

MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON February 15, 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
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
Cheyennena Althoff, Finance Assistant
Sandra Ma, City Secretary/Court Administrator

2. WORK SESSION

- a. **Work session with Douglas Gilliland, Taurus of Texas GP, LLC on Lot 6 of Garden Town Center.**
Presentation Received.
- b. **Work Session on other listed agenda items, if time permits.**

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 6:16 p.m.

(1) Pursuant to Texas Government Code, Section 551.071, Attorney Consultation, and 551.074, Personnel Matters, regarding the City Administrator, City Secretary, Finance Director, Finance Assistant, Public Works Director, and Court Clerk/Administrative Services Clerk.

(2) Pursuant to Texas Government Code, Section 551.074, Personnel Matters regarding Planning and Zoning Appointment.

City Council reconvened into Regular Session at 6:59 p.m. Action was deferred until 7:00 p.m.

(1) Pursuant to Texas Government Code, Section 551.0171, Attorney Consultation, and 551.0174, Personnel Matters, regarding the City Administrator, City Secretary, Finance Director, Finance Assistant, Public Works Director, and Court Clerk/Administrative Services Clerk.

No action taken

(2) Pursuant to Texas Government Code, Section 551.074, Personnel Matters regarding Planning and Zoning Appointment.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to appoint Thomas McCarty as the alternate on Planning and Zoning.

Motion carried by the following vote:

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

Nays: None

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:

Greg Petty, DPS Director/City Administrator

Kay Day, Finance Director

Cheyennena Althoff, Finance Assistant

Sandra Ma, City Secretary/Court Administrator

2. INVOCATION, AND PLEDGES OF ALLEGIANCE

Mayor gave invocation. Pledges were said.

3. PRESENTATIONS AND PROCLAMATIONS

a. Salvation Army Mayoral Challenge Per Capita Award.

Anna Maslenikova presented award to Mayor Bianco

4. ITEMS OF COMMUNITY INTEREST

The following items were presented.

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

a. Great Backyard Bird Count, February 17 from 10:00 a.m. to 1:00 p.m.

b. Pictures with the Easter bunny, March 24 from 3:00 p.m. to 5:00 p.m.

c. Total Eclipse – April 8th

d. Plat Swap and Earth Day Saturday, April 20th

e. National Night Out, Tuesday, October 1, 2024, from 6-8 p.m.

5. CITIZEN COMMENTS

None

6. MAYOR AND COUNCIL COMMENTS

Ed Motley: None

John King: Wished Happy 80th Birthday to David Howell who is one of DWG's citizen.

Steve Lafferty: None

Mark McGuire: Thoughts and prayers to his neighbor down the street that has passed.

Cathy Stein: Yes, it will be chilly Saturday for the Great Backyard Bird Count this February 17 from 10:00 a.m. to 1:00 p.m. We will be coming out of the cold at noon for snacks and to go over how birds were found. She is excited for this year and hoping for a good total. After the cold spell in January, she found over 30 species of birds in her backyard. Bundle up and come out.

Mayor: Trash pick-up - Please check the website and sign up for notifications if you have not already. You can receive a text or an email with any city changes. Information can also be found on Facebook and the city's newsletter. If you have any suggestions on a better way to disseminate information we would love to hear it so we can be the best that we can be.

Business over Breakfast - March 6, 2024 at 8:00 a.m. at the Dan Diepert Career Center. This will be a continental breakfast and tour for \$10.00

Condolences: Patrick Van Cooper, Judith Mirzadeh, Elgie Henderson and Barry Fletcher

7. DEPARTMENTAL REPORTS

Informational reports only; no action to be taken.

- a. **Director of Public Safety/ City Administrator Report**
- b. **Financial Reports**

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 Ordinance No. 2024-02B, calling for a general election to be held on May 4, 2024 for the offices of Mayor, Alderman Place 1, and Alderman Place 2**
- b. **Ratification of invoices over \$5,000.00 for emergency purchase to repair leak at 3621 Wooded Creek Circle in the amount of \$12,098.00.**
- c. **Approval of Resolution No. 2024-02 authorizing continued participation with the Steering Committee of Cities Served by Oncor; and authorizing the payment of six cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC.**
- d. **Discussion and possible action regarding the purchase request from NetGenius for \$12,599 for upgrades to the Tyler, Laserfiche, and Commsys Servers.**

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to approve Consent Agenda.

Motion carried by the following vote:

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

Nays: None

9. REGULAR AGENDA

a. Discussion and action regarding a planned development concept plan application for property located at 2611 W. Pleasant Ridge Road, Dalworthington Gardens, Texas to be known as Roosevelt Estates Lots 1 – 11, 1X, and 11X of Block A an addition to the City of Dalworthington Gardens, Tarrant County, Texas.

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

Cannon Clark, applicant, gave a presentation

Background Information: An application for a change in zoning was submitted by Cannon Clark on December 4, 2024. A Concept Plan was submitted with the application showing the proposed improvements and highlighting the proposed deviations from the base zoning district requirements. The proposed deviations from the requirements of the base zoning district are included in the “Residential Use Criteria” table shown on the Concept Plan. The Concept Plan was forwarded to the city engineer for review. On January 23, 2024 the city engineer conducted his final review of the Concept Plan and determined that the Concept Plan conforms with the City’s ordinance. Notifications of tonight’s public hearing were sent to all property owners within 200’ of the subject property as well as being posted in the Commercial Recorder. Of the 24 property owner notifications sent, 1 was returned with comments. 0 were returned in favor of the zoning change and 1 was returned in opposition of the zoning change. All comments included on the notifications returned will be read during the public hearing. David Pondt, 11 Hemingsford - spoke in concerns with density, police service, drainage, school, and population. As the application submitted contains all required documents and the concept plan conforms with the City’s ordinance, staff recommends approval of the proposed zoning change..

Mayor Bianco opened the public hearing at 7:30 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 7:31 p.m.

A motion was made by Council Member Stein and seconded by Council Member Mark McGuire to approve a modification of the planned development zoning reflected in the concept plan with the following modification from the ordinance being noted. Front yard set-backs will be 25 feet, side set-backs will be 15 feet, and allowing for a gate across the private streets with the appropriate turn around.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and McGuire

Nays: Mayor Pro Tem Ed Motley

b. Discussion and possible action regarding Final Plan for property located at 2611 W. Pleasant Ridge Road, Dalworthington Gardens, Texas to be known as Roosevelt Estates Lots 1 – 11, 1X, and 11X of Block A an addition to the City of Dalworthington Gardens, Tarrant County, Texas

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

Cannon Clark, applicant, gave a presentation.

Background Information: A Final Plan was submitted by Jose De Leon, Shield Engineering Group, PLLC on January 22, 2024 showing the proposed improvements and highlighting the proposed deviations from the base zoning district requirements. The proposed deviations from the requirements of the base zoning district are included in the “Residential Use Criteria” table shown on the Final Plan. Typically the Final Plan for a development within the Planned Development zoning district does not come before the Commission until City Council has approved the zoning change and the Concept Plan. In this case, because the Final Plan is being presented to the Commission prior to Council’s decision, if a recommendation of approval is to be provided, it shall be contingent on City Council’s approval of the zoning change from Single Family to Planned Development. The Final Plan was forwarded to the city engineer for review. On January 23, 2024 the city engineer conducted

his final review and determined that if City Council approves the proposed zoning change, the Final Plan conforms with the City's ordinance and therefore recommends approval.

City staff also recommends approval.

Planning and Zoning Commission recommends approval contingent of city council approval of the zoning change with exception of the gate which will require further study.

Mayor Bianco opened the public hearing at 8:02 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 8:02 p.m.

A motion was made by Council Member Cathy Stein and seconded by Council Member Mark McGuire to approve the final plan with the following modification from the ordinance being noted. Front yard set-backs will be 25 feet, side set-backs will be 15 feet, and allowing for a gate across the private street with the appropriate turn around.

Ayes: Members King, Lafferty, Stein, and McGuire

Nays: Mayor Pro Tem Motley

- c. **Discussion and possible action regarding Preliminary Plat application for property located at 2611 W. Pleasant Ridge Road, Dalworthington Gardens, Texas to be known as Roosevelt Estates Lots 1 – 11, 1X, and 11X of Block A, an addition to the City of Dalworthington Gardens, Tarrant County, Texas.**
 - i. **Conduct a public hearing**
 - ii. **Discussion and action**

Background Information: A Preliminary Plat was submitted by Jose De Leon with Shield Engineering on January 22, 2024. Typically the Preliminary Plat for a development within the Planned Development zoning district does not come before the Commission until City Council has approved the zoning change and the Concept Plan. In this case, because the Preliminary Plat is being presented to the Commission prior to Council's decision, if a recommendation of approval is to be provided, it shall be contingent on City Council's approval of the zoning change from Single Family to Planned Development. The Preliminary Plat was forwarded to the city engineer for review. On January 23, 2024 the city engineer conducted his final review and determined that if City Council approves the proposed zoning change, the Preliminary Plat conforms with the City's ordinance and therefore recommends approval. City staff also recommends approval. Planning and Zoning recommends approval contingent on city council approval of zoning change single family to planned development, change of lots 1-4 setback increased to 25 feet from the roadway, and with further study of the gate at the front entrance.

Mayor Bianco opened the public hearing 8:21 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 8:21 p.m.

A motion was made by Council Member Cathy Stein and seconded by Council Member Mark McGuire to approve the preliminary plat contingent upon the lot lines being shown to 25 feet front setbacks and 15 feet side setbacks with the changes discussed on eliminating the side yard landscape lot on the East side.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and McGuire

Nays: Mayor Pro Tem Ed Motley

City Council recessed into Executive Session at 8:24 p.m.

Pursuant to Texas Government Code, Section 551.071, Attorney Consultation

City Council reconvened into Regular Session at 8:41 p.m.

d. Discussion and possible action request for a concept plan with a Bowen Road planned development overlay for property located at 2500 and 2512 California Lane, Dalworthington Gardens, Tarrant County, Texas

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

Background Information: A Zone Change Application submitted by Trevor Turnbow was received on 7/17/2023 for properties located at 2500 California Lane and 2512 California Lane for a change from single family "SF" residential to garden home "GH" base zoning with a mixed-use "MU" overlay. Per discussion with applicant, city staff, and attorney. Applicant submitted an amended a zoning application on 1/16/2024 Requesting to allow for the Bowen Road Overlay. Notification of tonight's public hearing and the planning and zoning meeting was sent to all property owners within 200' of the subject property as well as being posted in the Commercial Recorder. During the planning and zoning meeting of the 12 property owner notifications sent, 0 were returned with comments.

Per Local Government Code, Chapter 211, zone changes must comply with the City's Comprehensive Plan as Follows:

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

- (1) lessen congestion in the streets;
- (2) secure safety from fire, panic, and other dangers;
- (3) promote health and the general welfare;
- (4) provide adequate light and air;
- (5) prevent the overcrowding of land;
- (6) avoid undue concentration of population; or
- (7) facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.

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

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

The applicant has communicated to the City he desires to build garden homes with a few small foot print restaurants on the south end of the development.

Planning and Zoning recommends approval of the zone change application for concept plan with a Bowen Road Planned Development Overlay for property located at 2500 and 2512 California Lane.

Trevor Turnbow, applicant, gave a presentation

Mayor Bianco opened the public hearing at 8:46 p.m.

Scott McCaskey, 2501 California Lane and 2600 California Lane, likes the idea of buffer homes, but has a concern about drainage and fencing.

With no one desiring to speak, Mayor Bianco closed the public hearing at 8:47 p.m.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to deny the concept plan

Ayes: Members King, Lafferty, Motley

Nays: Members McGuire and Stein

e. Discussion and possible action regarding the Tarrant County 49th Community Development Block Grant program for Ambassador Row, to include but not limited to any change order approval. Resolution 2024-03

Kylon Wilson, City Engineer from Topographic, made presentation

Background Information:

Three bidders submitted for this project, and a bid tabulation is being provided. The project came in over budget by \$109,830.74. The recommended contractor is JR West Texas Concrete, LLC as provided in the attached award letter. FY 23/24 budget included city paid construction costs of \$38,840.80 for the General Fund and \$3,377.46 for the Enterprise Fund. With the increase in construction costs of \$152,049, this will increase total budgeted costs for city of \$109,830.74, of which \$86,660.26 is for the General Fund and \$23,170.48 is for the Enterprise Fund.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to Resolution 2024-03 awarding the 49th CDBG project for Ambassador Row to JR West Concrete, LLC in the amount of \$332,049.

Motion carried by the following vote:

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

Nays: None

f Discussion and possible action to approve Ordinance 2024-03, Amending the code of ordinances Chapter 9 “Personnel,” article 9.02 “Officers and Employees,” Division 2 “City Administrator” to remove the division in its entirety; amending Chapter 9 “Personnel,” article 9.04 “Police,” Division 2 “Police Department” in its entirety to update duties of the Director of Public Safety/City Administrator.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve Ordinance 2024-03 with the removal of 2(F) obtain written approval from the mayor before any press release are issued on behalf of the City. In the event that action normally requiring council approval is necessary at a time when the council cannot meet, the director of public safety/city administrator shall receive directives from the mayor. A motion was also made for the committee of Mark McGuire and Cathy Stein to review the ordinance and find out which are appropriate ordinance portions and which should be removed.

Motion carried by the following vote:

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

Nays: None

g. Discussion and possible action on upgrading our outdated SCADA system

Marcus Day, Public Works, made presentation

Background Information:

Our current SCADA system was installed approximately 15 years ago and is in desperate need of being upgraded.

Our current software runs on Windows 7, making it vulnerable to cyber threats. The SCADA hardware is outdated and no longer serviceable and replacement parts are virtually nonexistent.

The proposed system is cloud-based with 2-factor authentication for ensured security. This also allows for more users to be added with restricted “as needed” access. This proposed upgrade will allow us to move from a radio “line of sight” communication patch to a cellular network.

WE have an “unknown” capital surplus with funds available for this purchase.

A motion was made by Council Member Mark McGuire and seconded by Council Member Cathy Stein to purchase a new SCADA communication system from WHECO Controls for \$47,702, Approve annual recurring charges of \$2,840, and approve \$5,000 to have WHECO modify the ground storage tank fill control as phase 2 after the new SCADA System is up and operational

Motion carried by the following vote:

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

Nays: None

h. Discussion and possible action regarding amendments to the FY 2023-2024 budget in amounts not to exceed \$10,000.00.

Item not needed.

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

Work Session/Executive session set for Meeting February 19, 2024 at 6:00 p.m.

12. ADJOURN

The meeting was adjourned at 9:35 p.m.