

CITY OF LAKE WORTH
Minutes for
Joint Meeting of the City Council
And Planning and Zoning Commission
Public Hearing/Regular Meeting
Tuesday, October 14, 2008
3801 Adam Grubb • Lake Worth, Texas
6:30 P.M. – Council Chambers

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

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 for City Council and the Planning and Zoning Commission.

Council members present were Mayor Walter Bowen, Eugene Brooks, Myrt Fowlkes, Perry Lunsford, Dona Stuard, Pat O. Hill, Geoffrey White, and Clint Narmore.

Chairman Earl Fowlkes called the Planning and Zoning Commission meeting to order at 6:35 p.m. Planning and Zoning Commission members present were Earl Fowlkes, Denton Brooks, Troy Jones, and Phylis Hatley. Jeannie Turley and Herbert Reeves were absent. Place #1 is a vacant position.

Staff present were Linda Rhodes, City Secretary; Brett McGuire, Police Chief; Jami Woodall, EDC Coordinator; Suzanne Meason, Planning and Zoning Administrator; Jamye Sexton, Public Works Director; Mark Cone, Fire Chief; Lara Strother, Library Director; Debbie Whitley, Senior Accountant; Barry Barber, Building Official; Natacha Schwarz, Municipal Court Coordinator; and Danielle Hackbusch, HR/Risk Management. City Attorney Wayne Olson and City Engineers Aaron Rader and Jeff James were present.

4. Council Consent Agenda:

- a. Approval of minutes for the City Council Public Hearing/Special Meeting on September 2, 2008.
- b. Approval of minutes for the City Council Public Hearing/Regular Meeting on September 9, 2008.
- c. Approval of minutes for the City Council Special Meeting on September 16, 2008.
- d. Approval of minutes for the City Council Special Meeting on September 30, 2008.
- e. Approval of Finance Reports for the month of September 2008.
- f. Approval of Election Contract with the Tarrant County Elections Administration for Election Services for the November 4, 2008 Special Election for the purpose of voters to consider proposed City Charter Amendments and Referendum for the proposed continuance of the Crime Control Prevention District and Sales Tax for an additional ten (10) years.

Pat Hill made a motion, seconded by Dona Stuard, to approve the Council Consent Agenda. Motion passed with all in favor and none opposed.

5. Council Presentations:

- a. Proclamations/Awards/Presentations.
- 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 Presentation/Visitor Comments Items.

6. Planning and Zoning Commission Consent Agenda.

- a. Approval of minutes for the Planning and Zoning Commission Joint Meeting with City Council on August 19, 2008.

Troy Jones made a motion, seconded by Phylis Hatley, to approve the minutes of the Planning and Zoning Commission joint meeting with Council on August 19, 2008. Motion passed with all that were present voting in favor and none opposed.

7. Planning and Zoning Commission Public Hearing/Action Items:

Chairman Fowlkes opened the Public Hearing at 6:37 p.m. and closed it at 6:39 p.m.

- a. **Public Hearing/Action to consider Planning & Zoning Case #PZ08-09, the request of the City of Lake Worth to consider an ordinance, amending ordinance No. 500, as amended, the Comprehensive Zoning Ordinance by amending Section 14.1011 "Tax Incentives" of Article 14.1000 "Historic Landmarks" regarding the Historic Landmark assessed value exemption, Ordinance No. 881.**

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

Phylis Hatley made a motion, seconded by Denton Brooks, to approve #PZ08-09 to amend Section 14.1011 "Tax Incentives" of the Historical Landmark Ordinance. Motion passed with all that were present voting in favor and none opposed.

Chairman Fowlkes opened the Public Hearing at 6:40 p.m. and closed it at 6:40 p.m.

- b. **Public Hearing/Action to consider Planning & Zoning Case #PS08-05, the request by the City of Lake Worth for a final plat of Abstract 188, Tract 2AAA02A, John Breeding Survey, Lake Worth, Tarrant County, Texas to Block 1, Lot 1, Edgemere Addition, Lake Worth, Tarrant County, Texas, property commonly known as 7029 Edgemere Place.**

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

Troy Jones made a motion, seconded by Denton Brooks, to approve #PS08-05 for a final plat of Abstract 188, Tract 2AAA02A, John Breeding Survey to Block 1, Lot 1, Edgemere Addition, known as 7029 Edgemere Place. Motion passed with all that were present voting in favor and none opposed.

Chairman Fowlkes opened the Public Hearing at 6:41 p.m. and closed it at 6:42 p.m.

- c. **Public Hearing/Action to consider Planning & Zoning Case #PZ08-10, the request of the City of Lake Worth to consider an ordinance, amending Chapter 14, "ZONING", of the Code of Ordinances of the City of Lake Worth, Texas (2004), as amended by amending Section 14.701 "Membership and Appointment" and Section 14.702**

14.700 "Administration and Enforcement" to provide for specific membership requirements for service on the planning and zoning commission and the board of adjustments.

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

Denton Brooks made a motion, seconded by Troy Jones, to approve #PZ08-10 amending membership requirements for the planning and zoning commission and the board of adjustments. Motion passed with all that were present voting in favor of the motion and none opposed.

8. Council Public Hearing/Action Items:

Mayor Bowen opened the Public Hearing at 6:43 p.m. and closed it at 6:43 p.m.

- a. **Public Hearing/Action to consider Ordinance #885, which is Planning & Zoning Case #PZ08-09, the request of the City of Lake Worth to consider an ordinance, amending ordinance No. 500, as amended, the Comprehensive Zoning Ordinance by amending Section 14.1011 "Tax Incentives" of Article 14.1000 "Historic Landmarks" regarding the Historic Landmark assessed value exemption, Ordinance No. 881.**

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

Dona Stuard made a motion, seconded by Myrt Fowlkes, to approve Ordinance #885, #PZ08-09 to amend Section 14.1011 "Tax Incentives" of the Historical Landmark Ordinance. Motion passed with all voting in favor and none opposed.

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

- b. **Public Hearing/Action to consider Planning & Zoning Case #PS08-05, the request by the City of Lake Worth for a final plat of Abstract 188, Tract 2AAA02A, John Breeding Survey, Lake Worth, Tarrant County, Texas to Block 1, Lot 1, Edgemere Addition, Lake Worth, Tarrant County, Texas, property commonly known as 7029 Edgemere Place.**

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

Clint Narmore made a motion, seconded by Dona Stuard, to approve #PS08-05 for a final plat of Abstract 188, Tract 2AAA02A, John Breeding Survey to Block 1, Lot 1, Edgemere Addition, known as 7029 Edgemere Place. Motion passed with all voting in favor and none opposed.

Mayor Bowen opened the Public Hearing at 6:44 p.m. and closed it at 6:45 p.m.

- c. **Public Hearing/Action to consider Ordinance #896, which is Planning & Zoning Case #PZ08-10, the request of the City of Lake Worth to consider an ordinance, amending Chapter 14, "ZONING", of the Code of Ordinances of the City of Lake Worth, Texas (2004), as amended by amending Section 14.701 "Membership and Appointment" and Section 14.702 "Appointment" of Article 14.700 "Administration and Enforcement" to provide for specific membership requirements for service on the planning and zoning commission and the board of adjustments.**

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

Pat Hill made a motion, seconded by Perry Lunsford, to approve Ordinance #896, #PZ08-10 amending membership requirements for the planning and zoning commission and the board of adjustments. Motion passed with all voting in favor of the motion and none opposed.

Mayor Bowen asked if Chairman Fowlkes wanted to close the Planning and Zoning Commission part of the meeting at this time and he accepted. Chairman Earl Fowlkes closed the Planning and Zoning Commission meeting at 6:45 p.m.

9. Council Ordinances and Resolutions.

- a. **Resolution #887- Identity Theft Program Policy for Utility Accounts.**

Brett McGuire explained that, due to federal mandate, the city must now adopt an identity theft program policy as it relates to utility accounts. The policy must be adopted by November 1, 2008.

Myrt Fowlkes made a motion, seconded by Eugene Brooks, to approve Resolution #887 for an Identity Theft Program Policy for Utility Accounts. Motion passed with all voting in favor and none opposed.

b. Resolution #888- Denial of Oncor Electric's Rate Increase Request.

Wayne Olson explained that Council approved a 90-day suspension to the effective date of Oncor Electric Delivery Company's proposed rate increase in July. After review during this time period, the OCSC steering committee, of which the City is a member, is recommending the City approve a resolution denying the proposed rate increase. Action to consider the denial needs to take place on or before November 6, 2008.

Eugene Brooks made a motion, seconded by Dona Stuard, to approve Resolution #888, denial of Oncor Electric's rate increase request. Motion passed with all voting in favor and none opposed.

c. Resolution #889- Request the 81st Legislation to Increase Funding for the Texas Recreation and Parks Account Local Park Grant Program and the Texas State Park System.

Mayor Bowen explained this resolution requests legislation to support increased funding for parks and recreation programs. This funding is provided by sporting goods sales tax revenue.

Clint Narmore made a motion, seconded by Eugene Brooks, to approve Resolution #889, requesting the 81st Legislation to increase funding for Texas Parks. Motion passed with all voting in favor and none opposed.

d. Resolution #890- Amending Authorized Representatives for the TexPool, Lone Star, and TexStar Investment Pools.

Debbie Whitley explained that due to staff changes, it is necessary to amend the authorized representatives for the TexPool, Lone Star, and TexStar investment pools. Staff recommends leaving her name on the list and adding Linda Rhodes, City Secretary. This may be amended again later when new city management is appointed.

Pat Hill made a motion, seconded by Eugene Brooks, to approve Resolution #890 designating Debbie Whitley and Linda Rhodes as the City's authorized representatives for the TexPool, Lone Star, and TexStar Investments Pools. Motion passed with all in favor and none opposed.

10. Contracts and Agreements.

There were no Contracts and Agreements.

11. Bids, Proposals, and Specifications.

There were no Bids, Proposals, and Specifications.

Mayor Bowen closed the open session of the meeting at 6:53 p.m. to meet in executive session pursuant to Section 551.074, City Boards/Commissions Appointments. The executive session was closed at 7:06 p.m. and the open session was reconvened.

12. Discussion/Action Items.

- a. Appointment/Re-appointment of members to the Planning and Zoning Commission, Places 1, (vacant term expires 10/2009), 2, 4, & 6.**

Myrt Fowlkes made a motion, seconded by Eugene Brooks, to approve the following appointments to the Planning and Zoning Commission, to take effect at their next regularly scheduled meeting:

Place 1, Jerri Wanser (1-yr)	Place 2, Earl Fowlkes
Place 4, Theresa Riley	Place 6, Phylis Hatley

Motion passed with in favor and none opposed.

- b. Appointment/Re-appointment of members to the Board of Adjustments, Places 1 (term expires 10/2009), 2, 4, 5 (term expires 10/2009), 6 (alternate), & 7 (vacant alternate/term expires 10/2009).**

Dona Stuard made a motion, seconded by Eugene Brooks, to approve the following appointments to the Board of Adjustments, to take effect at their next regularly scheduled meeting:

Place 1, Ronny Parsley (1-yr)	Place 2, Linda Humphries
Place 4, Denton Brooks	Place 5, Patricia Davis (1-yr)
Place 6, Randy Wanser (alternate)	

Motion passed with all in favor and none opposed.

- c. Appointment/Re-appointment of members to the Historical Preservation Commission, Places 2, 4, 6, & 7 (vacant term expires 10/2009).**

Myrt Fowlkes made a motion, seconded by Dona Stuard, to approve the following appointments to the Historical Preservation Commission, to take effect at their next regularly scheduled meeting:

Place 2, Lee McKay	Place 4, Randy Wanser
Place 6, Patricia Davis	Place 7, Art Rogers (1-yr)

Motion passed with all in favor and none opposed.

d. Discussion/Action to consider a sewer charge adjustment requested by citizen Mr. Tony Lopez of 7109 Navajo Trail.

Brett McGuire explained that Mr. Tony Lopez contacted the Utility Billing Department regarding a request to adjust his winter sewer average due to extra people that were living in his home now being moved out. He later submitted a letter to Vicki Mikel requesting an adjustment due to ongoing plumbing problems now being repaired by his landlord. When told to submit documentation/receipts for repair work, nothing was ever submitted. Mr. Lopez addressed Council and indicated that he had contacted his landlord and requested the documentation, but he is not being very cooperative and has not given him anything. Mr. Lopez is requesting Council give him some kind of relief. After brief discussion, Council consensus was to approve an adjustment based upon the last three months (that was after the repair work) with a signed affidavit from Mr. Lopez stating the facts. Also, Council asked him for his landlord information so staff could follow up on the plumbing work that was done without a permit.

Pat Hill made a motion, seconded by Eugene Brooks, to approve adjusting the winter sewer average at 7109 Navajo Trail based upon the last three months of July, August, and September until such regularly scheduled time for sewer average re-calculations are done, beginning with the next billing after providing a sworn Statement of Affidavit indicating the facts. Motion passed with all in favor and none opposed.

e. Consideration of releasing the Lake Worth Area Historical Society from its agreement to lease the old Senior Building and to Authorize Reimbursement of Insurance Premiums Paid.

Brett McGuire explained that since the Lake Worth Area Historical Society (LWAHS) has never actually used the old senior building and other plans are now in the works, releasing them from the lease agreement and reimbursement of the insurance premiums paid and annual lease payment is being requested.

Perry Lunsford made a motion, seconded by Dona Stuard, to release the Lake Worth Area Historical Society from its lease agreement with the city for the old senior building and to reimburse them from the insurance premiums and annual lease payments paid for a total of \$332.60. Motion passed with all in favor and none opposed.

f. Briefing by the City Attorney concerning the recent Texas Attorney General's Opinion #GA-0668 regarding certain agenda items satisfying notice requirements of the Texas Open Meetings Act.

Wayne Olson explained the recent Attorney General's opinion regarding staff and council reports during open meetings. Bottom line is that anything desired to be reported on needs to be a listed agenda item. If it is not specifically listed, it does not need to be discussed. Members of the governmental body should post items on the agenda; however, public comments are for the public and are allowable. This was only a briefing item; no action necessary.

g. Discussion/Action regarding the Lake Worth Youth Association Financial Reports and consider their Request for Reimbursement of Electric Expenses due to outside users.

Sheri Wicker, Vice-President of the LWYA, addressed Council regarding their financial reports. She also explained their request for some type of reimbursement of electric expenses from their bill due to other people using the lights and high demand charges. After brief discussion, Mayor Bowen asked Sheri Wicker to get with Jamye Sexton and Linda Rhodes regarding a better way to base their electric charge. The Council/LWYA committee will need to meet soon on the next upcoming contract. No action was taken on this item, only direction was given.

13. Mayor and Council Items.

a. Update on Tarrant County Mayor's Council.

Mayor Bowen updated everyone that the Tarrant County Mayor's Council annual banquet is scheduled for Monday, December 1, 2008 and will be held at the ITC Center in Fort Worth this year.

14. Acting City Manager and Staff Reports:

a. Acting City Manager Reports.

b. Staff Reports.

1. Economic Development Corporation Quarterly Report.

Jami Woodall went over the EDC quarterly report.

2. Update on Fuel Station Contract with LWISD.

Jamye Sexton briefed Council that minor contract wording is being worked on.

3. Vehicle Idling Agreement/Plan Update.

Brett McGuire indicated that the City Attorney has been working on an ordinance for this item. Wayne Olson indicated there was no time frame for approval.

Mayor Bowen closed the open session of the meeting at 8:06 p.m. for a brief break and reopened it at 8:12 p.m. Mayor Bowen then closed the open session again at 8:13 p.m. and opened the Executive Session to discuss items listed pursuant to Section 551.071 and Section 551.074.

15. 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. *Dennis Dumke v. City of Lake Worth, et al.*

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

1. City Boards/Commissions Appointments.

2. City Manager Position(s):

a. Appointment/Appointment Process (or Consulting Firm) for a City Manager.

b. Appointment/Appointment Process (or Consulting Firm) for an Interim City Manager.

c. Appointment of an Acting City Manager.

Mayor Bowen closed the Executive Session and reconvened into Open Session at 8:58 p.m.

16. Reconvene into Regular Session:

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

Eugene Brooks made a motion, seconded by Dona Stuard, to appoint Brett McGuire as interim/acting City Manager effective on October 28, 2008 until a permanent City Manager is hired. Motion passed with all in favor and none opposed.

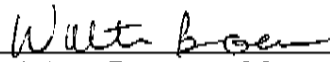
Geoffrey White made a motion, seconded by Perry Lunsford, to approve hiring a consulting firm for the selection process of

appointing a City Manager and to draw up a contract for such, not to exceed \$6,000. Voting in favor of the motion were Geoffrey White, Perry Lunsford, Eugene Brooks, Pat Hill, and Clint Narmore. Voting against the motion were Myrt Fowlkes and Dona Stuard. Motion was approved with a 5-2 vote.

17. Adjournment.

There being no further business, Mayor Walter Bowen closed the City Council meeting at 9:06 p.m.

APPROVED:



Walter Bowen, Mayor

ATTEST:



Linda Rhodes, TRMC/CMC
City Secretary