

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
FEBRUARY 12, 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
Gerald Pruitt, Deputy 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 7:02 p.m. on Tuesday, February 12, 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 Rey Martinez, Waves of Faith Community Church.

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

**Agenda Item IV
Approval of
Minutes** Upon a motion of Council Member Silcox, seconded by Council Member Jordan, the minutes of the regular meeting of February 5, 2008, were approved unanimously nine (9) ayes to zero (0) nays.

**Agenda Item V
Special
Presentations** There were no special presentations.

**Agenda Item VI
Announcements** Council Member Silcox announced that on February 7, 2008, at the Westside YMCA on Calmont, approximately 150 volunteers spent the day constructing a new playground. He added that the playground was funded through a grant and he congratulated the volunteers on doing a fantastic job on the playground that would benefit the children in the area.

Council Member Burdette announced that on February 9, 2008, the City conducted the 5th Annual Neighborhood Awards. He congratulated the Arlington Heights Neighborhood Association for receiving the Neighborhood of the Year Award and the Lake Worth Alliance for receiving the Collaboration Award.

Council Member Scarth announced that on February 13, 2008, at 6:30 p.m. a gas well informational meeting would be conducted at the East Regional Library and invited everyone interested to attend the meeting.

Council Member Moss announced that the Stop 6 Heritage Center would continue its celebration of Black History Month by conducting a program on the Burns family, one of the original families to move into the Stop 6 area. He added that the program would be held on February 16, 2008, at 1:00 p.m. at the Dunbar Sixth Grade Center, 5100 Willie Street.

Council Member Jordan congratulated the Hulen Heights Neighborhood for receiving the Fort Worth Spirit Award at the 5th Annual Neighborhood Awards conducted on February 9, 2008.

Council Member Burns congratulated the Fairmount Neighborhood Association for also receiving an award at the 5th Annual Neighborhood Awards and to David Thrapp for receiving the Ben Ann Tamako Award.

Mayor Moncrief announced that he and City Secretary Hendrix had discussed a new rule relative to the submission of speaker presentation cards during the Council meetings. He proposed that a sign be placed on the reception table outside the Council Chamber notifying citizens that speaker cards for all items on the agenda, including Citizen Presentations, would not be accepted after 9:00 p.m. for evening Council meetings and that for morning meetings, speaker cards would not be accepted after 12:00 noon. He requested that the Council Members endorse this new rule. He added that it would be the discretion of the Mayor to accept other presentations based on extenuating circumstances. The Mayor's recommendation was supported unanimously by the Council.

Council Member Jordan requested that "or before the meeting is adjourned" be added to the time constraints.

Mayor Moncrief also announced that the Annual State of the City Address would be held on February 13, 2008, at 12:00 noon at the Fort Worth Convention Center and extended an invitation to each Council Member to attend as his guest.

CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
FEBRUARY 12, 2008
PAGE 3 of 14

- Agenda Item VII
Withdrawn from
Consent Agenda** Council Member Silcox requested that Mayor and Council Communication Nos. G-16041 and C-22662 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:
- OCS-1645
Claims** M&C OCS-1645 - from the Office of the City Secretary recommending that the City Council refer notices of claims regarding alleged damages and/or injuries to the Finance/Risk Management Department.
- G-16042
Execute Contract
for Executive
Search Consultant
Services for ACMs** M&C G-16042 - Authorizing the City Manager to execute a contract with The Waters Consulting Group, Inc., for executive search consultant services for the recruitment and selection of three Assistant City Managers (ACMs), for an amount not to exceed \$22,500.00 for professional services and \$9,500.00 for related expenses.
- C-22663
Change Order No. 1
to CSC No. 34165 -
Jackson
Construction, Ltd.** M&C C-22663 - Authorizing Change Order No. 1 to City Secretary Contract No. 34165 with Jackson Construction, Ltd., for Pavement Reconstruction and Water and Sanitary Sewer Replacement on Ida Way, South Hughes Avenue, Sun Valley Drive and Canberra Court (Project No. 00020), in the amount of \$33,763.80, revising the total cost to \$1,565,919.05.
- C-22664
Change Order No. 3
to CSC No. 34100 -
Conatser
Construction Texas,
LP** M&C C-22664 - Authorizing Change Order No. 3 to City Secretary Contract No. 34100 with Conatser Construction Texas, LP, for Pavement Reconstruction and Water and Sanitary Sewer Replacement on Childress Street, Eastland Street, Grayson Street and Cutter Street (Project No. 00027), in the amount of \$61,985.00, revising the total cost to \$1,538,831.00.
- C-22665
Change Order No. 3
to CSC No. 34006 -
Stabile and Winn,
Inc.** M&C C-22665 - Authorizing the City Manager to execute Change Order No. 3 to City Secretary Contract No. 34006 with Stabile and Winn, Inc., for Pavement Reconstruction and Water and Sanitary Sewer Replacements on portions of Normandy Road (2004 CIP Project No. 00168), in the amount of \$29,106.00, thereby revising the original contract amount to \$1,431,826.00.

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
FEBRUARY 12, 2008
PAGE 4 of 14**

**C-22666
Correction of M&C
C-22603 for Change
Order No. 1 to CSC
No. 35864 -
Humphrey and
Morton
Construction
Company, Inc.**

M&C C-22666 - Approving the correction of M&C C-22603 to authorize the City Manager to execute Change Order No. 1 to City Secretary Contract No. 35864 with Humphrey and Morton Construction Company, Inc., for 2004 CIP Minor Miscellaneous Channel Improvements, Contract D (Project No. 00096), in the amount of \$38,003.80, thereby increasing the contract amount to \$548,271.80.

**C-22667
Ord. No. 17978-02-
2008
Dunaway and
Associates, L.P.**

M&C C-22667 - Authorizing the transfer of \$49,300.00 from the Park Dedication Fees Fund to the Park Improvement Fund; adopting Appropriation Ordinance No. 17978-02-2008 increasing estimated receipts and appropriations in the Park Improvement Fund in the amount of \$49,300.00 from available funds for the purpose of executing a professional services agreement with Dunaway & Associates, L.P., to develop a master plan and Phase 1 construction documents for Harriet Creek Ranch Park; and authorizing the City Manager to execute a professional services agreement with Dunaway & Associates, L.P., in the amount of \$45,300.00, for a master plan and Phase 1 construction documents for Harriet Creek Ranch Park.

**C-22668
Tarrant Regional
Water District**

M&C C-22668 - Authorizing the City Manager to enter into an Interlocal Agreement with the Tarrant Regional Water District to provide \$46,620.00 to fund a portion of the Trinity River Vision - Neighborhood and Recreational Enhancement Program Plan; and authorizing the City Manager to remit a check in the amount of \$46,620.00 payable to the Tarrant Regional Water District for the Trinity River Vision - Neighborhood and Recreational Enhancement Program Plan.

The motion carried. End of Consent Agenda.

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

Council Member Burns made a motion, seconded by Council Member Burdette, that Fred Harper be appointed to Place 9 on the Appeals Board effective February 12, 2008, and with a term expiring September 30, 2009. The motion carried unanimously nine (9) ayes to zero (0) nays.

Council Member Moss made a motion, seconded by Council Member Burdette, that Gyna Bivens be appointed to Place 5 on the Community Development Council effective February 12, 2008, and with a term expiring October 1, 2009. The motion carried unanimously nine (9) ayes to zero (0) nays.

**Agenda Item XI
Committee
Presentations**

City Secretary Hendrix advised that the following individuals were to receive Certificates of Recognition for their service as members of the Fort Worth Commission for Women; however, they were unable to attend the Council meeting:

Patricia Thompson	November 6, 2007 – December 18, 2007
Nancy Marcks	July 19, 2005 – December 18, 2007

**Agenda Item XIII
Ord. No. 17979-02-
2008
Order Election on
May 10, 2008, for
Issuance of Ad
Valorem Tax
Supported Public
Securities for 2008
CIP –
Colleen Demel**

There was presented an ordinance ordering an election by the qualified voters of the City of Fort Worth, Texas, on May 10, 2008, on the question of the issuance of ad valorem tax supported public securities for the 2008 Capital Improvement Program (CIP).

Ms. Colleen Demel, 5500 Yellow Birch Drive, representing the North Fort Worth Alliance, appeared before Council relative to the 2008 Bond Program. She advised that the Alliance would support the bond program only if the repair to the Trinity River Vision bridges was excluded from the program. She stated that the funds expended for the bridge repair could be better used to provide adequate streets, roads and emergency services to the residents of the City. She added that the Council needed to meet the needs of the residents before creating a legacy through the Trinity River Vision project.

Mayor Moncrief pointed out that the Council was very aware of their responsibilities and that one of those responsibilities was to protect the City from flooding which would be prevented through the Trinity River Vision project. He emphasized that three new fire stations were in the process of opening on the north side of the City and advised that if the City did not make the necessary repairs to the City's infrastructure at this time, the \$150 million investment the City was expending now would manifest into \$300 million in the future. He stressed the importance of taking the opportunity to leverage the City's investment with alternate funding and advised that residents of District 2 and the City did not have a stronger advocate for roads and infrastructure than Council Member Espino.

Mr. Randle Harwood, Trinity River Vision Director, stated that this was an opportunity to leverage significant federal, state and county dollars for construction of the three bridges, currently scheduled for 2009. He added that the \$10.2 million, plus the \$4.53 million already allocated would get multiplied many times by federal and state participation.

Council Member Espino stated that the Council discussed Transportation Impact Fees during today's Pre-Council Work Session and that the Council agreed that it was time to move forward on impact fees. He added that the impact fees would provide a funding source for new arterial streets; however, in the meantime, the \$150 million bond package was a first step for the current needs. He referred to the City Manager's Revenue and Expenditure Advisory Committee, their composition and charge to developing short-term and long-term plans for road infrastructure.

Council Member Silcox made a motion, seconded by Council Member Espino, that Ordinance No. 17979-02-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

AGENDA ITEM XIV – REPORT OF THE CITY MANAGER

**G-16041
Ord. No. 17980-02-
2008
Fund Contract with
Gregory
Geotechnical**

There was presented Mayor and Council Communication No. G-16041 from the City Manager recommending that the City Council adopt a supplemental appropriation ordinance increasing estimated receipts and appropriations in the General Fund in the amount of \$25,000.00, and Water and Sewer Fund by \$25,000.00 and decreasing the unreserved, undesignated fund balance of the General Fund and Water and Sewer Fund by the same amount, for the purpose of funding a contract with Gregory Geotechnical.

Council Member Silcox requested clarification on the purpose of the M&C.

Deputy City Attorney Pruitt advised that Gregory Geotechnical was retained to provide expert witness services in the prosecuting of claims by the City. He added that this expenditure would provide payment for past services as well as those anticipated in the future.

Council Member Silcox made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. G-16041 be approved and Supplemental Appropriation Ordinance No. 17980-02-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**G-16043
Partial Approval of
Historic Site Tax
Exemption for
Multiple Properties**

There was presented Mayor and Council Communication No. G-16043 from the City Manager recommending that the City Council approve the applications from multiple property owners for partial approval of the Historic Site Tax Exemption for properties located at 1609 Hurley Avenue, 2307 West Magnolia Avenue, 2421 Langston Street, 928 East Dashwood Street, 2201 Harrison Avenue, 2017 Hurley Avenue and 303 Crump Street.

Council Member Burns made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. G-16043 be approved. The motion carried eight (8) ayes to one (1) nay, with Council Member Silcox casting the dissenting vote.

**G-16044
Verify Historic Site
Tax Exemption for
Multiple Properties**

There was presented Mayor and Council Communication No. G-16044 from the City Manager recommending that the City Council approve the applications from multiple property owners for verification of the Historic Site Tax Exemption for 2232 Winton Terrace West, 1100 West Arlington Avenue, 2212 5th Avenue and 1801 Washington Avenue.

Council Member Burns made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16044 be approved. The motion carried eight (8) ayes to one (1) nay, with Council Member Silcox casting the dissenting vote.

**G-16045
Settlement of
Lawsuit Entitled
Eric Elliott,
Individually and as
Next Friend of Kara
Elliott v. City of
Fort Worth, Texas,
Cause No. 352-
218336-06**

There was presented Mayor and Council Communication No. G-16045 from the City Manager recommending that the City Council authorize the payment of \$11,000.00 to Eric Elliott, Individually and as Next Friend of Kara Elliott and their attorney, David S. Kohm, as set out in the settlement of the lawsuit entitled Eric Elliott, Individually and as Next Friend of Kara Elliott v. City of Fort Worth, Texas, Cause No. 352-218336-06; authorize the payment of \$120,000.00 to Eric Elliott and his attorney, Davis S. Kohm, in settlement of the referenced suit; authorize the appropriate City personnel to execute any release and agreement necessary to complete the settlement; and approve the settlement of the referenced lawsuit, as well as the payment of \$2,014.73 to the Guardian Ad Litem, Brooke Ulrickson.

Mayor Pro tem Hicks made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. G-16045 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
FEBRUARY 12, 2008
PAGE 8 of 14**

**G-16046
Ord. No. 17981-02-
2008
Settlement of
Lawsuit Entitled
The Estate of Javen
Navarro, Wilson
Luna and Laura
Navarro
(Individually) and
as Personal
Representatives of
the Estate of Javen
Navarro, Aida
Navarro and
Alfonso Barrera,
Sr., a/n/f to
Christian Barrera
and Briana Barrera
(Minor Children) v.
City of Fort Worth,
Texas, Cause No.
17-2211693-06**

There was presented Mayor and Council Communication No. G-16046 from the City Manager recommending that the City Council adopt a supplemental appropriation ordinance increasing appropriations in the Risk Management Fund in the amount of \$476,600.00 and decreasing the unreserved, undesignated fund balance by the same amount, for the purpose of funding the settlement of lawsuit entitled The Estate of Javen Navarro, Wilson Luna and Laura Navarro (Individually) and as Personal Representatives of the Estate of Javen Navarro, Aida Navarro and Alfonso Barrera, Sr., as Next Friend to Christian Barrera and Briana Barrera (Minor Children) v. City of Fort Worth, Texas, Cause No. 17-221693-06; approve the settlement of the referenced lawsuit, as well as the payment of \$1,600.00 to the Guardian Ad Litem; authorize the total payment of \$475,000.00 to the Estate of Javen Navarro, Wilson Luna and Laura Navarro (Individually) and as Personal Representatives of the Estate of Javen Navarro, Aida Navarro and Alfonso Barrera, Sr., as Next Friend to Christian Barrera and Briana Barrera (Minor Children), and their attorney, Domingo Garcia, in settlement of the referenced suit; and authorize the appropriate City personnel to execute any release and agreement necessary to complete the settlement.

Council Member Scarth made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16046 be approved and Supplemental Appropriation Ordinance No. 17981-02-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**G-16047
Ord. No. 17982-02-
2008
Adjust Civil Service
Staffing in Police
Department to Add
Police Captain and
Corporal/Detective
Positions and
Reduce Lieutenant
and Police Officer
Positions**

There was presented Mayor and Council Communication No. G-16047 from the City Manager recommending that the City Council adopt an ordinance increasing the total number of authorized civil service positions in the Police Department; adding one police captain position and one corporal/detective position, reducing one lieutenant and one police officer position; providing a statement of purpose and intent for the adoption and implementation of this ordinance.

Council Member Silcox made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. G-16047 be approved and Ordinance No. 17982-02-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**G-16048
Ord. No. 17983-02-
2008
Authorize Partial
Payment for Area
Metropolitan
Ambulance
Authority, d/b/a
MedStar**

There was presented Mayor and Council Communication No. G-16048 from the City Manager recommending that the City Council adopt a supplemental appropriation ordinance increasing appropriations in the General Fund in the amount of \$30,000.00 and decreasing the unreserved, undesignated fund balance by the same amount, for the purpose of funding a partial payment to Fitch and Associates for analysis of the MedStar system; and authorize the payment of \$30,000.00 to Fitch and Associates as partial payment for the analysis of the Area Metropolitan Ambulance Authority, Inc., d/b/a MedStar.

Council Member Scarth made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. G-16048 be approved and Supplemental Appropriation Ordinance No. 17983-02-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**Public Hearing
G-16049
Approve Settlement
Agreement Between
Atmos Cities
Steering Committee
and Atmos Energy
Corp., Mid-Tex
Division Regarding
Statement of Intent
to Change Gas
Rates and Ordering
Authorized Gas
Rates –
Continued Until
February 19, 2008**

It appeared that the City Council set today as the date for a public hearing to adopt an ordinance approving a settlement agreement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding Atmos Energy Corp., Mid-Tex Division's statement of intent to change gas rates and ordering authorized gas rates. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Mr. Danny Reed, Public Utilities Manager, Budget and Management Services, appeared before Council, gave a staff report, requested that the Council close the public hearing and continue the M&C until the February 19, 2008, Council meeting and called attention to Mayor and Council Communication No. G-16049, as follows:

There was presented Mayor and Council Communication No. G-16049 from the City Manager recommending that the City Council adopt an ordinance establishing maximum permitted rates and charges that Atmos Energy Corporation, Mid-Tex Division, may assess customers in the City of Fort Worth; approving and ratifying a related settlement agreement by and between Atmos Energy Corporation, Mid-Tex Division, and the Atmos Cities Steering Committee, of which the City of Fort Worth is a member; adopting declarations and findings related to rates and charges assessed to customers in the City of Fort Worth; repealing any previously adopted ordinances in conflict herewith.

There being no one present desiring to be heard in connection with the public hearing, Council Member Silcox made a motion, seconded by Council Member Moss, that the public hearing be closed and that Mayor and Council Communication No. G-16049 be continued until the February 19, 2008, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
FEBRUARY 12, 2008
PAGE 10 of 14**

**Public Hearing
G-16050
Amend Master
Thoroughfare Plan,
MT-07-008, to
Remove MTP the
Future Extension of
Stonegate from
Bryant Irvin Road
to Hulen Street and
Unnamed Minor
Arterial from
Stonegate to Future
State Highway 121,
Southwest Parkway**

It appeared that the City Council set today as the date for a public hearing to adopt the Proposed Amendment to the Master Thoroughfare Plan, MT-07-008, to remove from the Master Thoroughfare Plan the future extension of Stonegate from Bryant Irvin Road to Hulen Street and the future unnamed minor arterial from Stonegate to future State Highway 121, Southwest Parkway. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Mr. Mark Rauscher, Planning and Development Manager, Transportation and Public Works Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. G-16050, as follows:

There was presented Mayor and Council Communication No. G-16050 from the City Manager recommending that the City Council adopt the Proposed Amendment to the Master Thoroughfare Plan, MT-07-008, to remove from the Master Thoroughfare Plan (MTP) the future extension of Stonegate from Bryant Irvin Road to Hulen Street and the future unnamed minor arterial from Stonegate to future State Highway 121, Southwest Parkway. The existing classification of these future alignments in minor arterial.

There being no one present desiring to be heard in connection with the public hearing, Council Member Silcox commended the developer for proposing a more intricate street design and made a motion, seconded by Council Member Espino, that the public hearing be closed and Mayor and Council Communication No. G-16050 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**L-14470
Accept Lease for
Natural Gas Drilling
of Vickery Street
Right-of-Way**

There was presented Mayor and Council Communication No. L-14470 from the City Manager recommending that the City Council approve the acceptance of a lease agreement for natural gas drilling under 7.347274 acres, more or less, of City-owned properties located between 4217 and 4317 West Vickery Boulevard in Tarrant County, Texas, known as Vickery Street Right-of-Way, to Chesapeake Exploration, L.L.C., for a two-year primary term.

Council Member Burns made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. L-14470 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**L-14471
Accept Dedication
of Unimproved
Parkland for
Coventry Hills Park**

There was presented Mayor and Council Communication No. L-14471 from the City Manager recommending that the City Council accept the dedication of approximately 11.924 acres of unimproved parkland situated in the Eli Shriver

Survey, Abstract No. 1455, Tarrant County, Texas, from Lazy F., Inc., and Quadrant North Tarrant Partners, Ltd., in accordance with the *Neighborhood and Community Park Dedication Policy* for Coventry Hills Park.

Council Member Espino made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. L-14471 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

PZ-2773
Ord. No. 17984-02-
2008
Street Right-of-Way
Vacation
(VA-06-033)

There was presented Mayor and Council Communication No. PZ-2773 from the City Manager recommending that the City Council adopt an ordinance vacating and extinguishing a portion of Lisbon Street right-of-way between Hopkins Street and Hulen Street, located in the I. Samuel Survey, Abstract No. 824 and Factory Place Addition, an addition to the City of Fort Worth, Tarrant County, Texas; and waive any and all purchase fee value of the vacated land in accordance with City policy (M&C G-15624).

Council Member Burns made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. PZ-2773 be approved and Ordinance No. 17984-02-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

C-22662
Alice Bateman

There was presented Mayor and Council Communication No. C-22662, from the City Manager recommending that the City Council authorize the City Manager to enter into an Artwork Commission Contract with Alice Bateman for fabrication, transportation and installation of public art/design enhancements at the Animal Care and Control Center.

Council Member Silcox expressed his concerns with this agenda item. He pointed out that the contract that the City had with the Arts Council was to give them two percent of all construction dollars. He stated the cost for the enhancements at the Animal Care and Control Center was \$650,000, thus two percent is \$13,000, which was the amount that was being given to the artist for the Design Agreement. Council Member Silcox emphasized that \$100,000.00 was the cost of the artwork, which was being taken out of the Water Department Fund. He stated that \$100,000 represented one-sixth of the cost of the construction project, which he did not believe was the intent of the Council's agreement for public art. He added that due to that reason, he would be voting in opposition to this agenda item.

Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-22662 be approved. The motion carried seven (7) ayes to two (2) nays, with Council Members Silcox and Jordan casting the dissenting votes.

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
FEBRUARY 12, 2008
PAGE 12 of 14**

**C-22669
Ord. No. 17985-02-
2008
C.H. Johnson
Consulting, Inc.**

There was presented Mayor and Council Communication No. C-22669 from the City Manager recommending that the City Council approve the transfer of \$74,175.00 from Gateway Gas Well Bonus Revenue to the Park Gas Lease Project Fund to fund the feasibility study at Gateway Park; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Park Gas Lease Project Fund in the amount of \$74,175.00 from Gateway Gas Well Bonus Revenue for the purpose of executing an agreement with C.H. Johnson Consulting, Inc., for a feasibility study pertinent to the development of an amphitheater in Gateway Park; and authorize the City Manager to execute an agreement with C.H. Johnson Consulting, Inc., for a feasibility study pertinent to the development of an amphitheater in Gateway Park at a total cost of \$74,175.00.

Council Member Scarth made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-22669 be approved and Appropriation Ordinance No. 17985-02-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**Agenda Item XV
Public Hearing to
Consider Adoption
of Transportation
Impact Fee Land
Use Assumption and
Capital
Improvements Plan
for Transportation
Impact Fees**

It appeared that the City Council set today as the date for a public hearing to consider adoption of the Transportation Impact Fee Land Use Assumptions and Capital Improvements Plan for Transportation Impact Fees. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Ms. Dana Burghdoff, Deputy Director, Planning and Development Department, and Mr. Jim Walker, Assistant Director, Transportation and Public Works Department, appeared before Council and gave a staff report.

Council Member Espino reiterated his comments about Council's discussion of this issue during the Pre-Council Work Session and that the City would move forward with the impact fee with the premise that it was a shared sacrifice. He added that Fort Worth taxpayers had paid for the development of roadways through bond programs, certificates of obligation and that the debt service came out of the General Fund. He further stated that he thought it only fair to have the private sector participate in that endeavor.

The following individuals appeared before Council in support of the Transportation Impact Fee:

**Charles Edmonds
Shirley Gansser
Preston Phillips**

Mr. Charles Edmonds
Ms. Shirley Gansser
Mr. Preston Phillips

721 Green River Trail
12316 Yellow Wood Drive, Keller, TX
2309 Goldenrod Avenue

Mayor Moncrief appealed to members of the North Fort Worth Alliance to help the City not go further in debt. He stated that funding for various City projects was a tough issue and that the \$150 million bond package for the infrastructure was needed to make sure the Council kept up with the growth in the City. He implored that they take this issue back to their membership and talk about what the bond package would accomplish and not what it would not accomplish.

There being no one else present desiring to be heard in connection with the public hearing, Council Member Silcox made a motion, seconded by Council Member Moss, that the public hearing be closed. The motion carried unanimously nine (9) ayes to zero (0) nays.

Agenda Item XVI
Citizen
Presentations –
Jim Ashford

Mr. Jim Ashford, 6209 Riverview Circle, appeared before the Council relative to ambient noise level generating from a gas compressor located near his home. He provided handout information on chronology of noise level surveys and of contacts with City staff and the gas company to alleviate the excessive noise.

Mayor Moncrief advised Mr. Ashford that at today's Council Work Session to review the gas well ordinance and determine charge of the Gas Well Task Force, members were appointed to the new Gas Well Task Force. He added that Mr. Ashford's information would be reviewed by the task force and appropriate action recommended to the Council.

Jerry Horton

Ms. Jerry J. Horton, 2608 Carter Avenue, representing the Sycamore Heights Neighborhood Association, appeared before Council relative to the excessive amount of sports bars along Lancaster Avenue in the Sycamore Heights neighborhood and the negative impact those bars had on their neighborhood. She requested that the City institute rezoning of the bars and provide an opportunity for grocery stores, service stations and commercial developments to locate in the area.

Ms. Dana Burghdoff, Planning and Development Department Deputy Director, explained that under the City's current Zoning Ordinance, once a zoning use was established the use could continue until such time as the use had ceased to exist for at least two years or the structure was damaged by more than 75 percent. She added the City could rezone the area in conformance with the City's Comprehensive Plan; however, the bars could stay in operation even under new ownership. She reiterated that the use had to cease for at least two years even if the property was rezoned. She added that the owner of the property had certain rights that were protected under the Zoning Ordinance.

Mayor Pro tem Hicks spoke about her contact with Ms. Horton and empathized with Ms. Horton and stated that District 8 was opposing any liquor license that comes through her office. She requested that the Sycamore Heights Neighborhood Association become involved in this effort and advised that the City was investing a lot of money in the new crime lab in the area that would bring an even larger Police presence in the area.

There was further discussion on the issue that rezoning of the property would not solve this dilemma.

Mayor Moncrief encouraged Ms. Horton to work with Mayor Pro tem Hicks to stop the issuance of the liquor licenses.

Rebecca Langston Ms. Rebecca Langston, 1008 Clarence Street West, appeared before Council also relative to the rezoning of bars in the Sycamore Heights neighborhood. She stated that it was her understanding that if the area was rezoned, then when the liquor license had expired it could not be renewed as a liquor license as it had been rezoned for a different use.

Ms. Burghdoff responded that if the use was continued even though there was new ownership and the zoning had changed, the use would still be allowed to continue unless there was a two-year interruption of the use.

Grayson Harper Mr. Grayson Harper, 3605 Bellaire Drive South, appeared before Council relative to the impeachment of the President and Vice President of the United States.

Agenda Item XVIII There being no further business, the meeting was adjourned at 8:20 p.m. in
Adjournment memory of Mr. Ernie Ott, the brother of the City of Austin City Manager and former City of Fort Worth Assistant City Manager, Marc Ott.