

November 14, 2023

7:00 PM

Council Chambers

ATTENDEES:

Mayor	L. Kelly Jones
Council Member	Phillip Poole
Council Member	Brian Libbey
Council Member	Michael Dingman
Council Member	Robert Fitzgerald
Council Member	Halden Griffith
City Administrator/Sec	Brandy Barrett
Police Chief	Kevin Reaves
Deputy City Secretary	Elisa Greubel
City Attorney	Brenda McDonald

ABSENT:

CALL TO ORDER by Mayor Jones at 7:02 PM

INVOCATION was given by Councilman Libbey.

PLEDGE OF ALLEGIANCE was led by Mayor Jones.

SPECIAL PRESENTATION in honor of Captain Mark McLean's retirement.

- Captain McLean was unable to attend the meeting.

REGULAR SESSION:

1. MOTION to approve the agenda with a change to the order of items, moving items 7B, 7C, 7D, 7E, and 7I to the top of section 7.

- **MADE BY:** Brian Libbey. **SECOND:** Robert Fitzgerald.
- **Motion passed** by a vote of 5 Ayes and 0 Nays.

2. Approval of the Consent Agenda:

All matters listed as Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be a separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

A. Approval of the Minutes:

- Zoning Board of Adjustment, September 12, 2023
- Council Meeting – October 10, 2023

B. Approval of the Financial Reports:

- TexPool Report
- TexStar Report
- A/P Disbursements

BALANCES	GENERAL	WATER	CRIME CONTROL	CAPITAL PROJECTS	DEBT SERVICE	STREET	WRA	HCGC	GAS ROYALTIES
Oct-23									
Revenue *	\$223,736	\$174,806	\$59,404	\$1,162	\$233	\$29,703	\$31,609	\$173,760	\$0
Disbursement *	\$329,727	\$71,465	\$38,113	\$0	\$0	\$11,705	\$29,988	\$142,658	\$0
Cash on Hand	\$107,504	\$197,980	\$427,166	\$267,099	\$3,349	\$251,900	\$187,079	\$209,132	\$49,149
TexPool	\$3,503,082	\$237,711	0	\$256,569	\$51,477	0	\$364,420	0	0
TexStar	\$740,387	\$1,594,529	\$154,073	\$410,862	\$132,538	0	\$222,915	\$1,006,446	\$2,054,391

* Month end closings/Jes and bank reconciliation pending.

- C. **Interlocal agreement with Tarrant County:** Tarrant County has updated the fees they charge for Food establishments and Public Pools and Spa inspections, as allowed by Chapter 791 of the Texas Government Code. The city uses the county to perform these services and must approve the new fees, designate the Medical Director of Tarrant County Public Health authority over these matters, and support the county in enforcement efforts.

MOTION to approve the Consent Agenda.

- **MADE BY:** Phillip Poole. **SECOND:** Mike Dingman.
- Councilman Griffith recorded that he also thanked the Long-Range Planning Committee for the Vision Statement at the October meeting.
- **Motion passed** by a vote of 5 Ayes and 0 Nays.

3. **STAFF UPDATES:** *The Department Directors recapped their monthly reports.*
4. **MAYOR'S REPORT** *The mayor provided a brief recap of the previous 30 days in office.*
5. **COMMITTEE UPDATES:** *There were no committee reports given.*
6. **PUBLIC INFORMATION/ANNOUNCEMENTS**

A. Announcements and Proclamations

- Proclamation of November 22nd as Elizabeth Creamer Day in honor of her 104th birthday.
- City offices will be closed on November 23rd and 24th in observance of Thanksgiving.
- 2nd annual Tree Lighting & Santa photos will be held on December 1st at City Hall.

B. Meetings

- Planning and Zoning Commission, December 5th at 6:00pm
- Regular Council meeting, December 12th at 7:00pm

C. Citizen Comments

- Daniel Bennett, 408 Pemberton St
- Teddy Berdan, 5722 Popken Dr

7. **Public Hearings, Briefings and Action Items:**

A. Mayor Jones

Discuss and take action on Ordinance 500, the Planning and Zoning recommendation to amend Chapter 14 - Zoning of the Westworth Village Code of Ordinances providing for a definition of Smoke/Tobacco/CBD stores, modifying the use tables in the Commercial and Light Industrial Zones, establishing restrictions on said stores, providing for revocation of special use permits, enforcement, and penalties. *(The Comprehensive Zoning Use Table does not currently allow this business type by right and a potential business owner has requested it be added. This action was postponed from the August 8th to the September 12th, postponed again to October 10th and was postponed a 3rd time to November 14th.)*

MOTION to approve the second option presented regarding Vape Shops as presented in the council packet.

- **MADE BY:** Phillip Poole. **SECOND:** Mike Dingman.
- **Motion passed** by a vote of 4 Ayes and 1 Nay (Libbey).
 - Councilman Libbey requested it be recorded that he wanted the ordinance to include CBD, Vape, and Tobacco.

B. Public Hearing

Mayor Jones opened a Public Hearing to receive citizen comments and input on the replat and site plan for 6660 Hawks Creek Ave, Westworth Village, TX at 7:35 PM

- The following were read into the record in support of the project:

Noel Nesser, 6632 Fairway Dr	Tabatha Bradley
Johnathan Rittenhouse, 640 Taylor St	R Clay & Teresa Paslay
Caitlin Sims	Roy Johnson III
Robert F Pence, 801 Cherry St	Gary Walker
Karen Green	Jason Brown
Craig Lesok, 226 Bailey Ave	Mike Steele, 5601 Bridge St
Kay Sanders	Alison Sanburg & Matt Dufrene
Jennifer Nanni	Christian Burton
- The following spoke in support of the project:

Lindsey Garner, 8904 Siroka Dr	Alison Sanburg, 2712 Harlanwood Dr
Teresa Paslay, 208 Williamsburg Ln	Leah Collette, 13108 Willow Tree Ct
Corey Bearden, 2209 Edwin St	Mary Nesser, 6632 Fairway Dr
Ken Loose, 1212 Barker St	Renee Efimoff, 2101 N Holland Rd
Cameron Pope, 6908 Golf Green Dr	Thomas Brandon, 301 Commerce St
Matt Dufrene, 1601 Rock Cedar Ln	

Mayor Jones closed the Public Hearing at 8:19 PM.

C. Mayor Jones

Discuss and take action on the Planning and Zoning Commissions recommendation to approve the replat and site plan for 6660 Hawks Creek Ave, Westworth Village, TX. *(If the site plan is denied, the property owner requests the replat be denied as well.)*

MOTION to approve the Planning and Zoning Commissions recommendation to approve the replat and site plan for 6660 Hawks Creek Ave, Westworth Village, TX.

- **MADE BY:** Phillip Poole. **SECOND:** Mike Dingman.
- **Motion passed** by a vote of 5 Ayes and 0 Nays.

A five-minute recess was taken.

D. Public Hearing

Mayor Jones opened a Public Hearing to receive citizen comments and input on the replat and site plan for 6405 Westworth Blvd, Westworth Village, TX. at 8:31 PM.

- The following were read into the record in opposition to the project:

The Smith's, 6020 Bridgecreek Way	Lisa Morris, 5916 Westworth Falls Way
Aaron Kozak, 6005 Westworth Falls Way	Kimberly Haugh, 5913 Westworth Falls Way
Matt Tatum, 6008 Bridgecreek Way	Carley Marsteller, 206 River Trail Ct
Nancy Knapp, 6021 Westworth Falls Way	Elizabeth Porter, 6045 Bridgecreek Way
- The following spoke in opposition to the project:

Melinda Bachand, 5905 Westworth Falls Way	Michael Bachand, 5905 Westworth Falls Way
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- The following spoke in favor to the project:

Mack House, 3920 Potomac Ave	Sarah Lancarte, 3708 Crestline Ter
Robert Petrie, 2217 Charlene	Daysi Montes, 5713 S Wells Circle
Katie Reasons, 5337 Byers Ave	Cameron Pope, 6908 Golf Green Dr

Mayor Jones closed the Public Hearing at 9:08 PM.

E. Mayor Jones

Discuss and take action on the Planning and Zoning Commissions recommendation to approve Specific Use Permit and site plan for 6405 Westworth Blvd, Westworth Village, TX, provided a tree mitigation permit is submitted.

MOTION to deny the Planning and Zoning Commissions recommendation to approve Specific Use Permit and site plan for 6405 Westworth Blvd, Westworth Village, TX.

- **MADE BY:** Phillip Poole. **SECOND:** Mike Dingman.
- **Motion passed** by a vote of 4 Ayes, 0 Nays, and 1 Abstention (Fitzgerald).

F. Mayor Jones

Discuss and take action on Ordinance 506, amending the code of ordinances Chapter 8, Offenses and Nuisances by repealing Article 8.02. *(The 88th Texas Legislature adopted House Bill 1819, that went into effect on September 1, 2023, Local Government Code Section 370.007 prohibits cities from adopting or enforcing an order, ordinance or other measure that imposes a curfew to regulate the movements or actions of persons younger than 18 years of age.)*

MOTION to approve Ordinance 506, amending the code of ordinances Chapter 8, Offenses and Nuisances by repealing Article 8.02.

- **MADE BY:** Phillip Poole. **SECOND:** Brian Libbey.
- **Motion passed** by a vote of 5 Ayes and 0 Nays.

G. Public Hearing

Mayor Jones opened a Public Hearing to receive citizen comments and input on the adoption Ordinance 507 at 10:52 PM

- There were no speakers.

Mayor Jones closed the Public Hearing at 10:52 PM.

H. Mayor Jones

Discuss and take action on Ordinance 507 adding Article 8.08 Sections 8.08.001 through 8.08.03 of the Westworth Village Code of Ordinances providing for a definition of the sale of Delta 8 and Kratom, establishing restrictions, enforcement, and penalties.

MOTION to postpone this item to the December 12th meeting.

- **MADE BY:** Phillip Poole. **SECOND:** Mike Dingman.
- **Motion passed** by a vote of 5 Ayes and 0 Nays.

I. Mayor Jones

Discuss and take action on the placement of the F-18 jet currently located at the NASJRB entrance and the T-33 jet currently located at the Melva Campbell Park entrance.

- The following were read into the record in support of the project:

Dan Novak, 6641 Fairway Dr	Jim Tomason, 444 Wyndham Crest
Scott O'Neal, 6200 Westworth Blvd	Sharon Schmitz, 1 Leonard Trail
Mike Coleman, 114 Monterra Circle	Marsha Rahn, 5736 Carb Dr
Joe Thompson, 602 Deloache Cresent	Lance Rahn, 5736 Carb Dr
Dic Marxen, 107 Monterra Circle	Cheryl Hodge, 107 Monterra Circle
David Tierney, 438 Wyndham Crest	Dave Motley, 708 Cinnabar Ct
Lorna Paden, 5717 Tracyne	Jo Ann Rowls, 109 Crossroads Circle
Jessica Garrett, 5856 Lyle St	The Wright Family, 5880 Tracyne Dr
Carl Greer, 16 Trinity Oaks	
- The following were read into the record in opposition of the project:

Herbert Gabler, 113 Koldin Lane	Adam Pendleton, 5804 Straley
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- The following spoke in support of the project:
Kerre Randel, 106 Monterra Circle Donna Allison, 5700 Sunset Rd
- The following spoke in opposition of the project:
Melva Campbell, 124 Smallwood Darla Thornton, 188 Pecan Dr
Christian Gabler, 113 Koldin Ln
- The following spoke on the project:
Margaret Worthington, 5700 Tracyne Anita Gray, 111 Koldin Ln

Mayor Jones discussed that determining the location was a requirement to submit the museum application for approval, if the application is approved to paint the jet it in the Blue Angels livery, then pricing and additional information would be gathered before action to move or paint the F-18.

MOTION to place the F-18 on the southeast side of the greenspace in front of city hall, presented as option two.

- **MADE BY:** Mike Dingman. **SECOND:** None.
- **Motion died due to lack of second.**

MOTION to place the F-18 in the middle of the greenspace in front of City Hall.

- **MADE BY:** Robert Fitzgerald. **SECOND:** Mike Dingman.
- **Motion passed** by a vote of 3 Ayes, 1 Nay (Griffith) and 1 Abstention (Libbey).
 - Councilman Griffith requested it be recorded that his Nay is not for the jet, but for the location, as he would like it placed somewhere more historic and he fervently supports the military and the base.

J. Councilman Griffith

Review and discuss the grass at Melva Campbell Park.

- A discussion was held regarding options improve the grass at Melva Campbell Park including, resodding, adding a sprinkler system, and cutting back the trees to allow sunlight to reach the grass. Ms. Barrett reported the golf course superintendent has seeded and recommends letting it grow another season before taking more labor and cost intensive measures.

K. Councilman Libbey

Review and discuss the status of existing artificial turf in residential areas, especially in relation to Mr. Berdan's property.

- A discussion was held regarding the process of writing the artificial turf ordinance. The council requested the Planning and Zoning Commission make their recommendation for consideration at the December council meeting.

EXECUTIVE SESSION:

Mayor Jones convened in closed executive session at 11:19 PM to deliberate the following items:

A. Consultation with attorney pursuant to Texas Government Code Sections 551.071

- Regarding the legal representation of individual members of the council, boards, and committees in pending or contemplated litigation.

B. Consultation with attorney pursuant to Texas Government Code Section 551.072.

- Receive legal advice and discuss status of the Burgess property condemnation.
- Receive legal advice and discuss status of Blue Atlantic Hawks Creek, LP litigation.
- Receive legal advice and discuss status of the St. Anne & St. Joachim, LLC litigation.

C. Deliberation of personnel matters pursuant to Texas Government Code Section 551.074

- Discuss attorney representation regarding legal matters.

Mayor Jones re-convened in open session at 12:05 AM. The following action was taken:

MOTION to retain Kirk Bryant as special counsel to represent the city in the Blue Atlantic Hawks Creek LP litigation.

- **MADE BY:** Phillip Poole. **SECOND:** Halden Griffith.
- **Motion passed** by a vote of 5 Ayes and 0 Nays.

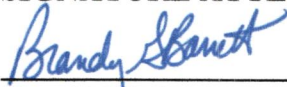
The meeting was adjourned at 12:06 AM PM by Mayor Jones.

MINUTES APPROVED BY:



L. Kelly Jones, Mayor

SIGNATURE ATTESTED BY:



Brandy G. Barrett, TRMC
City Administrator/City Secretary

