

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
APRIL 29, 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 10:12 a.m. on Tuesday, April 29, 2008, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102.

Agenda Item II The invocation was given by Dr. Ted Kitchens, Christ Chapel Bible Church.
Invocation

Agenda Item III The Pledge of Allegiance was recited.
Pledge

Agenda Item IV Upon a motion of Council Member Burdette, seconded by Council Member
Approval of Moss, the minutes of the regular meeting of April 22, 2008, were approved
Minutes unanimously nine (9) ayes to zero (0) nays.

Agenda Item V Mayor Pro tem Hicks presented a Proclamation for Mayfest to Lauri Lawrence,
Special Co-Chair of Mayfest.
Presentations

Council Member Burns presented a Proclamation for Autism Awareness Month to Ms. Carrie Johnson, parent of a child with Autism. Ms Johnson spoke about the need to raise awareness of Autism and her interest to form a support group.

Council Member Espino read a Proclamation for National Tourism Week.

Mayor Moncrief advised Council that he would use the prerogative of the Chair to hear Citizen Presentations at this time.

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Agenda Item XIV
Citizen
Presentations
Vanessa Vaughn
Charles “Horse”
Bettencourt

Mayor Moncrief recognized Ms. Vanessa Vaughn, 615 Dunn Street, Waxahachie, TX 75165, as desiring to be heard relative to the Share the Road signs; however, Dr. Charles “Horse” Bettencourt, representing United Clubs Dallas/Fort Worth, appeared before Council and spoke on the groups behalf and requested that the Council help raise awareness of motorists that the motorcycles were also on the road. He showed various street signs reflecting the “Share the Road” with motorcycles theme that other cities had erected along their roadways. He advised that there were a lot of new two-wheeled riders and stated that the community should be aware of the inherent danger involved in operating a motorcycle and the need to give the operators the respect on the road they deserve.

Council Members Burdette and Silcox expressed their support of this initiative and appreciation to the motorcyclists in attendance at the meeting.

Mayor Moncrief requested that the City Manager have City staff come back with a proposal to the Council on the “Share the Road” program for Fort Worth. He also stated that there were a large number of motorcyclists that come downtown on the weekends for fellowship. He added that one would expect the noise level to be a little bit noisier than in outlying neighborhoods, but at the same token with the new vertical neighborhoods in the downtown area, he requested that Dr. Bettencourt take a message back to the motorcyclists to consider doing something for the Council to encourage the bikers not to come in the downtown area and rack their pipes. He pointed out that there were people living downtown, businesses, and there were hotel guests who might not ride and did not understand.

Agenda Item VI
Announcements

Council Member Silcox announced that on April 5, 2008, the six girl team from Ridglea Hills Elementary School rose above the competition with a first place finish at the Texas Destination Imagination State Tournament held in Round Rock, Texas. He stated having a team name benefiting their accomplishments, the “Sensational Six” took top honor from a field of 18 regional champions competing from 16 Destination Imagination regions in Texas. Their first place finish at State has earned them advancement to the coveted Global Finals, in Knoxville, Tennessee this May. The team members included Asia Reeves, Ella Iker-Smith, Miki Roche, Tara Tillery, Valerie Barry, and Valerie Cecil. He congratulated them on their accomplishment and wished them well as a finalist and stated that if they win, he would like to bring them to a Council meeting and have them recognized. He also reminded everyone that it was getting into mowing season and that blowing grass clippings and leaves into the streets and the City’s drainage system was punishable by up to a \$2,000.00 fine. He

Agenda Item VI
Announcements
(Continued)

further stressed that grass clipping and leaves would clog the drains and would create flooding during the rain storms, costing the tax payers money to clean out the drains.

Mayor Pro tem Hicks announced that the Quarterly District 8 Advisory Board meeting would take place tonight from 6:00 p.m. to 7:00 p.m. at the Hattie Mae Inn, the new bed and breakfast in the Fort Worth south area, at 712 Mae Street. She added that City Manager Fisseler would be addressing the group and advised for additional information interested individuals could call 817-392-8808.

Council Member Scarth announced that on April 30, 2008, at 6:30 p.m., at Bluebonnet Elementary School there would be a Town Hall meeting to discuss the 2008 Bond program, and also the YMCA, north park community center and some projects in the far north county. He also advised that in the same facility at 7:00 p.m., there would be a PID 6 Board meeting.

Agenda Item VII
Withdrawn from
Consent Agenda

City Manager Fisseler requested that Mayor and Council Communication No. P-10777 be withdrawn from the consent agenda.

Agenda Item VIII
Continued/
Withdrawn By Staff

City Manager Fisseler requested that Mayor and Council Communication No. P-10777 be continued until the May 6, 2008, Council meeting.

Agenda Item IX
Consent Agenda

Upon a motion made by Council Member Silcox, seconded by Council Member Jordan, 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:

Agenda Item XII
OCS-1657
Claims

M&C OCS-1657 - 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-16121
Ord. No. 18067-04-
2008
Grant Operating
Authority to
M&M's Limousine
Service for Use of
City Streets, Alleys
and Public
Thoroughfares

M&C G-16121 - Considering and adopting the findings and opinions of the City staff as presented herein; adopting the Ground Transportation Coordinator's findings that the public necessity and convenience require the operation of three limousines upon the City streets, alleys and thoroughfares; and adopting Ordinance No. 18067-04-2008 granting the privilege of operating authority to M&M's Limousine Service, for the use of the streets, alleys and public thoroughfares of the City in the conduct of its limousine business which shall consist of the operation of three (3) limousines for a three (3) year period beginning on the effective date; specifying the terms and conditions of the

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- G-16121**
(Continued) grant; providing a severability clause; making this ordinance cumulative of all ordinances; providing for a penalty; providing for written acceptance by M&M's Limousine Service and conditional upon their complying with all requirements of Article VI, Chapter 34, of the Code of the City of Fort Worth (1986), as amended.
- P-10778**
Multiple Space
Parking Meter
Heads M&C P-10778 - Authorizing an annual purchase agreement in an amount not to exceed \$60,000.00 for multiple space parking meter heads with POM Incorporated for the Transportation and Public Works Department based on low bid meeting specifications with payments due 30 days from receipt of invoices.
- P-10779**
Sewer Line
Emulsifier/
Liquefying Agent M&C P-10779 - Authorizing a purchase agreement for sewer line emulsifier/liquefying agent with Municipal Industries, Inc., for the Fort Worth Water Department based on low bid meeting specifications, with payments due 30 days from receipt of an invoice.
- P-10780**
Printers M&C P-10780 - Authorizing a three-year lease for two MP 1100 printers for the Water Department from the Ricoh Corporation at an annual cost of \$26,100.00; authorizing the purchase of meter charges for the two MP 1100 printers from the Ricoh Corporation for an estimated cost of \$1,488.00 per month based on 310,000 pages at \$0.0048 each including all parts, labor, travel and supplies; authorizing the trade-in and removal of the existing Konica 7085 printers with a trade-in value of \$4,000.00 total as a part of this agreement and has been included in the pricing; and authorizing this agreement to begin May 1, 2008, and expire April 30, 2011.
- L-14518**
Acquire Permanent
Water Line, Water-
Reclamation Main
and Water Meter-
Station Easement M&C L-14518 - Authorizing the City Manager to enter into an Encroachment on Easement Agreement with Oncor Electric Delivery Company, to use an existing access easement described as a portion of the John Burnett Survey, Abstract No. 178, located at the southwest corner of Trinity Boulevard and State Highway 360; approving the acquisition of one permanent water line, water-reclamation main and water meter-station easement described as a portion of the John Burnett Survey, Abstract No. 178, from HKSKN Managers 3, Ltd., located in east Fort Worth required as part of the Trinity Boulevard Water Main Extension Contract 1, Unit 1, and finding that the price offered for the easement in the amount of \$173,000.00, plus estimated closing costs of \$3,000.00 is just compensation; and authorizing the acceptance and recording of appropriate instruments (DOE 3600).

- L-14519**
Acquire Permanent Drainage Facility Easement for Construction of Drainage Infrastructure Improvements
- M&C L-14519 - Approving the acquisition of one permanent drainage facility easement from Stephen J. Lipsett, described as a portion of Lot 10, Block 14, Vickery's Addition, Fort Worth, Tarrant County, Texas, located at 1216 Freeman Street in east Fort Worth proposed for the construction of the Sycamore Creek-East Rosedale Drainage Project and facilitating the reconstruction of East Rosedale Street from Interstate 35W to Highway 287; finding that the price offered in the amount of \$52,000.00, plus an estimated closing cost of \$2,000.00, is just compensation; and authorizing the acceptance and recording of appropriate instruments (DOE 3141).
- C-22781**
Ord. No. 18068-04-2008
Texas Governor's Division of Emergency Management
- M&C C-22781 - Authorizing the City Manager to accept from the Texas Governor's Division of Emergency Management an additional award of \$349,207.21 to the City of Fort Worth under the FY 2007 Homeland Security Grant Program; authorizing the City Manager to execute the Grant Agreement; and adopting Appropriation Ordinance No. 18068-04-2008 increasing estimated receipts and appropriations in the Grants Fund in the amount of \$349,207.21, subject to receipt of the FY 2007 Homeland Security Grant from the Texas Governor's Division of Emergency Management for procurement of Homeland Security related equipment and services.
- C-22782**
Heritage Commons III, Ltd.
- M&C C-22782 - Authorizing the City Manager to execute an encroachment agreement with Heritage Commons III, Ltd., for the installation of a 4-inch conduit to carry underground fiber optic and communication cables beneath the Legacy Parkway right-of-way, to service its building located at 13601 North Freeway.
- C-22783**
Amend CSC Nos. 36456 and 36458 - Cinram Wireless, LLC, and Alliance Gateway No. 11, Ltd.
- M&C C-22783 - Authorizing the City Manager to execute amendments to the Tax Abatement Agreements with Cinram Wireless, LLC, and Alliance Gateway No. 11, Ltd. (City Secretary Contract Nos. 36456 and 36458), for the construction of a wireless telephone facility in the Alliance Corridor in north Fort Worth (M&C C-22398), revising commitments for employment and the installation of new business personal property.
- C-22784**
Amend CSC No. 36482 - Museum Place Holdings, LLC
- M&C C-22784 - Authorizing the City Manager to execute an amendment to the Economic Development Program Agreement with Museum Place Holdings, LLC (City Secretary Contract No. 36482), for construction of a Mixed Use development in central Fort Worth (M&C C-22120), extending the Phase I completion date of the project from June 30, 2008, to December 31, 2008, and clarifying construction spending commitments.

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**C-22785
Ord. No. 18069-04-
2008
Tarrant County
Regional Auto
Crimes Task Force**

M&C C-22785 - Authorizing the City Manager to execute an interlocal agreement with Tarrant County to participate in the Tarrant Regional Auto Crimes Task Force; authorizing the City Manager to accept an estimated \$154,170.00 from the Tarrant County Regional Auto Crimes Task Force Grant; authorizing the City Manager to transfer \$59,492.00 from the General Fund to the Grants Fund for the City's match; and adopting Appropriation Ordinance No. 18069-04-2008 increasing estimated receipts and appropriations in the Grants Fund in the amount of \$213,662.00 subject to receipt of a grant from Tarrant Regional Auto Crimes Task Force for the purpose of conducting auto theft and burglary of motor vehicle investigations.

**C-22786
Ord. No. 18070-04-
2008
Texas Department
of Transportation**

M&C C-22786 - Authorizing the City Manager to apply for a grant and to execute a contract with the Texas Department of Transportation to operate Click It or Ticket Selective Traffic Enforcement Program from May 19, 2008, to June 1, 2008; and adopting Appropriation Ordinance No. 18070-04-2008 increasing estimated receipts and appropriations in the Grants Fund in the amount of \$25,000.00 upon receipt of a grant from the Texas Department of Transportation for the purpose of funding the Click It or Ticket Selective Traffic Enforcement Program from May 19, 2008, to June 1, 2008.

**C-22787
Ord. No. 18071-04-
2008
Texas Department
of Agriculture**

M&C C-22787 - Authorizing the City Manager to apply for and accept, if awarded, a grant from the Texas Department of Agriculture requesting up to \$600,500.00 for the Year 2008 Summer Food Service Program; authorizing the execution of a contract with the Texas Department of Agriculture for the 2008 Summer Food Service Program upon receipt of the grant; applying an indirect cost rate of 19.18 percent, which is the most recently approved rate for this department, and apply the newly approved indirect rate when available; and adopting Appropriation Ordinance No. 18071-04-2008 increasing estimated receipts and appropriations in the Grants Fund in an amount up to \$600,500.00 subject to receipt of a grant from the Texas Department of Agriculture for the Year 2008 Summer Food Service Program.

The motion carried. End of Consent Agenda.

**Agenda Item X
Presentations by
City Council**

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

**Agenda Item XI
Committee
Presentations**

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

AGENDA ITEM XIII – REPORT OF THE CITY MANAGER

**Public Hearing
G-16122
Add Article VIII to
Chapter 30 of City
Code to Establish
Transportation
Impact Fees –
Continued Until
May 13, 2008**

It appeared that the City Council set today as the date for a public hearing to adopt an ordinance adding Article VIII, Transportation Impact Fees, to Chapter 30, Streets and Sidewalks, of the City Code to establish transportation impact fees. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard. He also informed the audience that Council was not ready for a vote on this issue and stated that Council desired to have a work shop prior to voting on this issue on May 13, 2008.

Ms. Dana Burghdoff, Deputy Director, Planning and Development Department, appeared before Council, gave a staff report. She highlighted three options for the collection amount that could be charged as part of that impact fee program and showed a map and associated revenue chart for the option proposed by the Capital Improvement Advisory Committee and staff for a flat rate of \$1,500.00 per single family unit across the service areas. She showed a map and explained a chart for a rate of 40 percent of the maximum assessable fee, and a map and chart for a flat rate of \$2,000.00, per single family unit. She then called attention to Mayor and Council Communication No. G-16122, as follows:

There was presented Mayor and Council Communication No. G-16122 from the City Manager recommending that the City Council adopt an ordinance amending the Code of Ordinances of the City of Fort Worth, Texas (1986), as amended, by adding Article VIII, Transportation Impact Fees, to Chapter 30, Streets and Sidewalks, to establish impact fees for transportation facilities; incorporating land use assumptions and Capital Improvement Plans for such facilities; establishing service areas for such facilities; providing definitions; providing for collection and assessment of impact fees; providing for discounts and credits against impact fees; providing for recoupment; providing for establishment of accounts for impact fees and use of proceeds of such accounts; providing for appeals, relief procedures and exemptions; providing for refunds; providing for updates to plans and revision of fees; providing for agreements for capital improvements; providing for severability; providing for remedies; providing for conflicts; and providing an effective date.

Libby Willis

Ms. Libby Willis, 2300 Primrose, Vice President and the Acting President of the Fort Worth League of Neighborhoods, appeared before Council and stated that she would like to run through the statement that was previously read regarding this item. She stated that twelve days ago the League had their first ever Presidents' Neighborhood Summit and there were over 70 neighborhood

G-16122
(Continued)

representatives that stated their most important issue was transportation and infrastructure. She then stated that the League was very supportive of the process of an impact fee and that the City should actually generate funds that would relieve the crisis situation the City currently is facing regarding the transportation issue. She further stated that at the April 22, 2008, Council meeting, Council Member Burdette proposed three changes in which the League enthusiastically endorsed: 1) Raising the fees to 40 percent as a starting point instead of the 27 percent; 2) Expediting an effective timeframe was very important because the sooner the impact fee was enacted, the sooner roadways could be built; and finally 3) Eliminating geographic smoothing to address the issue of leap frog development, which helped to create the inadequate road situation. She added that the League was fully supportive of Council Member Burdette's proposal and encouraged Council to approve the impact fee. She stated that the League would also encourage that no compromise position of the percentage amount or fee for residents be considered.

Colleen Demel

Ms. Colleen Demel, 5500 Yellow Birch Drive, Executive Director for the North Fort Worth Alliance, appeared and expressed appreciation to Council Member Burdette for hearing the voice of the citizens of this great City. She spoke in support of the 40 percent (Exhibit 2), even though the Alliance thought the rate should be higher.

Council Member Burdette explained that the Council was considering an issue of great importance and the dollars that were involved were already massive in terms of the City's build out deficit for transportation and infrastructure as the City grows. He stated this issue had been studied for sometime by the staff, by the Development Advisory Council and the more recent Committee that was developed last year. He added that he was very much in favor of the postponement, which would allow Council an opportunity to have a work shop on this matter. He pointed out that he did not know where the development community stood on impact fees and stated that the development community should have their fair chance to express their concerns and advised that he had several questions that he would like to get answered before approving an impact fee.

Council Member Jordan stated that it was critical that the Council get an impact policy fee adopted. He added that some of the Council Members find themselves in the situation where the houses were already built and there were no roads, but he was concerned where retail might carry the brunt of the impact fee. He further stated that more answers to the question of what affect this would have on commercial and retail developers were needed.

G-16122
(Continued)

Council Member Espino stated that Council Member Burdette succinctly and eloquently articulated the expressions shared by many residents of the City with regard to the conditions of the roadways and the rationale for the adoption of impact fees. He added that this issue had been discussed and debated since 2005, but the issue that Council had was what is the right collection percentage, 50 percent, 40 percent, or 36 percent. He pointed out that something that everyone would have to contribute to as it was a Citywide issue and the City would have to look at all revenue streams that would include the impact fee.

Council Member Scarth stated that he would like to look at a hybrid approach, which we could analyze in some respect development within the central city in a couple of these plans, and look at a way whereby we can encourage through this system development in the central city where we already have some infrastructure already existing where we need infill or redevelopment. I think that if we work with the neighborhood and the development community and also create additional revenue and make the system more efficient and fair and encourage some development or redevelopment, we will end up with a better product.

Mayor Moncrief stated that he was looking for middle ground and he acknowledged that some were uncomfortable with Council Member Burdette's proposal being too high and some were uncomfortable with the original proposal being too low. However, he felt that the \$2,000.00 was an attempt at middle ground. He stated that he was comfortable with the hybrid approach and stated that the two week postponement made sense and that the City needed a work shop where the Council had all the products in front of them. He suggested that Council look at the May 13, 2008 date, which was two weeks away and perhaps combine this work shop with the Infrastructure and Transportation Committee. He also suggested that staff have a very clear product available as well as the hybrid proposal that Council Member Scarth suggested.

City Attorney Yett stated that as a point of clarification on the scheduling of the work shop, it was indicated that Council was interested in combining this with the Infrastructure and Transportation Committee, but if the full Council would like to participate in the work shop, it should be listed as a Special City Council meeting or a Council work shop so that all members may participate.

Council Member Silcox inquired what other cities were doing with regard to impact fees. He stated that in looking at Council Member Burdette's 40 percent maximum per service area per single family unit, he was not sure what that 40

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**G-16122
(Continued)**

percent supplied, but what if the City looked at also maybe a percentage of actual cost of the home construction. He advised that it would be a lot lower than 40 percent, but it would have to be prorated through something else and this might be another alternative.

There being no one else present desiring to be heard in connection with the public hearing, Council Member Jordan made a motion, seconded by Council Member Silcox, that the public hearing and Mayor and Council Communication No. G-16122 be continued until the May 13, 2008, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

**P-10777
Toro
Groundsmaster
Mowers and John
Deere Tractor -
Continued Until
May 6, 2008**

It was the consensus of the City Council that Mayor and Council Communication No. P-10777 - Authorizing the Purchase of Four New Toro Groundsmaster Mowers from Professional Turf Products and One New John Deere tractor from Saginaw Implement using Texas Association of School Boards Contracts for the Parks and Community Services Department for a Cost not to exceed \$172,550.14, be continued until the May 6, 2008, Council meeting.

**P-10781
Ord. No. 18072-04-
2008
Rosenbauer General
Safety Pump Truck
Fire Apparatus**

There was presented Mayor and Council Communication No. P-10781 from the City Manager recommending that the City Council authorize the purchase of four new Rosenbauer General Safety pump truck fire apparatus using a cooperative contract through Houston-Galveston Area Council with Emergency Vehicles of Texas for the Fire Department for a cost not to exceed \$2,369,060.00, with payments due within 30 days of receipt of the invoices; and adopt an appropriation ordinance increasing estimated receipts and appropriations in the New Equipment Purchases Fund in the amount of \$2,369,060.00 from the City's Equipment Note program approved by City Council on March 30, 2004 (M&C C-20013), by Ordinance No. 13954, for the purpose of purchasing four new Rosenbauer General Safety pump truck fire apparatus using a cooperative contract through Houston-Galveston Area Council with Emergency Vehicles of Texas for the Fire Department.

Council Member Silcox made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. P-10781 be approved and Appropriation Ordinance No. 18072-04-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**L-14520
Accept Lease for
Natural Gas Drilling**

There was presented Mayor and Council Communication No. L-14520 from the City Manager recommending that the City Council approve the acceptance of a

L-14520
(Continued)

lease agreement in the amount of \$267,710.00 for natural gas drilling under 28.18 acres, more or less, of City-owned properties located in Tarrant County, Texas, known as J. Blackwell Survey, located near the northwest corner of Interstate 30 and Oakland Boulevard, to Finley Resources, Inc., for a two-year primary term.

Council Member Scarth made a motion, seconded by Mayor Pro tem Hicks, that Mayor and Council Communication No. L-14520 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

Public Hearing
L-14521
Convert Parkland
for Subsurface
Drilling and
Extraction of
Natural Gas

It appeared that the City Council set today as the date for a public hearing to authorize conversion of parkland at Rosedale Plaza Park, 5200 East Rosedale Street, Martin Luther King Park located at 5565 Truman Drive, Sandy Lane Park Located at 2001 Sandy Lane Park Drive and Eastbrook Park Located at 2728 Escalante Avenue for the purpose of subsurface drilling and the extraction of natural gas from an offsite location. Mayor Moncrief opened up the public hearing and asked if there was anyone present desiring to be heard.

Mr. Harold Pitchford, Assistant Director, Parks and Community Services Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. L-14521, as follows:

There was presented Mayor and Council Communication No. L-14521 from the City Manager recommending that the City Council conduct a public hearing under the guidelines set forth by the Texas Parks and Wildlife Code, Chapter 26, Protection of Public Parks and Recreational Lands; find that no feasible or prudent alternative exists to drilling and extracting gas from underneath these park sites; find that the proposed conversions include all reasonable planning to minimize harm to the parkland; and close the public hearing and authorize the City Manager to convert the following parks for subsurface drilling and the extraction of natural gas from an offsite location:

- Rosedale Plaza Park - 5200 East Rosedale Street, approximately 6.25 acres, located east of Liberty Street and south of Rosedale Street;
- Martin Luther King Park - 5565 Truman Drive, approximately 5.78 acres, located south of Maceo Lane, east of Farrell Lane, north of Truman Drive and west of Carverly Avenue;
- Sandy Lane Park - 2001 Sandy Lane Park Drive, approximately 28.70 acres, located east of Sandy Lane and north of Meadowbrook Drive; and
- Eastbrook Park - 2728 Escalante Avenue, approximately 3.20 acres, located west of Escalante Avenue and south of Portman Avenue.

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**L-14521
(Continued)**

There being no one present desiring to be heard in connection with the public hearing, Council Member Moss made a motion, seconded by Council Member Silcox, that the public hearing be closed and Mayor and Council Communication No. L-14521 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**Public Hearing
L-14522
Convert Parkland
for Subsurface
Drilling and
Extraction of
Natural Gas**

It appeared that the City Council set today as the date for a public hearing to authorize conversion of parkland at Marine Park at 303 Northwest 20th Street for the purpose of subsurface drilling and the extraction of natural gas from an offsite location. Mayor Moncrief opened up the public hearing and asked if there was anyone present desiring to be heard.

Mr. Harold Pitchford, Assistant Director, Parks and Community Services Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. L-14522, as follows:

There was presented Mayor and Council Communication No. L-14522 from the City Manager recommending that the City Council conduct a public hearing under the guidelines set forth by the Texas Parks and Wildlife Code, Chapter 26, Protection of Public Parks and Recreational Lands; find that no feasible or prudent alternative exists to drilling and extracting gas from underneath this park site; find that the proposed conversions include all reasonable planning to minimize harm to the parkland; and close the public hearing and authorize the City Manager to convert the following park for subsurface drilling and the extraction of natural gas from an offsite location:

- Marine Park - 303 Northwest 20th Street, approximately 12 acres, located west of Ellis Avenue, east of Clinton Avenue and south of Northwest 20th Street.

There being no one present desiring to be heard in connection with the public hearing, Council Member Espino made a motion, seconded by Council Member Moss, that the public hearing be closed and Mayor and Council Communication No. L-14522 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**Public Hearing
L-14523
Convert Parkland
for Subsurface
Drilling and
Extraction of
Natural Gas**

It appeared that the City Council set today as the date for a public hearing to authorize conversion of parkland at Normandy Place Park located at 3421 Panola Avenue for the purpose of subsurface drilling and the extraction of natural gas from an offsite location. Mayor Moncrief opened up the public hearing and asked if there was anyone present desiring to be heard.

L-14523
(Continued)

Mr. Harold Pitchford, Assistant Director, Parks and Community Services Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. L-14523, as follows:

There was presented Mayor and Council Communication No. L-14523 from the City Manager recommending that the City Council conduct a public hearing under the guidelines set forth by the Texas Parks and Wildlife Code, Chapter 26, Protection of Public Parks and Recreational Lands; find that no feasible or prudent alternative exists to drilling and extracting gas from underneath this park site; find that the proposed conversions include all reasonable planning to minimize harm to the parkland; and close the public hearing and authorize the City Manager to convert the following park for subsurface drilling and the extraction of natural gas from an offsite location:

- Normandy Place Park - 3421 Panola Avenue, approximately 1.50 acres, located west of Jamaica Lane and north of Panola Avenue.

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 and Mayor and Council Communication No. L-14523 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

Public Hearing
L-14524
Convert Parkland
for Subsurface
Drilling and
Extraction of
Natural Gas

It appeared that the City Council set today as the date for a public hearing to authorize conversion of parkland at Sunset Hills Park located at 7017 Ellis Road for the purpose of subsurface drilling and the extraction of natural gas from an offsite location. Mayor Moncrief opened up the public hearing and asked if there was anyone present desiring to be heard.

Mr. Harold Pitchford, Assistant Director, Parks and Community Services Department, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. L-14524, as follows:

There was presented Mayor and Council Communication No. L-14524 from the City Manager recommending that the City Council conduct a public hearing under the guidelines set forth by the Texas Parks and Wildlife Code, Chapter 26, Protection of Public Parks and Recreational Lands; find that no feasible or prudent alternative exists to drilling and extracting gas from underneath this park site; find that the proposed conversions include all reasonable planning to minimize harm to the parkland; and close the public hearing and authorize the City Manager to convert the following park for subsurface drilling and the extraction of natural gas from an offsite location:

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**L-14523
(Continued)**

- Sunset Hills Park - 7017 Ellis Road, approximately 7.54 acres, located north of Ellis Road, west of Barron Lane, east of Shelman Trail and south of Gary Lane.

There being no one present desiring to be heard in connection with the public hearing, Council Member Scarth made a motion, seconded by Council Member Silcox, that the public hearing be closed and Mayor and Council Communication No. L-14524 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

The City Council reconvened back into Pre-Council at 11:25 a.m. to hear presentations on Crime Reduction Strategies and Update on Graffiti Abatement Program.

**Agenda Item XV
Executive Session**

It was the consensus of the City Council that they recess into Executive Session at 1:15 p.m. to:

1. Seek the advice of its attorneys concerning the following pending or contemplated litigation or other matters that are exempt from public disclosure under Article X, Section 9 of the Texas State Bar Rules as authorized by Section 551.071 of the Texas Government Code:
 - a) Legal issues regarding concurrent jurisdiction of Bomber Road;
 - b) Legal issues concerning Neighborhood Empowerment Zone Tax Abatements;
 - c) Legal issues concerning any item listed on today's City Council meeting agendas; and
2. Deliberate the purchase, sale, lease, or value of real property in accordance with Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party; and
3. Deliberate concerning economic development negotiations as authorized by Section 551.087 of the Texas Government Code; and
4. Deliberate the deployment, or specific occasions for implementation, of security personnel or devices, in accordance with Section 551.076 of the Texas Government Code.

Reconvened The City Council reconvened into regular session at 2:05 p.m.

**Agenda Item XVI
Adjournment** There being no further business, the meeting was adjourned at 2:05 p.m.