

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
APRIL 15, 2008**

Present

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

Absent

Mayor Mike Moncrief

City Staff

Dale Fisseler, City Manager
Gerald Pruitt, Deputy City Attorney
Marty Hendrix, City Secretary

With a quorum of the City Council Members present, Mayor Pro tem Hicks called the regular session of the Fort Worth City Council to order at 10:01 a.m. on Tuesday, April 15, 2008, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102.

Agenda Item II The invocation was given by Rabbi Ralph Mecklenburger, Beth-El
Invocation Congregation.

Agenda Item III The Pledge of Allegiance was recited.
Pledge

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

Agenda Item V There were no special presentations.
Special
Presentations

Agenda Item VI Council Member Moss announced that the East Rosedale Improvement public
Announcements meeting would be conducted on April 17, 2008, at 6:30 p.m. at the Martin
Luther King Community Center, relative to improvements to the Rosedale
Corridor from U.S. 287 to IH 820. He added that it would be a good

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Agenda Item VI
Announcements
(Continued)

opportunity for everyone to attend the meeting and provide their input. He also expressed appreciation to Assistant City Manager Joe Paniagua and Keith Wells from the Emergency Management Office for working with Oncor and the Fort Worth Housing Authority to resolve the power issue on the east side of the City. He added that the power had been out in the area since April 9, 2008, and was just recently repaired. He further stated that the Fort Worth Housing Authority had provided food vouchers from Wal-Mart to residents who had to replace spoiled food during the time their power was out.

Council Member Espino expressed appreciation to Mayor Moncrief, City Manager Fisseler, Assistant City Manager Fernando Costa and other City staff for attending the meeting of the North Fort Worth Alliance on April 12, 2008. He added that attendees had a very good discussion on many of the issues that affected not only north Fort Worth, but the entire City.

Council Member Jordan congratulated the Hulen Heights Neighborhood for receiving the Spirit Award during the Mayor's Neighborhood Awards. He added that they would now compete for the national award in the next month.

Council Member Burns announced that the Main Street Arts Festival would be conducted April 17-20, 2008, which was a great opportunity for everyone to spend some wonderful time downtown. He advised of the various activities that would be at the festival and that anyone desiring more information could go to www.mainstreetartsfest.org and encouraged everyone to attend. He added that one of the events that was sponsored by the festival was a session on April 20, 2008, at 1:00 p.m. at the McDavid Studio adjacent to Bass Hall entitled "Urban Impact: Public Art in Downtown Fort Worth". He further stated that Cliff Garten the artist who designed the Lancaster Avenue of Light and Christopher Janney the artist who designed Parking in Color for the new Convention Center Parking Garage would also attend the session. He additionally announced that the Kick Off for the Moral Life Festival would be conducted this evening from 5:30 p.m. to 7:30 p.m. at the Fort Worth Community Arts Center. He added that the festival was a month-long session to address HIV and AIDS in North Texas and encouraged everyone to attend.

Council Member Silcox announced that on April 23, 2008, at 10:00 a.m. the new Harris Parkway would open. He added that the parkway had been closed for approximately nine months and that residents in the area would be able to enjoy improved traffic flow in the very near future.

Agenda Item VI
Announcements
(Continued)

Council Member Burdette advised that the Code Compliance Forum that was scheduled for April 10, 2008, at the Como Community Center had to be cancelled because of the power outages in the area and assured everyone that the forum would be rescheduled.

Mayor Pro tem Hicks congratulated members of the Youth Advisory Board who conducted a very successful Youth Town Hall on April 11, 2008. She added that many of members of the Council attended the town hall and that attendees asked really tough, but good questions regarding transportation and quality of life issues. She pointed out that she was especially pleased with the co-chair, Ashley Baker, who was also her intern. She also expressed appreciation to Carol Everhart from the Community Relations Department for all her work on the program.

Agenda Item VII
Withdrawn from
Consent Agenda

City Manager Fisseler requested that Mayor and Council Communication No. C-22757 be withdrawn from the consent agenda.

Agenda Item VIII
Continued/
Withdrawn By Staff

City Manager Fisseler requested that Mayor and Council Communication No. C-22757 be continued until the April 22, 2008, Council meeting.

Agenda Item IX
Consent Agenda

Upon a motion made by Council Member Silcox, seconded by Council Member Espino, the Council voted eight (8) ayes to zero (0) nays to approve, with Mayor Moncrief absent, and adopt all remaining items on the Consent Agenda as recommended and as follows:

OCS-1654
Claims

M&C OCS-1654 - 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-16107
Temporary Waiver
of Application Fees
for Special
Exceptions to Keep
Large Animals on
Residential
Property

M&C G-16107 - Approving a temporary waiver of the application fees for special exceptions relating to keeping large animals on residential property, subject to applications being made by April 20, 2009.

G-16108
Temporary Road
Closure of Saunders
Street

M&C G-16108 - Authorizing the temporary road closure of Saunders Street from Interstate 820 Southbound Service Road to Durothy Street from June 1, 2008, to September 1, 2008, to facilitate construction for the Unit II - Paving Reconstruction and Drainage Improvements (DOE 2214).

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- G-16109**
Provide Water and Sewer Service to Mr. David V. Seaman of ID International, Inc. M&C G-16109 - Authorizing the Water Department to provide water and sewer service at 1.25 times the retail rate to Mr. David V. Seaman of ID International (Texas), Inc., for the future Speedway Distribution Center located at the northeast corner of Highway 156 and Highway 114 per plat FP-08-018, in Denton County, outside of the Fort Worth City limits pursuant to City Code Section 35-60B "Uses Outside City"; and authorizing the City Manager to execute an agreement for such services.
- P-10770**
Printing Annual Water Quality Report M&C P-10770 - Authorizing a purchase agreement with Sprint Press, Inc., for printing the Annual Water Quality Report for the Water Department.
- P-10771**
Industrial Safety Supplies M&C P-10771 - Authorizing a purchase agreement with Saf-T-Glove, Inc., for industrial safety supplies with the City of Fort Worth.
- P-10772**
Fire Alarm Systems M&C P-10772 - Authorizing the purchase and installation of fire alarm systems from SimplexGrinnell through the Texas Multiple Award Schedule for the Parks and Community Services Department for an amount not to exceed \$66,877.76, with payment due 30 days from receipt of an invoice.
- C-22754**
Motorola, Inc. M&C C-22754 - Authorizing the City Manager to execute an agreement for equipment, professional services, and maintenance with Motorola, Inc., for an addition to the City's Dispatch Console System for the Information Technology Solutions Department using Houston-Galveston Area Council Contract RA01-08 pricing and other agreed upon terms.
- C-22755**
SFI Spectrum, Inc. M&C C-22755 - Authorizing the City Manager or a designee to execute a Development Agreement between the City and James N. Summers, President of SFI Spectrum, Inc., for the application of certain development standards in lieu of annexation for certain property located near W.J. Boaz Road and Boat Club Road in unincorporated Tarrant County.
- C-22756**
Burlington Northern Santa Fe Railway Company M&C C-22756 - Authorizing the City Manager to enter into an agreement with the Burlington Northern Santa Fe Railway Company, in the amount of \$45,600.00, for the City's participation to install a new concrete railroad crossing surface in the 2400 block of Hemphill Street.

C-22758
Increase
Expenditures to
CSC No. 34891 -
Harris Occupational
Health

M&C C-22758 - Authorizing the City Manager to increase the estimated expenditures for the Professional Service Agreement, City Secretary Contract No. 34891, with Harris Occupational Health for annual physical fitness and medical testing for the Police Department from \$55,000.00 to \$75,000.00 in 2008; and authorizing a funding level increase to \$90,000.00 for the subsequent three option years.

C-22759
Ord. No. 18051-04-
2008
Internal Revenue
Service, Criminal
Investigation

M&C C-22759 - Authorizing the City Manager to execute an agreement with the Internal Revenue Service, Criminal Investigation, for the purpose of receiving reimbursable overtime (\$15,000.00) and travel (\$6,000.00) costs incurred by the City in providing resources to a Joint Operations/Task Force; authorizing the agreement to become effective on the same date it is executed by both parties and terminate on the last day of the current fiscal year; authorizing the agreement to be renewed by addendum agreeable to both parties, effective October 1 of each fiscal year; and adopting Appropriation Ordinance No. 18051-04-2008 increasing estimated receipts and appropriations in the Grants Fund in the amount of \$21,000.00 upon execution of an agreement with the Internal Revenue Service, Criminal Investigation, for the purpose of receiving reimbursable costs incurred by the City in providing resources to Joint Operations/Task Forces.

C-22760
Ord. No. 18052-04-
2008
Ord. No. 18053-04-
2008
Amendment No. 2 to
CSC No. 31678 -
Industrial Hygiene
and Safety
Technology, Inc.

M&C C-22760 - Authorizing the City Manager to execute Amendment No. 2 to City Secretary Contract No. 31678 with Industrial Hygiene and Safety Technology, Inc., increasing the not to exceed amount from \$150,000.00 to \$174,000.00 for the contract term ending on March 31, 2008; adopting Supplemental Appropriation Ordinance No. 18052-04-2008 increasing appropriations in the Environmental Management Fund (R103) in the amount of \$24,000.00 and decreasing the unreserved retained earnings by the same amount, for the purpose of transferring said funds to the Environmental Management Project Fund (R101); approving the transfer of \$24,000.00 in undesignated funds in the Environmental Management Operating Fund (R103) to the Environmental Management Project Fund (R101); and adopting Appropriation Ordinance No. 18053-04-2008 increasing estimated receipts and appropriations in the Environmental Management Project Fund (R101) in the amount of \$24,000.00 from available funds, for the purpose of executing Amendment No. 2 to City Secretary Contract No. 31678 with Industrial Hygiene and Safety Technology, Inc., for industrial hygiene and asbestos assessment services.

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**C-22761
Amendment No. 2 to
CSC No. 36612 -
DFW Advisors,
Ltd., Co.**

M&C C-22761 - Authorizing the City Manager to execute contract Amendment No. 2 to City Secretary Contract No. 36612 with DFW Advisors, Ltd., Co., to extend the project management of the Noise Mitigation Program, Phase V, at Fort Worth Meacham International Airport to August 31, 2008; and approving an increase in the payment amount of the contract by \$133,412.00, with a revised contract in an amount not to exceed \$1,160,058.00.

**C-22762
Ord. No. 18054-04-
2008
Texas State Library
and Archives
Commission**

M&C C-22762 - Authorizing the City Manager to apply for, and accept if awarded, a grant from the Texas State Library and Archives Commission for the Library Department's Inter-Library Loan Program year September 1, 2008, through August 31, 2009, in an amount up to \$329,805.00; authorizing the City Manager to execute a grant agreement with the Texas State Library and Archives Commission relating to such grant; adopting Appropriation Ordinance No. 18054-04-2008 increasing estimated receipts and appropriations in the Grants Fund in an amount up to \$329,805.00 upon receipt of a grant from the Texas State Library and Archives Commission for the Library Department's Inter-Library Loan Program; and applying indirect costs using the most recently approved indirect cost rate of 23 percent for the Library Department.

The motion carried. End of Consent Agenda.

**Agenda Item X
Presentations by
City Council –
Appointments**

Council Member Scarth made a motion, seconded by Council Member Espino, that Mary Ann Epps be reappointed to Place 4 on the Library Advisory Board effective April 15, 2008, and with a term expiring October 1, 2008. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

Council Member Silcox made a motion, seconded by Council Member Espino, that Charles B. Team IV be appointed to the Appeals Board effective April 15, 2008, and with a term expiring September 30, 2009. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

Council Member Moss made a motion, seconded by Council Member Espino, that Betty Joyce Bivens be reappointed to Place 5 on the Library Advisory Board effective April 15, 2008, and with a term expiring October 1, 2009. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

**Agenda Item XI
Committee
Presentations**

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

Agenda Item XII
OCS-1655
Joint Election
Agreement &
Contract with
Tarrant County for
Special 2008 Bond
Election to be Held
on May 10, 2008

There was presented Mayor and Council Communication No. OCS-1655 from the Office of the City Secretary recommending that City Council approve the joint agreement and contract with the Tarrant County Elections Administrator for election services for the City of Fort Worth's Special Bond Election to be held on May 10, 2008. The estimated cost of the election process is \$154,526.00, with an advance deposit required of \$115,900.00.

Council Member Burdette made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. OCS-1655 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

Agenda Item XIII
Res. No. 3614-04-
2008
Earmark
Unrestricted Gas
Well Revenues for
Street
Improvements

There was presented a resolution authorizing the City Manager to earmark current and future unrestricted Gas Well Revenues up to a total of fifteen million dollars (\$15,000,000.00), for street improvements.

Council Member Espino made a motion, seconded by Council Member Jordan, that Resolution No. 3614-04-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

AGENDA ITEM XIV – REPORT OF THE CITY MANAGER

G-16103
Transfer Funds to
Increase General
Fund Unreserved,
Undesignated Fund

There was presented Mayor and Council Communication No. G-16103, dated April 8, 2008, from the City Manager recommending that the City Council authorize the transfer of \$3,000,000.00 from the Contract Street Maintenance Fund to the General Fund and increase the General Fund unreserved, undesignated fund balance by the same amount.

Council Member Scarth made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16103 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

G-16104
Ord. No. 18055-04-
2008
Amend FY 2008
Budget
Appropriation
Ordinance No.
17749-09-2007

There was presented Mayor and Council Communication No. G-16104, dated April 8, 2008, from the City Manager recommending that the City Council:

1. Adopt an appropriation ordinance amending Ordinance No. 17749-09-2007 setting forth an itemized estimate of the expense of conducting each department, division and office of the municipal government of the City of Fort Worth for the fiscal year beginning October 1, 2007, and ending September 30, 2008, and appropriating money for the various funds and purposes of such estimate, and decreasing appropriations by the indicated amounts in the following funds:

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**G-16104
Ord. No. 18055-04-
2008
Amend FY 2008
Budget
Appropriation
Ordinance No.
17749-09-2007
(Continued)**

- a. General Fund by \$3,320,565.00 and increasing the unreserved, undesignated fund balance by the same amount;
 - b. Engineering Services Fund by \$1,691,641.00 and decreasing the unreserved, undesignated retained earnings by the same amount;
 - c. Information Systems Fund by \$36,102.00 and decreasing the unreserved, undesignated retained earnings by the same amount;
 - d. Office Services Fund by \$608,391.00 and decreasing the unreserved, undesignated retained earnings by the same amount; and
 - e. Temporary Labor Fund by \$528,527.00 and decreasing the unreserved, undesignated retained earnings by the same amount.
2. Adopt an appropriation ordinance amending Ordinance No. 17749-09-2007 increasing appropriations by the indicated amounts in the following funds:
- a. Culture and Tourism Fund by \$1,000,000.00 and decreasing the unreserved, undesignated fund balance by the same amount and authorize the transfer of \$1,000,000.00 to the General Fund;
 - b. Equipment Services Fund by \$675,580.00 and decreasing the unreserved, undesignated retained earnings by the same amount;
 - c. Workers' Compensation Fund by \$2,100,000.00 and decreasing the unreserved, undesignated fund balance by the same amount and authorize the transfer of \$2,100,000.00 to the General Fund;
 - d. Golf Capital Projects Fund by \$700,000.00 and increasing estimated receipts by the same amount, authorize the transfer of \$700,000.00 to the Municipal Golf Fund and the partial repayment of the advance from the General Fund;
 - e. Aviation Improvements Capital Projects Fund \$1,960,145.00 and increasing estimated receipts by the same amount, authorize the transfer of \$1,960,145.00 to the Municipal Airports Fund and the repayment of the advance from the General Fund.

Council Member Espino made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16104 be approved and Appropriation Ordinance No. 18055-04-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

G-16110
Initiate Rezoning of
Properties in Stop
Six Neighborhood in
Accordance with
2008
Comprehensive
Plan

There was presented Mayor and Council Communication No. G-16110 from the City Manager recommending that the City Council authorize the City Manager to initiate certain zoning changes for the Stop Six Neighborhood from “B” Two-Family and “E” Neighborhood Commercial to “A-5” One-Family, in accordance with the 2008 Comprehensive Plan.

Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16110 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

G-16111
Res. No. 3615-04-
2008
Retain Thompson
Hine, LLP, to
Represent City in
STB Actions
Against Union
Pacific Railroad for
Southwest Parkway
(121T) and Utility
Relocation and
Extension

There was presented Mayor and Council Communication No. G-16111 from the City Manager recommending that the City Council adopt a resolution authorizing the City Attorney to retain the law firm of Thompson Hine, LLP, for an amount not to exceed \$400,000.00, to represent the City of Fort Worth in Surface Transportation Board (STB) actions against Union Pacific Railroad concerning Southwest Parkway (121T), and utility relocations and extension matters.

Council Member Jordan advised that the North Texas Tollway Authority (NTTA) and other agencies in the area would be approving a resolution similar to this resolution. He added that the City has asked that they proceed with the construction of the Southwest Parkway project in addition to the resolution.

Council Member Silcox made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. G-16111 be approved and Resolution No. 3615-04-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

L-14505
Acquire Property
for Lebow Channel
Drainage Project

There was presented Mayor and Council Communication No. L-14505 from the City Manager recommending that the City Council authorize the acquisition of property described as Lots 17A and 17B, Block 5, at 1406 Northeast 28th Street, and Lots 18 and 18A, Block 5, at 1408 Northeast 28th Street, both in the Diamond Hill Addition, Fort Worth, Texas, respectively, for the purpose of the Lebow Channel Drainage Project (DOE 4623, Project No. 0084); find that the price offered in the amount of \$238,200.00, plus an estimated closing cost of \$25,000.00 is just compensation; and authorize the City Manager to execute and record the appropriate documents.

Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. L-14505 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

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L-14506
Condemn Property
for Lebow Channel
Drainage Project

There was presented Mayor and Council Communication No. L-14506 from the City Manager recommending that the City Council declare that negotiations between the City, its agents and sub-agents and the landowners to acquire approximately 7,319 square feet, more specifically described as 1513 Irion Avenue, Lots 28 and 29, Block 5, Diamond Hill, an addition to the City of Fort Worth, Tarrant County, Texas, were unsuccessful; declare the necessity to take by condemnation the property for the Lebow Channel Drainage Project (DOE 4623, Project No. 0084); and authorize the City Attorney to institute condemnation proceedings to acquire fee simple interest in the surface estate, but not the mineral estate, of the property.

Council Member Espino made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. L-14506 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

L-14507
Condemn Property
for Lebow Channel
Drainage Project

There was presented Mayor and Council Communication No. L-14507 from the City Manager recommending that the City Council declare the negotiations between the City, its agents and sub-agents and the landowners Daniel E. Wilkins, Raymond E. Wilkins, Walter L. Wilkins, Milton Allen Frank, Douglas William Frank, Michael Leon Frank, Letha Kay Murphy, Irene Jones, Richard Allen Martin, Betty Lou Hartong, Mary Shellenberger, Jewel Dean Schrieber, Lonnie Paul Martin and Ruby Carter to acquire approximately 7,000 square feet and known as 3202 Oscar Avenue, Lot 11, Block 33, and 3204 Oscar Avenue, Lot 10, Block 33, Moody Addition to the City of Fort Worth, Tarrant County, Texas, were unsuccessful; declare the necessity to take by condemnation the properties for the Lebow Channel Drainage Project (DOE 4623, Project No. 0084); and authorize the City Attorney to institute condemnation proceedings to acquire fee simple interest in the surface estate, but not the mineral estate, of the properties.

Council Member Espino made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. L-14507 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

L-14508
Condemn Property
for Lebow Channel
Drainage Project

There was presented Mayor and Council Communication No. L-14508 from the City Manager recommending that the City Council declare the negotiations between the City, its agents and sub-agents and the landowners to acquire approximately 7,000 square feet, more specifically described as 3209 Schadt Avenue, Lot 11, Block 1, Morgan Heights, an addition to the City of Fort

L-14508
Condemn Property
for Lebow Channel
Drainage Project
(Continued)

Worth, Tarrant County, Texas, were unsuccessful; declare the necessity to take by condemnation the property for the Lebow Channel Drainage Project (DOE 4623, Project No. 0084); and authorize the City Attorney to institute condemnation proceedings to acquire fee simple interest in the surface estate, but not the mineral state, of the property.

Council Member Espino made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. L-14508 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

L-14509
Condemn Property
for Lebow Channel
Drainage Project

There was presented Mayor and Council Communication No. L-14509 from the City Manager recommending that the City Council declare the negotiations between the City, its agents and sub-agents and the landowners to acquire approximately 6,750 square feet, more specifically described as Lots 7 and 8, Block 3, Morgan Heights Subdivision, 3151 Weber Street, were unsuccessful; declare the necessity to take by condemnation the properties for the Lebow Channel Drainage Project (DOE 4623, Project No. 0084); and authorize the City Attorney to institute condemnation proceedings to acquire fee simple interest in the surface estate, but not the mineral estate, of the properties.

Council Member Espino made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. L-14509 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

C-22757
Tarrant County –
Continued Until
April 22, 2008

It was the consensus of the City Council that Mayor and Council Communication No. C-22757, Authorize Execution of an Interlocal Agreement with Tarrant County for Roadwork on Midway Road, be continued until the April 22, 2008, Council meeting.

C-22763
Ord. No. 18056-04-
2008
Amend Ord. No.
11364, Amended by
Ord. No. 15276,
Amending
Franchise with
Oncor Electric
Delivery Company,
LLC

There was presented Mayor and Council Communication No. C-22763 from the City Manager recommending that the City Council adopt an ordinance amending Ordinance No. 11364, as previously amended by Ordinance No. 15276 (the grant of a franchise to Oncor Electric Delivery Company, LLC, successor in interest to Texas Utilities Electric Company), by extending the term and changing the length of automatic six month renewal terms; further providing that this ordinance is cumulative; providing a severability clause; finding and determining that the meeting at which this ordinance is adopted is open to the public as required by law; providing for publication; providing for an effective date; and providing for acceptance by Oncor Electric Delivery Company, LLC.

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Council Member Burdette made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. C-22763 be approved and Ordinance No. 18056-04-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

**C-22764
Change Order No. 2
to CSC No. 35463 -
Conatser
Construction TX,
LP**

There was presented Mayor and Council Communication No. C-22764 from the City Manager recommending that the City Council authorize the City Manager to execute Change Order No. 2 to City Secretary Contract No. 35463 with Conatser Construction TX, LP, for Southside II Water Transmission Main Part 3 from the Oak Grove Road/Oak - Shelby Road intersection to north of the Everman Parkway/Oak Grove Road intersection (City Project No. 00303), in the amount of \$132,035.00 thereby increasing the contract amount to \$2,699,890.00.

Council Member Jordan made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-22764 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Moncrief absent.

**C-22765
Kimley-Horn and
Associates, Inc. -
Water and Sanitary
Sewer Main
Relocations**

There was presented Mayor and Council Communication No. C-22765 from the City Manager recommending that the City Council authorize the City Manager to execute an engineering agreement with Kimley-Horn and Associates, Inc., in the amount of \$2,533,113.00 for Water and Sanitary Sewer Main relocations for the Trinity River Vision-Central City Project and the Trinity Uptown Service Area Phase I - Bridge and Channel Relocations (City Project No. 00969).

Council Member Burns made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-22765 be approved. The motion carried seven (7) ayes to one (1) nay, with Council Member Silcox casting the dissenting vote, and with Mayor Moncrief absent.

**C-22766
Ord. No. 18057-04-
2008
Ord. No. 18058-04-
2008
TranSystems
Corporation, d/b/a
TranSystems
Corporation
Consultants**

There was presented Mayor and Council Communication No. C-22766 from the City Manager recommending that the City Council adopt an appropriation ordinance increasing estimated receipts and appropriations in the Capital Projects Reserve Fund in the amount of \$980,000.00 from available funds for the purpose of transferring said funds to the Specially Funded Capital Projects Fund; authorize the transfer of \$980,000.00 from the Capital Project Reserve Fund to the Specially Funded Capital Projects Fund; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Specially Funded Capital Projects Fund in the amount of \$980,000.00 from available

C-22766
Ord. No. 18057-04-
2008
Ord. No. 18058-04-
2008
TranSystems
Corporation, d/b/a
TranSystems
Corporation
Consultants
(Continued)

funds for the purpose of executing an engineering agreement with TranSystems Corporation d/b/a TranSystems Corporation Consultants for Storm Water and Franchise Utility Relocations for the Trinity River Vision-Central City Project and the Trinity Uptown Service Area, Phase 1A - Bridge and Channel Relocations (City Project No. 00969); and authorize the City Manager to execute an engineering agreement with TranSystems Corporation d/b/a TranSystems Corporation Consultants, in the amount of \$946,500.00, for Storm Water and Franchise Utility Relocations for the Trinity River Vision-Central City Project and the Trinity Uptown Service Area, Phase 1A - Bridge and Channel Relocations.

Council Member Burns made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. C-22766 be approved and Appropriation Ordinance Nos. 18057-04-2008 and 18058-04-2008 be adopted. The motion carried seven (7) ayes to one (1) nay, with Council Member Silcox casting the dissenting vote, and with Mayor Moncrief absent.

C-22767
Interlocal
Agreement with
Fort Worth
Independent School
District for
Handley-
Meadowbrook
Community Center
as Temporary
Shelter

There was presented Mayor and Council Communication No. C-22767 from the City Manager recommending that the City Council authorize the City Manager to execute an Interlocal Agreement with Fort Worth Independent School District to allow the use of Handley-Meadowbrook Community Center as a temporary shelter and gathering area for students, faculty, staff, employees, families and patrons serviced by Fort Worth Independent School District during times of certain emergencies. The term of this agreement shall be for five years with an option to enter into one five-year renewal.

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

Council Member Scarth made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-22767 be approved. The motion carried seven (7) ayes to zero (0) nays, and with one abstention by Council Member Moss, and with Mayor Moncrief absent.

Agenda Item XV
Citizen
Presentations
Jack Tarasar

Mr. Jack Tarasar, 730 Heights Drive, appeared before Council relative to corruption in the Code Compliance Department. He provided a chronology of citations issued by Code Compliance relative to his property at 730 Heights Drive and also his efforts to obtain various permits from the City to repair the substandard property. He also advised the Council of the substandard condition of property that was being redeveloped near his property and that Code Compliance needed to evaluate the structures.

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**Agenda Item XV
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(Continued)**

Mayor Pro tem Hicks requested that Mr. Tarasar meet with Deputy City Attorney Pruitt directly after the Council meeting to address these issues.

The following individuals appeared before Council relative to the Adult Basic Education Program specifically as it related to English as a Second Language (ESL). They advised of the opportunities that ESL had provided them and encouraged the Council to continue to fund the program.

**Estrella Corral,
Maria Gallegos,
Jose Alfaro,
Luz Lom,
Maria Rodriguez**

Ms. Estrella Corral	1519 Circle Park
Ms. Maria G. Gallegos	5608 Giddyup Lane
Mr. Jose Alfaro	9937 Legacy Drive
Ms. Luz Lom	3928 Mantis Street
Ms. Maria C. Rodriguez	2964 Marine Circle

**Clarissa Martinez-
Hansen**

Clarissa Martinez-Hansen provided a briefing to the Council about the Adult Basic Education Program, at the request of Council Member Burns.

Council Member Scarth expressed appreciation to the speakers for addressing the Council and commended them for what they were doing to improve their English. He added it was heartwarming to see them take on the American dream and working towards their goals.

Council Member Espino also expressed appreciation to the speakers and directed staff to provide information on what efforts the City employed to fund the Adult ESL program. He asked that the information be provided in summary format and include information on how the City partnered with other agencies on the program.

Grayson Harper

Mr. Grayson Harper, 3605 Bellaire Drive South, appeared before Council relative to various issues pertaining to the current Bush Administration violating laws or posing threats to the Constitution and to the Council's obligation to act according to their sworn oath to protect the Constitution. He pointed out that by not speaking out, the Council was appearing to say they could find no violations of law or no threat to the Constitution. He addressed other purported violations of laws by the Bush Administration by the National Lawyers Guild, American Bar Association, American Association of Jurists and other organizations.

Agenda Item XVII There being no further business, the meeting was adjourned at 10:40 a.m.
Adjournment