

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
MAY 13, 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 7:04 p.m. on Tuesday, May 13, 2008, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102.

Agenda Item II The invocation was given by Pastor Harold Bullock, Hope Community Church.
Invocation

Agenda Item III The Pledge of Allegiance was recited.
Pledge

Agenda Item IV Upon a motion of Council Member Silcox, seconded by Council Member
Approval of Jordan, the minutes of the regular meeting of May 6, 2008, were approved
Minutes unanimously nine (9) ayes to zero (0) nays.

Agenda Item V Council Member Burns presented a Proclamation for More Life Festival Month
Special to Mr. Allan Gould, Associate Executive Director AIDS Outreach Center, Mr.
Presentations Steven Dutton, Executive Director, Samaritan House and Ms. Jan Titsworth,
Project Manager for More Life.

Mr. Rob Beuerlein, Texas Christian University (TCU) Media Relations, introduced members of the TCU Women's Equestrian Team who won the 2008 Varsity Equestrian Western National Championship on April 19, 2008. He pointed out that this was the first team championship that TCU had won in the last 25 years and introduced Coach Gary Reynolds. Coach Reynolds expressed appreciation for the recognition and stated that he was trying to bring the sports event to Fort Worth.

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**Agenda Item V
Special
Presentations
(Continued)**

Council Member Espino presented Certificates of Recognition to the following individuals for their service on Boards & Commissions as indicated:

Mr. Bo V. Cung, Board of Adjustment - Commercial, for the period April 1, 2004, through May 1, 2008.

Ms. Ann Bracey, Library Advisory Board, for the period December 4, 2001, through March 20, 2008.

Ms. Robyn Winnett, Fort Worth Human Relations Commission, for the period December 12, 2007, through March 18, 2008.

Council Member Espino advised that the following individuals were unable to attend the Council meeting this evening and would be mailed their Certificates of Recognition:

Ms. Nancy Wilson-Webb, Library Advisory Board, for the period December 7, 2004, through March 25, 2008.

Mr. Rarick Boucher, Construction and Fire Prevention Board of Appeals, for the period January 7, 2003, through March 30, 2008.

Mr. Keith E. Daniels, Appeals Board, for the period October 1, 2003, through March 18, 2008.

**Agenda Item VI
Announcements**

Council Member Burns expressed appreciation to Mayor Moncrief for agreeing to attend the District 9 Town Hall meeting scheduled for May 19, 2008, at 6:30 p.m. at the Travis Avenue Baptist Church south campus. He added that City Manager Fisseler, Interim Police Chief Kneblick and Assistant City Managers would be present to address questions of attendees. He referred to the More Life presentation earlier on the agenda and stated that although there would be over 60 different events throughout the festival, he wanted to announce only four: May 16, 2008, Angels in America Opera, 8:00 p.m. at the Scott Theatre at the Community Arts Center; May 17, 2008, Children's Book Release for Angels at my Door at 10:30 a.m. at the Central Library; May 17, 2008, Teatro de la Rosa would present an original play by Rob Bosquez at the Scott Theatre, at 2:00 p.m.; May 18, 2008, Fort Worth National Poetry Slam from 4:00 p.m. to 6:00 p.m. would have an open mike event at the Community Arts Center. He further announced that Tarrant County Housing Partnership, in partnership with the North Texas Housing Coalition, would conduct a Foreclosure Prevention Workshop on May 17, 2008, at the East Regional Library, 6301 Bridge Street, at 9:30 a.m.

Council Member Jordan invited everyone to attend the District 6 Family Day on May 17, 2008, from 10:00 a.m. to 2:00 p.m. on the corner of McCart and Sycamore School Road behind the Exxon Station. He added that it would

Agenda Item VI
Announcements
(Continued)

hosted by the South Division Neighborhood Patrol Officers and that it would be a fun day for everyone and an opportunity to learn more about the City. He further stated that members of various City staff agencies would be present and expressed appreciation to Police Officer Michael Vargas for his leadership on organizing this event.

Council Member Moss invited everyone to a Preparedness Seminar to be conducted on May 31, 2008, from 10:00 a.m. to noon at the Holy Tabernacle Church of God in Christ in the Fellowship Hall, 2800 E. Loop 820 South. He added that a representative from Oncor Electric would be available to demonstrate how to reduce electricity bills; someone would discuss bioterrorism, health and emergency preparedness; a Housing Department representative would discuss weatherization and emergency repairs and on-site counseling; and a Community Action Partners representative would be present to address emergency assistance programs.

Mayor Pro tem Hicks stated that the City was in the middle of conducting a number of public forums in the City to discuss the Ten Year Homelessness Plan and announced that a public forum would be held this evening at United Way and another on May 14, 2008, at 6:30 p.m. at Mount Olive Baptist Church, 2951 Evans Avenue. She also announced that on May 17, 2008, a Vaccination Clinic would be held at Oakland Lake Park on Lake Shore Drive in Meadowbrook from 1:00 p.m. to 3:00 p.m. She further announced that on May 20, 2008, a Police Forum would be conducted at Meadowbrook United Methodist Church on Meadowbrook Drive from 7:00 p.m. to 8:00 p.m.

Council Member Silcox cautioned everyone in the City that blowing grass clippings into the street was illegal and punishable by a fine up to \$2,000.00. He pointed out that the grass clippings could eventually clog the drains and had the potential of creating floods.

Mayor Moncrief expressed appreciation to the entire Council for their support of the 2008 Bond package. He also expressed appreciation to City staff for preparing all the information for the public's education. He added that this victory would have an impact for generations to come and pointed out that the victory proved that the Council and City did not intend to ignore their responsibilities. He emphasized that if the bond package was not approved, costs for building roads would significantly increase in the future and advised that the Council was evaluating alternate ways to fund the needed work such as imposing transportation impact fees that would be considered later on the agenda.

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**Agenda Item VI
Announcements
(Continued)**

Council Member Silcox stated that a lot of citizens were concerned that Fort Worth was making money from gas well revenues and were questioning why those revenues were not being used to build needed roads. He clarified that the City was grossing money; however, the money was not net profit for the City to spend because of federal and state encumbrance restrictions, reverter clauses and some City restrictions. He added that City staff was working with both state and federal agencies to try and get some of those restrictions removed; however, today, restrictions were imposed that stated that the gas well money could not be used for infrastructure, streets, drainage, etc.

**Agenda Item VII
Withdrawn from
Consent Agenda**

City Manager Fisseler requested that Mayor and Council Communication Nos. P-10784 and L-14535 be withdrawn from the consent agenda.

Council Member Silcox requested that Mayor and Council Communication No. G-16132 be withdrawn from the consent agenda.

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

City Manager Fisseler requested that Mayor and Council Communication Nos. P-10784 and L-14535 be continued until the May 20, 2008, Council meeting and advised that after public comment, Mayor and Council Communication No. L-14536 would be continued until the June 17, 2008, Council meeting. He also requested that Mayor and Council Communication Nos. G-16128 and C-22793 be withdrawn from consideration and advised that revised versions of the M&Cs 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 remaining items on the Consent Agenda as recommended and as follows:

**Agenda Item XII
OCS-1660
Claims**

M&C OCS-1660 - 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-16131
Pay for Services
Performed in Year
One of Professional
Service Agreement,
CSC No. 34839**

M&C G-16131 - Authorizing the payment of \$175,000.00 to the Fort Worth Partnership for Community Development for services performed in Year One of the Professional Service Agreement, City Secretary Contract No. 34839.

G-16133
Ord. No. 18080-05-
2008
Accept Grant to
Develop Portions of
Sun Valley
Industrial Park

M&C G-16133 - Authorizing the City Manager to apply for and accept an Economic Development Initiative - Special Purpose Grant in the amount of \$346,500.00 from the United States Department of Housing and Urban Development for the development of portions of the Sun Valley Industrial Park located within the Central City in southeast Fort Worth; authorizing the City Manager to execute a grant agreement with the United States Department of Housing and Urban Development, if the City is awarded the grant; and adopting Appropriation Ordinance No. 18080-05-2008 increasing estimated receipts and appropriations in the Grants Fund in the amount of \$346,500.00 upon receipt of the Economic Development Initiative - Special Purpose Grant from the United States Housing and Urban Development for the purpose of funding the Central City revitalization to develop parts of Sun Valley Industrial Park.

G-16134
Ord. No. 18081-05-
2008
Grant Operating
Authority to Brazos
Carriage Company
to Operate Upon
Streets, Alleys and
Public
Thoroughfares

M&C G-16134 - Authorizing consideration 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 horse drawn carriages upon the city streets, alleys and thoroughfares; and adopting Ordinance No. 18081-05-2008 granting the privilege of operating authority to Brazos Carriage Company, for the use of the streets, alleys and public thoroughfares of the City in the conduct of its horse drawn carriages which shall consist of the operation of three (3) horse drawn carriages 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 Brazos Carriage Company and conditional upon their complying with all requirements of Article VI, Chapter 34, of the Code of the City of Fort Worth (1986), as amended.

G-16135
Provide Water and
Sewer Service to
Mr. Colby Siratt of
THMC Partners

M&C G-16135 - Authorizing the Water Department to provide water and sewer service at 1.25 times the retail rate to Mr. Colby Siratt of THMC Partners for the future Block 6 of Montserrat Addition, described as 10.203 acres out of the J.F. Elliott Survey, Abstract No. 493, located west of West Loop 820 and north of Team Ranch per plat FS-08-025 in the extraterritorial jurisdiction of Fort Worth inside Tarrant County; and authorizing the City Manager to execute an agreement for such services pursuant to City Code Section 35-60B "Uses Outside City."

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- G-16136**
Ord. No. 18082-05-2008
Transfer 2007
Summer Food
Service Program
Excess Funds to
Special Trust Fund
- M&C G-16136 - Authorizing the transfer of \$14,573.53 from the Grants Fund to the Special Trust Fund; and adopting Appropriation Ordinance No. 18082-05-2008 increasing estimated receipts and appropriations in the Special Trust Fund in the amount of \$14,573.53 available from Year 2007 Summer Food Service Program Excess Funds for the purpose of assisting with future Community Services Block Grant activities.
- P-10785**
Parcel X-Ray
Machines
- M&C P-10785 - Authorizing a purchase for two parcel x-ray machines from Astrophysics, Inc., for Municipal Court in the amount of \$40,996.00.
- P-10786**
Total Organic
Halide Analyzer,
Installation and On-
Site Training
- M&C P-10786 - Authorizing the purchase of a total organic halide analyzer, installation and on-site training from EST Analytical, Inc., for the Water Department for an amount not to exceed \$38,000.00. The delivery, installation and on-site training cost are included with payment due 30 days after date of invoice.
- L-14530**
Acquire Right-of-
Way Easement for
Construction of
Golden Triangle
Boulevard
Improvements
- M&C L-14530 - Approving the acquisition of one right-of-way easement described as a portion of Lot 1, Block 1, William McCowan Subdivision, Tarrant County, Texas, from Paul R. and Shirley Felts, at 4315 Golden Triangle Boulevard, located in north Fort Worth, for the construction of Golden Triangle Boulevard improvements; finding that the price offered in the amount of \$16,498.50, plus an estimated closing cost of \$1,000.00, is just compensation; and authorizing the acceptance and recording of appropriate instruments (DOE 5773).
- L-14531**
Acquire Permanent
Drainage Facility
Easement for
Construction of
Sycamore Creek-
Rosedale Drainage
Project
- M&C L-14531 - Approving the acquisition of one permanent drainage facility easement described as a portion of Lots 17 and 18, Block 12, Vickery's Addition, Fort Worth, Tarrant County, Texas, from Jack P. and Nancy Nhan Hoang located at 1300 East Rosedale Street in east Fort Worth for the construction of the Sycamore Creek-East Rosedale Drainage Project. The improvements will facilitate the reconstruction of East Rosedale Street from Interstate Highway 35W to Highway 287; finding that the price offered in the amount of \$60,000.00, plus an estimated closing cost of up to \$2,000.00, is just compensation; and authorizing the acceptance and recording of appropriate instruments (DOE 3141).

- L-14532**
Convey Electric
Utility Easement to
Serve McCart
Avenue Pump
Station
- M&C L-14532 - Authorizing the conveyance of one electric utility easement described as being a portion of Lot 1, Block 1, McCart-Risinger Tank Site Addition, Fort Worth, Tarrant County, Texas, to Oncor Electric Delivery Company, for the amount of \$10.00, located at 8801 McCart Avenue in south Fort Worth (DOE 0100), required for the installation, operation, maintenance, upgrade and repair of electric distribution cables and their appurtenances to serve the McCart Avenue Pump Station.
- L-14533**
Acquire Property
for Meacham
International
Airport Noise
Mitigation Program
- M&C L-14533 - Authorizing the acquisition of one single-family residential property described as Lot 1, Block 5, Airport Acres Addition, located at 3518 Columbus Avenue, Fort Worth, Tarrant County, Texas, on the west side of Meacham International Airport from property owner James Cagle for total just compensation in the amount of \$49,500.00 for the purpose of the Meacham International Airport Noise Mitigation Program; and authorizing the City Manager to execute appropriate deeds for the conveyance of the property and to record the necessary documents (DOE 5101).
- L-14534**
Acquire Property
for Meacham
International
Airport Noise
Mitigation Program
- M&C L-14534 - Authorizing the acquisition of one single-family residential property described as Lot 2, Block 5, Airport Acres Addition, located at 3516 Columbus Avenue, Fort Worth, Tarrant County, Texas, on the west side of Meacham International Airport from property owner Johnnie L. Bouldwin for total just compensation in the amount of \$15,750.00 for the purpose of the Meacham International Airport Noise Mitigation Program; and authorizing the City Manager to execute appropriate deeds for the conveyance of the property and to record the necessary documents (DOE 5101).
- C-22803**
MGT of America,
Inc.
- M&C C-22803 - Authorizing the City Manager to execute a professional services agreement with MGT of America, Inc., in the amount of \$119,262.00, to perform a Citywide review and assessment of the municipal organizational structure.
- C-22804**
Alpha Building
Corporation
- M&C C-22804 - Authorizing the City Manager to execute a work order with Job Order Contractor, Alpha Building Corporation, in the amount of \$28,371.59, to renovate Fire Station No. 11 to provide a female restroom facility.
- C-22805**
Terminate CSC No.
16363 and Execute
New Unimproved
Ground Lease
Agreement - WTW
Properties, Inc.
- M&C C-22805 - Authorizing the City Manager to terminate City Secretary Contract No. 16363, an unimproved ground lease agreement, with mandatory improvements, with WTW Properties, Inc., at Fort Worth Meacham International Airport; and authorizing the execution of a new unimproved ground lease agreement, with mandatory improvements, with WTW Properties, Inc., for the construction of a new 12,000 square foot aircraft storage hangar on Lease Site 52S at Fort Worth Meacham International Airport.

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The motion carried. End of Consent Agenda.

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

Council Member Burns made a motion, seconded by Council Member Espino, that Ms. Victoria Bargas be appointed to Place 9 on the Board of Adjustment – Residential effective May 13, 2008, and with a term expiring October 1, 2009. The motion carried unanimously nine (9) ayes to zero (0) nays.

Council Member Espino made a motion, seconded by Burns that Mr. Trent Gilley be appointed to Place 2 on the Urban Design Commission effective May 13, 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
Res. No. 3617-05-
2008
Appoint Member to
Board of Director
for Tax Increment
Reinvestment Zone
No. 9 (Trinity River
Vision)**

There was presented a resolution appointing Ms. Leah M. King to the Board of Directors of Tax Increment Reinvestment Zone No. 9, City of Fort Worth, Texas (Trinity River Vision TIF), effective May 13, 2008, and with a term expiring December 31, 2009.

Council Member Espino made a motion, seconded by Council Member Burns, that Resolution No. 3617-05-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

Mayor Moncrief recognized Ms. King in the audience and summarized her credentials for the viewing and listening audience.

AGENDA ITEM XIV – REPORT OF THE CITY MANAGER

**G-16122
Ord. No. 18083-05-
2008
Add Article VIII to
Chapter 30 of City
Code to Establish
Transportation
Impact Fees**

It appeared that the City Council, at its meeting of April 29, 2008, continued the public hearing to adopt an ordinance adding Article VIII, Transportation Impact Fees, to Chapter 30, Streets and Sidewalks, of the City Code to establish transportation impact fees. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Ms. Dana Burghdoff, Deputy Director, Planning and Development Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. G-16122, as follows:

G-16122
(Continued)

There was presented Mayor and Council Communication No. G-16122, dated April 29, 2008, from the City Manager recommending that the City Council adopt an ordinance amending the Code of Ordinances of the City of Fort Worth, Texas (1986), as amended, by adding Article VIII, Transportation Impact Fees, to Chapter 30, Streets and Sidewalks, to establish impact fees for transportation facilities; incorporating land use assumptions and Capital Improvement Plans for such facilities; establishing service areas for such facilities; providing definitions; providing for collection and assessment of impact fees; providing for discounts and credits against impact fees; providing for recoupment; providing for establishment of accounts for impact fees and use of proceeds of such accounts; providing for appeals, relief procedures and exemptions; providing for refunds; providing for updates to plans and revision of fees; providing for agreements for capital improvements; providing for severability; providing for remedies; providing for conflicts; and providing an effective date.

Ms. Burghdoff reviewed Schedule 2, focusing on the residential impact fees for the various dwelling unit types.

At the Mayor's request, Ms. Burghdoff provided a summary of the six Collection Amount Options as presented during the Pre-Council Work Session as follows:

- a. Option 1: \$1,500.00 flat rate fee per single-family unit (Average of 27 percent of maximum fee).
- b. Option 2: \$2,000.00 flat rate fee per single-family unit (Average of 36 percent of maximum fee).
- c. Option 3: Forty percent of maximum fee per single-family unit (Variable by Service Area).
- d. Option 4: \$2,000.00 flat rate fee, not to exceed 40 percent of maximum, per single-family unit.
- e. Option 5: \$2,000.00 flat rate fee (36 percent of maximum) per single-family unit for Residential; \$1,500.00 equivalent flat rate fee (27 percent of maximum) for Non-Residential.
- f. Option 6: Fifty percent of maximum for Residential per single-family unit; 25 percent of maximum for non-residential (Variable by Service Area).

Council Member Silcox made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. G-16122 be approved and Ordinance No. 18083-05-2008 be adopted with the substitution of the new

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**G-16122
(Continued)** Schedule 2 Option 5, which reflected a \$2,000.00 flat rate fee (36 percent of maximum) per single-family unit for Residential; and Schedule 1 which reflected a \$1,500.00 equivalent flat rate fee (27 percent of maximum) for Non-Residential.

Lee Nicol Mr. Lee Nicol, 3882 South Hills Circle, representing the Development Advisory Committee (DAC) and Fort Worth Chamber of Commerce, appeared before Council in support of Option 5. He commended the City staff for their participation with the DAC.

Russell Fuller Mr. Russell Fuller, 5317 Alta Loma Drive, Keller, Texas, appeared before the Council in support of Option 6. He explained why the flat rate fee was not a good choice especially for the collection of impact fee revenues.

Greg Hughes Mr. Greg Hughes, 2544 Stadium Way, appeared before Council also in support of Option 6. He echoed Mr. Fuller's comments and stated that when the City ran the bond package last time, the City could only borrow \$150 million for some reason. He questioned why such a little amount was able to be borrowed. He stated that the City was growing but was not generating the tax revenue necessary to support itself and urged the Council to not look for revenue neutrality. He added that the City needed more revenue to support the growth coming into the area because of Fort Worth being such a fine City. He further stated that Option 6 looked like the option that generated the maximum increased revenue and placed some leverage into the City ability to steer growth in a way that would be less expensive to the residents.

Ms. Karen Montgomery, Assistant City Manager/Chief Financial Officer, explained that when the City Council decided to go forward with the bond election, it was based on using the current amount of the City's property tax revenue that was levied just for debt service; however, the City already had a number of outstanding bond issues that the City was still paying for. She stated that she would gladly meet with Mr. Hughes to discuss this matter.

Council Member Burdette began his comments by stating that the Council was going to vote on an issue that would address the financial health of the City into the future. He pointed out that the City had a \$700 million need for new roads and arterial roads created by the unprecedented growth of the City over the last four or five years. He added that the City had studied the transportation impact fee policy for almost three years because the current policy, which charged no fees, was not working well. He stated that he did not know if the City could change the policy or collect enough money to put a dent in the \$700 million

G-16122
(Continued)

need, but his concern was that the City needed to adopt a policy that would keep that \$700 million from growing over the next few years. He added that he was very much opposed to the Council adopting a policy with a flat fee that would be applied the same all over the City with the exception of a few areas. He stated the Council was prepared to vote on Option 5, which was not adopting a new policy. He explained that with a flat fee as proposed in Option 5, the builder would make a choice on where to build new homes, not based upon the impact he placed on the City tax payers and not based on the fee he had to pay as the fee would be the same everywhere. He pointed out that this was not addressing the problem that had gotten the City in a hole to begin with. He added that he feared that the City would have further home development that would add on to the \$700 million burden that the tax payers would have to answer for; that the flat fee was inequitable to builders; and the flat fee was not effective as it did not send a message to the builders that there were some areas the City preferred they built in and some areas the City preferred they did not build. He added that he must respectfully decline on what was being proposed and stated that what his colleagues failed to understand was that no matter what district a person lived in, there were tax payers and every tax payer would bare the burden of the \$700 million. He pointed out that he preferred to see a fee based upon the impact that could be determined by the City, which would put the impact and the fees on the areas that were causing the problem, not on every tax payer in the City.

Council Member Espino addressed orderly growth in the City and the principle was that growth paid for growth, but it was not happening in Fort Worth because the City was restricted by state law. He added that he would have preferred the 40 percent option proposed by Council Member Burdette or the 50 percent proposed by the neighborhoods with a variable for non-residential; however, the City had been fighting for a long time to impose impact fees. He further stated that he would be voting with a majority of his colleagues to adopt impact fees with the understanding that it was not where he wanted it to be.

Council Member Jordan stated that everyone on the Council cared about the tax payers in the City and pointed out that the Council could not go back and correct past decisions on building roads and the Council did not want a policy that would exasperate the problem. He further stated that in his district, retail was needed to support the homes already in place. He added that the impact fee would not increase the tax rate and stated that he would never support a tax increase. He further stated that he took issue that one option was better than another on this issue and stated he would support Option 5 because it was the right thing to do.

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**G-16122
(Continued)**

Mayor Moncrief stated that he would support Option 5 because it was fair and stated that it addressed some of the concerns about the reduction of the potential in commercial development to take place where it was needed. He provided a history on the Council's discussion on this issue and added that Option 5 was a hybrid composition of residential and commercial. He added that in his opinion to put off taking action any longer would be irresponsible and pointed out that it was something that the City should have imposed long ago.

There being no one else present desiring to be heard in connection with the public hearing, the public hearing was closed and the motion carried eight (8) ayes to one (1) nay, with Council Member Burdette casting the dissenting vote.

**G-16128
Increase Funds for
FY 2007-2008
Encumbrance
Rollovers and
Designated
Expenditures -
Withdrawn from
Consideration**

It was the consensus of the City Council that Mayor and Council No. G-16128, dated May 6, 2008, Adopt Supplemental Appropriation Ordinance for Fiscal Year 2007-2008 for Rollover Encumbrances and Designated Expenditures in the Amounts of \$2,073,742.66 for the Crime Control and Prevention District Fund; \$66,649.00 for the Group Health Insurance Fund; \$81,192.00 for the Municipal Parking Fund; \$21,000.00 for the Solid Waste Fund; \$2,182,113.00 for the Water and Sewer Fund; and \$285,220.00 for the Workers' Compensation Fund, be withdrawn from consideration.

**G-16128 Revised
Ord. No. 18084-05-
2008
Increase Funds for
FY 2007-2008
Encumbrance
Rollovers and
Designated
Expenditures**

There was presented Mayor and Council Communication No. G-16128 Revised from the City Manager recommending that the City Council adopt a supplemental appropriation ordinance increasing appropriations by the indicated amounts in the following funds for encumbrance rollovers and designated expenditures as indicated:

1. Crime Control and Prevention District Fund by \$2,073,742.66 and decreasing the unreserved, undesignated fund balance by the same amount;
2. Group Health Insurance Fund by \$66,649.00 and decreasing the unreserved, undesignated fund balance by the same amount;
3. Municipal Parking Fund by \$81,192.00 and decreasing the unreserved, undesignated retained earnings by the same amount;
4. Solid Waste Fund by \$21,000.00 and decreasing the unreserved, undesignated retained earnings by the same amount;
5. Water and Sewer Fund by \$2,182,113.00 and decreasing the unreserved, undesignated retained earnings by the same amount; and
6. Workers' Compensation Fund by \$285,220.00 and decreasing the unreserved, undesignated retained fund balance by the same amount;

**G-16128 Revised
(Continued)**

Council Member Silcox made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. G-16128 Revised be approved and Supplemental Appropriation Ordinance No. 18084-05-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**G-16132
Execute Tax
Abatement
Agreement for
Property in
Polytechnic/
Wesleyan NEZ**

There was presented Mayor and Council Communication No. G-16132 from the City Manager recommending that the City Council authorize the City Manager to enter into a five-year Tax Abatement Agreement with TSC Poly Retail, LLC, for property in the 3000 and 3100 blocks of East Rosedale in the Polytechnic/Wesleyan Neighborhood Empowerment Zone (NEZ) in accordance with the Neighborhood Empowerment Zone Tax Abatement Policy and Basic Incentives; and find that the statements set forth in the recitals of the Tax Abatement Agreement with TSC Poly Retail, LLC, are true and correct.

Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. G-16132 be approved with appreciation to Cynthia Garcia from the Economic and Community Development Department. The motion carried eight (8) ayes to one (1) nay, with Council Member Silcox casting the dissenting vote.

**G-16137
Pay Additional
Compensation for
Fiscal Year 2006
Single Audit and
Comprehensive
Annual Financial
Report**

There was presented Mayor and Council Communication No. G-16137 from the City Manager recommending that the City Council authorize an additional \$217,000.00 for independent auditing services by Deloitte and Touche, LLP, for Fiscal Year 2006 Single Audit and Comprehensive Annual Financial Report, making the total estimated cost for the Fiscal Year 2006 audit \$1,203,500.00.

Council Member Burns made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. G-16137 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**G-16138
Ord. No. 18085-05-
2008
Issue and Sale
Water and Sewer
System Revenue
Refunding Bonds,
Series 2008**

There was presented Mayor and Council Communication No. G-16138 from the City Manager recommending that the City Council adopt the Sixteenth Supplemental Ordinance authorizing the issuance and sale of City of Fort Worth, Texas, Water and Sewer System Revenue Refunding Bonds, Series 2008, in the aggregate principal amount of \$44,085,000.00; approving the execution of a bond purchase contract and other instruments related thereto; repealing all ordinances in conflict herewith.

Council Member Scarth made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. G-16138 be approved and Sixteenth Supplemental Ordinance No. 18085-05-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

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**G-16139
Ord. No. 18086-05-
2008
Appoint Municipal
Judges and
Designate Chief
Judge and Deputy
Chief Judge**

There was presented Mayor and Council Communication No. G-16139 from the City Manager recommending that the City Council adopt an ordinance appointing Stephanie J. Beamer, Andrew T. Bradshaw, Simon C. Gonzalez, Terry D. Lewis, Ninfa L. Mares, R. Neel McDonald, Sharon Newman-Stanfield, Jo Ann Reyes, James D. Rodgers, Nancy E. Strickland, and Steven C. Williamson as Municipal Judges for a two-year term commencing April 1, 2008, and ending March 31, 2010, or until a successor is qualified and appointed in accordance with state law, and designating Ninfa L. Mares as Chief Judge and Steven C. Williamson as Deputy Chief Judge.

Council Member Burdette made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. G-16139 be approved and Ordinance No. 18086-05-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**G-16140
Ord. No. 18087-05-
2008
Reappoint
Substitute
Municipal Judges**

There was presented Mayor and Council Communication No. G-16140 from the City Manager recommending that the City Council adopt an ordinance reappointing Charles F. Berger, Raul A. Canez, Kim Marie Catalano, Ann Y. Collins, Faye R. Harden, Nelda F. Harris, Carla G. Kelman, Nancy A. Magee, Larry K. Montgomery, Nemuel E. Pettie, Patricia L. Summers, and Edward B. Valverde as Substitute Municipal Judges for a one-year term commencing April 1, 2008, and ending March 31, 2009, or until a successor is qualified and appointed in accordance with state law.

Council Member Burdette made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. G-16140 be approved and Ordinance No. 18087-05-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**G-16141
Ord. No. 18088-05-
2008
Amend Chapter 35,
Article I, Section 35-
23 of City Code**

There was presented Mayor and Council Communication No. G-16141 from the City Manager recommending that the City Council adopt an ordinance amending Chapter 35, "Water and Sewers", Article I, "In General" of the Code of the City of Fort Worth (1986), as amended, by amending Section 35-23 "Emergency Authority" by replacing Exhibit A and adopting a revised drought contingency/emergency water management plan and amending the section to reflect the new drought stages

Council Member Burns made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. G-16141 be approved and Ordinance No. 18088-05-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

G-16142
Ord. No. 18089-05-
2008
Approve PACS FY
2007-2008 Gas Well
Bonus Project
Expenditure Plan

There was presented Mayor and Council Communication No. G-16142 from the City Manager recommending that the City Council approve the Parks and Community Services Department (PACS) Fiscal Year 2007-2008 Gas Well Bonus Expenditure Plan; and adopt an appropriation ordinance increasing estimated receipts and appropriations by \$3,822,874.95 in the Park Gas Lease Project Fund from Gas Well Bonus Revenues for various projects in the amount of \$3,640,833.29 and from Gas Well Royalty Revenues for project administration in the amount of \$182,041.66.

Council Member Burns made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16142 be approved and Appropriation Ordinance No. 18089-05-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

P-10784
Rental of Golf and
Utility Cars –
Continued Until
May 20, 2008

It was the consensus of the City Council that Mayor and Council Communication No. P-10784, Authorize a Contract in the Amount of \$36,200.00 for a 36-Month Lease and Rental of Golf and Utility Cars Including a Sell-Back Option with Yamaha Golf Car Company for the Parks and Community Services Department for a Projected Cost Not to Exceed \$926,509.04, be continued until the May 20, 2008, Council meeting.

L-14535
Execute and Record
Quit Claim Deed for
Portion of
Abandoned Right-
of-Way –
Continued Until
May 20, 2008

It was the consensus of the City Council that Mayor and Council Communication No. L-14535, Authorize and Execute Quit Claim Deed for a Portion of Abandoned Right-of-Way to the County of Tarrant for Approximately 28,403 Square Feet of Land Located North of White Settlement Road and West of Roberts Cut-Off Road, DOE No. 4953, be continued until the May 20, 2008, Council meeting.

Public Hearing
L-14536
Convert Parkland
for Installation of
Gas Pipeline –
Continued Until
June 17, 2008

It appeared that the City Council set today as the date for a public hearing to authorize the conversion of approximately .36 acres of parkland at Greenway Park located at 2013 East Belknap Street, for the installation of a gas pipeline and authorize the execution of a license agreement with Texas Midstream Gas Services. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Mr. Harold Pitchford, Assistant Director, Parks and Community Services Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. L-14536, as follows:

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**L-14536
(Continued)**

There was presented Mayor and Council Communication No. L-14536 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 exist for the location of the proposed gas pipeline for Greenway Park; find that the proposed gas pipeline includes all reasonable planning to minimize harm to the parkland, and including that the pipeline will cross under the Greenway Park; and close the public hearing and authorize the City Manager to convert approximately .36 acres of dedicated parkland for a pipeline easement for a 24-inch gas pipeline in Greenway Park, located at 2013 East Belknap Street, located north of East Belknap Street, south of Pharr Street and west of the Trinity River in Council District 2.

There being no one present desiring to be heard in connection with the public hearing, Mayor Pro tem Hicks stated that she was concerned with the placement of the proposed pipelines under the park and made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. L-14536 be continued until the June 17, 2008, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

Mayor Pro tem Hicks also encouraged City staff to meet with Texas Midstream Gas Services and the neighborhood to resolve concerns and proposals for the park.

**C-22793
Burnsco
Construction, Inc. -
Withdrawn from
Consideration**

It was the consensus of the City Council that Mayor and Council Communication No. C-22793, dated May 6, 2008, Authorize Execution of a Contract with Burnsco Construction, Inc., in the Amount of \$259,844.00 for the Construction of Miscellaneous Drainage Improvements (Contract "E") at Luther Channel, Colonial Channel and Smithfield Creek Channel (Project No. 00097), be withdrawn from consideration.

**C-22793 Revised
Burnsco
Construction, Inc.**

There was presented Mayor and Council Communication No. C-22793 Revised from the City Manager recommending that the City Council authorize the City Manager to execute a contract with Burnsco Construction, Inc., in the amount of \$259,844.00 for the construction of Miscellaneous Drainage Improvements (Contract "E") at Luther Channel, Colonial Channel and Smithfield Creek Channel (Project No. 00097).

Council Member Jordan made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-22793 Revised be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

C-22806
Ord. No. 18090-05-
2008
Stabile and Winn,
Inc.

There was presented Mayor and Council Communication No. C-22806 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with Stabile and Winn, Inc., in the amount of \$951,958.27 for pavement reconstruction, water and sanitary sewer replacement on Chickering Road (Angus Drive to Stonedale Road) and Fairfax Street (Ewing Avenue to Garza Avenue); authorize the transfer of \$419,538.91 from the Water and Sewer Operating Fund to the Water Capital Project Fund in the amount of \$241,334.10 and Sewer Capital Project Fund in the amount of \$178,204.81; and adopt an appropriation ordinance increasing estimated receipts and appropriations in the Water Capital Project Fund in the amount of \$241,334.10 and the Sewer Capital Project Fund in the amount of \$178,204.81 from available funds, for the purpose of authorizing execution of contract in the amount of \$951,958.27 with Stabile and Winn, Inc., for pavement reconstruction, water and sanitary sewer replacement on Chickering Road and Fairfax Street (City Project No. 00298).

Council Member Silcox made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. C-22806 be approved and Appropriation Ordinance No. 18090-05-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

C-22807
Jacobs Carter and
Burgess, Inc.

There was presented Mayor and Council Communication No. C-22807 from the City Manager recommending that the City Council authorize the City Manager to execute a professional services agreement with Jacobs Carter and Burgess, Inc., in the amount of \$1,094,282.48, for Program Management Services for the Runway Extension Project at Fort Worth Alliance Airport Phase VII (Project No. 00960).

Council Member Espino made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. C-22807 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

Agenda Item XV
Second Public
Hearing for
Proposed Owner-
Initiated
Annexation
(AX-08-004
Meadow Glen
Estates MHP)

It appeared that the City Council set today as the date for the second public hearing for a proposed owner-initiated annexation of approximately 68.8 acres of land in Tarrant County, located south of Timberland Boulevard and east of Old Denton Road (AX-08-004 Meadow Glen Estates MHP). Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

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**Agenda Item XV
Second Public
Hearing (AX-08-004
Meadow Glen
Estates MHP)
(Continued)**

Ms. Beth Knight, Senior Planner, Planning and Development Department, appeared before Council, gave a staff report and advised Council to adopt that final action on this issue would be scheduled for the June 3, 2008, Council meeting.

There being no one present desiring to be heard in connection with the public hearing, Council Member Espino gave a motion, seconded by Council Member Moss, that the public hearing be closed. The motion carried unanimously nine (9) ayes to zero (0) nays.

**Agenda Item XVI
Citizen
Presentations
Joe Brandon**

Mr. Joe Brandon, P.O. Box 1155, appeared before Council relative to a labor war in Fort Worth. He asked that a meeting be scheduled with the homeless community on contracting for various jobs where workers were making below \$8.00 per hour, their formulas, and programs for providing honest work. He also advised the Council of condition of the courtyard at the main entry to the Central Library and suggested it be given a fresh coat of paint and cob webs removed. He requested the City meet with him to discuss recommendations he had for addressing these issues. He also advised that panhandling was getting out of control once again and that he would return next week with a presentation on panhandling.

Mayor Moncrief requested Mr. Brandon meet with Assistant City Manager/Chief Financial Officer Karen Montgomery on the proposals he presented for contracting with the City.

Noel Reyes

Mr. Noel Reyes, 1711 Lee Avenue, appeared before Council on behalf of his sister, relative to back property taxes she owed for the property at 3614 N. Grove. He advised the Council of steps his sister had taken to pay the back taxes to include applying for a loan that was denied. He added that former District 2 Council Member Louis Zapata stated that he would try to help to reduce the taxes on the property. He pointed out that the City Attorney's Office advised them that the City now owned the property and that his sister could get the property back if she paid the back taxes. Mr. Reyes stated that he and his sister needed additional time to obtain the money and requested the Council's assistance.

Council Member Espino stated that Assistant City Attorney Leann Guzman was working on this issue and added that he would work with Mr. Reyes's sister to resolve this situation. He requested that Mr. Reyes meet with Belinda Norris, his Council Aide, and schedule a time to discuss this issue.

Agenda Item XVI
Citizen
Presentations
(Continued)
Jean Rasor

Ms. Jean Rasor, 139 Trinity Circle, appeared before Council relative to the flooding of Old Granbury Road. She stated that the road floods even during light rain and prevents access to St. Francis Village by the residents. She submitted a letter and petition for consideration and requested the Council assist with repairing of the road.

Council Member Jordan stated that he has worked with another resident of St. Francis Village, Gary Kidwell, on various issues. He advised that this area was adjacent to a railroad track and also belonged to the County. He informed Ms. Rasor that he would work with County Commissioner Roy Brooks to rebuild or permanently repair the road within the next few months.

Koja Berisha

Mr. Koja Berisha, 2400 Cypress Street, appeared before Council and summarized the difficulty he had experienced while exercising his right to vote. He advised that Tarrant County did not recognize the Presbyterian Night Shelter as a residence and sometimes would not allow him to vote. He requested the Council's assistance in having the shelter recognized as a place of residence for the homeless.

City Manager Fisseler requested that he meet with Assistant City Manager Fernando Costa and provide more information on this issue.

Jim Ashford

Mr. Jim Ashford, 6209 Riverview Circle, appeared before Council relative to the noise from gas well compressors and the confusion with gas well terminology. He provided a packet of materials to the Council for their review.

Joe Waller

Mr. Joe Waller, 2533 Castle Circle, representing the Lake Worth Alliance, appeared before Council relative to leasing mineral rights, especially as they related to Lake Worth. He suggested that the City develop a procedure on leasing its mineral rights and ensure that procedure was reflected in lease documents. He also suggested that the City not allow a drill site to be placed on land that had the potential for being prime development property.

Council Member Burdette stated that he had met with staff from the Planning and Development Department, Engineering Department and Parks and Community Services Department to address future land use and the possible placement of pipelines at Lake Worth. He assured Mr. Waller that the City would not grant leases for a drill site without taking all factors into account.

Grayson Harper

Mr. Grayson Harper, 3605 Bellaire Drive South, appeared before Council requesting their endorsement of a resolution to impeach the President and Vice President of the United States.

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**Agenda Item XVI
Citizen
Presentations
(Continued)
Diane Wood**

Ms. Diane Wood, 2308 Aster Avenue, appeared before Council and also requested their endorsement of a resolution to impeach the President and Vice President of the United States. She provided documents with information on impeachment and a copy of a resolution from Santa Rosa, California, endorsing the impeachment. She also addressed various concerns with urban gas drilling and her perceived camaraderie between the Railroad Commission and oil and gas companies.

**Agenda Item XVIII
Adjournment**

There being no further business, the meeting was adjourned at 9:10 p.m.