

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
FEBRUARY 19, 2008**

Present

Mayor Mike Moncrief
Mayor Pro tem Kathleen Hicks, District 8
Council Member Salvador Espino, District 2
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

Absent

Council Member Chuck Silcox, District 3

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 10:11 a.m. on Tuesday, February 19, 2008, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102, with Council Member Silcox absent.

**Agenda Item II
Invocation** The invocation was given by Dr. Michael Dean, Travis Avenue Baptist Church.

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

**Agenda Item IV
Approval of
Minutes** Upon a motion of Mayor Pro tem Hicks, seconded by Council Member Jordan, the minutes of the regular meeting of February 12, 2008, were approved unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**Agenda Item V
Special
Presentations** Council Member Moss presented a Proclamation for Black History Month to Ms. Marian Eastman, Co-founder Jubilee Theater.

Council Member Burns presented a Proclamation for Cowtown Marathon Day to the following representatives for The Cowtown:

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Dr. Bob Kaman	Chairman, Cowtown Board of Directors
Ms. Adelaide Leavens	Member, Cowtown Board of Directors
Ms. Heidi Swartz	Executive Director, The Cowtown
Mr. Jim Gilliland	Race Director, The Cowtown

**Agenda Item VI
Announcements**

Council Member Moss announced that the Stop 6 Heritage Center would continue its celebration of Black History Month with a program about the Rosenwald Schools. He stated that Ms. Gail Hansen would present the program on February 23, 2008, at 1:00 p.m. at the Dunbar Sixth Grade Center, 5100 Willie Street. He advised that the Rosenwald rural school building program was a major effort to improve the quality of public education for African Americans in the early twentieth-century and invited everyone interested to attend the event.

Mayor Pro tem Hicks announced that the 2008 City of Fort Worth African American History Breakfast would be conducted on February 20, 2008, at 7:30 a.m. at the Fort Worth Convention Center, and on February 21, 2008, a public meeting to discuss the Gateway Park improvements would be conducted at 6:00 p.m. at the Inn Suites Hotel on Beach and IH 30. She also announced that on February 22, 2008, she along with Council Members Burns, Espino and former City Manager Charles Boswell and others, would hold an event for the farm workers at 5:00 p.m. at the Intermodal Transportation Center. She added that, as stated by Council Member Espino, the farm workers were the NAACP of the Hispanic community and stated that she was very proud to be part of this event.

Council Member Espino announced that today was the first day of early voting for the March 4, 2008, Presidential Primary and encouraged everyone to go out and vote for the candidate of their choice.

**Agenda Item VII
Withdrawn from
Consent Agenda**

There were no items 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 Jordan, seconded by Council Member Espino, the Council voted eight (8) ayes to zero (0) nays, with Council Member Silcox absent, to approve and adopt all items on the Consent Agenda as recommended and as follows:

- OCS-1646
Claims** M&C OCS-1646 - 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-16051
Ord. No. 17986-02-
2008
Find Conditions
Materially Changed
Deleting Street
Reconstruction of
Grant Avenue from
1998 CIP, Fund
Rehabilitation of
Poindexter Street,
and Execute Change
Order No. 1 to CSC
No. 35969 for
Construction of
Poindexter Street
and Accept Payment
for Portion of
Construction Costs** M&C G-16051 - Adopting Ordinance No. 17986-02-2008 finding that the conditions have materially changed so that the reconstruction of Grant Avenue from East Peach to Gounah Street as included in the 1998 Capital Improvement Program (CIP) is no longer necessary and unwise; authorizing the transfer of 1998 Capital Improvement Program Funds designated for Grant Avenue to the reconstruction of Poindexter Street from Samuels Avenue to East Dead End; authorizing the transfer of these funds for the construction of Poindexter Street from Samuels Avenue to East Dead End; authorizing the City Manager to execute Change Order No. 1 to City Secretary Contract No. 35969 with JLB Contracting, L.P., in the amount of \$48,944.80 for construction of Poindexter Street from Samuels Avenue to East Dead End, thereby increasing the total amount to \$1,205,128.70; and accepting payment in the amount of \$12,916.00 from developer Carleton Construction, Ltd., for a portion of construction costs for Poindexter Street from Samuels Avenue to East Dead End.
- P-10729
Rental of Floor
Mats, Mops, Fender
Covers and Shop
Towels** M&C P-10729 - Authorizing a purchase agreement with Aramark Uniform Service, Inc., for rental of floor mats, mops, fender covers and shop towels for the City of Fort Worth.
- P-10730
Chevrolet Tahoe
Vehicles** M&C P-10730 - Authorizing the purchase of two new Chevrolet Tahoe vehicles using a term contract through Texas Procurement and Support Services with Caldwell Country Dealerships for the Transportation and Public Works Department for a cost not to exceed \$65,902.00, with payments due within 30 days of receipt of the invoices.
- C-22670
Amendment to CSC
No. 33870 - Presidio
Hotel Fort Worth,
L.P.** M&C C-22670 - Authorizing the City Manager to execute the amendment to the Economic Development Program Agreement with Presidio Hotel Fort Worth, L.P., (City Secretary Contract No. 33870), related to the redevelopment of the Plaza Hotel, as previously amended.

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- C-22671**
Change Order No. 1
to CSC No. 35556 -
Conatser
Construction TX,
LP
- M&C C-22671 - Authorizing the City Manager to execute Change Order No. 1 in the amount of \$91,378.00 to City Secretary Contract No. 35556 with Conatser Construction TX, LP, for water paving, drainage and water improvements on Harris Parkway from Dutch Branch Road to Dirks Road (City Project No. 00005), part of the 2007 Critical Capital Needs Program.
- C-22672**
Ord. No. 17987-02-
2008
Texas United
Excavators, L.L.C.
- M&C C-22672 - Authorizing the transfer of \$698,082.64 from the Water and Sewer Operating Fund to the Water Capital Projects Fund in the amount of \$486,138.00 and Sewer Capital Projects Fund in the amount of \$211,944.64; adopting Appropriation Ordinance No. 17987-02-2008 increasing estimated receipts and appropriations in the Water Capital Projects Fund in the amount of \$486,138.00 and the Sewer Capital Projects Fund in the amount of \$211,944.64 from available funds, for the purpose of executing a contract with Texas United Excavators, L.L.C., for pavement reconstruction and water and sanitary sewer main replacement on portions of South Adams Street, West Felix Street, South Jennings Avenue, Townsend Drive, West Shaw Street and West Devitt Street (City Project No. 00273); and authorizing the City Manager to execute a contract with Texas United Excavators, L.L.C., in the amount of \$2,368,265.00 for pavement reconstruction and water and sanitary sewer main replacement on portions of South Adams Street, West Felix Street, South Jennings Avenue, Townsend Drive, West Shaw Street and West Devitt Street.
- C-22673**
Sundance Square
Management, L.P.
- M&C C-22673 - Authorizing the City Manager to execute a lease agreement with Sundance Square Management, L.P., for 46 parking spaces located in Lot No. 3 at 601 East 5th Street for the Police Department at a cost of \$2,300.00 per month.
- C-22674**
Industrial Hygiene
and Safety
Technology, Inc.
- M&C C-22674 - Authorizing the City Manager to execute a contract with Industrial Hygiene and Safety Technology, Inc., for industrial hygiene and asbestos assessment services for an amount not to exceed \$100,000.00 per year for the period April 1, 2008, to March 31, 2009, with the option to renew for two additional one-year periods.
- C-22675**
Spinks Leasing II,
Inc.
- M&C C-22675 - Authorizing the City Manager to execute a five-year office lease agreement with Spinks Leasing II, Inc., for office suites B, C, D, E, F, G, H and I along with storage area at Fort Worth Spinks Airport.
- C-22676**
Correct M&C C-
22585 - Crescent
Constructors, Inc.
- M&C C-22676 - Approving the correction of M&C C-22585 to correct the contractor's name to reflect "Crescent Constructors, Inc.", and therefore to authorize the City Manager to execute a contract with Crescent Constructors, Inc., in the amount of \$983,000.00 for the Lake Worth Lift Station Replacement Project.

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. 3580-02-
2008
Cancel and Change
Time of Regularly
Scheduled City
Council Meetings
for Months of
March through
December 2008**

There was presented a resolution of the City Council of the City of Fort Worth, Texas, canceling and changing time of the regularly scheduled City Council meetings for the months of March through December 2008, as follows:

1. The City Council meeting of Tuesday, March 11, 2008, at 7:00 p.m., is hereby canceled.
2. The City Council meeting of Tuesday, June 24, 2008, at 10:00 a.m., is hereby canceled.
3. The City Council meeting of Tuesday, July 1, 2008, at 7:00 p.m., is hereby canceled.
4. The City Council meeting of Tuesday, October 7, 2008, at 7:00 p.m., is hereby changed to Tuesday, October 7, 2008, at 10:00 a.m.
5. The City Council meeting of Tuesday, November 18, 2008, at 10:00 a.m., is hereby canceled.
6. The City Council meeting of Tuesday, November 25, 2008, at 10:00 a.m., is hereby canceled.
7. The City Council meeting of Tuesday, December 23, 2008, at 10:00 a.m., is hereby canceled.
8. The City Council meeting of Tuesday, December 30, 2008, at 10:00 a.m., is hereby canceled.

Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that Resolution No. 3580-02-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**Res. No. 3581-02-
2008
Appoint Members
to Audit and
Finance Advisory
Committee and
Approve Chair and
Vice Chair of
Committee**

There was presented a resolution approving the appointment of the following members to the Audit and Finance Advisory Committee effective February 19, 2008, and with terms expiring September 30, 2008; and approving Council Member Jordan as the Chair and Mayor Pro tem Hicks as the Vice Chair of the Committee, as follows:

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Place 1	Mike Moncrief
Place 2	Jungus Jordan
Place 3	Chuck Silcox
Place 4	Kathleen Hicks
Place 5	John Stevenson
Place 6	William Leonard

Council Member Jordan made a motion, seconded by Council Member Burdette, that Resolution No. 3581-02-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**Joint Res. No.
3582-02-2008
Agreement with
City of Haslet
Releasing and
Accepting ETJ**

There was presented a joint resolution and agreement between the City of Haslet and the City of Fort Worth releasing and accepting extraterritorial jurisdiction (ETJ).

Council Member Burdette made a motion, seconded by Mayor Pro tem Hicks, that Resolution No. 3582-02-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

AGENDA ITEM XIV – REPORT OF THE CITY MANAGER

**Public Hearing
G-16040
Res. No. 3583-02-
2008
Ord. No. 17988-02-
2008
Support Municipal
Setting Designation
at 3709 East First
Street and Amend
Chapter 12.5,
Article IV,
Appendix “A”, to
Add Section 14 of
City Code**

It appeared that the City Council, at its meeting of February 5, 2008, continued the public hearing for the application of Bobby Cox Companies, Inc., for approval of a Municipal Setting Designation 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, Director, Environmental Management Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. G-16040, as follows:

There was presented Mayor and Council Communication No. G-16040, dated February 5, 2008, 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.

There being no one present in connection with the public hearing, Mayor Pro tem Hicks made a motion, seconded by Council Member Scarth, that the public hearing be closed, Mayor and Council Communication No. G-16040 be approved and Resolution No. 3583-02-2008 and Ordinance No. 17988-02-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

G-16049
Ord. No. 17989-02-
2008
Approve Settlement
Agreement Between
Atmos Cities
Steering Committee
and Atmos Energy
Corp., Mid-Tex
Division Regarding
Statement of Intent
to Change Gas
Rates and Ordering
Authorized Gas
Rates

There was presented Mayor and Council Communication No. G-16049, dated February 12, 2008, from the City Manager recommending that the City Council adopt an ordinance establishing maximum permitted rates and charges that Atmos Energy Corporation, Mid-Tex Division, may assess customers in the City of Fort Worth; approving and ratifying a related settlement agreement by and between Atmos Energy Corporation, Mid-Tex Division, and the Atmos Cities Steering Committee, of which the City of Fort Worth is a member; adopting declarations and findings related to rates and charges assessed to customers in the City of Fort Worth; repealing any previously adopted ordinances in conflict herewith.

Council Member Espino made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. G-16049 be approved and Ordinance No. 17989-02-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

G-16052
Ord. No. 17990-02-
2008
Adopt 2008
Comprehensive
Plan

There was presented Mayor and Council Communication No. G-16052 from the City Manager recommending that the City Council approve the ordinance adopting the City of Fort Worth 2008 Comprehensive Plan; analyzing population, economic and financial trends; describing municipal services and facilities; describing economic and technological issues affecting development;

describing implementation tools; dividing the City into 16 planning sectors; providing maps describing proposed future land uses and recommended land use policies for each sector; establishing goals and recommended policies.

Council Member Moss made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16052 be approved and Ordinance No. 17990-02-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**G-16053
Res. No. 3584-02-
2008
Increase Payment
for Assistance with
Legal Issues
Including Real
Estate Concerning
Southwest Parkway
(SH 121T)**

There was presented Mayor and Council Communication No. G-16053 from the City Manager recommending that the City Council adopt a resolution increasing the maximum amount to be paid to Cantey & Hanger by \$200,000.00 for assisting the City with legal issues including, but not limited to, real estate concerning the Southwest Parkway (SH 121T), thereby establishing the maximum fee at \$800,000.00.

Council Member Jordan made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. G-16053 be approved and Resolution No. 3584-02-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**G-16054
Confirm Executive
Deputy Chief
Patricia Kneblick as
Interim Police Chief**

There was presented Mayor and Council Communication No. G-16054 from the City Manager recommending that the City Council confirm the appointment of Executive Deputy Chief Patricia Kneblick as Police Chief in an interim capacity effective at 12:01 a.m., March 1, 2008.

City Manager Fisseler advised that Chief Ralph Mendoza would retire on February 29, 2008, and that Executive Deputy Chief Kneblick would serve as Police Chief in an interim capacity until the City completed a selection process for Police Chief.

Mayor Pro tem Hicks made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. G-16054 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

Executive Deputy Chief Kneblick expressed appreciation to the Council for their support of her appointment as interim Police Chief. She advised that the City experienced a reduction in the crime rate for 2007 and stated that she looked forward to working with the men and women of the Fort Worth Police Department, the Council and citizens to make Fort Worth the safest city in the nation.

**G-16055
Res. No. 3585-02-
2008
Ord. No. 17991-02-
2008
Ord. No. 17992-02-
2008
Increase Payment to
Assist in Matters
Concerning Water
Department and
T/PW Contract**

There was presented Mayor and Council Communication No. G-16055 from the City Manager recommending that the City Council adopt a resolution authorizing the maximum amount to be paid to Whitaker, Chalk, Swindle & Sawyer, LLP, to assist the City in matters concerning Water Department and Transportation and Public Works (T/PW) contracts; adopt a supplemental appropriation ordinance increasing appropriations in the General Fund in the amount of \$25,000.00 and decreasing the unreserved, undesignated fund balance by the same amount, for the purpose of increasing the amount to be paid to Whitaker, Chalk, Swindle & Sawyer, LLP, for assisting the City in matters concerning contracts for the Transportation and Public Works Department; and adopt a supplemental appropriation ordinance increasing appropriations in the Water and Sewer Fund in the amount of \$25,000.00 and decreasing the unreserved, undesignated fund balance by the same amount, for the purpose of increasing the amount to be paid to Whitaker, Chalk, Swindle & Sawyer, LLP, for assisting the City in matters concerning contracts for the Water Department.

Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. G-16055 be approved and Resolution No. 3585-02-2008 and Supplemental Appropriation Ordinance Nos. 17991-02-2008 and 17992-02-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**G-16056
Confirm
Appointment of
Sharon Barnes to
Firefighters' and
Police Officers'
Civil Service
Commission**

There was presented Mayor and Council Communication No. G-16056 from the City Manager recommending that the City Council confirm the appointment of Ms. Sharon E. Barnes as a member of the Firefighters' and Police Officers' Civil Service Commission effective February 19, 2008, and with a term expiring October 1, 2010.

Council Member Jordan made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16056 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

Mayor Moncrief acknowledged Ms. Barnes's presence in the Council Chamber.

**G-16057
Res. No. 3586-02-
2008
Adopt Land Use
Assumptions and
CIP of
“Transportation
Impact Fee Final
Report”, December
2007 –
Lee Nicol**

There was presented Mayor and Council Communication No. G-16057 from the City Manager recommending that the City Council adopt the resolution adopting the Land Use Assumptions and Capital Improvements Plan (CIP) of the “Transportation Impact Fee Final Report”, December 2007, prepared by Kimley-Horn and Associates, Inc., and on file with the City Secretary.

Mr. Lee Nicol, 3882 South Hill, Chair of the Development Advisory Council (DAC), appeared before Council in support of the resolution. He read from a letter that outlined the DAC’s position on transportation impact fees as follows:

1. That the DAC endorsed the promulgation of a fair and equitable transportation impact fee on applicable new development in concert with CIP bond programs.
2. That the DAC enthusiastically supported the current \$150 million CIP bond proposal and would seek to gather support from the various trade and industry groups represented by its members.
3. That the DAC requested Council postpone today’s consideration of M&C G-16057 concerning adoption of the land use/CIP element of the proposed transportation impact fee to the March 4, 2008, Council meeting.
4. That the DAC strongly urged, for the sake of integrity of the process and to engender community consensus on this currently contentious issue, that the 29 member Development Advisory Committee immediately commence deliberations on the tasks outlined in the only meeting held to date – November 2007.
5. That the DAC requested the Development Advisory Committee be allowed to hire the consultant privately to speed the selection and study process.

Mr. Nicol also pointed out the following:

- a. That the DAC and many affected industries felt that they had been at best under-represented and at worst repeatedly ignored over the past two years of transportation impact fee deliberations.
- b. Interaction to come to a consensus on several basic building block assumptions in the Land Use Assumptions/Capital Improvement Plan had been unsatisfactory and inconclusive potentially resulting in inaccurate fee assessment calculations.
- c. If a postponement was granted, a technical sub-committee of DAC formed last fall would meet again with the staff and its third party consultants between now and February 28, 2008, to attempt a consensus.

- d. That the original Advisory Committee was too small and did not begin to represent the stakeholders. Although the committee had been expanded in November 2007, through the efforts of the Fort Worth Chamber of Commerce, meaningful deliberations have not begun to include the issue being considered today.
- e. That it was essential that the committee meet immediately, regularly and meaningfully. That as part of its five point charge, the committee should suggest policy to the City Council and especially consider the cumulative impact of all of the City's increases in the cost of development to insure that Fort Worth remained competitive for new development opportunities.
- f. That the committee further be prepared to suggest solutions to allow the City to meet its essential financial obligations while addressing the roadway funding crisis faced by the City.

Council Member Espino expressed appreciation to Mr. Nicol and the Development Advisory Committee for their contributions to the City. He clarified that the Council was not voting today to assess impact fees but to adopt the land use assumptions and Capital Improvement Plan. He stated that in the interim, as the Council looked to actually compose an impact fee, that the City continue the process along the timeframe discussed previously, that being April 2008. He added that City staff could meet with the committee to determine if the 50 percent impact fee amount was the revenue neutral amount.

Council Member Jordan stated that he attended the Development Advisory Committee yesterday and heard their concerns. He advised that the committee needed to be included in the dialog on this issue. He stated that he was advised by staff that the Council was simply stating that the City intended on moving forward on a timetable to adopt impact fees and the committee would continue to work to review the numbers and provide counsel to the Council.

Acting Assistant City Manager Fernando Costa clarified that the action the Council was contemplating was to accept the land use assumptions and Capital Improvement Plan as set forth in the final report by the consultant dated December 2007; that it would not establish the impact fee level. He added that the Development Advisory Committee yesterday requested a two week deferral of that action to allow representatives of that Committee to work with City staff to resolve certain questions about the technical data incorporated into the impact fee report.

Council Member Jordan asked Mr. Costa if today's action would impact the discussion or analysis by the private sector advisors. Mr. Costa advised that it would not impact the process.

Council Member Scarth asked Mr. Nicol about his concerns with adopting the land use study and what would be a reasonable timetable to try and make some modifications.

Mr. Nicol stated that the committee understood that today's action would not set the impact fee rates; however, the concern was there were a dozen fundamental issues that the committee members disagreed on that never had an impartial third party involved.

Council Member Scarth inquired if a two-week delay would affect the timetable on this issue.

Acting Assistant City Manager Costa advised that state law provided 30 days after the public hearing to act on the study assumptions. He added that the Council conducted the public hearing on February 12, 2008, and 30 days from that date equated to the March 11, 2008, Council meeting; however, that meeting was canceled today, therefore the Council had until March 4, 2008, to act on those assumptions. He further stated that the study assumptions were important as they effectively set the maximum impact fee levels for each of the 27 service areas; after study assumptions were adopted, the Council would determine what percentage of the impact fee would be set as a matter of policy. He stated that if action was delayed for two weeks, Council could still take action on the impact fee ordinance by the end of April 2008.

Council Member Espino stated that a two-week delay would not impact the process. However, he pointed out that this process needed to be acted upon quickly and pointed out that the needs of everyone in the City had to be taken into account. He added that this issue had been debated for two years and if staff could assure him that the City could move forward at the timeframe of April by granting this two week request, he did not have a problem; however, if the two-week delay slowed the process beyond April, he would not be in support of that initiative.

Ms. Dana Burghdoff, Planning and Development Department Deputy Director, advised that the Capital Improvement Advisory Committee was going to meet in early March. She added that with a two-week delay the committee would meet probably the fourth Wednesday in March; however, she needed to confirm

that Council could establish the public hearing date in March. She stated that she would have to coordinate with the consultants to confirm that it would be by the end of April, or early May.

Mr. Aaron Nathan, consultant for Kimley-Horn, explained that relative to the schedule if during the two-week process if something was changed on the report, the City would have to, by law, go back to the Capital Improvements Advisory Committee and have the new report adopted and also reopen the public hearing because there were changes to the report. If this were adopted today and no changes were made, the City could move forward and make the April date.

Council Member Espino made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. G-16057 be approved and Resolution No. 3586-02-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**G-16058
Ord. No. 17993-02-
2008
Increase Storm
Water Capital
Projects Fund for
Proceeds from Sale
of Storm Water
(Drainage) Revenue
Bonds, Series 2007**

There was presented Mayor and Council Communication No. G-16058 from the City Manager recommending that the City Council adopt an appropriation ordinance increasing estimated receipts and appropriations in the Storm Water Capital Projects 2007 Revenue Bonds Fund in the amount of \$25,000,000.00 from the sale of Storm Water (Drainage) Revenue Bonds, Series 2007, for the purpose of funding capital improvements to the storm water infrastructure system.

Council Member Scarth made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. G-16058 be approved and Appropriation Ordinance No. 17993-02-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**Public Hearing
G-16059
Waive High Impact
Gas Well Permit to
Allow Drilling of
Gas Well on Pad
“A” of Duckhead
Lease**

It appeared that the City Council set today as the date for a public hearing to consider a waiver for a high impact gas well permit requested by Chesapeake Operating, Inc., to allow the drilling of one gas well on Pad “A” of the Duckhead Lease located at 7397 Randol Mill Road Northwest of the intersection of Randol Mill Road and Cooks Lane. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Ms. Susan Alanis, Acting Director, Planning and Development Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. G-16059, as follows:

There was presented Mayor and Council Communication No. G-16059 from the City Manager recommending that the City Council consider a waiver for a high impact gas well permit requested by Chesapeake Operating, Inc., to allow the drilling of the Duckhead 3H gas well on Pad "A" of the Duckhead Lease located in the W.H. Morris Survey, Abstract No. 1053, Tract 3A, northwest of the intersection of Randol Mill Road and Cooks Lane.

Mercedes Bolen

She introduced Ms. Mercedes Bolen, 301 Commerce Street, representing Chesapeake Operating, Inc., who provided an explanation of the location of the well site at Mallard Cove Park. She advised that the Parks and Community Services Advisory Board unanimously approved their request and that City staff had scheduled the public hearing at an evening meeting on February 5, 2008; however, due to a clerical error, the public hearing had to be rescheduled for today.

Council Member Scarth inquired if this well would be the last well drilled at this site.

Ms. Bolen responded that this well would be the indicator of whether or not the well would be the last well drilled at the site; and that the company would use this well to determine if it would be economical to produce more resources from this site.

Tiffany Ahner

Ms. Tiffany Ahner, 408 Shadow Glass Avenue, appeared before Council in opposition of the gas well. She expressed her discontent that the hearing was not scheduled for an evening meeting which would have allowed greater public attendance and advised the Council of the two reasons she was given that the hearing could not be rescheduled. She stated that Susan Alanis, Planning and Development Department Acting Director, informed her that one reason was that the City Council would take action on the Duckhead location adjacent to Mallard Cove Park on February 19, 2008, due to time concerns expressed by the operator; the second reason was that the ordinance stipulated that the operator's request should be heard by the City Council within 45 days of receipt. She noted that the 45 days had been significantly exceeded at this point. Ms. Ahner countered those reasons with Ms. Bolen's comments to the neighborhood that Chesapeake wanted to be a good neighbor to all residents and questioned why Chesapeake did not allow the hearing to be scheduled for an evening Council meeting where more of the residents could be present. She expressed concerns with the following:

1. Safety of residents. She referred to the April 22, 2006, explosion in Forest Hill that killed one employee and necessitated the evacuation of residents within one-half mile of the drill site. She also advised of a more recent explosion reported by the Associated Press (AP) on February 15, 2008, in McCook, Texas that injured one person on property next to where a 20-inch pipeline exploded. She pointed out that in the case of Mallard Cove Park and Chesapeake's request for a high impact well, her community would be the property next to the well site.
2. That they have reason to believe that a gas line was planned in the near future to go across Mallard Cove Park. There had already been staking on the property and mature trees marked for removal.
3. They are aware that the Texas Railroad Commission regulated pipelines, but agreed with Council Member Silcox that the City needed to find out if the City could impose its own rules on the gas lines.
4. They are concerned about the noise level, truck traffic, their quality of life, property values and the impact on resale of their homes.
5. The use of approximately 4.5 million gallons of water used in the fracing process for just one well. That Fort Worth was already using all the existing available surface water in the area and must import a large supply of water from East Texas.
6. The composition of the Gas Well Task Force being four members from the energy companies, five from development, real estate, land use companies and with the remainder being composed of the Council Members and the Mayor. She questioned why there were no members representing the neighborhoods and communities of Fort Worth, environmentalists, safety experts or the City's Water Department.

She added that Assistant City Attorney Sarah Fullenwider provided information on what the Gas Well Task Force would study as follows:

- a. Controlling the number of wells in a given neighborhood at one time.
- b. Environmental impacts of gas drilling on air quality.
- c. Location of compressor stations.
- d. Erosion plans.
- e. Setback from protected uses.
- f. The use of land use consistent with the Comprehensive Plan to control locations of gas wells.
- g. Investigate new technology to reduce impact to neighborhoods.

She further stated that these studies would take time as well as the proposed recommendations and getting the recommendations approved. She asked what the neighborhood was to do in the meantime. She pointed out that the well would most likely be approved today, was the fourth well next to her neighborhood and the 105th well in District 4. She asked if these wells and all the wells drilled between now and the time the Gas Well Task Force convened were going to be “grandfathered in” and unaffected by future regulations. She urged the Council to vote against the well until the neighborhood’s concerns were addressed.

Gary Hogan

Mr. Gary Hogan, 2117 Rolling Creek Run, appeared before Council in opposition of the high impact well permit. He requested that the Council delay action on all three proposed well sites on today’s agenda until after the Gas Well Task Force met and submitted their recommendations to the Council. He stated that intensive thought was needed for the permitting of high impact gas wells located near public parks, recreational areas, natural creeks and streams and that environmental studies needed to be conducted on these issues. He requested that the Council use extreme constraint whenever facing a case that came before them without the full waiver and consent of any resident in the City, to include public parks and recreational centers.

Council Member Scarth stated that there were multiple issues being addressed, e.g., water, environmental concerns that did not necessarily track directly to a high impact gas well site. He emphasized that there was no cleaner burning fossil fuel than natural gas. He pointed out that the well was located on an undeveloped park land where two wells currently existed and that the company was not creating a new pad site. He added that the site was not within 600 feet of a neighborhood but a park and that there was no funding to make Mallard Cove Park into a beautiful park; however, the revenue generated from the well could help develop the park. He asked staff what time constraints were known to require the Council to act within 45 days.

Ms. Alanis stated there was none other than what the City’s ordinance required and added that the City would continue to work with the operator if there was a delay approved today.

Ms. Bolen stated that the company had proposed to drill at the site in March and pointed out that they were up against the expiration of a lease. She advised that there had already been a 90-day delay which had been costly for the operator and that the company had been working with the neighborhood to resolve their concerns. She advised the Council of sound surveys performed

and that the company had placed additional sound barriers around the well. She advised of the company's noise suppression efforts and the addition of 20 foot sound walls at the site that had reduced the sound emanating from the well.

Mayor Pro tem Hicks inquired how many wells could be drilled at this site.

Ms. Bolen stated that two more could be drilled at the location for a total of five wells.

Council Member Scarth stated that an additional community meeting was held on this issue on February 14, 2007, which was well attended. He added that this well would yield funds for Mallard Cove Park and pointed out the commitment from Chesapeake to go above and beyond to install sound walls around the well site.

Council Member Jordan clarified that the Council went through a lot of effort to ensure the composition of the Gas Well Task Force did in fact include representatives from the neighborhoods.

Council Member Scarth referred to the list of the appointments of the Gas Well Task Force and stated that there may have been some misinterpretation with the list reflecting the Council Members. He clarified that the list reflected the appointment from the individual Council Members and that the Council would not serve on the task force.

There being no one else present desiring to be heard in connection with the public hearing, Council Member Scarth made a motion, seconded by Council Member Burdette, that the public hearing be closed and Mayor and Council Communication No. G-16059 be approved. The motion carried seven (7) ayes to one (1) nay, with Mayor Pro tem Hicks casting the dissenting vote and Council Member Silcox absent.

**Public Hearing
G-16060
Waive High Impact
Gas Well Permit to
Allow Drilling of
Gas Well on Pad
"A" of Henderson
Bazaar Lease –
Continued Until
April 1, 2008**

It appeared that the City Council set today as the date for a public hearing to consider a waiver for a high impact gas well permit requested by Chesapeake Operating, Inc., to allow the drilling of one gas well on Pad "A" of the Henderson Bazaar Lease located northeast of the intersection of Jacksboro Highway and Cullen Drive. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Ms. Susan Alanis, Acting Director, Planning and Development Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. G-16060, as follows:

There was presented Mayor and Council Communication No. G-16060 from the City Manager recommending that the City Council consider a waiver for a high impact gas well permit requested by Chesapeake Operating, Inc., to allow the drilling of one gas well on Pad "A" of the Henderson Bazaar Lease located in the R. Crawley Survey, Abstract No. 313, Block 1, Lot 1, Henderson Street Bazaar Subdivision, northeast of the intersection of Jacksboro Highway and Cullen Drive.

Ms. Mercedes Bolen was again introduced, representing Chesapeake Operating, Inc., who provided a summary of the well site.

Council Member Burns expressed concern that this was very close to the river, park and trail system; however, it was also close to the route of the City's future bypass channel which would be excavated within approximately 200-300 feet from the site. He added that he did not want to do anything that would hinder or hamper the City's ability to pursue the Trinity River Vision proposal and related construction because of the location of the well site. He also inquired about the placement of the pipeline related to this well site and if it would hinder construction for the river bypass, as well as how the pipeline would impact the proposed bridges that would be built on Henderson.

Ms. Bolen stated that Chesapeake had been in contact with the Trinity River Vision Department as well as the Tarrant Regional Water District. She added that similar concerns were brought before the Parks and Community Services Advisory Board and Mr. Harold Pitchford, Parks and Community Services Department Assistant Director, addressed those concerns and advised that he had discussed this with Mr. Randle Harwood, Trinity River Vision Department Director, who stated there would be no impact to the river or the proposal for the river.

Council Member Espino advised that this location bordered District 2 and requested that he be included in further discussions of this well site.

Mayor Pro tem Hicks requested that the public hearing be continued to an evening Council meeting to allow more public to attend.

Council Member Burdette requested clarification on the location of the bypass channel.

Ms. Bolen stated that the bypass channel would be located on the opposite side of the railroad track from the well site.

There being no one else present desiring to be heard in connection with the public hearing, Council Member Burns made a motion, seconded by Mayor Pro tem Hicks, that the public hearing and Mayor and Council Communication No. G-16060 be continued until the April 1, 2008, Council meeting. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**Public Hearing
G-16061
Waive High Impact
Gas Well Permit to
Allow Drilling of
Gas Well on Pad
“A” of White Lake
Lease –
Continued Until
March 4, 2008**

It appeared that the City Council set today as the date for a public hearing to consider a waiver for a high impact gas well permit requested by Chesapeake Operating, Inc., to allow the drilling of four gas wells on Pad “A” of the White Lake Lease located northwest of the intersection of First Street and Oakland Road. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Ms. Susan Alanis, Acting Director, Planning and Development Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. G-16061, as follows:

There was presented Mayor and Council Communication No. G-16061 from the City Manager recommending that the City Council consider a waiver for a high impact gas well permit requested by Chesapeake Operating, Inc., to allow the drilling of the White Lake 5H, 6H, 7H and 8H gas wells on Pad “A” of the White Lake Lease located in the J. Blackwell Survey, Abstract No. 148, Block 1, Lot 1A, Arc Park Subdivision, northwest of the intersection of First Street and Oakland Road.

She was again introduced Ms. Mercedes Bolen, representing Chesapeake Operating, Inc., who provided a summary of the well site.

Verne LaBelle

Mr. Verne J. LaBelle, 408 Chandler Lake Drive, appeared before Council in support of the permit. He stated that the revenue generated from the well would benefit the residents, especially residents who were on fixed incomes. He urged the Council to approve the permit.

David Turek

Mr. David Turek, 416 Forest River Court, appeared before Council in opposition of the permit. He expressed concerns that no pictures of the well site were available that had been taken from Oakland towards the site and there had not been information provided relative to the truck route. He added that he was not willing to sell his quality of life for the wells and requested that the public hearing be moved to an evening meeting to allow more public attendance.

Mayor Moncrief stated that the issue of gas wells was a very difficult issue for the Council to consider and that the Council had to take into account various aspects. He concurred that this was a quality of life issue and advised that as activity continued in the Barnett Shale the issue would not get easier and that was why the Gas Well Task Force was reconvened.

There being no one else present desiring to be heard in connection with the public hearing, Council Member Scarth made a motion, seconded by Mayor Pro tem Hicks, that the public hearing and Mayor and Council Communication No. G-16061 be continued until the March 4, 2008, Council meeting. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**Public Hearing
G-16062
Ord. No. 17994-02-
2008
Designate Tax
Abatement
Reinvestment Zone
No. 67**

It appeared that the City Council set today as the date for a public hearing concerning the designation of Tax Abatement Reinvestment Zone No. 67, City of Fort Worth, Texas, for property located near Henrietta Creek Road and Independence Parkway. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Mr. Mark Folden, Business Development Coordinator, Economic and Community Development Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. G-16062, as follows:

There was presented Mayor and Council Communication No. G-16062 from the City Manager recommending that the City Council hold a public hearing concerning the designation of Tax Abatement Reinvestment Zone Number Sixty-Seven (No. 67), City of Fort Worth, Texas; and adopt an ordinance designating a certain area in the City of Fort Worth as "Tax Abatement Reinvestment Zone No. 67, City of Fort Worth, Texas", pursuant to and in accordance with Chapter 312 of the Texas Tax Code; providing the effective and expiration dates for the Zone and a mechanism for renewal of the Zone; and containing other matters related to the Zone.

There being no one present desiring to be heard in connection with the public hearing, Council Member Jordan made a motion, seconded by Council Member Espino, that the public hearing be closed and Mayor and Council Communication No. G-16062 be approved and Ordinance No. 17994-02-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**L-14472
Advertise Bids for
Natural Gas Leases
for Certain Water
Treatment
Facilities, Lake
Worth, Identified
City Parks,
Meadowbrook Golf
Course, Will Rogers
Memorial Center,
Miscellaneous
Parcels and Right-
of-Way**

There was presented Mayor and Council Communication No. L-14472 from the City Manager recommending that the City Council authorize the City Manager to receive and consider bids for gas leases for certain Water Treatment Facilities, Lake Worth, identified City parks, Meadowbrook Golf Course, Will Rogers Memorial Center, miscellaneous parcels and right-of-way, as follows:

<u>Description</u>	<u>Estimated Mineral Acres</u>
Holly Water Treatment Plant	63
Lake Worth Zone 1B	859
Lake Worth Zone 2	1,445
Lake Worth Zone 3	2,117
Lincoln/Marine Creek Linear/Rodeo Parks	61
Meadowbrook Golf Course	130
Rolling Hills Water Treatment Plant	137
Will Rogers Memorial Center	110
Miscellaneous Parcels and Right-of-Way	<u>500</u>
Total Estimated Mineral Acres	5,422

Joe Waller

Mr. Joe Waller, 2533 Castle Circle, President, Lake Worth Alliance, appeared before Council in opposition of the bid process. He expressed concern with the bid process and advised that environmental issues had not been addressed. He pointed out that any drilling activity around Lake Worth had the potential of resulting in catastrophic consequences and it would be prudent that the drilling be approached with great care. He suggested that the process be examined in order for more people to have input to the Engineering Department about what may or may not make sense environmentally with respect to drill site locations and harvesting the minerals under Lake Worth. He requested that Council delay this issue to allow for further discussion, especially since no gas well leases were affected.

Michael Dallas

Mr. Michael Dallas, 8437 Island View, President of the Scenic Shores Neighborhood Association, appeared before Council in opposition of the bid process. He stated that the association would like to see the process go through an intensive review to allow greater participation from everyone impacted by the gas well.

Council Member Burdette stated that the ecology of Lake Worth was a top concern of the Council. He advised that the proposal today was not the granting of any permits to drill any wells. He pointed out that the process of

drilling wells required a lot of input from a lot of different people, City departments, gas drilling industry and the public. He added that what was being proposed was the invitation to bid to individuals who might be interested in obtaining oil and gas leases in the City and present their proposals. He stated that after that point, the Council would evaluate the input from staff as to what was and was not feasible. He added that the dredging process at Lake Worth would not be done over night; that permits from the state must still be received which could take a year or more. He stated that simply getting some proposals about the drilling from the industry would not impact the City's ability to evaluate ecological issues.

Council Member Scarth made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. L-14472 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

Public Hearing
L-14473
Convert Parkland at
Falcon Ridge Park
for Public Right-of-
Way

It appeared that the City Council set today as the date for a public hearing to authorize the conversion of approximately 18,092 square feet of parkland at Falcon Ridge Park for the purpose of a public right-of-way. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Mr. Harold Pitchford, Assistant Director, Parks and Community Services Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. L-14473, as follows:

There was presented Mayor and Council Communication No. L-14473 from the City Manager recommending that the City Council conduct a public hearing under the guidelines set forth by the Texas Parks and Wildlife Code, Chapter 26, Protection of Public Parks and Recreational Lands; find that no feasible or prudent alternative exists for the conversion at Falcon Ridge Park, 498 Broadleaf Drive, for the location of the right-of-way; find that the proposed conversion includes all reasonable planning to minimize harm to the park; and close the public hearing and authorize the City Manager to convert approximately 18,092 square feet of parkland in Falcon Ridge Park for use as public right-of-way.

There being no one present desiring to be heard in connection with the public hearing, Council Member Burdette made a motion, seconded by Council Member Moss, that the public hearing be closed and Mayor and Council Communication No. L-14473 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

PZ-2774
Ord. No. 17995-02-
2008
Release Property
from Haslet
Extraterritorial
Jurisdiction for
Owner-Initiated
Annexation
(AX-08-001
Hillwood)

There was presented Mayor and Council Communication No. PZ-2774 from the City Manager recommending that the City Council accept the release of this property from the Haslet extraterritorial jurisdiction and institute and consider the adoption of an ordinance declaring certain findings; providing for the extension of certain boundary limits of the City of Fort Worth; providing for the annexation of an approximately 2.1 acre tract of land situated in the Greenberry Overton Survey, Abstract No. 1185, situated about 15.7 miles north one (1) degree west of the courthouse, Tarrant County, Texas (Case No. AX-08-001 Hillwood), located south of Intermodal Parkway and west of FM 156, which said territory lies adjacent to and adjoins the present corporate boundary limits of Fort Worth, Texas; providing that the territory annexed shall bear its pro rata part of taxes; providing that the inhabitants thereof shall have all the privileges of all the citizens of Fort Worth, Texas; providing that this ordinance shall amend every prior ordinance in conflict herewith.

Thad Brundrett

Mr. Thad Brundrett, 777 Main Street, appeared before Council in support of the annexation.

Yvett Sanders

Ms. Yvett Sanders, 9863 Gessner Drive, Keller, Texas, appeared before Council in opposition of the annexation. She requested clarification of the annexation in relation to her residence.

City Manager Fisseler clarified that this was a recommendation to work with the City of Haslet to build a new building; no residents were involved and stated that it was just an exchange between the City of Haslet and the City of Fort Worth.

Council Member Espino made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. PZ-2774 be approved and that Ordinance No. 17995-02-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

C-22677
Texas Midstream
Gas Services, LLC

There was presented Mayor and Council Communication No. C-22677 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 (Texas Midstream Gas Services), that grants Texas Midstream Gas Services 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 Trinity Boulevard near Precinct Line Road.

Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-22677 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

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**C-22678
Texas Midstream
Gas Services, LLC**

There was presented Mayor and Council Communication No. C-22678 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 (Texas Midstream Gas Services), that grants Texas Midstream Gas Services 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 Mitchell Boulevard, Glen Garden Drive and Glen Garden Avenue.

Mayor Pro tem Hicks made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-22678 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**C-22679
Baker-Clearview
Operating, LLC**

There was presented Mayor and Council Communication No. C-22679 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with Baker-Clearview Operating, LLC, to construct, install and manage builder kiosk structures for homebuilders and developers as part of an effort to reduce the proliferation of “bandit” signs used by homebuilders and developers to advertise their product.

Council Member Burdette inquired how long it would be before kiosks were placed on the ground.

Ms. Susan Alanis, Planning and Development Department Acting Director, advised that staff had been preparing the contract and anticipated that the contract would be executed within the next week or so. She added that the vendor had indicated it would be about 60 days to place the first 50 structures on the ground.

Council Member Burns inquired if the process was competitive in which several companies were involved, including the Builders Association. Ms. Alanis responded affirmatively.

Council Member Jordan made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. C-22679 be approved with appreciation to Kiosk Evaluation Committee members for their work on this process. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

AGENDA ITEM XVA – ZONING HEARINGS: CASES RECOMMENDED FOR APPROVAL

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 26, 2008. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

ZC-08-006 There was presented Zoning Docket No. ZC-08-006 and Site Plan No. SP-08-
SP-08-002 002, application of NCD Development for a change in zoning of property
Approved located at 8250 Anderson Boulevard from “G” Intensive Commercial to
 “PD/G” Planned Development for all uses in “G” Intensive Commercial, plus
 hotel, and with site plan required.

Council Member Scarth made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-08-006 and Site Plan No. SP-08-002 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

ZC-08-009 There was presented Zoning Docket No. ZC-08-009, application of Primary
Approved Realty Assets, L.P., for a change in zoning of property located in the 9600
 block of Trinity Boulevard from “R2” Townhouse/Cluster Residential to “C”
 Medium Density Multifamily Residential.

Mayor Moncrief advised that Ms. Brandy O’Quinn had submitted a speaker card in support of the zoning case.

Council Member Moss made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-08-009, be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

ZC-08-011 There was presented Zoning Docket No. ZC-08-011, application of Discovery
Approved Church for a change in zoning of property located at 7401 West Cleburne Road
 from “C” Medium Density Multifamily Residential to “PD/SU” Planned
 Development/Specific Use for the following uses: Day Care Center (child or
 adult); Kindergarten; School, elementary or secondary (public or private);
 Government office facility; Museum, library or fine arts center; Ambulance
 dispatch station; Assisted living facility; Care facility; Health services facility,

including doctor's office or medical clinic; Hospice; Hospital; Massage therapy and spa; Nursing home (with full medical services); Center, community recreation or welfare, private or non-profit; Country club (private); Golf course; Park or playground (public or private); Place of worship; Place of worship auxiliary use; Amusement, indoor; Health or recreation club; Lodge or civic club; Drive in restaurant or business; Restaurant, café, cafeteria; Bank, financial institution; Theater, movie theater or auditorium; Offices; Business college or commercial school; Caterer or wedding services; Copy store or commercial print center without off-set printing; Interior decorating; Medical supplies/equipment sales or rental; Optician; Photograph, portrait/camera shop or photo finishing; Studio, art or photography; to be developed under the "E" Neighborhood Commercial development guidelines, with site plan required.

Council Member Jordan made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-08-011, be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

SP-08-003
Approved

There was presented Site Plan No. SP-08-003, application of Greystone Communities, Inc., for a site plan of property located at 2501 Museum Way for amendment for "PD-735" Planned Development for a retirement community to change the overall configuration.

Council Member Burns made a motion, seconded by Council Member Jordan, that Site Plan No. SP-08-003, be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

ZC-08-027
Approved

There was presented Zoning Docket No. ZC-08-027, application of AIL Investment, L.P., Westport Park #20, Ltd., for a change in zoning of property located in the 14000 block of FM 156 from unzoned to "K" Heavy Industrial.

Council Member Espino made a motion, seconded by Council Member Burdette, that Zoning Docket No. ZC-08-027, be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox 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 Espino made a motion, seconded by Council Member Burdette, that the hearing be closed and that the following ordinance be adopted:

ORDINANCE NO. 17996-02-2008

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

**Agenda Item XVI
Citizen
Presentations
Leroy Comley**

Mr. Leroy Comley, 2604 Market Avenue, appeared before Council relative to corruption in the Police Department Internal Affairs and the City. He provided a brief history of various incidents that he had experienced with the City's Police Department, the District Attorney's office and the issue of documents he wanted returned to him from the Police Department.

Mayor Moncrief requested that Mr. Comley meet with First Assistant City Manager Joe Paniagua to address his concerns.

**Brenda Sanders-
Wise**

Ms. Brenda Sanders-Wise, representing the Fort Worth League of Neighborhood Associations, appeared before Council relative to the 2008 Bond Program. She advised that the Board of Directors of the League had met on February 18, 2008, to consider the concerns expressed by constituent organizations regarding the perceived need to separate the vote on the funding for the Trinity River Vision (TRV) bridges construction, proposed as part of the City's commitment to the TRV, from the balance of the 2008 Bond proposal. She added that, not wanting to possibly jeopardize the much needed street and bridge infrastructure improvements, the League unanimously approved the following resolution, a copy of which was provided to the Council Members:

“It is resolved by the Fort Worth League of Neighborhood Associations that the Fort Worth City Council is requested to take such action at its February 26, 2008, meeting as may be necessary to separate the \$10.2 million item for Trinity River Vision bridges construction from the balance of the present bond proposition; and

It is further resolved that the proposed Trinity River Vision bridges funding be submitted to the voters as a separate proposition;

It is finally resolved that the Fort Worth City Council place this matter on its agenda for action at its February 26, 2008, meeting.”

Jim Ashford

Mr. Jim Ashford, 6209 Riverview Circle, appeared before Council relative to a gas well compressor noise. He provided handout information to the City Council, which included a memorandum from Fernando Costa, Director of Planning and Development, dated January 8, 2008; and an aerial photograph of the subject gas well location and a photograph of the gas well. He spoke about the contents of the memorandum and his disagreement with the comments in the memorandum.

Diane Wood

Ms. Diane Wood, 2308 Aster Avenue, representing Concern Citizens for Impeachment of President Bush and Vice President Cheney, appeared before Council relative to their providing a resolution in support of the impeachment. She provided handouts of the impeachment resolution to the City Council and a petition document with approximately 92 signatures. She pointed out that she had submitted to the Council a number of petitions signed by approximately 337 residents in support of the effort and spoke about the reasons the impeachment process should be supported.

Grayson Harper

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

Mayor Moncrief advised that no member of the Council had expressed an interest in supporting a movement to impeach the President or Vice President of the United States.

Agenda Item XVII
Executive Session

It was the consensus of the City Council that they recess into Executive Session at 12:26 p.m. to:

1. Seek the advice of its attorneys concerning the following pending or contemplated litigation or other matters that are exempt from public disclosure under Article X, Section 9 of the Texas State Bar Rules as authorized by Section 551.071 of the Texas Government Code:
 - a) Legal issues regarding the Continuing Agreement with Cytec Industries, Inc.;
 - b) Legal issues relating to tax foreclosure of 3625 East Loop 820;
 - c) Legal issues concerning any item listed on today's City Council meeting agendas; and
2. Deliberate the purchase, sale, lease, or value of real property in accordance with Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party; and
3. Deliberate concerning economic development negotiations as authorized by Section 551.087 of the Texas Government Code; and
4. Deliberate the deployment, or specific occasions for implementation, of security personnel or devices, in accordance with Section 551.076 of the Texas Government Code.

Reconvened The City Council reconvened into regular session at 2:05 p.m.

Agenda Item XVIII There being no further business, the meeting was adjourned at 2:05 p.m.
Adjournment