

**MINUTES of a MEETING
of the
DALWORTHINGTON GARDENS
CITY COUNCIL
on June 16, 2005**

REGULAR SESSION

A regular meeting of the City Council of the City of Dalworthington Gardens was held at 7:00 o'clock p.m. on Thursday, June 16, 2005 in the Council Chambers of the Dalworthington Gardens City Hall, 2600 Roosevelt Drive, Dalworthington Gardens, Texas. The following business was transacted:

Members Present:

Al Taub- Mayor
Mike Pettke- Councilman
Ken Wallace- Councilman
Michael Tedder- Councilman
Jim Piland- Councilman

Members Absent:

Guy Snodgrass- Mayor Pro tem

Staff Present:

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

CALL TO ORDER- Mayor Al Taub called the meeting to order at 7:00pm.

(Agenda Item 1) Mayor Proclamations

Mayor Al Taub presented Proclamations for service to Max Stewart for his service on the City Council and to Jim Piland for his service on the Zoning Board of Adjustments

(Agenda Item 2) Citizen comments

Dennis Barnes- 2808 Harder Ln., gave some background on Bowen/Pleasant Ridge construction
Jim Fallon- 3613 Orchid Ln., spoke in favor of Pleasant Ridge road construction
Lyndon Boone- Hemingsford Ct., spoke against Pleasant Ridge construction
Cathy Stein- 2622 Clover Ln., spoke in regards to a Newsweek article
Kathy Price- 2820 Whisperwood, gave Park Board Report

J.W. Mullins- 3312 Roosevelt Dr., spoke in favor of Pleasant Ridge construction
Steve Oaks- 3301 Indian Trail, asked for tax freeze for seniors citizens.
Stan Royal- 5 Country Place, spoke in favor of Pleasant Ridge construction
Max Stewart- 3606 Wooded Creek Circle- spoke in favor of Pleasant Ridge
Steve Loe- 2816 Park Dr.- commented that the City does a lot of things right.
James Arnett- 2703 Glen Ridge Dr., Arlington- spoke in favor of Pleasant Ridge construction

(Agenda Item 3) Mayor and Council comments

Mayor Taub responded to Citizen Comments about the Pleasant Ridge construction

(Agenda Item 4) Departmental Reports and April Financial Report

Chief Waybourn gave the DPS report. Melinda Brittain gave the department reports and May's financial report.

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

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

The motion passed by a vote 4 ayes 0 nays.

(Agenda Item 5) Mayor Pro-tem election, Resolution 05-41.

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

RESOLUTION NO. 05-41

**A RESOLUTION APPOINTING OF THE
MAYOR PRO TEM FOR THE 2005-2006 CITY
COUNCIL YEAR.**

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

That Guy Snodgrass is hereby elected Mayor Pro tem to serve for the 2005-2006 City Council year and until his successor is elected.

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

(Agenda Item 6) Committee Appointments, Resolution 05-42.

The Mayor announced his appointments to City Council committees to serve during the 2005-2006 City Council year, as follows:

Public Works Committee: Ken Wallace, Jim Piland, Melinda Brittain

Park Committee: Ken Wallace, Jim Piland, Melinda Brittain

Inter-Governmental Committee: Mike Pettke, Michael Tedder, Chief Bill Waybourn

DPS Committee: Guy Snodgrass, Michael Tedder, Chief Bill Waybourn

Budget and Audit Committee: Mayor Al Taub, Guy Snodgrass, Mike Pettke, Bob Walsh, Linda Bourgeois, Melinda Brittain

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

RESOLUTION #05-42

**A RESOLUTION APPOINTING MEMBERS TO BOARDS,
COMMISSIONS AND COMMITTEES**

RESOLVED, that the following committee appointments are hereby made, for terms expiring in 2007.

Zoning Board of Adjustments: Charles Miller, John Anton, Ned Webster

Planning and Zoning Commission: Steve Loe, Lisa Grabowski, Ed Motley

Park Board: Tina Hall, Stacy Tedder, Jeannine Calhoon

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

(Agenda Item 7) Minutes of May 19, 2005 Meeting

Council reviewed the minutes of the May 19, 2005 meeting.

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

RESOLVED, that the minutes of the meeting of the City council held on May 19, 2005 with corrections made, be approved and placed in the records of the City.

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

(Agenda Item 8) Citizen Insurance Claim

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

RESOLVED, that Dr. Van Hoosier's insurance claim be denied and referred to the City's insurance carrier.

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

(Agenda Item 9) Award Contract: 2005 Street Improvement Project, Resolution 05-43.

On motion by Councilman Pettke, seconded by Councilman Piland, the following resolution was adopted:

RESOLUTION NO. 05-43

A RESOLUTION AWARDING A CONTRACT TO JLB FOR CERTAIN PROJECTS IN THE 2005 STREET IMPROVEMENT PROGRAM.

WHEREAS, the City has advertised for bids for certain street improvements, such advertisement being in accordance with the competitive bidding requirements of state law; and

WHEREAS, the City has received bids for the said street improvements and has determined that there is a lowest and best acceptable bid to which it desires to award a contract; NOW THEREFORE

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

1.

That the Mayor is hereby authorized to execute a contract with JLB Contracting, the lowest and best submitted bid, for each of the street projects for which bids were solicited, same and except section 8 of the bid tabulation, which is hereby specifically deleted from the contract.

2.

That a copy of the bid tabulation shall be appended to this resolution.

3.

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

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

(Agenda Item 10) Public Hearing: Plat Revision – DWG Addition Lot 9

The Mayor opened the public hearing at 8:15 p.m. and asked for public comment. There being no persons addressing the Council, the Mayor closed the public hearing at 8:16 p.m.

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

RESOLVED, that the plat revision for DWG Addition Lot 9 be approved and placed in the records of the city.

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

(Agenda Item 11) Public Hearing: Plat Revision – Devereaux Addition Lot 3

The Mayor opened the public hearing at 8:19 p.m. and asked for public comment. There being no persons addressing the Council, the Mayor closed the public hearing at 8:20 p.m.

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

RESOLVED, that the plat revision for the Devereaux Addition Lot 3 be approved and placed in the records of the city.

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

(Agenda Item 12) Public Hearing: Preliminary Plat – The Gardens Town Center

The Mayor opened the public hearing at 8:23 p.m. There being no persons addressing the Council, the Mayor closed the public hearing at 8:23 p.m.

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

RESOLVED, that the preliminary plat for The Gardens Town Center be approved and placed in the records of the city.

The motion passed by vote 4 ayes and 0 nays.

(Agenda Item 13) Final Plat – The Gardens Town Center

On motion by Councilman Pettke, seconded by Councilman Tedder, consideration of the final plat for the Gardens Town Center was tabled by a vote of 4 ayes and 0 nays.

(Agenda Item 14) Final Development Plan – The Gardens Town Center

On motion by Councilman Pettke, seconded by Councilman Tedder, consideration of the final development plan for the Gardens Town Center was tabled by a vote of 4 ayes and 0 nays.

(Agenda Item 15) Public Hearing: Preliminary Plat – McAndrew Addition

The Mayor opened the public hearing at 8:26pm. There being no persons addressing the Council, the Mayor closed the public hearing at 8:26pm.

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

RESOLVED, that the preliminary plat for the McAndrew Addition be approved and placed in the records of the city.

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

(Agenda Item 16) Public Hearing: Zoning Ordinance Amendment – Garden Home District, Ordinance 05-08.

The Mayor opened the public hearing at 8:44pm. There being no persons addressing the Council, the Mayor closed the public hearing at 8:45. Council reviewed recommendations from the Planning and Zoning Board on this item.

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

Ordinance 05 - 08

AN ORDINANCE OF THE CITY OF DALWORTHINGTON GARDENS AMENDING THE CITY CODE, TITLE 17: "ZONING": ADDING TO 17.2.01A THEREOF A GARDEN HOME ("GH") RESIDENTIAL DISTRICT; ADDING TO 17.2.02 THEREOF PARAGRAPH A-1 STATING THE PURPOSES OF THE "GH" DISTRICT; AMENDING 17.5 "RESIDENTIAL DISTRICT REGULATIONS" TO PROVIDE FOR HEIGHT, AREA, SETBACK AND OTHER STANDARDS FOR DEVELOPMENT IN A "GH" DISTRICT; 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 Title 17, ZONING, of the Code of the City of Dalworthington Gardens, be amended as follows:

A. By the amendment of 17.2.01 A, "Residential Districts", to add thereto: "GH" Residential District.

B. By the addition to 17.2.02, "Purposes of districts", of a new paragraph A-1, which shall be and read as follows:

A-1 "GH Residential District This district is designed to accommodate detached single-family dwellings in a medium density setting allowing for innovation in development designed to encourage individual home ownership either on platted conventional lots or in a clustered site-plan configuration.

C. By the amendment of 17.5, "Residential District Regulations", 17.5.01 A., Table of standards, to add thereto a column captioned "GH", with the following entries:

| | |
|--|------|
| HEIGHT (Maximum, in feet) | 35 |
| AREA | |
| Lot area, minimum per dwelling unit (in square feet) | 6000 |
| Living area, minimum per dwelling unit (in square feet) | 2000 |
| LOT | |
| Width (minimum in feet) | 50 |
| Coverage, building (maximum, in square feet) | 50% |
| Coverage, impervious surface (maximum, in square feet) | 70% |
| YARDS (minimum, in feet) | |
| Front | 15 |
| Side, interior lot | 5 |
| End or corner lot | 15 |
| Rear | 10 |
| PARKING (Minimum spaces per unit) | |
| Garage (no front-facing) | 2 |
| Guest | 2 |

D. By the amendment of 17.5, "Residential District Regulations" to add thereto a new section 17.5.04, "GH" Residential District, which shall be and read as follows:

17.5.04 "GH Residential District A building or premises in this District shall be used only for the following purposes under the standards herein contained:

A. In this District there shall be only garden homes and accessory buildings as elsewhere herein regulated.

B. Any building in this district shall meet the following design standards:

(1) The building shall be not less than 85% masonry. As used in this paragraph, "masonry" includes: 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; and, stucco when applied in accordance with building code standards therefor.

(2) The building shall have a minimum 8/12 roof pitch and not less than a 40-yr quality architectural profile shingle.

C. Any development in the GH district shall be developed in accordance with a site plan meeting the requirements of developments having a PD overlay.

D. Uses allowed in GH and in other zoning classifications may be developed under a common PD plan meeting the procedural requirements of Chapter 17.7.

2.

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

3.

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.

4.

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.

5.

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

6.

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

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

(Agenda Item 17) Public Hearing: Zoning Ordinance Amendment – Pool Set-Backs

The Mayor opened the public hearing at 8:55 p.m. There being no persons addressing the Council, the Mayor closed the public hearing at 8:55 p.m. The Council reviewed the recommendation from the Planning and Zoning Board on this item that no change be made in the ordinance concerning pool setbacks.

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

RESOLVED, that no amendment be made to the zoning ordinance provisions concerning pool set-backs.

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

(Agenda Item 18) Status Report on Pleasant Ridge

Mr. Bob Lowry, Director of Public Works for the City of Arlington spoke in regards to the status of Pleasant Ridge construction.

(Agenda Item 19) Tarrant County Tax Assessor/Collector Agreement, Resolution 05-44.

On motion by Councilman Wallace, seconded by Councilman Tedder, the following resolution was adopted:

RESOLUTION NO. 05-44

**A RESOLUTION APPROVING AN AGREEMENT WITH THE
TARRANT COUNTY TAX ASSESSOR/COLLECTOR**

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 the Tarrant County Tax Assessor/Collector for the collection of ad valorem taxes for 2006.

2.

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

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

(Agenda Item 20) Future Agenda Items

Councilman Wallace asked that Dustin Trail be put on agenda.

(Agenda Item 21) Adjourn

On motion by Councilman Pettke, seconded by Councilman Tedder, by unanimous vote, the meeting was adjourned at 9:07 p.m.