

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

Present

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

Staff Members Present:

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

I. CALL TO ORDER

With a quorum of the City Council Members present, Mayor Moncrief called the regular session of the Fort Worth City Council to order at 7:02 p.m. on Tuesday, December 16, 2008, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102.

II. INVOCATION - Reverend Tom Connolly, Edge Park United Church of Christ

The invocation was provided by Reverend Tom Connolly, Edge Park United Church of Christ.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

IV. CONSIDERATION OF MINUTES OF REGULAR MEETING OF TUESDAY, DECEMBER 9, 2008

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that the minutes of the regular meeting of December 9, 2008, be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

V. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC.

At the request of Mayor Moncrief, Police Officer Jeff Bryan, working on the Cowboy Santa's Program, provided an update to the 2008 Cowboy Santa's Program. Mr. Bryan stated that there were 11,000 children registered for the program and advised that there were three more parties to hold where the families would come and pick up the toys that Cowboy Santa's would present to them. He provided the dates for the bagging parties and stated that they still needed toys for 5,166 children ranging from the age of 12 all the way down to infancy. He requested for the citizens of Fort Worth to come together and help Cowboy Santa's provide families with toys during the holiday season.

Mr. Anthony Myers, Assistant Director, Parks and Community Services, stated that Cowboy Santa's was pushing towards 12,000 children in need. He added that items were needed for infants and more bicycles. He pointed out that Cowboy Santa's needed toys, money and volunteers to help out with the parties and the bagging of the toys.

Mayor Moncrief stated that the toys could be dropped off at any police or fire station. He requested citizens of Fort Worth to please help their fellow family members who were unable to have Christmas without the help of the Cowboy Santa's Program. He stated that the children deserved to have a smile on their face, believing that Santa Claus took the time to go to their house. He asked that citizens who did not have time to pick up an unwrapped new toy, to please donate money at the website for Cowboy Santa's at www.cowboysantas.org and added that money could go further than a toy.

Mr. Bryan wanted to let the citizens know that the program was sponsored by the City of Fort Worth. He stated that every dollar that was sent in would go to buy toys for Cowboy Santa's and that there was no overhead, no administrative costs and that the people who worked were volunteers.

VI. ANNOUNCEMENTS BY CITY COUNCIL MEMBERS AND STAFF

1. Upcoming and Recent Events

Council Member Scarth announced that on Sunday, December 14, 2008, at the Will Rogers Coliseum arena, he watched the National Cutting Horse Association Futurity Finals. He acknowledged Chris Harmon, Assistant Director and Kirk Slaughter, Director, Public Events Department, for doing a great job of taking care of visitors from all over the country. He stated that that the finals were really impressive and that the event brought in \$50 million worth of economic impact. He commended City staff for taking good care of the visitors.

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

2. Recognition of Citizens

Council Member Espino acknowledged Police Chief Halstead for meeting with him and other citizens of Fort Worth on December 15, 2008. He announced that on December 17, 2008, from 5:30 p.m. to 7:30 p.m. there would be a welcome reception for Chief Halstead at the Rose Marine Theater, located at 1440 North Main Street, sponsored by the Fort Worth Hispanic Chamber of Commerce, the Hispanic Women's Network, Fort Worth Chapter, the National Latino Peace Officers, Fort Worth Chapter, United Community Centers, the United Hispanic Council and Ms. Vicki Bargas. He stated that if any of the citizens would like to attend to contact the Fort Worth Hispanic Chamber of Commerce offices at (817) 625-5411. He added that Chief Halstead was already out in the community meeting with all the citizens of Fort Worth and that citizens were very excited to have him in Fort Worth.

VII. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items 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-16408 be continued until the January 6, 2008, Council meeting and Mayor and Council Communication Nos. G-16385, G-16409, P-10885 and C-23225 be withdrawn from consideration.

IX. CONSENT AGENDA

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

OCS - 1700-Notices of Claims for Alleged Damages and/or Injuries

M&C G-16392 - Adopting Appropriation Ordinance No. 18401-12-2008 Increasing Appropriations in the City Manager's Office of the General Fund in the Amount of \$70,204.00 and Decreasing Appropriations in the Planning and Development Department of the General Fund by the Same Amount, for the Purpose of Transferring One Human Services Coordinator Position and Associated Costs to the Program Management Office Division of the City Manager's Office to Serve as the Homelessness Coordinator.

(IX. CONSENT AGENDA Continued)

M&C G-16393 - Adopting Ordinance No. 18402-12-2008 by the City Council of the City of Fort Worth, Approving Resolution No. 2008-09-218 of the Dallas-Fort Worth International Airport Board which Amends Chapter 2 of the Dallas-Fort Worth International Airport Board's Code of Rules and Regulations to Permit Possession of Animals Incidental to Airport- or Tenant-Operated Pet Care Facilities; Providing for a Fine Not to Exceed Two Thousand Dollars Per Day for Any Violation Thereof.

M&C G-16394 - Authorizing the Continuation of the Military Pay Supplement Benefit and Military Leave Fund Policy Until December 31, 2009.

M&C G-16395 - Authorizing the City Manager to Execute an Amendment to City Secretary Contract No. 28148 with the North Central Texas Council of Governments for the Period of October 1, 2007, through September 30, 2008, for an Amount Not to Exceed \$28,838.00 per Fiscal Year for Continued Participation in the Regional Integrated Storm Water Management Program.

M&C G-16396 - Authorizing a Change to the Funding Source for the Artwork Commission Contract with Floyd E. Newsum, Jr., for Artwork for the New Hazel Harvey Peace Center for Neighborhoods, Approved in M&C C-21014, from Specially Funded Capital Projects Fund to 2007 Certificate of Obligation for Critical Capital Needs Funds in the Amount of \$92,700.00.

M&C G-16397 - Authorizing Payment of the Annual Fee for Public Water Systems of \$50,280.47 to the Texas Commission on Environmental Quality for Services Provided Annually to the City of Fort Worth's Four Water Treatment Plants.

M&C P-10893 - Authorizing a Purchase Agreement with Orion Safety Products for Roadside Flares for the Police Department for a Projected Annual Amount Not to Exceed \$54,800.00.

M&C P-10894 - Authorizing a Sole Source Maintenance Agreement for Agilent Gas Chromatograph-Mass Spectrophotometer Equipment with Agilent Technologies for the Water Department in an Annual Amount Not to Exceed \$49,130.00.

M&C P-10895 - Authorizing a Purchase Agreement with West Group for Westlaw On-Line Subscription Services for the Legal Department for a Projected Annual Amount Not to Exceed \$71,320.00.

M&C L-14687 - Authorizing the City Manager to Amend the Purchase Agreement (City Secretary Contract No. 35571) and Amendment (M&C L-14443) with Cypress Equities I, LP, to Extend the Purchase Agreement Six Months with an Option to Extend an Additional 12 Months if Permit Applications for New Development are Submitted; and Authorizing the City Manager to Execute an Appropriate Deed Conveying the Property to Cypress Equities I, LP, and Record the Deed if Terms of the Option Agreement as Amended are Satisfied.

(IX. CONSENT AGENDA Continued)

M&C L-14688 - Authorizing the Direct Sale of Tax Foreclosed Properties Described as 1776 East Berry Street, Loving, S. P. Survey, Abstract 943 Tracts 1P3 and 1P17; 2200 Bomar Avenue, Sycamore Heights Addition Block A, Lot A1; and 3217 and 3224 Yuma Street, Berry Industrial Park, Lot 3 and Lot 4, to the Fort Worth Local Development Corporation in Accordance with Section 272.001(i) of the Texas Local Government Code; and Authorizing the City Manager to Execute and Record Appropriate Instruments Conveying the Property to the Fort Worth Local Development Corporation Free and Clear of All Encumbrances Except the Survey and the Encumbrances Appearing in the Title Commitment.

M&C L-14689 - Authorizing the City Manager to Execute a Water Pipeline Crossing License Agreement with Union Pacific Railroad at a One-Time Cost of \$1,500.00 for the Installation of a 12-Inch Encased Potable Water Pipeline Crossing Located North of Rosedale Street and West of Riverside Drive Adjacent to Glenwood Park.

M&C C-23233 - Ratifying the Office of Emergency Management's Application for Fiscal Year 2008 Homeland Security Grant Program Funds; Authorizing the Execution of Grant Contracts with the State of Texas through the Governor's Division of Emergency Management/State Administrative Agency; Authorizing the City Manager to Accept from the Texas Governor's Division of Emergency Management the Fiscal Year 2008 Homeland Security Grant Program Award Consisting of Two Sub-Program Allocations: Urban Area Security Initiative Grant (CFDA No. 97.008), \$3,015,905.13; Urban Area Security Initiative – LEAP (CFDA No. 97.008), \$719,779.54; and Metropolitan Medical Response System (MMRS) Grant (CFDA No. 97.071), \$321,221.00, for a Combined Total Award of \$4,056,905.67; and Adopting Appropriation Ordinance No. 18403-12-2008 Increasing Estimated Receipts and Appropriations in the Grants Fund in the Amount of \$4,056,905.67 Subject to Receipt of an Award from the Texas Governor's Division of Emergency Management for Fiscal Year 2008 Homeland Security Grant Program Funds for the Purpose of Funding the City's Emergency Management Efforts.

M&C C-23234 - Authorizing Payment in the Amount of \$2,000,000.00 to the United States Postal Service for Postage from December 16, 2008, to December 15, 2009.

M&C C-23235 - Authorizing the City Manager to Enter into a Five-Year Tax Abatement Agreement with Shawn Fite for the Property at 1326 S. Lake Street in the Magnolia Village Neighborhood Empowerment Zone in Accordance with the Neighborhood Empowerment Zone Tax Abatement Policy and Basic Incentives; and Finding that the Statements Set Forth in the Recitals of the Tax Abatement Agreement with Shawn Fite are True and Correct.

(IX. CONSENT AGENDA Continued)

M&C C-23236 - Authorizing the City Manager to Execute Amendment No. 1 in the Amount of \$60,824.00 to City Secretary Contract No. 35373, an Engineering Agreement with James DeOtte Engineering, Inc., for Arundel Storm Drain Improvements, thereby Revising the Total Contract Cost to \$83,544.00.

M&C C-23237 - Authorizing the City Manager to Execute Amendment No. 1 in the Amount of \$30,038.00 to City Secretary Contract No. 35374 with James DeOtte Engineering, Inc., for the Charron Court Storm Drain Improvements, thereby Revising the Total Contract Cost to \$50,558.00.

M&C C-23238 - Authorizing the City Manager to Execute Change Order No. 2 in the Amount of \$36,996.35 to City Secretary Contract No. 36332 with Pipeworks Construction, L.L.C., to Include Pavement Reconstruction Pay Item Over-Runs on Pamela Drive and Penrose Avenue, thereby Increasing the Contract Amount to \$1,063,050.35.

M&C C-23239 - Authorizing the City Manager to Execute Amendment No. 1 in the Amount of \$34,771.00 to City Secretary Contract No. 35371 with James DeOtte Engineering, Inc., for the Edgehill Road Drainage Improvements, thereby Revising the Total Contract Cost to \$55,731.00.

M&C C-23240 - Authorizing the City Manager to Execute Amendment No. 1 in the Amount of \$67,550.00 to City Secretary Contract No. 35370 with James DeOtte Engineering, Inc., for the Ruby Place Channel Improvements, thereby Revising the Total Contract Cost to \$89,610.00.

M&C C-23241 - Authorizing the Transfer of \$89,800.00 from the Sewer Operating Fund to the Sewer Capital Projects Fund; Adopting Appropriation Ordinance No. 18404-12-2008 Increasing Estimated Receipts and Appropriations in the Sewer Capital Projects Fund in the Amount of \$89,800.00 from Available Funds, for the Purpose of Authorizing Amendment No. 1 to City Secretary Contract No. 34098 (City Project No. 00411) with Halff Associates, Inc.; and Authorizing the City Manager to Execute the Amendment to the Contract for Sanitary Sewer Rehabilitation in the Vicinity of the Paschal High School Campus, in an Amount Not to Exceed \$89,800.00 for Additional Engineering Services on the Project, thereby Increasing the Contract Amount to \$307,840.00.

M&C C-23242 - Authorizing the City Manager to Reject All Bids Received for the Westside Water Treatment Plant.

M&C C-23243 - Authorizing the City Manager to Execute a Contract with Northstar Construction, Inc., in an Amount of \$245,502.00 for Parking and Trail Improvements at the Fort Worth Nature Center and Refuge.

(IX. CONSENT AGENDA Continued)

M&C C-23244 - Authorizing the City Manager to Accept a Grant and Execute a Contract with the Texas Department of Housing and Community Affairs in an Amount up to \$5,500,000.00 for the Fiscal Year 2009 Comprehensive Energy Assistance Program through December 31, 2009; Authorizing a Non-Interest Bearing Interfund Loan from the General Fund to the Grants Fund in the Amount of \$320,000.00 for Interim Financing of this Grant Project, Pending Contract Execution; Adopting Appropriation Ordinance No. 18405-12-2008 Increasing Estimated Receipts and Appropriations in the Grants Fund in the Amount of \$5,500,000.00 for the Purpose of Funding the Fiscal Year 2009 Comprehensive Energy Assistance Program; and Applying Indirect Costs at the Rate of 19.18 Percent, which is the Most Recently Approved Rate for this Department, and Apply the New, Approved Rate when Available.

M&C C-23245 - Authorizing the City Manager to Accept a Grant and Execute an Extension of Contract with the Texas Department of Housing and Community Affairs in an Amount up to \$1,500,000.00 for the Fiscal Year 2009 Community Services Block Grant Program; Authorizing a Non-Interest Bearing Interfund Loan from the General Fund to the Grants Fund in the Amount of \$300,000.00 for Interim Financing of this Grant Project, Pending Contract Execution; Adopting Appropriation Ordinance No. 18406-12-2008 Increasing Estimated Receipts and Appropriations in the Grants Fund in the Amount of \$1,500,000.00 for the Purpose of Funding the Fiscal Year 2009 Community Services Block Grant Program; and Applying Indirect Costs at a Rate of 19.18 Percent, which is the Most Recently Approved Rate for this Department, and Apply the New, Approved Rate when Available.

M&C C-23246 - Authorizing the City Manager to Execute a Professional Services Agreement with Colligan Golf Design in an Amount of \$154,120.00 to Provide a Master Plan for Rockwood Park Golf Course; and Adopting Appropriation Ordinance No. 18407-12-2008 Increasing Estimated Receipts and Appropriations in the Golf Capital Project Fund (Gas Wells) in the Amount of \$154,120.00 from Gas Well Bonus Revenues for the Purpose of Providing a Master Plan for Rockwood Park Golf Course.

End of Consent Agenda.

X. [PRESENTATIONS BY THE CITY COUNCIL](#)

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

There were no changes in membership on boards and commissions.

(X. PRESENTATIONS BY THE CITY COUNCIL Continued)

2. Council Proposal No. 277 - Designation of the Oakland Corners Area as a Neighborhood Empowerment Zone

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Scarth, that Council Proposal No. 277 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

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

1. Presentation by Rev. Brooks Harrington, Chair of the Mayor's Advisory Commission on Homelessness, Supporting the National Homeless Persons' Memorial Day

In the absence of Reverend Harrington, Mr. Otis Thornton, Homelessness Coordinator, Planning and Development Department, advised that Sunday, December 21, 2008, marked the official day of winter and since 1990 it had also been nationally observed as Homeless Persons Memorial Day. He stated that the observance was designed to commemorate and grieve for people in the community who had died prematurely over the past year as a consequence of their homelessness. He added that the Commission was dedicated to making homelessness rare, short-term and non-recurring in the community and that they hoped the observance day would not be a necessary observance in the future years. He stated that next year he hoped that the City would celebrate the first night of winter as Homeless Persons Memorial Day and encouraged citizens to do the same.

Mayor Moncrief expressed appreciation to Mr. Thornton for his work and reminding everyone to think about the homeless.

City Manager Fisseler requested to return to Council Proposal No. 277. He advised that the related M&C, G-16408 and attached resolution on the Oakland Corners Neighborhood Empowerment Zone, would be delayed until the January 6, 2009, Council meeting.

Mayor Pro tem Hicks stated the M&C was being delayed because it was not noticed properly because the Council meeting had been moved from 10:00 a.m. until 7:00 p.m.

XIII. RESOLUTIONS

1. A Resolution Approving the Final Plans, Specifications and Estimates, and Landscape Plans for the Southwest Parkway/SH-121 from I-30 to Dirks Road, Requesting the Creation of a Construction Management Team to Support the Parkway's Delivery as Envisioned and Approved, and Supporting the North Texas Tollway Authority and the Texas Department of Transportation in the Joint Development of the Entire Southwest Parkway Project from I-30 to US 67

(XII. RESOLUTIONS Continued)

Mayor Moncrief recognized Ms. Elaine Petrus, Chairman of the Citizens Advisory Group, 3736 Country Club Circle, who was in support of the resolution but did not wish to address the Council.

Council Member Jordan acknowledged and commended Ms. Petrus and Tony Stutts, his appointee to the advisory group and any citizens who participated in the Citizens Advisory Group. He stated that it was herculean effort and that it was a fabulous road for the area.

Council Member Burdette stated that he also wanted to thank Ms. Petrus and the committee for what they had done and that they had put a lot of hard work into this project. He also thanked the late Council Member Chuck Silcox who had worked on this project for years and how regrettable it was that he was missing these steps that were being taken towards the commencement and completion of this project.

Mayor Moncrief stated that the work Ms. Petrus and her committee had done was stellar. He added that road was a Fort Worth road and it would be built the Fort Worth Way with some outstanding partners who understand what Fort Worth expects.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Resolution No. 3695-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

2. A Resolution of the City Council of the City of Fort Worth, Texas, Canceling Some Regularly Scheduled City Council Meetings for the Months of January through July 2009

Motion: Council Member Burns made a motion, seconded by Council Member Espino, that Resolution No. 3696-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

XIV. REPORT OF THE CITY MANAGER

A. General

1. M&C G-16380 - Public Hearing and Adopt a Resolution Re-Establishing Fort Worth Public Improvement District No. 8 (Camp Bowie); Approving the Budget for the 2008-2009 Fiscal Year and Five-Year Service Plan for the District; and Authorize a Contract with Camp Bowie District, Inc., to Provide Management Services for the District (Continued from December 2, 2008).

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

(G-16380 Continued)

a. Report of City Staff

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

b. Citizen Presentations

The following individuals appeared before Council in support of the resolution:

Mr. Will Churchill, 3535 West Loop 820 South
Mr. David Burgher, 6115 Camp Bowie Suite 280
Ms. Rebecca Low, 7608 Camp Bowie West
Mr. Robert West, 301 Commerce Street Suite 3500

Council Member Jordan stated that he wanted to commend Ms. Darlene Allen, City Auditor and her staff for an outstanding audit that pointed out some weaknesses in both the City's policies regarding the PIDs overall and some internal issues with PID No. 8. He added that there had been a lot of great work done in the development of the Camp Bowie area. He advised that the Council would vote to extend PID No. 8 so the development process could continue, but would also be tightening up the PID policies for all PIDs in Fort Worth. He stated that Council would be extending the management contract one year contingent upon the resolution of the audit and that the Housing and Economic Development Department would oversee the continuation of the audit to make sure that all the issues and findings were resolved. He pointed out that Council would not extend the assessment, as that could only be done on an annual basis which was contingent on the fiscal year. He stated that there were funds available to the PID to continue their work and that he wanted to clarify that for the record.

Council Member Burdette stated that he would also like to thank Ms. Darlene Allen and her staff for working on the PID. He stated that he would also like to extend appreciation to the Board of Directors of Camp Bowie District, Inc., he was glad that they were ready to move forward.

Ms. Brandy O'Quinn, Executive Director of Camp Bowie District, Inc., 6100 Camp Bowie Boulevard, appeared before Council in support of PID No. 8 but expressed her concern because the audit process was very inefficient to the PID succeeding in their mission because of the time involved to get it completed. She stated that the process was very disruptive, as the PID was now three months into the new fiscal year and they have not been able to focus on projects or other priorities. She added that there were items in the audit that needed to be cleared up. She pointed out that bonus checks were received from the Jazz Festival and that the money had been transferred from the Jazz account into Camp Bowie District Inc., account to pay taxes and do the right thing, but the auditors thought those were extra paychecks.

(G-16380 Continued)

Council Member Burdette stated that the funds that were raised for a PID through tax assessment were public funds under state law. He added that the Council and the City of Fort Worth were mandated to oversee the collection and expenditures of the funds. He advised that there had not been a clear oversight of the funds or expenditures for any PID over the last few years. He stated that he understood that some of the people who were in the PID gave extra monies beyond the taxes, but that there were people who were taxed under the PID who did not want to be a part of the PID. He added that he appreciated everything that Camp Bowie District, Inc., had done for the PID.

Council Member Jordan stated that he wanted to clarify for the record that no one had been critical of the work the PID had accomplished. He stated that the issues of accounting needed to be cleared up and identified in the audit. He also stated that the assessment was not renewed with the fiscal year, so therefore the PID would operate going forward until the assessment was renewed on October 1, 2009. He clarified that the monies, and budget of \$600,000.00 in the bank, were prior assessments and not this year's assessments.

Mayor Moncrief stated that he saw the results of PID No. 8 every day. He agreed that the audit process was disruptive, but he did not concur that it was inefficient. He stated that he believed that it was professionally done and provided a road map that the Council could put in place so that policies were uniform for all PIDs. He stated that the Council knew how important PIDs were to build the City, but that the Council could not pay for everything out of the City's General Fund. He stated that it would take their partners to help to make these kind of improvements.

c. Council Action

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Scarth, that the public hearing be closed and Mayor and Council Communication No. G-16380 be approved and Resolution No. 3697-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

2. It was the consensus of the Council that Mayor and Council Communication No. G-16385, Establish a Minority and Women Business Enterprise Advisory Committee, be withdrawn from Consideration.

3. M&C G-16385 - (Revised) Adopt a Resolution of the City Council of Fort Worth, Texas, Repealing Resolution No. 1948 and Restructuring the Minority/Women Business Enterprise Advisory Committee.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16385 (Revised) be approved and Resolution No. 3698-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

10. M&C G-16398 - Authorize the Receipt of Approximately 600 Children's Books from KERA Public Television and Radio of North Texas for Use in the Curriculum of the Early Childhood Matters Program; Authorize the Receipt of a Cash Donation of \$2,000.00 from Marianne Leal State Farm Insurance Agent for Children's Books for Families in the Early Childhood Matters Program; and Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Special Trust Fund in the Amount of \$2,000.00 from Marianne Leal State Farm Insurance Agent for the Purpose of Providing Children's Books for Families in the Early Childhood Matters Program.

Council Member Espino expressed appreciation to Ms. Marianne Leal, State Farm Insurance Agent, for her donation that made books available for all the children of the City's Early Childhood Matters program. He also recognized the efforts of Sandra Lamm, Early Childhood Program Coordinator, Community Relations Department, Kathy Livingston, Community Services Manager, Community Relations Department, Carlos De Anda, Early Childhood Specialist, Community Relations Department and Vanessa Ruiz-Boling, Director of the Community Relations Department. He stated that the Early Childhood Matters program was an innovative program and that the Council had seen the impact the program had on many families at the North Tri-Ethnic Community Center.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. G-16398 be approved with appreciation and Appropriation Ordinance No. 18408-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

11. M&C G-16399 - Adopt an Ordinance Amending Chapter 2, Article VI, Division 1, Entitled "Employees' Retirement Fund," of the Code of the City of Fort Worth (1986), as Amended, Amending Section 2-207 to Provide that the Earnings Cap on the Compensation Base for Determining Benefits Only Applies to Future Hires and Employees Who Were Not Vested on October 23, 2007.

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. G-16399 be approved and Ordinance No. 18409-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

12. M&C G-16400 - Authorize the City Manager to Apply for and Accept, if Awarded, Grant in the Amount of \$1,500,000.00 to Provide Disaster Relief Assistance to the Victims of Hurricane Ike Seeking Refuge in the City of Fort Worth; Authorize a Non-Interest Bearing Interfund Loan from the General Fund to the Grants Fund in the Amount of \$1,500,000.00 for Interim Financing of this Grant Project Pending Contract Execution; Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Grants Fund in the Amount of \$1,500,000.00 Subject to Receipt of a Grant from the Department of Homeland Security, through the Federal Emergency Management Agency, and from the State of Texas for the Purpose of Providing Disaster Relief Assistance to Victims of Hurricane Ike; and Ratify Expenditures and Contracts Related to the City's Response to Hurricane Ike in an Amount Not to Exceed \$1,500,000.00.

Motion: Council Member Scarth made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. G-16400 be approved and Appropriation Ordinance No. 18410-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

13. M&C G-16401 - Authorize the Purchase of the City's Commercial Property Insurance from Hub International Rigg, Broker of Record, for a Total Premium Not to Exceed \$949,378.00; and Authorize the Purchase of the City's Boiler and Machinery Insurance from Hub International Rigg, Broker of Record, for a Total Premium Not to Exceed \$91,953.00.

Motion: Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16401 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

14. M&C G-16402 - Authorize the City Manager to Execute a Fourth Renewal of an Agreement with Aetna Life Insurance for Administration of the City's Self-Funded Group Health Benefit Program with Estimated Administrative Fees and Stop-Loss Premiums Totaling \$5,096,129.00 Beginning January 1, 2009, and Expiring December 31, 2009.

Motion: Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16402 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

15. M&C G-16403 - Authorize Use of Funds from the Custodial Account Created by a Custodial Agreement Executed with Wells Fargo Bank, N.A., on August 7, 2007, City Secretary Contract No. 35607, to Resolve Any and All Audit Findings from the United States Department of Housing and Urban Development; Authorize the City Manager or his Designee to Execute Any Related Legal Documents with the United States Department of Housing and Urban Development and Wells Fargo, N.A., Regarding Payments to Resolve Audit Findings from the United States Department of Housing and Urban Development; and Authorize the City Manager or His Designee to Release Funds from the Custodial Account up to the Amount of \$1,452,675.00 to Resolve Audit Findings from the United States Department of Housing and Urban Development.

(G-16403 Continued)

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16403 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

16. M&C G-16404 - Adopt a Resolution Amending the Relocation Incentives Policy for Businesses Displaced by Major Public Infrastructure Projects in the City of Fort Worth to Allow those Businesses that Lease Property in Certain Targeted Areas of the City of Fort Worth to be Eligible for Tax Abatement on New Tangible Personal Property that is Located on Such Leased Property.

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16404 be approved and Resolution No. 3699-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

17. M&C G-16405 - Adopt an Ordinance Amending Ordinance No. 12323 by Reducing the City of Fort Worth's Level of Contribution of Tax Increment to the Tax Increment Fund of Tax Increment Reinvestment Zone Number Two (Speedway TIF), City of Fort Worth, Texas; and Authorize the City Manager to Execute an Amendment to City Secretary Contract No. 24426, an Agreement between the City of Fort Worth and Denton County, Texas, to Participate in the Speedway TIF Pursuant to which Denton County, Texas, will Continue to Participate in the Speedway TIF at an Amount Not to Exceed \$90,000.00 per Year.

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. G-16405 be approved and Ordinance No. 18411-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

18. M&C G-16406 - Adopt the Proposed Schedule of Rates and Charges for the Convention Center Parking Garages.

Motion: Council Member Burns made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. G-16406 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

19. M&C G-16407 - Adopt an Ordinance Amending the Code of Ordinance of the City of Fort Worth, by Amending Article II of Chapter 15, "Gas" Entitled "Gas Drilling and Production" by Amending Section 15-31, "Definitions" Related to the Definition of a Public Building and Section 15-34, "Gas Well Permit Required" to Amend the Requirements for a Multiple Well Site Permit (PUBLIC HEARING).

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

a. Report of City Staff

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

b. Citizen Presentations

Mr. Randy Means, 1941 Burkley Place, appeared before Council in support of the ordinance, but expressed concern about unintended consequences, a concern for a loop hole for the operators of the gas well sites and for any negative consequence.

The following individuals appeared before Council in opposition of the ordinance and expressed concern about gas wells being a threat to natural areas, sound barriers, ambient noise levels, set backs for the wells and the grandfathering clause:

Mr. Philip Hennen, 1824 Martel Avenue
Mr. Jim Ashford, 6209 Riverview Circle
Ms. Paulette Rook, 4332 Barcelona Drive
Ms. Rita Vinson, 6216 Dovenshire Terrace
Ms. Jerry Horton, 2608 Carter Avenue
Mr. Troy McKelroy, 3807 Wildwood Road
Mr. Greg Ricks, 720 Oakwood Trail

c. Council Action

Mayor Pro tem Hicks stated that the Council had worked hard to deal with gas drilling issues. She added that drilling would continue to be an issue and the Council would continue to seek common ground and that citizens needed to have their say in where the drilling would occur. She also stated that relative to the issue of protected sites, she ensured as much as possible that the sites were away from residential areas and from noise sensitive areas.

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
DECEMBER 16, 2008
PAGE 16 of 29**

(G-16407 Continued)

Mayor Pro tem Hicks made a motion as follows:

To add hotels, motels and jails to the definition of a residence and revise the definition of a public building to remove it as a protected use and include all uses included in the Fire Code Assembly "A" category and provide a 300 foot setback for public buildings.

Increase the 200 foot minimum setback to a 300 foot minimum setback for all protected uses and public buildings but operator or property owner will have 45 days after adoption of ordinance to identify sites that have a protected use (permitted or built) or a residential lot between 300 and 200 feet from existing well site. These sites will be grandfathered to setback requirements prior to January 1, 2009.

If above notice is not received by the City, City Council can waive distance to 200 feet for residential lots.

Multiple Well Site Permit:

Motion to keep the current 2006 ordinance language with the 600 foot setback; change all references in the ordinance to a "Pad Site Permit" to a "Multiple Well Site Permit"; remove references to well classifications; add a sentence that states that for all purposes the measurement shall be from the boundary line of the pad site; add permit expiration language and correct sign notice language to allow for sign during application and after approval.

Council Member Scarth clarified that the amendment just read included Option 2 on the protected uses.

Mayor Pro tem Hicks stated that the motion did include Option 2 for protected uses and that on the issue of protected uses, Council would rather see a drill site closer to a business like a hair salon where a person was not there daily than to a residential area or another place where there was a lot of business going on. She stated that this was an effort to try and find middle ground so that citizens would feel like they had some protection and some control over where drilling would occur.

Council Member Burdette stated that he agreed with what had been proposed by Mayor Pro tem Hicks. He added Council had redefined a residence to include hotels, motels and jails, which basically were residences because people live and sleep there and that it was appropriate to include them as a residence. He stated that public buildings had be redefined to include stores, shopping malls, etc., and the minimum setback for the public buildings changed from 200 feet to 300 feet. He pointed out that his concern with the original proposal was the requirement for operators to apply for a multi well pad site permit and that it may force some operators to make the choice to not drill two (2) or three (3) wells at one pad site, but to go out and drill multiple single well sites.

(G-16407 Continued)

increased impact because it would create more street usage, more pipelines and be closer to additional homes. He stated that he supported the proposed language, but agreed the process should be monitored for the future. He clarified that the gas in the City was not owned by Chesapeake or XTO Energy, but by the people who owned the property.

Council Member Jordan stated that he supported the motion and that he wanted to reiterate that District 6 was entirely outside of IH 820 and that there had been drilling in his district for over three years. He added that he approached the drillers, in the interest of the neighborhoods and requested that they let him know the location of every well with the understanding that the well locations reciprocate pipelines, truck routes and any other cause that would come about. He advised that as the multiple well sites would come up, he would sit down with the neighborhoods and talk about the placement of the well site with the understanding that pipelines and trucks would not go through the neighborhoods and that noise abatement mechanisms would be put in place. He commended Assistant City Attorney Sarah Fullenwider and Susan Alanis, Planning and Development Department Director, for their herculean work and maintaining decorum and professionalism throughout the process. He stated that he also wanted to thank Clarence Wiesepape, his appointee to the Gas Well Task Force and added that he had done expert work.

Council Member Burns expressed appreciation to Sarah Fullenwider and Susan Alanis for acknowledging his request to take another look at the definition of a public building and finding a way to expand the definition to include additional protections.

Mayor Moncrief stated Sarah Fullenwider and Susan Alanis had demonstrated more effort to find middle ground than he had ever seen exhibited in staff and that he had never seen that type of effort to try and bring people together to reach a consensus. He added that the Task Force Advisory had been addressing the issue had done outstanding work and provided a product that was defined in the realm of what the Council had asked them to do. He advised that the Council would remain vigilant and watch closely to see what the product accomplished. He stated that if the Council saw that the product was not working and if they found that there were problems that were not anticipated, then the Council would readdress the problems.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Burdette, that the public hearing be closed and Mayor and Council Communication No. G-16407 be approved and Ordinance No. 18412-12-2008 be adopted with the following stipulations:

Add hotels, motels and jails to the definition of a residence and revise the definition of a public building to remove it as a protected use and include all uses included in the Fire Code Assembly "A" category and provide a 300 foot setback for public buildings.

(G-16407 Continued)

Increase the 200 foot minimum setback to a 300 foot minimum setback for all protected uses and public buildings but operator or property owner will have 45 days after adoption of ordinance to identify sites that have a protected use (permitted or built) or a residential lot between 300 and 200 feet from existing well site. These sites will be grandfathered to setback requirements prior to January 1, 2009.

If above notice is not received by the City, City Council can waive distance to 200 feet for residential lots.

Multiple Well Site Permit:

Motion to keep the current 2006 ordinance language with the 600 foot setback, change all references in the ordinance to a "Pad Site Permit" to a "Multiple Well Site Permit", remove references to well classifications, add a sentence that states that for all purposes the measurement shall be from the boundary line of the pad site, add permit expiration language and correct sign notice language to allow for sign during application and after approval.

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

20. It was the Consensus of the Council that Mayor and Council Communication No. G-16408, Adopt Resolution Designating the Oakland Corners Area as a Neighborhood Empowerment Zone; Adopt Ordinance Designating the Oakland Corners Area as Neighborhood Empowerment Reinvestment Zone No. 36, be Continued until the January 6, 2009, Council Meeting.

21. It was the Consensus of the Council that Mayor and Council Communication No. G-16409, Authorize Conversion of Parkland at Sycamore Park Located at 2525 East Rosedale Street for the Purpose of Subsurface Drilling and the Extraction of Natural Gas from an Off Site Location, be Withdrawn from Consideration.

22. M&C G-16410 - Authorize the City Manager to Purchase an Excess Workers' Compensation Insurance Policy for 2009 from Star Insurance Company through McGriff, Seibels and Williams of Texas, Inc., in the Amount of \$411,950.00.

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. G-16410 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

B. Purchase of Equipment, Materials, and Services

1. It was the Consensus of the Council that Mayor and Council Communication No. P-10885, Authorize the Purchase of Sealcoat and Restriping Services from Advanced Paving Company for the Department of Aviation for an Amount Not to Exceed \$70,642.00, be withdrawn from consideration.

5. M&C P-10896 - Authorizing a Purchase Agreement for Fencing Material, Installation and Repair Services with Cleburne Fence Company for the City of Fort Worth for an Amount Not to Exceed \$450,000.00.

Motion: Council Member Burns made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. P-10896 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

6. M&C P-10897 - Authorize a Purchase Agreement for High Voltage Switchgear and Motor Rewind Maintenance and Repair Services with Shermco Industries, Inc., using a Tarrant Regional Water District Contract for the Water Department in an Amount Not to Exceed \$900,000.00.

Motion: Council Member Moss made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. P-10897 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

7. M&C P-10898 - Authorize the Award of a Purchase Agreement with Martin Eagle Oil Company, Inc., for E85 Ethanol Fuel and Unleaded Gasoline for an Amount Not to Exceed \$4,000,000.00.

Motion: Council Member Burdette made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. P-10898 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

8. M&C P-10899 - Authorize the Purchase of a New Spartan Chassis, Inc., Aerial Fire Apparatus Using a Cooperative Contract through Houston-Galveston Area Council with Scott Fire Apparatus, Inc., for the Fire Department for a Cost Not to Exceed \$734,250.00.

Motion: Council Member Burns made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. P-10899 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

9. M&C P-10900 - Authorize the City Manager to Authorize the Purchase of New Caterpillar Equipment from Holt Cat using Texas Association of School Boards Cooperative Contract No. 268-07 for an Amount Not to Exceed \$698,583.00.

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. P-10900 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

10. M&C P-10901 - Authorize the Purchase of Four New Toyota Prius Hybrid Vehicles from Philpott Motors Using a Houston-Galveston Area Council Cooperative Contract No. VE03-06 for an Amount Not to Exceed \$95,050.00.

Motion: Council Member Scarth made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. P-10901 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

11. M&C P-10902 - Authorize a Sole Source Maintenance Agreement for High Water Detection and Early Flood Warning Systems with High Sierra Electronics, Inc., for the Transportation and Public Works Department for an Annual Projected Amount Not to Exceed \$100,000.00.

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. P-10902 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

D. Planning & Zoning

1. M&C PZ-2805 - Institute and Consider the Adoption of an Ordinance Declaring Certain Findings; Providing for the Extension of Certain Boundary Limits of the City of Fort Worth; Providing for the Annexation of an Approximately 177.8 Acre Tract of Land Located West of US Highway 377 and South of Keller Hicks Road, Situated in the Jesse Billingsley Survey, Abstract Number 70, Situated About 12.7 Miles North, 75 Degrees East of the Courthouse, Tarrant County, Texas (Case No. AX-05-024, Keller Hicks/Pine Tree Estates Enclave) which Said Territory Lies Adjacent to and Adjoins the Present Corporate Boundary Limits of Fort Worth, Texas; Providing that the Territory Annexed Shall Bear its Pro Rata Part of Taxes; Providing that the Inhabitants Thereof Shall have All the Privileges of All the Citizens of Fort Worth, Texas;

Mayor Moncrief recognized Ms. Mary Ann French, 1015 Timberland Drive, Keller, Texas, and Ms. Stacey Brown, 1015 Timberland Road, Keller, Texas, who wished to address Council in opposition to the annexation; however neither was present in the Council Chamber.

(PZ-2805 Continued)

Council Member Espino advised that this annexation and the next agenda item, M & C PZ-2806, are the annexation of properties, if approved, into the City of Fort Worth into Council District 2. He provided a detailed explanation of reasons the City annexes property into the city limits, even forced annexations. He explained the terminologies of territorial jurisdiction and extraterritorial jurisdiction (ETJ) and provided the related statistical information for the City of Fort Worth. He pointed out that cities have been given the authority by the state legislature to annex properties in their ETJs to promote orderly development and growth through land use controls, building standards and building code requirements. He added that cities also have to comply with providing city services to the areas within the requirements of the associated service plans of police, fire protection, ambulance, solid waste collection, etc. Council Member Espino pointed out that District 2 was one of the fastest growing parts of the City and that there were numerous enclaves, or pockets of development, that had occurred that were totally surrounded by the City of Fort Worth. He advised that these areas are residential subdivisions, business developments, etc., and the people in those areas utilize the City of Fort Worth's streets to access those areas. Council Member Espino talked about the number of new fire stations that had been built in that area to provide for fire services, along with the hiring of more firefighters and the purchase of firefighting equipment. He also advised of additional code compliance services to the far north Fort Worth area. Council Member Espino advised of the roadway improvements that were also occurring in that area with the use of gas well revenues and bond monies.

Council Member Espino also spoke about what can occur in these rural areas that are now surrounded by urban growth areas if they are not protected by proper land use regulations. He pointed out the issues of industrial development next to residential homes and that gas wells could be placed on properties next to residential areas. He advised that the City staff had conducted a very transparent annexation process and held numerous meetings with the property owners in the affected areas.

Motion: Council Member Espino made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. PZ-2805 be approved and Ordinance No. 18413-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

2. M&C PZ-2806 - Institution and Consider Adoption of an Ordinance Declaring Certain Findings; Providing for the Extension of Certain Boundary Limits of the City of Fort Worth; Providing for the Annexation of an Approximately 534.4 Acre Tract of Land Located West of US Highway 377 and South of Westport Parkway, Situated in the Jose Chirino Survey, Abstract Number 265; The R.F. Allen Survey Abstract 29; and the J.J. Roberts Survey, Abstract 1305, Situated About 13.7 Miles North, 77 Degrees East of the Courthouse, Tarrant County, Texas (Case No. AX-05-023, Sunset Circle/Oak Haven Drive Enclave) which Said Territory Lies Adjacent to and Adjoins the Present Corporate Boundary Limits of Fort Worth, Texas; Providing that the Territory Annexed Shall Bear its Pro Rata Part of Taxes; Providing that the Inhabitants Thereof Shall have all the Privileges of all the Citizens of Fort Worth, Texas.

(PZ-2806 Continued)

The following individuals appeared before Council in opposition of the annexation and expressed concern relative to services being promised but not being provided. They pointed out that the annexed areas around them still had not received services and added that the neighborhood did not want to be annexed.

Ms. Velsie Vest, 29 Sunset Circle South, Keller, Texas
Ms. Susan Gwynn, 1017 Simmons Drive, Keller, Texas

Council Member Espino stated that there were community centers in Far North Fort Worth, but more were needed. He stated that the Council and City staff were committed to complying with the obligations under State law. He expressed appreciation to Allison Gray, Planning Manager, Planning and Development Department and Dana Burghdoff, Planning and Development Department Deputy Director and all of City staff for continuing to meet with the residents of the area.

City Manager Fisseler stated this was an area where there was a disputed service agreement with the City of Keller and that there were some substandard water lines in the area. He stated that upon annexation, state law required that the City replace any substandard lines within two years and that the City was prepared to do that.

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. PZ-2806 be approved and Ordinance No. 18414-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

E. Award of Contract

1. It was the Consensus of the Council that Mayor and Council Communication No. C-23225, Award a Contract to Carter and Burgess for Consulting Services in an Amount of \$96,836.00 to Conduct a Safety Management System Pilot Study at Fort Worth Alliance Airport, be withdrawn from consideration.

2. M&C C-23225 - (Revised) Authorize the City Manager to Execute a Contract for Consulting Services with Jacobs Engineering Group, Inc., in an Amount Not to Exceed \$96,836.00 to Conduct a Safety Management System Pilot Study at Fort Worth Alliance Airport.

Motion: Council Member Espino made a motion seconded by Council Member Burns that Mayor and Council Communication No. C-23225 (Revised) be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

Mayor Pro tem Hicks recognized the former Co-Chair of the Youth Advisory Board, Ashley Baker, who was present in the Council Chamber.

17. M&C C-23247 - Authorize an Agreement with the Fort Worth Housing Authority in the Amount of \$880,800.00 for the Directions Home Voucher Program which will Provide Rental Vouchers for a Minimum of 100 Homeless Households for the Duration of 12 Months; Authorize the City Manager or His Designee to Extend or Renew the Agreement for up to One Year if the Fort Worth Housing Authority Requests an Extension and it is Necessary for the Completion of the Directions Home Voucher Program; and Authorize the City Manager or His Designee to Amend the Agreement if Necessary to Achieve Program Goals Provided that the Amendment is within the Scope of the Directions Home Voucher Program and in Compliance with Applicable Laws.

Mr. Richard Vickers, 410 W. 7th Street #306, appeared before the Council and spoke in opposition with prejudice to the approval of this agreement. He advised that today he had filed a complaint with the Fort Worth Housing Authority regarding the issue that they were using an unauthorized utility allowance schedule and that the program that pertains to that issue was also applicable to the subject agenda item. He requested that this agreement be denied or continued until such time as this issue was resolved. He provided examples of their form as compared to the HUD required form that he stated they should be using. He added that he was before the Council in the interest of all parties.

There was further deliberation as to whether the City Attorney could respond to Mr. Vickers' complaint in this matter. City Attorney Yett advised that the Fort Worth Housing Authority had counsel and they would have to respond to this issue. He added that he would forward Mr. Vickers' information to them; however, he was not in a position to respond to or about the complaint. At Mayor Moncrief's request, Mr. Vickers provided a copy of his complaint to the City Attorney.

There was also further clarification as to whether Mr. Vickers felt he was being discriminated against. Mr. Vickers explained he had pushed this issue to the Fair Housing Authority; however, they had forwarded it to the Public Housing Authority. He pointed out that the violation under one rule would precipitate the same ruling under fair housing.

At the Mayor's request, Otis Thornton, Homelessness Coordinator, spoke before the Council regarding this complaint and how it impacted the subject agenda item. Mr. Thornton indicated that he was not sure how it was related to the subject agenda item. He advised there was a dispute resolution procedure under the Public Housing Authority's Administrative Plan and he felt the complaint would be handled judiciously. Mr. Vickers interjected that the complaint had been forwarded to HUD and they have accepted the complaint as provided.

(C-23247 Continued)

After further discussion, Mayor Moncrief indicated that he was going to assume that the documentation for the subject agenda item was correct and he was going to request that the Council move forward with the action on the item. He added however, if there was a problem, the Council would be willing to address it.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-23247 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

18. M&C C-23248 - Authorize an Agreement with the United Way of Tarrant County in the Amount of \$1,512,556.00 for the Implementation of Programs Described as the City's Responsibility in Directions Home, the City's Homelessness Plan; Authorize the City Manager or His Designee to Extend or Renew the Agreement for up to One Year if United Way of Tarrant County Requests an Extension and it is Necessary for the Completion of the Program; and Authorize the City Manager or His Designee to Amend the Agreement if Necessary to Achieve Program Goals Provided that the Amendment is within the Scope of the Program and in Compliance with Applicable Laws.

Mayor Pro tem Hicks advised that she needed to recuse herself from the discussion and voting on this agenda item due to a business conflict. There was no objection from the Council noted.

Motion: Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23248 be approved. The motion carried unanimously seven (7) ayes to zero (0) nays and with one (1) abstention by Mayor Pro tem Hicks.

19. M&C C-23249 - Authorize the City Manager to Execute an Engineering Agreement with TranSystems Corporation Consultants in an Amount of \$253,088.00 for the West Berry Streetscape Improvements Project between University Drive and Waits Avenue.

Motion: Council Member Burns made a motion, seconded by Mayor Pro tem Hicks, that Mayor and Council Communication No. C-23249 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

20. M&C C-23250 - Approve the Acceptance of a Lease Agreement for Natural Gas Drilling Under 26.511 Acres, More or Less, of City-Owned Properties Located at 5000 Martin Luther King, Jr., Highway, in Tarrant County, Texas, Known as the Southeast Service Center to Quicksilver Resources, Inc., for a Two Year Primary Term.

Motion: Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23250 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

21. M&C C-23251 - Authorize the City Manager to Execute an Amendment in an Amount Not to Exceed \$50,000.00 to the Professional Services Agreement with Skire, Inc., for a Total Contract Amount Not to Exceed \$134,000.00 to Provide General Technical Services in Support of the City of Fort Worth's Efforts to Migrate Existing Capital Projects Data into the Capital Projects Management System.

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23251 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

22. M&C C-23252 - Authorize the City Manager to Execute a Tax Abatement Agreement with 4CP, Ltd., for Property and Improvements at 2908 Cullen and 2909 Shamrock Avenue; and Find that the Statements set Forth in the Recitals of the Tax Abatement Agreement are True and Correct.

Motion: Council Member Burns made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23252 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

23. M&C C-23253 - Authorize the City Manager to Execute Amendment No. 2 to City Secretary Contract No. 36482 an Economic Development Program Agreement with Museum Place Holdings, LLC, that Extends the Various Completion Deadlines for the Museum Place Project.

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23253 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

24. M&C C-23254 - Authorize the City Manager to Execute an Amendment to City Secretary Contract No. 34468, a Tax Abatement Agreement with Lancaster Avenue, Ltd., for the Redevelopment of Individual Buildings within the 4200 Block of East Lancaster at the Northeast Intersection of Oakland Boulevard and East Lancaster Avenue in the Oakland Corners Urban Village.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23254 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

25. M&C C-23255 - Authorize the City Manager to Execute an Amendment to City Secretary Contract No. 34468, an Economic Development Program Agreement with Lancaster Avenue, Ltd., for the Redevelopment of Individual Buildings within the 4200 Block of East Lancaster, Oakland Corners Urban Village.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. C-23255 be approved with appreciation. The motion carried unanimously eight (8) ayes to zero (0) nays.

26. M&C C-23256 - Authorize the use of Existing Revenue Derived from Pipeline Easement Leases in the Amount of \$582,155.00 for Fiscal Year 2009 for Airport Planning Services at City-Owned Airports; Adopt a Supplemental Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Aviation Improvements Capital Projects Fund in the Amount of \$582,155.00 for the Purpose of Transferring Said Funds to the Municipal Airports Fund; Adopt a Supplemental Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Municipal Airports Fund in the Amount of \$582,155.00 for the Purpose of Executing a Professional Services Agreement with URS Corporation for Airport Planning Services; and Authorize the City Manager to Execute a Professional Services Agreement in the Amount of \$522,155.00 with URS Corporation for Airport Planning Services to Redevelop Specific Areas at Meacham International and Spinks Airport.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23256 be approved and Supplemental Appropriation Ordinance Nos. 18415-12-2008 and 18416-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

27. M&C C-23257 - Adopt a Resolution Authorizing Execution of a Local Project Advance Funding Agreement with the Texas Department of Transportation in the Amount of \$2,063,880.00, to Improve and Expand the Traffic Signal System (ITS Project 5); Authorize the City Manager to Accept \$1,073,217.00 in Federal Funds Under the Transportation Equity Act of the 21st Century Program; Authorize the City Manager to Accept \$144,472.00 in State Funds; Authorize the Transfer of \$846,191.00 from the 2004 Capital Improvement Program to the Grants Capital Projects Fund Towards the City's Match, Including Direct State Costs for Plan Review and Oversight; Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Grants Capital Projects Fund in the Amount of \$2,063,880.00 for the Purpose of Authorizing the Execution of a Local Project Advance Funding Agreement (LPAFA) with the Texas Department of Transportation for a Citywide Project to Expand the Traffic Signal System; and Authorize Payment in the Amount of \$40,295.00 to Texas Department of Transportation for the City's Portion of Texas Department of Transportation's Administrative Oversight and Inspection of Installed Materials.

Motion: Council Member Burns made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23257 be approved and Resolution No. 3700-12-2008 and Appropriation Ordinance No. 18417-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

28. M&C C-23258 - Authorize the City Manager to Execute a Professional Services Agreement in the Amount of \$152,685.00 with MACTEC Engineering and Consulting, Inc., for Materials Testing for the Neighborhood Policing District No. 6 and Traffic Division Facility Located at 1100 Nashville Avenue.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23258 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

29. M&C C-23259 - Authorize the City Manager to Execute Amendment No. 4 in the Amount of \$152,055.00 to City Secretary Contract No. 32411, an Architectural Agreement with Perkins and Will, to Provide the Construction Administration Services for the Neighborhood Policing District No. 6 and Traffic Division Project Located at 1100 Nashville Avenue.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23259 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

30. M&C C-23260 - Authorize the Transfer of \$1,087,198.46 from the Water and Sewer Operating Fund to the Water Capital Projects Fund in the Amount of \$417,947.25 and Sewer Capital Projects Fund in the Amount of \$669,251.21; Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Water Capital Projects Fund in the Amount of \$417,947.25 and the Sewer Capital Projects Fund in the Amount of \$669,251.21 from Available Funds, for the Purpose of Executing a Contract with Texas United Excavators, LLC, for Pavement Reconstruction, Drainage Improvements and Water and Sanitary Sewer Replacement on Westcreek Drive (Medina Avenue to Bilglade Road and Bilglade Road to Westfield Avenue) (City Project No. 00444); and Authorize the City Manager to Execute a Contract in the Amount of \$2,500,578.95 with Texas United Excavators, LLC.

Motion: Council Member Jordan made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-23260 be approved with appreciation and Appropriation Ordinance No. 18418-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

31. M&C C-23261 - Authorize the City Manager to Execute a Contract with LP Sundance Construction, Inc., in the Amount of \$2,227,171.50 for the Construction of East 7th Street Deep Tunnel Sanitary Sewer, Part 1.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23261 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

32. M&C C-23262 - Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Lake Worth Trust Fund in the Amount of \$1,529,279.00 from Gas Well Revenue for the Purpose of Transferring Said Funds to the Water and Sewer Fund; Adopt a Supplemental Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Water and Sewer Fund in the Amount of \$1,529,279.00 for the Purpose of Transferring Said Funds to the Water Capital Projects Fund; and Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Water Capital Projects Fund in the Amount of \$1,529,279.00 for the Purpose of Executing a Contract with Freese and Nichols, Inc., for the Design of Phase I of the Lake Worth Dredging Project.

City Manager Fisseler advised that the total amount for the contract should read \$1,519,279.00.

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23262 be approved as amended and Appropriation Ordinance No. 18419-12-2008, Supplemental Appropriation Ordinance No. 18420-12-2008 and Appropriation Ordinance No. 18421-12-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

(C-23262 Continued)

Mr. Joe Waller, 2533 Castle Circle, appeared before Council in support of the Lake Worth dredging project. He expressed appreciation to Paul Bounds, Engineer, Water Department, for his assistance.

XV. CITIZEN PRESENTATIONS

Mr. Richard Henderson, 9510 Park Drive, Extraterritorial Jurisdiction, appeared before Council relative to being placed in limited annexation in 2004. He added that he lived on a 200 acre parcel of land on North Park Drive and there were seven houses and there would never be more than seven houses due to deed restrictions. He added that it would take 127 years for the residents to pay back the infrastructure costs that would be required for sewer, fire hydrants and septic systems, to satisfy these seven houses. He stated that it would be a fiscal irresponsible act to pay back the taxes since it would take 127 years and added that it made no sense financially to annex the enclave where he lived. He requested that after January 1, 2009, when the agreement would come back before Council, that the Council reconsider and not annex the enclave or if they did annex the enclave to send notice so that the residents could appear at the public hearing and have their voices heard.

Council Member Burdette stated that he appreciated Mr. Henderson's point. He requested that staff provide notice to these residents before the annexation.

Mr. Joe Waller, 2533 Castle Circle, President of the Lake Worth Alliance, appeared before Council relative to a portion of the Lake Worth area being leased out for gas drilling and added that it was significant to the City of Fort Worth because it represented over 50 percent of unrestricted revenue that the City would earn from the oil and gas business, not counting ad valorem taxes. He stated that the interesting and delightful thing was that the City of Fort Worth owned the minerals and would be creating the lease document. He stated that he had visited with some of the Council Members and City staff to see where the Lake Worth Alliance's opportunities would be in this process.

Council Member Burdette stated that he understood and agreed with Mr. Waller. He added that if the oil and gas businesses drilled around and under Lake Worth, that the City wanted to receive the maximum dollars possible. He stated that the City wanted to ensure the drilling was done in the safest and most environmentally effective way and added that he would get with staff to put protections in the lease to have it done the right way.

XVII. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:24 p.m.