

MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON MARCH 17, 2022 AT 6:30 P.M. IN THE COUNCIL CHAMBERS, 2600 ROOSEVELT DRIVE, DALWORTHINGTON GARDENS, TEXAS.

WORK SESSION – 6:30 P.M.

1. CALL TO ORDER

Mayor Bianco called the meeting to order at 6:30 p.m. with the following present:

Members Present:

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

Members Absent:

Joe Kohn, Alderman, Place 5

Staff Present:

Lola Hazel, City Administrator
Greg Petty, DPS Director
Kay Day, Finance Director
Kyle Sugg, Public Works Director

2. WORK SESSION

- a. Changes to the City of Dalworthington Gardens Code of Ordinances, Article 5.02, Fire Code, to add language for assessing penalties for failure to pay annual fire inspection fees.**

Work session conducted.

- b. Work Session on other listed agenda items, if time permits.**

Work session conducted on the following items:

- Mini excavator purchase (item 8c)
- Comprehensive Financial Policy (item 8e)
- Northern Trinity Groundwater Conservation District (item 8f)

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

Members Absent:

Joe Kohn, Alderman, Place 5

Staff Present:

Greg Petty, DPS Director
Kay Day, Finance Director
Kyle Sugg, Public Works Director

2. INVOCATION, AND PLEDGES OF ALLEGIANCE

Mayor gave the invocation. Pledges were said.

3. ITEMS OF COMMUNITY INTEREST

The following items were presented.

- a. Pictures with the Easter Bunny, April 3, 3-5 p.m.**
- b. National Night Out, October 4**

4. CITIZEN COMMENTS

None.

5. MAYOR AND COUNCIL COMMENTS

Mayor Bianco: Thanked Patti White with Green’s Produce for donating flowers for pots on the City Hall porch. Informed everyone about the Arlington Today March article where the city was featured. Informed everyone about Business Over Breakfast that was held March 2, 8-9am at Grounds and Gold, 4130 S. Bowen Road. Informed everyone about the events presenter, Devin Warner with Metro Mobile Electronics, and the presentations subject of technology GPS tracker devices that can record speed, distracted driving, among other things.

John King: None.

Steve Lafferty: None.

Cathy Stein: Thanked the Park Board and other volunteers for their recent work in the park flower beds.

Ed Motley: Wished the Lady Mavericks good luck. Asked for prayers for the people enduring events in Ukraine during these trying times.

Joe Kohn: None.

6. DEPARTMENTAL REPORTS

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

Departmental Reports were presented.

7. CONSENT AGENDA

- a. Approval of February 17, 2022 regular meeting minutes.**
- b. Approval of Ordinance No. 2022-05 approving budget amendments for FY 2021-2022.**

- c. **Approval of Ordinance No. 2022-06 canceling the May 7, 2022 general election and declaring unopposed candidates elected. This does not cancel the special election to consider reauthorization of the local sales and use tax for maintenance and repair of municipal streets which will still be held on May 7, 2022.**
- d. **Ratification of invoice from Gratex Utilities in the amount of \$5,200 emergency water repair on Roosevelt Drive, of which shall be fully reimbursed by Atmos Energy since the repair was required as a result of their emergency gas leak repair.**

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. FY 2020-2021 annual financial audit.

- i. **Receive FY 2020-2021 audit presentation from BrooksWatson & Co., PLLC.**
- ii. **Consider approval of Resolution No. 2022-06 accepting the FY 2020-2021 annual financial audit.**

Background information on this item: In accordance with Chapter 103 of the Local Government Code, the city's auditor, BrooksWatson & Co, will be presenting the audit report for FY 2020-2021. The audit committee that consisted of Mayor Bianco, Mayor Pro Tem Ed Motley, and Council Member Steve Lafferty, met on March 10, 2022 and received detailed information regarding the audit. BrooksWatson & Co. was present at the council meeting to provide a presentation.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to approve Resolution No. 2022-06 accepting the FY 2020-2021 annual financial audit.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

b. **Discussion and possible action to approve a contingent fee contract with Perdue Brandon Fielder Collins and Mott, LLP, and associated Ordinance No. 2022-07, pursuant to Article 103.0031 of the Code of Criminal Procedure, said contract being for the collection of delinquent government receivables owed to City of Dalworthington Gardens and notice of said contract is posted with the agenda in accordance with Section 2254 of the Government Code.**

Background information on this item: The City has used MSB Collections for many years for the collection of outstanding municipal court fines and fees. There are some challenges with MSB in that city staff is responsible for the collection of MSB's percentage fee which causes discrepancies in what is billed to the city. Thus, the Finance Department is tasked with tracking costs charged and comparing against the MSB bill which has been cumbersome and extremely time consuming.

Perdue et al (Perdue) provides services in a different way. They take care of collection of fees which takes the burden off of staff to manage discrepancies with charges. They provide a website that can be linked to the City's, making it easier for staff to enter payments through their portal, which in turn makes sure collections are more accurate. City staff will also have portal access with up to date information for reports, whereas MSB's web portal was more limited. Perdue is a local company in Arlington making access to staff easier. MSB was previously in Texas but relocated to New York. Perdue is a collection law firm which affords them access to certain databases to

finalize disposition of cases that a typical collection company would not have access. Perdue also employs staff members who previously worked in local government and have experience in the same capacities as DWG staff members. The 30% collection fee is set by statute. Thus, there is no change if the City moves to Perdue, and the City bears no cost for this service.

Staff was requesting to move from MSB Collections to Perdue Brandon Fielder Collins and Mott, LLP for collection of outstanding municipal court fines and fees.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve a contingent fee contract with Perdue Brandon Fielder Collins and Mott, LLP, and associated Ordinance No. 2022-07, pursuant to Article 103.0031 of the Code of Criminal Procedure, said contract being for the collection of delinquent government receivables owed to City of Dalworthington Gardens and notice of said contract is posted with the agenda in accordance with Section 2254 of the Government Code.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

c. Discussion and possible action to approve the purchase of a mini-excavator in the amount of \$63,422 utilizing Buy Board contract #597-19 with United Ag & Turf.

Background information on this item: Staff has reached out for revised quotes with the smallest mini-excavator that could still provide the full extent of duties that could be utilized by the Public Works Department. Staff recommends a larger model than originally quoted, along with the necessary attachments. This revised quote includes everything that is believed to benefit the Public Works Department and the services they will provide. The attached quote includes the mini-excavator at buy-board purchasing cooperative pricing, an 18" bucket, a 12" bucket, hydraulic clamp (thumb), hydraulic jackhammer, and a trailer suited for the excavator.

Current budget contains \$94,779.00 in the 120.40.9350 Capital Outlay – Equipment fund account. Staff is recommending approval for the amount of \$63,422.00 for purchasing of a mini-excavator and attachments as quoted through a buy-board agreement. This would leave \$31,357.00 remaining in this account.

In further detail, this account was intended to utilize the approved SCADA upgrade cost of \$46,000.00 as well. After getting into the details of the quote, staff is not comfortable moving forward with the intended plan for the SCADA system that was originally quoted and would like to evaluate other options at a lower cost that may be efficient. The proposed SCADA upgrades contain equipment for much higher capabilities than the City water system needs, which would result in overpaying for equipment that isn't necessary for operations.

A motion was made by Council Member Cathy Stein and seconded by Council Member John King to approve the purchase of a mini-excavator and accessories in the amount of \$63,422 utilizing Buy Board contract #597-19 with United Ag & Turf.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

d. Discussion and possible action regarding changes to the City of Dalworthington Gardens Code of Ordinances, Article 5.02, Fire Code, to add language for assessing penalties for failure to pay annual fire inspection fees.

Background information on this item: In June of 2021, City Council directed staff to research a different scale for penalties for failure to pay annual fire inspection fees.

Section 5.02.006(5) of the city’s ordinances provides the authority for collection of fees for annual fire inspections. However, there is not a mechanism in place to compel payment of these fees. Staff is requesting to add language to allow certain steps and penalties be assessed, including late fees, to encourage timely payment of said fees. Staff currently has a process in place where multiple invoices/notices are sent for payment of fire inspection fees. If this language is added to the ordinances, it would either be added to the invoice or sent on an additional notice. A payment plan option has been added for cases where that could assist with final payment of fees. Revocation of a certificate of occupancy would be an absolute last resort if staff could not gain any payment towards outstanding balances.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to direct staff to work with the city attorney to make changes to the City of Dalworthington Gardens Code of Ordinances, Article 5.02, Fire Code, to add language for assessing penalties for failure to pay annual fire inspection fees, with changes to language to a two month time period instead of six months for payment plans and use the term “suspension” instead of “revocation” for CO.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

e. Discussion and possible action regarding a change to the City Comprehensive Financial Policy to change how audit committee members are selected each fiscal year.

Background information on this item: The City Comprehensive Financial Policy requires audit committee members to be approved by resolution. The current process is staff chooses members on a rotation basis, selecting members who did not serve the previous year. Then, a resolution is prepared to finalize that at a council meeting. A more efficient process would be to allow staff to select members on a rotation basis without having to bring a resolution to council. Staff is requesting to change the policy to reflect this new process.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to approve suggested language but add that the Mayor will appoint committee members.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, and Motley

Nays: None

f. Discussion and possible action to approve an agreement with Northern Trinity Groundwater Conservation District to repurpose the groundwater wells as district monitoring wells.

Background information on this item: After meeting with the Northern Trinity Groundwater Conservation District (NTGCD) representative, it was determined that their team would be very interested in using the City wells as groundwater monitoring wells. This agreement would be mutually beneficial. For the City it provides a purpose to the wells that will suffice for State requirements on wells that are not currently in use, while ultimately keeping them accessible for potential future use if necessary. For the NTGCD it allows for constant potential of data acquisition for groundwater levels in different aquifers.

After discussion, the NTGCD seemed interested in installing equipment for constant monitoring as it is a great location for data that they are tracking. Staff recommends approval to make an agreement with the Northern Trinity Groundwater Conservation District to allow for the monitoring of groundwater levels through the City of Dalworthington Garden wells.

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to approve an agreement with Northern Trinity Groundwater Conservation District to repurpose the groundwater wells as district monitoring wells.

Motion carried by the following vote:
Ayes: Members King, Lafferty, Stein, and Motley
Nays: None

g. 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.

h. 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.

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

None

11. ADJOURN

The meeting was adjourned at 8:02 p.m.