

**CITY OF FORT WORTH, TEXAS  
REGULAR CITY COUNCIL MEETING  
NOVEMBER 17, 2009**

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**Present**

Mayor Mike Moncrief  
Mayor Pro tem Daniel Scarth, District 4  
Council Member Salvador Espino, District 2  
Council Member W. B. "Zim" Zimmerman, District 3  
Council Member Frank Moss, District 5  
Council Member Jungus Jordan, District 6  
Council Member Carter Burdette, District 7  
Council Member Kathleen Hicks, District 8  
Council Member Joel Burns, District 9

**Staff 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 10:27 a.m. on Tuesday, November 17, 2009, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102.

**II. INVOCATION - Reverend Dr. Hogg, Westminster Presbyterian Church**

The invocation was provided by Deputy Demetrius Warren, Fort Worth Marshal's Office, in the absence of Reverend Hogg.

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**IV. CONSIDERATION OF MINUTES OF JOINT CITY COUNCIL AND FORT WORTH EMPLOYEES' RETIREMENT FUND BOARD MEETING OF NOVEMBER 5, 2009, AND REGULAR MEETING OF NOVEMBER 10, 2009**

Motion: Council Member Burns made a motion, seconded by Mayor Pro tem Scarth, that the minutes of Joint City Council and Fort Worth Employees' Retirement Fund Board Meeting of November 5, 2009, and regular meeting of November 10, 2009, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**V. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA**

City Manager Fisseler requested that Mayor and Council Communication Nos. G-16761, G-16763 and P-11058 be withdrawn from the Consent Agenda.

**VI. ITEMS TO BE CONTINUED OR WITHDRAWN BY STAFF**

City Manager Fisseler requested that Mayor and Council Communication Nos. G-16763 be continued until the December 8, 2009, Council meeting and P-11058 be withdrawn from consideration.

**VII. CONSENT AGENDA**

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Jordan, that the Consent Agenda be approved as amended. The motion carried unanimously nine (9) ayes to zero (0) nays.

**A. General - Consent Items**

- 1. M&C G-16759 - Authorizing Payment in the Amount of \$30,000.00 for the City of Fort Worth's 2009-2010 Tarrant Regional Transportation Coalition Membership Dues.**
- 2. M&C G-16760 - Authorizing Payment for the City of Fort Worth's Fiscal Year 2009-2010 Membership with the Texas Municipal League in the Amount of \$30,827.00.**
- 4. M&C G-16762 - Authorizing Payment to the North Central Texas Council of Governments in the Amount of \$25,051.00 to Support the Naval Air Station Joint Reserve Base Regional Coordination Committee in Fiscal Year 2010.**

**B. Purchase of Equipment, Materials, and Services - Consent Items**

- 1. M&C P-11057 - Authorizing a Purchase Agreement for Playground Wood Fibar Carpet with GWG Wood Group, Inc., for an Annual Amount Up to \$72,000.00.**

**C. Land - Consent Items**

- 1. M&C L-14885 - Authorizing the Transfer of \$160,000.00 from the Water and Sewer Operating Fund to the Sewer Capital Projects Fund; Adopting Appropriation Ordinance No. 18914-11-2009 Increasing Estimated Receipts and Appropriations in the Sewer Capital Projects Fund, from Available Funds, for the Purpose of Funding the Acquisition of a Sewer Facility Easement; Approving the Acquisition of 3.946 Acres of Permanent Sewer Facility Easement for the Big Fossil Creek Drainage Basin Project from Taurus Twin Mills, Limited Partnership, for the Construction of a Sanitary Sewer Line Located in Northwest Fort Worth Off of Old Decatur Road in the Benjamin Thomas Survey, Abstract 1497 and Pay the Estimated Closing Costs of \$3,000.00; Finding the Appraised Value of \$80,000.00 is Just Compensation; and Authorizing the Acceptance and Recording of Appropriate Instruments.**

**(VII. CONSENT AGENDA Continued)**

**2.M&C L-14886 - Authorizing the Execution of a Settlement Agreement with Dustin K. Schaller, for 0.296 Acre for a Reclaimed Water Line Easement to be Used for the Construction of the Sanitary Sewer Main-253 Replacement Project Located in East Fort Worth, Described as a Portion of A. Hampton Survey, Abstract No. 793, Tarrant County, Texas, Near Randol Mill Road and Jency Avenue and Pay the Estimated Closing Costs of \$5,000.00; Finding that the Total Negotiated Value of \$58,406.00 is Just Compensation; and Authorizing the Acceptance and Recording of Appropriate Instruments.**

**3.M&C L-14887 - Authorizing the City Manager to Execute a Settlement Agreement with Kinderplatz of Fine Arts, Inc., for a 0.140 Acre Permanent Water Line Easement, Described as a Portion of the S.C. Inman Survey, Abstract No. 824, to be Used for the Relocation of a Water Line and a 0.055 Acre Permanent Drainage Easement, Described as a Portion of Block 1, Lot 1, Kinderplatz Addition, that is Required for the State Highway 121 Project in West Fort Worth Near Stonegate Drive and Pay the Estimated Closing Costs of \$2,000.00; Finding that the Total Negotiated Value of \$64,250.00 is Just Compensation; and Authorizing the Acceptance and Recording of Appropriate Instruments.**

**4.M&C L-14888 - Accepting the Dedication of Approximately 99.696 Acres of Land and Improvements Located at 5300 East First Street, Described as James Blackwell Survey, Abstract No. 148, Tarrant County, Texas, from the Amon G. Carter Foundation as an Addition to Gateway Park; and Authorizing the Conveyance of a Temporary Construction Easement to the Tarrant Regional Water District for Excavation and Fill for the Trinity River Vision – Gateway Park Project.**

**E. Award of Contract - Consent Items**

**1.M&C C-23907 - Authorizing a Sole Source Agreement with Skire, Inc., for a Unifier Software License and for Continued Maintenance and Customer Support Services for the Capital Projects Management System for an Annual Amount Up to \$71,504.00; and Authorizing the Agreement to Begin Upon Execution and Expire September 30, 2010, with Options to Renew for Two (2) Additional One (1) Year Periods.**

**2.M&C C-23908 - Authorizing the City Manager to Enter into a Professional Services Agreement with Objects Conservator John R. Dennis in the Amount of \$86,820.00 for Conservation Treatment of the Al Hayne Monument which is Part of the Fort Worth Public Art Collection Located at 101 West Lancaster Avenue.**

**(VII. CONSENT AGENDA Continued)**

**3. M&C C-23909 - Accepting a Donation from Mr. Tim Fleet to the C.P. Hadley Park Community ID Sculpture Project in the Amount of \$25,000.00; Adopting Appropriation Ordinance No. 18915-11-2009 Increasing the Estimated Receipts and Appropriations in the Public Art Fund Section of the Specially Funded Capital Projects Fund, Upon Receipt of the Donation; and Authorizing the City Manager to Enter into an Artwork Commission Contract with Mr. Michael Pavlovsky in an Amount of \$70,000.00 for Fabrication, Transportation and Installation of Public Art in C.P. Hadley Park.**

**4. M&C C-23910 - Authorizing the City Manager to Execute Change Order No. 1 in the Amount of \$95,000.00 to City Secretary Contract No. 38859 with JLB Contracting, L.P., for the Reconstruction of the Meadowbrook Golf Course Parking Lot, Increasing the Total Contract Amount to \$1,070,658.00.**

**5. M&C C-23911 - Authorizing the City Manager to Execute Change Order No. 2 in the Amount of \$67,720.00 to City Secretary Contract No. 38160 with Gibson and Associates, Inc., for the West Lancaster Avenue Bridge Rehabilitation Increasing the Total Contract Amount to \$670,816.00.**

**6. M&C C-23912 - Authorizing the City Manager to Execute an Agreement with the United States Department of Justice, Drug Enforcement Administration, Regarding the North Texas High Intensity Drug Trafficking Area-Task Force Group 2 for Fiscal Year 2010; Authorizing the Agreement to Begin on the Date it is Executed by Both Parties, End on September 30, 2010, and Provide that a 30 Day Advance Written Notice is Required for Termination of the Agreement; Authorizing the Department to Accept Up to \$84,517.00 for Reimbursement of Overtime Payments Made to Officers Assigned to the Task Force; and Adopting Appropriation Ordinance No. 18916-11-2009 Increasing the Estimated Receipts and Appropriations in the Grants Fund in the Amount of \$84,517.00, Upon Execution of the Agreement.**

**7. M&C C-23913 - Authorizing an Increase in the Estimated Expenditures in Connection with City Secretary Contract No. 37884 with the Tarrant County Hospital District at John Peter Smith Hospital for Performance of Sexual Assault Medical Examination Services from \$135,000.00 to \$197,500.00; and Authorizing a Funding Level Increase for the Subsequent Four (4) Year Option Years of the Contract.**

**VIII. PRESENTATIONS BY THE CITY SECRETARY - CONSENT ITEMS**

**1. OCS - 1751 - Notice of Claims for Alleged Damages and/or Injuries**

End of Consent Agenda.

**IX. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC.**

There were no special presentations, introductions, etc.

**X. ANNOUNCEMENTS BY CITY COUNCIL MEMBERS AND STAFF**

**1. Upcoming and Recent Events**

Council Member Burns announced that he held District 9 neighborhood office hours on the third Thursday of every month, and stated this month's meeting would be held on November 19, 2009, from 3:00 p.m. to 7:00 p.m. at La Gran Plaza, located on Seminary Drive. He also announced that a meeting regarding the joint Community Center and Elementary School in Rosemont Park would be held on November 18, 2009, from 6:30 p.m. to 8:30 p.m. at the Riley Conference Center, Room 150, located at Southwest Baptist Theological Seminary on West Seminary Drive. He stated those interested in either event could contact the District 9 Office at 817-392-8809 for more information.

Council Member Moss announced that a meeting regarding the Lake Shore Drive Master Thoroughfare Plan would be held on December 14, 2009, from 6:00 p.m. to 8:00 p.m. at the Eugene McCray Community Center, located at 4932 Wilbarger Street.

Council Member Hicks expressed appreciation to all who attended the West Meadowbrook Neighborhood Association Fourth Annual Fundraiser, on November 16, 2009, at Meadowbrook United Methodist Church that benefitted the Humane Society. She stated that the event collected over 2,000 pounds of food for the Humane Society. She also congratulated her Council Aide, Will Trevino, who received an award for his work in the West Meadowbrook Neighborhood and throughout the community. She stated this was the last meeting before the holiday and wished the citizens, Council and staff a happy Thanksgiving holiday.

Council Member Burdette announced that the formal Ribbon Cutting for the new Museum of Science and History would be held on November 20, 2009, at 9:30 a.m. and stated the first class facility would bring world wide recognition.

City Manager Fisseler announced November 25, 2009, was the second furlough day for City employees and stated the City offices would be closed November 25-27, 2009, due to the furlough day and in observance of the Thanksgiving holiday. He stated more information could be found on the City's website.

Council Member Burns announced the Parade of Lights would be held on November 27, 2009, at 7:00 p.m. and stated those interested could contact the District 9 Office at 817-392-8809 for more information.

**(X. ANNOUNCEMENTS BY CITY COUNCIL MEMBERS AND STAFF Continued)**

Mayor Moncrief announced that November 13, 2009, was "Go Purple Day" in honor of the Texas Christian University (TCU) Football Team and he congratulated the Horned Frogs on their victory over the University of Utah on November 14, 2009. He stated Fort Worth employees, local business owners and citizens were encouraged to dress casual and wear purple on game days in support of the TCU Football Team. He expressed appreciation to Downtown Fort Worth, Inc., the Fort Worth Chamber of Commerce, the TCU Booster Club, local business owners, staff and fans for supporting the Horned Frogs and "going purple". He added that TCU acquired many new and first time fans that really enjoyed themselves at the tailgate parties as well as the game. He also pointed out that the lights in the Avenue of Lights, on Lancaster Avenue, were purple and many people remarked that they looked beautiful.

Council Member Jordan expressed appreciation to the Mayor, Council Members and staff for supporting TCU and clarified the home game against University of New Mexico was the last regular season game and hoped the season would continue with a Bowl Game.

Mayor Pro tem Scarth stated he was still in San Antonio for the NLC Conference on November 14, 2009, and added that it was neat to observe the TCU game on the ESPN Game Day program on National Television.

Mayor Moncrief also advised that the Movie Tavern on 7<sup>th</sup> Street showed the TCU game at no cost and encouraged everyone to see a movie and have dinner at the Movie Tavern.

**2. Recognition of Citizens**

There were no citizens recognized at this time.

**XI. PRESENTATIONS BY THE CITY COUNCIL**

**1. Changes in Membership on Boards and Commissions**

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Espino, that Mr. Alex Jimenez be appointed to Place 4 on the Aviation Advisory Board effective November 17, 2009, with a term expiring October 1, 2010. The motion carried unanimously nine (9) ayes to zero (0) nays.

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

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

**XIII. RESOLUTIONS**

**1. A Resolution of the City Council of the City of Fort Worth, Texas, Casting the City of Fort Worth's 28 Allotted Votes for Candidate Mark D. Chambers, Jr., to the Board of the Denton Central Appraisal District**

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that Resolution No. 3810-11-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**2. A Resolution of the City Council of the City of Fort Worth, Texas, Casting the City of Fort Worth's One Allotted Vote for Candidate Jane Carroll to the Board of the Wise County Appraisal District**

Motion: Council Member Espino made a motion, seconded by Mayor Pro tem Scarth, that Resolution No. 3811-11-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**3. A Resolution of the City Council of the City of Fort Worth, Texas, Casting the City of Fort Worth's 654 Allotted Votes Equally Divided in Two for the Candidates Joe Potthoff (327 Votes) and John Molyneaux (327 Votes) to the Board of the Tarrant County Appraisal District**

City Secretary Hendrix advised that the Resolution would be continued until the December 8, 2009, Council meeting, as directed by the City Manager.

**4. A Resolution Nominating the Ridglea Theater and a Portion of the Attached Retail Complex Known as Ridglea Village No. 2, as Described Herein, for Designation as a Historic and Cultural Landmark (HC)**

Motion: Council Member Zimmerman made a motion, seconded by Council Member Hicks, that the Resolution be continued until the December 15, 2009, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

**5. A Resolution Supporting the Texas High Speed Rail and Transportation Corporation's Efforts to Improve Connectivity in the State of Texas through the Development of High-Speed Intercity Passenger Rail**

Council Member Jordan made the following amendment to the Resolution:

The word "Corporation's" should be stricken from the caption of the Resolution and the caption should read: "A Resolution Supporting the Texas High Speed Rail and Transportation Efforts to Improve Connectivity in the State of Texas through the Development of High-Speed Intercity Passenger Rail."

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that Resolution No. 3812-11-2009 be adopted as amended. The motion carried unanimously nine (9) ayes to zero (0) nays.

**XIV. REPORT OF THE CITY MANAGER**

**A. General - (Removed from the Consent Agenda for individual consideration.)**

**3. M&C G-16761 - Authorize the City Manager to Apply for, Accept and Execute a Grant from the United Way of Tarrant County for Children's Books for the Early Childhood Resource Centers Program in the Amount of \$2,375.00; Authorize a Waiver of Indirect Costs; and Adopt Appropriation Ordinance No. 18913-11-2009 Increasing Estimated Receipts and Appropriations in the Grants Fund in the Amount of \$2,375.00, Upon Receipt of the Grant.**

Council Member Hicks advised that she had filed a Conflict of Interest Affidavit with the City Secretary's Office and would abstain from voting on this item.

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. G-16761 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with one (1) abstention by Council Member Hicks.

**5. It was the Consensus of the Council that Mayor and Council Communication No. G-16763, Authorize the Execution of a Memorandum of Understanding with the Trust for Public Land to Assist with the Acquisition of Park Land, be Continued Until the December 8, 2009, Council meeting.**

**B. Purchase of Equipment, Materials, and Services - (Removed from the Consent Agenda for individual consideration.)**

**2. It was the Consensus of the Council that Mayor and Council Communication No. P-11058, Authorize the Purchase of Audio and Video Equipment from Audio Visual Innovations, Inc., Through General Services Administration Contracts for the Cable Communications Office for Use at the Hazel Harvey Peace Center for Neighborhoods for an Amount Not to Exceed \$108,462.00 and Adopt Appropriation Ordinance, be Withdrawn from Consideration.**

**B. General**

**1. M&C G-16764 - Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Golf Capital Project Fund (Gas Wells) in the Amount of \$149,676.00 and in the Airports Gas Lease Project Fund by \$86,859.00, from Available Funds, to Provide Funds for the Golf and Aviation Departments' Share of ERP Phase I Costs; Authorizing the Transfer from the Golf Capital Project Fund to the Municipal Golf Fund and from the Airports Gas Lease Project Fund to the Municipal Airports Fund; Adopt a Supplemental Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Municipal Golf Fund and in the Municipal Airports Fund from Available Funds; in the Water and Sewer Fund in the Amount of \$2,745,351.00, the Municipal Parking Fund in the Amount of \$6,204.00, the Solid Waste Fund in the Amount of \$248,167.00 and in the Storm Water Utility Fund in the Amount of \$232,657.00 and Decreasing the Unreserved, Undesignated Retained Earnings by the Same Amounts for the Purpose of Transferring Said Funds to the Specially Funded Capital Projects Fund to Provide Funds for the Golf and Aviation Departments' Share of ERP Phase I Costs; Authorize the Transfer from the Municipal Golf Fund, the Municipal Airports Fund, the Water and Sewer Operating Fund, the Municipal Parking Fund, the Solid Waste Fund and the Storm Water Utility Fund to the Specially Funded Capital Projects Fund; and Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Specially Funded Capital Projects Fund in the Amount of \$2,250,402.00, from Available Funds.**

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Hicks, that Mayor and Council Communication No. G-16764 be approved and Appropriation Ordinance Nos. 18917-11-2009, 18918-11-2009 and Supplemental Appropriation Ordinance No. 18919-11-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**2. M&C G-16765 - Authorize the City Manager to Execute a Memorandum of Understanding Between the City of Fort Worth and the United States Attorney for the Northern District of Texas, Mosaic Family Services, Inc., the Department of Homeland Security, Immigration and Customs Enforcement, the Federal Bureau of Investigation, Dallas Division, All Church Home for Children, Alliance for Children, Catholic Charities and SafeHaven of Tarrant County to Continue Coordination with Members of the North Texas Anti-Trafficking Task Force.**

Council Member Hicks advised that she had filed a Conflict of Interest Affidavit with the City Secretary's Office and would abstain from voting on this item.

Motion: Council Member Espino made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16765 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with one (1) abstention by Council Member Hicks.

**D. Land**

**1. M&C L-14889 - Authorize the City Manager to Approve and Execute Leases for Natural Gas Drilling Under City-Owned Properties that are Five (5) Acres or Less in Size.**

Council Member Hicks made the following amendment to the last paragraph of the Discussion section of Mayor and Council Communication No. L-14889:

“The leases will be presented to Council for consideration prior to execution for any City owned properties under five acres if opposition to conversion is expressed by citizens in the affected neighborhood or a Council Member requests such consideration.”

Motion: Council Member Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. L-14889 be approved as amended. The motion carried unanimously nine (9) ayes to zero (0) nays.

**2. M&C L-14890 - Declare that Negotiations Between the City, its Agents, Subagents and the Landowners to Acquire an Approximate 0.636 Acre Tract of Land, a Part of Tract 1, A649, of the William Huff Survey, City of Fort Worth, Tarrant County, Texas and which is Owned by David McDavid to be Used for a Waterline Easement were Unsuccessful Because of the Inability to Reach an Agreement to Purchase; Declare the Necessity to Take by Condemnation the Subject Property for the Keller Hicks Road Project; Authorize the City Attorney to Institute Condemnation Proceedings to Acquire an Easement Interest in the Surface Estate, but Not the Mineral Estate of the Property; and Authorize the Acceptance and Recording of Appropriate Instruments.**

**(L-14890 Continued)**

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. L-14890 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

City Secretary Hendrix advised that staff would be conducting three (3) public hearings concurrently on Mayor and Council Communication Nos. L-14891, L-14892 and L-14893 and that all items would be considered under one motion.

**3. M&C L-14891 - Conduct a Public Hearing Under the Guidelines Set Forth by the Texas Parks and Wildlife Code, Chapter 26, Protection of Public Parks and Recreational Lands; and Close the Public Hearing and Authorize the City Manager to Approve Ridglea Hills Park for Subsurface Drilling and the Extraction of Natural Gas from an Off Site Location at 4589 Stonedale Road, Located North of Vickery Boulevard, South of Cumberland Road, and South of the Terminus of Stonedale Road.**

**4. M&C L-14892 - Conduct a Public Hearing Under the Guidelines Set Forth by the Texas Parks and Wildlife Code, Chapter 26, Protection of Public Parks and Recreational Lands; and Close the Public Hearing and Authorize the City Manager to Approve Bonnie Brae Park for Subsurface Drilling and the Extraction of Natural Gas from an Off Site Location at 3213 Wesley Street, West of Wesley Street, North of Chesser Boyer Road and South of Fossil Drive.**

**5. M&C L-14893 - Conduct a Public Hearing Under the Guidelines Set Forth by the Texas Parks and Wildlife Code, Chapter 26, Protection of Public Parks and Recreational Lands; and Close the Public Hearing and Authorize the City Manager to Approve the Following Parks for Subsurface Drilling and the Extraction of Natural Gas from Off Site Locations at Candleridge Park, Countryside Addition Park, Hulen Meadows Park, Kingswood Park, Parkwood East Park, Rosenthal Park, Southcreek Park, Southridge Park, Summercreek Park and Trail Lake Estates Park.**

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

**a. Report of City Staff**

Mr. David Creek, Acting Assistant Director, Parks and Community Services Department, appeared before Council and provided a staff report.

Council Member Jordan stated he would make a motion to remove Rosenthal Park and Trail Lake Estates Park from the list of locations listed in Mayor and Council Communication No. L-14893. He further requested that the Real Estate Department coordinate with the neighborhoods that had not yet obtained leases in their areas.

**(L-14891, L-14892 and L-14893 Continued)**

City Attorney Yett clarified that if Council approved these items, that the Council was specifically making findings that no feasible alternatives exist to the conversion and that all reasonable planning had been done to minimize harm to the park land.

Council Member Jordan clarified that the City was not currently leasing the park land, the item before Council was simply converting the land for future leases. He also stated this item did not involve Chesapeake Energy and therefore provided no conflict of interest for him.

**b. Citizen Presentations**

Ms. Tolli Thomas, representing Southwest Fort Worth Alliance Group, 5341 Wooten Drive, appeared before Council in opposition to Mayor and Council Communication No. L-14893 and relative to the City not signing any gas leases for park land in an area ahead of the residents because it negatively affected their ability to negotiate. She further stated that the City should not rush into signing any gas leases due to the state of the economy.

Ms. Michelle Ulliman, 6416 Winn Street, completed a speaker card in opposition to Mayor and Council Communication No. L-14893 but did not wish to address the Council.

**c. Council Action**

Council Member Burdette stated the market was ever changing and the economy might have been in a depressed state today but that it could go down even more tomorrow. He pointed out that suggesting the City base decisions on what the market might do in the future was erroneous and stated that Council would do what was best for the City and the citizens.

Council Member Jordan stated that he had visited with neighborhood leaders in District 6 and clarified that this item was simply an administrative action which released the property so that land may be leased in the future. He stated that he would make a motion to approve all three of the items, but to remove Rosenthal Park and Trail Lake Estates Park from the list of properties at the request of the neighborhoods relative to Mayor and Council Communication L-14893. He also requested that staff continue to coordinate with the neighborhoods to ensure that the City was tying leasing efforts to the neighborhood's efforts in the interest of getting the best agreements cooperatively between the City and the neighborhoods involved.

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that the public hearing be closed and Mayor and Council Communication Nos. L-14891 and L-14892 be approved and L-14893 be approved as amended by removing Rosenthal Park and Trail Lake Estates Park. The motion carried unanimously nine (9) ayes to zero (0) nays.

**E. Planning & Zoning**

**1. M&C PZ-2856 - Adopt an Ordinance Vacating and Extinguishing a Twenty (20) Foot Wide by 200 Foot Long Alley Right-of-Way, Located North of Pennsylvania Avenue and South of Peter Smith Street in the Near Southside, Described as the Sarah Gray Jennings Survey, Abstract No. 844, Block 39, Jennings South Addition, an Addition to the City of Fort Worth, Tarrant County, Texas; and Waive Any and All Purchase Fee Value of the Vacated Land in Accordance with City Policy (M&C G-15624).**

Motion: Council Member Hicks made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. PZ-2856 be approved and Ordinance No. 18920-11-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**2. M&C PZ-2857 - Adopt an Ordinance Vacating a Portion of Broadway Street from Ballinger Street to its Western Terminus and a Portion of Alabama Street from Broadway Street to the Northern Boundary Line of Lots 7 and 10, Block 29, Hyde Jennings Subdivision of Jennings South Addition, an Addition to the City of Fort Worth, Tarrant County, Texas; and Waive Any and All Purchase Fee Value of the Vacated Land in Accordance with City Policy.**

Motion: Council Member Burns made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. PZ-2857 be approved and Ordinance No. 18921-11-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**3. M&C PZ-2858 - Institute and Consider the Adoption of an Ordinance Declaring Certain Findings; Providing for the Extension of Certain Boundary Limits of the City of Fort Worth; Providing for the Annexation of an Approximately 225.7 Acre Tract of Land Situated in Denton County, Texas, Located Generally West of Interstate Highway 35W and North of State Highway 114, in the J. Ivey Survey, Abstract Number 649; the R. Matney Survey, Abstract 878; the J. Smith Survey, Abstract 1149; and the Charles Tidings Survey, Abstract 1276, Situated About 18.7 Miles North 6 Degrees East of the Tarrant County Courthouse, Texas (Case No. AX-09-005) Which Said Territory Lies Adjacent to and Adjoins the Present Corporate Boundary Limits of Fort Worth, Texas; Providing that the Territory Annexed Shall Bear its Pro Rata Part of Taxes; Providing that the Inhabitants Thereof Shall have All the Privileges of All the Citizens of Fort Worth, Texas; Providing that this Ordinance Shall Amend Every Prior Ordinance in Conflict Herewith; Providing that this Ordinance Shall be Cumulative of All Prior Ordinances Not in Direct Conflict.**

**(PZ-2858 Continued)**

Ms. Onetta Henry, 12599 Private Road 4716, appeared before Council in opposition to Mayor and Council Communication No. PZ-2858 and relative to the annexation of her property. She further advised that her neighbors were offered an option to not be annexed by Fort Worth and she wished they were afforded the same option. She stated that part of their property had been in Fort Worth since 1998 and they had not received any service benefits. She added that the City had taken their money for services that were not provided and the money was not returned to them. She spoke about the lack of adequate fire protection and requested another Council district be added to this area located 20 miles from Downtown Fort Worth with a new Council member. She spoke about mail address problems created by the Texas Motor Speedway and requested the Council deny this annexation.

Council Member Espino stated there were meetings regarding the annexation of this enclave and stated that Ms. Henry and her family have been involved in litigation with the City, the Sports Authority, Inc., and with Texas Motor Speedway. He added they were in the City's extraterritorial jurisdiction. He further advised the area was in line with the policy to do enclave annexation and the property was surrounded by the City of Fort Worth. He stated that staff had completed an analysis and recommended moving forward with the annexation.

Motion: Council Member Espino made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. PZ-2858 be approved and Ordinance No. 18922-11-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**F. Award of Contract**

**1. M&C C-23914 - Adopt a Supplemental Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Special Assessments Fund in the Amount of \$250,700.00 from Available Funds for Revision of the City's Standard Construction Specification Documents; Authorize the Transfer from the Special Assessments Fund to the Storm Water Utility Fund; Adopt a Supplemental Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Storm Water Utility Fund in the Amount of \$501,400.00 and Decreasing the Unreserved, Undesignated Fund Balance by the Same Amount for Revision of the City's Standard Construction Specification Documents; and Authorize the City Manager to Execute a Professional Services Agreement in the Amount of \$1,002,800.00 with Kimley-Horn Associates, Inc.**

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-23914 be approved and Supplemental Appropriation Ordinance Nos. 18923-11-2009 and 18924-11-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**2. M&C C-23915 - Authorize the City Manager to Accept a Contribution in the Amount of \$1,000,000.00 from the Trinity River Vision Tax Increment Financing District of the Special Assessment District Fund for Ongoing Utility Design/Coordination Activities Associated with the Trinity River Vision Project; Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Special Trust Fund in the Amount of \$905,280.00, from Available Funds, for the Purpose of Transferring Said Funds to the Specially Funded Capital Projects Fund; Authorize the City Manager to Transfer Said Funds from the Special Trust Fund to the Specially Funded Capital Projects Fund; Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Specially Funded Capital Projects Fund in the Amount of \$1,905,280.00, from Available Funds, for the Trinity River Vision-Central City Project; and Authorize the City Manager to Execute Amendment No. 1 in the Amount of \$1,900,000.00 to City Secretary Contract No. 37036 with TranSystems Corporation, d/b/a TranSystems Corporation Consultants, for Storm Water and Franchise Utility Relocations for the Project and the Trinity Uptown Service Area, Phase 1B – Bridge and Channel Relocations, Thereby Increasing the Contract Amount to \$2,843,500.00.**

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-23915 be approved and Appropriation Ordinance Nos. 18925-11-2009 and 18926-11-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**3. M&C C-23916 - Approve the Extension of the Cobb Park Lease Agreement with Chesapeake Exploration, L.L.C., for a 12-Month Period in the Amount of \$126,018.00 for Natural Gas Drilling Under 42.006 Acres, More or Less, of Cobb Park Properties Not Currently being Produced.**

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

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

Motion: Council Member Hicks made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-23916 be continued to the December 8, 2009, Council meeting. The motion carried unanimously eight (8) ayes to zero (0) nays, with one (1) abstention by Council Member Jordan.

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

**4. M&C C-23917 - Authorize the City Manager to Execute a Public Right-of-Way Use Agreement with Quicksilver Resources, LLP, to Grant a License to Operate and Maintain a Natural Gas Lift Pipeline Across Intermodal Parkway, West of Old Highway 156.**

Motion: Council Member Espino made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. C-23917 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**5. M&C C-23918 - Authorize the Expenditure of \$689,379.00 of Community Development Block Grant – Recovery Funds for the Sidewalk Infrastructure Project Pending the Release of Funds by the United States Department of Housing and Urban Development; and Authorize the City Manager, or His Designee, to Execute a Contract with AUI Contractors, Inc., to Install Sidewalks at Various Locations Throughout the City in 200 Days.**

Motion: Council Member Hicks made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-23918 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**6. M&C C-23919 - Authorize the Transfer of \$1,026,742.30 from the Water and Sewer Operating Fund to the Water Capital Projects Fund in the Amount of \$737,546.00 and Sewer Capital Projects Fund in the Amount of \$289,136.30; Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Water Capital Projects Fund and in the Sewer Capital Projects Fund for Pavement Reconstruction, Water and Sanitary Sewer Main Replacements (Group A, Project Number 00923) on Boston Avenue, Chelsea Road, Chicago Avenue, Clairemont Avenue, Junius Street, Lynnhaven Road and Norma Street; and Authorize the City Manager to Execute the Contract with Stable and Winn, Inc., in the Amount of \$2,285,525.54.**

Council Member Moss advised that he would not support this item as 27 percent of the contract should have gone to Minority and Women Owned Business Enterprises (MWBE) and only four (4) percent was committed to the MWBE's.

Motion: Council Member Hicks made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. C-23919 be approved and Appropriation Ordinance No. 18927-11-2009 be adopted. The motion carried eight (8) ayes to one (1) nay, with Council Member Moss casting the dissenting vote.

**7. M&C C-23920 - Authorize the Transfer of \$280,683.87 from the Water and Sewer Operating Fund to the Water Capital Projects Fund in the Amount of \$248,663.19 and Sewer Capital Projects Fund in the Amount of \$32,020.68; Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Water Capital Projects Fund and the Sewer Capital Projects Fund, from Available Funds, for the Purpose of Funding Pavement Reconstruction and Water and Sanitary Sewer Main Replacement on Portions of Ben Avenue, Jamaica Lane, Lewis Avenue, Panola Avenue and Ward Street; and Authorize the City Manager to Execute the Contract with JLB Contracting, LLC, in the Amount of \$1,524,973.85.**

Motion: Council Member Hicks made a motion, seconded by Mayor Pro tem Scarth, that Mayor and Council Communication No. C-23920 be approved and Appropriation Ordinance No. 18928-11-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**8. M&C C-23921 - Authorize the Transfer of \$314,924.20 from the Contract Street Maintenance Fund to the General Fund; Adopt a Supplemental Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the General Fund, from Available Funds, for Bridge Repair and Repainting on White Settlement Road, Angle Avenue, Bellaire Drive South, Mockingbird Lane, Northwest 30th Street, Shackelford Street and Westcreek Drive; and Authorize the City Manager to Execute the Contract with Gibson & Associates, Inc., in the Amount of \$314,924.20 for 90 Calendar Days.**

Motion: Council Member Zimmerman made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. C-23921 be approved and Supplemental Appropriation Ordinance No. 18929-11-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**9. M&C C-23922 - Authorize the City Manager to Execute a Railroad Force Account Agreement with the Union Pacific Railroad Company, the Texas Department of Transportation and the City of Keller for the Division of Costs and Responsibilities Associated with the Installation of a New Concrete Railroad Crossing and Related Warning Devices Required by the Widening of Golden Triangle Boulevard from Interstate Highway 35W to US Highway 377 at a Cost to the City of Fort Worth of Approximately \$175,000.00.**

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-23922 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**10. M&C C-23923 - Authorize the City Manager to Execute an Agreement with Teague Nall and Perkins, Inc., in the Amount of \$288,295.00 for the Edgecliff Tributaries Master Plan and Storm Water Study.**

Motion: Council Member Jordan made a motion, seconded by Council Member Hicks, that Mayor and Council Communication No. C-23923 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**11. M&C C-23924 - Authorize the City Manager to Execute an Agreement with HDR Engineering, Inc., in the Amount of \$242,134.00 for the Prairie Dog Creek Master Plan and Storm Water Study.**

Motion: Council Member Moss made a motion, seconded by Mayor Pro tem Scarth, that Mayor and Council Communication No. C-23924 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**12. M&C C-23925 - Ratify the Fire Department, Office of Emergency Management, Application for and Acceptance of, if Awarded, an Amount Not to Exceed \$3,853,348.25 in Fiscal Year 2009 Homeland Security Grant Funds from the State of Texas, Division of Emergency Management, Consisting of Urban Area Security Initiative Grant (CFDA No. 97.008) for \$2,666,296.25; Urban Area Security Initiative – LEAP (CFDA No. 97.008) for \$865,831.00; and the Metropolitan Medical Response System (MMRS) Grant (CFDA No. 97.071) for \$321,221.00, for a Combined Total Award of \$3,853,348.25; Ratify the City Manager’s Execution of All Applicable Grant Contracts; and Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Grants Fund, Subject to Receipt of Fiscal Year 2009 Homeland Security Grant Program Funds, for the Purpose of Assisting Communities to Enhance their Capability to Prevent, Respond to and Recover from Acts of Terrorism and Natural Disasters.**

Motion: Council Member Zimmerman made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23925 be approved and Appropriation Ordinance No. 18930-11-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**13. M&C C-23926 - Authorize the City Manager to Execute a Community Facilities Agreement with Tarrant County with City Participation in the Amount of \$122,049.00 for Water and Sewer Improvements to Serve the Proposed Tarrant County Jail Facility Located at Belknap Street between Cherry Street and Burnett Street in Downtown Fort Worth.**

Motion: Council Member Burns made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. C-23926 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**14. M&C C-23927 - Adopt a Resolution Supporting the Creation of an Interlocal Agreement for the Purpose of Promoting the Joint Use of Facilities Between the City of Fort Worth and the City of Saginaw (PUBLIC HEARING).**

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

**a. Report of City Staff**

Mr. David Creek, Acting Assistant Director, Parks and Community Services Department, appeared before Council and provided a staff report. He also recognized Mayor Gary Brinkley and Council Member Todd Flippo, City of Saginaw, Texas, who attended the meeting.

Mayor Moncrief welcomed Mayor Brinkley and Council Member Flippo to the Council meeting and stated this item was an example of cities working together.

**b. Citizen Presentations**

There were no citizen presentations.

**c. Council Action**

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that the public hearing be closed and Mayor and Council Communication No. C-23927 be approved and Resolution No. 3813-11-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**XV. CITIZEN PRESENTATIONS**

**1. Mr. Tyler Casey, 2213 Ridgmar Boulevard, Titanmoon Band**

Mr. Tyler Casey, 6200 Pershing Avenue, Apartment No. 190, appeared before Council and provided an update of his band, Titanmoon's trip to the Islamic Republic of Pakistan, Dubai, United Arab Emirates and Nagaoka, Japan, a Fort Worth Sister City. He advised that he delivered a gift to the Deputy Mayor of Nagaoka, Japan, on behalf of the City of Fort Worth. He also presented Mayor Moncrief with a gift from the Mayor of Nagaoka, Japan.

Mayor Moncrief expressed appreciation to Mr. Casey for providing the update of Titanmoon's World Tour, for spreading his message of peace throughout the world and for serving as a City ambassador on his trip.

**(XV. CITIZEN PRESENTATIONS Continued)**

**2. Mr. Joe Don Brandon, P. O. Box 1155, Police Intimidation**

Mr. Joe Don Brandon, P.O. Box 1155, appeared before Council relative to the security and cleanliness of The T and provided photographs of various T Bus Station locations. He further commented on the Police Department's intimidation tactics and that they were watching him. He added he was going to video tape those incidents. He provided a disk of more pictures to be given to the Code Compliance office.

Mayor Moncrief stated that the Council had received their 148th key to add to their glass jars and added that 148 people had been housed through the Directions Home Program.

**XVI. EXECUTIVE SESSION (PRE-COUNCIL CHAMBER)**

It was the consensus of the City Council that they recess into Executive Session at 11:29 a.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) Samuel Davidsaver and Robert Alldredge v. City of Fort Worth, et al, Cause No. 153-241271-09;
  - b) Legal issues concerning collective bargaining with the firefighter's union;
  - c) Legal issues concerning any item listed on today's City Council meeting agendas; and
2. Deliberate the purchase, sale, lease, or value of real property in accordance with Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party; and
3. Deliberate concerning economic development negotiations as authorized by Section 551.087 of the Texas Government Code; and
4. Deliberate the deployment, or specific occasions for implementation, of security personnel or devices, in accordance with Section 551.076 of the Texas Government Code.

**XVII. ADJOURNMENT**

There being no further business the meeting was adjourned at 11:47 a.m.