

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
FEBRUARY 5, 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

Dale Fisseler, 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 7:00 p.m. on Tuesday, February 5, 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 Robert Bennett, Handley Baptist 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 29, 2008, were approved unanimously nine (9) ayes to zero (0) nays.
- Agenda Item V
Special
Presentations** Mayor Pro tem Hicks presented a Certificate of Recognition to Red Productions (TECH Fort Worth) to Mr. Justin “Red” Sanders, founder and CEO of Red Productions.
- Ms. Dorothy Wing, Business Development Manager for the Business Assistance Center, presented a briefing to the Council on the 2008 Entrepreneur Expo being held on February 8, 2008.
- Agenda Item VI
Announcements** Council Member Burns announced that Fort Worth South conducted its Annual Awards Banquet this past week where the MVP Awards were given to Tom Malone for his contributions to mixed used development on the near south side and South Main Property Owners Group for their commitment to revitalizing

the south Main Street area. He pointed out that the big award of the evening was given to Mayor Pro tem Hicks who received the Kline-Watts Award and extended congratulations on behalf of the Council.

Council Member Silcox requested that the meeting be adjourned in memory of former Judge Joe Bruce Cunningham and Timothy Starkey, Council Member Burdette's son-in-law, who had passed recently.

Council Member Moss expressed appreciation to all District 5 residents who attended the grand opening of the Stop 6 Heritage Center on February 2, 2008. He provided information on the operating hours of the center and the events scheduled to be conducted in February.

Mayor Pro tem Hicks also extended her condolences to Council Member Burdette for his loss. She announced that the first public meeting for revision to the Gateway Master Plan would be conducted on February 21, 2008, at the Plaza Ball Room at the Inn Suites, 2000 Beach Street at 6:00 p.m. and that the second meeting would be conducted February 28, 2008, at Andrew Doc Sessions Community Center, 201 South Sylvania Avenue at 6:00 p.m. She added that public input would be taken at both meetings and for more information to please contact Randle Harwood at (817) 392-6101.

Council Member Espino stated that the ribbon cutting ceremony for the new Educational Employees Credit Union (EECU) facility on February 4, 2008, was a great success. He added that the facility was an exciting development for the north side of the City and congratulated Lonnie Nicholson, CEO of the EECU, Sonja Trevino, Branch Manager and the entire EECU Board of Directors for making an investment in the north side of the City.

Council Member Jordan expressed appreciation to the citizens of District 6 who attended the Town Hall meeting last night at North Crowley High School. He added that a lot of great information and feedback was provided and expressed appreciation to Commissioner Roy Brooks, Greg Gibson, Crowley Superintendent of Schools and Randy Kahan, President of the Crowley Independent School District and City staff for attending the meeting. He also expressed appreciation to his former Council Aide Madelyn Gibbs and new Council Aide Cindy Caldwell for efforts in setting up the meeting.

Council Member Scarth also offered his condolences to Council Member Burdette on his loss and requested that the meeting also be adjourned in memory of Howard Kliever, a long time resident of Fort Worth and fixture on the east side of the City who had recently passed.

Mayor Moncrief conveyed condolences to Council Member Burdette for his loss on behalf of the entire Council and City.

Council Member Burdette expressed appreciation to everyone for their expressions of sympathy and gratitude for those who attended his son-in-law's funeral.

**Agenda Item VII
Withdrawn from
Consent Agenda**

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

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

There were no items continued or withdrawn by the staff.

**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 remaining items on the Consent Agenda as recommended and as follows:

**OCS-1644
Claims**

M&C OCS-1644 - 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-16033
Ord. No. 17967-02-
2008
Amend Ord. No.
14552 Establishing
Unit Prices for
Participation in
Certain CFAs**

M&C G-16033 - Adopting Ordinance No. 17967-02-2008 amending Ordinance No. 14552, adopted March 20, 2001, establishing unit prices for City participation in certain Community Facilities Agreements (CFAs).

**G-16034
Use of Drainage
Easement for
Construction of
Wilcox Plaza at
Green Oaks**

M&C G-16034 - Authorizing the City Manager to execute a modified encroachment agreement with WDS Green Oaks, L.P., a Texas Limited Partnership, for the construction of Wilcox Plaza at Green Oaks, a three story office building, encroaching over a drainage easement.

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
FEBRUARY 5, 2008
PAGE 4 of 19**

- G-16035**
Ord. No. 17968-02-2008
Accept Grant for Street Level Airway Management Course for Paramedics
- M&C G-16035 - Authorizing the City Manager to apply for and accept, if awarded, a 2008 EMS Local Projects Grant from the Texas Department of State Health Services in the amount of \$15,000.00, for a Street Level Airway Management Course for 30 paramedics with the Fort Worth Fire Department; authorizing the City Manager to execute a contract with the Texas Department of State Health Services for the course; and adopting Appropriation Ordinance No. 17968-02-2008 increasing estimated receipts and appropriations in the Grants Fund in the amount of \$15,000.00 upon receipt of the 2008 EMS Local Projects Grant from the Texas Department of State Health Services for the purpose of funding a Street Level Airway Management Course.
- P-10722**
Library Furniture
- M&C P-10722 - Authorizing the purchase and installation of Library Furniture from Libra-Tech Corporation for the Ella Mae Shamblee Library for a cost not to exceed \$345,016.48.
- P-10723**
Ord. No. 17969-02-2008
Caterpillar Construction Equipment
- M&C P-10723 - Adopting Supplemental Appropriation Ordinance No. 17969-02-2008 increasing appropriations in the Water and Sewer Fund in the amount of \$335,101.00 and decreasing the unreserved, undesignated fund balance by the same amount, for the purpose of funding the purchase of Caterpillar construction equipment utilizing a Texas Association of School Boards Cooperative Contract with Holt Cat for the Water and Sewer and Transportation and Public Works Departments; and authorizing the purchase of Caterpillar construction equipment utilizing a Texas Association of School Boards Cooperative Contract with Holt Cat for the Water and Transportation and Public Works Departments for a cost not to exceed \$853,632.00.
- P-10724**
Gabion Baskets and Related Items
- M&C P-10724 - Authorizing a purchase agreement for Gabion Baskets and related items with Maccaferri, Inc., for the Transportation and Public Works Department.
- P-10725**
Ord. No. 17970-02-2008
Vehicles
- M&C P-10725 - Adopting Supplemental Appropriation Ordinance No. 17970-02-2008 increasing appropriations in the Water and Sewer Fund in the amount of \$39,086.00 and decreasing the unreserved, undesignated fund balance by the same amount, for the purpose of funding the purchase of two new trailers from Interstate Trailers, Inc., using a Texas Association of School Boards contract for the City of Fort Worth; and authorizing the purchase of one new van and four new trucks from Caldwell Country Dealerships through a Texas Procurement and Support Services contract and the purchase of four new trailers from Interstate Trailers, Inc., through a Texas Association of School Boards contract for the City of Fort Worth at a cost not to exceed \$187,513.00.

- P-10726**
Liquid Ferric Sulfate M&C P-10726 - Authorizing a purchase agreement for liquid ferric sulfate with General Chemical Performance Products, LLC, for the Water Department.
- P-10727**
Best-Seller Books M&C P-10727 - Authorizing a purchase agreement for best-seller books through a Texas Procurement and Support Services Contract with Ingram Library Services, Inc., for the Library Department.
- C-22655**
Amendment No. 2 to CSC No. 35213 - Gorrondona and Associates, Inc. M&C C-22655 - Authorizing the City Manager to execute Amendment No. 2 to City Secretary Contract No. 35213 with Gorrondona and Associates, Inc., in the amount of \$18,600.00 for additional professional land surveying services along Dirks Road from Bryant Irvin Road to Granbury Road thereby increasing the contract amount to \$86,750.00.
- C-22656**
Macval Associates, LLC M&C C-22656 - Authorizing the City Manager to execute a contract with Macval Associates, LLC, in the amount of \$436,245.00, for Sidewalk Contract - (Group 5) 2004 Capital Improvements Program.
- C-22657**
Ord. No. 17971-02-2008
Near Southeast Community Development Corporation M&C C-22657 - Authorizing the City Manager to ratify and execute an Agreement with the Near Southeast Community Development Corporation to coordinate new neighbor crime watches, to establish two new Safe Havens, to stop drug trafficking and use of drugs, and to educate citizens to reduce their exposure in the targeted area bound by East Lancaster on the north, Interstate 35W South on the west, East Berry on the south, and South Riverside on the east; authorizing the City Manager to accept \$30,649.00 from the Near Southeast Community Development Corporation for the Joint Law Enforcement and Neighborhood Program; authorizing the City Manager to ratify all expenditures made and collect revenues for overtime expended for special details and events in support of the Southeast Weed and Seed Initiative; and adopting Appropriation Ordinance No. 17971-02-2008 increasing estimated receipts and appropriations in the Grants Fund in the amount of \$30,649.00 upon execution of the agreement with the Near Southeast Community Development Corporation for the purpose of funding the Joint Law Enforcement and Neighborhood Program.
- C-22658**
Ord. No. 17972-02-2008
Amend CSC No. 35468 - North Central Texas Council of Governments M&C C-22658 - Authorizing the City Manager to accept additional grant funds of \$86,960.23, to the Fiscal Year 2006 Social Services Block Grant for Emergency Disaster Relief Funds for Hurricane Katrina; authorizing the City Manager to execute an amendment to City Secretary Contract No. 35468 with North Central Texas Council of Governments for funds from the Social Services Block Grant in the amount of \$86,960.23, to provide employment related transportation services to persons displaced by Hurricane Katrina;

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
FEBRUARY 5, 2008
PAGE 6 of 19**

authorizing a non-interest bearing interfund loan from the General Fund to the Grants Fund in the amount of \$50,000.00, to be repaid upon receipt of the executed amended agreement; and adopting Appropriation Ordinance No. 17972-02-2008 increasing estimated receipts and appropriations in the Grants Fund in the amount of \$86,960.23 upon receipt of the Social Services Block Grant from the North Central Texas Council of Governments, for the purpose of funding employment related transportation services to persons displaced by Hurricane Katrina.

The motion carried. End of Consent Agenda.

**Agenda Item X
Presentations by
City Council**

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

**Agenda Item XI
Committee
Presentations**

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

**Agenda Item XIII
Res. No. 3577-02-
2008
Appoint Francisco
Hernandez to D/FW
International
Airport Board of
Directors (Place 2)**

There was presented a resolution appointing Francisco Hernandez to Place 2 of the Dallas-Fort Worth (D/FW) International Airport Board of Directors effective February 5, 2008, and with a term expiring January 31, 2012.

Council Member Silcox made a motion, seconded by Council Member Espino, that Resolution No. 3577-02-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**Res. No. 3578-02-
2008
Appoint Lillie
Biggins to D/FW
International
Airport Board of
Directors (Place 8)**

There was presented a resolution appointing Lillie Biggins to Place 8 of the Dallas-Fort Worth (D/FW) International Airport Board of Directors, effective February 5, 2008, and with a term expiring January 31, 2012.

Council Member Moss made a motion, seconded by Council Member Burdette, that Resolution No. 3578-02-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

AGENDA ITEM XIV – REPORT OF THE CITY MANAGER

**G-16028
Ord. No. 17973-02-
2008
Res. No. 3579-02-
2008
Increase Amount to
be Paid to Gary
Ingram to Assist
with Negotiation
Issues for Meet and
Confer**

There was presented Mayor and Council Communication No. G-16028, dated January 29, 2008, from the City Manager recommending that the City Council adopt a resolution fixing in advance, as far as practicable, the amount to be paid to Gary Ingram of the law firm Jackson Walker, to assist the City in certain employment and labor negotiation issues concerning Meet and Confer, in an amount not to exceed \$100,000.00; and adopt a supplemental appropriation ordinance increasing appropriations in the General Fund in the amount of \$100,000.00 and decreasing the unreserved, designated fund balance by the same amount, for the purpose of increasing the 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.

Mayor Pro tem Hicks made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. G-16028 be approved and Resolution No. 3579-02-2008 and Supplemental Appropriation Ordinance No. 17973-02-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**G-16036
Participate in
M/WBE Availability
and Disparity Study**

There was presented Mayor and Council Communication No. G-16036 from the City Manager recommending that the City Council authorize the City Manager to execute an Interlocal Agreement with the North Central Texas Council of Governments to participate in a Minority and Women Business Enterprise (M/WBE) Availability and Disparity Study, substantially in accordance with the draft agreement; and authorize the City Manager to pay North Central Texas Council of Governments the City's pro rata share of the cost of the study and associated administrative fees in the amount of \$195,007.00.

Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16036 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**G-16037
Amend Section
V.2.B., of Policy to
Install Community
Facilities for
Contribution of
Future
Improvement Funds
In-Lieu-of Facility
Construction**

There was presented Mayor and Council Communication No. G-16037 from the City Manager recommending that the City Council adopt amendments to Section V.2.B., "Border Streets", of the Policy for the Installation of Community Facilities in order to clarify and formalize the requirements under the Policy for the Installation of Community Facilities regarding the acceptance of future improvement funds in-lieu-of facility construction.

Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. G-16037 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
FEBRUARY 5, 2008
PAGE 8 of 19**

**G-16038
Pay Relocation and
Moving Expenses
for Right-of-Way
for Southwest
Parkway Project**

There was presented Mayor and Council Communication No. G-16038 from the City Manager recommending that the City Council authorize the additional payment of relocation and moving expenses to Fair Boot Shop, d/b/a Stanley Eisenmans Fine Shoes, up to \$7,200.00, as a displaced business, from 3517 Concrete Street, in the Vickery Corridor, Parcel No. 62-Pt. 1-A2 for Right-of-Way for the Southwest Parkway Project (DOE 3777).

Mayor Pro tem Hicks made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. G-16038 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**Public Hearing
G-16039
December 18, 2007,
Draft of 2008
Comprehensive
Plan as
Recommended by
City Plan
Commission**

It appeared that the City Council set today as the date for a public hearing on the December 18, 2007, draft of the City's 2008 Comprehensive Plan, as recommended by the City Plan Commission. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Ms. Becky Pils, Senior Planner, Planning and Development Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. G-16039, as follows:

There was presented Mayor and Council Communication No. G-16039 from the City Manager recommending that the City Council conduct a public hearing on the December 18, 2007, draft of the City's 2008 Comprehensive Plan, as recommended by the City Plan Commission, to allow the public the opportunity to give testimony and present written evidence; adjourn the public hearing; and schedule a discussion of the public comments at the Pre-Council meeting on February 12, 2008, if necessary.

Tom Struhs

Mr. Tom Struhs, 3801 Bledsoe Street, appeared before Council in support of the 2008 Comprehensive Plan. He provided a video on the development of the downtown growth corridor to include the Trinity River Vision.

There being no one else 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-16039 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**Public Hearing
G-16040
Support Municipal
Setting Designation
at 3709 East First
Street and Amend
Chapter 12.5,
Article IV,
Appendix “A”, to
Add Section 14 of
the City Code –
Continued Until
February 19, 2008**

It appeared that the City Council set today as the date for a public hearing on the application of Bobby Cox Companies, Inc., for approval of a Municipal Setting Designation (MSD) for the property located at 3709 East First Street, Fort Worth, Texas, to the Texas Commission on Environmental Quality and adopt an ordinance prohibiting the potable use of designated groundwater from beneath the site. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Mr. Brian Boerner, Environmental Management Department Director, appeared before Council, gave a staff report, requested that the Council close the public hearing, delay action on the M&C until February 19, 2008, and called attention to Mayor and Council Communication No. G-16040, as follows:

There was presented Mayor and Council Communication No. G-16040 from the City Manager recommending that the City Council conduct a public hearing on the application of Bobby Cox Companies, Inc., for approval of a Municipal Setting Designation for the property located at 3709 East First Street, an approximately 11.976-acre tract, more fully described as Standard Meat Company Addition, Block 1, Lot 1, Fort Worth, Tarrant County, Texas, to allow the public the opportunity to give testimony; adopt a resolution in support of the application of the Bobby Cox Companies, Inc., to the Texas Commission on Environmental Quality for a Municipal Setting Designation at 3709 East First Street, Fort Worth, Texas; and adopt an ordinance amending the Code of the City of Fort Worth (1986), as amended, by the amendment of Chapter 12.5, “Environmental Protection and Compliance”, Article IV “Groundwater and Surface Water Quality”, by amending Appendix “A” “Municipal Setting Designation Sites in Fort Worth”, by the addition of Section 14; designating CFW-MSD-0014, providing for the prohibition of the use of groundwater for potable and irrigation purposes in CFW-MSD-0014; providing that this ordinance is cumulative; providing a severability clause; providing a fine of up to \$2,000.00 for each offense in violation of the ordinance.

Steve Phillips

Mr. Steve Phillips, 3709 East First Street, appeared before Council in support of the MSD. He stated that Five Star Custom Foods had operated the business at this location since 1999 with the help of Bobby Cox and he was in the process of reacquiring the property from the Cox Company who had invested in the company on their behalf. He added that his intent was to be able to continue to prosper at the current location with the hope of removing the groundwater liability on the business site.

Kyle Knight

Mr. Kyle Knight, 6330 Commerce Drive, Irving, Texas, appeared before Council in support of the MSD and concurred with comments provided by Mr. Boerner and Mr. Phillips.

Mayor Pro tem Hicks stated that she contacted two representatives from the Riverside Neighborhood but that the representative from the United Riverside Neighborhood stated there was a breakdown in communication for Five Star representatives attending their January 2008 meeting. She added that she was agreeable with a two-week delay, but advised that she did not know the date of the next meeting for the United Riverside Neighborhood and that this issue may have to be continued for an additional two weeks.

There being no one else present desiring to be heard in connection with the public hearing, Mayor Pro tem Hicks made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. G-16040 be continued until the February 19, 2008, Council meeting with the understanding that representatives of Five Star Custom Foods would meet with members of the United Riverside Neighborhood to address their concerns. The motion carried unanimously nine (9) ayes to zero (0) nays.

**P-10728
Vehicles**

There was presented Mayor and Council Communication No. P-10728 from the City Manager recommending that the City Council authorize the purchase of 74 new vehicles using term contracts through Texas Procurement and Support Services with Caldwell Country Dealerships and Cooperative Contracts through Tarrant County and Houston-Galveston Area Council with Philpott Ford for the City of Fort Worth for a cost not to exceed \$1,559,093.82, with payment due 30 days of the date of the invoice.

Council Member Moss made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. P-10728 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**L-14469
Dedicate Parkland
for Marine Creek
Ranch Park**

There was presented Mayor and Council Communication No. L-14469 from the City Manager recommending that the City Council accept the dedication of approximately 22.903 acres of unimproved parkland located in the Alexander Albright Survey, Abstract No. 1849, Tarrant County, Texas, from Hayco Realty, Ltd., in accordance with the *Neighborhood and Community Park Dedication Policy* for Marine Creek Ranch Park.

Council Member Burdette made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. L-14469 be approved with appreciation. The motion carried unanimously nine (9) ayes to zero (0) nays.

C-22659
David Newton

There was presented Mayor and Council Communication No. C-22659 from the City Manager recommending that the City Council authorize the City Manager to enter into an Artwork Commission Contract with David Newton for fabrication and installation of the sited bronze equestrian sculpture depicting a Mexican Vaquero not to exceed \$206,000.00, to be located at the traffic triangle of North Main and Ellis Streets.

Council Member Espino made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-22659 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

Mayor Moncrief commended Council Member Espino for his fundraising efforts in support of the sculpture.

C-22660
Ord. No. 17974-02-
2008
Ord. No. 17975-02-
2008
Amendment No. 1 to
CSC No. 36293 -
Eagle Construction
and Environmental
Services, L.P.

There was presented Mayor and Council Communication No. C-22660 from the City Manager recommending that the City Council authorize the City Manager to execute Amendment No. 1 to City Secretary Contract No. 36293 with Eagle Construction and Environmental Services, L.P., for performing the Alternative Asbestos Control Method demolition to the Oak Hollow Apartment's Office Building, 5901 Boca Raton Boulevard, Fort Worth, Texas, by increasing the total contract not-to-exceed amount from \$24,950.00 to \$59,950.00; adopt a supplemental appropriation ordinance increasing appropriations in the Environmental Management Fund (R103) in the amount of \$35,000.00 and decreasing the unreserved, retained earnings by the same amount, for the purpose of transferring said funds to the Environmental Management Project Fund (R101); approve the transfer of \$35,000.00 in undesignated funds in the Environmental Management Operating Fund (R103) to the Environmental Management Project Fund (R101); and adopt an appropriation ordinance increasing estimated receipts and appropriations in the Environmental Management Project Fund (R103) the amount of \$35,000.00 from available funds, for the purpose of executing Amendment No. 1 to City Secretary Contract No. 36293 with Eagle Construction and Environmental Services, L.P., for performing the Alternative Asbestos Control Method demolition of the Oak Hollow Apartment's Office Building, located at 5901 Boca Raton Boulevard.

Council Member Scarth made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-22660 be approved and Supplemental Appropriation Ordinance No. 17974-02-2008 and Appropriation Ordinance No. 17975-02-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**C-22661
Ord. No. 17976-02-
2008
CB&I Constructors,
Inc.**

There was presented Mayor and Council Communication No. C-22661 from the City Manager recommending that the City Council authorize the transfer of \$3,258,990.00 from the Water and Sewer Operating Fund to the Water Capital Projects Fund; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Water Capital Projects Fund in the amount of \$3,258,990.00 from available funds for the purpose of executing a contract with Chicago Bridge & Iron Constructors, Inc., for the Northside III Avondale-Haslet Road Elevated Storage Tank.

City Manager Fisseler advised that Section 1, line 4 of the ordinance needed to be amended to delete "...Chicago Bridge & Iron..." and replace it with "...CB&I...".

Council Member Burdette made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-22661 be approved and Appropriation Ordinance No. 17976-02-2008 be adopted as amended. The motion carried unanimously nine (9) ayes to zero (0) nays.

**Agenda Item XV
Second Public
Hearing
2008 Bond Program**

It appeared that the City Council set today as the date for a second 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.

The following individuals appeared before Council in support of the 2008 Bond Program.

**Suzanne Harbison,
Mark Youngs,
Mehran Aghili,
Jim Beckman,
Adelaide Leavens,
Melissa Wade,
Shirley Gansser**

Ms. Suzanne Harbison	13525 Fishing Hole Lane, Haslet, TX
Mr. Mark Youngs	350 Keller Parkway, Keller, TX
(Deputy Superintendent, Keller Independent School District)	
Mr. Mehran Aghili	P.O. Box 77070
Mr. Jim Beckman	2300 Medford Court East
Ms. Adelaide Leavens	P.O. Box 101373
(Represented Streams & Valleys, Inc.)	
Ms. Melissa Wade	2700 Waits Avenue
Ms. Shirley Gansser	12316 Yellow Wood Drive, Keller, TX
(Represented North Fort Worth Alliance)	
Ms. Danielle Tucker	11500 Mosier Valley Road

While they expressed appreciation for funding repair of various roads and Trinity Uptown Bridge, they also voiced concern relative to the following:

1. Extension of Avondale-Haslet Road.
2. Additional traffic created by overcrowding schools.
3. The need to make future funds available to extend the Trinity trails to the east, west and southwest and facilitate desired connections to Sycamore Creek and the Cultural District.
4. The ability to travel to and from retail stores in a timely manner.
5. Kids walking to school safely.
6. The feeling of being trapped in the community during rush hour.
7. The ability to feel safe and secure about response of emergency services.
8. Spending too much time in traffic going to and from places of business.
9. Inclusion of arterial roads on Ray White Road, Kroger Road, Keller Hicks to US 377, Old Denton Road/Riverside and Timberland Boulevard.
10. The need for wider, safer streets.

William Giron

Mr. William Giron, 1327 N. Main Street, representing the Fort Worth Hispanic Chamber of Commerce, appeared before Council in support of the 2008 Bond Program. He presented a letter from Rosa Navejar, President/CEO of the Hispanic Chamber of Commerce, which reflected support of the bond program relative to enhancing job opportunities and revitalization of the City's northside.

Devoyd Jennings

Mr. Devoyd Jennings, 1150 South Freeway, President of the Metropolitan Black Chamber of Commerce, appeared before Council in support of the 2008 Bond Program. He referred to the positive impact the bond program would bring to the City in terms of M/WBE job opportunities and repair of critical bridges, especially to the Trinity River Vision.

Brinton Payne

Mr. Brinton Payne, 777 Taylor Street, Suite 900, representing the Fort Worth Chamber of Commerce, appeared before Council in support of the 2008 Bond program. He presented a letter from Bill Thornton, President/CEO of the Fort Worth Chamber of Commerce, which reflected support of the Trinity River Vision and the job opportunities it would provide to the City.

Mayor Moncrief advised that the 2008 Bond Program was an issue of supply and demand. He pointed out that the City had many needs that needed to be addressed, but that funding through the bond program was not sufficient to

fulfill all those needs. He stated that just as the City got older, so did the infrastructure and the Council's responsibility was to provide a viable foundation that would serve the City's quality of life. He added that a discussion in the Pre-Council Work Session revealed the need to conduct a City-wide Town Hall meeting to provide information to citizens on what were the City's needs. He further stated that the Town Hall meeting "Let's Talk Fort Worth" would be held in the near future.

Council Members Espino, Jordan and Burdette agreed that the City was facing an infrastructure crisis that could impact quality of life and economic development in the City. They advised that the bond programs were not the only available resources for funding infrastructure needs; that public and private partnerships also contributed towards this endeavor. They pointed out that the 2008 Bond Program would only address twelve percent of the City's needs which would require some communities to share sacrifices to address more urgent needs.

There being no one else present desiring to be heard in connection with the public hearing, Council Member Silcox made a motion, seconded by Mayor Pro tem Hicks, that the public hearing be closed and that staff prepare an ordinance for the Council's consideration. The motion carried unanimously nine (9) ayes to zero (0) nays.

AGENDA ITEM XVIA – ZONING HEARINGS: CASES RECOMMENDED FOR APPROVAL

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

**ZC-07-191
Approved**

It appeared that the City Council, at its meeting of January 8, 2008, continued the hearing of the application of Segundo Ruiz for a change in zoning of property located at 2727 and 2729 East Lancaster Avenue, and 2722 and 2728 Purington Avenue from "C" Medium Density Multifamily Residential and "F" General Commercial to "FR" General Commercial Restricted, Zoning Docket No. ZC-07-191. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

There being no one else present desiring to be heard in connection with the application of Segundo Ruiz, Mayor Pro tem Hicks made a motion, seconded by Council Member Silcox, that the hearing be closed and that Zoning Docket No. ZC-07-191 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Espino 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 January 15, 2008. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

ZC-07-226
Approved

There was presented Zoning Docket No. ZC-07-226, application of Betty J. Edmondson for a change in zoning of property located 1401 Coleman Avenue from “E” Neighborhood Commercial to “PD/E” Planned Development for all uses in “E” Neighborhood Commercial plus warehouse, distribution and storage, with site plan required.

Council Member Moss made a motion, seconded by Council Member Burdette, that Zoning Docket No. ZC-07-226, be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Espino absent.

(See reconsideration of this zoning case on page 18.)

ZC-07-227
Approved

There was presented Zoning Docket No. ZC-07-227, application of Nicholas Martin, Jr., for a change in zoning of property located at 8913 Randol Mill Road from “F” General Commercial to “A-7.5” One Family Residential.

Council Member Moss made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket No. ZC-07-227, be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Espino absent.

ZC-07-228
Approved

There was presented Zoning Docket No. ZC-07-228, application of Fort Worth Parks & Community Services Department for a change in zoning of property located at 3200 Lackland Road from “A-5” One Family Residential to “FR” General Commercial Restricted.

Council Member Silcox asked Richard Zavala, Parks and Community Services Department Director, if his requirements for landscaping and use of electric go-carts would be included as a provision of the contract. Mr. Zavala responded affirmatively.

Council Member Silcox made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket No. ZC-07-228, be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Espino absent.

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
FEBRUARY 5, 2008
PAGE 16 of 19**

**ZC-07-230
Approved**

There was presented Zoning Docket No. ZC-07-230, application of M.A.W. River's Edge, L.P., et. al., for a change in zoning of property located 1601 Highway 114 from "AG" Agricultural and "A-5" One Family Residential to "A-5" One Family Residential to "A-5" One Family Residential and "E" Neighborhood Commercial.

Council Member Silcox made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket No. ZC-07-230, be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Espino absent.

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

**ZC-07-231
Approved**

There was presented Zoning Docket No. ZC-07-231, application of Waterview Estates North, L.P., for a change in zoning of property located 5101 and 5221 East Loop 820 South from "A-5" One Family Residential to "PD-773" Planned Development for "FR" General Commercial Restricted, excluding the following: automotive repair paint and body shop, car wash, parking area or garage, vehicles sales or rentals, with waiver of site plan recommended.

Council Member Moss made a motion, seconded by Council Member Silcox, that Zoning Docket No. ZC-07-231, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**ZC-07-235
Approved**

There was presented Zoning Docket No. ZC-07-235, application of the City of Fort Worth (portion of South Hemphill Heights Neighborhood) for a change in zoning of property generally bounded by Morningside Drive to the north, Hemphill Street to the east, Shaw Street to the south, and Henderson Street to the west from "B" Two Family Residential, "B/DD" Two Family Residential/Demolition Delay and "E" Neighborhood Commercial to "A-5" One Family Residential and "A-5/DD" One Family Residential/Demolition Delay.

Council Member Burns made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-07-235, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

AGENDA ITEM XVIB – ZONING HEARINGS: CASES RECOMMENDED FOR DENIAL

**ZC-07-229
Denied With
Prejudice**

There was presented Zoning Docket No. ZC-07-229, application of Miguel Molina for a change in zoning of property located at 2621 Daisy Lane from "A-5" One Family Residential to "B" Two Family Residential.

Council Member Espino made a motion, seconded by Council Member Burdette, that Zoning Docket No. ZC-07-229, be denied with prejudice. The motion carried unanimously nine (9) ayes to zero (0) nays.

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

ORDINANCE NO. 17977-02-2008

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 nine (9) ayes to zero (0) nays.

Agenda Item XVII
Citizen
Presentations
Tom Brasfield
Alix Brasfield

Mayor Moncrief recognized Mr. Tom Brasfield and his daughter Ms. Alix Brasfield, 7700 Randol Mill Road, as desiring to appear before Council relative to speed and traffic and the sound ordinance for drill rigs; however, neither of them was present in the Council Chamber.

Gary Hogan

Mr. Gary Hogan, 2117 Rolling Creek Run, appeared before Council relative to the confusing notification of public meetings for four high impact gas wells to be operated by Chesapeake Operating, Inc. He explained the confusion of information presented in the Fort Worth Star-Telegram and that provided by the City and stated that citizens should have the opportunity to become educated

and hear facts of the gas well operation before giving consent or exercising the right to the operation of the gas well near their property. He proposed that the cases scheduled for the February 19, 2008, Council meeting be delayed until March 1, 2008, to allow citizens to become well informed of these cases and provide their consent or protest. He also added that a plan needed to be formulated to assess the operation of the gas well equipment and its impact on the deterioration of the roads created by that equipment.

Mayor Moncrief advised that it was not the intent of the City staff to confuse anyone; that it was a staff oversight.

Ms. Susan Alanis, Acting Planning and Development Department Director, stated that the City had moved these items a few weeks forward and the Council advised of their prerogative to continue the public hearing after that date if the required public input was not received. She added that the staff had been working with various neighborhood associations in the area to schedule a special informational meeting tentatively scheduled for February 13, 2008, at 6:30 p.m. at the East Regional Library to specifically review these gas wells.

Council Member Burdette advised that citizens could inquire about any well being proposed in the City through City staff at any time; that they did not have to wait for public hearings or meetings.

Fred Harper

Mr. Fred Harper, 2248 5th Avenue, appeared before Council relative to closure of the Victorian Inn. He provided graphs that depicted the reduction in Police calls in the Fairmount area as a result of the Victorian Inn closing. He expressed appreciation to the Council for their efforts in the closure.

Jim Ashford

Mr. Jim Ashford, 6209 Riverview Circle, appeared before Council relative to gas well ambient sound levels. He provided handout information to the Council. He recommended that a moratorium on gas drilling be instituted until the Gas Well Task Force addresses ambient noise levels.

Grayson Harper

Mr. Grayson Harper, 3605 Bellaire Drive South, appeared before Council relative to impeachment of the President and Vice President of the United States.

Mayor Moncrief advised that he had received a request to reconsider Zoning Docket No. ZC-07-226.

**Reconsideration of
Zoning Docket No.
ZC-07-226**

Council Member Moss made a motion, seconded by Council Member Silcox, that Zoning Docket No. ZC-07-226 be reconsidered. The motion carried unanimously nine (9) ayes to zero (0) nays.

ZC-07-226
Approved

There was presented Zoning Docket No. ZC-07-226, application of Betty J. Edmondson for a change in zoning of property located 1401 Coleman Avenue from “E” Neighborhood Commercial to “PD/E” Planned Development for all uses in “E” Neighborhood Commercial plus warehouse, distribution and storage, with site plan required.

Betty Edmondson

Ms. Betty Edmondson, 6733 Savannah Lane, appeared before Council in support of the the zoning change. She stated that she was trying to lease the building to a client and expressed concern with the requirement to provide a site plan and stated no improvements were being made to the structure. She stated her concern with having to document the fencing, landscaping, etc. She reiterated that nothing on the site would change with this development. She requested that the requirement for the site plan be waived.

Council Member Moss advised that the zoning being requested was a Planned Development and because of that the City must document how the property would be used, understanding that Ms. Edmondson would not make any changes to the property. He pointed out that without the site plan on record, she could demolish the building and build something else. He reiterated that the site plan would reflect what type of structure was currently in place.

Ms. Dana Burghdoff, Planning and Development Department Deputy Director, stated that the site plan had to reflect certain requirements, e.g., existing building, parking, existing fencing on the site, etc. She added that if the building was not being expanded or adding any new construction, the landscaping requirement would not be triggered.

Ms. Edmondson assured the Council that no changes were being made to the building and site and agreed to provide a site plan reflecting the building site.

Council Member Moss made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket No. ZC-07-226, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

Agenda Item XIX
Adjournment

There being no further business, the meeting was adjourned at 8:53 p.m. in memory of former Judge Joe Bruce Cunningham, Timothy Starkey and Howard Kliever.