

Dalworthington Gardens City Council
April 18, 2019
Meeting Minutes

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:

Mayor Laura Bianco
Mark McGuire, Alderman, Place 1 (arrived at 6:06 p.m.)
Cathy Stein, Alderman, Place 3
Mayor Pro Tem Ed Motley, Place 4
Joe Kohn, Alderman, Place 5

Members Absent:

Guy Snodgrass, Alderman, Place 2

Staff Present:

Sherry Roberts, City Administrator
Lola Hazel, City Secretary
Kay Day, Finance Director

2. Engineering Work Session – Work session with the city’s new engineering firm. Discussion regarding council questions and concerns for processes and task in which the city engineer would be involved.

The work session was had.

3. Agenda Review – If time permits, review agenda items.

Council discussed the Hemingsford Gate item, Regular Agenda item a. No action was taken during the work session.

Regular Session – 7:00 P.M.

1. Invocation and Pledges of Allegiance

Mayor Bianco gave the invocation. Pledges were said.

2. Items of Community Interest

The following items were presented.

- **Coffee with Cops: May 3, 7 a.m-8:30 a.m.**
- **Movie Night in Gardens Park: Sandlot – May 4**
- **Pop On In (popcorn bar) – May 16, 5-7 p.m.**
- **Day with the Law – May 18**
- **Concert in the Park – June 15 at 7:30 p.m.**
- **Ice Cream Social – July 20, 6:30 p.m. to 8:30 p.m.**
- **Movie in the Park – July 20 at 8:45 p.m.**
- **Concert in the Park – September 21 at 7:30 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**

None.

4. **Mayor and Council Comments**

- **Mayor Laura Bianco:** Wished everyone a happy Easter. Thanked Park Board for April 14 Easter event; thanked residents for attending the March 26 town hall event; thanked those who completed the Comp Plan survey; and thanked staff for organizing the March 26 town hall.
- **Cathy Stein:** Informed audience about May 11 clean up event organized by the Park Board.
- **Mayor Pro Tem Ed Motley:** Spoke to the Park Board’s creative idea for the makeup event for the canceled Easter egg hunt where the Park Board “egged” yards by hiding eggs in resident yards on Sunday, April 14. Thanked residents in attendance at the council meeting.
- **Joe Kohn:** Honored dispatchers for national telecommunicators week. Spoke to the audience about attending church in the upcoming weekend for Easter.
- **Mark McGuire:** none.

5. **Departmental Reports**

- DPS Report**
- Park Board Update**
- Quarterly Investment Report**
- Financial Reports**

Departmental reports were presented.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Mark McGuire to approve Departmental Reports.

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

6. **Consent Agenda**

- Approval of March 4, 2019 minutes**
- Approval of March 20, 2019 minutes**
- Approval of March 21, 2019 minutes**
- A resolution authorizing continued participation with the Steering Committee of Cities served by Oncor; and authorizing the payment of eight cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC.**

- e. **A resolution finding that Oncor Electric Delivery Company LLC’s application for approval to amend its Distribution Cost Recovery Factor pursuant to 16 Tex. Admin. Code § 25.243 to increase distribution rates within the city should be denied.**
- f. **Approval to designate concerts in Gardens Park taking place on June 15, 2019 and September 21, 2019 as bring your own beverage events which allows possession and consumption of beer and wine at said events, in accordance with Section 1.09.079, City of Dalworthington Gardens Code of Ordinances.**

A motion was made to approve items a-e on the Consent Agenda and pull item f for individual discussion.

Motion carried by the following vote:

Ayes: Members McGuire, Stein, Motley, and Kohn

Nays: None

7. Regular Agenda

- a. **Discussion and possible action to allow a gate in the Hemingsfords, Dalworthington Gardens, subject to any applicable permitting submittal and/or review process.**

Background information on this item: The city attorney has researched whether the city may transfer ownership of Gatwick Lane and a portion of Hemingsford Court to the Hemingsfords Homeowners Association (HOA) in order to permit the HOA to install a gate on both roadways. A letter is included in the packet that lists details of the process but said letter is confidential under attorney-client communication. However, the first step in the process is for the HOA to put together a petition as follows. A copy of that petition is included in your packet.

Obtain the signatures of all property owners (including both spouses) for Block 1, Lots 1, 2, 3, 14, 15 and 16; Block 2, Lots 1 and 2; and any other lot abutting public streets; on a petition that:

- (i) requests the City abandon and vacate Gatwick Lane and the public portion of Hemingsfords Court;
- (ii) includes an agreement from the property owners to transfer their ownership interest in the roadway to the HOA once it is abandoned or vacated by the City; and
- (iii) states that the property owners will provide the necessary easements to utilities existing within the right-of-way. This document should include copies of recorded deeds or title searches reflecting the current ownership of all properties at issue.

The council should officially accept the petition and then proceed to the next step, if desired. The city’s attorney will help guide council through that next step.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to accept the petition from the Hemingsfords HOA and direct staff to begin next steps in the process which are to work with legal to establish the details of design in accordance with city ordinances, safety concerns, and legal requirements of property transfer; and bring back to council for any ratification of property transfers.

Motion carried by the following vote:

Ayes: Members McGuire, Stein, Motley, and Kohn

Nays: None

At this time, items b and c on the Regular Agenda were switched as presenters were not present for the outdoor advertising sign.

b. Hazardous Household Waste

- i. **Receive presentation by Dick Demien, HHW Solutions.**
- ii. **If necessary, discussion and possible to establish a hazardous household waste pickup program.**

Background information on this item: The purpose of this item is to discuss whether or not council would like to establish a hazardous household waste pickup program in the city. The cost is \$0.89 per household but all customers would be required to participate. There is not an option to allow customers to choose whether or not they would like the service.

The service provides front porch pickup for hazardous waste for everyday use. HHW Solutions has an aggregation facility authorized by TCEQ. HHW Solutions bring items into facility, items are then sorted, and fluids drained appropriately. Appropriate items are then shipped out to areas to be reused.

As HHW Solutions is required to provide 45 day notice to TCEQ prior to implementation, HHW Solutions suggested an effective date of June 1, 2019.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Mark McGuire to approve implementation of the HHW Solutions household hazardous waste program and to set a fee passed on to residents not to exceed \$1.25, subject to council approval of the contract.

Motion carried by the following vote:

Ayes: Members McGuire, Stein, Motley, and Kohn

Nays: None

c. **Outdoor Advertising Sign**

i. **Receive presentation**

ii. **Discussion and possible action to allow an outdoor advertising sign in the city's right of way; and possible action on approving an Operating Agreement with CEIS, LLC for said outdoor advertising sign.**

Background information on this item: CEIS, LLC approached the city about the consideration for an outdoor advertising sign being placed in the city's right-of-way at the corner of Arkansas Lane and Bowen Road. CEIS constructs signs in cities at no cost to those cities. CEIS solicits advertisements from local businesses for six second intervals on the sign. The city receives approximately one out of every eight ads for advertising city events. All advertisements are interrupted for Amber alerts and emergency messages.

Included in council's packet are a presentation from CEIS, site plan for proposed DWG sign, recommendation letters from other entities with signs, pictures of other similar signs.

The Operating Agreement lists out details for the city's responsibility. Below are highlights:

- CEIS pays for all costs and liabilities incurred for construction of sign
- CEIS would have sole exclusive rights to operate sign for a term of 20 years.
- CEIS responsible for all sign maintenance
- CEIS would tap into city power but will reimburse city for usage
- Advertisements are interrupted for emergency messages, Amber alerts, etc.
- The sign will never include advertisements for the following: obscene material nor advertise any adult-oriented material, tobacco products, liquor products, medical and recreational cannabis or dispensaries selling the same, or political messaging.
- City has control over size, design, and number of signs
- DWG businesses will have priority for advertising
- City responsible for any landscaping around sign
- City would waive any permit fees
- City receives approximately one out of every eight messages for city use

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to table this item and bring it back to Council once changes have been made to city ordinances and a proposed agreement is ready for approval.

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

d. Discussion and possible action regarding process and controls for the city's water system.

Background information on this item: The purpose of this item is to discuss the city's water system – an all-encompassing discussion regarding water flow rate, controls in place to determine how the system chooses which water system to use (Fort Worth or Arlington), possible discussion regarding Scada system, and any and all related processes for the water system.

Staff was directed to set up a meeting with the city engineer, and have the engineer conduct a study and come back with proposal for distribution model. A second meeting was to be set up with the city of Arlington to discuss the City's contract for sale and delivery of treated water.

No action was taken on this item.

e. Discussion and possible action to approve change order no. 1 for project #2019-02, California Lane drainage improvement project, in the amount of \$6,000.

Background information on this item: A change order is needed for the California Lane drainage improvement project. Four more headwalls are needed at a cost of \$1,500 each, totaling \$6,000. This change order needs to be approved before the project can be finished.

A motion was made by Council Member Mark McGuire and seconded by Council Member Cathy Stein approve a Change Order No. 1 for project #2019-02, California Lane drainage improvement project in the amount of \$6,000.

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

f. Discussion and possible action to dissolve council liaison position for the Park Board.

Background information on this item: Council appointed a liaison to the Park Board in 2017. Although the ordinances do not require council liaison positions, council may appoint such informal appointments, if desired. With dissolution of the council liaison position, a council member would not be required to attend Park Board meetings. However, the dissolution does not prohibit council from attending any board meeting or other meeting open to the public, if desired. It just removes the requirement.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Joe Kohn to dissolve the council liaison position for the Park Board.

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

g. Approval to designate concerts in Gardens Park taking place on June 15, 2019 and September 21, 2019 as bring your own beverage events which allows possession and consumption of beer and wine at said events, in accordance with Section 1.09.079, City of Dalworthington Gardens Code of Ordinances.

The item was pulled from the Consent Agenda – item f.

Background information on this item: The Park Board would like to designate concerts occurring on June 15, 2019 and September 21, 2019 as bring your own beverage events which allows beer and wine possession and consumption by adults. This designation and request are made in accordance with Section 1.09.079 of the city's ordinances.

Sec. 1.09.079 Alcoholic beverages generally prohibited

(a) It shall be unlawful for any person to possess or consume any alcoholic beverage while on or within the limits of any park of the city, unless possession or consumption of beer or wine is by an adult, at a special event authorized by the city, and designated by the city as a bring your own beverage event.

(b) City designation of the event as a bring your own beverage event shall be posted on the city website, and shall be included in any literature, newsletters, brochures or other publicity about the event, and such designation shall be substantially in the form of "This event is designated by the City of Dalworthington Gardens as a bring your own beverage (beer or wine) event pursuant to City Code of Ordinances section 1.09.079."

A motion was made by Council Member Cathy Stein and seconded by Council Member Mark McGuire to approve concert dates and any subsequent dates set in the event of a reschedule or cancellation of the original dates.

Motion carried by the following vote:

Ayes: Members McGuire, Stein, Motley, and Kohn

Nays: None

8. City Administrator Items

a. Project updates

Project updates were presented.

9. Future Agenda Items

- Financial Policy
- Budget review
- Staff evaluations for city administrator, director of DPS, finance director, and city secretary.

10. Adjourn

A motion was made by Council Member Mark McGuire and seconded by Council Member Joe Kohn to adjourn at 8:54 p.m.

Motion carried by the following vote:

Ayes: Members McGuire, Stein, Motley, and Kohn

Nays: None