

**CITY OF LAKE WORTH**  
**Minutes for**  
**Joint City Council and Planning and Zoning Commission**  
**Public Hearing/Regular Meeting**  
**Tuesday, December 9, 2008**  
**3801 Adam Grubb • Lake Worth, Texas**  
**6:30 P.M. – Council Chambers**

**1. Call to Order.**

Mayor Walter Bowen called the Council meeting to order at 6:41 p.m.

**2. Invocation and Pledge of Allegiance.**

Dr. Jerry Locke introduced Miss Vivian White, daughter of Council Member Geoffrey White and Cessa White, to lead the Pledge of Allegiance. Mayor Bowen noted that, from time to time, a youth will lead the Pledge of Allegiance at Council meetings. Miss White is a freshman at the Lake Worth High School.

**3. Roll Call for City Council and Planning and Zoning Commission members.**

Council members present were Mayor Walter Bowen, Myrt Fowlkes, Perry Lunsford, Dona Stuard, Pat O. Hill, Geoffrey White, and Clint Narmore. Eugene Brooks was absent.

Earl Fowlkes called the Planning and Zoning (P&Z) Commission to order at 6:45 p.m. P&Z members present were Jerri Wanser, Earl Fowlkes, Jeannie Turley, Theresa Riley, Troy Jones, and Phylis Hatley. Herbert Reeves was absent.

Staff present were Brett McGuire, City Manager; Linda Rhodes, City Secretary; Dave Tatsak, Interim Police Chief; Mike Voochries, EMC, Debbie Whitley, Finance Director; Jami Woodall, EDC Coordinator; Suzanne Meason, Planning and Zoning Administrator; Jamye Sexton, Public Works Director; Barry Barber, Building Official; Mark Ramsey, IT Manager; Cheryl Vess, Community Activities Director; and Danielle Hackbusch, HR/Risk Management. City Attorney Wayne Olson and City Engineer Aaron Rader were present.

P&Z member Troy Jones made a motion, seconded by Jeannie Turley, to approve the P&Z Consent Agenda. Motion passed with all P&Z members that were present voting all in favor and none

opposed. *(This item was taken out of order; it is actually agenda item number 5.)*

#### **4. Council Consent Agenda:**

- a. **Approval of minutes for the City Council Regular Meeting on November 11, 2008.**
- b. **Approval of minutes for the Joint City Council/CCPD Meeting on November 13, 2008 to Canvass Results of the November Special Election.**
- c. **Approval of minutes for the City Council Special Meeting on November 25, 2008.**
- d. **Approval of Finance Reports for the month of November 2008.**

Dona Stuard made a motion, seconded by Pat Hill, to approve the Council Consent Agenda. Motion passed with all Council members that were present voting in favor and none opposed.

#### **5. Planning and Zoning Commission Consent Agenda:**

- a. **Approval of minutes for the Planning and Zoning Commission Public Hearing/Regular Meeting on November 18, 2008.**

*This agenda item was addressed just prior to Agenda Item #4, Council Consent Agenda.*

#### **6. Council Presentations:**

- a. **Proclamations/Awards/Presentations.**
- b. **Citizen/Visitor Comments.**

A citizen/visitor request to make a presentation on a specific matter of special public interest must be posted 72 hours prior to the City Council meeting. If it is not posted, no deliberation between council members may occur. The council may only respond with specific factual information or recite existing policy. Any deliberation of or decision about the subject of the inquiry is limited to placing the subject on the agenda for a future meeting.

*There were no Council Presentations/Visitor Comments Items.*

#### **7. Planning and Zoning and Council Discussion/Action Items:**

- a. **Planning and Zoning Case #PS08-02- Discussion/Action to consider the request of Randy W. Broyles for a final plat of Abstract 1552, Tracts 2I, 2M, 2S, 2VV, and 2VV1, Moses Townsend Survey, Lake Worth Tarrant County, Texas to Block 1, Lots A & B, Broyles Addition, Lake Worth, Tarrant County, Texas, properties commonly known as 6765 and 6769 Lake Worth Blvd.**

P&Z member Theresa Riley inquired about the address and homestead exemption status of this property with Tarrant Appraisal District. Randy Broyles was present and indicated he had no intention of filing for homestead exemption at this address. He said he would check into it and take care of any taxes that might be owed.

For P&Z, Troy Jones made a motion, seconded by Theresa Riley, to approve P&Z Case #PS08-02 for a final plat of Abstract 1552, Tracts 2I, 2M, 2S, 2VV, and 2VV1, Moses Townsend Survey to Block 1, Lots A & B Broyles Addition, commonly known as 6765 and 6769 Lake Worth Blvd, as requested by Randy W. Broyles. Motion passed with all P&Z members that were present voting in favor and none opposed.

For Council, Dona Stuard made a motion, seconded by Pat Hill, to approve P&Z Case #PS08-02 as recommended by the P&Z Board for a final plat as requested by Randy W. Broyles. Motion passed with all Council members that were present voting in favor and none opposed.

(Both boards gave the public an opportunity to speak; however, this was not a public hearing item.)

#### **8. Planning and Zoning Public Hearing/Action Items:**

- a. **Public Hearing/Action to consider Planning and Zoning Case #PS08-06, the request by the City of Lake Worth for a replat of Block 15, Lot 3, Lake Worth Heights Addition; Block 15R, Lots 3-11, Lake Worth Heights Addition; Block 11, Lots 11-24, Lake Worth Heights Addition; Abstract 1552, Tract 2WW, Moses Townsend Survey, Abstract 1152, 2HHHHH, Moses Townsend Survey, Abstract 85, Tract 6, Jose Maria Basquis Survey, Lake Worth, Tarrant County, Texas to Block 15, Lot 3R, Lake Worth Heights Addition; Block 17, Lot 1, Lake Worth Heights Addition; Block 1, Lot 1, Reynolds Park Addition; and Block 1, Lot 1, Lake Worth Heights Park Addition, Lake Worth, Tarrant County, Texas, properties commonly known as 3700 Marina, 7500 Telephone Road, 7301 Charbonneau, and 3500 Marina Drive.**

*P&Z Chairman Earl Fowlkes opened the P&Z Public Hearing at 6:56 p.m. and closed it at 6:57 p.m.*

There were no persons wishing to speak on this public hearing item. Phylis Hatley made a motion, seconded by Jeannie Turley, to approve P&Z Case #PS08-06, replat of 3700 Marina, 7500 Telephone Road, 7301 Charbonneau, and 3500 Marina Drive for the City of Lake Worth as presented. Motion passed with all P&Z members that were present voting in favor and none opposed.

- b. Public Hearing/Action to consider Planning and Zoning Case #PZ08-02, the request by Randy W. Broyles for the use and operation of a Restaurant (Chicken Express) on Block 1, Lot A, Broyles Addition, Lake Worth, Tarrant County, Texas, property commonly known as 6765 Lake Worth Blvd.**

*P&Z Chairman Earl Fowlkes opened the P&Z Public Hearing at 6:58 p.m. and closed it at 7:00 p.m.*

Randy Broyles was present to answer any questions presented. Jeannie Turley made a motion, seconded by Phylis Hatley, to approve P&Z Case #PZ08-02, Randy Broyles' request for the use and operation of a Chicken Express on Block 1, Lot A, Broyles Addition, property known as 6765 Lake Worth Blvd. Motion passed with all P&Z members that were present voting in favor and none opposed.

- c. Public Hearing/Action to consider Planning and Zoning Case #PZ08-08, the request by Randy W. Broyles for the use and operation of an Office Building (possibly multi-tenant) on Block 1, Lot B, Broyles Addition, property commonly known as 6769 Lake Worth Blvd.**

*P&Z Chairman Earl Fowlkes opened the P&Z Public Hearing at 7:01 p.m. and closed it at 7:02 p.m.*

There were no persons wishing to speak on this public hearing item. Troy Jones made a motion, seconded by Jerri Wanser, to approve P&Z Case #PZ08-08, Randy Broyles' request for the use and operation of an Office Building on Block 1, Lot B, Broyles Addition, property known as 6769 Lake Worth Blvd. Motion passed with all P&Z members that were present voting in favor and none opposed.

There being no further P&Z business, Chairman Fowlkes adjourned the Planning and Zoning Commission at 7:02 p.m.

**9. Council Public Hearing/Action Items:**

- a. Public Hearing/Action to consider Planning and Zoning Case #PS08-06, the request by the City of Lake Worth for a replat of Block 15, Lot 3, Lake Worth Heights Addition; Block 15R, Lots 3-11, Lake Worth Heights Addition; Block 11, Lots 11-24, Lake Worth Heights Addition; Abstract 1552, Tract 2WW, Moses Townsend Survey, Abstract 1152, 2HHHHH, Moses Townsend Survey, Abstract 85, Tract 6, Jose Maria Basquis Survey, Lake Worth, Tarrant County, Texas to Block 15, Lot 3R, Lake Worth Heights Addition; Block 17, Lot 1, Lake Worth Heights Addition; Block 1, Lot 1, Reynolds Park Addition; and Block 1, Lot 1, Lake Worth Heights Park Addition, Lake Worth, Tarrant County, Texas, properties commonly known as 3700 Marina, 7500 Telephone Road, 7301 Charbonneau, and 3500 Marina Drive.**

*Mayor Walter Bowen opened the Council Public Hearing at 7:03 p.m. and closed it at 7:03 p.m.*

There were no persons wishing to speak on this public hearing item. Perry Lunsford made a motion, seconded by Geoffrey White, to approve #PS08-06, request by the City of Lake Worth for a replat of 3700 Marina, 7500 Telephone Road, 7301 Charbonneau, and 3500 Marina Drive as presented and recommended by the P&Z. Motion passed with all Council members that were present voting in favor and none opposed.

- b. Public Hearing/Action to consider Planning and Zoning Case #PS08-07, the request of Frank Riley, Jr. and Robert Riley for a replat of Block 1, Lots 1, 2, and 3, Colberg Estates Addition, Lake Worth, Tarrant County, Texas, property commonly known as 7020, 7024, and 7028 Clark Drive.**

*Mayor Walter Bowen opened the Council Public Hearing at 7:05 p.m. and closed it at 7:06 p.m.*

Ernest Hedgcoth, engineer for Frank and Robert Riley, informed Council that they are basically requesting to replat three lots into one. There were no other persons present wishing to speak on this public hearing item.

Clint Narmore made a motion, seconded by Myrt Fowlkes, to approve P&Z Case #PS08-07 for a replat of Block 1, Lots 1, 2, and 3, Colberg Estates Addition to Block 1, Lot 1R, Colberg Estates Addition, property known as 7020, 7024, and 7028 Clark Drive, as requested by Frank Riley, Jr. and Robert Riley. Motion passed with all Council members that were present voting in favor and none opposed.

- c. Public Hearing/Action to consider Ordinance #898, which is Planning and Zoning Case #PZ08-02, the request by Randy W. Broyles for the use and operation of a Restaurant (Chicken Express) on Block 1, Lot A, Broyles Addition, Lake Worth, Tarrant County, Texas, property commonly known as 6765 Lake Worth Blvd.**

*Mayor Walter Bowen opened the Council Public Hearing at 7:06 p.m. and closed it at 7:07 p.m.*

There were no persons wishing to speak on this public hearing item. Dona Stuard asked what the time frame to begin construction was; Mr. Broyles said they were ready to start as soon as approved.

Geoffrey White made a motion, seconded by Pat Hill, to approve Ordinance #898, P&Z Case #PZ08-02, for the use and operation of a Chicken Express on Block 1, Lot A, Broyles Addition, property known as 6765 Lake Worth Blvd, as requested by Randy W. Broyles. Motion passed with all Council members that were present voting in favor and none opposed.

- d. Public Hearing/Action to consider Ordinance #899, which is Planning and Zoning Case #PZ08-08, the request by Randy W. Broyles for the use and operation of an Office Building (possibly multi-tenant) on Block 1, Lot B, Broyles Addition, property commonly known as 6769 Lake Worth Blvd.**

*Mayor Walter Bowen opened the Council Public Hearing at 7:08 p.m. and closed it at 7:08 p.m.*

There were no persons wishing to speak on this public hearing item. Geoffrey White made a motion, seconded by Dona Stuard, to approve Ordinance #899, P&Z Case #PZ08-08 for the use and operation of an office building on Block 1, Lot B, Broyles Addition, property known as 6769 Lake Worth Blvd, as requested by Randy W. Broyles. Motion passed with all Council members that were present voting in favor and none opposed.

**10. Council Ordinances and Resolutions.**

*There were no Council Ordinances and Resolutions Items.*

**11. Council Contracts and Agreements.**

*There were no Council Contracts and Agreements Items.*

**12. Council Bids, Proposals, and Specifications.**

*There were no Bids, Proposals, and Specifications.*

**13. Council Discussion/Action Items:**

**a. Consideration of approving Hotel/Motel Tax Funds requested by Best Western.**

Brett McGuire explained this item was tabled at the last regular Council meeting. There were no real issues with Best Westerns request; however, since it was included with the Holiday Inn Express request, it was tabled altogether. Mr. Patel with Best Western was not able to attend, but he is requesting the same as in the past. The amount of hotel/motel tax funds being requested is \$20,040.83. Mayor Bowen's recommendation was that Mr. Patel be given direction to refer to the hotel as being in the City of Lake Worth. Brett indicated Mr. Patel had provided some material that has Lake Worth referenced on it, but this information will be forwarded on to Mr. Patel.

Myrt Fowlkes made a motion, seconded by Clint Narmore, to approve \$20,040.83 from the Hotel/Motel Tax Fund to Best Western, provided that advertising must have the City of Lake Worth on it and no other cities. Motion passed with all Council members that were present voting in favor and none opposed.

**b. Consideration of approving Hotel/Motel Tax Funds requested by Holiday Inn Express.**

Brett McGuire explained this item was tabled at the last regular Council meeting due to questions on some of the items requested. Since then, Holiday Inn Express has revised their request. Mitzi Martinez, with Holiday Inn Express, was present and addressed Council's questions. There were questions concerning placing the City of Lake Worth on materials versus the City of Fort Worth. It was explained that even though the hotel is physically inside the city limits of Lake Worth, the United States Postal Service has it listed as Fort Worth for mailing purposes and it cannot be changed. The stock show advertising submitted did not have Lake Worth on it. The total

amount being requested is \$24,750, of which \$450 was for stock show advertising.

Perry Lunsford made a motion, seconded by Dona Stuard, to approve the request with the exception of the stock show advertising for a total amount of \$24,300. Clint Narmore noted that if the hotel could not legally change the address, they should not be penalized. Pat Hill asked if the hotel would add Lake Worth to the advertisement. Mitzi said she could modify the advertisement and add Lake Worth. The motion failed with no one voting for the motion.

Pat Hill made a motion, seconded by Clint Narmore, to approve \$24,750 from the Hotel/Motel Tax Fund for Holiday Inn Express, subject to adding Lake Worth to advertisement. Motion passed with all Council members that were present voting in favor and none opposed.

**c. Naming of Dakota "Dog" Park located at 3209 Dakota Trail.**

Jamye Sexton explained that staff recently became aware of a letter dated in 2000 from the city indicating the Mayor would advocate naming this park Keenum-Shelton Park in recognition of family history. He explained that another option is to name the park Dakota Park, due to the park being located on Dakota Trail.

Clint Narmore made a motion, seconded by Geoffrey White, to name the park at 3209 Dakota Trail the Keenum-Shelton Park. Motion passed with all Council members that were present voting in favor and none opposed.

**d. Set Grand Opening Date for Dakota "Dog" Park located at 3209 Dakota Trail.**

Perry Lunsford made a motion, seconded by Dona Stuard, to schedule the grand opening of the Keenum-Shelton Park on Saturday, January 17, 2009. Motion passed with all Council members that were present voting in favor of the motion and none opposed.

**e. Discussion/Action regarding zoning issues, requested by citizen Phillip McClurkan.**

Phillip McClurkan, citizen of 7505 Navajo Trail, addressed Council with his concerns. He said his issue with fees has been taken care of; however, he is concerned with growth at the city limit borders and

zoning in those areas as well as protecting the property owners. He said the city not being prepared and the zoning being residential could be future obstacles. For property near city limit borders, there would be issues of working with two cities. The City of Fort Worth is zoned parks with the vision consisting of parks and less densely populated areas. Troy Jones suggested that Lake Worth wait to see what Fort Worth does with their zoning. Mr. McClurkan said he was not asking for action today, only that the city consider this issue. He will get a petition together of property owners in the area to see what they want and bring it back to Council. There was no action on this item; only a discussion item.

**f. Discussion/Action regarding Historical Designation sign markers, requested by citizen Paul Hutton.**

Paul Hutton, of 3980 Boat Club Road, explained and showed pictures of what historical designation sign markers were. It has been requested that such signage be placed on Azle Avenue indicating its historical background as being part of the Chisholm Trail. Geoffrey White said he wanted to see proper documentation that verified it was actually a part of Chisholm Trail. His family roots go back and he has no knowledge of it being a part of that, only that it used to be a dairy and cattle run. Council consensus was in favor of the historical designation signage, but wants it to be factual. Paul Hutton asked if he could try to find this verification and bring this back to Council at a later time. Mayor Bowen indicated he could. There was no action on this item.

**g. Consideration of request of U. S. Census Bureau to use Council Chambers.**

Brett McGuire explained that the U. S. Census Bureau has requested to use the Council Chambers for testing of potential census-takers. They wish to use the facility on Mondays only from approximately 10:00 a.m. to 1:00 p.m. for about two (2) months. In the past the city has refused use from outside groups/users; however, the U.S. Census Bureau would be using it for official business only in preparation of the 2010 census.

Perry Lunsford made a motion, seconded by Dona Stuard, to approve the U.S. Census Bureau to use the Council Chambers on Mondays from 10:00 a.m. to 1:00 p.m. for about two (2) months. Motion passed with all Council members that were present voting in favor and none opposed.

**h. Approval of paid differential for employees in Military Active Duty.**

Brett McGuire explained that the City has had employees that were "called up" for active military duty, but no formal motion or resolution has been found making the change to the personnel manual for approved paid differential. In the past, the city has paid a compensation-differential between the employee's military pay-grade and their city pay-grade so that the employee did not suffer a loss of income by being called to active duty. Questions were brought up as far as applicable laws, etc. Consensus was to take no action at this time and to bring it back to Council with more details.

**14. Mayor and Council Items.**

**a. Update on Tarrant County Mayor's Council by Mayor Bowen.**

Mayor Bowen noted the Mayors' Council of Tarrant County annual banquet was Monday, December 1, 2008. He encouraged Council members to visit a monthly meeting sometime; the next one will be the first Monday in February.

**15. City Manager and Staff Reports:**

**a. City Manager Reports.**

**b. Staff Reports.**

**1. Public Works/EDC Departments:**

**i. Update on Foster House Project.**

Jamye Sexton indicated the Foster House Project is on hold at the moment.

**2. Community Activities Director:**

**i. Report on Senior Citizen's Thanksgiving Dinner.**

Cheryl Vess indicated the fifth annual Senior Citizen's Thanksgiving Dinner was a success. There was a good turn out and very positive feed back. She thanked all those that helped.

**ii. Report on Annual Christmas Tree Lighting Event.**

Cheryl Vess reported that the annual Christmas tree lighting went very well last Thursday. She thanked all those that helped.

**iii. Reminder of Annual Employee Christmas Party.**

Cheryl Vess reminded everyone that the annual employee Christmas party is scheduled for Saturday, December 20, 2008 beginning at 6:00 p.m. at National Hall. Food will be catered by Vance Godbey's.

Mayor Bowen closed the open session of the meeting at 8:17 p.m. and opened the Executive Session to discuss items listed pursuant to Section 551.072.

**16. Executive Session:**

Pursuant to the Texas Open Meeting Act, Chapter 551, Texas Government Code, the City Council reserves the right to convene in executive session as necessary during this meeting to discuss the following:

- a. Pursuant to Section 551.072- Deliberations about the purchase, exchange, lease, or value of real property.
  - 1. Discussion of real property, LWISD land swap at 6600 Edgemere Place.

Mayor Bowen closed the Executive Session and reconvened into Open Session at 8:30 p.m.

**17. Reconvene into Regular Session:**

- a. Take any action necessary pursuant to Executive Session Items as listed above.

Perry Lunsford made a motion, seconded by Dona Stuard, to proceed with the land swap with the LWISD as discussed in Executive Session. Motion passed with all Council members that were present voting in favor and none opposed.


**18. Adjournment.**

There being no further business, Mayor Walter Bowen closed the City Council meeting at 8:31 p.m.

APPROVED:

  
 \_\_\_\_\_  
 Walter Bowen, Mayor

ATTEST:

  
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 Linda Rhodes, TRMC/CMC  
 City Secretary