



**SUMMARY OF MEETINGS AND ACTIVITIES  
MONDAY, APRIL 4, 2011, THROUGH FRIDAY, APRIL 8, 2011**

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**MONDAY, APRIL 4, 2011**

**TIME**

**LOCATION**

**NO MEETINGS**

**TUESDAY, APRIL 5, 2011**

Legislative and Intergovernmental Affairs Committee	11:00 a.m.	Pre-Council Chamber
D/FW International Airport Board – Operations Committee	1:00 p.m.	D/FW International Airport Administration Building Board Room, 3200 East Airfield Drive Dallas 75261
Housing and Economic Development Corporation (HEDC)	1:00 p.m.	Pre-Council Chamber
Local Development Corporation (LDC)	Immediately Following HEDC	Pre-Council Chamber
Housing Finance Corporation (HFC)	Immediately Following LDC	Pre-Council Chamber
D/FW International Airport Board – Finance/Audit Committee	2:00 p.m.	D/FW International Airport Administration Building Board Room, 3200 East Airfield Drive Dallas 75261
D/FW International Airport Board – Concessions/Commercial Development Committee	2:30 p.m.	D/FW International Airport Administration Building Board Room, 3200 East Airfield Drive Dallas 75261
Pre-Council Meeting	3:00 p.m.	Pre-Council Chamber
City Council Meeting	7:00 p.m.	Council Chamber

This summary is compiled from data furnished to the Office of the City Secretary by 12:00 noon on March 31, 2011, and may not include all meetings to be conducted during the week of April 4, 2011, through April 8, 2011. It is a summary listing only. See individual agendas which are posted in compliance with the Texas Open Meetings Act for detailed information.



**SUMMARY OF MEETINGS AND ACTIVITIES  
MONDAY, APRIL 4, 2011, THROUGH FRIDAY, APRIL 8, 2011**

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**WEDNESDAY, APRIL 6, 2011**

<b><u>TIME</u></b>	<b><u>LOCATION</u></b>
Board of Adjustment – Commercial Work Session	9:00 a.m. Pre-Council Chamber
Board of Adjustment – Commercial Public Hearing	10:00 a.m. Council Chamber

**THURSDAY, APRIL 7, 2011**

D/FW International Airport Board	8:30 a.m. D/FW International Airport Administration Building Board Room, 3200 East Airfield Drive Dallas 75261
Library Advisory Board	12:30 p.m. Central Library Board Room, Lower Level 500 West 3 <sup>rd</sup> Street
Downtown Design Review Board Work Session	1:30 p.m. Pre-Council Chamber
Downtown Design Review Board Public Hearing	2:00 p.m. Pre-Council Chamber

**FRIDAY, APRIL 8, 2011**

**NO MEETINGS**

This summary is compiled from data furnished to the Office of the City Secretary by 12:00 noon on March 31, 2011, and may not include all meetings to be conducted during the week of April 4, 2011, through April 8, 2011. It is a summary listing only. See individual agendas which are posted in compliance with the Texas Open Meetings Act for detailed information.

**REVISED**

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**LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS  
TUESDAY, APRIL 5, 2011  
11:00 A.M.  
PRE-COUNCIL CHAMBERS, CITY HALL  
1000 THROCKMORTON STREET, FORT WORTH, TEXAS**

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**HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE  
TUESDAY, APRIL 5, 2011  
1:00 P.M.  
PRE-COUNCIL CHAMBERS, CITY HALL  
1000 THROCKMORTON STREET, FORT WORTH, TEXAS**

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**FORT WORTH LOCAL DEVELOPMENT CORPORATION  
(IMMEDIATELY FOLLOWING THE HOUSING AND ECONOMIC DEVELOPMENT  
COMMITTEE  
TUESDAY, APRIL 5, 2011  
PRE-COUNCIL CHAMBERS, CITY HALL  
1000 THROCKMORTON STREET, FORT WORTH, TEXAS**

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**FORT WORTH HOUSING FINANCE CORPORATION  
(IMMEDIATELY FOLLOWING THE FORT WORTH LOCAL DEVELOPMENT  
CORPORATION)  
TUESDAY, APRIL 5, 2011  
PRE-COUNCIL CHAMBERS, CITY HALL  
1000 THROCKMORTON STREET, FORT WORTH, TEXAS**

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**PRE-COUNCIL MEETING  
TUESDAY, APRIL 5, 2011  
3:00 P.M.  
PRE-COUNCIL CHAMBERS, CITY HALL  
1000 THROCKMORTON STREET, FORT WORTH, TEXAS**

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1. Report of the City Manager - **Tom Higgins, Interim City Manager**
  - a. Changes to the City Council Agenda
  - b. Upcoming and Recent Events
  - c. Organizational Updates and Employee Recognition(s)
  - d. Informal Reports
    - IR 9372:** Proposed Council-Initiated Zoning Changes for the US 287/Vaughn Area Neighborhood
2. Questions Concerning Current Agenda Items - **City Council Members**
  - a. Current Agenda Items Related to Gas Drilling - **Rick Trice, Planning and Development**

- b. Overview of Significant Zoning Cases - **Dana Burghdoff, Planning and Development**
- 3. Responses to Items Continued from a Previous Week
  - a. [M&C G-17140](#) - Conduct Public Hearing, Adopt a Resolution Designating the Six Points Area as a Neighborhood Empowerment Zone and Adopt an Ordinance Designating the Six Points Area as a Neighborhood Empowerment Reinvestment Zone No. 38 (COUNCIL DISTRICTS 2 AND 4) (**Continued from March 8, 2011 by Staff (Public Hearing)**)
  - b. [M&C G-17236](#) - Authorize Temporary Closure of Stonegate Boulevard between South Hulen Street and Oak Hill Circle from March 23, 2011 to April 2, 2011 for the Installation of a 42-Inch Water Main as Part of the State Highway 121 Relocation (COUNCIL DISTRICT 3) (**Continued from March 22, 2011 by Staff**)
  - c. ZC-11-006A - City of Fort Worth Planning & Development, 2423 Clinton Avenue; from: "F" General Commercial to: "UR" Urban Residential (**Recommended for Approval (Continued from March 8, 2011 by Council Member Espino)**)
- 4. Discussion of Legislative Bills for the 82nd Texas Legislative Session - **Tom Higgins, City Manager**
- 5. Review of Fiscal Year 2010 Audit Results - **Lena Ellis, Financial Management Services and Terry Kile, Deloitte & Touche, LLP**
- 6. Code Compliance Quarterly Update - **Brandon Bennett, Code Compliance**
- 7. Briefing on Paperless Initiatives - **Steve Streiffert, IT Solutions**
- 8. City Council Requests for Future Agenda Items and/or Reports
- 9. Executive Session - The City Council may conduct a closed meeting as authorized by Section 551.071 of the Texas Government Code to seek the advice of its attorneys on legal issues regarding any matter listed on today's City Council Agendas

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***This facility is wheelchair accessible. For accommodations or sign interpretive services, please call the City Manager's Office at 817-392-6143, 48 hours in advance.***

**NOTICE OF SPECIAL SESSION  
(PRE-COUNCIL CHAMBER, CITY HALL)  
Tuesday, April 5, 2011**

**REVISED NOTICE OF SPECIAL MEETING**

Notice is hereby given that the City Council of the City of Fort Worth will hold a special meeting in the Pre-Council Chamber of the Fort Worth City Hall, 1000 Throckmorton, Fort Worth, Texas, on Tuesday, April 5, 2011 to consider the items on the agenda listed below. The special meeting will be held immediately after the Pre-Council meeting that begins at 3:00 P.M. in the Pre-Council Chamber at City Hall and before the regular City Council meeting that begins at 7:00 P.M. in the Council Chamber at City Hall.

I. CALL TO ORDER

II. EXECUTIVE SESSION

The City Council will conduct a closed meeting in order 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 and as authorized by Section 551.071 of the Texas Government Code:
  - (a) Legal issues related to Fort Worth reserve police force;
  - (b) Legal issues related to four Fort Worth Selective Traffic Enforcement Program (STEP) grants funded by the Texas Department of Transportation (TxDOT);
  - (c) Legal issues related to Chapter 171, Texas Local Government Code;
  - (d) **Legal issues related to the contract with Texas Harley Davidson;** and
  - (e) Legal issues concerning any item listed on today's City Council meeting agendas.
2. Deliberate the purchase, exchange, 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 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.

III. ADJOURN

**CITY COUNCIL AGENDA  
FOR THE MEETING AT 7:00 P.M. TUESDAY, APRIL 05, 2011  
CITY COUNCIL CHAMBER, CITY HALL  
1000 THROCKMORTON STREET, FORT WORTH, TEXAS**

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**I. CALL TO ORDER**

**II. INVOCATION** - Pastor Mike Masterson, Saint Matthews Lutheran Church

**III. PLEDGE OF ALLEGIANCE**

**IV. CONSIDERATION OF MINUTES OF CALLED SPECIAL MEETING OF FEBRUARY 15, 2011 AND REGULAR MEETING OF MARCH 22, 2011**

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

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

**VII. CONSENT AGENDA**

Items on the Consent Agenda require little or no deliberation by the City Council. Approval of the Consent Agenda authorizes the City Manager, or his designee, to implement each item in accordance with staff recommendations.

**A. General - Consent Items**

1. [M&C G-17251](#) - Adopt Ordinances Correcting Ordinance Nos. 14859, 16662, 16894, 17589, 17699, 18339, 18365, 18390, 18763 and 18785, in Order to Correct Zoning Information, Addresses and Legal Descriptions from Previously Approved Zoning Cases (COUNCIL DISTRICTS 2, 5, 6, 7, 8 and 9)
2. [M&C G-17252](#) - Authorize the City Manager to Submit to the Crime Control and Prevention District Board an Amendment to the Fiscal Year 2011 Crime Control and Prevention District Budget Increasing the Appropriations in the Amount of \$350,000.00 for Design Services for the Police Air Support Hangar at Meacham International Airport (COUNCIL DISTRICT 2)
3. [M&C G-17253](#) - Adopt Ordinance Repealing Section 10-1 of the City Code, "Municipal Courts Established" and Adopting a New Section 10-1 to Increase the Number of Courts to Nine and Provide for Additional Jurisdiction (COUNCIL DISTRICTS 2, 4, 6, and 9)
4. [M&C G-17254](#) - Authorize an Engineering Services Agreement in the Amount of \$82,147.00 with Garver, LLC, for the Design, Bidding and Construction Phase Services for 51S Apron and Taxilane Improvements at Fort Worth Meacham International Airport, Authorize Project Management, Administration and Related Expenses in the Amount of \$10,000.00 and Adopt Appropriation Ordinance (COUNCIL

DISTRICT 2)

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

1. [M&C P-11217](#) - Authorize a Purchase Agreement with COWTOWN PROCESSING & DISPOSAL, INC., d/b/a COLD SPRINGS PROCESSING & DISPOSAL, for Waste Disposal Services for the Water Department for an Initial Annual Amount of \$100,000.00
2. [M&C P-11218](#) - Adopt a Supplemental Appropriation Ordinance Increasing Appropriations in the Culture and Tourism Fund in the Amount of \$449,964.00 and Decreasing the **Unaudited, Unreserved, Undesignated Culture and Tourism Fund Balance** by the Same Amount and Authorize the Purchase and Installation of Operable Partitions from Chas. F. Williams Co., Inc., for the Public Events Department in the Amount of \$449,964.00
3. [M&C P-11219](#) - Authorize a Sole-Source Purchase of Trimble Global Navigation Satellite Systems and Accessories from North American Western Data Systems, Inc., for the Transportation and Public Works Department for a Total Amount of \$68,322.00

**C. Land - Consent Items**

1. [M&C L-15162](#) - Authorize the Acquisition of a Fee Simple Interest in 2.330 Acres of Land Containing Both Vacant and Improved Lots Located at 1224, 1232 and 1236 East Butler Street from Porfirio and Martha Castillo-Monreal for the Butler-McClure Drainage Improvement Project for a Total of \$65,000.00 and Pay the Estimated Closing Costs of \$5,000.00 (COUNCIL DISTRICT 9)

**D. Planning & Zoning - Consent Items - None**

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

1. [M&C C-24806](#) - Authorize an Amendment to the Existing Contract for Staffing Services with Robert Half International, Inc., through its Division Robert Half Management Resources Company for the Office of City Auditor in the Amount of \$132,000.00 for Supplemental Audit Staff for the Office of City Auditor
2. [M&C C-24807](#) - Authorize Non-Exclusive Lease Agreement with the Eagle Mountain-Saginaw Independent School District to Accommodate the Installation of Community Facilities Required by the Construction of a New High School (COUNCIL DISTRICT 7)

3. [M&C C-24808](#) - Authorize Execution of a Contract in the Amount of \$285,980.00 with C. Green Scaping, LP, for Brick Pavement Repair 2011-2012 for Camp Bowie Boulevard and Adopt Appropriation Ordinance (COUNCIL DISTRICT 7)
4. [M&C C-24809](#) - Authorize Execution of a Contract with CPS Civil, LLC, in the Amount of \$260,043.00 for the Construction of Miscellaneous Storm Drain Contract B Phase 2 Project (COUNCIL DISTRICTS 2 and 4)
5. [M&C C-24810](#) - Authorize Execution of an Engineering Agreement in the Amount of \$307,226.00 with Shield Engineering Group, PLLC, for the Lake Crest Drainage Improvements Project (COUNCIL DISTRICT 7)
6. [M&C C-24811](#) - Authorize Execution of Contract with Edko, LLC, Not to Exceed \$75,000.00 for the 2011 Herbicide Treatment Program (ALL COUNCIL DISTRICTS)
7. [M&C C-24812](#) - Authorize Execution of Change Order No. 1 in the Amount of \$248,919.25 to City Secretary Contract No. 40675 with Austin Bridge & Road, L.P., for Hot Mix Asphaltic Concrete Surface Overlay 2010-2 at Various Locations and Adopt Appropriation Ordinance (COUNCIL DISTRICTS 8 and 9)
8. [M&C C-24813](#) - Rescind M&C C-24308 and Authorize an Interlocal Agreement with Tarrant County for the Rehabilitation of Avondale Haslet Road from the Railroad Tracks East of Highway 287 to 700 Feet East of Sendera Ranch Boulevard with City Participation in the Amount of \$178,107.81 (COUNCIL DISTRICTS 2 and 7)
9. [M&C C-24814](#) - Authorize an Interlocal Agreement with Tarrant County for the Rehabilitation of W. J. Boaz Road from Old Decatur Road to Boat Club Road with City Participation in the Amount of \$226,570.00 (COUNCIL DISTRICT 7)
10. [M&C C-24815](#) - Authorize an Interlocal Agreement with Tarrant County in an Amount Not to Exceed \$158,000.00 for a Construction Project for the Extension of Ray White Road to Fill the Gap from North Beach Street to Crawford Farms Subdivision (COUNCIL DISTRICT 2)
11. [M&C C-24816](#) - Authorize Execution of an Engineering Services Agreement in the Amount of \$188,800.00 with Kimley-Horn and Associates, Inc., for Signal Warrant Studies, Design and Timing Services at Ten Intersections on State Highway 183 from State Highway 199 to Riverside Drive (COUNCIL DISTRICTS 2, 4 and 7)
12. [M&C C-24817](#) - Adopt Supplemental Appropriation Ordinance in the Culture and Tourism Fund in the Amount of \$322,000.00 and Decreasing the **Unaudited, Unreserved, Undesignated Culture and**

- Tourism Fund Balance** by the Same Amount and Authorize Execution of a Work Order in the Amount of \$285,207.36 with Yeargan Construction Company–The Mark IV Construction Group to Upgrade the Cooling Tower at the Will Rogers Memorial Center (COUNCIL DISTRICT 7)
13. [M&C C-24818](#) - Adopt Supplemental Appropriation Ordinance Increasing Appropriations in the Culture and Tourism Fund in the Amount of \$113,000.00 and Decreasing the **Unaudited, Unreserved, Undesignated Culture and Tourism Fund Balance** by the Same Amount and Authorize the Execution of an Engineering Agreement in the Amount of \$96,000.00 with Dunaway Associates, LP, for the Design and Construction Administration Services for the Recreational Vehicle Lot at the Will Rogers Memorial Center (COUNCIL DISTRICT 7)
  14. [M&C C-24819](#) - Authorize Execution of Amendment No. 4 to City Secretary Contract No. 40440 in the Amount of \$13,504.38 with AECOM Technical Services, Inc., to Include Electrical Design, Civil Design and Materials Testing for the Phase Seven Airfield Pavement Rehabilitation, Runway Guard Light Rehabilitation and Precision Approach Path Indicator Rehabilitation at Fort Worth Alliance Airport (COUNCIL DISTRICT 2)
  15. [M&C C-24820](#) - Authorize Execution of an Engineering Agreement in the Amount of \$115,576.00 with M.J. Thomas Engineering, LLC, for Water and Sanitary Sewer Replacement Contract 2009, STM-M on Covert Avenue, Lubbock Avenue, Sappington Place and Waverly Way and Adopt Appropriation Ordinance(COUNCIL DISTRICT 3)
  16. [M&C C-24821](#) - Authorize Execution of an Engineering Agreement in the Amount of \$240,000.00 with Teague Nall and Perkins, Inc., for Water and Sanitary Sewer Replacement Contract 2009, WSM-L on Fairway Drive, Sarah Jane Lane, Rodeo Street, Alcannon Street, Dublin Drive, Conlin Drive and Decory Road and Adopt Appropriation Ordinance (COUNCIL DISTRICT 8)
  17. [M&C C-24822](#) - Authorize Execution of Change Order No. 4 in the Amount of \$82,930.00 to City Secretary Contract No. 39118 with Burnsco Construction, Inc., for Sanitary Sewer Rehabilitation, Contract LXVI, on Washburn Street and Harley Avenue (COUNCIL DISTRICT 7)
  18. [M&C C-24823](#) - Authorize Execution of an Engineering Agreement in the Amount of \$101,398.00 with STV Incorporated for Water and Sanitary Sewer Replacement Contract, 2010 STM-D on Cardiff Avenue, Tasman Street, Topper Street, Wallingford Drive and Walraven Circle and Adopt Appropriation Ordinance (COUNCIL DISTRICT 6)

19. [M&C C-24824](#) - Authorize Execution of Change Order No. 1 in the Amount of \$32,345.00 to City Secretary Contract No. 40332 with Conatser Construction TX, LP, for Water and Sanitary Sewer Relocations for State Highway 121T Parts 6, 14 and 16 on Vickery Boulevard (COUNCIL DISTRICT 3)
20. [M&C C-24825](#) - Authorize Execution of Change Order No. 3 in the Amount of \$109,759.00 to City Secretary Contract No. 38247 with LP Sundance Construction, Inc., for East Seventh Street Deep Tunnel Sanitary Sewer, Part 1 (COUNCIL DISTRICTS 2 and 8)
21. [M&C C-24826](#) - Authorize Execution of an Engineering Agreement in the Amount of \$201,096.00 with Kimley-Horn and Associates, Inc., for Medical District Part 8-Water Distribution System Improvements on Bradner Street, Broadway Street, Henderson Street, Magnolia Avenue, St. Louis Avenue, South Main Street and Park Place Avenue for the JPS Health Network, The Dannon Company and Park Place (COUNCIL DISTRICT 9)
22. [M&C C-24827](#) - Approve Amended Community Facilities Agreement, City Contract No. 41224, with Matyastik & Phillips Investments LLC and Authorize City Participation in the Amount of \$18,742.11 for Construction of an Eight-Inch Water Main to Serve Matyastik Addition No. 2 a Development Located in Fort Worth Extraterritorial Jurisdiction (COUNCIL DISTRICT 7)
23. [M&C C-24828](#) - Authorize Execution of Amendment No. 1 in the Amount of \$146,938.00 to City Secretary Contract No. 39779 with Freese & Nichols, Inc., for the North and South Holly Water Treatment Plant Ozone Upgrade Project Construction Management (COUNCIL DISTRICT 9)
24. [M&C C-24829](#) - Authorize Payment to Oracle America Inc., in an Amount Not to Exceed \$75,979.61 for Incremental Licensing and Program Support Fees for the PeopleSoft Customer Relationship Management System Used by the Water Department
25. [M&C C-24830](#) - Authorize Execution of an Engineering Agreement in the Amount of \$91,505.00 with Schrickel, Rollins and Associates, Inc., for Sanitary Sewer Rehabilitation Contract LXXVII on Bryan Avenue and New York Avenue and Adopt Appropriation Ordinance (COUNCIL DISTRICTS 8 and 9)
26. [M&C C-24831](#) - Authorize Execution of an Engineering Agreement in the Amount of \$197,608.00 with Baird, Hampton & Brown, Inc., for Sanitary Sewer Replacement Contract 82 and Adopt Appropriation Ordinance (COUNCIL DISTRICT 2)

27. [M&C C-24832](#) - Authorize Execution of an Engineering Agreement in the Amount of \$175,435.00 with ARS Engineers Inc., for Sanitary Sewer Replacement Contract 85 on 29th Street, 25th Street, Houston Street and Loving Avenue and Adopt Appropriation Ordinance (COUNCIL DISTRICT 2)
28. [M&C C-24833](#) - Authorize Execution of a Community Facilities Agreement with Texas Christian University with City Participation in the Amount of \$854,566.77 for Construction of 16-Inch Water Main and Eight-Inch Sewer Main Relocation in Stadium Drive to Serve Texas Christian University Amon G. Carter Stadium (COUNCIL DISTRICT 9)
29. [M&C C-24834](#) - Authorize Execution of a Community Facilities Agreement with City Participation in the Amount of \$570,336.00 with Wilbow-Skyline Development Corporation, Inc., for Construction of 30-Inch Sewer Interceptor to Serve Walnut Creek, Phase IV and Eight-Inch Water and Sewer Mains to Serve Skyline Ranch, Phase III (COUNCIL DISTRICT 3)
30. [M&C C-24835](#) - Authorize Execution of Amendment No. 1 to City Secretary Contract No. 40759, a Community Facilities Agreement with Carlyle/Cypress Retail I, L.P., to Add City Participation in the Amount of \$27,846.00 for Repair of an Eight-Inch Sewer Main to Serve West 7th Southeast Block, a Development Located in Fort Worth (COUNCIL DISTRICT 9)
31. [M&C C-24836](#) - Authorize Application for and Acceptance, if Awarded, a Grant from the Texas Department of Agriculture in an Amount Up to \$600,500.00 for the 2011 Summer Food Service Program, Apply Indirect Costs at Approved Percentage Rate and Adopt Appropriation Ordinance (ALL COUNCIL DISTRICTS)

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

1. OCS - 1807 - Notice of Claims for Alleged Damages and/or Injuries

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

1. Presentation of Proclamation for Texas Motor Speedway Race Week
2. Presentation of Proclamation for United States Navy Week
3. Presentation of Proclamation for Tarrant Cares Month

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

1. Upcoming and Recent Events
2. Recognition of Citizens

**XI. PRESENTATIONS BY THE CITY COUNCIL**

1. Changes in Membership on Boards and Commissions

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

### XIII. ORDINANCE

1. An Ordinance Amending Ordinance No. 19554-02-2011, Ordering a General Election by the Qualified Voters of the City of Fort Worth, Texas, on Saturday, the 14th Day of May, 2011, for the Purpose of Electing the Mayor and Council Members for the City of Fort Worth to Amend Election Day Polling Locations in Tarrant and Denton Counties and to Amend Early Voting Locations in Tarrant and Denton Counties

### XIV. REPORT OF THE CITY MANAGER

#### A. Benefit Hearing - None

#### B. General

1. [M&C G-17140](#) - Conduct Public Hearing, Adopt a Resolution Designating the Six Points Area as a Neighborhood Empowerment Zone and Adopt an Ordinance Designating the Six Points Area as Neighborhood Empowerment Reinvestment Zone No. 38 (COUNCIL DISTRICTS 2 and 4) **(Continued from a Previous Meeting) (PUBLIC HEARING)**
  - a. Report of City Staff
  - b. Citizen Presentations
  - c. Council Action
2. [M&C G-17140](#) - **(Revised)** Conduct Public Hearing, Adopt a Resolution Designating the Six Points Area as a Neighborhood Empowerment Zone and Adopt an Ordinance Designating the Six Points Area as Neighborhood Empowerment Reinvestment Zone No. 38 (COUNCIL DISTRICTS 2 and 4) **(PUBLIC HEARING)**
  - a. Report of City Staff
  - b. Citizen Presentations
  - c. Council Action
3. [M&C G-17236](#) - Authorize Temporary Closure of Stonegate Boulevard between South Hulen Street and Oak Hill Circle from March 23, 2011 to April 2, 2011 for the Installation of a 42-Inch Water Main as Part of the State Highway 121 Relocation (COUNCIL DISTRICT 3) **(Continued from a Previous Meeting)**
4. [M&C G-17236](#) - **(Revised)** Authorize Temporary Closure of Stonegate Boulevard Between South Hulen Street and Oak Hill Circle from April 11, 2011 to April 23, 2011 for the Installation of a 42-Inch Water Main as Part of the State Highway 121 Relocation (COUNCIL DISTRICT 3)
5. [M&C G-17255](#) - Adopt Appropriation Ordinance Increasing Receipts and Appropriations in the Grants Fund by \$92,500.00 from Available Revenues for the Redesign and Renovation of the Meadowbrook Branch Library (COUNCIL DISTRICT 5)

### C. Purchase of Equipment, Materials, and Services

1. [M&C P-11220](#) - Authorize the Purchase of 1,100 Portable Horse Stalls from Priefert Manufacturing Company Inc., for the Public Events Department for a Total Amount of \$1,582,487.00
2. [M&C P-11221](#) - Adopt Supplemental Appropriation Increasing Appropriations in the Information Systems Fund by \$646,318.00 and Decreasing the **Unaudited, Unreserved, Undesignated Information Systems Fund Balance** by the Same Amount, Transfer Funds to the Information Systems Capital Projects Fund, Adopt Appropriation Ordinance and Authorize a Purchase Agreement with Dell Marketing, L.P., for Hardware, Technology Services and Maintenance and Support Services Using a State of Texas Department of Information Resources Contract for an Initial Annual Amount of \$1,046,318.00

### D. Land

1. [M&C L-15163](#) - Approve Acceptance of Lease Agreement with Chesapeake Exploration, LLC, in the Amount of \$42,934.94 for Natural Gas Drilling Under 11.993 Acres of City-Owned Properties Known as Deer Creek Park Located at 1800 Hemphill Street (COUNCIL DISTRICT 6)
2. [M&C L-15164](#) - Authorize Execution of an Underground Pipeline License Agreement with Texas Midstream Gas Services, LLC, for a Natural Gas Pipeline Across City-Owned Property Located West of BNSF Railroad, East of Main Street North and Between 23rd and 29th Streets, also Known as Tony's Creek Detention Pond for a Twenty-Year Term at a Cost of \$87,056.76 (COUNCIL DISTRICT 2)
3. [M&C L-15165](#) - Authorize Condemnation of an Easement Interest in 1.910 Acres of Land for Five Permanent Sewer Facility Easements and 0.703 Acres of Land for Four Temporary Construction Easements Owned by Timberview Golf Club, Inc. Located at 4301 Timberview Drive and 4508 Enon Road for the Sanitary Sewer Main 257 Upper and Middle Village Creek Parallel Relief Main Part 1 Project (COUNCIL DISTRICT 8 )

### E. Planning & Zoning

1. [M&C PZ-2931](#) - Adopt the Proposed Amendment to the Master Thoroughfare Plan MT-010-004 to Realign a Segment of a Future Major Arterial North to Intersect with FM 718 Rather than Northwest to Intersect with FM 1220 Located in the Far West Planning Sector as Shown in the Current Master Thoroughfare Plan (Fort Worth's Extra Territorial Jurisdiction ETJ)

## F. Award of Contract

1. [M&C C-24837](#) - Ratify the Application for and Authorize Acceptance of a Grant, if Awarded, of Pass Through Financing Project Funds in an Amount Up to \$10,510,000.00 for the Construction of the New Henderson Street Bridge with the Texas Department of Transportation and Adopt Appropriation Ordinance (COUNCIL DISTRICT 9)
2. [M&C C-24838](#) - Authorize Execution of a Public Right-of-Way Use Agreement Granting Barnett Gathering, LP, a License to Construct and Operate a Natural Gas Gathering Pipeline Across Forest Hill Drive, Anglin Drive, and Everman-Kennedale-Burleson Road (COUNCIL DISTRICT 8)
3. [M&C C-24839](#) - Authorize Execution of a Public Right-of-Way Use Agreement Granting Texas Midstream Gas Services, LLC, a License to Construct and Operate a Natural Gas Gathering Pipeline Across Ash Crescent Street, East Jessamine Street, Belzise Terrace, Cobb Park Drive and McCurdy Street (COUNCIL DISTRICT 8)
4. [M&C C-24840](#) - Authorize Execution of a Public Right-of-Way Use Agreements Granting Quicksilver Resources, Inc., a License to Construct and Operate a Saltwater Pipeline and Cowtown Pipeline Partners, L.P., a License to Construct and Operate a Natural Gas Pipeline Across Park Vista Boulevard, North of State Highway 170 (COUNCIL DISTRICT 2)
5. [M&C C-24841](#) - Authorize Execution of a Public-Right-of-Way Use Agreement Granting Texas Midstream Gas Services, LLC, a License to Construct and Operate a Natural Gas Gathering Pipeline Across West 7th Street, Museum Way and White Settlement Road (COUNCIL DISTRICT 9)
6. [M&C C-24842](#) - Authorize Execution of a Public Right-of-Way Use Agreement Granting Chesapeake Operating, Inc., a License to Construct and Operate a Fresh Water Pipeline Across NE 23rd Street, East of Niles City Boulevard (COUNCIL DISTRICT 2)
7. [M&C C-24843](#) - Authorize Execution of a Contract with JLB Contracting, LLC, in the Amount of \$1,212,993.90 for Hot Mix Asphaltic Concrete Surface Overlay 2011-4 at Various Locations (COUNCIL DISTRICTS 2, 4, 7 and 9)
8. [M&C C-24844](#) - Authorize Execution of a Contract with McClendon Construction Company, Inc., in the Amount of \$1,125,078.81 for Pavement and Drainage Improvements for McAlister Road from Union Pacific Railroad to Interstate Highway 35W (COUNCIL DISTRICT 6)
9. [M&C C-24845](#) - Authorize Execution of an Agreement with the Fort Worth Independent School District in an Amount Up to \$60,000.00 for Operation of the

Fort Worth After School Program at Como  
Elementary School for the 2011-2012 School  
Year and Adopt Appropriation Ordinance  
(COUNCIL DISTRICT 7)

**XV. ZONING HEARING**

1. **Zoning Docket No. ZC-10-155A - (CD 8)** - City of Fort Worth Planning & Development, 612 Ravine Road; from: "B" Two-Family to: "A-5" One-Family **(Recommended for Approval)**
2. **Zoning Docket No. ZC-10-177A - (CD 9)** - James T. Dorsey, 2837 Lubbock Avenue; from: "C" Medium Density Multifamily to: "PD/UR" Planned Development for all uses in "UR" Urban Residential with development standards; site plan waiver recommended. **(Recommended for Approval)**
3. **Zoning Docket No. ZC-11-006A - (CD 2)** - City of Fort Worth Planning & Development, Northside Neighborhood Phase 3, 2423 Clinton Avenue; from: "F" General Commercial to: "E" Neighborhood Commercial **(Recommended for Approval) (Continued from a Previous Meeting)**
4. **Zoning Docket No. ZC-11-006B - (CD 2)** - City of Fort Worth Planning & Development, Northside Neighborhood Phase 3, Generally bounded by N. Main Street, NW 26th Street, Lincoln Avenue, and NW 20th Street; from: "B" Two-Family, "CF" Community Facilities, "CF/DD" Community Facilities/Demolition Delay, "K" Heavy Industrial, and "PD" Planned Developments 217 and 589 to: "UR" Urban Residential, "CF" Community Facilities, "CF/DD" Community Facilities/Demolition Delay, "MU-1" Low Intensity Mixed Use, and "MU-2" High Intensity Mixed Use **(Recommended for Approval)**
5. **Zoning Docket No. SP-10-008 - (CD 2)** - Champions Auto Sales Co. 2004-2024 Jacksboro Highway; Site plan amendment to PD-821 to add additional parking for vehicle sales. **(Recommended for Denial)**
6. **Zoning Docket No. ZC-11-027 - (CD 7)** - Matthew Hicks, 5338 Boat Club Road; from: "A-5" One-Family to: "ER" Neighborhood Commercial Restricted **(Recommended for Approval)**
7. **Zoning Docket No. ZC-11-028 - (CD 7)** - Triple "T" Farms, LTD, a Texas Limited Partnership, 6051 W. Bailey Boswell Road; from: "E" Neighborhood Commercial to: "PD/E" Planned Development for all uses in "E" Neighborhood Commercial with no maximum building size; site plan included. **(Recommended for Approval)**
8. **Zoning Docket No. ZC-11-029 - (CD 8)** - Azleway Inc., 2504 Oakland Boulevard; from: "A-10" One-Family to: "CF" Community Facilities **(Recommended for Approval)**
9. **Zoning Docket No. ZC-11-030 - (CD 5)** - City of Fort Worth Planning & Development, West Handley Neighborhood, Generally bounded by E. Lancaster Avenue, East Loop 820, E. Rosedale Street, and Miller Avenue; from: "A-21" One-Family, "B" Two-Family, "CR" Low Density Multifamily, "C" Medium Density Multifamily, "MH" Manufactured Housing, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial, "FR" General

Commercial Restricted, "F" General Commercial, "G" Intensive Commercial, "I" Light Industrial, "J" Medium Industrial, "K" Heavy Industrial, and "PD" Planned Developments 525 and 541 to: "A-10" One-Family, "A-7.5" One-Family, "A-5" One-Family, "B" Two-Family, "C" Medium Density Multifamily, "CF" Community Facilities, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial, "FR" General Commercial Restricted, and "I" Light Industrial **(Recommended for Approval)**

**XVI. CITIZEN PRESENTATIONS**

1. Mr. Joe Don Brandon, P. O. Box 1155, "Fort Worth YouTube TV Another Cable TV/Internet Public Partnership"
2. Mr. Jerald Miller, 3621 North Littlejohn, "Police Department Ethics Violation"

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

**XVIII. ADJOURNMENT**

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According to the City Council Rules of Procedures, individual citizen presentations shall be limited to three minutes, and group presentations shall be limited to ten minutes. The Mayor, at his discretion, may reasonably extend these limits.

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**CITY COUNCIL**  
**Legislative and Intergovernmental Affairs Committee**  
**Agenda**

**Tuesday, April 5, 2011**  
**11:00 a.m.**

**Pre-Council Chambers**  
**1000 Throckmorton Street**  
**Fort Worth, Texas**

Councilmember Carter Burdette, Chair  
Councilmember Jungus Jordan, Vice Chair

Councilmember Frank Moss  
Councilmember Joel Burns

Shirley Little, Manager, Government Relations  
TJ Patterson, Government Relations  
Christa R. Reynolds, Sr. Assistant City Attorney  
Evonia Daniels, Staff Liaison  
Keome Rowe, Legislative Aide

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**I CALL TO ORDER**

**II APPROVAL OF MINUTES FROM MARCH 1, 2011**

**III BRIEFING**

**A. DISCUSSION OF LEGISLATIVE BILLS FOR 82ND TEXAS LEGISLATIVE SESSION-(SHIRLEY LITTLE, GOVERNMENT RELATIONS MANAGER) 30 MINUTES**

1. PENSION AND POST EMPLOYMENT BENEFITS BILLS- (LAETITIA BROWN, SR. ASSISTANT CITY ATTORNEY)
  - a. HB 2731-PUBLIC RETIREMENT SYSTEM LEGISLATION FILED BY REP. VICKI TRUITT
  - b. HB 2532-LIFE INSURANCE POLICY FOR EMPLOYEES OR RETIREES FILED BY REP. MARC VEASEY
  - c. HB 2653-CONTRACTUAL REVOCATION OF PENSION BENEFITS OF CERTAIN EMPLOYEES CONVICTED OF AN OFFENSE FILED BY REP. VAN TAYLOR
  - d. HB 2261-COMPUTATION OF RETIREMENT BENEFITS BY A PUBLIC RETIREMENT SYSTEM FILED BY REP. BILL ZEDLER
  - e. SB 1612-REPEAL OF CHAPTER 107 OF THE LOCAL GOVERNMENT CODE ALLOWING ISSUANCE OF PENSION OBLIGATION BONDS AND REQUIREMENT THAT PENSION PLANS MAKE AN ANNUAL CONTRIBUTION TO THE TEXAS PENSION REVIEW BOARD FILED BY SEN. STEVE OGDEN
  - f. HB 3659- RELATING TO CONTRIBUTIONS BY PUBLIC RETIREMENT SYSTEMS TO THE STATE PENSION REVIEW BOARD FUND FILED BY REP. JOHN OTTO
2. BRIEFING ON HEARING FOR CAPS ON VALOREM TAXES- (HORATIO PORTER, BUDGET OFFICER) 5 MINUTES
  - a. SB 720-AD VALOREM ROLLBACK TAX RATE LEGISLATION FILED BY SEN. TOMMY WILLIAMS

**Please Note: It is anticipated that additional members of the Fort Worth City Council will be attending the meeting for information-gathering purposes. Any members of the Council who are not on the Committee will not be deliberating or voting on any Committee agenda items.**

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- b. SB 129-RELATING TO THE LIMITATION ON INCREASES IN THE APPRAISED VALUE OF A RESIDENCE HOMESTEAD FOR AS VALOREM TAXATION FILED BY SEN. DAN PATRICK
  - c. SB 175-RELATING TO THE LIMITATION ON INCREASES IN THE APPRAISED VALUE OF A RESIDENCE HOMESTEAD FOR AS VALOREM TAXATION FILED BY SEN. ROBERT NICHOLS
- 3. BRIEFING ON HEARING FOR SB 971-EMERGENCY PUBLIC SERVICE MESSAGING NETWORK LEGISLATION FILED BY SEN. JUAN HINOJOSA – (MELINDA RAMOS, ASSISTANT CITY ATTORNEY) 5 MINUTES
  - 4. LETTER OF SUPPORT FOR HB 1941/SB 1017-NORTH TARRANT EXPRESS – (RANDLE HARWOOD, DIRECTOR PLANNING AND DEVELOPMENT) 5 MINUTES
  - 5. BRIEFING ON HB 1898-OPTIONAL FEES FOR THE REGISTRATION OF MOTOR VEHICLES IN CERTAIN MUNICIPALITIES FILED BY REP. JOE PICKETT-(GREG SIMMONS, ACTING DIRECTOR OF TRANSPORTATION AND PUBLIC WORKS) 5 MINUTES
  - 6. BRIEFING ON HEARING FOR LOCAL PERMITS- (DANA BURGHDOFF, ASSISTANT DIRECTOR OF PLANNING AND DEVELOPMENT) 5 MINUTES
    - a. HB 2732-RELATING TO THE APPLICATION REQUIREMENTS FOR A LOCAL PROJECT PERMIT FILED BY REP. RENE OLIVEIRA
    - b. HB 3534-RELATING TO LIABILITY OF A POLITICAL SUBDIVISION FOR A VIOLATION OF CERTAIN LAWS RELATING TO LOCAL PERMITS FILED BY REP. TIM KLEINSCHMIDT
    - c. HB 3535-RELATING TO LIABILITY OF A POLITICAL SUBDIVISION FOR A VIOLATION OF CERTAIN LAWS RELATING TO LOCAL PERMITS PROVIDING A PENALTY FILED BY REP. TIM KLEINSCHMIDT
  - 7. GAMBLING BILLS AND RESOLUTIONS-(KAREN ANDERSON, SR. ASSISTANT CITY ATTORNEY) 10 MINUTES
- B. DISCUSSION OF COUNCIL LEGISLATIVE MEETINGS IN WASHINGTON, DC ON APRIL 13-15, 2011- (SHIRLEY LITTLE, GOVERNMENT RELATIONS MANAGER AND KEOME ROWE, LEGISLATIVE AIDE) 5 MINUTES
  - C. LETTER FROM THE MAYORS OF FORT WORTH, DALLAS AND ARLINGTON TO THE GOVERNOR AND LT. GOVERNOR AND SPEAKER OF THE HOUSE- (SHIRLEY LITTLE, GOVERNMENT RELATIONS MANAGER) 5 MINUTES

#### **IV REQUEST FOR FUTURE AGENDA ITEMS**

- A. THE NEXT MEETING IS SCHEDULED FOR MAY 3, 2011, AT 11:00 A.M. IN PRE-COUNCIL CHAMBERS

#### **V EXECUTIVE SESSION**

THE LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MAY HOLD A CLOSED MEETING TO SEEK ADVICE FROM LEGAL COUNSEL ON ANY ITEMS ON THIS AGENDA PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071.

#### **VI ADJOURN**

**Please Note: It is anticipated that additional members of the Fort Worth City Council will be attending the meeting for information-gathering purposes. Any members of the Council who are not on the Committee will not be deliberating or voting on any Committee agenda items.**

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**CITY COUNCIL**  
**Legislative and Intergovernmental Affairs Committee**  
**Minutes**  
**Tuesday, March 1, 2011**

COUNCIL MEMBERS IN ATTENDANCE: Councilmember Carter Burdette (Chairman), Councilmember Jungus Jordan, Councilmember Frank Moss and Councilmember Joel Burns.

The Legislative and Intergovernmental Affairs Committee was called to order by Chairman Carter Burdette at 11:00 a.m.

Chairman Burdette called for a motion for approval of the January 19, 2011 minutes. The motion was made by Councilmember Jungus Jordan and the motion was seconded by Councilmember Joel Burns. The minutes were approved.

**ACTION ITEMS**

- A. The committee discussed and recommended adopting a proposed resolution supporting such program. Chairman Burdette called for a motion for approval of the resolution. The motion was made by Councilmember Joel Burns and seconded by Councilmember Jungus Jordan and passed.
- B. The committee discussed and recommended that Sobriety Checkpoint Legislation be added to the city's 2011 Texas Legislative Program as a support item. The motion was made Councilmember Joel Burns and seconded by Councilmember Jungus Jordan and passed.

**BRIEFINGS**

- A. Randle Harwood Planning and Development Director briefed the committee on Gas Drilling Permit Legislation filed by Rep. Lon Burnam (HB 1556). The city's current ordinance already protects the schools.

HB 1556 Summary

The Railroad Commission of Texas may not issue a drilling permit for an oil or gas well that is proposed to be located less than 1,200 feet from a public school.

The committee members discussed the legislation and asked questions.

- B. Shirley Little, Government Relations Manager updated the committee on federal funding.

Program	FY 2010 Current Government Funding Level	FY 2011 House Passed CR	FY 2012 Presidential Budget Request	

CDB	\$700 million	\$395 million (-\$305m)	\$350 million (-\$350m)	
Workforce Investment Act	\$3.828 billion	All PY 2011 Funds eliminated	\$3.627 billion (-\$201m)	
Tower 55- National Infrastructure Investments - Tiger II FY2010: \$600 million appropriated, \$34 million for Tower 55				

There being no further business, the Committee adjourned at 11:23 a.m.



CITY OF FORT WORTH  
CITY COUNCIL

**HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE**

**AGENDA**

**Tuesday, April 5, 2011  
1:00 p.m.**

City Hall, Pre-Council Chamber, Second Floor  
1000 Throckmorton Street, Fort Worth, Texas 76102

Housing and Economic Development Committee Members

Jungus Jordan, Chair	Sal Espino, Council Member	Frank Moss, Council Member
Carter Burdette, Vice-Chair	Kathleen Hicks, Council Member	Danny Scarth, Mayor Pro Tem
Joel Burns, Council Member	Mike Moncrief, Mayor	Zim Zimmerman, Council Member

Staff Liaison – Susan Alanis, Assistant City Manager

- 
1. **Call to Order** - Jungus Jordan, Chair
  2. **Approval of Minutes from the Meeting held on February 8, 2011** – Chairman Jordan
  3. **Written Reports** – Jay Chapa, Director, Housing and Economic Development Department
    - A. Economic Development Agreement Extension for Parole Office located at 4900 Carey Street
    - B. Walking Trail Improvements in Carver Heights Neighborhood
  4. **Presentation on Workforce Solutions** – Leslie Sisk, Workforce Development Board Chair
  5. **Presentation on the Proposed Renovations to Meadowbrook Branch Library** – Gleniece A. Robinson, Library Director

6. **Executive Session** - The Housing and Economic Development Committee will conduct a closed meeting to:

- A. Seek the advice of its attorneys concerning the following items 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: (i) legal issues related to any current agenda items; (ii) legal issues regarding Community Housing Development Organizations set aside for HOME funds;
- B. Discuss the purchase, sale, lease or value of real property, as authorized by 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
- C. Discuss or deliberate negotiations relating to any economic development negotiations, as authorized by Section 551.087 of the Texas Government Code.

7. **Requests for Future Agenda Items** – Chairman Jordan

8. **Date of Next Regular Meeting:** May 3, 2011- Chairman Jordan

9. **Adjourn** - Chairman Jordan

**This facility is wheelchair accessible. For accommodations or sign interpretation services, please call the Housing and Economic Development Department 48 hours in advance at 817-392-7316.**

**CITY OF FORT WORTH  
CITY COUNCIL  
HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE  
FEBRUARY 8, 2011**

**Present:**

Committee Member Jungus Jordan, Chairman  
Committee Member Carter Burdette, Vice Chairman  
Committee Member Mike Moncrief  
Committee Member Salvador Espino  
Committee Member W. B. "Zim" Zimmerman  
Committee Member Danny Scarth (arrived at 1:53 p.m.)  
Committee Member Frank Moss  
Committee Member Kathleen Hicks  
Committee Member Joel Burns

**City Staff:**

Susan Alanis, Assistant City Manager  
Peter Vaky, Deputy City Attorney  
Marty Hendrix, City Secretary  
Jay Chapa, Director of Housing and Economic Development Department  
Robert Sturns, Manager, Housing and Economic Development Department  
Cynthia Garcia, Assistant Director, Housing and Economic Development Department

**Other City Staff in Attendance:**

Tom Higgins, Interim City Manager (arrived at 2:25 p.m.)  
Vicki Ganske, Senior Assistant City Attorney, Law Department  
LeAnn Guzman, Assistant City Attorney, Law Department

With a quorum of the committee members present, Chairman Jungus Jordan called the meeting of the Housing and Economic Committee to order at 1:44 p.m., on Tuesday, February 8, 2011, in the Pre-Council Chamber of the Fort Worth Municipal Building, 1000 Throckmorton Street, Fort Worth, Texas 76102.

**Approval of Minutes of the  
January 4, 2011, Housing and Economic  
Development Committee**

**(Agenda Item 2)**

Chairman Jordan opened the floor for a motion on the approval of the minutes.

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HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE  
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**Approval of Minutes of the  
January 4, 2011, Housing and Economic  
Development Committee (cont'd)**

**(Agenda Item 2)**

**MOTION:** Upon a motion made by Committee Member Moncrief and seconded by Committee Member Zimmerman , the Committee Members voted eight (8) “ayes” and zero (0) “nays”, with Committee Member Scarth being temporarily absent, to approve the minutes of the January 4, 2011, Housing and Economic Development Committee meeting. The motion carried unanimously.

**Written Reports**

**(Agenda Item 3)**

Jay Chapa, Director of the Housing and Economic Development Department, provided the following written reports as a matter of information to the committee members:

- A. Memo on M/WBE Solicitation Requirements and Ordinance Revision Update
- B. Memo regarding the Purchase of Tax Foreclosed Lots in the Como Neighborhood for the Lakeside Village Homes Project

Chairman Jordan acknowledged receipt of the reports.

Chairman Jordan adjourned the regular meeting of the Housing and Economic Development Committee into Executive Session at 1:45 p.m. in accordance with the requirements of the Texas Open Meeting Act.

**Executive Session**

**(Agenda Item 4)**

Chairman Jordan called to order the Executive Session at 1:45 p.m. in order to discussion the following items:

- A. Seek the advice of its attorneys concerning the following items 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: (i) legal issues related to any current agenda items;
- B. Discuss the purchase, sale, lease or value of real property, as authorized by 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,

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**Executive Session (cont'd)**

**(Agenda Item 4)**

C. Discuss or deliberate negotiations relating to any economic development negotiations, as authorized by Section 551.087 of the Texas Government Code.

(Committee Member Danny Scarth arrived at 1:53 p.m.)

Chairman Jordan adjourned the Executive Session at 1:58 p.m.

Chairman Jordan reconvened the regular session of the Housing and Economic Development Committee at 1:58 p.m.

**Presentation Regarding Priority Uses of  
Community Development Block Grant  
(CDBG) Fund**

**(Agenda Item 5)**

Using a PowerPoint Presentation, Jay Chapa, Director of Housing and Economic Development Department, spoke before the committee regarding the priority uses of the Community Development Block Grant (CDBG) Fund.

Mr. Chapa advised of the three (3) year consolidated plan objective for the CDBG Funds as follows:

- Objective 1 – Decent Housing
- Objective 2 – A Stable Living Environment
- Objective 3 – Expanded Economic Opportunities

Mr. Chapa reviewed the first objective, decent housing as follows:

Strategies

- Increase rental and new home construction opportunities
- Down Payment assistant
- Weatherization, rehab

Programs:

- New construction of single and multi-family
- Housing trust fund
- Down payment assistant program
- Weatherization
- Cowtown brush up

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**Presentation Regarding Priority Uses of  
Community Development Block Grant  
(CDBG) Fund (cont'd)**

**(Agenda Item 5)**

Mr. Chapa reviewed the second objective, a stable living environment as follows:

Strategies

Public services to youth, elderly and special need citizens  
Projects in low to moderate income neighborhoods for lighting, sidewalks,  
and infrastructure

Programs

Public Service Programs  
Elimination of Blight (Demolition)  
Infrastructure Projects  
Hardy Street Program  
Street Lights  
Streets  
Sidewalks  
ADA Ramps

Mr. Chapa reviewed the third objective, expanded economic opportunities as follows:

Strategies

Subsidized childcare in order that parents can access education, job  
training and employment

Programs

Public Service Contracts with agencies to provide childcare

Mr. Chapa showed a map of the City of Fort Worth with color-coded sections of the city with the CDBG eligible areas in the color brown, with lakes in the color blue and the other areas of the city limits shown in grey.

Mr. Chapa advised that the 2010-11 CDBG funds were \$7,331,207.00. He added that based upon the action plan, the funds were spent on: public service, housing programs and services, community facilities and infrastructure, repayment of 108 loan and funds for administration costs of the staff to oversee this program.

Mr. Chapa presented the CDBG 2010-11 Budget Summary as follows:

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**Presentation Regarding Priority Uses of  
Community Development Block Grant  
(CDBG) Fund (cont'd)**

**(Agenda Item 5)**

Public Services (Non-profits)  
Non-Profit Programs Total: \$1,081,780

Economic Development  
Repayment of Section 108 Loan Debt Service Total: \$720,624

General Administration  
Administration of Federally Funded Grant Programs  
Contract Compliance  
Finance, Budget & Planning Total: \$1,486,241

Mr. Chapa then review the housing programs as follows:

Housing Programs

Project Ramp	\$50,000
Rehab/Construction Mgmt Program Delivery	\$930,236
Housing Services & Info Delivery	\$166,168
Emergency Home Repair	\$1,005,329
Cowtown Brush-up – Project Funds	\$293,814
Cowtown Brush-up – Program Delivery	\$46,557
Pilot Roof Program	\$200,000
Housing Trust Fund Homeowner Rehab Loans	\$550,000
Total:	\$3,242,104

Mr. Chapa also presented the program for the discretionary funds as follows:

Discretionary Funds programs

Terrell Heights Lights	\$50,000
Targeted Infrastructure Diamond Hill	\$466,724*
Neighborhood Streets	\$381,733
Total:	\$900,457

\*Includes \$100,000 in estimated program income

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**Presentation Regarding Priority Uses of  
Community Development Block Grant  
(CDBG) Fund (cont'd)**

**(Agenda Item 5)**

Mr. Chapa presented and reviewed the following chart of the CDBG: 2011-12 Proposed Budget Summary:

	Current	Proposed
Housing Programs		
Project Ramp	\$ 50,000	\$ 50,000
Rehab/Construction Mgmt Program Delivery	\$ 930,236	\$ 930,236
Housing Services & Info Delivery	\$ 166,168	\$ 166,168
Emergency Home Repair	\$1,005,329	\$ 750,000
Cowtown Brush-up – Project Funds	\$ 293,814	\$ 293,814
Cowtown Brush-up – Program Delivery	\$ 46,557	\$ 46,557
Pilot Roof Program	\$ 200,000	\$ 0
Housing Trust Fund Homeowner Rehab Loans	\$ 550,000	** 0
Total	\$3,242,104	\$2,236,775
Difference		\$1,005,329

\*\*Currently approximately \$3.7 million available in the HTF

Discretionary Funds Programs

	Current	Proposed
Terrell Heights Lights	\$ 50,000	\$ 50,000
Targeted Infrastructure		
Diamond Hill	\$468,724*	\$0
Neighborhood Streets	\$381,733	\$0
Total	\$900,457	\$ 50,000
Difference		\$ 850,457
Amount of Available Funds from Housing Programs from		
Recommended Changes		\$1,005,329
Total Available		\$1,855,786

Mr. Chapa then reviewed the recommended prioritization for funding as follows:

1. Demolition (\$500,000) – Prioritization w/Code Compliance

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**Presentation Regarding Priority Uses of  
Community Development Block Grant  
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**(Agenda Item 5)**

2. Traffic Signals (new) (\$600,000) – Prioritization with T/PW
3. Redevelopment Project Support (\$755,000)
  - a. Streets
  - b. Sidewalks
  - c. Lighting
4. Streets

Mr. Chapa advised that the next steps were:

- CDC Action Plan Process Presentation would be done on February 16, 2011
- Bring forward the Mayor and Council Communications on specific projects as set by prioritization for use of CDBG funds

Mr. Chapa concluded his presentation.

Chairman Jordan opened the floor for questions and/or comments.

Committee Member Scarth requested a clarification on the funding shown for demolition and he requested to know if it was for single-family homes that were identified by the City's Code Compliance Department or substandard apartments or just what type of demolition.

Mr. Chapa responded that it was primarily single-family homes. He stated that for commercial properties, the City had to own them in "fee" in order for the City to be able to do anything with them. He added that if they were in a tax foreclosure situation then the City had to receive approval from all of the other taxing entities. He added that they had indicated that they did not want to participate in that process. He stated that typically commercial property was older and could have environmental issues and in that situation it could eat up all of the program dollars.

Council Member Scarth stated that he wanted to come back to that point later. He stated that in terms of the street lighting, sidewalks, etc., he requested a clarification on the criteria for the areas for the use of those funds. Mr. Chapa responded that it had to be CDBG eligible areas. He pointed out for an example that it could not be an arterial street if the passengers using the roadway were not from that area of town. He added that the City staff was recommending that these funds be used to support redevelopment projects. He stated that they did not want to utilize

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**Presentation Regarding Priority Uses of  
Community Development Block Grant  
(CDBG) Fund (cont'd)**

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**(Agenda Item 5)**

those funds in a neighborhood area to have lighting if there was nothing that went with it that would make a difference in the area. He stated for examples it would be infill housing in the area or roadway construction along with sidewalks for the neighborhood. He stated that the point was to leverage funds with additional improvements that were being made in an area for redevelopment opportunities.

Council Member Scarth returned to the issue of demolition funding. He pointed out that he was not sure whether the emphasis needed to be something that the City worked through legislative or Housing and Economic Development, he was not sure. He reminded the committee members of the issues with the demolition of the Cowtown Inn and an apartment complex that was a test case in Woodhaven on the alternate asbestos removal or the “wet” method as it was called. He stated that method was moving along very well when Richard Green was Regional Director for the EPA. Committee Member Scarth stated obviously he was removed with the change over in the federal government administration with the election. He added he had talked with Shelley Poticha, Director for Office of Sustainable Housing and Communities, with HUD, who was in charge of their “Building Communities” program but it was very difficult to get anything happening on the federal level particularly when the labor unions were blocking the use of that methodology. He added he felt it was something that the City needed to continue to push. He added that the City could save hundreds, if not thousands or millions of dollars in demolition costs if the City could use the alternate method of asbestos removal. He pointed out that it cost one-half to one-third as much if the City could use that method. He stated that then those dollars could spread a lot further in the redevelopment projects, particularly when going into the older neighborhoods, with the older apartment complexes and commercial buildings. Committee Member Scarth indicated that he did not know how the City could keep that fire lit but he was going to keep bringing it up every time the word “demolition” popped up some place. He reiterated that the City needed to keep pushing to see if changes could be made to the EPA regulations.

Chairman Jordan asked if a formal request to that end had been made. Mr. Chapa indicated that this would probably need to be part of the City’s legislative agenda. He pointed out that the City was not allowed to use that method. Chairman Jordan requested Mr. Chapa come back to the next meeting with a recommendation on that issue.

Committee Member Moss added that there was another piece on the demolition concern and in his neighborhoods it was the demolition of city-owned properties or tax foreclosed

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**Presentation Regarding Priority Uses of  
Community Development Block Grant  
(CDBG) Fund (cont'd)**

**(Agenda Item 5)**

properties that were not contributing to the neighborhood. He requested to know where the concentration would be. Mr. Chapa indicated that they would work with Code Compliance to identify those most substandard projects or properties that were out in the community. He indicated that Code Compliance always provided a listing. He stated that they had heard in the Stop Six Sunrise Addition Neighborhood of some priority properties that they would like to see torn down. He added that City staff had to make sure that under the City's Code they could be demolished or whether it made more sense that the properties be rehabbed. Mr. Chapa indicated that the City staff was looking into this issue and it was actually his next presentation as part of changing the home improvement program. Mr. Chapa reiterated that he would work with Director of Code Compliance Brandon Bennett to develop the list of properties which would then be provided to the City Council Members in order to determine if there were any properties that the Council Members would not want to see demolished or whether other properties should be moved up on the list due to neighborhood concerns.

Committee Member Espino spoke about the prioritization list and the fact that there were limited funds for demolition. He pointed out that there were many, many substandard structures throughout the City so he understood that Mr. Chapa would be working with Code Compliance to develop a priority list but given the limited amount of funds he was hopeful that City staff would identify a geographically diverse area so that demolition of substandard structures would be taking place in all parts of the City. He stated that while he understood the concept of demolishing structures in one particular area would have the most meaningful impact; however, he felt that the citizens wanted to see the demolition in all Council Districts where there were substandard structures. He added that he understood that the structures had to be located in CDBG identified eligible areas; however, he felt that most all of the Council Districts had those areas. He reiterated that he understood that there was limited funding; however, he requested Mr. Chapa take his comments into account.

Mr. Chapa explained that the funding that had been identified for that purpose was just a place holder. He stated that if that was the Committee's priority and they wanted to see more dollars in that area then this was the type of information that would be provided to the Community Development Council (CDC) and then they would help the City staff made the ultimate recommendation to the City Council.

Committee Member Espino indicated that he wanted to provide follow-up. He added that he appreciated the allocations that had been presented but as he reviewed the list again he

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Community Development Block Grant  
(CDBG) Fund (cont'd)**

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questioned the need for \$755,000 for redevelopment project support. He indicated that it was his preference to have more funding in the demolition item. He spoke about the demolishing the substandard structures and creating a vacant lot and having a plan for what could be developed on the vacant lot(s). He pointed out that if there was no plan in place, and then the City had to deal with high weeds and grass, litter and other issues on the lots. He pointed out that there had to be a coordinated plan. Mr. Chapa explained that was the goal of the redevelopment dollars.

Committee Member Hicks requested clarification regarding the Terrell Heights lights and how long it would take to finish out that project if they were doing \$50,000.00 per year. Mr. Chapa stated that he believed the plan was 10 years. Committee Member Hicks then reviewed the amount of funding for traffic signals and that the \$600,000 figure only represented about three (3) new traffic signals. She added that she did not receive a lot of complaints about traffic signals in her district. She indicated that she would also prefer to see more funding in the demolition rather than the traffic signals and the redevelopment project support. She asked Mr. Chapa if he heard a lot of complaints about that issue. Mr. Chapa indicated that they had heard from various neighborhood groups and then when they looked into the issue with TPW, they had some traffic signal needs in eligible CDBG areas which they just had not had the dollars to do. Committee Member Hicks questioned how TPW could resurface University Drive, which cost \$800,000, if they did not have money to do traffic signals. She stated that as Mr. Chapa going forward with the Transportation/Public Works Department (TPW), this was the type of questions that she really wanted to hear the answers. She stated that she did not understand how they were able to utilize those funds when the committee members were fighting over \$1.2 million. Committee Member Hicks requested that when Mr. Chapa came back, that he team up with TPW and explain that situation as she would like to utilize the proposed funding for demolition rather than the traffic signals. She also requested to know how much funding TPW had for discretionary funds throughout the City. She reiterated that she did not understanding how they could make the decision to pave University without the City Council making that decision when there were projects all over the City that had been greatly delayed. She added that she was not just talking about CDBG eligible areas.

There was further deliberation about that request and whether it should be presented to this committee or the Infrastructure and Transportation Committee. Committee Member Hicks indicated that she was not on that committee. Chairman Jordan interjected that it probably should be an agenda item for the City Council's Pre-Council Agenda if there were no objections from the committee members.

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Committee Member Moncrief stated that as the committee and the City looked at streets it continued to be a challenge. He then referenced the recommendation that came forward from the recent Task Force that looked at transportation infrastructure and their recommendation for a transportation fee to fund the needed improvements. He pointed out that with that funding for streets he felt that might free up some of the dollars that had been identified in this presentation for street improvements to be moved to demolition projects. Committee Member Moncrief stated that until the demolition was accomplished, the City was not going to be able to construct or reconstruct in those various locations. He also added that he could not agree more with what Committee Member Scarth stated regarding the Fort Worth “wet” method for asbestos removal that the City tried to get passed through the EPA. Committee Member Moncrief advised of caution with the EPA because he felt that they were not happy with the City at this moment and he felt that if they were approached about this issue, it might cause more harm than good.

Committee Member Scarth advised that the City was presented with this concept through Housing and Urban Development Department (HUD), EPA and Texas Department of Transportation. He explained that since those agencies were involved he thought that perhaps it could be funneled through the Housing and Economic Development side and have it come in as a HUD idea. Committee Member Scarth explained that the City could redevelop neighborhoods and parts of the community if that method could be utilized. He felt that was a more viable approach than the City approaching EPA with this request. He felt that HUD could then approach EPA and request assistance.

Mr. Chapa explained that approximately one (1) year ago HUD hosted a group of the City staff to attend a meeting to talk about that cycle of all three (3) of these agencies working together and what HUD could do differently. He pointed out the issue of where redevelopment occurred using federal dollars and when the City had to get rid of an existing depilated structure and the process that the City had to go through to do so. He indicated that they took notes on the comments made; however, City staff had not seen anything come out of that meeting to date.

Committee Member Moncrief pointed out that the City was allowed to use that method with the demolition of the Cowtown Inn and it worked. He added that it was a test and it did work and he had not hear any complaints against it. He pointed out that the test was passed.

Committee Member Scarth interjected that he had delivered to Director Poticha the documentation that showed the various tests that were conducted showing the 23 various

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**Presentation Regarding Priority Uses of  
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sampling sites and he advised of the positive results of that testing. Committee Member Scarth indicated that the science was there; however, he felt they were waiting for some peer review from the study. He felt it was politics and not science any more.

Committee Member Espino referenced the traffic signals and indicated that he supported the funding if the signals were part of a redevelopment project. He gave as an example the Diamond Hill area, Hardy Place where new housings were being built. He pointed out that with those new homes came more traffic, thus there would be a need for traffic signals. He stated that he felt that if the traffic signals were part of a redevelopment project then that would be a good prioritization.

Mr. Chapa clarified with Committee Member Espino his recommendation.

Committee Member Hicks indicated that she supported that recommendation. She reiterated her request to see the TPW funding coupled with the CDBG dollars. She talked about the Code Compliance issue on demolition and indicated that it was frustrating because the City Council Members got complaints from people about properties that were in bad shape and then Code Compliance came back and indicated that those properties do not meet the threshold to be thorn down. She provided as an example the Webber Funeral Home on Evans and her question was how bad would it have to get before the building can be torn down. She pointed out that she realized that Mr. Chapa could not answer some of her questions; however, she would like a future agenda item before the entire Council to answer these questions on the demolition piece.

Chairman Jordan clarified that these funds were annually appropriated, i.e., from October through September. Mr. Chapa concurred that the City had requested and received a change in the program year requirement for these funds to match the City's funding period. He pointed out that with this change the process was a little behind for review by the CDC. He indicated that process would start in March.

Mr. Chapa explained that City staff wanted to get the committee's direction for any CDBG discretionary fund dollars, for example a project that could fall out of the system and then there were other projects that could move up on the priority list. He reviewed again when the CDC would be reviewing and holding their public hearings. He indicated that the City Council would not be voting on the Action Plan until perhaps the last week in July or the first week in August. He pointed out that it would run along with the City's general fund budget process.

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**Presentation Regarding Priority Uses of  
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Chairman Jordan referenced the emergency home repair portion of the presentation was funded at \$750,000.00 and pointed out that they ran out of funding last year. He asked if they were going to restart the process or take the back log of applications to fund. He stated this was an administrative question that probably the CDC should answer.

Mr. Chapa provided background information that last year the City ran out of the federal budget of \$550,000.00 in April of the old time frame that ended on May 31. He pointed out that the City Council approved the use of \$150,000.00 in other CDBG monies that were not assigned to any project to be utilized to get through this program. He explained that due to that fact, this was the reason that the City staff had recommended increasing that project funding to \$1 million. He added that the requests for funding this year have been down from previous years; therefore, the City staff was recommending only the funding amount at \$750,000.00. He pointed out that the City was not going to run out of dollars for this year.

Chairman Jordan reviewed the consensus of the comments that had been made by the committee members. He stated that traffic signals would now move down to number 3 priority, redevelopment of projects would move up to number 2 priority if it was associated with a demolition project and to increase the amount of funding going into the demolition project funding. He recommended that \$1 million be placed in the demolition funding and whatever else could just trickle down the list. There were no objections from the committee members in this regard. Mr. Chapa clarified that the City staff would work with Code Compliance on the demolition issue to see what they could do on an annual basis. He added that they could now provide the CDC clearer direction on the funding priorities.

Chairman Jordan recognized Mr. Chapa and his staff for their work to clean up issues regarding the federal funding dollars that the City received and how those dollars were spent. He expressed appreciation for that work.

Committee Member Moss requested clarification of the issue of monies being left over in this funding year from the \$1 million funding for housing rehabilitation. Mr. Chapa explained that it appeared that only \$750,000.00 would be utilized, thus leaving approximately \$250,000.00. He added that the City staff would not know that until they get closer to the end of the funding year. He stated that then in the new funding year the City would be able to reallocate those funding dollars to the priorities that had just been identified by the committee.

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This concluded the presentation and discussion on this agenda item.

**Presentation Regarding Proposed Changes  
to the Home Improvement Program**

**(Agenda Item 6)**

Using a PowerPoint Presentation, Jay Chapa, Director of Housing and Economic Development Department, spoke before the committee on the proposed changes to the Home Improvement Program (HIP).

Mr. Chapa spoke about the HIP guidelines as follows:

- Repairs must meet local building codes
- Homeowner must earn less than 80% of AMI
- Max of \$33,500 assistance
- Owner occupied
- Owner must maintain escrow account with City for insurance and taxes
- Payback within 10 years

Mr. Chapa showed a loan repayment/deferment schedule as follows:

% of Median Income	To Be Repaid	To Be a DPL*
0% to 30%	0%	100%
31% to 40%	20%	80%
41% to 50%	20%	80%
41% to 50%	30%	70%
51% to 60%	45%	55%
61% to 70%	55%	45%
71% to 80%	75%	25%

\*Deferred Payment Loan

\*Loans are 0% interest and on a 120-month term

Mr. Chapa explained the HIP ineligible activities as follows:

- New construction, replacement, or the completion of unfinished spaces not required to meeting Housing Quality Standards (HQS).
- Materials, fixtures, equipment or landscaping of a type of quality which exceeds that customarily used for surrounding properties of the same general type to be rehabilitated.

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**Presentation Regarding Proposed Changes  
 to the Home Improvement Program (cont'd)**

**(Agenda Item 6)**

- Acquisition of land.
- Refinancing or repayment of existing debt against the property or the applicant.
- Repairs to mobile homes or manufactured homes, if the property is not taxable as real estate of attached to a permanent foundation
- Costs of repairs incurred prior to the execution date of the assisted contract or not included in the signed contract.
- Additional items that are ineligible:

Barbeque Pit	Patio
Fireplaces	Deck
Flower Box	Swimming Pool
Tools	Storage Sheds
Sidewalk	Kennel
Sprinkler Systems	Outdoor Fireplace
Greenhouse	Sauna
Waterproofing	Satellite Dish

Mr. Chapa presented the recommended changes to the Homeowner Improvement Program. He advised that the increase maximum assistance was moved up to \$50,000, with a higher cap increases affordability period and a change in the loan payback requirements.

Mr. Chapa showed the following char for the loan repayment/deferment schedule:

% of median income	To be repaid	To be a DPL*
0% to 50%	0%	100%
51% to 60%	20%	80%
61% to 70%	30%	70%
71% to 60''%	50%	50%

\*Deferred Payment Loan

\*Loans are 0% interest and on a 120 month term

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**Presentation Regarding Proposed Changes  
to the Home Improvement Program (cont'd)**

**(Agenda Item 6)**

Mr. Chapa then presented and reviewed a chart showing the FY 2010 income limits documentation system and the FY 2010 income limits summary.

Mr. Chapa advised that the next steps in this process would be a Mayor and Council Communication to be placed on the March 1, 2011, City Council Agenda to modify the program.

Mr. Chapa concluded his presentation.

Chairman Jordan opened the floor for questions and/or comments.

Committee Member Burdette requested clarification about the \$50,000.00 maximum assistance for the homeowner improvement program. He asked what would occur if the improvements were estimated at \$48,000.00 and when the work began on a home and there were associated problems which raised the costs to \$60,000.00. He added that he felt there should be some way up front of determining how much the repairs were going to cost.

Mr. Chapa explained that under the federal guidelines the City could not over subsidize a home. He provided an example of if a home was very low in value; the City could not put in \$40,000 to \$50,000 for the improvements because it would be over subsidizing the home, particularly if it was going to turn into a grant. He added that the HUD representatives were recommending that \$60,000.00 be the cap. Mr. Chapa explained that the City staff felt that figure was too high. He pointed out that most of the projects in the past have capped at \$38,000.00 or \$39,000.00.

Mr. Burdette requested clarification on where the funding would come from if the project went over \$50,000.00. He asked if the homeowner would be required to acquire that funding or would the City provide that funding because it was due to an unexpected problem. Mr. Chapa explained that the City staff would probably have to come before the City Council and obtained approval for an appropriation of non-federal funds to do so. Mr. Chapa explained that once the repairs begin, certain federal standards have to be followed.

Committee Member Espino requested to go back to slide 5, which showed the recommended changes to the Homeowner Improvement Program. He requested further explanation of the chart and what the homeowners would have to pay back or what would become a loan. Mr. Chapa reviewed and explained the chart and added that a homeowner was required to pay their taxes and insurance. He advised that there would also be a lien on the

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**Presentation Regarding Proposed Changes  
to the Home Improvement Program (cont'd)**

**(Agenda Item 6)**

home. Committee Member Espino requested clarification on the 0% to 50% median income and that this group would be eligible for a deferred payment loan, which was interest free and on a 120 month term. Mr. Chapa provided the clarification and that Mr. Espino interpretation was correct.

There was further review of the chart as to what would be repaid and what would be a deferred payment loan for each of the income categories. Committee Member Espino requested to know if someone in Mr. Chapa's department would be monitoring these loans and making sure the payments were being done, etc. He expressed his concern that the City was providing for maximum assistance and more people will be eligible for these loans. He explained that he wanted to make sure that there were sufficient controls in place to monitor this program effectively.

Mr. Chapa explained their monitoring process in the department.

Committee Member Espino requested to know the total pool of funding for this program. Mr. Chapa indicated that in the model block program, it was \$1.2 million.

Committee Member Burns requested clarification on the issue that since this was a loan program; he asked if there were any ties to property evaluations. Mr. Chapa indicated that the City staff had to run the numbers through the HUD matrix in order to determine if it was an over subsidization.

This concluded the presentation and discussion on this agenda item.

**Request for Future Agenda Items**

**(Agenda Item 5)**

Chairman Jordan pointed out that several future agenda items had already been requested during the meeting discussions. He advised that they were the presentation to the full Council by TPW regarding their discretionary funding for infrastructure projects; the recommendation coming back to this committee from the CDC on the recommendations for the CDBG funding and the presentation by Code Compliance regarding their demolition list of properties, how it is determined, what was the threshold that a property had to be ranked to be demolished and how many can be accomplished each year.

There was no further future agenda items requested.

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**Date of Next Regular Meeting –  
March 1, 2011**

**(Agenda Item 6)**

Chairman Jordan advised that the next regular meeting of the Housing and Economic Development Committee would be held on Tuesday, March 1, 2011.

**Adjourn**

**(Agenda Item 7)**

With no further presentations or discussions, Chairman Jordan adjourned the regular meeting of the Housing and Economic Development Committee at 2:20 p.m., on Tuesday, February 8, 2011.

These minutes approved by the Housing and Economic Development Committee on the 5th day of April, 2011.

APPROVED:

\_\_\_\_\_  
Jungus Jordan, Chairman

Minutes Prepared by and Attest:

\_\_\_\_\_  
Marty Hendrix, City Secretary



**MEMORANDUM**

**TO:** Members of the Housing and Economic Development Committee

**FROM:** Jay Chapa, Director  
Housing and Economic Development Department

**DATE:** April 5, 2011

**SUBJECT:** Economic Development Program Agreement for Carey Street Parole Office

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In November of 2010, the City of Fort Worth entered into an Economic Development Program Agreement with Robert G. Muckleroy for construction of a Texas Department of Criminal Justice facility to be located on Carey Street (M&C C-24368, CSC No. 41182).

Because of uncontrollable delays in the property transaction being completed along with unforeseen delays in obtaining a building permit, Mr. Muckleroy has requested an extension of the Completion Deadline from May 1, 2011 to August 31, 2011.

Staff concurs that these delays were caused by factors outside of the control of Mr. Muckleroy and feels this request is reasonable. An M&C authorizing a contract amendment to change the Completion Deadline will be forthcoming at an upcoming Council meeting.

The project is located in Council District 5.





**MEMORANDUM**

**TO:** Members of the Housing and Economic Development Committee

**FROM:** Jay Chapa, Director  
Housing and Economic Development Department

**DATE:** April 5, 2011

**SUBJECT:** Walking Trail Improvements to Property off Rosedale & 820

---

City staff has been approached by Tarrant County to enter into an Interlocal Agreement in response to residents living in Carver Heights requests for improvements to City owned property located near the corner of Rosedale and 820.

The residents have asked the County to build a walking trail on the City property for the residents to use. The County has agreed to provide the labor for the construction of the walking trail however, the county cannot pay for the cost of materials.

Staff has identified up to \$45,000 in funds from the Urban Development Action Grant (UDAG) that can be used for the project. The UDAG funds must be spent on CDBG eligible activities and private funds must be donated to the project. The residents of Carver Heights have agreed to donate \$1000.00 in private funds for this project. The County will pay approximately \$60,000.00 for labor, equipment and fuel.

Staff recommends entering into an Interlocal Agreement with the county to construct a walking trail on the City owned property on Rosedale and 820. An M&C for the interlocal agreement should be on the council agenda in late April with construction beginning in late May or June. The project will take up to two months to complete. A copy of the property and proposed walking trail is attached.

# FORT WORTH LOCAL DEVELOPMENT CORPORATION

## AGENDA

**Tuesday, April 5, 2011**

*Immediately Following the City of Fort Worth  
City Council Housing and Economic Development  
Committee Meeting Scheduled to Begin at 1:00 P.M.*

Pre-Council Chamber, Second Floor, City Hall  
1000 Throckmorton Street, Fort Worth, Texas 76102

### Board of Directors

Frank Moss, President  
Danny Scarth, Vice-President  
Carter Burdette, Secretary

Zim Zimmerman, Treasurer  
Joel Burns, Trustee  
Kathleen Hicks, Trustee

Mike Moncrief, Trustee  
Jungus Jordan, Trustee  
Salvador Espino, Trustee

Staff Liaison: Susan Alanis, Assistant City Manager

- 
1. **Call to Order** – Frank Moss, President
  2. **Approval of Minutes from the Meeting Held on March 1, 2011** – Frank Moss
  3. **Written Reports** – Frank Moss
    - A. Financial Report through February 28, 2011
  4. **Executive Session:** The Fort Worth Local Development Corporation's Board of Trustees will conduct a closed meeting to:
    - A. Seek the advice of its attorneys concerning the following items 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: (i) legal issues concerning any current agenda item; and
    - B. Discuss the purchase, sale, lease or value of real property, as authorized by Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the Corporation in negotiations with a third party; and

C. Discuss or deliberate negotiations relating to any economic development negotiations, as authorized by Section 551.087 of the Texas Government Code.

5. **Adopt Resolution Authorizing Lease Agreement with United Pipe and Steel Corporation for the Property Located at 4600 Blue Mound Road** – Cynthia Garcia, Assistant Director, Housing and Economic Development Department
6. **Requests for Future Agenda Items** – Frank Moss
7. **Adjourn** – Frank Moss

**This facility is wheelchair accessible. For accommodations or sign interpretation services, please call the Housing and Economic Development Department 48 hours in advance at 817-392-7316.**

**CITY OF FORT WORTH, TEXAS  
FORT WORTH LOCAL DEVELOPMENT CORPORATION  
CALLED – SPECIAL SESSION  
TUESDAY, MARCH 1, 2011**

**Present:**

Vice President Danny Scarth (Arrived at 2:42)  
Secretary Carter Burdette (Arrived at 2:41)  
Treasurer W.B. “Zim” Zimmerman  
Director Mike Moncrief  
Director Salvador Espino  
Director Jungus Jordan  
Director Kathleen Hicks  
Director Joel Burns

**Absent:**

President Frank Moss

**City Staff:**

Susan Alanis, Assistant City Manager  
Peter Vaky, Deputy City Attorney  
Ron Gonzales, Assistant City Secretary  
Robert Sturns, Economic Development Manager, Housing & Economic Development Dept.

**Other City staff in attendance included:**

Jay Chapa, Director, Housing and Economic Development Department  
Cynthia Garcia, Assistant Director, Housing & Economic Development Department  
LeAnn Guzman, Assistant City Attorney

**Call to Order**

**(Agenda Item 1)**

With a quorum of the Board Members present, but with President Moss absent and Vice President Scarth and Secretary Burdette temporarily absent, Assistant City Manager Susan Alanis called the called - special session to order for the Board of Directors of the Fort Worth Local Development Corporation (Corporation) at 2:36 p.m. on Tuesday, March 1, 2011, in the Pre-Council Chamber of the Fort Worth Municipal Building, 1000 Throckmorton Street, Fort Worth, Texas.

In the absence of President Moss and Vice President Scarth, Assistant City Manager Alanis called for a motion to appoint a temporary Chair to conduct the meeting.

**CITY OF FORT WORTH, TEXAS  
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 CALLED – SPECIAL SESSION  
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**MOTION:** Upon a motion made by Director Jordan and seconded by Director Espino, the Board of Directors of the Fort Worth Local Development Corporation voted unanimously six (6) “ayes” and zero (0) “nays”, with President Moss absent and Vice President Scarth and Secretary Burdette temporarily absent, to appoint Director Mike Moncrief as temporary Chair. The motion carried.

**Approval of Minutes from Meeting held on  
 December 7, 2010** **(Agenda Item 2)**

Director Moncrief opened the floor for a motion on the minutes.

**MOTION:** Upon a motion made by Director Burns and seconded by Director Zimmerman, the Board of Directors of the Fort Worth Local Development Corporation voted unanimously six (6) “ayes” and zero (0) “nays”, with President Moss absent and Vice President Scarth and Secretary Burdette temporarily absent, to approve the minutes of the December 7, 2010, meeting of the Fort Worth Local Development Corporation. The motion carried.

**Consideration of Financial Report** **(Agenda Item 3A)**

Director Moncrief referenced the following financial report:

The Balance Sheet dated January 31, 2011, for the Corporation (unaudited) as follows:

Assets	
Cash and cash equivalents	\$2,112,090.63
Interest Receivable	9,668.96
Accounts Receivable	<u>7,280.69</u>
Total Assets	<u><u>\$2,129,040.28</u></u>
Liabilities and Fund Balance	
Accounts and Contracts Payable	0.00
Total Liabilities	0.00
Fund Balance (Deficit)	
Designated for Authorized Expenditures	\$2,492,627.92
Net Income	(363,587.64)
Undesignated	<u>0.00</u>

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**Consideration of Financial Report (cont'd) (Agenda Item 3A)**

Total Fund Balance	2,129,040.28
Total Liabilities and Fund Balance	<u>\$2,129,040.28</u>

The Statement of Revenues and Expenditures from October 1, 2010, through January 31, 2011 (unaudited), for the Corporation as follows:

Revenues

Property Tax Reimbursement	\$38,390.54	
Revenue from Rents	120,709.56	
Gas Lease Bonus	0.00	
Gas Lease Royalties	44,615.88	
HUD Loan Administration Fee	0.00	
Interest Income	8,226.20	
Change in Fair Value of Investments	0.00	
Other Revenue	0.00	
Total Revenue		<u>\$211,942.18</u>

Expenditures

Bank Charges	\$97.21	
Contractual Services	404,553.39	
Insurance	12,148.50	
Property Management	4,828.40	
Property Purchase	0.00	
Property Taxes	120,315.39	
Repairs	16,353.00	
Security System	2,106.52	
Storm Water Utility	10,545.00	
Transfers to City	0.00	
Utilities	4,582.41	
Total Expenditures		<u>\$575,529.82</u>

Excess (Deficiency) of Revenues Over (Under) Expenditures (\$363,587.64)

Fort Worth Local Development Corporation Schedule of Available Funds dated January 31, 2011, (unaudited) for the Corporation as follows:

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 CALLED – SPECIAL SESSION  
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**Consideration of Financial Report (cont'd)**

**(Agenda Item 3A)**

Total Cash at January 31, 2011	\$2,112,090.63
Cash in Property Management Account	<u>(11,392.00)</u>
Cash available in City account	2,100,697.73
 Commitments	
Remediation of 1108 E. Berry	\$150,000.00
Evans & Rosedale Enhanced CFA	\$298,553.64
Survey Expenses	\$6,250.00
 Reserves	
Maintenance Reserve	100,000.00
Property Tax Reserve	<u>100,000.00</u>
Total Commitments & Reserves	654,803.64
 Unrestricted Cash Available	<u><u>\$1,445,894.09</u></u>

The Schedule of Available Funds noted that on August 21, 2007, \$275,000.00 was transferred to the City (M&C C-22334) with the understanding that it would be paid back when properties along Lancaster are sold. The transfer was made to fund an art sculpture on Lancaster Avenue. On December 18, 2007, \$162,000.00 was transferred to the City (M&C C-22592) with the understanding that it would be paid back when properties along Lancaster are sold. The transfer was made to fund survey services and improvements on Lancaster Avenue. In September 2008, \$92,321.91 of the \$162,000.00 was returned to the LDC.

Director Moncrief opened the floor for discussion and/or comments on these reports. There was no discussion or formal action on the reports and the reports were accepted as presented.

**Adopt Resolution Authorizing Loan to  
 Oliver's Fine Foods, Inc., for Conversion of  
 Leased Space at 415 Throckmorton Street  
 to a Neighborhood Grocery Store**

**(Agenda Item 4)**

Mr. Robert Sturns, Manager, Housing and Economic Development Department, addressed the Corporation regarding the proposed resolution. Using a PowerPoint presentation, Mr. Sturns provided the following background information relative to Oliver's Fine Food, Inc.:

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CALLED – SPECIAL SESSION  
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**Adopt Resolution Authorizing Loan to  
Oliver's Fine Foods, Inc., for Conversion of  
Leased Space at 415 Throckmorton Street  
to a Neighborhood Grocery Store (cont'd)**

**(Agenda Item 4)**

- Neighborhood marked committed to meeting personal needs.
- Family-owned and operated.
  - Todd Bush, Executive Chef and Owner
- One location, Mansfield, Texas.
- Specialties:
  - Appetizers
  - Gourmet cheese
  - Fresh meats and fish
  - Boar's Head deli meats
  - Prepared meals
  - Deli sandwiches and salads
  - Desserts
  - Premium wines and beer

Mr. Sturns displayed an aerial photograph of the property location which was the previous location for the Fort Worth Convention and Visitors Bureau and advised the Corporation of the proposed project reflected below:

- Downtown Grocery Store consisting of 6,600 square feet (including basement).
- Total investment of \$1,500,000.00.
- Hiring of 20 full-time employees.
- Full-service deli and restaurant.
- Café seating along sidewalk.
- Development will tailor needs to those living/visiting the Downtown area.
- Foyer access to Sanger Loft residents.

Mr. Sturns displayed a slide that showed the current conditions of the location and then a slide that presented a proposed overview of the site. He added that there would be some streetscape improvements for the outside seating area and that the company would be seeking \$100,000.00 from the TIF to fund those improvements. He explained the need for incentives as follows:

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**Adopt Resolution Authorizing Loan to  
Oliver's Fine Foods, Inc., for Conversion of  
Leased Space at 415 Throckmorton Street  
to a Neighborhood Grocery Store (cont'd)**

**(Agenda Item 4)**

- Costs to redevelop site are prohibitive to rents that may be achieved at the location.
- Site has been vacant since May 2009.
- Fills a gap in the downtown retail mix and will serve as an amenity for residential development.

(Secretary Burdette assumed his place at the table.)

Mr. Sturns advised of Oliver's commitment to this endeavor as follows:

- Investment
  - Real & Personal Property Investment - \$1,500,000.00
- Construction
  - Fort Worth companies - \$1,000,000.00
  - Fort Worth M/WBE companies - \$500,000.00
- Jobs
  - Minimum of 20 full-time employees (FTE)
  - Fort Worth residents – 90 percent or 18 FTE
  - Central City residents – 50 percent or 10 FTE
- Supply & Service
  - Fort Worth contractors – 80 percent or \$64,000.00
  - Fort Worth M/WBE contractors – 5 percent or \$4,000.00

Mr. Sturns summarized the incentive proposal as reflected below:

- LDC loan up to \$450,000.00 to Oliver's for tenant improvements.
- City Chapter 380 agreement provides 100 percent of \$0.01 annual sales tax generated from taxable items to pay back LDC loan.

(Vice President Scarth assumed his place at the table.)

He advised of the terms of the loan below:

- Loan will have 20-year payoff:
  - Min. Annual Payment Year 1-2 = \$15,000.00
  - Min. Annual Payment Year 3-5 = \$20,000.00
  - Min. Annual Payment Year 6-20 = \$24,000.00

**CITY OF FORT WORTH, TEXAS  
FORT WORTH LOCAL DEVELOPMENT CORPORATION  
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**Adopt Resolution Authorizing Loan to  
Oliver’s Fine Foods, Inc., for Conversion of  
Leased Space at 415 Throckmorton Street  
to a Neighborhood Grocery Store (cont’d)**

**(Agenda Item 4)**

- Sundance entity will guarantee the loan on an annual basis and pick up the loan payments if Oliver’s lease ends prior to full payback of loan.
- If Oliver’s moves out, Sundance entity will have one year to find new grocer or loan will be due in full.

Mr. Sturns stated that the next steps based on the Corporation’s approval, was to have a vote by the City Council on the March 8, 2011, City Council agenda on the Chapter 380 which would be a backstop for the LDC loan.

Director Moncrief opened the floor for discussion on this issue.

There being no discussion, Director Moncrief opened the floor for a motion.

**MOTION:** Upon a motion made by Director Hicks and seconded by Director Espino, the Board of Directors of the Fort Worth Local Development Corporation voted unanimously eight (8) “ayes” and zero (0) “nays”, with President Moss absent to approve and adopt Resolution No. FWLDC-2011-01. The motion carried.

**Executive Session**

**(Agenda Item 5)**

Director Moncrief stated that he had been advised that an Executive Session was not necessary on the following items:

- A. Seek the advice of its attorneys concerning the following items 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: (i) legal issues concerning any current agenda item; and
- B. Discuss the purchase, sale, lease or value of real property, as authorized by Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the Corporation in negotiations with a third party; and
- C. Discuss or deliberate negotiations related to any economic development negotiations, as authorized by Section 551.087 of the Texas Government Code.

**CITY OF FORT WORTH, TEXAS  
FORT WORTH LOCAL DEVELOPMENT CORPORATION  
CALLED – SPECIAL SESSION  
TUESDAY, MARCH 1, 2011  
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**Requests for Future Agenda Items**

**(Agenda Item 6)**

Director Moncrief opened the floor on requests for future agenda items. No requests were made by Corporation Board members.

**Adjourn**

**(Agenda Item 9)**

With no further business before the Board, Director Moncrief adjourned the called – special session of the Fort Worth Local Development Corporation at 2:46 p.m. on Tuesday, March 1, 2011.

These minutes approved by the Fort Worth Local Development Corporation on the 5<sup>th</sup> day of April, 2011.

APPROVED:

\_\_\_\_\_  
Frank Moss  
President

ATTEST:

\_\_\_\_\_  
Carter Burdette, Secretary

Prepared and respectfully submitted by:

\_\_\_\_\_  
Ronald P. Gonzales, TRMC  
Assistant City Secretary

Fort Worth Local Development Corporation  
Balance Sheet  
February 28, 2011  
(Unaudited)

Assets	
Cash and cash equivalents	\$2,129,150.98
Interest Receivable	9,236.01
Accounts Receivable	<u>6,073.59</u>
Total Assets	<u><u>\$2,144,460.58</u></u>
Liabilities and Fund Balance	
Accounts and Contracts Payable	<u>0.00</u>
Total Liabilities	0.00
Fund Balance (Deficit)	
Designated for Authorized Expenditures	\$2,492,627.92
Net Income	(348,167.34)
Undesignated	<u>0.00</u>
Total Fund Balance	2,144,460.58
Total Liabilities and Fund Balance	<u><u>\$2,144,460.58</u></u>

Fort Worth Local Development Corporation  
Statement of Revenues and Expenditures  
October 1, 2010 through February 28, 2011  
(Unaudited)

Revenues

Property Tax Reimbursement	\$39,046.26	
Revenue from Rents	150,886.95	
Gas Lease Bonus	0.00	
Gas Lease Royalties	44,615.88	
HUD Loan Administration Fee	0.00	
Interest Income	10,023.90	
Change in Fair Value of Investments	0.00	
Other Revenue	0.00	
Total Revenue	\$244,572.99	\$244,572.99

Expenditures

Bank Charges	\$127.33	
Contractual Services	404,553.39	
Insurance	22,215.75	
Property Management	6,035.50	
Property Purchase	0.00	
Property Taxes	120,315.39	
Repairs	16,353.00	
Security System	2,727.87	
Storm Water Utility	13,181.25	
Transfers to City	0.00	
Utilities	7,230.85	
Total Expenditures	\$592,740.33	\$592,740.33

Excess (Deficiency) of Revenues Over (Under) Expenditures (\$348,167.34)

Fort Worth Local Development Corporation  
Schedule of Available Funds  
February 28, 2011  
(Unaudited)

Total Cash at February 28, 2011	\$2,129,150.98
Cash in Property Management Account	<u>(16,222.60)</u>
Cash available in City account	2,112,928.38
Commitments	
Evans & Rosedale Enhanced CFA	\$298,553.64
Survey Expenses	\$6,250.00
Reserves	
Maintenance Reserve	100,000.00
Property Tax Reserve	<u>100,000.00</u>
Total Commitments & Reserves	504,803.64
Unrestricted Cash Available	<u><u>\$1,608,124.74</u></u>

On August 21, 2007 \$275,000.00 was transferred to the City (M&C C-22334) with the understanding that it would be paid back when properties along Lancaster are sold. The transfer was made to fund an art sculpture on Lancaster Avenue.

On December 18, 2007 \$162,000.00 was transferred to the City (M&C C-22592) with the understanding that it would be paid back when properties along Lancaster are sold. The transfer was made to fund survey services and improvements on Lancaster Avenue.

In September of 2008 \$92,321.91 of the \$162,000.00 was returned to the LDC.

# FORT WORTH HOUSING FINANCE CORPORATION

## AGENDA

Tuesday, April 5, 2011

*Immediately Following the Fort Worth  
Local Development Corporation Meeting  
Scheduled to Begin Immediately Following the  
City of Fort Worth City Council Housing and  
Economic Development Committee Meeting  
Scheduled to Begin at 1:00 P.M.*

City Hall, Pre-Council Chamber, Second Floor  
1000 Throckmorton Street, Fort Worth, Texas 76102

### Board of Directors

Kathleen Hicks, President  
Danny Scarth, Vice President  
Frank Moss, Secretary

Carter Burdette, Director  
Joel Burns, Director  
Salvador Espino, Director

Jungus Jordan, Director  
Mike Moncrief, Director  
Zim Zimmerman, Director

Staff Liaison: Susan Alanis, Assistant City Manager

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1. **Call to Order** - Kathleen Hicks, President
2. **Approval of Minutes from the Meeting Held on February 8, 2011** - Kathleen Hicks
3. **Written Reports** – Jay Chapa, Assistant General Manager
  - A. Financial Report through February 28, 2011
4. **Executive Session:** The Fort Worth Housing Finance Corporation will conduct a closed meeting to:
  - A. Seek the advice of its attorneys concerning the following items 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: (i) legal issues concerning any current agenda item;
  - B. Discuss the purchase, sale, lease or value of real property, as authorized by Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the Corporation in negotiations with a third party; and
  - C. Discuss or deliberate negotiations relating to any economic development negotiations, as authorized by Section 551.087 of the Texas Government Code.

5. **Adopt Resolution Authorizing the Transfer of \$614,972.50 from the Non-Federal Portion of the Fort Worth Housing Trust Fund for Use as HOME Match - Coy Gray, Senior Administrative Services Manager**
6. **Adopt Resolution Approving a Gas Lease with Chesapeake Exploration LLC for 4913 Ramey Avenue – Jean Petr, Gas Lease Program Manager, City of Fort Worth, Planning and Development Department**
7. **Adopt Resolution Approving a Contract with an Architect for Plans for Infill Housing in the Terrell Heights Neighborhood and Stop Six Sunrise Edition Model Block Area– Robin Bentley, Acting Housing Program Manager**
8. **Requests for Future Agenda Items - Kathleen Hicks**
9. **Adjourn - Kathleen Hicks**

**This facility is wheelchair accessible. For accommodations or sign interpretation services, please call the Housing and Economic Development Department 48 hours in advance at 817-392-7316.**

**CITY OF FORT WORTH, TEXAS  
FORT WORTH HOUSING FINANCE CORPORATION  
CALLED – SPECIAL SESSION  
TUESDAY, FEBRUARY 8, 2011**

**Present:**

President Kathleen Hicks  
Vice President Danny Scarth  
Secretary Frank Moss  
Director Mike Moncrief  
Director Salvador Espino  
Director W. B. “Zim” Zimmerman  
Director Jungus Jordan  
Director Carter Burdette  
Director Joel Burns

**City staff:**

Susan Alanis, Assistant City Manager  
Vicki Ganske, Senior Assistant City Attorney  
Ron Gonzales, Assistant City Secretary  
Jay Chapa, Assistant General Manager  
Jean Petr, Gas Lease Program Manager

**Other staff:**

Cynthia Garcia, Assistant Director, Housing & Economic Development Department  
Robert Sturns, Economic Development Manager, Housing & Economic Development Dept.  
Leann Guzman, Assistant City Attorney  
Mark Folden, Housing Program Manager, Housing & Economic Development Department  
Ryan Haden, Development Project Coordinator, Housing & Economic Development Dept.  
Avis Chaisson, Development Project Coordinator, Housing & Economic Development Dept.  
Robin Bentley, Real Property Coordinator, Housing & Economic Development Department  
Fabiola Suarez, Economic Development Specialist, Housing & Economic Development Dept.  
Ana Alvarez, Economic Development Specialist, Housing & Economic Development Dept.

**Call to Order**

**(Agenda Item 1)**

With a quorum present, President Hicks called the meeting to order for the Board of Directors of the Fort Worth Housing Finance Corporation (Corporation) at 1:39 p.m. on Tuesday, February 8, 2011, in the Pre-Council Chamber of the Fort Worth Municipal Building, 1000 Throckmorton Street, Fort Worth, Texas.

**CITY OF FORT WORTH, TEXAS  
FORT WORTH HOUSING FINANCE CORPORATION  
CALLED – SPECIAL SESSION  
TUESDAY, FEBRUARY 8, 2011  
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**Approval of Minutes of the January 4, 2011 Meeting**

**(Agenda Item 2)**

President Hicks opened the floor for a motion on the approval of the minutes of the Tuesday, January 4, 2011, meeting.

**MOTION:** Upon a motion made by Director Burns and seconded by Director Zimmerman, the Board of Directors voted nine (9) “ayes” and zero (0) “nays”, to approve the Tuesday, January 4, 2011, minutes of the Corporation as presented. The motion carried.

**Written Reports: Memo on J. A. Cavile Place Transformation Plan**

**(Agenda Item 3A)**

President Hicks referenced the Memo on the Cavile Place Master Plan and opened the floor for discussion on the report.

Director Moss stated that the transformation plan had been worked on for about four (4) years and was a way of reviving that community.

Mr. Chapa stated that the idea behind this plan was to partner with the Fort Worth Housing Authority (FWHA) and added that there were some federal programs that provided grants to be able to redevelop FWHA properties. He added that the new programs allowed for the further redevelopment of the whole neighborhood area and that staff would like the opportunity to partner with the FWHA to be able to determine what putting together a plan would cost and then come back to the board to get approval for the funding of the plan. He pointed out that the plan would be an integral part of any application for a federal grant such as Hope Six, usually about a \$20M grant and Choice Communities, a new grant program that provided for grants upwards to about \$5M. He added that receipt of these grants could really make a big difference in this area and the idea was to take public housing units and modernize them.

Director Moss stated that the critical piece of this was that over 45 percent of the land in the area was vacant, which was a substantial amount of property not being used. He added that the proposal was that whether federal funds are received or not, if there was a work plan to go about reviving, restoring and rebuilding this neighborhood, that it could be achieved if there was a pretty good plan in place.

President Hicks agreed and applauded Director Moss for staying with this issue for an area of the City that really needed the support. She asked Mr. Chapa what occurred next for the plan.

**CITY OF FORT WORTH, TEXAS  
FORT WORTH HOUSING FINANCE CORPORATION  
CALLED – SPECIAL SESSION  
TUESDAY, FEBRUARY 8, 2011  
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**Written Reports: Memo on J. A. Cavile Place  
Transformation Plan (cont'd)**

**(Agenda Item 3A)**

Mr. Chapa stated that staff had been working with the FWHA and providing input to their Request for Proposal (RFP) for the planning consultant. He added that once the RFP was completed the FWHA wanted to release the RFP around the March 1, 2011, timeframe. He advised that the RFP would be out for approximately 30 to 45 days and once the proposals were received and the costs determined, there would be a selection process to bring back recommendations for funding to the Corporation. He pointed out that Barbara Holston, The President and CEO of the FWHA would also have to approach her board to request funding to hire the consultant and that it was hoped a consultant would be hired by possibly May 2011.

Director Moss pointed out that this project also had the support of Congressman Burgess's office.

The written report was provided to the Board as a matter of information. There was no formal action taken on the report.

**Written Reports: Financial Report through  
December 31, 2010**

**(Agenda Item 3B)**

President Hicks referenced the Financial Report through December 31, 2010, and opened the floor for discussion on the report. There was no discussion on this agenda item.

The written report was provided to the Board as a matter of information. There was no formal action taken on the report.

**Executive Session**

**(Agenda Item 4)**

President Hicks stated that she had been advised that an Executive Session was not necessary to discuss the following items:

- A. Seek the advice of its attorneys concerning the following items 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: (i) legal issues concerning any current agenda item;
- B. Discuss the purchase, sale, lease or value of real property, as authorized by Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the Corporation in negotiations with a third party; and

**CITY OF FORT WORTH, TEXAS  
FORT WORTH HOUSING FINANCE CORPORATION  
CALLED – SPECIAL SESSION  
TUESDAY, FEBRUARY 8, 2011  
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**Executive Session (cont'd )**

**(Agenda Item 4)**

- C. Discuss or deliberate negotiations relating to any economic development negotiations, as authorized by Section 551.087 of the Texas Government Code.

This agenda item was passed over.

**Adopt Resolution Appointing Tom Higgins as General Manager for the Fort Worth Housing Finance Corporation**

**(Agenda Item 5)**

Mr. Jay Chapa, Assistant General Manager, addressed the Corporation regarding the proposed resolution. He advised that the resolution needed to be amended to reflect the adopted date of February 8, 2011, instead of February 8, 2010.

President Hicks opened the floor for discussion on this issue.

There being no discussion, President Hicks opened the floor for a motion.

**MOTION:** Upon a motion made by Director Moss and seconded by Director Zimmerman, the Board voted nine (9) “ayes” and zero (0) “nays”, to approve Resolution No. FWHFC 2011-04 as amended. The motion carried.

**Requests for Future Agenda Items**

**(Agenda Item 6)**

President Hicks opened the floor on requests for future agenda items. No requests were made by Board members.

**Adjourn**

**(Agenda Item 7)**

With no further discussion, President Hicks adjourned the called – special session of the Fort Worth Housing Finance Corporation Board at 1:46 p.m. on Tuesday, February 8, 2011.

**CITY OF FORT WORTH, TEXAS  
FORT WORTH HOUSING FINANCE CORPORATION  
CALLED – SPECIAL SESSION  
TUESDAY, FEBRUARY 8, 2011  
PAGE 5**

These minutes approved by the Fort Worth Housing Finance Corporation Board of Directors on the 5<sup>th</sup> day of April, 2011.

APPROVED:

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Kathleen Hicks  
President

ATTEST:

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Frank Moss  
Secretary

Prepared and respectfully submitted by:

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Ronald P. Gonzales, TRMC/CMC  
Assistant City Secretary

**FORT WORTH HOUSING FINANCE CORPORATION**  
**BALANCE SHEET AS ON FEBRUARY 28, 2011**  
**(UNAUDITED)**

**ASSETS**

Cash, Cash Equivalents and Investments

Cash & Investments	\$	3,855,891	
Cash and cash equivalents (HTF General Fund)		1,696,494	
Cash at Bank- JP Morgan Chase - Infill		2,025	
			5,554,411

Restricted Assets

Restricted cash, cash equivalents & investments		1,286,781	
Restricted cash HTF		4,000,000	
			5,286,781

Other Assets

Loans receivable		22,302	
Contribution receivable from Grant Fund (HTF)		-	
Loans receivable - Eastland		900,000	
Loans receivable - Wind River		715,000	
Interest Receivable		53,946	
Investments in Villas of East Wood LLC		615,000	
Loans receivable from Villas of East Wood LLC		638,979	
Investment in FWCCC, LLC		-	
Properties held for sale or construction by FWHFC (at cost or FMV)		1,366,232	(1)
			4,311,458

**Total Assets**

**\$ 15,152,650**

**LIABILITIES & FUND BALANCE**

Liabilities

Accounts payable	\$	-	
Escrow for loans		406	
Accrual - Payroll		555	
Deferred revenue		22,302	
Payable to CFW - Carter Metro assigned liability		138,918	(4)
Payable to CFW - Mitchell Blvd. assigned properties		21,047	(4)
Payable to CFW - Appropriation from Rental Rehab Rev.(for VOE)		615,000	
			798,229

**Total Liabilities**

**\$ 798,229**

Fund Balances

Restricted for corpus		5,286,781	
Represented by HTF General Fund		3,311,494	
Represented by advance balance to VOE		27,990	(3)
Represented by investments/loans		638,979	
Represented by land & properties		1,366,232	
Restricted for land banking		348,503	
Restricted for Infill Dev.		666,096	
Unrestricted		2,708,345	(2)
			14,354,421

**Total Fund Balance**

**14,354,421**

**Total Liabilities & Fund Balance**

**\$ 15,152,650**

Notes:

- (1) Cost of properties includes certain properties received as gift for which fair market value as on date of gift was included as cost. It also includes properties assigned to HFC.
- (2) Grants/endowments/gifts and other appropriations received and used to acquire properties or for operating expenditure forms part of the unrestricted equity balance along with surplus / loss from operations and interest income from investments.
- (3) FWHFC Board has approved an advance of \$350,000.00 to VOE. Payment of \$322,010.00 were made from R109 and the balance to be paid is \$27,990.00
- (4) Properties assigned to HFC in note (1) were acquired with grant funds, and the proceeds less taxes and constr. exp. incurred by HFC to be returned to CFW as program income.

OTHER NOTES:

- A. CFW authorized grants of \$4,172,075 from HOME funds and \$2,250,000 from CDBG funds for Housing Trust Fund and out of these Grant funds \$1,035,913.79 have been expended as on date.
- B. Home warranty expenses and tax abatement refund dues are accounted on cash basis. The liability for unexpired warrantees and tax abatement refunds have not been quantified and not provided for.
- C. HFC is the parent organization and sole shareholder of the The Villas of East Wood Terrace, LLC. Accounts of this subsidiaries are not included or consolidated for this statements . Also no provision has been made for liabilities of these subsidiaries.

**FORT WORTH HOUSING FINANCE CORPORATION**  
**REVENUES AND EXPENDITURES FOR PERIOD (5 MONTHS) ENDING FEBRUARY 28, 2011**  
**(UNAUDITED)**

**Revenues**

Interest earned on investments	\$ 58,024
Interest on loans	495
Contribution from HUD - HTF	12,178
Program income prin. loan	-
Land/home sales	-
Gas lease bonus	-
Gas lease royalties	731
Loan application & inspection /origination fee	125
Misc. revenue	34,185

**Total Revenues** \$ 105,739

**Expenditures**

Salary expenses	\$ 4,271
Postage	220
Misc. & other operations	-
Appraisal fees	-
Conference and seminars	1,743
Engineering Services	-
Inside printing	11
Graphics	-
Liability insurance	-
Electricity	804
Water & waste disposal	500
Dues and membership	1,790
Contractual services	564,632
Contractual services - HTF Expenses	4,743
Contractual services - Mercado Repayment	1,102,462
Loss on asset	56,731
Bank Charges	108
Land purchase	-
Other expenses to be paid	-

**Total Expenditures** \$ 1,738,013

Excess of Revenues over (under) Expenditures (1,632,274)

**Other Financing Sources (Uses)**

Transfers in HFC	48,892
<b>Total Other Financing Sources (Uses)</b>	<b>48,892</b>

Excess of Revenues over (under) Expenditures and Other Financing sources (1,583,382)

Fund Balances (Deficit), beginning of the period 13,843,790  
Fund Balances (Deficit), at the end of the period 12,260,407

**Reconciliation of fund balance to Balance sheet**

ADD: Loans receivable from Villas Of Eastwood	638,979
Equity investment in FW CCC, LLC	-
Eastland loan	900,000
Wind River loan	715,000
Less: Liability to CFW - Assigned properties	(159,965)
	-

**Fund balance per balance sheet** \$ 14,354,421

## FORT WORTH HOUSING FINANCE CORPORATION

Details of Loan Receivables & Escrow Accounts for period ending February 28, 2011

### Loan Receivables

<u>Name</u>	<u>Date of Note</u>	<u>Amount</u>	<u>Status</u>
Willie Roberson	08/21/98	22,302	Active
Eastland		900,000	Active
Wind River		715,000	
<b>Total</b>		<b>\$ 1,637,302</b>	

### Deferred revenue

Willie Roberson	22,302
Wind River	715,000
Eastland	900,000
	<b>1,637,302</b>

### Escrows

Willie Roberson	08/21/98	406	Active
<b>Total</b>		<b>\$ 406</b>	

### Details of Classification of Fund Balance

#### Represented by Investments & Loans

Loans receivable from Villas of East Wood LLC	638,979
Holdings for FWCCC LLC	-
<b>Total</b>	<b>\$ 638,979</b>

Details of Payable to CFW (Assigned properties liability from Carter Metro)  
(Properties were acquired with grant funds)

Assigned from Cartermetro	
1118 E. Tucker	1,500.00
1139 Cannon St	1,500.00
2912 Walker St	92,800.00
4521 Trueland	9,000.00
4525 Trueland	9,000.00
802 E. Magnolia	1,500.00
Cash assigned to HFC	27,075.98
<b>Total</b>	<b>142,375.98</b>
Less Taxes paid when assigned	3,457.75
<b>Total liability</b>	<b>138,918.23</b>
Assigned from TCDC (Formerly Mitchell Blvd. Dev. Corp.)	
2511 Mitchell Blvd	39,220.00
3220 Thrall St	0.00
<b>Total</b>	<b>39,220.00</b>
Less Taxes paid when assigned	18,172.76
<b>Total liability</b>	<b>21,047.24</b>
<b>G. Total Liability</b>	<b>159,965.47</b>

**THE VILLAS OF EASTWOOD TERRACE, LLC**  
**BALANCE SHEET AS ON FEBRUARY 28, 2011\***  
**(UNAUDITED)**

**ASSETS**

Cash and other assets:

Cash	\$ 27,745	
Accounts receivable	2,621	
Prepaid expenses	70,282	
Total cash and other assets		100,648

Restricted deposits:

Cash - tenant security deposits held in trust	23,234	
Escrow deposits held by mortgagee	39,356	
Replacement reserve held by mortgagee	151,544	
Other reserves held by mortgagee	-	
Total restricted deposits		214,133

Apartment property at cost:

Land	216,561	
Building and Improvements	9,538,859	
Furniture and Equipments	71,783	
Motor vehicles	8,590	
Total	9,835,793	
Accumulated depreciation	(2,903,951) (1)	
Net		6,931,842

**Total Assets**

\$ 7,246,623

**LIABILITIES & NET ASSETS (DEFICIT)**

Mortgage payable, collateralized by apartment property	\$ 9,146,819
Owner loan (HFC)	615,000
Advances from owner (HFC)	638,979
Misc current liabilities	56
Accounts payable - operations	9,689
Accrued mortgage interest	47,769
Accrued wages and taxes	4,358
Prepaid revenue	209
Tenant security deposits	22,713

**Total liabilities**

10,485,592

**Net assets (deficit)**

(3,238,969)

**Total liabilities and net assets (deficit)**

\$ 7,246,623

\*Source, Quest Asset Management, Inc.

Note:

(1) No depreciation expense has been booked by QUEST ASSET Management for this period but an estimated depreciation expense of \$58,284.00 has been booked by CFW staff for this statement.





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*April 5, 2011*      *Monthly Zoning Meeting*

*11:00 a.m. Legislative and Intergovernmental Affairs Committee*

*1:00 p.m. Housing and Economic Development Committee*

*Local Development Corporation*

*(Immediately following the HED)*

*Housing Finance Corporation*

*(Immediately following the LDC)*

*3:00 p.m. Pre-Council Meeting*

**Continued Items:**

- **M&C G-17140** - Conduct Public Hearing, Adopt a Resolution Designating the Six Points Area as a Neighborhood Empowerment Zone and Adopt Ordinance Designating the Six Points Area as Neighborhood Empowerment Reinvestment Zone No. 38 (**Public Hearing**) (**Continued from March 8, 2011 by Staff**)
- **M&C G-17236** - Authorize Temporary Closure of Stonegate Boulevard between South Hulen Street and Oak Hill Circle from March 23, 2011 to April 2, 2011 for the Installation of a 42-Inch Water Main as Part of the State Highway 121 Relocation (**Continued from March 22, 2011 by Staff**)
- **ZC-11-006A** - City of Fort Worth Planning & Development, 2423 Clinton Avenue; from: "F" General Commercial to: "UR" Urban Residential (**Recommended for Approval**) (**Continued from March 8, 2011 by Council Member Espino**)
- Review of Fiscal Year 2010 Audit Results [*Lena Ellis, Financial Management Services and Terry Kile, Deloitte & Touche LLP*]
- Code Compliance Quarterly Update [*Brandon Bennett, Code Compliance*]
- Briefing on Paperless Initiatives [*Steve Streiffert, IT Solutions*]

*April 12, 2011*

*1:00 p.m. Infrastructure & Transportation Committee*

*3:00 p.m. Pre-Council Meeting*

- **Zoning Docket No. ZC-11-025 - (CD 6)** - Richard Young, 5700 McCart Avenue; from: "E" Neighborhood Commercial to: "PD/E" Planned Development for all uses in "E" Neighborhood Commercial plus auto detailing shop; site plan waiver requested. (**Continued from March 8, 2011 by Council Member Jordan**)



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*April 13, 2011* (*Wednesday*)

*Legislative Trip (Washington, DC)*

*April 14, 2011* (*Thursday*)

*Legislative Trip (Washington, DC)*

*April 15, 2011* (*Friday*)

*Legislative Trip (Washington, DC)*

*April 19, 2011*

*8:30 a.m. Pre-Council Meeting*

**Continued Items:**

- **ZC-10-094** - Commercial Metals Company, 2400 NE 36th Street; from: "K" Heavy Industrial to: "PD/K" Planned Development for all uses in "K" Heavy Industrial plus metal recycling facility; site plan included (**Continued from March 22, 2011 by Council Member Espino**)

*April 26, 2011*

*8:30 a.m. Pre-Council Meeting (cancelled)*

*April 28, 2011* (*Thursday*)

*3:00 p.m. Audit and Finance Advisory Committee*



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**May 3, 2011**      **Monthly Zoning Meeting**

*11:00 a.m. Legislative and Intergovernmental Affairs Committee*  
*1:00 p.m. Housing and Economic Development Committee*  
*3:00 p.m. Pre-Council Meeting*

- o Briefing on Lake Arlington Master Plan [*Dana Burghdoff, Planning and Development and Julie Hunt, Arlington Water Director, City of Arlington*]

**May 10, 2011**

*1:00 p.m. Infrastructure & Transportation Committee*  
*3:00 p.m. Pre-Council Meeting*

**May 17, 2011**

*8:30 a.m. Pre-Council Meeting*

- o 2<sup>nd</sup> Quarter Financial Update [*Horatio Porter, Budget Officer*]

**May 19, 2011** (*Thursday*)

*7:00 p.m. Fort Worth Crime Control and Prevention District Board of Directors Meeting (Pre-Council Chamber)*

**May 24, 2011**

*8:30 a.m. Pre-Council Meeting*

- o Dallas Fort Worth Airport briefing on Refunding Bonds [*Jeff Fegan, Dallas Fort Worth International Airport*]

**May 26, 2011** (*Thursday*)

*3:00 p.m. Audit and Finance Advisory Committee*



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*May 31, 2011*

*8:30 a.m. Pre-Council Meeting (cancelled)*

*June 7, 2011*      *Monthly Zoning Meeting*

*11:00 a.m. Legislative and Intergovernmental Affairs Committee (cancelled)*

*1:00 p.m. Housing and Economic Development Committee (cancelled)*

*3:00 p.m. Pre-Council Meeting (cancelled)*

*June 14, 2011*

*1:00 p.m. Infrastructure & Transportation Committee*

*3:00 p.m. Pre-Council Meeting*

*(Oath of Office)*

*June 16, 2011 (Thursday)*

*7:00 p.m. Fort Worth Crime Control and Prevention District Board of Directors Meeting (Pre-Council Chamber)*

*June 21, 2011*

*8:30 a.m. Pre-Council Meeting*

*June 23, 2011 (Thursday)*

*3:00 p.m. Audit and Finance Advisory Committee*

*June 28, 2011*

*8:30 a.m. Pre-Council Meeting (cancelled)*





**CITY COUNCIL  
CITY OF FORT WORTH, TEXAS  
CALLED – SPECIAL MEETING  
FEBRUARY 15, 2011**

**Present**

Mayor Mike Moncrief  
Council Member Salvador Espino, District 2  
Council Member W. B. “Zim” Zimmerman, District 3  
Council Member Frank Moss, District 5  
Council Member Carter Burdette, District 7  
Council Member Kathleen Hicks, District 8

**Absent**

Council Member Joel Burns, District 9

**City staff**

Tom Higgins, Interim City Manager  
Sarah Fullenwider, City Attorney  
Peter Vaky, Deputy City Attorney  
Marty Hendrix, City Secretary

**Ethics Complainants**

Jim Ashford, Complainant, Ethics Complaint No. 2010-01  
Louis McBee, Complainant, Ethics Complaint Nos. 2010-03 and 04

**Persons Complained Against**

Council Member Danny Scarth, District 4  
Council Member Jungus Jordan, District 6  
Donald E. Herrmann, Attorney with Kelly Hart & Hallman LLP, representing Council Members

**Others Present**

Mark G. Daniel, attorney representing the Ethics Review Committee

With a quorum of the City Council Members present, Mayor Moncrief called the called-special session of the Fort Worth City Council to order at 2:00 p.m., on Tuesday, February 15, 2011, in the Pre-Council Chamber, 1000 Throckmorton Street, Fort Worth, Texas 76102.

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**City Council Hearing on Appeal of Findings  
by the City’s Ethics Review Committee in  
Cause No. 2010-01, a Complaint Filed  
Against Council Members Jungus Jordan  
and Danny Scarth by Fort Worth Resident  
Jim Ashford**

**(Agenda Item 2)**

**Overview of Previous Hearings/Findings –  
City Attorney**

**(Agenda Item 2-a)**

Mayor Moncrief requested City Attorney Sarah Fullenwider provide an overview of the proceedings that were to take place at this meeting.

City Attorney Sarah Fullenwider advised that this special meeting of the Fort Worth City Council had been called to hear appeals of the findings issued by the City’s Ethics Review Committee in Cause No. 2010-01, filed by Fort Worth resident Jim Ashford against Council Members Danny Scarth and Jungus Jordan and Cause No. 2010-03 and Cause No. 2010-04, filed by Fort Worth resident Louis McBee, which were ethics complaints filed against Council Member Danny Scarth and Council Members Danny Scarth and Jungus Jordan, respectively.

Using a PowerPoint presentation, City Attorney Fullenwider provided background information on the first appeal to be heard by the City Council, which was Cause No. 2010-01 to the findings by the City’s Ethics Review Committee to a complaint filed by Mr. Jim Ashford on March 29, 2010, and amended on July 28, 2010.

City Attorney Fullenwider stated that the complaint alleged that Council Members Jungus Jordan and Danny Scarth had a substantial interest in Chesapeake and XTO, respectively, and thus should have disclosed that fact and not participated in the following matters:

1. An amendment to the gas drilling ordinance which was voted on by the City Council on December 16, 2008;
2. Amendments to the Comprehensive Zoning Ordinance related to various gas drilling matters (ZC-09-016, March 3, 2009);
3. Discussions regarding possible amendments to the gas drilling ordinance at the February 2, 2010, Pre-Council meeting; and
4. The appointment of two employees of Chesapeake and XTO as members to the Air Quality Study Committee.

City Attorney Fullenwider stated that the complaint alleged that the four actions violated Section 2-236, 2-238 and 2-239(a) of the Code of Ethics.

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**Overview of Previous Hearings/Findings –  
City Attorney – Cause No. 2010-01 (cont'd)**

**(Agenda Item 2-a)**

City Attorney Fullenwider advised of the timeline for the hearings before the Ethics Review Committee (ERC) as follows:

1. May 20, 2010: ERC Preliminary Hearing
2. September 24, 2010: ERC final hearing
3. Quorum of three (3) members were present (Members Hortenica Laguna and Rebecca Lucas were not present but had been notified of the hearing.)
4. ERC heard evidence and considered arguments of the complainant and respondents

City Attorney Fullenwider presented the ERC findings as follows:

- None of the actions cited by the complainant violated the “substantial interest” provisions of the Code because Chesapeake and XTO were not involved in those matters and no issues involved a decision concerning real property.
- No violation of Section 2-236 occurred because that section was only a declaration of policy.

City Attorney Fullenwider advised that the appeal filed by Jim Ashford on October 4, 2010, alleged the ERC erred as follows:

- By hearing the case with only three new members present and without the two remaining members (Ms. Laguna and Ms. Lucas);
- In its determination that Section 2-239 was not violated in that Chesapeake and XTO were involved with the Gas Drilling Task Force by holding positions on the Task Force and the ordinance directly affected these companies and regulated the way the companies conducted their oil and gas business; and
- By failing to find that Mr. Scarth and Mr. Jordan had a substantial interest in XTO and Chesapeake, respectively, and should have disclosed this interest and abstained from voting.

City Attorney Fullenwider advised that the City Council options in this hearing were to hear from Mr. Ashford, the complainant, and to hear from Council Members Jordan and Scarth or their representative, close the public hearing and determine whether:

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**Overview of Previous Hearings/Findings –  
City Attorney – Cause No. 2010-01 (cont'd)**

**(Agenda Item 2-a)**

- The ERC was prejudiced in its deliberations;
- New evidence was available that was not considered by the ERC; or
- The ERC committed some error in its deliberations

She stated that if the answer was “no”, the Council should deny the appeal in its entirety. She stated that if the answer was “yes”, then the City Council should hold an evidentiary hearing, either by the City Council or a hearing officer. She pointed out that if a hearing officer conducted a hearing, then the officer would report back their findings to the City Council for further action.

City Attorney Fullenwider completed her presentation.

Council Member Hicks requested to know who the Hearing Officer would be. City Attorney Fullenwider responded that the City Council would select the hearing officer. She also clarified that the hearing officer would not make the final determination, they were just making findings of facts, which then the Council would consider those findings in another appeals hearing.

Mayor Moncrief clarified with City Attorney Fullenwider if each appeal was to be heard separately or altogether. City Attorney Fullenwider explained that it was separately and Mr. Ashford’s appeal was the first appeal to be heard, Cause No. 2010-01.

**Argument by Complainant – Jim Ashford**

**(Agenda Item 2-b)**

Mayor Moncrief requested Mr. Ashford provide his argument to the City Council regarding Cause No. 2010-01.

Jim Ashford, 6209 Riverview Circle, Fort Worth, Texas 76112, spoke before the City Council regarding his appeal. Mr. Ashford expressed his appreciation to the City Council for hearing him. He stated that he was a little confused as to why there was a necessity on his part to prove a reason for the Council to hear this appeal. He added that when an appeal was requested to hear a previous charge against three gas drilling employees that had been awarded in his favor by the Ethics Review Committee and which the City Council ultimately overruled, there was no hearing required of them to justify anything to proceed directly into a hearing on that matter.

Mr. Ashford questioned the reason that he had to do so. He stated that he had to wonder if it was because the City Council did not like him or was it because the gas drilling industry got

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**Argument by Complainant – Jim Ashford (cont'd)**

**(Agenda Item 2-b)**

an automatic pass. He indicated the reason this case should be heard was for the following reasons: The Ethics Review Committee committed an error in its deliberations of Cause No. 2010-01 with the hearing itself. He stated the ethics hearing was held with only three (3) new members present. He added that in itself violated the assurances by the City Council to the citizens of Fort Worth, and him, there would be five (5) ERC members hearing the current cases, which would include this one.

Mr. Ashford stated that the Mayor stated at the August 24, 2010, City Council meeting, “these hearings would be heard by the old members, with the new members, with the current chair, and the new members.” Mr. Ashford stated that Council Member Hicks spoke of ensuring that the City would have a full ERC for all future hearings at that meeting.

Mr. Ashford then requested that video excerpts of that meeting be shown on a DVD disk that he had provided to City staff and he stated that the City Council would hear what the citizens were assured.

A variety of sequences were shown from the Council Meeting held on August 24, 2010, to the City Council Members.

Mr. Ashford stated that Council Member Hicks even requested clarification at that Council meeting, prior to any vote to approve those members, and was assured by the City Attorney there would be three (3) new members with the two (2) remaining members.

He stated that the City Council specifically requested, and was assured by the City Attorney, that there would be five (5) members to hear this and other cases. Mr. Ashford stated, “again, the Mayor also spoke of the necessity of having a full committee for all future hearings.”

Mr. Ashford stated that when this hearing, following the Council meeting was scheduled, there was one postponement of Cause No. 2010-01, this case, and he was told it was because one of the new members was unavailable. He added he was not told the two (2) original members would not be available.

Mr. Ashford stated that there was now reason to believe the City Attorney, the ERC and perhaps the City Council were aware the two (2) original members would no longer be members at these hearings. He stated that since that meeting had already been postponed once due to the inability of everyone being able to attend, it should have been postponed until the City Council could resolve this issue. He pointed out that it was not resolved.

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**Argument by Complainant – Jim Ashford (cont'd)**

**(Agenda Item 2-b)**

Mr. Ashford stated that instead of having a full committee of five (5) members as the Council had assured him, there were only the three (3) new members who knew virtually nothing about this or other cases.

Mr. Ashford stated that in addition under the current rules, it required a majority vote to prevail in a case. He stated that if there were five (5) members present, it required three (3) votes to prevail. He stated that was 60 percent of the committee. He stated that if only three (3) members were present, it still required three (3) votes. He stated that was 100 percent vote.

Mr. Ashford stated that the meeting on Cause No. 2010-01 should not have occurred under this unfair and questionable cloud. He stated that in his opinion, the ERC did not act in an honorable manner, as there were numerous questions about the committee make-up. Mr. Ashford stated that committee obviously did not appear to think it was important to respect what the Council had told the citizens or the fairness to him.

Mr. Ashford stated that there were additional problems. He stated that the ERC itself did not have a quorum present as required. He stated that one (1) of the three (3) members was ineligible to serve on the committee. He cited Section 2-241 of the City of Fort Worth's Ethics Code as follows: "paragraph (c) Members stated, no member shall hold any city elected or appointed office."

Mr. Ashford stated that Mr. Hernandez held the office appointed by the City and served on the D/FW International Airport Board. He stated that the D/FW International Airport Board position was appointed by the City Council.

Mr. Ashford repeated the contents of that section of the Code. He added that Mr. Hernandez was appointed by the City to an office on the D/FW International Airport Board. He stated that the City of Fort Worth's official web site listed the boards, commissions and committees of Fort Worth. He provided to the Council a printed copy of that site.

Mr. Ashford referenced page 2. He stated that the City's official web site listed the D/FW International Airport Board as a board. He then referenced the City's Code of Ordinances, Division 3 – Rules and Procedures for Certain City Boards, Section 2-81, paragraph (1) Definition. He stated as used in that section, "the term "City board" shall mean any board, commission, committee or other body, which is created by the City Council and is not required to exist by the City Charter or state law." Mr. Ashford stated that the City Charter or state law did not require the Airport Board; it was required by a contract with Dallas and was created by the City Council with Resolution 521 in 1977 or 1978.

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**Argument by Complainant – Jim Ashford (cont'd)**

**(Agenda Item 2-b)**

Mr. Ashford referenced Division 3, Rules for City Board, Section 2-83(b), which included board provisions for the Dallas/Fort Worth International Airport Board, as a board. He cited this section as follows:

“Those boards excepted from the provisions of this section regarding the number of members serving on the board, and regarding the length of terms of service, because of conflicting state law, city charter provision or city council exception, shall include currently, but shall not be limited to, the following: Civil Service Commission; Dallas/Fort Worth International Joint Airport Zoning Board; Meacham Field Joint Airport Zoning Board; City Council exception (ordinance); Dallas/Fort Worth International Airport Board; state law exception.”

Mr. Ashford stated that the state law exception referred only to how many board members were allowed or required on the airport board.

Mr. Ashford stated that Section 2-241 of the Code of Ethics paragraph (c) stated one (1) member of the committee shall be an attorney. He added it did not say at least one, nor did it say one or more. He stated it stated one (1). He added one (1) and only (1) was specified. He pointed out that the City’s ERC had three (3) attorneys, not one.

Mr. Ashford stated for an example that if he brought the City Council a cake and had been instructed that it should have one candle, how many candles would the City Council expect to see? He stated “one.” He added that he saw three (3) candles on this cake.

Mr. Ashford stated that paragraph (c) went on to say, “as reasonably as possible the membership of the committee shall be fairly representative of all of the population of the city.” He added that three (3) attorneys on this committee were not representative of the city. He stated this committee was made up containing 60 percent attorneys. Mr. Ashford stated that the ERC consisted of ineligible members that were not eligible to serve on the ERC. He stated that there was no quorum. Mr. Ashford stated that the intent of the Council was clear to the public in what was intended at the Council meeting on August 24, 2010. He stated that in spite of this information being presented to the three (3) ERC Members before the hearing, they ignored his and Mr. McBee’s concerns and the information provided to them. He stated that it was known weeks in advance the two (2) original members would not be there. He stated that there was not even a name card on the table for the two (2) missing members. He stated that there were name cards for the new members and their attorney, but not for the two (2) whom they knew would not be there.

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**Argument by Complainant – Jim Ashford (cont'd)**

**(Agenda Item 2-b)**

Mr. Ashford stated that the fair, reasonable and proper action would have been to adjourn the meeting. He added that since they already knew the original members were not going to participate, they should have informed the Council about the situation, and that the Council's wishes of having a full committee with the current chair was not possible. He stated that there had already been one postponement, so another would have been the logical thing to do and get things in order. He stated that proper action could have been taken and everyone could have proceeded. He reiterated the three (3) ERC Members violated the Ethics Code, Section 2-241(c). He reiterated that there were excessive attorneys, and one (1) individual on the committee that already held a city appointed office.

Mr. Ashford referenced paragraph (g) of the Ethics Code that stated "members of the committee shall be independent in fact and appearance when hearing matters brought before the committee." Mr. Ashford stated that he had reason to question these three (3) members' ability to be impartial. He stated that in his opinion, their decision had already been made before the hearing. He stated that the committee seemed to disregard the City's ordinances and the Texas local codes to deny these charges. He stated that he had to question why they would do that. He added that the Committee misapplied and misinterpreted Article 7, Code of Ethics, Section 2-239. He stated that the disclosure of interest, as was stated in the verbal reading of the findings was as follows:

"(a) If any city officer has a substantial interest in any person, group or business entity involved in any decision pending before such officer or the body of which he or she is a member, such officer shall disclose such interest and shall not vote or otherwise participate in the consideration of the matter."

Mr. Ashford stated the ERC's findings stated they did not see how Chesapeake or XTO would be "involved" or "involved in any decision" as used in Section 2-239 Disclosure of Interest. He stated that he believed that they erred in this determination. He added that it was not reasonable to say Chesapeake and XTO were not "involved" with the Gas Drilling Task Force. He stated that included in the Code's definition of "involved" would also mean "included."

Mr. Ashford stated that Chesapeake and XTO had individual employees or lobbyists on the Task Force making the recommendations to the City Council, which Mr. Scarth and Mr. Jordon were to vote on. He stated that both XTO and Chesapeake had numerous individual meetings with the Mayor and other Council Members, along with City staff. He stated that they presented information at the public hearings and City Council meetings for the Council to

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**Argument by Complainant – Jim Ashford (cont'd)**

**(Agenda Item 2-b)**

consider. He stated that perhaps most important was that the ordinance, once passed, regulated the way Chesapeake and XTO would do business within the City of Fort Worth. He stated that it was impossible to separate the two (2) largest gas-drilling companies from the industry these ordinances regulate. He stated that to state Chesapeake and XTO is or was not “involved” would be unreasonable for any prudent person to find acceptable.

Mr. Ashford stated that Section 2-239 (a) had a much broader application than applied to the above example. He stated how the ERC chose to interpret the ordinance was an unreasonably narrow and incorrect application of the wording.

Mr. Ashford stated that in Section 2-239(a), the rule was very clear, if not emphatic, when it stated; “If any city officer has a substantial interest in any business entity, involved in any decision pending before such officer, or the body of which he is a member (they are on the City Council), such officer shall disclose such interest and shall not vote or otherwise participate in the consideration of such matter.” He stated that Council Member Scarth and Council Member Jordon have acknowledged they do have such interests.

Mr. Ashford stated that the Code of Ethics was written to provide its citizens with the broadest range of protection from potential wrongdoing by its appointed and elected officials as was outlined by Section 2-236, declaration of policy and the entire Article 7, Code of Ethics.

Mr. Ashford stated that specific information would be presented during the hearing to support his charges.

Mr. Ashford completed his comments.

At this time, Mayor Moncrief called upon Mark G. Daniel, the attorney for the ERC, to speak on the matter regarding a quorum of the ERC.

Mr. Daniel explained that the committee consisted of five (5) members. He explained that Reverend Daniels had resigned from the committee due to health concerns. He stated that the other two (2) remaining members were Rebecca Lucas and Hortenica Laguna, who had previously served as the Chair. He advised that Ms. Lucas and Ms. Laguna had been informed of the meeting and had sent a message back that they were not planning on attending. He stated as to the matter of a quorum, there were three (3) of the five (5) members present at the meeting, Mr. Aldridge, Mr. Hernandez and Ms. Roby. He stated that there was a majority present, three (3) out of the five (5) members constituted a quorum. He added that prior to the meeting, and he

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**Argument by Complainant – Jim Ashford (cont'd)**

**(Agenda Item 2-b)**

did not remember who brought the dialogue up, there was discussion, something to the effect and it might have come from the City Secretary's Office that the ERC cannot make members attend. He stated that on that measure as he remembered, the present members selected Mr. Aldridge as the Chair and the meeting went forward with a valid quorum.

Mr. Ashford interrupted and stated that the City Attorney advised the ERC that Mr. Hernandez was not on a City board. He stated that he was on a City board and he was ineligible to serve and he is ineligible to serve.

Mayor Moncrief requested that City Attorney Fullenwider respond. City Attorney Fullenwider stated that they had talked about an "officer" or someone that was an "appointed member." She stated that he was appointed by the City Council to the airport board, but he was not an appointed officer. She added that would be someone similar to the City Manager. She stated that the opinion by the City Attorney at that time was that he was eligible to serve.

**Argument by Persons Complained Against –  
Attorney Don Herrmann**

**(Agenda Item 2-c)**

Mayor Moncrief recognized Don Herrmann, the attorney representing Council Members Scarth and Jordan.

Mr. Herrmann indicated that his comments were going to be brief and pointed out that detailed information had been provided to the City Council Members, including the ERC's opinions, which he felt were thorough and self-explanatory. He stated that he would not bother to address Mr. Ashford's challenge to either the composition of the ERC or the honor or integrity of its members. He simply stated that he was in attendance at the hearing and he stated that he did not recall hearing Mr. Ashford ask that the meeting be postponed for any purpose or any period of time. He stated that he did not think that issue ever arose at least according to his recollection.

Mr. Herrmann stated that he felt the appeal raised two issues only; one was the challenge to the composition of the ERC. He stated that the other was the votes or the concerns for votes of Council Members Scarth and Jordan on the composition of the Air Quality Study Committee. He stated that the evidence at the hearing was clear; the persons selected and voted on were selected through a process conducted by City staff. He added the selection process was purely a Council decision, XTO and Chesapeake had no direct involvement whatsoever.

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**Argument by Persons Complained Against –  
Attorney Don Herrmann (cont'd)**

**(Agenda Item 2-c)**

Council Member Hicks interrupted and questioned as to whether the City Council was hearing each case one by one. She stated that Mr. Herrmann was talking about whether Council Members Jordan and Scarth could participate in these votes. She stated that she thought that the first thing that the City Council was looking at specifically was whether the ERC should have been looking at this in the first place. She asked whether the City Council could deal with that issue first.

Mayor Moncrief stated that the Council certainly could; however, he felt the City Council was also responding to earlier discussions by Mr. Ashford about those votes.

Mr. Herrmann interjected and stated that as he understood the appeal on matter 2010-01, it raised two (2) issues. He stated that the first issue had to do with the composition of the ERC. He stated that the second issue had to do with Council Members Scarth and Jordan's votes.

Council Member Hicks stated that she understood that and she was wondering if they had something to say specifically about that issue because so far all the City Council had heard was from Mr. Ashford was specifically about the makeup of the ERC. She asked if he had other statements to make or were his statements completed. She added that she was completely confused by the process. She then asked Mr. Ashford if he had other comments to make specifically about Council Member Scarth and Jordan voting on certain issues or was the City Council about to vote or what. She added that she did not know and stated she felt she was in "no man's land."

Mayor Moncrief stated to Council Member Hicks that Mr. Ashford's comments had included comments regarding the voting in his earlier presentation. He added that was what he had heard.

Mayor Moncrief requested Mr. Herrmann continue with his comments. He stated that the evidence at the hearing and as the ERC's opinion showed was that Chesapeake and XTO had no direct involvement in the selection or the vote on the members of the Air Quality Study Commission and in the absence of the involvement of Chesapeake and XTO, there would be no reason under the Ethics Code for an abstention by either Council Member Scarth or Council Member Jordan, even if one assumed, and he was not sure it was an accurate assumption, that they had a disqualifying substantial interest in those companies. He stated for that reason, the ERC did not commit any error in its rulings.

Mr. Herrmann completed his comments.

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Mayor Moncrief opened the floor for any questions to Mr. Herrmann.

**Argument by Persons Complained Against –  
Attorney Don Herrmann (cont'd)**

**(Agenda Item 2-c)**

City Attorney Fullenwider indicated that she wanted to clarify one thing that Mr. Ashford brought up in his comments. She referenced Section 2-241 stated that no member of the Ethics Review Committee shall hold a city elected or appointed office. She then referenced the definition of “officer” that meant any member of the City Council and any appointed member of a board, commission or committee established by ordinance or under state law. She stated that a person could be a city officer and serve on a board but not be an appointed office. She stated that there was a distinction between the two whether or not a person was a city officer or an appointed office. She added that she wanted to make that clear.

Mayor Moncrief asked Mr. Ashford if he had any closing arguments.

**Rebuttal by Mr. Ashford**

Mr. Ashford stated that in regards for not asking for a continuation, he indicated that it was his suggestion at the ERC meeting to postpone the meeting and send it back to the City Council because they knew that it was not what they had been assured, that there would have been five (5) members. He stated as a matter of fact at the Council meeting, the City as a whole was assured that there were going to be five (5) members. He stated that there were three (3) members. He added the City staff knew before even the Council meeting that those two (2) members would not be present. He stated the two (2) members that were still there and still eligible had sent in a letter and had said that the Mayor had terminated them. He stated that was the terminology that they had used. He stated that the Mayor had the authority to do so. He added the City Attorney at that time stated that the Mayor did not have that authority. Mr. Ashford indicated that the Mayor did have the authority. He added that was what was stated in the ordinance. He stated that he did ask for an extension because things were not in order. He stated that the other issue had to do with whether it was an appointed office. He stated that Mr. Hernandez was an officer of the City. Mr. Ashford stated he was appointed. He added that made it an appointed office. He stated that there were two (2) out of the three (3) members that were attorneys. He stated the ordinance specifically stated one (1). He stated that it did not make any provisions for having two (2) or three (3), or four (4), or five (5) attorneys. He stated that it did not. He stated that the Code stated one (1) and that what was what was required. He stated that it had the number one (1) in it and there was no question about that. He added that the makeup of the committee was improper. He stated that there was misinformation provided to the ERC.

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**Rebuttal by Mr. Ashford (cont'd)**

Council Member Hicks requested a clarification of what misinformation was provided to the ERC. Mr. Ashford stated that the committee was told that Mr. Hernandez did not serve on a board. Mr. Ashford then requested assistance from Mr. McBee to provide further explanation. Mr. McBee indicated he would assist. Mr. Ashford stated that there were several things that were said that the City Attorney was incorrect on. He stated that the City Attorney kept going back to the fact that there were three (3) members present and that made a quorum. He stated that in order to have a quorum the City had to have everybody there legitimate. He stated that one of the members was specifically not legitimate. He stated that there were two (2) members there that were attorneys. He stated that the ordinance stated one (1) attorney.

Mayor Moncrief clarified with Mr. Ashford what the Ethics Code ordinance stated and he asked if it stated that there would be no more than one (1) attorney. Mr. Ashford stated that the ordinance stated that there shall be one (1) attorney. Mayor Moncrief posed the question to Mr. Ashford that it did not mean that there could not be two (2). Mr. Ashford responded that was right. Mr. Ashford added that if it said there could be one (1) or more, but he stated that it just said one (1), a specific number. He added he did not know the reason that was put in the Code but it was put in there.

Mayor Moncrief opened the floor for other questions.

Council Member Hicks indicated she had questions about the time line and directed her questions to Mr. Ashford. She requested he share or remind the Council when he showed the video where the Council voted on the appointments and when was the hearing.

City Attorney Fullenwider interjected that the preliminary hearing was held on May 20, 2011, and then the final hearing was held on September 24, 2011.

Council Member Hicks asked if during that time Reverend Daniels and Ms. Lucas resigned. City Attorney Fullenwider explained that Reverend Daniels did resign and a letter of resignation was received from him. She added that letters of resignation were not received from the other two (2) members, Ms. Luca and Ms. Laguna. City Attorney Fullenwider explained that the City received correspondence from them, but not that they were formally resigning.

Mr. Louis McBee interjected that he had the timeline and would be glad to furnish Council Member Hicks with a copy.

Council Member Hicks requested clarification about the fact that even though Council Member Burns was not present today, the City Council could still hold the meeting. Council

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**Rebuttal by Mr. Ashford (cont'd)**

Member Hicks requested to know the quorum requirements for the ERC and whether it was three (3) out of the five (5) members. City Attorney Fullenwider explained that the ordinance required three (3) out of the five (5) members be present, which would constitute a quorum.

Mr. Ashford requested to speak again. He stated that he was not on the telephone call so he did not know what was said.

Council Member Hicks requested clarification on what telephone call.

Mr. Ashford stated the original phone call from Mayor Moncrief to the committee members. Mr. Ashford read the contents of a letter. He stated the letter said: “On Thursday, August 19, 2010, (Mr. Ashford stated this was five (5) days before the Council meeting), Mayor Moncrief called me to inform me that my services on the Ethics Committee were terminated. I accepted my termination as of that date. I will not be in attendance at any additional meetings. He stated this letter was dated September 1, 2010. He added the hearing on his case was heard several weeks after that and it had been postponed once already. He stated that the City Council saw on the video what the City Council said and what the Mayor assured the City. Mr. Ashford stated that he had every reason to believe that was what was going to happen. He stated that he believed that there had been many times when the intent of the Council was actually more important than what the words were. He stated that he felt the video pretty much showed the intent of the Council and certainly the ERC should have gone back to the Council and said to the Council that they could not do what the City Council said was going to happen. He stated that they did not do that.

At this time, Mayor Moncrief recognized City Attorney Fullenwider for clarification. City Attorney Fullenwider referenced the video that was provided by Mr. Ashford and stated that it was the intent of the Council that the two (2) remaining members would continue to serve with the three (3) new members to hear this complaint. She stated that was the reason the City Attorney rendered the opinion that the Mayor did not have the authority to terminate as Ms. Lucas eluded to in her letter her appointment to this ERC. City Attorney Fullenwider pointed out that there was a letter from Ms. Lucas stating that she had been terminated, although that was clearly not the case of what happened at the City Council meeting where the Council appointed three (3) new members to serve with the two (2) remaining members and the Council expected them to show up for the hearing.

Mr. Ashford interjected that what City Attorney Yett stated was that the Mayor did not have the authority to fire them. Mr. Ashford referenced the Ethics Code, Section 2.240 Required Function, 2.241(e) ...” in addition to the City Council’s usual powers of removal” ....Mr.

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**Rebuttal by Mr. Ashford (cont'd)**

Ashford indicated that he did not know what that was. He read the rest of the section "...members of the committee may be removed by a majority of the City Council for a violation of this article." Mr. Ashford stated that what the City Attorney had stated was that the Mayor could not terminate these people, he could not fire them, that only the City Council could do that. He referenced the letter again and stated that was not what that letter stated. He referenced again the portion of the Code that stated the "usual powers of removal." He stated that if he was on a committee and the Mayor called him and stated that he was fired or terminated and that the City did not need him, he stated that would be the end of his service right there. He stated that would certainly be a reasonable understanding and he felt that was what had happened. He reiterated that he was not on the phone call and he does not know what was said. He added that he only had the letter.

Council Member Moss requested that the City Attorney review again the clarification of the issue that one person shall hold any elective or appointed office or be a candidate for such office. He stated that the only thing that he was concerned about was that it referenced any city elected or appointed office. He added that was directly to the City of Fort Worth, and if that was correct. City Attorney Fullenwider stated that the distinction that she was making was that a person could be a city officer but not hold an appointed office. She stated that a person could be an officer if they were appointed to a board or commission, but that did not make a person an appointed office, i.e., the City Manager, City Attorney, City Secretary. Mayor Moncrief added where a person had authority.

Council Member Moss added as it related directly to the City of Fort Worth. He added that the City Council may appoint someone to another body; however, the language referenced a city elected or appointed office. City Attorney Fullenwider stated that was correct.

Mr. Ashford asked if Mr. Hernandez took an oath when he took his position on the airport board. Mayor Moncrief asked who he was directing his question to and Mr. Ashford responded to anyone. There was no response.

Council Member Espino stated that he thought he understood what the City Attorney was saying. He stated that anyone that served on a board or commission was an officer of the City. He clarified that what was being said was that an officer was not the same as an appointed office and this was how he understood the legal argument on that position.

Mr. Ashford interjected and asked the Council to tell him where it said that. He indicated that the Council was splitting hairs.

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**Rebuttal by Mr. Ashford (cont'd)**

Council Member Moss stated that airport board was not a city board so it was not the City and added that the language referenced stated pretty clearly that it looked as if it was talking about a City elected or appointed office.

Mr. Ashford interjected again that he felt the Council missed what he had talked about earlier. He stated he made a number of references to the City's web site which listed it as a board. He then referenced Section 2-83 of the Ethics Code which included board provisions for the Dallas/Fort Worth International Airport as a board. He stated it made rules. He stated the City Charter listed it as a City board. He stated in the contract with Fort Worth, it listed the position as a board. He stated it was appointed by the City. He stated there were four (4) places from Fort Worth, seven (7) from Dallas. He stated that it was a City-appointed board and he stated that it was an office. He stated that he had not heard anyone talk about the fact that there were three (3) attorneys on the ERC. He stated that was a clear violation. He stated that three (3) attorneys was certainly not representative of the City of Fort Worth because 60% was not representative of the city.

Council Member Hicks posed a question to Mr. Ashford. She stated that Attorney Herrmann stated that Mr. Ashford did not say anything at his hearing regarding the three (3) members that were present. Mr. Ashford indicated that there was a long conversation regarding that issue and it was reflected in the minutes. Mr. Ashford stated that there were five (5) to six (6) pages of minutes at the beginning of the meeting where he and Mr. McBee asked that it be postponed. He reiterated that they walked in the room expecting to see five (5) people and there were not five (5) people as they had been assured. He stated that they asked for it to be postponed. He stated that they did not have very much time to find out that much about the different individuals. He added that they knew that Mr. Hernandez was on the Dallas/Fort Worth International Airport Board. He stated that was an issue in itself. He stated that City Attorney Yett had stated that it was not a City board. Mr. Ashford stated that it was a City board.

Mayor Moncrief stated that there appeared to be differences of opinion here.

City Attorney Fullenwider clarified to the City Council that at the time she did not recall that Mr. Ashford raised the issue about being more than one (1) attorney either at the hearing or in his appeal.

Mr. Ashford's response was that he certainly brought it up today. He stated it did not make any difference -- it was true today and it was true then also. He stated that there was a lot that he did not know then that he knows today. Mr. Ashford again repeated comments that they were not prepared for a situation that was not what they had been told.

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Mayor Moncrief stated that the City Council would now deliberate.

**City Council Determinations/Decisions**

**(Agenda Item 2-d)**

Council Member Hicks posed a question to City Attorney Fullenwider regarding that once a decision had been made by the City Council would it be final or was it appealable. City Attorney Fullenwider stated that the City Council was the final body and she reviewed again the decision options before the City Council as previously presented.

Council Member Burdette stated that a lot of interesting arguments had been raised by Mr. Ashford. He added primarily the arguments that the Council was hearing on this appeal in Cause No. 2010-01 by Mr. Ashford were about the procedures undertaken before the ERC, the make-up of the committee and whether it should have proceeded with the hearing. He stated that he did not know how many of those issues Mr. Ashford raised at the hearing but he had raised them here at this meeting. Council Member Burdette stated that he had difficulty with those arguments. He stated first of all he was at the Council meeting at which the three (3) new members were appointed to the ERC and having been there and seen the video today, it was his understanding then and it was his understanding now that what the Council was doing and what the Council was assuring was that the Council was going to reconstitute the committee, which had dwindled in membership. He added it was necessary to appoint three (3) new members in order to have a full panel of five (5) members. He stated that when he took that action he did not intend it to mean that once a full five (5) member panel was appointed that they would not hear any matters unless all five (5) members sat at whatever subsequent hearings might take place. He added he did not think at that time anyone knew when the hearing was going to take place before the full five (5) member panel or whether all five (5) members would be present. He stated that it was clear from the rules and in the Charter as it is with this City Council, for example, that the City had a nine-member Council and it did not mean that all nine (9) must necessarily be present in order to deliberate. He stated that the requirement was that there be a legal quorum. He stated that in this case three (3) of the five (5) constituted a quorum. He added what he was hearing was that two (2) of the members indicated that they were advised of the hearing and they advised that they would not attend. He stated that he felt a proper quorum was there with the three (3) members. He stated that he did not believe that the City Council intended and he did not believe that the City Council gave assurances that there would never be a hearing of this five (5) member panel unless all members were present at the time. Council Member Burdette stated that he felt that was not a valid argument.

Council Member Burdette stated regarding the question of Mr. Hernandez being a member of the panel, he felt the advice from the City Attorney was correct. He stated that no member held any city-elected or appointed office. He stated that he did not feel that Mr. Hernandez held an office with the City. Council Member Burdette stated Mr. Hernandez may sit

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on a board and be part of the board but he was not a city officer any more than a member of the Library Advisory Board was an officer of the City simply because they sat on that panel. He added that he did not feel the argument that was made that he was ineligible was correct. He stated that the other argument that was made was that there was more than one (1) attorney on the panel who was licensed to practice in the State of Texas. He stated that the Ethics Code language stated: “one member of the committee shall be an attorney licensed to practice in the State of Texas.” He added that he read that as plain English saying that in order for this ERC to operate properly, it needed the advice, experience and education of a licensed attorney. He added that mandate meant that there shall be at least one (1) attorney on there but he did not read it to say that there could not be more than one (1) attorney on that particular panel. Council Member Burdette stated, therefore, he did not think that argument made any sense. He stated that in his opinion there were not any errors as to the procedures that were followed.

Council Member Burdette stated that the other argument that Mr. Ashford presented goes to the merits of what were considered by the committee and what he heard him say was their determination as indicated in their written response and ruling that XTO and Chesapeake were “not involved” in the actions taken by the two (2) City Council Members was wrong and was not reasonable and was too narrow an interpretation. He stated that he understood that Mr. Ashford could make that argument; however, he did not think that invalidated the conclusion of the committee. He stated he felt they heard the arguments and heard both sides and he felt that was just a reasonable conclusion as the one that Mr. Ashford was advocating for. Council Member Burdette stated that he felt they found there was no substantial interest in those two corporations held by the Council Members. He stated that he did not view the fact that one or both of those Council Members owned minerals and had leased the minerals to constitute a substantial interest in the lessee, i.e., a substantial interest in XTO or Chesapeake. He added that if he owned a mineral interest and leased it to Chesapeake; he was not acquiring an interest in Chesapeake. He stated he still owned his property and had an interest in that particular piece of property. He stated that he did not feel that constituted a substantial interest in either of those two (2) companies. He stated that he did not believe that action by a Council Member on some matter that came before this Council that affected a general group or a portion of the population on a general basis constituted a violation of any of the ethics rules simply because of the fact that they must act. He added that all City Council Members must act on general matters that come before the Council that could affect people all over the City. He provided as an example of the fact that his mortgage company and he owned his home, a piece of property that he owned in the City of Fort Worth. He stated that as a property owner he was compelled to pay, and he does pay every year, several thousands of dollars of taxes to the City of Fort Worth. He added that he, as well as other Council Members, voted every year on the City’s budget. He stated that every time the Council considered the City’s budget, they consider the possibility of raising the City’s tax rate

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**(Agenda Item 2-d)**

or lowering the City's tax rate or leaving it as it. He stated that they do that every year. He stated that he did not believe that anyone claimed or that constituted a conflict of interest or violation of ethics because he also happened to be a tax payer and would be affected by whatever the tax rate was. Council Member Burdette stated that he did not find any error on the part of the ERC and he did not think that they committed any errors in their deliberations. He stated that while people may quarrel with their deliberations and may quarrel with the conclusions that they came to, he did not feel that they were arbitrary or capricious or unreasonable.

**MOTION:** Upon a motion made by Council Member Burdette and seconded by Council Member Moss, the Council voted six (6) "ayes" and zero (0) "nays, with Council Member Burns absent, to deny the appeal in its entirety. The motion carried.

Council Member Hicks stated that she agreed with a lot of what Council Member Burdette stated on the first piece about whether the ERC should be meeting. She stated that even in the papers that Mr. Ashford had provided to the City Council there was information where he stated that he had been waiting all of this time, 68 days after the original complaint. She stated that her point was if the idea was to have the ERC meet then she would think that was what the person would want and the person could not then decide, well, the people that I wanted to be there could not be here so; therefore, I do not want them to hear my case. She stated that in any given week it was very true that the City Council did not know who was going to be present on the Council or who was going to hear whatever issues that were being presented.

Council Member Hicks stated on the second issue, she served on a number of difference commissions and boards that interested her, from Presbyterian Night Shelter which was in the Council District that she represented to the Junior League, etc. She stated that all of those agencies certainly formed the opinions that she had. She stated that as she said in August she felt that this process needed to go forward today and there needed to be some resolution for both Mr. Ashford and Mr. McBee and then also the Council Members. She added as she stated in August, she still had a great concern about having to make decisions on fellow council members. She stated that while she had the utmost respect for the folks that she worked with on a daily basis, years from now there could be a Council that had to be in the same position that would not have the same kind of kind of standards. She stated that the City Council had to vote on issues on a weekly basis that deal with each other's Council Districts. She stated she had an earlier conversation with Council Member Zimmerman about how the Texas State Legislature had to go through this and also other entities. She added that she understood from City Attorney Fullenwider that the ERC would be looking at a number of issues, for example, making it more public and just a number of different issues. She stated that she felt it was something that needed to be looked at again because she felt very uncomfortable being in this position where she was

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**(Agenda Item 2-d)**

having to decide these issues, not only issues about her colleagues but also the fact that she was not an attorney and she felt uncomfortable about making these decisions. She stated in these three situations she did not feel that there was a conflict with Mr. Jordan or Mr. Scarth and she did feel that the ERC should have met and made their decisions because that was what they were charged to do. She stated that she felt that in the future when they had these situations, for example, she had an ethics complaint filed against her and she would hate to have the City Council in the position to have to deal with that. She added that she felt it put all of the City Council in an unfair predicament. Council Member Hicks advised that she understood that the City Attorney was looking at other cities to see how they deal with this and she requested that they continue to look at this process. She stated that it had been a painful exercise for her personally. She stated that they made difficult decisions all of the time. She stated that she was a “no” vote earlier in the City Council meeting and Council Member Burdette voted against something earlier in the day also. She stated that this just happens and she understood that. She reiterated that when it came to especially someone’s character and when the Council heard from three (3) or four (4) attorneys already today, there were some concerns that she had. She asked the City Attorney to look at what other cities are doing.

Mayor Moncrief indicated that he had the same conversation with the City Attorney. He added that one of the things that he was informed of was that most of the cities, especially in the larger cities in the State of Texas, have more involvement than the City of Fort Worth currently does. He stated that their City Councils had more involvement and their ethics panels were basically advisory panels that advised the Council and then the Council had the sole responsibility. He added that he felt the City needed to look at that very closely and to look closely at the issue of once the Council gave that authority up, it was gone. He stated that there were pluses and minuses. He stated that if the City did the same thing that the state was doing, was that sufficient and would it get the City where it needed to be. He added particularly with some of the items that the City was going to have to address as one of the fastest major growing cities.

Council Member Hicks stated that she had no idea that there had been members on the ERC for 20 years. She stated that was a huge issue on the Council’s part. Council Member Hicks talked about the City’s boards and commissions and that the Council was more engaged in certain boards or committees than others, for example the Zoning Commission where the six-year term rule was invoked. She stated that the Council needed to be more engaged when it came to the issue of ethics and she stated that perhaps the answer was for each City Council Member to have an appointee on this committee. She added that she did not know what the answer was; but she asked that moving forward that a City Council workshop session be scheduled in order to see what other cities in the State of Texas have done. She also referenced

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Mayor Moncrief's expertise on this ethics issue at the state legislative level. She reiterated that she did not know what the answer was at this time; however, it was something that needed to be looked at. She also requested that the new City Attorney Fullenwider deal with all of these issues and perhaps the answer was that the City Council needed to be a lot more engaged in these issues and she added that perhaps the City would be facing more of these in the future. She stated that she wanted to see everything laid out on the table and see all of the proposals and see what was going to work so that everyone felt like they had a place at the table, including the citizens.

Mayor Moncrief stated that when the Council was trying to recruit citizens to serve on this panel, folks did not line up. He stated that it was difficult to get the right people to agree to be willing to go the extra mile. He stated that the members have worked hard, those in the past as well as the new members.

Mayor Moncrief continued the agenda to the next case.

**City Council Hearing on Appeal of Findings  
by the City's Ethics Review Committee in  
Cause No. 2010-03, a Complaint Filed  
Against Council Member Danny Scarth by  
Fort Worth Resident Louis A. McBee**

**(Agenda Item 3)**

**Overview of Previous Hearings/Findings –  
City Attorney**

**(Agenda Item 3-a)**

City Attorney Fullenwider spoke before the Council on Case No. 2010-03. She advised that the complaint was filed by Fort Worth resident Louis McBee on July 15, 2010. She stated that the complaint alleged that Council Member Danny Scarth had a substantial interest in a gas lease on his residential property with Chesapeake with a royalty interest exceeding \$2,500 and thus should have disclosed that fact and not have participated in the following matter:

A vote on M & C G-16921 on June 22, 2010, which involved a high impact gas drilling waiver sought by Chesapeake Operating, Inc. She added that the complaint alleged that the action violated Sections 2-237 and 2-239 of the Code of Ethics.

City Attorney Fullenwider provided a timeline of the hearings on this case as follows:

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**Overview of Previous Hearings/Findings –  
City Attorney (cont'd)**

**(Agenda Item 3-a)**

September 24, 2010: Ethics Review Committee (ERC) continued the case in order to receive a report from an appraisal expert regarding the value of the royalty interest.

December 8, 2010: ERC Hearing a quorum of three (3) members were present (Hortencia Laguna and Rebecca Lucas were not present). ERC heard evidence and considered arguments of the complainant and respondents.

City Attorney Fullenwider presented the ERC Findings as follows:

- None of the actions cited by the complainant violated the “substantial interest” provisions of the Code because no evidence was presented at the hearing that Council Member Scarth owned any interest in any of the wells subject to the high impact waiver sought by Chesapeake in M & C G16291; and
- Council Member Scarth’s royalty interest did not exceed \$2,500 in value on June 22, 2010 and that values attributable to royalty interest of persons related to Scarth in the first degree of affinity are not added to or cumulated with Scarth’s royalty interest.

City Attorney Fullenwider reviewed the appeal filed by Louis McBee on December 17, 2010 in which he alleged that the ERC committee error and demonstrated prejudice by:

1. Misconstruing the provisions of the Ethics Code as it relates to substantial interest in business property and/or real property;
2. Being arbitrary and capricious in its deliberations by ignoring provisions of Chapter 171 of the Texas Local Government Code and numerous Attorney General Opinions that he submitted into evidence;
3. Participating in ex-parte communications regarding the charges filed, in violation of Section 2.250 of the Code of Ethics;
4. Demonstrating prejudicial behavior in ignoring the City Council’s directives to require the participation of Ms. Rebecca Lucas and Ms. Hortencia Laguna.

City Attorney Fullenwider explained that the City Council options in the hearing where to determine whether:

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**(Agenda Item 3-a)**

1. The ERC was prejudiced in its deliberations;
2. New evidence is available that was not considered by the ERC; or
3. The ERC committed some error in its deliberations.

City Attorney Fullenwider explained that if the Council determined the answer was “no”, then they should deny the appeal in its entirety. She added that if they determined the answer was “yes”, then they should hold an evidentiary hearing, either by the City Council or a hearing officer.

**Argument by Complainant – Louis McBee**

**(Agenda Item 3-b)**

Mr. Louis McBee, P. O. Box 24247, Fort Worth, Texas 76124-1247 and 2320 Oakland Boulevard, Suite 11, Fort Worth, Texas 76103, spoke before the City Council regarding his appeal. He expressed appreciation to Council Member Hicks for her comments. He stated that there were a couple points of interest. He stated that first of all on the issue of whether the airport board was an appointed commission or not, he directed the Council that they would also have to look at the Zoning Commission, the Planning Commission and the Board of Adjustments and ask themselves whether those were appointed offices and whether they took the oath-of-office for this City. He stated that if they looked into that the answer would be “absolutely.” He stated that they were bound by that oath and they could be discharged for violating it.

Mr. McBee stated that indifference to comments made by City Attorney Fullenwider, he advised that the City Council was not the final step in these hearings. He stated that Chapter 171 of the Texas Local Government Code made violations a criminal offense and so the next step would be to pursue a criminal case. He stated that all of their complaints were based upon one simple fact.

Council Member Hicks interjected with a question of how these cases were criminal.

City Attorney Fullenwider stated that Mr. McBee was referring to the State’s Ethics Code and this does would not apply to the City’s Ethics Code. She reiterated that the City Council was the final determining body for the City’s Ethics Code Ordinance.

Mr. McBee interjected that there was the issue that could easily be state charges for violation of Chapter 171 because Chapter 171 actually was written for municipal bodies. He added that it was not for state-wide bodies, which was found in a different section of the Code.

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**Argument by Complainant – Louis McBee (cont'd)**

**(Agenda Item 3-b)**

Mr. McBee indicated that he had passed out some additional information to the City Council when Mr. Ashford was speaking. He stated that he felt those issues were important and he advised that he probably should have gotten up and spoken when Mr. Ashford was speaking. He stated that if the Council did not get past this definition of what “is” then there was no point to go to the next case that they need to be talking about because he already knew what the City Council’s decision was going to be regardless of the information that he presented.

Mr. McBee stated that first of all he provided copies of the letters from Ms. Laguna and Ms. Lucas and when they were presented, when they were faxed and when they were dated. He stated that they also had in front of them a timeline of those events. He stated that on July 16, 2010, he filed his original complaint. He stated that on August 5, 2011, the old ERC met to determine a hearing date, the validity of the charges and to select an attorney for the ERC. He stated that on August 19, 2011, the Mayor called the two (2) existing members of the ERC and told them they no longer had a job. He stated that he had no reason to believe that those two (2) ladies would write a letter to the City of Fort Worth lying about what they were told. On August 23, 2010, Mr. McBee stated that Reverend Daniels did not call the City. He stated that the City called Reverend Daniels. He stated that there is a letter on file that would indicate that on August 23, 2010, and supposedly he resigned as a result of that telephone call. Mr. McBee stated that the City wrote a letter to him thanking him for his time and his conversation of that day and he was no longer on the ERC. Mr. McBee stated that on the very next day the City Council considered and reviewed the changes in the Ethics Ordinance which was less than 24 hours after they knew that Reverend Daniels was not going to be on the ERC. He stated that in his view it made the entire agenda in violations of the Open Meetings Act because it could not have been posted 36 hours or whatever prior. Mr. McBee stated that on August 24, 2010, the City Council adopted the changes to the Ethics Ordinance and then on September 7, 2010, Ms. Lucas and Ms. Laguna faxed again the information to the City telling the City that as far as they were concerned that they were no longer on this ERC regardless of what the City Council or City staff thought they were. He stated that his reason for that was that the Council had plenty of time to act on this and make the committee right prior to these hearings. He stated that he did file with the ERC the three (3) members and the City Secretary his objections to that meeting as being illegal and completely out of order. He stated that it was also in writing with the City.

Mr. McBee stated that his original hearing on his original complaint was held 70 days after he filed it. He repeated the number again. He stated that the reason that was important and he added that quite frankly he did not appreciate splitting hairs on part of the ordinance and then literally defining other parts of it because it was convenient to the City or convenient to the people who were a part of this process. He stated that when no preliminary hearing was required, the final hearing should have been held as expeditiously as possible following the filing

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**Argument by Complainant – Louis McBee (cont'd)**

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of the complaint but in no event should it have been held more than 30 days after the filing of the complaint. He stated that the entire hearing was out of order. He added that City staff should have come back to them and asked them what they wanted to do. He stated once again he was not going to sit up there and waste his breath when he thought he already knew what the Council was going to do. He stated that he would promise the Council that he was not dropping it and by this time this coming Friday, there would be complaints 2011-01, 2011-02, 2011-03 and 2011-04. He told the Council to be ready.

Mr. McBee completed his comments.

**Argument by Person Complained Against –  
Attorney Don Herrmann Representing  
Council Members Scarth and Jordan**

**(Agenda Item 3-c)**

Mayor Moncrief recognized Don Herrmann, the attorney representing Council Members Scarth and Jordan.

Mr. Don Herrmann, attorney with Kelly Hart & Hallman LLP, spoke before the Council and indicated that he did not intend to address the complainant's comments on either the make-up of the ERC or the timing of the hearing. He stated that this appeared to be more in the arena of the City Attorney and perhaps Mr. Daniel as the ERC's counsel.

Mr. Herrmann stated that Mr. McBee choose not to tell the Council what his real complaint was about; however, he wanted to do so because in doing so it would help everyone understand how Mr. McBee misperceived the interpretation of the Ethics Code and why that misperception lead him to the wrong conclusions in so many of these matters. Mr. Herrmann stated that when Mr. McBee filed his complaint in this incident which complained about Council Member's Scarth vote on an M & C that had to do with a variance from distance standards on a particular gas well pad site for Chesapeake; that Mr. McBee did not really tell anyone what the basis for his complaint was as it related to the disqualifying circumstance that he was going to rely on. Mr. Herrmann stated that it became obvious later that he was complaining that Council Member Scarth had an oil and gas lease on his residence in east Fort Worth and Mr. McBee contended that the oil and gas lease created a disqualifying circumstance. Mr. Herrmann stated that Mr. McBee still did not tell anyone whether it was disqualifying because it was an interest in a business entity or whether it was disqualifying because it was an interest in real estate. He stated that he did not believe that Mr. McBee understood the distinction between the two. Mr. Herrmann stated that in Section 2-239 and its interplay with Section 2-237, there could be a disqualification if the person owned an interest in a business entity if that ownership interest was

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**Argument by Person Complained Against –  
Attorney Don Herrmann Representing Council  
Members Scarth and Jordan (cont'd )**

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10% of the business or has a value greater than \$5,000.00, or if that business interest generated income that was greater than 10% of the Council Member's income for the previous year. He added that he agreed with Council Member Burdette that the lease of minerals under real property that was owned frankly was not an interest in a business entity. Mr. Herrmann stated there was with respect to real estate a different test. He stated the test was that there was a disqualifying circumstance if the value of the real estate interest exceeds \$2,500.00 and the real estate interest was directly involved in the action being considered by the City Council. Mr. Herrmann stated that in this instance, the ERC commissioned an independent appraisal of Mr. Scarth's residential oil and gas lease and the appraiser concluded that the lease had a value of \$1,500.00 or less and therefore did not reach the \$2,500.00 requirement that was necessary to be a disqualifying event. He stated that furthermore, it was clear that Mr. Scarth's residence and the operations that were pertinent to it were not impacted by the M & C in question. He stated there was no direct economic or unique economic impact on that real property. He stated that so under Section 2.239, Mr. McBee's complaint failed in both analyses but particularly the most pertinent one which had to do with the real estate interest. He stated as the City Attorney observed, Mr. McBee had complained about some ex parte communications and he added that he did not know anything about that and he had apparently chosen not to address that issue with the City Council.

Mr. Herrmann concluded his remarks.

Mayor Moncrief opened the floor for questions.

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**(Agenda Item 3-d)**

City Attorney Fullenwider stated like in the previous case, Council Member Scarth relied on the advice of the City Attorney David Yett when he proceeded to vote on this case. She added what she failed to point out in the other case was that under Section 2-256 (a) what was appealed to the City Council was whether the ERC's determination whether or not a violation of Division 1 had occurred. She stated that the makeup of the committee and whether or not there should have been five (5) full members there was not a violation of Division 1. She added that she wanted to clarify that for the City Council. She added the City Council had taken great latitude to hear those arguments from both Mr. Ashford and Mr. McBee; however, it was not a violation of Division 1 and was really not an appealable matter before the City Council.

Council Member Hicks requested clarification from the City Attorney regarding conversations with Ms. Lucas and Ms. Laguna. She pointed out that they were stating that they

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were removed from this board; however, she wondered if City Attorney David Yett had called them and told them this was not true. City Attorney Fullenwider stated that she could not speak to the conversations that he had with them. She indicated that she did know that they were told by Mr. Yett that the Mayor did not have the authority to remove them from the board and it was clear from the City Council's action on that City Council date that they had intended them to be part of the committee to hear the remaining hearings. Council Member Hicks interjected that was because the Council Members only appointed three (3) members to the ERC.

Council Member Zimmerman stated that in hearing both sides of this case, it was clear to him that it had not been proved that a substantial amount of income came from any of the actions that were taken. He stated that it was pointed out also, however not relevant in his opinion, that there were only three (3) members of the board on that day. He stated that it was the intent of the City Council to have five (5) members there, but it was not an assurance. He stated that the City Council wanted those other two (2) there especially because they had been a party to the hearings before so the City Council wanted that continuity brought forward. He stated they elected not to do that and the City Council had no control over that. He stated, therefore, based upon those reasons, he would moved to deny the appeal in its entirety.

**MOTION:** A motion was made by Council Member Zimmerman and seconded by Council Member Burdette, to deny the appeal in its entirety.

Council Member Burdette stated the whole basis of the ethics code was to address situations where in this case a Council Member might be considering a matter and voting on a matter and may had motivations that were reasonably deemed to be contrary to the motivations which would guide his or her vote as a member of the City Council and representing the voters of the City. He felt this was basically what the whole focus was about and what everyone should be concerned about was what might be motivating someone to take action. He stated that he did not think in this case Mr. Scarth's vote on a high impact well site regarding Chesapeake would or was motivated by any interest that he may have in the minerals that he had under his home. He stated as already pointed out by Mr. Herrmann and he agreed, he did not think that interest in that real estate reached the level of exceeding \$2,500.00. He added certainly the minerals on his home or properties and the wells from which those royalties might flow were not effected by or involved in the vote that Mr. Scarth took on that particular Chesapeake case at that time. Council Member Burdette stated he felt it was clear as he had stated earlier today that simply owning minerals and leasing to a gas company who in affect had been hired by a person as the lessor to use their experience and their money to produce a person's minerals. He stated that he did not feel that it constituted a substantial interest in that company. He stated in this case it

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would be a substantial interest in Chesapeake as a corporate entity. He stated he did not think the vote in G-16921 by Mr. Scarth rose to a violation under the City's Code.

Council Member Burdette indicated that when the City Council talked about motivations he was a little bit concerned that this case had not been raised, but he was going to raise it. He stated that he was a little bit concerned about the complainant's motivation in this case because as he recalled this particular complainant had filed for office and ran against Mr. Scarth in seeking a seat on this Council at least once and maybe more than once. He stated that he had some concerns here about the motivation for the bringing of this case. He stated that he had not heard from either complainant today any suggestions about where or how this should go further in the event that an ethics violation were to be found these cases. He stated that he did not know whether the motivation in bringing these complaints was to seek such a finding and then allege or urge that the Council Member should be removed from the Council or the Council Member should be fired or the Council Member should serve time in jail. He added he was just not quite clear what the motivation was here but he certainly did question it in this case. He stated with that said, he would second the motion.

With no further discussion, Mayor Moncrief called for the question.

**VOTE ON THE MOTION:** The Council voted six (6) "ayes" and zero (0) "nays", with Council Member Burns absent, in favor of the motion. The motion carried.

Mayor Moncrief moved to the next agenda item.

**City Council Hearing on Appeal of Findings  
by the City's Ethics Review Committee in  
Cause No. 2010-04, a Complaint Filed  
Against Council Members Jungus Jordan  
and Danny Scarth by Fort Worth Resident  
Louis A. McBee**

**(Agenda Item 4)**

**Overview of Previous Hearings/Findings –  
City Attorney**

**(Agenda Item 4-a)**

City Attorney Fullenwider advised the complaint had been filed by Mr. Louis McBee on September 23, 2010. She explained that the complaint alleged that Council Member Jungus Jordan and Council Member Danny Scarth had a substantial interest in Chesapeake and XTO,

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**Overview of Previous Hearings/Findings –  
City Attorney (cont'd)**

**(Agenda Item 4-a)**

respectively, and thus should have disclosed that fact and not have participated in the following matters:

The August 19, 2010, appeal to the City Council to reverse the June 24, 2010 decision of the ERC finding that three (3) members of the Air Quality Study Committee violated the Code of Ethics by their service on the committee.

City Attorney Fullenwider advised that Council Members Jordan and Scarth relied on the advice of the City Attorney David Yett and participated in that vote.

City Attorney Fullenwider advised of the timeline for the hearing as follows:

December 8, 2010: Ethics Review Committee (ERC) hearing was held. She stated a quorum of five (5) members were present (new appointed members). The ERC heard evidence and considered arguments of the complainant and respondents.

Ms. Fullenwider advised of the ERC findings as follows:

None of the actions cited by the complainant violated the Code of Ethics because no evidence was presented at the hearing to establish that there was a connection between the votes by Council Members Jordan and Scarth on August 19 2010, reversing an ERC decision and Council Members Jordan's and Scarth's respective interest in Chesapeake and XTO.

City Attorney Fullenwider explained that Mr. McBee filed an appeal on December 17, 2010, which alleged that the ERC committed error and demonstrated prejudice by:

- Misconstruing the provisions of the Ethics Code as it relates to substantial interest in business property and/or real property;
- Was arbitrary and capricious in its deliberations by ignoring provisions of Chapter 171 of the Texas Local Government Code and numerous Attorney General Opinions that he had submitted into evidence at the hearing.
- Participated in ex-parte communications regarding the charges filed, in violation of Section 2-250 of the Code of Ethics.

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City Attorney (cont'd)**

**(Agenda Item 4-a)**

City Attorney Fullenwider advised that the City Council options would be to determine whether:

1. The ERC was prejudiced in its deliberations;
2. New evidence was available that was not considered by the ERC; or
3. The ERC committed some error in its deliberations.

City Attorney Fullenwider advised that if the Council determined “no”, then they should deny the appeal in its entirety. She added that if they determined “yes”, then they should hold an evidentiary hearing, either by the City Council or a hearing officer.

**Argument by Complainant – Mr. Louis McBee**

**(Agenda Item 4-b)**

Mayor Moncrief recognized Mr. Louis McBee, P. O. Box 24247, Fort Worth, Texas 76124-1247, to speak at this time.

Mr. McBee stated that better than address this case specifically, he stated that he wanted to state briefly that it was fairly apparent that he and Mr. Ashford were not going to get a fair hearing not in this city anyway. He stated that the City Council could not even follow their own process because they were supposed to be discussing whether or not the process was followed properly. He stated he had already pointed out to the Council that the meeting was held 70 days after notice. He stated that the City’s ordinance stated 30 days. He stated that the Council had not even addressed that issue and now there were Council Members who were not only addressing his motives, they are addressing the guilt or innocence of the parties charged without an evidentiary hearing. Mr. McBee stated that was all he had to say about it and he added that he was quite frankly embarrassed.

This concluded Mr. McBee’s comments.

**Argument by Persons Complained Against -  
Attorney Don Herrmann Representing  
Council Members Scarth and Jordan**

**(Agenda Item 4-c)**

Mayor Moncrief recognized Mr. Don Herrmann, attorney with the Law Firm of Kelly Hart & Hallman LLP, representing Council Members Scarth and Jordan.

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**Argument by Persons Complained Against -  
Attorney Don Herrmann Representing  
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**(Agenda Item 4-c)**

Mr. Herrmann stated that just as the ERC had concluded that XTO and Chesapeake were not directly involved in the selection of the members of the Air Quality Study Committee, it concluded in this instance that XTO and Chesapeake were not directly involved in the appeal of the earlier challenge to the selection of those people. He stated it was the same logic, same result, perfectly consistent and absolutely correct.

Attorney Herrmann completed his comments

(Mr. McBee left the meeting at 3:35 p.m.)

**City Council Determinations/Decisions**

**(Agenda Item 4-d)**

Council Member Zimmerman directed a question to Mr. McBee. Mayor Moncrief advised that Mr. McBee had left the meeting. Mr. Zimmerman stated that he had no questions.

Council Member Espino stated that just so the record is clear, he wanted to make a couple of comments. He stated that too often in public debate and discourse in government and public service because folks disagree with folks on decisions that they make, negative conservations, negative comments are described to folks. He added everyone that served in elective office does it in the best interest, he believed, of the folks that they were representing. He stated that in any political process people were not going to agree with City Council in decisions that they make. He pointed out that the City Council dealt with a lot of tough issues. He stated that he was concerned and he directed the comments to City Attorney Fullenwider and stated that when the City looked at the ethics review of the re-litigation and similar issues. He stated that in the law there was res judicata, collateral estoppel and criminal law double jeopardy. He hoped as the City went forward the City had a process for that. He stated certainly the constitution required due process, which meant notice and an opportunity to be heard. He stated thorough out the entire difficult issue of developing the policy for urban gas drilling, there have been countless public hearings and public meetings, citizen's input and obviously it was a very tough issue. He stated the question was how does the City determine good public policy for a Barnett Shale gas plate that had so many different interests involved. He stated from the neighborhood residents that may not want the gas well near them to the royalty interest owners that want their royalties to the City officials and Council Members trying to come up with an ordinance that best balances all of those competing interests. He stated that it was most unfortunate that on these tough issues that some times these issues become personal. He stated that these hearings were difficult for all of the Council because ethics complaints remained

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against fellow colleagues that the Council Members worked with and that the Council tried, he believes, in good faith to give a good and fair hearing to everyone. He added that when there was a different interpretation, when someone disagreed with findings of fact by an ERC and disagreed with a decision of this Council as the appeal entity and subscribed a personal motivate, he found that quite disturbing.

**MOTION:** A motion was made by Council Member Espino and seconded by Council Member Zimmerman, to deny the appeal in its entirety.

Mayor Moncrief stated that he felt Council Member Espino's comments expressed a lot of how the rest of the City Council Members felt. He stated that it was a tough place to find as City Council Member, but he pointed out that the Council Members wanted this job and it was a part of the job and it was up to the Council to listen to the attorneys, up to them to listen to the citizens and decide what they think was right and what they thought was not right. He added that it was unfortunate that this had become so personal and so divisive. He stated at the same time, he thought that the City had citizens like the current panel and like those that have served in the past who were willing to step in and serve as referees and to take the law literally and what that law said and give the Council their advise, their counsel. He stated that until that process changed, he felt it was up to the Council to listen and he, like all of the Council, wanted them to be able to move in a responsible and positive manner through this urban drilling challenge the City had. He stated that as everyone knew it was not going to get any easier than it was today, it just won't. Mayor Moncrief thanked each of the Council Members and indicated he knew it was difficult. He added as Council Member Hicks had stated earlier, it was tough to sit here and rule as a body on those you serve with and it was tough to try and make citizens who complained understand that what the City Council was doing was the best job that they knew how.

Council Member Zimmerman stated that he felt it was very important to emphasize here too when all of these cases came before the Council, they sought the advise of the City Attorney and acted on that advise. He stated that he did not know what else the Council could do but to take as gospel what the City Attorney was telling them. He stated that he understood the concerns that the plaintiffs had in this process and yet the Council kept hearing people wanting to gloss over the fact that the Council did their very best efforts with their very best intentions with the guidance that the City Council had. He stated that in the case of this complaint what he was going to ask Mr. McBee was at what point before today had Mr. McBee brought up the 70-day concern with the Council acting on his appeal. Council Member Zimmerman pointed out that the three (3) members from the industry that were on the Air Quality Study Committee were

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again approved by the City Attorney. He added, however, before the committee got to the vote, those three (3) people recused themselves from the vote, so they really had no say in how that vote came out. He stated the real key was the tools that the City Council had were the ones that they have got to act with. Council Member Zimmerman stated he felt that the Council all agreed that the ordinance for the ethics needed to be revised and relooked at very closely. He stated that it should be a tool to ensure that the City Council all act in good jurisprudence and that was the only tool that it should do.

At this time, Council Member Scarth requested to speak before the City Council in his position of a person being complained against.

Council Member Scarth stated he wanted to speak up on behalf of the process. He stated that he felt that the City had some very serious issues with the way the ordinance existed today and how it was carried out. He stated at the same time it was the ordinance that the City had today. He added it was the process that the City had today and he thought that all of the members, the original three (3) that they started with and certainly the five (5) members that the City had today have all attempted to do their job the very best they could within the way the system worked. He did think that unfortunately that some folks have tried to use the ethics process as an appeal process for decisions of the City Council not necessarily on decisions of ethics or judgment of ethics. He stated in the last case where he was the subject, it was very obvious when he discussed it with the City Attorney that the property that he owned was not even in the well site or within the well site or any of the leases that the Council was voting on. He pointed out that alone meant there was no problem with him voting on that issue. He spoke about obtaining information by an independent appraiser on the value of his mineral rights to make sure the real estate did not exceed more than \$2,500.00 even if it had been in the area and the result was that it did not so it obviously failed on both of those counts.

Council Member Scarth stated obviously the complainants' argument focused on the process itself where the members were supposed to be five (5) instead of three (3) even though the ordinance allowed for a quorum to be three. He spoke about the issues raised on the time line and the added confusion with the complainants trying to complicate the issue and it made it look as if the City Council as the appeal body was doing something wrong rather than focusing on the very simple facts of the case which was did he do something that was ethical or unethical and obviously he relied on the opinion and advise of the City Attorney and followed the law in a very simple manner. He stated that what he did not want to happen was the process of reviewing the ethics ordinance by the City Council to be considered irrelevant or strictly political or become less than it was because it had been misused by some other people. He stated in other words at some point in the future the City Council might have some serious ethical issues that they have

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to deal with on the City Council. He stated some one or some future Council Member or somebody could actually do something that was truly unethical in an attempt to make themselves more wealthy or to help some friend or do something that was truly wrong and the Council might have people say that it was just a political process, just somebody just trying to one up somebody else because today and through the last several months this process had been abused and misused by unfortunately some Fort Worth citizens because they were unhappy with policies and decisions made by the City Council. He stated his appeal to all of the Council was to not let what they have been going through for the last number months with this whole process let the City Council believe that ethics were not important. He added that they were and the daily examination of every vote that the City Council made and every decision that the City Council made as City Council Members had to be made looking in the mirror with full light and saying were we doing the right thing and we have to continue to rely on the good advice from the City Attorney. He stated that they needed to continue to rely on their good ethics and their moral values to make good decisions no matter how the process was misused or abused by others in an attempt to make a political point or appeals from the decision policies that have been made. He stated that he appreciated the City Council Members taking this very seriously and trying to make the very best decision that they could in this situation.

Mr. Ashford interrupted and requested to speak again before the City Council. Mayor Moncrief indicated that Council Member Scarth spoke because he was the subject of the complaint. Mayor Moncrief explained to him that this was not his case and he was not the complainant in the case being heard.

After further discussion, Mayor Moncrief recognized Mr. Ashford to speak. He stated that he had heard several people on the City Council talk about the abuse and it made him sound like he was the bad guy and Mr. McBee was the bad guy. He stated that the true was he did not know whether the City Council really did not know the law or that they just wanted to play ignorant.

Mayor Moncrief interjected that comment was enough. He stated that if Mr. Ashford was to stick to the item that was before the Council that was fine.

Mr. Ashford stated that he did not know. He read to the Council the state local code and stated that it was cumulative with the City's Code. He stated that what the state said trumped anything that the City says. He read Section 171.004 of the Texas Local Government Code, as follows:

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“Affidavit and Abstention from Voting Required. (a) If a local public official has a substantial interest in a business entity or in real property, the official shall file, before a vote or decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter if:

- (1) in the case of a substantial interest in a business entity the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or.....”

Mr. Ashford stated that if he had been allowed to proceed with his case, there was a situation that was heard, with an Attorney General’s opinion on it, which had to do with a City Council person in Dallas regarding Love Field, the Wright Amendment. He stated that what the opinion talked about was did it have an affect on the company that the Council person’s husband worked for. He stated that the husband worked for American Airlines. He added that the question was could she vote on anything involving Love Field. He stated that the thing that she had to decide and it was stated in the Attorney General’s opinion was that she had to decide that if it had a financial affect on American Airlines in her opinion, then she must abstain. He added that there was no question about that. He stated that the Attorney General’s opinion goes into “directly” or “indirectly.” Mr. Ashford stated that whether or not it had a financial affect on American Airlines, he did not know.

Mr. Ashford stated that when the City Council voted on a gas drilling ordinance did it have a financial effect on the drilling companies. He added that he did not feel that there was any question about that. He stated that it was required that the individuals that have a substantial interest not vote. Mr. Ashford spoke about comments made by Council Member Burdette wherein he stated he did not see how the substantial interest applied. Mr. Ashford stated the state put the limit on that, 10% of a person’s income if it over a certain amount. He stated that there were stipulations and he added that it was not a matter of judgment. He stated that it was stated in the state laws. He pointed out that the City Council had not read the state laws.

Mayor Moncrief responded that the City Council had taken advice from the City Attorney. He stated that this was what the Council had done and would continue to do. Mayor Moncrief pointed out that there have been more affidavits filed with this Council than any Council in the state.

Mr. Ashford stated that the Attorney General’s opinion was the same as law unless it is over turned by a legal court.

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Mayor Moncrief asked Mr. Ashford if he was an attorney. Mr. Ashford responded that he was not but he could certainly read the laws. He could read what the Attorney General's opinions said. He stated that he could read what the county manual said.

Mayor Moncrief asked Mr. Ashford if he had completed his comments. Mr. Ashford indicated that he had completed his comments.

Mayor Moncrief pointed out that there was a motion, with a second, before the Council Members.

Council Member Espino stated that Council Member Hicks had raised some very good points earlier regarding the City's ordinance and he expressed his appreciation to her. He added that it was a tough day for everyone but he did want to thanks Ms. Hick.

Council Member Hicks responded that she appreciated his comments. She added that she debated whether she could stay in this process because of her concerns and frankly it was her conversation with Mr. Zimmerman and Ms. Fullenwider. She added just because she had those concerns did not mean she had some kind of fear about testifying or voting or whatever. She pointed out everyone had different issues and disagreed about different issues. She stated that the Council made difficult votes on a weekly basis. She stated that it disturbed her that some how there was the impression that she was not stepping up to the plate. She stated that there were other issues here that frankly have really bothered her. She stated that Council Member Scarth talked about the fact that he felt that he had been abused. She stated that she too felt that way right now. She stated that just because she asked these questions, that she was just the same as any one else up here and she had the right to ask those questions. She pointed out that City Attorney Fullenwider stated that the Code stated that she had to vote on these issues, so she was accepting that. She stated that she had other attorneys tell her that she did not have to. Council Member Hicks added that to question her character was deeply upsetting to her and she thought after five (5) plus years of being here she had proven that she was willing to take tough votes. Council Member Hicks stated she was deeply concerned about how this had gone down and she did not appreciate some of the things that were stated about her earlier today and she felt they were deeply unfair. She stated that Council Member Burdette voted against something earlier today in the district that she represented and she did not hold that against him. She added that it was his right to do. She stated that she voted against something earlier on ERP and that was her right to do. Council Member Hicks stated if she raised concerns about the process, that was her right to do. She stated that it was deeply concerning that there were folks that would come and question her integrity and that was the way she felt today.

**CITY COUNCIL  
CITY OF FORT WORTH, TEXAS  
CALLED – SPECIAL MEETING  
FEBRUARY 15, 2011  
Page 37 of 37**

**City Council Determinations/Decisions (cont'd)**

**(Agenda Item 4-d)**

Mayor Moncrief announced again that there was a motion, with a second, before the Council to deny the appeal in its entirety.

**VOTE ON THE MOTION:** The Council voted six (6) “ayes” and zero (0) “nays”, with Council Member Burns absent, in favor of the motion. The motion carried.

**Executive Session**

**(Agenda Item 5)**

Mayor Moncrief advised that the Executive Session on the following item would not be necessary: To seek the advice of its attorney, if necessary, concerning the subject Ethics Complaints; such matters are exempt from public disclosure under Article X, Section 9 of the Texas State Bar Rules, and in accordance with Texas Government Code, subchapter D, Section 551.071 (LEGAL).

This agenda item was passed over.

**Adjournment**

**(Agenda Item 6)**

Mayor Moncrief adjourned the meeting at 3:35 p.m. on Tuesday, February 15, 2011.

These minutes approved by the Fort Worth City Council on this the 5th day of April, 2011.

APPROVED:

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Michael J. Moncrief  
Mayor

ATTEST:

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Marty Hendrix, TRMC/MCC  
City Secretary

**CITY OF FORT WORTH, TEXAS  
REGULAR CITY COUNCIL MEETING  
MARCH 22, 2011**

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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**

Tom Higgins, Interim City Manager  
Sarah Fullenwider, 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 10:37 a.m., on Tuesday, March 22, 2011, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102.

**II. INVOCATION - Rabbi Ralph Mecklenburger, Bethel Congregation**

The invocation was provided by Rabbi Ralph Mecklenburger, Bethel Congregation.

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**IV. CONSIDERATION OF MINUTES OF REGULAR MEETING OF MARCH 8, 2011**

Motion: Council Member Hicks made a motion, seconded by Council Member Burns, that the minutes of the regular meeting of March 11, 2011, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

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

Interim City Manager Higgins requested that Mayor and Council Communication Nos. G-17230, G-17236 and G-17238 be withdrawn from the Consent Agenda.

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

Interim City Manager Higgins requested that Mayor and Council Communication Nos. G-17200 be withdrawn from consideration and replaced with G-17200 (Revised), G-17236 be continued until the April 5, 2011, Council Meeting and C-24768 be withdrawn from consideration and replaced with C-24768 (Revised).

**VII. CONSENT AGENDA**

Motion: Council Member Hicks made a motion, seconded by Mayor Pro tem Scarth 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-17228 - Authorize the Payment of \$400,000.00 to Chad Gibson in Settlement of His Claims for Damages.**

The City Council approved the following recommendation: Authorize the Payment of \$400,000.00 to Chad Gibson in Settlement of His Claims for Damages; and Authorize the Appropriate City Personnel to Execute any Release and Agreement Necessary to Complete the Settlement.

**2. M&C G-17229 - Adopt Resolution Supporting the 2011 Low Income Housing Tax Credit Application for the Esperanza Cove Senior Apartments Located at 2819 East Belknap and Waiving the One Mile, Three Year Rule.**

The City Council approved the following recommendation: Adopt Resolution No. 3973-03-2011 Supporting a Low Income Housing Tax Credit Application and Allowing the Construction of Esperanza Cove Senior Apartments, Located at 2819 East Belknap and Waiving the One (1) Mile, Three (3) Year Rule.

**4. M&C G-17231 - Adopt Resolution Appointing a Chairperson for the Board of Directors of Each of the City's Tax Increment Reinvestment Zones.**

The City Council approved the following recommendation: Adopt Resolution No. 3974-03-2011 Appointing Chairpersons for the Board of Directors of All Tax Increment Reinvestment Zones (TIFs) for Calendar Year 2011 as Follows:

**(VII. CONSENT AGENDA Continued)**

**(G-17231 Continued)**

<b><u>TIF DISTRICT</u></b>	<b><u>NAME</u></b>
2 (Speedway)	Sal Espino
3 (Downtown)	Carter Burdette
4 (Southside)	Joel Burns
6 (Riverfront)	Frank Moss
7 (North Tarrant Parkway)	Danny Scarth
8 (Lancaster)	Jungus Jordan
9 (Trinity River Vision)	Danny Scarth
10 (Lone Star)	Sal Espino
11 (Southwest Parkway)	Zim Zimmerman
12 (East Berry Renaissance)	Kathleen Hicks
13 (Woodhaven)	Danny Scarth

**5. M&C G-17232 - Adopt Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Special Trust Fund by \$233,333.03 to Provide Funding for the City's Energy Savings Performance Contract with Johnson Controls, Inc.**

The City Council approved the following recommendation: Adopt Appropriation Ordinance No. 19589-03-2011 Increasing the Estimated Receipts and Appropriations in the Special Trust Fund in the Amount of \$233,333.03, From Available Funds, for the Purpose of Providing Funding for the City's Energy Savings Performance Contract With Johnson Controls, Inc.

**6. M&C G-17233 - Authorize the Temporary Closure of Harley Avenue Between University Drive and Rip Johnson Road from March 21, 2011 to May 27, 2011 to Facilitate the Construction of Two Storm Drain Culverts.**

The City Council approved the following recommendation: Authorize the Temporary Road Closure of Harley Avenue Between University Drive and Rip Johnson Road From March 21, 2011, to May 27, 2011, for the Construction of Two (2) Nine (9) Feet by Six (6) Feet Storm Drain Culverts.

**7. M&C G-17234 - Approve Request of Downtown Fort Worth Initiatives, Inc., for Temporary Street Closures from April 11, 2011, through April 18, 2011, to Accommodate the 2011 Main Street Fort Worth Arts Festival.**

The City Council approved the following recommendation: Approve the Request of Downtown Fort Worth Initiatives, Inc., for Temporary Street Closures From April 11, 2011, Through April 18, 2011, to Accommodate the 2011 Main Street Fort Worth Arts Festival.

**(VII. CONSENT AGENDA Continued)**

**8. M&C G-17235 - Adopt Resolution Authorizing Application for and Acceptance of a Grant, if Awarded, from the Texas Water Development Board's Flood Protection Planning Grant Program in the Amount Not to Exceed \$98,950.00, Authorize Local Match in the Amount of \$98,950.00 from the Stormwater Utility Fund, Adopt Supplemental Appropriation Ordinance Decreasing the Unaudited, Unreserved, Undesignated Stormwater Utility Fund Balance by the Same Amount and Adopt Appropriation Ordinance.**

The City Council approved the following recommendation: Adopt Resolution No. 3975-03-2011 Authorizing the City Engineer to Submit a Grant Application to the Texas Water Development Board (TWDB) in an Amount Not to Exceed \$98,950.00, for Grant Funds to Address Flood Protection Planning Within the Upper Basin of Mary's Creek Watershed; Supporting the City's Application to the TWDB for a Matching Grant for Storm Water Planning; and Authorizing the Mayor to Execute a Contract With the TWDB; Adopt Supplemental Appropriation Ordinance No. 19590-03-2011 Increasing the Estimated Receipts and Appropriations in the Stormwater Utility Fund in the Amount of \$98,950.00 and Decreasing the Unaudited, Unreserved, Undesignated Fund Balance by the Same Amount for the Purpose of Transferring Said Funds to the Grants Fund for the Required One Hundred Percent Match to the Total Amount of the Flood Protection Planning Grant From the TWDB; Authorize the Transfer as Required From the Stormwater Utility Fund to the Grants Fund; and Adopt Appropriation Ordinance No. 19591-03-2011 Increasing the Estimated Receipts and Appropriations in the Grants Fund in the Amount of \$197,900.00, Subject to Receipt of the Grant, for the Purpose of Funding a Detailed Study of Stream MSC-2 on the West Side of Fort Worth.

**10. M&C G-17237 - Authorize Payments to The Active Network in the Amount of \$9,000.00 and to the Fort Worth Park and Recreation Sports Advisory Council, Inc. in the Amount of \$26,500.00 for Revenue Share Commitments from Revenues Generated from Sponsorship Fees from Coca-Cola Bottling Company and Adopt Appropriation Ordinance.**

The City Council approved the following recommendation: Authorize Payment to The Active Network in an Amount of \$9,000.00; Authorize Payment of Revenue Share to Fort Worth Park and Recreation Sports Advisory Council, Inc., in an Amount of \$26,500.00; and Adopt Supplemental Appropriation Ordinance No. 19592-03-2011 Increasing the Estimated Receipts and Appropriations in the General Fund in the Amount of \$35,500.00 From Available Funds, for the Purpose of Funding Revenue Share Commitments From Revenues Generated From Sponsorship Fees From Coca-Cola Bottling Company.

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

**1. M&C P-11205 - Authorize Purchase Agreements with Municipal Water Works Supply, L.P., MSC Waterworks Company, Inc., and PIPING SYSTEMS, Inc., for Utility Supply Parts for the Water Department for an Initial Amount of \$250,000.00.**

**(VII. CONSENT AGENDA Continued)**

**(P-11205 Continued)**

The City Council approved the following recommendation: Authorize Purchase Agreements With Municipal Water Works Supply, L.P., MSC Waterworks Company, Inc., and PIPING SYSTEMS, Inc., for Utility Supply Parts for the Water Department for an Initial Amount of \$250,000.00.

**2. M&C P-11206 - Authorize a Purchase Agreement with West Government Services Using a Texas Multiple Award Schedule Contract for Web Access to Consolidated Lead Evaluation and Reporting with Web Analytics for the Police Department for an Initial Amount of \$84,888.00.**

The City Council approved the following recommendation: Authorize a Purchase Agreement With West Government Services Using a Texas Multiple Award Schedule Contract Number TXMAS-3-520010 for Web Access to Consolidated Lead Evaluation and Reporting With Web Analytics for the Police Department for an Initial Amount of \$84,888.00.

**3. M&C P-11207 - Authorize the Rejection of All Bids for Road Service Tire Repair and Replacement and Authorize Issuance of a New Invitation to Bid.**

The City Council approved the following recommendation: Authorize the Rejection of All Bids Received for Road Service Tire Repair and Replacement and Authorize Issuance of a New Invitation to Bid.

**4. M&C P-11208 - Authorize a Purchase Agreement with Highway Technologies, Inc. for Traffic Marking Material and Services for the Transportation and Public Works Department for an Initial Amount of \$528,000.00.**

The City Council approved the following recommendation: Authorize a Purchase Agreement With Highway Technologies, Inc., for Traffic Marking Material and Services for the Transportation and Public Works Department for an Initial Amount of \$528,000.00.

**5. M&C P-11209 - Authorize Sole Source Purchase of Envirex Replacement Parts and Equipment for the Water Department from Siemens Water Technologies for an Amount of \$52,262.00.**

The City Council approved the following recommendation: Authorize a Sole Source Purchase of Envirex Replacement Parts and Equipment From Siemens Water Technologies for the Water Department for an Amount of \$52,262.00.

**(VII. CONSENT AGENDA Continued)**

**6. M&C P-11210 - Authorize Purchase of a Backhoe Loader from RDO Equipment Company Using a Texas Association of School Boards Cooperative Contract for the Water Department for a Total of \$94,468.00.**

The City Council approved the following recommendation: Authorize the Purchase of a Backhoe Loader From RDO Equipment Company Using Texas Association of School Boards Cooperative Contract No. 345-10 for the Water Department for a Total of \$94,468.00.

**7. M&C P-11211 - Authorize Purchase of a Backhoe Loader from HOLT TEXAS, LTD. d/b/a HOLT CAT, Using a Texas Association of School Boards Cooperative Contract for the Transportation and Public Works Department for a Total Amount of \$126,757.00.**

The City Council approved the following recommendation: Authorize the Purchase of a Backhoe Loader From HOLT TEXAS, LTD., d/b/a HOLT CAT, Using the Texas Association of School Boards Cooperative Contract Number 345-10 for the Transportation and Public Works Department for a Total Amount of \$126,757.00.

**8. M&C P-11212 - Authorize Purchase of Four Trailers from Interstate Trailers, Inc., Using a Texas Association of School Boards Cooperative Contract for the Transportation and Public Works and Water Departments for a Combined Total of \$85,848.00.**

The City Council approved the following recommendation: Authorize the Purchase of Four (4) Trailers From Interstate Trailers, Inc., Using Texas Association of School Boards Cooperative Contract Number 357-10 for the Transportation and Public Works and Water Departments for a Combined Total of \$85,848.00.

**9. M&C P-11213 - Authorize a Purchase Agreement with SecureWorks Inc., for Network Infrastructure Monitoring and External Vulnerability Scan Assessment Subscription Services, Using a General Services Administration Contract for the Information Technology Solutions Department for an Initial Amount of \$74,283.00.**

The City Council approved the following recommendation: Authorize a Purchase Agreement With Secureworks, Inc., for Network Infrastructure Monitoring and External Vulnerability Scan Assessment Subscription Services, Using General Services Administration Contract Number GS-35F-0335V, for the Information Technology Solutions Department for an Initial Amount of \$74,283.00.

**10. M&C P-11214 - Authorize a Sole Source Purchase of an AFIX Tracker Automated Fingerprint and Palm Print Identification System from AFIX Technologies, Inc., for the Police Department for a Total Amount of \$64,190.00.**

The City Council approved the following recommendation: Authorize a Sole Source Purchase of an AFIX Tracker Automated Fingerprint and Palm Print Identification System From AFIX Technologies, Inc., for the Police Department for a Total Amount of \$64,190.00.

**(VII. CONSENT AGENDA Continued)**

**11. M&C P-11215 - Authorize Execution of an Agreement with Gresham, Smith and Partners Using Grant Funds in the Annual Amount of \$89,500.00 from the U. S. Department of Energy - Energy Efficiency and Conservation Block Grant for the Design, Preparation and Implementation of a Sustainability Education and Outreach Plan.**

The City Council approved the following recommendation: Authorize the City Manager to Execute an Agreement With Gresham, Smith and Partners Using Grant Funds in the Annual Amount of \$89,500.00 for the Design, Preparation and Implementation of a Sustainability Education and Outreach Plan.

**C. Land - Consent Items**

**1. M&C L-15154 - Authorize Purchase of a Fee Simple Interest in 0.002 Acres of Land for Right-of-Way and a Temporary Easement Interest in 0.016 Acres for Construction, Located at 4021 East First Street from Mary Jean Fields for a Total of \$500.00 and Pay the Estimated Closing Costs of \$1,000.00 for the Widening of East First Street.**

The City Council approved the following recommendation: Authorize the Acquisition of a Fee Simple Interest in 0.002 Acre for Right-of-Way, Excluding Minerals, and a Temporary Easement Interest in 0.016 Acre for Construction, Also Known as 4021 East First Street, Located at Lot 6, Block 1, G.W. Gilmore Addition, Fort Worth, Texas, From Mary Jean Fields; Find That the Total Price of \$500.00 is Just Compensation for the Acquisitions; and Authorize the City Manager or His Designee to Accept the Conveyances, Record the Appropriate Instruments and to Pay the Estimated Closing Costs Up to \$1,000.00.

**2. M&C L-15155 - Authorize Purchase of a Fee Simple Interest in 0.030 Acres of Land for Right-of-Way and a Temporary Easement Interest in 0.018 Acres for Construction, Located at 4024 East First Street from Fritz G. Gonzales and Mary H. Gonzales for a Total of \$31,400.00 and Pay the Estimated Closing Costs of \$4,000.00 for the Widening of East First Street.**

The City Council approved the following recommendation: Authorize the Acquisition of a Fee Simple Interest in 0.030 Acre for Right-of-Way, Excluding Minerals, and a Temporary Easement Interest in 0.018 Acre for Construction, Located at Lot D, Block 1, Baker's Subdivision, Also Known as 4024 East First Street, Fort Worth, Texas, From Fritz G. Gonzales and Mary H. Gonzales; Find That the Total Price of \$31,400.00 is Just Compensation for the Acquisitions; and Authorize the City Manager or His Designee to Accept the Conveyances, Record the Appropriate Instruments and to Pay the Estimated Closing Costs Up to \$4,000.00.

**(VII. CONSENT AGENDA Continued)**

**3. M&C L-15156 - Authorize Purchase of a Fee Simple Interest in 0.121 Acres of Land for Right-of-Way Located at 11815 Alta Vista Road from Dayton Bailey for a Total of \$66,871.00 and Pay the Estimated Closing Costs of \$4,000.00.**

The City Council approved the following recommendation: Authorize the Purchase of a Fee Simple Interest in 0.121 Acre of Land for Right-of-Way Located at 11815 Alta Vista Road, Described as Abstract No. 266, Tract 2H, Francisco Cuella Survey, Fort Worth, Texas, From Dayton Bailey; Find That the Price of \$17,100.00 Offered for the Purchase of the Right-Of-Way and \$49,771.00 to Replace the Improvements in the Right-of-Way is Just Compensation; and Authorize the City Manager or His Designee to Accept the Conveyance and Record the Appropriate Instruments and to Pay Closing Costs Up to \$4,000.00.

**D. Planning & Zoning - Consent Items**

**1. M&C PZ-2930 - Authorize the City Manager to Initiate Rezoning of Certain Properties Generally Bounded by the East Freeway, Eastchase Parkway, Brentwood Stair Road and Aldra Drive in Accordance with the Comprehensive Plan.**

The City Council approved the following recommendation: Authorize the City Manager to Initiate Certain Zoning Changes Generally Bounded by the East Freeway, Eastchase Parkway, Brentwood Stair Road and Aldra Drive, From "G" Intensive Commercial and "I" Light Industrial to "G" Intensive Commercial in Accordance With the Comprehensive Plan.

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

**1. M&C C-24783 - Authorize Professional Services Agreements for Audit Staffing with Larry Robert Heath for the Office of City Auditor in the Total Amount of \$87,076.00.**

The City Council approved the following recommendation: Authorize the City Manager to Execute Professional Services Agreements for Audit Staffing With Larry Robert Heath for the Office of City Auditor in the Total Amount of \$87,076.00.

**2. M&C C-24784 - Authorize Change Order No. 1 in the Amount of \$44,309.77 to City Secretary Contract No. 39529 with AUI Contractors, Inc. for the Installation of Sidewalks at Various Locations Throughout the City.**

The City Council approved the following recommendation: Authorize the City Manager to Execute Change Order No. 1 in the Amount of \$44,309.77 to City Secretary Contract No. 39529 With AUI Contractors, Inc., for the Installation of Sidewalks at Various Locations Throughout the City, Increasing the Total Contract Amount to \$733,688.77.

**(VII. CONSENT AGENDA Continued)**

**3. M&C C-24785 - Adopt Resolution Supporting the 2011 Low Income Housing Tax Credit Application for Lakeside Village Homes in the Como Neighborhood and Waiving the One Mile, Three Year Rule.**

The City Council approved the following recommendation: Adopt Resolution No. 3976-03-2011 Supporting a 2011 Low Income Housing Tax Credit Application and Allowing the Construction of Lakeside Village Homes in the Como Neighborhood and Waiving the One (1) Mile, Three (3) Year Rule.

**4. M&C C-24786 - Authorize Execution of a Contract with McClendon Construction Company, Inc., in the Amount of \$724,284.16 for Pavement Reconstruction and Water and Sanitary Sewer Replacement on Arnold Court, Blevins Street, Clarence Street East and Clarence Street West and Adopt Appropriation Ordinance.**

The City Council approved the following recommendation: Authorize the City Manager to Execute a Contract With McClendon Construction Company, Inc., in the Amount of \$724,284.16 for Pavement Reconstruction and Water and Sanitary Sewer Replacement on Arnold Court, Blevins Street, Clarence Street East and Clarence Street West; Authorize the Transfer of \$392,949.20 From the Water and Sewer Fund to the Water Capital Projects Fund in the Amount of \$196,566.00 and Sewer Capital Projects Fund in the Amount of \$196,383.20; and Adopt Appropriation Ordinance No. 19593-03-2011 Increasing the Estimated Receipts and Appropriations in the Water Capital Projects Fund and the Sewer Capital Projects Fund From Available Funds to Fund the Pavement Reconstruction and Water and Sanitary Sewer Replacement.

**5. M&C C-24787 - Authorize Execution of Change Order No. 3 in the Amount of \$128,178.48 to City Secretary Contract No. 39466 with McMahon Contracting, L.P., for Trinity Boulevard Concrete Reconstruction-Restoration 2009-4 thereby Revising the Total Contract Amount to \$1,579,683.48.**

The City Council approved the following recommendation: Authorize the City Manager to Execute Change Order No. 3 in the Amount of \$128,178.48 to City Secretary Contract No. 39466 With McMahon Contracting, L.P., for Trinity Boulevard Concrete Reconstruction-Restoration 2009-4, Thereby Revising the Total Contract Amount to \$1,579,683.48.

**(VII. CONSENT AGENDA Continued)**

**6. M&C C-24788 - Authorize Execution of a Contract with Cutler Repaving, Inc., in the Amount of \$794,192.10 for Hot Mix Asphaltic Concrete Hot In-Place Recycling at Various Locations.**

The City Council approved the following recommendation: Authorize the City Manager to Execute a Contract With Cutler Repaving, Inc., in the Amount of \$794,192.10 for 80 Calendar Days for Hot Mix Asphaltic Concrete Hot In-Place Recycling at Various Locations on Crowley Road (James Avenue to I-20 Freeway); Granbury Road (300 Feet From Trail Lake to 300 Feet From SW Loop 820); James Avenue (West Beddell Street to SW Loop 820) and Las Vegas Trail (West Freeway SR EB to Camp Bowie West Boulevard).

**7. M&C C-24789 - Authorize the Execution of Change Order No. 1 in the Amount of \$36,525.30 to City Secretary Contract No. 39169 with JLB Contracting, LLC, for Hot Mix Asphaltic Concrete Surface Overlay 2009-10 at Various Locations, thereby Increasing the Total Contract Amount to \$796,635.80.**

The City Council approved the following recommendation: Authorize the City Manager to Execute Change Order No. 1 in the Amount of \$36,525.30 to City Secretary Contract No. 39169 With JLB Contracting, LLC, for Hot Mix Asphaltic Concrete Surface Overlay 2009-10 at Various Locations, Thereby Increasing the Total Contract Amount to \$796,635.80.

**8. M&C C-24790 - Authorize Execution of Amendment No. 3 in the Amount of \$87,252.00 to City Secretary Contract No. 38905 with Transystems Corporation Consultants for the Design of North Beach Street from Timberland Boulevard to Keller-Hicks Road, thereby Resulting in a Total Contract Cost of \$666,914.00.**

The City Council approved the following recommendation: Authorize the City Manager to Execute Amendment No. 3 in the Amount of \$87,252.00 to City Secretary Contract No. 38905 With Transystems Corporation Consultants for the Design of North Beach Street From Timberland Boulevard to Keller-Hicks Road, Thereby Resulting in a Total Contract Cost of \$666,914.00.

**9. M&C C-24791 - Authorize Amendment No. 1 in the Amount of \$43.00 to City Secretary Contract No. 35581, a Local Project Advanced Funding Agreement with the Texas Department of Transportation for Drainage Improvements at Various Locations in Fort Worth and Adopt Appropriation Ordinance.**

**(VII. CONSENT AGENDA Continued)**

**(C-24791 Continued)**

The City Council approved the following recommendation: Authorize the City Manager to Execute Amendment No. 1 With the Texas Department of Transportation in the Amount of \$43.00 to City Secretary Contract No. 35581 and Revise the City Participation Not-to-Exceed Amount From \$550,846.00 to \$550,889.00; Authorize the Transfer of Funds From the Storm Water Capital Projects 2007 Revenue Bond Fund to the Grant Capital Projects Fund in the Amount of \$43.00; and Adopt Appropriation Ordinance No. 19594-03-2011 Increasing the Estimated Receipts and Appropriations in the Grant Capital Projects Fund From Available Funds for the Purpose of Funding Drainage Improvements at Various Locations.

**10. M&C C-24792 - Authorize Execution of Lease No. DTFACN-11-L-00106 with the Federal Aviation Administration to Install and Operate a Remote Arts Color Display in the Air Traffic Control Tower at Fort Worth Spinks Airport.**

The City Council approved the following recommendation: Authorize the City Manager to Execute Lease No. DTFACN-11-L-00106 With the Federal Aviation Administration to Install and Operate a Remote Arts Color Display in the Air Traffic Control Tower at Fort Worth Spinks Airport.

**11. M&C C-24793 - Authorize Renewal of a Sole Source Software Maintenance Agreement with IBM Corporation for the Water Department's Maintenance Management System in the Amount of \$57,547.60.**

The City Council approved the following recommendation: Authorize the City Manager to Execute a Renewal Agreement for a Software Maintenance Contract With IBM Corporation, a Sole Source Vendor, for the Water Department's Maintenance Management System in the Amount of \$57,547.60; and Authorize This Agreement to Begin on April 1, 2011, and Expire on March 31, 2012, With the Option to Renew for Three (3) Subsequent Years.

**12. M&C C-24794 - Authorize Execution of Amendment No. 4 in the Amount of \$60,835.00 to City Secretary Contract No. 28006 with Dannenbaum Engineering Corporation for Sanitary Sewer Main 257 and 325 Middle and Upper Village Creek Parallel Relief Alignment Study and Design from Hemphill Street to West Rendon Crowley Road, thereby Increasing the Contract Amount to \$1,320,766.28.**

The City Council approved the following recommendation: Authorize the City Manager to Execute Amendment No. 4 in the Amount of \$60,835.00 to City Secretary Contract No. 28006 With Dannenbaum Engineering Corporation for Sanitary Sewer Main 257 and 325 Middle and Upper Village Creek Parallel Relief Alignment Study and Design From Hemphill Street to West Rendon Crowley Road, Thereby Increasing the Contract Amount to \$1,320,766.28 (Project No. 01333).

**(VII. CONSENT AGENDA Continued)**

**13. M&C C-24795 - Authorize Execution of an Engineering Agreement in the Amount of \$213,202.00 with Stream Water Group, Inc., for Sanitary Sewer Rehabilitation Contract 76, Biddison Street and Five Alleyways and Adopt Appropriation Ordinance.**

The City Council approved the following recommendation: Authorize the City Manager to Execute an Engineering Agreement in the Amount of \$213,202.00 With Stream Water Group, Inc., for Sanitary Sewer Rehabilitation Contract 76; Authorize the Transfer of \$237,202.00 From the Water and Sewer Fund to the Sewer Capital Projects Fund; and Adopt Appropriation Ordinance No. 19595-03-2011 Increasing the Estimated Receipts and Appropriations in the Sewer Capital Projects Fund From Available Funds for the Purpose of Funding the Contract.

**14. M&C C-24796 - Authorize Execution of a Construction Contract in the Amount of \$793,003.85 with Raydon, Inc. for Parking Lot and Athletic Field Improvements at Rolling Hills Soccer Complex.**

The City Council approved the following recommendation: Authorize the City Manager to Execute a Contract With Raydon, Inc., in the Amount of \$793,003.85 for Parking Lot and Athletic Field Improvements at Rolling Hills Soccer Complex.

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

**1. \*\*OCS -1806 - Notice of Claims for Alleged Damages and/or Injuries.**

End of Consent Agenda.

**A. General – (Removed from Consent for Individual Consideration)**

**3. M&C G-17230 - Adopt Resolution Supporting the 2011 Low Income Housing Tax Credit Application for Pilgrim Valley Manor Apartments at 1701 E. Robert Street and Waiving the One Mile, Three Year Rule.**

The recommendation was that the City Council Adopt a Resolution Supporting a Low Income Housing Tax Credit Application and Allowing the Rehabilitation of the Pilgrim Valley Manor Apartments, Located at 1701 E. Robert Street and Waiving the One (1) Mile, Three (3) Year Rule.

Council Member Hicks expressed appreciation to the developer of Pilgrim Valley Manor Apartments and stated the developer was committed to providing quality and affordable housing. She further stated that the residents in the community were very excited about these apartments and revitalization of the area. She also expressed appreciation to Mr. Jay Chapa, Director and Ms. Cynthia Garcia, Assistant Director, Housing and Economic Development Department, for their hard work and support of this project.

**(G-17230 Continued)**

Motion: Council Member Hicks made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. G-17230 be approved with appreciation to the Housing and Economic Development Department staff and Resolution No. 3977-03-2011 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**9. M&C G-17236 - Authorize Temporary Closure of Stonegate Boulevard between South Hulen Street and Oak Hill Circle from March 23, 2011 to April 2, 2011 for the Installation of a 42-Inch Water Main as Part of the State Highway 121 Relocation.**

It was the consensus of the Mayor and Council Communication No. G-17236 be continued until the April 5, 2011, Council meeting.

**11. M&C G-17238 - Adopt Ordinance Appointing Claudia Alvarez Martinez as a Municipal Judge for the Unexpired Portion of a Two-Year Term Commencing March 28, 2011 and Ending March 31, 2012 to Fill a Newly Created Twelfth Full-Time Municipal Judge Position**

The recommendation was that the City Council Adopt an Ordinance Appointing Claudia Alvarez Martinez as Municipal Judge for the Unexpired Portion of a Two (2) Year Term Commencing March 28, 2011, and Ending March 31, 2012, or Until a Successor is Qualified and Appointed in Accordance With State Law to Fill the Newly Created Twelfth Full-Time Municipal Judge Position.

Council Member Burdette recognized Ms. Claudia Alvarez Martinez and her parents in the audience and welcomed her as a newly appointed Municipal Court Judge for the City. He expressed appreciation to Judge Martinez for her willingness to serve the community.

Motion: Council Member Burdette made a motion, seconded by Council Member Hicks, that Mayor and Council Communication No. G-17238 be approved and Ordinance No. 19596-03-2011 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

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

**1. Presentation to His Excellency Daniel Ohene Agyekum - Ambassador of Ghana to the United States.**

Mayor Moncrief presented His Excellency Daniel Ohene Agyekum, Ambassador of Ghana to the United States, with a key to the City and a Molly pin. He advised that the Ambassador was traveling around Texas discussing ways to increase the agricultural and cattle industries in Ghana. He further advised that Ghana was becoming progressive in developing their country and had set up successful programs with other states around the country. He pointed out that the State of Arkansas was helping Ghana improve their rice industry which in turn was boosting their imported and exported goods.

**(IX. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC. - #1 Continued)**

Ambassador Agyekum introduced members of his delegation and presented Mayor Moncrief with a book, which he advised represented the great work that the United States and Ghana had accomplished together. He reiterated the importance of all countries, large and small, working together especially during tough economic times. He stated that Ghana needed to draw on the City's experience in oil and gas recovery and better understand how the City had succeeded over the years in using their natural resources. He pointed out that the delegation was excited to continue communicating with the Chamber of Commerce and expressed appreciation to the Mayor and Council Members for the warm welcome.

Council Member Hicks advised that she had visited Ghana twice through the Sister Cities Program and advised the country was beautiful and added that she wore her West African clothing today in celebration of the Ambassador's visit.

**2. Presentation of Proclamation of Billy Bob's Texas Day**

Council Member Espino presented the Proclamation for Billy Bob's Texas Day to Mr. Billy Minick, CEO, and Mrs. Pam Minick, Marketing Director, Billy Bob's Texas. He stated that Billy Bob's Texas was originally built in 1910 as a cattle barn in the Historic Stockyards and remained an invaluable landmark and attraction for residents and visitors from around the world. He advised that Billy Bob's, which opened on April 1, 1981, was known internationally as the World's Largest Honky-Tonk and continued to play an important role in protecting and preserving the City's economy and western heritage. He stated that over the past 30 years, Billy Bob's success had a positive impact on the local economy. He pointed out that Billy Bob's had entertained more than 17 million visitors and hosted tens of thousands of musicians, including the greatest names in country music and classic rock, and added that the venue had more than 46,000 bulls bucked in its arena. He added that on their 30<sup>th</sup> anniversary, the City honored Billy Bob's Texas for their exceptional contributions to the quality of life for the residents of Fort Worth through its generous support of numerous civic and charitable causes.

Mr. and Mrs. Minick expressed appreciation to the Mayor and Council Members for the Proclamation and stated their involvement over the years with the community and the City made the venue a success. They also introduced Mr. Concho Minick, President, Billy Bob's Texas, and stated they were excited about his new leadership role in the company.

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

Council Member Hicks announced that Council Member Burns' younger brother, Cody Allen Burns, passed away on March 12, 2011, due to injuries sustained from an automobile accident and requested everyone keep his family in their thoughts and prayers. She also announced that Ms. Paula Baker, a retired educator and leader in the community passed away on March 12, 2011, and requested everyone also keep Ms. Baker's family in their thoughts and prayers. She advised that she toured the new Allen Foods facility, now located in the former Ranch Style Beans building. She stated the company, based in Arkansas, was doing well and had reported no issues with crime in the area. She stated the company expressed appreciation to the Police and Fire Departments for their presence in the area. She also announced a Community Policing Forum would be held on March 22, 2011, at 7:00 p.m., at Trimble Technical High School, located at 1003 West Cannon Street. She advised that the forum would highlight the latest projects and programs from the Police Department and offered community groups and residents a chance to provide feedback to department leaders. She also announced that the Open House and Ribbon Cutting Ceremony for the Polytechnic Heights Neighborhood Police Center would be held on March 23, 2011, at 10:00 a.m., at 1100 Nashville Avenue. She further announced a dedication ceremony would be held on March 26, 2011, from 11:00 a.m. to 12:00 p.m., at 221 West Lancaster Avenue, for the Freedom Train, a public art piece in District 9 commemorating the African American railway experience and highlighting the career of the late Representative Garfield Thompson.

Council Member Burdette announced that longtime District 7 Neighborhood Police Officer Teri Majors would be retiring from the Police Department. He expressed appreciation to Officer Majors for her service to District 7.

Council Member Jordan recognized Boy Scout Seth Pierce and his father Ivory Pierce, Fort Worth Police Officer and former member of the United States Marine Corps, in the audience. He advised that the Seth was working on his Political Awareness Badge and advised that he was very close to becoming an Eagle Scout. He congratulated Seth on his achievements and wished him good luck in scouting. He also stated that as the Chair of the Audit and Finance Committee, he would like to express appreciation to Interim City Manager Higgins and the Financial Management Services Department for providing the finalized Comprehensive Annual Financial Report (CAFR). He stated that the City was on track with fiscal accountability.

Council Member Moss announced that an informational meeting would be held relative to the proposed Council initiated Masonic Home area rezoning on March 24, 2011, at 6:30 p.m., at Beth Eden Baptist Church, located at 3208 Wilbarger Street, and encouraged everyone to attend the meeting.

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

Council Member Burns announced that he would be unable to attend the March 22, 2011, Community Policing Forum at Trimble Technical High School but was looking forward to hearing about the productive discussions. He advised that he would also be attending the Open House and Ribbon Cutting Ceremony for the Polytechnic Heights Neighborhood Police Center on March 23, 2011. He announced that the United States Postal Service would present the Latino Music Legends Commemorative Stamp Collection at the Fort Worth Library Seminary South Branch on March 26, 2011, at 12:00 p.m., located at 501 East Bolt Street. He also expressed appreciation to District 7 Neighborhood Police Officer Teri Majors, who was retiring from the Police Department, for her service to both Districts 7 and 9. He also expressed appreciation to everyone who attended his brother Cody's funeral service and to everyone who had sent condolences. He stated his brother's death was a tragedy and Cody would be missed dearly. He encouraged everyone to wear their seatbelt anytime they were in a vehicle.

Mayor Moncrief expressed his condolences to Council Member Burns and his family and requested the Council meeting be adjourned in memory of Cody Allen Burns. He also announced that he and Otis Thornton, Homelessness Program Coordinator, had the opportunity to witness students from Texas Christian University spending their Spring Break taking care of the homeless community and pointed out that people were not homeless by choice but by circumstance. He stated that the volunteers brought blankets, bottled water, bus passes and hygiene products to homeless in the area.

**XI. PRESENTATIONS BY THE CITY COUNCIL**

There were no Presentations by the City Council.

**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 Amending the Rules of Procedures of the City Council of the City of Fort Worth, Texas (Continued from March 8, 2011).**

**(XIII. RESOLUTIONS - #1 Continued)**

Mr. Joe Don Brandon, P.O. Box 1155, completed a speaker card in opposition of Resolution No. 1, and stated that the Council should not be able to limit the number of times an individual spoke per month at a Council meeting. He expressed appreciation to Mr. Brandon Bennett, Director, Code Compliance Department, for his assistance in cleaning up the Humane Society. He also referenced an article from the January 23, 2011, Edition of the *Fort Worth Star Telegram*, relative to private partnerships in the homeless community and alleged they were scams. He also stated he would be meeting with the Tarrant County Health Department about the dirty showers at various homeless shelters and stated the condition of the showers were unacceptable. He displayed a photograph of the cable television equipment and studio and stated the equipment was not being used because the Cable staff had been reduced, which was unfair because the public had a right to communication. He stated the citizens were the stakeholders in this corporation and they had the right to speak and say anything they wished at a meeting.

Council Member Burns expressed appreciation to City Secretary Hendrix and the City Secretary's Office staff for creating a more modern, accessible and transparent proceeding of the Council. He stated that individuals would be able to access the agenda online without being present at the meeting and sign up to speak or make comments on agenda items once the agenda had been posted on Friday morning, prior to the Council meeting. He further stated that individuals could also email, call or fax requests to speak and/or submit comments prior to the meeting.

Council Member Hicks asked that as staff moved forward with this new initiative that the public continue to be educated on the new speaker process until the May 1, 2011, effective date.

Motion: Council Member Burns made a motion, seconded by Council Member Burdette, that Resolution No. 3978-03-2011 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**[2. A Resolution Allocating \\$4,500,000.00 for the Drainage Component of the Harley Street Realignment Project from Certain Storm Water Utility Funds and Directing that \\$1,500,000.00 of Such Funds be Reimbursed to the Storm Water Utility Operating Fund from the Proceeds of the Next Available General Obligation Bond Fund Sale.](#)**

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Resolution No. 3979-03-2011 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-17200 - Adopt Ordinance Revising the Lake Worth Use Fees and Amending Section 18-4, Chapter 18, Lake Worth of the City Code and Authorize the City Manager to Execute Agreements with Outside Businesses and Entities for the Selling of Boat Stickers Required Under this Ordinance (Continued from a Previous Meeting).**

It was the consensus of the Council that Mayor and Council Communication No. G-17200 be Withdrawn From Consideration.

**2. M&C G-17200 - (Revised) Adopt Ordinance Amending Section 18-4, Lake Worth Use Fees of Chapter 18, Lake Worth of the City Code to Provide for the Collection of Boat Ramp Use Fees and Authorize the City Manager to Execute Agreements to Outsource the Collection of the Fees.**

The recommendation was that the City Council Adopt an Ordinance Amending the Code of the City of Fort Worth (1986), as Amended, by the Amendment of Chapter 18, "Lake Worth" Article I, "In General", Section 18-4, "Lake Worth Use Fees" to Now be "Boat Ramp Use Fees" Section 18-5 "Lake Use Fee Permit" to be Repealed and Reserved; Providing That This Ordinance is Cumulative; Providing a Severability Clause; Providing a Fine of Up to \$500.00 for Each Offense in Violation of the Ordinance; and Authorize the City Manager to Execute Agreements With Outside Businesses and Entities for the Selling of Boat Stickers Required Under This Ordinance.

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. G-17200 (Revised) be approved and Ordinance No. 19597-03-2011 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**3. M&C G-17239 - Authorize Increase of Funds by \$1,482,000.00 for the Existing Professional Services Agreements for Technology Staffing and Placement Services with Digital Intelligence Systems Corporation, Matrix Resources, Inc., and Sentari Technologies, Inc., for the Information Technology Solutions Department.**

The recommendation was that the City Council Authorize the City Manager to Increase the Dollar Cap for the Existing Professional Services Agreements for Technology Staffing and Placement Services With Digital Intelligence Systems Corporation, Matrix Resources, Inc., and Sentari Technologies, Inc., by \$1,482,000.00 for the Information Technology Solutions Department.

Motion: Council Member Burns made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. G-17239 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**4. M&C G-17240 - Authorize Increase of Funds by \$287,000.00 for the Existing Services Agreements for Technology Staffing and Placement Services with TEKsystems, Inc., for the Information Technology Solutions Department.**

The recommendation was that the City Council Authorize the City Manager to Increase the Dollar Cap for the Existing Services Agreements for Technology Staffing and Placement Services With TEKsystems Inc., by \$287,000.00 for the Information Technology Solutions Department.

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. G-17240 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**5. M&C G-17241 - Approve Applications for Partial Approval of the Historic Site Tax Exemption for 1405 Fairmount Avenue, 1941 Hurley Avenue, 2223 Harrison Avenue, 1704 Alston Avenue, 2251 College Avenue, 1951 College Avenue and 2000 Alston Avenue.**

The recommendation was that the City Council Approve the Applications for Multiple Property Owners for Partial Approval of the Historic Site Tax Exemption for 1405 Fairmount Avenue, 1941 Hurley Avenue, 2223 Harrison Avenue, 1704 Alston Avenue, 2251 College Avenue, 1951 College Avenue and 2000 Alston Avenue.

Motion: Council Member Burns made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. G-17241 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**6. M&C G-17242 - Approve Verification of Historic Site Tax Exemption for 2221 6th Avenue, 1409 South Henderson Street, 1014 West Arlington Avenue, 2100 Hemphill Street, 1704 Alston Avenue and 2251 College Avenue.**

The recommendation was that the City Council Approve the Applications From Multiple Property Owners for Verification of the Historic Site Tax Exemption for 2221 6th Avenue, 1409 South Henderson Street, 1014 West Arlington Avenue, 2100 Hemphill Street, 1704 Alston Avenue and 2251 College Avenue.

Motion: Council Member Burns made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. G-17242 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**7. M&C G-17243 - Adopt Supplemental Appropriation Ordinance in the General Fund in the Amount of \$199,953.84 for the Payment to Concho Development I, L.P., for Services Approved by M&C C-23527 and Performed Under City Secretary Contract No. 38618 Related to the Use of the Post Office as a Future City Hall and Decrease the Unaudited, Unreserved, Undesignated General Fund Balance.**

The recommendation was that the City Council Adopt a Supplemental Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the General Fund in the Amount of \$199,953.84 and Decreasing the Unaudited, Unreserved, Undesignated General Fund Balance by the Same Amount, for the Purpose of Paying Concho Development I, L.P., for Services Approved by Mayor and Council Communication No. C-23527 and Performed Under City Secretary Contract No. 38618 Related to the Use of the Post Office as a Future City Hall.

Motion: Council Member Burns made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-17243 be approved and Supplemental Appropriation Ordinance No. 19598-03-2011 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**8. M&C G-17244 - Adopt Resolution Notifying the Board of Trustees of the Employees' Retirement Fund of the City of Fort Worth of City Council's Intent to Consider Benefit Reductions.**

The recommendation was that the City Council Adopt a Resolution to Notify the Board of Trustees of the Employees' Retirement Fund of the City of Fort Worth That the Fort Worth City Council Intends to Consider and Vote on Amendments to the Retirement Ordinance That Would Reduce Benefits at the City Council Meeting on or After June 21, 2011, That Would Permit All Members of the Fund Hired Prior to July 1, 2011, and Those Currently Receiving Benefits Under the Retirement Ordinance the Option of Selecting a New Cost of Living Adjustment.

Council Member Jordan stated that this was an extremely serious item and stated that this item ensured both the efficient use of the tax payer dollars and the continuation of recruiting and retaining top quality employees. He stated this Resolution notified the Board of Trustees of the Employees' Retirement Fund of the City Council's intent to consider benefit reductions.

Council Member Jordan requested that City Secretary Hendrix also read Mayor and Council Communication No. G-17245 into the record at this time.

**9. M&C G-17245 - Adopt Ordinance Amending Chapter 2, Article VI, Division 1, of the City Code, Entitled Employees Retirement Fund by Amending Section 2-201 to Add a Definition of Fire Fighter, and to Amend the Following Sections for Employees Hired On or After July 1, 2011, Who Are Not Police Officers or Fire Fighters, Section 2-206 to Change the Requirements for Normal Retirement and Vested Retirement Dates, Section 2-207 to Change the Compensation Base and Implement an Overtime Cash Balance Account, Section 2-208 to the Change the Multiplier for Vested Termination Pension, Section 2-210 to the Change the Multiplier for Standard Pension Benefit and to Eliminate the Cost of Living Adjustment, Section 2-211 to Change the Multiplier for Disability Pension, and Section 2-212 to Create an Actuarially Neutral Survivor Benefit.**

The recommendation was that the City Council Adopt an Ordinance Amending Chapter 2, Article VI, Division 1 of the City Code, Entitled “Employees Retirement Fund,” of the Code of the City of Fort Worth (1986), as Amended, Amending Section 2-201 to Add the Term Fire Fighter; Amending the Following Sections for Employees Hired on or After July 1, 2011, Who Are Not Police Officers or Fire Fighters; Section 2-206 to Change the Requirements for Normal Retirement and Vested Retirement Dates; Section 2-207 to Change the Compensation Base and Implement an Overtime Cash Balance Account; Section 2-210 to Change the Multiplier for Standard Pension Benefits and to Eliminate the Cost of Living Adjustment Upon Retirement; Section 2-211 to Change the Multiplier for Disability Pension; and Section 2-212 to Create an Actuarially Neutral Survivor Benefit.

Ms. Laetitia Brown, Senior Assistant City Attorney, made the following recommended amendments to the City Council:

- Page 2, Section 2, Section 2-206(a)(3) should be amended to read, “**A vested member**” instead of a “A vested police officer or a fire fighter.”
- Section 3, pages 5 & 6, Section 2-207(c)(2), lines 5 and 8 should be amended to read “**five (5)**” instead of “three (3).”
- Section 4, page 7, Section 2-210(a)(1)(a)(ii)(1), line 1 should be amended to read “hired on or after July 1, 2011” instead of “hired prior to July 1, 2011.” Section 2-210(a)(1)(ii)(2), lines 9 and 10 should be amended to read, “two and fifty one-hundredths percent (2.50%)” instead of “two and seventy-five one-hundredths percent (2.75%)”
- Section 6, page 12, Section 2-211(d)(2)(b), line 10, should be amended to read “**two and twenty-five one-hundredths (2.25) percent**” instead of “two and fifty one-hundredths (2.50) percent.” Line 13 should be amended to read “**two and fifty one-hundredths (2.50) percent**” instead of “two and seventy-five one-hundredths (2.75) percent.”

**(G-17245 Continued)**

- Section 6, pages 12 and 13, Section 2-211(e)(2)(b), Page 12, Section 6, Section 2-211(e)
  - the second number (1) should be changed to the number (2);
  - the title should read, “For Members Hired On or After July 1, 2011, Who are Not Police Officers or Fire Fighters.”;
  - Section (a) should be amended to read “member hired on or after July 1, 2011”;
  - Section (b), line 8 should be amended to read, “***two and twenty-five one hundredths (2.25) percent***” instead of “*two and fifty one-hundredths (2.50) percent.*” Line 11 should be amended to read, “***two and fifty one-hundredths (2.50) percent***” instead of “*two and seventy-five one-hundredths (2.75) percent.*”
  
- Insert Section 2-208 to change the multiplier for early retirement to “two and twenty-five one-hundredths percent (2.25%)” instead of two and seventy-five one-hundredth (2.75%) and normal retirement to “two and fifty one-hundredths percent (2.5%) instead of three percent (3%).

Motion: Council Member Jordan made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. G-17244 be approved and Resolution No. 3980-03-2011 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

Motion: Council Member Jordan made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. G-17245 be approved as amended and to include the Five (5) Step Action Plan presented in the Pre-Council meeting as part of the Action Plan moving forward and tasking the City Manager on the Ad Hoc Cost of Living Adjustment (COLA) actions to define needed changes and hold an employee election and Ordinance No. 19599-03-2011 be adopted.

Council Member Burdette stated that this retirement program was the biggest issue this Council had seen in a very long time. He further stated that retirement programs across the country were facing the same issues. He advised that the City’s guaranteed benefit program had been in effect for a long time and it guaranteed a certain payment to the retirees. He further advised that if monies were not available then the burden would fall upon the tax payer to fund the program and pointed out that this type of program was no longer sustainable. He stated that former City Manager Fisseler recommended moving toward a defined contribution plan but that this Council would not pursue that recommendation. He stated he would not support this item as he did not feel the plan was aggressive enough to make a difference.

**(G-17245 Continued)**

Mayor Moncrief stated that the former Council Members and City Managers developed this plan based on democracy. He advised that the Council respected Council Member Burdette's philosophy and opinion and there were many different ways to attempt to solve this issue, some were faster and more aggressive than others, but the bottom line was that the Ad Hoc COLA continued to be a problem and the issue must be addressed in a timely fashion. He also agreed that the Five (5) Step Action Plan should be considered the blue print as the Council Members and staff moved forward.

Council Member Hicks advised that the City was moving toward a three (3) tier system, as the City had several different employee groups. She stated that it was imperative that everyone was getting what they deserved and added she was incredibly concerned that the benefits were uneven. She advised that she would support this item but requested that staff work with each Council Member as they looked at this issue to ensure that everyone was on the same page.

Mayor Moncrief reiterated that as the Council moved forward and made recommendations regarding the Ad Hoc COLA issue, the employees would have to vote to make the final decisions.

Mayor Pro tem Scarth reiterated that no changes were being made to the benefits of employees who had already retired from the City and these changes only affected employees hired on or after July 1, 2011.

Council Member Espino expressed appreciation to the Council Members, City staff and employee groups for their hard work and support of this process and reminded everyone that this plan still allowed for employees to contribute more money to the retirement fund.

Vote on Motion: The motion carried eight (8) ayes to one (1) nay, with Council Member Burdette casting the dissenting vote.

**10. M&C G-17246 - Adopt Supplemental Appropriation Ordinance in the Amount of \$148,011 for Fiscal Year 2010 Year End Budget Adjustments and Decrease the Unaudited, Unreserved, Undesignated General Fund Balance by the Same Amount.**

The recommendation was that the City Council Adopt a Supplemental Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the General Fund in the Amount of \$148,011.00 in the Departments That are Over Budget, and Decreasing the Unaudited, Unreserved, Undesignated General Fund Balance By the Same Amount for the Purpose of Finalizing the Fiscal Year 2010 Budget.

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. G-17246 be approved and Supplemental Appropriation Ordinance No. 19600-03-2011 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**11. M&C G-17247 - Ratify Approval and Certification of Presbyterian Night Shelter's Application for Emergency Solutions Grants Program 2011 Funds from the Texas Department of Housing and Community Affairs.**

Council Member Hicks advised she would recuse from voting on this matter as she served on the Board of the Presbyterian Night Shelter.

The recommendation was that the City Council Ratify Approval and Certification of Presbyterian Night Shelter's Application for Emergency Solutions Grants Program 2011 Funds From the Texas Department of Housing and Community Affairs.

Motion: Council Member Espino made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. G-17247 be approved. The motion carried unanimously eight (8) ayes, to zero (0) nays, with one (1) recusal by Council Member Hicks.

**12. M&C G-17248 - Conduct Public Hearing Regarding the Appeal of GPS Destiny Daycare's Transportation Impact Fees for a Daycare Center to be Located at 6138 Westcreek Drive (PUBLIC HEARING).**

The recommendation was that the City Council Conduct a Public Hearing on the Appeal of GPS Destiny Daycare's Transportation Impact Fees for a Daycare Center to be Located at 6138 Westcreek Drive; and Determine Whether Relief Shall Be Granted Under the Transportation Impact Fee Ordinance.

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

**a. Report of City Staff**

Ms. Kate Beck, Development Services Administrator, Planning and Development Department, appeared before Council and provided a staff report.

**b. Citizen Presentations**

Council Member Jordan requested clarification regarding the portion of the building that was being used for the calculation of the transportation impact fees, if the number of children correlated with the proposed transportation impact fees and if payment options had been discussed with the GPS Destiny Daycare.

Ms. Beck clarified that the transportation impact fee was being imposed by ordinance relative to the new expansion. She further clarified that traffic studies conducted by the state provided the resulting traffic impact as it correlated to an estimated number of trips per child. She also advised that Ms. Willis had been offered a payment plan but the offer was declined.

**(G-17248 Continued)**

Ms. Mary K. Willis, 6138 Westcreek Drive, completed a speaker card in opposition to Mayor and Council Communication No. G-17248 and relative to the transportation impact fees being assessed on the expansion space for her already existing building. She stated that this was an existing business and should be grandfathered under the ordinance.

Council Member Jordan questioned whether the daycare was certified by the State of Texas and how many children would be accommodated with the expansion.

Ms. Willis clarified that the business was licensed by the State for 64 children and she would have to apply for another license for the additional 30 children that the expansion would allow.

Council Member Jordan requested clarification from Ms. Beck on building permits overlapping the state licenses.

Ms. Beck clarified that there was no overlap with the state license and added that approximately 5,000 to 6,000 permits had been issued under the ordinance since it went into effect in July 2008.

Mayor Moncrief, Mayor Pro tem Scarth and Council Members Burdette, Moss and Espino sympathized with Ms. Willis' situation and stated that the additional students would impact transportation and increase traffic in the area of the daycare. They stated this was a difficult decision but the main responsibility of the transportation impact fees was to offset usage of the City roads as a result of the business. They stated that the fee was only assessed on the new expansion building and stated the City should abide by the ordinance in place.

Council Member Moss clarified that the impact fee would still be assessed if a new business moved into the location in question.

Council Member Espino expressed concern over the cost of doing business in the City. He stated that as the Council moved forward they may need to review the transportation impact fee requirements as well as the credits that could be applied to a business.

**c. Council Action**

Motion: Council Member Jordan made a motion, seconded by Mayor Pro tem Scarth, that the public hearing be closed and that Mayor and Council Communication No. G-17248 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**13. M&C G-17249 - Adopt and Amend the 2009 Editions of the International Building Code, International Residential Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code and International Energy Conservation Code and Adopt a Corresponding Amendment to the Minimum Building Standards Code.**

The recommendation was that the City Council Adopt and Amend the 2009 Editions of the International Building Code, International Residential Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code and International Energy Conservation Code and Adopt a Corresponding Amendment to the Minimum Building Standards Code as Follows:

1. An Ordinance Amending the Fort Worth Building Code, by Adopting the 2009 International Building Code, With Local Amendments; Amending Sections 7-46, 7-47, 7-48, and 7-49 of the Code of the City of Fort Worth (1986); Regulating the Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Occupancy, Equipment, Design, Quality of Materials, Use, Height, Area, Rehabilitation and Maintenance of Buildings and Structures in the City of Fort Worth; Defining Certain Terms; Providing for the Issuance of Permits and the Collection of Fees Thereof; Providing for the Inspection of Buildings; Providing for a Severability Clause; and Providing for a Penalty Clause.
2. An Ordinance Amending The Fort Worth Residential Code, by Adopting the 2009 International Residential Code, With Local Amendments; Amending Sections 7-61, 7-62, 7-63 and 7-64 of the Code of the City of Fort Worth (1986); Regulating the Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Occupancy, Equipment, Design, Quality of Materials, Use, Height, Area and Maintenance of Residential (Detached One (1) and Two (2) Family, and Townhome) Buildings and Structures in the City of Fort Worth; Defining Certain Terms; Providing for the Issuance of Permits and the Collection of Fees Thereof; Providing for the Inspection Buildings; Providing for a Severability Clause; and Providing for a Penalty Clause.
3. An Ordinance Amending The Fort Worth Mechanical Code, by Adopting the 2009 International Mechanical Code, With Local Amendments; Amending Sections 7-166, 7-167, 7-168 and 7-169 of the Code of the City of Fort Worth (1986); Regulating the Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Equipment, Design, Quality of Materials, Use and Maintenance of Heating, Comfort Cooling and Ventilating Systems in the City of Fort Worth, Texas; Defining Certain Terms; Establishing Minimum Requirements for the Installation, Alteration or Repair of Mechanical Systems; Providing for the Issuance of Permits and the Collection of Fees Thereof; Providing for the Inspection of Such Systems; Providing for a Severability Clause; and Providing for a Penalty Clause.

**(G-17249 Continued)**

4. An Ordinance Amending The Fort Worth Plumbing Code, by Adopting the 2009 International Plumbing Code and the 2009 International Fuel Gas Code, With Local Amendments; Amending Sections 26-1, 26-2, 26-3 and 26-4 of the Code of the City of Fort Worth (1986); Regulating the Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Equipment, Use and Maintenance of Plumbing, Drainage and Fuel Gas Systems for Buildings and Structures in the City of Fort Worth, and Plumbing and Drainage Systems Outside This Jurisdiction if the Same are Connected to the City Water or Sewage Systems; Defining Certain Terms; Establishing Minimum Requirements for the Installation, Alteration or Repair of Plumbing, Drainage and Fuel Gas Systems; Providing for the Issuance of Permits and the Collection of Fees Thereof; Providing for the Inspection of Plumbing, Drainage and Fuel Gas Systems; Providing for a Severability Clause; and Providing for a Penalty Clause.

5. An Ordinance Amending the Fort Worth Energy Code, by Adopting the 2009 International Energy Conservation Code, With Local Amendments; Amending Sections 7-41, 7-42, 7-43 and 7-44 of the Code of the City of Fort Worth (1986); Regulating the Effective Use of Energy as Associated With the Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Occupancy, Equipment, Use, and Maintenance of Buildings and Structures in the City of Fort Worth; Defining Certain Terms; Providing for the Inspection of Buildings; Providing for a Severability Clause; Providing for a Savings Clause; Providing for a Penalty Clause.

6. An Ordinance Amending the Code of the City of Fort Worth (1986), as Amended, by the Amendment of Chapter 7, "Buildings", Article IV, "Minimum Building Standards Code", Division 3 "Minimum Standards for Buildings and Structures" by Deleting and Replacing Section 7-87(m) "Access, Means of Egress and Emergency Escape"; by Deleting and Replacing Section 7-91(f) "Smoke Detectors"; by Adding a New Section 7-91(g) "Rented or Leased Residential Properties"; Providing That This Ordinance is Cumulative; Providing a Severability Clause; Providing a Savings Clause.

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. G-17249 be approved and Ordinance Nos. 19601-03-2011, 19602-03-2011, 19603-03-2011, 19604-03-2011, 19605-03-2011 and 19606-03-2011. The motion carried unanimously nine (9) ayes to zero (0) nays.

**14. M&C G-17250 - Adoption of the 2009 International Fire Code with Local Amendments.**

The recommendation was that the City Council Adopt an Ordinance Amending the Fort Worth Fire Code, City Code Chapter 13, by Adopting the 2009 International Fire Code, With Local Amendments; Providing for the Issuance of Permits and the Collection of Fees Thereof; Providing for the Inspection of Buildings; and Providing Penalties for the Violation Thereof.

**(G-17250 Continued)**

Motion: Council Member Burdette made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. G-17250 be approved and Ordinance No. 19607-03-2011 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**C. Purchase of Equipment, Materials, and Services**

**1. M&C P-11216 - Authorize Execution of a Professional Services Agreement with Citibank for the City's Securities Lending Program.**

The recommendation was that the City Council Authorize the City Manager to Execute an Agreement With Citibank to Manage the City's Collateralized Securities Lending Program.

Council Members Jordan, Burns and Hicks disclosed personal banking relationships with Citibank and advised there was no conflict of interest.

Motion: Council Member Burdette made a motion, seconded by Mayor Pro tem Scarth, that Mayor and Council Communication No. P-11216 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**D. Land**

**1. M&C L-15157 - Authorize Lease Agreement with Chesapeake Exploration, LLC, in the Amount of \$57,230.51 for Natural Gas Drilling Under 16.231 Acres of City-Owned Properties Known as Creekside Park Located at 3100 Roddy Drive.**

The recommendation was that the City Council Approve the Acceptance of a Lease Agreement With Chesapeake Exploration, LLC, in the Amount of \$57,230.51 for Natural Gas Drilling Under 16.231 Acres More or Less of City-Owned Properties Known as Creekside Park, Located at 3100 Roddy Drive, for a Two (2) Year Primary Term.

Council Member Jordan advised he had filed Conflict of Interest Affidavits with the City Secretary's Office and would abstain from voting on Mayor and Council Communication Nos. L-15157, L-15158 and L-15159.

Mayor Pro tem Scarth requested that Mayor and Council Communication Nos. L-15157, L-15158 and L-15159 be considered under one (1) motion.

**2. M&C L-15158 - Authorize Lease Agreement with Chesapeake Exploration, LLC, in the Amount of \$23,201.08 for Natural Gas Drilling Under 6.58 Acres of City-Owned Properties Known as Lincolnshire Park Located at 1425 Horncastle Street.**

The recommendation was that the City Council Approve the Acceptance of a Lease Agreement With Chesapeake Exploration, LLC, in the Amount of \$23,201.08 for Natural Gas Drilling Under 6.58 Acres More or Less of City-Owned Properties Known as Lincolnshire Park, Located at 1425 Horncastle Street for a Two (2) Year Primary Term.

**3. M&C L-15159 - Authorize Lease Agreement with Chesapeake Exploration, LLC, in the Amount of \$30,595.10 for Natural Gas Drilling Under 8.677 Acres of City-Owned Properties Known as Willowcreek Park Located at 1285 Sycamore School Road.**

The recommendation was that the City Council Approve the Acceptance of a Lease Agreement With Chesapeake Exploration, LLC, in the Amount of \$30,595.10 for Natural Gas Drilling Under 8.677 Acres More or Less of City-Owned Properties Known as Willowcreek Park, Located at 1285 Sycamore School Road for a Two (2) Year Primary Term.

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Burdette, that Mayor and Council Communication Nos. L-15157, L-15158 and L-15159 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with one (1) abstention by Council Member Jordan.

**4. M&C L-15160 - Authorize Sale of Fifty-Nine Tax-Foreclosed Properties in Accordance with Section 272.001 of the Texas Local Government Code and Section 34.05 of the Texas Property Tax Code for a Total of \$113,051.03.**

The recommendation was that the City Council Authorize the Sale of 59 Tax-Foreclosed Properties in Accordance With Section 272.001 of the Texas Local Government Code and Section 34.05 of the Texas Property Tax Code for \$113,051.03; and Authorize the City Manager, or His Designee, to Execute and Record the Appropriate Instruments Conveying the Properties to the Highest Bidders in Compliance With the Bid Form Specifications to Complete the Sale.

Motion: Council Member Espino made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. L-15160 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**5. M&C L-15161 - Authorize Execution of a Temporary Access Agreement with Texas Midstream Gas Services, L.L.C. in the Amount of \$96,444.00 for Temporary Workspace and Allow Ingress and Egress Access on a Portion of the Surface of Jefferson Davis Park.**

The recommendation was that the City Council Authorize the Execution of a Temporary Access Agreement With Texas Midstream Gas Services, L.L.C., in the Amount of \$96,444.00 for Temporary Workspace and Allow Ingress and Egress Access on a Portion of the Surface of Jefferson Davis Park.

Motion: Council Member Burns made a motion, seconded by Mayor Pro tem Scarth, that Mayor and Council Communication No. L-15161 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**F. Award of Contract**

**1. M&C C-24768 - Authorize Execution of a Contract in the Amount of \$593,747.75 with Jet Underground Utilities, Inc., for Concrete Restoration 2011-10 at Three Locations and Adopt Appropriation Ordinance (Continued from a Previous Meeting).**

It was the consensus of the Council that Mayor and Council Communication No. C-24768 be withdrawn from consideration.

**2. M&C C-24768 - (Revised) Authorize Execution of a Contract in the Amount of \$593,747.75 with Jet Underground Utilities, Inc., for Concrete Restoration 2011-10 at Three Locations and Adopt Appropriation Ordinance.**

The recommendation was that the City Council Authorize the City Manager to Execute a Contract With Jet Underground Utilities, Inc., in the Amount of \$593,747.75 for 150 Calendar Days for Concrete Restoration 2011-10 at Three (3) Locations: Bellaire Drive South, From Bellaire Ranch Road to Middlewood Drive; Chapel Creek Boulevard, From Interstate Highway 30 to Camp Bowie West Boulevard and McCart Avenue From West Cleburne Road to Sycamore School Road; and Authorize the Transfer From the Contract Street Maintenance Fund to the General Fund; and Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the General Fund From Available Funds to Fund the Contract.

Motion: Council Member Zimmerman made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-24768 (Revised) be approved and Appropriation Ordinance No. 19608-03-2011 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**3. M&C C-24797 - Authorize Execution of a Public Right-of-Way Use Agreement Granting Barnett Gathering, LP, a License to Construct and Operate a Natural Gas Gathering Pipeline Across Beach Street, North of Ludelle Street and Across Conner Avenue, North of Ludelle Street for a One-Time License Fee of \$9,911.00.**

The recommendation was that the City Council Authorize the City Manager to Execute a Public Right-of-Way Use Agreement With Barnett Gathering, LP, Granting a License to Construct and Operate a Natural Gas Gathering Pipeline Across Beach Street, North of Ludelle Street and Across Conner Avenue, North of Ludelle Street, for a One (1) Time License Fee of \$9,911.00.

Motion: Council Member Hicks made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. C-24797 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**4. M&C C-24798 - Rescind M&C C-24578 and Authorize Execution of Public Right-of-Way Use Agreement with Texas Midstream Gas Services, LLC, a License to Construct and Operate a Natural Gas Gathering Pipeline Across Cleburne Road, Along Risinger Road and Across Cunningham Road for a One-Time License Fee of \$273,674.50.**

The recommendation was that the City Council Rescind M&C C-24578 and Authorize the City Manager to Execute a Public Right-Of-Way Use Agreement With Texas Midstream Gas Services, LLC, Granting a License to Construct and Operate an Underground Natural Gas Gathering Pipeline Across Cleburne Road, Along Risinger Road and Across Cunningham Road, for a One (1) Time License Fee of \$273,674.50.

Motion: Council Member Jordan made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. C-24798 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**5. M&C C-24799 - Authorize Execution of a Public Right-of-Way Use Agreement Granting Texas Midstream Gas Services, LLC, a License to Construct and Operate a Natural Gas Gathering Pipeline Across West Dickson Street, Across Alleys at Stanley Avenue, Butler Street, Dickson Street, Waggoman Street, Barr Street and Drew Street, Across Barr Street, Across West Seminary Drive, Across the Alley Between Seminary Drive and Broadus Street, Across West Broadus Street, and Across West Gambrell Street, West Boyce Avenue and West Fuller Avenue for a One-Time License Fee of \$189,992.00.**

**(C-24799 Continued)**

The recommendation was that the City Council Authorize the City Manager to Execute a Public Right-Of-Way Use Agreement With Texas Midstream Gas Services, LLC, Granting a License to Construct and Operate a Natural Gas Gathering Pipeline Across West Dickson Street, From Merida Avenue East to Stanley Avenue, Across the Alleys West of Burlington Northern Santa Fe (BNSF) Railroad at Stanley Avenue; Butler Street, Dickson Street, and Waggoman Street; Across the Alleys East of BNSF Railroad at Barr Street and Drew Street; Across Barr Street, South of Drew Street' Across West Seminary Drive, West of James Avenue; Across the Alley Between Seminary Drive and Broadus Street; Across West Broadus Street and West of James Avenue, Across West Gambrell Street, West Boyce Avenue and West Fuller Avenue, for a One (1) Time License Fee of \$189,992.00.

Council Member Burns pointed out that Texas Midstream Gas Services, LLC, would be meeting with some of the homeowners in the affected area to address noise mitigation and other issues.

Motion: Council Member Burns made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. C-24799 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**6.M&C C-24800 - Authorize Execution of a Public Right-of-Way Use Agreement Granting Texas Midstream Gas Services, LLC, a License to Construct and Operate a Natural Gas Gathering Pipeline Across 29th Street, East of Commerce Street and Across 23rd Street, East of Niles City Boulevard for a One-Time License Fee of \$5,516.50.**

The recommendation was that the City Council Authorize the City Manager to Execute a Public Right-Of-Way Use Agreement With Texas Midstream Gas Services, LLC, Granting a License to Construct and Operate a Natural Gas Gathering Pipeline Across 29th Street, East of Commerce Street, and Across 23rd Street, East of Niles City Boulevard, for a One (1) Time License Fee of \$5,516.50.

Motion: Council Member Espino made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-24800 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**7. M&C C-24801 - Authorize Execution of an Interlocal Agreement with Tarrant County and Acceptance of Award in the Amount of \$4,500,000.00 through Participation in the Construction Project to Realign Harley Avenue from University Drive to Montgomery Street, Adopt Supplemental Ordinance Increasing Appropriations in the Storm Water Utility Fund in the Amount of \$1,500,000.00 and Decreasing the Unaudited, Unreserved, Undesignated Fund Balance by the Same Amount and Adopt Appropriation Ordinance for the Storm Water Capital Projects Fund and Grant Capital Projects Fund.**

**(C-24801 Continued)**

The recommendation was that the City Council Authorize the City Manager to Execute an Interlocal Agreement With Tarrant County, Texas, in the Amount of \$4,500,000.00 for the Participation in the Construction Project to Realign Harley Avenue From University Drive to Montgomery Street; Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Grant Capital Projects Fund in the Amount of \$4,500,000.00 Subject to Receipt of a Grant From Tarrant County; Adopt a Supplemental Appropriation Ordinance Increasing the Appropriations in the Stormwater Utility Fund in the Amount of \$1,500,000.00 and Decreasing the Unaudited, Unreserved, Undesignated Fund Balance by the Same Amount for the Purpose of Transferring Said Funds to the Stormwater Capital Projects Fund; Authorize the Transfer From the Stormwater Utility Fund to Stormwater Capital Projects Fund; and Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Storm Water Capital Projects Fund From Available Funds for the Construction Project.

Motion: Council Member Burdette made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-24801 be approved and Appropriation Ordinance No. 19609-03-2011, Supplemental Appropriation Ordinance No. 19610-03-2011 and Appropriation Ordinance No. 19611-03-2011 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**8. M&C C-24802 - Authorize Execution of a Contract with Cutler Repaving, Inc. in the Amount of \$1,942,439.30 for Hot Mix Asphaltic Concrete Hot In-Place Recycling at Various Locations.**

The recommendation was that the City Council Authorize the City Manager to Execute a Contract with Cutler Repaving, Inc., in the Amount of \$1,942,439.30 for 180 Calendar Days for Hot Mix Asphaltic Concrete Hot In-Place Recycling at Various Locations.

Motion: Council Member Espino made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. C-24802 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**9. M&C C-24803 - Authorize Execution of a Contract with the Lowest Responsive and Responsible Bidder, Tri-Tech Construction, Inc., in an Amount Up to \$2,000,000.00 for the Miscellaneous Storm Drain Improvements Contract-2011 and Adopt Appropriation Ordinance.**

The recommendation was that the City Council Authorize the City Manager to Execute a Contract With the Lowest Responsive and Responsible Bidder, Tri-Tech Construction, Inc., in an Amount Up to \$2,000,000.00 for Miscellaneous Storm Drain Improvements Contract-2011; Authorize the Transfer of \$1,500,000.00 From the Storm Water Utility Operating Fund to Storm Water Capital Projects Fund; and Adopt a Supplemental Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Storm Water Capital Projects Fund From Available Funds for the Improvements.

**(C-24803 Continued)**

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. C-24803 be approved and Supplemental Appropriation Ordinance No. 19612-03-2011 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**10. M&C C-24804 - Authorize Application for, Acceptance and Execution of a Fiscal Year 2009 American Recovery and Reinvestment Act Grant Fund Round 2 with the North Central Texas Council of Governments in the Amount of \$259,910.00 for the Purpose of Converting Ten Vehicles to Propane Operation, Upgrade Three Existing Alternative Fueling Sites and Adopt Appropriation Ordinance.**

The recommendation was that the City Council Authorize the City Manager to Apply for, Accept and Execute, if Awarded, a Grant From the North Central Texas Council of Governments for the Conversion of Ten (10) Vehicles to Propane (LPG) Operation and the Upgrade of Three (3) Existing Alternative Fuel Fueling Sites in the Amount of \$259,910.00; Authorize the Transfer of \$275,470.00 From the General Fund to the Grant Capital Projects Fund for the Required Match for the Grant; Authorize the Transfer of \$55,592.00 From the Capital Projects Service Fund to the Grant Capital Projects Fund for the Required Match for the Grant; Authorize the Transfer of \$25,400.00 From the Equipment Services Operating Fund to the Grant Capital Projects Fund for the Required Match for the Grant; and Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Grant Capital Projects Fund in the Amount of \$616,372.00 From Available Funds for the Grant.

Motion: Council Member Hicks made a motion, seconded by Mayor Pro tem Scarth, that Mayor and Council Communication No. C-24804 be approved and Appropriation Ordinance No. 19613-03-2011 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**11. M&C C-24805 – Authorize Interlocal Agreement with Tarrant County Local Workforce Development Board in the Initial Amount of \$35,000.00 for Operation of Meadowbrook Branch Library with Additional Emphasis on Providing Workforce Services and Resources, Authorize an Interfund Loan and Adopt Appropriation Ordinance.**

The Recommendation was that the City Council Authorize the City Manager to Execute an Interlocal Agreement With the Tarrant County Local Workforce Development Board in an Initial Amount of \$35,000.00 for Operation of Meadowbrook Branch Library With Additional Emphasis on Providing Workforce Services and Materials; Authorize a Non-Interest Bearing Inter-Fund Loan in the Amount of \$35,000.00 From the General Fund to the Grants Fund for Interim Financing to Ensure Continued Operation of the Facility; and Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Grants Fund in the Amount of \$85,000.00, Subject to Receipt of Funds for the Purpose of Jointly Operating a Facility That Provides Library, Job-Seeker and Workforce Services to Tarrant County Residents Through September 30, 2012.

**(C-24805 Continued)**

Council Member Moss expressed appreciation to Dr. Gleniece Robinson, Director, Library Department, the Library Department staff and Workforce Solutions for their assistance and support and development of this partnership. He pointed out that this partnership opened a new way of providing services to the community and added the project combined library usage with the need for employment services.

Mayor Moncrief stated this was another example of the public partnerships that worked so well in the City.

Motion: Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-24804 be approved and Appropriation Ordinance No. 19614-03-2011 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**XV. Zoning Hearing**

**1. Zoning Docket No. ZC-10-094 – Commercial Metals Company, 2400 NE 36th Street: from: “K” Heavy Industrial to: “PD/K” Planned Development for all uses in “K” Heavy Industrial plus metal recycling facility; site plan included. (Recommended for Approval) (Continued from a Previous Meeting)**

Motion: Council Member Espino made a motion, seconded by Mayor Pro tem Scarth, that Zoning Docket No. ZC-10-094 be continued until the April 19, 2011, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

**2. Zoning Docket No. ZC-11-019 - The Gas Pipe/Amy Lynn Inc., 6025 Camp Bowie Boulevard & 3309 Winthrop Avenue; from: "MU-1" Low Intensity Mixed Use to: "MU-1/HSE" Low Intensity Mixed Use/Highly Significant Endangered (Recommended for Approval) (Continued from a Previous Meeting)**

It appeared that the City Council at its meeting of March 8, 2011, Continued Zoning Docket No. ZC-11-019 The Gas Pipe/Amy Lynn Inc., 6025 Camp Bowie Boulevard & 3309 Winthrop Avenue; From "MU-1" Low Intensity Mixed Use to "MU-1/HSE" Low Intensity Mixed Use/Highly Significant Endangered. (Recommended for Approval)

Council Member Zimmerman advised that this item designated the Ridglea Theatre and the attached building as a historic site. He stated that during meetings, the owner’s vision was for a family-oriented business, however the owner had since installed a business next door to the theatre that was not family oriented and he was very upset by this situation. He advised that with great reluctance he would move for approval of this item.

**(ZC-11-019 Continued)**

Mayor Moncrief reiterated Council Member Zimmerman's comments and encouraged the public to visit [www.thegaspipeline.net](http://www.thegaspipeline.net) for more information about the business at this location.

Motion: Council Member Zimmerman made a motion, seconded by Council Member Burns that the public hearing be closed and Zoning Docket No. ZC-11-019 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

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

**ORDINANCE NO. 19615-03-2011**

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

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

(Council Member Espino left the meeting and did not return.)

**XVI. CITIZEN PRESENTATIONS**

**1. Mr. Joe Don Brandon, P.O. Box 1155 - "Salvation Army and Humane Society of North Texas - Safety & Health Issues"**

Mr. Joe Don Brandon, P.O. Box 1155, appeared before Council and stated that members of the Council were snickering and smiling when he suggested doing a discovery on the cable television show. He displayed a photograph of cables running across a City street without safety precaution signs. He also displayed a photograph of a property behind the Salvation Army that was flooded and littered with debris and advised that none of the homeless people living in this area were counted in the homeless count. He stated that this area was located next to the Salvation Army playground and was unsafe for children.

**Other Citizen Presentations:**

Dr. Tonia Hammonds, 5060 Avenue G, appeared before Council relative to the Cavile Outreach Opportunity Library (COOL), situated in the Cavile Place Housing Community at 5060 Avenue G. She provided a written copy of her comments and submitted a petition from the Stop Six residents in opposition to reducing the operating hours at COOL. She stated that, effective April 1, 2011, hours of operation at COOL would be reduced from 40 hours to 20 hours per week. She stated that many residents benefitted from this particular library. She pointed out that she had been able to regularly obtain current information on employment opportunities, prepare college assignments, and do creative writing in the Library. She stated that countless adults and children used COOL to study, complete homework, research and write papers, checkout books, movies, magazines, etc. She advised that the adults used COOL for job searches, enrolling in college courses, completing college homework, as well as checkout books, movies, magazines, etc. She stated that the community needed eight (8) hours a day, not four (4) hours per day. She stated that there were only two (2) facilities that were available in their community besides the churches that allowed the community to branch out for greater opportunities to enhance themselves. She also advised that the community held a rally for the COOL on March 19, 2011, to get the community involved.

Ms. Susan Alanis, Assistant City Manager, clarified that the reduced hours of operation would include operating hours during the peak usage times.

Council Member Moss advised that he was concerned about why the Council was not notified of the reduction of hours before today.

Council Member Hicks expressed appreciation to Dr. Hammonds for voicing her concerns and stated that she learned of the change in operating hours from the City's website. She stated that half of the 20 hours were during the morning non-peak times. She requested an Informal Report be provided to the Council detailing all library hours of operation and the reduction of hours that were made due to budget constraints to ensure equality throughout the City.

Mr. Vernon V. Edwards, 2309 South Hughes Avenue, appeared before Council relative to the Citizens Public Forum held at the Holy Tabernacle Church of God in Christ on March 10, 2011. He commended Police Chief Jeffrey Halstead and the Police Department staff for conducting themselves in a professional manner while listening to the concerns of the different individuals in attendance. He pointed out that there were many pertinent issues brought up in this meeting; however, the shooting on February 28, 2011, that resulted in the loss of life dominated the discussion. He stated that the attitude from some citizens was somewhat hostile and they believed the police had not treated them in a respectful or professional manner. He further stated that their frustration was real which made it difficult for them to express themselves in a positive manner. He stated that as a Block Captain, a community volunteer and a former President of the Eastside Crime Watch Association (formerly the Meadowbrook Crime Watch Association,) he was well aware that some of the Eastside citizens had

**(Other Citizen Presentations Continued)**

experienced unfair treatment from some of the police officers. He advised that this important issue that needed to be addressed as soon as possible. He stated that throughout the years he had worked with Mayors, City Managers, City Council members, Police Chiefs, Human Relations personnel and more to achieve positive results. He pointed out that he did not condone crime in any form or fashion by anyone but added that he did not condone disrespect from citizens towards police officers nor disrespect from police officers towards citizens. He requested that the City Council, the Police Chief and the Police Department staff work together to create an initiative for zero (0) tolerance on double standards in the City.

Mayor Moncrief expressed appreciation to Mr. Edwards for voicing his concerns and advised that the Council Members and the Police Department were taking these issues very seriously.

The following individuals appeared before Council and spoke regarding the Westridge pad site. They stated that Chesapeake was providing inaccurate and deceptive information to area residents regarding the gas well and waivers. They stated that the number of waivers required had been reduced from 119 to seven (7). They pointed out that after verifying the waivers with Tarrant County, some of the waivers were not legitimate and added the City was not performing their due diligence. They further stated that the pad site in question was surrounded by residences and the proposed gas wells would negatively impact their property values and the Ridglea Country Club. They stated that the gas well drilling ordinance was put in place to protect the City and the citizens and that the gas companies continued to take advantage of the weak ordinance. They also stated that some individuals were paid large sums of money to sign waivers and it was not fair for a property owner to determine an outcome for an entire area. They pointed out that a private citizen could not compete with gas companies that offered large sums of money, approximately \$287,000.00, to sign a waiver. They requested the Council declare a moratorium on gas well drilling and amend the ordinance before the application for the Westridge site was approved. They further requested that the protected use distance be changed from 600 feet to 1,000 feet and added that if the distance was left at 600 feet then the Council should remove any means of a waiver process.

Ms. Bobby McCurdy, 3817 Birkdale Drive  
Mr. Dan Tartaglia, 4412 Westridge Avenue

Council Member Hicks requested clarification of why the number of required waivers had decreased, how many wells would be drilled and how many waivers were currently required.

Mr. Rick Trice, Assistant Director, Planning and Development Department, clarified that Chesapeake had moved the site several times which decreased the number of required waivers. He stated that he was unsure on the number of wells to be drilled but expected Chesapeake to fully harvest all of the minerals in the area. He stated that currently four (4) waivers were required from the protected uses, all of which had been obtained and verified.

**(Other Citizen Presentations Continued)**

Council Member Zimmerman advised that all of the facts that the residents had spoken about were correct. He stated that the pad site had been moved three (3) times and was now situated as close to Westridge Avenue and as far from Bryant Irvin Road as possible. He stated that this pad site would totally destroy the green space and quality of life for the entire area and pointed out that it was disenfranchising the citizens and one (1) protected use should not be entitled to make the decision for the entire area. He strongly urged the Council to review the gas drilling ordinance and stated it was no longer only about air quality, it was about quality of life.

Mayor Moncrief advised that he understood the frustration associated with the pad site and stated this site had been problematic from the beginning. He stated that the gas well drilling ordinance was derived from much research and discussion. He pointed out that many cities around the nation were using the City's gas well drilling ordinance as a template. He cautioned revising the gas well drilling ordinance and stated changes could be made that would prove detrimental. He stated that the harvesting the Barnett Shale had helped the City weather the economic storm and most cities across the nation were not as fortunate. He reiterated that the issues were no longer only about air quality but also about quality of life. He also expressed appreciation to everyone for attending the meeting and voicing their opinions and concerns.

**XVIII. ADJOURNMENT**

There being no further business the meeting was adjourned at 1:03 p.m. in memory of Cody Allen Burns, Council Member Burns' younger brother, who passed away on March 12, 2011, due to injuries sustained in an automobile accident.



**TO:** The Honorable Mayor and City Council Members  
**FROM:** Kathleen Hicks, District 8 Council Member  
**DATE:** April 5, 2011  
**SUBJECT:** Board and Commission Application – Place 8 Appointment

Attached is an application for appointment to Place 8 on the Fort Worth Commission for Women for consideration during the Council meeting of April 5, 2011, with term to expire as reflected below. The application was sent to each Council Member electronically and the original version is on file in the City Secretary's Office.

- Sandra Dee Toombs – Fort Worth Commission for Women (Appointment -term expiring October 1, 2012)

**KATHLEEN HICKS  
CITY COUNCIL – DISTRICT 8**

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**THE CITY OF FORT WORTH ★ 1000 THROCKMORTON STREET ★ FORT WORTH, TEXAS 76102  
817-392-8808 ★ FAX 817-392-6187**

**To the Mayor and Members of the City Council****April 5, 2011**

Page 1 of 1

**SUBJECT: PROPOSED COUNCIL-INITIATED ZONING CHANGES FOR THE US 287/VAUGHN AREA NEIGHBORHOOD**

The April 12 City Council agenda will contain an M&C to initiate the zoning process for the US 287/Vaughn area neighborhood. The purpose of the proposed zoning changes is to rezone residential and non-residential property to zoning classifications that reflect the prevailing land use and appropriate land use policies. For your reference, the attached PowerPoint presentation shows the future land use from the 2011 Comprehensive Plan, the current zoning, and the proposed zoning. Council Member Moss would like to initiate rezoning of these areas in response to neighborhood concerns.

An informational meeting for the US 287/Vaughn area neighborhood was originally scheduled for February 3, 2011 and was cancelled due to inclement weather. The informational meeting was rescheduled and held on March 24, 2011, which was attended by area property owners and staff. At this meeting, the property owners expressed support for the proposed zoning changes. No one in opposition has been noted to date.

Public hearings for the rezoning of these properties would be held by the Zoning Commission on May 11, 2011, and by the City Council on June 7, 2011.

If you have any questions, please contact Dana Burghdoff, Deputy Planning and Development Director, at 817-392-8018.

**Tom Higgins**  
**Interim City Manager**

attachment: PowerPoint presentation

# Proposed Council-initiated Zoning Changes for the US 287/Vaughn Area Neighborhood



Prepared for the  
City Council

By the  
Planning and Development Department

April 5, 2011

1

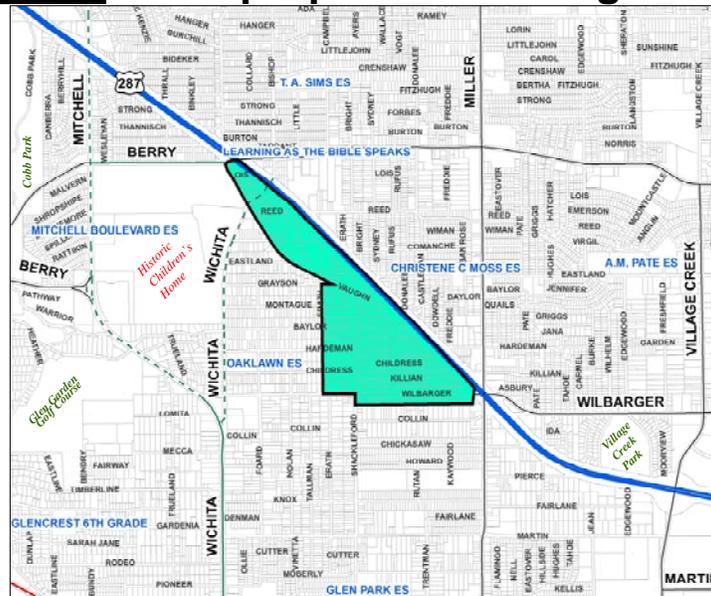
## Purpose

Provide a **briefing** on the proposed Council-initiated rezoning of 120 acres of property from various residential and commercial districts to be in conformance with the Comprehensive Plan.



2

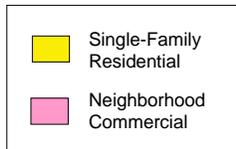
## Where is the proposed rezoning area?



3

Note: The proposed rezoning area consists of a total of 471 properties.

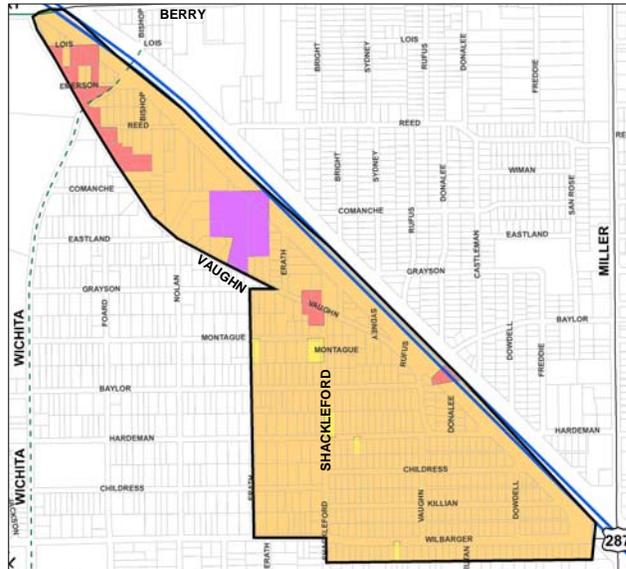
## What future land use is designated in the 2011 Comprehensive Plan?



4

## What is the current zoning?

- A-5: One-Family
- B: Two-Family
- E: Neighborhood Commercial
- I: Light Industrial



5

## What is the proposed zoning?

- A-7.5: One Family
- A-5: One Family
- ER: Neighborhood Commercial Restricted
- E: Neighborhood Commercial



6

## What is the proposed schedule?

<u>Date</u>	<u>Action</u>
Feb. 3, 2011	Public information <b>meeting cancelled</b> , due to <b>inclement weather</b> .
Mar. 24	Residents attend <b>public information meeting</b> and express support for zoning changes.
Apr. 5	<b>City Council</b> receives <b>Informal Report</b> on proposed zoning changes.
Apr. 12	<b>City Council</b> approves <b>M&amp;C</b> authorizing initiation of zoning changes.
May 11	<b>Zoning Commission</b> conducts <b>public hearing</b> and makes recommendations on proposed zoning changes.
June 7	<b>City Council</b> conducts <b>public hearing</b> and approves zoning changes.

7

**No Documents for this Section**

**No Documents for this Section**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING ORDINANCE NO. 19554-02-2011, ORDERING A GENERAL ELECTION BY THE QUALIFIED VOTERS OF THE CITY OF FORT WORTH, TEXAS, ON SATURDAY, THE 14<sup>TH</sup> DAY OF MAY, 2011, FOR THE PURPOSE OF ELECTING THE MAYOR AND COUNCIL MEMBERS FOR THE CITY OF FORT WORTH TO AMEND ELECTION DAY POLLING LOCATIONS IN TARRANT AND DENTON COUNTIES AND TO AMEND EARLY VOTING LOCATIONS IN TARRANT AND DENTON COUNTIES.**

**WHEREAS**, the City Council adopted Ordinance No. 19554-02-2011 on February 15, 2011, ordering a general election to be held on May 14, 2011, for the Purpose of Electing the Mayor and Council Members for the City of Fort Worth; and

**WHEREAS**, the City desires to change election day polling locations in Tarrant and Denton Counties; and

**WHEREAS**, the City desires to delete early voting locations and add new early voting and temporary early voting locations in Tarrant County and correct the names of polling locations in Denton County.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:**

**SECTION 1.  
EARLY VOTING LOCATIONS.**

Exhibits A-1 and A-2 to Ordinance No. 19554-02-2011 are hereby repealed in their entirety and replaced with Amended Exhibit A-1 and Amended Exhibit A-2, attached hereto and made a part hereof .

**SECTION 2.  
ELECTION DAY POLLING LOCATIONS.**

Exhibits B-1 and B-2 to Ordinance No. 19554-02-2011 are hereby repealed in their entirety and replaced with Amended Exhibit B-1 and Amended Exhibit B-2, attached hereto and made a part hereof.

**SECTION 3.  
OPEN MEETING COMPLIANCE.**

That it is hereby officially found and determined that the meeting at which this ordinance was adopted was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551 of the Texas Government Code.

**SECTION 4.  
EFFECTIVE DATE.**

That this ordinance, amended election order, proclamation, call and notice shall take effect upon adoption.

\_\_\_\_\_  
Mike Moncrief  
Mayor of the City of Fort Worth

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
City Attorney

ADOPTED and EFFECTIVE:

AMENDED EXHIBIT "A-1"  
CITY OF FORT WORTH MAY 14, 2011 ELECTION  
TARRANT COUNTY EARLY VOTING LOCATIONS  
[AMENDED APRIL 5, 2011]

**Early Voting by Tarrant County Residents.** Early voting by personal appearance of Fort Worth residents that live in Tarrant County shall be conducted on the following dates and times and at the following locations:

**Dates and Hours of Early Voting**

May 2—6	Monday- Friday	8:00 a.m. - 5:00 p.m.
May 7	Saturday	7:00 a.m. - 7:00 p.m.
May 8	Sunday	11:00 a.m. - 4:00 p.m.
May 9—10	Monday-Tuesday	7:00 a.m. - 7:00 p.m.

**MAIN EARLY VOTING POLLING PLACE**

**Tarrant County Elections Center\***

2700 Premier Street  
Fort Worth, Texas 76111

*\*Emergency ballots available at this location only.*

**Branch Early Voting Polling Places**

*City of Fort Worth Locations:*

**Diamond Hill/Jarvis Library**

1300 Northeast 35<sup>th</sup> Street  
Fort Worth, Texas 76106

**Riverside Community Center**

3700 East Belknap Street  
Fort Worth, Texas 76111

**Fort Worth Municipal Building**

1000 Throckmorton Street  
Fort Worth, Texas 76102

**Southside Community Center**

959 East Rosedale Street  
Fort Worth, Texas 76104

**Griffin Sub-Courthouse**

3212 Miller Avenue  
Fort Worth, Texas 76119

**Southwest Regional Library**

4001 Library Lane  
Fort Worth, Texas 76109

**Handley-Meadowbrook Community Center**

6201 Beaty Street  
Fort Worth, Texas 76112

**Southwest Sub-Courthouse**

6551 Granbury Road  
Fort Worth, Texas 76133

**JPS Health Center Viola M. Pitts/Como**

*Lower Level, Auditorium 1*  
4701 Bryant Irvin Road N.  
Fort Worth, Texas 76107

**Summerglen Branch Library**

4205 Basswood Drive  
Fort Worth, Texas 76137

**Northwest Branch Library**

6228 Crystal Lake Drive  
Fort Worth, Texas 76179

**Tarrant County Plaza Building**

201 Burnett Street  
Fort Worth, Texas 76102

**Worth Heights Community Center**

3551 New York Avenue  
Fort Worth, Texas 76110

AMENDED EXHIBIT "A-1"  
CITY OF FORT WORTH MAY 14, 2011 ELECTION  
TARRANT COUNTY EARLY VOTING LOCATIONS  
[AMENDED APRIL 5, 2011]

*Other Tarrant County Locations:*

**Bob Duncan Center**

2800 South Center Street  
Arlington, Texas 76014

**Elzie Odom Recreation Center**

1601 N.E. Green Oaks Boulevard  
Arlington, Texas 76006

**Fire Training Center**

5501 Ron McAndrew Drive  
Arlington, Texas 76013

**South Service Center**

1100 S.W. Green Oaks Blvd.  
Arlington, Texas 76017

**Tarrant County Sub-Courthouse in Arlington**

700 E. Abram Street  
Arlington, Texas 76010

**Bedford Public Library**

1801 L. Don Dodson Drive  
Bedford, Texas 76021

**Pat May Center**

1849 B. Central Drive  
Bedford, Texas 76022

**Benbrook Community Center**

228 San Angelo Street  
Benbrook, Texas 76126

**Colleyville City Hall**

100 Main Street  
Colleyville, Texas 76034

**Crowley Community Center**

900 East Glendale Street  
Crowley, Texas 76036

**Eules Public Library**

201 North Ector Drive  
Eules, Texas 76039

**Mahaney Community Center**

6800 Forest Hill Drive  
Forest Hill, Texas 76140

**Starrett Elementary School**

2675 Fairmont Drive  
Grand Prairie, Texas 75052

**Grapevine-Colleyville Independent School  
District Administration Building**

3051 Ira E. Woods Avenue  
Grapevine, Texas 76051

**Grapevine Community Activities Center**

1175 Municipal Way  
Grapevine, Texas 76051

**Haltom City Civic Center**

3201 Friendly Lane  
Haltom City, Texas 76117

**Hurst Recreation Center**

700 Mary Drive  
Hurst, Texas 76053

**Keller Town Hall**

1100 Bear Creek Parkway  
Keller, Texas 76248

**Sheriff's Office North Patrol Division**

6651 Lake Worth Boulevard  
Lake Worth, Texas 76135

**Mansfield Sub-Courthouse**

1100 East Broad Street  
Mansfield, Texas 76063

**North Richland Hills Recreation Center**

6720 Northeast Loop 820  
North Richland Hills, Texas 76180

**Richland Hills Community Center**

3204 Diana Drive  
Richland Hills, Texas 76118

**AMENDED EXHIBIT "A-1"**  
**CITY OF FORT WORTH MAY 14, 2011 ELECTION**  
**TARRANT COUNTY EARLY VOTING LOCATIONS**  
**[AMENDED APRIL 5, 2011]**

**River Oaks City Hall**  
4900 River Oaks Boulevard  
River Oaks, Texas 76114

**Southlake Town Hall**  
1400 Main Street  
Southlake, Texas 76092

**Saginaw-Log Cabin Senior Center**  
405 Belmont  
Saginaw, Texas 76179

**Watauga City Hall**  
7105 Whitley Road  
Watauga, Texas 76148

**White Settlement Public Library**  
8215 White Settlement Road  
White Settlement, Texas 76108

AMENDED EXHIBIT "A-1"  
CITY OF FORT WORTH MAY 14, 2011 ELECTION  
TARRANT COUNTY EARLY VOTING LOCATIONS  
[AMENDED APRIL 5, 2011]

Temporary Branch Early Voting Locations  
Dates and Times

**May 3—5      Tuesday—Thursday      8:00 a.m.—5:00 p.m.**

**Blue Mound City Hall**  
301 Blue Mound Road  
Blue Mound, Texas 76131

**Dalworthington Garden City Hall**  
2600 Roosevelt Drive  
Dalworthington Gardens, Texas 76016

**Pantego Town Hall**  
1614 South Bowen Road  
Pantego, Texas 76013

**Sendera Ranch Elementary School**  
1216 Diamond Back Lane  
Haslet, Texas 76052

**TCU—Texas Christian University**  
*Brown-Lupton University Union*  
2901 Stadium Drive  
Fort Worth, Texas 76129

**UTA—University of Texas at Arlington**  
*EH Hereford University Center*  
300 West 1<sup>st</sup> Street  
Arlington, Texas 76019

**Villages of Woodland Springs**  
*Amenity Building*  
12209 Timberland Boulevard  
Fort Worth, Texas 76248

**May 9—10      Monday—Tuesday      7:00 a.m.—7:00 p.m.**

**East Regional Library**  
6301 Bridge Street  
Fort Worth, Texas 76112

**Haslet Community Center**  
105 Main Street  
Haslet, Texas 76052

**Pelican Bay City Hall**  
1300 Pelican Circle  
Azle, Texas 76020

**May 2      Monday      11:00 a.m. – 7:00 p.m.**

**Timberline Elementary School**  
3220 Timberline Drive  
Grapevine, Texas 76051

**Harwood Junior High School**  
3000 Martin Drive  
Bedford, Texas 76021

**May 3      Tuesday      11:00 a.m. – 7:00 p.m.**

**Silver Lake Elementary School**  
1301 N. Dooley Street  
Grapeviev, Texas 76051

**Bedford Heights Elementary School**  
1000 Cummings Road  
Bedford, Texas 76021

AMENDED EXHIBIT "A-1"  
CITY OF FORT WORTH MAY 14, 2011 ELECTION  
TARRANT COUNTY EARLY VOTING LOCATIONS  
[AMENDED APRIL 5, 2011]

**May 4            Wednesday    11:00 a.m. – 7:00 p.m.**

**Bear Creek Elementary**  
401 Bear Creek Drive  
Euless, Texas 76039

**South Euless Elementary**  
605 South Main Street  
Euless, Texas 76040

**May 5            Thursday        11:00 a.m. – 7:00 p.m.**

**Glenhope Elementary School**  
6600 Glenhope Circle  
Colleyville, Texas 76034

**L.D. Bell High School**  
1601 Brown Trail  
Hurst, Texas 76054

**May 6            Friday            11:00 a.m. – 7:00 p.m.**

**Bransford Elementary School**  
601 Glade Road  
Colleyville, Texas 76034

**Lakewood Elementary School**  
1600 Donley Drive  
Euless, Texas 76039

**May 7            Saturday        11:00 a.m. – 7:00 p.m.**

**Grapevine High School**  
3223 Mustang Drive  
Grapevine, Texas 76051

**Pennington Field**  
1501 Central Drive  
Bedford, Texas 76022

**May 9            Monday          11:00 a.m. – 7:00 p.m.**

**Heritage Elementary School**  
4500 Heritage Avenue  
Grapevine, Texas 76051

**Trinity High School**  
500 North Industrial Boulevard  
Euless, Texas 76039

**May 10          Tuesday        11:00 a.m. – 7:00 p.m.**

**GCISD Professional Development  
Education Center**  
5800 Colleyville Boulevard  
Colleyville, Texas 76034

**River Trails Elementary**  
8850 Elbe Trail  
Fort Worth, Texas 76118

**Amended Exhibit "A-2"**  
**City of Fort Worth May 14, 2011 Election**  
**Denton County Early Voting Locations**  
**[April 5, 2011]**

**Early Voting by Denton County Residents.** Early voting by personal appearance of Fort Worth residents that live in Denton County shall be conducted on the following dates and times and at the following locations:

**Dates and Hours of Early Voting**

May 2—7	Monday—Saturday	8:00 a.m.—5:00 p.m.
May 9—10	Monday—Tuesday	7:00 a.m.—7:00 p.m.

**Aubrey ISD Administration Building**  
415 Tisdell Lane  
Aubrey, Texas 76227

**Krum ISD Administration Building**  
809 E. McCart  
Krum, Texas 76249

**Joseph A. Carrol Building**  
401 W. Hickory  
Denton, Texas 76201

**Lake Dallas City Hall**  
212 Main Street  
Lake Dallas, Texas 75065

**Steven E. Copeland Government Center**  
1400 FM 424  
Cross Roads, Texas 76227

**Lewisville Municipal Annex**  
1197 W. Main Street  
Lewisville, Texas 75067

**Heritage Lakes Club House**  
3949 Village Boulevard  
Frisco, Texas 75034

**Little Elm Town Hall Center**  
100 W. Eldorado Parkway  
Little Elm, Texas 75068

**Argyle Town Hall**  
308 Denton  
Argyle, Texas 76226

**Carrollton Public Library**  
4220 N. Josey  
Carrollton, Texas 75010

**Corinth City Hall**  
3300 Corinth Parkway  
Corinth, Texas 76208

**Pilot Point ISD Administration Building**  
829 S. Harrison Street  
Pilot Point, Texas 76258

**Denton County Administrative Complex**  
535 S. Loop 288  
Denton, Texas 76205

**First Baptist Church of Sanger**  
708 S. 5<sup>th</sup> Street  
Sanger, Texas 76266

**Double Oak Town Hall**  
320 Waketon Road  
Double Oak, Texas 75077

**The Colony Government Center**  
6301 Main Street  
The Colony, Texas 75056

**Flower Mound Police and Municipal Court Building**  
4150 Kirkpatrick  
Flower Mound, Texas 75028

**Svore Municipal Building  
(Trophy Club MUD)**  
100 Municipal Drive  
Trophy Club 76262

**Highland Village Municipal Complex**  
1000 Highland Village Road  
Highland Village, Texas 75077

**First Baptist Church of Roanoke**  
209 N. Pine  
Roanoke, Texas 76262

**Justin Municipal Complex**  
415 N. College  
Justin, Texas 76247

**AMENDED EXHIBIT "B-1"**  
**CITY OF FORT WORTH MAY 14, 2011 ELECTION**  
**TARRANT COUNTY ELECTION DAY POLLING LOCATIONS**  
**[AMENDED APRIL 5, 2011]**

<b>CITY PRECINCTS SITE</b>	<b>DISTRICT</b>	<b>ELECTION DAY POLLING LOCATION</b>
<u>3043</u>	2	Sendera Ranch Elementary School 1216 Diamondback Lane Haslet, Texas 76052
<u>4048</u>	2	M.G. Ellis Early Childhood School 215 Northeast 14 <sup>th</sup> Street Fort Worth, Texas 76164
<u>4050</u>	2	Thompson Chapel United Methodist Church 2804 Prospect Avenue Fort Worth, Texas 76106
<u>4067</u>	2	Rufino E. Mendoza, Sr. Elementary School 1412 Denver Avenue Fort Worth, Texas 76164
<u>4068</u>	2	Rosen Heights Baptist Church Family Life Center 2519 Prairie Avenue Fort Worth, Texas 76164
<u>4087</u> , 4092	2	Northside Family Resource Center 2011 Prospect Avenue Fort Worth, Texas 76164
<u>4093</u>	2	Diamond Hill Community Center 1701 Northeast 36th Street Fort Worth, Texas 76106
<u>1109</u> , 1473, 1485 1487, 1595, 4124 4503	2 2	Oakhurst Elementary School 2700 Yucca Avenue Fort Worth, Texas 76111
<u>4110</u> , 4563	2	Northside Community Center 1100 Northwest 18th Street Fort Worth, Texas 76164
<u>4122</u> , 4397 4017, 4578	2 2	Azle Avenue Baptist Church 2901 Azle Avenue Fort Worth, Texas 76106
4051, <u>4123</u>	2	Decatur Avenue Baptist Church 3715 Decatur Avenue Fort Worth, Texas 76106

**AMENDED EXHIBIT "B-1"**  
**CITY OF FORT WORTH MAY 14, 2011 ELECTION**  
**TARRANT COUNTY ELECTION DAY POLLING LOCATIONS**  
**[AMENDED APRIL 5, 2011]**

<b>CITY PRECINCTS SITE</b>	<b>DISTRICT</b>	<b>ELECTION DAY POLLING LOCATION</b>
<u>4231</u> , 4434	2	Diamond Hill-Jarvis High School 1411 Maydell Street Fort Worth, Texas 76106
<u>3372</u> , 3417	2	Kay Granger Elementary School
3192, 3646	2	12771 Saratoga Springs Circle Fort Worth, Texas 76244
<u>3486</u> , 3648	2	Woodland Springs Elementary School 12120 Woodland Springs Drive Fort Worth, Texas 76244
<u>4499</u> , 4452	2	Northbrook Elementary School 2500 Cantrell Sansom Road Fort Worth, Texas 76131
3240, 3465, 3552	2	Fossil Ridge High School
3570, 3599, <u>3637</u>	2	4101 Thompson Road
3647	2	Keller, Texas 76248
<u>1117</u> , 1239, 4498	3	McLean 6th Grade School 3201 South Hills Avenue Fort Worth, Texas 76109
<u>4136</u> , 4630 4129	3	Luella Merrett Elementary School 7325 Kermit Avenue Fort Worth, Texas 76116
<u>4163</u>	3	Southcliff Baptist Church Annex 4833 Selkirk Drive Fort Worth, Texas 76109
1133, <u>1165</u>	3	South Hills Elementary School 3009 Bilglade Road Fort Worth, Texas 76133
<u>4179</u> , 4518	3	R. D. Evans Community Center 3242 Lackland Road Fort Worth, Texas 76116
<u>4182</u>	3	Tanglewood Elementary School 3060 Overton Park Drive West Fort Worth, Texas 76109

**AMENDED EXHIBIT "B-1"**  
**CITY OF FORT WORTH MAY 14, 2011 ELECTION**  
**TARRANT COUNTY ELECTION DAY POLLING LOCATIONS**  
**[AMENDED APRIL 5, 2011]**

<b>CITY PRECINCTS SITE</b>	<b>DISTRICT</b>	<b>ELECTION DAY POLLING LOCATION</b>
<u>4203</u> , 4135, 1337 4069, 1480	3	Western Hills United Methodist Church 2820 Laredo Drive Fort Worth, Texas 76116
<u>4230</u>	3	Bethel United Methodist Church 5000 Southwest Boulevard Fort Worth, Texas 76116
4070, <u>1241</u>	3	Wedgwood 6th Grade School 4212 Belden Avenue Fort Worth, Texas 76132
<u>1273</u> , 1592, 1594	3	El Buen Pastor Baptist Church 4800 Merida Avenue Fort Worth, Texas 76115
<u>4342</u>	3	Faith Lutheran Church 4551 Southwest Boulevard Fort Worth, Texas 76116
4130, <u>4343</u> , 1472	3	Arborlawn United Methodist Church 5001 Briarhaven Road Fort Worth, Texas 76109
4071, 1186, 1296 <u>1377</u> , 1423, 1111	3 3	Oakmont Elementary School 6651 Oakmont Trail Fort Worth, Texas 76132
4118, <u>4456</u>	3	Mary Louise Phillips Elementary School 3020 Bigham Boulevard Fort Worth, Texas 76116
<u>1082</u> , 1198	4	Riverside Community Center 3700 Belknap Street Fort Worth, Texas 76111
<u>4101</u>	4	Amon Carter-Riverside High School 3301 Yucca Avenue Fort Worth, Texas 76111
<u>1146</u> , 1185	4	Eastern Hills High School 5701 Shelton Drive Fort Worth, Texas 76112

**AMENDED EXHIBIT "B-1"**  
**CITY OF FORT WORTH MAY 14, 2011 ELECTION**  
**TARRANT COUNTY ELECTION DAY POLLING LOCATIONS**  
**[AMENDED APRIL 5, 2011]**

<b>CITY PRECINCTS SITE</b>	<b>DISTRICT</b>	<b>ELECTION DAY POLLING LOCATION</b>
<u>4162</u>	4	Riverside Applied Learning Center 3600 Fossil Drive Fort Worth, Texas 76111
<u>3197</u>	4	River Trails Elementary School 8850 Elbe Trail Fort Worth, Texas 76118
<u>1227</u> , 1437	4	Pantego Bible Church 8001 Anderson Boulevard Fort Worth, Texas 76120
1278, <u>1279</u>	4	Atwood McDonald Elementary School 1850 Barron Lane Fort Worth, Texas 76112
<u>4374</u> , 4528	4	Summerglen Branch Library 4205 Basswood Boulevard Fort Worth, Texas 76137
1151, 3199, 1277, 3430 <u>1460</u> , 1500, 4632, 4622	4 4	East Regional Library 6301 Bridge Street Fort Worth, Texas 76112
4250, 4261 <u>4508</u> , 4540	4	Parkview Elementary School 6900 Bayberry Drive Fort Worth, Texas 76137
3234, <u>3588</u>	4	Hillwood Middle School 8250 Parkwood Hill Boulevard Fort Worth, Texas 76137
<u>1012</u>	5	East Handley Elementary School 2617 Mims Street Fort Worth, Texas 76112
<u>1074</u> , 1598	5	D. McRae Elementary School 3316 Avenue N Fort Worth, Texas 76105
<u>1098</u>	5	S. S. Dillow Elementary School 4000 Avenue N Fort Worth, Texas 76105

**AMENDED EXHIBIT "B-1"**  
**CITY OF FORT WORTH MAY 14, 2011 ELECTION**  
**TARRANT COUNTY ELECTION DAY POLLING LOCATIONS**  
**[AMENDED APRIL 5, 2011]**

<b>CITY PRECINCTS SITE</b>	<b>DISTRICT</b>	<b>ELECTION DAY POLLING LOCATION</b>
<u>1099</u> , 1415	5	Handley-Meadowbrook Community Center 6201 Beaty Street Fort Worth, Texas 76112
<u>1126</u>	5	First Jefferson Unitarian Universalist Church 1959 Sandy Lane Fort Worth, Texas 76112
<u>1127</u>	5	Martin Luther King Community Center 5565 Truman Drive Fort Worth, Texas 76112
<u>1132</u> , 1477 1106	5	Griffin-Poly Sub-Courthouse 3212 Miller Avenue Fort Worth, Texas 76119
<u>1149</u> , 1184 1600, 1601 2029	5 5	W. M. Green Elementary School 4612 David Strickland Drive Fort Worth, Texas 76119
<u>1175</u> , 1420, 3409 3590, 1573	5 5	St. John Missionary Baptist Church 3324 House Anderson Road Eules, Texas 76040
<u>1188</u>	5	Paul Laurence Dunbar High School 5700 Ramey Avenue Fort Worth, Texas 76112
1152, <u>1211</u>	5	Sunrise-McMillian Elementary School 3409 Stalcup Road Fort Worth, Texas 76119
<u>1270</u> , 1419	5	Handley United Methodist Church 2929 Forest Avenue Fort Worth, Texas 76112
<u>1297</u>	5	A. M. Pate Elementary School 3800 Anglin Drive Fort Worth, Texas 76119
<u>1299</u>	5	Glen Park Elementary School 3601 Pecos Drive Fort Worth, Texas 76119

**AMENDED EXHIBIT "B-1"**  
**CITY OF FORT WORTH MAY 14, 2011 ELECTION**  
**TARRANT COUNTY ELECTION DAY POLLING LOCATIONS**  
**[AMENDED APRIL 5, 2011]**

<b>CITY PRECINCTS SITE</b>	<b>DISTRICT</b>	<b>ELECTION DAY POLLING LOCATION</b>
<u>1311</u> , 1514, 1428 1489, 1490, 1604	5 5	St. Matthew United Methodist Church 2414 Hitson Lane Fort Worth, Texas 76112
<u>1346</u>	5	Dunbar 6th Grade School 5100 Willie Street Fort Worth, Texas 76105
3329, 3336, 1388, <u>3455</u> , 3589, 1603, 3404	5 5	Fort Worth Fire Station 33 14650 Statler Boulevard Fort Worth, Texas 76155
<u>1004</u>	6	Westcreek Elementary School 3401 Walton Avenue Fort Worth, Texas 76133
<u>1014</u> , 1189	6	Greenbriar Elementary School 1605 Grady Lee Street Fort Worth, Texas 76134
<u>1022</u>	6	St. Matthew's Lutheran Church 5709 Wedgwood Drive Fort Worth, Texas 76133
<u>1105</u>	6	Southwest Community Center 6300 Welch Avenue Fort Worth, Texas 76133
<u>1119</u> , 1347 1348, 1349, 1641	6 6	Westminster Presbyterian Church 7001 Trail Lake Drive Fort Worth, Texas 76133
<u>1142</u>	6	Bruce Shulkey Elementary School 5533 Whitman Avenue Fort Worth, Texas 76133
<u>1150</u>	6	New Hope Fellowship 6410 South Freeway Fort Worth, Texas 76134
<u>1207</u>	6	Southwest Sub-Courthouse 6551 Granbury Road Fort Worth, Texas 76133

**AMENDED EXHIBIT "B-1"**  
**CITY OF FORT WORTH MAY 14, 2011 ELECTION**  
**TARRANT COUNTY ELECTION DAY POLLING LOCATIONS**  
**[AMENDED APRIL 5, 2011]**

<b>CITY PRECINCTS SITE</b>	<b>DISTRICT</b>	<b>ELECTION DAY POLLING LOCATION</b>
<u>1238</u> , 1446	6	Trinity Cumberland Presbyterian Church 7120 West Cleburne Road Fort Worth, Texas 76133
1294, <u>1251</u> , 1639	6	Meadowcreek Elementary School
1255, 1459, 1271	6	2801 Country Creek Lane Fort Worth, Texas 76123
1167, <u>1257</u>	6	Fort Worth Education Association 6021 Westcreek Drive Fort Worth, Texas 76133
<u>1264</u>	6	J. T. Stevens Elementary School 6161 Wrigley Way Fort Worth, Texas 76133
<u>1265</u>	6	Christ Lutheran Church 4409 Sycamore School Road Fort Worth, Texas 76133
<u>1300</u> , 1602	6	Sycamore Elementary School 1601 Country Manor Road Fort Worth, Texas 76134
<u>1378</u> , 1642	6	Parkway Elementary School 1320 West Everman Parkway Fort Worth, Texas 76134
1292, <u>1440</u>	6	Southwood Baptist Church 2633 Altamesa Boulevard Fort Worth, Texas 76133
<u>4016</u> , 4350	7	South Hi Mount Elementary School 4101 Birchman Avenue Fort Worth, Texas 76107
<u>4094</u>	7	Arlington Heights Health and Rehabilitation Center 4825 Wellesley Avenue Fort Worth, Texas 76107
<u>4116</u> , 4086, 4064	7	North Hi Mount Elementary School 3801 West 7th Street Fort Worth, Texas 76107

**AMENDED EXHIBIT "B-1"**  
**CITY OF FORT WORTH MAY 14, 2011 ELECTION**  
**TARRANT COUNTY ELECTION DAY POLLING LOCATIONS**  
**[AMENDED APRIL 5, 2011]**

<b>CITY PRECINCTS SITE</b>	<b>DISTRICT</b>	<b>ELECTION DAY POLLING LOCATION</b>
<u>4125</u> , 4243, 4512	7	Trinity Baptist Church 620 Churchill Road Fort Worth, Texas 76114
<u>4137</u> , 4496	7	Jo Kelly School 201 North Bailey Avenue Fort Worth, Texas 76107
4065, <u>4242</u> , 4373, 4113, 4272, 4285 4284	7 7 7	Lake Patrol Headquarters 7501 Surfside Drive Fort Worth, Texas 76135
<u>1120</u> , 1274, 1341	7	JPS Health Center/Viola M. Pitts/Como Lower Level, Auditorium 1 4701 Bryant Irvin Road North Fort Worth, Texas 76107
4115, 4178 4252, <u>4344</u>	7 7	Calvary Bible Church 4800 El Campo Avenue Fort Worth, Texas 76107
4128, 4534 4276, <u>4369</u>	7 7	Fort Worth Fire Station 32 10201 White Settlement Road Fort Worth, Texas 76108
4044, 4045, 4375, <u>4429</u> 3491, 4532, 4591, 4638 4454, 3363	7 7 7	W. E. Boswell High School 5805 Bailey-Boswell Road Fort Worth, Texas 76179
4020, 4204, <u>4497</u>	7	Birchman Baptist Church 2700 Dale Lane Fort Worth, Texas 76116
4053, <u>4551</u> 4091	7 7	Fort Worth Fire Station 13 5333 Lea Crest Lane Fort Worth, Texas 76135
<u>4650</u> , 4232	7	Northwest Branch Library 6228 Crystal Lake Drive Fort Worth, Texas 76179
<u>1005</u> , 4006, 4492 1058	8	Van Zandt-Guinn Elementary School 501 Missouri Avenue Fort Worth, Texas 76104

**AMENDED EXHIBIT "B-1"**  
**CITY OF FORT WORTH MAY 14, 2011 ELECTION**  
**TARRANT COUNTY ELECTION DAY POLLING LOCATIONS**  
**[AMENDED APRIL 5, 2011]**

<b>CITY PRECINCTS SITE</b>	<b>DISTRICT</b>	<b>ELECTION DAY POLLING LOCATION</b>
<u>1008</u>	8	Versia L. Williams Elementary School 901 Baurline Avenue Fort Worth, Texas 76111
<u>1010</u> , 1474	8	Community Christian Church Education Building 1720 Vickery Boulevard East Fort Worth, Texas 76104
<u>1019</u> , 1476, 1596	8	Andrew "Doc" Session Community Center 201 South Sylvania Avenue Fort Worth, Texas 76111
<u>1024</u> , 1244, 1301 2262, 1504	8 8	Precinct One Garage 800 East Rendon Crowley Road Burleson, Texas 76028
<u>1056</u>	8	I. M. Terrell Elementary School 1411 I.M. Terrell Circle Fort Worth, Texas 76102
<u>1059</u> , 4370	8	Southside Community Center 959 East Rosedale Street Fort Worth, Texas 76104
<u>1061</u>	8	Greenway Church 1816 Delga Street Fort Worth, Texas 76102
<u>1066</u> , 1479, 1236	8	New Covenant Community Church 3201 Purington Avenue Fort Worth, Texas 76103
<u>1073</u>	8	Fellowship Corner 1601 New York Avenue Fort Worth, Texas 76104
1011, <u>1075</u>	8	Sycamore Park Recreation Center 2525 East Rosedale Street Fort Worth, Texas 76105
<u>1078</u>	8	Mount Olive Missionary Baptist Church 2951 Evans Avenue Fort Worth, Texas 76104

**AMENDED EXHIBIT "B-1"**  
**CITY OF FORT WORTH MAY 14, 2011 ELECTION**  
**TARRANT COUNTY ELECTION DAY POLLING LOCATIONS**  
**[AMENDED APRIL 5, 2011]**

<b>CITY PRECINCTS SITE</b>	<b>DISTRICT</b>	<b>ELECTION DAY POLLING LOCATION</b>
<u>1079</u> , 4432	8	Pilgrim Rest Missionary Baptist Church 960 East Baltimore Avenue Fort Worth, Texas 76104
<u>1080</u>	8	Greater Harvest Church of God in Christ 2900 Mitchell Boulevard Fort Worth, Texas 76105
<u>1083</u> , 1104 1482	8	Oaklawn Elementary School 3220 Hardeman Street Fort Worth, Texas 76119
<u>1088</u> , 1312, 1475	8	Sagamore Hill Elementary School 701 South Hughes Avenue Fort Worth, Texas 76103
<u>1089</u> , 4587	8	Morningside Elementary School 2601 Evans Avenue Fort Worth, Texas 76104
<u>1090</u>	8	Greater Progressive Church of God in Christ 1349 East Baltimore Avenue Fort Worth, Texas 76104
1555, <u>1154</u> 4495, 1597	8 8	Carter Park Elementary School 1204 East Broadus Avenue Fort Worth, Texas 76115
<u>1170</u> , 1567, 1568	8	Meadowbrook Middle School 2001 Ederville Road Fort Worth, Texas 76103
<u>1291</u>	8	Highland Hills Community Center 1600 Glasgow Road Fort Worth, Texas 76134
1001, 1483 <u>1002</u> , 4458, 4494, 1376	9 9 2	Tarrant County Plaza Building 201 Burnett Street Fort Worth, Texas 76102
<u>1015</u> , 4345	9	Middle Level Learning Center 3813 Valentine Street Fort Worth, Texas 76107

**AMENDED EXHIBIT "B-1"**  
**CITY OF FORT WORTH MAY 14, 2011 ELECTION**  
**TARRANT COUNTY ELECTION DAY POLLING LOCATIONS**  
**[AMENDED APRIL 5, 2011]**

<b>CITY PRECINCTS SITE</b>	<b>DISTRICT</b>	<b>ELECTION DAY POLLING LOCATION</b>
<u>4057</u> , 4493	9	Trinity Terrace 1600 Texas Street Fort Worth, Texas 76102
<u>4060</u>	9	De Zavala Elementary School 1419 College Avenue Fort Worth, Texas 76104
<u>1062</u> , 4077 4084, 4096	9 9	E. M. Daggett Elementary School 958 Page Avenue Fort Worth, Texas 76110
<u>1076</u> , 1095, 1565	9	Lily B. Clayton Elementary School 2000 Park Place Drive Fort Worth, Texas 76110
<u>1081</u>	9	Alice Carlson Applied Learning Center 3320 Cantey Street West Fort Worth, Texas 76109
<u>1085</u> , 4436 1478, 1593	9 9	Rosemont Middle School 1501 West Seminary Drive Fort Worth, Texas 76115
<u>4097</u>	9	George C. Clarke Elementary School 3300 South Henderson Street Fort Worth, Texas 76110
<u>4107</u>	9	Worth Heights Community Center 3551 New York Avenue Fort Worth, Texas 76110
<u>1134</u> , 1435	9	Rosemont 6th Grade School 3908 McCart Avenue Fort Worth, Texas 76110
<u>4155</u>	9	Grace Fellowship Baptist Church 3801 McCart Avenue Fort Worth, Texas 76110
<u>4195</u>	9	Richard J. Wilson Elementary School 900 West Fogg Street Fort Worth, Texas 76110

**AMENDED EXHIBIT "B-1"**  
**CITY OF FORT WORTH MAY 14, 2011 ELECTION**  
**TARRANT COUNTY ELECTION DAY POLLING LOCATIONS**  
**[AMENDED APRIL 5, 2011]**

<b>CITY PRECINCTS SITE</b>	<b>DISTRICT</b>	<b>ELECTION DAY POLLING LOCATION</b>
<u>4201</u> , 1481	9	Worth Heights Elementary School 519 East Butler Street Fort Worth, Texas 76110
<u>4233</u> , 4501	9	Travis Avenue Baptist Church 800 West Berry Street Fort Worth, Texas 76110
1245, <u>4253</u> , 1572	9	Charles E. Nash Elementary School 401 Samuels Avenue Fort Worth, Texas 76102
<u>4256</u> , 1502 1351, 1237	9 9	Hubbard Heights Elementary School 1333 West Spurgeon Avenue Fort Worth, Texas 76115
<u>4288</u>	9	Macedonia Missionary Baptist Church 2712 South Freeway Fort Worth, Texas 76104
1108, 1298, <u>1408</u>	9	R. L. Paschal High School 3001 Forest Park Boulevard Fort Worth, Texas 76110

**AMENDED EXHIBIT "B-2"**  
**CITY OF FORT WORTH MAY 14, 2011 ELECTION**  
**DENTON COUNTY ELECTION DAY POLLING LOCATIONS**  
**[AMENDED APRIL 5, 2011]**

<b>CITY PRECINCTS SITE</b>	<b>DISTRICT</b>	<b>ELECTION DAY POLLING LOCATION</b>
411	2	Justin Municipal Complex 415 North College Justin, Texas 76247
413	2	Roanoke City Hall 108 S. Oak Street Roanoke, Texas 76262
430	2	Clara Love Elementary 16301 Elementary Drive Justin, Texas 76247

*City of Fort Worth, Texas*  
**Mayor and Council Communication**

**DATE:** Tuesday, April 5, 2011

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**LOG NAME:**

**REFERENCE NO.:** \*\*OCS-1807

**SUBJECT:**

Notices of Claims for Alleged Damages and/or Injuries

**RECOMMENDATION:**

It is recommended that the City Council refer the notices of claims for alleged damaged and/or injuries to the Finance Department/Risk Management for evaluation and investigation.

**DISCUSSION:**

The procedure for filing of claims of alleged damages and/or injuries is prescribed in Chapter XXVII, Section 25 of the Charter of the City of Fort Worth, Texas.

The attached list is a summary of the notices of claims against the City of Fort Worth received in the City Secretary's Office as of 5:00 p.m., Wednesday, March 30, 2011.

**Attachment**

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**Submitted for City Secretary's Office by:**

Marty Hendrix (6152)

**Originating Department Head:**

Marty Hendrix (6152)

**Additional Information Contact:**

Lena Ellis (8517)  
Nancy McKenzie (7744)

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# CITY COUNCIL MEETING

Tuesday, April 05, 2011

## RISK MANAGEMENT CLAIMS REPORT

Claims listed on this report have been received in the Risk Management Division claims office and either have been or will be thoroughly investigated. The decision whether or not to accept liability is predicated on applicable provisions of the Texas Tort Claims Act. If any claimant contacts you, please refer them to Nancy McKenzie ext 7744 or JoAnn Rowls ext 7784. Thank you.

CLAIMANT	DATE RECEIVED	DATE OF INCIDENT	LOCATION	INCIDENT TYPE	ALLEGATION	DEPT	ESTIMATE	INJURY
David Anderson Jr.	3/18/2011	2/4/2011	I-30 between Cooks & Brentwood	Auto Damage	Caused by sand thrown from City vehicle.	TPW	Yes	No
Patricia Evans	3/18/2011	3/9/2011	FW Zoo Trolley/Train	Bodily Injury	Injured while getting off the trolley/train at the Fort Worth Zoo.	PACS	No	Yes
Michael H. Sperling	1/20/2011	12/7/2010	Dallas TX	Auto Damage	Collision with City vehicle.	Police	Yes	No
Gregory Washington	3/21/2011	2/21/2011	Auto Pound	Property Damage	Vehicle was sold after impounding.	Police	No	No
Gina Garner	3/21/2011	3/14/2011	Allen Ave & 5th Ave	Auto Damage	Collision with City vehicle.	Police	No	No
Tuyen Dinh	3/21/2011	3/20/2011	2616 Trent Trail	Property Damage	City vehicle hit wheel section of fence.	Police	No	No
Michelle Salinas	3/22/2011	3/20/2011	Botanic Garden	Bodily Injury	Branches fell on child which resulted in scratches.	PACS	No	Yes

CLAIMANT	DATE RECEIVED	DATE OF INCIDENT	LOCATION	INCIDENT TYPE	ALLEGATION	DEPT	ESTIMATE	INJURY
Rio Trinidad, Ltd	3/22/2011	5/1/2010	A Hampton Survey & James	Property Damage	Land damaged by contractor	Water	Yes	No
Thomas Ramirez	3/23/2011	3/18/2011	Riversside	Bodily Injury	Hit by trash truck	Code Compliance	No	Yes
Joy Britton	3/25/2011	2/1/2011	3121 Goldenrod Ave	Property Damage	Broken curb	TPW	No	No
Sabrina Carpenter	3/25/2011	12/13/2010	I-820 & Wilbarger	Bodily Injury	Hit by City vehicle	Police	No	Yes
Phillip Aikman	3/25/2011	3/25/2009	7000 & 7001 Candleberry Ct	Property Damage	Driveway damage due to broken pipeline.	Water	No	No
Leandra Dimas	3/25/2011	10/28/2009	1129 May St	Reimbursement	Repairs left on property.		No	No
Tonya Cooper	3/28/2011	3/25/2011	35S before Hwy 20	Auto Damage	Tree branches flew off City vehicle and damaged windshield.	PACS	No	No
Atmos Energy	3/28/2011	2/24/2011	3705 Jeanette	Property Damage	Gas line cut.	Water	Yes	No
Pamela Rocco	3/29/2011	3/20/2011	Precinct Line Rd	Property Damage	City vehicle struck fence.	Police	No	No

CLAIMANT	DATE RECEIVED	DATE OF INCIDENT	LOCATION	INCIDENT TYPE	ALLEGATION	DEPT	ESTIMATE	INJURY
Sheryl Green	3/28/2011	3/17/2011	Wichita & E Alta Mesa	Auto Damage	Struck pothole.	TPW	No	No
Michelle Davis	3/30/2011	4/1/2010	Bridgewood	Bodily Injury	Stopped abruptly causing injury	Police	No	No
Ryan Beukema	3/30/2011	3/30/2011	2816 & 2804 McGee St	Property Damage	Backhoe parked in yards caused damage.	Water	No	No

**No Documents for this Section**

**CITY OF FORT WORTH, TEXAS**



**CITY COUNCIL  
ZONING HEARING  
April 5<sup>th</sup>, 2011**

## **CITY COUNCIL ALTERNATIVES FOLLOWING RECEIPT OF RECOMMENDATIONS BY THE ZONING COMMISSION**

### **A. LESS THAN TWENTY (20) PERCENT PROTEST:**

When the Zoning Commission recommends APPROVAL OR DENIAL of a zoning request as submitted or amended and there is less than 20 percent protest by owners of property within 200 feet, the City Council, with a majority vote of all members (5 of 9), may:

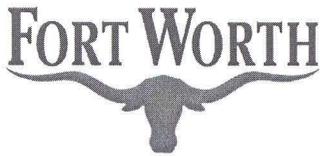
1. Approve as recommended;
2. Deny with or without prejudice (if denied without prejudice, the Applicant does not have to wait one year before submitting another request for zoning change);
3. Continue hearing;
4. Continue hearing and re-send notices as required under state law in order to substitute a more restrictive classification unless the affected property owner is present and agrees or if not present, agrees in writing to the more restrictive change on his/her property; or
5. Return to Zoning Commission for rehearing.

### **B. TWENTY (20) PERCENT OR MORE PROTEST:**

When the Zoning Commission recommends APPROVAL OR DENIAL of a zoning request as submitted or amended and there is 20 percent protest or more by the owners of property within 200 feet against the change, the City Council may:

1. Approve as recommended with a three-fourth vote of all City Council members (7 of 9);
2. Deny with or without prejudice (if denied without prejudice, the Applicant does not have to wait one year before submitting another request for zoning change) (5 of 9);
3. Continue hearing for consideration of noticed rezoning (5 of 9);
4. Continue hearing and re-send notices as required under state law in order to substitute a more restrictive classification (5 of 9); or
5. Return to Zoning Commission for rehearing (5 of 9).

**C.** When the City Council has denied a proposal, or when the applicant has withdrawn his proposal at the Zoning Commission meeting after the giving of public notice, no new applications of like nature shall be accepted by the City or scheduled for hearing by the Zoning Commission within a period of twelve (12) months of the date of Council denial or applicant's withdrawal.



**ZONING MAP CHANGE  
STAFF REPORT**

**City Council Meeting Date:**  
April 5, 2011

**Council District** 8

**Zoning Commission Recommendation:**

Approved by a vote of 9-0

**Opposition:** None

Continued	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Case Manager	<u>Stephen Murray</u>	
Surplus	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Council Initiated	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

**Owner / Applicant:** City of Fort Worth Planning and Development

**Site Location:** 612 Ravine Road Mapsco: 78F

**Proposed Use:** Single-family

**Request:** From: "B" Two-Family  
To: "A-5" One-Family

**Land Use Compatibility:** Requested change is compatible.

**Comprehensive Plan Consistency:** Requested change is consistent.

**Background:**

City Council adopted a procedure regulating the review, zoning, and sale of surplus property. Upon satisfactory completion, the properties are offered for sale. The proposed site is currently vacant and located on Ravine Road near Elsie Street.

The case is being reprocessed for City Council approval in order to correct the legal description in the newspaper posting.

**Site Information:**

Owner: City of Fort Worth  
1000 Throckmorton Street  
Fort Worth, TX 76102

Acreage: 0.26 ac  
Comprehensive Plan Sector: Southeast

Surrounding Zoning and Land Uses:  
North "B" Two-Family / single-family  
East "B" Two-Family / single-family  
South "B" Two-Family / single-family  
West "B" Two-Family / single-family

**Public Notification:**

The following Neighborhood Associations were notified:

El Poly Pyramid NA  
West Meadowbrook NA  
Southeast Fort Worth, Inc.  
East Fort Worth Business Assoc.

Neighborhoods of East Fort Worth  
East Sector Alliance  
Fort Worth ISD

**Recent Relevant Zoning and Platting History:**

Zoning History: None

Platting History: None

**Development Impact Analysis:**

1. **Land Use Compatibility**

Surrounding uses are primarily single-family near the proposed site. Based on the surrounding land uses, the proposed "A-5" One-Family zoning **is compatible** at this location.

2. **Comprehensive Plan Consistency**

The 2010 Comprehensive Plan designates the subject property as single-family. The proposed "A-5" zoning is consistent with the following Comprehensive Plan policies.

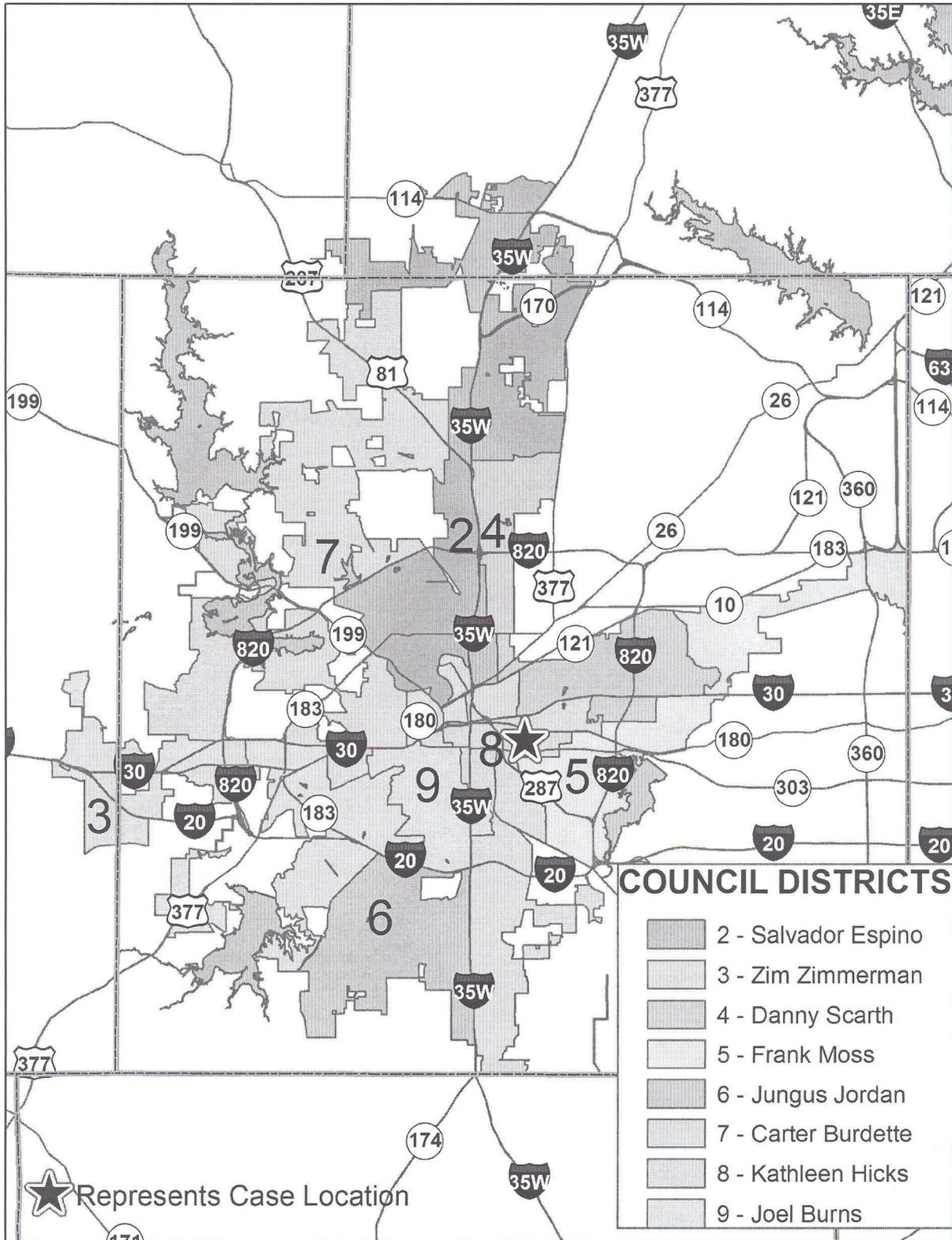
- Locate single-family homes adjacent to local or collector streets. (pg. 37)
- Encourage development type and intensity appropriate to existing or planned street infrastructure. (pg. 38)
- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods. (pg. 38)

Based on the conformance with the future land use map and policies stated above, the proposed zoning **is consistent** with the Comprehensive Plan.

**Attachments:**

- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Minutes from the October 13, 2010 Zoning Commission meeting

## Location Map







## Aerial Photo Map



Medium Density Multifamily, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial, "FR" General Commercial Restricted, "F" General Commercial, "I" Light Industrial, and "PD-178" Planned Development for E uses plus to "A-10" One-Family, "A-7.5" One-Family, "A-7.5/HC" One-Family/Historic & Cultural Overlay, "A-5" One-Family, "B" Two-Family, "CR" Low Density Multifamily, "CF" Community Facilities, "ER" Neighborhood Commercial Restricted, and "E" Neighborhood Commercial.

Jocelyn Murphy, Planning Manager, City of Fort Worth, explained to the Commissioners this is Council-initiated to align certain properties with the Comprehensive Plan.

Motion: Following brief discussion, Ms. Zadeh recommended approval of the request, seconded by Mr. Genua. The motion carried unanimously 9-0.

**13. ZC-10-153 Fort Worth Transportation Authority (CD 2)- 10135 North Freeway (I-35W) (William McGowen Survey, Abstract 999, 3.05 acres): from "AG" Agricultural to "FR" General Commercial Restricted**

Kenneth Frost, 1600 East Lancaster, Vice President of Fort Worth T, explained to the Commissioners this is the five year strategic plan for a park and ride facility. He provided a revised exhibit that shows two rows for bus loading. There will be two fixed and two express routes to service the area. A shelter is proposed for future development. The site will comply with landscaping and forestry requirements.

Motion: Following brief discussion, Ms. Zadeh recommended approval of the request, seconded by Mr. Genua. The motion carried unanimously 9-0.

**14. ZC-10-154 City of Fort Worth Planning & Development (CD 8)- 1611 Harvey Avenue East (Belmont Addition, Block 6, Lot 16, 0.13 Acres): from "B" Two-Family to "A-5" One-Family.**

Jocelyn Murphy, Planning Manager, City of Fort Worth, explained to the Commissioners that this is a surplus property being rezoned to conform to the Comprehensive Plan.

Cleveland Harris, 1037 Colvin Street, Morningside neighborhood spoke in support of the request.

Motion: As ZC-10-154 through ZC-10-167 were heard as one motion, Mr. Barnes recommended approval of the request, seconded by Ms. Reed. The motion was withdrawn and case heard independently due to opposition.

**15. ZC-10-155 City of Fort Worth Planning & Development (CD 8)- 612 Ravine Road (Gardner to Poly Addition, Block 13, Lot 18, 0.26 Acres): from "B" Two-Family to "A-5" One-Family.**

Jocelyn Murphy, Planning Manager, City of Fort Worth, explained to the Commissioners that this is a surplus property being rezoned to conform to the Comprehensive Plan.

Motion: As ZC-10-155 through ZC-10-157 were heard as one motion, Mr. Wilson recommended approval of the request, seconded by Mr. Barnes. The motion carried unanimously 9-0.

**16. ZC-10-156 City of Fort Worth Planning & Development (CD 8)- 1628 Tucker Avenue East (Glenwood Addition, Block 18, Lots 13 & 14, 0.13 Acres): from “B” Two-Family to “A-5” One-Family.**

Jocelyn Murphy, Planning Manager, City of Fort Worth, explained to the Commissioners that this is a surplus property being rezoned to conform to the Comprehensive Plan.

Motion: As ZC-10-155 through ZC-10-157 were heard as one motion, Mr. Wilson recommended approval of the request, seconded by Mr. Barnes. The motion carried unanimously 9-0.

**17. ZC-10-157 City of Fort Worth Planning & Development (CD 8)- 1917 Carver Avenue (Greenway Place, Block 11, Lot 19, 0.12 Acres): from “B” Two-Family to “A-5” One-Family.**

Jocelyn Murphy, Planning Manager, City of Fort Worth, explained to the Commissioners that this is a surplus property being rezoned to conform to the Comprehensive Plan.

Motion: As ZC-10-155 through ZC-10-157 were heard as one motion, Mr. Wilson recommended approval of the request, seconded by Mr. Barnes. The motion carried unanimously 9-0.

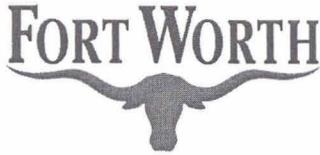
**18. ZC-10-158 City of Fort Worth Planning & Development (CD 8)- 1900 Kelley Street (Highland to Glenwood Addition, Block 76, Lots 1 & 2 W 15’ of Lot 3, S 125’ of Lots 3 & 4, 0.96 Acres): from “A-5” One-Family and “B” Two-Family to “A-5” One-Family.**

Jocelyn Murphy, Planning Manager, City of Fort Worth, explained to the Commissioners that this is a surplus property being rezoned to conform to the Comprehensive Plan.

Kimberly Mitchell, 2000 E. Morphy Street representing her mother, wanted clarification as to what is proposed for this site.

Mr. Ortiz explained they are rezoning the property for single-family.

Jim Schell, 901 Fort Worth Club Building, representing the property owner directly to the west of the site. He wanted to suggest the City look at surplus properties when rezoning them. Mr. Schell mentioned this site is not developable for single-family. A commercial use would be a better fit for this property not single-family.



**ZONING MAP CHANGE  
STAFF REPORT**

**City Council Meeting Date:**  
April 5, 2011

**Council District** 9

**Zoning Commission Recommendation:**  
Approved by a vote of 8-1  
  
**Opposition:** one person spoke

Continued Yes \_\_\_ No X  
Case Manager Lynn Jordan  
Surplus Yes \_\_\_ No X  
Council Initiated Yes \_\_\_ No X

**Owner / Applicant:** James T. Dorsey

**Site Location:** 2837 Lubbock Avenue Mapsco: 76N

**Proposed Use:** Attached residential

**Request:** From: "C" Medium Density Multifamily  
To: "PD/UR" Planned Development for "UR" Urban Residential uses with development standards; site plan waiver recommended

**Land Use Compatibility:** Requested change is compatible.

**Comprehensive Plan Consistency:** Requested change is not consistent.

**Background:**

The subject property located at 2837 Lubbock Avenue was approved by the Zoning Commission on November 10, 2010. The address for this property was not included in the application and therefore the newspaper notice for Council action. The remainder of the block was approved by the City Council for UR on November 16, 2010.

The applicant is requesting the subject property be rezoned to "PD/UR" Planned Development for Urban Residential to allow for attached residential units with development standards. The UR district was recently created to provide a residential density transition zone between the single family and higher density uses. Single family, manor house, townhouse, and apartment/condominiums are building types that can be found in the UR zoning district.

The proposed development standards include one parking space per bedroom, 265 bedrooms maximum, one bed per bedroom unless occupants are related, and façade variation. Several meetings and extensive communication have been completed with the neighborhood and the applicant reports that the neighborhood is satisfied with these proposals.

The subject properties are within one block of the TCU/Mixed Use Growth Center. There are two planned developments previously approved by City Council in 2007 within the same block area.

**Site Information:**

Owner: James T. Dorsey  
1101-02 Uptown Park Blvd.  
Houston, TX 77056

Applicant: Phillip Poole/Darin Norman, Townsite Company  
Acreage: 2.79 ac.  
Comprehensive Plan Area: TCU/Westcliff

Surrounding Zoning and Land Uses:

North "B" Two Family Residential & "C" Medium Density Multifamily / Single family  
East "B" Two Family Residential / Single family  
South "B" Two Family Residential / Single family, parking  
West "C" Medium Density Multifamily & "PD-786" / Single family attached units

**Public Notification:**

The following Neighborhood Associations were notified:

University West NA	Southside Preservation Assoc.
University Place HA	University Neighborhood Alliance
Frisco Heights NA	Fort Worth ISD
South University	
Paschal Area NA	

**Recent Relevant Zoning and Platting History:**

Zoning History: "PD-497", rezoned to "PD/MU-2" Planned Development for all uses in "MU-2" High Intensity Mixed Use, excluding some uses, 2 lots southeast of subject property. Approved by City Council 10/02/2007. "PD-762", rezoned to PD/MU-1" Planned Development for Low Intensity Mixed Use for residential use, one block to the east of subject property. Approved by City Council 06/05/2007. "PD-786" rezoned to "PD/MU-1" Planned Development for low intensity mixed use residential use only, directly across the street to the west of subject property. Approved by City Council 10/02/2007. "PD-794" Planned Development for low intensity mixed use for residential uses only, limited to 44 units and no commercial use, one block to the east of subject property. Approved by City Council 12/04/2007.

Platting History: None

**Development Impact Analysis:**

1. **Land Use Compatibility**

The applicant is proposing a zoning change for "PD/UR" Planned Development for Urban Residential for attached single family residential with development standards. The UR district is intended to be a buffer zone between the single family and higher density uses.

Surrounding land uses include predominantly single-family, two-family and multifamily residential with several commercial uses to the west along University Drive.

Density requirements for "A-5" zoning are a maximum of 5 units per acre, "B" zoning is a maximum of 10 units per acre and "C" zoning is a maximum of 18 units per acre. The proposed "UR" district has no maximum unit per acre.

Based on the surrounding multi family uses, the proposed "PD/UR" Urban Residential zoning request is **compatible** with surrounding land uses.

2. **Comprehensive Plan Consistency**

While the TCU mixed use growth center is within one block, the 20<sup>f</sup> Comprehensive Plan designates the site as single family residential. This type of single family attached development would be permitted within the mixed use growth center designation.

The proposed zoning does not conform to the following Comprehensive Plan goals and policies:

- Promote measures to ensure that residential developments, whether single-family or multifamily, large lot or small lot, are compatible in scale to abutting residential developments. A significant increase in units per acre or reduction in lot size should be discouraged for new development or platted and zoned property.

Based on the lack of conformance with the future land use map and policy stated above, the proposed zoning **is not consistent** with the 2010 Comprehensive Plan.

***Attachments:***

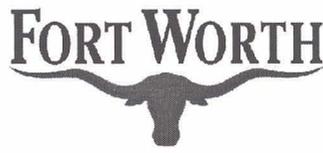
- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Development Standards
- Exhibit
- Future Land Use Map
- Aerial Photograph



**The Meridian  
Zoning Request PD-UR  
ZC-010-177A**

**Development Standards:**

1. Unless otherwise noted, all Urban Residential District “UR” zoning ordinance requirements apply, including, but not limited to the following:
  - 1.1. Uses
  - 1.2. Property Development Standards
  - 1.3. Landscaping and Buffers
  - 1.4. Signs
  - 1.5. Entrances
  - 1.6. Façade Design Standards
  - 1.7. Administrative Review Requirements
2. Additional requirements:
  - 2.1. (1) parking space per bedroom minimum in parking structure
  - 2.2. (265) bedrooms maximum
  - 2.3. (1) bed maximum per bedroom, unless bedroom occupants are related
  - 2.4. Cut-in, on-street, parallel parking
  - 2.5. No rooftop decks
  - 2.6. Onsite management
  - 2.7. Concealed, central garbage collection
  - 2.8. Unit mix that provides a variety of unit types
  - 2.9. Building façade variation
  - 2.10. Windows, doors and balconies (with obscuring panels) suggest eyes on the street
  - 2.11. Tenant outdoor amenities in courtyards
  - 2.12. Sidewalks
  - 2.13. Street trees
  - 2.14. Irrigated landscaping between building and street
  - 2.15. Pedestrian lighting
  - 2.16. Sheltered entries
  - 2.17. Building façade lighting

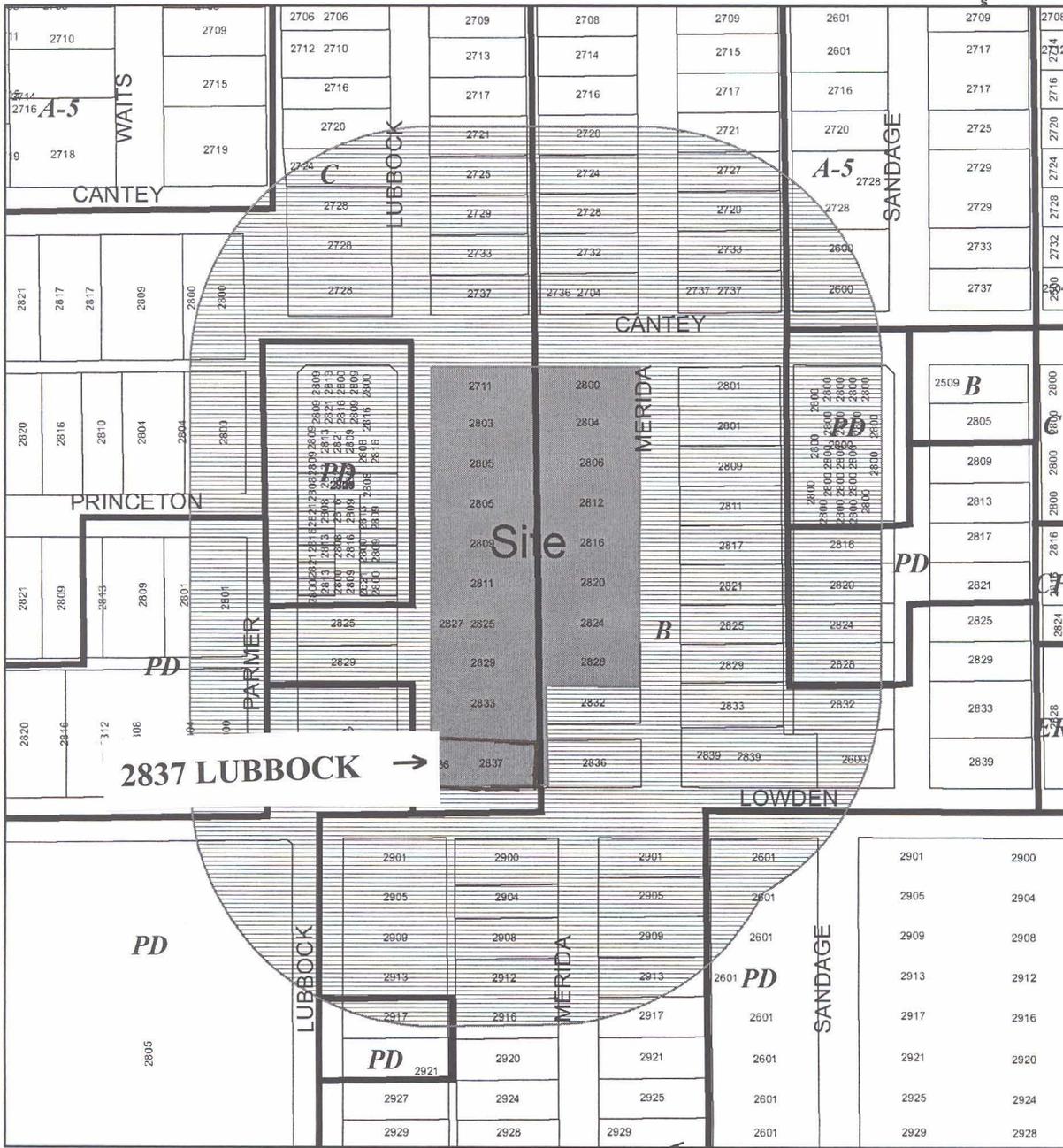


ZC-10-177A

# Area Zoning Map

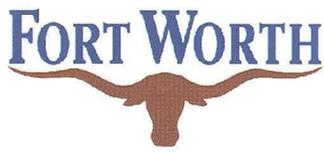
Applicant: James Dorsey  
 Address: 2800 blks Merida Ave & Lubbock Ave, 2711 W. Cantey  
 Zoning From: B, C  
 Zoning To: PD/UR with Development Standards; site plan waiver requested  
 Acres: 2.79  
 Mapsco: 76TX  
 Sector/District: TCU/Westcliff  
 Commission Date: 11/10/2010  
 Contact: 817-392-2495

300 Ft. Notification Buffer



200 100 0 200 Feet





# Future Land Use

ZC-10-177A



- Vacant, Undeveloped, Agricultural
- Rural Residential
- Suburban Residential
- Single Family Residential
- Manufactured Housing
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Institutional

- Neighborhood Commercial
- General Commercial
- Light Industrial
- Heavy Industrial
- Mixed-Use Growth Center
- Industrial Growth Center
- Infrastructure
- Lakes and Ponds
- Public Park, Open Space
- Private Park, Open Space

- CFWGIS.SDE.TRN\_RAILROADS
- CFWGIS.SDE.CAD\_addresses
- Freeways/Toll Roads
- Proposed Freeway/Toll Road
- Principal Arterial
- Proposed Principal Arterial
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- Flood Plain



A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government code, Section 219.005) Land use designations were approved by City Council on February 23, 2010



## Aerial Photo Map



Ms. McGee mentioned she thought it was from 10 a.m. to 2 or 3 a.m. She also mentioned there were concerns with the late hours and in response to the neighborhood they hired two off duty police officers.

Fernando Florez, 2740 Hemphill, representing the Hemphill Corridor task Force mentioned one of the concerns they had was the late night noise. This has been addressed since hiring the off-duty officers. Mr. Florez did mention he thought they stayed open until 3 a.m.

Ms. Reed mentioned she has a concern with the drive through and patrons eating and loitering in the parking lot.

Ms. McGee mentioned that is why they have officers late night to control the noise and loitering in the parking lot.

Mr. Romero asked if she had been on Hemphill at 3 a.m. He also mentioned the officers are going to be able to control the peeling out of young people. Mr. Romero also mentioned when they applied for the vacation of the alley the concern of the drive-through was brought up at the meeting.

Ms. McGee mentioned they did go and talk with the residents along Malta and gathered a petition in support of the change, the petition was submitted to the Commissioners.

Mr. Florez mentioned he is aware of the concerns out there relating to after hours drinking and he still patrols the area. He said things are improving out there.

Ms. McGee mentioned some of the concerns were coming from the Rosemont neighborhood and late yesterday they did receive a letter from Mr. Snoke, President of the Rosemont neighborhood in support.

Janacio Zamora, 3729 Stuart Drive, Worth Heights neighborhood, also spoke in support of the request.

Motion: Following brief discussion Ms. Reed recommended approval of the request, seconded by Ms. Spann. The motion carried 6-3 with Mr. Ortiz, Ms. Zadeh, and Mr. Romero against.

**6. ZC-10-177 James Dorsey (CD 9)-2800 thru 2828 Merida, 2802 thru 2837 Lubbock and 2711 Cantey (Frisco Heights Addition, Block 13, Lots 1 thru 8 and Prospect Heights Addition, Block 13, Lots 10 thru 18, 2.79 Acres): from "B" Two-Family and "C" Medium Density Multifamily to "PD/UR" Planned Development for all uses in "UR" Urban Residential with development standards; site plan waiver recommended.**

Phillip Poole, 2918 Wingate, Townsite Company, representing James Dorsey, explained to the Commissioners the case is coming back before them to request PD/UR with development standards. The site consists of 18 lots zoned B two-family and C medium density. The UR

district is intended for higher density and would be more appropriate than the split zoning that exists. The majority of the properties are rentals. They are in negotiations with the landowner of the two properties to the south, not included in this request. They have had several meetings with the neighborhood and the major concerns were traffic, parking, and density. They have put together a plan that would consist of an internal parking garage, one space per bedroom, limited access from one street. Mr. Poole mentioned the exhibit presented depicts duck in parking to help with on street parking. The PD language limits the bedroom count to 265 bedrooms with one bed per bedroom unless related. There will be on-site management to take care of the property. Mr. Poole mentioned they are asking for the site plan to be waived to allow for flexibility in the design. The neighborhood is in support of the proposed zoning change.

Mr. Ortiz asked the question as to density and where does it stop in this area?

Mr. Poole mentioned the Comprehensive Plan for residential use should stop at Cantey. A map was presented to the Commissioners depicting ownership of properties in the area.

Ms. Zadeh asked about the PD language and how is it different from straight UR zoning?

Mr. Poole mentioned there is no cap on density in UR. They calculated the bedroom count based on the acreage and come up with a benchmark of 265 bedrooms. That would have to be adjusted if they did not acquire the two lots to the south.

Tony Dauphinot, 5254 Trail Lake Drive, representing the two properties outside of the request, spoke in opposition.

Motion: Following brief discussion, Ms. Reed recommended approval of the request, seconded by Mr. Romero. The motion carried 8-1 with Mr. Barnes being against.

**7. ZC-10-178 Great Dane Holdings, LLC (CD 7)- 4621 Geddes Avenue and 4616 Diaz (Chamberlain Arlington Heights 2<sup>nd</sup> Addition, Block 13, Lot 13R 0.19 Acres): from "B" Two-Family to "PD/E" Planned Development for all uses in "E" Neighborhood Commercial save and except certain uses; site plan required.**

James Schell, 901 Fort Worth Club Building, representing Great Dane Holdings, LLC, explained to the Commissioners this is one lot being rezoned to PD/E with the same language as the case heard a couple of years ago, subject property to the east. Mr. Schell mentioned Hulen is a major arterial which supports commercial use.

Mr. Ortiz asked about the uses to the north.

Mr. Schell mentioned it is a commercial satellite center zoned PD. There is a Chick-Fil-A, Star-Bucks and apartments are to the west.

John Scott Daniels, 4629 Geddes, property owner directly to the west of the request. This request encroaches into the three remaining properties on Geddes. He mentioned there has been no



**ZONING MAP CHANGE  
STAFF REPORT**

**City Council Meeting Date:**  
April 5, 2011

**Council District 2**

**Zoning Commission Recommendation:**  
Majority of the Council initiated zoning approved by a vote of 9-0; this site for "UR"

**Opposition:** None

Continued	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Case Manager	<u>Beth Knight</u>	
Surplus	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Council Initiated	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

**Owner / Applicant:** City of Fort Worth Planning & Development Department, Northside Neighborhood, Phase 3

**Site Location:** 2423 Clinton Avenue Mapsco: 62F

**Proposed Use:** Multi-Family

**Request:** From: "F" General Commercial  
To: "E" Neighborhood Commercial

**Land Use Compatibility:** Requested change is not compatible.

**Comprehensive Plan Consistency:** Requested change is not consistent.

**Background:**

The council-initiated zoning change request to align the existing land uses for the majority of the zoning case was approved by the City Council on February 8, 2011. CM Espino continued 2423 Clinton Avenue at that time for additional consideration and again on March 8 for renomination as "E" Neighborhood Commercial.

The site at 2423 Clinton Avenue has been vacant for at least a decade, as shown on aerials dating from early 2001. On December 1, 2010, a building permit was submitted for a two-story 10,000 square-foot building containing multiple uses, including offices and a drive-through beer barn, on this 7,600 square-foot lot. The first zoning district allowing drive-through businesses or alcohol sales is "E" Neighborhood Commercial, and 20-foot front building setback is required. A commercial facility's driveways are required to be more than 50 feet from the intersection and accessed from a non-residential street. Due to site plan and building code issues, this building permit is currently on hold.

**Site Information:**

Owner's Agent / Consultant: City of Fort Worth Planning & Development Dept.  
1000 Throckmorton Street  
Fort Worth, TX 76102

Acreage: 0.17 ac.

Comprehensive Plan Sector: Northside

Surrounding Zoning and Land Uses:

North E / Commercial uses and vacant land  
East MU-1 / Stockyards entertainment district  
South UR / Single family and multifamily  
West A-5 and UR / Single family and vacant land

**Public Notification:**

The following Neighborhood Associations were notified:

Northside NA	Near Northside Partners Council
Diamond Hill-Jarvis NA	North Fort Worth Historical Society
Far Greater Northside Historical NA	Streams & Valleys, Inc.
La Nueva Northside NA	Fort Worth ISD
Marine Park NA	

**Recent Relevant Zoning and Platting History:**

**Zoning History:** ZC-04-096, north of rezoning area, from F to A-5, approved;

ZC-08-100, north of rezoning area, from I to A-5, approved;

ZC-08-130, north of rezoning area, surplus property, from I to A-5, approved;

ZC-11-006, surrounding rezoning area, Council-initiated from various districts to be in conformance with the Comprehensive Plan, approved.

Platting History: None.

**Development Impact Analysis:**

1. **Land Use Compatibility**

While commercial uses are found north and east of this site, the land uses on the block surrounding the subject site are single family. The west side of the 2400 block Clinton Avenue has six single family homes, one duplex, and a 16-unit apartment complex. This side of the block is designated as single family for future land uses, and the eastern side is part of the Stockyards Mixed-Use Growth Center. As part of the Northside Council-initiated rezoning effort, this site and the remainder of its block face was proposed for "UR" Urban Residential.

In a review of the site as a potential commercial use, "ER" Neighborhood Commercial Restricted zoning is designed to provide a transition zone between residential neighborhoods and higher density commercial areas. "E" Neighborhood Commercial districts allow 24-hour uses, large buildings, and drive-through facilities.

Based on the intrusion into an existing residential area, small amount of buildable area, and potential access from a residential street; the uses allowed in "E" Neighborhood Commercial zoning appear to be too intensive for the area. If a commercial use is preferable for this location, "ER" Neighborhood Commercial Restricted is a more appropriate zoning district, since it was designed to be a transitional district between more intensive commercial uses and less intensive residential uses. E zoning **is not compatible** with the neighborhood.

2. **Comprehensive Plan Consistency**

The 2011 Comprehensive Plan designates the subject property as single family. The proposed E zoning is not consistent with the following Comprehensive Plan policies:

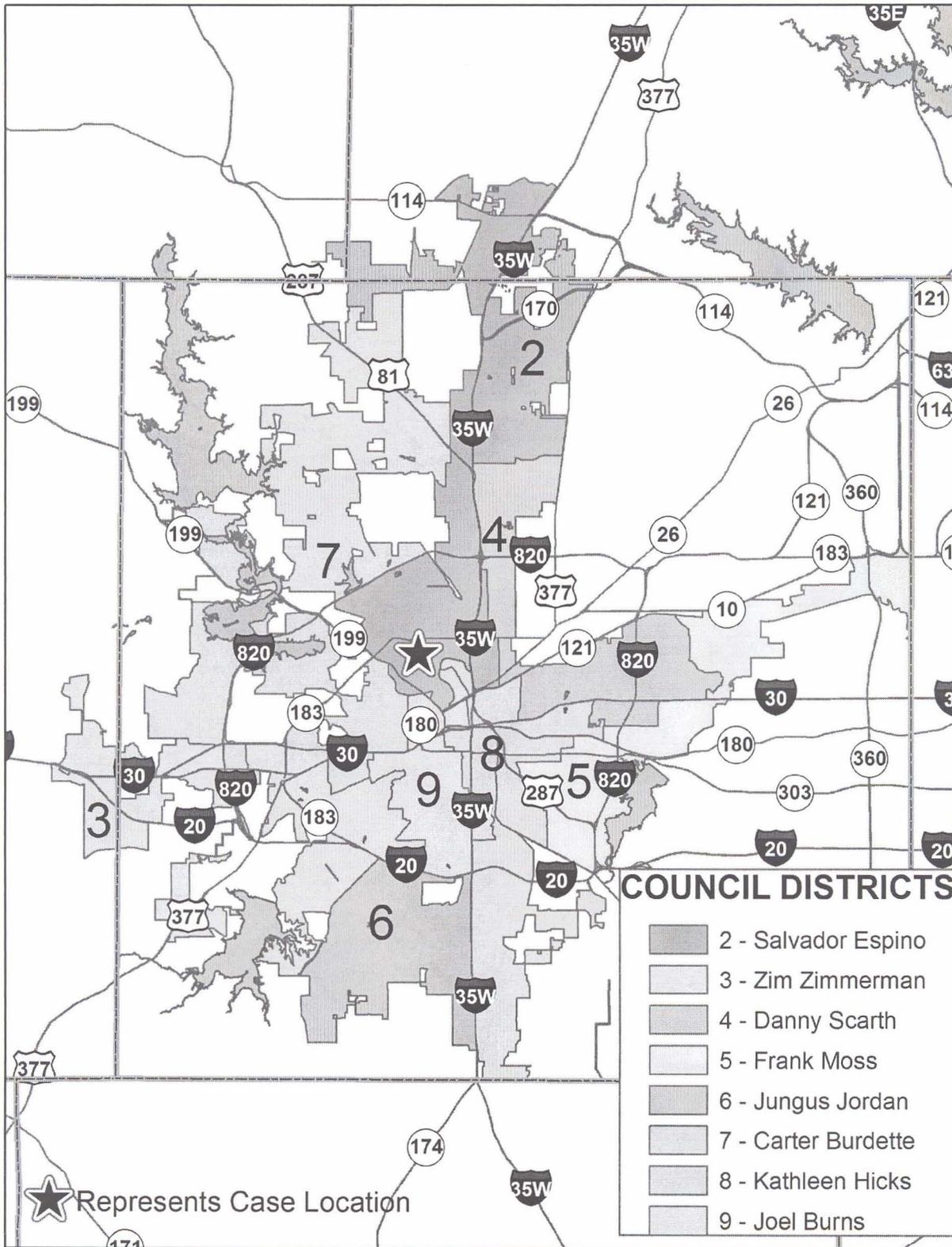
- Preserve and protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, speculation, demolition, neglect, and other negative forces. (pg. 37)
- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods. (pg. 38)
- Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, scale, operational characteristics, traffic generated, or appearance that may not be compatible with the attributes of other uses. (pg. 38)
- Encourage new development in character with the surrounding neighborhood scale, architecture, and platting pattern of the surrounding neighborhood. (pg. 39)

Based on the conformance with the future land use map and policies stated above, the proposed zoning **is not consistent** with the Comprehensive Plan.

**Attachments:**

- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Map of Proposed Zoning Districts
- Future Land Use Map
- Aerial Photograph
- Minutes of the January 12, 2011 Zoning Commission meeting

## Location Map

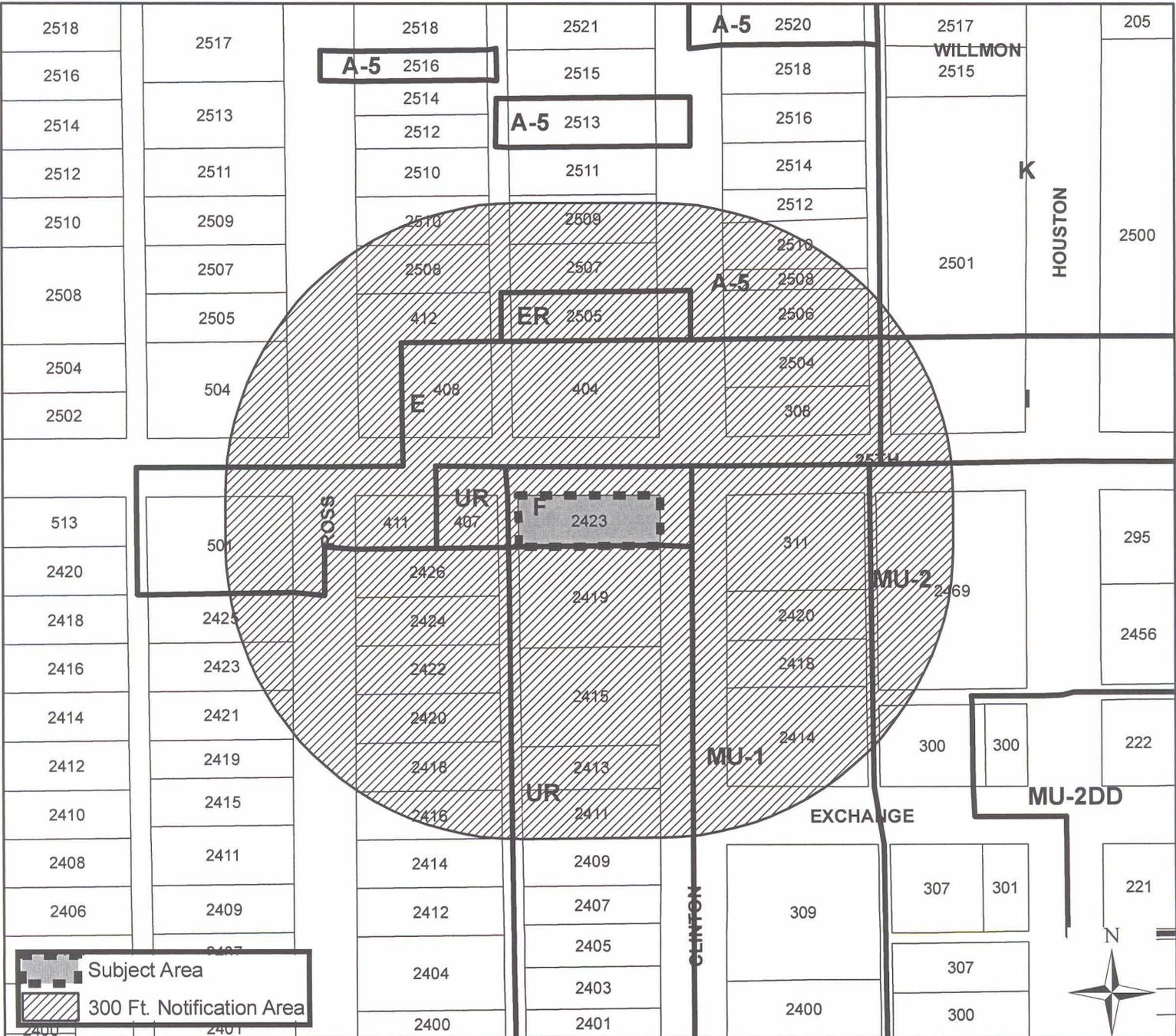




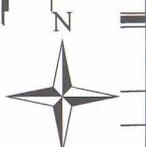
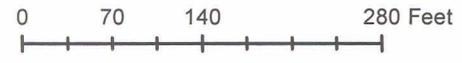
# Area Zoning Map

Applicant: City of Fort Worth Planning and Development Northside Phase 3 A  
 Address: 2423 Clinton Ave.  
 Zoning From: F  
 Zoning To: E  
 Acres: 0.16  
 Mapsco: 62FGKL Sector/District: Northside  
 Commission Date: 03/09/2011 Contact: 817-392-8190

You may find a list of included properties at:  
<http://www.fortworthgov.org/planninganddevelopment/zoningcommission.aspx>  
 Click on "Property List" under the case name. A map of proposed zoning districts is attached.



Subject Area  
 300 Ft. Notification Area







**3. Zoning Docket No. ZC-11-006A - City of Fort Worth Planning & Development, 2423 Clinton Avenue; from: "F" General Commercial to: "UR" Urban Residential (Recommended for Approval) (Continued from a Previous Meeting)**

It appeared that the City Council at its meeting of February 8, 2011, Continued Zoning Docket ZC-11-006A, City of Fort Worth Planning & Development, 2423 Clinton Avenue; From "F" General Commercial to "UR" Urban Residential.

Motion: Council Member Espino made a motion, seconded by Council Member Hicks that Zoning Docket No. ZC-11-006 be continued until the April 5, 2011, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

**4. Zoning Docket No. SP-11-001 - Miguel Murillo, 7724 Norman Avenue; Amend PD-649 to increase the size of the rear cabinet shop. (Recommended for Approval)**

Mr. Christopher Bonilla, representing the applicant, 8540 Charleston Avenue, completed a speaker card in support of Zoning Docket No. SP-11-001, but did not wish to address the City Council.

Motion: Council Member Zimmerman made a motion, seconded by Council Member Hicks that Zoning Docket No. SP-11-001 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

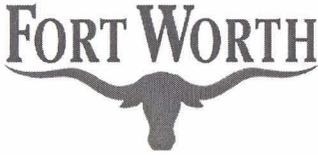
**5. Zoning Docket No. ZC-11-012 - Metroport Cities Fellowship and Transcontinental Realty Investors, Inc., 1101 Old Denton Road & 11501 N. Riverside Drive; from: "C" Medium Density Multifamily and "G" Intensive Commercial to: "PD/D" Planned Development for all uses in "D" High Density Multifamily plus assisted living, with dementia care; site plan included. (Recommended for Approval)**

Mr. David Speicher, Applicant, 920 South Main Street, Suite 170, Grapevine, Texas 76051, completed a speaker card in support of Zoning Docket No. ZC-11-012, but did not wish to address the City Council.

Motion: Council Member Espino made a motion, seconded by Council Member Hicks that Zoning Docket No. ZC-11-012 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**6. Zoning Docket No. ZC-11-013 - Hillwood Alliance Residential, 4300 Heritage Trace Parkway and 9700 N. Beach Street; from: "R2" Townhouse/Cluster and "E" Neighborhood Commercial to: "A-5" One-Family. (Recommended for Approval)**

Motion: Council Member Espino made a motion, seconded by Council Member Burdette that Zoning Docket No. ZC-11-013 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.



**ZONING MAP CHANGE  
STAFF REPORT**

**Zoning Commission Meeting Date:**  
April 5, 2011

**Council District 2**

**Zoning Commission Recommendation:**

Approved by a vote of 7-0

**Opposition:** None

Continued	Yes <u>    </u>	No <u>X</u>
Case Manager	<u>Beth Knight</u>	
Surplus	Yes <u>    </u>	No <u>X</u>
Council Initiated	Yes <u>X</u>	No <u>    </u>

**Owner / Applicant:** City of Fort Worth Planning & Development Department, Northside Neighborhood, Portions of Phase 3

**Site Location:** Generally bounded by N. Main Street, NW 26<sup>th</sup> Street, Lincoln Avenue, and NW 20<sup>th</sup> Street Mapsco: 62FGKL

**Proposed Use:** Multifamily; institutional, commercial, and industrial uses

**Request:** From: "B" Two-Family, "CF" Community Facilities, "CF" Community Facilities/DD" Community Facilities /Demolition Delay, "K" Heavy Industrial, and "PD" Planned Developments 217 and 589

To: "UR" Urban Residential, "CF" Community Facilities, "CF/DD" Community Facilities/Demolition Delay, "MU-1" Low Intensity Mixed-Use, and "MU-2" High Intensity Mixed-Use

**Land Use Compatibility:** Requested change is compatible.

**Comprehensive Plan Consistency:** Requested change is consistent.

**Background:**

The larger portion of the Northside neighborhood was approved by the City Council on February 8, 2011. During a review of the rezoning ordinance, twelve parcels were noticed as part of Phase 3, but the "from" zoning districts were inadvertently omitted from the zoning case. The sites are multifamily buildings, institutional, commercial, and industrial uses, which are designated medium density residential, institutional, and mixed-use growth center in the 2011 Comprehensive Plan. A western portion of the Stockyards Growth Center is included in the renoticed area.

**Site Information:**

Owner's Agent / Consultant: City of Fort Worth Planning & Development Dept.  
1000 Throckmorton Street  
Fort Worth, TX 76102

Acreage: 21.33 ac.

Comprehensive Plan Sector: Northside

Surrounding Zoning and Land Uses:

North A-5, CF, and MU-2 / Single family, industrial uses, and public park  
East A-5, MU-1, and MU-2 / Single family, Stockyards entertainment district, commercial uses  
South CF, MU-1, and MU-2 / Library, park, and small commercial uses  
West A-5 and E / Single family and small commercial uses

**Public Notification:**

The following Neighborhood Associations were notified:

Northside NA	Near Northside Partners Council
Diamond Hill-Jarvis NA	North Fort Worth Historical Society
Far Greater Northside Historical NA	Streams & Valleys, Inc.
La Nueva Northside NA	Fort Worth ISD
Marine Park NA	

**Recent Relevant Zoning and Platting History:**

**Zoning History:** ZC-04-059, south of rezoning area, from I to MU-1, approved;  
ZC-05-332, south of rezoning area, from E to PD for MU-1 uses, approved  
ZC-06-126, within original rezoning area, from I to MU-1, approved;  
ZC-10-188, ZC-11-006, ZC-11-016; north, south, and west of rezoning area, Council-initiated to be in conformance with the Comprehensive Plan, approved.

Platting History: None.

**Development Impact Analysis:**

1. **Land Use Compatibility**

This council-initiated zoning change request is intended to align the existing land uses and zoning. The process for Council-initiated rezoning was adopted in November 2000 and involves:

- Verifying the zoning changes are consistent with the City's Comprehensive Plan (8/10);
- Allowing interested City Council members to conduct one or more informational meetings in or near the proposed zoning districts in order to explain the proposed changes to affected property owners; (8/17/10)
- Providing for the Planning Department to brief the City Council on the proposed zoning changes, after which the City Council shall indicate whether or not it wishes to initiate the proposed zoning changes; (11/16/10), and
- Placing a Mayor and Council Communication on the agenda for the next regular City Council meeting authorizing the Planning and Development Department to prepare and submit an appropriate rezoning application (12/7/10), which shall schedule the application for the next available public hearing by the Zoning Commission (1/12/11).
- Providing for public hearings at Zoning Commission (recommended for approval) and City Council (2/8/11) where the majority of the zoning case was approved.

The subject area covers 21.33 acres and 12 parcels. The request is to renotice areas that were omitted from the original zoning case. On the basis of existing land uses, the proposed zoning change is **compatible** with the surrounding land uses.

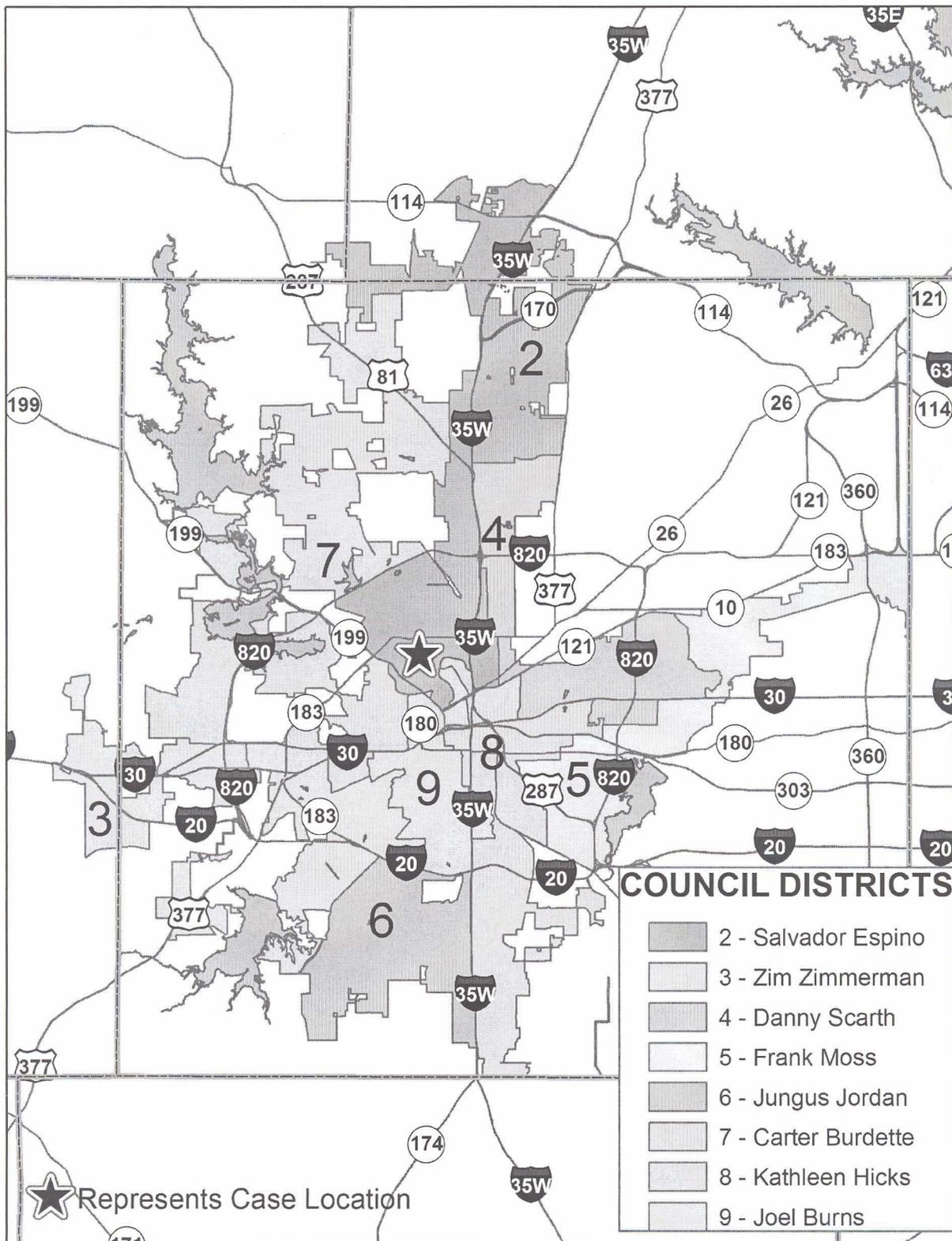
2. **Comprehensive Plan Consistency**

The 2011 Comprehensive Plan designates the subject neighborhood as medium density residential, institutional, and mixed-use growth center. The requested zoning classifications are appropriate for the land use designations. Based on conformance with the future land use map, the proposed zoning is **consistent** with the Comprehensive Plan.

**Attachments:**

- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Map of Proposed Zoning Districts
- Future Land Use Map
- Aerial Photograph
- Minutes from the Zoning Commission meeting

## Location Map

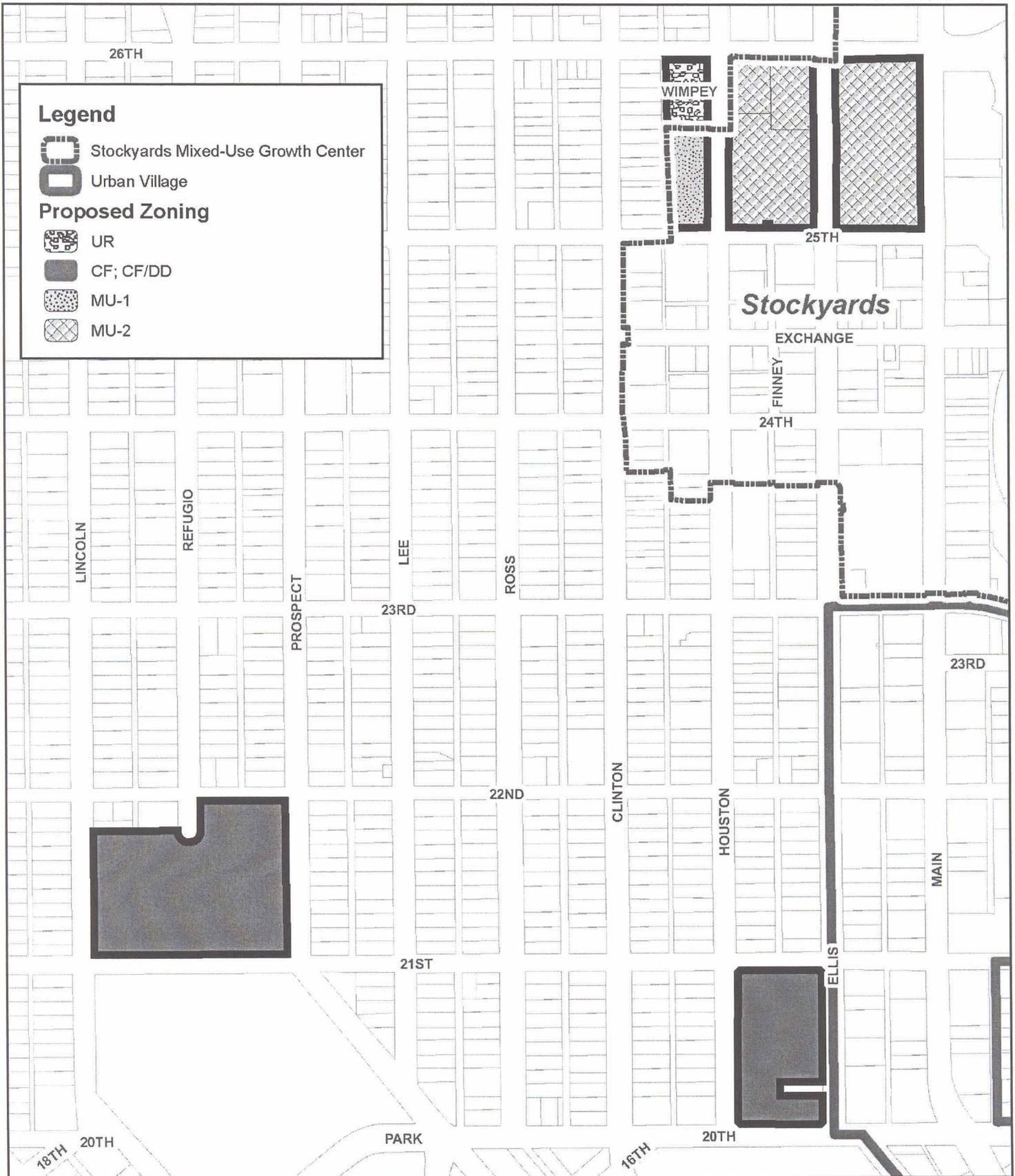




# Portion of Northside Neighborhood: Proposed Zoning

From Various Districts To "UR" Urban Residential, "CF" Community Facilities, "MU-1" Low Intensity Mixed-Use, and "MU-2" High Intensity Mixed-Use. Historical overlays will be retained.

ZC-11-006B



**Legend**

- Stockyards Mixed-Use Growth Center
- Urban Village

**Proposed Zoning**

- UR
- CF; CF/DD
- MU-1
- MU-2

**Stockyards**

EXCHANGE

FINNEY

HOUSTON

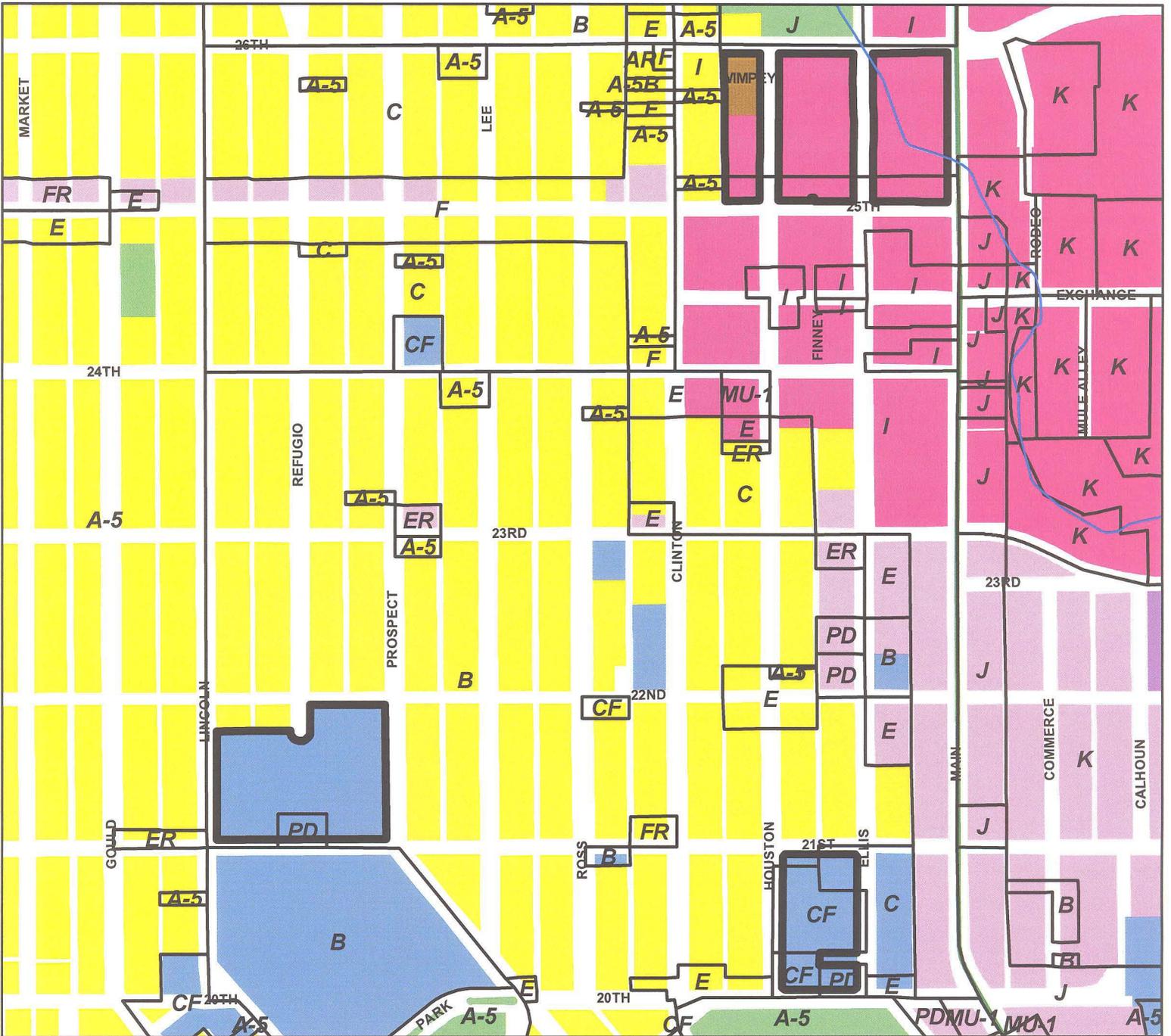
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### Future Land Use



- |  |   |   |
|--|---|---|
| <ul style="list-style-type: none"> <li><span style="color: blue;">—</span> TOLLWAY / FREEWAY</li> <li><span style="color: red;">—</span> PRINCIPAL ARTERIAL</li> <li><span style="color: green;">—</span> MAJOR ARTERIAL</li> <li><span style="color: black;">—</span> MINOR ARTERIAL</li> </ul> | <p><b>Future Land Use Category</b></p> <ul style="list-style-type: none"> <li><span style="background-color: #d9ead3; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px;"></span> Vacant, Undeveloped, Agricultural</li> <li><span style="background-color: #d9ead3; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px;"></span> Lakes and Ponds</li> <li><span style="background-color: #fff2cc; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px;"></span> Rural Residential</li> <li><span style="background-color: #fff2cc; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px;"></span> Suburban Residential</li> <li><span style="background-color: #fff2cc; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px;"></span> Single Family Residential</li> <li><span style="background-color: #fff2cc; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px;"></span> Manufactured Housing</li> <li><span style="background-color: #fff2cc; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px;"></span> Low Density Residential</li> <li><span style="background-color: #fff2cc; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px;"></span> Medium Density Residential</li> <li><span style="background-color: #fff2cc; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px;"></span> High Density Residential</li> <li><span style="background-color: #fff2cc; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px;"></span> Institutional</li> </ul> | <ul style="list-style-type: none"> <li><span style="background-color: #fce4d6; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px;"></span> Neighborhood Commercial</li> <li><span style="background-color: #fce4d6; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px;"></span> General Commercial</li> <li><span style="background-color: #fce4d6; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px;"></span> Light Industrial</li> <li><span style="background-color: #fce4d6; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px;"></span> Heavy Industrial</li> <li><span style="background-color: #fce4d6; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px;"></span> Mixed-Use Growth Center</li> <li><span style="background-color: #fce4d6; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px;"></span> Industrial Growth Center</li> <li><span style="background-color: #fce4d6; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px;"></span> Infrastructure</li> <li><span style="background-color: #fce4d6; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px;"></span> 100 Year Flood Plain</li> <li><span style="background-color: #fce4d6; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px;"></span> Public Park, Recreation, Open Space</li> <li><span style="background-color: #fce4d6; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px;"></span> Private Park, Recreation, Open Space</li> </ul> |
|--|---|---|



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 219.005.) Land use designations were approved by City Council on February 23, 2011



## Aerial Photo



4. **ZC-11-006B City of Fort Worth Planning & Development Department Northside Neighborhood Phase 3. (CD 2)- Generally bounded by N. Main Street, NW 26<sup>th</sup> Street, Lincoln Avenue, and NW 20<sup>th</sup> Street ( see addresses in case file, 21.33 Acres): from “B” Two-Family, “CF” Community Facilities, “CF/DD” Community Facilities/Demolition Delay, “K” Heavy Industrial, and “PD” Planned Developments 217, and 589 to “UR” Urban Residential, “CF” Community Facilities, “CF/DD” Community Facilities/Demolition Delay, “MU-1” Low Intensity Mixed Use, and “MU-2” High Intensity Mixed Use.**

Beth Knight, Senior Planner, City of Fort Worth explained to the Commissioners a portion of this case is back before them because of a notification error.

Motion: Following brief discussion Mr. Genua recommended approval of the request, seconded by Mr. Romero. The motion carried unanimously 7-0.

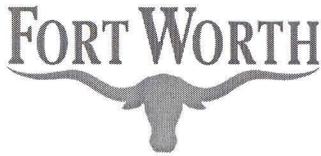
5. **ZC-11-026 Catholic Diocese (CD 5)-2701 Burchill, 2000 McKenzie, 2641 and 2644 Avenue L (Polytechnic Heights Addition, Block 113RA & 117RA, Lot All, Dunlap Subdivision, Block, Lots 6 & 7BR 7.93 Acres): from “B” Two-Family and “PDs” 54 and 75 to Amend PD 54 to all uses in “CF” Community Facilities to include short term lodging with development standards; site plan waiver requested.**

Raymond O’Connor, 304 Main Street, representing Catholic Diocese, explained to the Commissioners they are amending the original PD to allow for temporary lodging for ministry training and Community Facilities related uses. Mr. O’Connor mentioned there is an existing chain link fence surrounding the property. It will be replaced with an eight foot open type design fence in which the monument sign will be located within the fence line

Mr. Romero asked if the fencing is proposed along Burchill and McKenzie. Mr. O’Connor responded it will be located along there street frontage. Mr. Romero also asked about the parking along Conner. Mr. O’Connor mentioned the street is proposed to be abandoned. He explained that the church has their own parking. The lodging facilities will hold about 90 people. Mr. Romero mentioned there are always parking issues with churches on Sundays.

Walter Mataner, 2733 Quinn Street spoke in opposition and was unclear on the request. He questioned how big the sign will be and that there are serious parking problems in the area. Mr. Mataner mentioned the church has two police officers to direct parking on Sundays. The overall site including the church needs to be addressed before moving forward, especially on the parking.

In rebuttal, Mr. O’Connor said the church parking is not related to their site. Mr. O’Connor mentioned the parking shown is already there. Mr. Romero asked about the waiver of the site plan related to his exhibit and mentioned visitors will use the church parking if there is not enough. It was suggested to come back with a site plan addressing some of the issues. Ms. Zadeh commented on the waiver of a site plan and the unknown for future build out.



**SITE PLAN AMENDMENT  
STAFF REPORT**

**Zoning Commission Meeting Date:** March 9, 2011      **Council District** 2

**Zoning Commission Recommendation:**  
Denied by a vote of 6-1  
  
**Opposition:** one person spoke

Continued      Yes \_\_\_ No X  
Case Manager      Stephen Murray  
Surplus      Yes \_\_\_ No X  
Council Initiated      Yes \_\_\_ No X

**Owner / Applicant:** **Champions Auto Sales Co.**  
**Site Location:** 2004-2024 Jacksboro Highway      Mapsco: 61M  
**Proposed Use:** **Additional Parking for Vehicle Sales**  
**Companion Cases:** ZC-07-168, PD 821

**Background:**

The site is located on Jacksboro Highway near the corner of Ohio Garden Road. The applicant is requesting to amend their site plan to include 130 total parking spaces for vehicle sales, an increase of 101 spaces from the previously approved 29 spaces. In 2008, the property was rezoned for auto sales and a banquet hall. A site plan was required and subsequently approved.

In October 2010, staff received complaints and applicant was cited by Building officials and Code Compliance for illegally constructing a paved parking lot for auto sales. The new parking lot was not approved on their site plan and constituted an increase of more than 5%, and therefore could not be administratively approved. Numerous trees were removed and trees approved on the site plan were not planted due to the new concrete surface. The applicant has also paved approximately 10 ft. into the TxDOT right-of-way, up to the pavement surface of Jacksboro Hwy.

The applicant was required to remove the vehicles on the parking area, and is required to obtain Council approval for the revised site plan. If it is not approved, the parking area must be removed. In addition, the applicant is likely to receive a notice of penalties from Urban Forestry for the removed trees. The site will be required to meet Urban Forestry and Landscaping requirements.

The table below describes the existing and proposed conditions for the Site Plan.

Existing Site Plan	New Site Plan
Planting of: 3- new small ornamental trees installed 30' center to center (see previous site plan) 9- Red Yucca or smaller shrub installed at 10' center to center	Failed to plant due to addition of parking area: 3 new small ornamental trees installed 30' center to center (see previous site plan) 9 Red Yucca or smaller shrub installed at 10' center to center
Open space consisting of a grass field	Addition of 101 new parking spaces
Maintain 11 existing trees	Removed 11 trees (required to apply for Urban Forestry permit)
	Addition of 7 landscape islands with trees
	Addition of 8 nondescript trees east of parking area
	Addition of 6 nondescript trees west of parking area
	Addition of 19, 5 gallon shrubs north of the parking area
	Addition of 7 (less than 1 caliper) trees south of new parking lot & ornamental iron fence
	Additional of new ornamental iron fence south new parking lot located near property line

**Site Information:**

Owner: Martimiano Aguayo  
1820 Jacksboro Highway  
Fort Worth, TX 76114

Agent: Miguel A. Temazas/Diana Rodriguez

Acreage: 5.11 ac

Comprehensive Plan Sector: Northside

**Surrounding Zoning and Land Uses:**

North "CF/DD" Community Facilities/Demolition Delay / Northside High School  
 East "A-5" One-Family / single-family  
 South "F" General Commercial; "A-5" One-Family / auto sales, Rockwood Golf Course  
 West "FR" General Commercial Restricted; "A-5" One-Family / auto sales, single-family

**Site Plan Comments:**

The site plan as submitted is in general compliance with the Zoning Ordinance regulations.

**Recent Relevant Zoning and Platting History:**

Zoning History: ZC-07-168, "PD/E" for all uses in "E" plus banquet hall and auto sales, approved; September 2008.

Platting History: NA

**Public Notification:**

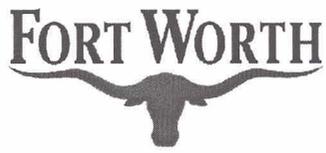
The following Neighborhood Associations were notified:

Northside NA  
Near Northside Partners Council

Fort Worth ISD

***Attachments:***

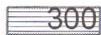
- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Site plan
- Minutes of the Zoning Commission meeting

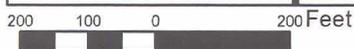
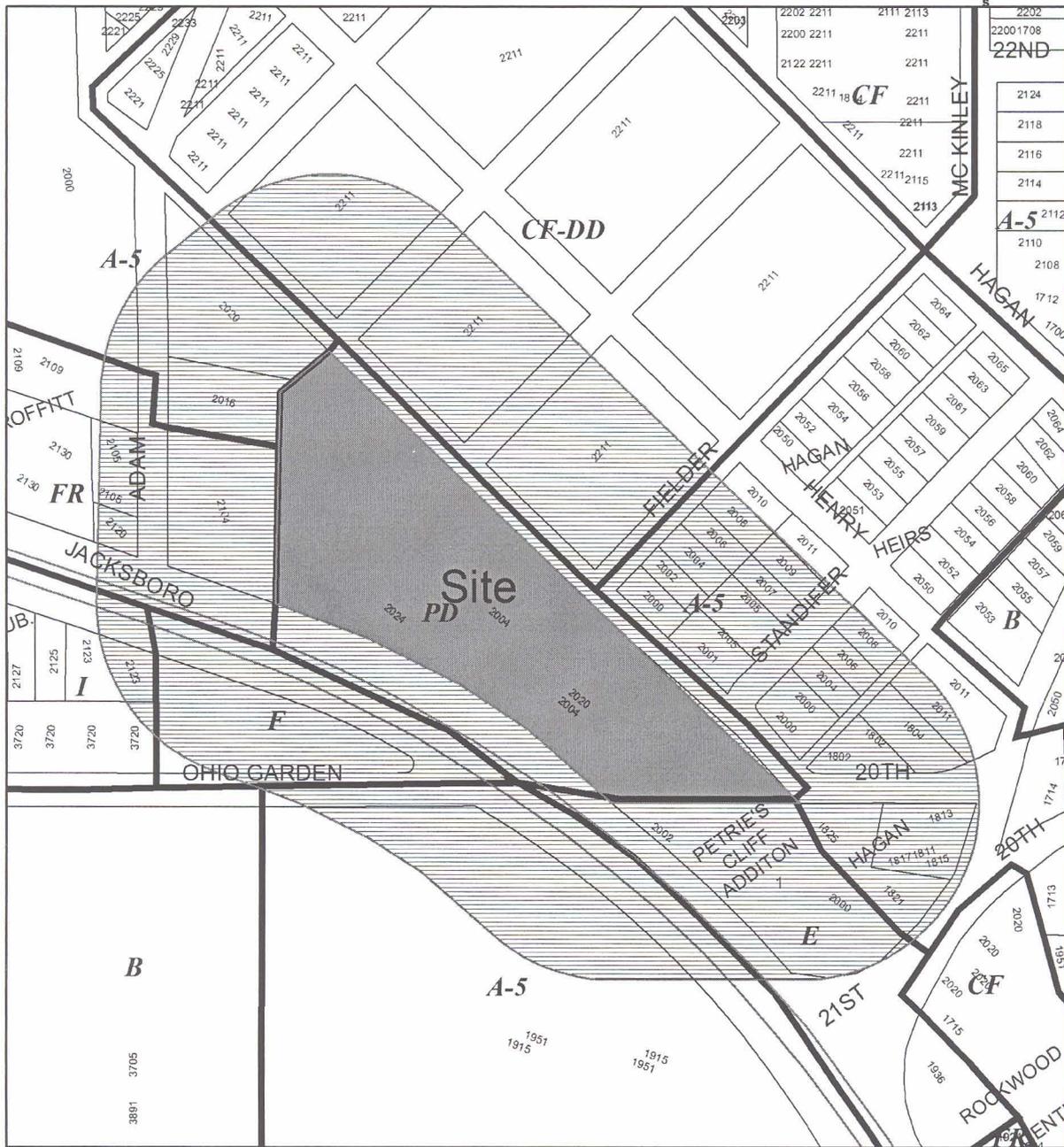


SP-10-008

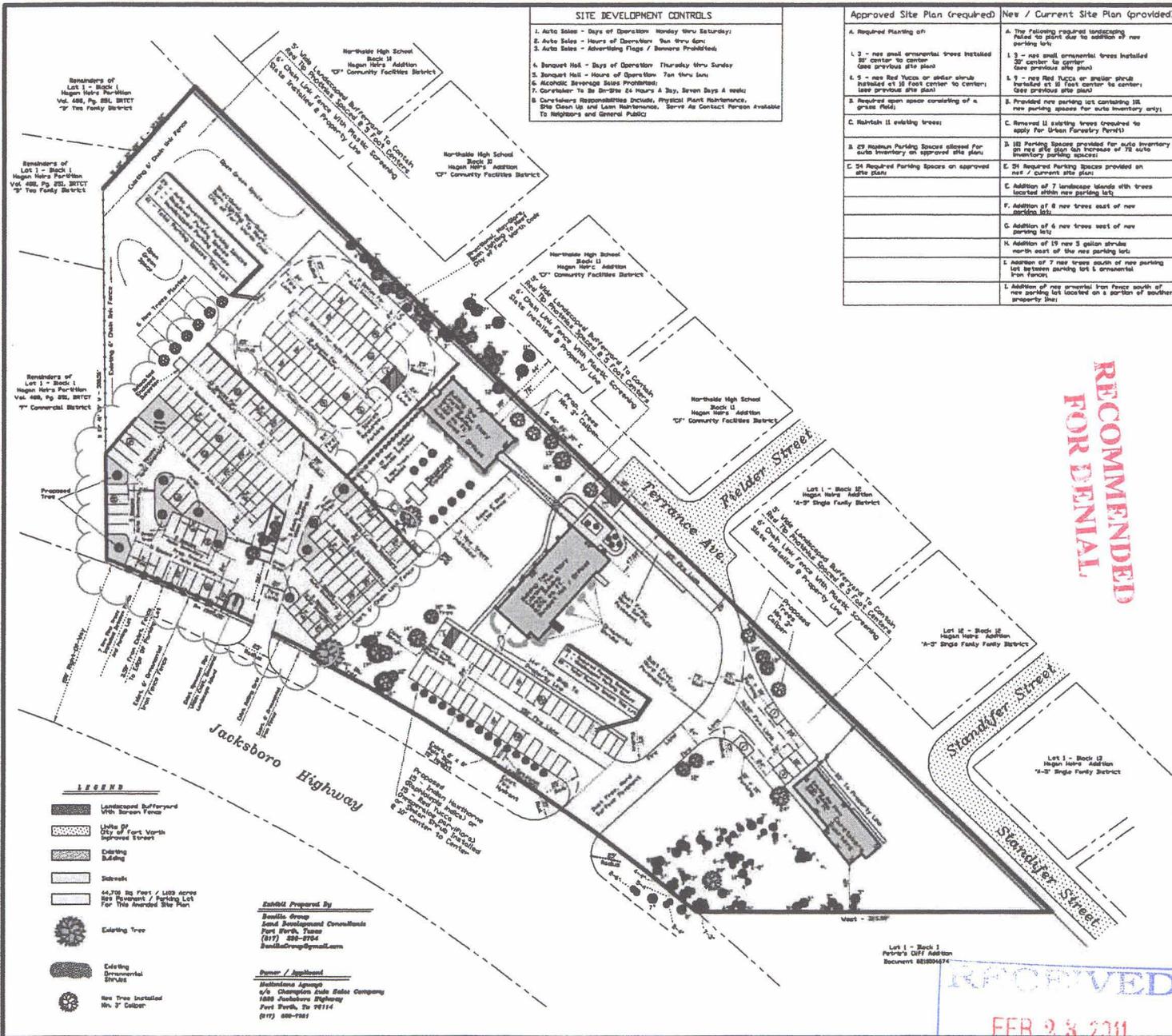
# Area Zoning Map

Applicant: Champions Auto Sales Co.  
 Address: 2024 Jacksboro Hwy.  
 Zoning From: PD 821  
 Zoning To: Amend Site Plan for PD 821 to expand auto sales  
 Acres: 5.81  
 Mapsco: 61M  
 Sector/District: Northside  
 Commission Date: 02/23/2011  
 Contact: 817-392-8043

 300 Ft. Notification Buffer



SP-1U-U08



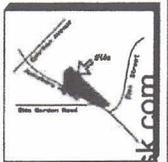
**SITE DEVELOPMENT CONTROLS**

- Auto Sales - Days of Operation Monday thru Saturday;
- Auto Sales - Hours of Operation Sun thru Sat;
- Auto Sales - Advertising Flags / Banners Prohibited;
- Banquet Hall - Days of Operation Thursday thru Sunday;
- Banquet Hall - Hours of Operation 7am thru Sat;
- Alcoholic Beverage Sales Prohibited;
- Curbside To Be On-Size 24 Hours A Day, Seven Days A week;
- Curbside Responsibilities Include: Physical Plant Maintenance, Site Clean Up and Lawn Maintenance. Serv. by Contact Person Available to Neighbors and General Public

Approved Site Plan (Required)	New / Current Site Plan (Provided)
A. Required Planting of: 1. 3 - new small ornamental trees installed 30' center to center. 2. 1 - new Red Yucca or similar shrub installed at 10' Foot center to center. 3. Required open space consisting of a grass field.	A. The following required landscaping failed to plant due to addition of new parking lots: 1. 3 - new small ornamental trees installed 30' center to center. 2. 1 - new Red Yucca or similar shrub installed at 10' Foot center to center. 3. Required open space consisting of a grass field.
B. Maintain all existing trees;	C. Removal of existing trees (required to apply for Urban Forestry Permit)
C. 23 Minimum Parking Spaces allowed for auto inventory on approved site plan;	B. 182 Parking Spaces provided for auto inventory on new site plan (in excess of 78 auto inventory parking spaces)
D. 54 Required Parking Spaces on approved site plan;	E. 24 Required Parking Spaces provided on new / Current site plan
	F. Addition of 7 landscape islands with trees located within new parking lots
	G. Addition of 6 new trees east of new parking lots
	H. Addition of 19 new 3 gallon shrubs north east of site new parking lots
	I. Addition of 7 new trees south of new parking lots between parking lots & ornamental iron fence
	J. Addition of new ornamental iron fence south of new parking lots located on a portion of southern property line



SCALE: 1" = 40'



**PARKING CALCULATION - BUILDING ONE**

- Required Off-Street Parking For Office = 23 Spaces Per 1,000 square feet of gross floor space;
- Building One = 3,510 sq. Ft. Office
- 292 sq. Ft. office, building one = 29
- 1,000 sq. Ft.
- 319 = 23 = 7.98 parking spaces required for building one
- 8 PARKING SPACES REQUIRED - BUILDING ONE

**PARKING CALCULATION - BUILDING TWO - 1ST FLOOR**

- Required Off-Street Parking For Place of Public Assembly = 1 space per 4 seats in main auditorium;
- plus 3 spaces per 1,000 square feet of balcony / other area;
- plus 1 space per 4 employees;
- 130 seats main auditorium = 33 parking spaces required in main auditorium
- 1 space per 4 seats in main auditorium
- 33 PARKING SPACES REQUIRED FOR MAIN AUDITORIUM - BLDG TWO
- 1,378 sq. Ft. - balcony / other area = 1.38 x 3 = 4.14 parking spaces
- 3 spaces per 1,000 sq. Ft. of balcony
- 7 PARKING SPACES REQUIRED FOR BALLROOM - BLDG TWO
- 1 PARKING SPACE REQUIRED FOR 4 EMPLOYEES - BLDG TWO
- 41 TOTAL PARKING SPACES REQUIRED FIRST FLOOR - BLDG TWO

**PARKING CALCULATION - BUILDING TWO - BASEMENT**

- Required Off-Street Parking For Office = 23 Spaces Per 1,000 square feet of gross floor space;
- Building Two = 2,890 sq. Ft. Office
- 292 sq. Ft. office = 29
- 1,000 sq. Ft.
- 3 PARKING SPACES REQUIRED - BUILDING TWO / OFFICE - BASEMENT
- 54 TOTAL PARKING SPACES REQUIRED FOR BUILDING ONE & TWO
- 54 TOTAL PARKING SPACES PROVIDED

RECOMMENDED FOR DENIAL

New Site Plan Amendment Notes (02/23/11)

29 Existing Auto Inventory Parking Spaces Provided On Existing / approved Plan - SP-07-06

25 New Auto Inventory Parking Spaces Provided On New Site Plan

130 Total Existing & New Auto Inventory Parking Spaces Provided For On New Site Plan

44,706 Sq. Ft. of L&D Areas Has Paved / Parking Lot On New Site Plan

11 Required Parking Spaces Provided For On Existing / Approved Site Plan SP-07-06

1 Handicapped Parking Space Provided For On Existing / Approved Site Plan SP-07-06

Required Parking Calculations for previously approved site plan and required parking calculations for new site plan are the same.

SP-11-000  
Amended  
General Development / Specific Use  
Site Plan  
For  
"E" Neighborhood Commercial  
Plus  
Banquet Hall and Auto Sales  
2008 Jacksboro Highway  
Fort Worth, Texas 76114  
5.78 Acres of Land  
A Portion Of  
Lot 1, Block 1, Hagan Heirs Partition  
Volume 488, Page 251, D.R.T.Co.,Tx.  
Director of Planning & Development  
By: \_\_\_\_\_  
Amended February 23, 2011

RECEIVED  
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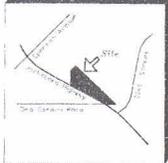
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Amended February 23, 2011

**SITE DEVELOPMENT CONTROLS**

1. Multi-Family Type of Structure: Single-Family Detached
2. Fully Sited - Hours of Operation: 24 Hours
3. Fully Sited - Operating Hours: Business Hours
4. Banquet Hall - Days of Operation: Monday thru Sunday
5. Banquet Hall - Hours of Operation: 7:00 AM thru 11:00 PM
6. Special Events: None Permitted
7. Operation: 1st Floor - 10:00 AM thru 10:00 PM
8. Operation: 2nd Floor - 10:00 AM thru 10:00 PM
9. Operation: 3rd Floor - 10:00 AM thru 10:00 PM
10. Operation: 4th Floor - 10:00 AM thru 10:00 PM
11. Operation: 5th Floor - 10:00 AM thru 10:00 PM
12. Operation: 6th Floor - 10:00 AM thru 10:00 PM
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105. Operation: 99th Floor - 10:00 AM thru 10:00 PM
106. Operation: 100th Floor - 10:00 AM thru 10:00 PM

- LEGEND**
- 1. Traffic Trip Lane
  - 2. Single-Lane Traffic Lane with Street Curb
  - 3. Utility Easement
  - 4. Existing Sidewalk
  - 5. Existing Storm Drain
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  - 98. Existing Storm Drain
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  - 100. Existing Storm Drain



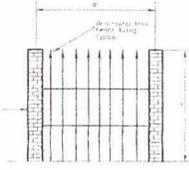
SCALE: 1" = 40'

Location Map



Monument Sign Detail

- Notes**
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Fence Detail

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PARKING CALCULATION - BUILDING ONE	
Required Off-Street Parking for Office	25 Spaces Per 1,000 square feet of gross floor area
Available	3,000 sq. ft. Office
Required	75 Spaces
Available	750 Spaces
* 8 PARKING SPACES REQUIRED - BUILDING ONE	
PARKING CALCULATION - BUILDING TWO - 1ST FLOOR	
Required Off-Street Parking for Office	25 Spaces Per 1,000 square feet of gross floor area
Available	3,000 sq. ft. Office
Required	75 Spaces
Available	750 Spaces
* 8 PARKING SPACES REQUIRED - BUILDING TWO	
PARKING CALCULATION - BUILDING TWO - BASEMENT	
Required Off-Street Parking for Office	25 Spaces Per 1,000 square feet of gross floor area
Available	3,000 sq. ft. Office
Required	75 Spaces
Available	750 Spaces
* 8 PARKING SPACES REQUIRED - BUILDING TWO / OFFICE - BASEMENT	
* 54 TOTAL PARKING SPACES REQUIRED FOR BUILDING ONE & TWO	
* 54 TOTAL PARKING SPACES PROVIDED	

SP-07-060 and ZC-07-168  
Planned Development / Specific Use  
For  
"E" Neighborhood Commercial  
Plus  
Banquet Hall and Auto Sales

APPROVED  
By: [Signature]  
Date: 8/20/08

2008 Jacksboro Highway  
Fort Worth, Texas 76114  
5.78 Acres of Land  
Lot 1A, Hogan Heirs Subdivision  
Volume 488, Page 251, P.R.T.Co., Tx.

[Signature]  
[Signature]  
[Signature]

Revised August 20, 2008

RECEIVED  
AUG 20 2008

Revised August 20, 2008  
Added Security Gate To  
Private Drive

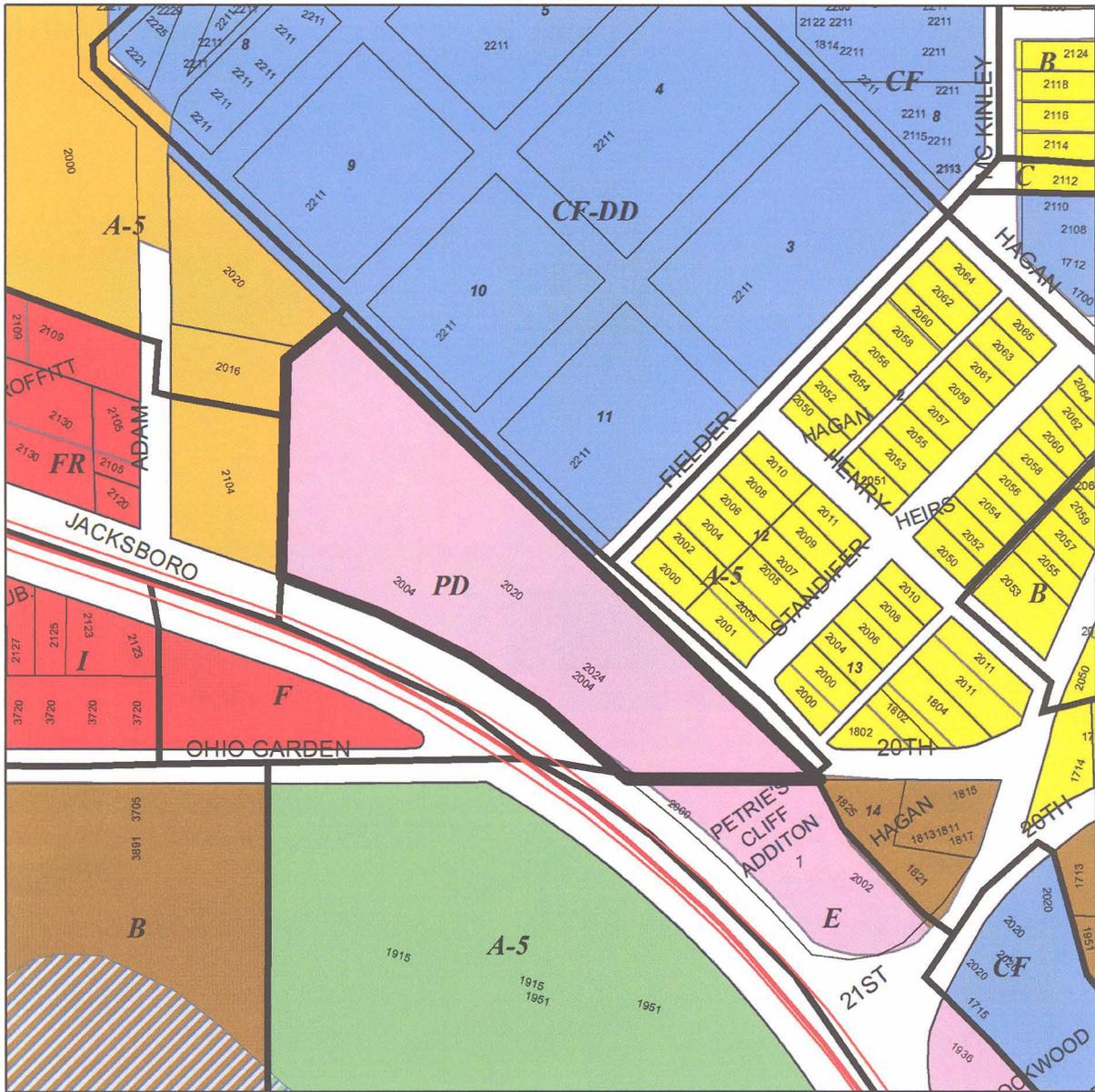
Exhibit Prepared By: [Company Name]  
Owner / Applicant: [Company Name]

Revised August 20, 2008



# Future Land Use

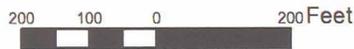
SP-10-008



- Vacant, Undeveloped, Agricultural
- Rural Residential
- Suburban Residential
- Single Family Residential
- Manufactured Housing
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Institutional

- Neighborhood Commercial
- General Commercial
- Light Industrial
- Heavy Industrial
- Mixed-Use Growth Center
- Industrial Growth Center
- Infrastructure
- Lakes and Ponds
- Public Park, Open Space
- Private Park, Open Space

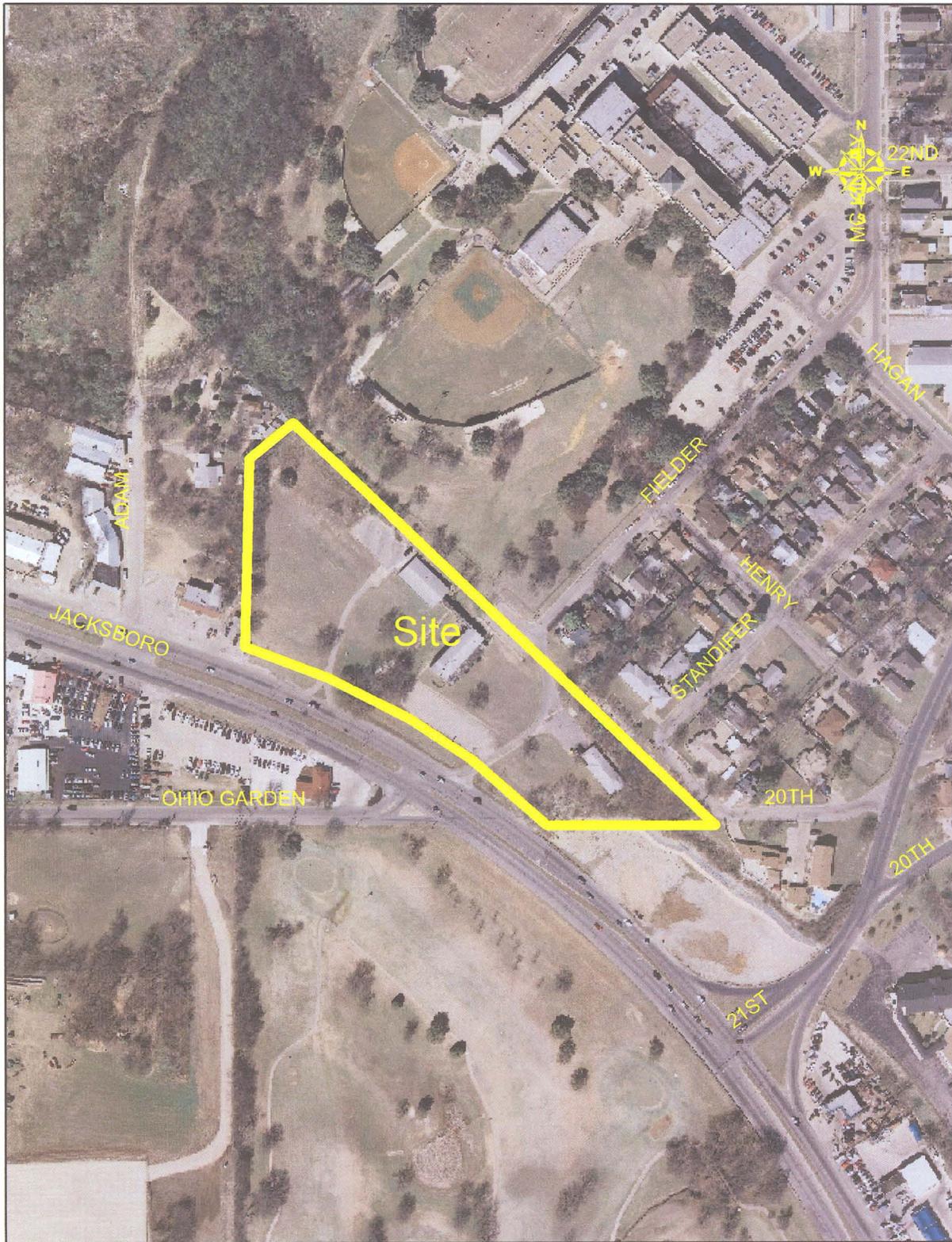
- CFWGIS.SDE.TRN\_RAILROADS
- CFWGIS.SDE.CAD\_addresses
- Freeways/Toll Roads
- Proposed Freeway/Toll Road
- Principal Arterial
- Proposed Principal Arterial
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- Flood Plain



A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 219.005) Land use designations were approved by City Council on February 23, 2011



Aerial Photo Map



**City of Fort Worth, Texas**  
**Zoning Commission**  
**March 09, 2011 – Meeting Minutes**

**DRAFT**

**Present:**

Nick Genua, District 7  
Ann Zadeh, Vice Chair, District 1  
Jackson Wilson, District 3  
Ramon Romero, District 8  
Charles Edmonds, Jr., District 4  
Maurice Barnes, District 5  
Stephanie Spann, District 6

**Staff Members Present:**

Dana Burghdoff, Deputy Director  
Jocelyn Murphy, Planning Manager  
Lynn Jordan, Planner  
Stephen Murray, Planner  
Beth Knight, Senior Planner  
Melinda Ramos, Legal

**Absent:**

Neftali Ortiz, District 2  
Gaye Reed, District 9

**I. Public Hearing – 10:08 A. M.**

Ms. Murphy explained the procedure to be followed for the Zoning Commission meeting.

**II. Minutes**

The Commission, on a motion by Mr. Edmonds, seconded by Ms. Spann, on a vote of 7-0, voted to approve the Zoning Commission minutes of the February 23, 2011 meeting.

Video on individual cases can be viewed at the following website.  
[http://fortworthgov.granicus.com/ViewPublisher.php?view\\_id=2](http://fortworthgov.granicus.com/ViewPublisher.php?view_id=2)

**III. Continued Cases**

**1. SP-10-008 Champions Auto Sales Co. (CD 2)- 2004-2024 Jacksboro Highway (Hagan Heirs Subdivision, Block, Lot 1A, 5.11 Acres): Amend site plan for PD-821 to add parking spaces to expand auto sales storage lot and amend required landscaping; site plan included.**

Chris Bonilla, 8540 Charleston, Fort Worth, Texas, representing Champions Auto Sales Co., explained to the Commissioners that the original site plan case was approved by Council in 2007. The site plan at that time indicated development controls and included 29 parking spaces for inventory. Mr. Bonilla mentioned the revised site plan as submitted will incorporate all previously approved language for development controls, 29 parking spaces with an additional 101 parking spaces for auto inventory, for a total of 130 spaces. The majority of the added parking spaces are already in place without updating the site plan.

Mr. Bonilla explained how this happened. He mentioned the contractor that was hired ensured them they would pull all necessary permits and update the site plan for approval. The contractor was paid for the construction and walked away from the job without doing this. The Bonilla group was hired to provide an amended site plan. He also added the revised site plan will

incorporate 34 new shrubs and 33 trees. Eleven trees were removed during the construction of the parking lot.

Carlos Flores, 1415 Circle Park Boulevard, a member of the Northside Neighborhood Association was curious as to why the owner deviated from the approved site plan back in 2008. He understands what Mr. Bonilla said about the contractor walking away and they were trying to mitigate some of the parking by adding additional landscape islands. He mentioned as an owner he would have followed up to make sure this additional parking could be done because it was tied to a site plan.

Michael Grooms, 2004 Sandifer Street, mentioned there is no green space area out by the fence as indicated on the site plan it is all concrete.

Mr. Bonilla, in rebuttal explained to the Commissioners this is a hard case to explain as to how they got to this point since the contractor walked away from the site plan. Mr. Bonilla followed up on Mr. Green's comment about there being no green area by the fence line. The revised site plan needs to be revised to indicate the green area as paved surface. Mr. Bonilla submitted a petition of support letters from the neighborhood.

Ms. Spann asked about the paved area where the green is indicated. Mr. Bonilla explained there is a graphic error on the site plan. Ms. Murphy asked and Mr. Bonilla confirmed that the paved area is within the TxDOT right-of-way for Jacksboro Hwy.

Mr. Edmonds asked about the site plan showing plantings along Jacksboro Highway. In response Mr. Bonilla mentioned there are seven trees planted inside of the fence along Jacksboro. There is about 3 ½ feet of paving between fence and trees.

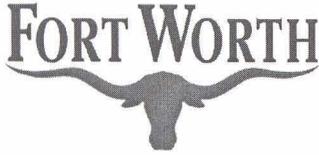
Ms. Zadeh mentioned the case history and if it is the same owner as in 2008 they should have followed the site plan as approved back then. She also asked if the applicant had asked the contractor to pave this area. Mr. Bonilla said yes they did.

Motion: Following brief discussion Mr. Genua recommended denial of the request, seconded by Ms. Spann. The motion carried 6-1 with Mr. Edmonds against.

#### IV. ~~New Cases~~

**2. ZC-10-185 Jack 2199, Inc. (CD 2)- 2000 Jacksboro Highway (Petrie's Cliff Addition, Block 1, Lot 1, 1.50 Acres): from "E" Neighborhood Commercial to "PD/E" Planned Development for all uses in "E" Neighborhood Commercial plus car wash & auto repair; site plan included.**

Jim Schell, 901 Fort Worth Club Building, representing Jack 2199, Inc. explained to the Commissioners the request is to rezone to PD/E plus car wash and auto repair for this site. The owner has met with the Northside Neighborhood and trying to develop a site plan for this property. Mr. Schell mentioned the neighborhood was in support, however; they questioned the



**ZONING MAP CHANGE  
STAFF REPORT**

**City Council Meeting Date:**  
April 5, 2011

**Council District**    7

**Zoning Commission Recommendation:**

Approved by a vote of 7-0

**Opposition:** one person spoke; a petition submitted included 13.47% of the property owners within 200 feet of the property

Continued	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Case Manager	<u>Lynn Jordan</u>	
Surplus	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Council Initiated	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

**Owner / Applicant:**            **Matthew Hicks**

**Site Location:**                    5338 Boat Club Road                    Mapsco:            45L

**Proposed Use:**                    **Commercial Office**

**Request:**            From: "A-5" One-Family  
To: "ER" Neighborhood Commercial Restricted

**Land Use Compatibility:**                    Requested change is **compatible**.

**Comprehensive Plan Consistency:**                    Requested change is **not consistent**.

**Background:**

The applicant is proposing a zone change to "ER" Neighborhood Commercial Restricted for a commercial insurance office. The lot consists of a vacant single-family house to be converted into an office.

Several variances through the Board of Adjustment may be needed if the ER zoning is approved to allow for parking and to accommodate the closeness of the structure to the rear property line.

<b>Development Standards</b>	<b>A-5 District</b>	<b>Proposed ER</b>
Front Yard	20 ft. minimum	20 ft. minimum
Lot Coverage	50% maximum	30% maximum
Adjacent to A or B residential district	5 ft. minimum	If the building exceeds 20 ft. in height the setback must equal the height
Parking (residential)	Two spaces located behind front building line	Office buildings/one space per 400 square feet not to be located within the front yard ( <i>variance due to adjacent residential</i> )
Landscaping (residential)	NA	Screening trees must be provided within the buffer area along the property line adjacent to A or B district, spaced 25 feet apart ( <i>variance</i> )

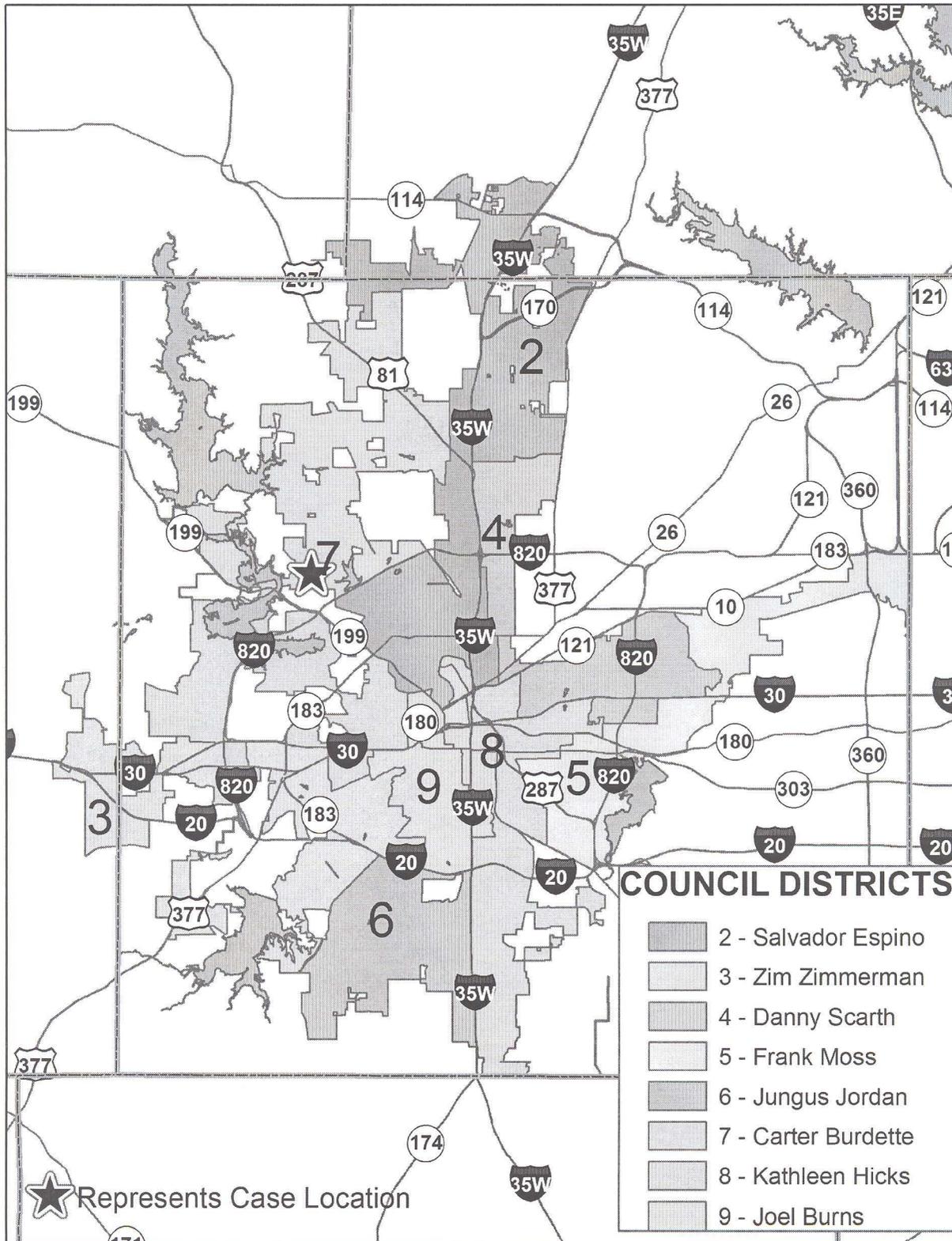


# FORT WORTH



ZC-11-027

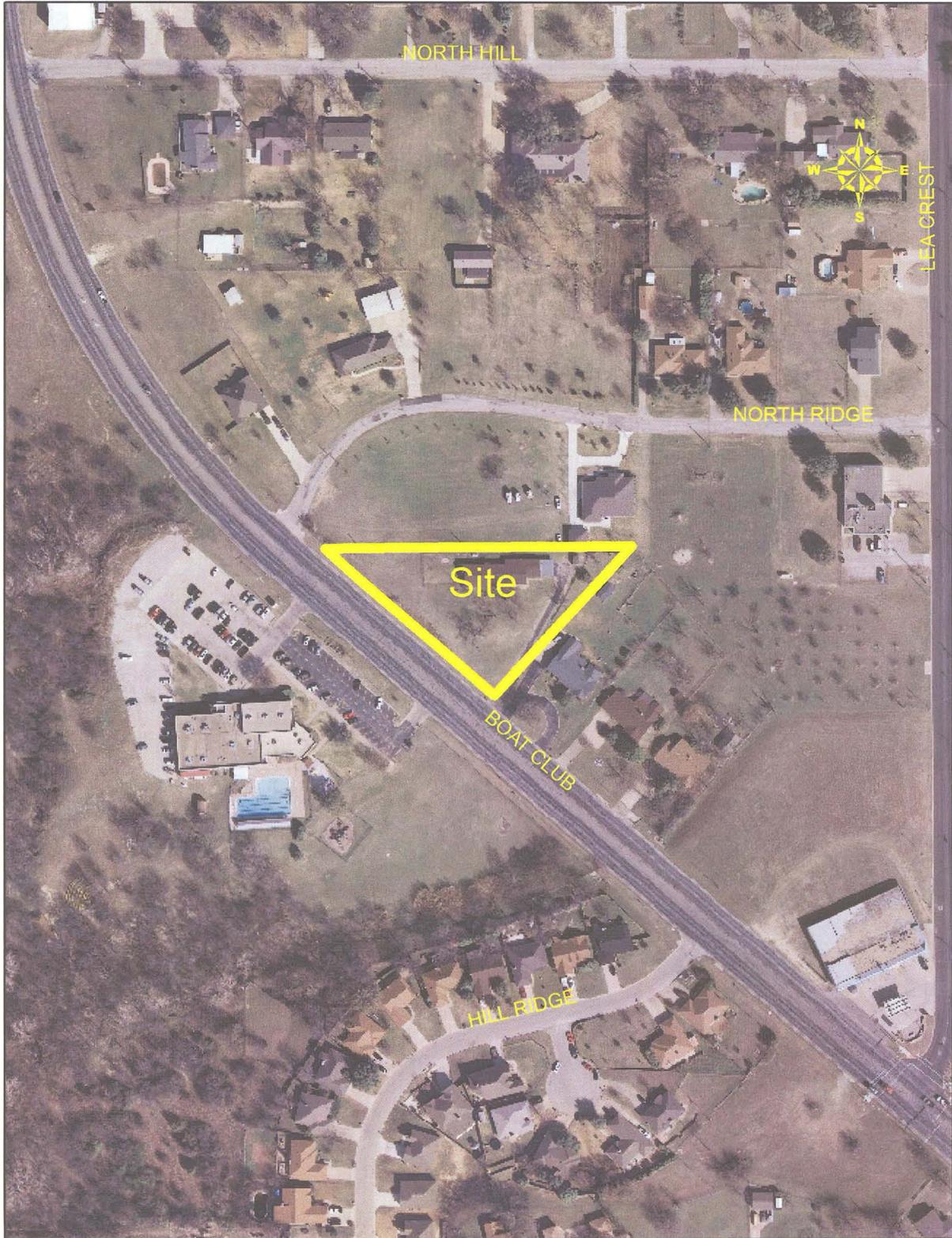
## Location Map







## Aerial Photo Map



Dr. Barnes mentioned it would be feasible to try to address the concerns about parking with the neighborhood.

Motion: Following brief discussion, Dr. Barnes recommended a 30 day continuance of the request to the April 13, 2011 meeting and site plan being required, seconded by Mr. Genua. The motion carried unanimously 7-0.

**6. ZC-11-027 Matthew Hicks. (CD 7)- 5338 Boat Club Road (Greenfield Acres Addition, Block 1, W314'13 0.80 Acres): from "A-5" One-Family to "ER" Neighborhood Commercial Restricted**

Matthew Hicks, 4300 Boat Club Road Lake Worth, Texas representing himself, explained to the Commissioners the request to rezone the property to ER is to allow for an insurance office. Mr. Hicks mentioned he did speak with the surrounding property owners as well as Councilman Burdette on his proposed use of the property. The house has been vacant for nine months. It has been used as rental property and the owners would like to sell it. He will not be making any changes to the structure and will be adding landscaping to the property. Mr. Hicks also mentioned Boat Club Road is a very busy road with about 27,000 cars a day. Pictures were submitted of surrounding properties.

Linda Cobb, 6332 North Ridge, spoke in opposition of the request and also submitted a petition. Ms. Cobb mentioned neighborhoods are changing and that a lot of properties fronting Boat Club are commercially zoned. Ms. Cobb also mentioned there are three more properties adjacent to this site that may go commercial as well and they're concerned about protecting the neighborhood from further encroachment. She also mentioned a couple of the property owners adjacent signed the petition.

In rebuttal, Mr. Hicks mentioned the insurance office that is being used for a home in the area. He doesn't believe changing the zoning to ER will affect the neighborhood.

Todd Bagsby, 5328 Boat Club Road speaking on behalf of his mother and Mr. Martinez, an adjacent owner, explains they are in support of the request. He also mentioned the heavy traffic along Boat Club Rd.

Motion: Following brief discussion, Mr. Genua recommended approval of the request, seconded by Mr. Wilson. The motion carried unanimously 7-0.

**7. ZC-11-028 Triple T Farms Ltd (CD 7)- 6051 W. Bailey Boswell Road (R. Whitley Survey, Abstract 1672, 16.60 Acres): from "E" Neighborhood Commercial to "PD/E" Planned Development for all uses in "E" Neighborhood Commercial with no maximum building size; site plan included**

Mike Clark, Winkelmann & Associates 6750 Hillcrest Plaza, Suite 325, Dallas Tx., representing Triple T Farms, explained to the Commissioners they are requesting a change to PD/E with no maximum building size to allow for a Kroger store. The deed restricts the property to E uses



Agent: Winkelmann and Associates/Mike Clark  
Acreage: 16.6 acres  
Comprehensive Plan Sector: Far Northwest

**Surrounding Zoning and Land Uses:**

North County / vacant  
East "A-5" One-Family / single-family  
South "A-5" One-Family / single-family  
West "AG" Agricultural / Oncor transmission lines

**Site Plan Comments:**

The site plan as submitted is not in general compliance with the Zoning Ordinance regulations. The key deficiencies are:

1. Provide a note stating that the development will comply with Section 5.134 standards unless waived through the site plan.
2. Waivers are requested for the following:
  - a. 100 ft setback required adjacent One-Family District
  - b. Trash compaction may not occur within 100 ft of residential property
  - c. No mechanical equipment may be located within 100 feet of residential property

**Compliance with the items noted above shall be reflected on the site plan or waivers to each item are required.**

**Recent Relevant Zoning and Platting History:**

Zoning History: None

Platting History: Not filed

**Public Notification:**

The following Neighborhood Associations were notified:

Lake Country Property Owners Association  
Eagle Mountain Alliance

Eagle Mountain Saginaw ISD

**Development Impact Analysis:**

1. **Land Use Compatibility**

The applicant is proposing a zone change from "E" Neighborhood Commercial to "PD/E" Planned Development for all uses in "E" with no maximum building size, site plan included. Surrounding land uses vary, with residential to the south and east, vacant land to the north, and Oncor transmission lines directly to the west. Neighborhood Commercial is compatible with the single family subdivision near the vacant lot. While the building will be a greater size than what is permitted in an "E" district, the commercial uses in the district will service the neighborhoods.

Additionally, the proposed site is located on the corner of two significant roadways. As a result, the proposed zoning **is compatible** with surrounding land uses.

2. **Comprehensive Plan Consistency**

The 2011 Comprehensive Plan designates the subject property as neighborhood commercial. The proposed "PD/E" zoning is consistent with the following Comprehensive Plan policies, despite the primary anchor tenant exceeding the maximum square footage.

- Encourage development type and intensity appropriate to existing or planned street infrastructure. (pg. 38)

- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods. (pg. 38)

Based on the conformance with the future land use map and policies stated above, the proposed zoning **is consistent** with the Comprehensive Plan.

***Attachments:***

- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Site Plan
- Minutes of the Zoning Commission meeting

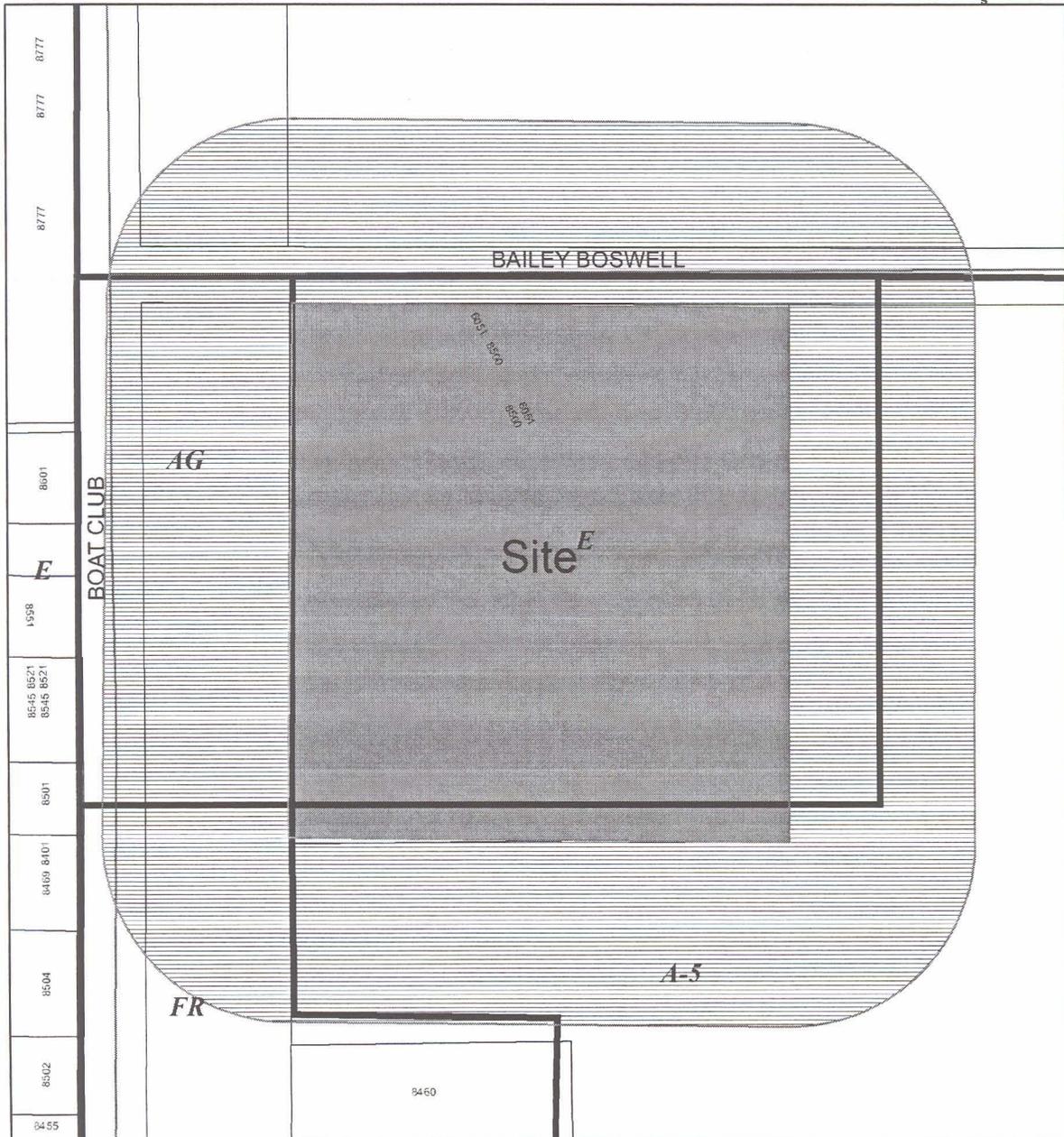


ZC-11-028

# Area Zoning Map

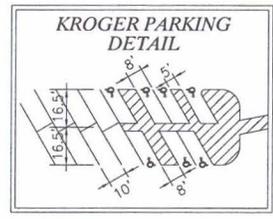
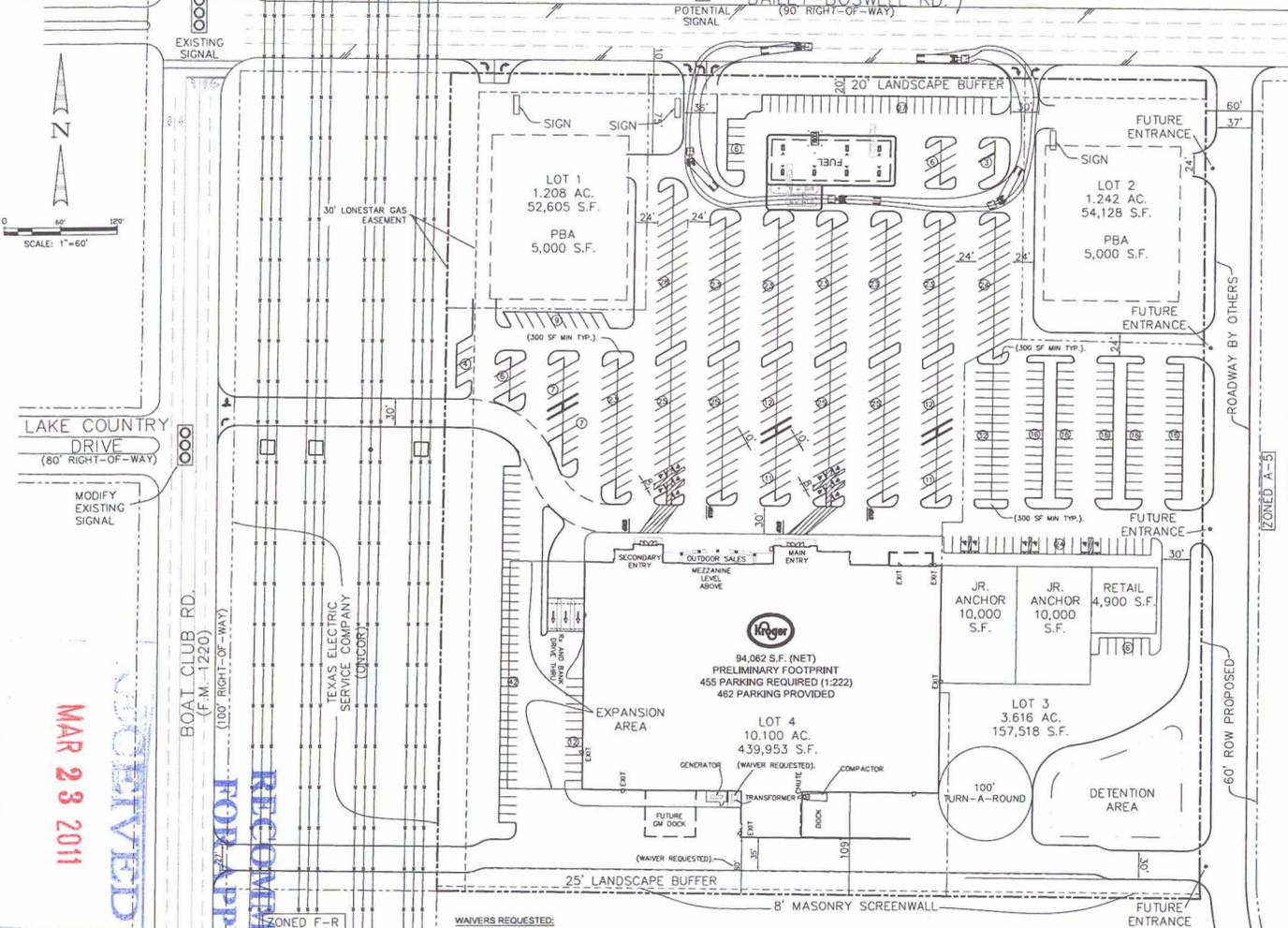
Applicant: Triple T Farms  
 Address: 6051 Bailey Boswell Road  
 Zoning From: A-5, E  
 Zoning To: PD for all E uses plus building over 60,000 square feet  
 Acres: 16.16  
 Mapsco: 32L&Q  
 Sector/District: Far Northwest  
 Commission Date: 03/09/2011  
 Contact: 817-392-8043

 300 Ft. Notification Buffer



200 100 0 200 Feet

LARGE RETAIL STORE	
BUFFERYARD	
REQUIRED	PROVIDED
20' BUFFERYARD	25' BUFFERYARD
MASONRY WALL	
REQUIRED	PROVIDED
8' TALL MASONRY WALL	8' TALL MASONRY WALL
BUFFER TREES	
REQUIRED	PROVIDED
1 TREE PER 20' OF ADJACENCY	APROX. 1 TREE PER 17' ADJACENCY BY STAGGERING
41 TREES	49 TREES



ZONING ALL LOT=PD="E"	LOT 1	LOT 2	LOT 3	LOT 4
LAND AREA	526,605 sf 1,208 Ac.	54,128 sf 1,242 Ac.	157,518 sf 3,616 Ac.	439,953 sf 10,100 Ac.
USE			RETAIL	KROGER
PKG. SPCS. REQ'D (1:250)	-	-	125	376
PKG. SPCS. PROV.	-	-	137	465
H.C. PKG. REQ'D	-	-	6	9
H.C. PKG. PROV.	-	-	6	10
BLDG. AREA	-	-	24,900 sf	94,062 sf
LANDSCAPE COVERAGE	-	-	14.72%	21.38%
LANDSCAPE COVERAGE	-	-	-	-

- PD SITE PLAN NOTES:**
- THE PROJECT WILL CONFORM WITH ARTICLE 4, SIGNS.
  - THE PROJECT WILL COMPLY WITH SECTION 6.301, LANDSCAPING.
  - THE PROJECT WILL COMPLY WITH URBAN FORESTRY REQUIREMENTS. A SUBMITTAL TO THE URBAN DESIGN COMMITTEE IS ANTICIPATED.
  - THE PROJECT WILL COMPLY WITH CITY OF FORT WORTH LIGHTING STANDARDS. LIGHTS WILL BE DIRECTED DOWN AND AWAY FROM RESIDENTIAL USES.
  - LANDSCAPE BUFFERYARD IRRIGATED PER ARTICLE 5.134A.4.
  - TRAFFIC IMPACT STUDY WILL BE PROVIDED WITH PLAT.
  - 6' MASONRY SCREENING WILL BE PROVIDED FOR DUMPSTERS

DIRECTOR OF PLANNING AND DEVELOPMENT DATE \_\_\_\_\_

**ZONING SITE PLAN**  
**KROGER BOAT CLUB**  
**LOTS 1 THRU 4, BLOCK 1**  
 R.WHITLEY SURVEY, ABSTRACT NO. 1672  
 CITY OF FORT WORTH  
 TARRANT, TEXAS  
 FEBRUARY 23, 2011  
 ZONING CASE NO.: ZC-11-028

DEVELOPER: MARGAUX DEVELOPMENT COMPANY  
 14801 QUORUM DR., SUITE 160  
 DALLAS, TX 75254

ENGINEER/SURVEYOR: WINKELMANN & ASSOCIATES INC.  
 6750 HILLCREST PLAZA DR., #325  
 DALLAS, TEXAS 75230  
 (972) 490-7090 office  
 (972) 490-7099 fax

REVISE PER ZONING COMMENTS	M.D.C.	APPROVAL
5 02/25/11		
4 01/31/11		
3 01/24/11		
2 01/04/11		
1 12/09/10		

**Winkelmann & Associates, Inc.**  
 ENGINEER/SURVEYOR  
 6000 HILLCREST PLAZA DR., SUITE 160  
 DALLAS, TEXAS 75230  
 (972) 490-7090  
 (972) 490-7099 fax

R. WHITLEY SURVEY, ABSTRACT NO. 1672  
 CITY OF FORT WORTH  
 TARRANT, TEXAS  
 MARGAUX DEVELOPMENT COMPANY  
 14801 QUORUM DR., SUITE 160  
 DALLAS, TX 75254

**SITE PLAN A**  
**KROGER BOAT CLUB**  
**FORT WORTH, TEXAS**

Scale: 1"=60'  
 Date: November 5, 2010  
 File: 34252911A-B 1 of 2.DWG  
 Project No.: 34252.00

**SHEET**  
**1 of 2**

**RECEIVED**  
**MAR 23 2011**  
**RECOMMENDED FOR APPROVAL**

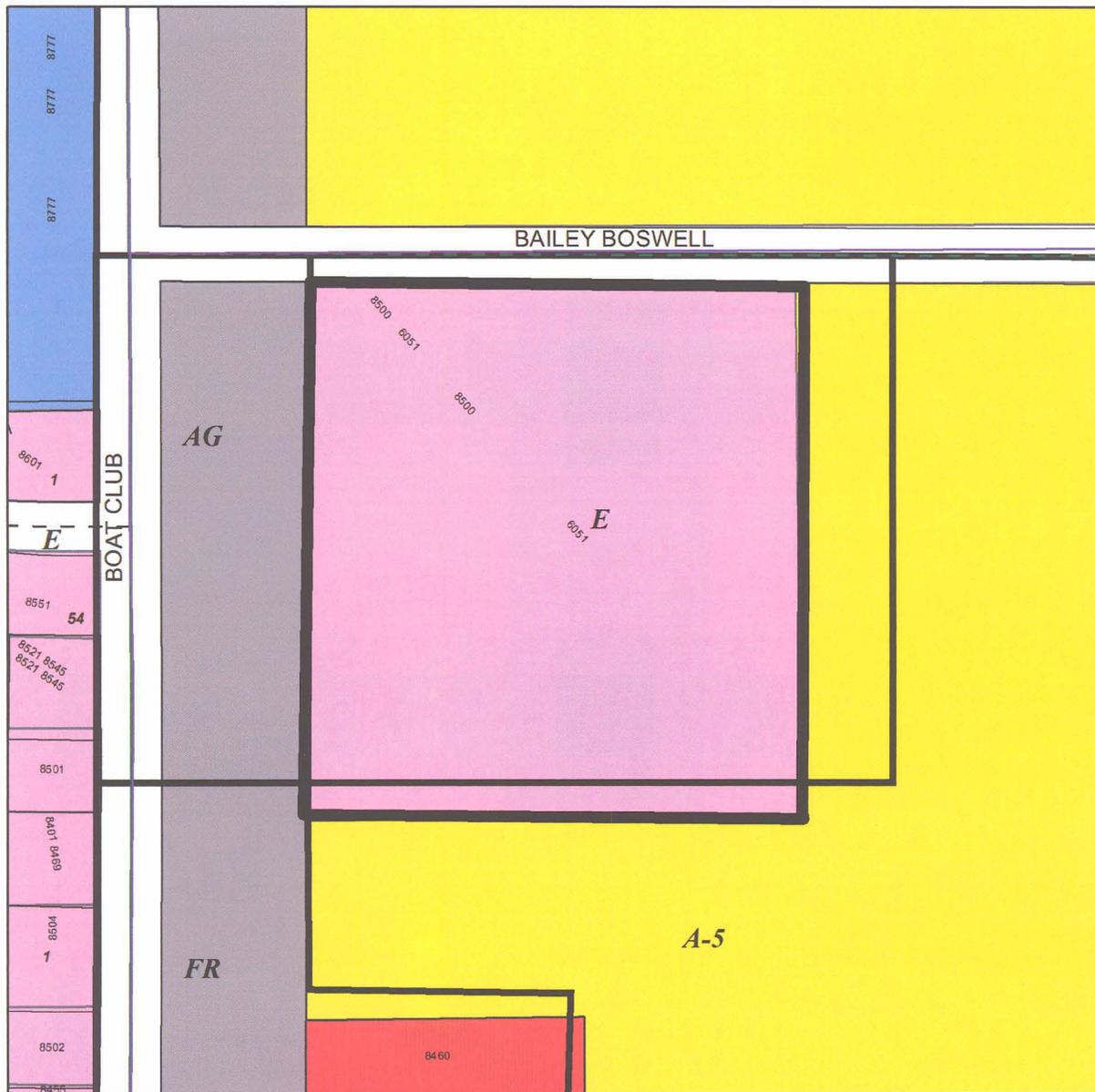
- WAIVERS REQUESTED:**
- 100 FT BUFFER REQUIRED ADJACENT ONE-FAMILY DISTRICT APPROVE AS SHOWN.
  - TRASH COMPACTION MAY NOT OCCUR WITHIN 100' OF RESIDENTIAL PROPERTY APPROVE AS SHOWN (ENCLOSED COMPACTOR ONLY).
  - NO MECHANICAL EQUIPMENT MAY BE LOCATED WITHIN 100' OR RESIDENTIAL PROPERTY APPROVE AS SHOWN.

ZC-11-028

# FORT WORTH

## Future Land Use

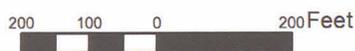
ZC-11-028



- Vacant, Undeveloped, Agricultural
- Rural Residential
- Suburban Residential
- Single Family Residential
- Manufactured Housing
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Institutional

- Neighborhood Commercial
- General Commercial
- Light Industrial
- Heavy Industrial
- Mixed-Use Growth Center
- Industrial Growth Center
- Infrastructure
- Lakes and Ponds
- Public Park, Open Space
- Private Park, Open Space

- CFWGIS.SDE.TRN\_RAILROADS
- CFWGIS.SDE.CAD\_addresses
- Freeways/Toll Roads
- Proposed Freeway/Toll Road
- Principal Arterial
- Proposed Principal Arterial
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- Flood Plain



A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government code, Section 219.005) Land use designations were approved by City Council on February 23, 2011



## Aerial Photo Map



Dr. Barnes mentioned it would be feasible to try to address the concerns about parking with the neighborhood.

Motion: Following brief discussion, Dr. Barnes recommended a 30 day continuance of the request to the April 13, 2011 meeting and site plan being required, seconded by Mr. Genua. The motion carried unanimously 7-0.

**6. ZC-11-027 Matthew Hicks. (CD 7)- 5338 Boat Club Road (Greenfield Acres Addition, Block 1, W314'13 0.80 Acres): from "A-5" One-Family to "ER" Neighborhood Commercial Restricted**

Matthew Hicks, 4300 Boat Club Road Lake Worth, Texas representing himself, explained to the Commissioners the request to rezone the property to ER is to allow for an insurance office. Mr. Hicks mentioned he did speak with the surrounding property owners as well as Councilman Burdette on his proposed use of the property. The house has been vacant for nine months. It has been used as rental property and the owners would like to sell it. He will not be making any changes to the structure and will be adding landscaping to the property. Mr. Hicks also mentioned Boat Club Road is a very busy road with about 27,000 cars a day. Pictures were submitted of surrounding properties.

Linda Cobb, 6332 North Ridge, spoke in opposition of the request and also submitted a petition. Ms. Cobb mentioned neighborhoods are changing and that a lot of properties fronting Boat Club are commercially zoned. Ms. Cobb also mentioned there are three more properties adjacent to this site that may go commercial as well and they're concerned about protecting the neighborhood from further encroachment. She also mentioned a couple of the property owners adjacent signed the petition.

In rebuttal, Mr. Hicks mentioned the insurance office that is being used for a home in the area. He doesn't believe changing the zoning to ER will affect the neighborhood.

Todd Bagsby, 5328 Boat Club Road speaking on behalf of his mother and Mr. Martinez, an adjacent owner, explains they are in support of the request. He also mentioned the heavy traffic along Boat Club Rd.

Motion: Following brief discussion, Mr. Genua recommended approval of the request, seconded by Mr. Wilson. The motion carried unanimously 7-0.

**7. ZC-11-028 Triple T Farms Ltd (CD 7)- 6051 W. Bailey Boswell Road (R. Whitley Survey, Abstract 1672, 16.60 Acres): from "E" Neighborhood Commercial to "PD/E" Planned Development for all uses in "E" Neighborhood Commercial with no maximum building size; site plan included**

Mike Clark, Winkelmann & Associates 6750 Hillcrest Plaza, Suite 325, Dallas Tx., representing Triple T Farms, explained to the Commissioners they are requesting a change to PD/E with no maximum building size to allow for a Kroger store. The deed restricts the property to E uses

only. They will increase the bufferyard to 25 feet as well as add more landscaping; the trees will be staggered.

Motion: Following brief discussion, Mr. Genua recommended approval of the request, seconded by Mr. Wilson. The motion carried unanimously 7-0.

**8. SP-11-002 Trinity/Precinct LP (CD 4)- 2929 Precinct Line Road (Vincent J. Hutton Survey, Abstract 681, 1.65 Acres): amend PD-627 to provide outdoor storage facilities.**

Coy Quine, 301 S. Sherman, Suite 100, Richardson, Tx., representing Trinity/Precinct LP, explained to the Commissioners they are requesting a 30 day continuance in order to meet with the neighborhood. Mr. Edmonds asked about compliance with the Zoning ordinance and will there be carports. Mr. Quine mentioned yes there will be. Entrances will be located from the other property.

Dr. Barnes asked about the exterior fencing. Mr. Quine mentioned it will be masonry to match the rest of the property.

Mr. Genua asked how tall the carports are. Mr. Quine mentioned they are about 14 feet tall and the fence will be eight feet tall.

Motion: Following brief discussion, Mr. Edmonds recommended a 30 day continuance of the request to the April 13, 2011 meeting, seconded by Ms. Spann. The motion carried unanimously 7-0.

**9. ZC-11-029 Azleway Inc. (CD 5)- 2504 Oakland Boulevard (James M. Floyd Addition, Block 5R1 & 5R2 1.92 Acres): from "A-10" One-Family to "CF" Community Facilities**

Wanda Conlin, 1755 Martell, a member of the West Meadowbrook neighborhood association, spoke in support of the proposed change. Ms. Conlin gave a brief history of the property and explained the house will be used as an office headquarters for foster care. She mentioned this is not a shelter.

Mr. Genua asked if the lots were platted separately. Ms. Conlin said no they were not and that the zoning case is described by metes and bounds for the foster care portion.

Deidra Norris, 4309 Arden Trail, President of the West Meadowbrook neighborhood association also spoke in support.

Motion: Following brief discussion Mr. Romero recommended approval of the request, seconded by Mr. Edmonds. The motion carried unanimously 7-0.

**10. ZC-11-030 City of Fort Worth Planning & Development West Handley Neighborhood (CD 5)- Generally bounded by E. Lancaster Avenue, East Loop 820, East Rosedale Street,**



**Public Notification:**

The following Neighborhood Associations were notified:

- |                                  |                                 |
|----------------------------------|---------------------------------|
| West Meadowbrook NA              | East Fort Worth Business Assoc. |
| Eastside Sector Alliance         | Southeast Fort Worth, Inc.      |
| Neighborhoods of East Fort Worth | Fort Worth ISD                  |

**Recent Relevant Zoning and Platting History:**

- Zoning History:** ZC-06-282, north of rezoning area, from E to E/HC, approved;  
 ZC-06-319, surplus property north of rezoning area, from E to A-5, approved;  
 ZC-07-179, Oakland Corners Urban Village south of rezoning area, from various districts to MU-1, approved;  
 ZC-07-219, east of rezoning area, surplus property, from A-5 to A-21, approved;  
 ZC-09-115 and ZC-09-141, subject site and surrounding rezoning area, Council-initiated from various districts to be in conformance with the Comprehensive Plan, approved.

**Platting History:** Oakland Shopping Center Addition, FS-09-003 and FS-09-115.

**Development Impact Analysis:**

1. **Land Use Compatibility**

The site at 2405 Oakland Boulevard is currently the site of two vacant residential buildings. In late 2009, the site was rezoned from "A-5" One-Family to "A-10" One-Family, based on the residential uses. The larger three-story residential building is anticipated to be remodeled into office uses. No specific use has been proposed for the smaller residential building along the northern property line.

To the north and east, small offices are intermingled with single family uses, while office and other commercial uses are found to the south. Oakland Boulevard is designated as a minor arterial in the Master Thoroughfare Plan. The western portion of the property facing Sargent Street is proposed to remain "A-10" One-Family which will coordinate with the existing single family uses along this residential street.

Based on the existing mix of single family and low-intensity commercial uses between Meadowbrook Drive and Kenwood Court, the retention of single family zoning along a residential street, and frontage along a minor arterial, "CF" Community Facility zoning **is compatible** with the neighborhood.

2. **Comprehensive Plan Consistency**

The 2011 Comprehensive Plan designates the subject property as single family. Institutional future land use is noted to the south. The proposed CF zoning is consistent with the following Comprehensive Plan policies:

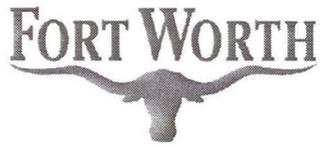
- Preserve and protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, speculation, demolition, neglect, and other negative forces. (pg. 37)
- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods. (pg. 38)
- Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, scale, operational characteristics, traffic generated, or appearance that may not be compatible with the attributes of other uses. (pg. 38)
- Encourage new development in character with the surrounding neighborhood scale, architecture, and platting pattern of the surrounding neighborhood. (pg. 39)

Based on a minor boundary adjustment with the future land use map and on conformance with the policies stated above, the proposed zoning **is consistent** with the Comprehensive Plan as a minor boundary adjustment.

**Attachments:**

- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Map of Proposed Zoning Districts
- Future Land Use Map
- Aerial Photograph
- Minutes of the Zoning Commission meeting



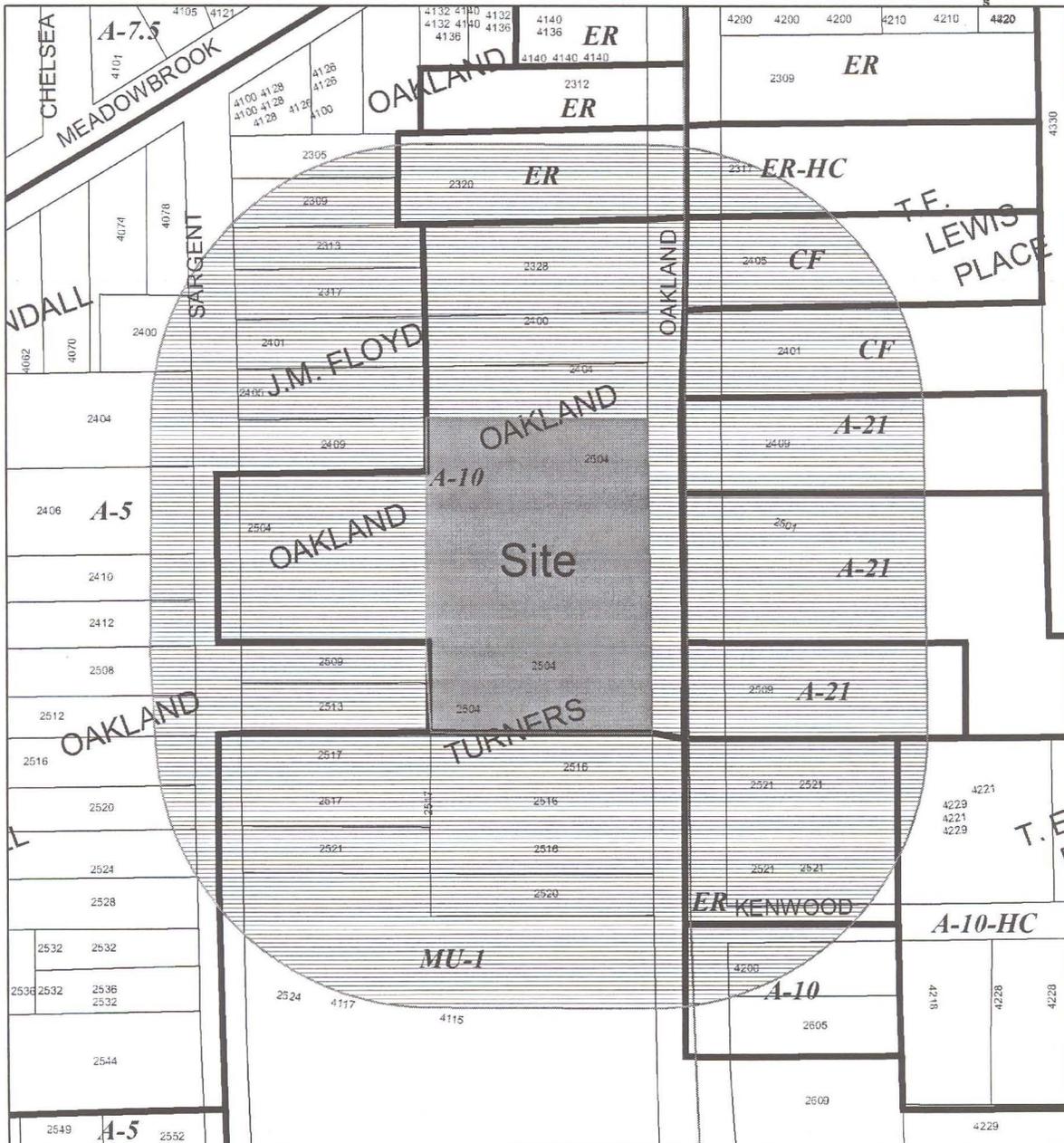


ZC-11-029

# Area Zoning Map

Applicant: Azleway, Inc.  
 Address: 2504 Oakland Boulevard  
 Zoning From: A-10  
 Zoning To: CF  
 Acres: 1.92  
 Mapsco: 78H  
 Sector/District: Eastside  
 Commission Date: 03/09/2011  
 Contact: 817-392-8190

300 Ft. Notification Buffer

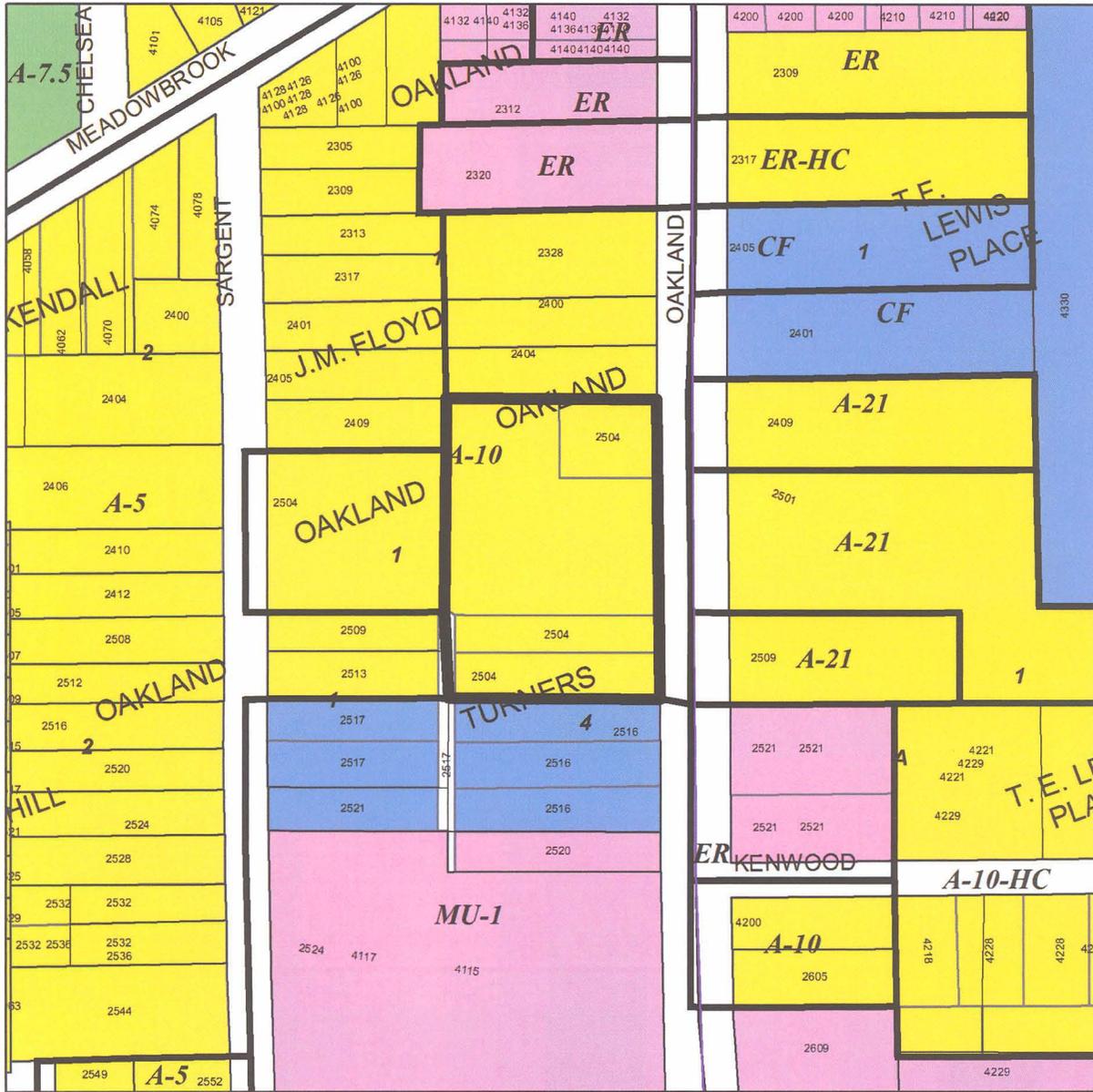


# FORT WORTH



## Future Land Use

ZC-11-029



- Vacant, Undeveloped, Agricultural
- Rural Residential
- Suburban Residential
- Single Family Residential
- Manufactured Housing
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Institutional

- Neighborhood Commercial
- General Commercial
- Light Industrial
- Heavy Industrial
- Mixed-Use Growth Center
- Industrial Growth Center
- Infrastructure
- Lakes and Ponds
- Public Park, Open Space
- Private Park, Open Space

- CFWGIS.SDE.TRN\_RAILROADS
- CFWGIS.SDE.CAD\_addresses
- Freeways/Toll Roads
- Proposed Freeway/Toll Road
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- Proposed Principal Arterial
- Major Arterial
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- Proposed Minor Arterial
- Flood Plain



A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government code, Section 219.005) Land use designations were approved by City Council on February 23, 2011



## Aerial Photo Map



only. They will increase the bufferyard to 25 feet as well as add more landscaping; the trees will be staggered.

Motion: Following brief discussion, Mr. Genua recommended approval of the request, seconded by Mr. Wilson. The motion carried unanimously 7-0.

**8. SP-11-002 Trinity/Precinct LP (CD 4)- 2929 Precinct Line Road (Vincent J. Hutton Survey, Abstract 681, 1.65 Acres): amend PD-627 to provide outdoor storage facilities.**

Coy Quine, 301 S. Sherman, Suite 100, Richardson, Tx., representing Trinity/Precinct LP, explained to the Commissioners they are requesting a 30 day continuance in order to meet with the neighborhood. Mr. Edmonds asked about compliance with the Zoning ordinance and will there be carports. Mr. Quine mentioned yes there will be. Entrances will be located from the other property.

Dr. Barnes asked about the exterior fencing. Mr. Quine mentioned it will be masonry to match the rest of the property.

Mr. Genua asked how tall the carports are. Mr. Quine mentioned they are about 14 feet tall and the fence will be eight feet tall.

Motion: Following brief discussion, Mr. Edmonds recommended a 30 day continuance of the request to the April 13, 2011 meeting, seconded by Ms. Spann. The motion carried unanimously 7-0.

**9. ZC-11-029 Azleway Inc. (CD 5)- 2504 Oakland Boulevard (James M. Floyd Addition, Block 5R1 & 5R2 1.92 Acres): from "A-10" One-Family to "CF" Community Facilities**

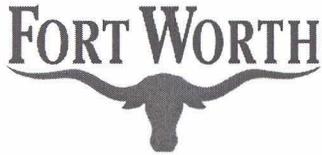
Wanda Conlin, 1755 Martell, a member of the West Meadowbrook neighborhood association, spoke in support of the proposed change. Ms. Conlin gave a brief history of the property and explained the house will be used as an office headquarters for foster care. She mentioned this is not a shelter.

Mr. Genua asked if the lots were platted separately. Ms. Conlin said no they were not and that the zoning case is described by metes and bounds for the foster care portion.

Deidra Norris, 4309 Arden Trail, President of the West Meadowbrook neighborhood association also spoke in support.

Motion: Following brief discussion Mr. Romero recommended approval of the request, seconded by Mr. Edmonds. The motion carried unanimously 7-0.

**10. ZC-11-030 City of Fort Worth Planning & Development West Handley Neighborhood (CD 5)- Generally bounded by E. Lancaster Avenue, East Loop 820, East Rosedale Street,**



**ZONING MAP CHANGE  
STAFF REPORT**

**City Council Meeting Date:**  
April 5, 2011

**Council District 5**

**Zoning Commission Recommendation:**  
Approved by a vote of 7-0  
  
**Opposition:** one person spoke

Continued	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Case Manager	<u>Beth Knight</u>	
Surplus	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Council Initiated	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

**Owner / Applicant:** **City of Fort Worth Planning & Development Department,  
West Handley Neighborhood**

**Site Location:** Generally bounded by E. Lancaster Avenue, East Loop 820, E. Rosedale Street, and Miller Avenue Mapsco: 78M, 79E-MP

**Proposed Use:** Single family residential, duplexes, multi-family buildings, institutional and commercial uses, industrial buildings, and vacant land

**Request:** From: "A-21" One-Family, "B" Two-Family, "CR" Low Density Multifamily, "C" Medium Density Multifamily, "MH" Manufactured Housing, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial, "FR" General Commercial Restricted, "F" General Commercial, "G" Intensive Commercial, "I" Light Industrial, "J" Medium Industrial, "K" Heavy Industrial, and "PD" Planned Developments 525 and 541

To: "A-10" One-Family, "A-7.5" One-Family, "A-5 " One-Family, "B" Two-Family, "C" Medium Density Multifamily, "CF" Community Facilities, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial, "FR" General Commercial Restricted, and "I" Light Industrial

**Land Use Compatibility:** Requested change **is compatible.**

**Comprehensive Plan Consistency:** Requested change **is consistent.**

**Background:**

This portion of the West Handley neighborhood consists primarily of single family, institutional, commercial uses, industrial buildings, and vacant land. The neighborhood is designated as single family, low density residential, medium density residential, institutional, neighborhood commercial, light industrial, and public open space in the 2011 Comprehensive Plan. Council Member Moss held an informational meeting with the neighborhood on December 7, 2010, to discuss the proposed zoning changes. No one in opposition was noted.

**Site Information:**

Owner's Agent / Consultant: City of Fort Worth Planning & Development Dept.  
1000 Throckmorton Street  
Fort Worth, TX 76102

Acreage: 590.12 ac.

Comprehensive Plan Sector: Southeast and Southside

Surrounding Zoning and Land Uses:

North C, CF, E, FR, and F / Multifamily, commercial and institutional uses, and vacant land  
East I, K, and PD 278 / Shooting range, industrial uses, and vacant land  
South A-5, CF, E, FR, and I / Single family, multifamily, commercial and institutional uses, and vacant land  
West A-10, E, and I / Single family, small commercial uses, and a warehouse

**Public Notification:**

The following Neighborhood Associations were notified:

Central Meadowbrook NA	East FW Neighborhoods Coalition
Handley, Caville, Historic Poly NA	Neighborhoods of East Fort Worth
Stop Six/Poly Oversight NA	East Fort Worth Business Association
Historic Carver Heights NA	Southeast Fort Worth, Inc.
West Meadowbrook NA	Historic Handley Development Corp.
Eastside Sector Alliance	Fort Worth ISD

**Recent Relevant Zoning and Platting History:**

**Zoning History:** 12 surplus cases, within rezoning area, from B to A-21, A-10, or A-5, approved; 8 surplus cases, surrounding rezoning area, from B to A-5, approved  
ZC-07-179, northwest of rezoning area, implementation of the Oakland Corners Urban Village, approved  
ZC-08-128, south of rezoning area, Council-initiated from various districts to be in conformance with the Comprehensive Plan, approved;  
ZC-09-141, northwest of rezoning area, Council-initiated from various districts to be in conformance with the Comprehensive Plan, approved; and  
ZC-10-010, ZC-10-105, ZC-10-118, ZC-10-137, ZC-10-150; north and west of rezoning area Council-initiated from various districts to be in conformance with the Comprehensive Plan, approved.

**Platting History:** None.

**Development Impact Analysis:**

1. **Land Use Compatibility**

This council-initiated zoning change request is intended to align the existing land uses and zoning.

The process for Council-initiated rezoning was adopted in November 2000 and involves:

- Verifying the zoning changes are consistent with the City's Comprehensive Plan (12/10);
- Allowing interested City Council members to conduct one or more informational meetings in or near the proposed zoning districts in order to explain the proposed changes to affected property owners; (12/7/10)
- Providing for the Planning Department to brief the City Council on the proposed zoning changes, after which the City Council shall indicate whether or not it wishes to initiate the proposed zoning changes; (2/8/11), and
- Placing a Mayor and Council Communication on the agenda for the next regular City Council meeting authorizing the Planning and Development Department to prepare and submit an appropriate rezoning application (2/8/11), which shall schedule the application for the next available public hearing by the Zoning Commission (3/9/11).

The subject area covers 590.12 acres and approximately 1,071 parcels. The request is to rezone the area to correspond to the existing land uses. On the basis of existing land uses, the proposed zoning change is **compatible** with the surrounding land uses.

2. **Comprehensive Plan Consistency**

The 2011 Comprehensive Plan designates the subject neighborhood as single family, low density residential, medium density residential, institutional, neighborhood commercial, light industrial, and

public open space. An amendment to the 2011 Comprehensive Plan was submitted that reconfigures these future land use designations. The requested zoning classifications are appropriate for both the current and proposed land use designations. Based on conformance with the future land use map in the 2011 Comprehensive Plan, the proposed zoning **is consistent** with the Comprehensive Plan.

***Attachments:***

- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Map of Proposed Zoning Districts
- Future Land Use Map
- Aerial Photograph
- Minutes of the Zoning Commission meeting

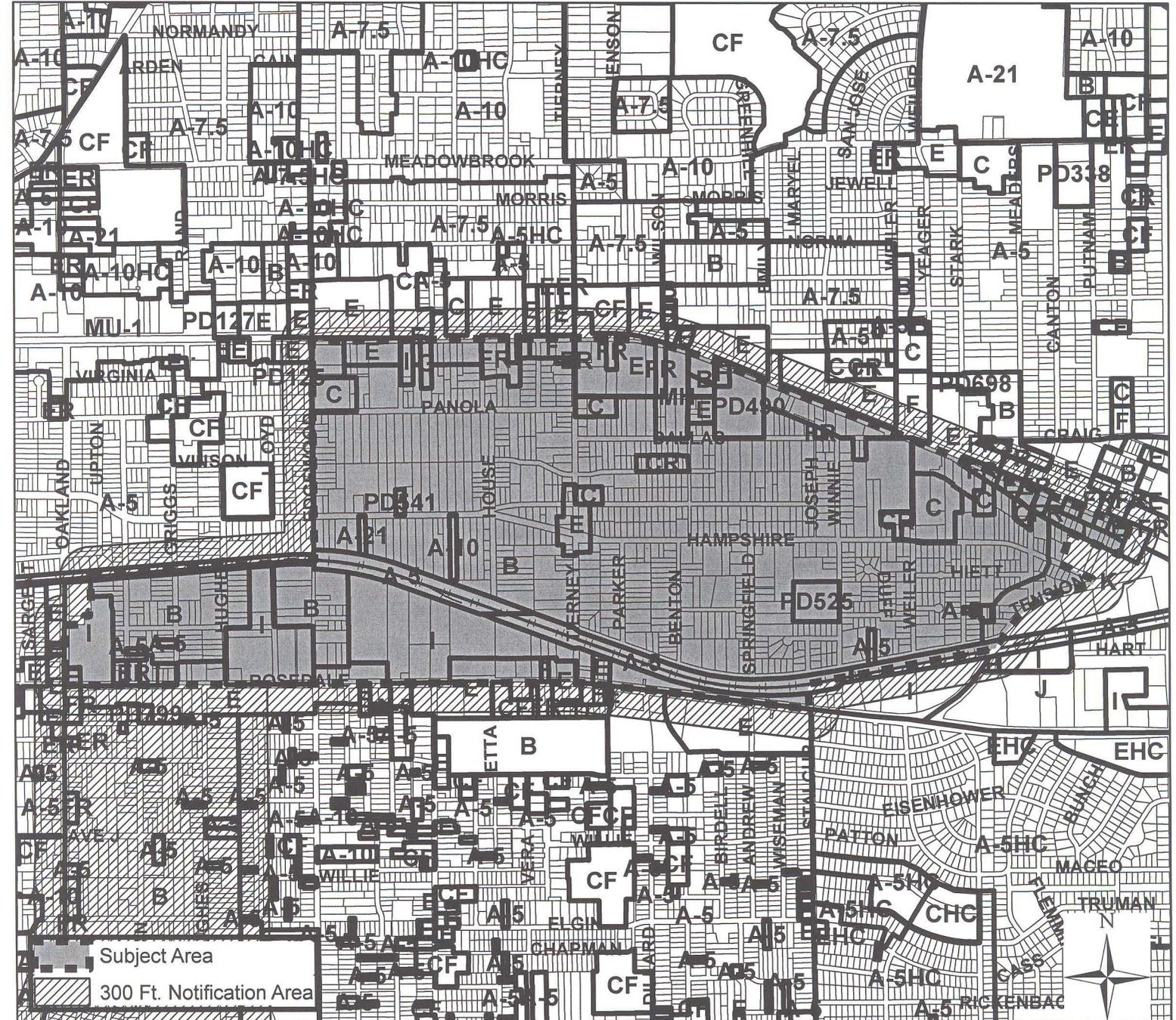


## Area Zoning Map



Applicant: City of Fort Worth Planning and Development  
Address: Generally bounded by E. Lancaster Ave, East Loop 820, E. Rosedale Street, Miller Avenue  
Zoning From: A-21, B, CR, C, MH, ER, E, FR, F, G, I, J, K, and PDs 525 & 541  
Zoning To: A-10, A-7.5, A-5, B, C, CF, ER, E, FR, and I  
Acres: 590.117665 Mapsco: 78M,79E-MP  
Commission Date: 03/09/2011 Sector/District: SE&Eastside  
Contact: 817-392-8190

You may find a list of included properties at:  
<http://www.fortworthgov.org/planninganddevelopment/zoningcommission.aspx>  
Click on the case name for a list of properties and proposed zoning. A map of proposed zoning districts is attached.

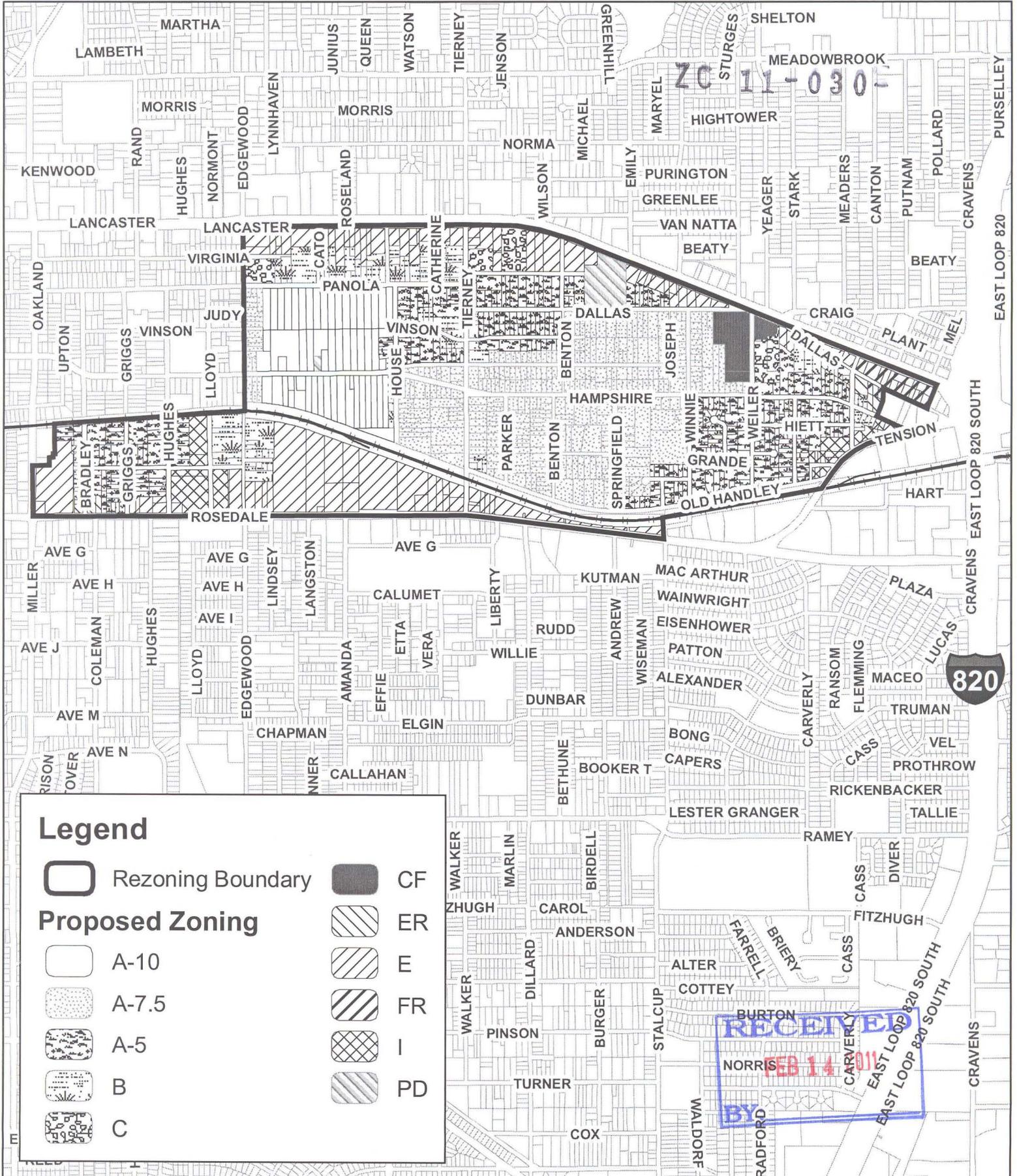


0 750 1,500 3,000 Feet

# West Handley Area Neighborhood: Proposed Zoning

From Various Districts To "A-10" One-Family, "A-7.5" One-Family, "A-5" One-Family, "B" Two-Family, "C" Medium Density Multifamily, "CF" Community Facilities, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial, "FR" General Commercial Restricted, "I" Light Industrial, and "PD" Planned Development

**ATTACHMENT A**



## Legend

- Rezoning Boundary
- A-10
- A-7.5
- A-5
- B
- C
- CF
- ER
- E
- FR
- I
- PD

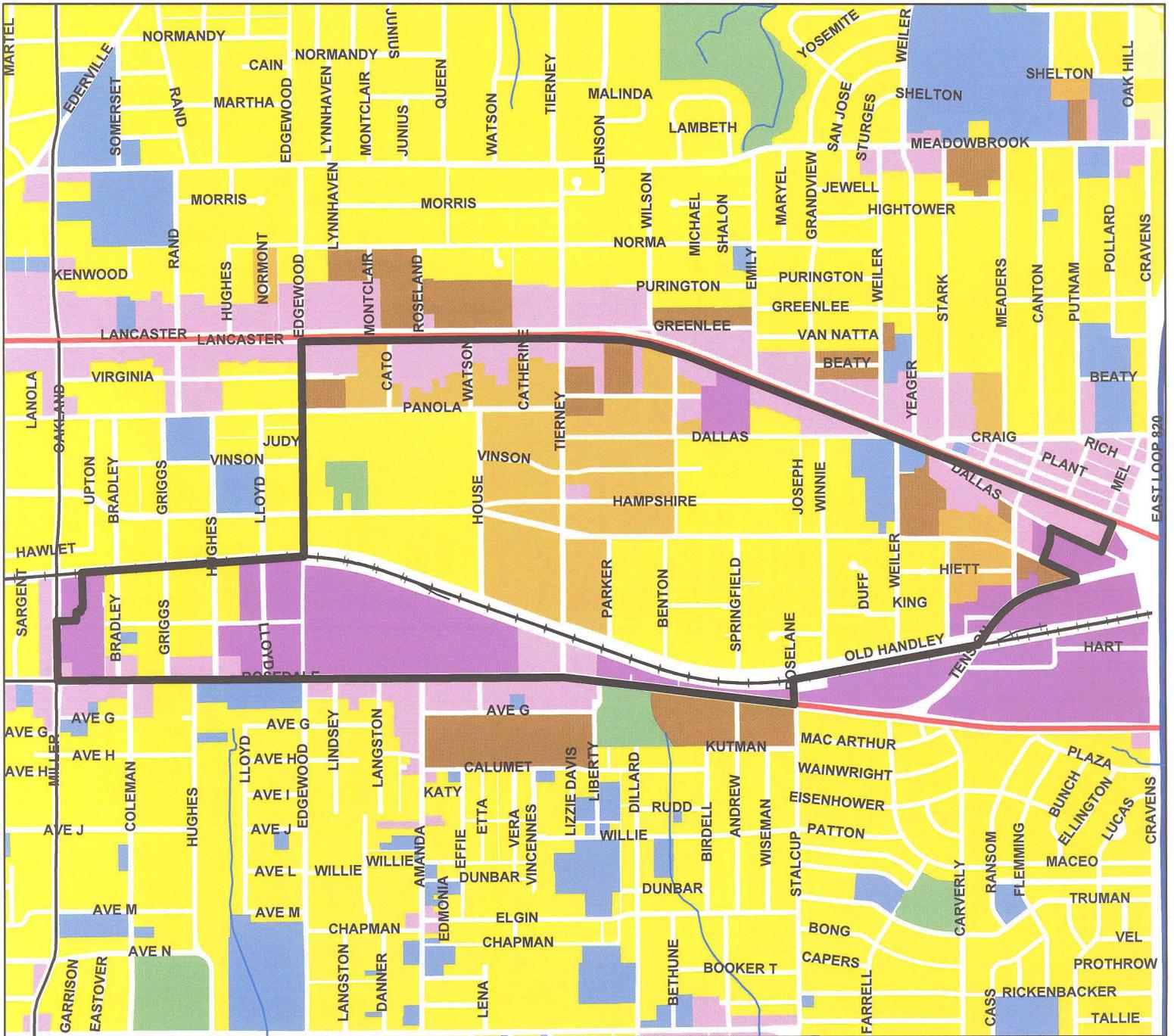
0 500 1,000 1,500 2,000 Feet

Planning and Development  
Department 1/10/11 - BK

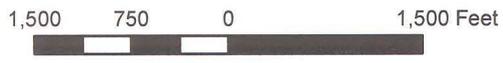
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FOR ENGINEERING PURPOSES OR BY A REGISTERED PROFESSIONAL  
LAND SURVEYOR. THE CITY OF FORT WORTH ASSUMES NO  
RESPONSIBILITY FOR THE ACCURACY OF SAID DATA.



### Future Land Use



 TOLLWAY / FREEWAY	 Vacant, Undeveloped, Agricultural	 Neighborhood Commercial
 PRINCIPAL ARTERIAL	 Lakes and Ponds	 General Commercial
 MAJOR ARTERIAL	 Rural Residential	 Light Industrial
 MINOR ARTERIAL	 Suburban Residential	 Heavy Industrial
	 Single Family Residential	 Mixed-Use Growth Center
	 Manufactured Housing	 Industrial Growth Center
	 Low Density Residential	 Infrastructure
	 Medium Density Residential	 100 Year Flood Plain
	 High Density Residential	 Public Park, Recreation, Open Space
	 Institutional	 Private Park, Recreation, Open Space



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 219.005.) Land use designations were approved by City Council on February 23, 2011





only. They will increase the bufferyard to 25 feet as well as add more landscaping; the trees will be staggered.

Motion: Following brief discussion, Mr. Genua recommended approval of the request, seconded by Mr. Wilson. The motion carried unanimously 7-0.

**8. SP-11-002 Trinity/Precinct LP (CD 4)- 2929 Precinct Line Road (Vincent J. Hutton Survey, Abstract 681, 1.65 Acres): amend PD-627 to provide outdoor storage facilities.**

Coy Quine, 301 S. Sherman, Suite 100, Richardson, Tx., representing Trinity/Precinct LP, explained to the Commissioners they are requesting a 30 day continuance in order to meet with the neighborhood. Mr. Edmonds asked about compliance with the Zoning ordinance and will there be carports. Mr. Quine mentioned yes there will be. Entrances will be located from the other property.

Dr. Barnes asked about the exterior fencing. Mr. Quine mentioned it will be masonry to match the rest of the property.

Mr. Genua asked how tall the carports are. Mr. Quine mentioned they are about 14 feet tall and the fence will be eight feet tall.

Motion: Following brief discussion, Mr. Edmonds recommended a 30 day continuance of the request to the April 13, 2011 meeting, seconded by Ms. Spann. The motion carried unanimously 7-0.

**9. ZC-11-029 Azleway Inc. (CD 5)- 2504 Oakland Boulevard (James M. Floyd Addition, Block 5R1 & 5R2 1.92 Acres): from "A-10" One-Family to "CF" Community Facilities**

Wanda Conlin, 1755 Martell, a member of the West Meadowbrook neighborhood association, spoke in support of the proposed change. Ms. Conlin gave a brief history of the property and explained the house will be used as an office headquarters for foster care. She mentioned this is not a shelter.

Mr. Genua asked if the lots were platted separately. Ms. Conlin said no they were not and that the zoning case is described by metes and bounds for the foster care portion.

Deidra Norris, 4309 Arden Trail, President of the West Meadowbrook neighborhood association also spoke in support.

Motion: Following brief discussion Mr. Romero recommended approval of the request, seconded by Mr. Edmonds. The motion carried unanimously 7-0.

**10. ZC-11-030 City of Fort Worth Planning & Development West Handley Neighborhood (CD 5)- Generally bounded by E. Lancaster Avenue, East Loop 820, East Rosedale Street,**

**and Miller Avenue (see addresses in case file, 590.12 Acres): from “A-21” One-Family, “B” Two-Family, “CR” Low Density Multifamily, “C” Medium Density Multifamily, “MH” Manufactured Housing, “ER” Neighborhood Commercial Restricted, “E” Neighborhood Commercial, “FR” General Commercial Restricted, “F” General Commercial, “G” General Commercial, “I” Light Industrial, “J” Medium Industrial, “K” Heavy Industrial and PD 525, & 541 to “A-10” One-Family, “A-7.5” One-Family, “A-5” One-Family, “B” Two-Family, “C” Medium Density Multifamily, “CF” Community Facilities, “ER” Neighborhood Commercial Restricted, “E” Neighborhood Commercial, “FR” General Commercial Restricted, and “I” Light Industrial**

Beth Knight, Senior Planner, City of Fort Worth, explained to the Commissioners this is a council-initiated rezoning in Council Moss’s district by matching the zoning with the land use as well as the Comprehensive Plan.

Wanda Conlin, 1755 Martell, representing the East Fort Worth Business Association spoke in support.

Deidra Norris, 4309 Arden Trail, representing the West Meadowbrook neighborhood association also spoke in support.

Bill Sanders, 6202 Tiffany Place Court, owns property located at 1000 Cantey Street spoke in opposition. He explained the building is an old Southwestern Bell building that better suits an industrial type use, not necessarily heavy industrial. He was told that welding shops are permitted in the K district and hopefully it could be rented out to someone for that use. It is currently being used as a storage yard. Mr. Sanders also mentioned the back of his property is zoned B and was wondering how that may have happened. They are located directly across from K and would like to remain zoned K.

Ms. Knight, Senior Planner, City of Fort Worth explained some of the uses permitted in I & K.

Mr. Wilson also mentioned some uses in K that are too intense in some areas.

Motion: Following brief discussion Dr. Barnes recommended approval of the request, seconded by Mr. Romero. The motion carried unanimously 7-0.

**Meeting adjourned: 12:13 p.m.  
3/09/11**

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Dana Burghdoff, Executive Secretary & Deputy Director, Planning and Development Department

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Ann Zadeh, Vice-Chair



## MEMORANDUM

Date: March 29, 2011  
To: Fort Worth Mayor and City Council  
From: Jason Lamers, Media and Public Affairs Manager  
Subject: Closed Captioning in the Pre-Council and City Council Chambers

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As you know, the City of Fort Worth has made many changes to the way it does business in order to make Fort Worth a more deaf friendly city. This was one of the major initiatives to come out of the city's Let's Talk Fort Worth Town Hall meetings.

As part of these efforts, the Fort Worth Television (FWTV) Office added closed captioning services to its online and television broadcasts of Pre-Council and City Council meetings. Working closely with our partners on the Human Relations Commission, we also believe that hosting closed captioning services within the Pre-Council and Council chambers will provide an added and important service to our deaf and hard of hearing residents and visitors. These services would be available only for Pre-Council and Council meetings.

Below is a sample image of the closed captioning units that will be installed in the Pre-Council and Council chambers once they arrive within the next several months. These units will be purchased and installed at a total cost of \$12,359, which will be paid for out of the Public Education and Government Funds that are generated from local cable subscriber fees.

If you have any questions, please feel free to call me at 817-392-6248.





**FORT WORTH**



## ***S.M.A.R.T. Report***

**Street Management And Road Traffic  
Transportation and Public Works  
April 1—April 14**



### **CENTRAL BUSINESS DISTRICT STREET CLOSURES (Partial)**

#### 7<sup>TH</sup> Street Bridge Utility Relocations

- Forest Park from 10<sup>TH</sup> to 5<sup>TH</sup>  
Multiple lane closures from August 30, 2010 through **April 15, 2011**
- 5<sup>TH</sup> from Forest Park to Penn  
Multiple lane closures from August 30, 2010 through **April 15, 2011**

#### North Main Street Bridge Rehabilitation—TxDOT Project

- Main (from Belknap to NE 5th St, lane closures until **August 2011**)

#### New Tarrant County Jail

- Belknap (from Cherry to Burnett) Parking lane and Sidewalk closures through 2011
- Weatherford (from Cherry to Burnett) Parking lane and Sidewalk closures through 2011 **and one lane closed from 9 a.m. to 4 p.m. through May 2011**
- Utility Installation (from Cherry to Burnett) two lanes closed from 9 a.m. to 4 p.m. through April 1, 2011
- Cherry (from Belknap to Weatherford) Northbound direction closed and sidewalk closures through 2011
- Southbound Burnett (from Belknap to Weatherford) closed and sidewalk closures through 2011

#### St Patrick's Cathedral New Hall

- Throckmorton (from W 12<sup>th</sup> to W 13<sup>th</sup>) Parking Lane closures through June 2011
- W 12th (from Throckmorton to Jennings) Parking Lane closures through June 2011
- Texas (from W 13<sup>th</sup> to Jennings) Parking Lane closures through June 2011
- W 13<sup>th</sup> (from Texas to Throckmorton) Parking lane closures through June 2011

#### Tarrant County College Construction

- Belknap (from Commerce to Pecan St) Sidewalk closures through **April 2011**
- Weatherford (from Commerce to Calhoun) lane and sidewalk closures through **April 2011**
- Calhoun (from Belknap to Weatherford) parking lane and sidewalk closures through **April 2011**
- N Commerce (from Belknap to Weatherford) lane and sidewalk closures through **April 2011**

\* Expect heavy haul truck traffic 7:00a.m. to 5:00 p.m. through **April 2011** on :

- \*\* Belknap (between Commerce and Pecan)
- \*\* Weatherford (between Houston and Pecan)
- \*\* Calhoun (between Belknap and Weatherford)

For detailed information on TxDOT closures:  
[http://www.dot.state.tx.us/travel/road\\_conditions.htm](http://www.dot.state.tx.us/travel/road_conditions.htm)

For additional information, please contact 817-392-6672.

***New items printed in red.***



# FORT WORTH



## S.M.A.R.T. Report

Street Management And Road Traffic  
Transportation and Public Works  
April 1—April 14



### Special Events

Festivals \* Runs \* Walks

#### CULTURAL DISTRICT

#### DOWNTOWN OUTDOOR EVENTS DISTRICT (DOED)

- **Main Street Fort Worth Arts Festival**  
April 14-17 Main Street from 1st Street to 9th Street  
Road Closures begin Monday, April 11 at 6 a.m. and end Monday,  
April 18, 6 a.m.  
Closures Include:  
Main Street from 1st to 9th  
1st Street through 9th Street from Houston to Commerce  
Various parking lanes on Houston and Commerce

#### NEAR SOUTHSIDE OUTDOOR EVENTS DISTRICT (NSOED)

- **Fort Worth South, Inc. First Friday on the Green**  
April 1 Magnolia Green Park 6 p.m.

#### STOCKYARDS OUTDOOR EVENTS DISTRICT (SOED)

#### OTHER

- **National Multiple Sclerosis Walk**  
April 2 Trinity Park 8 a.m.  
Street Closures:  
Foch from Lancaster to Trinity Park Dr  
Crestline from Farrington Field to Trinity Park Dr  
Closures begin at 5 a.m. and end at noon
- **Aids Walk**  
April 3 Trinity Park 1 p.m.  
Street Closures:  
Crestline from University to Trinity Park Dr  
Foch from Lancaster to Trinity Park Dr  
Old University from Trinity Park Dr to Merrimac Cir.  
Closures begin at noon and end at 6 p.m.
- **Komen Tarrant County Race for the Cure**  
April 9 Ridgmar Mall 8 a.m.  
Route: Starts on mall grounds to Plaza Parkway, to Ridgmar Blvd.,  
to Green Oaks and ends on mall grounds
- **Walk Like MADD Walk and Run**  
April 9 Trinity Park 8 a.m.  
Only Park streets closed
- **Zoo Run**  
April 16 Fort Worth Zoo and surrounding neighborhood 7 a.m.  
Street closure begin April 23 at 4 a.m. and end same day at 11  
a.m. Closures include Colonial from University to Park Place and  
Rockridge Terrace from Park Place to Forest Park  
**Route Includes these streets:** Forest Park, McCart Ave,  
McPherson, Sandage, Bowie, Lowden, Greene, Park Hill, Winton  
Terrace, University, Lubbock, Roberts

- **West 7th Spring Bash**  
April 9 West 7th St Development  
Street Closures:  
Crockett from Norwood to Currie beginning Apr.9, 6 a.m. and end-  
ing Apr 10 at 6 a.m.
- **Prairie Fest**  
April 23 Tandy Hills Park  
Street closures begin April 23, 8 a.m. and end same day at 8 p.m.  
View from Ben to Ayers  
Tandy from View to Meadowbrook  
Sanderson from View to Meadowbrook  
Lewis from View to Meadowbrook  
Ayers from View to Meadowbrook  
Ellsmere from Ayers to Deadend

### Parades

#### CULTURAL DISTRICT

#### DOWNTOWN OUTDOOR EVENTS DISTRICT

#### NEAR SOUTHSIDE OUTDOOR EVENTS DISTRICT

#### STOCKYARDS OUTDOOR EVENTS DISTRICT

#### OTHER