

CITY OF LAKE WORTH
Minutes for
City Council
Public Hearing/Regular Meeting
Tuesday, February 10, 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.

Fire Chief Mark Cone gave invocation and attendees recited the pledge of allegiance.

3. Roll Call.

Council members present were Mayor Walter Bowen, Perry Lunsford, Dona Stuard, Pat O. Hill, Geoffrey White and Clint Narmore. Myrt Fowlkes was absent. Eugene Brooks previously turned in his resignation (to be acknowledged in the next agenda item).

Staff present were Brett McGuire, City Manager; Linda Rhodes, City Secretary; Dave Tatsak, Chief of Police; Mark Cone, Fire Chief; Debbie Whitley, Finance Director; Jami Woodall, EDC Coordinator; Suzanne Meason, Planning and Zoning Coordinator; Jamiye Sexton, Public Works Director; Sean Densmore, Water Superintendent; Barry Barber, Building Official; Joe Dickens, Building Inspector; Kim Davis, Permit Clerk; 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. Announcement of Council Member Eugene “Gene” Brooks, Place #1 Resignation and Discussion/Action regarding filling the Council Member Place #1 vacancy.

Mayor Bowen asked City Manager Brett McGuire to read Council Member Eugene Brooks' letter of resignation. Mr. McGuire read the letter and then Mayor Bowen made note that this agenda item should be tabled for further action until later in the meeting after Executive Session.

5. Consent Agenda:

- a. **Approval of minutes for the City Council Regular Meeting on January 13, 2009.**
- b. **Approval of minutes for the Joint City Council/Planning and Zoning Commission Public Hearing/Regular meeting on January 20, 2009.**
- c. **Approval of Finance Reports for the month of January 2009.**
- d. **Annual Racial Profiling Report.**

With one typographical error noted to correct in item #5a, Geoffrey White made a motion, seconded by Pat Hill, to approve the Consent Agenda. Motion passed with all Council members that were present voting in favor and none opposed.

6. Presentations:

- a. **Proclamations/Awards/Presentations.**
There were no Proclamations/Awards/Presentations.
- b. **Citizen/Visitor Comments.**
There were no Citizen/Visitor Comments.

7. Public Hearing/Action Items.

Mayor Bowen opened the Public Hearing at 6:34 p.m. and closed it at 6:36 p.m.

- a. **Public Hearing/Action to receive citizen comments regarding the 35th Year Tarrant County Community Development Block Grant (CDBG) Project for replacement of the sanitary sewer line along North Dakota Trail to Foster Drive.**

Jamye Sexton explained that the proposed project is for sewer line replacement along the north end of Dakota Trail down to Foster Drive. There were no other persons wishing to speak on this public hearing item.

Perry Lunsford made a motion, seconded by Dona Stuard, to approve the participation in the 35th Year CDBG Project for sanitary sewer replacement on Dakota Trail to Foster Drive. Motion passed with all that were present voting in favor and none opposed.

Mayor Bowen opened the Public Hearing at 6:37 p.m. and closed it at 6:38 p.m.

- b. **Public Hearing/Action to consider Planning and Zoning Case #PS08-09, a request by 5915 Jacksboro Highway Ltd. for**

a replat of Block 1, Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, & 11, Sansom Park Addition, Lake Worth and Sansom Park, Tarrant County, Texas to Block 1, Lot 1R, Sansom Park Addition Lake Worth and Sansom Park, Tarrant County, Texas, property commonly known as 5915 Jacksboro Highway (Lake Worth Blvd.).

Suzanne Meason explained this request is for a replat of property that is inside the city limits of Lake Worth and Sansom Park. Sansom Park will hear this case at its February 19, 2009 meeting. Mr. Bill Boomer was present to answer any questions. There were no persons wishing to speak on this public hearing item.

Geoffrey White made a motion, seconded by Clint Narmore, to approve #PS08-09, replat of Block 1, Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, & 11, Sansom Park Addition to Block 1, Lot 1R, Sansom Park Addition, at 5915 Jacksboro Highway as requested by 5915 Jacksboro Highway Ltd.

Mayor Bowen opened the Public Hearing at 6:39 p.m. and closed it at 6:44 p.m.

c. Public Hearing/Action for substandard property located at 3109 Pueblo Trail, legal description being Block 13, Lot 24, Indian Oaks Subdivision, Case #2009-01.

Barry Barber noted this property was foreclosed on and HSBC Bank USA, National Association is listed as the current property owner; however they informed city staff that they had sold the property, but were unable to disclose the new owners information to staff. HSBC Bank USA, National Association was sent notification concerning the hearing. Clint Narmore was concerned as to whether the new owner had received proper notification. Wayne Olson verified with staff that the city had filed paperwork on the substandard in the county deed records. It had been filed; so it would show up during any property searches. If the 30-day Repair/Demo Order is approved, the new owner would have 30 days to take care of the property. No other persons in the audience wished to speak on this public hearing item.

Clint Narmore made a motion, seconded by Dona Stuard, to approve a 30-day Repair/Demo Order for substandard property at Block 13, Lot 24, Indian Oaks Subdivision, 3109 Pueblo Trail, Case #2009-01. 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 6:56 p.m.

d. Public Hearing/Action for substandard property located at 6012 Graham Street, legal description being Block 1, Lot 2, Broadview West, Case #2009-02.

Barry Barber noted that this property had changed owners in the middle of the substandard process, too. The home had partially burned, but new owner, Rose Abraham, wishes to make repairs to the home. Mrs. Abraham's architect, Mr. Awad Eskander, addressed Council indicating Mrs. Abraham's desire to make repairs. A time schedule was submitted with a proposed completion date of mid-April. Mr. Eskander requested Council to waive the permit fees in an effort to help with costs. He compared this project with that of a Habitat for Humanity, as she is trying to get help/donations for repairs. Consensus was that there was no problem with waiving permit fees, provided that the proper registration fees were paid. Mrs. Abraham asked Council to please work with her.

Clint Narmore made a motion, seconded by Pat Hill, to approve a Repair/Demo Order subject to the timeline schedule of work submitted and to grant staff the ability to waive permit fees provided that proper registration fees are paid. Motion passed with all that were present voting in favor and none opposed.

8. Ordinances/Resolutions:

a. Ordinance #901-Amending the Park Facility Usage Fees by adding an additional field rental fee rate for 501(c)(3) groups.

Shelley Snyder, with YMCA, spoke on behalf of the YMCA and LWYA, asking Council to consider their concerted request to lower the fees. The requested fees are \$15.00 for groups designated as 501(c) (3).

Perry Lunsford made a motion, seconded by Geoffrey White, to approve Ordinance #901. Motion passed with all that were present voting in favor and none opposed.

b. Ordinance #902- Adopting a Budget Amendment to the FY 2008/2009 Operating Budget for the reconstruction of the Park Road East Street located in the Lake Worth Park, 3601 Roberts Cut Off, be adding \$75,000 for a total amended amount of \$325,000 to the Street Maintenance Fund.

Geoffrey White made a motion, seconded by Dona Stuard, to approve Ordinance #902. Motion passed with all that were present voting in favor and none opposed.

c. Resolution #898-Calling/Ordering the May 9, 2009 General Election and possibly a Special Election to fill the Vacancy for Council Member Place #1, Approving to joint contract with the Tarrant county Elections Administration to Administer the Election, and Providing as the Election Notice.

Mayor Bowen noted this item should be tabled and addressed just after Executive Session.

d. Resolution #899-Approving Recommended Bid for the 34th Year CDBG Project for Dakota Trail Sanitary Sewer Replacement.

Jamye Sexton explained that the lowest bidder for this project was Patco Utilities, Inc. for a total base bid price of \$52,876.02. However, due to the possibility of additional concrete repairs for this project, he is asking Council to approve the project for an amount not to exceed \$60,000.

Dona Stuard made a motion, seconded by Perry Lunsford, to approve Resolution #899 recommending Patco Utilities, Inc to receive the bid for the 34th year CDBG project to replace the sewer line along Dakota Trail and to approve the project in an amount not to exceed \$60,000. Motion passed with all that were present voting in favor and none opposed.

e. Resolution #900-Supporting the Oncor Cities Steering Committee (OCSC) 2009 Legislative Agenda regarding Electric Issues.

Since OCSC is looking out for the best interest of the City and they are recommending approval of this resolution in support of a legislative agenda regarding electric issues, Clint Narmore made a motion, seconded by Dona Stuard, to approve Resolution #900. Motion passed with all that were present voting in favor and none opposed.

f. Resolution #901-Refunding 1999 Certificates of Obligation to obtain a better interest rate on the remaining

outstanding debt, to provide savings over the next 10 years.

Debbie Whitley explained that the city could save a lot of money by refunding the 1999 Certificate of Obligations. Staff is recommending Council to approve Consolidated Financial Advisory, Inc. (CFAI) to handle the refinancing. Tom Shirey and Ken Joyce with CFAI were present to answer any questions. Brett McGuire noted that approving this resolution authorizes staff to move forward with the refinancing process.

Geoffrey White made a motion, seconded by Pat Hill, to approve Resolution #901 and allow Consolidated Financial Advisory, Inc to proceed with the process of refunding the 1999 Certificates of Obligations. Motion passed with all present voting in favor and none opposed.

g. Resolution #902-Refunding 1997 A & B Certificates of Obligation to obtain a better interest rates on the remaining outstanding debt, to provide savings over the next 10 years.

Perry Lunsford made a motion, seconded by Pat Hill, to approve Resolution #902 and allow Consolidated Financial Advisory, Inc to proceed with the process of refunding the 1997 A & B Certificates of Obligation. Motion passed with all present voting in favor and none opposed.

h. Ordinance #903-Joint Ordinance and Boundary Agreement between the City of Lake Worth and the City of Fort Worth Releasing and Accepting Corporate Limits.

Brett McGuire explained that staff has been working with the City of Fort Worth and RaceTrac in order to promote the development of a new RaceTrac in the 6000 block of SH 199. The pad sites are currently divided by the City boundaries, thus causing issues with the development. Staff negotiations resulted in the City of Lake Worth swapping 8.3 acres of land (north of Lakeside Drive in the Meadow Lakes addition) for 2.3 acres of land (6000 block of SH 199) in Fort Worth. Council Member Carter Burdette with the City of Fort Worth has agreed to take this ordinance to the City of Fort Worth's February 24th Council meeting. Anita James, representative of RaceTrac, was present to answer any questions. RaceTrac will keep the existing location in Lake Worth open.

Geoffrey White made a motion, seconded by Clint Narmore, to approve Ordinance #903 for a joint boundary agreement between the City of Lake Worth and the City of Fort Worth. Motion passed with all that were present voting in favor and none opposed.

9. Contracts/Agreements.

There were no Contracts/Agreements Items.

10. Bids, Proposals, and Specifications.

There were no Bids, Proposals, and Specifications Items.

11. Discussion/Action Items:

There were no Discussion/Action Items.

12. Mayor and Council Items.

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

Mayor Bowen stated he is an alternate on the Tarrant County ranking committee. He thanked City Manager Brett McGuire for attending the last Tarrant County Mayor's Council meeting with him.

13. City Manager and Staff Reports:

a. City Manager Reports.

1. Foster House Update.

Brett McGuire explained that the EDC Board met with Mr. Keith Brawley. Mr. Brawley is to submit dollar amounts for changes/amendments that are not covered in the contract for review.

b. Staff Reports.

1. Planning and Zoning Coordinator: report on Randy Wanser's resignation from the Historical Preservation Commission and Board of Adjustment boards.

Suzanne Meason explained that Randy Wanser moved away from the city due to personal reasons and no longer meets the requirements of city residency to serve on the HPC and BOA boards. She wanted Council to be aware that there is now an open position on each of those boards.

2. Public Works Director: report on Water Stimulus Package.

Aaron Rader, City Engineer, explained that the application for the Water Stimulus Package has been submitted to the Texas Water Development Board. Projects submitted were to finish the Telephone Road sewer project and two other sewer projects. These were submitted separately, in hopes that at least one of the projects is

approved. The next step is for TCEQ to rank the proposed projects. If the projects the city submitted are not selected, they can be re-applied for next year.

3. Public Works Director: report on TXDoT regulations for City Name Monument Permit Guidelines.

Jamye Sexton updated Council regarding TXDot regulations for monument signs at city entrances that indicate you are entering the city. They require a 30' right-of-way and nothing can be in the medians. There is only one location that would meet that particular criteria; it is the area by Radio Shack. Signs could, however, be placed on private property. Council consensus was for staff to continue looking into trying to find where a monument sign of such could be placed.

Mayor Bowen closed the open session of the meeting at 7:46 p.m. and opened the Executive Session to discuss items listed pursuant to Section 551.071 (regarding Agenda Item #4).

14. 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.**

Mayor Bowen closed the Executive Session and reconvened into Open Session at 8:05 p.m.

15. Reconvene into Regular Session:

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

Regarding Agenda Item #4, Perry Lunsford made a motion, seconded by Pat Hill, to appoint a special committee to appoint the Council Member Place #1 vacancy. Motion passed with all that were present voting in favor and none opposed.

Mayor Bowen appointed Perry Lunsford, Geoffrey White, Clint Narmore, and himself to serve on the Appointment Committee.


Mayor Bowen now addressed Agenda Item #8-c. City Secretary Linda Rhodes stated this resolution was to call the May 2009 General Election for positions of Mayor, Council Member Place #2, 4, and 6.

Geoffrey White made a motion, seconded by Dona Stuard, to approve Resolution #898, calling the May 2009 General Election for positions of Mayor, Council Member Place #2, 4, and 6. Motion passed with all that were present voting in favor and none opposed.

16. Adjournment.

There being no further business, Mayor Walter Bowen closed the Council meeting at 8:06 p.m.

APPROVED:



Walter Bowen, Mayor

ATTEST:



Linda Rhodes, TRMC/CMC
City Secretary