

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
DECEMBER 15, 2009**

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 10:18 a.m. on Tuesday, December 15, 2009, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102.

II. INVOCATION - Pastor Ted Kitchens, Christ Chapel Bible Church

The invocation was provided by Pastor Ted Kitchens, Christ Chapel Bible Church.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

IV. CONSIDERATION OF MINUTES OF REGULAR MEETING OF DECEMBER 8, 2009

Motion: Council Member Jordan made a motion, seconded by Council Member Zimmerman, that the minutes of the regular meeting of December 8, 2009, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

V. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

VI. ITEMS TO BE CONTINUED OR WITHDRAWN BY STAFF

City Manager Fisseler requested that Agenda Item XIII (1) relative to a resolution nominating the Ridglea Theatre as Historic and Cultural Landmark, be withdrawn from consideration and that Mayor and Council Communication No. G-16804 be continued until the January 26, 2010, Council meeting.

VII. CONSENT AGENDA

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

A. General - Consent Items

- 1. M&C G-16788 - Authorizing the City Manager to Enter into an Agreement with The Elim Group to Provide Consulting and Group Facilitation Assistance to the City of Fort Worth and the City Manager's Appointed Healthcare and Benefits Committees in an Amount Not to Exceed \$55,000.00.**
- 2. M&C G-16789 - Adopting Appropriation Ordinance No. 18964-12-2009 Increasing the Estimated Receipts and Appropriations in the Special Trust Fund in the Amount of \$2,400.00 from Available Funds for the Purchase of Eight (8) Landmark Plaques.**
- 3. M&C G-16790 - Authorizing Payment for the City of Fort Worth's Fiscal Year 2010 Membership Dues to the North Central Texas Council of Governments in an Amount Not to Exceed \$72,025.00.**
- 4. M&C G-16791 - Adopting Resolution No. 3825-12-2009 to Increase the Amount Paid to Whitaker, Chalk, Swindle and Sawyer, LLP, as Outside Legal Counsel, by an Additional Amount of \$10,000.00 for the Federal Trademark Registration of the City's Logo and to Provide Legal Consultation to the City Attorney's Office on Copyright Issues.**
- 5. M&C G-16792 - Adopting Ordinance No. 18965-12-2009 Approving Resolution No. 2009-10-211 of the Dallas-Fort Worth International Airport Board which Amends Various Traffic Provisions of Chapters 2 and 3 and Appendix I of the Dallas-Fort Worth International Airport Board's Code of Rules and Regulations, Providing for a Fine Not to Exceed Two Thousand Dollars Per Day for Any Violation Thereof.**
- 6. M&C G-16793 - Authorizing the Continuation of the Military Pay Supplement Benefit and Military Leave Fund Policy Until December 31, 2010.**

(VII. CONSENT AGENDA Continued)

7. M&C G-16794 - Adopting Resolution No. 3826-12-2009 Approving an Amended Fiscal Year 2010 Budget for Public Improvement District No. 8 (Camp Bowie PID) by \$23,000.00 from Prior Year's Assessments (Estimated Operating Reserve).

8. M&C G-16795 - Adopting Resolution No. 3827-12-2009 Authorizing Execution of an Agreement with the Texas Department of Transportation for Construction, Maintenance and Operation of Continuous Lighting System Along State Highway 183 from 0.1 Mile West of Bryant Irvin Boulevard to Interstate Highway 20/820.

9. M&C G-16796 - Authorizing the Use of Revenue Derived from Gas Well Drilling on City-Owned Airports in the Amount of \$36,535.00 for the Commissioner's Award and Court Costs Associated with the Condemnation of Property Located at 3402 Columbus Avenue on the West Side of Fort Worth Meacham International Airport as Well as Appraisal Costs and a Contingency for the Meacham Noise Mitigation Program; Adopting Appropriation Ordinance No. 18966-12-2009 Increasing the Estimated Receipts and Appropriations in the Airports Gas Lease Project Fund, from Available Funds for the Purpose of Transferring Said Funds to the Municipal Airports Fund; Authorizing the Transfer from the Airports Gas Lease Project Fund to the Municipal Airports Fund; and Adopting Supplemental Appropriation Ordinance No. 18967-12-2009 Increasing the Estimated Receipts and Appropriations in the Municipal Airports Fund, from Available Funds for the Commissioner's Award and Court Costs Associated with the Condemnation of Property as Well as Appraisal Costs for the Meacham Noise Mitigation Program.

10. M&C G-16797 - Authorizing the City Manager to Approve the Payment in the Amount of \$802,912.81 to Oncor Electric Delivery Company, LLC, for the Extension of Company Delivery System Facilities to Provide Dual Feed Electrical Service to the Westside Water Treatment Plant.

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

1. M&C P-11061 - Authorizing a Purchase Agreement with McCain, Inc., for Traffic Signal Parts for the Transportation and Public Works Department for an Annual Amount Up to \$91,450.00.

2. M&C P-11062 - Authorizing a Purchase Agreement with Master Meters, Inc., for Multi-Jet Water Meters for the Water Department for an Annual Amount Up to \$35,000.00.

(VII. CONSENT AGENDA Continued)

3. M&C P-11063 - Authorizing a Purchase Agreement with Dukes Root Control, Inc., for Sewer Line Chemical Root Control Through Texas Association of School Boards BuyBoard Contract No. 326-09 for the Water Department for an Annual Amount Up to \$300,000.00.

4. M&C P-11064 - Authorizing the Purchase of Gym Floor Coverings from John F. Clark Company for Various City Community Centers Using Texas Association of School Boards BuyBoard Contract No. 283-08, for an Amount Up to \$61,849.00.

5. M&C P-11065 - Authorizing a Purchase Agreement with Tri-County Officials Association to Provide Officiating Services for the Youth Sports Program for an Annual Amount Up to \$43,000.00.

C. Land - Consent Items

1. M&C L-14901 - Authorizing the Acquisition of a 0.2524 Acre Temporary Construction Easement from Columbia Plaza Medical Center of Fort Worth, Subsidiary, L.P., d/b/a Plaza Medical Center of Fort Worth, Located at 900 Cooper Street, Described as a Portion of Lot 2-A, Block 2, Medical Centre Addition, Tarrant County, Texas, in the Fort Worth Medical District in the Amount of \$23,000.00 and Pay the Estimated Closing Costs of \$1,000.00 for the Fort Worth Medical District Water Distribution System Improvements, Part 4 Project; Finding that the Appraised Value is Just Compensation; and Authorizing the Acceptance and Recording of Appropriate Instruments.

2. M&C L-14902 - Authorizing the Acceptance of a Dedication Deed from Primary Realty Assets, L.P., at No Cost to the City of Fort Worth for Drainage Control and Floodplain Management for Property Located South of Trinity Boulevard and East of South Norwood Drive, Described as S. Cotrail Survey, Abstract No. 330, Fort Worth, Tarrant County, Texas; and Authorizing the City Manager, or His Designee, to Accept and Record the Appropriate Instruments to Complete the Conveyance.

3. M&C L-14903 - Approving the Acquisition of 0.086 Acre and 0.288 Acre Reclaimed Water Line and Salt Water Line Easement Along with 0.052 Acre Temporary Construction Easement from T.J.L. Gravel Company, L.P., Located in Northeast Fort Worth in a Portion of the Richard H. Calloway Survey, Abstract 337, on Eules South Main and Pay the Estimated Closing Costs of \$1,500.00; Finding that the Appraised Value of \$101,005.00 is Just Compensation; and Authorizing the Acceptance and Recording of Appropriate Instruments.

(VII. CONSENT AGENDA Continued)

4. M&C L-14904 - Authorizing the City Manager to Amend the Terms of an Approved License Agreement with T-Mobile West Corporation for a Stealth Telecommunications Tower with Support Facilities in Sandy Lane Park at 2001 Sandy Lane, Adjusting the Terms and Increasing the Contract Amount to \$418,000.00.

D. Planning & Zoning - Consent Items

1. M&C PZ-2860 - Adopting Ordinance No. 18968-12-2009 Vacating, Abandoning and Extinguishing a Portion of an Emergency Access Easement within Lots 38A and 38B, Hicks Airfield, Section 3 an Addition to Tarrant County, Texas, and Located Within the Extraterritorial Jurisdiction of the City of Fort Worth; and Waiving Any and All Purchase Fee Value of the Vacated Land in Accordance with City Policy (M&C G-15624).

2. M&C PZ-2861 - Authorizing the City Manager to Initiate Certain Zoning Changes at 1517 Andante Drive, 1601 Country Manor Road, 7501 Crowley Road and 1516 Sycamore School Road, from Various Districts to “A-5” One-Family and “CF” Community Facilities, in Accordance with the Comprehensive Plan.

3. M&C PZ-2862 - Authorizing the City Manager to Initiate Certain Zoning Changes in Phase One (1) of the Far Greater Northside Neighborhood, from Various Districts to “AG” Agriculture, “A-5” One-Family, “B” Two-Family, “CR” Low Density Multi-Family, “C” Medium Density Multi-Family, “CF” Community Facilities, “E” Neighborhood Commercial and “PD” Planned Development 132, in Accordance with the Comprehensive Plan.

4. M&C PZ-2863 - Authorizing the City Manager to Initiate Certain Zoning Changes in Phase Four (4) of the West Meadowbrook Neighborhood, from Various Districts to “A-5” One-Family, “B” Two-Family, “CF” Community Facilities, “ER” Neighborhood Commercial Restricted, “E” Neighborhood Commercial and “FR” General Commercial Restricted, in Accordance with the Comprehensive Plan.

E. Award of Contract - Consent Items

1. M&C C-23968 - Authorizing the City Manager to Execute a Standard Encroachment Agreement with Tarrant County for the Installation of Items Related to the Construction of the Tarrant County Jail Expansion Which Will Encroach the Cherry Street, Belknap Street, Burnett Street and Weatherford Street Right-of-Way.

(VII. CONSENT AGENDA Continued)

2. M&C C-23969 - Authorizing the City Manager to Adopt Resolution No. 3828-12-2009 to Increase the Amount to be Paid to Lowell Denton of the Law Firm Denton, Navarro, Rocha and Bernal, P.C., by \$50,000.00, for a Total Amount Not to Exceed \$250,000.00 to Assist City Staff with Employment and Labor Issues Related to Public Safety Labor Negotiations.

3. M&C C-23970 - Authorizing the Expenditure of \$102,783.60 in Community Development Block Grant Funds for the 2009 No. 2 ADA Ramp Infrastructure Project; Authorizing the Expenditure of \$121,458.60 in Community Development Block Grant Funds for the 2009 No. 3 ADA Ramp Infrastructure Project; Authorizing the Execution of a Construction Contract with HZ Paving Construction Company, for \$82,028.00 for the 2009 No. 2 ADA Ramp Infrastructure Project and \$97,088.00 for the 2009 No. 3 Ramp Infrastructure Project Plus Twenty (20) Percent Contingency and Administration/Project Delivery Costs for Each Contract; and Authorizing the Rejection of All Bids for the 2009 No. 1 Ramp Infrastructure Project.

4. M&C C-23971 - Authorizing the City Manager to Enter into a Five (5) Year Tax Abatement Agreement with Jay Newman for the Property at 4425 Village Creek Road in the Stop Six Neighborhood Empowerment Zone in Accordance with the Neighborhood Empowerment Zone Tax Abatement Policy and Basic Incentives.

5. M&C C-23972 - Authorizing the City Manager to Enter Into a Five (5) Year Tax Abatement Agreement with KT Land, LTD, a Texas Limited Partnership, and Neighborhood Homes for Sixteen (16) Properties in the Evans and Rosedale Neighborhood Empowerment Zone in Accordance with the Neighborhood Empowerment Zone Tax Abatement Policy and Basic Incentives.

6. M&C C-23973 - Authorizing the City Manager, or His Designee, to Execute an Amendment to City Secretary Contract No. 22444 with Downtown Fort Worth Initiatives, Inc., to Permit the Refinance of the First Lien Mortgage for the Rock Island Rental Community Project; and Authorizing the City Manager, or His Designee, to Modify, Extend or Renew City Secretary Contract No. 22444 and Any Related Subordinate Loan Documents or Other Instruments Evidencing the City's Portion of the Subordinate Loan on the Project so Long as Such Modification, Extension or Renewal is Necessary for the Refinance of the First Lien Mortgage, within the Scope of the Project and in Compliance with All Applicable Laws and Regulations Governing the Use of Federal Grant Funds.

(VII. CONSENT AGENDA Continued)

7. M&C C-23974 - Amending the City's 2009-2010 Action Plan for Use of Federal Grant Funds from the United States Department of Housing and Urban Development; Authorizing the Reallocation of \$20,000.00 in Program Year 2009-2010 Community Development Block Grant Funds from the University of North Texas Health Science Center to the YMCA of Metropolitan Fort Worth for Childcare Services Under the School Aged Childcare Program; and Authorizing the City Manager, or His Designee, to Execute an Amendment to City Secretary Contract No. 39284 with the YMCA of Metropolitan Fort Worth Increasing the Grant Amount by \$20,000.00 and Making Any Necessary Revisions to the Program Goals, Provided that the Amendment is within the Scope of the Program and in Compliance with All Applicable Laws and Regulations Governing the Use of Federal Grant Funds.

8. M&C C-23975 - Authorizing the City Manager to Execute an Engineering Services Agreement in the Amount of \$691,460.00 with Dunaway Associates, L.P., for the Design of Avondale Haslet Road from US Highway 287 to Willow Springs Road.

9. M&C C-23976 - Adopting Resolution No. 3829-12-2009 Authorizing the Closure of a Portion of the 200 Block of West Bowie Street from St. Louis Avenue on the West to a Point 50' from the Center of the Union Pacific Railroad Tracks on the East in Order to Close the Railroad Crossing; Authorizing the City Manager to Enter into a Crossing Closure Agreement with the Texas Department of Transportation (TxDOT) and the Union Pacific Railroad Company to Close the Railroad Crossing in which TxDOT will Reimburse the City Up to \$7,500.00 for the Installation of Barricades and Other Closure Expenses; and Adopting Appropriation Ordinance No. 18969-12-2009 Increasing the Estimated Receipts and Appropriations in the 2007 Critical Capital Projects Fund Upon Reimbursement from TxDOT.

10. M&C C-23977 - Authorizing the City Manager to Execute Change Order No. 1 in the Amount of \$91,554.88 to City Secretary Contract No. 38419, a Construction Contract with Stabile & Winn, Inc., for Pavement Reconstruction and Water and Sanitary Sewer Replacement on Portions of Fain Street, Fairview Street, Harper Street, Karnes Street and Primrose Avenue, Thereby Revising the Original Contract Amount to \$3,093,142.32.

11. M&C C-23978 - Authorizing the City Manager to Execute Change Order No. 3 in the Amount of \$67,277.13 to City Secretary Contract No. 36574, a Construction Contract with Stabile and Winn, Inc., for Pavement Reconstruction and Water and Sanitary Sewer Replacement on Portions of Sargent Street and Upton Avenue Thereby Revising the Original Contract Amount to \$1,094,747.00.

(VII. CONSENT AGENDA Continued)

12.M&C C-23979 - Authorizing the City Manager to Execute Change Order No. 4 in the Amount of \$57,620.00 to City Secretary Contract No. 35282, a Construction Contract with Stable & Winn, Inc., for Pavement Reconstruction and Water and Sanitary Sewer Replacement on Portions of Avenue H, Avenue A, Newark Avenue, Avenue I, Court Street, Parkdale Avenue and Avenue G, Thereby Revising the Original Contract Amount to \$2,751,293.25.

13.M&C C-23980 - Authorizing the City Manager to Enter into an Agreement with the Burlington Northern Santa Fe Railway Company Allowing the City to Install and Maintain a Wayside Horn System at the Railroad Crossings in the 2700 Block of Lipscomb Street and in the 2100 Block of Gambrell Street.

14.M&C C-23981 - Authorizing the City Manager to Execute Change Order No. 2 in the Amount of \$320,700.04 to City Secretary Contract No. 38245 with W.G. Yates and Sons Construction Company to Construct Western Heritage Parking Garage at the Will Rogers Memorial Center, Thereby Increasing the Contract Amount to \$17,001,410.04.

15.M&C C-23982 - Authorizing the City Manager to Execute a Memorandum of Understanding with the United States Marshals Service for the Purpose of Receiving Reimbursable Funds in the Amount of \$33,000.00 for Fuel and Vehicle Retrofitting Costs Incurred by the City for Vehicles Issued to the Police Department's Fugitive Unit; Authorizing the City Manager to Execute a Similar Memorandum of Understanding with the United States Marshals Service for the Purpose of Receiving Reimbursable Funds in the Amount of \$80,000.00 in Overtime Costs for the Fugitive Unit's Participation in the Dallas Fort Worth Fugitive Apprehension Task Force; and Adopting Appropriation Ordinance No. 18970-12-2009 Increasing the Estimated Receipts and Appropriations in the Grants Fund in the Amount of \$113,000.00, Upon Execution of Two (2) Memoranda of Understanding.

16.M&C C-23983 - Ratifying the Application for Grant Funding in the Amount of \$45,000.00 from the Texas Department of Transportation (TxDOT) to Operate the Fiscal Year 2010 Impaired Driving Mobilization Program; Authorizing the City Manager to Accept, if Awarded, the Grant Funds from TxDOT; Authorizing the City Manager to Execute a Contract with TxDOT for Implementation of the Impaired Driving Mobilization Program; Authorizing the Transfer of \$15,000.00 from the Federal Awarded Assets Fund to the Grants Fund for the City's Required Match; and Adopting Appropriation Ordinance No. 18971-12-2009 Increasing the Estimated Receipts and Appropriations in the Grants Fund in the Amount of \$60,000.00, Subject to Receipt of the Grant.

(VII. CONSENT AGENDA Continued)

17.M&C C-23984 - Authorizing the City Manager to Execute a Contract with Eagle Construction and Environmental Services, LLC, in an Amount of \$453,053.00, for the Transportation and Disposal of Contaminated Soils Located at 2500 Brennan Avenue for the Trinity River Vision Project and 3479 West Vickery Boulevard for the Southwest Parkway/SH 121 Tollway Project.

18.M&C C-23985 - Authorizing the City Manager to Execute a Written Consent to Assignment by Atkinson, Bibbee and Francis of Leasehold Interest in City Secretary Contract No. 11963 at Fort Worth Meacham International Airport to Atkinson, Francis and Welch.

19.M&C C-23986 - Authorizing the City Manager to Execute an Agreement with I. Kruger, Inc., to Settle a Dispute Regarding Guaranteed Performance of Equipment Installed in the High Rate Clarification Project at Village Creek Wastewater Treatment Plant Under which I. Kruger, Inc., will Provide Equipment, Services and a Payment in the Amount of \$25,000.00; and Accepting \$25,000.00 from I. Kruger, Inc., to Offset the Cost of Installation of New Equipment.

20.M&C C-23987 - Authorizing the City Manager to Execute a Contract in the Amount of \$863,370.00 with M-Co Construction, Inc., for Water Main Relocations for State Highway 121T, Part 13, at Dirks Road/Alta Mesa Boulevard.

21.M&C C-23988 - Authorizing the Transfer of \$116,539.00 from the Water and Sewer Operating Fund to the Sewer Capital Projects Fund; Adopting Appropriation Ordinance No. 18972-12-2009 Increasing the Estimated Receipts and Appropriations in the Sewer Capital Projects Fund in the Amount of \$116,539.00 from Available Funds, for Sanitary Sewer Rehabilitations Contract LII (52); and Authorizing the City Manager to Execute Amendment No. 3 in the Amount of \$108,539.00 to City Secretary Contract No. 27966 with Teague Nall and Perkins, Inc., for Additional Engineering Services, Thereby Increasing the Contract Amount to \$424,689.00.

22.M&C C-23989 - Authorizing the Transfer of \$1,059,389.00 from the Water and Sewer Operating Fund to the Water Capital Projects Fund in the Amount of \$771,168.00 and in the Sewer Capital Projects Fund in the Amount of \$288,221.00; Adopting Appropriation Ordinance No. 18973-12-2009 Increasing the Estimated Receipts and Appropriations in the Water Capital Projects Fund and in the Sewer Capital Projects Fund, from Available Funds, for Water and Sanitary Sewer Replacement Contract 2005 STM-M; and Authorizing the City Manager to Execute a Contract with RKM Utility Services, Inc., in the Amount of \$988,139.00.

(VII. CONSENT AGENDA Continued)

23. M&C C-23990 - Adopting Appropriation Ordinance No. 18974-12-2009 Increasing the Estimated Receipts and Appropriations in the Park Gas Lease Project Fund in the Amount of \$35,306.10, from Gas Well Pipeline Easement Revenues, for the Purpose of Transferring Said Funds to the Park Gas Lease Fund for Road and Parking Lot Improvements at Greenway Park; and Authorizing the City Manager to Execute a Contract with McClendon Construction Company, Inc., in the Amount of \$273,756.00 for Road and Parking Lot Improvements.

24. M&C C-23991 - Authorizing the City Manager to Execute a Contract with McClendon Construction Company, Inc., in the Amount of \$407,757.45 for Parking Lot Improvements at Diamond Hill Community Center, Northside Community Center, Lake Como Park and Haws Athletic Center.

VIII. PRESENTATIONS BY THE CITY SECRETARY - CONSENT ITEMS

1. OCS - 1754 - Notice of Claims for Alleged Damages and/or Injuries

End of Consent Agenda.

IX. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC.

1. Presentation of Proclamation for City of Fort Worth Military Employee Day

Council Member Zimmerman presented a Proclamation to Sergeant Tom R. Hughes, Police Department, for City of Fort Worth Military Employee Day. He stated that on September 11, 2001, the entire nation witnessed and shared in the tragic terrorist attacks on the United States, which lead to the heartbreaking deaths of thousands of innocent people in addition to citizens from more than 90 different countries and territories. He further stated that hundreds of thousands of brave men and women continued to serve the nation every day, having answered the call to duty as members of the nation's armed forces, many of whom had given their lives or been injured to defend the nation's security and prevent future terrorist attacks. He pointed out that Texas had been called the most military friendly state in the nation and was home to several important military bases with hundreds of thousands of active duty men and women and their families in all branches of the service. He added that since 9/11 the City of Fort Worth Employees Reserves and Guardsman had mobilized and deployed across the globe leaving family, friends and employers including some who today have continued to protect the nation by serving in locations around the world.

Sergeant Hughes accepted the Proclamation on behalf of the Military Employees and expressed appreciation to the Mayor and Council for their continued support of the armed forces and their families. He also presented a City of Fort Worth flag to Mayor Moncrief which was signed by the City Council of Hawijah, in the Kirkuk Province. He stated that Mayor Moncrief had sent the City flag to him in Iraq while he was serving and he had the opportunity to have the flag signed for the Mayor.

(IX. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC. Continued)

Mayor Moncrief presented Certificates of Recognition and City coins to the following Military Employees and expressed appreciation for their service to the nation and to their families for their sacrifices in the name of national security:

Alfred W. Henderson	John H. Choyce, Jr.
Allen N. Speed	John Rablee
Cedric Jones	Kathy A. Thompson
Chris T. Fearneyhough	Linda Hightower
Curtis B. Stille	Mark S. Helm
Dana Stevenson	Michael Hernandez
Daniel Lee Darlow	Michael Lachman
David B. Stout	Mike Vargas
David De Leon	Ronnie K. Carey
David Michael Rogers	Roy Rea
Elizabeth Ensey	Rudy Puga
Fabian J. Najera	Sammy L. Webb
Frank Brown	Tom R. Hughes
Gerald D. Glenn	Tracy Bancroft-Lasseter
Jared Cockerham	Wallace E. Hood, Jr.
Jason Ford	William Wedel

[2. Presentation by Ms. Cynthia Hodgkins, Treasurer of the Cookbook Committee, Botanic Garden Center](#)

Ms. Renee Walter, former President of the Garden Club and Co-Chairman of the Cookbook Committee presented the Mayor and Council Members with the Club's new cookbook, [A Gardener in the Kitchen](#), sponsored by the Fort Worth Garden Club, Botanical Society and Garden Club Council. She stated that the Botanic Garden was fortunate to have three support groups who furnished volunteers and financial assistance: the Fort Worth Garden Club, Botanical Society and Garden Club Council. She further stated that the three groups had published a beautiful cookbook and added that it was professionally published, with color photographs of the Garden and over 375 recipes. She pointed out that the cookbook had received glowing reviews from *360West Magazine*, *Indulge*, *Panache*, and the *Fort Worth Star Telegram*. She advised that the cookbook was available for purchase for \$30.00 in the gift shop in the Japanese Garden and through the website for the Garden and added that all proceeds would benefit the education department at the Fort Worth Botanic Garden.

Mayor Moncrief expressed appreciation to the Fort Worth Garden Club, Botanical Society and Garden Club Council and stated the cookbook was beautiful and would be thoroughly enjoyed by everyone.

(IX. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC. Continued)

3. Presentation by Imagination Celebration

Ms. Ginger Head, Imagination Celebration Director, appeared before Council and expressed appreciation to the Mayor and Council for their many years of support of the program. She presented the Mayor and Council with a book of photographs and stories of the lives changed by Imagination Celebration. She introduced the Yucatan Children's Choir called The Art of Singing and pointed out that the children could perform opera in three different languages. She added that the group had performed for several Ambassadors including, the President and First Lady. She advised that the choir would perform a song for the Mayor and Council and would be performing at many Fort Worth Independent School District (FWISD) schools throughout the week.

Mayor Moncrief expressed appreciation to Ms. Head and to the Yucatan Children's Choir for a wonderful performance and wished them success in the future.

X. ANNOUNCEMENTS BY CITY COUNCIL MEMBERS AND STAFF

1. Upcoming and Recent Events

Council Member Moss announced that a Public Hearing on the redevelopment of Lake Shore Drive was held on December 14, 2009. He expressed appreciation to Ms. Patrina Newton, Senior Planner, Planning and Development Department, for her involvement and support and stated the meeting was a success and he looked forward to future updates about the project.

Council Member Jordan announced that he attended the Snowball Express Event held on December 9 through 13, 2009, in Dallas, Texas. He stated that the Snowball Express was a charity for the children of fallen military heroes. He advised that the foundation began in 2006 with a simple idea: provide hope and new memories to the children of the fallen military heroes who died while on active duty since September 11, 2001. He expressed appreciation to American Airlines, who sponsored the event, and added that the all expense paid weekend served 1,400 children and their families.

Council Member Espino announced that several organizations collected toys at the Northside Community Center and distributed the toys to families in the Northside area. He stated the celebrity guest at the event was Yovani Gallardo, Major League Pitcher with the Milwaukee Brewers and added that Mr. Gallardo was from Fort Worth's Northside and was a graduate of Trimble Tech High School in Fort Worth Independent School District. He expressed appreciation to Mr. Santiago Espinoza, President of Casa del Inmigrante Fort Worth and to the Fort Worth Hispanic Chamber of Commerce for their support and assistance with the toy drive. He stated that the Retirement Reception for Mr. Bill Walker, Hillwood Community Relations Director, was a wonderful recognition ceremony and expressed appreciation to the Mayor, Council Members and City Staff who attended the reception.

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

Council Member Hicks announced that the Fort Worth Chapter of the International Association of Black Professional Firefighters Reaching Out held their annual event benefitting children with Sickle Cell Anemia. She stated that the 80 children and their families gathered at the Union Fire Hall and she expressed appreciation to the firefighters and volunteers for their support. She also announced that she was the speaker at the W.M. Green Elementary School 50th Anniversary celebration and stated that the event was wonderful and wished the school a successful 50 years in the future. She wished the Mayor and Council, the citizens, and City staff a great holiday season and a wonderful 2010.

City Manager Fisseler announced that the second City employee furlough date would be December 24, 2009, and that City Hall and most City facilities would be closed. He also announced that City Hall and many City facilities would be closed on December 25, 2009, and January 1, 2010, respectfully, in observance of the Christmas and New Year holidays. He provided information relative to garbage, recycling, and brush pick up schedules and added that all information would be provided to the local newspaper.

Mayor Moncrief announced that the Council had received their 158th key to add to their glass jars and added that 158 people had been housed through the Directions Home Program. He also stated that the Texas Commission on Environmental Quality advised that they would expedite the City's request for benzene testing of wells in and around Fort Worth and added the issue continued to be a high priority. He also announced that a giant thank you card would be sent to Texas Christian University (TCU) Football Coach Gary Patterson and the Football Team in appreciation for an exceptional undefeated season, and encouraged citizens to do the same. He also stated January 4, 2010, was "Go Purple Day" and requested that all Fort Worth employees, local business owners and citizens dress casual and wear purple on game days in support of the TCU Football Team. He encouraged everyone to attend the Tostitos Fiesta Bowl to watch the Horned Frogs take on the Boise State Broncos. He advised that appreciation and good luck cards could be sent to the Texas Christian University Football Office, TCU Box 297600, Fort Worth, Texas, 76129, and stated the address would also be posted on the City website. He further advised that the January 5, 2010, City Council Meeting had been cancelled so that TCU fans citywide could attend the bowl game.

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

There were no changes in membership on boards and commissions.

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. It was the Consensus of the Council, that 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 be Withdrawn from Consideration.

2. A Resolution of the City Council of the City of Fort Worth, Texas, Changing and Canceling Some Regularly Scheduled City Council Meetings for the Months of January through December 2010

Motion: Council Member Hicks made a motion, seconded by Mayor Pro tem Scarth, that Resolution No. 3830-12-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

3. A Resolution Appointing Council Members Zim Zimmerman, Frank Moss, Kathleen Hicks and Joel Burns to the Board of Directors of Service Center Relocation, Incorporated with terms expiring July 1, 2011.

Motion: Council Member Moss made a motion, seconded by Council Member Burdette, that Resolution No. 3831-12-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

XIV. REPORT OF THE CITY MANAGER

B. General

1. M&C G-16787 - Hold a Public Hearing Concerning the Expansion of the Boundaries and Extension of the Term of Tax Increment Reinvestment Zone No 9, City of Fort Worth, Texas, (Trinity River Vision TIF) the Approval of Amended Project and Financing Plans for the Trinity River Vision TIF and the Concept of Tax Increment Financing Generally; and Adopt an Ordinance which Expands the Boundaries of the Trinity River Vision TIF to Include Certain Property to the East and South of the Current Boundaries; Extends the Expiration Date of the Trinity River Vision TIF to the Earlier of December 31, 2044, or the Date on Which All TIF Project Costs, Tax Increment Bonds and Interest on Those Bonds (if Applicable) Have Been Paid in Full; Approves Amended Project and Financing Plans for the Trinity River Vision TIF, as Previously Approved by the TIF's Board of Directors; and Contains Specific Findings of Fact in Support of the Foregoing. (Continued from December 8, 2009).

(G-16787 Continued)

City Secretary Hendrix advised that a staff report would not be provided and that staff recommended that the Public Hearing be closed and the Council take action on the item.

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

a. Report of City Staff

A staff report was not provided.

b. Citizen Presentations

There were no citizen presentations.

c. Council Action

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Espino, that the public hearing be closed, and Mayor and Council Communication No. G-16787 be approved and Ordinance No. 18975-12-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

2. M&C G-16798 - Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in Various Funds from Available Funds, in the Amount of \$2,228,761.99 to Properly Record Fees Paid to JPMorgan Chase Bank, Bank One Trust Company and Midkiff Oil and Gas Since 2004 for Banking and Consultant Services Provided in Conjunction with the City's Gas Lease Program.

Council Members Jordan, Burns, Zimmerman, and Hicks advised that they had either regular personal or business banking relationships with Chase Bank and stated it did not pose a conflict of interest and they would still vote on the agenda item.

City Attorney Yett clarified that the law only required that Council Members disclose their banking relationship prior to voting on the item and that their vote did not pose a conflict of interest.

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16798 be approved and Appropriation Ordinance No. 18976-12-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

3. M&C G-16799 - Authorize the City Manager to Purchase an Excess Workers Compensation Insurance Policy for 2010 from Star Insurance Company through McGriff, Seibels and Williams of Texas, Inc., in the Amount of \$420,189.00.

Motion: Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. G-16799 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

4. M&C G-16800 - Adopt a Resolution Readopting the Relocation Incentives Policy for Businesses Displaced by Major Public Infrastructure Projects in the City.

Motion: Council Member Zimmerman made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16800 be approved and Resolution No. 383212-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

5. M&C G-16801 - Adopt the Proposed 2010 Schedule of Rates and Charges for the City of Fort Worth Public Events Department.

Motion: Council Member Burdette made a motion, seconded by Mayor Pro tem Scarth, that Mayor and Council Communication No. G-16801 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

6. M&C G-16802 - Authorize the City Manager to Submit to the Crime Control and Prevention District Board an Amendment to the Fiscal Year 2010 Crime Control and Prevention District Budget Reducing Appropriations in the Amount of \$1,628,914.00 within the Strategic Operations Fund, Parks Community Policing Program, Special Events Overtime, Technology Infrastructure and Helicopter Lease Program.

Council Member Jordan advised that although this item involved the Crowley Independent School District and other schools, this was a budget item, therefore it did not pose a conflict of interest and he would vote on this item.

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. G-16802 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

7. M&C G-16803 - Authorize the City Manager to Ratify the Application for a Department of Justice, Community Oriented Policing Services Office, Secure Our Schools Grant in the Amount of \$459,550.00; Authorize the City Manager to Execute a Contract with the Department of Justice in Order to Accept the Award; Authorize the City Manager to Execute a Memorandum of Understanding with the Fort Worth Independent School District (FWISD) which Provides that the City of Fort Worth will Serve as the Cognizant Fiscal Agent for the Purposes of Administering the Grant and that the FWISD will Spend \$459,550.00 in Matching Funds Towards Meeting the Goals Outlined in the Memorandum of Understanding; Authorize the FWISD Match to be Recorded as in-Kind in an Amount Not to Exceed \$459,000.00; and Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Grants Fund in the Amount of \$919,100.00, Subject to Receipt of a Grant from the Department of Justice.

Council Member Moss 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 Moss left his place at the dais.)

Motion: Council Member Burdette made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. G-16803 be approved and Appropriation Ordinance No. 18977-12-2009 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with one (1) abstention by Council Member Moss.

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

8. M&C G-16804 - Conduct a Public Hearing on the Application of the Union Pacific Railroad Company for Approval of a Municipal Setting Designation for the Centennial (Davidson) Rail Yard Located at 1500 Rogers Road, a 66.57 Acre Tract More Fully Described as a Tract of Land Situated in the City of Fort Worth, Tarrant County, Texas; Said Tract Being Located in the W.D. Conner Survey, Abstract No. 228 and the T. White Survey, Abstract No. 1636 and as Reference per Certification of Articles of Merger into Union Pacific Railroad Company as Recorded in Volume 13215, Page 130 of the Official Public Records of Tarrant County, Texas ("Site"), to Allow the Public the Opportunity to Give Testimony; Adopt a Resolution in Support of the Application of the Union Pacific Railroad to the Texas Commission on Environmental Quality for a Municipal Setting Designation at 1500 Rogers Road, Fort Worth, Texas; and Adopt an Ordinance Amending the Code of the City of Fort Worth (1986), as Amended, by the Amendment of Chapter 12.5, "Environmental Protection and Compliance," Article IV "Groundwater and Surface Water Quality," by Amending Appendix "A" "Municipal Setting Designation Sites in Fort Worth," by the Addition of Section 18; Designating CFW-MSD-0018, Providing for the Prohibition of the Use of Groundwater for Potable and Irrigation Purposes in CFW-MSD-0018; Providing a Fine of Up to \$2,000.00 for Each Offense in Violation of the Ordinance.

(G-16804 Continued)

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

a. Report of City Staff

Mr. Brian Boerner, Director, Environmental Management Department, appeared before Council and provided a staff report.

b. Citizen Presentations

Mr. John H. Horton, representing the applicant, completed a speaker card in support of Mayor and Council Communication No. G-16804, but did not wish to address the Council.

c. Council Action

Council Member Burns advised that the Mistletoe Heights Neighborhood Association had requested to meet with the Environmental Management Department staff on January 5, 2010, and stated those interested in additional information about the meeting could contact the District 9 Office at 817-392-8809. He advised that he would make a motion to continue the Public Hearing until January 26, 2010.

Motion: Council Member Burns made a motion, seconded by Council Member Hicks, that Mayor and Council Communication No. G-16804 be continued until the January 26, 2010, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

C. Purchase of Equipment, Materials, and Services

1. M&C P-11066 - Authorize a Purchase Agreement with Verizon Wireless for Broadband Access Services and Hardware, Using the State of Texas Department of Information Resources Contract No. DIR-SDD-604, for the Information Technology Solutions Department for an Annual Amount Up to \$300,000.00.

Motion: Council Member Jordan made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. P-11066 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

2. M&C P-11067 - Authorize the Purchase of New Heavy Duty Dump Trucks Using Texas Association of School Boards Cooperative Contract No. 281-07 with Southwest International for the Transportation and Public Works Department for a Total Amount Up to \$865,359.00.

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. P-11067 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

3. M&C P-11068 - Authorize the Purchase of a New Caterpillar 450E Backhoe Loader through Texas Association of School Boards Contract No. 268-07 with Holt Cat for the Transportation and Public Works Department for an Amount Not to Exceed \$139,488.00.

Motion: Council Member Jordan made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. P-11068 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

4. M&C P-11069 - Authorize the Purchase of New Heavy Duty Service Trucks Using Texas Association of School Boards Cooperative Contract No. 281-07 with Southwest International for the Water Department for a Total Amount Up to \$518,553.40.

Motion: Council Member Zimmerman made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. P-11069 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

5. M&C P-11070 - Authorize the Purchase of Three (3) New Heavy Duty Trucks Using Texas Association of School Boards Cooperative Contract No. 281-07 with Southwest International for the Environmental Management Department for a Total Amount Up to \$413,061.00.

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. P-11070 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

6. M&C P-11071 - Authorize the Purchase of New Heavy Duty Service Trucks from Southwest International Using Texas Association of School Boards Cooperative Contract No. 281-07 for the Transportation and Public Works Department for a Total Amount Up to \$367,737.00.

Motion: Council Member Zimmerman made a motion, seconded by Mayor Pro tem Scarth, that Mayor and Council Communication No. P-11071 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

7. M&C P-11072 - Authorize a Contract with Data Prose, Inc., to Provide Utility Bill Printing and Mailing Services Utilizing a Cooperative Purchasing Agreement between the City of Plano and the City of Fort Worth for the Water Department for an Amount Up to \$1,837,411.00.

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. P-11072 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

8. M&C P-11073 - Authorize a Purchase Agreement with Dell Marketing, L.P., for Hardware, Technology Services, Maintenance and Support Services Utilizing the State of Texas Department of Information Resources Contract No. DIR-SDD-890 for an Amount Up to \$700,000.00 for Equipment Replacement and an Additional \$300,000.00 for New Equipment Purchase for a Total of \$1,000,000.00; Adopt a Supplemental Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Information Systems Fund in the Amount of \$716,432.96, and Decreasing Unaudited, Unreserved, Undesignated Fund Balance by the Same Amount for the Purpose of Transferring Said Funds to the Information Systems Capital Projects Fund for Equipment Replacement; Authorize the Transfer from the Information Systems Fund to the Information System Capital Projects Fund; and Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Information Systems Capital Projects Fund from Available Funds for the Purpose of Funding Equipment Replacement.

Motion: Council Member Jordan made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. P-11073 be approved and Supplemental Appropriation Ordinance No. 18978-12-2009 and Appropriation Ordinance No. 18979-12-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

9. M&C P-11074 - Authorize an Amendment to the Software Support Agreement with TriTech Software Systems for the Computer-Aided Dispatch System and Station Alerting System; and Authorize Renewal of the Software Support Agreement with TriTech Software Systems for an Additional 12-Month Period with Three (3) Additional One (1) Year Options to Renew for an Annual Amount Up to \$468,465.00.

Motion: Council Member Hicks made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. P-11074 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

City Secretary Hendrix advised that the Council would move down the agenda to Mayor and Council Communication No. C-24001, which would be considered prior to the consideration of Mayor and Council Communication No. P-11075.

10. M&C C-24001 - Authorize a Substantial Amendment to the City's 2004-2005, 2007-2008 and 2008-2009 Action Plans to Change the Use and Add Additional Funds to the Terrell Heights Street Light Replacement Project; and Authorize the Expenditure of an Additional \$198,974.37 of Community Development Block Grant Funds for the Project.

Motion: Council Member Hicks made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. C-24001 be approved with appreciation to staff. The motion carried unanimously nine (9) ayes to zero (0) nays.

City Secretary Hendrix advised that the Council would move back up the agenda to consider Mayor and Council Communication No. P-11075 and would continue the regular order of the agenda.

10. M&C P-11075 - Authorize a Purchase Agreement with Dealers Electrical Supply Company to Purchase Approximately 350 Street Lights for the Terrell Heights Street Light Replacement Project in an Amount Not to Exceed \$626,979.27; and Authorize the Purchase Agreement to Begin December 15, 2009, and Expire December 14, 2010, with the Option to Renew for Two (2) Additional One (1) Year Periods.

Motion: Council Member Hicks made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. P-11075 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

D. Land

1. M&C L-14905 - Approve the Acceptance of a Lease Agreement for Natural Gas Drilling Under 5.372 Acres, More or Less, of City-Owned Properties Known as Stephens Park and Seminary Hill Water Tower Located at 2701 West Gambrell Street to Chesapeake Exploration, L.L.C., for a Two (2) Year Primary Term.

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 Zimmerman made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. L-14905 be approved. 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.)

2. M&C L-14906 - Conduct a Public Hearing Under the Guidelines Set Forth by Chapter 26, Protection of Public and Recreational Lands, of the Texas Parks and Wildlife Code; Find that No Feasible or Prudent Alternative Exists for Locating the Proposed Fort-Eight (48) Inch Water Line in Ed K. Collett Park; Find that the Proposed Water Line Includes All Reasonable Planning to Minimize Harm to the Parkland; and Close the Public Hearing and Authorize the Water Department to Use Approximately 0.186 Acre of Dedicated Parkland for Installation of a Water Line to be Placed in the Eastern Portion of Ed K. Collett Park, Located at 4800 West Vickery, Located North of Vickery Boulevard, West of Mick Lynn Avenue.

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.

b. Citizen Presentations

There were no citizen presentations.

c. Council Action

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that the public hearing be closed, and Mayor and Council Communication No. L-14906 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

F. Award of Contract

1. M&C C-23992 - Authorize Execution of a Sole Source Service Agreement with Motorola Communications for the Maintenance of Public Safety Mobile Data Computers for an Amount Not to Exceed \$295,237.00.

Motion: Council Member Moss made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23992 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

2. M&C C-23993 - Authorize the Execution of a Contract with TW Telecom Holdings, Inc., to Provide Telecommunications Services at the Hazel Harvey Peace Center for Neighborhoods Located at 818 Missouri Avenue for the Information Technology Solutions Department Using General Services Administration Contract No. GS-35F-0426R at an Annual Cost of \$42,000.00 and a One (1) Time Installation Fee of \$1,000.00.

(C-23993 Continued)

Motion: Council Member Hicks made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23993 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

3. M&C C-23994 - Authorize the City Manager to Execute a Public Right-of-Way Use Agreement with Enterprise Texas Pipeline, LLC, to Grant a License to Construct and Operate a 30-Inch Natural Gathering Gas Pipeline Across Avondale Haslet Road, West of Farm to Market Road 156 for a One (1) Time License Fee of \$3,312.00.

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23994 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

4. M&C C-23995 - Authorize the City Manager to Execute a Public Right-of-Way Use Agreement with Enterprise Texas Pipeline, LLC, to Grant a License to Construct and Operate a 30-Inch Natural Gathering Gas Pipeline Across Bonds Ranch Road, West of US Highway 287 for a One (1) Time License Fee of \$5,520.00.

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-23995 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

5. M&C C-23996 - Authorize the City Manager to Execute a Public Right-of-Way Use Agreement with Enterprise Texas Pipeline, LLC to Grant a License to Construct and Operate a Thirty (30) Inch Natural Gas Gathering Pipeline Across Old Denton Road, South of Western Center Boulevard and Western Center Boulevard, West of Interstate Highway 35W for a One (1) Time License Fee of \$9,200.00.

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-23996 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

6. M&C C-23997 - Authorize the City Manager to Execute a Professional Services Contract with Crowe Horwath, LLP, for Consulting Services for Development of Finance Directives and Related Services for the Financial Management Services Department at a Cost Not to Exceed \$590,083.00.

(C-23997 Continued)

Motion: Council Member Hicks made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-23997 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

7. M&C C-23998 - Authorize the City Manager, or His Designee, to Enter into Settlement Agreements with Twelve (12) Property Owners Previously Granted Neighborhood Empowerment Zone Tax Abatements; and Adopt an Supplemental Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the General Fund in the Amount of \$24,920.00 and Reducing the General Fund Balance by the Same Amount for the Purpose of Entering into the Settlement Agreements.

City Secretary Hendrix advised that Exhibit A was corrected as requested in the Pre-Council Meeting by Council Member Moss.

Motion: Council Member Burns made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-23998 be approved and Supplemental Appropriation Ordinance No. 18980-12-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

8. M&C C-23999 - Authorize the City Manager to Execute Amendment No. 2 to City Secretary Contract No. 34468 (Tax Abatement Agreement) and 35603 (Economic Development Program Agreement) with Lancaster Avenue, Ltd., in Order to Extend Deadlines Relating to the Redevelopment and Scope of Work Schedule of Individual Buildings Located at the Northeast Corner of the 4200 Block of East Lancaster and Oakland Boulevard in the Oakland Corners Urban Village.

Mr. Wayman Levell, applicant, 2331 Gus Thomasson, Suite 126, appeared before Council in support of Mayor and Council Communication No. C-23999 and relative to the tax abatement and economic development extension. He advised that he had invested more than \$2.6 million and was on track to meet all of the Minority Women Business Enterprise (MWBE) requirements. He stated that the downturn of the economy and having to replat the former auto shop property had created unforeseen delays and he requested the Council approve the request for an extension.

Ms. Gigi Goesling, 4301 Kenwood Court, appeared before Council in opposition to Mayor and Council Communication No. C-23999 and relative to the neighborhood association and the residents on Kenwood Court not being notified about the change in the request for a check cashing venue. She also stated that in the original agreement, the business was not to be open 24-hours and added that the store lighting and signage was too bright for a residential area.

(C-23999 Continued)

Council Member Hicks requested clarification from Mr. Jay Chapa, Director, Housing and Economic Development Department, on what types of businesses were allowed on this property.

Mr. Chapa stated the original agreement did not have specifications for what uses were allowed, but the new agreement would preclude the developer from any of the uses outlined in the Neighborhood Empowerment Zone (NEZ) and Urban Villages areas.

Council Member Hicks stated that the majority of the West Meadowbrook Neighborhood Association supported the extension and added that the replatting of the property was an unforeseen problem that was not anticipated. She stated that the uses that were outlined in NEZ and Urban Village areas covered a number of businesses that the neighbors had discussed with the developer. She stated she would support moving forward with an extension.

Council Member Espino requested that the developer be sensitive to the needs of the neighbors relative to signage on the building. He pointed out that the residents must live behind this business and urged the developer to work with the neighbors to come to an agreement.

Mr. Chapa stated any signs on the property must meet the requirements of the Sign Ordinance and the developer must apply for a sign permit.

Council Member Hicks added that enforcement of Ordinances was an issue in the area and around the City and stated she would be meeting with a number of stakeholders in the area regarding enforcement of various Ordinances.

Motion: Council Member Hicks made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. C-23999 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

9. M&C C-24000 - Authorize the City Manager to Execute an Amendment to the Economic Development Program Agreement with Presidio Hotel Fort Worth, L.P., City Secretary Contract No. 33870, as Previously Amended, in Order to Adjust Employment Commitments for the Hotel.

Motion: Council Member Burns made a motion, seconded by Mayor Pro tem Scarth, that Mayor and Council Communication No. C-24000 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

11. M&C C-24002 - Authorize the City Manager to Enter into an Agreement with the University of North Texas Health Science Center at Fort Worth to Accept and Receive Grant Funds from the State of Texas in the Total Amount of \$700,000.00 During the State's Fiscal Year of September 1, 2009, to August 31, 2010; and Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Grants Fund, Upon Receipt of a Grant from the State of Texas for the Guinn Elementary School Renovation.

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Hicks, that Mayor and Council Communication No. C-24002 be approved and Appropriation Ordinance No. 18981-12-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

12. M&C C-24003 - Authorize the Transfer of \$682,586.00 from the Water and Sewer Operating Fund to the Water Capital Projects Fund in the Amount of \$576,551.00 and Sewer Capital Projects Fund in the Amount of \$106,035.00; Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Water Capital Projects Fund and in the Sewer Capital Projects Fund from Available Funds, for Pavement Reconstruction and Water and Sanitary Sewer Main Replacement on Portions of Ash Crescent Street, Irma Street, Montague Street and Morningside Drive East, Group D, Project Number 00923, DOE Number 6237; and Authorize the City Manager to Execute a Contract with McClendon Construction Company, Inc., in the Amount of \$2,106,207.20.

Motion: Council Member Hicks made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-24003 be approved and Appropriation Ordinance No. 18982-12-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

13. M&C C-24004 - Authorize the City Manager to Execute an Engineering Services Agreement with Freese and Nichols, Inc., in the Amount of \$3,764,201.00 as Part of the Trinity River Vision Central City Project for Evaluation and Final Design of Bridges at North Main Street and Henderson Street and Thirty (30) Percent Final Design of the White Settlement Road Bridge.

Motion: Council Member Burns made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-24004 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

14. M&C C-24005 - Authorize a Sole Source Purchase Agreement for the Jurisdictional Enhanced Incident Management Unified Command Course and Enhanced Emergency Operations Center Course from Texas Engineering Extension Service for the City of Fort Worth Emergency Operations Center User's Group for \$287,000.00.

(C-24005 Continued)

Motion: Council Member Zimmerman made a motion, seconded by Mayor Pro tem Scarth, that Mayor and Council Communication No. C-24005 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

15. M&C C-24006 - Authorize the City Manager to Execute Amendment No. 2 to the Agreement to Lease and Operate the Southeast Landfill with Allied Waste Systems, Inc., d/b/a Trinity Waste Services, Known as City Secretary Contract No. 28336; and Authorize the Settlement and Execution by the Appropriate Person of Related Documents for the Lawsuit between the City of Fort Worth and Allied Waste Services, Inc., d/b/a Trinity Waste Services, Cause No. 153 231908 08.

Mr. Nicholas Stefkovich, 1212 Harrison Avenue, completed a speaker card in support of Mayor and Council Communication No. C-24006, but did not wish to address the Council.

Mayor Moncrief expressed appreciation to Mr. Nicholas Stefkovich for his assistance in initiating the negotiations on this agreement.

Motion: Council Member Burdette made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. C-24006 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

16. M&C C-24007 - Authorize the Transfer of \$832,429.00 from the Water and Sewer Operating Fund to the Sewer Capital Projects Fund; Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Sewer Capital Projects Fund from Available Funds, for the West Fork Interceptor and Village Creek Wastewater Treatment Plant Odor and Corrosion Control Improvements; and Authorize the City Manager to Execute Amendment No. 1 in the Amount of \$812,429.00 to City Secretary Contract No. 38976 with Malcolm Pirnie, Inc., Thereby Increasing the Contract Amount to \$1,766,712.00.

Motion: Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-24007 be approved and Appropriation Ordinance No. 18983-12-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

17. M&C C-24008 - Authorize the City Manager to Authorize an Amendment to City Secretary Contract No. 36003 to Allow the Fort Worth Convention and Visitors Bureau to Manage and Supervise the Fort Worth Herd Program beginning January 1, 2010, and to Provide Payment of \$433,180.19 for these Additional Services for the Remainder of Fiscal Year 2010; and Adopt a Supplemental Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Culture and Tourism Fund in the Amount of \$38,015.69 from Unaudited, Unreserved, Undesignated Funds for the Payment of Additional Funds to Manage and Supervise the Fort Worth Herd Program.

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(C-24008 Continued)

Mayor Moncrief expressed appreciation to Ms. Kristin Liggett, Fort Worth Herd Trail Boss, for her assistance in helping the City take the next step regarding the management of the Fort Worth Herd Program.

Motion: Council Member Espino made a motion, seconded by Council Member Hicks, that Mayor and Council Communication No. C-24008 be approved and Appropriation Ordinance No. 18984-12-2009 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

18. M&C C-24009 - Authorize the City Manager to Execute a License Agreement with the Fort Worth Independent School District for the Use of Designated Space at the Northside Community Center Located at 1100 Northwest 18th Street, Fort Worth, Texas, 76106 and at Southside Community Center Located at 959 East Rosedale, Fort Worth, Texas, 76104, for the Operation of the Fort Worth Independent School District Adult Education Center.

Council Member Moss 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 Moss left his place at the dais.)

Motion: Council Member Espino made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. C-24009 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with one (1) abstention by Council Member Moss.

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

19. M&C C-24010 - Authorize Payment in the Amount Up to \$2,200,000.00 to the United States Postal Service for Postage from December 16, 2009, to December 15, 2010.

Council Member Scarth encouraged staff to engage citizens through the internet in an effort to reduce postage costs.

Motion: Council Member Burdette made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-24010 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

XV. CITIZEN PRESENTATIONS

1. Mr. Kyev Tatum, 1333 Magnolia Avenue, Community/City Relations

Mr. Kyev Tatum, 1333 Magnolia Avenue and Mr. Archie Tatum, 1333 Magnolia Avenue, appeared before Council relative to the use of taser guns by the Police Department and the death of Mr. Michael Jacobs, Jr. Both individuals expressed their concern and disappointment and that they had lost confidence in the Chief of Police and Mayor Moncrief.

2. Mr. Joe Don Brandon, P. O. Box 1155, The T

Mayor Moncrief recognized Mr. Joe Don Brandon but Mr. Brandon was not present in the Council Chamber at that time.

Mr. Berisha Kohanisho, 2400 Cypress Street, appeared before Council relative to the Presbyterian Night Shelter (PNS) Health Program and requested the Council provide assistance to the homeless in the City on healthcare related issues.

Mayor Moncrief advised that the Choir from Happy Hill Farm Academy would perform a song for the Council and stated that Happy Hill Farm Academy served children, strengthened families, and gave young lives a hopeful tomorrow.

XVI. EXECUTIVE SESSION (PRE-COUNCIL CHAMBER)

It was the consensus of the City Council that they recess into Executive Session at 11:59 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) Legal issues concerning collective bargaining with the firefighter's union;
- b) Legal issues concerning traffic accident at 3800 Columbus Trail;
- 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

(XVI. EXECUTIVE SESSION Continued)

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 1:05 p.m. in memory of Council Member Zimmerman's Mother-in-Law, Mrs. Mary Crowe; Officer John R. McCauley, a 27 year veteran of the Fort Worth Police Department; and United States Air Force Veteran Mr. Joseph Donovan, father of Officer Daniel Donovan, Fort Worth Police Department, and who served on Mayor Moncrief's security detail.