

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
OCTOBER 28, 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

Staff Members Present:

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

I. CALL TO ORDER

With a quorum of the City Council Members present, Mayor Moncrief called the regular session of the Fort Worth City Council to order at 10:06 a.m. on Tuesday, October 28, 2008, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102, with Council Member Espino temporarily absent.

II. INVOCATION - Dr. Murray Richey, John Knox Presbyterian Church

Mayor Moncrief requested Dr. Richey pause for a moment of silent prayer in memory of Council Member Chuck Silcox who passed away on October 25, 2008.

The invocation was given by Dr. Murray Richey, John Knox Presbyterian Church.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

IV. CONSIDERATION OF MINUTES OF REGULAR MEETING OF TUESDAY, OCTOBER 21, 2008

Motion: Council Member Burns made a motion, seconded by Council Member Scarth, that the minutes of the regular meeting of October 21, 2008 be approved. The motion carried unanimously seven (7) ayes to zero (0) nays, with Council Member Espino absent.

V. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC.

1. Presentation by Partners for Sacred Places

City Secretary Hendrix advised that this presentation had been rescheduled to the December 9, 2008, Council meeting.

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

2. Presentation by Imagination Celebration

City Secretary Hendrix advised that this presentation had been rescheduled to the December 2, 2008, Council meeting.

3. Council Member Espino Presented a Proclamation for Texas Motor Speedway Full Throttle Fan Days to Eddie Gossage.

Mr. Gossage expressed appreciation for the proclamation and requested that Mayor Moncrief present the Proclamation to the fans at Texas Motor Speedway on Sunday, November 2, 2008.

VI. ANNOUNCEMENTS BY CITY COUNCIL MEMBERS AND STAFF

Mayor Moncrief stated that it was difficult to try and address a matter of the City's business regarding what directions to take to fill the vacant seat (Council Member District 3) at the dais. He added that the City Secretary would advise of the timeline and circumstances for conducting a special election and that approval by the Governor would have to be obtained. He pointed out that the Council had a lot to think about as the timeline for the special election could possibly take the run off for that election right into the Council election in May 2009. He advised that there were now only two uniform election dates instead of four, which made it very difficult on local governments and added that Tarrant County would also be involved as they would have to furnish the voting equipment.

City Attorney Yett advised that this was not an agenda item today and therefore was not appropriate for the City Council to decide today. He added that it would be appropriate for the City Secretary to provide background information for possible consideration at the November 11, 2008, Council meeting.

City Secretary Hendrix stated that in accordance with the City's Charter and due to the timeline for the vacancy, the City Council would have to approach the Governor of Texas to call the special election as there were only two uniform election dates; one in November and another on May 9, 2009, for the Council's General Election. She pointed out that this would also be based on the availability of election equipment from Tarrant County. She advised that the possible election would be conducted at the end of January 2009, the run-off election probably in February 2009, if necessary, and the potential that the winner of that race not be sworn in until March 2009.

Mayor Moncrief reiterated that the Council would not be making any decision today and the Council needed to be thinking about it until the next Council meeting on November 11, 2008, when a decision would be made. He wanted to clarify that he had spoken to his colleagues that surrounded Council Member Silcox's district and stated that Council Members Burns, Jordan, Burdette and himself would split the duties of District 3 and ensure the needs of the citizens were addressed and that the projects move forward until an election is held.

VII. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

City Manager Fisseler requested that Mayor and Council Communication No. C-23145 be withdrawn from the Consent Agenda.

VIII. ITEMS TO BE CONTINUED OR WITHDRAWN BY STAFF

City Manager Fisseler requested that Mayor and Council Communication Nos. G-16331 and PZ-2800 be continued until the November 11, 2008, Council meeting.

IX. CONSENT AGENDA

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

OCS - 1694 - Notices of Claims for Alleged Damages and/or Injuries

M&C G-16327 - Authorizing Transfer of Funds in the Amount of \$50,000.00 from the Lake Worth Trust Fund to the General Fund and Adopting Appropriation Ordinance No. 18340-10-2008 Increasing Estimated Receipts and Appropriations in the General Fund in the Amount of \$50,000.00 for the Purpose of Funding the Lake Worth Vision Workshop.

M&C G-16328 - Authorizing Transfer of Funds from the North Tarrant Parkway Tax Increment Reinvestment Zone (TIF), the Lancaster Corridor TIF, the East Berry Renaissance TIF and the Woodhaven TIF all in the Special Assessment District Fund and \$25,250.00 from the Fort Worth Local Development Corporation to the Special Trust Fund to Fund a Portion of Three Authorized Positions in the Housing and Economic Development Department that are Responsible for the Administration of Tax Increment Reinvestment Zones and the Fort Worth Local Development Corporation; and Adopting Appropriation Ordinance No. 18341-10-2008 Increasing Estimated Receipts and Appropriations in the Special Trust Fund in the Amount of \$208,146.00 from Available Funds for the Purpose of Ensuring that Funds are Available for Administration of the TIFs and the Fort Worth Local Development Corporation for the Remainder of the 2008-2009 Fiscal Year.

M&C G-16329 - Adopting Ordinance No. 18342-10-2008 Vacating, Abandoning and Extinguishing Part of a Floodplain Easement Located within a Portion of Lot 1, Block 1, Tree Tops School Addition, an Addition to the City of Fort Worth, Tarrant County, Texas, and Containing Approximately 1.333 Acres or 58,061 Square Feet of Land.

M&C P-10873 - Authorizing the Purchase of Pickup Trucks from Caldwell Country Dealerships for the Transportation and Public Works Department Using a Texas Procurement and Support Services Term Contract for a Cost Not to Exceed \$104,211.00.

M&C L-14664 - Authorizing the City Manager to Execute a Water Pipeline Crossing License Agreement with Burlington Northern Santa Fe Railroad Company for a 25-Year Term at a One Time Cost of \$3,500.00 for the Installation of a Water Pipeline Between Capps Street and Cantey Street.

M&C C-23140 - Authorizing the City Manager to Adopt Supplemental Appropriation Ordinance No. 18343-10-2008 Increasing Estimated Receipts and Appropriations in the General Fund in the Amount of \$40,000.00 and Decreasing the Unreserved, Designated Fund Balance by the Same Amount, for the Purpose of Executing a Professional Services Agreement with Public Financial Management, Inc., to Conduct Comparative Valuation Services/Analysis of Civil Service Salaries and Benefits.

M&C C-23141 - Finding that the Statements Set Forth in the Recitals of the Tax Abatement Agreement with Carl A. and Carla Holmes, are True and Correct; and Authorizing the City Manager to Enter into a Five-Year Tax Abatement Agreement with Carl A. and Carla Holmes for the Property Located at 600 Canyon Creek Trail in the Woodhaven Neighborhood Empowerment Zone in Accordance with the Neighborhood Empowerment Zone Tax Abatement Policy and Basic Incentives.

M&C C-23142 - Finding that the Statements Set Forth in the Recitals of the Tax Abatement Agreement with James B. Freeman are True and Correct; and Authorizing the City Manager to Enter into a Five-Year Tax Abatement Agreement with James B. Freeman for the Property Located at 3137 Wabash Avenue in the Berry/University Neighborhood Empowerment Zone in Accordance with the Neighborhood Empowerment Zone Tax Abatement Policy and Basic Incentives.

M&C C-23143 - Authorizing the City Manager to Authorize the Acquisition of Approximately 5,400 Square Feet, Owned by Ericka Medina, Known as 3158 Weber Street, Lot 2, Block 19, an Addition to the City of Fort Worth, Tarrant County, Texas; Finding that the Price Offered in the Amount of \$15,200.00 for the Parcel, Plus an Estimated Closing Cost of \$3,000.00 is Just Compensation; and Authorizing the Acceptance and Recording of Appropriate Instruments.

M&C C-23144 - Authorizing the Acceptance of One Dedication Deed from Burlington Northern Santa Fe Railroad Company for Right-of-Way Known as Great Southwest Parkway in North Fort Worth, Described as a Portion of the David Odum Survey, Abstract No. 1184, Fort Worth, Tarrant County, Texas; and Authorizing the Acceptance and Recording of Appropriate Instruments.

M&C C-23146 - Adopting Appropriation Ordinance No. 18344-10-2008 Increasing Estimated Receipts and Appropriations in the Park Dedication Fees Fund in the Amount of \$150,000.00 for the Purpose of Executing a Contract with Dirtco, LP, d/b/a Styles Contracting for Parking Lot Improvements at Greenbriar Park; and Authorizing the City Manager to Execute a Contract with Dirtco, LP, d/b/a Styles Contracting, in the Amount of \$259,250.50, for Parking Lot Improvements at Greenbriar Park.

End of Consent Agenda

X. PRESENTATIONS BY THE CITY COUNCIL

1. Changes in Membership on Boards and Commissions

There were no changes in memberships on Boards and Commissions.

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

There were no presentations and/or Communications from Boards, Commissions and/or City Council Committees.

XIII. RESOLUTIONS

1. A Resolution Urging Legislative Action to Permit Greater Local Regulatory Oversight of Intrastate Pipeline Facilities and Intrastate Pipeline Transportation; and Providing an Effective Date (Continued from a Previous Meeting)

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that Resolution No. 3671-10-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

2. A Resolution of the City Council of the City of Fort Worth, Texas, Canceling the City Council Meeting of Tuesday, November 4, 2008; Moving the Zoning Hearing Scheduled for November 4, 2008, at 7:00 P.M. to the City Council Meeting Scheduled for Tuesday, November 11, 2008, at 10:00 A.M.; Setting Tuesday, November 4, 2008, at 8:30 A.M. for a Called - Special Workshop Session for Review and Discussion on Gas Drilling Task Force and City Staff Recommendations; and Setting Monday, November 17, 2008, at 10:00 A.M. for a Called - Special Meeting to Canvass Election Returns and Declare the Results of the Special Election Held on November 4, 2008

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Burns, that Resolution No. 3672-10-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

XIV. REPORT OF THE CITY MANAGER

A. General

1. M&C G-16325 - Authorization to Amend Contract with Deloitte and Touche, LLP, to Increase the Fee by \$795,126.00 for an Independent Audit of the Financial Records of the City of Fort Worth for Fiscal Year 2007, for a Total Amount not to Exceed \$1,110,000.00 (Continued from October 21, 2008).

Motion: Council Member Jordan made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16325 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

5. M&C G-16330 - Authorize Reimbursement of Outside Bond Counsel for \$22,680.50 for Representation of the City Regarding Internal Revenue Service Audit of Water and Sewer Revenue Refunding Bonds, Series 2003A, in the Amount of \$11,793.00 to Kelly, Hart and Hallman, L.L.P.; and in the Amount of \$10,887.50 to McCall, Parkhurst and Horton, L.L.P.

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. G-16330 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

6. It was the Consensus of the City Council that Mayor and Council Communication No. G-16331 - Adopt Resolution Increasing the Maximum Amount to be Paid to Cantey and Hanger by \$200,000.00 for Assisting the City with Legal Issues Including, but not Limited to, Real Estate Concerning Southwest Parkway (State Highway 121T), be Continued Until the November 11, 2008, Council Meeting.

7. M&C G-16332 - Authorize a \$250,000.00 Payment to the Retired Employees' Group Death Benefit Fund.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. G-16332 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

8. M&C G-16333 - Approve the Proposed Settlement of the Claims in a Lawsuit Entitled City of Fort Worth v. West Fork Partners, L.P., a Texas Limited Partnership, et al; Case No. 2007-054266-1 in the amount of \$175,000.00 Arising from the Condemnation of Two Permanent Easements to Install a Pipeline and Junction Boxes to Serve the City's Village Creek Treatment Plant; Authorize the Additional Payment of \$172,000.00, with the Check made Payable to West Fork Partners, L.P., in Addition to the \$2,800.00 Previously Deposited with the County Court at Law; and Authorize the Appropriate City Representatives to Execute the Documents Necessary to Complete the Settlement.

Motion: Council Member Moss made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. G-16333 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

9. M&C G-16334 - Adopt an Ordinance Denying the Rate Schedule Proposed by Oncor Electric Delivery Company LLC, as Reflected in the "Application of Oncor Electric Delivery Company LLC for Authority to Change Rates" Filed by Oncor Electric Delivery Company LLC on June 27, 2008; Authorizing the Continued Participation in a Consortium of Other Municipalities Served by Oncor Electric Delivery LLC and the Hiring of Consultants and Attorneys to Assist in Any Appeal or Litigation Arising Out of Such Rate Filing or this Ordinance; Directing that Oncor Electric Delivery Company LLC Reimburse the City for all Previous and Future Reasonable Expenses Related to Such Rate Case (PUBLIC HEARING).

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

a. Report of City Staff

Danny Reed, Public Utilities Administrator, Financial Management Services Department, appeared before Council and provided a staff report.

b. Citizen Presentations

There were no citizen presentations.

G-16334 (Continued)

c. Council Action

Motion: Council Member Jordan made a motion, seconded by Mayor Pro tem Hicks, that the public hearing be closed and Mayor and Council Communication No. G-16334 be approved and Ordinance No. 18345-10-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

B. Purchase of Equipment, Materials, and Services

1. M&C P-10872 - Authorize Purchase Agreements with Fort Worth Star-Telegram, La Vida News - The Black Voice, and La En Casa for the City of Fort Worth for the Printing of the City Page for a Projected Cost Not to Exceed \$185,846.00 (Continued from October 21, 2008).

Motion: Council Member Burns made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. P-10872 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

D. Planning & Zoning

1. M&C PZ-2800 – Adopt an Ordinance Changing the Name of a Portion of “Stonegate Boulevard” to “Clearfork Main Street” from its Intersection with South Hulen Street to Approximately 200 Feet West (PUBLIC HEARING).

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

a. Report of City Staff

Allison Gray, Planning and Development Department, appeared before Council and provided a staff report.

b. Citizen Presentations

There were no citizen presentations.

c. Council Action

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. PZ-2800 be continued until the November 11, 2008, Council meeting. The motion carried unanimously eight (8) ayes to zero (0) nays.

2. M&C PZ-2801 - Adopt an Ordinance Changing the Name of a Portion of “Stayton Street” to “Museum Way” Located Adjacent to Lot 1, Block 1, SO7 Addition from its Intersection with West 7th Street to its Terminus in Museum Way (PUBLIC HEARING).

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

a. Report of City Staff

Allison Gray, Planning and Development Department, provided a staff report.

b. Citizen Presentations

There were no citizen presentations.

c. Council Action

Motion: Council Member Burns made a motion, seconded by Council Member Jordan, that the public hearing be closed and Mayor and Council Communication No. PZ-2801 be approved and Ordinance No. 18346-10-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

E. Award of Contract

6. M&C C-23145 - Authorize the City Manager to Execute a Memorandum of Agreement Between the City of Fort Worth and Chesapeake Operating, Inc., Suspending the "Lease Use Only" Provisions of Fort Worth Ordinance No. 16986-06-2006, Section 15-42 A. 26, to Conduct a Disposal Pilot Project for the Management of Saltwater Within the Brentwood Pilot Corridor Area.

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

Motion: Council Member Scarth made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-23145 be approved with appreciation to staff. The motion carried unanimously seven (7) ayes to zero (0) nays, and with one (1) abstention by Council Member Jordan.

8. M&C C-23147 - Authorize the Transfer of \$1,500,000.00 from the Storm Water Capital Fund to the Storm Water Operating Fund; Adopt a Supplemental Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Storm Water Operating Fund in the Amount of \$1,500,000.00 for the Purpose of Funding Integrated Program Management Phase 2; Adopt Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Park Gas Well Leases Fund in the Amount of \$100,000.00 from Available Funds, for the Purpose of Funding Integrated Program Management Phase 2; and Authorize the City Manager to Execute a Professional Services Agreement with CH2MHill in the Amount of \$4,321,000.00 for Integrated Program Management, Phase 2.

Motion: Council Member Espino made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-23147 be approved and Supplemental Appropriation Ordinance No. 18347-10-2008 and Appropriation Ordinance No. 18348-10-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays.

9. M&C C-23148 - Authorize the City Manager to Execute a Public Right-of-Way Use Agreement with Crosstex North Texas Gathering, LP, to Grant a License to Use Certain Portions of Wagley Robertson Road and Public Right-of-Way for the Purpose of Constructing, Maintaining and Operating a Natural Gas Pipeline Across Wagley Robertson Road South of Bonds Ranch Road.

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23148 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

10. M&C C-23149 - Authorize the City Manager to Authorize the Acquisition of Improved Residential Property from Mr. Pete L. Reyes, Known as 3154 Hardy Street, Lot 2B-6, Block 4, an Addition to the City of Fort Worth, Tarrant County, Texas for the Lebow Channel Drainage Project; Find that the Price Offered in the Amount of \$185,000.00 for the Residence Plus an Estimated Closing Cost of \$3,000.00 is Just Compensation; and Authorize the Acceptance and Recording of Appropriate Instruments.

Motion: Council Member Espino made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-23149 be approved with appreciation to staff. The motion carried unanimously eight (8) ayes to zero (0) nays.

11. M&C C-23150 - Authorize the City Manager to Execute a Construction Contract with Northstar Construction, Inc., in an Amount Not to Exceed \$247,750.00 for Infrastructure Construction, Lighting, Site Work and Installation of the Lancaster Avenue Median Lighting Project (Avenue of Light).

Mr. Fernando Costa, Assistant City Manager, advised that the lights would be installed by December 2008.

Motion: Council Member Burns made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23148 be approved with appreciation to everyone involved in the project. The motion carried unanimously eight (8) ayes to zero (0) nays.

12. M&C C-23151 - Declare the Necessity of Taking an Interest in a Portion of Land Known as Tract 12D01, William McCowan Survey, Abstract No. 999, Tarrant County, Texas, Owned by David Riddel, O. R. Riddel and Hazel Riddel, Required for the Construction of Drainage Infrastructure Improvements; and Authorize the City Attorney to Institute Condemnation Proceedings to Acquire the Interest in the Land.

Motion: Council Member Espino made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-23151 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

13. M&C C-23152 - Authorize the City Manager to Execute an Interlocal Agreement with the Fort Worth Independent School District for the City to Provide a School Attendance Court to Adjudicate Fort Worth Independent School District Truancy Cases; and Authorize the City Manager to Accept Reimbursement from the Fort Worth Independent School District in the Amount of \$680,905.00 for Personnel and Other Costs Related to the Operation of the School Attendance Court in Fiscal Year 2008-2009.

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

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23152 be approved. The motion carried unanimously seven (7) ayes to zero (0) nays, and with one (1) abstention by Council Member Moss.

Mayor Moncrief requested that staff provide a report on the effectiveness of this program.

14. M&C C-23153 - Authorize the City Manager to Execute Change Order No. 1 in the Amount of \$242,857.78 to City Secretary Contract No. 35906 with Oscar Renda Contracting, Inc., for Southside II Water Transmission Main, Part 1, from South of Alta Mesa Boulevard to Rolling Hills Treatment Plant to Provide for Increased and Additional Pay Item Quantities on the Project, thereby Increasing the Contract Amount to \$4,750,907.78 (City Project No. 00303).

Motion: Council Member Burns made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23153 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays.

15. M&C C-23154 - Authorize the City Manager to Execute an Interlocal Agreement with Fort Worth Independent School District for the Development and Use of Kingswood Park in Conjunction with Southwest Elementary School.

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

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23154 be approved with appreciation with Parks and Community Services and the Fort Worth Independent School District. The motion carried unanimously seven (7) ayes to zero (0) nays, and with one (1) abstention by Council Member Moss.

XV. PUBLIC HEARING

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

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

a. Report of City Staff

Beth Knight, Planning and Development Department, appeared before Council and provided a staff report.

Council Member Jordan advised that property included in this annexation was owned by Crowley Independent School District (CISD). He added that his wife worked for CISD and disclosed that he would be abstaining in the discussion on this issue.

XV. PUBLIC HEARING (Continued)

b. Citizen Comments

Mr. Jim Schell, 901 Fort Worth Club Building, appeared before Council in opposition of the annexation. He stated that he represented property owners in the northwest quadrant of the intersection of Granbury Road and FM 1902 who did not want the property annexed at this time. He added that the annexation would have a detrimental impact on some private contractual relationships and requested the Council not annex the property involuntarily, even limited purpose at this time.

Council Member Burdette asked staff if there would be any problem delaying the annexation.

Ms. Dana Burghdoff, Planning and Development Department Deputy Director, advised that there was not a time mandate, but that the City would be fulfilling the obligation that was in the annexation program adopted as part of the Comprehensive Plan. She pointed out that no action was required by the Council today.

Council Member Burdette stated that he wanted to clarify that under state law the City was required to move forward with annexations within a certain period of time and asked if the City was affected by a timeline.

Ms. Burghdoff clarified that this annexation was not a state mandated annexation, but that it was part of the City's annexation program which was part of the Comprehensive Plan and therefore the City had more flexibility with the timeline.

No action was required by the Council.

XVI. CITIZEN PRESENTATIONS

Ms. Jerry Horton, 2608 Carter Avenue, appeared before Council and requested that the City Council vote against the gas pipeline permit for Chesapeake to go under Beach Street at Carter Avenue. She asked that the Council vote with Mayor Pro tem Hicks against the permit for Chesapeake.

XVIII. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:45 a.m. in memory of Council Member Chuck Silcox.

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
OCTOBER 28, 2008
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These minutes approved by the Fort Worth City Council on the 11th day of November, 2008.

Attest:

Approved:

Marty Hendrix
City Secretary

Michael J. Moncrief
Mayor