

MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON SEPTEMBER 17, 2020 AT 6:31 P.M. IN THE COUNCIL CHAMBERS, 2600 ROOSEVELT DRIVE, DALWORTHINGTON GARDENS, TEXAS.

WORK SESSION – 6:31 P.M.

1. CALL TO ORDER

Mayor Bianco called the meeting to order at 6:34 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. FY 2020-2021 CITY BUDGET: Discussion of changes prior to adoption during the 7:00 p.m. Regular Session.

No comments

3. PLATTING ORDINANCE

This item was discussed during the work session.

4. DISCUSSION OF OTHER AGENDA ITEMS, IF TIME PERMITS

No others items were discussed.

REGULAR SESSION – 7:00 P.M.

1. CALL TO ORDER

The meeting was called 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 items were presented:

- Day with the Law – CANCELED
- Concert in the Park – CANCELED
- National Night Out – CANCELED
- Trick or Treat Event – October 24, 5:30 p.m. to 8 p.m. – changed to delivery for pre-registered participants
- Christmas in the Park/Santa Photos – December 6, 3-5 p.m.
- Santa Parade – December 23

4. CITIZEN COMMENTS

1. Guy Snodgrass, 3506 Estates Drive: Spoke to the proposed tax rate. Also spoke to city website and the council packet not being included with the agenda. Spoke to the city ball field and the condition of the field.

5. MAYOR AND COUNCIL COMMENTS

Mayor Bianco: Introduced new businesses Ashlaroo's and Grounds & Golds Co.

John King: Congratulated those who have recovered from COVID.

Steve Lafferty: Echoed comments from Mr. Motley about officers being careful.

Cathy Stein: Welcomed citizen, Guy Snodgrass. Echoed his comments about inclusion of the council packet on the website.

Ed Motley: Spoke to the passing of Rick Altry, barbershop owner in city. Spoke to public safety and asked officers to be careful out there.

Joe Kohn: None

At this time, Mayor Bianco changed the order of agenda items.

8. REGULAR AGENDA

a. Discussion and consider approval of Ordinance No. 2020-07 adopting the FY 2020-2021 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 \$112,877, WHICH IS A 6.4% PERCENT INCREASE, AND OF THAT AMOUNT, \$27,194.36 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.”

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve Ordinance No. 2020-07 adopting the FY 2020-2021 City Budget.

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 2020-2021 Tax Rate

i. Conduct public hearing on 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.

Mayor Bianco opened the public hearing at 7:12 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 7:12 p.m.

ii. Discuss and consider approval of Ordinance No. 2020-08 adopting the FY 2020-2021 Tax Rate.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to approve motion to approve the property tax rate increase by the adoption of a tax rate of \$0.636593 which is effectively a 6.4 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 the property tax rate increase by the adoption of a tax rate of \$0.636593 which is effectively a 6.4 percent increase in the tax rate.

Motion carried by the following vote:

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

Nays: None

6. DEPARTMENTAL REPORTS

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

Departmental Reports were presented. The Department of Public Safety addressed the City Council about the budget.

7. CONSENT AGENDA

- a. July 30, 2020 special meeting minutes**
- b. August 6, 2020 special meeting minutes**
- c. August 10, 2020 special meeting minutes**
- d. August 20, 2020 regular meeting minutes**
- e. Resolution No. 2020-24 approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2020 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.**
- f. Resolution No. 2020-25 to appoint a member to the Zoning Board of Adjustment.**
- g. Consider approval of an Information Security Policy.**
- h. Presentation and acknowledgment of budget adjustments for August 2020.**

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to approve the Consent Agenda, but excluding item g. which will be brought back at a future date for consideration.

Motion carried by the following vote:

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

Nays: None

8. REGULAR AGENDA

d. Discussion and possible action to ratify the purchase of a 911 recorder system in the amount of \$24,425.86.

Background information on this item: Our current digital recorder records all 911 phone lines and our main radio channel. It was built close to 10 years ago by Moeed with off the shelf parts and only intended to be a fix for a short time. The recorder has now stopped working. The recorder is required to monitor calls and radio traffic for quality control and recordings are required to be submitted to the district attorney when a case is filed with the county for evidentiary purposes. Due to the urgent need, the Mayor approved the purchase of a new Eventide recorder that will be installed and maintained by Crosspoint Communication at a cost of \$24,425.86.

DPS was able to purchase the recorder from funds not spent in this fiscal year.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to ratify the purchase of a 911 recorder system in the amount of \$24,425.86.

Motion carried by the following vote:

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

Nays: None

e. Discussion and possible action to approve remaining costs related to combatting and responding to COVID-19.

Background information on this item: Staff was planning to have an approved budget by now from Tarrant County for Coronavirus Relief Funds (CRF). The Treasury Department has changed guidelines multiple times, understandably because they are inundated with questions about how to expend funds, but it makes it difficult for the County to provide approvals to cities in a timely fashion. In a phone conversation, the County gave a verbal agreement of sorts on items that clearly fit into allowed uses for funds such as medical supplies and teleworking capability improvements. Staff is asking for approval of items highlighted on the list which have not yet been purchased with relief funds. Based on the latest guidance from the Treasury Department, it is unlikely hazard pay and meal reimbursements can be reimbursed with CRF.

These items exceed the Mayor's authority for purchasing.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to approve remaining costs related to combatting and responding to COVID-19.

Motion carried by the following vote:

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

Nays: None

f. Consider Ordinance No. 2020-09 making changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 10, Subdivision Regulations, specifically as it pertains to platting regulations.

Background information on this item: Local Government Code, Chapter 212, provides legal requirements for platting property. Heavy changes were made to these requirements in 2019 under HB 3167, and following council approval, staff began working with the city attorney to draft a new ordinance. Previously, cities would work with developers to ensure a plat was complete prior to placing it on agenda for approval. The law no longer allows cities that option. The law now requires a very strict timeline of when cities must place a plat on an agenda for consideration, regardless of the application's completeness. Under our current ordinance, as soon as the plat is received by the city administrator, the 30 day clock starts to get the plat on a Planning and Zoning agenda.

The new ordinance creates a two-step process. The first step is to determine completeness (Section 10.02.031). Completeness ensures and required documents are included and necessary fees are paid. If an application is found to be incomplete, Section 10.02.031(e) requires the application to be sent to council. If no action is taken on the completeness of the application, it is deemed complete once the 12th day is reached. Once completeness is determined, the review process begins (Section 10.02.094). Once review is complete, the application can then be deemed “filed” by the city and be placed on an agenda for consideration. The “file” date is when the 30 day timeline begins which is required by Chapter 212.009, Local Government Code.

There were some other changes made to the ordinance to fix archaic language and to clarify requirements for each type of plat. Staff also added Section 10.02.008 which allows staff approval for certain plats, as authorized at the August 20, 2020 council meeting. The majority of changes are related to HB 3167 changes.

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

Motion carried by the following vote:

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

Nays: None

g. Discussion and possible action regarding changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 13, Utilities, specifically as it pertains to garbage, recycling, and utility billing.

Background information on this item: Staff would like to add a payment plan process to the ordinance to ensure equal treatment of all utility customers. Staff has already been offering payment plans and using judgment in each case to get balances paid off. Certain sections of Chapter 13 are included in your packet that pertain to payments of utility accounts. A few other sections are included for completeness sake and reference (definitions, etc.).

Section 13.04.081 provides current and new requirements for payments. Before presenting the entirety of changes to Chapter 13, staff is looking for feedback on the proposed changes. The only reason for proposing an alternative to paying off balances by the next billing date is that we already have outstanding balances exceeding that. Staff would like to allow those residents to pay off their bill without water shut off, but there needs to be a mechanism in place to encourage payoff.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to approve the changes as presented, but excluding the proposed changes in Section 13.04.053(b) and adding businesses to the payment plan option.

Motion carried by the following vote:

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

Nays: None

h. Discussion and possible action to approve costs related to Project #2020-02, Twin Springs/Twin Lakes street project.

Background information on this item: Staff is presenting the last costs associated with the Twin Lakes and Twin Springs project. Plans have been finalized and bids sent out for utility work to move/alter obstructions such as mailboxes, water valve covers, and manholes; and for erosion control. The total comes to \$35,290.20 which includes a 10% contingency. This project is set to begin following the Indian Trail project in October.

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to approve costs related to Project #2020-02, Twin Springs/Twin Lakes street project in an amount not to exceed \$36,000.

Motion carried by the following vote:

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

Nays: None

i. 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: This is a recurring item that will appear on all future agendas until this project is complete.

The following are new items added to the cost list for this project.

1. Ship ladder for mezzanine access - \$4,860 (NOT MOVING FORWARD WITH THIS AT THIS TIME)
 - a. May be a cheaper option
2. Kitchen range change for ADA compliance - \$650

Staff will be working on a quote to have the contractor run network wiring for city instead of staff doing it. We will bring back that quote as soon as it is ready. Staff will also be shopping for furniture for the council chambers and remainder of the building along with a range and refrigerator.

Staff is also showing the herringbone design of the council chambers. The design will be no additional cost.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to approve change order in the amount of \$650 for kitchen range change for ADA compliance, and to approve adding electrical to the two existing data drops in the Council Chambers.

Motion carried by the following vote:

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

Nays: None

j. Discussion and possible action to approve an amendment to the Wholesale Agreement for the Sale and Delivery of Treated Water with the City of Arlington.

Background information on this item: The city currently has an agreement with the city of Arlington for the sale and delivery of treated water. Section 5.3 on page 14 requires the city be billed for a minimum volume charge regardless of usage. When it was discovered the city wasn't abiding by the minimum volume requirement, the city was billed for those fees.

Thanks to the hard for of the city finance director, the city now has an amendment for consideration. There is one change still needed for the amendment to be accurate and complete. The portion shown in red text should be removed so that the city is charged only for the water used. Arlington has agreed in writing that this change should be made. Staff would like to ask that council approve this amendment contingent on the city attorney's approval of the final amendment prior to the mayor signing it.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve an amendment to the Wholesale Agreement for the Sale and Delivery of Treated Water with the City of Arlington, contingent on city attorney approval of amendment prior to signature.

Motion carried by the following vote:

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

Nays: None

k. Discuss and possible action regarding amendments to the FY 2019-2020 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.

9. TABLED ITEMS

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

Item was not pulled from the table and thus was not discussed.

10. FUTURE AGENDA ITEMS

None.

11. EXECUTIVE SESSION

Council recessed into Executive Session at 8:33 p.m.

a. Recess into Executive Session pursuant to Texas Government Code, Section 551.071, consultation with attorney, for the following items:

i. Boundary discussion for the new City Hall property.

b. Reconvene into Regular Session for discussion and possible action on the following:

i. Boundary for the new City Hall property.

Council reconvened into Regular Session at 8:40 p.m. for discussion and possible action.

No action was taken.

12. ADJOURN

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to adjourn at 8:41 p.m.

Motion carried by the following vote:

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

Nays: None