

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
JANUARY 15, 2008**

Present

Mayor Mike Moncrief
Mayor Pro tem Kathleen Hicks, District 8
Council Member Salvador Espino, District 2
Council Member Chuck Silcox, District 3
Council Member Daniel Scarth, District 4
Council Member Frank Moss, District 5
Council Member Jungus Jordan, District 6
Council Member Carter Burdette, District 7
Council Member Joel Burns, District 9

City Staff

Charles Boswell, City Manager
David Yett, City Attorney
Marty Hendrix, City Secretary

With a quorum of the City Council Members present, Mayor Moncrief called the regular session of the Fort Worth City Council to order at 10:05 a.m. on Tuesday, January 15, 2008, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102.

**Agenda Item II
Invocation** The invocation was given by Reverend Ken Ehrke, Agape Metropolitan Community Church.

**Agenda Item III
Pledge** The Pledge of Allegiance was recited.

**Agenda Item IV
Approval of
Minutes** Upon a motion of Council Member Jordan, seconded by Council Member Silcox, the minutes of the regular meeting of January 8, 2008, were approved unanimously nine (9) ayes to zero (0) nays.

**Agenda Item V
Special
Presentations** There were no special presentations.

**Agenda Item VI
Announcements** Council Member Silcox reminded everyone that the City would be testing sirens for the outdoor warning system. He stated that on the first Wednesday of each month at 1:00 p.m., a 90-second test was conducted of the system; however, the remaining Wednesdays of the month at 1:00 p.m., only a five-second test would be conducted to basically test the battery in the system.

Council Member Moss announced that a Community Police Forum would be conducted on January 28, 2008, from 7:00 p.m. to 8:00 p.m. at Dunbar High School and invited everyone interested to attend. He stated that, thanks to the Public Health Department, District 5 was beginning a series of workshops about learning how to make healthy food choices. He stated the workshops would begin on January 19, 2008, from 10:00 a.m. to 12:00 noon at the Minyard Food Store at 4245 East Berry Street. He added that although the overall focus of the workshop was to learn how to make healthy choices it would also assist people with limited income with information on how to eat cheaper. He stated the workshops would be held every month and that the workshops would also teach people how to navigate stores to make healthy choices and avoid high dollar food items when shopping.

Council Member Jordan announced that a District 6 Town Hall meeting would be conducted on February 4, 2008, at 7:00 p.m. at North Crowley High School. He added that 25 staff agencies would be represented and that updates would be provided relative to traffic and development in the City. He encouraged everyone in District 6 and the City to attend.

Council Member Scarth announced that a District 4 Town Hall meeting would be conducted on January 17, 2008, at 7:00 p.m. at the North Fossil Hill Middle School and encouraged everyone in District 4 to attend.

**Agenda Item VII
Withdrawn from
Consent Agenda**

There were no items removed from the Consent Agenda.

**Agenda Item VIII
Continued/
Withdrawn By Staff**

City Manager Boswell requested that the original version of Mayor and Council Communication No. G-16003 be withdrawn from consideration. He advised that the Council would take action on a revised version of the M&C.

**Agenda Item IX
Consent Agenda**

Upon a motion made by Council Member Silcox, seconded by Council Member Espino, the Council voted nine (9) ayes to zero (0) nays to approve and adopt all items on the Consent Agenda as recommended and as follows:

**OCS-1640
Claims**

M&C OCS-1640 - from the Office of the City Secretary recommending that the City Council refer notices of claims regarding alleged damages and/or injuries to the Finance/Risk Management Department.

**G-16018
Repair Parking Lots
for West Division
Headquarters**

M&C G-16018 - Authorizing the City Manager to execute a contract with Reliable Paving, Inc., in the amount of \$46,966.00 to repair two parking lots for the Police Department West Division Headquarters located at 3525 Marquita.

(Note: This agenda item was reconsidered by the City Council. See page 8.)

- P-10710**
Goods and Services M&C P-10710 - Authorizing the City Manager to execute Cooperative Purchasing Agreements for goods and services between the City of Fort Worth, local governments and local cooperative purchasing organizations authorized by the Texas Local Government Code.
- P-10711**
Pump Control Valve M&C P-10711 - Authorizing the purchase of a pump control valve at a cost of \$66,381.00 from GA Industries, Inc., for the Water Department.
- P-10712**
Loop Detector
Replacement
Services M&C P-10712 - Authorizing a purchase agreement for loop detector replacement services with Durable Specialties, Inc., for the Transportation and Public Works Department; and authorizing the City Manager to execute interlocal agreements allowing other government entities to participate in this bid award in accordance with Local Government Code, Section 271.102, "Cooperative Purchasing Program Participation."
- P-10713**
Traffic Control
Camera Systems M&C P-10713 - Authorizing purchase agreements for traffic control camera systems from Texas Highway Products, Ltd., and Paradigm Traffic Systems, Inc., using Texas Department of Transportation agreements for the Transportation/Public Works Department.
- P-10714**
Demolition and
Reconstruction
Services M&C P-10714 - Ratifying an emergency purchase from Sanders Plumbing, Inc., in the amount of \$27,814.45 for demolition and reconstruction services related to the north concession stand at the Will Rogers Memorial Center for the Public Events Department.
- L-14454**
Acquire Permanent
Water Main
Easement and
Temporary
Construction
Easement for
Construction of
South Side II Water
Transmission Main M&C L-14454 - Authorizing and accepting the acquisition of one permanent water main easement and one temporary construction easement described as a strip of land out of the I. Power Survey, Abstract No. 1239, Tarrant County, Texas, from Bodin Concrete, L.P., located at 9500 Oak Grove Road, Fort Worth, Tarrant County, Texas, for the construction of the South Side II Water Transmission Main (DOE 4083), in the amount of \$343,800.00, plus an estimated closing cost of \$7,500.00; and authorizing the acceptance and recording of appropriate instruments.
- L-14455**
Sale of Tax-
Foreclosed Property M&C L-14455 - Authorizing the direct sale of a tax-foreclosed property described as Lot 46 and east 4-feet of Lot 47, Block 8, Frisco Addition, at 1901 West Morphy Street in accordance with Section 34.05 of the Texas Property Tax Code to VGA Leasing, LP, in the amount of \$6,655.00; and authorizing the City Manager to execute and record the appropriate instruments (DOE 920) conveying the property to complete the sale.

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- L-14456**
Accept Dedication
of Parkland for
Rockwood Park
- M&C L-14456 - Accepting the dedication of a 2.3237 acre portion of parkland and facility improvements situated in the Peter Schoonover Survey, Abstract No. 1405, and being a portion of a 9.89 acre tract conveyed to FW Village, Ltd., Tarrant County, Texas, in accordance with the *Neighborhood and Community Park Dedication Policy* for Rockwood Park.
- C-22617**
Ord. No. 17948-01-
2008
LopezGarcia
Group, Inc.
- M&C C-22617 - Authorizing the transfer of \$73,495.00 from the Storm Water Utility Fund to the Storm Water Capital Projects Fund; adopting Appropriation Ordinance No. 17948-01-2008 increasing estimated receipts and appropriations in the Storm Water Capital Projects Fund in the amount of \$73,495.00 from available funds, for the purpose of executing an engineering agreement with LopezGarcia Group, Inc., for the Carten Street Outfall Erosion Protection Project (City Project No. 00673); and authorizing the City Manager to execute an engineering agreement with LopezGarcia Group, Inc., in the amount of \$63,908.00 for the Carten Street Outfall Erosion Protection Project.
- C-22618**
Ord. No. 17949-01-
2008
LopezGarcia
Group, Inc.
- M&C C-22618 - Authorizing the transfer of \$87,265.00 from the Storm Water Utility Fund to the Storm Water Capital Projects Fund; adopting Appropriation Ordinance No. 17949-01-2008 increasing estimated receipts and appropriations in the Storm Water Capital Projects Fund in the amount of \$87,265.00 from available funds, for the purpose of executing an engineering agreement with LopezGarcia Group, Inc., for the Cooks-Ederville Culvert Erosion Protection Project (City Project No. 00667); and authorizing the City Manager to execute an engineering agreement with LopezGarcia Group, Inc., in the amount of \$75,883.00 for the Cooks-Ederville Culvert Erosion Protection Project.
- C-22619**
Change Order No. 3
to CSC No. 33929 -
McClendon
Construction
Company, Inc.
- M&C C-22619 - Authorizing the City Manager to execute Change Order No. 3 to City Secretary Contract No. 33929 with McClendon Construction Company, Inc., to include drainage improvements on Harlanwood Drive (Lynncrest Drive to Preston Hollow Road) (City Project No. 00150) in the amount of \$43,160.50, thereby increasing the contract amount to \$1,414,842.75.
- C-22620**
Conatser
Construction TX,
LP
- M&C C-22620 - Authorizing the City Manager to execute a contract with Conatser Construction TX, LP, in the amount of \$846,725.00 for construction of the Como Pump Station 30-inch Water Transmission Main (City Project No. 00190).
- C-22621**
Change Order No. 5
to CSC No. 28243 -
Mike Albert, Inc.
- M&C C-22621 - Authorizing the City Manager to execute Change Order No. 5 to City Secretary Contract No. 28243 with Mike Albert, Inc., in the amount of \$58,075.01 for construction of drainage improvements to Dry Branch Creek (DOE 3629) thereby increasing the contract amount to \$2,191,814.90.

C-22622
Amendment No. 1 to
CSC No. 34414 -
Carter and Burgess,
Inc.

M&C C-22622 - Authorizing the City Manager to execute Amendment No. 1 to City Secretary Contract No. 34414, an Engineering Agreement with Carter and Burgess, Inc., for construction management of the Sendera Ranch Pump Station and Ground Storage Tank (City Project No. 00376) for a total fee of \$62,000.00, thereby increasing the contract amount to \$320,640.00.

C-22623
Change Order No. 1
to CSC No. 34844 -
Siemens Building
Technologies, Inc.

M&C C-22623 - Authorizing the City Manager to execute Change Order No. 1 to City Secretary Contract No. 34844 with Siemens Building Technologies, Inc., for the construction of the Phase II Security Improvements at Water Department facilities, in the amount of \$364,929.00, thereby increasing the contract amount to \$2,394,178.00.

The motion carried. End of Consent Agenda.

Agenda Item X
Presentations by
City Council –
Appointments

Council Member Espino made a motion, seconded by Mayor Pro tem Hicks, that Mr. Tracy Edwards be appointed to Place 6 on the Animal Shelter Advisory Committee and that Texas Christian University be appointed to Place 25 on the Mayor’s Committee on Persons with Disabilities effective January 15, 2008, and with terms expiring October 1, 2008, and October 1, 2009, respectively. The motion carried unanimously nine (9) ayes to zero (0) nays.

Council Member Moss made a motion, seconded by Council Member Espino, that Crystalyne Clark and Jonathon Dedmon be appointed to the Youth Advisory Board effective January 15, 2008. The motion carried unanimously nine (9) ayes to zero (0) nays.

Council Member Burns made a motion, seconded by Council Member Espino, that Gaye Reed be appointed to Place 9 on the City Zoning Commission and the Fort Worth Alliance Airport Zoning Commission effective January 15, 2008, and with a term expiring October 1, 2009. The motion carried unanimously nine (9) ayes to zero (0) nays.

C.P. No. 275
Res. No. 3571-01-
2008
Support “Pull “Em
Up” Campaign

There was presented Council Proposal No. 275 proposing that the Fort Worth City Council adopt a resolution supporting the “Pull ‘Em Up” public awareness campaign.

Council Member Silcox made a motion, seconded by Council Member Espino, that the Council rules relative to taking action on Council Proposals at a subsequent Council meeting be suspended and that Council take action on Council Proposal No. 275. The motion carried unanimously nine (9) ayes to zero (0) nays.

The following individuals appeared before Council in support of the Council Proposal and resolution:

| | |
|--|-----------------------|
| Mr. Scott Sieck (Represented Clear Channel) | 645 Shady Bridge Lane |
| Bishop Kenneth Spears (Represented 1 st St. John Church) | 2401 E. Berry |
| Johnny Muhammad (Represented UMOJA) | 2912 Nara Vista |

Council Member Moss stated that the Cities of Dallas and Arlington were also supporting this effort and that the Fort Worth Independent School District would discuss this issue at their next board meeting. He also stated that Tarrant County was also interested in joining the effort. He pointed out that the bottom line of this effort was that it was an economic piece as young people cannot get jobs or take advantage of opportunities because of being stereotyped because of their fashion statement; it prevented young people from moving forward.

Mayor Moncrief stated that there was a need for this program and the message needed to resonate that perception is truth. He added that it was an opportunity for young people to be educated on self respect and respect for their elders.

Council Member Moss made a motion, seconded by Council Silcox, that Council Proposal No. 275 be approved and Resolution No. 3571-01-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

Council Member Silcox requested Council's consideration to return to Item VII, Items to be Withdrawn from the Consent Agenda, as he had inadvertently neglected to remove an item for discussion.

It was the consensus of the City Council that Item VII, Items to be Withdrawn from the Consent Agenda, be reconsidered.

Council Member Silcox requested that Mayor and Council Communication G-16018 be withdrawn from the Consent Agenda.

Upon a motion made by Council Member Jordan, seconded by Council Member Silcox, the Council voted nine (9) ayes to zero (0) nays to approve and adopt all remaining items on the Consent Agenda as amended.

**Agenda Item XI
Committee
Presentations** There were no presentations or communications from boards, commissions and/or City Council Committees.

**Agenda Item XIII
Res. No. 3572-01-
2008** There was presented a resolution on January 8, 2008, appointing the following members of the Aviation Museum Task Force, effective January 15, 2008:

**Appoint Members
of Aviation
Advisory Task
Force**

- a. Van Romans, Moderator
- b. Jeff Johns, Vice Moderator
- c. Brenda Tillman
- d. Ed Cvetko
- e. Norman Robbins
- f. Bell Helicopter Representative - TBD
- g. David DuBois
- h. Jim Hodgson
- i. Raymond Darrow
- j. Clyde Picht
- k. Doc Hospers
- l. NASJRB Representative - TBD

Council Member Jordan advised that Carl Harris would be the representative from Bell Helicopter and acknowledged the presence of Jim Hodgson in the audience.

Council Member Jordan made a motion, seconded by Council Member Silcox, that Resolution No. 3572-01-2008 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

AGENDA ITEM XIV – REPORT OF THE CITY MANAGER

**G-16003
Adopt Aquatic
Master Plan 2008 as
Amendment to
Park, Recreation
and Open Space
Master Plan and
Comprehensive
Plan – Withdrawn
from Consideration**

It was the consensus of the City Council that Mayor and Council Communication No. G-16003, dated December 18, 2007, Authorize the Adoption of the Aquatic Master Plan 2008; and Adopt the Plan as an Amendment to the Park, Recreation and Open Space Master Plan and the City's Comprehensive Plan, be withdrawn from consideration.

**G-16003 Revised
Adopt Aquatic
Master Plan 2008 as
Amendment to
Park, Recreation
and Open Space
Master Plan and
Comprehensive
Plan**

There was presented Mayor and Council Communication No. G-16003 Revised from the City Manager recommending that the City Council adopt the Aquatic Master Plan 2008; and adopt the Plan as an amendment to the Park, Recreation and Open Space Master Plan and the City's Comprehensive Plan.

Mayor Pro tem Hicks stated that she had discussed the master plan with Richard Zavala, Parks and Community Services Department Director, to confirm that the pools would remain available to residents of the City until the new pools and aquatic centers were open.

Council Member Moss expressed appreciation to the staff in addressing District 5 concerns and reiterated that District 5 had no public pools. He stated meetings with various groups interested in partnering with Fort Worth looked very productive and that they were interested in providing a swimming pool and therapy pool in District 5. He added that the groups also would partner with the Fort Worth Independent School District to provide a pool that would become a major part of their overall program.

Mayor Pro tem Hicks made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. G-16003 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**G-16018
Repair Parking Lots
for Police
Department West
Division
Headquarters –
Continued Until
January 22, 2008**

There was presented Mayor and Council Communication No. G-16018 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with Reliable Paving, Inc., in the amount of \$46,966.00 to repair two parking lots for the Police Department West Division Headquarters located at 3525 Marquita.

Council Member Silcox referred to conflicting wording in the Recommendation and Discussion sections of the M&C. Whereas the Recommendation section reflected that the two parking lots were in need of repair, the Discussion section reflected the two parking lots were in need of total repaving and restriping which lead him to believe that the parking lots were being reconstructed. He requested that staff provide clarification of the two M&C sections.

Deputy Police Chief Pat Kneblick attempted to provide clarification but requested this item be continued one week to provide detailed information on the parking lot repairs.

Council Member Silcox made a motion, seconded by Mayor Pro tem Hicks, that Mayor and Council Communication No. G-16018 be continued until the January 22, 2008, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

**G-16019
Initiate Rezoning of
Certain Properties
in Accordance with
Six Points Urban
Village Master Plan
and Comprehensive
Plan – Continued
Until
January 22, 2008**

There was presented Mayor and Council Communication No. G-16019 from the City Manager recommending that the City Council authorize the City Manager to initiate certain zoning changes from “CF” Community Facilities, “B” Two Family Residential, “C” Medium Density Multifamily, “E” Neighborhood Commercial, “MU-1” Low Intensity Mixed Use, “F” General Commercial, “I” Light Industrial, “J” Medium Industrial and “PD” Planned Development to “MU-1” Low Intensity Mixed Use for the Six Points Urban Village in accordance with the Six Points Urban Village Master Plan and the Comprehensive Plan.

Council Member Espino made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. G-16019 be continued until the January 22, 2008, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

**G-16020
Pay for Relocation
and Moving
Expenses for Right-
of-Way for
Southwest Parkway
Project**

There was presented Mayor and Council Communication No. G-16020 from the City Manager recommending that the City Council authorize the additional payment of relocation and moving expenses to Lesikar Construction Company, up to \$25,568.44, as a displaced business, from 4359 West Vickery Boulevard, in the Vickery Corridor, Parcel No. 84-A1 for Right-of-Way for the Southwest Parkway Project (DOE 3777).

Council Member Silcox made a motion, seconded by Mayor Pro tem Hicks, that Mayor and Council Communication No. G-16020 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**G-16021
Accept Donation of
MotorHome**

There was presented Mayor and Council Communication No. G-16021 from the City Manager recommending that the City Council accept the donation of a Providence motorhome valued at \$215,000.00 for the Police Department from FracTech.

Council Member Silcox made a motion, seconded by Mayor Pro tem Hicks, that Mayor and Council Communication No. G-16021 be approved with appreciation. The motion carried unanimously nine (9) ayes to zero (0) nays.

**Public Hearing
G-16022
Waive High Impact
Gas Well Permit to
Allow Drilling of
Gas Wells on Pad
“A” of Creamer
Lease**

It appeared that the City Council set today as the date for a public hearing to consider a waiver for a high impact gas well permit requested by XTO Energy, Inc., to allow the drilling of three gas wells on Pad “A” of the Creamer Lease located northwest of the intersection of Roberts Cutoff Road and Cahoba Drive. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Ms. Susan Alanis, Deputy Director, Planning and Development Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. G-16022, as follows:

There was presented Mayor and Council Communication No. G-16022 from the City Manager recommending that the City Council consider a waiver for a high impact gas well permit request of XTO Energy, Inc., to allow the drilling of the Creamer 1H, 2H and 3H gas wells on Pad “A” of the Creamer Lease located in the A. Van Nordstrand Survey, Abstract No. 1584, Tract 1, located northwest of the intersection of Roberts Cutoff Road and Cahoba Drive in northwest Fort Worth.

Walter Dueease

Mr. Walter Dueease, 810 Houston Street, representing XTO Energy, Inc., appeared before Council in support of the permit for a high impact gas well. He provided a summary of the site and explained that access to the pad site would be from Roberts Cutoff Road and would not pose any impact to park traffic. He explained the purpose for the sloped areas on the north and south of the site and stated that no construction activity would take place on the park. He pointed out that residences and apartments to the east and west of the site were outside of the 600 foot boundary from the proposed wells.

Joe Waller

Mr. Joe Waller, 2533 Castle Circle, President of the Lake Worth Alliance, appeared before Council in opposition of the permit for a high impact gas well. He advised that the City needed to be concerned about activity in the immediate vicinity of the City’s water supply. He stated that the well site was much higher than Lake Worth and the runoff would flow south from the pad site to the lake. He stated that he would like a representative from XTO Energy, Inc., to meet with the Alliance to explain how this well would not have adverse impacts to the area. He requested a week’s delay on this issue to give the Alliance an opportunity to meet with an XTO representative.

There was further discussion by Council Member Burdette with Mr. Dueease on the typography of the site and the cut and fill to level out the pad site. Mr. Dueease advised of the 3 to 1 sloping.

Council Member Scarth requested clarification on a retaining wall and pollution control for the site. Mr. Dueese provided further clarification on those issues.

Council Member Burdette stated it was obvious that any drilling at the lake would be above the level of the lake. He also pointed out that what is done at this location can be a template for other work around the lake. He proposed that the request be approved on three conditions:

1. That XTO file and receive approval from the City's Gas Well Inspector a detailed plan on how the pad site would be protected from any drainage.
2. That the plan be made available to Mr. Waller and anyone else who wanted to see it.
3. That the plan be filed and approved by the Gas Well Inspector before the actual well was drilled.

Mr. Waller stated that the Lake Worth Alliance would like to communicate with XTO on this operation. He expressed concern with the speed at which this issue was processed because of a lease expiring and added that the City's processes should not be compromised because of poor planning of the leaser.

Council Member Burdette stated that the proper thing was to make sure that there was a plan on this pad site and any future pad sites that would address the drainage problem to ensure there was no drainage into the lake.

There being no one else present desiring to be heard in connection with the public hearing, Council Member Burdette made a motion, seconded by Council Member Silcox, that the public hearing be closed and Mayor and Council Communication No. G-16022 be approved with the conditions as stated. The motion carried unanimously nine (9) ayes to zero (0) nays.

L-14452
Lease for Natural
Gas Drilling of City-
Owned Properties

There was presented Mayor and Council Communication No. L-14452 from the City Manager recommending that the City Council approve the acceptance of a lease agreement for natural gas drilling under 1.861 acres, more or less, of City-owned properties located in Tarrant County, Texas, known as Crowley Road Right-of-Way, to Chesapeake Exploration, L.L.C.

Council Member Jordan made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. L-14452 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**L-14453
Lease for
Installation of
Community
Facilities for
Construction of
Keller ISD
Elementary School
No. 20 and High
School No. 4**

There was presented Mayor and Council Communication No. L-14453 from the City Manager recommending that the City Council authorize the City Manager to execute a non-exclusive lease agreement with Keller Independent School District (ISD) for a portion of City property in an around Timberland Road, Grey Twig Drive, and an unnamed street referred to in the Lease as "Street A" to accommodate the installation of water, sewer, storm drainage and street improvements required by the construction of Keller Independent School District Elementary School No. 20 and High School No. 7 in the City of Fort Worth.

Council Member Espino made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. L-14453 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**L-14457
Accept Dedication
of Parkland for
Meadow Creek
Park**

There was presented Mayor and Council Communication No. L-14457 from the City Manager recommending that the City Council accept the dedication of a 4.524 acre of parkland and facility improvements situated in the E.B. Dishman Survey, Abstract No. 407, Tarrant County, Texas, said tract also being all of Lot 1X, Block 25, Phase III, Meadow Creek South Addition, Tarrant County, Texas, from Pulte Homes of Texas, L.P., in accordance with the *Neighborhood and Community Park Dedication Policy* for Meadow Creek Park.

Council Member Jordan made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. L-14457 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**Public Hearing
L-14458
Convert Parkland
for Subsurface
Drilling and
Extraction of
Natural Gas**

It appeared that the City Council set today as the date for a public hearing to authorize conversion of parkland at Camelot Park for the purpose of subsurface drilling and the extraction of natural gas from an off site location. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Mr. Harold Pitchford, Assistant Director, Parks and Community Services Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. L-14458, as follows:

There was presented Mayor and Council Communication No. L-14458 from the City Manager recommending that the City Council conduct a public hearing under the guidelines set forth by the Texas Parks and Wildlife Code, Chapter 26, Protection of Public Parks and Recreational Lands; find that no feasible or prudent alternative exists to drilling and extracting gas from underneath this

park site; find that the proposed conversion includes all reasonable planning to minimize harm to the parkland; and close the public hearing and authorize the City Manager to convert Camelot Park at 1517 Andante Drive, located south of Sycamore Elementary School, east of Park West Circle and west of the terminus of Andante Drive for subsurface drilling and the extraction of natural gas from an off site location.

Council Member Jordan stated that he had addressed this issue with the president of the local neighborhood association and clarified that this action was just to authorize the access of gas underneath a park; the well site was previously approved. He assured that there would be no drilling in the park.

There being no one present desiring to be heard in connection with the public hearing, Council Member Jordan made a motion, seconded by Council Member Espino, that the public hearing be closed and Mayor and Council Communication No. L-14458 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**Public Hearing
L-14459
Convert Parkland
for Subsurface
Drilling and
Extraction of
Natural Gas**

It appeared that the City Council set today as the date for a public hearing to authorize conversion of parkland at Crestwood Park and Eagle Mountain Ranch Park for the purpose of subsurface drilling and the extraction of natural gas from an off site location. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Mr. Harold Pitchford, Assistant Director, Parks and Community Services Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. L-14459, as follows:

(Council Member Silcox left his place at the dais.)

There was presented Mayor and Council Communication No. L-14459 from the City Manager recommending that the City Council conduct a public hearing under the guidelines set forth by the Texas Parks and Wildlife Code, Chapter 26, Protection of Public Parks and Recreational Lands; find that no feasible or prudent alternative exists to drilling and extracting gas from underneath these park sites; find that the proposed conversions includes all reasonable planning to minimize harm to the parkland; close the public hearing and authorize the City Manager to convert the following parks for subsurface drilling and the extraction of natural gas from an off site location:

- Crestwood Park - 3701 Rockwood Park Drive, located south of Rockwood Park Drive, north of Oaklawn Drive, east of Northwood Road and west of Bailey Avenue; and
- Eagle Mountain Ranch Park - 7200 Bunk House Drive, located south of Eagle Mountain Ranch Boulevard, west of South Camp Court and east of Bunk House Drive.

Council Member Burdette advised that no drilling would take place on the surface of the parkland; it would be drilled underneath park property.

There being no one present desiring to be heard in connection with the public hearing, Council Member Burdette made a motion, seconded by Council Member Jordan, that the public hearing be closed and Mayor and Council Communication No. L-14459 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**Public Hearing
L-14460
Convert Parkland
for Subsurface
Drilling and
Extraction of
Natural Gas**

It appeared that the City Council set today as the date for a public hearing to authorize conversion of parkland at Lost Spurs Park for the purpose of subsurface drilling and the extraction of natural gas from an off site location. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Mr. Harold Pitchford, Assistant Director, Parks and Community Services Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. L-14460, as follows:

There was presented Mayor and Council Communication No. L-14460 from the City Manager recommending that the City Council conduct a public hearing under the guidelines set forth by the Texas Parks and Wildlife Code, Chapter 26, Protection of Public Parks and Recreational Lands; find that no feasible or prudent alternative exists to drilling and extracting gas from underneath this park site; find that no proposed conversion includes all reasonable planning to minimize harm to the parkland; and close the public hearing and authorize the City Manager to convert Lost Spurs Park at 3520 Alta Vista Road, located to the southwest of Alta Vista Road and east of Drove Ranch Road/Lost Spurs Road for subsurface drilling and the extraction of natural gas from an off site location.

There being no one present desiring to be heard in connection with the public hearing, Council Member Espino made a motion, seconded by Council Member Burdette, that the public hearing be closed and Mayor and Council Communication No. L-14460 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**Public Hearing
L-14461
Convert Parkland
for Subsurface
Drilling and
Extraction of
Natural Gas**

It appeared that the City Council set today as the date for a public hearing to authorize conversion of parkland at Marine Creek Linear Park North, Marine Creek Linear Park, Far Northside Park, Lincoln Park and Rodeo Park for the purpose of subsurface drilling and the extraction of natural gas from an off site location. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Mr. Harold Pitchford, Assistant Director, Parks and Community Services Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. L-14461, as follows:

There was presented Mayor and Council Communication No. L-14461 from the City Manager recommending that the City Council conduct a public hearing under the guidelines set forth by the Texas Parks and Wildlife Code, Chapter 26, Protection of Public Parks and Recreational Lands; find that no feasible or prudent alternative exists to drilling and extracting gas from underneath these park sites; find that the proposed conversions include all reasonable planning to minimize harm to the parkland; and close the public hearing and authorize the City Manager to convert the following parks for subsurface drilling and extraction of natural gas from an off site location:

- Marine Creek Linear Park North - 3317 Chestnut Avenue, located south of 35th Street, west of Chestnut Avenue, north of Long Avenue and east of Angle Avenue;
- Marine Creek Linear Park - 3106 Angle Avenue, located south of Long Avenue, south of Gould Avenue, north of 30th Street and east of Angle Avenue;
- Far Northside Park - 2950 Roosevelt Avenue, located south of Northwest 30th Street, west of Prairie Avenue, north of Northwest 29th Street and east of Roosevelt Avenue;
- Lincoln Park - 2922 Lincoln Avenue, located south of Northwest 30th Street, west of Refugio Avenue/Prospect Avenue/Clinton Avenue, north of Northwest 29th Street and east of Lincoln Avenue/Angle Avenue/Cliff Avenue; and
- Rodeo Park - 2605 North Houston Street, located south of Northwest 28th Street, west of Ellis Avenue, north of Northwest 26th Street, and east of Clinton Avenue.

There being no one present desiring to be heard in connection with the public hearing, Council Member Espino made a motion, seconded by Council Member

Moss, that the public hearing be closed and Mayor and Council Communication No. L-14461 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**Public Hearing
L-14462
Convert Parkland
for Subsurface
Drilling and
Extraction of
Natural Gas**

It appeared that the City Council set today as the date for a public hearing to authorize conversion of parkland at Maddox Park, Northside Park, Circle Park and Arneson Park for the purpose of subsurface drilling and the extraction of natural gas from an off site location. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Mr. Harold Pitchford, Assistant Director, Parks and Community Services Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. L-14462, as follows:

There was presented Mayor and Council Communication No. L-14462 from the City Manager recommending that the City Council conduct a public hearing under the guidelines set forth by the Texas Parks and Wildlife Code, Chapter 26, Protection of Public Parks and Recreational Lands; find that no feasible or prudent alternative exists to drilling and extracting gas from underneath these park sites; find that the proposed conversions include all reasonable planning to minimize harm to the parkland; and close the public hearing and authorize the City Manager to convert the following parks for subsurface drilling and extraction of natural gas from an off site location:

- Maddox Park - 2414 Gould Avenue, located south of Northwest 25th Street, north of Northwest 24th Street, west of Lincoln Avenue and east of Gould Avenue;
- Northside Park - 1901 Harrington Street, located south of Northwest 20th Street, west of Lagonda Avenue and east of Homan Avenue;
- Circle Park - 600 Park Street, located south of Northwest 20th Street, north of Grand Avenue, west of Circle Park Boulevard and east of Park Street; and
- Arneson Park - 1311 Homan Avenue, located west of Homan Avenue and south of Central Avenue.

(Mayor Pro tem Hicks left her place at the dais and Council Member Silcox returned to his place at the dais.)

There being no one present desiring to be heard in connection with the public hearing, Council Member Espino made a motion, seconded by Council Member Silcox, that the public hearing be closed and Mayor and Council Communication No. L-14462 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Pro tem Hicks absent.

C-22624
Cowtown Pipeline,
LP

There was presented Mayor and Council Communication No. C-22624 from the City Manager recommending that the City Council authorize the City Manager to execute a Public Right-of-Way Use Agreement with Cowtown Pipeline, LP, granting a license to use a certain public right-of-way of the City of Fort Worth for the purpose of constructing, maintaining and operating a natural gas pipeline across Quail Road, Elizabeth Road, Dowdell Road, Eastland Street and Martin Street.

Council Member Moss made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-22624 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Pro tem Hicks absent.

C-22625
Quicksilver
Resources, Inc.

There was presented Mayor and Council Communication No. C-22625 from the City Manager recommending that the City Council authorize the City Manager to execute a Public Right-of-Way Use Agreement with Quicksilver Resources, Inc., granting a license to use a certain public right-of-way of the City of Fort Worth for the purpose of constructing, maintaining and operating a natural gas pipeline across Quail Road, Elizabeth Road, Dowdell Road, Eastland Street and Martin Street.

Council Member Moss made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-22625 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Pro tem Hicks absent.

AGENDA ITEM XVA – ZONING HEARINGS: CASES RECOMMENDED FOR APPROVAL

ZC-07-216
SP-07-059 -
Continued Until
January 22, 2008

It appeared that the City Council, at its meeting of December 18, 2007, continued the hearing of the application of RP Partners, Ltd., et al., for a change in zoning of property located at 1651 South University Drive, 1605 West Bank Circle and 1701 River Run from “G” Intensive Commercial to “PD/G” Planned Development for “G” Intensive Commercial, plus hotel and residential with waivers to the off street parking and loading requirements, and allow for 50 percent of the south and west facades of Building “C” (parking garage) to be used as a projection surface for art and signage; no electric changeable copy sign, and with site plan required for retail, office, hotel and residential., Zoning Docket No. ZC-07-216 and Site Plan No. SP-07-059. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

There being no one present desiring to be heard in connection with the application of RP Partners, Ltd., et al., Council Member Burns made a motion, seconded by Council Member Silcox, that the hearing be closed and that Zoning Docket No. ZC-07-216 and Site Plan No. SP-07-059 be continued until the January 22, 2008, Council meeting. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Pro tem Hicks absent.

Zoning Hearing

It appeared to the City Council that the Notice of Special Hearing set today as the date for the hearing in connection with recommended changes and amendments to Zoning Ordinance No. 13896 and that notice of the hearing had been given by publication in the Fort Worth Star-Telegram, the official newspaper of the City of Fort Worth, on December 27, 2007. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

ZC-07-217
Approved

There was presented Zoning Docket No. ZC-07-217, application of Crossing at Marine Creek, et al., for a change in zoning of property located at 3200 Northwest Loop 820 from "F" General Commercial and "G" Intensive Commercial to "PD/FR" Planned Development for all uses in "FR" General Commercial Restricted including large vehicle/trailer sales/storage and display and the following uses associated with make ready and/or retrofit of large vehicles/trailers, machine shop, paint mixing, spraying, sheet metal shop, welding, outside storage with screening to the public right-of-way; no ingress or egress of tractor trailer operations off Huffines Boulevard; hours of operation from 7:00 a.m. to 7:00 p.m. Monday through Saturday. The only activities that will occur within 50-feet of Huffines Boulevard are "FR" uses only, and with site plan required.

(Mayor Pro tem Hicks returned to her place at the dais.)

Tom Krampitz

Mr. Tom Krampitz, 500 Main Street, Suite 600, representing the applicant, appeared before Council in support of the zoning change. He summarized the proposed development and stated that projected sales for the business over the next three to five years was \$120M for this Fort Worth location. He added that the company liked the skilled labor pool and the transportation systems available in Fort Worth. He stated that the company representatives had several meetings with the local neighborhood association to address their concerns and also met with Council Member Burdette.

Bob Riley

Mr. Bob Riley, 4117 Walnut Creek Court, representing the applicant, appeared before Council in support of the zoning change. He advised that today's action was to add one use to what was not typically allowed in Commercial development zoning and that was the sale and display of large trucks. He stated that any noise generated from the business would be contained within the building and that egress and ingress to the facility would be from IH-820 and would not utilize Huffines Boulevard. He added that this use was much less intense from what could be built on the property such as offices, retail, etc. He pointed out that the applicant would comply with all commercial development standards to include landscaping and signage requirements and that hours of operation would be limited as recommended by the City Zoning Commission. He assured the Council that the business would be a quality development for northwest Fort Worth.

Christopher Whittle

Mr. Christopher Whittle, 4940 Bolero Court, Acting President of the Marine Creek Homeowners Association, appeared before Council in opposition of the zoning change. He stated that he had learned of the zoning change last week and was circulating a petition to gather sufficient signatures in opposition of the re-zoning and that he was also working with various organizations to obtain their support for the opposition. He requested that the zoning case be continued for 60 days to allow him more time to work with area organizations.

Council Member Burdette advised that he had addressed this issue with Mr. Whittle and pointed out that the Marine Creek Neighborhood Association had not been active recently. He stated that he had received e-mails, letters and telephone calls about this rezoning and that there had been a misunderstanding of what would happen. He pointed out that there would not be increased traffic on Huffines Boulevard as no truck egress or ingress would be from Huffines Boulevard; however, there would be increased traffic as more homes were built to the north. He added that there would be no noise created by this business as all work on the trucks would be contained inside the building. He further stated that the development was located 150 feet from the Shadydale intersection and did not impact the residences and public facilities in that area.

Mr. Whittle countered that the company was trying to build an industrial complex in a commercial zone. He stated what the area needed was a church, a doctor's office or professional office. He advised of three vehicle accidents on Huffines Boulevard and the traffic on Azle Avenue during rush hour. He added that the business would be an eyesore at the entrance of their community.

Council Member Burdette made a motion, seconded by Council Member Silcox that Zoning Docket No. ZC-07-217, be approved. The motion carried six (6) ayes to three (3) nays, with Mayor Pro tem Hicks and Council Members Espino and Jordan casting the dissenting votes.

There being no one else present desiring to be heard in connection with the recommended changes and amendments to Zoning Ordinance No. 13896, Council Member Burdette made a motion, seconded by Council Member Silcox, that the hearing be closed and that the following ordinance be adopted:

ORDINANCE NO. 17950-01-2008

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, SAME BEING AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY RESIDENCE AND OTHER PURPOSES, THE HEIGHT, NUMBER OF STORIES AND SIZE OF THE BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS AND OTHER OPEN SPACES, OFF-STREET PARKING AND LOADING, AND THE DENSITY OF POPULATION, AND FOR SUCH PURPOSES DIVIDING THE MUNICIPALITY INTO DISTRICTS AND THE BOUNDARIES THEREOF UPON "DISTRICT MAPS"; PURPOSE AND CONFLICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND NAMING AN EFFECTIVE DATE.

The motion carried six (6) ayes to three (3) nays, with Mayor Pro tem Hicks and Council Members Espino and Jordan casting the dissenting votes.

Agenda Item XVI
Citizen
Presentations
Ricky Carter

Mr. Ricky Carter, 3117 Las Vegas Trail, Suite C, appeared before Council relative to citations being issued at City bus stops by the Police Department to citizens who stepped on the grass between the curb and sidewalk while boarding busses.

Mayor Moncrief requested Mr. Carter meet with Assistant City Manager Joe Paniagua and an Assistant City Attorney to resolve this issue.

Richard Vickers

Mr. Richard Vickers, 410 W. 7th Street, #306, appeared before Council relative to the appointment of a Texas Christian University (TCU) representative to the Mayor's Committee on Persons with Disabilities. He asserted that the representative should not be a member of their Human Resources Department; that the best choice would be a representative from the University's Community Relations Department.

Mayor Moncrief expressed appreciation to Mr. Vickers for his suggestion but advised him that it would be inappropriate for the City to advise a private institution whom they should designate as a representative to a particular board or commission for the City.

Prior to Mr. Harper's presentation, Mayor Moncrief advised him that there was no enthusiasm from the Council to pursue Mr. Harper's request of a resolution to endorse the impeachment of the President and Vice President of the United States.

Grayson Harper

Mr. Grayson Harper, 3605 Bellaire Drive South, appeared before Council to request the Council adopt a resolution in support of the impeachment of the President and Vice President of the United States.

Agenda Item XVII
Executive Session

It was the consensus of the City Council that they recess into Executive Session at 11:41 a.m. to:

1. Seek the advice of its attorneys concerning the following pending or contemplated litigation or other matters that are exempt from public disclosure under Article X, Section 9 of the Texas State Bar Rules as authorized by Section 551.071 of the Texas Government Code:
 - a) City of Fort Worth v. 1800 Hemphill Street, Fort Worth, Texas (In Rem); and Boquin Limited Partnership; Shenxue, Inc.; and Willie Clarence Clark, Cause No. 2007-052949-1;
 - b) Legal issues concerning Atmos Energy rate case;
 - c) Legal issues concerning Neighborhood Empowerment Zone Tax Abatements;
 - d) Legal issues concerning gas drilling and related activities;

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- e) Legal issues concerning the Texas Commission on Environmental Quality's Agreed Order on the TechniCoat Site located at 301 Northeast 6th Street and 600 North Jones;
 - f) Legal issues concerning any item listed on today's City Council meeting agendas; and
2. Deliberate the purchase, sale, lease, or value of real property in accordance with Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party; and
 3. Deliberate concerning economic development negotiations as authorized by Section 551.087 of the Texas Government Code; and
 4. Deliberate the deployment, or specific occasions for implementation, of security personnel or devices, in accordance with Section 551.076 of the Texas Government Code.

**Adjourned/
Reconvened**

The City Council adjourned the Executive Session at 12:30 p.m. and reconvened into the Pre-Council Worksession to complete the following items:

7. Update on 9-1-1 Call Center
8. Briefing on Protection of Citizens from those Impersonating Public Safety Officials
9. City Council Requests for Future Agenda Items and/or Reports

Reconvened

The City Council reconvened into regular session at 1:15 p.m.

**Agenda Item XVIII
Adjournment**

There being no further business, the meeting was adjourned at 1:15 p.m.