

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.