

MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON JUNE 16, 2022 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

Staff Present:

Lola Hazel, City Administrator
Greg Petty, DPS Director
Kay Day, Finance Director
Gary Harsley, Community Development Director

2. EXECUTIVE SESSION

- a. **Recess into Executive Session pursuant to Government Code Section 551.071, Consultation with Attorney; and Section 551.074, Personnel Matters, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: City Administrator, Director of Public Safety, Public Works Director, and Finance Director; namely discussion of duties under City Ordinance, Chapter 9, for these positions.**

City Council recessed into Executive Session at 6:00 p.m.

- b. **Reconvene into Regular Session for discussion and possible action regarding the City Administrator, Director of Public Safety, Public Works Director, and Finance Director; namely discussion of duties under City Ordinance, Chapter 9, for these positions.**

City Council reconvened into Regular Session at 6:25 p.m.

Action on this item was deferred until after 7:00 p.m. at which time Council made the following motion and vote.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to direct the Mayor and staff to take the action discussed in closed session.

Motion carried by the following vote:

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

Nays: None

- c. **Work Session on agenda items, if time permits.**

The following items were discussed in the Work Session:

1. Smoking ordinance
2. Pet waste stations
3. Orchid Court project
4. Janitorial Services bids

REGULAR SESSION – 7:00 P.M.

1. CALL TO ORDER

Mayor Bianco along with visiting Mayor of the Day, Arlington Classics Academy Student, Aaron Scott, called the meeting to order at 7:04 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

Staff Present:

Lola Hazel, City Administrator
Greg Petty, DPS Director
Kay Day, Finance Director
Gary Harsley, Community Development Director

2. INVOCATION, AND PLEDGES OF ALLEGIANCE

Mayor Bianco gave the invocation. Pledges were said.

3. ELECTION MATTERS

a. Administer Oath of Office and issue Certificates of Election to newly elected official, John King.

The Oath of Office was administered and Certificate of Election issued to newly elected official, John King.

4. ITEMS OF COMMUNITY INTEREST

The following items were presented.

- a. Concert in the Park, September 24, 2022
- b. National Night Out, October 4, 2022
- c. Movie in the Park, October 8, 2022

5. CITIZEN COMMENTS

- Sandy Riney, 2702 Whisperwood Trail: Spoke to the effect of the Roosevelt Drive project on Burlwood Drive.

- Iashia Bergamini, 2812 Whisperwood Trail: Spoke to the Roosevelt Drive project and the current traffic control plan. Spoke in favor of the pet waste stations listed on the agenda. Spoke to the Park Board upcoming budget requests such as trash cans. Spoke in favor of the Eagle Scout project listed on the agenda. Spoke to the need for park volunteers.

6. MAYOR AND COUNCIL COMMENTS

Mayor Bianco: Thanked The Salvation Army for bringing donuts and coffee to staff on National Donut Day. This holiday was inaugurated by The Salvation Army in 1938. It honors the “Donut Lassies”- The Salvation Army ministers who, during WWI went to the front lines to support the troops serving fresh made donuts. Also thanked to The Salvation Army for recognizing the DWG CPSAAA at their June meeting for all of their efforts in supporting The Mayor’s Red Kettle Challenge held in December. Recognized two long-time citizens. The first is Mr. Al Goerdel who lived right next to City Hall. Al recently passed away on May 23, 2022. Mr. Goerdel served in the Korean War from 1952-1953 and received a Bronze Star. He moved to DWG in 1960 with his wife, Rose, and two daughters, Charlotte and Carol. Al was a jack of all trades whether it was working in the oil field or being a butcher, Mr. Goerdel did it all. Al truly loved living in DWG and was a big supporter of the city and employees. We love and miss you, Mr. Goerdel. The next citizen recognized was Velma Bogart. Velma recently celebrated her 90th birthday. Velma has lived in DWG since 1974, and has served the city in multiple capacities to include the Planning and Zoning Commission, City Council, and also the Historical Committee. She also was instrumental in organizing the 75th and 80th celebrations of our city.

John King: Congratulated the Mayor for the Day, Aaron Scott.

Steve Lafferty: None.

Cathy Stein: Thanked outgoing Council Member Joe Kohn for his service.

Ed Motley: None.

Joe Kohn: Read aloud his City Council resignation letter.

7. DEPARTMENTAL REPORTS

- DPS Report**
- Financial Reports**
- City Administrator Report**

Departmental Reports were presented.

8. CONSENT AGENDA

- Approval to designate concert in Gardens Park taking place on September 24, 2022 as a bring your own beverage event which allows possession and consumption of beer and wine at said events, in accordance with Section 1.09.079, City of Dalworthington Gardens Code of Ordinances.**
- Ratification of invoice from Gratex in the amount of \$9,000 for emergency sewer leak repair on Roosevelt Drive.**
- Approval of Resolution No. 2022-11 suspending the June 17, 2022 effective date of Oncor Electric Delivery Company’s requested rate change to permit the city time to study the request and to**

establish reasonable rates; approving cooperation with the Steering Committee of Cities served by Oncor to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals.

- d. Approval of April 21, 2022 regular meeting minutes.**
- e. Presentation and acknowledgment of budget adjustments.**
- f. Approval of Ordinance No. 2022-14 approving budget amendments for FY 2021-2022.**

A motion was made by Council Member Cathy Stein and seconded by Council Member John King to approve the Consent Agenda.

Motion carried by the following vote:

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

Nays: None

9. REGULAR AGENDA

- a. Discussion and possible action to approve an Eagle Scout Project to replace a foot bridge in Gardens Park.**

Background information on this item: An Eagle Scout Project was presented for the replacement of a bridge across a drainage area near the chat trail in Gardens Park. An Eagle Scout was present to present this item to council, and photos were provided for reference. There was a city budget cost of \$1,062.22 for supplies. Staff asked for slightly more at \$1,500.00 for an inflation in pricing since the quote is from March 2022. This project is included in the 10-Year Park Plan approved by City Council.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to approve an Eagle Scout Project to replace a foot bridge in Gardens Park in the amount of \$1,500.

Motion carried by the following vote:

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

Nays: None

- b. Discussion and possible action to approve the purchase of two dog waste stations in Gardens Park in the amount of \$350.00.**

Background information on this item: The Park Board would like to add one additional waste station location and replace one existing waste station. A synopsis and photos are being provided to show the condition of all waste stations in the park. The goal will be to replace the remaining existing ones over time. The cost per waste station is \$157.58.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to approve the purchase of two dog waste stations in Gardens Park in the amount of \$400.00.

Motion carried by the following vote:

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

Nays: None

c. Discussion and possible action to prepare for the FY 2022-2023 budget year, to include but not limited to discussion of revenue sources, funding sources, capital improvement plan, and council input for budget items.

Background information on this item: This item was previously presented at the May 19, 2022 Council Meeting. Due to items presented at the May meeting, this item is being presented again to determine if the budget process needs to move up earlier than planned. Council may recall that recent legislative changes require an earlier budget process if the city will exceed a 3.5% tax rate increase.

Staff is providing a few high level questions to determine how to work with the Mayor for budget planning purposes.

The questions are:

1. What percentage raise would council want to consider in the budget?
 - a. An analysis is being provided showing a six and seven year average for market COLA percentages versus what staff received in those years.
2. Does Council want to consider full time fire fighters separate from the current PSO concept?
3. Does Council want to spend any existing surplus or leave in reserve funds?
 - a. An example is the brush truck purchase previously discussed.
4. How does Council want to handle interim positions during city administrator's maternity leave?
 - a. This would include positions of city administrator, city secretary, and human resources.
 - b. Hiring firm charges our salary plus 30% for interim period.

No action was taken.

d. Discussion and possible action to approve the purchase of a laptop for event use in the Council Chambers.

Background information on this item: The new City Hall Council Chambers was planned to be used for events. In the past two months, there have been two events requiring a laptop for presentations. In order to adequately prepare for future events, a laptop purchase is needed to have a dedicated device for this purpose. The city's IT provider, NetGenius quoted just under \$1,200 for the laptop. At this time, staff does not suggest or recommend putting additional programs such as Microsoft Office on the device (which would yield more cost). The reason being is a presenter can still project a PowerPoint presentation as ownership of the program is not needed to simply view a presentation. Microsoft Office is only needed if editing were needed.

For general knowledge purposes, the device only provides access to project on to the TVs in the Council Chambers. Wi-Fi access is provided but it is not connected to the network, so there is no concern for a security breach.

A motion was made by Council Member Cathy Stein and seconded by Council Member John King to approve the purchase of a laptop for event use in the Council Chambers.

Motion carried by the following vote:

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

Nays: None

e. Discussion and possible action to consider changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 6, Health and Sanitation, and Chapter 14, Zoning, regarding regulations for smoking establishments and the sale of certain illegal smoking products.

Background information on this item: The council held a work session and discussed regulations for certain smoking products as well as regulations for smoking establishments. Council asked staff to bring back an ordinance for consideration. Two ordinance options are being provided. Neither will have an ordinance number assigned until council provides final feedback on desired changes.

The first ordinance only changes regulations to Chapter 6, Health and Sanitation, for illegal smoking products. Section 6.05.003 would prohibit the sale of products listed in Section 6.05.002. It does also add certain defenses to prosecution in Section 6.05.004 that are associated with this prohibition on sale of certain products.

The second ordinance changes the same regulations in Chapter 6, Health and Sanitation, as the first ordinance, but it additionally completely prohibits smoking establishments in the city (Chapter 14, Zoning, changes).

Council has previously discussed a complete prohibition on smoking establishments which is why the second ordinance is provided. However, just as with the suggestion against prohibition on other land uses, council should look at designating smoking establishments in certain zoning districts or assigning special exception regulations if limiting the use is desired.

If council does ultimately decide on a complete prohibition of smoking establishments as outlined in Chapter 14, Zoning, the ordinance would need to go to the Planning and Zoning Commission for a recommendation before council can take action. If council only desires changes in Chapter 6, council can take action on said ordinance.

A motion was made by Council Member Cathy Stein and seconded by Council Member Steve Lafferty to approve the recommended changes to Chapter 6, Health and Sanitation, but make no changes to Chapter 14, Zoning.

Motion carried by the following vote:

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

Nays: None

f. Discussion and possible action to select a contractor for Project #2022-03, Orchid Court Storm Sewer Improvements.

Background information on this item: The Orchid Court project bid date was June 7, 2022 at 2:00 p.m. The city received bids from Acadia Services, Atkins Brothers, and Insituform. The city engineer has provided a recommendation to move forward with Insituform's bid of \$232,355.00 for applying CIPP lining in the existing 36" RCP, 2-4' manholes, and asphalt pavement repair.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to award the bid for Project #2022-03, Orchid Court Storm Sewer Improvements to Insituform.

Motion carried by the following vote:

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

Nays: None

g. Discussion and possible action to select a contractor for Project #2022-02, Janitorial Services for City Hall and DPS Building.

Background information on this item: The bid date for Project #2022-02, Janitorial Services, was June 3, 2022 at 2pm. The city received bids from WCD Enterprises and Clements Custom Cleaning. The bidder perceived to provide the best value in this case for cleaning is WCD Enterprises at a bid of \$10,740 annually.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve the selection of WCD Enterprises for Project #2022-02, Janitorial Services for City Hall and DPS Building.

Motion carried by the following vote:

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

Nays: None

h. Discussion and possible action to approve Resolution No. 2022-12 approving a change order in the amount of \$15,752.00 for the 47th CDBG Ambassador Row Project.

Background information on this item: The CDBG project will soon be coming to an end, and various change orders are needing approval to close out the project. One change order in the amount of \$5,027.00 is for additional asphalt and to complete the work on and near the flushing valves at each cul de sac. This work has already been completed. The second change order in the amount of \$10,725.00 is for work not yet completed. The contractor was set to put down asphalt abutting the concrete work, and asked the City to consider another small sliver of asphalt due to the condition of it. Upon inspection, staff noticed a slightly larger section was in need of replacement due to the condition and visibility of multiple past repairs being conducted on that section of asphalt. Staff requested a quote from the contractor, and the contractor generously reduced the per square footage dollar amount from \$15.00 to \$13.00 because of the size. Photos are being provided with more detail.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve Resolution No. 2022-12 approving a change order in the amount of \$15,752.00 for the 47th CDBG Ambassador Row Project.

Motion carried by the following vote:

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

Nays: None

i. Discussion and possible action to approve Ordinance No. 2022-13 making changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 12, Traffic and Vehicles, to authorize the Director of Public Safety to establish speed limits in construction zones.

Background information on this item: As the Roosevelt Drive construction started, it was noticed the city did not have the authority to change speed limits in a construction zone. We request section 12.05.004 be adopted to allow the Director of Public Safety to change speed limits in a construction zone after following an engineering and traffic investigation report.

This addition will allow the city to slow down the speeds in construction zones, making it a safer place for workers, other motorists, and pedestrians.

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to approve Ordinance No. 2022-13 making changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 12, Traffic and Vehicles, to authorize the Director of Public Safety to establish speed limits in construction zones.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, Motley and Kohn
Nays: None

j. Discussion and possible action on city-initiated rezoning of 2611 W. Pleasant Ridge Road from PD SF-1 to allow half of the lot to be used as PD commercial.

A motion was made by Council Member Cathy Stein and seconded by Council Member John King to allow the City to initiate that the agreed upon portion of the lot by the developer be rezoned as PD Commercial.

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

k. Discussion and possible action regarding amendments to the FY 2021-2022 budget in amounts not to exceed \$10,000.00.

No action taken.

l. Discussion and possible action to accept the resignation of Council Member Joe Kohn.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to accept the resignation of Council Member Joe Kohn.

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

m. Discussion and possible action to accept nominations to fill the vacancy for Alderman Place 5.

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to nominate Mark McGuire to fill the vacancy for Alderman Place 5.

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

10. TABLED ITEMS

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

Item not addressed.

11. FUTURE AGENDA ITEMS

None.

12. ADJOURN

The meeting was adjourned at 9:00 p.m.