

Dalworthington Gardens City Council
Regular Meeting Minutes
February 21, 2019
Work Session at 6:05 p.m.
Regular Session at 7:00 p.m.

WORK SESSION

1. Call to Order

Mayor Bianco called the meeting to order at 6:07 p.m. with the following present:

Members Present:

Mayor Laura Bianco
Guy Snodgrass, Alderman, Place 2
Cathy Stein, Alderman, Place 3
Mayor Pro Tem Ed Motley, Place 4
Joe Kohn, Alderman, Place 5

Absent:

Mark McGuire, Alderman, Place 1

Staff Present:

Sherry Roberts, City Administrator
Lola Hazel, City Secretary
Greg Petty Director of DPS
Kay Day, Finance Director

2. Zoning Discussion – Begin with discussion on zoning-related items on the agenda.

Council discussed the following items from the Regular Agenda.

- g. Discussion and possible action to direct staff regarding allowed land uses for the Gardens Town Center Planned Development.
- h. Discussion and possible action to direct staff regarding adding a brew pub to B-2 and/or B-3 commercial zoning districts as a special exception.
- i. Discussion and possible action to direct staff regarding the allowance of a commercial or mixed-use development for property located at 2500 California Lane and 2512 California Lane, Dalworthington Gardens, Texas.
- j. Discussion and possible action to direct staff regarding the City's authority for plat approval.
- k. Discussion and possible action to direct staff regarding allowed land uses for property owned by and adjacent to Arlington Classics Academy, 2800 W. Arkansas Lane, Dalworthington Gardens, Texas.

No action was taken.

3. Agenda Review – Continue agenda review with remaining items, if time permits.

Council discussed other items on the agenda until 6:55 p.m. at which time a short recess was taken before beginning the Regular Session.

REGULAR SESSION

1. Call to Order

Mayor Bianco called the meeting to order at 7:03 p.m. with the following present:

Members Present:

Mayor Laura Bianco
Guy Snodgrass, Alderman, Place 2
Cathy Stein, Alderman, Place 3
Mayor Pro Tem Ed Motley, Place 4
Joe Kohn, Alderman, Place 5

Absent:

Mark McGuire, Alderman, Place 1

Staff Present:

Sherry Roberts, City Administrator
Lola Hazel, City Secretary
Greg Petty, Director of DPS
Kay Day, Finance Director

2. Invocation and Pledges of Allegiance

Mayor Bianco gave the invocation. Pledges were said.

3. Presentation and Proclamations

a. Present certificates for Salvation Army Mayoral Red Kettle Challenge

Mayor Bianco presented certificates to students and student leaders from Arlington Classics Academy Primary Campus for their efforts in ringing the bell at the 2018 Salvation Army's Mayoral Red Kettle Challenge.

4. Items of Community Interest

The following items were presented.

- City Council Meeting – February 21 at 7 p.m.
- Historical Committee Meeting – March 14 at 6:30 p.m.
- Easter Egg Hunt – April 13, 10 a.m. – 12 p.m.
- Day with the Law – May 18
- Movie Night in Gardens Park: Sandlot - May 18 at 8:15 p.m.
- Concert in the Park – June 15 at 7:30 p.m.
- Ice Cream Social – July 20, 6:30 p.m. to 8:30 p.m.
- Movie in the Park – July 20 at 8:45 p.m.
- Concert in the Park – September 21 at 7:30 p.m.
- National Night Out – October 1
- Trunk or Treat – October 26, 5:30 p.m. to 7 p.m.
- Christmas in the Park/Santa Photos – December 8, 2-4 p.m.

5. Public Hearing

a. Conduct a public hearing to receive citizen input for the proposed 45th Year Community Development Block Grant.

Mayor Bianco opened the public hearing at 7:12 p.m.

Background information on this item: Council approved the 45th Year CDBG project at the December 20, 2018 Council Meeting. The reconstruction of Ambassador Row from Madrid Court to Roman Court, as well as the reconstruction of the water and sewer facilities in this street.

1. Mayor Laura Bianco expressed support for this project.
2. Mayor Pro Tem Ed Motley expressed support for this project.
3. Alderman Joe Kohn expressed support for this project.
4. Alderwoman Cathy Stein expressed support for this project.

The following citizens did not wish to speak but did fill out a comment card to record support for this project.

1. Kenneth Kiser, 2815 Broadacres, DWG, Texas
2. Phil Szurek, 2801 Sunset Lane, DWG, Texas
3. Brad Catlett, 3700 S. Bowen Road, DWG, Texas
4. Alice Lafferty, 3508 Rainer Drive, DWG, Texas
5. Steve Lafferty, 3508 Rainer Drive, DWG, Texas
6. Mike Redden, 3111 Sieber Drive, DWG, Texas
7. Michelle Redden, 3111 Sieber Drive, DWG, Texas
8. Ben Dodson, 2705 Whisperwood Trail, DWG, Texas
9. Tracy Dodson, 2705 Whisperwood Trail, DWG, Texas

6. Citizen Comments

1. Mike Redden, 3111 Sieber Drive: spoke in favor of changes to the ordinance for wrecker services and provided a list of suggested changes to the ordinance.

7. Mayor and Council Comments

- **Mayor Laura Bianco:** Thanked Cathy Stein and the Park Board for the Great Backyard Bird Count event; thanked Suzanne Dwyer who recently helped staff with clerical tasks; thanked members from the Citizens Public Safety Academy Alumni Association for making warrant calls; and welcomed Joe Kohn to the position of Alderman, Place 5.
- **Guy Snodgrass:** No comments.
- **Cathy Stein:** No comments.
- **Mayor Pro Tem Ed Motley:** Thanked staff for their hard work on the recent budget review meeting held on February 11, 2019. Thanked Mayor Bianco for her hard work and efforts.
- **Joe Kohn:** Passed along positive comments from those who took the Stop the Bleed class. Thanked staff for efforts in bringing him on board as a new council member.

8. Departmental Reports

- a. **Park Board Update**
- b. **DPS Report**
- c. **Financial Reports**

Departmental Reports were presented.

A motion was by Council Member Joe Kohn and seconded by Mayor Pro Tem Ed Motley to approve Departmental Reports.

Motion carried by the following vote:

Ayes: Snodgrass, Stein, Motley, and Kohn

Nays: None

9. Consent Agenda

- a. **Approval of December 20, 2018 minutes.**
- b. **Approval of January 17, 2019 minutes.**
- c. **Consider a resolution to approve an Interlocal Agreement for mutual aid in fire protection and emergency medical services.**
- d. **Ordinance approving FY 2018-2019 budget amendments.**
- e. **Resolution ratifying Council's decision to select Bowman Landscape Construction LLC. as contractor for the Estates Drive drainage project.**
- f. **Racial Profiling Report.**

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to approve the Consent Agenda with the following correction in the December 20, 2018 minutes:

Mayor Bianco called the meeting to order at 7:00 p.m. with the following present:

Staff Present: Sherry Roberts, City Administrator; ~~Lola Hazel, City Secretary~~; Greg Petty, Chief of DPS; Kay Day, Finance Director

Motion carried by the following vote:

Ayes: Snodgrass, Stein, Motley, and Kohn

Nays: None

10. Regular Agenda

- a. **Consider approval of a resolution to select a firm to provide general engineering and related surveying services for the City; and to authorize staff, city attorney, and/or Mayor to begin contract negotiations.**

Background information on this item: The City received six qualification packets in response to our request for qualifications for engineering and related surveying services. The Engineering Services RFQ Committee met on Friday, February 8 to review and discuss submissions, and has selected Topographic to recommend to City Council as the firm deemed most qualified. Council may select the recommendation from the Committee or may select a different firm with which to begin contract negotiations.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve a resolution to select Topographic to provide general engineering and related surveying services for the City; and to authorize staff to begin contract negotiations.

Motion carried by the following vote:

Ayes: Snodgrass, Stein, Motley, and Kohn

Nays: None

- b. **Discussion and possible action to direct staff regarding the City's ordinance for committee appointments.**

Background information on this item: When working on adding an agenda item for appointing a committee, staff began looking at ordinances to ensure there were no requirements for appointing committees. The process in the past has been to allow the mayor to appoint committee members. However, staff has found an ordinance that contradicts that assumption. State law has no requirements for appointing committees, but the city's ordinance is stricter than state law and does stand as written.

Staff would like direction on whether or not council would like to continue with this ordinance as written. If Council wants to continue the ordinance as written, what this will mean is every committee created has to adhere to the Open Meetings Act (OMA) requirements making meetings open to the public. Also, the ordinance appears to prohibit council members from serving on these committees, meaning citizens other than council members should be serving on these committees. Examples of these committees are the Roof Committee, the City Hall Building Committee, and any other committee created for a short-term purpose.

Council provided the following direction to staff regarding changes to the ordinance:

- Advisory committee members shall be appointed by the council
- No more than two members of council shall be on any advisory committee
- Advisory committees can include citizens not serving on council

No action taken on this item.

c. Discussion and possible action regarding the creation of an audit committee.

Background information on this item: Last year, an audit committee was created to more closely review the audit prior to presentation at the March Council meeting. As stated in the previous agenda item, if Council wishes to again have an audit committee, it cannot be created as it was last year. Staff's suggestion is Council not create a committee but to have staff send the audit out well in advance of the March meeting to allow comments from Council.

No action taken on this item.

d. Consider approval of a resolution to select a vendor for Project #2019-03, City Hall roof repair.

Background information on this item: Staff began the process to have the city hall roof replaced. Once it was realized that the cost would be greater than \$50,000, Dick Perkins was asked to help formulate specs for a new roof. Once this was done, staff advertised in the Commercial Recorder and on CivCast for sealed bids to be opened on February 15 at 2:00 p.m. The roof committee will meet in the early week of the Council meeting to go over bids and seek out a recommendation from Dick Perkins.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to select Joe Hall Roofing for Project #2019-03, City Hall roof repair, subject to receiving written confirmation of recommendation for Joe Hall Roofing from the city's engineer for said project.

Motion carried by the following vote:

Ayes: Snodgrass, Stein, Motley, and Kohn

Nays: None

e. Discussion and possible action to direct staff regarding the City's ordinance and processes for wrecker services.

Background information on this item: During the city's auditing review, a revenue account was randomly chosen for Cowboy Towing, the sole company used for towing of vehicles in the city as it relates to police cases. Upon this random selection, the auditor requested backup documentation for various receipts and any contract with said company. After searching city documents, it appears a "letter of convenience" should be on file with the city for services with Cowboy Towing. Minutes and Resolution 99-10 are attached proving City Council's approval of said letter of convenience.

The two problems needing a resolution are the lack of a letter of convenience and the ordinance requirement for renewal of said letter of convenience annually as indicated in Section 4.06.073 of the City's ordinance. Staff is requesting direction on whether or not Council would like to continue the process listed in the ordinances. If

Council does want to continue process as written, staff will ensure compliance and obtain a letter of convenience from Cowboy Towing.

The ordinance allows “police pounds” within a three (3) mile radius of the city’s boundary to be considered to provide wrecker services. Cowboy Towing meets this requirement. Cowboy Towing would just need to draft a letter of convenience (Application requirement, Sec. 4.06.064) meeting the ordinance requirement, and pay the required application fee of \$50 per Article A9.000 of the city’s ordinance.

Council directed staff to bring back suggested revisions to the ordinance.

No action taken.

f. Discussion and possible action on selecting a vendor for project #2019-02, miscellaneous drainage improvements on California Lane, from Bowen Road to Park Drive.

Background information on this item: This project is for installing headwalls and concrete drives on the California Lane project. Council was given two bids for this project on February 11 and they are as follows:

Nu-Way Construction \$327,945.00
Acadia Services, LLC \$279,260.00

At the February 11 special council meeting, staff was given directions to seek answers to the following questions:

What sprinkler system repair is needed in the specs? This item was included in the bid as a buffer in case there had to make any modifications to the sprinkler systems (if needed) for constructing the proposed headwalls. You don’t have to pay the contractor if he does not perform this task.

Are the raised pavement markers necessary? Since the ditches are deeper and steeper than, it will provide additional safety for drivers at night to see the limits of roadway during harsh and wet weather conditions. I think they are necessary.

Can we remove the sod item and have a landscape company do this? Yes. You have to notify Acadia Services that you are removing this item from the contract.

Staff recommends approving the low bidder, Acadia Services, LLC for \$279,260 and discuss the removal of the sod item with an Acadia representative.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to award the bid for project #2019-02, miscellaneous drainage improvements on California Lane, from Bowen Road to Park Drive, to Acadia Services, LLC with following changes: removal of sprinkler system, and to go with lesser in cost of raised pavement markers or a broken center stripe, with preference towards a broken center stripe.

Motion carried by the following vote:
Ayes: Snodgrass, Stein, Motley, and Kohn
Nays: None

g. Discussion and possible action to direct staff regarding allowed land uses for the Gardens Town Center Planned Development.

Background information on this item: Gardens Town Center was approved as a Planned Development with specific uses being allowed on the seven parcels of land included in the development.

The following are the only uses allowed in the Planned Development as approved in Ordinance 04-14:

The Property shall be limited to the following allowable uses typically found in community shopping centers: pharmacy with drive windows, grocery with drive windows, retail stores, (beauty supply, clothier, shoe, florists, video rental), service retail, (tailor, shoe repair, cleaners, hair/nail salon, phone store), restaurants with drive window, food service, (coffee and pastry, sandwich shop, ice cream shop), automotive, (tire sales or new part sales), professional office uses, (optical, dental, medical, financial services, insurance, legal, real estate, engineer, architect, banking institution with drive window).

Staff is looking for direction on whether or not Council would consider adding a hotel to the allowed uses for lots 4B and 6 as shown on the included map. If Council would like to consider adding this use, staff would contact the property owner, and then be required to go through the zoning change process of publishing notice, going to the Planning and Zoning Commission, and then coming back to Council for final approval.

Comments were made by council regarding the possibility of entertaining a hotel at this location depending on the proposal. No action was taken.

h. Discussion and possible action to direct staff regarding adding a brew pub to B-2 and/or B-3 commercial zoning districts as a special exception.

Background information on this item: Staff has been in contact with a business owner wanting to bring a brew pub to DWG. This particular use is listed in the recently approved mixed-use overlay district ordinance, but the use does not fit in any other district. This business owner is looking at properties along Arkansas Lane as that area better fits his needs. He wants to be in DWG and not Arlington, so staff has been diligently working with him to find an appropriate place. One of the ways staff is attempting to be more business friendly is to do some of the leg work for businesses prior to them submitting any permitting documentation, which is the reason for this to be on the agenda prior to any official business plan being received.

One place he is looking at is directly across from Arlington Classics Academy (ACA) which is located in the B-3 commercial zoning district. Because the proposed business would be serving alcohol, state law would require the city to notify schools within 1,000 feet and churches with 300 feet. If the school then sent a letter of opposition, the business owner would then need to request a variance in accordance with city's ordinance. Staff has been in contact with ACA and they will be placing on their board's February 21 agenda for consideration. This was a proactive approach to finding out the school's position on the matter.

Staff believes a brew pub would make the most sense in the B-3 zoning district with uses on the exterior boundary of the city, but listed B-2 on the agenda for consideration. The use could be added to the list of special exceptions and conditions be listed for the use to better control this type of use.

If Council wants to consider adding this use, staff would need to go through the zoning change process of publishing notice, going to the Planning and Zoning Commission, and then coming back to Council for final approval.

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to direct staff to begin the process to add a special exception for a brew pub to the B-2 business district, the B-3 business district, and the LI light industrial district.

Motion carried by the following vote:
Ayes: Snodgrass, Stein, Motley, and Kohn
Nays: None

i. Discussion and possible action to direct staff regarding the allowance of a commercial or mixed-use development for property located at 2500 California Lane and 2512 California Lane, Dalworthington Gardens, Texas.

Background information on this item: Staff has been approached on more than one occasion about the possibility of a commercial or mixed-use development on property located at the corner of California Lane and Bowen Road which owned by the Turnbough family. That piece of property is currently zoning residential and is marked for residential development on the Future Land Use Map. However, with the city currently reviewing and making changes to the Comprehensive Plan, that land use could potentially be marked for commercial in the future.

Even though the Comprehensive Plan isn't finalized, staff would like input from Council on whether or not that location should be considered for commercial. The Planning and Zoning Commission has suggested Bowen Road be considered for commercial on a larger scale, but the land use map won't be changed until after our March town hall following citizen input.

If Council would like to consider that corner for commercial development, the property owner would be required to file and pay for a zoning change request, and staff would then publish and notify residents in accordance with law. Then, the request would go before the Planning and Zoning Commission and City Council for consideration.

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

Motion carried by the following vote:
Ayes: Snodgrass, Stein, Motley, and Kohn
Nays: None

j. Discussion and possible action to direct staff regarding the City's authority for plat approval.

Background information on this item: State law allows a city to make the Planning and Zoning Commission the final authority for approval of plats. Currently, the DWG City Council is that authority in our city. The reason a city would want to change from the Council to the Planning and Zoning Commission is to speed up the timeline of plat approval for both citizens and potential developers.

Platting is black and white – either a plat meets city ordinance and state law or it doesn't. State law requires a city to approve a plat if it meets both state law and city ordinance. With the decision being so black and white, staff's recommendation is to change the authority for platting to the Planning and Zoning Commission.

If Council agrees with this change, staff would be required to publish notice of the change as it would affect city ordinance, and then go before the Planning and Zoning Commission and back to Council for final approval.

This item was not called. No action taken.

k. Discussion and possible action to direct staff regarding allowed land uses for property owned by and adjacent to Arlington Classics Academy, 2800 W. Arkansas Lane, Dalworthington Gardens, Texas.

Background information on this item: In discussions with ACA about traffic on Arkansas Lane, staff learned about the prohibition of building on the vacant land next to the ACA buildings. When Council approved the concept plan, part of the approval included a prohibition on building on lot 2 where the Pecan groves are located. ACA owns this property and could use it for parking. Staff is asking for direction on whether or not Council would agree to change the Planned Development to allow putting a parking lot there.

The city does have an ordinance requiring a certain number of trees. As the Pecan trees seemed to be the reason for the disallowance of building on the lot, staff would recommend having ACA plant other trees elsewhere on the lot in their place.

If Council agrees to the change, staff would be required to follow the zoning change process of publishing necessary notices, going before the Planning and Zoning Commission, and then back to Council for final approval.

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

Motion carried by the following vote:
Ayes: Snodgrass, Stein, Motley, and Kohn
Nays: None

1. Discussion and possible action to set a date and time for a work shop to prepare for the March town hall meeting.

No action taken.

11. City Administrator Items

The following items were presented.

- a. Project updates**
- b. City Hall Building Committee update**

12. Executive Session

a. Recess into executive session pursuant to Texas Government Code, Section 551.071, consultation with attorney, to wit: oil and gas matters.

The Mayor recessed into Executive Session at 8:39 p.m. for this item.

b. Reconvene into Regular Session to discuss and take possible action regarding oil and gas matters.

Council reconvened into Regular Session at 8:49 p.m. No action was taken on this item.

13. Future Agenda Items

- 1. Accessory building ordinance
- 2. Ground water conservation fee

14. Adjourn

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to adjourn the meeting at 8:51 p.m.

Motion carried by the following vote:
Ayes: Snodgrass, Stein, Motley, and Kohn
Nays: None