

Dalworthington Gardens City Council
March 21, 2019
Meeting Minutes

Work Session – 6:30 P.M.

1. Call to Order

Mayor Bianco called the meeting to order at 6:30 p.m. with the following present:

Members Present:

Mayor Laura Bianco
Mark McGuire, Alderman, Place 1 (arrived at 6:33 p.m.)
Guy Snodgrass, Alderman, Place 2
Cathy Stein, Alderman, Place 3
Mayor Pro Tem Ed Motley, Place 4
Joe Kohn, Alderman, Place 5

Staff Present:

Sherry Roberts, City Administrator
Lola Hazel, City Secretary
Greg Petty Director of DPS
Kay Day, Finance Director

2. Gate for the Hemingsfords – Begin with presentation for allowance of a gate for the Hemingsfords.

Anna Cook, Hemingsfords Home Owners Association, gave a presentation to council. Following the presentation and council's discussion, the city's attorney recommended council push this item until the April meeting to give her time to do research.

3. Agenda Review – If time permits, begin with questions on the FY 2017-2018 audit and then review remaining agenda items.

No other items addressed during the work session.

A short recess was taken before starting the Regular Session.

Regular Session – 7:00 P.M.

The Regular Session started at 7:01 p.m.

1. Invocation and Pledges of Allegiance

Mayor Bianco gave the invocation. Pledges were said.

2. Items of Community Interest

The following items were presented.

- **Easter Egg Hunt – April 13, 10 a.m. – 12 p.m.**
- **Movie Night in Gardens Park: Sandlot - May 4**

- **Day with the Law – May 18**
- **Concert in the Park – June 15 at 7:30 p.m.**
- **Ice Cream Social – July 20, 6:30 p.m. to 8:30 p.m.**
- **Movie in the Park – July 20 at 8:45 p.m.**
- **Concert in the Park – September 21 at 7:30 p.m.**
- **National Night Out – October 1**
- **Trunk or Treat – October 26, 5:30 p.m. to 7 p.m.**
- **Christmas in the Park/Santa Photos – December 8, 2-4 p.m.**
- **Santa Parade – December 23**

3. Citizen Comments

1. Charles Miller, 4 Heathrow Court: spoke in favor of the Hemingsfords gate.
2. Dave Pondt, 11 Hemingsford Court: spoke in favor of the Hemingsfords gate.
3. David Cook, 2 Hemingsford Court: Explained council’s decision from the preceding work session for the benefit of those who weren’t in attendance at that time.
4. James McGrath, 14 Hemingsford Court: Echoed comments from other citizens and spoke to break-ins occurring in the neighborhood.
5. Patricia Zilliox, 6 Heathrow Court: shared an experience about scaring away vandals from the neighborhood.

4. Mayor and Council Comments

- **Mayor Laura Bianco**: Thanked citizens in the audience for attending the meeting and for allowing council to serve them; thanked the CPSAAA for donating funds to pay for city and DPS employee gym memberships; thanked James Harris for showing the Movie in the Park happening in May; thanked citizens volunteering to stuff Easter eggs on Sunday, March 24 to prepare for the Easter egg hunt on April 13; thanked Lora Berrong for organizing the Easter egg hunt and the Park Board for their efforts, too.
- **Guy Snodgrass**: Expressed appreciation to the Hemingsfords residents for attending the meeting and said council will come up with solution.
- **Cathy Stein**: No comments.
- **Mayor Pro Tem Ed Motley**: Expressed appreciation to the Hemingsfords residents for attendance. Invited attendees to the State of the City on Tuesday, March 26 at Key Elementary at 7:00 p.m.
- **Joe Kohn**: No comments.
- **Mark McGuire**: Informed citizens in attendance about the city’s current financial status which is on the right track in accordance with the city’s goals for this fiscal year. Stated the city is on track to meet financial goals.

5. Departmental Reports

- a. **Park Board Update**
- b. **DPS Report**
- c. **Financial Reports**

Departmental reports were presented.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve departmental reports.

Motion carried by the following vote:

Ayes: Members McGuire, Snodgrass, Stein, Motley, and Kohn

Nays: None

6. Consent Agenda

a. Approval of February 11, 2019 minutes

b. Approval of February 21, 2019 minutes

c. Consider approval of a resolution to cancel the May 4, 2019 election.

d. A resolution authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation.

e. Consider approval of a resolution to approve new sanitation rate schedule.

f. Approval of an ordinance ratifying council's decision to amend regulations governing advisory committees.

g. Approval of an agreement accepting donated fire equipment from the Town of Pantego.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Mark McGuire to approve items a, b, c, d, and g; to pull items e and f for individual discussion; and to make the following change to the February 11, 2019 minutes:

5. Discussion and possible action on selecting a vendor for the Estates Drive drainage project.

Background information on this item: The City received **bids quotes** for this project from Gra-Tex Utilities, Inc., Prime Landscape Services, and Bowman Landscape Construction, LLC.

Motion carried by the following vote:

Ayes: Members McGuire, Snodgrass, Stein, Motley, and Kohn

Nays: None

7. Regular Agenda

a. FY 2017-2018 annual financial audit.

i. Receive FY 2017-2018 audit presentation from BrooksWatson & Co., PLLC.

ii. Consider approval of a resolution accepting the FY 2017-2018 annual financial audit.

Jon Watson, BrooksWatson & Co., PLLC, gave the FY 2017-2018 audit presentation to council.

A motion was made by Council Member Guy Snodgrass and seconded by Mayor Pro Tem Ed Motley to approve a resolution accepting the FY 2017-2018 annual financial audit.

Motion carried by the following vote:

Ayes: Members McGuire, Snodgrass, Stein, Motley, and Kohn

Nays: None

b. Discussion and possible action to allow a gate in the Hemingsfords, Dalworthington Gardens, subject to any applicable permitting submittal and/or review process.

Background information on this item: The original plat for The Hemingsfords was adopted by DWG in 1986. The Homeowner's Association for the Hemingsfords has requested approval to install gates at the entrances to the subdivision to increase security and safety.

In accordance with what was discussed in the 6:30 p.m. work session, a motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Mark McGuire to table this item in order to allow the city's attorney to research how council can abandon roads to allow privatization.

Motion carried by the following vote:

Ayes: Members McGuire, Snodgrass, Stein, Motley, and Kohn

Nays: None

c. Consideration of a Replat: An application from Leonard Tibbetts to replat property being a plat revision of Lots 16 and 29, Heritage Gardens, an addition to the City of Dalworthington Gardens, Tarrant County, Texas, according to the Plat recorded in Cabinet A, Slide 4233, P.R.,T.Co.,Tx., as conveyed to Leonard S. Tibbetts and Mary Jane Tibbetts, trustees of the L.S Tibbetts and M.J. Tibbetts Revocable Living Trust in documents D213290095 and D213197944, D.R.,T.Co.,Tx; and commonly known as 7 Twin Lakes Court, Dalworthington Gardens, Texas.

- i. Conduct a public hearing on the replat.**
- ii. Discussion and possible action on the replat.**

Background information on this item: The Tibbetts family is replatting to divide the property in anticipation of selling the back piece. The two pieces, when divided, equate to 3.641 acres for Lot 29R and 6.6364 for Lot 16R (back piece). 200' notices were sent to all addresses within 200 feet and notification published in the newspaper in accordance with state law and local ordinances. The plat meets both City ordinances and state law, and all engineering comments have been addressed. In accordance with Local Government Code, Chapter 212, plats that satisfy all applicable regulations must be approved. Planning and Zoning met on February 25, 2019 and recommended approval of the replat.

Mayor Bianco opened the public hearing at 7:58 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 7:59 p.m.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Mark McGuire to approve an application from Leonard Tibbetts to replat property being a plat revision of Lots 16 and 29, Heritage Gardens, an addition to the City of Dalworthington Gardens, Tarrant County, Texas, according to the Plat recorded in Cabinet A, Slide 4233, P.R.,T.Co.,Tx., as conveyed to Leonard S. Tibbetts and Mary Jane Tibbetts, trustees of the L.S Tibbetts and M.J. Tibbetts Revocable Living Trust in documents D213290095 and D213197944, D.R.,T.Co.,Tx; and commonly known as 7 Twin Lakes Court, Dalworthington Gardens, Texas; with the following changes to the plat:

1. Change "lot 15" to show "lot 14R".
2. Change reference to "SF1" to show "SF"

Motion carried by the following vote:
Ayes: Members McGuire, Stein, Motley, and Kohn
Nays: Member Snodgrass

d. Discussion and possible action to approve a contract with Topographic Land Surveyors for general engineering services, and authorize the Mayor to execute said contract.

Background information on this item: At the February 21 meeting, Council selected Topographic Land Surveyors as the firm most qualified to provide general engineering services for the city. Council also directed staff to begin negotiating a contract with said firm.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve a contract with Topographic Land Surveyors for general engineering services, and authorize the Mayor to execute said contract.

Motion carried by the following vote:
Ayes: Members McGuire, Snodgrass, Stein, Motley, and Kohn
Nays: None

e. Consider approval of a resolution to select an institution to provide bank depository services, and authorize staff, city attorney, and/or Mayor to negotiate a contract.

Background information on this item: Council approved a resolution in January 2019 to seek bank depository bids from outside of DWG. Chapter 105 of the Local Government Code requires cities to go through the application process for depositories every five years. We are currently on an extension with our current bank, Frost Bank. Staff recommends council select Affiliated Bank to provide bank depository services.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve a resolution selecting Affiliated Bank to provide bank depository services.

Motion carried by the following vote:
Ayes: Members McGuire, Snodgrass, Stein, Motley, and Kohn
Nays: None

f. Discussion and possible action to direct staff regarding the City's ordinance and processes for wrecker services.

Background information on this item: During the city's auditing review, a revenue account was randomly chosen for Cowboy Towing, the sole company used for towing of vehicles in the city as it relates to police cases. Upon this random selection, the auditor requested backup documentation for various receipts and any contract with said company. After searching city documents, it appears a "letter of convenience" should be on file with the city for services with Cowboy Towing. Minutes and Resolution 99-10 are attached proving City Council's approval of said letter of convenience.

At the February 21 meeting, Council requested revision be brought back to the March meeting. The proposed ordinance includes redlines of all sections with proposed changes.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to approve an ordinance amending multiple sections of Article 4.06 "Wreckers" of Chapter 4 "Business Regulations"

of the Code Of Ordinances, City of Dalworthington Gardens, Texas to update the regulations governing police dispatched wreckers by amending definitions, allowing the Department of Public Safety Chief to issue registration certificates; amending the registration certificate eligibility requirements and processes; amending record keeping requirements; and deleting obsolete and unnecessary regulations.

Motion carried by the following vote:

Ayes: Members McGuire, Snodgrass, Stein, Motley, and Kohn

Nays: None

g. Discussion and possible action to direct staff regarding allowed land uses for property owned by and adjacent to Arlington Classics Academy, 2800 W. Arkansas Lane, Dalworthington Gardens, Texas.

A motion was made Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to move this agenda item to end of agenda for an executive session pursuant to Texas Government Code, Section 551.071, consultation with attorney.

Motion carried by the following vote:

Ayes: Members McGuire, Snodgrass, Stein, Motley, and Kohn

Nays: None

h. Discussion and possible action regarding changes to the city's accessory building ordinance.

Background information on this item: At the February 2019 meeting, Council requested this item come back on the next agenda. The ordinance regulating accessory buildings was amended in March 2018. During that amendment, the Planning and Zoning Commission (P&Z) intended to review the ordinance at a later date to make amendments that did not explicitly prohibit accessory buildings to be used as dwellings. The review was to take place during the review of the Comprehensive Plan. Now that P&Z is at a stopping point on the Comprehensive Plan, the additional review of the accessory building ordinance can commence. Staff recommends allowing Planning and Zoning to bring back suggested revisions to Council for consideration. The revisions should come back to Council no later than the June agenda.

No action was taken on this item.

i. Discussion and possible action to appoint a member to Planning and Zoning Commission.

Long-time Planning and Zoning Commissioner Chad Woodard recently resigned from the board. This leaves a vacancy to be filled.

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to remove Paul Sweitzer from the Zoning Board of Adjustment and appoint him to the Planning and Zoning Commission.

Motion carried by the following vote:

Ayes: Members McGuire, Snodgrass, Stein, Motley, and Kohn

Nays: None

j. Consider approval of a resolution to approve new sanitation rate schedule.

This is item 6e. which was pulled from the Consent Agenda.

Background information on this item: On September 20, 2018, Council approved an ordinance allowing for a Sanitation Rate Sheet to be held in the city secretary's office which prevents the need to approve a rate change ordinance every year. Republic Services' contract allows them to adjust their rates annually based on the average percentage change in the Consumer Price Index. The 2018 period increased by an average of 3.95 percent. In order to meet the sanitation revenue budget for this fiscal year, this annual CPI increase needs to be recouped through customer utility bills. Staff recommends adopting a new Sanitation Rate Sheet that reflects Republic Services rate increases.

Council pulled item from the Consent Agenda to discuss whether or not the increase should be passed on to customers as past increases were not always passed on to the customer.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Mark McGuire to approve a resolution approving a new sanitation rate schedule effectively passing on the rate increase to customers.

Motion carried by the following vote:

Ayes: Members McGuire, Snodgrass, Stein, Motley, and Kohn

Nays: None

k. Approval of an ordinance ratifying council's decision to amend regulations governing advisory committees.

This is item 6f. which was pulled from the Consent Agenda.

Background information on this item: At the February council meeting, Council gave direction to staff to make changes to the city's ordinance regarding regulations for advisory committees. Council suggested changes to Article 1.05, Division 2, of the City's Code of Ordinances regarding regulations for advisory committees. The proposed ordinance makes those changes recommended by council. Even though changes were suggested to the ordinance at the last meeting, Council needs to ratify those changes by approval of an ordinance.

Council pulled this item to discuss Section 1.05.035(2) regarding minutes being required of all committee meetings.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve an ordinance ratifying council's decision to amend Division 2 "Advisory Committees" of Article 1.05 "Boards Commissions and Committees" of Chapter 1 "General Provisions" of the Code of Ordinances, City of Dalworthington Gardens, Texas to amend the regulations governing advisory committees; with the following additional change:

Deletion of the second sentence in Section 1.05.035(2):

Sec. 1.05.035 Procedures

A committee created hereunder shall comply with the following operating procedures:

- (1) All meetings shall be held in the city hall or other city meeting place.
- (2) Each committee shall meet as often as required in order to conduct the business of the committee.
~~Minutes of each meeting shall be filed with the city secretary.~~

Motion carried by the following vote:

Ayes: Members McGuire, Snodgrass, Stein, Motley, and Kohn

Nays: None

8. City Administrator Items

a. Project updates

Project updates were presented.

9. Future Agenda Items

1. Request for change order for the project #2019-03, City Hall roof, added to agenda for March 26, 2019.

10. Executive Session

a. Allowed land uses for property owned by and adjacent to Arlington Classics Academy, 2800 W. Arkansas Lane, Dalworthington Gardens, Texas.

i. Recess into Executive Session

ii. Reconvene into Regular Session for discussion and possible action.

This is item 7g. on the Regular Agenda. Item was moved to the end of the agenda for an executive session pursuant to Texas Government Code, Section 551.071, consultation with attorney.

Council recessed into Executive Session at 8:43 p.m.

Background information on this item: In 2015, Council approved the plat and concept plan for Arlington Classics Academy. In recent discussions with Arlington Classics Academy about traffic on Arkansas Lane, staff learned about the prohibition of building on the vacant land next to the ACA buildings. When Council approved the concept plan, part of the approval included a prohibition on building on lot 2 where the Pecan groves are located. ACA owns this property and could use it for parking. Staff is asking for direction on whether or not Council would agree to change the Planned Development to allow putting a parking lot there.

The city does have an ordinance requiring a certain number of trees. As the Pecan trees seemed to be the reason for the disallowance of building on the lot, staff would recommend having ACA plant other trees elsewhere on the lot in their place.

If Council agrees to the change, staff would be required to follow the zoning change process of publishing necessary notices, going before the Planning and Zoning Commission, and then back to Council for final approval.

Council reconvened into Regular Session at 9:10 p.m. for discussion and possible action.

No action was taken on this item.

11. Adjourn

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to adjourn at 9:10 p.m.

Motion carried by the following vote:

Ayes: Members McGuire, Snodgrass, Stein, Motley, and Kohn

Nays: None