

MINUTES
A REGULAR MEETING
of the

DALWORTHINGTON GARDENS

Regular Session: Thursday, July 17, 2008 7:00 P.M.

REGULAR SESSION

A regular meeting was held at **7:00 o'clock p.m.** on **Thursday, July 17, 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
Mike Pettke, Councilman
Steve Loe, Councilman
Jim Piland, Councilman

MEMBERS ABSENT:

Ken Wallace, 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 7:02 p.m.

1. Resolution 08-57, Nomination and Election of Mayor Pro-Tem
On motion by Councilman Pettke, seconded by Councilman Piland, by a vote of 4 ayes and 0 nays, it was:

RESOLVED, that Guy Snodgrass be and he is hereby elected Mayor pro tempore, to serve until his successor is duly elected.

2. Board and Commission Appointments
3. On motion by Councilman Piland, seconded by Councilman Loe, by a vote of 4 ayes and 0 nays, the matter of council appointments to city boards and commissions was tabled.
3. Citizen comments. The following persons addressed the council concerning its action on the Park Board:
Kathy Price, 2820 Whisperwood Trail
Mary Webster, 3301 Evie Court
Cathy Stein, 2622 Clover Lane

Jeannine Calhoon, 3303 Evie Court

4. Mayor and Council comments. Mr. Snodgrass and Mayor Tedder made comments in response to the citizen comments.
5. Resolution 08-58, Departmental Reports, June Financial Report
On motion by Councilman Pettke, seconded by Councilman Loe, by a vote of 4 ayes and 0 nays, it was:

RESOLVED, that the Departmental Reports and Financial Reports for June, 2008, be approved and placed in the records of the city

6. Resolution 08-59, Minutes of June 17, 2008 Meeting.
On motion by Councilman Pettke, seconded by Mayor Pro-tem Snodgrass, by a vote of 4 ayes and 0 nays, it was:

RESOLVED that the minutes of the regular meeting of the City Council held June 17, 2008, be approved and placed in the records of the city.

Public Hearing: Plat Revision, Resolution 08-58.

7. Applicant: Philip Szurek
Location: 2801 California
Property Description: Lots 8R-2 & 8R-3, Block 3
Zoning: Single Family SF-1
Mayor Tedder opened the public hearing at 7:24 p.m. and asked for public comments. There being no public comments, Mayor Tedder closed the public hearing at 7:24 p.m.
On motion by Councilman Pettke, seconded by Councilman Loe, by a vote of 4 ayes and 0 nays, it was:

RESOLVED, that the requested plat revision of Lots 8R-2 & 8R-3, block 3 be approved, subject to the text revisions identified by Mr. Perkins in order to conform the submitted document to the plat revision previously reviewed and approved; and that thereafter, it be placed in the records of the city.

Tabled Item from Previous Meetings

8. Resolution 08-61, Employee Health Insurance Renewal
On motion by Councilman Piland, seconded by Councilman Pettke, by a vote of 4 ayes and 0 nays, this item was removed from the table. On motion by Councilman Pettke, seconded by Councilman Piland, by a vote of 4 ayes and 0 nays, it was:

RESOLVED, that the health plan with the HSA option included be approved and that a copy of the plan, has hereby approved, be placed in the records of the city.

Action Items:

9. Resolution 08-60, ONCOR Rate Change Filing Resolution
On motion by Councilman Pettke, seconded by Mayor Pro-tem Snodgrass, by a vote of 4 ayes and 0 nays, the following resolution was adopted:

RESOLUTION OF THE CITY OF DALWORTHINGTON GARDENS SUSPENDING THE AUGUST 8, 2008 EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH ONCOR CITIES STEERING COMMITTEE TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND, REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE

WHEREAS, on or about June 27, 2008, Oncor Electric Delivery Company (Oncor), pursuant to PURA Sections 33.001 and 36.001, filed with the City of Dalworthington Gardens (“the City”) a Statement of intent to increase electric transmission and distribution rates by \$275 million in all municipalities exercising original jurisdiction within its service area effective August 8, 2008; and

WHEREAS, the City is a member of the Oncor Cities Steering Committee (“Steering Committee”) and will cooperate with the 109 similarly situated city members and other city participants in conducting a review of the Company’s application and to hire and direct legal counsel and consultants to prepare a common response and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, PURA Section 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

WHEREAS, PURA Section 33.023 provides that the costs incurred by Cities in ratemaking activities are to be reimbursed by the regulated utility;

NOW THEREFORE, BE IT RESOLVED:

- 1. That the August 8, 2008 effective date of the rate request submitted by Oncor on or about June 27, 2008, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.**

2. That, as indicated in the City's resolution approving membership in the Steering Committee, the Executive Committee of the Steering Committee is authorized to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations regarding reasonable rates, and to intervene and direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or the Public Utility Commission.

3. That the City's reasonable rate case expenses shall be reimbursed by Oncor.

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

5. That a copy of this resolution shall be sent to Oncor, c/o Debra Anderson, Oncor Electric Delivery Company, 1601 Bryan Street, Suite 23-0055C, Dallas, TX 75201 and to Geoffrey Gay, general counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, TX 78767-1725.

Future Agenda Items – No future agenda items were proposed.

Adjourn

On motion by Councilman Pettke, seconded by Councilman Piland, by unanimous vote, the meeting was adjourned at 7:57 p.m.