

**MINUTES of a MEETING  
of the  
DALWORTHINGTON GARDENS  
CITY COUNCIL**

**Regular Session: Thursday, March 8, 2007 7:00 P.M.**

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**EXECUTIVE SESSION**

An executive session of the City Council was held at **6:30 o'clock p.m.** on **Thursday, March 8, 2007, in the Council Chambers of the Dalworthington Gardens City Hall, 2600 Roosevelt Drive, Dalworthington Gardens, Texas.** The City Council met in closed, executive session pursuant to the provision of the Open Meetings Law, Chapter 551 of the Government Code, in accordance with the authority contained in Section 551.071. The following items of business were considered, discussed and acted upon, as deemed appropriate by the Council:

1. Personnel
2. Potential Litigation

**REGULAR SESSION**

A regular meeting was held at **7:00 o'clock p.m.** on **Thursday, March 8, 2007 in the Council Chambers of the Dalworthington Gardens City Hall, 2600 Roosevelt Drive, Dalworthington Gardens, Texas.** The following items of business were considered, discussed and acted upon, as deemed appropriate by the Council:

**MEMBERS PRESENT:**

Michael Tedder, Mayor  
Guy Snodgrass, Mayor Pro tem  
Mike Pettke, Councilman  
Jim Piland, Councilman  
Steve Loe, Councilman  
Ken Wallace, Councilman

**STAFF PRESENT:**

Melinda Brittain, City Secretary  
Bill Waybourn, Chief of Public Safety  
Stan Wilkes, City Attorney  
Dick Perkins, City Engineer  
Krysten Jeter, Deputy City Secretary

**CALL TO ORDER** Mayor Tedder called the meeting to order at 7:00 p.m.

***Agenda Item 1:*** Citizen comments:

There were no citizen comments.

***Agenda Item 2:*** Mayor and Council comments:

The Mayor announced that he intended to participate in the Tarrant County mayors' Meals on Wheels program. There were no council comments.

**Agenda Item 3:** Departmental Reports and February Financial Report The city administrator requested that the reports be presented at the March 22 city council meeting. No action was taken on this item.

**Agenda Item 4: Resolution 07-24,** Minutes of February 15, 2007 Meeting  
On motion by Councilman Piland, seconded by Councilman Pettke, by a vote of 5 ayes and no nays, it was:

**RESOLVED**, that the minutes of the February 15, 2007 City Council meeting be approved and placed in the records of the city.

**Agenda Item 5: Resolution 07-25,** Minutes of February 22, 2007 Meeting  
On motion by Councilman Piland, seconded by Councilman Wallace, by a vote of 5 ayes and no nays, it was:

**RESOLVED**, that the minutes of the February 22, 2007 City Council meeting be approved and placed in the records of the city.

**Agenda Item 6:** Executive session action. No action was taken.

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**Agenda Item 11:** Mayor Tedder asked the Council to take up Item 11 on the agenda - Plat Revision – Lot 2, Block 2 Twin Springs, second lot, south side of Twin Springs Drive (Applicant: Gary Vadner).

Mayor Tedder opened the public hearing at 7:07 p.m. and asked for public comments. The following persons spoke against the plat revision at the public hearing:

William Cousins, 2 Twin Springs Drive.

George Harrison, 2 Twin Lakes Court.

Kenneth Knowles, 3 Twin Springs Drive.

Barbara Rose, 17 Twin Springs Drive.

Mark Bentley, 15 Twin Springs Drive.

Mrs. Dingers, 14 Twin Springs Drive.

There being no other public comments, Mayor Tedder closed the public hearing at 7:13 p.m.

**Resolution 07-26,** On motion by Councilman Pettke, seconded by Councilman Piland, by a vote of 5 ayes and no nays, it was:

**RESOLVED**, that the Plat Revision Lot 2, Block 2 Twin Springs be denied.

**Agenda Item 7: Tabled Item** Garden Town Center – Amended Plan Development, located on the northwest corner of the intersection of Bowen Rd. and Pleasant Ridge. Applicant: Taurus Bowen Center Limited Partnership.

On motion by Councilman Wallace, seconded by Councilman Loe, by a vote of 5 ayes and no nays, the item was removed from the table.

**The motion before the council, as tabled at the council meeting of February 22, 2007, is:**

**That the PD Concept Plan for the Gardens Town Center described in the document of Cotter Associates, LLC, dated February 9, 2007, be approved with the following stipulations:**

- 1. Lot 2 land use shall be a commercial bank.**
- 2. Lots 3 and 6: Land use shall be limited to the following allowable uses typically found in community shopping centers: Pharmacy with drive windows, grocery with drive windows, retail store (beauty supply, clothier, shoes, florist, video rental, service retail (tailor, shoe repair, cleaners, hair/nail salon, phone store), restaurant with drive window, food service (coffee and pastry, sandwich shop, ice cream shop) automotive (including tire sales, new auto parts sales and auto lubrication center).**
- 3. Lots 4 and 5: All of the uses allowable on Lots 3 and 6 and, in addition, the following additional uses: Professional office uses (optical, dental, medical, financial services, insurance, legal, real estate, engineer and architect. Car wash or package store may be permitted with city council approval.**

**Reference to tracts by lot number shall not be deemed approval of a final plat without separate action of the city council.**

Mayor Tedder opened the discussion to public comments. The following persons spoke:

Ned Webster, 3301 Evie Court  
Steve Turnbow, 2800 Park Drive  
Ralph Mulkey, 4 Rushing Meadow Court  
Phil Bailey, 4100 Bowen Road  
Bill Allen, 3800 Sunset Lane  
Steve Lots, 2609 Roosevelt Drive  
Carol Cousins, 2 Twin Springs  
Cathy Stein, 2622 Clover Lane  
Kathy Allen, 3800 Sunset Lane  
Todd Tardy, 2701 Park Place Court

The Mayor thanked everyone for their comments and asked the Council if there was any action to be taken.

Councilman Piland made a motion, seconded by Councilman Loe, that the motion removed from the table be amended so that the ordinance reads as follows:

**Ordinance No. 07-04**

**AN ORDINANCE APPROVING AN AMENDMENT TO THE “PD” DEVELOPMENT PLAN FOR A DESCRIBED PORTION OF THE GARDENS TOWN CENTER; AND, PRESCRIBING PERMITTED USES WITHIN SUCH PORTION.**

**Be it ordained:**

**That the PD Concept Plan for the Gardens Town Center described in the document of Cotter Associates, LLC dated February 9, 2007 and captioned “Amended PD Final Development Plan, The Gardens Town Center” be approved, with the following conditions and stipulations:**

**RETAIL USES shall be permitted on Lots 2, 3, 4, 5 and 6. Retail uses shall be limited to the following allowable uses typically found in community shopping centers: Pharmacy with or without drive-through windows; grocery with or without drive-through windows; retail stores (beauty supply, clothier, shoes, florist, video rental, service retail (tailor, shoe repair, cleaners, hair/nail salon, phone store), restaurant with or without drive-through window, food service (coffee and pastry, sandwich shop, ice cream shop), package store, automotive (including tire sales, new auto parts sales).**

**PROFESSIONAL OFFICE USES shall be permitted on Lots 2 and 4. Professional office uses shall be: optical, dental, medical, financial services, insurance, legal, real estate, engineer or architect; and, banking institution with our without drive-through windows.**

**Reference to tracts by lot number shall not be deemed approval of a final plat without separate action of the city council.**

**Mayor pro tem made a motion to amend the proposed ordinance 07-04 by limiting the professional office uses to Lot 2 only, seconded by Councilman Pettke. The motion failed by a vote of 2 ayes and 3 nays.**

The Mayor then called for a vote on the motion made by Councilman Piland with second by Councilman Loe. By a vote of 3 ayes from Councilman Piland, Councilman Loe, and Councilman Wallace and 2 nays from

Councilman Pettke and Mayor Pro tem Snodgrass, the **ordinance 07-04** was adopted.

**Agenda Item 8 TABLED:** Resolution: Interlocal agreement with City of Arlington for automated signal enforcement. No action was taken on this item.

**Agenda Item 9 TABLED:** Resolution: Purchase of School Zone Flasher Equipment. No action was taken on this item.

**Agenda Item 10. TABLED** Joint Election Agreement & Contract for Election Services with Tarrant County. No action was taken on this item.

**Agenda Item 12 Resolution 07-27,** Plat Revision – Block 1, Thweatt Addition, 2706 West Pioneer Parkway. Applicant: Jeff Kelly, Jack Bookout, Bobby Haliburton.

Mayor Tedder opened the public hearing at 8:12 p.m. and asked for public comment. The following persons spoke at the public hearing:

Ed Gutierrez, 3610 West. Pioneer Parkway, engineer for the applicant, spoke in favor of the plat revision.

Jeff Kelly- 2706 West Pioneer Parkway, the owner and developer of the property, spoke in favor of the plat revision.

There being no other public comments, the public hearing was closed at 8:17 p.m.

On motion by Councilman Piland, seconded by Councilman Pettke, by a vote of 5 ayes and no nays, the following resolution was adopted:

**RESOLVED**, that the replat of Lot 1R and Lot 2R, Block 1, THWEATT ADDITION in the Nathan Smith Survey, Abstract No. 1432, City of Dalworthington Gardens, Texas, as evidenced by survey plat dated January, 2007 prepared by W. Michael Evans, RPS #4715 be approved and placed in the records of the city.

**Agenda Item 13: Resolution 07-28:** RFP for Oil and Gas Lease

On motion by Councilman Wallace, seconded by Mayor Pro tem Snodgrass, by a vote of 5 ayes and no nays, it was:

**RESOLVED**, that the city proceed with a request for proposals for gas drilling leases.

**Agenda Item 14: Resolution 07-29:** Authorizing the execution of the ATMOS Cities Steering Committee Participation Agreement

On motion by Mayor Pro tem Snodgrass, seconded by Councilman, by a vote of 5 ayes and no nays, the following resolution was adopted:

**RESOLVED**, that the Mayor is hereby authorized to execute the Atmos Cities Steering Committee Participation Agreement, a substantial copy of which is attached to this resolution.

**RESOLVED FURTHER**, that Krysten Jeter, Assistant City Secretary, 2600 Roosevelt Drive, Dalworthington Gardens, Texas 76016, is hereby designated as the representative of the City to receive notices and carry out the responsibilities of the City as contained in the Participation Agreement.

**RESOLVED FURTHER**, that there is hereby authorized the payment of an initial participation fee of \$0.10 per capita, according to the City's population shown in the most recent TML Directory of Texas City Officials.

**RESOLVED FURTHER**, that a certified copy of this resolution and the participation fee hereby approved shall be sent to the Treasurer of the Atmos Cities Steering Committee.

**Agenda Item 15:** Future agenda items: No items were discussed.

**ADJOURNMENT**

On motion by Councilman Pettke, seconded by Councilman Loe, by a vote of 5 ayes and no nays, the meeting was adjourned at 8:35 p.m.