

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
JULY 22, 2008**

Present

Mayor Mike Moncrief
Mayor Pro tem Kathleen Hicks, District 8
Council Member Chuck Silcox, District 3
Council Member Daniel Scarth, District 4
Council Member Frank Moss, District 5
Council Member Jungus Jordan, District 6
Council Member Carter Burdette, District 7
Council Member Joel Burns, District 9

Absent

Council Member Salvador Espino, District 2

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 10:11 a.m. on Tuesday, July 22, 2008, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102, with Council Member Espino absent.

**Agenda Item II
Invocation** The invocation was given by Chaplain Mitch Felder, Fort Worth Police Department.

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

**Agenda Item IV
Approval of
Minutes** Upon a motion of Mayor Pro tem Hicks, seconded by Council Member Silcox, the minutes of the regular meeting of July 15, 2008, were approved unanimously eight (8) ayes to zero (0) nays, with Council Member Espino absent.

**Agenda Item V
Special
Presentations** Mayor Moncrief stated that since the presentation by the National Cutting Horse Association was unable to be given during the Pre-Council Work Session due to technical difficulties, he advised that the presentation would be given during the Council meeting today.

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Agenda Item V
(Continued)

Mr. Kirk Slaughter, Public Events Department Director, introduced Mr. Jeff Hooper, Executive Director of the National Cutting Horse Association (NCHA). Mr. Hooper informed the Council that the NCHA started and was headquartered in Fort Worth. He briefed the Council on the Association's activities and the dollar impact the many events had to the City's economy. He presented a video entitled "NCHA Storylines" which provided information on the NCHA.

Council Member Burdette presented a Proclamation for National Day of the American Cowboy and Cowgirl to Ms. Pam Minick, Billy Bob's. Ms. Minick extended invitations to everyone to attend all the National Day of the Cowboy activities on July 26, 2008, from 11:00 a.m. to 4:00 p.m. in the Fort Worth Stockyards.

Ms. Deborah Jung, Founder and Executive Director for the Kids Who Care Program, expressed appreciation to the Council for their continued support of this program. International exchange students and chaperones participating in the Kids Who Care International Musical Theatre Program from Italy, Scotland, Albania and Israel presented gifts to the City and explained what impact the program had on their lives. Members of the KidPower Team presented the song "I'm Going to Fly" for the pleasure of the Council and audience.

Mayor Moncrief recognized Boy Scout Daniel Boerner, nephew of Environmental Management Department Director Brian Boerner, from Boy Scout Troop 1910, and stated that Daniel was attending the Council meeting working towards his Citizenship in the Community Badge.

Mr. Kenneth Barr, Chairman of Fort Worth Sister Cities International, introduced six international students participating in the International Leadership Academy. Mayor Moncrief accepted gifts on behalf of the City from student representatives from Reggio Emilia, Italy; Trier, Germany; Mbabane, Swaziland; Nagaoka, Japan; Bandung, Indonesia; and Toluca, Mexico. He also advised of a recent award received by Fort Worth Sister Cities International and of other current activities.

Agenda Item VI
Announcements

Council Member Jordan stated that by the presence of organizations like Kids Who Care and Sister Cities International and the National Cutting Horse Association, the City was going higher and higher and proved what a great City Fort Worth residents lived in and what a great community it was. He announced that he participated in a ride out in the King Neighborhood Policing District on July 18, 2008, and stated that he was more convinced than ever that Fort Worth was one of the safest cities and that Fort Worth had the best Police Department in the nation and probably the world.

Agenda Item VI
(Continued)

Council Member Moss announced that a Time to Talk Meeting would be conducted on July 28, 2008, at 6:30 p.m. at the Holy Tabernacle Church of God in Christ, 1800 E. Loop 820. He added that these talks were an opportunity for citizens to share their ideas, suggestions and dreams for Fort Worth and encouraged everyone to attend. He also announced that an East Rosedale Street Widening public meeting would be conducted on July 31, 2008, at 6:30 p.m. at the MLK Community Center. He encouraged everyone to attend, provide input and review some of the displays for alternative alignment and potential right-of-way requirements from Miller Avenue to Loop 820.

Mayor Pro tem Hicks announced that a public meeting would be conducted on July 28, 2008, at 6:30 p.m. at the Azalea Room of the Botanic Gardens regarding the proposed revisions of the "ER" zoning district. She stated that this meeting had a great potential affect on many of the City's commercial corridors and invited everyone to attend. She also announced that a Community Policing Forum would be held in District 8 on July 29, 2008, from 7:00 p.m. to 8:00 p.m. at the Highland Hills Community Center. She further announced that on July 30, 2008, at 6:00 p.m., at the Meadowbrook United Methodist Church on Meadowbrook Drive, she and the West Meadowbrook Association would sponsor a meeting on drilling and pipeline issues and alternatives. She added that discussions were still proceeding with the Texas Department of Transportation (TxDOT) to see if the pipeline could be moved to an alternate location along I-30 to lessen the impact on the neighborhood. She pointed out that there would be a workshop in August on the issue of pipelines which would be helpful on some of the issues of placing pipelines in residents' yards. She announced that a ground breaking for the new municipal building in the Terrell Heights area would be conducted on July 31, 2008, at 10:00 a.m. at 818 Missouri Avenue.

Council Member Burdette stated that approximately 50 people attended the "Let's Talk Fort Worth" meeting on July 17, 2008, at Christ's Chapel Bible Church and made valuable suggestions. He advised that additional meetings would be held during the next six weeks and he urged all citizens to review the City's website and the *City Page* in the *Fort Worth Star-Telegram* for times and locations of the meetings. He advised that the final meeting would be held in September at the Will Rogers Memorial Coliseum Auditorium and encouraged everyone to get involved.

Mayor Moncrief stated that the City encouraged citizens to engage in this process to give the City an idea of what they were thinking to continue to build the City. He expressed appreciation to Ms. Madelyn Gibbs for her efforts to ensure attendance at the meetings was sufficient and that people are informed.

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**Agenda Item VI
(Continued)**

Council Member Burns announced that the Fort Worth Police Department would conduct the next Citizens Police Academy on August 7, 2008, at 6:00 p.m. at the Police and Fire Training Center, 1000 Calvert. He added that the 36-hour course would highlight hands-on instruction on how citizens could work with the Police Department and for anyone desiring more information to please call (817) 871-6559.

Council Member Scarth announced that tonight at 6:30 p.m. at the East Regional Library a meeting would be conducted to receive the results from the consultant hired for the possibility of building an amphitheatre in Fort Worth. He also announced that on July 23, 2008, at 5:30 p.m. also at the East Regional Library a meeting for the Eastern Hills Watershed Study Committee would be conducted and invited everyone interested to attend.

Council Member Silcox provided his weekly announcement warning everyone about the illegal activity of blowing grass and leaves into the street and the possible fine of up to \$2,000.00. He stated that his concern was that the people who really needed to get this information were not getting the information and advised the City Manager that information regarding this activity needed to be provided to homeowners and landscaping companies. He also requested information from the Law Department on the possibility of issuing the citations for this violation to the homeowner. He addressed the illegal activity of placing bandit signs on the City's right-of-way or on utility poles and added that information on this activity also needed to be distributed to the public. He also requested information on the City's ability to cite the companies placing the bandit signs and those who benefit from the sign placement.

**Agenda Item VII
Withdrawn from
Consent Agenda**

City Manager Fisseler requested that Mayor and Council Communication No. G-16208 be withdrawn from the consent agenda.

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

City Manager Fisseler requested that Mayor and Council Communication No. G-16208 be continued until the July 29, 2008, Council meeting and that Mayor and Council Communication Nos. PZ-2781 and C-22918 be withdrawn from consideration.

**Agenda Item IX
Consent Agenda**

Upon a motion made by Council Member Silcox, seconded by Council Member Jordan, the Council voted eight (8) ayes to zero (0) nays, with Council Member Espino absent, to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

- OCS-1673**
Claims M&C OCS-1673 - 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-16206**
Fund Standing
Steering Committee
for Electric Utility
Regulation with
Texas Public
Utilities
Commission M&C G-16206 – Authorizing the City Manager to pay the Standing Steering Committee of Oncor Electric Delivery Service Area Cities the sum of \$68,685.00 to fund participation in current and upcoming electric utility dockets and rulemakings related to electric utility regulation at the Texas Public Utilities Commission.
- G-16207**
Execute Contract
with Intercon
Environmental, Inc.,
for Demolition of
Structures at 2368
& 1308 Evans Ave. M&C G-16207 – Authorizing the City Manager to execute a contract with Intercon Environmental, Inc., based upon Intercon’s Texas Procurement and Support Services contract for demolition services of the identified structures; and ratifying the Code Compliance Special Enforcement Division’s expenditure of \$57,460.00 in Community Development Block Grant Year XXV funds for the demolition of two substandard and hazardous structures at 2368 Evans Avenue and 1308 Evans Avenue.
- P-10816**
Teledyne Advanced
Pollution
Instrumentation
Parts, Equipment
and Services M&C P-10816 – Authorizing the City Manager to execute a purchase agreement for Teledyne Advanced Pollution Instrumentation parts, equipment and service with Ozone Engineering, Inc., for an amount not to exceed \$50,000.00 for the Water Department based on low bid meeting specifications with payments due 30 days from receipt of invoices.
- L-14600**
Acquisition of 806
Irma Street for
Relocation of Fire
Station No. 5 M&C L-14600 – Approving the acquisition of 806 Irma Street described as Lots 7, 8, 9, 16, 17, 18 and east part of Lots 10 and 15, Zurn Subdivision, located in south Fort Worth, Tarrant County, Texas, for the relocation of Fire Station No. 5, from Stephen Murrin, Jr., Mary Caroline Murrin Dulle and Frances Susan Murrin Pritchett; finding that the price offered in the amount of \$85,000.00, plus an estimated closing cost of \$5,000.00, is just compensation; and authorizing the acceptance and recording of appropriate instruments (DOE No. 5485).
- L-14601**
Accept Dedication
of Parkland for C.
P. Hadley and
Summer Creek
Ranch Parks M&C L-14601 – Accepting the dedication of 7.818 acres of parkland described as being Lot 17, Block J and Lot 1, Block L of the Stone Meadow Addition, an addition to the City of Fort Worth, Tarrant County, Texas, located south of Columbus Trail, north of Risinger Road and west of Ocean Drive, from Meritage Homes of Texas, LP, in accordance with the *Neighborhood and Community Park Dedication Policy* for C. P. Hadley Park and Summer Creek Ranch Park.

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- C-22928
Tarrant County** M&C C-22928 – Authorizing the City Manager to execute an Interlocal Agreement with Tarrant County for construction of a portion of Heritage Trace Parkway from Old Decatur Road to Business 287, including relocation of the current intersection of Old Decatur Road with Business 287, with City participation in the amount not to exceed \$40,000.00.
- C-22929
Change Order No. 1
to CSC No. 35555,
Conatser
Construction TX,
LP** M&C C-22929 – Authorizing the City Manager to execute Change Order No. 1 in the amount of \$60,725.40 to City Secretary Contract No. 35555 with Conatser Construction TX, LP, for paving drainage, water and sewer improvements on Keller-Hicks Road from 750-west of Ridgeview through Alta Vista Road intersection (DOE No. 5317), thereby increasing the contract amount to \$1,764,922.90.
- C-22930
U.S. Department of
Health & Human
Services, Substance
Abuse & Mental
Health Services
Administration** M&C C-22930 – Authorizing the City Manager to apply for, accept and execute if awarded, a no-cost extension grant of the Child Mental Health Initiative Co-operative Agreement Grant Contract with the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration in the amount of \$347,250.12; and authorizing acceptance of \$694,500.24 of in-kind contributions from community providers in mental health, education, juvenile justice, health, substance abuse and child welfare for the required in-kind match.
- C-22931
Authorize Payment
to Oracle USA** M&C C-22931 – Authorizing payment to Oracle USA in an amount not to exceed \$71,836.26 for incremental licensing and program support fees for the PeopleSoft Customer Relationship Management System by the Water Department.
- C-22932
Name The First Tee
of Fort Worth
Building the Ben
Hogan Learning
Center** M&C C-22932 – Approving the naming of The First Tee of Fort Worth Building at Rockwood Golf Course as the Ben Hogan Learning Center in honor of Professional Golfer Ben Hogan.
- The motion carried. End of Consent Agenda.
- Agenda Item X
Presentations by
City Council
Appointments** Council Member Silcox made a motion, seconded by Mayor Pro tem Hicks, that Mr. Donald Scott be appointed to Place 3 on the Modern Streetcar Committee effective July 22, 2008. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Espino absent.

**Agenda Item X
(Continued)**

Council Member Moss made a motion, seconded by Mayor Pro tem Hicks, that Ms. Jasmine Johnson be appointed to Place 5 on the Youth Advisory Council effective July 22, 2008. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Espino absent.

Council Member Burns made a motion, seconded by Mayor Pro tem Hicks, that Mr. Randy Means be reappointed to Place 9 on the Aviation Advisory Board and that Mr. Greg Ibanez be appointed to Place 9 on the Historic and Cultural Landmarks Commission, effective July 22, 2008, and with terms expiring on October 1, 2009. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Espino absent.

**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-16208
Increase Positions in
Municipal Court
Department for Red
Light Enforcement
Program –
Continued Until
July 29, 2008**

It was the consensus of the City Council that Mayor and Council Communication No. G-16208, Authorize Allocation of Two Full-Time Positions, One from Transportation and Public Works and One from Finance Department, to Municipal Court for the Automated Red Light Enforcement Program and Adopt Supplemental Appropriations Ordinance Transferring Funds to the Municipal Court Department from the Transportation and Public Works and Finance Departments, be continued until the July 29, 2008, Council meeting.

**G-16209
Res. No. 3637-07-
2008
Amend FY 2007-
2008 Budget for PID
No. 1 (Downtown)**

There was presented Mayor and Council Communication No. G-16209 from the City Manager recommending that the City Council adopt a resolution amending the Fiscal Year 2007-2008 budget for Public Improvement District No. 1 (Downtown) by adding \$533,063.00 from assessments from 2007 and prior years.

Council Member Burns made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. G-16209 be approved and Resolution No. 3637-07-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Espino absent.

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**G-16210
Ord. No. 18190-07-
2008
Ord. No. 18191-07-
2008
Accept Monetary
Donation to
Purchase
Equipment for
Various Fire
Stations**

There was presented Mayor and Council Communication No. G-16210 from the City Manager recommending that the City Council authorize the City Manager to accept a monetary donation in the amount of \$32,400.00 from an anonymous donor; authorize the transfer of \$32,400.00 from the Special Gift Fund to the General Fund; authorize the purchase of various equipment as specified in the grant disbursement guidelines; adopt a supplemental appropriation ordinance increasing estimated receipts and appropriations in the General Fund in the amount of \$32,400.00 from available funds for the purpose of funding the purchase of equipment for use at various fire stations; and adopt an appropriation ordinance increasing estimated receipts and appropriations in the Special Gifts Fund in the amount of \$32,400.00 from available funds for the purpose of transferring said funds to the General Fund.

Mayor Pro tem Hicks made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. G-16210 be approved with appreciation and Supplemental Appropriation Ordinance No. 18190-07-2008 and Appropriation Ordinance No. 18191-07-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Espino absent.

**PZ-2781
Owner-Initiated
Annexation (AX-08-
002, Old Decatur
Road Right-of-Way)
Withdrawn from
Consideration**

It was the consensus of the City Council that Mayor and Council Communication No. PZ-2781, Institution and Adoption of Ordinance for the Owner-Initiated Annexation of Approximately 2.7 Acres of Land in Tarrant County, Texas, Existing Old Decatur Road Right-of-Way Between Longhorn Road and Mosaic Drive with an Estimated Maintenance Cost of \$150,000.00 (AX-08-002, Old Decatur Right-of-Way), be withdrawn from consideration.

**C-22918
Withdrawn from
Consideration**

It was the consensus of the City Council that Mayor and Council Communication No. C-22918, dated July 15, 2008, 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 withdrawn from consideration.

**C-22918 (Revised)
Oakwind, LTD**

There was presented Mayor and Council Communication No. C-22918 Revised from the City Manager recommending that the City Council authorize the City Manager to execute a lease agreement with Oakwind, LTD, for office space of approximately 1,000 square feet located at 6857-A Green Oaks Road for the Police Department for the amount of \$7,500.00 annually, plus the cost of utilities.

C-22918 (Revised)
(Continued) Council Member Burdette made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-22918 Revised be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Espino absent.

C-22933
Railroad
Commission of
Texas There was presented Mayor and Council Communication No. C-22933 from the City Manager recommending that the City Council authorize the City Manager to execute an Interlocal Agreement with the Texas Railroad Commission for facility sharing by the City of Fort Worth with the Texas Railroad Commission utilizing 1,497 square feet of office space at 401 West 13th Street. The term of the agreement shall be for an initial term of five years commencing September 1, 2008, until August 31, 2013, with five automatic one-year renewal options.

Mayor Pro tem Hicks expressed appreciation to Mayor Moncrief and City staff for moving forward on this issue.

Mayor Pro tem Hicks made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-22933 be approved with appreciation. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Espino absent.

C-22934
Res. No. 3638-07-
2008
Lowell Denton, of
Law Firm Denton,
Navarro, Rocha and
Bernal, P.C. There was presented Mayor and Council Communication No. C-22934 from the City Manager recommending that the City Council authorize the City Manager to retain Lowell Denton of the law firm Denton, Navarro, Rocha and Bernal, P.C., as outside counsel, pursuant to Chapter VI, Section 3, of the City Charter, to assist the City Attorney in representing the City in regard to public safety labor negotiation issues; and adopt a resolution fixing in advance, as far as practicable, the amount to be paid to Lowell Denton, in an amount not to exceed \$100,000.00.

Council Member Burns made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-22934 be approved and Resolution No. 3638-07-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Espino absent.

C-22935
Gilbert May, Inc.,
d/b/a Phillips/May
Corporation There was presented Mayor and Council Communication No. C-22935 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with Gilbert May, Inc., d/b/a Phillips/May Corporation, in the amount of \$333,333.00 for Alliance Airport Shoulder Rehabilitation Project, Phase 2, which includes shoulder rehabilitation of Taxiway "H" by

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**C-22935
(Continued)**

repairing and sealing surface cracks in the asphalt shoulder, applying seal coat to existing shoulder and joint sealing at Bell Helicopter Apron and Runway 34R-16L.

Council Member Scarth made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-22935 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Espino absent.

**C-22936
Ord. No. 18192-07-
2008
Conatser
Construction TX,
LP**

There was presented Mayor and Council Communication No. C-22936 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with Conatser Construction TX, LP, in the amount of \$468,708.00 for storm drainage improvements and water and sanitary sewer main replacement on Kellis-May Drainage Improvements from Hemphill Street to the Union Pacific Railroad Crossing (Project No. 00089); authorize the transfer of funds in the amount of \$135,848.00 from the Water Operating Fund to the Water Capital Projects Fund; and adopt an appropriation ordinance increasing estimated receipts and appropriations in the Water Capital Projects Fund in the amount of \$135,848.00 from available funds for the purpose of executing a contract with Conatser Construction TX, LP, for storm drainage improvements and water and sanitary sewer main replacement on Kellis-May Drainage Improvements.

Council Member Burns made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-22936 be approved and Appropriation Ordinance No. 18192-07-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Espino absent.

**Agenda Item XIV
Citizen
Presentations
Jack Tarasar**

City Secretary Hendrix advised that Mr. Jack Tarasar, 730 Heights Drive, who desired to appear before Council relative to Code Compliance and Building Standard Commission issues, was not present.

Shelley Harper

Ms. Shelley Harper, 6703 Cahoba Drive, representing the East Lake Worth Neighborhood Association, appeared before Council relative to protecting Lake Worth and City development and drilling-related codes. She stated that there was a need for more stringent codes and ordinances related to the development, construction and gas drilling issue in the immediate water shed area of Lake Worth. She referred to a booklet provided earlier to the Council addressing these issues that supported her position. She advised of two poorly engineered retaining walls for two hotels being constructed on Shady Oaks Manor and the

Shelley Harper
(Continued)

lack of an 18-inch plastic silt screen, dirt runoff ended up in Cahoba Cove and added that similar damage was done to another cove at Lake Worth. She pointed out that although state guidelines were being complied with they were inadequate for the topography at Lake Worth. She added that the City needed to harvest gas with environmental sensitivity. She provided pictures of silt runoff at the lake and requested the City to amend construction and drill site codes.

Council Member Scarth stated that in some cases the City had limited power on what could be required; however, this was something that the City's Legislative and Intergovernmental Affairs Committee could continue to work with the state. He added that most of the regulations were envisioned for more rural areas and not so much in urban areas where the runoff could have more of an impact. He pointed out that one of things that had been done in his district was to meet specifically with the drilling companies. He also advised of a report from an outside third party environmental management consultant who did a pre-site survey and provided an opinion letter on the mitigation techniques that the drilling company would use.

City Attorney Yett stated that City staff was examining all options. He advised there were opportunities where statute provides for the City to do more regulation and pointed out that the City was exploring that as well.

Council Member Burdette pointed out that one area the City could do more was during the application process. He added that he hoped the City's gas well inspectors would be very stringent about requiring detailed pad site designs to ensure there would not be any runoff from the pad site into Lake Worth. He addressed the issue of the homes built around the lake with septic tank systems and how runoff from those systems could affect the lake. He advised that the City had plans to develop the sewer system around the lake, both sanitary sewer and storm water sewer, which was part of the recent bond program.

Joe Waller

Mr. Joe Waller, 2533 Castle Circle, appeared before Council relative to protecting Lake Worth and City development and drilling-related codes. He stated that the construction ordinances were ineffective and suggested that more needed to be done at the state level. He addressed the charge of the Gas Drilling Task Force and advised that a member of the task force reserved the right to discuss Lake Worth as a potential protected use. He pointed out that the Extraterritorial Jurisdiction was on the other side of Silver Creek Road and Lake Worth received runoff from operations beyond the control of City ordinances and stated that perhaps the County needed to be involved. He

Joe Waller
(Continued)

stated that the Nature Center was considering hiring a consultant to evaluate the best practices for drilling in the Nature Center area, and added that he hoped that study could be adapted to or expanded to include the Lake Worth area. He added that it was critical that the City had independent consultants involved with drilling around Lake Worth and the best method to harvest the minerals at the lake. He pointed out that the City owned the mineral rights at the lake and could control how the harvesting was done through the lease document.

Jerry Horton

Ms. Jerry Horton, 2608 Carter Avenue, appeared before Council relative to gas well pipelines on Carter Avenue. She provided a drawing of the pipeline location along her street and addressed the need to continue to seek moving the pipeline away from the neighborhood to along IH-30. She also advised of her efforts to provide assistance to Hispanic residents who did not speak or understand English and were trying to understand contracts they had signed relative to their mineral rights and pipeline waivers.

Mayor Pro tem Hicks stated that she had met with TxDOT on this issue and would continue to do so; however, she added that TxDOT overruled her. She pointed out that she had met with state representatives for the area to seek their assistance. She added that TxDOT opposed to placing the pipeline on the south side of IH-30, but they were pursuing the placement of it on the north side of IH-30. She advised that this would involve Council Member Scarth's district and he had supported the pipeline being placed along the Gateway Park Corridor.

Mayor Moncrief stated that the City was doing everything it could do within its legal purview; however, gas companies were given certain rights by the state and the City had to work within those parameters.

Michael Phipps

Mr. Michael Phipps, 4451 Normandy Road, also appeared before the Council relative to the gas well pipeline on Carter Avenue and the use of Scott Street as an access road to the Thomas well. He stated that Scott Street was very narrow and for it to be used as an access street was unacceptable and expressed disappointment of the gas well permit not coming before the Council for approval. He added that the use of City streets was in the power of the City to deny.

Mayor Pro tem Hicks expressed appreciation to Mr. Phipps for his presentation and advised that the property where the Thomas well was located was private land, had been for sale for many years and was beyond the City's power to move the well site. She pointed out that in a meeting with TxDOT, Chesapeake

had suggested over a year ago extending the exit off IH-30 to allow the trucks to access the well site from that location and take them off the residential street. She added that the City was doing everything they could on this issue.

Jim Ashford

Mr. Jim Ashford, 6209 Riverview Circle, appeared before Council relative to ambient noise levels from gas drilling. He asserted that the gas drilling companies were using the incorrect noise guidelines for regulating noise from gas drilling and gas compressors. He explained his position and provided background handout information to the Council to support his assertion.

Mayor Moncrief asked Mr. Ashford if he had attended any of the Gas Well Task Force meetings and if he had presented this information to them and if so, did members of the Task Force agree with his findings.

Mr. Ashford stated that he had attended all but one of the Gas Well Task Force meetings and that he had indeed presented the information to them. However, although members of the Task Force did not respond to him at that time, they did indicate they would look at the report.

Mayor Moncrief directed staff to have the Gas Well Task Force look at ambience noise level issue raised by the presentation of Mr. Jim Ashford.

The following individuals appeared before Council and relative to a resolution for the impeachment of the President and Vice President of the United States:

Ms. Linda Sandoval Foley	1012 Burton Hill Road #148
Ms. Nel LaBar	1609 Willow Lane, Euless, Texas
Mr. Grayson Harper	3605 Bellaire Drive South

Agenda Item XVI
Executive Session

It was the consensus of the City Council that they recess into Executive Session at 12:13 p.m. to:

1. Seek the advice of its attorneys concerning the following pending or contemplated litigation or other matters that are exempt from public disclosure under Article X, Section 9 of the Texas State Bar Rules as authorized by Section 551.071 of the Texas Government Code:
 - a) City of Fort Worth v. Billye Helene Kane and Kane Plumbing Company, Cause No. 06-42200-1;
 - b) Muhammad Rafique v. City of Fort Worth, Civil Action No. 4:06-CV-645-Y;

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**Agenda Item XVI
(Continued)**

- c) Legal issues concerning animal care and control;
 - d) Legal issues regarding regulation of natural gas pipelines;
 - e) Legal issues concerning franchise with Atmos Energy Corporation, Mid-Tex Division;
 - f) Legal issues concerning any item listed on today's City Council meeting agendas; and
2. Deliberate the purchase, sale, lease, or value of real property in accordance with Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party; and
 3. Deliberate concerning economic development negotiations as authorized by Section 551.087 of the Texas Government Code; and
 4. Deliberate the deployment, or specific occasions for implementation, of security personnel or devices, in accordance with Section 551.076 of the Texas Government Code.

Reconvened

The City Council reconvened into regular session at 1:10 p.m.

**Agenda Item XVII
Adjournment**

There being no further business, the meeting was adjourned at 1:10 p.m.