

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
SEPTEMBER 30, 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

Staff:

Dale Fisseler, City Manager
David Yett, City Attorney
Marty Hendrix, City Secretary

I. CALL TO ORDER

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, September 30, 2008, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102, with Council Member Silcox absent and Council Member Burns temporarily absent.

II. INVOCATION - Pastor Bud Beverly, St. Paul Lutheran Church

The invocation was given by Reverend Bud Beverly, St. Paul Lutheran Church.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

Mayor Moncrief announced that this was the first official day of web casting on the City's site fortworthgov.org. He added that the City was very pleased to expand its audience and to make the Council's proceedings accessible to more residents through on-line video streaming. He stated that along with the video this new service would help increase the efficiency of the City's record keeping, a responsibility of City Secretary's Office, and they along with the City's Community Cable Office, Communications Office and Information Technology Solutions Department had teamed up to make this possible for everyone. He expressed appreciation to the City Secretary for her and her staff's assistance with this endeavor.

IV. CONSIDERATION OF MINUTES OF REGULAR MEETING OF TUESDAY, SEPTEMBER 23, 2008

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Scarth, that the minutes of the regular meeting of September 23, 2008, be approved. The motion carried unanimously seven (7) ayes to zero (0) nays, with Council Member Silcox and Council Member Burns absent.

V. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC.

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

- [1. Council Member Moss Presented a Proclamation for the 18th Annual Cowtown Brush Up Day to Former Council Member Becky Haskin and Jane Salazar, Cowtown Brush Up Coordinator.](#)
- [2. Council Member Espino Presented a Proclamation for Hispanic Heritage Month to James Rodriguez, Chair Hispanic Heritage Month Celebration Committee.](#)
- [3. Mayor Pro tem Hicks Presented a Proclamation Celebrating Twenty Years of Fear Month to D'Ann Dagen representing Hangman's House of Horrors.](#)

VI. ANNOUNCEMENTS BY CITY COUNCIL MEMBERS AND STAFF

Council Member Scarth reminded everyone that on October 12, 2008, the Downtown Public Library could conduct Library Fest from noon to 5:00 p.m. He added that the event would be fun for the entire family and encouraged everyone to attend.

Mayor Pro tem Hicks announced that on October 5, 2008, from 9:00 a.m. to 5:00 p.m. District 8 would conduct a voter registration drive at 1301 Evans. She pointed out that the last day to register for the November 4, 2008, election was October 6, 2008.

Council Member Espino announced that on October 3-4, 2008, the Musicarte festival, a celebration of the Americas, would be conducted in Sundance Square. He added there would be live entertainment and that in recognition of the City's 10th anniversary with the City of Toluca, Mexico, a group of Toluca artisans would be displaying their work this weekend and next week.

Council Member Jordan stated that one of the items that was highlighted during the recent Let's Talk Fort Worth Town Hall meeting last week was the need for transit and transportation in the City. He added that he had been working with North Central Texas Council of Governments on commuter rail and that the Council had also been looking at this issue. He pointed out that the Modern Street Car Committee was also looking into how street cars would tie into commuter rail. He advised that the Council would be going to the Northwest to look at commuter rail and how to improve transit services.

VI. ANNOUNCEMENTS (Continued)

Mayor Moncrief congratulated everyone who worked so hard to make the Town Hall meeting such a success. He added that in addition to various challenges with transportation and drilling that were raised by citizens, there were also several citizens who addressed the lack of focus on being a deaf-friendly City. Mayor Moncrief stated this was something the City had to work on and that he would work with Mayor's Committee on Persons with Disabilities on this issue. He noted that Task Force II was still in Houston and pointed out that Houston was still wounded from Hurricane Ike and was still facing many challenges. He added that members of Task Force II would return on October 4, 2008, and encouraged everyone to come and welcome them home

Council Member Scarth noted that a meeting had already been set up relative to addressing deaf services and that the Mayor's Committee on Persons with Disabilities would move forward to explore what issues they may lend assistance.

Mayor Moncrief recognized members of the Customer Services Advocacy Group and advised that the National Customer Service Week was celebrated each year the first week in October. He pointed out that next week the City would celebrate customer service week to show appreciation for the work of all City employees.

VII. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

City Manager Fisseler requested that Mayor and Council Communication Nos. C-23075, C-23081 and C-23094 be withdrawn from the Consent Agenda.

Mayor Pro tem Hicks requested that Mayor and Council Communication No. C-23076 be withdrawn from the Consent Agenda, in order to abstain from voting.

VIII. ITEMS TO BE CONTINUED OR WITHDRAWN BY STAFF

City Manager Fisseler requested that Mayor and Council Communication Nos. G-16295 be continued until the October 14, 2008, Council meeting and that G-16299, L-14647, C-23071, C-23075 and C-23107 be withdrawn from consideration.

IX. CONSENT AGENDA

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that the Consent Agenda be approved as amended. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

OCS-1687- Notice of Claims for Alleged Damages and/or Injuries

OCS-1688- Liability Bonds Approval

M. E. Read Construction, Inc.	Western Surety Company
A and A Fence & Concrete	Western Surety Company
Troy Gloecker dba Longhorn Construction	Western Surety Company
J. Piano Concrete Construction Co.	Western Surety Company
Len Arche dba Len Arche Construction	Old Republic Surety Company

G-16287 - Adopting Supplemental Appropriation Ordinance No. 18309-09-2008 Increasing Estimated Receipts and Appropriations in the Water and Sewer Fund by \$25,000.00 and Decreasing the Unreserved, Designated Fund Balance by the Same Amount for the Purpose of Authorizing an Increase in Payment to Whitaker, Chalk, Swindle & Sawyer, LLP, to Represent the City in a Lawsuit Styled: City of Fort Worth V. Arcadia Park, L.P. and Site Concrete, Inc., Cause No. 153-222641-07; and Adopting Resolution No. 3661-09-2008 Increasing the Maximum Amount to be Paid to Whitaker, Chalk, Swindle & Sawyer LLP, by \$50,000.00 for Assistance to the City with Legal Issues Regarding the Lawsuit Styled: City of Fort Worth V. Arcadia Park, L.P. and Site Concrete, Inc., Cause No. 153-222641-07. This Lawsuit Concerns Allegations of Improper Trench Compaction Which Led to Premature Street Failure in the Arcadia Park Subdivision.

M&C G-16288 - Adopting Supplemental Appropriation Ordinance No. 18310-09-2008 Increasing Appropriations in the Water and Sewer Fund in the Amount of \$50,000.00 and Decreasing the Unreserved, Undesignated Fund Balance by the Same Amount, for the Purpose of Increasing the Amount to be Paid to Whitaker, Chalk, Swindle & Sawyer, LLP ("Whitaker Chalk") to Assist the City in Matters Concerning Contracts for the Water Department and Transportation and Public Works Department; and Adopting Resolution No. 3662-09-2008 Increasing the Maximum Amount to be Paid to Whitaker, Chalk, Swindle & Sawyer LLP, by \$100,000.00 for Assistance to the City with Legal Issues Including but not Limited to Issues Regarding the Water Department and Transportation and Public Works Contracts Relation to Premature Street Failures.

M&C G-16289 - Authorizing the Temporary Closure of a Portion of Macie Avenue Between Angle Avenue and Sansom Park Drive and a Portion of Sansom Park Drive Between Angle Avenue and Rock Island Drive, from October 6, 2008, Until December 19, 2008.

M&C G-16290 - Approving Temporary Discounts for Pet Registration Tag Fees from \$7.00 to \$5.00 During Low Cost Rabies Clinics During Fiscal Year 2008-2009 in Community Development Block Grant Target Areas and Other Low-Income Areas of the City.

M&C G-16291 - Authorizing the Transfer of \$1,600,000.00 from the Solid Waste Fiscal Year 2007-2008 Operating Budget to the Solid Waste Capital Improvements Fund; and Adopting Appropriation Ordinance No. 18311-09-2008 Increasing Estimated Receipts and Appropriations in the Solid Waste Capital Improvements Fund in the Amount of \$1,600,000.00 From Available Funds for the Purpose of Funding Drop-Off Station No. 4.

M&C G-16292 - Authorizing the Water Department to Provide Water Service at 1.25 Times the Retail Rate to TexSand Distributors, L.P., to Serve the Property Located at 2301 Terminal Road, North of Terminal Road and West of Deen Road in Saginaw, Texas, Outside of the Fort Worth City Limits Pursuant to City Code Section 35-60 B "Uses Outside City"; and Authorizing the City Manager to Execute an Agreement for Such Services.

M&C G-16293 - Approving the Correction of M&C G-16251 to Correct the Location of Property Located North of Bonds Ranch and West of Irish Glen Trail in Tarrant County, Outside of the Fort Worth City Limits and Therefore to Authorize the Water Department to Provide Water and Sewer Services at 1.25 Times the Retail Rate to Realtex Ventures, LP, Pursuant to City Code Section 35-60B "Uses Outside City" to Serve Lot 18, Block 1 of Emerald Park Addition.

M&C P-10850 - Rescinding the Purchase Agreement with Texas Star Envelopes for Water Bill Envelopes for the Water Department and Award to Cardinal Unijax for a Projected Amount Not to Exceed \$57,400.00.

M&C P-10851 - Authorizing Non-Exclusive Purchase Agreements for Steel-Toe Safety Footwear with Work Wear Shoe and Safety and Rocky Brands Retail, LLC., d/b/a Lehigh Safety Shoe Company, for the Water Department for a Projected Amount Not to Exceed \$40,000.00.

M&C P-10852 - Authorizing a Sole Source Purchase Agreement with Mapsco, Inc., for Mapsco Street Guide and Directory Publications for an Amount Not to Exceed \$75,000.00.

M&C P-10853 - Authorizing a Purchase Agreement for Slow Release Fertilizer and Paper Mulch with Justin Seed Company for the Transportation and Public Works Department for a Projected Amount Not to Exceed \$50,000.00.

M&C P-10854 - Authorizing the Transfer of \$70,848.26 from Risk Management Fund to the Municipal Golf Fund; Adopting Supplemental Appropriation Ordinance No. 18312-09-2008 Increasing Estimated Receipts and Appropriations in the Municipal Golf Fund in the Amount of \$70,848.26 for the Purpose of Authorizing the Purchase of a Toro 580-D Mower from Professional Turf Products for the Parks & Community Services Department; and Authorizing the Purchase of Toro 580-D Mower from Professional Turf Products Using Texas Association of School Boards Cooperative Contract 292-08 for the Parks and Community Services Department for a Cost Not to Exceed \$70,848.26.

M&C P-10855 - Confirming the Purchase of Catering Services for the Annual Code Blue Seminar with Vance Godbey's Company for the Police Department in the Amount of \$26,325.00.

M&C PZ-2799 - Adopting Ordinance No. 18313-09-2008 Vacating and Extinguishing an Alley, Located Within Lot 1, Block 1, Women's Center Addition and as Dedicated by Lot 1A, Bellevue Addition, Additions to the City of Fort Worth, Tarrant County, Texas; and Waiving Any and All Purchase Fee Value of the Vacated Land in Accordance with City Policy.

M&C C-23074 - Authorizing the Execution of a Contract with the Alliance for Children in an Amount Not to Exceed \$63,998.00, to Assist with Funding of the Child Abuse Prevention Programs.

M&C C-23077 - Authorizing the Execution of a Contract with Mental Health Mental Retardation of Tarrant County in an Amount Not to Exceed \$51,000.00, for the Youth Recovery Campus.

M&C C-23078 - Authorizing the Execution of a Contract with the North Texas Leaders and Executives Advocating Diversity in an Amount Not to Exceed \$25,000.00, for Assistance in Funding Professional Workplace Diversity Programs.

M&C C-23079 - Authorizing the City Manager to Execute a Professional Services Agreement with Patrick A. Svacina, d/b/a PAS Communications, for Consulting Services as a Legislative Liaison Relative to State Legislative and Administrative Issues. The Term of the Contract will be from October 1, 2008, to September 30, 2009, in an Amount Not to Exceed \$85,800.00 With a One Year Option to Renew Under the Same Terms and Conditions.

M&C C-23080 - Authorizing the Execution of a Contract with the Recovery Resource Council for Assistance in an Amount Not to Exceed \$50,000.00, in Funding Alcohol and Substance Abuse Prevention and Intervention Programs.

M&C C-23082 - Authorizing the Execution of a Contract with Safe Haven of Tarrant County in an Amount Not to Exceed \$90,000.00, for Assistance in Funding a Shelter and Social Service Program for Abused Persons.

M&C C-23083 - Authorizing the Execution of a Contract with the Women's Center of Tarrant County in an Amount Not to Exceed \$75,000.00, for Assistance in Funding Rape Crisis Services.

M&C C-23084 - Authorizing the Execution of a Contract with the World Affairs Council of Greater Fort Worth in an Amount Not to Exceed \$33,000.00, for Assistance in Funding Local Events Related to the State Department's Bureau of Education and Cultural Affairs Programs.

M&C C-23085 - Authorizing the City Manager to Execute Amendment No. 3 to City Secretary Contract No. 35398, With Salvaggio, Teal & Associates to Extend the Term of the Agreement for Enterprise Resource Planning (ERP) Negotiations in an Amount Not to Exceed \$150,000.00; Authorizing the Transfer of \$150,000.00 from Year 2008 Information Systems Fund to the Enterprise Resource Planning Project Fund; and Adopting Appropriation Ordinance No. 18314-09-2008 Increasing Estimated Receipts and Appropriations in the ERP Project Fund in the Amount of \$150,000.00 from Available Funds for the Purpose of Authorizing Execution of Amendment No. 3 to City Secretary Contract No. 35398, a Professional Services Agreement with Salvaggio, Teal & Associates to Perform ERP Negotiations.

M&C C-23086 - Authorizing the City Manager to Execute an Interlocal Agreement with the Texas Transportation Institute in the Amount of \$36,000.00 to Evaluate and Plan a Citywide Comprehensive Railroad Crossing Monitoring System.

M&C C-23087 - Authorizing the City Manager to Execute Change Order No. 2 to City Secretary Contract No. 35282, a Construction Contract with Stabile and Winn, Inc., for Pavement Reconstruction and Water and Sanitary Sewer Replacements on Portions of Avenue H, Avenue A, Newark Avenue, Avenue I, Court Street, Parkdale Avenue and Avenue G in the Amount of \$35,478.00 Thereby Revising the Original Contract Amount to \$2,679,382.25 (Project No. 00275).

M&C C-23088 - Authorizing the City Manager to Execute a Contract for \$235,195.00 with the Safe City Commission for Fiscal Year 2008-2009 to Continue Operation of a Community Advocacy Crime Prevention Program; and Authorizing the Contract to Begin October 1, 2008, and to be Renewed for up to Four Successive One Year Periods. The Renewals Will Not Require Specific City Council Approval Provided that the City Council has Appropriated Sufficient Funds to Satisfy the City's Obligation During Any Renewal Terms.

M&C C-23089 - Authorizing the City Manager to Execute Interlocal Agreements with Various Tarrant County Municipalities for the Purpose of Providing Limited Animal and Rabies Control and Rabies Specimen Shipment from October 1, 2008, Through September 30, 2009.

M&C C-23090 - Authorizing the City Manager to Execute an Interlocal Agreement with Tarrant County for the Purpose of Providing Limited Animal and Rabies Control in the Unincorporated Areas of Tarrant County from October 1, 2008, Through September 30, 2009.

M&C C-23091 - Authorizing the City Manager to Execute Contract Amendment No. 1 to City Secretary Contract No. 37151 with Intercon Environmental, Inc., to Cover Additional Costs Associated with the Demolition and Asbestos Abatement Services for 40 Structures Adjacent to Fort Worth Meacham International Airport in the Amount of \$64,653.51, Thereby Increasing the Contract Amount to \$324,653.51.

M&C C-23092 - Authorizing the City Manager to Execute a Consent to Sublease Agreement of City Secretary Contract No. 12887, as Subleased by Williamson-Dickie Manufacturing Company to Colin Bailey for a Portion of Hangar 43-S at Fort Worth Meacham International Airport.

M&C C-23093 - Authorizing the City Manager to Execute Amendment No. 2 to City Secretary Contract No. 17930 with the City of Haslet Providing for the Construction of a Fourth Point of Connection to the Fort Worth Water System.

X. PRESENTATIONS BY THE CITY COUNCIL

1. Changes in Membership on Boards and Commissions

Motion: Council Member Scarth made a motion, seconded by Council Burdette, that Mary Ann Epps be reappointed to Place 4 on the Library Advisory Board effective September 30, 2008, and with a term expiring October 1, 2010. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

XI. PRESENTATIONS AND/OR COMMUNICATIONS FROM BOARDS, COMMISSIONS AND/OR CITY COUNCIL COMMITTEES

There were no presentations and/or communications from Boards, Commissions and/or City Council Committees.

XIII. RESOLUTION

1. A Resolution Approving the Fiscal Year 2008-2009 Tarrant County 9-1-1 District Budget

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Resolution No. 3663-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

XIV. REPORT OF THE CITY MANAGER

A. General

1. M&C G-16228 - Consider a Waiver for a High Impact Gas Well Permit and Issuance of a Gas Well Pad Site Permit Request by Chesapeake Operating, Inc., to Allow the Drilling of the Fox-1H Gas Well on Pad-A of the Fox Lease Located at 1093 Oak Grove Road Within 600 Feet of Carter Park in the Robert Gillaster Survey, Abstract 619, Tract 2, 1093 Oak Grove Road (Continued from September 23, 2008) (PUBLIC HEARING).

Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

M&C G-16228 (Continued)

a. Report of City Staff

Ms. Susan Alanis, Planning and Development Department Director, appeared before Council and provided a staff report. She advised that the operator and the property owner were working to move the well site to be farther than 600 feet from the apartment complex and also pointed out that the well was a high impact well as it was within 600 feet of Carter Park. She added that the operator and property owner needed a few more weeks to work these issues and had requested continuance of this item until October 21, 2008.

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

(Council Member Jordan left his place at the dais.)

b. Citizen Presentations

Ms. Gladys Bowie-Young, 5509 Oak Grove Road West, appeared before Council in support of the well. She stated that she was a resident of Highland Hills Neighborhood and explored the Council to make sure everything was done to make sure that residents of the Peppertree Apartments and Highland Hills community were kept safe. She stated that the portion of Carter Park nearest to Highland Hills had never been developed and pointed out the advantages the well would provide to the community and City. She urged the Council to support the well permit.

Mr. Jerry Lobdill, 6336 Darwood Avenue, appeared before Council in opposition of the proposed waiver. He addressed safety issues of well sites and stated that no statistical analysis of significant incident data from the U.S. Department of Transportation or Barnett Shale were known and pointed out his analysis was the only one in existence. He added that his results indicated that the setback of this well was insufficient and stated that all high impact well waivers should be denied and a moratorium approved on future drilling until a master plan was developed.

Mr. Greg Hughes, 2544 Stadium Drive, appeared before Council in opposition of the well site. He advised of a well on East Lancaster that was drilled within 550 feet of a protected use that was using a regular permit in violation of City ordinance and that the City's Gas Well Inspectors acknowledged the error. He added that he had filed a request for list of wells and permit dates and was told that the list was nonexistent and would have to be developed. He pointed out that the ordinance was being rewritten by the Task Force; however, the City was continuing to use the ordinance to permit wells. He added that the City needed to stop rushing to permit all wells and requested the Council deny issuing a permit for this well.

M&C G-16228 (Continued)

c. Council Action

Mayor Pro tem Hicks stated that she had been trying to work through various issues relative to this well and appreciated the patience of everyone as the Council worked on this issue.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16228 be continued until the October 21, 2008, Council meeting. The motion carried unanimously seven (7) ayes to zero (0) nays with Council Member Silcox absent and with one (1) abstention by Council Member Jordan.

9. M&C G-16294 - Approve a Timetable for Proposed City Initiated Annexation and Authorize the City Manager to Initiate Zoning Changes of Approximately 62.4 Acres of Land, or 0.098 Square Miles, More or Less, Located North of Golden Triangle Boulevard and East of Interstate 35W with an Estimated Maintenance Cost of \$200,000.00, AX-08-005 Keller Hicks Road; Direct Staff to Prepare a Service Plan that Provides for the Extension of Full Municipal Services to the Annexation Area; and Authorize the City Manager to Initiate Certain Zoning Changes for the Annexation Area in the Far North Sector from Unzoned to "A-5" One-Family, "E" Neighborhood Commercial, "FR" General Commercial Restricted, and "G" Intensive Commercial, in Accordance with the 2008 Comprehensive Plan.

(Council Member Jordan returned to his place at the dais.)

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. G-16294 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

10. M&C G-16295 - Approve a Timetable for Proposed City Initiated Annexation and Authorize the City Manager to Initiate Zoning Changes of Approximately 193.0 Acres of Land, or 0.302 Square Miles, More or Less, Located South of Park Drive and West of Old Decatur Road with an Estimated Maintenance Cost of \$113,000.00, AX-08-006, 8800 Block of Boat Club Road; Direct Staff to Prepare a Service Plan that Provides for the Extension of Full Municipal Services to the Annexation Area; and Authorize the City Manager to Initiate Certain Zoning Changes for the Annexation Area in the Far Northwest Sector from Unzoned to "AG" Agriculture, "A-43" and "A-10" One-Family, "R1" Zero Lot Line/Cluster, "C" Medium Density Multifamily, "CF" Community Facilities, "E" Neighborhood Commercial, and "G" Intensive Commercial, in Accordance with the 2008 Comprehensive Plan.

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16295 be continued until October 14, 2008, Council meeting. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

11. M&C G-16296 - Approve a Timetable for Proposed City Initiated Annexation and Authorize the City Manager to Initiate Zoning Changes of Approximately 25.7 Acres of Land, or 0.040 Square Miles, More or Less, Located South of Cromwell Marine Creek Road and East of Boat Club Road with an Estimated Maintenance Cost of \$2,000.00, AX-08-007, 6400 Block of Boat Club Road; Direct Staff to Prepare a Service Plan that Provides for the Extension of Full Municipal Services to the Annexation Area; and Authorize the City Manager to Initiate Certain Zoning Changes for the Annexation Area in the Far Northwest Sector from Unzoned to "A-5" One-Family and "E" Neighborhood Commercial, in Accordance with the 2008 Comprehensive Plan.

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16296 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

12. M&C G-16297 - Approve a Timetable for Proposed City Initiated Limited Purpose Annexation and Authorize the City Manager to Initiate Zoning Changes of Approximately 575.5 Acres of Land, or 0.899 Square Miles, More or Less, Located South of Cleburne Crowley Road and West of West Cleburne Road with an Estimated Maintenance Cost of \$2,000.00, AX-08-010, State Highway 121T/FM 1187 Growth Center; Direct Staff to Prepare a Regulatory Plan that Identifies the Kinds of Land Use and Other Regulations that Will be Imposed Upon the Area; and Authorize the City Manager to Initiate Certain Zoning Changes for the Annexation Area in the Far Southwest Sector from Unzoned to "A-5" One-Family and "E" Neighborhood Commercial, in Accordance with the 2008 Comprehensive Plan.

Motion: Council Member Jordan made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. G-16297 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

13. M&C G-16298 - Approve a Timetable for Proposed City Initiated Annexation and Authorize the City Manager to Initiate Zoning Changes of Approximately 1.0 Acres of Land, or 0.002 Square Miles, More or Less, Located North of Chapin Road and West of Chapel Creek Boulevard with an Estimated Maintenance Cost of \$0.00, AX-08-009, 10598 Chapin Road; Direct Staff to Prepare a Service Plan that Provides for the Extension of Full Municipal Services to the Annexation Area; and Authorize the City Manager to Initiate Certain Zoning Changes for the Annexation Area in the Far West Sector from Unzoned to "A-43" One-Family, in Accordance with the 2008 Comprehensive Plan.

Motion: On behalf of Council Member Silcox, Council Member Burns made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16298 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

14. It was the consensus of the City Council that Mayor and Council Communication No. G-16299, Adopt City Council Resolution Changing Retiree Healthcare Benefits for Employees Hired on or after January 1, 2009, be withdrawn from consideration.

15. M&C G-16300 - Authorize the Transfer of \$943,848.00 from the Fiscal Year 2007-2008 Water and Sewer Cash-Funded Capital Projects Fund to the Specially Funded Capital Projects Fund for the Water Department Contribution to Public Art Funding; and Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Specially Funded Capital Projects Fund in the Amount of \$943,848.00 from Available Funds for the Water Department Contribution to Public Art Funding.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16300 be approved and Appropriation Ordinance No. 18315-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

16. M&C G-16301 - Adopt an Ordinance Amending Section 35-56(b) of Chapter 35 "Water and Sewers", Article III "Charges," of the Code of the City of Fort Worth (1986), as Amended, by Revising and Adding Certain Rates and Charges; Making this Ordinance Cumulative of Prior Ordinances; Repealing all Ordinances and Provisions of the Fort Worth City Code in Conflict Herewith, and Providing an Effective Date of January 1, 2009.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. G-16301 be approved and Ordinance No. 18316-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

17. M&C G-16302 - Adopt an Ordinance Amending Sections 35-56(g) and 35-56(h) of Chapter 35 of the Code of the City of Fort Worth (1986), as Amended, by Revising and Adding Certain Rates and Charges; and Providing an Effective Date of Billing on or After November 1, 2008, for Usage of Flows from and After October 1, 2008.

Motion: Council Member Burns made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16302 be approved and Ordinance No. 18317-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

18. M&C G-16303 - Adopt an Ordinance Amending the Code of the City of Fort Worth, Texas, (1986), as Amended, by Deleting Division 2-A, "Budget and Management Services Department" of Chapter 2 "Administration," Article IV, "Departments;" Deleting all References to the "Budget and Management Services Department" in the Code of the City of Fort Worth, Texas (1986) as Amended; Amending Division 2, "Finance," of Chapter 2 "Administration," Article IV, "Departments" to Establish the "Financial Management Services Department;" Providing for the Appointment of a Director and Employees of the Financial Management Services Department; Providing for the Designation of a City Treasurer and a City Assessor and Collector; Providing for Duties of the Financial Management Services Department; Replacing all References in the City Code to the "Department of Finance" with the "Financial Management Services Department"; Replacing all References in the City Code to the "Finance Director" with the "Financial Management Services Director."

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16303 be approved and Ordinance No. 18318-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

19. M&C G-16304 - Adopt an Ordinance Amending the Code of the City of Fort Worth, Texas, (1986), as Amended, to Merge the Department of Engineering with the Department of Transportation and Public Works by Repealing Division 7 and Amending Division 4, Chapter 2, Article IV; Amending Section 1612.1, Article III and Section J3402, Article IIIA, Chapter 7 by Replacing "Department of Engineering" with "Department of Transportation and Public Works"; Amending Section 7-331, Division 3, Article VIII, Chapter 7 by Replacing "Director of the Department of Engineering" with "Director of the Department of Transportation and Public Works or His Designee"; Amending Sections 7-389 and 7-391(a)(2), Division 6, Article VIII, Chapter 7 by Replacing "Department of Engineering" with "Department of Transportation and Public Works"; Amending Sections 12.5-146 and 12.5-157, Division 4, Article I, Chapter 12.5 by Deleting (c)(6) of Each; Amending Section 12.5-415(a), Division 2, Article IV, Chapter 12.5 by Deleting "Engineering Department"; Amending Sections 15-34(j)(1), 15-34(k), 15-42(a)(24)(e) and 15-42(a)(29)(c), Article II, Chapter 15 by Replacing "Engineering Department" and/or "Department of Engineering" with Department of Transportation and Public Works"; Amending Section 31-63, Article IV, Chapter 31 by Deleting all References to "Engineering Department" and Replacing "Real Property Management Division" and/or "Real Property Division" with "Right of Way and Easement Division of the Department of Transportation and Public Works"; Amending Section 35-4(1), Article 1, Chapter 35 by Replacing "City Engineer" with "Director of the Water Department"; Amending Section 35-57.4(c), Article III, Chapter 35 by Deleting "or the Department of Engineering".

M&C G-16304 (Continued)

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. G-16304 be approved and Ordinance No. 18319-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

20. M&C G-16305 - Adopt an Ordinance Amending Article IV, Chapter 2 (Administration) of the Code of the City of Fort Worth (1986), as Amended, by Providing for the Creation and Operation of a Housing and Economic Development Department; Deleting Division 1-A (Economic and Community Development Department) Thereof; Changing the Title of Division 6 Thereof from "Department of Housing" to "Housing and Economic Development Department"; Providing that the Department Shall be Supervised by a Director; Establishing the Duties and Responsibilities of the Director and the Department.

Motion: Council Member Jordan made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16305 be approved and Ordinance No. 18320-09-2008 be adopted.

Council Member Moss stated that there had been considerable discussion on this item and that a majority of the Council supported the issue; however, he did not support the item and would vote in opposition.

The motion carried six (6) ayes to two (2) nays, with Council Member Silcox absent and with Mayor Pro tem Hicks and Council Member Moss casting the dissenting votes.

B. Purchase of Equipment, Materials, and Services

7. M&C P-10856 - Authorize a Purchase Agreement for Hot Mix Asphalt with JLB Contracting, LP, for the City of Fort Worth using Tarrant County Cooperative Contract for a Projected Amount Not to Exceed \$263,000.00.

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. P-10856 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

8. M&C P-10857 - Authorize Purchase Agreements with R4 Industries, Inc., as Primary Vendor, and Cen-Tex Uniform Sales, Inc., as Secondary Vendor for Standard Work Uniforms for the City of Fort Worth for a Projected Amount Not to Exceed \$330,000.00.

Motion: Council Member Scarth made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. P-10857 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

9. M&C P-10858 - Authorize the City Manager to Execute a Purchase Agreement for Regular Trash Container Services and Waste Disposal Services with Republic Waste Services of Texas, LTD, d/b/a Duncan Disposal, for the City of Fort Worth for a Projected Amount Not to Exceed \$800,000.00.

Motion: Council Member Scarth made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. P-10858 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

10. M&C P-10859 - Authorize the Purchase of New Dump Truck Beds and Spreaders from the Texas Department of Criminal Justice for the Water and Transportation and Public Works Departments for a Cost Not to Exceed \$184,350.00.

Motion: Council Member Scarth made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. P-10859 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

Council Member Moss stated that there had been considerable amount of discussion relative to the reentry of ex-offenders back into the general population and the need for them to gain marketable skills. He added that the City was actually purchasing this item from the prison system and that the units had been constructed by prisoners. He added it appeared that the units were superiorly built units which was a good example of what skills some ex-offenders were obtaining.

C. Land

1. It was the consensus of the City Council that Mayor and Council Communication No. L-14647, Authorization to Enter into a Lease with TECH Fort Worth for the Former Guinn School Gymnasium Building Located at 1120 South Freeway, be Withdrawn from Consideration.

2. M&C L-14650 - Authorize the Conversion of Approximately .0129 Acres of Parkland at Rosemont Park, Located at 1400 West Seminary Drive, for the Installation of a Stealth Telecommunications Tower with Support Facilities and Authorize the Execution of a License Agreement with T-Mobile West Corporation in the Amount of \$365,000.00 (PUBLIC HEARING).

Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

a. Report of City Staff

Mr. Harold Pitchford, Assistant Director of Parks and Community Services, appeared before Council and provided a staff report.

b. Citizen Presentations

There were no citizen presentations.

c. Council Action

Motion: Council Member Burns made a motion, seconded by Council Member Espino, that the public hearing be closed and Mayor and Council Communication No. L-14650 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

3. M&C L-14651 - Authorize the Conversion of Approximately .0368 Acres of Parkland at Sandy Lane Park, Located at 2001 Sandy Lane Drive, for the Installation of a Stealth Telecommunications Tower with Support Facilities and Authorize the Execution of a License Agreement with T-Mobile West Company in the Amount of \$365,000.00 (PUBLIC HEARING).

Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

a. Report of City Staff

Mr. Harold Pitchford, Assistant Director of Parks and Community Services, appeared before Council and provided a staff report.

b. Citizen Presentations

There were no citizen presentations.

M&C L-14651 (Continued)

c. Council Action

Motion: Council Member Moss made a motion, seconded by Council Member Jordan, that the public hearing be closed and Mayor and Council Communication No. L-14651 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

E. Award of Contract

1. It was the consensus of the City Council that Mayor and Council Communication No. C-23071, Authorize Execution of Agreement with Fort Worth MedTech Center, Inc., d/b/a TECH Fort Worth, to Provide Business Incubation Services for Ten Years at an Amount Not to Exceed \$455,760.00 in the First Year, be Withdrawn from Consideration.

3. It was the consensus of the City Council that Mayor and Council Communication No. C-23075, Authorizing the Execution of a Contract in an Amount Not to Exceed \$60,000.00 with Artes de la Rosa for Assistance in Marketing the Rose Marine Theatre, be Withdrawn from Consideration.

4. M&C C-23076 - Authorizing the Execution of a Contract in an Amount Not to Exceed \$50,000.00 with Imagination Celebration Fort Worth for Assistance in Funding Educational Outreach Youth Programs.

Mayor Pro tem Hicks advised that she served on the board for Imagination Celebration Fort Worth and stated that she would abstain from voting.

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23076 be approved. The motion carried unanimously seven (7) ayes to zero (0) nays, with Council Member Silcox absent and with one (1) abstention by Mayor Pro tem Hicks.

9. M&C C-23081 - Authorizing the Execution of a Contract in an Amount Not to Exceed \$60,195.00 with the Safe Cities Commission for Assistance in Funding Youth-Oriented Crime Prevention Programs.

City Manager Fissler stated that the M&C needed to be corrected to reflect the ending contract date from "October 1, 2008," to "September 30, 2009."

M&C C-23081 (Continued)

Motion: Council Member Jordan made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. C-23081 be approved as amended. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

22. M&C C-23094 - Authorizing a Sole Source Maintenance Agreement with IBM, Inc., for Syclo SMART Software Licenses and Maintenance Support for the Water Department for a Cost Not to Exceed \$96,280.00.

Motion: Council Member Moss made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. C-23094 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

23. M&C C-23095 - Authorize the Execution of a Contract with the Arts Council of Fort Worth and Tarrant County in the Amount of \$1,220,484.00, with \$280,000.00 coming from General Fund and \$940,484.00 coming from Cultural and Tourism Fund, to Promote Artistic and Cultural Activities.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23095 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

24. M&C C-23096 - Authorize the Execution of a Contract in an Amount Not to Exceed \$572,149.00 with the Fort Worth Museum of Science and History to Promote Artistic and Cultural Activities.

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-23096 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

25. M&C C-23097 - Authorize the Execution of a Contract in an Amount Not to Exceed \$378,420.00 with Fort Worth Sister Cities International to Administer Fort Worth Sister Cities Programs.

Motion: Council Member Espino made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-23097 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

26. M&C C-23098 - Authorize the Execution of a Contract in an Amount Not to Exceed \$100,000.00 with the Van Cliburn Foundation, Inc., to Promote Artistic and Cultural Activities.

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23098 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

27. M&C C-23099 - Authorize the City Manager to Execute an Engineering Agreement with TCB, Inc., in an Amount Not to Exceed \$109,973.00, for Preparation of Engineering Documents Necessary for Construction of Pedestrian and Streetscape Improvements in the Six Points Urban Village (Project No. 00705; DOE No. 6056).

Motion: Council Member Espino made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-23099 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

28. M&C C-23100 - Authorize the City Manager to Execute an Engineering Agreement with TCB, Inc., in an Amount Not to Exceed \$109,983.00, for the Preparation of Engineering Documents Necessary for Construction of Pedestrian and Streetscape Improvements in the South Main Urban Village (Project No. 00705; DOE No. 6057).

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-23100 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

29. M&C C-23101 - Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Specially Funded Capital Projects Fund in the Amount of \$500,000.00, for the Purpose of Transferring Said Funds to the General Fund for Management of the Fort Worth Public Art Program and Maintenance of the Public Art Collection; Adopt an Appropriations Ordinance Increasing Estimated Receipts and Appropriations in the General Fund in the Amount of \$500,000.00, for the Purpose of Renewing the Professional Services Agreement with the Arts Council of Fort Worth and Tarrant County, Inc., for FY 2008-09 Management of the Fort Worth Public Art Program and Maintenance of the Public Art Collection; and Authorize the City Manager to Renew a Professional Services Agreement with the Arts Council of Fort Worth and Tarrant County, Inc., in the Amount of \$500,000.00 for Fiscal Year 2008-2009 Management of the Fort Worth Public Art Program and Maintenance of the Public Art Collection for a Period of One-Year.

M&C C-23101 (Continued)

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23101 be approved and Appropriation Ordinance Nos. 18321-09-2008 and 18322-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

30. M&C C-23102 - Authorize the City Manager to Execute the Fourth and Final Renewal of an Agreement with Concentra Medical Centers as the City's Preferred Provider for Occupational Health Care Services for Fiscal Year 2008 - 2009 for an Amount Not to Exceed \$250,000.00 Annually.

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-23102 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

31. M&C C-23103 - Authorize the City Manager to Execute an Agreement with Social Compact, Inc., a Non-Profit Organization, for an Urban DrillDown Economic Analysis of the Northeast, Northwest, and Southwest Quadrants of the City of Fort Worth, for an Amount Not to Exceed \$75,000.00.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23103 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

32. M&C C-23104 - Adopt a Resolution Authorizing Execution of a Local Project Advance Funding Agreement with the Texas Department of Transportation for a Surface Transportation Program - Metropolitan Mobility Project for the Widening of Golden Triangle Boulevard, from IH-35W to US 377, from a Current 2-Lane to a 4-Lane Divided with Accommodation to go to a 6-Lane Facility in the Future, in an Amount of \$25,162,710.00 with City Participation in the Amount of \$14,162,710.00; Authorize the City Manager to Accept \$11,000,000.00 Non-Cash Federal Funds Contributing to the Surface Transportation Program - Metropolitan Mobility Project for Golden Triangle Boulevard from Interstate Highway 35W to US 377 from the Surface Transportation Program - Metropolitan Mobility Program Grant Through Texas Department of Transportation; Authorize the City Manager to Execute an Interlocal Agreement with Tarrant County, Texas, for Cost Participation, and Accept Tarrant County's Contribution in the Amount up to \$7,300,000.00 for Use Towards the Required Local Match to the Surface Transportation Program - Metropolitan Mobility Project Grant; Authorize the Transfer of \$6,518,422.67 from the 2004 Street Improvements Fund to the Grants Fund Towards the City's Match; Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Future Improvements Projects of the Special Assessments Fund in the Amount of

[\\$344,287.33 from Developer Contributions for the Purpose of Transferring Said Funds to the Grants Funds; Authorize the Transfer of \\$344,287.33 from the Special Assessments Fund to the Grants Fund Towards the City's Match; Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Grants Fund in the Amount of \\$25,162,710.00 from Available Funds for the Purpose of Executing a Local Project Advance Funding Agreement with the Texas Department of Transportation for the Widening of Golden Triangle Boulevard from IH-35W to US 377 \(City Project No. 00140\); and Authorize the Initial Payment in the Amount of \\$1,517,433.00 to the Texas Department of Transportation.](#)

Motion: Council Member Espino made a motion, seconded by Mayor Pro tem Hicks, that Mayor and Council Communication No. C-23104 be approved and Resolution No. 3664-09-2008, and Appropriation Ordinance Nos. 18323-09-2008 and 18324-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

33. [M&C C-23105 - Adopt a Supplemental Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Storm Water Utility Fund in the Amount of \\$242,125.00 and Decreasing the Unreserved Fund Balance by the Same Amount for the Purpose of Executing a License Agreement with Wallingford Software Ltd.; and Authorize the City Manager to Execute a License Agreement with Wallingford Software, Ltd., in the Amount of \\$242,125.00 for Asset and Survey Data Management Software and Hydrologic and Hydraulic Modeling Software for the Transportation and Public Works Department, Storm Water Engineering Division.](#)

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23102 be approved and Supplemental Appropriation Ordinance No. 18325-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

34. [M&C C-23106 - Authorize the City Manager to Execute a Grant Agreement with the Texas Commission on Environmental Quality in the Amount of \\$2,947.00 for the Purchase of One Low Emission Vehicle; Authorize the City Manager to Accept an Amount Not to Exceed \\$2,947.00 in State Funds Passed Through the Texas Commission on Environmental Quality for the Reimbursement of the Purchase of One Low Emission Vehicle; Authorize the Transfer of \\$29,353.00 from Equipment Services Fund to the Grants Fund for the City's 90 Percent Match of the Purchase; and Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Grants Fund in the Amount of \\$32,300.00, for the Purpose of Funding the Purchase of One Low Emission Vehicle.](#)

M&C C-23106 (Continued)

Motion: Council Member Jordan made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-23106 be approved and Appropriation Ordinance No. 18326-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

35. It was the Consensus of the City Council that Mayor and Council Communication No. C-23107, Authorize Execution of Contracts with Community-Based Organizations that Meet and Support One or More Goals of the Crime Control and Prevention District Fund in the Amount Totaling \$200,000.00, be withdrawn from consideration.

36. M&C C-23108 - Authorize the City Manager to Authorize a Purchase Agreement with IBM Corporation for an IBM M25 Power6 Server that will House the Billing System for the Water Department for \$273,943.09; Authorize a Three-Year Agreement with KS2 Technologies, Inc., for iSeries Software Support and Upgrades for an Annual Cost of \$11,409.29; Authorize a Three-Year Agreement with KS2 Technologies, Inc., for iSeries Hardware Maintenance and Support at an Annual Cost of \$31,378.48; and Authorize a Purchase Agreement with KS2 Technologies, Inc., for Implementation and Training on the iSeries M25 Power6 Server for \$20,000.00.

Mr. Jan Fersing, 3800 Trailwood Lane, appeared before Council in support of this item. He expressed appreciation to Assistant City Manager Fernando Costa and Mr. Frank Crumb, Water Department Director, for their assistance in resolving issues to improve water billing services.

Motion: Council Member Burns made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23108 be approved with appreciation. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

37. M&C C-23109 - Authorize the City Manager to Execute a Community Facilities Agreement with Industrial Development International, Texas, L.P., for the Installation of Water and Sewer Services to Serve Speedway Distribution Center Located in the Extra-Territorial Jurisdiction North of Fort Worth, Texas, with City Participation in the Amount of \$148,464.00.

Motion: Council Member Espino made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-23109 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

38. M&C C-23110 - Authorize the City Manager to Execute Amendment No. 2 to the Engineering Agreement with Halff Associates, Inc., City Secretary Contact No. 28418, for the General Support and Contract Administration Services for the Village Creek Wastewater Treatment Plant Bio-Solids Processing and Disposal Projects Increasing the Total Contract Amount by \$127,900.00 to \$349,210.00.

Motion: Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23110 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

39. M&C C-23111 - Authorize the Transfer of \$2,205,000.00 from the Water and Sewer Fund to the Water Capital Projects Fund; Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Water Capital Projects Fund in the Amount of \$2,205,000.00 for the Purpose of Executing an Engineering Agreement with Black & Veatch Corporation for the Construction Management of the Westside Water Treatment Plant Project; and Authorize the City Manager to Execute an Engineering Agreement with Black and Veatch Corporation for the Construction Management of the Westside Water Treatment Plant Project in the Amount of \$2,205,000.00.

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23111 be approved and Appropriation Ordinance No. 18327-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

XV. CITIZEN PRESENTATIONS

1. Mr. Joe Don Brandon, P.O. Box 1155, appeared before Council relative to the property at 922 South Freeway, Texas Black Workers' Headquarters. He advised that he had been approached by police and questioned why he was attending a meeting at the location and he believed this to be inappropriate behavior. He added that he was trying to obtain a historic plaque for the house and addressed the poor condition of the building and the challenges the Texas Black Worker's had experienced. He added that the City should be supportive of the preservation and that an historic designation was being pursued.

Mayor Moncrief requested that he provide additional information to Mayor Pro tem Hicks relative to the historic preservation.

Council Member Scarth asked Mr. Brandon if the house was owned by him to which Mr. Brandon responded that it was owned by a church in Dallas who was not applying for historical designation. He stated that he would meet with Mayor Pro tem Hicks on this issue.

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
SEPTEMBER 30, 2008
PAGE 24 of 25**

Mr. Lyle Oelfkey, 2151 Green Oaks Road, appeared before Council and pleaded for the Council to not enact a moratorium on gas drilling. He added that the Barnett Shale was a valuable resource as it would play a major role in releasing the country's dependency on foreign oil.

Ms. Jerry Horton, 2608 Carter Avenue, appeared before Council and stated that she was now the proud owner of the Thomas Gas Well four blocks from her home. She added that neither she nor her neighbors wanted the well, but it occurred anyway. She advised that she and a friend attended the Let's Talk Fort Worth Town Hall meeting and signed up to speak an hour before the meeting; however, she and her friend, who was going deaf, was not allowed to speak. She also pointed out that her friend was terminated as a library employee after 10 years because she was going deaf. She stated that she was very disappointed with the decision on the Thomas Well and pointed out that she felt betrayed by the Council.

Mayor Pro tem Hicks stated that the pipeline had not been approved and that the Council was working to obtain an opinion from the Texas Attorney General. She added that this issue was far from over and stated that Chesapeake had agreed to provide over \$100,000.00 of improvements to Scott Street. She pointed out that although the permit had been issued by City staff, the pipeline issue had not been decided.

Council Member Moss asked staff to clarify what role the Council had with the approval process on this well.

Ms. Susan Alanis, Planning and Development Department Director, stated that this was a high impact well with a waiver; the one property owner at the location had signed a waiver, so the company met their obligation under the ordinance. She added that the only opportunity the Council would have to take action on this issue was when the pipeline crossing came before the Council for consideration.

Council Member Moss pointed out that it was very important to note that the Council had no vote on this particular well.

Mayor Pro tem Hicks stated that she was working with staff to get another route; however, the issue was that the well was on private property and that there were many issues beyond City's control.

Mayor Moncrief advised that the Council had to return to the Pre-Council Work Session to complete that agenda and announced that the meeting would be adjourned in honor of Dr. Byron de Sousa who recently passed.

Mayor Moncrief recessed the regular Council meeting and reconvened into the Pre-Council work session at 11:46 a.m. in order to complete the following items:

6. Briefing on Gas Lease Financial Report and Policies and Financial Management Policy Statements.
7. Briefing on Gas Well Revenues and Capital Improvement Projects for Aviation.

XVI. EXECUTIVE SESSION (Pre-Council Chamber)

It was the consensus of the City Council that they recess into Executive Session at 1:02 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) Legal issues concerning meet and confer processes;
 - b) Legal issues concerning collective bargaining processes;
 - c) 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

Deliberate the deployment, or specific occasions for implementation, of security personnel or devices, in accordance with Section 551.076 of the Texas Government Code.

XVII. ADJOURNMENT

There being no further business, the meeting was adjourned at 2:15 p.m. in memory of Dr. Byron de Sousa who recently passed.