

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
MARCH 4, 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 7:13 p.m. on Tuesday, March 4, 2008, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102, with Mayor Pro tem Hicks and Council Member Burns temporarily absent.

- Agenda Item II
Invocation** The invocation was given by Pastor Bruce Yancey, The Abiding Word 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 February 26, 2008, were approved unanimously seven (7) ayes to zero (0) nays, with Mayor Pro tem Hicks and Council Member Burns absent.
- Agenda Item V
Special
Presentations** Council Member Burdette presented a Proclamation for Outstanding Women by the Fort Worth Commission for Women to Ms. Suzi Hill and Ms. Joy Thompson, Outstanding Women in the Workplace, Ms. Carolyn Robertson, Outstanding Woman Volunteer, and Ms. Jordan Stinnett, Outstanding Young Woman Volunteer. Ms. Marcy Paul, Vice Chair for the Fort Worth Commission for Women, expressed appreciation to the Council for their support and commended the proclamation recipients for their contributions to the City.

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Council Member Espino presented a Proclamation for Imagination Celebration's 20th Anniversary to Ms. Virginia Head, Imagination Celebration Founder and Executive Director, and Mr. Jeff Grable, Vice President of the Board of Directors. Mr. Grable expressed appreciation to the Council for their support of the program. Ms. Head stated that it was a pleasure to be associated with this program and that it had been an extraordinary experience. She introduced Ruth Ramirez and her siblings, Miguel and Eliana. Ms. Ramirez stated that Imagination Celebration had been a wonderful experience for her family and expressed appreciation to the Council for their support.

**Agenda Item VI
Announcements**

Council Member Jordan referred to the power outage in south and southwest Fort Worth that shut down two water pumping stations on March 1, 2008, and required residents of the areas to boil drinking water and closed almost 400 restaurants. He added that the power was fortunately restored to all customers by 10:30 a.m., but that customers were encouraged to still boil water to drink or obtain bottled water until notified by the City that the water was safe to drink. He commended the efforts of City staff for quickly getting information to residents of the City regarding this incident, providing bottled water and implementing Texas Commission on Environmental Quality contingency procedures. He also commended Jay Long from the Coca Cola Bottling Company who also provided water for distribution to residents.

Mayor Moncrief clarified that the City staff implemented a state policy and procedure that was defined by the state. He added that one of the parts of that implementation was shutting down a lot of restaurants; however, the policy was in effect for the safety, protection and health of the citizens.

**Agenda Item VII
Withdrawn from
Consent Agenda**

City Manager Fissler requested that Mayor and Council Communication Nos. G-16070, L-14482, C-22690 and C-22692 be withdrawn from the Consent Agenda.

Council Member Silcox requested that Mayor and Council Communication No. C-22698 be withdrawn from the Consent Agenda.

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

City Manager Fissler requested that Mayor and Council Communication Nos. C-22692 be withdrawn from consideration and L-14482 be continued until March 18, 2008, Council meeting.

**Agenda Item IX
Consent Agenda** Upon a motion made by Council Member Silcox, seconded by Council Member Scarth, the Council voted seven (7) ayes to zero (0) nays, with Mayor Pro tem Hicks and Council Member Burns absent, to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

**OCS-1648
Claims** M&C OCS-1648 - 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-16068
Res. No. 3588-03-2008
Increase Pay to Assist on Legal Issues Related to Availability and Disparity Study to Amending M/WBE Ordinance** M&C G-16068 - Adopting Resolution No. 3588-03-2008 authorizing up to an additional \$100,000.00 to be paid to Franklin M. Lee, Tydings & Rosenberg, L.L.P., to aid the City with legal issues related to the Availability and Disparity Study and subsequent findings in anticipation of amending the City's Minority and Women Business Enterprise (M/WBE) Ordinance.

**G-16069
Partial Release of Lien of Carter Distribution Center** M&C G-16069 - Authorizing the City Manager to execute a Partial Release of Lien for the property located on Lot 2, Block A, of Carter Distribution Center owned by Amon G. Carter Foundation upon receipt of \$6,777.18 paid on November 9, 2007, for per acre charge.

**P-10740
Janitorial Services** M&C P-10740 - Authorizing a purchase agreement for janitorial services with Kemp and Sons General Services for the Fort Worth Public Library based on best value, with payments due 30 days from receipt of the invoices.

**P-10741
Mowing and Grounds Maintenance** M&C P-10741 - Authorizing purchase agreements with Brown's Tractor Mowing, Whitmore & Sons, Inc., Avanti Landscape Management, Scott Landscape Maintenance, Inc., and Lawn Patrol Service, Inc., to provide mowing and grounds maintenance for the Parks and Community Services Department based on the low bid by sections as follows, with payments due 30 days from receipt of invoices.

<u>Vendors</u>	<u>Sections</u>	<u>Total Annual Cost</u>
Brown's Tractor Mowing	Item 10-6 NE Region/ Right-of-Way	\$62,481.50
Whitmore & Sons, Inc.	Item 8031-1 East District Medians/Right-of-Way	\$191,650.00

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<u>Vendors</u>	<u>Sections</u>	<u>Total Annual Cost</u>
Avanti Landscape Management	Item 8021-3/4/5 North District Parks	\$106,409.90
Scott Landscape Maintenance, Inc.	Item PE45-A through H	\$43,120.00
Scott Landscape Maintenance, Inc.	Item 8021-9 North District Libraries	\$15,000.00
Lawn Patrol Services, Inc.	Item 8021-1 North District Medians/Right-of-Way	\$211,600.00

**P-10742
Grounds
Maintenance**

M&C P-10742 - Authorizing purchase agreements with Harris Lawn Care, Avanti Landscape Management, Whitmore & Sons, Inc., Lawn Patrol Service, Inc., and Scott Landscape Maintenance, Inc., to provide grounds maintenance for the Parks and Community Services Department based on the low bid by sections as follows, with payments due 30 days after receipt of invoices.

<u>Vendors</u>	<u>Sections</u>	<u>Total Annual Cost</u>
Harris Lawn Care	Item 7041.3A-3B Central Business District	\$47,400.00
Avanti Landscape Management	Item 7021.5 Lake Worth/Water Department Lift Stations/Right-of-Way	\$33,530.00
Whitmore & Sons, Inc.	Item 7031.2 Southwest/South Medians	\$358,670.00
Lawn Patrol Services, Inc.	Item 8070.1 Southwest Right-of-Way	\$54,950.00
Scott Landscape Maintenance, Inc.	Item 8070 Southwest Community Centers/Libraries	\$45,990.00
Whitmore & Sons, Inc.	Item 7021.4 Water Treatment Plants	\$78,210.00

**P-10743
Mowing and
Ground
Maintenance**

M&C P-10743 - Authorizing a purchase agreement with Avanti Landscape Management to provide mowing and grounds maintenance in the IH30-IH35 corridor for the Parks and Community Services Department based on overall low bid received, with payments due 30 days from receipt of invoice.

**P-10744
Studio Lighting
Equipment**

M&C P-10744 - Authorizing the purchase of studio lighting equipment with B & H Photo and Vincent Lighting Systems for the Cable Communications Office for an amount not to exceed \$29,906.41 with payment due 30 days from receipt of an invoice.

<u>Vendor</u>	<u>Line Items</u>	<u>Amount</u>
B & H Photo	1-9, 11, 13, 29	\$23,974.00
Vincent Lighting Systems	10, 12, 14-28, 30-42	<u>\$5,932.41</u>
	Grand Total	\$29,906.41

**P-10745
Laboratory Supplies
and Consumables**

M&C P-10745 - Authorizing purchase agreements for laboratory supplies and consumables with VWR International, Fox Scientific, SCP Science, Sigma-Aldrich, Inc., Fisher Scientific and Environmental Express, Inc., for the Water Department based on discounts offered from manufacturer's list price from the vendor's catalog. The shipping cost will be prepaid and added to the invoices with payments due 30 days from receipt of invoices.

**P-10746
Diesel Fuel**

M&C P-10746 - Authorizing a primary award of a purchase agreement with Martin Eagle Oil Company and a secondary award with Douglass Distributing for Diesel Fuel for the Equipment Services Department. Prices will be based on the overall low bid of the Dallas Metro Texas Oil Price Information Service Rack Average Petrostat net price sent at 10:00 a.m. EST for the date the fuel is delivered. Payments are due 30 days from receipt of invoices, the City takes ownership at the City's storage tank, and freight is included.

**P-10747
Printing of City
Times Newsletter**

M&C P-10747 - Authorizing a purchase agreement with Sprint Press, Inc., for the printing of the *City Times Newsletter* for the City of Fort Worth.

**L-14483
Direct Sale of Tax-
Foreclosed Property
for Platting of
Existing Water
Department Tank
Site in South Fort
Worth**

M&C L-14483 - Authorizing the direct sale of a tax-foreclosed property described as Lot 14, Block 11, University Hill Addition, located at 3744 Stanley Avenue in accordance with Section 34.05 of the Texas Property Tax Code to City of Fort Worth (DOE 920) in the amount of \$700.00 for platting of existing Water Department Tank Site in south Fort Worth; and authorizing the City Manager to execute and record the appropriate documents conveying the property to complete the sale.

**L-14484
Acquire Right-of-
Way Easement for
Construction of
Golden Triangle
Boulevard
Improvements**

M&C L-14484 - Approving the acquisition of one Right-of-Way Easement described as a portion of Tract 9B, William McCowan Survey, Abstract No. 999, Fort Worth, Tarrant County, Texas, from Triangle I-35 Realty, Ltd., located in north Fort Worth, for the construction of Golden Triangle Boulevard improvements (DOE 5773); finding that the price offered in the amount of \$35,087.00, plus an estimated closing cost of \$2,000.00, is just compensation; and authorizing the acceptance and recording of appropriate instruments.

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- C-22689**
AT&T Mobility II,
LLC, d/b/a AT&T
Mobility
- M&C C-22689 - Authorizing execution of an agreement with AT&T Mobility II, LLC, d/b/a AT&T Mobility for a wireless solution for the Computer Aided Dispatch project using a State of Texas Department of Information Resources contract (DIR-SDD-597) for the Information Technology Solutions Department at a first year estimated cost of \$572,784.00.
- C-22691**
Accela, Inc.
- M&C C-22691 - Authorizing a sole source maintenance agreement with Accela, Inc., for software licenses and maintenance support for the Planning and Development Department.
- C-22693**
Kimley-Horn and
Associates, Inc.
- M&C C-22693 - Authorizing the City Manager to execute an engineering services agreement with Kimley-Horn and Associates, Inc., for the preparation of signal timing, plans, specifications, and estimates for two traffic signals on Grove Street in the amount of \$39,000.00.
- C-22694**
Res. No. 3589-03-
2008
Ord. No. 17999-03-
2008
Texas Department
of Transportation
- M&C C-22694 - Authorizing the City Manager to adopt Resolution No. 3589-03-2008 to execute an Advanced Funding Agreement accepting \$10,000.00 from 287/156 Partners, L.P., for Texas Department of Transportation's (TxDOT) review of schematic design plans for the relocation of the southbound exit-ramp for US 81/287 between west of FM 3479 and FM 3479; authorizing the City Manager to execute a Local Project Advance Funding Agreement with TxDOT in the amount of \$10,000.00 for review of schematic design plans of the relocation of the southbound exit-ramp and for US 81/287 between west of FM 3479 and FM 3479; and adopting Appropriation Ordinance No. 17999-03-2008 increasing estimated receipts and appropriations in the Critical Capital Projects Fund in the amount of \$10,000.00 from available funds for the purpose of funding the review of schematic design plans for the relocation of the southbound exit-ramp for US 81/287 between west of FM 3479 and FM 3479.
- C-22695**
McClendon
Construction
Company, Inc.
- M&C C-22695 - Authorizing the City Manager to execute a contract with McClendon Construction Company, Inc., in the amount of \$276,334.45 for the installation of intersection improvements at IH-30 and Summit Avenue.
- C-22696**
TranSystems
Corporation
Consultants
- M&C C-22696 - Authorizing the City Manager to execute a contract with TranSystems Corporation Consultants for the preparation of plans, specifications, and estimates for six traffic signals in Fort Worth in the amount of \$90,000.00.

C-22697
TCB, Inc. M&C C-22697 - Authorizing the City Manager to execute an engineering services agreement with TCB, Inc., for the preparation of plans, specifications and estimates for five traffic signals in Fort Worth in the amount of \$132,780.00.

C-22699
Change Order No. 3
to CSC No. 31509 -
McClendon
Construction
Company, Inc. M&C C-22699 - Authorizing the City Manager to execute Change Order No. 3 to City Secretary Contract No. 31509, a construction contract with McClendon Construction Company, Inc., for pavement reconstruction and water and sanitary sewer replacements on Donnelly Avenue (Ashland Avenue to Alamo Avenue) (Project No. 00058), in the amount of \$15,718.98 thereby revising the original contract amount to \$574,516.23.

C-22700
Westpoint DFW
Apartments Limited
Partnership M&C C-22700 - Authorizing the execution of one Storm Water Facility Maintenance Agreement with Westpoint DFW Apartments Limited Partnership, for property located in west Fort Worth (DOE 5848).

C-22701
Extension
Amendment to
Agreement with
EPA M&C C-22701 - Authorizing the City Manager to execute an extension amendment and administrative changes to the Brownfields Cleanup Revolving Loan Fund Agreement (BF-98690701-3) with the Environmental Protection Agency (EPA) to allow the deadline for cleanup to be moved from March 31, 2008, to July 31, 2008.

C-22702
Amendment No. 2 to
CSC No. 30198 -
Spinks Air
Associates, LLC M&C C-22702 - Authorizing the City Manager to execute Amendment No. 2 to City Secretary Contract No. 30198, an unimproved ground lease agreement with Spinks Air Associates, LLC, to remove 54,600 square feet of existing aircraft storage hangars, at Fort Worth Spinks Airport.

C-22703
Spinks East Side
Executive Hangars,
Inc. M&C C-22703 - Authorizing the City Manager to execute a ground lease agreement with Spinks East Side Executive Hangars, Inc., for 54,600 square feet of existing aircraft storage hangars on the north east side of Fort Worth Spinks Airport.

The motion carried. End of Consent Agenda.

Agenda Item X
Presentations by
City Council –
Appointments Mayor Moncrief requested Council’s consideration to appoint Richard Fahy to the Aviation Advisory Board and Margaret Johnson to the Urban Design Commission.

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Council Member Jordan made a motion, seconded by Council Member Espino, that Richard Fahy be appointed to Place 1 on the Aviation Advisory Board effective March 4, 2008, and with a term expiring October 1, 2009. The motion carried unanimously seven (7) ayes to zero (0) nays, with Mayor Pro tem Hicks and Council Member Burns absent.

Council Member Jordan made a motion, seconded by Council Member Espino, that Margaret Johnson be appointed to Place 1 on the Urban Design Commission effective March 4, 2008, and with a term expiring October 1, 2009. The motion carried unanimously seven (7) ayes to zero (0) nays, with Mayor Pro tem Hicks and Council Member Burns absent.

**Agenda Item XI
Committee
Presentations**

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

**Agenda Item XIII
Res. No. 3590-03-
2008
Amend Res. No.
3580-02-2008 to
Change Times of
City Council
Meetings of
Tuesday,
October 7, 2008,
and
October 14, 2008, to
Accommodate the
“Texans Against
Crime” Event**

There was presented a resolution of the City Council of the City of Fort Worth amending Resolution No. 3580-02-2008 to change the times of the City Council Meetings of Tuesday, October 7, 2008, and October 14, 2008, to accommodate the “Texans Against Crime” event, as follows:

1. The City Council meeting of Tuesday, October 7, 2008, at 10:00 a.m., is hereby changed to Tuesday, October 7, 2008, at 7:00 p.m.
2. The City Council meeting of Tuesday, October 14, 2008, at 7:00 a.m., is hereby changed to Tuesday, October 14, 2008, at 10:00 a.m.

Council Member Burdette made a motion, seconded by Council Member Silcox, that Resolution No. 3590-03-2008 be adopted. The motion carried unanimously seven (7) ayes to zero (0) nays, with Mayor Pro tem Hicks and Council Member Burns absent.

**Res. No. 3591-03-
2008
Support Low
Income Housing
Tax Credit
Application for
Wind River
Apartments**

There was presented a resolution supporting a Low Income Housing Tax Credit application for Wind River Apartments.

Council Member Espino made a motion, seconded by Council Member Moss, that Resolution No. 3591-03-2008 be adopted. The motion carried unanimously seven (7) ayes to zero (0) nays, with Mayor Pro tem Hicks and Council Member Burns absent.

**Res. No. 3592-03-2008
Support Low
Income Housing
Tax Credit
Application for
Lincoln Terrace
Apartments**

There was presented a resolution supporting a Low Income Housing Tax Credit application for Lincoln Terrace Apartments.

Council Member Burdette made a motion, seconded by Council Member Espino, that Resolution No. 3592-03-2008 be adopted. The motion carried unanimously seven (7) ayes to zero (0) nays, with Mayor Pro tem Hicks and Council Member Burns absent.

AGENDA ITEM XIV – REPORT OF THE CITY MANAGER

**Public Hearing
G-16061
Waive High Impact
Gas Well Permit to
Allow Drilling of
Gas Well on Pad
“A” of White Lake
Lease**

It appeared that the City Council, at its meeting of February 19, 2008, continued the 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, dated February 19, 2008, 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.

Mercedes Bolen

Ms. Mercedes Bolen, 301 Commerce Street Suite 600, representing Chesapeake Operating, Inc., appeared before Council in support of the waiver for a high impact gas well permit. She advised that this site would produce 50 percent of the minerals for almost 600 rooftops in White Lake Hills and added that several residents of the area in support of the high impact gas well were in attendance to address the Council.

The following individuals appeared before Council in support of the waiver for a high impact gas well permit:

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Gerold Schlager,	Mr. Gerold Schlager	505 Willow Ridge Road
Nancy Magee,	Ms. Nancy A. Magee	5016 Fall River Drive
Grace Brockenbush,	Ms. Grace Brockenbush	5013 Fall River
Bill Hanna,	Mr. Bill Hanna	313 Candler Lake
Damon Dockstader,	Mr. Damon Dockstader	308 Cedar Creek Court
Elaine Mireles,	Ms. Elaine Mireles	316 Cedar Creek Court
Robert Burger	Mr. Robert Burger	504 Green River Trail

The following individuals appeared before Council in opposition of the waiver for a high impact gas well permit. They expressed concern with noise from the well, asked when the ultimate number of wells would be built in White Lake, location of the well being less than 600 feet from a protected use and environmental issues with the wetlands and greenlands of the park. They requested that the Council provide the Gas Drilling Task Force an opportunity to review gas well drilling in the City before considering any further drilling within the City.

David Turek,	Mr. David Turek	416 Forest River Court
Donald Campbell,	Mr. Donald R. Campbell	221 Willow Ridge Road
Peggy Terrell	Ms. Peggy Terrell	5025 Marble Falls Road

Council Member Scarth stated that he had visited both Mr. Hanna and Mr. Turek's homes over the past week and stated that Mr. Turek brought up several valid points. He added that Chesapeake was doing things today in and around Riverbend that they did not do six months ago and pointed out that the City had to look at every well application on an individual basis. He stated that the waiver for this issue had to be evaluated on its basis not on a punitive basis for something that may be occurring some place else. He pointed out that the location of the well in White Lake Hills would have less impact on the neighborhood than a vast majority of the locations of other wells within the City.

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 Moss, that the public hearing be closed and Mayor and Council Communication No. G-16061 be approved. The motion carried unanimously seven (7) ayes to zero (0) nays, with Mayor Pro tem Hicks and Council Member Burns absent.

**Public Hearing
G-16067
Ord. No. 18000-03-
2007
Amend Section 23-
19 of the City Code,
Curfew Hours for
Minors**

It appeared that the City Council, at its meeting of February 26, 2008, continued the public hearing for review and reinstatement of the Curfew Ordinance for Minors and adopt the ordinance for three years. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Ms. Patricia Kneblick, Interim Chief, Police Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. G-16067 as follows:

There was presented Mayor and Council Communication No. G-16067, dated February 26, 2008, from the City Manager recommending that the City Council hold public hearings on February 26, 2008, and March 4, 2008, on the curfew ordinance; review the effect of the Curfew Ordinance for Minors on the community and on the problems the ordinance was intended to remedy, and make a determination that the purposes of the ordinances are met; and adopt an ordinance amending Section 23-19, "Curfew Hours for Minors" of the Code of the City of Fort Worth, as amended, by revising the effective date and by adding an amended sunset provision; providing a penalty not to exceed \$500.00.

Council Members pointed out the necessity of continuing this ordinance and emphasized that the ordinance was good not only for the City, but for the neighborhoods.

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-16067 be approved and Ordinance No. 18000-03-2008 be adopted. The motion carried unanimously seven (7) ayes to zero (0) nays, with Mayor Pro tem Hicks and Council Member Burns absent.

**G-16070
Res. No. 3593-03-
2008
Non-Payment of
Costs by Newport
Holdings, Inc., for
Constructing Water,
Sewer and/or
Drainage Improve-
ments for Newport
Village at Trinity**

There was presented Mayor and Communication No. G-16070 from the City Manager recommending that the City Council adopt a resolution finding that Newport Holdings, Inc., has not paid for the costs of constructing Water, Sewer and/or Drainage Improvements to serve Newport Village at Trinity in northeast Fort Worth.

Mr. Martin Von Wolfswinkle, 3500 Fairmount #816, Dallas, Texas, representing Newport Holdings, Inc., appeared before Council in opposition of the resolution. He explained that the contractor had been paid for all drainage improvements; however, this issue was relative to Phase IIIB of a five phase

project and that the contractor was owed a stage payment as the contract was paid in stages. He respectfully asked for a ten-day extension to provide payment to the contractor.

Mr. Frank Crumb, Water Department Director, advised the Council that the payment bond expired on March 8, 2008. He stated that in accordance with the bond, the Council needed to adopt the resolution to allow the City to place demands on the surety company for payment to the contractor; however, a few more days could be considered.

Mr. Von Wolfswinkle advised that the bond was good until May 2008. He added that he agreed that the payment needed to be made before the bond expired.

City Attorney Yett recommended that the Council take action on this issue tonight with the understanding that staff would continue to work with Mr. Von Wolfswinkle on this issue. He added that the City did not want to lose its rights to collect on the bond and recommended that the Council move forward on this issue with a revised recommendation that the resolution be adopted and the staff be directed to work towards resolving this issue.

Council Member Espino made a motion, seconded by Council Member Burdette, that that Mayor and Council Communication No. G-16070 be approved as amended and Resolution No. 3593-03-2008 be adopted.

Ms. Christa Lopez, Assistant City Attorney, clarified that Council action was necessary by the end of the week as the Community Facilities Agreement (CFA) expired on March 8, 2008, which was the actual agreement that allowed the City to collect on the bond. She recommended that Council amend their motion to permit the staff to work with the developer until the end of the week and per the CFA, the City would collect on the bond if payment had not been made.

Mr. Wolfswinkle interjected that the CFA could be amended to extend the expiration date, and reiterated that he really needed ten days to pay the contractor.

City Attorney Yett recommended that the Council adopt the resolution tonight and that staff would work with the contractor. He added that he had concerns about tying an amendment to the contract without Council approval of that amendment; that it was important for the City to ensure it did not lose any rights.

Council Member Burdette stated that if the resolution was adopted then the City was clear to go forward to the next step if needed when payment was not made on time. He added that if the payment was made in time, he did not see why the City could not adopt another resolution two weeks from now withdrawing the resolution.

Council Member Moss inquired if the CFA could be amended.

Mr. Crumb stated that the CFA could be amended if no City participation was involved.

City Attorney Yett recommended that the Council approve the M&C and adopt the resolution with the stipulation that directed staff to work with the developer in the interim to try and resolve this issue which would negate the need to make demand on the surety bond; however, it would protect the City's right to do so if needed.

Council Member Espino made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16070 be approved as amended and Resolution No. 3593-03-2008 be adopted. The motion carried unanimously seven (7) ayes to zero (0) nays, with Mayor Pro tem Hicks and Council Member Burns absent.

G-16071
Provide Funds for
Construction of New
Downtown Parking
Garage –
Delayed Until After
M&C C-22704

City Secretary Hendrix advised that Mayor and Council Communication No. G-16071 would be delayed until later in the meeting. (Note: See page 21.)

G-16072
Accept Troy-Bilt
Chipper/Shredder/
Vacuum

There was presented Mayor and Council Communication No. G-16072 from the City Manager recommending that the City Council accept a Troy-Bilt Chipper/Shredder/Vacuum, valued at \$500.00, from Keep Texas Beautiful and Keep America Beautiful for use by the Parks and Community Services Department.

Council Member Burdette made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16072 be approved. The motion carried unanimously seven (7) ayes to zero (0) nays, with Mayor Pro tem Hicks and Council Member Burns absent.

**G-16073
Submit Revised Fort
Worth Alliance
Airport 2005 and
2012 Noise
Exposure Map as
Required by Far
Part 150 Noise
Compatibility Study**

There was presented Mayor and Council Communication No. G-16073 from the City Manager recommending that the City Council authorize the City Manager to submit a revised 2005 and 2012 Noise Exposure Map for Fort Worth Alliance Airport to the Federal Aviation Administration as required by the FAR Part 150 Noise Compatibility Study conducted by the URS Corporation.

Council Member Espino made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. G-16073 be approved. The motion carried unanimously seven (7) ayes to zero (0) nays, with Mayor Pro tem Hicks and Council Member Burns absent.

**G-16074
Ord. No. 18001-03-
2008
Proceeds from
Water and Sewer
Revenue Bonds,
Series 2007**

There was presented Mayor and Council Communication No. G-16074 from the City Manager recommending that the City Council adopt an appropriation ordinance increasing the estimated receipts and appropriations in the Water and Sewer Capital Projects Fund in the amount of \$100,000,000.00 from proceeds from Water and Sewer Revenue Bonds, Series 2007, for the purpose of funding various water and sewer infrastructure projects. These projects include, but are not limited to the following:

- Sendera Ranch Pump Station and Storage Tank;
- Walsh Ranch Water Main and Sanitary Sewer Extensions;
- 54-inch Water Main from White Settlement Road to Holly Treatment Plant;
- Trinity Boulevard Water Main Extension from Green Belt Road to S.H. 360;
- Northside II Pump Station and 48-inch Water Main Extension;
- Medical District Water Distribution System Improvements;
- Riverside Wastewater Treatment Plant Site Cleanup;
- 36-inch Walnut Creek Sanitary Sewer Interceptor;
- Lake Worth South Shore Low Pressure Sewer System;
- Sanitary Sewer Main M244-A Village Creek Parallel Collector; and
- Thompson Road and Riverside North Area (Annexation A-00-02) Water and Sanitary Sewer Improvements.

Council Member Burdette made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16074 be approved and Appropriation Ordinance No. 18001-03-2008 be adopted. The motion carried unanimously seven (7) ayes to zero (0) nays, with Mayor Pro tem Hicks and Council Member Burns absent.

**Public Hearing
G-16075
Variance for Sale of
Alcoholic Beverages
at 4158 East
Rosedale Street –
Continued Until
March 18, 2008**

It appeared that the City Council set today as the date for a public hearing for consideration of a variance from Section 4-4 of the City Code to allow the sale of alcoholic beverages for off-premise consumption, at Fort Worth Seafood, located at 4158 East Rosedale Street (AA08-001). Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Ms. Dana Burghdoff, Planning and Development Department Deputy Director, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. G-16075, as follows:

There was presented Mayor and Council Communication No. G-16075 from the City Manager recommending that the City Council consider the request of Mr. Keith Armand, business owner, for a variance from Section 4-4 of the City Code that prohibits the sale of alcoholic beverages at Fort Worth Seafood, located at 4158 East Rosedale Street (AA08-001), within 300 feet of the Mount Herman Baptist Church.

Council Member Espino advised that Mayor Pro tem Hicks requested he make a motion to deny this request on her behalf. He stated that he presumed that there would be speakers in opposition of the variance request present to address the Council; however, a petition in opposition of the variance was submitted, but no speakers were present in the Council Chamber. He added that he would continue this issue for two weeks to allow those citizens in opposition of this variance to be present and address the Council.

Keith Armand

Mr. Keith Armand, 4158 E. Rosedale, owner of Fort Worth Seafood, appeared before Council in support of the variance. He stated that the business was 264 feet from the church, but that two measurements were taken on the property by the City; the first being 418 feet from the church and the second being 264 feet. He advised that when he first purchased the business, the door was relocated to increase the distance to the church; that distance was the 418 measurement.

Ms. Burghdoff advised that the measurement the City had on file was the 264 foot measurement. She added that staff could clarify that measurement and Council could continue this issue until March 18, 2008, to allow staff to confirm that measurement.

There being no one else present desiring to be heard in connection with the public hearing, Council Member Espino made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16075 be continued until the March 18, 2008, Council meeting. The motion carried unanimously seven (7) ayes to zero (0) nays, with Mayor Pro tem Hicks and Council Member Burns absent.

**Public Hearing
G-16076
Reconsider Waiver
for High Impact
Gas Well Permit to
Allow Drilling of
Three Gas Wells on
Pad "A" of Creamer
Lease**

It appeared that the City Council set today as the date for a public hearing to reconsider a waiver for a High Impact Gas Well Permit requested by XTO Energy, Inc., to allow the drilling of three gas wells on Pad "A" of the Creamer Lease located northwest of the intersection of Roberts Cutoff Road and Cahoba Drive. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Ms. Susan Alanis, Acting Director, Planning and Development Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. G-16076, as follows:

There was presented Mayor and Council Communication No. G-16076 from the City Manager recommending that the City Council reconsider a waiver for a High Impact Gas Well Permit request of XTO Energy, Inc., to allow the drilling of the Creamer 1H, 2H and 3H Gas Wells on Pad "A" of the Creamer Lease located in the A. Van Nordstand Survey, Abstract No. 1584, Tract 1, in the northwest portion of Fort Worth, located northwest of the intersection of Roberts Cutoff Road and Cahoba Drive.

Shelly Harper

Ms. Shelly Harper, 6301 Cahoba Drive, representing the East Lake Worth Neighborhood Association, appeared before Council in support of the waiver for a high impact gas well. She stated that the land around Lake Worth had topography that required unusual considerations for unique gas site situations. She summarized an occurrence with XTO Energy, Inc./Barnett Gathering whereby surveyors were marking mature trees for eventual removal for a pipeline installation along Cahoba Drive. She contacted a representative at Barnett Gathering about her concerns for the environment and erosion and asked if the pipeline could be placed at the location where Finley Resources was building a retention pond. She was advised that her suggestion was a possibility and that the representative would discuss this proposal with Finley Resources. Ms. Harper pointed out that there needed to be communication among the gas companies, their subsidiaries and the City before permits were issued to the gas companies, and this was not being done. She questioned the environmental awareness of the gas companies to ensure the protection of land and water to protect park land and other acreage from becoming wastelands.

Joe Waller

Mr. Joe Waller, 2533 Castle Circle, appeared before Council in opposition of the waiver for a high impact gas well. He stated that the best measures must be taken to protect the City and the environment and hoped that the Council would insert specific requirements into leases for protection of the environment. He also expressed concern about toxic materials and the storage of the material.

Gale Cupp

Ms. Gale Cupp, 9225 Heron Drive, appeared before Council and stated she was undecided about the waiver for a high impact gas well. She expressed concern about drilling affect on the water supply and urged the Council to take time to develop regulations and guidelines that would benefit the City for 20 to 30 years in the future.

Walter Dueease

Mr. Walter Dueease, 810 Houston Street, representing XTO Energy, Inc., appeared before Council in support of the waiver for a high impact gas well. He responded to citizen concerns by addressing the company's efforts for grading and erosion control of the site and advised that the plan was shown to the Lake Worth Alliance. He stated that the site was composed of very hard material and would have 110 percent containment of a 100 year, 24-hour rain event. Mr. Dueease pointed out that a silt fence would provide additional erosion control and remain throughout the life of the well and explained the purpose of the U-shaped berm for additional containment of fluids. He acknowledged that there could be an opportunity for unwanted contaminants to leave the site; however, he defended the company's activities to employ their best management practices such as utilizing double-walled diesel tanks. He also summarized other abatement activities employed by the company.

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

Council Member Burdette stated that this issue was before the Council for consideration as it was located within 600 feet of a park and as such was considered a high impact well site; however, the park was not greatly used. He added that XTO Energy, Inc., submitted a drainage plan that staff deemed to be adequate. He stated that toxic material was present at all well sites in the City, but as he understood Mr. Dueease's presentation, this system was designed to take care of and prevent any significant drainage if the City ever experienced a 100-year flood. He added that he was not aware of any great problem with toxic substances flowing off the well sites and he was given some comfort that XTO Energy, Inc., understood the sensitivity associated with drilling activity around Lake Worth and that their experience had prepared them for drilling around the lake.

(Council Member Burns assumed his place at the dais.)

There being no one else present desiring to be heard in connection with the public hearing, Council Member Burdette made a motion, seconded by Council Member Jordan, that the public hearing be closed and Mayor and Council Communication No. G-16076 be approved.

Council Member Silcox asked Mr. Waller to respond to Mr. Dueease's comments.

Mr. Waller stated that he wished Mr. Dueease had provided more information relative to the storage of toxic materials. He added that he would like to have more dialog with XTO Energy, Inc., to address water tight containers for toxic material and requested the Council continue this issue for one or two weeks to allow him that opportunity.

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

**L-14482
Convey Tax-
Foreclosed
Properties –
Continued Until
March 18, 2008**

It was the consensus of the City Council that Mayor and Council Communication No. L-14482, Authorize the Conveyance of Tax-Foreclosed Properties Located at 1733 East Hattie Street and 0 South Riverside Drive in Accordance with Section 34.05 of the Texas State Property Tax Code to Bart Gutierrez (DOE 920) and Authorize Execution and Recording of the Appropriate Documents, be continued until the March 18, 2008, Council meeting.

**L-14485
Pipeline Crossing
License Agreement
for Development of
Burlington North
Unit Train Terminal**

There was presented Mayor and Council Communication No. L-14485 from the City Manager recommending that the City Council authorize the City Manager to execute a Pipeline Crossing License Agreement with Burlington Northern and Santa Fe Railway Company for installation of a 16-inch pipeline encased in a 27-inch steel casing located at Line Segment 0485, Milepost 0.30 and opposite Mile Post 7.15 (DOE 5840 No. 08-35483), for the purpose of supporting the transmission of water to the development of the Burlington Northern Unit Train Terminal located at Great Southwest Parkway for a 25-year term. The developer will incur all costs associated with obtaining the License Agreement.

Council Member Espino made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. L-14485 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**L-14486
Underground
Pipeline License
Agreement for
Natural Gas
Pipeline Across
City-Owned
Property**

There was presented Mayor and Council Communication No. L-14486 from the City Manager recommending that the City Council authorize the execution of an Underground Pipeline License Agreement with Texas Midstream Gas Services for a natural gas pipeline across City-owned property in the Preston Witt Survey known as the Northeast Landfill property, in the amount of \$27,074.25 for a term of 20 years.

Council Member Scarth made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. L-14486 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

PZ-2775
Ord. No. 18002-03-
2008
Street Vacation
(VA-07-013)

There was presented Mayor and Council Communication No. PZ-2775 from the City Manager recommending that the City Council adopt an ordinance vacating and extinguishing a portion of Carlock Avenue between South College Avenue and Washington Street, adjacent to Lot 13, Block 1, Carlock's South Side Addition, in the City of Fort Worth, Tarrant County, Texas.

Council Member Burns made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. PZ-2775 be approved and Ordinance No. 18002-03-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

PZ-2776
Ord. No. 18003-03-
2008
Street Vacation
(VA-07-026)

There was presented Mayor and Council Communication No. PZ-2776 from the City Manager recommending that the City Council adopt an ordinance vacating and extinguishing two portions of Gounah Street, between Samuels Avenue and the Burlington Northern Santa Fe Railroad, situated between Blocks 4 and 5 of the Trinity Bluff Addition, an addition to the City of Fort Worth, Tarrant County, Texas.

Council Member Burns made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. PZ-2776 be approved and Ordinance No. 18003-03-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

C-22690
Orion
Communications,
Inc.

There was presented Mayor and Council Communication No. C-22690 from the City Manager recommending that the City Council authorize execution of an agreement for Computer Aided Dispatch software license modules, maintenance, support and implementation services with Orion Communications, Inc., at an estimated first year cost of \$217,193.00 for the Information Technology Solutions Department.

Council Member Jordan stated that this was agreement was significant for the City's law enforcement effort and requested staff provide an explanation of the agreement.

First Assistant City Manager Joe Paniagua stated that this initiative would expand the functionality of the mobile data computers assigned to Police Officers in the field. He added that the additional modules would provide access to such items as electronic mug shots, alarm information, etc.

Council Member Silcox noted that there were still modules missing from the system, such as card sliders, but that he supported the initiative.

Council Member Jordan made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-22690 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**C-22692
Change Order No. 1
to CSC No. 34769 -
Gibson &
Associates, Inc. –
Withdrawn from
Consideration**

It was the consensus of the City Council that Mayor and Council Communication No. C-22692, Authorize Execution of Change Order No. 1 to City Secretary Contract No. 34769 with Gibson & Associates, Inc., for Bridge Repainting at Various Locations (2006-21) and Adopt Appropriation Ordinances, be withdrawn from consideration.

**C-22698
Amendment No. 2 to
CSC No. 33771 -
Turner, Collie and
Braden**

There was presented Mayor and Council Communication No. C-22698 from the City Manager recommending that the City Council authorize the City Manager to execute Amendment No. 2 to City Secretary Contract No. 33771 with Turner, Collie and Braden for Professional Engineering Design Services for bridges located on North Main Street, Henderson Street, and White Settlement Road over the future Trinity River by-pass channel in the amount of \$215,744.00 thereby increasing the contract amount to \$1,542,744.00.

Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-22698 be adopted. The motion carried eight (8) ayes to one (1) nay, with Council Member Silcox casting the dissenting vote.

**C-22704
Ord. No. 18004-03-
2008
Ord. No. 18005-03-
2008
PhenomenArts, Inc.**

There was presented Mayor and Council Communication No. C-22704 from the City Manager recommending that the City Council adopt a supplemental appropriation ordinance increasing appropriations in the Culture and Tourism Fund in the amount of \$245,219.00 and decreasing the unreserved, undesignated fund balance by the same amount, for the purpose of transferring said funds to the Specially Funded Capital Projects Fund; authorize the transfer of \$245,219.00 from the Culture and Tourism Fund to the Specially Funded Capital Projects Fund; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Specially Funded Capital Projects Fund in the amount of \$245,219.00 from available funds for the purpose of executing a Design Enhancement Agreement with PhenomenArts, Inc., for an installation composed of five large scale vertical transparent colored glass panels or “fins” for the Throckmorton Street façade of the New Downtown Parking Garage; and authorize the City Manager to enter into a Design Enhancement Agreement

with PhenomenArts, Inc., for an installation composed of five large scale vertical transparent colored glass panels or “fins” for the Throckmorton Street façade of the New Downtown Parking Garage, in an amount not to exceed \$375,769.00.

Council Member Burns referred to comments by Council Member Jordan during the Pre-Council Work Session relative to the procurement process and its relation to public art. He stated that he agreed that the Public Art Program should be operated like a business whereby the City sent out Request for Proposals and those responses were submitted to the City under budget. He added that this issue was not handled that way and pointed out that a significant amount of money had already been committed and the project was over the budget initially set; however, with the Council’s support, he would like to fix this issue and have subsequent projects done correctly.

Council Member Jordan stated that it was important that this be a competitive process and that the City have the same process for the Art Program as it did for the construction projects.

Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. C-22704 be approved and Supplemental Appropriation Ordinance No. 18004-03-2008 and Appropriation Ordinance No. 18005-03-2008 be adopted. The motion carried eight (8) ayes to one (1) nay, with Council Member Silcox casting the dissenting vote.

City Secretary Hendrix returned to Mayor and Council Communication No. G-16071 for consideration at this time.

G-16071
Ord. No. 18006-03-
2008
Ord. No. 18007-03-
2008
Provide Funds for
Brick Veneer
Surface on
Downtown Parking
Garage

There was presented Mayor and Council Communication No. G-16071 from the City Manager recommending that the City Council adopt a supplemental appropriation ordinance increasing appropriations in the Culture and Tourism Fund in the amount of \$400,000.00 and decreasing the unaudited, unreserved, undesignated fund balance by the same amount, for the purpose of transferring said funds to the Parking Garage Capital Project Fund; authorize the City Manager to transfer \$400,000.00 from the Culture and Tourism Fund to the Parking Garage Capital Project Fund; and adopt an appropriation ordinance increasing estimated receipts and appropriations in the Parking Garage Capital Project Fund in the amount of \$400,000.00 from available funds to provide sufficient contingency funds to retain a brick veneer exterior surface instead of exposed concrete panels.

Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16071 be approved and Supplemental Appropriation Ordinance No. 18006-03-2008 and Appropriation Ordinance No. 18007-03-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

C-22705
Ord. No. 18008-03-
2008
McClendon
Construction
Company, Inc.

There was presented Mayor and Council Communication No. C-22705 from the City Manager recommending that the City Council authorize the transfer of \$502,452.00 from the Water and Sewer Operating Fund to the Sewer Capital Projects Fund in the amount of \$502,452.00; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Sewer Capital Projects Fund in the amount of \$502,452.00, from available funds for the purpose of executing a contract with McClendon Construction Company, Inc., for pavement reconstruction and sanitary sewer replacement on Saunders Road (City Project No. 00056); and authorize the City Manager to execute a contract with McClendon Construction Company, Inc., in the amount of \$1,741,428.45 for pavement reconstruction and sanitary sewer main replacement on Saunders Road (Marie Jones to East Loop 820 South).

Council Member Moss made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-22705 be approved and Appropriation Ordinance No. 18008-03-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

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

C-22706
New Dimension
Solutions, Inc.

There was presented Mayor and Council Communication No. C-22706 from the City Manager recommending that the City Council authorize the City Manager to execute a professional services agreement with New Dimension Solutions, Inc., in the amount of \$125,000.00 for the Fort Worth Reliability Centered Maintenance Pilot Projects for the Water Department.

Council Member Moss made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-22706 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Espino absent.

C-22707
Texas Commission
on Environmental
Quality

There was presented Mayor and Council Communication No. C-22707 from the City Manager recommending that the City Council authorize the City Manager to execute an agreement for the Sanitary Sewer Overflow Initiative Program with the Texas Commission on Environmental Quality for the Water Department for the purpose of addressing sewer overflows in the sanitary sewer collection system.

Council Member Moss made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-22707 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Espino 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 February 18, 2008. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

**ZC-07-142
SP-07-048
Continued Until
April 1, 2008**

There was presented Zoning Docket No. ZC-07-142 and Site Plan No. SP-07-048, application of BDRC Hulen Place Apartments for a change in zoning of property located at 4000 Hulen Street from “PD-16” Planned Development for office, banking, specialty, retail and restaurant, with restrictions and subject to the “G” Intensive Commercial height and area regulations to amend “PD-16” to include residential uses, with site plan required.

Sally Wellington

Ms. Sally Wellington, 4001 Kenley Street, appeared before Council in opposition of the zoning change. She stated that the neighborhood did not understand what the applicant wanted to construct at this location and expressed concern that it might be a five-story residential building with balconies facing the residential area and commercial areas on the bottom floor. She also stated that clarification of the proposed restaurant was needed.

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

Council Member Burdette made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket No. ZC-07-142 and Site Plan No. SP-07-048, be continued until the April 1, 2008, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

**ZC-07-225
Ord. No. 18009-03-
2008
Text Amendment
Approved**

It appeared that the City Council set today as the date for a hearing for Zoning Docket No. ZC-07-225, Text Amendment for large animal regulations. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Ms. Dana Burghdoff, Planning and Development Department Deputy Director, advised that clarification with regard to regulations that would apply to city-owned or controlled property was distributed to the Council at the dais, and read the clarification into the record.

Add Subsection F to Section 3.307:

F. Requirements for City-Owned or Operated Property

City-owned or operated property shall not be subject to sections B, C, D, and E above. Large animals must either be kept at least 50 feet away from a regulated structure or be kept on the required pasture land as follows:

1. Large Animals, with exception of those listed in 2 below, shall require 10,000 square feet per animal.
2. Miniature horses, sheep and goats require 5,000 square feet per animal.

Ms. Burghdoff added that this incorporated the requirements that existed today in the City Code and brought the requirements into the Zoning Ordinance and clarified how it applied to City property.

De De Smith

Ms. De De Smith, 8000 Lowery Road, appeared before Council and was undecided about the value of the proposed ordinance. She expressed concern with Section E of the ordinance, Non-conforming Use Standards, that stated "The large animal use may only be expanded if the use is brought into full compliance..." and explained how this section affected her property relative to the addition of large animals. She also inquired what document the City required to prove a property owner had animals on the property before the adjacent use was established.

Ms. Burghdoff explained that if a property was legal non-conforming, the property owner was not able to expand the use of the property unless a special exception was approved from the Board of Adjustment. The benefit of registering with the City and establishing that the large animal use was there first, was that the animals or pasture area would not have to be moved. The procedure for establishing legal non-conforming status was an administrative procedure between the applicant and the City that employed various resources to determine if the use was in place prior to the neighboring use. She stated that staff recommended a six-month fee waiver for the special exceptions that would be brought back to the Council for formal action at another meeting.

Council Member Scarth expressed concern that a property would have to come into conformance if the owner added on to the existing structures or to the number of animals kept on the premises. He added that it seemed to be a bit onerous, particularly in certain situations. He asked if there was a period for obtaining the special exception without having to pay a fee.

Ms. Burghdoff stated that staff proposed the six-month timeframe for waiving the fee for the special exception, but at any point in the future, a property owner would be able to apply for the exception when they wanted to add animals that expanded their legal non-conforming use. She estimated the fee would be a few hundred dollars.

Albert Delaney

Mr. Albert Delaney, 7216 Kuban, appeared before Council in support of the text amendment. He stated that the special exception fee was \$400.00 and that he was in support of the ordinance with the exception of the distance requirement.

Ms. Burghdoff explained that under today's rules in residential zoning, the property owner had to reside on the same lot where the animals were kept. She proposed that one of Mr. Delaney's issues was that he was not conforming with today's regulations and under the proposed regulations the City was requiring that the property owner lived within one-quarter mile of the property where the animals were kept or seek a special exception.

There being no one else present desiring to be heard in connection with the Text Amendment, Mayor Pro tem Hicks made a motion, seconded by Council Member Jordan, that the zoning hearing be closed, Zoning Docket No. ZC-07-225 be approved and the following ordinance be adopted as amended:

ORDINANCE NO. 18009-03-2008

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH (1986), BY AMENDING ARTICLE THREE, "ACCESSORY USES" OF CHAPTER 5, "SUPPLEMENTAL USE STANDARDS" TO ADD A NEW SECTION, SECTION 5.307, "LARGE ANIMALS"; BY AMENDING SECTION 4.603, "RESIDENTIAL DISTRICT USE TABLE" OF CHAPTER 4, "DISTRICT REGULATIONS" TO ALLOW LARGE ANIMALS IN "A" ONE-FAMILY AND "B" TWO-FAMILY DISTRICTS BY RIGHT OR BY SPECIAL EXCEPTION IN CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 4.803, "NON-RESIDENTIAL DISTRICT USE TABLE" OF CHAPTER 4, "DISTRICT REGULATIONS" TO REFERENCE SECTION 5.307, "LARGE ANIMALS"; BY AMENDING CHAPTER 9 "DEFINITIONS" TO ADD DEFINITIONS FOR "REGULATED STRUCTURES", "PASTURE LAND" AND "LARGE ANIMALS"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

The motion carried unanimously nine (9) ayes to zero (0) nays.

**ZC-07-232
SP-07-062
Approved**

There was presented Zoning Docket No. ZC-07-232 and Site Plan No. SP-07-062, application of Beach-North Tarrant, LTD., for a change in zoning of property located at 8657 North Beach Street from "E" Neighborhood Commercial to "PD/E" Planned Development for all uses in "E" Neighborhood Commercial, plus retail auto parts supply; no auto repair work on premises; signage will be on the building only, and with site plan required.

Jim Schell

Mr. Jim Schell, 901 Fort Worth Club Building, representing the applicant, appeared before Council in support of the zoning change. He provided clarification of the site plan revision relative to the replacement of the pole signs with monument signs. He also stated another addition to the site plan was a note relative to lighting packs on the building.

Council Member Espino made a motion, seconded by Council Member Jordan, that Zoning Docket No. ZC-07-232 and Site Plan No. SP-07-062, be approved as amended. The motion carried unanimously nine (9) ayes to zero (0) nays.

ZC-07-234
Approved

There was presented Zoning Docket No. ZC-07-234, application of Robert A. Garcia for a change in zoning of property located at 1413 North Commerce Street from “J” Medium Industrial to “A-5” One-Family Residential.

Council Member Espino made a motion, seconded by Council Member Silcox, that Zoning Docket No. ZC-07-234, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

ZC-08-001
Approved

There was presented Zoning Docket No. ZC-08-001, application of Elsie Patricia Leggett for a change in zoning of property located at 609 Verna Trail North from “AG” Agricultural to “A-21” One-Family Residential.

Council Member Burdette made a motion, seconded by Council Member Silcox, that Zoning Docket No. ZC-08-001, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

ZC-08-003
Approved

There was presented Zoning Docket No. ZC-08-003, application of Alamar Construction, L.L.C., for a change in zoning of property located at 3128 Joyce Drive from “A-5” One-Family Residential to “I” Light Industrial.

Council Member Silcox made a motion, seconded by Council Member Burns, that Zoning Docket No. ZC-08-003, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

ZC-08-004
Approved

There was presented Zoning Docket No. ZC-08-004, application of Jennifer Neil Farmer and David Farmer for a change in zoning of property located at 2255 8th Avenue from “E” Neighborhood Commercial to “E/HSE” Neighborhood Commercial/Highly Significant/Endangered.

Council Member Burns made a motion, seconded by Council Member Silcox, that Zoning Docket No. ZC-08-004, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

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

ZC-08-005
Approved

There was presented Zoning Docket No. ZC-08-005, application of Clarence Reynolds, Jr., for a change in zoning of property located at 4912 and 4924 Eastland Street from “E” Neighborhood Commercial to “A-5” One-Family Residential.

Council Member Moss made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-08-005, be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**ZC-08-008
Approved**

There was presented Zoning Docket No. ZC-08-008, application of 820 Land Company, LP, for a change in zoning of property located in the 5600 block of Mark IV Parkway from "PD-112" Planned Development for all uses in "K" Heavy Industrial and "PD-782" Planned Development for "I" Light Industrial uses with restrictions to "I" Light Industrial.

Council Member Espino made a motion, seconded by Council Member Burdette, that Zoning Docket No. ZC-08-008, be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**ZC-08-010
Approved**

There was presented Zoning Docket No. ZC-08-010, application of Brisco Clark Co., LTD, for a change in zoning of property located in the 1850 block of Harriet Creek Drive from "C" Medium Density Multifamily Residential to "E" Neighborhood Commercial.

Council Member Espino made a motion, seconded by Council Member Burdette, that Zoning Docket No. ZC-08-010, be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

Council Member Jordan made a motion, seconded by Council Member Espino, that Item Nos. 13 through 25 on the published agenda as reflected under the Zoning Hearing, Cases Recommended for Approval, be approved as all were City-initiated zoning changes. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**ZC-08-013
Approved**

Zoning Docket No. ZC-08-013, application of the City of Fort Worth for a change in zoning of property located at 908 North Sylvania Avenue from "B" Two-Family Residential to "A-5" One-Family Residential.

**ZC-08-014
Approved**

Zoning Docket No. ZC-08-014, application of the City of Fort Worth for a change in zoning of property located at 915 East Jessamine Street from "B" Two-Family Residential to "A-5" One-Family Residential.

- ZC-08-015**
Approved Zoning Docket No. ZC-08-015, application of the City of Fort Worth for a change in zoning of property located at 1000 River Road from “B” Two-Family Residential to “A-5” One-Family Residential.
- ZC-08-016**
Approved Zoning Docket No. ZC-08-016, application of the City of Fort Worth for a change in zoning of property located at 1631 East Davis Avenue from “B” Two-Family Residential to “A-5” One-Family Residential.
- ZC-08-017**
Approved Zoning Docket No. ZC-08-017, application of the City of Fort Worth for a change in zoning of property located at 1821 Carver Avenue from “B” Two-Family Residential to “A-5” One-Family Residential.
- ZC-08-018**
Approved Zoning Docket No. ZC-08-018, application of the City of Fort Worth for a change in zoning of property located at 2214 Ash Crescent Street from “B” Two-Family Residential to “A-5” One-Family Residential.
- ZC-08-019**
Approved Zoning Docket No. ZC-08-019, application of the City of Fort Worth for a change in zoning of property located at 2364 Evans Avenue from “B” Two-Family Residential to “ER” Neighborhood Commercial Restricted.
- ZC-08-020**
Approved Zoning Docket No. ZC-08-020, application of the City of Fort Worth for a change in zoning of property located at 2500 Moresby Street from “B” Two-Family Residential to “A-5” One-Family Residential.
- ZC-08-021**
Approved Zoning Docket No. ZC-08-021, application of the City of Fort Worth for a change in zoning of property located at 2722 Columbus Avenue from “B” Two-Family Residential to “ER” Neighborhood Commercial Restricted.
- ZC-08-023**
Approved Zoning Docket No. ZC-08-023, application of the City of Fort Worth for a change in zoning of property located at 2837 Crenshaw Avenue from “B” Two-Family Residential to “A-5” One-Family Residential.
- ZC-08-024**
Approved Zoning Docket No. ZC-08-024, application of the City of Fort Worth for a change in zoning of property located at 3244 Baylor Street from “B” Two-Family Residential to “A-5” One-Family Residential.
- ZC-08-025**
Approved Zoning Docket No. ZC-08-025, application of the City of Fort Worth for a change in zoning of property located at 4235 Sandage Avenue from “D” High Density Multifamily Residential to “A-5” One-Family Residential.

ZC-08-026 Zoning Docket No. ZC-08-026, application of the City of Fort Worth for a
Approved change in zoning of property located at 3101 Avenue J from “B” Two-Family
Residential to “A-5” One-Family Residential.

AGENDA ITEM XV B – ZONING HEARINGS: CASES RECOMMENDED FOR DENIAL

ZC-07-201 There was presented Zoning Docket No. ZC-07-201, application of Poisson
Denied with Rouge Property Company, L.L.C., for a change in zoning of property located at
Prejudice 3700, 3704 and 3708 Linden Avenue from “A-5” One-Family Residential to
“AR” One-Family Residential Restricted.

Council Member Burdette made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket No. ZC-07-201, be denied with prejudice. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

Mayor Moncrief stated that he had been advised that there was a speaker who wished to address the Council on Zoning Docket No. ZC-07-201 and asked for a motion to reconsider.

Mayor Pro tem Hicks made a motion, seconded by Council Member Scarth, that Zoning Docket No. ZC-07-201 be reconsidered. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

Trey Neville Mr. Trey Neville, 6336 Malvey Avenue, applicant for the zoning change, appeared before Council in opposition of the denial. He advised that he had been working with the neighborhood for over a year to build a sustainable development and green building movement in the City of Fort Worth. He expressed enthusiasm for living and working in Fort Worth and requested the Council provide him more time to work with the neighborhood to resolve their concerns.

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

Council Member Burdette stated that this was a difficult issue as the property had been zone “B” Two-Family Residential and recently rezoned to “A-5” One-Family Residential and that he was proposing another development that was not A-5 which was not acceptable to the neighborhood. He questioned why Mr. Neville could not build a sustainable development on an A-5 lot.

Mr. Neville responded that he never stated that he could not develop on an A-5 lot; however, the area needed a catalyst to get things started in the area.

Council Member Burdette made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket No. ZC-07-201, be denied with prejudice. The motion carried unanimously nine (9) ayes to zero (0) nays.

**ZC-07-233
Continued Until
March 18, 2008**

There was presented Zoning Docket No. ZC-07-233, application of Brian C. Smith for a change in zoning of property located at 5837 Locke Avenue from "C" Medium Density Multifamily to "PD/ER" Planned Development for all uses in "ER" Neighborhood Commercial Restricted, plus three residential units and a building size of 3,000 square feet, with waiver of site plan requested.

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

Council Member Burdette made a motion, seconded by Council Member Silcox, that Zoning Docket No. ZC-07-233, be continued until the March 18, 2008, Council meeting. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

**ZC-08-012
Denied with
Prejudice**

There was presented Zoning Docket No. ZC-08-012, application of Ramon and Juana Chavez for a change in zoning of property located at 2508 South Riverside Drive from "A-5" One-Family Residential to "I" Light Industrial.

(Council Member Moss returned to his place on the dais.)

Juana Chavez

Ms. Juana Chavez, 1701 Hurley Avenue, appeared before Council in opposition of the denial. She advised of her husband's work ethic and desire to operate a business at this location. She clarified that neighborhood opposition was based on a shooting that actually occurred at another business near this location.

Mayor Pro tem Hicks pointed out that this business would be for the purpose of parking trucks and trailers and would be in an area that was entirely zoned single family. She added the business would be inappropriate for the location and also was not consistent with the Comprehensive Plan.

Mayor Pro tem Hicks made a motion, seconded by Council Member Silcox, that Zoning Docket No. ZC-08-012 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, Mayor Pro tem Hicks made a motion, seconded by Council Member Silcox, that the hearing be closed and that the following ordinance be adopted:

ORDINANCE NO. 18010-03-2008

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 XVI
Citizen
Presentations
Francis McDowell,

City Secretary Hendrix advised that Ms. Frances Marie McDowell, 3114 North Pecan Street, who was scheduled to appear before Council relative to various legal issues concerning property at 3304 Ellis Street, was working with City staff to resolve this issue and was not present in the Council Chamber.

George Vernon
Chiles

Mr. George Vernon Chiles, 2800 Jennings, appeared before Council relative to the brandishing of a taser by a Fort Worth Police Officer. He stated that a week ago a Police Officer aimed a taser at him, arrested him and took him to jail pursuant to an alleged violation for walking in the street while a sidewalk was provided. He provided a summary of the incident and stated that he believed the Police Officer violated statutes.

Mayor Moncrief requested that Mr. Chiles meet with Assistant City Manager Carl Smart to make certain the City followed procedure. He added that the use of tasers gave Police Officers an option instead of pulling a primary weapon to protect the citizen and themselves.

Dino Taylor

City Secretary Hendrix advised that Mr. Dino Taylor, 5520 Lawnsberry Drive, who was scheduled to appear before Council relative to pot bellied pigs as pets, was working with City staff to resolve this issue and was not present in the Council Chamber.

The following individuals, all members of the Stone Glen Homeowner's Association, appeared before Council relative to the exclusion of the Fossil Creek Bridge from the 2008 Bond Program. They expressed discontent that the neighborhood was not notified in sufficient time for them to attend public meetings on the bond program to allow them to provide input. They expressed concern that the bridge would create increased traffic through their neighborhood from the industrial area and requested that a traffic impact study be done in the area if a study had not been recently performed.

**Jacqueline
Gonzalez,
David Gonzalez,
Cas Jovais,
Patty Holuska**

Ms. Jacqueline Gonzalez	3513 Stone Creek Lane South
Mr. David A. Gonzalez	3513 Stone Creek Lane South
Mr. Cas Jovais	3516 Stone Creek Lane South
Ms. Patty Holuska	6513 Stone Creek Trail

Mayor Moncrief assured the citizens that there was no attempt to exclude or disguise the bridge from the bond package; that the process had been very transparent.

Council Member Scarth stated that he understood the concerns of the neighborhood. He added that this project had existed on the Master Thoroughfare Plan since 1990 and the bridge was always contemplated. He pointed out that notice of public meetings had been publicized in many forms and there was no attempt to hide this project; that the City tried hard to obtain public input.

Ms. Sandy Oliver, Finance Department Assistant Director, advised that five public input meetings were conducted on the bond program. She added that paper copies of the bond program had been sent to all officers of known neighborhood associations and well as information provided through e-mails, bond website, public libraries, community centers and City Page articles. She pointed out that the bridge was actually reflected as an arterial street.

Council Member Scarth stated that he would be happy to attend tomorrow evening's meeting of the neighborhood association to discuss this issue. He pointed out that each project in the bond package must also be approved individually as a contract before it was constructed, and therefore there would

be another opportunity for public comment. He added that he was certain that the Transportation/Public Works Department had vetted these projects as thoroughly as possible to relieve the congestion in the area.

Jim Ashford

Mr. Jim Ashford, 6209 Riverview Circle, appeared before Council to dispute a letter the Council received by City staff regarding gas well compressor noise near his property. He advised that he had not received any assistance from the City nor had any staff member met with him to resolve his concerns.

Mayor Moncrief advised Mr. Ashford that he knew City staff had visited the well site near Mr. Ashford's home and met with Mr. Ashford on several occasions. He added that the City was complying with provisions of the current ordinance.

Agenda Item XVII
Adjournment

There being no further business, the meeting was adjourned at 10:10 p.m.