

**CITY OF LAKE WORTH
Minutes for
Joint City Council and
Planning and Zoning Commission (P&Z)
Public Hearing/Regular Meeting
Tuesday, May 19, 2009
3801 Adam Grubb • Lake Worth, Texas
6:30 P.M. – Council Chambers**

1. Call to Order City Council and Planning and Zoning Commission.

Mayor Walter Bowen called the Council meeting to order at 6:30 p.m. and Chairman Earl Fowlkes called the Planning and Zoning Commission 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 for City Council and Planning and Zoning Commission and introduction of Assistant City Manager.

Council members present were Mayor Walter Bowen, Curtis McKay, Myrt Fowlkes, Perry Lunsford, Dona Stuard, Pat O. Hill, Geoffrey White and Clint Narmore.

Planning and Zoning Commission members present were Chairman Earl Fowlkes, Jerri Wanser, Jeannie Turley, Theresa Riley, Phylis Hatley, and Herbert Reeves. Troy Jones was absent.

Staff present were Brett McGuire, City Manager; Kenneth West, Assistant City Manager; Linda Rhodes, City Secretary; Dave Tatsak, Chief of Police; Debbie Whitley, Finance Director; Jami Woodall, EDC Coordinator; Suzanne Meason, Planning and Zoning Coordinator; Lara Strother, Library Director; Mark Ramsey, IT Manager; Barry Barber, Building Official; Andrew Ailara, Fire Marshal; Cheryl Vess, Community Activities Director; and Danielle Hackbusch, HR/Risk Management. City Attorney Jenny Gravley and City Engineer Aaron Rader were present. Introduction of the new Assistant City Manager, Kenneth West was given by Mayor Bowen.

4. Approval of Resolution #905- Canvass the returns of the May 9, 2009 General Election and declaring the Results of said election.

Perry Lunsford made a motion, seconded by Pat Hill, to approve Resolution #905 canvassing the returns of the May 9, 2009 general election. Motion passed with all Council members voting in favor and none opposed.

5. Issue Certificates of Election and Administer Oath of Office to Elected Officials.

Mayor Pro-Tem Clint Narmore issued the Certificate of Election to re-elected Mayor Walter Bowen.

Mayor Bowen issued Certificates of Election to re-elected Council Members: Myrt Fowlkes, Place 2; Dona Stuard, Place 4; and Geoffrey White, Place 6.

Linda Rhodes, City Secretary, administered the Oath of Office to all four re-elected officials.

6. Council Consent Agenda:

- a. **Approval of minutes for the Joint City Council/Planning and Zoning Commission Public Hearing/Regular meeting on April 14, 2009.**
- b. **Approval of Finance Reports for the month of April 2009.**
- c. **Approval of Ordinance #917- Amending Park Facility Usage Fee Schedule.**
- d. **Annual Approval of Resolution #906- Investment Policy and Investment Strategy.**

Geoffrey White made a motion, seconded by Clint Narmore, to approve the Council Consent Agenda. Motion passed with all Council members voting in favor and none opposed.

7. Planning and Zoning Commission Consent Agenda:

- a. **Approval of minutes for the Joint Planning and Zoning Commission/City Council Public Hearing/Regular meeting on April 19, 2009.**

Jeannie Turley made a motion, seconded by Theresa Riley, to approve the Planning and Zoning Commission Consent Agenda. Motion passed with all P&Z members that were present voting in favor and none opposed.

8. Presentations:

a. Proclamations/Awards/Presentations.

1. Presentation to Retired Council Member Place 1, Eugene Brooks.

Mayor Bowen presented Eugene Brooks with a plaque in appreciation for his years of service on the city council.

2. Proclamation acknowledging the 2010 United States Census as a top priority.

Mayor Bowen presented the proclamation to Jennifer Pope, U.S. Census representative.

3. Presentation by the United States Census Bureau regarding the 2010 Census.

Jennifer Pope and Minh Dinh, U.S. Census representatives gave a short power point presentation on the upcoming 2010 census. Ms. Pope stated they were pleased with the City of Lake Worth's past participation rate of 74% in the 2000 census and they encouraged the City to try to increase that number. Their main objective is to promote participation in the upcoming census by expressing that it is easy, important, and safe. To help accomplish this, a Complete Count Committee will be formed.

b. Citizen/Visitor Comments.

There were no Citizen/Visitor Comments.

9. Planning and Zoning Commission and City Council Public Hearing/Action Items.

Mayor Bowen opened the Council Public Hearing at 6:50 p.m. and Chairman Earl Fowlkes opened the P&Z Public Hearing at 6:50 p.m.

- a. Public Hearing/Action to consider Ordinance #911, Planning and Zoning Case #PZ09-03, the request of Taco Cabana for the use and operation of a Restaurant (Site Plan Amendment) on Block 1, Lot 9, Lake Worth Towne Crossing Addition, Lake Worth, Tarrant County, Texas, property known as 6552 Lake Worth Blvd.**

Earl Fowlkes stated that Taco Cabana will be adding an outdoor patio area of approximately 275 square foot and is keeping the paving variance as it was originally approved with the site plan for Steak-N-Shake. There were no public comment forms turned in regarding this project. There were no persons wishing to speak on this item during the P&Z portion of the public hearing.

Chairman Earl Fowlkes closed the P&Z Public Hearing at 6:52 p.m.

Jeannie Turley made a motion, seconded by Herbert Reeves, to approve #PZ09-03 for a Taco Cabana restaurant on Block 1, Lot 9, Lake Worth Town Crossing Addition, property known as 6552 Lake Worth Blvd. Motion passed with all P&Z members that were present voting in favor and none opposed.

Mark Cramer, Taco Cabana representative, was present to support his request.

Mayor Bowen closed the Council Public Hearing at 6:54 p.m.

Dona Stuard made a motion, seconded by Myrt Fowlkes, to approve Ordinance #911, #PZ09-03, for a Taco Cabana restaurant on Block 1, Lot 9, Lake Worth Town Crossing Addition, property known as 6552 Lake Worth Blvd. Motion passed with all Council members voting in favor and none opposed.

Mayor Bowen opened the Council Public Hearing at 6:55 p.m. and Chairman Earl Fowlkes opened the P&Z Public Hearing at 6:55 p.m.

- b. Public Hearing/Action to consider Ordinance #912, Planning and Zoning Case #PZ09-04, the request of LBL Architects for Tarrant County for the use and operation of Government Facilities and a Combined Development/Site Plan with requested variances to the parking requirement, front building setback, sign location(s), building height, and fire lane requirements on Block 1, Lot A, NW Sub-Courthouse Addition, Lake Worth, Tarrant County, Texas, property known as 6713 Telephone Road.**

Earl Fowlkes noted there was one public comment form returned and it was in favor of this project.

David Phillips, Tarrant County representative, stated the County has outgrown the current facility, which was built in the mid 1970-s. The project consists of a new proposed 3-story building, landscaping improvements, widening Telephone Road in front of their property, and burying utilities. If approved, they will go out for bids in June and hope to have everything complete by the first quarter of 2011. Myrt Fowlkes asked about saving the large oak tree on the property. Mr. Phillips stated chances are that it would not live if relocated and it is supposed to be removed, but they could revisit that issue.

Chairman Earl Fowlkes closed the P&Z Public Hearing at 7:06 p.m.

Jeannie Turley made a motion, seconded by Phylis Hatley, to approved #PZ09-04 for the request of LBL Architects for Tarrant County for the use and operation of government facilities and a combined development/site plan with requested variances to the parking requirement, front building setback, sign location(s), building height, and fire lane requirements on Block 1, Lot A, NW Sub-Courthouse Addition, property known as 6713 Telephone Road. Motion passed with all P&Z members that were present voting in favor and none opposed.

Mayor Bowen closed the Council Public Hearing at 7:07 p.m.

Geoffrey White made a motion, seconded by Dona Stuard, to approve Ordinance #912, #PZ09-04, for the request of LBL Architects for Tarrant County for the use and operation of government facilities and a combined development/site plan with requested variances to the parking requirement, front building setback, sign location(s), building height, and fire lane requirements on Block 1, Lot A, NW Sub-Courthouse Addition, property known as 6713 Telephone Road. Motion passed with Council members voting in favor and none opposed.

Mayor Bowen opened the Council Public Hearing at 7:07 p.m. and Chairman Earl Fowlkes opened the P&Z Public Hearing at 7:07 p.m.

- c. Public Hearing/Action to consider Ordinance #913, Planning and Zoning Case #PZ09-05, the request of Canyon Lake Worth- Lot 9 LLC for the use and operation of a Retail Center, amending the list of allowable uses and keeping the variance as was originally approved for the monument sign location on Block 1, Lot 9, Ritchie Brothers Addition, Lake Worth, Tarrant County, Texas, property known as 6076 Azle Avenue.**

Earl Fowlkes noted there was one public comment form returned and it was against the proposed change. There were no persons wishing to speak on this public hearing item.

Chairman Earl Fowlkes closed the P&Z Public Hearing at 7:09 p.m.

Phylis Hatley made a motion, seconded by Jeannie Turley, to approve #PZ09-05, the request of Canyon Lake Worth-Lot 9 LLC for the use and operation of a retail center amending the list of allowable uses and keeping the variance as was originally approved for the monument sign location on Block 1, Lot 9, Ritchie Brothers Addition, Lake Worth, Tarrant County, Texas, property known as 6076 Azle

Avenue. Motion passed with all P&Z members that were present voting in favor and none opposed.

Mayor Bowen closed the Council Public Hearing at 7:10 p.m.

Myrt Fowlkes made a motion, seconded by Perry Lunsford, to approve Ordinance #913, #PZ09-05, the request of Canyon Lake Worth-Lot 9 LLC for the use and operation of a retail center amending the list of allowable uses and keeping the variance as was originally approved for the monument sign location on Block 1, Lot 9, Ritchie Brothers Addition, Lake Worth, Tarrant County, Texas, property known as 6076 Azle Avenue. Motion passed with all Council members voting in favor and none opposed.

Mayor Bowen opened the Council Public Hearing at 7:11 p.m. and Chairman Earl Fowlkes opened the P&Z Public Hearing at 7:11 p.m.

d. Public Hearing/Action to consider Ordinance #914, Planning and Zoning Case #PZ09-06, the request of the City of Lake Worth for a zoning district change of certain properties within the SF-1 – Single Family Zoning District to PC – Planned Commercial Zoning District on Block 33, Lot 14R, Indian Oaks Subdivision, Lake Worth, Tarrant County, Texas, property known as 7209 Comanche Trail.

Earl Fowlkes stated there were two public comment forms returned; one was in favor and the other was against the proposed change.

Pam Cozart, owner of the vacant lot at 7216 Comanche Trail spoke against the Animal Control Facility being built by her property. She would like to build homes on her property some day, and feels that this would cause her property value to decrease; she said no one would want to live by an animal control facility. Brett McGuire explained that this was the best location for the facility based on a consultant's study. There will be a dog walk, but it will face the city property. The building will be nice and meet masonry requirements. It will have more of a residential look and will aesthetically blend in.

Chairman Earl Fowlkes closed the P&Z Public Hearing at 7:21 p.m.

Jeannie Turley made a motion, seconded by Jerri Wanser, to approve #PZ09-06, the request of the City of Lake Worth for a zoning district change of certain properties within the SF-1 – Single Family Zoning District to PC – Planned Commercial Zoning District on Block 33, Lot 14R, Indian Oaks Subdivision, Lake Worth, Tarrant County, Texas, property known as 7209 Comanche Trail. Motion passed with

all P&Z members that were present voting in favor and none opposed.

Jim Lomerson, of 7001 Comanche Trail, spoke against the Animal Control Facility being built at this location due to drainage issues. Staff and the city engineer explained the complex joint effort with the City of Fort Worth and TXDoT to work on the Comanche Creek Drainage project.

Mayor Bowen closed the Council Public Hearing at 7:31 p.m.

Perry Lunsford made a motion, seconded by Curtis McKay, to approve Ordinance #914, #PZ09-06, the request of the City of Lake Worth for a zoning district change of certain properties within the SF-1 – Single Family Zoning District to PC – Planned Commercial Zoning District on Block 33, Lot 14R, Indian Oaks Subdivision, Lake Worth, Tarrant County, Texas, property known as 7209 Comanche Trail. Motion passed with all Council members voting in favor and none opposed.

Mayor Bowen opened the Council Public Hearing at 7:33 p.m. and Chairman Earl Fowlkes opened the P&Z Public Hearing at 7:33 p.m.

- e. Public Hearing/Action to consider Ordinance #915, Planning and Zoning Case #PZ09-07, the request of the City of Lake Worth for a zoning district change of certain properties within the PC – Planned Commercial Zoning and PI – Planned Industrial Zoning District to PC – Planned Commercial Zoning District on Block 1, Lot 1, Charbonneau Addition, Lake Worth, Tarrant County, Texas, property known as 7005 Charbonneau.**

Earl Fowlkes stated there were three public comment forms returned; all were against the proposed change.

Mr. Lomerson expressed again that he was against the building of the city facilities at these locations.

Chairman Earl Fowlkes closed the P&Z Public Hearing at 7:41 p.m.

Jeannie Turley made a motion, seconded by Phylis Hatley, to approve #PZ09-07, the request of the City of Lake Worth for a zoning district change of certain properties within the PC – Planned Commercial Zoning and PI – Planned Industrial Zoning District to PC – Planned Commercial Zoning District on Block 1, Lot 1, Charbonneau Addition, Lake Worth, Tarrant County, Texas, property

known as 7005 Charbonneau. Motion passed with all P&Z members that were present voting in favor and none opposed.

Mayor Bowen closed the Council Public Hearing at 7:42 p.m.

Geoffrey White made a motion, seconded by Clint Narmore, to approve Ordinance #915, #PZ09-07, the request of the City of Lake Worth for a zoning district change of certain properties within the PC – Planned Commercial Zoning and PI – Planned Industrial Zoning District to PC – Planned Commercial Zoning District on Block 1, Lot 1, Charbonneau Addition, Lake Worth, Tarrant County, Texas, property known as 7005 Charbonneau. Motion passed with all Council members voting in favor and none opposed.

Mayor Bowen opened the Council Public Hearing at 7:42 p.m. and Chairman Earl Fowlkes opened the P&Z Public Hearing at 7:42 p.m.

f. Public Hearing/Action to consider Ordinance #916, Planning and Zoning Case #PZ09-08, the request of the City of Lake Worth for the use and operation of a City Animal Control Facility and a Combined Development/Site Plan with requested variances to the parking requirements, front building setback requirement, and the driveway distance requirement on Block 33, Lot 14R, Indian Oaks Subdivision, Lake Worth, Tarrant County, Texas, property known as 7209 Comanche Trail.

Earl Fowlkes stated there were two public comment forms returned; one was in favor and the other was against the proposed change. There were no persons wishing to speak during this public hearing item.

Chairman Earl Fowlkes closed the P&Z Public Hearing at 7:45 p.m.

Theresa Riley asked about the building set back of 25' versus 30'. Aaron Rader explained it was due to the creek location. Herbert Reeves asked if the development would increase run off. Aaron stated only slightly, but the creek can handle it. Geoffrey White asked if the majority of water originated from Fort Worth; staff indicated it does. Mr. Lomerson stated that Lake Worth was nothing but concrete.

Jerri Wanser made a motion, seconded by Herbert Reeves, to approve #PZ09-08, the request of the City of Lake Worth for the use and operation of a City Animal Control Facility and a Combined Development/Site Plan with requested variances to the parking

requirements, front building setback requirement, and the driveway distance requirement on Block 33, Lot 14R, Indian Oaks Subdivision, Lake Worth, Tarrant County, Texas, property known as 7209 Comanche Trail. Motion passed with all P&Z members that were present voting in favor and none opposed.

Mayor Bowen closed the Council Public Hearing at 7:51 p.m.

Perry Lunsford made a motion, seconded by Dona Stuard, to approve Ordinance #916, #PZ09-08, the request of the City of Lake Worth for the use and operation of a City Animal Control Facility and a Combined Development/Site Plan with requested variances to the parking requirements, front building setback requirement, and the driveway distance requirement on Block 33, Lot 14R, Indian Oaks Subdivision, Lake Worth, Tarrant County, Texas, property known as 7209 Comanche Trail. Motion passed with all Council members voting in favor and none opposed.

10. Adjourn the Planning and Zoning Commission.

Chairman Earl Fowlkes adjourned the P&Z at 7:52 p.m.

11. Ordinances/Resolutions:

There were no Ordinances/Resolutions Items.

12. Contracts/Agreements.

There were no Contracts/Agreements Items.

13. Bids, Proposals, and Specifications.

There were no Bids, Proposals, and Specifications Items.

14. Council Discussion/Action Items:

a. Selection of a Mayor Pro-Tem.

Perry Lunsford nominated Geoffrey White for Mayor Pro-Tem. Geoffrey White nominated Clint Narmore. Mayor Bowen explained that the selection would be made by a show of hands. Voting for Geoffrey White as Mayor Pro-Tem was Clint Narmore. Voting for Clint Narmore as Mayor Pro-Tem were Curtis McKay, Myrt Fowlkes, Perry Lunsford, Dona Stuard, Pat Hill, and Geoffrey White. Clint Narmore, having the most votes, was selected as Mayor Pro-Tem.

15. Mayor and Council Items.

a. Update on Tarrant County Mayor's Council.

b. Update on Fort Worth Historical meeting by Council Members Myrt Fowkes and Dona Stuard.

There was no information to report for either item.

16. City Manager and Staff Reports:

a. City Manager Reports.

1. Foster House Project Update.

Brett McGuire reported that Asbestos Abatement bids have been advertised and are being taken.

2. Town Hall meeting date scheduled for Thursday, May 21, 2009 at 6:30 p.m. at the Effie Morris Elementary cafeteria regarding recycling options.

3. Report on Vehicle Idling educational brochures.

As a result of the recent resolution approved on vehicle idling, educational brochures are available at city hall and the police department.

b. Staff Reports.

1. EDC Coordinator:

a. EDC Board Appointments.

Jami Woodall stated there will be an EDC meeting on Thursday, June 4, 2009.

2. Fire Chief:

a. Update on MedStar.

Andrew Ailara gave a brief update to Council. Mayor Bowen inquired if there has been any discussion on changing to a different ambulance system; Andrew stated there has not been any at this time.

Mayor Bowen closed Open Session to go into Executive Session pursuant to Section 551.071 at 7:58 p.m.

17. 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 Executive Session to reconvene into Open Session at 8:10 p.m.

18. Reconvene into Regular Session:

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

There was no action taken.

19. Adjourn City Council.


There being no further business, Mayor Walter Bowen closed the Council meeting at 8:10 p.m.

APPROVED:



Walter Bowen, Mayor

ATTEST:



Linda Rhodes, TRMC/CMC
City Secretary