

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
DECEMBER 2, 2008**

Present

Mayor Mike Moncrief
Mayor Pro tem Kathleen Hicks, District 8
Council Member Salvador Espino, District 2
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 Members Present:

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 7:06 p.m. on Tuesday, December 2, 2008, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102.

II. INVOCATION - Brother Alonza Winston, Church of Christ

The invocation was given by Brother Alonza Winston, Church of Christ.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

**IV. CONSIDERATION OF MINUTES OF REGULAR MEETING OF NOVEMBER 11, 2008,
AND CALLED-SPECIAL MEETING OF NOVEMBER 17, 2008**

Motion: Council Member Jordan made a motion, seconded by Mayor Pro tem Hicks, that the minutes of the regular meeting of November 11, 2008, and the minutes of the called-special meeting of November 17, 2008, be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

Council Member Moss stated that he was not present in the Council Chamber when Mayor and Council Communication No. C-23176 was approved at the November 11, 2008, Council meeting. He stated that although he was not present when the vote was read, he fully supported the M&C.

V. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC.

1. [Presentation of Proclamation for Cowboy Santas Month](#)

Council Member Espino presented a Proclamation for Cowboy Santas Month to Ms. Sharon Armstrong, Chair, Cowboys Santas Program.

2. [Presentation by Imagination Celebration](#)

Ms. Ginger Head, Executive Director, Fort Worth Imagination Celebration, presented gifts to the Mayor, Council and City Manager for the support of the Imagination Celebration Program, and introduced Mr. Joshua Allen, winner of the Fox television show, So You Think You Can Dance, and his mother, Ms. Angela Allen.

Mayor Pro tem Hicks stated that she had enjoyed working on the board of Imagination Celebration and commended Ms. Head for all the hard work she has done for over the last 20 years to make the Imagination Celebration program a success.

3. [Presentation of Check from the Friends of Fort Woof Dog Park](#)

Mr. Jason Smith, representing Friends of Fort Woof Park, along with new "Mayor Tsunami" presented a check in the amount of \$10,000.00, and outgoing "Mayor Isabella" presented a check for \$14,000.00 to Mr. Richard Zavala, Parks and Community Services Director, for maintenance and renovations to Fort Woof Park located within Gateway Park.

Mayor Moncrief and Council Members Espino, Scarth and Moss expressed appreciation to the Friends of Fort Woof Park, "Mayor Tsunami" and former "Mayor Isabella". They spoke about the benefits of the park and commended Mr. Smith on his work in this endeavor.

VI. ANNOUNCEMENTS BY CITY COUNCIL MEMBERS AND STAFF

1. [Upcoming and Recent Events](#)

Council Member Burns announced that the Candlelight Christmas in Ryan Place 25th Anniversary Holiday Home Tour would take place on Friday, December 5, 2008, from 6:00 p.m. to 10:00 p.m., Saturday, December 6, 2008, from 2:00 p.m. to 10:00 p.m., and Sunday, December 7, 2008, from 2:00 p.m. to 6:00 p.m. He stated that volunteer opportunities would allow for free admission to the event and interested individuals could call the District 9 office at (817) 392-8809.

(VI. ANNOUNCEMENTS BY CITY COUNCIL MEMBERS AND STAFF Continued)

Council Member Jordan recognized Boy Scout Troops #350 and #440 who were in attendance to receive their citizenship in the community badge. He also stated that his grandson, Sawyer Fontaine, was born on Monday, December 1, 2008.

Mayor Moncrief expressed appreciation to the Boy Scouts and thanked them for their presence at the Council meeting. He also congratulated Mr. Brian Boerner, Environmental Management Director, on his son's recent accomplishment of the Eagle Scout Award.

Council Member Espino expressed his appreciation to board, commission and committee members who served District 2. He stated that those appointees were invited to the Stockyards for an appreciation dinner last week. He also recognized Risky's BBQ and thanked them for providing the food.

2. Recognition of Citizens

There were no citizens recognized.

VII. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

City Manager Fisseler requested that Mayor and Council Communication Nos. P-10885 and C-23195 be withdrawn from the Consent Agenda.

VIII. ITEMS TO BE CONTINUED OR WITHDRAWN BY STAFF

City Manager Fisseler requested that Mayor and Council Communication Nos. C-23134 and C-23165 be withdrawn from consideration and that C-23014 be continued until the January 13, 2009, Council meeting and P-10885 be continued until the December 16, 2008, Council meeting.

IX. CONSENT AGENDA

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

OCS- 1697 - Notices of Claims for Alleged Damages and/or Injuries

(IX. CONSENT AGENDA Continued)

OCS- 1698 - Liability Bonds Approval

Parkway Contractor

Jose G Velazquez dba DFW Remodeling
Lodgestar Investments, Ltd. and Lodgestar Construction, Ltd.
Pro Form Construction, Inc.
Salinas Concrete, Inc.
Thos. S. Byrne, Ltd.
Steve Lerma dba Ultimate Construction Group
The Charles Morgan Group LP
Easy Construction
Sammy Buck Construction, Inc.
Efrem Nunez
Valley Crest Landscape Development, Inc.

Insurance Company

RLI Insurance Company
Western Surety Company
Western Surety Company
Western Surety Company
Safeco Insurance Company of America
Western Surety Company
Merchants Bonding Company (Mutual)
Merchants Bonding Company (Mutual)
RLI Insurance Company
RLI Insurance Company
Safeco Insurance Company of America

M&C G-16360 - Authorizing the City Manager to Accept an Additional \$9,726.00 for the Fiscal Year 2008 Emergency Management Preparedness Grant Award from the Texas Governor's Division of Emergency Management, for a Total Grant Award of \$144,426.00 to Fund the City's Emergency Management Efforts; Executing a Grant Contract with the Texas Governor's Division of Emergency Management for the Total Amount of the Award; and Adopting Appropriation Ordinance No. 18366-12-2008 Increasing Estimated Receipts and Appropriations in the Grants Fund in the Amount of \$9,726.00.

M&C G-16361 - Authorizing Payment for the City of Fort Worth's Fiscal Year 2008-2009 Membership with the North Central Texas Council of Governments in the Amount Not to Exceed \$70,285.00.

M&C G-16362 - Authorizing the City Manager to Authorize the Transfer of Previously Approved Funds to the Correct Account in the Amount of \$150,000.00 from the Specially Funded Capital Projects Fund C296 for Enterprise Resource Planning to the Specially Funded Capital Projects Fund C291 for Enterprise Resource Planning; and Adopting Appropriation Ordinance No. 18367-12-2008 Increasing Estimated Receipts and Appropriations in the Specially Funded Capital Projects Fund C291 in the Amount of \$150,000.00 from Available Funds for the Purpose of Funding Enterprise Resource Planning Non-Capitalizable Pre-Implementation Expenses.

(IX. CONSENT AGENDA Continued)

M&C G-16363 - Authorizing the City Manager to Appoint and Reappoint the following persons to the City's Construction and Fire Prevention Board of Appeals, Places 4, 6, 8, 10 and 14, as Indicated Effective December 2, 2008, and with Terms Expiring October 1, 2010:

<u>Name</u>	<u>Place</u>
Mr. Joel W. Werland (Reappointment)	4 - Architect
Ms. Sheila Bessent (Appointment)	6 - Building Owner/Manager
Mr. Gary Jones (Reappointment)	8 - Permit Master Electrician
Mr. William D. Carson (Appointment)	10 - HVAC Contractor
Mr. Jim Ratterree (Reappointment)	14 - Alternate HVAC Contractor

M&C G-16364 - Authorizing the City Manager to Adopt Resolution No. 3682-12-2008 to Increase the Amount to be Paid to Ken East to Represent Officer W. P. Menzies in an Amount Not to Exceed \$50,000.00 in the Lawsuit Entitled James Clinton Neal vs. City of Fort Worth, Police Officers W. P. Menzies, C. W. Mills and G. W. Hull, Civil Action No. 4:07-CV-497-Y.

M&C G-16365 - Adopting Ordinance No. 18368-12-2008 Amending City Ordinance No. 17236-10-2006 to Change the Name and the Type of Company from Gorgi Group Limo Service, LLC, to G & G Executive Transportation, Inc., a For-Profit Corporation; Granting G & G Executive Transportation, Inc., the Same Operating Authority to Provide Public Limousine Service Within the City's Municipal Limits as Previously Granted to Gorgi Group Limo Service, LLC; Providing for Written Acceptance of this Ordinance.

M&C G-16366 - Considering and Adopting the Following Findings of the Ground Transportation Coordinator Regarding the Application of Ian's Limousine Service to Operate Two Limousines; that Public Necessity and Convenience Require the Operation of Two Limousines Upon City Streets, Alleys and Thoroughfares; Ian's Limousine Service is Qualified and Financially Able to Conduct a Limousine Service within the City; Ian's Limousine Service has Complied with the Requirements of Chapter 34 of the City Code; Ian's Limousine Service Presented Facts in Support of Compelling Demand and Necessity for Two Limousines; the General Welfare of the Citizens of the City will Best be Served by the Addition of Two Limousines; and Adopting Ordinance No. 18369-12-2008 Granting the Privilege of Operating Authority to Ian's Limousine Service for the Use of the Streets, Alleys and Public Thoroughfares of the City in the Conduct of its Limousine Business, Which Shall Consist of the Operation of Two (2) Limousines for a Three (3) Year Period Beginning on the Effective Date; Specifying the Terms and Conditions of the Grant; Providing for Written Acceptance by Ian's Limousine Service.

(IX. CONSENT AGENDA Continued)

M&C G-16367 - Considering and Adopting the Following Findings of the Ground Transportation Coordinator Regarding the Application of West Fork Carriage Service to Operate Two Horse-Drawn Carriages; that Public Necessity and Convenience Require the Operation of Two Horse-Drawn Carriages Upon City Streets, Alleys and Thoroughfares; West Fork Carriage Service is Qualified and Financially Able to Conduct Horse-Drawn Carriages within the City; West Fork Carriage Service has Complied with the Requirements of Chapter 34 of the City Code; West Fork Carriage Service Presented Facts in Support of Compelling Demand and Necessity for Two Horse-Drawn Carriages; the General Welfare of the Citizens of the City will Best be Served by the Addition of Two Horse-Drawn Carriages; and Adopting Ordinance No. 18370-12-2008 Granting the Privilege of Operating Authority to West Fork Carriage Service for the Use of the Streets, Alleys and Public Thoroughfares of the City in the Conduct of its Carriage Business, Which Shall Consist of the Operation of Two (2) Horse-Drawn Carriages for a Three (3) Year Period Beginning on the Effective Date; Specifying the Terms and Conditions of the Grant; Providing for Written Acceptance by West Fork Carriage Service.

M&C G-16368 - Ratifying Execution of a September 22, 2008, Mutual Aid Agreement with the City of Houston for Law Enforcement Services Rendered After Hurricane Ike.

M&C G-16369 - Adopting Ordinance No. 18371-12-2008 Appointing Kathryn T. Hoang, Lisa J. Voigt and Mary Beth Willett as Substitute Municipal Judges for a One-Year Term Commencing on December 2, 2008.

M&C G-16370 - Authorizing the City Manager to Approve the Transfer of \$400,000.00 in Undesignated Funds in the Environmental Management Operating Fund (R103) to the Environmental Management Project Fund (R101); and Adopting Appropriation Ordinance No. 18372-12-2008 Increasing Estimated Receipts and Appropriations in the Environmental Management Project Fund in the Amount of \$400,000.00 for the Purpose of Funding the Renewal of City Secretary Contract No. 34179 with Enercon Services, Inc., for Environmental and Engineering Consulting Services.

M&C G-16371 - Authorizing the City Manager to Authorize Use of Existing Revenue Derived from Natural Gas Well Leases on City-Owned Airport Properties in the Amount of \$900,000.00 to the Fort Worth Water Department for Water and Sewer Infrastructure Improvements at Fort Worth Spinks Airport; and Adopting Appropriation Ordinance No. 18373-12-2008 Increasing Estimated Receipts and Appropriations in the Airports Gas Lease Project Fund in the Amount of \$900,000.00.

(IX. CONSENT AGENDA Continued)

M&C P-10881 - Authorizing the City Manager to Rescind Purchase Agreement with Sprint Press, Inc., and Award a Purchase Agreement to AC Printing for the City Times Newsletter for a Projected Annual Amount Not to Exceed \$50,000.00.

M&C P-10882 - Authorizing the Purchase of Taxiway and Parking Area Improvements from Ziegler Construction Company, Inc., for the Department of Aviation in an Amount Not to Exceed \$47,575.00.

M&C P-10883 - Authorizing the City Manager to Authorize a Purchase Agreement with Murray Energy, Inc., for Gas Monitors, Accessories and Repair Services for the Water Department for a Projected Annual Amount Not to Exceed \$45,000.00.

M&C P-10884 - Authorizing the City Manager to Authorize Purchase Agreements for Fire Hydrant Meters and Repair Parts with ACT Pipe and Supply, HD Supply Waterworks, LTD, and Quality Hydrant Company for the Water Department for an Annual Projected Amount Not to Exceed \$140,000.00.

M&C P-10886 - Authorizing the Purchase of a New Sky Watch Elevated Surveillance System from ICX Tactical Platforms for the Police Department Using a General Services Administration Contract GS-07F-0117U for a Cost Not to Exceed \$56,071.54.

M&C P-10887 - Authorizing a Purchase Agreement for Cast Iron Manhole Covers and Rings with HD Supply Waterworks, Ltd., for the Water Department for a Projected Annual Amount Not to Exceed \$54,900.00.

M&C P-10888 - Authorizing an Annual Purchase Agreement for Ductile Iron Pipe with Municipal Water Works Supply, L.P., for the Water Department for an Annual Amount Not to Exceed \$300,000.00.

M&C P-10889 - Authorizing the Purchase of Two AirMATION Exhaust Filtration Systems and Installation Services from Air Technology Solutions, Inc., for the Fort Worth Fire Department for an Amount Not to Exceed \$48,007.00.

M&C P-10890 - Authorizing a Sole Source Purchase Agreement for Eastech Meters, Parts and Repair Service with Eastech Flow Controls, through Pantech Controls, for the Water Department for a Projected Annual Amount Not to Exceed \$50,000.00.

(IX. CONSENT AGENDA Continued)

M&C P-10891 - Authorizing the Purchase of a Modular Classroom in the Amount of \$76,650.00 from Williams Scotsman through the Cooperative Purchasing Network for the Police Department.

M&C L-14667 - Authorizing the Direct Sale of Tax Foreclosed Properties Described as 1200 Evans Avenue, Block 7, Middle Part of East Part, Lot 2, Evans South Addition and 1204 Evans Avenue, Block 7, North Middle Part of East Part, Lot 2, Evans South Addition for \$6,954.00 in Accordance with Section 34.05 of the Texas Property Tax Code to Acura Properties, LLC; and Authorizing the City Manager to Execute and Record the Appropriate Instruments Conveying the Properties Free from City Encumbrances to Complete the Sale.

M&C L-14668 - Authorizing the City Manager to Authorize the Acquisition of an Improved Lot from Jesus Lopez, Described as 2812 Decatur Avenue, Abstract A1370, Tract 5 of the Martin Roddy Survey an Addition to the City of Fort Worth, Tarrant County, Texas; Finding that the Price Offered in the Amount of \$58,500.00 for an Improved Lot Plus Estimated Closing Cost of \$3,000.00 is Just Compensation; and Authorizing the Acceptance and Recording of Appropriate Instruments.

M&C L-14669 - Authorizing the City Manager to Authorize the Acquisition of Five Vacant Lots from Todd Winter Swaim for the Lebow Channel Drainage Project, Described as 3110 Decatur Avenue, Lots 1 Through 4 and Lot 6, Block 6, of the Shoe and Leather Company's Addition, an Addition to the City of Fort Worth, Tarrant County, Texas; Finding that the Price Offered in the Amount of \$22,500.00 for Five Vacant Lots, Plus an Estimated Closing Cost of \$3,000.00 is Just Compensation; and Authorizing the Acceptance and Recording of Appropriate Instruments.

M&C L-14670 - Authorizing the City Manager to Authorize the Acquisition of Improved Residential Property from Lily M. Salazar for the Lebow Channel Drainage Project, Described as 3505 Lebow Street, Lot 16, Block 16, of the Dixie Wagon Manufacturing Company Addition, an Addition to the City of Fort Worth, Tarrant County, Texas; Finding that the Price Offered in the Amount of \$33,000.00 for the Residence, Plus an Estimated Closing Cost of \$3,000.00 is Just Compensation; and Authorizing the Acceptance and Recording of Appropriate Instruments.

M&C L-14671 - Authorizing the City Manager to Approve the Acquisition of One Right-of-Way Easement from Loyd Bransom Surveyors, Inc., Described as 1028 North Sylvania Avenue, a Portion of Lot 1, Block 2, T. J. Bird Addition, Located in Northeast Fort Worth, Tarrant County, Texas, for the Widening of Jeff Street; Finding that the Price Offered in the Amount of \$25,595.00 Plus an Estimated Closing Cost of \$2,000.00 is Just Compensation; and Authorizing the Acceptance and Recording of Appropriate Instruments.

(IX. CONSENT AGENDA Continued)

M&C L-14672 - Authorizing the City Manager to Approve the Acquisition of One Right-of-Way Easement from Bud-Lo, Inc., Described as 2800 Jeff Street, a Portion of Tract 16A01, Atkin McLemore Survey, Abstract No. 1056, in Northeast Fort Worth, Tarrant County, Texas, for the Widening of Jeff Street; Finding that the Price Offered in the Amount of \$5,160.00 Plus an Estimated Closing Cost of \$1,000.00, is Just Compensation; and Authorizing the Acceptance and Recording of Appropriate Instruments.

M&C L-14673 - Authorizing the City Manager to Execute a Non-Exclusive Lease Agreement with the Eagle Mountain-Saginaw Independent School District for a Portion of City Property on Bowman Roberts Road to Accommodate the Construction of Road Improvements Required by the Construction of Middle School No. 5 Located in West Forth Worth at No Cost.

M&C L-14674 - Authorizing the City Manager to Approve the Acquisition of One Right-of-Way Easement from Tam T. Lam Described as 1006 North Sylvania Avenue, a Portion of Lot 5, Block 1, T. J. Bird Addition, in Northeast Fort Worth, Tarrant County, Texas, for the Widening of Jeff Street; Finding that the Price Offered in the Amount of \$28,124.00 Plus an Estimated Closing Cost of \$2,000.00 is Just Compensation; and Authorizing the Acceptance and Recording of Appropriate Instruments.

M&C L-14675 - Authorizing the City Manager to Approve the Acquisition of One Right-of-Way Easement from R and D Reynolds, Inc., Described as 3580 Golden Triangle Boulevard, a Portion of Tract 12D02G and Tract 12D02H, William McCowan Survey, Abstract No. 999, in North Fort Worth, Tarrant County, Texas, for the Construction of Golden Triangle Boulevard Improvements; Finding that the Price Offered in the Amount of \$9,148.00 Plus an Estimated Closing Cost of \$1,500.00 is Just Compensation; and Authorizing the Acceptance and Recording of Appropriate Instruments (DOE No. 5773; Project No. 00140).

M&C L-14676 - Authorizing the City Manager to Execute a Water Pipeline Crossing License Agreement with a 25-Year Term at a One-Time Cost of \$3,500.00 for the Installation of a 12-Inch Water Pipeline Encased in an 18-Inch Steel Casing for the Longhorn Compressor Plant Located on Melba Street. Burlington Northern Santa Fe Railroad Company has Accepted the City's Certificate of Self-Insurance. The City will Not Incur the Indicated Costs Associated with this Agreement. Developer will Pay Associated Cost.

M&C L-14677 - Authorizing the City Manager to Authorize a Condemnation Settlement Payment for the Total Amount of \$65,000.00 for Settlement of Claims in the Lawsuit Entitled City of Fort Worth v. Attallah Zitoon and Wife, Melany Zitoon; City of Fort Worth; Fort Worth Independent School District; and Tarrant County College District; Case No. 2007-053865-2 for Property Located at 3415 Columbus Avenue, Fort Worth, Texas, for the Meacham International Airport Noise Mitigation Program; and Authorizing the Appropriate City Representatives to Execute the Documents Necessary to Complete the Settlement.

(IX. CONSENT AGENDA Continued)

M&C PZ-2802 - Authorizing the City Manager to Adopt Ordinance No. 18374-12-2008 Vacating and Extinguishing a Portion of Excess Right of Way Along East 11th Street, Adjacent to Lots 6-8, Block 139 of the Old Town of Fort Worth, in the City of Fort Worth, Tarrant County, Texas; Being Approximately 142.41 Feet Long by 5 Feet Wide and Containing Approximately 712 Square Feet or 0.016 Acres of Land; Providing for Reversion of Fee in Said Land; Providing that the City Shall Retain all Existing Utilities Easements; and Waiving any and all Purchase Value of the Vacated Land in Accordance with City Policy.

M&C C-23189 - Approving the Correction of M&C C-23084 to Correct the Name of the World Affairs Council of Greater Fort Worth to World Affairs Council of Dallas/Fort Worth.

M&C C-23190 - Authorizing the City Manager to Authorize the Acquisition of the Vacant Residential Lot Owned by James Cagle for the Lebow Channel Drainage Project, Described as 2908 Hardy Street, Lot 2, Block 63, an Addition to the City of Fort Worth, Tarrant County, Texas; Finding that the Price Offered in the Amount of \$9,500.00 Plus an Estimated Closing Cost of \$3,000.00 is Just Compensation; and Authorizing the Acceptance and Recording of Appropriate Instruments.

M&C C-23191 - Authorizing the City Manager to Authorize the Transfer of \$135,020.00 from the Crime Control and Prevention District Fund to the Specially Funded Capital Projects Fund; Adopting Appropriation Ordinance No. 18375-12-2008 Increasing Estimated Receipts and Appropriations in the Specially Funded Capital Projects Fund in the Amount of \$135,020.00 for the Purpose of Funding Site Work and Utilities Extensions for the Police Firing Range Training Classroom Facility; and Executing a Work Order with Job Order Contractor, Yeargan Construction Company-The Mark IV Construction Group, in the Amount of \$36,555.76.

M&C C-23192 - Authorizing the City Manager to Execute an Engineering Agreement with Dannenbaum Engineering Corporation in the Amount of \$91,471.00 for Design of Drainage Improvements at Summercrest Drive (Project No. 01023).

M&C C-23193 - Authorizing the City Manager to Execute a Memorandum of Understanding with the United States Attorney for the District of Columbia, the United States Marshal Service and the Metropolitan Police Department of Washington, District of Columbia, for the Provision of Fort Worth Police Officers for Security Detail at the 2009 Presidential Inauguration and Related Events, to Take Place January 19 Through January 21, 2009; and Adopting Appropriation Ordinance No. 18376-12-2008 Increasing Estimated Receipts and Appropriations in the Police Department of the General Fund in the Amount of \$90,000.00, for the Purpose of Funding Police Officer Travel to the Presidential Inauguration in January 2009, to be Reimbursed by the Federal Government.

(IX. CONSENT AGENDA Continued)

M&C C-23194 - Authorizing the City Manager to Adopt Supplemental Appropriation Ordinance No. 18377-12-2008 Increasing Appropriations in the General Fund in the Amount of \$127,720.60 and Decreasing the Unreserved Retained Earnings by the Same Amount, for the Purpose of Executing a Contract for Staff Augmentation Services with NashWest, LLC, for Reconciling the Municipal Court Services Financial Accounts; and Authorizing Execution the Contract.

M&C C-23196 - Authorizing the City Manager to Execute a Grant Funded Professional Services Contract with Mental Health Connection of Tarrant County for an Amount Not to Exceed \$200,000.00 to Provide Consultation to Sustain the Community Solutions Wraparound System of Care.

M&C C-23197 - Authorizing the City Manager to Execute a Ten-Year Building Lease Agreement with the Federal Aviation Administration for the Air Traffic Control Tower at Fort Worth Alliance Airport in the Amount of \$62,700.00 Annually.

M&C C-23198 - Authorizing the Transfer of \$29,869.00 from the Water and Sewer Operating Fund to the Water Capital Projects Fund; Adopting Appropriation Ordinance No. 18378-12-2008 Increasing Estimated Receipts and Appropriations in the Water Capital Projects Fund in the Amount of \$29,869.00 for Water and Sanitary Sewer Replacement Contract 2004, STM-D, on Portions of Glen Garden Drive, Atlanta Street and Morningside Drive (City Project No. 01014); and Authorizing the City Manager to Execute Change Order No. 1 in the Amount of \$29,869.00 to City Secretary Contract No. 37332 with S.H.U.C., Inc., Thereby Increasing the Contract Amount to \$810,855.80.

M&C C-23199 - Authorizing the City Manager to Execute a Sanitary Sewer Service Agreement with the Golden Triangle Estates Homeowners' Association and Tim Fleet to Provide Sanitary Sewer Service; and Authorizing the Water Department to Provide Sewer Service at 1.25 Times the Retail Rate to Golden Triangle Estates Customers Pursuant to City Code Section 35-60B "Uses Outside City".

M&C C-23200 - Authorizing the City Manager to Issue an Emergency Purchase Order for Repair/Replacement of Electrical Components at the Sendera Ranch Pump Station with TPC Electric for a Fee Not to Exceed \$90,000.00.

M&C C-23201 - Authorizing the City Manager to Execute Amendment No. 1 in the Amount of \$96,008.00 to City Secretary Contract No. 33509 with TCB, Inc., for the Woodvale Sanitary Sewer and Water Extension Project Thereby Increasing the Contract Amount to \$203,738.00.

(IX. CONSENT AGENDA Continued)

M&C C-23202 - Authorizing the City Manager to Execute a Contract with Klutz Construction, L.L.C., in the Amount of \$395,170.64 for Parking Lot, Drainage/Erosion Control and Trail/Bridge Improvements at Forster Park; and Adopting Appropriation Ordinance No. 18379-12-2008 Increasing Estimated Receipts and Appropriations in the Park Gas Lease Project Fund in the Amount of \$186,050.64 from Gas Well Royalty Revenues, for the Purpose of Executing a Contract with Klutz Construction L.L.C.

M&C C-23203 - Authorizing the City Manager to Execute a Contract with 2L Construction, LLC, in the Amount of \$69,719.86 for Park Improvements at Quanah Parker Park.

End of Consent Agenda.

X. PRESENTATIONS BY THE CITY COUNCIL

1. [Changes in Membership on Boards and Commissions](#)

Mayor Moncrief asked that Council consider Mr. Jason Hall be appointed to the Community Development Council, and Mr. Sam Buchanan be appointed to the Board of Adjustment, Commercial.

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that Mr. Jason Hall be appointed to the Community Development Council, and Mr. Sam Buchanan be appointed to the Board of Adjustment, Commercial, effective December 2, 2008, and with terms expiring October 1, 2009. The motion carried unanimously eight (8) ayes to zero (0) nays.

Motion: Council Member Burns made a motion, seconded by Council Member Espino, that Ms. Kelsey Delatorre be appointed to the Fort Worth Commission for Women, effective December 2, 2008, and with a term expiring October 1, 2009. The motion carried unanimously eight (8) ayes to zero (0) nays.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Burdette, that Ms. Ruth Bennie Tunstle be reappointed to the Parks and Community Services Advisory Board, effective December 2, 2008, and with a term expiring October 1, 2010, and Mr. Carl Pointer be reappointed to the Appeals Board, effective December 2, 2008, and with a term expiring September 30, 2010. The motion carried unanimously eight (8) ayes to zero (0) nays.

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. RESOLUTIONS

1. A Resolution Adopting the City of Fort Worth's 2009 State Legislative Program

City Secretary Hendrix advised that the resolution would be continued until the December 9, 2008, Council meeting.

2. A Resolution Appointing Ginger McGuire, Senior Vice President of Lancaster Pollard, to the Fort Worth Mayor's Advisory Task Force on Quality Affordable Housing

Motion: Council Member Espino made a motion, seconded by Council Member Burdette, that Resolution No. 3683-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

3. A Resolution Designating December 6, 2008, as Executive Leadership and Development Institute Day

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that Resolution No. 3684-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

XIV. REPORT OF THE CITY MANAGER

A. General

13. M&C G-16372 - Adopt a Resolution Accepting Responsibility for the Jurisdiction, Operation and Maintenance of Lacaster Avenue Between Jones and Lamar Streets.

Motion: Council Member Burns made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16372 be approved and Resolution No. 3685-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

14. M&C G-16373 - Adopt a Supplemental Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Automated Red Light Enforcement Program Fund in the Amount of \$1,472,500.00 from Available Funds, for the Purpose of Paying the Lease of Automated Red Light Enforcement Cameras for Fiscal Year 2008-2009.

Motion: Council Member Moss made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16373 be approved and Appropriation Ordinance No. 18380-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

Mayor Pro tem Hicks expressed appreciation to Mr. Greg Simmons, Acting Transportation and Public Works Director, for providing notification of all the red light camera locations within the City of Fort Worth.

15. M&C G-16374 - Adopt an Appropriation Ordinance Amending the City Code of Fort Worth (1986), as Amended, by the Amendment of Chapter 12.5, Section 12.5-340 "Categories of Drainage Utility Rates", Subsection (B), to Revise the Monthly Drainage Utility Fees Assessed, for the Municipal Drainage Utility System.

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. G-16374 be approved and Ordinance No. 18381-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

16. M&C G-16375 - Approve the Fiscal Year 2008-2009 Payments for Ambulance Services to the Area Metropolitan Ambulance Authority, d/b/a MedStar.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16375 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

17. M&C G-16376 - Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Clean Water State Revolving Loan Fund in the Amount of \$33,560,000.00 from Texas Water Development Board for Clean Water Infrastructure.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16376 be approved and Appropriation Ordinance No. 18382-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

18. M&C G-16377 - Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Drinking Water State Revolving Loan Fund in the Amount of \$49,865,000.00 for Drinking Water Infrastructure.

Motion: Council Member Burns made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16377 be approved and Appropriation Ordinance No. 18383-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

19. M&C G-16378 - Consider a Waiver for a High Impact Gas Well Permit to Allow the Drilling of the Lithographia C3H Gas Well on Pad-C of the Lithographia Lease Located in the H. Robertson Survey, Abstract 1259, Tract 1D at 293 West Bonds Ranch Road (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. Rick Trice, Manager of Consultant Services, Planning and Development Department, appeared before Council and provided a staff report.

Mayor Moncrief recognized Mr. Bob Manthei, representing XTO Energy, 810 Houston Street, as desiring to speak in support of the M&C; however, Mr. Manthei was not present in the Council Chamber.

Council Member Burdette stated that the pad site and wells were drilled before homes were developed and ordinance was reconfigured. He added that the well would be located on the same pad site with the two existing wells and that waivers had been signed by the 10 homeowners that lived within 600 feet of the well site. He stated that there was a vacant, foreclosed home near the site as well; however, the process to obtain a waiver from the new buyer was in negotiation.

Mayor Pro tem Hicks asked what the protected uses were from 263 feet away. Mr. Trice stated that the protected uses were for residential use.

b. Citizen Presentations

Mayor Moncrief recognized Ms. Darlia Hobbs, 8113 Anchorage Place in Fort Worth's ETJ, as desiring to speak in opposition of the M&C; however, Ms. Hobbs was not present in the Council Chamber.

c. Council Action

(M&C G-16378 Continued)

Motion: Council Member Burdette made a motion, seconded by Council Member Moss, that the public hearing be closed and Mayor and Council Communication No. G-16378 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

20. M&C G-16379 - Consider a Waiver for a High-Impact Gas Well Permit and Issuance of a Gas Well Pad Site Permit Request by XTO Energy, Inc., to Allow the Drilling of the Texas Steel 1H, 2H and 3H Gas Wells on Pad-A of the Texas Steel Lease Located in the Texas Steel Company Plant Site Survey Tract A1A1 (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. Rick Trice, Manager of Consultant Services, Planning and Development Department, appeared before Council and provided a staff report.

b. Citizen Presentations

Mr. Bob Manthei, representing XTO Energy, 810 Houston Street, appeared before Council in support of the M&C. He stated that 68 waivers had been obtained from the area, but stated that four more waivers were needed for those classified properties classified as protected use. He added that of the four waivers, two were homes. He added that the closest well could be drilled 400 feet from the site and the other was 569 feet from the site. He pointed out that one protected use structure within the 261 feet was a market/grocery store and under the new ordinance, it would no longer be considered a protected structure. He also stated that the last structure was a business with some apartments upstairs and the distance any well could be drilled closest to that structure would be 395 feet. He stated that the site was currently on the City's list as a brown site and that there were some environmental concerns with the site because of the past industry that was on the site. He added that XTO Energy had purchased approximately 25 acres and had done a lot of work to clean up and remove old buildings. He stated that the previous business had been out of service for four or five years, but XTO Energy had cleaned it up, done the necessary testing and had taken some soil samples and believed that it would be a good application for the site. He further stated that there was a good transportation route that would utilize Hemphill and Seminary. He added that he had 50 letters of support from residents in the area, and that XTO had met with the neighborhood associations and they had developed a good relationship with them as well.

Ms. Vicki Bargas, 301 E. Drew Street, appeared before Council in support of the waiver. She stated that XTO had listened to the residents' concerns and changed one of the truck routes as a result of those concerns.

(M&C G-16379 Continued)

c. Council Action

Council Member Burns expressed appreciation to XTO for accommodating the neighborhoods' concerns and reiterated Mr. Manthei's statement that the market/grocery store would no longer be a protected use under the current ordinance.

Council Member Espino acknowledge the effort made by the residents of the Worth Heights Neighborhood, Council Member Burns and XTO, to protect the quality of life for this historic neighborhood.

Motion: Council Member Burns made a motion, seconded by Council Member Espino, that the public hearing be closed and Mayor and Council Communication No. G-16379 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

21. M&C G-16380 - Hold a Public Hearing Concerning the Following Matters: the Advisability of Re-Establishing the Fort Worth Public Improvement District (PID) No. 8 (Camp Bowie); the General Nature of the Proposed Improvements and Services for the PID; the Estimated Cost of Improvements and Services; the Proposed Boundaries of the PID; and the Proposed Apportionment of Costs Between the PID and the City as a Whole; Adopt a Resolution Re-Establishing Fort Worth Public Improvement District No. 8 (Camp Bowie PID) and Taking Certain Other Actions Concerning the District and Approving the Budget for the 2008-2009 Fiscal year and Five-Year Service Plan for the District; and Authorize the City Manager to Execute a Contract with Camp Bowie District, Inc., to Provide Management Services for the PID During Fiscal Year 2008-2009 for the sum of \$54,625.00.

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

a. Report of City Staff

Ms. Ardina Washington, Business Development Coordinator, Housing and Economic Development Department, appeared before Council and provided a staff report.

b. Citizen Presentations

Mr. Robert West, representing the Camp Bowie District, Inc., 301 Commerce Street, Suite 3500, appeared before Council in support of PID No. 8. He stated that the main function for the PID was not just a beautification effort of Camp Bowie, but focus had always been on economic revitalization and economic development. He added that Camp Bowie District hired two staff employees, and Ms. Brandy O'Quinn, President and Certified Economic Development Officer. He recognized Ms. O'Quinn's past work experience with the Fort Worth Chamber of Commerce and the Arlington Chamber of Commerce, and stated that under the state statute she provided special supplemental services that were available 24 hours a day, seven days per week.

(M&C G-16380 Continued)

Ms. Erica McCarthy, Co-Owner of the Sunflower Shoppe, 5817 Curzon Avenue, appeared before Council in support of PID No. 8. She also stated that she was a member of the PID board. She expressed appreciation to Camp Bowie District and stated that their business had directly benefited from the Camp Bowie District's efforts. She added that it was a dynamic, well-run and impressive organization.

c. Council Action

Motion: Council Member Jordan made a motion, seconded by Council Member Scarth, that the public hearing be closed and Mayor and Council Communication No. G-16380 be continued until the December 16, 2008, Council meeting. The motion carried unanimously eight (8) ayes to zero (0) nays.

B. Purchase of Equipment, Materials, and Services

5. It was the consensus of the City Council that Mayor and Council Communication No. P-10885, Authorize the Purchase of Sealcoat and Restriping Services from Advanced Paving Company for the Department of Aviation for an Amount Not to Exceed \$70,642.00, be continued until the December 16, 2008, Council meeting.

C. Land

12. M&C L-14678 - Authorize the City Manager to Authorize the Acquisition of 20.054 Acres of Land Located at Crystal Lake Drive and Cromwell-Marine Creek Parkway, Fort Worth, Tarrant County, Texas, for the Expansion of Marine Creek Ranch Park in the Total Amount of \$232,028.00 Including Closing Costs; Authorize the Acceptance and Recording of the Appropriate Instruments; and Dedicate the Property as Park Land Upon Conveyance.

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. L-14678 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

13. M&C L-14679 - Authorize the Direct Sale of City Fee Owned Property Located at 3101 Avenue J at the Northeast Corner of Avenue J and Wesleyan Street for \$197,500.00 to United Community Centers, Inc., in Accordance with Section 272.001(i) of the Texas Local Government Code; Authorize the City Manager to Execute and Record Appropriate Instruments Conveying the Property to United Community Centers, Inc., Free and Clear of all Encumbrances Except the Survey and the Encumbrances Appearing in the Title Commitment; and Adopt a Resolution for the Conveyance of Property to United Community Center, Inc., Pursuant to Local Government Code 272.001 for the Public Purpose of the Construction and Operation of a New Community Center.

(M&C L-14679 Continued)

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. L-14679 be approved and Resolution No. 3686-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

14. M&C L-14680 - Authorize the City Manager to Declare the Necessity of Taking an Interest in a Portion of Land Known as Tract 10A, Atkin McLemore Survey, Abstract No. 1056, Located in East Fort Worth, Tarrant County, Texas, Owned by Edwin Bunton Required for the Widening of Jeff Street; and Authorize the City Attorney to Institute Condemnation Proceedings to Acquire the Interest in the Land.

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. L-14680 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

15. M&C L-14681 - Authorize the Acquisition of Lot 1, Block 1, Monte Vista Acres, Also Known as 3848 Golden Triangle Boulevard, from Stephen W. Long and Paula H. Long, Located in North Fort Worth, Tarrant County, Texas, for the Construction of Drainage Infrastructure Improvements; Find that the Price Offered in the Amount of \$340,000.00, Plus an Estimated Closing Cost of \$5,000.00, is Just Compensation; and Authorize the Acceptance and Recording of Appropriate Instruments (DOE No. 5773).

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. L-14681 be approved with appreciation to Mr. Doug Rademaker, Deputy Director, Program Management Office, Mr. Willie Ingram, Office Assistant II, Transportation and Public Works Department, and members of City staff. The motion carried unanimously eight (8) ayes to zero (0) nays.

16. M&C L-14682 - Authorize the City Manager to Declare the Necessity of Taking an Interest in a Portion of Land Known as Lot G, Block 2, H.S. Westbrook Addition, Fort Worth, Tarrant County, Texas, Owned by Cliffy Wooten and Thomas Mehaffey Wooten, Jr., Required for the Widening of Nelson Avenue; Declare that Widening Nelson Avenue is a Public Purpose; and Authorize the City Attorney to Institute Condemnation Proceedings of One Right-of-Way Easement to Acquire the Interest in the Land (DOE No. 5441; Project No. 00443).

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. L-14682 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

17. M&C L-14683 - Conduct a Public Hearing Under the Guidelines Set Forth by the Texas Parks and Wildlife Code, Chapter 26, Protection of Public Parks and Recreational Lands; Find that No Feasible or Prudent Alternative Exist for the Installation of the Gas Pipeline with a Gas Valve Station in Marion Sansom Park; Find that the Proposed Gas Pipeline with a Gas Valve Station Includes All Reasonable Planning to Minimize Harm to the Park Land, Includes that the Gas Line and Valve Site will be Constructed in Marion Sansom Park as Specified; Close the Public Hearing and Authorize the City Manager to Convert Approximately 3.17 Acres of Dedicated Park Land Located at 2501 Roberts Cut Off Road for a License Agreement for the Installation of a Gas Pipeline with a Gas Valve Station; and Authorize the Execution of a License Agreement with Barnett Gathering, L.P., in the Amount of \$507,228.50.

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, Parks and Community Services Department Assistant Director, appeared before Council and provided a staff report.

b. Citizen Presentations

Mr. Walter Dueease, representing Barnett Gathering, 810 Houston Street, appeared before Council in support of the gas valve station.

The following individuals appeared before Council in opposition of the gas valve site, and addressed concerns relative to the site being too close to mountain bike trails near Roberts Cut-Off Road, reduction in the size of Marion Sansom Park, safety issues and environmental issues:

Mr. Lawrence Colvin, representing Fort Worth Mountain Bike Association, 819 South Alamo
Ms. Betsy Hedden, representing the League of Women Voters of Tarrant County, 3200 Overton Park Drive West
Mr. Joe Waller, President, Lake Worth Alliance, 2533 Castle Circle
Ms. Shelley Harper, representing East Lake Worth Neighborhood Association, 6301 Cahoba Drive
Mr. Greg Hughes, 2544 Stadium Drive
Ms. Barbara Koerble, 1815 5th Avenue
Ms. Evelyn Muelder, 2400 Windswept Circle

c. Council Action

Motion: Council Member Burdette made a motion, seconded by Council Member Scarth, that the public hearing be closed and Mayor and Council Communication No. L-14683 be approved. The motion carried five (5) ayes to three (3) nays, with Mayor Pro tem Hicks and Council Members Jordan and Burns casting the dissenting votes.

D. Planning & Zoning

2. M&C PZ-2803 - Adopt an Ordinance Declaring Certain Findings; Providing for Limited-Purpose Annexation of a Certain 424.7 Acres (0.664 Square Miles) of Land, More or Less, Known as State Highway 121T/FM1187, Located South of Cleburne Crowley Road and West of West Cleburne Road Situated in the Boliver Cook Survey Abstract Number 284, the J. S. Foster Survey Abstract Number 547, The McKinney & Williams Survey Abstract Number 1119, the J.M. Muhlilnhgaus Survey Abstract Number 1157, James E. Neely Survey Abstract 1180, and the Socorro Farming Co. Survey, Abstracts Number 1839 and 1841, Tarrant County, Texas and Adopt a Regulatory Plan for the Area.

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

Mr. Jim Schell, 901 Fort Worth Club Building, appeared before Council in opposition of the annexation. He stated that he was representing property owners of 205 acres who did not want their property annexed at this time. He stated that a development agreement between his clients and the City needed to be drafted to address issues relative to funding for Southwest Parkway, alignments of arterials, mitigating factors pertaining to mineral rights and zoning issues.

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. PZ-2803 be denied. The motion carried unanimously seven (7) ayes to zero (0) nays, with Council Member Burns absent.

3. M&C PZ-2804 - Approve the Joint Resolution and Agreement Between the City of Crowley and the City of Fort Worth Releasing the Extraterritorial Jurisdiction of Approximately 14.0 Acres Located South of FM 1187 and East of Hulen Street in Tarrant County, Texas, to the City of Crowley.

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

Council Member Espino requested that staff provide further explanation pertaining to the release of the extraterritorial jurisdiction.

Ms. Dana Burghdoff, Deputy Director, Planning and Development Department, appeared before Council and stated that the annexation was a request from Crowley Independent School District to release a portion of the City's extraterritorial jurisdiction to the City of Crowley to have all of the school's property located within one jurisdiction.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. PZ-2804 be approved and Resolution No. 3687-12-2008 be adopted. The motion carried unanimously six (6) ayes to zero (0) nays, with one (1) abstention by Council Member Jordan, and with Council Member Burns absent.

E. Award of Contract

1. M&C C-23014 - Authorize the City Manager to Execute a Public Right-of-Way Use Agreement with Texas Midstream Gas Services, LLC, to Grant a License to Use Certain Public Right-of-Way of the City of Fort Worth for the Purpose of Constructing, Maintaining and Operating a Natural Gas Pipeline Along the Eastside of Alton Road Crossing Bellaire Drive South, West Berry Street, Westcliff Road South, Hilltop Drive, West Biddison Street and South Hills Avenue (Continued from October 14, 2008).

(Council Member Burns returned to place on dais.)

The following individuals appeared before Council in opposition to the natural gas pipeline:

Mr. Greg Hughes, 2544 Stadium Drive
Ms. Debbie Stein, 2417 Stadium Drive

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-23014 be continued until the January 13, 2009, Council meeting. The motion carried unanimously eight (8) ayes to zero (0) nays.

2. It was the consensus of the City Council that Mayor and Council Communication No. C-23134, Authorize Purchase of a Vacant Residential Lot Located at 3152 Hardy Street from Pete L. Reyes for the Lebow Channel Drainage Project, for the Amount of \$36,000.00 Plus Closing Costs and Authorize Acceptance and Recording of Appropriate Instruments, be withdrawn from consideration.

3. M&C C-23134 - (Revised) Authorize the Acquisition of a Vacant Industrial Lot, Approximately 25,884 Square Feet, Owned by Pete L. Reyes, Known as 3152 Hardy Street, Block 0, the Northeast Corner of Vera Cruz Street and Hardy Street of the Shoe and Leathers Company, an Addition to the City of Fort Worth, Tarrant County, Texas for the Lebow Channel Drainage Project; Find that the Price Offered in the Amount of \$30,000.00 for the Parcel, Plus an Estimated Closing Cost of \$3,000.00 is Just Compensation; and Authorize the Acceptance and Recording of Appropriate Instruments.

Motion: Council Member Espino made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23134 Revised be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

4. It was the consensus of the City Council that Mayor and Council Communication No. C-23165, Authorize Amendment No. 5 to City Secretary Contract No. 20060 with Alliance Air Management, Ltd., at Fort Worth Alliance Airport to Revise Pledge Agreement Requirements, be withdrawn from consideration.

5. M&C C-23165 - (Revised) Authorize the City Manager to Execute Amendment No. 5 to City Secretary Contract No. 20060 with Alliance Air Management, Ltd., for the Management, Operation and Maintenance of the Fort Worth Alliance Airport to Revise Pledge Agreement Requirements.

Motion: Council Member Espino made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. C-23165 Revised be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

12. M&C C-23195 - Authorize the City Manager to Execute a Contract with the United Way of Metropolitan Tarrant County in the Amount of \$60,000.00 for Social Marketing Services of a Child Mental Health Initiative Co-Operative Agreement for a Period to Begin October 1, 2008, and End September 29, 2009.

Mayor Pro tem Hicks advised that she would recuse herself from voting on this issue as the company she works for has a business relationship with the United Way.

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-23195 be approved. The motion carried unanimously seven (7) ayes to zero (0) nays, and with one (1) abstention by Mayor Pro tem Hicks.

21. M&C C-23204 - Authorize the City Manager to Execute a Public Right-of-Way Use Agreement with Barnett Gathering, L.P., to Install and Operate a Natural Gas Transmission Pipeline Across Bowman Roberts Road Located Approximately 465 Feet South of Cromwell Marine Creek Road for a One Time License Fee of \$2,700.00.

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23204 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

22. M&C C-23205 - Authorize the City Manager to Execute a Public Right-of-Way Use Agreement with Barnett Gathering, L.P., to Grant a License to Use a Certain Public Right-of-Way of the City of Fort Worth for the Purpose of Constructing and Operating a Natural Gas Transmission Pipeline Across Marine Creek Parkway, Located Approximately 506 Feet South of Northwest College Drive and a Second Crossing at Northwest College Drive, Located Approximately 43 Feet West of Marine Creek Parkway for a One Time License Fee of \$9,090.00.

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23205 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

23. M&C C-23206 - Authorize the City Manager to Execute a Public Right-of-Way Use Agreement with Barnett Gathering, L.P., to Grant a License to Construct and Operate a Natural Gas Gathering Pipeline Across Bolt Street Located Approximately 33 Feet West of May Street and a Second Crossing at Mason Street Located Approximately 140 Feet West of Fry Street for a One Time License Fee of \$5,040.00.

Motion: Council Member Burns made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23206 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

24. M&C C-23207 - Authorize the City Manager to Execute a Public Right-of-Way Use Agreement with Crosstex North Texas Gathering, LP, to Grant a License to Construct and Operate a Natural Gas Gathering Pipeline Across Silver Creek Road Approximately Twenty Feet South of Verna Trail for a One Time License Fee of \$2,700.00.

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23207 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

25. M&C C-23208 - Authorize the City Manager to Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Grants Fund in the Amount of \$558,363.55 for the Purpose of Water, Sanitary Sewer, Storm Drain and Paving Improvements on Burger Street (City Project No. 00991); and Execute a Contract with Stabile and Winn, Inc., in the Amount of \$450,168.75 for Water, Sanitary Sewer, Storm Drain and Paving Improvements on Burger Street from Cottey Street to Turner Street.

Motion: Council Member Moss made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. C-23208 be approved and Appropriation Ordinance No. 18384-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

26. M&C C-23209 - Authorize the City Manager to Execute an Engineering Agreement with Lockwood, Andrews and Newnam, Inc., in the Amount of \$464,064.00 for Pavement Reconstruction and Water and Sanitary Sewer Main Replacements on 6A - Glenmont Drive, Greene Avenue, Odessa Avenue, Wharton Drive and Wonder Drive; 6B - Indio Street, Jennie Drive and Peggy Drive; 6C – Natchez Trace Street and Garrick Avenue (Project Nos. 6A-00965, 6B-00978, 6C-00966).

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23209 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

27. M&C C-23210 - Authorize the City Manager to Execute a Contract with Gibson and Associates, Inc., in the Amount of \$538,560.00 for 100 Working Days for West Lancaster Avenue Bridge Rehabilitation (2008-17).

Motion: Council Member Burns made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23210 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

28. M&C C-23211 - Authorize the City Manager to Execute a Contract with Gibson and Associates, Inc., in the Amount of \$781,271.60 for 90 Working Days for Bridge Repair and Repainting at Various Locations (2008-16).

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23211 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

29. M&C C-23212 - Authorize the City Manager to Execute a Contract with Future Telecom, Inc., in the Amount of \$110,794.00 for Catalina Hill Drainage at River Crest Landing, Lot 2, Block 1.

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23212 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

30. M&C C-23213 - Authorize the Transfer of \$531,897.86 from the Water and Sewer Operating Fund to the Water Capital Projects Fund in the Amount of \$500,714.50 and Sewer Capital Projects Fund in the Amount of \$31,183.36; Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Water Capital Projects Fund in the Amount of \$500,714.50 and the Sewer Capital Projects Fund in the Amount of \$31,183.36 from Available Funds, for the Purpose of Executing a Contract with JLB Contracting, LLC, for Pavement Reconstruction and Water and Sanitary Sewer Replacement on Hudson Street (Scott Avenue to Bomar Avenue), Collard Street (Purinton Avenue to East Lancaster Avenue), Hazeline Drive (Rampart Street to South Ayers Avenue) and Perkins Street (Panola Avenue to Hawlet Street) (Project No. 00453); and Authorize the City Manager to Execute a Contract with JLB Contracting, LP, in the Amount of \$1,809,001.10.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. C-23213 be approved and Appropriation Ordinance No. 18385-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

31. M&C C-23214 - Authorize the Transfer of \$562,305.39 from the Water and Sewer Operating Fund to the Water Capital Projects Fund in the Amount of \$493,587.50 and Sewer Capital Projects Fund in the Amount of \$68,717.89; Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Water Capital Projects Fund in the Amount of \$493,587.50 and the Sewer Capital Projects Fund in the Amount of \$68,717.89, from Available Funds for the Purpose of Executing a Contract with McClendon Construction Co., Inc., for Pavement Reconstruction and Water and Sanitary sewer Main Replacement on Northeast 29th Street (Weber Street to Schwartz Avenue), North Hampton Street (Northeast 32nd Street to East Long Avenue) and North Terry Street (Northeast 30th Street to Northeast 35th Street) (Project No. 00442); Authorize the city Manager to Execute a Contract with McClendon Construction Company, Inc., in the Amount of \$1,558,634.50.

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-23214 be approved and Appropriation Ordinance No. 18386-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

32. M&C C-23215 - Authorize the Transfer of \$884,271.12 from the Water and Sewer Operating Fund to the Water Capital Projects Fund in the Amount of \$473,170.66 and Sewer Capital Projects Fund in the Amount of \$411,100.46; Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Water Capital Projects Fund in the Amount of \$473,170.66 and the Sewer Capital Projects Fund in the Amount of \$411,100.46 from Available Funds, for the Purpose of Executing a Contract with Conatser Construction TX, L.P., for Pavement Reconstruction and Water and Sanitary sewer Main Replacement on Portions of Northeast 37th Street (Grover Avenue to Deed Road), Decatur Avenue (Terminal Road to Elaine Place), Hardy Street (Elaine Place to Mineola Avenue) and Selene Street (Decatur Avenue to Weber Street) (Project No. 00441); and Authorize the City Manager to Execute a Contract with Conatser Construction TX, L.P., in the Amount of \$2,545,780.00.

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-23215 be approved and Appropriation Ordinance No. 18387-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

33. M&C C-23216 - Authorize the Transfer of \$1,044,449.00 from the Water and Sewer Operating Fund to the Water Capital Projects Fund; Adopt Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Water Capital Projects Fund in the Amount of \$1,044,449.00 for the Purpose of Authorizing a Contract with Blastco Texas, Inc., for Structural Improvements and Repainting of the Interior and Exterior of North Beach 5.0 MG Ground Storage Facility, Located at 4809 Ray White Road; Authorize the City Manager to Execute a Contract with Blastco Texas, Inc., in the Amount of \$967,130.00.

Motion: Council Member Scarth made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23216 be approved and Appropriation Ordinance No. 18388-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

XV. PUBLIC HEARING

1. First Public Hearing for a Proposed City-Initiated Annexation of Approximately 54.9 Acres of Land in Tarrant County, Located North of Golden Triangle Boulevard and East of Interstate 35W (AX-08-005 Keller Hicks Road).

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

(XV. PUBLIC HEARING Continued)

a. Report of City Staff

Ms. Beth Knight, Senior Planner, Planning and Development Department, appeared before Council and provided a staff report.

Council Member Espino requested clarification of the enclave areas.

Ms. Knight advised that this was for Areas 11 and 14. She added that initial research found that these two enclaves were originally connected and combined into one. She stated that a second public hearing would be scheduled for next week and there was no Council action needed at this time.

b. Citizen Presentations

There were no citizen presentations.

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that the public hearing be closed. The motion carried unanimously eight (8) ayes to zero (0) nays.

2. First Public Hearing for a Proposed City-Initiated Annexation of Approximately 193.0 Acres of Land in Tarrant County, Located South of Park Drive and West of Old Decatur Road (AX-08-008 8800 Block of Boat Club Road).

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

a. Report of City Staff

Ms. Beth Knight, Senior Planner, Planning and Development Department, appeared before Council, provided a staff report and advised that this was for Area 23A. She stated that a second public hearing would be held next week and there was no Council action needed at this time.

b. Citizen Presentations

There were no citizen presentations.

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that the public hearing be closed. The motion carried unanimously eight (8) ayes to zero (0) nays.

3. First Public Hearing for a Proposed City-Initiated Annexation of Approximately 25.7 Acres of Land in Tarrant County, Located South of Cromwell Marine Creek Parkway and East of Boat Club Road (AX-08-007 6400 Block of Boat Club Road).

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

a. Report of City Staff

Ms. Beth Knight, Senior Planner, Planning and Development Department, appeared before Council, provided a staff report and advised that this was for Area 54. She stated that the second public hearing would be next week and that no Council action was needed at this time.

b. Citizen Presentations

There were no citizen presentations.

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that the public hearing be closed. The motion carried unanimously eight (8) ayes to zero (0) nays.

4. First Public Hearing for a Proposed City-Initiated Annexation of Approximately 1.5 Acres of Land in Tarrant County, Located North of Chapin Road and West of Chapel Creek Boulevard (AX-08-009 10598 Chapin Road).

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

a. Report of City Staff

Ms. Beth Knight, Senior Planner, Planning and Development Department, appeared before Council, provided a staff report and advised that no additional capital improvements were needed for this lot. She stated that a second public hearing would be next week and that no Council action was needed at this time.

b. Citizen Presentations

There were no citizen presentations.

Motion: Council Member Burdette made a motion, seconded by Council Member Moss, that the public hearing be closed. The motion carried unanimously eight (8) ayes to zero (0) nays.

XVI. ZONING HEARING

It appeared to the City Council that the Notice of Special Hearing set today as the date for the hearing in connection with recommended changes and amendments to Zoning Ordinance No. 13896 and that notice of the hearing had been given by publication in the Fort Worth Star-Telegram, the official newspaper of the City of Fort Worth, on November 13, 2008. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

a. Cases Recommended for Approval

1. Zoning Docket No. ZC-07-187 - (CD-ALL) - Text Amendment: ER District Regulations: An Ordinance amending the Comprehensive Zoning Ordinance by Amending Section 4.900, "Neighborhood Commercial Restricted District," "District Regulations" to amend uses and development standards; and by Amending Section 4.803, "Non-Residential District Use Table" of Chapter 4, "District Regulations" to add and remove uses from the "ER District." (Continued from October 7, 2008).

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that Zoning Docket No. ZC-07-187 be approved with appreciation to City staff and the following ordinance be adopted:

The motion carried unanimously eight (8) ayes to zero (0) nays.

ORDINANCE NO. 18389-12-2008

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH (1986), BY AMENDING SECTION 4.900 "NEIGHBORHOOD COMMERCIAL RESTRICTED DISTRICT", OF CHAPTER 4, "DISTRICT REGULATIONS" TO AMEND USES AND DEVELOPMENT STANDARDS; BY AMENDING SECTION 4.803, "NON-RESIDENTIAL DISTRICT USE TABLE" OF CHAPTER 4, "DISTRICT REGULATIONS" TO ADD AND REMOVE USES FROM "ER DISTRICT"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

2. Zoning Docket No. ZC-08-138 - (CD 2) - AIL Investments L.P., 9500 North Freeway; from "C" Medium Density Multi-family District and "J" Medium Industrial to "C" Medium Density Multi-family District and "G" Intensive Commercial.

Motion: Council Member Espino made a motion, seconded by Council Member Jordan, that Zoning Docket No. ZC-08-138 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

3. Zoning Docket No. ZC-08-139 - (CD 2) - Raul Mendoza, 1704 North Sylvania; from "A-5" One Family District and "E" Neighborhood Commercial to "PD/SU" Planned Development Specific Use for Three Detached Residential Units. Site Plan Included.

Motion: Council Member Espino made a motion, seconded by Council Member Burdette, that Zoning Docket No. ZC-08-139 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

4. Zoning Docket No. ZC-08-168A - (CD 9) - City of Fort Worth, 2315 and 2319 Hemphill Street; from "J" Medium Industrial to "E" Neighborhood Commercial.

Motion: Council Member Burns made a motion, seconded by Council Member Jordan, that Zoning Docket No. ZC-08-168A be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

5. Zoning Docket No. ZC-08-169 - (CD 4) - Kieu Dinh & Lan Thi Vu, 1617 North Beach Street; from "A-7.5" One-Family District to "ER" Neighborhood Commercial Restricted.

Motion: Council Member Scarth made a motion, seconded by Council Member Burdette, that Zoning Docket No. ZC-08-169 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

6. Zoning Docket No. ZC-08-171 - (CD 7) - Baillargeon Realty, Inc., 116 North University Drive; from "PD-174" Planned Development for all uses in "E" Neighborhood Commercial, plus auto sales and rental to Amend "PD-174" Planned Development for "E" Uses Plus Auto Sales and Rental to Include New and Used Auto Sales, Service, Retail Parts Sales, Automotive Rental, Automotive Outdoor Display and Storage, and Excluding Body Repair and Painting. Site Plan Included.

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Zoning Docket No. ZC-08-171 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

7. Zoning Docket No. SP-08-010 - (CD 5) - Don Valk, 7800 Block of Ederville Road; Site Plan for Quiktrip 875.

Motion: Council Member Moss made a motion, seconded by Council Member Jordan, that Site Plan No. SP-08-010 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

8. Zoning Docket No. ZC-08-173 - (CD 7) - Hunter Crossroads LP, 2200 Block of Avondale Haslet Road; from "PD-829" Planned Development for All Uses in "F" General Commercial, Excluding Night Clubs, Pool Halls, Liquor Stores, Bars, Taverns, Hotels in Excess of Two Stories; Outside Storage Not Allowed Within 200 Feet of the Perimeter of the Northern and Eastern Property Lines to Amend "PD-829" Planned Development for Uses in "F" with Exclusions, to Include Mini-Warehouses. Site Plan Waiver Recommended.

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Zoning Docket No. ZC-08-173 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

9. Zoning Docket No. ZC-08-175 - (CD 9) - City of Fort Worth, 100 Block of East Lancaster Avenue; from "PD-592" Planned Development for All Uses in "H" Central Business District to "PD/H" Planned Development for All Uses in "H" Central Business District, Excluding Pawn Shops, Tattoo Parlors, Blood Bank, Taverns/Bars/Clubs Except When Associated with a Hotel. Subject to the Downtown Design Review Guidelines, Lancaster Corridor Zone. Site Plan Waiver Recommended.

Motion: Council Member Burns made a motion, seconded by Council Member Jordan, that Zoning Docket No. ZC-08-175 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

10. Zoning Docket No. ZC-08-176 - (CD 3) - FW Verandas at Cityview, LTD., 7301 Oakmont Boulevard; from "C" Medium Density Multi-family District and "G" Intensive Commercial to "PD/C" Planned Development for All Uses in "C" Medium Density Multi-family District. Site Plan Included.

Motion: Council Member Jordan made a motion, seconded by Council Member Burdette, that Zoning Docket No. ZC-08-176 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

11. Zoning Docket No. ZC-08-177 - (CD 7) - City of Fort Worth, 3301 West Lancaster Avenue; from "A-5" One-Family District to "PD/SU" Planned Development/Specific Use for a Parking Garage. Site Plan Included.

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-08-177 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

12. Zoning Docket No. ZC-08-178 - (CD 8) - City of Fort Worth, 3600 Block of Wichita Street; "A-5/DD" One-Family District/Demolition Delay, "PD-720/DD" Planned Development for All Uses in "E" with Exclusions/Demolition Delay, "PD-721/DD" Planned Development for All Uses in "A-5" with Restrictions/Demolition Delay to "A-5" One-Family District "PD-720" Planned Development for "E" with Exclusions and "PD-721" Planned Development for All Uses in "A-5" with Restrictions. Site Plan Waiver Recommended.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that Zoning Docket No. ZC-08-178 be approved with appreciation. The motion carried unanimously eight (8) ayes to zero (0) nays.

13. Zoning Docket No. ZC-08-182 - (CD 6) - City of Fort Worth, 3700 through 4500 Blocks of FM 1187 and 11751 Old Granbury Road; from Unzoned to "MU-1" Low Intensity Mixed Use.

Motion: Council Member Jordan made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket No. ZC-08-182 be denied without prejudice. The motion carried unanimously eight (8) ayes to zero (0) nays.

14. Zoning Docket No. ZC-08-183 - (CD 6) - City of Fort Worth, 9900 Block of Crowley Road; from "A-5" One Family District, "B" Two Family District, "R1" Zero Lot Line/Cluster and "C" Medium Density Multifamily District to "A-5" One Family District and "CF" Community Facilities.

Motion: Council Member Jordan made a motion, seconded by Council Member Burdette, that Zoning Docket No. ZC-08-183 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

15. Zoning Docket No. ZC-08-184 - (CD 6) - City of Fort Worth, 8100 through 8400 Blocks of West Cleburne Road; from "A-5" One Family District, "B" Two Family District and "C" Medium Density Multifamily District to "A-5" One Family District and "CF" Community Facilities.

Motion: Council Member Jordan made a motion, seconded by Council Member Burdette, that Zoning Docket No. ZC-08-184 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

16. Zoning Docket No. ZC-08-185 - (CD 3) - City of Fort Worth, 6400 Blocks of Crestmore, Edgehill, Floyd and Woodstock, 3908 and 3962 Edgehill; from "A-5" One Family District to "A-10" One Family District.

Motion: Council Member Burns made a motion, seconded by Council Member Burdette, that Zoning Docket No. ZC-08-185 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

17. Zoning Docket No. ZC-08-187 - (CD 5) - Debra Muse/Fitzwater Family Trust; 6108 and 6212 Willard Road; from "A-10" One Family District, "FR" General Commercial Restricted and "I" Light Industrial to "I" Light Industrial.

Mr. Cleveland Harris, 1037 Colvin Street, appeared before Council in opposition of the zoning change. He stated that he owned property at 6417 Willard Road and that the neighborhood was not satisfied with the zoning request. He added that the main concern was what type of business would be put on this location.

Council Member Moss stated that he would delay the case to schedule a meeting to address concerns and adjust the overall request to leave the street currently as it is with only minor adjustments.

Motion: Council Member Moss made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket No. ZC-08-187 be continued until the January 6, 2009, Council meeting. The motion carried unanimously eight (8) ayes to zero (0) nays.

b. Cases Recommended for Approval/Denial

1. Zoning Docket No. ZC-08-170 - (CD 7) - Birchman Avenue Revocable Trust/Rachel Sheeran, 5122 and 5128 Birchman Avenue.

Recommended for Approval

5128 Birchman Avenue; from "CF" Community Facilities to "PD/SU" Planned Development Specific Use for museum, library or fine art center, museum/cultural facility, bank, financial institution, offices, antique shop, barber or beauty shop, caterer or wedding service, clothing/wearing apparel sales, new, dressmaking, custom, millinery shop, interior decorating, leather goods shop, medical supplies/equipment sales or rental, optician, studio, art or photography sales and service, tailor, clothing or apparel shop. No drive-thrus are permitted. Site plan waiver recommended for existing building only.

Recommended for Denial

5122 Birchman Avenue from "CF" Community Facilities to "ER" Neighborhood Commercial Restricted.

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Zoning Docket No. ZC-08-170 be approved for 5128 Birchman Avenue from "CF" Community Facilities to "PD/SU" Planned Development/Specific Use for museum, library or fine art center, museum/cultural facility, bank, financial institution, offices, antique shop, barber or beauty shop, caterer or wedding service, clothing/wearing apparel sales, new, dressmaking, custom, millinery shop, interior decorating, leather goods shop, medical supplies/equipment sales or rental, optician, studio, art or photography sales and service, tailor, clothing or apparel shop; no drive-thrus are permitted, and with waiver of site plan recommended for existing building only; and denied without prejudice for 5122 Birchman Avenue from "CF" Community Facilities to "ER" Neighborhood Commercial Restricted. The motion carried unanimously eight (8) ayes to zero (0) nays.

c. Cases Recommended for Denial

1. Zoning Docket No. ZC-08-172 - (CD 4) - Lim & Houn, 6700 Brentwood Stair Road; from "FR" General Commercial Restricted to "E" Neighborhood Commercial.

Mr. Patrick Main, Vice-President, Ryanwood Neighborhood Association, 7309 Yolanda Drive, appeared before Council in support of the denial. He stated that the neighborhood wanted to exclude liquor stores from the zoning. He stated that there were five properties that abut the strip center and

stated that the applicant had not spoken with the neighborhood association or the property owners. He asked that Council uphold the Zoning Commission's recommendation for denial.

(ZC-08-172 Continued)

Motion: Council Member Scarth made a motion, seconded by Council Member Moss, that Zoning Docket No. ZC-08-172 be denied. The motion carried unanimously eight (8) ayes to zero (0) nays.

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

ORDINANCE NO. 18390-12-2008

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

The motion carried unanimously eight (8) ayes to zero (0) nays.

XVII. PUBLIC HEARING

1. Public Hearing on Proposed Revisions to Gas Drilling Ordinance

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

a. Report of City Staff

Ms. Sarah Fullenwider, Assistant City Attorney, appeared before Council and provided a staff report.

(Mayor Pro tem Hicks left her place at the dais.)

Mayor Moncrief clarified that it was up to the discretion of the Council to accept, amend or reject all recommendations from the Gas Drilling Task Force and City staff, as well as add products to the

proposed language of the ordinance. He stated that the purpose of the public hearing was for the public to provide input and no Council action would be taken at this time.

(XVII. PUBLIC HEARING Continued)

b. Citizen Presentations

(Mayor Pro tem Hicks returned to her place at the dais.)

Mayor Moncrief provided opening remarks and expressed appreciation to City staff for their work.

The following individuals appeared before Council in support of drilling in the Barnett Shale:

Mr. Bill Thornton, 3412 Clear Fork Trail

Mr. Dee Jennings, President, Fort Worth Black Chamber of Commerce, 1150 South Freeway

Ms. Rose Navejar, representing Fort Worth Hispanic Chamber of Commerce, 1327 North Main Street

Mr. Tim McKinney, President and CEO of United Way of Tarrant County, 1509 Northcrest Court

Ms. Libby Willis, Vice-President, Fort Worth League of Neighborhoods, 2300 Primrose

Mr. Robert Young, 828 Woodridge Drive

Mr. Kenneth Pitts, Jr. 8825 Trails Edge Drive

Mr. Gary Walker, 4512 Briarhaven

Mr. John Libby, 2015 College Avenue

Reverend Bruce D. Datcher, Ebenezer Missionary Baptist Church, 1901 Amanda Avenue

Mr. Larry Kemp, 5910 Terrace Oaks Lane

Pastor Overseer Elvis Bowman, Greater Mt. Tabor Christian Center, 2513 South Edgewood Terrace

Mr. John Wier, 7309 Trice Court

Mr. Gary Hogan, 2117 Rolling Creek Run

Mr. Terry James, 9613 Mariner Circle

Mr. Greg Ricks, President, Woodhaven Neighborhood Association, 720 Oakwood Trail

Mr. Joe Waller, President, Lake Worth Alliance, 2533 Castle Circle

Mr. Larry Buck, 5908 Terrace Oaks Lane

Mr. Randell P. Means, 1941 Berkeley Place

Mr. Walter Dueease, representing Barnett Gathering, L.P., 810 Houston Street, appeared before Council in support of the gas drilling ordinance. He requested that the three current well classifications, urban, high-impact and rural, not be deleted because they were in compliance with the Comprehensive Plan. He stated that City staff made the recommendation to remove those classifications, but that the task force believed that this would place even more restrictions on the industry, especially in industrial and agricultural areas where the aesthetic and noise was much different than in residential and commercial areas. He added that the noise issue stemmed from the nocturnal issue with flow back and that City staff had recommended to eliminate all types of ancillary fracuring operations. He stated that the task force requested that the definition of nighttime

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hours be changed to mirror the nuisance noise standards in the City Code, from the time of 10:00 p.m. to 7:00 a.m. He stated that this would allow for certain ancillary activities during those hours within a
(XVII. PUBLIC HEARING Continued)

three (3) decibel limit and would reduce time spent on pad site. He also stated that there was an issue with setbacks and the technical regulations within the ordinance. He further stated that the issue was with the encroachment of typical surfaced development upon a gas well site which prohibited the drilling of additional wells on an existing site. He pointed out that the current ordinance had waiver provisions that allowed building encroachment upon a gas well site between 100 and 200 feet, but it prohibited waivers allowing gas wells to be permitted within 200 feet from a protected use area, even if the well was on an existing site. He added that this posed a double standard and discouraged gas well development. He recommended not to allow encroachment by operators or developers within 200 feet of each other, except under the strict guidelines recommended by the Gas Drilling Task Force. He asked that Council consider all recommendations by the task force, industry, minority report, and all other providers, and to act upon those recommendations in a reasonable manner.

Mayor Moncrief recognized the following individuals as desiring to address the Council in support of drilling in the Barnett Shale, but they were not present in the Council Chamber:

Mr. Johnnie Melton, 2001 Beach Street
Ms. Cathy Hernandez, representing Rose Marine Theater, 1440 North Main
Mr. Jaime Tovar, 804 Broadus
Ms. Ventura A. Garcia, 3325 South Jennings
Mr. Jose G. Vazquez, 1100 Woodland

The following individuals appeared before Council in opposition to gas drilling:

Mr. Jim Nichols, 1600 Texas Street, #2604
Ms. Marjorie Montgomery, President, League of Women Voters, 1600 Texas Street #2306
Mr. Bob Nelson, 360 Turquoise Drive
Mr. Jim Ashford, 6209 Riverview Circle
Mr. Greg Hughes, 2544 Stadium Drive
Ms. Olga Arbonies, 2825 Carter Avenue
Mr. Roberto Arbonies, 2825 Carter Avenue
Mr. Billy Bradbury, 23 Legend Road
Mr. Dale Behan, 159 Waggoner Court
Ms. Darlia Hobbs, 8113 Anchorage Place, Fort Worth's ETJ

Mayor Moncrief recognized the following individuals as desiring to address Council in opposition to gas drilling; however, they were not present in the Council Chamber:

(XVII. PUBLIC HEARING Continued)

Mr. Jerry Lobdill, 6336 Darwood Avenue
Mr. Jason Smith, 2257 College Avenue
Ms. Charlotte Murphy, 2005 Thomas Place

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Scarth, that the public hearing be closed. The motion carried unanimously eight (8) ayes to zero (0) nays.

Mayor Moncrief recessed the Council meeting at 11:30 p.m. and reconvened at 11:37 p.m.

XVIII. CITIZEN PRESENTATIONS

City Secretary Hendrix advised Council that Mr. Joe Don Brandon, P.O. Box 1155, had contacted staff and provided notification that he would not be in attendance for tonight's Council meeting.

Mayor Moncrief recognized Mr. Welton Martin, 5504 Odessa, as desiring to address Council relative to a parking meter ticket; however, Mr. Martin was not present in the Council Chamber.

Mayor Moncrief recognized the citizens desiring to speak relative to the annexation of the Area 15 enclave and requested that Ms. Dana Burghdoff brief Council on this issue.

Ms. Dana Burghdoff, Deputy Director, Planning and Development Department, advised that Enclave 15, 12 and 9 were areas that would be considered by the Council for annexation in 2010. She stated that public meetings regarding the service plan for those areas had been held and that the service plan would be presented to Council for consideration in March 2009. She further added that the annexation would be presented to Council in November or December of 2010.

Council Member Espino requested clarification that Council could reserve the right to proceed with the annexation or decide to move forward, but that a final decision would not have to be made until 2010.

Ms. Burghdoff confirmed Council Member Espino's comments. She stated that the areas were populated and in the state mandated annexation plan that required a 3-year waiting period. She added that they were placed in the annexation plan in 2007 and that would anticipate consideration of that annexation in 2010.

The following individuals appeared before Council relative to the involuntary annexation of Enclave 15 in Wilshire Valley due to increases in property taxes, possible home foreclosures, creating

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hardships for citizens who already reside within the City limits of Fort Worth, and having no representation on the City Council:

(XVIII. CITIZEN PRESENTATIONS Continued)

Ms. Joyce Mallon, 5225 Memorial Drive, Keller, TX
Ms. Pat Winkle, 5229 Memorial Drive, Keller, TX
Ms. Yvette Sanders, 9863 Gessner Drive, Keller, TX
Mr. Stephen Johnston, 5232 Briar Forest Road, Keller, TX
Mr. Michael Cook, 5213 Briar Forest Road, Keller, TX
Mr. Clark Young, 5140 Leeray Road, Keller, TX
Mr. John A. Smith, 13016 Voss Avenue, Keller, TX (Did not speak)
Ms. Sarah Gale, President, Wilshire Valley Homeowners Association, 12016 Gessner Avenue, Keller, TX
Mr. Eric Richardson, 9920 Gessner Drive, Keller, TX
Ms. Amber Richardson, 9920 Gessner Drive, Keller, TX
Ms. Debra R. Smith, 13016 Voss Avenue, Keller, TX
Mr. Eric Consford, 9888 Gessner Drive, Keller, TX
Ms. Darlia Hobbs, 8113 Anchorage Place, in Fort Worth's ETJ

Council Member Espino clarified that there were several areas that were up for annexation before the end of the year, but Area 15 would not be considered until 2010. He noted The Keller Citizen newspaper article in which he mentioned the enclaves in the Golden Triangle and Keller-Haslet area that were up for annexation, but Area 15 was not scheduled until 2010. He clarified his statements with regard to City services, revenue from property taxes, and access to better streets and roadways. He directed his Council Aide to request that residents of the ETJ area continue dialogue with the City staff, and that he would also meet with residents as requested. He added that City roads were being built in the rural areas and if Area 15 were to be annexed, taxation would not take place until 2011.

Ms. Jerry Horton, 2608 Carter Avenue, appeared before Council relative to the natural gas pipelines crossing her property.

XX. ADJOURNMENT

There being no further business, the meeting was adjourned at 12:29 a.m.