

**MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON DECEMBER 17, 2020 AT 6:31 P.M. IN THE COUNCIL CHAMBERS, 2600 ROOSEVELT DRIVE, DALWORTHINGTON GARDENS, TEXAS.**

*Although the Mayor and two Council Members physically attended the meeting, the remaining Council Members attended the meeting virtually and a public dial in number was provided as a remote option to the public. This option was provided to advance the public health goal of slowing the spread of the Coronavirus (COVID-19).*

**WORK SESSION – 6:30 P.M.**

**1. CALL TO ORDER**

Mayor Bianco called the meeting to order at 6:31 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  
Joe Kohn, Alderman, Place 5

**Staff Present:**

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

**2. DISCUSSION ON THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT.**

This item was discussed in the work session.

**3. CHAPTER 13 ORDINANCES**

This item was discussed in the work session.

**4. DISCUSSION OF OTHER AGENDA ITEMS, IF TIME PERMITS**

No other items were discussed.

**REGULAR SESSION – 7:00 P.M.**

**1. CALL TO ORDER**

Mayor Bianco called the meeting to order at 7:00 p.m.

**2. INVOCATION AND PLEDGES OF ALLEGIANCE**

Mayor Bianco gave the invocation. Pledges were said.

**3. PRESENTATIONS AND PROCLAMATIONS**

**a. Presentation of Volunteer of the Year Award by the Historical Committee**

Mayor Bianco read aloud a proclamation for Volunteer of the Year presented to Monique Robinson.

#### 4. ITEMS OF COMMUNITY INTEREST

The following items were presented.

- **Santa Parade – December 23**

#### 5. CITIZEN COMMENTS

None

#### 6. MAYOR AND COUNCIL COMMENTS

- **Mayor Bianco:** Thank you to the following people for ringing the bell on December 12, 2020 for the Salvation Army Mayoral Red Kettle Challenge: Chaplain Don Gieseke, Kent and D’Ann Besley, Charlene Fletcher, Tracy and Ben Dodson, Jim Fallon, Alice and Steve Lafferty, Erick and Barbara Moeller, Horace Riley, Sandy Riney and Jim Robinson, Jacob Bank, Taylor Modrall, Allie Knebel, and my boo, Emily Bianco. A special recognition goes to Lieutenant Fike. Without his dedication, we never would have achieved the success that we did. Not only did he organize the event, as he does every year, he managed the bell ringers and visited each site to make sure the event ran smoothly. Thank you to the following businesses for allowing us to ring the bell at their location: Green’s Produce, Campo Verde, and our newest location, Grounds & Gold.
- **John King:** Merry Christmas to all staff and citizens.
- **Steve Lafferty:** Merry Christmas and Happy New Year to everyone. Spoke to enjoying moments with family during the holidays.
- **Cathy Stein:** Echoed comments about the holidays. Spoke to touring the new fire engine and being very excited and pleased with the experience.
- **Ed Motley:** Merry Christmas to everyone and Happy New Year.
- **Joe Kohn:** Echoed comments from others about the holidays. Spoke to spending time with family and celebrating the birth of our Savior.

#### 7. DEPARTMENTAL REPORTS

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

Departmental Reports were presented.

#### 8. CONSENT AGENDA

- a. **Approval of Resolution No. 2020-28 approving the 2021 City Holiday Schedule.**
- b. **Approval of Resolution No. 2020-29 approving a process to follow each fiscal year for the city budget.**
- c. **Approval of Resolution No. Resolution 2020-30 approving the City’s Investment Policy.**
- d. **Approval of Resolution No. 2020-31 expressing support for House Bill No. 233 regarding building materials.**

- e. **Approval of Ordinance No. 2020-15 approving budget amendments for FY 2019-2020 to close out last budget year.**
- f. **Approval of Ordinance No. 2020-16 approving budget amendments for FY 2020-2021**

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to approve all Consent Agenda items except for item 8f (Ord. 2020-16) which is to be pulled off for individual discussion.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, Motley, and Kohn

Nays: None

## 9. REGULAR AGENDA

- a. **Consider approval of an application from Cynthia Fulton for a replat of Lots 5B2-1 and 5B2-2, Block 4, Dalworthington Gardens Addition, an addition to the City of Dalworthington Gardens, Tarrant County, Texas, and commonly known as 2915 Roosevelt Drive.**
  - i. **Public hearing**
  - ii. **Discussion and possible action**

Background information on this item: Section 10.02.004 of the City’s Code of Ordinances states, “No building permit shall [be] issue[d] for the construction of improvements on any property not platted...” 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, and published notice in accordance with state law.

Mrs. Fulton has submitted a replat application to divide property located at 2915 Roosevelt Drive. The city engineer has reviewed the plat, and has provided a letter recommending approval of the plat. However, following the December 7, 2020 Planning and Zoning Meeting, it was discovered there were additional items needed under the site plan requirement that were not included in the application.

Staff believes that this missed information is related to the applicant reviewing the city’s ordinance prior to finalization of the new platting ordinance, even though the plat was submitted afterwards. One of the reasons for clearly defining the site plan requirement in the replat section of the ordinances is because the previous ordinance was not as clear. Staff also worked quickly to get this applicant on the December agenda which may be the reason the site plan requirement was incorrectly interpreted by the city engineer. Typically, the city engineer is diligent in reviewing plats and captures all errors. The initial interpretation of “site plan” is as you would see for a vacant property proposing a new structure even though that is not what is intended in the new ordinance. Because of these circumstances, staff suggests a conditional approval of the plat to provide additional time to the surveyor to provide the missing information. The surveyor is already working on adding utilities to the plat, but they will not be completed by the council meeting. He has added existing structures as shown on the plat. Staff has provided a list in the packet showing the highlighted items missing from the plat.

If Council agrees to conditionally approve, staff will be required to provide a letter to the applicant detailing missing details. Then, staff and engineering will work with the applicant on completion of the plat.

Mayor Bianco opened the public hearing at 7:23 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 7:23 p.m.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to conditionally approve the application from Cynthia Fulton for a replat of Lots 5B2-1 and 5B2-2, Block 4, Dalworthington Gardens Addition, an addition to the City of Dalworthington Gardens, Tarrant County, Texas, and commonly known as 2915 Roosevelt Drive.

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

**b. Discussion and possible action regarding consideration of bond requirements for oil and gas drilling. An associated closed session item listed at the end of the agenda, if needed.**

Background information on this item: The city received a request from XTO Energy to consolidate their bonds. The city's ordinances dictate both bond and insurance requirements required for oil and gas well drilling. Robert Manthei with XTO Energy will be on the call to present information to council and answer any questions. An associated closed session item is listed on the agenda in the event council wants to forego action until the city attorney has provided guidance. The initial item was placed at the beginning of the agenda as a courtesy to Mr. Manthei in case he needs to sign off following his presentation. Mr. Manthei did provide information on other cities that allow a reduced bond amount following a certain period after completion and production has started.

Council asked Mr. Manthei for clarification on what is being requested since both bonding and insurance were discussed. Mr. Manthei clarified that XTO was only asking the City to require one blanket bond instead of our current bonding requirements and was ok with the current insurance requirements so had no request with regards to insurance. Council further asked about additional bonds for any reworking of wells and Mr. Manthei replied that no refracking was planned, but that a 50-150k bond during reworking would be appropriate. Council asked how long the well site was anticipated to be active and the response was that no further development was planned at this time.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to forgo any action on this item until after consulting with the city attorney in closed session at the end of the agenda.

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

**c. Consider approval of an application from City of Dalworthington Gardens for a final plat of Lots 8R1, 8R2, & 8R3, Block 1, Dalworthington Gardens Addition, an addition to the City of Dalworthington Gardens, Tarrant County, Texas, as filed in Volume 388-A, Page 105, Plat Records of Tarrant County, Texas, and commonly known as 2600 Roosevelt Drive.**

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

Background information on this item: Section 10.02.004 of the City's Code of Ordinances states, "No building permit shall [be] issue[d] for the construction of improvements on any property not plat..." The city is platting its own property because of the new City Hall building going up. Because there are three lots that are part of Block 1 that were not previously platted on their own, the city is required to plat all simultaneously. These other two lots belong to residents and they have been involved throughout the process to ensure the land division is acceptable to them. The city engineer has reviewed the plat, and has provided a letter stating all comments have been satisfied and recommends 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.

Staff explained to Council that the two adjoining property owners disagreed with new boundary pins set by the surveyor hired to prepare the plat. As such, staff recommended Council conditionally approve plat but only after conducting a closed session to consult with the city attorney at the end of the agenda.

Mayor Bianco opened the public hearing at 7:41 p.m.

Larry Galbiati, 2805 Roosevelt Drive: expressed disagreement with new pins placed on the property.

With no one else desiring to speak, Mayor Bianco closed the public hearing at 7:42 p.m.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to forgo any action on this item until after consulting with the city attorney in closed session at the end of the agenda.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, Motley, and Kohn

Nays: None

**d. Consider approval of Ordinance No. 2020-12 to amend the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, to create regulations for credit access businesses.**

**i. Public hearing**

**ii. Discussion and possible action**

Background information on this item: Council gave direction to the city attorney to prepare an ordinance to regulate payday lenders. The city attorney's office has prepared an ordinance to create regulations for "credit access businesses" as that is how such businesses are defined by state statute. The proposed ordinance creates a definition for 'credit access business'. The ordinance also changes the list of uses in the B-1 business district to exclude 'credit access business' from allowed banking uses. Lastly, the ordinance adds 'credit access business' as a special exception in the light industrial district only, with conditions. Thus, 'credit access businesses' would only be allowed by special exception in the light industrial district if they can meet the conditions for said special exception.

Planning and Zoning met on December 7, 2020 and recommended approval of the ordinance.

A motion was made by Council Member Cathy Stein and seconded by Council Member John King to approve Ordinance No. 2020-12 to amend the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, to create regulations for credit access businesses.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, Motley, and Kohn

Nays: None

**e. Discussion and possible action on the 2021 Tarrant County Community Development Block Grant (CDBG), to include but not limited to, approval of final project scope and selection of engineering services.**

Background information on this item: Staff is in need of two approvals from Council for the 2020-2021 CDBG grant – approval of using Topographic for engineering services and the selection of the specific construction project for the grant. Staff needs Council's authorization in December for the submittal of the CDBG grant application that is due January 31.

At the November meeting, council made a motion to approve the following for the CDBG project: limit project to north half of the median concrete as shown on the map, replacing water lines and including flush valves, but removing the 4" exposed aggregate concrete in median (\$22,960 savings). Staff was also asked to look into the heaved sidewalk issue just north of the eastern edge of the water line replacement and has included pictures in your packet. The heaved sidewalk was caused by a tree that has since been removed.

Staff discussed the project scope after the meeting and just wanted to share some additional details before finalizing costs and submitting application. While water line work is needed on the north side, the paving is worse on the south side. Staff believes citizens may perceive that paving work is needed first, although staff can and will educate and explain the chosen project to citizens based on whatever decision council makes.

If council decided to do the south side versus the north, the only water-related needs would be sleeves for future water line repair and flush valves. The paving would reduce by the \$22,960 for the median concrete council removed, and also reduce since the project scope will be decreased regardless of which side of the project is chosen.

Just to recap from the November meeting, the CDBG project, depending on the proposal, is always broken out among the street fund, water fund, and general fund. Based on past projects, staff believes we can anticipate Tarrant County to cover 70% of proposed costs, although that is not confirmed until Tarrant County has officially approved the city's application. The range for the City's award would be in the range of \$160,000-\$180,000. The city pays all engineering costs. Staff is presenting the full quote again just so council can see the full breakdown of all costs.

Both the city administrator and public works superintendent will be attending a virtual meeting with Tarrant County about the CDBG process on December 14. The plan is for staff to produce the majority of the CDBG application in an effort to reduce engineering costs. As a result of this call, there may be additional details to provide at the council meeting.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to select Topographic for engineering services for the 2020-2021 CDBG grant project, and to select the north half of the project as approved at the November 19, 2020 Council Meeting, and to exclude the heaved sidewalk from the project.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, Motley, and Kohn

Nays: None

**f. Discussion and possible action regarding a priority list for street repair.**

Background information on this item: Included in your packet is the final street priority list for consideration. The engineer has assessed all streets for which the city is responsible. Staff would also like to discuss potential "sink holes" located on Elkins and Gardenia. Staff has received comments/complaints about both. The source of the sinking will determine the cost for repair, but staff would like to begin looking at solutions.

Staff is looking for direction on the order of streets for crack sealing, any order of street repair/resurfacing projects, and also investigation of sinkholes on Elkins and Gardenia. Staff has already reached out to crack sealing contractors who are ready to provide quotes and add the city to their schedule as soon as we have the priority list set.

No action was taken.

**g. Discussion and possible action regarding changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 13, Utilities, Article 13.03 and Article 13.04, specifically as it pertains to garbage, recycling, and utility billing practices.**

Background information on this item: Council directed staff to make changes to Chapter 13, Utilities, of the City of Dalworthington Gardens Code of Ordinances as it relates to the time by which garbage containers are allowed to be and remain at the curb prior to collection. Since other changes were required to the ordinance, staff began working on changes to Article 13.03, Solid Waste; and Article 13.04, Water and Sewer Service. Staff has included both a redlined version showing changes and a clean version showing how the final ordinance would look. A lot of language was removed or changed to reduce frequency of ordinance changes since they don't adhere to contract language. Since the fee schedule is now adopted by resolution each year, language was changed throughout referencing the "Appendix A fee schedule" in the ordinances and directs parties to obtaining fee schedule from the City Secretary. The approved changes will come back at a future meeting to be officially adopted by ordinance.

Below is a synopsis of changes to the ordinance.

- 13.03.002: Definition added for “acceptable waste”, “commercial waste”, and “industrial waste”. Definition deleted for “container” as it was redundant to definition for “approved container”.
- 13.03.003: Deleted section referencing regular inspections as it’s not feasible, but left remaining section for code enforcement purposes. Added language to allow citations.
- 13.03.004: Added requirement for garbage service and requirement for collection to be conducted by contract with city
- 13.03.006: Removed requirement for how early containers may be placed for pickup. 7:00 a.m. deadline remains because that is when collection begins. Containers placed out later may not be picked up.
- 13.03.007: Changed to comply with contract and reduce frequency of needed ordinance changes.
- 13.03.008: Changed to comply with contract and reduce frequency of needed ordinance changes.
- 13.03.009 (newly numbered as .009): Added screening requirement for commercial containers. This belongs in Zoning Ordinance and will move there if council approves on language.
- 13.03.009 (originally numbered as .009): Removed as doesn’t comply with process or contract, or may be simplified elsewhere.
- 13.03.010, 13.03.011, 13.03.012: Changed or deleted to adhere to current process.
- 13.03.015: Simplified to reduce frequency of needed ordinance changes.
- 13.03.016: Added household hazardous waste program requirement.
- Division 2: Deleted as not applicable and requirement for person to contract with city for collection is addressed in 13.03.004.
- 13.04.001: Corrected terms.
- 13.04.052: Deleted as not accurate
- 13.04.052: Corrected section to show accurate process. Diagram was added to better explain how water leaks are calculated. “C” is in ordinance in the event the city ever has meters where this would apply again. New remote meters most likely would never encounter this scenario, but old meters did.
- 13.04.081: Changed throughout to reflect correct processes. Language added to include those who do e-billing. “C” includes approved payment plan allowance approved by council at the August 20, 2020 meeting.
- 13.04.082: Changed to reflect current processes
- 13.04.083: Changed to reflect current processes. “D” and “F” are listed in the fee schedule, so language added in ordinance to reflect same.
- 13.04.127-13.04.129: Clarified, strengthened reasons for water disconnection or interruption of service.
- 13.04.130: Simplified language for malicious interference with water service/meter tampering.

- 13.04.131 (originally numbered .131): Deleted since this section was simplified in the above section, 13.04.130.
- 13.04.131 (newly numbered as .131): Added how offender would pay for damaged equipment.

Council added the following changes:

- Section 13.03.008: Add “household hazardous waste” to the list of items with applicable charges
- Section 13.04.082(2): Delete as is no longer applicable

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to approve changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 13, Utilities, Article 13.03 and Article 13.04, specifically as it pertains to garbage, recycling, and utility billing practices; to include all changes presented and include the two changes suggested by Council.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, Motley, and Kohn

Nays: None

**h. Discussion and possible action regarding process followed and software used for credit card and bank drafts, to include but not limited to discussion of associated merchant and city fees, and moving said credit card and bank drafts to Incode’s online payment system and/or Open Edge payment software.**

Background information on this item: This item has multiple parts which will be outlined below. While most of these subjects can wait for Council action, the item needing immediate attention is Tyler Technologies (Incode) moving all utility billing credit card drafts to their online system. The reason is customers who previously were not charged merchant fees will now be charged said fees. These subjects are discussed together because the ideal and least confusing situation for the customer would be doing all three at the same time.

A recent PCI (payment card industry) audit requires Tyler Technologies, the city’s utility billing software provider, to move all credit card drafts to their online system. Currently, the city charges a \$1.85 merchant fee to all online credit card transactions, with the \$0.85 being a pass through to Tyler and \$1.00 staying with the city. When all credit card drafts are pushed online, customers who previously ran their draft through the city office will now also be charged \$1.85. Right now, those customers are not charged any merchant fee.

In conjunction with the discussion about moving credit card payments online, staff looked at the \$1.00 service/access fee charged to customers. The reason being is staff received information from Visa regarding utility special pricing we could receive which could reduce fees to customers. The required fee structure with utility special pricing is required to be percentage based at no more than 4%. In staff’s calculations, an appropriate percentage would be approximately 2% for utility-related transactions. Currently, the \$1.00 that the city keeps is charged on all transactions which creates an imbalance across transactions. Large transactions may be charged adequately but small transactions have a large fee assessed. Moving to a percentage-based system creates more equity across transactions. It should be noted, municipal court payments cannot receive utility special pricing and they are charged \$2.50 per transaction. However, if Council wanted to move to a percent based merchant fee, staff can calculate an appropriate percent for that as well. If Council decides to move to utility special pricing and a percent based fee structure of approximately 2%, the \$0.85 Tyler merchant fee would then be required to be charged directly to the city. The reason being is the city cannot charge a percentage above 4% which must include the Tyler fee. Thus, the city’s approximate 2% would include the \$0.85 pass through fee to Tyler Technologies.

The last piece for discussion is about moving all credit card and check drafts to Open Edge. Currently, multiple staff members have access to payment data. The reason for this is multiple positions need access to edit this



information when payment information changes. This creates the potential for fraud. Moving to Open Edge takes this information out of our hands. In addition, Open Edge fees are cheaper for the consumer than ETS, the city's current credit card merchant. Open Edge would charge the city a \$5.00 per month flat fee to offer the e-check feature and \$0.49 per check transaction.

You will see documents related to the "merchant fee" information from Visa as well as Open Edge contracts. The city attorney has not been asked to review in the event Council does not approve. If Council approves, approval can be contingent on city attorney review and acceptance of final documents.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to move to utility special pricing for both point of sale payments at the utility window and online payments, move to Open Edge pending city attorney review of the contract, implement e-checks through Open Edge, and to not charge the \$.85 Incode processing fee to customers.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, Motley, and Kohn

Nays: None

**i. Discussion and possible action regarding replacement of gate valves on pumps.**

Background information on this item: City Council approved maintenance for the cla-val in the amount of \$9,500 at the November 19, 2020 meeting. During the maintenance process, Cla-Val suggested the two gate valves be completely replaced. Currently, there are check valves on the pumps. The gate valves are shut down during pump maintenance and check valve repair, which is how the problem was discovered. The Cla-val acts as a backflow preventer before the gate valves. If the pumps go down, the check valves will hold the water, but if they fail, it could be a catastrophic failure because the gate valves cannot be turned off. You will not be able to replace a pump or check valve without the gate valve operating correctly.

The reason for the high cost range is pipe freezing maybe the only way to replace the gate valves as there is no other valves to shut off to do repair.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to direct staff to obtain quotes for gate valve replacement.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, Motley, and Kohn

Nays: None

**j. Discussion and possible action on the Comprehensive Plan, to include but not limited to governing body approval of changes and setting future meeting dates. Final adoption of the Plan will take place at a future public meeting following legal publication requirements and notifications.**

Background information on this item: The purpose of this item is to provide an avenue to move forward in the Comprehensive Plan approval process, if needed. This item may not be needed. The reason the agenda item is worded in such a way is so that citizens know Council does not intend to adopt the Plan at this meeting. Public notice is required prior to final adoption of the Plan by Council.

Council discussed dates for a Comp Plan work session. No action was taken.

**k. Discussion and possible action regarding Project #2020-01, the new City Hall building, to include, but not limited to any change order approval.**

Background information on this item: This is a recurring item for the city hall project. It is possible staff will need to clarify wiring needs at this meeting, but that is unknown until after a meeting to be held early next week.

Staff presented costs for data drops from contractor, Radein, which included \$15,121 for data cabling/enclosure, and \$2,758 for OS2 fiber 6F.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Steve Lafferty to approve costs of \$15,121 for data cabling/enclosure, and \$2,758 for OS2 fiber 6F.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, Motley, and Kohn

Nays: None

**l. Discussion and possible action regarding Project #2020-02, Twin Lakes, Twin Springs to include, but not limited to any change order approval.**

Background information on this item: This is a recurring item that will appear on all future agendas until this project is complete.

With nothing to discuss or report, this item was not addressed.

**m. Discuss and possible action regarding amendments to the FY 2020-2021 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.

With nothing to discuss or report, this item was not addressed.

**n. Discussion and possible action on an analysis from Freese & Nichols for Elkins Lake Dam.**

Background information on this item: At the March 2020 meeting, council approved an agreement with the Trinity River Authority related to a water rights issue. That issue is a separate issue from the dam safety issue being presented, but is mentioned for new council members who may hear both terms being used. The water rights issue has been resolved but the dam safety issue remains unresolved.

The dam safety issue goes back to 2014 and resulted from a complaint on the dam. The complaint resulted in an investigation from TCEQ. The result of the investigation was a notice of enforcement action as the dam was found to be out of compliance. Staff's understanding is that both the water rights issue and the dam safety analysis came to be because of the compliance issue with TCEQ.

Elkins Dam is considered a high hazard dam. The term is given to dams that have a potential loss of life expectancy of seven or more lives or three or more habitable structures in the breach inundation area downstream of the dam. When looking at maps provided in the PowerPoint, you will notice the proximity of Cinnamon Park Apartments along Spanish Trail to the west of Elkins Lake. To resolve the high hazard issue, Freese & Nichols (FNI) has provided three alternatives for repair. Alternative 3 is not recommended by staff as it creates a low water crossing which could create an accessibility issue for XTO staff. Heavy rains could make the entrance inaccessible. For the alternatives mentioning CLOMR/LOMR updates (FEMA flood map updates), those costs are included in the quote provided.

FNI did find a grant which staff reviewed with FNI. Staff initially asked for FNI's cost to prepare and submit the application for the project. However, the grant isn't appropriate for this project. FNI felt it was possible to make the project fit, but it is unlikely our application would be competitive with other projects that typically apply for the grant. The grant is for the Flood Infrastructure Fund (FIF) with the Texas Water Development Board. Thus, FNI could submit the application with the city paying \$15,000 or more for design/engineering and then not be successful in grant award. Staff did ask if there would be less costs to turn the area into a green space. Staff understands this option would not be well received from citizens and most likely council as well,

but we looked at all avenues because of the high cost for repair. The answer is ‘not necessarily’ because it’s not as simple as filling with dirt. Moving water or dirt could still be expensive and still affect FEMA flood maps which is expensive.

Council needs to discuss which alternative is preferred and propose plans for funding. The city may not necessarily need to fund the repair in its entirety in one year. The city just needs a defined plan to show TCEQ we are working on compliance.

No action taken.

- o. Discussion and possible action regarding the city’s response to COVID-19 (coronavirus), to include but not limited to any necessary disaster declarations, updates to City Council, and cost-related needs.**

Background information on this item: This will be a recurring item to provide an avenue to discuss needs related to COVID-19 moving forward. With cases being received almost daily in the city, and more city employees being affected, staff needs a way to discuss matters if they arise after the council packet has been delivered.

With nothing to discuss or report, this item was not addressed.

- p. Discussion and possible action regarding upcoming P25 connectivity changes to the Fort Worth master site.**

This item was added after the council packet went out but prior to the 72 hour agenda posting deadline, as it was thought to need immediate attention. However, item was not discussed or addressed.

- q. Approval of Ordinance No. 2020-16 approving budget amendments for FY 2020-2021**

*This item was previously 8f. on the Consent Agenda but was pulled off for individual discussion.*

The purpose of this budget amendment was to add funds to cover needs created from the recent Condolence and Congratulation Policy adopted by City Council. Council Member Stein asked that this funding not be added to “employee appreciation” but created as a new line item to better describe this funding source.

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to approve Ordinance No. 2020-16 approving budget amendments for FY 2020-2021, but to create a new line item instead of adding to the existing “employee appreciation” line item.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, Motley, and Kohn

Nays: None

## **10. FUTURE AGENDA ITEMS**

- Curved street definition.

## **11. EXECUTIVE SESSION**

City Council recessed into Executive Session at 9:27 p.m. for the following items.

- a. Recess into Executive Session in accordance with Government Code, Section 551.071, consultation with attorney, to wit:**
  - i. Consideration of bond requirements for oil and gas drilling**
  - ii. City Hall plat (9c on Regular Agenda)**

City Council reconvened into Regular Session at 10:12 p.m. for the following items.

**b. Reconvene into Regular Session for discussion and possible action.**

**i. Consideration of bond requirements for oil and gas drilling**

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to table this item.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, Motley, and Kohn

Nays: None

**ii. City Hall plat (9c on Regular Agenda)**

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to conditionally approve the application from City of Dalworthington Gardens for a final plat of Lots 8R1, 8R2, & 8R3, Block 1, Dalworthington Gardens Addition, an addition to the City of Dalworthington Gardens, Tarrant County, Texas, as filed in Volume 388-A, Page 105, Plat Records of Tarrant County, Texas, and commonly known as 2600 Roosevelt Drive, and direct the staff and Mayor to work with adjoining property owners to find a mutually agreed upon property line.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, Motley, and Kohn

Nays: None

**12. ADJOURN**

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to adjourn at 10:15 p.m.

Motion carried by the following vote:

Ayes: Members King, Lafferty, Stein, Motley, and Kohn

Nays: None