

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
SEPTEMBER 2, 2008**

Present

Mayor Mike Moncrief
Mayor Pro tem Kathleen Hicks, District 8
Council Member Salvador Espino, District 2
Council Member Chuck Silcox, District 3
Council Member Daniel Scarth, District 4
Council Member Frank Moss, District 5
Council Member Jungus Jordan, District 6
Council Member Carter Burdette, District 7
Council Member Joel Burns, District 9

City Staff

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

With a quorum of the City Council Members present, Mayor Moncrief called the regular session of the Fort Worth City Council to order at 7:05 p.m. on Tuesday, September 2, 2008, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102.

II. INVOCATION – Pastor Jerry Campbell, Springdale Baptist Church

The invocation was given by Pastor Jerry Campbell, Springdale Baptist Church.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

**IV. CONSIDERATION OF MINUTES OF REGULAR MEETING OF TUESDAY,
AUGUST 26, 2008**

Motion: Upon a motion made by Council Member Silcox, seconded by Council Member Burns, the minutes of the regular meeting of August 26, 2008, were approved unanimously nine (9) ayes to zero (0) nays.

V. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC.

Presentation of Proclamation for Prostate Cancer Awareness Month

No one was in attendance to receive this proclamation. The presentation will be rescheduled.

VI. ANNOUNCEMENTS BY CITY COUNCIL MEMBERS AND STAFF

Council Member Burns expressed appreciation to everyone who attended the Police Forum at the Fire Station Community Center in the Fairmount Neighborhood on August 27, 2008. He announced that the last Citizens on Patrol training would be conducted on September 4, 2008, from 6:00 p.m. to 10:00 p.m. at the Police Central Division Station at 501 Jones Street, and asked everyone interested to please call his office at (817) 392-8809 for more information. He also announced that Arts Goggle would be held on September 6, 2008, at 5:00 p.m. and would showcase local artists. He added that there would be exhibits at businesses, galleries and restaurants on the south side of the City, on Magnolia Street, South Main Street and Park Place and encouraged everyone to attend this event.

Mayor Pro tem Hicks announced that the first splash pad in the City will open in District 8 on September 5, 2008, at 9:30 a.m. at 2525 E. Rosedale Avenue, and encouraged everyone to attend. She also stated that the City of Fort Worth was joining with the Fort Worth Independent School District on the Stay in School initiative to encourage parents to register their children in school. She added that she will be at several schools this weekend and then go into the community to knock on doors to determine why children had not been registered. She stated that for more information on this initiative to please call her office at (817) 392-8808.

Council Member Espino announced that from September 15 to October 16, 2008, Hispanic Heritage Month would be celebrated and that on September 13-14, 2008, All Saints Catholic Church would hold its Hispanic Heritage Fiesta starting with a parade in the morning, followed by a job fair, wonderful food and live music. He invited everyone to attend the festivities.

Mayor Moncrief noted the special efforts made by City staff this past weekend due to Hurricane Gustav hitting the Gulf Coast. He added that because of the City's experience with previous hurricanes, the City was able to mobilize in short order and City staff organized to meet the needs of guests from the coast. He added that he visited a number of the shelters and that the City could be very proud of the product of the welcome mat that had been extended to the guests. He commended the efforts of the personnel in the Emergency Operations Center to assist the efforts and coordinate with surrounding municipalities and the faith community. He noted that three other hurricanes, Hanna, Ike and Josephine, were on the horizon and if needed, the City would mobilize once again to provide assistance to guests in the City. He asked that everyone keep the guests in their prayers until it was safe for them to return home.

VII. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

City Manager Fisseler requested Mayor and Council Communication No. C-23006 be withdrawn from the Consent Agenda for individual consideration and correction to reflect "Buxton" as "Buxton Company."

VIII. ITEMS TO BE CONTINUED OR WITHDRAWN BY STAFF

City Manager Fisseler requested that Mayor and Council Communication Nos. L-14624 and C-22999 be withdrawn from consideration.

IX. CONSENT AGENDA

Motion: Upon a motion made by Mayor Pro tem Hicks, seconded by Council Member Silcox, the Council voted unanimously nine (9) ayes to zero (0) nays, to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

M&C OCS-1682 - 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.

M&C OCS-1683 - from the Office of the City Secretary recommending that the City Council authorize the acceptance of these liability bonds, as follows:

PARKWAY CONTRACTOR INSURANCE COMPANY

J B M Builders, Inc.	RLI Insurance Company
Urban Concrete Contractors Ltd	Merchants Bonding Company (Mutual)
GRC, Inc.	RLI Insurance Company

M&C G-16257 – Authorizing the City Manager to initiate certain zoning changes in the 2400 block of North Crowley Cleburne Road, to be rezoned from “AR” One-Family Restricted, “R-2” Townhouse Cluster and “C” Medium Density Multifamily to “A-5” One-Family in accordance with the 2008 Comprehensive Plan.

M&C G-16258 – Authorizing the City Manager to initiate certain zoning changes for the Parker Essex Boaz Neighborhood, to be rezone the area from “A-5” One-Family, “B” Two-Family, “C” Medium Density Multifamily, “D” High Density Multifamily, “CF” Community Facilities, “E” Neighborhood Commercial, “F” General Commercial, “I” Light Industrial and “J” Medium Industrial to “A-5” One-Family, “B” Two-Family, “C” Medium Density Multi-family, “D” High Density Multi-family, “E” Neighborhood Commercial, and “I” Light Industrial in accordance with the 2008 Comprehensive Plan.

M&C G-16259 – Considering and adopting the following findings of the Ground Transportation Coordinator; the public necessity and convenience require the operation of two limousines upon the City streets, alleys and thoroughfares; Cowtown Limo is qualified and financially able to conduct a

IX. CONSENT AGENDA (Continued)

limousine service within the City; Cowtown Limo has complied with the requirements of Chapter 34 of the City Code; Cowtown Limo presented facts in support of compelling demand and necessity for two limousines; the general welfare of the citizens of the City will best be served by the addition of two limousines upon City streets, alleys and thoroughfares; and adopting Ordinance No. 18236-09-2008 granting the privilege of operating authority to Cowtown Limo 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 two limousines for a three-year period beginning on the effective date; specifying the terms and conditions of the grant; if Cowtown Limo complies with all requirements of Chapter 34, Article VI, Division 3 of the Code of the City of Fort Worth (1986), as amended.

M&C G-16260 – Considering and adopting the following findings of the Ground Transportation Coordinator; the public necessity and convenience require the operation of twenty-six limousines upon the City streets, alleys and thoroughfares; Wynne Sedan and Limousine Group is qualified and financially able to conduct a limousine service within the City; Wynne and Sedan and Limousine Group has complied with the requirements of Chapter 34 of the City Code; Wynne Sedan and Limousine Group presented facts in support of compelling demand and necessity for twenty-six limousines; the general welfare of the citizens of the City will best be served by the addition of twenty-six limousines upon City streets, alleys, and thoroughfares; and adopting Ordinance No. 18237-09-2008 granting the privilege of operating authority to Wynne Sedan and Limousine Group 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 twenty-six limousines for a three year period beginning on the effective date; specifying the terms and conditions of the grant; if Wynne and Sedan and Limousine Group complies with all requirements of Chapter 34, Article VI, Division 3 of the Code of the City of Fort Worth (1986), as amended; specifying the terms and conditions of the grant.

M&C G-16261 – Applying for and accepting, if awarded, a grant from the Federal Aviation Administration in an amount up to \$100,000.00 to conduct a Safety Management System Study at Fort Worth Alliance Airport; authorizing the use of land credits in an amount up to \$5,263.15 for the City's in-kind local match of five percent of the project cost; and adopting Appropriation Ordinance No. 18238-09-2008 increasing estimated receipts and appropriations in the Airports Grants Fund in the amount of \$105,263.15 subject to receipt of the grant from the Federal Aviation Administration for the purpose of conducting a Safety Management System Study at Fort Worth Alliance Airport.

M&C P-10835 – Authorizing the City Manager to authorize the purchase of new trailer mounted vacuum systems from Pacific Tek using the informal faxed bid process for the Water Department for a cost not to exceed \$49,950.00, with payments due within 30 days of receipt of the invoices.

IX. CONSENT AGENDA (Continued)

M&C P-10836 – Authorizing the City Manager to authorize the purchase of a new articulating boom lift from United Rental for the Water Department for a cost not to exceed \$117,840.00. Payment is due within 30 days of receipt of the invoice.

M&C P-10837 – Authorizing the purchase of park shelters, picnic tables and benches from Insite Amenities through the Texas Association of School Boards' Buyboard Contract for the Parks and Community Services Department for an amount not to exceed \$32,636.06.

M&C L-14632 – Authorizing the City Manager to execute a Pipeline Crossing License Agreement at a one-time cost of \$1,500.00 with Union Pacific Railroad for the installation of a 16-inch sanitary sewer pipeline located at Mile Post 245.89 north of Rosedale Street and west of Riverside Drive, adjacent to Glenwood Park. Union Pacific Railroad has accepted the City's Certificate of Self-Insurance. The City will incur the indicated costs associated with this License Agreement (DOE No. 5823 – Folder No. 2497-76).

M&C L-14633 – Authorizing the City Manager to execute one Storm Water Facility Maintenance Agreement from Blue Cross Blue Shield of Texas, Inc., a division of Health Care Service Corporation, for property located in north Fort Worth (DOE No. 5998), necessary to assure proper maintenance of four detention pond facilities to serve the Alliance Gateway North Addition.

M&C C-23001 – Authorizing the City Manager to execute Amendment No. 5 in the amount of \$47,995.00 to City Secretary Contract No. 28977 with CH2M Hill, Inc., for Southside II Water Transmission Main from Rolling Hills Water Treatment Plant to the Crowley Road/Risinger Road intersection to provide for additional engineering services on the project, thereby increasing the contract amount to \$1,063,794.00 (City Project No. 00303).

M&C C-23002 – Authorizing the City Manager to execute Change Order No. 7 in the amount of \$60,301.35, to City Secretary Contract No. 32600 with McClendon Construction Company, Inc., for Berry Street reconstruction from Waits Avenue to Forest Park Boulevard, thereby increasing the contract amount to \$3,157,722.31.

M&C C-23003 – Authorize the transfer of \$2,485.00 from the Water and Sewer Operating Fund to the Water Capital Projects Fund; adopting Appropriation Ordinance No. 18239-09-2008 increasing estimated receipts and appropriations in the Water Capital Projects Fund in the amount of \$2,485.00 for the purpose of authorizing Change Order No. 1 to City Secretary Contract No. 35396 with Stable and Winn, Inc., for the pavement reconstruction and water and sanitary sewer replacements on portions of Bomar Avenue, Carter Avenue, Harwood Street and Wilkinson Avenue (City Project No. 00300); and authorizing Change Order No. 1 to City Secretary Contract No. 35396 with Stable and Winn, Inc., in the amount of \$27,485.00 revising the total cost to \$2,083,631.50.

IX. CONSENT AGENDA (Continued)

M&C C-23004 – Authorizing the City Manager to execute Amendment No. 2 to City Secretary Contract No. 31302 with Huitt-Zollars, Inc., for Trinity Bluff Water and Wastewater Improvements, in the amount of \$23,580.00 thereby increasing the contract amount to \$109,768.60.

M&C C-23005 – Authorizing the City Manager to execute a written consent to Deed of Trust Lien by FWS Realty, Ltd., in favor of Regions Bank for the Terminal Building at Fort Worth Spinks Airport.

M&C C-23007 – Authorizing the City Manager to execute a Community Facilities Agreement with View Partners, L.P., for the installation of water and sanitary sewer services to serve Fresnel Technologies new warehouse located at 101 Morningside Drive, south of downtown Fort Worth, Texas, with City participation in the amount of \$55,484.00.

M&C C-23008 - Authorizing the City Manager to execute a Community Facilities Agreement with La Frontera Capital Properties, LLC, for the installation of sanitary sewer services to serve La Frontera - Phase I, Blocks 1, 2, 3, 4, 8, 9, 10, 11, 12 and 13, a development located in northwest Fort Worth, north of Boat Club Road and west of Little Dosier Creek, with City participation in the amount of \$66,716.00.

M&C C-23009 - Authorizing the City Manager to execute a Community Facilities Agreement with Mental Health Housing Development Corporation for the installation of sanitary sewer services to serve Hanratty Place Apartments, a development located south of downtown Fort Worth, east of Hemphill Street and north of Terrell Avenue, with City participation in the amount of \$25,382.00.

M&C C-23010 - Authorizing the City Manager to execute a Community Facilities Agreement with Campus Village Centre I, LLC, for the installation of water and sanitary sewer services to serve South University Centre located just west of downtown Fort Worth, Texas, along University Drive and South Hills Avenue, with City participation in the amount of \$238,020.00.

M&C C-23011 - Authorizing the City Manager to execute a Community Facilities Agreement with Sagamore Hill Baptist Church, Inc., for the installation of water services to serve Sagamore Hill Baptist Church located in the far east part of Fort Worth, Texas, east and south of Dottie Lynn Parkway and south of Meadowbrook, with City participation in the amount of \$6,318.84.

M&C C-23012 - Authorizing the City Manager to execute Amendment No. 2 in the amount of \$59,265.19 to City Secretary Contract No. 33943, a Community Facilities Agreement with One SR, L.P., Sendera Ranch, Ltd., and Two SR, L.P., for construction of a pump station and ground storage tank to serve Sendera Ranch and Sendera Ranch East, located in far north Fort Worth.

END OF CONSENT AGENDA

X. PRESENTATIONS BY THE CITY COUNCIL

Changes in Membership on Boards and Commissions

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

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

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

XIII. A RESOLUTION FOR CONTINUATION OF DECLARATION OF LOCAL DISASTER FOR THE CITY OF FORT WORTH, TEXAS

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Resolution No. 3650-08-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

XIV. CONSIDER ADOPTION OF ORDINANCE PROVIDING FOR THE ISSUANCE OF \$63,150,000.00, CITY OF FORT WORTH, TEXAS, COMBINATION AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2008; PROVIDING FOR THE LEVY, ASSESSMENT AND COLLECTION OF A TAX SUFFICIENT TO PAY THE INTEREST ON SAID CERTIFICATES OF OBLIGATION AND TO CREATE A SINKING FUND FOR THE REDEMPTION THEREOF AT MATURITY; PLEDGING CERTAIN REVENUES IN SUPPORT OF SAID CERTIFICATES; PRESCRIBING THE FORM OF SAID CERTIFICATES OF OBLIGATION; AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT (CONTINUED FROM PREVIOUS WEEK)

Motion: Council Member Silcox made a motion, seconded by Council Member Espino, that Ordinance No. 18240-08-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

XV. AN ORDINANCE AMENDING ORDINANCE NO. 18219-08-2008 ORDERING A LOCAL OPTION ELECTION TO BE HELD IN THE CITY OF FORT WORTH, TEXAS, ON TUESDAY, THE 4TH DAY OF NOVEMBER 2008, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY THE QUESTION OF WHETHER OR NOT TO PERMIT THE LEGAL SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION ONLY WITHIN THE CITY OF FORT WORTH, TO AMEND MANNER OF ELECTION ADMINISTRATION AND TO ADD AND CHANGE POLLING LOCATIONS

XV. (CONTINUED)

Motion: Council Member Espino made a motion, seconded by Council Member Silcox, that Ordinance No. 18241-09-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

XVI. AN ORDINANCE AMENDING ORDINANCE NO. 18220-08-2008 ORDERING A LOCAL OPTION ELECTION TO BE HELD IN THE CITY OF FORT WORTH, TEXAS, ON TUESDAY, THE 4TH DAY OF NOVEMBER 2008, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY THE QUESTION OF WHETHER OR NOT TO PERMIT THE LEGAL SALE OF MIXED BEVERAGES IN RESTAURANTS BY FOOD AND BEVERAGE CERTIFICATE HOLDERS ONLY WITHIN THE CITY OF FORT WORTH, TO AMEND MANNER OF ELECTION ADMINISTRATION AND TO ADD AND CHANGE POLLING LOCATIONS

Motion: Council Member Espino made a motion, seconded by Council Member Burns, that Ordinance No. 18242-09-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

Council Member Jordan recognized Boy Scout Drew Cody, of Troop 17, who was attending the Council meeting working towards his Eagle Badge.

XVII. REPORT OF THE CITY MANAGER

M&C G-16229 – Consider a Waiver for a High Impact Gas Well Pad Site Permit Requested by Chesapeake Operating, Inc., for the Greenwood Lease Located at 3595 Rockwood Park Drive (Continued from a Previous Meeting) (PUBLIC HEARING)

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.

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

a. Report of City Staff

Susan Alanis, Director of Planning and Development Department, appeared before Council, gave a staff report, and called attention to Mayor and Council Communication No. G-16229 as follows:

M&C G-16229 (Continued)

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

b. Citizen Presentations

The following citizens appeared in support of M&C G-16229:

Mr. Todd Sternfeld, 1429 Montgomery Lane
Mr. Tom Roberts, 404 N. Bailey Avenue
Mr. Barcus Hunter, 3715 Cresthaven Terrace
Mr. David Kramer, 3732 Cresthaven Terrace
Mr. Frank Diaz, 3700 Oaklawn Drive

The following citizens appeared before Council in opposition of gas well permit and expressed concern with truck traffic, health and safety, deterioration of streets and salt water disposal wells. They requested that the City establish a moratorium on the issuance of any new gas drilling permits within the City.

Mr. Mike Karpinski, 836 Springbrook Drive
Ms. Jackie Liles, 716 Northwood Road
Mr. Joe Bailey, 920 N. Bailey
Ms. Gigi Goesling, 4301 Kenwood Court
Ms. Tonya Ferguson, 2223 Provine Street
Mr. R. L. Dellis, 1613 Carl Street
Mr. Jim Bradbury, 2337 Mistletoe Avenue
Mr. Kyle Poland, 4016 Belford Avenue
Ms. Debby Stein, 2417 Stadium Drive
Mr. Greg Hughes, 2544 Stadium Drive
Mr. Charlie Murphy, 2005 Thomas Place
Ms. Christina Holmes, 5408 Sam Calloway Road
Mr. Jerry Lobdill, 6336 Darwood Avenue
Mr. Paul Roach, 1112 Scotts Way
Ms. Wendy Vann, 1112 Scotts Way
Mr. Troy McKelroy, 3807 Wildwood Road
Mr. Ramsey Sprague, 1407 ½ Harley Avenue
Ms. Linda Sandoval Foley, 1012 Burton Hill #148

M&C G-16229 (Continued)

Mr. Ben Holland, 3559 Gordon Avenue
Mr. Gary Hogan, 2117 Rolling Creek Run
Ms. Ruth Foy, 3433 Dorothy Lane
Ms. Darlia Hobbs, 8113 Anchorage Place

c. Council Action

Motion: There being no one else present desiring to be heard in connection with the public hearing, Council Member Burdette made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. G-16229 be continued until the September 9, 2008, Council meeting. The motion carried unanimously eight (8) ayes to zero (0) nays and with one (1) abstention by Council Member Jordan.

M&C G-16262 – Adopt Appropriation Ordinance for Proceeds from the Sale of \$63,150,000.00 Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2008, to Fund Projects from the 2007 Critical Capital Needs Program and Cost Overruns from the 2004 Capital Improvement Project

There was presented Mayor and Council Communication No. G-16262 from the City Manager recommending that the City Council adopt an appropriation ordinance increasing estimated receipts and appropriations in the 2007 Critical Capital Program Fund in the amount of \$63,150,000.00 from the sale of Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2008 for the purpose of funding various projects from the 2007 Critical Capital Needs Program and cost overruns from the 2004 Capital Improvements Project.

Motion: Council Member Silcox made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16262 be approved and Appropriation Ordinance No. 18243-09-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

M&C G-16263 – Adopt Ordinance Providing for the Issuance of \$49,650,000.00 of the General Purpose Bonds, Series 2008, of the City of Fort Worth, Texas, Bearing Interest at the Rates Hereinafter Set Forth, and Providing for the Levy, Assessment and Collection of a Tax Sufficient to Pay the Interest on Said Bonds and to Create a Sinking Fund for the Redemption Thereof at Maturity; and Ordaining Other Matters Related Thereto

M&C G-16263 (Continued)

There was presented Mayor and Council Communication No. G-16263 from the City Manager recommending that the City Council adopt an ordinance providing for the issuance of forty-nine million six hundred and fifty thousand dollars (\$49,650,000.00) of the General Purpose Bonds, Series 2008, of the City of Fort Worth, Texas, bearing interest at the rates hereinafter set forth, and providing for the levy, assessment and collection of a tax sufficient to pay interest on said bonds and to create a sinking fund for the redemption thereof at maturity and approving the use of the "Form of Purchase Agreement," prepared in connection with the sale of the above state bonds; and authorize the \$49,650,000.00, City of Fort Worth, Texas, General Purpose Bonds, Series 2008, be sold to Bank of America at the interest rate of 4.64 percent.

City Attorney Yett advised that the M&C had been updated to reflect the interest rate of 4.64 percent.

Council Members Espino, Moss and Burdette advised that they had banking relationships with Bank of America.

Motion: Council Member Silcox made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16263 be approved and Ordinance No. 18244-09-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

M&C G-16264 – Adopt Appropriation Ordinance for Proceeds from the Sale of \$49,650,000.00 General Purpose Bonds, Series 2008, to Fund Projects in the 2004 and 2008 Bond Programs

There was presented Mayor and Council Communication No. G-16264 from the City Manager recommending that the City Council adopt an appropriation ordinance increasing estimated receipts and appropriations in the amount of \$21,560,000.00 in the 2004 Bond Program Street Improvements Fund, \$6,000,000.00 in the Southwest Parkway Fund, \$4,090,000.00 in the Library Improvement Fund and \$18,000,000.00 in the 2008 Bond Program Street Improvements Fund, from the sale of General Purpose Bonds, Series 2008 for the purpose of funding 2004 and 2008 Bond Program.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. G-16264 be approved and Appropriation Ordinance No. 18245-09-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

M&C L-14624 – Authorize the Acquisition of One Permanent Water Main Easement and One Temporary Construction Easement from the Amon G. Carter, Jr., Estate for the Amount of \$12,500.00, Plus an Estimated Closing Cost of \$2,000.00, on the Property Located at the Intersection of Campus Drive and Seminary Drive, Fort Worth, Tarrant County, Texas for the Construction of South Side II Water Transmission Main; and Authorize Acceptance and Recording of Appropriate Instruments (DOE No. 4083) (Continued from a Previous Meeting)

It was the consensus of the City Council that Mayor and Council Communication No. L-14624, dated August 26, 2008, be withdrawn from consideration as requested by the City Manager.

M&C L-14634 Authorization for Condemnation of One Permanent Drainage Facility Easement on Property Owned by Billy J. and Connie McCarty at 8941 Waterchase Circle Located in East Fort Worth for the Construction of Drainage Infrastructure Improvements (DOE No. 5804)

There was presented Mayor and Council Communication No. L-14634 from the City Manager recommending that the City Council declare the necessity of taking an interest in a portion of land known as Lot 8, Block 4, Waterchase Estates, Fort Worth, Tarrant County, Texas, owned by Billy J. and Connie McCarty at 8941 Waterchase Circle located in east Fort Worth 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 Scarth made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. L-14634 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

M&C C-22991 – Authorize Execution of a Tax Abatement Agreement with FW-Eastland Housing Partners, Ltd., for Property Located at 5500 Eastland Street in the Stop Six Neighborhood Empowerment Zone (Continued from a Previous Meeting)

There was presented Mayor and Council Communication No. C-22991, dated August 26, 2008, from the City Manager recommending that the City Council find that the statements set forth in the recitals of the Tax Abatement Agreement with FW-Eastland Housing Partners, Ltd., are true and correct; and authorize the City Manager to enter into the Tax Abatement Agreement with FW-Eastland Housing Partners, Ltd., for the property located at 5500 Eastland Street in the Stop Six Neighborhood Empowerment Zone in accordance with the Neighborhood Empowerment Zone Tax Abatement Policy and Basic Incentives, as amended.

Motion: Council Member Moss made a motion, seconded by Mayor Pro tem Hicks, that Mayor and Council Communication No. C-22991 be approved. The motion carried unanimously eight (8) ayes and one (1) nay, with Council Member Silcox casting the dissenting vote.

M&C C-22992 – Authorize Execution of a Public Right-of-Way Use Agreement Granting Texas Midstream Gas Services, LLC, a License to Use Certain Public Right-of-Way for the Purpose of Constructing, maintaining and Operating a Natural Gas Pipeline Across Northern Cross Boulevard, West of North Riverside Drive; a Second Crossing at North Riverside Drive, South of Northeast Loop 820; a Third Crossing at Altair Boulevard, North of Northern Crossing; a Fourth Crossing at Endicott Avenue, West of Beach Street; and a Fifth Crossing at North Beach Street, South of Northeast Loop 820 (Continued from a Previous Meeting)

There was presented Mayor and Council Communication No. C-22992, dated August 26, 2008, from the City Manager recommending that the City Council authorize the City Manager to execute a Public Right-of-Way Use Agreement with Texas Midstream Gas Services, LLC, to grant a license to use certain public right-of-way of the City of Fort Worth for the purpose of constructing, maintaining and operating a natural gas pipeline across Northern Cross Boulevard, west of North Riverside Drive; a second crossing at North Riverside Drive, south of Northeast Loop 820; a third crossing at Altair Boulevard, north of Northern Crossing; a fourth crossing at Endicott Avenue, west of Beach Street; and a fifth crossing at North Beach Street, south of Northeast Loop 820.

The following individuals appeared before Council in opposition of the agreement and expressed concern with drilling in residential areas, truck traffic, damage to roads and the need for requirements of the gas drilling companies to post a bond. They also requested that the City establish a moratorium on all future drilling within the City and asked that the Gas Drilling Task Force meetings be televised and minutes of the proceedings provided.

Mr. Greg Hughes, 2544 Stadium Way
Ms. Pati Lee, 4617 Feathercrest Drive
Mr. Louis McBee, 5513 Aspen Lane
Ms. Suzie Jary, 6416 Locke Avenue
Ms. Guadalupe Arriola, 5925 Forest Lane
Ms. Darlia Hobbs, 8113 Anchorage Place

Motion: Council Member Scarth made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-22992 be continued until the September 9, 2008, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

M&C C-22999 – Authorize Entering into an Agreement with the Fort Worth Independent School District for the Operation of the Fort Worth After School Program at Como Elementary School for the 2008-2009 School Year and Adopt Supplemental Appropriation Ordinance in the amount of \$48,9710.00 (Continued from a Previous Meeting)

M&C C-22999 (Continued)

It was the consensus of the City Council that Mayor and Council Communication No. C-22999, dated August 26, 2008, be withdrawn from consideration as requested by the City Manager.

M&C C-22999 – (Revised) Authorize Entering into an Agreement with the Fort Worth Independent School District for the Operation of the Fort Worth After School Program at Como Elementary School for the 2008-2009 School Year

There was presented Mayor and Council Communication No. C-22999 (Revised) from the City Manager recommending that the City Council authorize the City Manager to enter into an agreement with the Fort Worth Independent School District to provide the Fort Worth After School Program at Como Elementary School for the 2008-2009 school year.

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 Silcox, that Mayor and Council Communication No. C-22999 Revised be approved. The motion carried eight (8) ayes to zero (0) nays and with one (1) abstention by Council Member Moss.

M&C C-23006 – Authorize the City Manager to execute a Community Facilities Agreement with Buxton for the Installation of Sanitary Sewer Services to Serve Mercantile Center Lot 2, Block 5, Located in the Central Part of Fort Worth, Texas, with City Participation in the Amount of \$39,525.00.

There was presented Mayor and Council Communication No. C-23006 from the City Manager recommending that the City Council authorize the City Manager to execute a Community Facilities Agreement with Buxton Company or the installation of sanitary sewer services to serve Mercantile Center Lot 2, Block 5, located in the central part of Fort Worth, Texas, with City participation in the amount of \$39,525.00.

Motion: Council Member Scarth made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-23006 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

M&C C-23013 – Authorize Execution of a Public Right-of-Way Use Agreement Granting Texas Midstream Gas Services, LLC, a License to Use Certain Public Right-of-Way for the Purpose of Constructing, Maintaining and Operating a Natural Gas Pipeline Across Old Burleson Road, Oak Grove Road, Race Street, and McPherson Road

C-23013 (Continued)

There was presented Mayor and Council Communication No. C-23013 from the City Manager recommending that the City Council authorize the City Manager to execute a Public Right-of-Way Use Agreement with Texas Midstream Gas Services, LLC, to grant a license to use certain public rights-of-way of the City of Fort Worth for the purpose of constructing, maintaining and operating a natural gas pipeline across Old Burluson Road, Oak Grove Road, Race Street and McPherson Road.

The following individuals appeared before Council in opposition of the agreement and referred to a pipeline rupture in New Mexico and the need for a better ordinance on gas drilling. They also referred to a moratorium adopted by the City of Copperas Cove, Texas, and stated that the City should adopt a similar moratorium.

Mr. Louis McBee, 5513 Aspen Lane
Ms. Darlia Hobbs, 8113 Anchorage Place
Mr. Clyde Picht, 5616 Monarda Way

Mayor Moncrief recognized the following individuals as registering their opposition of this issue, but did not wish to speak:

Mr. Ben Holland, 3559 Gordon Avenue
Mr. Patrick Stanfill, 4919 Meadowbrook Drive
Mr. Michael Phipps, 4451 Normandy
Ms. Guadalupe Arriola, 5925 Forest Lane

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-23013 be continued until the September 16, 2008, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

M&C C-23014 - Authorize Execution of a Public Right-of-Way Use Agreement Granting Texas Midstream Gas Services, LLC, a License to Use Certain Public Right-of-Way for the Purpose of Constructing, Maintaining and Operating a Natural Gas Pipeline Along the Eastside of Alton Road Crossing Bellaire Drive South, West Berry Street, Westcliff Road South, Hilltop Drive, West Biddison Street and South Hills Avenue

There was presented Mayor and Council Communication No. C-23014 from the City Manager recommending that the City Council authorize the City Manager to execute a Public Right-of-Way Use Agreement with Texas Midstream Gas Services, LLC, to grant a license to use certain public rights-of-way of the City of Fort Worth for the purpose of constructing, maintaining and operating a natural gas pipeline along the eastside of Alton Road crossing Bellaire Drive South, West Berry Street, Westcliff Road South, Hilltop Drive, West Biddison Street and South Hills Avenue.

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M&C C-23014 (Continued)

Council Member Silcox advised that he would continue this agenda item for 30 days as he wanted to obtain the location of the well site.

The following citizens appeared in opposition of M&C C-23014 and expressed concern with the well site being located on the campus of Texas Christian University, advised that gas was odorless and presented a hazard and requested the Council consider adopting a moratorium on gas drilling in the City:

Ms. Debby Stein, 2417 Stadium Drive
Mr. Charlie Murphy, 2005 Thomas Place
Mr. Greg Hughes, 2544 Stadium Drive
Mr. Jerry Lobdill, 6336 Darwood Avenue

Mayor Moncrief recognized the following individuals as registering their opposition of this issue, but did not wish to speak:

Ms. Jeannie Walker, 3033 Alton Road
Mr. Gordon Appleman, 3855 Bellaire Circle
Mr. Clyde Picht, 5016 Monardo Way
Mr. Louis McBee, 5513 Aspen Lane

Motion: Council Member Silcox made a motion, seconded by Mayor Pro tem Hicks, that Mayor and Council Communication No. C-23014 be continued until the October 7, 2008, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

Mayor Moncrief stated that Zoning Docket No. ZC-08-064 would be heard at this time.

Zoning Docket No. ZC-08-064 - (CD 9) - Lynda Hanna, Animal Works, LLC., 2523 & 2527 West Dickson Street and 2524 Waggoman Street; from "I" Light Industrial to "K" Heavy Industrial. (Continued from a Previous Meeting)

It appeared that the City Council, at its meeting of August 5, 2008, continued the hearing of the application of Lynda Hanna for a change in zoning of property located at 2523 and 2527 West Dickson Street and 2524 Waggoman Street from "I" Light Industrial to "K" Heavy Industrial, Zoning Docket No. ZC-08-064. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

ZC-08-064 (Continued)

Council Member Burns addressed the odor at facility and stated that the owner had made a concerted and laudable effort to address concerns by installing a lot of equipment to abate the odor. He added that he would amend the zoning to Planned Development with all uses in "I" Light Industrial plus the allowance of a rodent breeding facility use with the stipulation that ventilation controls be installed by December 31, 2008, and maintained to ensure that external level odors conform with state and local regulations.

The following individuals appeared in support of the zoning change:

Ms. Lynda Hanna, 8117 Sundale Court
Ms. Marie Udcoff, 3900 Candlewick Court, Bedford, Texas
Mr. Steve McLaughlin, 5462 Butland Avenue
Mr. Brandon Boeke, 1005 Sterling Avenue, Crowley, Texas
Mr. Gary Simmons, 2619 W Dickson Street

The following individuals appeared in opposition of the rezoning and expressed concern with the odor from the dumpsters and potential health problems, number of rodents produced and the location of the business from the middle school.

Mr. Bob Bodoin, 801 Cherry Street
Mr. Tom Farris, 616 Arch Adams Street

Council Member Moss asked about what process was being used to dispose of rat droppings.

Ms. Hanna stated that the matter was hauled off and composted at a company in Aledo, Texas. She explained procedures she has taken to mitigate problem/complaints including the installation of odor abatement equipment. She added that she was not trying to expand the business; that she was only trying to stay in business.

Council Member Jordan asked City Attorney Yett if this was boarding on contingent zoning.

City Attorney Yett stated that staff would look into this and advised that the City attached conditions and stipulations on zoning frequently and used the zoning ordinance to enforce those conditions. He added that he was cognizant that there were state regulations that already covered this issue, but that staff would look into the matter.

Ms. Hanna requested that the zoning request be continued for 30 days.

ZC-08-064 (Continued)

Motion: There being no one else present desiring to be heard in connection with the application of Lynda Hanna, Council Member Burns made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket No. ZC-08-064 be continued until the October 7, 2008, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

Mayor Moncrief returned to the next regular agenda item.

(Mayor Pro tem Hicks and Council Member Silcox left their place at the dais.)

M&C C-23015 - Authorize Execution of a Public Right-of-Way Use Agreement Granting Texas Midstream Gas Services, LLC, a License to Use Certain Public Right-of-Way for the Purpose of Constructing, Maintaining and Operating a Natural Gas Pipeline Across Rockwood Lane Northwest of the Intersection of Rockwood Lane and University Drive

There was presented Mayor and Council Communication No. C-23015 from the City Manager recommending that the City Council authorize the City Manager to execute a Public Right-of-Way Use Agreement with Texas Midstream Gas Services, LLC, to grant a license to use certain public rights-of-way of the City of Fort Worth for the purpose of constructing, maintaining and operating a natural gas pipeline across Rockwood Lane northwest of the intersection of Rockwood Lane and University Drive.

The following citizen appeared in opposition of M&C C-23015:

Mr. Louis McBee, 5513 Aspen Lane

Motion: Council Member Espino made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-23015 be approved. The motion carried unanimously seven (7) ayes to zero (0) nays, with Mayor Pro tem Hicks and Council Member Silcox absent.

M&C C-23016 - Authorize the Execution of Amendment No. 1 in the Amount of \$250,000.00 to City Secretary Contract No. 35736 with MACTEC Engineering and Consulting, Inc., for Materials Testing for the Fort Worth Convention Center Parking Garage

There was presented Mayor and Council Communication No. C-23016 from the City Manager recommending that the City Council authorize the City Manager to execute Amendment No. 1 in the amount of \$250,000.00 to City Secretary Contract No. 35736 with MACTEC Engineering and Consulting, Inc., for materials testing for the Fort Worth Convention Center Parking Garage.

C-23016 (Continued)

Motion: Council Member Burns made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23016 be approved. The motion carried unanimously seven (7) ayes to zero (0) nays, with Mayor Pro tem Hicks and Council Member Silcox absent.

M&C C-23017 - Authorize Execution of a Contract with William J. Schultz, Inc., d/b/a Circle 'C' Construction Company, in the Amount of \$1,464,309.00 for Water and Sanitary Sewer Replacement Contract 2005 STM-F, on Portions of McCart Avenue and Walton Avenue and Adopt Appropriation Ordinance (City Project No. 00383)

There was presented Mayor and Council Communication No. C-23017 from the City Manager recommending that the City Council authorize the transfer of \$1,609,283.00 from the Water and Sewer Operating Fund to the Water Capital Projects Fund in the amount of \$964,948.00 and the Sewer Capital Projects Fund in the amount of \$644,335.00; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Water Capital Projects Fund in the amount of \$964,948.00 and the Sewer Capital Projects Fund in the amount of \$644,335.00 from available funds for the purpose of executing a contract with William J. Schultz, Inc., d/b/a Circle "C" Construction Company for Water and Sanitary Sewer Main Replacement Contract 2005 STM-F, on portions of McCart Avenue and Walton Avenue; and authorize the City Manager to execute a contract with William J. Schultz, Inc., d/b/a Circle "C" Construction Company, in the amount of \$1,464,309.00 for Water and Sanitary Sewer Replacement Contract 2005 STM-F on portions of McCart Avenue and Walton Avenue.

(Mayor Pro tem Hicks assumed her place at the dais.)

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23017 be approved with appreciation and Appropriation Ordinance No. 18246-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

M&C C-23018 - Authorize Execution of an Engineering Agreement in the Amount of \$913,147.00 with Dunaway Associates, L.P., for Pavement Reconstruction and Water and Sanitary Sewer Main Replacements on 2A – Kearney Avenue, Loraine Street Northwest, Menefee Avenue; 2B – Damon Avenue, Holden Street, McLemore Avenue, Murphy Street; 2C – Calhoun Street North, Jones Street North; 2D – 23rd Street Northwest, Refugio Avenue; 2E – 22nd Street Northwest, Lincoln Avenue; 2F – Parson Lane (Project Nos. 2A-00951, 2B-00952, 2C-00955, 2D-00956, 2E-00961, 2F-00964)

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C-23018 (Continued)

There was presented Mayor and Council Communication No. C-23018 from the City Manager recommending that the City Council authorize the City Manager to execute an engineering agreement with Dunaway Associates, L.P., in the amount of \$913,147.00 for pavement reconstruction and water and sanitary sewer main replacements on 2A - Kearney Avenue (Northwest Loraine Street to Northwest 35th Street), Loraine Street Northwest (Grayson Avenue to Robinson Street), Menefee Avenue (Azle Avenue to Northwest 30th Street); 2B - Damon Avenue (North Chandler Drive to North Riverside Drive), Holden Street (Race Street to Murphy Street), McLemore Avenue (Blandin Street to North Chandler Drive), Murphy Street (Blandin Street to North Riverside Drive); 2C - Calhoun Street North (Northeast 21st Street to Northeast 22nd Street), Jones Street North (East Northside Drive to Northeast 14th Street); 2D - 23rd Street Northwest (Lee Avenue to Lincoln Avenue), 23rd Street Northwest (Columbus Avenue to Hanna Avenue), Refugio Avenue (22nd Street Northwest to 25th Street Northwest); 2E - 22nd Street Northwest (Lincoln Avenue to Pearl Avenue), Lincoln Avenue (16th Street Northwest to 23rd Street Northwest); 2F - Parson Lane (Blue Mound Road to Hardy Street).

Motion: Council Member Espino made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23018 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Council Member Silcox absent.

M&C C-23019 - Authorize Execution of Change Order No. 2 in the Amount of \$138,779.05 to City Secretary Contract No. 34477 with Laughley Bridge and Construction Company, Inc., for Water Main Replacement Contract 2006A at the Intersection of Interstate Highway 35 and FM 1187 and Adopt Appropriation Ordinance (DOE No. 5446)

There was presented Mayor and Council Communication No. C-23019 from the City Manager recommending that the City Council authorize the transfer of \$138,779.05 from the Water and Sewer Fund to the Water Capital Projects Fund; authorize the City Manager to execute Change Order No. 2 in the amount of \$138,779.05 to City Secretary Contract No. 34477 with Laughley Bridge and Construction Company, Inc., for Water Main Replacement Contract 2006A, thereby increasing the contract amount to \$1,146,388.79; and adopt an appropriation ordinance increasing estimated receipts and appropriations in the Water Capital Projects Fund in the amount of \$138,779.05 from available funds for the purpose of authorizing Change Order No. 2 to City Secretary Contract No. 34477 with Laughley Bridge and Construction Company, Inc., for Water Main Replacement Contract 2006A (DOE 5446).

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

M&C C-23019 (Continued)

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23019 be approved with appreciation and Appropriation Ordinance No. 18247-09-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

M&C C-23020 - Authorize Execution of a Contract with William J. Schultz, Inc., d/b/a Circle "C" Construction Company, in the Amount of \$1,305,814.00 for Water and Sanitary Sewer Line Replacement on East Rosedale Street (South Riverside Drive to U.S. Highway 287), Contract 3, Unit III and Adopt Appropriation Ordinance

There was presented Mayor and Council Communication No. C-23020 from the City Manager recommending that the City Council authorize the transfer of \$1,432,814.00 from the Water and Sewer Operating Fund to the Water Capital Projects Fund in the amount of \$787,180.00 and the Sewer Capital Projects Fund in the amount of \$645,634.00; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Water Capital Projects Fund in the amount of \$787,180.00 and the Sewer Capital Projects Fund in the amount of \$645,634.00 from available funds for the purpose of executing a contract with William J. Schultz, Inc., d/b/a Circle "C" Construction Company for water and sanitary sewer main replacements on East Rosedale Street (South Riverside Drive to U.S. Highway 287), Contract 3, Unit III; authorize the City Manager to execute a contract with William J. Schultz, Inc., d/b/a Circle "C" Construction Company, in the amount of \$1,305,814.00 for water and sanitary sewer main replacements on East Rosedale Street (South Riverside Drive to U.S. Highway 287), Contract 3, Unit III.

Motion: Mayor Pro tem Hicks made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-23020 be approved and Appropriation Ordinance No. 18248-09-2008 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

M&C C-23021 - Authorize Execution of Change Order No. 2 in the Amount of \$815,659.75 to City Secretary Contract No. 35573 with Oscar Renda Contracting, Inc., for Southside II Water Transmission Main, Part 5 from the Crowley Road/Risinger Road Intersection to Interstate Highway 35W/Risinger Road Intersection (City Project No. 00303)

There was presented Mayor and Council Communication No. C-23021 from the City Manager recommending that the City Council authorize the City Manager to execute Change Order No. 2 to City Secretary Contract No. 35573 with Oscar Renda Contracting, Inc., for Southside II Water Transmission Main, Part 5, from the Crowley Road/Risinger Road intersection to Interstate Highway 35W/Risinger Road intersection (City Project No. 00303) in the amount of \$815,659.75 thereby increasing the contract amount to \$9,911,423.75.

M&C C-23021 (Continued)

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23021 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

M&C C-23022 - Authorize Execution of a Contract with Tri-Tech Construction, Inc., in the Amount of \$1,145,070.80 for Village Creek Drainage Basin Sanitary Sewer Main 238 Rehabilitation and Improvements - Part 2, (Project No. 01054)

There was presented Mayor and Council Communication No. C-23022 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with Tri-Tech Construction, Inc., in the amount of \$1,145,070.80 for Village Creek Drainage Basin Sanitary Sewer Main 238 Rehabilitation and Improvements - Part 2 (Project No. 01054).

Motion: Council Member Scarth made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-23022 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

XVIII. PUBLIC HEARING

Hearing on Proposed Ad Valorem Tax Rate for Fiscal Year 2008-2009

It appeared that the City Council set today as the date for a public hearing on the proposed ad valorem tax rate for Fiscal Year 2008-2009. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

1. Report of City Staff

Joe Komisarz, Acting Assistant Director for Budget and Management Services, appeared before Council and gave a staff report.

2. Citizen Presentations

There was no one present desiring to be heard.

Mayor Moncrief stated that the public hearing would remain open until final adoption of the tax rate ordinance. He read the following statement into the record:

XVIII. PUBLIC HEARING (Continued)

On September 16, 2008, at 10:00 a.m., in this Council Chamber, this Council will vote on a proposed property tax rate of \$0.855 on every one hundred dollars valuation on all property, real, personal and mixed, situated in, and all personal property owned in the City of Fort Worth on the first day of January, 2008, liable under the law to taxation and not exempt there from by the Constitution and laws of the State of Texas.

XIX. BUDGET HEARING

Hearing on Proposed Fiscal Year 2008-2009 Appropriation Ordinance, Debt Service Ordinance and Ad Valorem Tax Levy Ordinance

It appeared that the City Council set today as the date for a public hearing on the proposed Fiscal Year 2008-2009 appropriation ordinance, debt service ordinance and the ad valorem tax levy ordinance. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

1. Report of City Staff

Joe Komisarz, Acting Assistant Director for Budget and Management Services, appeared before Council and gave a staff report.

2. Citizen Presentations

Ms. Renee Kimbrell, 1836 Timberline Drive, Benbrook, Texas, appeared before Council relative to decreasing hours of operation at regional libraries. She suggested opening libraries a little later to accommodate children needing access after school.

Mayor Moncrief advised that he had asked staff to visit with the Library Director to address hours of operation. He added that the public hearing would remain open until final adoption of the subject ordinances.

XX. ZONING HEARING

a. Cases Recommended for Approval

It appeared to the City Council that the Notice of Special Hearing set today as the date for the hearing in connection with recommended changes and amendments to Zoning Ordinance No. 13896 and that notice of the hearing had been given by publication in the Fort Worth Star-Telegram, the official newspaper of the City of Fort Worth, on August 18, 2008. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

XX. ZONING HEARING (Continued)

Zoning Docket No. ZC-07-168 - (CD 2) - Martimiano Aguayo, 2008 Jacksboro Highway; from "B" Two Family Residential and "E" Neighborhood Commercial to "PD/E" Planned Development for All Uses in "E" Neighborhood Commercial, Including Banquet Hall and Auto Sales. Site Plan Required. (SP-07-060); and Zoning Docket No. SP-07-060 - (CD 2) - Martimiano Aguayo, 2008 Jacksboro Highway; Site Plan for Banquet Hall and Auto Sales with a Gate Required Qlong the Northside.

There was presented Zoning Docket No. ZC-07-168, application of Martimiano Aguayo for a change in zoning of property located at 2008 Jacksboro Highway from "B" Two-Family Residential and "E" Neighborhood Commercial to "PD/E" Planned Development for all uses in "E" Neighborhood Commercial, including banquet hall and auto sales, with associated site plan SP-07-060.

Motion: Council Member Espino made a motion, seconded by Council Member Silcox, that Zoning Docket No. ZC-07-168 and Site Plan No. SP-07-060, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

Zoning Docket No. ZC-07-208B - (CD 4) - City of Fort Worth, 650 and 800 John T. White Road N.; from "C" Medium Density Multifamily Residential to "A-10" One-Family Residential (Continued from a Previous Meeting)

There was presented Zoning Docket No. ZC-07-208B, application of the City of Fort Worth for a change in zoning of property located at 650 and 800 John T. White Road North from "C" Medium Density Multifamily to "A-10" One-Family.

Motion: Council Member Scarth made a motion, seconded by Council Member Burdette, that Zoning Docket No. ZC-07-208B, be continued until the October 7, 2008, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

Zoning Docket No. ZC-08-107A - (CD 9) - City of Fort Worth, 1800 Bowie Street, 1800 McPherson Avenue, 2632, 2645, 2700, 2800 and 2900 Blocks of Stanley Avenue; from "I" Light Industrial and "J" Medium Industrial to "PD/I" Planned Development for All Uses in "I" Light Industrial, Plus Metal Stamping, Dyeing, Shearing or Punching, Planning Mill or Woodworking Shop, Mini-Warehouses and Permitting Motors with 50 Horsepower or More. Site Plan Waiver Recommended.

ZC-08-107A (Continued)

There was presented Zoning Docket No. ZC-08-107A, application of City of Fort Worth Planning and Development Department for a change in zoning of property located at 1800 Bowie Street, 1800 McPherson Avenue, 2632, 2645, 2700, 2800 and 2900 blocks of Stanley Avenue from "I" Light Industrial and "J" Medium Industrial to "PD/I" Planned Development for all uses in "I" Light Industrial, plus metal stamping, dyeing, shearing, or punching; planning mill or woodworking shop; mini-warehouses; and permitting motors with 50 horsepower or more with site plan waiver recommended.

Motion: Council Member Burns made a motion, seconded by Council Member Silcox, that Zoning Docket No. ZC-08-107A, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

Zoning Docket No. ZC-08-115 - (CD 3) - Kwi Hwa Kim, 4400 Benbrook Highway; from "FR" General Commercial Restricted to "E" Neighborhood Commercial (Continued from a Previous Meeting)

There was presented Zoning Docket No. ZC-08-115, application of Kwi Hwa Kim for a change in zoning of property located at 4400 Benbrook Highway from "FR" General Commercial Restricted to "E" Neighborhood Commercial.

Council Member Silcox made a motion, seconded by Mayor Pro tem Hicks that Zoning Docket No. ZC-08-115, be denied with prejudice.

Mr. Anthony Kim, 4400 Benbrook, translating for the applicant, appeared before Council advising of the applicant's request for support of the rezoning. He explained the purpose of the rezoning was to allow the sale of beer and wine and pointed out that 80 percent of the business would be in food sales.

After further deliberation and need for clarification on the motion to the applicant, Mayor Moncrief requested Mr. Kim meet with Assistant City Manager Fernando Costa on the specifics of the rezoning and advised that Council action on this zoning case would be delayed until later on the agenda.

(See page 33 further consideration of this item.)

Zoning Docket No. ZC-08-118 - (CD 7) - Brandon Baudoin, 516 W. Bonds Ranch Road; from "A-5" One Family Residential to "E" Neighborhood Commercial

There was presented Zoning Docket No. ZC-08-118, application of Brandon Baudoin for a change in zoning of property located at 516 W. Bonds Ranch Road from "A-5" One-Family to "E" Neighborhood Commercial.

ZC-08-118 (Continued)

Motion: Council Member Burdette made a motion, seconded by Council Member Silcox, that Zoning Docket No. ZC-08-118, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

Zoning Docket No. ZC-08-120 – (CD 2) – Richard L. Cohen, 4200 N. Main Street; from "A-5" One Family Residential to "I" Light Industrial (Continued from a Previous Meeting)

There was presented Zoning Docket No. ZC-08-120, application of Richard L. Cohen for a change in zoning of property located at 4200 N. Main Street from “A-5” One-Family Residential to “I” Light Industrial.

Motion: Council Member Espino made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket No. ZC-08-120, be continued until the September 9, 2008, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

Zoning Docket No. ZC-08-122 - (CD 6) - Summer Sycamore 1 LTD, c/o Legacy Capital Partners, Ltd., 7800 Granbury Road and 6101 Columbus Trail; from "A-5" One Family Residential and "C" Medium Density Multifamily Residential to "PD/MU-1" Planned Development for all uses in "MU-1" Low Intensity Mixed Use. Site plan required.

There was presented Zoning Docket No. ZC-08-122, application of Summer Sycamore I LTD, c/o Legacy Capital Partners, Ltd., for a change in zoning of property located at 7800 Granbury Road and 6101 Columbus Trail from “A-5” One-Family Residential and “C” Medium Density Multifamily Residential to “PD/MU-1” Planned Development for all uses in “MU-1” Low Intensity Mixed Use, with site plan required.

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-08-122, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

Zoning Docket No. SP-08-008 - (CD 9) - Fort Worth Midtown Village, L. P., 2222 West Rosedale Street; Amend Site Plan PD-558 to Change the Location, Size and Type of Buildings Proposed.

There was presented Site Plan No. SP-08-008, application of Fort Worth Midtown Village L.P., for a site plan of property located at 2222 West Rosedale Street to amend site plan of PD-558 to change the location size and type of buildings proposed.

SP-08-008 (Continued)

Motion: Council Member Burns made a motion, seconded by Mayor Pro tem Hicks, that Site Plan No. SP-08-008 be approved with appreciation. The motion carried unanimously nine (9) ayes to zero (0) nays.

Zoning Docket No. ZC-08-124 - (CD 5) - City of Hurst, 9950 Trinity Boulevard; from "O-1" Floodplain to "A-43" One Family Residential.

There was presented Zoning Docket No. ZC-08-124, application of City of Hurst for a change in zoning of property located at 9950 Trinity Boulevard from "O-1" Floodplain to "A-43" One-Family Residential.

Motion: Council Member Moss made a motion, seconded by Council Member Silcox, that Zoning Docket No. ZC-08-124, be approved with appreciation to the City of Hurst. The motion carried unanimously nine (9) ayes to zero (0) nays.

Zoning Docket No. ZC-08-125 - (CD 9) - Historic Fort Worth Inc., 1020 Summit Avenue; from "G" Intensive Commercial to "G/HC" Intensive Commercial/Historic & Cultural Overlay

There was presented Zoning Docket No. ZC-08-125, application of Historic Fort Worth, Inc., for a change in zoning of property located at 1020 Summit Avenue from "G" Intensive Commercial to "G/HC" Intensive Commercial/Historic and Cultural Overlay.

Motion: Council Member Burns made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket No. ZC-08-125, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

Zoning Docket No. ZC-08-126 - (CD 5) - City of Fort Worth, 3600 and 3700 Blocks of Plum Street; from "AG" Agricultural to "A-5" One Family Residential

There was presented Zoning Docket No. ZC-08-126, application of City of Fort Worth for a change in zoning of property located in the 3600 and 3700 blocks of Plum Street from "AG" Agricultural to "A-5" One-Family Residential.

Motion: Council Member Moss made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-08-126, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

Zoning Docket No. ZC-08-127 - (CD 7) - City of Fort Worth, North of White Settlement Road, West of the Trinity River, South of Ovid and East of Isbell Road; from "B" Two Family Residential, "E" Neighborhood Commercial and "I" Light Industrial to "A-10" One Family Residential and "A-5" One Family Residential

There was presented Zoning Docket No. ZC-08-127, application of City of Fort Worth Planning and Development Department for a change in zoning of property located north of White Settlement, west of the Trinity River, south of Ovid and east of Isbell Road from "B" Two-Family, "E" Neighborhood Commercial and "I" Light Industrial to "A-10" One-Family Residential and "A-5" One-Family Residential.

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Zoning Docket No. ZC-08-127, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

Zoning Docket No. ZC-08-128 - (CD 5) - City of Fort Worth, North of Ramey Avenue, west of Stalcup, south of Rosedale Street and east of Hughes Avenue; from "A-5" One-Family Residential, "B" Two-Family Residential, "C" Medium Density Multifamily Residential, "D" High Density Multifamily Residential, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial and "FR" General Commercial Restricted to "A-5" One-Family Residential, "CF" Community Facilities and "E" Neighborhood Commercial (Continued from a Previous Meeting)

There was presented Zoning Docket No. ZC-08-128, application of the City of Fort Worth for a change in zoning of property located north of Ramey Avenue, West of Stalcup, South of Rosedale Street and East of Hughes Avenue from "A-5" One-Family Residential, "B" Two-Family Residential, "C" Medium Density Multifamily Residential, "D" High Density Multifamily Residential, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial and "FR" General Commercial Restricted to "A-5" One-Family Residential, "CF" Community Facilities and "E" Neighborhood Commercial.

Motion: Council Member Moss made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket No. ZC-08-128, be continued until September 16, 2008, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

Zoning Docket No. ZC-08-129 - (CD 5) - City of Fort Worth, North and East of US Highway 287, West of Village Creek Road, South of Wilbarger; from "A-5" One-Family Residential, "B" Two-Family Residential and "FR" General Commercial Restricted to "A-5" One-Family Residential, "CF" Community Facilities and "E" Neighborhood Commercial

ZC-08-129 (Continued)

There was presented Zoning Docket No. ZC-08-129, application of City of Fort Worth Planning and Development Department for a change in zoning of property located north and east of US Highway 287, west of Village Creek Road, south of Wilbarger from "A-5" One-Family Residential, "B" Two-Family Residential and "FR" General Commercial Restricted to "A-5" One-Family Residential, "CF" Community Facilities and "E" Neighborhood Commercial.

Motion: Council Member Moss made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket No. ZC-08-129, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

Zoning Docket No. ZC-08-130 - (CD 2) - City of Fort Worth, 2520 Clinton Avenue; from "I" Light Industrial to "A-5" One-Family Residential

There was presented Zoning Docket No. ZC-08-130, application of City of Fort Worth for a change in zoning of property located at 2520 Clinton Avenue from "I" Light Industrial to "A-5" One-Family Residential.

Motion: Council Member Espino made a motion, seconded by Council Member Jordan, that Zoning Docket No. ZC-08-130, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

Zoning Docket No. ZC-08-131 - (CD 4) - City of Fort Worth, 3336 Lakeland Street; from "B" Two-Family Residential to "A-5" One Family Residential

There was presented Zoning Docket No. ZC-08-131, application of City of Fort Worth for a change in zoning of property located at 3336 Lakeland Street from "B" Two-Family Residential to "A-5" One-Family Residential.

Motion: Council Member Scarth made a motion, seconded by Council Member Silcox, that Zoning Docket No. ZC-08-131, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

Zoning Docket No. ZC-08-132 - (CD 2) - City of Fort Worth, 2902 NW 18th Street; from "B" Two-Family Residential to "A-5" One-Family Residential

There was presented Zoning Docket No. ZC-08-132, application of City of Fort Worth for a change in zoning of property located at 2902 NW 18th Street from "B" Two-Family Residential to "A-5" One-Family Residential.

ZC-08-132 (Continued)

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Zoning Docket No. ZC-08-132, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

Zoning Docket No. ZC-08-133 - (CD 2) - City of Fort Worth, 2723 NW 33rd Street; from "B" Two Family Residential to "A-5" One Family Residential

There was presented Zoning Docket No. ZC-08-133, application of City of Fort Worth for a change in zoning of property located at 2723 NW 33rd Street from "B" Two-Family Residential to "A-5" One-Family Residential.

Motion: Council Member Espino made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket No. ZC-08-133, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

Zoning Docket No. ZC-08-134 - (CD-ALL) - City of Fort Worth, Text Amendment: Downtown Design Review Board: An Ordinance Amending The Comprehensive Zoning Ordinance Of The City Of Fort Worth, Being Ordinance No. 13896, As Amended, Codified As Appendix "A" Of The Code Of The City Of Fort Worth (1986), By Amending Subsection A Of Section 2.104, "Downtown Design Review Board" To Revise The Membership Of The Downtown Design Review Board To Include A Downtown Resident/Homeowner; To Amend Subsection E To Delete The Enforcement Of Trinity Uptown Development Standards And Guidelines; To Amend Subsection F To Remove Reference To The Trinity Uptown Design Standards And Guidelines; Providing That This Ordinance Shall Be Cumulative.

It appeared that the City Council set today as the date for a hearing for Zoning Docket No. ZC-08-134, Text Amendment concerning Downtown Design Review Board. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

There being no one present desiring to heard in connection with the Text Amendment, Council Member Burns made a motion, seconded by Mayor Pro tem Hicks, that the Zoning Hearing be closed, and Zoning Docket No. ZC-08-134 be approved, and the following ordinance be adopted:

ZC-08-134 (Continued)

ORDINANCE NO. 18249-09-2008

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH (1986), BY AMENDING SUBSECTION A OF SECTION 2.104, "DOWNTOWN DESIGN REVIEW BOARD" TO REVISE THE MEMBERSHIP OF THE DOWNTOWN DESIGN REVIEW BOARD TO INCLUDE A DOWNTOWN/HOMEOWNER; TO AMEND SUBSECTION E TO DELETE THE ENFORCEMENT OF TRINITY UPTOWN DEVELOPMENT STANDARDS AND GUIDELINES; TO AMEND SUBSECTION F TO REMOVE REFERENCE TO THE TRINITY UPTOWN DESIGN STANDARDS AND GUIDELINES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE.

The motion carried unanimously nine (9) ayes to zero (0) nays.

Zoning Docket No. ZC-08-135 - (CD-ALL) - City of Fort Worth, Text Amendment: Transfer Of Trinity Uptown Review From DDRB To UDC: An Ordinance Amending The Comprehensive Zoning Ordinance Of The City Of Fort Worth, Being Ordinance No. 13896, As Amended, Codified As Appendix "A" Of The Code Of The City Of Fort Worth (1986), By Amending Chapter 4, "District Regulations," Section 4.908, "Trinity Uptown ("TU") District" And Section 4.1201, "Trinity Uptown District" To Replace All References To The Downtown Design Review Board With The Urban Design Commission To Denote The Transfer Of Enforcement Authority; Providing That This Ordinance Shall Be Cumulative.

It appeared that the City Council set today as the date for a hearing for Zoning Docket No. ZC-08-135, Text Amendment concerning transfer of Trinity Uptown Review from Downtown Design Review Board to Urban Design Commission. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

There being no one present desiring to be heard in connection with the Text Amendment, Council Member Burns made a motion, seconded by Council Member Silcox, that the Zoning Hearing be closed, and Zoning Docket No. ZC-08-135 be approved, and the following ordinance be adopted:

ZC-08-135 (Continued)

ORDINANCE NO. 18250-09-2008

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH (1986), BY AMENDING CHAPTER 4, "DISTRICT REGULATIONS", SECTION 4.908, "TRINITY UPTOWN ("TU") DISTRICT" AND SECTION 4.1201, "TRINITY UPTOWN DISTRICT" TO REPLACE ALL REFERENCES TO THE DOWNTOWN DESIGN REVIEW BOARD WITH THE URBAN DESIGN COMMISSION TO DENOTE THE TRANSFER OF ENFORCEMENT AUTHORITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE.

The motion carried unanimously nine (9) ayes to zero (0) nays.

b. Cases Recommended for Approval/Denial

Zoning Docket No. ZC-08-099 - (CD 5) - Allen Tucker, 3136 and 3201 House-Anderson Road; from "AG" Agricultural to "I" Light Industrial

There was presented Zoning Docket No. ZC-08-099, application of Allen Tucker for a change in zoning of property located at 3136 and 3201 House-Anderson Road from "AG" Agricultural to "I" Light Industrial.

Recommended for Approval: 3136 House-Anderson Road; from "AG" Agricultural to "I" Light Industrial

Recommended for Denial: 3201 House-Anderson Road; from "AG" Agricultural to "I" Light Industrial

Motion: Council Member Moss made a motion, seconded by Council Member Jordan, that Zoning Docket No. ZC-08-099, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

c. Cases Recommended for Denial

Zoning Docket No. ZC-08-036 - (CD 4) - Bentley Venture, 651 John T. White Road North and 8600 Randol Mill Road; from "CF" Community Facilities and "E" Neighborhood Commercial to "CR" Low Density Multi-family Residential (Continued from a Previous Meeting)

ZC-08-036 (Continued)

It appeared that the City Council, at its meeting of June 3, 2008 continued the hearing of the application of Bentley Venture for a change in zoning of property located at 651 John T. White Road North and 8600 Randol Mill Road from "CF" Community Facilities and "E" Neighborhood Commercial to "CR" Low Density Multi-family Residential, Zoning Docket No. ZC-08-036. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

Motion: Council Member Scarth made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket No. ZC-08-036 be continued until November 4, 2008, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

Zoning Docket No. ZC-08-093 - (CD 9) - Jack in the Box Restaurant, 2851 W. Berry Street and 3112 Waits Avenue; from "MU-1" Low Intensity Mixed Use to "PD/MU-1" Planned Development for all uses in "MU-1" Low Intensity Mixed Use, plus a drive-thru restaurant. Site plan included

There was presented Zoning Docket No. ZC-08-093, application of Jack in the Box Restaurant for a change in zoning of property located at 2851 W. Berry Street and 3112 Waits Avenue from "MU-1" Low Intensity Mixed-Use to "PD/MU-1" Planned Development for all uses "MU-1" Low Intensity Mixed Use, plus a drive-thru restaurant with site plan included.

Motion: Council Member Burns made a motion, seconded by Council Member Silcox, that Zoning Docket No. ZC-08-093, be continued until October 7, 2008, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

Zoning Docket No. ZC-08-102 - (CD 6) - S & S Shopping Centers, LTD., 6200 through 6272 McCart Avenue; from "E" Neighborhood Commercial to "F" General Commercial

There was presented Zoning Docket No. ZC-08-102, application of S & S Shopping Centers, LTD., for a change in zoning of property located at 6200-6272 McCart Avenue from "E" Neighborhood Commercial to "F" General Commercial.

Motion: Council Member Jordan made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket No. ZC-08-102, be denied with prejudice. The motion carried unanimously nine (9) ayes to zero (0) nays.

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

ORDINANCE NO. 18251-09-2008

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

The motion carried unanimously nine (9) ayes to zero (0) nays.

Mayor Moncrief returned to Zoning Docket No. ZC-08-115

Zoning Docket No. ZC-08-115 - (CD 3) - Kwi Hwa Kim, 4400 Benbrook Highway; from "FR" General Commercial Restricted to "E" Neighborhood Commercial (Continued from a Previous Meeting)

There was presented Zoning Docket No. ZC-08-115, application of Kwi Hwa Kim for a change in zoning of property located at 4400 Benbrook Highway from "FR" General Commercial Restricted to "E" Neighborhood Commercial.

Council Member Silcox withdrew his original motion and Mayor Pro tem Hicks withdrew her second.

Motion: Council Member Silcox made a motion, seconded by Mayor Pro tem Hicks, that Zoning Docket No. ZC-08-115, be continued until the October 7, 2008, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

XXI. CITIZEN PRESENTATIONS

Mr. Edward Sakerka, 4451 Normandy Road, appeared before Council and expressed various concerns relative to gas drilling issues, damage by tractor trailers to trees and on a road through his community, Arc Park now looked like industrial dump; and use of salt water disposal well. He also addressed the closure of the City's Health Department and a proposed change of use of the Samaritan House.

XXI. CITIZEN PRESENTATIONS (Continued)

Mr. Gene Cooler, 6236 Brentwood Dr., expressed concern with gas drilling in City; potential health and safety issues and increased truck traffic. He requested that the City provide the Gas Well Task Force more time to address issues and asked that the City not issue any more permits in the city until gas drilling implications were fully explored.

Mr. Greg Ricks, 720 Oakland Trail, appeared before Council in support of drilling in the City. However, he encouraged the Council to be mindful of the environmental impact.

Mr. Mike Phipps, 4451 Normandy Road, appeared before Council and expressed concern with the charge of the Gas Drilling Task Force and stated that the task force would not have enough time to complete their job and asserted that issues would have to be placed aside because of the inadequate timeline of the task force. He added that he was particularly concerned with the occurrences on Scott Avenue and asserted that Chesapeake had by passed obtaining waivers for several wells by obtaining a waiver from a resident at one end of the street for a pad site that had the potential for having five wells in the area. He added this has put the whole street in chaos.

Mayor Pro tem Hicks concurred that there had been an administrative issue going on with the one well site; however, she added if Chesapeake requested more than one well it would trigger the permit coming before the Council.

Assistant City Attorney Sarah Fullenwider additionally advised that if the next wells were within 600 feet of the neighboring park it would create high impact well sites and the matter would have to come before Council for consideration.

Council Member Scarth stated that the City needed the recommendations from the Gas Well Task Force to formulate a resolution to take to the State Legislature to resolve some of the gas well issues.

Ms. Jerry Horton, 2608 Carter Avenue, appeared before Council and stated that five of her neighbors were being sued because of eminent domain issues. She advised that the community needed the Council to help with the eminent domain issues and requested the Council to vote against permit on Carter Avenue.

Council Member Moss asked Assistant City Attorney Fullenwider what the Council could vote on at this time relative to the Carter Avenue permit.

Assistant City Attorney Fullenwider stated that the issue that would come before the Council would be the street crossing for the pipeline.

XXI. CITIZEN PRESENTATIONS (Continued)

Mr. Jim Ashford, 6209 Riverview Circle, appeared before Council and expressed concern with the composition of the Gas Drilling Task Force. He referred to a discussion at the August 18, 2008, meeting relative to gas compressor setback measurement and the measurement not including the associated equipment. He provided pictures of the associated equipment at a well site to illustrate his concern.

XXIII. ADJOURNMENT

There being no further business, the meeting was adjourned at 11:04 p.m. in honor of those people affected by Hurricane Gustav. Mayor Pro tem Hicks extended Happy Birthday wishes to Mayor Moncrief in honor of his recent birthday.