

**Dalworthington Gardens City Council
Meeting Minutes
April 16, 2020**

Meeting was held by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19). There was no public access to the location described above. The public was permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting.

WORK SESSION – 6:05 P.M

1. CALL TO ORDER

Mayor Bianco called the meeting to order at 6:17 p.m. with the following present:

Members Present:

Laura Bianco, Mayor
Mark McGuire, Alderman, Place 1 (by phone)
Guy Snodgrass, Alderman, Place 2 (by phone)
Cathy Stein, Alderman, Place 3 (by phone)
Ed Motley, Mayor Pro Tem; Alderman, Place 4 (by phone)
Joe Kohn, Alderman, Place 5 (by phone)

Staff Present:

Lola Hazel, City Secretary
Greg Petty, DPS Director (by phone)
Kay Day, Finance Director (by phone)

2. THIRD PARTY INSPECTIONS

This item was discussed.

3. REMAINING AGENDA ITEMS: If time permits, review remaining agenda items.

No other items were discussed during the work session.

At this time, Council took a short recess at 7:02 p.m. and began the Regular Session at 7:03 p.m.

REGULAR SESSION – 7:00 P.M.

1. CALL TO ORDER

The meeting was called to order at 7:03 p.m.

2. INVOCATION AND PLEDGES OF ALLEGIANCE

Mayor Bianco gave the invocation and led the pledges.

3. ITEMS OF COMMUNITY INTEREST

The following items were presented.

- **Free Fishing Day – June 6**
- **Concert in the Park – June 13 at 7:30p**
- **Ice Cream Social – July 18, 5:30 p.m. to 7:30 p.m.**
- **Concert in the Park – September 19 at 7:30 p.m.**
- **Day with the Law – September 26**
- **National Night Out – October 6**
- **Trunk or Treat – October 24, 5:30 p.m. to 8 p.m.**
- **Christmas in the Park/Santa Photos – December 6, 3-5 p.m.**
- **Santa Parade – December 23**

4. CITIZEN COMMENTS

There were no citizen comments.

5. MAYOR AND COUNCIL COMMENTS

Mayor Bianco: Thanked Shawn Wood for sanitizing park equipment. Recognized citizens collectively who made donations to the city during the COVID-19 pandemic. Thanked outgoing Council Member Guy Snodgrass for embracing her and giving her guidance, and for lowering her chair at every meeting. Stated she will miss both Guy Snodgrass and Mark McGuire.

Mark McGuire: Echoed comments from Mr. Motley. Thanked staff for their efforts. Stated he feels good about the leadership we have. Has confidence everything will go well.

Guy Snodgrass: Recognized the Mayor for the team she's leading. Encouraged her not to lose sight of their contribution. Stated things have been a pleasure and wished the city well.

Cathy Stein: Thinks it's wonderful we have this technology to accomplish what we are doing. Hopes things progress in the right direction.

Ed Motley: Commended staff for efforts we've had, and for putting together meeting by phone. Thanked all city staff, public works, DPS for keeping city open during these trying times.

Joe Kohn: Echoed same things others said. Thanked Guy Snodgrass and we will miss you.

6. DEPARTMENTAL REPORTS

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

Departmental reports were presented.

7. CONSENT AGENDA

- a. March 19, 2020 Regular Meeting Minutes**
- b. Ratification of hazard pay for employees physically working during emergency declaration.**
- c. Approval of change orders for CDBG Ambassador Row Project.**
- d. Ratification of costs for fire hydrant repair to be reimbursed through insurance claim process.**

- e. **A resolution finding that Oncor Electric Delivery Company LLC's application for approval to amend its Distribution Cost Recovery Factor pursuant to 16 Tex. Admin. Code § 25.243 to increase distribution rates within the city should be denied.**

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 McGuire, Snodgrass, Stein, Motley, and Kohn

Nays: None

8. REGULAR AGENDA

- a. **Discussion about third party contractors, to include but not limited to, going out for bids for third party contractors, and the process of using third party for new builds and large projects.**

Background information on this item: This subject is two parts of the same topic. The first part is a request to solicit bids for third party contractors for the city's inspection and plan review needs. The second part is a request to use a third party process whereby applicants could, and in some cases may be required, to use a third party contractor for the entirety of their project. More explanation for each part is provided below.

Soliciting bids for third party contractors:

The city's staffed building official does not have the necessary certifications to conduct all inspections required in the city. As such, the city uses a third party for certain inspections due to lack of certification and also, at times, when workloads dictate the need for third party services. The city's building official wears many hats to include but not limited to: fire/life safety inspections, calls/emails from contractors related to ordinance interpretations and permit questions, pre-construction meetings with applicants for permits, assists with plats and other documents sent to city boards for review, and code enforcement practices.

Mr. Liford was hired in 2018 to replace Bureau Veritas as a solution to the delayed responses for plan reviews and permits. The other delay with Bureau Veritas is everything has to be mailed to them for review. Mr. Liford comes in to do inspections as we have them and is paid \$24,000 per year regardless of number of inspections. Since hiring Mr. Liford, there have been lags and issues in what was previously a seamless process. The organization staff once had has suffered, and staff would like to explore other solutions for inspections and also plan review. Recently, Mr. Liford also asked if the city would pay for his insurance costs since we are now his sole employer. With that request and other concerns, staff recommends bids are solicited for third party services.

Staff met with the city of Pantego to compare organizational structure, and they also use third party contractors on an as-needed basis just as we would.

Third party contractors for permit applicant needs:

In the past, Dalworthington Gardens (DWG) contracted with Bureau of Veritas (BV) to review and conduct inspections on City-managed projects. DWG would work in concert with BV throughout the project and was ultimately responsible for scheduling, disbursement of resources, plan review and so on. In this process, DWG was held accountable in several areas that were essentially outside staff's comfort level and or control.

The recommendation is to implement a 3rd party inspection/review process that puts the customer in control of the whole process with staff serving as the authority having jurisdiction (Building Official, BO). In this process, the City would select four to five companies that would be eligible to conduct plan reviews as well as inspections. The customer would select one of these companies to conduct the review and inspections. Upon filling out a permit with the City, the plans submitted will have already been reviewed through one of these companies. Thus, once the permit is approved, the project will begin immediately with the designated company

conducting the inspections. Staff would recommend charging 70% of the current inspection/permitting fees to someone using the third party option.

As outlined above, DWG previously contracted with a 3rd party inspection company that was contracted with the City to review and inspect construction projects that were permitted through the City. As a permit was requested, the plans would be processed and mailed to the 3rd party to be reviewed. The review would be sent back to staff and the subsequent plans would be mailed back and forth. The comments would be placed on the permit and provided to the customer for review. From this point the customer would initiate the project and/or make changes to the submitted document and resubmit. This process was cumbersome to say the least and numerous complaints were received by staff and council.

To address these issues, staff took a hands-on approach. Utilizing Emergency Reporting (ER), many of the permits are now submitted electronically grossly reducing the paper trail. Plans can be emailed to the City Engineer allowing a one-day plan review. A Certified Building Official (CBO) was contracted to conduct inspections along with Mr. Harsley reducing the cost and time spent waiting on inspections, but that process is not electronic which causes more time and resources to be used by staff. Below we will outline the solutions researched.

Option 1

The first option explored was increasing staff to include a CBO and subsequent inspectors. This would add a significant burden to the City's budget ultimately creating a financial burden. A CBO is a certified inspector that is disciplined in many fields to conduct inspections. Generally, a CBO has a staff of personnel that assist in conducting the permitting inspection process. In smaller cities, a CBO will at a minimum consist of a CBO and a permit technician and possibly an administrative assistant. These personnel will conduct the daily operations of receiving, reviewing, granting, inspecting and finalizing a permit. In some cases, the CBO will serve other needs such as development boards and platting.

After discussing with staff, this option did not seem practical as an increase in staff would be difficult to fund and did not seem like the best utilization of the limited resources.

Option 2

The second option allows an existing staff member with basic construction experience to function as a building official and manage all permits after they have been reviewed by a 3rd party organization (TPO). The City will establish a list of TPO's that would be available for our customers to select from when going through the permitting process.

Example: The customer contracts with a TPO off of the city-provided vetted company list. TPO reviews the submitted plans and makes necessary changes working with the customer. Once the plan receives the TPO stamp the customer brings it to the City and initiates the Permit. The BO completes the review of all material and issues the permit. As the customer builds the project the same TPO conducts the inspections and reports directly to the BO. Upon completion of the project the BO conducts a walkthrough of the project verifying all work is completed and fills out the Certificate of Occupancy.

Option 2 Work Flow:

TPO, approved by the City, who reviews their permit submission and conducts inspections on the project. When the TPO completes the permit application review, all documents are sealed and the builder/contractor brings the documents to the permitting office for processing. The Building Official will review the documents and process appropriately. If a permit is to be issued then a preconstruction meeting shall be held to issue the permit. Upon issuance of the permit the project may commence with the TPO coordinating and conducting inspections. The inspection reports shall be turned into the Building Official for review and tracking purposes. Periodic construction meetings shall be held at City Hall to discuss the status of the project and any issues. The City Building Official shall maintain the official capacity of all process as provided by the ICC Codes.

TPO's exist that have enough resources to have people with the needed certifications and knowledge to review submissions more thoroughly and in compliance with state law than the limited resources of the City allow.

Once a TPO is selected they shall be used for the duration of the project. The building official shall have the only authority to terminate a TPO in writing with due cause. No other TPO shall be authorized with exception of those on the approved list.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to direct staff to begin the process to select two third party contractors that would be contractors to the city and complete inspections and plan reviews.

Motion carried by the following vote:

Ayes: Members McGuire, Snodgrass, Stein, Motley, and Kohn

Nays: None

b. Discuss and possible action regarding amendments to the FY 2020 budget in amounts not to exceed \$10,000.00.

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

Staff explained to Council that both city mowers were in the shop for repairing, leaving public works with no equipment to mow. The Kabota mower is 10 years old and can no longer keep up with the volume of mowing. Staff explained Prime Landscaping was doing certain areas while staff awaits repair of the Bobcat. The Bobcat is a 2006 model but is reliable and staff would like to repair and keep it. Staff presented a quote to council for a John Deere Z970R ZTrak mower in the amount of \$12,573.33.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve the purchase of the John Deere Z970R ZTrak mower in the amount of \$12,573.33 of which 70% would come from PRFDC funds, 15% would come from the water fund, and 15% would come from the general fund.

Motion carried by the following vote:

Ayes: Members McGuire, Snodgrass, Stein, Motley, and Kohn

Nays: None

c. Discussion and possible action regarding the FY 2020 budget, to include but not limited to, a general discussion regarding the effects of COVID-19 (coronavirus) on the City's budget as well as future planned projects.

Background information on this item: An item regarding the budget was requested by Mr. Motley at the March meeting. The purpose of this item is to provide an outlet to discuss the effects of COVID-19 on the city's current budget as well as any projects that are planned.

No action was taken on this item.

d. Discussion and possible action to approve the purchase of a vehicle for DPS.

Background information on this item: The purpose of this item was to request the purchase of a new DPS vehicle.

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to approve the purchase of a vehicle in an amount not to exceed \$50,000.

Motion carried by the following vote:

Ayes: Members McGuire, Snodgrass, Stein, Motley, and Kohn

Nays: None

e. Receive update on Indian Trail project; and possibly take action to provide necessary direction to staff on same.

Background information on this item: Staff is providing additional photos just so Council can see how large the repair area would be. The reason the area is so large is the alligator cracking. It has cracked over time requiring a large area for repair if the repair is to last. Otherwise, it will just need to be redone again in a shorter amount of time. In addition to the areas shown in the attached pictures, there is an area marked with a blue circle at the corner of Santa Fe Circle and Indian Trail. That area has been cut down in the past so that water will drain into the ditch instead of down the street. The City will need to make repairs to that area again for it to drain properly. Staff is consulting with the city engineer to see if there is a better solution to fixing the drainage issue.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Mark McGuire to approve Tarrant County's quote in the amount of \$14,815.68 for repair of 200 feet in length on Indian Trail, from the east corner of Santa Fe Circle where it meets Indian Trail to just west of the first driveway at 3502 Indian Trail.

Motion carried by the following vote:

Ayes: Members McGuire, Snodgrass, Motley, and Kohn

Nays: Member Stein

f. Receive update on Twin Lakes/Twin Springs project; and possibly take action to provide necessary direction to staff on same.

Background information on this item: Since the February 20 meeting, staff has been working with engineering and Tarrant County on other needs for this project. It has been confirmed a Stormwater Pollution Prevention Plan (SWPPP) will be needed for this project. It also turns out more costs may be needed for moving mailboxes, etc. and staff is working on those specific items. Topographic has provided a quote for preparing the SWPPP. They are also working on a turnkey list of what else will be needed for this project and an implementation plan for any mailbox moving, traffic control plan, etc.

Tarrant County has not been working due to COVID-19/coronavirus. The last correspondence received mentioned they may resume later in April or May, but would need to complete jobs they already started. It will be some time before they can begin our job. Staff would also like to request for council to allow the solicitation of bids if certain items, such as moving mailboxes, will reach the cost limit requiring bids by state law.

No action was taken on this item.

g. Receive contractor recommendation from building committee for RFP #2020-01 for construction of a new City Hall building.

Background information on this item: Council appointed members to a building committee in 2017 for the construction of a new City Hall building. In 2019, the City moved forward with OWT Architects to put together a proposal package to begin soliciting proposals from contractors for said construction of a new City Hall. Council voted at the March 19 council meeting to authorize the Mayor to negotiate and approve a contract up to 1.5 million, pending selection of a contractor by the building committee. The building committee has made a selection and has provided a memo detailing the reasons for the selection. Contract negotiation is currently

taking place and should be sent to the contractor soon. The chosen contractor, RJM, has agreed to honor their proposal price.

A motion was made by Council Member Guy Snodgrass and seconded by Council Member Mark McGuire to authorize RJM Contractors to construct the new City Hall facility for a total cost not to exceed 1.4 million, and authorize the mayor to negotiate and execute the final contract documents. [Although not in the motion, council discussed the difference between the 1.4 million and the contract price of \$1,356,322 would be a contingency for the city].

Motion carried by the following vote:

Ayes: Members McGuire, Snodgrass, Stein, Motley, and Kohn

Nays: None

h. Discussion and possible action to amend the mayor's declaration of disaster, if needed.

Background information on this item: This item is on the agenda in the event council needs to edit or extend the order. Staff has no suggested edits at this time.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Mark McGuire to extend the city's declaration of disaster until May 22, 2020, with the provision that the Mayor may withdraw the declaration sooner, if so deemed necessary.

Motion carried by the following vote:

Ayes: Members McGuire, Snodgrass, Stein, Motley, and Kohn

Nays: None

9. FUTURE AGENDA ITEMS

No future agenda items.

10. ADJOURN

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to adjourn at 8:20 p.m.

Motion carried by the following vote:

Ayes: Members McGuire, Snodgrass, Stein, Motley, and Kohn

Nays: None