

**CITY OF LAKE WORTH**  
**Minutes for**  
**City Council Public Hearing/Regular Meeting**  
**Tuesday, July 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 6:38 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.

Staff present were Brett McGuire, City Manager; Ken West, Assistant 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; Jamye Sexton, Public Works Director; Barry Barber, Building Official; Mark Ramsey, IT Manager; Natacha Schwarz, Municipal Court Coordinator; Raymond Moody, Code Compliance Officer; and Danielle Hackbusch, HR/Risk Management. 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 June 9, 2009.**
- b. **Approval of minutes for the Council Special meeting/Mid-Year Budget Review on June 16, 2009.**
- c. **Approval of Finance Reports for the month of June 2009.**
- d. **Resolution #908- Authorizing Continued Participation with the Atmos Steering Committee, updating the City contact information, and authoring the participation fee for 2009.**

- e. **Resolution #909- Authorizing continued Participation with the Oncor Cities Steering Committee, updating the City contact information, and authorizing the participation fee for 2009.**

Clint Narmore made a motion, seconded by Pat Hill, to approve the Consent Agenda. Motion passed with all in favor and none opposed.

## **5. Presentations:**

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

1. Proclamation declaring September 7, 2009 as Muscular Dystrophy Association (MDA) Day, by Mayor Walter Bowen.

There was no representative present to accept the proclamation; therefore, the City Secretary will mail it to the MDA office.

2. Presentation of Neighbor Helping Neighbor (NHN) Program, by Ann-Maree Freeland.

Ms. Freeland indicated that the NHN, a collaboration of the Unity Way's Area Agency on Aging and Meals on Wheels, Inc. of Tarrant County, is seeking clients and volunteers in the Lake Worth area.

3. Presentation of Council Chambers Audio/Visual Equipment and Update on City Website, by Mark Ramsey, Information Technology Manager.

Mark Ramsey demonstrated the new system and informed Council of the new City website that will soon be live.

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

*There were no Citizen/Visitor Comments.*

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

*Mayor Bowen opened the Public Hearing at 6:48 p.m. and closed it at 6:49 p.m.*

- a. **Public Hearing/Action to consider Planning and Zoning Case #PS09-01, the request of William F. and Susan Arterbury for a replat of Block 28, Lots 1, 2, 3, & 4, Indian Oaks Subdivision, Lake Worth, Tarrant County, Texas to Block 28, Lots 1R & 2R, Indian Oaks Subdivision, Lake Worth, Tarrant County, Texas, property commonly known as 7217 Navajo Trail.**

Suzanne Meason indicated there was one public comment form received that was in favor of the replat request. Staff has reviewed the replat and it is in compliance with all applicable ordinances and regulations. The P&Z heard the case on June 16, 2009 and

recommended approval. The Arterbury's were present to answer any questions. There were no other persons wishing to speak during the public hearing.

Dona Stuard made a motion, seconded by Myrt Fowkes, to approve P&Z Case #PS09-01, the request of William F. and Susan Arterbury for a replat of Block 28, Lots 1, 2, 3, & 4, Indian Oaks Subdivision to Block 28, Lots 1R & 2R, Indian Oaks Subdivision, property known as 7217 Navajo Trail. Motion passed with all in favor and none opposed.

*Mayor Bowen opened the Public Hearing at 6:50 p.m. and closed it at 6:51 p.m.*

- b. Public Hearing/Action to consider Planning and Zoning Case #PS09-02, the request of Ritchie Brothers Properties Ltd for a replat of Block 1, Lots 3R1 & 5, Ritchie Brothers Addition, Lake Worth, Tarrant County, Texas to Block 1, Lot 3R1R, Ritchie Brothers Addition, Lake Worth, Tarrant County, Texas, property known as 6050 Azle Avenue.**

Suzanne Meason indicated there were no comment forms turned in for this replat request. Staff has found the replat request to be in compliance with all applicable ordinances and regulations. The P&Z heard the case on June 16, 2009 and recommended approval. There were no other persons wishing to speak during this public hearing.

Clint Narmore made a motion, seconded by Geoffrey White, to approve P&Z Case #PS09-02, the request of Ritchie Brothers for a replat of Block 1, Lots 3R1 & 5, Ritchie Brothers Addition to Block 1, Lot 3R1R, Ritchie Brothers Addition, property known as 6050 Azle Avenue. Motion passed with all in favor and none opposed.

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

- c. Public Hearing/Action to consider Ordinance #918, which is Planning and Zoning Case #PZ09-11, the request of Global Tower Partners by revising a combined development/site plan, as approved by Ordinance #734, to add an equipment cabinet at the existing cell tower site located on Block 1, Lot 2, Lake Worth Towne Crossing Addition, Lake Worth, Tarrant County, Texas, property commonly known as 6499 Azle Avenue.**

Suzanne Meason indicated there was one comment form received that was against the proposed request. The site plan meets all requirements and staff recommends approval. There were no persons wishing to speak on this public hearing item.

Perry Lunsford made a motion, seconded by Pat Hill, to approve Ordinance #918, P&Z Case #PZ09-11, the request of Global Tower Partners by revising a combined development site plan, as approved by Ordinance #734, to add an equipment cabinet at the existing cell tower site located on Block 1, Lot 2, Lake Worth Towne Crossing Addition, property known as 6499 Azle Avenue. Motion passed with all in favor and none opposed.

*Mayor Bowen opened the Public Hearing at 6:52 p.m.; however, he did not close it due to the motion indicated below.*

**d. 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.**

Suzanne Meason explained that, due to unforeseen circumstances, the project manager was not able to review and comment on the plans in time for the meeting; therefore, this public hearing item needs to be continued. The P&Z public hearing held on June 16, 2009 was also continued to be heard at their July 21, 2009 meeting. Council will need to continue their public hearing until the August 11, 2009 meeting. There was one public comment form received in favor of the proposed item and two which were against the item.

Geoffrey White made a motion, seconded by Clint Narmore, to continue the Public Hearing for Ordinance #919, P&Z Case #PZ09-12 until the August 11, 2009 Council meeting. Motion passed with all in favor and none opposed; therefore, the public hearing was not closed.

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

### **a. Ordinance #920- Flood Damage Prevention/FEMA Ordinance.**

Jamye Sexton explained this ordinance sets minimum floodplain standards in compliance with FEMA. Geoffrey White made a motion, seconded by Dona Stuard, to approve Ordinance #920, Flood Damage Prevention/FEMA ordinance. Motion passed with all in favor and none opposed.

### **b. Ordinance #921-Authorizing Contractor Mowing/Abatement Agreements and authorization of associated fees for properties in need of abatement of code violations.**

Ray Moody explained to Council there are currently no provisions authorizing the Code Compliance Officer to enter into agreements with mowing contractors when abatement action becomes necessary. This ordinance will allow that as well as authorize associated fees.

Clint Narmore made a motion, seconded by Perry Lunsford, to approve Ordinance #921 to allow mowing/abatement agreements and authorize associated fees for properties in need of abatement of code violations. Motion passed with all in favor and none opposed.

### **c. Resolution #910-Authorizing imposition of a 30% Collection Fee on delinquent Municipal fines and fees pursuant to Article 103.0031 of the Texas Code of Criminal Procedure.**

Natacha Schwarz explained that approval of this resolution will authorize a 30% collection fee to be charged to offset the cost of retaining a firm to assist in the collection of delinquent fines and fees.

Dona Stuard made a motion, seconded by Geoffrey White, to approve Resolution #910, authorizing imposition of a 30% collection fee on delinquent municipal fines and fees. Motion passed with all in favor and none opposed.

### **d. Resolution #911-Approval of Assistant City Manager and Director of Finance Job Descriptions.**

Danielle Hackbusch explained that the revised job descriptions are necessary due to the splitting of the Assistant City Manager/Director of Finance position into two separate positions.

Geoffrey White made a motion, seconded by Pat Hill, to approve Resolution #911, approval of Assistant City Manager and Director of Finance job descriptions. Motion passed with all in favor and none opposed.

**e. Resolution #912- Authorizing Application Filing for Stimulus Funding from the American Recovery Reinvestment Act (ARRA) granted from the Clean Water State Revolving fund (CWSRF) through the Texas Water Development Board (TWDB).**

Aaron Rader explained that this resolution will allow the City to apply for funding to be used to complete the sewer line along Telephone Road that was not completed by the CDBG contractor this year. The requested funding is in the amount of \$410,000. If approved, it will be in the form of a "no interest" loan to the City. This funding will allow the City to continue the commitment made to the state to reduce sewer overflows within our system.

Perry Lunsford made a motion, seconded by Curtis McKay, to approve Resolution #912, authorizing application filing for stimulus funding from the American Recovery Reinvestment Act granted from the Clean Water State Revolving fund through the Texas Water Development Board. Motion passed with all in favor and none opposed.

**f. Resolution #913- Concerning Financial Reserves of the MedStar Area Metropolitan Ambulance Authority (AMAA) and the Emergency Physicians Advisory Board (EPAB).**

Mark Cone explained that this resolution directs the MedStar board not to spend their reserves. Dona Stuard made a motion, seconded by Myrt Fowlkes, to approve Resolution #913, concerning reserves of the MedStar Area Metropolitan Ambulance Authority and the Emergency Physicians Advisory Board. Motion passed with all in favor and none opposed.

**8. Contracts/Agreements.**

**a. Consideration of approval of an Interlocal Agreement for Participation in the Simulated Impaired Driving Experience (SIDNE) Program with the City of Azle.**

The City of Azle has purchased the Simulated Impaired Driving Experience (SIDNE) Program. Dave Tatsak explained that the

SIDNE program is designed to provide instruction on the effects of drinking or distractive behavior on driving and the consequences of accidents which occur because of such conduct. The City of Lake Worth has an opportunity to enter into an agreement with the City of Azle to train employees. Participation in the program will be at no charge to the City of Lake Worth.

Clint Narmore made a motion, seconded by Pat Hill, to authorize entering into an Interlocal Agreement for participation in the SIDNE Program with the City of Azle and to authorize the City Manager to execute the documents. Motion passed with all in favor and none opposed.

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

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

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

##### **a. Consideration to Approve amending the Purchasing Policy to allow the Assistant City Manager to perform the function of "Resource Manager".**

Ken West explained the purpose of amending the purchasing policy to provide for a Resource Manager, which will aid in the selection of vendors, supplies, and services for better efficiency. The Resource Manager will oversee the use of the financial resources and ensure wise spending.

Perry Lunsford made a motion, seconded by Geoffrey White, to approve the amended purchasing policy to allow the Assistant City Manager to perform the function of Resource Manager. Motion passed with all in favor and none opposed.

##### **b. Selection of Procurement Method to repair/replace damaged roofs on thirteen (13) municipal buildings.**

Ken West explained that the procurement method to repair/replace the damaged roofs needs to be selected. In order to get the *best value* for the City, he recommends using the Competitive Bidding process.

Clint Narmore made a motion, seconded by Dona Stuard, to select the competitive bidding process for the repair/replacement of the

damaged roofs on thirteen (13) municipal buildings. Motion passed with all in favor and none opposed.

**c. Consider Approval of Annual MedStar Subsidy for FY 2009/2010.**

Brett McGuire stated that last year Council approved a subsidy of \$1.81 per capita, for a total of approximately \$9,000. Based on that subsidy, the average MedStar bill in our City was \$1,295.00. Should the City continue with the \$1.81 per capita for the next fiscal year, the average bill will increase to \$1,332.00; to keep the average bill at \$1,295.00, the subsidy would be raised to \$2.27 per capita. The City is not obligated to pay a subsidy to continue service. Mark Cone noted that Saginaw does not contribute a subsidy.

Pat Hill made a motion, seconded by Geoffrey White, to select no annual MedStar subsidy for fiscal year 2009/2010. Motion passed with all in favor and none opposed.

**11. Mayor and Council Items.**

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

Mayor Bowen stated that on July 30, 2009 the Executive Board will meet with legislators.

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

**a. City Manager Reports.**

**1. Foster House Project Update.**

Brett McGuire noted the foundation plans from Kimley-Horn have been received; revisions are estimated to be complete at the end of the week.

**2. Council Budget Workshop Meeting date announced.**

Brett McGuire announced Saturday, August 8, 2009 will be the Budget Workshop meeting date. Meeting will begin at 8:30 a.m. in the City Hall Conference Room.

**3. Joint Council/P&Z Meeting needed for Tuesday, August 18<sup>th</sup>.**

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

**b. EDC Coordinator Reports.**

**1. Next EDC meeting date announced.**

Jami Woodall noted the next EDC meeting will be on Thursday, July 16, 2009.

**2. EDC Quarterly Report.**

Jami Woodall had nothing to add to the EDC quarterly report that was submitted in the packets.

**c. HR/Risk Management Reports.**

**1. Blood Drive date announced.**

Danielle Hackbusch announced there will be a blood drive on Wednesday, July 29, 2009 at the Council Chambers. She encouraged everyone to sign up.

**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.**

*There was no Executive Session.*

**14. Reconvene into Regular Session:**

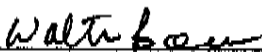
- a. Take any action necessary pursuant to Executive Session Items as listed above.**

*There was no Executive Session.*


**15. Adjournment.**

There being no further business, Mayor Walter Bowen closed the Council meeting at 7:41 p.m.

APPROVED:

  
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 Walter Bowen, Mayor

ATTEST:

  
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 Linda Rhodes, TRMC/CMC  
 City Secretary