDING FOR PUBLICATION; AND, NAMING AN EFFECTIVE DATE.

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

1.

That Appendix B to Chapter 16.2, IMPACT FEES, of TITLE 16: LAND DEVELOPMENT, of the Code of the City be amended so that hereafter it will be and read as follows:

APPENDIX B  
to  
Chapter 16.2 - IMPACT FEES

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WATER AND WASTEWATER IMPACT FEE ASSESSMENT SCHEDULE

<u>Meter Size</u>	<u>Equivalency Factor</u>	<u>*Water Impact Fee</u>	<u>*Wastewater Impact Fee</u>	<u>*Total Impact Fee</u>
5/8"	0.67	\$524	\$185	\$709
3/4"	1.00	\$782	\$276	\$1058
1"	1.67	\$1306	\$461	\$1767
1-1/2"	3.33	\$2604	\$918	\$3255
2"	5.33	\$4168	\$1470	\$5638
3"	11.67	\$9126	\$3219	\$12345
4"	21.00	\$16422	\$5792	\$22214
6"	46.67	\$36496	\$12872	\$49368
8"	80.00	\$62560	\$22064	\$84624
10"	126.67	\$99056	\$34936	\$133992

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\*Water impact fee is calculated at 42.5% and Wastewater impact fee is calculated at 35% of the total maximum assessable amount.

2.

That this ordinance shall repeal any provision of prior ordinances in conflict herewith.

3.

That this ordinance is hereby made cumulative of all other ordinances of the City not in conflict herewith.

4.

That this ordinance shall be published in book form as a part of the Code of the City.

5.

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

(agenda item 6)Black Dot Lease Agreement- Lease Optimization Term Sheet and Sample Amendment

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

(agenda item 7)Resolution 05-73, Application to TCEQ Concerning Municipal Setting Designation

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

**RESOLVED**, that Resolution 05-73, Application to TCEQ Concerning Municipal Setting Designation be approved and place in the records of the city.

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

**Resolution No. 05 - 73**

**A RESOLUTION IN SUPPORT OF THE APPLICATION OF  
DTX ASSOCIATES TO THE TEXAS COMMISSION ON ENVIRONMENTAL  
QUALITY FOR A MUNICIPAL SETTING DESIGNATION AT  
6612 BRENTWOOD STAIR ROAD, FORT WORTH, TEXAS**

WHEREAS, Chapter 361, Subchapter W, of the Texas Solid Waste Disposal Act authorizes the Texas Commission on Environmental Quality (TCEQ) to certify Municipal Setting Designations for properties upon receipt and approval of a properly submitted application to TCEQ; and

WHEREAS, as a part of the application to TCEQ for a Municipal Setting Designation, the applicant is required to provide documentation that the application is supported by: (1) the city council of the municipality in which the Site is located, (2) the city council of each municipality with a boundary located not more than one-half mile from the Site, (3) the city council of each municipality that owns or operates a groundwater supply well located not more than five miles from the Site, and (4) the governing body of each retail public utility, as defined by Section 13.002, Texas Water Code, that owns or operates a groundwater supply well located not more than five miles from the Site; and

WHEREAS, DTX Associates (Applicant) has filed an application with the City of Fort Worth, Texas, for the issuance of a Municipal Setting Designation ordinance for the property located at 6612 Brentwood Stair Road, Fort Worth, Texas, more fully described as Lot 3-R, McLellan Subdivision, Fort Worth, Tarrant County, Texas (Site); and

WHEREAS, the Site is within 5 miles of the boundary of the City of Dalworthington Gardens; and

WHEREAS, following the issuance of an MSD ordinance by the City of Fort Worth and each additional municipality and retail public utility for which approval is required, Applicant will submit to TCEQ an application for certification of a Municipal Setting Designation for the Site pursuant to Texas Health and Safety Code, Chapter 361, Subchapter W; **NOW THEREFORE**

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

That the City supports Applicant's application to the TCEQ for certification of a Municipal Setting Designation for the Site.

(agenda item 8) Ordinance 05-21, Amendment to the Traffic Chapter to Establish School Zone on Arkansas Lane.

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

**RESOLVED**, that Ordinance 05-21, Amendment to the Traffic Chapter to Establish School Zone on Arkansas Lane be approved and placed in the records of the city.

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

ORDINANCE 05 -21

AN ORDINANCE AMENDING CHAPTER 10.3, "SPEED LIMITS" OF TITLE 10, ESTABLISHING MAXIMUM PRIMA FACIE SPEED LIMITS IN SCHOOL SPEED ZONES BY ESTABLISHING SUCH LIMITS ON ROOSEVELT DRIVE AND ARKANSAS LANE; PROVIDING A SAVINGS CLAUSE; REPEALING ORDINANCES IN CONFLICT HERewith; PRESCRIBING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION; AND, NAMING AN EFFECTIVE DATE.

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

1.

That 10.3.02 of Chapter 10.3 "Speed Limits," of Title 10: VEHICLES AND TRAFFIC, of the City Code is amended so that hereafter the same shall be and read as follows:

10.3.02 School Zone; School Zone Based Upon Engineering Studies Upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of Section 167 and 169, Article 6701d, V.T.C.S., the Uniform Act Regulating Traffic on Highways, the prima facie speed limit hereinafter indicated is hereby determined and declared to be the maximum reasonable and safe speed for vehicles, and such speed limit is hereby fixed for vehicles traveling on the following named street or parts thereof herein designated as a school zone or day when school is

in session ordinarily the herein after designated hours, either: (1) when such hours are described on official school zone speed limit signs located at said zone; or (2) when school zone signs bearing a flashing amber light and located at said zone are in operation. The location of said school zone and the hours during which said speed limit shall be in effect are as follows, to-wit:

<u>Street Location</u>	<u>Hours in Effect</u>	<u>Speed Limit</u>
Roosevelt Drive between a point 500 feet north of the north right-of-way line of Harder Lane and a point at the intersection of Roosevelt Drive with Garden Lane, being the east city limit of the City of Dalworthington Gardens	7:30 a.m. to 9:00 a.m. 2:30 p.m. to 4:00 p.m.	20 m.p.h.
Arkansas Lane between a point 374 feet east of the right-of-way line of Roosevelt Drive and a point 361 feet west of the west right-of-way line of Bowen Road.	7:30 a.m. to 9:00 a.m. 2:30 p.m. to 4:00 p.m.	20 m.p.h.

2.

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.

3.

That any person violating the provisions of this ordinance 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.

4.

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

That this ordinance and the rules, regulations provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and publication.

(agenda item 9)Resolution 05-74, Additional Penalty on Delinquent Taxes.

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

**RESOLVED**, that Resolution 05-74, Additional Penalty on Delinquent Taxes and Ordinance 05-22, Amendment for Tax Collection Agreement be approved and placed in the records of the city.

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

**RESOLUTION 05-74**

THE STATE OF TEXAS §

COUNTY OF TARRANT §

WHEREAS, THE CITY OF DALWORTHINGTON GARDENS ("CITY") wishes to defray its costs of collection, as authorized by TEX. TAX CODE § 33.11, that it incurs under the contract and amendment thereto for collection of delinquent property taxes between CITY and LINEBARGER GOGGAN BLAIR & SAMPSON, LLP ("FIRM") entered into pursuant to TEX. TAX CODE § 6.30;

WHEREAS, under said Section 33.11, the governing body of CITY is empowered to authorize the addition of a collection penalty in an amount that does not exceed the amount of the compensation specified in the contract with FIRM:

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS, SITTING AS THE GOVERNING BODY OF SAID CITY, THAT:

Section 1: *THE RECITALS SET FORTH IN THIS RESOLUTION ARE TRUE AND CORRECT.*

*Section 2: AN ADDITIONAL PENALTY ON DELINQUENT TAXES FOR TAX YEARS 2005 AND SUBSEQUENT YEARS IS HEREBY AUTHORIZED AND IMPOSED, AS PROVIDED BY SECTION 33.11, TEXAS PROPERTY TAX CODE, IN THE AMOUNT OF 20% OF THE DELINQUENT TAX, PENALTY AND INTEREST IF THE TAX BECOMES DELINQUENT ON FEBRUARY 1 OF A YEAR AND REMAINS DELINQUENT ON THE 60TH DAY THEREAFTER.*

(agenda item 10) Ordinance 05-22, Amendment for Tax Collection Agreement.

**Approved in the above motion.**

Ordinance 05-22

STATE OF TEXAS            )  
  )  
  )  
COUNTY OF TARRANT    )

AMENDMENT NO.2 TO THE CONTRACT ("Contract") BETWEEN CITY OF DALWORTHINGTON GARDENS AND LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

WHEREAS, on February 23, 1990, the City of Dalworthington Gardens (hereinafter "CITY") approved a Contract between the CITY and the law firm of Linebarger Goggan Blair & Sampson, LLP (formerly known as Linebarger Heard Goggan Blair Graham Pena & Sampson, LLP and Linebarger Goggan Blair Pena & Sampson, LLP) (hereinafter "FIRM"); and on March 18, 2004 approved Amendment No.1 to the Contract; and

WHEREAS, CITY wishes to turnover delinquent personal property taxes at the earliest practicable date and wishes to defray its costs of collection as authorized by Texas Property Tax Code Section 33.11;

NOW THEREFORE, by execution of this Amendment No.2, the Contract is amended hereby as set forth below.

I.

The following language is hereby substituted for Section I of the Contract:

CITY agrees to employ and does hereby employ FIRM to enforce by suit or otherwise the collection of all delinquent taxes, penalty and interest owing to CITY, provided current year taxes falling delinquent within the period of this contract shall become subject to its terms on the first day of July of the year in which the same shall become delinquent, except as otherwise provided herein. Lawsuits and bankruptcy cases

filed before the first day of July shall include current year taxes as allowed by law. Such taxes are also subject to the terms of this contract. Further, in the case of delinquent tangible personal property, on the 60th day after the February 1 delinquency date, such taxes are subject to this contract.

## II.

The following language is hereby substituted for Section VI of the Contract:

CITY agrees to pay to FIRM as compensation for services required hereunder twenty percent (20%) of the amount of all delinquent taxes, penalty and interest of the years covered by this contract, actually collected and paid to the collector of taxes during the term of this contract as and when collected. Provided, however, that CITY agrees to pay to FIRM as compensation hereunder fifteen percent (15%) of the amount of all delinquent taxes, penalty and interest for the tax years 2002 and prior. All compensation above provided for shall become the property of the FIRM at the time payment of taxes, penalty and interest is made to the collector. The collector shall pay over said funds monthly by check. The CITY may at its sole discretion turn over to the FIRM selected accounts for collection prior to July 1, except as otherwise provided in Section I hereto. The CITY agrees to pay the FIRM as compensation for collection activities on these accounts, including tax seizures pursuant to which the compensation is a cost of the seizure, an amount equal to twenty percent (20%) of the taxes actually collected.

In bankruptcy proceedings, eminent domain proceedings or other federal receivership, the FIRM will be entitled to a fee of twenty percent (20%) of all amounts actually collected and paid to the CITY. Provided, however, that CITY agrees to pay to FIRM as compensation hereunder fifteen percent (15%) of the amount of all delinquent taxes, penalty and interest for the tax years 2002 and prior. FIRM agrees to perform the additional services enumerated in Exhibit A attached hereto and incorporated by reference herein as though fully set forth herein word for word.

## III.

### **EFFECT OF THE AMENDMENT**

By execution of this Amendment No.2, the Contract is amended. No other sections, provisions, clauses or conditions of the Contract are waived or changed hereby and they shall all remain in full force and effect throughout the term of the Contract and any duly authorized extensions.

**IN WITNESS WHEREOF**, by their signatures below, the duly authorized representatives of City of Dalworthington Gardens and of Linebarger Goggan Blair & Sampson, LLP do hereby agree and append this Amendment No.2 to the Contract dated February 23, 1990 and the Amendment No. 1 to the Contract dated March 18, 2004.

(agenda item 11) Ordinance 05-23, Amendment to Chapter 2.2 authorizing juvenile case manager fund

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

RESOLVED, that Ordinance 05-23, Amendment to Chapter 2.2 authorizing juvenile case manager fund be approved and placed in the records of the city.

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

#### ORDINANCE NO. 05-23

AN ORDINANCE AMENDING CHAPTER 2.2, "MUNICIPAL COURT", OF TITLE 2: "ADMINISTRATION AND PERSONNEL", OF THE DALWORTHINGTON GARDENS CITY CODE, BY AMENDING 2.2.13 THEREOF, PRESCRIBING FINES AND EXPENSES OF THE MUNICIPAL COURT, ESTABLISHING A JUVENILE CASE MANAGER FUND AND PRESCRIBING GUIDELINES FOR THE ADMINISTRATION THEREOF; MAKING THIS ORDINANCE CUMULATIVE OF OTHER ORDINANCES ON THE SUBJECT; CONTAINING A SAVINGS CLAUSE; AND, NAMING AN EFFECTIVE DATE.

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

1.

That 2.2.13 of Chapter 2.2 - MUNICIPAL COURT, of TITLE 2: ADMINISTRATION AND PERSONNEL, of the Code of the City of Dalworthington Gardens, be amended as follows:

1. By amending paragraph h. thereof so that hereafter the same shall be and read as follows:

h. A fee to be paid into the juvenile case manager fund hereby created, the fee to be collected on each conviction in the municipal court of the city, in the amount and for the purposes stated in Article 102.0174 of the Texas Code of Criminal Procedure; provided, that:

1. The fee shall be \$5.00, to be collected as a cost of court on every conviction in which a sentence is imposed or deferred disposition or adjudication is imposed.

2. The judge is authorized to waive the fee required by this paragraph h. in a case of financial hardship.

3. The fund created under this paragraph h. may be used only to finance the salary and benefits of a juvenile case manager employed under Article 45.056 of the Code of Criminal Procedure of the State of Texas, the employment of such manager being hereby authorized.

1. By the addition thereto of paragraph i., which hereafter shall be and read as follows:

i. Such other costs, fees and expenses as may be allowed by state law.

2.

That this ordinance shall be and is hereby made cumulative of other ordinances of the City pertaining to the municipal court.

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 portions 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 this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after January 1, 2006.

(agenda item 12)(Tabled)Agreement with JPMorgan Chase Bank for Procurement Cards

(agenda item 13)(Tabled) Employee Insurance and Health Savings Accounts.

(agenda item 14)(Tabled) City Employee Payroll Direct Deposit Resolution.

(agenda item 15)Future agenda items

Resolution to approve the use of Paychex, and a spreadsheet analysis of Direct Deposit

Consideration of Playground equipment

(agenda item 16)Adjourn

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