

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
JANUARY 29, 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
Dale Fisseler, Newly Appointed City Manager

With a quorum of the City Council Members present, Mayor Moncrief called the regular session of the Fort Worth City Council to order at 10:17 a.m. on Tuesday, January 29, 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 Pastor Jeff Harris, Christ 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 Burdette, the minutes of the regular meeting of January 22, 2008, were approved unanimously nine (9) ayes to zero (0) nays. |
| Agenda Item V
Special
Presentations | Mayor Pro tem Hicks presented a Proclamation for Big Brothers Big Sisters Mentor Drive Kickoff Day to Mr. Craig Gossard and Mr. Roderick Miles of Big Brothers, Big Sisters. |
| Agenda Item VI
Announcements | Council Member Silcox advised that clarification was needed relative to the times of gas well ordinance hearings, the League of Neighborhoods Newsletter reflected that the public hearings would be today and February 5, 2008, at 7:00 p.m. He advised that the public hearing for today would be held in conjunction with the City Council meeting and not a 7:00 p.m. tonight. He also |

announced that according to America On-Line.com, Fort Worth ranked fifth out of 100 cities for Best Cities for Jobs in 2008 and that Fort Worth ranked ninth for Job Growth Rank.

Council Member Jordan introduced his new Council Aide, Cindy Caldwell, and stated that her first day on the job would be February 11, 2008. He 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 over twenty City departments would have booths at the meeting and would provide helpful information on the 2008 Bond Program and various other issues.

Council Member Moss expressed appreciation to all the citizens who attended the Community Police Forum on January 28, 2008, and also expressed appreciation to Police Chief Ralph Mendoza and his staff for their participation. He also invited everyone to the Community Grand Opening of the Stop 6 Heritage Center on February 2, 2008, at 10:00 a.m. at the Dunbar Six Grade Center, 5100 Willie Street.

Council Member Espino announced that on January 31, 2008, at 9:00 a.m. meeting of the Texas Motor Speedway Advisory Committee, would be conducted at Roanoke City Hall, 108 S. Roanoke. He also announced that on February 4, 2008, at 4:00 p.m., the Educational Employees Credit Union would conduct a ribbon cutting for their new facility at 301 NW 28th Street.

Council Member Silcox requested that the meeting be adjourned in honor of former Judges Pete Gilfeather and Howard Fender who recently passed.

Mayor Pro tem Hicks extended condolences to her Aide, Devan Allen, whose grandfather, Charles Hollie, passed over the weekend. She also asked that the meeting be adjourned in honor of Mr. Hollie.

Council Member Scarth expressed appreciation to City staff for their participation in the meeting with the Corps of Engineers to receive public comment on the Gateway Park Addition to the Trinity Uptown Project on January 24, 2008. He stated that the meeting was very well attended and very few negative comments were received.

Mayor Pro tem Hicks announced that the final Cobb Park Master Plan meeting would be conducted on January 31, 2008, at 6:00 p.m. at First St. John Baptist Church on Berry Street.

Agenda Item VII
Remarks by
Outgoing City
Manager Charles R.
Boswell

Mr. Boswell stated that it was hard for him to believe that the time for him to retire was here. He referred to the positive changes in the City that had occurred since he began working in the City in May 1977 and during the past three years while he served as City Manager. He expressed appreciation to the Mayor and Council, his staff and all the department directors for their hard work over the many years he had been with the City Manager's Office. He acknowledged the professional efforts of each Assistant City Manager, Richard Zavala, Parks and Community Services Department Director, Bridgette Garrett, Budget and Management Services Department Director, and to Rosella Barnes and Patsy Cox, his assistants and expressed appreciation to each of them for their dedication and service to him. He cited his achievements with the City's budget and reduction in taxes, redesigning the Solid Waste Program, development of bond programs, Charter Amendment election, and his coordinated efforts on the first Crime Control and Prevention District election and the subsequent two elections and various other programs. He pointed out that he was most proud of all the good people he had brought into the organization over the past three years, promoting the values of the City – Accountability, Character and Trust, and recognition of "the Other Fort Worth". He provided suggestions to the Council that they stay the course with the Trinity River Vision Project, improvements to Gateway Park, the Lake Worth Master Plan, environmental issues and the support of Green Building initiatives and urged the Council, City staff and citizens to continue to maintain their commitment to diversity in the City. He advised that the City still faced problems with resolving how the City would pay for capital facilities and services, all transportation modes and the need to develop additional water resources for the City and region and stated that this issue would require a lot of leadership from the Council. He also urged the Council to do all they could to prevent the immigration issue from becoming the horribly divisive issue it had for other cities and to not let the influence of special interests on policy decisions, such as developers, vendors for expensive services, and employee groups that are advocating for increased pay and benefits.

Each City Council Member expressed well wishes to City Manager Boswell and acknowledged his stellar service during his tenure. They referred to his innovative approach to get things done, his tolerance and understanding and added that his legacy would live on.

Mayor Moncrief presented to City Manager Boswell a gift of appreciation from the City Council.

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
JANUARY 29, 2008
PAGE 4 of 20**

Ms. Patricia Garcia, President of the Hispanic Leadership Organization, presented Mr. Boswell with the Paniagua Award for his leadership, distinguished service and commitment to the success of others.

Mr. Boswell stepped down from his place at the dais.

**Agenda Item VIII
Swearing In and
Remarks by
Incoming City
Manager Dale A.
Fisseler**

City Secretary Hendrix administered the Oath of Office to newly appointed City Manager Dale A. Fisseler.

City Manager Fisseler acknowledged the presence of his wife, Linda, parents and his in-laws in the audience. He expressed appreciation to the Council for their help over the years and for selecting him as City Manager. City Manager Fisseler also expressed appreciation to City Attorney Yett, City Secretary Hendrix, Assistant City Secretary Sylvia Glover, M&C Manager JoAnn Brown, the City's management team, Assistant City Managers, and former City Manager Boswell for their hard work. He acknowledged the presence of Dr. Warner Bailey, his pastor at Ridglea Presbyterian Church. He advised the Council that he was going to do the very best job he could as Fort Worth City Manager.

**Recessed/
Reconvened**

Mayor Moncrief recessed the meeting at 11:26 a.m. and reconvened at 11:40 a.m. with all members present.

**Agenda Item IX
Withdrawn from
Consent Agenda**

City Manager Fisseler requested that Mayor and Council Communication No. 16028 be withdrawn from the consent agenda.

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

City Manager Fisseler requested that Mayor and Council Communication No. G-16028 be continued until the February 5, 2008, Council meeting.

**Agenda Item XI
Consent Agenda**

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

**OCS-1643
Claims**

M&C OCS-1643 - 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-16027**
Ord. No. 17960-01-2008
Amend Section of Chapter 29 of City Code
- M&C G-16027 - Adopting Ordinance No. 17960-01-2008 to amend sections of Chapter 29 “Signs”, of the Code of the City of Fort Worth to correspond with amendments to the Comprehensive Zoning Ordinance approved on November 6, 2007 (Ordinance No. 17872-11-2007), regulating provisions for size, height, spacing, time frames, and permits for signs; providing a severability clause; providing a savings clause; providing a penalty clause; providing that this ordinance shall be cumulative; providing for publication in pamphlet form; providing for publication in the official newspaper and providing for an effective date.
- G-16029**
Res. No. 3576-01-2008
File Lawsuit for Judicial Review of Final Decision of Texas Department of Insurance, Division of Workers’ Compensation
- M&C G-16029 - Authorizing the City Attorney to file a lawsuit against Victor McKoy for judicial review of a worker’s compensation administrative decision; and adopting Resolution No. 3576-01-2008 authorizing the City Attorney to file a lawsuit against Victor McKoy for judicial review of a final decision of the Texas Department of Insurance, Division of Workers’ Compensation.
- P-10719**
Water Treatment Chemicals
- M&C P-10719 - Authorizing purchase agreements for water treatment chemicals with Harcros Chemicals, Inc., Solvay Fluorides, LLC, Altivia Corporation, FSTI, Inc., Brenntag Southwest, Calabrian Corporation, and DPC Industries Company, for the Water Department.
- P-10720**
OEM Muffin Monster Sludge Grinder Parts and Replacement Units
- M&C P-10720 - Authorizing a sole source purchase agreement for original equipment manufacturer (OEM) Muffin Monster sludge grinder parts and replacement units with JWC Environmental, Inc., for the Water Department.
- C-22637**
Audio Video Innovations, Inc.
- M&C C-22637 - Authorizing the City Manager to execute a contract for technology advisory services with Audio Video Innovations, Inc., for the Emergency Operations Center using General Services Administration Contract GS-03F-0037M, for an estimated amount of \$56,380.00.
- C-22638**
Hanson Roof Tile Company
- M&C C-22638 - Authorizing the City Manager to execute a standard encroachment agreement with Hanson Roof Tile Company authorizing use of the Ennis Avenue right-of-way for the installation of data and telephone lines to service its buildings located at 610 Riverside Drive and 3100 Ennis Avenue.

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
JANUARY 29, 2008
PAGE 6 of 20**

- C-22639
Tarrant County** M&C C-22639 - Authorizing the City Manager to execute a standard encroachment agreement with Tarrant County authorizing use of the Weatherford Street right-of-way for the installation of fiber optics conduit within the right-of-way of Weatherford Street.
- C-22640
Correct M&C C-22589 to Add Justin Ranch 427, LLLP, and Justin Ranch 123, LLLP** M&C C-22640 - Approving the correction of Mayor and Council Communication No. C-22589, adopted on December 18, 2007, to add two limited partnerships, Justin Ranch 427, LLLP, and Justin Ranch 123, LLLP, as parties to the Tradition Municipal Utility District No. 2 contracts and the consent resolution and authorize the execution of the corrected consent resolution and contracts.
- C-22641
Ord. No. 17961-01-2008
O'Connor
Architecture and
Interior Design, LP** M&C C-22641 - Authorizing the City Manager to transfer \$725,000.00 from the Crime Control and Prevention District Fund to the Specially Funded Capital Projects Fund; adopting Appropriation Ordinance No. 17961-01-2008 increasing estimated receipts and appropriations in the Specially Funded Capital Projects Fund in the amount of \$725,000.00 from available funds for the purpose of executing a contract with O'Connor Architecture and Interior Design, LP, for the design and construction administration services for the Crime Lab and Property/Evidence Facility located at 3616 East Lancaster Avenue; and authorizing the City Manager to execute an architectural design contract with O'Connor Architecture and Interior Design, LP, for \$630,000.00, plus up to \$33,220.00 in reimbursable expenses, for the design and construction administration services to renovate the Police Laboratory and Property/Evidence facility located at 3616 East Lancaster Avenue.
- C-22642
Ord. No. 17962-01-2008
Amend CSC No. 36003 - Fort Worth Convention and Visitors Bureau** M&C C-22642 - Authorizing an amendment to City Secretary Contract No. 36003 with the Fort Worth Convention and Visitors Bureau for the payment of additional funds for convention delegate bus transportation and other incentives; adopting Supplemental Appropriation Ordinance No. 17962-01-2008 increasing estimated receipts and appropriations in the Culture and Tourism Fund in the amount of \$150,000.00 from available funds, for the purpose of funding an amendment to City Secretary Contract No. 36003 with the Fort Worth Convention and Visitors Bureau for payment of additional funds for funding convention delegate bus transportation and other incentives; and authorizing payment of \$150,000.00 to the Fort Worth Convention and Visitors Bureau.
- C-22643
Change Order No. 2 to CSC No. 34166 - Jackson Construction, LTD** M&C C-22643 - Authorizing the City Manager to execute Change Order No. 2 to City Secretary Contract No. 34166 with Jackson Construction, LTD, in the amount of \$74,999.30, for water main relocation along US Highway 377, from Keller-Haslet to one mile south of Denton County Line, for a total contract amount of \$1,653,334.27.

C-22644
Correct M&C C-22529 - M&C Development, Ltd.

M&C C-22644 - Approving correction of M&C C-22529; and authorizing the execution of six Drainage Channel Maintenance Agreements with M&C Development, Ltd., described as a portion of the Joseph Bowman Survey, Abstract No. 79 and 89, and a portion of Albright Survey, Abstract No. 1849, located south of Cromwell, west of Bowman Roberts Road (DOE 5573).

C-22645
Phillips/May Corporation

M&C C-22645 - Authorizing the City Manager to execute a contract with Phillips/May Corporation in the amount of \$477,333.00 for Fort Worth Alliance Airport Shoulder Rehabilitation, Phase 1.

C-22646
Amendment No. 1 to CSC No. 30426 - Professional Assistance Systems and Services, Inc., d/b/a Skymavs Enterprises

M&C C-22646 - Authorizing the City Manager to execute Amendment No. 1 to City Secretary Contract No. 30426, a Terminal Building Office Lease Agreement with Professional Assistance Systems and Services, Inc., d/b/a Skymavs Enterprises, to renovate and amend the square footage to Suite 107 at Fort Worth Meacham International Airport.

The motion carried. End of Consent Agenda.

Agenda Item XII
Presentations by City Council

There were no changes presented by the City Council in memberships in the City's boards and commissions.

Agenda Item XIII
Committee Presentations

There were no presentations or communications from boards, commissions and/or City Council Committees.

AGENDA ITEM XV – REPORT OF THE CITY MANAGER

G-16028
Increase Amount to be Paid to Gary Ingram to Assist with Negotiation Issues for Meet and Confer – Continued Until February 5, 2005

It was the consensus of the City Council that Mayor and Council Communication No. G-16028, Adoption of a Supplemental Appropriation Ordinance and Resolution Authorizing an Increase to the Maximum Amount to be Paid to Gary Ingram of Jackson Walker to Assist the City in Certain Employment and Labor Negotiation Issues Concerning Meet and Confer, be continued until the February 5, 2008, Council meeting.

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
JANUARY 29, 2008
PAGE 8 of 20**

**G-16030
Ord. No. 17963-01-
2008
Allocate Full-Time
Positions for
Automated Red
Light Enforcement
Program**

There was presented Mayor and Council Communication No. G-16030 from the City Manager recommending that the City Council adopt a supplemental appropriation ordinance increasing appropriations in the Transportation and Public Works Department in the amount of \$58,119.00 and Finance Department in the amount of \$39,875.00 and decreasing appropriations from the Municipal Court Department by the same amount, for the purpose of funding the Automated Red Light Enforcement Program; and increase the authorized positions in the Transportation and Public Works and Finance Departments by one full-time position each and decrease the authorized positions in the Municipal Court Department by two full-time positions.

Mayor Pro tem Hicks made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. G-16030 be approved and Supplemental Appropriation Ordinance No. 17963-01-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**Public Hearing
G-16031
Variance to Sale of
Alcoholic Beverages
at 6809 McCart
Avenue, Suite 100 –
Denied**

It appeared that the City Council set today as the date for a public hearing for consideration of a variance from Section 4-4 of the City Code to allow the sale of alcoholic beverages at the Carniceria Los Arcos Convenience Store, located at 6809 McCart Avenue, Suite 100 (AA07-00003). Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Ms. Dana Burghdoff, Planning and Development Department Deputy Director, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. G-16031, as follows:

There was presented Mayor and Council Communication No. G-16031 from the City Manager recommending that the City Council consider the request of Vincente Martinez for a variance from Section 4-4 of the City Code that prohibits the sale of alcoholic beverages at the Carniceria Los Arcos Convenience Store, located at 6809 McCart Avenue, Suite 100, (AA07-00003), within 300 feet of the Abundant Life Community Church.

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 Silcox, that the public hearing be closed and Mayor and Council Communication No. G-16031 be denied. The motion carried unanimously nine (9) ayes to zero (0) nays.

Public Hearing
G-16032
Ord. No. 17964-01-
2008
Amend Project and
Financing Plan for
Tax Increment
Reinvestment Zone
No. 8, Lancaster
Corridor TIF

It appeared that the City Council set today as the date for a public hearing to adopt an ordinance amending the Project and Financing Plan for Tax Increment Reinvestment Zone No. 8, City of Fort Worth, Texas, Lancaster Corridor TIF. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Ms. Ossana Hermosillo, Economic Development Specialist, Economic and Community Development Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. G-16032, as follows:

There was presented Mayor and Council Communication No. G-16032 from the City Manager recommending that the City Council hold a public hearing concerning an amendment to the Project and Financing Plan for Tax Increment Reinvestment Zone No. 8, City of Fort Worth, Texas, Lancaster Corridor TIF, which is included with the ordinance, to afford an opportunity for interested persons to speak for or against the recommended approval of the Plan amendment and the TIF's designation as well as for property owners to protest inclusion of their property in the TIF; and close the public hearing and adopt an ordinance approving an amended Project and Financing Plan for Tax Increment Reinvestment Zone No. 8, City of Fort Worth, Texas (Lancaster Corridor TIF); making various findings related to such amended Plan.

Mayor Pro tem Hicks stated that this amendment would support commemorating the African American Waiting Room that was along the Lancaster Corridor. She added that this project had been in the planning stages with staff and Tarrant County Genealogical Society. She expressed appreciation to Martha Peters, Director of Public Arts, and members of the Fort Worth Arts Council for their work.

There being no one present desiring to be heard in connection with the public hearing, Mayor Pro tem Hicks made a motion, seconded by Council Member Burdette, that the public hearing be closed and Mayor and Council Communication No. G-16032 be approved and Ordinance No. 17964-01-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

P-10721
Vehicles

There was presented Mayor and Council Communication No. P-10721 from the City Manager recommending that the City Council authorize the purchase of 136 new vehicles using Cooperative Contracts through Tarrant County and Philpott Ford and Term Contracts through Texas Procurement and Support Services with Caldwell County Dealerships and McKinney Dodge for the City of Fort Worth.

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
JANUARY 29, 2008
PAGE 10 of 20**

Council Member Silcox made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. P-10721 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**L-14466
Lease for Natural
Gas Drilling of City-
Owned Properties**

There was presented Mayor and Council Communication No. L-14466 from the City Manager recommending that the City Council approve the acceptance of a lease agreement for natural gas drilling under 3.053 acres, more or less, of City-owned properties located in Tarrant County, Texas, known as the Como Water Tower with Range Resources Corporation, Inc., for a two-year primary term.

Council Member Burdette made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. L-14466 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**L-14467
Lease for Natural
Gas Drilling of City-
Owned Properties**

There was presented Mayor and Council Communication No. L-14467 from the City Manager recommending that the City Council approve the acceptance of a lease agreement for natural gas drilling under 3.4955 acres, more or less, of City-owned properties located in Tarrant County, Texas, known as Fire Station Nos. 8 and 10 with XTO Energy, Inc., for a two-year primary term.

Council Member Burns made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. L-14467 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**L-14468
Lease for Natural
Gas Drilling of City-
Owned Properties**

There was presented Mayor and Council Communication No. L-14468 from the City Manager recommending that the City Council approve the acceptance of a lease agreement for natural gas drilling under 11.6796 acres, more or less, of City-owned properties located in Tarrant County, Texas, known as Shady Oaks Manor with XTO Energy, Inc.

Council Member Burdette made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. L-14468 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

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

**PZ-2772
Ord. No. 17965-01-
2008
Street Closures
(VA-07-024)**

There was presented Mayor and Council Communication No. PZ-2772 from the City Manager recommending that the City Council adopt an ordinance approving the physical closures of portions of Loney Street from Stella Street to its terminus in East Broadway Avenue and East Broadway Avenue from Exeter Street to its terminus in Loney Street, situated in the J. Sanderson Survey,

Abstract No. 1430, Lots 1 through 10 and Lot 20, Block 38, and Lots 11 through 18, Block 43 of the Glenwood Addition in the City of Fort Worth, Tarrant County, Texas; repealing all ordinances in conflict herewith.

Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. PZ-2772 be approved and Ordinance No. 17965-01-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

C-22647
Texas Midstream
Gas Services, LLC

There was presented Mayor and Council Communication No. C-22647 from the City Manager recommending that the City Council authorize the City Manager to execute a Public Right-of-Way Use Agreement with Texas Midstream Gas Services, LLC, that grants Texas Midstream Gas Services, LLC, a license to use certain public rights-of-way of the City of Fort Worth for the purpose of constructing, maintaining and operating a natural gas pipeline across Rockwood Park Drive, Rockwood Lane Rockcrest Drive and University Drive.

Council Member Espino made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-22647 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

C-22648
Monte M. Mitchell

There was presented Mayor and Council Communication No. C-22648 from the City Manager recommending that the City Council find that the statements set forth in the recitals of the Tax Abatement Agreement with Monte M. Mitchell are true and correct; and authorize the City Manager to enter into a five-year Tax Abatement Agreement with Monte M. Mitchell for the property at 2912 Rosehill Drive in the Historic Handley Neighborhood Empowerment Zone in accordance with the Neighborhood Empowerment Zone Tax Abatement Policy and Basic Incentives.

Council Member Moss made a motion, seconded by Mayor Pro tem Hicks, that Mayor and Council Communication No. C-22648 be approved. The motion carried eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

C-22649
Monte M. Mitchell

There was presented Mayor and Council Communication No. C-22649 from the City Manager recommending that the City Council find that the statements set forth in the recitals of the Tax Abatement Agreement with Monte M. Mitchell are true and correct; and authorize the City Manager to enter into a five-year Tax Abatement Agreement with Monte M. Mitchell for the property at 2928 Rosehill Drive in the Historic Handley Neighborhood Empowerment Zone in accordance with the Neighborhood Empowerment Zone Tax Abatement Policy and Basic Incentives.

Council Member Moss made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. C-22649 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**C-22650
Monte M. Mitchell**

There was presented Mayor and Council Communication No. C-22650 from the City Manager recommending that the City Council find that the statements set forth in the recitals of the Tax Abatement Agreement with Monte M. Mitchell are true and contract; and authorize the City Manager to enter into a five-year Tax Abatement Agreement with Monte M. Mitchell for the property at 7228 Craig Street in the Historic Handley Neighborhood Empowerment Zone (NEZ) in accordance with the Neighborhood Empowerment Zone Tax Abatement Policy and Basic Incentives.

Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-22650 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

Council Member Moss stated that this was a quality development with large lots that would have a very positive impact in this NEZ.

Mayor Moncrief requested photographs be taken of the area for the Council to see the development.

(Council Member Silcox returned to his place at the dais.)

**C-22651
Fort Worth
Metropolitan Black
Chamber of
Commerce**

There was presented Mayor and Council Communication No. C-22651 from the City Manager recommending that the City Council authorize the City Manager to execute a contract, for an amount not to exceed \$213,134.00, with the Fort Worth Metropolitan Black Chamber of Commerce to assist M/WBE small businesses.

Mayor Pro tem Hicks made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-22651 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**C-22652
Fort Worth
Hispanic Chamber
of Commerce**

There was presented Mayor and Council Communication No. C-22652 from the City Manager recommending that the City Council authorize the City Manager to execute a contract, for an amount not to exceed \$232,710.00, with the Fort Worth Hispanic Chamber of Commerce to assist M/WBE small businesses.

Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-22652 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

C-22653
Conatser
Construction Texas,
LP

There was presented Mayor and Council Communication No. C-22653 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with Conatser Construction Texas, LP, in the amount of \$1,289,576.00 for State Highway 121T Water and Sanitary Sewer Relocations, Parts 8, 10 and 12 (City Project No. 00203).

City Manager Fisseler stated that paragraph 5, line 4 of the Discussion section needed to be amended to replace "...34 feet..." with "...341 feet...".

Mayor Pro tem Hicks expressed concern about Conatser and the SH 121 project. She stated that the project was almost a billion dollar project and she had long expressed her concern about MWBE participation. She added that 8 percent MWBE was not good faith participation in 2008 and pointed out that she would vote against this issue.

Dee Jennings

Mr. Dee Jennings, 1150 S. Freeway, President of the Metropolitan Black Chamber of Commerce, expressed appreciation to the Council for allowing the Hispanic and Black Chambers of Commerce the ability to provide assistance to small businesses. He stated that eight percent M/WBE participation in today's environment was not sufficient for the City. He stated that contractors such as Conatser should consult with the various Chambers to get assistance to build M/WBE capacity for their projects. He urged the Council to look at future M/WBE participation with a judicious eye.

Council Member Scarth advised that the Council had made a special effort over the years to work with the Black and Hispanic Chambers to build M/WBE capacity. He stated that the relationships that the chambers were developing with contractors were vital for the City, not only for City projects, but also other vendors to the extent the City could encourage contractors to voluntarily partner with other contractors to build needed capacity.

(Council Member Jordan left his place at the dais and left the meeting.)

Mayor Moncrief stated there was universal concern about this issue with this particular vendor. He added that the Council was very serious about addressing the ongoing challenge of capacity. He stated that he appreciated Mr. Jennings' understanding that delaying this project would only increase the cost to the taxpayers and gave the Council the latitude to work with the chambers and with the community to build that capacity on a permanent basis.

Mayor Pro tem Hicks reminded the Council that another large project in which the Hispanic and Black Chambers were very engaged in was the Trinity River Vision which had over 40 percent M/WBE participation. She added that the Council went through a lot of angst with the Omni Hotel, but the Council got where they needed to be and she knew the Council could get there with the SH 121 Project.

Council Member Espino concurred with Mayor Pro tem Hicks and Council Member Scarth. He stated that the Council had been working with the North Texas Tollway Authority, along with the City's representative Bill Meadows, to develop a comprehensive MWBE policy.

Council Member Silcox made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-22653 be approved as amended. The motion carried six (6) ayes to two (2) nays, with Mayor Pro tem Hicks and Council Member Moss casting the dissenting votes and with Council Member Jordan absent.

**C-22654
Coca-Cola Bottling
Company and All
Seasons Services,
Inc.**

There was presented Mayor and Council Communication No. C-22654 from the City Manager recommending that the City Council authorize the City Manager to execute both a ten-year beverage agreement with Coca-Cola Bottling Company and a five-year snack vending agreement with All Seasons Services, Inc.

Jay Long

Mr. Jay Long, representing Coca-Cola, expressed appreciation to the Council for their support and commended City staff for their diligent work on this contract.

Council Member Silcox made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-22654 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Jordan absent.

Derrick McCoy

Mr. Derrick McCoy, Sales Center Manager for Coca-Cola Company Fort Worth, expressed appreciation to the Council for this partnership and presented the Council with Coca-Cola gift baskets.

**Agenda Item XVI
Public Hearing on
2008 Bond Program**

It appeared that the City Council set today as the date for a public hearing on the 2008 Bond Program. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Mr. Robert Goode, Transportation and Public Works (T/PW) Department Director, appeared before Council and gave a staff report.

Mark Youngs

Mr. Mark Youngs, 350 Keller Parkway, Keller, Texas, Deputy Superintendent for the Keller Independent School District (KISD), appeared before Council in support of the 2008 Bond Program. He summarized the locations of various hazardous roads and inadequate arterial streets within the school district for the Council's consideration and added that \$165,000.00 was removed from the KISD's budget each year for the repair of various streets; money that could be used for needed school programs.

Lara Lee Hogg

Ms. Lara Lee Hogg, 5200 Winterberry Court, Keller, Texas, Trustee for KISD, appeared before Council in support of the 2008 Bond Program. She requested that the City maintain an open dialogue with KISD on infrastructure challenges and pointed out additional needs of KISD for roadway funding as follows:

1. Keller-Hicks Road between Park Vista and Highway 377, and Ridgeview to Old Denton Road.
2. Ray White north of Kroger Drive, and Kroger Drive from Ray White to Highway 377.
3. Old Denton Road (North Riverside) from Western Center Blvd. to Keller-Hicks Road
4. Completion of Timberland between Alta Vista and Highway 377.

Mark Brast

Mr. Mark Brast, 3941 Shiver Road, Keller, Texas, representing the North Fort Worth Alliance, appeared before Council in support of the 2008 Bond Program. He presented a PowerPoint briefing on road conditions that addressed the needs for street repairs on Keller-Hicks Road, Kroger Drive, Shiver Road, Ray White, Alta Vista and Old Denton Road. He provided a funding analysis of neighborhood streets versus arterial streets and an alternate proposal to the bond program as follows:

Funding Analysis of Neighborhood Vs. Arterials

	Neighborhood Streets	Arterials
Need	\$335,300,000.00	\$635,700,000.00
2004 Bond	\$65,000,000.00	\$57,045,000.00
Critical Capital Needs	\$51,000,000.00	\$23,900,000.00
2008 Bond	\$33,000,000.00	\$81,000,000.00
Total	\$149,000,000.00	\$161,945,000.00
Funding Rate	44.40%	25.40%

2008 Street Bond Program Alternative Proposal

Category	Need	City Manager Recommended	Mobility Enhancement Alternative
Neighborhood Streets	\$335,300,000.00	\$33,000,000.00	\$33,000,000.00
Arterial Streets	\$635,700,000.00	\$81,000,000.00	\$108,200,000.00
Traffic Signals Intersection Improvements	\$30,000,000.00	\$5,000,000.00	\$0
Bridges	\$30,000,000.00	\$2,500,000.00	\$2,500,000.00
Transportation Grant Matches	\$35,000,000.00	\$22,200,000.00	\$0
Enhanced CFA's	\$5,000,000.00	\$3,300,000.00	\$3,300,000.00
2% Art Program	??	\$0	\$0
TOTAL	\$1,071,000,000.00	\$150,000,000.00	\$150,000,000.00

Council Member Espino clarified that the Council in the Critical Capital Needs package funded portions of Keller-Hicks Road from Ridgeview to Alta Vista and then from Alta Vista to Park Vista. He added that the KISD and residents in the area wanted the road funded all the way to Highway 337 to have east/west mobility. He stated that the challenge was \$1.2 billion for transportation needs and of that \$150 million did not go a long way. He pointed out that the Council had advocated for more road funding and the proposal made by Mr. Brast would be seriously reviewed by the Transportation and Public Works Department.

Lance Griggs

Mr. Lance Griggs, 6613 Longleaf Lane, President of the Summerfield Homeowners Association, appeared before Council in support of the 2008 Bond Program. He questioned whether the two bridges over Riverside Drive and Highway 820 and Fossil Creek was still in the bond package. He advised the Council of road improvements needed on North Riverside Drive and the need for it to be a major north/south arterial, especially north of Western Center Blvd.

Stephanie Winquest

Ms. Stephanie Winquest, 13268 Moonlake, representing the Sendera Ranch Homeowners Association, appeared before Council in support of the 2008 Bond Program. She pointed out the problems on Avondale-Haslet Road in terms of traffic and that it was the only entrance and exit to their neighborhood. She stated that the expansion of the road pertained to District 7; however the neighborhood was located in District 2. She advised that the new school was

projected to open in the next three years and asked the Council to work with Tarrant County, the Railroad and City of Haslet to widen Avondale-Haslet from Highway 287 to Highway 156 in Haslet.

Serena Keeler

Ms. Serena Keeler, 1405 S. Henderson Street, appeared before Council in opposition of the 2008 Bond Program. She provided pictures of the hazardous conditions of curbs, sidewalks and approaches on various portions of South Henderson Street. She added that some of the streets were over one hundred year's old and presented difficulty for citizens getting into or out of their cars. She requested that the City find a way to reconstruct the street or at a minimum build new sidewalks.

Council Member Burns stated that he drove this street almost every day and added that the street was in significant need of repair. He talked about the street rating system used by the City and questioned the ranking over certain streets at 1.25 and 1.0. The 1.0 streets made the bond list. He pointed out that there were other streets that were in worse condition that did not make it into the bond package. He summarized the various streets in the neighborhood he would like to see repaired and stated he would review alternate methods to getting some of the streets repaired.

AGENDA ITEM XVIII – ZONING HEARINGS: CASES RECOMMENDED FOR APPROVAL

ZC-07-216
SP-07-059
Approved

It appeared that the City Council, at its meeting of January 22, 2008, 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 all uses in "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 or signage; no electronic 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.

Michael Bennett

Mr. Michael Bennett, 2429 Rogers Avenue, appeared before City Council and stated that the design alternatives and action steps that Trademark committed to in response to Streams and Valley's concerns about the WestBend development's orientation to the River as follows:

1. Garage Setback - Set back the garage levels fronting the river a minimum of 15' (subject to structural engineering design review - our preliminary estimate is 19' and this is our target setback) so that the mass and height of the structure is obscured from view of trail users approaching the north and the south.
2. Landscaping Buffer for Surface Level Parking - Plant multiple 6-8" caliper specimen trees and shrubs at ground level where appropriate to obscure the surface level parking area and the upper levels of the garage in that area.
3. Banner/Environmental Graphics Program - Install a banner/environmental graphics program on the eastern side of the garage front (fronting the River) to visually enhance the garage's river facing appearance, similar in size to those exhibited at today's meeting, and subject to collaborative design review by those parties.
4. Garage Lighting - Implement a lighting plan for the garage that mitigates the impact of the surrounding areas as much as possible.
5. Riverfront Storefronts - We agree that a significant percentage of the building exterior façade area facing the river should be in retailer-restaurant storefront systems. A preliminary estimate that seems reasonable is 50 percent but Michael Bennett of Gideon Toal will make a recommendation to both parties and that will be our goal and commitment to you.
6. Trailhead - Development of the existing trail as a "destination point" for trail users through landscaping (where allowed) and creation of off-trail gathering areas with bike racks and a drinking fountain.
7. Safe Trail Entry/Exit Path - Construction of a trail entry/exit path to safely allow "through traffic" for train users gathering at the trailhead.

Concerns addressed with Mistletoe Heights Neighborhood Association:

1. Garage Lighting - Implement a lighting plan for the garage, based on LEED certification guidelines, that mitigates the impact on the surrounding areas as much as possible with the goal of not materially increasing current foot-candle light levels along the adjacent property lines.
2. Art/Signage - We agree to remove from the PD application the request to allow for the facades of Building C (parking garage) to be used as a projection service for art or signage.

Council Member Burns expressed appreciation to Mr. Bennett for working with Streams and Valleys, Inc., the Mistletoe Heights Neighborhood Association and the City for addressing all of the issues and concerns brought forward from the beginning. He also thanked Adelaide Leavens, Executive Director of Streams and Valleys, Inc., as well as Trademark for their willingness to agree and commit to the modifications in the design of the development.

There being no one else 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 approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Jordan absent.

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 Burns made a motion, seconded by Council Member Silcox, that the hearing be closed and that the following ordinance be adopted:

ORDINANCE NO. 17966-01-2008

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 unanimously eight (8) ayes to zero (0) nays, with Council Member Jordan absent.

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
JANUARY 29, 2008
PAGE 20 of 20**

**Agenda Item XVIII
Citizen
Presentations
John Tarasar**

Mr. John Tarasar, 730 Heights Drive, appeared before Council relative to code enforcement issues in his townhouse development. He expressed concerns for a number of violations that he had identified; however, he felt the City's Code Compliance Department was not addressing the violations.

Acting Assistant City Manager Carl Smart spoke briefly on the issues and stated that the Code Compliance Department was working individually with each property owner. He added he would meet with Mr. Tarasar again regarding these matters.

Mark McLean

Mayor Moncrief recognized Mr. Mark McLean, 6416 Hilldale, as desiring to appear before Council relative to fluoride in the City's water; however, Mr. McLean was not present in the Council Chamber.

Grayson Harper

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

Mayor Moncrief advised Mr. Harper that the Council had shown no support for this resolution.

Jim Ashford

Mr. Jim Ashford, 6209 Riverview Circle, appeared before Council relative to gas compressor noise near his residence. He provided a handout from a January 27, 2007, Police report that addressed the excessive noise from the compressor and provided a short chronology of his actions to correct this issue.

City Manager Fisseler stated that he would take a look at the information in the handout and provide a report to the Council.

**Agenda Item XX
Adjournment**

There being no further business, the meeting was adjourned at 1:00 p.m.