

CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
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Agenda Item V
Special
Presentations
(Continued)

Council Member Burns presented a Proclamation for Arbor Day to Ms. Melinda Adams, City Forester, Parks and Community Services Department. Mr. Courtney Blevins, Regional Forester for the Texas Forest Service, presented the City with its 29th consecutive Tree City USA banner. Mr. Blevins pointed out that the City of Fort Worth had received this honor longer than any other Texas city.

Ms. Sondra Hawkins, Managing Director of the Southwest Region for the Ad Council, presented Certificates of Appreciation to the City in recognition for the City's support for the Childhood Obesity Campaign. The certificates were accepted by Mayor Moncrief and Mayor Pro tem Hicks on behalf of the City.

Agenda Item VI
Announcements

Council Member Espino announced that on April 26, 2008, beginning at 8:30 a.m., the Latinos Unidos, a non-profit organization dedicated to leadership development and community awareness, would host a breakfast at the Meadows Mexican Restaurant at 1549 N. Main. He added that the topic would be a District 2 and District 9 update. He also announced that at 12:00 noon the Harriet Creek Ranch area would have a Community Awareness Festival at the Cowboy Trail Pool.

Mayor Pro tem Hicks announced that the Third Annual Prairie Fest would be held on April 26, 2008, from 11:00 a.m. to 7:00 p.m. at 3400 View Street at the Tandy Hills Natural Area. She added there would be many events held and for more information to please visit www.tandyhills.org. She also expressed appreciation to Don Young for all his work in this event, all of the volunteers and to the City staff for their assistance.

Council Member Burns announced that tonight at 7:00 p.m. at the Fort Worth Police Department Central Division, 501 Jones Street, a Police Public Forum would be conducted to build a better dialog between the community and Police Department. He added that attendees would have the opportunity to learn about the latest projects and programs of the Police Department, ask questions and get feedback from Police officials. He also announced that on April 24-26, 2008, at 1519 Lipscomb Avenue, the Southside Preservation Hall Plant Sale would be held and encouraged everyone to buy some plants. He further announced that the ribbon cutting and open house for the Police Department Central Division at 501 Jones Street would be held on April 28, 2008, from 2:00 p.m. to 4:00 p.m. He also announced that today was Earth Day and stated that there would be a Clean Air Fair sponsored by the City's Environmental Management Department, April 25, 2008, from 11:00 a.m. to 2:30 p.m. on Main Street between 3rd Street and 4th Street. He added that attendees would be able to test drive hybrid and electric cars and various booths would be present for attendees to visit.

**Agenda Item VI
Announcements
(Continued)**

City Manager Fisseler announced that the Council Retreat would be held on April 24-25, 2008, at the Dallas/Fort Worth Marriott and Golf Club, 3300 Championship Parkway. He added that the first day would be dedicated to building Council/Staff relationships and the second day would be dedicated to the challenging budget year ahead.

Council Member Silcox reminded everyone that blowing grass clippings and leaves into the streets was punishable by a \$2,000.00 fine. He added that grass clippings and leaves clogged the drains and could create flooding during rain storms.

Council Member Jordan congratulated First Assistant City Manager Joe Paniagua and his staff on their emergency response efforts during the inclement weather on April 18, 2008. He stated that alarms were activated to warn citizens of impending weather conditions and avert some serious damage and expressed appreciation to the emergency response force. He also expressed appreciation to the radio and television media for providing coverage of the storm.

Mayor Moncrief stated that the storm looked like it was headed directly towards the center of the City and he encouraged residents to keep an eye on the weather. He encouraged residents to purchase a weather radio as an additional security measure.

**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 No. C-22757 be withdrawn from consideration and advised that a revised version of the M&C would be presented for the Council's consideration.

**Agenda Item IX
Consent Agenda**

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

**Agenda Item IX
OCS-1656
Claims**

M&C OCS-1656 - 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.

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**G-16112
Settlement of
Lawsuit Entitled
Xavier G. Sanchez
v. City of Fort
Worth, Texas,
Cause No.
141-224147-07**

M&C G-16112 - Approving the settlement of the lawsuit entitled Xavier G. Sanchez v. City of Fort Worth, Texas, Cause No. 141-224147-07; authorizing the payment of \$66,000.00 to Xavier Sanchez and the law firm of Friedman & Feiger, LLP, in full and complete settlement of the referenced suit; and authorizing the appropriate City personnel to execute any releases and agreements necessary to complete the settlement.

**G-16113
Pay Relocation
and Moving
Expenses for
Right-of-Way for
Southwest
Parkway Project**

M&C G-16113 - Authorizing the additional payment of relocation and moving expenses to Lesikar Construction Company, up to \$31,000.00, as a displaced business, from 4359 West Vickery Boulevard, in the Vickery Corridor, Parcel No. 84-A1 for Right-of-Way for the Southwest Parkway Project (DOE 3777).

**G-16114
Ord. No. 18059-
04-2008
Accept Grant to
Provide
Immunization
Outreach to
Community from
September 1,
2008, to August
31, 2009**

M&C G-16114 - Authorizing the City Manager to apply for and accept, if awarded, a grant from the Texas Department of State Health Services for up to \$100,000.00 to be used to increase immunization levels in birth to 18 year old children and provide awareness and education at the community level, from September 1, 2008, to August 31, 2009; authorizing execution of a grant contract with Texas Department of State Health Services for the period September 1, 2008, through August 31, 2009; waiving indirect costs of 17.59 percent of related salary and fringe benefits which are the most recent rates indicated by the Finance Department; authorizing a non-interest bearing interfund loan from the General Fund to the Grants Fund in the amount of \$25,000.00 for the interim financing of this grant pending contract execution to provide for a smooth transition from one grant funding to the next; and adopting Appropriation Ordinance No. 18059-04-2008 increasing estimated receipts and appropriations in the Grants Fund in an amount up to \$100,000.00, subject to receipt of the grant from the Texas Department of State Health Services, for the purpose of funding the Public Health Department Immunization Outreach to the community from September 1, 2008, to August 31, 2009.

**P-10773
Reject Sole
Proposal for
Automated Fire
Supply
Warehouse
Inventory System**

M&C P-10773 - Rejecting the sole proposal received in response to the Fire Department Automated Fire Supply Warehouse Inventory System Request for Proposals 07-0260.

- P-10774**
Carpet Cleaning and Emergency Restoration Services
- M&C P-10774 - Authorizing a purchase agreement for carpet cleaning and emergency restoration services with American Carpet Care for the City of Fort Worth based on overall low bid, with payment due 30 days from receipt of an invoice.
- P-10775**
Publication of Official Notices
- M&C P-10775 - Authorizing a purchase agreement with the Fort Worth Star-Telegram for the publication of official notices and recognizing the Fort Worth Star-Telegram as the City of Fort Worth Official Newspaper.
- L-14510**
Accept Land Donation for Construction of Public Road Named Container Way
- M&C L-14510 - Authorizing the acceptance of a land donation of 2.46 acres described as a portion of Greenberry Overton Survey, Abstract No. 1185, Tarrant County, Texas, from AIL Investment, L.P., and Westport Park No. 20, LTD, needed to construct, maintain, repair and reconstruct a public roadway named Container Way in north Fort Worth, for future development of the Alliance Westport Addition, and install, use, operate, maintain and repair underground water, sanitary sewer and storm drainage facilities for properties located south of Intermodal Parkway; and authorizing the acceptance and recording of appropriate instruments (DOE 5852).
- L-14511**
Convey Electric Utility Easement to Serve Botanic Garden
- M&C L-14511 - Authorizing the conveyance of one Electric Utility Easement described as a portion of Thomas White Survey, Abstract No. 1636, Fort Worth, Tarrant County, Texas, to Oncor Electric Delivery Company, required for the construction, installation, operation, maintenance, upgrade and repair of an electric distribution system, and its appurtenances, to serve the new conservation greenhouse at the Fort Worth Botanic Garden (DOE 4012).
- L-14512**
Acquire Permanent Sanitary Sewer Easement and Water Reclamation Facility Easement and Ingress and Egress Easement
- M&C L-14512 - Approving the acquisition of one Permanent Sanitary Sewer and Water Reclamation Facility Easement, and one 15-foot Ingress and Egress Easement described as a portion of the M.C. Mouton Survey, Abstract No. 934, and the John Kelsey Survey, Abstract No. 782, Fort Worth Extraterritorial Jurisdiction, Parker County, Texas, from Robin Arena located in west Fort Worth required for the construction of sewer infrastructure improvements of Phase 2 of the Walsh Ranch Sanitary Sewer Extension; finding that the price offered in the amount of \$94,734.00, plus an estimated closing cost of \$2,000.00, is just compensation; and authorizing the acceptance and recording of appropriate instruments (DOE 4161).

L-14513
Water Pipeline
Crossing License
Agreement to
Install Water
Pipeline for
Westport 20
Infrastructure
Rail Station

M&C L-14513 - Authorizing the City Manager to execute a Water Pipeline Crossing License Agreement necessary to support the installation and maintenance of a 16-inch water pipeline encased in a 30-inch steel casing for the purpose of supporting the transmission of water to the Westport 20 site located at the Intermodal Parkway and Farm to Market Road 156, with a 25-year term at no cost to the City. The water pipeline will be located at 430 feet south of the intersection of Burlington Northern Santa Fe Railroad at John Day Road and 1150 feet west of Keller-Haslet North, Fort Worth, Texas, Line Segment 7500, Milepost 362.29 in the Alliance Industrial District (DOE 5863), Tracking No. 07-35399. Burlington Northern Santa Fe Railroad has accepted the City's Certificate of Self-Insurance. The developer will incur all costs associated for this agreement.

L-14514
Pipeline Crossing
Agreement to
Install Sanitary
Sewer Pipeline
near Downtown
Fort Worth

M&C L-14514 - Authorizing the City Manager to execute a Pipeline Crossing License Agreement for installation and maintenance of a 24-inch sanitary sewer pipeline with a 42-inch encasing located at Milepost 612.8 near Downtown Fort Worth, and part of the East 7th Street Deep Tunnel Sanitary Sewer Part I Project, which is located in the Duncan Subdivision, Fort Worth, Tarrant County, Texas (DOE 4009), with a 25-year term at a one-time cost of \$3,316.00. Union Pacific Railroad has accepted the City's Certificate of Self-Insurance. The City will incur the indicated costs associated with this License Agreement.

C-22768
Dan Blagg

M&C C-22768 - Authorizing the City Manager to execute an encroachment agreement with Mr. Dan Blagg for the installation of a covered pedestrian ramp along Hampton Street right-of-way in order to service the building located at 109 Hampton.

C-22769
Slavin
Management
Consultants

M&C C-22769 - Authorizing the City Manager to execute a contract with Slavin Management Consultants, for executive search consultant services for the recruitment and selection of a Police Chief and a Transportation and Public Works Director. The Police Chief search will be performed for an amount not to exceed \$13,810.00 for professional services and \$9,214.50 for related expenses and advertising. The Transportation and Public Works Director search will be performed for an amount not to exceed \$12,910.00 for professional services and \$9,214.50 for related expenses and advertising.

- C-22770**
Ord. No. 18060-04-2008
University of North Texas Health Science Center at Fort Worth
- M&C C-22770 - Authorizing the City Manager to enter into an agreement with the University of North Texas Health Science Center at Fort Worth to accept and receive grant funds from the State of Texas in the total amount of \$675,000.00 over two years beginning September 1, 2007; and adopting Appropriation Ordinance No. 18060-04-2008 increasing estimated receipts and appropriations in the Grants Fund in the amount of \$675,000.00 upon receipt of the grant funds from the State of Texas for the purpose of funding Guinn Elementary School renovations and TECH Fort Worth programming funding.
- C-22771**
Ord. No. 18061-04-2008
Amendment No. 2 to CSC No. 35845 - Freese and Nichols, Inc.
- M&C C-22771 - Adopting Appropriation Ordinance No. 18061-04-2008 increasing estimated receipts and appropriations in the Specially Funded Capital Projects Fund in the amount of \$36,700.00 from available funds for the purpose of executing Amendment No. 2 to City Secretary Contract No. 35845 with Freese and Nichols, Inc., for the design of the Citizen Drop-Off Station at 6250 Old Hemphill Road; and authorizing the City Manager to execute Amendment No. 2, in the amount of \$36,640.00, to City Secretary Contract No. 35845 with Freese and Nichols, Inc., for design and construction administration services for the Citizen Drop-Off Station at 6250 Old Hemphill Road (the Southside Drop-Off Station) for a total contract price of \$184,616.00.
- C-22772**
Change Order No. 1 to CSC No. 35226 - McClendon Construction Company, Inc.
- M&C C-22772 - Authorizing the City Manager to execute Change Order No. 1 to City Secretary Contract No. 35226, a construction contract with McClendon Construction Company, Inc., for pavement reconstruction and water and sanitary sewer replacements on Wimbleton Way and Wales Court (Project No. 00164) in the amount of \$43,909.00 thereby revising the original contract amount to \$758,865.05.
- C-22773**
South Forks River Mitigation Group 1, LP
- M&C C-22773 - Executing a Credit Sales Agreement with South Forks River Mitigation Group 1, LP (SFTRMG1), for the purchase of two and one tenths credits for off-site wetland mitigation to satisfy the City's obligation to mitigate impacts to U.S. Army Corps of Engineers jurisdictional wetlands in conjunction with the M-244B Emergency Sanitary Sewer Rehabilitation Project (DOE 5736); and approving the expenditure of \$52,888.00 for the purchase of two and one tenths credit for offsite wetland mitigation with SFTRMG1.
- C-22774**
Reject Bids and Authorize New Invitation to Bid for Sidewalk, Irrigation and Street Lighting Improvements
- M&C C-22774 - Rejecting all bids received for sidewalk, irrigation and street lighting improvements for portions of Arborlawn Drive and Bellaire Drive; and authorizing readvertising the project for bid at the earliest possible date.

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- C-22775
Tarrant County
Criminal District
Attorney** M&C C-22775 - Authorizing the City Manager to ratify execution of an agreement with the Tarrant County Criminal District Attorney to establish guidelines and procedures to regulate the distribution of property and money seized under this agreement; authorizing the agreement to begin February 29, 2008, and to remain in effect through February 28, 2009, and to renew automatically for one year periods indefinitely unless it is modified, updated or terminated in writing, by either party; and ratifying all expenditures made and revenues collected under this agreement.
- C-22776
Texas Department
of Public Safety** M&C C-22776 - Authorizing the City Manager to execute a Memorandum of Understanding (MOU) with the Texas Department of Public Safety to participate in the Texas Data Exchange (TDEx) Program whereby participating agencies submit and/or retrieve criminal justice incident data and other criminal data from the TDEx database; and authorizing the MOU to become effective on the date of signing of the MOU by both parties and remain in effect until terminated by written notice of either party 30 days prior to discontinuing service or participation in the TDEx system.
- C-22777
IBM Corporation** M&C C-22777 - Authorizing the City Manager to execute a renewal agreement for a Software Maintenance contract with IBM Corporation, a sole source vendor for \$45,295.24, for the Water Department's Maintenance Management System; and authorizing this agreement to begin on April 1, 2008, and expire on March 31, 2009, with the option to renew for two subsequent years.
- C-22778
Amendment No. 5
to CSC No. 29019
- Dunaway
Associates, Inc.** M&C C-22778 - Authorizing the City Manager to execute Amendment No. 5 to City Secretary Contract No. 29019 with Dunaway Associates, Inc., for Walsh Ranch Water Main Extension, Phase 1, in the amount of \$93,071.80 for additional engineering services, thereby increasing the contract amount to \$1,457,589.25.
- C-22779
Ord. No. 18062-
04-2008
Tarrant County** M&C C-22779 - Authorizing the City Manager to apply for and accept, if awarded, a grant from Tarrant County in an amount up to \$25,000.00 from the year 2008 Emergency Shelter Grant Program; authorizing the execution of a contract with Tarrant County for the Emergency Shelter Grant Program for the period of July 1, 2008, through June 30, 2009; authorizing the 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 \$25,000.00; waiving indirect costs associated with administration of this grant program; and adopting Appropriation Ordinance No. 18062-04-2008 increasing estimated receipts and appropriations in the Grants Fund in the amount of \$50,000.00 upon receipt of the year 2008 Emergency Shelter Grant from Tarrant County for the purpose of funding the 2008 Emergency Shelter Grant Program.

The motion carried. End of Consent Agenda.

Agenda Item X
Presentations by
City Council –
Appointments

Council Member Moss made a motion, seconded by Council Member Espino, that Ms. Valerie Wise be appointed to Place 5 on the Appeals Board effective April 22, 2008, and with a term expiring September 30, 2009. The motion carried unanimously nine (9) ayes to zero (0) nays.

Council Member Jordan made a motion, seconded by Council Member Burdette, that Mr. Kenneth Williams be appointed to Place 6 on the Community Development Council effective April 22, 2008, and with a term expiring October 1, 2008. The motion carried unanimously nine (9) ayes to zero (0) nays.

Agenda Item XI
Committee
Presentations

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

AGENDA ITEM XIII – REPORT OF THE CITY MANAGER

G-16115
Establish
Timetable for
Owner-Initiated
Annexation
(AX-08-004,
Meadow Glen
Estates MHP)

There was presented Mayor and Council Communication No. G-16115 from the City Manager recommending that the City Council approve the annexation timetable for proposed owner-initiated annexation of approximately 68.8 acres of land, or 0.108 square miles, more or less, located south of Timberland Boulevard and east of Old Denton Road, AX-08-004 Meadow Glen Estates MHP, in the Far North Sector, for full purposes in compliance with the requirements of Chapter 43 of the Local Government Code of the State of Texas; and direct staff to prepare a service plan that provides for the extension of full municipal services to the annexation area.

Council Member Espino made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. G-16115 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

G-16116
Ord. No. 18063-04-
2008
Extend
Moratorium on
Acceptance of
Applications for
Salt Water
Disposal Wells

There was presented Mayor and Council Communication No. G-16116 from the City Manager recommending that the City Council adopt an ordinance extending the moratorium on the acceptance of applications for salt water disposal wells pending consideration of revised regulations regarding salt water disposal wells as regulated by Article II, Chapter 15 of the City Code, regarding Gas Drilling and Production.

Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. G-16116 be approved and Ordinance No. 18063-04-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

Jon Fulton

Mr. Jon Fulton, 3544 South Drive, appeared before Council in support of the moratorium extension. He stated that there was some question as to the use of chromium 6 in the pipelines and drilling processes and added that until such time as there was information available on how much was being used and the possible danger to citizens, the City should not allow the gas drilling companies to keep the gray water that might seep into the drinking water and create a danger for the citizens. He asked if the results of the Gas Well Task Force had been released to the public.

Mayor Moncrief stated that this issue was not an assignment to the Gas Well Task Force and that another work group comprised of City staff and industry representatives were working on a recommendation to present to the Council. He advised that Mr. Fulton's concern would be added to the list of concerns on the staff report.

G-16117
Ord. No. 18064-04-
2008
Ord. No. 18065-04-
2008
Transfer Funds for
Street
Improvements

There was presented Mayor and Council Communication No. G-16117 from the City Manager recommending that the City Council adopt an appropriation ordinance increasing estimated receipts and appropriations in the Capital Projects Reserve Fund in the amount of \$2,522,395.94 from Gas Well Revenues for the purpose of transferring said funds to the Transportation and Public Works Gas Well Revenue Funds for street improvements; approve the transfer of \$2,522,395.94 from the Capital Projects Reserve Fund to the Transportation and Public Works Gas Well Revenue Fund; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Special Gifts Fund (Gas Well Bonus Revenues from Library properties) in the amount of \$8,190.46 from Gas Well Revenues, for the purpose of transferring said funds to the Transportation and Public Works Gas Well Revenue Funds for street improvements; approve the transfer of \$8,190.46 from the Special Gifts Fund to the Transportation and Public Works Gas Well Revenue Fund; approve the transfer of \$503,196.35 from the Transportation and Public Works Gas Well Revenues Fund - Unspecified Project Center to the Transportation and Public Works Gas Well Revenues Fund Unrestricted Revenues Unspecified Center; and authorize the use of current unrestricted revenues from the Transportation and Public Works Gas Well Revenues Fund - Unrestricted Revenues Unspecified Center and the deposit of future unrestricted gas well revenues into same account over the next few years in a total amount not to exceed \$15,000,000.00 to earmark for street improvements.

Council Member Silcox made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. G-16117 be approved and Appropriation Ordinance Nos. 18064-04-2008 and 18065-04-2008 be adopted.

G-16117
2008
Transfer Funds for
Street
Improvements
(Continued)

Council Member Silcox stated that he would like to provide more explanation on this agenda item. He advised of the upcoming bond election in the amount of \$150,000,000.00 to fund street projects. He talked about discussions held that this was not enough money to do all of the street work necessary in the City. He provided information on the total amount of revenues to be generated from the gas wells and how much of that amount would really be realized as incoming revenue to the City. He pointed out that it was estimated that available right now and over the next five years there would be \$3,000,000.00 per year from the gas well revenues over and above the bond election monies that had been identified for use for the City's streets. He advised of the benefits of that funding on a "cash as you go" basis and that the City would receive more benefits with those dollars as compared to the bond dollars where interest has to be paid and the bonds paid off over a period of time.

Mayor Pro tem Hicks stated that many of the Council Members were representatives of fast growing suburban areas and the central city. She advised that District 8 and District 9 had a lot of neighborhoods who had not received new streets in 40 or 50 years. She added that there was tremendous growth towards the Burleson area and advised of the serious need of arterial roads in that location. She asked City Manager Fisseler if some of the funds would go to enhanced Community Facility Agreements (CFAs).

City Manager Fisseler responded affirmatively and advised that each of the projects would come back before the Council for approval before the funds were applied to the project. He added that the City's plan was to ensure these dollars go as far as possible through cash financing and enhanced CFAs and regular CFAs as an overall street strategy to try and rebuild the City's infrastructure.

Council Member Espino concurred with Council Member Silcox's comments relative to the first transfer of the \$3 million from the \$15 million. He reminded everyone that in last year's critical capital needs, the City provided \$50 million for neighborhood streets and in the proposed Bond program an additional \$33 to \$35 million was proposed for neighborhood streets and funding for arterial streets in the amount of \$80,000,000.00 plus. He provided the large funding amounts that would be necessary to address of the City's infrastructure needs. He added that there were infrastructure challenges that would require a combination of more frequent bond programs, using gas revenues and looking at other ways to be innovative on how the City funds the City's roads. He referenced an item later on the agenda relative to using transportation impact fees and the possibility of that being a tool to fund streets in the City.

G-16117
2008
Transfer Funds for
Street
Improvements
(Continued)

Council Member Silcox advised that the public needed to understand that the cost of living was constantly going up and pointed out that in 2004 the cost to build a roadway was approximately \$500,000.00 a lane mile; the summer of 2007, it was \$700,000.00, in 2008 it was approximately \$800,000.00 and in 2010 the cost was projected to be approximately \$1 million. He pointed out that this was a 100 percent increase in just six years to build City streets and that the \$3 million would not even build four miles of roadway. He advised that the cost was one of the reasons the City was not building streets as quickly as the public wanted as the cost had become prohibitive. He added that the streets would be built, just not as fast as the public wanted the streets to be built.

Mayor Moncrief expressed appreciation to the Council for their support of this initiative. He also commended the efforts of City Manager Fisseler and City staff for coming up with this option to address this on-going challenge.

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

G-16118
Revised Green Fee
Rate Structure for
Municipal Golf
Courses

There was presented Mayor and Council Communication No. G-16118 from the City Manager recommending that the City Council authorize the City Manager to implement green fee rate adjustments for the municipal golf courses to become effective May 1, 2008.

Council Member Jordan acknowledged the presence of Mr. Don Doyle, his appointee to the Golf Advisory Committee, in the audience.

Council Member Silcox made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16118 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

G-16119
Accept Donation of
Shadecloth Shelter
for Trinity Park

There was presented Mayor and Council Communication No. G-16119 from the City Manager recommending that the City Council accept a donation of one shadecloth shelter for Trinity Park valued at \$15,000.00 from Mayfest, Inc.

At the request of Council Member Burns, Ms. Patti Cox, Mayfest Managing Director, and Ms. Judy Johnson, Mayfest Festival Co-Chair, advised that this was the third shelter donated for the festival and this year the shelter would be used for the children's area for various activities. They expressed appreciation to Streams and Valleys for their help in funding the donation.

Council Member Burns made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. G-16119 be approved with appreciation. The motion carried unanimously nine (9) ayes to zero (0) nays.

**Public Hearing
G-16120
Amend Master
Thoroughfare
Plan, MT-08-001,
to Realign Future
Summer Creek
Drive**

It appeared that the City Council set today as the date for a public hearing to adopt the proposed amendment to the Master Thoroughfare Plan, MT-08-001, to realign future Summer Creek Drive to the west from just north of the intersection with future McPherson Boulevard to a point approximately 600 feet south of Risinger Road. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Mr. Mark Rauscher, Planning and Development Manager for the Transportation and Public Works Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. G-16120, as follows:

There was presented Mayor and Council Communication No. G-16120 from the City Manager recommending that the City Council adopt the proposed amendment to the Master Thoroughfare Plan, MT-08-001, to realign future Summer Creek Drive to the west - by about 500 feet at the greatest point - from just north of the intersection with future McPherson Boulevard to a point approximately 600 feet south of Risinger Road.

Council Member Jordan asked Mr. Rauscher if the property owner who had concerns with this plan had been contacted to resolve his concerns. Mr. Rauscher stated that he had contacted the property owner this morning who advised that he was comfortable with moving forward with the plan as long as his concerns were addressed.

Council Member Jordan pointed out that this street was part of the bond package that would go forward to the voters on May 10, 2008, and the street would provide access to the new middle school being built in the area. He expressed concerns with the amount of money needed to build the streets and the time needed to have the roads built in time for the growth being experienced. He added that the Council had addressed this issue aggressively and explained how impact fees could be used to get the road built. He pointed out that the original road alignment went over a lake and in order to build the road a bridge would have to be built and there was no way to get the road built within the next two to three years without the assistance of the Corps of Engineers. He added that he appreciated the cooperation and partnership to move the road and that negotiations would be conducted to have the road alignment built sooner.

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Public Hearing
G-16120
(Continued)

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 Silcox, that the public hearing be closed and Mayor and Council Communication No. G-16120 be approved with the stipulation that the property owner's concerns be addressed. The motion carried unanimously nine (9) ayes to zero (0) nays.

At this time Mayor Moncrief requested that Fire Chief Rudy Jackson brief the Council and viewing audience on the events surrounding a fire at the Villa Supreme Apartments at 3860 Stalcup Road on April 4, 2008. Chief Jackson advised of the quick response time of fire units to the location and the efforts of two crews of firefighters who rescued three adults and one infant from the fire.

P-10776
Heavy-Duty
Trucks

There was presented Mayor and Council Communication No. P-10776 from the City Manager recommending that the City Council authorize the purchase of 12 new heavy-duty trucks as listed below from ATC Fort Worth Freightliner using Texas Procurement and Support Services (TPASS) Cooperative Contract for the Water and Transportation and Public Works (T/PW) Departments for a cost not to exceed \$1,086,287.00, with payments due within 30 days of receipt of the invoices:

<u>Qty. & Description</u>	<u>Department</u>	<u>Unit Price</u>	<u>Extended Total</u>
<u>TPASS 072-54, ATC Fort Worth</u>			
<u>Freightliner</u>			
1 ea. 32,000 GVWR Truck with Compressor & Options	Water		\$ 95,207.00
*2 ea. 32,000 GVWR Trucks with Compressor	Water	\$90,567.00	\$ 181,134.00
*6 ea. 60,000 GVWR Cab & Chassis for Dump Body	Water	\$89,994.00	\$ 539,964.00
*3 ea. 60,000 GVWR Cab & Chassis for Dump Body	T/PW	\$89,994.00	<u>\$ 269,982.00</u>
		Total	<u>\$1,086,287.00</u>

(Note: One of the trucks on Line No. 2, two of the trucks on Line No. 3 and two of the trucks on Line No. 4 identified with an asterisk (*) are additions to the City's fleet needed to meet the growing demands for services and new employment positions approved in the FY 2007-2008 adopted budget.)

Council Member Silcox made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. P-10776 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

L-14515
Convey Property
for Spinks Park
and Ride

There was presented Mayor and Council Communication No. L-14515 from the City Manager recommending that the City Council authorize the City Manager to convey to the Fort Worth Transportation Authority six acres of property located at 351 East Alsbury Boulevard known as Spinks Park and Ride, alternatively identified as the South Park and Ride.

Council Member Silcox made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. L-14515 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

L-14516
Acquire Property
for Meacham
International Noise
Mitigation
Program

There was presented Mayor and Council Communication No. L-14516 from the City Manager recommending that the City Council authorize the acquisition of one single-family residential property described as Lot 20, Block 4, Worth Hill Addition, located at 3400 Columbus Avenue on the west side of Meacham International Airport, Fort Worth, Texas, from property owner Maxamino Salas, for total just compensation in the amount of \$102,000.00, for the purpose of the Meacham International Airport Noise Mitigation Program; and authorize the City Manager to execute appropriate instruments for the conveyance of the property and record the necessary documents (DOE 5101).

Council Member Espino made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. L-14516 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

L-14517
Condemn
Properties for
Relocation of Fire
Station Number 5
in Evans and
Rosedale Urban
Village

There was presented Mayor and Council Communication No. L-14517 from the City Manager recommending that the City Council declare the necessity of taking an interest in eight parcels of land known as 806 Irma Street, Fort Worth, Tarrant County, Texas, owned by Stephen Murrin, Jr., Mary Caroline Murrin Dulle, and Frances Susan Murrin Pritchett for the relocation of Fire Station Number 5 in the Evans and Rosedale Urban Village (DOE 5485); and authorize the City Attorney to institute condemnation proceedings to acquire the interest in the land.

Mayor Pro tem Hicks made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. L-14517 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

PZ-2780
Ord. No. 18066-04-
2008
Alleys and Street
Vacation
(VA-07-025)

There was presented Mayor and Council Communication No. PZ-2780 from the City Manager recommending that the City Council adopt an ordinance vacating and extinguishing a portion of Bryan Avenue between East Allen Avenue and St. Joseph's Court and between remainders of Blocks 1 and 3, Saint Helena Addition, and portions of two alleys located in Blocks 1 and 3 of the Saint Helena Addition, Fort Worth, Texas; and waive any and all purchase fee value of the vacated land in accordance with City policy (M&C G-15624).

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Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. PZ-2780 be approved and Ordinance No. 18066-04-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**C-22757
Tarrant County -
Withdrawn from
Consideration**

It was the consensus of the City Council that Mayor and Council Communication No. C-22757, Authorize Execution of an Interlocal Agreement with Tarrant County for Roadwork on Midway Road, be withdrawn from consideration.

**C-22757 (Revised)
Tarrant County**

There was presented Mayor and Council Communication No. C-22757 Revised from the City Manager recommending that the City Council authorize the City Manager to execute an Interlocal Agreement with Tarrant County for the construction of roadwork on Midway Road in the amount of \$18,433.00.

Council Member Scarth made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-22757 Revised be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**C-22780
HNTB
Corporation**

There was presented Mayor and Council Communication No. C-22780 from the City Manager recommending that the City Council authorize the City Manager to execute an agreement with HNTB Corporation in the amount of \$967,435.00 to assist with North Central Texas Council of Governments Railroad Grant Projects.

Council Member Jordan made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-22780 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**Agenda Item XIV
Public Hearing to
Consider Adoption
of Transportation
Impact Fee
Ordinance**

It appeared that the City Council set today as the date for a public hearing to consider adoption of a Transportation Impact Fee ordinance. 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 and gave a staff report. Using a PowerPoint Presentation, she provided the schedule of the process regarding the development of the transportation impact fee policy and reviewed a chart showing the revenue/value neutral analysis and stated that the City staff and the Development Advisory Committee Technical Subcommittee determined that this value is roughly 27 percent of the average maximum assessable fee.

**Agenda Item XIV
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(Continued)**

She then reviewed a chart showing the estimated revenues/value showing a hypothetical comparison citywide for the years 2001 to 2007. The chart showed the dollar amount of \$65.4 million for Community Facility Agreements and compared those to the proposed impact fees in the amount of \$70.5 million. She then reviewed a map of the city limits showing the geographic smoothing, which was the proposed impact fee collection rate per single-family unit. She pointed out that Service Area D single-family dwelling unit would equal \$1,500.00 for the impact fee rate and the maximum amount in certain areas would be \$5,981.00. She also advised of the assessment and collection methodology, which was that the impact fee would be assessed at the time of plat approval by the City. The impact fee would be collected at the time of the building permit issuance. She also pointed out that the City cannot collect more than the maximum fee (based on land use assumptions and CIP that have been adopted). The City would adjust the collection amounts up to the maximum assessable fee.

Ms. Burghdoff continued the presentation and advised of the credits and vesting. She stated that the proposal included revisions of three issues and the City staff and the Development Advisory Committee (DAC) would like to see the Council's endorsement to incorporate those revisions into the proposed ordinance as follows:

Issue	Proposed Revisions Related to Vesting		DAC Technical Subcommittee Proposal
	Ordinance Recommended by CIAC	Staff Recommendation	
1. Timing of fee collection for plats approved prior to effective date.	All final platted property is exempt from fee collection for two years after effective date.	All final platted property is exempt from fee collection for greater of: <ul style="list-style-type: none"> •One year after effective date, or •Two years after final plat approval date. 	<ul style="list-style-type: none"> •Property platted more than five years prior to effective date is exempt from fee collection for one year after effective date. •Property platted within five years prior to effective date is exempt from fee collection for two years after effective date.

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Issue	Proposed Revisions Related to Vesting Continued		DAC Technical Subcommittee Proposal
	Ordinance Recommended by CIAC	Staff Recommendation	
2. Vesting of collection amount for plats approved after effective date.	Collection amount may only increase 10% over collection amount in place at time of plat approval.	<ul style="list-style-type: none"> •Within two years after plat approval, collection amount may not increase over collection amount in place at time of plat approval. •Beyond two years after plat approval, collection amount at time of building permit may increase (up to maximum amount) over collection amount in place at time of plat approval. 	<ul style="list-style-type: none"> •Within five years after plat approval, collection amount may only increase 10% over collection amount in place at time of plat approval. •Beyond five years after final plat approval, collection amount at time of building permit may increase (up to maximum amount) over collection amount in place at time of plat approval.
3. Definition of final plat approval for completion agreements.	Based on date completion agreement is executed.	Based on date final plat is executed (occurs after completion agreement is executed).	Same as staff recommendation.

Ms. Burghdoff concluded the presentation with a chart showing the Comprehensive Plan incentives policy; the effective date and update requirements for the proposed ordinance; and the appeal process.

Council Member Burdette referred to a portion of the briefing relative to Revenue/Value Neutral Analysis and asked if the impact fee of \$1,500.00 would be applied to each one of the 27 areas that had been studied.

Ms. Burghdoff stated that it would apply to all of the service areas where a fee would be collected, and referred to the yellow and orange areas on the presentation map.

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**Agenda Item XIV
Public Hearing
(Continued)**

**Tom Galbreath,
Jim Schell,
Danny Moss,
Charles Yost,
Jack Baxley,
Stephen Darrow,
Colleen Demel**

Mr. Tom Galbreath 1501 Merrimac Circle, Ste 100
(Represented Development Advisory Committee)
Mr. Jim Schell 901 Fort Worth Club Building
Mr. Danny Moss 6464 Brentwood Stair Road
Mr. Charles Yost 8975 Dickson
Mr. Jack Baxley 417 Fulton
(Represented Quoin Chapter Associated General Contractors)
Mr. Stephen Darrow 300 College Avenue
(Immediate Past President of the American Institute of Architects)
Ms. Colleen Demel 5500 Yellow Birch Drive
(Represented North Fort Worth Alliance)

Shirley Gansser

Ms. Shirley Gansser, 12316 Yellow Wood Drive, representing the Fort Worth League of Neighborhood Associations, spoke in support of the transportation impact fee ordinance and provided a list of pros and cons. The cons were as follows:

1. The directive from Council was to start this new ordinance and fee structure at a “revenue neutral” position.
 - a. If the current system got us in a \$1 billion hole, why would we want to implement a new system that does NOT correct this trend? It is not about using the system to pay for all of our infrastructure needs; we understand - it is one piece of the puzzle. But it at least needs to stop the continual “shortfall” that the current system has demonstrated.
 - b. The current proposal of 27.1 percent is not realistic calculation even to be neutral.
 - i. With all of the exceptions and credits that can be taken, the net number will be lower. This needs to be factored in.
 - ii. Additionally, certain areas of the City will be exempted which will lower the total amount collected.
2. Earlier calculations in the proposal were as high as 50 percent. While we understand that the Council has the right to review and raise the fees at a later date, once something is passed, it is rarely ever revisited. We need to take action now that will sustain us for the next few years until the chance of “re-evaluating” occurs.
3. The proposal gives the developer (or other person) up to two years after platting to permit. This is too long. It should be one year.

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(Continued)

Mayor Moncrief stated that no action would be taken today on this issue and that the proposed ordinance would come before the Council for consideration at the April 29, 2008, Council meeting.

Council Member Hicks stated that the Council heard from many speakers today and referred to an item earlier on the agenda (G-16117) that approved funding through the Barnett Shale that would help with infrastructure issues. She added that everyone on the Regional Transportation Council were very much aware of what was needed to leverage funds to help with issues in the western region. She pointed out that no one could predict the massive growth being experienced in the City and hoped that everyone was aware that the Council was looking at ways to address that growth.

Council Member Burdette pointed out that the City had road needs costing approximately \$1 billion plus need and of that amount, probably six to seven hundred million dollars of that was needed for new roads, arterials and bridges in the City. He addressed issues relative to CFAs, building new roads in new developments, the City's decision to not impose impact fees for the past 20 years and only recently working on the problem for the past three years, and the problems in Districts 2, 6 and 7 where the largest part of the City's growth was taking place. He advised of the daily e-mails he receives from citizens who were experiencing frustration with the construction of roads, and pointed out that Council would consider resolving that issue next week when the proposed ordinance was to be considered. He stated that he had no problem with adopting the ordinance; however, Schedule 2 entitled "Neutral Impact Revenue Value Analysis" was of concern and explained why he would not support the exhibit as part of the ordinance. He added that the growth the City had experienced created this problem because the City did not have a tool to help address the problem. He advised that waiting another six months to further study the problem did not keep the problem from growing. He pointed out that developers in the City would make sure they had their plats filed before the end of the study, which would add to the problem and he did not think the City could wait. He stated that the worse thing he saw about the revenue analysis was that after all this study to try and properly identify the various geographical areas where the impact was worse, the \$1,500.00 fee did absolutely nothing; it treated every area the same as the other, it did not grant any incentive to developers to try and develop in areas where the fee was lower, i.e., where structures were already in place to take care of the City's traffic which he thought was contrary to the Comprehensive Plan. He then asked why should the City adopt something that was totally ineffective if it would not raise any funds. He pointed out that the fees would be passed to the

Agenda Item XIV
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purchasers of the new homes who needed the roads. Council Member Burdette stated that the Council's failure to take effective steps now to curb this sprawling urban development, this uncontrolled leap frog development was adversely, and has already adversely, affected one founding principles of the Comprehensive Plan—to build sustainable neighborhoods. He urged his fellow Council Members to support the ordinance in developing the fee structure, but not to support Schedule 2, the flat fee neutral issue. He recommended that the Council adopt the ordinance next week and attach a schedule assessing a maximum fee of 40 percent in all of the 27 districts in accordance with Schedule 1. He added that the 40 percent would provide a little over \$104 million to work with instead of just \$70.5 million. He added that the 40 percent could be adjusted as needed after the study was completed.

Council Member Jordan stated that Council's intent was to put forward a process to implement impact fees and did not coin the phrase "revenue neutral." He added that the Council needed to look at results not revenues and if the private community could build roads cheaper, that was what needed to be done. He stated that his key words were "results positive" for implementing a policy that would get positive results on building more roads to developments in the City to build sustainable neighborhoods.

Mayor Moncrief expressed appreciation to City staff for all their work on the proposed ordinance for the Council's consideration. He added that although there was not a complete consensus of the Council on this issue, it was agreed that action on an impact fee ordinance would be taken at the April 29, 2008, Council meeting. He pointed out that he would support staff's recommendation across-the-board as a starting point as he did not think the \$1,500.00 was a realistic amount to address infrastructure needs. He added that the Council would also look at alternatives to obtain additional funding to support the quality of life in the City.

Agenda Item XV
Citizen
Presentations –
Cindy Crain

Mayor Moncrief recognized Ms. Cindy Crain, 1415 E. Lancaster, representing the Tarrant County Homeless Coalition, who completed a Citizen Presentation card to address the Council relative to the 10-Year Homelessness Plan; however, Ms. Crain was not present in the Council Chamber.

Agenda Item XVI
Executive Session

It was the consensus of the City Council that they recess into Executive Session at 12:48 p.m. to:

1. Seek the advice of its attorneys concerning the following pending or contemplated litigation or other matters that are exempt from public disclosure under Article X, Section 9 of the Texas State Bar Rules as authorized by Section 551.071 of the Texas Government Code:

Agenda Item XVI
Executive Session
(Continued)

- a) Legal issues related to the lease agreement to operate the Southeast Landfill with Allied Waste Systems;
 - b) Legal issues regarding tax foreclosed property;
 - c) Legal issues regarding nonconforming signs;
 - d) Legal issues regarding Attorney General Opinion GA-0615;
 - e) In re: 3120 Precinct Line Road, LLC, Cause No. 05-95001;
 - f) Legal issues concerning any item listed on today's City Council meeting agendas; and
2. Deliberate the purchase, sale, lease, or value of real property in accordance with Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party; and
 3. Deliberate concerning economic development negotiations as authorized by Section 551.087 of the Texas Government Code; and
 4. Deliberate the deployment, or specific occasions for implementation, of security personnel or devices, in accordance with Section 551.076 of the Texas Government Code.

Reconvened The City Council reconvened into regular session at 2:00 p.m.

Agenda Item XVII There being no further business, the meeting was adjourned at 2:00 p.m.
Adjournment