

**MINUTES
FOR A
REGULAR COUNCIL MEETING
OF THE
CITY OF DALWORTHINGTON GARDENS
CITY COUNCIL
THURSDAY, FEBRUARY 17, 2005**

A regular meeting of the City Council was held at **7:00 P.M.** in the Council Chambers of City Hall, 2600 Roosevelt Drive. The following items of business will be considered, discussed and acted upon as appropriate:

Officials Present

Al Taub- Mayor
Guy Snodgrass- Mayor Pro tem
Mike Pettke- Councilman
Ken Wallace- Councilman
Michael Tedder- Councilman
Max Stewart- Councilman

Staff Present:

Bill Waybourn- Chief of Public Safety
Stan Wilkes- City Attorney
Krysten Jeter- City Assistant

CALL TO ORDER

I. CITIZEN COMMENTS

Tyler Smith- is a boy scout seeking approval of trail improvements for his scout project and asked Council to grant his request.

The following citizens spoke against the modification of the concept plan Development as contained in Ordinance 01-14:

1. Lyndon Boone- #12 Hemingsford Ct
2. Webb Rose- #17 Twin Springs
3. Eric Brown- #17 Hemingsford Ct.
4. Steve Crudup- 10B Twin Lakes Ct.
5. Abdur Abbasi- #9 Hemingsford Ct.
6. Reid Martin-
6. Irene Difonso- #13 Hemingsford Ct.
8. Linda Martin- # 14 Hemingsford Ct.
9. Carolyn Holmberg- #10 Hemingsford Ct.
10. Gary Smith- 3713 Dustin Trail- opposed, but believes we do need commercial development on that corner

11. Terry Tibedeau- Arlington Classics Academy- spoke in favor of hardship

12. Kathy Price- commented that Tyler Smith lives in the Gardens on Harder Ln.

II. MAYOR COUNCIL COMMENTS

1. Proclamations- Krysten Jeter gave the Mayor's Proclamation for Snoopy Campbell

III. ORGANIZATIONAL MATTERS

1. **Minutes of the January 20, 2005 City Council Meeting.**

MOTION: Councilman Pettke made the motion to approve the January 20, 2005 City Council Minutes with revision of Resolution 05-07 pursuant to discussion. Councilman Tedder seconded the motion. All voted in favor. Motion carried

2. **Minutes of the January 26, 2005 City Council Meeting.**

MOTION: Mayor Pro tem Snodgrass made the motion to approve the minutes of the January 26, 2005 City Council Minutes. Councilman Wallace seconded the motion. All voted in favor. Motion carried.

3. **Departmental Reports and January Financial Report.**

MOTION: Councilman Tedder made the motion to accept the Departmental Reports and the January Financial Report. Councilman Stewart seconded the motion. All voted in favor. Motion carried.

4. **Report from Callahan & Freeman Architects/City Hall Needs Assessment Project.**

Frank Callahan of Callahan and Freeman Architects gave a status report of the City Hall Needs Assessment, and requested a work session with City Council to decide what direction they want to take, square footage, etc.

IV. OLD BUSINESS

1. **Resolution 05-12: Approve Street Sign Topper Plate Design.**

MOTION: Councilman Tedder made the motion to approve the street sign topper plate design with the white background and green lettering. Councilman Stewart seconded the motion. All voted in favor. Motion carried.

RESOLUTION NO. 05-12

A Resolution Approving the Street-Topper Plate Design.

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

1.

That the Mayor is hereby authorized to execute on behalf of the City the design of the street topper plate design.

2.

That color pattern of green on a white field is hereby approved.

2. Resolution 05-13: Authorizing execution of contract with Duncan Disposal Company for solid waste collection.

MOTION: Councilman Wallace made the motion to approve the execution of contract with Duncan Disposal Company for solid waste collection. Councilman Tedder seconded the motion. All voted in favor. Motion carried.

RESOLUTION NO. 05-13

A RESOLUTION AUTHORIZING THE EXECUTION OF THE REVISED
CONTRACT WITH DUNCAN DISPOSAL FOR SOLID WASTE COLLECTION.

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

1.

That the Mayor is hereby authorized to execute a revised agreement with Duncan Disposal for solid waste collection, being a revision of the agreement authorized on January 20, 2005 by Resolution 05-01.

2.

That a copy of the revised agreement shall be appended to this resolution.

3.

That the City Secretary is hereby authorized to attest the execution of the agreement and to affix the seal of the City thereto.

3. **Ordinance 05-01: Amending City Code Chapter 3.3 setting rates for solid waste collection and Chapter 8.3 prescribing regulations for solid waste collection.**

MOTION: Councilman Tedder made the motion to amend the Ordinance amending the City Code Chapter 3.3 setting rates for solid waste collection and Chapter 8.3 prescribing regulations for solid waste collection. Councilman Wallace seconded the motion. All voted in favor. Motion carried.

4. **Resolution 05-14: Award Contract for Sanitary Sewer Improvements and Lift Station Abandonment.**

MOTION: Councilman Tedder made the motion to award the contract for Sanitary Sewer Improvements and Lift Station Abandonment. Mayor Pro tem Snodgrass seconded the motion. All voted in favor. Motion carried.

RESOLUTION NO. 05-14

A Resolution Awarding a Contract for Sanitary Sewer Improvements and Lift Station Abandonment.

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

1.

That the Mayor is hereby authorized to execute on behalf of the City an agreement with Whitewater Construction, the low bidder, for sanitary sewer improvements and lift station abandonment in accordance with bid proposals received by the City on February 17, 2005.

2.

That the City Secretary is hereby authorized to attest the execution of the agreement and to affix the seal of the City thereto.

V. NEW BUSINESS

1. **Resolution 05-15: Approve Moratorium Hardship for Arlington Classic Academy.**

MOTION: Mayor Pro tem Snodgrass made the motion to approve the moratorium hardship for Arlington Classic Academy. Councilman Tedder seconded the motion. All voted in favor. Motion carried.

RESOLUTION NO. 05-15

**A RESOLUTION DECLARING A DETERMINATION OF RIGHTS OF
ARLINGTON CLASSICS ACADEMY UNDER MORATORIUM ON NON-
RESIDENTIAL DEVELOPMENT.**

WHEREAS, by its Resolution No. 05-09, the City Council has adopted a temporary moratorium on non-residential development in the City; and

WHEREAS, the Arlington Classics Academy is in the process of planning, developing and building a charter school facility in the City and seeks relief from the moratorium;
NOW THEREFORE

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

It is hereby determined, with reference to the status of development of the Arlington Classics Academy:

1. That the granting of a building permit is premature because the applicant has not completed other ordinance requirements precedent to the permit, including the submission and approval of a site plan for the proposed development.
 2. That the moratorium should not deter the applicant from pursuing the completion during the moratorium of other ordinance requirements prerequisite to the issuance of a building permit.
2. Ordinance 05-02: Authorize modification of the concept plan for the planned development as contained in Ordinance 04-03 at the Northwest corner of Pleasant Ridge and Bowen Road to revise the list of permissible uses.

After discussion, on motion by Mr. Snodgrass, seconded by Mr. Pettke, the following ordinance was adopted by a vote of 5 ayes and no noes:

ORDINANCE NO. 05-02

**AN ORDINANCE AMENDING THE CONCEPT PLAN ADOPTED BY
ORDINANCE NO. 04-03**

WHEREAS, the City Council has heretofore, by its Ordinance 04-03, changed the zoning classification on 7.9331 acres of land at the northwest corner of Bowen Road and

Pleasant Ridge Road in the City, which change was subject to a "PD" overlay and conditions of a concept plan; and

WHEREAS, the applicant for zoning change and PD approval has requested that the City Council amend its Ordinance 04-03 so as to change that portion of the concept plan captioned "Planned Development Notes"; and

WHEREAS, the City Council, after hearing from the applicant and from numerous citizens in attendance at the city council meeting held on February 17, 2005, has determined that a change is appropriate and in the best interest of the City; NOW THEREFORE

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

1.

That sub-paragraph 1 of paragraph D. of Ordinance No. 04-03 is hereby amended so that, for the phrase "automotive (tire sales or new part sales)" there is hereby substituted the following: "automotive (including tire sales, new auto parts sales and auto lubrication center)".

2.

That in all other respects Ordinance No. 04-03 shall remain in full force and effect as originally enacted.

PRESENTED AND PASSED by a vote of 5 ayes and 0 nays at a regular meeting of the City of Dalworthington Gardens held on the 17th day of March, 2005.

There was council discussion of the request of Mr. Garrett on behalf of the developer of the property at Pleasant Ridge and Bowen Roads that the term "convenience store with gas" be moved from the list of prohibited uses contained in sub-paragraph 3 to the list of permitted uses in sub-paragraph 1 of Paragraph D in Ordinance No. 04-03.

On motion by Mr. Snodgrass, seconded by Mr. Tedder, by a vote of 5 ayes and no noes, the matter was tabled.

3. Resolution 05-16: Approve Memorandum of Understanding for the use of Gardens Park and Elkins Lake by the TEJAS District, Longhorn Council, Boy Scouts of America.

MOTION: Councilman Stewart made the motion to approve the use of Gardens Park and Elkins Lake by the TEJAS District, Longhorn Council, and Boy Scouts of America. Councilman Tedder seconded the motion. All voted in favor. Motion carried.

RESOLUTION NO. 05-16

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING FOR THE USE OF GARDENS PARK AND ELKINS LAKE BY THE TEJAS DISTRICT, LONGHORN COUNCIL, BOY SCOUTS OF AMERICA.

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

1.

That the Mayor is hereby authorized to execute a Memorandum of Understanding for the use of Gardens Park and Elkins Lake by the TEJAS District, Longhorn Council, and Boy Scouts of America on behalf of the City.

2.

That the City Secretary is hereby authorized to attest the execution of the memorandum of understanding and to affix the seal of the City thereto.

4. Resolution 05-17: Approve Proposal submitted by Visual Explanations for web-site development.

MOTION: Councilman Stewart made the motion to approve the proposal submitted by Visual Explanations for web-site development with the stipulation that it be complete in 90 days and that it include email registration for DWG citizens to get important information out to them. Councilman Wallace seconded the motion. All voted in favor. Motion carried.

RESOLUTION NO. 05-17

A RESOLUTION APPROVING THE PROPOSAL BY VISUAL EXPLANATIONS FOR WEB-SITE DEVELOPMENT.

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

1.

That the Mayor is hereby authorized to execute a agreement with Visual Explanations for web-site development; provided: (1) the work shall be completed in 90 days from the date of the City's execution of the agreement; (2) the work product shall include the capability of e-mail distribution to citizens of the city; and (3) that a copy of the proposal shall be appended to this resolution.

2.

That the City Secretary is hereby authorized to attest the execution of the agreement and to affix the seal of the City thereto.

5. Resolution 05-18: Final Acceptance of Gardens Addition.

MOTION: Councilman Pettke made the motion to approve the resolution for final acceptance of the Gardens Addition to exclude Lots 1-8 with no building permits to be issued on these lots until the City receives the final LOMR from FEMA. Councilman Tedder seconded the motion. All voted 4 ayes, and 1 nay from Councilman Stewart.

RESOLUTION NO. 05-18

A RESOLUTION ACCEPTING THE GARDENS ADDITION

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

That the water, sewer and other public improvements to the Gardens Addition are hereby accepted for maintenance; provided that no building permits should be issued on Lots 1-8 until the City receives the final LOMR from FEMA

6. Resolution 05-19: Appoint Board Member to Zoning Board of Adjustments.

MOTION: Councilman Tedder made the motion to appoint Ken Kiser from an alternate to a board member on the Zoning Board of Adjustments and to appoint Steve Crudup as an alternated on the Zoning Board of Adjustments. Councilman Stewart seconded the motion. All voted in favor. Motion carried.

RESOLUTION NO. 05-19

A RESOLUTION APPOINTING AND ALTERNATE MEMBER OF THE ZONING BOARD OF ADJUSTMENTS.

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

Ken Kiser is hereby appointed a member of the Zoning Board of Adjustments and Steve Crudup is hereby appointed an alternate member of the Zoning Board of Adjustments, each to serve a term expiring June 2005.

PRESENTED AND PASSED by a vote of 5 ayes and 0 noes at a meeting of the City Council of the City of Dalworthington Gardens, Texas held on the 17 day of February, 2005.

7. Resolution 05-20: Appoint Alternate Board Member to Planning and Zoning Commission.

MOTION: Councilman Wallace made the motion to appoint Ed Motley to the Planning and Zoning Commission as a board member, not an alternate. Councilman Stewart seconded the motion. All voted in favor. Motion carried.

RESOLUTION NO. 05-20

A RESOLUTION APPOINTING A MEMBER OF THE PLANNING AND ZONING COMMISSION

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

Ed Motley is hereby appointed an member of the Planning and Zoning Commission, to serve a term expiring June 2005.

8. Resolution 05-21: Approve contract for May 7, 2005 election with Tarrant County.

MOTION: Councilman Pettke made the motion to approve the resolution approving the contract for May 7, 2005 election with Tarrant County. Mayor Pro tem Snodgrass seconded the motion. All voted in favor. Motion carried.

RESOLUTION NO. 05-21

A RESOLUTION AUTHORIZING THE EXECUTION OF THE CONTRACT WITH TARRANT COUNTY FOR THE ELECTION ON MAY 7, 2005

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

1.

That the Mayor is hereby authorized to execute an agreement with Tarrant County for the election on May 7, 2005, a copy of the agreement being appended to this resolution.

2.

That the City Secretary is hereby authorized to attest the execution of the agreement and to affix the seal of the City thereto.

9. Resolution 05-22: Approve street improvement estimates for Clover Lane, Michigan Avenue and Park Drive from Tarrant County.

MOTION: Councilman Pettke made the motion to approve the street improvement estimates for Clover Lane, Michigan Avenue and Park Drive. Councilman Stewart seconded the motion. All voted in favor. Motion carried.

RESOLUTION NO. 05-22

A RESOLUTION APPROVING THE ESTIMATES FROM TARRANT COUNTY FOR STREET IMPROVEMENT TO CLOVER LANE, MICHIGAN AVENUE, AND PARK DRIVE

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

That the estimates from Tarrant County for the street improvements to Clover Lane, Michigan Avenue, and Park Drive are hereby approved. A copy of the estimates shall be appended to this resolution.

10. Resolution 05-23: Approve Clinical Affiliation Agreement with Arlington Memorial Hospital.

MOTION: Councilman Pettke made the motion to approve the Clinical Affiliation Agreement with Arlington Memorial Hospital. Councilman Wallace seconded the motion. All voted in favor. Motion carried.

RESOLUTION NO. 05-23

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH ARLINGTON MEMORIAL HOSPITAL FOR CLINICAL AFFILIATION.

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

1.

That the Mayor is hereby authorized to execute an agreement with Arlington Memorial Hospital for Clinical Affiliation, a copy of the agreement being appended to this resolution.

2.

That the City Secretary is hereby authorized to attest the execution of the agreement and to affix the seal of the City thereto.

11. Resolution 05-24: Approval of Steering Committee for the Gardens Gathering.

MOTION: Councilman Wallace made the motion to approve the Steering Committee for the Garden's Gathering. Councilman Stewart seconded the motion. All voted in favor. Motion carried.

RESOLUTION NO. 05 – 24

A RESOLUTION TO APPROVE THE GARDENS GATHERING STEERING COMMITTEE AT THE REQUEST OF THE PARK BOARD

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

That the steering committee for the Gardens Gathering proposed by the Park Board is hereby approved.

12. Resolution 05-25: Approve allocation of Park funds for trail improvements.

MOTION: Councilman Stewart made the motion to approve the allocation of Park funds for trail improvements. Councilman Wallace seconded the motion. All voted in favor. Motion carried.

RESOLUTION NO. 05 – 25

A RESOLUTION TO APPROVE THE ALLOCATION OF PARK FUNDS IN THE AMOUNT OF \$800.00 FOR TRAIL IMPROVEMENTS

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

That \$800.00 in park funds is hereby allocated for trail improvements

13. Future Agenda Items

Councilman Stewart requested the information on Single Member Districts

Councilman Stewart requested the bids for Twin Springs

Councilman Stewart requested an update on the status of Pleasant Ridge and the traffic light for Arkansas and Roosevelt Dr.

VI. ADJOURN
MOTION: Councilman Tedder made the motion to adjourn. Councilman Wallace seconded the motion. All voted in favor. Motion carried.