

**CITY OF LAKE WORTH  
Minutes for  
Joint City Council and  
Planning and Zoning Commission (P&Z)  
Public Hearing/Regular Meeting  
Tuesday, April 14, 2009  
3801 Adam Grubb • Lake Worth, Texas  
6:30 P.M. – Council Chambers**

**1. Call to Order.**

Mayor Walter Bowen called the Council meeting to order at 6:35 p.m. and Chairman Earl Fowlkes called the Planning and Zoning Commission 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, Curtis McKay, Myrt Fowlkes, Perry Lunsford, Dona Stuard, Pat O. Hill, Geoffrey White and Clint Narmore.

Planning and Zoning Commission members present were Chairman Earl Fowlkes, Jerri Wanser, Jeannie Turley, Theresa Riley, Troy Jones, and Herbert Reeves. Phylis Hatley was absent.

Staff present were Brett McGuire, City Manager; Linda Rhodes, City Secretary; Dave Tatsak, Chief of Police; Debbie Whitley, Finance Director; Jami Woodall, EDC Coordinator; Suzanne Meason, Planning and Zoning Coordinator; Jamye Sexton, Public Works Director; Lara Strother, Library Director; Mark Ramsey, IT Manager; Natacha Schwarz, Municipal Court Coordinator; Ray Moody, Code Compliance Officer; Cheryl Vess, Community Activities Director; 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/Regular meeting on March 10, 2009.**

- b. Approval of minutes for the City Council Public Hearing/Special meeting on March 23, 2009.**
- c. Approval of minutes for the Joint City Council/LWISD Board of Trustees meeting on March 24, 2009.**
- d. Approval of Finance Reports for the month of March 2009.**
- e. Approval of Joint Election Agreement and Contract for Election Services with the Tarrant County Elections Administration for the May 9, 2009 General Election.**

Clint Narmore made a motion, seconded by Perry Lunsford, to approve the Council Consent Agenda. Motion passed with all Council members voting in favor and none opposed.

#### **5. Planning and Zoning Commission Consent Agenda:**

- a. Approval of minutes for the Planning and Zoning Commission Public Hearing/Regular meeting on February 17, 2009.**

Jeannie Turley made a motion, seconded by Troy Jones, to approve the Planning and Zoning Commission Consent Agenda. Motion passed with all P&Z members that were present voting in favor and none opposed.

#### **6. Presentations:**

##### **a. Proclamations/Awards/Presentations.**

- 1. Proclamation acknowledging May 2009 as *"Motorcycle Safety and Awareness Month"*.

Mayor Bowen read aloud a proclamation declaring the month of May 2009 as *Motorcycle Safety and Awareness Month*.

##### **b. Citizen/Visitor Comments.**

*There were no Citizen/Visitor Comments.*

#### **7. Planning and Zoning Commission and City Council Public Hearing/Action Items.**

*Chairman Earl Fowlkes opened the P&Z Public Hearing at 6:38 p.m. and Mayor Bowen opened the Council Public Hearing at 6:38 p.m. Chairman Earl Fowlkes closed the P&Z Public Hearing at 6:39 p.m. and Mayor Bowen closed the Council Public Hearing at 6:40 p.m.*

- a. Public Hearing/Action to consider Ordinance #908, Planning and Zoning Case #PZ08-11, the request of Lake Worth Independent School District, by revising a combined development and site plan, as approved by ordinance 796, to change the general layout/building configurations, the**

**building addition(s) square footages, the parking layout/configurations, and landscaping on Block 1, Lot 1, Lake Worth High School Addition, Lake Worth, Tarrant County, Texas, property commonly known as 4210 Boat Club Road.**

Suzanne Meason and Byron Waddey, LWISD architect, were present to answer any questions. Staff recommends approval of the request. There were no persons in the audience wishing to speak on this public hearing item.

For P&Z, Jeannie Turley made a motion to approve P&Z Case #PZ08-11, the request of the LWISD for the use and operation of a Public High School Facility on Block 1, Lot 1, Lake Worth High School Addition, Lake Worth, Tarrant County, Texas, property commonly known as 4210 Boat Club Road. Herbert Reeves seconded the motion. P&Z members voting in favor of the motion were Jeannie Turley, Herbert Reeves, Earl Fowlkes, Theresa Riley, and Troy Jones. None voted against. Jerri Wanser abstained. Motion passed.

For Council, Myrt Fowlkes made a motion, seconded by Dona Stuard, to approve Ordinance #908, P & Z Case #PZ08-11, for the request of LWISD for the use and operation of a Public High School Facility on Block 1, Lot 1, Lake Worth High School Addition, Lake Worth, Tarrant County, Texas, property commonly known as 4210 Boat Club Road. Motion passed with all Council members voting in favor and none opposed.

#### **8. Adjourn the Planning and Zoning Commission.**

Chairman Earl Fowlkes adjourned the P&Z at 6:42 p.m.

#### **9. Ordinances/Resolutions:**

- a. Consider approval of an ordinance adopting a Water Conservation Plan that sets water conservation goals for the city, amending landscape irrigation restrictions, and adopting a Drought Contingency and Emergency Water Management Plan that establishes city policy in the event of a drought or water emergency.**

Jamye Sexton explained that TCEQ requires all cities to formulate a plan for water supply shortages and adopt an ordinance before May 1, 2009. Since we get water from the City of Fort Worth, our City Attorney has drafted the ordinance for Lake Worth based upon Fort Worth's ordinance.

Perry Lunsford made a motion, seconded by Geoffrey White, to approve Ordinance #909 approving a Water Conservation Plan, amending landscape irrigation restrictions, and adopting a Drought Contingency and Emergency Water Management Plan. Motion passed with all Council members voting in favor and none opposed.

**b. Resolution #904- Reappointment of Judge William "Bill" Lane for an additional two-year term.**

Natacha Schwarz addressed Council that this agenda item will reappoint Judge Bill Lane for an additional two-year term. Wayne Olson explained that this item should be approved as an ordinance opposed to resolution, per state law. Ordinance #910 was prepared and submitted to Council at the meeting.

Dona Stuard made a motion, seconded by Geoffrey White, to approve Ordinance #910 reappointing Judge Bill Lane for an additional two-year term. Motion passed with all Council members voting in favor and none opposed.

**10. Contracts/Agreements.**

**a. Consideration of approval of Architectural Contract/Agreement with Quorum Architects, Inc. for City of Lake Worth Multi-Use Facility.**

David Duman presented a short slideshow of the proposed city Multi-Use Facility layout. Discussion was made to possibly expand the kitchen area for food preparation. Citizen Phillip Wallis asked what the total square footage was and if there was ample parking. David Duman said it was 14,700 square feet with required parking being met.

Geoffrey White made a motion, seconded by Pat Hill, to authorize the City Manager to approve the contract/agreement with Quorum Architects, Inc. for design services for the proposed City of Lake Worth Multi-Use Facility in an amount not to exceed \$225,000.00 and to authorize the City Manager to execute the documents. Motion passed with all Council members voting in favor and none opposed.

**11. Bids, Proposals, and Specifications.**

*There were no Bids, Proposals, and Specifications Items.*

**12. Council Discussion/Action Items:****a. Discussion/Action regarding citizen request for permission to keep a pygmy goat and seven chickens on 20,000 square feet of property at 4116 Big Bend Trail.**

Ray Moody, Code Compliance Officer, explained to Council he initially received a complaint regarding a rooster and the noise it generated at this address. The resident, Ms. Reza, removed the rooster, but kept her chickens. By ordinance she is allowed to have up to 10 chickens on her 20,000 square foot lot. Later, a pygmy goat was moved onto her lot in a pen 18 feet away from the neighbor's residence, of which city code requires a 100 foot separation. Ray then responded to a complaint regarding the pygmy goat. City code allows for either up to 10 chickens or 2 goats, but not both. The code also has a provision that goats must be kept 100 feet from another residence or occupied building; this requirement is considered met if the animal is quartered on at least 20,000 square feet of land.

Ms. Reza presented her request to be allowed to keep both, the pygmy goat and her chickens. The goat has been temporarily relocated until a decision is made by Council. Jerry Locke, owner of property adjacent to Ms. Reza's, spoke about the pinned area for the goat. Jeannie Turley stated she could hear the rooster from her home; since the rooster is gone, that is not an issue any longer. Brett McGuire noted that he had met with Ms. Reza when the rooster noise issue came up and she voluntarily agreed to remove the rooster. Ray's recommendation is for Ms. Reza to either keep the chickens or the goat, but not both. If the goat is kept, it must be contained in such a manner that it does not come within 100 feet of another's residence or occupied building, as provided by city code.

Perry Lunsford made a motion, seconded by Curtis McKay, to allow Ms. Reza to keep either up to 10 chickens or up to 2 goats with the 100' pin requirement as provided by city code. Council members voting in favor of the motion were Perry Lunsford, Curtis McKay, Myrt Fowkes, Dona Stuard, Geoffrey White, and Clint Narmore. No one voted against. Pat Hill abstained. Motion passed.

**b. Discussion/Action regarding citizen request for some of the metal siding and for the door on the west end of the building at 7009 Charbonneau Road.**

Brett McGuire explained that Michael Chitty is requesting to obtain some of the metal siding and the door on the west end of the building at 7009 Charbonneau Road. City property cannot just be given away and may need to go through a bid process. Wayne Olson stated that public property may be bid out or auctioned for a reasonable amount instead of strict bidding so long as it is a reasonable and fair amount; that is Council's desire to decide such. Mr. Chitty was present to represent his request. Jamye Sexton made note that before anything could be removed from the building, that the proper asbestos/abatement process must be taken.

Dona Stuard made a motion, seconded by Myrt Fowlkes, to direct staff to get with Mr. Chitty to come up with a reasonable and fair amount for purchase of the materials, after the proper asbestos process has been performed, and for the City Manager to draw up a Letter of Agreement on such. Motion passed with all Council members voting in favor and none opposed.

**c. Discussion/Action regarding recycling options with IESI.**

Norm Bulaich and Paul Hansen with IESI presented recycling options for the Council to consider. Brett stated this would be an "all or none" participation for all residents and they would be on the same plan and pay the same rate. He suggested holding a Town Hall meeting first to give citizens an opportunity to hear the options and see the advantages/disadvantages of each option. Council could then choose a plan, if desired, that would best suit the needs of the community. Discussion was made to include notice in the water bill regarding the Town Hall meeting. Brett said a notice in the newspaper could be made as well.

Perry Lunsford made a motion, seconded by Geoffrey White, to allow the City Manager to hold a Town Hall meeting for the residents sometime between May 12, 2009 and June 9, 2009 regarding city-wide recycling options. Motion passed with all Council members voting in favor and none opposed.

**d. Discussion/Action amending the Historical Preservation Commission By-Laws.**

Suzanne Meason said the HPC approved some minor changes to the HPC By-Laws and they are now before Council for their consideration for approval.

Dona Stuard made a motion, seconded by Myrt Fowlkes, to approve the HPC By-Law changes as presented and approved by the HPC. Motion passed with all Council members voting in favor and none opposed.

**e. Discussion/Action regarding Historical Designation Plaques/Markers.**

Suzanne Meason submitted the HPC's recommendation regarding historical designation plaques/markers.

Based on that recommendation, Dona Stuard made a motion to approve the 12" round marker and the 22" x 28" marker designs as presented by staff from the Southwell Company, with the option to use a granite marker as the HPC sees appropriate. Geoffrey White seconded the motion. Motion passed with all Council members voting in favor and none opposed.

**13. Mayor and Council Items.**

**a. Update on Tarrant County Mayor's Council.**

Mayor Bowen noted that the City of Lake Worth was rated 10<sup>th</sup> from the top for \$82,917 by the County, which is very good.

**14. City Manager and Staff Reports:**

**a. City Manager Reports.**

**1. Foster House Project Update.**

Brett McGuire reported that asbestos samples had been taken from the Foster House Project and results are expected to be in this Friday.

**2. Update on building at 7009 Charbonneau Road.**

Brett McGuire reported that asbestos samples had been taken from the building at 7009 Charbonneau. After asbestos process is taken care of, demolition can be done.

**3. Report on Water Supply Rating.**

Brett McGuire acknowledged that the Public Works department received a superior rating for the city's water supply.

**b. Staff Reports.**

**1. EDC Coordinator:**

**a. EDC Quarterly Report.**

The EDC quarterly report was submitted with the Council packets. Jami Woodall had nothing additional to add.

**2. Planning and Zoning Coordinator:**

**a. Joint P&Z and Council meeting on May 19, 2009.**

Suzanne Meason stated there would need to be a joint P&Z and Council meeting on May 19, 2009 to address a couple of items. It was suggested to have the regular Council meeting on that same date instead of having them meet twice that month, which would still comply with the City Charter. Council was fine with that suggestion.

- b. Quentin McGown to speak at the April 28, 2009 Historical Preservation Commission meeting.

Suzanne Meason informed those that might be interested that special guest Quentin McGown will speak at the April 28, 2009 HPC meeting.

### 3. Public Works Director:

- a. Update on street projects.

Jamye Sexton stated that Park East should be completed tomorrow. Due to economic situations, the City has realized a savings of about \$20,000 on the project. Dona Stuard inquired about the new street sign installations; Jamye stated they were being replaced on an as needed basis until the M3 grant approval is complete.

### 4. Information Technology:

- a. Update on City Website.

Mark Ramsey informed Council that the new City website will be presented at the June City Council meeting. Staff recently went through training.

### 5. Municipal Court Coordinator:

- a. Report on Warrant Round Up.

Natacha Schwarz gave an update on the amounts collected from the warrant round up.

## 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.
- 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 was no Executive Session.*

## 16. Reconvene into Regular Session:

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

*There was no Executive Session.*


**17. Adjourn City Council.**

There being no further business, Mayor Walter Bowen closed the Council meeting at 8:18 p.m.

APPROVED:

  
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Walter Bowen, Mayor

ATTEST:

  
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Linda Rhodes, TRMC/CMC  
City Secretary