

**CITY OF FORT WORTH, TEXAS  
REGULAR CITY COUNCIL MEETING  
APRIL 8, 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 7:02 p.m. on Tuesday, April 8, 2008, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102, with Council Member Silcox temporarily absent.

**Agenda Item II**            The invocation was given by Pastor L.S. Wilson, East St. Paul Baptist Church.  
**Invocation**

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

**Agenda Item IV**        Upon a motion of Mayor Pro tem Hicks, seconded by Council Member Burns,  
**Approval of**            the minutes of the regular meeting of April 1, 2008, were approved  
**Minutes**                unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox  
absent.

**Agenda Item V**        Council Member Burdette presented a Proclamation for FitFuture Month to Dr.  
**Special**                Scott Ransom, President, University of North Texas Health Science Center.  
**Presentations**

City Secretary Hendrix stated that the recipient for the Proclamation for Older Adult Volunteer Day was unable to attend the Council meeting this evening and advised that the proclamation would be presented to them privately.

Council Member Espino presented a Certificate of Recognition to Mr. Ernest P. Johnson for his service on the Mayor's Advisory Commission on Homeless for the period October 4, 2005 through March 10, 2008.

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

City Secretary Hendrix advised that the following individuals were unable to attend the Council meeting this evening and would be mailed their Certificates of Recognition for their service on the Community Development Council:

Ms. Rochelle Hall-Lewis, August 27, 2002, through February 12, 2008

Mr. Mario Perez, October 15, 2002, through February 26, 2008

**Agenda Item VI**  
**Announcements**

Council Member Burns announced that from May 10, 2008, through June 8, 2005, more than 45 Fort Worth and North Texas arts, science, education and faith-based organizations would focus their energies and talents on programs designed to increase the awareness of AIDS in the community. He added that the Kickoff Rally for this Morale Life Festival was on April 15, 2008, from 5:30 p.m. to 7:30 p.m. at the Fort Worth Community Arts Center and added that he was the honorary Chair for this event. He pointed out that there was an estimated 10,000 people in Tarrant County infected with the virus; over one-third of them did not know they were infected; women were as likely as men to contract the disease and that people of color made up 65 percent of all new infections. He further stated that together everyone could prevent this disease, but only if everyone talked about the disease and encouraged everyone to become educated and make a difference. He also announced that on April 12, 2008, in the Thistle Hill Neighborhood from 10:00 a.m. to 3:00 p.m., SOLD! On Historic Neighborhoods, an event sponsored by Historic Fort Worth, Inc., the Greater Fort Worth Association of Realtors and others, would conduct educational workshops on historic neighborhoods. He added Liz Casso, the City's Historic Preservation Planner, representatives from the Fairmount Neighborhood and others would present workshops. He further announced that April 11-13, 2008, the Annual Symposium for the Center for Advancement and Study of Early Texas Art would meet at the University of North Texas Health Science Center and at the Amon G. Carter Museum to focus on North Texas art.

Council Member Moss announced that the East Rosedale Public Improvement meeting would be held on April 17, 2008, at 6:30 p.m. at the Martin Luther King Center, 5565 Truman Drive, relative to improvements to the Rosedale Corridor from U.S. 287 to IH 820. He added for additional information, interested citizens could contact Mr. Jim Walker, Transportation/Public Works Assistant Director, at (817) 392-8009. He also announced that the second session of "On the Trail to Healthy Eating" would be conducted on April 12, 2008, from 10:00 a.m. to 12:00 noon at the Minyards Food Store,

4245 E. Berry Street to learn about making healthy food choices. He stated that the overall session was co-sponsored by the Agri Life Extension of Texas A&M University System, Minyard Food Stores and Fort Worth Public Health Outreach and added that someone would win a George Forman Lean Grill Machine. He also expressed appreciation to everyone for their support and encouraging words for him and his family in their time of bereavement.

Council Member Burdette announced that a Code Compliance Forum would be conducted on April 10, 2008, at 6:30 p.m. at the Como Community Center to discuss the various City codes, receive education about the codes and the enforcement of the codes. He encouraged everyone to attend.

Mayor Pro tem Hicks announced that on April 9, 2008, at 6:00 p.m. a four-hour documentary series entitled "Unnatural Causes...is inequality making us sick?" would be conducted at the Sycamore Community Center, 2525 E. Rosedale. She added that the event was sponsored by the Fort Worth Public Health Department and Tarrant County Public Health and encouraged everyone to attend this series that would explore America's racial and socioeconomic inequities in health. She also announced that the 2008 Government in Action Day and Youth Town Hall would take place on April 11, 2008, from 10:00 a.m. to 1:00 p.m. at the Tarrant County College-South Campus and advised that the Mayor and several Council Members would be attending.

Council Member Scarth announced that on April 9, 2008, at 6:00 p.m. at the East Regional Library, a public meeting to work on the Master Plan for Mallard Cove Park would be conducted to plan the development of the park. He also announced that the Woodhaven Neighborhood would be conducting a large Garage Sale on April 12, 2008, to raise money for the neighborhood association.

Council Member Jordan expressed appreciation to all the District 6 leaders who attended the Advisory Committee coffee this past weekend. He also expressed appreciation to the Neighborhood Patrol Officers and Code Compliance Officers who attended, Planning and Development Department Deputy Director Dana Burghdoff for her presentation and his Council Aide Cindy Caldwell for putting the meeting together.

Council Member Espino announced that the races at Texas Motor Speedway (TMS) were very successful this past weekend. He commended the Police Department for their efforts on traffic control and also expressed kudos to TMS for bringing the races to Fort Worth. He also announced that on April 12, 2008,

**CITY OF FORT WORTH, TEXAS  
REGULAR CITY COUNCIL MEETING  
APRIL 8, 2008  
PAGE 4 of 14**

---

he attended a march in honor of Caesar Chavez's birthday at Caesar Chavez Primary School. He expressed appreciation to the committee and volunteers who organized the event.

**Agenda Item VII  
Withdrawn from  
Consent Agenda**

There were no items removed from the Consent Agenda.

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

City Manager Fisseler requested that Mayor and Council Communication Nos. G-16103 and G-16104 be continued for one week and that C-22740 and C-22743 be withdrawn from consideration.

**Agenda Item IX  
Consent Agenda**

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

**OCS-1653  
Claims**

M&C OCS-1653 - 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-16096  
Approve  
Temporary Street  
Closures for  
Crowne Plaza  
Invitational  
Colonial Golf  
Tournament**

M&C G-16096 - Approving the request of Colonial Country Club to temporarily close the following streets during the Crowne Plaza Invitational Colonial Golf Tournament from May 19, 2008, through May 25, 2008:

- 3700 block of Country Club Circle;
- 3700, 3800 and 3900 blocks of Mockingbird Lane including Mockingbird Court;
- 3600 and 3700 block of Cantey Street between Highview Terrace West to the TCU parking lot; and
- 2000 block of Rogers Avenue from Riverfront Drive to Colonial Parkway

**G-16097  
Accept Donation of  
Surveillance  
Cameras and  
Related Equipment  
to Support  
Identifying Illegal  
Dumping Activities  
and Other Code  
Violations**

M&C G-16097 - Authorizing the City Manager to accept a donation of surveillance cameras and equipment valued at \$3,982.61 from the Near Southeast Community Development Corporation to assist in identifying and enforcing illegal dumping activity and other Code violations in the targeted area bound by East Lancaster on the north, Interstate 35W South on the west, East Berry on the south, and South Riverside on the east.

- G-16098**  
**Execute JABG**  
**Application Waiver**  
**for Fiscal Year 2008**
- M&C G-16098 - Authorizing the City Manager to sign the application waiver for the Juvenile Accountability Block Grant (JABG) from the State of Texas, Office of the Governor, Criminal Justice Division, in the amount of \$23,904.00 to waive the grant funds to Tarrant County, Texas, acting by and through Tarrant County Juvenile Services, the Juvenile Probation Department of Tarrant County (Tarrant County Juvenile Services).
- G-16099**  
**Ord. No. 18042-04-**  
**2008**  
**Accept Grant to**  
**Construct Airfield**  
**Pavement**  
**Rehabilitation,**  
**Airport Beacon**  
**Relocation and**  
**Replace Airfield**  
**Signage at Fort**  
**Worth Alliance**  
**Airport**
- M&C G-16099 - Authorizing the City Manager to apply for and accept, if awarded, a grant from the Federal Aviation Administration in the amount up to \$800,000.00 to construct airfield pavement rehabilitation, construct airport beacon relocation and replace airfield signage at Fort Worth Alliance Airport; authorizing the use of land credits in the amount of \$42,105.26 for the City's in-kind local match of 5 percent of the project cost; and adopting Appropriation Ordinance No. 18042-04-2008 increasing estimated receipts and appropriations in the Airports Grant Fund in the amount of \$842,105.26, subject to receipt of the grant from the Federal Aviation Administration, for the purpose of airfield pavement rehabilitation, airport beacon relocation and replacement of airfield signage at Fort Worth Alliance Airport.
- P-10765**  
**Powdered Activated**  
**Carbon**
- M&C P-10765 - Authorizing purchase agreements for powdered activated carbon with Carbon Solutions and F2 Industries, LLC, for the Water Department.
- P-10766**  
**Reject Proposals for**  
**IT Security**  
**Consulting Services**  
**RFP 07-0346**
- M&C P-10766 - Rejecting all proposals received for Information Technology (IT) Security Consulting Services Request for Proposal (RFP) 07-0346 for the IT Solutions Department.
- P-10767**  
**Water and Sewer**  
**Fittings**
- M&C P-10767 - Authorizing a purchase agreement for water and sewer fittings with ACT Pipe and Supply for the Water Department based on discounts offered from manufacturer's list price with payments due 30 days after receipt of invoices and freight included in unit prices.
- P-10768**  
**Return Envelopes**
- M&C P-10768 - Authorizing a purchase agreement for return envelopes with Accurate Forms and Supplies for the Water Department based on the low bid of unit prices meeting or exceeding specifications. Freight is included in the unit price with payments due 30 days from receipt of invoices.

**CITY OF FORT WORTH, TEXAS  
REGULAR CITY COUNCIL MEETING  
APRIL 8, 2008  
PAGE 6 of 14**

---

**P-10769  
International Cab  
and Chassis and  
Hydro-Mulcher**

M&C P-10769 - Authorizing the purchase of one new International cab and chassis from Southwest International Trucks, Inc., and one hydro-mulcher from Justin Seed Company, Inc., using Texas Association of School Boards Cooperative Contracts for the Transportation and Public Works Department for a cost not to exceed \$146,042.80, with payments due within 30 days of receipt of the invoices.

**C-22745  
Res. No. 3612-04-  
2008  
TxDOT**

M&C C-22745 - Adopting Resolution No. 3612-04-2008 authorizing the execution of an agreement with the Texas Department of Transportation (TxDOT) for construction, maintenance and operation of the continuous lighting system along Rosedale Avenue from South Main Street to South Riverside Drive.

**C-22746  
Ord. No. 18043-04-  
2008  
U.S. Department of  
Justice, National  
Institute of Justice**

M&C C-22746 - Authorizing the City Manager to apply for and accept, if awarded, Grants Funds for solving cold cases with DNA from the U.S. Department of Justice, National Institute of Justice, in the amount of \$346,170.00; authorizing the City Manager to enter into a contract with the U.S. Department of Justice, National Institute of Justice, in the amount not to exceed \$346,170.00; adopting Appropriation Ordinance No. 18043-04-2008 increasing estimated receipts and appropriations in the Grants Fund in the amount of \$346,170.00 subject to the receipt of the grant from the U.S. Department of Justice, National Institute of Justice, for the purpose of solving cold cases with DNA; and applying indirect costs at the rate of 18.09 percent, which is the most recently approved rate for this department.

**C-22747  
Consent to  
Assignment of CSC  
No. 20280, as  
Amended by CSC  
No. 21948 by Texas  
Avionics, Inc., d/b/a  
Texas Aviation  
Services to Delta  
Aeronautics, Inc.**

M&C C-22747 - Authorizing the City Manager to execute a written consent to assignment of a hangar lease agreement by Texas Avionics, Inc., d/b/a Texas Aviation Services, of all leasehold interest in City Secretary Contract No. 20280, as amended by City Secretary Contract No. 21948, for Leasehold Site 4N, at Fort Worth Meacham International Airport, to Delta Aeronautics, Inc.

**C-22748  
C&H Aviation, LLC**

M&C C-22748 - Authorizing the City Manager to execute an unimproved ground lease agreement with mandatory improvements with C&H Aviation, LLC, for the construction of a 12,000 square foot aircraft storage facility on the northeast side of Fort Worth Spinks Airport.

**C-22749** M&C C-22749 - Authorizing the City Manager to execute a written Consent to  
**C&H Aviation, LLC** Deed of Trust Lien by C&H Aviation, LLC, in favor of First State Bank Texas  
for Lease Site E-14 at Fort Worth Spinks Airport.

The motion carried. End of Consent Agenda.

**Agenda Item X** There were no changes presented by the City Council in memberships in the  
**Presentations by** City's boards and commissions.  
**City Council**

**Agenda Item XI** There were no presentations or communications from boards, commissions  
**Committee** and/or City Council Committees.  
**Presentations**

**Agenda Item XIII** There was presented a resolution adopting the City of Fort Worth's 2008  
**Res. No. 3613-04-** Federal Legislative Program.  
**2008**

**Adopt 2008 Federal** Mayor Pro tem Hicks made a motion, seconded by Council Member Scarth,  
**Legislative Program** that Resolution No. 3613-04-2008 be adopted. The motion carried  
unanimously nine (9) ayes to zero (0) nays.

**AGENDA ITEM XIV – REPORT OF THE CITY MANAGER**

**Second Public** It appeared that the City Council, set today as the date for the second public  
**Hearing** hearing to approve the 2008-2009 Action Plan for use of federal grant funds  
**G-16095** from the United States Department of Housing and Urban Development under  
**Ord. No. 18044-04-** the Community Development Block Grant (CDBG), HOME Investment  
**2008** Partnerships Grant, American Dream Down Payment Initiative, Emergency  
**Approve 2008-2009** Shelter Grant and Housing Opportunities for Persons with AIDS (HOPWA)  
**Action Plan for Use** programs. Mayor Moncrief opened the public hearing and asked if there was  
**of CDBG Funds,** anyone present desiring to be heard.  
**HOME Grant,**

**American Dream** Mr. Charlie Price, Program Manager, Housing Department, appeared before  
**Down Payment** Council, gave a staff report and called attention to Mayor and Council  
**Initiative,** Communication No. G-16095, as follows:  
**Emergency Shelter**

**Grant, and** There was presented Mayor and Council Communication No. G-16095, dated  
**HOPWA Programs** April 1, 2008, from the City Manager recommending that the City Council  
conduct a public hearing to allow citizen input and consideration of the 2008-  
2009 Action Plan for use of federal grant funds from the United States  
Department of Housing and Urban Development under the Community  
Development Block Grant, HOME Investment Partnerships Grant, Emergency

Shelter Grant, American Dream Down Payment Initiative, and Housing Opportunities for Persons with AIDS programs; approve the City's 2008-2009 Action Plan for submission to the United States Department of Housing and Urban Development, including allocations of above-listed grant funds to particular programs and activities; authorize the use of \$350,000.00 in estimated program income for Community Development Block Grant repayments, interest earned, and Revolving Loan Funds; authorize the use of \$1,168,023.00 in estimated program income from HOME repayments and interest earned; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Grants Fund in the amount of \$12,208,988.00 (\$6,614,078.00 in Community Development Block Grant funds; \$350,000.00 in Community Development Block Grant program income; \$2,894,893.00 in HOME Investment Partnerships Grant funds; \$1,168,023.00 in HOME Investment Partnerships Grant program income; \$25,737.00 in American Dream Down Payment Initiative funds; \$293,257.00 in Emergency Shelter Grant funds; and \$863,000.00 in Housing Opportunities for Persons with AIDS funds), subject to receipt of the Consolidated Action Plan Grant from the U.S. Department of Housing and Urban Development, for the purpose of funding the City's Consolidated Action Plan; and apply indirect cost rates as applicable, for the Grants Fund, in accordance with the City's Administrative Regulations.

There being no one present in connection with the public hearing, Mayor Pro tem Hicks made a motion, seconded by Council Member Moss, that public hearing be closed, Mayor and Council Communication No. G-16095 be approved and Appropriation Ordinance No. 18044-04-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**G-16100  
Ord. No. 18045-04-  
2008  
Use Proceeds from  
Sale of General  
Purpose Bonds,  
Series 2007, to Fund  
Projects in 2004  
Bond Program**

There was presented Mayor and Council Communication No. G-16100 from the City Manager recommending that the City Council adopt an appropriation ordinance increasing estimated receipts and appropriations in the Street Improvement Fund in the amount of \$50,000,000.00 from proceeds from the sale of General Purpose Bonds, Series 2007, for the purpose of funding street and storm water improvements in 2004 Bond Program as follows:

Proposition 1 - Street and Storm Sewer	
Improvements	<u>\$50,000,000.00</u>
Total 2007 Series	\$50,000,000.00

Council Member Silcox made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16100 be approved and Appropriation Ordinance No. 18045-04-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**G-16101  
Ord. No. 18046-04-  
2008  
Use Proceeds from  
Sale of General  
Purpose Bonds,  
Series 2007, to Fund  
Projects in 2004  
Bond Program**

There was presented Mayor and Council Communication No. G-16101 from the City Manager recommending that the City Council adopt an appropriation ordinance increasing estimated receipts and appropriations in the amount of \$53,435,000.00 in the Street Improvements Fund, \$8,000,000.00 in the Street Light and Signal Improvement Fund, \$8,670,000.00 in the New Development Fund, \$400,000.00 in the Library Improvement Fund, \$15,000,000.00 in the Park Improvement Fund, \$12,635,000.00 in the Fire Improvement Fund, \$1,195,000.00 in the ITS Improvement Fund, and \$665,000.00 in the Animal Shelter Improvement Fund from the sale of General Purpose Bonds, Series 2007A for the purpose of funding Capital Improvement Programs as follows:

Proposition 1 - Street and Storm Sewer Improvements	\$ 70,105,000.00
Proposition 2 - Parks, Recreation and Community Services Improvements	\$ 15,000,000.00
Proposition 3 - Library System Improvements	\$ 400,000.00
Proposition 4 - Fire Safety Improvements	\$ 12,635,000.00
Proposition 5 - Telecommunications System Improvements	\$ 1,195,000.00
Proposition 6 - Public Health Facilities Improvements	<u>\$ 665,000.00</u>
Total 2007A Series	\$100,000,000.00

Council Member Silcox made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. G-16101 be approved and Appropriation Ordinance No. 18046-04-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**G-16102  
Ord. No. 18047-04-  
2008  
Settlement of Claim  
in Lawsuit Entitled  
Johnny Lee  
Cummings v. City of  
Fort Worth, in the  
United States  
District Court for  
Northern District of  
Texas Fort Worth  
Division, Civil  
Action No.  
4:05-CV-698-Y**

There was presented Mayor and Council Communication No. G-16102 from the City Manager recommending that the City Council adopt a supplemental appropriation ordinance increasing appropriations in the Risk Management Fund in the amount of \$400,000.00 and decreasing the unreserved, undesignated fund balance by the same amount, for the purpose of funding the settlement of lawsuit entitled Johnny Lee Cummings v. City of Fort Worth, Texas, Civil Action No. 4:05-CV-698-Y; and authorize the payment of \$400,000.00 to Johnny Lee Cummings with the check made payable to Johnny Lee Cummings and the Law Offices of Art Brender for the settlement of the lawsuit Johnny Lee Cummings v. City of Fort Worth, Texas, Civil Action No. 4:05-CV-698-Y.

**CITY OF FORT WORTH, TEXAS  
REGULAR CITY COUNCIL MEETING  
APRIL 8, 2008  
PAGE 10 of 14**

---

Council Member Silcox made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16102 be approved and Supplemental Appropriation Ordinance No. 18047-04-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**G-16103  
Transfer Funds to  
Increase General  
Fund Unreserved,  
Undesignated Fund  
Continued Until  
April 15, 2008**

It was the consensus of the City Council that Mayor and Council Communication No. G-16103, Authorize the Transfer of Funds from the Contract Street Maintenance Fund for the Purpose of Increasing the General Fund Unreserved, Undesignated Fund, be continued until the April 15, 2008, Council meeting.

**G-16104  
Amend FY 2008  
Budget  
Appropriation  
Ordinance No.  
17749-09-2007 –  
Continued Until  
April 15, 2008**

It was the consensus of the City Council that Mayor and Council Communication No. G-16104, Adopt the Attached Appropriation Ordinance Amending the FY 2008 Budget Appropriation Ordinance No. 17749-09-2007 for the Purpose of Improving the Projected, Unreserved, Undesignated General Fund Balance, be continued until the April 15, 2007, Council meeting.

**G-16105  
Ord. No. 18048-04-  
2008  
Fund FitFuture  
Kids Fest**

There was presented Mayor and Council Communication No. G-16105 from the City Manager recommending that the City Council adopt an appropriation ordinance increasing estimated receipts and appropriations in the Special Trust Fund in an amount up to \$50,000.00 contingent on receipt of funds for the purpose of funding FitFuture KIDS Fest on October 11, 2008, at Will Rogers Memorial Center; authorize the use of this money in promotion and execution of the FitFuture KIDS Fest; and waive any indirect costs to allow maximum use of funds toward delivery of this community event.

Council Member Scarth made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. G-16105 be approved and Appropriation Ordinance No. 18048-04-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**G-16106  
Ord. No. 18049-04-  
2008  
Accept Grant for  
Alliance Runway  
Extension Project at  
Fort Worth Alliance  
Airport**

There was presented Mayor and Council Communication No. G-16106 from the City Manager recommending that the City Council authorize the City Manager to apply for and accept, if awarded, a grant from the Federal Aviation Administration in the amount up to \$20,000,000.00 for Phase IX of the Runway Extension Project at Fort Worth Alliance Airport; authorize the use of land credits in the amount up to \$1,052,631.58 for the City's in-kind local match of 5 percent of the project cost; and adopt an appropriation ordinance increasing

estimated receipts and appropriations in the Airports Grant Fund in the amount of \$21,052,631.58, subject to receipt to the grant from the Federal Aviation Administration, for the purpose of funding the Alliance Runway Extension Project at Fort Worth Alliance Airport.

Council Member Espino made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. G-16106 be approved and Appropriation Ordinance No. 18049-04-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**C-22730**  
**Barnett Gathering,**  
**LP**

There was presented Mayor and Council Communication No. C-22730, dated March 25, 2008, from the City Manager recommending that the City Council authorize the City Manager to execute a Public Right-of-Way Use Agreement with Barnett Gathering, LP, that grants Barnett Gathering, LP, a license to use certain public rights-of-way of the City of Fort Worth for the purpose of constructing, maintaining and operating natural gas pipelines which will cross Sycamore School Road, Cunningham Road, Risinger Road and Hemphill Street.

Council Member Jordan asked if this provided the Council the greatest leeway in the negotiations of these right-of-ways with this firm and company.

City Attorney Yett responded affirmatively and stated that staff recommended approval of the right-of-way use agreement. He added that staff believed that this mechanism for granting right-of-way use rights to pipeline companies gave the City the most leverage to work with the companies on routing issues, relocation issues and other issues.

Council Member Jordan made a motion, seconded by Mayor Pro tem Hicks, that Mayor and Council Communication No. C-22730 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**C-22740**  
**Amend Water**  
**Agreement - Aqua**  
**Utilities, Inc., and**  
**Resort at Eagle**  
**Mountain Lake,**  
**L.P. - Withdrawn**  
**from Consideration**

It was the consensus of the City Council that Mayor and Council Communication No. C-22740, dated April 1, 2008, Authorize Extension and Amendment of a Water Agreement with Aqua Utilities, Inc., and the Resort at Eagle Mountain Lake, L.P., for the City to Sell Treated Water on a Temporary Basis for the Resort on Eagle Mountain Lake, be withdrawn from consideration.

**C-22740 Revised  
Amend Water  
Agreement - Aqua  
Utilities, Inc., and  
Resort at Eagle  
Mountain Lake,  
L.P.**

There was presented Mayor and Council Communication No. C-22740 Revised from the City Manager recommending that the City Council authorize the City Manager to execute an amendment of a water agreement among the City, Aqua Utilities, Inc., and the Resort at Eagle Mountain Lake, L.P., for the City to sell the treated water on a temporary basis for the Resort on Eagle Mountain Lake.

Council Member Burdette made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. C-22740 Revised be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**C-22743  
Healthcare Data  
Management, Inc. –  
Withdrawn from  
Consideration**

It was the consensus of the City Council that Mayor and Council Communication No. C-22743, dated April 1, 2008, Authorize Execution of a Contract with Healthcare Data Management, Inc., to Conduct an Audit of the Claims Payment Functions and Performance of the City's Self-Funded Group Health Benefit Plan, be withdrawn from consideration.

**C-22743 Revised  
Healthcare Data  
Management, Inc.**

There was presented Mayor and Council Communication No. C-22743 Revised from the City Manager recommending that the City Council authorize the City Manager to execute a contract with Healthcare Data Management, Inc., to conduct an audit of the claims payment functions and performance of the City's self-funded group health benefit plan for an amount not to exceed \$100,000.00, plus travel expenses.

Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-22743 Revised be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**C-22750  
James H. and  
Leanna Jaubert**

There was presented Mayor and Council Communication No. C-22750 from the City Manager recommending that the City Council authorize the City Manager to enter into a five-year Tax Abatement Agreement with James H. and Leanna Jaubert for the property located at 5133 Pinson Street in the Stop Six Neighborhood Empowerment Zone (NEZ) in accordance with the NEZ Tax Abatement Policy and Basic Incentives; and find that the statements set forth in the recitals of the Tax Abatement Agreement with James H. and Leanna Jaubert, are true and correct.

Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-22750 be approved. The motion carried eight (8) ayes to one (1) nay, with Council Member Silcox casting the dissenting vote.

**C-22751**  
**Ord. No. 18050-04-**  
**2008**  
**Change Order No. 3**  
**to CSC No. 34222 -**  
**Johnson Controls,**  
**Inc.**

There was presented Mayor and Council Communication No. C-22751 from the City Manager recommending that the City Council authorize the transfer of funds from the Public Events Fund to the Specially Funded Capital Projects Fund in the amount of \$117,013.00; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Capital Projects Fund in the amount of \$117,013.00 from available funds for the purpose of executing Change Order No. 3 to the Contract Amendment No. 2 to the Construction Phase III of the City's Energy Savings Performance Contract with Johnson Controls, Inc.; and authorize the City Manager to execute Change Order No. 3 to City Secretary Contract No. 34222 with Johnson Controls, Inc., to construct Phase III of the City's Energy Savings Performance Contract in the amount of \$117,013.00, thereby increasing the total contract to \$5,319,330.00.

Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-22751 be approved and Appropriation Ordinance No. 18050-04-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**C-22752**  
**Change Order No. 1**  
**to CSC No. 34893 -**  
**Thos. S. Byrne, Ltd.**

There was presented Mayor and Council Communication No. C-22752 from the City Manager recommending that the City Council authorize the City Manager to execute Change Order No. 1 to City Secretary Contract No. 34893 with Thos. S. Byrne, Ltd., for the Ella M. Shamblee Branch Library in the amount of \$117,309.00, thus increasing the contract amount to \$3,404,789.00.

Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-22752 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**C-22753**  
**The Waters**  
**Consulting Group,**  
**Inc.**

There was presented Mayor and Council Communication No. C-22753 from the City Manager recommending that the City Council authorize the City Manager to execute a professional services agreement with The Waters Consulting Group, Inc., in the amount of \$120,000.00 (\$65,000.00 Municipal Courts and \$55,000.00 for Housing) to perform abbreviated Sunset Reviews for the Municipal Courts and Housing Departments.

Council Member Silcox made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-22753 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**Agenda Item XV**  
**Citizen**  
**Presentations**  
**Jack Tarasar**

City Secretary Hendrix advised that Mr. Jack Tarasar, 730 Heights Drive, had notified the City that he would not appear before Council this evening relative to corruption in the Code Compliance Department.

**CITY OF FORT WORTH, TEXAS  
REGULAR CITY COUNCIL MEETING  
APRIL 8, 2008  
PAGE 14 of 14**

---

**Jim Ashford** Mr. Jim Ashford, 6209 Riverview Circle, appeared before Council relative to gas drilling as it pertained to ambient noise level and protected uses. He provided a handout to the Council that contained documents between him and City staff and other agencies that were germane to his presentation.

**Grayson Harper** Mr. Grayson Harper, 3605 Bellaire Drive South, appeared before Council relative to the Council endorsing a resolution for the impeachment of the President and Vice President of the United States. He advised that 86 towns in the country had endorsed resolutions for the impeachment and pointed out that more than half of the taxes paid by citizens of the United States were used to pay for the war in Iraq. He asserted that the Council did not have a conscience relative to a decision to not become involved through the endorsement of an impeachment resolution.

**Diane Wood** Ms. Diane Wood, 2308 Aster Avenue, also appeared before the Council to request their support of a resolution to impeach the President and Vice President of the United States. She stated that the President and Vice President had misled citizens about the war in Iraq and that today's society was a society that did not value human life. She also addressed the Council on issues relative to gas drilling and its affect on the environment. She requested the Council impose a moratorium on gas drilling for one year within the City to allow for more studies to be performed on gas drilling and its impact on the environment.

Mayor Moncrief responded by stating that the Council was very sensitive to gas drilling issues and continued to evaluate the products and tools to protect everyone involved. He advised that the City would continue to change the ordinance as necessary to ensure safety issues. He emphasized that the Council meeting was an open forum and anyone could address the Council on any issue provided they complied with Council rules to not verbally attack the Council or members of the staff. He added that assertions that the Council or staff did not have a conscience was in error and that just because the Council might not agree with citizen requests, did not mean the Council did not have a conscience.

**Agenda Item XVII  
Adjournment** There being no further business, the meeting was adjourned at 7:50 p.m.