

**MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON AUGUST 20, 2020 AT 6:35 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 – 6:35 P.M.**

**1. CALL TO ORDER**

Mayor Bianco called the meeting to order at 6:35 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. STREET REPAIR/RECONSTRUCTION SCHEDULE**

This item was discussed during the work session.

**3. OTHER AGENDA ITEMS, IF TIME PERMITS**

No others items were discussed.

**REGULAR SESSION – 7:00 P.M.**

**1. CALL TO ORDER**

The meeting was called to order at 7:00 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. 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 – CANCELED**
- **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 Larry and Janet Galbiati for picking up trash in Pappy Elkins Lake and making DWG beautiful again. Thanked Richard Todd for power washing. Thanked Lezlee Liljenberg Allstate Insurance Agency for partnering with the city to collect school supplies and/or donations. Lezlee sponsored ‘pasta-bilities’ that provided lunch in exchange for the donations and we had \$500 worth of donations. Because of her philanthropic efforts, the students who attend school in DWG will be blessed with the items they need to start the school year.

**John King:** Congratulated those who have recovered from COVID. Wished a speedy recovery to those still on the mend.

**Steve Lafferty:** None

**Cathy Stein:** None

**Ed Motley:** None

**Joe Kohn:** None

## 6. DEPARTMENTAL REPORTS

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

Departmental Reports were presented.

## 7. CONSENT AGENDA

- a. **June 9, 2020 special meeting minutes**
- b. **July 16, 2020 regular meeting minutes**

- c. **Resolution No. 2020-21 to ratify approval of changes to section 12.B., Holiday Leave, of the City’s Personnel Policy regarding days on which the city observes paid holidays.**
- d. **Presentation and acknowledgment of budget adjustments for July 2020.**
- e. **Ordinance No. 2020-06 to ratify Council’s approval of changes to the City of Dalworthington Gardens Code of Ordinances amending various sections of Appendix A “Fee Schedule,” to remove contractor registration fees; to set a fixed fee for shut off valve installation; and to remove the fee schedule from the Code of Ordinances and allow future revisions of the fee schedule to be adopted by resolution; and by amending Chapter 3 “Building Regulations” to create a new Article 3.10 “Contractor Registration” requiring contractors performing work in the City to register with the City.**
- f. **Resolution No. 2020-22 to appoint a member to the Park Board.**

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Ted Ed Motley 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 a street repair/reconstruction schedule.**

Background information on this item: The city’s engineering firm, Topographic Land Surveyors, Inc., compiled a list of repair, reconstruction, and resurfacing needs for all city streets. The list being presented shows all city streets, their needs, and a suggested priority list. In conjunction with assessing all street, Topographic is also working on assessing Ambassador Row area needs for the next Community Development Block Grant (CDBG) project which would begin sometime later summer 2021.

Prior to estimating costs for both Ambassador Row and other street needs, staff is looking for guidance from Council on evaluation of water/sewer lines based on age and material (clay/asbestos-concrete). This guidance will help staff and the city engineer better plan out repair and reconstruction and could change prioritization of projects.

Council approved Resolution 2020-20 for street repair needs. However, that list is somewhat outdated. Staff recommends moving forward with the new list.

Currently, there is \$76,513.46 in the street fund for use but that doesn’t account for outstanding costs for Twin Lakes, Twin Springs. There will be approximately \$155,000 in the water fund at the end of this fiscal year.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to direct staff and the city engineer to evaluate city streets by addressing problem areas in a patch, spot effort in lieu of reconstructing/resurfacing an entire street, where appropriate; move forward with an annual cracksealing program; and develop a program to look at water line repair and replacement where appropriate.

Motion carried by the following vote:

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

Nays: None

### **b. FY 2020-2021 City Budget**

#### **i. Conduct public hearing**

#### **ii. Discussion; and take action to postpone adoption of the budget to September 17, 2020.**

Background information on this item: Local Government Code Chapter 102 requires the City to provide a public hearing on the proposed budget.

At tonight's meeting, Council will hold the public hearing and then take action immediately following the hearing as required by Section 102.007, Local Government Code which states:

Sec. 102.007. ADOPTION OF BUDGET. (a) At the conclusion of the public hearing, the governing body of the municipality shall take action on the proposed budget.

Cities who are not ready to adopt the budget typically take action to postpone said adoption to a specific date and time. In accordance with the schedule provided to Council, the budget adoption will be on September 17, 2020 at 7:00 p.m.

Mayor Bianco opened the public hearing at 7:37 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 7:37 p.m.

A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to postpone adoption of the FY 2020-2021 City Budget to September 17, 2020 at 7:00 p.m. in the City Hall Council Chambers, 2600 Roosevelt Drive, DWG, Texas 76016.

Motion carried by the following vote:

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

Nays: None

**c. Discussion and possible action on setting the maximum proposed ad valorem tax rate; setting date for a public hearing on the proposed tax rate; and setting the date at which City Council will adopt the FY 2020-2021 ad valorem tax rate.**

Background information on this item: Chapter 26 of the Tax Code outlines requirements for the notice, hearing, and vote on tax rates.

In accordance with Chapter 26, Council will be:

- voting on a proposed tax rate of which cannot be exceeded when the tax rate is adopted at the September 17, 2020 meeting
- scheduling and stating the date for a public hearing
- scheduling and stating the date at which Council will adopt the 2020-2021 tax rate

A motion was made by Council Member Cathy Stein and seconded by Council Member John King to approve a proposed ad valorem tax rate not to exceed \$0.636593 per \$100 of taxable value; setting the date, time, and location for both a public hearing date and tax rate adoption date as Thursday, September 17, 2020 at 7:00 p.m. to be held in the City Hall Council Chambers, 2600 Roosevelt Drive, DWG, Texas 76016.

Motion carried by the following vote:

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

Nays: None

**d. Discussion and possible action to approve the purchase of a new mower and accessories in the amount of \$16,000.**

Background information on this item: A second mower was originally projected to be spent in next year's budget. However, it was moved to the current budget and was presented to both the Parks and Recreation

Facilities Development Corporation (PRFDC) and City Council. This is the action item to approve the mower purchase. The quote being presented is BuyBoard government pricing for a John Deere Z970R ZTrak with twills and a mulcher attachment. It is possible the mower price will change slightly as this government contract expires on August 18, but \$16,000 is what is in the budget and should get staff the needed equipment.

A motion was made by Mayor Pro Tem Ed motley and seconded by Council Member Joe Kohn to approve the purchase of a new mower and accessories in an amount not to exceed \$16,000.

Motion carried by the following vote:

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

Nays: None

**e. Discussion and possible action to approve the purchase of a vehicle for the Department of Public Safety.**

Background information on this item: DPS is requesting to purchase a 2020 Chevrolet Police PPV Tahoe. The vehicle was previously approved by council to be taken out of CCPD.

A motion was made by Council Member John King and seconded by Council Member Steve Lafferty to approve the purchase of a vehicle for the Department of Public Safety.

Motion carried by the following vote:

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

Nays: None

**f. Discussion and possible action regarding purchase of SCBAs (self-contained breathing apparatus) for the Department of Public Safety.**

Background information on this item: DPS is requesting to purchase 20 new SCBA's. Our current SCBA's are past their life expectancy and parts are no longer available.

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.

A motion was made by Council Member Cathy Stein and seconded by Council Member John King to approve the purchase of SCBAs, as presented, in an amount not to exceed \$156,000.

Motion carried by the following vote:

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

Nays: None

**g. Discussion and possible action to approve the purchase of a fire truck.**

Background information on this item: DPS is requesting to purchases a new 2020 Spartan S-180 fire engine. This will replace our outdated 1994 International fire engine (E243) which is no longer NFPA compliant. The cost of the new engine will not exceed \$599,157.00

DPS is also requesting approval to sell the 1994 International fire engine (E243) for no less than \$15,000.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to approve the purchase of a fire engine by way of an associated financing agreement and Resolution No. 2020-23, subject to city attorney approval; and also approve selling fire engine 243.

A motion was made by Council Member Cathy Stein and seconded by Council Member John King to amend the main motion to include making a \$100,000 down payment towards the purchase of the new fire engine.

Motions carried by the following vote:

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

Nays: None

**h. Discussion and possible action regarding the purchase of new equipment for a Tahoe for the Department of Public Safety.**

Background information on this item: DPS is requesting to purchase new equipment to outfit a fire Tahoe. DPS would like to use unit 43 which is scheduled to be taken out of service this month. We are currently waiting on a final quote and will provide it when available. DPS would use their surplus funds out of the current 19-20 budget to make this purchase.

This will allow volunteer firefighters not approved to drive a fire apparatus to respond to calls.

A motion was made by Council Member Cathy Stein and seconded by Council Member Steve Lafferty to approve new equipment for a Tahoe for the Department of Public Safety in the amount of \$9,900.

Motion carried by the following vote:

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

Nays: None

**i. Discussion and possible action regarding an ordinance to ban smoking in businesses.**

Background information on this item: At the July 16, 2020 Council Meeting, council gave direction to staff and the city attorney to draft an ordinance banning smoking in businesses. The city attorney has provided a draft ordinance as well as a confidential memo on the subject for council's consideration. Council should provide direction on whether to move forward with this ordinance draft or suggest changes.

A motion was made by Council Member Steve Lafferty and seconded by Council Member John King to direct staff to look into proposing an ordinance that would require any new business to establish a separate smoking area with proper ventilation, etc. and create criteria to allow for a smoking and non-smoking area, and allow existing businesses to exist as they are today.

Motion carried by the following vote:

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

Nays: None

**j. Discussion and possible action to direct staff and/or the city attorney regarding creation of an ordinance for coin-operated game rooms, payday lending, and title loan businesses.**

Background information on this item: This item was requested by Council Member Stein. The following is her report on the subject.

The formation of my request to discuss possible ordinance changes regarding coin-operated game rooms, payday lending, and title loan businesses began when I asked Lola if our ordinances needed updating to reflect the information about new game room regulations from Tarrant County in their most recent newsletter (see attached). That and the language in the AIS of our recent agenda item regarding the possibility of banning smoking in businesses ("Ordinances directly correlate to what businesses a city attracts. DWG has been working on updating ordinances to better control what businesses the city attracts...") made me think of another type of business I was sad to see go in several years ago, a payday and title loan business.

With regards to coin-operated game rooms, we have a special exception that gives the potential to allow them in B-3 and LI if they have 8 or more machines. Based on the new Tarrant County regulations, I am wondering

if at a minimum we need to change that to 6 and have some reference to the new permitting requirements? I was on P&Z when we had one apply and ultimately be granted a special exception with conditions. It is no longer there but I do not know the circumstances surrounding their departure.

As a member of the League of Women Voters, I attended forums put on by the League to discuss taking a position on Payday and Title Loan businesses. This was at or around the same time Arlington was developing and passing, November of 2015, their ordinance on these businesses. I was dismayed driving down Bowen Rd. and first noticing a Payday Loan establishment in the shopping center on the NW corner of Bowen and Arkansas years ago because I did not feel it was the type of business we are eager to attract to our city. I have commented every now and then on investigating putting together our own ordinance regulating them since then, however we always seem to have a long list of ordinances that need to be addressed.

At this time, while we are addressing another ordinance touching on the types of businesses we hope to attract to our city it seems appropriate to discuss what we want to do with regards to these two types of businesses. It could be important to our goal of upgrading our existing commercial areas for economic development. I recognize these types of businesses are likely to have a lobby that could mean we have state regulations limiting our ability to regulate them, but I think we should discuss our options.

No action was taken.

**k. Discussion and possible action regarding changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 10, Subdivision Regulations, specifically as it pertains to platting regulations.**

Background information on this item: The platting ordinance has a few outstanding issues but should be on the September agenda for council consideration. In reviewing Chapter 212 of the Local Government Code, Section 212.0065 allows delegation for approval of certain plats.

Sec. 212.0065. DELEGATION OF APPROVAL RESPONSIBILITY. (a) The governing body of a municipality may delegate to one or more officers or employees of the municipality or of a utility owned or operated by the municipality the ability to approve:

- (1) amending plats described by Section [212.016](#);
- (2) minor plats or replats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities; or
- (3) a replat under Section [212.0145](#) that does not require the creation of any new street or the extension of municipal facilities.

(b) The designated person or persons may, for any reason, elect to present the plat for approval to the municipal authority responsible for approving plats.

(c) The person or persons shall not disapprove the plat and shall be required to refer any plat which the person or persons refuse to approve to the municipal authority responsible for approving plats within the time period specified in Section [212.009](#).

Staff is looking for direction on whether council wants to allow this option in the new ordinance. Keep in mind, the designated person could not deny a plat but only allow approval if the above conditions are allowed.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to direct staff to include allowances from Local Government Code, Section 212.0065, in the new subdivision ordinance.

Motion carried by the following vote:

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

Nays: None

**l. Discussion and possible action to direct staff and/or the city attorney regarding the creation of a policy for bereavement expenses.**

Background information on this item: Mayor Bianco requested this item. The purpose of this item is to allow the purchase of flowers and similar items for bereavement purposes. Without having a policy in place to specify the positions (city staff, current council, past council, etc.) and specific purposes allowed, the City cannot expend such funds. If the Council would like such a policy, direction is needed so the city attorney may assist in drafting said policy.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Joe Kohn to direct the Mayor and staff to put together a draft policy to bring back to council.

Motion carried by the following vote:

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

Nays: None

**m. 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 that will appear on all future agendas until this project is complete.

The following are new items added to the cost list for this project.

1. **\$5,200 for Tower Removal**: The tower that was behind the existing City Hall building needed to be removed. The cost for the removal was so high because a crane operator was required.
2. **\$10,000 for Platting City Hall Property**: It was discovered the property had not been platted. In accordance with city ordinances, the city will be required to plat all of block 8 which includes our property, 2512 Roosevelt Drive, and 2508 Roosevelt Drive. The two property owners have given verbal confirmation to allow platting of their property, although both stated that is contingent on their lot lines changing from what they believe them to be. The city has hired Teague Nall & Perkins who originally surveyed the property in 2006. They were hired to prepare the plat so that the city engineer could provide an unbiased review of the plat.

The schedule of values is being included in your packet. You will notice there is now a \$70,000 owner controlled contingency from the plan changes and removing the sally port. There are also sheets showing a few other changes. The Texas Accessibility Standards (TAS) required a few of the changes. The others are for the sally port removal, mezzanine access, additional camera locations, and additional outlets in offices. There were a few blind spots for cameras which is the reason for the addition. The additional outlets are to provide enough flexibility and availability for power sources in offices.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to approve change orders for the tower removal, \$5,200; and platting City Hall property, \$10,000; and include a change order for bathroom sinks in the amount of \$160 for each lobby bathroom sink.

Motion carried by the following vote:

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

Nays: None

**n. Discuss and possible action regarding amendments to the FY 2019-2020 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.

## **9. FUTURE AGENDA ITEMS**

None.

## **10. EXECUTIVE SESSION**

- a. Recess into Executive Session pursuant to Texas Government Code, Section 551.071, consultation with attorney, for the following items:**
  - i. Boundary discussion for the new City Hall property.**
  - ii. The city's ordinance requirements for water and sewer connection requirements.**

City Council recessed into Executive Session at 9:35 p.m.

- b. Reconvene into Regular Session for discussion and possible action on the following:**
  - i. Boundary for the new City Hall property.**
  - ii. The city's ordinance requirements for water and sewer connection requirements.**

City Council reconvened into Regular Session at 10:05 p.m.

No action taken on either item.

## **11. ADJOURN**

A motion was made by Council Member John King and seconded by Council Member Cathy Stein to adjourn at 10:06 p.m.

Motion carried by the following vote:

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

Nays: None