

MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON AUGUST 17, 2023 AT 5:30 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 5:30 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. FY 2023-2024 Budget Work Session

Item discussed.

b. City water and wastewater system, and plans for maintenance and enhancements to said systems.

Item discussed.

c. Work Session on other listed agenda items, if time permits.

City Council took a recess at 6:50 p.m. before beginning the Regular Session at 7:00 p.m.

REGULAR SESSION

1. CALL TO ORDER

Mayor Bianco called the meeting to order at 7:00 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. INVOCATION, AND PLEDGES OF ALLEGIANCE

Mayor gave invocation. Pledges were said.

3. ITEMS OF COMMUNITY INTEREST

The following items were presented.

- a. **Park Workday, Saturday, September 15**
- b. **Concert in the Park, Saturday, September 23**
- c. **National Night Out, Tuesday, October 3**
- d. **Annular Eclipse, Saturday, October 14**
- e. **Trunk-or-Treat, Saturday, October 21**
- f. **Movie Night in the Park, Saturday, November 4**
- g. **Park Workday, Saturday, November 11**
- h. **Pictures with Santa, Sunday, December 3**

4. CITIZEN COMMENTS

None

5. MAYOR AND COUNCIL COMMENTS

Mayor Bianco: Thanked Council Member Cathy Stein for saving fish and putting them in the lake. Recognized Brad Boustead for mowing fellow resident Anthony Parker's yard while Anthony was in the hospital. Recognized Larry Stein for being selected as 1 of 16 umpires to officiate in the 2023 Little League World Series. Recognized the following businesses for being recognized by Arlington Today Magazine and/or Living Magazine for being the best in their fields:

- Grounds and Gold for Coffee Shop
- Green's Produce for Farmers Market and Garden Center
- Spec's Liquor for Place to Buy "Spirits"
- Donna Schmidt for Divorce Attorney
- McAndrews Motors for Luxury Car Dealership
- Royal Pet Resort in the Garden for Pet Care and Grooming
- Farrell Animal Hospital for Veterinarian
- Coy Garrett for Commercial Development Real Estate
- Back 2 Wellness for Chiropractor

John King: None

Steve Lafferty: Echoed comments from Mark McGuire thanking staff for efforts on preparing the budget.

Cathy Stein: None

Ed Motley: None

Mark McGuire: Thanked staff for efforts on preparing the budget.

6. DEPARTMENTAL REPORTS

Informational reports only; no action to be taken.

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

Department Reports presented.

7. **CONSENT AGENDA**

- a. **Approval of Ordinance No. 2023-13, amending the City of Dalworthington Gardens Code of Ordinances, Chapter 1, Article 1.09, Parks and Recreation, to prohibit the riding of horses in Gardens Park, south of Elkins Drive.**
- b. **Approval of Ordinance No. 2023-12, granting a special exception for a fence at 3306 Evie Court.**
- c. **Approval of Ordinance No. 2023-14, approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the company’s 2023 rate review mechanism filing.**
- d. **Ratification of invoices over \$5,000 for various emergency infrastructure repairs.**

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve all Consent Agenda items except for item 7b which was pulled off for individual consideration.

Motion carried by the following vote:

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

Nays: None

8. **REGULAR AGENDA**

- a. **Discussion and possible action on the City water and wastewater system, and plans for maintenance and enhancements to said systems.**

Engineering firm, Kimley Horn, provided a presentation to City Council for a water and wastewater system study. The firm provided a scope in order to get a collective vote on direction in order to prepare and provide a cost for said studies.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to proceed with preparing a cost proposal.

Motion carried by the following vote:

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

Nays: None

- b. **FY 2023-2024 Proposed City Budget: Any necessary discussion or action on changes to the proposed budget only. Official public hearing and budget adoption will take place at the September 21, 2023 Council Meeting.**

Background information on this item: This item is provided as a mechanism by which to discuss any changes to the proposed budget. Any action on this item would not constitute final adoption of the fiscal year budget, but only changes to the proposed budget.

Staff is presenting the latest Capital Improvement Plan (CIP) approved in 2022 for budget discussion. Broadacres is planned as the first project and staff expects to have proposed plans in the near future. The full list is being provided in the event council wants to plan for any other projects or alter the priority list.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to advertise the proposed rate being considered in the budget.

Motion carried by the following vote:

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

Nays: None

c. Discussion and possible action on setting the maximum proposed ad valorem tax rate; setting date for a public hearing on the proposed tax rate; and setting the date at which City Council will adopt the FY 2023-2024 ad valorem tax rate.

Background information on this item: Chapter 26 of the Tax Code outlines requirements for the notice, hearing, and vote on tax rates.

In accordance with Chapter 26, Council will be:

- voting on a proposed tax rate of which cannot be exceeded when the tax rate is adopted at the September 21, 2023 meeting
- scheduling and stating the date for a public hearing
- scheduling and stating the date at which Council will adopt the 2023-2024 tax rate

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve a proposed ad valorem tax rate not to exceed \$.611854 per \$100 of taxable value; setting the date, time, and location for both a public hearing date and tax rate adoption date as Thursday, September 21, 2023 at 7:00 p.m. to be held in the City Hall Council Chambers, 2600 Roosevelt Drive, DWG, Texas 76016.

Motion carried by the following vote:

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

Nays: None

d. Discussion and possible action regarding the City Fee Schedule to include but not limited to discussion about HB 3492 and its effect on how the City charges for plan review and inspection fees, and discussion on changes to tap fees, platting fees, and infrastructure improvement fees.

Background information on this item: Staff would like to discuss HB 3492 and its effect on how the City charges for permitting fees, but the discussion is all-encompassing for the Fee Schedule as staff would like to discuss fees for development and infrastructure improvements. The City is expecting to attract development in the coming months and years and needs to adequately plan for fee collection and maintenance of the public infrastructure serving that development. The City Attorney will be providing some education and guidance on this topic and it is possible an executive session will be necessary to fully discuss this topic with her consultation.

Currently, state law allows commercial and multifamily permits to be charged based on valuation. Residential permits are required to be charged based on square footage. This new law (HB 3492) will require a specific calculation for permits and reduce the amount the City can charge, in some respects. It does allow charging for staff time above what our third-party charges, and the City does currently account for that. Current City fees aim to account for third party review and inspections, any engineering review and inspection, and administrative staff time for processing permits.

In conjunction with this discussion, staff would like to discuss infrastructure improvement fees and impact fees, and any other fees that would help the City plan and pay for public infrastructure in the future. HB 3492 addresses public infrastructure improvements and excludes them from allowed permit fee calculation.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to direct staff to work with Cara to bring back a fee structure that will comply with HB 3492.

Motion carried by the following vote:

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

Nays: None

e. Discussion and possible action on adding city liability coverages for public employee dishonesty, forgery, and theft.

Background information on this item: As requested by council, staff is presenting a proposal for liability coverage for theft coverages. The total annual cost is approximately \$935. They base cost on number of employees which fluctuates at times.

A motion was made by Council Member Cathy Stein and seconded by Council Member Mark McGuire to approve adding liability coverages for public employee dishonesty, forgery, and theft.

Motion carried by the following vote:

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

Nays: None

f. Discussion and possible action to authorize replacement for the “middle” foot bridge on Roosevelt Drive.

Background information on this item: Due to excessively long lead times on receiving bridge for replacement, staff is requesting Council to approve moving forward with order of middle foot bridge replacement on Roosevelt Drive. Council previously approved replacement of the south foot bridge, and it will not arrive until February 2024. The bridge cost is requested along with funds for concrete materials and flooring.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to authorize replacement for the “middle” foot bridge on Roosevelt Drive.

Motion carried by the following vote:

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

Nays: None

g. Discussion and possible action regarding working with Texas Parks and Wildlife on a plan to add fish to Pappy Elkins Lake.

Background information on this item: Staff recently met with Texas Parks and Wildlife (TPWD) to discuss options for putting fish in Pappy Elkins Lake. There have been citizen requests in the past few years, and when reaching out to TPWD, staff learned a past drought condition prevents the City from receiving fish right away. TPWD requires a plan whereby the City can show lake levels are maintained to support fish. Staff is required to measure lake levels monthly and send those measurements to a TPWD contact. If, in one year, lake levels show steady, the City is able to then receive fish.

TPWD made the following observations and raised certain points to create the perfect habitat for fish survival.

1. Maintain lake levels over one-year period.
2. Natural vegetation is good – cat tails, etc. are great for fish habitat, no algae present.
3. Ducks and geese are concerning because they dirty the water and create issues for fish habitats. We are allowed to relocate and manage repopulations as necessary for the fish habitat.
4. Habitats are needed and can be created by using concrete or rocks. TPWD will use boats to assist us getting out into lake, but we provide materials and equipment to get material on boat.
5. Aeration system needed, not just a fountain but full system. TPWD can assist us in applying for grant as cost is approximately \$12,000. No guarantee on award, so possible City expense. Electrical also needed.

All of the above five items are required to be addressed and/or maintained before TPWD will put fish in our lake.

A motion was made by Council Member Steven Lafferty and seconded by Council Member Mark McGuire to continue to gather data by measuring lake levels, monitoring oxygen levels, and have TPWD do a fish survey to see what we have.

Motion carried by the following vote:

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

Nays: None

h. Discussion and possible action on maps to be included in Comprehensive Plan update, and to set work session and town hall meeting dates for Comprehensive Plan.

Work session was set for October 17, 2023 at 6:30 p.m.

i. Discussion and possible action to receive clarification on the approval motion for Ordinance No. 2023-07 approving special exceptions for fences which now go before Planning and Zoning and City Council for approval.

Background information on this item: Ordinance No. 2023-07 was approved on March 20, 2023 which approved fences to now be considered as special exceptions instead of variances which changes to approval authority. In the discussion at that meeting, Council Member Stein mentioned Section 14.02.125 which still shows fences being processed as a variance, but the change was not made a part of council's motion. As such, this section is being presented for council to consider adding as part of a motion. Changes to the Zoning Ordinance are required to go before Planning and Zoning first for a recommendation. However, because required public hearings were already held on the main topic of the fence special exception change, it is not required to clarify this section of the ordinances.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to make changes to Ordinance No. 2023-07 and ensure all references for board of adjustment are removed and change to appropriate body.

Motion carried by the following vote:

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

Nays: None

j. Discussion and possible action on approving costs to repair street and sewer on Karalyn Court.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve costs for repair of Karalyn Court street and sewer, selecting the option from Vesta with a five-year warranty, and pay for said costs out of the street repair fund.

Motion carried by the following vote:

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

Nays: None

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

No action taken.

At this time, Mayor Pro Tem Ed Motley recused himself from discussing the next item.

l. Approval of Ordinance No. 2023-12, granting a special exception for a fence at 3306 Evie Court.

A motion was made by Council Member Cathy Stein and seconded by Council Member Mark McGuire to approve Ordinance No. 2023-12 granting a special exception for a fence at 3306 Evie Court with the amendment to change the zoning listed for the property to SF-2.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and McGuire

Nays: None

9. TABLED ITEMS

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

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

Motion carried by the following vote:

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

Nays: None

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

Motion carried by the following vote:

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

Nays: None

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.

Item not addressed.

10. EXECUTIVE SESSION

City Council recessed into Executive Session at 8:38 p.m.

a. Recess into Executive Session for the following:

- i. Pursuant to Texas Government Code, Section 551.071, Attorney Consultation, and Section 551.087, Economic Development Negotiation, for an economic development incentive for a development on Bowen Road.

b. Reconvene into Regular Session for the following:

City Council reconvened into Regular Session at 8:50 p.m.

- i. Discussion and possible action on an economic development incentive for a development on Bowen Road.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to allocate an amount not to exceed \$2,500 to provide utility assessments for specified properties.

Motion carried by the following vote:

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

Nays: None

11. FUTURE AGENDA ITEMS

None

12. ADJOURN

The meeting was adjourned at 8:50 p.m.