

**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, OCTOBER 9, 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.

Mayor Pro Tem Narmore gave the invocation. Attendees recited the pledge of allegiance.

A.2 ROLL CALL.

Present:	Walter Bowen	Mayor
	Clint Narmore	Mayor Pro Tem, Place 7
	Jim Smith	Council, Place 1
	Geoffrey White	Council, Place 2
	Sue Wenger	Council, Place 3
	Ronny Parsley	Council, Place 4
	Pat O. Hill	Council, Place 5
	Gary Stuard	Council, Place 6
Staff:	Stacey Almond	City Manager
	Debbie Whitley	Assistant City Manager/Finance Director
	Monica Solko	City Secretary
	Mike Christenson	Fire Chief
	Steve Carpenter	Police Captain
	Sean Densmore	Public Works Director
	Barry Barber	Planning and Development Director
	Suzanne Meason	Planning and Zoning Coordinator
Absent:	Drew Larkin	City Attorney

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

No items for this category.

A.4 CITIZEN PRESENTATION / VISITOR COMMENTS

Mr. Nick Griffin, 6329 Canyon Trail, Lake Worth, Texas came forward with concerns regarding theft in his neighborhood and at local retail stores. He also had questions regarding the city newsletter, economic development and the local chamber activities.

Mayor Bowen requested that Mr. Griffin make an appointment with the City Manager and Police Chief to address his concerns.

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 SEPTEMBER 11, 2018 CITY COUNCIL MEETING.

B.2 APPROVE FINANCE REPORTS FOR THE MONTH OF SEPTEMBER 2018.

B.3 APPROVE A CONTRACT WITH TARRANT COUNTY EMERGENCY SERVICES DISTRICT NO. ONE (DISTRICT) FOR FIRE SERVICE PROVIDED BY THE CITY OF LAKE WORTH FIRE DEPARTMENT TO THE DISTRICT BEGINNING OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2019.

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

MOTION TO APPROVE CARRIED 7-0.

C. PUBLIC HEARINGS

C.1 PUBLIC HEARING TO CONSIDER PLANNING & ZONING CASE NO. PZ-2018-17, A PROPOSED REPLAT BEING ALL OF A 0.628-ACRE PARCEL OF LAND KNOWN AS BLOCK 13, LOT(S) 8, 9, AND 10, INDIAN OAKS SUBDIVISION OF THE RECORDS OF TARRANT COUNTY, TEXAS. THE PROPOSED REPLAT'S NEW LEGAL DESCRIPTION WILL BE BLOCK 13, LOT(S) 8-R, AND 10-R, INDIAN OAKS SUBDIVISION, WHICH IS GENERALLY DESCRIBED AS 3132 HURON TRAIL (LOT 8-R) AND 3128 HURON TRAIL (LOT 10-R), LAKE WORTH, TEXAS. (THE PLANNING & ZONING COMMISSION RECOMMENDED APPROVAL BY A VOTE OF 6-0.

APPROVED

Mayor Bowen opened the public hearing at 6:37 p.m. and called on Suzanne Meason to present the item.

Planning and Zoning Administrator, Suzanne Meason summarized the item. Council is being asked to consider a residential replat located at 3128 Huron Trail. The property owners, Mr. and Mrs. Peterson are requesting to add to their existing home. After the building permit was submitted it was discovered that their lot was never properly subdivided from this neighbors' lot and that the current structure was straddling both lots

9 and 10 as well. The Petersons hired a surveyor to prepare a replat document for them and their neighbor, Mr. McNally so that the lots could be properly subdivided and remove the issue with the non-conforming structure so that they could add on. Staff has reviewed the document and find it to comply with state and local requirements. The Planning and Zoning Commission recommended approval by a vote of 6-0.

Mayor Bowen called for anyone wishing to speak for or against the request to come forward.

There being no one wishing to speak, Mayor Bowen closed the public hearing at 6:39 p.m. and called for the motion.

A MOTION WAS MADE BY COUNCIL MEMBER WHITE, SECONDED BY COUNCIL MEMBER STUARD TO APPROVE PZ 2018-17 AS PRESENTED.

MOTION TO APPROVE CARRIED 7-0.

D. PLANNING AND DEVELOPMENT

D.1 DISCUSS AND CONSIDER RESOLUTION NO. 2018-31, APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT PLACES 2, 4 AND ALTERNATE PLACE 6 AND THE PLANNING AND ZONING COMMISSION, PLACES 2, 4 AND 6.

APPROVED

Planning and Zoning Administrator, Suzanne Meason summarized the item. Council is being asked to consider reappointments to the Board of Adjustment, Place 2 and the Planning and Zoning Commission, Place 2, 4 and 6. The term of office is a two-year term for each.

BOARD OF ADJUSTMENT:

Place 2 Tana Wharton (currently held by same)

Term expires

Oct. 1, 2020

PLANNING & ZONING COMMISSION:

Place 2 Sherrie Kubala-Watkins (currently held by same)

Place 4 Patty Biggers (currently held by same)

Place 6 Diane Smith (currently held by same)

Term expires

Oct. 1, 2020

Oct. 1, 2020

Oct. 1, 2020

A MOTION WAS MADE BY COUNCIL MEMBER WENGER, SECONDED BY COUNCIL MEMBER SMITH TO APPROVE APPOINTMENTS AS PRESENTED.

MOTION TO APPROVE CARRIED 7-0.

D.2 DISCUSS AND CONSIDER ORDINANCE NO. 1128, AMENDING CHAPTER 3, BUILDING REGULATIONS, ARTICLE 3.900, FENCES, SECTION 3.903,

RESTRICTIONS AND REQUIREMENTS FOR FENCES, (A) FENCE MATERIALS.

APPROVED

Building Development Services Director Barry Barber summarized the item. Council requested staff to review certain portions of the current fence ordinance and to bring back options for Council consideration.

Option 1:

(A) Fence Materials. Permitted construction materials are brick, stone, masonry, natural and treated woods, ornamental metal, PVC fence material, metal tubing, or wrought iron, decorative aluminum or metal having a factory applied non-metallic matte finish, and chain link. Vinyl or fiberglass composite materials may be utilized if the material is listed, designed, and constructed for fencing materials. Metal posts will be allowed on wood fences.

- (1) Prohibited construction materials are rope, string, wire products including, but not limited to chicken wire, hog wire, wire fabric, barbed wire (except as allowed in other sections of this code), razor ribbon wire and similar welded or woven wire fabrics, chain, netting, cut or broken glass, paper, metal panels, corrugated metal panels, galvanized sheet metal, plywood, fiberglass panels or plastic panels or any other materials that are not specifically manufactured as fencing materials. No person shall weave or use slats of any material, including but not limited to metal, fiberglass, bamboo, or mesh through a chain link fence to create a blind or screening fence in a residential zoning district. No person shall construct a fence, retaining wall, screen or barrier of used, damaged, or unsafe material. The Building Official may require the applicant to provide the manufacturer's standards to establish the intended use of a proposed fencing material.
- (2) The following setback restriction applies:
 - (a) Front Yard. No fence, retaining wall, screen, or barrier may be built nearer to the street onto which the main house or building faces than the main house or building itself. Exceptions to this restriction may be made for schools and in commercial and industrial zoning districts, if required for topographical or structural support.

Option 2:

(A) Fence Materials. Permitted construction materials are brick, stone, masonry, natural and treated woods, ornamental metal, PVC fence material, metal tubing, or wrought iron, decorative aluminum or metal having a factory applied non-metallic matte finish, and chain link. Vinyl or fiberglass composite materials may be utilized if the material is listed, designed, and constructed for fencing materials. Metal posts will be allowed on wood fences.

- (1) Prohibited construction materials are rope, string, wire products including, but not limited to chicken wire, hog wire, wire fabric, barbed wire (except as allowed in other sections of this code), razor ribbon wire and similar welded or woven wire fabrics, chain, netting, cut or broken glass, paper, metal panels, corrugated metal panels, galvanized sheet metal, plywood, fiberglass panels or plastic panels or any other materials that are not

specifically manufactured as fencing materials. No person shall weave or use slats of any material, including but not limited to metal, fiberglass, bamboo, or mesh through a chain link fence to create a blind or screening fence in a residential zoning district. No person shall construct a fence, retaining wall, screen or barrier of used, damaged, or unsafe material. The Building Official may require the applicant to provide the manufacturer's standards to establish the intended use of a proposed fencing material.

- (2) The following setback restriction applies:
- (a) Front Yard on Residential Lots – A fence may be erected in front of the main dwelling, but no closed than the front building line.
 - (b) The fence shall not exceed six (6) feet in height above the adjacent grade;
 - (c) The fence shall be constructed to provide that a minimum of fifty (50) percent of the fence is open.
 - (d) On corner lots the fence shall not be located within the designated visibility triangle;
 - (e) The fence shall be constructed of vinyl coated chain link, ornamental or wrought iron, or other materials as approved by the City Council;
 - (f) The fence must have a Fire Department approved access device located on the gate.

A MOTION WAS MADE BY COUNCIL MEMBER HILL, SECONDED BY COUNCIL MEMBER PARSLEY TO APPROVE ORDINANCE NO. 1128, OPTION 1.

MOTION TO APPROVE CARRIED 6-1, WITH COUNCIL MEMBERS SMITH, WHITE, HILL, PARSLEY, STUARD AND MAYOR PRO TEM NARMORE VOTING IN FAVOR AND COUNCIL MEMBER WENGER VOTING AGAINST.

E. PUBLIC WORKS

E.1 DISCUSS AND CONSIDER APPROVAL OF INDIVIDUAL PROJECT ORDER NUMBER 2018-02 WITH KIMLEY-HORN AND ASSOCIATES FOR THE HIAWATHA TRAIL UTILITIES PROJECT, PHASE I AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT.

APPROVED

Public Works Director Sean Densmore presented the item. Council is being asked to approve an Individual Project Order Number 2018-02 with Kimley-Horn and Associates for the Hiawatha Trail utilities project Phase I. This contract includes the design of the 8" sanitary sewer and water line along Hiawatha trail (1,700 feet), assisting the city with bidding the project and the construction phase services. The total contract is for \$88,500.

City Manager Stacey Almond added this was the first phase of the project that was approved during budget for water and sewer improvements only. Staff will bring back the street improvements for Council consideration at a later date.

A MOTION WAS MADE BY MAYOR PRO TEM NARMORE, SECONDED BY COUNCIL MEMBER STUARD TO APPROVE PROJECT ORDER NUMBER 2018-02 WITH KIMLEY-HORN AND ASSOCIATE FOR THE HIAWATHA TRAIL UTILITIES PROJECT PHASE I AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT.

MOTION TO APPROVE CARRIED 6-0-1, WITH COUNCIL MEMBER SMITH, WHITE, WENGER, HILL, STUARD AND MAYOR PRO TEM NARMORE VOTING IN FAVOR AND COUNCIL MEMBER PARSLEY ABSTAINING.

E.2 DISCUSS AND PROVIDE DIRECTION ON ADDITIONAL VEHICLE AND EQUIPMENT STORAGE AT THE PUBLIC WORKS FACILITY LOCATED AT 4200 FEWELL DRIVE.

APPROVED

City Manager Stacey Almond asked Council member Smith to present the item. Council member Smith stated that after a visit to the Public Works Department, he noted expensive city equipment did not have covered parking to help prolong the life of the equipment. During budget, Council approved a backhoe and vac truck estimating all the equipment at Public Works at a million or two million in value without protection. He asked staff to look into the cost of covered parking and bring to Council for discussion.

The existing covered parking provides for 10 stalls. The equipment currently not covered would require an additional 4 stalls. To provide cover to the existing fleet the structure would need to be 48' x 100' (4,800 sq. ft). Staff utilized data from the last covered storage building and added a 25% increase to estimated costs. The purchase and construction of this structure would exceed \$50,000 threshold and would need to follow Procurement Law. The estimated costs is \$85,000-\$95,000, this includes the prefab building, installation, electrical work and additional costs for the bid process, engineering and other miscellaneous expenses.

Mayor Bowen asked where the money would come from. Assistant City Manager/Finance Director Debbie Whitley replied the money would come from the General Fund/Fund balance.

Council member White asked how many feet it would be for all equipment to be under covered storage and have space for future growth. Public Works Director Sean Densmore responded if Council is looking at covering the whole fleet, staff would have to go back and inventory and measure for height of equipment for a better estimate.

Based on Council input, Staff will inventory fleet and bring back for Council consideration at the next meeting.

Council member Wenger asked if the covering was only top and sides. Mr. Densmore responded it would a covering of three sides.

City Manager Stacey Almond added that staff is still working on platting the Public Works property and some right of way will need to be abandoned. In order for staff to facilitate

this project, it will need to be done in a couple of steps. First, staff will need to plat the property and negotiate some frontage for the property. Currently there is space for one unit but for additional units, it would be in the right of way which will need to be abandoned. Also, in 2015 Council approved an ordinance that waived Public Works property from conforming to the zoning ordinance thus relieving them from the masonry requirements for the project. Staff is also working with the property owner at 4200 White Street for the purchase of an additional half acre. Staff would feel more comfortable if those requirements were completed before moving forward. The plat is ready to be presented once the purchase of the additional half acre is complete. Staff will bring back two options for Council to reevaluate during mid-year.

F. GENERAL ITEMS

F.1 DISCUSS AND CONSIDER THE FIRST READING OF ORDINANCE NO. 1131, GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY, LLC, AND ELECTRIC POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, PUBLIC WAYS AND PUBLIC PROPERTY OF THE CITY OF LAKE WORTH THROUGH SEPTEMBER 30, 2039.

1ST READING - APPROVED

City Manager Stacey Almond presented the item. The item before Council is to consider the proposed ordinance that will grant Oncor Electric Delivery Company, LLC the right, privilege and franchise to construct, extend, maintain and operate in, along, under an across the present and future streets, alleys, highways, public utility easements, public ways and other public property of the city. This franchise agreement does not grant the company the right to engage in any other activities within the city other than specified in the ordinance. Oncor shall, except in certain cases, provide the city reasonable notice, and obtain a permit, prior to performing work in public right-of-way.

In consideration for the grant of right-of-way Oncor shall pay the city the following:

- A final quarterly payment will be made on or before December 15, 2018, for the basis period of July 1, 2018 through September 30, 2018 and the privilege period of July 1, 2019 through September 30, 2019 in accordance with the provisions in the previous franchise agreement.
- As authorized by Section 33.008(b) of PURA, the original franchise fee factor calculated for the City in 2002 was 0.002873 (the "Base Factor"), multiplied by each kilowatt hour of electricity delivered by Company to each retail customer whose consuming facility's point of delivery is located within the City's municipal boundaries for determining franchise payments going forward.

Due to a 2006 agreement between Oncor and city the franchise fee factor was increased to a franchise fee factor of 0.003017 (the "Current Factor"), multiplied by each kilowatt hour of electricity delivered by Company to each retail customer whose consuming facility's point of delivery is located within the City's municipal boundaries on a quarterly

basis. However, consistent with the 2006 agreement, should the Public Utility Commission of Texas at any time disallow Company's recovery through rates of the higher franchise payments made under the Current Factor as compared to the Base Factor, then the franchise fee factor shall immediately revert to the Base Factor of 0.002873 and all future payments, irrespective of the time period that is covered by the payment, will be made using the Base Factor.

Per the City Charter the City Council shall vote on two separate regular meetings of the City Council and shall not be finally passed until at least fifteen (15) days after the first reading; and no such ordinance shall take effect until thirty (30) days after its final passage. The second reading of Ordinance No. 1131 will take place at the November 13, 2018 during the regular City Council meeting.

A MOTION WAS MADE BY COUNCIL MEMBER STUARD, SECONDED BY MAYOR PRO TEM NARMORE TO APPROVE THE FIRST READING OF ORDINANCE NO. 1131, GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY LLC, AN ELECTRIC POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, PUBLIC WAYS AND PUBLIC PROPERTY OF THE CITY OF LAKE WORTH THROUGH SEPTEMBER 30, 2039.

MOTION TO APPROVE CARRIED 7-0.

F.2 DISCUSS AND CONSIDER APPROVAL OF A CONTRACT WITH THE DEPARTMENT OF PUBLIC SAFETY TO PARTICIPATE IN THE FAILURE TO APPEAR PROGRAM AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT.

APPROVED

Municipal Court Director Natacha Valdez summarized the item. City Council is being asked to consider approval of a contract with the Department of Public Safety to participate in the Failure to Appear Program. Chapter 706 of the Texas Transportation Code allow cities to enter into an agreement with the Department of Public Safety to deny renewal of a defendant's driver's license if they have failed to appear for a complaint/citation or failed to pay/satisfy a judgment ordering payment of a fine. Defendant's will not be allowed to renew their driver's licenses until the violation is resolved with the court. The program is maintained for the Department of Public Safety by OmniBase Services of Texas. Each complaint/citation sent to OmniBase will incur a \$30.00 administrative fee in which \$20.00 will be remitted to the State Comptroller, \$6.00 will be paid to OmniBase, and \$4.00 will be kept by the City with no designation. This contract is for a period of one (1) year with an automatic renewal on an annual basis with a 30-day termination notice by either party.

A MOTION WAS MADE BY COUNCIL MEMBER WENGER, SECONDED BY COUNCIL MEMBER WHITE TO APPROVE A CONTRACT WITH THE DEPARTMENT OF PUBLIC SAFETY TO PARTICIPATE IN THE FAILURE TO APPEAR PROGRAM AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT.

MOTION TO APPROVE CARRIED 7-0.

F.3 DISCUSS AND CONSIDER APPROVAL OF A CONTRACT WITH THE PAYMENT GROUP (TPG) FOR PROCESSING OF CREDIT CARDS FOR MUNICIPAL COURT PAYMENTS AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT.

APPROVED

Municipal Court Director Natacha Valdez stated that agenda items F.3 and F.4 were the same agreement for online processing of credit card payments. One agreement is for Municipal Court (F.3) and the other is for Utility Billing (F.4) water payments. Staff is recommending the City change credit card processing companies to The Payment Group. The Payment Group is integrated with the Municipal Court records management system to automatically post online or phone payments directly to the court system and allows the Court to send text messages to defendants with status updates of their citation (court date reminders, appearance date reminders, payment plan due reminders, etc.). The Payment Group has also agreed upon the same rates as the city currently offers court customers except for utility payments processed online. The current utility charge is a flat \$4.95 fee but with The Payment Group it would be 3.5%. On a \$69.79 (5k usage-city average bill) the fee with nCourt would be \$4.95 and with The Payment Group it would be \$2.44 to the resident. Both contracts are for one (1) year period with an automatic renewal on an annual basis with a 30-day termination notice by either party. The change would go into effect January 2019 allowing ample time to notify nCourt per the current contract requirements.

A MOTION WAS MADE BY COUNCIL MEMBER SMITH, SECONDED BY COUNCIL MEMBER STUARD, TO APPROVE ITEM F.3 AS PRESENTED.

MOTION TO APPROVE CARRIED 7-0.

F.4 DISCUSS AND CONSIDER APPROVAL OF A CONTRACT WITH THE PAYMENT GROUP (TPG) FOR PROCESSING OF CREDIT CARD PAYMENTS FOR UTILITY, PERMIT, AND MISCELLANEOUS CHARGES AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT.

APPROVED

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

A MOTION WAS MADE BY COUNCIL MEMBER STUARD, SECONDED BY COUNCIL MEMBER PARSLEY, TO APPROVE ITEM F.4 AS PRESENTED.

MOTION TO APPROVE CARRIED 7-0.

F.5 DISCUSS AND CONSIDER ORDINANCE NO. 1129, APPOINTMENT OF JIM MINTOR AS MAGISTRATE AND AUTHORIZE THE CITY MANAGER TO EXECUTE A TWO-YEAR AGREEMENT FOR MAGISTRATE SERVICES.

APPROVED

Municipal Court Director Natacha Valdez requested to present agenda items F.5 and F.6 since the items were related. In February 2018, the Lake Worth Municipal Court implemented video arraignment procedures in the jail and Associate Judge Craig Magnuson agreed to provide magistrate duties. Upon the renewal of his appointment and service agreement, the City and Judge Magnuson could not come to an agreement on the terms of his duties and compensation. This resulted in Judge Magnuson submitting a letter of resignation for his magistrate duties for the City. Staff is recommending appointment of Jimmy "Jim" Minter (F.5) to serve as the City's Magistrate and Renee Culp (F.6) to serve as the alternate in the absence of Mr. Minter. Both have agreed to provide magistrate duties per the terms set out in their service agreements. The agreements are for a two-year term and will expire on October 8, 2020. The City will compensate the Magistrate (Mr. Minter) at a flat-rate of \$1,200 per month. There is no compensation for the alternate Magistrate (Ms. Culp).

A MOTION WAS MADE BY COUNCIL MEMBER SMITH, SECONDED BY COUNCIL MEMBER WHITE, TO APPROVE ORDINANCE NO. 1129, ITEM F5 AS PRESENTED.

MOTION TO APPROVE CARRIED 7-0.

F.6 DISCUSS AND CONSIDER ORDINANCE NO. 1130, APPOINTMENT OF RENEE CULP AS AN ALTERNATE MAGISTRATE AND AUTHORIZE THE CITY MANAGER TO EXECUTE A TWO-YEAR AGREEMENT FOR MAGISTRATE SERVICES.

APPROVED

This item was presented and discussed with agenda item F.5 above.

A MOTION WAS MADE BY MAYOR PRO TEM NARMORE, SECONDED BY COUNCIL MEMBER PARSLEY, TO APPROVE ORDINANCE NO. 1130.

MOTION TO APPROVE CARRIED 7-0.

G. MAYOR AND COUNCIL ITEM(S)

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

Mayor Walter Bowen reported the Tarrant County Mayor's Council Annual Banquet will be held at the Fort Worth Club on Monday, December 3rd.

H. EXECUTIVE SESSION

No items for this category.

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

No action required.

K. ADJOURNMENT

Mayor Walter Bowen adjourned the meeting at 7:18 p.m.

APPROVED

By: _____
Walter Bowen, Mayor

ATTEST:

Monica Solko, City Secretary