

MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON FEBRUARY 17, 2022 AT 6:00 P.M. IN THE COUNCIL CHAMBERS, 2600 ROOSEVELT DRIVE, DALWORTHINGTON GARDENS, TEXAS.

WORK SESSION/EXECUTIVE 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
Joe Kohn, Alderman, Place 5

Staff Present:

Greg Petty, DPS Director
Kay Day, Finance Director
Kyle Sugg, Public Works Director
Allison Watkins, Front Desk Clerk

2. WORK SESSION/EXECUTIVE SESSION

a. Recess into Executive Session:

The City Council recessed into Executive Session at 6:05 p.m.

- i. Pursuant to Government Code, Sections 551.076 and 551.089 regarding the deployment, or specific occasions for implementation, of security personnel or devices; to wit: Project #2022-01, DPS Building Renovations**
- ii. 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: annual performance reviews for the City Administrator and Director of Public Safety**

b. Reconvene into Regular Session:

The City Council reconvened into Regular Session at 6:51 p.m.

- i. To conduct Work Session on Project #2022-01, DPS Building Renovations.**

No action taken.

- ii. Discussion and possible action on annual performance reviews for the City Administrator and Director of Public Safety**

No action taken.

c. Work Session on other listed agenda items, if time permits.

No others addressed.

REGULAR SESSION – 7:00 P.M.

1. CALL TO ORDER

Mayor Bianco called the meeting to order at 7:00 p.m. with the following present:

Members Present:

Laura Bianco, Mayor
John King, Alderman, Place 1
Steve Lafferty, Alderman, Place 2
Cathy Stein, Alderman, Place 3
Ed Motley, Mayor Pro Tem; Alderman, Place 4
Joe Kohn, Alderman, Place 5

Staff Present:

Greg Petty, DPS Director
Kay Day, Finance Director
Kyle Sugg, Public Works Director
Allison Watkins, Front Desk Clerk

2. INVOCATION, AND PLEDGES OF ALLEGIANCE

Mayor Bianco gave the invocation. Pledges were said.

3. PRESENTATIONS AND PROCLAMATIONS

a. Proclamation supporting the Mayor’s Monarch Challenge.

Mayor Bianco read aloud a proclamation supporting the Mayor’s Monarch Challenge.

4. ITEMS OF COMMUNITY INTEREST

The following items were presented.

- a. Great Backyard Bird Count, February 19**
- b. Easter Bunny Event, April 3**
- c. National Night Out, October 4**

5. CITIZEN COMMENTS

- Iashia Bergamini, 2812 Whisperwood Trail: Spoke to a vehicle in her neighborhood blaring political preferences. Spoke to Arlington trash bins and Republic Services potential change in services. Spoke to the Park Board survey and encouraged citizens to fill it out. Spoke to needing access to restroom for concerts in the park.
- Anthony Parker, 3115 Sunset Oaks: Spoke to the road markings on Bowen Road.

6. MAYOR AND COUNCIL COMMENTS

Mayor Bianco: Thanked Jennifer Burkhart, Vickie Hess-Miller, Ryan Miller, John Rotert, Clayton Wolf, Ben Witts, Mike Bass, Austin Bass, Gary Harsley, Will Fike, Kyle Sugg, Marcus Day, Greg Petty, and Lola Hazel for their efforts during the ice storm. Reminded everyone about Business Over Breakfast happening on Wednesday, March 2, 8-9 am at Grounds and Gold.

John King: None.

Steve Lafferty: Reminded everyone about early voting.

Cathy Stein: Reminded everyone about the Great Backyard Bird Count event coming up on Saturday, February 19. Spoke to the deadline for the Park Board survey, February 28. Spoke to the upcoming Park Board volunteer work day on March 5. Mentioned volunteers at the last Park Board work day provided about 20 hours of volunteer work in the park gardens.

Ed Motley: None.

Joe Kohn: None.

7. DEPARTMENTAL REPORTS

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

Departmental Reports were presented.

8. CONSENT AGENDA

- a. **Approval of January 20, 2022 regular meeting minutes.**
- b. **Approval of Ordinance No. 2022-03 approving budget amendments for FY 2021-2022.**
- c. **Presentation and acknowledgment of budget adjustments.**
- d. **Approval of Resolution No. 2022-01 approving appointments to the city Planning and Zoning Commission.**
- e. **Approval of Ordinance No. 2022-01 calling for a general election to be held on Saturday, May 7, 2022 for the offices of Mayor, Alderman Place 1, and Alderman Place 2; and calling a special election for May 7, 2022 to submit a proposition to the voters on re-authorization of the local sales and use tax at the rate of one quarter of one percent (1/4%) to continue providing revenue for maintenance and repair of municipal streets.**
- f. **Approval of Resolution No. 2022-03 authorizing the Mayor to execute two additional global opioid settlement documents relating to the Endo and Par Pharmaceutical and the Teva Pharmaceutical companies.**

- g. Approval of Resolution No. 2022-04 authorizing continued participation with the Steering Committee of Cities Served by Oncor; and authorizing the payment of ten cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC.**
- h. Approval of Resolution No. 2022-05 to approve garbage and recycling rates, and authorize the Mayor to sign and accept rates charged by Republic Services.**

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve the Consent Agenda, excluding items b and h which were pulled off for individual discussion.

Motion carried by the following vote:

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

Nays: None

9. REGULAR AGENDA

- a. Approval of Resolution No. 2022-05 to approve garbage and recycling rates, and authorize the Mayor to sign and accept rates charged by Republic Services.**

This was item h on the consent Agenda which was pulled off for individual discussion.

Background information on this item: Republic Services’ contract allows them to adjust their rates annually based on the average percentage change in the Consumer Price Index.

With the rate approvals in 2021, City Council voted to maintain the following margins between what Republic charges the city and what the city charges to customers: 10% for residential services, 20% for commercial services, and 10% for the additional recycling cart. Staff is presenting new rates based on council’s preferred margin. A 5% increase was budgeted in all three categories.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to accept new rates from Republic Services, and to approve Resolution No. 2022-05 with the following rates for garbage and recycling and authorize the Mayor to sign and accept rates charged by Republic Services.:

(a) Solid waste with recycling:

1. Residential rates with recycling: \$16.94
2. Additional recycling cart: \$2.24
3. Commercial curbside pickup: \$22.08

Motion carried by the following vote:

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

Nays: None

- b. Discussion and possible action regarding Project #2022-01, DPS Building Renovations, to include but not limited to any change order approval.**

Background information on this item: DPS has been working with different building configurations to add space for DPS to allow for better functionality of the department. This has been a lengthy process, and I think we have a good plan in place. Please note that when scaled drawings are produced for the bid specs from the remodel plans I have drawn up, some minor tweaks are likely to occur with regards to code

compliance and better scaling of components, especially in the bathrooms/showers. The design has evolved over time including a couple of small changes from input since the last city council meeting.

DPS would like to move forward with getting bid specs put together for the proposed redesign with the goal of going out to bid to turn the plans into reality. I respectfully ask that you authorize me to move forward with getting the bid specs prepared per the plans presented to you.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to direct staff to move forward with securing an architect and getting bid specs put together for this project.

Motion carried by the following vote:

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

Nays: None

c. Discussion and possible action regarding contracting with the City of Pantego for inspection and plan review-related services, and also possible action to authorize the Mayor to formally waive the conflict of interest for the city's legal firm, TOASE.

Background information on this item: City staff has been intermittently assisting City of Pantego with plan review and inspection services, following the abrupt resignation of their building official. Pantego would like to for this relationship to continue and DWG administration has asked for an agreement be in place to pay DWG staff for this service. The DWG Community Development Director (serves as building official) has shared the amount of time spent on Pantego services is manageable in conjunction with current DWG's full-time duty expectations. If that opinion changes, administration will evaluate services provided to Pantego and make the appropriate alterations.

Because TOASE represents both Dalworthington Gardens and Pantego, the first step in this process is for city council to waive the conflict of interest in order to prepare the agreement. There are advantages to having a DWG staff member provide these services such as building a positive image as a city who helps and works directly with neighboring cities, and further, there is a benefit for businesses to having one person conduct services in the same manner.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to waive the conflict of interest for TOASE.

Motion carried by the following vote:

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

Nays: None

d. Consider approval of Ordinance No. 2022-04 amending the City of Dalworthington Gardens Code of Ordinances to add Article 11.04 establishing a hotel occupancy tax.

Background information on this item: Chapter 351 of the Tax Code authorizes municipalities to impose a tax by ordinance on a person who "under a lease, concession, permit, right of access, license, contract, or agreement, pays for the use or possession or for the right to the use or possession of a room that is in a hotel, costs \$2 or more each day, and is ordinarily used for sleeping." To prepare for any future businesses of this type within the city, an ordinance is being proposed to establish the collection of hotel occupancy taxes.

Revenue from any hotel occupancy tax imposed and levied by this ordinance may not be used for the general revenue purposes for general governmental operations of the City. The revenue may be used only to promote tourism and the convention and hotel industry, and that use is limited to the following:

(1) the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers, or both;

(2) the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;

(3) advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the City or its vicinity;

(4) the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts relating to the presentation, performance, execution, and exhibition of these major art forms;

(5) historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums:

(A) at or in the immediate vicinity of convention center facilities or visitor information centers; or

(B) located elsewhere in the City or its vicinity that would be frequented by tourists and convention delegates.

(6) signage directing the public to sights and attractions that are visited frequently by hotel guests in the municipality.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve Ordinance No. 2022-04 amending the City of Dalworthington Gardens Code of Ordinances to add Article 11.04 establishing a hotel occupancy tax.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Motley, and Kohn

Nays: Member Stein

e. Discussion and possible action regarding a quote from Tarrant County for Elkins Drive paving improvements in the amount of \$102,907.70.

Background information on this item: In the January meeting, this project was discussed between Council and staff with direction to request a revised proposal that included 4” of Type B hot mix asphalt for the pavement going east of the PW Garage and Engine Bay to Roosevelt Drive. This proposal also includes repaving of the parking areas along the way, including the parking to the east of the DPS building.

This revised estimate now includes 1,220 LF of asphalt pavement replacement at a thickness of 2” Hot Mix B and 2” Hot Mix D going west of the PW Garage at an estimated cost of \$61,045.77. With the revisions for thicker pavement going east of the PW Garage the estimate was received at \$41,861.93.

Elkins Drive Pavement Project	Length (ft)	Material Cost	10% Contingency	Cost/linear Ft	Total
Park Drive to PW Garage	1,200	\$ 55,496.17	\$ 5,549.60	\$ 50.04	\$61,045.77
PW Garage to Roosevelt Drive	550	\$ 38,056.33	\$ 3,805.60	\$ 76.11	\$41,861.93
Accumulated Totals:	1,750	\$93,552.50	\$9,355.20	\$58.80	\$102,907.70

The Street Sales Tax Fund is at a current balance of \$170,015.14 with \$40,000.00 currently budgeted toward crack sealing maintenance, leaving \$130,015.14 of current funding available.

Staff is recommending approval to enter an interlocal agreement with Tarrant County for the costs associated with replacement of Elkins Drive between Park Drive and Roosevelt Drive, including parking areas attached.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve a quote from Tarrant County for Elkins Drive paving improvements in the amount of \$102,907.70

Motion carried by the following vote:

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

Nays: None

f. Discussion and possible action to approve reimbursement to Mayor Bianco in the amount of \$3,000 for an article published in Arlington Today promoting economic development in the city of Dalworthington Gardens.

Background information on this item: Mayor Bianco was provided the opportunity to be featured in Arlington Today with a few key female leaders in the area. The article was to be about women in leadership, but Mayor Bianco requested and was granted the opportunity to write the article about the city and our economic development needs instead. This opportunity provides key exposure for the city in the Arlington/Mansfield area and may ultimately lead to contacts from developers and businesses. It is just one more way to promote DWG and attract sales tax generating businesses. The reimbursement would come directly from the PRFDC Fund.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to approve reimbursement to Mayor Bianco in the amount of \$3,000 for an article published in Arlington Today promoting economic development in the city of Dalworthington Gardens.

Motion carried by the following vote:

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

Nays: None

g. Discussion and possible action regarding replacement of existing city and DPS fleet vehicles with leased vehicles from Enterprise Leasing.

Background information on this item: DPS staff has been working with Enterprise Leasing to change the way we currently purchase vehicles. They are utilized by countless cities to save money and keep vehicle fleets current by analyzing the vehicle market and selling vehicles with low mileage and maximizing fleet budgets. The presentation attached is not final and will require more work before moving forward to gain more accurate financial numbers.

No action taken.

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

Background information on this item: This will be a recurring item for Project #2021-02, the 47th Year CDBG project for Ambassador Row. There is nothing to report at this time.

No action taken.

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

Background information on this item: This is a standing agenda item that will appear on all future agendas. The idea is provide an item whereby staff can discuss needs that come up after the agenda posting deadline. These would only be items that, without council approval, would otherwise put operations on hold.

No action taken.

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

No action taken.

- k. Approval of Ordinance No. 2022-03 approving budget amendments for FY 2021-2022.**

This was item b on the Consent Agenda which was pulled off for individual discussion.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve Ordinance No. 2022-03 approving budget amendments for FY 2021-2022.

Motion carried by the following vote:

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

Nays: None

10. TABLED ITEMS

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

Item not pulled from the table.

11. FUTURE AGENDA ITEMS

None.

12. ADJOURN

The meeting was adjourned at 9:09 p.m.