

**MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS,  
CITY COUNCIL HELD ON OCTOBER 20, 2022 AT 6:00 P.M. IN THE COUNCIL CHAMBERS, 2600  
ROOSEVELT DRIVE, DALWORTHINGTON GARDENS, TEXAS.  
WORK SESSION**

*While the order of some agenda items were changed, the following represents all items discussed and acted upon by the City Council.*

**1. CALL TO ORDER**

Mayor Bianco called the meeting to order at 6:00 p.m. with the following present:

**Members Present:**

Laura Bianco, Mayor  
John King, Alderman, Place 1  
Steve Lafferty, Alderman, Place 2  
Cathy Stein, Alderman, Place 3  
Ed Motley, Mayor Pro Tem; Alderman, Place 4

**Members Absent:**

Mark McGuire, Alderman, Place 5

**Staff Present:**

Greg Petty, DPS Director  
Kay Day, Finance Director  
Sandra Ma, Court Administrator  
Gary Parker, Public Works Director  
Gary Harsley, Community Development Director

**2. WORK SESSION**

The following items were discussed.

- a. Received development presentation from Trevor Turnbow Trevor Turnbow for property located at 2500 and 2512 California Lane, Dalworthington Gardens.
- b. Received development presentation from Trevor Turnbow for property located at 2807 Spanish Trail, Dalworthington Gardens.
- c. Work Session on other listed agenda items, if time permits.

No other items were discussed

**3. ADJOURN**

The meeting was adjourned at 6:55 p.m.

**REGULAR SESSION**

**1. CALL TO ORDER**

Mayor Bianco called the meeting to order at 7:01 p.m. with the following present:

**Members Present:**

Laura Bianco, Mayor  
John King, Alderman, Place 1

Steve Lafferty, Alderman, Place 2  
Cathy Stein, Alderman, Place 3  
Ed Motley, Mayor Pro Tem; Alderman, Place 4

Members Absent:

Mark McGuire, Alderman, Place 5

**Staff Present:**

Greg Petty, DPS Director  
Kay Day, Finance Director  
Sandra Ma, Court Administrator  
Gary Parker, Public Works Director  
Gary Harsley, Community Development Director

**2. INVOCATION AND PLEDGES OF ALLEGIANCE**

Mayor Bianco gave the invocation.

- a. U.S. Pledge
- b. Texas Pledge - *“Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”*

Pledges were said.

**3. PRESENTATION AND PROCLAMATIONS**

- a. Tom Grieve Day – October 5, 2022

Mayor Bianco read aloud a proclamation recognizing Tom Grieve Day.

**4. ITEMS OF COMMUNITY INTEREST**

The following items were presented:

- a. Trunk or Treat, October 22, 2022**
- b. Monarch Photography Contest, August 15, 2022 – October 31, 2022**
- b. Day with the Law, November 5, 2022**
- c. Pictures with Santa, December 4, 2022**
- d. Santa Parade, December 23, 2022**

**5. CITIZEN COMMENTS**

Ned Webster, 3301 Evie Ct.: Spoke against development at 2807 Spanish Trail.

Caleb Oldham, 3304 Evie Ct.: Spoke against development at 2807 Spanish Trail.

Scott McCaskey, 2501 California Ln.: Spoke against development at California and Bowen.

Cindy Fulton, 2916 Texas Dr.: Spoke against development at California and Bowen

Annette Plog, 3302 Evie Ct.: Spoke against development at 2807 Spanish Trail.

**6. MAYOR AND COUNCIL COMMENTS**

Mayor Bianco Thanked Patti White and Green’s Produce for two very large recent donations that helped our DWG events sparkle and shine. Green’s donated the hay bales that decorated the stage for the band at our September Concert in the Park, and also donated pumpkins for our National Night Out on October 5. I sit in awe when I think about how extraordinarily gifted and dedicated our staff and DPS are. Thank you, Chief Petty, and the entire DPS for all that you do to keep us safe. We enjoyed a fantastic National Night Out celebrating you and our community. What many folks don’t know is the enormous amount of work that goes into organizing such an event. Jennifer Burkhart always goes above and beyond the call of duty, and our National Night Out event is just one more example of her extraordinary organization skills and ability to execute large events. Kudos to everyone involved. Thank you, also, to our Park Board, and specifically Iashia Bergamini for organizing such a wonderful Movie Night in the Park on October 8, 2022.

**Salvation Army Mayoral Red Kettle Challenge:** Just a reminder about the upcoming Salvation Army Mayoral Red Kettle Challenge. If you are interested in helping us ring the bell on December 10 at any of our three locations, we would greatly appreciate your participation. Just give me a call and we can get you signed up. Our city consistently is recognized for having the highest per capita donations in the metroplex. As you plan your end of year giving, would you kindly consider supporting this great organization that truly is “doing the most good”?

**Concert in the Park:** The Uptown Drifters, led by our very own, Dr. Jim Turner, gave a marvelous performance for our Concert in the Park. We would like to give a shout out to Dr. Turner, Pam Miller, who organized this event, and to our dedicated Park Board for all of the hard work they consistently put into organizing events that set us apart from others.

**Tom Grieve:** Dalworthington Gardens resident and Texas Rangers great Tom Grieve was recognized by the Texas Rangers on September 25, 2022 for his remarkable 55-year career with the franchise. On October 5, 2022, he concluded his career with the Texas Rangers in his final broadcast with the team when they hosted the New York Yankees. In honor of his career, we declared October 5, 2022 as Tom Grieve Day in DWG. Tom, we are so proud of your accomplishments, and as you begin this next chapter of your life, we wish you and your family the best that life has to offer.

**“Save” Coupon Books:** We’ve received complaints about the “Save” coupon books being thrown in yards in the city. The city is working fast to get an ordinance in place to allow enforcement action. In the meantime, if you would like to opt out and cancel, you can call a company called Valasis at 1-800-437-0479, and choose option 2 to be connected to a representative who can assist you with cancellation.

**Upcoming Events and Holidays:** Trunk or Treat will take place in Gardens Park on October 22, 2022 at 5:30 p.m. Day with the Law will take place on November 5, 2022 10 a.m.-2 p.m. in Gardens Park. City Hall will be closed on November 11, 2022 in honor of Veterans’ Day.

Cath Stein: None

Steve Lafferty: Thanked Chief for coordinating an appearance with a fire engine from the City of Haslet and Officer Ben Witts from DWG with bringing a Patrol Unit to a public relations event in Roanoke at Meta (Facebook) data center.

John King: Thanked and congratulated Tom Grieve on his retirement.

Ed Motley: Thanked Chief for coordinating the event in Roanoke and congratulated Tom Grieve on his retirement.

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## 7. DEPARTMENTAL REPORTS

*Informational reports only; no action to be taken.*

- a. DPS Report
- b. Financial Reports
- c. Quarterly Investment Report
- d. Public Works Report

## 8. CONSENT AGENDA



**b. Discussion and possible action to direct staff on changes to the ordinances regulating grass height and general landscaping regulations.**

Background Information: This item was requested by Mayor Bianco. The following are regulations requiring grass height not to exceed twelve inches. Staff interprets this to apply to every property, but not all greenery is thought to be addressed in this language. The Mayor received some complaints about condition of properties, and staff is looking for direction on whether to change ordinance language and if so, how to change it.

Staff received direction on current procedures.

No action taken.

**c. Discussion and possible action regarding foot bridge replacement on Roosevelt Drive.**

Background Information: Staff previously presented to council the need to replace foot bridges on Roosevelt Drive. In turn, council directed staff to have the city engineer provide cost estimates for both a concrete sidewalk solution and a solution to replace with the same likeness of wood. The city engineer has provided costs for the concrete solution and is having difficult receiving quotes for wooden options. Staff wanted to go ahead and provide said quotes for concrete sidewalks for council's consideration. The city engineer suggests a priority order of Castelon Court, Harder Lane, and lastly California Lane. These bridges have not been included in any future infrastructure plans.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to direct staff to evaluate the substructure of the bridges for possible rehabilitation instead of replacement. Council will also do their own research.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

**d. Discussion and possible action to direct staff on mowing of right-of-ways on Bowen Road.**

Background Information: Staff is currently contracting this to a third party in the amount of \$13,000.00 annually. Staff is asking council to uphold Prohibited conditions: Sec. 6.04.001 of the City Ordinance. We would still have the contractor mow the bridge areas on Bowen.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein for staff to continue to hire contractor to mow Bowen Road.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

**e. Discussion and possible action to direct staff on crack sealing and fog sealing city streets.**

Background Information: Council has asked staff to look into crack sealing. Staff suggests to have at least the following streets on a list for the sealing company to work their way through. Council Member Stein suggested the following streets be included: Roosevelt from California to Arkansas, California, and Clover.

Staff did reach out to get a professional opinion and quote to Fog Seal and Crack Seal the following streets;

Recommended Fog Seal Only

California Ln from (Park Dr to Bowen Rd) 62,260 sf

Sunset Ln from (Sieber Dr to Roosevelt Dr) 67,750 sf

Roosevelt Dr from (California to W. Arkansas) 66,500 sf

Total square feet (sf): 555,140

Cost: \$0.25 sf this price is good for a minimum of 100,000 sf

Total: \$138,785.00

Recommended Crack Seal & Fog Seal

Park Dr from (Sunset Ln to Elkins Dr) 54,750 sf

Clover Ln - 46,500 sf

Winterset Tr - 14,560 sf

Rainer Dr - 27,495 sf

Gardenia – 46,255 sf

Dustin Tr from (Rainer Dr to Orchid Ln) 19,430 sf

Orchid Ln – 50,890 sf

Flower Garden Dr – 36,035 sf

Carnation Dr – 30,115 sf

Rosebud Ct – 17,230 sf

Rosebud Dr – 15,370 sf

Total square feet: 358,630

Cost: \$0.10 sf this price is good for a minimum of 100,000 sf

Total: \$35,863.00

Mobilization: \$1500

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to contract for a budget up to \$40,000.00 to follow the list under Recommended Crack Seal and Fog Seal, but use Crack Seal only. At the bottom of street list to add California Lane (Park Dr to Bowen Rd), Sunset Ln (Sieber Dr to Roosevelt Dr), Roosevelt Dr (California to W. Arkansas) if they get that far. Also try and get a proposal from the company we previously used before.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

**f. Discussion and possible action to approve a Capital Improvement Plan and direct staff to move forward with any bidding or project planning of projects in the Plan.**

Background Information: The city engineering has updated the Capital Improvement Plan (CIP). Staff would like direction on moving forward planning and any bidding process to include Broadacres and the Ambassador Row Community Development Block Grant (CDBG) project.

For the CDBG project, staff would like for council to officially approve the desired scope of work in anticipation of receiving the application later this year. Staff will be looking at including additional street lighting as it appears to be an allowed inclusion. This stems from neighborhood citizen complaints.

Lastly, the erosion in the California ditch appears to be slightly greater than last presented. Staff will keep an eye on this and elevate the project if need be.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to adopt the CIP as submitted by the City Engineer as Capital Improvement Needs. Begin implementing with the Broadacres Street project to include drainage, spot pavement repairs, and valve installation/replacement as needed.

CDBG application shall include the remaining portion of Ambassador Row with concrete paving, sidewalk, and lighting.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

**g. Discussion and possible action to approve Ordinance No. 2022-22 making changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 4, Business Regulations, to create an article defining and governing the standards and requirements for short-term rentals; and Chapter 14, Zoning, to identify short-term rentals as a permitted use in residential districts, subject to certain conditions.**

**Background Information:** Council requested an ordinance be drafted for short-term rentals which staff presented at the September 15, 2022 Council Meeting.

The following changes are proposed for this ordinance and included are council's suggested changes:

The addition of Article 4.09, Short-Term Rental, in Chapter 4, Business Regulations

Section 4.09.004(b): Changed occupancy limitations (9.15.22 change)

Section 4.09.004(c): Prohibited on-street parking (9.15.22 change)

Section 4.09.004(p)(1): Changed density limitation (9.15.22 change)

Section 4.09.006(b): Changed violation number and frequency (9.15.22 change)

Replaced references of "landscaped area" to "unimproved surface" (9.15.22 change)

Changed special exceptions to be heard by city council (9.15.22 change)

Section 14.02.092, Definitions: Adding a definition for short-term rental

Section 14.02.171, General Provisions: Adding short-term rentals as a permitted use in residential districts

Section 14.02.321, Special Exceptions: Adding a special exception for short-term rentals that exceed density limitations

Council Member Cathy Stein requested that Council recess for consultation with the city attorney. It was decided to add this item to the executive session.

After consultation with the city attorney and reconvening into regular session, a motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve Ordinance No. 2022-22 making changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 4, Business Regulations, to create an article defining and governing the standards and requirements for short-term rentals; and Chapter 14 Zoning, to identify short-term rentals as permitted use in residential districts, subject to certain conditions. Occupancy of each bedroom is limited to 2 people.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

**h. Discussion and possible action to approve a contract amendment to the Professional Services Agreement with Safebuilt for building permit review and inspection services.**

Background Information: The City Fee Schedule mirrors contract fees provided by Safebuilt for building permit review and inspections. The reason is if Safebuilt were used for these services, the City would need to recover enough costs to cover what is charged by Safebuilt. After the last audit, it was determined a few of the fees were confusing to staff and incorrectly charged. Thus, staff worked with Safebuilt to modify their schedule so that we could modify our own schedule. In addition to correcting certain fees, staff also worked to add fees in the event a third party inspector is needed when the city inspector is out. Although this scenario is rare, there was no fee added for this service so it has been added. This agenda item approves the contract amendment with Safebuilt. The next agenda item shows how the City Fee Schedule is suggested to be amended.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve a contract amendment to the Professional Services Agreement with Safebuilt for building permit review and inspection services.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

**i. Discussion and possible action to approve Resolution No. 2022-20 approving changes to the City Fee Schedule as it relates to third party inspection and review fees administered by Safebuilt.**

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to approve changes to Resolution No. 2022-20 approving changes to the City Fee Schedule as it relates to third party inspection and review fees administered by Safebuilt.





Topic will be postponed to the January 19, 2023 meeting when P & Z can get back to council with information.

**m. Discussion and possible action regarding changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, regarding agrihood regulations.**

Mayor Bianco opened the public hearing at 9:00 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 9:00 p.m.

Topic will be postponed to the January 19, 2023 meeting when P & Z can get back to council with information.

**n. Discussion and possible action to approve a contract with Riddle & Goodnight Inc. for architectural design and project specifications for the DPS Complex.**

Background Information: DPS is requesting to sign a contract with Riddle & Goodnight Inc. for MEP and Architectural designs for the DPS Renovations. This proposal will include all the spec books and paperwork required for the bidding process.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve the contract with Riddle & Goodnight Inc. for MEP and Architectural designs for \$13,340.00 pending city attorneys' approval.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

**o. Discussion and possible action to approve an ordinance making changes to the City Code of Ordinances, regulating the distribution of handbill material in the City of Dalworthington Gardens, and further, making updates to the City's ordinance for soliciting and door-to-door selling.**

Background Information: The presented ordinance makes changes to outdated references in the current solicitation ordinance and also allows DPS to take action against complaints about the SAVE newspapers being distributed across the city.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to adopt the definition of handbill and handbill distribution definition under Ordinance Chapter 4 and incorporate 4.03.004 (f) and (g) as 4.03.009 (a) and (b).

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

**p. Discussion and possible action regarding amendments to the FY 2022-2023 budget in amounts not to exceed \$10,000.00.**

Item not needed.

**q. Approval of quote from Red River Recreation in the amount of \$109,476.46 for playground equipment for the Playground Grant awarded by the Texas Department of Parks and Wildlife.**

*This was item m on the Consent Agenda which was pulled off for individual discussion.*

**Background Information:** Now that the Texas Department of Parks and Wildlife grant agreement is in place, the updated quote for the playground equipment is being presented for council's approval. The original quotes, from over a year ago when the city applied for the grant, were right at \$100,000. Red River Recreation worked with vendors to keep prices down as much as possible which yielded a lesser increase than what would have been expected if they hadn't done that.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve the quote from Red River Recreation in the amount of \$109,476.46 for playground equipment for the Playground Grant awarded by the Texas Department of Parks and Wildlife.

## 10. TABLED ITEMS

- a. Discussion and possible action regarding consideration of bond requirements for oil and gas drilling.

## 11. FUTURE AGENDA ITEMS

- Holiday Pay Calculation regarding overtime.
- 2 Trees on Orchid in the right of way causing issues.

## 12. EXECUTIVE SESSION

- a. Recess into Executive Session pursuant to Government Code, Section 551.071, consultation with city attorney, regarding the following:
  - i. Pursuant to Government Code, Section 551.071, consultation with attorney; and Section 551.074, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee; to wit: membership of a zoning board of adjustment member
  - ii. Pursuant to Government Code, Section 551.074 Personnel Matters: to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee, to wit, Director of Public Safety
  - iii. Pursuant to Government Code, Section 551.071, consultation with attorney, regarding City of Dallas, et. al.
    - v. Disney DTC, LLC, et. al.
  - iv. Pursuant to Government Code, Section 551.071, consultation with city attorney, regarding the City Boundary.
  - v. Pursuant to Government Code, Section 551.071, consultation with city attorney, regarding regular agenda item (g), short-term rentals.

City Council recessed into Executive Session at 9:21 p.m.

- b. Reconvene into Regular Session for discussion and possible action on the following:
  - i. Membership of a zoning board of adjustment member
  - ii. The appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee, to wit, Director of Public Safety
  - iii. City of Dallas, et. al. v. Disney DTC, LLC, et. al. (TAB A)
  - iv. The City Boundary
  - v. Regular agenda item (g) short-term rentals.

City Council reconvened meeting back into regular session at 10:16 p.m. Action on Short Term Rentals (g)

## 13. ADJOURN

The meeting was adjourned at 10:18 p.m.