

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
SEPTEMBER 23, 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 Danny Scarth, District 4
Council Member Frank Moss, District 5
Council Member Jungus Jordan, District 6
Council Member Carter Burdette, District 7
Council Member Joel Burns, District 9

Staff Members Present:

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

I. CALL TO ORDER

With a quorum of the City Council Members present, Mayor Moncrief called the regular session of the Fort Worth City Council to order at 10:12 a.m. on Tuesday, September 23, 2008, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102, with Council Member Jordan temporarily absent.

II. INVOCATION - Reverend David Wynn, Agape Metropolitan Community Church

The invocation was given by Reverend David Wynn, Agape Metropolitan Community Church.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

IV. CONSIDERATION OF MINUTES OF REGULAR MEETING OF TUESDAY, SEPTEMBER 16, 2008, AND SPECIAL CALLED MEETING OF SEPTEMBER 16, 2008

Motion: Upon a motion made by Mayor Pro tem Hicks, seconded by Council Member Moss, the minutes of the regular meeting and special called meeting of September 16, 2008, were approved unanimously eight (8) ayes to zero (0) nays, with Council Member Jordan temporarily absent.

V. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC.

There were no special presentations or introductions.

VI. ANNOUNCEMENTS BY CITY COUNCIL MEMBERS AND STAFF

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

Mayor Pro tem Hicks announced that on September 29, 2008, an update on the Evans and Rosedale Planning Project would be conducted at the new Ella Mae Shamblee Branch Library, 1062 Evans Avenue, from 6:00 p.m. to 8:00 p.m. and invited everyone interested to attend. She also expressed appreciation to the West Meadowbrook Neighborhood Association for having her out last Saturday to clean up along the Trinity River. She added that many people assisted with the effort. She pointed out that she was also present this weekend for Jazz by the Boulevard and stated that attendance almost doubled from last year. She also announced that the Second Annual Jazz and Heritage Festival was this weekend, September 26-28, 2008, at the Masonic Home parking lot. She asked Mr. Jim Austin to advise the Council of the upcoming events.

Mr. Austin stated that over 20 bands would participate in the festival this weekend and that there would be music, food and various vendors for everyone to enjoy. He encouraged everyone to attend the event and stated that the Renaissance Cultural Center would now give away \$50,000.00 each and every year in scholarships for local students and expressed appreciation to Mayor Pro tem Hicks and Council Member Moss for their support of the Center.

Council Member Burns announced that tonight from 5:30 p.m. to 7:30 p.m. the City of Fort Worth would conduct a Public Open House for the Southwest Parkway/SH121 project. He added that a thorough update of the parkway would be provided and that City staff would be present to answer questions. He stated that the open house would be held at the Arborlawn United Methodist Church, 5100 Briarhaven Road, and invited all interested to attend.

Council Member Scarth announced that on October 12, 2008, from noon until 5:00 p.m. at the Downtown Public Library, "Rocky" would arrive for Library Fest. He added that there would be fun, music, games, story telling, and cooking classes and invited everyone to attend. He also announced that on September 18, 2008, a groundbreaking for the new Valley Missionary Baptist Church was conducted for the church damaged by the tornado. He expressed appreciation to Mayor Moncrief for his support of that community.

Council Member Espino announced that the City was in the middle of Hispanic Heritage Month that would be conducted September 15, 2008, through October 16, 2008. He added that on September 20, 2008, he attended the debut screening of a documentary of the history of the Rose Marine Theatre entitled "A Sense of Place". He added that Congresswoman Kay Granger and Former City Council Member Louis Zapata attended the screening. He also announced that on September 22, 2008, from 6:00 p.m. to 9:30 p.m. the Hispanic Women's Network would celebrate Latina Art at the Rose Marine Theatre, hosted by Deborah Ferguson of NBC 5. He further announced that the John Peter Smith (JPS) Hospital District would be creating the Hispanic Health Advisory Council called the "JPS Salud Council" and would be meeting on

September 24, 2008, at 5:30 p.m. at JPS. He added that on September 27, 2008, at 8:30 a.m., Latinos Unidos would conduct their monthly breakfast at the Intermodal Transportation Center with special guest Congresswoman Kay Granger. He further announced that on October 2-4, 2008, the Fort Worth Hispanic Chamber of Commerce and Sundance Square would present Musicarte to celebrate Hispanic Culture.

Council Member Burdette announced that on September 24, 2008, at 6:00 p.m. at the Modern Art Museum Auditorium, a documentary film by Chris Quinn entitled "The Barnett Shale" would be shown and invited everyone to attend.

Council Member Jordan stated last weekend he was honored to attend the Prostate Cancer Awareness Car Show in Council Member Silcox's absence. He added that it was a huge success and that numerous men received prostate screenings. He further stated that he was honored to present the Mayor's trophy to a red 1957 Chevy Bellaire.

Mayor Moncrief announced that Task Force 1 was home from Houston and had provided the assistance needed to folks in need of water, power or support. He added that Officer Clay Buckelew was home safe and that Task Force 2 was on their way to provide support to the area. He pointed out that everyone in Fort Worth could be proud of the support provided. He noted that some of the people who remained in shelters in Fort Worth did not intend to go back to Houston and would stay in Fort Worth; he welcomed the new residents. He further announced that Let's Talk Fort Worth would be conducted September 25, 2008, at 6:30 p.m. at the Will Rogers Memorial Auditorium, 3401 Lancaster Avenue, and encouraged everyone to attend. He expressed appreciation to Mr. Dennis Shingleton and members of the committee for their work and to Shirley Little and Madelyn Gibbs for their assistance in preparing for the meeting.

(Mayor Pro tem Hicks left her place at the dais and left the meeting.)

VII. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

VIII. ITEMS TO BE CONTINUED OR WITHDRAWN BY STAFF

City Manager Fissler requested that Mayor and Council Communication Nos. L-14647 and C-23071 be continued until the September 30, 2008, Council meeting.

IX. CONSENT AGENDA

Motion: Upon a motion made by Council Member Silcox, seconded by Council Member Scarth, the Council voted unanimously eight (8) ayes to zero (0) nays, with Mayor Pro tem Hicks absent, to approve all items on the Consent Agenda as recommended and as follows:

OCS-1686 - Notice of Claims for Alleged Damages and/or Injuries

M&C G-16281 - Authorizing the City Manager to Retain S. G. Johndroe, III, and the Law Firm Cantey Hanger, L.L.P., as Outside Counsel, Pursuant to Chapter VI, Section 3 of the City Charter, to Assist and Advise the City Attorney Regarding Gas Pipeline Jurisdictional Issues; and Adopting Resolution No. 3660-09-2008 Authorizing the Employment of Outside Legal Counsel for Assistance Related to Gas Pipeline Jurisdictional Issues, Fixing in Advance, as Far as Practicable, the Amount to be Paid to S. G. Johndroe, III, in an Amount Not to Exceed \$45,000.00.

M&C G-16282 - Adopting Supplemental Appropriation Ordinance No. 18302-09-2008 Increasing Estimated Receipts and Appropriations in the Risk Management Fund in the Amount of \$270,461.46 from Available Funds Due to Subrogation Recovery; and Authorizing the Transfer of \$276,630.66 from the Risk Management Fund to Various Funds.

M&C G-16283 - Authorizing the City Manager to adopt Supplemental Appropriation Ordinance No. 18303-09-2008 Increasing Estimated Receipts and Appropriations in the Culture and Tourism Fund in the Amount of \$114,302.00 and Decreasing Unaudited, Unreserved, Undesignated Fund Balances by the Same Amount for State of Texas Mandated Escalator Repairs at the Will Rogers Memorial Center and the Fort Worth Convention Center.

M&C G-16284 - Authorizing the City Manager to Apply for and Execute a Grant Contract, if Awarded, to Keep America Beautiful for the 2008 THINK GREEN® Grant for the Purpose of Increasing Recycling Participation at Concerts in the Garden in 2009; and Adopting Appropriation Ordinance No. 18304-09-2008 Increasing Estimated Receipts and Appropriations in the Grants Fund in an Amount up to \$10,000.00 Upon Receipt of the 2008 THINK GREEN® Grant from Keep America Beautiful for the Purpose of Increasing Recycling Participation at Concerts in the Garden in 2009.

M&C G-16285 - Authorizing the City Manager to Execute an Interlocal Agreement with Dallas County Community College District in the Amount of \$25,000.00 to Provide Training and Development Courses with Emphasis on Airport Safety and Operations for the Department of Aviation.

M&C P-10845 - Authorizing the Installation of a Security System for the Municipal Parking Garage from Divcon EMS for a Total Amount Not to Exceed \$27,000.00.

M&C P-10846 - Authorizing the City Manager to Execute an Interlocal Cooperative Purchasing Agreement Between the City of Fort Worth and the Collin County Governmental Purchaser's Forum for the Purchase of Goods and Services.

M&C P-10847 - Authorizing a Purchase of Minor Lawn Equipment from Austin Turf and Tractor, United Rentals, Lawn and Garden Warehouse and Government Products for the Parks and Community Services Department for a Cost Not to Exceed \$30,409.04.

M&C P-10848 - Authorizing a Purchase Agreement for Maintenance, Inspection and Repair Services of Lectrodryer LLT-300 Refrigeration Systems with Harold James, Inc., for the Water Department in an Amount Not to Exceed \$50,000.00.

M&C P-10849 - Authorizing the Purchase of Chevrolet Passenger Vans from Caldwell Country Dealerships for the Police Department Using a Texas Procurement and Support Services Term Contract for a Cost Not to Exceed \$73,612.00.

M&C L-14639 - Authorizing the Transfer of \$16,780.00 from Water Operating Fund to the Sewer Capital Projects Fund; Adopting Appropriation Ordinance No. 18305-09-2008 Increasing Estimated Receipts and Appropriations in the Sewer Capital Projects Fund in the Amount of \$16,780.00 for the Purpose of Authorizing the Acquisition of One Permanent Sewer Facility Easement and Temporary Construction Easement Located in West Arlington, Texas, from the Arlington Independent School District, Described as a Portion of Lot 2R, Block 1, Orion Park Section One, Arlington, Tarrant County, Texas, for the Construction of Sanitary Sewer Rehab Contract 69; Finding that the Price Offered in the Amount of \$14,780.00 is Just Compensation; and Authorizing the Acceptance and Recording of Appropriate Instruments (DOE No. 5405/City Project No. 00915).

M&C L-14640 - Authorizing the Acquisition of One Permanent Sewer Facility Easement from American Legion E. L. Young Post 838, for Property Located at 1216 Freeman Street in East Fort Worth, Described as a Portion of Lot 1, Block 24R, Lakeview Addition, Fort Worth, Tarrant County, Texas, for the Construction of Sewer Infrastructure Improvements; Finding that the Price Offered in the Amount of \$89,400.00, Plus an Estimated Closing Cost of \$2,000.00, is Just Compensation; and Authorizing the Acceptance and Recording of Appropriate Instruments (DOE No. 5823, CIP No. 00138).

M&C L-14641 - Approving the Correction of M&C L-14603 to Delete the 25-Year Term from the Water Pipeline Crossing License Agreement with Union Pacific Railroad (DOE No. 5580/Folder No. 2436-38).

M&C L-14642 - Authorizing the City Manager to Execute a License Agreement with the Dallas-Fort Worth International Airport Board for a 36-Inch Water Transmission Main and Meter Station Located in East Fort Worth on Trinity Boulevard; and Authorizing Acceptance and Recording of Appropriate Instruments (DOE No. 3600).

M&C L-14643 - Authorizing the Acquisition from Hill Specialty Investments, One Single-Family Residential Property Located at 3505 Chestnut Avenue, Fort Worth, Tarrant County, Texas, Parcel No. 2109, Described as Lot 13, Block 5, Worth Hills Addition, on the West Side of Meacham International Airport for the Total Just Compensation Amount of \$15,075.00 for the Meacham International Airport Noise Mitigation Program; and Authorizing the City Manager to Execute Appropriate Deeds for the Conveyance of the Property and Record the Necessary Documents (DOE No. 5101).

M&C L-14644 - Authorizing the Conveyance of One Electric Utility Distribution and Right-of-Way Easement to Oncor Electric Delivery Company on City Property Located at

13601, 13655, 13701 and 13745 Wing Way at Fort Worth Spinks Airport, Fort Worth, Texas (DOE No. 4953).

M&C L-14645 - Accepting the Dedication of 7.425 Acres of Unimproved Parkland from D.R. Horton-Texas, Ltd., for McPherson Ranch Park in Accordance with the Neighborhood and Community Park Dedication Policy.

M&C L-14646 - Accepting the Dedication of 8.2167 Acres of Parkland and Facility Improvements from Forestar (USA) Real Estate Group, Inc., for the Parks of Deer Creek Park in Accordance with the Neighborhood and Community Park Dedication Policy.

M&C C-23058 - Authorizing the City Manager to Execute a Fair Housing Assistance Program Cooperative Agreement through the Fort Worth Community Relations Department with the U.S. Department of Housing and Urban Development for Fiscal Year 2008-2009 and Accept Funds in the Amount of \$477,587.00, Plus Current and Future Accrued Interest; and Adopting Appropriation Ordinance No. 18306-09-2008 Increasing Estimated Receipts and Appropriations in the Grants Fund in the Amount of \$477,587.00, Plus Current and Future Accrued Interest from Available Funds, for the Purpose of Executing a Fair Housing Assistance Program Cooperative Agreement Through the Fort Worth Community Relations Department with the U.S. Department of Housing and Urban Development for Fiscal Year 2008-2009.

M&C C-23059 - Approving the Correction of M&C C-23029 to Correct the Name of the Consultant from Crowe Chizek and Company, LLC, to Crowe Horwath, LLP.

M&C C-23060 - Authorizing the City Manager to Execute a Five-Year Agreement with J & S Audio Visual, Inc., as the Exclusive Provider of Ballroom Rigging Services and Preferred Provider for Audio Visual Services for Various Public Events, Meetings and Trade Shows at the Fort Worth Convention Center; and Authorizing the Agreement to Begin October 1, 2008, and Expire September 30, 2013, with Options to Renew for Three Additional One-Year Periods.

M&C C-23061 - Authorizing the Acquisition of Two Residential Lots Located at Weber Street Otherwise Known as Lot 10 and 11, Block 2, Morgan Heights Addition, an Addition to the City of Fort Worth, Tarrant County, Texas; Finding that the Price Agreed Upon in the Amount of \$13,500.00, Plus Estimated Closing Costs of \$6,000.00 is Just Compensation; and Authorizing the City Attorney to Execute and Record the Appropriate Instruments to Acquire Fee Simple Interest in the Surface Estate, but not the Mineral Estate, of the Property (DOE No. 4623/Project No. 00084).

M&C C-23062 - Approving the Acquisition of One Permanent Sewer Facility Easement and One Permanent Drainage Easement from CSMC 2006-C4 Glen Garden Drive, LLC, for the Property at 1212 Glen Garden Drive Located in South Fort Worth for Sanitary Sewer Rehabilitation Contract LV (55) and Morningside Neighborhood Drainage Improvement Project; Finding that the Price Offered in the Amount of \$63,100.00, Plus an Estimated Closing Cost of \$2,000.00, is Just Compensation; and Authorizing the

Acceptance and Recording of Appropriate Instruments (DOE No. 4737/Project No. 00088 and DOE No. 4852/Project No. 00431).

M&C C-23063 - Authorizing the Acquisition of Approximately 1.041 Acres, Owned by Pete L. Reyes, Known as Vera Cruz Street, Lots 1-6, Block 1, Situated Along the Northeast Corner of Cruz and Hardy Street (Both Streets are Unopened and Unimproved) of the Morgan Heights Addition, an Addition to the City of Fort Worth, Tarrant County, Texas; Finding that the Price Offered in the Amount of \$45,000.00 for the Parcel, Plus an Estimated Closing Cost of \$6,000.00 is Just Compensation; and Authorizing the Acceptance and Recording of Appropriate Instruments (DOE No. 4623/Project No. 00084).

M&C C-23064 - Authorizing the Acquisition of Approximately 1.343 Acres, Owned by Pete L. Reyes, Known as Hardy Street, Lots 1-10, Block 5, Situated Along the Northwest Corner of 31st Street and Hardy Street (Both Streets are Unopened and Unimproved) of the Shoe and Leather Company, an Addition to the City of Fort Worth, Tarrant County, Texas; Finding that the Price Offered in the Amount of \$81,000.00 for the Parcel, Plus an Estimated Closing Cost of \$6,000.00 is Just Compensation; and Authorizing the Acceptance and Recording of Appropriate Instruments (DOE No. 4623/Project No. 00084).

M&C C-23065 - Authorizing an Agreement for Sexual Assault Medical Examination Services with the Tarrant County Hospital District at John Peter Smith Hospital; Authorizing the Agreement to Begin October 1, 2008, and Expire September 30, 2009; and Authorizing this Agreement to be Renewed for up to Four Successive One-Year Periods. This Action Does Not Require Specific City Council Approval Provided that the City Council has Appropriated Sufficient Funds to Satisfy the City's Obligation During Any Renewal Terms.

M&C C-23066 - Authorizing the City Manager to Execute Amendment No. 3 to City Secretary Contract No. 32880 with DFW Advisors, Ltd., Co., to Provide Additional Project Management for the Noise Mitigation Program, Phase V, at Fort Worth Meacham International Airport, Extending the Term of the Contract to February 29, 2009; and Approving an Increase in the Payment Amount of the Contract by \$192,811.61, with a Revised Contract Amount Not to Exceed \$1,352,869.61.

X. PRESENTATIONS BY THE CITY COUNCIL

1. Changes in Membership on Boards and Commissions

Motion: On behalf of Mayor Pro tem Hicks, Council Member Scarth made a motion, seconded by Council Member Burdette, that Ms. Delores Owens be reappointed to Place 8 on the Library Advisory Board effective September 23, 2008, and with a term expiring October 1, 2010. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Pro tem Hicks absent.

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

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

XIII. REPORT OF THE CITY MANAGER

A. General

1. M&C G-16228 - Consider a Waiver for a High Impact Gas Well Pad Site Permit Requested by Chesapeake Operating, Inc., for the Fox Lease Located at 1093 Oak Grove Road within 600 Feet of Carter Park (Continued from August 26, 2008) (PUBLIC HEARING).

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

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

a. Report of City Staff

Ms. Susan Alanis, Planning and Development Department Director, appeared before Council and provided a staff report.

b. Citizen Presentations

There were no citizen presentations.

c. Council Action

Motion: On behalf of Mayor Pro tem Hicks, Council Member Scarth made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. G-16228 be continued until the September 30, 2008, Council meeting. The motion carried unanimously seven (7) ayes to zero (0) nays, with Mayor Pro tem Hicks absent and with one (1) abstention by Council Member Jordan.

7. M&C G-16286 - Authorize the City Manager to Accept a Donation of Ninety Surgivet's Animal Oxygen Recovery Masks from the Wilson-Lyon Family Foundation for Firefighters to Revive Animals at House Fires.

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

Motion: Council Member Silcox made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16286 be approved with appreciation. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Pro tem Hicks absent.

C. Land

9. It was the consensus of the City Council that Mayor and Council Communication No. L-14647, Authorization to Enter into a Lease with TECH Fort Worth for the Former Guinn School Gymnasium Building Located at 1120 South Freeway, be continued until the September 30, 2008, Council meeting.

10. M&C L-14648 - Declare the Necessity of Taking an Interest in a Portion of Land Known as Tract 1, J. Billingsley Survey, Abstract No. 70, Fort Worth, Tarrant County, Texas, Owned by Alvie H. Childress, Required for the Construction of Drainage Infrastructure Improvements Associated with the Widening of Golden Triangle Boulevard; and Authorize the City Attorney to Institute Condemnation Proceedings to Acquire the Interest in the Land (DOE No. 5773/City Project No. 00140).

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. L-14648 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Pro tem Hicks absent.

11. M&C L-14649 - Declare the Necessity of Taking an Interest in a Portion of Land Known as Tract 12D02D, William McCowan Survey, Abstract No. 999, Tarrant County, Texas, Owned by Land Bankers Corporation, Required for the Construction of Golden Triangle Boulevard Improvements; and Authorize the City Attorney to Institute Condemnation Proceedings to Acquire the Interest in the Land (DOE No. 5773/City Project No. 00160).

Motion: Council Member Espino made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. L-14649 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Pro tem Hicks absent.

D. Planning & Zoning

1. M&C PZ-2798 - Adopt an Ordinance Changing the Name of "Pier 1 Place" to "Energy Way", Located Adjacent to Lot 1, Block 1, Pier One Place Addition, from West 5th Street to North Forest Park Boulevard (PUBLIC HEARING).

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

a. Report of City Staff

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

There was Presented Mayor and Council Communication No. PZ-2798 from the City Manager Recommending that the City Council Adopt an Ordinance Changing the Name of "Pier 1 Place" to "Energy Way", Located Adjacent to Lot 1, Block 1, Pier One Place Addition, from West 5th Street to North Forest Park Boulevard.

b. Citizen Presentations

There were no citizen presentations.

c. Council Action

Motion: Council Member Burns made a motion, seconded by Council Member Silcox, that the public hearing be closed and Mayor and Council Communication No. PZ-2798 be approved and Ordinance No. 18307-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Pro tem Hicks absent.

E. Award of Contract

10. M&C C-23067 - Authorize the City Manager to Execute an Engineering Agreement with Hellmuth, Obata + Kassabaum, L.P., in an Amount not to Exceed \$108,752.43, for the Preparation of Engineering Documents Necessary for Construction of Pedestrian and Streetscape Improvements in the Hemphill/Berry Urban Village (City Project No. 0700; DOE No. 6055).

Motion: Council Member Burns made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-23067 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Pro tem Hicks absent.

11. M&C C-23068 - Authorize the City Manager to Execute an Engineering Agreement with Freese and Nichols, Inc., in an Amount Not to Exceed \$115,950.00 for the Preparation of Engineering Documents Necessary for Construction of Pedestrian and Streetscape Improvements in the Near East Side Urban Village (Project No. 00706; DOE No. 6058).

Motion: On behalf of Mayor Pro tem Hicks, Council Member Scarth made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-23068 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Pro tem Hicks absent.

12. M&C C-23069 - Authorize the City Manager to Execute an Engineering Agreement with Freese and Nichols, Inc., in an Amount Not to Exceed \$106,390.00 for the Preparation of Engineering Documents Necessary for Construction of Pedestrian and Streetscape Improvements in the Berry/Riverside Urban Village (Project No. 00706; DOE No. 6059).

Motion: On behalf of Mayor Pro tem Hicks, Council Member Scarth made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-23069 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Pro tem Hicks absent.

13. M&C C-23070 - Authorize Execution of Amendment to Economic Development Program Agreement with Texas Wesleyan University to Revise the Schedule and Scope of Work for the Facade Renovation and Redevelopment of Individual Buildings within the 3000 and 3100 Blocks of East Rosedale in the Polytechnic/Wesleyan Urban Village.

Motion: On behalf of Mayor Pro tem Hicks, Council Member Scarth made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-23070 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Pro tem Hicks absent.

Council Member Burns acknowledged Mr. Don Scott for the integral role he played in this issue.

14. It was the consensus of the City Council that Mayor and Council Communication No. C-23071, Authorize Execution of Agreement with Fort Worth MedTech Center, Inc., d/b/a TECH Fort Worth, to Provide Business Incubation Services for Ten Years at an Amount Not to Exceed \$455,760.00 in the First Year, be continued until the September 30, 2008, Council meeting.

15. M&C C-23072 - Authorize the City Manager to Execute a Contract with Carter and Burgess, Inc., in the Amount of \$1,690,999.00 for a GIS Project, to Adequately Map the City's Stormwater System for the Transportation and Public Works Department, Stormwater Management Division; and Adopt a Supplemental Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Stormwater Utility Fund in the Amount of \$1,690,999.00 and Decreasing the Unreserved Undesignated Fund Balance by the Same Amount for the Purpose of Executing a Contract with Carter and Burgess, Inc., for a GIS Project to Adequately Map the City's Stormwater System.

Motion: Council Member Scarth made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. C-23072 be approved and Supplemental Appropriation Ordinance No. 18308-09-2008 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Pro tem Hicks absent.

16. M&C C-23073 - Authorize the City Manager to Execute an Engineering Agreement with URS Corporation, in the Amount of \$258,851.00 for Pavement Reconstruction and Water and Sanitary Sewer Main Replacements on 3C - Chickering Avenue, Marks Place and Weyburn Drive (Project No. 3C-00995).

Motion: Council Member Silcox made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23073 be approved.

Council Member Silcox noted that work on Chickering Avenue had been completed for approximately one month and asked City Manager Fisseler to clarify the purpose of including the street on the M&C.

City Manager Fisseler requested that this issue be delayed until the end of the meeting in order to have staff provide the information on Chickering Avenue.

Mayor Moncrief advised that this agenda item would be continued until the end of the meeting.

XIV. CITIZEN PRESENTATIONS

Mayor Moncrief recognized Mr. Joe Don Brandon, P. O. Box 1155, as desiring to appear before Council relative to providing a community update; however, Mr. Brandon was not present in the Council Chamber at this time.

As Mayor Moncrief read the Executive Session items into the record, Mr. Brandon entered the chamber.

Joe Don Brandon, P.O. 1155, appeared before Council and provided a community update on various issues as follows: Bus Stop Santa would be trick or treating this year from 3:00 p.m. to dark; requested longer hours and better service with The T; and recent issues relative to the slumlord case and Code Compliance inspection. He also advised of a child molester staying at repair shop in area who professed to be a caretaker/maintenance man for a house or provided night security for a church. He added that the City needed an ordinance to control people sleeping in businesses.

Mayor Moncrief stated that Council would return to Mayor and Council Communication No. C-23073 for staff to provide Council Member Silcox with additional information.

M&C C-23073 - Authorize the City Manager to Execute an Engineering Agreement with URS Corporation, in the Amount of \$258,851.00 for Pavement Reconstruction and Water and Sanitary Sewer Main Replacements on 3C - Chickering Avenue, Marks Place and Weyburn Drive (Project No. 3C-00995).

City Manager Fisseler stated that the information was not available at this time and requested the item be continued for one week.

Council Member Silcox made a motion, seconded by Council Member Jordan that Mayor and Council Communication No. C-23073 be continued for one week. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Pro tem Hicks absent.

Mr. Doug Rademaker, Engineering Department Director, arrived at the meeting and advised the Council that there were two separate segments relative to Chickering; the one to be approved today was Chickering from Angus Drive to Southwest Boulevard which was part of the 2007 Bond Program; the work that was completed was under the 2004 Bond Program, and was from

Stonedale to Angus. He added they were two separate segments and the segment reflected in the M&C under consideration had not been done previously.

Council Member Silcox made a motion, seconded by Council Member Scarth, that Mayor and Council Communication No. C-23073 be reconsidered. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Pro tem Hicks absent.

Council Member Silcox made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23073 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with Mayor Pro tem Hicks absent.

Mayor Moncrief recessed the regular Council meeting and reconvened into the Pre-Council session at 10:49 a.m. in order to complete the following items:

7. Recommendations from the Mayor's Task Force on Quality Accessible and Affordable Housing.

XV. EXECUTIVE SESSION (Pre-Council Chamber)

It was the consensus of the City Council that they recess into Executive Session at 12:05 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 oil and gas revenues;
 - b) Legal issues regarding gas drilling;
 - c) City of Fort Worth v. 5840 South Freeway, Fort Worth, Texas, et al.;
 - d) 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

Deliberate the deployment, or specific occasions for implementation, of security personnel or devices, in accordance with Section 551.076 of the Texas Government Code.

XVI. ADJOURNMENT

There being no further business, the meeting was adjourned at 1:15 p.m.