

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

An executive session of the City Council was held at **6:30 o'clock p.m.** on **Thursday, April 21, 2005, 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 may be acted upon, as deemed appropriate by the Council:

EXECUTIVE SESSION

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 to discuss possible litigation.

Members Present:

Albert A. Taub- Mayor
Mike Pettke
Michael Tedder
Ken Wallace
Max Stewart

Members Absent:

Guy Snodgrass- Mayor Pro tem

Staff Present:

Melinda Brittain- City Administrator
Stan Wilkes- City Attorney
Bill Waybourn- Chief of Public Safety
Greg Saunders- City Engineer

REGULAR SESSION

A regular meeting was held at **7:00 o'clock p.m.** on **Thursday, April 21, 2005, in the Council Chambers of the Dalworthington Gardens City Hall, 2600 Roosevelt Drive, Dalworthington Gardens, Texas.** The following items of business will be considered, discussed and may be acted upon, as deemed appropriate by the Council:

CALL TO ORDER: A quorum of the Council being present, the Mayor, Mr. Taub called the meeting to order at 7:10pm

1. (Agenda Item 1) Citizen Comments

1. Wendy Thurmond- asked for the pool ordinance to be changed
2. Kathy Price- gave park board report
3. Elaine Gibson- requested the pool ordinance to be placed on next agenda

4. Bill Allen- 3800 Sunset Ln.- commented on notification of sewer line
5. Cathy Allen- 3800 Sunset Ln.- commented on notification of sewer line
6. Cami Wallace- commented on the form of government we had.

2. (Agenda Item 2) **Mayor and Council comments**

3. (Agenda Item 3) **Departmental Reports and March Financial Report**

Chief Waybourn gave the DPS Departmental Reports. Melinda Brittain gave the City Departmental Reports. Council reviewed a draft of the March Departmental and Financial Reports. On motion by Councilman Wallace, seconded by Mike Pettke, it was:

RESOLVED, that the departmental and financial reports for the month of March, be approved and placed in the records of the City.

The motion passed by a vote of 4 ayes and 0 nays.

4. (Agenda Item 4) **Minutes of March 15, 2005 Meeting**

Council reviewed a draft of the minutes of the City Council meeting held on March 15, 2005. On motion by Councilman Pettke, seconded by Councilman Tedder, it was:

RESOLVED, that the minutes of the meeting of the City Council held on March 15, 2005, be approved and placed in the records of the City.

The motion passed by a vote of 4 ayes and 0 nays.

5. (Agenda Item 5) **Minutes of March 17, 2005 Meeting**

Council reviewed a draft of the minutes of the City Council meeting held on March 17, 2005. On motion by Councilman Pettke, seconded by Councilman Wallace, it was:

RESOLVED, that the minutes of the meeting of the City Council held on March 17, 2005, be approved and placed in the records of the City.

The motion passed by a vote of 4 ayes and 0 nays.

6. (Agenda Item 6) **Public Hearing: Final Plan – Arlington Classics Academy – Planned Development**

The Mayor opened the public hearing at 7:50pm and asked for public comment. There being no persons present asking to address the City Council on this subject, the Mayor declared the Public Hearing to be closed at 7:51pm.

On motion by Councilman Pettke to defer action on this matter, seconded by Councilman Stewart. Motion was denied by a vote of 2 ayes from Councilman Pettke

and Councilman Stewart and 2 nays from Councilman Tedder and Councilman Wallace, and a vote from the Mayor of nay. Motion was denied.

After discussion among Council members, the following motion was made.

On motion by Councilman Tedder, seconded by Councilman Stewart, it was:

RESOLVED, that the final plan from Arlington Classics Academy include the front elevations meeting the proposed Ordinance 17.4 and to add dormers as shown and to defer the required building changes expense with delay of landscaping in the rear for one (1) year.

The motion passed by a vote of 4 ayes and 0 nays.

7. (Agenda Item 7) **Resolution 05-34: Submission of Grant Application to the Texas Criminal Justice Division**

Council reviewed a draft of Resolution 05-34, submission of grant application to the Texas Criminal Justice Division. On motion by Councilman Stewart, seconded by Councilman Wallace, it was:

RESOLVED, that the grant application to the Texas Criminal Justice Division be approved and placed in the records of the City.

The motion passed by a vote of 4 ayes and 0 nays.

RESOLUTION 05-34

FY 2005-2006 State of Texas, Office of the Governor, Criminal Justice Division
Authorization of Submission
Grant Application

WHEREAS, the Dalworthington Gardens City Council finds it in the best interest of the citizens of Dalworthington Gardens, Texas that the 421 State Criminal Justice Planning Fund grant application be submitted for the 2005-2006 fiscal year and

WHEREAS, the Dalworthington Gardens City Council has agreed that in the event of loss or misuse of the Criminal Justice Division funds, the Dalworthington Gardens City Council assures that all the funds will be returned to the Criminal Justice Division in full.

NOW THEREFORE, BE IT RESOLVED that we, the Dalworthington Gardens City Council approves submission of the grant application for the 421 State Criminal Justice Fund to the Office of the Governor, Criminal Justice Division.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the Seal of the City of Dalworthington Gardens, Texas to be affixed this 21st day of April, 2005.

8. (Agenda Item 8) Ordinance 05-06: Adopting Drought Contingency/Emergency Water Management Plan, City of Fort Worth.

Council reviewed a draft of the Drought Contingency/ Emergency Water Management Plan with the City of Ft. Worth. On motion by Councilman Tedder, seconded by Councilman Wallace, it was:

RESOLVED, that the Drought Contingency/Emergency Water Management Plan, with the City of Fort Worth be approved and placed in the records of the City.

The motion passed by a vote of 4 ayes and 0 nays.

ORDINANCE NO. 05-06

AN ORDINANCE AMENDING CHAPTER 13.4, "WATER AND SEWER", OF TITLE 13, "PUBLIC SERVICES", OF THE CODE OF THE CITY OF DALWORTHINGTON GARDENS, BY AMENDING ARTICLE V, "WATER RATIONING" THEREOF, ADOPTING A DROUGHT CONTINGENCY/EMERGENCY WATER MANAGEMENT PLAN AND A WATER CONSERVATION PLAN; PROVIDING A SAVINGS CLAUSE; PRESCRIBING A PENALTY FOR VIOLATION OF THE PLANS; PROVIDING FOR PUBLICATION; AND, NAMING AN EFFECTIVE DATE.

WHEREAS, the City of Dalworthington Gardens has heretofore entered into a contract and agreement with the City of Fort Worth by the terms of which the City of Fort Worth is a wholesale water provider to Dalworthington Gardens; and

WHEREAS, rules promulgated pursuant to Chapter 288 of Title 30, Texas Administrative Code, "Water Conservation Plans, Drought Contingency Plans, Guidelines and Requirements", requires the City of Fort Worth, as a wholesale water provider, and the City of Dalworthington Gardens, as a wholesale water customer of the City of Fort Worth, to adopt water conservation plans and drought contingency plans; and

WHEREAS, the said contract and agreement between the City of Fort Worth and the City of Dalworthington Gardens requires the City of Dalworthington Gardens to institute and apply water rationing, conservation measures and restrictions on water use in the same manner and under the same conditions as are applied by the City of Fort Worth; and

WHEREAS, in order to comply with Chapter 288, Title 30 of the Texas Administrative Code as described above and in order to perform its obligations under its contract and agreement with the City of Fort Worth, the City Council desires to adopt the Water Conservation Plan and the Drought Contingency/Emergency Water Management Plans of the City of Fort Worth as the plans therefore of the City of Dalworthington Gardens, NOW THEREFORE

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

1.

That 13.4.61, Plan Adoption, of Article V, WATER RATIONING, of Chapter 13.4, WATER AND SEWER, of Title 13, PUBLIC SERVICE, of the Code of the City be amended so that hereafter the same shall be and read as follows:

13.4.61 Plan adoption

A. Water Conservation Plan The document of 20 pages captioned "Water Conservation Plan" promulgated by the City of Fort Worth and adopted by its City Council in April, 2005 is hereby adopted as the water conservation plan of the City, and is incorporated herein and specifically made a part of this chapter. A copy of the plan shall be maintained on file in the office of the City Secretary. The restrictive, prohibitive or otherwise regulatory measures contained in the plan, when implemented as therein provided, shall have the same force and effect as any other exercise of the police power of the City.

B. Drought Contingency/Emergency Water Management Plan The document of 14 pages captioned "Drought Contingency/Emergency Water Management Plan" promulgated by the City of Fort Worth and adopted by its City Council in April, 2005 is hereby adopted as the drought contingency and emergency water management plan of the City, and is incorporated herein and specifically made a part of this chapter. A copy of the plan shall be maintained on file in the office of the City Secretary. The restrictive, prohibitive or otherwise regulatory measures contained in the plan, when implemented as therein provided, shall have the same force and effect as any other exercise of the police power of the City.

2.

That 13.4.62, Implementation; Reporting, of Article V, WATER RATIONING, of Chapter 13.4, WATER AND SEWER, of Title 13, PUBLIC SERVICE, of the Code of the City be amended so that hereafter the same shall be and read as follows:

13.4.62 Plan implementation and reporting The plans adopted in 13.4.61 shall be implemented in accordance with the procedures set forth therein. The City

shall make in a timely manner such reports concerning the plans and/or their implementation as may be required from time to time by statute or contract.

3.

That it is hereby found and determined that the meeting at which this ordinance is passed is open to the public and that notice of the time, place and purpose of the meeting was given as required by law.

4.

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

5.

That any person violating the provisions of this ordinance or any of the regulations adopted pursuant thereto shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$500.00 and for each day that such violation shall continue, there shall be deemed a separate offense.

6.

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

7.

That this ordinance and the rules, regulations provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and publication.

9. (Agenda Item 9) Public Hearing: Ordinance 05-07: Amending Chapter 17.4 of City Code adopting architectural design standards.

The Mayor opened the Public hearing at 8:10pm.

Council reviewed a draft of the Ordinance amending Chapter 17.4 of the City code adopting architectural design standards. On motion by Councilman Wallace, seconded by Councilman Tedder, it was:

RESOLVED, that the amendment to Chapter 17.4 of the City code adopting architectural design standards be approved and placed in the records of the City.

The motion passed by a vote of 4 ayes and 0 nays

Ordinance 05 -07

AN ORDINANCE OF THE CITY OF DALWORTHINGTON GARDENS AMENDING THE CITY CODE, TITLE 17: "ZONING": BY AMENDING: 17.4 THEREOF, "GENERAL STANDARDS", BY THE ADDITION THERETO OF SECTION 17.4.08, "DESIGN STANDARDS", PRESCRIBING THE KIND AND QUALITY OF MATERIALS TO BE USED IN NON-RESIDENTIAL STRUCTURES AND PROVIDING FOR HORIZONTAL AND VERTICAL ARTICULATION OF STRUCTURES; PRESCRIBING A PENALTY FOR VIOLATIONS HEREOF; MAKING THIS ORDINANCE CUMULATIVE OF OTHER ORDINANCES ON THE SUBJECT; REPEALING ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; 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 of Dalworthington Gardens, be amended by the addition thereto of the following:

17.4.08 Design Standards Non-residential buildings in the City shall be built in accordance with the provisions for building design and materials standards contained in this paragraph 17.4.08.

A. Materials and color - walls Exterior wall construction for permitted non-residential buildings in any zoning district shall be in accordance with the following:

1. A wall shall be not less than 80% masonry.
2. The percentage calculation shall apply to each building elevation and each elevation shall be calculated independently.

3. For the purpose of calculation, wall area shall include eaves, gables and parapets, but shall not include exterior windows and doors, roofs, awnings and signs.

As used in this paragraph, "masonry" includes:

a. brick, stone or tile, hand laid unit by unit;
veneer simulations of the materials having the appearance of hand laid units, when approved by the City;
stucco when applied in accordance with building code standards therefore; and
tilt-wall and other pre-cast walls, but only when the exterior surface is faced with one or more of the applications described in a. through c. of this sub-paragraph 4 on each street frontage and on the sides of the building. The rear elevation of the building shall also be so faced when the rear abuts property zoned or used for residential purposes.

4. Glass shall not exceed 50 percent of the area of any one facade of a building.
5. Exterior wall surfaces shall consist of no more than three colors: a Base color in an earth tone, which may be 100% of the wall area; a trim color, which may not exceed 20% of the wall area; and, an accent color that may not exceed 1% of the wall area.
6. In combination, accent materials and non-masonry materials shall not exceed 20% of any one building elevation.
7. Awnings shall be canvases or a lusterless, non-metallic material closely resembling canvas, at least 98% of which is a single deep or neutral solid color. The remaining 2%, if a different, shall be a contrasting color. Awnings shall not be backlit.

B. Materials, color and design - roofs Roof construction for permitted non-residential buildings in any zoning district shall be in accordance with the following:

1. All structures having 6000 square feet or less footprint shall be constructed with a pitched roof having a pitch not less than 2/12. Those having a footprint greater than 6000 square feet shall be constructed with either a pitched, parapet or mansard roof system, which shall be enclosed on all sides.
2. Standing seam metal roofs shall be made of copper or shall have a factory-treated, non-metallic, matte finish. Metal roofs with lapped-seam construction, bituminous built-up roofs, and flat membrane roofs that are visible shall be prohibited.
3. Pitched roofs shall have roofing material of a lusterless neutral/earth tone or green color. Green colors shall be limited to dark forest greens, pale bluish-gray greens, slate greens and copper patina.

4. Roof-mounted equipment otherwise visible from the same or adjacent property shall be screened from view. The screen shall be the color of the roof material or the wall material, whichever most effectively minimizes visibility from the ground.
- C. Building Articulation On all building elevations the following horizontal and vertical articulation must be met:
 1. Horizontal Articulation: A building elevation extending horizontally more than eighty (80) feet shall have no less than 30% of the total area of the elevation offset a minimum of four (4) feet, either protruding forward of or recessed back from the remainder of the elevation. A building elevation extending horizontally less than eighty (80) feet shall have no less than 30% of the total area of the elevation offset a minimum of two (2) feet.
 2. Vertical Articulation: No wall shall extend horizontally for a distance greater than three (3) times the height of the wall without changing the height by a minimum of 15% of the wall height, and such height change shall continue for a minimum distance equal to 25% of the maximum horizontal length of either adjacent plane.
 3. Application The horizontal and vertical articulation requirements of this subparagraph C shall apply to: (a) all street frontage and side yard building elevations; and (b) rear elevations on property adjacent to property zoned or used for residential purposes, but excluding from application those elevations adjacent to and within five feet of other buildings.

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 any person violating any provision of this ordinance or the code provisions hereby amended shall be punished in accordance with the provisions of Section 1.1.26 of the City Code: by a fine not to exceed two thousand dollars. For each day that a violation shall continue or be permitted to exist, there shall be deemed a separate violation.

5.

That if any section, subsection, sentence, clause or phrase of this ordinance or the code provisions hereby amended is for any reason held to be invalid or unconstitutional; such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this title and each section, subsection, sentence, clause and phrases hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared or had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

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.

7.

That this ordinance shall be in full force and effect from and after the date of its passage and publication.

10. (Agenda Item 10) Resolution 05-35: Election Judge and Alternate Judge Appointment for the May 7, 2005 General Election

Council reviewed a draft of Resolution 05-35, appointing an Election Judge and Alternate judge for the May 7, 2005 Election. On motion by Councilman Pettke, seconded by Councilman Tedder, it was:

RESOLVED, that David Hudson be appointed as the Election Judge and that Mr. Klein be appointed Alternate Election Judge.

The motion passed by a vote of 4 ayes and 0 nays.

RESOLUTION NO. 05-35

A RESOLUTION TO APPROVE AN
APPOINTMENT OF THE ELECTION JUDGE
AND ALTERNATE ELECTION JUDGE TO
SERVE FOR THE MAY 7, 2005 ELECTION

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

That, David Hudson be appointed as Election Judge and That, Robert Klein
be appointed as alternate Election Judge to serve for the May 7, 2005
election.

11. (Agenda Item 11) Future Agenda Items

Adjourn

On motion by Councilman Stewart, seconded by Councilman Wallace the meeting was adjourned