

MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON MAY 19, 2022 AT 6:01 P.M. IN THE COUNCIL CHAMBERS, 2600 ROOSEVELT DRIVE, DALWORTHINGTON GARDENS, TEXAS.

WORK SESSION – 6:01 P.M.

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

Steve Lafferty, Alderman, Place 2 (attended via video conference - Texas Government Code, Section 551.127)

Cathy Stein, Alderman, Place 3

Ed Motley, Mayor Pro Tem; Alderman, Place 4

Joe Kohn, Alderman, Place 5

Members Absent:

John King, Alderman, Place 1

Staff Present:

Lola Hazel, City Administrator

Greg Petty, DPS Director

Kay Day, Finance Director

2. WORK SESSION

a. Changes to Chapter 13, Utilities, regarding regulations placement of solid waste containers and enclosures.

Discussed in work session.

b. Changes to city ordinances adopting a special events policy and procedures.

Discussed in work session.

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

Low Income Household Water Assistance Program (LIHWAP) Water Provider Agreement with the city of Fort Worth was discussed in 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

Steve Lafferty, Alderman, Place 2 (attended via video conference - Texas Government Code, Section 551.127)

Cathy Stein, Alderman, Place 3

Ed Motley, Mayor Pro Tem; Alderman, Place 4
Joe Kohn, Alderman, Place 5

Members Absent:

John King, Alderman, Place 1

Staff Present:

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

2. INVOCATION, AND PLEDGES OF ALLEGIANCE

Mayor Bianco gave the invocation. Pledges were said.

3. ELECTION MATTERS

a. Administer Oath of Office and issue Certificates of Election to newly elected officials.

Oaths of Office were administered to Mayor Bianco and Council Member Steve Lafferty. Certificates of Election were issued to each individual as well.

b. Consider approval Resolution No. 2022-10 to appoint a Mayor Pro Tem for a one-year term.

A motion was made by Council Member Cathy Stein and seconded by Council Member Joe Kohn to approve Resolution No. 2022-10 to appoint Ed Motley as Mayor Pro Tem for a one-year term.

Motion carried by the following vote:

Ayes: Members Lafferty, Stein, Motley, and Kohn

Nays: None

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**

5. CITIZEN COMMENTS

None.

6. MAYOR AND COUNCIL COMMENTS

Mayor Bianco: Thanked Linda Hardin, DWG resident, for rescuing and rehabbing an injured skunk that was discovered on the vacant property beside her house. Thanked Pam Miller, DWG resident and Park Board member, for donating an animal waste station for the park. Announced an upcoming event called DWG Presents/Taking Roots occurring on May 21, 2022 at 3:00 p.m. Announced the upcoming CPSAAA License to Carry Class occurring on June 4 at 9:00 a.m. Announced National Police Week which is May 15-21, 2022. Announced Business Over Breakfast occurring on June 1, 8-9 a.m. at Grounds and Gold, 4130 S. Bowen Road.

Thanked Rob Walker for all the work he is doing at Campo Verde Square to not only bring everything up to code, but also give a fresh, new look to the property.

Steve Lafferty: None.

Cathy Stein: None.

Ed Motley: Thanked Council Member Joe Kohn for his service.

Joe Kohn: None.

7. DEPARTMENTAL REPORTS

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

Departmental Reports were presented.

8. CONSENT AGENDA

- a. Approval of a Low Income Household Water Assistance Program (LIHWAP) Water Provider Agreement with the city of Fort Worth.**
- b. Approval of an interlocal agreement with Tarrant County for reconstruction of Elkins Drive from Park Drive to Roosevelt Drive.**
- c. Approval of Ordinance No. 2022-10 approving budget amendments for FY 2021-2022.**
- d. Presentation and acknowledgment of budget adjustments.**

A motion was made by Council Member Cathy Stein and seconded by Council Member Joe Kohn to approve Consent Agenda items c and d, pulling off items a and b for individual consideration.

Motion carried by the following vote:

Ayes: Members Lafferty, Stein, Motley, and Kohn

Nays: None

9. REGULAR AGENDA

- a. Consider approval of a preliminary 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.**
 - i. 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, or building permit issued, on any property not platted.

Green's Produce has acquired 2811 W. Arkansas Lane and is platting it as required along with their existing property at 3001 W. Arkansas Lane.

In accordance with Section 10.02.031, the city determined the plat application to be complete on February 8, 2022. In accordance with Section 10.02.094, the plat application was then forwarded to the city engineer for review. On February 28, 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.

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 a public hearing at 7:25 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 7:25 p.m.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to approve a preliminary 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

- b. Consider approval of 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.**

- i. 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, or building permit issued, on any property not platted.

Green's Produce has acquired 2811 W. Arkansas Lane and is platting it as required along with their existing property at 3001 W. Arkansas Lane.

In accordance with Section 10.02.031, the city determined the plat application to be complete on February 8, 2022. In accordance with Section 10.02.094, the plat application was then forwarded to the city engineer

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.

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

f. Discussion and possible action to consider changes to the City of Dalworthington Gardens Code of Ordinances to approve a special events policy and procedures.

Background information on this item: Staff has been working on an ordinance for some time to regulate special event permits. The reason being is the building official was bombarded with special event requests and the city had no way to permit or regulate them. The proposed ordinance is derived from the city of Burleson and was suggested by the city attorney. The city attorney has not reviewed or approved the final product, so changes or tweaks may need to be made after council has provided feedback.

The ordinance creates a process that does the following:

1. Creates a 90-day filing time requirement so that the city administrator and public safety director, in conjunction with the code official, can have adequate time to review the requested permit
 - a. The 90-day time period can be waived if it's determined less time is sufficient.
2. Provides a list of information required to determine if police, fire, or medical services would be required on standby.
3. Provides reasons whereby an application could be revoked or denied.
4. Provides requirements and direction for parking, street closures, hours of operation, cleanup, food service, sanitary facilities, water usage, solid waste, and insurance coverage.

Staff has highlighted a few sections requiring specific feedback.

1. Under Definitions, Public Event, the number of expected attendees triggering a permit
2. Under Hours of Operation, the allowed times for events (this may lead to a change in the noise ordinance).

Once council provides feedback, the city attorney would need to bring back in ordinance form for approval.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to have staff work on this ordinance and bring back one addressing concerns expressed in the work session.

Motion carried by the following vote:

Ayes: Members Lafferty, Stein, Motley, and Kohn

Nays: None

g. Discussion and possible action to consider a quote in the amount of \$20,634.40 for weather proofing the public works barn area to accommodate moving the SCADA system.

Background information on this item: In coordinating the relocation of the SCADA system to be removed from the Department of Public Safety area and over to the Public Works shop, A scope was discussed that would include a level of remodeling to the Public Works office space to climate control and significantly improve the area. The primary reasoning for this quote is that the SCADA system needs to remain in an enclosed area with controlled conditions. However, it was requested that this scope include improving the entire office area of the Public Works shop with new sheetrock walls, new outlets, texture, paint, lighting, vinyl flooring, and new bathroom fixtures including a toilet, sink, and shower stall. This quote was received at a cost of \$20,634.40 by Dan Dennis, with Dennis Brothers Services, LLC.

This area needs to be improved to give the Public Works personnel their own work space regardless of the working conditions each day. To put this in perspective, most days the Public Works staff eat their lunch from their personal vehicles. There are many days where staff responds to calls that lead to being wet, muddy, handling sanitary sewer issues, handling animals, and general tasks that result in being drenched in

sweat. With these conditions, our team chooses not to cause an unnecessary nuisance to other City staff by coming into City Hall.

This would be a great benefit on many levels and would allow Public Works to have their own space for operations. Pictures are included that show the current condition of this space. This is a one-time cost that that would be an ongoing investment into not just the SCADA system location, but the Public Works staff morale as a whole.

One additional consideration will be presented to remove the old a/c unit above the barn area and enclose that very small hole. This may be accomplished instead of a small portion of what is presented for the entire Public Works area.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to gain more quotes for this project and provide a plan to council.

Motion carried by the following vote:

Ayes: Members Lafferty, Stein, Motley, and Kohn

Nays: None

h. Discussion and possible action to approve a quote for striping for the Roosevelt Drive project in the amount of \$2,465.17.

Background information on this item: This request is for striping Roosevelt Drive after Tarrant County completes road reconstruction. The striping will be as it is now with a double yellow stripe down the entirety of the road, and various school crossing, crosswalk, and turn lane markings.

A motion was made by Council Member Joe Kohn and seconded by Council Member Cathy Stein to approve a quote for striping for the Roosevelt Drive project in the amount of \$2,465.17.

Motion carried by the following vote:

Ayes: Members Lafferty, Stein, Motley, and Kohn

Nays: None

i. Discussion and possible action to prepare for the FY 2022-2023 budget year, to include but not limited to discussion of revenue sources, funding sources, capital improvement plan, and council input for budget items.

Background information on this item: This item is being presented as part of the budget prep process. This is where council can provide input and feedback for staff in advance of preparing the budget with the Mayor.

- Budget calendar: The budget calendar is being presented. Dates can be changed for work sessions if needed.
- Street/infrastructure projects: Current upcoming street/infrastructure projects to be funded are Orchid Court storm sewer improvements, Roosevelt Drive reconstruction (only ancillary costs are city responsibility), and Elkins Drive reconstruction. Crack sealing will be determined upon receipt of the Capital Improvement Plan from the engineer.
- Fee Schedule: Recommended fee schedule changes will be forthcoming, although a decrease may be proposed in certain areas instead of an increase. Staff is evaluating the schedule against the Safebuilt contract, and has also asked for some changes to fire permit related fees as the existing fees cause confusion for staff. This was brought to light in the most recent audit where it was determined different staff members interpreted fees in the fire section differently. The goal is to simplify.

No action taken. Council discussed setting a work session for the end of June.

j. Discussion and possible action to consider a Lease Termination Agreement with Sprint Spectrum LP that includes a lump sum payment in the amount of \$20,000 to leave certain equipment on site after lease termination.

Background information on this item: Staff was contacted by Sprint to coordinate official lease termination and coordination of equipment removal. During that discussion, Sprint offered the city \$20,000 to leave certain equipment on site after disconnection. An agreement is being provided for council's consideration.

Since that discussion with Sprint, staff has received several calls from other telecommunication companies regarding either beginning new leases or using the existing equipment left on site by Sprint. The most attractive of those offers being from AT&T. AT&T is currently putting together a proposal that would include a new lease and new equipment. They do not have a need to use Sprint's equipment and would have their own equipment to install. They also inquired about other locations to include the park and other well site. Staff did relay the park may not be an option but could be discussed with council.

AT&T was not ready to present their proposal at this month's meeting, but may have something ready in June. Staff's suggestion is to require Sprint to remove their equipment, not accepting the \$20,000 to leave it on the water tower, and await AT&T's proposal, especially since AT&T does not need Sprint's equipment. The equipment is hooked to city water infrastructure which is not ideal, and at some point, the city would need to maintain or remove the equipment which would be costly.

Suggested changes to the agreement were sent to Sprint's representative but is still being reviewed by their legal team.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve not moving forward with a Lease Termination Agreement with Sprint Spectrum LP which includes not accepting a lump sum payment in the amount of \$20,000 to leave certain equipment on site after lease termination.

Motion carried by the following vote:

Ayes: Members Lafferty, Stein, Motley, and Kohn

Nays: None

k. Discussion and possible action to set a work session date for the City Strategic Plan.

Council discussed setting the Strategic Plan work session date for the same night as the June budget discussion meeting.

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

Staff presented budget amendment items as follows:

- a. A quote from LaTour in the amount of \$3,000 for tree trimming on Roosevelt Drive for the Tarrant County reconstruction project.
- b. A quote from Texas Traffic and Barricade in the amount of \$5,000 for traffic control on Roosevelt Drive for the Tarrant County reconstruction project.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve quotes from LaTour in the amount of \$3,000 for tree trimming on Roosevelt Drive for the Tarrant

County reconstruction project, and from Texas Traffic and Barricade in the amount of \$5,000 for traffic control on Roosevelt Drive for the Tarrant County reconstruction project.

Motion carried by the following vote:

Ayes: Members Lafferty, Stein, Motley, and Kohn

Nays: None

m. Approval of a Low Income Household Water Assistance Program (LIHWAP) Water Provider Agreement with the city of Fort Worth.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to disapprove entering into an agreement with the City of Fort Worth for the Low Income Household Water Assistance Program (LIHWAP).

Motion carried by the following vote:

Ayes: Members Lafferty, Stein, Motley, and Kohn

Nays: None

n. Approval of an interlocal agreement with Tarrant County for reconstruction of Elkins Drive from Park Drive to Roosevelt Drive.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve an interlocal agreement with Tarrant County for reconstruction of Elkins Drive from Park Drive to Roosevelt Drive, subject to staff's verification of the scope of work approved by City Council.

Motion carried by the following vote:

Ayes: Members 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 addressed.

11. FUTURE AGENDA ITEMS

None.

12. EXECUTIVE SESSION

a. Recess into Executive Session for the following items:

City Council recessed into Executive Session at 8:31 p.m.

i. Pursuant to Sections 551.076 and 551.089 to deliberate the deployment, or specific occasions for implementation, of security personnel or devices.

ii. Pursuant to Section 551.071, consultation with attorney, to wit: short term rentals

- iii. **Pursuant to Section 551.071, consultation with attorney, to wit: changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, to add a special exception for tattoo shops in the light industrial district.**

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

City Council reconvened at 9:47 p.m.

- i. **Discussion and possible action on the deployment, or specific occasions for implementation, of security personnel or devices.**

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to direct staff to follow the direction given in Executive Session.

Motion carried by the following vote:

Ayes: Members Lafferty, Stein, Motley, and Kohn

Nays: None

- ii. **Discussion and possible action on short term rentals.**

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to direct staff to follow the direction given in Executive Session.

Motion carried by the following vote:

Ayes: Members Lafferty, Stein, Motley, and Kohn

Nays: None

- iii. **Discussion and possible action on changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, to add a special exception for tattoo shops in the light industrial district.**

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to approve changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, to add a special exception for tattoo shops in the light industrial district, and limit hours of operation to 8:00 am-5:00 pm, requiring closures on Sundays.

Motion carried by the following vote:

Ayes: Members Lafferty, Motley, and Kohn

Nays: Member Stein

13. ADJOURN

The meeting was adjourned at 9:54 p.m.