

CITY OF LAKE WORTH
Minutes for
City Council Public Hearing/Regular Meeting
Tuesday, September 13, 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; Suzanne Meason, Planning and Zoning Administrator; Barry Barber, Director of Building Development; Danielle Hackbusch, HR/Risk Management; and James Sullivan, Public Works Superintendent- Streets and Maintenance. 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 August 9, 2016.**
- b. **Approval of minutes for the City Council Budget Workshop/Special meeting on August 13, 2016.**
- c. **Approval of Finance Reports for the month of August 2016.**

Jim Smith made a motion, seconded by Ronny Parsley, 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.**

Greg Fox, on behalf of the Northwest Tarrant Lion's Club, presented Mayor Bowen with a "Certificate of Gratitude" plaque for Council's continued support.

At this time Agenda Item #10-a was addressed.

10. Discussion/Action Items.

- a. **Consider funding \$249,063 for the purchase of Water/Sewer capital, utilizing a loan from the General Fund to the Water/Sewer Fund or by using General Fund Unassigned Fund Balance for the purchase with no expectation of repayment from the Water/Sewer Fund.**

Brett McGuire explained that, as discussed during the budget workshop, this item is being brought forth for Council to consider funding options for the purchase of requested Water/Sewer capital items. There are basically three (3) options to consider: no funding, fund as a gift, or to fund as a loan. Council member Stuard asked if there was a preferred process. Mr. McGuire answered that the quickest process would be to fund as a gift; however, it is Council's preference.

Gary Stuard made a motion, seconded by Gene Ferguson, to approve a gift of \$249,063 to fund the Water/Sewer Capital Item requests from the General Fund. Motion passed with all in favor and none opposed.

6. Public Hearing/Action Items.

- a. **Public Hearing/Action regarding Ordinance #1067- Adopting the FY 2016/2017 City of Lake Worth Operating Budget.**

Mayor Walter Bowen opened the Public Hearing at 6:37 p.m.

For the record, Brett McGuire read aloud the following major fund totals for the FY 2016/2017 proposed budget:

| Fund | Revenue | Expenditure |
|--------------------------------|-------------|-------------|
| General Fund (#100) | \$7,795,229 | \$7,775,207 |
| Water/Sewer Fund (#200) | \$3,410,303 | \$3,410,303 |
| EDC Fund (#110) | \$1,994,250 | \$1,535,411 |
| Debt Service Fund (#300) | \$1,764,294 | \$1,744,294 |
| Hotel/Motel Fund (#600) | \$ 204,950 | \$ 165,504 |
| Street Maintenance Fund (#107) | \$ 994,750 | \$ 862,186 |

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

Mayor Walter Bowen closed the Public Hearing at 6:40 p.m.

Jim Smith made a motion, seconded by Geoffrey White, to approve Ordinance #1067 adopting the FY 2016/2017 operating budget to include the action taken on Agenda Item #10-a to approve a gift of \$249,063 to fund the Water/Sewer Capital Item requests from the General Fund. Record vote was: voting in favor of the motion was Jim Smith, Geoffrey White, Gene Ferguson, Ronny Parsley, Pat Hill, Gary Stuard, and Clint Narmore. No one voted against the motion. Present and not voting was Mayor Walter Bowen. All members of the governing body were present. Motion passed with all voting in favor and none opposed.

- b. **Public Hearing/Action to consider Ordinance #1068, which is Planning and Zoning Case #PZ16-03, an ordinance approving the use and operation of Retail Sales for an Ice/Water Dispensing Machine, a development plan, and site plan on Block C, Lot 11, Sansom Park**

Addition, Lake Worth, Tarrant County, Texas; property commonly known as 3020 Roberts Cut Off Road (Ice House will be 3022 Roberts Cut Off).

Mayor Walter Bowen opened the Public Hearing at 6:41 p.m.

Suzanne Meason explained that the request is for an unmanned ice/water kiosk to be placed on property belonging to Mr. Stum, owner of the Olsen's Outdoor and Sporting Goods Store next door. Utility services for water and sewer will be provided by and through the City of Sansom Park. Staff has received one comment form back in which was in favor of the request. Ms. Meason noted that the contractor, Mr. Ray Ibarra, was present.

Mr. Ray Ibarra addressed Council and indicated he would be happy to answer any questions they 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 6:43 p.m.

Gene Ferguson made a motion, seconded by Pat Hill, to approve Ordinance #1068, which is Planning and Zoning Case #PZ16-03, as presented. Motion passed with all voting in favor and none opposed.

c. Public Hearing/Action by the Building Board of Appeals (City Council) to determine whether the structure located at 2932 Mohawk Trail (legal description being Block 27, Lot 6, Indian Oaks Subdivision) complies with the standards as set forth in Section 3.204 of the City Code of Ordinances and to act to order the repair, vacation, removal, demolition or securing of the structure; Case #2016-01.

Mayor Walter Bowen opened the Public Hearing at 6:44 p.m.

Barry Barber noted that a 30-day demolition order, not a repair/demolition order, is being recommended for this case. He presented a slideshow to Council showing many detailed pictures of the interior and exterior of the structure(s) on the property. The pictures depicted the substandard conditions and the lack to reasonably repair the buildings on the property. He noted that the owner is deceased; however, multiple notifications have been sent as required.

There was no representative on behalf of the owner of the property present.

Mr. Barber indicated staff has not heard anything from anyone concerning this property. Any demolition order approved would need to apply to all structures on the property. Taxes are not current on the property and the estimated demolition cost is at least \$8,000.00.

Mayor Walter Bowen closed the Public Hearing at 6:58 p.m.

Jim Smith made a motion that, based upon the evidence presented at the hearing, the City Council finds that the following facts exist: 1.) the building

located at 2932 Mohawk Trail is substandard and a public nuisance; 2.) the conditions set forth in the building official's report exist to the extent that the life, health, property, or safety of the public are endangered; and 3.) the building cannot be reasonably remedied by repair and he further moved that the Council order the owner to demolish or remove the building and all debris within 30 days and, if the owner fails to demolish or remove the building within 30 days, the City shall demolish the building at its expense and place a lien on the property to recover its costs, "the building" is to apply to all structures on the property. Clint Narmore seconded the motion. Motion passed with all voting in favor and none opposed.

7. Ordinances and Resolutions.

a. Ordinance #1069- Adopting the 2016 City of Lake Worth Tax Rate.

Debbie Whitley stated the 2016 proposed tax rate is .460660 per \$100 value and will generate \$765,810 to the General Fund and \$1,192,501 to the Debt Service Fund for total revenue in the amount of \$1,958,311. The proposed rate is equal to the roll back rate but is less than the effective rate. Since it does not exceed the notice and hearing limit, no public hearing is required for approval of the tax rate.

Geoffrey White made a motion, seconded by Gene Ferguson, to approve Ordinance #1069 adopting the proposed 2016 property tax rate of 0.460660 cents; of that rate 0.180144 is to fund maintenance and operations and 0.280516 is for debt service. Motion passed with all in favor and none opposed.

b. Approval of Ordinance #1070 adopting a budget amendment to the 2015/2016 operating budgets for the Park Improvement, Child Safety, Court Technology and Court Security funds.

Debbie Whitley explained that budget amendments are needed to some of the FY 2015/2016 funds; a few of which are due to a reduction in citation payments.

Clint Narmore made a motion, seconded by Pat Hill, to approved Ordinance #1070 to adopt a budget amendment to the 2015/2016 operating budgets for the Park Improvement, Child Safety, Court Technology and Court Security funds. Motion passed with all in favor and none opposed.

c. Resolution #1009- Job Description revision for Code Compliance Officer.

Danielle Hackbusch briefly explained that the supervisor's title was revised for this job description. Gary Stuard made a motion, seconded by Clint Narmore, to approve Resolution #1009, job description revision for Code Compliance Officer. Motion passed with all in favor and none opposed.

8. Contracts/Agreements.

There were no Contract/Agreement Items.

9. Bids, Proposals, and Specifications.

There were no Bid, Proposal, and Specification Items.

10. Discussion/Action Items.

- a. **Consider funding \$249,063 for the purchase of Water/Sewer capital, utilizing a loan from the General Fund to the Water/Sewer Fund or by using General Fund Unassigned Fund Balance for the purchase with no expectation of repayment from the Water/Sewer Fund.**

This item was addressed before Agenda Item #6-a.

- b. **Discussion/Action on the re-appointment/appointment of individuals to serve on the Planning and Zoning Commission, Place(s) 2, 4, and 6, with terms expiring October 1, 2018.**

Suzanne Meason stated the individuals that currently hold these positions have re-applied. They are: Sherrie Kubala Watkins, Place 2; Patty Biggers, Place 4; and Diane Smith, Place 6. There was also another application received from Don Riley. Re-applicants were not present at the meeting; applicant Don Riley was present. Mayor Bowen acknowledged Mr. Riley and thanked him for his interest. He asked if he would be willing to have his application held and to allow the other applicants to continue to serve since they have indicated they wish to do so. Mr. Riley indicated he would.

Gene Ferguson made a motion, seconded by Ronny Parsley, to re-appoint the following Planning and Zoning Commission members: Sherrie Kubala Watkins to Place 2, Patty Biggers to Place 4, and Diane Smith to Place 6. Motion passed with all voting in favor and none opposed.

- c. **Discussion/Action regarding the T.M.L. Intergovernmental Risk Pool Board of Trustees Ballot.**

Brett McGuire indicated he is not familiar with any of the candidates; therefore, his recommendation is, if Council is not familiar with any of the candidates either, that they decline to vote. This item does require Council action.

Jim Smith made a motion, seconded by Clint Narmore, for Council not to vote on the T.M.L. Intergovernmental Risk Pool Board of Trustees. Motion passed with all voting in favor and none opposed.

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. **Announce dates of upcoming Council Workshop/Special meetings.**

Brett McGuire reminded Council that a Council Workshop/Special meeting is scheduled for Thursday, September 15, 2016 in the City Hall Conference Room at 6:00 p.m. and another one is scheduled for Monday, October 3, 2016 in the City Hall Conference Room at 6:00 p.m.

b. Assistant City Manager/Director of Finance Report(s):

1. Announce date of Annual Employee Appreciation Cookout.

Debbie Whitley announced that Thursday, October 6, 2016 is the date for the Annual Employee Appreciation Cookout.

2. Reminder about the date for the Bullfrog Westfest Rodeo event.

Debbie Whitley reminded everyone that the Northwest Lion's Club Bullfrog Westfest Rodeo event is scheduled for Friday, October 7, 2016 and Saturday, October 8, 2016.

c. Chief of Police Report(s):

1. Announce date of National Night Out.

Chief Jimmy Womack announced that National Night Out is to be held on Tuesday, October 4, 2016 from 6:00 pm – 9:00 pm at the Lake Worth City Park.

d. Planning and Zoning Administrator Report(s):

1. Update on Board of Adjustment.

Suzanne Meason noted that there are several vacancies still on the Board of Adjustment. Now, there are only three active members; therefore, there are not enough members to have a quorum and to hold a meeting.

e. Public Works Director Report(s):

1. Update on City Projects.

James Sullivan reported on the following projects:

- Azle Avenue Ground Storage Tank Project- the tank is now up; just waiting on electrical and clean up. It is close to completion.
- Road Rehabilitation Projects- Telephone Road and Dakota Trail are now complete.
- Shawnee Trail- in process of cleaning the ditch area.

There was no need for Executive Session.

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.**

- b. Pursuant to Section 551.074- Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

1. Planning and Zoning Commission places 2, 4, and 6.

14. Reconvene into Regular Session:

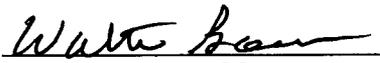
- a. Take any action necessary pursuant to Executive Session Item(s) as listed above.

There was no Executive Session.

15. Adjourn.

There being no further business, Mayor Walter Bowen closed the Council meeting at 7:19 p.m.

APPROVED:


Walter Bowen, Mayor

ATTEST:


Linda Rhodes, TRMC/MMC
City Secretary