

**CITY OF LAKE WORTH
Minutes for
Joint Public Hearing and Meeting of
City Council and
Planning and Zoning Commission
Tuesday, June 10, 2008
3801 Adam Grubb • Lake Worth, Texas
6:30 P.M. – Council Chambers**

1. Call to Order City Council and Planning and Zoning Commission .

Mayor Walter Bowen called the City Council Meeting to order at 6:30 p.m. Chairman Earl Fowlkes called the Planning and Zoning Commission 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. Planning & Zoning Commission Board Member Resignation Announcement.

Earl Fowlkes announced the resignation of Pat O. Hill due to his recent election to City Council.

4. Roll Call for City Council and Planning and Zoning Commission.

Council members present were Mayor Walter Bowen, Eugene Brooks, Myrt Fowlkes, Perry Lunsford, Dona Stuard, Pat O. Hill, and Clint Narmore. Mayor Bowen noted that Council member Geoffrey White was not present at the time, but would be arriving shortly. (Council member Geoffrey White arrived at 6:52 p.m., which was during the presentation section of the agenda.)

Planning and Zoning Commission members present were Earl Fowlkes, Jeannie Turley, Denton Brooks, Troy Jones, Phylis Hatley, and Herbert Reeves. Place #1 is now a vacant position.

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; Jamey Sexton, Public Works Director; Mark Cone, Fire Chief; Cheryl Vess, Community Activities Director; Barry Barber, Building Official. City Attorney Doug Black and City Engineer Jeff James were present.

5. City Council Consent Agenda:

- a. Approval of minutes for the City Council Regular meeting on May 13, 2008.**
- b. Approval of minutes for the City Council Special meeting and Canvass on May 20, 2008.**
- c. Approval of Finance Reports for the month of May 2008.**
- d. Approval of Tarrant County Tax Office Annual Agreement for the Assessment and Collection of 2008 Ad Valorem Taxes.**
- e. Approval of Annual Audit Engagement Letter for year ended September 30, 2008 from Snow, Garrett and Company.**

The estimated amount of the annual audit for FE September 30, 2008 is \$45,000.00.

- f. Approval of Bank Resolutions for Signature Card Updates.**
- g. Approval of Resolution #877, Tarrant County Community Development Cooperation Agreement for FY 2009-2011.**

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

6. Planning & Zoning Commission Consent Agenda:

- a. Approval of minutes for the Planning and Zoning Commission/City Council Joint meeting on April 8, 2008.**

Denton Brooks made a motion, seconded by Troy Jones, to approve the Planning & Zoning Commission Consent Agenda. Motion passed with all in favor and none opposed.

7. City Council Presentations:

- a. Proclamations/Awards/Presentations.**
 - 1. Presentations of Certificate of Election and Administer Oath of Office to E. B. "Gene" Brooks, Council Member Place #1.**

Mayor Bowen presented Eugene Brooks his Certificate of Election and Linda Rhodes administered the Oath of Office to him.

2. Presentation of Plaques to Ronny Parsley and Curtis McKay for years of service as City Council Members.

Mark Cone presented plaques of appreciation to Ronny Parsley and Curtis McKay for all their service with the fire department. He named both of them as Honorary Fire Chiefs. Also, Mayor Bowen presented plaques and gift knives to them in appreciation for all their time and dedication in serving on the City Council. Ronny Parsley served 17 years and Curtis McKay served 34 years.

3. Presentation by the Emergency Physicians Advisory Board.

Dr. John Griswell and Dr. Ahamed Idris gave a short presentation to Council regarding a trauma study being done. The Emergency Physicians Advisory Board is the medical oversight for MedStar. MedStar is participating in a landmark trauma study sponsored by the National Institute of Health and is overseen locally by UT Southwestern in Dallas. As part of an FDA requirement, they must actively work to inform the communities they serve about the trial details. The study is being referred to as ROC, which stands for Resuscitation Outcomes Consortium. ROC mostly deals with patients who are unable to give consent in emergency situations.

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.

Howard Williams, of 3334 Huron Trail, addressed Council regarding US Bankruptcy Court Case #08-40143 for Walter Dootson and Mr. Weaver, S. L. Management. He claimed that they use unlicensed plumbers and electricians for work done to homes they own and rent out in Lake Worth. He does not think they are getting permits either. He also stated that the renters are left without water and do not get receipts when paying rent. He feels that the city should do something to prevent those people from continuing to be hurt. Mayor Bowen indicated the only thing the city could do is to be sure proper permits were obtained.

8. City Council and Planning & Zoning Commission Public Hearing/Action Items:

Mayor Bowen opened the City Council Public Hearing at 7:08 p.m. and Chairman Earl Fowlkes opened the Planning and Zoning Commission Public Hearing at 7:08 p.m.

- a. Public Hearing/Action to consider Ordinance No. 882, which is Planning & Zoning Case #PZ08-04, the request of Jim Buckley (Buckley Racing) for the use and operation of Manufacturing, Processing, or Repairing Center for Porsche Race Cars (Private Company by Appointment Only) on Block 30, Lot 21, Indian Oaks Subdivision, Lake Worth, Tarrant County, Texas, commonly known as 3029 Caddo Trail.**

P&Z Chairman Earl Fowlkes made note that P&Z member Denton Brooks had signed and submitted an affidavit for Conflict of Interest form for this agenda item; therefore, he will not be voting on it.

Jami Woodall explained that Jim Buckley wants to move his business, Buckley Racing, in Lake Worth. Mr. Buckley answered questions that the Planning and Zoning Commission had in that there would be outside storage of trailers; they would not be visible from the street. No items/vehicles would be for sale and the hours of operation should be from 8:30 a.m. to 6:30 p.m. There would be no parking on the street. He was reminded by P&Z member Troy Jones that this was a residential neighborhood. Mr. Buckley indicated he was sensitive to that fact.

There were no other persons present wishing to speak on this item.

Chairman Fowlkes closed the Planning and Zoning Commission portion of the Public Hearing at 7:12 p.m.

Jeannie Turley made a motion, seconded by Herbert Reeves, to approve #PZ08-04, the request of Jim Buckley (Buckley Racing) for the use and operation of Manufacturing, Processing, or Repairing Center for Porsche Race Cars (Private Company by Appointment Only) on Block 30, Lot 21, Indian Oaks Subdivision, Lake Worth, Tarrant County, Texas, commonly known as 3029 Caddo Trail. Motion passed with all in favor, none opposed, and one abstention.

Mayor Bowen made note that staff comments indicated that this business would not be open to the public. Should that ever change

and the business be open to the public at any time, Mr. Buckley would have to come back before the P&Z and Council for a land use change. Eugene Brooks asked if there would be any engine running; Mrs. Buckley stated there would be no revving of the engine, only normal running. Perry Lunsford wanted more clarification. Mr. Buckley said the business is not open to the public; it is by appointment only. Perry mentioned whether or not the people bringing in the cars would be loud/showing them off. Mr. Buckley said most of the cars are not street legal and would be brought in on trailers.

Mayor Bowen closed the City Council portion of the Public Hearing at 7:14 p.m.

Clint Narmore made a motion, seconded by Geoffrey White, to approve Ordinance #882, #PZ08-04, the request of Jim Buckley (Buckley Racing) for the use and operation of Manufacturing, Processing, or Repairing Center for Porsche Race Cars (Private Company by Appointment Only) on Block 30, Lot 21, Indian Oaks Subdivision, Lake Worth, Tarrant County, Texas, commonly known as 3029 Caddo Trail. Motion passed with all in favor and none opposed.

Mayor Bowen opened the City Council Public Hearing at 7:15 p.m. and Chairman Earl Fowlkes opened the Planning and Zoning Commission Public Hearing at 7:15 p.m.

- b. Public Hearing/Action to consider Ordinance No. 883, which is Planning & Zoning Case #PZ08-03, the request of Metropolitan Baptist Church for the use and operation of a Church on Abstract 1552, Tract 2E, Moses Townsend Survey, Lake Worth, Tarrant County, Texas, commonly known as 3701 Shawnee Trail.**

Bruce Martin, representative for the Metropolitan Baptist Church, told the P&Z and Council the Church wishes to extend the church. In doing so, they will need to obtain a variance to the maneuvering space for parking spaces and a variance to the pole sign location/setbacks. Troy Jones asked if this was going to be a daycare. Mr. Martin replied it was not. He said the church is about 30-40 members. Citizen Curtis McKay brought up that there were only 11 parking spaces for that many members. Jami Woodall said there were 13. Dr. Jerry Locke indicated that if additional parking was needed, they could park at his church.

There were no other persons present wishing to speak on this item.

Chairman Fowlkes closed the Planning and Zoning Commission portion of the Public Hearing at 7:20 p.m.

Denton Brooks made a motion, seconded by Phylis Hatley to approve #PZ08-03, the request of Metropolitan Baptist Church for the use and operation of a Church on Abstract 1552, Tract 2E, Moses Townsend Survey, Lake Worth, Tarrant County, Texas, commonly known as 3701 Shawnee Trail. Motion passed with all in favor and none opposed.

Council member Geoffrey White asked if the church would consider busing should parking ever become an issue; Mr. Martin said yes.

Mayor Bowen closed the City Council portion of the Public Hearing at 7:21 p.m.

Geoffrey White made a motion, seconded by Dona Stuard, to approve Ordinance #883, the request of Metropolitan Baptist Church for the use and operation of a Church on Abstract 1552, Tract 2E, Moses Townsend Survey, Lake Worth, Tarrant County, Texas, commonly known as 3701 Shawnee Trail. Motion passed with all in favor and none opposed.

Mayor Bowen opened the City Council Public Hearing at 7:21 p.m. and Chairman Earl Fowlkes opened the Planning and Zoning Commission Public Hearing at 7:21 p.m.

- c. Public Hearing/Action to consider Ordinance No. 884, which is Planning & Zoning Case #PZ08-05, the request of Winkelmann & Associates for Canyon Lake Worth Prop, LP for a site plan amendment to the building square footage/layout and expanding on the approved uses on Block 1, Lot 9, Ritchie Brothers Addition, Lake Worth, Tarrant County, Texas, commonly known as 6076 Azle Avenue.**

Jami Woodall said the original site plan/land use was approved by Council on April 8, 2008. They are now requesting to amend that site plan by making the building smaller. Their engineers are present for any questions.

There were no questions and no other persons present wishing to speak on this item.

Chairman Fowlkes closed the Planning and Zoning Commission portion of the Public Hearing at 7:23 p.m.

Jeannie Turley made a motion, seconded by Phylis Hatley, to approve #PZ08-05, the request of Winkelmann & Associates for Canyon Lake Worth Prop, LP for a site plan amendment to the building square footage/layout and expanding on the approved uses on Block 1, Lot 9, Ritchie Brothers Addition, Lake Worth, Tarrant County, Texas, commonly known as 6076 Azle Avenue. Motion passed with all in favor and none opposed.

Mayor Bowen closed the City Council portion of the Public Hearing at 7:24 p.m.

Eugene Brooks made a motion, seconded by Pat Hill, to approve Ordinance #884, the request of Winkelmann & Associates for Canyon Lake Worth Prop, LP for a site plan amendment to the building square footage/layout and expanding on the approved uses on Block 1, Lot 9, Ritchie Brothers Addition, Lake Worth, Tarrant County, Texas, commonly known as 6076 Azle Avenue. Motion passed with all in favor and none opposed.

9. Planning & Zoning Commission Adjournment.

There being no further Planning & Zoning Commission discussion/business, Chairman Earl Fowlkes adjourned the Planning & Zoning Commission at 7:24 p.m.

10. Ordinances and Resolutions.

There were no Ordinances and Resolutions Items.

11. Contracts and Agreements.

There were no Contracts and Agreements Items.

12. Bids, Proposals, and Specifications.

a. Award Request for Proposal (RFP) for Sewer Lift Station Diesel Generator Sets.

Jamye Sexton explained that the diesel generators are needed as back up power to the sewer lift stations. Bids were taken and staff recommends approval of the only bidder, Wheco Electric Inc.

Geoffrey White made a motion, seconded by Clint Narmore, to award the bid for the sewer lift station diesel generator sets to Wheco Electric Inc. in an amount not to exceed \$155,000. Motion passed with all in favor and none opposed.

b. Award Request for Proposal (RFP) for Design Build for the Senior Activities Center.

Vicki Mikel explained approval of the request for proposal is the first phase in the design build process. The RFP was advertised and bids were opened on May 27, 2008. After selection/approval, the city will begin negotiations with the design build team.

Myrt Fowlkes made a motion, seconded by Dona Stuard, to award the bid to Race Street Properties LP as the design build team for the Senior Activities Center. Motion passed with all in favor and none opposed.

13. Discussion/Action Items.

a. Selection of a Mayor Pro-Tem.

Dona Stuard nominated Clint Narmore as Mayor Pro-Tem. There being no other nominations on the floor, Eugene Brooks made a motion to select Clint Narmore as Mayor Pro-Tem by acclamation. Clint accepted. Geoffrey White seconded the motion. Motion passed with all in favor and none opposed.

b. Appointment of a Council Member as the North Central Texas Council of Government (NCTCOG) Voting Representative.

Joey Highfill noted that Ronny Parsley had served as the city's voting representative with NCTCOG. Another Council member would need to be selected to fill that spot due to him not being on Council any longer. Mayor Bowen asked if there were any volunteers and Perry Lunsford accepted. Therefore, Eugene Brooks made a motion to appoint Perry Lunsford as the City's NCTCOG voting representative. Dona Stuard seconded the motion. Motion passed with all in favor and none opposed.

c. Appointment/Re-Appointment of EDC Board Members for Place Numbers 2, 4, and 6 for two-year terms beginning July 2008.

Myrt Fowlkes made a motion, seconded by Eugene Brooks, to make the following EDC Board appointments:

Place 2 (Council position), Geoffrey White
 Place 4 (Council Position), Clint Narmore
 Place 6 (Citizen Position), Ronny Parsley.

Motion passed with all in favor and none opposed.

d. Appointment to complete the vacated, unexpired term for EDC Board Member Place #3, which expires July 2009.

Dona Stuard made a motion, seconded by Eugene Brooks, to appoint Pat Hill to complete the vacated, unexpired term for EDC Board Member Place #3 (Council position), to expire July 2009. Motion passed with all in favor and none opposed.

e. Discussion/Action concerning a Variance Request to the Sign Ordinance to allow temporary Real Estate Directional Signage on Hwy 199, requested by Ron Formby with Antares Homes.

Barry Barber explained that Ron Formby, with Antares Homes, is requesting that signage be allowed at the corner of Hwy 199 and 4108 Hodgkins Road for a period of 12 months. The proposed size is 32 square feet each and would advertise a residential area that is not located in the City.

Ron Formby, President and CEO of Antares Homes, addressed Council. He said the signs, being 4 x 8 in size, would be able to be seen from 199, but they would not actually be *on* Hwy 199. He has obtained a lease signed by the owner of the property in which the signs would actually be placed. There are about 60 proposed lots that will be in Lake Worth eventually, in a later phase. This would be good for the City of Lake Worth's economy.

Joey Highfill stated that those 60 lots have not been platted/approved yet and that number could change. Eugene Brooks reminded everyone that other people have come before Council requesting signs to be placed at certain locations and they have been turned down. Mayor Bowen stated staff is following same procedure for all requests. Clint Narmore commented that the past signs were in the

right-of-way. Dona Stuard said it was off-site signage. Mr. Formby said most of their clientele come by the developments due to signage like this. He asked Council to consider his request of the temporary signage.

City Attorney Doug Black advised that the US Supreme Court favored ruling against those that prefer one type of freedom of speech over another.

Perry Lunsford indicated he would like to see the development succeed, but it has been Council's decision in the past to deny this type of request. Jeannie Turley asked about Sumeer Homes' signage. Joey Highfill said it was in Lake Worth. Ms. Turley commented that if the lots were inside the City, then signs could be put up. Geoffrey White noted that the signs stated Antares Homes instead of the development. Mr. Formby said he would change the wording of the sign, if it would make the difference in approval or not.

Geoffrey White made a motion, seconded by Clint Narmore, to approve the variance request to the sign ordinance to allow temporary real estate directional signage as requested by Ron Formby, Antares Homes, with the stipulation that the sign also promotes the development, portion being inside the City of Lake Worth. Voting for the motion were Geoffrey White and Clint Narmore. Voting against the motion were Eugene Brooks, Myrt Fowlkes, Perry Lunsford, Dona Stuard, and Pat Hill. Motion failed.

Dona Stuard made a motion, seconded by Eugene Brooks, to deny the variance request to the sign ordinance to allow temporary real estate directional signage as requested by Ron Formby, Antares Homes. Motion passed with all in favor and none opposed.

f. Discussion/Action concerning future Contracts/Agreements with the Lake Worth Youth Association.

Joey Highfill said the City Council Committee members met with the LWYA Committee members and negotiated a baseball/softball contract to work through that season. Now the Council Committee wants to get feedback from Council on their desire for future contracts.

Sheri Wicker, spokesperson for the LWYA Committee, submitted a Profit/Loss Statement from January through May of this year. She said the association was in good financial standing and they have kept up the fields and painted/cleaned the facilities. Myrt Fowlkes noted that the Profit/Loss Statement looked nice; why hasn't this been done in the past. Sheri Wicker stated it had a lot to do with the annual turnover in the board members. They have changed that by having the terms be for two years and to alternatively expire. Also, old board members are being asked to help the new.

Clint Narmore, Council Committee Chair, said it is the Council Committee's recommendation to sever the relationship with the LWYA and to look for other alternatives for the youth. Vicki Mikel explained that seeking an alternative does not mean that the LWYA is disbanded. It only means the City could choose another option for the youth. Pat Hill asked how compliance had gone in the past. Joey Highfill said that until the committee sat down and said they had to have the items complied with, it was not getting done. Perry Lunsford asked if everything was up to date now. Joey said it was. Mr. Lunsford asked what other options were out there. Joey answered some options were the YMCA, a City ran operation, or another association. Eugene Brooks stated he wished the Committee had an alternative already set in place prior to severing dealings with the LWYA. He wants a smooth transition. Dona Stuard noted that the Committee was only dealing with baseball/softball season. The LWYA was aware that the contract did not include football/cheerleading. It is not a surprise to them. The City has always had problems and no cooperation with the LWYA. At the last minute right before Council meetings they would run up to City Hall and pay any outstanding bills. We need something more organized for the kids. Clint Narmore said the committee was not charged with seeking an alternative; it has given its recommendation.

Sheri Wicker said the association has checked and there are other locations that they can use for football season. Citizen Howard Williams stated a lot of parents use associations for babysitters; it is very important to have something in order to help keep kids out of trouble. Mayor Bowen stated that there is no obligation on the city's part to have a youth association; there is no other city that does this.

Eugene Brooks made a motion, seconded by Perry Lunsford, to continue with contract negotiations for football until either the LWYA new management performs as expected or until Council finds an alternative source. Voting in favor of the motion were Eugene Brooks, Myrt Fowlkes, and Perry Lunsford. Voting against the motion were Dona Stuard, Geoffrey White, and Clint Narmore. Pat Hill abstained. There being a tie, Mayor Bowen broke the tie by voting in favor of the motion. Therefore, the motion passed with a 4-3 vote and one abstention.

Mayor Bowen thanked the Council Committee members of Clint Narmore, Dona Stuard, and Geoffrey White. He asked for another committee to be formed for the football contract negotiations. Joey Highfill requested that staff be given approval to shut down operations immediately should any violation of that contract occur.

Council Committee volunteers were Eugene Brooks, Perry Lunsford, and Walter Bowen. Perry Lunsford was asked to Chair that committee. Mayor Bowen instructed the LWYA to limit the attendance at those meetings to only the 3 LWYA Committee members. LWYA President Mark Rice agreed.

14. Mayor and Council Items.

Mayor Bowen noted that the next Mayor's Council of Tarrant County meeting is scheduled on Monday, August 4, 2008.

15. City Manager and Staff Reports:

a. City Manager Reports.

Joey Highfill informed Council the Grand Lake Park opening is scheduled for Saturday, June 21, 2008 at 10:00 a.m. He also reported that, due to the high gas prices, staff is trying to conserve in ways such as not leaving vehicles running unnecessarily. He reported that the city property mentioned earlier as being stolen (during discussions with LWYA) was not a four-wheeler, but a gator.

b. Staff Reports.

Vicki Mikel noted that signatures are needed from the Council to update the bank signature cards, if they could see her right after the meeting.

Jami Woodall stated there is an EDC meeting scheduled for Thursday, June 26, 2008.

There were no Executive Session Items.

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 551.071- 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.
- c. Pursuant to Section 551.074- Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

There were no Executive Session Items.

17. Reconvene into Regular Session:

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

18. City Council Adjournment.

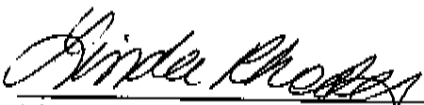
There being no further Council discussion/business, Mayor Walter Bowen closed the City Council meeting at 8:45 p.m.

APPROVED:



 Walter Bowen, Mayor

ATTEST:



 Linda Rhodes, TRMC/CMC
 City Secretary