

**MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON SEPTEMBER 15, 2022 AT 6:00 P.M. IN THE COUNCIL CHAMBERS, 2600 ROOSEVELT DRIVE, DALWORTHINGTON GARDENS, TEXAS.**

**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  
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:**

Lola Hazel, City Administrator  
Greg Petty, DPS Director  
Kay Day, Finance Director  
Sandra Ma, Court Administrator  
Gary Parker, Public Works Director

**2. WORK SESSION**

The following items were discussed.

- a. **Short-Term Rental Ordinance**
- b. **Solid Waste Ordinance**
- c. **Garden Home Ordinance**
- d. **Agrihood Ordinance**
  
- e. **Remaining agenda items, if time permits.**

No other items were discussed.

**3. ADJOURN**

The meeting was adjourned at 6:53 p.m.

**REGULAR SESSION**

**1. CALL TO ORDER**

Mayor Bianco called the meeting to order at 7:02 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:**

Lola Hazel, City Administrator  
Greg Petty, DPS Director  
Kay Day, Finance Director  
Sandra Ma, Court Administrator  
Gary Parker, Public Works Director

**2. INVOCATION**

Mayor Bianco gave 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. **World Teachers’ Day – October 5, 2022**

Mayor Bianco read aloud a proclamation recognizing World Teachers’ Day.

**5. ITEMS OF COMMUNITY INTEREST**

The following items were presented:

- a. **Concert in the Park, September 24, 2022**
- b. **National Night Out, October 4, 2022**
- c. **Movie in the Park, October 8, 2022**
- d. **Monarch Photography Contest, August 15, 2022-October 15, 2022**
- e. **Day with the Law, November 5, 2022**

**6. CITIZEN COMMENTS**

Linda and Denis Ferdinand, 3202 Sunset Oaks: Spoke to the consideration for a historical home restoration in DWG.

**7. MAYOR AND COUNCIL COMMENTS**

**Mayor Bianco:** Recognized Patti White with Green’s Produce for providing the flowers which adorn the entrance to City Hall. Informed the audience about the upcoming Salvation Army Mayoral Bell Ringing Challenge on December 10, 2022. Informed the audience of the passing of long-time resident David Wayne McCulloch and asked Mayor Pro Tem Motley to say a few words about Mr. McCulloch since Mr. Motley was

his friend. Informed the audience about upcoming events - National Night Out on October 4 from 6-8pm in Gardens Park and Trunk or Treat on October 22 in Gardens Park.

**John King:** Thanked Dennis Ferdinand and his wife for a presentation they made during citizen comments.

**Steve Lafferty:** Echoed comments from Council Members Motley and King.

**Cathy Stein:** Spoke to the recent Park Board work day and recognized volunteers. Spoke to the Monarch photography contest.

**Ed Motley:** Spoke to the recent passing of long-time resident David Wayne McCulloch. Expressed excitement for audience members who showed up for the council meeting.

**Mark McGuire:** Echoed comments from Council Members Motley and King.

## **8. DEPARTMENTAL REPORTS**

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

Departmental Reports were presented.

## **9. CONSENT AGENDA**

- a. Presentation and acknowledgment of budget adjustments.**
- b. Approval of Ordinance No. 2022-23 approving budget amendments for FY 2021-2022.**
- c. Approval of Amendment No. 1 to the contract between Tarrant County and the City of Dalworthington Gardens to reconstruct Roosevelt Drive from California Lane to Bowen Road.**
- d. Approval of Ordinance No. 2022-19 designating certain funds for specific purposes in accordance with the City's Comprehensive Financial Policy.**
- e. Approval of an agreement between the Texas Parks and Wildlife Department and the City of Dalworthington Gardens for the DWG Playground Grant.**

A motion was made by Council Member Cathy Stein and seconded by Council Member John King to approve the Consent Agenda.

Motion carried by the following vote:

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

Nays: None

## **10. REGULAR AGENDA**

- a. Discussion and possible action to consider a replat application from Unity Church of Arlington, being a replat of a portion of Lot 6, Block 5, generally located south of W. Mayfield Road and east of S. Bowen Road, with the approximate address being 3513 Bowen Road, Dalworthington Gardens.**

- i. Conduct a public hearing**
- ii. Discussion and possible 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.

The Unity Church of Arlington is replatting property on Bowen Road. A portion of the property is located in the city of Arlington which has been reviewed and approved. They are now submitting an application for the portion of property located in Dalworthington Gardens.

In accordance with Section 10.02.031, the city determined the plat application to be complete on May 25, 2022. In accordance with Section 10.02.094, the plat application was then forwarded to the city engineer for review. On August 10, 2022, the city engineer conducted his third and final review of the plat, determined the plat conforms to 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 the public hearing at 7:28 p.m.

Ryan Williams, Graham and Associates: Spoke on behalf of applicant as the applicant’s engineering firm.

With no one else desiring to speak, Mayor Bianco closed the public hearing at 7:29 p.m.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve a replat application from Unity Church of Arlington, being a replat of a portion of Lot 6, Block 5, generally located south of W. Mayfield Road and east of S. Bowen Road, with the approximate address being 3513 Bowen Road, Dalworthington Gardens.

Motion carried by the following vote:

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

Nays: None

**b. FY 2022-2023 City Budget**

- i. Conduct public hearing**
- ii. Discussion and possible action to approve Ordinance No. 2022-20 to adopt the FY 2022-2023 City Budget.**

Background information on this item: In accordance with Local Government Code, Section 102.007, the Council must adopt the budget at the conclusion of a public hearing on said budget. The motion shall be as follows and shall be a record vote. A record vote means the Mayor will individually call each council member by name and ask for a vote.

Mayor Bianco opened the public hearing at 7:30 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 7:30 p.m.

Before calling for a motion, the Mayor read the following statement.

“THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR’S BUDGET BY \$168,606, WHICH IS AN 8.64% INCREASE, AND OF THAT AMOUNT, \$23,335 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.”

A motion was made by Council Member Mark McGuire and seconded by Council Member Steve Lafferty to approve Ordinance No. 2022-20 adopting the budget for the Fiscal Year of October 1, 2022 through September 30, 2023.

Mayor Bianco called for a record vote. Record vote as follows:

Council Member John King: aye  
Council Member Steve Lafferty: aye  
Council Member Cathy Stein: aye  
Council Member Ed Motley: aye  
Council Member Mark McGuire: aye

Nays: None.

Motion carries.

**c. FY 2022-2023 Tax Rate**

- i. Conduct public hearing**
- ii. Discussion and possible action to approve Ordinance No. 2022-21 adopting the FY 2022-2023 Tax Rate.**

Background information on this item: In accordance Tax Code, Section 26.05 (b), a taxing unit may not impose property taxes in any year until the governing body has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order, depending on the method prescribed by law for adoption of a law by the governing body. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. For a taxing unit other than a school district, the vote on the ordinance, resolution, or order setting a tax rate that exceeds the no new revenue tax rate must be a record vote, and at least 60 percent of the members of the governing body must vote in favor of the ordinance, resolution, or order. A record vote means the Mayor will individually call each council member by name and ask for a vote.

Mayor Bianco opened the public hearing at 7:31 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 7:31 p.m.

A motion was made by Council Member Cathy Stein and seconded by Council Member John King to approve that the property tax rate be increased by the adoption of a tax rate of \$0.665133 which is effectively a 1.00 percent increase in the tax rate.

Mayor Bianco called for a record vote. Record vote as follows:

Council Member John King: aye  
Council Member Steve Lafferty: aye  
Council Member Cathy Stein: aye  
Council Member Ed Motley: aye  
Council Member Mark McGuire: aye

Nays: None.

Motion carries.

**d. Discussion and possible action to ratify the tax rate.**

Background information on this item: State law requires that the City Council ratify the property tax increase reflected in the budget. In accordance with Local Government Code, Section 102.007 (c), adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget. A vote under this subsection is in addition to and separate from the vote to adopt the budget or a vote to set the tax rate required by Chapter 26, Tax Code, or other law.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to that the property tax rate be increased by the adoption of a tax rate of \$0.665133 which is effectively a 1.00 percent increase in the tax rate.

Mayor Bianco called for a record vote. Record vote as follows:

Council Member John King: aye  
Council Member Steve Lafferty: aye  
Council Member Cathy Stein: aye  
Council Member Ed Motley: aye  
Council Member Mark McGuire: aye

Nays: None.

Motion carries.

**e. Discussion and possible action to approve Ordinance No. 2022-22 making changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 4, Business Regulations, to create an article defining and governing the standards and requirements for short-term rentals; and Chapter 14, Zoning, to identify short-term rentals as a permitted use in residential districts, subject to certain conditions.**

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

Background information on this item: Council requested an ordinance be drafted for short-term rentals. Because a portion of the changes were in the zoning ordinance, the zoning sections of the ordinance were reviewed by Planning and Zoning on August 22, 2022, and they have approved said changes.

The following changes are proposed for this ordinance creation:

- The addition of Article 4.09, Short-Term Rental, in Chapter 4, Business Regulations

- Section 14.02.092, Definitions: Adding a definition for short-term rental
- Section 14.02.171, General Provisions: Adding short-term rentals as a permitted use in residential districts
- Section 14.02.321, Special Exceptions: Adding a special exception for short-term rentals that exceed density limitations

The density limitation for short-term rentals is as shown below. A special exception option is provided in the ordinance for rentals wanting to exceed that density. The city attorney’s recommendation is to tailor the ordinance and density requirements to the city’s current needs and observed problems. Allowing anything less than two units per street could be perceived as too restrictive as it’s currently unknown how many short-term rental units exist in the city. The ordinance can always be amended if it’s determined that density is an issue and needs to be more restrictive.

Sec. 4.09.004 Regulations

(p)(1) Limitation. Short term rentals shall be limited to no more than two units per street or one-eighth (12.5 percent) of the total number of residential units in a multi-unit building. Notwithstanding the foregoing, at least one short-term rental shall be permitted per multi-unit building, regardless of density.

Mayor Bianco opened the public hearing at 7:33 p.m.

With no one desiring to speak, the public hearing was closed at 7:33 p.m.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to continue the item to the next council meeting.

Motion carried by the following vote:

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

Nays: None

**f. Discussion and possible action to approve Resolution No. 2022-16 approving various changes to the City Fee Schedule.**

Background information on this item: Changes are being presented to the fee schedule as follows:

1. A4.000, Water and Sewer Service: Amending the water and sewer rates consistent with the FY 2022-2023 budget.
2. A8.000, Health Permits: Correcting errors in numbering.
3. A9.000, Miscellaneous Fees: Adding permit fees for short term rentals.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to approve changes to the fee schedule as presented, and to amend language under Article A8.000, Health Permits, as follows: Permit fee authority delegated to the county for permits issued by the county.

Motion carried by the following vote:

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

Nays: None

**g. Discussion and possible action to approve Ordinance No. 2022-24 making changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 13, Solid Waste, to update the city’s screening requirements for solid waste containers; and amending Chapter 14, Zoning, to remove standards for refuse disposal containers from the zoning ordinance.**

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

Background information on this item: Council approved for staff to make changes to city ordinances regarding regulations for solid waste containers. Staff brought the proposed changes to council because many existing commercial businesses are unable to meet the existing placement requirements for solid waste containers, causing issues for ordinance enforcement. In that same conversation, staff and council discussed adding a screening requirement for residential customers as well. Council asked staff to bring back suggested changes for consideration.

Because part of the changes were in the zoning ordinance, the Planning and Zoning Commission considered those changes on August 22, 2022 and approved said changes.

The changes to the ordinance are as follows:

- Section 13.03.006, Placement for residential customers: Sentence added requiring screening for residential customers.
- Section 13.03.009, Placement for commercial customers: Regulations added for placement of containers for commercial customers. These changes are believed to be consistent with discussion staff had with council.
- Section 14.02.221(b)(3) and Table 14.02.221: Removal of sections regarding screening of solid waste containers as that is now addressed in Chapter 13, Utilities.

Mayor Bianco opened the public hearing at 7:39 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 7:39 p.m.

A motion was made by Council Member John King and seconded by Council Member Steve Lafferty to approve Ordinance No. 2022-24 making changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 13, Solid Waste, to update the city's screening requirements for solid waste containers; and amending Chapter 14, Zoning, to remove standards for refuse disposal containers from the zoning ordinance.

Motion carried by the following vote:

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

Nays: None

**h. Discussion and possible action to approve the purchase of a DPS command cabinet in the amount of \$4,951.87.**

Background information on this item: DPS is requesting to purchase one command cabinet (\$4,951.87) for Chief Petty's unmarked unit. The cabinet stores and organizes emergency equipment and can be utilized as a command center during emergency events.

This is one of two command cabinets budgeted in CCPD this fiscal year.

A motion was made by Council Member Cathy Stein and seconded by Council Member Steve Lafferty to approve the purchase of a DPS command cabinet in the amount of \$4,951.87.

Motion carried by the following vote:

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



Nays: None

**i. Discussion and possible action to approve Ordinance No. 2022-25 making changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 6, adding section 6.06.010 “Smoking Prohibited at Building Entrances” to prohibit smoking within fifty feet of the public entrance of public buildings.**

Background information on this item: Council directed staff to bring back an ordinance prohibiting smoking within a certain distance of building entrances. The proposed ordinance adds Section 6.06.010 to address this new distance requirement. It would prohibit smoking or possession of certain products within fifty feet of public entrances to public buildings, and also prohibits the placement of certain items within twenty five feet from any entrance of exit.

A motion was made by Council Member Mark McGuire and seconded by Council Member John King to approve Ordinance No. 2022-25 making changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 6, adding section 6.06.010 “Smoking Prohibited at Building Entrances” to prohibit smoking within fifty feet of the public entrance of public buildings, with an amendment to change all references of any public building to public entrance to any building, and change 6.06.010(b) from twenty five feet to fifty feet.

Motion carried by the following vote:

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

Nays: None

**j. Discussion and possible action to direct staff or making changes to the City of Dalworthington Gardens Code of Ordinances regarding garden home regulations.**

Background information on this item: Council Member Stein requested this item be placed on the agenda. She asked that the following thoughts be provided to council. Any changes to the garden home ordinance would need to go to the Planning and Zoning Commission first before council can vote on changes.

- \* Possible garage entry orientation restrictions
- \* Consider reducing somewhat the current minimum house size
- \* Should garden homes be limited to two stories and if so, what is a reasonable maximum height?
- \* Should the minimum yard setback that adjoins another zoning district need to match that of the other district if the other district's set back is larger?
- \* Is there a safety reason for ensuring more than one entrance/exit when there are more than X number of garden homes?
- \* Are any additional ordinances needed to ensure storm water is handled properly?
- \* Are parking requirements adequate and/or is there a need to state something about the minimum size for a two car garage in a note to the table or that on street parking does not count if guest spaces are also required?
- \* There is already a lot size minimum in the current ordinance. Are there further density or offsetting greenspace requirements that need to be added to align the GH zoning with the language in the working draft of the comp plan?
- \* Does there need to be a different road width minimum than is currently listed in the subdivision ordinances?

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to direct staff to send suggestions to the Planning and Zoning Commission with the thoughts suggested by council to include roof pitch.

Motion carried by the following vote:

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

Nays: None

**k. Discussion and possible action to direct staff on making changes to the City of Dalworthington Gardens Code of Ordinances regarding creating an agrihood regulations and/or zoning district.**

Background information on this item: Council Member Stein requested this item be placed on the agenda. The Agrihood section of the new Comp Plan draft is being provided. If changes are made to the zoning ordinance for Agrihood, then Planning and Zoning would need to review and approve any changes before council can approve.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to direct staff to work with the Planning and Zoning Commission to create a zoning mechanism using the comp plan language for Agrihood.

Motion carried by the following vote:

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

Nays: None

**l. Discussion and possible action on proposed uses for discretionary funds designated for use by Department Heads for merit increases and other similar uses.**

Background information on this item: Council asked for feedback on how discretionary funds would be used for merit increases and similar uses by the Public Safety Director and City Administrator. The uses discussed thus far are for promotion purposes, employee retention, and possible merit increases coinciding with annual evaluations.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to accept staff's plan for using discretionary funds with the exception of not linking salary adjustments to annual evaluations.

Motion carried by the following vote:

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

Nays: None

**m. Discussion and possible action to direct staff on a change to the Personnel Policy regarding defining city holidays as hours worked.**

Background information on this item: At the August council meeting, staff presented a proposal for city designated holidays to be considered as "hours worked" in order to benefit employees who are (1) off for the holiday but work overtime later in the work week (primarily city-side employees), and (2) employees who are scheduled to work the holiday but currently only receive straight time for those hours (primarily DPS employees). Since the discussion at the August meeting ended with confusion from staff, more information is being provided after working with the city attorney to better explain staff's intentions. A resolution is being proposed with new language to benefit city employees as well as DPS employees. If council desires a different policy, staff can work with the city attorney to easily change the wording. The proposed change of considering holidays as hours worked for all employees is a huge incentive for hiring as well as retaining existing employees.

Staff is providing a calculation which shows an estimated cost for those who work the holiday including those who did not (city AND DPS employees gaining OT) and a calculation showing those who did not work the holiday but holiday is considered “hours worked” (ONLY city side employees).

No action was taken.

- n. Discussion and possible action regarding amendments to the FY 2021-2022 budget in amounts not to exceed \$10,000.00.**

Item not needed.

#### **11. TABLED ITEMS**

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

Item not pulled off table or discussed.

#### **12. FUTURE AGENDA ITEMS**

- Item for historical home restoration.

#### **13. ADJOURN**

The meeting was adjourn at 8:49 p.m.