

CITY OF LAKE WORTH
Minutes for
City Council Public Hearing/Regular Meeting
Tuesday, August 11, 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 6:30 p.m.

2. Invocation and Pledge of Allegiance.

Mayor Pro-Tem Clint Narmore gave invocation and 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; Dave Tatsak, Chief of Police; Mike Voorhies, Fire Marshall; Debbie Whitley, Finance Director; Suzanne Meason, Planning and Zoning Coordinator; Jamye Sexton, Public Works Director; Barry Barber, Building Official; Joe Dickens, Building Inspector; Mark Ramsey, IT Manager; Natacha Schwarz, Municipal Court Coordinator; Raymond Moody, Code Compliance Officer; Cheryl Vess, Community Activities Director; Lara Strother, Library Director; and Danielle Hackbusch, HR/Risk Management. City Attorney Steven Wood and City Engineer Aaron Rader were present.

4. Consent Agenda:

a. Approval of minutes for the City Council Public Hearing/Regular Meeting on July 14, 2009.

b. Approval of Finance Reports for the month of July 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.**

There were no Presentation Items.

6. Public Hearing/Action Items.

Mayor Bowen opened the Public Hearing at 6:40 p.m. and closed it at 6:40 p.m.

- a. **Public Hearing/Action for the Crime Control and Prevention District (CCPD) Proposed Budget for FY 2009/2010.**

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

Clint Narmore made a motion, seconded by Myrt Fowlkes, to approve the CCPD proposed budget for FY 2009/2010. Motion passed with all that were present voting in favor and none opposed.

Mayor Bowen opened the Public Hearing at 6:41 p.m. and closed it at 6:44 p.m.

- b. **Public Hearing/Action for substandard property located at 3317 Huron Trail, legal description being Block 7, Lots 16 & 17, Indian Oaks Subdivision, Case #2009-03.**

Barry Barber indicated staff recommends issuing a 30 day repair/demolition order at 3317 Huron Trail. All legal filings have been made and the City has received no response from anyone. The property belongs to a bank, Suntrust Mortgage; no one lives in the home. Citizen Howard Williams, of 3334 Huron Trail, stated he was for the substandard structure to be gone. There were no other persons wishing to speak on this public hearing item.

Dona Stuard made a motion, seconded by Geoffrey White, to approve a 30 day repair/demolition order for 3317 Huron Trail, legal description being Block 7, Lots 16 & 17, Indian Oaks Subdivision, substandard Case #2009-03. Motion passed with all that were present voting in favor and none opposed.

Mayor Bowen opened the Public Hearing at 6:45 p.m. and closed it at 6:47 p.m.

- c. **Public Hearing/Action to consider Planning and Zoning Case #PS09-03, the request of RaceTrac Petroleum for a replat of Block AR, Lot 1, Shady Oaks Manor Addition, Fort**

Worth and Lake Worth, Tarrant County, Texas to Block AR, Lots 1R and 2, Shady Oaks Manor Addition, Fort Worth and Lake Worth, Tarrant County, Texas, property known as 6001 Jacksboro Highway (Lot 1R) and 6005 Lake Worth Boulevard (Lot 2).

Suzanne Meason explained that RaceTrac is purchasing a tract of land from Barato Bazaar in order to construct a new RaceTrac gas station. They will still have their other location near Albertsons. A portion of the property contained in the replat is in the City of Fort Worth and will require their approval as well. The site plan meets all requirements and staff recommends approval. There were no persons wishing to speak on this public hearing item.

Myrt Fowlkes made a motion, seconded by Curtis McKay, to approve P&Z Case #PS09-03, the request of RaceTrac Petroleum for a replat of Block AR, Lot 1, Shady Oaks Manor Addition, Fort Worth and Lake Worth, Tarrant County, Texas to Block AR, Lots 1R and 2, Shady Oaks Manor Addition, Fort Worth and Lake Worth, Tarrant County, Texas, property known as 6001 Jacksboro Highway (Lot 1R) and 6005 Lake Worth Boulevard (Lot 2). Motion passed with all that were present voting in favor and none opposed.

Mayor Bowen opened the Public Hearing at 6:48 p.m. and closed it 6:50 p.m.

d. Public Hearing/Action to consider Ordinance #922, which is Planning and Zoning Case #PZ09-09, the request of RaceTrac Petroleum for the use and operation of a Gasoline Service Station with a Convenience Store and a combined development/site plan located on Block AR, Lot 2, Shady Oaks Manor Addition, Lake Worth, Tarrant county, Texas, property known as 6005 Lake Worth Boulevard.

Suzanne Meason stated the Planning and Zoning Commission has heard and approved this item; Council approval is recommended. Anita James, representative of RaceTrac, showed Council pictures of the new RaceTrac prototype for examples. There were no persons wishing to speak on this public hearing item.

Geoffrey White made a motion, seconded by Pat Hill, to approve Ordinance #922, Case #PZ09-09, for the request of RaceTrac Petroleum for the use and operation of a Gasoline Service Station

with a Convenience Store and a combined development/site plan located on Block AR, Lot 2, Shady Oaks Manor Addition, Lake Worth, Tarrant County, Texas, property known as 6005 Lake Worth Boulevard. Motion passed with all that were present voting in favor and none opposed.

Mayor Bowen opened the Public Hearing at 6:51 p.m. and closed it 6:52 p.m.

e. Continue Public Hearing/Action to consider Ordinance #919, which is Planning and Zoning Case #PZ09-12, the request of the City of Lake Worth for the use and operation of a City Multi-Purpose Building, including a Library, Senior Center, and a Visitor Center/Museum and a combined development/site plan on Block 1, Lot 1, Charbonneau Addition, Lake Worth, Tarrant County, Texas, property known as 7005 Charbonneau.

Clint Narmore made a motion, seconded by Dona Stuard, to approve Ordinance #919, Case #PZ09-12, the request of the City of Lake Worth for the use and operation of a City Multi-Purpose Building, including a Library, Senior Center, and a Visitor Center/Museum and a combined development/site plan on Block 1, Lot 1, Charbonneau Addition, Lake Worth, Tarrant County, Texas property known as 7005 Charbonneau. Motion passed with all that were present voting in favor and none opposed.

Mayor Bowen opened the Public Hearing at 6:52 p.m. and closed it 6:55 p.m.

f. Public Hearing/Action to consider Ordinance #923 for Atmos Mid-Tex Division's Rate increase request, pursuant to the Rate Review Mechanism (RRM) process.

City Attorney Steven Wood explained that this ordinance contains rates that were negotiated with the ACSC, which are much lower than what was originally requested by Atmos.

Curtis McKay made a motion, seconded by Dona Stuard, to approve Ordinance #923 for Atmos Mid-Tex Division's Rate increase request pursuant to the RRM. Motion passed with all that were present voting in favor and none opposed.

7. Ordinances/Resolutions:**a. Ordinance #924- Repealing Article 13.900 "Natural Gas" of the City Code of Ordinances.**

Brett McGuire explained this ordinance will repeal Article 13.900 "Natural Gas" section of the City Code of Ordinances. Since rates quoted in the code are out of date and gas rates have been approved via stand alone ordinances, this article is no longer needed.

Myrt Fowlkes made a motion, seconded by Clint Narmore, to approve Ordinance #924, repealing Article 13.900 "Natural Gas" of the City Code of Ordinances. Motion passed with all that were present voting in favor and none opposed.

8. Contracts/Agreements.

There were no Contracts/Agreement Items.

9. Bids, Proposals, and Specifications.

There were no Bids, Proposals, and Specification Items.

10. Discussion/Action Items:**a. Review Applications to serve on the Board of Adjustments.**

Suzanne Meason explained the board appointments will take place next month. The applications received so far are being brought forth now to allow Council enough time to review them, if desired.

Pat Hill made a motion, seconded by Geoffrey White, to table the review of the Board of Adjustments applications until the September 8, 2009 Council meeting. Motion passed with all that were present voting in favor and none opposed.

b. Review Applications to serve on the Planning and Zoning Commission.

Dona Stuard made a motion, seconded by Myrt Fowlkes, to table the review of the Planning and Zoning Commission applications until the September 8, 2009 Council meeting. Motion passed with all that were present voting in favor and none opposed.

c. Review Applications to serve on the Historical Preservation Commission.

Myrt Fowlkes made a motion, seconded by Clint Narmore, to table the review of the Historical Preservation Commission applications until the September 8, 2009 Council meeting. Motion passed with all that were present voting in favor and none opposed.

Suzanne Meason asked if Council wished for the applicants to be present at the September meeting and Mayor Bowen indicated he would like to see them present.

d. Consideration of Variance Request for Poultry by Citizen Howard Williams.

Ray Moody explained that Mr. Williams is requesting permission to be allowed to keep approximately 125 chickens on his property, at 3334 Huron Trail, that is estimated to be 39,000 square feet. City Code allows for 10 chickens per each 20,000 square feet; therefore, based upon square footage of his property, only 10 chickens are allowed. Mr. Moody displayed pictures of the property where the chickens are kept.

Howard Williams presented letters to Council from neighbors indicating they were not opposed to the chickens. He has had them for years and he "shows" them. Limiting the number to 10 will not allow him to be able to "show" them properly anymore. He asked Council to consider his request to keep the chickens.

City Attorney Steven Wood noted that the City Council has no authority to grant a variance in this case; however, an ordinance could be written to allow such. Council consensus was not to write an ordinance of that nature; if they allowed one residence to do this, they would have to allow all. Suzanne Meason also noted that she had spoken with Wayne Olson on this subject and even the Board of Adjustment could not grant a variance.

Geoffrey White made a motion, seconded by Curtis McKay, to deny the variance request for poultry by citizen Howard Williams. Voting in favor of the motion were Geoffrey White, Curtis McKay, Myrt Fowlkes, Dona Stuard, and Clint Narmore. No one voted against the

motion. Pat Hill abstained. Motion passed with a 5-0-1 vote to deny the request.

e. Consider Land Agreement with the City of Fort Worth for a permanent water facility easement being a 0.926 acre tract of land from Tract 2D, JC Donaldson Survey, Abstract 1786 and Tract 1B, Crawford Brown Survey, Abstract 157.

Brett McGuire explained that the City of Fort Worth has requested an easement for a water main that will cross a portion of the City Park (Roberts Cut Off) coming from Azle Avenue. Dona Stuard asked if the City of Fort Worth would replace the area when having to tear it up; Jamye Sexton indicated the contract is based on an "as is" condition meaning that anything put in after the contract would not be included. Council Member Stuard suggested taking pictures of the area at contract time to verify the condition.

Geoffrey White made a motion, seconded by Clint Narmore, to approve the land agreement with the City of Fort Worth for a permanent water facility easement being a 0.926 acre tract of land from Tract 2D, JC Donaldson Survey, Abstract 1786 and Tract 1B, Crawford Brown Survey, Abstract 157 and to authorize the City Manager to execute the documents. 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 stated he was not able to attend the last Tarrant County Mayor's Council meeting, but that Council Members Clint Narmore and Curtis McKay attended it. One topic discussed was regarding items now having to be specifically listed on the agenda for discussion, unless it is strictly an announcement that is of general interest and no discussion is made.

12. City Manager and Staff Reports:

a. City Manager Reports.

1. Foster House Project Update.

Brett McGuire noted the contractor is getting ready to begin work. The plan is to move the house, pour the foundation, and then to remove the asbestos prior to the house being moved back into place.

2. Joint Council/P&Z Meeting needed for Tuesday, August 18, 2009.

Brett McGuire announced that there will be a joint Council/P&Z meeting on Tuesday, August 18, 2009.

b. EDC Coordinator Reports.

1. Next EDC meeting date announced.

Brett McGuire stated that there will be an EDC meeting coming up; date is to be announced later.

c. HR/Risk Management Reports.

1. Report on Blood Drive.

Danielle Hackbusch announced the blood drive was successful. 41 pints of blood was collected and only 24 were expected.

Mayor Bowen closed the open session of the meeting and opened the Executive Session of the meeting at 7:36 p.m., pursuant to Section 551.072 of the Texas Government Code.

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 551.072- Deliberation regarding Real Property. A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
 1. Abstract 189, Tract 2P of the N B Breeding Survey.

Mayor Bowen closed the Executive Session and reconvened into open session at 7:48 p.m.

14. Reconvene into Regular Session:

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

Geoffrey White made a motion, seconded by Clint Narmore, to direct City staff to take action as discussed in Executive Session. Motion passed with all that were present voting in favor and none opposed.

15. Adjournment.

There being no further business, Mayor Walter Bowen closed the Council meeting at 7:48 p.m.

APPROVED:



Walter Bowen, Mayor

ATTEST:



Linda Rhodes, TRMC/CMC
City Secretary