

MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON JULY 16, 2020 AT 6:30 P.M. IN THE COUNCIL CHAMBERS, 2600 ROOSEVELT DRIVE, DALWORTHINGTON GARDENS, TEXAS.

For this meeting, the presiding officer was physically present at the location described above. However, one or all other members of the City Council participated in this meeting remotely through telephone conference providing for two-way audio communication for each member of the City Council. A public dial in number was provided to the public for access to the meeting. These measures were taken 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 6:33 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. CITY HALL BUILDING DISCUSSION

Item discussed.

3. OTHER AGENDA ITEMS, IF TIME PERMITS

No others were discussed.

REGULAR SESSION – 7:00 P.M.

1. CALL TO ORDER

The Regular Session was called to order at 7:00 p.m.

2. INVOCATION AND PLEDGES OF ALLEGIANCE

Mayor Bianco gave the invocation. Pledges were said.

3. ITEMS OF COMMUNITY INTEREST

The following items were presented.

- **Day with the Law CANCELED**
- **Concert in the Park – September 19 at 7:30 p.m.**
- **National Night Out – October 6**
- **Trunk or Treat – October 24, 5:30 p.m. to 8 p.m.**

- **Christmas in the Park/Santa Photos – December 6, 3-5 p.m.**
- **Santa Parade – December 23**

4. CITIZEN COMMENTS

None

5. MAYOR AND COUNCIL COMMENTS

Mayor Bianco: Thanked Kimberly Fitzpatrick for providing lunch to staff. Thanked Southwest Arlington Little League for donating water to DPS.

John King: Thanked staff for all they did to work on budget. Sent thoughts and prayers out to citizens who've been affected by COVID.

Steve Lafferty: None

Cathy Stein: None

Ed Motley: None

Joe Kohn: None

6. DEPARTMENTAL REPORTS

- a. DPS Report**
- b. Park Board Report**
- c. Financial Reports**
- d. Quarterly Investment Report**
- e. City Administrator Report**

Departmental Reports presented.

7. CONSENT AGENDA

- a. June 18, 2020 regular meeting minutes**
- b. Presentation and acknowledgment of budget adjustments for June 2020.**

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

Motion carried by the following Vote:

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

Nays: None

8. REGULAR AGENDA

- a. Discussion and possible action regarding reimbursement for expenses from CARES Act funding received from Tarrant County.**

Background information on this item: Council approved an agreement on May 21 which resulted in the receipt of CARES Act funds from Tarrant County in the amount of \$128,150. The funds were received in mid-June, and in accordance with Section 4 on page 2 of the agreement, staff sent a proposed budget to Tarrant County on July 3, 2020. Prior to sending the budget, the city administrator and DPS director met with the city's

attorney to confirm expenditure eligibility (Section 5 of the agreement). The budget is now being presented to Council for consideration. We have removed two items that were on the list that was presented to Tarrant County since the budget exceeded the award amount. We have removed the jail arraignment items as there is other additional funding we can use. We have also removed a vehicle that was to be used to operate the emergency response trailer.

The total presented at the time of this report is slightly less than the total award amount of \$128,150. However, staff will continue to need basic supplies for cleaning and safety for response to COVID-19.

Staff is requesting the following for this item:

Allow staff to work with the Mayor on expenditures based on Tarrant County's response to the budget.

Allow staff to purchase three (3) tough books for public works in the amount of \$13,726.50

The tough books are needed for public works staff to remain mobile and maintain distancing requirements. Tough books are requested because public works is primarily a field position and they need a device that can withstand that environment.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to direct staff to work with the mayor on the presented CARES Act budget; and motion to approve the purchase of three (3) tough books in the amount of \$13,726.50 and allow the purchase of paperless devices for the front desk staff from the CARES Act funds received from Tarrant County, with the stipulation that the trailer and associated items are removed from the list of requests.

Motion carried by the following Vote:

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

Nays: None

b. Discussion and possible action regarding purchasing a new vehicle for public works.

Background information on this item: The city installed an Orifice Valve last year at the Fort Worth water meter that would restrict flow to a constant maximum of 250,000 gallons per day (gpd) and a max gallons per minute of 173.6 (gpm). The Demand Charge that we are billed by Ft Worth has two components, Max Day and Max Hour.

Before the Orifice Valve was installed, the city was bound by Fort Worth's gpm that they were releasing, which was approximately 1,000 gallons per minute. What would happen is if there was a large use of water in an hour of 1,000 gpm and nothing the rest of the day, the city was measured by our avg. gpm against this huge gpm. Another thing would be if we had huge usage one day (and nothing from Arlington), the city would be measured by our avg gpd and the max gpd. These big gaps between avg and max is what they call peak demands and we pay for that.

Now with the orifice in place, it maintains consistency not only on the daily flow but also the hourly flow. If you see below, Annual and Monthly Rate of Use Charge is decreasing substantially since we closed the gap on Peak Demand. We show an \$82,177.95 projected decrease in next year's budget. We gained a \$52,390.23 in this year's budget from last year.

FT WORTH BILL CALCULATIONS NOT ACCOUNTING FOR TRUE-UP

This is the calculation to yield the monthly rate of use charge being billed through out the year based on current rates and prior year usage info

The assumption is that the Actual Usage from the current FY that just ended is applied against the new budgeted rates and a true-up happens at the end of the year.

RATE OF USE YEARLY CALCULATION-Billing Year	FY 20/21	FY 19/20	FY 18/19	FY 17/18	FY 16/17	FY 15/16	FY 14/15
USAGE	FY 19/20	FY 18/19	FY 17/18	FY 16/17	FY 15/16	FY 14/15	
AVG DAY	186,680	218,470	239,000	343,434	392,502	500,017	
MAX DAY	299,000	553,000	987,000	1,005,000	983,000	1,240,000	
MAX HOUR	306,000	1,598,000	1,577,000	1,694,000	1,712,000	2,183,000	
MAX DAY ABOVE AVG DAY	112,320	334,530	748,000	661,566	590,498	739,983	
MAX HOUR ABOVE MAX DAY	7,000	1,045,000	590,000	689,000	729,000	943,000	
MAX DAY ABOVE AVG DAY	112,320	334,530	748,000	661,566	590,498	739,983	
EXCESS MAX DAY DEMAND PER 1MG	\$ 105,207	\$ 121,788	\$ 156,337	\$ 159,516	\$ 148,319	\$ 148,319	
/1,000,000	\$ 0.105	\$ 0.122	\$ 0.156	\$ 0.160	\$ 0.148	\$ 0.148	
ANNUAL MAX DAY DEMAND PAYMENT	\$ 11,816.85	\$ 40,741.74	\$ 116,939.73	\$ 105,530.31	\$ 87,582.07	\$ 109,753.54	
MAX HOUR ABOVE MAX DAY	7,000	1,045,000	590,000	689,000	729,000	943,000	
EXCESS MAX HOUR DEMAND PER 1MG	\$ 42,119	\$ 51,242	\$ 50,407	\$ 48,598	\$ 5,960	\$ 5,960	
/1,000,000	\$ 0.042	\$ 0.051	\$ 0.050	\$ 0.049	\$ 0.006	\$ 0.006	
ANNUAL MAX HOUR DEMAND PAYMENT	\$ 294.83	\$ 53,547.89	\$ 29,740.13	\$ 33,484.02	\$ 4,344.84	\$ 5,620.28	
TOTAL ANNUAL RATE OF USE CHARGE	\$ 12,111.68	\$ 94,289.63	\$ 146,679.86	\$ 139,014.33	\$ 91,926.91	\$ 115,373.82	
MONTHLY RATE OF USE CHARGE	\$ 1,009.31	\$ 7,857.47	\$ 12,223.32	\$ 11,584.53	\$ 7,660.58	\$ 9,614.48	
Monthly Decrease in Rate of Use Charge Fy 20/21 vs FY 19/20	\$ (6,848.16)	\$ (4,365.85)	\$ 638.79	\$ 3,923.95			
Annual Decrease in Rate of Use Charge Fy 20/21 vs FY 19/20	\$ (82,177.95)	\$ (52,390.23)	\$ 7,665.53	\$ 47,087.42			

With this savings, staff is asking to purchase a vehicle for the water department. Historically, vehicles were purchased out of the public works department, but the water funds can be used for this purpose as well.

We now have three employees who perform water, street, and public works duties. We are working towards a more remote system because of COVID-19, but more importantly to streamline work flow for these employees to allow for more work out in the field. Having three vehicles will accommodate the tough books we asked to purchase under the CARES Act funding. If council agrees, we intend to keep the animal control vehicle since it is not likely we would receive any trade in value, and also because the vehicle is already outfitted with animal control tools.

We do not have an official quote sheet, but the below is what we received for this purchase. We are looking to buy a similar truck to the fire inspector vehicle council approved last year. We are asking for a little more than the below in the event something is slightly more than anticipated.

F150 Truck	38,000.00
Lights	2,946.19
Headache Rack & Tool Box	1,295.00
Bed liner	1,200.00
Graphics	800.00
Total	44,241.19

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to approve the purchase of a vehicle from the water fund not to exceed \$46,000.

Motion carried by the following Vote:

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

Nays: None

- c. **Discussion and possible action on the Appendix A fee schedule to remove contractor registration fees, set a fixed fee for shut off valve installation, and to have the city attorney make changes to allow adoption of the fee schedule by resolution instead of ordinance.**

Background information on this item: This item has three parts all related to the city's fee schedule. The purpose of this item is to reduce fees in certain areas, and to make revisions to the fee schedule easier and cheaper. If the fee schedule is approved by resolution, the city would not be paying a cost to revise ordinances with each revision.

The first piece pertains to shut off valves. Shut off valves are required by the 2015 International Residential Code to be installed by customers for new construction. Staff is looking for ways to incentivize this installation because it puts the customer in control of turning water on and off for construction purposes. According to the fee schedule, the fee for plumbing alterations/additions is \$120. Staff would like to set a flat fee of \$25 for basic shut off valve installations to make the cost of installation less burdensome. If more plumbing work will be done than just a shut off valve, wording can be added to ensure customers are only charged one or the other, never both.

The second piece pertains to contractor registration fees found in Article A3.000 of the city's ordinances. Each year, it seems more contractors are protected by legislation from being charged a contractor fee. Plumbers and electricians were removed in the last few years. Staff would like to remove all contractor registration fees from Section A3.001 of the ordinances.

The third and last piece pertains to changing fee schedule adoption from an ordinance to a resolution. The city attorney has the ability to remove the fee schedule from ordinances and replace it with wording stating our fee schedule is adopted by resolution. Then, each year, the fee schedule could be brought to council for consideration and approval by resolution.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to approve making changes to the Appendix A fee schedule to remove contractor registration fees, set a fixed fee for shut off valve installation, and to have the city attorney make changes to allow adoption of the fee schedule by resolution instead of ordinance.

Motion carried by the following Vote:

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

Nays: None

d. Discussion and possible action regarding purchase of SCBAs (self-contained breathing apparatus) for DPS.

Background information on this item: DPS is requesting discussion and guidance on purchasing new SCBA's. Our current SCBA's are past their life expectancy and parts are no longer available. We have located a vendor that will allow us to make three annual payments with zero interest to assist in replacing our outdated equipment.

The new SCBA's are from a different manufacturer and will not work with what we have now. Therefore, if we do change, they would have to be purchased all together. DPS possibly has money in this year's budget to make the first payment. DPS is currently working with the vendor to get the absolute best price and will provide the information when available.

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to put an item on the August agenda to discuss the purchase of 20 SCBAs, 25 bottles, a battery, and a charging station.

Motion carried by the following Vote:

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

Nays: None

e. Discussion and possible action to direct staff regarding an ordinance to ban smoking in businesses.

Background information on this item: This item was requested to be placed on the agenda by Mayor Bianco. The Mayor would like to discuss the creation of an ordinance banning smoking in businesses. Arlington passed such an ordinance in 2017. Ordinances directly correlate to what businesses a city attracts. DWG has been working on updating ordinances to better control what businesses the city attracts and this is part of that discussion.

From Arlington's Website:

Where is smoking prohibited indoors?

- bars
- nightclubs
- restaurants
- hotels and motels
- workplaces
- schools (preschool to post-secondary)
- billiard halls
- sexually oriented businesses
- bowling centers
- common areas of multi-family housing, including apartment complexes and condos
- municipal buildings
- most other enclosed public places, including hospitals, nursing homes, museums, galleries, retail stores and theaters

Where is smoking prohibited outdoors?

- Within 15 feet of the primary entrance to a bar, nightclub, billiard hall, bowling center or sexually oriented business
- Within 50 feet of the exterior entrances or operable windows or ventilation systems of other smoke-free establishments
- Within 50 feet of public park amenities, including public restrooms, playgrounds, fenced areas around public swimming pools, dugouts, and bleachers provided for spectators at outdoor athletics events

No action taken

- f. Project #2020-03: Indian Trail Project: Provide update on the status of the project and consider approval for the following:**
- i. Revised Interlocal Agreement with Tarrant County for reconstruction of Indian Trail.**
 - ii. A quote for a traffic control plan.**
 - iii. Funds for erosion control in an amount not to exceed \$2,000**

Background information on this item: These are the last remaining items for the Indian Trail project. Staff is asking for approval of the following:

1. Updated interlocal agreement which now includes the striping. The striping is \$277.20 for a double yellow centerline stripe, which is what is already on Indian Trail.
2. Quote for traffic plan and equipment rental which totals \$1,110.50. Staff requested a second quote to purchase equipment just for comparison. Staff recommends approval the rental quote now since the project is far out on the schedule. If purchasing equipment is achieved prior to the start of the project, staff will only purchase what equipment is needed beyond the purchased barricades.
3. Staff is asking for \$2,000 to cover any necessary erosion control. It is likely erosion control will not be needed as Tarrant County brings road materials with them each day, but we want to prepare in the event storing materials on site is needed. In consulting with Tarrant County, it was determined \$2,000 should cover whatever might be needed.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to approve the following for Project #2020-03, Indian Trail: Interlocal Agreement with Tarrant County, striping quote for \$277.20, traffic control plan and equipment rental for \$1,110.50, and \$2,000 for erosion control.

Motion carried by the following Vote:

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

Nays: None

g. Discuss and possible action regarding amendments to the FY 2020 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.

This item was not needed.

h. Discussion and possible action regarding Project #2020-01, the new City Hall building, to include, but not limited to any change order approval; and redesign of the project.

Background information on this item: Staff presented change orders for the new City Hall building at the June 18, 2020 meeting which resulted in conversation about a proposed redesigning of the sally port area. Staff was asked to put this back on the agenda for discussion regarding the replacement of the sally port with a fence and gate design. Staff has included the original site plan showing the sally port, floor plan of the building to show the front entrance area, and the new site plan showing the proposed fence and gate location. There is also a cost sheet so you can see all earmarked expenses and the remaining balance of the fund. There are no change orders requiring approval at this time.

Staff is looking for guidance on any redesign of the building. The architect designed the building to allow for a gate and fence at a later date since we had to go ahead and move forward in one direction or another.

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to approve the updated pavement plan to remove the sally port, and that no fence or gate be approved at this time.

Motion carried by the following Vote:

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

Nays: None

i. Discussion and possible action to select one or more firms to provide third party inspection and plan review services.

Background information on this item: In April 2020, Council authorized staff to solicit bids for third party inspection and plan review services. Two bids were received from Safebuilt and Bureau Veritas. Staff interviewed Safebuilt and called references. The Safebuilt staff members who were interviewed came from Bureau Veritas and were familiar and favored by staff. They are also cheaper than Bureau Veritas's costs for services.

Bureau Veritas is the city's current third party plan review and inspection contractor in addition to Jack Liford. Mr. Liford is who the city primarily uses for project needs. Staff would like to contract with both Safebuilt and Bureau Veritas, but primarily use Safebuilt for these services. Gary Harsley, the city's building official, is working towards his plumbing certification and would take the place of Jack Liford once he's certified.

Back in April, staff presented the idea to council to have multiple third party companies under contract that could be used for large commercial and residential projects. The idea is to send the developer directly to the third party options and have the developer select one company for their project needs. Larger cities such as Arlington and Fort Worth offer this as well as a way for the developer to control the progress of their project. The third party contractor would communicate directly with the developer and inform the city of progress. This idea was presented to Safebuilt and they were familiar with this process. Thus, staff would like to contract

with both Safebuilt and Bureau Veritas, use Safebuilt primarily for internal needs, and offer both companies as options for large projects.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to approve contracting with Safebuilt and Bureau Veritas for plan review and inspection services, and to allow the Mayor to negotiate contract terms, subject to city attorney review.

Motion carried by the following Vote:

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

Nays: None

j. Discussion and possible action to make changes to section 12.B., Holiday Leave, of the City’s Personnel Policy regarding days on which the city observes paid holidays.

Background information on this item: The city’s Personnel Policy states the following for observation of city holidays.

“When a holiday falls on a Saturday or a Sunday, it is observed on the following Monday (except Christmas Eve, which is observed on the Friday before).”

Staff would like to follow what most other cities do which reads as follows: “When a holiday falls on a Saturday, it is observed on the preceding Friday. When a holiday falls on a Sunday, it is observed the following Monday.”

For the July 4 holiday, an issue arose where everyone thought the holiday would be observed the preceding Friday, when, in fact, the policy dictates differently. This is the reason for the requested change. The entire Personnel Policy will be updated soon, but this change will correct an immediate need.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to change the language in the Personnel Policy regarding observed holidays to reflect that observed holidays will be reviewed by Council in December of each year to be approved for the following calendar year.

Motion carried by the following Vote:

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

Nays: None

k. Discussion to reschedule work session date for Comprehensive Plan.

Background information on this item: Council set a work session for the Comprehensive Plan at the June meeting. Both Council Members King and Lafferty cannot make the October 8 work session date. State law required that four members of council, not including the mayor, be present for special meetings. Thus, a new date needs to be set.

No action taken on this item.

9. FUTURE AGENDA ITEMS

None.

10. EXECUTIVE SESSION

a. Recess into Executive Session in accordance with Government Code, Section 551.071, consultation with attorney, to wit: operational gas well inspection fees.

City Council recessed at 8:40 p.m.

b. Reconvene into Regular Session for discussion/possible action regarding operational gas well inspection fees.

City Council reconvened at 8:48 p.m. for discussion and possible action.

No action taken

11. ADJOURN

A motion was made by Council Member Cathy Stein and seconded by Council Member John King to adjourn at 8:48 p.m.

Motion carried by the following Vote:

Ayes: Members King, Lafferty, Stein, Motley

Nays: None

Council Member Joe Kohn, although present for the entirety of the meeting, did not return from the closed session to the regular meeting to vote on adjournment.