

MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON SEPTEMBER 16, 2021 AT 6:30 P.M. IN THE COUNCIL CHAMBERS, 2600 ROOSEVELT DRIVE, DALWORTHINGTON GARDENS, TEXAS.

1. CALL TO ORDER

Mayor Bianco called the meeting to order at 6:30 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 (joined by videoconference under Government Code, 551.127)

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. WORK SESSION

- a. **Orchid Court Major Repair**
- b. **Capital Improvement Plans**
- c. **FY 2021-2022 City Budget**
- d. **Other items listed on agenda**

Orchid Court was the only item discussed in the Work Session.

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

REGULAR SESSION – 7:01 P.M.

1. CALL TO ORDER

Mayor Bianco called the meeting to order at 7:01 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 (joined by videoconference under Government Code, 551.127)

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

No items were presented as all upcoming events have been canceled.

4. CITIZEN COMMENTS

1. **Todd Batiste, 2808 Broadacres Lane:** Spoke to condition of Broadacres Lane pavement, neighbors tripping and falling on street, and serious drainage issues.
2. **John Henderson, 2813 Broadacres Lane:** Spoke to condition of Broadacres Lane pavement and sidewalks. Explained his wife fell and cut both palms and knees open, and also spoke to spots on Roosevelt sidewalks. ADA sidewalk requirements.
3. **Ray Morris, 2814 Broadacres Lane:** Spoke to condition of Broadacres Lane pavement and drainage.
4. **Richard Sherman, 2805 Broadacres Lane:** Spoke to sinking on his half of street on Broadacres Lane. Stated the sinking creates cracks and bluffs that people trip on. Stated there are no street lights and no sidewalks on the street. Would like the City to consider putting sidewalks on their street. Would like the City to consider their street a priority.
5. **Deborah Batiste, 2808 Broadacres Lane:** Stated she fell on Broadacres Lane pavement. Encouraged council to make fixing the street a priority. Stated Broadacres Lane was brought to council in the past and not fixed.
6. **Lisa Henderson, 2813 Broadacres:** Stated she fell in front of Richard Sherman's home. Spoke to dangers of older neighbors falling and it being catastrophic. She cut hands, knees, and injured ribs.
7. **Carrie Morris, 2814 Broadacres:** States she also fell and her husband caught her. They have deterioration in front of their house and drainage issues. Their house gets all water coming from the entire street. Their living room was flooded.

5. MAYOR AND COUNCIL COMMENTS

Mayor Bianco: Gave a standing ovation to Mayor Pro Tem Ed Motley for the conference room table he donated. Thanked Council Member Cathy Stein for landscaping the north side of the City Hall building. Thanked Patti White with Green's Produce for donating planters for the new City Hall. Thanked Texas Heritage Printing and Imaging for the donating City Hall Grand Opening brochure and Sandy Beddow for her work on the brochure. Stated the City Hall Grand Opening will be November 18, 5-6pm. Thanked City Administrator Lola Hazel and city staff for moving everything over to the new building.

John King: None.

Steve Lafferty: None.

Cathy Stein: Thanked City Administrator Lola Hazel for her efforts in getting videoconferencing set up for the meeting.

Ed Motley: None.

Joe Kohn: Thanked citizens for attending meeting. Asked everyone to pray for our country and for citizens dealing with Covid-19.

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 September 2021.**
- b. **Approval of Ordinance No. 2021-12 approving budget amendments for FY 2020-2021.**

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

Motion carried by the following vote:

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

Nays: None

8. REGULAR AGENDA

- a. **FY 2021-2022 City Budget**
 - i. **Conduct public hearing**
 - ii. **Discussion and possible action to approve Ordinance No. 2021-10 to adopt the FY 2021-2022 City Budget.**

Background information on this item: In accordance with Local Government Code, Section 102.007, the Council must adopt the budget at the conclusion of a public hearing on said budget. The motion shall be as follows and shall be a record vote. A record vote means the Mayor will individually call each council member by name and ask for a vote.

Before making a motion, the Mayor will read the following statement.

“THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$67,190, WHICH IS 3.59% PERCENT INCREASE, AND OF THAT AMOUNT, \$16,926 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.”

Mayor Bianco opening the public hearing at 7:31 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 7:33 p.m.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to Ordinance No. 2021-10 adopting the budget for the Fiscal Year of October 1, 2021 through September 30, 2022.

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.

- b. **FY 2021-2022 Tax Rate**
 - i. **Conduct public hearing**
 - ii. **Discussion and possible action to approve Ordinance No. 2021-11 adopting the FY 2021-2022 Tax Rate.**

Background information on this item: In accordance Tax Code, Section 26.05 (b), a taxing unit may not impose property taxes in any year until the governing body has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order, depending on the method prescribed by law for adoption of a law by the governing body. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. For a taxing unit other than a school district, the vote on the ordinance, resolution, or order setting a tax rate that exceeds the no new revenue tax rate must be a record vote, and at least 60 percent of the members of the governing body must vote in favor of the ordinance, resolution, or order. A record vote means the Mayor will individually call each council member by name and ask for a vote.

Exact motion:

"I move that the property tax rate be increased by the adoption of a tax rate of \$0.658553 which is effectively a 3.59 percent increase in the tax rate."

Mayor Bianco opened the public hearing at 7:34 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 7:34 p.m.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve that the property tax rate be increased by the adoption of a tax rate of \$0.658553 which is effectively a 3.59 percent increase in the tax rate.

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 to ratify the tax rate.

Background information on this item: State law requires that the City Council ratify the property tax increase reflected in the budget. In accordance with Local Government Code, Section 102.007 (c), adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget. A vote under this subsection is in addition to and separate from the vote to adopt the budget or a vote to set the tax rate required by Chapter 26, Tax Code, or other law.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve that the property tax rate be increased by the adoption of a tax rate of \$0.658553 which is effectively a 3.59 percent increase in the tax rate.

Motion carried by the following vote:

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

d. Discussion and possible action to approve a scope of work for Orchid Court street and storm drainage repair.

Background information on this item: Staff has worked to repair the section of pavement for a sinkhole on Orchid Court. More work would be needed in order to fully repair the storm drains where roots are growing through seams

between sections of pipe. Example photos are provided. The contractor is providing two different quotes shown as 1A and 1B. One is to replace with like material – reinforced concrete, and one is to replace with high-performance polypropylene which is a cheaper and commonly used option. The city engineer will be present at the meeting to explain both options so that council can make an informed decision on whether to move forward with more work.

Staff did confirm bond funds could be used for this project.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to direct staff to prepare a set of plans and specs to go out for bids for repair, bidding the project with two options – one using plastic pipe, one using concrete pipe and also with flowable fill; and to explore removing cypress trees in right-of-ways and regulating bald cypress trees within a fixed distance of the street.

Motion carried by the following vote:

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

Nays: None

e. Discussion and possible action to approve a quote for preparation of capital improvement plans for city infrastructure.

Background information on this item: City Council directed staff to obtain quotes for capital improvement plans to cover water, sewer and streets. Staff also requested an additional one for storm water based on known flooding concerns on the north side of the city affecting Clover Lane and Texas Drive. The city engineer has broken out costs so council knows what each area costs, and council can choose to change the scope of work. These costs and services will provide the city with plans and data to better plan improvements in many areas, and also better plan during the budgeting process.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve a quote in the amount of \$128,600 for preparation of capital improvement plans for streets, water, sanitary sewer and storm drainage.

Motion carried by the following vote:

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

Nays: None

f. 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 received plans for the City's CDBG project. Staff is awaiting next steps from the County.

Nothing presented.

g. 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.

Nothing presented.

h. Discussion and possible action on matters pertaining to the park playground grant, including but not limited to, dedicating the park land for park purposes in perpetuity.

Background information on this item: Staff is working with the Park Board to submit the playground grant to Texas Parks and Wildlife by the October 1 deadline. This agenda item was written broadly in the event other action is needed that surfaces after the packet has been distributed.

One requirement that has surfaced is that the park land must be dedicated for park purposes in perpetuity. Staff cannot find documentation of this and is requesting council take action on this. A resolution can be created to document the action and submitted with the grant application.

A motion was made by Council Member John King and seconded by Council Member Joe Kohn to approve Resolution No. 2021-23 which authorizes the City Administrator to submit the grant application on behalf of the city, and also dedicates the proposed park site, being Gardens Park but only the portion south of Elkins Drive, for public park purposes in perpetuity.

Motion carried by the following vote:

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

Nays: None

i. Discussion and possible action to approve a development agreement with SiFi Networks for implementation and installation of a fiber optic network system.

Background information on this item: Council received a presentation from SiFi Networks at the August 26 special council meeting. SiFi provided a draft agreement for council's consideration at tonight's meeting. The agreement SiFi has with city of Arlington is also in the packet for comparison. The city attorney is reviewing the agreement but will not have final comments in advance of the meeting.

City Council recessed into Executive Session at 8:03 p.m. under Texas Government Code, Section 551.071, consultation with attorney.

City Council reconvened into Regular Session at 8:22 p.m. for discussion and possible action.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to approve moving forward with contact negotiations, and authorize the Mayor to execute a contract subject to city attorney approval.

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.

Item not pulled off table or discussed.

10. FUTURE AGENDA ITEMS

- Policy for only allowing virtual council meetings if it is under an emergency declared by the Mayor.
- Set a special meeting for Broadacres citizens to discuss road conditions and citizen concerns.

11. ADJOURN

The meeting was adjourned at 8:23 p.m.

CITY OF DALWORTHINGTON GARDENS:



Laurie Bianco, Mayor

ATTEST:



Lola Hazel, City Administrator/City Secretary