

CITY OF LAKE WORTH
Minutes for
City Council
Public Hearing/Regular Meeting
Tuesday, September 9, 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, Geoffrey White, and Clint Narmore. Eugene Brooks was absent.

Staff present were Vicki Mikel, Acting City Manager/Director of Finance; Linda Rhodes, City Secretary; Brett McGuire, Police Chief; Jami Woodall, EDC Coordinator; Suzanne Meason, Planning and Zoning Administrator; Jamye Sexton, Public Works Director; Mike Voorhies, Emergency Management Coordinator; Lara Strother, Library Director; Mark Ramsey, IT Manager; Cheryl Vess, Community Activities Director; 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 Public Hearing/Regular Meeting on August 12, 2008.**
- b. **Approval of minutes for the City Council Budget Workshop/Special Meeting on August 16, 2008.**
- c. **Approval of minutes for the Joint Public Hearing/Meeting of the City Council and Planning and Zoning Commission on August 19, 2008.**
- d. **Approval of minutes for the City Council Workshop/Special Meeting on August 21, 2008.**

e. Approval of Finance Reports for the month of August 2008.

f. Approval of the Annual MedStar Subsidy for FY 2008/2009.

MedStar per capita subsidy is \$1.81 for FY 2008/2009.

Geoffrey White 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.

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 Items.

6. Public Hearing/Action Items:

Mayor Bowen opened the Public Hearing at 6:32 p.m. and closed it at 6:34 p.m.

a. Public Hearing/Action regarding Ordinance #891- Adopting the FY 2008/2009 City of Lake Worth Operating Budget.

Vicki Mikel read aloud the FY 2008/2009 budget summary totals as follows:

General Fund Revenue	\$6,478,818
General Fund Expenditures	\$6,469,351
Water/Sewer Fund Revenue	\$2,800,319
Water/Sewer Fund Expenditures	\$2,758,988
EDC Fund Revenue	\$1,701,004
EDC Fund Expenditures	\$1,320,262
Debt Service Fund Revenue	\$1,811,412
Debt Service Fund Expenditures	\$1,789,389
Hotel/Motel Fund Revenue	\$ 232,900
Hotel/Motel Fund Expenditures	\$ 133,788
Street Maintenance Revenue	\$ 748,297
Street Maintenance Expenditures	\$ 796,430

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

Myrt Fowlkes made a motion, seconded by Dona Stuard, to approve Ordinance #891 adopting the FY 2008/2009 Budget. Motion passed with all that were present voting in favor and none opposed.

7. Ordinances and Resolutions.

- a. Ordinance #892- Adopting the FY 2008/2009 City of Lake Worth Tax Rate.

Vicki Mikel read aloud the FY 2008/2009 tax rate information. The 2008 proposed tax rate is .318720 per \$100 value and will generate \$429,467 (0.103019/\$100) to the General fund and \$899,218 (.215701/\$100) to the Debt Service Fund for total revenue in the amount of \$1,328,685. The proposed rate of .318720 is below the roll back rate of .327351. The average parcel value is \$82,500.00 and the average tax bill is \$262.94, which is \$6.06 above last year, which is due to higher appraisals.

Dona Stuard made a motion, seconded by Clint Narmore, to approve Ordinance #892 adopting the FY 2008/2009 Tax Rate. Motion passed with all that were present voting in favor and none opposed.

- b. Ordinance #893-Increase Water/Sewer Rates effective on the October 2008 billing.

Vicki Mikel explained that this request is for only a 3% increase; however, an additional increase may need to be brought forth at a later time due to the City of Fort Worth's increase being more than anticipated.

Geoffrey White made a motion, seconded by Pat Hill, to approve Ordinance #893 increasing the water and sewer rates by 3% to be effective on the October 2008 billing. Motion passed with all that were present voting in favor and none opposed.

- c. Ordinance #894-Approving a Resolution between the Atmos Cities Steering Committee (ACSC) and Atmos Energy regarding the Rate Review Mechanism (RRM) filing, declaring existing rates to be unreasonable and adopting tariffs that reflect rate adjustments consistent with the negotiated settlement.

Wayne Olson explained that in the past Atmos has requested rate increases through the GRIP process, but now is being requested

through the Rate Review Mechanism (RRM). The attached ordinance reflects the negotiation between the ACSC and Atmos Energy and must be acted on by October 1, 2008. ACSC, of which the city is a member, recommends approval. Perry Lunsford asked what would happen if the city did not approve it. Wayne answered that Atmos would appeal it to the Railroad Commission; however, the city has elected to join the ACSC for recommendations and it is their recommendation to approve.

Perry Lunsford made a motion, seconded by Pat Hill, to approve Ordinance #894 for a resolution between ACSC and Atmos Energy regarding the Rate Review Mechanism filing. Motion passed with all that were present voting in favor of the motion and none opposed.

8. Contracts and Agreements.

There were no Contracts and Agreements.

9. Bids, Proposals, and Specifications.

There were no Bids, Proposals, and Specifications.

10. Discussion/Action Items.

Mayor Walter Bowen moved Agenda Items 10-a, 10-b, and 10-c to be addressed after Agenda Items 13 and 14, Executive Session and went straight to Agenda Item 10-d.

- a. Appointment/Re-appointment of members to the Planning and Zoning Commission, Places 1, (vacant term expires 10/2009), 2, 4, & 6.*
- b. Appointment/Re-appointment of members to the Zoning Board of Adjustments, Places 2, 4, 6 (alternate), & 7 (vacant alternate term expires 10/2009).*
- c. Appointment/Re-appointment of members to the Historical Preservation Commission, Places 2, 4, 6, & 7 (vacant term expires 10/2009).*

- d. Discussion/Action regarding a Non Smoking Ordinance for Restaurants.*

Mayor Bowen stated this item was addressed by Council several years ago. At that time, Council decided this was a business owner's decision and not the City's. This item is being revisited at the request of Councilmember Brooks whether or not to prohibit smoking in restaurants, but to allow smoking in bars.

Pat Hill made a motion, seconded by Myrt Fowlkes, to not consider a non-smoking ordinance at this time. Motion passed with all that were present voting in favor and none opposed.

e. Discussion/Action regarding Fuel Station Upgrade with Lake Worth ISD.

Jamye Sexton explained that, due to a lack of storage capacity at LWISD, the City was notified that it would need to find a different location to acquire fuel; however, after meeting with ISD personnel a different solution has been reached by electing to add to the ISD storage capacity. This would allow continued use of the system that is now in place and eliminate the fuel station usage fee that the city now pays the school. The result would provide better pricing and have a back up for pumps when problems arise. If for any reason in the future the school required the city to stop use, the city would still own the tank and could relocate the equipment to a new location. Using current pricing, the city would be able to recoup the cost of this upgrade within 18 months. The total cost of the city's portion will be \$37,000. Vicki Mikel mentioned she had contacted Dr. Janice Cooper, Superintendent, and she is aware of the proposal.

Clint Narmore made a motion, seconded by Pat Hill, to authorize staff to draft an agreement with the LWISD and to bring it back before Council for approval. Motion passed with all that were present voting in favor and none opposed.

f. Discussion/Action of a request by the N.C.T.C.O.G. Regional Transportation (R.T.C.) to enter into a Memorandum of Agreement with the Texas Commission on Environmental Quality (T.E.C.Q.) to enforce Vehicle Idling Limitations on the North Central Texas Area.

Brett McGuire explained that the air quality in the North Central Texas area is considered substandard. TCEQ is asking for cooperation to reduce vehicle emissions caused by idling vehicles during certain times of the day. They are asking the city to enter into a Memorandum of Agreement and to take measures that outline our plans to enforce those provisions, which would entail drafting an ordinance addressing this. Staff needs direction on whether or not they wish to proceed with this request.

Perry Lunsford made a motion, seconded by Clint Narmore, to enter into a Memorandum of Agreement with the Texas Commission on

Environmental Quality to enforce vehicle idling limitations and to create an ordinance for the enforcement plan and bring both back to Council for approval. Voting in favor of the motion were Perry Lunsford, Clint Narmore, Myrt Fowlkes, Pat Hill, and Geoffrey White. Voting against the motion was Dona Stuard. Motion passed with a 5-1 vote.

11. Mayor and Council Items.

Mayor Bowen noted that there was a meeting on August 27, 2008 with area Mayors and Kay Granger. She informed the attendees the reason she votes against the CHIPS program is due to it assisting adults and illegal immigrants. She is for helping the children, but not for the other provisions. Other topics included home security issues and funding. He also reminded Council about the upcoming Small Cities Problem Solving Clinic on September 26, 2008 in Decatur.

Myrt Fowlkes commented on the improved reporting from the Police Department, Fire Department, and Acting City Manager.

12. Acting City Manager and Staff Reports:

a. Acting City Manager Reports.

Vicki Mikel informed Council that the City's bond rating has increased from a BBB+ to an A3. This gives the City a better interest rate and lower insurance.

b. Staff Reports.

There were no Staff Reports.

Mayor Bowen closed the open session of the meeting at 7:10 p.m. and opened the Executive Session to discuss items listed pursuant to Section 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.

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.

Mayor Bowen closed the Executive Session and reconvened into Open Session at 7:40 p.m.

14. Reconvene into Regular Session:

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

Perry Lunsford made a motion, seconded by Clint Narmore, to table Agenda Item numbers 10-a, 10-b, and 10-c to appoint/re-appoint the various city board positions until the next regular Council meeting and for staff to contact and update each applicant tomorrow on the motion. Motion passed with all that were present voting in favor and none opposed. Wayne Olson mentioned that the current members' terms would extend.

15. Adjournment.

There being no further business, Mayor Walter Bowen closed the City Council meeting at 7:40 p.m.

APPROVED:



Walter Bowen, Mayor

ATTEST:



Linda Rhodes, TRMC/CMC
City Secretary