

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
JULY 15, 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 10:30 a.m. on Tuesday, July 15, 2008, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102.

**Agenda Item II
Invocation** The invocation was given by Father David Bristow, Saint Mary Catholic Church.

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

**Agenda Item IV
Approval of
Minutes** Upon a motion of Council Member Silcox, seconded by Council Member Espino, the minutes of the regular meeting of July 8, 2008, were approved unanimously nine (9) ayes to zero (0) nays.

**Agenda Item V
Special
Presentations** Ms. Sheri Endsley, District Superintendent for the Southwest Community Centers for the Parks and Community Services Department, briefed the Council on the Mobile Recreation Summer Day Camp. She introduced Mrs. Roberta Flores and her husband Fernando and expressed appreciation to them for their contributions to the program. She advised the Council of a significant contribution of \$24,000.00 from various organizations in District 9. She also acknowledged the assistance of Ms. Sandra Medina, Program Coordinator. Ms. Marisol Martinez and Mr. Sergio Diaz, two children who participated in the program, informed the Council the impact the program had on them. They requested Council's continued support of the program.

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Agenda Item V
(Continued)

Council Member Burns expressed appreciation to Mr. and Mrs. Flores for their contributions and also expressed appreciation to his Council Aide, Kristi Wiseman and Ms. Endsley for all their work on this program and to Mr. Juan Rangel from the Fort Worth Independent School District Board of Trustees for providing school facilities for the program at no cost.

Agenda Item VI
Announcements

Council Member Moss expressed appreciation for everyone who attended the On the Trail to Healthy Eating Workshop on July 12, 2008, at Minyards Food Store. He expressed appreciation to Minyards for the use of their facility, the AgriLife Extension of Texas A&M University and Fort Worth Health Department. He added that every Wednesday in the month of August from 10:00 a.m. to noon, a volunteer would be at Minyards to advise shoppers on methods of healthy eating and buying groceries effectively and less costly.

Council Member Burns announced that the Modern Streetcar Committee would start meeting tomorrow afternoon and that the committee was charged with developing methods that would improve mobility, air quality in future and have a forward thinking approach to the way the City dealt with transportation in the future. He added that the Regional Transportation Council would be having an information session in the City on July 15, 2008, at 6:30 p.m. at the Southwest Regional Library on Library Lane just off Hulen and north of I-20.

Council Member Espino invited the community to attend the grand opening of the First Tee facility at Rockwood Park Golf Course on July 15, 2008, at 9:00 a.m. He added that First Tee was a non-profit organization that was dedicated to showing life principles through golf for young people. He also announced that on July 17, 2008, a small community Town Hall Meeting for the Scenic Bluff Neighborhood would be conducted at 7:00 p.m. at the Riverside Community Center. He further announced that Latinos Unidos would move forward with a major voter outreach campaign to increase voter registration and turnout on the north side of the City.

Council Member Scarth announced that on July 10, 2008, at the Greater Association of Builders Annual Municipal Night, Council Member Silcox was presented with the Lifetime Achievement Award for his years of support to the building industry in the City. He also announced that on July 23, 2008, at the East Regional Library at 5:30 p.m. a meeting to discuss storm water issues in the Eastern Hills Neighborhood would be conducted and that on July 22, 2008, at 6:30 p.m. also at the East Regional Library, a meeting on the amphitheater planning for Gateway Park would be conducted and invited everyone interested to attend.

**Agenda Item VI
(Continued)**

Mayor Pro tem Hicks announced that a meeting to update everyone on the improvements along East Rosedale would be conducted on July 21, 2008, at 6:00 p.m. at the Ella Mae Shamblee Library on Evans and invited everyone to attend.

Council Member Burdette announced that another session of Let's Talk Fort Worth would be held on July 17, 2008, at 6:30 p.m. at Christ's Chapel Bible Church. He encouraged everyone interested to attend.

Council Member Silcox reiterated his previous announcements relative to the illegal activity of blowing grass, leaves and other debris into City streets and advised that it was punishable by a fine of up to \$2,000.00 for anyone caught. He also advised of the illegal activity of putting up bandit signs in the City and added that the City was looking at ways to fine the businesses advertised on the signs.

Mayor Moncrief stated he was beginning to see more and more residents watering during restricted hours of the day and asked Mr. Frank Crumb, Water Department Director, to advise everyone of the restricted hours.

Mr. Crumb stated that the City imposed watering restrictions between the hours of 10:00 a.m. and 6:00 p.m. He added that this was a year around ban and that it was a wiser use of the City's existing water supply.

**Agenda Item VII
Withdrawn from
Consent Agenda**

City Manager Fisseler requested that Mayor and Council Communication No. C-22918 be withdrawn from the consent agenda.

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

City Manager Fisseler requested that Mayor and Council Communication No. C-22918 be continued until the July 22, 2008, Council meeting and that Zoning Docket No. ZC-08-035A/B be continued until the July 29, 2008, Council meeting.

**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:

**OCS-1672
Claims**

M&C OCS-1672 - 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-16200
Temporary Road
Closure of
Throckmorton
Street** M&C G-16200 – Authorizing the temporary road closure of Throckmorton Street from West 11th Street to West 13th Street from July 21, 2008, to August 11, 2008, to facilitate construction of water line improvements for DOE No. 4657.
- G-16201
Reject Bids for
Water and Sanitary
Sewer Relocations
for SH-121T and
Readvertise for New
Bids** M&C G-16201 – Rejecting all bids received for Unit 1: Water and Sanitary Sewer Relocations for SH-121T (Southwest Parkway), Part 18; Unit 2: Water Main Extension for Como Pump Station, Part 1; and Unit 3: Water and Sanitary Sewer Main Extension in Stonegate Boulevard, Part 1A (City Project Nos. 00203, 00242 and 00107); and readvertise the project for bid at a future date.
- G-16202
Ord. No. 18179-07-
2008
Ord. No. 18180-07-
2008
Renovation of
Former FAA
Automated Flight
Services Station for
Relocation of the
Police Department’s
NPD 3** M&C G-16202 – Adopting Supplemental Appropriation Ordinance No. 18179-07-2008 increasing estimated receipts and appropriations in the State Awarded Assets Fund in the amount of \$616,000.00 and decreasing the unreserved, undesignated fund by the same amount, for the purpose of transferring said funds to the Specially Funded Capital Projects Fund; authorizing the transfer of \$616,000.00 from the State Awarded Assets Fund to the Specially Funded Capital Projects Fund; and adopting Appropriation Ordinance No. 18180-07-2008 increasing estimated receipts and appropriations in the Specially Funded Capital Projects Fund in the amount of \$616,000.00 from available funds for the purpose of renovating former Federal Aviation Administration (FAA) Automated Flight Services Station, at Meacham International Airport for the relocation of the Police Department’s Neighborhood Policing District (NPD) 3.
- G-16203
Ord. No. 18181-07-
2008
Grant Angel’s
Airport
Transportation
Authority to
Operate Two
Limousines in the
City** M&C G-16203 – Considering and adopting the findings and opinions of the City staff as presented herein; adopting the Ground Transportation Coordinator’s findings that the public necessity and convenience require the operation of two limousines upon the city streets, alleys and thoroughfares; and adopting Ordinance No. 18181-07-2008 granting the privilege of operating authority to Angel’s Airport Transportation for the use of the streets, alleys and public thoroughfares of the City in the conduct of its limousine business which shall consist of the operation of two limousines for a three-year period beginning on the effective date, such ordinance being subject to and condition upon Angel’s Airport Transportation complying with all requirements of Article VI, Chapter 34, of the Code of the City of Fort Worth (1986), as amended.

**P-10814
Painting
Preparation
Services for
Cowtown Brush Up
2008**

M&C P-10814 – Authorizing the purchase of painting preparation services for Cowtown Brush Up 2008 with GTO Construction, and Integrity Home Repair and Construction for the Housing Department for an amount not to exceed \$266,900.00.

<u>Vendor</u>	<u>Awarded Zones</u>	<u>Price</u>
GTO Construction	76102, 76103, 76105, 76109, 76110, 76111, 76112, 76114, 76115, 76116, 76119, 76133, 76164	\$175,100.00
Integrity Home Repair and Construction	76104, 76106, 76107	\$91,800.00

**P-10815
Telescoping Sign
Posts, Sleeves and
Hardware Materials**

M&C P-10815 – Authorizing a purchase agreement with Allied Tube and Conduit Corporation for telescoping sign posts, sleeves and hardware materials for the Transportation and Public Works Department for an annual projected amount not to exceed \$143,058.50 based on a 60 percent discount offered from manufacturer’s list price for hardware materials from the vendor’s catalog and overall low bid of unit prices received. Freight is included in the unit prices with payments due 30 days after receipt of invoices.

**L-14588
Sale of Tax-
Foreclosed Property
Located at 713
Grainger**

M&C L-14588 – Authorizing the direct sale of tax-foreclosed property located at 713 Grainger, described as Lot 10, Block 2, Grainger 1st Filing Addition, for \$15,693.48, in accordance with Section 34.05 of the Texas Property Tax Code to Everest Partners, Inc.; and authorizing the City Manager to execute and record the appropriate instruments conveying the property free from city encumbrances to complete the sale.

**L-14589
Sale of Tax-
Foreclosed Property
Located at 5963
Meadowbrook
Drive**

M&C L-14589 – Authorizing the direct sale of a tax-foreclosed property located at 5963 Meadowbrook Drive, described as Lot C, W. F. Howell Subdivision, to Jesse Gaines in accordance with Section 34.05 of the Texas Property Tax Code in the amount of \$10,231.34; and authorizing the City Manager to execute and record the appropriate instruments conveying the property to complete the sale (DOE No. 920).

**L-14590
Accept Land
Donation for
Construction of a
Public Roadway**

M&C L-14590 – Authorizing the acceptance of a land donation of 0.165 acres in north Fort Worth, described as a portion of Greenberry Overton Survey, Abstract No. 1185, Tarrant County, Texas, from AIL Investment, L.P., for construction of a public roadway named Container Way; and authorizing the acceptance and recording of appropriate instruments (DOE No. 5852).

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- L-14591**
Sale of Four Tax-Foreclosed Properties Located at 3050 Grover Avenue, 3008 Lee Avenue, 3729 Neches Street and 3511 N. Pecan Street
- M&C L-14591 – Authorizing the direct sale of four tax-foreclosed properties located at 3050 Grover Avenue, described as Lot 12, Block 24, JM Moody Subdivision, 3008 Lee Avenue, described as Lot 20, Block 78, MG Ellis Addition, 3729 Neches Street, described as Lot 13, Block 4, Sabine Place Addition and 3511 N. Pecan Street, described as Lot 18, Block 43, Fostepco Heights Addition, to Ashlyn Homes in accordance with Section 34.05 of the Texas Property Tax Code for the total amount of \$38,118.42; and authorizing the City Manager to execute and record the appropriate instruments conveying the property to complete the sale (DOE No. 920).
- L-14592**
Accept the Dedication of Parkland for Willow Ridge Park
- M&C L-14592 – Accepting the dedication of 5.313 acres of parkland and facility improvements, located south of Blue Mound Road, north of Bonds Ranch Road and east of Willow Springs Road, described as a tract of land situated in the James Rightly Survey, Abstract No. 1268, and being a portion of that tract of land described in deed to Sandlin Willow Crest, Ltd., Tarrant County, Texas, from Sandlin Willow Crest, Ltd., for Willow Ridge Park in accordance with the *Neighborhood and Community Park Dedication Policy*.
- C-22915**
Granicus, Inc.
- M&C C-22915 – Authorizing the City Manager to execute an agreement for software, hardware and support services with Granicus, Inc., for a Streaming Video Solution using a Local Government Cooperative Purchase Agreement with Tarrant County for the Information Technology Solutions Department and the Cable Communication Office at an estimated cost of \$84,145.00.
- C-22916**
Ord. No. 18182-07-2008
Oncor Electric Delivery Company
- M&C C-22916 – Authorizing the City Manager to apply for and accept, if awarded, a grant up to \$240,000.00 from Oncor Electric Delivery Company, for a Low-Income Weatherization Program for the Year 2008; authorizing the City Manager to execute, amend, extend or renew necessary contracts in accordance with the City of Fort Worth policies and regulations upon mutual agreement with Oncor Electric Delivery Company; and adopting Appropriation Ordinance No. 18182-07-2008 increasing estimated receipts and appropriations in the Grants Fund in the amount of \$240,000.00 subject to receipt of a Weatherization Assistance Program Grant from Oncor Electric Delivery Company for the purpose of funding the Low-Income Weatherization Assistance Program for the Year 2008.
- C-22917**
Ord. No. 18183-07-2008
Texas Association of Community Action Agencies, Inc.
- M&C C-22917 – Authorizing the City Manager to apply for and accept, if awarded, a grant up to \$617,171.00 from Texas Association of Community Action Agencies, Inc., for a Low-Income Weatherization Program for the Year 2008; authorizing the City Manager to execute, amend, extend or renew necessary contracts in accordance with the City of Fort Worth policies and

- C-22917
(Continued)** regulations upon mutual agreement with Texas Association of Community Action Agencies, Inc.; and adopting Appropriation Ordinance No. 18183-07-2008 increasing estimated receipts and appropriations in the Grants Fund in the amount of \$617,171.00 subject to receipt of a Weatherization Assistance Program Grant from Texas Association of Community Action Agencies for the purpose of funding the Low-Income Weatherization Assistance Program for the Year 2008.
- C-22919
Black & Veatch
Corporation** M&C C-22919 – Authorizing the City Manager to execute a contract with Black & Veatch Corporation in the amount not to exceed \$94,955.00 for the purpose of preparing a cost of service and rate study for wholesale water services.
- C-22920
Baird, Hampton &
Brown, Inc.** M&C C-22920 – Authorizing the City Manager to execute a professional services agreement with Baird, Hampton & Brown, Inc., in the amount of \$69,539.00 for the design and preparation of construction documents for parking lot and park drive improvements at Lake Como Park, Haws Athletic Center, Northside Community Center and Diamond Hill Community Center.
- C-22921
Reject All Bids for
Playground
Renovations** M&C C-22921 – Authorizing the City Manager to reject all bids received for playground renovations at Rodeo, Eastbrook, Newby, Mesa Verde, Cobb North and Rosemont Parks.
- C-22922
Linville and Smith
Enterprise, Inc. also
Known as Putt Putt
Golf** M&C C-22922 – Authorizing the City Manager to amend the existing lease agreement with Linville and Smith Enterprise, Inc., also known as Putt Putt Golf, to add rental of battery-powered electric go-karts to the list of allowed uses for the leased portion of Z-Boaz Park Golf Course.
- The motion carried. End of Consent Agenda.
- Agenda Item X
Presentations by
City Council** Council Member Jordan made a motion, seconded by Council Member Espino, that Ms. Christine Chapman be recommended as his appointment to the Minority and Business Enterprise Advisory Committee. 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-16204
Ord. No. 18184-07-
2008
Notice of Intention
to Issue
Combination Tax
and Limited Surplus
Revenue
Certificates of
Obligation, Series
2008**

There was presented Mayor and Council Communication No. G-16204 from the City Manager recommending that the City Council adopt an ordinance directing publication of notice of intention to issue Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2008, in an amount not to exceed \$64,000,000.00; approve the form of notice marked “Exhibit A” attached to the ordinance; authorize the City Manager to cause said notice to be published in a newspaper of general circulation in the City of Fort Worth, Texas, for two consecutive weeks, the date of the first publication to be before the fourteenth day before the day tentatively proposed for authorizing the issuance of the Certificates of Obligation as shown in said notice; and authorize the proceeds to be used for Critical Capital needs and cost over-runs from the 2004 CIP Program.

Council Member Jordan made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16204 be approved and Ordinance No. 18184-07-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**G-16205
Ord. No. 18185-07-
2008
Joint Code
Compliance and
Neighborhood
Clean-up Program**

There was presented Mayor and Council Communication No. G-16205 from the City Manager recommending that the City Council authorize the City Manager to execute an agreement with the Near Southeast Community Development Corporation providing for overtime compensation to Code Compliance Officers for a Joint Code Compliance and Neighborhood Clean-up Program to coordinate activities which focus on enforcement and abatement of code violations and educate citizens on how to identify, report and abate code violations in the targeted area bound by East Lancaster on the north, Interstate 35W South on the west, East Berry on the south and South Riverside on the east; authorize the City Manager to accept \$14,274.00 from the Near Southeast Community Development Corporation for the Joint Code Compliance and Neighborhood Clean-up Program; and adopt an appropriation ordinance increasing estimated receipts and appropriations in the Grants Fund in the amount of \$14,274.00 upon execution of the agreement with the Near Southeast Community Development Corporation for the purpose of funding overtime for Code Compliance Officers for participation in a Joint Code Compliance and Neighborhood Program between the City and the Near Southeast Community Development Corporation.

G-16205
(Continued) Council Member Burdette made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. G-16205 be approved and Ordinance No. 18185-07-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

L-14593
Underground
Pipeline License
Agreement, with
Texas Midstream
Gas Services, L.L.C.
3600 Roy Orr Blvd. There was presented Mayor and Council Communication No. L-14593 from the City Manager recommending that the City Council authorize the execution of an Underground Pipeline License Agreement with Texas Midstream Gas Services, L.L.C., for a 24-inch natural gas pipeline across City-owned property in the L. D. Burnett Survey, A-1697D located at approximately 3600 Roy Orr Boulevard the Centreport area in Dallas County in the amount of \$9,416.25 for a term of 20 years.

Council Member Moss made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. L-14593 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

L-14594
Underground
Pipeline License
Agreement, with
Texas Midstream
Gas Services, L.L.C.
Centreport Area There was presented Mayor and Council Communication No. L-14594 from the City Manager recommending that the City Council authorize the execution of an Underground Pipeline License Agreement with Texas Midstream Gas Services, L.L.C., for a 24-inch natural gas pipeline across City-owned property in the Vincent J. Hutton Survey, A-681, located south of Highway 183, east of Highway 360 and west of Amon Carter Boulevard in the Centreport area, in the amount of \$50,214.15 for a term of 20 years.

Council Member Moss made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. L-14594 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

L-14595
Underground
Pipeline License
Agreement, with
Texas Midstream
Gas Services, L.L.C.
4900 Cambridge
Road There was presented Mayor and Council Communication No. L-14595 from the City Manager recommending that the City Council authorize the execution of an Underground Pipeline License Agreement with Texas Midstream Gas Services, L.L.C., for a 24-inch natural gas pipeline across City-owned property known as Centreport Addition, Block 313A, Lot 2 located at 4900 Cambridge Road in the Centreport area, in the amount of \$21,937.95 for a term of 20 years.

Council Member Moss made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. L-14595 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

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**L-14596
Underground
Pipeline License
Agreement, with
Texas Midstream
Gas Services, L.L.C.
Centreport Area**

There was presented Mayor and Council Communication No. L-14596 from the City Manager recommending that the City Council authorize the execution of an Underground Pipeline License Agreement with Texas Midstream Gas Services, L.L.C., for a 20-inch natural gas pipeline across City-owned property in the John Burnett Survey, A-178, Tract 1C2, located east of Highway 360, south of the Trinity Rail Express Line in the Centreport area in the amount of \$13,900.05 for a term of 20 years.

Council Member Moss made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. L-14596 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

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

**L-14597
Lease Agreement
with Chesapeake
Exploration, LLC at
2728 Escalante
Avenue**

There was presented Mayor and Council Communication No. L-14597 from the City Manager recommending that the City Council authorize execution of a lease agreement with a bonus of \$58,739.82 and a twenty-five percent royalty for natural gas drilling under 3.203 acres, more or less, of City-owned properties located in Tarrant County, Texas, known as Eastbrook Park located at 2728 Escalante Avenue to Chesapeake Exploration, LLC, for a two-year primary term.

Council Member Jordan stated that he had filed a Conflict of Interest Affidavit with the City Secretary's Office and would abstain from voting on this issue.

Council Member Moss made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. L-14597 be approved. The motion carried unanimously seven (7) ayes to zero (0) nays, with Council Member Silcox absent and with one abstention by Council Member Jordan.

**L-14598
Condemn Land for
Construction of
Golden Triangle
Boulevard
Improvements**

There was presented Mayor and Council Communication No. L-14598 from the City Manager recommending that the City Council declare the necessity of taking an interest in a portion of land known as Lot 2, Block 1, William McCowan Subdivision, Tarrant County, Texas, owned by Verlo J. and Arlene M. Strand, required for the construction of Golden Triangle Boulevard improvements; and authorize the City Attorney to institute condemnation proceedings to acquire the interest in the land (DOE No. 5773).

Council Member Espino made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. L-14598 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

L-14599
Lease Agreement
with Chesapeake
Exploration, LLC

There was presented Mayor and Council Communication No. L-14599 from the City Manager recommending that the City Council approve the acceptance of a lease agreement with a bonus of \$62,302.38 and a twenty-five percent royalty for natural gas drilling under 6.086 acres more or less of City-owned properties located in Tarrant County known as Trinity Boulevard right-of-way located just west of Raider Road to Chesapeake Exploration, L.L.C., for a two-year primary term.

Council Member Jordan stated that he had filed a Conflict of Interest Affidavit with the City Secretary's Office and would abstain from voting on this issue.

Council Member Moss requested that staff explain this issue as the City was leasing the right-of-way.

Assistant City Manager Fernando Costa stated that the proposed lease agreement with Chesapeake involved an unusual situation in that the City of Fort Worth actually owned fee simple title to the Trinity Boulevard right-of-way, including both mineral and surface rights. He added that in most cases, the City did not own fee simple title; however, in this instance Chesapeake happened to be acquiring leases for properties in this vicinity, determined that the City owned the mineral rights and offered the same deal other property owners received in the area. He further stated that it was conceivable that other cases with similar agreements could be coming to the Council in the future and requested approval of the M&C.

Council Member Moss made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. L-14599 be approved. The motion carried unanimously seven (7) ayes to zero (0) nays, with Council Member Silcox absent and with one abstention by Council Member Jordan.

C-22918
Continued Until
July 22, 2008

It was the consensus of the City Council that Mayor and Council Communication No. C-22918, Authorize the City Manager to Execute a Lease Agreement with Oakwind, LTD, for Space Located at 6857-A Green Oaks Road for the Police Department for an Amount Not to Exceed \$7,500.00 Annually, be continued until the July 22, 2008, Council meeting.

C-22923
SRLS Texas, LLC

There was presented Mayor and Council Communication No. C-22923 from the City Manager recommending that the City Council authorize the City Manager to execute the first renewal of City Secretary Contract No. 35309, an Engineering Services Agreement with SRLS Texas, LLC, for an additional year for an amount not to exceed \$914,900.00 for engineering, construction management, inspections, testing and quality control for the 2008 Contract Street Maintenance Program.

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**C-22923
(Continued)**

Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-22923 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**C-22924
Ord. No. 18186-07-
2008
R and D Burns
Brothers, Inc.**

There was presented Mayor and Council Communication No. C-22924 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with R and D Burns Brothers, Inc., in the amount of \$564,746.75 for Water and Sanitary Sewer Replacements Contract 2005 WSM-B; authorize the transfer of \$728,750.75 from the Water and Sewer Operating Fund to the Water Capital Project Fund in the amount of \$458,178.00 and Sewer Capital Project Fund in the amount of \$270,572.75; and adopt an appropriation ordinance increasing estimated receipts and appropriations in the Water Capital Projects Fund in the amount of \$458,178.00 and the Sewer Capital Projects Fund in the amount of \$270,572.75 from available funds, for the purpose of authorizing execution of a contract with R and D Burns Brothers, Inc., for Water and Sanitary Sewer Replacements Contract 2005 WSM-B on Grover Avenue, Runnels Street and Melody Lane (City Project No. 00599).

Council Member Espino made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-22924 be approved and Appropriation Ordinance No. 18186-07-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**C-22925
Freese and Nichols,
Inc.**

There was presented Mayor and Council Communication No. C-22925 from the City Manager recommending that the City Council authorize the City Manager to execute an engineering agreement with Freese and Nichols, Inc., in the amount of \$197,077.00 for the East Harvey Storm Drain System and Burchill Channel (Project No. 00477).

Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-22925 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**C-22926
Ord. No. 18187-07-
2008
Stabile and Winn,
Inc.**

There was presented Mayor and Council Communication No. C-22926 from the City Manager recommending that the City Council authorize the transfer of \$663,458.50 from the Water and Sewer Operating Fund to the Water Capital Projects Fund in the amount of \$373,181.00 and the Sewer Capital Projects

C-22926
(Continued)

Fund in the amount of \$290,277.50; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Water Capital Projects Fund in the amount of \$373,181.00 and the Sewer Capital Projects Fund in the amount of \$290,277.50 from available funds, for the purpose of authorizing execution of a contract with Stabile and Winn, Inc., for the pavement reconstruction and water and sanitary sewer main replacements on portions of Merritt Street, Priddy Lane and Westwind Drive (Project No. 00452); and authorize the City Manager to execute a contract with Stabile and Winn, Inc., in the amount of \$1,533,093.06 for pavement reconstruction and water and sanitary sewer main replacement on portions of Merritt Street, Priddy Lane and Westwind Drive.

Council Member Moss pointed out that the required Minority and Women Business Enterprise participation percentage of 16 percent was exceeded on this contract and was actually at 42 percent which was significant.

Council Member Burdette made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-22926 be approved and Appropriation Ordinance No. 18187-07-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

C-22927
Ace Pipe Cleaning,
Inc.

There was presented Mayor and Council Communication No. C-22927 from the City Manager recommending that the City Council authorize the City Manager to execute the third renewal of an annual contract with Ace Pipe Cleaning, Inc., in the amount of \$219,960.00 for the Fort Worth City-wide large diameter sewer cleaning contract.

Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-22927 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

AGENDA ITEM XIVA – ZONING HEARINGS: CASES RECOMMENDED FOR APPROVAL

ZC-08-035A/B
Continued Until
July 29, 2008

It was the consensus of the City Council that Zoning Docket No. ZC-08-035A/B, Text Amendment for Parking Surfaces (Residential and Non Residential), be continued until the July 29, 2008, Council meeting.

ZC-08-088
Approved

It appeared that the City Council, at its meeting of July 8, 2008, continued the hearing of the application of T. L. Kobs & R. W. Dowling, et al., for a change in zoning of property located at 2509 Merrick Street from "CF" Community Facilities to "E" Neighborhood Commercial, Zoning Docket No. ZC-08-088. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Council Member Burdette stated that the applicant had met with the neighborhood association on this issue and requested staff explain the agreement that was reached.

Ms. Dana Burghdoff, Planning and Development Department Deputy Director, advised that the agreement she reviewed was for a Planned Development based on "E" Commercial zoning and there was a list of allowed uses for that district as well as restricted uses placed on operation of the site. She added that Mr. Jim Schell, who represented the applicant, had a submittal for the record.

Council Member Burdette clarified that the reason he asked for an explanation was that typically the Council deliberated on zoning cases that had a certain type zoning that reflected certain restrictions; however, in this case the applicant listed all the allowed uses for a certain zoning.

Jim Schell

Mr. Jim Schell, 901 Fort Worth Club Building, appeared before Council in support of the rezoning. He presented a document for the record which reflected the permitted and limited uses as follows:

The following "E" uses shall be permitted:

- Government office facility
- Museum, library or fine art center
- Health services facility, including doctor's office or medical clinic
- Hospice
- Massage therapy and spa
- Park or playground (public or private)
- Place of worship (auxiliary use (SE))
- Health or recreation club
- Lodge or civic club
- Museum or cultural facility
- Bed and breakfast
- Bank, financial institution (no drive-through)

ZC-08-088
(Continued)

Offices
Antique shop
Appliance sales, supply or repair
Barber or beauty shop
Book, stationery store or newsstand
Burglar alarm sales or service
Business college or commercial school
Caterer or wedding service
Clothing/wearing apparel sales, new
Clothing/wearing apparel sales, used
Copy store or commercial print center without offset printing—hours limited to
8:00 a.m. to 8:00 p.m.
Dance studio
Dressmaking, custom, millinery shop
Duplicating services—hours limited to 8:00 a.m. to 8:00 p.m.
Furniture sales, new and used (office and residential) in a building
Home improvement store
Interior decorating
Leather goods shop
Locksmith
Medical supplies/equipment sales or rental
Optician
Photography, portrait/camera shop or photo finishing
Retail sales (General)—hours limited to 8:00 a.m. to 8:00 p.m. for the
following only:
Bicycle sales or repairs
Cigar or tobacco store
Craft or novelty store
Electronic media sales or servicing
Florist shop
Fur storage or sales
Gift shop
Hardware
Paint or wallpaper store
Jewelry store
Musical instruments
Optical goods sales
Piano store
Studio, art or photography sales and service
Tailor, clothing or apparel shop

**ZC-08-088
(Continued)**

The use of the property shall be subject to the following limitations:

Signage (beyond the existing single monument sign) will conform to City ordinances. No pole or pylon signs are permitted.

Garbage/dumpsters will be screened and located at the back of the building next to the air conditioning units or at the eastern end of the north parking lot.

All lighting will be down-lit and directed away from the properties on the 5100 block of Birchman Avenue.

No drive-throughs are permitted.

The site plan requirement is waived for the existing building only.

There being no one else present desiring to be heard in connection with the application of T. L. Kobs & R. W. Dowling, et al., Council Member Burdette made a motion, seconded by Council Member Burns, that the hearing be closed and that Zoning Docket No. ZC-08-088 be approved as amended. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

City Manager Fisseler acknowledged a Boy Scout, Mr. Duncan, in the audience who was attending the meeting working towards his Citizenship in the Community Badge.

Zoning Hearing

It appeared to the City Council that the Notice of Special Hearing set today as the date for the hearing in connection with recommended changes and amendments to Zoning Ordinance No. 13896 and that notice of the hearing had been given by publication in the Fort Worth Star-Telegram, the official newspaper of the City of Fort Worth, on June 23, 2008. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

**ZC-08-112
Text Amendment
Ord. No. 18188-07-
2008
Approved**

There was presented Zoning Docket No. ZC-08-112, Text Amendment for Near Southside District Revisions. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

There being no one present desiring to be heard in connection with the Text Amendment, Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that Zoning Docket No. ZC-08-112, be approved and the following ordinance adopted:

ZC-08-112
(Continued)

ORDINANCE NO. 18188-07-2008

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH (1986), TO AMEND VARIOUS SECTIONS OF THE NEAR SOUTHSIDE DEVELOPMENT STANDARDS AND GUIDELINES AS PROVIDED BY SECTION 4.909D, "OTHER DEVELOPMENT STANDARDS" OF CHAPTER 4, "DISTRICT REGULATIONS" OF ARTICLE 9, "COMMERCIAL DISTRICTS" TO PROVIDE FOR CLARIFICATIONS AND CORRECT INCONSISTENCIES; TO PROVIDE FOR ADMINISTRATIVE APPROVAL OF HOSPITAL SIGNAGE; TO PROVIDE THAT THE URBAN DESIGN COMMISSION MAY GRANT EXCEPTIONS TO ROADSIDE DESIGN STANDARDS; TO PROVIDE FOR ADDITIONAL REQUIREMENTS FOR PUBLIC ROADSIDES FOR DESIGN, APPLICABILITY AND ELEMENTS; TO AMEND THE REGULATIONS FOR BUILDING HEIGHT AND ARCHITECTURAL STANDARDS; TO PROVIDE ADDITIONAL REGULATIONS FOR "R" ZONES; TO CORRECT THE PERMITTED LAND USE TABLE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

ZC-08-110
Approved

There was presented Zoning Docket No. ZC-08-110, application of City of Fort Worth (Hillside Morningside Neighborhood) for a change in zoning of property located north of Allen Avenue, south of Rosedale Street, east of IH 35W and west of Short, Veal & Stewart Street from "NS-T4" Near Southside General Urban Zone to "NS-T4R" Near Southside General Urban Restricted Zone.

Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that Zoning Docket No. ZC-08-110, be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

There being no one else present desiring to be heard in connection with the recommended changes and amendments to Zoning Ordinance No. 13896, Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that the hearing be closed and that the following ordinance be adopted:

**ZC-08-110
(Continued)**

ORDINANCE NO. 18189-07-2008

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, SAME BEING AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY RESIDENCE AND OTHER PURPOSES, THE HEIGHT, NUMBER OF STORIES AND SIZE OF THE BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS AND OTHER OPEN SPACES, OFF-STREET PARKING AND LOADING, AND THE DENSITY OF POPULATION, AND FOR SUCH PURPOSES DIVIDING THE MUNICIPALITY INTO DISTRICTS AND THE BOUNDARIES THEREOF UPON "DISTRICT MAPS"; PURPOSE AND CONFLICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND NAMING AN EFFECTIVE DATE.

The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

Mayor Pro tem Hicks expressed appreciation to City staff for their work in rezoning over 300 acres in her district.

**Agenda Item XV
Citizen
Presentations
Joe Don Brandon,
Tahirah Samuels**

Mayor Moncrief recognized Mr. Joe Don Brandon, P.O. Box 1155, as desiring to appear before Council relative to Texas Black Workers Awards; however, Mr. Brandon was not present in the Council Chamber.

Ms. Tahirah Samuels, 2858 Park Meadow Court, appeared before Council relative to disproportionality in Fort Worth. She advised that she was a student at the University of Texas at Arlington and as a requirement of her thesis she had to present factual information to the Council on the subject of her thesis. She pointed out that disproportionality rates in which African-American children were being removed from their homes were prevalent in various zip codes in the City and suggested ways of strengthening various City programs to reduce the rates. She also suggested utilizing vacant or dilapidated buildings, renovating and dedicating them to single or teen parents.

**Citizen
Presentations
(Continued)**

Mayor Moncrief expressed appreciation to Ms. Samuels for her presentation. He informed her that although state agencies removed children from environments that were deemed unhealthy by the courts system, the City of Fort Worth was doing what it could to augment efforts to provide programs to benefit families.

Jerry Horton

Ms. Jerry Horton, 2608 Carter Avenue, appeared before Council relative to a gas pipeline being placed on Carter Avenue. She advised the Council that she opposed the pipeline being placed underneath her front yard and that she had asked Chesapeake to have the pipeline go underneath Scott Street. However, she stated that Chesapeake informed her that residents on Scott Street did not want the pipeline at their location either. She provided a piece of paper that she asserted reflected a City ordinance for placing lines under City streets and requested Mayor Pro tem Hicks provide a copy of the document to representatives of Chesapeake. She pointed out that it was the Council's responsibility to protect the future generations of the City.

Ms. Susan Alanis, Planning and Development Department Director, provided background and stated that the Thomas well was a high impact well; however, the one protected use within 600 feet radius of that well had signed a waiver. She added that as a result, the well site would not come before the Council for consideration under the current ordinance. She advised that there were two concerns relative to this well site; the pipeline route as well as the traffic route that was currently planned for along Scott Street and added that the City had been working extensively with the Texas Department of Transportation and Chesapeake to try to negotiate a more appropriate alignment. She pointed out that she would be willing to review the ordinance presented by Ms. Horton with the City Attorney to determine if it provided opportunities for leverage. She added that a pipeline workshop was scheduled for August 7, 2008, from 1:00 p.m. to 3:00 p.m. for the Council and the Gas Well Task Force to consider what types of regulations the City could or should impose in terms of pipeline routes. She also stated that in addition, staff would also look at allowing pipelines under street pavement which would avoid some of the private easement acquisitions through residents' yards that was occurring today.

Jim Ashford

Mr. Jim Ashford, 6209 Riverview Circle, appeared before Council relative to gas drilling. He stated that he felt betrayed by the Council, City staff and Chesapeake Energy as at the June 10, 2008, Council meeting he requested assistance from the Council in determining the need to drill a new well at the corner of Handley Ederville Road and Randol Mill Road. He informed the Council that River Bend Estates was an exclusive affluent community and that

**Citizen
Presentations
(Continued)**

Council should provide special consideration to protecting this community on the east side of the City. He added that the well site would damage property values and created the potential for catastrophic flood damage to the neighborhood. He stated that on June 12, 2008, he received a call from the City and requested he attend a meeting on July 8, 2008, with Council Member Scarth, Chesapeake Energy and others. He pointed out that on June 27, 2008, the Planning and Development Department issued a permit Chesapeake to drill and that on July 1, 2008, Chesapeake started to grade the well site—one week before the July 8, 2008, meeting and no one notified him of this occurrence. He added that he had agreed in good faith to the meeting and assumed that the meeting was to discuss the need for the well site's existence and its consequences. He stated that the meeting was actually about water run off control, just one of the potential problems to the neighborhood. He added that this was just one example of preventing citizens who had to live with the Council's decisions, from being involved.

Council Member Scarth stated Mr. Ashford had incorrectly assumed that the July 8, 2008, meeting in some way would affect whether the well site could be permitted or not. He added that neither he nor staff informed Mr. Ashford that the permit hinged upon the outcome of the meeting with him; that the meeting was specifically arranged to give the neighborhood an opportunity to hear how Chesapeake was going to handle the storm water run off, specifically silt, that might get into the drainage basin. He stated that Chesapeake presented a thorough plan and that they agreed to have an engineering firm assess the potential sediment run off from the site. He pointed out that the gas well was not a high impact gas well site and its use was permitted by right; Council approval was not required. He added that Chesapeake had complied with all City requirements and had also placed a substantial sound wall around the site. He advised Mr. Ashford that the City treated all residents the same regardless of their personal wealth.

City Manager Fisseler apologized to Mr. Ashford if there was any confusion on what the staff was intending to do at this well site; however, the matter of the meeting was as Council Member Scarth described.

**Nel LaBar,
Grayson Harper**

Ms. Nel LaBar, 1609 Willow Lane, Euless, Texas, and Mr. Grayson Harper, 3605 Bellaire Drive South, appeared before Council relative to the impeachment of the President and Vice President of the United States.

Agenda Item XVI
Executive Session

It was the consensus of the City Council that they recess into Executive Session at 11:40 a.m. to:

1. Seek the advice of its attorneys concerning the following pending or contemplated litigation or other matters that are exempt from public disclosure under Article X, Section 9 of the Texas State Bar Rules as authorized by Section 551.071 of the Texas Government Code:
 - a) Love Terminal Partners, L.P., et al. v. City of Dallas, et al, Civil Action No. 4-06-CV-1279-D;
 - b) Legal issues concerning premature street failures;
 - c) Allied Waste Systems, Inc., d/b/a Trinity Waste Services v. City of Fort Worth, Civil Action No. 4-08-CV-412-Y;
 - d) Faye Anna Mitchell, Individually and as Trustee of the Mitchell Family Trust and Mitchell, Mitchell and Mitchell, Ltd. v. Fort Worth Sports Authority, Inc. and City of Fort Worth, Cause No. ED-2007-00232;
 - e) City of Fort Worth, et al. v. Greg Abbott (McDonald), D-1-GN-07-000814 (Court of Appeals No. 03-07-00553-CV);
 - f) Legal issues concerning animal care and control;
 - g) City of San Antonio, et al. v. Hotels.com, L.P., et al;
 - h) City of Fort Worth v. Billye Helene Kane and Kane Plumbing Company, Cause No. 06-42200-1, in the County Court at Law No. 1, Tarrant County, Texas;
 - i) 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

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**Agenda Item XVI
(Continued)**

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 1:40 p.m.

**Agenda Item XVII
Adjournment**

There being no further business, the meeting was adjourned at 1:40 p.m.