

**MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON September 19, 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 6:01 p.m. with the following present:

**Members Present:**

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

**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. Sheri Capehart regarding the process of becoming a sister city.**

Presentation received.

**b. Engineer Kimley Horn regarding drainage issues and unfavorable road conditions on Broadacres Lane.**

Item discussed.

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

Also discussed:

- Discussion and possible action to approve revisions to Article 14.02, Division 7, "Overlay District Regulations" of Ordinance, City of Dalworthington Gardens, Texas

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**REGULAR SESSION**

**1. CALL TO ORDER**

Mayor Bianco called the meeting to order at 7:03 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

**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. Administer Oath of Office and Statement of Officer to the newly appointed Council Member**

Judge Suzanne Hudson gave Oath of Office and Statement of Officer to Paul Sweitzer.

**b. Proclamation for Texas Teacher’s Day**

Mayor read aloud proclamation.

**4. ITEMS OF COMMUNITY INTEREST**

The following items were presented.

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

- a. **Concert in the Park, (The Dischords), Saturday 21, 2024 at 7:00 p.m. – 9:00 p.m.**
- b. **National Night Out, Tuesday, October 1, 2024 from 6:00 p.m. – 8:00 p.m.**
- c. **Trunk-or-Treat, Saturday, October 19, 2024 from 5:30-7:30 p.m.**
- d. **Movie Night, (Frozen), Saturday, November 9, 2024 at 6:00 p.m.**
- e. **Pictures with Santa, Sunday, December 7, 2024 from 3:00 – 5:00 p.m.**

**5. CITIZEN COMMENTS**

None

**6. MAYOR AND COUNCIL COMMENTS**

Ed Motley: Said it is great to see everyone here. I know you are here for a specific thing, but please come back and visit with us and see what we do once a month. He is also looking forward to seeing cooler weather.

John King: It is pretty cool to turn around to face the flag for the Pledge of Allegiance and hear the crowd say it with you. We aren't really used to this, so we appreciate everyone here. He also enjoyed the proclamation that was read aloud because both of his kids are teachers.

Steve Lafferty also said it was pretty cool to hear the pledge of allegiance from the crowd.

Paul Sweitzer: None

Cathy Stein: Welcomed Paul. She is glad the seat isn't empty anymore. She also wanted to thank everyone who attended last weekend's park workday. They did a really good job with the flower beds. Volunteers completed 15 hours of worked hours.

Mayor Bianco: She congratulated and thanked Paul Sweitzer for being on the council with them and for his willingness to serve. She congratulated the Chief Petty on the 24-hour BBQ for the first responders. It was a massive success. This reflects well on our community and shows that we are partners and neighbors with our surrounding cities. Kudos to Mark McGuire for serving faithfully on the council up until now, starting with former Mayor Kimberly Fitzpatrick. He is a brilliant man with so many talents. It broke our hearts to hear his choice, but he had other things that were calling his name. She said she was back from Germany, which was an eventful trip. The proclamation from the City was presented to Lord Mayor of Rothenburg, Germany. She said it was a fantastic honor to represent our City.

## 7. DEPARTMENTAL REPORTS

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

- a. **DPS Report**
- b. **Financial Reports**
- c. **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 to designate concert in Gardens Park taking place on September 21, 2024 as a bring your own beverage event which allows possession and consumption of beer and wine at said events, in accordance with Section 1.09.079, City of Dalworthington Gardens Code of Ordinances**
- b. **Ratification of invoice over \$5,000.00 repair water services crossing road at 15 Twin Springs \$9,100.00**
- c. **Ratification of invoice over \$5,000.00 manhole on Bowen and Arkansas. \$18,200.00**
- d. **Ratification of invoice. HAC-lead and Cooper Service Line Testing. City Council previously approved an amount of \$32,000.00 Final invoice amount was \$33,226.50. Overage of \$1226.50.**
- e. **Approval of June 20, 2024 Minutes**  
**Approval of June 25, 2024 Minutes**

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve to approve the consent agenda.

Motion carried by the following vote:

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

Nays: None

## 9. REGULAR AGENDA

- a. **Discussion and possible action to appoint a replacement for an open position on council.**

### **Background Information:**

**Mark McGuire's resignation was accepted by Council on August 27, 2024. A replacement is needed for the open position on council.**

A motion was made by Council Member John King and seconded by Mayor Pro Tem Ed Motley to appoint Paul Sweitzer as a replacement for the open position on council.

Motion carried by the following vote:

Ayes: Members Lafferty, King, Motley, and Stein

Nays: None

Before reading of the next agenda item, Council Member Cathy Stein recused herself and left the council room.

- b. **Discussion and possible action regarding a Zoning Change Application for Garden Homes, property located at 2601 and 2615 California Lane, Eleanor Estates, Block 1 Lots 1-6.**

- i. **Conduct Public Hearing**
- ii. **Discussion and action**

Background Information:

An application with a concept plan was received by Julie Vu for a Zone Change Application from Single Family Residential (SF) Ordinance 14.02.172 to Garden Homes (GH) Ordinance 14.02.174.

The Concept Plan was forwarded to the city engineer for review on August 23, 2024 and returned on September 6, 2024 with comments

The city has notified all property owners within 200' of the subject's property and included information on how to provide public comments at both the planning and zoning meeting, September 12, 2024 and city council meeting, September 19, 2024. Notice of this meeting was also posted in the Commercial Recorder.

Of the 18 letters sent, seven addresses responded. All seven addresses opposed.

Planning and Zoning met on September 12, 2024 and recommended approval of a zone change application for Garden Homes, property located at 2601 and 2615 California Lane.

A super majority vote by council will be needed for approval.

Todd Batiste, Planning and Zoning Chairman, gave report of findings from planning and zoning meeting recommending approval.

Andy Nguyen, applicant, gave presentation.

Mayor Bianco opened the public hearing at last month's council meeting 8/15/2024 council meeting at 7:24 p.m.

Meredith Ivey, 2615 Clover Lane, spoke in opposition due to location.

Connie Gillespie, 2719 California Lane, spoke in opposition due to flooding issues.

Kent Besley, 2800 California Lane, spoke in opposition due to location and does not comply with the Comprehensive Plan.

Philip Fairweather, 2614 S. Bowen Road, spoke in opposition due to flooding.

Randon Porter, 2709 Whisperwood Trail, spoke in opposition due to appearance.

Greg Shugart, 3515 Roosevelt, spoke in opposition due to location and does not comply with the Comprehensive Plan..

Lainie Reed, 2700 Clover, spoke in opposition due to location.

Richard Todd, 2700 California Lane, spoke in opposition due to drainage, erosion, and road condition.

Larry Stein, 2622 Clover Lane, spoke in opposition due to location and does not comply with the Comprehensive Plan.

Clyde Grafferty, 5500 Bradley Lane, spoke in favor due to location and lot size of home

Tracee Rodriguez, 2616 S. Bowen Road, spoke in opposition due to location.

Ned Webster, 3301 Evie Court, spoke in opposition. This does not comply with the Comprehensive Plan.

Hank Akin, 3300 Elkins Drive, spoke in opposition due to location.

Sandra Ma, City Secretary, read aloud three write in responses.

Catherine Whittington, 2804 Harder Lane, wrote in opposition.

Jill and George Howard, 2716 Harder Lane, wrote in opposition.

Scott McCaskey, 2501 California Lane, wrote in opposition.

With no one desiring to speak, Mayor Bianco closed the public hearing at 8:25 p.m.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to approve a Zoning Change Application for Garden Homes, property located at 2601 and 2615 California Lane, Eleanor Estates, Block 1 Lots 1-6.

Motion failed by the following vote:

Ayes: Members Lafferty, Motley, and Sweitzer

Nays: King

This was not a super-majority vote by council members. This item did not pass.

Council Member Cathy Stein rejoined the meeting for the following items.

**c. Discussion and possible action to approve the Comprehensive Plan**

- i. Conduct Public Hearing**
- ii. Discussion and action**

Background Information:

Staff is presenting the final version of the Comprehensive Plan.

Notification of the public hearing for the Planning and Zoning meeting on September 12, 2024 and City Council Meeting September 19, 2024 was published in the Commercial Recorder.

Planning and Zoning met September 12, 2024 and recommended approval.

Mayor Bianco opened the public hearing at 8:47 p.m.

Kent Besley, 2800 California Lane, approves the Comprehensive plan

Greg Shugart, 3515 Roosevelt, the reason we write things down is when things get hard we have something to reference. This has been written down as a guide.

Todd Batiste, Chairman Planning and Zoning, stated he started working on the Comprehensive plan seven years ago. He said this is a plan and subject to change depending on variables.

With no one desiring to speak, Mayor Bianco closed the public hearing at 8:49 p.m.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve the Comprehensive Plan

Motion carried by the following vote:

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

Nays: None

**d. 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**

Background Information:

City Staff reviewed City Ordinance Article 14.02, Division 7, “Overlay District Regulations”, and noticed updates were 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.

Mayor Bianco opened the public hearing at 8:51 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 8:51 p.m.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Paul Sweitzer subject to revisions discussed during the work session.

Council Member Cathy Stein brought up two more items for discussion page 111 (N) (v) (3) “and/or” to be changed to say “and” page 112 (e) (1) adding final plat.

Another motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Paul Sweitzer to add the two items discussed by Council Member Cathy Stein to the revisions.

Motion carried by the following vote:

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

Nays: None

**e. 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**

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

Motion carried by the following vote:

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

Nays: None

**f. Discussion and possible action regarding a Zoning Change Application for Planned Development PD-BR Zoning Overlay for property located at Lot 4-A, Block 4, 2500 and 2512 California Lane.**

**i. Conduct Public Hearing**

**ii. Discussion and action**

**Background Information**

An application with a concept plan was received by Leanora Eidson for a Zone Change Application from Single Family Residential (SF) Ordinance 14.02.172 to Planned Development Bowen Road Overlay District (PD-BR) Ordinance 14.02.275.

The Concept Plan was forwarded to the city engineer for review on August 23, 2024. Comments from the engineer were returned September 6, 2024

The city has notified all property owners within 200’ of the subject’s property and included information on how to provide public comments at both the planning and zoning meeting, September 12, 2024 and city council meeting, September 19, 2024. Notice of this meeting was also posted in the Commercial Recorder.

Planning and Zoning met on September 12, 2024 and recommended approval of a Zoning Change for Planned Development PD-BR Overlay for property located at Lot 4-A, Block 4, 2500 and 2512 California Lane.

Dr. Eric Eidson gave presentation.

Mayor Bianco opened the public hearing at 9:04 p.m.

Don Barrett, 8 Courtney Court, asked about a turn lane on California Lane.

Todd Batiste, Planning and Zoning Chairman, spoke in favor of this concept. He said it meets the need and is attractive for the city.

With no one else desiring to speak, Mayor Bianco closed the public hearing at 9:06 p.m.

A motion was made by Council Member Paul Sweitzer and seconded by Council Member Steve Lafferty to approve a Zone Change Application from Single Family Residential (SF) Ordinance 14.02.172 to Planned Development Bowen Road Overlay District (PD-BR) Ordinance 14.02.275.

Council Member Cathy Stein brought items for discussion regarding council packet p158.

Another motion was made by Council Member Paul Sweitzer and seconded by Council Member Steve Lafferty to grant the variance on item number 2, but not on items 4 and 5 of the engineers letter dated September 11, 2024 found on council packet page 158. These items can be considered at another time.

Motion carried by the following vote:

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

Nays: None

**g. Discussion and possible action regarding a Special Exception Application – except for brewpubs and wineries, service of alcoholic beverages for on-premises consumption, property located at The Garden Town Center, 4130 S. Bowen Road Suite 105-107. Business -Grounds and Gold.**

**i. Conduct Public Hearing**

**ii. Discussion and action**

Background Information: Business Owner Maurice Ahern is requesting a special exception in accordance with Section 14.02.321(c)(8) except for brewpubs and wineries, service of alcoholic beverages for on-premises consumption:

Consideration for special exceptions should abide by the following guidelines from the ordinance. They differ from variances in that a hardship is not required to be shown or proven.

The city has notified all property owners within 200' of the subject's property and included information on how to provide public comments at both the planning and zoning meeting, September 12, 2024 and city council meeting, September 19, 2024. Notice of this meeting was also posted in the Commercial Recorder.

Planning and Zoning met on September 12, 2024 and recommended approval service of alcoholic beverages for on-premises consumption, property located at The Garden Town Center, 4130 S. Bowen Road Suites 105-107. Business – Grounds and Gold.

Mayor Bianco opened a public hearing at 9:18 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 9:18 p.m.

A motion was made Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve a Special Exception Application – except for brewpubs and wineries, service of alcoholic beverages for on-premises consumption, property located at The Garden Town Center, 4130 S. Bowen Road Suite 105-107. Business – Grounds and Gold.

Motion carried by the following vote:

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

Nays: None

**h. Discussion and possible action to cast one vote for the election of the Region 8 director of the Texas Municipal League Board of Directors.**

Background Information:

This is the official ballot for the election of the Region 8 director of the TML Board of Directors. Each TML member city is entitled to one vote, which vote must be cast by a majority vote of the city's governing body.

The officials listed on this ballot have been nominated to serve a two-year term on the TML Board of Directors.

- Troy Dunn, Councilmember, Haltom City
- Kim Greaves, Mayor, Westlake
- John McKenzie, Councilmember, Hurst (Incumbent)
- Mary Sarver, Mayor Pro Tem, Grandview

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to cast one vote for John McKenzie in the election of the Region 8 Director of the Texas Municipal League Board of Directors.

Motion carried by the following vote:

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

Nays: None

**i. FY 2024-2025 City Budget**

**i. Conduct Public Hearing**

**ii. Discussion and possible action to approve Ordinance No. 2024-06 to adopt the FY 2024-2025 City Budget.**

Background Information: In accordance with Local Government Code, Section 102.007, the Council must adopt the budget at the conclusion of a public hearing on said budget. The motion shall be as follows and shall be a record vote. A record vote means the Mayor will individually call each council member by name and ask for a vote.

“THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR’S BUDGET BY \$76,877, WHICH IS A 3.57% PERCENT INCREASE, AND OF THAT AMOUNT, \$13,608 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.”

Mayor Bianco opened at public hearing at 9:22 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 9:22 p.m.

Mayor read aloud THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR’S BUDGET BY \$76,877, WHICH IS A 3.57% PERCENT INCREASE, AND OF THAT AMOUNT, \$13,608 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve Ordinance No. 2024-06 adopting the budget for the Fiscal Year of October1, 2024 through September 30, 2024.

Mayor Bianco called for a record vote. Record vote as follows:

- Council Member Ed Motley: aye
- Council Member John King: aye
- Council Member Steve Lafferty: aye
- Council Member Paul Sweitzer: aye
- Council Member Cathy Stein: aye
- Nays: None
- Motion carries.



**j. FY 2024-2025 Tax**

**i. Conduct Public Hearing**

**ii. Discussion and possible action to approve Ordinance No. 2024-07 to adopting the FY 2024-2025 Tax Rate.**

Background Information: In accordance Tax Code, Section 26.05 (b), a taxing unit may not impose property taxes in any year until the governing body has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order, depending on the method prescribed by law for adoption of a law by the governing body. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. For a taxing unit other than a school district, the vote on the ordinance, resolution, or order setting a tax rate that exceeds the no new revenue tax rate must be a record vote, and at least 60 percent of the members of the governing body must vote in favor of the ordinance, resolution, or order. A record vote means the Mayor will individually call each council member by name and ask for a vote.

Mayor Bianco opened a public hearing at 9:23 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 9:23 p.m.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve the property tax rate be increased by the adoption of a tax rate of \$\$0.616040 which is effectively an .68 percent increase in the tax rate.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to ratify the tax rate reflected in the budget.

Council Member Ed Motley: aye  
Council Member John King: aye  
Council Member Steve Lafferty: aye  
Council Member Paul Sweitzer: aye  
Council Member Cathy Stein: aye  
Nays: None  
Motion carries.

**k. Discussion and possible action pertaining to the building of, maintenance of, replacement of, and repairing of fences including the requirement of a building permit and fee for any of those activities**

No action was taken.

**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.**

Item not addressed.

**11. FUTURE AGENDA ITEMS**

None

### **13. ADJOURN**

The meeting was adjourned at 9:27 p.m.