



CITY OF DALWORTHINGTON GARDENS

**NOTICE OF A MEETING
AUGUST 15, 2024**

**CITY COUNCIL
WORK SESSION AND/OR EXECUTIVE SESSION 6:00 P.M.**

CITY COUNCIL REGULAR SESSION AT 7:00 P.M.

CITY HALL COUNCIL CHAMBERS, 2600 ROOSEVELT DRIVE, DALWORTHINGTON GARDENS, TEXAS

WORK SESSION AND/OR EXECUTIVE SESSION – 6:00 p.m.

1. CALL TO ORDER

2. EXECUTIVE SESSION

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

a. Executive Session

i) Recess into Executive Session:

(1) Pursuant to Texas government Code, Section 551.089, discussion regarding critical infrastructure along Arkansas and Bowen Road with Engineer Stuart Williams from Kimley-Horn

(2) Pursuant to Texas Government Code, Section 551.0171, Attorney Consultation and 551.074, Personnel Matters, regarding the City Administrator, City Secretary, Finance Director, Assistant Finance Director, Court Clerk/Administrative Clerk, and Court Administrator.

ii) Reconvene into Regular Session for discussion and possible action on:

(1) critical infrastructure along Arkansas and Bowen Road.

(2) personnel matters, regarding City Administrator, City Secretary, Finance Director, Assistant Finance Director, Court Clerk/Administrative Clerk, and Court Administrator.

3. WORK SESSION

a. Receive presentation from Melissa Huffman real estate broker representing Lucas Funeral homes on a purchase at 3513 S. Bowen Road.

b. Presentation from Kimley-Horn on update from sewer studies.

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

CITY COUNCIL

REGULAR SESSION – 7:00 P.M.

1. CALL TO ORDER

2. INVOCATION AND PLEDGES OF ALLEGIANCE

3. PRESENTATIONS AND PROCLAMATIONS

- a. Proclamation for Aaron Reich
- b. Proclamation for City of Rothenburg, Germany

4. ITEMS OF COMMUNITY INTEREST

DWG's Farmers Market 10-2 p.m. at ACA

- a. Business over Breakfast, Saturday, September 4, 2024 at 8:00 a.m.
- b. Day with the Law, Saturday, September 7, 2024 from 10:00 a.m. – 2:00 p.m.
- c. Park Workday, Saturday, September 14, 2024 from 9:00 a.m. – 12:00 p.m.
- d. Concert in the Park, Saturday 21, 2024 at 7:00 p.m. – 9:00 p.m.
- e. Trunk-or-Treat, Saturday, October 19, 2024 from 5:30-7:30 p.m.
- f. Movie Night, TBD, Saturday, November 9, 2024 at 7:00 p.m.
- g. Pictures with Santa, Sunday, December 8, 2024 from 3:00 – 5:00 p.m.

5. CITIZEN COMMENTS

Citizens who wish to speak to the City Council will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the presentation is on the agenda, the City staff and City Council members are prevented from discussing the subject and may respond only with statements of factual information or existing policy.

6. MAYOR AND COUNCIL COMMENTS

Pursuant to Texas Government Code § 551.0415, City Council Members and City staff may make a report about items of community interest during a meeting of the governing body without having given notice of the subject of the report. Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

7. DEPARTMENTAL REPORTS

Informational reports only; no action to be taken.

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

8. CONSENT AGENDA

- a. Approval of June 12, 2024 Minutes
- b. Approval of July 18, 2024 Minutes
- c. Approval of Ordinance No. 2024-05, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2024 rate review Mechanism filing.

- d. Approval of Resolution No. 2024-07 appointing a member to the Park Board
- e. Approval of Resolution No. 2024-08 appointing members to various boards and committees.

9. REGULAR AGENDA

- a. Discussion and possible action to consider a modification to the Bowen Road Overlay District to extend its boundary to include the property located at 2601 and 2615 California Lane, Eleanor Estates for Garden Homes.
 - i. Conduct Public Hearing
 - ii. Discussion and action
- b. Discussion and possible action to approve revisions to Article 14.02, Division 7, “Overlay District Regulations” of Ordinances, City of Dalworthington Gardens, Texas
 - i. Conduct Public Hearing
 - ii. Discussion and action
- c. Discussion and possible action to give direction to the Park Board to recommend guidelines for the maintenance of the park.
- d. Consider approval of a resolution to select an institution to provide bank depository services and authorize staff and/or Mayor to negotiate a contract.
- e. FY 2024-2025 Proposed City Budget: Any necessary discussion or action on changes to the proposed budget only. Official public hearing and budget adoption will take place at the September 19, 2024 Council Meeting.
- f. Discussion and possible action on setting the maximum proposed ad valorem tax rate; setting date for a public hearing on the proposed tax rate; and setting the date at which City Council will adopt the FY 2024-2025 ad valorem tax rate.
- g. Discussion and possible action to approve Resolution 2024-09, Supporting A Statutory Amendment to Texas Local Government Code Chapter 394 Regarding Housing Finance Corporations in Municipalities and Counties; Finding that the Meeting at Which this Resolutions is Passed is Open to the Public as Required by Law; and Declaring an Effective Date.
- h. Discussion and possible action to approve Resolution 2024-11, to support legislation allowing part-time Fire fighter more work hours than the current maximum of 24 hours per week.

10. 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.

11. FUTURE AGENDA ITEMS

In compliance with the Texas Open Meetings Act, Council Members may request that matters of public concern be placed on a future agenda. Council Members may not discuss non-agenda items among themselves. In compliance with the Texas Open Meetings Act, city staff members may respond to questions from Council members only with statements of factual information or existing city policy.

12. ADJOURN

The City Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.087 (Economic Development Negotiations).

Pursuant to Texas Government Code, Section 551.127, on a regular, non-emergency basis, members may attend and participate in the meeting remotely by video conference. Should that occur, a quorum of the members will be physically present at the location noted above on this agenda.

CERTIFICATION

This is to certify that a copy of the **August 15, 2024** City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofdwg.net, in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING: _____ TIME OF POSTING: _____ TAKEN DOWN: _____

Sandra Ma, City Secretary

A PROCLAMATION
By the Mayor of the City of Dalworthington Gardens

WHEREAS, Dr. Aaron Reich was a valued member of the Arlington Independent School District Board of Trustees for 15 years (May, 2009 – May 2024),

WHEREAS, Before retiring from the school board, Dr. Reich was the longest tenured member and served in every office and on every committee during his tenure with the goal of cultivating a top-notch learning environment for all students,

WHEREAS, In addition to serving his community on the school board, Dr. Reich has held leadership roles at various institutions including Theatre Arlington, Arlington Margarita Society, Positive Influence and TRINU Healthcare,

WHEREAS, Dr. Reich has supported his community in many other ways, such as attending ribbon cuttings and ground breakings to show his support for a wide variety of endeavors,

WHEREAS, Dr. Reich holds a doctorate in pharmacy from Creighton University and completed his residency at the University of Texas MD Anderson Cancer Center,

THEREFORE, as Mayor, I commend Aaron Reich for his service to the Arlington Independent School District Board of Trustees, other organizations and his community, and I wish him the best on all of his future endeavors.

IN TESTIMONY WHEREOF, I have set my hand and caused the Seal of the City of Dalworthington Gardens, Texas, to be affixed this 15th day of August, in the year Two Thousand Twenty Four.

Laurie Bianco
Mayor
City of Dalworthington Gardens

ATTEST:

Sandra Ma
City Secretary
City of Dalworthington Gardens

A PROCLAMATION
By the Mayor of the City of Dalworthington Gardens

WHEREAS, Rothenburg ob der Tauber, a German city in Bavaria whose name means red castle above the Tauber (river), will be holding its Double Jubilee Celebration on September 6, 2024,

WHEREAS, This celebration marks the 750th anniversary of being elevated to the unique rank of "Reichsstadt" Imperial City of the Holy Roman Empire of German Nations in 1274 AD,

WHEREAS, This celebration also marks the 50th anniversary of the Imperial City Festival which began in 1974 to celebrate Rothenburg's elevation,

WHEREAS, First mentioned as Rotinbure in the 9th century, it developed around a Hohenstaufen fortress,

WHEREAS, Rothenburg became a free imperial city in 1274 and remained so until 1803,

WHEREAS, Mayor Bianco recognizes the historical significance and accomplishment the Double Jubilee Celebration represents,

THEREFORE, I, as Mayor, commend Lord Mayor Naser on his stewardship of Rothenburg ob der Tauber, share in his celebration of his city's accomplishments and wish for continued prosperity for Rothenburg and its citizens.

IN TESTIMONY WHEREOF, I have set my hand and caused the Seal of the City of Dalworthington Gardens, Texas, to be affixed this 6th day of September in the year Two Thousand Twenty Four.

*Laurie Bianco
Mayor
City of Dalworthington Gardens*

ATTEST:

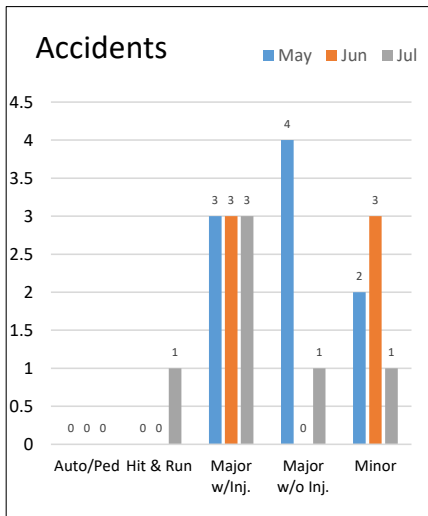
*Sandra Ma
City Secretary
City of Dalworthington Gardens*



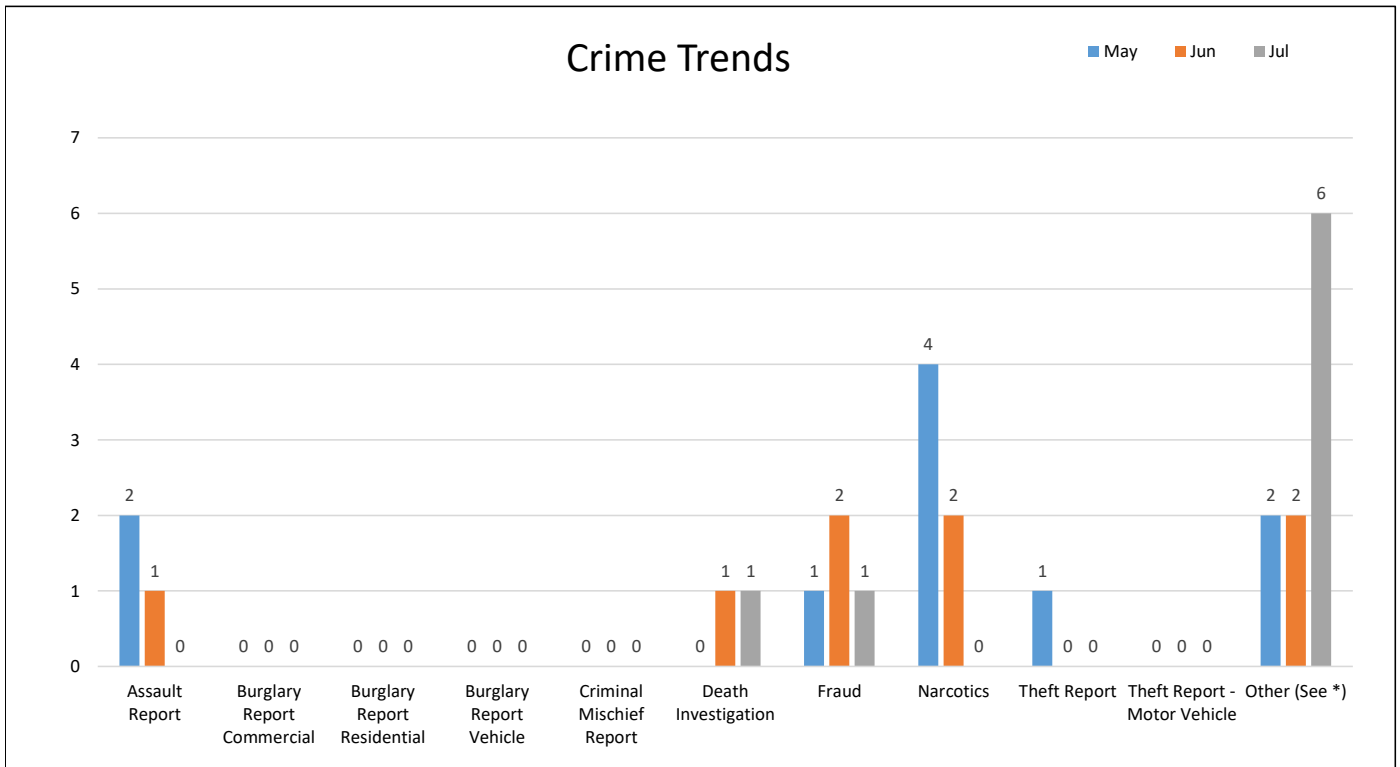
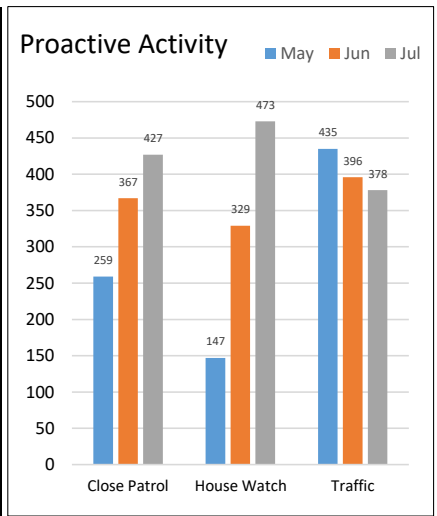
MONTHLY PUBLIC SAFETY REPORT

July 2024

Department News	
Donation	Mr & Mrs Sweitzer
Pencil Passout	KeyElementary
CPSAAA	Yearly Employee Pool Party
Day with The Law	Saturday September 7th



Activity	May	Jun	Jul	2024 YTD
DPS Activity	1765	1826	1876	12713
Police CFS	852	689	559	5059
EMS CFS	24	15	15	115
Fire CFS	17	11	9	85
Arrests	31	19	15	153
House Watches, Close Patrols, & Community Contacts	406	696	900	4005
Traffic Enforcement	435	396	378	3296



* Other offenses excluding traffic, warrants and "report only."



CITY OF DALWORTHINGTON GARDENS

ADMIN REPORT

Administration

Public Works

July List of things done and upcoming projects

Things done:

Park

- Park mowed/Weedeated/Trash pulled, and Maintained
- Creek bed in the park weedeated down.

Sewer

- Replaced sized sewer manhole, and concreted it in place.
- Jetter broke. Took it in to get fixed and serviced.

Streets

- Prime landscaping mowed Bowen/Arkansas/Low Water Crossing
- Wooded Creek/Karalyn/Rainier/ and sidewalk on Roosevelt and Burlwood, repairs completed.
- Fixed Various Street Signs
- 49th CDBG Started May 28th
 - Has been finished, final walk through needed.

Water

- Well Stations/Pump Stations Mowed/Weedeated/Maintained
- Meter Reading completed
- Water Cutoff List completed
- Daily Residuals tested each day
- Weekly Mono/Free Ammonia test weekly
- Monthly Dead-End Flushing Completed
- Bac-T samples done and passed
 - Tested positive for coliform at 3608 Gardina
- Test Equipment Calibrated
- Installed 15 new antennas for meters not reporting.
- Replaced 5 broken meters.
- Completed Line Locates for Permits
- Fixed multiple water leaks in meter boxes.
- New SCADA system installed
- Lead Service Line Project under way

- Hardin and Associates has completed 376 investigations. 11 Galvanized lines have been found on the customers line.
- City has completed 63 investigations. Found 7 galvanized line on the customers line.
- 191 lines left to be checked
- Water tank inspected July 12th

Animal Control

-

Building Maintenance

- City Haul and DPS mowed and weedeated.
- City Haul trash pulled every other day.
- Fixed sprinkler line on front door flower pot.

Upcoming Projects:

- TCEQ Lead Service Line due October 16th.
- TCEQ Lead and Copper due September 30st.
- Bridges to be engineered and installed.
- Once Bridges are installed, they needed to be primed and painted. I do not believe this is budgeted.
- 3501 Orchis Sewer line has collapsed. Bid approved. Construction to start in August

MINUTES OF THE SPECIAL MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON June 12, 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.

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

Staff Present:

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

2. CITIZEN COMMENTS

None.

3. CONDUCT WORK SESSION ON:

- i. Comprehensive Plan: Discuss and provide any action to direct staff on changes.**

Word Session conducted.

4. ADJOURN

The meeting was adjourned at 6:48 p.m.

MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON July 18, 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 AND/OR EXECUTIVE 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

Members Absent:

Ed Motley, Mayor Pro Tem; Alderman, Place 4
Mark McGuire, Alderman, Place 5

Staff Present:

Greg Petty, DPS Director/City Administrator
Kay Day, Finance Director
Sandra Ma, City Secretary/Court Administrator

2. 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 6:00 p.m.

- (1) Pursuant to Texas Government Code, Section 551.074, Personnel Matters and 551.071, Attorney Consultation regarding the Director of Public Safety and June 12, 2024 Officer involved shooting.**
- (2) Pursuant to Texas Government Code, Section 551.071, Attorney Consultation, and 551.074, Personnel Matters, regarding the City Administrator, City Secretary, Finance Director, Public Works Supervisor, and Court Administrator**
- (3) Pursuant to Texas Government Code, Section 551.074, Personnel Matters regarding Park Board Appointment.**

City Council reconvened into Regular Session. Action was deferred until 7:00 p.m.

- (1) personnel matters and officer involved shooting.**

No Action Taken

- (2) Personnel matters, regarding the City Administrator, City Secretary, Finance Director, Public Works Supervisor, and Court Administrator.**

No Action Taken

(3) Park Board Appointment

A motion was made by Council Member Cathy Stein and seconded simultaneously by Council Member Steve Lafferty and Council Member John King to appoint Don Barrett to the Park Board

Motion carried by the following vote:

Ayes: Members King, Lafferty, and Stein

Nays: None

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

Members Absent:

Ed Motley, Mayor Pro Tem; Alderman, Place 4

Mark McGuire, Alderman, Place 5

Staff Present:

Greg Petty, DPS Director/City Administrator

Kay Day, Finance Director

Sandra Ma, City Secretary/Court Administrator

2. INVOCATION, AND PLEDGES OF ALLEGIANCE

Mayor gave invocation. Pledges were said.

3. PRESENTATIONS AND PROCLAMATIONS

Item not needed

4. ITEMS OF COMMUNITY INTEREST

The following items were presented.

DWG's Farmers Market 10-2 p.m. at ACA

a. **Business over Breakfast, Saturday, September 4, 2024 at 8:00 a.m.**

b. **Day with the Law, Saturday, September 7, 2024 from 10:00 a.m. – 2:00 p.m.**

c. **Concert in the Park, Saturday 21, 2024 at 7:00 p.m.**

d. **Trunk-or-Treat, Saturday, October 19, 2024 from 5:30-7:30 p.m.**

e. **Movie Night, TBD, Saturday, November 9, 2024 at 7:00 p.m.**

f. **Pictures with Santa, Sunday, December 8, 2024 from 3:00 – 5:00 p.m.**

5. CITIZEN COMMENTS

None

6. MAYOR AND COUNCIL COMMENTS

Cathy Stein: None

Steve Lafferty: None

John King: None

Mayor: She thanked the City for a great ice cream social and apologized that she was not there because she was at her Momma's. She greatly appreciates the turnout of the folks who joined us at the Town Hall Meeting on June 25. Last night was the Dalworthington Gardens Investment in Character Event, where they recognized Cathy Stein. It was a very nice event.

7. DEPARTMENTAL REPORTS

Informational reports only; no action to be taken.

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

Departmental Reports were presented.

8. CONSENT AGENDA

All consent items are considered to be routine and will be enacted by one motion and vote.

- a. **Approval of November 16, 2023 Minutes**
- b. **Approval of December 21, 2023 Minutes**
- c. **Approval of January 18, 2024 Minutes**
- d. **Approval of February 15, 2024 Minutes**

A motion was made by Council Member Cathy Stein and seconded simultaneously by Council Member Steve Lafferty and Council Member John King to approve the consent agenda.

Motion carried by the following vote:

Ayes: Members King, Lafferty, and Stein

Nays: None

9. REGULAR AGENDA

- a. **Discussion and possible action on purchasing new rifles for DPS.**

Background Information:

DPS is requesting to purchase 7 F&N rifles and trade in 7 older-style rifles to help offset the cost. This would allow us to standardize the style of rifle issued to DPS officers. Many of the older-style rifles have a fixed carrying handle, making it difficult to mount optics. Note: All transactions would be through John Doe Investigations (Licensed FFL Dealer)

A motion was made by Council Member John King and seconded by Cathy Stein to approve the purchase of 7 new rifles and trade in 7 older rifles.

Motion carried by the following vote:

Ayes: Members King, Lafferty, and Stein

Nays: None

- b. **Discussion and possible action to approve the Comprehensive Plan.**

No action taken.

10. 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.

11. FUTURE AGENDA ITEMS

None

12. ADJOURN

The meeting was adjourned at 7:22 p.m.

**City Council
Staff Agenda Report**

Agenda Item: 8c.

Agenda Subject: Approval of Ordinance No. 2024-05, approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the company’s 2024 rate review mechanism filing.

<p>Meeting Date: August 15, 2024</p>	<p>Financial Considerations: Engineering Review</p> <p>Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <p><input checked="" 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:

The City, along with 181 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC”). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism (“RRM”), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018. On or about April 1, 2024, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2023, entitled it to additional system-wide revenues of \$196.8 million.

After several settlement meetings, the parties have agreed to settle the case for \$164.7 million. This is a reduction of \$32.1 million to the Company’s initial request. This includes payment of ACSC’s expenses. The Effective Date for new rates is October 1, 2024. ACSC members should take action approving the Resolution/Ordinance before September 30, 2024

Recommended Action/Motion:

Motion to approve Ordinance No. 2024-05, approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the company’s 2024 rate review mechanism filing.

Attachments:

Ordinance

ORDINANCE NO. 2024-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2024 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

WHEREAS, the City of Dalworthington Gardens, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates, charges, and services of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, the current RRM tariff was adopted by the City in a rate ordinance in 2018; and

WHEREAS, on about April 1, 2024 Atmos Mid-Tex filed its 2024 RRM rate request with ACSC Cities based on a test year ending December 31, 2023; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2024 RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$164.7 million on a system-wide basis with an Effective Date of October 1, 2024; and

WHEREAS, ACSC agrees that Atmos plant-in-service is reasonable; and

WHEREAS, with the exception of approved plant-in-service, ACSC is not foreclosed from future reasonableness evaluation of costs associated with incidents related to gas leaks; and

WHEREAS, the attached tariffs (Attachment 1) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Attachment 2); and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications.

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

Section 1. That the findings set forth in this Ordinance are hereby in all things approved.

Section 2. That, without prejudice to future litigation of any issue identified by ACSC, the City Council finds that the settled amount of an increase in revenues of \$164.7 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2024 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

Section 3. That despite finding Atmos Mid-Tex's plant-in-service to be reasonable, ACSC is not foreclosed in future cases from evaluating the reasonableness of costs associated with incidents involving leaks of natural gas.

Section 4. That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Attachment 1, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$164.7 million on a system-wide basis, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

Section 5. That the ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex’s next RRM filing shall be as set forth on Attachment 2, attached hereto and incorporated herein.

Section 6. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of ACSC in processing the Company’s 2024 RRM filing.

Section 7. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

Section 8. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 9. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 10. That consistent with the City Ordinance that established the RRM process, this Ordinance shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after October 1, 2024.

Section 11. That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Thomas Brocato, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED ON THIS THE 15TH DAY OF AUGUST, 2024.

Laurie Bianco, Mayor

ATTEST:

Sandra Ma, City Secretary

RESOLUTION NO. 2024-07

**A RESOLUTION OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS,
APPOINTING A MEMBER TO THE PARK BOARD**

WHEREAS, in accordance with standard procedure, board appointments are typically made at the first regular meeting following the uniform election date in June; and

WHEREAS, following the June appointments, a vacancy remained on the Park Board; and

WHEREAS, the City has received an application from Don Barrett to fill said vacancy.

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

I. That the following person is appointed to the following board.

- Park Board: Don Barrett for two year term to expire June 30, 2026.

PASSED & APPROVED this 15th day of August, 2024.

CITY OF DALWORTHINGTON GARDENS

Laurie Bianco, Mayor

ATTEST:

Sandra Ma, City Secretary

RESOLUTION NO. 2024-08

A RESOLUTION OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, APPOINTING MEMBERS TO VARIOUS CITY BOARDS AND COMMISSION

WHEREAS, board appointments are needed to various boards and commissions; and

WHEREAS, the Dalworthington Gardens Crime Control and Prevention District ("District"), organized and existing under Chapter 363, Texas Local Government Code, is governed by a board of directors appointed by the City Council for terms of two years; and in accordance with said chapter, the District's board of directors are comprised of members of the Dalworthington Gardens governing body; and

WHEREAS, the Dalworthington Gardens Parks and Recreation Facilities Development Corporation (PRFDC) is a type B economic development corporation created pursuant to Chapters 501 and 505 of the Texas Local Government Code; and in accordance with the Articles of Incorporation, Article Eight, the PRFDC shall be managed by a board of directors which shall be composed of seven (7) persons comprised of four (4) City Council members and three (3) shall be of the Citizen Member Class; and

WHEREAS, the remaining city boards and commissions follow the City's Code of Ordinance membership requirements for vacancies and reappointments.

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

That the following persons are reappointed to the following boards and commissions.

- Crime Control and Prevention District: Laurie Bianco, John King, and Steve Lafferty for a two-year term to expire August 31, 2026
- Park and Recreation Facilities Development Corporation: Laurie Bianco, John King, Steve Lafferty, and Kenneth Kiser for a two-year term to expire June 30, 2026.
- Park Board: Iashia Bergamini, and Pam Bookout for a two-year term to expire June 30, 2026.
- Zoning Board of Adjustment: Rhonda Schrock, Meredith Ivey, Mark Prda, and Sherry Baker for a two-year term to expire June 30, 2026

PASSED & APPROVED this 15th day of August, 2024.

CITY OF DALWORTHINGTON GARDENS

Laurie Bianco, Mayor

ATTEST:

Sandra Ma, City Secretary

**City Council
Staff Agenda Report**

Agenda Item: 9a.

Agenda Subject: Discussion and possible action to consider a modification to the Bowen Road Overlay District to extend its boundary to include the property located at 2601 and 2615 California Lane, Eleanor Estates for Garden Homes.

<p>Meeting Date: August 15, 2024</p>	<p>Financial Considerations: Engineering Review</p> <p>Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <p><input type="checkbox"/> Financial Stability <input checked="" 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: Julie Vu and Andy Nguyen spoke about their proposal for a Garden Home development on their property on California Lane during the work session of the May 16, 2024 at the regular City Council meeting. The council made several observations about the proposal. Julie and Andy feel that most of them can be addressed during the presentation of a Concept Plan, however one observation made by Alderman Cathy Stein was recognized as something that would require an addition to the existing zoning ordinances to address.

Julie and Andy put together a suggested addition to DWG’s zoning ordinances and requested a meeting with Cathy. After meeting with Cathy on two occasions, Julie and Andy have a recommendation for the council to consider. They request that the council call upon P&Z to study the proposed language in Exhibit A and provide their recommendations to the council regarding incorporating the language in Exhibit A into the current zoning ordinances.

On June 20, 2024, Council asked Planned and Zoning to consider adding these two address to the Planned Development - Bowen Road Overlay for Garden Homes.

On August 1, 2024, Planning and Zoning met and they did not recommend approval of the Bowen Road Overlay District to extend its boundary to include the property located at 2601 and 2615 California Lane, Eleanor Estates for Garden Homes.

Notification of tonight’s public hearing was sent to all property owners within 200 feet of the subject property as well as being posted in the Commercial Recorder. 2 returned with comments in opposition.

At the Planning and Zoning meeting 8/1/2024 the following people made comments
 Kent Besley, 2800 California, spoke in opposition – drainage and density, garden homes north of California Ln.
 Philip Szurek, 2801 Sunset, spoke in opposition – drainage
 Curtis Hall, 2715 California, spoke in opposition – infrastructure, roadway, traffic,turn lane, and density of homes.
 Victor Rodriguez, 2616 S. Bowen, spoke in opposition – fencing, green space, drainage
 Chad Woodard, 3100 Roosevelt, spoke regarding flooding issue and sewer system

Recommended Action/Motion: City Council Option:

Approve or Deny a modification to the Bowen Road Overlay District to extend its boundary to include the property located at 2601 and 2615 California Lane, Eleanor Estates for Garden Homes.

Attachments:

Ordinance 2023-18 Bowen Road Overlay

Ordinance 2023-21 Garden Homes

Concept Plan

From: [REDACTED]
To: [Sandra Ma](#)
Cc: [Scott McCaskey](#)
Subject: [EXTERNAL] tonight's P&Z meeting
Date: Thursday, August 1, 2024 3:16:52 PM

Sandra-

My name is Scott McCaskey. I live at 2501 California Lane, at the corner of Bowen Rd. We also own homes at 2509, 2515, 2701, 2600 and 2602 California Lane. These homes are on both sides of the properties at 2601 and 2615 California Lane, and across the street.

I am out of town for this meeting, and will also be out of town for the counsel meeting on the 15th, but would like to have this read at the meetings.

1- How is this proposal connected to the Bowen Road Planned development at the corner of Bowen and California?

2-If it is connected, will this include all the property from that corner to the proposed Garden home development? If so, how would it affect my properties of which 5 are in between?

3-Or will this leap frog over my properties, and be a separate entity?

4-If a separate entity, what will prevent other developers from requesting the same variances for large lots of land along California, Clover, Sunset, etc. I suspect this potentially could open the flood gates.

5-Are we prepared to become Dalworthington Garden Homes instead of Dalworthington Gardens?

6-I understand 18 garden homes are being considered for that lot all by itself. Are we prepared for the extra traffic on the narrow 2 lane street of California? At a national average of 2 cars per household, that's 36 more cars in and out all day. I suspect the average amount of vehicles per household in DWG is more than just the 2 per house. How many are in your driveway?

7-What about drainage? I can personally speak of the back side of the lots at 2509, 2515, and 2701 being overwhelmed with water with just average rains. How will more impervious surface help this situation? Can the drainage ditch between from California and Clover that goes to the park handle this as is? As I see this, the drainage ditch starts at Bowen Rd, heads West then has a couple of 90 degree turns back to California. Or will there be major improvement and possibly moving it to make it more effective?

Feel free to pass along my information to any of the board members if they would like to talk about this.

Please confirm that you received this email. Also please conform that the meeting starts at 7pm.

Regards,

Scott McCaskey





CITY OF DALWORTHINGTON GARDENS

NOTICE OF PUBLIC HEARINGS

Re: Rezone Request for 2601 California Lane and 2615 California Lane, Eleanor Estates

To Property Owners within 200' of 2601 and 2615 California Lane

Notice is hereby given that the Dalworthington Gardens Planning and Zoning Commission will hold a public hearing on August 1, 2024 at 7:00 p.m. and the Dalworthington Gardens City Council will hold a public hearing on August 15, 2024 at 7:00 p.m., both to be held in the City Hall Council Chambers, 2600 Roosevelt Drive, Dalworthington Gardens, Texas to consider the following:

A Zone Change modification to the Bowen Road Overlay District to extend its boundary to include the property located at 2601 and 2615 California Lane, Eleanor Estates.

This notice has been sent to all owners of real property within 200 feet of the request as such ownership appears on the last approved city tax roll. All interested persons are encouraged to attend the public hearing and express their opinions on the amendment. If you are unable to attend but wish to have your opinions made part of the public record, please mail your opinions to the address below prior to the public hearing. Please include your name, address, and property description on all correspondence.

COMMENTS:

Please see attached.

I AM IN FAVOR: _____ I HAVE NO OBJECTIONS: _____ I HAVE OBJECTIONS: X

Victor Rodriguez (PRINTED NAME) [Signature] (SIGNATURE)

2601 Bowen Rd (ADDRESS) Arlington, TX 76015 (CITY, STATE, ZIP)

MAIL TO: CITY OF DALWORTHINGTON GARDENS CITY SECRETARY 2600 ROOSEVELT DRIVE DALWORTHINGTON GARDENS, TX 76018

For questions: 817-385-6454 or sandm@cityofdlg.net

Attachment to Notice of Public Hearings – Objections
City of Dalworthington Gardens

My family has lived in Dalworthington Gardens since 1975. While growth has occurred and been welcomed, the fact we are the 'Oasis in the heart of the Metroplex' with ½ acre lots is the only thing keeping Dalworthington Gardens separate from the City of Arlington, Fort Worth and Dallas. We are unique and we are peaceful. Right across Bowen is the City of Arlington, suburbs in Lucas Field on the east side of Bowen.

We would object to any rezoning of property outside the "Bowen Road Overlay District" to plots of land into the heart of Dalworthington Gardens at 2601 and 2615 California Lane, Eleanor Estates. If you allow this rezoning, several plots deep down California Lane into the Gardens, then you allow Arlington to move their suburbs, just like the neighborhoods in Lucas Field, into the heart of the Gardens. And you know what those suburbs will bring; just look at the statistics for the Lucas Field area.

These plots of land at 2601 and 2615 will go from apparently 6 homes to 16 with a 'green space' at the end. No more peaceful ½ acre lots. It will be a suburban area just past Texas street and several plots deeper than the proposed development on the west side of Bowen across from Woods Chapel Church. Traffic and people will not just visit the development, they will be coming into the heart of the Gardens.

This will not be the end of rezoning to a "Bowen Overlay District." It will just be the beginning and it will not stop. The only reason to start allowing 'special homes' with 'special zoning' is for money. It is not for the residents.

Here are a few things which must be considered and they are all negative for the residents:

1. Traffic into the Gardens. We have avoided a lot of crime which is just across the street, but allowing all of these homes brings a lot of traffic with it. How long before traffic begins to go deeper and deeper into the Gardens with traffic wondering around the Gardens admiring all of the homes and land.

2. Water, gas, lawn services, internet, emergency services. With the suburbs coming in, all of this will be increased and there must be the infrastructure available to support them. Water drainage is already an issue at the back of the property.

This rezoning into the heart of the Gardens will not stop at this one proposed development. The City of Arlington and Fort Worth will begin to make their mark and take possession just a few plots of land at a time. It may be called Dalworthington Gardens, but it will be just another city. Nothing will be unique or peaceful.

Eleanor Roosevelt's legacy of Dalworthington Gardens was entirely different from any of her other projects. If you allow this subdivision, you are essentially beginning the process of allowing suburbs in the Gardens and the loss of our Oasis. And gone will be Eleanor Roosevelt's unique legacy here.

ORDINANCE NO. 2023-18

AN ORDINANCE OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, AMENDING DIVISION 7, "OVERLAY DISTRICT REGULATIONS" OF CHAPTER 14, "ZONING," OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS, TEXAS, TO CREATE A SECTION DEFINING AND GOVERNING THE STANDARDS AND REQUIREMENTS OF A BOWEN ROAD OVERLAY DISTRICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Dalworthington Gardens is a Type-A general law municipality located in Tarrant County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council of the City of Dalworthington Gardens desires to amend Chapter 14 of its zoning regulations to create a Bowen Road overlay in Dalworthington Gardens; and

WHEREAS, the Planning and Zoning Commission of the City of Dalworthington Gardens, Texas held a public hearing on 5/22/2023, and the City Council of the City of Dalworthington Gardens, Texas, held a public hearing on 6/15/2023, with respect to the proposed rezoning as described herein; and

WHEREAS, the City Council finds and determines that the adoption of this Ordinance is in the best interests of and necessary to protect the health, safety, and welfare of the public; and

WHEREAS, the City Council has determined that the proposed ordinance amendment to the zoning ordinance is in the best interest of the citizens of the City.

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

SECTION 1.

That Division 7, "Overlay District Regulations," of Chapter 14, "Zoning," of the Code of Ordinances, City of Dalworthington Gardens, Texas, is hereby amended by adding Section 14.02.275 to read as follows:

"§ 14.02.275 "Bowen Road" overlay district ("PD-BR").

- (a) Purpose. The purpose of the Bowen Road zoning overlay district is to allow additional uses by planned development in appropriate SF districts to create a mixed-use community that

integrates predominantly agricultural and food service commercial businesses, with medium density residential uses, and open spaces. Appropriate areas would be adjacent to principal arterials to allow commercial uses compatible with nearby single family residential to take advantage of large traffic volumes while helping maintain the vision and character of the City.

- (b) Use regulations. A building or premises in this zoning district shall only be used for the purposes permitted in the base district or overlaid by an approved final PD-BR plan from additional uses allowed in base districts Residential District (“GH”), Business Districts 1, 2, and 3, (“B-1”, “B-2”, and “B-3”, respectively), The Mixed Use overlay district, (“MU”); special exceptions, or an agricultural use without a principal structure. Any portion of the PD-BR adjacent to a street, other than a principal arterial, across which exists Single Family (“SF”) zoning, shall be restricted to SF zoning for 200 feet from the street’s right-of-way line with no vehicular access to the principal arterial.
- (c) Height regulations. Structures, other than SF, shall not exceed two stories.
- (d) Applicability. All development, other than SF development, along Bowen Road between California Lane and Roosevelt shall be governed by this overlay district.
- (e) Area regulations. The minimum gross land area which may be developed in this district shall be:
 - (1) For residential developments, four (4) acres; and
 - (2) For all other developments, two (2) acres.
- (f) Density and coverage regulations.
 - (1) Density of development and maximum site coverage shall be established on the approved final plan with due regard to site and general area characteristics including land use, zoning, topography, thoroughfares and open space opportunity. In no case, however, shall maximum density and site coverage exceed the maximum percentages prescribed therefor in the applicable base district regulations.
 - (2) When common open space is provided for recreational purposes, the developer may propose that the percentage of the gross site area in common open space be added to the maximum site coverage percentages referred to in subsection (1) above. In no case, however, shall the additional percentage points added to the maximum site coverage regulations total more than the total percentage of the site in common open space. Such proposal shall be evaluated as part of the plan.
- (g) Open space regulations. Provisions for public, private, and common open space shall be evaluated with due regard to density, site coverage, and physical characteristics of the site and, if deemed necessary, required as part of the plan. When common open space, common recreational areas, or common areas containing some other amenity to the development are

approved as a part of a final plan, as defined in section 14.02.272, such areas shall be retained and owned by the owner or owners of the residential units contained within the development or an owners' association of which they are members, and shall be perpetually maintained by the owner or owners or the association as a part of the development for the use and benefit of the residents of the development. Garden Home developments shall include a minimum of 10 percent open space, not including platted lots and streets.

(h) Screening. An orderly transition from commercial uses to the large lot residential uses will incorporate suitable separation barriers with a preference to vegetated barriers in lieu of hardened barriers such as fences.

(i) Setback regulations. Minimum setbacks shall be approved as a part of the development plan; provided however, that the minimum setbacks on the boundaries of a PD-BR district shall not be less than the requirements of the zoning district it abuts.

(j) Off-street parking regulations.

(1) Off-street parking facilities shall be provided at locations designated on the final plan.

(2) Minimum off-street parking requirements shall be established on the final plan, but shall not be less than the minimum requirements for permitted uses prescribed in Division 9 of this article.

(k) "PD-BR" planned development-redevelopment district.

(1) Development regulations. The regulations of this district as to use, height, density, coverage, open space, setback and parking, shall be the same as provided in section 14.02.275 hereof.

(2) Area regulations. The minimum gross land area which may be developed in this district is two (2) acres for SF properties. If the property does not fall under SF, then this subsection (j)(2) does not apply.

(3) Development standards and procedures. The standards and procedures for development in this district shall be as provided in this division for PD district development, but shall include also the following:

(A) In any PD-BR district where substandard streets or utilities are in existence, the property owner or developer shall install, rebuild, or improve all necessary streets and utilities at his sole expense, including off-site streets and utilities which are determined by the council to be necessary to serve the redevelopment, subject to the standard cost-sharing policies and ordinances which determine the development costs which the city may pay, and subject to any agreements for cost sharing which are mutually agreed upon by the property owner and the city. The city's participation in redevelopment shall in every instance be

conditioned upon the determination by the council, in its sole discretion, of the availability of public funds therefor at the time of such development.

(B) Installation, rebuilding, or improvement of necessary streets and utilities shall be required when new buildings are constructed within the PD-BR district.

(C) Uses conducted in existing buildings shall not require the construction of streets and utilities unless: additional construction, such as additional paved parking, must be done on the site; a change or expansion in use would require increased utility service; or, the council finds that such construction is necessary at the time the PD-BR plan is approved.

§14.02.276 through §14.02.320. (Reserved)”

SECTION 2.

This Ordinance shall be cumulative of all provisions of ordinances and on the Code of Ordinances, City of Dalworthington Gardens, Texas as amended, except where the provisions are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other 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 incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Dalworthington Gardens are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of Dalworthington Gardens, Texas, as amended or revised herein, or any other ordinances affecting the matters regulated herein which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court

or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

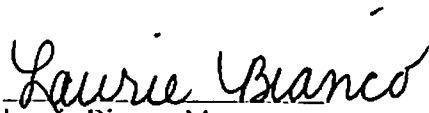
SECTION 6.

The City Secretary of the City of Dalworthington Gardens is hereby directed to publish in the official newspaper of the City of Dalworthington, the caption, publication clause, and effective date clause of this ordinance in accordance with Section 52.011 of the Texas Local Government Code.


SECTION 7.

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED ON THIS 16th DAY OF November, 2023.


Laurie Bianco, Mayor

ATTEST:


Sandra Ma
Interim City Secretary



ORDINANCE NO. 2023-21

AN ORDINANCE AMENDING CHAPTER 14, "ZONING," OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS, TEXAS, BY AMENDING SECTION 14.02.174, "'GH' RESIDENTIAL DISTRICT," OF DIVISION 5, "RESIDENTIAL DISTRICT REGULATIONS," TO CHANGE REQUIREMENTS FOR GARDEN HOMES; AMENDING CHAPTER 14, "ZONING," OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS, TEXAS, AMENDING TABLE 14.02.171 OF SECTION 14.02.171, "GENERAL PROVISIONS," OF DIVISION 5 "RESIDENTIAL DISTRICT REGULATIONS," TO CHANGE THE SIZE REQUIREMENTS, MAXIMUM HEIGHT AND MAXIMUM UNITS PER ACRE FOR GARDEN HOMES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Dalworthington Gardens is a Type-A general law municipality located in Tarrant County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council of the City of Dalworthington Gardens desires to amend Chapter 14 of its zoning regulations to change requirements for garden homes in Dalworthington Gardens; and

WHEREAS, the Planning and Zoning Commission of the City of Dalworthington Gardens, Texas held a public hearing on September 25, 2023, and the City Council of the City of Dalworthington Gardens, Texas, held a public hearing on October 19, 2023, with respect to the proposed rezoning as described herein; and

WHEREAS, the City Council finds and determines that the adoption of this Ordinance is in the best interests of and necessary to protect the health, safety, and welfare of the public; and

WHEREAS, the City Council has determined that the proposed ordinance amendment to the zoning ordinance is in the best interest of the citizens of the City.

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

SECTION 1.

Subsection (2)(B) of Section 14.02.174, 'GH' Residential District," of Division 5, "Residential District Regulations," of Chapter 14 "Zoning" of the Code of Ordinances, City of Dalworthington Gardens, Texas is hereby amended to read as follows:

"Sec. 14.02.174 "GH" residential district.

A building or premises in this district shall be used only for the following purposes under the standards herein contained:

- (1) In this district there shall be only garden homes and accessory buildings as elsewhere herein regulated.

- (2) Any building in this district shall meet the following design standards:
 - (A) The building shall have a minimum 4/12 roof pitch and not less than a 30-year quality architectural profile shingle.
 - (B) The building shall not have a front facing garage
- (3) Any development in the GH district shall be developed in accordance with a site plan meeting the requirements of developments having a PD overlay.
- (4) Uses allowed in GH and in other zoning classifications may be developed under a common PD plan meeting the procedural requirements of division 7 of this article.
- (5) Mobile food units are permitted upon the following conditions:
 - (A) The property owner has requested the services of the mobile food unit;
 - (B) The mobile food unit may only provide goods and services to the property owner or the property owner's guests at the property owner's expense. No sales will be made to the general public.
 - (C) Mobile food units may not obstruct traffic movement, or impair visibility or safety to the site.
 - (D) Mobile food units must have valid health permit and comply with chapter 228 of the Texas Administrative Code related to mobile food unit operations."

SECTION 2.

Row 6, "Living area (min. per dwelling unit in sq. ft.)," of Table 14.02.171 of Section 14.02.171, "General provisions," of Division 5, "Residential District Regulations," of Chapter 14, "Zoning," of the Code of Ordinances, City of Dalworthington Gardens, Texas, is hereby amended to read as follows:

Living area (min. per dwelling unit in sq. ft.)	1250		800		1800
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SECTION 3.

Row 1, "Height (max in ft.)," of Table 14.02.171 of Section 14.02.171, "General provisions", of Division 5, "Residential District Regulations," of Chapter 14, "Zoning," of the Code of Ordinances, City of Dalworthington Gardens, Texas, is hereby amended to read as follows:

HEIGHT (max. in ft.)	35 (n-1)	45 (n-1)	35 (n-1)	45 (n-1)	30
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SECTION 4.

Table 14.02.171 of Section 14.02.171, "General provisions", of Division 5, "Residential District Regulations," of Chapter 14, "Zoning," of the Code of Ordinances, City of Dalworthington Gardens, Texas, is hereby amended to add a row to read as follows:

Units (max. per acre)					5
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SECTION 5.

This Ordinance shall be cumulative of all provisions of ordinances and on the Code of Ordinances, City of Dalworthington Gardens, Texas as amended, except where the provisions are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 6.

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 degree 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 incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 7.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

All rights and remedies of the City of Dalworthington Gardens are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of Dalworthington Gardens, Texas, as amended or revised herein, or any other ordinances affecting the matters regulated herein which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

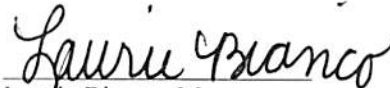
SECTION 9.

The City Secretary of the City of Dalworthington Gardens is hereby directed to publish in the official newspaper of the City of Dalworthington, the caption, publication clause, and effective date clause of this ordinance in accordance with Section 52.011 of the Texas Local Government Code.

SECTION 10.

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED ON THIS 16 DAY OF November 2023.


Laurie Bianco, Mayor

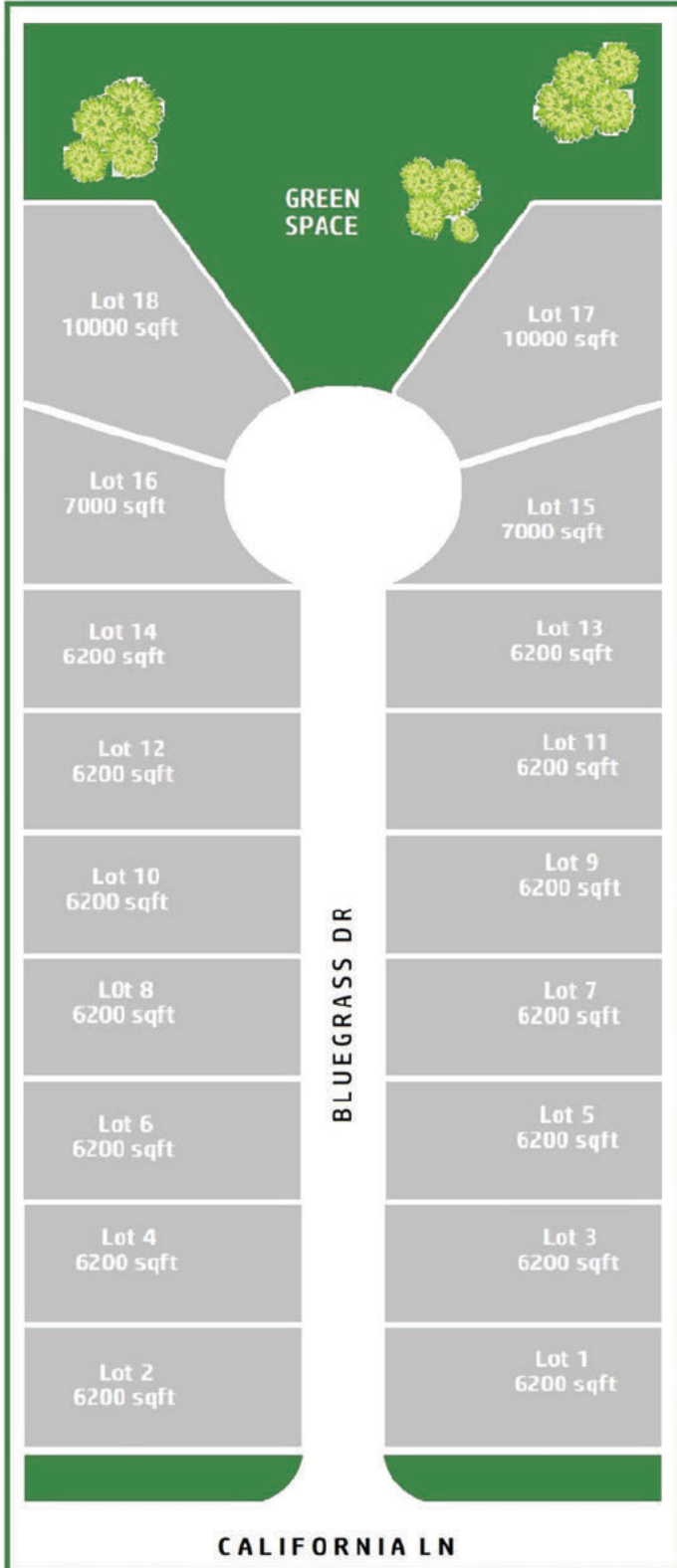
ATTEST:


Sandra Ma, Interim City Secretary



Eleanor Estates

Garden Home



18 Lots

Lot 6200 sqft. – 10000 sqft.

Home 1800sqft. – 2500 sqft.

Green space

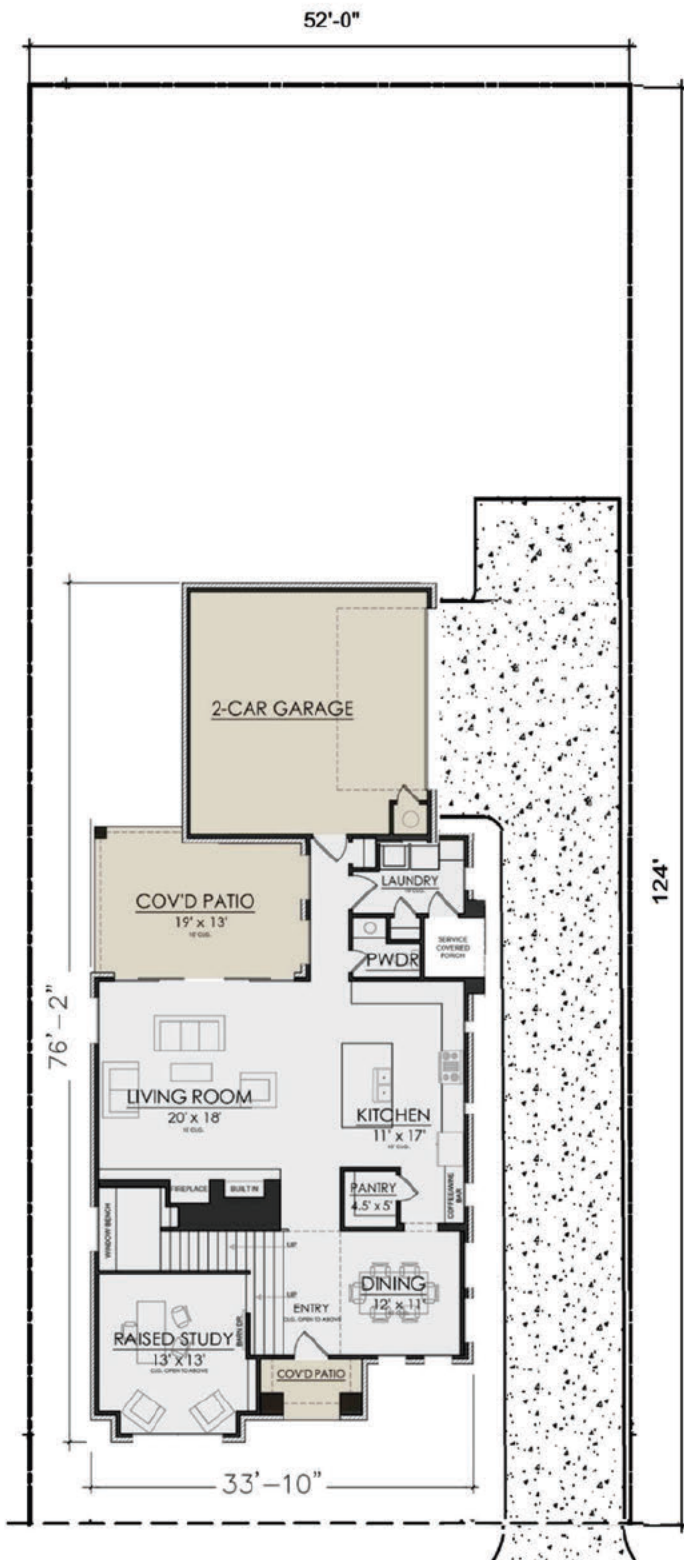


HOA

All common area maintenance

Eleanor Estates

Garden Home



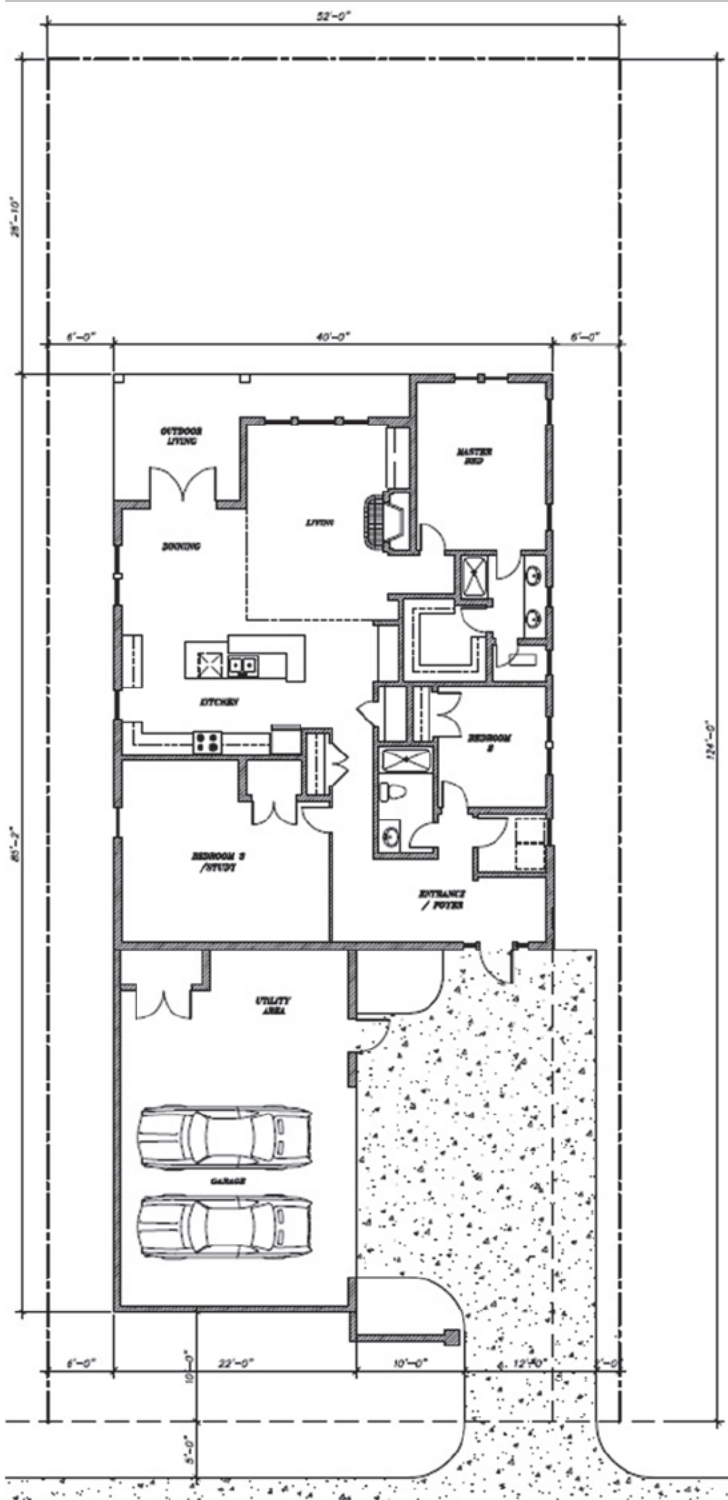
Townson

2203 sqft 2 story
 3 bed 34' width
 2.5 baths 77' depth



Eleanor Estates

Garden Home



James

2000 sqft

1 story

3 bed

40' width

2 baths

86' depth

Eleanor Estates

Garden Home



**City Council
Staff Agenda Report**

Agenda Item: 9b.

Agenda Subject: Discussion and possible action to approve revision to Article 14.02, Division 7, “Overlay District Regulations” of Ordinances, City of Dalworthington Gardens, Texas.

<p>Meeting Date: August 15, 2024</p>	<p>Financial Considerations: Engineering Review</p> <p>Budgeted: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <p><input type="checkbox"/> Financial Stability <input checked="" type="checkbox"/> Appearance of City <input checked="" type="checkbox"/> Operations Excellence <input type="checkbox"/> Infrastructure Improvements/Upgrade <input checked="" type="checkbox"/> Building Positive Image <input checked="" type="checkbox"/> Economic Development <input checked="" type="checkbox"/> Educational Excellence</p>
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Background Information:

City Staff has reviewed City Ordinance Article 14.02, Division 7, “Overlay District Regulations”, and notice updates are needed to clarify and describe proper submission at each sequence when applying for a planned development.

A review was done by Staff with the assistance of the City Engineer and forwarded to the City Attorney.

Planning and Zoning met on 8/1/2024 and suggested additional changes.

Notification of tonight’s public hearing was posted in the Commercial Recorder.

Recommended Action/Motion:

Approve or Deny revisions to Article 14.02, Division 7, “Overlay District Regulations” of Ordinances, City of Dalworthington Gardens, Texas

Attachments:

- Overlay District Regulations Red, Blue, Green line-version
- Current Ordinance
- Proposed Ordinance from Attorney

Red – Remove from current Ordinance

Blue – Add to ordinance

Green – Recommended changes from P&Z

Division 7 Overlay District Regulations

§ 14.02.271 “PD” eligibility criteria.

The council may approve, from time to time, the development and use of land pursuant to a planned development process, by approving the superimposing (“overlay”) of conditions or standards on certain of the zoning districts. No such development and use, however, shall be approved except in accordance with a development plan adopted by the city pursuant to the procedures established in this division. For a development to be eligible for submission to the planned development process, the following criteria must exist:

- (1) The minimum area requirements, as herein provided, must be met.
- (2) The intended development shall not exceed the density or intensity of use permitted in the underlying base district
- (2) The planned development shall be of such design that the resulting development will achieve the purposes of zoning in a manner superior to the conventional development of the same property under base district regulations.
- (3) The development shall efficiently utilize the available land and shall make an effort to protect and preserve all scenic assets and natural features, such as trees and topographic features, to the greatest extent possible consistent with reasonable development of the land.
- (4) The planned development shall be located in an area where transportation, public safety, public facilities and utilities are or will be available and adequate for the proposed uses of the development.

(2005 Code, sec. 17.7.01)

§ 14.02.272 Planned development administration.

- (a) Application. Application for submission of land to the planned development process shall be made in the same manner as any other application for a change in zoning classification. The application may seek a PD designation on land without a change in the base district classification; or, the application may seek a PD designation on land concurrently with a change in the base district classification. The application shall be made to the zoning administrator and shall be accompanied by the fees prescribed therefor in the fee schedule in appendix A of this code.
- (b) Approval procedure. A PD application shall be processed in the following sequence:
 - (1) The applicant shall submit the application with the concept plan.
 - (2) The zoning administrator and other relevant city staff persons shall review the application and the concept plan, may conduct a pre-hearing conference thereon (one or more, as the zoning administrator may require) with the applicant, and may require data from the applicant supplementing the concept plan.
 - (3) The zoning administrator shall prepare a staff report to the commission on the application reviewing bearing on the conformance of the concept plan and the proposed development with the standards, spirit and intent of this article.

- (4) The commission shall conduct a public hearing on the application in the same manner as any other request for zoning change, and shall make its recommendation to the council as required by law.
- (5) After receiving a report of the commission's recommendation on the application, the city council shall hold a public hearing to consider the approval of the concept plan. The city council may approve as is, approve with conditions or modifications, or deny the concept plan.
- (6) After city council approval of the concept plan, the applicant shall submit a final development plan that is in substantial conformance with the concept plan for commission and council approval thereof as a prerequisite to any development of the property.
- (7) If the application is approved, The zoning map shall be amended so that the base district designation of the property shall bear a suffix of PD, PD-BR, or PD-R as the case may be only after city council approval of the application, concept plan, and final development plan.
- (7) The applicant shall submit a final development plan and obtain council approval thereof as a prerequisite to any development of the property.
- (c) Concept plan. The concept plan shall include a site plan drawing, prepared to a scale of not less than one inch equaling one hundred feet (1:100), depicting at least the following:
 - (1) The dimensioned boundaries of the property, the location and widths of streets and highways adjacent to and on the property, and any other easements thereon or adjacent thereto;
 - (2) The topography of the property showing elevations at 5-foot intervals;
 - (3) The general location and description of existing utility services, including size of water and sewer mains;
 - (4) Existing improvements proposed to be retained when the property is developed;
 - (5) Undimensioned location and approximate size of proposed buildings;
 - (6) Undimensioned proposed locations of parking and points of access;
 - (7) All proposed uses and their approximate locations on the site;
 - (8) Identifiable watercourses and low areas;
 - (9) Proposed maximum height of buildings;
 - (10) Proposed landscaped areas;
 - (11) Height and elevation of all buildings.
- (d) Final plan. The final plan for PD development shall comply with the following standards:
 - (1) The final plan shall clearly indicate all significant features of the proposed development, on an accurate scaled drawing, to include:
 - (A) A location map showing the location of the site in reference to existing streets.
 - (B) The boundaries of the area included in the plan, surveyed by a competent licensed surveyor, showing the total gross acreage of the plan.

- (C) All recorded or physically existing public and private rights-of-way and easement lines located on or adjacent to the plan area.
- (D) The approximate **proposed final** topography of the plan area, major watercourses, ~~and~~ 100-year floodplains, **and 500 year floodplains if available.**
- (E) The proposed land uses and the approximate location of proposed buildings and other structures on the plan area site and structures and existing uses adjacent to the site.
- (F) The character and approximate density of all proposed uses in the plan area. **For dwelling units, a table showing type by size, number of bedrooms, number of each type; and, floor plans for each type unit.**
- (G) The approximate location and dimensions of all parking areas, malls, water bodies, open areas and recreational areas.
- (H) All proposed streets, alleys, ways, including walkways, dedicated to public use, and the location and size of all utilities.
- (I) The maximum percentage of site coverage.
- (J) All areas reserved for common ownership with an indication of the properties.
- (K) The location and type of walls, fences, screen planting and landscaping.
- (L) A plan, including elevation drawings, showing location, size, height, orientation and design of all signs.
- (M) In multifamily and commercial sections of the plan, the location of each outside facility for solid waste disposal.
- (N) Development schedule, indicating the following:
 - (i) The estimated date when development construction in the plan area shall commence;
 - (ii) The stages, if any, in which the **development** plan area will be developed and the estimated date development of each stage will commence;
 - (iii) The estimated date of completion of each stage in the development;
 - (iv) The area and location of common open space that will be developed at each stage; and
 - (v) The area and location of nonresidential uses that will be developed at each stage.
- (2) The city council may, at the request of the applicant, limit the proposed PD uses to less than all of the uses otherwise permitted by the base district regulations. Such limitation of uses shall be recited in the approved **final** plan and placed of record as herein provided.
- (3) A preliminary drainage study, as outlined in article 10.02 of this code and/or a preliminary plat shall be submitted concurrently with any final plan.
- (4) The final plan shall clearly indicate that the proposed development will be in complete accordance with the provisions of the applicable plan approval district zoning.
- (5) Upon receipt of **a mylar reproducible** of the **approved final plan** reflecting all stipulations approved by the city council, the zoning administrator shall record **an official** copy thereof.
- (6) All final plans recorded hereunder shall **run with land and** be binding upon the applicant thereof, **his**

their successors and assigns, and shall limit and control the issuance of all building permits within the plan area.

- (7) Prior to issuance of any building permits, the final plan shall reflect all stipulations as approved by the city council and the property shall be platted in accordance with article 10.02 of this code and the platting policies of the commission and the council.
- (e) Development implementation.
 - (1) Except as provided in subsection (2) below, no building permit or certificate of occupancy shall issue for any building or use within a PD, PD-BR, or PD-R district unless: the final plan has been approved therefor shall have been approved; and, the proposed building or use complies with such final plan.
 - (2) When property carries a PD designation but a final plan has not been approved therefor, it may be developed without plan approval only in accordance with the base district regulations. Any such development shall constitute an abandonment of the concept plan and the PD suffix shall be removed from the zoning map designation for such property.
 - (2) A property may only develop in accordance with the base district regulations without final plan approval.
 - (3) When the base district zoning classification of a property is changed as part of or concurrently with approval of a PD overlay under this division and the plan thereafter expires pursuant to subsection (g) of this section because either: the final plan is never approved; or, the final plan is never implemented, the base district zoning classification of the property shall revert to its zoning classification existent prior to the approval of the PD overlay. Until such time as the plan is implemented, the rezoned property shall be designated on the zoning map as “(base district)-PD-C (conditional)”.
- (f) Plan amendments.
 - (1) No material change shall be made to an approved final plan unless the same shall have first been approved as described in subsection (3) below.
 - (2) A change in an approved final plan may be initiated by the zoning administrator if the same is not a material change. A change is not a material change if it will not result in any of the following:
 - (A) A change in the character of the development;
 - (B) An increase in the ratio of the gross floor areas in structures to the area of any lot;
 - (C) An increase in the intensity of use;
 - (D) A reduction in the approved separations between buildings;
 - (E) An increase in the problems of circulation, safety, and utilities;
 - (F) An increase in the external effects of the development on adjacent property;
 - (G) A reduction in the approved setbacks from property lines;
 - (H) An increase in lot coverage by structures;
 - (I) A reduction in the ratio of off-street parking and loading space to gross floor area in structures;
 - (J) A change in the subject, size, lighting, or orientation of approved signs; or

- (K) A change in the location or character of approved landscape features.
- (3) Any proposed Proposal of a plan amendments shall be submitted made to the zoning administrator by the applicant to the zoning administrator. On mylar of the approved plan. Upon receipt of such a proposed plan revision, copies of the proposed revised plan shall be submitted to the council for its review and determination as to whether the proposed revision constitutes such a significant change in land use or structures that a public hearing should be called regarding said revision. If, in the council's determination, the proposed revised plan does not constitute a significant change, no public hearing shall be called and the revision shall be deemed approved. If such revision is determined by the council to be a significant change, a public hearing shall be scheduled regarding such revision, proper notice shall be given, and thereafter the proposed revision shall be considered by the council for approval or denial; provided, however, the council in its sole discretion may direct any development plan revision to the commission for its review and recommendation and, in such event, said revision shall follow the procedures set out in division 13 of this article herein regarding amendments. No proposed revision shall be effective until the same is approved by the council.
- (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.

(2005 Code, sec. 17.7.02)

§ 14.02.273 “PD” planned development district.

- (a) Use regulations. A building or premises in this zoning district shall be used only for the purposes permitted in the base district or districts or which the PD designation has been overlaid by an approved final plan. When made a part of the PD application and after notice and hearing as provided for the “PD” process, the city council may approve a use which would otherwise be a special exception in the base district as if it were a permitted use as a matter of right and without the necessity of a separate special exception application and proceeding.
- (b) Height regulations. The maximum height requirement for permissible uses in this district shall conform to the maximum height requirements which would be applicable to such uses if the same were situated in the most restrictive base district in which such uses are permitted.
- (c) Area regulations. The minimum gross land area which may be developed in this district shall be:
 - (1) For residential developments, four (4) acres; and
 - (2) For nonresidential developments, two (2) acres.
- (d) Density and coverage regulations.
 - (1) Density of development and maximum site coverage shall be established on the approved final plan with due regard to site and general area characteristics including land use, zoning, topography, thoroughfares and open space opportunity. In no case, however, shall maximum density and site coverage exceed the maximum percentages prescribed therefor in the applicable base district regulations.
 - (2) When common open space is provided for recreational purposes, the developer may propose that the percentage of the gross site area in common open space be added to the maximum site coverage percentages referred to in subsection (1) above. In no case, however, shall the additional percentage points added to the maximum site coverage regulations total more than the total percentage of the site in common open space. Such proposal shall be evaluated as part of the plan.

- (e) Open space regulations. Provisions for public, private and common open space shall be evaluated with due regard to density, site coverage, and physical characteristics of the site and, if deemed necessary, required as part of the plan. When common open space, common recreational areas or common area containing some other amenity to the development are approved as a part of a final plan, such areas shall be retained and owned by the owner or owners of the residential units contained within the development or an owners' association of which they are members, and shall be perpetually maintained by the owner or owners or the association as a part of the development for the use and benefit of the residents of the development.
- (f) Setback regulations. Minimum setbacks shall be approved as a part of the **development final** plan; provided however, that the minimum setbacks on the boundaries of a PD district shall not be less than the requirements of the least intensive zoning district in which the use is permitted.
- (g) Off-street parking regulations.
 - (1) Off-street parking facilities shall be provided at locations designated on the final plan.
 - (2) Minimum off-street parking requirements shall be established on the final plan, but shall not be less than the minimum requirements for permitted uses prescribed in division 9 of this article.
- (h) "PD-R" planned development-redevelopment district.
 - (1) Development regulations. The regulations of this district as to use, height, density, coverage, open space, setback and parking, shall be the same as provided in section 14.02.273 hereof.
 - (2) Area regulations. The minimum gross land area which may be developed in this district is two (2) acres.
 - (3) Development standards and procedures. The standards and procedures for development in this district shall be as provided in this division for PD district development, but shall include also the following:
 - (A) In any PD-R district where substandard streets or utilities are in existence, the property owner or developer shall install, rebuild, or improve all necessary streets and utilities at his sole expense, including off-site streets and utilities which are determined by the council to be necessary to serve the redevelopment, subject to the standard cost-sharing policies and ordinances which determine the development costs which the city may pay, and subject to any agreements for cost sharing which are mutually agreed upon by the property owner and the city. The city's participation in redevelopment shall in every instance be conditioned upon the determination by the council, in its sole discretion, of the availability of public funds therefor at the time of such development.
 - (B) Installation, rebuilding, or improvement of necessary streets and utilities shall be required when new buildings are constructed within the PD-R district.
 - (C) Uses conducted in existing buildings shall not require the construction of streets and utilities unless: additional construction, such as additional paved parking, must be done on the site; a change or expansion in use would require increased utility service; or, the council finds that such construction is necessary at the time the PD-R plan is approved.

(2005 Code, sec. 17.7.03)

§ 14.02.275 "Bowen Road" overlay district ("PD-BR").

- (a) Purpose. The purpose of the Bowen Road zoning overlay district is to allow additional uses by planned development in appropriate SF districts to create a mixed-use community that integrates predominantly

agricultural and food service commercial businesses, with medium density residential uses, and open spaces. Appropriate areas would be adjacent to principal arterials to allow commercial uses compatible with nearby single-family residential to take advantage of large traffic volumes while helping maintain the vision and character of the city.

- (b) Use regulations. A building or premises in this zoning district shall only be used for the purposes permitted in the base district or overlaid by an approved final PD-BR plan from additional uses allowed in base districts residential district ("GH"), business districts 1, 2, and 3, ("B-1," "B-2," and "B-3," respectively). The mixed use overlay district, ("MU"); special exceptions, or an agricultural use without a principal structure. Any portion of the PD-BR adjacent to a street, other than a principal arterial, across which exists single-family ("SF") zoning, shall be restricted to SF zoning for 200 feet from the street's right-of-way line with no vehicular access to the principal arterial.
- (c) Height regulations. Structures, other than SF, shall not exceed two stories.
- (d) Applicability. All development, other than SF development, along Bowen Road between California Lane and Roosevelt shall be governed by this overlay district.
- (e) Area regulations. The minimum gross land area which may be developed in this district shall be:
 - (1) For residential developments, four (4) acres; and
 - (2) For all other developments, two (2) acres.
- (f) Density and coverage regulations.
 - (1) Density of development and maximum site coverage shall be established on the approved final plan with due regard to site and general area characteristics including land use, zoning, topography, thoroughfares and open space opportunity. In no case, however, shall maximum density and site coverage exceed the maximum percentages prescribed **therefor** in the applicable base district regulations.
 - (2) When common open space is provided for recreational purposes, the developer may propose that the percentage of the gross site area in common open space be added to the maximum site coverage percentages referred to in subsection (f)(1) above. In no case, however, shall the additional percentage points added to the maximum site coverage regulations total more than the total percentage of the site in common open space. Such proposal shall be evaluated as part of the plan.
- (g) Open space regulations. Provisions for public, private, and common open space shall be evaluated with due regard to density, site coverage, and physical characteristics of the site and, if deemed necessary, required as part of the plan. When common open space, common recreational areas, or common areas containing some other amenity to the development are approved as a part of a final plan, as defined in section 14.02.272, such areas shall be retained and owned by the owner or owners of the residential units contained within the development or an owners' association of which they are members, and shall be perpetually maintained by the owner or owners or the association as a part of the development for the use and benefit of the residents of the development. Garden home developments shall include a minimum of 10 percent open space, not including platted lots and streets.
- (h) Screening. An orderly transition from commercial uses to the large lot residential uses will incorporate suitable separation barriers with a preference to vegetated barriers in lieu of hardened barriers such as fences.
- (i) Setback regulations. Minimum setbacks shall be approved as a part of the development plan; provided however, that the minimum setbacks on the boundaries of a PD-BR district shall not be less than the requirements of the zoning district it abuts.

- (j) Off-street parking regulations.
- (1) Off-street parking facilities shall be provided at locations designated on the final plan.
- (2) Minimum off-street parking requirements shall be established on the final plan, but shall not be less than the minimum requirements for permitted uses prescribed in division 9 of this article.
- (k) "PD-BR" planned development-redevelopment district. The regulations of this district as to use, height, density, coverage, open space, setback and parking, shall be the same as provided in section 14.02.275 hereof.
- (1) **Development regulations. The regulations of this district as to use, height, density, coverage, open space, setback and parking, shall be the same as provided in section 14.02.275 hereof.**
- (1) Area regulations. The minimum gross land area **which that** may be developed in this district is two (2) acres for SF properties. If the property does not fall under SF, then this subsection **(j)(2) (k)(1)** does not apply.
- (23) Development standards and procedures. The standards and procedures for development in this district shall be as provided in this division for PD district development, but shall include also the following:
 - (A) In any PD-BR district where substandard streets or utilities are in existence, the property owner or developer shall install, rebuild, or improve all necessary streets and utilities at his sole expense, including off-site streets and utilities **that are which** determined by the council to **be** necessary to serve the **redevelopment**, subject to the standard cost-sharing policies and ordinances **which that** determine the development costs **which that** the city may pay, and subject to any agreements for cost sharing **which that** are mutually agreed upon by the property owner and the city. The city's participation in **redevelopment** shall in every instance be conditioned upon the determination by the council, in its sole discretion, of the availability of public funds therefor at the time of such development.
 - (B) Installation, rebuilding, or improvement of necessary streets and utilities shall be required when new buildings are constructed within the PD-BR district.
 - (C) Uses conducted in existing buildings shall not require the construction of streets and utilities unless: (1) additional construction, such as additional paved parking, must be done on the site; (2) a change or expansion in use would require increased utility service; **and/or** (3) the council finds that such construction is necessary at the time the PD-BR plan is approved.

P&Z recommendation to is to remove the following section ↓

- (l) Garden homes are permissible on a case-by-case basis in low density residential zones if:
 - (1) A lot has access (ingress and egress) on California Lane;
 - (2) A lot's access onto California Lane is within five hundred and seventy-five (575) feet of the western right of way of Bowen Road; and
 - (3) The lot is developed as a PD using the guidelines found in this section."

§ 14.02.271 “PD” eligibility criteria.

The council may approve, from time to time, the development and use of land pursuant to a planned development process, by approving the superimposing (“overlay”) of conditions or standards on certain of the zoning districts. No such development and use, however, shall be approved except in accordance with a development plan adopted by the city pursuant to the procedures established in this division. For a development to be eligible for submission to the planned development process, the following criteria must exist:

- (1) The minimum area requirements, as herein provided, must be met.
- (2) The intended development shall not exceed the density or intensity of use permitted in the underlying base district.
- (3) The planned development shall be of such design that the resulting development will achieve the purposes of zoning in a manner superior to the conventional development of the same property under base district regulations.
- (4) The development shall efficiently utilize the available land and shall protect and preserve all scenic assets and natural features, such as trees and topographic features, to the greatest extent possible consistent with reasonable development of the land.
- (5) The planned development shall be located in an area where transportation, public safety, public facilities and utilities are or will be available and adequate for the proposed uses of the development.

(2005 Code, sec. 17.7.01)

§ 14.02.272 Planned development administration.

- (a) Application. Application for submission of land to the planned development process shall be made in the same manner as any other application for a change in zoning classification. The application may seek a PD designation on land without a change in the base district classification; or, the application may seek a PD designation on land concurrently with a change in the base district classification. The application shall be made to the zoning administrator and shall be accompanied by the fees prescribed therefor in the fee schedule in appendix A of this code.
- (b) Approval procedure. A PD application shall be processed in the following sequence:
 - (1) The applicant shall submit the application with the concept plan.
 - (2) The zoning administrator and other relevant city staff persons shall review the application and the concept plan, may conduct a pre-hearing conference thereon (one or more, as the zoning administrator may require) with the applicant, and may require data from the applicant supplementing the concept plan.
 - (3) The zoning administrator shall prepare a staff report to the commission on the application bearing on conformance of the plan and the proposed development with the standards, spirit and intent of this article.
 - (4) The commission shall conduct a public hearing on the application in the same manner as any other request for zoning change, and shall make its recommendation to the council as required by law.
 - (5) After receiving a report of the commission’s recommendation on the application, the city council shall hold a public hearing to consider the approval of the plan.

- (6) If the application is approved, the zoning map shall be amended so that the base district designation of the property shall bear a suffix of PD or PD-R, as the case may be.
- (7) The applicant shall submit a final development plan and obtain council approval thereof as a prerequisite to any development of the property.
- (c) Concept plan. The concept plan shall include a site plan drawing, prepared to a scale of not less than one inch equaling one hundred feet (1:100), depicting at least the following:
 - (1) The dimensioned boundaries of the property, the location and widths of streets and highways adjacent to and on the property, and any other easements thereon or adjacent thereto;
 - (2) The topography of the property showing elevations at 5-foot intervals;
 - (3) The general location and description of existing utility services, including size of water and sewer mains;
 - (4) Existing improvements proposed to be retained when the property is developed;
 - (5) Undimensioned location and approximate size of proposed buildings;
 - (6) Undimensioned proposed locations of parking and points of access;
 - (7) All proposed uses and their approximate locations on the site;
 - (8) Identifiable watercourses and low areas;
 - (9) Proposed maximum height of buildings;
 - (10) Proposed landscaped areas;
 - (11) Height and elevation of all buildings.
- (d) Final plan. The final plan for PD development shall comply with the following standards:
 - (1) The final plan shall clearly indicate all significant features of the proposed development, on an accurate scaled drawing, to include:
 - (A) A location map showing the location of the site in reference to existing streets.
 - (B) The boundaries of the area included in the plan, surveyed by a competent licensed surveyor, showing the total gross acreage of the plan.
 - (C) All recorded or physically existing public and private rights-of-way and easement lines located on or adjacent to the plan area.
 - (D) The approximate topography of the plan area, major watercourses and 100-year floodplains.
 - (E) The proposed land uses and the approximate location of proposed buildings and other structures on the plan area site and structures and existing uses adjacent to the site.
 - (F) The character and approximate density of all proposed uses in the plan area. For dwelling units, a table showing type by size, number of bedrooms, number of each type; and, floor plans for each type unit.
 - (G) The approximate location and dimensions of all parking areas, malls, water bodies, open areas and recreational areas.

- (H) All proposed streets, alleys, ways, including walkways, dedicated to public use, and the location and size of all utilities.
- (I) The maximum percentage of site coverage.
- (J) All areas reserved for common ownership with an indication of the properties.
- (K) The location and type of walls, fences, screen planting and landscaping.
- (L) A plan, including elevation drawings, showing location, size, height, orientation and design of all signs.
- (M) In multifamily and commercial sections of the plan, the location of each outside facility for solid waste disposal.
- (N) Development schedule, indicating the following:
 - (i) The estimated date when development construction in the plan area shall commence;
 - (ii) The stages, if any, in which the plan area will be developed and the estimated date development of each stage will commence;
 - (iii) The estimated date of completion of each stage in the development;
 - (iv) The area and location of common open space that will be developed at each stage; and
 - (v) The area and location of nonresidential uses that will be developed at each stage.
- (2) The city council may, at the request of the applicant, limit the proposed PD uses to less than all of the uses otherwise permitted by the base district regulations. Such limitation of uses shall be recited in the approved plan and placed of record as herein provided.
- (3) A preliminary drainage study, as outlined in article 10.02 of this code and/or a preliminary plat shall be submitted concurrently with any final plan.
- (4) The final plan shall clearly indicate that the proposed development will be in complete accordance with the provisions of the applicable plan approval district zoning.
- (5) Upon receipt of a mylar reproducible of the approved final plan reflecting all stipulations approved by the city council, the zoning administrator shall record a copy thereof.
- (6) All final plans recorded hereunder shall be binding upon the applicant thereof, his successors and assigns, and shall limit and control the issuance of all building permits within the plan area.
- (7) Prior to issuance of any building permits, the final plan shall reflect all stipulations as approved by the city council and the property shall be platted in accordance with article 10.02 of this code and the platting policies of the commission and the council.
- (e) Development implementation.
 - (1) Except as provided in subsection (2) below, no building permit or certificate of occupancy shall issue for any building or use within a PD or PD-R district unless: the final plan therefor shall have been approved; and, the proposed building or use complies with such final plan.
 - (2) When property carries a PD designation but a final plan has not been approved therefor, it may be developed without plan approval only in accordance with the base district regulations. Any such

development shall constitute an abandonment of the concept plan and the PD suffix shall be removed from the zoning map designation for such property.

- (3) When the base district zoning classification of a property is changed as part of or concurrently with approval of a PD overlay under this division and the plan thereafter expires pursuant to subsection (g) of this section because either: the final plan is never approved; or, the final plan is never implemented, the base district zoning classification of the property shall revert to its zoning classification existent prior to the approval of the PD overlay. Until such time as the plan is implemented, the rezoned property shall be designated on the zoning map as “(base district)-PD-C (conditional)”.
- (f) Plan amendments.
 - (1) No material change shall be made to an approved final plan unless the same shall have first been approved as described in subsection (3) below.
 - (2) A change in an approved final plan may be initiated by the zoning administrator if the same is not a material change. A change is not a material change if it will not result in any of the following:
 - (A) A change in the character of the development;
 - (B) An increase in the ratio of the gross floor areas in structures to the area of any lot;
 - (C) An increase in the intensity of use;
 - (D) A reduction in the approved separations between buildings;
 - (E) An increase in the problems of circulation, safety, and utilities;
 - (F) An increase in the external effects of the development on adjacent property;
 - (G) A reduction in the approved setbacks from property lines;
 - (H) An increase in lot coverage by structures;
 - (I) A reduction in the ratio of off-street parking and loading space to gross floor area in structures;
 - (J) A change in the subject, size, lighting, or orientation of approved signs; or
 - (K) A change in the location or character of approved landscape features.
 - (3) Proposal of a plan amendment shall be made to the zoning administrator by the applicant on mylar of the approved plan. Upon receipt of such a proposed plan revision, copies of the proposed revised plan shall be submitted to the council for its review and determination as to whether the proposed revision constitutes such a significant change in land use or structures that a public hearing should be called regarding said revision. If, in the council’s determination, the proposed revised plan does not constitute a significant change, no public hearing shall be called and the revision shall be deemed approved. If such revision is determined by the council to be a significant change, a public hearing shall be scheduled regarding such revision, proper notice shall be given, and thereafter the proposed revision shall be considered by the council for approval or denial; provided, however, the council in its sole discretion may direct any development plan revision to the commission for its review and recommendation and, in such event, said revision shall follow the procedures set out in division 13 of this article herein regarding amendments. No proposed revision shall be effective until the same is approved by the council.
- (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.

(2005 Code, sec. 17.7.02)

§ 14.02.273 “PD” planned development district.

- (a) Use regulations. A building or premises in this zoning district shall be used only for the purposes permitted in the base district or districts or which the PD designation has been overlaid by an approved final plan. When made a part of the PD application and after notice and hearing as provided for the “PD” process, the city council may approve a use which would otherwise be a special exception in the base district as if it were a permitted use as a matter of right and without the necessity of a separate special exception application and proceeding.
- (b) Height regulations. The maximum height requirement for permissible uses in this district shall conform to the maximum height requirements which would be applicable to such uses if the same were situated in the most restrictive base district in which such uses are permitted.
- (c) Area regulations. The minimum gross land area which may be developed in this district shall be:
 - (1) For residential developments, four (4) acres; and
 - (2) For nonresidential developments, two (2) acres.
- (d) Density and coverage regulations.
 - (1) Density of development and maximum site coverage shall be established on the approved final plan with due regard to site and general area characteristics including land use, zoning, topography, thoroughfares and open space opportunity. In no case, however, shall maximum density and site coverage exceed the maximum percentages prescribed therefor in the applicable base district regulations.
 - (2) When common open space is provided for recreational purposes, the developer may propose that the percentage of the gross site area in common open space be added to the maximum site coverage percentages referred to in subsection (1) above. In no case, however, shall the additional percentage points added to the maximum site coverage regulations total more than the total percentage of the site in common open space. Such proposal shall be evaluated as part of the plan.
- (e) Open space regulations. Provisions for public, private and common open space shall be evaluated with due regard to density, site coverage, and physical characteristics of the site and, if deemed necessary, required as part of the plan. When common open space, common recreational areas or common area containing some other amenity to the development are approved as a part of a final plan, such areas shall be retained and owned by the owner or owners of the residential units contained within the development or an owners’ association of which they are members, and shall be perpetually maintained by the owner or owners or the association as a part of the development for the use and benefit of the residents of the development.
- (f) Setback regulations. Minimum setbacks shall be approved as a part of the development plan; provided however, that the minimum setbacks on the boundaries of a PD district shall not be less than the requirements of the least intensive zoning district in which the use is permitted.
- (g) Off-street parking regulations.
 - (1) Off-street parking facilities shall be provided at locations designated on the final plan.

- (2) Minimum off-street parking requirements shall be established on the final plan, but shall not be less than the minimum requirements for permitted uses prescribed in division 9 of this article.
- (h) “PD-R” planned development-redevelopment district.
- (1) Development regulations. The regulations of this district as to use, height, density, coverage, open space, setback and parking, shall be the same as provided in section 14.02.273 hereof.
- (2) Area regulations. The minimum gross land area which may be developed in this district is two (2) acres.
- (3) Development standards and procedures. The standards and procedures for development in this district shall be as provided in this division for PD district development, but shall include also the following:
 - (A) In any PD-R district where substandard streets or utilities are in existence, the property owner or developer shall install, rebuild, or improve all necessary streets and utilities at his sole expense, including off-site streets and utilities which are determined by the council to be necessary to serve the redevelopment, subject to the standard cost-sharing policies and ordinances which determine the development costs which the city may pay, and subject to any agreements for cost sharing which are mutually agreed upon by the property owner and the city. The city’s participation in redevelopment shall in every instance be conditioned upon the determination by the council, in its sole discretion, of the availability of public funds therefor at the time of such development.
 - (B) Installation, rebuilding, or improvement of necessary streets and utilities shall be required when new buildings are constructed within the PD-R district.
 - (C) Uses conducted in existing buildings shall not require the construction of streets and utilities unless: additional construction, such as additional paved parking, must be done on the site; a change or expansion in use would require increased utility service; or, the council finds that such construction is necessary at the time the PD-R plan is approved.

(2005 Code, sec. 17.7.03)

§ 14.02.274 “MU” mixed use overlay.

- (a) Purpose. The purpose of the mixed-use zoning overlay district is to allow higher density, mixed use, pedestrian-oriented development.
- (b) Intent. The mixed use overlay district is required as the traditional zoning districts (SF, GH, B1, B2, B3, PD) are not sophisticated enough to address the complicated growth and development requirements. The intent of the mixed use overlay district is to promote pedestrian oriented urban form (sustainability and health). The overlay district encourages architectural diversity, creativity and exceptional design. Furthermore, the purpose is to create memorable and outdoor gathering spaces.
- (c) Definition. Mixed-use development is characterized as pedestrian-friendly development that blends two or more residential, commercial, cultural, and/or institutional.

Bed and breakfast. A lodging use that has no more than five guest rooms; provides accommodations for periods not to exceed five nights; and meals are provided.

Boutique hotel. A lodging facility with 30 or fewer guest rooms that are rented to occupants on a daily basis for not more than 14 consecutive days; provides food that is prepared on-site; and more than 50 percent of the guest rooms are internal-entry.

Civic/open space. Publicly accessible open space in the form of parks, courtyards, forecourts, plazas, greens, playgrounds, squares, etc. Civic/open space may be privately or publicly owned and maintained.

Commercial or mixed-use building. A building in which at least the ground floor of the building is built for commercial use and any of the floors above the ground floor are built to commercial ready standards and occupied by nonresidential or residential uses.

Commercial ready. Space constructed above the ground floor height as established in character district which may be used for noncommercial uses and can be converted into retail/commercial use. Prior to the issuance of certificate of occupancy for a retail/commercial use in a commercial ready space, the space must comply with all building and construction codes for that use. The intent of commercial ready space is to provide the flexibility of occupying space in accordance with market demand and allowing the use in such space to change to retail/commercial uses accordingly.

Cottage industrial. Small scale and individualized (i.e. not mass produced) assembly and light manufacturing/fabrication of commodities fully enclosed within a building (building must be less than 20,000 square feet). This category shall include workshops and studios for cottage industries such as pottery, glass-blowing, metal working and fabrication, screen printing, weaving, etc.

Encroachment. Any structural or nonstructural element such as a sign, awning, canopy, terrace, or balcony that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the public right-of-way, or above a height limit.

Farmer's market. The retail sale of farm products by individual vendors for the primary purpose of selling fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey. Sale of new and used household goods, personal effects, small household appliances, and similar merchandise is not included in this definition.

Hotel. Shall be defined as a building with habitable rooms or suites which are reserved for transient guests for compensation who rent the rooms or suites on a daily basis, and with controlled access to the rooms via a lobby or interior hallway. The establishment shall furnish customary hotel services such as linen, maid service, telephone, use and upkeep of furniture. It shall also include either a full-service restaurant with full kitchen facilities providing service to the general public; or a concessionaire of the management for room service delivery. The establishment shall be required to have on-site staff seven (7) days a week, twenty-four (24) hours per day.

Live-work dwelling. A mixed-use building type with a dwelling unit that is also used for work purposes, provided that the 'work' component is located on the street level and (1) is constructed as separate units under a condominium regime or as a single unit. The 'live' component may be located above the ground floor. Live-work dwelling is distinguished from a home occupation otherwise defined by section 14.02.092 of the City of Dalworthington Gardens Zoning Regulations in that "work" component is not required to be incidental and secondary to the "live" component. Additionally, the "work" component may employ more than one (1) individual who is not an occupant of the "live" component.

Vertical mixed-use. Defined as combination of different uses in the same building. Generally, lower floors have more public uses with more private uses on the upper floors.

Veterinary. A doctor of veterinary medicine who holds a valid license to practice veterinary medicine in the state.

(d) Mixed use application process. The application procedure for the mixed-use development will be done in the same manner as planned development administration (section 14.02.272 of the code). However, in addition to the concept plan, the city may require traffic impact study or land use compatibility study.

- (e) Traffic impact study. A traffic impact study report should, at the minimum, address the following:
- (1) State the purpose and scope of the report and identify the study area of the project.
 - (2) State all assumptions used in analysis and make reference to and/or include all supporting documents used to prepare the report.
 - (3) Describe, in detail, proposed land use type(s) and size(s).
 - (4) Identify number, location and type of proposed access drive(s) to the development site.
 - (5) Evaluate intersection sightline distances from proposed driveways.
 - (6) Provide a detailed summary of data collection efforts and results.
 - (7) Estimate number of trips generated by the development site.
 - (8) Identify most critical analysis period.
 - (9) Determine anticipated directional distribution of site-generated traffic.
 - (10) Intersection assignment of site traffic including through and turning movements.
 - (11) Internal circulation of site traffic and parking
 - (12) Need for turning lanes or bypass options at proposed driveway location(s)
 - (13) Traffic control needs and warrants
 - (14) Determine anticipated future non-site (background) traffic volumes.
 - (15) Identify other “nearby approved” developments within the study area.
 - (16) Evaluate “existing + site + nearby approved developments” traffic operating conditions to assess cumulative impact of traffic for pre-specified target year.
 - (17) Recommend on-site and/or off-site road improvements for each traffic conditions separately (i.e. “existing,” “existing + site,” “existing + site + nearby approved developments,” and “future long-term”).
 - (18) It is useful to address percent contribution to off-site road improvements by individual development sites (i.e. proposed and other nearby development site), based on number of new trips each and every one of these development sites generate and add to adjacent street network primarily during critical peak-hour.
 - (19) Include findings and recommendations using nontechnical jargon to help planning and zoning commission with their decision making. A letter of opinion from a qualified professional is recommended.
- (f) Additional requirements for mixed use development.
- (1) Permitted uses. To find the list of permitted uses, please see the matrix of permitted uses. Land uses not listed in the matrix but are substantially similar may be considered through the application process.
 - (2) Parking facilities. For off-street parking facility, the parking demand calculation can be done in the following manner:

- (A) Number of units (residential) – nr.
- (B) Number of units (commercial) - nc.
- (C) Number of parking spaces required as per division 9 of the zoning ordinance for each use (units) – N1, N2, N3, Nu.
- (D) Total parking spaces = nr + nc (N1 + N2 + N3 +Nu)

[\[Image\]](#)

- (3) Height. The height of the building is restricted to 3 stories/floors or 40 feet (whichever is less).
- (4) Setbacks
 - (A) Setback from the front street (if a corner property, both adjacent streets will be considered as front street): 15.
 - (B) Side setback: 10.
 - (C) Rear setback: 15.

Figure 2.
Setbacks

[\[Image\]](#)

- (5) Sidewalk. A minimum of 12' sidewalk is required in the district with a minimum of 6' throughway zone.

Figure 3. Ideal
Sidewalk
Diagram
(Source: ITE
Manual)

[\[Image\]](#)

- (6) Sign standards. Directory, monumental and wall sign shall be allowed in the mixed use overlay district. The height of directory sign is be restricted to 15'. One monument sign per lot per lot street frontage limited to a maximum of 75 sq. ft. per sign face and 6 ft. in height. An applicant has the option to install unique sign including size, color, type, design, and location, subject to approval from the city staff.
- (7) Landscape requirements. In addition to complying with the requirements of division 11 of this article, each lot in this district shall have not less than 20% landscaped open space.
- (8) Outdoor gathering spaces. Open space regulations. Provisions for public, private and common open space shall be evaluated with due regard to density, site coverage, and physical characteristics of the site and, if deemed necessary, required as part of the plan. When common open space, common recreational areas or common area containing some other amenity to the development are approved as a part of a final plan, such areas shall be retained and owned by the owner or owners of the residential units contained within the development or an owners' association of which they are members, and shall be

perpetually maintained by the owner or owners or the association as a part of the development for the use and benefit of the residents of the development.

- (9) Building material. To promote architectural diversity, city may consider less than 80% masonry, exceed the use of glass percent and allow use of more surface colors. However, all the designs and colors will require approval through the application process. The application will also be reviewed on the basis of harmony with the surrounding building types.
- (10) Design exception. A design exception means a requested deviation from any building material, open gathering space standards, sign standards, matrix of permitted uses, or parking requirements. All requests for design exceptions shall go before the Dalworthington Gardens Planning and Zoning Commission for action and then to city council for final approval.
- (g) Matrix of permitted uses. If a use is not listed on the land use matrix that use is considered a prohibited use within the City of Dalworthington Gardens Mixed Use Overlay District, unless the use is allowed by right or by specific use permit under the regulations applicable to the underlying or base zoning district.

Uses requiring a specific use permit "S" in a cell indicates that the use is allowed only if issued a specific use permit, in accordance with the procedures of section 14.02.325, specific use permits. Uses requiring a specific use permit are subject to all other applicable regulations of this code, including the supplemental use standards in this article and the requirements of this article.

- (h) Contradictions. Where contradictions exist between the mixed use (MU) zoning overlay district and other zoning districts, requirements outlined in the MU zoning overlay district shall take precedence.

(Ordinance 2018-13 adopted 9/20/18; Ordinance 2018-20 adopted 11/15/18; Ordinance 2018-13 adopted 9/20/18; Ordinance 2019-05, sec. 5, adopted 7/18/19)

§ 14.02.275 "Bowen Road" overlay district ("PD-BR").

- (a) Purpose. The purpose of the Bowen Road zoning overlay district is to allow additional uses by planned development in appropriate SF districts to create a mixed-use community that integrates predominantly agricultural and food service commercial businesses, with medium density residential uses, and open spaces. Appropriate areas would be adjacent to principal arterials to allow commercial uses compatible with nearby single-family residential to take advantage of large traffic volumes while helping maintain the vision and character of the city.
- (b) Use regulations. A building or premises in this zoning district shall only be used for the purposes permitted in the base district or overlaid by an approved final PD-BR plan from additional uses allowed in base districts residential district ("GH"), business districts 1, 2, and 3, ("B-1," "B-2," and "B-3," respectively). The mixed use overlay district, ("MU"); special exceptions, or an agricultural use without a principal structure. Any portion of the PD-BR adjacent to a street, other than a principal arterial, across which exists single-family ("SF") zoning, shall be restricted to SF zoning for 200 feet from the street's right-of-way line with no vehicular access to the principal arterial.
- (c) Height regulations. Structures, other than SF, shall not exceed two stories.
- (d) Applicability. All development, other than SF development, along Bowen Road between California Lane and Roosevelt shall be governed by this overlay district.
- (e) Area regulations. The minimum gross land area which may be developed in this district shall be:
 - (1) For residential developments, four (4) acres; and
 - (2) For all other developments, two (2) acres.

- (f) Density and coverage regulations.
 - (1) Density of development and maximum site coverage shall be established on the approved final plan with due regard to site and general area characteristics including land use, zoning, topography, thoroughfares and open space opportunity. In no case, however, shall maximum density and site coverage exceed the maximum percentages prescribed therefor in the applicable base district regulations.
 - (2) When common open space is provided for recreational purposes, the developer may propose that the percentage of the gross site area in common open space be added to the maximum site coverage percentages referred to in subsection (f)(1) above. In no case, however, shall the additional percentage points added to the maximum site coverage regulations total more than the total percentage of the site in common open space. Such proposal shall be evaluated as part of the plan.
- (g) Open space regulations. Provisions for public, private, and common open space shall be evaluated with due regard to density, site coverage, and physical characteristics of the site and, if deemed necessary, required as part of the plan. When common open space, common recreational areas, or common areas containing some other amenity to the development are approved as a part of a final plan, as defined in section 14.02.272, such areas shall be retained and owned by the owner or owners of the residential units contained within the development or an owners' association of which they are members, and shall be perpetually maintained by the owner or owners or the association as a part of the development for the use and benefit of the residents of the development. Garden home developments shall include a minimum of 10 percent open space, not including platted lots and streets.
- (h) Screening. An orderly transition from commercial uses to the large lot residential uses will incorporate suitable separation barriers with a preference to vegetated barriers in lieu of hardened barriers such as fences.
- (i) Setback regulations. Minimum setbacks shall be approved as a part of the development plan; provided however, that the minimum setbacks on the boundaries of a PD-BR district shall not be less than the requirements of the zoning district it abuts.
- (j) Off-street parking regulations.
 - (1) Off-street parking facilities shall be provided at locations designated on the final plan.
 - (2) Minimum off-street parking requirements shall be established on the final plan, but shall not be less than the minimum requirements for permitted uses prescribed in division 9 of this article.
- (k) "PD-BR" planned development-redevelopment district.
 - (1) Development regulations. The regulations of this district as to use, height, density, coverage, open space, setback and parking, shall be the same as provided in section 14.02.275 hereof.
 - (2) Area regulations. The minimum gross land area which may be developed in this district is two (2) acres for SF properties. If the property does not fall under SF, then this subsection (j)(2) does not apply.
 - (3) Development standards and procedures. The standards and procedures for development in this district shall be as provided in this division for PD district development, but shall include also the following:
 - (A) In any PD-BR district where substandard streets or utilities are in existence, the property owner or developer shall install, rebuild, or improve all necessary streets and utilities at his sole expense, including off-site streets and utilities which are determined by the council to be necessary to serve the redevelopment, subject to the standard cost-sharing policies and ordinances which determine the development costs which the city may pay, and subject to any agreements for cost sharing which are

mutually agreed upon by the property owner and the city. The city's participation in redevelopment shall in every instance be conditioned upon the determination by the council, in its sole discretion, of the availability of public funds therefor at the time of such development.

- (B) Installation, rebuilding, or improvement of necessary streets and utilities shall be required when new buildings are constructed within the PD-BR district.
- (C) Uses conducted in existing buildings shall not require the construction of streets and utilities unless: additional construction, such as additional paved parking, must be done on the site; a change or expansion in use would require increased utility service; or, the council finds that such construction is necessary at the time the PD-BR plan is approved.

(Ordinance 2023-18 adopted 11/16/2023)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, AMENDING SECTION 14.02.271, “‘PD’ ELIGIBILITY CRITERIA,” SECTION 14.02.272, “PLANNED DEVELOPMENT ADMINISTRATION,” SECTION 14.02.273, “PLANNED DEVELOPMENT DISTRICT,” AND SECTION 14.02.275, “‘BOWEN ROAD’ OVERLAY DISTRICT (‘PD-BR’),” OF DIVISION 7, “OVERLAY DISTRICT REGULATIONS,” OF CHAPTER 14, “ZONING,” OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS, TEXAS, TO UPDATE THE PLANNED DEVELOPMENT ADMINISTRATION PROCESS AND AMEND THE STANDARDS AND REQUIREMENTS OF A BOWEN ROAD OVERLAY DISTRICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Dalworthington Gardens (the “City”) is a Type-A general law municipality located in Tarrant County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council of the City desires to amend Chapter 14 of its zoning regulations to update various provisions related to planned development overlays and amend the standards and requirements of a Bowen Road Overlay District; and

WHEREAS, the Planning and Zoning Commission of the City held a public hearing on [REDACTED], and the City Council of the City held a public hearing on [REDACTED], with respect to the proposed rezoning as described herein; and

WHEREAS, the City Council finds and determines that the adoption of this Ordinance is necessary to protect the health, safety, and welfare of the public; and

WHEREAS, the City Council has determined that the proposed ordinance amendment to the Zoning Ordinance is in the best interest of the citizens of the City.

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

SECTION 2.

The Code of Ordinances, City of Dalworthington Gardens, Texas, Chapter 14, “Zoning,” Division 7, “Overlay District Regulations,” Section 14.02.271 “‘PD’ eligibility criteria,” is hereby amended to read as follows:

“§ 14.02.272 ‘PD’ eligibility criteria.

The council may approve, from time to time, the development and use of land pursuant to a planned development process, by approving the superimposing (“overlay”) of conditions or standards on certain of the zoning districts. No such development and use, however, shall be approved except in accordance with the development plan adopted by the city pursuant to the procedures established in this division. For a development to be eligible for submission to the planned development process, the following criteria must exist:

- (1) The minimum area requirements, as herein provided, must be met.
- (2) The planned development shall be of such design that the resulting development will achieve the purposes of zoning in a manner superior to the conventional development of the same property under base district regulations.
- (3) The development shall efficiently utilize the available land and shall protect and preserve all scenic assets and natural features, such as trees and topographic features, to the greatest extent possible consistent with a reasonable development of the land.
- (4) The planned development shall be located in an area where transportation, public safety, public facilities, and utilities are or will be available and adequate for the proposed uses of the development.”

SECTION 2.

The Code of Ordinances, City of Dalworthington Gardens, Texas, Chapter 14, “Zoning,” Division 7, “Overlay District Regulations,” Section 14.02.272 “Planned development administration,” is hereby amended by amending subsections (b), (d), (e), and (f) to read as follows:

“§ 14.02.272 Planned development administration.

- (b) Approval procedure. A PD application shall be processed in the following sequence:

- (1) The applicant shall submit the application with a concept plan.
- (2) The zoning administrator and other relevant city staff persons shall review the application and the concept plan, may conduct a pre-hearing conference thereon (one or more, as the zoning administrator may require) with the applicant, and may require data from the applicant supplementing the concept plan.

(3) The zoning administrator shall prepare a staff report to the commission on the application reviewing the conformance of the concept plan and the proposed development with the standards, spirit, and intent of this article.

(4) The commission shall conduct a public hearing on the application in the same manner as any other request for zoning change, and shall make its recommendation to the council as required by law.

(5) After receiving a report of the commission's recommendation on the application, the city council shall hold a public hearing to consider the approval of the concept plan. The city council may approve, approve with conditions or modifications, or deny the concept plan.

(6) After city council approval of the concept plan, the applicant shall submit a final development plan that is in substantial conformance with the concept plan for commission and council approval thereof as a prerequisite to any development of the property.

(7) The zoning map shall be amended so that the base district designation of the property shall bear a suffix of PD, PD-BR, or PD-R only after city council approval of the application, concept plan, and final development plan.

(d) Final plan. The final plan for PD development shall comply with the following standards:

(1) The final plan shall clearly indicate all significant features of the proposed development, on an accurate scaled drawing, to include:

(A) A location map showing the location of the site in reference to existing streets.

(B) The boundaries of the area included in the plan, surveyed by a competent licensed surveyor, showing the total gross acreage of the plan.

(C) All recorded or physically existing public and private rights-of-way and easement lines located on or adjacent to the plan area.

(D) The approximate proposed final topography of the plan area, major watercourses and 100-year floodplains.

(E) The proposed land uses and the approximate location of proposed buildings and other structures on the plan area site and structures and existing uses adjacent to the site.

(F) The character and approximate density of all proposed uses in the plan area.

(G) The approximate location and dimensions of all parking areas, malls, waterbodies, open areas and recreational areas.

(H) All proposed streets, alleys, ways, including walkways, dedicated to public use, and the location and size of all utilities.

(I) The maximum percentage of site coverage.

(J) All areas reserved for common ownership with an indication of the properties.

(K) The location and type of walls, fences, screen planting, and landscaping.

(L) A plan, including elevation drawings, showing location, size, height, orientation, and design of all signs.

(M) In multifamily and commercial sections of the plan, the location of each outside facility for solid waste disposal.

(N) Development schedule, indicating the following:

(i) The estimated date when development construction in the plan area shall commence;

(ii) The stages, if any, in which the development plan area will be developed and the estimated date development of each stage will commence;

(iii) The estimated date of completion of each stage in the development;

(iv) The area and location of common open space that will be developed at each stage; and

(v) The area and location of nonresidential uses that will be developed at each stage.

(2) The city council may, at the request of the applicant, limit the proposed PD uses to less than all of the uses otherwise permitted by the base district regulations. Such limitation of uses shall be recited in the approved final plan and placed of record as herein provided.

(3) A preliminary drainage study, as outlined in article 10.02 of this code and/or a preliminary plat shall be submitted concurrently with any final plan.

(4) The final plan shall clearly indicate that the proposed development will be in completed in accordance with the provisions of the applicable plan approval district zoning.

(5) Upon receipt of the approved final plan reflecting all stipulations approved by the city council, the zoning administrator shall record an official copy thereof.

(6) All final plans recorded hereunder shall run with the land and be binding upon the applicant thereof, their successors and assigns, and shall limit and control the issuance of all building permits within the plan area.

(7) Prior to issuance of any building permits, the final plan shall reflect all stipulations as approved by the city council and the property shall be platted in accordance with article 10.02 of this code and the platting policies of the commission and the council.

(e) Development implementation.

(1) Except as provided in subsection (2) below, no building permit or certificate of occupancy shall be issued for any building or use within a PD, PD-BR, or PD-R district unless: a final plan has been approved and the proposed building or use complies with such final plan.

(2) A property may only develop in accordance with the base district regulations without final plan approval.

(f) Plan amendments.

(1) No material change shall be made to an approved final plan unless the same shall have first been approved as described in subsection (3) below.

(2) A change in an approved final plan may be initiated by the zoning administrator if the same is not a material change. A change is not a material change if it will not result in any of the following:

(A) A change in the character of the development;

(B) An increase in the ratio of the gross floor areas in structures to the area of any lot;

(C) An increase in the intensity of use;

(D) A reduction in the approved separations between buildings;

(E) An increase in the problems of circulation, safety, and utilities;

(F) An increase in the external effects of the development on adjacent property;

(G) A reduction in the approved setbacks from property lines;

(H) An increase in lot coverage by structures;

(I) A reduction in the ratio of off-street parking and loading space to gross floor area in structures;

(J) A change in the subject, size, lighting, or orientation of approved signs; or

(K) A change in the location or character of approved landscape features.

(3) Any proposed plan amendments shall be submitted by the applicant to the zoning administrator. Upon receipt of such a proposed plan revision, copies of the proposed revised plan shall be submitted to the council for its review and determination as to whether the proposed revision constitutes such a significant change in land use or structures that a public hearing should be called regarding said revision. If, in the council's determination, the proposed revised plan does not constitute a significant change, no public hearing shall be called and the revision shall be deemed approved. If such revision is determined by the council to be a significant change, a public hearing shall be scheduled regarding such revision, proper notice shall be given, and thereafter the proposed revision shall be considered by the council for approval or denial; provided, however, the council in its sole discretion may direct any development plan revision to the commission for its review and recommendation and, in such event, said revision shall follow the procedures set out in division 13 of this article herein regarding amendments. No proposed revision shall be effective until the same is approved by the council.

***"

SECTION 3.

The Code of Ordinances, City of Dalworthington Gardens, Texas, Chapter 14, "Zoning," Division 7, "Overlay District Regulations," Section 14.02.273 "Planned development district," is hereby amended by amending subsection (f) to read as follows:

(f) Setback regulations. Minimum setbacks shall be approved as a part of the final plan; provided however, that the minimum setbacks on the boundaries of a PD district shall not be less than the requirements of the least intensive zoning district in which the use is permitted.

***"

SECTION 4.

The Code of Ordinances, City of Dalworthington Gardens, Texas, Chapter 14, "Zoning," Division 7, "Overlay District Regulations," Section 14.02.275 "'Bowen Road' overlay district ('PD-BR')," is hereby amended by amending subsections (f), (g), and (k) to read as follows:

"§14.02.275 "Bowen Road" overlay district ("PD-BR").

(f) Density and coverage regulations.

(1) Density of development and maximum site coverage shall be established on the approved final plan with due regard to site and general area characteristics including land use, zoning, topography, thoroughfares and open space opportunity. In no case, however, shall maximum density and site coverage exceed the maximum percentages prescribed in the applicable base district regulations.

(2) When common open space is provided for recreational purposes, the developer may propose that the percentage of the gross site area in common open space be added to the maximum site coverage percentages referred to in subsection (f)(1) above. In no case, however, shall the additional percentage points added to the maximum site coverage regulations total more than the total percentage of the site in common open space. Such proposal shall be evaluated as part of the plan.

(g) Open space regulations. Provisions for public, private, and common open space shall be evaluated with due regard to density, site coverage, and physical characteristics of the site and, if deemed necessary, required as part of the plan. When common open space, common recreational areas, or common areas containing some other amenity to the development are approved as a part of a final plan, as defined in section 14.02.272, such areas shall be retained and owned by the owner or owners of the residential units contained within the development or an owners' association of which they are members, and shall be perpetually maintained by the owner or owners or the association as a part of the development for the use and benefit of the residents of the development. Garden Home developments shall include a minimum of 10 percent open space, not including platted lots and streets.

(k) “PD-BR-R” planned development-redevelopment district. The regulations of this district as to use, height, density, coverage, open space, setback, and parking shall be the same as provided in section 14.02.275 hereof.

(1) Area regulations. The minimum gross land area that may be developed in this district is two (2) acres for SF properties. If the property does not fall under SF, then this subsection (k)(1) does not apply.

(2) Development standards and procedures. The standards and procedures for development in this district shall be as provided in this division for PD district development. but shall include also the following:

(A) In any PD-BR district where substandard streets or utilities are in existence. The property owner or developer shall install, rebuild, or improve all necessary streets and utilities at his sole expense, including off-site streets and utilities that are determined by the council to be necessary to serve the development, subject to the standard cost-sharing policies and ordinances that determine the development costs that the city may pay, and subject to any agreements for cost sharing that are mutually agreed upon by the property owner and the city. The city's participation

in development shall in every instance be conditioned upon the determination by the council, in its sole discretion of the availability of public funds therefor at the time of such development.

(B) Installation, Rebuilding, or improvement of necessary streets and utilities shall be required when new buildings are constructed within the PD-BR district.

(C) Uses conducted in existing buildings shall not require the construction of streets and utilities unless: (1) additional construction, such as additional paved parking, must be done on the site;(2) a change or expansion in use would require increased utility service: and/or (3) the council finds that such construction is necessary at the time the PD-BR plan is approved.

(l) Garden homes are permissible on a case-by-case basis in low density residential zones if:

(1) A lot has access (ingress and egress) on California Lane;

(2) A lot's access onto California Lane is within five hundred and seventy-five (575) feet of the western right of way of Bowen Road; and

(3) The lot is developed as a PD using the guidelines found in this section.”

SECTION 5.

This Ordinance shall be cumulative of all provisions of ordinances and on the Code of Ordinances, City of Dalworthington Gardens, Texas as amended, except where the provisions are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 6.

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 degree 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 incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 7.

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

All rights and remedies of the City of Dalworthington Gardens are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of Dalworthington Gardens, Texas, as amended or revised herein, or any other ordinances affecting the matters regulated herein that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 9.

The City Secretary of the City of Dalworthington Gardens is hereby directed to publish in the official newspaper of the City of Dalworthington, the caption, publication clause, and effective date clause of this ordinance in accordance with Section 52.011 of the Texas Local Government Code.

SECTION 10.

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED ON THIS _____ DAY OF _____, 2024.

Laurie Bianco, Mayor

ATTEST:

Sandra Ma
City Secretary

**City Council
Staff Agenda Report**

Agenda Item: 9c.

Agenda Subject: Discussion and possible action to give direction to the Park Board to recommend guidelines for the maintenance of the park.

Meeting Date: August 15, 2024	Financial Considerations: Engineering Review Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Strategic Vision Pillar: <input checked="" type="checkbox"/> Financial Stability <input checked="" 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
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Background Information:

Recommended Action/Motion:

Attachments:

**City Council
Staff Agenda Report**

Agenda Item: 9d.

Agenda Subject: Consider approval of a resolution to select an institution to provide bank depository services, and authorize staff, city attorney, and/or Mayor to negotiate a contract.

<p>Meeting Date: August 15, 2024</p>	<p>Financial Considerations: Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <ul style="list-style-type: none"> <input checked="" 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
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Background Information: Council approved Resolution 2019-15 on March 21, 2019 selecting Susser Bank (formerly Affiliated Bank) to provide depository services for the City.

Justification for Request: Chapter 105 of the Local Government Code requires cities to go through the application process for depositories every five years. Staff has submitted RFP’s to Susser Bank, Frost Bank and Prosperity Bank. Due to a late submission, staff was only able to review 2 of the listed RFP’s.

Staff thoroughly examined and compared both RFP’s finding performance and policy similarities. However, the determining factor was derived from the attached RFP Bid Cost Analysis.

Recommended Action/Motion: Staff recommends council select Susser Bank to continue providing bank depository services.

Attachments:
Resolution 2024-10
RFP Bid Cost Analysis

BANK RFP BID COST ANALYSIS		Susser		Frost		Notes
Service	Estimated Monthly Volume** May 2024	Unit Price	Extended Estimated Monthly Charges	Unit Price	Extended Estimated Monthly Charges	
Account Maintenance	6	\$ 18.00	\$ 18.00	\$ 23.00	\$ 138.00	Susser - charging for 1 account only
Average Daily Balance Pool Cash Only	\$ 200,000.00	\$ -	\$ -	Bal/1000*0.125	\$ 25.00	Susser - doesn't assess a fee
Account Analysis Statement	6	\$ -	\$ -	\$ -	\$ -	
Deposit Bags	0	\$ -	\$ -	\$ -	\$ -	
Deposit Slip Books	0	\$ -	\$ -	\$ -	\$ -	
Branch Deposits per Deposit	44	\$ -	\$ -	\$ 1.00	\$ 44.00	
Deposit Volume	\$ 88,855.79	\$ -	\$ -	\$ 0.001	\$ 88.86	Susser - doesn't assess a fee
Night Drop Box Deposit	10	\$ -	\$ -	\$ 1.00	\$ 10.00	
Deposited Items On Us	6	\$ 0.15	\$ 0.90	\$ 0.15	\$ 0.90	
Deposited Items Not on Us	324	\$ 0.15	\$ 48.60	\$ 0.15	\$ 48.60	
ACH Credits	142	\$ -	\$ -	\$ 0.20	\$ 28.40	
ACH Debits	24	\$ 0.15	\$ 3.60	\$ 0.20	\$ 4.80	
Checks Written - Debits	99	\$ 0.15	\$ 14.85	\$ 0.20	\$ 19.80	
Internal Transfers	6	\$ -	\$ -	\$ -	\$ -	
Stop Payments	0	\$ 35.00	\$ -	\$ 30.00	\$ -	
Rejected Items	0	\$ 5.00	\$ -	\$ 35.00	\$ -	
Return Items Re-Deposited	0	\$ 5.00	\$ -	\$ 5.00	\$ -	
Return Item Fee	0	\$ 5.00	\$ -	\$ 10.00	\$ -	
Cashiers Checks	0	\$ 10.00	\$ -	\$ -	\$ -	
Same Day ACH Origination	1	\$ 25.00	\$ 25.00	\$ 1.00	\$ 1.00	
ACH Origination Items	250	\$ 0.15	\$ 37.50	\$ 0.15	\$ 37.50	
ACH Origination Module Fee	1	\$ 75.00	\$ 75.00	\$ 25.00	\$ 25.00	
Positive Pay Module Fee	1	\$ 10.00	\$ 10.00	\$ 40.00	\$ 40.00	
Positive Pay Check Clearing Fee Per Item	123	\$ 0.15	\$ 18.45	\$ -	\$ -	
Positive Pay Exception Items	1	\$ 1.00	\$ 1.00	\$ 15.00	\$ 15.00	
Statement Fee	6	\$ -	\$ -	\$ -	\$ -	
Previous Day Reporting Service	1	\$ -	\$ -	\$ -	\$ -	
Previous Day Reporting Detail Items	300	\$ -	\$ -	\$ 0.10	\$ 30.00	
Previous Day Reporting per Account	6	\$ -	\$ -	\$ 25.00	\$ 125.00	Frost - First account is free
Information Reporting Module	1	\$ 25.00	\$ 25.00	\$ 60.00	\$ 60.00	
Total Estimated Monthly Charge			\$ 277.90		\$ 741.86	

RESOLUTION NO. 2024-10

**A RESOLUTION OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS,
SELECTING AN INSTITUTION TO PROVIDE DEPOSITORY SERVICES**

WHEREAS, in accordance with Local Government Code, Chapter 105, the City solicited applications for depository services; and

WHEREAS, at the January 17, 2019 Regular Council Meeting, by Resolution 2019-01, the Dalworthington Gardens City Council did adopt a written policy permitting the consideration of applications from banks not doing business in the City; and

WHEREAS, the City received bids from Frost Bank, Susser Bank and Prosperity Bank; and

WHEREAS, the Dalworthington Gardens City Council believes its in the best interest of the City to choose Susser Bank to provide depository services for the City.

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

1. The Dalworthington Gardens City Council select Susser Bank to provide depository services for the City by acceptance of bid attached hereto as Exhibit "A".

PASSED & APPROVED this 15th day of August, 2024.

CITY OF DALWORTHINGTON GARDENS

Laura Bianco, Mayor

ATTEST:

Sandra Ma, City Secretary

City of Dalworthington Gardens, Texas Depository Services Bid Form

1. Funds Schedule and Deadlines - Please list your Depository's various activity deadlines (Important Criteria #2):

Description of Activity	Deadline
<i>Example: ACH Initiation</i>	
Credit Posting	6:00 pm (Remote and Mobile Deposits) 5:00 pm Branch
Debit Posting	6:00 pm (Remote and Mobile Deposits) 5:00 pm Branch
Wire Transfer Acceptance	4:30 pm
Wire Transfer Initiation	4:30 pm
ACH Acceptance	Anytime throughout the day
ACH Initiation	4:30 pm Business Day Prior to Transaction
Direct Deposit Payroll Transfer	4:30 pm Business Day Prior to Transaction
Utility Billing Draft	4:30 pm Business Day Prior to Transaction
Other:	
Positive Pay Exceptions	12:00 pm
Account Transfers	Immediate - anytime
Other – Same Day ACH	1:00 pm

2. Please explain your Depository's policy and methodology used in setting earnings credit rates (Important Criteria #1):

Our Earnings Credit Rate ("ECR") is not tied to a specific index but is competitive within the market. The ECR is determined by the Executive Management Team of the Bank based on various factors including the interest rate environment, economic conditions, and a competitive market review.

As of 7/17/2024, our ECR is .65% and will be paid on the Average Collected Positive Balance less Reserves on the account analysis account.

3. Does your depository offer a fixed or higher rate of interest if the City agrees to maintain a specified balance? Please explain:

The Bank offers money market accounts based on tiered balances in the account. The Bank also offers an Insured Cash Sweep ("ICS") through IntraFi which provides full FDIC insurance coverage.

Tiers	APR	APY
Less than \$250,000	2.10%	2.12%
\$250,000	2.10%	2.12%
\$500,000	2.85%	2.89%
\$1,500,000	3.40%	3.45%
\$2,500,000	4.50%	4.59%
\$5,000,000	4.75%	4.85%

**Rates are as of 7/17/2024 and subject to change at the Bank's discretion.*

***ICS Rates are based on the stated rate less .15%.*

City of Dalworthington Gardens, Texas Depository Services Bid Form

In addition to money market accounts, the Bank offers Certificate of Deposits with terms up to 60 months. The Bank also offers Certificate of Deposit Account Registry Services ("CDARS") through IntraFi which provides full FDIC insurance coverage.

Certificate of Deposits	APR	APY
3-Months	5.366%	5.500%
6-Months	5.271%	5.400%
9-Months	5.223%	5.350%
12-Months	5.080%	5.200%
18-Months	4.650%	4.750%
24-Months	4.098%	4.500%

**Rates are as of 7/17/2024 and subject to change at the Bank's discretion.*

***Rates are for Certificate of Deposits up to \$250,000.*

****CDARS Rates are based on the stated rate less .15%.*

4. Provide the name, hours of operation, and location of the depository where daily deposits will be made by the City (Required Criteria #1):

We have 10 full-service banking locations throughout Texas including our location at 2326 West Pleasant Ridge Road Arlington, TX 76015 which is 2 miles from Dalworthington Gardens City Hall.

5. Provide the name, hours of operation, and location of the disbursement bank that will be handling the City's checks:

**Susser Bank
Pleasant Ridge Branch
2326 West Pleasant Ridge Road
Arlington, TX 76015**

Hours of Operations

Lobby	Monday to Friday	9:00 a.m. to 5:00 p.m.
Drive-Thru	Monday to Friday	8:00 a.m. to 6:00 p.m.

City of Dalworthington Gardens, Texas Depository Services Bid Form

6. Please specify the days during the year on which the depository is closed for receiving deposits and clearing checks:

Observed Federal Reserve Holidays 2024

New Year's Day	Tuesday, January 1st
Martin Luther King, Jr. Day	Monday, January 15th
President's Day	Monday, February 19th
Memorial Day	Monday, May 27th
Juneteenth	Wednesday, June 19th
Independence Day	Thursday, July 4th
Labor Day	Monday, September 2nd
Columbus Day	Monday, October 14th
Veterans' Day	Monday, November 11th
Thanksgiving Day	Thursday, November 28th
Christmas Day	Wednesday, December 25th

7. Does the bank have an established maximum dollar value limit, which may not be exceeded by an individual check? Are there any other restrictions regarding individual check amounts?

Not applicable.

8. How long are stop payment orders effective? Does the bank offer automatic stop payment over the Internet?

The Bank offers stop payments at the Branch and/or within online banking that expire every 180 days. The Bank does not offer automatic renewals.

9. Please state whether the bank would offer any type of special checking, money market, loan account, or any other incentive for City employees:

Yes, the Bank has an established program for employees of Bank customers with direct deposit payroll. Additional information can be provided upon request.

10. Has the Depository had any significant problems noted by regulatory agencies or by an independent audit in the past 24 months? If "yes", please explain:

The Bank has maintained a satisfactory status with all regulatory agencies and independent audits.

City of Dalworthington Gardens, Texas Depository Services Bid Form

11. Please list the Depository's capital to assets and return on asset ratios for the past three years (Required Criteria #4 along with Required Attachments):

Performance Ratios	2021	2022	2023
Tangible Equity to Tangible Assets	8.90%	7.20%	8.70%
Return on Assets	0.66%	0.50%	0.70%

12. The City does not intend to have a net overdraft position throughout the course of the contract. An overdraft is defined as a negative demand balance in the City account at the end of the day. Should an overdraft occur what are the maximum days the overdraft will be allowed: **3 days**. The maximum of the net overdraft to be allowed: **\$10,000.00**. The interest rate charged for overdrafts would be **0%** per annum computed on an actual day basis for the days and amount of the overdraft.
13. Describe any other cash management or banking services that could be offered to the City and the related charges that would apply:

In addition to customary treasury management solutions, the Bank offers the following additional services, including but not limited to, business credit cards, payroll cards, and merchant processing. The rates and associated fees would vary by activity, usage, balances, and are set by an approved third-party vendor of the Bank.

14. Describe the implementation plan / process you would recommend the City follow if your Depository is chosen by City Council August 15, 2024, for implementation of contract on October 1, 2024:

As the existing provider of all depository and treasury solutions for the City, there would be no disruption to existing banking services. Any new services would require an agreement and training which can be completed within 5-10 business days.

15. If applicable, please list three (3) other Municipal Governments in the State who the City can call for recommendations (please give name, title, and contact number) (Important Criteria #5):

We currently do not provide banking services to any other Municipal Governments in the State; however, the Bank does provide banking services to not-for-profits that follow the Public Funds Investment Act including the following:

**North Texas Higher Education/Higher Education Servicing Corporation
Phillip Wambsganss
Executive Director
817-265-9158 x4150**

City of Dalworthington Gardens, Texas
Depository Services Bid Form

Arlington Convention and Visitors Bureau
Joel McLelland
Chief Financial Officer
817-704-7576

LTTS Charter School
Andrea Butcher
Chief Financial Officer/HR Director
972-255-1800 ext 1010

16. Is your Depository able to meet the legal qualifications and terms and conditions specified in this RFP (Required Criteria #2)?

Yes

17. Is your Depository able to provide sufficient collateral for deposits as described within the RFP (Required Criteria #3)?

Yes

18. Is your Depository able to meet the security clearance and safekeeping procedures described in this RFP (Important Criteria #4)?

At this time, the Bank is unable to pledge securities; however, the Bank can collateralize the City's deposits with a Federal Home Loan Bank Letter of Credit of up to \$3,000,000 as currently provided and/or provide full FDIC Insurance through ICS or CDARS provided by IntraFi.

Attachment A
City of Dalworthington Gardens, Texas
Depository Services Bid Form

19. Services and Fees Chart (Critical Criteria #1 & #2 and Important Criteria #6) – please quote on all line items as the Estimated Monthly Volume reflects one month in 2024 and may not be reflective of the entire year:

Service	Estimated Monthly Volume**	Unit Price	Extended Estimated Monthly Charges
Account Maintenance Discounted	6	1 @ 18.00	\$18.00
Average Daily Balance	\$2,125,407.00	\$0.00	\$0.00
Account Analysis Statement	6	\$0.00	\$0.00
Deposit Bags			
Deposit Slip Books			
Branch Deposits per Deposit	44	\$0.00	\$0.00
Deposit Volume	\$88,855.79	\$0.00	\$0.00
Night Drop Box Deposit	10	\$0.00	\$0.00
Deposited Items On Us	6	\$.15	\$.90
Deposited Items Not On Us	324	\$.15	\$48.60
ACH Credits	142	\$0.00	\$0.00
ACH Debits	24	\$.15	\$3.60
Checks Written - Debits	99	\$.15	\$14.85
Internal Transfers	6	\$0.00	\$0.00
Stop Payments			
Rejected Items			
Return Items Re-Deposited			
Return Item Fee			
Safekeeping Receipt			
Safekeeping Fee per \$1,000 Par Value			
Safekeeping Disbursement Fee			
Security Clearance			
Cashiers Checks			
Same Day ACH Origination	1	\$25.00	\$25.00
ACH Origination Items	250	\$.15	\$37.50
ACH Origination Module Fee	1	\$75.00	\$75.00
Positive Pay Module Fee	1	\$10.00	\$10.00
Positive Pay Check Clearing Fee Per Item	123	\$0.00	\$0.00
Positive Pay Exception Items	1	\$1.00	\$1.00
Statement Fee	6	\$0.00	\$0.00
Previous Day Reporting Service	1	\$0.00	\$0.00
Previous Day Reporting Detail Items	300	\$0.00	\$0.00
Previous Day Reporting per Account	6	\$0.00	\$0.00
Information Reporting Module	1	\$25.00	\$25.00
Total Estimated Monthly Charge			\$259.45

* Incoming ACH includes two (2) utility drafts (Residential & Commercial separate batches) occurring each month. **Based on May 2024.

The Pooled Cash Account handles bi-weekly outgoing payroll ACH files with approximately 45 transactions.

City of Dalworthington Gardens, Texas
Depository Services Bid Form

Susser Bank

Name of Depository

Joshua Burleson, Director of Commercial Banking

Officer's Name & Title (Please Print)



Officer's Signature

7-17-2024

Date

3030 Matlock Road; Arlington, TX 76015

Address

817-987-2632

Telephone Number

817-987-2632

Fax Number

**City Council
Staff Agenda Report**

Agenda Item: 9e.

Agenda Subject: FY 2024-2025 Proposed City Budget: Any necessary discussion or action on changes to the proposed budget only. Official public hearing and budget adoption will take place at the September 19, 2023 Council Meeting.

<p>Meeting Date:</p> <p>August 15, 2024</p>	<p>Financial Considerations:</p> <p>Budgeted:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Financial Stability <input checked="" type="checkbox"/> Appearance of City <input checked="" type="checkbox"/> Operations Excellence <input checked="" type="checkbox"/> Infrastructure Improvements/Upgrade <input checked="" type="checkbox"/> Building Positive Image <input checked="" type="checkbox"/> Economic Development <input checked="" type="checkbox"/> Educational Excellence
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Background Information:

This item is provided as a mechanism by which to discuss any changes to the proposed budget. Any action on this item would not constitute final adoption of the fiscal year budget, but only changes to the proposed budget.

Staff will present any additional budget changes the night of the meeting.

Recommended Action/Motion:

Take any action to make changes to the proposed budget.

Attachments:

none

**City Council
Staff Agenda Report**

Agenda Item: 9f.

Agenda Subject: Discussion and possible action on setting the maximum proposed ad valorem tax rate; setting date for a public hearing on the proposed tax rate; and setting the date at which City Council will adopt the FY 2024-2025 ad valorem tax rate.

<p>Meeting Date: August 15, 2024</p>	<p>Financial Considerations: Engineering Review</p> <p>Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <p><input checked="" 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:

Chapter 26 of the Tax Code outlines requirements for the notice, hearing, and vote on tax rates.

In accordance with Chapter 26, Council will be:

- Voting on a proposed tax rate of which cannot be exceeded when the tax rate is adopted at the September 19, 2024 meeting
- Scheduling and stating the date of a public hearing
- Scheduling and stating the date at which Council will adopt the 2024-2025 tax rate

Recommended Action/Motion:

Motion to approve a proposed ad valorem tax rate not to exceed \$.616040 per \$100 of taxable value; setting the date, time, and location for both a public hearing date and tax rate adoption date as Thursday, September 19, 2024 at 7:00 p.m. to be held in the City Hall Council Chambers, 2600 Roosevelt Drive, DWG, Texas 76016.

Attachments:

None

**City Council
Staff Agenda Report**

Agenda Item: 9g.

Agenda Subject: Discussion and possible action to approve Resolution 2024-09, Supporting A Statutory Amendment to Texas Local Government Code Chapter 394 Regarding Housing Finance Corporations in Municipalities and Counties; Finding that the Meeting at Which this Resolutions is Passed is Open to the Public as Required by Law; and Declaring an Effective Date.

<p>Meeting Date: August 15, 2024</p>	<p>Financial Considerations: Engineering Review</p> <p>Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <ul style="list-style-type: none"> <input checked="" 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
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Background Information:

Mayor was informed at the Mayor’s Council Meeting of an issue arising with neighboring cities regarding the Cameron County Housing Finance Corporation, which is located in south Texas who owns properties throughout the State of Texas which are all tax exempt.

Recommended Action/Motion:

Approve or Deny Resolution 2024-09, Supporting A Statutory Amendment to Texas Local Government Code Chapter 394 Regarding Housing Finance Corporations in Municipalities and Counties; Finding that the Meeting at Which this Resolutions is Passed is Open to the Public as Required by Law; and Declaring an Effective Date.

Attachments:

RESOLUTION NO. 2024-09

A RESOLUTION OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, SUPPORTING A STATUTORY AMENDMENT TO TEXAS LOCAL GOVERNMENT CODE CHAPTER 394 REGARDING HOUSING FINANCE CORPORATIONS IN MUNICIPALITIES AND COUNTIES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Dalworthington Gardens (the “City”) is a Type-A general law municipality located in Tarrant County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation for the State of Texas and;

WHEREAS, the Texas Housing Finance Corporations Act, codified as Texas Local Government Code Chapter 394 (the “Act”), provides regulations for housing finance corporations which can be created by any local government, defined as any municipality or county, for the purposes defined therein; and,

WHEREAS, the purpose of the Act is to provide a means to finance the cost of residential ownership and development that will provide decent, safe, and sanitary housing at affordable prices for residents of local governments; and,

WHEREAS, under the Act, all property owned by a housing finance corporation is exempt from all taxes imposed by this state or any political subdivision of the State of Texas; and,

WHEREAS, the City acknowledges the general purpose of housing finance corporations promotes the public health, safety, morals, and welfare of the citizens within the jurisdiction of a housing finance corporation; and,

WHEREAS, Section 394.005 of the Act provides that the authority granted by the Act to create tax exempt housing does not apply within a municipality with more than 20,000 inhabitants as determined by the housing finance corporation’s rules, resolutions relating to the issuance of bonds, or financing documents relating to the issuance of bonds, unless the governing body of the municipality approves the application of the Act to that property; and,

WHEREAS, City of Dalworthington Gardens has become aware that the Cameron County Housing Finance Corporation, which is located in south Texas, owns properties throughout the State of Texas, outside of Cameron County, which are all tax exempt; and,

WHEREAS, the Cameron County Housing Finance Corporation has adopted an interpretation of Section 394.005 of the Act that the consent of the governing body of a municipality is only required if the housing finance corporation requests such consent; and,

WHEREAS, the City believes that the public interest in the State of Texas to provide affordable housing is undermined by allowing housing finance corporations to create tax exempt housing outside of the jurisdiction of such housing finance corporation without offsetting the burdens placed on municipalities to provide police and fire protection, parks and other public

facilities, code enforcement, and other governmental services that are unfunded due to the tax-exempt status; and,

WHEREAS, the City finds it would be in the best interest of their citizens to seek a statutory amendment that would clarify the authority of housing finance corporations to remove properties from a municipality’s tax rolls without the consent of the municipality.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALWORHINGTON GARDENS, THAT:

SECTION 1.

The foregoing recitals are hereby found to be true and correct findings of the City Council of the City of Dalworhington Gardens, Texas, and are fully incorporated into the body of this Resolution.

SECTION 2.

The City supports an amendment to Chapter 394 of the Texas Local Government Code, attached as Exhibit A.

SECTION 3.

This Resolution shall become effective from and after its passage.

PASSED AND APPROVED THIS THE 15th DAY OF AUGUST, 2024.

Laurie Bianco, Mayor

ATTEST:

Sandra Ma
City Secretary

EXHIBIT A

PROPOSED AMENDMENTS TO THE TEXAS HOUSING FINANCE CORPORATIONS ACT – CHAPTER 394 OF THE TEXAS LOCAL GOVERNMENT CODE

Section 394.005, Local Government Code, is amended to read as follows:

~~This chapter does not apply to~~ The authority of a housing finance corporation does not apply to property located within a municipality that has not authorized, sponsored, or otherwise participated in the creation of the housing finance corporation with more than 20,000 as determined by the housing finance corporation's rules, resolutions relating to the issuance of bonds, or financing documents relating to the issuance of bonds, unless the governing body of the municipality approves the application of this chapter to that property.

Section 394.032, Local Government Code, is amended by adding subsection (f) to read as follows:

(f) A housing finance corporation may only carry out the purposes stated in this chapter within the jurisdictional boundaries of the local government that has authorized, sponsored, or otherwise participated in the creation of the housing finance corporation, except as otherwise provided under Section 394.005.

Section 394.039, Local Government Code, is amended by revising subsection (3) to read as follows:

A housing finance corporation may:

- (1) lend money for its corporate purposes, invest and reinvest its funds, and take and hold real or personal property as security for the payment of the loaned or invested funds;
- (2) mortgage, pledge, or grant security interest in any residential development, home mortgage, note, or other property in favor of the holders of bonds issued for those items; and
- (3) purchase, receive, lease, or otherwise acquire, own, hold, improve, use, or deal in and with real or personal property or interests in that property, ~~wherever the property is located,~~ as required by the purposes of the corporation or as donated to the corporation; and
- (4) sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise dispose of all or part of its property and assets.

Section 394.9025, Local Government Code, is amended by adding subsection (a) and re-designating the remaining subsections to read as follows:

(a) A multifamily residential development covered by this chapter must be located within the jurisdictional boundaries of the local government that authorized, sponsored, or otherwise

participated in the creation of the housing finance corporation, except as otherwise provided under Section 394.005.

~~(a)~~ (b) Following a public hearing, a housing finance corporation may issue bonds to finance a multifamily residential development to be owned by the housing finance corporation if at least 50 percent of the units in the multifamily residential development are reserved for occupancy by individuals and families earning less than 80 percent of the area median family income.

~~(b)~~ (c) Following a public hearing by the governing body of the local government, a housing finance corporation may issue bonds to finance a multifamily residential development to be owned by the housing finance corporation in accordance with Section 394.004 if the housing finance corporation receives approval of the governing body of the local government.

Section 394.903, Local Government Code, is amended to read as follows:

(a) A residential development covered by this chapter must be located within the jurisdictional boundaries of the local government that authorized, sponsored, or otherwise participated in the creation of the housing finance corporation, except as otherwise provided under Section 394.005.

(b) The local government may transfer any residential development site to a housing finance corporation by sale or lease. The governing body of the local government may authorize the transfer by resolution without submitting the issue to the voters and without regard to the requirements, restriction, limitations, or other provisions contained in any other general, special, or local law. The site may be located wholly or partly inside or outside the jurisdictional boundaries of the local government, except as otherwise provided under Section 394.005.

**City Council
Staff Agenda Report**

Agenda Item: 9h.

Agenda Subject: Discussion and possible action to approve Resolution 2024-11, to support legislation allowing part-time Fire fighters more work hours than the current maximum of 24 hours per week.

<p>Meeting Date: August 15, 2024</p>	<p>Financial Considerations: Engineering Review</p> <p>Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <ul style="list-style-type: none"> <input checked="" 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
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Background Information

Since the last Texas legislative session, the City of DWG learned that part time firefighters are limited to a maximum of 24 hours per week. This created a challenge to the city as it seeks to add paid part time firefighters to our fire department along with volunteers and our cross trained DPS staff.

It would be beneficial to the city to have that legislation changed to allow more hours per week if a firefighter has the capacity to do so. TML is working on its legislative agenda for the upcoming legislative session. Cities may submit a resolution for legislation to be added to the legislative agenda by August 26. The addition of the resolution to their legislative agenda would be voted on at the business meeting at the TML Conference in October. Having the backing of TML can greatly assist the chances of a bill becoming law.

In addition to this resolution, whether TML adopts it or not, the city will need to contact our representatives and possibly additional entities to attempt to secure passage of a change to the maximum number of hours requirement for part time firefighters.

Recommended Action/Motion:

Approve Resolution 2024-11 to support legislation allowing part-time Fire fighters more work hours than the current maximum 24 of hours per week.

Attachments: