

**CITY OF LAKE WORTH  
Minutes for  
City Council Public Hearing/Regular Meeting  
Tuesday, November 9, 2010  
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 6:30 p.m.

**2. Invocation and Pledge of Allegiance.**

Dr. Jerry Locke gave invocation. Attendees recited the pledge of allegiance.

**3. Roll Call.**

Council members present were Mayor Walter Bowen, Curtis McKay, Myrt Fowlkes, Dona Stuard, Pat O. Hill, Geoffrey White, and Clint Narmore. Perry Lunsford was absent.

Staff present were Brett McGuire, City Manager; Ken West, Assistant City Manager; Linda Rhodes, City Secretary; John Pringle, Police Captain; Mike Voorhies, EMC/Fire Marshall; Debbie Whitley, Director of Finance; Jami Woodall, EDC Coordinator; Suzanne Meason, Planning and Zoning Coordinator; Joe Dickens, Building Inspector; Sean Densmore, Water Superintendent; Danielle Hackbusch, HR/Risk Management; Ray Moody, Code Compliance Officer; and Cheryl Vess, Community Activities Coordinator. City Attorney Wayne Olson and City Engineer Aaron Rader were present.

**4. Consent Agenda:**

- a. **Approval of minutes for the City Council Regular meeting on October 12, 2010.**
- b. **Approval of Finance Reports for the month of October 2010.**
- c. **Annual Approval of 2010/2011 Agreement with Tarrant County Emergency Services District No. 1.**
- d. **Annual Approval of Oncor Cities Steering Committee's (OCSC's) recommendation to approve the 2011 ERCOT Membership Application and Agreement.**

Geoffrey White made a motion, seconded by Pat Hill, 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. Presentation/Introduction of new Police Officer.**

Captain Pringle introduced new Police Officer Jerry Sallee.

**b. Citizen/Visitor Comments.**

*There were no Citizen/Visitor Comments.*

## **6. Public Hearing/Action Items.**

### **a. Public Hearing/Action regarding variance request on the fence located at 2833 Hiawatha Trail, as requested by Mr. Windham.**

*Mayor Bowen opened the public hearing at 6:37 pm.*

Ray Moody explained to Council that the fence on this property has two violations against it. One violation is that a permit was never obtained for the fence. The other violation is that it sits 26 feet too close to the street. It has a setback from the street of 8' 7". The required build line is 34' 7" (9'7" City right-of-way plus 25 foot setback). Staff recommends the fence be moved to the required 34' 7" from the inside of the curb and a permit be obtained prior to moving it. Mr. Moody stated he did not initiate action on this issue; it was the result of a complaint. Myrt Fowlkes commented that she knew what the ordinance states; however, the home has been fixed up and the fence looks good. Pat Hill asked if the neighboring home has a similar fence; Mr. Moody answered it does. Clint Narmore inquired if it would be grandfathered or not and Mr. Moody answered no.

Those speaking in support of the fence variance request were Nick Windham, 2833 Hiawatha; Michael Lampley, 2832 Hiawatha; and Samantha Bachman, 7400 Malta. Mr. Windham noted that he purchased the property in 2008 and rehabbed it. The fence was already on the property when he purchased it and was one reason why he liked the property.

Brett McGuire explained the process that city staff has to go through when they receive complaints such as this. He reiterated that this was a result of a complaint and not staff initiated.

Charles Buchanan, 2901 Hiawatha, was concerned that if the variance was approved at this address it would also mean that other variance requests for fences in the future would be approved as well. He does not necessarily have a problem with the fence at 2833 Hiawatha, but he does with his neighbors' (which is supposed to be coming to Council in December for a variance request). Mayor Bowen noted that each case is heard and considered individually.

*Mayor Bowen closed the public hearing at 7:05 pm.*

Myrt Fowlkes made a motion, seconded by Dona Stuard, to approve a variance for the fence at 2833 Hiawatha Trail leaving it where it currently is on the City right-of-way. Motion passed with all that were present voting in favor and none opposed. Brett McGuire added that if the fence remains on the City right-of-way, the property owner would be required to sign an Encroachment Agreement to release the City from any liabilities and/or damages. The City Attorney will draw up the agreement. Mr. Windham agreed.

## **7. Ordinances/Resolutions.**

*There were no Ordinances/Resolutions Items.*

## **8. Contracts/Agreements.**

### **a. Consideration of an Interlocal Agreement with Fort Worth Participating in their Environmental Collection Center Household Hazardous Waste Disposal Program.**

Brett McGuire stated that staff has received several requests for this service, of which IESI does not offer. The City of Fort Worth offers this service and currently has several cities that participate in their program by Interlocal Agreement. The City Attorney represents some of those other cities as well and, therefore, has reviewed and approved the Interlocal Agreement. Residents wishing to use this service would need to first come by the Lake Worth City Hall and purchase a \$47.00 voucher to take with them to the drop off site in Fort Worth. Fort Worth will invoice Lake Worth.

Clint Narmore made a motion, seconded by Dona Stuard, to approve an Interlocal Agreement with the City of Fort Worth to participate in their Environmental Collection Center Household Hazardous Waste Disposal Program. Motion passed with all that were present voting in favor and none opposed.

## **9. Bids, Proposals, and Specifications.**

### **a. Approval of Awarding Recommended Bid for the Sanitary Sewer Line Replacement Project at Wallis Road and Lake Worth Park.**

Myrt Fowlkes made a motion, seconded by Curtis McKay, to award the bid to Texas ReExcavation, L. C. out of Dallas, Texas for the Sanitary Sewer Line Replacement Project at Wallis Road and Lake Worth Park in an amount of \$87,019.50. Motion passed with all that were present voting in favor and none opposed.

### **b. Approval of Awarding Bid for Employee Group Health, Dental, Vision, and Life Insurance for calendar year 2011.**

Danielle Hackbusch explained that bids were taken out for group employee insurance. After staff review, recommendation of Aetna for health insurance and United Healthcare for dental, vision, and life insurance is being made. Aetna came in comparable in cost to the current provider, but it has a little lower co-pay.

Myrt Fowlkes made a motion, seconded by Clint Narmore, to award the Health insurance bid to Aetna at the rates quoted in plan OAMC B5; the Dental insurance bid to United Healthcare at the rates quoted in plans D0421 and P4880; the Vision insurance bid to United Healthcare at the rates quoted in plan V0053 and the Life insurance bid to United Healthcare at the rates quoted in the plan. Motion passed with all that were present voting in favor and none opposed.

## **10. Discussion/Action Items.**

### **a. Discussion/Action regarding City participation in insurance costs for employee dependent coverage.**

Dona Stuard made a motion, seconded by Pat Hill, to approve a 25% City contribution towards insurance costs for employee dependent coverage. Motion passed with all that were present voting in favor and none opposed.

## **11. Mayor and Council Items.**

### **a. Update on Tarrant County Mayor's Council by Mayor Bowen.**

Mayor Bowen noted that the Tarrant County Mayor's Council annual banquet is scheduled for Monday, December 6, 2010 at the new conference center in Hurst.

## **12. City Manager and Staff Reports.**

### **a. City Manager Reports:**

1. Announce November 16, 2010 City Council Workshop date, 6:30 pm in the City Hall Conference Room.

Brett McGuire announced there would be a Council Workshop meeting on Tuesday, November 16, 2010 at 6:30 pm in the City Hall Conference Room.

2. Report follow up on City Attorney opinion regarding Sign Ordinance Variance for the ShopFest.

Brett McGuire reported that, as a follow up from the action taken at the last Council meeting, there is no ordinance or resolution needed for the sign variance granted; City Council action will suffice.

3. Report on Senior Citizens Center and Library Hours.

Brett McGuire reported that the new Multi-Purpose Facility has received a "substantial completion", which means it is not completely ready for move in. Projection for that is the end of November.

### **b. Chief of Police Reports:**

1. Announce date of Annual Police Department/Senior Citizens Thanksgiving Appreciation Dinner.

Captain Pringle noted that the annual Thanksgiving dinner will be held on Wednesday, November 24, 2010 from 11:00 am to 2:00 pm at the church where the Senior Citizens are currently meeting.

### **c. EDC Coordinator Reports:**

1. Announce date of Holiday ShopFest.

Jami Woodall announced that Saturday, December 4, 2010 is the 5<sup>th</sup> Annual Holiday ShopFest date.

2. Announce date of Annual Christmas Tree Lighting /Meet Santa.

Jami Woodall announced that the Annual Christmas Tree Lighting and visit from Santa will also take place on Saturday, December 4, 2010. A live Christmas tree was planted last week at the new Multi-Purpose Facility location. There will also be a ribbon-cutting for the new facility on the same day.

### **d. Parks Department Reports:**

1. Report on Grand Opening of Skate Park.

Sean Densmore reported that, even through the rain, the grand opening of the skate park went very well.

**e. Community Activities Coordinator Reports:****1. Report on Annual Employee Appreciation Cookout.**

Cheryl Vess reported that the annual employee appreciation cookout was very successful. Everyone was very appreciative of it.

**2. Announce date of Annual Employee Christmas Party.**

Cheryl Vess announced that the Annual Employee Christmas party is scheduled for Friday, December 3, 2010 at 7:00 pm at the Radisson Fossil Creek. Suzanne Meason added that admission to the party is a canned good.

**f. Human Resource/Risk Management Reports:****1. Report on Blood Drive.**

Danielle Hackbusch reported that there were 31 units of blood collected; it was a very good turnout.

*There was no Executive Session.*

**13. Executive Session:**

Pursuant to the Texas Open Meeting Act, Chapter 551, Texas Government Code, the City Council reserves the right to convene into 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.

**14. Reconvene into Regular Session:**

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

*There were no Executive Session Items.*


**15. Adjournment.**

There being no further business, Mayor Walter Bowen closed the Council meeting at 7:30 p.m.

APPROVED:

  
Walter Bowen, Mayor

ATTEST:

  
Linda Rhodes, TRMC/CMC  
City Secretary