

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
SEPTEMBER 9, 2008**

Present

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

Absent:

Mayor Mike Moncrief

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 Pro tem Hicks called the regular session of the Fort Worth City Council to order at 7:00 p.m. on Tuesday, September 9, 2008, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102 with Mayor Moncrief absent.

II. INVOCATION - Reverend Milton Pace, Saintsville Cathedral Baptist Church

The invocation was given by Reverend Milton Pace, Saintsville Cathedral Baptist Church.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

IV. CONSIDERATION OF MINUTES OF REGULAR MEETING OF TUESDAY, SEPTEMBER 02, 2008

Motion: Upon a motion made by Council Member Silcox, seconded by Council Member Jordan, the minutes of the regular meeting of September 2, 2008, were approved unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

V. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC.

- 1. Council Member Silcox presented a Proclamation for Prostate Cancer Awareness Month.**
- 2. Mr. Estrus Tucker, Chair, Fort Worth Human Relations Commission, presented the Fort Worth Human Relations Commission Awards.**
- 3. Council Member Espino presented Certificates of Recognition to Former Board and Commission Members**

VI. ANNOUNCEMENTS BY CITY COUNCIL MEMBERS AND STAFF

Council Member Espino reminded everyone that Hispanic Heritage Month would be celebrated from September 15 to October 16, 2008. He added that festivities would begin with a parade at 9:00 a.m. and followed by a health fair at All Saints Catholic Church, job fair, and a fiesta.

Mayor Pro tem Hicks stated that she was honored to be a part of a pilot project that the City was participating in called "Prevail to Graduation" to encourage Fort Worth Independent School District (FWISD) students to return to school and graduate. She added that she spent September 6, 2008, with Dr. Melody Johnson, FWISD Superintendent, visiting homes and pointed out that the initiative proved to be very successful. She further stated that there were plans to increase the number of schools participating in 2009 and that she would like to see other area school districts adopt the program, and for each of her Council constituents to be a volunteer. She announced the opening of the new splashpad on September 5, 2008, at Sycamore Community Center located at 2525 E. Rosedale Avenue was a success and expressed appreciation to the Parks and Community Services Department for all their efforts. She also extended an invitation to the Greenway Neighborhood to attend a meeting on September 10, 2008, from 6:30 p.m. to 7:30 p.m., regarding drilling and pipelines at progressive baptist church. She further announced that a city-wide Trinity River Trash Bash, would be conducted on September 20, 2008, at various locations along the river. She also announced that the Let's Talk Fort Worth Town Hall Meeting would be held on September 25, 2008, at 6:30 p.m. at the Will Rogers Memorial Auditorium. She added that the Mayor, Council Members and many other federal, state, county and school officials along with other dignitaries would be present to listen to citizen's thoughts, suggestions, dreams and visions for the City. She asked for everyone to attend the town hall and share with all present what they would like Fort Worth to be like for future generations.

VII. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items removed from the Consent Agenda.

VIII. ITEMS TO BE CONTINUED OR WITHDRAWN BY STAFF

There were no items continued or withdrawn by the staff.

IX. CONSENT AGENDA

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

OCS-1684 - Notice of Claims for Alleged Damages and/or Injuries

M&C G-16265 - Authorizing the City Manager to Initiate Rezoning of Certain Properties in the Hemphill Street Corridor from Allen Avenue to the BNSF Railroad in Accordance with the 2008 Comprehensive Plan from “A-5/HC” One-Family/Historical and Cultural Overlay, “B” Two-Family, “C” Medium Density Multifamily, “C/HC” Medium Density Multifamily/Historical and Cultural Overlay, “CF” Community Facilities, “ER” Neighborhood Commercial Restricted, “ER/HC” Neighborhood Commercial Restricted/Historical and Cultural Overlay, “E/HC” Neighborhood Commercial/Historical and Cultural Overlay, “FR” General Commercial Restricted, “F” General Commercial, “F/DD” General Commercial Demolition Delay, “F/HC” General Commercial/Historical and Cultural Overlay, “J” Medium Industrial, and “PD” Planned Development to “A-5” One-Family, “A-5/HC” One-Family/Historical and Cultural Overlay, “C/HC” Medium Density Multifamily/Historical and Cultural Overlay, “CF” Community Facilities, “CF/DD” Community Facilities/Demolition Delay, “CF/HC” Community Facilities/Historical and Cultural Overlay, “ER” Neighborhood Commercial Restricted, “E” Neighborhood Commercial, “ER/HC” Neighborhood Commercial Restricted/Historical and Cultural Overlay, “E/HC” Neighborhood Commercial/Historical and Cultural Overlay, and “PD” Planned Development.

M&C G-16266 - Authorizing the City Manager to Retain Bettye Lynn of the Law Firm Lynn, Pham and Ross, LLP, as Outside Counsel, Pursuant to Chapter VI, Section 3, of the City Charter, to Assist the City Attorney in Representing the City in Regard to Personnel Issues and to Represent the City in Any Litigation Concerning Such Matters; and Adopt Resolution No. 3651-09-2008 Authorizing the City Attorney to Retain the Law Firm of Lynn, Pham and Ross, LLP, for an Amount Not to Exceed \$15,000.00.

M&C G-16267 - Authorizing the City Manager to Authorize the Acceptance of a Routine Airport Maintenance Project Grant for Fort Worth Alliance Airport from the Texas Department of Transportation Aviation Division in the Amount of up to \$50,000.00; Authorizing the Acceptance of up to \$50,000.00 in Reimbursements from Alliance Air Services for the City's Match, and Adopt Appropriation Ordinance No. 18252-09-2008 Increasing Estimated Receipts and Appropriations up to \$100,000.00 in the Airports Grant Fund, Contingent Upon the Receipt of the Routine Airport Maintenance Project Grant from the Texas Department of Transportation Aviation Division at Fort Worth Alliance Airport.

M&C G-16268 - Authorizing the Acceptance of a Routine Airport Maintenance Project Grant for Fort Worth Meacham International Airport from the Texas Department of Transportation Aviation Division in an Amount up to \$50,000.00; Adopting Appropriation Ordinance No. 18253-09-2008 Increasing Estimated Receipts and Appropriations in the Aviation Improvements Capital Projects Fund in the Amount of \$50,000.00 for the Purpose of Transferring said Funds to the Airport Grants Fund; Authorizing the Transfer of \$50,000.00 from the Aviation Improvements Capital Projects Fund to the Airport Grants Fund for the City's Match; and Adopting Appropriation Ordinance No. 18254-09-2008 Increasing Estimated Receipts and Appropriations in the Airport Grants Fund in the Amount of \$100,000.00 Upon Receipt of the Routine Airport Maintenance Project Grant from the Texas Department of Transportation Aviation Department to Provide Routine Maintenance Items for Fort Worth Meacham International Airport.

M&C G-16269 - Authorizing the City Manager to Authorize the Acceptance of a Routine Airport Maintenance Project Grant for Fort Worth Spinks Airport from the Texas Department of Transportation Aviation Division for the Amount of \$50,000.00; Adopting Appropriation Ordinance No. 18255-09-2008 Increasing Estimated Receipts and Appropriations in the Aviation Improvements Capital Projects Fund in the amount of \$50,000.00 for the purpose of transferring said Funds to the Airport Grants Fund; Authorizing the Transfer of \$50,000.00 from the Aviation Improvements Capital Projects Fund to the Airport Grants Fund for the City's Match; and Adopting Appropriation Ordinance No. 18256-09-2008 Increasing Estimated Receipts and Appropriations in the Airport Grants Fund in the Amount of \$100,000.00 Upon Receipt of the Routine Airport Maintenance Project Grant from the Texas Department of Transportation Aviation Department to Provide Routine Maintenance Items for Fort Worth Spinks Airport.

M&C P-10838 - Authorizing a Sole Source Purchase Agreement for Water Plus Sampling Stations and Repair Parts with B20 and Associates, Inc., for the Water Department in an Amount Not to Exceed \$50,000.00, Based on Manufacturers' List Price, with Payments Due 30 Days After Receipt of Invoices and Freight Included in Unit Prices.

M&C P-10839 - Authorizing a Purchase Agreement for Boiler System Repair Services with Tigert Company, Inc., for the City of Fort Worth for an Amount Not to Exceed \$100,000.00, with Payment Due 30 Days from Receipt of Invoices.

M&C L-14635 - Authorizing the City Manager to Execute a Water Pipeline Crossing License Agreement with a 25-year term, in the Amount of \$2,500.00 with Burlington Northern and Santa Fe Railway Company for the Installation of a 36-Inch Water Transmission Main Crossing of the Railroad Located Near the Intersection of Avondale-Haslet Road and Bates-Aston Road and Just West of Willow Creek Drive (DOE No. 5460; Tracking No. 08-36433).

M&C L-14636 - Authorizing the Transfer of \$57,000.00 from the Water and Sewer Operating Fund to the Sewer Capital Projects Fund; Adopting Appropriation Ordinance No. 18257-09-2008 Increasing Estimated Receipts and Appropriations in the Sewer Capital Projects Fund in the Amount of \$57,000.00 from Available Funds; and Authorizing the City Manager to Approve the Acquisition of One Permanent Sewer Facility Easement and Temporary Construction Easement and Authorize Acceptance and Recording of Appropriate Instruments from Mrs. Donald E. Williams at 5951 West Pioneer Parkway, Located in West Arlington, Texas, and Pay the Estimated Closing Costs of \$2,000.00, for Construction of Sanitary Sewer Rehab Contract 69 (DOE No. 5405).

M&C C-23023 - Authorizing the City Manager to Execute an Encroachment Agreement with 813 Company, Ltd., Authorizing Use of an Alley Right-of-Way for an Encroaching Decorative Pre-Cast Concrete Element Extending from a Parking Garage Located at 813 Taylor Street.

M&C C-23024 - Authorizing Purchase for the Lebow Channel Drainage Project of Three Vacant Residential Lots, Owned by Goodman Wade Enterprises, Inc., in the Amount of \$30,000.00, Plus an Estimated Closing Cost of \$7,500.00, Located at 3500 Lebow Street, Described as Lot 1, Block 21, 3514 Lebow Street, Described as Lot 8, Block 21, and 3516 Lebow Street, Described as Lot 9, Block 21, of the Dixie Wagon MFG Co., an addition to the City of Fort Worth, Tarrant County, Texas; and Authorizing Acceptance and Recording of Appropriate Instruments (DOE No. 4623; Project No. 00084).

M&C C-23025 - Authorizing the City Manager to Apply for and Accept \$30,000.00 in Grant Funds from the Statewide Tobacco Education and Prevention Grant from the Texas Comptroller of Public Accounts; Authorizing the City Manager to Execute a Contract with the State of Texas to Receive Grant Funds; and Adopt Appropriation Ordinance No. 18258-09-2008 Increasing Estimated Receipts and Appropriations in the Grants Fund in the Amount of \$30,000.00 Subject to Receipt of a Grant from the Statewide Tobacco Education and Prevention Grant from the Texas Comptroller of Public Accounts.

X. PRESENTATIONS BY THE CITY COUNCIL

1. Changes in Membership on Boards and Commissions

Council Member Scarth made a motion, seconded by Council Member Espino, to reappoint Dr. Robert Norris to Place 2, Mr. Jerry Cook to Place 4, and Ms. Tracey Edwards to Place 6 on the Animal Shelter Advisory Committee effective September 9, 2008, and with a term expiring October 1, 2010. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

Council Member Scarth made a motion, seconded by Council Member Espino, that Mr. John Melcher be reappointed to Place 10 on the City Plan Commission effective September 9, 2008, and with a term expiring October 1, 2010. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

Council Member Scarth made a motion, seconded by Council Member Espino, that Mr. Robert Kelly be appointed to Place 12 on the City Plan Commission effective September 9, 2008, and with a term expiring October 1, 2009. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

Council Member Scarth made a motion, seconded by Council Member Espino, that Mr. Jim Austin be reappointed to the Tarrant County 9-1-1 Emergency Assistance District Board effective September 9, 2008, and with a term expiring April 1, 2010. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

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

There were no presentations or communications from boards, commissions and/or City Council Committees.

XIII. RESOLUTIONS

1. A Resolution Appointing Members to Serve on the Fort Worth Art Commission

<u>Name</u>	<u>Type</u>	<u>Place</u>	<u>Expiration of Term</u>
Becky Lawton	Art Professional (Curator)	Place 2	September 30, 2010
Eduardo Aguilar	Art Professional (Practicing Artist)	Place 6	September 30, 2010
Percy Henderson	Community Representative	Place 8	September 30, 2010
Steven Craig Kline	Art Professional (Art Administrator)	Place 9	September 30, 2009

Motion: Council Member Espino made a motion, seconded by Council Member Jordan, that Resolution No. 3652-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

2. A Resolution Affirming the City Council's Support for the Retrofit of West Rosedale Street from 8th Avenue to South Main Street as a Four-Lane Divided Arterial, with Enhanced Streetscape Elements from Forest Park Boulevard to Interstate Highway 35W

Motion: Council Member Burns made a motion, seconded by Council Member Espino, that Resolution No. 3653-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

XIV. REPORT OF THE CITY MANAGER

A. Benefit Hearing

1. M&C BH-235 - Benefit Hearing for Fort Worth Public Improvement District 1 (Downtown) Concerning Proposed Budget and Five Year Service Plan, Adoption of the 2008 Assessment Roll, Adoption of Ordinance Levying Assessments, and Adoption of Appropriation Ordinances to Increase Estimated Receipts in the Special Assessment District Fund and Special Trust Fund for Fiscal Year 2008-2009; and Authorize Execution of an Agreement with Downtown Fort Worth, Inc., to Manage the District (PUBLIC HEARING)

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

a. Report of City Staff

Henry Day, Senior Management Analyst, Economic and Community Development Department, appeared before Council, gave a staff report, and called attention to Mayor and Council Communication No. BH-235 as follows:

There was presented Mayor and Council Communication No. BH-235 from the City Manager recommending that the City Council hold a benefit hearing concerning the proposed special assessments on property located in Fort Worth Public Improvement District 1 for Fiscal Year 2008-2009; approve the Public Improvement District 1 budget and five-year service plan for Fiscal Year 2008-2009; adopt the proposed 2008 assessment roll for Public Improvement District 1; adopt an ordinance levying assessments for the cost of certain improvements and/or services provided in Fort Worth Public Improvement District No. 1 during Fiscal Year 2008-2009; fixing charges and liens against property in the district and against the owners thereof; providing for the collection of such assessments; reserving unto the City Council the right to allow credits reducing the amount of the

BH-235 (Continued)

respective assessment to the extent of any credit granted; authorize the transfer of \$132,785.00 from the General Fund to the Special Assessment District Fund (Public Improvement District 1 Fiscal Year 2008-2009 Project Account) for the City's payment in-lieu of services; authorize the transfer of \$185,867.00 from the General Fund to the Special Assessment District Fund (Public Improvement District 1 Fiscal Year 2008-2009 Project Account) for the City's payment in-lieu of assessments; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Special Assessment District Fund in the amount of \$2,127,757.00 from available funds for the purpose of funding improvements and services in Public Improvement District No. 1 (Downtown); authorize the transfer of \$45,141.00 for administrative fees from the Special Assessment District Fund (Public Improvement District 1 Fiscal Year 2008-2009 Project Account) to the Special Trust Fund contingent upon the adoption of the proposed 2008 assessment roll; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Special Trust Fund in the amount of \$45,141.00 contingent upon the adoption of the Fiscal Year 2008-2009 budget for the purpose of funding the Fiscal Year 2008-2009 Public Improvement District Administration by the Economic and Community Development Department; and authorize the City Manager to execute an agreement with Downtown Fort Worth, Inc., to provide management and improvement services for Public Improvement District 1 during Fiscal Year 2008-2009 for the sum of \$324,200.00.

b. Citizen Presentations

There was no one present desiring to be heard in connection with the public hearing.

c. Council Action

Motion: Council Member Burns made a motion, seconded by Council Member Silcox, that the public hearing be closed and Mayor and Council Communication No. BH-235 be approved and Ordinance No. 18259-09-2008, and Appropriation Ordinance Nos. 18260-09-2008 and 18261-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

2. M&C BH-236 - Benefit Hearing for Fort Worth Public Improvement District 6 (Park Glen) Concerning Proposed Budget and Five Year Service Plan, Adoption of the 2008 Assessment Roll, Adoption of Ordinance Levying Assessments, and Adoption of Appropriation Ordinances to Increase Estimated Receipts in the Special Assessment District Fund and Special Trust Fund for Fiscal Year 2008-2009; and Authorize Execution of an Agreement with Premier Communities Management Company to Manage the District (PUBLIC HEARING)

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

BH-236 (Continued)

a. Report of City Staff

Henry Day, Senior Management Analyst, Economic and Community Development Department, appeared before Council, gave a staff report, and called attention to Mayor and Council Communication No. BH-236 as follows:

There was presented Mayor and Council Communication No. BH-236 from the City Manager recommending that the City Council hold a benefit hearing concerning the proposed special assessments on property located in Fort Worth Public Improvement District 6 for Fiscal Year 2008-2009; approve the Public Improvement District 6 budget and five-year service plan for Fiscal Year 2008-2009; adopt the proposed 2008 assessment roll for Public Improvement District 6; adopt an ordinance levying assessments for the cost of certain improvements and/or services provided in Fort Worth Public Improvement District No. 6 during Fiscal Year 2008-2009; setting charges and liens against property in the district and against the owners thereof; providing for the collection of such assessments; reserving unto the City Council the right to allow credits reducing the amount of the respective assessment to the extent of any credit granted; authorize the transfer of \$144,195.00 from the General Fund to the Special Assessment District Fund (Public Improvement District 6 Fiscal Year 2008-2009 Project Account) for the City's payment in-lieu of services; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Special Assessment District Fund in the amount of \$1,301,845.00 from available funds for the purpose of funding improvements and services in Public Improvement District No. 6 (Park Glen); authorize transfer of \$23,153.00 for administrative fees from the Special Assessment District Fund (Public Improvement District 6 Fiscal Year 2008-2009 Project Account) to the Special Trust Fund contingent upon the adoption of the proposed 2008 assessment roll; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Special Trust Fund in the amount of \$23,153.00 from available funds contingent upon the adoption of the Fiscal Year 2008-2009 budget for the purpose of funding the Fiscal Year 2008-2009 Public Improvement District Administration by the Economic and Community Development Department; and authorize the City Manager to execute an agreement with Premier Communities Management Company to provide management and improvement services for Public Improvement District 6 during Fiscal Year 2008-2009 for the sum of \$104,563.00.

b. Citizen Presentations

There was no one present desiring to be heard in connection with the public hearing.

c. Council Action

Motion: Council Member Scarth made a motion, seconded by Council Member Silcox, that the public hearing be closed and Mayor and Council Communication No. BH-236 be approved and Ordinance No. 18262-09-2008, and Appropriation Ordinance Nos. 18263-09-2008, and 18264-09-2009 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

3. M&C BH-237 - Benefit Hearing for Fort Worth Public Improvement District 7 (Heritage) Concerning Proposed Budget and Five Year Service Plan, Adoption of the 2008 Assessment Roll, Adoption of Ordinance Levying Assessments, and Adoption of Appropriation Ordinances to Increase Estimated Receipts in the Special Assessment District Fund and Special Trust Fund for Fiscal Year 2008-2009; and Authorize Execution of an Agreement with Premier Communities Management Company to Manage the District (PUBLIC HEARING)

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

a. Report of City Staff

Henry Day, Senior Management Analyst, Economic and Community Development Department, appeared before Council, gave a staff report, and called attention to Mayor and Council Communication No. BH-237 as follows:

There was presented Mayor and Council Communication No. BH-237 from the City Manager recommending that the City Council hold a benefit hearing concerning the proposed special assessments on property located in Fort Worth Public Improvement District 7 for Fiscal Year 2008-2009; approve the Public Improvement District 7 budget and five-year service plan for Fiscal Year 2008-2009; adopt the proposed 2008 assessment roll for Public Improvement District 7; adopt an ordinance levying assessments for the cost of certain improvements and/or services provided in Fort Worth Public Improvement District No. 7 during Fiscal Year 2008-2009; setting charges and liens against property in the District and against the owners thereof; providing for the collection of such assessments; reserving unto the City Council the right to allow credits reducing the amount of the respective assessment to the extent of any credit granted; authorize the transfer of \$75,655.00 from the General Fund to the Special Assessment District Fund (Public Improvement District 7 Fiscal Year 2008-2009 Project Account) for the City's payment in-lieu of services; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Special Assessment District Fund in the amount of \$1,279,623.00 from available funds for the purpose of funding improvements and services in Public Improvement District No. 7 (Heritage); authorize the transfer of \$24,079.00 for administrative fees from the Special Assessment District Fund, (Public Improvement District 7 Fiscal Year 2008-2009 Project Account) to the Special Trust Fund contingent upon the adoption of the proposed 2008 assessment roll; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Special Trust Fund in the amount of \$24,079.00 from available funds contingent upon the adoption of the Fiscal Year 2008-2009 budget for the purpose of funding the Fiscal Year 2008-2009 Public Improvement District Administration by the Economic and Community Development Department; and authorize the City Manager to execute an agreement with Premier Communities Management Company to provide management and improvement services for Public Improvement District 7 during Fiscal Year 2008-2009 for the sum of \$71,372.00.

BH-237 (Continued)

b. Citizen Presentations

There was no one present desiring to be heard in connection with the public hearing.

c. Council Action

Motion: Council Member Espino made a motion, seconded by Council Member Silcox, that the public hearing be closed and Mayor and Council Communication No. BH-237 be approved and Ordinance No. 18265-09-2008, and Appropriation Ordinance Nos. 18266-09-2008 and 18267-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

4. M&C BH-238 - Benefit Hearing for Fort Worth Public Improvement District 11 (Stockyards) Concerning Proposed Budget and Five Year Service Plan, Adoption of the 2008 Assessment Roll, Adoption of Ordinance Levying Assessments, and Adoption of Appropriation Ordinances to Increase Estimated Receipts in the Special Assessment District Fund and Special Trust Fund for Fiscal Year 2008-2009; and Authorize Execution of an Agreement with the Fort Worth Stockyards Preservation Foundation, Inc., to Manage the District (PUBLIC HEARING)

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

a. Report of City Staff

Henry Day, Senior Management Analyst, Economic and Community Development Department, appeared before Council, gave a staff report, and called attention to Mayor and Council Communication No. BH-238 as follows:

There was presented Mayor and Council Communication No. BH-238 from the City Manager recommending that the City Council hold a benefit hearing concerning the proposed special assessments on property located in Fort Worth Public Improvement District 11 for Fiscal Year 2008-2009; approve the Public Improvement District 11 budget and five-year service plan for Fiscal Year 2008-2009; adopt the proposed 2008 assessment roll for Public Improvement District 11; adopt an ordinance levying assessments for the cost of certain improvements and/or services provided in Fort Worth Public Improvement District No. 11 during Fiscal Year 2008-2009; setting charges and liens against property in the district and against the owners thereof; providing for the collection of such assessments; reserving unto the City Council the right to allow credits reducing the amount of the respective assessment to the extent of any credit granted; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Special Assessment Fund in the amount of \$62,130.00

BH-238 (Continued)

from available funds for the purpose of funding improvements and services in Public Improvement District No. 11 (Stockyards); authorize the transfer of \$2,000.00 for administrative fees from the Special Assessment District Fund (Public Improvement District No. 11 Project Account) to the Special Trust Fund contingent upon the adoption of the proposed 2008 assessment roll; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Special Trust Fund in the amount of \$2,000.00 from available funds contingent upon the adoption of the Fiscal Year 2008-2009 budget for the purpose of funding the Fiscal Year 2008-2009 Public Improvement District Administration by Economic and Community Development Department; and authorize the City Manager to execute an agreement with the Fort Worth Stockyards Preservation Foundation, Inc., to provide management and improvement services for Public Improvement District 11 during Fiscal Year 2008-2009 for the sum of \$6,000.00.

b. Citizen Presentations

There was no one present desiring to be heard in connection with the public hearing.

c. Council Action

Motion: Council Member Espino made a motion, seconded by Council Member Silcox, that the public hearing be closed and Mayor and Council Communication No. BH-238 be approved and Ordinance No. 18268-09-2008, and Appropriation Ordinance Nos. 18269-09-2008 and 18270-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

5. M&C BH-239 - Benefit Hearing for Fort Worth Public Improvement District 12 (Chapel Hill) Concerning Proposed Budget and Five Year Service Plan, Adoption of the 2008 Assessment Roll, Adoption of Ordinance Levying Assessments, and Adoption of Appropriation Ordinances to Increase Estimated Receipts in the Special Assessment District Fund and Special Trust Fund for Fiscal Year 2008-2009; and Authorize Execution of an Agreement with Chapel Hill of Fort Worth Community Association, Inc., and RTI/Communities Management Associates, Inc., to Manage the District (PUBLIC HEARING)

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

BH-239 (Continued)

a. Report of City Staff

Henry Day, Senior Management Analyst, Economic and Community Development Department, appeared before Council, gave a staff report, and called attention to Mayor and Council Communication No. BH-239 as follows:

There was presented Mayor and Council Communication No. BH-239 from the City Manager recommending that the City Council hold a benefit hearing concerning the proposed special assessments on property located in Fort Worth Public Improvement District 12 for Fiscal Year 2008-2009; approve the Public Improvement District 12 budget and five-year service plan for Fiscal Year 2008-2009; adopt the proposed 2008 assessment roll for Public Improvement District 12; adopt an ordinance levying assessments for the cost of certain improvements and/or services provided in Fort Worth Public Improvement District No. 12 during Fiscal Year 2008-2009; setting charges and liens against property in the district and against the owners thereof; providing for the collection of such assessments; reserving unto the City Council the right to allow credits reducing the amount of the respective assessment to the extent of any credit granted; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Special Assessment District Fund in the amount of \$56,000.00 from available funds for the purpose of funding improvements and services in Public Improvement District No. 12 (Chapel Hill); authorize the transfer of \$2,000.00 for administrative fees from the Special Assessment District Fund (Public Improvement District 12 Fiscal Year 2008-2009 Project Account) to the Special Trust Fund contingent upon the adoption of the proposed 2008 assessment roll; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Special Trust Fund in the amount of \$2,000.00 from available funds contingent upon the adoption of the Fiscal Year 2008-2009 budget for the purpose of funding the Fiscal Year 2008-2009 Public Improvement District Administration by the Economic and Community Development Department; authorize the City Manager to execute an agreement with Chapel Hill of Fort Worth Community Association, Inc., and RTI/Communities Management Associates, Inc., to provide management and improvement services for Public Improvement District 12 during Fiscal Year 2008-2009 for the sum of \$10,000.00.

b. Citizen Presentations

There was no one present desiring to be heard in connection with the public hearing.

c. Council Action

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

BH-239 (Continued)

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that the public hearing be closed and Mayor and Council Communication No. BH-239 be approved and Ordinance No. 18271-09-2008, and Appropriation Ordinance Nos. 18272-09-2008 and 18273-09-2008 be adopted. The motion carried unanimously seven (7) ayes to zero (0) nays, with Mayor Moncrief and Council Member Espino absent.

B. General

1. M&C G-16229 - Consider a Waiver for a High-Impact Gas Well Permit and Issuance of a Gas Well Pad Site Permit Requested by Chesapeake Operating, Inc., to Allow the Drilling of the Greenwood-1H Gas Well on Pad-A of the Greenwood Lease Located at 3595 Rockwood Park Drive in the HRS J. P. Thomas Survey, Abstract 1525, Tract 3. (Continued from September 2, 2008) (PUBLIC HEARING)

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

a. Report of City Staff

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 returned to his place at the dais.)

Council Member Burdette advised that residents of the area had various concerns relative to the access route to the well site, leases that had been signed, and safety of bikers and hikers. He added that he had met with representatives from Rockwood Cemetery and Chesapeake and asked that they continue this issue to January 6, 2009, to address possible alternatives.

Motion: Council Member Burdette made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. G-16229 be continued until January 6, 2009, Council meeting.

b. Citizen Presentations

The following individuals appeared before Council in opposition of Mayor and Council Communication No. G-16229. They expressed concerns with the continuance until the January 6, 2009, Council meeting and the ability to continue to provide comments and information relative to the Greenwood lease in the interim. They asked the Council to vote against the continuance and against

G-16229 (Continued)

the drilling permit and added that the delay would only benefit Chesapeake. They raised awareness to methods used to obtain leases, especially from elderly residents. They again asked the Council to adopt a moratorium on gas drilling within the City and added that once the pipelines were placed under residential streets there was no turning back. It was pointed out that at the January 6, 2009, Council meeting, the Council would be returning from a long holiday break and they suggested that this issue be continued a little longer in the month of January. A resident showed pictures distributed by Chesapeake to residents in Quail Ridge relative to gas drilling and urged the Council to give this matter their deepest consideration.

Ms. Wendy Vann, 1112 Scotts Way
Mr. Greg Hughes, 2544 Stadium Drive
Mr. Troy McKelroy, 3807 Wildwood
Mr. Clyde Picht, 5016 Monarda Way
Mr. Joe Bailey, 920 N. Bailey

The following individuals deferred their comments until the January 6, 2009, Council meeting:

Mr. Tom Roberts, 404 N. Bailey Avenue
Ms. Linda Clark, 3030 Willing Avenue
Mr. Jim Marshall, 221 Hawthorne Avenue
Ms. Debby Stein, 2417 Stadium Drive
Ms. Cathy Hirt, 1201 Hillcrest Street
Ms. Adelaide Leavens, P. O. Box 101373
Ms. Margaret Miller, 721 Edgefield Road

Mayor Pro tem Hicks stated that she had requested City Attorney Yett to contact one of the Legislators representing Fort Worth to request the Attorney General's opinion on the issue of common carriers and pipelines. She added that City staff had been told by Texas Department of Transportation (TxDOT) that there was some problem whether TxDOT considered the pipelines common carriers and advised that the City would continue to pursue this issue.

Mayor Pro tem Hicks read the following statement from Mayor Moncrief: The members of the Gas Drilling Task Force have made significant progress to address the charges assigned to them by this council. I know we asked the Task Force to complete their work by the end of this month; however, we have a very large and important issue still before us: The potential environmental impacts to our community. I believe this issue warrants a very close look by all of us, not just the Task Force. Like pipelines, there is substantial state and federal oversight of these issues. Therefore, I recommend that we convene a second joint City Council and Task Force meeting in October. The first meeting we had on pipelines was extremely valuable. Not only was it valuable for this Council and Task Force, but for

G-16229 (Continued)

our citizens as well. The purpose of this second joint meeting would be to hear advice and testimony from environmental experts and regulatory agencies about this issue. Like the last joint meeting, this will be another opportunity for the Council, the Task Force, and the citizens to hear the facts directly from the experts at the same time. The goal of this workshop will be to identify any necessary ordinance revisions and/or legislative initiatives that would help us protect the environment for the people of Fort Worth. While I know we don't necessarily want yet another meeting, I think this issue certainly warrants significant and close attention. A tentative date for this workshop is October 14, 2008. I would appreciate all of you checking your schedules to see if that is a date that might fit for you.

Mayor Pro tem Hicks assured the viewing and listening audience that the Council was committed to making this issue a very public process.

c. Council Action

The motion by Council Member Burdette to continue this issue until January 6, 2009, carried unanimously seven (7) ayes to zero (0) nays, with Mayor Moncrief absent, and with one (1) abstention by Council Member Jordan.

7. M&C G-16270 - Ratify the Office of Emergency Management's Application for the Fiscal Year 2008 Emergency Management Performance Grant from the Texas Governor's Division of Emergency Management in the Estimated Amount of \$134,700.00 to Reimburse Expenditures from the City of Fort Worth's Emergency Management Program; if Awarded the Grant, Authorize the City Manager to Accept the Grant and to Execute a Grant Contract with the Texas Governor's Division of Emergency Management for the Amount of the Award; Authorize a Non-Interest Bearing Inter-Fund Loan from the General Fund to the Grants Fund in the Amount of \$25,000.00 for the Interim Financing of the Grant Pending Contract Execution to Secure Program Continuation from One Grant Funding Period to the Next; Authorize Receipt of Funds in the Amount of \$129,265.07 from Tarrant County for Emergency Management Services Provided During Fiscal Year 2007-2008 in the Grants Fund to be Used for Local Match for the Grant; Authorize Transfer of the Office of Emergency Management Funds from the General Fund to the Grants Fund in the Amount of \$481,794.93 as the City's Match for the Grant; Authorize the Reduction of Six Authorized Positions from the General Fund Related to this Program and Transfer Those Positions to the Grants Fund; and Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Grants Fund in the Amount of \$745,760.00.

G-16270 (Continued)

Motion: Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16270 be approved and Appropriation Ordinance No. 18274-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

8. M&C G-16271 - Adopt an Ordinance Adjusting the Total Number of Authorized Civil Service Positions in the Police Department; Adding Twenty-Five Corporal/Detective Positions, Twenty-Four Police Officer Positions and Three Sergeant Positions; Providing a Statement of Purpose and Intent for the Adoption and Implementation of the Ordinance; Effective September 27, 2008.

Motion: Council Member Burns made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. G-16271 be approved and Appropriation Ordinance No. 18275-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

F. Award of Contract

1. M&C C-22992 - Authorize Execution of a Public Right-of-Way Use Agreement Granting Texas Midstream Gas Services, LLC, a License to Use Certain Public Right-of-Way for the Purpose of Constructing, Maintaining and Operating a Natural Gas Pipeline Across Northern Cross Boulevard, West of North Riverside Drive; a Second Crossing at North Riverside Drive, South of Northeast Loop 820; a Third Crossing at Altair Boulevard, North of Northern Crossing; a Fourth Crossing at Endicott Avenue, West of Beach Street; and a Fifth Crossing at North Beach Street, South of Northeast Loop 820 (Continued from September 2, 2008)

The following individuals appeared before Council in opposition of the agreement and asked the Council to develop a master plan and approve a moratorium on gas drilling within the City. They also raised awareness to pipeline ruptures in other areas, polluted water and soil and ground contamination.

Mr. Greg Hughes, 2544 Stadium Drive

Mr. Grayson Harper, 3605 Bellaire Drive South

Ms. Linda Clark, 3030 Willing Avenue, was recognized as desiring to address the Council in opposition of the agreement; however, she was not present in the Council Chamber.

Motion: Council Member Scarth made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-22992 be continued until the September 16, 2008, Council meeting. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

5. M&C C-23026 - Authorize Execution of an Amendment to the Interlocal Agreement with Tarrant County for Emergency Management and Disaster Relief Planning Services

Motion: Council Member Jordan made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-23026 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

6. M&C C-23027 - Authorize Execution of a Public Right-of-Way Use Agreement Granting Texas Midstream Gas Services, LLC, a License to Use Certain Public Right-of-Way for the Purpose of Constructing, Maintaining and Operating a Natural Gas Pipeline Across Meacham Boulevard, Along Mercantile Street and West of North Beach Street

The following individuals registered their opposition of this agreement but did not desire to address the Council:

Mr. Greg Hughes, 2544 Stadium Drive
Ms. Linda Clark, 3030 Willing Avenue
Mr. Grayson Harper, 3605 Bellaire Drive South

Council Member Scarth advised that this M&C was related to M&C C-22992 and stated he would continue the issue for one week.

Motion: Council Member Scarth made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23027 be continued until the September 16, 2008, Council meeting. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

7. M&C C-23028 - Authorize City Manager to Execute a Lease Agreement with Amon G. Carter Foundation, Inc., Regarding the Subsurface Drilling and Extraction of Natural Gas for Lake Como Park from an Off Site Location

Motion: Council Member Burdette made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-23028 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

8. M&C C-23029 - Authorize Execution of a Contract for Staff Augmentation Services for Completion of Comprehensive Annual Financial Reports for Fiscal Years 2007 and 2008 with Crowe Chizek and Company, LLC, for the Finance Department for a Projected Cost not to Exceed \$930,000.00; Adopt a Supplemental Appropriation Ordinance Increasing Appropriations in the General Fund in the Amount of \$930,000.00 and Decreasing the Unreserved, Retained Earnings by the Same Amount, for the Purpose of Executing a Contract for Staff Augmentation Services for Completion of Comprehensive Annual Financial Reports for Fiscal Years 2007 and 2008 with Crowe Chizek and Company, LLC, for the Finance Department.

C-23029 (Continued)

Mayor Pro tem Hicks stated that this item was relative to the City getting its financial house in order and assured the public that there were provisions in the contract to ensure this outside firm would meet deadlines. She expressed appreciation to Assistant City Manager Karen Montgomery and Finance Director Lena Ellis for all the work they had dedicated to this issue.

Motion: Council Member Jordan made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-23029 be approved and Supplemental Appropriation Ordinance No. 18276-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

9. M&C C-23030 - Authorize the Transfer of \$844,470.00 from the Water and Sewer Operating Fund to the Water Capital Projects Fund in the Amount of \$506,682.00 and to the Sewer Capital Projects Fund in the Amount of \$337,788.00; Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Water Capital Projects Fund in the Amount of \$506,682.00 and the Sewer Capital Projects Fund in the Amount of \$337,788.00 for the Purpose of Executing a Contract with Austin Bridge & Road, L.P., for HMAC Surface Overlay 2008-11 at Various Locations (City Project No. 01007); Authorize the City Manager to Execute a Contract in the Amount of \$1,551,970.00 with Austin Bridge & Road, L.P., for HMAC Surface Overlay 2008-11 at various locations.

Motion: Council Member Scarth made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-23030 be approved and Appropriation Ordinance No. 18277-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

10. M&C C-23031 - Authorize Execution of Amendment No. 2 in the Amount of \$599,650.00 to City Secretary Contract No. 32301 with Teague Nall and Perkins, Inc., for Engineering Planning and Study Services for the Lebow Channel Watershed Improvements (City Project No. 00084)

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-23031 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

XV. PUBLIC HEARING

A. Hearing on Proposed Ad Valorem Tax Rate for Fiscal Year 2008-2009

1. Report of City Staff

Joe Komisarz, Acting Assistant Director for Budget and Management Services, appeared before Council and gave a staff report.

2. Citizen Presentations

Mayor Pro tem Hicks stated that the public hearing would remain open until final adoption of the tax rate ordinance. She read the following statement into the record:

On September 16, 2008, at 10:00 a.m., in this Council Chamber, this Council will vote on a proposed property tax rate of \$0.855 on every one hundred dollars valuation on all property, real, personal and mixed, situated in, and all personal property owned in the City of Fort Worth on the first day of January, 2008, liable under the law to taxation and not exempt there from by the Constitution and laws of the State of Texas.

XVI. BUDGET HEARING

A. Hearing on Proposed Fiscal Year 2008-2009 Appropriation Ordinance, Debt Service Ordinance and Ad Valorem Tax Levy Ordinance

1. Report of City Staff

Joe Komisarz, Acting Assistant Director for Budget and Management Services, appeared before Council and gave a staff report.

2. Citizen Presentations

Ms. Judy Harman, 2222 Winton Terrace East, appeared before Council in support of the proposed budget.

The following individuals appeared before Council in opposition of the proposed budget. They expressed concerns with the decrease in library hours, closing of the Health Department and decline of needed services, and the consolidation of the Housing Department into the Economic and Community Development Department.

XVI. BUDGET HEARING (Continued)

Ms. Karen Weber, 3916 Wren Avenue
Mr. Mike Phipps, 4451 Normandy Road
Ms. Phyllis W. Allen, 2707 Ennis Avenue

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

Assistant City Manager Charles Daniels addressed the issue of decreased library hours by stating that the East Regional and Southwest Regional Libraries would open at noon and close at 8:00 p.m. two days a week. He added that the Library Director would look at the usage of these two facilities throughout the year and possibly make adjustments to the hours as needed.

Mr. Dan Reimer, Public Health Director, addressed the issue of the closure of the Health Department. He advised that various programs were transferred to various City departments, e.g., Women's Health Initiative transferred to the Community Relations Department and Food Borne Illnesses transferred to the Code Compliance Department. He pointed out that these programs would not be a burden on departments as employees for the programs had transferred to the respective City departments.

Further discussion from the Council relative to the consolidation of the Housing Department, revealed their continued commitment to quality affordable accessible housing and it was noted that the new department would be the Housing and Economic Development Department. It was pointed out that City Charter required the City to employ a Public Health Official and that community outreach efforts would continue.

Mayor Pro tem Hicks and Council Member Moss stated that economic development was important to them; however, housing was critical for economic development to take place. They added they did not see the synergy in the consolidation of the Housing and Economic Development Departments and were cautious whether Tarrant County would place the same focus on issues related to the City of Fort Worth.

XVII. ZONING HEARING

a. Cases Recommended for Approval

1. Zoning Docket No. ZC-08-120 - (CD 2) - Richard L. Cohen, 4200 N. Main Street; from "A-5" One Family Residential to "I" Light Industrial (Continued from September 2, 2008)

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Zoning Docket No. ZC-08-120 be continued until the September 16, 2008, Council meeting. The motion carried unanimously seven (7) ayes to zero (0) nays, with Mayor Moncrief and Council Member Silcox absent.

XVIII. CITIZEN PRESENTATIONS

Brooke Cooper, P. O. Box 8663, appeared before Council and addressed delaying the gas permits for Greenwood Park. She added that housing on Scott and Carter Avenue were precious commodities of the neighborhood and were being disrupted by the proposed pipeline. She stated that she hoped there could be a way to delay the issue just like Greenwood was delayed.

Mayor Pro tem Hicks stated that every house in every neighborhood mattered and stated she had a fondness for the Meadowbrook area. She advised that the Law Department was trying to get a response from Attorney General about pipelines along I-30 and that the Council was looking at every alternative.

Ms. Jerry Horton, 2608 Carter Avenue, appeared before Council relative to the proposed pipeline on Carter Avenue.

Mr. Robert Snoke, 3826 6th Avenue, appeared before Council relative to comments made about him at a previous Council meeting by another citizen. He advised that he felt like he had been personally attacked because he was a community activist.

Mayor Pro tem Hicks stated that the Council did not subscribe to any personal attacks by anyone about anyone. She advised Mr. Snoke that she had conferred with City Attorney and City Manager on this issue and that his name had not been mentioned during any citizen presentation.

Mr. Grayson Harper, 3605 Bellaire Drive South, appeared before Council and requested they approve a resolution calling for impeachment of President and Vice President of the United States.

Mr. Jan Fersing, 3800 Trailwood Lane, appeared before Council relative to suggestions for cost saving opportunities for the Water Department in their billing and payment methodologies. He made a suggestion for electronic processes for customers that wanted this process.

Mayor Pro tem Hicks asked Mr. Fersing to meet with Assistant City Manager Fernando Costa on his issue.

XX. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:43 p.m. Mayor Pro tem Hicks requested that everyone keep Council Member Silcox in their prayers as he traveled to undergo cancer treatment.

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
SEPTEMBER 9, 2008
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These minutes approved by the Fort Worth City Council on the 16th day of September, 2008.

Attest:

Approved:

Marty Hendrix
City Secretary

Kathleen Hicks
Mayor Pro tem