

MINUTES OF THE REGULAR MEETING OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, CITY COUNCIL HELD ON SEPTEMBER 21, 2023 AT 6:00 P.M. IN THE COUNCIL CHAMBERS, 2600 ROOSEVELT DRIVE, DALWORTHINGTON GARDENS, TEXAS.

While the order of some agenda items may have been changed, the following represents all items discussed and acted upon by the City Council.

1. CALL TO ORDER

Mayor Bianco called the meeting to order at 6:01 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
Mark McGuire, Alderman, Place 5

Staff Present:

Lola Smith, City Administrator
Greg Petty, DPS Director
Kay Day, Finance Director
Gary Parker, Public Works Director

2. WORK SESSION

The following was discussed in the work session.

- a. **Discussion and possible action on approving a scope of work for Broadacres Lane.**
- b. **Discussion and possible action regarding the City's policy and procedure for repair of sewer infrastructure.**

REGULAR SESSION

1. CALL TO ORDER

Mayor Bianco called the meeting to order at 7:08 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
Mark McGuire, Alderman, Place 5

Staff Present:

Lola Smith, City Administrator
Greg Petty, DPS Director
Kay Day, Finance Director
Gary Parker, Public Works Director

2. INVOCATION, AND PLEDGES OF ALLEGIANCE

Mayor gave invocation. Pledges were said.

3. PRESENTATIONS AND PROCLAMATIONS

a. A proclamation recognizing Larry Stein for being selected to officiate in the 2023 Little League World Series.

Mayor Bianco read proclamation aloud and presented it to Larry Stein.

b. A proclamation recognizing October 5, 2023 as World Teacher's Day.

Mayor Bianco read proclamation aloud

4. ITEMS OF COMMUNITY INTEREST

The following items were presented.

- a. Concert in the Park, Saturday, September 23**
- b. Park Workday, Saturday, September 30**
- c. National Night Out, Tuesday, October 3**
- d. Annular Eclipse, Saturday, October 14, 9:00am-1:29pm**
- e. Trunk-or-Treat, Saturday, October 21, 5:30pm-7:30pm**
- f. Movie Night in the Park, Saturday, November 4, 7:00pm**
- g. Park Workday, Saturday, November 11**
- h. Pictures with Santa, Sunday, December 3, 3:00pm-5:00pm**

5. CITIZEN COMMENTS

Justin Boyd, 2501 Roosevelt Drive: Spoke to home owner next door building a home and flooding his house.

Suzanne Hudson, 2812 Broadacres Lane: Thanked staff for response today with Mr. Bud Ashlock's passing.

6. MAYOR AND COUNCIL COMMENTS

Mayor Bianco: Thanked Kay and Rosalyn for their hard work on the budget process. Thanked Lola and Greg for their hard work managing budget. Expressed condolences for the Ashlock family. Expressed condolences for the passing of Darren McMichael, Arlington officer, who passed away today. Thanked Brad Boustead for helping a neighbor while they were in the hospital. Recognized and thanked Cathy Stein for setting up and getting the city farmers market going.

John King: Congratulated and expressed appreciation for Larry Stein.

Steve Lafferty: Congratulated Larry Stein and thanked him for his time to help young people learn to play the game. Spoke to proper safety glasses for the upcoming eclipse event.

Cathy Stein: Spoke to the junior umpire program with the Little League. Thanked everyone who has been to the farmers market. Spoke to the upcoming eclipse event.

Ed Motley: Thanked Larry Stein for all the time and effort he provided to the Little League. Thanked staff for the garbage service change and spoke to his water heater pickup success.

Mark McGuire: Congratulated Larry Stein and thanked him for his time and effort to the game.

7. DEPARTMENTAL REPORTS

Informational reports only; no action to be taken.

a. DPS Report

- b. Financial Reports**
- c. City Administrator Report**
- d. Public Works Report**

Department Reports presented.

8. CONSENT AGENDA

- a. Approval of costs for electronic door locks for the park shed and other city building locations.**
- b. Approval of a sidewalk as part of the Park Board shed project.**
- c. Approval of Resolution No. 2023-12 approving changes to the City Fee Schedule.**
- d. Approval of Ordinance No. 2023-15 designating certain accounts and committing certain funds in accordance with the City's Comprehensive Financial Policy and City Budget.**
- e. Approval of Amendment No. 3 to the Professional Services Agreement with Safebuilt Texas, LLC, to add certain fees for permitting purposes.**
- f. Approval of a settlement with Heath Consultants for services rendered by police and emergency personnel.**
- g. Approval of an updated Interlocal Agreement with Tarrant County for services already rendered by Tarrant County for certain inspections which are charged directly to permit applicant and not to the City, subject to city attorney review and approval of said agreement.**
- h. Approval of ground and elevated storage tank cleaning in the amount of \$6,200.**
- i. Approval of Ordinance No. 2023-19 approving budget amendments for FY 2022-2023.**
- j. Presentation and acknowledgment of budget adjustments.**
- k. Approval of June 22, 2023 special meeting minutes.**
- l. Approval of August 3, 2023 special meeting minutes.**
- m. Approval of August 10, 2023 special meeting minutes.**
- n. Approval of August 17, 2023 regular meeting minutes.**

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

Motion carried by the following vote:

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

Nays: None

9. REGULAR AGENDA

- a. Discussion and possible action regarding the City's policy and procedure for repair of sewer infrastructure.**

Background information on this item: Staff was approached by a resident about the policy and procedure for certain plumbing permits and the responsibility placed on residents for sewer infrastructure repair.

The City's current policy is that the property owner is to maintain the sewer service from the sewer main to and on his property, including the connection to the sewer main. The cost of the manhole and sewer service shall be paid by the customer. The policy also includes the customer being responsible for street patching when the private line is in the street, but city staff, under the current public works director, have now taken on that task to provide better customer service.

Staff is presenting information provided by the resident for policies from other cities where the city is responsible for more of the sewer lateral repair than DWG provides. City staff has not reviewed the information in totality since it was just received, but still wanted to get the item on the agenda so the resident may present information on the subject.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to direct staff to research and develop a policy for water and sewer lines inside of the city ROW to be the responsibility of the city, but to require residents to do camera work to prove the issue is the city's to repair.

Motion carried by the following vote:

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

Nays: None

b. FY 2023-2024 City Budget

i. Conduct public hearing

ii. Discussion and possible action to approve Ordinance No. 2023-16 to adopt the FY 2023-2024 City Budget.

Background information on this item: In accordance with Local Government Code, Section 102.007, the Council must adopt the budget at the conclusion of a public hearing on said budget. The motion shall be as follows and shall be a record vote. A record vote means the Mayor will individually call each council member by name and ask for a vote.

Before calling for a motion, the Mayor read the following statement.

“THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR’S BUDGET BY \$54,113, WHICH IS A 2.55% INCREASE, AND OF THAT AMOUNT, \$4,793 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.”

Mayor Bianco opened a public hearing at 7:48 p.m.

With no one desiring to speak, Mayor Bianco closed the public hearing at 7:49 p.m.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve Ordinance No. 2023-16 adopting the budget for the Fiscal Year of October 1, 2023 through September 30, 2024.

Mayor Bianco called for a record vote. Record vote as follows:

Council Member John King: aye

Council Member Steve Lafferty: aye

Council Member Cathy Stein: aye

Council Member Ed Motley: aye

Council Member Mark McGuire: aye

Nays: None.

Motion carries.

c. FY 2023-2024 Tax Rate

- i. Conduct public hearing**
- ii. Discussion and possible action to approve Ordinance No. 2023-17 adopting the FY 2023-2024 Tax Rate.**

Background information on this item: In accordance with Tax Code, Section 26.05 (b), a taxing unit may not impose property taxes in any year until the governing body has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order, depending on the method prescribed by law for adoption of a law by the governing body. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. For a taxing unit other than a school district, the vote on the ordinance, resolution, or order setting a tax rate that exceeds the no new revenue tax rate must be a record vote, and at least 60 percent of the members of the governing body must vote in favor of the ordinance, resolution, or order. A record vote means the Mayor will individually call each council member by name and ask for a vote.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to move that the property tax rate be increased by the adoption of a tax rate of \$0.611854 which is effectively a negative 8.01 percent increase in the tax rate.

Mayor Bianco called for a record vote. Record vote as follows:

Council Member John King: aye
Council Member Steve Lafferty: aye
Council Member Cathy Stein: aye
Council Member Ed Motley: aye
Council Member Mark McGuire: aye

Nays: None.

Motion carries.

d. Discussion and possible action to ratify the tax rate.

Background information on this item: State law requires that the City Council ratify the property tax increase reflected in the budget. In accordance with Local Government Code, Section 102.007 (c), adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget. A vote under this subsection is in addition to and separate from the vote to adopt the budget or a vote to set the tax rate required by Chapter 26, Tax Code, or other law.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to move that the property tax rate be increased by the adoption of a tax rate of \$0.611854 which is effectively a negative 8.01 percent increase in the tax rate.

Mayor Bianco called for a record vote. Record vote as follows:

Council Member John King: aye
Council Member Steve Lafferty: aye
Council Member Cathy Stein: aye
Council Member Ed Motley: aye
Council Member Mark McGuire: aye

Nays: None.

Motion carries.

e. Discussion and possible action to secure a process for selecting an engineering firm for Project #2023-03 City Engineering Services.

Background information on this item: There were three firms who responded to the City's RFQ for engineering services – Birkhoff, Hendricks & Carter LLP, CobbFendley, and Kimley-Horn. Staff is seeking feedback on whether council wants to establish a committee to interview firms and review packets or follow a different process.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member John King to direct staff to work with each firm and determine which firm has the best working relationship.

Motion carried by the following vote:

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

Nays: None

f. Discussion and possible action to approve various individual project orders for various engineering services to include but not limited to water system evaluation, development review, on-call engineering services, and GIS services.

Background information on this item: As previously discussed with council, staff has begun working with Kimley-Horn to plan for certain future projects. After securing a Master Services Agreement, Kimley-Horn is now providing individual project orders for several items for consideration to include general on-call services, development review (plats/zoning development), water system (as discussed last month), and GIS services to round out the CAD data received from Topographic.

A motion was made Mayor Pro Tem Ed Motley and seconded by Council Member John King to approve individual project orders for various engineering services to include but not limited to water system evaluation, development review, on-call engineering services, and GIS services.

Motion carried by the following vote:

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

Nays: None

g. Discussion and possible action to approve Ordinance No. 2023-18 amending the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, to create an article defining and governing the standards and requirements of a Bowen Road Overlay District.

Staff is presenting the final version of the Bowen Road Overlay District for council consideration.

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Mark McGuire to approve Ordinance No. 2023-18 amending the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, to create an article defining and governing the standards and requirements of a Bowen Road Overlay District, subject to the following changes: 1.) replace PD-AH with PD-BR throughout ordinance, and 2.) replace "area regulations" with the definition from the Comprehensive Plan to define the area along Bowen Road where this ordinance is applicable.

Motion carried by the following vote:

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

Nays: None

h. Discussion and possible action on approving a scope of work for Broadacres Lane.

Background information on this item: Topographic has provided the final plan for Broadacres Lane. Staff is seeking feedback from council on process forward for the project.

In conjunction with item 9h. on the agenda where council met with a resident about a sewer line repair, staff would like to perform camera work on the city sewer main before moving forward. The resident's contractor made comments about the condition of the main, and staff would like to ensure the main is in good condition. There is

already money in the budget to perform such work, and staff would like to obtain quotes and move forward as soon as possible.

Staff is also looking for direction on whether to make changes to the plans, and how to again involve citizens before beginning work.

During the previous California Lane project, a special meeting was held where residents could come see how their property would specifically be affected before beginning work. The engineer was involved to assist with questions.

The project cost has not changed from what was previously provided. Topographic will provide the bid book and specs as part of their project costs when the city is ready to bid.

Background information on this item: A motion was made by Council Member Cathy Stein and seconded by Mayor Pro Tem Ed Motley to perform camera work on sewer and to retain another engineering firm to look at the Broadacres project.

Motion carried by the following vote:

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

Nays: None

i. Discussion and possible action regarding changes to the City Purchase Policy.

Background information on this item: Staff will be bringing back the Purchase Policy with suggested edits at the next council meeting. Staff is looking for any feedback from council on the process so we can add any council changes to the list for discussion.

No action taken.

j. Discussion and possible action regarding amendments to the FY 2022-2023 budget in amounts not to exceed \$10,000.00.

Item not needed.

10. TABLED ITEMS

a. Discussion and possible action to direct staff regarding correctly indicating when special exceptions are authorized in accordance with Section 14.02.321 of city ordinances, to include but not limited to special exceptions for private stables as allowed in Section 14.02.172 "SF" residential district uses.

Item not addressed.

11. FUTURE AGENDA ITEMS

None.

12. EXECUTIVE SESSION

a. Recess into Executive Session pursuant to Texas Government Code, Section 551.071, Attorney Consultation, and Section 551.087, Economic Development Negotiation, for development on Bowen Road.

City Council recessed into Executive Session at 8:20 p.m.

b. Reconvene into Regular Session for the following discussion and possible action on development on Bowen Road.

City Council reconvened into Regular Session at 9:20 p.m.

No action was taken.

13. ADJOURN

The meeting was adjourned at 9:20 p.m.