

MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON AUGUST 19, 2021 AT 6:01 P.M. IN THE COUNCIL CHAMBERS, 2600 ROOSEVELT DRIVE, DALWORTHINGTON GARDENS, TEXAS.

EXECUTIVE SESSION – 6:01 P.M.

1. CALL TO ORDER

Mayor Bianco called the meeting to order at 6:01 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

2. EXECUTIVE SESSION

- a. **Recess into Executive Session pursuant to Government Code Section 551.074, Personnel Matters, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: discussion of raises for the Public Works Superintendent and Finance Director**

City Council recessed into Executive Session at 6:01 p.m.

- b. **Reconvene into Regular Session for discussion and possible action on raises for the Public Works Superintendent and Finance Director.**

City Council reconvened into Regular Session at 6:33 p.m.

No action taken.

WORK SESSION IMMEDIATELY FOLLOWING EXECUTIVE SESSION

- a. **If time permits, discuss the following items prior to any action during the Regular Session.**

1. **Changes for the FY 2021-2022 Proposed City Budget**
2. **Other agenda items, if time permits**
 - Discussed budget amendments

At this time, City Council took a short recess at 6:54 p.m. before beginning the Regular Session.

REGULAR SESSION – 7:00 P.M.

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
Joe Kohn, Alderman, Place 5

Staff Present:

Lola Hazel, City Administrator
Greg Petty, DPS Director
Kay Day, Finance Director

2. INVOCATION, AND PLEDGES OF ALLEGIANCE

Mayor Bianco gave the invocation. Pledges were said.

3. ITEMS OF COMMUNITY INTEREST

The following item was presented.

- **National Night Out – October 5, 2021**

4. CITIZEN COMMENTS

1. Daniel J Bennet, 408 Pemberton Street, White Settlement, TX 76108: Presented a April 30, 2020 TAD letter he claims was not supplied to the public online and events that followed surrounding a recall from TAD board members. HB 988 also addressed and explained to City Council.

5. MAYOR AND COUNCIL COMMENTS

Mayor Bianco: Spoke to the conference table donated by Mayor Pro Tem Ed Motley and his wife Linda for the new City Hall building. Thanked DPS and particularly Chief Petty for efforts in uniting us as a city for the swim party they put on, and then handing out popsicles at Arlington Classics Academy, and for handing out pencils at Key Elementary.

John King: Stated Covid-19 cases are on the rise, and implored everyone to be responsible and safe. Stated it's not over yet; we have a ways to go.

Steve Lafferty: Echoed comments from other council members.

Cathy Stein: None.

Ed Motley: Stated school's back in session and asked everyone to be aware of school zones. Wished kids good luck during the school year.

Joe Kohn: Echoed comments from other council members. Stated 9/11 was going to be special remembrance this year because it is the 20th anniversary of the attacks.

6. DEPARTMENTAL REPORTS

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

Departmental Reports were presented.

7. CONSENT AGENDA

- a. Presentation and acknowledgement of budget adjustments for August 2021.
- b. Approval of Resolution No. 2021-23 approving a sick leave donation policy.
- c. Consider approval of Resolution No. 2021-22 approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the company’s 2021 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; and requiring the company to reimburse ACSC’s reasonable ratemaking expenses.
- d. Approval to designate movie in Gardens Park taking place on September 11, 2021 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 the 10-Year Park Plan prepared and updated by the City’s Park Board. Approval of the Plan is a necessary step for playground grant application submittal by October 1, 2021.
- f. Approval of July 15, 2021 regular meeting minutes.
- g. Approval of Ordinance No. 2021-09 approving budget amendments for FY 2020-2021.
- h. Approval of changes to the city Comprehensive Financial Policy.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve the Consent Agenda items except for items e and h which were pulled off for individual discussion, and item d which no longer needs to be addressed since the event was cancelled.

Motion carried by the following vote:

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

Nays: None

8. REGULAR AGENDA

- a. **FY 2021-2022 Proposed City Budget**
 - i. **Any necessary discussion or action on changes to the proposed budget only. Official public hearing and budget adoption will take place at the September 16, 2021 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.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to direct the Mayor to implement changes previously discussed in Executive Session.

Motion carried by the following vote:

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

Nays: None

b. 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 2021-2022 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 16, 2021 meeting
- scheduling and stating the date for a public hearing
- scheduling and stating the date at which Council will adopt the 2021-2022 tax rate

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve a proposed ad valorem tax rate not to exceed \$0.658553 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 16, 2021 at 7:00 p.m. to be held in the City Hall Council Chambers, 2600 Roosevelt Drive, DWG, Texas 76016.

Mayor Bianco called for a record vote. Record vote as follows:

Council Member John King: aye
Council Member Steve Lafferty: aye
Council Member Cathy Stein: aye
Council Member Ed Motley: aye
Council Member Joe Kohn: aye

Nays: None.

Motion carries.

c. Discussion and possible action regarding adding a definition of “curved street” to the City of Dalworthington Gardens Code of Ordinances, Chapter 10, Subdivision Regulation, as it relates to platting.

Background information on this item: At the July 15 Council Meeting, City Council provided direction regarding adding a definition of “curved street” to the city ordinances. The council’s motion was as follows: “A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to amend Chapter 10 of the city Code of Ordinances to delete the requirement for curvilinear street, add appropriate minimum radius of 350’, create definition for lots to be measured at building line for cul-de-sacs and knuckles, and to have these new regulations apply to all plats moving forward.”

In reviewing changes to the ordinance resulting from that motion, there is confusion on deleting the requirement for curvilinear street in its entirety in Chapter 10. Staff would like feedback on whether that was the intention before crafting final ordinance changes. The sections staff believes are related to these changes are highlighted in the ordinance language attachment.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to remove the requirement for curvilinear street (allow it but not require it), and change Section 10.02.183(2)(G) to read “Lots fronting on the vehicular turnaround portion of a cul-de-sac or knuckles shall have a minimum lot width of 80 feet measured at the building line.”

Motion carried by the following vote:

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

Nays: None

d. Discussion and possible action regarding Project #2020-01, the new City Hall building, to include but not limited to any change order approval.

Background information on this item:

Cameras: A quote for 4K cameras (\$17,754) is being presented along with the original quote for 1080p cameras (\$6,987).

If council prefers to select 4K cameras, staff's recommendation would be to choose 4K for exterior cameras and 1080p for interior cameras. This would yield a savings for the total cost of cameras, achieve council's desire to maintain quality of footage, and ensure adequate storage space for retention purposes. There may still be a need to purchase more storage space, and the initial cost estimate is approximately \$1,100.

The camera vendor, who historically has provided top-of-the-line, pricy equipment for consideration, is also of the opinion the 1080p cameras would be the best fit inside of the building. His comments echoes staff's comments that 1080P strikes a balance between high image quality, lower storage requirements, and affordability.

TVs: Staff would like to go ahead and obtain approval for purchase of televisions for the council chambers. There are still a few minor tasks being done to the building, and staff would wait until those are complete prior to purchase. This approval will allow staff to proceed once able. We are estimating \$1,200 per TV which would include any mounting hardware or installation needs.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to approve preferred camera selection with a combination of 1080p and 4K not to exceed 17k, storage space in an amount not to exceed \$1,100, and TVs not to exceed \$3,600, and also include the sleeve for the sign not to exceed \$1,000.

Motion carried by the following vote:

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

Nays: None

e. Discussion and possible action to provide direction to staff on the City's Code of Ordinances, Chapter 14, Zoning, regarding regulations for accessory structures.

Background information on this item: This item was requested at the July 15, 2021 meeting as a future agenda item. Staff is providing the basic history of the accessory structure ordinance changes and copies of ordinances are in your packet.

1. The ordinance was first discussed in 2018 and regulations for HUD-code manufactured homes were addressed along with preventing any accessory buildings to be used as dwellings (Ord. 2018-05). This was as a result of a 2017 approved permit which allowed a manufactured home as a "guest quarters" per previous ordinance terms and regulations.
2. Following initial 2018 Comp Plan review, Planning and Zoning came up with a list of items to include in the ordinance that could better regulate accessory structures and dwellings. These items were eventually reviewed and finalized in a 2019/2020 ordinance amendment (Ord. 2020-02).
3. Council recently discussed changing height requirements accessory structures which are outlined in Ordinance 2021-05.

If council desires further changes, Council would need to direct staff to have the Planning and Zoning Commission review the ordinance and make a recommendation prior to Council's approval of any changes.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to have the Planning and Zoning Commission review the ordinance to consider alternatives to the height requirement.

Motion carried by the following vote:
Ayes: Members Lafferty, Stein, and Motley
Nays: Members King and Kohn

f. Discussion and possible action regarding projects submitted to Tarrant County for the County Transportation Bond program.

Background information on this item: Two applications were submitted for the Tarrant County Bond program which include drainage improvements for Corzine Drive and pedestrian pathways for Roosevelt Drive. The city applied for 100% discretionary funding for both projects, but they were also considered for matching funds through the bond election which typically requires 50% matching from the city.

Corzine Drive: Tarrant County has included half of the Corzine Drive drainage improvement project in the November 2021 bond election. The other half of the Corzine Drive project is being submitted to the county commissioner to consider funding the other half with discretionary funding. What this would mean is the project would be funded through the election and commissioner's office at 100% funding.

Roosevelt Drive: Tarrant County's legal department has concluded the Roosevelt Drive pedestrian pathways do not meet the intent of the bond measure on their own, but will allow street construction on Roosevelt Drive to be added to the project and considered. As such, staff requested a quote from Tarrant County to reconstruct Roosevelt Drive from California Lane to Bowen Road which is included in your packet. Tarrant County does not do concrete which is what the pedestrian pathways would be.

Although nothing is confirmed at this time, one question asked is if Dalworthington Gardens would pay for the pedestrian pathways if Tarrant County funds both Roosevelt Drive street construction and Corzine Drive drainage improvements. The cost for the sidewalks is \$161,000, and there would also be ancillary costs for Roosevelt Drive if the County only considers the construction portion. Those costs would include traffic control plan, subgrade material sampling, sod, design work, SWPPP, and erosion control. Those could equate to \$30k-\$50k, depending on exact needs.

No action was taken.

g. Discussion and possible action regarding Project #2021-02, the Tarrant County Community Development Block Grant program for Ambassador Row, to include but not limited to any change order approval.

Background information on this item: This will be a recurring item for Project #2021-02, the 47th Year CDBG project for Ambassador Row.

Tarrant County has officially requested our engineer to prepare plans for the project. Staff will provide more updates as we have them.

No action was taken.

h. Discussion and possible action to receive a development presentation for the corner of Arkansas/Bowen.

Background information on this item: There is potential to have a presentation for the corner of Arkansas/Bowen. If followed through, this item may be moved to the top of the agenda to accommodate the presenter. This is a last minute item so no information is included in the packet. This presentation would not be given any final approval without going through the proper steps for approving development, but is presented in advance to be more developer-friendly in the event it is not desirable to council.

Item was not presented.

- i. **Consider approval of Ordinance No. 2021-10 amending the City of Dalworthington Code of Ordinances, Section 12.05.002 “School Zones” of Article 12.05 “Speed Limits” of Chapter 12 “Traffic and Vehicles” to add an additional school zone and to revise the effective times for a school crossing zones.**

Background information on this item: Our current city ordinance does not give DPS the authority to enforce speeding in the Bowen school zone nor does it give them the authority to enforce speeding during summer school hours in any school zone. We are requesting the Bowen school zone be added along with the following language to be added: *“The Director of Transportation or his designee may modify the hours when a school zone is in effect as necessary to conform to changes in school attendance times. Any such modified hours will be either (i) described on official school zone speed limit signs located at said zone; or (ii) result in modification of the times when a flashing amber light and located at said zone are in operation. The location of said school zones are as follows: posted on the official school zone speed limit signs located at said zone.”*

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to approve Ordinance No. 2021-10 amending the City of Dalworthington Code of Ordinances, Section 12.05.002 “School Zones” of Article 12.05 “Speed Limits” of Chapter 12 “Traffic and Vehicles” to add an additional school zone and to revise the effective times for school crossing zones.

Motion carried by the following vote:

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

Nays: None

- j. **Consider approval of Ordinance No. 2021-11 amending the City of Dalworthington Gardens Code of Ordinances, Section 12.06.002 “Authority to Move Unlawfully Parked Vehicle” of Article 12.06 “Parking” of Chapter 12 “Traffic and Vehicles” to clarify the authority or a peace officer to remove an unlawfully parked vehicle.**

Background information on this item: Our current city ordinance does not give officers the authority to remove vehicles within this policy. We are requesting the following language be adopted to give officers the authority to have vehicles towed if needed. *“Whenever any peace officer shall find a vehicle in violation of the provisions of this article, the peace officer is hereby authorized to move such vehicle or require the driver or person in charge of such vehicle to move such vehicle to a position permitted under this article.”* This change removes *“shall find a vehicle standing upon a street or roadway”* from our current ordinance.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to approve Ordinance No. 2021-11 amending the City of Dalworthington Gardens Code of Ordinances, Section 12.06.002 “Authority to Move Unlawfully Parked Vehicle” of Article 12.06 “Parking” of Chapter 12 “Traffic and Vehicles” to clarify the authority or a peace officer to remove an unlawfully parked vehicle.

Motion carried by the following vote:

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

Nays: None

- k. **Discussion and possible action to approve the purchase of a police in-car camera system in the amount of \$41,672.**

Background information on this item:

In-Car Cameras: (GENERAL FUND)

Currently all marked DPS units (4) have an in-car video system. These cameras are six years old and are randomly failing and not operating consistently and no longer serviceable for a reasonable price. In-car videos are currently uploaded via WIFI when vehicle is parked at the station and stored on our local server.

Body Cameras: (CCPD)

DPS is currently using VieVU body cameras. They work independently from our in-car cameras and are manually uploaded by Officers at the end of each shift. They are stored locally and accessed through a separate system.

The new cameras have a 10 year life expectancy and made to work together allowing officers to activate the in-car and body camera at the same time. Videos are stored in the cloud and in one location making it easier tracking, accountability and reviewing videos at a later time.

No action taken.

l. Discussion and possible action to approve the purchase of police body worn cameras in the amount of \$42,040.

Background information on this item:

In-Car Cameras: (GENERAL FUND)

Currently all marked DPS units (4) have an in-car video system. These cameras are six years old and are randomly failing and not operating consistently and no longer serviceable for a reasonable price. In-car videos are currently uploaded via WIFI when vehicle is parked at the station and stored on our local server.

Body Cameras: (CCPD)

DPS is currently using VieVU body cameras. They work independently from our in-car cameras and are manually uploaded by Officers at the end of each shift. They are stored locally and accessed through a separate system.

The new cameras have a 10 year life expectancy and made to work together allowing officers to activate the in-car and body camera at the same time. Videos are stored in the cloud and in one location making it easier tracking, accountability and reviewing videos at a later time.

No action taken.

m. Discussion and possible action to approve a quote for tree trimming along Bowen Road in the amount of \$5,000.

Background information on this item: Staff obtained quotes from several vendors for tree trimming and cleaning up along sidewalks on Bowen Road. A quote is being provided for approval.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to approve a quote for tree trimming in the amount of \$5,000 but include one foot west of the edge of the sidewalk to include city ROW.

Motion carried by the following vote:

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

Nays: None

n. Discussion and possible action regarding amendments to the FY 2020-2021 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.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve the purchase of a message center for Gardens Park in the amount of \$1,362.75.

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

- o. Approval of the 10-Year Park Plan prepared and updated by the City's Park Board. Approval of the Plan is a necessary step for playground grant application submittal by October 1, 2021.**

This item was Consent Agenda item e which was pulled off for individual discussion.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to add an item to the 10-Year Park Plan for “making modifications to the dam as required by regulatory agencies”, and “finding a solution for storm water drainage damage across the ballfield.”

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

- p. Approval of changes to the City Comprehensive Financial Policy.**

This item was Consent Agenda item h which was pulled off for individual discussion.

Background information on this item: Some very basic changes were presented for the Comprehensive Financial Policy to match city practices and to match changes already approved in other financial documents.

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to make the following changes to the policy:

- User fees shall be “authorized” by ordinance instead of “adopted”
- Add fund balance language “with a goal of maintaining 135-180 days”, using the end of the fiscal year as the measuring metric for that time frame
- Add CCPD to list of funds that need a minimum fund balance

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

9. TABLED ITEMS

- a. Discussion and possible action regarding consideration of bond requirements for oil and gas drilling.**
- b. Discussion and possible action to approve a scope of work for Capital Improvement Plans for streets, water, sanitary sewer, and storm sewer.**

No items pulled from the table or addressed.

10. FUTURE AGENDA ITEMS

None.

11. ADJOURN

The meeting was adjourned at 8:45 p.m.

CITY OF DALWORTHINGTON GARDENS:


Laurie Bianco, Mayor

ATTEST:


Lola Hazel, City Administrator/City Secretary