

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
MARCH 18, 2008**

Present

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

Absent

Mayor Mike Moncrief

City Staff

Dale Fisseler, City Manager
David Yett, City Attorney
Marty Hendrix, City Secretary

With a quorum of the City Council Members present, Mayor Pro tem Hicks called the regular session of the Fort Worth City Council to order at 10:12 a.m. on Tuesday, March 18, 2008, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102, with Mayor Moncrief absent.

**Agenda Item II
Invocation** The invocation was given by Pastor Vic Bartlow, Bethesda Community Church.

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

**Agenda Item IV
Approval of
Minutes** Upon a motion of Council Member Silcox, seconded by Council Member Jordan, the minutes of the regular meeting of March 4, 2008, were approved unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

**Agenda Item V
Special
Presentations** Council Member Burns presented a Proclamation for March for Meals Day to Ms. Ossana Hermosillo, Business Development Coordinator, Economic and Community Development Department.

Council Member Moss presented a Proclamation for Cowtown Community Cleanup Day to Mr. Kim Mote, Assistant Director, Environmental Management Department, Solid Waste Division.

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Council Member Scarth presented a Proclamation for American Red Cross Celebration of Community Heroes Day to Mr. Jason Smith, CEO, Chisholm Trail Chapter, American Red Cross.

**Agenda Item VI
Announcements**

Council Member Moss announced that the Stop Six Heritage Center would have an opening reception for Reby Cary, a former State Representative for District 95, first Black Fort Worth Independent School District Board Member, educator and author, on March 22, 2008, from 10:00 a.m. to Noon, at the Dunbar Six Grade Center, 5100 Willie Street. He also announced that the Fort Worth Public Library had an exhibit in their gallery of paintings that once hung in the Prince Hall Grand Lodge off First Street. He added that this was the first time that a majority of the paintings had been back together since the building was torn down in 1988. He further stated that it was a very impressive exhibit and would be up through March 25, 2008. He encouraged everyone to go by the Library and observe the exhibit.

Council Member Burns regrettably announced the passing of Floy Imogene Brown on March 11, 2008, and requested that the meeting be adjourned in her honor.

Council Member Espino announced that on March 15, 2008, he attended the dedication of Quanah Parker statue and historical marker at the Fort Worth Stockyards. He provided a history of Quanah Parker and stated that the statue and marker were located in the courtyard outside the Texas Cowboy Hall of Fame Museum. He added that several descendents of Quanah Parker were present as well as representatives from the Comanche Nation, former District 2 Council Member Jim Lane, former Fort Worth Mayor Kenneth Barr and former Tarrant County Judge Jeff King. He also regrettably announced the passing of Estanislado "Stan" Flores, a long time member of the Crime Control and Prevention District Board, and requested that the meeting also be adjourned in his honor.

Mayor Pro tem Hicks expressed appreciation to City Manager Fisseler and City staff for joining her at the West Meadowbrook Neighborhood Association meeting on March 17, 2007. She also announced that former District 7 Council Member John Stevenson was at home recovering from a recent heart attack. She extended well wishes to him for a quick recovery on behalf of entire City.

**Agenda Item VII
Withdrawn from
Consent Agenda**

City Manager Fisseler requested that Mayor and Council Communication Nos. C-22710, C-22711, and C-22716 be withdrawn from the consent agenda.

- Agenda Item VIII
Continued/
Withdrawn By Staff** City Manager Fisseler requested that Mayor and Council Communication No. L-14497, C-22710 and C-22716 be withdrawn from consideration.
- Agenda Item IX
Consent Agenda** Upon a motion made by Council Member Silcox, seconded by Council Member Espino, the Council voted eight (8) ayes to zero (0) nays, with Mayor Moncrief absent, to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:
- OCS-1649
Claims** M&C OCS-1649 - 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-16077
Reallocate CDBG
Year XXV
Unprogrammed
Funds for Evans
Avenue Demolition
Project** M&C G-16077 - Approving reallocation of Community Development Block Grant (CDBG) Year XXV Unprogrammed Funds for the Evans Avenue Demolition Project as follows:
- A. \$46,810.00 to demolish a substandard and hazardous commercial building located at 2368 Evans Avenue; and
 - B. \$10,650.00 to demolish a substandard and hazardous commercial building located at 1309 Evans Avenue.
- G-16078
Correct M&C
L-14398 to Reflect
Responsibility of
Utility Payments in
Lease for Office
Space at 3124 East
Belknap** M&C G-16078 - Approving the correction of Mayor and Council Communication No. L-14398 to reflect a change in the responsibility of utility payments in lease for office space located at 3124 East Belknap for the Police Department.
- G-16079
Ord. No. 18011-03-
2008
Grant Privilege of
Operating
Authority to
Ohemeng
Transportation
Service for Use of
City Streets, Alleys
and Public
Thoroughfares** M&C G-16079 - Considering and adopting the findings and opinions of the City staff as presented herein; adopting the Ground Transportation Coordinator's findings that the public necessity and convenience require the operation of three limousines upon the City streets, alleys and thoroughfares; and adopting Ordinance No. 18011-03-2008 granting the privilege of operating authority to Ohemeng Transportation Service, for the use of the streets, alleys and public thoroughfares of the City in the conduct of its limousine business which shall consist of the operation of three (3) limousines for a three (3) year period beginning on the effective date; specifying the terms and conditions of the grant; providing a severability clause; making this ordinance cumulative of all ordinances; providing for a penalty; providing for written acceptance by Ohemeng Transportation Service to comply with all requirements of Article VI, Chapter 34, of the Code of the City of Fort Worth (1986), as amended.

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- G-16080**
Adopt CAC's Semi-Annual Progress Report of Water and Wastewater CIP
- M&C G-16080 - Adopting the Capital Improvements Citizen Advisory Committee's (CAC) Semi-Annual Progress report concerning the status of the Water and Wastewater Capital Improvements Plan (CIP).
- P-10748**
Maintenance and Support Services
- M&C P-10748 - Amending purchase agreements for maintenance and support services with Dell Marketing, L.P., Hewlett Packard, Hewlett Packard authorized resellers and SHI Government Solutions, Inc., using a State of Texas Department of Information Resources contract for the Information Technology Solutions Department.
- P-10749**
Printing and Distribution Services
- M&C P-10749 - Authorizing printing and distribution services of the solid waste report with Sprint Press, Inc., for the Environmental Management Department for an amount not to exceed \$40,000.00 and payment due 30 days after receipt of invoice.
- P-10750**
Radios, Parts, Equipment and Repair Services
- M&C P-10750 - Authorizing a purchase agreement with Motorola Communications, Inc., for radios, radio parts, radio equipment and repair services using a Houston-Galveston Area Council contract for the Information Technology Solutions Department.
- L-14487**
Sale of Tax-Foreclosed Property
- M&C L-14487 - Authorizing the direct sale of tax-foreclosed property described as Lot A, Block 1, Jim Ellis Industrial at 1400 East Berry for \$57,863.00, in accordance with Section 34.05 of the Texas Property Tax Code to Vertex Asset Partners, L.P.; and authorizing the City Manager to execute and record the appropriate instruments conveying the property free from City encumbrances to complete the sale.
- L-14488**
Convey Electric Utility Easement
- M&C L-14488 - Authorizing the conveyance of one Electric Utility Easement Agreement described as being a portion of Lot 1, Block 1, Fort Worth Museum of Science and History Addition, Tarrant County, Texas, to Oncor Electric Delivery Company, LLC, on City-owned property adjacent to Montgomery Street in the Cultural District of Fort Worth (DOE 5608), required to relocate a transformer to accommodate the new site plan to serve the Fort Worth Museum of Science and History and the Will Rogers Memorial Center Complex.

- L-14489**
Acquire Right-of-Way Easement for Construction of Golden Triangle Boulevard Improvements
- M&C L-14489 - Approving the acquisition of one right-of-way easement described as a portion of 12C01 William McCowan Survey, Abstract No. 999, Fort Worth, Tarrant County, Texas, from The Chin J. Chang and Wanda Chang Family, Limited Partnership, located in north Fort Worth, for the construction of Golden Triangle Boulevard improvements (DOE 5773); finding that the price offered in the amount of \$39,775.00, plus an estimated closing cost of \$2,000.00, is just compensation; and authorizing the acceptance and recording of appropriate instruments.
- L-14490**
Underground License Agreement for Septic Drain-Field to Service City-Owned Lake Worth Lease Property
- M&C L-14490 - Authorizing approval of an underground license agreement with Carol B. Nuckols for a septic drain-field to service City-owned Lake Worth lease property adjacent to the property located at 9332 Watercress Drive, Lot 30, Block 20, Lake Worth Lease Survey, for a term of five years commencing on January 1, 2008, and ending on December 31, 2013, with one option to extend the license agreement for another five-year term for an annual rate of \$280.00.
- L-14491**
Streetscape Maintenance Agreement for Property in Southwest Fort Worth
- M&C L-14491 - Authorizing the execution of one Streetscape Maintenance Agreement with Colonial Park FW ERI I, L.P. (DOE 5531), located in southwest Fort Worth, necessary to assure proper maintenance of improvements located on Rogers Road and west of University Drive between Collinsworth and Riverfront and will serve the Colonial Park Addition.
- L-14492**
Sale of Tax-Foreclosed Property
- M&C L-14492 - Authorizing the direct sale of a tax-foreclosed property described as Lot K1, Block 1, Boswell Industrial Park Addition at 7425 East Lancaster Avenue in accordance with Section 34.05 of the Texas Property Tax Code to Cindy A. and James C. Taber (DOE 920), in the amount of \$15,875.27; and authorizing the City Manager to execute and record the appropriate instruments conveying the property to complete the sale.
- L-14493**
Sale of Fee-Owned Surplus Property
- M&C L-14493 - Authorizing the direct sale of approximately 41,186 square feet (0.9455 acres) of Fee-owned Surplus Property described as a portion of the variable width Fort Worth Rio Grande Railroad City Fee-owned Surplus Right-of-Way, which lies north of the south line of Blocks 7 and 8, Frisco Addition, south of Mistletoe Boulevard, Abstract No. 688, Tract 18A, E.S. Harris Survey, to VGA Leasing, L.P. (DOE 4953), in accordance with Texas Local Government Code 272.001 (b) (1) for the appraised market value in the amount of \$247,000.00; and authorizing the City Manager to execute the appropriate documents.

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- PZ-2777**
Ord. No. 18012-03-2008
Street Right-of-Way Vacation
(VA-07-016)
- M&C PZ-2777 - Adopting Ordinance No. 18012-03-2008 vacating and extinguishing a portion of Mercantile Drive right-of-way, located in Lots 3 and 4, Block 3, of the Mercantile Center Addition, an addition to the City of Fort Worth, Tarrant County, Texas; and waiving any and all purchase fee value of the vacated land in accordance with City policy (M&C G-15624).
- C-22708**
Amend CSC No. 33792 - Friends of Old Fire Station No. 10
- M&C C-22708 - Authorizing the City Manager to execute a lease amendment to City Secretary Contract No. 33792 with Friends of Old Fire Station No. 10 to include the property legally described as Lots 1 through 7, Block 12, South Hemphill Heights Addition at 2801 College Avenue, to be used for a neighborhood playground.
- C-22709**
Ord. No. 18013-03-2008
Ord. No. 18014-03-2008
Change Order No. 1 to CSC No. 34769 - Gibson and Associates, Inc.
- M&C C-22709 - Adopting Appropriation Ordinance No. 18013-03-2008 increasing estimated receipts and appropriations in the T/PW Gas Well Revenues Fund in the amount of \$21,850.00 from available funds for the purpose of transferring said funds to the Contract Street Maintenance Fund; authorizing the transfer of \$21,850.00 from the T/PW Gas Well Revenues Fund to the Contract Street Maintenance Fund; adopting Appropriation Ordinance No. 18014-03-2008 increasing estimated receipts and appropriations in the Contract Street Maintenance Fund in the amount of \$21,850.00 from available funds for the purpose of authorizing Change Order No. 1 to City Secretary Contract No. 34769 with Gibson and Associates, Inc., for bridge repainting at various locations (2006-21); and authorizing the City Manager to execute Change Order No. 1 to City Secretary Contract No. 34769 with Gibson and Associates, Inc., in the amount of \$21,850.00 for bridge repainting at various locations, increasing the total contract amount to \$404,750.00.
- C-22712**
Ord. No. 18015-03-2008
Ord. No. 18016-03-2008
Amendment No. 2 to CSC No. 34801 - Teague Nall and Perkins, Inc.
- M&C C-22712 - Adopting Appropriation Ordinance No. 18015-03-2008 increasing estimated receipts and appropriations in the Future Improvements Projects of the Special Assessments Fund in the amount of \$55,000.00 from developer contributions for the purpose of transferring said funds to the 2007 Critical Capital Projects Fund; authorizing the transfer of \$55,000.00 from the Special Assessments Fund to the 2007 Critical Capital Projects Fund; adopting Appropriation Ordinance No. 18016-03-2008 increasing estimated receipts and appropriations in the Critical Capital Projects Fund in the amount of \$55,000.00 from available funds for the purpose of authorizing execution of Amendment No. 2 to the engineering service agreement with Teague Nall and Perkins, Inc., for the design of Keller-Hicks Road from 750 feet west of Ridgeview Street to Park Vista Boulevard and North Beach Street from Golden Triangle to Keller-Hicks Road (City Project No. 00791); and authorizing the City Manager to execute Amendment No. 2 to City Secretary Contract No. 34801 with Teague

Nall and Perkins, Inc., in the amount of \$89,000.00 for the design of the Keller-Hicks Road from 750 feet west of Ridgeview Street to Park Vista Boulevard and North Beach Street from Golden Triangle to Keller-Hicks Road thereby increasing the total amount to \$776,038.00.

C-22713
Ord. No. 18017-03-
2008
Amendment No. 1 to
CSC No. 35385 -
Komatsu/Rangel,
Inc.

M&C C-22713 - Adopting Ordinance No. 18017-03-2008 finding that conditions have materially changed so that the project scope for the construction of Northwest Branch Library as included in Proposition Three of the 2004 Capital Improvement Program must include the design and construction of a new road, Crystal Lake Drive, needed to access the library and improvements to the Frontage Road, Cromwell Marine Creek Parkway, as required by the City's Subdivision Ordinance; authorizing the 2004 Capital Improvement Program funds designated for Northwest Branch Library be used to include such access; and authorizing the City Manager to execute Amendment No. 1 to City Secretary Contract No. 35385 with Komatsu/Rangel, Inc., in the amount of \$35,692.00, for additional design services to include roadway improvements to the north and road extension to the west of the library site, thereby increasing the total contract amount to \$404,032.57.

C-22714
Ord. No. 18018-03-
2008
Change Order No. 1
to CSC No. 35378 -
Stabile and Winn,
Inc.

M&C C-22714 - Authorizing the transfer of \$22,114.00 from the Water and Sewer Operating Fund to the Water Capital Projects Fund in the amount of \$6,919.00 and Sewer Capital Projects Fund in the amount of \$15,195.00; adopting Appropriation Ordinance No. 18018-03-2008 increasing estimated receipts and appropriations in the Water Capital Projects Fund in the amount of \$6,919.00 and the Sewer Capital Projects Fund in the amount of \$15,195.00; and authorizing Change Order No. 1 to City Secretary Contract No. 35378 with Stabile and Winn, Inc., for pavement reconstruction and water and sanitary sewer replacements on portions of Clairemont Avenue, Chicago Avenue and Ramsey Avenue (Project No. 00295) in the amount of \$48,232.00 revising the total cost to \$1,548,220.48.

C-22715
Hemphill Property,
LLC

M&C C-22715 - Authorizing the execution of one Storm Water Facility Maintenance Agreement necessary to assure proper maintenance of two detention pond facilities by the owner, Hemphill Property, LLC, for property located in south Fort Worth (DOE 5817).

C-22717
Correct M&C
C-22586 - Inflection
Point Solutions,
LLC

M&C C-22717 - Approving the correction of M&C No. C-22586 to correct the contractor's name to Inflection Point Solutions, LLC, and therefore to authorize the City Manager to execute a contract with Inflection Point Solutions, LLC, in the amount of \$124,000.00 for the Water Laboratory Information Management Systems Project.

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The motion carried. End of Consent Agenda.

**Agenda Item X
Presentations by
City Council -
Appointments**

On behalf of Mayor Moncrief, Mayor Pro tem Hicks made a motion, seconded by Council Member Jordan, that Mr. Corey Fickes be appointed to Place 1 on the Appeals Board effective March 18, 2008, and with a term expiring September 30, 2009. The motion carried unanimously eight (8) ayes to zero nays, with Mayor Moncrief absent.

Council Member Scarth made a motion, seconded by Council Member Espino that the following individuals be appointed to the Human Relations Commission effective March 18, 2008, and with terms expiring October 1, 2008.

Ms. Lisa G. Thomas	Place 4
Ms. Berdia Nell Cass	Place 6
Ms. Minnie Louis Hodge	Place 8

The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

Council Member Scarth made a motion, seconded by Council Member Burdette, that Ms. Alyssa D. Wheaton-Rodriguez be reappointed to Place 5 on the Animal Shelter Advisory Committee effective March 18, 2008, and with a term expiring October 1, 2009. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief 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. 3594-03-
2008
Set Public Hearing
to Consider
Adoption of
Transportation
Impact Fee
Ordinance –
Lee Nicol**

There was presented a resolution setting a public hearing to be held during the City Council meeting beginning at 10:00 a.m. on Tuesday, April 22, 2008, in the City Council Chamber of the City of Fort Worth, 1000 Throckmorton Street, Fort Worth, Texas, to consider adoption of a Transportation Impact Fee ordinance.

Mr. Lee Nicol, 3882 South Hills Circle, representing the Development Advisory Council (DAC), appeared before Council in support of the resolution. He advised that the DAC would continue to work with various City agencies on the impact fee ordinance and provided the following additional information:

1. That the DAC enthusiastically supported the current \$150M May Bond proposal and would seek to gather support from the various trade and industry groups represented by its members.

2. That the DAC encouraged the 29 member Advisory Committee for the Long Range Financial Forecast (which had been dubbed the “Gang of 29”) to immediately commence deliberations on the four tasks outlined in their November 2007 meeting so that they can report out at least by year end.
 - Their first order of business should be to hire the 3rd party consultant. The “Long Range Committee” should be empowered to do so directly to speed the selection and study process and if so, the Chamber and other stakeholders may be willing to shoulder a significant amount of the consulting fee.
 - The DAC had growing concerns relative to the competitiveness of Fort Worth as a place of business and encouraged the “Long Range Committee” to take a good hard objective look at that concern.
 - The ordinance if adopted as recommended should remain unchanged in subsequent months until the “Long Range Committee” concluded its work.
 - Finally, the recommendations of the “Long Range Committee,” among others should be routed through DAC for review and comment.

Council Member Jordan commended Mr. Nicol for his leadership and also the work of the DAC. He also expressed appreciation to Acting Assistant City Manager Fernando Costa, Jim Walker from the Transportation & Public Works Department, Rick Trice from the Engineering Department, and Ms. Dana Burghdoff, Planning and Development Department Deputy Director, for their work on this issue.

Council Member Jordan made a motion, seconded by Council Member Silcox, that Resolution No. 3594-03-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

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**Agenda Item XIV
Ord. No. 18019-03-
2008**

City Secretary Hendrix advised that the ordinance caption had been revised and stated she would read the revised caption and not the caption reflected on the posted City Council meeting agenda.

**Amend Ord. No.
17979-02-2008
Ordering Election
on May 10, 2008,
Issue Ad Valorem
Tax Supported
Securities to Amend
Subsection (D) of
Section 6 to Delete
Early Voting
Locations, Add 9
New Locations and
Add Subsections
(D)(2), (3) and (4) to
Add Temporary
Early Voting
Locations**

There was presented an ordinance amending Ordinance No. 17979-02-2008; ordering an election by the qualified voters of the City of Fort Worth, Texas, on May 10, 2008, on the question of the issuance of ad valorem tax supported public securities for the 2008 Capital Improvement Program to amend Subsection (D) of Section Six (6) to delete two early voting locations and add nine new locations and to add Subsections (D)(2), (3) and (4) to add temporary early voting locations.

Council Member Silcox made a motion, seconded by Council Member Espino, that Ordinance No. 18019-03-2008 be adopted as presented. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

AGENDA ITEM XV – REPORT OF THE CITY MANAGER

**Public Hearing
G-16075
Variance for Sale of
Alcoholic Beverages
at 4158 East
Rosedale Street -
Denied with
Prejudice**

It appeared that the City Council, at its meeting of March 4, 2008, continued the 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 Pro tem Hicks 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, dated March 4, 2008, 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 prohibiting 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.

Jose Argueta Mr. Jose Cruz Argueta, 2726 E. Rosedale, representing the applicant, appeared before Council in support of the variance. With the interpreting assistance of Ms. Victoria Capik, Environmental Management Department, Mr. Argueta advised that the sale of alcohol at this establishment would increase the sales at the restaurant and requested the Council's favorable consideration.

Henry Thomas Mr. Henry J. Thomas, 4013 Garrison Avenue, appeared before Council in opposition of the variance. He stated that he was a member of the Mount Herman Baptist Church and expressed concern that allowing the sale of alcohol at the restaurant would increase criminal activity in the area. He advised of a recent occurrence at the church where copper wiring had been stolen from enclosed equipment on church property. He pointed out that the sale of alcohol would also create an opportunity for individuals to loiter near the church and expose the pastor and members of the church to potential criminal activity. He requested that the Council deny the variance request.

Nina Jackson Ms. Nina M. Jackson, 517 Russell Road, appeared before Council in opposition of the variance. She stated that she was also a member of Mount Herman Baptist Church and advised that the 76105 zip code had high infant mortality rates, very high crime rates and high drop out rate. She added that approving the sale of alcohol at this location would not benefit the community and would be a step back for the community. She requested that the Council deny the variance request.

Andre McEwing Mr. Andre McEwing, 1150 South Freeway, representing Southeast Fort Worth, Inc., and Fort Worth Metropolitan Black Chamber of Commerce, appeared before Council in opposition of the variance request. He concurred with the comments of the previous speakers and advised that the Chamber could provide assistance to this business that would increase their sales and revenue. He requested that the Council deny the variance request.

Mayor Pro tem Hicks advised that this restaurant was in District 8 and residents in the district were working to bring about positive development. She added that her Council Aide counted over 90 establishments that sold liquor within a 2½ mile radius, which was appalling. She pointed out that the church did submit a letter in opposition of this issue and added that there was a proliferation of establishments that sold alcohol in the community and urged the Council to deny this variance request.

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 Silcox, that the public hearing be closed and Mayor and Council Communication No. G-16075 be denied with prejudice. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

**G-16081
Assign Duties by
Carter Metropolitan
Community
Development
Corporation Under
CSC No. 26207 to
Fort Worth Housing
Finance
Corporation to
Fulfill HOME
Investment
Partnerships Grant
Program
Requirements**

There was presented Mayor and Council Communication No. G-16081 from the City Manager recommending that the City Council approve the assignment of duties by Carter Metropolitan Community Development Corporation to the Fort Worth Housing Finance Corporation for City Secretary Contract No. 26207, funded through the HOME Investment Partnerships Grant Program; approve the transfer by the Community Development Corporation for five residential lots and one completed house located at 2912 Walker Street, Fort Worth, Texas, to the Fort Worth Housing Finance Corporation to complete fulfillment of regulatory requirements of the United States Department of Housing and Urban Development; approve the transfer of \$48,000.00 in undesignated funds from the Rental Rehabilitation Program Income Fund to the Fort Worth Housing Finance Corporation to be used to complete the 2912 Walker Street project; amend the contract to include the \$48,000.00 for repair costs for 2912 Walker Street, to extend the time of performance, and include any other terms necessary to complete regulatory requirements; and authorize the City Manager or his designee to execute such legal documents as may be necessary to implement this assignment of the contract to Fort Worth Housing Finance Corporation on behalf of the City, and any necessary amendments and modifications as may be necessary to ensure fulfillment of Housing and Urban Development regulatory requirements.

Council Member Jordan pointed out that the entire Council sat as the Housing Finance Corporation and it was within their rules to approve this M&C.

Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16081 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

**G-16082
Amendment No. 1 to
Alternative Assets
Agency Account
Agreement for Gas
Lease Program**

There was presented Mayor and Council Communication No. G-16082 from the City Manager recommending that the City Council approve Amendment No. 1 to the Alternative Assets Agency Account Agreement with JPMorgan Chase for banking and consultant services provided to the City of Fort Worth for its Gas Lease Program.

Council Member Jordan advised that he had a normal banking relationship with JPMorgan Chase and that he had been advised by City Attorney Yett that the banking relationship was not a conflict in this matter. He stated that he believed this was in the best interest of the citizens of Fort Worth and advised that a Request for Proposal (RFP) would be issued to go competitive on this issue.

Council Member Silcox inquired when the Request for Proposal (RFP) would be completed on this issue.

City Manager Fisseler stated that City staff was working on the RFP process now and the M&Cs on the agenda today were needed for the amendment. He added that before any M&Cs were brought back to the Council for their consideration, he would like to see what occurred with the RFP.

Mayor Pro tem Hicks and Council Member Burns also advised that they had banking relationships with JPMorgan Chase.

Council Member Jordan made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. G-16082 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

**L-14482
Convey Tax-
Foreclosed
Properties –
Continued Until
March 25, 2008**

There was presented Mayor and Council Communication No. L-14482, dated March 4, 2008, from the City Manager recommending that the City Council authorize the conveyance of tax-foreclosed properties described as Lot 12, and the east part of Lot 13, Block 19, Glenwood Addition at 1733 East Hattie Street, and the west part of Lot 11, Block 19, Glenwood Addition at 0 Southside Riverside Drive in accordance with Section 34.05 of the Texas Property Tax Code to Bart Gutierrez (DOE 920) in the amount of \$807.00; and authorize the City Manager to execute and record the appropriate documents conveying the property to complete the sale.

Mayor Pro tem Hicks advised that she needed to know what the site would be used for and requested the Council continue this item for one week to allow her to obtain that information.

Council Member Silcox made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. L-14482 be continued until the March 25, 2008, Council meeting. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

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**L-14494
Pipeline License
Agreement for
Sanitary Sewer
Pipeline**

There was presented Mayor and Council Communication No. L-14494 from the City Manager recommending that the City Council authorize the City Manager to enter into a pipeline license agreement (25-year term) with the Burlington Northern Santa Fe Railway Company for a 24-inch sanitary sewer pipeline to support the development in the uptown area of the Central Business District located at milepost marker 0.15 north of Spur 280 (DOE 4009 - No. 07-35065), for a one-time cost of \$3,500.00, which includes a \$1,000.00 charge for participation in the licensor's blanket insurance policy. The City will incur all cost associated with the license agreement.

Council Member Burns made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. L-14494 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

**L-14495
Lease of City-
Owned Properties
for Natural Gas
Drilling**

There was presented Mayor and Council Communication No. L-14495 from the City Manager recommending that the City Council approve the acceptance of a lease agreement for natural gas drilling under 4.929 acres more or less of City-owned properties located in Tarrant County, Texas, known as East Regional Library 2 to Chesapeake Exploration, L.L.C., for a two-year primary term.

Council Member Scarth made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. L-14495 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

**L-14496
Lease of City-
Owned Properties
for Natural Gas
Drilling**

There was presented Mayor and Council Communication No. L-14496 from the City Manager recommending that the City Council approve the acceptance of a lease agreement for natural gas drilling under 5.648 acres more or less of City-owned properties located in Tarrant County, Texas, known as Meadowbrook Water Tank 2 to Chesapeake Exploration, L.L.C., for a two-year primary term.

Council Member Scarth made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. L-14496 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

L-14497
Lease of City-
Owned Properties
for Natural Gas
Drilling -
Withdrawn From
Consideration

It was the consensus that Mayor and Council Communication No. L-14497 to Approve Acceptance of Lease Agreement with Chesapeake Exploration, L.L.C., for Natural Gas Drilling Under 90.41 Acres More or Less of City-Owned Properties Located in Tarrant County, Texas, Known as Northeast Landfill 2, be withdrawn from consideration.

Public Hearing
L-14498
Convert Parkland
for Purpose of
Installing Draining
Improvements

It appeared that the City Council set today as the date for a public hearing to authorize the conversion of approximately 0.004 acres of parkland at George Markos Park for the purpose of installing drainage improvements. Mayor Pro tem Hicks opened the public hearing and asked if there was anyone present desiring to be heard.

Mr. David Creek, Park Planning Superintendent, Parks and Community Services Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. L-14498, as follows:

There was presented Mayor and Council Communication No. L-14498 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 locating the proposed storm drainage pipe for George Markos Park; find that the proposed storm drainage improvements include all reasonable planning to minimize harm to the parkland; and close the public hearing and authorize the City Manager to convert approximately 0.044 acres of dedicated parkland for installation of a storm drainage pipe in George Markos Park, being a portion of land located at 400 Academy Boulevard, bordered by Little Valley Road to the north, west of Little Fox Lane, northeast of Blue Haze Drive and east of Chapel Creek Boulevard.

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 Silcox, that the public hearing be closed and Mayor and Council Communication No. L-14498 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

C-22710
LopezGarcia
Group, Inc. -
Withdrawn from
Consideration

It was the consensus of the City Council that Mayor and Council Communication No. C-22710, Authorize Execution of an Engineering Services Agreement with LopezGarcia Group, Inc., for the Design of East Rosedale Street from Interstate Highway 35W to US 287 (Project No. 00138), be withdrawn from consideration.

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**C-22711
Fort Worth and
Western Railroad**

There was presented Mayor and Council Communication No. C-22711 from the City Manager recommending that the City Council authorize the City Manager to enter into an agreement in the amount of \$28,252.40 with the Fort Worth and Western Railroad for the City's participation of materials to install new concrete railroad crossing surface at the 6000 block of South Hulen Street.

Council Member Jordan stated that this railroad crossing was located in Districts 3 and 6 and was in need of repair. He added that the City was taking proactive action to have the railroad crossing repaired by working with the Fort Worth and Western Railroad. He expressed appreciation to the staff for their work on this issue.

Council Member Silcox echoed Council Member Jordan's comments and added that the citizens would greatly appreciate the repairs to the railroad crossing.

Council Member Jordan made a motion, seconded by Council Silcox, that Mayor and Council Communication No. C-22711 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

**C-22716
Terminate CSC
Nos. 25211, 25212
and 31308 and New
Ground Lease
Agreement with
W.P. Carey and
Company, LLC, and
Consent to Sublease
Agreement with
Texas Aviation
Services, Inc. -
Withdrawn from
Consideration**

It was the consensus of the City Council that Mayor and Council Communication No. C-22716 to Authorize Termination of City Secretary Contract Nos. 25211, 25212 and 31308 for Lease Sites 1S, 2S, 6S and 7S as Amended and Assigned at Fort Worth Meacham International Airport and Execute a New Ground Lease Agreement for Lease Site 4S with W.P. Carey and Company, LLC, at Fort Worth Meacham International Airport and Approve a Right of First Refusal for Lease Site 5S at Fort Worth Meacham International Airport and Approve a Consent to Sublease Agreement to Texas Aviation Services, Inc., be withdrawn from consideration.

**C-22718
Texas Midstream
Gas Services, LLC**

There was presented Mayor and Council Communication No. C-22718 from the City Manager recommending that the City Council authorize the City Manager to execute a Public Right-of-Way Use Agreement with Texas Midstream Gas Services, LLC, that grants Texas Midstream Gas Services, LLC, a license to use certain public rights-of-way of the City of Fort Worth for the purpose of constructing, maintaining and operating a natural gas pipeline across Joe B. Rushing Road and Campus Drive.

Council Member Espino made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-22718 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

**C-22719
Ord. No. 18020-03-
2008
Texas Department
of Housing and
Community Affairs**

There was presented Mayor and Council Communication No. C-22719 from the City Manager recommending that the City Council authorize the City Manager to apply for and accept, if awarded, a grant from the Texas Department of Housing and Community Affairs in an amount up to \$100,000.00 from the year 2008 Emergency Shelter Grant Program; authorize the execution of a contract with Texas Department of Housing and Community Affairs for the Emergency Shelter Grant Program for the period of September 1, 2008, through August 31, 2009; authorize use of existing personnel, office equipment, office space and donated goods and services for the City's in-kind match with an anticipated value of \$100,000.00; waive indirect costs associated with administration of this grant program in the approximate amount of \$4,500.00; and adopt an appropriation ordinance increasing estimated receipts and appropriations in the Grants Fund in the amount of \$200,000.00 upon receipt of the grant from the Texas Department of Housing and Community Affairs, for the purpose of funding the 2008 Emergency Shelter Grant Program.

Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-22719 be approved and Appropriation Ordinance No. 18020-03-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

AGENDA ITEM XVIA – ZONING HEARINGS: CASES RECOMMENDED FOR DENIAL

**ZC-07-233
Denied with
Prejudice**

It appeared that the City Council, at its meeting of March 4, 2008, continued the hearing of the 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, Zoning Docket No. ZC-07-233. Mayor Pro tem Hicks opened the public hearing and asked if there was anyone present desiring to be heard.

There being no one present desiring to be heard in connection with the application of Brian C. Smith, Council Member Burdette made a motion, seconded by Council Member Silcox, that the hearing be closed and that Zoning Docket No. ZC-07-233 be denied with prejudice. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

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Agenda Item XVII There were no citizen presentations.
Citizen
Presentations

Agenda Item XVIII It was the consensus of the City Council that they recess into Executive Session
Executive Session at 11:12 a.m. to:

1. Seek the advice of its attorneys concerning the following pending or contemplated litigation or other matters that are exempt from public disclosure under Article X, Section 9 of the Texas State Bar Rules as authorized by Section 551.071 of the Texas Government Code:
 - a) Xavier G. Sanchez v. City of Fort Worth, Cause No. 141-224147-07;
 - b) Legal issues related to Third Party Administrator authority in Worker's Compensation matters;
 - c) Legal issues concerning traffic safety regulations in school zones;
 - d) Legal issues regarding non-conforming uses;
 - e) 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 11:40 p.m.

**Agenda Item XIX
Adjournment**

There being no further business, the meeting was adjourned at 11:40 a.m. in memory of Ms. Floy Imogene Brown and Mr. Estanislado "Stan" Flores.