

**MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS,
TEXAS, CITY COUNCIL HELD ON JUNE 18, 2020 AT 6:00 P.M. IN THE COUNCIL CHAMBERS,
2600 ROOSEVELT DRIVE, DALWORTHINGTON GARDENS, TEXAS.**

Although the Mayor and Council physically attending the meeting, a public dial in number was provided to provide a remote option to the public. This option was provided to advance the public health goal of slowing the spread of the Coronavirus (COVID-19).

WORK 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

Attendees from Boards and Commissions:

Todd Batiste, Planning and Zoning Commission Chair
Maurice Clark, Planning and Zoning Commission Vice Chair
Paul Sweitzer, Planning and Zoning Commission Board Member
Tara Cao, Park Board Chair (by phone)
Meredith Ivey, Zoning Board of Adjustment (by phone)

2. CONDUCT OPEN MEETINGS ACT AND PUBLIC INFORMATION ACT TRAINING

Training was conducted by the city's attorney, Cara White, TOASE

At this time, the City Council took a short recess before beginning the Regular Session.

REGULAR SESSION – 7:00 P.M.

1. CALL TO ORDER

Mayor Bianco called the meeting to order at 7:07 p.m.

2. INVOCATION AND PLEDGES OF ALLEGIANCE

Mayor Bianco gave the invocation. Pledges were said.

3. ITEMS OF COMMUNITY INTEREST

The following items were presented.

- **City Hall Ground Breaking – June 26, 2020 at 9:00 am**
- **Concert in the Park – September 19 at 7:30 p.m.**
- **Day with the Law – September 26**
- **National Night Out – October 6**
- **Trunk or Treat – October 24, 5:30 p.m. to 8 p.m.**
- **Christmas in the Park/Santa Photos – December 6, 3-5 p.m.**
- **Santa Parade – December 23**

4. CITIZEN COMMENTS

None

5. MAYOR AND COUNCIL COMMENTS

- **Mayor Bianco:** Thanked Cathy Stein for the mulch donation for Gardens Park, and Metro Mobil for the very generous water donation to our DPS. Thanked Ryan Miller, DWG; and Jason Adams, Pantego; for combatting the fire at Farrell Animal Hospital. Thanked Tara Cao, Park Board Chair, for picking up trash in the park and surrounding areas. Thanked Jeannine Calhoon, outgoing Park Board Chair, for donating tree protection tubes for trees in Gardens Park. Thanked Kay Day, the city's Finance Director, for her hard work and efforts on the budget. Thanked Gary Harsley, the city's Building Official, for his code enforcement efforts and hard work.
- **John King:** Echoed comments made by Member Joe Kohn regarding the letter from Chief Petty.
- **Steve Lafferty:** Echoed comments made by Member Joe Kohn regarding the letter from Chief Petty.
- **Cathy Stein:** none.
- **Ed Motley:** Echoed comments made by Member Joe Kohn regarding the letter from Chief Petty.
- **Joe Kohn:** Thanked Chief Petty for his time and efforts on letter posted on social media regarding the George Floyd incident. Expressed appreciation for everything the DPS and Chief Petty does for the city, and thanked all employees for the outstanding job they do.

6. DEPARTMENTAL REPORTS

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

Departmental Reports were presented.

7. CONSENT AGENDA

- a. **May 21, 2020 regular meeting minutes**
- b. **June 2, 2020 special meeting minutes**
- c. **Consider approval of Ordinance No. 2020-05 to approve budget amendments for FY 2019-2020.**
- d. **Resolution No. 2020-15 dissolving the Infrastructure Committee.**
- e. **Approval of an Interlocal Agreement with Tarrant County for reconstruction of Indian Trail.**
- f. **Approval of Resolution No. 2020-16 to appoint members to various boards and commissions.**

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve items a, b, c, d, and f; to include a correction to item c, Ordinance No. 2020-05, budget amendments to correct the total listed for account 120-00-4895, Other Revenue: Contributed Capital, from \$80,846 to \$80,046. Item e. regarding Indian Trail was pulled off for individual discussion.

Motion carried by the following vote:

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

Nays: None

8. REGULAR AGENDA

a. Discussion and possible action regarding an alternatives analysis from Freese & Nichols for Elkins Lake Dam.

Background information on this item: At the March 2020 meeting, council approved an agreement with the Trinity River Authority related to a water rights issue. That issue is a separate issue from the dam safety issue being presented, but is mentioned for new council members who may hear both terms being used. The water rights issue has been resolved but the dam safety issue remains unresolved.

The dam safety issue goes back to 2014 and resulted from a complaint on the dam. The complaint resulted in an investigation from TCEQ. The result of the investigation was a notice of enforcement action as the dam was found to be out of compliance. Staff's understanding is that both the water rights issue and the dam safety analysis came to be because of the compliance issue with TCEQ.

Elkins Dam is considered a high hazard dam. The term is given to dams that have a potential loss of life expectancy of seven or more lives or three or more habitable structures in the breach inundation area downstream of the dam. When looking at maps provided in the PowerPoint, you will notice the proximity of Cinnamon Park Apartments along Spanish Trail to the west of Elkins Lake. To resolve the high hazard issue, Freese & Nichols (FNI) has provided three alternatives for repair. Alternative 3 is not recommended by staff as it creates a low water crossing which could create an accessibility issue for XTO staff. Heavy rains could make the entrance inaccessible. For the alternatives mentioning CLOMR/LOMR updates (FEMA flood map updates), those costs are included in the quote provided.

FNI did find a grant which staff reviewed with FNI. Staff initially asked for FNI's cost to prepare and submit the application for the project. However, the grant isn't appropriate for this project. FNI felt it was possible to make the project fit, but it is unlikely our application would be competitive with other projects that typically apply for the grant. The grant is for the Flood Infrastructure Fund (FIF) with the Texas Water Development Board. Thus, FNI could submit the application with the city paying \$15,000 or more for design/engineering and then not be successful in grant award. Staff did ask if there would be less costs to turn the area into a green space. Staff understands this option would not be well received from citizens and most likely council as well, but we looked at all avenues because of the high cost for repair. The answer is 'not necessarily' because it's not as simple as filling with dirt. Moving water or dirt could still be expensive and still affect FEMA flood maps which is expensive.

Council needs to discuss which alternative is preferred and propose plans for funding. The city may not necessarily need to fund the repair in its entirety in one year. The city just needs a defined plan to show TCEQ we are working on compliance.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to table this item.

Motion carried by the following vote:

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

Nays: None

b. Discussion and possible action regarding future development located on Lot 6, Block 1 of the Gardens Town Center, located at the southeast corner of Pleasant Ridge and Bowen Road, Dalworthington Gardens, and commonly known as 4110 S. Bowen Road.

Background information on this item: The owner of Block 1, Lot 6, is considering to file an application to rezone the property to allow for medical land uses. Block 1, lots 1-6 were approved as a planned development in 2014 and are now commonly known as the Gardens Town Center. The existing allowed uses on lot 6 are uses typically found in community shopping centers: pharmacy with or without drive windows, grocery with or without drive windows, retail stores (beauty supply, clothier, shoe, florists, video rental), service retail (tailor, shoe repair, cleaners, hair/nail salon, phone store), restaurants with or without drive window, food service (coffee and pastry, sandwich shop, ice cream shop), automotive with no outside repair (tire sales or new part sales).

The owner is looking to have “medical” added as an allowed use just as you see listed in the allowed uses for lot 4. Council’s action will not be to rezone as the applicant is required to file an application and pay necessary fees for that. However, just as we have for other potential rezones, we are coming to City Council in advance to gain council’s desires prior to the applicant paying fees to go through the process. This prevents the applicant from spending time and money if council does not desire this use on lot 6.

In the proposed design, lot 4B shows a proposed future office center. However, this agenda item is to consider lot 6 only as the requestor does not own lot 4B. Lot 4B is owned by the original owner of Chicken Express.

No action was taken on this item.

c. Discussion and possible action to approve a quote from Prime Landscape in the amount of \$1,200 to cut, regrade, and pour a concrete flume to redirect the water at Indian Trail where it intersects Santa Fe.

Background information on this item: In addition to the street repair on Indian Trail, there is an area at the west corner of Santa Fe Circle and Indian Trail that is in need of repair. That area has been cut down in the past so that water will drain into the ditch instead of down the street. The City will need to make repairs to that area again for it to drain properly. Staff brought a quote to the May 21 meeting but was asked to seek more information on the suggested repairs.

Prime Landscape has provided a more detailed drawing of the repair area and staff assisted with marking the area. Prime stated visiting the site again after a rain was helpful as they were better able to provide details for repair. When discussing the repair with them, they detailed out exactly what council discussed as the necessary solution to include grinding the street to redirect water. Although the drawing is not to scale, it does detail out exactly what will be done. The drawing was sent to the city engineer who agreed with the suggested repairs.

A motion was made by Council Member Steve Lafferty and seconded by Mayor Pro Tem Ed Motley to approve the drainage repair to the west corner of Indian Trail where it intersects Santa Fe Circle in an amount not to exceed \$2,000, but to have the repair area widened to the north to width that does not exceed the approved amount.

Motion carried by the following vote:

Ayes: Members Lafferty, Stein, Motley, and Kohn

Nays: Member King

d. Discuss and possible action regarding amendments to the FY 2020 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.

This item was not needed and thus was not addressed.

e. Discussion and possible action regarding the new City Hall building, to include, but not limited to any change order approval.

Background information on this item: This will now be a recurring item on every agenda to report any new information or present any necessary change orders. There is nothing to report as of the time of this report except to remind council about the groundbreaking ceremony on June 26 at 9 am.

Staff provided additional information at the meeting. Change orders were presented to Council for the following that were within the contingency amount previously approved by Council.

\$5,000.00 downstream study

\$3,500.00 removal of sally port and reworking the fence and drive areas

Council asked the Mayor to research why a downstream study was not conducted in the original scope of work.

No action was taken.

f. Discussion and possible action to set a work session date for the Comprehensive Zoning Plan.

Background information on this item: The work session for the Comprehensive Plan was canceled due to the outbreak of COVID-19. Staff is looking to get this rescheduled in August once we get past the bulk of the budget season. If council agrees, we can go ahead and set a date for this. Staff can deliver a copy of the Plan well in advance of the meeting. The Plan has been sent to Council Member Stein in advance of this as she is thorough in assisting to catch grammatical mistakes, which means those will be corrected before the work session.

The work session was set for October 8, 2020 at 6 p.m.

g. Discussion and possible action regarding items requested from the Park Board, including but not limited to park maintenance list and purchases for the park in the 2019-2020 FY Budget.

Background information: The Park Board informs staff when there are maintenance needs in the park. To keep things more organized, the public works superintendent requested a maintenance schedule be created for staff to better manage time on tasks. The list presented to staff is included in your packet, and it is more in depth than expected. The list is being provided to council for input and approval since the Park Board is an advisory board. If council wants staff to add these tasks to our current workload, we will need an additional staff member to keep up with the schedule. We already struggle with proper maintenance of the park with trying to implement and manage maintenance of infrastructure. Administration's understanding is we currently don't do much on the north side of the lake. Some of the items, such as trimming trees, will require equipment we don't have such as a chipper. We would need to either purchase a chipper or rent one. Chippers take more than one person to operate properly. If council agrees with the proposed list, we would turn the maintenance schedule in to a policy so staff has an official document for future need.

There are also costs included in the list. Since council asked staff to cut spending for the time being to the necessities, these costs are being presented to council for approval.

- Uprooter tool: \$189.00
<https://www.theuprooter.com/buy-now/#!/Uprooter/p/49237860/category=12731651>
Public works could use although it would be very rare.
- Wister cut 4" Stone for Monarch Garden. 4 and 1/2 tons needed: \$1,260
- Additional pet waste station: \$300

There are other costs requested that have been placed in next year's budget (bridge, trash can lids, etc.)

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to deny the requested purchases.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Motley, and Kohn

Nays: Member Stein

9. BUDGET MATTERS

- a. **Discussion and possible action on the following matters related to the upcoming FY 2020-2021 Budget:**
 1. **Present revised budget calendar.**
 2. **Approval of Resolution No. 2020-17 designating the officer or employee responsible for complying with Section 26.04 of the Texas Tax Code for the City.**
 3. **Approval of Resolution No. 2020-18 directing the City Finance Director to calculate the voter-approval tax rate in the manner provided for a special taxing unit.**
 4. **Approval of Resolution No. 2020-19 to adopt a Strategic Plan for FY 2020-2021**
 5. **Approval of Resolution No. 2020-20 to adopt a Street Repair List for the FY 2020-2021 Budget**
 6. **City Council input for budget inclusion.**

Background Information: There are multiple items on tonight's agenda related to the FY 2020-2021 Budget. Below is a synopsis of each.

1. Revised budget calendar. Staff found a correction needed for the date the budget hearing is held to be separate from the night council adopts the tax rate. The change is reflected in this revised budget calendar.
2. Resolution No. 2020-17. Based on the way the Tax Code is now worded, it is interpreted that the city needs to formally designate someone to enter data on the Tarrant Appraisal District's new website. This resolution designates the city's Finance Director to perform this task.
3. Resolution No. 2020-18. This resolution allows the Finance Director to calculate the voter-approval tax rate up to the 8% discussed at the May 21, 2020 meeting. Staff must have council's permission before making this calculation. Additional sheets are attached to assist with explanation.
4. Resolution No. 2020-19. This resolution formally adopts the revised Strategic Plan.
5. Resolution No. 2020-20. The city needs a Capital Improvement Plan (CIP) for streets. This Plan is required by the City's Comprehensive Financial Policy, and should be created to assist with budget planning. Staff needs to produce a true CIP for streets, but until then, staff recommends approval of the proposed street list. This list was created by the city's former engineering consultant and council has already chosen streets from the original list to reconstruct in this budget year. Having the city's current engineer reassess the list would result in more engineering costs.
6. City Council Input. This item was requested by Council Member Stein to gain council input for budget items. Items requested by council members should reflect the goals set out by the City's Strategic Plan.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to approve items 2, 3, 4, and 5, but amend Pg. 209 p of strategic plan for short term goals to four months instead of six.

Motion carried by the following vote:

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

Nays: None

8. REGULAR SESSION CONTINUED

h. Approval of an Interlocal Agreement with Tarrant County for reconstruction of Indian Trail.

This was item 7e. on the Consent Agenda which was pulled off for individual consideration.

Council asked staff to check on costs for striping.

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to approve an Interlocal Agreement with Tarrant County for reconstruction of Indian Trail with a change to section 1.1.5 to change Type B Hot mix to 4 inches.

Motion carried by the following vote:

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

Nays: None

10. FUTURE AGENDA ITEMS

None

11. ADJOURN

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to adjourn at 9:18 p.m.

Motion carried by the following vote:

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

Nays: None