

**CITY OF LAKE WORTH  
Minutes for City Council  
Public Hearing/Regular Meeting  
Tuesday, February 12, 2008  
3801 Adam Grubb • Lake Worth, Texas  
6:30 P.M. – Council Chambers**

**1. Call to Order.**

Mayor Walter Bowen called the City Council Meeting to order at 6:30 p.m.

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

Dr. Jerry Locke gave invocation and attendees recited the pledge of allegiance.

**3. Roll Call.**

Council members present were Mayor Walter Bowen, Eugene Brooks, Myrt Fowlkes, Ronny Parsley, Dona Stuard, Curtis McKay, Geoffrey White, and Clint Narmore.

Staff present were Joey Highfill, City Manager; Vicki Mikel, Assistant City Manager/Director of Finance; Linda Rhodes, City Secretary; Brett McGuire, Police Chief; Jamye Sexton, Director of Public Works; Cheryl Vess, Community Activities Director; and Jim Hickerson, HR/Risk Management. City Attorney Wayne Olson was present.

**4. Consent Agenda.**

- a. **Approval of minutes for the City Council Regular meeting on January 8, 2008.**
- b. **Approval of minutes for the City Council Workshop/Special meeting on January 22, 2008.**
- c. **Finance Reports for the month of January 2008.**
- d. **Annual Profiling Report.**
- e. **Resolution #866-Calling/Ordering the May 10, 2008 General Election, Approving a Joint Election Agreement and Contract with Tarrant County Elections Administration, and Providing as the Election Notice.**
- f. **Approval for new Help Desk Technician Job Description.**

Eugene Brooks made a motion, seconded by Dona Stuard, to approve the consent agenda. Motion passed with all in favor and none opposed.

## **5. Presentations.**

### **a. Proclamations/Awards/Presentations.**

*There were no Proclamations/Awards/Presentations Items.*

### **b. Citizen/Visitor Comments.**

*There were no Citizen/Visitor Comments.*

## **6. Public Hearing and Action.**

*Mayor Walter Bowen opened the Public Hearing at 6:36 p.m. and closed it at 6:40 p.m.*

### **a. Public Hearing/Action regarding Ordinance #876, Settlement Agreement for Atmos' Gas Rate Increase Request.**

Joey Highfill explained that the Atmos Cities Steering Committee and Atmos have reached a settlement regarding Atmos' rate increase request and is asking each member city to adopt an ordinance on or before March 1, 2008 approving the agreement. Wayne Olson stated the settlement changed the rate increase from \$52 million to \$10 million. This means that a current bill of \$54.99 will increase to \$55.19 opposed to \$57.07 that it would have been. No persons from the audience wished to speak on this Public Hearing item; however, Mr. Williams inquired as to when repair work would be done to the leaky slip joints. Wayne Olson noted this was a different subject than what was being addressed on this agenda item. Jamye Sexton informed the citizen that repair work is currently in the process of being done.

Clint Narmore made a motion, seconded by Eugene Brooks, to approve Ordinance #876, settlement agreement for Atmos' gas rate increase request. Motion passed with all in favor and none opposed.

*Mayor Walter Bowen opened the Public Hearing at 6:41 p.m. and closed it at 6:44 p.m.*

### **b. Public Hearing to receive citizen comments regarding the 34<sup>th</sup> Year Tarrant County Community Development Block Grant (CDBG) Project for replacement of the sewer line along North Dakota Trail.**

Jamye Sexton clarified this project is on the south section of North Dakota. Walter Bowen noted he will be attending the Tarrant County Mayor's meeting and the amount to be allotted to cities will be given at that time. No persons from the audience wished to speak on this Public Hearing item.

This was a Public Hearing Item only; no action necessary.

## **7. Ordinances and Resolutions.**

### **a. Ordinance #877-Storm Water Ordinance.**

Jamye Sexton explained that the storm water ordinance is a result of a federal mandate passed down to states and then the states passed it on to cities. This is an unfunded mandate.

Geoffrey White made a motion, seconded by Dona Stuard, to approve Storm Water Ordinance #877. Motion passed with all in favor and none opposed.

### **b. Resolution #867-Approving Participation in the 33<sup>rd</sup> Year Tarrant County Community Development Block Grant (CDBG) Project for replacement of the sewer line along Telephone Rd.**

Jamye Sexton stated this agenda item needs to be withdrawn and no action taken due to the lowest responsible bidder withdrawing their bid. The city was just informed of the withdrawal yesterday, Monday, February 11, 2008. Even though there was another bidder, the District Attorney's office prohibits allowing their bid due to the date for a bidder to opt out having expired, therefore, not giving that bidder the same opportunity as the first bidder. A total re-bid will need to be done and brought back before Council. There was no action on this agenda item.

### **c. Resolution #868-Approval of Increase in Funding for the 32<sup>nd</sup> Year Tarrant County Community Development Block Grant (CDBG) Project.**

Jamye Sexton explained additional funding is needed for the 32<sup>nd</sup> year CDBG project due to additional work needed to ensure proper discharge of waste. Tarrant County needs a resolution from Council indicating approval of the extra funding. Additional funding amount is \$13,162.00.

Myrt Fowlkes made a motion, seconded by Clint Narmore, to approve Resolution #868 approving additional funding in the amount of \$13,162.00 for the 32<sup>nd</sup> year CDBG Project. Motion passed with all in favor and none opposed.

**d. Resolution #869-Approving a Lease-Purchase Agreement with Consolidated Financial Services, Inc., or its designee, for Financing of certain Capital Items.**

Vicki Mikel stated this funding is for capital items as budgeted, with the exception of the digital video cameras for patrol units which will be substituted for radar units. The total of the capital items is \$298,546.00. Annual payments will be \$107,057.08 for three years. This amount is \$2,737 less than the anticipated amount given at budget time.

Eugene Brooks made a motion, seconded by Geoffrey White, to approve Resolution #869 for a lease-purchase agreement with Consolidated Financial Services, Inc., or its designee, for financing of certain capital items as indicated in the agreement. Motion passed with all in favor and none opposed.

**e. Resolution #870-Supporting a Municipal Setting Designation (MSD) application to the Texas Commission on Environmental Quality (TCEQ) as requested by Radio Shack Corporation for property located at 401 NE 38<sup>th</sup> Street in Fort Worth (old Tandy Magnetics facility).**

Joey Highfill stated this is the fourth MSD request that has come before Council. TCEQ requires approval of a MSD by any municipal water supply that owns a groundwater supply within 5 miles of the proposed site. Joey reminded Council that the city has no liability whether the MSC is approved or not by TCEQ.

Geoffrey White made a motion, seconded by Eugene Brooks, to approve Resolution #870 supporting a Municipal Setting Designation application to TCEQ as requested by Radio Shack Corporation for property located at 401 NE 38<sup>th</sup> Street in Fort Worth. Motion passed with all in favor and none opposed.

**f. Resolution #871-Adopting a Goal to Reduce Electric Consumption by 5% each year for 6 years beginning on September 1, 2007, as required by law.**

Jamye Sexton explained that this agenda item is another unfunded federal mandate passed down to the state and then the state passed it on to cities. The mandate requires political subdivisions in certain areas identified as non-attainment areas to approve a goal to reduce their electric consumption by 5% each year for 6 years, beginning on September 1, 2007.

Since it is a federal and state mandate, reluctantly Myrt Fowlkes made a motion, seconded by Clint Narmore, to approve Resolution #871 adopting a goal to reduce electric consumption by 5% each year for 6 years beginning on September 1, 2007. Motion passed with all in favor and none opposed.

## **8. Contracts and Agreements.**

### **a. Coyote Gas Lease Agreement.**

Vicki Mikel stated Coyote Petroleum is proposing a three year primary oil and gas lease for a little over 7 acres near Hodgkins Road at \$3,500.00 per acre and a 25% royalty.

Eugene Brooks made a motion, seconded by Geoffrey White, to approve the Oil and Gas Lease Agreement with Coyote Petroleum Ventures, Ltd. Motion passed with all in favor and none opposed.

## **9. Bids, Proposals, and Specifications.**

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

## **10. Discussion/Action Items.**

### **a. Discussion/Action regarding Lake Worth Youth Program Options.**

Mayor Bowen thanked the committee assigned to work on a proposed agreement with the City and the Lake Worth Youth Association (LWYA). Joey Highfill noted the agreement was for baseball/softball programs only. He also noted a couple of corrections to the proposed agreement. One change was a typographical error and the other was to change the season start date under section 1(a)(ii) from March 31, 2008 to February 24, 2008. Mayor Bowen confirmed with Mark Rice, LWYA President, that the agreement was satisfactory. Mark indicated it was, but would need to go before the LWYA as well for approval.

Myrt Fowlkes made a motion, seconded by Dona Stuard, to approve the agreement with the Lake Worth Youth Association for 2008 baseball/softball programs. Motion passed with all in favor and none opposed.

#### **11. Mayor and Council Items.**

Mayor Bowen made note of the upcoming Mayors Council meeting. Eugene Brooks stated he will be attending the Fort Worth Mayor's State of the City Address meeting and will report back anything of significance.

#### **12. City Manager and Staff Items:**

##### **a. City Manager Reports.**

Joey Highfill indicated there will be a Joint Council/Planning and Zoning meeting next Tuesday, February 19, 2008 at the request of Burger King for a site plan/land use. Joey also noted that the staff reports will be handled a little differently. Each department head will submit weekly updates to him and he then will submit a weekly report via e-mail to Council. Department heads will not be required to attend the Council meetings unless requested to do so or have something on the agenda or to report.

##### **b. Staff reports and requests.**

Vicki Mikel asked for those wanting to attend the NW Chamber of Commerce banquet to please let her or Linda Rhodes know by tomorrow.

*Mayor Walter Bowen closed the Open Session of the meeting and opened the Executive Session of the meeting at 7:12 p.m. to discuss matters pursuant to Section 551.072.*

#### **13. 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 551.071- Consultation with attorney with regard to any item posted on the agenda or pending or contemplated litigation.
- b. Pursuant to Section 551.072- Deliberate the purchase, exchange, lease, or value of real property.
  1. Real Property located at 6781 Lake Worth Boulevard.

- c. Pursuant to Section 551.074- Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

*Mayor Walter Bowen closed the Executive Session and reconvened into open session at 8:11 p.m.*

**14. Reconvene into Regular Session:**

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

Geoffrey White made a motion, seconded by Ronny Parsley, to direct city staff to move forward with negotiations on property as discussed in Executive Session. Motion passed with all in favor and none opposed.

Eugene Brooks made a motion, seconded by Geoffrey White, to appoint a Council Committee to discuss possibilities to purchase capital property. Motion passed with all in favor and none opposed.

Mayor Walter Bowen assigned Dona Stuard, Ronny Parsley, and Geoffrey White to the committee with their consent.

**15. Adjourn.**

There being no further discussion, Mayor Walter Bowen closed the Council meeting at 8:14 p.m.

APPROVED:

  
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 Walter Bowen, Mayor

ATTEST:

  
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 Linda Rhodes, TRMC/CMC  
 City Secretary