

**MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON MARCH 20, 2023 AT 6:00 P.M. IN THE COUNCIL CHAMBERS, 2600 ROOSEVELT DRIVE, DALWORTHINGTON GARDENS, TEXAS.**

*While the order of some agenda items may have been changed, the following represents all items discussed and acted upon by the City Council.*

**WORK SESSION**

**1. CALL TO ORDER**

Mayor Bianco called the meeting to order at 6:00 p.m. with the following present:

**Members Present:**

Laura Bianco, Mayor  
John King, Alderman, Place 1  
Steve Lafferty, Alderman, Place 2  
Cathy Stein, Alderman, Place 3  
Ed Motley, Mayor Pro Tem; Alderman, Place 4  
Mark McGuire, Alderman, Place 5

**Staff Present:**

Lola Hazel, City Administrator  
Greg Petty, DPS Director  
Kay Day, Finance Director

**2. WORK SESSION**

- a. Receive FY 2021-2022 audit presentation from BrooksWatson & Co., PLLC. Action to accept the audit by resolution will be taken in the 7:00 Regular Session.**

Presentation received.

- b. Receive presentation from City Engineer on paving and drainage solutions for Broadacres Lane.**

Presentation received. All citizen comments are compiled and recorded under the same agenda item in the Regular Session.

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

**REGULAR SESSION**

**1. CALL TO ORDER**

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

**Members Present:**

Laura Bianco, Mayor  
John King, Alderman, Place 1  
Steve Lafferty, Alderman, Place 2  
Cathy Stein, Alderman, Place 3  
Ed Motley, Mayor Pro Tem; Alderman, Place 4  
Mark McGuire, Alderman, Place 5

**Staff Present:**

Lola Hazel, City Administrator  
Greg Petty, DPS Director  
Kay Day, Finance Director

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

Mayor Bianco gave the invocation. Pledges were said.

## **3. PRESENTATIONS AND PROCLAMATIONS**

### **a. Presentation of Hero Award to Dillon and Kara Kinney for life saving events performed on February 19, 2023.**

Mayor Bianco presented a Hero Award to Dillon and Kara Kinney for life saving events performed on February 19, 2023.

## **4. ITEMS OF COMMUNITY INTEREST**

The following items were presented.

- a. Easter Bunny Event, Sunday, April 2**
- b. Plant Swap on Earth Day, Saturday, April 22**
- c. Park Workday, Saturday, May 13**
- d. Free Fishing Day, Saturday, June 3**
- e. Park Workday, Saturday, July 8**
- f. Ice Cream Social, Saturday, July 15**
- g. Park Workday, Saturday, September 15**
- h. National Night Out, Tuesday, October 3**
- i. Trunk-or-Treat, Saturday, October 21**
- j. Park Workday, Saturday, November 11**
- k. Pictures with Santa, Sunday, December 3**

## **5. CITIZEN COMMENTS**

Todd Sherman, 2805 Broadacres Lane: Expressed appreciation for work everyone is doing in city.

## **6. MAYOR AND COUNCIL COMMENTS**

Mayor Bianco: Our hearts, thoughts, and prayers go out to the Ralph and Gail Parks whose home caught on fire on February 19. We had a monumental event at our new City Hall. Jim Robinson and Sandy Riney are both DWG residents who met in a CPSA class. Jim and Sandy exchanged vows on March 3, 2023 with Sheriff Waybourn officiating the wedding services. Congratulations Jim and Sandy! In DWG fashion, and since Jim was a former fire fighter, they were escorted to their reception venue via the DWG uber service, compliments of Chief Petty. Thank you, Austin Bass, for being the chauffeur of the fire truck.

John King: None.

Steve Lafferty: None.

Cathy Stein: Let everyone know that volunteers gave 14 hours of work at the March work day.

Ed Motley: Welcome everyone here, come back any time and sit back and watch us. Shout out to all city staff and everything they do for the city, everything runs well.

Mark McGuire: Thanks to DPS for the fire at the Parks' home. Spoke to being able to hear the fire and it was humbling to hear and see.

## **7. DEPARTMENTAL REPORTS**

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

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

Departmental Reports were presented.

## **8. CONSENT AGENDA**

- a. Approval of Ordinance No. 2023-05 canceling the May 6, 2023 general election and declaring unopposed candidates elected.**
- b. Consider approval of Resolution No. 2023-04 accepting the FY 2021-2022 annual financial audit.**
- c. Ratification of an ordinance approved at the February 16, 2023 Council Meeting; Ordinance No. 2023-06 amending the City of Dalworthington Gardens Code of Ordinances, Chapter 11, Taxation, Article 11.04, Hotel Occupancy Tax, by amending the delinquent penalty provision to provide a method of calculating the interest rate charged on delinquent taxes.**
- d. Approval of Resolution No. 2023-03 correcting and replacing an appointment to the Zoning Board of Adjustment initially made at the February 16, 2023 Council Meeting.**
- e. Approval of December 15, 2022 regular meeting minutes.**
- f. Approval of January 19, 2023 regular meeting minutes.**

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve the Consent Agenda except for item 8c which was pulled off for individual discussion.

Motion carried by the following vote:

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

Nays: None

## **9. REGULAR AGENDA**

- a. Discussion and possible action on paving and drainage solutions for Broadacres Lane.**

Background information on this item: At the October 22, 2022 Council Meeting, council approved to begin implementing the Broadacres Lane project to include drainage, spot pavement repairs, and valve installation/replacement as needed.

In early 2023, concerned citizens reached out about the proposed project. The item was placed on the February 16, 2023 agenda for council discussion. The city engineer was asked to attend the March 20, 2023 to provide a presentation on the proposed solutions to council and citizens.

The City Engineer has provided maps, proposed repair plans, photos, and a memo of the proposed paving and drainage solution for Broadacres and presented the information during the 6 pm work session.

- John Henderson, 2813 Broadacres: Inquired about area being graded.
- Todd Batiste, 2808 Broadacres Lane: Spoke to citizen involvement in design process, and spoke to debris getting caught in yards. Suggested taking part of road near 2805 Broadacres Lane, Sherman's house, and building drainage into the road itself rather than creating separate drainage and just patching the road.
- Richard Sherman, 2805 Broadacres Lane: Spoke to grading plan and said it's a broad area, aggregating all the water, and aims the water at his house. Suggested small ditch along fence line next door and drain naturally in the back yard there without having it go across the sidewalk. Stated Council Member Cathy Stein mentioned the street repair should be expanded in front of his house. Suggesting having an overall approach to the project, not just parts of it.
- Dick Parker, 2901 Harder Lane: Stated he is the first curb house in street. Spoke to not addressing how water comes in that area. Stated he is a Texas real estate broker and appraiser. He said houses at the end of Broadacres were in the flood area according to FEMA maps.
- Todd Sherman, 2805 Broadacres: Asked if there is a material barrier between the sub soil and aggregate. Answer was there's a filter fabric that goes underneath the rock. Spoke to maintenance needs and clogged paver drainage system over time as system is in place for some time. Asked if there is sufficient drainage so it will be absorbed by the aggregate. Spoke to how the pavers will attract drainage so barriers between take water into the drainage system. Asked if the area can be leveled out because the barriers are not uniformed along the street.
- Rain Hamby, 2910 Harder Drive: Inquired about studies conducted on how additional water will affect Harder Drive since more will be brought down. Stated they already have a water issue. Asked about the flume cleanout and them trying to get private property owners to clean out their portions.
- Bill Beall, 2820 Broadacres Lane: Inquired about the 24" pipe that goes under the cul de sac, then goes to creek. He put in retaining wall at his cost and doesn't know if it can handle much more water because it's real shallow.
- John Morris, 2903 Harder Lane: Stated their property backs up to Bill Beall's property. Asked what year the drainage is designed for and the engineer stated the 100 year.
- Ray Moore, 2814 Broadacres Lane: Spoke to width of sidewalk and slope. Spoke to maintenance program for keeping paver system clean.
- Peter Knapp, 2807 Broadacres Lane: Inquired as to how erosion would be mitigated, the elevation of the crown of the road, and low point of sidewalk.
- Carrie Moore, 2814 Broadacres Lane: Spoke to the driveway slanting down and causing water to come in house. Asked what transition would there be from sidewalk to driveway.
- John Henderson, 2813 Broadacres Lane: Inquired about how many trees would be removed for project. Spoke to gas line company being out to survey their lines and asked if they report that to the city. Inquired how vac trucks would get to line to clean it up.
- Todd Batiste, 2808 Broadacres Lane: Spoke to sidewalk not carrying water near his yard because it's flat.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to instruct the engineer to further develop the plans for solutions that he submitted, and incorporate some of the ideas heard today.

Motion carried by the following vote:

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

Nays: None

**b. Discussion and possible action on proposed changes to the City Park Reservation Form and any associated city ordinances, subject to city attorney approval.**

Background information on this item: The Park Board is suggesting changes to the Park Reservation Form. Because changes would affect city ordinances as that is the origin of most of the form content, they are being presented to City Council for consideration.

A motion was made by Council Member Cathy Stein and seconded by Council Member John King to approve changes to the City Park Reservation Form and any associated city ordinances, subject to city attorney approval.

Motion carried by the following vote:

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

Nays: None

**c. Discussion and possible action to approve Ordinance No. 2023-07 amending the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, Section 14.02.031, Special Exception, to allow special exceptions for fence height.**

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

Background information on this item: After a recent special exception request for a fence, City Council instructed our attorney's office to ensure the appropriate special exception item included all fences. Special exceptions come to both Planning and Zoning and City Council for approval. This was recently changed as previously special exceptions went to the Zoning Board of Adjustment. Variances, which currently include fences, come to the Zoning Board of Adjustment for approval. The proposed highlighted item changes this so all fences not meeting ordinance requirements would follow a special exception process instead of a variance process which means said fence cases are heard by City Council instead of the Zoning Board of Adjustment.

Mayor Bianco opened the public hearing at 8:34 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 8:34 p.m.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve Ordinance No. 2023-07 amending the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, Section 14.02.031, Special Exception, to allow special exceptions for fence height.

Motion carried by the following vote:

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

Nays: None

**d. Discussion and possible action regarding replacement of street lighting on Ambassador Row, and addition of lighting on Arkansas Lane.**

Background information on this item: Staff received a complaint from a citizen a while back about lighting in the Ambassador Row neighborhood, and has been working for some time to find the right solution. The entire neighborhood was surveyed for lighting and then eventually narrowed down to the parking lot because of cost. Staff then tried to include said lighting in the Tarrant County CDBG grant application submitted January 2023, but did not have details nailed down in time to include it. However, just to note, the total cost of the CDBG project is quoted at \$252,217 (which includes contingency) with Tarrant County only covering, at most, \$175,000. So, any additional lighting would have been paid by the city for this project.

Oncor has offered to place a street light at no cost to the city on Arkansas Lane near the DWG pump station. Although this isn't exactly where the city desired, it is across from Madrid Court and adds light where there is none on that stretch of Arkansas Lane. The city would have preferred the lighting be on the north side at Madrid Court,

but Oncor can't place the light there because there are too many existing utilities on that pole. The approximately added monthly electricity cost would be between \$10-\$30 (estimated from current billing amounts).

Oncor has also provided two quotes for light replacement in the parking lot on Ambassador Row. Just replacing the lamps would be approximately \$11,000, and adding a new pole with double lights, which would be recommended by staff, would be \$19,000. The existing poles are high pressured sodium and Oncor no longer carries them, plus they do not support LED lighting.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to bring back new pricing based on three double lights, not four, last light on Madrid to be a single light, and ask if the light on Arkansas Lane is LED.

Motion carried by the following vote:

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

Nays: None

**e. Discussion and possible action entering into an agreement for professional services with Teague Nall and Perkins for a Topographical Survey for the DPS Building.**

Background information on this item: AME Engineering is needing a topographical survey of the DPS building to complete drawings for the wheelchair accessible ramp in the DPS remodel. As noted in article I of the proposal the basic survey is \$3,400 and only focuses on the area pertaining to the proposed ramp location at the main lobby entrance on the south side of the building. We have the option of adding a "as-built survey" of the remainder structure (not including topo) for an additional \$6,500.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to approve an agreement for professional services with Teague Nall and Perkins for a Topographical Survey for the DPS Building.

Motion carried by the following vote:

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

Nays: None

**f. Discussion and possible action to provide direction to staff regarding changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, Section 14.02.224, B-3 Business District, regarding the permitted use of smoking establishments.**

Background information on this item: The B-3 Business District allows smoking establishments as a permitted use with the following conditions:

- A. Any smoking establishment seeking a certificate of occupancy after October 1, 2012 must be located at least 1,000 feet from any other smoking establishment.
- B. The distance of 1,000 feet shall be measured in a direct line as the crow flies from property line to property line of the smoking establishments without regard to streets, walkways, walls or any other obstruction.

Thus, if a property sold to a new owner or had a new tenant, and the business was closer than 1,000 feet from another smoking establishment, the use could no longer continue because new ownership and/or new tenants would prompt a brand-new certificate of occupancy.

The best use of certain properties in the city is associated with a smoking component. If the use is discontinued on these properties, they may sit vacant as it would cause a burden on property owners to remodel structures to completely change a use.

A suggested text change would be for the use, not a specific tenant, to continue at locations already in existence before October 1, 2012. That way all new locations, instead of new CO holders, could continue existing uses, and potentially, over time, make changes to structures to change uses.

Any suggested ordinances changes are required to go to the Planning and Zoning Commission prior to council approval.

A motion was made by Council Member Cathy Stein and seconded by Council Member Mark McGuire to consider ordinance change to be based consecutive, continued use instead of certificate of occupancy.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and McGuire

Nays: None

Abstentions: Member Motley

**g. Discussion and possible action regarding changes to the City Investment Policy.**

No action taken.

**h. Discussion and possible action to set work session date for Department Head Work Plans.**

A work session was set for Wednesday, April 19, 2023.

**i. Discussion and possible action to set a work session date for the Comprehensive Plan.**

A work session was set for Wednesday, April 19, 2023.

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

Not needed.

**g. Ratification of an ordinance approved at the February 16, 2023 Council Meeting; Ordinance No. 2023-06 amending the City of Dalworthington Gardens Code of Ordinances, Chapter 11, Taxation, Article 11.04, Hotel Occupancy Tax, by amending the delinquent penalty provision to provide a method of calculating the interest rate charged on delinquent taxes.**

A motion was made by Council Member Cathy Stein and seconded by Council Member Steve Lafferty to approve the change that penalties are charged immediately after the due date.

Motion carried by the following vote:

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

Nays: None

**10. TABLED ITEMS**

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

**11. FUTURE AGENDA ITEMS**

None

**12. EXECUTIVE SESSION**

Council recessed into Executive Session at 9:03 p.m.

**a. Recess into Executive Session for the following:**

- i. Pursuant to Texas Government Code, Section 551.071, Attorney Consultation, regarding a Settlement Agreement and Mutual Release with Spectrum Gulf Coast, LLC settling a dispute over franchise fees and PEG fees in the case styled City of Allen, Texas et al., v. Time Warner Cable Texas, LLC d/b/a Spectrum and Charter Communications, Case No. 6:10-cv-345-ADA-DTG.**
- ii. Pursuant to Texas Government Code, Section 551.071, Attorney Consultation, regarding trademark registration for the City's logo(s).**
- iii. Pursuant to Texas Government Code, Section 551.074, Personnel Matters, regarding the City Building Official.**
- iv. Pursuant to Texas Government Code, Section 551.071, Attorney Consultation, and Section 551.074, Personnel Matters, regarding fringe benefits for the Public Works Director.**

Council recessed into Regular Session at 9:20 p.m.

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

- i. A Settlement Agreement and Mutual Release with Spectrum Gulf Coast, LLC settling a dispute over franchise fees and PEG fees in the case styled City of Allen, Texas et al., v. Time Warner Cable Texas, LLC d/b/a Spectrum and Charter Communications, Case No. 6:10-cv-345-ADA-DTG.**

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to accept a Settlement Agreement and Mutual Release with Spectrum Gulf Coast, LLC settling a dispute over franchise fees and PEG fees in the case styled City of Allen, Texas et al., v. Time Warner Cable Texas, LLC d/b/a Spectrum and Charter Communications, Case No. 6:10-cv-345-ADA-DTG.

Motion carried by the following vote:

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

Nays: None

- ii. Trademark registration for the City's logo(s).**

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to direct city attorney on what was discussed in executive session.

Motion carried by the following vote:

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

Nays: None

- iii. The City Building Official.**

No action taken.

- iv. Fringe benefits for the Public Works Director.**

No action taken.

### **13. ADJOURN**

The meeting was adjourned at 9:21 p.m.