

Dalworthington Gardens City Council
Meeting Minutes
June 20, 2019

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
Guy Snodgrass, Alderman, Place 2
Cathy Stein, Alderman, Place 3
Mayor Pro Tem Ed Motley, Place 4
Joe Kohn, Alderman, Place 5

Members Absent:

Mark McGuire, Alderman, Place 1

Staff Present:

Sherry Roberts, City Administrator
Lola Hazel, City Secretary
Greg Petty Director of DPS
Kay Day, Finance Director

2. Work Session: Comprehensive Financial Policy and Purchase Policy review.

The work session was conducted.

Council took a short three minute recess before beginning the Regular Session.

Regular Session – 7:00 P.M.

The Regular Session began at 7:08 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.

- **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.**
- **Business Over Breakfast – September 4, 8-9 a.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

1. Steve Flowers, 3306 Evie Court: spoke to losing the fight to save Pappy Elkins Lake. Also spoke to having TCEQ drain the lake so it would no longer be considered a dam. Also spoke to XTO never being within ordinances as it pertains to erosion and sediment control.

4. Mayor and Council Comments

- **Mayor Laura Bianco**: Shared a new city newsletter segment called “Caught Being Kind” where the winners for June were residents Phil Szurek, Richard Todd, and Chad Woodard. All three of these wonderful citizens were caught mowing the park to help beautify our city. Richard Todd was also caught in the commission of kindness mowing ditch lines and beautifying our city. Thanked Vanessa Galindo and Green’s Produce for organizing a fund raising event where they raised \$646 to build a pollinator garden in Gardens Park. Thanked Joe Kohn for donating some much needed equipment to our public works department. Thanked Lezlee Liljenberg for organizing our first ever “Business Over Breakfast” to be held September 4, 2019 at Sasa’s Place, 2700 W. Arkansas Lane. Thanked Cathy Stein for heading up the Shop DWG program. Thanked the Park Board for Concert in the Park help on June 15.
- **Guy Snodgrass**: none
- **Cathy Stein**: none
- **Mayor Pro Tem Ed Motley**: none
- **Joe Kohn**: Thanked Steve Flowers for commenting during citizen comments.

5. Departmental Reports

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

Departmental Reports were presented.

6. Consent Agenda

- a. **Approval of May 16, 2019 minutes.**
- b. **Approval of May 30, 2019 minutes.**
- c. **Approval of June 4, 2019 minutes.**
- d. **Approval of June 5, 2019 minutes.**
- e. **Approval of an ordinance approving budget amendments for FY 2018-2019.**
- f. **Approval of an agreement with the City of Everman, Texas to authorize a donation of certain radio equipment to the City of Everman.**

A motion was made by Council Member Cathy Stein and seconded by Council Member Ed Motley to approve the Consent Agenda.

Motion carried by the following vote:

Ayes: Members Snodgrass, Stein, Motley, and Kohn

Nays: none

7. Regular Agenda

a. Discussion and possible action to approve an agreement with Specialized Public Finance Inc. for financial advisory services.

Background information on this item: Southwest Securities is the financial advisor the city has used in the past. Staff is asking to switch to Specialized Public Finance Inc. (SPFI) to reduce the city's cost for mandated annual bond disclosure table reporting. Second, staff has established a good working relationship with Steven Adams, principal manager for Specialized Public Finance Inc.

A motion was made by Council Member Guy Snodgrass and seconded by Council Member Cathy Stein to approve an agreement with Specialized Public Finance Inc. for financial advisory services.

Motion carried by the following vote:

Ayes: Members Snodgrass, Stein, Motley, and Kohn

Nays: none

At this time, items b. and c. were swapped on the agenda so that item c. was discussed before item b.

b. Consider approval of an agreement with Hazardous Household Waste Solutions for collection, hauling, recycling, or otherwise properly disposing of household hazardous waste.

Background information on this item: Council approved a fee for household waste services at the April 18 meeting. This is the contract for Hazardous Household Waste Solutions to provide this service to residential customers.

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to approve an agreement with Hazardous Household Waste Solutions for collection, hauling, recycling, or otherwise properly disposing of household hazardous waste; and to work with Hazardous Household Waste Solutions to make suggested changes to Section 9 regarding billing; to the definitions and references to "residential unit" in the contract so it includes all residential areas in our city; and Item Limits Per Collection Per Month in Section 3 to change minimums on certain items.

Motion carried by the following vote:

Ayes: Members Stein, Motley, and Kohn

Nays: Member Snodgrass

c. Consider approval of ordinance ratifying council's decision to enact a fee for household hazardous waste.

Background information on this item: Council approved this fee at the April 18 Council Meeting. This ordinance ratifies that fee.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to approve an ordinance ratifying council's decision to enact a fee for household hazardous waste.

AN ORDINANCE AMENDING ARTICLE A7.000, "SOLID WASTE COLLECTION" OF APPENDIX A "FEE SCHEDULE," OF THE CODE OF ORDINANCES OF THE CITY OF DALWORTHINGTON GARDENS, AS AMENDED, BY ADDING FEES FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER AND PROVIDING AN EFFECTIVE DATE.

Motion carried by the following vote:

Ayes: Members Stein, Motley, and Kohn

Nays: Member Snodgrass

d. Discussion and possible action regarding processes and controls for the city’s water system, including but not limited to, recommendations from the city’s engineer for suggested changes affecting the water flow rate for the city’s water supply.

Background information on this item: Council previously gave staff direction to inquire about changing the orifice on the Fort Worth Cla-Val and for our engineering firm to provide Council with recommendations for the water system. The Fort Worth water intake valve currently controls the flow at a minimum of 515gpm. The city needs the valve to control at a minimum range of 175-300gpm. The purpose of staying within this desired minimum range is to achieve an average daily minimum and greatly reduce peak demand charges. There will soon be an updated water contract between DWG and Arlington that does not include a daily minimum allowing the City to level out the water intake between Ft. Worth and Arlington. This implementation will help DWG avoid peak demand charges from Ft. Worth saving the City money.

No action taken.

e. Discussion and possible action regarding an increase in water and sewer rates.

Background information on this item:

Water rates are currently as follows:

<u>Gallons of Water</u>	<u>Residential Rate</u>	<u>Commercial Rate</u>
First 2,000 gallons (minimum)	\$25.00	\$50.00
Over 2,000 gallons (per 1,000 gallons)	\$3.70	\$3.70
Bulk rate per 1,000 gallons		\$9.75

Sewer rates are currently as follows:

<u>Gallons of Water</u>	<u>Residential Rate</u>	<u>Commercial Rate</u>
First 2,000 gallons (minimum)	\$20.00	\$50.00
Over 2,000 gallons (per 1,000 gallons)	\$3.30	\$3.30

(Residential has a cap of 15,000 gallons)

A motion made by Mayor Pro Tem Ed Motley and seconded by Council Member Guy Snodgrass to set the residential base rate at \$30 per month for water; set the commercial base rate at \$55 per month; leave the first 2,000 gallons as is for both residential and commercial; raise volume charge to \$4.00 for both residential and commercial; raise waste water base to \$25 for residential and \$55 for commercial; raise volume charge to \$3.75 per 1,000 and leave the first 2,000 gallons included for both residential and commercial.

Motion carried by the following vote:

Ayes: Members Snodgrass, Stein, Motley, and Kohn

Nays: None

f. New City Hall Building: Discussion and possible action on the following items.

Background information on this item: The building committee met with Steele & Freeman and OWT on June 10, 2019. Discussion was held regarding Steele & Freeman’s overhead cost which Council agrees is too expensive. Four items were discussed to allow the new City Hall building project to move forward.

a. To approve or deny the guaranteed maximum price (GMP) for construction with Steele & Freeman, Inc.

A motion was made Mayor Pro Tem Ed Motley and seconded by Council Member Guy Snodgrass to deny the guaranteed maximum price (GMP) for construction with Steele & Freeman, Inc.

Motion carried by the following vote:

Ayes: Members Snodgrass, Motley, and Kohn

Nays: Member Stein

b. To approve a release of liability for Steele & Freeman, Inc.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Guy Snodgrass to approve the release of liability for Steele & Freeman, Inc. with the caveat that the following language be added to the letter provided by Steele & Freeman, Inc.: “However, the city retains its license to utilize the plans for design.”

Motion carried by the following vote:

Ayes: Members Snodgrass, Stein, Motley, and Kohn

Nays: None

c. To approve a contract with Oxley William Tharp (OWT) Architects for architectural design and construction services, and to prepare necessary bid documentation.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Guy Snodgrass to approve a contract with Oxley William Tharp (OWT) Architects for architectural design and construction services, and to prepare necessary bid documentation, subject to city attorney review, and mayor and city attorney approval of final contract.

Motion carried by the following vote:

Ayes: Members Snodgrass, Stein, Motley, and Kohn

Nays: None

d. To authorize soliciting bids for construction and/or design.

No action taken.

g. Discussion and possible action to seek clarification regarding amending the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, to permit brewpubs and wineries by special exception in the B-2 business district, B-3 business district, and the light industrial district; and to permit brewpubs and wineries by specific use permit in the mixed use overlay district.

Background information on this item: Council approved an ordinance on May 16, 2019 to allow brewpubs as special exceptions in the B-2, B-3, and LI zoning districts. However, based on the motion made at the May 16 meeting, it is not clear to staff if Council intended to include wineries in the motion.

Below is the motion made at the May 16 meeting:

A motion was made by Council Member Guy Snodgrass and seconded by Mayor Pro Tem Ed Motley to approve the ordinance as presented with no changes, and was amended to allow any brewpub as licensed by the TABC.

Staff’s initial interpretation of the motion was that Council intended to include both brewpubs and wineries in the approval. Based on the amendment in the motion, it is no longer clear if that was Council’s intention. Staff is seeking clarification by way of motion on whether or not Council intended to include wineries.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Guy Snodgrass to approve the ordinance to include both brewpubs and wineries as special exceptions in the B-2, B-3, and LI zoning districts; and to include both for onsite and offsite consumption in all districts.

Motion carried by the following vote:

Ayes: Members Snodgrass, Stein, Motley, and Kohn

Nays: None

h. Consider approval of an ordinance for placement of a traffic control device at the Key Elementary school parking lot exit.

Background information on this item: No left turn signs were put up to prevent cars from turning left out of the Key Elementary parking lot during school drop off and pick up hours, forcing all cars to turn right. This will assist with congestion from vehicles traveling east towards Bowen. This ordinance allows enforcement of that action.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve an ordinance for placement of a traffic control device at the Key Elementary school parking lot exit.

Motion carried by the following vote:

Ayes: Members Snodgrass, Stein, Motley, and Kohn

Nays: None

i. Discussion and possible action to approve the purchase of a motorcycle for the DWG Department of Public Safety.

Background information on this item: DPS currently has two 2013 Harley Davidson Motorcycles used by DPS personnel to assist in traffic enforcement.

The motorcycles are requiring more maintenance taking our traffic officer off the street to fix the repairs. DPS would like to trade 1 Harley Davidson motorcycle and use the proceeds from private donations and the proceeds from the Van auction to supplement this purchase.

Recommended Action/Motion: To approve the trade-in of 1 Harley Davidson towards the purchase of 1 new BMW motorcycle. This would leave \$14,308.68 remaining to be taken out of the DPS general fund.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Guy Snodgrass to approve the purchase of a motorcycle for the DWG Department of Public Safety, subject to the approval by the Crime Control and Prevention District on July 16 for same.

Motion carried by the following vote:

Ayes: Members Snodgrass, Stein, Motley, and Kohn

Nays: None

j. Consider approval of a resolution to approve various City board appointments.

The following board appointments are needed. There will be one vacancy for a ZBA alternate position created for Phil Szurek. He has scheduling conflicts that prevent him from attending these meetings. Staff will post notices to solicit interest in serving on the ZBA.

- Zoning Board of Adjustments: Horace Riley and Paula Boehme for two year terms to expire June 2021.
- Planning and Zoning Commission: Maurice Clark, Todd Batiste, and Louis Celone for three year terms to expire June 2022.
- Park Board: Jeannine Calhoon and Tara Cao for two year terms to expire June 2021.
- Crime Control Prevention District: Cathy Stein, Ed Motley, and Joe Kohn for two year terms to expire August 2021.
- Park and Recreation Facilities Development Corporation: Cathy Stein, Phil Szurek, Ken Kiser, and David Hudson for two year terms to expire June 2021.

A motion was made by Council Member Cathy Stein and seconded by Council Member Joe Kohn to approve board appointments as presented, to appoint Richard Kopecky to one of the Zoning Board of Adjustments vacancies, and to direct staff to solicit applications for the second Zoning Boards of Adjustments vacancy.

Motion carried by the following vote:

Ayes: Members Snodgrass, Stein, Motley, and Kohn

Nays: None

k. Discussion and possible action to direct staff regarding changes to the City of Ordinances, Chapter 13, regarding the designated time for placing garbage and recycle bins at the curb for pickup.

Background information on this item: Alderman Kohn requested this item to be placed on the agenda. Chapter 13, the City's existing ordinance providing regulations for trash and recycling pickup is in need of some changes. Mr. Kohn brought it to staff's attention that there is no time designated for how early to place garbage and recycling carts at their appropriate locations. A redlined change is reflected in the ordinance to correct that for garbage bins.

Staff found more areas in need of edits in the Chapter 13. Once such section is highlighted in yellow in the attached ordinance. Recycling is no longer a choice with the City's new recycling program. Staff would like to also make necessary updates to the highlighted section and any remaining sections which may contain errors or omissions. Staff would bring back a final ordinance in July for council's approval.

A motion was made by Council Member Cathy Stein and seconded by Council Member Joe Kohn to direct staff to prepare an ordinance to make the following changes:

- Addresses an earlier than midnight requirement for putting trash out
- Pull out recycling wording in the ordinance but post it on the website somewhere
- Bring back any other staff-suggested changes

An amendment to the motion was made by Council Member Guy Snodgrass and seconded by Mayor Pro Tem Ed Motley to completely remove the time stipulations listed in the ordinance for placing out trash and recycling.

Motion on the amendment only carries by the following vote:

Ayes: Members Snodgrass, Motley, and Kohn

Nays: Member Stein

The original motion to include the amendment carries by the following vote:

Ayes: Members Snodgrass, Stein, Motley, and Kohn

Nays: None

l. Discussion and possible action regarding the authority for variances to the City's sign ordinance.

Background information on this item: Staff has been tasked with updating the City's sign ordinance which should be ready for review in July. The ordinance update was prompted by CEIS approaching the city about placement of a sign at the corner of Arkansas and Bowen. The sign ordinance is currently in two places in the City's ordinances – Chapter 3 and Chapter 14. The reason an ordinance would be located in Chapter 14, which is the City zoning ordinance, is if Council wishes to allow a variance process to sign regulations. Variances in Chapter 14 currently go before the Zoning Board of Adjustment (ZBA). The ordinance being proposed that Council will see in July is a bit stronger than current sign regulations. In making regulations stronger, staff initially decided to remove any option for a variance and move the ordinance into Chapter 3, where it is commonly seen in city ordinances. After further review, staff decided to add in a variance procedure to the ordinance that would go to City Council instead of the ZBA.

Before the ordinance is finalized and presented to both Planning and Zoning and Council for adoption, staff would like direction on Council's preference for the variance authority for the ordinance. Or, if Council prefers, removing any variance procedure and moving the ordinance to Chapter 3. If Council wants to leave the variance authority to the Zoning Board of Adjustments, the ordinance can be completely moved to Chapter 14, Zoning. Otherwise, it is cleaner to move it to Chapter 3, Building Regulations.

Staff is required to take the ordinance to Planning and Zoning (P&Z) for approval prior to Council approving it. This direction is being requested before approaching P&Z so staff knows whether P&Z will be asked for approval to remove the sign regulations from the zoning ordinance, or whether P&Z will need to review and approve the actual ordinance changes. If the ordinance is removed from Chapter 14, staff will only be asking P&Z for approval to remove the ordinance and not going over the changes.

Council's three options:

1. Move ordinance to Chapter 3, Building Regulations, and have council as authority for variance procedure.
2. Leave ordinance in Chapter 14, Zoning, and have ZBA remain the authority for sign variances.
3. Move ordinance to Chapter 3, Building Regulations, and have NO variance procedure for signs.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Guy Snodgrass to choose option 2 as follows: Leave ordinance in Chapter 14, Zoning, and have ZBA remain the authority for sign variances.

Motion carried by the following vote:

Ayes: Members Snodgrass, Stein, Motley, and Kohn

Nays: None

m. Discussion and possible action regarding the City's Purchase Policy.

A motion was made by Mayor Pro Tem Motley and seconded by Council Member Cathy Stein to continue this item to the next regular meeting.

Motion carried by the following vote:

Ayes: Members Snodgrass, Stein, Motley, and Kohn

Nays: None

n. Discussion and possible action regarding the City's Comprehensive Financial Policy.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve the Comprehensive Financial Policy to include the changes discussed during the work session.

Motion carried by the following vote:

Ayes: Members Snodgrass, Stein, Motley, and Kohn

Nays: None

8. City Administrator Items

- a. Project updates**
- b. Cost update on Venus Construction for a water leak on Roosevelt Drive**
- c. New website launch**

Items presented.

9. Future Agenda Items

Council Member Cathy Stein requested the following item: New contract with Arlington without minimum purchase requirement in it, next month if possible.

10. Adjourn

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to adjourn at 9:47 p.m.

Motion carried by the following vote:

Ayes: Members Snodgrass, Stein, Motley, and Kohn

Nays: None