

**CITY OF LAKE WORTH
Minutes for City Council
Public Hearing/Regular Meeting
Tuesday, May 13, 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, Ronny Parsley, Dona Stuard, Curtis McKay, Geoffrey White, and Clint Narmore. Eugene Brooks was 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; Janye Sexton, Director of Public Works; Danielle Hackbusch, HR/Risk Management; Barry Barber, Building Official; Joe Dickens, Building Inspector; Kim Davis, Permit Clerk; and Mark Cone, Fire Chief. City Attorney Wayne Olson and City Engineers Jeff James and Aaron Rader were present.

4. Consent Agenda.

- a. **Approval of minutes for the City Council Regular meeting on April 8, 2008.**
- b. **Approval of minutes for the City Council/LWISD Joint meeting on April 11, 2008.**
- c. **Approval of minutes for the City Council Workshop/Special meeting on April 29, 2008.**
- d. **Finance Reports for the month of April 2008.**

e. Resolution #875-Investment Policy and Investment Strategy.

Myrt Fowlkes made a motion, seconded by Dona Stuard, 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. Motorcycle Safety and Awareness Month Proclamation.

Mayor Bowen acknowledged that the month of May 2008 is hereby proclaimed *Motorcycle Safety and Awareness Month*. Marcia Kleidon was present to accept the proclamation. Mayor Bowen read aloud the proclamation and presented it to her.

2. Susan Holder Day Proclamation.

Mayor Bowen acknowledged that May 6, 2008 has been proclaimed *Susan Holder Day*. Susan Holder is a teacher at the LWISD that recently retired. The proclamation has already been presented to her.

Mayor Bowen recognized citizen Earl Fowlkes to speak. Mr. Fowlkes stated that the EDC approved funding for the Foster House project last Thursday and inquired as to why it was not on tonight's Council agenda for their approval. Joey Highfill stated it is scheduled for the May 20, 2008 special Council meeting. Mr. Fowlkes responded it could have been posted as an addendum to be addressed at this meeting.

3. Presentation by the Tarrant Regional Transportation Committee.

Vic Suhm, Executive Director for the Tarrant Regional Transportation Committee, gave a power point presentation regarding the issues at hand for the need to expand transportation infrastructure and the lack of funds to do so.

b. Citizen/Visitor Comments.

Citizen/Visitor Comments were addressed prior to agenda item #5-a-3.

6. Public Hearing and Action.

Mayor Walter Bowen opened the Public Hearing at 7:07 p.m. and closed it at 7:10 p.m.

a. Public Hearing/Action regarding substandard property located at 2921 Mohawk Trail, legal description being Block 20, Lot 25A, Indian Oaks Subdivision, Case #2008-01.

Barry Barber explained that the property owner has been notified and proper publications have been made. The owners just contacted the city yesterday and they did not turn in a scope of work. Barry explained to the owners that the city normally issues a 30 day repair/demolition order. The owners stated to him that they could not comply even with a 60 day order. Due to the condition of the property, staff recommends issuing a 30 day repair/demolition order.

Myrt Fowlkes made a motion, seconded by Geoffrey White, to approve a 30 day repair/demolition order for substandard property located at 2921 Mohawk Trail, legal description being Block 20, Lot 25A, Indian Oaks Subdivision, Case #2008-01. Motion passed with all that were present voting in favor and none opposed.

7. Ordinances and Resolutions.

There were no Ordinances and Resolutions Items.

8. Contracts and Agreements.

a. Consideration of an Agreement with the YMCA.

Joey Highfill explained that the YMCA is requesting use of the baseball/softball fields during times that the LWYA is not using them. They are requesting to use the fields on Saturdays through the month of June 2008. They will not need to use electricity; therefore, the agreement can be changed to reflect this.

Geoffrey White made a motion, seconded by Dona Stuard, to approve an agreement between the City of Lake Worth and the YMCA for use of the baseball/softball fields on each Saturday during the last part of May and June 2008, with no electricity usage. Motion passed with all that were present voting 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 concerning NAS JRB Regional Coordination Committee Appointments.

Vicki Mikel explained that the Regional Coordination Committee (RCC) will be responsible for reviewing and voting on matters related to implementation of the JLUS study recommendations surrounding the NAS JRB. There are two positions to appoint. Council may appoint staff members, council members, or a combination of both. Staff recommends appointing the same individuals to the RCC that served on the JLUS, which are Joey Highfill and Vicki Mikel.

Clint Narmore made a motion, seconded by Geoffrey White, to appoint Vicki Mikel and Joey Highfill to serve on the Regional Coordination Committee. Motion passed with all that were present voting in favor and none opposed.

b. Discussion/Action concerning drainage issue at 6405 Canyon Trail, requested by citizens Rosanne DeHaven and Paul DeHaven.

Citizen Rosanne DeHaven addressed Council with concerns regarding drainage at her residence located at 6405 Canyon Trail. Mrs. DeHaven explained that her son, Paul DeHaven, had planned on attending the meeting, but could not. She claimed that in 2007 and again in 2008, her home flooded due to a broken drainage pipe issue. She had contacted Jim Hickerson with the City and he sent a city worker out to fill in the hole. This did not fix the problem and she is asking the city to fix it. Joey Highfill stated that it is up to the developer/builder to install the drain pipes; the City only maintains them. Mrs. DeHaven stated that the pipe has been broken ever since she has moved in. The broken pipe is not on her property, but is causing a drainage problem there. She said she has filed two claims with the city. The first claim was turned down by the City's insurance with TML and she is waiting to hear back on the second claim. Mayor Bowen asked if it was the city's responsibility to maintain the drain pipe. Jamye Sexton indicated it was; however, he was unaware that the pipe was broken. Geoffrey White asked Jamye Sexton and Joey Highfill to personally take a look at the issue. There was no motion necessary for this agenda item.

11. Mayor and Council Items.

Mayor Bowen requested city staff change all city telephone voice messages to reflect that person's day off.

12. City Manager and Staff Items:

a. City Manager Reports.

Joey Highfill reported that Don Bivens, Code Enforcement Officer, recently resigned.

1. Meeting scheduled to Canvass Election Returns on Tuesday, May 20, 2008.

Joey Highfill noted that since this meeting would also have the Foster House item on the agenda, a quorum would need to be present. If it were a canvass of the election only, just two council members are required then.

b. Staff reports and requests.

There were no other staff reports.

Mayor Walter Bowen closed the Open Session of the meeting and opened the Executive Session of the meeting at 7:34 p.m. to discuss matters pursuant to Sections 551.071.

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 agenda item on drainage issue at 6405 Canyon Trail.
 2. City Attorney consultation regarding possible litigation concerning misrepresentation of the city.
- 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.

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

14. Reconvene into Regular Session:

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

There was no action on any Executive Session Items.

15. Adjourn.

There being no further discussion, Mayor Walter Bowen closed the Council meeting at 8:30 p.m.

APPROVED:



Walter Bowen, Mayor

ATTEST:



Linda Rhodes, TRMC/CMC
City Secretary