

**MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON MARCH 21, 2024 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 6:01 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:**

Kay Day, Finance Director  
Cheyennena Althoff, Finance Assistant  
Sandra Ma, City Secretary/Court Administrator

**2. WORK SESSION**

- a. Receive FY 2022-2023 audit presentation from BrooksWatson & Co., PLLC. Action to accept the audit by resolution will be taken in the 7:00 Regular Session**

Presentation Received

- b. Receipt, discussion, and action from Grossman Design Builds for potential commercial development along Bowen road.**

Item Discussed.

**3. EXECUTIVE SESSION**

*Any action may be deferred until the 7:00 p.m. Regular Session*

- a. Recess into Executive Session**

City Council recessed into Executive Session at 6:41 p.m.

**(1) Pursuant to Texas Government Code, Section 551.089, discussion regarding critical infrastructure along Bowen Road, and 551.087, economic development incentives with Grossman Design Builds for potential commercial development**

**(2) Pursuant to Texas Government Code, Section 551.071, Attorney Consultation for notice of claim regarding 3216 S. Bowen Road.**

**(3) Pursuant to Texas Government Code, Section 551.071, Attorney Consultation, to discuss notice of claim regarding 3604 Gardenia Drive.**

**b. Reconvene into Regular Session for discussion and possible action on:**

City council reconvened from Executive Session at 7:11 pm. Action was deferred until the Regular Session.

- (1) economic development incentives with Grossman Design Builds for potential commercial development**
- (2) notice of claim regarding 3216 S. Bowen Road.**
- (3) notice of claim regarding 3604 Gardenia Drive.**

**REGULAR SESSION**

**1. CALL TO ORDER**

Mayor Bianco called the meeting to order at 7:13 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:**

Kay Day, Finance Director  
Cheyennena Althoff, Finance Assistant  
Sandra Ma, City Secretary/Court Administrator

Robert Blake was the winner of an auction for Mayor of the Day. He led the first part of the meeting.

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

Robert Blake gave invocation. Pledges were said.

**3. PRESENTATIONS AND PROCLAMATIONS**

- a. Proclamation supporting the Mayor's Monarch Challenge.**
- b. Proclamation for Child Abuse Prevention Month April 2024 – Alliance for Children**

Robert Blake read aloud and presented proclamations along with Mayor Bianco.

**4. ITEMS OF COMMUNITY INTEREST**

The following items were presented.

- a. Pictures with the Easter Bunny – Sunday, March 24 from 3-5 p.m.**
- b. Total Solar Eclipse – Monday, April 8<sup>th</sup>**
- c. CPSAAA Fundraiser Event Prepas – April 11 from 11-9 p.m.**
- d. Plant Swap and Earth Day Event – Saturday, April 20 time TBD**

**5. CITIZEN COMMENTS**

None

## 6. MAYOR AND COUNCIL COMMENTS

Ed Motley: Congratulated Robert Blake on winning Mayor of the Day.

John King: none

Steve Lafferty: none

Cathy Stein: Described the upcoming solar eclipse event. The different types of merchandise will be on sale: stickers, caps, and two different color t-shirts and styles. A gentleman from the Fort Worth Astronomical Society will have a presentation at 11:00 a.m. at city hall. The video will be on a loop between the presentation until totality occurs. He will have multiple stations with telescopes to view. The first 500 people will get free solar glasses. Parking will be in the park, behind the lake, and an overflow lot at the church with a shuttle service. There is also a park and walk from the Buddhist temple on Clover to the park.

Mark McGuire: none

Mayor: Thanked Green's Produce for the flowers that are outside of city hall. Announced new business Pirtek and Faithfully Dressed. Kudos to ACA on being honored in the 40<sup>th</sup> annual Governor's volunteer award for their focus on civic engagement and community service. Condolences to Ben Smith, Barry Fletcher, and Wendell Brown's mother

Robert Blake handed the gavel back over to Mayor Bianco to continue the meeting.

## 7. DEPARTMENTAL REPORTS

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

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

Department Reports presented.

## 8. CONSENT AGENDA

- a. **Approval of Ordinance No. 2024-04, canceling the May 4, 2024 general election and declaring unopposed candidates elected.**
- b. **Approval of Resolution No. 2024-04 approving appointment to the city Planning and Zoning Commission**
- c. **Consider approval of Resolution No. 2024-05 accepting FY 2022-2023 annual financial audit.**

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, Motley, Stein, and McGuire

Nays: None

## **9. Discussion and possible action on items discussed in Executive Session.**

### **(1) Discussion and possible action on the critical infrastructure along Bowen Road and economic development incentives with Grossman Design Builds for potential commercial development.**

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to take action that was described in executive session on item 1.

### **(2) Discussion and possible action on attorney consultation for notice of claim regarding 3216 S. Bowen Road.**

No action.

### **(3) Discussion and possible action on attorney consultation for notice of claim regarding 3604 Gardenia Drive.**

Topic was removed.

Motion carried by the following vote:

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

Nays: None

## **10. REGULAR AGENDA**

- a. Discussion and possible regarding an application of a special exception for motor vehicle sales- indoor: showroom wholly within a building; no vehicle display visible from outside the building; detailing for sale but no mechanical work allowed; no outside storage, in accordance with the City of Dalworthington Garden's Zoning Ordinance subsection (a)(15) of Section 14.02.0224. Business located at 2209 Michigan Ave, Dalworthington Gardens, Texas**
  - i. Conduct public hearing**
  - ii. Discussion and action**

Background information on this item: Business owner, Amel Kohnic, is requesting a special exception in accordance with Section 14.02.224 (a)(15) for motor vehicle sales indoor: Showroom wholly within a building; no vehicle display visible from outside the building; detailing for sale but no mechanical work allowed; no outside storage in Ordinance 2023-25.

Mr. Kohnic originally applied for a certificate of occupancy on May 30, 2019, and was given a certificate of occupancy on July 2, 2019, for an auto repair and motorcycle shop. Mr. Kohnic is seeking to renew his dealer's license with the State. He was denied renewal from the State with an explanation per Dalworthington Gardens City Ordinance 14.02.224, which does not permit vehicle sales.

An application for a certificate of occupancy was submitted on January 22, 2024, and was returned by DWG's third-party plan review/inspector with a denial letter on January 26, 2024, citing ordinance 2023-25, which states that no online sales are permitted without special 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.

Notification of tonight's public hearing was sent to all property owners within 200 feet of the subject's property as well as being posted in the Commercial Recorder.

Mayor Bianco opened the public hearing at 7:37 p.m.

Robert J. McGinty, 4400 Spinnaker spoke in favor

Lynn Walker, 2901 Sieber spoke in favor

With no one else desiring to speak, Mayor Bianco closed the public hearing at 7:42 p.m.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve a special exception for motor vehicle sales-indoor showroom wholly within a building; no vehicle display visible from outside the building; detailing for sale; no outside storage, in accordance with the City of Dalworthington Garden's Zoning Ordinance subsection (a) (15) of Section 14.02.0224. Business located at 2209 Michigan Ave, Dalworthington Gardens with the caveat that we do not remove their current use permitted by right under the zoning.

Motion carried by the following vote:

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

Nays: None

**b. Discussion and possible action regarding an update from Chris Labra with NewGen Printing for a previously approved special exception at 2529 W. Arkansas Lane for mobile food units to be on property longer than twenty-four hours in accordance with Section 14.02.321(c)(22) of City ordinances**

Background information on this item: This was discussed in a previous work session to give an annual report.

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to remove the annual review requirement.

Motion carried by the following vote:

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

Nays: None

**c. Discussion and possible revisions to Article 14.02, Division 7, "Overlay District Regulations" of the Code of Ordinances, City of Dalworthington Gardens, Texas**

Background Information:

City staff has reviewed City Ordinance Article 14.02, Division 7, "Overlay District Regulations," and noticed updates are needed to clarify and describe proper submission at each sequence when applying for planned development. A review of this section may also change other sections of our ordinance.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein for city staff to work with city engineer and city attorney to update City Ordinance Article 14.02, Division 7, "Overlay District Regulations" and any other section in the ordinance involved with this section.

Motion carried by the following vote:

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

Nays: None

**d. Discussion and possible action approving the purchase of 8 sets of bunker gear for DPS not to exceed \$26,000.**

Background information on this item: DPS is requesting approval to purchase 8 sets of new bunker gear to replace expiring gear. In FY 22-23 DPS was not able to order approved gear needed due to manufacturing delays of up to 12 months.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty approve purchase of 8 sets of bunker gear for DPS not to exceed \$26,000 and to donate the expired to a volunteer fire department in need.

Motion carried by the following vote:

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

Nays: None

## **11. TABLED ITEMS**

**a. Discussion and possible action to direct staff regarding correctly indicating when special exception 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.

## **12. FUTURE AGENDA ITEMS**

None

## **13. ADJOURN**

The meeting was adjourned at 8:19 p.m.