

MINUTES
A REGULAR MEETING
of the
DALWORTHINGTON GARDENS
CITY COUNCIL

Regular Session: Thursday, March 19, 2009 7:00 P.M.

REGULAR SESSION

A regular meeting was held at **7:00 o'clock p.m.** on **Thursday, March 19, 2009** 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
Ken Wallace, Councilman
Steve Loe, Councilman
Jim Piland, Councilman
Mike Pettke, Councilman

STAFF PRESENT:

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

CALL TO ORDER- Mayor Tedder called the meeting to order at 7:05 p.m.

1. Citizen comments.
Richard Henton, Colleyville, TX.- internet car sales
Susan Ball, California Lane, transmission lines for oil and gas
2. Mayor and Council comments.
3. **RESOLUTION 09-10**, Departmental Reports and February Financial Report.
DPS Report
Yearly Budget Summary
Trial Balance
TexSTAR Reports
Sales Tax History
Ad Valorem Report
Water & Public Works Report
Court Activity Report
TxDOT traffic signal authorization
Pleasant Ridge Road Construction Update

On motion by Councilman Pettke, seconded by Councilman Piland, by a vote of 5 ayes and 0 nays, it was:

RESOLVED, that the DPS Activity Report, Financial Report of City Funds & Investments, and the Utility, Public Works & Court Activity Reports be approved and placed in the records of the city and that a copy be appended to the minutes of this meeting.

4. **RESOLUTION 09-11**, Minutes of February 19, 2009 Meeting.
On motion by Councilman Pettke, seconded by Councilman Loe, by a vote of 5 ayes and 0 nays, it was:

RESOLVED, that the minutes of the February 19, 2009 City Council meeting be approved and placed in the records of the city.

No Tabled Items from Previous Meetings

Public Hearings and Action

5. **RESOLUTION 09-12, Final Plat**

Applicant: Neely Industries LLC – Derek Crump

Location: 2704 W. Pioneer Parkway

Property Description: TR 3A1B, Dalworthington Gardens

Zoning: B3 – Commercial

Mayor Tedder opened the public hearing at 7:31 p.m. and asked for public comments. The following persons spoke in favor of the application:

John Zimmerman, 908 W. Main Street, Arlington

There being no other public comments, Mayor Tedder closed the public hearing at 7:32 p.m.

On motion by Councilman Wallace, seconded by Councilman Loe, it was:

RESOLVED, that the zoning application for final plat of TR3A1B, Dalworthington Gardens be approved and placed in the records of the city.

6. **ORDINANCE 09-01, Amendment to Chapter 17.6 of the Zoning Title of the City Code, providing for and regulating small animal care in the B-3 District; prohibiting the outdoor housing of small animals**

Mayor Tedder opened the public hearing at 7:33 p.m. and asked for public comments. There being no other public comments, Mayor Tedder closed the public hearing at 7:33 p.m.

On motion by Councilman Pettke seconded by Councilman Wallace, the following ordinance was adopted:

AN ORDINANCE OF THE CITY OF DALWORTHINGTON GARDENS AMENDING TITLE 17: ZONING, OF THE CITY CODE,

BY AMENDING 17.6.04 OF CHAPTER 17.6 – COMMERCIAL AND INDUSTRIAL DISTRICT REGULATIONS; PROVIDING FOR AND REGULATING SMALL ANIMAL CARE IN THE B-3 DISTRICT; PROHIBITING THE OUTDOOR HOUSING OF SMALL ANIMALS; REPEALING ORDINANCES IN CONFLICT HEREWITH; MAKING THIS ORDINANCE CUMULATIVE OF OTHER ORDINANCES ON THE SUBJECT; PRESCRIBING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION; AND, NAMING AN EFFECTIVE DATE.

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

1.

That Paragraph A., Permitted uses, of Section 17.6.04, “B-3” Business District, of TITLE 17: ZONING, of the Code of the City be amended as follows:

a. By amending sub-paragraph 14. thereof so that it shall hereafter be designated as sub-paragraph 15.

b. By the addition thereto of a new sub-paragraph, designated 14., which shall be and read as follows:

14. Pet hotel: Kennels for dogs, cats and other common household pets, providing temporary overnight housing. Facilities must be sound-proof, air-conditioned, with no outdoor housing of animals. Fenced and screened outdoor area allowed for daytime exercise of animals while in the control of human attendants. Must be under direct supervision of licensed veterinarian.

2.

That this ordinance shall repeal any provision of prior ordinances in conflict herewith.

3.

That this ordinance is hereby made cumulative of all other ordinances of the City not in conflict herewith.

4.

That if any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way

affect the validity of the remaining portions of this ordinance.

5.

That violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor; and, that any person violating any provision of this ordinance shall be punished in accordance with the provisions of Section 1.1.26 of the City Code: By a fine not exceeding two thousand dollars. For each day that a violation shall continue or be permitted to exist, there shall be deemed a separate violation. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

6.

That the caption and penalty clause of this ordinance shall be published in the Commercial Recorder, a newspaper of general circulation in the City, as provided by law.

7.

That this ordinance shall be in full force and effect from and after the date of its adoption and publication as provided by law.

7. ORDINANCE 09-02, Amendment to Chapter 17 of the Zoning Title of the City Code, establishing standards for compressor stations.

Mayor Tedder opened the public hearing at 7:40 p.m. and asked for public comments. There being no other public comments, Mayor Tedder closed the public hearing at 7:40 p.m.

On motion by Mayor Pro tem Snodgrass, seconded by Councilman Pettke, the following ordinance was adopted:

AN ORDINANCE OF THE CITY OF DALWORTHINGTON GARDENS AMENDING TITLE 17: ZONING, OF THE CITY CODE, BY AMENDING CHAPTER 17.4 – GENERAL STANDARDS, BY THE ADDITION OF 17.4.09, PRESCRIBING STANDARDS FOR GAS COMPRESSOR STATIONS AND ACCESSORIES; REPEALING ORDINANCES IN CONFLICT HEREWITH; MAKING THIS ORDINANCE CUMULATIVE OF OTHER ORDINANCES ON THE SUBJECT; PRESCRIBING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION; AND, NAMING AN EFFECTIVE DATE.

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

1.

That Chapter 17.4, GENERAL STANDARDS, of TITLE 17: ZONING, of the Code of the City be amended by the addition thereto of a new section, designated 17.4.09, which shall hereafter be and read as follows:

17.4.09 Standards for certain uses Certain land uses occurring throughout the City require the establishment of standards for the preservation of the integrity of the property on which uses are located, as well as that of adjacent land. This section contains standards for these land uses if not otherwise regulated by this or other ordinances of the City.

17.4.09.1 Natural gas compressor stations Any natural gas compressor station in the City shall comply with the following in all zoning districts of the City.

- A. A building permit shall be required for the station complex.
- B. The station complex shall be situated on a platted lot approved by the City and recorded in the plat records of Tarrant County.
- C. Setbacks – A minimum building setback for all compressor station buildings and equipment shall be established and maintained for all yards at the distances specified for the zoning district in which the station complex is located, as follows:

<u>Zoning District</u>	<u>Required setback (in feet) for all yards</u>
SF	300
MF	300
GH	300
B-1	200
B-2	200
B-3	200
LI	100

Where the station complex site abuts a different district, the more restrictive building setback shall be applied.

Where a station complex site adjoins street right-of-way, the required building setback along the right-of-way shall be not less than the minimum setback for property situated on the opposite side of the street right-of-way.

- D. Screening – In order to protect the aesthetic integrity of adjacent properties, the station site shall be screened by a wrought iron type fence along boundary lines that front a dedicated public street right-of-way of any type, or that front a private street right-of-way dedicated for public use. Brick or stone columns shall be constructed on approximately fifty (50) foot centers for such fence.
- E. Enclosures – All compressor station equipment and sound attenuation structures shall be enclosed within a building. Such building shall have a portion of its exterior walls constructed of masonry and shall be designed with the following elements:
1. A four (4) foot high masonry bulkhead wall shall be constructed on at least two (2) building facades most visible to the public.
 2. At least two (2) building facades, specifically those most visible to the public, shall be constructed with a brick or stone accent that is at least twenty (20) feet in width, extending from foundation grade vertically to the roof line of the building and terminating with a sloped or arched profile.
 3. The roof shall be sloped with a pitch of no less than 5:12 and shall contain at least one raised structure in the form of a cupola, steeple tower, clerestory element or similar structure. No flat roof shall be permitted.
 4. The non-masonry wall surfaces may be constructed of painted metal, stucco or cementitious fiber board material. Engineered wood paneling shall not be permitted for the finished exterior.
 5. The architectural design of the building shall be compatible with the visual context of surrounding development in the same zoning district. The building may be designed as a representation of, but not be limited to, the following building types: barn structure; estate residence; school or similar institution; gazebo or picnic area enclosure; club house or recreational facility; retail or office building; or, any combination of the above.
- F. Access – Vehicular access to the boundaries of the station complex from the street and those areas within the complex site where vehicular traffic and parking is to occur shall be paved with a

concrete surface at a thickness and design meeting the City's standard specifications for city streets

- G. Sound – The operation of station equipment shall not create any noise that causes the exterior noise level to exceed the pre-development ambient noise levels measured at the property line of the station site and within 300 feet of the station building. Prior to the issuance of any building permit for a station complex:
1. The applicant shall cause a test to be performed of a type to be approved in advance by the City, to determine the pre-development ambient noise levels.
 2. The applicant shall give prior notice to the City of the date and time of the test.
 3. The applicant shall submit to the City the written certification by a registered engineer that the station complex, when built in accordance with the submitted design plans therefor, will preserve and maintain an exterior noise level no greater than the pre-development noise level, as determined by the required test.
- H. Landscape – The station site shall be landscaped in a manner that is compatible with the landscape ordinances of the City.

2.

That this ordinance shall repeal any provision of prior ordinances in conflict herewith.

3.

That this ordinance is hereby made cumulative of all other ordinances of the City not in conflict herewith.

4.

That if any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

5.

That violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection

with conditions) shall constitute a misdemeanor; and, that any person violating any provision of this ordinance shall be punished in accordance with the provisions of Section 1.1.26 of the City Code: By a fine not exceeding two thousand dollars. For each day that a violation shall continue or be permitted to exist, there shall be deemed a separate violation. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

6.

That the caption and penalty clause of this ordinance shall be published in the Commercial Recorder, a newspaper of general circulation in the City, as provided by law.

7.

That this ordinance shall be in full force and effect from and after the date of its adoption and publication as provided by law.

8. Amendment to Chapter 17 of the Zoning Title of the City Code, establishing standards for wind generation systems.

Mayor Tedder opened the public hearing at 7:48 p.m. and asked for public comments. There being no other public comments, Mayor Tedder closed the public hearing at 7:48 p.m.

No action was taken.

Action Items:

9. ORDINANCE 09-03, Amendment to Chapter 3.3 of the City Code establishing charges for animal control services – reclaimed animals.

On motion by Councilman Wallace, seconded by Councilman Loe, by a vote of 5 ayes and 0 nays, the following ordinance amendment was adopted:

AN ORDINANCE AMENDING CHAPTER 3.3 OF THE CITY CODE , OF TITLE 3, REVENUE AND FINANCE, OF THE CODE OF THE CITY OF DALWORTHINGTON GARDENS: BY AMENDING 3.3.04 RESOLVING CONFLICT OF THIS CHAPTER WITH OTHER LAWS; BY AMENDING “A. ADMINISTRATIVE SERVICES”, OF 3.3.05 PRESCRIBING FEES FOR ADMINISTRATIVE SERVICES PROVIDED BY THE CITY; REPEALING ORDINANCES IN CONFLICT HEREWITH; MAKING THIS ORDINANCE CUMULATIVE OF OTHER ORDINANCES OF THE CITY NOT IN CONFLICT HEREWITH; AND, NAMING AN EFFECTIVE DATE.

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

A SERVICE FEE FOR ANIMAL CONTROL SERVICES- RECLAIMED ANIMALS BE SET AT \$60.00 PER INCIDENT.

10. ORDINANCE 09-04, Order calling for cancellation of May, 2009 election.

On motion by Councilman Pettke seconded by Councilman Wallace, the following ordinance was adopted:

AN ORDINANCE DECLARING UNOPPOSED CANDIDATES IN THE MAY 9, 2009 GENERAL CITY ELECTION, ELECTED TO OFFICE; CANCELING THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the general city election was called for May 9, 2009, for the purpose of electing members to the city council; and

WHEREAS, the city secretary has certified in writing that there is no proposition on the ballot, that no person has made a declaration of write-in candidacy, and that each candidate on the ballot is unopposed for election to office; and

WHEREAS, under these circumstances, Subchapter C, Chapter 2, Election Code, authorizes the city council to declare the candidates elected to office and cancel the election;

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

Section 1. The following candidates, who are unopposed in the May 9, 2009 general city election, are declared elected to office, and shall be issued certificates of election following the time the election would have been canvassed:

Alderman Place 3: Jim Piland

Alderman Place 4: Clay E. Ellis

Alderman Place 5: Steve Loe

Section 2. The May 9, 2009 general city election is canceled, and the city secretary is directed to cause a copy of this ordinance to be posted on election day at each polling place that would have been used in the election.

Section 3. It is declared to be the intent of the city council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance is declared invalid by the

judgment or decree of a court of competent jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the city council would have enacted them without the invalid portion.

Section 4. This ordinance shall take effect upon its final passage, and it is so ordained.

11. RESOLUTION 09-13, Authorization of plans and specifications for pavement reconstruction and erosion control improvements on Gardenia Drive.

On motion by Councilman Wallace, seconded by Councilman Pettke, it was:

RESOLVED, that the plans and specifications for pavement reconstruction and erosion control improvements on Gardenia Drive with the inclusion that the cul-de-sac be moved further west be authorized and placed in the records of the city.

FUTURE AGENDA ITEMS

Schedule a workshop for City Hall Expansion
Internet Car Sales

ADJOURN

On motion by Councilman Loe, seconded by Councilman Wallace, by a vote of 5 ayes and 0 nays the meeting was adjourned at 7:52 p.m.