

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
APRIL 1, 2008**

Present

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

City Staff

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

With a quorum of the City Council Members present, Mayor Moncrief called the regular session of the Fort Worth City Council to order at 7:08 p.m. on Tuesday, April 1, 2008, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102, with Council Member Scarth temporarily absent.

Agenda Item II The invocation was given by Ms. Dorothy Gilstrap, Bahai Faith.
Invocation

Agenda Item III The Pledge of Allegiance was recited.
Pledge

Agenda Item IV Upon a motion of Council Member Jordan, seconded by Council Member Silcox,
Approval of the minutes of the regular meeting of March 25, 2008, were approved
Minutes unanimously eight (8) ayes to zero (0) nays, with Council Member Scarth absent.

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

Agenda Item V Council Member Burns presented a Proclamation for Fair Housing Awareness
Special Month to Mr. Estrus Tucker, Chair, Fort Worth Human Relations Commission.
Presentations

Council Member Jordan presented a Proclamation for Records and Information Management Month to Mr. Doug A. Jones, CRM, Records Manager for the City of Fort Worth.

City Secretary Hendrix advised that the presentation of Certificates of Recognition to Former Board and Commission Members would be continued until the April 8, 2008, Council meeting to allow the recipients to attend the meeting.

Ms. Gigi Gosling, Coordinator for Cowtown Community Clean-Up and representing the West Meadowbrook Neighborhood Association, presented Mayor Pro tem Hicks with a trash sculpture comprised of various recyclable materials gathered from District 8. Ms. Gosling stated that the sculpture, entitled "Number Two," was presented in recognition of Mayor Pro tem Hicks's proactive support to clean-up District 8.

Agenda Item VI
Announcements

Council Member Burns announced that the Democratic Party spent 21 hours at Will Rogers Memorial Center (WRMC) this past weekend for the District 10 State Senate Convention. He acknowledged the efforts of Kirk Slaughter, Public Events Director, Chris Harmon and his staff at WRMC who worked with the National Cutting Horse Association who had the center leased on Saturday and accommodated alternate arrangements because of the Democratic Convention. He referred to Mayor Moncrief's comments during the Pre-Council Work Session relative to the disease AIDS and HIV were not over and announced that the Annual Tarrant County Aids Walk would be conducted on April 6, 2008, at Trinity Park at 2:30 p.m. and encouraged everyone to participate. He reminded everyone who served on board and commissions for District 9 that the first ever board and commission member get together would be conducted on April 7, 2008, from 5:30 p.m. to 7:00 p.m. at the D. Kelley Center at Texas Christian University (TCU). He expressed appreciation to TCU for making the center available and added that it would be an opportunity for all board and commission members to meet one another and find ways to better facilitate their service.

Council Member Moss announced that the second session of "On the Trail to Healthy Eating" would be conducted on April 12, 2008, from 10:00 a.m. to 12:00 noon at the Minyards Food Store, 4245 E. Berry Street to learn about making healthy food choices. He stated that the overall session was co-sponsored by the Agra Life Extension of Texas A&M University System, Minyard Food Stores and Fort Worth Public Health Outreach and added that someone would win a George Forman Lean Grill Machine.

Council Member Jordan announced that last evening Interim Police Chief Pat Knebllick hosted a Police Forum in District 6 and commended the Chief and the other Police Officers that attended the forum for the presentation. He stated that

the City had the best Police Department with top professionals. He extended an invitation to all citizens to get involved in the Citizens on Patrol and Neighborhood Watch programs.

Council Member Burdette announced that it was NASCAR weekend at the Texas Motor Speedway and stated that races would be held Friday, Saturday and Sunday. He stated that over 200,000 people would be in the City to watch the races and encouraged everyone to go out and see the races.

Mayor Pro tem Hicks expressed appreciation to Council Member Burns's for his announcement on the AIDS Walk this weekend and stated that she served on the Board of the AIDS Outreach Center and could personally attest to the great work they do in the community. She announced that a community discussion entitled "A Natural Cause: Is Inequality Making Us Sick" would be conducted in District 8 on April 9, 2008, at 6:00 p.m. at the Sycamore Community Center on East Rosedale. She also announced that she and Council Member Moss would be at the Southeast Early Childhood Resource Center for their second anniversary on April 10, 2008, from 6:00 p.m. to 8:00 p.m., and celebrate the work they had done in the community. She further requested that the meeting be adjourned in memory of Council Member Moss's mother, Eva Marie Moten-Moss, who recently passed.

Council Member Scarth expressed appreciation to City staff who attended the Park Glen Town Hall meeting last night. He added that staff did a great job and that their attendance was the epitome of government in America whereby City government had a connection with its residents.

Mayor Moncrief stated that several announcements made this evening had outlined the successful participation of City staff. He added that this was time staff spent away from their families, adding to their workload to assist the Council in their service to the City. He commended the staff for their work and added that the City had the best staff in the country.

**Agenda Item VII
Withdrawn from
Consent Agenda**

City Manager Fisseler requested that Mayor and Council Communication Nos. C-22736 and C-22740 be withdrawn from the consent agenda.

**Agenda Item VIII
Continued/
Withdrawn By Staff**

City Manager Fisseler requested that Mayor and Council Communication Nos. C-22722 be withdrawn from consideration as it would be replaced by C-22722 Revised, and that C-22740 and C-22743 be continued until the April 8, 2008, Council meeting.

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
APRIL 1, 2008
PAGE 4 of 23**

**Agenda Item IX
Consent Agenda**

Upon a motion made by Council Member Silcox, seconded by Council Member Espino, the Council voted nine (9) ayes to zero (0) nays to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

**OCS-1652
Claims**

M&C OCS-1652 - from the Office of the City Secretary recommending that the City Council refer notices of claims regarding alleged damages and/or injuries to the Finance/Risk Management Department.

**G-16091
Pay 2008
Membership Dues
to TCCFUI**

M&C G-16091 - Authorizing payment of the City of Fort Worth's 2008 membership dues to the Texas Coalition of Cities for Utility Issues (TCCFUI) in the amount of \$27,474.00.

**G-16092
Res. No. 3611-04-
2008
Retain Kelly Hart
and Hallman, LLP,
to Assist with
Condominium
Declarations
Related to Omni
Hotel Project**

M&C G-16092 - Adopting Resolution No. 3611-04-2008 authorizing the City Attorney to retain the law firm of Kelly Hart and Hallman, LLP, for assistance regarding condominium declarations and related subordination agreements pertaining to the Omni Hotel project.

**G-16093
Temporary Street
Closures to
Accommodate 2008
Main Street Fort
Worth Arts Festival**

M&C G-16093 - Approving the request of Downtown Fort Worth, Inc., to temporarily close the following streets for the Main Street Fort Worth Arts Festival for the year 2008:

Monday April 14, 2008, 12:01 a.m. through the following Monday, April 21, 2008, 6:00 a.m.

- Main Street from 2nd Street to 9th Street
- 4th Street from Houston Street to Commerce Street (Two north lanes will be open during morning peak hour traffic 9:00 a.m. to 5:00 a.m. Tuesday)
- 8th Street from Houston Street to Main Street (One south curb lane and parking in curb cut closed from 12:01 a.m. until 12:01 a.m. Wednesday)

Tuesday, April 15, 2008, 12:01 a.m. through Monday, April 21, 2008, 6:00 a.m.

- Main Street from Weatherford Street to 2nd Street
- 8th Street from Houston Street to Commerce Street (Access to Hilton Hotel will be maintained. Restaurant valet parking service will be relocated to Houston Street);
- 9th Street from Houston Street to Commerce Street

CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
APRIL 1, 2008
PAGE 5 of 23

Wednesday, April 16, 2008, 12:01 a.m. through Monday, April 21, 2008, 6:00 a.m.

- 1st through 3rd Streets from Houston Street to Commerce Street (Access to Renaissance Worthington Hotel parking garage will be maintained. Access to Halton's Jewelry loading zone will be provided);
- 4th Streets from Houston Street to Throckmorton Street (Two north lanes will be open during morning peak hour traffic (6:00 a.m. to 9:00 a.m.);
- 5th Street from Houston Street to Commerce Street (Two center lanes will be open all day);
- 6th and 7th Streets from Houston Street to Commerce Street (Two outside north and south curb lanes will close at 6:00 p.m. to accommodate deliveries - Access to Hotel parking garage entrance will be maintained);
- Commerce Street (west curb lane) from 1st to 9th Streets (Close parking lane and bagging of parking meters - to be used as Golf Cart lane);
- Houston Street (east curb lane and recessed area) from 1st to 9th Streets (Close parking lane and bagging of parking meters to be used as Golf Cart lane);

Wednesday, April 16, 2008, 12:01 a.m.

- 4th Street from Houston Street to Commerce Street (Two north lanes will be open during morning peak hour traffic 6:00 a.m. to 9:00 a.m.);
- 5th Street from Houston Street to Commerce Street (Two center lanes will be open all day);

Thursday, April 17, 2008, 12:01 a.m. through Friday, April 18, 2008, 12:01 a.m.

- 4th Street from Houston Street to Commerce Street (Two north lanes will be open during morning peak hour 6:00 a.m. to 9:00 a.m.);
- 5th Street from Houston Street to Commerce Street (Two center lanes will be open during evening peak hour 4:00 p.m. to 6:00 p.m.);
- 6th Street from Houston Street to Commerce Street (Two center lanes open all day);
- 7th Street from Houston Street to Commerce Street (Two center lanes open all day);

**CITY OF FORT WORTH, TEXAS
 REGULAR CITY COUNCIL MEETING
 APRIL 1, 2008
 PAGE 6 of 23**

Friday, April 18, 2008, 12:01 a.m. through Monday April 21, 2008, 6:00 a.m.

- 4th Street from Houston Street to Commerce Street (Two center lanes will be open during morning peak hour 6:00 a.m. to 9:00 a.m.);
- 5th Street from Houston Street to Commerce Street (Two center lanes will be open during evening peak hour 4:00 p.m. to 6:00 p.m.);
- 6th Street from Houston Street to Commerce Street (Two center lanes open, closed at 6:00 p.m.); and
- 7th Street from Houston Street to Commerce Street (Two center lanes open, closed at 6:00 p.m.).

**P-10760
 Pest Control
 Services**

M&C P-10760 - Authorizing purchase agreements for pest control services with Lady Bugg Exterminating Services and Ed's Exterminating Company for the City of Fort Worth based on low bid by category as follows, with payments due 30 days from receipt of invoices.

<u>Vendors</u>	<u>Categories</u>	<u>Total Annual Cost</u>
Ed's Exterminating Company	1 and 2	\$ 6,648.00
Lady Bugg Exterminating Services	3 through 6	\$28,032.00

**P-10761
 Stop Stick Rack
 Kits and Upgrade
 Kits**

M&C P-10761 - Authorizing a sole source purchase agreement for Stop Stick Rack Kits and Upgrade Kits with StopTech, Ltd., for the Police Department.

**P-10762
 Vehicles**

M&C P-10762 - Authorizing the purchase of 23 new vehicles using a Cooperative Contract through Texas Procurement and Support Services with Caldwell Country Dealerships and McKinney Dodge for the Police Department for a cost not to exceed \$444,230.00, with payments due within 30 days of receipt of the invoices.

<u>Qty., Contract & Description</u>	<u>Unit Price</u>	<u>Extended Total</u>
<u>TPASS 071-A2, Caldwell Country Dealerships</u>		
8 each Chevy Impala, Unmarked Patrol Units	\$18,280.00	\$146,240.00
<u>TPASS 071-A2, McKinney Dodge</u>		
15 each Dodge Chargers, Unmarked Patrol Units	\$19,866.00	<u>\$297,990.00</u>
	Total	\$444,230.00

CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
APRIL 1, 2008
PAGE 7 of 23

P-10763
Super-Duty Trucks

M&C P-10763 - Authorizing the purchase of sixteen new super-duty trucks from Philpott Ford using Houston-Galveston Area Council Cooperative Contracts and seven new super-duty trucks from Sam Pack's Five Star Ford and Philpott Ford using Texas Association of School Boards and Texas Procurement and Support Services Cooperative Contracts for the City of Fort Worth for a cost not to exceed \$1,028,975.08, with payments due within 30 days of receipt of the invoices.

<u>Qty. & Description</u>	<u>Department</u>	<u>Unit Price</u>	<u>Extended Total</u>
<u>HGAC, VE03-06, Philpott Ford</u>			
1 each 9.0 GVW Service Truck	Water		\$ 30,773.82
*2 each 9.0 GVW Trucks	Water	\$30,773.82	\$ 61,547.64
1 each 9.0 GVW Service Truck, 4X4	Water		\$ 32,530.82
*1 each 9.0 GVW Service Truck, 4X4	Water		\$ 32,530.82
1 each 9.0 GVW Service Truck, 4X4 and Options	Water		\$ 33,365.82
2 each 11.0 GVW Bulky Waste Dump Trucks	Parks and Community Services	\$35,487.99	\$ 70,975.98
2 each 11.0 GVW Service Trucks	Water	\$35,526.94	\$ 71,053.88
*2 each 11.0 GVW Service Trucks	Transportation and Public Works	\$35,526.94	\$ 71,053.88
1 each 9.4 GVW Animal Control Truck	Health		\$ 40,822.20
<u>HGAC, HT11-07, Philpott Ford</u>			
1 each 11.0 GVW Flatbed Trucks	Water		\$ 35,066.21
<u>TASB, 281-07, Philpott Ford</u>			
3 each 17.9 GVW Aerial Bucket Trucks	Transportation and Public Works	\$71,284.33	\$ 213,852.99
<u>TASB, 281-07, Sam Packs Five Star Ford</u>			
*6 each 17.9 GVW Flatbed Trucks, 4X4	Transportation and Public Works	\$48,442.67	\$ 290,656.02
<u>TPASS, 072-04, Sam Packs Five Star Ford</u>			
1 each 16.0 GVW Service Truck, 4X4	Water		\$ 44,745.00
Total			\$1,028,975.08

P-10764
Bottled Water

M&C P-10764 - Ratifying an emergency purchase of bottled water from Coca Cola Bottling Company North Texas for the Water Department in the amount of \$50,784.00.

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
APRIL 1, 2008
PAGE 8 of 23**

**L-14503
Convey Electric
Utility Easement for
Omni Hotel Project**

M&C L-14503 - Authorizing conveyance of an electric utility easement described as being a portion of Lot 1, Section R of Lot 1, Section 7R and Lot 1, Section 8R, Fort Worth Convention Center Addition, Tarrant County, Texas, to Oncor Electric Delivery Company, LLC, on City-owned property adjacent to the Fort Worth Convention Center for the Omni Hotel project.

**L-14504
Lease of Office
Space for Fire
Safety Training and
Commercial Fire
Inspections Division**

M&C L-14504 - Authorizing the City Manager to execute a lease agreement between Stream Realty, L.P., for approximately 5,141 square feet of office space located at 307 West 7th Street, Suite LL50, for the Fort Worth Fire Safety Training and Commercial Fire Inspections Division (DOE 5926), at the rate of \$15.80 per square foot which is \$6,768.98 monthly.

**C-22735
Ord. No. 18035-04-
2008
Extend CSC No.
34839 - Fort Worth
Partnership for
Community
Development**

M&C C-22735 - Authorizing the extension of City Secretary Contract No. 34839, Professional Services Agreement with the Fort Worth Partnership for Community Development executed on January 29, 2007; authorizing execution of a Professional Services Agreement with the Fort Worth Partnership for Community Development to expire on the earlier of the date all services are completed by Fort Worth Partnership for Community Development or January 28, 2009; adopting Supplemental Appropriation Ordinance No. 18035-04-2008 increasing estimated receipts and appropriations in the General Fund in the amount of \$68,528.26 from the distribution of proceeds from prior surplus property sales designated for the Fort Worth Partnership for Community Development for the purpose of partially funding the second year's scope of services under a Professional Services Agreement with the Fort Worth Partnership for Community Development; and authorizing staff to proceed with the sale of additional warranty-deed surplus property to fulfill the balance of Year 2 commitment which is \$206,471.74.

**C-22737
Consent to
Assignment by
Trinity Bluff
Development, Ltd.,
to Compass Bank**

M&C C-22737 - Authorizing the City Manager to execute a Consent to Assignment by Trinity Bluff Development, Ltd., to Compass Bank of the Amended and Restated Economic Development Program Agreements, City Secretary Contract Nos. 35326 and 35327.

**C-22738
Ord. No. 18036-04-
2008
Amendment No. 2 to
CSC NO. 34081 -
ANA Consultants,
L.L.C.**

M&C C-22738 - Authorizing the transfer of \$9,485.45 from the Water and Sewer Operating Fund to the Water Capital Project Fund in the amount of \$4,958.10 and the Sewer Capital Project Fund in the amount of \$4,527.35; adopting Appropriation Ordinance No. 18036-04-2008 increasing estimated receipts and appropriations in the Water Capital Projects Fund in the amount of \$4,958.10 and the Sewer Capital Projects Fund in the amount of \$4,527.35 from available funds,

for the purpose of executing Amendment No. 2 to City Secretary Contract No. 34081 and engineering agreement with ANA Consultants, L.L.C., for pavement reconstruction and water and sanitary sewer replacements on Westcreek Drive (Project No. 00444); and authorizing the City Manager to execute Amendment No. 2 to City Secretary Contract No. 34081 with ANA Consultants, L.L.C., in the amount of \$20,887.75 revising the total contract amount to \$209,662.75.

C-22739
Ord. No. 18037-04-
2008
Amendment to CSC
No. 33506 - HDR
Engineering, Inc.

M&C C-22739 - Authorizing the transfer of \$17,199.00 from the Water and Sewer Operating Fund to the Sewer Capital Projects Fund; adopting Appropriation Ordinance No. 18037-04-2008 increasing estimated receipts and appropriations in the Sewer Capital Projects Fund in the amount of \$17,199.00 from available funds, for the purpose of executing Amendment No. 3 to City Secretary Contract No. 33506 with HDR Engineering, Inc.; and authorizing the City Manager to execute Amendment No. 3 to City Secretary Contract No. 33506 with HDR Engineering, Inc., for pavement reconstruction and water and sanitary sewer replacements on Geddes Avenue and Halloran Street (Project No. 00291), in the amount of \$17,199.00, revising the total cost to \$140,835.00.

C-22741
Oracle, Inc.

M&C C-22741 - Authorizing the City Manager to execute a Software Maintenance contract renewal with Oracle, Inc., a sole source vendor, for \$52,009.94; and authorizing this agreement to begin April 1, 2008, and expire on March 31, 2009, with the option to renew the contract for two subsequent years.

The motion carried. End of Consent Agenda.

Agenda Item X
Presentations by
City Council

There were no changes presented by the City Council in memberships in the City's boards and commissions.

Agenda Item XI
Committee
Presentations

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

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
APRIL 1, 2008
PAGE 10 of 23**

**Agenda Item XIII
Ord. No. 18038-04-
2008
Amend Ord. No.
17979-02-2008 as
Amended by Ord.
No. 18019-03-2208
Ordering Election
on May 10, 2008, to
Issue Ad Valorem
Tax Supported
Public Securities for
2008 CIP, to Amend
Election Day and
Early Voting Polling
Locations**

There was presented an ordinance amending Ordinance No. 17979-02-2008, as amended by Ordinance No. 18019-03-2008, ordering an election by the qualified voters of the City of Fort Worth, Texas, on May 10, 2008, on the question of the issuance of ad valorem tax supported public securities for the 2008 Capital Improvement Program (CIP), to amend election day polling locations and early voting locations, which was continued from the March 25, 2008, Council meeting.

Council Member Espino made a motion, seconded by Council Member Jordan, that Ordinance No. 18038-04-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

AGENDA ITEM XIV – REPORT OF THE CITY MANAGER

**G-16060
Waive High Impact
Gas Well Permit to
Allow Drilling of
Gas Well on Pad
“A” of Henderson
Bazaar Lease**

It appeared that the City Council, at its meeting of February 19, 2008, continued the public hearing to consider a waiver for a high impact gas well permit requested by Chesapeake Operating, Inc., to allow the drilling of one gas well on Pad “A” of the Henderson Bazaar Lease located northeast of the intersection of Jacksboro Highway and Cullen Drive. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Ms. Susan Alanis, Acting Director, Planning and Development Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. G-16060, as follows:

There was presented Mayor and Council Communication No. G-16060, dated February 19, 2008, from the City Manager recommending that the City Council consider a waiver for a high impact gas well permit requested by Chesapeake Operating, Inc., to allow the drilling of one gas well on Pad “A” of the Henderson Bazaar Lease located in the R. Crawley Survey, Abstract No. 313, Block 1, Lot 1, Henderson Street Bazaar Subdivision, northeast of the intersection of Jacksboro Highway and Cullen Drive.

Council Member Burns stated that he had given this issue considerable thought and expressed concerns with the proximity of the well to the river channel for the Trinity River realignment, safety impacts to the channeling process and the impact of the pipeline to the bridges (on Henderson Street to go over the river channel and at the Fort Worth and Western Railway) contained in the upcoming

Bond Election proposal. He asked if there were an opportunity for Chesapeake to move the well site closer into where the bazaar site was currently located and if the bazaar site was the lessor that Chesapeake would be producing for. He suggested if the bazaar site was the lessor, then instead of impacting Heritage Park, it might be best to impact the people who would benefit financially from the well site and move the well site closer into the lot.

Mercedes Bolen

Ms. Mercedes Bolen, 301 Commerce Street, representing Chesapeake Operating, Inc., stated that relative to the proximity of the well to Heritage Park, the property where the well was located was actually private property. She added that with the surface use agreement Chesapeake current had, the company has staked and surveyed for 1.6 acres per the contract agreement. She pointed out that if they were not restricted by those boundaries and to get outside of the 600 feet from the edge of Heritage Park, the well would need to be on top of the structure which was impossible. She added that the impact to Heritage Park was minimal because of the railroad tracks and green growth along the railroad tracks. She also advised that the green growth would provide a barrier of approximately 15-20 feet high that covered the well from the park.

Council Member Burns inquired if it were possible for Chesapeake to acquire the site and remove the bazaar barns, build the well and then replace the barns in the future.

Ms. Bolen stated that she was not aware of any negotiations for acquiring the property and added that this was the location that Chesapeake was able to drill. She added that she was not sure if the property owner was willing to sell the property and remove the structures on the property.

Council Member Burns advised that the City was about to spend millions of dollars along this riverfront to take it from an industrial use to one that was a little more high quality of life and friendlier to the citizens of Fort Worth. He stated that he was concerned with the precedent of continuing to put industrial uses on these properties that would remain as industrial uses for 50 or 60 years within feet of the river.

Council Member Silcox stated that he would vote against this issue because of the well being a high impact site. He added that if the City was going to continue to approve a waiver when the gas companies did not own the property, then the stipulation should be removed. He further stated that the 600 foot restriction should either be removed or enforced.

Mayor Pro tem Hicks requested that Randle Harwood, Trinity River Vision (TRV) Department Director, explain how this issue would affect the TRV project.

Mr. Harwood stated that the channel essentially paralleled the railroad at this site. He added that adjacent to this site, a levy would be built that would serve as a buffer between the new channel and the proposed well site. He pointed out that the area was proposed to be redeveloped over time and would be mixed use at this particular site. He reiterated that the well site would not significantly impact the City's future plans for the channel or redevelopment of the area.

Council Member Jordan pointed out that what made this a high impact well site was its location to Heritage Park. He added that he presumed the owner of the commercial property had given authority for the drilling.

Ms. Bolen stated that the well site was not considered a protected use structure and that the property owner authorized the drilling.

Council Member Burns inquired about the staging of the TRV construction and if there was a possibility of doing some of the staging from the well site.

Mr. Harwood stated that the site was tentatively proposed to stage in the interim and during informal conversations with Chesapeake, it was stated they would allow staging from parts of their site as well. He pointed out that the well would not be used as the primary staging site.

Council Member Burdette stated that he presumed a number of well bores would be drilled from the pad site and asked how many mineral owners had granted leases to Chesapeake.

Ms. Bolen stated there were approximately 17 lessors, including the City of Fort Worth and Tarrant Regional Water District (TRWD). Ms. Bolen assured that the quality of life of City of Fort Worth residents was the company's concern and that the company was working with the Corps of Engineers, TRV and TRWD in order to make sure of acceptable solutions were reached for all parties involved.

Council Member Espino noted that this issue went before the Parks and Community Services Advisory Board and asked if it passed by a unanimous vote and whether the plan was to extract gas from underneath the park.

Ms. Alanis advised that there was one dissenting vote from the board and that the plan was to extract gas from underneath the park.

Council Member Espino asked if the drilling would be subject to the City's gas well revenue distribution policy whereby the lease bonus would stay with the park.

Mr. Harwood advised that the park was a recreational easement and the City was not the land owner, therefore the City had no mineral lease interest. He added that the TRWD was the property owner and would benefit significantly from the drilling.

Council Member Burns stated that his concern was that the City had an ordinance that reflected protected classes of residential and institutional which included churches, synagogues, schools and parks. He added that in the last month on the east side of the City in Council Member Scarth's district, the Council had approved a gas well that impinged on a park. However, in that instance there were some logical reasons to do that, e.g., it was not a developed park, there were no structures within 600 feet and the drilling allowed for the development of that park in the future. However, if the City started a precedent of continuing to allow any well application within so many feet of a park, the City needed to remove parks as a protected class, or shorten the distance requirements from 600 feet to 300 feet. He further stated that he thought there were some potential options for Chesapeake to produce minerals from a well site that was closer to Henderson without impacting the park.

There being no one else present desiring to be heard in connection with the public hearing, Council Member Burns made a motion, seconded by Mayor Pro tem Hicks, that the public hearing be closed and Mayor and Council Communication No. G-16060 be denied.

Council Member Jordan made a substitute motion, seconded by Council Member Burdette, that the public hearing be closed and Mayor and Council Communication No. G-16060 be approved. The motion carried five (5) ayes, to four (4) nays, with Mayor Pro tem Hicks and Council Members Silcox, Moss and Burns casting the dissenting votes.

G-16094
Ord. No. 18039-04-
2008
Pay Arbitrage
Rebate for General
Purpose Refunding
Bonds, Series
2002-A

There was presented Mayor and Council Communication No. G-16094 from the City Manager recommending that the City Council authorize payment not to exceed \$253,000.00 to the United States Treasury for arbitrage rebate; and adopt a supplemental appropriation ordinance increasing appropriations in the General Debt Service Fund in the amount of \$253,000.00 for the purpose of authorizing payment of arbitrage rebate to the U.S. Treasury for General Purpose Refunding Bonds, Series 2002-A.

Mayor Pro tem Hicks made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16094 be approved and Supplemental Appropriation Ordinance No. 18039-04-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**Public Hearing
G-16095
Approve 2008-2009
Action Plan for Use
of CDBG Funds,
HOME Grant,
American Dream
Down Payment
Initiative,
Emergency Shelter
Grant, and
HOPWA Programs
Continued Until
April 8, 2008**

It appeared that the City Council set today as the date for a public hearing to approve the 2008-2009 Action Plan for use of federal grant funds from the United States Department of Housing and Urban Development under the Community Development Block Grant (CDBG), HOME Investment Partnerships Grant, American Dream Down Payment Initiative, Emergency Shelter Grant and Housing Opportunities for Persons with AIDS (HOPWA) programs. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Ms. Barbara Asbury, Senior Planner, Housing Department, appeared before Council, gave a staff report, advised that the second public hearing would be conducted on April 8, 2008 and called attention to Mayor and Council Communication No. G-16095, as follows:

There was presented Mayor and Council Communication No. G-16095 from the City Manager recommending that the City Council conduct a public hearing to allow citizen input and consideration of the 2008-2009 Action Plan for use of federal grant funds from the United States Department of Housing and Urban Development under the Community Development Block Grant, HOME Investment Partnerships Grant, Emergency Shelter Grant, American Dream Down Payment Initiative, and Housing Opportunities for Persons with AIDS programs; approve the City's 2008-2009 Action Plan for submission to the United States Department of Housing and Urban Development, including allocations of above-listed grant funds to particular programs and activities; authorize the use of \$350,000.00 in estimated program income for Community Development Block Grant repayments, interest earned, and Revolving Loan Funds; authorize the use of \$1,168,023.00 in estimated program income from HOME repayments and interest earned; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Grants Fund in the amount of \$12,208,988.00 (\$6,614,078.00 in Community Development Block Grant funds; \$350,000.00 in Community Development Block Grant program income; \$2,894,893.00 in HOME Investment Partnerships Grant funds; \$1,168,023.00 in HOME Investment Partnerships Grant program income; \$25,737.00 in American Dream Down Payment Initiative funds; \$293,257.00 in Emergency Shelter Grant funds; and \$863,000.00 in Housing Opportunities for Persons with AIDS funds), subject to receipt of the Consolidated Action Plan Grant from the U.S.

Department of Housing and Urban Development, for the purpose of funding the City's Consolidated Action Plan; and apply indirect cost rates as applicable, for the Grants Fund, in accordance with the City's Administrative Regulations.

City Attorney Yett advised that the proper motion on this issue would be to close the public hearing and continue the M&C until the February 8, 2008, Council meeting.

There being no one present desiring to be heard in connection with the public hearing, Mayor Pro tem Hicks made a motion, seconded by Council Member Moss, that the public hearing be closed and Mayor and Council Communication No. G-16095 be continued until the April 8, 2008, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

L-14482
Convey Tax-
Foreclosed
Properties

There was presented Mayor and Council Communication No. L-14482, dated March 4, 2008, from the City Manager recommending that the City Council authorize the conveyance of tax-foreclosed properties described as Lot 12, and the east part of Lot 13, Block 19, Glenwood Addition at 1733 East Hattie Street, and the west part of Lot 11, Block 19, Glenwood Addition at 0 South Riverside Drive in accordance with Section 34.05 of the Texas State Property Tax Code to Bart Gutierrez (DOE 920) in the amount of \$807.00; and authorize the City Manager to execute and record the appropriate documents conveying the property to complete the sale.

Council Member Jordan made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. L-14482 be approved. The motion carried eight (8) ayes to one (1) nay, with Mayor Pro tem Hicks casting the dissenting vote.

C-22722
Amend CSC No.
27132 - Scott
Communities
Development
Limited
Partnership, and
TriStar Land &
Real Estate LLC -
Withdrawn from
Consideration

It was the consensus of the City Council that Mayor and Council Communication No. C-22722, dated March 25, 2008, Authorization to Execute an Amendment to City Secretary Contract No. 27132 between the City of Fort Worth and Scott Communities Developers Limited Partnership for Bonds Ranch to Add TriStar Land and Real Estate, LLC, as a Party to the Contract and Add Additional Terms, be withdrawn from consideration.

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
APRIL 1, 2008
PAGE 16 of 23**

**C-22722 Revised
Amend CSC No.
27132 - Scott
Communities
Development
Limited
Partnership, and
TriStar Land &
Real Estate LLC**

There was presented Mayor and Council Communication No. C-22722 Revised from the City Manager recommending that the City Council authorize the execution of an amendment to City Secretary Contract No. 27132 between the City of Fort Worth and Scott Communities Developers Limited Partnership for Bonds Ranch to add various developers as parties to the contract and additional terms.

Council Member Burdette made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-22722 Revised be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**C-22730
Barnett Gathering
L.P. – Continued
Until April 8, 2008**

There was presented Mayor and Council Communication No. C-22730, dated March 25, 2008, from the City Manager recommending that the City Council authorize the City Manager to execute a Public Right-of-Way Use Agreement with Barnett Gathering, LP, that grants Barnett Gathering, LP, a license to use certain public rights-of-way of the City of Fort Worth for the purpose of constructing, maintaining and operating natural gas pipelines which will cross Sycamore School Road, Cunningham Road, Risinger Road and Hemphill Street.

Council Member Jordan made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-22730 be continued until the April 8, 2008, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

**C-22736
Extend Contract
with JPMorgan
Chase**

There was presented Mayor and Council Communication No. C-22736 from the City Manager recommending that the City Council authorize the City Manager to extend the contract with JPMorgan Chase for banking services; and authorize this agreement to begin April 1, 2008, and expire June 30, 2008.

Council Member Jordan disclosed that he had a normal banking relationship with JP Morgan Chase and that he was advised by City Attorney Yett there was no conflict of interest issue relative to voting on this M&C.

Mayor Pro tem Hicks and Council Member Burns also disclosed they had normal banking relationships with JP Morgan Chase.

Council Member Jordan made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-22736 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

C-22740
Amend Water
Agreement - Aqua
Utilities, Inc., and
Resort at Eagle
Mountain Lake,
L.P. - Continued
Until April 8, 2008

It was the consensus of the City Council that Mayor and Council Communication No. C-22740, Authorize Extension and Amendment of a Water Agreement with Aqua Utilities, Inc., and the Resort at Eagle Mountain Lake, L.P., for the City to Sell Treated Water on a Temporary Basis for the Resort on Eagle Mountain Lake, be continued until the April 8, 2008, Council meeting.

C-22742
Ord. No. 18040-04-
2008
Texas Department
of Housing and
Community Affairs

There was presented Mayor and Council Communication No. C-22742 from the City Manager recommending that the City Council accept Weatherization Assistance Program Grant funds in an amount not to exceed \$750,000.00, and authorize the City Manager to execute two contracts with the Texas Department of Housing and Community Affairs, for the Program Year April 1, 2008, through March 31, 2009, as follows:

Department of Energy	\$325,000.00
Low Income Housing Energy Assistance Program	<u>\$425,000.00</u>
Total	\$750,000.00

Authorize the City Manager to amend, extend or renew the contracts in accordance with the City of Fort Worth policies and regulations upon mutual agreement with Texas Department of Housing and Community Affairs; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Grants Fund in the amount of \$750,000.00, subject to receipt of a Weatherization Assistance Program Grant from the Texas Department of Housing and Community Affairs for the purpose of funding the Weatherization Assistance Program; and authorize a non-interest bearing interfund loan from the General Fund to the Grants Fund in the amount of \$250,000.00 for interim financing of this grant project pending contract execution.

Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-22742 be approved and Appropriation Ordinance No. 18040-04-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

C-22743
Healthcare Data
Management, Inc. –
Continued Until
April 8, 2008

It was the consensus of the City Council that Mayor and Council Communication No. C-22743, Authorize Execution of a Contract with Healthcare Data Management, Inc., to Conduct an Audit of the Claims Payment Functions and Performance of the City's Self-Funded Group Health Benefit Plan, be continued until the April 8, 2008, Council meeting.

C-22744
Stream Water
Group, Inc.

There was presented Mayor and Council Communication No. C-22744 from the City Manager recommending that the City Council authorize the City Manager to execute an engineering agreement with Stream Water Group, Inc., in the amount of \$620,300.00 for pavement reconstruction and water and sanitary sewer main replacements on 7A Athena Drive; 7B Fletcher Avenue and Goodman Avenue; 7C Haskell Street and Mattison Avenue; 7D Hervie Street and Lake Como Drive; 7E Curzon Avenue, Penticost Street and Sanguinet Street; 7F Crestline Road, Dexter Street, Frederick Street and Sutter Street; 7G Clarke Avenue and Washington Terrace (Project Nos. 7A-00933, 7B-00931, 7C-00930, 7D-00935, 7E-00932, 7F-00934, 7G-00938).

Council Member Burdette made a motion, seconded by Mayor Pro tem Hicks, that Mayor and Council Communication No. C-22744 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

AGENDA ITEM XVA – ZONING HEARINGS: CASES RECOMMENDED FOR APPROVAL

ZC-07-142
SP-07-048
Denied Without
Prejudice

It appeared that the City Council, at its meeting of March 4, 2008, continued the hearing of the application of BDRC Hulen Place Apartments for a change in zoning of property located at 4000 Hulen Street from “PD-16” Planned Development for office, banking, specialty, retail and restaurant, with restrictions and subject to the “G” Intensive Commercial height and area regulations to amend “PD-16” to include residential uses, with site plan required., Zoning Docket No. ZC-07-142 and Site Plan No. SP-07-048. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Ruben Menez, Jr.

Mr. Ruben Menez, Jr., 4636 Bonnell Avenue, appeared before Council in opposition of the zoning application. He stated that he was advised that the application was to be withdrawn and asked the Council for clarification.

Council Member Burdette advised that the City had received a letter from the applicant withdrawing the application and requesting that Council deny the zoning change without prejudice.

There being no one else present desiring to be heard in connection with the application of BDRC Hulen Place Apartments, Council Member Burdette made a motion, seconded by Mayor Pro tem Hicks, that the hearing be closed and that Zoning Docket No. ZC-07-142 and Site Plan No. SP-07-048 be denied without prejudice. The motion carried unanimously nine (9) ayes to zero (0) nays.

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 March 20, 2008. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

ZC-07-208 There was presented Zoning Docket No. ZC-07-208, application of the City of Fort Worth, John T. White Neighborhood, for a change in zoning of property generally bounded by Trammel Davis Boulevard to the north, Greenbelt Road to the east, I-30 to the south, and East Loop 820 to the west from "AG" Agricultural, "A-10" and "A-5" One Family Residential, "R-1" Zero Lot Line/Cluster Residential, "C" Medium Density Multifamily Residential, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial, "FR" General Commercial Restricted, "G" Intensive Commercial and "O-1" and "O-2" Floodplain to "AG" Agricultural, "A-43", "A-21", "A-10", "A-7.5" and "A-5" One Family Residential and "E" Neighborhood Commercial.

Council Member Scarth made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket No. ZC-07-208, be approved with appreciation to the Planning and Development Department staff and the citizens in that area who had worked on this zoning change. The motion carried unanimously nine (9) ayes to zero (0) nays.

ZC-08-007 There was presented Zoning Docket No. ZC-08-007, application of the City of Fort Worth, Six Points Urban Village, for a change in zoning of property bounded on the north by McLemore Avenue, on the south by Noble Avenue, on the east by Cleckler Avenue and on the west by Grace Avenue from "B" Two Family Residential, "C" Medium Density Multifamily Residential, "CF" Community Facilities, "CF/DD" Community Facilities/Demolition Delay, "E" Neighborhood Commercial, "E/DD" Neighborhood Commercial/Demolition Delay, "F" General Commercial, "I" Light Industrial, "I/DD" Light Industrial/Demolition Delay, "J" Medium Industrial and "PD" Planned Development to "MU-1" Low Intensity Mixed Use and "MU-1/DD" Low Intensity Mixed Use/Demolition Delay.

Janice Michel Ms. Janice Michel, 2115 Primrose Avenue, representing the Urban Riverside Alliance, appeared before Council in support of the zoning change. She summarized the amenities the association would like to have in this area and addressed the revitalization of the Belknap Corridor. She encouraged the Council to favorably consider the zoning change.

Van Smith

Mr. Van Smith, 2832 E. Belknap, appeared before Council in opposition of the zoning change. He advised that he and several other business owners were concerned with the grandfathering of their buildings and pointed out that if the buildings were damaged or destroyed, they could not rebuild their businesses. He advised that this was not a good zoning change for their businesses.

Council Member Espino stated that he had reviewed the comments from the business owners and advised that it was his intent to move forward with the rezoning with the exclusion of various properties that would be considered at the May 6, 2008, Council meeting. He summarized all the work of the community and City staff had done with the Six Points Urban Village and the great potential for this area.

Council Member Scarth concurred with Council Member Espino's comments and stated that the City wanted to achieve a favorable consensus with everyone involved in this issue.

Jill DeHaven

Ms. Jill DeHaven, 2013 Tam O'Shanter, appeared before Council in opposition of the zoning change as it affected Race Street. She advised that she was developing Urban Race Street and pointed out that the zoning change was an opportunity for the old and new businesses to work together to reshape this area of the City.

Council Member Espino requested that Ms. Dana Burghdoff, Planning and Development Department Deputy Director, advise the Council of those properties that would be excluded from consideration until the May 6, 2008, Council meeting.

Ms. Burghdoff provided the following information:

East Belknap Area (To address auto-related issues)

- 2800, 2900 and 3000 blocks of East Belknap Street excluding 2819, 3001 and 3003 East Belknap Street
- 2800 and 2900 blocks of Noble Avenue
- 417 N. Retta Street
- 2908 Plumwood Street

Race Street (To add bar use)

- 2707, 2711 and 2719 Race Street

Council Member Espino made a motion, seconded by Council Member Scarth, that Zoning Docket No. ZC-08-007, be approved with the exceptions noted by Ms. Burghdoff to be considered at the May 6, 2008, Council meeting.

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

ZC-08-029
Approved

There was presented Zoning Docket No. ZC-08-029, application of Genesis United Methodist Church for a change in zoning of property located at 7635 and 7541 South Hulen Street from “F” General Commercial to “CF” Community Facilities.

Council Member Jordan made a motion, seconded by Council Member Silcox, that Zoning Docket No. ZC-08-029, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

ZC-078-031
Approved

There was presented Zoning Docket No. ZC-08-031, application of David Alderson for a change in zoning of property located at 3411, 3413 and 3431 Miller Avenue from “E” Neighborhood Commercial to “FR” General Commercial Restricted.

Council Member Moss made a motion, seconded by Council Member Silcox, that Zoning Docket No. ZC-08-031, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

SP-08-004
Approved

There was presented Site Plan No. SP-08-004, application of Betty J. Edmonson for a site plan of property located at 1401 Coleman Avenue for warehouse, distribution and storage, with signage to be on the building only and screening of the dumpster.

Council Member Moss made a motion, seconded by Council Member Silcox, that Site Plan No. SP-08-004, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

AGENDA ITEM XVB – ZONING HEARINGS: CASES RECOMMENDED FOR DENIAL

ZC-07-168
SP-07-060
Continued Until
May 6, 2008

There was presented Zoning Docket No. ZC-07-168 and Site Plan No. SP-07-060, application of Martimiano Aguayo for a change in zoning of property located at 2008 Jacksboro Highway from “B” Two Family Residential and “E” Neighborhood Commercial to “PD/E” Planned Development for “E” Neighborhood Commercial, plus banquet hall and auto sales, with site plan required.

Council Member Espino advised that the applicant had requested this issue be delayed for one month and made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket No. ZC-07-168 and Site Plan No. SP-07-060, be continued until the May 6, 2008, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

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

ORDINANCE NO. 18041-04-2008

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

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

Agenda Item XVI
Citizen
Presentations
Diane Wood

Ms. Diane Wood, 2308 Aster Avenue, appeared before Council requesting that the Council endorse a resolution to impeach the President and Vice President of the United States and also for issues relative to urban gas drilling. Ms. Wood submitted another petition signed by 568 citizens in support of the impeachment resolution and advised of war crimes being committed by U.S. soldiers in Iraq. She addressed the gas drilling issue, particularly in parks, whereby the problem of the contamination of water tables was not being monitored and the outlined the potential damaged created by sludge from the drilling of the wells.

Grayson Harper Mr. Grayson Harper, 3605 Bellaire Drive South, appeared before Council requesting their support of a resolution endorsing the impeachment of the President and Vice President of the United States.

**Agenda Item XVIII
Adjournment** There being no further business, the meeting was adjourned at 8:24 p.m. in memory of Ms. Eva Marie Moten-Moss.