

MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON JUNE 15, 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

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
Steve Lafferty, Alderman, Place 2
Cathy Stein, Alderman, Place 3
Ed Motley, Mayor Pro Tem; Alderman, Place 4
Mark McGuire, Alderman, Place 5

Members Absent:

John King, Alderman, Place 1

Staff Present:

Lola Hazel, City Administrator
Greg Petty, DPS Director
Kay Day, Finance Director

2. WORK SESSION

- a. Receipt, discussion, and action on the City Comprehensive Plan. Any action taken would be deferred until the Regular Session.**

Work session conducted.

- b. Receipt, discussion, and action on bids received for refuse/garbage and recycling services in the City. Any action taken would be deferred until the Regular Session.**

Work session conducted.

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

REGULAR SESSION – 7:00 P.M.

1. CALL TO ORDER

Acting Mayor of the Day, Caroline Ollows, called the meeting to order at 7:03 p.m. with the following present:

Members Present:

Laura Bianco, Mayor
Caroline Ollows, Acting Mayor of the Day
Steve Lafferty, Alderman, Place 2
Cathy Stein, Alderman, Place 3
Ed Motley, Mayor Pro Tem; Alderman, Place 4
Mark McGuire, Alderman, Place 5

Members Absent:

John King, Alderman, Place 1

Staff Present:

Lola Hazel, City Administrator

Greg Petty, DPS Director

Kay Day, Finance Director

2. INVOCATION, AND PLEDGES OF ALLEGIANCE

Mayor Bianco gave the invocation. Pledges were said.

3. ELECTION MATTERS

a. Administer Oath of Office and issue Certificates of Election to newly elected officials.

Mayor Bianco gave the Oath of Office and issued a Certificate of Election to Council Member Mark McGuire.

4. PRESENTATIONS AND PROCLAMATIONS

a. Presentation of proclamation to John Hibbs for his years of dedicated service to Arlington ISD.

A proclamation was presented to John Hibbs for his years of dedicated service to Arlington ISD.

5. ITEMS OF COMMUNITY INTEREST

The following items were presented.

- a. Park Workday, Saturday, July 8**
- b. Ice Cream Social and Playground Ribbon Cutting, Saturday, July 15**
- c. Park Workday, Saturday, September 15**
- d. Concert in the Park, Saturday, September 28**
- e. National Night Out, Tuesday, October 3**
- f. Annular Eclipse, Saturday, October 14**
- g. Trunk-or-Treat, Saturday, October 21**
- h. Movie Night in the Park, Saturday, November 4**
- i. Park Workday, Saturday, November 11**
- j. Pictures with Santa, Sunday, December 3**

6. CITIZEN COMMENTS

None

7. MAYOR AND COUNCIL COMMENTS

Mayor Bianco: Thank you to the park volunteers for their work in the park. I had the privilege of attending one of Randy Jordan's, the director and conductor of the Arlington Master Chorale, final performances this past month. Not only did it give me goosebumps, but just witnessing his masterful ability to lead the orchestra and chorale with the simple of movement of his wand, brought me to tears, especially the piece that his son composed in honor of his father's retirement. Obviously, the gene pool for music runs deep in that family. Randy has completed his 48th year of teaching and conducting. He is a composer/arranger with choral works published by Alliance Music, Carl Fischer Music, and Hinshaw Music Publishers. Under his direction, The Arlington Master Chorale has grown from 38 members to 110. AMC made their first appearance at Carnegie Hall in New York in March of 2007, and have performed at St. Peter's Basilica in Rome. Rather than list all of the distinguished venues where he has performed, let's just say that Randy's

gift of music has sprinkled the globe with joy. In September 2021 AMC presented the world premiere of Elaine Hagenberg's *Illuminare*, and Mr. Jordan will conduct the United Kingdom premier of that same work in London on June 21, 2023. Our community is so lucky to have such a gifted individual right in our backyard. He and his wife Debbie Duncan are proud parents/grandparents of four children and ten grandchildren. We will celebrate Randy with a proclamation at the July 20, 2023 Council Meeting. Twisted Grapevines, located at 2887 Pioneer Parkway, DWG will have their ribbon cutting on June 29, 2023, 4:30-5:30pm. They did an exceptional job of presenting at our Business Over Breakfast. They create custom wreath designs & decor for any occasion, and also host events and parties. The City received two bids for garbage of recycling services from Republic Services and Community Waste Disposal (CWD). The City Council will be reviewing said bids at their June 15, 2023 meeting. Any decision made will be published in the July newsletter. Once again, our precious friends, Kostya and Anna Maslenikov with the Salvation Army brought donuts to our staff for National Donut Day on June 2. We are so grateful to them for their loving acts of kindness and also for the tasty donuts!

Steve Lafferty: Welcomed everyone present at the meeting.

Cathy Stein: Spoke to last month's report on volunteers who rescued plants. Twenty-two of those plants have been replanted in beds around the city. Spoke to the regular park work day and 16 hours of volunteer work hours. Expressed appreciation to all volunteers for coming out.

Ed Motley: Thanked John Hibbs for his service. Recognized Steve Loe, former council member, for his years of service, and for his long-term efforts to help get the city a City Hall.

Mark McGuire: Thanked staff, City Council, Mayor Bianco, and John King, for the thoughts and prayers for loss of his dad.

8. DEPARTMENTAL REPORTS

Informational reports only; no action to be taken.

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

Departmental reports presented.

9. CONSENT AGENDA

- a. Approval of Resolution No. 2023-07 appointing members to various boards and committees.**
- b. Ratification of invoices over \$5,000 for various emergency infrastructure repairs.**
- c. Approval of Resolution No. 2023-08 authorizing the Mayor to execute Global Opioid Settlement documents relating to the Allergan, Walmart, CVS, and Walgreens settlements and any future opioid settlements negotiated by the State Attorney General.**
- d. March 20, 2023 Regular Meeting Minutes**
- e. April 20, 2023 Regular Meeting Minutes.**
- f. May 18, 2023 Regular Meeting Minutes.**

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

Ayes: Members Lafferty, Stein, Motley, and McGuire
Nays: None

10. REGULAR AGENDA

a. Receipt, discussion, and action on the City Comprehensive Plan. Any action taken would be deferred until the Regular Session.

Background information on this item: The Comp Plan is being presented in hopes of completing the final steps for approval.

1. Review for any final input
2. Schedule citizen town hall which could also serve as legal “public hearing” as required by law
3. Adopt the 2023 Comprehensive Plan
4. Create list/work plan of ordinance changes needed post-plan adoption.

No action taken.

b. Receipt, discussion, and action on bids received for refuse/garbage and recycling services in the City. Any action taken would be deferred until the Regular Session.

Background information on this item: Bid packets were due June 7, 2023 at 2:00 p.m. for interested contractors desiring to provide garbage and recycling services to the City. The bid packet explained existing services provided, but did not limit contractors to just those services.

The purpose of this item will be to select the contractor believed to provide the best services to the City, not simply the lowest bidder. The current contract with Republic Services ends August 2023 which means staff must move quickly to switch to another service provider, if that is the desire of Council, and potentially negotiate a contract extension with Republic Services until full service can be moved over if a new provider is selected.

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to approve negotiating a contract with Community Waste Disposal for waste services to begin as appropriate with the end of the current Republic contract, and consider services for twice per week garbage pickup, once per week recycling pickup, and household hazardous waste services.

Motion carried by the following vote:

Ayes: Members Lafferty, Stein, Motley, and McGuire

Nays: None

At this time, Council Member Cathy Stein left the room due to a conflict on the next agenda item.

c. Discussion and possible regarding a replat application from Vitex Developments, LLC for existing Block 3, Lot 10, changing to Eleanor Estates, Block 1, Lots 1-6, with approximate current addresses being 2601 California Lane and 2615 California Lane, Dalworthington Gardens.

- i. Conduct public hearing**
- ii. Discussion and action**

Background information on this item: Section 10.02.004 of the City’s Code of Ordinance states no land is to be subdivided in the city except by platting in compliance with Chapter 212 of the Texas Local Government Code and city ordinance, and no building permit shall be issued for construction of improvements on any property not platted.

Vitex Development is replatting property on California Lane. In accordance with Section 10.02.031, the city determined the plat application to be complete on January 24, 2023. In accordance with Section 10.02.094, the plat application was then forwarded to the city engineer for review. On May 16, 2023, the city engineer conducted his

final review of the plat, determined the plat conforms with the City’s subdivision ordinance, and recommended approval of the plat.

The city has notified all property owners within 200’ and included information on how to provide public comments at both the planning and zoning meeting and city council meeting.

Local Government Code, Chapter 212, states plats that satisfy all applicable regulations must be approved. The proposed plat satisfies all requirements of city ordinances. As such, staff recommends approval of this plat.

Mayor Bianco opened a public hearing at 7:29 p.m.

Dennis and Linda Ferdinand, 3202 Sunset Oaks: Spoke on behalf of the Historical Committee and the historical home that currently exists on the properties being platted, and spoke to council about moving the home to the park.

Naveen Khammampati, the applicant’s engineer: Spoke in favor of the plat.

With no one else desiring to speak, Mayor Bianco closed the public hearing at 7:36 p.m.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to conditionally approve a replat application from Vitex Developments, LLC for existing Block 3, Lot 10, changing to Eleanor Estates, Block 1, Lots 1-6, with approximate current addresses being 2601 California Lane and 2615 California Lane, Dalworthington Gardens, with the conditions to include changing a 10’ utility easement to 15’, a note of reference to 5 lots be corrected to reflect 6 lots, remove note 5 and the building lines on the final plat, make a suggestion on the extension of the line depicting Bowen on the key map, . and to require the engineer ensure historical data and TAD data is correct.

Motion carried by the following vote:

Ayes: Members Lafferty, Motley, and McGuire

Nays: None

Council Member Stein was not present for this item and did not vote.

At this time, Mayor Pro Tem Ed Motley left the room due to a conflict on the next agenda item.

- d. Discussion and possible action regarding an application from Jim Tally for a Special Exception in accordance with Zoning Ordinance Section 14.02.321(c)(7) “Screening Devices/Fence, over height or in required front yard”, to allow a 6-foot fence in the side yard.**
 - i. Conduct public hearing**
 - ii. Discussion and action**

Background information on this item: A fence was installed at 3306 Evie Court at a height inconsistent with the approved permit. The property owner, Jim Tally, was cited for this offense and has remedied that with the Municipal Court. He is now requesting a special exception to the above requirements for fence height. The appropriate Special Exception Section is 14.02.321(c)(7) for “screening devices/fences, over height or in required yard.” Fence height requirements are as outlined in the Zoning Ordinance, Section 14.02.123, which states as follows:

14.02.123 Yard requirements.

(d) Permitted obstructions in required yards and open spaces. The following shall not be considered to be obstructions when located in the required yards and open spaces specified.

(1) In all required yards:

(D) Fences, subject to subsection (2)(c) hereof.

(2) In front yards:

(C) Fences not exceeding four (4) feet in height which do not constitute a sight obstruction.

Consideration for special exceptions should abide by the following guidelines from the ordinance. They differ from variances in that a hardship is not required to be shown or proven.

1. They should be investigated as to the manner in which the proposed character and location of the special exception will affect the master plan of the city. a. The Comp Plan's (city master plan) focus is mostly on land use and this property is being used per the plan as single family residential.
2. Ensure it is consistent with the spirit, purpose and intent of this article.
3. That it will not substantially and permanently injure the appropriate use of neighboring property.
4. That it will substantially serve the public convenience and welfare.

If the special exception is approved, the owner will be required to apply and pay for the proper permits for the fence. If the request is denied, the owner will be required to bring the fence up to existing ordinance standards which may require some demolition and rebuilding where appropriate, and related permits.

Mayor Bianco opened a public hearing at 7:52 p.m.

Linda Motley, 3310 Elkins Drive: Spoke against the special exception request.

Steve Loe, 2816 Park Drive: Spoke in favor of the special exception request.

With no one else desiring to speak, the public hearing was closed at 7:56 p.m.

A motion was made by Council Member Cathy Stein and seconded by Council Member Mark McGuire to approve an application from Jim Tally for a Special Exception in accordance with Zoning Ordinance Section 14.02.321(c)(7) "Screening Devices/Fence, over height or in required front yard", for the purpose of authorizing any small section that encroaches upon the required front yard.

Motion carried by the following vote:

Ayes: Members Lafferty, Stein, and McGuire

Nays: None

Mayor Pro Tem Ed Motley was not present for this item and did not vote.

e. Discussion and possible action to approve any necessary provisions related to the Park Board's October 14, 2023 Annular Solar Eclipse event.

Background information on this item: The Park Board is planning an event in October for the Annular Solar Eclipse. A Park Board member should be present at the meeting to present needed supplies so any budget funds or provisions can be approved by City Council. This is not a typical Park Board event and they do not have sufficient funds in their events account. Supplies discussed include glasses and light fare for the public.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to allocate \$100 for a donation item for this event.

Motion carried by the following vote:

Ayes: Members Lafferty, Stein, Motley, and McGuire

Nays: None

f. Discussion and possible action on budget planning to include but not limited to tax rate calendar and work session scheduling.

Background information on this item: The budget calendar is being provided to plan work session dates for council input. If there are specific items council would like staff to entertain during discussions and preparation with the Mayor, that input is desired at this time as well. Based on legal deadlines for budget and tax rate adoption, work sessions may need to be in late July.

Work session were planned, but no official action taken.

g. Discussion and possible action to direct staff on adding clarity in city ordinances for notice and public hearing requirements for zoning cases.

Background information on this item: In preparation for a recent special exception case, it was determined city ordinances do not require 200' notifications or publication requirements as other zoning cases do. The notification process is very minimal. As staff did not believe council's intention or desire would be to negate said notices even in the absence of such requirement, notices were sent out but not with very much time to spare before the Planning and Zoning meeting. Calls were made to residents to get the word out in case notices didn't arrive in time. One resident did complain about the notice period. Staff is requesting council add this requirement to the ordinances to prevent this in the future.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to add requirements to city ordinances for notice and public hearing requirements for zoning cases.

Motion carried by the following vote:

Ayes: Members Lafferty, Stein, Motley, and McGuire

Nays: None

h. Discussion and possible action to direct staff regarding correctly indicating when special exceptions are authorized in accordance with Section 14.02.321 of city ordinances, to include but not limited to special exceptions for private stables as allowed in Section 14.02.172 "SF" residential district uses.

Background information on this item: In researching an allowed use for a citizen, it was discovered clarity is needed when a special exception is allowed for a certain land use. Special exceptions are clearly listed in Section 14.02.321 but are not always clearly outlined in coinciding sections where initial regulations exist. An example is the use of a "private stable" in single family residential, but staff is actually recommending removal of this particular special exception. There are several special exceptions, when checked, have this same issue. Staff would like all of them checked and clarity added. An example is provided in the packet of how to correctly note when a special exception can be considered, and where it is not noted at all. Otherwise, outside of going on memory, it is not clear when one would be considered.

Removal of private stables as a special exception is suggested for a few reasons. Because of the unique makeup of the city and varied residential developments and styles, staff did not feel the current council would want to restrict or control animals on private property outside of controlling the volume for reasons of cleanliness and neighbor disturbance. This control method is common in other cities. Secondly, managing or controlling private stables would be difficult for staff. Some residents call the city to ask about this use, but many do not, and the questions from those who do call is about quantity of animals not about whether the use is allowed. There are existing properties where residents lease property to others for horses. Based on the special exception language, "commercial purposes" are not allowed. It would become a major code enforcement issue and citizen dissatisfaction in a lot of cases.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Mark McGuire to table this item.

Motion carried by the following vote:

Ayes: Members Lafferty, Stein, Motley, and McGuire

Nays: None

i. Discussion and possible action regarding prohibiting horses and the like in City parks.

Background information on this item: There has been a continued problem with horse excrement being left in the park by unknown parties. When this happens, it leaves an obvious and large unsightly trail leading to resident

complaints and staff having to clean it up. The last incident left a trail from the City Hall parking lot all the way to the playground.

Staff would like to have an ordinance place in the event it is ever needed. The goal is always education and compliance, but there is currently no regulation in place anyone technically has violated if we were to find the responsible party.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Mark McGuire to ban horses in the active park area that is south of Elkins Drive.

Motion carried by the following vote:

Ayes: Members Motley and McGuire

Nays: Members Lafferty and Stein

Breaking tie vote with aye: Mayor Bianco

Motion carried.

- j. Discussion and possible action regarding changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, regarding agrihood regulations.**
 - i. Conduct public hearing**
 - ii. Discussion and action**

Background information on this item: The Planning and Zoning Commission has recommended approval of an ordinance that adds agrihood to the existing mixed-use ordinance. The regulations outlined in the ordinance apply to both overlays. The ordinance makes a few changes to simplify areas, but also adds the definition for agricultural, the use of which only applies to agrihood. The ordinance also scales down the use list, but allows applicants to apply for uses not listed. Council would have the ultimate say in what uses are allowed in any planned development concept.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to direct staff to change the proposed ordinance to a special PD Overlay for the Bowen Road corridor using characteristics outlined in the Comprehensive Plan, and model the ordinance after the exiting PD Overlay ordinance, not the mixed-use.

Motion carried by the following vote:

Ayes: Members Lafferty, Stein, Motley, and McGuire

Nays: None

- k. Discussion and possible action regarding ADA accessible ramp for the DPS remodel, as well as guidance on bid process for DPS building.**

Background information on this item: AME Engineering completed the diagram/site plane for the ADA accessible ramp for council's consideration.

A motion was made by Council Member Mark McGuire and seconded by Mayor Pro Tem Ed Motley to approve the ADA accessible ramp for the DPS remodel, and authorize staff to move forward with the bidding process per direction of the building committee.

Motion carried by the following vote:

Ayes: Members Lafferty, Stein, Motley, and McGuire

Nays: None

- l. Discussion and possible action regarding the addition of a public works employee.**

Background information on this item: This item was added at the request of the Mayor to discuss the addition of a public works employee. This results from tasks that occasionally are behind and comments received from citizens. Staff is not expecting an approval at this meeting, but would like to begin the conversation in advance of the budget. The goal would be to use existing funds remaining from the departure of the building official for this position. Currently, public works has a director who also works in the field, one full-time employee who is only public works, one full-time employee who is majority public works and also some code enforcement/permitting, and one part-time employee helping with park duties. We would only request funding for what is existing in the budget, not request any additional funding.

Under the current public works director, there have been more tasks done in-house than outsourced. The goal would be to continue that trend where time and resources allow. This will ensure timely completion of tasks and that they are completed to our high city standards. The director has the knowledge and expertise to get city infrastructure on much needed maintenance plans but needs people to do the work.

Examples of projects done in house are excavation and repair of a water line on Roosevelt near Narah Café, bridge construction on Roosevelt, majority of construction in Public Works barn, erosion repair on Corzine Drive, and soon to be pad site and work associated with Park Board storage building.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Mark McGuire to hire a part time seasonal employee to help in parks.

Motion carried by the following vote:

Ayes: Members Lafferty, Stein, Motley, and McGuire

Nays: None

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

Not needed.

11. TABLED ITEMS

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

12. FUTURE AGENDA ITEMS

- Platting process – when something is a replat versus go through the preliminary plat and final plat process.

13. ADJOURN

The meeting was adjourned at 9:17 p.m.