

**CITY OF LAKE WORTH**  
**Minutes for**  
**City Council**  
**Public Hearing/Regular Meeting**  
**Tuesday, September 13, 2011**  
**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, Perry Lunsford, Ronny Parsley, Pat O. Hill, Geoffrey White, and Clint Narmore.

Staff present were Brett McGuire, City Manager; Ken West, Assistant City Manager; Linda Rhodes, City Secretary; Dave Tatsak, Chief of Police; Mike Christenson, Fire Chief; Debbie Whitley, Director of Finance; Jami Woodall, EDC Coordinator; Suzanne Meason, Planning and Zoning Coordinator; Sean Densmore, Public Works Manager; Lara Strother, Library Director; Cheryl Vess, Community Activities Director; and Danielle Hackbusch, HR/Risk Management. City Attorney Jenny Gravley was present.

**4. Consent Agenda:**

- a. **Approval of minutes for the City Council Workshop/Special meeting on August 6, 2011.**
- b. **Approval of minutes for the City Council Public Hearing/Regular meeting on August 9, 2011.**
- c. **Approval of Finance Reports for the month of August 2011.**

Perry Lunsford made a motion, seconded by Ronny Parsley, to approve the Consent Agenda. Motion passed with all in favor and none opposed.

**5. Presentations:**

- a. **Proclamations/Awards/Presentations.**
- b. **Citizen/Visitor Comments.**

*There were no Presentation Items.*

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

- a. **Public Hearing/Action to consider Planning and Zoning Case #PS11-02, the request of Sharon L. Mitchell for a replat of Block 8, Lots 8 & 9, Indian Oaks Subdivision, Lake Worth, Tarrant County, Texas, to**

**Block 8, Lot 8R, Indian Oaks Subdivision, Lake Worth, Tarrant County, Texas, property known as 3204 Chippewa Trail.**

*Mayor Bowen opened the Public Hearing at 6:38 p.m.*

Suzanne Meason explained that this request is a basic replat of two lots into one. The plat conforms to all City requirements. The Planning and Zoning Commission heard the case on August 16, 2011 and recommends approval.

Rachel Wiggins with the NAS Fort Worth JRB spoke on behalf of the Regional Coordination Committee (RCC) comments. She stated that, with regard to sound and safety issues and compatibility, the base is in support of the replat request.

There were no other persons present wishing to speak during this public hearing item.

*Mayor Bowen closed the Public Hearing at 6:41 p.m.*

Myrt Fowlkes made a motion, seconded by Pat Hill, to approve Planning and Zoning Case #PS11-02, for Sharon Mitchell's replat request from Block 8, Lots 8 & 9, Indian Oaks Subdivision to Block 8, Lot 8R, Indian Oaks Subdivision, property known as 3204 Chippewa Trail. Motion passed with all in favor and none opposed.

**b. Public Hearing/Action to consider Planning and Zoning Case #PZ11-04, Ordinance #971, the request of Alan Brundrett for the use and operation of a General Office Building and a combined development/site plan on Abstract 1552, Tract 2P, Moses Townsend Survey, Lake Worth, Tarrant County, Texas, property known as 3901 Merrett Drive/6804 Telephone Road.**

*Mayor Bowen opened the Public Hearing at 6:42 p.m.*

Suzanne Meason explained that Alan Brundrett purchased this property from Lawana Mauldin, which used to be a church. He is seeking approval of the use and operation of a General Office Building along with two variances. One variance is for the twenty foot (20') setback requirement for the existing sign. The other variance request is for the 75% masonry requirement for the existing accessory building. The Planning and Zoning Commission heard this case on August 16, 2011 and recommends approval.

Rachel Wiggins with the NAS Fort Worth JRB spoke on behalf of the Regional Coordination Committee (RCC) comments. She stated that, with regard to sound and safety issues and compatibility, the base is in support of the site plan/land use request. The prior use as a church was not considered compatible.

There were no other persons present wishing to speak during this public hearing item.

*Mayor Bowen closed the Public Hearing at 6:45 p.m.*

Perry Lunsford made a motion, seconded by Clint Narmore, to approve Ordinance #971 for the use and operation of a General Office Building and a combined development/site plan with the requested variance to the sign setbacks and the variance to the masonry requirement for the accessory building as noted on the combined development/site plan at Abstract 1552, Tract 2P, Moses Townsend Survey, property known as 3901 Merrett Drive/6804 Telephone Road. Motion passed with all in favor and none opposed.

**c. Public Hearing/Action regarding Ordinance #972- Adopting the FY 2011/2012 City of Lake Worth Operating Budget.**

*Mayor Bowen opened the Public Hearing at 6:46 p.m.*

Brett McGuire indicated the proposed budget included the changes approved by Council as discussed in the Budget Workshop meeting.

There were no persons present wishing to speak during this public hearing item.

*Mayor Bowen closed the Public Hearing at 6:47 p.m.*

Clint Narmore made a motion, seconded by Geoffrey White, to approve Ordinance #972, adopting the FY 2011/2012 City of Lake Worth Operating Budget. Motion passed with all in favor and none opposed.

**7. Ordinances and Resolutions.**

**a. Ordinance #973- Adopting the FY 2011/2012 City of Lake Worth Tax Rate.**

Debbie Whitley stated the 2011 proposed tax rate is 0.466419 per \$100 valuation, which is down a little over 2 ½ cents from last year's rate of 0.492512.

Pat Hill made a motion, seconded by Myrt Fowlkes, to approve Ordinance #973, adopting the FY 2011/2012 City of Lake Worth Tax Rate of 0.466419 per \$100 value property tax rate, which includes 0.134057 for Maintenance and Operations and 0.332362 for Debt Service. Motion passed with all in favor and none opposed.

**b. Resolution #946- Fund Balance Policy.**

Debbie Whitley explained that GASB 54 requires all political subdivisions to have a Fund Balance Policy in place by the end of this fiscal year. It basically changes the way Fund Balances are reported.

Perry Lunsford made a motion, seconded by Geoffrey White, to approve Resolution #946, Fund Balance Policy. Motion passed with all in favor and none opposed.

**c. Consideration of approval of Auxiliary Firefighter position and Resolution #947- Job Description for such.**

Mike Christenson explained that he would like to add 3 personnel, one to each shift at no additional cost to the city. The additional personnel would be assigned

to a shift and work seven shifts a month. Brett McGuire indicated that TMRS is checking to see if these positions are TMRS eligible. Should their decision be that they are eligible, and should Council approve the resolution, staff is requesting authority to revise a sentence in the job description to reflect that.

Perry Lunsford made a motion, seconded by Curtis McKay, to approve the Auxiliary Firefighter position and Resolution #947, job description for such and to authorize city staff to revise the sentence in the job description regarding the TMRS ruling, as needed. Motion passed with all in favor and none opposed.

**d. Resolution #948- Authorizing third party insurance billing proceeds to be classified as Committed Fund Balance for Fire Department Equipment expenditures.**

Debbie Whitley explained that the City's Fund Balance Policy, which was just approved, requires a resolution to commit funds for specific expenditures; this resolution will satisfy that requirement for third party insurance billing proceeds to be used for Fire Department equipment expenditures, which was approved by Council action in 2006.

Pat Hill made a motion, seconded by Geoffrey White, to approve Resolution #948, authorizing third party insurance billing proceeds to be classified as Committed Fund Balance for Fire Department Equipment expenditures. Motion passed with all in favor and none opposed.

**8. Contracts/Agreements.**

*There were no Contracts/Agreements.*

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

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

*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 items listed under Executive Session.*

*Mayor Bowen closed the open session of the meeting and opened into Executive Session at 7:03 p.m. pursuant to Section 551.071 to discuss any item listed on the agenda. Mayor Bowen then closed the Executive Session of the meeting at 7:37 p.m. and re-convened into open session.*

**10. Discussion/Action Items.**

**a. Discussion/Action on the appointment/re-appointment of members to the Board of Adjustment (BOA), Places 1, 3, 5, 6 (alternate, term expires 10-1-12), and 7 (alternate).**

Myrt Fowlkes made a motion, seconded by Clint Narmore, to make the following appointments for the Board of Adjustment:

Place 1, Patti Williams  
 Place 3, Joe McDaniel  
 Place 5, Patricia Davis  
 Place 7 (alternate), Chris Little

Motion passed with all in favor and none opposed.

**b. Discussion/Action on the appointment/re-appointment of members to the Planning and Zoning Commission (P&Z), Places 1, 3, 5, and 7.**

Perry Lunsford made a motion, seconded by Pat Hill, to make the following appointments for the Planning and Zoning Commission:

Place 1, Becky Campbell  
 Place 3, Jeannie Turley  
 Place 5, Troy Jones  
 Place 7, Herb Reeves

Motion passed with all in favor and none opposed.

Mayor Bowen asked Suzanne Meason to see if there is another board that applicant Charles Johnson would like to serve on.

**c. Discussion/Action on the appointment/re-appointment of members to the Historical Preservation Commission (HPC), Places 1, 2 (term expires 10-1-12), 3, 4 (term expires 10-1-12), 5, and 7.**

Perry Lunsford made a motion, seconded by Clint Narmore, to table this item and direct staff to draft an ordinance to dissolve the Historical Preservation Commission. Voting in favor of the motion were Perry Lunsford, Clint Narmore, Curtis McKay, Myrt Fowlkes, Ronny Parsley, and Geoffrey White. No one voted against the motion. Pat Hill abstained. Motion passed with a 6-0-1 vote.

**d. Discussion/Action concerning request by Mr. and Mrs. Thomas, 3824 Pueblo Trail, for the City of Lake Worth to pay for repair of a portion of their fence.**

Mrs. Thomas was present but did not wish to address Council.

Perry Lunsford made a motion, seconded by Ronny Parsley, to direct the City Manager to negotiate a no fault settlement with Mr. and Mrs. Thomas as discussed in Executive Session. Motion passed with all in favor and none opposed.

**e. Discussion/Action concerning selection of an option regarding how to handle future elections.**

Linda Rhodes explained this item was a follow up from the last meeting to let Council know what Tarrant County has decided regarding the upcoming elections. Tarrant County indicated they would handle the May 2012 election, but it would only be a temporary fix and they will not commit to anything after that. A copy of an e-mail from the Tarrant County Elections office was included in the Council packets that explained their decision. Even though this is listed as

a discussion/action item, no action is required at this time unless Council so desires. The City has until December of 2012 to make a final decision as to how they wish to handle future elections. The school district has until December of 2011. Brett McGuire noted the LWISD was waiting to see which direction we would go. Mayor Bowen indicated he would like to see the City stay with May 2012 at this point in time and this item could be placed on the November Council agenda for further consideration.

There was no action on this item, just a consensus to bring it back to Council in November.

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

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

Mayor Bowen had no update regarding the Tarrant County Mayor's Council.

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

##### **a. City Manager Report(s):**

##### **1. Floating Holiday- Good Friday, April 6, 2012.**

Brett McGuire noted that the floating holiday for the next fiscal year will be Good Friday, April 6, 2012. Council indicated they were fine with that date.

##### **b. Chief of Police Report(s):**

##### **1. Announce National Night Out.**

Chief Tatsak announced that Tuesday, October 4, 2011, from 6:00 pm to 9:00 pm will be National Night Out at the Lake Worth Park.

*Mayor Bowen closed the open session of the meeting and went into Executive Session at 7:53 p.m. to discuss Section 551.071, pending or contemplated litigation, City of Lake Worth v. Western Insurance.*

#### **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.**

##### **1. City of Lake Worth v. Western Insurance.**

*Mayor Bowen closed the Executive Session and re-convened into Open Session at 7:59 p.m.*

#### **14. Reconvene into Regular Session:**


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

*There was no action taken on this Executive Session item.*

**15. Adjournment.**

There being no further business, Mayor Walter Bowen closed the Council meeting at 7:59 p.m.

APPROVED:

  
*Clint Narmore*  
For Walter Bowen, Mayor  
By Clint Narmore, Mayor Pro-Tem

ATTEST:

*Linda Rhodes*  
Linda Rhodes, TRMC/CMC  
City Secretary