

**CITY OF FORT WORTH, TEXAS  
REGULAR CITY COUNCIL MEETING  
SEPTEMBER 16, 2008**

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**Present**

Mayor Mike Moncrief  
Mayor Pro tem Kathleen Hicks, District 8  
Council Member Salvador Espino, District 2  
Council Member Chuck Silcox, District 3  
Council Member Daniel Scarth, District 4  
Council Member Frank Moss, District 5  
Council Member Jungus Jordan, District 6  
Council Member Carter Burdette, District 7  
Council Member Joel Burns, District 9

**City Staff**

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

**I. CALL TO ORDER**

With a quorum of the City Council Members present, Mayor Moncrief called the regular session of the Fort Worth City Council to order at 10:07 a.m. on Tuesday, September 16, 2008, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102.

**II. INVOCATION - Reverend Jack Crane, Truevine Missionary Baptist Church**

The invocation was given by Reverend Jack Crane, Truevine Missionary Baptist Church.

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**IV. CONSIDERATION OF MINUTES OF REGULAR MEETING OF TUESDAY, SEPTEMBER 09, 2008**

Motion:       Upon a motion made by Council Member Silcox, seconded by Council Member Burdette, the minutes of the regular meeting of September 9, 2008, were approved unanimously nine (9) ayes to zero (0) nays.

**V. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC.**

**1. Presentation of Certificates of Recognition to Former Board and Commission Members**

Mayor Moncrief presented Mr. John Stevenson a certificate for his service on the Retirement Board.

**VI. ANNOUNCEMENTS BY CITY COUNCIL MEMBERS AND STAFF**

Council Member Hicks expressed appreciation to American Airlines for dedicating a 747 aircraft at Alliance that was painted with a pink ribbon to celebrate the fight against breast cancer. She added that it was a wonderful event attended by hundreds of people. She announced that the Trinity Trash Bash would be conducted this upcoming weekend working on the cleanup along the river and hoped that people would be engaged in that activity. She also announced that the Evans and Rosedale Area Planning Project would be held on September 29, 2008, at the Ella Mae Shamblee Branch Library from 6:00 to 8:00 p.m. and stated that a team would work with citizens in the area about the development in the area. She also noted that the Let's Talk Fort Worth Town Hall would be conducted later this month.

Council Member Espino announced that Hispanic Heritage Month would be celebrated from mid September to mid October. He added there would be many events conducted in the City over this timeframe to celebrate the wonderful diversity of the Hispanic Community in the City, state and country. He added that the Rose Marine Theater would also conduct events and for more information, citizens should call the theater at 817-624-8333. He added there also would be various events at City libraries and that City employees would also be conducting Hispanic Heritage celebrations this month.

Council Member Burns announced that on September 17, 2008, from 8:30 a.m. to 11:30 a.m., at the Intermodal Transportation Center, the City would be working on the Transit Oriented Development Station Area planning for the Texas Christian University/Berry Station on the proposed northeast/southwest commuter rail corridor.

Mayor Moncrief asked everyone to continue praying for those individuals who were affected by Hurricanes Gustav and Ike; those that had left the City and those that were still here as the City's guests. He added that the damage was more severe than anticipated and that the Galveston infrastructure was basically nonexistent. He pointed out that there were issues with potable water, raw sewage, treatment plants and no power, and that these were not short-term fixes. He added that these issues may require additional evacuations to North Texas and stated that he and the Council were very proud of the work already done by the staff of the Emergency Operations Center and shelter workers. He noted that the City sent a strike force to Houston and that the people of Houston were very appreciative for the assistance. He added that Fort Worth could be very proud to be part of this effort and requested that everyone keep City staff supporting this effort in their prayers. He explained that he would be requesting additional volunteer support as more guests arrived and that more shelters would also be needed. He further announced that the Let's Talk Fort Worth Town Hall meeting would be held September 25, 2008, at Will Rogers Auditorium at 6:30 p.m. and urged everyone to attend.

VI. ANNOUNCEMENTS (Continued)

Council Member Silcox also brought notice to Galveston and stated that a great part of the City did not exist anymore. He announced that on September 20, 2008, Main Street would be blocked off at 10:00 a.m to late afternoon for the Cruise for the Cure event for prostate cancer. He added that from the Court House to the Convention Center there would be displays of custom hot rods for visitors to enjoy. He encouraged men over the age of 50 to get a free prostate exam as it could possibly save a life.

**VII. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA**

City Manager Fisseler requested that Mayor and Council Communication No. G-16276 be withdrawn 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 Mayor Pro tem Hicks, seconded by Council Member Moss, the Council voted unanimously nine (9) ayes to zero (0) nays, to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

**OCS-1685- Notice of Claims for Alleged Damages and/or Injuries**

**M&C G-16272 - Adopting Ordinance No. 18278-09-2008 by the City Council of the City of Fort Worth, Approving Dallas/Fort Worth International Airport Board Resolution 2008-06-124, Amending Various Traffic Provisions of Chapter 2 and Appendix I of the Dallas/Fort Worth Airport Board's Code of Rules and Regulations, Providing for a Fine Not to Exceed Two Thousand Dollars Per Day for Any Violation Thereof.**

**M&C G-16273 - Authorizing the Confirmation of the Reappointment of Ms. Delonia Watson, Civil Service Commissioner of the City of Fort Worth Firefighters' and Police Officers' Civil Service Commission for a Three-Year Term Expiring October 1, 2011.**

**M&C G-16274 - Approving and Accepting, if Awarded, a Grant from the Federal Aviation Administration in the Amount of \$263,072.00 and Authorize Use of \$13,845.89 in Land Credits for the City's Match to Update Part 150 Noise Study; Approving Additional Funding for Purchase of an Aircraft Rescue Firefighting Vehicle, and Fund Phase 3 of the Runway/Taxiway Shoulder Rehabilitation at Fort Worth Alliance Airport; and Adopting Appropriation**

G-16274 (Continued)

**Ordinance No. 18279-09-2008 Increasing Estimated Receipts and Appropriations in the Airports Grant Fund in the Amount of \$276,917.89, Subject to Receipt of the Grant from the Federal Aviation Administration for the Purpose of Updating Part 150 Noise Study, Covering Funding Shortfall for Purchase of an Aircraft Rescue Firefighting Apparatus, and Phase 3 of the Runway/Taxiway Pavement Rehabilitation at Alliance Airport.**

**M&C G-16275 - Authorizing the City Manager to Execute an Interlocal Agreement with the Northwest Independent School District to Construct a Joint Use Sidewalk/Trail at Elementary School No. 14 and Harriet Creek Ranch Park in an Amount Estimated Not to Exceed \$50,000.00.**

**M&C P-10840 - Authorizing a Purchase Agreement with PeopleCorp, d/b/a Skilled Labor Contractors, to Provide Temporary Employment Services to the City of Fort Worth for a Projected Amount Not to Exceed \$254,200.00.**

**M&C P-10841 - Authorizing a Purchase Agreement for Liquid Polymer with Polydyne, Inc., for the Water Department for an Amount Not to Exceed \$550,000.00.**

**M&C P-10842 - Authorizing the Purchase of a Portable Radio Tower on Wheels from Motorola, Inc., Using a Houston-Galveston Area Council Cooperative Contract for the Information Technology Solutions Department for a Total Amount Not to Exceed \$97,475.00.**

**M&C P-10843 - Authorizing the Purchase of a Cargo Van from Philpott Ford and Cues TV Inspection System from Cues, Inc., for the Water Department Using Houston-Galveston Area Council Cooperative Contracts for a Cost Not to Exceed \$157,442.00.**

**M&C L-14637 - Approving the Sealed Bid Sale of Tax Foreclosed Properties for a Total of \$62,639.00 in Accordance with Section 272.001 of the Texas Local Government Code and Authorizing the City Manager to Execute the Appropriate Deeds Conveying the Properties to the Highest Bidder.**

**M&C PZ-2797 - Adopting Ordinance No. 18280-09-2008 Vacating Portions of Two Alleys and Portions of Three Streets, Livingston Avenue, Stanley Avenue, Dickson Street, Containing Approximately 1.31 Acres of Land, Located within Blocks 10, 11 and 12, University Hill Addition, Block 21 Homeland Addition and Block 2, Weisenberger Addition No. 3, in the City of Fort Worth, Tarrant County, Texas.**

**M&C C-23032 - Authorizing the City Manager to Execute an Encroachment Agreement with Texas Health Resources Harris Methodist Fort Worth Hospital Authorizing Use of the Pennsylvania Avenue Right-of-Way for the Installation of Underground Conduits to Carry Irrigation Lines to the Landscaping on the Center Median in Pennsylvania Avenue.**

**M&C C-23033 - Authorizing the City Manager to Execute an Amendment to City Secretary Contract No. 26268 for Budget and Analysis System with American Management Systems, Inc., to Extend the Term for Annual Maintenance and Support for the Budget Reporting Analysis Support System in an Amount not to Exceed \$51,051.00.**

**M&C C-23034 - Authorizing the Use of Existing Revenue in the Aviation Improvements Capital Projects Fund Derived from Pipeline Easement Leases in the Amount of \$56,000.00 for the Evaluation of Renovation or Replacement of the Terminal Building at Meacham International Airport; Adopting Appropriation Ordinance No. 18281-09-2008 Increasing Estimated Receipts and Appropriations in the Aviation Improvements Capital Projects Fund in the Amount of \$56,000.00 from Available Funds for the Purpose of Transferring Said Funds to the Municipal Airports Fund; Adopting Supplemental Appropriation Ordinance No. 18282-09-2008 Increasing Estimated Receipts and Appropriations in the Municipal Airports Fund in the Amount of \$56,000.00 from Available Funds for the Execution of an Architectural Agreement with Halbach Dietz Architects to Evaluate the Terminal Building at Meacham International Airport; and Authorizing the City Manager to Execute an Architectural Services Agreement in the Amount of \$51,500.00, Including \$1,000.00 for Reimbursable Expenses, with Halbach Dietz Architects to Evaluate and Make Recommendations for the Renovation or Replacement of the Terminal Building at Meacham International Airport.**

**M&C C-23035 - Authorizing the Execution of an Interlocal Agreement with the City of Keller for Drainage Improvements Adjacent to Katy Road with City of Fort Worth Participation in an Amount Not to Exceed \$100,000.00.**

**M&C C-23036 - Authorizing the City Manager to Execute Amendment No. 1 in the Amount of \$75,965.00 to City Secretary Contract No. 34384 an Engineering Agreement with Lockwood, Andrews and Newnam, Inc., for 8100 Trinity Boulevard Culvert Improvements, Thereby, Revising the Total Cost to \$87,745.00 (Project No. 00487).**

**M&C C-23037 - Authorizing the City Manager to Execute Amendment No. 1 in the Amount of \$37,300.00 to City Secretary Contract No. 35548 with DeOtte, Inc., for Westcreek-Kellis Park Drainage Improvements, Thereby Revising the Total Cost to \$169,845.00 (Project No. 00630).**

**M&C C-23038 - Authorizing the City Manager to Execute Change Order No. 3 in the Amount of \$46,655.96 to City Secretary Contract No. 35864 with Humphrey and Morton Construction Company, Inc., for 2004 Capital Improvement Program Minor Miscellaneous Channel Improvements, Contract D, Thereby Increasing the Contract Amount to \$549,903.63 (Project No. 00096).**

**M&C C-23039 - Authorizing the City Manager to Execute Two Task Force Agreements with the United States Department of Justice, Drug Enforcement Administration to Continue Operation of the Drug Enforcement Administration Multi-Agency Task Force and the Drug Enforcement Administration Dallas/Fort Worth Airport Task Force and for Reimbursement of Overtime Costs for an Amount Not to Exceed \$16,320.00 Per Officer, and for Clerical Costs Associated with the Programs in an Amount Not to Exceed \$41,000.00; Authorizing the Term of the Agreement to be October 1, 2008, Through September 30, 2009; and Authorizing the Agreements to be Renewed for Successive One-Year Periods. The Renewals do not Require Specific City Council Approval Provided that the Council has Appropriated Sufficient Funds to Satisfy the City's Obligation During any Renewal Term.**

**M&C C-23040 - Authorizing the Execution of a Sole Source Service Agreement for Mobile Data Computers with Motorola Communications for an Amount Not to Exceed \$242,225.75.**

**M&C C-23041 - Authorizing the City Manager to Authorize Entry into Interlocal Agreements with Various Municipalities and Other Governmental Entities for Participation in the Environmental Collection Center Household Hazardous Waste Program.**

**M&C C-23042 - Authorizing the City Manager to Execute Amendment No. 4 to City Secretary Contract No. 31731 for Consulting Services with URS Corporation in the Amount of \$88,820.00 to Revise Work on the FAR Part 150 Noise Compatibility Study at Fort Worth Alliance Airport Contingent Upon Approval of Companion M&C G-16274.**

**M&C C-23043 - Authorizing the the City Manager to Execute a Farm Lease Agreement with Mr. Floyd Walker to Farm Approximately 220 Acres of Land at Fort Worth Spinks Airport in the Amount of \$1,000.00 Per Year for a Three-Year Term Beginning January 1, 2009, and Expiring December 31, 2012.**

## **X. PRESENTATIONS BY THE CITY COUNCIL**

### **1. Changes in Membership on Boards and Commissions**

There were no changes in memberships on boards and commissions.

## **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. BUDGET HEARING

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

##### a. Report of City Staff

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

##### **b. Citizen Presentations**

### XIV. ORDINANCES

#### 1. An Ordinance Setting Forth an Itemized Estimate of the Expense of Conducting Each Department, Division and Office of the Municipal Government of the City of Fort Worth for the Ensuing Fiscal Year Beginning October 1, 2008, and Ending September 30, 2009, and Appropriating Money for the Various Funds and Purposes of Such Estimate; Providing for Public Hearings Upon this Ordinance Before the Entire City Council Sitting as a Committee of the Whole; and Providing a Severability Clause; and Providing a Savings Clause for the Repeal of all Ordinances and Appropriations in Conflict with the Provisions of this Ordinance; and Providing for the Publication and Final Passage Thereof

Motion: Council Member Silcox made a motion, seconded by Council Member Moss, that Ordinance No. 18283-09-2008 be adopted. The motion carried eight (8) ayes to one (1) nay, with Mayor Pro tem Hicks casting the dissenting vote.

#### 2. An Ordinance Setting Forth an Estimate of the Expense of the General Debt Service Fund of the Municipal Government of the City of Fort Worth for the Ensuing Fiscal Year Beginning October 1, 2008, and Ending September 30, 2009, and Appropriating Money for the General Debt Service Fund and Purpose of Such Estimate; Appropriating Money to Pay Interest and Principal Sinking Fund Requirement on All Outstanding General Indebtedness; Providing for Public Hearings Upon this Ordinance Before the Entire City Council Sitting as a Committee of the Whole; and Providing a Severability Clause; and Providing a Savings Clause for the Repeal of All Ordinances and Appropriations in Conflict with the Provisions of this Ordinance; and Providing for the Publication and Final Passage Thereof

Motion: Council Member Jordan made a motion, seconded by Council Member Silcox, that Ordinance No. 18284-09-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**3. An Ordinance Providing for the Levy and Collection of an Annual Ad Valorem Tax on All Property, Real, Personal and Mixed, Situated within the Territorial Limits of the City of Fort Worth, Texas, and All Personal Property Owned in Said City of Fort Worth, Texas, on the First Day of January, A.D. 2008, Except Such Property as May be Exempt from Taxation by the Constitution and Laws of the State of Texas**

Council Member Silcox stated that he wanted to make sure that the public understood that the tax rate had not changed; however, some residents would see an increase in property taxes because the value of their property had gone up. He added that the Council had worked diligently to try to keep expenses down and not raise the tax rate. He read the following statement into the record: I recommend that property taxes be increased by the adoption of a tax rate of \$0.8550 for every \$100.00 of valuation.

Motion: Council Member Silcox made a motion, seconded by Council Member Burdette, that Ordinance No. 18285-09-2008 be adopted.

Deputy City Attorney Marcia Wise clarified that this was required by the Texas Truth in Taxation Law although there was no increase in the tax rate.

Council Member Jordan pointed out that the City was moving one penny from dedication to infrastructure and debt service and thereby decreasing the money that was going to the General Fund in the interest of improving the infrastructure in the City.

The motion carried unanimously nine (9) ayes to zero (0) nays.

**4. An Ordinance Decreasing the Undesignated, Unreserved Fund Balance in the Worker's Compensation Fund in the Amount of \$3,000,000 and in the Risk Management Fund in the Amount of \$5,000,000 for the Purpose of Transferring Funds to the General Fund to Strengthen Fund Balance; Providing for a Severability Clause; Making this Ordinance Cumulative of Prior Ordinances in Conflict Herewith; and Providing an Effective Date**

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Silcox, that Ordinance No. 18286-09-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**5. An Ordinance Amending Chapter 2, "Administration," Article V "Human Resources" of the Code of the City of Fort Worth, Texas (1986), as Amended, to Add Section 2-190, "Retired Employee Health Benefits"; Providing that this Ordinance shall be Cumulative; Providing for a Severability Clause; and Providing an Effective Date**

Council Members Scarth, Silcox, Jordan, Burdette and Espino provided comments relative to the challenges the City had in developing the budget and that the challenges would continue over the next four budgets. They pointed out the consolidation of services to other City departments and the transfer of some services to Tarrant County. They all agreed that this was the most fiscally responsible budget and commended the work of City Manager Fisseler and City staff for their efforts.

Council Member Moss expressed concerns with the transfer of some components from the Health Department to other City departments and Tarrant County, the merging of the Housing Department and Economic and Community Development Departments and that he cannot see the synergy in that movement; library hours that were very critical in his District; and elimination of health benefits for employees hired after January 1, 2009. He added that he would look at City staff to resolve issue. He pointed out that if the City was concerned about quality of life, but dumping people into a system after retirement where they cannot afford to pay insurance and pay other expenses, the City was basically creating another welfare class. He stated that he appreciated the efforts of City staff to address Council concerns relative to employee layoffs and community center operating hours.

Mayor Pro tem Hicks expressed appreciation to City staff for their work on the budget and applauded inclusion of money in the budget for the City's homeless program, restoration of funds to assist with the Forestry Program, addressing the evening hours at community centers and response on library issues in Districts 3 and 4. She pointed out that she was concerned with the hasty dismantling of Health Department; housing options in City for affordable housing throughout the City; and retiree health benefits for new employees hired after January 1, 2009. She added that she was very proud to be sitting on the dais with people that were so dedicated to the City and that it was a pleasure to work with each one of her constituents on the Council.

Mayor Moncrief stated while there may had been some concerns on the budget, the majority of the Council had voted to support the budget which was testament to effectiveness of City staff. He added that the City still had a huge financial gap to close over the next 5 years and reiterated there would be four more tough budgets to follow which would include more sunset reviews and closer looks of City services.

Deputy City Attorney Marcia Wise clarified that under the Texas Truth in Taxation Law the City was required to make it clear that taxes were made up of two factors, the tax rate which would remain at \$0.8550 per hundred dollar value, the other was the value of the property and that when those two numbers were multiplied those two numbers the motion that was made had to do with the fact that there would be an increase in taxes.

City Manager Fisseler acknowledged the Budget and Management Services Department staff in the audience, the Human Resources Department, Assistant City Managers and Carl Smart, Executive Assistant to the City Manager.

Motion: Council Member Silcox made a motion, seconded by Council Member Burns, that Ordinance No. 18287-09-2008 be adopted. The motion carried eight (8) ayes to one (1) nay, with Mayor Pro tem Hicks casting the dissenting vote.

**6. An Ordinance Amending Ordinance Nos. 18219-08-2008 and 18241-09-2008 Ordering a Local Option Election to be Held in the City of Fort Worth, Texas, on Tuesday the 4th Day of November 2008, for the Purpose of Submitting to the Qualified Voters of Said City the Question of Whether or Not to Permit the Legal Sale of Beer and Wine for Off-Premise Consumption only within the City of Fort Worth, to Change Election Day Locations**

Motion: Council Member Espino made a motion, seconded by Council Member Jordan, that Ordinance No. 18288-09-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

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

**7. An Ordinance Amending Ordinance Nos. 18220-08-2008 and 18242-09-2008 Ordering a Local Option Election to be Held in the City of Fort Worth, Texas, on Tuesday the 4th Day of November 2008, for the Purpose of Submitting to the Qualified Voters of Said City the Question of Whether or Not to Permit the Legal Sale of Mixed Beverages in Restaurants by Food and Beverage Certificate Holders only within the City of Fort Worth, to Change Election Day Voting Locations**

Motion: Council Member Espino made a motion, seconded by Council Member Silcox, that Ordinance No. 18289-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

**XV. RESOLUTIONS**

**1. A Resolution for Continuation of Declaration of Local Disaster for the City of Fort Worth, Texas**

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Resolution No. 3654-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

**2. A Resolution of the City Council of the City of Fort Worth, Texas, Ratifying the Property Tax Revenue Increase Reflected in the Fiscal Year 2008-2009 Budget, in Accordance with Section 102.007(C) of the Texas Local Government Code**

Motion: Council Member Burdette made a motion, seconded by Council Member Silcox, that Resolution No. 3655-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

**3. A Resolution for an Appointment to the Fort Worth Mayor's Advisory Task Force on Quality Affordable Housing**

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

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

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Resolution No. 3656-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Burns absent.

**4. A Resolution Approving the FY 2008-2009 Budget for Dallas/Fort Worth International Airport**

Motion: Council Member Burdette made a motion, seconded by Council Member Silcox, that Resolution No. 3657-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Burns absent.

**5. A Resolution Adopted Concurrently by the City Councils of the Cities of Dallas and Fort Worth Authorizing the Dallas/Fort Worth International Airport Board to Redeem Dallas-Fort Worth Regional Airport Braniff Special Facilities Revenue Bonds Series 1979**

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Burdette, that Resolution No. 3658-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Burns absent.

**XVI. REPORT OF THE CITY MANAGER**

**A. General**

**5. M&C G-16276 - Authorize the Use of Tree Fund Revenue in the Amount of \$135,000.00 to Fund the Community Tree Planting Program; Authorize the Use of Gas Well Revenue in the Amount of \$203,197.00 to Fund the Community Tree Planting Program; Authorize the City Manager to Accept a Monetary Donation in the Amount of \$100,000.00 a Year for Five Years from Chesapeake Energy Corporation; Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Tree Fund in the Amount of \$135,000.00 from Available Funds for the Purpose of Funding the Community Tree Planting Program; Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Park Gas Lease Project Fund in the Amount of \$203,197.00 from the Gas Well Royalty Revenues for the Purpose of Funding the Community Tree Planting Program.**

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G-16276 (Continued)

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

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

Ms. Leah King, representing Chesapeake presented the City with a check in the amount of \$100,000.00. The check was accepted on behalf of the City by Mr. Harold Pitchford, Parks and Community Services Department Assistant Director.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16276 be approved with appreciation and Appropriation Ordinance Nos. 18290-09-2008 and 18291-09-2008 be adopted. The motion carried unanimously seven (7) ayes to zero (0) nays, with Council Member Jordan and Council Member Burns absent.

(See reconsideration of this item after M&C G-16277.)

**6. M&C G-16277 - Adopt an Ordinance by the City Council of the City of Fort Worth, Approving Resolution No. 2008-06-122 of the Dallas-Fort Worth International Airport Board Which Amends Chapter 4 of the Dallas-Fort Worth International Airport Board's Code of Rules and Regulations, as Amended; to Amend the Manner of Determining the Total Number of Taxicabs and the Total Number of Taxicab Drivers to be Authorized to Operate at DFW Airport; Providing for a Fine not to Exceed Two Thousand (\$2,000.00) per Day for any Violation Thereof**

(Council Member Jordan and Council Member Burns returned to their places at the dais.)

Motion: Council Member Moss made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16277 be approved and Ordinance No. 18292-09-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

Mayor Moncrief asked for a motion to reconsider Mayor and Council Communication No. G-16276 to clarify his comments relative to how the motion was voted.

Council Member Scarth made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16276 be reconsidered. The motion carried unanimously nine (9) ayes to zero (0) nays.

M&C G-16276 - Authorize the Use of Tree Fund Revenue in the Amount of \$135,000.00 to Fund the Community Tree Planting Program; Authorize the Use of Gas Well Revenue in the Amount of \$203,197.00 to Fund the Community Tree Planting Program; Authorize the City Manager to Accept a Monetary Donation in the Amount of \$100,000.00 a Year for Five Years from Chesapeake Energy Corporation; Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Tree Fund in the Amount of \$135,000.00 from Available Funds for the Purpose of Funding the Community Tree Planting Program; Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Park Gas Lease Project Fund in the Amount of \$203,197.00 from the Gas Well Royalty Revenues for the Purpose of Funding the Community Tree Planting Program.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16276 be approved with appreciation and Appropriation Ordinance Nos. 18290-09-2008 and 18291-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, and with one abstention by Council Member Jordan.

**7. M&C G-16278 - Authorize the City Manager to Apply for and Accept, if Awarded, a Grant from the Department of Homeland Security, Federal Emergency Management Agency in the Amount of \$750,000.00 to Provide Disaster Relief Assistance to the Victims of Hurricane Gustav Seeking Refuge in the City of Fort Worth; Authorize a Non-Interest Bearing Inter-Fund Loan from the General Fund to the Grants Fund in the Amount of \$750,000.00 for Interim Financing of this Grant Project Pending Contract Execution; Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Grants Fund in the Amount of \$750,000.00 Subject to Receipt of a Disaster Relief Grant from the Department of Homeland Security/Federal Emergency Management Agency for the Purpose of Providing Disaster Relief Assistance to the Victims of Hurricane Gustav; and Ratify Expenditures and Contracts Related to the City's Response to Hurricane Gustav in an Amount no to Exceed \$750,000.00.**

Motion: Council Member Burdette made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. G-16278 be approved and Appropriation Ordinance No. 18293-09-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**8. M&C G-16279 - Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Enterprise Resource Planning Capital Project Fund in the Amount of \$18,722,170.00, the New Equipment Purchases Fund in the Amount of \$6,182,830.00 and in the General Debt Service Fund in the Amount of \$95,000.00 from the City's Equipment Note Authority for the Purpose of Purchasing Enterprise Resource Planning Software and Implementation Services, Fire Fighting Equipment and Miscellaneous Equipment and to reimburse the City for past purchases of fire and construction equipment.**

G-16279 (Continued)

Motion: Council Member Jordan made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16279 be approved and Appropriation Ordinance No. 18294-09-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**9. M&C G-16280 - Authorize the City Manager to Apply for and Execute a Grant Contract, if Awarded, with Texas Department of State Health Services' Regional and Local Services Section/Local Public Health System, for an Amount not to Exceed \$36,508.00 for a Period to Begin September 1, 2008, and end August 31, 2009; Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Grants Fund in the Amount up to \$36,508.00 Upon Receipt of the Triple Zero Local Public Health System Development Funds from the Texas Department of State Health Services' Regional and Local Services Section Local Public Health System, for the Purpose of Funding FitFuture Fort Worth; Waive Indirect Costs to Allow Maximum Use of Funds for Delivery of Services to the Community; and Authorize a Non-Interest Bearing Inter-Fund Loan from the General Fund to the Grants Fund in the Amount of \$10,000.00 for the Interim Financing of this Grant Pending Contract Execution to Secure Program Continuation from One Grant Funding Period to the Next.**

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. G-16280 be approved and Appropriation Ordinance No. 18295-09-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

## **B. Purchase of Equipment, Materials, and Services**

**5. M&C P-10844 - Authorize the City Manager to Execute a Contract to Supply Parts, Staffing and Management for the City's Parts Distribution and Maintenance Centers with AutoZone Texas, LP, for a Projected Cost Not to Exceed \$5,120,000.00 in Fiscal Year 2008-2009.**

Motion: Council Member Silcox made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. P-10844 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

## **C. Land**

**2. M&C L-14638 - Declare that, Based on Obligations in an Infrastructure Development Agreement with Edwards Geren Limited, Which Requires the City to Construct Public Infrastructure on the Edwards Ranch Property, a Permanent Sanitary Sewer Main Extension is Necessary in Order to Meet this Obligation and Increasing Population Needs in the Area of Edwards Ranch as well as to Provide for the Public's Convenience; Declare that the Public Convenience and Necessity Require the Acquisition of the Permanent Sanitary Sewer Main**

**Easement and the Temporary Construction Easement; Authorize the City Manager to Attempt to Acquire the Easement for its Fair Market Value Through Good-Faith Negotiations with the Parcel Owner and, if Those Negotiations are Unsuccessful, to Acquire the Easement Through Eminent Domain Proceedings Pursuant to Texas Law; and Approve and Ratify the Efforts and Actions of the City's Employees, Representatives, and Agents Heretofore Undertaken on Behalf of the City to Acquire the Easement.**

Motion: Council Member Burns made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. L-14638 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**E. 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 9, 2008).**

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

Ms. Debby Stein, 2417 Stadium Drive, appeared before Council and requested they refuse all requests for pipelines reflected on the Council agenda today. She asked why the City continued to approve permits for gas drilling when the Gas Well Task Force had not completed their job. She added that citizens had a great investment in the City and asked that the Council consider enacting a moratorium on gas drilling.

Motion: Council Member Scarth made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-22992 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**2. M&C C-23013 - 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 Old Burleson Road, Oak Grove Road, Race Street and McPherson Road (Continued from September 2, 2008).**

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23013 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**3. 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 (Continued from September 9, 2008).**

Motion: Council Member Scarth made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23027 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**16. M&C C-23044 - Authorize Execution of a Tax Abatement Agreement with Fort Worth Camera, LLC, for Property Located at 2900 West 6th Street in the West 7th/University Neighborhood Empowerment Zone.**

Mr. Phillip Poole, 2918 Wingate, Suite 100, appeared before Council in support of the tax abatement. He provided an explanation of the business requesting the tax abatement and added that the community supported the tax abatement. He requested the Council to favorably approve this issue.

Motion: Council Member Burns made a motion, seconded by Mayor Pro tem Hicks, that Mayor and Council Communication No. C-23044 be approved. The motion carried seven (7) ayes to one (1) nay, with Council Member Silcox absent and Council Member Jordan casting the dissenting vote.

**17. M&C C-23045 - Authorize Execution of a Public Right-of-Way Use Agreement Granting Barnett Gathering, L.P., a License to Use a Certain Public Right-of-Way for the Purpose of Constructing, Maintaining and Operating a Natural Gas Pipeline Across Forest Hill Drive Located Approximately 600 Feet South of Enon Avenue.**

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

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. C-23045 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**18. M&C C-23046 - Authorize Execution of a Project Development Agreement with Johnson Controls, Inc., in an Amount up to \$1,584,000.00 to Perform a Detailed Energy Study of City Water Department Wastewater Facilities to Identify Energy Saving Equipment Retrofit and Process Improvement Opportunities.**

C-23046 (Continued)

Motion: Council Member Moss made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-23046 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**19. M&C C-23047 - Authorize an Additional Payment in the Amount of \$374,958.97 to the Texas Department of Transportation Under City Secretary Contract No. 37265, a Local Project Advance Funding Agreement, for the Replacement of a Hydraulically Inadequate Culvert (Northeast 28th Street Bridge) at State Highway 183 and a Tributary to the West Fork of the Trinity River, for Additional Costs Including \$21,226.00 for Integral Lighting for the Public Art/Design Enhancement Component Associated with the Construction and Inspection of the Lebow Channel Roadway Crossing Project (Project Nos. 00778 and 00084).**

Motion: Council Member Espino made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-23047 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**20. M&C C-23048 - Authorize Execution of Amendment No. 1 in the Amount of \$430,000.00 to City Secretary Contract No. 33129 with TCB, Inc., for the Forest Park-Berry Storm Drain Watershed Planning Study, Thereby Increasing the Total Contract to \$645,500.00.**

Motion: Council Member Burns made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-23048 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**21. M&C C-23049 - Authorize Execution of an Engineering Agreement in the Amount of \$127,000.00 with Kimley-Horn and Associates, Inc., for the Development and Installation of Synchronized Signal Timing Plans on East Rosedale Street, East Lancaster Avenue, and Hemphill Street for the Thoroughfare Assessment Program Phase 3.2.**

Motion: Council Member Silcox made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-23049 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**22. M&C C-23050 - Authorize Execution of an Engineering Agreement in the Amount of \$451,313.00 with Dannenbaum Engineering Corporation, for Pavement Reconstruction and Water and Sanitary Sewer Main Replacements on 5A-Bideker Avenue, Bright Street and Burton Avenue; 5B-Avenue M, Edgewood Terrace South and Valley Vista Drive; 5C-Capers Avenue, Osborne Lane, Ramson Terrace and Plant Avenue (Project Nos. 5A-00946, 5B-00947, 5C-00950).**

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C-23050 (Continued)

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

Council Member Moss noted that citizens within the area had raised concerns with streets and problem they were having, specifically on Plant Street. He added there were concerns raised last year relative to drainage problems and safety of their children between IH-820 and Craig Race Street and stated that this was an indication that the Council did listen and made efforts to ensure these streets were included in Critical Capital needs. He pointed out the major problem on Valley Vista Drive that was created by construction whereby the bottoms of cars were being dragged and stated that this issue was also included in this M&C. He expressed appreciation to staff for their work.

Motion: Council Member Moss made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-23050 be approved with appreciation. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Pro tem Hicks absent.

Mayor Moncrief asked City Manager Fisseler to have City staff look at the City's high water warning devices that were disabled because of copper theft and asked that he provide a report to the Council on the condition of those devices and what steps had been taken to ensure that the City had done everything possible to secure the devices from theft.

**23. M&C C-23051 - Authorize Execution of an Engineering Agreement in the Amount of \$800,272.00 with Brown and Gay Engineers, Inc., for Pavement Reconstruction and Water and Sanitary Sewer Main Replacements on 9A - 5th Avenue, Frazier Avenue, Orange Street and Wayside Avenue; 9B - Biddison Street, Blodgett Avenue, Eugene Avenue and East Butler Avenue; 9C - 5th Avenue, 6th Avenue, Cantey Street West, Lake Street, Willing Avenue and South Henderson Street; 9D - Templeton Drive, 5th Avenue and Wingate Street (Project Nos. 9A-00979, 9B-00980, 9C-00983, 9D-00981).**

Motion: Council Member Burns made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-23051 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Pro tem Hicks absent.

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

**24. M&C C-23052 - Authorize the Transfer of \$234,689.00 for the Water and Sewer Operation Fund to the Sewer Capital Projects Fund; Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Sewer Capital Projects Fund in the Amount of \$234,689.00 from Available Funds for the Purpose of Executing Amendment No. 3 to City Secretary Contract No. 29785 with TranSystems Corporation Consultants for Additional Services to Sanitary Sewer Rehabilitation LXIX (69) Village Creek Drainage Basin; Authorize**

**the City Manager to Execute Amendment No. 3 in the Amount of \$234,689.00 to the City Secretary Contract No. 29785 with TranSystems Corporation Consultants for Additional Services to Sanitary Sewer Rehabilitation LXIX Village Creek Drainage Basin, Thereby Increasing the Total Contract Amount to \$549,473.00.**

Motion: Council Member Moss made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-23052 be approved and Appropriation Ordinance No. 18296-09-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**25. M&C C-23053 - Authorize Execution of Amendment No. 1 in the Amount of \$208,803.00 to City Secretary Contract No. 35294 with ANA Consultants, L.L.C., for Fossil Drive Drainage Improvements, Yolanda-Meadowlane Drainage and Kings Oak Addition Drainage Improvements, Revising the Total Cost to \$233,603.00 (Project No. 00483).**

Motion: Council Member Scarth made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-23053 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**26. M&C C-23054 - Authorize the Transfer of \$595,178.84 from the Water and Sewer Operating Fund to the Water Capital Projects Fund in the Amount of \$247,047.88 and to the Sewer Capital Projects Fund in the Amount of \$348,130.96; Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Water Capital Projects Fund in the Amount of \$247,047.88 and in the Sewer Capital Projects Fund in the Amount of \$348,130.96 from Available Funds, for the Purpose of Executing a Contract with Conatser Construction TX, LP, for Street Reconstruction, Water and Sanitary Sewer Replacements on Spindletree Lane; Authorize the City Manager to Execute a Contract with Conatser Construction TX, LP, in the Amount of \$1,593,206.00 for Street Reconstruction, Water and Sanitary Sewer Replacement on Spindletree Lane, Buttonwood Drive to Pepperbush Drive (Project No. 00446).**

Motion: Council Member Scarth made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-23054 be approved and Appropriation Ordinance No. 18297-09-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**27. M&C C-23055 - Authorize Execution of a Professional Services Agreement with Buford Goff and Associates, Inc., in an Amount Not to Exceed \$293,200.00 to Perform an Assessment of the Public Safety Radio System.**

Motion: Council Member Burns made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-23055 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**28. M&C C-23056 - Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Water Capital Projects Fund in the Amount of \$129,400.00 and \$129,400.00 in the Sewer Capital Projects Fund for the Purpose of Transferring Said Funds to the Water and Sewer Operating Fund; Authorize the Transfer of \$129,400.00 from the Water Capital Projects Fund and \$129,400.00 from the Sewer Capital Projects Fund; Adopt a Supplemental Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Water and Sewer Operating Fund in the Amount of \$258,800.00 for the Purpose of Executing an Engineering Agreement with Red Oak Consulting, a Division of Malcolm Pirnie, Inc., to Update the Citywide Water and Wastewater Impact Fee Report; Authorize the City Manager to Execute an Engineering Agreement with Red Oak Consulting, a Division of Malcolm Pirnie, Inc., in an Amount Not to Exceed \$258,800.00 for Updating the Water and Wastewater Land Use Assumptions and Capital Improvements Plan City-Wide for the Purpose of Revising the Impact Fee Ordinance.**

Motion: Council Member Burns made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-23056 be approved and Appropriation Ordinance No. 18298-09-2008 and Supplemental Appropriation Ordinance No. 18299-09-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**29. M&C C-23057 - Authorize the City Manager to Enter into a Renewal Agreement for After School Services at Rosemont Middle School and Daggett Middle School for the Period of September 1, 2008, Through August 31, 2009; and Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Grants Fund in the Amount of \$70,770.00 for the Purpose of Entering Into a Renewal Agreement for the Fourth Option Year of the 21st Century Learning Center Program at Rosemont and Daggett Middle Schools.**

Council Member Moss 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.

Motion: Council Member Burns made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-23057 be approved and Appropriation Ordinance No. 18300-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with one (1) abstention by Council Member Moss.

## XVII. ZONING HEARING

### a. Cases Recommended for Approval

**1. It appeared that the City Council, at its meeting of September 9, 2008, continued 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 9, 2008).**

Motion: Council Member Espino made a motion, seconded by Council Member Burdette, that Zoning Docket No. ZC-08-120 be approved by amending the zoning to "PD" Planned Development for all uses in "I" Light Industrial excluding sexually oriented businesses, tattoo parlors and bars and with waiver of site plan. The motion carried unanimously nine (9) ayes to zero (0) nays.

**2. It appeared that the City Council, at its meeting of September 9, 2008, continued Zoning Docket No. ZC-08-128 - (CD 5) - City of Fort Worth, North of Ramey Avenue, west of Stalcup, south of Rosedale Street and east of Hughes Avenue; from "A-5" One Family Residential, "B" Two Family Residential, "C" Medium Density Multifamily Residential, "D" High Density Multifamily Residential, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial and "FR" General Commercial Restricted to "A-5" One Family Residential, "CF" Community Facilities and "E" Neighborhood Commercial (Continued from September 2, 2008).**

Motion: Council Member Moss made a motion, seconded by Council Member Silcox, that Zoning Docket No. ZC-08-128 be approved with appreciation to City staff. The motion carried unanimously nine (9) ayes to zero (0) nays.

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 August 25, 2008. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

**3. Zoning Docket No. ZC-08-137 - (CD 6) - Triad Senior Living I, LP, 6700 Dan Danciger; from "C" Medium Density Multifamily Residential to "CF" Community Facilities.**

Motion: Council Member Jordan made a motion, seconded by Council Member Silcox, that Zoning Docket No. ZC-08-137 be approved. The motion carried unanimously nine (9) 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 Jordan made a motion, seconded by Council Member Silcox, that the hearing be closed and that the following ordinance be adopted:

ORDINANCE NO. 18301-09-2008

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 nine (9) ayes to zero (0) nays.

**XVIII. CITIZEN PRESENTATIONS**

**1. Mr. Leroy Comley, 2604 Market Avenue, appeared before Council relative to various streets in his neighborhood being blocked off. He raised concern about tractor trailer trucks driving down his street traveling at 60 miles per hour and asked that the Council look into this matter. He also raised issues relative to his car that was stolen three years ago. Mayor Moncrief asked Mr. Comley to meet with Assistant City Attorney Peter Vaky and provide him with details on these issues.**

Ms. Brandy O'Quinn, 6100 Camp Bowie Boulevard #23, invited the Council to attend the 6th Annual Jazz By the Boulevard festivities that would be held September 19-21, 2008 on the Will Rogers Memorial Center lawn. She informed the Council of the various jazz artists that would perform and encouraged everyone to attend this free event.

Mr. Grayson Harper, 3605 Bellaire Drive South, appeared before Council in opposition to gas drilling in City. He pointed out that he had not signed a gas lease and addressed the possible hazards of gas drilling and the ruptures and pipeline explosions that had occurred. He added that it was important to balance the rights of the citizens with the rights of the gas companies. Council Member Burdette stated that Mr. Harper's comments demonstrated that the gas underneath the City was not owned by the City or gas company; that it was actually owned by the citizens. He added that comments such as

Mr. Harper's needed to be expressed to those individuals who were signing leases and that the Council was working diligently to balance the rights of everyone.

Mr. Robert Snoke, 3826 6th Avenue, appeared before Council relative to decorum during Council meetings. He advised that he been personally attacked by another citizen in violation of Robert's Rules of order that denoted "no personal attacks by reference or name". Mayor Moncrief advised Mr. Snoke that his name was never mentioned by a citizen. Mr. Snoke countered that if the attack was not on him, it was directed on somebody in violation of Robert's Rules of Order. Mayor Moncrief advised Mr. Snoke that he would be more sensitive to treating people the right way.

Council Member Burns advised that the Council was very sensitive and that personal attacks on anyone were not tolerated. He added that the Mayor always erred on the side of caution to make sure personal attacks to anyone never occurred in the Council Chamber.

Ms. Jerry Horton, 2608 Carter Avenue, appeared before Council and requested the Council not vote for a permit for Chesapeake to put the Thomas well at the end of Scott Street. She also requested that the Council not approve the permit for Chesapeake to go under Beach Street at Carter Avenue and put in a gas pipeline located three feet from her front porch. She added that the pipelines needed to be placed in safe areas and 20 feet or more below the surface. She also pointed out that Chesapeake would not give the neighborhood a map that reflected where the pipelines would be placed.

Mayor Moncrief reconvened back to the Pre-Council Work Session to complete Pre-Council Agenda at 12:11 p.m.

## **XIX. EXECUTIVE SESSION**

It was the consensus of the City Council that they recess into Executive Session at 1:07 p.m. to:

1. Seek the advice of its attorneys concerning the following pending or contemplated litigation or other matters that are exempt from public disclosure under Article X, Section 9 of the Texas State Bar Rules as authorized by Section 551.071 of the Texas Government Code:
  - a) Melissa Pelton v. City of Fort Worth, Cause No. 348-219869-06;
  - b) Magdalena S. Martinez, Trustee for the Charlie S. Martinez, Jr., Trust, v. City of Fort Worth Historic and Cultural Landmarks Commission, Cause No. 17-229990-08;
  - c) Martinez v. City of Fort Worth, et al., Cause No. 236-B33572-04, Court of Appeals No. 02-08-00268-CV;
  - d) City of Fort Worth v. Charles Martinez, Cause No. B30403-99;

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XIX. EXECUTIVE SESSION (Continued)

- e) Legal issues concerning Southwest Parkway (S.H. 121T);
  - f) Legal issues concerning any item listed on today's City Council meeting agendas; and
2. Deliberate the purchase, sale, lease, or value of real property in accordance with Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party; and
  3. Deliberate concerning economic development negotiations as authorized by Section 551.087 of the Texas Government Code; and
  4. Deliberate the deployment, or specific occasions for implementation, of security personnel or devices, in accordance with Section 551.076 of the Texas Government Code.

The City Council reconvened into regular session at 1:55 p.m.

**XX. ADJOURNMENT**

There being no further business, the meeting was adjourned at 1:55 p.m. in honor of Wendolyn "Wendy" Lawrence who was employed by the City's Animal Care and Control Center and asked that everyone keep the family in their prayers. He also asked that everyone remember the City's neighbors to the south in Houston, Galveston, Orange and Beaumont and their families.

These minutes approved by the Fort Worth City Council on the 23<sup>rd</sup> day of September, 2008.

Attest:

Approved:

\_\_\_\_\_  
Marty Hendrix  
City Secretary

\_\_\_\_\_  
Michael J. Moncrief  
Mayor