

CITY OF LAKE WORTH
Minutes for
City Council Public Hearing/Regular Meeting
Tuesday, August 9, 2016
6:30 P.M. – Council Chambers
3805 Adam Grubb • Lake Worth, Texas

1. Call to Order.

Mayor Walter Bowen called the Council meeting to order at 6:30 p.m.

2. Invocation and Pledge of Allegiance.

Pastor Zach Hatton gave invocation. Attendees recited the pledge of allegiance.

3. Roll Call.

Council members present were Mayor Walter Bowen, Jim Smith, Geoffrey White, Gene Ferguson, Ronny Parsley, Pat O. Hill, Gary Stuard, and Clint Narmore.

Staff present was Brett McGuire, City Manager; Debbie Whitley, Assistant City Manager/Director of Finance; Linda Rhodes, City Secretary; Jimmy Womack, Chief of Police; Jami Woodall, EDC Coordinator; Suzanne Meason, Planning and Zoning Coordinator; and Sean Densmore, Public Works Director. City Attorney Drew Larkin and City Engineer Misty Christian were present.

4. Consent Agenda:

- a. **Approval of minutes for the City Council Public Hearing/Regular meeting on July 12, 2016.**
- b. **Approval of Finance Reports for the month of July 2016.**
- c. **Approve scheduling the Public Hearing on the Proposed Budget for FY 2016/2017 to be held on Tuesday, September 13, 2016.**

Ronny Parsley made a motion, seconded by Gene Ferguson, to approve the Consent Agenda as presented. Motion passed with all voting in favor and none opposed.

5. Presentations:

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

There were no Proclamation/Award/Presentation Items.

- b. **Citizen/Visitor Comments.**

There were no Citizen/Visitor Comment Items.

6. Public Hearing/Action Items.

- a. **Public Hearing/Action regarding the Crime Control and Prevention District (CCPD) Proposed Budget for FY 2016/2017.**

Mayor Walter Bowen opened the Public Hearing at 6:32 p.m.

Chief Womack noted that there are no changes in the CCPD proposed budget for FY 2016/2017 than as presented and approved by the CCPD board.

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

Mayor Walter Bowen closed the Public Hearing at 6:33 p.m.

Geoffrey White made a motion, seconded by Pat Hill, to approve the Crime Control and Prevention District (CCPD) proposed budget for FY 2016/2017. Motion passed with all voting in favor and none opposed.

- b. Public Hearing/Action to consider Ordinance #1066, which is Planning and Zoning Case #PZ15-10, an ordinance approving a site plan for a Convenience Store with a Fuel Station (the use and development plan for this property has already been approved via Ordinance #1057 on November 10, 2015) for Lot 1, Spurgeon-Walton Addition, Lake Worth, Tarrant County, Texas; property is commonly known as 6781 Lake Worth Blvd.**

Mayor Walter Bowen opened the Public Hearing at 6:33 p.m.

Suzanne Meason explained that this ordinance is to approve a site plan for a Murphy Express Oil convenience store and gas station. The land use and development plan were previously approved, as well as a variance to the distance requirement for alcohol sales near the school. She noted that Mr. Hamilton Williams with GreenbergFarrow was present on behalf of the owner Murphy Oil USA.

Mr. Williams indicated he had nothing additional to add. He thanked staff for all their help with this process and indicated he would be happy to answer any questions Council might have. There were no questions.

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

Mayor Walter Bowen closed the Public Hearing at 6:36 p.m.

Jim Smith made a motion, seconded by Clint Narmore, to approve Ordinance #1066, which is Planning and Zoning Case #PZ15-10, approving a site plan for a Convenience Store with a Fuel Station for Lot 1, Spurgeon-Walton Addition; property known as 6781 Lake Worth Blvd. Motion passed with all voting in favor and none opposed.

7. Ordinances and Resolutions.

There were no Ordinance and Resolution Items.

8. Contracts/Agreements.

- a. Consider approval of an Interlocal Agreement with Fort Worth participating in their Environmental Collection Center (ECC) Household Hazardous Waste Program for FY 2016/2017 and to authorize the City Manager to sign the document.**

Brett McGuire noted this is basically the same agreement as approved for the past three (3) years. No significant changes have been made; the price (\$47.00)

and conditions stayed the same. In the past three (3) years, this service has only been used twice. This service is no cost to the City; the fee is a pass through charge to the resident that uses the service. The resident pays our City the fee and is issued a voucher that must be presented upon disposal of the waste. The City of Fort Worth then bills our City.

Gary Stuard made a motion, seconded by Ronny Parsley, to approve an Interlocal Agreement for participation in the Environmental Collection Center (ECC) Household Hazardous Waste Disposal Program for FY 2016/2017 with the City of Fort Worth and to authorize the City Manager to sign the document. Motion passed with all voting in favor and none opposed.

b. Consider approval of an Economic Development and Performance Agreement between the Lake Worth Economic Development Corporation and Landon Banks Enterprises, LLP.

Jami Woodall explained that Landon Banks is working on a project on Azle Avenue and Paul Meador to build a medical/retail office building. He is requesting participation from the Economic Development Corporation (EDC) to install a fourth traffic light at the intersection of Paul Meador and Azle Avenue to make that a four-way traffic light. The EDC board met on July 28, 2016 and recommends approval. She noted that Mr. Banks was present to answer any questions Council might have. Brett McGuire added that an Opinion of Probably Construction Cost (OPCC) from Kimley-Horn was attached to this agenda item.

Landon Banks indicated he appreciated Council's consideration of his request. He is also representing Dr. Pendleton, the land owner. The new building will be primarily an orthopedic surgery office. The owner wishes to expand his business and use all of the building, but may need to lease part of it out temporarily at first until he is able to fully expand. Mr. Banks indicated that the owner is willing to fund some of the expense in order to have an additional traffic light installed to simplify the access in and out of the property and to ease the traffic flow.

Gary Stuard made a motion, seconded by Gene Ferguson, to accept the EDC Board's recommendation to approve an Economic Development and Performance Agreement between the Lake Worth Economic Development Corporation and Landon Banks Enterprises, LLP for reimbursement of up to 25% (not to exceed \$20,000) of the costs associated with the traffic light installation at Paul Meador and Azle Avenue contingent upon an approved Certificate of Occupancy and proof of costs; and to authorize the City Manager to execute the agreement. Motion passed with all voting in favor and none opposed.

9. Bids, Proposals, and Specifications.

There were no Bid, Proposal, and Specification Items.

10. Discussion/Action Items.

a. Discussion/Action regarding a request by the Northwest Lion's Club to hold a rodeo at the Lake Worth City Park, to allow alcohol sales during the event and to occupy the park past 11:00 p.m. and to authorize the City Manager to enter into an agreement with John Kelly Clark regarding the rodeo event.

Brett McGuire noted that this request is similar to the ones submitted in the past. The Lion's Club would like to start the event on Friday evening with a bull riding event, carnival rides, and to promote the events for Saturday. They are requesting a variance on the park hours to allow time to clean up after the rodeo events close at 10:00 p.m. Also, they are requesting a variance to allow vendors to sell alcohol during the event. Staff was informed that someone from the Lion's Club would be present at the Council meeting; however, there was no one present. Council Member Smith inquired about the closing time. Mr. McGuire said the events will close at 10:00 p.m., but since no one is supposed to occupy the park after 10:00 p.m., they are requesting time after the event closes to allow vendors time to break down and pick up everything. The rodeo and carnival equipment will be removed a little later in the week. Council Member Smith wanted to know what Chief Womack thought about them staying later. Chief Womack noted that during the meeting which was held with staff and everyone involved with the event, he felt there was a clear understanding everything would shut down at 10:00 p.m. and that everyone would need to be vacated by 11:00 p.m. Last year there was a little confusion as to the timing, but those issues have all been addressed by the City Manager.

Geoffrey White made a motion, seconded by Jim Smith, to approve the use of the Lake Worth City Park for the Northwest Lion's Club rodeo event on Friday (evening) October 7, 2016 and Saturday, October 8, 2016, to allow the consumption of alcohol in the park during the special event, to allow them to occupy the park past 11:00 p.m., and to authorize the City Manager to enter into an agreement with John Kelly Clark regarding the rodeo event. Motion passed with all voting in favor and none opposed.

b. Consideration of a request from Allen Wholesale Foods to have a Temporary Event at 6500 Lake Worth Blvd. (PepBoys) benefitting the Tarrant Area Food Bank.

Suzanne Meason noted that Allen Wholesale Foods is requesting to have a temporary event for frozen meat sales and to donate 10% of their gross sales to the Tarrant Area Food Bank. According to Section 14.605 "Temporary Uses and Events" of the City Code, the sale of food/drinks is not an allowable temporary use; therefore, they are requesting their request be heard by Council. The event is requested to take place from August 22, 2016 through September 4, 2016 from 10:30 a.m. to 8:00 p.m. During those times they would set up tents and a trailer, of which have freezers with their meat in them. Each evening everything would be packed up and taken away and then re-set up each morning for the duration

of the temporary event. Kate Allen with Allen Wholesale Foods was present to answer any questions Council may have.

Ms. Kate Allen addressed Council and stated she thought Section 14.605 (b) (5) would apply to her request for a temporary event. She went on to explain about her business and how it is a reputable one that provides a safe product. Mayor Bowen commented he felt that approving this request would set precedence for other similar ones that might not be reputable businesses. Ms. Allen stated she thought they would fit comfortably in section 5 regarding a sponsorship of a non-profit organization. Mayor Bowen did not think the non-profit organization was really sponsoring her business and that she would just be donating a portion of her proceeds to them; she said they were partnering with them. They usually partner with a local food pantry; the Tarrant Area Food Bank was the closest she could find in our area. Mayor Bowen stated these were just his observations. He then opened up the discussion to the other councilmembers.

Council Member Narmore asked about the partnership. She said that 10% of the gross proceeds were donated directly to the food bank. Some charities want donations in the form of the product (frozen meats) and some prefer cash donations. The charity gets to choose which form of donation they prefer. The Tarrant Area Food Bank has not chosen their preference at this time. He also asked where customers might go to find them if they are unhappy with the product. She said their warehouse is based in Arlington right off of 303 and Bowen. They offer a 100% satisfaction guarantee return or replacement policy; their delivery driver provides that service for them. Mr. McGuire asked if they would have some sort of formal agreement with the charity prior to the event. She said that varies on the food pantry itself. Mr. McGuire asked if this particular charity would have a formal agreement prior to the event and if the City could have a copy of that agreement; she answered they would. Council Member Ferguson inquired as to what exactly the temporary sales event was. She said the temporary sales event would be done under a tent, within fire code guidelines. They advocate the event primarily on social media. Frozen meat products are stored in freezers on site and are individually vacuum-sealed, labeled, and pre-packaged for sale.

Mr. McGuire requested the Mayor to go into executive session, as authorized by Chapter 551 of the Texas Government Code, to further discuss this item. Prior to going into Executive Session, Council Member White asked if they had a mutual agreement with PepBoys to use their parking lot; Ms. Allen answered that they did and Mr. McGuire confirmed so.

Executive Session: *Mayor Walter Bowen announced that, as authorized by Chapter 551 of the Texas Government Code, at this time he would close the Open Session so Council could convene into Executive Session at 7:01 p.m. pursuant to Section 551.071, consultation with attorney with regard to any item posted on the agenda (Agenda Item 10-b).*

Mayor Walter Bowen closed the Executive Session and reconvened into Open Session at 7:15 p.m.

Ronny Parsley made a motion, seconded by Gene Ferguson, to deny the request from Allen Wholesale Foods to have a temporary event at 6500 Lake Worth Blvd. (PepBoys) benefitting the Tarrant Area Food Bank. Voting for the motion were Ronny Parsley, Gene Ferguson, Jim Smith, Pat Hill, Gary Stuard, and Clint Narmore. No one voted against the motion. Geoffrey White abstained. Motion passed to deny the request with a 6-0-1 vote.

11. Mayor and Council Items.

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

Mayor Walter Bowen had nothing to report regarding the Tarrant County Mayor's Council.

12. City Manager and Staff Reports.

a. City Manager Report(s):

1. Reminder about the Budget Workshop/Special meeting date.

Brett McGuire reminded Council that the Budget Workshop/Special meeting is scheduled for Saturday, August 13, 2016 in the City Hall Conference Room at 8:30 a.m.

b. Planning and Zoning Coordinator Report(s):

1. Reminder about acceptance of board member applications for the Planning and Zoning Commission and Board of Adjustment.

Suzanne Meason reminded everyone that the City is accepting applications through September 1, 2016 for members to serve on the Planning and Zoning Commission (P&Z) and the Board of Adjustment (BOA). Mayor Bowen requested Ms. Meason to make contact with the current BOA members by sending them a letter as a reminder that the board meets only on an as needed basis.

c. Public Works Director Report(s):

1. Update on City Projects.

Sean Densmore reported on the following projects:

- Azle Avenue Ground Storage Tank Project- the foundation will be poured on Monday; the tank should go up in about two (2) weeks.
- Road Rehabilitation Projects- Telephone Road is finished. They are now working on Dakota Trail and should be done there by next Thursday.

Mayor Walter Bowen closed the open session of the meeting to go into Executive Session at 7:19 p.m. to discuss the items listed pursuant to Section 551.071 and Section 551.087.

13. Executive Session:

As authorized by Chapter 551 of the Texas Government Code, the City Council reserves the right to convene into executive session as necessary during the course of this meeting to discuss the following:

Pursuant to the following sections:

- a. Section 551.071- Consultation with attorney with regard to any item posted on the agenda or pending or contemplated litigation, settlement offers, and/or claims.**

1. Danielle Campos v. City of Lake Worth, et al; Civil Action No. 4:16-CV-00293-0.

- b. Pursuant to Section 551.087- Discussion or deliberation regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the City and with which the City is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect described above.**

1. Southwest corner of Azle Ave. and Boat Club Rd.

Mayor Walter Bowen closed the Executive Session and reconvened into Open Session at 7:40 p.m.

14. Reconvene into Regular Session:

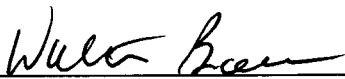
- a. Take any action necessary pursuant to Executive Session Item(s) as listed above.**

There was no action taken on the above listed Executive Session items other than what was previously addressed under Agenda Item 10-b.

15. Adjourn.

There being no further business, Mayor Walter Bowen closed the Council meeting at 7:40 p.m.

APPROVED:


Walter Bowen, Mayor

ATTEST:


Linda Rhodes, TRMC/MMC
City Secretary