

MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON JULY 20, 2023 AT 6:00 P.M. IN THE COUNCIL CHAMBERS, 2600 ROOSEVELT DRIVE, DALWORTHINGTON GARDENS, TEXAS.

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

WORK SESSION

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
Mark McGuire, Alderman, Place 5

Staff Present:

Lola Hazel, City Administrator
Greg Petty, DPS Director
Kay Day, Finance Director
Gary Parker, Public Works Director

2. WORK SESSION

- a. Receipt, discussion, and action on a presentation from HomeServe USA on infrastructure warranty program for property owners in the City. Any action taken would be deferred until the Regular Session.**

Work session conducted.

- b. Work Session on other listed agenda items, if time permits.**

Items 9b and 9c were also discussed.

REGULAR SESSION

1. CALL TO ORDER

Mayor Bianco called the meeting to order at 7:02 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
Mark McGuire, Alderman, Place 5

Staff Present:

Lola Hazel, City Administrator
Greg Petty, DPS Director

Kay Day, Finance Director
Gary Parker, Public Works Director

2. INVOCATION, AND PLEDGES OF ALLEGIANCE

Mayor gave invocation. Pledges were said.

3. PRESENTATIONS AND PROCLAMATIONS

a. Proclamation for Randy Jordan recognizing his musical talents and contributions.

Mayor Bianco read aloud and presented.

4. ITEMS OF COMMUNITY INTEREST

The following items were presented.

- a. Park Workday, Saturday, July 8**
- b. Ice Cream Social and Playground Ribbon Cutting, Saturday, July 15**
- c. Park Workday, Saturday, September 15**
- d. Concert in the Park, Saturday, September 23**
- e. National Night Out, Tuesday, October 3**
- f. Annular Eclipse, Saturday, October 14**
- g. Trunk-or-Treat, Saturday, October 21**
- h. Movie Night in the Park, Saturday, November 4**
- i. Park Workday, Saturday, November 11**
- j. Pictures with Santa, Sunday, December 3**

5. CITIZEN COMMENTS

None

6. MAYOR AND COUNCIL COMMENTS

Mayor Bianco: Thanked Twisted Grapevines for the 4th of July wreath donated to City Hall. Thanked DPS for the 4th of July Parade. Thanked the Park Board for the ice cream social and playground ribbon cutting. Thanked Jill Howard for getting ice to make sure the ice cream would stay cold during the ice cream social. Thanked Penny Felton for serving ice cream. Spoke to the passing of Dr. Frank Dingwerth who was a long-time resident of DWG.

John King: Congratulated Randy Jordan on his recognition and accomplishments.

Steve Lafferty: None.

Cathy Stein: Congratulated Randy Jordan on his recognition and accomplishments.

Ed Motley: Congratulated Randy Jordan on his recognition and accomplishments.

Mark McGuire: Congratulated Randy Jordan on his recognition and accomplishments. Highlighted Randy Jordan's contributions to Martin High School.

7. DEPARTMENTAL REPORTS

Informational reports only; no action to be taken.

- a. DPS Report**
- b. Financial Reports**

- c. **Quarterly Investment Report**
- d. **City Administrator Report**
- e. **Public Works Report**

Department Reports presented.

8. **CONSENT AGENDA**

- a. **Approval of the June 15, 2023 Regular Meeting Minutes.**
- b. **Ratification of invoices over \$5,000 for various emergency infrastructure repairs.**
- c. **Approval of Resolution No. 2023-09 making changes to the City Fee Schedule to copy certain fees to a collective place in the City Fee Schedule.**
- d. **Approval to designate concert in Gardens Park taking place on September 23, 2023 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.**
- e. **Approval of Resolution No. 2023-10 denying Oncor Electric Delivery Company LLC’s application to amend its distribution cost recovery factor and update generation riders to increase distribution rates, and authorizing participation with the Steering Committee of Cities Served by Oncor.**
- f. **Approval of Resolution No. 2023-11 approving changes to the City Strategic Plan.**

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

Motion carried by the following vote:

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

Nays: None

9. **REGULAR AGENDA**

- a. **Discussion and possible action regarding relocating an original DWG house on city property and possible use of said house.**

No action taken.

- b. **Discussion and possible action to approve a contract with Community Waste Disposal for garbage, recycling, and household hazardous waste services; and to approve any associated cost increases to customers for said services.**

Background information on this item: Council already approved the Community Waste Disposal (CWD) contract be negotiated and signed. Staff is presenting the contract with final negotiated rates to council.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Mark McGuire to approve a contract with Community Waste Disposal for garbage, recycling, and household hazardous waste services, subject to final approval by city attorney.

Motion carried by the following vote:

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

Nays: None

c. Discussion and possible action to select a contractor for Project #2023-02 Corzine Drive Drainage Improvements.

Background information on this item: Bids were due for Corzine Drive Drainage Improvements on June 29, 2023 at 2:00 p.m. The City received bids from Atkins Bros, Acadia, and Capko. The city engineer has reviewed said bids and recommends Capko for the project. They are felt to be most qualified to perform the work.

Tarrant County is funding this project on a reimbursement basis and has approved a total of \$580,170 for funding. The agreement for this project terminates September 30, 2023, so staff would like to begin the project as soon as possible.

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to select Capko for Project #2023-02 Corzine Drive Drainage Improvements.

Motion carried by the following vote:

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

Nays: None

d. Discussion and possible action regarding the calculation and billing method of water and sewer utilities.

Background information on this item: This item continues the discussion council started at the June 22, 2023 work session. That discussion was about how the city calculates customer water and sewer rates with the first 2,000 gallons being included in the minimum charge and the city's volume rate calculation beginning at 2,001 gallons. Because the city purchases water from Fort Worth and Arlington, this method results in days' worth of reconciliations for staff to ensure DWG is billed accurately for services, but more importantly, with the current rate calculation, the city cannot ensure billed volume to customers is paying for treated volume from Arlington and Fort Worth. As calculated now, the minimum charge ends up paying for some of the treated volume. The minimum charge should fund operating costs for the city and staff cannot ensure it does with this current calculation. The Finance Director has prepared calculations for summaries for each utility along with proposed rate changes. The proposed rate reduces the minimum charge which was calculated based on investigating the monthly affect to all customers and coming up with a suitable minimum.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to proceed with the developing rates based on not having the first 2,000 gallons in the base rate, with the final rates to be determined during the budget, to be implemented October 1.

Motion carried by the following vote:

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

Nays: None

e. Discussion and possible action on City platting processes and requirements.

Background information on this item: Staff was asked to add an item to this agenda to discuss when each type of plat would be used for each land division circumstance. Because of how the plat process has been going behind the scenes and also because of new legislation, staff has broadened the agenda item to allow discussion and action for the platting process and requirements as a whole. The city attorney will be providing more information at the meeting about new legislation and how it will require the city to potentially be even more lenient with land division and make changes to city ordinances.

Because of the recent "shot clock" rules for platting, if it is determined a plat meets state law and city ordinance, the plat shall be approved by law. When plat applications are received by staff, staff then works with the city engineer to determine what type of plat should be submitted. Staff has even puts preliminary and final plats concurrently on one agenda with engineering consultation as it's considered applicant-friendly. What is important is that all ordinance and state law requirements are reflected on the proposed plat, regardless of the type of plat submitted.

Because state law requires the city to process plats as quickly as possible, staff works with council members outside of the council meeting to get questions answered before council votes. In this, staff is trying to accommodate council's concerns but also abide by legal mandates. Some of the items questioned on previous plats, although they correct grammatical errors or inconsistencies, they do not affect the division of land per state law and city guidelines.

Staff is providing a marked plat from a previously conditionally approved plat. Staff has highlighted certain comments from the city engineer showing why they made the determinations they did, and also including council's motion from the June 15, 2023 meeting. From what the city engineer states, some of what is questioned is outside of what state board rules require.

Staff is looking for feedback from council as a whole on how to process plats in the future with the end goal being to reduce time and resources on plats and meet approval guidelines set by law.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to develop a checklist for platting and a zoning submission calendar, and prepare ordinance changes for excluding a plat with infrastructure as a replat.

Motion carried by the following vote:

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

Nays: None

f. Discussion and possible action regarding HB 1750 and its effects on City ordinances relating to agricultural operations.

Council Member Stein requested review of HB 1750 and its effects on City ordinances relating to agricultural operations.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Mark McGuire to remove the requirement from city ordinances for having a single-family residence on a home with an agricultural use.

Motion carried by the following vote:

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

Nays: None

g. Discussion and possible action to approve an over-hire full-time dispatcher.

Background information on this item: DPS is requesting the consideration and the approval of an over-hire, full-time dispatcher. We have had an open dispatch position for almost 2 years with no interest from applicants. We now have a considerable pool to hire from. This will fill the vacancy that has been pending, along with allowing us to train the secondary dispatcher to take the position opening due to an expected loss of an employee in May-Aug 2024. Training for a dispatcher with all State required off site classes, along with on the job training takes approximately 4-6 months. This will allow us to keep a work life balance for the current employees, and also keep overtime to a minimum.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve an over-hire full-time dispatcher.

Motion carried by the following vote:

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

Nays: None

h. Discussion and possible action to approve a quote from Prime Landscape to haul off stock piles of dirt and asphalt from the Roosevelt Dr phase II project in the amount of \$10,800.00.

Background information on this item: Now that Tarrant County has completed phase II of the Roosevelt Road construction project the stock piles of aggregate from this project were placed on the dam for temporary storage. Staff has received a quote to have removed from Prime Landscape Services to haul off in the amount of \$12,300.00. Staff can save \$1,500.00 if staff will furnish the labor and equipment to load the trucks.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve a quote from Prime Landscape to haul off stock piles of dirt and asphalt from the Roosevelt Dr phase II project in the amount of \$10,800.00, and to direct staff to find other places to put stock piles in the future.

Motion carried by the following vote:

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

Nays: None

i. Discussion and possible action on planning and item inclusion for the FY 2023-2024 Budget, if needed.

No action taken.

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

No action taken.

10. TABLED ITEMS

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

b. Discussion and possible action to direct staff regarding correctly indicating when special exceptions are authorized in accordance with Section 14.02.321 of city ordinances, to include but not limited to special exceptions for private stables as allowed in Section 14.02.172 "SF" residential district uses.

Neither item pulled from the table.

11. EXECUTIVE SESSION

City Council recessed into Executive Session at 9:23 p.m.

a. Recess into Executive Session for the following:

i. Pursuant to Texas Government Code, Section 551.071, Attorney Consultation, to discuss the effects and impacts of utility regulations.

ii. Pursuant to Texas Government Code, Section 551.071, Attorney Consultation, to discuss currently permitted zoning uses in the B-3 district.

iii. Pursuant to Texas Government Code, Section 551.074, Personnel Matters, to wit: public works crew leader.

iv. Pursuant to Texas Government Code, Section 551.071, Attorney Consultation, to discuss the HomeServe USA infrastructure warranty program for property owners in the City.

City Council reconvened into Regular Session at 9:44 p.m.

b. Reconvene into Regular Session for the following:

i. The effects and impacts of utility regulations

No action taken.

ii. Currently permitted zoning uses in the B-3 district.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to take the action discussed in executive session.

Motion carried by the following vote:

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

Nays: None

iii. Incentives for public works maintenance workers.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to direct staff to take action discussed in executive session.

Motion carried by the following vote:

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

Nays: None

iv. HomeServe USA infrastructure warranty program for property owners in the City.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to move to take action discussed in executive session

Motion carried by the following vote:

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

Nays: None

12. FUTURE AGENDA ITEMS

None

13. ADJOURN

The meeting was adjourned at 9:45 p.m.