

**MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON OCTOBER 21, 2021 AT 7:00 P.M. IN THE COUNCIL CHAMBERS, 2600 ROOSEVELT DRIVE, DALWORTHINGTON GARDENS, TEXAS.**

**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**

Angie Johnson gave the invocation. Pledges were led by Ms. Lydia Collins.

**3. ITEMS OF COMMUNITY INTEREST**

The following items were presented.

- **Halloween Goodie Bag Give Out – October 23, 2021**
- **Santa Parade – December 23, 2021**

**4. CITIZEN COMMENTS**

1. **Jeanine Calhoon, 3303 Evie Court: Item 8b – Elkins Dam Item:** Spoke to being interested in what is going on with the Elkins Dam issue. Promised early in process that citizens would be informed, but because of pending judgments, Council was not able to give that information at that time. What is the plan for lake and dam at this point, and what is result on park and spillway? Be sure to inform citizens.
2. **Jay Cooley, 3016 California Lane:** Informed Council he has filled the precinct chair for the Republican Party in Dalworthington Gardens. Felt it was his civic duty to do that. Wanted to formally introduce himself to everyone. Spoke to the upcoming election on November 2 for constitutional amendments and bond amendments.
3. **Angie Johnson, 2915 Texas Drive:** Concerned about water runoff coming from the Remsing property. Would like Texas Drive to remain a cul de sac.
4. **Mary Webster, 3301 Evie Court:** Interested in agenda Item 8j to approve a new city logo.

**5. MAYOR AND COUNCIL COMMENTS**

- **Mayor Bianco:** Expressed happiness to see everyone here. Said she is very grateful to each and every one of the citizens present and thanked them for letting council serve them. Thanked Angela Johnson because her church invited all mayors in Tarrant County to thank them for their service. Thanked Chief Petty for his work in feeding

first responders. Asked everyone to hold Chief Petty in their thoughts and prayers as he recently lost his father. Thanked City Administrator Lola Hazel for her efforts on getting the city hall building finished. Reminded everyone that November 18, 5-6 is the open house for the new City Hall.

- **John King:** Expressed joy to see citizens in the audience. Said he hopes they will continue to show up.
- **Steve Lafferty:** Echoed comments from Council Member John King.
- **Cathy Stein:** Echoed comments about the City Hall building. Reminded everyone that the deadline to nominate someone for DWG Volunteer of the Year was approaching.
- **Ed Motley:** Said he was excited to see so many people here with an interest on agenda items. Thanked them for coming. Said he is excited about the new City Hall building.
- **Joe Kohn:** Echoed comments from Mayor Pro Tem Ed Motley. Welcomed Jay Cooley to his new position as Republican Party representative in Dalworthington Gardens. Shared that his granddaughter, Lydia Collins, is in the first grade student council.

## 6. DEPARTMENTAL REPORTS

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

Departmental Reports were presented.

## 7. CONSENT AGENDA

- a. **Presentation and acknowledgement of budget adjustments for October 2021.**
- b. **Approval of Ordinance No. 2021-15 approving budget amendments for FY 2020-2021.**
- c. **Approval of Ordinance No. 2021-16 approving budget amendments for FY 2021-2022.**
- d. **Approval of August 3, 2021 special meeting minutes.**
- e. **Approval of August 5, 2021 special meeting minutes.**
- f. **Approval of August 19, 2021 regular meeting minutes.**
- g. **Approval of August 26, 2021 special meeting minutes.**
- h. **Approval of September 16, 2021 regular meeting minutes.**
- i. **Approval of Resolution No. 2021-26 approving changes to the City Comprehensive Financial Management Policy.**
- j. **Ratification of invoice from Rey-Mar Construction in the amount of \$13,140 for an emergency water leak on Broadacres Lane.**
- k. **Approval of Resolution No. 2021-25 approving the City Fee Schedule, making changes to water, sewer, and garbage rates as adopted by City Council in the FY 2021-2022 City Budget, adding solid waste rates back into the compiled fee schedule for simplicity, and fixing minor clerical errors.**

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to approve the Consent Agenda except for items 7f and 7i which were pulled off for individual discussion.

Motion carried by the following vote:

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

Nays: None

## 8. REGULAR AGENDA

- a. **Consider approval of an application from Lynn Remsing for a replat of Lots 1, 2, and 3, Block 1, Strawberry Fields Addition, being a replat of a portion of Lot 6, Block 4 Dalworthington Gardens Addition to the City of Dalworthington Gardens, Tarrant County, Texas, and commonly known as 3007, 3011, and 3015 Roosevelt Drive.**

i. **Public hearing**

ii. **Discussion and possible action**

Mayor Bianco opened the public hearing at 7:28 p.m.

Background information on this item: Section 10.02.004 of the City's Code of Ordinance states, "No building permit shall be issued for the construction of improvements on any property not platted..." Mr. Remsing has submitted a replat application to divide properties located at 3007, 3011, and 3015 Roosevelt.

In accordance with Section 10.02.031, the city determined the plat application to be complete on July 26, 2021. In accordance with Section 10.02.094, the plat application was then forwarded to the city engineer for review. On September 13, 2021, the city engineer conducted his fourth and final review of the plat, determined the plat conforms with the City's subdivision ordinance, and recommends approval of the plat.

The city has notified all property owners within 200' and included information on how to provide public comments at both the planning and zoning meeting and city council meeting.

Local Government Code, Chapter 212, states plats that satisfy all applicable regulations must be approved. The proposed plat satisfies all requirements of city ordinances. As such, staff recommends approval of this plat.

The following citizens provided comments.

**Lynn Remsing, Applicant, Reisel, Texas:** Spoke to trying to help the city to come up with a way to draw citizens to the community. He said he is splitting the two houses off to sell them, and keeping Roosevelt residential. He said he has a partner who wants to build a winery, but needs some kind of city and council direction on it. He said he wants to do Christmas trees also.

**Ingrid Cooley, 3016 California Lane:** Thanked Lynn Remsing for his comments. Said she liked his farm and his Christmas trees. She said she wants him to keep what he has there.

With no one else desiring to speak, Mayor Bianco closed the public hearing at 7:39 p.m.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to approve an application from Lynn Remsing for a replat of Lots 1, 2, and 3, Block 1, Strawberry Fields Addition, being a replat of a portion of Lot 6, Block 4 Dalworthington Gardens Addition to the City of Dalworthington Gardens, Tarrant County, Texas, and commonly known as 3007, 3011, and 3015 Roosevelt Drive.

Motion carried by the following vote:

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

Nays: None

**b. Discussion and possible action on a scope of work from Freese and Nichols for Elkins Dam.**

Background information on this item: The Elkins Dam Committee met with Freese and Nichols (FNI) and asked for a quote for alternatives for reworking the dam area. The first step for the project is to clear additional areas around the gas well pad site so that FNI's surveyor can survey the site for any additional clearing/work. Staff is working on assessing the additional requested clearing, and obtaining quotes for areas that are unsafe to access.

No action taken.

**c. Discussion and possible action on setting a priority list for spending of American Rescue Plan Act (ARPA) funds.**

Background information on this item: Staff has previously reported to Council about the potential to receive ARPA funds and the need for setting a priority list. The total payment the city will receive is \$588,252.70. The city has received half so far, and it is expected we will receive the other half next year at some point. Staff met with the Mayor to discuss a list of needs to present to Council. There is an abundance of information on allowed uses of ARPA funds, and the dilemma is they all work in tandem between multiple organizations, making it difficult for staff to provide a complete packet of information addressing every scenario for allowed uses.

What is being provided:

1. a Fact Sheet which goes over allowed uses
2. a Compliance and Reporting Guide that provides more in depth information on categories
3. a page from the Award Terms and Conditions which highlights eligible cost periods
4. the revenue replacement calculation

Staff's suggested uses are as follows:

1. Revenue lost accounts for our entire first payment of \$293,626.35 (and a little more from next year's to get us to our \$324,291 total)
  - a. Once revenue loss is claimed, funds can be used for:
    - i. DPS building repair
    - ii. DPS body cameras (Apex)
2. Other uses discussed:
  - a. Infrastructure such as stormwater/water/wastewater improvements
  - b. Lead pipe, new legal requirements

If City Council agrees with this plan for fund use, staff can proceed with necessary reporting requirements and funding Council's specific projects.

City Council deferred action until after Executive Session.

**d. Discussion and possible action on making changes to the City Sick Leave Donation Policy.**

Background information on this item: City Council adopted a Sick Leave Donation Policy at the August 19, 2021 Council Meeting. Once put into practice, it was discovered there is one discrepancy in the policy and staff is seeking clarification.

Council desired both a "pool" option as well as an option to donate directly to an employee. The way the policy reads, every sick leave donation goes into a pool first, but can be dispersed to specific employees if donated for that purpose. The problem staff sees is if an employee donates time (donor) for a specific employee (recipient), and the recipient comes back to work and no longer needs leave time, the donor loses whatever excess was donated and it goes into a pool. What staff would prefer is if leave is donated to a specific employee and the recipient no longer needs time, that the donor can then elect to have the remaining leave go into a pool or receive it back. It is the idea

of all leave initially going into a communal pool that we would like to change. The pool option is still effective for any leftover leave time elected as contribution by donors, but it is also valuable if employees wish to donate any time each year as is already stated in the policy.

Staff is asking for a change to all leave initially going into a pool upon donation. No other sections need changing.

A motion was made by Council Member Cathy Stein and seconded by Council Member Steve Lafferty to bring back recommended changes after consulting the entire staff.

Motion carried by the following vote:

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

Nays: None

**e. Discussion and possible action on approving a quote for a marquee for the new City Hall location.**

Background information on this item: At Council's request, staff has been looking into options for an electronic marquee for the new City Hall. Mayor and staff met with Signs Manufacturing, a local company, and had them provide a quote and rendering of the proposed marquee. Concerns are with the location of the marquee, that it may be difficult to see from one direction or the other. We had the vendor produce a rendering for a ground sign but discussed that a short pole sign may be a better option or even a "V" shaped sign. Staff is looking for feedback from council on the design. This vendor is not a member of any government pricing program, but they are working to become a member in order to offer that type of pricing. Any cost \$50,000 or more requires formal bidding outside of procuring government-specific pricing.

No action taken.

**f. Discussion and possible action regarding an amendment to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, regarding regulations for accessory structures.**

Background information on this item: City Council has requested for Planning and Zoning to review the accessory structure ordinance as it pertains to the allowed height requirements.

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.

Planning and Zoning reviewed the ordinance on October 19, 2021 and did not take any action.

Mayor Bianco opened the public hearing at 8:12 p.m.

**Jeannine Calhoon, 3303 Evie Court**: Asked what was in proposed ordinance.

With no one else desiring to speak, Mayor Bianco closed the public hearing at 8:16 p.m.

A motion was made by Council Member Cathy Stein to reduce the allowed height to 15 feet for accessory structures situated between within ten (10) feet of the property line of the adjacent residential property and the required rear yard for a principal dwelling.

Motion died for lack of a second.

No action was taken.

- g. Discussion and possible action to direct staff to prepare a policy for disallowing videoconferencing for council meetings except for emergency situations as declared and issued by the mayor.**

Background information on this item: This item was requested at the September meeting by Mayor Pro Tem Ed Motley.

No action was taken.

- h. Discussion and possible action to set a work session date for the Comprehensive Plan.**

Council decided on November 29, 2021 at 6 p.m.

- i. Discussion and possible action to set a work session date for the citizens on Broadacres Lane to discuss concerns for streets and drainage.**

Council decided on November 30, 2021 at 7 p.m.

- j. Discussion and possible action to approve new city logo for Dalworthington Gardens.**

Background information on this item: The proposed logo has been agreed upon during Comprehensive Plan work session. However, staff has a need to print items with the city logo on it and needs direction from council on whether this is the new city logo and replaces all existing logos. Items such as city correspondence and street signage should be considered as well.

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley that the proposed logo be added as an additional logo option.

Motion carried by the following vote:

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

Nays: None

- k. 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.

No action taken.

- l. Discussion and possible action regarding amendments to the FY 2021-2022 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.

No action taken.

**m. Approval of Resolution No. 2021-26 approving changes to the City Comprehensive Financial Management Policy.**

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

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to approve the policy as presented.

Motion carried by the following vote:

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

Nays: None

**n. Approval of August 19, 2021 regular meeting minutes.**

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

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to replace the word “Change” with “Add”, remove “to” and remove the “maintaining six months” language in the second bullet of p. in the August 19, 2021 minutes.

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 removed from the table.

**10. FUTURE AGENDA ITEMS**

None

**11. EXECUTIVE SESSION**

City Council recessed into Executive Session at 8:48 p.m.

**a. Recess into Executive Session for the following items:**

**i. 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; and pursuant to Government Code, Section 551.071, Consultation with Attorney; to wit: the Public Works Superintendent**

**ii. Pursuant to Government Code Section 551.071, Consultation with Attorney, to wit: trees located in city right of way and the City tree ordinance**

- iii. Pursuant to Government Code Sections 551.076 and 551.089 regarding the deployment, or specific occasions for implementation, of security personnel, to wit: the Department of Public Safety

**b. Reconvene into Regular Session for the following items:**

City Council reconvened into Regular Session at 10:00 p.m.

- i. Discussion and possible action on the public works superintendent.

No action was taken.

- ii. Discussion and possible action on trees located in the city right of way and the city tree ordinance.

No action was taken.

*The following motion and item also included action for Regular Agenda item 8c. for an ARPA funds priority list..*

- iii. Discussion and possible action on Department of Public Safety personnel.

**8c. Discussion and possible action on setting a priority list for spending of American Rescue Plan Act (ARPA) funds.**

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to follow the order of staff's suggested uses of the ARPA funds with adding an iii based on what was discussed in executive session iii.

Motion carried by the following vote:

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

Nays: None

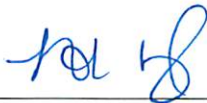
**12. ADJOURN**

The meeting was adjourned at 10:05 p.m.

CITY OF DALWORTHINGTON GARDENS:

  
Laurie Bianco, Mayor

ATTEST:



Lola Hazel, City Administrator/City Secretary