

**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF LAKE WORTH, TEXAS
HELD IN CITY HALL, COUNCIL CHAMBERS, 3805 ADAM GRUBB
TUESDAY, MARCH 13, 2018**

REGULAR MEETING: 6:30 PM

A. CALL TO ORDER.

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

A.1 INVOCATION AND PLEDGE OF ALLEGIANCE.

Pastor Zac Hatton with Lake Worth Baptist Church gave the invocation. Attendees recited the pledge of allegiance.

A.2 ROLL CALL.

Present:	Walter Bowen	Mayor
	Geoffrey White	Mayor Pro Tem, Place 2
	Jim Smith	Council, Place 1
	Ronny Parsley	Council, Place 4
	Pat O. Hill	Council, Place 5
	Gary Stuard	Council, Place 6
	Clint Narmore	Council, Place 7
Staff:	Stacey Almond	City Manager
	Debbie Whitley	Assistant City Manager/Finance Director
	Monica Solko	City Secretary
	Corry Blount	Police Chief
	Mike Christenson	Fire Chief
	Sean Densmore	Public Works Director
	Barry Barber	Building Development Director
Absent:	Gene Ferguson	Council, Place 3

A.3 SPECIAL PRESENTATION(S) AND RECOGNITION(S):

No items for this category.

A.4 CITIZEN PRESENTATION / VISITOR COMMENTS

Daniel Bennett, 408 Pemberton, White Settlement, came forward. Mr. Bennett introduced himself to Council and discussed the Tarrant Appraisal District elections.

A.5 REMOVAL OF CONSENT AGENDA

No items were removed from the consent agenda.

**B. CONSIDER APPROVAL OF CONSENT AGENDA ITEMS
APPROVED**

- B.1 APPROVE MINUTES OF THE FEBRUARY 13, 2018 CITY COUNCIL MEETING.**
- B.2 APPROVE FINANCE REPORTS FOR THE MONTH OF FEBRUARY 2018.**
- B.3 APPROVE RESOLUTION NO. 2018-07, RECEIVING THE CERTIFICATION OF UNOPPOSED CANDIDATES AND CANCELING THE MAY 5, 2018 GENERAL ELECTION.**
- B.4 APPROVE A CONTRACT EXTENDING THE DEPOSITORY SERVICES AGREEMENT WITH BANK OF TEXAS FOR A ONE (1) YEAR TERM.**
- B.5 APPROVE AN UPDATED AGREEMENT WITH THE METROPOLITAN AREA EMS AUTHORITY, D/B/A MEDSTAR MOBILE HEALTHCARE AND THE MAEMSA OFFICE OF THE MEDICAL DIRECTOR FOR THE FIRST RESPONDER AND PROVIDER AGREEMENT.**

A MOTION WAS MADE BY MAYOR PRO TEM WHITE, SECONDED BY COUNCIL MEMBER PARSLEY TO APPROVE THE CONSENT AGENDA.

MOTION TO APPROVE CARRIED 6-0.

C. PUBLIC HEARINGS
No items for this category.

D. PLANNING AND DEVELOPMENT
No items for this category.

E. PUBLIC WORKS

- E.1 DISCUSS AND CONSIDER THE APPROVAL OF \$260,000 PAYABLE TO REYNOLDS ASPHALT FOR THE 2017-2018 STREET MAINTENANCE PROJECTS.**

APPROVED

Public Works Director Sean Densmore presented the item. This item is to consider approval of the purchase of asphalt for the 2017-2018 Street Maintenance projects.

Currently, Reynolds Asphalt is the preferred vendor for Type D Hot Mix for Tarrant County. This will allow the City to receive Tarrant County pricing from their preferred vendors.

2017-2018 Street Maintenance Projects (square footage and estimated tonnage):

- 4100 Sunset Trail (12,376 sq ft.) – 152 Tons
- 4500 Norris Valley (9,542 sq ft.) – 117 Tons
- 6700 -6800 Wallis Road (37,908 sq ft) – 464 Tons
- 4300-3700 Clarke Drive (43,680 sq ft) – 534 Tons
- 7100 Osage Trail (9,725 sq ft) – 119 Tons
- 6900 Effie Morris (11,500 sq ft) – 141 Tons
- 3700 Merritt Drive (19,980 sq ft) – 60 Tons
- 4000 Merritt Drive (16,450 sq ft) – 201 Tons
- 4300 Mayan Court (17,450 sq ft) – 212 Tons
- 4100 Fewell Drive (8,780 sq ft) – 107 Tons
- 6600 Aztec Court (18,000 sq ft) – 223 Tons
- 6500-6600 Lakeside Drive (29,380 sq ft) – 360

A MOTION WAS MADE BY COUNCIL MEMBER STUARD, SECONDED BY COUNCIL MEMBER NARMORE TO APPROVE THE PURCHASE OF ASPHALT IN THE AMOUNT OF \$260,000 PAYABLE TO REYNOLDS ASPHALT FOR THE 2017-2018 STREET MAINTENANCE PROJECTS.

MOTION TO APPROVE CARRIED 6-0.

E.2 DISCUSS AND CONSIDER AN AGREEMENT WITH ONCOR ELECTRIC COMPANY, LLC TO REPLACE EXISTING NON-WORKING STREETLIGHT FIXTURES TO A LIGHT-EMITTING DIODE (LED) STREET LIGHT FIXTURE FOR REPLACEMENT TO HPS, 200 WATTAGES AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT.

APPROVED

Public Works Director Sean Densmore presented the item. The city has been approached by Oncor to discuss a new light tariff beginning April 1, 2018 to replace existing non-working streetlights with a light emitting diode (LED) streetlight fixture. They have proposed three (3) options for the city to consider.

Option 1: Oncor would change all non-working street streetlights to a LED fixture. The City would be responsible for the payment of the appropriate LED streetlight rate in accordance with Oncor's Tariff for Retail Delivery Service, Street Lighting Service. (Non-working lights are lights with a failed component, this does not include burned out bulbs).

Option 2: Oncor would change all streetlights as they burnout to a LED fixture. The City would be responsible for the payment of the appropriate LED streetlight rate in accordance with Oncor's Tariff for Retail Delivery Service, Street Lighting Service.

Option 3: The City can request specific streetlights to be replaced with a LED fixture including working fixtures and bulbs however; the City would then be charged for the replacement.

Staff recommends Option 2, which is to replace with LED when the current fixtures burnout. The HPS, 200 Wattage is estimated at an additional total monthly cost of \$0.03 per replacement.

A MOTION WAS MADE BY COUNCIL MEMBER NARMORE, SECONDED BY COUNCIL MEMBER PARSLEY TO APPROVE AN AGREEMENT WITH ONCOR ELECTRIC COMPANY, LLC TO REPLACE EXISTING NON-WORKING STREET LIGHT FIXTURES TO A LIGHT-EMITTING DIODE (LED) STREET LIGHT FIXTURE FOR REPLACEMENT TO HPS, 200 WATTAGES AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT.

MOTION TO APPROVE CARRIED 6-0.

F. GENERAL ITEMS

F.1 DISCUSS AND CONSIDER ACCEPTANCE OF THE FISCAL YEAR 2016-2017 ANNUAL AUDIT AS PREPARED AND PRESENTED BY SNOW GARRETT WILLIAMS, CERTIFIED PUBLIC ACCOUNTANTS.

APPROVED

Assistant City Manager/Finance Director Debbie Whitley introduced Gaylyn Mendoza with Snow Garrett Williams to present the item. Ms. Mendoza went over the audit for fiscal year that ended September 30, 2017. The audit resulted in a good, clean opinion. Ms. Mendoza briefly went over a few pages and audit numbers. Overall, it was a good year for the City. No deficiencies in internal control were identified.

A MOTION WAS MADE BY COUNCIL MEMBER STUARD, SECONDED BY COUNCIL MEMBER HILL TO ACCEPT THE FISCAL YEAR 2016-2017 ANNUAL AUDIT AND FINANCIAL STATEMENTS AS PREPARED AND PRESENTED BY SNOW GARRETT WILLIAMS, CERTIFIED PUBLIC ACCOUNTS.

MOTION TO APPROVE CARRIED 6-0.

F.2 DISCUSS AND CONSIDER ORDINANCE NO. 1109, APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM (RRM) AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS DEFINED BY SECTION 104.301 OF THE TEXAS UTILITIES CODE, AND AS NEGOTIATED BETWEEN ATMOS ENERGY CORP., MID-TEX DIVISION AND THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS.

APPROVED

City Manager Stacey Almond presented the item. The Council is being asked to consider approval of an ordinance that is in reference to the Atmos tariff. The Supreme Court has made their decision and ruled in favor of the City of Richardson. The Cities' Executive Committee has recommended acceptance of the revised RRM Tariff. The RRM Tariff on which the 2017 rates were based allowed a rate of return on equity of 10.50%. The revised RRM Tariff reduces that to 9.8%. The revised RRM Tariff also captures the reduction in federal income tax rates from 35% to 21% and should result in a rate reduction effective by mid-March 2018.

A MOTION WAS MADE BY COUNCIL MEMBER STUARD, SECONDED BY COUNCIL MEMBER NARMORE TO APPROVE ORDINANCE NO. 1109, APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM (RRM) AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS DEFINED BY SECTION 104.301 OF THE TEXAS UTILITIES CODE, AND AS NEGOTIATED BETWEEN ATMOS ENERGY CORP. MID-TEX DIVISION AND THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS.

MOTION TO APPROVE CARRIED 6-0.

F.3 DISCUSS AND CONSIDER RESOLUTION NO. 2018-08, APPROVING HOTEL OCCUPANCY TAX POLICY.

APPROVED

City Manager Stacey Almond requested to present items F.3 and F4 together. She introduced Mr. Greg Last. Mr. Last presented a PowerPoint presentation and summarized the items. The implementation of a Hotel Occupancy Tax (HOT) policy is to support tourism which stimulates commercial activity and supports Lake Worth businesses. The proposed policy was created to provide a presentable document for use of HOT tax funds and to streamline the application process. Chapter 351 of the Texas Tax Code authorizes communities to collect a Hotel Occupancy Tax (HOT) and use these funds to promote tourism and the convention and hotel industry. This policy supports the importance of attracting visitors to our hotel industry and implements programs whereby tourism and the convention and hotel industry will be promoted.

The implementation of the Incentive Policy will further enhance the City's economic development efforts in attracting various commercial industries. The proposed policy outlines the purpose, goals, general eligibility requirements, priorities and various incentive types. The intent of this policy is to retain existing businesses, attract new

business, and provide for the redevelopment of sub-standard properties. Chapter 380 of the Texas Local Government Code authorizes municipalities to establish and provide the administration of programs that promote economic development and stimulate business and commercial activity in the City. Furthermore, Chapter 312 of the Texas Tax Code, cited as Property Redevelopment and Tax Abatement Act, authorizes municipalities to grant tax abatements upon establishing guidelines and criteria for tax abatements. The proposed policy would make Lake Wroth eligible for tax abatements by establishing criteria within this policy.

A MOTION WAS MADE BY COUNCIL MEMBER NARMORE, SECONDED BY COUNCIL MEMBER PARSLEY TO APPROVE RESOLUTION NO. 2018-08, APPROVING A HOTEL OCCUPANCY TAX POLICY AS PRESENTED.

MOTION TO APPROVE CARRIED 6-0.

F.4 DISCUSS AND CONSIDER RESOLUTION NO. 2018-09, APPROVING INCENTIVES POLICY TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY AND ESTABLISHING GUIDELINES AND CRITERIA.

APPROVED

This item was presented and discussed with item. F.3 above.

A MOTION WAS MADE BY MAYOR PRO TEM WHITE, SECONDED BY COUNCIL MEMBER STUARD TO APPROVE RESOLUTION NO. 2018-09, APPROVING AN INCENTIVES POLICY TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY AND ESTABLISHING GUIDELINES AND CRITERIA.

MOTION TO APPROVE CARRIED 6-0.

F.5 DISCUSS AND CONSIDER RESOLUTION NO. 2018-10, OPPOSING THE ELEVATION OF STATE HIGHWAY 199.

APPROVED

City Manager Stacey Almond summarized the item. The City Council held a workshop on February 13, 2018 to discuss alternative designs provided by the Texas Department of Transportation (TxDOT) about the proposed re-design of State Highway 199 and Interstate 820. Council recommended that staff bring forward a Resolution for consideration by the City Council opposing elevation to the project at State Highway 199 and Highway 820. It is the opinion of the Council that the proposed elevation of the project would not protect Lake Worth's sense of place, impairs emergency service capabilities, and would have a negative effect on the economic viability. Staff has reached out the North Central Texas Council of Governments (NCTCOG) for assistance in evaluating and studying the corridor as it relates to timing.

The City of Lake Worth is requesting that TxDOT consider the following:

1. A design that does not negatively impact existing or future business along State Highway 199 and within the corridor but rather enhances their long-term success and viability;
2. A design that provides options that adequately take in to account the true cost/benefit analysis beyond the right-of-way to include quality of life, public safety, and economic development outputs;
3. A design that maintains local connectivity and accessibility allowing for traffic to move freely in and around Lake Worth; and
4. A design which preserves the City of Lake Worth's sense of place and supports continued economic viability in the city.

A MOTION WAS MADE BY COUNCIL MEMBER HILL, SECONDED BY MAYOR PRO TEM WHITE TO APPROVE RESOLUTION NO. 2018-10, OPPOSING THE ELEVATION OF STATE HIGHWAY 199.

MOTION TO APPROVE CARRIED 6-0.

F.6 DISCUSS AND CONSIDER RESOLUTION NO. 2018-11, APPOINTING MEMBERS TO THE LAKE WORTH CHARTER COMMITTEE.

APPROVED

City Manager Stacey Almond summarized the item. The City Council approved Ordinance No. 1108 creating a Charter Commission and establishing Charter Commission Guidelines on February 13, 2018. The Council is being asked to appoint the members to serve on the Charter Review Commission (CRC). The Commission shall consist of five (5) members to be appointed by the Mayor and City Council. The City Manager, Assistant City Manager, and the City Attorney, or designee, shall be ex-officio, non-voting members of the Charter Commission. The City Secretary is designated to record and take minutes of all CRC meetings. The Mayor and City Council shall select a chairperson and vice chairperson from among the Charter Commission members. A quorum of the Charter Commission shall consist of three (3) members; and a majority of the entire membership of the Charter Commission is required for the approval for any recommendation to the City Council for the City Council to consider any amendment to the Charter. The Charter Commission shall complete its review and submit a written report to the City Council containing recommendations for amendments on or before December 1, 2018. The CRC members shall serve until the final report of the Commission is accepted by the City Council, or the Commission is discontinued by action of the City Council.

Appointments for consideration:

1. Wilson Daggs
2. Coy Pennington
3. Yvonne Amick
4. Sue Wenger
5. Bill Still

A MOTION WAS MADE BY COUNCIL MEMBER SMITH, SECONDED BY MAYOR PRO TEM WHITE TO APPROVE RESOLUTION NO. 2018-11, APPOINTING MEMBERS TO THE LAKE WORTH CHARTER REVIEW COMMISSION.

MOTION TO APPROVE CARRIED 6-0.

Mayor Bowen opened the floor for nominations for a chair and vice-chair.

A MOTION WAS MADE BY COUNCIL MEMBER SMITH, SECONDED BY MAYOR PRO TEM WHITE TO APPOINT SUE WENGER AS CHAIR AND WILSON DAGGS, JR. AS VICE-CHAIR OF THE CHARTER REVIEW COMMISSION.

MOTION TO APPROVE CARRIED 6-0.

F.7 DISCUSS AND CONSIDER RESOLUTION NO. 2018-12, PARTICIPATION IN THE CRIMINAL JUSTICE DIVISION BODY WORN CAMERA PROGRAM FOR 2018 AND AUTHORIZE THE CITY MANAGER TO ACCEPT, REJECT, ALTER OR TERMINATE THE GRANT ON BEHALF OF THE CITY OF LAKE WORTH.

APPROVED

Police Chief Corry Blount summarized the item. Staff is requesting approval for participation in the grant funded Body Worn Camera Program offered by the Criminal Justice Division. The grant will provide twenty (20) body worn cameras for the City of Lake Worth Police department personnel. The grant will provide 80% of the cost of the cameras with the City of Lake Worth providing a 20% in kind match of funds. Body worn cameras will give accurate accountings of citizen contacts made by officers, be beneficial in the prosecution of criminals in our City and will protect the City and Police Department personnel from false complaints.

A MOTION WAS MADE BY MAYOR PRO TEM WHITE, SECONDED BY COUNCIL MEMBER NARMORE TO APPROVE RESOLUTION NO. 2018-12, PARTICIPATION IN THE CRIMINAL JUSTICE DIVISION BODY WORN CAMERA PROGRAM FOR 2018 AND AUTHORIZE THE CITY MANAGER TO ACCEPT, REJECT, ALTER OR TERMINATE THE GRANT ON BEHALF OF THE CITY OF LAKE WORTH.

MOTION TO APPROVE CARRIED 6-0.

G. MAYOR AND COUNCIL ITEM(S)

G.1 Update on Tarrant County Mayor's Council by Mayor Bowen

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

H. STAFF REPORT(S) / ANNOUNCEMENT(S)

H.1 Assistant City Manager/Finance Director Report(s):

1. Announcement of Easter Egg Hunt

Assistant City Manager/Finance Director Debbie Whitley announced the Lake Worth Community Easter Egg Hunt will be on Saturday, March 24, 2018 at the Multi-Purpose Facility, 7005 Charbonneau Road, Lake Worth, Texas 76135, from 10:00 a.m. to 12 noon. There will be 4,000 Easter eggs for the children to hunt and a few lucky winners will win a bicycle which has been provided by Walmart. There will also be an Easter Bunny, face painting, animal petting zoo, cotton candy and Animal Control will be holding pet adoptions onsite.

I. EXECUTIVE SESSION

I.1 PURSUANT TO SECTION 551.072: DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY LOCATED AT 4200 WHITE STREET.

Mayor Bowen announced at 7:28 p.m. that the Council would adjourn into Executive Session as authorized by Chapter 551, Texas Government Code, specifically Section 551.072: Deliberate the purchase, exchange, lease or value of real property located at 4200 White Street. Executive Session began at 7:28 p.m. and concluded at 7:57 p.m.

Mayor Bowen reconvened into open session at 7:57 p.m.

J. EXECUTIVE SESSION ITEMS – CITY COUNCIL MAY TAKE ACTION ON ANY ITEMS DISCUSSED IN EXECUTIVE SESSION LISTED ON THE AGENDA.

No action required as a result of Executive Session.

K. ADJOURNMENT

Mayor Walter Bowen adjourned the meeting at 7:58 p.m.

APPROVED

By: _____
Walter Bowen, Mayor

ATTEST:

Monica Solko, City Secretary