

**ORDINANCE NO. 2023-06**

**AN ORDINANCE AMENDING SECTION 11.04.009, "PENALTIES," OF ARTICLE 11.04, "HOTEL OCCUPANCY TAX," CHAPTER 11, "TAXATION," OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS, TEXAS, BY AMENDING THE DELINQUENT PENALTY PROVISION TO PROVIDE A METHOD OF CALCULATING THE INTEREST RATE CHARGED ON DELINQUENT TAXES; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Dalworthington Gardens, Texas (the "City") is a Type A General Law Municipality located in Tarrant County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council of the City has previously adopted regulations imposing a hotel occupancy tax pursuant to Chapter 351 of the Texas Tax Code; and

**WHEREAS**, the City Council now finds it appropriate to amend those regulations to provide a method of calculating the interest rate charged on delinquent taxes; and

**WHEREAS**, the City Council has determined that it is necessary to amend its regulations to best serve the interests of the citizens of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, THAT:**

**SECTION 1.**

Subsection (c) of Section 11.04.009, "Penalties," of Article 11.04, "Hotel Occupancy Tax," of Chapter 11, "Taxation," of the Code of Ordinances, City of Dalworthington Gardens, Texas is hereby amended by to read as follows:

- “(c) In addition to any criminal penalties imposed under subsection (b) of this section, a person owing delinquent taxes for at least one complete municipal fiscal quarter shall pay an amount equal to fifteen percent (15%) of the tax due as a penalty. The rate of interest to be charged on delinquent taxes is the prime rate plus one percent, as published in The Wall Street Journal on the first day of each calendar year that is not a Saturday, Sunday, or legal holiday, beginning sixty (60) days after the date the tax is due to the city administrator, pursuant to section 351.0042 of the Texas Tax Code.”

**SECTION 2.**

This ordinance shall be cumulative of all provisions of ordinances of the City of Dalworthington Gardens, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 3.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4.**

Any person, firm, or corporation who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 11.04.009 of the Code of Ordinances, City of Dalworthington Gardens, Texas. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

**SECTION 5.**

The City Secretary is hereby directed to publish the caption and penalty clause of this ordinance in the official newspaper as authorized by Section 52.011 of the Local Government Code.

**SECTION 6.**

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

**PASSED AND APPROVED ON THIS** \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Laurie Bianco, Mayor

ATTEST:

\_\_\_\_\_  
Lola Hazel, City Secretary

**City Council  
Staff Agenda Report**

**Agenda Item: 8d.**

**Agenda Subject:** Consider Resolution No. 2023-03 approving an appointment to the Zoning Board of Adjustment.

<p><b>Meeting Date:</b>  March 20, 2023</p>	<p><b>Financial Considerations:</b></p> <p><b>Budgeted:</b></p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p><b>Strategic Vision Pillar:</b></p> <p><input type="checkbox"/> Financial Stability  <input type="checkbox"/> Appearance of City  <input checked="" type="checkbox"/> Operations Excellence  <input type="checkbox"/> Infrastructure Improvements/Upgrade  <input type="checkbox"/> Building Positive Image  <input type="checkbox"/> Economic Development  <input type="checkbox"/> Educational Excellence</p>
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**Background Information:** This item corrects an appointment to the Zoning Board of Adjustment. The City received an application from Erik Moeller, a resident of the city and qualified member to serve on said board; and appointed said applicant at the February 16, 2023. Following that meeting, a previous application was discovered from Mark Prda, originally received in late 2021. It is recommended to appoint Mark Prda to the Zoning Board of Adjustment vacancy instead of Erik Moeller.

Zoning Board of Adjustment: Mark Prda for the unexpired two year term ending June 2024

**Recommended Action/Motion:** Approval of Resolution No. 2023-03 approving an appointment to the Zoning Board of Adjustment.

**Attachments:** Resolution 2023-03

**RESOLUTION NO. 2023-03**

**A RESOLUTION OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CORRECTING AND REPLACING AN APPOINTMENT TO THE ZONING BOARD OF ADJUSTMENT INITIALLY MADE AT THE FEBRUARY 16, 2023 COUNCIL MEETING**

**WHEREAS**, Michael Henderson resigned from the Zoning Board of Adjustment, creating a vacancy; and

**WHEREAS**, the City received an application from Erik Moeller, a resident of the city and qualified member to serve on said board; and appointed said applicant at the February 16, 2023; and

**WHEREAS**, following that meeting, a previous application was discovered from Mark Prda, originally received in late 2021; and

**WHEREAS**, it is recommended to appoint Mark Prda to the Zoning Board of Adjustment vacancy instead of Erik Moeller.

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

That the following person is appointed to the following board.

- Zoning Board of Adjustment: Mark Prda for the unexpired two year term ending June 2024

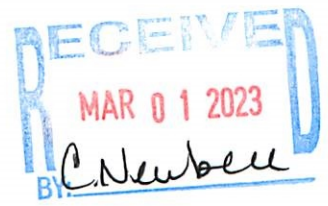
PASSED & APPROVED this 20<sup>th</sup> day of February, 2023.

**CITY OF DALWORTHINGTON GARDENS**

\_\_\_\_\_  
Laurie Bianco, Mayor

**ATTEST:**

\_\_\_\_\_  
Lola Hazel, City Administrator



APPLICATION FOR BOARDS/COMMISSIONS

NAME: Marc E. Prda DATE: 2-28-2023

HOME ADDRESS: Burlwood Dr. DWG. TX. 76016

MAILING ADDRESS: SAME

TELEPHONE: (Residence) cell (Employment) Wells Fargo Advisors

E-MAIL ADDRESS \_\_\_\_\_

PREFERRED METHOD OF COMMUNICATION: Phone  Email:  or Text

OCCUPATION: (If retired, indicate former occupation or profession.)  
Financial Advisor

PROFESSIONAL AND/OR COMMUNITY ACTIVITIES: Dwg resident 22 years. First United Methodist Church Arlington past committee positions: Finance Comm., Trustee's, Day Care Chairperson, Sunday School President, etc. Current Director of Arlington Margarita Society (16th year)

PLEASE NUMBER IN ORDER OF PREFERENCE THE BOARD/COMMISSION YOU ARE INTERESTED IN SERVING:  
2 ZONING BOARD OF ADJUSTMENT      3 PARKS BOARD  
4 HISTORICAL COMMITTEE      1 PLANNING & ZONING COMMISSION

BOARDS/COMMISSIONS YOU HAVE PREVIOUSLY SERVED:  
Board/Commission      Dates Served  
NONE

Marc Prda

RETURN COMPLETED FORM TO:

LOLA HAZEL  
2600 ROOSEVELT DRIVE  
DALWORTHINGTON GARDENS, TX 76016  
[lhazel@cityofdwg.net](mailto:lhazel@cityofdwg.net)  
Phone: 682.330.7418  
Fax: 817.265.4401

FOR OFFICE USE ONLY	
APPT. TO	_____
DATE	_____
OPEN GOVT:	_____
TERMED	_____
DESTROY:	_____

**MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON DECEMBER 15, 2022 AT 6:30 P.M. IN THE COUNCIL CHAMBERS, 2600 ROOSEVELT DRIVE, DALWORTHINGTON GARDENS, TEXAS.**

*While the order of some agenda items may have been changed, the following represents all items discussed and acted upon by the City Council.*

**WORK SESSION**

**1. CALL TO ORDER**

Mayor Bianco called the meeting to order at 6:30 p.m. with the following present:

**Members Present:**

Laura Bianco, Mayor  
John King, Alderman, Place 1  
Steve Lafferty, Alderman, Place 2  
Cathy Stein, Alderman, Place 3  
Ed Motley, Mayor Pro Tem; Alderman, Place 4  
Mark McGuire, Alderman, Place 5

**Staff Present:**

Greg Petty, DPS Director  
Kay Day, Finance Director  
Sandra Ma, Court Administrator/Interim City Secretary  
Gary Parker, Public Works Director  
Gary Harsley, Community Development Director

**2. WORK SESSION**

The following items were discussed.

- **Interlocal Agreement with Tarrant County for Funding of the Corzine Drive Reconstruction**
- **Ordinance No. 2022-31 amending the City of Dalworthington Gardens, Code of Ordinances, Chapter 14 regarding mobile food units**

**Work Session on other listed agenda items, if time permits.**

No Other items were discussed.

**REGULAR SESSION – 7:00 P.M.**

**1. CALL TO ORDER**

Mayor Bianco called the meeting to order at 7:00 p.m. with the following present:

**Members Present:**

Laura Bianco, Mayor  
John King, Alderman, Place 1  
Steve Lafferty, Alderman, Place 2  
Cathy Stein, Alderman, Place 3  
Ed Motley, Mayor Pro Tem; Alderman, Place 4

Mark McGuire, Alderman, Place 5

**Staff Present:**

Greg Petty, DPS Director

Kay Day, Finance Director

Sandra Ma, Court Administrator/Interim City Secretary

Gary Parker, Public Works Director

Gary Harsley, Community Development Director

**2. INVOCATION**

Galvin Pate gave the invocation.

**3. PLEDGES OF ALLEGIANCE**

**a. U.S. Pledge**

**b. Texas Pledge - *“Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”***

Pledges were said.

**4. PRESENTATIONS AND PROCLAMATIONS**

**a. Presentation of the Volunteer of the Year Award from the Dalworthington Gardens Historical Committee.**

Mayor Bianco read aloud a proclamation recognizing Spence.

**5. ITEMS OF COMMUNITY INTEREST**

The following items were presented.

**a. Santa Parade on December 23**

**6. CITIZEN COMMENTS**

None.

**7. MAYOR AND COUNCIL COMMENTS**

- Mayor Bianco: I just wanted to thank each and every one of you who chose to either donate your time or your resources to support the Salvation Army for our friendly Mayor’s Red Kettle Challenge. All of the money raised will be used locally. I am always humbled by your generosity! We raised over \$21,000 which ensures that we will win the per capita award again this year. If you haven’t had the opportunity to visit our park during the holiday season, please take a moment and enjoy the new decorations that our Park Board has provided. Countless hours have been spent preparing and decorating to once again make our city shine. Chief Petty, who does not like to be publicly recognized, graciously crafted the metal brackets required for hanging the gorgeous wreaths. We also had a great turnout for the “Pictures with Santa” that was held on December 4. Thank you to everyone who participated in this event. Santa Clause is coming to DWG on December 23. Please join us for this annual tradition as Santa and his team of First Responders make their way through the streets of our beautiful city. Keep your eyes peeled for Santa’s arrival by helicopter in Elkins Park between 4:30-5:00 p.m. Santa will promptly depart the park at 5:30 p.m. to begin his journey. Our City Hall will be closed Friday December 23, 2022 - Monday December 26, 2022 to celebrate the Christmas holiday. We will reopen December 27, 2022 at 8:30 a.m. for regular business hours. In observance of the New Year Holiday, we will be closed on January 2, 2023.

- John King: Happy Holidays, Merry Christmas, have a Happy New Years and be safe.
- Steve Lafferty: 3<sup>rd</sup> the same information as above.
- Cathy Stein: Ditto to the happy festivity and safety comments that have already been mentioned. She went to the ground breaking for the Southeast Connector Project redoing traffic flow for 20 and 820 split and 20 to 287. To find more information or updates go to southeastconnector.com. Also wanted to congratulate three of our businesses here in DWG for receiving Arlington Today Editor Choice Award. Ashlaroos, Donna Schmidt Attorney, and Grounds and Gold. Congratulations to those businesses. Informed audience about Monarch calendars for sale.
- Ed Motley: Merry Christmas and Happy Holidays if you travel please be safe.
- Mark McGuire: 4<sup>th</sup> the same information as above and great Christmas party. As a citizen thanks to the department for watching over his family and taking care of us and everything that they do. He appreciates it.

## 8. DEPARTMENTAL REPORTS

- DPS Report**
- Financial Reports**
- Public Works Report**

Departmental Reports were presented.

## 9. CONSENT AGENDA

- Approval of Ordinance No. 2022-28 approving budget carryovers from the FY 2021-2022 Budget to the FY 2022-2023 Budget.**
- Approval of Ordinance No. 2022-30 approving budget amendments for FY 2021-2022.**
- Approval of Ordinance No. 2022-29 approving budget amendments for FY 2022-2023.**
- Presentation and acknowledgement of budget adjustments.**
- Approval of Ordinance No. 2022-31 amending the City of Dalworthington Gardens, Code of Ordinances, Chapter 14 regarding mobile food units.**
- Approval of Interlocal Agreement with Tarrant County for Funding of the Corzine Drive Reconstruction.**
- Approval of November 17, 2022 regular meeting minutes.**

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to approve the Consent Agenda except item e to be pulled off for further consideration.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, Motley, and McGuire

Nays: None

## 10. REGULAR AGENDA

- Discussion and possible action to approve Resolution No. 2022-17 approving the 2023 City Holiday Schedule.**

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve the 2023 City Holiday Schedule as presented.



Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, Motley, and McGuire

Nays: None

- b. Discussion and possible action regarding an application by The Montessori Academy of Arlington for a Special Exception in accordance with Zoning Ordinance Section 14.02.321(c)(7) “Screening Device, over height or in required front yard” to allow for an 8-foot fence around the property.**

Mayor Bianco opened the public hearing at 7:22 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 7:22 p.m.

A motion was made by Council Member John King and seconded by Council Member Steve Lafferty to approve the special exception with the change of making the fence facing Arkansas Lane to be 10 feet from inside the sidewalk instead of 5 feet in as otherwise presented.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, Motley, and McGuire

Nays: None

- c. Discussion and possible action regarding amendments to the FY 2022-2023 budget in amounts not to exceed \$10,000.00.**

Item not needed.

- d. Approval of Ordinance No. 2022-31 amending the City of Dalworthington Gardens, Code of Ordinances, Chapter 14 regarding mobile foot units.**

*This was item e on the Consent Agenda which was pulled off for individual discussion.*

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to Ordinance No. 2022-31 amending the City of Dalworthington Gardens, Code of Ordinances, Chapter 14 regarding mobile foot units as proposed with the following amendments: 1.) Allow in all business districts, In then current 14.02.223; 2.) remove iii (site plan submission); 3.) in iv, change the time from specified times to 24 hours max on a property without a special exception obtained by the property owner; and 4.) in v, add to notify the city where the food truck will be parked.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, Motley, and McGuire

Nays: None

## **11. TABLED ITEMS**

- a. Discussion and possible action regarding consideration of bond requirements for oil and gas drilling.**

## **12. FUTURE AGENDA ITEMS**

- Reach out to Insurance Agent use of city vehicle being driven to and from home.

## **13. ADJOURN**

The meeting was adjourned at 7:34 p.m.

**MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON JANUARY 19, 2023 AT 6:00 P.M. IN THE COUNCIL CHAMBERS, 2600 ROOSEVELT DRIVE, DALWORTHINGTON GARDENS, TEXAS.**

*While the order of some agenda items may have been changed, the following represents all items discussed and acted upon by the City Council.*

**WORK SESSION – 6:00 P.M.**

**1. CALL TO ORDER**

Mayor Bianco called the meeting to order at 6:00 p.m. with the following present:

**Members Present:**

Laura Bianco, Mayor  
John King, Alderman, Place 1  
Steve Lafferty, Alderman, Place 2  
Cathy Stein, Alderman, Place 3  
Ed Motley, Mayor Pro Tem; Alderman, Place 4

**Members Absent:**

Mark McGuire, Alderman, Place 5

**Staff Present:**

Lola Hazel, City Administrator  
Greg Petty, DPS Director  
Kay Day, Finance Director  
Gary Parker, Public Works Director  
Gary Harsley, Community Development Director

**2. WORK SESSION**

- a. Discussion and possible action to approve the basic layout of the DPS Complex, and allow staff to move forward with the next phase of this project. Action may be postponed or restated in the 7:00 p.m. Regular Session.**

Item presented.

- b. Discussion and possible action regarding amendments to the FY 2022-2023 budget in amounts not to exceed \$10,000.00. Action may be postponed or restated in the 7:00 p.m. Regular Session.**

Item presented.

- c. Discussion and possible action to set a work session date for the Department Head review process. Action may be postponed or restated in the 7:00 p.m. Regular Session.**

Work session set for February 15, 2023 6-8pm

- d. Discussion and possible action regarding governing body opposition and/or support for certain proposed legislative bills. Action may be postponed or restated in the 7:00 p.m. Regular Session.**

Item presented.

- e. Other listed agenda items, if time permits.**

No others discussed.

## **REGULAR SESSION – 7:00 P.M.**

### **1. CALL TO ORDER**

Mayor Bianco called the meeting to order at 7:00 p.m. with the following present:

#### **Members Present:**

Laura Bianco, Mayor  
John King, Alderman, Place 1  
Steve Lafferty, Alderman, Place 2  
Cathy Stein, Alderman, Place 3  
Ed Motley, Mayor Pro Tem; Alderman, Place 4

#### **Members Absent:**

Mark McGuire, Alderman, Place 5

#### **Staff Present:**

Lola Hazel, City Administrator  
Greg Petty, DPS Director  
Kay Day, Finance Director  
Gary Parker, Public Works Director  
Gary Harsley, Community Development Director

### **2. INVOCATION, AND PLEDGES OF ALLEGIANCE**

Mayor Bianco gave the invocation. Pledges were said.

### **3. PRESENTATIONS AND PROCLAMATIONS**

#### **a. Recognition of parties who participated in the Salvation Army Mayoral Red Kettle Challenge.**

Mayor Bianco presented certificates to parties involved in the Salvation Army Mayoral Red Kettle Challenge.

### **4. ITEMS OF COMMUNITY INTEREST**

#### **a. Great Backyard Bird Count, February 18**

### **5. CITIZEN COMMENTS**

Iashia Bergamini, 2812 Whisperwood Trail: Informed the council the Park Board is looking at applying for another Texas Parks and Wildlife Trail Grant for 2024 that would be for multiple trails as well as a bathroom. She also mentioned the Park Board will suggest updates to the park reservation form. Requested the city consider purchasing 6' event tables. She also inquired about the former clean up event for brush pickup, and asked the council to consider bringing that back. Spoke to the bridges on Roosevelt needing to be replaced.

### **6. MAYOR AND COUNCIL COMMENTS**

- Mayor Bianco: The city has a vacancy on the Zoning Board of Adjustments. This board hears requests for variances to the requirements of Zoning Ordinance and decides on appeals when it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Zoning Ordinance. If you are interested in serving on this board or any other city board, please contact Lola Hazel at 682-330-7418 or [lhazel@cityofdwg.net](mailto:lhazel@cityofdwg.net). The filing period for a place on the May 6, 2023 General Election ballot will

be January 18-February 17, 2023. The positions up for re-election this year are Alderman Place 3, Alderman Place 4, and Alderman Place 5. To pick up a candidate packet, please visit the city's election page at <https://www.cityofdwg.net/elections> or contact Lola Hazel, 682-330-7418 or [lhazel@cityofdwg.net](mailto:lhazel@cityofdwg.net). The city is currently in the design and planning phases for infrastructure projects on Broadacres Lane for paving and drainage work and Corzine Drive for drainage work. Corzine Drive will be funded by Tarrant County through bond funds approved by voters in 2021. And a reminder, the remaining portion of Roosevelt Drive reconstruction is still scheduled to be completed this summer. Our Court of Kindness is overflowing with offenders this month. The offenders for the Salvation Army Red Kettle Challenge are as follows: Andrew Pittaway, Michael Marquez, Ryan and Vickie Hess-Miller, Carla Newbell, Horace Riley, Gary Parker, Angelica Jenson, Jennifer Burkhart, ACA Student Council, Kay and Paityn Day, Steve Yancey, Nicki and Carol Owen, Kent and D'Ann Beasley, Ashley Schwengler, Barbara and Erik Moeller, Sandy Riney, Jim Robinson, Jannea Wright, Arlington Moms of Multiples, Pam and Bobby Joe Miller, Patti and Mr. Tom from Green's Produce, Devin and Belynda from Metro Mobile Electronics, Mike and Michelle Redden, Pat Swink, Fawzy Sedrak, Dr. Steve Penca, Jeannine and Frank Calhoon, Kostya and Anya Masslenikovs, Tracy and Ben Dodson, Sandra Ma, Bob Abott, Jill Howard, Dr. Carla Young, John King, Marissa Morales, Joanne Franks, and Todd and Deborah Batiste. Last but not least, thank you to Chief Petty, Captain Fike and Jennifer Burkhart for their behind the scenes work in making this event a success. If someone made a contribution and you are not noted in the above list, please let me know because I want to make sure that everyone is recognized. Your contribution of your time, talent, and gifts will reach more lives than any of us will ever know. The impact of your giving has no boundaries. Our young bell ringers will be recognized at the council meeting with a certificate on January 19 for their generosity in raising funds for this worthy organization. Thank you to Jackson Howard, 11, and Jameson Howard, 8, both are boy scouts, who cleaned up trash behind our lake. Thank you for making our community as beautiful and clean as it can be. And, thank you to their parents for raising such fine gentlemen.

- John King: Expressed appreciation for the students in attendance at the council meeting to receive awards for participation in the Salvation Army Mayoral Red Kettle Challenge bell ringing. Expressed condolences to the Ben Brann family on Orchid Court for the loss of Ben's wife, Kathy. Condolences also to the Diane King family on Orchid Court for the loss of Diane's father, Edward.
- Steve Lafferty: Happy New Year.
- Cathy Stein: Stated the Great Backyard Bird Count should be a great time.
- Ed Motley: Happy 2023

## 7. DEPARTMENTAL REPORTS

- a. **DPS Report**
- b. **Financial Reports**
- c. **Quarterly Investment Report**
- d. **City Administrator Report**
- e. **Public Works Report**

Departmental Reports were presented.

## 8. CONSENT AGENDA

- a. **Approval of Ordinance No. 2023-01 approving budget amendments for FY 2022-2023.**
- b. **Re-approval of Ordinance No. 2022-33 approving budget amendments for FY 2021-2022, correcting a formula error in the General Fund.**
- c. **Presentation and acknowledgment of budget adjustments.**

**d. Approval of the Mayor's Monarch Challenge action items for 2023.**

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve the Consent Agenda.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

**9. REGULAR AGENDA**

**a. Discussion and possible action to approve the basic layout of the DPS Complex, and allow staff to move forward with the next phase of this project.**

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to approve the presented layout of the DPS Complex and direct staff to move forward with the next phase.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

**b. Discussion and possible action regarding amendments to the FY 2022-2023 budget in amounts not to exceed \$10,000.00.**

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to authorize an emergency renovation for the DPS Complex of the room for the compressor in an amount not to exceed 10,000.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

**c. Discussion and possible action to set a work session date for the Department Head review process.**

Background information on this item: Council previously discussed changing the process for reviews of the City Administrator and Director of Public Safety. This item would set a work session to further that discussion.

City Council set a work session date for February 15, 2023 at 6pm.

**d. Discussion and possible action regarding governing body opposition and/or support for certain proposed legislative bills.**

Background information on this item: Council Member Stein requested this item be placed on the agenda and is looking for feedback on certain filed legislative bills.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to put an item on the February agenda to discuss potential topics that council would like to address with the legislature.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

**e. Discussion and possible action to set a work session date for annual Strategic Plan review.**

Background information on this item: It is time to schedule annual review of the City Strategic Plan. Staff recommends reviewing early in the year (no later than March) to assist staff and the Mayor with budgeting goals.

City Council set a work session date for February 15, 2023 at 6pm.

**f. Discussion and possible action regarding approval of a scope of work from Freese and Nichols for the Elkins Dam rehabilitation project.**

Background information on this item: The Elkins Dam Committee recently met with Freese and Nichols for an update on the Elkins Dam Rehabilitation Project. To move forward in this process, Freese and Nichols is requesting another \$16,000. A basic plan was handed out the night of the meeting. The plan should not be considered complete as more work is needed.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to approve a scope of work from Freese and Nichols for the Elkins Dam rehabilitation project.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

**g. Discussion and possible action regarding foot bridge replacement on Roosevelt Drive.**

Background information on this item: This item is continued from the December 15 council agenda. A presentation is being provided showing the condition of each foot bridge on Roosevelt Drive.

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to get a good plan of action and bid for the middle bridge replacement, revisiting, if need be, any alternatives, and to work on maintenance of the other two bridges, with the sales tax street fund being the source of funding for both the maintenance and replacement of middle bridge. Middle bridge bids would come back to council for approval prior to starting construction.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

**h. Discussion and possible action regarding the zoning designation for 2611 W. Pleasant Ridge Road.**

Background information on this item: The current zoning designation for 2611 W. Pleasant Ridge Road was established in 1993 and is single family with a planned development (PD) overlay. A final plan was approved at that time for use of the property, but no development ever occurred on the property. It is still vacant. The city's ordinances say the below for PD's when a final plan is not followed within two years of approval.

14.02.272(g) Plan expiration.

If development of property pursuant to a final plan has not commenced within two (2) years of the date of a plan approval, the plan shall be deemed to have expired, and a review and reapproval of the plan by the council shall be required before any building permit may be issued for development pursuant to the plan. Any review and reapproval shall be made in the context of conditions existing, as to the property, at the time of such review.

As such, anyone wanting to build on this property would be required to come before council with a plan for any single-family residential development. All other properties in the city with a PD designation are commercial which is understandable as council may want more control and involvement in those particular properties. However, 2611 W. Pleasant Ridge is single family residential and there is much less control for that zoning. Thus, anyone seeking to build on the property would be required to come to council first before building their home. As such, staff is coming to council to understand if council desires to keep the PD overlay for this particular property. If the city initiates the change, the only costs to the city are publication for the zone change, postage costs to mail letters, and staff time to prepare said notices and agendas.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to direct staff meet with land owner to see if they would like to change zoning and if so, city can waive zone change fees for request.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

**i. Discussion and possible action to set a work session date for the City's Zoning Comprehensive Plan.**

Background information on this item: This item is to set a work session to finalize the Comprehensive Plan.

City Council set a work session date for February 15, 2023 at 6pm.

**j. Discussion and possible action regarding changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, regarding garden home regulations.**

Background information on this item: Addressing this item is contingent on whether the Planning and Zoning (P&Z) Commission is ready to make a recommendation to council at their January 12, 2023 meeting. The P&Z packet is being provided so council has the same information they received.

Item not addressed.

**k. Discussion and possible action regarding changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, regarding agrihood regulations.**

Background information on this item: Addressing this item is contingent on whether the Planning and Zoning (P&Z) Commission is ready to make a recommendation to council at their January 12, 2023 meeting. The P&Z packet is being provided so council has the same information they received.

Item not addressed.

**10. TABLED ITEMS**

**a. Discussion and possible action regarding consideration of bond requirements for oil and gas drilling.**

**11. FUTURE AGENDA ITEMS**

- Legislative bills and grab the TML bulletin to provide to council.
- School zone signs at Key Elementary and school zone signs on Arkansas.

**12. EXECUTIVE SESSION**

**a. Recess into Executive Session pursuant to Government Code, Section 551.074, personnel matters, and Section 551.071, attorney consultation, to discuss fringe benefits for the Public Works Director.**

City Council recessed into Executive Session at 8:10 p.m.

**b. Reconvene into Regular Session for discussion and possible action on fringe benefits for the Public Works Director.**

City Council reconvened into Regular Session at 8:54 p.m.

No action was taken.

### **13. ADJOURN**

The meeting was adjourned at 8:55 p.m.



**City Council  
Staff Agenda Report**

**Agenda Item: 9a.**

<b>Agenda Subject:</b> Discussion and possible action on paving and drainage solutions for Broadacres Lane.		
<b>Meeting Date:</b>  March 20, 2023	<b>Financial Considerations:</b>  <b>Budgeted:</b>  <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<b>Strategic Vision Pillar:</b>  <input type="checkbox"/> Financial Stability <input type="checkbox"/> Appearance of City <input checked="" type="checkbox"/> Operations Excellence <input type="checkbox"/> Infrastructure Improvements/Upgrade <input type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence

**Background Information:** At the October 22, 2022 Council Meeting, council approved to begin implementing the Broadacres Lane project to include drainage, spot pavement repairs, and valve installation/replacement as needed.

In early 2023, concerned citizens reached out about the proposed project. The item was placed on the February 16, 2023 agenda for council discussion. The city engineer was asked to attend the March 20, 2023 to provide a presentation on the proposed solutions to council and citizens.

The City Engineer has provided maps, proposed repair plans, photos, and a memo of the proposed paving and drainage solution for Broadacres and will be present to present the information during the 6 pm work session.

**Recommended Action/Motion:** Provide any necessary action on paving and drainage solutions for Broadacres Lane.

- Attachments: **Memo**  
**Asphalt Repair Plan**  
**Drainage Area Map**  
**Photos of Pavers for Drainage Solution**  
**Paver Demo Video**

# Memo

**To:** Lola Smith, City Administrator - Dalworthington Gardens

**From:** Kylon M. Wilson, P.E.

**cc:** Gary Parker – DWG, Courtney Coates – Topo, Erik Dumas - Topo

**Date:** March 17,2023

**Re:** Broadacres Lane – Drainage Improvements

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Lola/Gary,

The estimate for the proposed drainage improvements for Broadacres Lane from Harder to the Cul-De-Sac is \$373,227 (see attached estimate). The increase from the last estimate in December 2022 can be attributed to the additional proposed pavement repair. These areas include 480 sf of concrete and 1,920 sf of asphalt pavement repair (see attached exhibit for areas of recommended asphalt pavement repair), but these areas will have to be agreed on by the City Council and staff. Bear in mind that asphalt repairs tend to grow once you begin to sawcut. The scope of work for the remaining improvements is:

1. Grading from Harder to the north to make sure water goes through the open lot to the new ditch/pervious sidewalk along the south side of Broadacres. In addition, re-grading the ditch from the flume towards the creek as necessary to convey the water captured from the north side of Broadacres to the creek. All disturbed areas will be graded out and topsoil with sod will be added.
2. Addition of a pervious 5' wide sidewalk along the west and south side of Broadacres that will include coarse graded aggregate and a small drainage pipe underneath to convey the drainage to an inlet at the cul-de-sac (the sidewalk has open joints in the individual blocks that drain the water to the aggregate/pipe below – these pavers dissipate .023 cfs/sf of sidewalk so for a 138' long by 5' wide sidewalk, that's over 15 cfs). The inlet will have a drainage pipe that will convey water to the creek along the same path the water is currently conveyed from the flume.
3. There will be some pavement replacement in areas where there is major settlement or cracking, as mentioned above. The concrete pavement will be repaired along the path of the storm drain pipe that will be installed.
4. Maintenance (Vac-Truck) will be recommended once every two years at around \$3,000 to \$4,500. City staff can inspect the sidewalk to determine if maintenance is necessary on a more or less frequent basis.

