

Acct#	Description	Explanation	Amount
185-50-9100	Capital Outlay: Vehicles	Carryover from FY 20/21 (2) Tahoes	101,505.00
185-50-9100	Capital Outlay: Vehicles	FY 21/22 Budget (2) Tahoes	108,000.00
185-50-9100	Capital Outlay: Vehicles	Unit #300 Tahoe rec'd, pending light pkg	(36,269.00)
185-50-9100	Capital Outlay: Vehicles	Unit #300 Light Pkg pending-Wildfire Inv	(13,284.00)
		Budget Balance	<u>159,952.00</u>
		Approved Budget for (3) Tahoes 5.19.22 meeting	<u>(180,000.00)</u>
185-50-9100	Capital Outlay: Vehicles	Budget shortfall - Amendment Amount	<u>(20,048.00)</u>

Background information on this item: DPS to requesting to purchase and outfit three (3) police Tahoes for DPS (\$171,440.83), and approval to sell two (2) older model Tahoes.

Note: The additional money requested below is to cover any unforeseen increases in equipment for 2023 model year vehicles.

A motion was made by Council Member Joe Kohn and seconded by Council Member Cathy Stein to approve the purchase of three (3) Chevrolet Tahoes not to exceed \$180,000.00 and sell two (2) older model Tahoes.

Motion carried by the following vote:

Ayes: Members Lafferty, Stein, Motley, and Kohn

Nays: None

e. Discussion and possible action to consider changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 13, Utilities, regarding regulations for placement of solid waste containers and enclosures.

Background information on this item: Council directed staff to provide suggested language for outside solid waste container enclosures for commercial areas. The reason being that many commercial properties cannot comply with the existing ordinance requirements for solid waste containers to be placed “behind required yard” as stated in the zoning ordinance.

Staff has provided language to be placed in Chapter 13, Utilities with the potential to remove language from chapter 14, Zoning. The presented changes are rough and have not gone through legal. They may need to be cleaned up prior to being put in ordinance form.

The changes presented do the following:

1. Define approved manner for screening as wood, vegetation and/or cyclone fencing with fabric interweave.
2. Require new commercial to screen in the rear as currently required by ordinance.
3. Allow existing commercial to screen in the side or front of the property, “only when the rear of the property does not have adequate spacing for placement of the enclosure.”
 - a. Adequate spacing is defined by building setback requirements.
4. Requires all enclosures to be six feet in height
5. Requires all enclosures to be constructed of same material as building façade.
6. Requires dumpster pads to be constructed in a sound manner and requires vehicle impact protection.

Staff provided basic language for residential customers, in the event council wants to require screening for residential.

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to approve changes to Chapter 13, Utilities, regarding regulations for placement of solid waste containers and enclosures, said changes being those discussed in the work session, and bring back an ordinance for approval.

Motion carried by the following vote:

Ayes: Members Lafferty, Stein, Motley, and Kohn

Nays: None

for review. On March 24, 2022, the city engineer conducted his final review of the plat, determined the plat conforms with the City's subdivision ordinance, and recommended approval of the plat. Following his initial approval of the plat, more errors were found that showed the final plat did not conform with the City's subdivision ordinance.

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 had outstanding errors needing correction. As such, staff recommended conditional approval of the plat to allow correction of the minor errors.

A motion was made Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to conditionally approve a final plat application from Green's Produce & Plants, being all of Lot 5, Block A of Gardens Industrial Park, an addition to the City of Dalworthington Gardens, Tarrant County, Texas, as recorded under Document Number D219288085, plat records of Tarrant County, Texas, and a tract of land out of the Nathan Smith Survey, Abstract No. 1432, City of Dalworthington Gardens, Tarrant County, Texas, and located at 2811 W. Arkansas Lane and 3001 W. Arkansas Lane.

Motion carried by the following vote:

Ayes: Members Lafferty, Stein, Motley, and Kohn

Nays: None

- c. **Discussion and possible action to consider changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, to change the authority for hearing special exceptions.**
 - i. **Public hearing**
 - ii. **Discussion and possible action**

Background information on this item: At the April 21 City Council Meeting, staff requested consideration of a change to the authority to hear special exception cases. The current process for special exceptions is to go before the Planning and Zoning Commission, and then is sent to the Zoning Board of Adjustments for final decision. An ordinance is being presented that would change the process to go before the Planning and Zoning Commission and then to City Council for final approval. The Planning and Zoning met on May 16 and recommended approval of the ordinance subject to four additional occurrences of "board" being changed to "City Council" in Sec. 14.02.321.

Mayor Bianco opened a public hearing at 7:32 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 7:32 p.m.

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to approve Ordinance No. 2022-11 to amend Chapter 14, Zoning, to provide that special exceptions are considered by the Planning and Zoning Commission and the City Council.

Motion carried by the following vote:

Ayes: Members Lafferty, Stein, Motley, and Kohn

Nays: None

- d. **Discussion and possible action to approve the purchase of three (3) DPS vehicles in the amount of \$180,000.00.**

BUDGET ADJUSTMENT REGISTER

PACKET: 00269-RA
 BUDGET CODE: CB-Current Budget

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
185 50.9100	9/30/2022	Increase costs for	20,048.00	108,000.00	208,735.23	336,783.23	300,514.23
Capital Outlay: DPS Vehicle							
PACKET NOTES:							
Per the 5/19/22 council meeting, approval was given to							
purchase (3) Tahoes at a cost of \$180,000. The existing FY							
21/22 budget amount for (3) Tahoes was \$159,952, leaving a							
shortfall of \$20,048 due to market cost increases.							
TOTAL NO. ADJUSTMENTS--EXPENSE:			1			20,048.00	
TOTAL IN PACKET--						20,048.00	

*** NO WARNINGS ***

*** NO ERRORS ***

*** END OF REPORT ***

MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON JULY 21, 2022 AT 6:00 P.M. IN THE COUNCIL CHAMBERS, 2600 ROOSEVELT DRIVE, DALWORTHINGTON GARDENS, TEXAS.

WORK SESSION – 6:00 P.M.

1. CALL TO ORDER

Mayor Bianco called the meeting to order at 6:00 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

Members Absent:

Vacant, Alderman, Place 5

Staff Present:

Lola Hazel, City Administrator
Greg Petty, DPS Director
Kay Day, Finance Director
Sandra Ma, Court Administrator
Gary Parker, Public Works Director
Gary Harsley, Community Development Director

2. SWEAR IN NEW COUNCIL MEMBER

- a. Administer Oath of Office and issue Certificates of Election to newly elected official, Mark McGuire.**

Not addressed as member was absent.

3. WORK SESSION

- a. Presentation from Trent Petty with Petty & Associates, Inc. for economic development services.**

Presentation received.

- b. Remaining agenda items, if time permits.**

REGULAR SESSION – 7:00 P.M.

1. CALL TO ORDER

Mayor Bianco called the meeting to order at 7:07 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

Members Absent:

Vacant, Alderman, Place 5

Staff Present:

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

2. INVOCATION, AND PLEDGES OF ALLEGIANCE

Mayor Bianco gave the invocation. Pledges were said.

3. ITEMS OF COMMUNITY INTEREST

The following items were presented.

- a. **Concert in the Park, September 24, 2022**
- b. **National Night Out, October 4, 2022**
- c. **Movie in the Park, October 8, 2022**
- d. **Trunk or Treat, October 22, 2022**

4. CITIZEN COMMENTS

None.

5. MAYOR AND COUNCIL COMMENTS

Mayor Bianco: Thanked everyone for their patience as we work through the Roosevelt Drive reconstruction project. Thanked Iashia Bergamini, Cathy Stein, Pam Miller, Pam Bookout, Regina McBride, Tara Cao, Maureen Fleming, and Don and Sylvia Barrett for cleaning up the park on June 25, 2022. Welcomed Gary Parker, new public works director. Offered condolences to Mike and Marlene Henderson who recently lost their grandson. Thanked the Historical Committee for their work on the Ice Cream Social event. Commended City Administrator Lola Hazel, DPS Director Greg Petty, Finance Director Kay Day, and the City Council for their work on the budget.

John King: Spoke of the rising Covid-19 cases.

Steve Lafferty: Reminded everyone to be careful outside with the current high heat.

Cathy Stein: Mentioned she will be attending a Texas Municipal League session in August regarding future legislative session discussion.

Ed Motley: Commended Gary Harsley, interim public works supervisor and current building official, and his team for their work on an overnight water leak. Commended City Administrator Lola Hazel, Building Official Gary Harsley, and Public Works Consultant Kyle Sugg for their work on adjusting the water to meet water demands. Encouraged citizens to comply with our twice a week watering requirements. Commended Building Official Gary Harsley for working with a few neighbors on a resolution for a fence.

6. DEPARTMENTAL REPORTS

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

Departmental Reports were given.

7. CONSENT AGENDA

- a. **March 29, 2022 special meeting minutes.**
- b. **March 30, 2022 special meeting minutes.**
- c. **April 26, 2022 special meeting minutes.**
- d. **May 11, 2022 special meeting minutes.**
- e. **May 18, 2022 special meeting minutes.**
- f. **May 19, 2022 regular meeting minutes.**
- g. **Presentation and acknowledgment of budget adjustments.**
- h. **Approval of Ordinance No. 2022-15 approving budget amendments for FY 2021-2022.**
- i. **Ratification of Ordinance No. 2022-16 amending the City of Dalworthington Gardens Code of Ordinances, Chapter 6, “Health and Sanitation”, and amending Article 6.05, “Illegal Smoking Products,” to conform with Texas and federal law.**
- j. **Approval of Ordinance No. 2022-17 amending the City of Dalworthington Gardens Zoning Ordinance by amending Section 14.02.092 “Defined Terms” of Division 3 “Definitions” of Article 14.02 “Zoning Ordinance” to provide a definition for “Tattoo Shop;” amending Section 14.02.321 “Special Exceptions” of Division 8 “Special Exceptions” of Article 14.02, “Zoning Ordinance” to permit tattoo shops by special exception.**
- k. **Ratification of emergency water main break repair on Clover Lane in the amount of \$26,523.00.**

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

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

8. REGULAR AGENDA

- a. **Discussion and possible action to approve a scope of service from Petty & Associates, Inc. for economic development services.**

Background information on this item: City Council received a scope of services and presentation from Petty & Associates, Inc. on how the company could assist with economic development services and strategies.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve an amount not to exceed \$2,000 for future economic development services from Petty & Associates, Inc.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

- b. Discussion and possible action to consider a quote from Rangeline in the amount of \$11,100 to provide excavation and cleaning of bar ditch as a short-term drainage solution for Clover Lane, and consideration to begin the process of obtaining drainage easements for certain properties on Clover Lane.**

Background information on this item: Staff has been meeting with and communicating with citizens on Clover Lane over the past few years about drainage concerns. Information has been provided to the city engineer to include long-term drainage improvements, but without knowing how soon this solution could be enacted, staff began looking at a cost-effective short-term solution to alleviate some of the water.

A memo from the city engineer was provided to support this short-term solution along with a quote from Rangeline. The solution involves cleanout of ditch lines and potentially obtaining drainage easements along properties to do the work. Staff has received confirmation from owners involved in this solution and they are agreeable to allow for drainage easements to ease drainage concerns.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve a quote from Rangeline in the amount of \$11,100, paid out of fund balance, to provide excavation and cleaning of bar ditch as a short-term drainage solution for Clover Lane, and consideration to begin the process of obtaining drainage easements for certain properties on Clover Lane, subject to only doing the work shown on the north side of Clover Lane.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

- c. Discussion and possible action to consider a quote from Rangeline in the amount of \$8,861.00 to change out 19 meters.**

Background information on this item: Funds were budgeted to assist with change outs of smart meters that could not be done by city staff. Public works has done an excellent job of changing out ones they can, and has inventoried ones where assistance is needed. The reason Rangeline was quoted for this job and the Clover Lane work is there would be a cost for mobilization if they do both projects simultaneously. The goal is for both projects to begin in August.

The only caveat with beginning change out of the more difficult meters is more costs could arise from a few of the meters. Staff will be highly involved with the change out to ensure meters are evaluated before spending more funds.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve a quote from Rangeline in the amount of \$8,861.00 to change out 19 meters.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

- d. Discussion and possible action to approve costs in the amount of \$21,867.00 for weatherization of the public works barn area for SCADA water system.**

Background information on this item: Staff is requesting to move to the final phase of completing weatherization of the public works barn area to move SCADA over. City Council requested a layout showing the space and what was being requested, so staff is presenting that. Staff attempted to gain multiple quotes for all of the construction, but that proved to be difficult. Staff had been working with Dan Dennis with Dennis Brother Construction because he had been much less expensive for other jobs for the city and is a trusted source for construction jobs of all sizes. However, he has since moved out of state and won't be available for this job. The job is small and staff can do some of the work in-house to save costs such as insulation and the exterior concrete pad. The light replacement will be covered by the SECO lighting grant for which the city is only responsible for 20% of the

costs. Because the lights are expected to be installed by the end of August 2022, staff needed to enclose the front of the space, and was able to do that with very minimal cost using funds already budgeted this year to include enclosing the space with plywood, installing a door, and a window.

The remaining items needed are electrical for the room to include A/C and heat, an exterior door on the north side of the building, insulation for the interior of the room, lockers for staff, a small functional work bench, and a counter/desktop for the SCADA system computer. Staff would like to complete the bathroom but will wait if there are not enough funds for that. The bathroom work most likely cannot be done by staff. There are small items budgeted in this year's funds, outside of this SCADA budget, to include a sink for the barn that staff can still purchase. Whatever work staff is able to do in-house to save costs will be done to save as much funding as possible.

The total allotted for this project is \$31,357. Council approved up to \$12,000 for moving the SCADA system itself which leaves \$21,867 remaining for the project.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve costs in the amount of \$19,357.00 for weatherization of the public works barn area for SCADA water system.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

e. Discussion and possible action to approve a quote from Bowman Landscape Construction for seed for the Roosevelt Drive construction project in the amount of \$2,330.00.

Background information on this item: Bowman Landscaping has provided a quote for seeding the immediate shoulders on Roosevelt Drive once construction is complete. This quote was for the entire street, but not all of Roosevelt Drive is being reconstructed at this time, the quote should come in slightly less.

A motion was made by Council Member John King and seconded by Mayor Pro Tem Ed Motley to approve a quote from Bowman Landscape Construction for seed for the Roosevelt Drive construction project in the amount of \$2,330.00.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

f. Discussion and possible action to approve a quote from Prime Landscape for wattles for the Elkins Drive construction project in the amount of \$4,900.00.

Background information on this item: Prime Landscaping has provided a quote for wattles for the Elkins Drive construction project. A Stormwater Pollution Prevention Plan (SWPPP) is not required for this project, however wattles are recommended to protect the lake/water on both sides.

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to approve a quote from Prime Landscape for wattles for the Elkins Drive construction project in the amount of \$4,900.00.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

g. Discussion and possible action to direct staff to move forward with obtaining cost estimates to repair foot bridges on Roosevelt Drive.

Background information on this item: The foot bridge on Roosevelt Drive near Castelon Court is in need of a long-term repair solution. This was brought to the forefront of discussion during the recent sanitary sewer leak

that occurred under the foot bridge. Staff met with the city engineer to discuss a fix and the engineer recommended a better lasting solution than simply replacing boards. The current foot bridge is shown below and is made of wood with a guard rail abutting Roosevelt Drive for pedestrian safety. The engineer's recommendation is to remove the existing bridge, add on to the existing culvert to lengthen it, build headwalls and bring up to the elevation of the road, extend the existing concrete sidewalk, and put a guardrails on the headwall and also on the street side. If council approves for staff to begin the process to obtain costs for this bridge, the second bridge on Roosevelt should be reviewed at the same time.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to direct staff to have the city engineer obtain quotes following his recommended plan for replacement and to also have him obtain quotes for replacing as is.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

h. Discussion and possible action to approve a commercial hand customer recycling cart fee of \$5.71/month.

Background information on this item: Republic Services does not currently offer commercial hand collect recycling in Dalworthington Gardens. However, it was recently discovered a few businesses were using this service and not being charged. These businesses were contacted and agreed to keep these services and pay the associated fees to the city beginning in July. This fee needs to be officially adopted and added into the city's fee schedule. After council's approval, staff will bring back a resolution to ratify the action.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve a commercial hand customer recycling cart fee of \$5.71/month.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

i. Discussion and possible action regarding the sale of items by citizens and boards for a profit to and on behalf of the city.

Background information on this item: Two different groups want to create and/or sell items on behalf of the city. The purpose of this item is to gain council's approval of said sales and take any necessary associated action.

One of the items is a book being created by a resident who wants to sell the book but have all proceeds go to the city. The vagueness of this description is because it's unknown how public the writer has been about the book or subject matter.

The second item is a calendar the Park Board wants to create and sell to the public to help promote the City of Dalworthington Gardens' annual participation in the National Wildlife Association's Mayors Monarch Pledge. Specifically, the calendars will satisfy the action to create a community art project to enhance and promote monarch and pollinator conservation as well as cultural awareness and recognition. The funds received from the sale will be used to further enhance the environment (i.e. gardens, etc.) within Gardens Park.

For both items the council may need to distinguish between a city sponsored even and a private solicitation. There also may be release forms involved for items sold by or used by the city.

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to proceed with these two projects and the book to be a continued discussion with the author, staff, and city attorney.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

j. Discussion and possible action regarding amendments to the FY 2021-2022 budget in amounts not to exceed \$10,000.00.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve a cost from Hughes Mechanical in the amount of \$9,000 for lighting for the SECO lighting grant.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

9. TABLED ITEMS

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

Item not addressed.

10. FUTURE AGENDA ITEMS

- Republic Services contract discussion.

11. ADJOURN

The meeting was adjourned at 8:28 p.m.

MINUTES OF THE SPECIAL MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON JULY 27, 2022 AT 6:00 P.M. IN THE COUNCIL CHAMBERS, 2600 ROOSEVELT DRIVE, DALWORTHINGTON GARDENS, TEXAS.

While the order of some agenda items were changed, the following represents all items discussed and acted upon by the City Council.

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
Mark McGuire, Alderman, Place 5

Staff Present:

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

2. SWEAR IN NEW COUNCIL MEMBER

i. Administer Oath of Office to newly appointed official, Mark McGuire.

Mayor Bianco administered the Oath of Office to Mark McGuire for the position of Alderman, Place 5.

3. CITIZEN COMMENTS

None.

4. ACTION ITEM

i. Discussion and possible action to provide guidance to staff on increasing salaries for subordinates outside of annual budget salary increases without first obtaining approval from City Council. Any approval to this item would be brought back as a City policy.

No action taken.

ii. Discussion and possible action to approve a revised quote for the Elkins Drive reconstruction project in the amount of \$123,348.24, a difference of \$20,440.54.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve a revised quote for the Elkins Drive reconstruction project in the amount of \$123,348.24, a difference of \$20,440.54.

Motion carried by the following vote:

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

5. ACTION ITEMS FOR FY 2021-2022 BUDGET

- i. Discussion and possible action to approve the purchase of various items for the FY 2021-2022 Budget.**

No action taken.

6. CONDUCT BUDGET WORK SESSION FOR FY 2022-2023 BUDGET

Budget work session conducted.

7. EXECUTIVE SESSION

- a. Recess into Executive Session pursuant to Texas Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property located at 2512 Roosevelt Drive, Dalworthington Gardens, TX 76016.**

City Council recessed into Executive Session at 6:33 p.m.

- b. Reconvene into Regular Session for possible action regarding the purchase, exchange, lease, or value of real property located at 2512 Roosevelt Drive, Dalworthington Gardens, TX 76016.**

City Council reconvened into Regular Session at 6:55 p.m. No action was taken.

8. ADJOURN

The meeting was adjourned at 8:37 p.m.

MINUTES OF THE SPECIAL MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON AUGUST 10, 2022 AT 6:00 P.M. IN THE COUNCIL CHAMBERS, 2600 ROOSEVELT DRIVE, DALWORTHINGTON GARDENS, TEXAS.

While the order of some agenda items were changed, the following represents all items discussed and acted upon by the City Council.

1. CALL TO ORDER

Mayor Bianco called the meeting to order at 6:00 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

Members Absent:

Mark McGuire, Alderman, Place 5

Staff Present:

Lola Hazel, City Administrator

2. CITIZEN COMMENTS

None

3. ACTION ITEMS

- i. **Discussion and possible action to provide guidance to staff to create a merit raise option in addition to the cost of living adjustment (COLA) raise, to allow department heads to administer both types of salary increases in a given budget year, and guidance on whether to authorize that beginning next budget year, FY 2022-2023.**

Item not addressed.

- ii. **Discussion and possible action to provide guidance to staff on using discretionary funds for merit raises outside of annual budget salary increases without first obtaining approval from City Council.**

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to direct staff to bring back a plan on how funds will be used from the discretionary payroll fund.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

4. EXECUTIVE SESSION

- i. **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: merit increases for the City Administrator, Director of Public Safety, and Finance Director**

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

ii. Recess into Regular Session for discussion and possible action on merit increases for the City Administrator, Director of Public Safety, and Finance Director

City Council reconvened into Regular Session at 7:31 p.m.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to prepare the budget as discussed in Executive Session.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

5. ADJOURN

The meeting was adjourned at 7:38 p.m.

MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON AUGUST 18, 2022 AT 6:00 P.M. IN THE COUNCIL CHAMBERS, 2600 ROOSEVELT DRIVE, DALWORTHINGTON GARDENS, TEXAS.

WORK SESSION – 6:00 P.M.

1. CALL TO ORDER

Mayor Bianco called the meeting to order at 6:00 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
Sandra Ma, Court Administrator
Kylon Wilson, City Engineer

2. WORK SESSION

- a. Receive development presentation from Trevor Turnbow for property located at 2500 and 2512 California Lane, Dalworthington Gardens.**

Presentation received.

- b. Receive development presentation from Trevor Turnbow for property located at 2807 Spanish Trail, Dalworthington Gardens.**

Presentation received.

- c. Remaining agenda items, if time permits.**

Items 9b, 9c, 9d, and 9e were discussed in the work 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
Mark McGuire, Alderman, Place 5

Staff Present:

Lola Hazel, City Administrator
Greg Petty, DPS Director
Kay Day, Finance Director
Gary Parker, Public Works Director
Sandra Ma, Court Administrator

2. INVOCATION

Mayor Bianco gave the invocation.

3. PLEDGES OF ALLEGIANCE

- a. U.S. Pledge
- b. Texas Pledge - *“Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”*

Pledges were said.

4. ITEMS OF COMMUNITY INTEREST

The following items were presented.

- a. Concert in the Park, September 24, 2022
- b. National Night Out, October 4, 2022
- c. Movie in the Park, October 8, 2022
- d. Monarch photography contest
- e. Day with the Law, November 5, 2022

5. CITIZEN COMMENTS

- Scott McCaskey, 2501 California: Spoke against the development presented at California and Bowen.

6. MAYOR AND COUNCIL COMMENTS

Mayor Bianco: Highlighted businesses that were recognized for being “all stars” in the Arlington Today Magazine, and the “best of” winners in Living Magazine: Grounds and Gold, Brandy Austin Law Firm, Donna J. Smiedt Law Firm, McAndrew Motors, McGaw’s Automotive, RJ Construction, Green’s Produce & Plants, Pet Resort in The Gardens, Farrell Animal Hospital, Ashlaroo’s, Fossil Creek Liquor, Dr. Sabatino Bianco, and Bruce Ashworth Law Firm. Reminded everyone school is officially back in session in DWG. Thank you for your patience as we navigate through these first weeks. Informed everyone about the first phase of Roosevelt Drive reconstruction being complete, and reminded everyone the remainder of the road from Sunset to California Lane will be completed in summer 2023. Informed everyone the Elkins Drive reconstruction project has officially begun. Informed everyone about the project scope which includes paving work from just east of Park Drive to Roosevelt Drive, including adjacent parking lots, and is expected to take eight weeks to complete. Informed everyone Orchid Court will undergo some storm sewer improvements which is scheduled to begin September 6, 2022. Explained the City has received complaints about the “Save” coupon books being thrown in yards in the city. Informed everyone how to opt out and cancel, by calling a company called Valasis at 1-800-437-0479, and choose option 2 to be connected to a representative who can assist you with cancellation. Reminded everyone about the next Business Over Breakfast event will take place on September 7, 2022, 8-9am at Grounds and Gold, 4130 S. Bowen Road, DWG.

John King: None.

Steve Lafferty: None

Cathy Stein: Spoke about DWG historical documentation being presented at an Arlington library. Thanked residents who assisted a Mississippi Kite.

Ed Motley: None

Mark McGuire: Thanked everyone for being patient as he was out the last few meetings.

7. DEPARTMENTAL REPORTS

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

Departmental reports presented.

8. CONSENT AGENDA

- a. Presentation and acknowledgment of budget adjustments.**
- b. Approval of Ordinance No. 2022-18 approving budget amendments for FY 2021-2022.**
- c. Approval of Resolution No. 2022-13 approving various changes to the City Fee Schedule.**
- d. Approval of Resolution No. 2022-14 approving various board appointments.**
- e. Approval of Resolution No. 2022-15 approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the company’s 2022 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 attachment establishing a benchmark for pensions and retiree medical benefits; requiring the company to reimburse ACSC’s reasonable ratemaking expenses.**
- f. Ratification of expense for emergency water line repair on Oak Trail Court in the amount of \$11,150.00. Expense was reimbursed from contractor who caused damage.**
- g. Approval of June 2, 2022 special meeting minutes.**
- h. Approval of June 16, 2022 regular meeting minutes.**
- i. Approval of the July 12, 2022 special meeting minutes.**

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

Motion carried by the following vote:

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

Nays: None

9. REGULAR AGENDA

- a. Discussion and possible action regarding a capital improvement plan for city infrastructure.**

Background information this item: The city engineer provided a capital improvement plan (CIP) to City Council for feedback.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to make changes to the CIP as follows: Put all CDBG-eligible projects under one category and put them in a priority list with Ambassador Row being first in the list. Move Broadacres improvements to the top of the priority list with a priority of fixing drainage issues. Furthermore, direct the city engineer to look at all other streets and those that have alligator cracks to assess whether an alternate construction method is best such as seal coating or resurfacing.

Motion carried by the following vote:

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

Nays: None

b. FY 2022-2023 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 15, 2022 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.

No action taken.

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 2022-2023 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 15, 2022 meeting
- scheduling and stating the date for a public hearing
- scheduling and stating the date at which Council will adopt the 2022-2023 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 \$0.665133 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 15, 2022 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.

d. Discussion and possible action to approve the purchase of 15 tasers in the amount of \$53,994.64 for DWG DPS.

Background information on this item: DPS is requesting to purchase fifteen (15) Axon Tasers for the DPS (\$53,994.64). This is a five (5) year contract with Axon Taser providing four hundred and twenty (420) Certification Cartridges, ninety (90) Duty Cartridges, and thirty (30) Training Cartridges.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve the purchase of 15 tasers in the amount of \$53,994.64 for DWG DPS.

Motion carried by the following vote:

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

Nays: None

e. Discussion and possible action to commit funds by Ordinance No. 2022-19 for specific purposes designated by City Council in accordance with the city's Comprehensive Financial Policy.

Background information on this item: Per the city's Comprehensive Financial Policy, there are several classifications of fund balances. With the new concept of setting up a "Capital" bank account with designated purposes, staff seeks council guidance on whether the funds should be "Assigned" or "Committed". An excerpt from the policy explaining the difference is shown below:

Committed: Amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of the City Council. These amounts cannot be used for any other purpose unless the City Council removes or changes the specified use by taking the same type of action that was employed when the funds were initially committed.

Assigned: Amounts that are constrained by the City's intent to be used for specific purposes but are neither restricted nor committed. In governmental funds other than the general fund, assigned fund balances represents the amount that is not restricted or committed. This indicates that those resources are, at a minimum, intended to be used for the purpose of that fund. Examples include: residual funds in all governmental funds except the General Fund and outstanding encumbrances at year-end.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to direct staff to work with the city attorney to bring back ordinances at the next meeting to make the two proposed funds as committed funds.

Motion carried by the following vote:

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

Nays: None

f. Discussion and possible action to approve costs in the amount of \$1,000 for a traffic control plan for Elkins Drive.

Background information on this item: Staff is asking for approval for the Traffic Control Plan (TCP) cost for Elkins Drive.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve costs in the amount of \$1,000 for a traffic control plan for Elkins Drive.

Motion carried by the following vote:

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

Nays: None

g. Discussion and possible action to direct staff on changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 6, Health and Sanitation, to add a distance requirement for smoking near buildings.

Background information on this item: Mayor Bianco requested this item be placed on the agenda. The current smoking ordinance does not require a certain distance for smoking near structures. This is a request to council for that consideration.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to direct staff to draft an ordinance to add a distance requirement of 50' from the public entrance of buildings.

Motion carried by the following vote:

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

Nays: None

h. Discussion and possible action to direct staff on changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, regarding regulations for mobile food units and mobile food establishments, commonly known as food trucks.

Background information on this item: Staff found a section of city ordinances possibly needing a change and is looking for council direction. There has been more interest from food trucks to come to the city which prompted the ordinance review.

City ordinances define mobile food establishment differently from mobile food unit (commonly known as a food truck). In the exhibit provided, you can see the difference is one is pulled by a vehicle and not individually motorized, and one is self-motorized and can come and go without the help of another motorized vehicle. City ordinances allow mobile food units (self-motorized) outright meaning these requests can be approved by permit and do not need to go through any board for approval. Mobile food establishments are only allowed by special exception (units requiring help from a motor vehicle).

Staff does not understand or recall the reason for treating the two differently and would like to simplify this process to be more business friendly. Staff's recommendation is to allow both types of food trucks outright by permit approval. The Building Official is charged with inspecting each truck for cleanliness and standards which would prevent unsightly trucks from being in the city.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to direct staff to modify regulations for mobile food units and mobile food establishments to distinguish between both types by the amount of time the vehicle is allowed in place, not the type of vehicle.

Motion carried by the following vote:

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

Nays: None

i. Discussion and possible action to direct staff on any changes to the Republic Services contract for garbage and recycling services.

Background information on this item: At the July council meeting, council requested an agenda item to discuss the existing Republic Services contract and any potential to go out for bids to consider new contracts for garbage and recycling services. Staff is providing the contract for discussion.

No action taken.

j. Discussion and possible action to direct staff on a change to the Personnel Policy regarding defining city holidays as hours worked.

Background information on this item: The current Personnel Policy, as written, does not treat city holidays as "hours worked". What that means is if a city holiday occurs on a Monday and an employee is called in for any reason to work beyond 40 hours that week, that employee would be paid straight time for those hours and not at

an overtime rate. In some ways, it's defeating to an employee to have to work during that week and know it is not paid at the overtime rate. This happens across every department as there are various reasons both city staff and DPS staff would be required to work overtime during the week. Public works is required to check water every day, and may be called back for emergency leaks. Municipal Court occasionally court at night during these weeks and does not reap the benefits of what would be overtime on a different week. Both police and dispatch are required to work their schedules when it falls on a holiday, so they already receive some overtime, but any other over time hours that week are not paid at the overtime rate.

Staff understands council's biggest concern will be how this change could affect the budget. It will increase overtime pay some. Staff is putting together a report to show how overtime would have been different during the July 4 week as an example, but it was not ready at the time of this report. It will be provided at the council meeting.

No action taken.

k. Discussion and possible action regarding amendments to the FY 2021-2022 budget in amounts not to exceed \$10,000.00.

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to approve the purchase of five radio control heads for DPS vehicles in an amount not to exceed \$10,000.

Motion carried by the following vote:

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

Nays: None

10. TABLED ITEMS

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

Item not addressed.

11. FUTURE AGENDA ITEMS

None.

12. EXECUTIVE SESSION

a. Recess into Executive Session pursuant to Government Code, Section 551.071, consultation with city attorney, regarding the City Boundary.

City Council recessed into Executive Session at 9:01 p.m.

b. Reconvene into Regular Session for discussion and possible action regarding the City Boundary.

9:13 pm no action taken.

13. ADJOURN

The meeting was adjourned at 9:13 p.m.

MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON SEPTEMBER 15, 2022 AT 6:00 P.M. IN THE COUNCIL CHAMBERS, 2600 ROOSEVELT DRIVE, DALWORTHINGTON GARDENS, TEXAS.

WORK SESSION

1. CALL TO ORDER

Mayor Bianco called the meeting to order at 6:00 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
Sandra Ma, Court Administrator
Gary Parker, Public Works Director

2. WORK SESSION

The following items were discussed.

- a. **Short-Term Rental Ordinance**
- b. **Solid Waste Ordinance**
- c. **Garden Home Ordinance**
- d. **Agrihood Ordinance**

- e. **Remaining agenda items, if time permits.**

No other items were discussed.

3. ADJOURN

The meeting was adjourned at 6:53 p.m.

REGULAR SESSION

1. CALL TO ORDER

Mayor Bianco called the meeting to order at 7:02 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
Sandra Ma, Court Administrator
Gary Parker, Public Works Director

2. INVOCATION

Mayor Bianco gave invocation.

3. PLEDGES OF ALLEGIANCE

- a. **U.S. Pledge**
- b. **Texas Pledge - *“Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”***

Pledges were said.

4. PRESENTATIONS AND PROCLAMATIONS

- a. **World Teachers’ Day – October 5, 2022**

Mayor Bianco read aloud a proclamation recognizing World Teachers’ Day.

5. ITEMS OF COMMUNITY INTEREST

The following items were presented:

- a. **Concert in the Park, September 24, 2022**
- b. **National Night Out, October 4, 2022**
- c. **Movie in the Park, October 8, 2022**
- d. **Monarch Photography Contest, August 15, 2022-October 15, 2022**
- e. **Day with the Law, November 5, 2022**

6. CITIZEN COMMENTS

Linda and Denis Ferdinand, 3202 Sunset Oaks: Spoke to the consideration for a historical home restoration in DWG.

7. MAYOR AND COUNCIL COMMENTS

Mayor Bianco: Recognized Patti White with Green’s Produce for providing the flowers which adorn the entrance to City Hall. Informed the audience about the upcoming Salvation Army Mayoral Bell Ringing Challenge on December 10, 2022. Informed the audience of the passing of long-time resident David Wayne McCulloch and asked Mayor Pro Tem Motley to say a few words about Mr. McCulloch since Mr. Motley was

his friend. Informed the audience about upcoming events - National Night Out on October 4 from 6-8pm in Gardens Park and Trunk or Treat on October 22 in Gardens Park.

John King: Thanked Dennis Ferdinand and his wife for a presentation they made during citizen comments.

Steve Lafferty: Echoed comments from Council Members Motley and King.

Cathy Stein: Spoke to the recent Park Board work day and recognized volunteers. Spoke to the Monarch photography contest.

Ed Motley: Spoke to the recent passing of long-time resident David Wayne McCulloch. Expressed excitement for audience members who showed up for the council meeting.

Mark McGuire: Echoed comments from Council Members Motley and King.

8. DEPARTMENTAL REPORTS

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

Departmental Reports were presented.

9. CONSENT AGENDA

- a. Presentation and acknowledgment of budget adjustments.**
- b. Approval of Ordinance No. 2022-23 approving budget amendments for FY 2021-2022.**
- c. Approval of Amendment No. 1 to the contract between Tarrant County and the City of Dalworthington Gardens to reconstruct Roosevelt Drive from California Lane to Bowen Road.**
- d. Approval of Ordinance No. 2022-19 designating certain funds for specific purposes in accordance with the City's Comprehensive Financial Policy.**
- e. Approval of an agreement between the Texas Parks and Wildlife Department and the City of Dalworthington Gardens for the DWG Playground Grant.**

A motion was made by Council Member Cathy Stein and seconded by Council Member John King to approve the Consent Agenda.

Motion carried by the following vote:

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

Nays: None

10. REGULAR AGENDA

- a. Discussion and possible action to consider a replat application from Unity Church of Arlington, being a replat of a portion of Lot 6, Block 5, generally located south of W. Mayfield Road and east of S. Bowen Road, with the approximate address being 3513 Bowen Road, Dalworthington Gardens.**

- i. Conduct a public hearing**
- ii. Discussion and possible action**

Background information on this item: Section 10.02.004 of the City’s Code of Ordinance states no land is to be subdivided in the city except by platting in compliance with Chapter 212 of the Texas Local Government Code and city ordinance, and no building permit shall be issued for construction of improvements on any property not platted.

The Unity Church of Arlington is replatting property on Bowen Road. A portion of the property is located in the city of Arlington which has been reviewed and approved. They are now submitting an application for the portion of property located in Dalworthington Gardens.

In accordance with Section 10.02.031, the city determined the plat application to be complete on May 25, 2022. In accordance with Section 10.02.094, the plat application was then forwarded to the city engineer for review. On August 10, 2022, the city engineer conducted his third and final review of the plat, determined the plat conforms to the City’s subdivision ordinance, and recommended 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.

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

Ryan Williams, Graham and Associates: Spoke on behalf of applicant as the applicant’s engineering firm.

With no one else desiring to speak, Mayor Bianco closed the public hearing at 7:29 p.m.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve a replat application from Unity Church of Arlington, being a replat of a portion of Lot 6, Block 5, generally located south of W. Mayfield Road and east of S. Bowen Road, with the approximate address being 3513 Bowen Road, Dalworthington Gardens.

Motion carried by the following vote:

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

Nays: None

b. FY 2022-2023 City Budget

- i. Conduct public hearing**
- ii. Discussion and possible action to approve Ordinance No. 2022-20 to adopt the FY 2022-2023 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.

Mayor Bianco opened the public hearing at 7:30 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 7:30 p.m.

Before calling for a motion, the Mayor read the following statement.

“THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR’S BUDGET BY \$168,606, WHICH IS AN 8.64% INCREASE, AND OF THAT AMOUNT, \$23,335 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.”

A motion was made by Council Member Mark McGuire and seconded by Council Member Steve Lafferty to approve Ordinance No. 2022-20 adopting the budget for the Fiscal Year of October 1, 2022 through September 30, 2023.

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 Mark McGuire: aye

Nays: None.

Motion carries.

c. FY 2022-2023 Tax Rate

- i. Conduct public hearing**
- ii. Discussion and possible action to approve Ordinance No. 2022-21 adopting the FY 2022-2023 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 7:31 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 7:31 p.m.

A motion was made by Council Member Cathy Stein and seconded by Council Member John King to approve that the property tax rate be increased by the adoption of a tax rate of \$0.665133 which is effectively a 1.00 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 Mark McGuire: aye

Nays: None.

Motion carries.

d. 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 Cathy Stein to that the property tax rate be increased by the adoption of a tax rate of \$0.665133 which is effectively a 1.00 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 Mark McGuire: aye

Nays: None.

Motion carries.

e. Discussion and possible action to approve Ordinance No. 2022-22 making changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 4, Business Regulations, to create an article defining and governing the standards and requirements for short-term rentals; and Chapter 14, Zoning, to identify short-term rentals as a permitted use in residential districts, subject to certain conditions.

- i. Conduct public hearing**
- ii. Discussion and possible action**

Background information on this item: Council requested an ordinance be drafted for short-term rentals. Because a portion of the changes were in the zoning ordinance, the zoning sections of the ordinance were reviewed by Planning and Zoning on August 22, 2022, and they have approved said changes.

The following changes are proposed for this ordinance creation:

- The addition of Article 4.09, Short-Term Rental, in Chapter 4, Business Regulations

- Section 14.02.092, Definitions: Adding a definition for short-term rental
- Section 14.02.171, General Provisions: Adding short-term rentals as a permitted use in residential districts
- Section 14.02.321, Special Exceptions: Adding a special exception for short-term rentals that exceed density limitations

The density limitation for short-term rentals is as shown below. A special exception option is provided in the ordinance for rentals wanting to exceed that density. The city attorney’s recommendation is to tailor the ordinance and density requirements to the city’s current needs and observed problems. Allowing anything less than two units per street could be perceived as too restrictive as it’s currently unknown how many short-term rental units exist in the city. The ordinance can always be amended if it’s determined that density is an issue and needs to be more restrictive.

Sec. 4.09.004 Regulations

(p)(1) Limitation. Short term rentals shall be limited to no more than two units per street or one-eighth (12.5 percent) of the total number of residential units in a multi-unit building. Notwithstanding the foregoing, at least one short-term rental shall be permitted per multi-unit building, regardless of density.

Mayor Bianco opened the public hearing at 7:33 p.m.

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

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

Motion carried by the following vote:

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

Nays: None

f. Discussion and possible action to approve Resolution No. 2022-16 approving various changes to the City Fee Schedule.

Background information on this item: Changes are being presented to the fee schedule as follows:

1. A4.000, Water and Sewer Service: Amending the water and sewer rates consistent with the FY 2022-2023 budget.
2. A8.000, Health Permits: Correcting errors in numbering.
3. A9.000, Miscellaneous Fees: Adding permit fees for short term rentals.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to approve changes to the fee schedule as presented, and to amend language under Article A8.000, Health Permits, as follows: Permit fee authority delegated to the county for permits issued by the county.

Motion carried by the following vote:

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

Nays: None

g. Discussion and possible action to approve Ordinance No. 2022-24 making changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 13, Solid Waste, to update the city’s screening requirements for solid waste containers; and amending Chapter 14, Zoning, to remove standards for refuse disposal containers from the zoning ordinance.

- i. Conduct public hearing**
- ii. Discussion and possible action**

Background information on this item: Council approved for staff to make changes to city ordinances regarding regulations for solid waste containers. Staff brought the proposed changes to council because many existing commercial businesses are unable to meet the existing placement requirements for solid waste containers, causing issues for ordinance enforcement. In that same conversation, staff and council discussed adding a screening requirement for residential customers as well. Council asked staff to bring back suggested changes for consideration.

Because part of the changes were in the zoning ordinance, the Planning and Zoning Commission considered those changes on August 22, 2022 and approved said changes.

The changes to the ordinance are as follows:

- Section 13.03.006, Placement for residential customers: Sentence added requiring screening for residential customers.
- Section 13.03.009, Placement for commercial customers: Regulations added for placement of containers for commercial customers. These changes are believed to be consistent with discussion staff had with council.
- Section 14.02.221(b)(3) and Table 14.02.221: Removal of sections regarding screening of solid waste containers as that is now addressed in Chapter 13, Utilities.

Mayor Bianco opened the public hearing at 7:39 p.m.

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

A motion was made by Council Member John King and seconded by Council Member Steve Lafferty to approve Ordinance No. 2022-24 making changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 13, Solid Waste, to update the city's screening requirements for solid waste containers; and amending Chapter 14, Zoning, to remove standards for refuse disposal containers from the zoning ordinance.

Motion carried by the following vote:

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

Nays: None

- h. Discussion and possible action to approve the purchase of a DPS command cabinet in the amount of \$4,951.87.**

Background information on this item: DPS is requesting to purchase one command cabinet (\$4,951.87) for Chief Petty's unmarked unit. The cabinet stores and organizes emergency equipment and can be utilized as a command center during emergency events.

This is one of two command cabinets budgeted in CCPD this fiscal year.

A motion was made by Council Member Cathy Stein and seconded by Council Member Steve Lafferty to approve the purchase of a DPS command cabinet in the amount of \$4,951.87.

Motion carried by the following vote:

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

Nays: None

i. Discussion and possible action to approve Ordinance No. 2022-25 making changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 6, adding section 6.06.010 “Smoking Prohibited at Building Entrances” to prohibit smoking within fifty feet of the public entrance of public buildings.

Background information on this item: Council directed staff to bring back an ordinance prohibiting smoking within a certain distance of building entrances. The proposed ordinance adds Section 6.06.010 to address this new distance requirement. It would prohibit smoking or possession of certain products within fifty feet of public entrances to public buildings, and also prohibits the placement of certain items within twenty five feet from any entrance of exit.

A motion was made by Council Member Mark McGuire and seconded by Council Member John King to approve Ordinance No. 2022-25 making changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 6, adding section 6.06.010 “Smoking Prohibited at Building Entrances” to prohibit smoking within fifty feet of the public entrance of public buildings, with an amendment to change all references of any public building to public entrance to any building, and change 6.06.010(b) from twenty five feet to fifty feet.

Motion carried by the following vote:

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

Nays: None

j. Discussion and possible action to direct staff or making changes to the City of Dalworthington Gardens Code of Ordinances regarding garden home regulations.

Background information on this item: Council Member Stein requested this item be placed on the agenda. She asked that the following thoughts be provided to council. Any changes to the garden home ordinance would need to go to the Planning and Zoning Commission first before council can vote on changes.

- * Possible garage entry orientation restrictions
- * Consider reducing somewhat the current minimum house size
- * Should garden homes be limited to two stories and if so, what is a reasonable maximum height?
- * Should the minimum yard setback that adjoins another zoning district need to match that of the other district if the other district's set back is larger?
- * Is there a safety reason for ensuring more than one entrance/exit when there are more than X number of garden homes?
- * Are any additional ordinances needed to ensure storm water is handled properly?
- * Are parking requirements adequate and/or is there a need to state something about the minimum size for a two car garage in a note to the table or that on street parking does not count if guest spaces are also required?
- * There is already a lot size minimum in the current ordinance. Are there further density or offsetting greenspace requirements that need to be added to align the GH zoning with the language in the working draft of the comp plan?
- * Does there need to be a different road width minimum than is currently listed in the subdivision ordinances?

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to direct staff to send suggestions to the Planning and Zoning Commission with the thoughts suggested by council to include roof pitch.

Motion carried by the following vote:

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

Nays: None

k. Discussion and possible action to direct staff on making changes to the City of Dalworthington Gardens Code of Ordinances regarding creating an agrihood regulations and/or zoning district.

Background information on this item: Council Member Stein requested this item be placed on the agenda. The Agrihood section of the new Comp Plan draft is being provided. If changes are made to the zoning ordinance for Agrihood, then Planning and Zoning would need to review and approve any changes before council can approve.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to direct staff to work with the Planning and Zoning Commission to create a zoning mechanism using the comp plan language for Agrihood.

Motion carried by the following vote:

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

Nays: None

l. Discussion and possible action on proposed uses for discretionary funds designated for use by Department Heads for merit increases and other similar uses.

Background information on this item: Council asked for feedback on how discretionary funds would be used for merit increases and similar uses by the Public Safety Director and City Administrator. The uses discussed thus far are for promotion purposes, employee retention, and possible merit increases coinciding with annual evaluations.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to accept staff's plan for using discretionary funds with the exception of not linking salary adjustments to annual evaluations.

Motion carried by the following vote:

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

Nays: None

m. Discussion and possible action to direct staff on a change to the Personnel Policy regarding defining city holidays as hours worked.

Background information on this item: At the August council meeting, staff presented a proposal for city designated holidays to be considered as "hours worked" in order to benefit employees who are (1) off for the holiday but work overtime later in the work week (primarily city-side employees), and (2) employees who are scheduled to work the holiday but currently only receive straight time for those hours (primarily DPS employees). Since the discussion at the August meeting ended with confusion from staff, more information is being provided after working with the city attorney to better explain staff's intentions. A resolution is being proposed with new language to benefit city employees as well as DPS employees. If council desires a different policy, staff can work with the city attorney to easily change the wording. The proposed change of considering holidays as hours worked for all employees is a huge incentive for hiring as well as retaining existing employees.

Staff is providing a calculation which shows an estimated cost for those who work the holiday including those who did not (city AND DPS employees gaining OT) and a calculation showing those who did not work the holiday but holiday is considered “hours worked” (ONLY city side employees).

No action was taken.

- n. Discussion and possible action regarding amendments to the FY 2021-2022 budget in amounts not to exceed \$10,000.00.**

Item not needed.

11. TABLED ITEMS

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

Item not pulled off table or discussed.

12. FUTURE AGENDA ITEMS

- Item for historical home restoration.

13. ADJOURN

The meeting was adjourn at 8:49 p.m.

Emp #	Employee	Vacation Balance @ 9/21/22	9/25/22 Accrual	Accrual @ 9/30/22 paycheck	Vacation Payout Hours	Revised Vacation Hours Balance after Payout	Vacation Payout Amount	Total Employer Expense
01-0142	Austin Bass	148.78	3.23	152.01	40.00	112.01	\$ 990.40	\$ 1,277.91
01-0135	Michael Bass	154.78	3.23	158.01	40.00	118.01	\$ 997.16	\$ 1,286.64
01-0053	Ryan Miller	160.00	5.54	165.54	40.00	125.54	\$ 1,123.44	\$ 1,449.57
01-0049	John Rotert	155.40	5.54	160.94	40.00	120.94	\$ 1,082.20	\$ 1,396.36
							\$ 4,193.20	\$ 5,410.49

EMPLOYMENT AGREEMENT

The Employment Agreement (the "Agreement") is made effective as of _____ 2022, by and between Norma Zenk, TMRC, Retired City Secretary ("Zenk") and the City of Dalworthington Gardens, Texas ("City"). Zenk and City shall collectively be referred to herein as "Parties."

Whereas, Zenk is a retired city secretary who desires to perform city secretary related job duties for the City on a temporary basis; and

Whereas, the City desires to engage the services of Zenk to perform city secretary related job duties on a temporary basis;

Now, therefore, the Parties agree as follows:

1. EMPLOYMENT

(City) shall employ Zenk to assist with city secretary related job duties and agrees to be subject to the general supervision, advice and direction of the City. Zenk shall be an "at will" employee of the City, to perform (i) such duties as are customarily performed by an employee in the office of the city secretary, or similar position, and (ii) such other and unrelated services and duties as may be assigned to Zenk from time to time by the City.

2. BEST EFFORTS OF EMPLOYEE

Zenk agrees to perform faithfully, industriously, and to the best of Zenk's knowledge, ability, experience, and talents, the duties required by the terms of this Agreement, to the reasonable satisfaction of the City. Such duties shall be provided at such place(s) as the needs, business, or opportunities of the City may require from time to time.

3. OWNERSHIP OF SOCIAL MEDIA CONTACTS

Any social media contacts, including "followers" or "friends," that are acquired through accounts (including, but not limited to email addresses, blogs, Twitter, Facebook, YouTube, or other social media networks) used or created on behalf of the City, are the property of the City. Zenk acknowledges and agrees that she does not have the authority to make any social media posts on behalf of the City unless expressly directed to do so.

4. COMPENSATION OF EMPLOYEE

As compensation for the services provided by Zenk under this Agreement, the City will pay Zenk \$50.00 per hour in quarter hour increment (\$12.50 per quarter hour) payable in accordance the City's usual payroll procedures and subject to applicable federal, state, and local withholding. Upon termination of this Agreement, payments under this paragraph shall cease, provided, however that Zenk shall be entitled to payments for periods or partial periods that occurred prior to the date of termination and for which the City has not yet paid. This section of the Agreement is included only for accounting and payroll purposes and should not be construed as establishing a minimum or definite term of employment.

5. EXPENSE REIMBURSEMENT

The City will reimburse Zenk for the "out of pocket" expenses incurred by Zenk in accordance with the City's policies in effect from time to time.

6. RECOMMENDATIONS FOR IMPROVING OPERATOINS.

Zenk shall provide the City with all information, suggestions, and recommendations regarding the

office of the city secretary's business of which Zenk has knowledge that will be of benefit to the City.

7. CONFIDENTIALITY

Zenk recognizes that the City has and will have information ("Confidential Information") which is valuable, special and unique to the City. Zenk agrees that she will not at any time or in any manner either directly or indirectly, divulge, disclose, or communicate any Confidential Information to any third party without the prior written consent of the City. Zenk will protect the Information and treat it as strictly confidential.

8. EMPLOYEE'S INABILITY TO CONTRACT FOR EMPLOYER

Zenk shall not have the right to make any contracts or commitment for or on behalf of the City without first obtaining the express consent of the City, which may either be in writing or issued via a vote of the City Council in a meeting held in compliance with the Texas Public Information Act.

9. BENEFITS

Zenk acknowledges that as a temporary employee of the City, Zenk will not be entitled to receive any benefits provided to regular employees of the City including, but not limited to, any paid leave, any insurance, or participation in the Texas Municipal Retirement System.

10. TERM/TERMINATION

Zenk's employment under this Agreement shall be for an unspecified term on an "at will" basis. This Agreement may be terminated by Zenk upon 14 day's written notice and by the City upon any written notice.

11. COMPLIANCE WITH EMPLOYER'S RULES

Zenk agrees to comply with all the rules and regulations of the City.

12. RETURN OF PROPERTY

Upon termination of this Agreement, Zenk shall deliver to the City all property which is the City's property or related to the City's business (including keys, records, notes, data, memoranda, models, and equipment) that is in Zenk's possession or under Zenk's control.

13. NOTICES

All notices required or permitted under this Agreement shall be in writing and shall be deemed delivered in person or by US mail to the following:

If to City:

Mayor
City of Dalworthington Gardens
2600 Roosevelt Drive
Dalworthington Gardens, Texas 76016

If to Zenk:

2015 Edgebrook Court
Arlington, TX 76015
normazenk@gmail.com

14. ENTIRE AGREEMENT

This Agreement contains the entire Agreement of the parties and there are no other promises or conditions in any other Agreement whether oral or written. This Agreement supersedes any prior written or oral agreement between the parties.

15. AMENDMENT

This Agreement may be modified or amended, only if the amendment is made in writing and is signed by both parties.

16. SEVERABILITY

If any provision of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provision shall continue to be valid and enforceable. If a court finds that any provision of this agreement is invalid or unenforceable, but that by limiting such provision it would become valid or enforceable then such provision shall be deemed to be written, construed, and enforced as to limited.

17. WAIVER OF CONTRACTUAL RIGHT

The failure of either party to enforce any revision of this Agreement shall not construed as a waiver or limitation of the party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.

18. APPLICABLE LAW

This Agreement shall be governed by the laws of the state of Texas. Venue shall lie in Tarrant County, Texas

19. EFFECTIVE DATE

This Agreement is effective as of the first above written date.

NORMA ZENK, TRMC

DATE

LAURIE BIANCO, MAYOR

DATE

BLAIZE P L U M B I N G

Invoice

2133 Corzine
Arlington TX 76013

Master License number M-37087

Date	Invoice #
7/11/2022	0722-6846

Bill To
Dalworthington Gardens 2600 Roosevelt Dr Arlington, TX 76016

Ship To
Dalworthington Gardens 2600 Roosevelt Dr Arlington, TX 76016

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
	Excavate, run new sewer line from building to manhole, and backfill.	8,900.00	8,900.00
	3rd party jetter and camera	850.00	850.00
	Sales Tax - Labor	8.25%	0.00
			<i>S.H.</i>
<i>120-40-6925</i>			
Total			\$9,750.00

Phone #
817-459-1111

E-mail
abfavaras@yahoo.com

Licensed by the Texas State Board of
Plumbing Examiners
929 E. 41st Street, Austin, TX. 78765
1-800-845-6584



Purchase Request Form

Vendor ID: _____
 Vendor Name: Blaze Plumbing
 Address 1: _____
 Address 2: _____
 City, ST ZIP: _____
 Phone: _____

Date: 6/17/2022

ATTN Requestor:

After approval, submit 1 copy to Accounts Payable. Retain original to submit to Accounts Payable when goods and/or

If New Vendor - W9 Form Required - Please Attach

Qty	Description	ACCOUNT NO.			Unit	Price	Line Total
		Fund	Dept	Acct#			
	repair of sewer line for old court annex bathroom	120	40	6925			\$ 8,900.00

REASON (Please attach necessary supporting data)	Total	\$ 8,900.00
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emergency repair of sewer line leading to restroom in old courtroom annex. Issue will compound and continue to clog if not repaired immediately.

BUDGETED:	
<input type="radio"/> YES	<input checked="" type="radio"/> NO

Requested By	Date	<i>Laurie Bianco</i>	Date
		Authorized By	
		<i>Lola Hazel</i>	6/17/2022
		City Administrator Approval	Date

FOR REQUESTOR USE ONLY:

I CERTIFY THAT ALL GOODS AND/OR SERVICES HAVE BEEN RECEIVED AND/OR COMPLETED

[Signature] _____ Date Received 6/27/22

Doreen Summerall

From: Gary Harsley
Sent: Thursday, June 16, 2022 9:58 AM
To: city
Subject: Annex

Blaize plumbing attempted to snake the sewer line. They got 100' and ran out of cable. They are calling in another plumber that has a 600 foot cable and will try again.

The line appears to be going to the manhole on Roosevelt. We will open this manhole to confirm discharge and direction of flow.

Please remember this for future knowledge.

Gary

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

Doreen Summerall

From: Gary Harsley
Sent: Wednesday, June 15, 2022 12:01 PM
To: city
Subject: Plumbing in old court house and shop

I walked the job site with Blaize plumbing today. They will return on Thursday or Friday to conduct the following.

1. Clean the line out so we get flow to man hole.
2. Camera the line and determine what the problem is and direction of flow

Please facilitate there needs if I am not here.

Gary Harsley

Building Official

2600 Roosevelt Dr.

Dalworthington Gardens, Tx. 76016

W-(817)274-7368

C-(817) 709-0115

gharsley@cityofdwg.net

TSBPE I-3863

**City Council
Staff Agenda Report**

Agenda Item: 8I.

Agenda Subject: Approval of Resolution No. 2022-19 finding that Oncor Electric Delivery Company LLC’s (“Oncor” or “Company”) application to change rates within the city should be denied; finding that the city’s reasonable rate case expenses shall be reimbursed by the company.

<p>Meeting Date:</p> <p>October 20, 2022</p>	<p>Financial Considerations:</p> <p>Budgeted:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <p><input type="checkbox"/> Financial Stability <input checked="" type="checkbox"/> Appearance of City <input type="checkbox"/> Operations Excellence <input checked="" type="checkbox"/> Infrastructure Improvements/Upgrade <input type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence</p>
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Background Information: On May 13, 2022, Oncor Electric Delivery Company LLC (“Oncor” or “Company”) filed an application with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by about \$251 million or approximately 4.5% over present revenues. The Company asks the City to approve an 11.2% increase in residential rates and a 1.6% increase in street lighting rates. The impact of this requested increase on an average residential customer using 1,300 kWh/month would be about \$6.02 per month.

In a prior City action, Oncor’s rate request was suspended from taking effect for 90 days, the fullest extent permissible under the law. This time period has permitted the City, through its participation with the Steering Committee of Cities Served by Oncor (“Steering Committee”), to determine that the proposed rate increase is unreasonable. Consistent with the recommendations of the experts engaged by the Steering Committee, Oncor’s request for a rate increase should be denied.

Accordingly, the purpose of the Resolution is to deny the rate change application proposed by Oncor. Once the Resolution is adopted, Oncor will have 30 days to appeal the decision to the Public Utility Commission of Texas where the appeal will be consolidated with Oncor’s filing (i.e. PUC Docket No. 53601) currently pending at the Commission.

All cities with original jurisdiction will need to adopt the Resolution ***prior to October 30, 2022.***

Recommended Action/Motion: Motion to approve Resolution No. 2022-19 finding that Oncor Electric Delivery Company LLC’s (“Oncor” or “Company”) application to change rates within the city should be denied; finding that the city’s reasonable rate case expenses shall be reimbursed by the company.

Attachments: Resolution

RESOLUTION NO. 2022-19

A RESOLUTION OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S ("ONCOR" OR "COMPANY") APPLICATION TO CHANGE RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of Dalworthington Gardens, Texas ("City") is an electric utility customer of Oncor Electric Delivery Company LLC ("Oncor" or "Company"), and a regulatory authority with an interest in the rates and charges of Oncor; and

WHEREAS, the City is a member of the Steering Committee of Cities Served by Oncor ("Steering Committee"), a coalition of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor's service area; and

WHEREAS, on or about May 13, 2022, Oncor filed with the City an application to increase system-wide transmission and distribution rates by \$251 million or approximately 4.5% over present revenues. The Company asks the City to approve an 11.2% increase in residential rates and a 1.6% increase in street lighting rates; and

WHEREAS, the Steering Committee is coordinating its review of Oncor's application and working with the designated attorneys and consultants to resolve issues in the Company's filing; and

WHEREAS, through review of the application, the Steering Committee's consultants determined that Oncor's proposed rates are excessive; and

WHEREAS, the Steering Committee's members and attorneys recommend that members deny the Application; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS:

Section 1. That the rates proposed by Oncor to be recovered through its electric rates charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

Section 2. That the Company shall continue to charge its existing rates to customers within the City.

Section 3. That the City's reasonable rate case expenses shall be reimbursed in full by Oncor within 30 days of the adoption of this Resolution.

Section 4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

Section 5. That a copy of this Resolution shall be sent to Oncor, Care of Howard Fisher, Oncor Electric Delivery Company, LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202 and to Thomas Brocato, Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Ave., Suite 1900, Austin, TX 78701.

PASSED AND APPROVED this _____ day of _____, 2022.

Mayor

ATTEST:

City Secretary

**City Council
Staff Agenda Report**

Agenda Item: 8m.

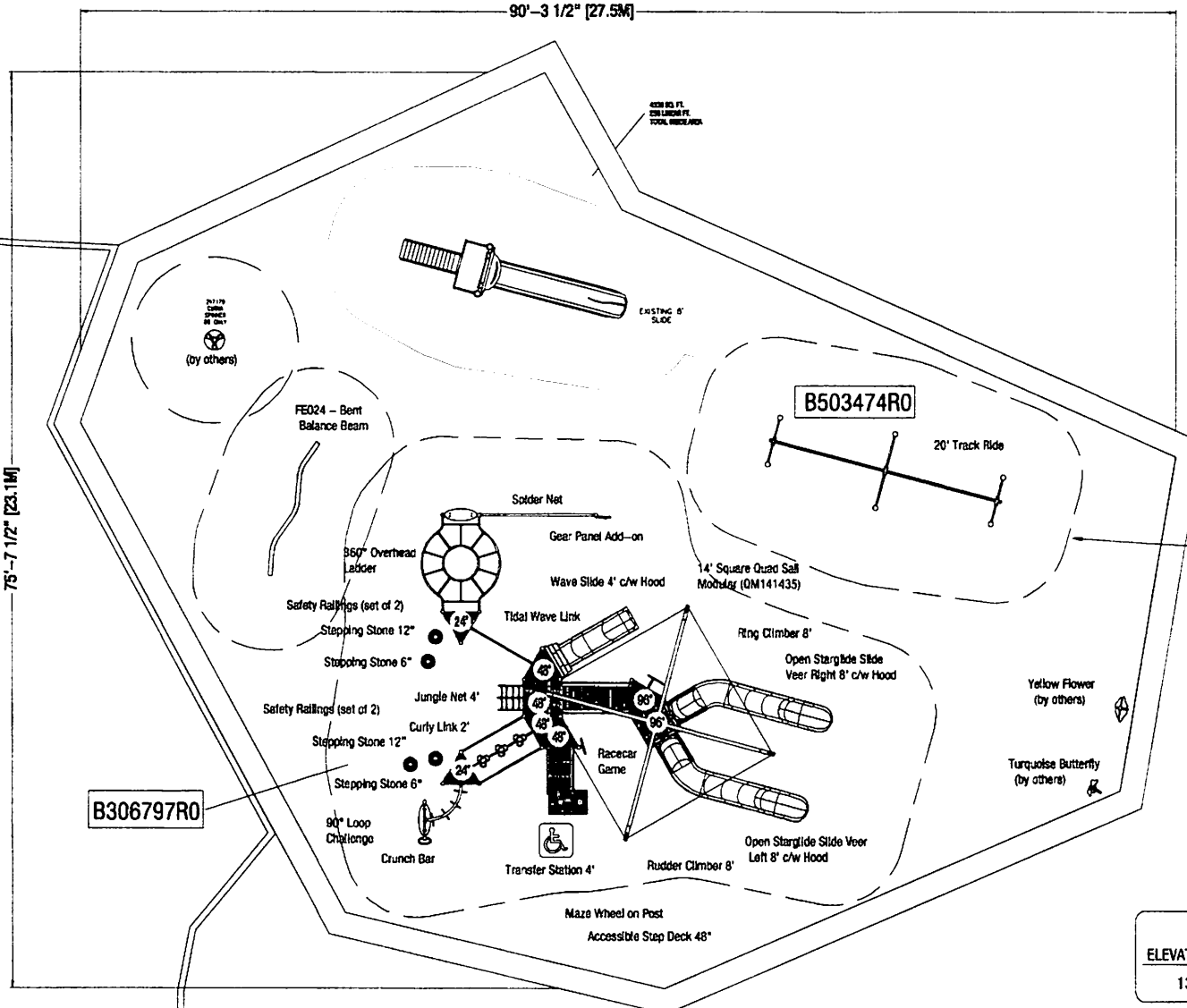
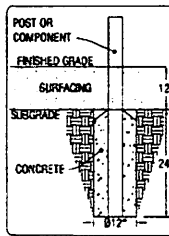
Agenda Subject: Approval of quote from Red River Recreation in the amount of \$109,476.46 for playground equipment for the Playground Grant awarded by the Texas Department of Parks and Wildlife.

<p>Meeting Date: October 20, 2022</p>	<p>Financial Considerations: \$109,476.46</p> <p>Budgeted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <p><input type="checkbox"/> Financial Stability <input checked="" type="checkbox"/> Appearance of City <input type="checkbox"/> Operations Excellence <input checked="" type="checkbox"/> Infrastructure Improvements/Upgrade <input type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence</p>
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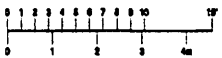
Background Information: Now that the Texas Department of Parks and Wildlife grant agreement is in place, the updated quote for the playground equipment is being presented for council’s approval. The original quotes from over a year ago when the city applied for the grant were right at \$100,000. Red River Recreation worked with vendors to keep prices down as much as possible which yielded a lesser increase than what would have been expected if they hadn’t done that.

Recommended Action/Motion: Motion to approve a quote from Red River Recreation in the amount of \$109,476.46 for playground equipment for the Playground Grant awarded by the Texas Department of Parks and Wildlife.

Attachments: Quote
Site Plan
Renderings



Recommended Protective Surface Zone



ADA Accessibility Guideline				
ELEVATED	ACCESSIBLE	RAMP ACCESSIBLE	GROUND	TYPES
13	9/7	0	8/4	6/3

Model No. L04958R2
Red River Recreation
Dalworthington Gardens

Henderson Recreation Equipment Ltd.
PO Box 68, 11 Gilbertson Drive
Simcoe, ON, Canada, N3Y 4K8
T. 1.800.265.5482
F. 519.426.9380
www.hendersonplay.ca

Salesperson | A.C.
Drawn By | R.H.
Date Drawn | February 27, 2020
Revised By | R.H.
Revision Date | October 4, 2022

Product Line | Playsteel FT & MAX
Standard Compliance | ASTM F 1487, CPSC
Best User Age | 5 to 12 yrs.
Protective Surfacing Type | Wood Chips
Accessibility | ADA Compliant
Number of Children | 53
Fall Height | 8'

Border Area | 4,336 sq/ft
Border Perimeter | 256'
Installation Type | Inground

WARNING: All play equipment shall have a protective surfacing zone that consists of an obstacle free soft resilient surfacing, as specified for each type of equipment and its covers to meet the critical fall heights as specified by the CAN/CSA Z614, ASTM F1487 and the U.S. Consumer Product Safety Commission.

Red River Recreation, LLC

1301 E Debbie Ln
Suite 102 PMB 174
Mansfield, TX 76063 US
+1 8003991715
david@redriverrecreation.com



Estimate

ADDRESS

Lola Hazel
City of Dalworthington Gardens
2600 Roosevelt Dr
Arlington, TX 76016
United States

SHIP TO

Lola Hazel
City of Dalworthington
Gardens
2600 Roosevelt Dr
Arlington, TX 76016
United States

ESTIMATE # 1384

DATE 10/03/2022

EXPIRATION DATE 11/03/2022

SALES REPRESENTATIVE

Larry Barnes

PROJECT NAME

DWGardens Play Area, 5-12 C Opt

	DESCRIPTION	QTY	RATE	AMOUNT
	Reference: Estimate 1384, C Option			
Equipment	B306797RO PlaySteel Fit Structure	1	42,875.00	42,875.00
Equipment	B3-RF205 14' Square Quad Sail Shade	1	9,084.00	9,084.00
Equipment	B503474RO Free Standing Track Ride	1	8,026.00	8,026.00
Equipment	PA-FE024 Bent Balance Beam	1	887.00	887.00
Equipment	214179A Whirlix Curva Spinner	1	4,193.00	4,193.00
Equipment	FWR-Y-IG Freenotes Harmony, Yellow Flower	1	1,355.00	1,355.00
Equipment	BLFY-T-IG Freenotes Harmony, Turquoise Butterfly	1	1,149.00	1,149.00
Equipment	Material surcharge (equipment)	1	4,777.00	4,777.00
Freight	Freight (equipment)	1	3,212.00	3,212.00
Installation	Installation (equipment)	1	26,478.00	26,478.00
Equipment	Engineered Wood Mulch (cubic yards) (customer to install mulch)	269	23.34	6,278.46
Freight	Freight (mulch)	1	1,662.00	1,662.00
Installation	Excavate pea gravel/dirt to a depth of 12" and set beside the play area for city to disperse.	1	2,800.00	2,800.00
Equipment	CUSTOMER TO TEAROUT Old Equipment & move boulder outside play border, if necessary. DO NOT REMOVE OLD SLIDE!	0	0.00	0.00
Discount	TIPS DISCOUNT (The Interlocal Purchasing System #200201)	1	-3,300.00	-3,300.00

SUBTOTAL 109,476.46
TAX 0.00
TOTAL \$109,476.46



Henderson®
Providing Playground Fun

Model No. L04958R2



Colors:

Posts: Green
Accents: Tan
Roto-Plastic: Green and Tan
HDPE-Plastic: Red / White
Shade: Forest Green

**DALWORTHINGTON
GARDENS**

Brought to you by your local representative:



10.20.2022 Council Packet Pg.97 of 244



Henderson®
Providing Playground Fun

Model No. L04958R2



Colors:

Posts: Green
 Accents: Tan
 Roto-Plastic: Green and Tan
 HDPE-Plastic: Red / White
 Shade: Forest Green

**DALWORTHINGTON
GARDENS**

Brought to you by your local representative:



10.20.2022 Council Packet Pg.98 of 244



Henderson®
Providing Playground Fun

Model No. L04958R2



Colors:

Posts: Green
 Accents: Tan
 Roto-Plastic: Green and Tan
 HDPE-Plastic: Red / White
 Shade: Forest Green

**DALWORTHINGTON
GARDENS**

Brought to you by your local representative:



10.20.2022 Council Packet Pg.99 of 244



Henderson®
Providing Playground Fun

Model No. L04958R2



Colors:

Posts: Green
 Accents: Tan
 Roto-Plastic: Green and Tan
 HDPE-Plastic: Red / White
 Shade: Forest Green

**DALWORTHINGTON
GARDENS**

Brought to you by your local representative:



10.20.2022 Council Packet Pg.100 of 244

**City Council
Staff Agenda Report**

Agenda Item: 9a.

Agenda Subject: Discussion and possible action regarding the selection, placement, and restoration of a historical home in the City of Dalworthington Gardens.

<p>Meeting Date:</p> <p>October 20, 2022</p>	<p>Financial Considerations:</p> <p>Budgeted:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <p><input type="checkbox"/> Financial Stability</p> <p><input type="checkbox"/> Appearance of City</p> <p><input type="checkbox"/> Operations Excellence</p> <p><input type="checkbox"/> Infrastructure Improvements/Upgrade</p> <p><input type="checkbox"/> Building Positive Image</p> <p><input checked="" type="checkbox"/> Economic Development</p> <p><input type="checkbox"/> Educational Excellence</p>
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Background Information: This is a continuation of discussion from the September 15, 2022 meeting where the Historical Committee suggested consideration of a historical home in DWG. Below are thoughts they provided for discussion.

1. DWG Historical committee to identify historical homes available for donation or purchase and coordinate moving and remodeling.
2. Historical Committee to investigate the best location for a historical home such as near the historical plaza or on the north side of city hall.
3. Historical committee to seek Contractor donations for services to move home, install foundation, plumbing, electricity and water.
4. Is the City willing to consider funding a portion of relocation and restoration?
5. Historical committee will do fundraisers for needed monies such as raffles, and merchandise.
6. Type of uses for the historical home: Museum, Women’s Tea’s and meetings.

Recommended Action/Motion: Provide any necessary direction regarding the selection, placement, and restoration of a historical home in the City of Dalworthington Gardens.

Attachments: None

**City Council
Staff Agenda Report**

Agenda Item: 9b.

Agenda Subject: Discussion and possible action to direct staff on changes to the ordinances regulating grass height and general landscaping regulations.

<p>Meeting Date: October 20, 2022</p>	<p>Financial Considerations: Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Financial Stability <input checked="" type="checkbox"/> Appearance of City <input type="checkbox"/> Operations Excellence <input type="checkbox"/> Infrastructure Improvements/Upgrade <input type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence
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Background Information: This item was requested by Mayor Bianco. The following are regulations requiring grass height not to exceed twelve inches. Staff interprets this to apply to every property, but not all greenery is thought to be addressed in this language. The Mayor received some complaints about condition of properties, and staff is looking for direction on whether to change ordinance language and if so, how to change it.

Sec. 6.04.001 Prohibited conditions

It is an offense for a person, firm, or corporation owning, occupying, or having control of property in the city, whether occupied or unoccupied, to permit the following conditions on the property, which are hereby deemed a nuisance and a threat to the health and safety of persons in the city:

- (1) Grass, weeds, or any plant that is not an ornamental planting or a cultivated crop to grow to a height greater than twelve inches on the property or between the property line and curb of an adjacent street or if there is no curb, then between the property line and ten feet outside the property line adjacent to public right-of-way;
- (2) Rubbish, brush, or other unsanitary or unsightly matter, including, but not limited to junk, trash, garbage, refuse, junk appliances, junk machinery, waste paper, scrap wood, lumber, scrap metal, glass, and similar waste materials or objects to accumulate or be present upon the property;
- (3) A hole or depression to remain on the land where water accumulates and becomes stagnant; or
- (4) The accumulation of stagnant water to remain on the land.

Recommended Action/Motion: Motion to direct staff on changes to the ordinances regulating grass height and general landscaping regulations.

Attachments: None

**City Council
Staff Agenda Report**

Agenda Item: 9c.

Agenda Subject: Discussion and possible action regarding foot bridge replacement on Roosevelt Drive.		
Meeting Date: October 20, 2022	Financial Considerations: Budgeted: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Strategic Vision Pillar: <input type="checkbox"/> Financial Stability <input checked="" type="checkbox"/> Appearance of City <input type="checkbox"/> Operations Excellence <input checked="" type="checkbox"/> Infrastructure Improvements/Upgrade <input type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence

Background Information: Staff previously presented to council the need to replace foot bridges on Roosevelt Drive. In turn, council directed staff to have the city engineer provide cost estimates for both a concrete sidewalk solution and a solution to replace with the same likeness of wood. The city engineer has provided costs for the concrete solution and is having difficulty receiving quotes for wooden options. Staff wanted to go ahead and provide said quotes for concrete sidewalks for council’s consideration. The city engineer suggests a priority order of Castelon Court, Harder Lane, and lastly California Lane. These bridges have not been included in any future infrastructure plans.

Recommended Action/Motion: Motion to direct staff regarding foot bridge replacement on Roosevelt Drive.

Attachments: Quote

<i>Project Name:</i>	Bridge Replacement Project	<i>Topographic No.:</i>	
<i>Prepared By:</i>	Courtney Coates, PE	<i>Date:</i>	10/3/2022
	TX Reg. Engineering Firm #18409		

Item No.	Est. Quant.	Unit	Description	Unit Price	Total
Roosevelt/California					
1	1	LS	Remove Existing Bridge	\$10,000.00	\$10,000.00
2	2	EACH	Junction Box	\$15,000.00	\$30,000.00
3	150	LN.FT.	42" RCP Pipe	\$180.00	\$27,000.00
4	50	LN.FT.	18" RCP Pipe	\$70.00	\$3,500.00
5	50	SY	D ₅₀ =7" x 18" Rock Rip-Rap	\$35.00	\$1,750.00
6	800	SF	4' Sidewalk	\$30.00	\$24,000.00
7	250	CY	Grading	\$20.00	\$5,000.00
8	1	LS	Revegetation	\$3,500.00	\$3,500.00
9	1	LS	Traffic Control	\$4,500.00	\$4,500.00
10	1	LS	Engineering	\$18,500.00	\$18,500.00
Sub-Total (Roosevelt/California)					\$127,750.00
Contingency (10%)					\$12,775.00
Total (Roosevelt/California)					\$140,525.00
Roosevelt/Castelon					
13	1	LS	Pedestrian Bridge	\$35,000.00	\$35,000.00
14	1	LS	Remove Existing Bridge	\$8,500.00	\$8,500.00
15	50	SF	4' Sidewalk	\$30.00	\$1,500.00
16	1	LS	Traffic Control	\$4,500.00	\$4,500.00
17	1	LS	Engineering	\$4,500.00	\$4,500.00
Sub-Total (Roosevelt/Castelon)					\$54,000.00
Contingency (10%)					\$5,400.00
Total (Roosevelt/Castelon)					\$59,400.00
Roosevelt/Harder					
19	1	EACH	Remove Existing Bridge	\$8,500.00	\$8,500.00
20	8	LN.FT.	3' x 8' Box Culvert	\$350.00	\$2,800.00
21	1	EA	Rectangular Headwalls	\$5,500.00	\$5,500.00
22	50	SF	4' Sidewalk	\$30.00	\$1,500.00
23	1	EACH	Tie to Existing Culvert	\$2,500.00	\$2,500.00
24	250	CY	Grading	\$20.00	\$5,000.00
25	50	SY	D ₅₀ =7" x 18" Rock Rip-Rap	\$35.00	\$1,750.00
26	1	LS	Traffic Control	\$4,500.00	\$4,500.00
27	1	LS	Engineering	\$11,000.00	\$11,000.00
Sub-Total (Roosevelt/Harder)					\$43,050.00
Contingency (10%)					\$4,305.00
Total (Roosevelt/Harder)					\$47,355.00

**City Council
Staff Agenda Report**

Agenda Item: 9d.

Agenda Subject: Discussion and possible action to direct staff on mowing of right-of-ways on Bowen Road.

<p>Meeting Date: October 20, 2022</p>	<p>Financial Considerations: Budgeted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Financial Stability <input type="checkbox"/> Appearance of City <input type="checkbox"/> Operations Excellence <input type="checkbox"/> Infrastructure Improvements/Upgrade <input checked="" type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence
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Background Information: Staff is currently contracting this to a third party in the amount of \$13,000.00 annually. Staff is asking council to uphold Prohibited conditions: Sec. 6.04.001 of the City Ordinance. We would still have the contractor mow the bridge area's on Bowen.

Sec. 6.04.001 Prohibited conditions

It is an offense for a person, firm, or corporation owning, occupying, or having control of property in the city, whether occupied or unoccupied, to permit the following conditions on the property, which are hereby deemed a nuisance and a threat to the health and safety of persons in the city:

- (1) Grass, weeds, or any plant that is not an ornamental planting or a cultivated crop to grow to a height greater than twelve inches on the property or between the property line and curb of an adjacent street or if there is no curb, then between the property line and ten feet outside the property line adjacent to public right-of-way;
- (2) Rubbish, brush, or other unsanitary or unsightly matter, including, but not limited to junk, trash, garbage, refuse, junk appliances, junk machinery, waste paper, scrap wood, lumber, scrap metal, glass, and similar waste materials or objects to accumulate or be present upon the property;
- (3) A hole or depression to remain on the land where water accumulates and becomes stagnant; or
- (4) The accumulation of stagnant water to remain on the land.

Recommended Action/Motion: Motion to direct staff on mowing of right-of-ways on Bowen Road.

Attachments: None

**City Council
Staff Agenda Report**

Agenda Item: 9e.

Agenda Subject: Discussion and possible action to direct staff on crack sealing and fog sealing city streets.		
Meeting Date: October 20, 2022	Financial Considerations: \$80,000 Budgeted Budgeted: <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Strategic Vision Pillar: <input type="checkbox"/> Financial Stability <input checked="" type="checkbox"/> Appearance of City <input type="checkbox"/> Operations Excellence <input checked="" type="checkbox"/> Infrastructure Improvements/Upgrade <input type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence

Background Information: Council has asked staff to look into crack sealing. Staff suggests to have at least the following streets on a list for the sealing company to work their way through. Council Member Stein suggested the following streets be included: Roosevelt from California to Arkansas, California, and Clover.

Staff did reach out to get a professional opinion and quote to Fog Seal and Crack Seal the following streets;

Recommended Fog Seal Only

- California Ln from (Park Dr to Bowen Rd) 62,260 sf
- Sunset Ln from (Sieber Dr to Roosevelt Dr) 67,750 sf
- Roosevelt Dr from (California to W. Arkansas) 66,500 sf

Total square feet (sf): 555,140
Cost: \$0.25 sf this price is good for a minimum of 100,000 sf
Total: \$138,785.00

Recommended Crack Seal & Fog Seal

- Park Dr from (Sunset Ln to Elkins Dr) 54,750 sf
- Clover Ln - 46,500 sf
- Winterset Tr - 14,560 sf
- Rainer Dr - 27,495 sf
- Gardenia – 46,255 sf
- Dustin Tr from (Rainer Dr to Orchid Ln) 19,430 sf
- Orchid Ln – 50,890 sf
- Flower Garden Dr – 36,035 sf
- Carnation Dr – 30,115 sf
- Rosebud Ct – 17,230 sf
- Rosebud Dr – 15,370 sf

Total square feet: 358,630
Cost: \$0.10 sf this price is good for a minimum of 100,000 sf
Total: \$35,863.00

Mobilization: \$1500

Recommended Action/Motion: Motion to direct staff on crack sealing and fog sealing city streets.

Attachments:

Crack Seals

A crack seal involves filling a crack in the pavement surface with an adhesive sealant, usually asphalt binder or an emulsion of asphalt mixed with water. Crack sealing is normally focused on cracks that are not load-related. Prompt treatment of individual cracks can help prevent pavement deterioration from accelerating as cracks grow, develop secondary cracks, and begin to spall around the edges. Sealing the crack will keep water and incompressible materials (dirt, sand, debris, etc.) from infiltrating the pavement structure.



Pavement with crack sealing.

A proper crack seal involves more than just filling the crack. The crack should be routed to clean out any existing debris and create a reservoir for the sealant. A backer rod may be inserted to keep the sealant material from draining to the bottom of the crack. Crack sealing, as opposed to crack filling, is particularly recommended for working cracks (cracks that experience significant horizontal movement), reflective cracking, and in general for most transverse cracks.

Fog Seals

A fog seal is a light treatment in which an asphalt emulsion is applied to the pavement surface. The emulsion can renew an older pavement surface that may be experiencing some weathering and raveling. Fog seal treatment can help seal voids and small cracks in the pavement surface, but will be less effective if pavement distress is more extensive.



A parking lot shown with a fog seal (right) and without (left).