

Dalworthington Gardens City Council
Meeting Minutes
September 19, 2019

Executive Session

1. Call to Order

Mayor Bianco called the meeting to order at 6:05 p.m. with the following present:

Members Present:

Laura Bianco, Mayor

Mark McGuire, Alderman, Place 1

Guy Snodgrass, Alderman, Place 2

Cathy Stein, Alderman, Place 3

Ed Motley, Mayor Pro Tem; Alderman, Place 4

Joe Kohn, Alderman, Place 5

Staff Present:

Sherry Roberts, City Administrator

Lola Hazel, City Secretary

Greg Petty, DPS Director

Kay Day, Finance Director

2. Executive Session

City Council recessed into Executive Session at 6:06 p.m. for the following items.

a. Recess into Executive Session for the following items.

- i. Pursuant to Texas Government Code, Section 551.074, Personnel Matters, and Section 551.071, Attorney Consultation, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: City Administrator.
- ii. Pursuant to Texas Government Code, Section 551.071, Attorney Consultation, regarding laws and rules for fire sprinkler systems.

City Council reconvened into Regular Session at 7:11 p.m. for the following items.

b. Reconvene into Regular Session for discussion and possible action on the following items:

- i. The appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: City Administrator.

Action was not taken until after the Regular Session Agenda.

ii. Laws and rules for fire sprinkler systems.

Item not addressed until after the Regular Session Agenda.

City Council took a short recess and reconvened the meeting at 7:11 p.m.

Regular Session

1. Invocation and Pledges of Allegiance

Mayor Bianco gave the invocation. Pledges were said.

2. Items of Community Interest

The following items were presented.

- **Concert in the Park – September 21 at 7:00 p.m.**
- **National Night Out – October 1**
- **Trunk or Treat – October 26, 5:30 p.m. to 7 p.m.**
- **Christmas in the Park/Santa Photos – December 8, 2-4 p.m.**
- **Santa Parade – December 23**

3. Citizen Comments

- a. **Daniel Bennett, Citizen of White Settlement, Texas:** Ran for Tarrant Appraisal District Board of Directors a few years ago. Bennett shared his experience with election process and stated the process is antiquated and skewed towards larger entities. Bennett explained a resolution now exists to allow entities to cast a ballot at a special meeting.
- b. **Elvia Spino, Atmos Energy:** spoke in support of the RRM for Atmos Energy.

4. Mayor and Council Comments

- **Mayor Bianco:** Thanked Phil Szurek for pumpkins at the entrance to City Hall; thanked Mike Redden for coordinating the acquisition of a new set of bleachers for Gardens Park; thanked employee Jennifer Burkhart and DPS staff for handing out popsicles at Arlington Classics Academy as a ‘welcome back to school’ celebration; thanked John Fisher, the father-in-law of our DPS Director, for the installation of new televisions in the City’s Council Chambers; thanked Scott Solar Control for tinting one of the new city vehicles at no charge; and thanked employee Jennifer Burkhart and the CPSAAA for organizing a city/DPS staff gathering at Camp Thurman. Announce two upcoming events: Operation Christmas Child, boxes will be in lobby at City Hall – for underprivileged children; and Business Over Breakfast which is on October 2.
- **Mark McGuire:** none
- **Guy Snodgrass:** none.
- **Cathy Stein:** Hope to see a good turn out at the concert, it’s BYOB. Said Info will be forthcoming about Park Grant – lend your support for that, don’t have to be a citizen.
- **Mayor Pro Tem Ed Motley:** none.
- **Joe Kohn:** none.

5. Departmental Reports

- a. **DPS Report**
- b. **Park Board Update**
- c. **Financial Reports**

Departmental reports were presented.

6. Consent Agenda

- a. Approval of the June 20, 2019 minutes.**
- b. Approval of the July 18, 2019 minutes.**
- c. Approval of the July 23, 2019 minutes.**
- d. Approval of the July 29, 2019 minutes**
- e. Approval of the August 8, 2019 minutes.**
- f. Approval of the August 15, 2019 minutes.**
- g. Approval of the August 20, 2019 minutes.**
- h. Approval of the August 27, 2019 minutes.**
- i. Approval of the August 29, 2019 minutes.**
- j. Approval of the September 5, 2019 minutes.**
- k. Approval of an audit engagement letter with BrooksWatson & Co. for the 2018-2019 FY audit in an amount not to exceed \$17,000.**
- l. Discussion and possible action to approve Ordinance No. 2019-12 approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2019 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 attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; and requiring the company to reimburse ACSC's reasonable ratemaking expenses.**
- m. Consider approval of Resolution No. 2019-25 to adopt the Hart Voting System being used by the Tarrant County Elections Office.**

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to approve items all items except c, d, e, g, h, i, and j to bring back to the next meeting.

Motion carried by the following vote:

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

Nays: None

7. Regular Agenda

- a. Consider approval of an ordinance making changes to the City of Dalworthington Gardens Code of Ordinances, Appendix A Fee Schedule, making changes to the City's fee schedule.**

Background information on this item: These are the majority of the remaining fee schedule edits. Staff will be bringing the operational gas well permit fee suggestions to the October meeting, and there may be additional edits to language in the ordinance for development fees. For now, the new language for development fees will allow staff

to adequately cover costs. In October, staff will bring back an ordinance to ratify Council's approval of these changes and the changes from the July 18 meeting.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Guy Snodgrass to approve staff's suggested changes with the exception of Section A4.000, water and sewer service.

Motion carried by the following vote:

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

Nays: None

b. The FY 2019-2020 Annual Budget.

i. **Conduct a public hearing**

ii. **Consider approval of Ordinance No. 2019-13 adopting the FY 2019-2020 Annual Budget.**

Background information on this item: In accordance with Local Government Code, Section 102.007, the Council must adopt the budget at the conclusion of a public hearing on said budget. The motion shall be as follows and shall be a record vote. A record vote means the Mayor will individually call each council member by name and ask for a vote.

Mayor Bianco opened the public hearing at 8:00 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 8:00 p.m.

Before calling for a motion, Mayor Bianco read the following statement: THIS BUDGET WILL RAISE MORE REVENUE FROM PROPERTY TAXES THAN LAST YEAR'S BUDGET BY AN AMOUNT OF \$101,305, WHICH IS A 6% PERCENT INCREASE FROM LAST YEAR'S BUDGET. THE PROPERTY TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR IS \$ 8,992.67.

A motion was made by Council Member Mark McGuire and seconded by Council Member Cathy Stein to approve Ordinance No. 2019-13 adopting the FY 2019-2020 Annual Budget.

Mayor Bianco called for a record vote. Record vote as follows:

Council Member Mark McGuire: aye

Council Member Guy Snodgrass: aye

Council Member Cathy Stein: aye

Council Member Ed Motley: aye

Council Member Joe Kohn: aye

Nays: None.

Motion carries.

c. Discussion and possible action to ratify the tax rate.

Background information on this item: State law requires that the City Council ratify the property tax increase reflected in the budget. In accordance with Local Government Code, Section 102.007 (c), adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget. A vote under this subsection is in addition to and separate from the vote to adopt the budget or a vote to set the tax rate required by Chapter 26, Tax Code, or other law.

A motion was made by Council Member Mark McGuire and seconded by Council Member Joe Kohn that the property tax rate be increased by the adoption of a tax rate of \$0.58 which is effectively a zero percent increase in the tax rate.

Motion carried by the following vote:

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

Nays: None

d. Consider approval of Ordinance No. 2019-14 adopting the FY 2019-2020 Tax Rate.

Background information on this item: In accordance Tax Code, Section 26.05 (b), a taxing unit may not impose property taxes in any year until the governing body has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order, depending on the method prescribed by law for adoption of a law by the governing body. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. For a taxing unit other than a school district, the vote on the ordinance, resolution, or order setting a tax rate that exceeds the effective tax rate must be a record vote, and at least 60 percent of the members of the governing body must vote in favor of the ordinance, resolution, or order. A record vote means the Mayor will individually call each council member by name and ask for a vote.

A motion was made by Council Member Mark McGuire and seconded by Council Member Joe Kohn to approve Ordinance No. 2019-14 adopting the FY 2019-2020 Tax Rate.

Mayor Bianco called for a record vote. Record vote as follows:

Council Member Mark McGuire: aye

Council Member Guy Snodgrass: aye

Council Member Cathy Stein: aye

Council Member Ed Motley: aye

Council Member Joe Kohn: aye

Nays: None

Motion carries.

e. Consideration to amend the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, regarding accessory dwellings.

- i. Public hearing**
- ii. Discussion and possible action**

Background information on this item: The accessory building ordinance was changed in 2018. However, both the Planning and Zoning Commission and Council wanted the ordinance revisited to put parameters in place for accessory dwellings. This item was on Council's July 18, 2019 agenda but was continued as the Planning and Zoning Commission had not yet completed their review.

The ordinance being presented does the following:

Section 14.02.092

1. Adds definition for "accessory dwelling"
2. Changes references from "building" to "structure"
3. Adds definition for "accessory storage structure" which clarifies what is already in ordinance section A3.002 (f)(4). A3.002 (f)(4) will be altered with the fee schedule amendments.
4. Adds definition for "cargo container"

Section 14.02.124

1. Changes references from “building” to “structure”
2. Adds regulations for “accessory dwellings”
3. Takes 14.02.171(1) – (3) and adds to this section for simplicity.
 - a. Previously, staff had to look in two separate sections for accessory building regulations. Staff is working to consolidate regulations where possible.
4. Provides, again, clarification on structures 300 square feet or less, which also do not require electricity or plumbing, not needing a permit.
5. (n)(1): Creates residential regulations for cargo containers.
6. (n)(2): Creates commercial regulations for cargo containers.
7. (n)(2)(i): Creates screening requirement for commercial cargo containers.
8. (n)(3): Changes temporary storage pod regulations

Section 14.02.171(b)

1. Removing (1) through (3) and moving them to 14.02.124 for easier staff review.
2. Number (4) will be moving to Chapter 13, sanitation regulations.

Mayor Bianco opened the public hearing at 8:03 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 8:05 p.m.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to continue this item for a future work session.

Motion carried by the following vote:

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

Nays: None

f. Consideration to amend the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, regarding sign standards.

- i. Public Hearing
- ii. Discussion and possible action

While the sign regulations needed to be updated to allow the specific sign requested by the sign company wanting to put a sign at Arkansas/Bowen, the entire ordinance needed to be updated and staff the opportunity to do so. The ordinance has been completely modified and thus is not quite ready. Staff is hoping to present a version for review at the August meeting.

With that said, staff did advertise for public hearings as is required by state law when making zoning amendments (part of the sign regulations are in the zoning ordinance). In order to avoid another publication and the additional cost, both the Planning and Zoning Commission and City Council are allowed to officially continue the agenda item to a specific date and time. The motion needs to include the specific date and time at which the Council would discuss the item.

Mayor Bianco opened the public hearing at 8:30 p.m.

With no one desiring to speak Mayor Bianco closed the public hearing at 8:30 p.m.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to continue this item to November 21, 2019 at 7:00 p.m.

Motion carried by the following vote:

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

Nays: None

g. Discussion and possible action to appoint a member to the Zoning Board of Adjustment.

Background information on this item: Paula Boehme recently resigned from the Zoning Board of Adjustments. There are also two other openings that need to be filled. Staff will be posting notices on social media and in the newsletter to solicit interest, but staff did receive one application from a citizen.

Anh Nguyen has put in an application for the Zoning Board of Adjustment. Anh graduated from University of Arlington with a Bachelor of Arts concentrated in Finance. Anh also currently own and operating 4 restaurants, and is a volunteer on her church council.

A motion was made by Council Member Cathy Stein and seconded by Council Member Joe Kohn to appoint Anh Nguyen to the Zoning Board of Adjustment.

Motion carried by the following vote:

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

Nays: None

h. Discussion and possible action to direct staff to update the City's Code of Ordinances, Article 13.04: Water & Sewer Service.

Background information on this item: Chapter 13, Article 13.04 has not been updated since before the City codified the ordinances in 2005. Staff would like to add a section and penalty for tampering with a water meter and make any other updates needed.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to direct staff to update article 13.04, water and sewer service.

Motion carried by the following vote:

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

Nays: None

i. Receive report from staff on using Robert Half for pre-approved full-time Accounting Clerk.

Background information on this item: The City will be looking to hire a full-time Accounting Clerk I to begin after the new budget year starts on October 1, 2019. Staff was contacted by Robert Half, unrelated to our full-time position, and informed of potential pricing terms through the Houston-Galveston Area Council (HGAC). For those unfamiliar with HGAC, they offer, among other things, an option for local governments to partake in different pricing terms and contract rates. Since Robert Half is participating in this program, the City gains better pricing under certain conditions.

Through the HGAC rate card, for a candidate who is paid \$15/hr., the City's bill rate will not exceed \$24.75/hr. The main benefit is, as shown in the attachment, if we use Robert Half for at least 641 hours for a candidate, there is no buyout to bring a candidate on full-time, which is usually the most costly part of using them for hiring. With the time it would save for staff, it was felt this is the most cost-effective way to fill the new position.

Because this item is already in the budget and there is no official contract needing approval, this item does not require action.

No action taken.

8. City Administrator Items

City Administrator items presented.

9. Executive Session

Council recessed into Executive Session at 8:48 p.m. for the following items and also the items listed in 2a. and 2b. on this agenda, which are listed as items iii. and iv. below.

a. Recess into Executive Session for the following items:

- i. Pursuant to Texas Government Code, Section 551.071, Attorney Consultation, for Senate Bill 944 regarding additions to the Texas Public Information Act regarding the use of private electronic devices.
- ii. Pursuant to Texas Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property because deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party – 2520 W. Arkansas Lane, 2524 W. Arkansas Lane, 2528 W. Arkansas Lane, and 2408 S. Bowen Road.
- iii. Pursuant to Texas Government Code, Section 551.074, Personnel Matters, and Section 551.071, Attorney Consultation, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: City Administrator.
- iv. Pursuant to Texas Government Code, Section 551.071, Attorney Consultation, regarding laws and rules for fire sprinkler systems.

Council reconvened into Regular Session at 10:04 p.m. for the following items.

b. Reconvene into Regular Session for discussion and possible action regarding:

- i. Senate Bill 944 regarding additions to the Texas Public Information Act regarding the use of private electronic devices.
No action taken.
- ii. Deliberating the purchase, exchange, lease, or value of real property - 2520 W. Arkansas Lane, 2524 W. Arkansas Lane, 2528 W. Arkansas Lane, and 2408 S. Bowen Road.
No action taken.
- iii. The appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: City Administrator.
A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Mark McGuire to executive agreement discussed in Executive Session.

Motion carried by the following vote:

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

Nays: None

- iv. Laws and rules for fire sprinkler systems.

No action taken.

10. Future Agenda Items

None.

11. Adjourn

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to adjourn at 10:04 p.m.

Motion carried by the following vote:

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

Nays: None