

**CITY OF LAKE WORTH
Minutes for City Council
Public Hearing/Regular Meeting
Tuesday, March 11, 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 6:35 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; Jami Woodall, EDC Coordinator; Janye Sexton, Director of Public Works; Cheryl Vess, Community Activities Director; and Debbie Whitley, Senior Accountant. City Attorney Doug Black was present along with City Engineers Jeff James, Misty Christian, and Aaron Rader.

Mayor Bowen moved Agenda Item #10-d up to address.

10. d. Approval of Annual Audit for year ended September 30, 2007 as submitted by Snow, Garrett and Company.

Kathy Williams and Gaylyn Mendoza with Snow, Garrett and Company briefly went over the Annual Audit report for the year ended September 30, 2007. Both areas, internal control and compliance, have a good, clean report.

Geoffrey White made a motion, seconded by Dona Stuard, to approve the annual audit for year ended September 30, 2007 as

presented by Snow, Garrett and Company. Motion passed with all in favor and none opposed.

Mayor Bowen now went back to the regular order of the Agenda, beginning with the Consent Agenda.

4. Consent Agenda.

- a. Approval of minutes for the City Council Special meeting on February 7, 2008.**
- b. Approval of minutes for the City Council Regular meeting on February 12, 2008.**
- c. Approval of minutes for the City Council/Planning and Zoning Commission Joint meeting on February 19, 2008.**
- d. Finance Reports for the month of February 2008.**

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

5. Presentations.

a. Proclamations/Awards/Presentations.

1. Poison Prevention Week Proclamation.

Mayor Bowen acknowledged that the week of March 16-22, 2008 is hereby proclaimed Poison Prevention Week. There was no representative present to receive the proclamation.

2. March for Meals Awareness Month Proclamation.

Mayor Bowen acknowledged that the Month of March is hereby proclaimed March for Meals Awareness Month. Belinda Jones was present to receive the proclamation on behalf of Meals on Wheels. Mayor Bowen read aloud the proclamation and presented it to Mrs. Jones.

3. Elder Abuse Awareness Day Proclamation.

Mayor Bowen acknowledged that May 16, 2008 is Elder Abuse Awareness Day. There was no representative present to receive the proclamation.

4. Presentation of Drawing of Candidate Names for Place on Ballot for May 10, 2008 General Election.

Mayor Bowen read aloud the candidates that have filed for Council Places. Place 1 is E. B. "Gene" Brooks, unopposed. Place 3 is Ronny Parsley and Perry Lunsford. Place 5 is Don Koehler, Howard "Doc" Williams, and Pat O. Hill. Place 7 is Clint "Dewayne" Narmore, unopposed. Drawing of names to determine their order in which they appear on the ballot was done for those with opposition, Place #3 and

Place #5. Mayor Bowen showed the audience that the drawing container was empty. Each candidate that was present inspected the names on the list for verification; the City Secretary cut the names and placed them in the drawing container; Dr. Jerry Locke was asked to perform the drawing. For Place #3, the first name drawn was Perry Lunsford. The second name drawn was Ronny Parsley. Therefore, that will be the order in which those names will appear on the ballot for Place #3. For Place #5, the first name drawn was Pat O. Hill, the second name drawn was Howard "Doc" Williams, and the third name drawn was Don Koehler. Therefore, that will be the order in which those names will appear on the ballot for Place #5. All candidates were present for the drawing except for Howard "Doc" Williams.

b. Citizen/Visitor Comments.

There were no Citizen/Visitor Comments.

6. Public Hearing and Action.

Mayor Walter Bowen opened the Public Hearing at 7:00 p.m. and closed it at 7:02 p.m.

a. Public Hearing to receive citizen comments regarding the 34th Year Tarrant County Community Development Block Grant (CDBG) Project for replacement of the sewer line along North Dakota Trail.

This is the second Public Hearing to hear comments regarding this project; there were no persons from the audience wanting to speak on this Public Hearing item. City Engineers estimate the cost of this project to be around \$200,000.

Myrt Fowlkes made a motion, seconded by Dona Stuard, to approve the recommendation of the 34th Year CDBG Project for replacement of the sewer line along North Dakota Trail. Motion passed with all in favor and none opposed.

7. Ordinances and Resolutions.

a. Ordinance #879 and IESI Rate Increase request for Residential and Commercial Solid Waste Service.

Norm Bulaich with IESI was present to answer any questions relating to their request for a 4.3% rate increase for residential and commercial solid waste rates. The rates are requested to be effective on the April 2008 billing.

Myrt Fowlkes made a motion, seconded by Eugene Brooks, to approve Ordinance #879 and the 4.3% rate increase for residential and commercial solid waste service as requested by IESI to take effect on the April 2008 billing. Motion passed with all in favor and none opposed.

b. Resolution #872-Approving Participation in the 33rd Year Tarrant County Community Development Block Grant (CDBG) Project for replacement of the sewer line along Telephone Rd.

Jamye Sexton stated this item had to be pulled from last month's agenda due to having to re-bid on the project. Atkins Brothers was the lowest responsible bidder for the re-bid on March 5, 2008 in an amount of \$336,584, City's portion being \$261,811.

Eugene Brooks made a motion, seconded by Myrt Fowlkes, to approve Resolution #872, approving participation in the 33rd year CDBG Project for replacement of the sewer line along Telephone Road and to recommend Atkins Brothers to perform the construction services in an amount not to exceed \$336,584, City portion being \$261,811. Motion passed with all in favor and none opposed.

8. Contracts and Agreements.

There were no Contracts and Agreements Items.

9. Bids, Proposals, and Specifications.

There were no Bids, Proposals, and Specifications Items.

10. Discussion/Action Items.

a. Discussion/Action concerning Variance Request from XTO Energy for extended work hours.

Joey Highfill explained that XTO is requesting extended work hours to perform seismic surveys. Richard Rosamond, representative of XTO, told Council they are requesting to perform the surveys seven days a week from daylight to dark for about 3-4 weekends. The trucks used for the job are loud; however, would not be at the same location all of the time.

Eugene Brooks made a motion, seconded by Myrt Fowlkes, to approve the request of XTO for extended work hours for a four week

period. Motion passed with all in favor and none opposed. XTO will notify the City when the surveys will be done.

b. Discussion/Action regarding Storm Water Ordinance #877, requested by citizen Donald Koehler.

Citizen Donald Koehler addressed Council with concerns regarding the recently approved Storm Water Ordinance #877. He requested Council to draft a letter to the EPA addressing concerns with products used. He feels addressing products used is the answer opposed to restrictions and mandates being passed down. He asked to go on record as stating opposition to this mandate. Mayor Bowen indicated staff would consult with the City Attorney to see what can be done regarding Mr. Koehler's request. There was no motion necessary for this agenda item.

c. Discussion/Action regarding baseball field use at the city park located on the corner of Comanche Trail and Marina Drive, requested by citizen Michael Smith.

Joey Highfill explained that Michael Smith wants to use the baseball field at Reynolds Park for hosting tournaments. Michael Smith, a 35 year citizen, addressed Council stating he wants to make improvements on the field if allowed to use it. Jamye Sexton stated there was a question regarding lights. Joey made note that it is still a public park; also, the lights could not shine in nearby residential homes. Mr. Smith indicated he only needs to use the field on weekends. Joey said there should be a contract drawn up and insurance acquired if the use is approved. Geoffrey White indicated the City would need to know all of the improvements requested ahead of time. Jamye noted there was also a parking issue. Joey said staff would need to sit down and go over everything with Mr. Smith.

Eugene Brooks made a motion, seconded by Dona Stuard, to direct staff to work with Michael Smith on an agreement with his select baseball team to use Reynolds Park. Motion passed with all in favor and none opposed. Mayor Bowen requested the agreement be brought back to Council at the next regular meeting.

Agenda Item #10-d was addressed earlier in the meeting just prior to Agenda Item #4, Consent Agenda.

11. Mayor and Council Items.

Mayor Bowen noted that last Wednesday was the ranking committee meeting for the 34th year CDBG Project.

12. City Manager and Staff Items:

a. City Manager Reports.

Joey Highfill reported that there were 26 students who received \$100 each for their livestock recently shown at the Fort Worth Stock Show. He also reported that James Hickerson, Human Resource/Risk Management Coordinator, recently resigned.

b. Staff reports and requests.

Vicki Mikel noted there were surveys submitted to Council for the City Services Report Card.

Jami Woodall indicated that Wendy's was not going to be built after all. Also, there will be an EDC meeting on Thursday, March 20, 2008.

Jamye Sexton gave a brief update on roadway projects. Joey noted that Cole Webb, City Engineer, will be moving to Kimley-Horn's office in San Antonio.

Cheryl Vess said there was going to be a meeting on Thursday, March 13, 2008 with the Council Committee to discuss capital property.

Mayor Walter Bowen closed the Open Session of the meeting and opened the Executive Session of the meeting at 7:41 p.m. to discuss matters pursuant to Sections 551.071 and 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.

- 1. City Attorney consultation regarding Amicus Brief Supporting the State of Texas in *State v. Central Expressway Sign Associates*.

- 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 8:12 p.m.

14. Reconvene into Regular Session:

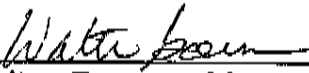
- a. **Take any action necessary pursuant to Executive Session Items as listed above.**

Geoffrey White made a motion, seconded by Eugene Brooks, to join the proposal regarding the Amicus Brief Supporting the State of Texas in *State v. Central Expressway Sign Associates*. Motion passed with all in favor and none opposed.

15. Adjourn.


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

APPROVED:



Walter Bowen, Mayor

ATTEST:



Linda Rhodes, TRMC/CMC
City Secretary