

MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON MARCH 18, 2021 AT 6:00 P.M. IN THE COUNCIL CHAMBERS, 2600 ROOSEVELT DRIVE, DALWORTHINGTON GARDENS, TEXAS.

EXECUTIVE SESSION – 6:00 P.M.

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
Joe Kohn, Alderman, Place 5 (by phone)

Staff Present:

Lola Hazel, City Administrator
Greg Petty, DPS Director
Kay Day, Finance Director

2. EXECUTIVE SESSION

a. Recess into Executive Session for the following items:

- 1. Pursuant to Government Code, Section 551.071, consultation with attorney, to wit: impact fees.**
- 2. Pursuant to Government Code, Section 551.071, consultation with attorney, to wit: Trevor Chase Turnbow v. Cara Leahy White, et al.**

City Council recessed in Executive Session at 6:01 p.m.

b. Reconvene into Regular Session for discussion and possible action on the following items:

- 1. Impact fees**
- 2. Trevor Chase Turnbow v. Cara Leahy White, et al.**

City Council reconvened at 7:05 p.m. to being the Regular Session.

REGULAR SESSION – 7:00 P.M.

1. CALL TO ORDER

Mayor Bianco called the meeting to order at 7:05 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
Joe Kohn, Alderman, Place 5 (by phone)

Staff Present:

Lola Hazel, City Administrator
Greg Petty, DPS Director
Kay Day, Finance Director

2. INVOCATION AND PLEDGES OF ALLEGIANCE

Mayor gave invocation. Pledges were said.

3. ITEMS OF COMMUNITY INTEREST

The following items were presented.

- **Easter Egg Hunt – March 27, 2021 (home visit instead of public event)**
- **Earth Day/Rock Painting – April 24, 2021 (social distancing come and go event)**
- **Movie Night – May 2021**

4. CITIZEN COMMENTS

None

5. MAYOR AND COUNCIL COMMENTS

- **Mayor Bianco:** None.
- **John King:** None.
- **Steve Lafferty:** None.
- **Cathy Stein:** None.
- **Ed Motley:** None.
- **Joe Kohn:** Expressed concern for the Mayor's father.

6. DEPARTMENTAL REPORTS

- a. **DPS Report**
- b. **Financial Reports**
- c. **City Administrator Report**

Departmental Reports were presented.

7. CONSENT AGENDA

- a. **Acceptance of the 2020 Racial Profiling Report.**
- b. **Approval of Resolution No. 2021-07 authorizing continued participation with the Steering Committee of Cities Served by Oncor; and authorizing the payment of six cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC.**

c. Approval of Resolution No. 2021-08 canceling the May 1, 2021 election and declaring unopposed candidates elected.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to approve the Consent Agenda.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, Motley, and Kohn

Nays: None

8. REGULAR AGENDA

a. FY 2019-2020 annual financial audit.

i. Receive FY 2019-2020 audit presentation from BrooksWatson & Co., PLLC.

ii. Consider approval of Resolution No. 2021-09 accepting the FY 2019-2020 annual financial audit.

Background information on this item: In accordance with Chapter 103 of the Local Government Code, the city's auditor, BrooksWatson & Co, presented the audit report for FY 2019-2020. In accordance with the city's policy, Council appointed members to an audit committee that consisted of Mayor Bianco, Council Member John King, and Council Member Cathy Stein. The audit committee met on March 11 with the auditor to receive detailed information regarding the audit. Copies of the audit were distributed at the March 18 Council Meeting, and BrooksWatson provided a presentation.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to approve Resolution No. 2021-09 accepting the FY 2019-2020 annual financial audit.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, Motley, and Kohn

Nays: None

b. Conduct a public hearing to receive citizen input for the proposed 47th Year Community Development Block Grant.

Background information on this item: Council approved the 47th Year CDBG project at the December 17, 2020 Council Meeting. The project approved was for the reconstruction of Ambassador Row from Chase Court to Roman Court and associated utility work. Staff has submitted the application for the grant.

Part of the process for grant consideration is to solicit and show support from citizens for the chosen project. Thus, the reason for tonight's public hearing. Typically, comment cards are handed out at the meeting, but in today's virtual world, staff will be putting specific comments in the minutes to show support. Citizens are encouraged to provide verbal support as well.

Mayor Bianco opened the public hearing at 7:45 p.m.

Mayor Pro Tem Ed Motley expressed support for this project.

Council Member Joe Kohn expressed support for this project.

Council Member Steve Lafferty expressed support for this project.

Council Member John King expressed support for this project.

Council Member Cathy Stein expressed support for this project.

The City Administrator received an email from Linda Seitz, 3313 Ambassador Row, who expressed support for this project.

With no one else desiring to speak, Mayor Bianco closed the public hearing at 7:46 p.m.

c. Discussion and possible action on a General Fund revenue review for FY 2020-2021.

Background information on this item: The purpose of this item is to discuss areas of the current FY 2020-2021 budget where there may be shortfalls. Staff is presenting the general fund revenue account only with a few changes and the total current revenue shortfall. Staff will be discussing plans with council for fines, fees, warrants, and jail activities, and other areas of General Fund revenue council would like to discuss.

No action was taken.

d. Discussion and possible action to select a contractor for Project #2021-01, street crack sealing.

Background information on this item: Notice was published soliciting bids for crack sealing with a due date of March 2, 2021 at 2 p.m. The bid packet used a linear foot amount of 50,000 for continuity of bids and to reflect approximate total cost. The city received six bids for this project by the due date and time, and one bid that was late. The late bid is not included in the tabulation. Based on the bids received, staff believes Four B Paving provides the best value to the city for this project.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to select Four B Paving for Project #2021-01, street crack sealing, using the budgeted amount of \$40,000.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, Motley, and Kohn

Nays: None

e. Discussion and possible action on Chapter 312 and/or Chapter 380 economic development incentives.

Background information on this item: Council held a work session on March 2, 2021 to discuss economic development incentives. Council discussed both Chapter 312 and Chapter 380 incentives. Council may recall that the first step in even offering Chapter 312 incentives, the council must first adopt a resolution stating the intent to consider tax abatements in general. This resolution is not specific to any development but it allows the council to enter into agreements for specific developments at a later date. Both the training material for the March 2 work session and a basic Chapter 312 resolution are in your packet for consideration. Council may recall the processes differ between the two types of incentives. Chapter 380 agreements can include multiple types to include ad valorem tax incentives. The council may or may not be ready to take any action at this meeting, but staff is providing the documentation in case council is ready.

No action was taken.

f. Discussion and possible action regarding the City's ordinance governing accessory structures.

Background information on this item: Council Member Joe Kohn requested this item to be placed on the agenda. Mr. Kohn brought the accessory structure height requirement to staff's attention as he is trying to build a carport at his residence. As such, he will be filing a Conflict of Interest statement with the city administrator, stepping down from the dais during discussion, and will not be allowed to discuss or vote on this item.

Mr. Kohn would like to present for discussion the height requirement for accessory structures. The allowed height is different if the structure is attached to the home versus if it is not attached, and there is also a distance requirement from the property line as stated in the below section. Mr. Kohn would like the height for all accessory structure to match the maximum allowed height of the principal structure if the accessory structure is close to the main structure.

Section 14.02.124(f) says the following: "All accessory structures situated between ten (10) feet of the property line of adjacent residential property and the required yard for a principal dwelling shall not exceed 15 feet in height. All

accessory structures situated within the required yard for a principal structure shall not exceed the maximum allowed height of the principal structure.”

Because the ordinance resides in the Zoning Ordinance, if council desires changes, staff will be required to take requested changes to the Planning and Zoning Commission first before council can take action to adopt. Public notices are required by state law.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to refer to the ordinance discussion to the Planning and Zoning Commission to review the reasonability and workability of the height requirement on accessory structures.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, Motley, and Kohn

Nays: None

g. Discussion and possible action regarding adding a definition of ‘curved street’ in Chapter 10 of the City’s Code of Ordinances.

Background information on this item: Council Member Stein requested this item be placed on the agenda. During the last plat review by council, there was a question as to the engineer’s interpretation and method for determining a “curved” street. The plat was for a lot located at 2915 Roosevelt Drive. Sections 10.02.183(E) and (G) were referenced in the engineering comments. The engineer stated the lot did not meet the requirements of (E), but based on (G), the plat met ordinance requirements (in addition to other requirements). Absent a definition for “curved street”, the engineer used his professional experience and both current and former methodology used for determining a curved street, to include interpretation of the original plat.

The purpose of this item is for council to discuss whether to add a definition of “curved street” to Chapter 10, Subdivision Ordinance.

No action was taken.

h. Discussion and possible action regarding upcoming P25 radio connectivity changes to the Fort Worth master site.

Background information on this item: The P25 radio console used by DPS communications is required to directly connect to the FTW master site located near Eagle Mountain Lake. We are currently paying \$4063.00 per year for our T1 connection. As of April 2021, Motorola infrastructure upgrades will be completed, requiring ALL agencies to upgrade their connections to a secure Ethernet connection. The cost of the upgraded line is \$13,440 per year.

For many years DPS has been receiving a \$5,000 radio assistance grant from Tarrant County 911 annually. TC911 notified DPS during the 2021 budget workshops that the funding would not be available for 2021. We have received notice that the grant will be available to 2021 and can be used to help offset the unbudgeted increase.

DPS researched other possibilities of establishing connections to the FTW master site. All other options would still require the two requested lines and additional infrastructure costs. DPS believes the proposed cost/option is the most economical option at this time.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve the P25 radio connection to an Ethernet provided by AT&T, and direct staff to seek TC 911 grant.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, Motley, and Kohn

Nays: None

i. Discussion and possible action regarding Project #2020-01, the new City Hall building, to include, but not limited to any change order approval.

Background information on this item: This is a recurring item for the city hall project.

The following costs are being presented for approval:

1. Furniture - \$40,470
2. Kitchen Appliances - \$3,825 (tax will be removed)
3. Council dais - \$9,299.93 (suggest \$12,000 to accommodate time for staining, etc.)
4. IT needs – \$8,219.84 (desktop computers will not come out of city hall fund)
5. Dedication plaque - \$3,000 allowance in contract for this
6. Other signage - \$3,000 allowance (DWG logo)
7. Landscape - \$7,000 allowance (to come later)

Furniture: The furniture quote includes desks for all offices to include the front desk area and “cubicle” area, matching book cases for offices, filing setup for cubicle spaces, chairs for all personnel and one guest chair for each office except for the Mayor and Judge having a few more guest chairs in their offices, and two small tables for both the Mayor’s and Judge’s offices. Council chairs for Chambers, audience chairs for Chambers, and chairs for the conference room. Staff is bringing over existing filing cabinets. The quote also includes a small table and chairs for the kitchen and chairs for the conference room.

Chairs/tables for Council Chambers: Pictures are being provided to show staff tables and chairs chosen for the Chambers. The reason for these selections is staff’s understanding that the Chambers is to be rented in the future and tables and chairs need to fit into Storage 117 on the site plan. Different chairs may be selected after contractor measuring takes place following quote approval.

Kitchen Appliances: The kitchen appliance quote includes refrigerator, dishwasher, and ADA compliant electric range.

Council Dais: This is for a straight dais as shown on the site map. If council chooses curved or another shape, the price could change. Staff is including photos of different shaped daises in the packet.

Signage: Staff would like to work with the Mayor on landscaping at a later date as well as the dedication plaque. For “other signage”, a DWG logo is shown on a site plan in your packet. Staff would like feedback on this. The “CITY HALL” letters are already included and planned.

SCADA: If SCADA is to be moved over to the new facility from its existing location in the Courtroom Annex, it will be an additional cost of approximately \$50,000.

Outstanding Items: Items still needed are the TVs for Council Chambers, security cameras, and podium. These three items are to be presented at the April 2021 meeting.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to provide the following direction: have wing-shaped dais as in the packet, cast stone DWG sign, appropriate letters for City Hall below it as determined by the mayor, and approve costs as presented.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, Motley, and Kohn

Nays: None

j. Discussion and possible action on the Comprehensive Plan, to include but not limited to governing body approval of changes and setting future meeting dates. Final adoption of the Plan will take place at a future public meeting following legal publication requirements and notifications.

Background information on this item: The purpose of this item is to provide an avenue to move forward in the Comprehensive Plan approval process, if needed. This item may not be needed. The reason the agenda item is worded in such a way is so that citizens know Council does not intend to adopt the Plan at this meeting. Public notice is required prior to final adoption of the Plan by Council.

No action was taken.

k. Discussion and possible action regarding amendments to the FY 2020-2021 budget in amounts not to exceed \$10,000.00.

Background information on this item: This is a standing agenda item that will appear on all future agendas. The idea is provide an item whereby staff can discuss needs that come up after the agenda posting deadline. These would only be items that, without council approval, would otherwise put operations on hold.

Item not needed.

9. TABLED ITEMS

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

This item was not pulled from the table nor discussed.

10. FUTURE AGENDA ITEMS

None.

11. ADJOURN

The meeting was adjourned at 9:01 p.m.