

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
OCTOBER 14, 2008**

Present

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

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 10:27 a.m. on Tuesday, October 14, 2008, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102, with Council Member Moss absent.

II. INVOCATION - Pastor Darwin Johnson, Fort Worth Presbyterian Church

The invocation was given by Pastor Darwin Johnson, Fort Worth Presbyterian Church.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

City Secretary Hendrix announced that Citizen Presentations would appear after the zoning cases as there was a misprint on the agenda.

IV. CONSIDERATION OF MINUTES OF REGULAR MEETING OF TUESDAY, OCTOBER 07, 2008

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that the minutes of the regular meeting of October 7, 2008, be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

V. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC.

There were no special presentations or introductions.

VI. ANNOUNCEMENTS BY CITY COUNCIL MEMBERS AND STAFF

Mayor Pro tem Hicks announced that the Trinity River Vision Neighborhood and Recreation and Neighborhood Enhancement Program would conduct several meetings with the Trinity River Vision Authority, Tarrant Regional Water District, Streams and Valleys and the City of Fort Worth as they work to to prepare a 10-year plan to improve the Trinity River Greenbelt. She stated that meetings would be conducted on October 15, 2008, at 6:00 p.m. at the East Regional Library, October 21, 2008, at 6:00 p.m. at the Fort Worth Metropolitan Black Chamber of Commerce and then on November 5, 2008, at 6:00 p.m. at the Botanic Garden, and encouraged everyone interested to attend. She also announced that the Volunteer Connect event would take place on October 22, 2008, at University Christian Church Fellowship Hall from 4:00 p.m. to 8:00 p.m. to connect with over 60 organizations to help the homeless in the community. She also announced that on October 16, 2008, on the north side of City Hall, Fort Worth After School Lights On, would be conducted from 3:30 p.m. to 5:00 p.m. She also stated that the Handley Street Festival was a great success and well attended.

Council Member Jordan announced that Council Members, City staff and members of the Police Department would be in neighborhoods tonight to celebrate Texans Against Crime. He noted that this event replaced National Night Out that was usually held in August.

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

City Manager Fisseler requested that Mayor and Council Communication Nos. G-16295 be withdrawn from consideration; C-23130 be continued until the October 21, 2008, Council meeting; and Item XIII (2), the resolution to urge legislative action to permit greater local regulatory oversight of intrastate pipeline facilities and intrastate pipeline transportation, be continued until the October 28, 2008, Council meeting.

IX. CONSENT AGENDA

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

OCS - 1690-Notices of Claims for Alleged Damages and/or Injuries

OCS - 1691-Liability Bonds Approval

Parkway Contractor

Mickey Construction

Imperial Construction, Ltd.

Insurance Company

Old Republic Surety Company

Travelers Casualty and Surety Company of America

M&C G-16315 - Authorizing the Payment of \$48,578.00 to Settle a Claim by Newley and Karen Spikes for Water Damage to Their Home at 3608 Overton Park Drive West Related to a Water Main Break; and Authorizing the Appropriate Personnel to Execute all Documents to Complete the Settlement.

M&C P-10861 - Authorizing Annual Purchase Agreements for Resilient Seated Gate Valves with ACT Pipe and Supply, Ferguson Waterworks and Metro Valve and Pipe for the Water Department in an Amount Not to Exceed \$184,000.00.

M&C P-10862 - Authorizing a Purchase Agreement for Aluminum, Steel and Iron and Miscellaneous Equipment with C. F. Metals, Inc., for the City of Fort Worth for an Annual Amount Not to Exceed \$200,000.00.

M&C P-10863 - Authorizing the Purchase of Exhibit Displays and Presentation Material from the Fowler Group for the Emergency Management Office Based on a Sole Bid Received for an Amount Not to Exceed \$48,000.00.

M&C L-14657 - Authorizing the Direct Sale of a Tax-Foreclosed Property to the City of Fort Worth, Located at 11310 South Freeway, Described as Tract 1, Abstract 1400, William Stone Survey, Approximately Six Miles South of Interstate Highway 20 on Interstate Highway 35W in the Amount of \$13,069.75, in Accordance with Section 34.05 of the Texas Property Tax Code; and Authorizing the City Manager to Execute and Record the Appropriate Instruments Conveying the Property to Complete the Sale.

M&C L-14658 - Authorizing the Conveyance of One Electric Utility Easement, Described as Being a Part of Lot 1, Section 7R1, Fort Worth Convention Addition, to Oncor Electric Delivery Company, LLC, in the New City-Owned Parking Garage Located at the Corner of Throckmorton Street and 12th Street, Fort Worth, Tarrant County, Texas.

M&C L-14659 - Authorizing the Execution of One Storm Water Facility Maintenance Agreement from Margaux Parkwood Partners, Ltd., for Property Located South of North Tarrant Parkway and West of Highway 377, in North Fort Worth (DOE No. 5999).

M&C L-14660 - Approving the Acquisition from JaGee Real Properties, L.P., of a Perpetual Public Access Easement Over Approximately 0.076 Acre of Land Located at Lot 4, Block 1, William J. Bailey Addition, Tarrant County, Texas; Finding that the Price Offered in the Amount of \$25,000.00 is Just Compensation for the Grant of Such Easement; Authorizing the Acceptance and Recording of Appropriate Instruments Related to the Grant of Such Easement; and Adopting Supplemental Appropriation Ordinance No. 18331-10-2008 Increasing Estimated Receipts and Appropriations in the Culture and Tourism Fund in the Amount of \$25,000.00 and Decreasing the Unaudited, Unreserved, Undesignated Fund Balance by the Same Amount for the Purpose of Authorizing the Acquisition from JaGee Real Properties, L.P., One Perpetual Public Access Easement Located at Lot 4, Block 1, William J. Bailey Addition.

M&C C-23120 - Authorizing the Acquisition of Approximately 5,400 Square Feet, Owned by William J. Alexander and Mary Alexander Butler, Known as 3160 Weber Street, Block 19, Lot 1, Morgan Heights Addition, an Addition to the City of Fort Worth, Tarrant County, Texas, (DOE No. 4623; Project No. 00084); Finding that the Price Offered in the Amount of \$8,000.00 for the Parcel, Plus an Estimated Closing Cost of \$3,000.00 is Just Compensation; and Authorizing the Acceptance and Recording of Appropriate Instruments.

M&C C-23121 - Authorizing the Acquisition of Approximately 5,400 Square Feet of Land Owned by Enedelia Salinas, Known as 3463 Lebow Street, Lot 10, Block 17 of the Dixie Wagon Manufacturing Company, an Addition to the City of Fort Worth, Tarrant County, Texas, (DOE No. 4623; Project No. 00084); Finding that the Price Offered in the Amount of \$10,000.00 for the Parcel, Plus an Estimated Closing Cost of \$3,000.00 is Just Compensation; and Authorizing the Acceptance and Recording of Appropriate Instruments.

M&C C-23122 - Authorizing the City Manager to Execute a Memorandum of Agreement Between the City of Fort Worth and the American Institute of Architects to Conduct a Sustainable Design Assessment Team Program at a Cost Not to Exceed \$5,000.00.

The motion carried. End of Consent Agenda.

Mayor Moncrief stated that Mayor and Council Communication No. G-16319 would be heard at this time.

[7. M&C G-16319 - Authorize the City Manager to Accept the Donation from Mr. Mike Slusser of a 1940 Mack Fire Engine, Model 80, Serial No. 80LS1050 Valued at \\$10,000.00, for Use by the Fire Department.](#)

Fire Chief Rudy Jackson introduced Mr. Mike Slusser who donated a 1940 original Mack Truck to the Fire Department. He expressed appreciation to Mr. Slusser for the donation and stated that the truck would hopefully be used for parades in the future.

(G-16319 Continued)

Mr. Slusser stated that the truck was given to him as a surprise Christmas gift in 1985 and that the truck was a lot of fun and held many memories. He added that it was one of the five original trucks that came to the city in 1940.

Mayor Moncrief expressed appreciation for the truck as it was part of Fort Worth heritage. He added that generations of Fort Worth residents would benefit from the donation.

Council Member Scarth advised that if the City had not already started the process, it might be appropriate to create a committee or organize a non-profit organization for the maintenance and continued upkeep of the vehicle. He volunteered to organize the effort and added that he knew of several other individuals that would be interested in the effort.

Motion: Council Member Silcox made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. M&C G-16319 be approved with appreciation. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

X. PRESENTATIONS BY THE CITY COUNCIL

1. Changes in Membership on Boards and Commissions

Council Member Burns made a motion, seconded by Council Member Espino, that Kim Martin be reappointed to Place 9 on the City Plan Commission effective October 14, 2008, and with a term expiring October 1, 2009. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

Council Member Jordan made a motion, seconded by Council Member Espino, that Stephanie Spann be appointed to Place 6 on the City Zoning Commission and the Fort Worth Alliance Airport Zoning Commission effective October 14, 2008, and with a term expiring October 1, 2010. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

Council Member Scarth made a motion, seconded by Council Member Espino, that the following appointments be made to the Downtown Design Review Board effective October 14, 2008, and with terms expiring October 1, 2009.

- Henry Borbolla: Business Owner/Manager, Place 1
- Scott Polikov: Citizen position, Place 7

The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

(Agenda Item X Continued)

Council Member Scarth made a motion, seconded by Council Member Burdette, that the following individuals be reappointed to boards and commissions as indicated effective October 14, 2008, and with terms expiring as reflected:

- Bill Miller: Board of Adjustment-Commercial and Fort Worth Alliance Airport Board of Adjustment. Expiration: October 1, 2010
- Steve Osmundson: Building Standards Commission. Expiration: September 30, 2010
- Jerre Miller: City Zoning Commission and Fort Worth Alliance Airport Zoning Commission. Expiration: October 1, 2010
- Patrick Main: Community Development Council. Expiration: October 1, 2010
- Evonia Daniels: Fort Worth Commission for Women. Expiration: October 1, 2010
- Brenda Sanders-Wise: Historic and Cultural Landmarks Commission. Expiration: October 1, 2010
- Tobi Jackson: Parks and Community Services Advisory Board. Expiration: October 1, 2010

The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

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

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

XII. PRESENTATIONS BY THE CITY SECRETARY

3. OCS-1692-Consideration of Joint Election Agreement and Contract Between Tarrant County Elections Administrator and City of Fort Worth for Election Services for Special Election on Two Local Option Liquor Propositions to be Held on November 4, 2008, at an Estimated Cost of \$448,483.00

Motion: Council Member Burns made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. OCS-1692 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

XIII. RESOLUTIONS

Mayor Pro tem Hicks advised that her recommendation would be to remove the word "Civic" from the building name as citizens may think there was another convention center. She added that the building would have meeting rooms to accommodate neighborhoods.

1. A Resolution Naming the New Municipal Building at Evans/Rosedale Plaza the Hazel Harvey Peace Neighborhood Civic Center

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Jordan, that Resolution No. 3666-10-2008 be adopted, as amended by changing the name of the building to the Hazel Harvey Peace Center for Neighborhoods. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

2. It was the consensus of the City Council that, A Resolution Urging Legislative Action to Permit Greater Local Regulatory Oversight of Intrastate Pipeline Facilities and Intrastate Pipeline Transportation; and Providing an Effective Date, be continued until the October 28, 2008, Council meeting.

XIV. REPORT OF THE CITY MANAGER

A. General

1. It was the consensus of the City Council that Mayor and Council Communication No. G-16295, Approve a Timetable for Proposed City Initiated Annexation and Authorize the City Manager to Initiate Zoning Changes of Approximately 193.0 Acres of Land, or 0.302 Square Miles, More or Less, Located South of Park Drive and West of Old Decatur Road with an Estimated Maintenance Cost of \$113,000.00, AX-08-006, 8800 Block of Boat Club Road, in the Far Northwest Sector in Accordance with the 2008 Comprehensive Plan, be withdrawn from consideration.

2. M&C G-16295 - (Revised) Approve a Timetable for Proposed City Initiated Annexation and Authorize the City Manager to Initiate Zoning Changes of Approximately 193.0 Acres of Land, Located South of Park Drive and West of Old Decatur Road, AX-08-006, in the 8800 Block of Boat Club Road for Full Purposes in Compliance with the Requirements of Chapter 43 of the Local Government Code; Direct Staff to Prepare a Service Plan that Provides for the Extension of Full Municipal Services to the Annexation Area; and Authorize the City Manager to Initiate Certain Zoning Changes for the Annexation Area in the Far Northwest Sector from Unzoned to "AG" Agriculture, "A-43" and "A-10" One-Family, "R1" Zero Lot Line/Cluster, "C" Medium Density Multifamily, "CF" Community Facilities, "E" Neighborhood Commercial, and "G" Intensive Commercial, in Accordance with the 2008 Comprehensive Plan.

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Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. M&C G-16295 (Revised) be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

4. M&C G-16316 - Adopt Resolution Appointing Members to the Fort Worth Transportation Authority Executive Committee.

<u>Council District</u>	<u>Appointee</u>	<u>Council Member</u>
2	Rosa Navejar	Sal Espino
3	Gary Havener	Chuck Silcox
4	Gary Cumbie	Danny Scarth
5	Reby Cary	Frank Moss
6	Robert A. Parmelee	Jungus Jordan
7	Robert L. Jameson	Carter Burdette
8	Curtis Toombs	Kathleen Hicks
9	Mary Volcansek	Joel Burns

Motion: Council Member Jordan made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. M&C G-16316 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

5. M&C G-16317 - Adopt an Ordinance Extending the Moratorium to July 31, 2009, on the Acceptance of Applications for Salt Water Disposal Wells Pending Consideration of Revised Regulations Regarding Salt Water Disposal Wells in the Current Gas Drilling Ordinance of Chapter 15 as Regulated by Article II, the City Code.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. M&C G-16317 be approved and Ordinance No. 18332-10-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

6. M&C G-16318 - Authorize the City Manager to Pay Invoices from TXU Electric Delivery, ONCOR, in an Amount Not to Exceed \$101,322.45 for Utility Work for the Lancaster Avenue Reconstruction Project. The Total Project Amount Shall Not Exceed \$693,920.46.

Motion: Council Member Burdette made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. M&C G-16318 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

8. M&C G-16320 - Adopt an Ordinance Approving a Negotiated Settlement and Resolution Between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division Regarding Atmos's April 14, 2008, Rate Review Mechanism Filing; Finding that Rates Originally Proposed in Such Filing are Unreasonable; Adopting Tariffs that Reflect Rate Adjustments Consistent with the Negotiated Settlement and Resolution Between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division; Finding that the Rates Established by Such Tariffs are Just and Reasonable; Approving Atmos Energy Corp., Mid-Tex Division's Proof of Revenues; Providing for a Reservation of Rights; Repealing any Previously Adopted Ordinances in Conflict Herewith Providing for Severability; Finding that this Ordinance was Adopted in Accordance with the Requirements of the Texas Open Meetings Act; Establishing an Effective Date; and Requiring Delivery of the Ordinance to Atmos Energy Corp., Mid-Tex Division and Legal Counsel for the Atmos Cities Steering Committee (PUBLIC HEARING).

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

a. Report of City Staff

Mr. Danny Reed, Financial Management Services Department, appeared before Council and provided a staff report.

b. Citizen Presentations

There were no citizen presentations.

c. Council Action

Motion: Council Member Scarth made a motion, seconded by Mayor Pro tem Hicks, that the public hearing be closed and Mayor and Council Communication No. M&C G-16320 be approved and Ordinance No. 18333-10-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

9. M&C G-16321 - Conduct a Public Hearing on the Application of Rodanco Partners, Ltd., for Approval of a Municipal Setting Designation (MSD) for the Property Located at 400 South Jennings Avenue, an Approximately 4.391 Acre Tract, Described as Jennings South Addition, Lot 1-R, Block 36, Fort Worth, Tarrant County, Texas, to Allow the Public the Opportunity to Give Testimony; Adopt a Resolution in Support of the Application of the Rodanco Partners, Ltd., to the Texas Commission on Environmental Quality for a Municipal Setting Designation at 400 S. Jennings Avenue, Fort Worth, Texas; and Adopt an Ordinance Amending the Code of the City of Fort Worth (1986), as Amended, Chapter 12.5, "Environmental Protection and Compliance," Article IV "Groundwater and Surface Water Quality," by Amending Appendix

“A” “Municipal Setting Designation Sites in Fort Worth,” by the Addition of Section 16; Designating CFW-MSD-0016, Providing for the Prohibition of the Use of Groundwater for Potable and Irrigation Purposes in CFW-MSD-0016 Providing for a Fine of up to \$2,000.00 for Each Offense in Violation of the Ordinance (PUBLIC HEARING).

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

a. Report of City Staff

Mr. Brian Boerner, Environmental Management Department Director, appeared before Council and provided a staff report. He recommended that Council delay the public hearing and adoption of the resolution and ordinance until the November 11, 2008, Council meeting.

b. Citizen Presentations

Mayor Moncrief recognized Mr. Nelson Claytor, 1723 5th Avenue, as desiring to address the Council in opposition of this issue. Mr. Claytor advised that he would delay his presentation until the November 11, 2008, Council meeting.

Mr. Dennis Howard, 8901 Carpenter Freeway #100, Dallas, Texas, representing the applicant, appeared before Council in support of the MSD. He advised the Council of the impacted ground water at the location and added the extent of the impact was very localized with minimal opportunity for ground water to migrate off site.

c. Council Action

Mayor Pro tem Hicks stated that she understood that there was minimal opportunity for contamination and that the contamination happened many years ago. She pointed out that the MSD designation would actually help to ensure the contamination stayed in one area. She requested that Mr. Claytor and Mr. Howard schedule a meeting with her through her Council Aide Devan Allen to discuss this issue in the next week.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. M&C G-16321 be continued until the November 11, 2008, Council meeting. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

10. M&C G-16322 - Conduct a Public Hearing on the Application of S&B Technical Products, Inc., for Approval of a Municipal Setting Designation (MSD) for the Property Located at 1300 East Berry Street, an Approximately 28 Acre Tract, Described as G. W. Hartzog Survey, Abstract 697, W. R. Loving Survey, Abstract 748, Fort Worth, Tarrant County, Texas, to Allow the Public the Opportunity to Give Testimony; Adopt a Resolution in Support of the Application of the S&B Technical Products, Inc., to the Texas Commission on Environmental Quality for a Municipal Setting Designation at 1300 East Berry Street, Fort Worth, Texas; and Adopt an Ordinance Amending the Code of the City of Fort Worth (1986), as Amended, by the Amendment of Chapter 12.5, "Environmental Protection and Compliance," Article IV "Groundwater and Surface Water Quality," by Amending Appendix "A" "Municipal Setting Designation Sites in Fort Worth," by the Addition of Section 17; Designating CFW-MSD-0017, Providing for the Prohibition of the Use of Groundwater for Potable and Irrigation Purposes in CFW-MSD-0017 Providing a Fine up to \$2,000.00 for Each Offense in Violation of the Ordinance (PUBLIC HEARING).

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

a. Report of City Staff

Mr. Brian Boerner, Environmental Management Department Director, appeared before Council and provided staff report.

b. Citizen Presentations

There were no citizen presentations.

c. Council Action

Mayor Pro tem Hicks stated that this entire area was industrial and added that the MSD was very important for this site because it ensured that all the contamination stayed in the area. She pointed out that the sale of the property would not preclude MSD; it would stay connected to this property. She added that the current owner was not responsible for the contamination that occurred in the 1940s. She further stated that there was also no impact to Sycamore Creek as it was located far away from the site.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Jordan, that the public hearing be closed and Mayor and Council Communication No. G-16322 be approved and Resolution No. 3668-10-2008 and Ordinance No. 18334-10-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

Mayor Pro tem Hicks recognized Dr. Gleniece Robinson, Library Department Director, in the audience and expressed appreciation for all her work with the naming of the City's new municipal building for Hazel Harvey Peace.

B. Purchase of Equipment, Materials, and Services

4. M&C P-10864 - Authorize Amendments to the Purchase Agreements and Execute New Purchase Agreements with Multiple Vendors Participating in the Vehicle and Equipment Service and Repair List for the Equipment Services Department for a Projected Cost Not to Exceed \$1,400,000.00.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. P-10864 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

5. M&C P-10865 - Authorize the City Manager to Execute a Purchase Agreement with Huguley Health System Assessment for Annual Physical Fitness and Medical Testing for the Fire Department for a Projected Amount Not to Exceed \$325,000.00.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. P-10865 be approved with appreciation. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

6. M&C P-10866 - Authorize the Purchase of Aerial Bucket Trucks from ATC Fort Worth Freightliner for the Transportation and Public Works Department Using a Texas Multiple Award Schedule Contract 7-23V040 for a Cost Not to Exceed \$268,015.18.

Motion: Council Member Scarth made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. P-10866 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

C. Land

5. M&C L-14661 - Authorize the City Manager to Execute a 10-Year Lease with Fort Worth MedTech Center, Inc., d/b/a TECH Fort Worth, for the Former Guinn School Gymnasium Building Located at 1120 South Freeway.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. L-14661 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

E. Award of Contract

4. M&C C-23123 - Authorize the Execution of a Contract with Latin Arts Association, Doing Business as Artes de la Rosa in an Amount Not to Exceed \$60,000.00 for Assistance in Marketing the Rose Marine Theatre.

Motion: Council Member Espino made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. C-23123 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

5. M&C C-23124 - Authorize the Execution of a Pipeline License Agreement with Energy Transfer Fuel, LP, for a 36-Inch Natural Gas Pipeline Across City Property at 11310 South Freeway, William Stone Survey, A-1400, Tract 1, Located Just West of Interstate Highway 35W and South of Beechgrove Terrace, in the Amount of \$43,014.15 for a Term of 20 Years.

Council Member Jordan stated that this M&C was a companion to Mayor & Council Communication No. L-14657 on the Consent Agenda. He added that because of a policy established by the City's Housing and Economic Development Department and in cooperation with the Planning and Development Department, the City was able to purchase a piece of property and preclude a pipeline from going through neighborhoods as well as produce general revenue for citizens and tax payers.

Motion: Council Member Jordan made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-23124 be approved with appreciation to the Housing and Economic Development Department staff. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

6. M&C C-23125 - Authorize the City Manager to Authorize Execution of a Contract with Periscope Holdings, Inc., to Upgrade the BuySpeed Application for the Financial Management Services Department for an Amount Not to Exceed \$150,000.00; Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Special Assessments Fund in the Amount of \$150,000.00 from Available Funds to the Specially Funded Capital Projects Fund to Upgrade the BuySpeed Application for the Financial Management Services Department; and Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Specially Funded Capital Projects Fund in the Amount of \$150,000.00 from Available Funds to Upgrade the BuySpeed Application for the Financial Management Services Department.

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23125 be approved and Appropriation Ordinance Nos. 18335-10-2008 and 18336-10-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

7. M&C C-23126 - Authorize Execution of Contracts for Gas and Oil Mineral Asset Management Banking Services with JPMorgan Chase for a Cost Not to Exceed \$240,000.00 and Consulting Services with Midkiff Oil and Gas for a Cost Not to Exceed \$1,048,000.00 for the Financial Management Services Department.

Mr. Greg Jordan, Financial Management Services Department Assistant Director, appeared before Council and provided a staff report.

Mayor Pro tem Hicks and Council Members Jordan and Burns disclosed that they had banking relationships with JPMorgan Chase.

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23126 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

8. M&C C-23127 - Authorize the City Manager to Execute an Agreement with Fort Worth MedTech Center, Inc., d/b/a TECH Fort Worth, to Provide Business Incubation Services to Technology-Based Businesses for Ten-Years for an Amount Not to Exceed \$441,147.00 in the First Year.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-23127 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

9. M&C C-23128 - Authorize the City Manager to Execute a Contract with the All Church Home for Children, a Community-Based Organization, for the Fiscal Year 2009 Community-Based Funding from the Crime Control and Prevention District Fund in the Amount of \$41,791.00 to Operate the Buffalo Soldiers Youth Mentoring Program.

Mayor Pro tem Hicks advised that she would recuse herself from voting on this issue as she served on the Board for All Church Home for Children.

Motion: Council Member Espino made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23128 be approved. The motion carried unanimously seven (7) ayes to zero (0) nays, with Council Member Moss absent, and one (1) abstention by Mayor Pro tem Hicks.

10. M&C C-23129 - Authorize the City Manager to Execute a Contract with Catholic Charities for the Fiscal Year 2009 Community-Based Funding from the Crime Control and Prevention District Fund in the Amount of \$43,880.00 to Operate a Violence Prevention Program.

Motion: Council Member Burns made a motion, seconded by Mayor Pro tem Hicks, that Mayor and Council Communication No. C-23129 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

11. It was the consensus of the City Council and Mayor and Council Communication No. C-23130, Authorize a Contract with the HOPE Center for the Fiscal Year 2009 Community-Based Funding from the Crime Control and Prevention District Fund in the Amount of \$63,204.00 to Operate the Keys of HOPE Program, be continued until the October 21, 2008, Council meeting.

12. M&C C-23131 - Authorize the City Manager to Execute a Contract with the M.E.T.R.O. Ministries of Fort Worth for the Fiscal Year 2009 Community-Based Funding from the Crime Control and Prevention District Fund in the Amount of \$51,125.00 to Operate a Youth Focused Outreach Program.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23131 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

13. M&C C-23132 - Authorize the City Manager to Execute Amendment No. 13 in the Amount of \$259,880.00 to City Secretary Contract No. 27650 with Dunaway Associates, L.P., for Sanitary Sewer Rehabilitation Contract LV, to Provide Additional Engineering Services, Thereby Increasing the Contract Amount to \$1,285,756.42 (City Project No. 00431).

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23132 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

XVI. ZONING HEARING

a. Cases Recommended for Approval

1. It Appeared that the City Council at its Meeting of October 7, 2008, Continued Zoning Docket No. ZC-07-208B - (CD 4) - City of Fort Worth, 650 and 800 John T. White Road North; from "C" Medium Density Multifamily Residential to "A-10" One Family Residential.

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

(ZC-07-208B Continued)

Motion: There being no one present desiring to be heard in connection with ZC-07-208B, Council Member Scarth made a motion, seconded by Council Member Burns, that Zoning Docket No. ZC-07-208B be continued until the October 21, 2008, Council meeting. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

b. Cases Recommended for Approval/Denial

1. It Appeared that the City Council at its Meeting of October 7, 2008, Continued Zoning Docket No. ZC-08-151 - (CD 8) - City of Fort Worth, Portion of Hillside Morningside Neighborhood.

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

Recommended for Approval

North of Ramsey, East of IH-35W South, South of Rosedale Street and West of Riverside Drive; from "A-5" One-Family Residential, "B" Two-Family Residential, "B/HC" Two-Family Residential/Historic and Cultural Overlay, "B/HSE" Two-Family Residential/Highly Significant Endangered, "C" Medium Density Multifamily Residential, "CF" Community Facilities, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial, "F" General Commercial, "I" Light Industrial, "J" Medium Industrial and "PD" Planned Development to "A-5/HC" One-Family Residential/Historical and Cultural Overlay, "A-5/HSE" One-Family Residential/Highly Significant Endangered, "CF" Community Facilities and "E" Neighborhood Commercial.

Recommended for Denial

2318 Evans Avenue, from "E" Neighborhood Commercial to "A-5" One-Family Residential.

Motion: There being no one present desiring to be heard in connection with ZC-08-151, Mayor Pro tem Hicks made a motion, seconded by Council Member Espino that the public hearing be closed and that Zoning Docket No. ZC-08-151 be approved as follows: North of Ramsey, East of IH-35W South, South of Rosedale Street and West of Riverside Drive; from "A-5" One-Family Residential, "B" Two-Family Residential, "B/HC" Two-Family Residential/Historic and Cultural Overlay, "B/HSE" Two-Family Residential/Highly Significant Endangered, "C" Medium Density Multifamily Residential, "CF" Community Facilities, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial, "F" General Commercial, "I" Light Industrial, "J" Medium Industrial and "PD" Planned Development to "A-5/HC" One-Family Residential/Historical and Cultural Overlay, "A-5/HSE" One-Family

Residential/Highly Significant Endangered, “CF” Community Facilities and “E” Neighborhood Commercial; that 2318 Evans Avenue, from “E” Neighborhood Commercial to “A-5” One-Family Residential be denied without prejudice as recommended by the City Zoning Commission; and that Block 21, Lots I through L be continued to allow sufficient time to be renoticed for "E" Neighborhood Commercial. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

Ms. Susan Alanis, Planning and Development Department Director recommended that the portion relative to renotice of Block 21, Lots I through L be continued for one month to allow sufficient time for the renotice.

Mayor Pro tem Hicks withdrew her motion, and Council Member Espino withdrew his second.

Motion: There being no one present desiring to be heard in connection with ZC-08-151, Mayor Pro tem Hicks made a motion, seconded by Council Member Espino that the public hearing be closed and that Zoning Docket No. ZC-08-151 be approved as follows: North of Ramsey, East of IH-35W South, South of Rosedale Street and West of Riverside Drive; from “A-5” One-Family Residential, “B” Two-Family Residential, “B/HC” Two-Family Residential/Historic and Cultural Overlay, “B/HSE” Two-Family Residential/Highly Significant Endangered, “C” Medium Density Multifamily Residential, “CF” Community Facilities, “ER” Neighborhood Commercial Restricted, “E” Neighborhood Commercial, “F” General Commercial, “I” Light Industrial, “J” Medium Industrial and “PD” Planned Development to “A-5/HC” One-Family Residential/Historical and Cultural Overlay, “A-5/HSE” One-Family Residential/Highly Significant Endangered, “CF” Community Facilities and “E” Neighborhood Commercial; that 2318 Evans Avenue, from “E” Neighborhood Commercial to “A-5” One-Family Residential be denied without prejudice as recommended by the City Zoning Commission; and that Block 21, Lots I through L be continued until the November 11, 2008, Council meeting to allow sufficient time to be renoticed for "E" Neighborhood Commercial. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

(See reconsideration of this item on page 19.)

Ms. Opal Lee, 417 S. Judkins, appeared before Council and commended Mayor Pro tem Hicks for her work on this zoning case.

Mayor Pro tem Hicks expressed appreciation to Susan Alanis and Beth Knight for their work.

c. Cases Recommended for Denial

1. It Appeared that the City Council at its Meeting of October 7, 2008, Continued Zoning Docket No. ZC-08-105 - (CD 4) - Randol Mill Partners II, Ltd., 650 and 800 John T. White Road North; from "C" Medium Density Multifamily Residential and "ER" Neighborhood Commercial Restricted to "A-5" One Family Residential and "C" Medium Density Multifamily Residential.

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

Motion: There being no one present desiring to be heard in connection with ZC-08-105, Council Member Scarth made a motion, seconded by Council Member Silcox, that Zoning Docket No. ZC-08-105 be continued until the October 21, 2008, Council meeting. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

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

ORDINANCE NO. 18337-10-2008

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

The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

V. CITIZEN PRESENTATIONS

There were no citizen presentations.

Mayor Moncrief recessed the regular session of the Fort Worth City Council at 11:22 a.m. to convene into the Executive session.

After Mayor Moncrief recessed the Council meeting and prior to commencement of the Executive Session, Mr. Alan Kinsey advised Mayor Moncrief that he had completed a Citizen Presentation Card to present information in opposition of Zoning Docket No. ZC-08-151. After consulting with City staff, Mayor Moncrief was advised that Mr. Kinsey's card was inadvertently overlooked and City Attorney Yett recommended that Mayor Moncrief reconvene the Council meeting into regular session to hear Mr. Kinsey's presentation.

With a quorum of City Council Members present Mayor Moncrief reconvened the Council meeting at 11:28 a.m., with Council Member Moss absent.

Council Member Scarth made a motion, seconded by Council Member Burns, that Zoning Docket No. ZC-08-151 be reconsidered. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

Mr. Alan Kinsey, 809 Annapolis Drive, appeared before Council in opposition of the historical overlay designation relative to the rezoning of the property. He advised that he owned property in the area and represented other individuals who owned property in the area and stated that they opposed the historical overlay designation as it was a tool the City used to control how the property was controlled for maintenance; a cost that would be passed on to the tenants of the property.

Mayor Pro tem Hicks advised that the City was not trying to rezone the property to historical overlay and assured Mr. Kinsey that his single family home would not be affected by the rezoning and that he would not have to do anything differently. She also stated that the neighborhood was not interested in a historical designation and he could continue to use his property as he desired.

City Manager Fisseler apologized to Mr. Kinsey for overlooking his card.

Motion: There being no one present desiring to be heard in connection with ZC-08-151, Mayor Pro tem Hicks made a motion, seconded by Council Member Espino that the public hearing be closed and that Zoning Docket No. ZC-08-151 be approved as follows: North of Ramsey, East of IH-35W South, South of Rosedale Street and West of Riverside Drive; from "A-5" One-Family Residential, "B" Two-Family Residential, "B/HC" Two-Family Residential/Historic and Cultural Overlay, "B/HSE" Two-Family Residential/Highly Significant Endangered, "C" Medium Density Multifamily Residential, "CF" Community Facilities, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial, "F" General Commercial, "I" Light Industrial, "J" Medium Industrial and "PD" Planned Development to "A-5/HC" One-Family Residential/Historic and Cultural Overlay, "A-5/HSE" One-Family Residential/Highly Significant Endangered, "CF" Community Facilities and "E" Neighborhood Commercial; that 2318 Evans Avenue, from "E" Neighborhood

Commercial to "A-5" One-Family Residential be denied without prejudice as recommended by the City Zoning Commission; and that Block 21, Lots I through L be continued until the November 11, 2008, Council meeting to allow sufficient time to be renoticed for "E" Neighborhood Commercial. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Moss absent.

XVII. EXECUTIVE SESSION (Pre-Council Chamber)

It was the consensus of the City Council that they recess into Executive Session at 11:35 a.m. to:

1. Seek the advice of its attorneys concerning the following pending or contemplated litigation or other matters that are exempt from public disclosure under Article X, Section 9 of the Texas State Bar Rules as authorized by Section 551.071 of the Texas Government Code:
 - a) Legal issues concerning Collective Bargaining with the Fire Employees Union;
 - b) Legal issues concerning Meet and Confer with the Police Officers Union;
 - c) Legal issues concerning any item listed on today's City Council meeting agendas; and
2. Deliberate the purchase, sale, lease, or value of real property in accordance with Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party; and
3. Deliberate concerning economic development negotiations as authorized by Section 551.087 of the Texas Government Code; and
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.

XVIII. ADJOURNMENT

There being no further business, the meeting was adjourned at 12:45 p.m.