

**MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON OCTOBER 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 AND/OR EXECUTIVE SESSION – 6:00 P.M**

**1. CALL TO ORDER**

Mayor Bianco called the meeting to order at 6:02 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 Smith, City Administrator  
Greg Petty, DPS Director  
Kay Day, Finance Director  
Gary Parker, Public Works Director  
Sandra Ma, Court Administrator

**a. Executive Session**

City Council recessed into Executive Session at 6:02 p.m.

**i) Recess into Executive Session:**

- (1) pursuant to Texas Government Code, Section 551.071, Attorney Consultation, and 551.074, Personnel Matters, regarding the City Administrator/City Secretary position.**
- (2) pursuant to Texas Government Code, Section 551.071, Attorney Consultation, regarding Texas Commission on Fire Protection Rules related to Firefighters.**

**ii) Reconvene into Regular Session for the following:**

City Council reconvened into Regular Session at 6:40 p.m.

- (1) discussion and possible action on the City Administrator/City Secretary position**
- (2) discussion and possible action regarding Texas Commission on Fire Protection Rules related to Firefighters.**

**b. Work session with Kimley Horn on the plat review process.**

Discussed in work session.

**c. Work Session on the above item and other listed agenda items as time permits.**

No others discussed.

**2. ADJOURN**

The work session/closed session was adjourned at 7:00 p.m.

## **REGULAR SESSION – 7:00 P.M.**

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

Mayor Bianco called the meeting to order at 7:04 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 Smith, City Administrator  
Greg Petty, DPS Director  
Kay Day, Finance Director  
Gary Parker, Public Works Director  
Sandra Ma, Court Administrator

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

Mayor gave invocation. Pledges were said.

### **3. ITEMS OF COMMUNITY INTEREST**

The following items were presented.

- a. Trunk-or-Treat, Saturday, October 21, 5:30pm-7:30pm**
- b. Movie Night in the Park, Saturday, November 4, 7:00pm**
- c. Park Workday, Saturday, November 11**
- d. Pictures with Santa, Sunday, December 3, 3:00pm-5:00pm**

### **4. CITIZEN COMMENTS**

Melanie Levine, 7 Homeplace Court: Expressed appreciation for our police.

### **5. MAYOR AND COUNCIL COMMENTS**

Mayor Bianco: Kudos to our DPS and especially Chief Petty and Jennifer Burkhart for an exceptional event as always. If you missed the grill masters in action, don't let another opportunity pass you by. Thank you to Christina Van Dorf for her contributions and participation at the event. Thank you to Maurice Ahern for the butterscotch cookies. They were a melt-in-your-mouth delight. Thank you to Green's Produce for donating pumpkins for the event. Come join us every Sunday from 10am-2pm for the Dalworthington Gardens Farmer's Market located in the ACA parking lot across from Green's Produce. Mentioned the Ghost Food Truck Park, Parking lot of NewGen Printing, 2601 W. Arkansas Lane. They have four food trucks there at all times and Friday night events. Don't miss your chance to take advantage of a photo op with a fall theme on their premises. It is with great pride that we want to thank our extraordinary Park Board for the annular eclipse event that was held in our park on October 14. We had a great turnout for the presentation given by one of the members of the Fort Worth Astrological Association, followed by a community viewing of the eclipse with complimentary glasses provided by our speaker. He setup telescopes so that

our residents had the opportunity to have a closer view of what this actually looks like. I can't wait to see what will happen for the total eclipse in April. Expressed appreciate to outgoing City Administrator Lola Smith.

John King: Thanked DPS for their efforts for National Night Out.

Steve Lafferty: Echo what John King said.

Cathy Stein: Congratulated the Park Board for the annular solar event and expressed appreciation for their hard work.

Ed Motley: None

Mark McGuire: None

## **6. DEPARTMENTAL REPORTS**

*Informational reports only; no action to be taken.*

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

Department Reports presented.

## **7. CONSENT AGENDA**

- a. Approval of July 20, 2023 special meeting minutes.**
- b. Approval of September 21, 2023 regular meeting minutes.**
- c. Approval of October 9, 2023 special meeting minutes.**
- d. Ratification of costs for dirt pile haul off for Capko Concrete Structures in the amount of \$11,400, which is a \$600 difference from City Council's approval of this project on July 20, 2023.**
- e. Approval of an agreement for a prosecutor pro tem in the short-term absence of the municipal city prosecutor at the same pay rate as currently budgeted, subject to city attorney approval of said agreement.**
- f. Approval of Renewal and Amendment No. 1 to the Corzine Drive Interlocal Agreement with Tarrant County.**
- g. Approval of Ordinance No. 2023-20 designating certain accounts and committing certain funds in accordance with the City's Comprehensive Financial Policy and City Budget.**
- h. Presentation and acknowledgment of budget adjustments.**
- i. Approval of Amendment No. Four to the Professional Services Agreement with Safebuilt Texas LLC to adopt fees for solar panels and an hourly rate for third party code enforcement officer services.**
- j. Approval of Resolution No. 2023-13 approving changes to the City Fee Schedule for reinspection fees and solar panels.**

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

Motion carried by the following vote:

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

Nays: None

## 8. REGULAR AGENDA

From the Executive Session items:

### a. Discussion and possible action on the City Administrator/City Secretary position.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to appoint Greg Petty as the interim city administrator with support from the mayor, and to appoint Sandra Ma as interim city secretary, and direct acting city administrator to take other actions discussed in closed session.

Motion carried by the following vote:

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

Nays: None

From the Executive Session items:

### b. Discussion and possible action regarding Texas Commission on Fire Protection Rules related to Firefighters.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to hire three full time fire fighters.

Motion carried by the following vote:

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

Nays: None

### c. Discussion and possible action on the plat review process.

No action taken.

*For the next item, Mayor Bianco left the dais for a conflict and Mayor Pro Tem Ed Motley ran the meeting.*

### d. Discussion and possible action regarding a Special Exception Application for fence height in accordance with the City of Dalworthington Garden's Zoning Ordinance Section 14.02.321(c)(7), screening devices/fences, over height or in required front yard, for property located at 2416 Roosevelt Drive, Dalworthington Gardens.

#### i. Conduct public hearing

#### ii. Discussion and action

Property owner is requesting a special exception in accordance with section 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.

14.02.125 Screening devices.

(b) Erection and maintenance responsibility.

(3) No fence or other screening device, whether required or not, shall exceed six (6) feet in height, without appropriate approval.

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.

The Planning and Zoning Commission recommended approval.

Mayor Pro Tem Motley opened the public hearing at 7:32 p.m.

Janet Grey, 2412 Roosevelt Drive, property owner: Spoke in favor of the request.

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

A motion was made by Council Member Mark McGuire and seconded by Council Member John King to Mark to approve fence as it stands today, and the fact that it is not on the property line but within the property lines is a factor in council's approval.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Motley, and McGuire

Nays: Member Stein

***Mayor Bianco rejoined the meeting.***

- e. **Discussion and possible action regarding a Zone Change Application requesting a rezone from single-family "SF" residential to garden homes "GH" base zoning with a mixed-use "MU" overlay for properties located at 2500 California Lane and 2512 California Lane, Dalworthington Gardens.**
  - i. **Conduct public hearing**
  - ii. **Discussion and action**

The Planning and Zoning Commission took no action and continued this item to their October 23 meeting. Thus, the City Council cannot take action on this item. It will come back to council at the November 19, 2023 meeting. **Council's action should be to "continue the item to the November 16, 2023 Council Meeting at 7pm."**

A Zone Change Application was received for properties located at 2500 California Lane and 2512 California Lane for a change from single family "SF" residential to garden home "GH" base zoning with a mixed-use "MU" overlay. Per Local Government Code, Chapter 211, zone changes must comply with the City's Comprehensive Plan as follows:

Sec. 211.004. COMPLIANCE WITH COMPREHENSIVE PLAN. (a) Zoning regulations must be adopted in accordance with a comprehensive plan and must be designed to:

- (1) lessen congestion in the streets;
- (2) secure safety from fire, panic, and other dangers;
- (3) promote health and the general welfare;
- (4) provide adequate light and air;
- (5) prevent the overcrowding of land;
- (6) avoid undue concentration of population; or

(7) facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.

The Future Land Use Map from the current 2005 adopted Plan shows these properties to remain as single family residential. However, in the latest Plan draft amendment from June 2023 includes changes to proposed Bowen Road future land uses as described below. The full description can be found in your packet.

The Bowen Road Planned Development Overlay may include Large Lot Residential uses but may also include a mixture of Medium Density Single Family Garden Homes, and Commercial Uses with a preference toward agricultural related businesses (vegetable and meat markets, farm and ranch supply, etc.) and restaurants. Garden Home developments shall include 10 percent open space for parks and community gardens. The Planned Development shall provide an orderly transition from commercial uses to the large lot Residential uses and incorporate suitable separation barriers with a preference to vegetated barriers in lieu of hardened barriers such as fences. Uses other than large lot residential uses shall be planned development. The applicant has communicated to the City he desires to build garden homes with a few small foot print restaurants on the south end of the development.

The item was continued the item to the November 16, 2023 Council Meeting at 7pm

- f. Discussion and possible action regarding an amendment to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, making changes to garden home “GH” regulations.**
  - i. Conduct public hearing**
  - ii. Discussion and action**

Staff is presenting the final version of the Garden Home Ordinance for approval. Planning and Zoning has recommended approval.

A public hearing was opened at 7:49 p.m.

With no one desiring to speak, the public hearing was closed at 7:49 p.m.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to accept the P&Z recommended changes to the garden home ordinance and and changed the recommendation of six units per acre to five units per acre and codify change in ordinance.

Motion carried by the following vote:

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

Nays: None

- g. Discussion and possible action to approve the purchase of a KASCO Tank Mixer installed by Axis Construction, L.P. in the elevated storage tank in the amount of \$24,940.00.**

Staff is requesting the mixer to be installed to help the water tank integrity by reducing interior headspace temperature and reducing steel corrosion, as well as overall water quality. This will help the chlorine residuals stay balance throughout the tank. We have had issue’s in the past keeping the residual above the minimum amount causing us to flush excessive amounts of water to bring the residual above the minimum level.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve the purchase of a KASCO Tank Mixer installed by Axis Construction, L.P. in the elevated storage tank in the amount of \$24,940.00.

Motion carried by the following vote:

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

Nays: None

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

Item not needed.

## **9. TABLED ITEMS**

- a. 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.**

Item not addressed.

## **10. FUTURE AGENDA ITEMS**

None.

## **11. ADJOURN**

The meeting was adjourned at 8:08 p.m.