

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
NOVEMBER 11, 2008**

Present

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

Staff Members Present:

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

I. CALL TO ORDER

With a quorum of the City Council Members present, Mayor Moncrief called the regular session of the Fort Worth City Council at 10:30 a.m. on Tuesday, November 11, 2008, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102.

II. INVOCATION - Reverend Roderick Miles, Campus Drive Community United Methodist Church

The invocation was given by T.J. Patterson, Legislative and Intergovernmental Affairs Liaison, in the absence of Reverend Roderick Miles, Campus Drive Community United Methodist Church.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

IV. CONSIDERATION OF MINUTES OF REGULAR MEETING OF TUESDAY, OCTOBER 28, 2008

Motion: Council Member Jordan made a motion, seconded by Council Member Burdette, that the minutes of the regular meeting of October 28, 2008, be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

V. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC.

1. Recognition of Fort Worth Cats

Mr. Carl Bell, President and CEO, Fort Worth Cats, appeared before Council and stated that the Fort Worth Cats had been recognized by the American Association as Organization of the Year by their league.

Mayor Moncrief and Council Member Espino thanked Mr. Bell, the Fort Worth Cats and those preserving LaGrave Field, for all they had done for the citizens of Fort Worth.

Mr. Bell thanked the Mayor and Council for their support, wished them a Happy Veterans Day and introduced members of the Fort Worth Cats staff.

2. Presentation by Mental Health Connection

Ms. Susan Garnett, Chair, Mental Health Connection, and Dr. Sean Allen, Mental Health and Mental Retardation Research Division, Mental Health Connection, provided the Council with an update on mental health issues in Tarrant County. She also presented the City with the Kenneth Barr Award, and Mayor Moncrief accepted the award on behalf of the City.

3. Red Kettle Program Ceremonial Money Drop for Salvation Army

Salvation Army Major Brenda Rain presented the Kickoff of the Annual Salvation Army Red Kettle Campaign. She gave a brief update regarding the mission of the Salvation Army and the importance of the organization. She stated that they had many programs in the area to combat homelessness and gave a list of programs and locations they had successfully implemented within the City of Fort Worth. She also announced that this was the first year in which electronic prototypes of the kettle stands would be used for credit and debit card donations.

Mayor Moncrief placed the first donation from Fort Worth in the kettle and in response to his invitation to participate in the kickoff, other Council Members and members of the audience also contributed to the kickoff campaign.

City Secretary Hendrix stated that, although not reflected on the agenda, a special presentation by Waste Management for Keep Fort Worth Beautiful would occur at this time.

Mr. Steve Kellar, Public Sector Manager, Waste Management, and Mr. Tracy Schroder, representing Waste Management, presented a check in the amount of \$10,000.00 to the City of Fort Worth for the Keep Fort Worth Beautiful campaign. Mr. Brian Boerner, Environmental Management Director, accepted the check on behalf of the City.

VI. ANNOUNCEMENTS BY CITY COUNCIL MEMBERS AND STAFF

1. Upcoming and Recent Events

Council Member Jordan acknowledged all veterans for all they have done for their country and wished them a Happy Veterans Day. He also thanked the residents of Summer Creek Ranch who held a festival over the weekend. He stated that over 300 residents of District 6 attended and expressed appreciation to the Police Department, Fire Department, Code Compliance Department and other City officials for their participation in the event.

Council Member Burdette announced that Lake Worth Vision Workshops, organized by the Planning and Development Department, would be held on November 17, 2008, at 7:00 p.m. at The Point Restaurant, 1349 Bomber Road; November 18, 2008, at 8:30 a.m. in the Pre-Council Chamber; and November 19, 2008, at 4:30 p.m. in the Development Conference Room at City Hall, to consider future plans to develop Lake Worth. He added that he looked forward to great ideas and plans.

Council Member Espino announced that today was his son Robert's 16th birthday. He also announced that the NASCAR races took place at Texas Motor Speedway this past weekend and were a huge success.

Mayor Pro tem Hicks thanked Mayor Moncrief and various City staff for their attendance at the 4th Annual District 8 Town Hall meeting. She also thanked her new Council Aide, Will Trevino, for the great job he had done so far and congratulated him for passing the Texas State Bar.

Council Member Burns announced that the 2nd Annual Lone Star International Film Festival would begin November 12, 2008. He stated that for more information on the event to please call (817) 392-2650. Council Member Burns also announced that public meetings regarding a modern streetcar system for the City of Fort Worth would be held on November 17, 2008, at 6:30 p.m. at the Rose Marine Theater, 1440 Main Street; November 18, 2008, at 6:30 p.m. at the Guinn School at South Freeway and Rosedale Street; and November 19, 2008, at 6:30 p.m. at the University of Texas Health Science Center, at Camp Bowie Boulevard and Montgomery Street. He invited everyone to attend. He further announced that public meetings concerning the Southwest-to-Northeast Rail Corridor would be held November 12-13, 2008. He stated that the closest meetings would be held on Thursday, November 13, 2008, from 12:00 noon to 1:30 p.m. at the Intermodal Transportation Center, 1001 Jones Street and from 6:30 p.m. to 8:00 p.m. at the James Avenue Service Center, 5001 James Avenue. He then pointed out that Fort Worth Shred Day would be held on Saturday, November 15, 2008, from 9:00 a.m. to 1:00 p.m. at the Greenstar Recycling Services of Fort Worth, 1100 Northeast 23rd Street. He indicated that the public could shred their personal documents and that each person was limited to 10 boxes.

(VI. ANNOUNCEMENTS Continued)

2. Recognition of Citizens

There were no citizens recognized.

VII. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

City Manager Fisseler requested that Mayor and Council Communication No. C-23165 be withdrawn from the Consent Agenda.

VIII. ITEMS TO BE CONTINUED OR WITHDRAWN BY STAFF

City Manager Fisseler requested that Mayor and Council Communication No. G-16228 be withdrawn from consideration and that C-23134 and C-23165 be continued until the December 2, 2008, Council meeting.

IX. CONSENT AGENDA

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

OCS-1695 - Notices of Claims for Alleged Damages and/or Injuries

M&C G-16335 - Authorizing Payment for the City of Fort Worth's 2008-2009 Membership Dues in the Tarrant Regional Transportation Coalition in an Amount Not to Exceed \$30,000.00.

M&C G-16336 - Authorizing Payment for the City of Fort Worth's Fiscal Year 2008-2009 Membership with the Texas Municipal League in the Amount of \$30,318.00.

M&C G-16337 - Authorizing the City Manager to Initiate Certain Zoning Changes for the Hemphill Street Corridor from the Burlington Northern Santa Fe Railroad to West Bowie Street, from Various Districts to "A-5" One-Family Residential, "E" Neighborhood Commercial and "PD" Planned Development, in Accordance with the 2008 Comprehensive Plan.

M&C G-16338 - Authorizing the City Manager to Initiate Zoning Changes for the Annexation Areas in the Far North Sector, of Approximately 534.4 Acres of Land, Located South of Westport Parkway and West of United States Highway 377 and to Initiate Zoning Changes of Approximately 177.8 Acres of Land, Located South of Keller Hicks Road and West of United States Highway 377, in Accordance with the 2008 Comprehensive Plan.

(IX. CONSENT AGENDA Continued)

M&C G-16339 - Authorizing an Amendment to the Scope of City Secretary Contract No. 35984, a Professional Services Agreement with Emma S. Walker, PC, to Assist in the Completion of the Fiscal Year 2007 Comprehensive Annual Financial Report, Increasing the Compensation by \$30,000.00, for a Total Cost Not to Exceed \$240,000.00; and Adopt Supplemental Appropriation Ordinance No. 18349-11-2008 Increasing Estimated Receipts and Appropriations in the General Fund in the Amount of \$30,000.00 and Decreasing the Unreserved, Undesignated Fund Balance by the Same Amount.

M&C G-16340 - Approving a Six Month Extension of Injury Leave-of-Absence Pay of Benefits in the Amount of \$30,787.92 for Firefighter William Thompson Beginning November 11, 2008, Through May 11, 2009.

M&C G-16341 - Adopting Resolution No. 3673-11-2008 Appointing Certain Members, Representing the Various Organizations, of the Fort Worth Commission on Women as Follows, effective October 1, 2008, and with terms expiring October 1, 2009:

| <u>Place</u> | <u>Organization</u> | <u>Individual</u> |
|--------------|--|-------------------|
| 10 | First Texas Camp Fire USA | Zem Neill |
| 11 | UNT Health Science Center | Chris Kalish |
| 12 | TCU Institute on Women and Gender | Marcy Paul |
| 13 | Delta Sigma Theta, Inc., Sorority | Joy Thomas |
| 14 | Hispanic Women's Network | Elisa Najera |
| 15 | American Association of University Women, Tarrant County Branch | Emelia Hoefle |
| 16 | Tarrant County College/Women in New Roles | Triesha Light |
| 17 | Girl Scouts Texas Oklahoma Plains | Becky Burton |
| 18 | Texas Business and Professional Women-Region 4 | Beth Johnson |
| 19 | Women's Policy Forum | Monica Prather |

M&C G-16342 - Authorizing the City Manager to Apply for a Grant from the United States Environmental Protection Agency in the Amount of \$1,000,000.00 for Brownfields Cleanup Revolving Loan Funds for the Brownfields Economic Redevelopment Program.

M&C G-16343 - Authorizing the City Manager to Apply for a Grant from the United States Environmental Protection Agency in the Amount of \$400,000.00 for Hazardous Substance and Petroleum Assessment Funds for the Brownfields Economic Redevelopment Program.

(IX. CONSENT AGENDA Continued)

M&C G-16344 - Authorizing the Temporary Closure of Main Street Between 3rd Street and 4th Street from November 17, 2008, Until January 9, 2009, for Downtown Fort Worth Initiatives, Inc., and Sundance Square Management's Annual Christmas Tree Display.

M&C G-16345 - Authorizing the City Manager to Accept a \$40,000.00 Donation from Devon Energy to be Used Toward the Cost of a Traffic Signal at the Intersection of Avondale-Haslet Road and Willow Springs Road if a Traffic Signal is Warranted within Four Years of Receipt; Otherwise Said Donation to be Reprogrammed as Directed by the City Manager; and Adopting Appropriation Ordinance No. 18350-11-2008 Increasing Estimated Receipts and Appropriations in the 2004 Street Improvement Fund in the Amount of \$40,000.00.

M&C G-16346 - Considering and Adopting the Following Findings of the Ground Transportation Coordinator Regarding the Application of Vantage Way, Inc., a/b/a Smith Limousine to Operate three Limousines that Public Necessity and Convenience Require the Operation of Three Limousines Upon City Streets, Alleys and Thoroughfares; Vantage Way, Inc., d/b/a Smith Limousine, is Qualified and Financially Able to Conduct a Limousine Service within the City; Company has Complied with the Requirements of Chapter 34 of the City Code; Company Presented Facts in Support of Compelling Demand and Necessity for Three Limousines Upon City Streets, Alleys and Thoroughfares; and Adopting Ordinance No. 18351-11-2008 Granting the Privilege of Operating Authority to Vantage Way, Inc., d/b/a Smith Limousine, for the Use of the Streets, Alleys and Public Thoroughfares of the City in the Conduct of its Limousine Business, Which Shall Consist of the Operation of Three (3) Limousines for a Three (3) Year Period Beginning on the Effective Date; Specifying the Terms and Conditions of the Grant; Providing for Written Acceptance by Vantage Way, Inc., a/b/a Smith Limousine.

M&C G-16347 - Amending M&C G-16202 and Authorizing the Transfer of \$616,000.00 from the Specially Funded Capital Projects Fund to the Capital Grants Fund; Adopting Appropriation Ordinance No. 18352-11-2008 Increasing Estimated Receipts and Appropriations in the Capital Grants Fund in the Amount of \$616,000.00 for the Purpose of Funding Renovation of the Former Federal Aviation Administration (FAA) Automated Flight Services Station at Meacham International Airport for the Relocation of the Police Department's Neighborhood Policing District (NPD) 3; and Authorizing the Transfer of Any Existing Expenditures Related to the Project to the Capital Grants Fund.

M&C G-16348 - Authorizing the Use of Revenue in the Aviation Improvements Capital Projects Fund Derived from Gas Pipelines for the Refund of \$86,100.78 in Rental Payments by APIAQ Limited Partnership to the City of Fort Worth Aviation Department; Adopting Appropriation Ordinance No. 18353-11-2008 Increasing Estimated Receipts and Appropriations in the Aviation Improvements Capital Projects Fund in the Amount of \$86,100.78 for the Purpose of

Transferring Said Funds to the Municipal Airports Fund for Refund of Rental Payments to APIAQ Limited Partnership; Authorizing the Transfer of \$86,100.78 from the Aviation (IX. CONSENT AGENDA Continued)

Improvements Capital Projects Fund to the Municipal Airports Fund for Refund of Rental Payments to APIAQ Limited Partnership; and Adopting Supplemental Appropriation Ordinance No. 18354-11-2008 Increasing Estimated Receipts and Appropriations in the Municipal Airports Fund in the Amount of \$86,100.78 for the Purpose of Refunding Rental Payments to APIAQ Limited Partnership.

M&C G-16349 - Adopting Appropriation Ordinance No. 18355-11-2008 Increasing Estimated Receipts and Appropriations in the Special Trust Fund in the Amount of \$45,000.00 for Funds Collected by the Water Department as Donations for the Water/Garbage Fee Assistance and Plumbing Repair Program.

M&C P-10874 - Authorizing a Purchase Agreement for Emergency Bottle Water Service with Ozarka Spring Water D/O Nestle Waters North America, Inc., for the Water Department for a Projected Amount Not to Exceed \$55,000.00.

M&C P-10875 - Authorizing a Purchase Agreement for Drums, Pails and Related Accessories with Questar, Inc., for the City of Fort Worth for a Annual Projected Cost Not to Exceed \$95,000.00.

M&C P-10876 - Authorizing the Rejection of the Sole Bid Received and Rebid for Uniform Shirts for the Fire Department.

M&C L-14665 - Authorizing the Acceptance of a Land Donation from Riverbend Investment, Ltd., for the Lakes of River Trails Wastewater Meter Station; Authorizing the Acceptance and Recording of Appropriate Instruments; and Paying Closing Costs Associated with this Donation.

M&C L-14666 - Approving the Acquisition of One Permanent Water Facility Easement from the J. C. Lindsey Family Limited Partnership on Avondale-Haslet Road, Located in North Fort Worth, for the Construction of Water Infrastructure Improvements; Finding that the Price Offered in the Amount of \$41,300.00, Plus an Estimated Closing Cost of \$2,000.00, is Just Compensation; and Authorizing the Acceptance and Recording of Appropriate Instruments.

M&C C-23155 - Authorizing the City Manager to Execute a Five-Year Development Agreement Between the City and M. L. and Dan Gaddis for the Application of Development Standards in Lieu of Annexation for Property Located Near Old Denton Road and Keller Hicks Road in Unincorporated Tarrant County; and Executing a Five-Year Development Agreement Between the City and Edward Bass for the Application of Development Standards in Lieu of Annexation

for Property Located Near State Highway 121T and Farm to Market Road 1187 in Unincorporated Tarrant County.

(IX. CONSENT AGENDA Continued)

M&C C-23156 - Authorizing a Contract for Professional Accounting Services with Jerry Murrish for Completion of the Fiscal Year 2007 Comprehensive Annual Financial Report in an Amount Not to Exceed \$25,065.00.

M&C C-23157 - Authorizing the City Manager to Execute an Engineering Agreement with Dunaway Associates, L.P., in the Amount of \$49,922.00 for the Bellaire Park Court Drainage Improvements.

M&C C-23158 - Approving the Acquisition of One Permanent Sewer Facility Easement and Temporary Construction Easement from Broadwing Communications Real Estate Services, L.L.C., at 1101 East 9th Street Located in the Central Business District for the Construction of the 7th Street Deep Tunnel Project; Finding that the Price Offered in the Amount of \$10,000.00, Plus an Estimated Closing Cost of \$1,500.00, is Just Compensation; and Authorizing the Acceptance and Recording of Appropriate Instruments.

M&C C-23159 - Authorizing the Execution of an Agreement with the Texas Department of Transportation in the Amount of \$36,523.25 for Furnishing Traffic Signal Controllers Along East Rosedale Street from Interstate Highway 35W to United States Highway 287; and Adopting Appropriation Ordinance No. 18356-11-2008 Increasing Estimated Receipts and Appropriations in the Capital Grant Fund in the Amount of \$36,523.25 Upon Receipt of a Grant from the Texas Department of Transportation for the Purpose of Furnishing Traffic Signal Controllers Along East Rosedale Street.

M&C C-23160 - Authorizing the City Manager to Execute a Contract with Appraisal Services, Inc., in an Amount Not to Exceed \$50,000.00 for Professional Real Estate Appraisal Services for the Right-of-Way Acquisitions Associated with the Widening of Keller Hicks Road Between Alta Vista and Park Vista Road.

M&C C-23161 - Authorizing the Transfer of \$33,071.00 from the Water and Sewer Fund to the Sewer Capital Projects Fund; Adopting Appropriation Ordinance No. 18357-11-2008 Increasing Estimated Receipts and Appropriations in the Sewer Capital Projects Fund in the Amount of \$33,071.00 from Available Funds for the Purpose of Funding the Acquisition of Two Permanent Sewer Facility Easements and Two Temporary Construction Easements from Univision Radio Broadcasting Texas, L.P., for the Construction of Sanitary Sewer Rehab Contract 69; Finding that the Price offered in the Amount of \$31,071.00 Plus an Estimated Closing Cost of \$2,000.00 is Just Compensation; and Approving the Acquisition of Two Permanent Sewer Facility Easements and Two Temporary Construction Easements from Univision Radio Broadcasting Texas, L.P., at 5700 West Pioneer Parkway and 5704 West Pioneer Parkway Located in Arlington, Texas, for

**the Construction of Sanitary Sewer Rehab Contract 69 and Authorize the Acceptance and Recording of Appropriate Instruments.
(IX. CONSENT AGENDA Continued)**

M&C C-23162 - Authorizing the City Manager to Execute an Engineering Agreement with Michael Baker, Jr., Inc., in the Amount of \$24,943.25 for a Drainage Study for the Westlake Drive Drainage Improvements.

M&C C-23163 - Authorizing the City Manager to Execute a Memorandum of Understanding with the United States Marshals Service District Fugitive Apprehension Task Force for the Purpose of Receiving Reimbursable Overtime (\$93,432.00), and Equipment and Supply Costs (\$62,209.00) Incurred by the City in Providing Resources to a Fugitive Apprehension Task Force; Authorizing the Memorandum of Understanding to Become Effective on the Same Date it is Executed by Both Parties and Terminate on the Last Day of the City's Current Fiscal Year; and Authorizing the Memorandum of Understanding to be Renewed for Successive One-Year Periods. The Renewals do Not Require Specific City Council Approval Provided that the City Council has Appropriated Sufficient Funds to Satisfy the City's Obligation During any Renewal Term.

M&C C-23164 - Authorizing the City Manager to Authorize Execution of Amendment No. 1 to City Secretary Contract No. 25588, a Terminal Building Office Lease Agreement with American Flyers, Inc., to Add Additional Space and Extend the Term of the Lease at Fort Worth Meacham International Airport, Increasing the Annual Rate from \$62,754.00 to \$77,250.00.

M&C C-23166 - Authorizing the City Manager to Execute an Improved Ground Lease Agreement with Enterprise Leasing Company of DFW for a Wash Bay Area at Fort Worth Meacham International Airport in the Amount of \$723.36 Annually.

M&C C-23167 - Authorizing the City Manager to Execute a Professional Services Agreement with Neel-Schaffer, Inc., for \$57,015.00 for the Preparation of Construction Documents for Road and Parking Lot Improvements at Greenway Park.

M&C C-23168 - Authorizing the City Manager to Execute a Professional Services Agreement with Huitt-Zollars, Inc., in the Amount of \$304,705.00 for the Design and Preparation of Construction Documents and Construction Observation Services for Ball Field Improvements, New Parking Lot, Trail, Pavilion, Playground Additions and Drainage Improvements at Rockwood Park.

M&C C-23169 - Authorizing the City Manager to Execute Annual Interlocal Agreements with the University of Texas at Austin ITS Office of Telecommunication Services for the Provision of the Library Department's Public Internet Access and Related Services at a Cost of \$9,636.72 for the Initial One-Year Term.

End of Consent Agenda

X. PRESENTATIONS BY THE CITY COUNCIL

1. Changes in Membership on Boards and Commissions

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Mr. Derek Brown be appointed to the City Plan Commission and the Capital Improvements Advisory Committee on Transportation Impact Fees, effective November 11, 2008, and with a term expiring October 1, 2009. The motion carried unanimously eight (8) ayes to zero (0) nays.

Motion: Council Member Scarth made a motion, seconded by Council Member Espino, that Mr. Larry Grider be reappointed to the Appeals Board, effective November 11, 2008, and with a term expiring September 30, 2010. The motion carried unanimously eight (8) ayes to zero (0) nays.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that the following individuals be reappointed to various boards/commissions/committees as indicated, effective November 11, 2008, and with a terms expiring October 1, 2010.

| <u>Board/Commission/Committee</u> | <u>Name</u> |
|--|------------------------|
| Board of Adjustment Commercial and Fort Worth Alliance Airport Board of Adjustment | Johanna Bonner McCully |
| City Zoning Commission and Fort Worth Alliance Airport Zoning Commission | Jesse Kemp |
| Fort Worth Commission for Women | Pearl Hunt |
| Urban Design Commission | Robert Kelly |

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

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that the following individuals be appointed and reappointed to various boards/commissions/committees as indicated, effective November 11, 2008, and with terms expiring as reflected:

(X. PRESENTATIONS BY THE CITY COUNCIL Continued)

| <u>Board/Commission/Committee</u> | <u>Name</u> | <u>Term Expiring</u> |
|---|------------------|----------------------|
| Appeals Board | Donny Nevels | 9/30/10 |
| Aviation Advisory Board | James D. Godfrey | 10/1/10 |
| Board of Adjustment, Commercial and Fort Worth Alliance Airport Board of Adjustment | Jeff Hughes | 10/1/10 |
| Board of Adjustment, Residential | Carl Logan | 10/1/10 |
| Building Standards Commission | Trey Harris | 9/30/10 |
| City Plan Commission and Capital Improvements Advisory Committee on Transportation Impact Fees | Namon Hollis | 10/1/10 |
| Community Development Council | Robert Pena | 10/1/10 |
| Fort Worth Commission for Women | Sandra Runnels | 10/1/10 |
| Urban Design Commission | Sally Allsup | 10/1/10 |
| Urban Forestry Board | Barbara A. Fife | 10/1/10 |

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

Mayor Moncrief advised that Council Member Jordan would be appointed to the Infrastructure and Transportation Committee, and Council Member Burdette to the Audit and Finance Committee, resulting by the passing of Council Member Silcox.

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

2. OCS-1696 - Authorize Payment in the Amount of \$32,373.40 to Tarrant County Election Administration for Final Payment of 2004 Bond Election Expenses that were Under-Billed to the City of Fort Worth

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. OCS-1696 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

XIII. RESOLUTIONS

1. A Resolution Changing the Name of the Economic and Community Development Committee to the Housing and Economic Development Committee

Mayor Moncrief requested that the Council Rules of Procedure be suspended for consideration of the resolution.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Scarth, to suspend the Council Rules of Procedure. The motion carried unanimously eight (8) ayes to zero (0) nays.

Motion: Council Member Burdette made a motion, seconded by Council Member Moss, that Resolution No. 3674-11-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

2. A Resolution Approving Tax Exempt Financing by the Oglesby Cultural Facilities Corporation for the Benefit of New Life Christian Church of the Apostolic Faith and Southwest Community Economic Development Corporation Regarding Certain Facilities to be Located in the City of Fort Worth, Texas

Motion: Council Member Scarth made a motion, seconded by Council Member Jordan, that Resolution No. 3675-11-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

3. A Resolution Approving a Regional Transportation Legislative Program for the 81st Texas Legislature

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Resolution No. 3676-11-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

4. A Resolution Approving a Legislative Position on Rail North Texas: A Primary Rail Legislative Program with Supplemental Roadway Improvements

Council Member Jordan stated that this was an important piece of legislation to support transportation and other transit issues to give the City local control and local options to repair the City's infrastructure with efficient use of resources and go into partnership with the citizens of Fort Worth through a

specific project bond approval and referendum. He requested that Council unanimously approve the resolution.

(XIII. RESOLUTIONS Continued)

Mayor Moncrief and members of the City Council recognized the efforts put forth by Council Member Jordan and City staff with regard to the resolution.

Motion: Council Member Burns made a motion, seconded by Council Member Jordan, that Resolution No. 3677-11-2008 be adopted, with appreciation to Council Member Jordan. The motion carried unanimously eight (8) ayes to zero (0) nays.

XIV. REPORT OF THE CITY MANAGER

A. General

1. It was the consensus of the City Council that Mayor and Council Communication No. G-16228, Consider a Waiver for a High Impact Gas Well Pad Site Permit Requested by Chesapeake Operating, Inc., for the Fox Lease Located at 1093 Oak Grove Road within 600 Feet of Carter Park, be withdrawn from consideration.

2. M&C G-16321 - Conduct a Public Hearing on the Application of Rodanco Partners, Ltd., for Approval of a Municipal Setting Designation for the Property Located at 400 South Jennings Avenue, an Approximately 4.391 Acre Tract, more Fully 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 a Fine of up to \$2,000.00 for Each Offense in Violation of the Ordinance (Continued from October 14, 2008).

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

a. Report of City Staff

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
NOVEMBER 11, 2008
PAGE 14 of 40**

Mr. Brian Boerner, Department Director, Environmental Management, appeared before Council, provided a staff report and requested that this item be continued until the December 9, 2008, Council meeting.

(G-16321 Continued)

b. Citizen Presentations

Mayor Moncrief recognized Mr. Dennis Howard, 8907 Carpenter Freeway, Dallas, as desiring to address Council in support of the resolution; however, Mr. Howard was not present in the Council Chamber.

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

Mr. Nelson Clayter, 1723 5th Avenue
Mr. Paul Paine, 1606 Mistletoe Boulevard
Mr. James Adams, 610 West Daggett Street

c. Council Action

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that the public hearing be closed and Mayor and Council Communication No. G-16321 be continued until the December 9, 2008, Council meeting. The motion carried unanimously eight (8) ayes to zero (0) nays.

3. M&C G-16331 - Adopt a Resolution Increasing the Maximum Amount to be Paid to Cantey & Hanger by \$200,000.00 for Assisting the City with Legal Issues Including, but not Limited to, Real Estate Concerning the Southwest Parkway (State Highway 121T), thereby Establishing the Maximum Fee at \$1,100,000.00 (Continued from October 28, 2008).

Motion: Council Member Jordan made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. G-16331 be approved and Resolution No. 3678-11-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

19. M&C G-16350 - Confirmation of Appointment of Jeff Halstead to Police Chief.

Ms. Margo Knapp, 1021 Grace Avenue, appeared before Council and expressed opposition to the current Police Chief's appointment. She stated that former Acting Police Chief Patricia Kneblick had a long history and good rapport with police officers, City officials and citizens of Fort Worth. Ms.

Knapp commended the excellence achieved by Ms. Kneblick over the nine months that she served as interim police chief with respect to making Fort Worth one of the safest cities and the expansion of the Code Blue group.

(G-16350 Continued)

City Manager Fisseler explained that the process of selecting a new police chief was an exhausting process and that it was a very difficult decision. He commended Chief Kneblick for the outstanding work she did as the interim chief and that she would do an outstanding job in helping the new chief assume his duties. He also announced that Chief Kneblick would be given the position of Executive Assistant to the City Manager.

Mayor Moncrief recognized Mr. Jeff Halstead and asked him to come to the podium to introduce himself.

Mr. Halstead appeared before Council and expressed appreciation for a once in a lifetime opportunity to lead a well ran city and police department. He commented on the outstanding community involvement and citizen support which was the legacy he was coming into to uphold. He stated he had some big shoes to fill from previous police chiefs and looked forward to working with Chief Kneblick. He introduced his wife, Kim, and youngest son, Jordan, who were in the audience. He also recognized his oldest son, Jack, who was attending the University of Arizona in Tucson and was not present. He stated that he was humbled, excited and looking forward to the challenge.

Mayor Moncrief, Mayor Pro tem Hicks and all of the Council members welcomed Mr. Halstead to the City of Fort Worth and stated they were looking forward to working with him.

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16350 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

20. M&C G-16351 - Adopt a Resolution Requesting that the North Central Texas Council of Governments Fund Interchange and Ramp Improvements at Walsh Ranch Parkway and Minor Arterial 1 Along Interstate Highway 30 as Part of the Walsh Ranch Development.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16351 be approved and Resolution No. 3679-11-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

21. M&C G-16352 - Adopt an Ordinance Amending the Fort Worth Electrical Code, by Adopting the 2008 National Electrical Code, with Local Amendments; Amending Sections 11-1 Through 11-4 of the Code of the City of Fort Worth (1986); Regulating Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Equipment,

Design, Quality of Materials, Use and Maintenance of Electrical Equipment in the City of Fort Worth, Texas; Defining Certain Terms; Establishing Minimum Requirements for the Installation, Alteration or Repair of Electrical Systems; Providing for the Issuance of Permits and the Collection of Fees Thereof; Providing for the Inspection of Such Systems; Requiring and Regulating Licenses and Registrations for Electricians and Prescribing the Fees Therefore.
(G-16352 Continued)

Motion: Council Member Scarth made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16352 be approved and Ordinance No. 18358-11-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

22. M&C G-16353 - Adopt an Ordinance Amending Chapter 23, "Offenses and Miscellaneous Provisions" of the Code of the City of Fort Worth (1986), as Amended, by Amending Section 23-15 to Add Language Making the Posting of Handbills, Signs, Posters, or Advertisements on City Property or Right-of-Way Prima Facie Evidence of a Violation.

Council Member Burns expressed appreciation to the Code Compliance Department for enforcement of the City Ordinance during the recent election.

Motion: Council Member Burns made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16353 be approved with appreciation and Ordinance No. 18359-11-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

23. M&C G-16354 - Adopt a Supplemental Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the General Fund in the Amount of \$150,000.00 and Decreasing the Unreserved, Undesignated Fund Balance by the Same Amount, for the Purpose of Funding an Increase for the Contract for Staff Augmentation Services for the Completion of the Comprehensive Annual Financial Report for Fiscal Year 2007 with Crowe Horwath LLP; and Authorize an Amendment to the Contract for Staff Augmentation Services for the Completion of the Comprehensive Annual Financial Report for Fiscal Year 2007 with Crowe Horwath, LLP., for the Financial Management Services Department for a Projected Cost Not to Exceed \$150,000.00.

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. G-16354 be approved and Appropriation Ordinance No. 18360-11-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

24. M&C G-16355 - Adopt an Ordinance Providing for the Issuance of City of Fort Worth, Texas, Combination Tax and Will Rogers Memorial Center Complex Parking Revenue Certificates of Obligation, Series 2008, in an Aggregate Principal Amount Not to Exceed

\$35,000.00; Establishing Parameters Regarding the Sale of the Certificates of Obligation; Approving the Execution of a Purchase Agreement; and Authorize the Combination Tax and Will Rogers Memorial Center Complex Parking Revenue Certificates of Obligation, Series 2008, be Sold within the Parameters Established in the Ordinance; and Approve Purchase Agreement Setting Forth the Terms and Conditions for the Purchase of the Certificates of Obligation.
(G-16355 Continued)

Motion: Council Member Burdette made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. G-16355 be approved and Ordinance No. 18361-11-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

25. M&C G-16356 - Authorize the City Manager to Execute a Professional Services Contract with Hudson Financial Solutions for Professional Staffing Services for the Human Resources Department, for an Amount Not to Exceed \$1,030,000.00.

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16356 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

26. M&C G-16357 - Consider a Waiver for the High-Impact Gas Well Pad Site Permit Request of Chesapeake Operating, Inc., to Allow the Drilling of the McCulley 1H-8H Gas Wells on Pad-A of the McCulley Lease which is Located West of Parker Henderson Road and South of Prairie Dog Park. The McCulley Lease is Located in the E.P. Parris Survey, Abstract 1223, in the Southeastern Portion of Fort Worth (PUBLIC HEARING).

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

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

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

a. Report of City Staff

Mr. Rick Trice, Manager of Consultant Services, Planning and Development Department, appeared before Council, provided a staff report. He advised that the gas well permit was only for the eight (8) proposed wells and that any future permits would have to be evaluated to determine whether or not they were high impact wells.

b. Citizen Presentations

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
NOVEMBER 11, 2008
PAGE 18 of 40**

Mr. Charles Davis, representing Chesapeake Operating, Inc., 100 Energy Way, appeared before Council and advised that the wells would be south of Prairie Dog Park, located in between US Highway 287 and Mansfield Highway, west of IH 820 and next to Miller Avenue. He stated that the site was on private property and the access road would be coming south up Parker Henderson Road. He indicated that there would be about 90-feet of tree buffer around the site, and the minerals they

(G-16357 Continued)

would be developing would be on Prairie Dog Park. He proposed to reduce any impact on W.M. Green Elementary School by limiting the large truck traffic on scheduled school days from 7:00 a.m. to 8:30 a.m. and from 2:30 p.m. to 4:00 p.m.

Council Member Moss stated that there had been extensive meetings with the community and school district because there was initial concern with the pipeline route being too close to the elementary school. He stated that an agreement was reached with the school system, the community and Chesapeake and the issue relating to truck traffic had been resolved. He stated that there was no mention of the noise from the homeowners' association in Echo Heights and he did not foresee any reason not to approve the M&C.

Ms. Susan Alanis, Director, Planning and Development Department, clarified that the motion was for approval of eight (8) wells rather than a pad site permit.

Council Member Moss further clarified that the motion would also incorporate the stipulations regarding truck traffic.

c. Council Action

Motion: Council Member Moss made a motion, seconded by Council Member Espino, that the public hearing be closed and Mayor and Council Communication No. G-16357 be approved for eight (8) wells and to incorporate stipulations regarding truck traffic. The motion carried unanimously seven (7) ayes to zero (0) nays, with Council Member Jordan absent.

27. M&C G-16358 - Conduct a Public Hearing to Allow Citizen Input and Consideration Regarding the Proposed Plan for Use of Neighborhood Stabilization Program Grant Funds from the United States Department of Housing and Urban Development; Approve a Substantial Amendment to the City's Consolidated Plan and 2008-2009 Action Plan for Use of Federal Grant Funds from the United States Department of Housing and Urban Development, Outlining Use of Funds for the Neighborhood Stabilization Program; Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Grants Fund in the Amount of \$6,307,433.00 Upon Receipt of a Grant from the United States Department of Housing and

Urban Development for the Purpose of Funding the Neighborhood Stabilization Program; and Authorize the City Manager or His Designee to Execute the Neighborhood Stabilization Program Grant Agreement, United States Department of Housing and Urban Development Certifications, and Such Associated Documents as May be Required by United States Department of Housing and Urban Development Regulations in Order to Administer the Neighborhood Stabilization Program.

(G-16358 Continued)

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

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

a. Report of City Staff

Ms. Karen Meunier, Housing Program Manager, Housing and Economic Development Department, appeared before Council and provided a staff report.

Council Member Espino stated that the Mayor's Committee on Quality Affordable Housing was briefed on the Neighborhood Stabilization Program as presented by staff. He pointed out that Congress had passed a bill earlier in the year to address the current crisis with respect to foreclosures. He indicated that City staff had done extensive research of the zip codes in the City that had the high rates of foreclosure and the recommendation was to provide homebuyer assistance, up to \$20,000.00, for down payment closing costs assistance for purchasers eligible for foreclosed homes. He commended the task force and City staff for the research and efforts made with the Greater Fort Worth Association of Realtors.

Council Member Burdette requested clarification on how homeowners receiving benefits were identified and whether or not the program was for buyers who were not currently struggling under the present foreclosures. He also asked if Council would be allowed to review the recommendations.

Mr. Jerome Walker, Housing and Economic Development Department Assistant Director, advised that staff had met with the Greater Fort Worth Association of Realtors Leadership, as well as the realtists. He stated that the realtists and the realtors would identify borrowers, and the Housing and Economic Development Department would determine the market availability of funds as operated under the current homebuyer program. He further stated that the realtists and realtors would identify the buyers, who would go to their lenders for financing, then come to the City for the down payment and closing costs under the program. He added that the funds were only for individuals purchasing foreclosed homes and if individuals could not go to a lender and get a loan on their own, they were not eligible for the program.

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
NOVEMBER 11, 2008
PAGE 20 of 40**

Council Member Moss stated that some of the \$20,000.00 could also be used for repairs. He questioned how the Housing and Economic Development Department was going to assure that repairs to those homes were going to be done. He commented that as a realtor he found that properties were being sold as is, without repairs being made first, and that many of the homeowners did not have the resources to make the necessary repairs. He advised that this process allowed for the home to be put back on the market with the repairs already complete.

(G-16358 Continued)

Mr. Walker stated that staff would work with the lenders and if that provision was one that the buyer needed, they would be escrowing funds to be released upon closing and after repairs were performed.

b. Citizen Presentations

Mayor Moncrief recognized that the following individuals had filled out cards in support of the Neighborhood Stabilization Program; however, they did not wish to address the Council:

Ms. Sherley Spears, 2120 Mistletoe Boulevard, Suite 3B

Ms. Terri Attaway, 1620 Oakland

Mr. Al Piper, 2120 Mistletoe Boulevard, #1

Mr. Andre McEwing, President of Southeast Fort Worth, Inc., 1150 South Freeway, appeared before Council in support of the Neighborhood Stabilization Program. He commended Mr. Walker and the Housing and Economic Development Department for making sure that the funds were distributed where needed; to those in the community who need assistance. He also thanked Mayor Pro tem Hicks for her efforts in assuring that southeast Fort Worth was part of that component in the stabilization process. He pointed out that they were trying to attract commercial and retail developers to the area and this was a dire need for the community considering amount of foreclosures in the area. He expressed concern about the Barnett Shale component and stated that it needed to be looked at as well. He advised that Southeast Fort Worth, Inc., would be working to match funds with the stabilization funding.

Mr. Adam Blake, representing Blake Venture Corp., 500 Throckmorton Street, #1005, appeared before Council in opposition to the Neighborhood Stabilization Program. He stated that the corporation had bought, sold and remodeled hundreds of foreclosed properties over the past few years. He stated that the corporation was submitting requests for proposals for the allocation of the stabilization funds that was set aside by the Housing Economic Recovery Act of 2008. He advised that the Neighborhood Stabilization Program was identical to the down payment assistance eliminated by the plan where funds would be coming from with the new program. He explained that the program was eliminated because they were offering 100 percent financing to buyers who were three times more likely to be foreclosed on. He expressed concern about where funds were going to be allocated for repairs considering that \$20,000.00 would not cover the cost of repairs to most of the foreclosed homes, especially the zip code areas mentioned in the M&C. He requested an opportunity to submit a more detailed plan similar to what was already in place in other cities. He stated that if \$1,000,000.00

were to be set aside for repairs, that at least 40 homes per year per \$1,000,000.00 could be repaired within a time span of 120 days. He added that the goal was to get as many foreclosed homes off the market as possible and get them back into the hands of homeowners, but the plan now was set up to repair 280 homes for \$6,000,000.00. He pointed out their plan would provide for homeowners to at least have \$30,000.00 equity in their homes in addition to the repairs already being done. He also questioned what would happen if those who borrowed the \$20,000.00 did not pay back the loan.

(G-16358 Continued)

Council Member Espino advised that \$20,000.00 was for foreclosed properties and not a direct subsidy to someone who was in default or already in a foreclosed situation. He stated that this was an issue still being debated in Washington, D.C., and that this particular program with HUD was for the foreclosed properties. He added that the City had a private/public partnership with Omni American to help with the rehabilitation of homes within the City of Fort Worth. He stated that there was also a rehabilitation component listed as Housing Trust Fund dollars as part of the Revolving Loan Fund. He advised that the City's down payment and closing costs program was continuing and all homebuyers had to attend a home counseling program and had to meet all of the lender's underwriting requirements. He further added that he understood that the country was currently going through a tough credit situation now, but he encouraged the citizens of Fort Worth not to get discouraged because of what was happening nationally. He also requested that Mr. Blake meet with Mr. Walker to discuss his proposals.

c. Council Action

Council Member Burdette expressed concern about the stabilization program and stated that he did not feel comfortable supporting the program at this time. He said that he was not convinced that the same mistakes that had been made with other programs in the past would not also be made with these funds. He further noted that he did not see any effort being made by the City to assure that the homebuyers could afford these homes and avoid future problems the housing industry was currently facing. He reiterated that he would not be supporting this M&C.

Council Member Jordan asked Mr. Walker for clarification on the federal requirement that a plan had to be posted by November 15, 2008, to be eligible for the federal program and that changes to that plan could be made at a later date.

Mr. Walker confirmed that a plan must be posted by November 15, 2008.

Mayor Pro tem Hicks and Council Member Moss stated that this was an important step in the right direction and urged the Council to move forward with the M&C because it was exactly what the residents needed for rehabilitation.

Mayor Moncrief indicated that he understood and shared some of Council Member Burdette's observations, but also expressed the importance to move forward with the M&C. He also requested

that Mr. Blake meet with Mr. Walker to discuss his proposal and concerns, and if his estimates were correct, an amended plan could be brought back to Council at that time.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that the public hearing be closed and Mayor and Council Communication No. G-16358 be approved. The motion carried unanimously seven (7) ayes to one (1) nay, with Council Member Burdette casting the dissenting vote.

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

28. M&C G-16359 - Conduct a Public Hearing Concerning an Amendment to Section 12.5-340 of the City Code "Categories of Drainage Utility Rates" by Revising Monthly Fees Assessed for the Municipal Drainage Utility System to be Effective January 1, 2009.

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

a. Report of City Staff

Mr. Joe Komisarz, Senior Services Manager, Transportation and Public Works Department, appeared before Council and provided a staff report.

b. Citizen Presentations

There were no citizen presentations.

c. Council Action

There was no action was required by the Council at this time.

B. Purchase of Equipment, Materials, and Services

4. M&C P-10877 - Authorize Necessary Agreements to Purchase Hardware and Software Infrastructure and Support Tools for the Enterprise Resource Planning Phase 1 Project in an Amount Not to Exceed \$1,224,570.00.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. P-10877 be approved. The motion carried unanimously seven (7) ayes to zero (0) nays, with Council Member Scarth absent.

5. M&C P-10878 - Authorize a 24-Month Lease with Texas Harley Davidson Using Cooperative Contract No. 7004022 through the Dallas-Fort Worth International Airport Board for the Police Department for a Projected Cost Not to Exceed \$449,297.25.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. P-10878 be approved. The motion carried unanimously seven (7) ayes to zero (0) nays, with Council Member Scarth absent.

6. M&C P-10879 - Authorize Purchase Agreements with Computec Traffic Systems, PSI Acquisition, LLC, Paradigm Traffic Systems, Inc., and Raptor Controls for Traffic Signal Controllers, Cabinets and Related Equipment for the Transportation and Public Works Department for an Annual Projected Amount Not to Exceed \$813,573.00.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. P-10879 be approved. The motion carried unanimously seven (7) ayes to zero (0) nays, with Council Member Scarth absent.

7. M&C P-10880 - Authorize a Purchase Agreement for Emulsified Liquid Asphalt with Ergon Asphalt and Emulsions, Inc., for the Transportation and Public Works Department for a Projected Annual Amount Not to Exceed \$266,000.00.

Motion: Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. P-10880 be approved. The motion carried unanimously seven (7) ayes to zero (0) nays, with Council Member Scarth absent.

D. Planning & Zoning

1. M&C PZ-2800 - Adopt an Ordinance Changing the Name of a Portion of "Stonegate Boulevard" to "Clearfork Main Street" from its Intersection with South Hulen Street to Approximately 200 Feet West, Tarrant County, Texas. (Continued from October 28, 2008) (PUBLIC HEARING).

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

a. Report of City Staff

No staff report was necessary.

b. Citizen Presentations

There were no citizen presentations.

c. Council Action

Motion: Council Member Jordan made a motion, seconded by Council Member Burns, that the public hearing be closed, Mayor and Council Communication No. PZ-2800 be approved and Ordinance No. 18363-11-2008 be adopted. The motion carried unanimously seven (7) ayes to zero (0) nays, with Council Member Scarth absent.

E. Award of Contract

1. It was the consensus of the City Council that Mayor and Council Communication No. C-23134, Authorize Purchase of a Vacant Residential Lot Located at 3152 Hardy Street from Pete L. Reyes for the Lebow Channel Drainage Project, for the Amount of \$36,000.00 Plus Closing Costs and Authorize Acceptance and Recording of Appropriate Instruments, be Continued Until the December 2, 2008, Council meeting.

12. It was the consensus of the City Council that Mayor and Council Communication No. C-23165, Authorize Amendment No. 5 to City Secretary Contract No. 20060 with Alliance Air Management, Ltd., at Fort Worth Alliance Airport to Revise Pledge Agreement Requirements, be Continued Until the December 2, 2008, Council meeting.

(Council Member Scarth returned to his place at the dais, and Council Member Moss left his place at the dais.)

17. M&C C-23170 - Authorize the City Manager to Enter into an Inter-Local Agreement with Tarrant County for Payment of \$2,000,000.00 to Reimburse the City of Fort Worth for Costs Related to the Design, Engineering and Construction of the Public Infrastructure Associated with Bridges and Roads for the Trinity River Vision - Central City Project.

Motion: Council Member Burns made a motion, seconded by Mayor Pro tem Hicks, that Mayor and Council Communication No. C-23170 be approved with appreciation. The motion carried unanimously seven (7) ayes to zero (0) nays, with Council Member Moss absent.

18. M&C C-23171 - Authorize the City Manager to Execute a Contract with eVerge Group of Texas, Ltd., to Provide Implementation Services for PeopleSoft and Employee Training for the Human Resources and Payroll Phase 1 of Enterprise Resource Planning in an Amount Not to Exceed \$8,500,000.00.

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23171 be approved. The motion carried unanimously seven (7) ayes to zero (0) nays, with Council Member Moss absent.

19. M&C C-23172 - Authorize Amendment No. 1 to City Secretary Contract No. 34819, a Wireless Voice Service and Equipment Agreement with Progressive Concepts, Inc., d/b/a Hawk Electronics, for the Information Technology Solutions Department in an Annual Amount Not to Exceed \$1,400,000.00.

(C-23172 Continued)

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23172 be approved. The motion carried unanimously seven (7) ayes to zero (0) nays, with Council Member Moss absent.

20. M&C C-23173 - Authorize the City Manager to Execute a Contract with Oracle USA, Inc., for Software Licenses, Annual Maintenance, and Oracle University Training for PeopleSoft Enterprise Human Capital Management and Related Software in an Amount Not to Exceed \$2,070,000.00.

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23173 be approved. The motion carried unanimously seven (7) ayes to zero (0) nays, with Council Member Moss absent.

21. M&C C-23174 - Authorize the City Manager to Execute a Contract with Salvaggio, Teal and Associates to Provide Implementation Oversight and Assistance for the Implementation of PeopleSoft for Human Resources and Payroll in an Amount Not to Exceed \$1,790,000.00.

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23174 be approved. The motion carried unanimously seven (7) ayes to zero (0) nays, with Council Member Moss absent.

22. M&C C-23175 - Authorize the City Manager to Execute a Public Right-of-Way Use Agreement with Barnett Gathering, L.P., to Grant a License to Use a Certain Right-of-Way of the City of Fort Worth for the Purpose of Constructing, Maintaining and Operating a Natural Gas Gathering Pipeline Across Old Highway 1187 Located Approximately 926 Feet North of Rendon Crowley Road.

City Manager Fisseler stated that the last sentence in the Recommendation Section of the M&C needed to be amended to include "...and approximately 916 feet east of the edge of MedPark Drive".

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
NOVEMBER 11, 2008
PAGE 26 of 40**

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. C-23175 be approved as amended. The motion carried unanimously seven (7) ayes to zero (0) nays, with Council Member Moss absent.

23. M&C C-23176 - Ratify the Terms Agreed to by the City Manager's Negotiating Team and the Fort Worth Police Officers Association and Authorize the City Manager to Execute a Meet and Confer Agreement Between the City of Fort Worth, Texas and the Fort Worth Police Officers Association that will Expire on September 30, 2012.

(C-23176 Continued)

Motion: Council Member Espino made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. C-23176 be approved. The motion carried unanimously seven (7) ayes to zero (0) nays, with Council Member Moss absent.

Mayor Moncrief stated that the meet and confer process had been extensive and expressed appreciation to the Fort Worth Police Officers Association and City staff for the outstanding job they had done by reaching an agreement relative to the terms and conditions of employment for Fort Worth police officers.

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

24. M&C C-23177 - Authorize the City Manager to Execute an Engineering Agreement with URS Corporation, in the Amount of \$634,007.00 for Design of Forest Park-Parkview Storm Drain.

Motion: Council Member Burns made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-23177 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

25. M&C C-23178 - Authorize the City Manager to Execute Amendment No. 1 to City Secretary Contract No. 35202 with HDR Engineering, Inc., in the Amount of \$219,900.00 for Terminal-Deen Storm Drain Extension, Thereby Revising the Total Contract Cost to \$243,700.00.

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-23178 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

26. M&C C-23179 - Authorize the City Manager to Execute a Contract in the Amount of \$2,623,724.00 with Alshall Construction Company to Construct Fire Station No. 34 to be Located on Sendera Ranch Boulevard.

Motion: Council Member Espino made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-23179 be approved with appreciation from the Sendera Ranch residents to the Fort Worth Fire Department. The motion carried unanimously eight (8) ayes to zero (0) nays.

27. M&C C-23180 - Authorize the City Manager to Execute Change Order No. 1 in the Amount of \$144,050.00 to City Secretary Contract No. 36335 with Dirtco, d/b/a Styles Contracting, to Cover Resurfacing Additional Streets Included in the HMAC Surface Overlay 2007-2, Increasing the Total Contract Amount to \$1,247,802.92.

Motion: Council Member Moss made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. C-23180 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

28. M&C C-23181 - Declare the Necessity of Taking an Interest in a Portion of Land Known as Tract 12A20B, William McCowan Survey, Abstract No. 999, and Lot 1, Block 1, Lighthouse Addition, Fort Worth, Tarrant County, Texas Owned by Lighthouse Assembly of God, Required for the Construction of Golden Triangle Boulevard Improvements; and Authorize the City Attorney to Institute Condemnation Proceedings to Acquire the Interest in the Land.

Motion: Council Member Espino made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. C-23181 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

29. M&C C-23182 - Authorize the City Manager to Execute a Construction Contract in the Amount of \$8,216,000.00 with Crossland Construction Company, Inc., to Construct the Nashville Neighborhood Policing District No. 6 and Traffic Division Facility.

Mayor Pro tem Hicks noted that M/WBE participation was at 37 percent for the project and requested that the M&C be approved with appreciation.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23182 be approved with appreciation. The motion carried unanimously eight (8) ayes to zero (0) nays.

30. M&C C-23183 - Authorize the City Manager to Execute the Second Renewal of City Secretary Contract No. 33960 with Sweeping Services of Texas Operating, L.P., in the Amount of \$200,000.00 for the Street Sweeping Program at Various Locations.

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
NOVEMBER 11, 2008
PAGE 28 of 40**

Motion: Council Member Moss made a motion, seconded by Mayor Pro tem Hicks, that Mayor and Council Communication No. C-23183 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

31. M&C C-23184 - Declare the Necessity of Taking Interest in a Portion of Land Known as 1024 Nelson Avenue, Lot D, Block 2, H. S. Westbrook Addition in the Scenic Bluff Neighborhood, Fort Worth, Tarrant County, Texas Owned by Velma Sullivan, Required for the Construction of Nelson Avenue Street Improvements; and Authorize the City Attorney to Institute Condemnation Proceedings to Acquire the Interest in the Land.

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-23184 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

32. M&C C-23185 - Authorize the Transfer of \$2,609,100.00 from the Water and Sewer Operating Fund to the Water Capital Projects Fund in the Amount of \$1,369,300.00 and the Sewer Capital Projects Fund in the Amount of \$1,239,800.00; Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Water Capital Projects Fund in the Amount of \$1,369,300.00 and in the Sewer Capital Projects Fund in the Amount of \$1,239,800.00 from Available Funds, for the Purpose of Executing a Contract with Conatser Construction TX, LP for Water and Sewer Main Replacements Contract 2008A at Various Locations Throughout the City of Fort Worth; and Authorize the City Manager to Execute a Contract with Conatser Construction TX, LP, in the Amount of \$2,000,000.00 for Water and Sewer Main Replacements Contract 2008A.

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23185 be approved and Appropriation Ordinance No. 18364-11-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

33. M&C C-23186 - Authorize the City Manager to Execute a Contract with S. J. Louis Construction of TX, Ltd., in the Amount of \$2,248,634.32 for State Highway 121T Water and Sanitary Sewer Relocations, Parts 18-Stonegate 42-Inch Water Line.

Motion: Council Member Burns made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23186 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

34. M&C C-23187 - Authorize the City Manager to Execute a Contract with Pegasus Texas Construction, LP., in the Amount of \$626,530.00 for Playground Renovations at Newby, Eastbrook, Rodeo, Mesa Verde, Cobb North and Rosemont Parks Sites.

Motion: Council Member Burns made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23187 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

35. M&C C-23188 - Authorize the City Manager to Execute an Agreement with the North Texas Tollway Authority and the Union Pacific Railroad Corp., with City Participation in the Amount of \$1,250,000.00 for the Design, Construction and Testing of a Temporary Hump Lead in the Union Pacific Davidson Yard; and a Related Reimbursement Agreement with the North Texas Tollway Authority Under which the North Texas Tollway Authority will Pay Union Pacific Railroad Corp., Invoices for the Above-Referenced Agreement and the City will Reimburse the North Texas Tollway Authority up to \$1,250,000.00.

Council Member Jordan congratulated Mayor Moncrief for his leadership on this project and stated that he looked forward to the end result.

Mayor Moncrief stated that the temporary hump lead agreement was a step in the right direction. He further stated that the Council was working toward a final agreement on all the remaining issues related to the construction of the Southwest Parkway (SH121T) across the Davidson Yard.

Motion: Council Member Jordan made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-23188 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

Mayor Moncrief recognized Mr. Jim Young, representing Union Pacific Railroad Corporation, Mr. Paul Wageman, representing the North Texas Tollway Authority, and City staff members Assistant City Attorney Amy Ramsey, Mr. Bryan Beck, Engineer, City Manager's Office and Mr. Rick Trice, Manager of Consultant Services, Planning and Development Department, and expressed appreciation to them for their efforts and hard work.

XV. PUBLIC HEARING

1. Second Public Hearing for a Proposed Limited-Purpose Annexation of Approximately 424.7 Acres of Land in Tarrant County, Located South of Cleburne Crowley Road and West of W. Cleburne Road (AX-08-010 SH 121/FM 1187 Mixed-Use Growth Center)

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

a. Report of City Staff

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

(XV. PUBLIC HEARING Continued)

b. Citizen Comments

Mr. Jim Schell, 901 Fort Worth Club Building, appeared before Council in opposition of the annexation. He stated that he was representing property owners of 205 acres who did not want their property annexed at this time.

Council Member Jordan stated that before voting on the annexation he had asked staff to sit down with the landowners involved. He advised that the annexation was tied in with the State Highway 121 project and he wanted to ensure that everyone understood the process before moving forward.

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

XVI. ZONING HEARING

It appeared to the City Council that the Notice of Special Hearing set today as the date for the hearing in connection with recommended changes and amendments to Zoning Ordinance No. 13896 and that notice of the hearing had been given by publication in the Fort Worth Star-Telegram, the official newspaper of the City of Fort Worth, on October 23, 2008. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

a. Cases Recommended for Approval

Council Member Scarth advised the Council that he wished to continue Zoning Docket No. ZC-07-208B, recommended for approval and Zoning Docket Nos. ZC-08-036 and ZC-08-105, recommended for denial, until the January 20, 2009, Council meeting as follows:

1. 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 District to "A-10" One Family District (Continued from October 21, 2008)

1. Zoning Docket No. ZC-08-036 - (CD 4) - Bentley Venture, 651 John T. White Road North and 8600 Randol Mill Road; from "CF" Community Facilities and "E" Neighborhood Commercial to "CR" Low Density Multi-Family District (Continued from September 2, 2008)

2. 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 Multi-Family District and "ER" Neighborhood Commercial Restricted to "A-5" One Family District and "C" Medium Density Multi-Family District (Continued from October 21, 2008)

Mayor Moncrief recognized Ms. DeDe Smith, 8000 Lowery Road, as desiring to address Council in opposition of Zoning Case Nos. ZC-08-036 and ZC-08-105; however, Ms. Smith was not present in the Council Chamber.

Motion: Council Member Scarth made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket Nos. ZC-07-208B, ZC-08-036 and ZC-08-105 be continued until the January 20, 2009, Council meeting. The motion carried unanimously eight (8) ayes to zero (0) nays.

2. Zoning Docket No. ZC-08-145 - (CD 6) - Pounds Investments, Inc., 7004 and 7006 South Freeway; from "E" Neighborhood Commercial to "PD/E" Planned Development for All Uses in "E" Neighborhood Commercial, Plus Hotel. An Eight Foot Fence Shall be Required Along the North Property Line. Site Plan Included. (Continued from October 7, 2008)

Mayor Moncrief recognized Mr. John Green, 8240 West Freeway, as desiring to address Council in favor of the zoning change; however, Mr. Green was not present in the Council Chamber.

Council Member Jordan stated that an agreement had been reached with the applicant to have an 8-foot wrought iron fence built on the northwest and southern boundaries around the property.

Motion: Council Member Jordan made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket No. ZC-8-145 be approved with the addition that a wrought iron fence be included. The motion carried unanimously eight (8) ayes to zero (0) nays.

3. Zoning Docket No. ZC-08-146 - (CD 4) - Richard Ware Carter & Sue Mozingo Carter Charitable Trust, 1208 Cooks Lane; from "G" Intensive Commercial to "PD/G" Planned Development for all Uses in "G" Intensive Commercial, Plus Hotel. Site Plan Included.

Motion: Council Member Scarth made a motion, seconded by Council Member Burdette, that Zoning Docket No. ZC-08-146 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

4. Zoning Docket No. ZC-08-148 - (CD 7) - Phillips Parker JV, 1601 Block of W. Loop 820 N.; from "C" Medium Density Multi-Family District and "PD-452" Planned Development for all

Uses in "G" Intensive Commercial, with Exclusions, to "C" Medium Density Multi-Family District

Motion: Council Member Burdette made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket No. ZC-08-148 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

5. Zoning Docket No. ZC-08-151A - (CD 8) - City of Fort Worth, Hillside Morningside Area, 1310 - 1324 East Rosedale Street; from "J" Medium Industrial to "E" Neighborhood Commercial (Continued from October 14, 2008)

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Jordan, that Zoning Docket No. ZC-08-151A be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

6. Zoning Docket No. ZC-08-155 - (CD 5) - Roderick L. Williams Sr., 5012 Cottey Street; from "F/HC" General Commercial/Historic & Cultural Overlay to "A-5/HC" One Family District/Historic & Cultural Overlay

Motion: Council Member Moss made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket No. ZC-08-155 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

7. Zoning Docket No. ZC-08-156 - (CD 8) - James and Joyce Brown, 1414 Evans Avenue; from "NS-T4R" Near Southside-T4 Restricted to "NS-T4R/HC" Near Southside-T4 Restricted/Historic & Cultural Overlay

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that Zoning Docket No. ZC-08-156 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

8. Zoning Docket No. ZC-08-157 - (CD 3) - Edwards Geren Limited, 2801 Bryant Irvin Road; from "PD-360" Planned Development for all Uses in "MU-2" High Intensity Mixed Use to "G" Intensive Commercial

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Burdette, that Zoning Docket No. ZC-08-157 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

Mayor Pro tem Hicks recognized audience member Ms. Joyce Brown as she was exiting the meeting. She thanked her for all of the work she had done in the Evans Corridor.

9. Zoning Docket No. ZC-08-158 - (CD 5) - Mohammad Farooq Wazirali, 12901 Block of Trinity Boulevard; from "C" Medium Density Multi-Family District and "F" General Commercial to "E" Neighborhood Commercial

(ZC-08-158 Continued)

Motion: Council Member Moss made a motion, seconded by Council Member Burdette, that Zoning Docket No. ZC-08-158 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

10. Zoning Docket No. ZC-08-159 - (CD 3) - SJ Bryant Irvin Development Corp., 5231 and 5235 Bryant Irvin Road; from "C" Medium Density Multi-Family District to "G" Intensive Commercial

Motion: Council Member Jordan made a motion, seconded by Council Member Burdette, that Zoning Docket No. ZC-08-159 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

11. Zoning Docket No. ZC-08-160 - (CD 3) - Dale R. Brant, 6490 Camp Bowie Boulevard; from "PD-24" Planned Development Specific Use for a Photography Studio and Residence, with a Solid 6' Screening Fence Along the North and East Property Line to Amend "PD-24" Planned Development Specific Use for Photography Studio with Residence to Include Office Uses. Site Plan Waiver Recommended.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-08-160 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

12. Zoning Docket No. ZC-08-161 - (CD 3) - Waste Management of Texas, Inc., 12200 West Freeway; from "PD-625" Planned Development for a Waste Transfer Station with Exclusions to Amend "PD-625" Planned Development to Include a Co-Generation Facility. Site Plan Included.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Burdette, that Zoning Docket No. ZC-08-161 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

13. Zoning Docket No. ZC-08-163 - (CD 6) - Hillside Memorial Christian Church, 6410 South Freeway; from "CF" Community Facilities to "PD/F" Planned Development for all Uses in "F" General Commercial and Excluding the Following Uses: Ambulance Dispatch Station, Center, Community Recreation or Welfare, Government Operated or Controlled, Center, Community Recreation or Welfare, Private or Non-Profit, Telecommunications Antenna (on Structure), Telecommunications Tower; Amusement, Indoor, Drive in Restaurant or Business, Convenience Store, Firewood Sales, Large Retail Store, Liquor or Package Store, Pawn Shop, Mortuary or Funeral Home, Taxidermist Shop, Veterinary Clinic with Indoor Kennel, Paint and Body Shop, Automotive Repair, Car Wash, Full or Self Service, Gasoline Sales, Amusement, Outdoor (Temporary), Batch Plant, Concrete or Asphalt (Temporary), Trailer, Portable; Sales or Storage, Vendor Food, Non-Potentially Hazardous, Vendor, Merchandise, Temporary, Vendor, Transient, Vendor, Transient Door to Door, Bar, Tavern, Cocktail Lounge, Massage Parlor, Tattoo Parlor with a Masonry Screening Wall Required. Site Plan Required.

Mr. Christopher Bonilla, representing the Bonilla Group, 3204 South Main, appeared before Council in support of the zoning change. He stated that he had obtained a staff report indicating that his client was compatible and compliant with the Comprehensive Plan. He advised that the zoning request would act as a buffer for more intensive and compatible uses. He added that he had met with representatives from Hallmark Camelot-Highland Terrace Neighborhood Association and concerns were raised among the stakeholders. He stated that in an effort to honor the neighborhood goals and objectives to preserve a quality of life for the stakeholders, the client had opted to eliminate approximately 36 uses from "F" zoning. He pointed out that he did not oppose meeting with the neighborhood association again to discuss any other concerns.

Council Member Jordan requested that Mr. Bonilla provide clarification as to the "PD" specific use being proposed.

Mr. Bonilla clarified that the PD/"F" was for high end restaurants and other "F" uses. He stated that there had been discussions to build a hotel or motel in the area, but with the current market issues, the client had stepped back from that consideration.

Council Member Jordan stated that he was going to request a 30-day delay to give him a chance to hear from the neighborhood and from the property owner.

Mr. Steven Epstein, 1617 Steinberg Lane, representing the Hallmark Camelot-Highland Terrace Neighborhood Association, appeared before Council in opposition of the zoning change. He stated that the neighborhood continued to have concerns and expressed appreciation for the 30-day delay. He advised that the zoning change would adversely affect the neighborhood by going from church land to a property selling alcohol. He pointed out that the area had a crime problem, and he spoke to neighbors around the property in question and the general concern was that the commercial property backed up to neighborhood properties. He added that noise at night was an issue, especially in an area

where alcohol was consumed and high traffic occurred during late hours. He added that when they questioned Mr. Bonilla about the interested developer, two different names were provided: Southside Investments and Southside Lodging, LLC. He stated that his research could find no business listing for either name in the Fort Worth telephone directory or online. He pointed out that since this was a "PD", a site plan was needed, and since one had not been included yet, the neighborhood was concerned.

(ZC-08-163 Continued)

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-08-163 be continued for 30 days. The motion carried unanimously eight (8) ayes to zero (0) nays.

(See page 37 for reconsideration of this issue.)

14. Zoning Docket No. ZC-08-165 - (CD 7) - E. K. Quinton & Jeri Martin Quinton, 5404 and 5408 Birchman Avenue; from "B" Two Family District to "PD/SU" Planned Development Specific Use for Offices. Site Plan Included.

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-08-165 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

15. Zoning Docket No. ZC-08-166 - (CD 6) - City of Fort Worth, 2400 Block of Crowley Cleburne Road and 3101 Montego Bay Lane; from "AR" One Family Restricted District, "R2" Townhouse/Cluster District, "C" Medium Density Multifamily District to "A-5" One Family District

Motion: Council Member Jordan made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket No. ZC-08-166 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

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

16. Zoning Docket No. ZC-08-167 - (CD 8) - City of Fort Worth, Part of the Parker Essex Boaz Neighborhood, North of East Rosedale Street, East of US Hwy 287, and West of Beach Street; from "A-5" One Family District, "B" Two Family District, "C" Medium Density Multi-Family District, "CF" Community Facilities, "E" Neighborhood Commercial, "F" General Commercial, "I" Light Industrial, and "J" Medium Industrial to "A-5" One Family District.

"C" Medium Density Multifamily District, "E" Neighborhood Commercial, and "I" Light Industrial

Mayor Pro tem Hicks commended City staff for their hard work. She stated that a neighborhood association was developed in this area over the recent years and expressed the importance of shoring up the zoning for this area.

(ZC-08-167 Continued)

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Burdette, that Zoning Docket No. ZC-08-167 be approved. The motion carried unanimously seven (7) ayes to zero (0) nays, with Council Member Espino absent.

(Council Member Espino returned to his place on the dais.)

b. Cases Recommended for Approval/Denial

1. Zoning Docket No. ZC-08-168 - (CD 9) - City of Fort Worth, Part of South Hemphill Street; South of Allen Street, West of St. Louis and Main Street and East of Lipscomb Street

Recommended for Approval

From "B" Two-Family District, "C" Medium Density Multi-Family District, "C/HC" Medium Density Multi-Family District/Historical and Cultural Overlay, "CF" Community Facilities, "ER" Neighborhood Commercial Restricted, "ER/HC" Neighborhood Commercial Restricted/Historical and Cultural Overlay, "E/HC" Neighborhood Commercial/Historical and Cultural Overlay, "FR" General Commercial Restricted, "F" General Commercial, "F/HC" General Commercial/Historical and Cultural Overlay, "F/DD" General Commercial/ Demolition Delay, and "J" Medium Industrial to "A-5" One-Family District, "A-5/HC" One-Family District/Historical and Cultural Overlay, "C/HC" Medium Density Multi-Family District/Historical and Cultural Overlay, "CF" Community Facilities, "CF/DD" Community Facilities/Demolition Delay, "CF/HC" Community Facilities/Historical and Cultural Overlay, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial, "ER/HC" Neighborhood Commercial Restricted/Historical and Cultural Overlay, "E/HC" Neighborhood Commercial/Historical and Cultural Overlay

Recommended for Denial

2208 Hemphill Street; from "E" Neighborhood Commercial to "ER" Neighborhood Commercial Restricted

Mr. James Stanley, 2200 Hemphill, appeared before Council in opposition of the zoning change. He stated that he owned the property at 2208 Hemphill and requested that Council uphold Zoning Commission's recommendation to deny any zoning changes to property in the 2200 block of Hemphill.

Council Member Burns clarified that he would uphold the recommendation of the City Zoning Commission to approve all of the items listed and deny changes to 2208 Hemphill Street. He requested that 2006 Hemphill be denied as well.

(ZC-08-168 Continued)

Ms. Susan Alanis, Director, Planning and Development, requested clarification on whether to deny 2006 Hemphill or continue the hearing to another date.

Council Member Burns confirmed that he wanted to deny a zoning change to 2006 Hemphill.

Motion: Council Member Burns made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket No. ZC-08-168 be approved for zoning from "B" Two-Family District, "C" Medium Density Multi-Family District, "C/HC" Medium Density Multi-Family District/Historical and Cultural Overlay, "CF" Community Facilities, "ER" Neighborhood Commercial Restricted, "ER/HC" Neighborhood Commercial Restricted/Historical and Cultural Overlay, "E/HC" Neighborhood Commercial/Historical and Cultural Overlay, "FR" General Commercial Restricted, "F" General Commercial, "F/HC" General Commercial/Historical and Cultural Overlay, "F/DD" General Commercial/ Demolition Delay, and "J" Medium Industrial to "A-5" One-Family District, "A-5/HC" One-Family District/Historical and Cultural Overlay, "C/HC" Medium Density Multi-Family District/Historical and Cultural Overlay, "CF" Community Facilities, "CF/DD" Community Facilities/Demolition Delay, "CF/HC" Community Facilities/Historical and Cultural Overlay, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial, "ER/HC" Neighborhood Commercial Restricted/Historical and Cultural Overlay, "E/HC" Neighborhood Commercial/Historical and Cultural Overlay; and denied without prejudice for 2208 Hemphill Street; from "E" Neighborhood Commercial to "ER" Neighborhood Commercial Restricted and with the inclusion of the property at 2006 Hemphill as also being denied without prejudice. The motion carried unanimously eight (8) ayes to zero (0) nays.

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, to reconsider Zoning Docket No. ZC-08-163. The motion carried unanimously eight (8) ayes to zero (0) nays.

13. Zoning Docket No. ZC-08-163 - (CD 6) - Hillside Memorial Christian Church, 6410 South Freeway; from "CF" Community Facilities to "PD/F" Planned Development for all uses in "F" General Commercial and Excluding the Following Uses: Ambulance Dispatch Station, Center, Community Recreation or Welfare, Government Operated or Controlled, Center, Community Recreation or Welfare, Private or Non-profit, Telecommunications Antenna (on Structure), Telecommunications Tower; Amusement, Indoor, Drive-in Restaurant or Business, Convenience Store, Firewood Sales, Large Retail Store, Liquor or Package Store, Pawn Shop, Mortuary or Funeral Home, Taxidermist Shop, Veterinary Clinic with Indoor Kennel, Paint and Body Shop, Automotive Repair, Car Wash, Full or Self-Service, Gasoline Sales, Amusement, Outdoor (Temporary), Batch Plant, Concrete or Asphalt (Temporary), Trailer, Portable; Sales or Storage, Vendor Food, Non-Potentially Hazardous, Vendor, Merchandise, Temporary, Vendor, Transient, Vendor, Transient Door to Door, Bar, Tavern, Cocktail Lounge, Massage Parlor, Tattoo Parlor with a Masonry Screening Wall Required. Site Plan Required.

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-08-163 be continued until the December 9, 2008, Council meeting. The motion carried unanimously eight (8) ayes to zero (0) nays.

c. Cases Recommended for Denial

3. Zoning Docket No. ZC-08-116 - (CD 7) - Texas Health Resources, 6700 Block of NW Loop 820; from "D" High Density Multi-Family District to "G" Intensive Commercial

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-08-116 be denied without prejudice. The motion carried unanimously eight (8) ayes to zero (0) nays.

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

ORDINANCE NO. 18365-11-2008

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, SAME BEING AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY RESIDENCE AND OTHER PURPOSES, THE HEIGHT, NUMBER OF STORIES AND SIZE OF THE BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS AND OTHER OPEN SPACES, OFF-STREET PARKING AND LOADING, AND THE DENSITY OF POPULATION, AND FOR SUCH PURPOSES DIVIDING THE MUNICIPALITY INTO DISTRICTS AND THE BOUNDARIES

THEREOF UPON “DISTRICT MAPS”; PURPOSE AND CONFLICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND NAMING AN EFFECTIVE DATE.

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

XVII. CITIZEN PRESENTATIONS

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

Mayor Moncrief recognized Ms. Enrica Tseng, representing Ballet Frontier, 6904 Coldwater Canyon Road, as desiring to address Council relative to the performance of the Nutcracker; however, Ms. Tseng was not present in the Council Chamber.

Ms. Charlene Lindstrom, 3832 Waterfront Drive, and Mr. William Mackey, 7521 Lockwood Court, appeared before Council and read letters into the record relative to valet parking service for businesses at 100 and 110 East Exchange that interfered with business operations at The Bull Ring located at 112 East Exchange, in the historic Fort Worth Stockyards. They claimed that the valet parking service was in constant violation of the City Code and requested Council’s consideration to rescind the valet permit because they stated it was granted under improper application procedure.

Mayor Moncrief requested Ms. Lindstrom and Mr. Mackey meet with Assistant City Manager Fernando Costa to share their concerns with him and why they felt they had not received proper notification. He further directed Assistant City Manager Costa to provide Council with a report and recommendation.

Mr. Jim Ashford, 6209 Riverview Circle, appeared before Council relative to possible health hazards caused by gas drilling. He provided pictures of various well sites to illustrate his concern.

Mayor Moncrief reconvened back to the Pre-Council Work Session to complete the following Pre-Council Agenda items at 1:04 p.m.:

5. Landscape Ordinance Amendments - Susan Alanis, Planning and Development
10. City Council Requests for Future Agenda Items and/or Reports

XVIII. EXECUTIVE SESSION (Pre-Council Chamber)

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
NOVEMBER 11, 2008
PAGE 40 of 40**

It was the consensus of the City Council that they recess into Executive Session at 1:25 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) Clark E. Birdsall v. City of Fort Worth, et al, Cause No. 348-225771-07;

- b) David Medrano v. City of Fort Worth, Cause No. 06-47729-1;

(XVIII. EXECUTIVE SESSION Continued)

- c) City of Fort Worth v. 2121 Handley Oaks Drive, Fort Worth, Texas (In Rem); Sheva Ltd., and Eamon, Inc., Cause No. 348-228100-08;

- d) Legal issues related to gas drilling at Texas Motor Speedway;

- e) Legal issues regarding FEMA reimbursement;

- 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 2:34 p.m.

XIX. ADJOURNMENT

There being no further business, the meeting was adjourned at 2:34 p.m. in honor of the military men and women who were serving and have served this country.