

**CITY OF LAKE WORTH
Minutes for
City Council
Public Hearing/Regular Meeting
Tuesday, July 8, 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, Myrt Fowlkes, Perry Lunsford, Dona Stuard, Pat O. Hill, and Clint Narmore. Eugene Brooks and Geoffrey White were absent.

Staff present were Joey Highfill, City Manager; Vicki Mikel, Assistant City Manager/Director of Finance; Linda Rhodes, City Secretary; Brett McGuire, Police Chief; Jami Woodall, EDC Coordinator; Jamye Sexton, Public Works Director; Mike Voorhies, Emergency Management Officer; Natacha Schwarz, Municipal Court Coordinator; Kim Davis, Permit Clerk; Barry Barber, Building Official; and Danielle Hackbusch, HR/Risk Management. City Attorney Wayne Olson and City Engineer Aaron Rader were present.

4. Consent Agenda:

- a. **Approval of minutes for the City Council/Planning and Zoning Commission Joint Public Hearing/Meeting on June 10, 2008.**
- b. **Approval of Finance Reports for the month of June 2008.**

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

5. Presentations:

a. Proclamations/Awards/Presentations.

1. Acknowledgement of the Regional Cooperation Award presented to the City of Lake Worth by the NCTCOG.

Joey Highfill presented a plaque of appreciation that was given to Tarrant County and the cities of Lake Worth, River Oaks, Westworth Village, White Settlement, Benbrook, and Fort Worth for their participation in the Joint Land Use Study (JLUS).

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 Citizen/Visitor Comments.

6. Public Hearing/Action Items:

Mayor Bowen opened the Public Hearing at 6:44 p.m. and closed it at 6:52 p.m.

a. Public Hearing/Action for substandard property located at 3224 Pueblo Trail, legal description being Block 16, Lot 1, Indian Oaks Subdivision, Case #2008-02.

Barry Barber said the owner of the property has received a certified letter concerning the 30-day repair/demo order. John Percy, owner, addressed Council and indicated this is his rent property. He wants to continue working on the property and requests 120 days. Barry indicated he could ask for 60 days and then request more time later, but 120 days is not typical.

Attorney Wayne Olson reminded Council that they are subject to state statutes, which indicates that substandards can only be given 30 days maximum. An extension of the 30 days could be granted later. Council may also opt to table, or continue, this item until the next meeting in order to allow the owner to submit a scope of work for a 30 day repair/demo order. Mayor Bowen suggested that Council

elect to continue this item. Wayne told the owner, Mr. Pearcy, that he would need to get with Barry as soon as possible.

There were no other persons in the audience wishing to speak on this item.

Pat Hill made a motion, seconded by Clint Narmore, to continue the Public Hearing/Action on the substandard property located at 3224 Pueblo Trail, legal description being Block 16, Lot 1, Indian Oaks Subdivision, Case #2008-02 until the August regular Council meeting. Motion passed with all present voting in favor and none opposed.

Mayor Bowen opened the Public Hearing at 6:53 p.m. and closed it at 6:58 p.m.

b. Public Hearing/Action for substandard property located at 3009 Shawnee Trail, legal description being Block 27, Lot 21, Indian Oaks Subdivision, Case #2008-03.

Barry Barber noted that the Stum's, owner of the property, submitted paperwork to the city at 5:00 p.m. just prior to the meeting. Along with the paperwork was a variance request on the property, of which will need to go before the Zoning Board of Adjustments (ZBA). Cynthia Stum addressed Council and stated they are requesting a variance on the property. Also, they are currently taking bids for repairs. Barry concluded that the Stum's desire a continuance on this item in order to allow the ZBA time to act on the variance request first.

Earl Fowlkes, ZBA member, stated that past history has been to deny these types of requests.

There were no other persons in the audience wishing to speak on this item.

Dona Stuard made a motion, seconded by Clint Narmore, to continue the Public Hearing/Action for substandard property located at 3009 Shawnee Trail, legal description being Block 27, Lot 21, Indian Oaks Subdivision, Case #2008-03 until the August regular Council meeting. Motion passed with all present voting in favor and none opposed.

Mayor Bowen opened the Public Hearing at 6:59 p.m. and closed it at 7:01 p.m.

c. Public Hearing/Action for substandard property located at 3308 Mohawk Trail, legal description being Block 25, Lot 3B & 4B, Indian Oaks Subdivision, Case #2008-04.

Barry Barber stated it appears that the owner of this property has completely walked away. Proper notifications have been sent and no word has been received by the city. It is the city's intent that this property be repaired and not demolished; however, nothing is being done. Myrt Fowlkes verified that the owner had signed for the notifications; Barry indicated they signed for the notification on June 25, 2008. Staff is recommending a 30-day repair/demo order.

There were no other persons in the audience wishing to speak on this item.

Perry Lunsford made a motion, seconded by Dona Stuard, to issue a 30-day Repair/Demo Order for substandard property located at 3308 Mohawk Trail, legal description being Block 25, Lot 3B & 4B, Indian Oaks Subdivision, Case #2008-04. Voting in favor of the motion were Perry Lunsford, Dona Stuard, Pat Hill, and Clint Narmore. No one voted against the motion. Myrt Fowlkes abstained. Motion passed with a 4-0-1 vote.

7. Ordinances and Resolutions.

a. Ordinance #886- Approval of Atmos Franchise Rate Increase.

Joey Highfill explained that the Atmos franchise rate increase is only a 1% increase, which is passed straight to the customer and then is given to the City. It would not be a big difference to the customer, but would be an estimated \$13,000 per year for the city. Wayne Olson indicated about half of the city's have approved the rate increase and half have not. Atmos uses the right-of-ways and this is a way for the City to recoup costs for use of those right-of-ways. Myrt Fowlkes asked if the money had to be designated and used for certain things. Vicki Mikel stated no, it went into the General Fund.

Clint Narmore made a motion, seconded by Dona Stuard, to deny Ordinance #886, for the 1% Atmos franchise rate increase. Motion passed with all present voting in favor to deny the rate increase.

- b. Resolution #878- Appointment of Judge Craig A. Magnuson as Associate Judge for a term of two years.

Natacha Schwarz explained that this request is being brought forth at the request of Bill Lane. This resolution would officially appoint someone as an Associate Judge in the event of Mr. Lane's absence. Mr. Magnuson is recommended by Mr. Lane and his resume was submitted in the Council packet for review. Natacha stated his term and Bill's term would terminate on alternate years.

Perry Lunsford made a motion, seconded by Clint Narmore, to approve Resolution #878 appointing Judge Craig A. Magnuson as Associate Judge for a two-year term from July 1, 2008 through June 30, 2010. Motion passed with all present voting in favor and none opposed.

- c. Resolution #879- Support for Wal-Mart's Adopt-a-Park Program for Charbonneau Park.

Jami Woodall said Wal-Mart had contacted the City wanting to adopt a local park to do minor maintenance, clean up, planting of trees, etc. No mowing would be done. They wish to adopt Charbonneau Park and have a kick off on Saturday, July 26, 2008. Dona Stuard asked if they would work with Sean Densmore, Parks Department, and Jami said they would coordinate with Sean on all work there.

Pat Hill made a motion, seconded by Perry Lunsford, to approve Resolution #879 supporting Wal-Mart's Adopt-a-Park Program for Charbonneau Park. Motion passed with all present voting in favor and none opposed.

8. Contracts and Agreements.

- a. Consideration of an Agreement between the Lake Worth Youth Association (LWYA) and the City of Lake Worth for field use for the 2008 Football Season.

Perry Lunsford, Council Committee Chair for the LWYA Football Agreement, stated the committee recommends approval of the agreement brought forth for the 2008 football season. The Council Committee members, LWYA Committee members, and City staff are all in concurrence with the proposed agreement.

Wayne Olson noted a date correction of December 5, 2008 on page one of the agreement. Myrt Fowlkes asked if two sections conflicted with each other, one section provided for the City Manager to fine the association for non compliance and the other gives him authority to terminate or suspend use of the field. There was no conflict; the agreement gives authority to the City Manager to use his discretion in which course of action to take.

Perry Lunsford made a motion, seconded by Pat Hill, to approve the 2008 Football Season Agreement between the LWYA and the City with the date correction as noted. Voting in favor of the motion were Perry Lunsford and Pat Hill. No one voted against the motion. Myrt Fowlkes, Dona Stuard, and Clint Narmore abstained. The City Attorney asked for a copy of the City Charter to determine a ruling on the outcome of the vote. In the meantime, the Mayor went to the next agenda item.

9. Bids, Proposals, and Specifications.

a. Award of Bid for Edgemere Sanitary Sewer Lift Station.

Jamye Sexton informed Council bids were taken out for construction of a new Edgemere sanitary sewer lift station. This lift station is needed due to increased flow and limited storage volume. Cost of this project includes upgrades for the SCADA system in order to monitor and control flows in the system. The low bid was submitted by Red River Construction in the amount of \$639,900.

Myrt Fowlkes made a motion, seconded by Dona Stuard, to award the bid for the Edgemere Sanitary Sewer Lift Station to Red River Construction in an amount of \$639,900. Motion passed with all present voting in favor and none opposed.

8. Contracts and Agreements. (Continued.)

a. Consideration of an Agreement between the Lake Worth Youth Association (LWYA) and the City of Lake Worth for field use for the 2008 Football Season.

Mayor Bowen went back to Agenda Item #8-a. After review on the outcome of the motion, the City Attorney determined that the motion passed. Abstentions are considered as a "no vote"; therefore, since there were more affirmative votes than negative votes, motion passed with a 2-0-3 vote to approve the agreement.

10. Discussion/Action Items.

a. Discussion/Action regarding drainage issue from Ridgecrest Road, requested by citizen Paul DeHaven.

Joey Highfill informed Council that the hole (discussed when Mrs. DeHaven came to Council before) has been repaired. Also, the sewer manhole ring will be replaced; however, it has nothing to do with the drainage issue.

Paul DeHaven told Council he was told in 2007 that the rain/drainage issue his mother is having only occurred every 100 years. His mom, Mrs. DeHaven, lives at 6405 Canyon Trail. He claimed the city's drainage system is from the 1960's and is substandard. He feels that the repair work done on the hole was a very poor job. The city signed off on the development and when the house was built; therefore, he wants the city to do something about the drainage issue. Mayor Bowen clarified that the city only signs off on the home, not on the land.

Mr. DeHaven went on to add that the water is not coming from his mother's home, but rather from the houses on Ridgecrest. Chad Martin, resident at 6412 Ridgecrest Circle and neighbor of Mrs. DeHaven, testified that her property floods every time it rains due to the drainage issue.

Joey Highfill and Jamye Sexton both stated the drain pipe is small and that the water capacity taxes the pipe. The city has cleaned and cleared the pipe several times. Jamye noted that the city requires commercial builders to do a drainage study, but residential builders are not required to. Mr. DeHaven also stated that the pipe was too small for the water capacity. Perry Lunsford asked whose responsibility it was for the inadequate drainage. Wayne Olson said it was not really anyone's. The city's only responsibility is to keep the drainage pipe that is there clean, clear and working properly. Even though the city has no responsibility to fix the under-sized drainage system, the city *could* fix it, but it would be expensive and would need to be engineered.

Clint Narmore asked if the home was in the newer or older part of Canyon Trail. It is in the newer part; Mrs. DeHaven moved there in

2005. Jamye explained that the developer was required to put in drainage, but the problem comes from the older area on Ridgecrest. Since it is not the fault of the developer or the city, Perry Lunsford asked about having the city engineer do a preliminary study on the drainage issue. After a short discussion, it was determined a study would be too costly since the drainage from the development in the 1960's would also have to be looked at. Dona Stuard asked Wayne Olson if there was anything the city could get the builder to do. He stated there was not, but the property owner possibly could.

Pat Hill made a motion, seconded by Perry Lunsford, to take no action on the drainage issue from Ridgecrest Road. Voting in favor of the motion were Pat Hill, Perry Lunsford, Myrt Fowlkes, and Clint Narmore. No one voted against the motion. Dona Stuard abstained. Motion passed to take no action with a 4-0-1 vote.

11. Mayor and Council Items.

There were no Mayor and Council Items.

12. City Manager and Staff Reports:

a. City Manager Reports.

1. Workshop Meeting scheduled for Tuesday, July 22, 2008, (just after the CCPD meeting) to discuss possible Charter Amendments.

Joey Highfill informed Council there will be a Council Workshop and CCPD meeting on Tuesday, July 22, 2008. The CCPD meeting will begin at 6:30 p.m. and the Council meeting will begin right after that. He also informed Council that the school needs more capacity for their fuel station; therefore, the city will not be able to continue using it and will need to seek other options for fuel. He plans on asking Dr. Cooper, LWISD Superintendent, for an additional six (6) months to allow time to find another source.

b. Staff Reports.

1. CCPD Public Hearing/Meeting scheduled for Tuesday, July 22, 2008 in the Conference Room for the CCPD Budget. Second CCPD Public Hearing/Meeting scheduled for Tuesday, August 12, 2008 in the Council Chambers followed by the City Council meeting, which will have a Public Hearing on the CCPD Budget for FY 2008-2009.

2. EDC Quarterly Report.

3. Update on 2921 Mohawk Trail, substandard property.

Vicki Mikel handed out Budget Calendars to Council and requested that they review the meeting dates to see if they could attend the times scheduled.

Jami Woodall stated the Shop Fest is scheduled for Saturday, July 19, 2008. Advertising would be done via radio this year.

Barry Barber updated Council on 2921 Mohawk Trail, substandard property. The City never received a scope of work from the owner; therefore, the City will start taking bids on July 14, 2008 to demolish the property.

Mayor Bowen closed the open session of the meeting at 8:18 p.m. for a five minute break and then went into Executive Session to discuss items listed pursuant to Sections 551.071 and 551.074.

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.

1. City Attorney consultation regarding possible litigation.

b. Pursuant to Section 551.072- Deliberate the purchase, exchange, lease or value of real property.

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

1. City Manager Contract.

Mayor Bowen closed the Executive Session and reconvened into Open Session at 9:10 p.m.

14. Reconvene into Regular Session:

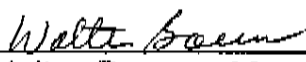
- a. Take any action necessary pursuant to Executive Session Items as listed above.**

There was no action taken on either Executive Session Item.

15. Adjournment.

There being no further business, Mayor Walter Bowen closed the City Council meeting at 9:10 p.m.

APPROVED:



Walter Bowen, Mayor

ATTEST:



Linda Rhodes, TRMC/CMC
City Secretary