

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

Dr. Jerry Locke gave invocation and attendees recited the pledge of allegiance.

3. Roll Call.

Council members present were Mayor Walter Bowen, Myrt Fowlkes, Perry Lunsford, Dona Stuard, Pat O. Hill, Geoffrey White and Clint Narmore. Eugene Brooks (resigned) was not present.

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; Jamye Sexton, Public Works Director; Barry Barber, Building Official; Lara Strother, Library Director; Mark Ramsey, IT Manager; Natacha Schwarz, Municipal Court Coordinator; 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 February 10, 2009.**
- b. **Approval of Finance Reports for the month of February 2009.**

Dona Stuard 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.

5. Presentations:

- a. **Proclamations/Awards/Presentations.**

1. *Poison Prevention Week* Proclamation.

Mayor Bowen acknowledged that the week of March 15-21, 2009 is proclaimed as Poison Prevention Week. No representative was present to accept the proclamation; therefore, it shall be mailed to the North Texas Poison Center.

b. Citizen/Visitor Comments.

There were no Citizen/Visitor Comments.

6. Public Hearing/Action Items.

Mayor Bowen opened the Public Hearing at 6:34 p.m. and closed it at 6:35 p.m.

a. Public Hearing/Action to consider Ordinance #904, Planning and Zoning Case #PZ09-01, the request of Pep Boys, Manny, Moe, & Jack, by revising a combined development and site plan, as approved by Ordinance #861, to take away the approved outside display/storage area and restore them to regular parking spaces on Abstract 1741, Tract 1V01 & 1V02, Jacob Wilcox Survey, Lake Worth, Tarrant County, Texas, property commonly known as 6500 Lake Worth Boulevard.

Suzanne Meason explained that Pep Boys is asking for their outside display/storage area to be changed back to regular parking spaces and to also approve the storage building that is encroaching into the side building setback line. The Planning and Zoning Commission has heard this case and recommends approval. There were no other persons in the audience wishing to speak on this public hearing item.

Myrt Fowlkes made a motion, seconded by Geoffrey White, to approve Ordinance #904, P & Z Case #PZ09-01, for the request of Pep Boys, Manny, Moe, & Jack, by revising a combined development and site plan, as approved by Ordinance #861, to take away the approved outside display/storage area and restore them to regular parking spaces on Abstract 1741, Tract 1V01 & 1V02, Jacob Wilcox Survey, Lake Worth, Tarrant County, Texas, property commonly known as 6500 Lake Worth Boulevard. Motion passed with all that were present voting in favor and none opposed.

7. Ordinances/Resolutions:

a. Approval of Ordinance #905 for a 1.8% rate increase in Residential Solid Waste Service and approval of a 1.8% rate increase in Commercial Solid Waste Service.

Brett McGuire noted that, per contract, IESI could ask up to a 4% rate increase annually. IESI is only asking for a 1.8% rate increase this year. Mr. Paul Hanson with IESI was present to answer any questions Council might have had.

Clint Narmore made a motion, seconded by Dona Stuard, to approve Ordinance #905 for a 1.8% residential solid waste rate increase and to approve a 1.8% commercial solid waste rate increase. Motion passed with all that were present voting in favor and none opposed.

b. Ordinance #906- Adopting a Budget Amendment to the FY 2008/2009 Operating Budgets for the Water/Sewer and Debt Service Funds to appropriately reflect Transfers-In for, and payment made on the 1997 A & B Certificates of Obligation.

Debbie Whitley explained that for the Water/Sewer fund, additional revenues (transfers-in from EDC) would increase by \$329,942 and expenses would increase by the same amount. For the Debt Service fund, revenues (transfers-in from EDC) would decrease by \$329,942 and expenses would decrease by the same amount (principal and interest). This amendment would have a zero net effect on both the Water/Sewer and Debt Service funds.

Geoffrey White made a motion, seconded by Perry Lunsford, to approve Ordinance #906. Motion passed with all that were present voting in favor and none opposed.

c. Ordinance #907- Authorizing the issuance of City of Lake Worth, Texas, General Obligation Refunding Bonds, Series 2009.

Debbie Whitley explained that by refunding the 1997A, 1997B, and 1999 Certificates of Obligation, the City can obtain a better interest rate on the remaining outstanding debt and realize a savings over the next 10 years. Tom Shirey, with Consolidated Financial Advisory, Inc. informed Council that the savings, over a 10 year period, would be about \$255,262.29. The current bond rating is very good, a triple A.

Pat Hill made a motion, seconded by Myrt Fowlkes, to approve Ordinance #907. Motion passed with all that were present voting in favor and none opposed.

d. Resolution #903- Amend Personnel Policy Manual- FMLA & Military Differential Pay.

Danielle Hackbusch noted that an amendment is needed to the personnel policy manual to reflect available documents needed to calculate Military Differential Pay in Section 5.06 and to reflect the most current FMLA laws to section 5.08. The revisions have been reviewed and approved by the City Attorney's office.

Perry Lunsford made a motion, seconded by Dona Stuard, to approve Resolution #903 amending the Military Differential Pay and FMLA sections of the Personnel Policy Manual. Motion passed with all that were present voting in favor and none opposed.

8. Contracts/Agreements.

a. Consideration of Approving a Financial Service Agreement with Consolidated Financial Advisory Inc. for the purposed of providing services related to the issuance of City of Lake Worth, Texas, General Obligation Refunding Bonds, Series 2009.

Debbie Whitley explained that at the February 10, 2009 Council meeting the city passed resolutions authorizing Consolidated Financial Advisory Inc to proceed with matters pertaining to the refunding of 1997A, 1997B, and 1999 Certificates of Obligation in order to realize a savings over a 10 year period. This Financial Services Agreement is basically the same as approved in 2008. There is a \$6,900 up front cost.

Clint Narmore made a motion, seconded by Myrt Fowlkes, to authorize the City Manager to execute the Financial Services Agreement with Consolidated Financial Advisory, Inc. for services relating to the issuance of General Obligation Refunding Bonds, Series 2009. Motion passed with all that were present voting in favor and none opposed.

b. Consideration of Approving an Agreement with engineers Kimley-Horn and Associates, Inc. for the civil design and construction plans for the new Animal Control Facility.

Jamye Sexton explained that the proposed agreement with Kimley-Horn is for the design of civil and construction plans for the new Animal Control Facility. Since this facility will be located next to the Comanche Drainage (of which Kimley-Horn designed) and Shawnee Bridge projects, it makes the civil design much more difficult. Staff

requests the civil design agreement be prepared outside of the architect's contract. This proposed agreement is for an amount of \$24,400, which will cover the cost of the entire project from design through construction.

Geoffrey White made a motion, seconded by Myrt Fowlkes, to approve the agreement with Kimley-Horn for the civil design and construction of the new Animal Control Facility in the amount of \$24,400. Motion passed with all that were present voting in favor and none opposed.

9. Bids, Proposals, and Specifications.

There were no Bids, Proposals, and Specifications Items.

10. Discussion/Action Items:

a. Approval of Annual Audit for year ended September 30, 2008 as submitted by Snow, Garrett and Company.

Gaylyn Mendoza, representative of Snow, Garrett and Company, reported to Council regarding the fiscal year end September 30, 2008 audit. Overall it was a good report, good processes are being followed, and nothing was found to be of concern.

Pat Hill made a motion, seconded by Clint Narmore, to approve the annual audit for fiscal year ended September 30, 2008 as submitted by Snow, Garrett and Company. Motion passed with all that were present voting in favor and none opposed.

b. Discussion/Action regarding Landscape/Monument Project at Azle Avenue and Lake Worth Boulevard.

Brett McGuire explained that Council Member Lunsford had requested staff to re-visit the landscape project at Azle/SH199 and investigate options with the project. This project, part of the "Destination Lake Worth" study and Oak Tree Project in 2005, was at that time bid out for approximately \$90,000. A request for grant funding was forwarded to TXDot and was turned down. Brett has tried to contact Mr. Perry with TXDot and has not been able to even leave a message for him. Council consensus was to re-visit the project and to check further on obtaining TXDot approval.

Perry Lunsford made a motion, seconded by Pat Hill, to direct staff to move forward and re-open the Landscape/Monument Project at Azle

Avenue and Lake Worth Boulevard. 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.

Mayor Bowen stated that, as an alternate on the Tarrant County ranking committee, he was called about an hour prior to their meeting to fill in for someone and he was unable to attend on such short notice. At this time, he has not heard the results of the ranking.

b. Council Appointment Committee Report.

Mayor Bowen asked that the committee set up another meeting just after the deadline for receiving applications for the Council Member Place #1, which is Friday, March 13, 2009, and prior to the Council meeting set up to discuss the actual appointment, which is Monday, March 23, 2009. Tentative committee meeting date set was Monday, March 16, 2009, at 4:30 p.m.

12. City Manager and Staff Reports:

a. City Manager Reports.

1. Special Council Meeting date set for Monday, March 23, 2009 regarding appointment of Council Place #1.

Brett McGuire noted there would be a Public Hearing/Special Council meeting on Monday, March 23, 2009, at 6:30 p.m. The Public Hearing is for a Drought Contingency and Emergency Water Management Plan and the special meeting is to discuss the appointment of Council Member Place #1.

2. Joint Council/LWISD Meeting date set for Tuesday, March 24, 2009.

Brett McGuire noted there is a Joint Council/LWISD Board of Trustees meeting scheduled for Tuesday, March 24, 2009, at 6:30 p.m. at 6805 Telephone Road.

3. Foster House Project Update.

Brett McGuire said staff is scheduled to meet with the City Attorneys tomorrow to discuss the contract for the Foster House Project.

4. City Recycling Options.

Brett McGuire reported that he has received requests for recycling in the city; therefore, recycling options will be brought forth later for Council to look at and consider.

b. Staff Reports.

1. Building Official: Report on Substandard Property at 3109 Pueblo Trail.

Barry Barber updated Council that the new property owner, Tere Carter, has been working very hard in making repairs to the property and she has made great progress. Her intent is to be finished within 30 days.

2. Municipal Court Coordinator: Warrant Round Up Information. Natacha Schwarz reported that there will be a warrant round up this Saturday, March 14, 2009.

3. City Engineers: Update on Edgemere Lift Station Project. Aaron Rader noted that the power has been connected and a "walk through" is scheduled for next Tuesday for the project.

4. City Engineers: Update on Tarrant County 34th Year CDBG Project for Dakota Trail Sanitary Sewer Replacement. Aaron Rader stated that construction is scheduled to start on Monday, March 23, 2009 and is about a 28 day project.

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.

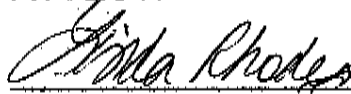
There being no further business, Mayor Walter Bowen closed the Council meeting at 7:20 p.m.

APPROVED:



 Walter Bowen, Mayor

ATTEST:



 Linda Rhodes, TRMC/CMC
 City Secretary