

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
AUGUST 5, 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 7:12 p.m. on Tuesday, August 5, 2008, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102.

**Agenda Item II
Invocation** The invocation was given by Pastor Mike Masterson, Saint Matthews Lutheran Church.

**Agenda Item III
Pledge** The Pledge of Allegiance was recited.

**Agenda Item IV
Approval of
Minutes** Upon a motion of Council Member Burns, seconded by Council Member Silcox, the minutes of the regular meeting of July 29, 2008, were approved unanimously nine (9) ayes to zero (0) nays.

**Agenda Item V
Special
Presentations** Council Member Espino recognized Ms. Diana Serrano, winner of the Chesapeake Scholarship and 2008 Valedictorian of Northside High School.

Dr. Gleniece Robinson, Library Department Director, preceded her comments by showing a video that publicized the Fort Worth Library Summer Reading Program. She advised the Council of the success of the program and introduced Ms. Betty Bivens, Library Advisory Board Chairman. Ms. Bivens stressed the importance of the program and introduced Ms. Linda Hines from Friends of the Library and Mr. Delwynn Sherrill, Senior Vice President for Bank of America, two major sponsors of the program. Students who participated in the program were presented certificates by their respective Council Member.

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**Agenda Item V
(Continued)**

Mayor Moncrief noted that City of Fort Worth employees had raised approximately \$139,811.00 and 222,000 pounds of food for the Tarrant Area Food Bank over the last three years. He added that there were over 83,000 children in Tarrant County suffering from hunger and that the City needed to take drastic measures to help eliminate this problem in the City. He had a jar in his hands and advised his colleagues on the Council dais that he would go to each of them and ask they support this cause. He also encouraged everyone in the audience to donate and to raise their hands with their donation and a member of the City Manager's staff would collect their donations. He further stated that there would be food donation boxes placed at the entrance to the Council Chamber for the next few weeks for anyone desiring to contribute canned goods towards this cause.

**Agenda Item VI
Announcements**

Council Member Jordan stated that on the evening of August 2, 2008, that and District 6 Neighborhood Patrol Officers organized a meet and greet safety meeting and tour of several areas in the district and expressed appreciation to everyone who organized and participated in this event. He added that this event demonstrated the team work between Code Compliance and Police Department officers. He pointed out that his Council Aide Cindy Caldwell won the helicopter ride in the Food Bank Silent Auction and congratulated Cindy.

Council Member Moss announced that a Parks and Community Services Department would hold a public meeting would be conducted on August 7, 2008, at 6:00 p.m. at the Eugene McCray Community Center to discuss proposed recreational improvements at Prairie Dog Park.

Council Member Burns advised citizens present in the Council Chamber who wanted to provide comments relative to Zoning Docket No. ZC-08-064, that it was his intention to continue the case until the September 2, 2008, Council meeting to allow the applicant time to meet with him and the neighborhood. He stated that he made this announcement to allow citizens the option of leaving the meeting if they so desired at this time; however, he added that citizens still desiring to address the Council on this issue would still have the opportunity once the item came before the Council for consideration this evening. He advised that individuals who had communicated his office on this issue would be provided with information on the neighborhood meeting once scheduled. He announced that the Fort Worth Police Department would conduct the next Citizens Police Academy on August 7, 2008, at 6:00 p.m. at the Police and Fire Training Center, 1000 Calvert. He added that the 36-hour course would highlight hands-on instruction on how citizens could work with the Police Department and for anyone desiring more information to please call (817) 871-6559.

**Agenda Item VI
(Continued)**

Council Member Espino advised that the Town Hall meeting for the Diamond Hill Community on July 29, 2008, was very successful and expressed appreciation to the Mayor, City Manager, Assistant City Managers and staff from various City departments who attended the meeting. He announced that on August 7, 2008, at 7:30 a.m. at the Fort Worth Club, a meeting of the Hispanic Business Leaders would be conducted. He stated that the special guest would be Mr. Jorge Figueredo, Executive Director of the North Texas Tollway Authority (NTTA) who would be talking about NTTA and their involvement in the Southwest Parkway, State Highway 170 in far north Fort Worth and Trinity River Vision. He also announced that on August 16, 2008, at 9:30 a.m. at the Cheddar's Restaurant, a meeting of the Far North Fort Worth Alliance would be held to discuss a Fort Worth zip code for residents in the City of Fort Worth who had Keller, Texas mailing addresses.

Council Member Burdette advised that representatives from the World Affairs Council of Dallas/Fort Worth visited the City on July 30, 2008, with four gentlemen from Afghanistan under sponsorship of the State Department of the United States. He explained that the gentlemen traveled to the United States and Fort Worth was their first stop in the United States. He added they came to Fort Worth to learn how government and democracy worked in our country and that it was his privilege and honor to talk to them about various elements of the City's government. He pointed out that these representatives wanted to establish a new form of government and achieve peace in their country. He added that they expressed appreciation to the United States for assisting them to achieve peace and democracy in their country. He further stated that when everyone went to bed this evening to give thanks for where they lived.

Council Member Jordan announced that the last "Let's Talk Fort Worth Time to Talk" meeting would be conducted on August 7, 2008, at 6:30 p.m. at the North Crowley High School, 9100 S. Hulen Street, and encouraged everyone interested to attend.

**Agenda Item VII
Withdrawn from
Consent Agenda**

Council Member Silcox requested that Mayor and Council Communication No. G-16223 be withdrawn from the consent agenda.

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

There were no items continued or withdrawn by the staff.

**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:

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**OCS-1675
 Claims** M&C OCS-1675 - 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.

**OCS-1676
 Liability Bonds** M&C OCS-1676 - from the Office of the City Secretary recommending that the City Council authorize the acceptance of these liability bonds, as follows:

<u>PARKWAY CONTRACTOR</u>	<u>INSURANCE COMPANY</u>
WFC Constructors, Inc.	Western Surety Company
B. K. Utility Contractors, Inc.	Western Surety Company
Gary Clark dba Gary Clarks Construction, Inc.	American States Insurance Company
BDC Properties Construction, Inc.	Western Surety Company
Buc Avanzini Development, L.L.C.	Insurors Indemnity Company
Howard Construction	RLI Insurance Company
J. C. Escamilla	Old Republic Surety Company

**G-16220
 Initiate Rezoning of
 10300 Block of West
 Cleburne** M&C G-16220 - Authorizing the City Manager to initiate certain zoning changes in the 10300 block of West Cleburne Road from “B” Two Family, “R1” Zero Lot Line/Cluster, “CR” Low Density Multifamily and “E” Neighborhood Commercial to “A-5” One Family, in accordance with the 2008 Comprehensive Plan.

**G-16221
 Initiate Rezoning of
 Fairhaven
 Neighborhood** M&C G-16221 - Authorizing the City Manager to initiate certain zoning changes for the Fairhaven Neighborhood from “A-5” One-Family, “B” Two-Family, “E” Neighborhood Commercial, “I” Light Industrial and “PD” Planned Development to “A-21” One-Family, “A-5” One-Family, “E” Neighborhood Commercial and “I” Light Industrial, in accordance with the 2008 Comprehensive Plan.

**G-16222
 Initiate Rezoning of
 Hillside-
 Morningside
 Neighborhood** M&C G-16222 - Authorizing the City Manager to initiate certain zoning changes for a portion of the Hillside-Morningside Neighborhood from “A-5” One-Family, “B” Two-Family, “B/HC” Two-Family/Historic and Cultural Overlay, “B/HSE” Two-Family/Highly Significant and Endangered, “C” Medium Density Multifamily, “CF” Community Facilities, “ER” Neighborhood Commercial Restricted, “E” Neighborhood Commercial, “F” General Commercial, “I” Light Industrial, “J” Medium Industrial and “PD” Planned Development to “A-5” One-Family, “A-5/HC” One-Family/Historic and Cultural Overlay, “A-5/HSE” One-Family/Highly Significant and Endangered, “CF” Community Facilities and “E” Neighborhood Commercial, in accordance with the 2008 Comprehensive Plan.

P-10818
Sports Lighting Pole Systems

M&C P-10818 - Authorizing a purchase agreement for sports lighting pole systems with Genesis Sports Lighting for the Transportation and Public Works Department and the Parks and Community Services Department for an annual amount not to exceed \$180,000.00 based on low bid meeting specifications, with payment due 30 days after receipt of an invoice.

P-10819
Litter and Debris Pickup Beneath Underpasses at I-30 and I-35 Corridor

M&C P-10819 - Authorizing a purchase agreement to provide litter and debris pickup beneath underpasses at Interstate 30 and Interstate 35 corridor with Tex-American Recycling, Inc., for the Parks and Community Services Department for an annual projected amount not to exceed \$23,995.92 based on overall low bid of project areas received, with payments due 30 days from date of invoices.

P-10820
Cab and Chassis, Truck-Mounted Sewer Rodder System and a Knuckle Boom Truck

M&C P-10820 - Authorizing the City Manager to purchase a cab and chassis from Rush Truck Center and truck-mounted sewer rodder system from Sreco Flexible, Inc., using Houston-Galveston Area Council Cooperative Contracts for a cost not to exceed \$88,825.00, with payment due within 30 days of receipt of invoice; and purchase a knuckle boom truck from ATC Fort Worth Freightliner using a Texas Procurement and Support Services Term Contract for the Water Department for a cost not to exceed \$123,561.00, with payment due within 30 days of receipt of the invoice as follows:

<u>Quantity & Description</u>	<u>Extended Total</u>
<u>HGAC HT-11-05, Rush Truck Center</u>	
1 each Cab and Chassis	\$ 44,997.00
<u>HGAC SC01-08, Sreco Flexible, Inc.</u>	
1 each Truck Mounted Sewer Rodder System	\$ 43,848.00
<u>TPASS 7-23V020, ATC Fort Worth Freightliner</u>	
1 each Knuckle Boom Truck	<u>\$123,561.00</u>
Total	\$212,386.00

L-14616
Direct Sale of Tax-Foreclosed Property, 3455 Lebow Street

M&C L-14616 - Authorizing the City Manager to authorize the direct sale of a tax-foreclosed property described as Lot 14, Block 17, Dixie Wagon Manufacturing Company Addition, located at 3455 Lebow Street approximately 1.5 miles east of Meacham International Airport, to the City of Fort Worth for the Lebow Channel Project, in accordance with Section 34.05 of the Texas State Property Tax Code in the amount of \$10,244.00; and authorizing the execution and recording of the appropriate instruments conveying the property to complete the sale (DOE 920).

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**L-14617
Grade Crossing
Construction and
Maintenance
Agreement and
Easement
Agreement for
Great Southwest
Parkway**

M&C L-14617 - Authorizing the City Manager to execute a Grade Crossing Construction and Maintenance Agreement and an Easement Agreement with Burlington Northern Santa Fe Railroad (BNSF) Company to allow for the construction of a concrete and rubber crossing surface at BNSF Line Segment 761 (CLIC 9807) and Milepost 0.22 for the extension of Great Southwest Parkway north to Lone Star Boulevard located in north Fort Worth (DOE 5840).

**PZ-2794
Ord. No. 18209-08-
2008
Vacate and
Extinguish an Alley
in Seminary Hill
Addition**

M&C PZ-2794 – Adopting Ordinance No. 18209-08-2008 vacating and extinguishing an alley, located in Block 15 of the Seminary Hill Addition, from Spurgeon Street to Fuller Avenue, in the City of Fort Worth, Tarrant County, Texas, approximately 9,000 square feet; providing for reversion of fee in said land; providing that the City shall retain all existing utilities easements; and waiving any and all purchase fee value of the vacated land in accordance with City policy (M&C G-15624).

**PZ-2795
Ord. No. 18210-08-
2008
Vacate and
Extinguish Nautical
Drive, an
Emergency Access
Easement**

M&C PZ-2795 – Adopting Ordinance No. 18210-08-2008 vacating and extinguishing Nautical Drive, a named emergency access easement located in the Newport Village at Trinity Addition, near the intersection of Trinity Boulevard and FM 157, in the City of Fort Worth, Tarrant County, Texas, approximately 59,103 square feet, providing for reversion of fee in said land, providing that the City shall retain all existing utilities easements; and waiving any and all purchase fee value of the vacated land in accordance with City policy (M&C G-15624).

**C-22952
Approve
Corrections to
M&C C-22500,
Thyssen Elevator
Corporation**

M&C C-22952 – Approving corrections to M&C C-22500 regarding non-operational repairs billing and costs; and authorizing expenditures for billable items for an annual amount not to exceed \$300,000.00.

**C-22953
Approve Correction
of M&C C-22882
Tarrant County Tax
Assessor-Collector**

M&C C-22953 – Approving the correction of M&C C-22882 to revise the City's fiscal obligation for the collection fee for Tarrant County and to authorize the City Manager to execute an agreement between the Tarrant County Tax Assessor-Collector and the City of Fort Worth for providing assessment and collection services of ad valorem taxes levied by the City for the 2008 tax year, Fiscal Year 2008, covering the period October 1, 2008, to September 30, 2009.

C-22954
Ord. No. 18211-08-
2008
Change Order No. 2
to CSC No. 35378
Stabile and Winn,
Inc.

M&C C-22954 – Authorizing the City Manager to authorize transfer of \$9,972.00 from the Water and Sewer Operating Fund to the Water Capital Projects Fund in the amount of \$9,972.00; adopting Appropriation Ordinance No. 18211-08-2008 increasing estimated receipts and appropriations in the Water Capital Projects Fund in the amount of \$9,972.00 for the purpose of authorizing Change Order No. 2 to City Secretary Contract No. 35378 with Stabile and Winn, Inc., for the pavement reconstruction and water and sanitary sewer replacements on portions of Clairemont Avenue, Chicago Avenue and Ramsey Avenue (City Project No. 00295); and authorizing Change Order No. 2 to the City Secretary Contract No. 35378 with Stabile and Winn, Inc., in the amount of \$46,456.32 revising the total cost to \$1,594,676.80.

C-22955
Ord. No. 18212-08-
2008
Change Order No. 1
to CSC No. 34673
Burnsco
Construction, Inc.

M&C C-22955 – Authorizing the City Manager to execute Change Order No. 1 to City Secretary Contract No. 34673 in the amount of \$55,986.80 with Burnsco Construction, Inc., for Water and Sanitary Sewer Replacement Contract 2002, STM-A, on Beckwood Drive, Carten Street, Ola Street, Janice Lane, Oakdale Drive and Proctor Street, thereby increasing the contract amount to \$1,663,497.80; authorizing the transfer of \$43,434.80 from the Water and Sewer Operating Fund to the Water Capital Project Fund; and adopting Appropriation Ordinance No. 18212-08-2008 increasing the estimated receipts and appropriations in the Water Capital Projects Fund in the amount of \$43,434.80 from available funds for the purpose of executing Change Order No. 1 to City Secretary Contract No. 34673 with Burnsco Construction, Inc., for water and sanitary sewer replacement on Beckwood Drive, Carten Street, Ola Street, Janice Lane, Oakdale Drive and Proctor Street.

The motion carried. End of Consent Agenda.

Agenda Item X
Presentations by
City Council
Appointments

Mayor Moncrief requested Council consideration to appoint Mr. Charles Rand to Place 1 on the City Plan Commission.

Council Member Jordan made a motion, seconded by Council Member Burns, that Mr. Charles Rand be appointed to Place 1 on the City Plan Commission effective August 5, 2008, and with a term expiring October 1, 2009. The motion carried unanimously nine (9) ayes to zero (0) nays.

Mayor Moncrief requested Council consideration to appoint Mr. Jerome Styrsky to Place 1 on the Library Advisory Board.

Council Member Jordan made a motion, seconded by Council Member Burns, that Mr. Jerome Styrsky be appointed to Place 1 on the Library Advisory Board effective August 5, 2008, and with a term expiring October 1, 2009. The motion carried unanimously nine (9) ayes to zero (0) nays.

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**Agenda Item X
(Continued)**

(Note: See bottom of page for additional appointment made by Council Member Moss.)

**Agenda Item XI
Committee
Presentations**

Reverend Brooks Harrington, Chair of the Mayor's Advisory Commission on Homelessness commended the Council on their adoption of the 10-Year Homelessness Plan and stated that the adoption was a righteous act of the Council. He presented a Resolution in Support of Full Funding of *Directions Home*, Fort Worth's 10-Year Homelessness Plan adopted by the Commission on July 23, 2008. Reverend Harrington introduced Mr. Phillip Mangano, Executive Director of the United States Interagency Council on Homelessness. Mr. Mangano commended the Council on the adoption of the 10-Year Homelessness Plan and stated that the plan had national implication. He added that the City would see the quality of life improve for everyone as a result of the adoption which was a "job well done." He pointed out that Fort Worth was second to none when it related to hospitality and heart and that partnership trumps partisanship every time. He encouraged the Council to invest the City's resources to fund the plan.

Mayor Moncrief stated that the plan adopted gave the City a roadmap to follow in this endeavor. He referred to Council Member Silcox's comments from previous meetings relative to accountability in the plan and the availability of needed counseling services for the homeless community and assured everyone that plan provisions addressing these issues were in place. He advised that the City Manager would present the City's new budget to the Council on August 12, 2008, and that financing for the plan would be part of the presentation. Mayor Moncrief expressed appreciation to Otis Thornton, Homelessness Coordinator, for all his work on this plan, stating that he understood the homeless problem and therefore was the voice of reason on this issue.

Mayor Moncrief advised that he would return to Item X on the agenda to allow another board and commission appointment to be made.

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

Council Member Moss made a motion, seconded by Council Member Espino, that Mr. Jefferson Davis, Jr., be reappointed to Place 5 on the Board of Adjustment – Residential, effective August 5, 2008 and with a term expiring October 1, 2009. The motion carried unanimously nine (9) ayes to zero (0) nays.

**Agenda Item XII
OCS-1677
Certification Report
of Verification of
Petitions on Two
Local Option
Liquor Propositions**

There was presented Mayor and Council Communication No. OCS-1677 from the Office of the City Secretary certifying the report of verification of petitions on two (2) local option liquor propositions, as follows:

BACKGROUND

The City Secretary's Office received applications for two local option election petitions on April 29, 2008, to legalize:

“The legal sale of beer and wine for off-premise consumption only.”

“The legal sale of mixed beverages in restaurants by food and beverage certificate holders only.”

In accordance with the provisions of Chapter 501 of the *Texas Election Code*, two petitions were issued on May 5, 2008, for signatures to be collected on each of the subject options. For each of these issues to be placed on a ballot for voter approval per state law, each petition had to be signed by a number of qualified voters of the municipality equal to at least 35% of the registered voters in the subdivision who voted in the most recent gubernatorial election, less the number of those voters whose names appeared on the list of suspended voters. This number was determined to be **35,732 registered voters for each petition.**

STATUTORY REQUIREMENTS FOR THE PETITION

The petitioners had 60 days in which to collect the required number of signatures. The signed petitions were presented to the City Secretary's Office on July 7, 2008. The verification process was conducted in accordance with the provisions of the *Texas Election Code*, Section 501.031 and as allowed in that section, a statistical sample methodology was utilized to verify the signatures. The City contracted with the Tarrant County Election Administrator's Office to utilize specialized software that calculated and tracked the statistical sampling process.

FINDINGS

The verification process was completed, with the following results:

**Agenda Item XII
(Continued)**

Beer/Wine Petition

The petition contained 71,041 signatures, with 35,732 valid registered voters required. By statistical sampling, 13,503 signatures were checked as a random sample; 7,849 names in the sample were found to be valid. With this 58.1278% acceptance rate applied to the entire petition, the assumption can be made that 41,295 signatures on the entire petition are valid. This number exceeds the number of signatures required for the petition to be valid.

Mixed Beverages Petition

The petition contained 68,450 signatures, with 35,732 valid registered voters required. By statistical sampling, 13,721 signatures were checked as a random sample; 7,955 names in the sample were found to be valid. With this 57.9768% acceptance rate applied to the entire petition, the assumption can be made that 39,685 signatures on the entire petition are valid. This number also exceeds the number of signatures required for the petition to be valid.

The findings of the verification processes were that more than the required number of signatures necessary had been obtained for each local option election. In accordance with state law, the Council at its next regular session on or after the 30th day after the date the petition was filed shall order a local option election to be held on the issue set out in the petition. Thus, at the August 12, 2008, City Council meeting two ordinances will be presented calling the special elections for November 4, 2008.

RECOMMENDATION

The City Council action this evening should be to acknowledge receipt of this verification report on the two local option election petitions.

Council Member Espino made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. OCS-1677 be approved acknowledging receipt of the verification report on the two local option election petitions. The motion carried unanimously nine (9) ayes to zero (0) nays.

Agenda Item XIII
Res. No. 3641-08-
2008
Affirm Council
Support for
Reconstruction of
East Rosedale Street
from I-35W to US
287

There was presented a resolution affirming the City Council's support for the reconstruction of East Rosedale Street from I-35W to US 287 as a four-lane divided arterial and accepting certain conditions in connection with Tarrant County's financial participation in this project.

Mayor Pro tem Hicks expressed appreciation to Tarrant County Commissioner Roy Brooks for his personal support of the reconstruction on East Rosedale Street.

Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that Resolution No. 3641-08-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

AGENDA ITEM XIV – REPORT OF THE CITY MANAGER

G-16223
Establish Quiet
Zone at Union
Pacific Railroad
Crossing at River
Bend Boulevard

There was presented Mayor and Council Communication No. G-16223 from the City Manager recommending that the City Council authorize the City Manager to sign a Notice of Quiet Zone Establishment for the creation of a quiet zone to prohibit the routine sounding of locomotive horns at the Union Pacific Railroad crossing at River Bend Boulevard.

Council Member Silcox advised the residents of Ridglea that the quiet zone was finally being implemented and stated that the creation of the zone would benefit the nearby school and the residential development in the area.

Council Member Silcox made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. G-16223 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

G-16224
Res. No. 3642-08-
2008
Appoint Trustee to
Place 10 on Board of
Trustees of
Employees'
Retirement Fund

There was presented Mayor and Council Communication No. G-16224 from the City Manager recommending that the City Council authorize the City Manager to adopt a resolution appointing William B. Gordon to fill the remainder of the unexpired term for Place 10 on the Board of Trustees of the City of Fort Worth Employees' Retirement Fund, ending on August 31, 2008, and appointing William B. Gordon to Place 10 on the Board of Trustees of the City of Fort Worth Employees' Retirement Fund for a term beginning September 1, 2008, and ending on August 31, 2010.

Mayor Pro tem Hicks made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. G-16224 be approved and Resolution No. 3642-08-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

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**G-16225
Res. No. 3643-08-
2008
Increase Payment to
Gary Ingram of
Jackson Walker, to
Assist City in
Employment and
Labor Issues
Concerning Meet
and Confer**

There was presented Mayor and Council Communication No. G-16225 from the City Manager recommending that the City Council authorize the City Manager to adopt a resolution to increase the amount to be paid to Gary Ingram of the law firm Jackson Walker to assist City staff with certain employment and labor issues related to meet and confer by \$50,000.00, for a total amount not to exceed \$150,000.00.

Council Member Burdette made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. G-16225 be approved and Resolution No. 3643-08-2008 be adopted. The motion carried six (6) ayes to three (3) nays, with Council Members Silcox, Espino and Jordan casting the dissenting votes.

**G-16226
Ord. No. 18213-08-
2008
Ord. No. 18214-08-
2008
Accept Grant from
TxDOT to
Reconstruct Portion
of Wildcay Way,
Expand Apron
North of Terminal
Building and
Improve Eastside
Taxiways at Fort
Worth Spinks
Airport**

There was presented Mayor and Council Communication No. G-16226 from the City Manager recommending that the City Council authorize the City Manager to accept a grant from the Texas Department of Transportation (TxDOT) in the amount of \$1,445,455.00 to reconstruct a portion of Wildcat Way, expand apron north of terminal building, and improve eastside taxiways at Fort Worth Spinks Airport; authorize the use of existing revenue from the Airport Gas Lease Project Fund in the amount of \$872,236.00 for the City's local match; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Airports Gas Lease Project Fund in the amount of \$872,236.00 for the purpose of funding a transfer to the Airports Grant Fund for the City's match for a grant with the Texas Department of Transportation for the reconstruction of a portion of Wildcat Way, expansion of the apron north of the terminal building and to improve eastside taxiways at Fort Worth Spinks Airport; authorize the transfer of funds in the amount of \$872,236.00 from the Airport Gas Lease Project Fund to the Airports Grant Fund for the City's match; and adopt an appropriation ordinance increasing estimated receipts and appropriations in the Airports Grant Fund in the amount of \$2,317,691.00, subject to receipt of the grant from the Texas Department of Transportation, for the reconstruction of a portion of Wildcat Way, expansion of the apron north of the terminal building and to improve eastside taxiways at Fort Worth Spinks Airport.

Mayor Pro tem Hicks made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. G-16226 be approved with appreciation and Appropriation Ordinance Nos. 18213-08-2008 and 18214-08-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**Public Hearing
G-16227
Ord. No. 18215-08-
2008
Renew Riverside
Neighborhood
Empowerment
Reinvestment Zone
No. 11**

It appeared that the City Council set today as the date for a public hearing to adopt an ordinance concerning the renewal of the Riverside Neighborhood Empowerment Reinvestment Zone No. 11. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Sarah Odle, Administrative Assistant, Housing Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. G-16227, as follows:

There was presented Mayor and Council Communication No. G-16227 from the City Manager recommending that the City Council hold a public hearing concerning the renewal of the Riverside area as Fort Worth Neighborhood Empowerment Reinvestment Zone No. 11; and adopt an ordinance renewing and re-designating a certain area in the City of Fort Worth as “Neighborhood Empowerment Reinvestment Zone No. 11, City of Fort Worth, Texas”; providing the effective and expiration dates for the Zone and a mechanism for renewal of the Zone; and containing other matters related to the Zone, pursuant to the Texas Property Redevelopment and Tax Abatement Act, Tax Code, Chapter 312.

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 Silcox, that the public hearing be closed, Mayor and Council Communication No. G-16227 be approved and Ordinance No. 18215-08-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

Council Member Jordan advised the Council that he had filed Conflict of Interest Affidavits with the City Secretary’s Office relative to Mayor and Council Communication Nos. G-16228 and G-16229 and would be abstaining from voting on these issues.

**Public Hearing
G-16228
Consider Waiver for
High Impact Gas
Well Pad Site
Permit for Fox
Lease Located at
1093 Oak Grove
Road –
Continued Until
August 26, 2008**

It appeared that the City Council set today as the date for a public hearing to consider a waiver for a High Impact gas well pad site permit requested by Chesapeake Operating, Inc., for the Fox Lease located at 1093 Oak Grove Road within 600 feet of Carter Park. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Ms. Susan Alanis, Planning and Development Department Director, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. G-16228, as follows:

**G-16228
(Continued)**

There was presented Mayor and Council Communication No. G-16228 from the City Manager recommending that the City Council consider a waiver for a High Impact gas well permit and issuance of a gas well pad site permit request by Chesapeake Operating, Inc., to allow the drilling of the Fox-1H gas well on Pad-A of the Fox Lease located at 1093 Oak Grove Road within 600 feet of Carter Park in the Robert Gillaster Survey, Abstract No. 619, Tract 2, 1093 Oak Grove Road.

Laura Jones

Ms. Laura Jones, 301 Commerce Street, representing Chesapeake Energy, provided a briefing to the Council relative to the Fox Lease site. She stated that she had met with the neighborhood association on June 5, 2008, and Mayor Pro tem Hicks on the site and requested that Council approve the waiver.

Mayor Pro tem Hicks asked Ms. Jones if she knew how many people occupied the apartments located very near the pad site, the truck route that would be used to the site and how many wells were expected to be placed at this location.

Ms. Jones stated that she did not have information on the number of occupants at the apartments and that the truck route would come down south off Oak Grove Road, near the apartments. She added that approximately six to eight wells were planned for the location; however, it was unpredictable when all the sites would be drilled.

In response to Council Member Scarth's inquiry relative to the apartment owner being a Chesapeake lessor, Ms. Jones confirmed that the apartment owner was a lessor; however, Chesapeake had been unable to reach a compromise for the waiver agreement with the owners because the owners wanted financial compensation on top of their lease and projected royalties for the site.

Mayor Pro tem Hicks expressed concern with the location of the well in such close proximity to the apartments. She asked Ms. Jones if the well could be moved closer to the park so the apartments would not be affected.

Ms. Jones advised that the location was actually permitted before but had to be moved because of a sewer line. She added that Chesapeake had been working with the land owner for years and had come to an agreeable placement of the pad site in January. She pointed out that other locations were considered but that there were other issues with the locations, such as utility placement and grading. She stated that the application was submitted on May 22, 2008, and that she was unaware of any concerns with the location until this evening.

**G-16228
(Continued)
Eunice Givens**

Ms. Eunice Givens, 5500 Stafford Drive, appeared before Council in support of the waiver.

The following individuals appeared before Council in opposition of the gas well waiver and addressed concerns relative to the location of the apartments, chemicals used by gas well companies during drilling and stated that a moratorium on the issuance of gas well permits was needed:

**Daniel Adams,
Darlia Hobbs,
Jennifer Conn**

Mr. Daniel Adams	1500 Oak Grove Road
Ms. Darlia Hobbs	8113 Anchorage Place
Ms. Jennifer Conn	2200 Queen Street

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

Chris Stenholm

Mr. Chris W. Stenholm, 3712 Bellaire Drive North, appeared before Council also in opposition of the waiver. He advised that he was a representative of the property owner and advised there had been a misunderstanding between his client and Chesapeake regarding the location of the well. He stated that he did not know if his client would be willing to move the well site and requested action on this issue be delayed.

(Council Member Silcox left his place at the dais and left the meeting.)

There being no one else present desiring to be heard in connection with the public hearing, Mayor Pro tem Hicks made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. G-16228 be continued until the August 26, 2008, Council meeting. The motion carried unanimously seven (7) ayes to zero (0) nays, with Council Member Silcox absent and with one (1) abstention by Council Member Jordan.

There was presented Mayor and Council Communication No. G-16229 from the City Manager recommending that the City Council consider a waiver for a High Impact gas well permit and issuance of a gas well pad site permit requested by Chesapeake Operating, Inc., to allow the drilling of the Greenwood-1H gas well on Pad-A of the Greenwood Lease located at 3595 Rockwood Park Drive in the HRS J.P. Thomas Survey, Abstract No. 1525, Tract 3, 3595 Rockwood Park Drive.

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**G-16228
(Continued)
Kevin Strauss**

Mr. Kevin Strauss, 301 Commerce Street, Suite 300, representing Chesapeake Energy, appeared before Council in support of the waiver. He advised the Council that the property was privately owned by the Greenwood Cemetery and the waiver was unanimously approved by the Parks and Community Services Advisory Board. In response to questions from Council Members Burdette and Espino, he advised that the only registered subdivision in the area he was aware of was Crestwood and advised that the truck route cited was the only route available because of clearance restrictions and the service use agreement with the cemetery did not allow them to access the site from the cemetery's property.

Robert Hayes

Mr. Robert R. Hayes, 609 Edgefield Road, President of the Crestwood Neighborhood Association, appeared before Council in support of the waiver. He advised that the neighborhood association could not derive a vote in favor or against this issue and requested the Council delay action to allow them to investigate the impact the truck route would have on the neighborhood. He added that the neighborhood association thought there was an alternate route possible. In response to questions from Council Member Burdette and Espino, he stated that there were 495 homes in the Crestwood subdivision and approximately 100 residents had signed leases with Chesapeake. He added that the subdivision was located near this area called Idlewild that had 18 homes.

Joe Bailey

Mr. Joe Bailey, 920 N. Bailey, appeared before Council in opposition of the waiver. He advised that his home was 40 feet to 45 feet from the truck route and stated that he had signed the lease out of ignorance. He pointed out that only one truck could navigate the road at one time which would create a backup with the projected 70 trucks traveling daily on the road. He added that the gate to access the road had been closed due to various crimes committed at the location and safety issues.

The following individuals also appeared before Council in opposition of the waiver and also expressed concerns with safety and truck route:

**Jackie Liles,
Jim Beckman,
Jim Bradbury,
Gary Scott,
Troy McKelroy,
Ron Hay**

Ms. Jackie Liles
Mr. Jim Beckman
Mr. Jim Bradbury
Mr. Gary Scott
Mr. Troy McKelroy
Mr. Ron Hay

716 Northwood Road
2300 Medford Court East
2337 Mistletoe Avenue
632 Eastwood Avenue
3807 Wildwood Road
705 N. Bailey

G-16228
(Continued)

Council Member Burdette stated that he had heard these concerns expressed over the past three weeks and understood the concerns. He pointed out that the applicant had met every requirement of the drilling ordinance; the only thing did not meet was that it was within 600 feet of a park and that was why it was before the Council for consideration. He added that he had visited with Chesapeake on each of these issues and advised why it was not possible to use alternate routes for access to the site.

There being no one else present desiring to be heard in connection with the public hearing, Council Member Burdette made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16229 be continued until the August 26, 2008, Council meeting.

Mayor Moncrief advised that Council Member Burdette had worked very hard on this issue to reach middle ground with everyone affected. He suggested that working with Greenwood Cemetery to allow access through the cemetery was an option and that the delay would permit staff time to address that issue.

Council Member Burdette noted he would not be present at the August 26, 2008, Council meeting and amended his motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16229 be continued until the September 2, 2008, Council meeting. The motion carried unanimously seven (7) ayes to zero (0) nays, with Council Member Silcox absent and with one (1) abstention by Council Member Jordan.

**Recessed/
Reconvened**

Mayor Moncrief recessed the meeting at 9:55 p.m. and reconvened the meeting at 10:00 p.m.

P-10821
Flowable Fill

There was presented Mayor and Council Communication No. P-10821 from the City Manager recommending that the City Council authorize a purchase agreement for flowable fill with Oldcastle APG Texas, Inc., for the Water Department for an annual amount not to exceed \$1,400,000.00.

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

Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. P-10821 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

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C-22956
Barnett Gathering,
L.P.

There was presented Mayor and Council Communication No. C-22956 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, L.P., to grant a license to use a certain public right-of-way of the City of Fort Worth for the purpose of constructing, maintaining and operating a natural gas pipeline across Rendon Road approximately 1,400 feet south of FM 1187.

Mayor Pro tem Hicks made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-22956 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

C-22957
Texas Midstream
Gas Services, LLC

There was presented Mayor and Council Communication No. C-22957 from the City Manager recommending that the City Council authorize the City Manager to execute a public right-of-way use agreement with Texas Midstream Gas Services, LLC, to grant a license to use certain public right-of-way of the City of Fort Worth for the purpose of constructing, maintaining and operating a natural gas pipeline across Campus Drive, approximately 850 feet north of Southeast Loop 820.

Mayor Pro tem Hicks made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-22957 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

C-22958
Texas Midstream
Gas Services, LLC

There was presented Mayor and Council Communication No. C-22958 from the City Manager recommending that the City Council authorize the City Manager to execute a public right-of-way use agreement with Texas Midstream Gas Services, LLC, to grant a license to use certain public right-of-way of the City of Fort Worth for the purpose of constructing, maintaining and operating a natural gas pipeline across Amon Carter Boulevard, north of the FAA Boulevard intersection; a second crossing at Buckingham Boulevard, north of the FAA Boulevard intersection; a third crossing at Cambridge Road, north of the Kingsport Road intersection; and a fourth crossing at Diplomacy Road, approximately 450 feet northeast of the Kingsport Road intersection.

Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-22958 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

C-22959
Laughley Bridge
and Construction,
Inc.

There was presented Mayor and Council Communication No. C-22959 from the City Manager recommending that the City Council authorize the City Manager to execute a contract in the amount of \$613,900.00 with Laughley Bridge and Construction, Inc., for 150 working days for Concrete Restoration 2008-1 at various locations (City Project No. 01063).

Council Member Burdette made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-22959 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

C-22960
P and E
Contractors, Inc.

There was presented Mayor and Council Communication No. C-22960 from the City Manager recommending that the City Council authorize the City Manager to execute a contract in the amount of \$1,102,040.50 with P and E Contractors, Inc., for 140 working days for HMAC Surface Overlay 2008-4 at various locations (City Project No. 01045).

Council Member Burdette made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-22960 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

C-22961
JLB Contracting,
L.P.

There was presented Mayor and Council Communication No. C-22961 from the City Manager recommending that the City Council authorize the City Manager to execute a contract in the amount of \$793,742.00 with JLB Contracting, L.P., for 110 working days for HMAC Surface Overlay 2008-5 at various locations within Council Districts 3 and 7 (City Project No. 01082).

Council Member Burdette made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-22961 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

C-22962
HCE Construction,
Inc.

There was presented Mayor and Council Communication No. C-22962 from the City Manager recommending that the City Council authorize the City Manager to execute a contract in the amount of \$852,485.00 with HCE Construction, Inc., for 140 working days for HMAC Surface Overlay 2008-6 at various locations within Council Districts 4, 5 and 8 (City Project No. 01083).

Mayor Pro tem Hicks made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-22962 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

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**C-22963
Advanced Paving
Acquisition, Ltd.,
d/b/a Advanced
Paving Company**

There was presented Mayor and Council Communication No. C-22963 from the City Manager recommending that the City Council authorize the City Manager to execute a contract in the amount of \$1,095,257.80 with Advanced Paving Acquisition, Ltd., d/b/a Advanced Paving Company for 140 working days for HMAC Surface Overlay 2008-7 at various locations (City Project No. 01084).

Mayor Pro tem Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-22963 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**C-22964
Willdan Financial
Services and Fort
Worth Chamber of
Commerce**

There was presented Mayor and Council Communication No. C-22964 from the City Manager recommending that the City Council authorize the City Manager to execute a consultant services agreement in an amount not to exceed \$225,000.00 with Willdan Financial Services and the Fort Worth Chamber of Commerce under which the City of Fort Worth and the Fort Worth Chamber of Commerce will share the cost for Willdan Financial Services to conduct a study of development costs and infrastructure funding in Fort Worth.

Council Member Scarth made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. C-22964 be approved with appreciation to the Fort Worth Chamber of Commerce. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**C-22965
Amendment No. 2 to
CSC No. 31710
Kimley-Horn and
Associates, Inc.**

There was presented Mayor and Council Communication No. C-22965 from the City Manager recommending that the City Council authorize the City Manager to execute Amendment No. 2 to City Secretary Contract No. 31710 with Kimley-Horn and Associates, Inc., in the amount of \$230,290.00 for Water and Sanitary Sewer Relocations for State Highway 121T (Southwest Parkway), Part 2 from the Hulen Bridge, south to Alta Mesa Boulevard, thereby increasing the contract amount to \$1,337,601.00 (City Project No. 00204).

On behalf of Council Member Silcox, Mayor Pro tem Hicks made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-22965 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

C-22966
Acquisition of
Drainage Facility
Easement and
Temporary
Construction
Easement Located
at 4609 Briarhaven
Road

There was presented Mayor and Council Communication No. C-22966 from the City Manager recommending that the City Council authorize the City Manager to approve the acquisition of one permanent drainage facility easement and temporary construction easement from Richard L. and Katherine A. Bourland at 4609 Briarhaven Road, described as a portion of Lot 28, Block 15, Overton West Addition, Fort Worth, Tarrant County, Texas for the construction of the Briarhaven-Fieldcrest Drainage Project; find that the price offered in the amount of \$175,893.00, plus an estimated closing cost of \$4,000.00, is just compensation; and authorize the acceptance and recording of appropriate instruments (City Project No. 00085; DOE No. 4716).

On behalf of Council Member Silcox, Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. C-22966 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

C-22967
Laughley Bridge
and Construction,
Inc.

There was presented Mayor and Council Communication No. C-22967 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with Laughley Bridge and Construction, Inc., for construction of the Morningside Neighborhood Drainage Improvements located at Mississippi Avenue, from Baker Street to Cantey Street; Cantey Street, from Mississippi Avenue to New York Avenue; and New York Avenue, from Cantey Street to Judd Street, in the amount of \$1,169,948.00 (Project No. 00088).

Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. C-22967 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

C-22968
Ord. No. 18216-08-
2008
Conatser
Construction TX,
LP

There was presented Mayor and Council Communication No. C-22968 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with Conatser Construction TX, LP, in the amount of \$1,200,000.00 for Water Main Replacements Contract 2007A; authorize the transfer of \$1,513,800.00 from the Water and Sewer Fund 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 \$1,513,800.00 from available funds, for the purpose of executing a contract with Conatser Construction TX, LP for Water Main Replacements Contract 2007A at various locations throughout the City of Fort Worth (DOE No. 5965).

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**C-22968
(Continued)**

Mayor Pro tem Hicks made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-22968 be approved and Appropriation Ordinance No. 18216-08-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**C-22969
Cleburne Utility
Construction, Inc.**

There was presented Mayor and Council Communication No. C-22969 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with Cleburne Utility Construction, Inc., in the amount of \$1,000,000.00 for Sewer Main Extensions, Replacements and Relocations Contract 2007A at various locations throughout the City of Fort Worth (DOE No. 5867).

Mayor Pro tem Hicks made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-22969 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**C-22970
Ord. No. 18217-08-
2008
Laughley Bridge
and Construction,
Inc.**

There was presented Mayor and Council Communication No. C-22970 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with Laughley Bridge and Construction, Inc., in the amount of \$975,000.00 for Sanitary Sewer Main Replacements Contract 2007A; authorize the transfer of \$1,144,550.00 from the Water and Sewer Fund to the Sewer Capital Projects Fund; and adopt an appropriation ordinance increasing the estimated receipts and appropriations in the Sewer Capital Projects Fund in the amount of \$1,144,550.00 from available funds, for the purpose of executing a contract with Laughley Bridge and Construction, Inc., for Sanitary Sewer Main Replacements Contract 2007A at various locations throughout the City of Fort Worth (DOE No. 5964).

Council Member Scarth made a motion, seconded by Mayor Pro tem Hicks, that Mayor and Council Communication No. C-22970 be approved and Appropriation Ordinance No. 18217-08-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**C-22971
Amendment No. 2 to
the CSC No. 31878
Kimley-Horn and
Associates, Inc.**

There was presented Mayor and Council Communication No. C-22971 from the City Manager recommending that the City Council authorize the City Manager to execute Amendment No. 2 in the amount of \$248,180.00 to City Secretary Contract No. 31878 with Kimley-Horn and Associates, Inc., for water and sanitary sewer extensions for Stonegate and Arborlawn (City Project No. 00107), thereby increasing the contract amount to \$740,200.00.

**C-22971
(Continued)** Council Member Burns made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-22971 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

AGENDA ITEM XVA – ZONING HEARINGS: CASES RECOMMENDED FOR APPROVAL

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 July 17, 2008. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

**ZC-08-064
Continued Until
September 2, 2008** There was presented Zoning Docket No. ZC-08-064, application of Lynda Hanna for a change in zoning of property located at 2523 and 2527 West Dickson Street and 2524 Waggoman Street from “I” Light Industrial to “K” Heavy Industrial.

Council Member Burns made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-08-064, be continued until the September 2, 2008, Council meeting. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**ZC-08-095
Denied** There was presented Zoning Docket No. ZC-08-095, application of Leona Glass Rea for a change in zoning of property located in the 6100 block of Wedgwood Drive from “A-5” One Family Residential to “ER” Neighborhood Commercial Restricted.

Bobby Glass Mr. Bobby Glass, 5912 Walraven Circle, representing the applicant, appeared before Council in support of the zoning change.

**William Skinner,
Janine Thomas** Mr. William Skinner, 6125 Walraven Circle and Ms. Janine Thomas, 6124 Walraven Circle, appeared before Council in opposition of the zoning change. They stated that the intersection at Hulen and Granbury Road was the worst intersection in the City and added that the proposed business would only increase the traffic and create greater congestion.

Mayor Moncrief stated that he had been advised that a super majority vote of the Council was required as the petition in opposition reflected the required number of signatures.

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**ZC-08-095
(Continued)** Council Member Jordan made a motion, seconded by Mayor Pro tem Hicks, that the decision of the City Zoning Commission to approve Zoning Docket No. ZC-08-095, be denied. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**ZC-08-104
Approved** There was presented Zoning Docket No. ZC-08-104, application of Phil and Teresa Boorman for a change in zoning of property located at 12630 Oak Grove Road from "AG" Agricultural to "A-5" One Family Residential.

Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that Zoning Docket No. ZC-08-104, be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**ZC-08-106
Approved** There was presented Zoning Docket No. ZC-08-106, application of Southwest Bank for a change in zoning of property located at 3737 SW Loop 820 from "G" Intensive Commercial to "E" Neighborhood Commercial.

Council Member Jordan made a motion, seconded by Council Member Burns, that Zoning Docket No. ZC-08-106, be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**ZC-08-107
Approved with
Deletion of 2504 8th
Avenue** There was presented Zoning Docket No. ZC-08-107, application of City of Fort Worth for a change in zoning of property located in Paschal Area Neighborhood, north of Bowie and Lowden, south of Park Hill Drive, east of Forest Park Boulevard and west of 8th Avenue from "A-5" One-Family Residential, "B" Two-Family Residential, "D" High Density Multifamily Residential, "CF" Community Facilities, "E" Neighborhood Commercial, "J" Medium Industrial and "PD-105" Planned Development to "A-5 One-Family Residential, "B" Two-Family Residential, "CF" Community Facilities and "E" Neighborhood Commercial.

The following individuals appeared before Council in support of the zoning change. They advised of the positive impacts the rezoning would have on the neighborhood and pointed out that the developer had been pressuring residents to sign letters for redevelopment or their property values would decrease by 50 percent.

Anita Horky, Rose Perez, Keith Ashcraft	Ms. Anita Horky	2732 Gordon Avenue
	(Represented ten (10) residents)	
	Ms. Rose Perez	2528 Frazier
	Mr. Keith Ashcraft	2556 Waits Avenue

**ZC-08-107
(Continued)
Bill Dahlstrom**

Mr. Bill Dahlstrom, 301 Commerce Street, Suite 2400, representing an investor in this area, appeared before Council in opposition of the rezoning. He questioned if this initiative was truly a neighborhood effort and stated that it appeared that certain investor sections were left out of the zoning application. He added that support for the rezoning did not have full support of the community and that by reducing density, redevelopment was also reduced.

Gary Moates

Mr. Gary Moates, 801 Cherry Street, Suite 2000, representing a partnership that owned property in the area, appeared before Council in opposition of the rezoning. He stated that the proposed zoning would create some non-conforming uses and added that his clients wanted their properties to remain "B" Two-Family.

Alex Veigel

Mr. Alex Veigel, 3221 Collinsworth, Suite 210, appeared before Council in opposition of the rezoning. He stated that he owned 18 properties in this area and stated that the potential of this area is what the City was trying to achieve. He advised that no one had contacted him from the neighborhood association regarding the rezoning and that more communication was needed.

Mayor Moncrief expressed concern with the comments made relative to the developer providing residents with inaccurate or inappropriate information about their property values. He added that the practice was not the "Fort Worth Way" and asked City Attorney Yett to look into this matter to determine how far that practice had been spread throughout this community. He pointed out that he had been advised by staff that a super majority vote of the Council was required as those in opposition had achieved the percentage of signatures to require a super majority vote.

Council Member Burns made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-08-107, be approved with the property at 2504 8th Avenue being removed from consideration. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**ZC-08-108
Approved**

There was presented Zoning Docket No. ZC-08-108, application of City of Euless for a change in zoning of property located in the 10800 and 11700 blocks of Trinity Boulevard and 11600 and 12200 blocks of Mosier Valley Road from "AG" Agricultural, "CF" Community Facilities and "J" Medium Industrial to "A-43" One-Family Residential.

Council Member Moss made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-08-108, be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

**ZC-08-111
Approved**

There was presented Zoning Docket No. ZC-08-111, application of Tucker Seaton, Jr., for a change in zoning of property located at 3400 Fite Street from "AG" Agricultural to "A-10" One Family Residential.

Council Member Moss made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-08-111, be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

AGENDA ITEM XVB – ZONING HEARINGS: CASES RECOMMENDED FOR DENIAL

**ZC-08-103
Denied with
Prejudice**

There was presented Zoning Docket No. ZC-08-103, application of N. Lucille Gilkey for a change in zoning of property located at 821 East Terrell Avenue, 810 and 812 Kentucky Avenue from "A-5" One-Family Residential and "A-5/HC" One-Family Residential/Historic and Cultural to "E" Neighborhood Commercial and "E/HC" Neighborhood Commercial/Historic Cultural.

N. Lucille Gilkey

Ms. N. Lucille Gilkey, P.O. Box 163127, applicant for the rezoning, appeared before Council in support of the rezoning. She advised that the building was previously a mortuary and that she would refurbish the building for the same use while restoring the structure back into its original historical value. She stated that she was a licensed Funeral Director and Embalmer and provided a slide that depicted the new design for the interior of the building.

**Geraldine Williams,
Al Piper**

Ms. Geraldine Williams, 1112 E. Broadway and Mr. Al Piper, appeared before Council in support of the rezoning. They stated that the business would provide jobs for the community and create redevelopment. They requested the case be continued to allow them time to provide petitions in support of the rezoning.

Mayor Pro tem Hicks stated that she lived in this neighborhood and had observed the re-growth of the community. She pointed out that in October 2007, the City Council denied a similar zoning application for a funeral home at this location. She stated she had met with Ms. Gilkey and suggested alternate locations and advised that the building was originally built as a theater. She added that the requested use was not compatible and was inconsistent with the area.

Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that Zoning Docket No. ZC-08-103, be denied with prejudice. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

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

ORDINANCE NO. 18218-08-2008

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

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

Agenda Item XVI
Citizen
Presentations
Joe Don Brandon

Mr. Joe Don Brandon, P.O. Box 1155, appeared before Council relative to a community activist for the Rosemont area. He stated that he hoped to meet with Council Member Burns to discuss the Day Labor Center and commended the City on the condition and services at the Central Library downtown. He advised that he had met a community activist at last week's Council meeting and was threatened by that person. He cautioned everyone in the City from speaking with community activists.

Ashley Blackman

Mayor Moncrief recognized Mr. Ashley Blackman, 2690 Keller Hicks Road, who desired to appear before Council relative to solid waste pickup in the ETJ of Fort Worth and gas well DBI versus aircraft noise levels; however, Mr. Blackman was not present in the Council Chamber.

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Paul Felts Mayor Moncrief recognized Mr. Paul Felts, 4315 Golden Triangle Boulevard, Keller, who desired to appear before Council relative to solid waste pickup in the ETJ of Fort Worth; however, Mr. Felts also was not present in the Council Chamber.

Jim Ashford Mayor Moncrief recognized Mr. Jim Ashford, 6209 Riverview Circle, who desired to appear before Council relative to gas well sound; however, Mr. Ashford was not present in the Council Chamber.

Billy Bradbury Billy Bradbury, 23 Legend Road, appeared before Council in opposition of the proposed gas pipeline on Carter Avenue.

Jerry Horton Ms. Jerry Horton, 2608 Carter Avenue, appeared before Council relative to the gas pipeline proposed under Carter Avenue. She advised that she had been served with condemnation documents from Chesapeake informing her to appear in court. She requested the Council's assistance in negotiating with Chesapeake to place the pipeline north of I-30 and into the wooded area located near I-30.

Mayor Pro tem Hicks stated that she was opposed to any gas pipelines going through neighborhoods. She added that the City would continue to look at alternate locations and appreciated Council Member Scarth's consideration to look for an alternate site in his district.

City Attorney Yett advised that the power of eminent domain could only be granted by the State of Texas. He added that a gas pipeline company who obtained the proper certificate from the state had the power of eminent domain to acquire property for their pipeline and that any change to that would have to come from the state through the Legislature.

Katie Ohayon Ms. Katie Ohayon, 2700 Carter Avenue, appeared before Council relative to keeping citizens safe from dangerous oil pipelines and in support of Ms. Horton.

Robert Snoke Mr. Robert Snoke, 3826 6th Avenue, appeared before Council relative to the excessive number of garage sales in the Rosemont neighborhood. He advised that City staff was proposing to do away with the garage sale ordinance and pointed out that the neighborhood would then have garage sales 7 days a week, 24 hours a day. He stated that Code Compliance needed to enforce the ordinance to preclude violations.

Robert Snoke
(Continued)

Council Member Burns expressed appreciation to Mr. Snoke for bringing this matter to the Council's attention. He stated that he was not aware that the City was considering doing away with the permitting process, but understood that the problem was relative to enforcement and only having a limited number of Code Compliance Officers. He added that this would be discussed during the Pre-Council Work Session on August 12, 2008.

The following individuals appeared before Council relative to saving the Hope Center:

Orlando Reyes,
Lee Saldivar,
Jo Ann Reyes,
Bill Sheets

Pastor Orlando Reyes	3625 E. Loop 820 South
(Without Walls Church & Hope Center and represented 10 people)	
Mr. Lee Saldivar	3937 Ryan Avenue
(Represented Lulac 4743)	
Mrs. Jo Ann Reyes	3625 E. Loop 820 South
(Represented 10 people)	
Mr. Bill Sheets	3625 E. Loop 820 South
(Represented 10 people)	

Mayor Moncrief stated that the political will of the Council had been tested early and often as they addressed various issues. He added that this issue was not one of political will, but of legality. He asked the Law Department staff to respond to this issue.

Deputy City Attorney Gerald Pruitt advised that the City did not own this property, but held the property as a trustee for all the taxing entities. He added that the law looked to the judgment entered approximately four years ago that provided for the amount of the debt. He stated that one of two things could happen with this property: the property could be put out for bid for anyone to bid on or a direct sale could occur. He pointed out that the direct sale required that the seller received no less than the amount of taxes due at the time the property was struck off to the City, approximately \$660,000.00.

Council Member Moss stated that he had been working with the church and center for a long time. He added that the center had been a real asset to the City and his district because of the services that were provided. He further stated that it was his hope that through the various entities involved, e.g., school district and county, etc., could work out some sort of arrangement to keep the center here in the City or provide a place for the center to relocate. He stated that he was very concerned and did not know what could be done on this situation.

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**Orlando Reyes,
Lee Saldivar,
Jo Ann Reyes,
Bill Sheets
(Continued)**

Mayor Moncrief stated that the Council was at an impasse on this issue; however, the Council had to follow the law. He added that no one doubted the work of the Hope Center and encouraged anyone having ideas on how to resolve this matter, to please provide that information to the Law Department.

**Grayson Harper,
Nel LaBar**

Mr. Grayson Harper, 3605 Bellaire Drive South, and Ms. Nel LaBar, 1609 Willow Lane, Euless, Texas, appeared before Council relative to 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 12:44 a.m.