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**CITY COUNCIL WORK SESSION**  
**TUESDAY, JUNE 4, 2019**  
**3:00 P.M.**  
**CITY COUNCIL CONFERENCE ROOM, CITY HALL, ROOM 290**  
**200 TEXAS STREET, FORT WORTH, TEXAS**

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1. Report of the City Manager - **David Cooke, 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 10279](#): Amendment No. 1 to Enhanced Community Facilities Agreement with American Airlines, Inc., to Extend the Completion Deadline
    - [IR 10280](#): Automated Red Light Camera Enforcement Program
    - [IR 10281](#): Criminal Trespass and Apparent Authority
    - [IR 10282](#): Implementation of HIV/AIDS-Related Rental Assistance
    - [IR 10283](#): Leave Benefits Study
    - [IR 10284](#): Management Diversity Review
    - [IR 10285](#): RFP for External Collections Services for Delinquent Civil Parking and Criminal Citations
2. Current Agenda Items - **City Council Members**
3. Responses to Items Continued from a Previous Week
  - a. [ZC-19-018](#) - (COUNCIL DISTRICT 6 – Jungus Jordan) - Jerry Savelle Ministries, Inc., 1450, 10301, 10601 W. Cleburne Crowley Road, 10700 Old Cleburne Crowley Road; From: Unzoned To: " A-5" One-Family 45.55 acres (Recommended for Denial W/O Prejudice by the Zoning Commission) (**Continued from May 7, 2019 by Council Member Jordan**)
4. Overview of Significant Zoning Cases - **Dana Burghdoff, Planning and Development**
5. Update on Neighborhood Improvement Program - **Sonia Singleton, Neighborhood Services**
6. Briefing on Re-Purposing of Sycamore Creek Golf Course to a Community Park - **David Creek, Park and Recreation**
7. Presentation on Regulation of Game Rooms - **Chris Mosley, Law and Ty Hadsell, Police**

8. Health Plan Update - **Brian Dickerson, Human Resources**
  9. City Council Requests for Future Agenda Items and/or Reports
  10. Executive Session (CITY COUNCIL CONFERENCE ROOM, CITY HALL, ROOM 290) -  
**SEE ATTACHMENT A**  
Attachment(s):  
[Executive Session Agenda - Attachment A.pdf](#)
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***CITY COUNCIL CONFERENCE ROOM, CITY HALL, ROOM 290, is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need accommodations, auxiliary aids, or services such as interpreters, readers, or large print are requested to contact the City's ADA Coordinator at (817) 392-8552 or e-mail [ADA@FortWorthTexas.gov](mailto:ADA@FortWorthTexas.gov) at least 48 hours prior to the meeting so that appropriate arrangements can be made. If the City does not receive notification at least 48 hours prior to the meeting, the City will make a reasonable attempt to provide the necessary accommodations.***

**ATTACHMENT A**  
**EXECUTIVE SESSION**  
**CITY COUNCIL CONFERENCE ROOM**  
**CITY HALL, ROOM 290**  
**Tuesday, June 4, 2019**

- A. The City Council will conduct a closed meeting in order to discuss matters permitted by the following sections of Chapter 551 of the Texas Government Code:

**CITY ATTORNEY**

1. Section 551.071, CONSULTATION WITH ATTORNEY

To seek the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]:

- a. Legal issues regarding any item listed on today's City Council meeting agenda.

**CITY MANAGER**

1. Section 551.072, DELIBERATIONS REGARDING REAL PROPERTY

Deliberate the purchase, sale, lease or value of real property where deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party.

2. Section 551.087, DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Deliberate the commercial or financial information or the offer of a financial or other incentive to a business prospect.

- B. The City Council may reconvene in open session in the City Council Conference Room and act on any item listed on the Executive Session Agenda in accordance with Chapter 551 of the Texas Government Code.

**CITY COUNCIL AGENDA  
FOR THE MEETING AT 7:00 P.M. TUESDAY, JUNE 4, 2019  
CITY COUNCIL CHAMBER, CITY HALL  
200 TEXAS STREET, FORT WORTH, TEXAS**

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**I. CALL TO ORDER**

**II. INVOCATION - Priest Sri Murali Krishna, Hindu Temple of Greater Fort Worth**

**III. PLEDGES OF ALLEGIANCE TO THE UNITED STATES AND THE STATE OF TEXAS**  
(State of Texas Pledge: "Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.")

**IV. CONSIDERATION OF MINUTES OF THE CITY COUNCIL WORK SESSION OF MAY 14, 2019, THE CITY COUNCIL WORK SESSION AND REGULAR MEETING OF MAY 21, 2019, AND THE SPECIAL CALLED MEETING OF MAY 28, 2019**

**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-19547](#) - Adopt Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Hemphill/Berry Urban Village Streetscape Project in the Amount of \$19,000.00 from the 2014 Bond Program Unspecified Fund and Reduce Funds in the 2014 Bond Program Unspecified Fund by the Same Amount (COUNCIL DISTRICT 9)
2. [M&C G-19548](#) - Adopt Resolution Authorizing an Increase of \$85,000.00 in the Total Amount to be Paid to the Law Firm of Kelly Hart & Hallman, LLP, as Outside Legal Counsel for Legal Matters Regarding Environmental Conditions and Related Issues in Connection with Property Located in the Vicinity of the Brennan Avenue Service Center For a Total Amount of \$170,000.00 (ALL COUNCIL DISTRICTS)
3. [M&C G-19549](#) - Authorize Temporary Closure of a Section of Litsey Road from Cleveland Gibbs to Elizabethtown Cemetery Road from June 15, 2019, to November 1, 2019, to Allow for Construction of an 8-inch Sanitary Sewer Line (COUNCIL DISTRICT 2)

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

1. [M&C P-12330](#) - Authorize Purchase Agreements with GTS Technology Solutions, Inc., for Technology Services for the Information Technology Solutions Department, Using Cooperative Contracts in an Annual Amount Up To \$580,000.00 (ALL COUNCIL

## DISTRICTS)

2. [M&C P-12331](#) - Authorize One-Time Purchase of a Reagent-Free Ion Chromatography System from Thermo Electron North America LLC in a Total Amount of Up to \$140,000.00 for the Water Department (ALL COUNCIL DISTRICTS)
3. [M&C P-12332](#) - Authorize Purchase Agreement with Clean Earth Systems, Inc. for Drums and Pails and Related Accessories for the Storage, Clean Up and Transportation of Chemicals in an Initial Annual Amount of Up to \$175,000.00 and Authorize Five Renewal Options in an Annual Amount of Up to \$225,000.00 for all City Departments (ALL COUNCIL DISTRICTS)
4. [M&C P-12333](#) - Authorize Rejection of All Responses to Invitation to Bid 19-0088 for the Re-Lamping and Maintenance of Communication Towers for the Information Technology Solutions Department (ALL COUNCIL DISTRICTS)
5. [M&C P-12334](#) - Authorize Purchase of an Excavator with Mulcher from ROMCO Equipment Co., LLC, in an Amount Up to \$229,806.00 for the Water Department through the Property Management Department (ALL COUNCIL DISTRICTS)
6. [M&C P-12335](#) - Authorize Agreement with Texas Highway Products, LTD., in an Amount Up to \$1,000,000.00 Using a Cooperative Contract for an Advance Traffic Management System and Related Services for the Transportation and Public Works Department and Adopt Appropriation Ordinance (2018 Bond Program) (ALL COUNCIL DISTRICTS)
7. [M&C P-12336](#) - Authorize Execution of Contract Amendment No. 7 to City Secretary Contract No. 43436 with International Consulting Acquisition Corporation d/b/a STA Consulting in an Amount Not to Exceed \$340,400.00 to Continue Providing ERP System Support, Project Delivery Assistance and Robotic Process Automation (ALL COUNCIL DISTRICTS)
8. [M&C P-12337](#) - Authorize a Cooperative Purchase Agreement for Audio/Visual Equipment and Related Services with AVI Systems, Inc., in an Amount Up to \$107,217.98 for the First Year and Authorize Four One-Year Renewal Options in an Amount Not to Exceed \$4,660.00 Per Year for the Information Technology Solutions and Fort Worth Police Departments Using Grant Funds (ALL COUNCIL DISTRICTS)
9. [M&C P-12338](#) - Authorize Execution of a Service Agreement with Data Integrators, Inc. for the Printing and Mailing of City Code Notices for the Code Compliance Department in an Annual Amount Up to \$190,000.00 and Authorize Four Annual Renewal Options (ALL COUNCIL DISTRICTS)

## C. Land - Consent Items

1. [M&C L-16220](#) - Adopt Ordinance Amending Chapter 31 Subdivision Ordinance to Incorporate Active Transportation Plan, Community Facility Agreement Ordinance, and Infrastructure Design Manuals, and

to Improve Pedestrian Access and Connectivity (ALL COUNCIL DISTRICTS)

2. [M&C L-16221](#) - Authorize Execution of a Lease Agreement with International Auto Logistics, LLC for Use of the Parking Lot Located at the Alliance Fort Worth Maintenance Facility, 2100 Eagle Parkway, Fort Worth, Texas 76177 (COUNCIL DISTRICT 7)
3. [M&C L-16222](#) - Authorize Direct Sale of Two Tax-Foreclosed Properties Located at 2808 Lee Ave for a Total Cost of \$25,536.07 to Veronica Rojo, in Accordance with Section 34.05 of the Texas Property Tax Code (COUNCIL DISTRICT 2)
4. [M&C L-16223](#) - Authorize the Conveyance of a Temporary Construction Easement for \$300.00 to Trinity River Authority of Texas on City-Owned Property Located in the 1000 Block of Litsey Road for the Henrietta Creek Interceptor Project for a Total of 0.0347 Acres of Land in the City of Fort Worth, Denton County, Texas (COUNCIL DISTRICT 7)

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

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

1. [M&C C-29134](#) - Authorize Execution of a Communications System Agreement with the City of Azle for Participation in the City of Fort Worth's Two-Way Public Safety Radio System at No Cost to the City of Fort Worth (ALL COUNCIL DISTRICTS)
2. [M&C C-29135](#) - Authorize Execution of a Community Facilities Agreement with AMCAL Equities, LLC, with City Participation in an Amount Not to Exceed \$2,253,220.23 for the Design and Construction of Roadway Improvements for North Beach Street from SH 170 East Bound main Lanes to Westport Parkway (aka Keller-Haslet Road) and Adopt Appropriation Ordinances (COUNCIL DISTRICT 7)
3. [M&C C-29136](#) - Authorize Execution of an Easement Encroachment Agreement with Stockyards Station Hotel II, LLC for the Construction of a Proposed Elevated Structure over an Existing Drainage Easement Owned by the City Located at 130 E. Exchange Avenue (COUNCIL DISTRICT 2)
4. [M&C C-29137](#) - Authorize Execution of an Agreement with FirstService Residential, Inc., in the Amount of \$4,080.00 to Manage Public Improvement District 12, Chapel Hill PID, for a Portion of Fiscal Year 2018-2019 (COUNCIL DISTRICT 7)
5. [M&C C-29138](#) - Authorize a Change in Use and Expenditure of Additional HOME Investment Partnerships Program Grant Funds in the Amount of \$95,356.00 to Housing Channel for a Total Amount of \$402,500.00 in the Form of a Subordinate Forgivable Loan for the Riverside Single Family Infill Development Located in the United Riverside Neighborhood, Authorize Execution of Contracts, Authorize Substantial Amendment to the City's 2016-2017 Action Plan, and Authorize the Substitution of Funding Years (COUNCIL DISTRICT 8)

6. [M&C C-29139](#) - Authorize Execution of Change Order No. 1 in the Amount of \$169,500.00 to City Secretary Contract No. 51257, with Select Striping, LLC for a Total Revised Contract Cost of \$1,110,178.00 and the Addition of 60 Calendar Days, for Concrete Restoration along Western Center Boulevard (COUNCIL DISTRICT 4)
7. [M&C C-29140](#) - Authorize Execution of an Engineering Services Agreement with James DeOtte Engineering, Inc., in an Amount Not to Exceed \$728,560.00 for the Greenfield Acres Phase 3 Storm Drain Improvements Project (COUNCIL DISTRICT 2)
8. [M&C C-29141](#) - Authorize the Execution of Individual Contracts with EAR Telecommunications, LLC d/b/a EAR TC, and Siemens Mobility, Inc., Each in the Amount of \$750,000.00, and Adopt Appropriation Ordinance (ALL COUNCIL DISTRICTS)
9. [M&C C-29142](#) - Ratify the Application for, and Authorize the Acceptance of, if Awarded, the Fiscal Year 2019 DNA Capacity Enhancement and Backlog Reduction Program Grant in an Amount Not to Exceed \$400,000.00 from the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, and Authorize Execution of Related Agreement (ALL COUNCIL DISTRICTS)
10. [M&C C-29143](#) - Authorize Execution of an Engineering Agreement with Lockwood Andrews & Newnam, Inc., in the Amount of \$897,816.00 for Design of Sycamore Creek Sanitary Sewer Relief Interceptor, Phase 3 from Vickery Boulevard to Cobb Park Drive, Provide for Staff Costs, Property Acquisition and Utility Coordination for a Total Project Amount of \$1,510,016.00, Adopt Resolution Expressing Official Intent to Reimburse Expenditures with Proceeds of Future Debt and Adopt Appropriation Ordinance (COUNCIL DISTRICT 8)

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

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

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

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

1. Upcoming and Recent Events
2. Recognition of Citizens
3. Approval of Ceremonial Travel

#### **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. RESOLUTIONS**

1. Authorization to Initiate Zoning Change for Creation of Stop Six Design Overlay District and Standards for Single-Family Development

#### **XIV. ZONING HEARING**



1. [ZC-18-181](#) - (CD 4) - Maricela Clemente, Clemente Auto Sales, 3510 - 3616 NE 28th Street; From: "B" two-Family and "E" Neighborhood Commercial To: PD/E Planned Development for all uses in "E" Neighborhood Commercial plus auto sales; site plan included with waivers to residential adjacency, rear and side yard setbacks and signage 1.71 acres **(Recommended for Approval by the Zoning Commission)**
2. [ZC-19-018](#) - (CD 6) - Jerry Savelle Ministries, Inc., 1450, 10301, 10601 W. Cleburne Crowley Road, 10700 Old Cleburne Crowley Road; From: "AG" Agricultural To: "A-5" One-Family 45.55 acres **(Recommended for Denial W/O Prejudice by the Zoning Commission) (Continued from a Previous Meeting)**
3. [ZC-19-023](#) - (CD 7) - Schwob Building Company, LTD, 15500 block FM 156; From: "AG/AO" Agricultural/Alliance Airport Overlay To: "K/AO" Heavy Industrial/Alliance Airport Overlay 12.41 acres **(Recommended for Approval by the Zoning Commission)**
4. [ZC-19-050](#) - (CD 7) - Victory at Heritage LLC, 9835 Chloe Creek Drive; From: "G" Intensive Commercial/I-35 Overlay To: PD/G Planned Development for all uses in "G" Intensive Commercial plus hotel site plan included 2.82 acres **(Recommended for Approval as Amended by the Zoning Commission with revised site plan depicting development standards)**
5. [ZC-19-055](#) - (CD 2) - Mario Santiesteban, 2802 Chestnut Avenue; From: "A-5" One-Family To: "E" Neighborhood Commercial (applicant request), "ER" Neighborhood Commercial Restricted (Zoning Commission recommendation) 0.167 acres **(Recommended for Approval as Amended by the Zoning Commission for "ER")**
6. [ZC-19-057](#) - (CD 8) - City of Fort Worth Planning and Development: United Riverside Neighborhood, Generally bounded by the Airport Freeway (SH 121), Riverside Drive and the Trinity River; From: "O-1" Floodplain; "A-5" One-Family; "B" Two-Family; "D" Multifamily; "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial, "E/HC" Neighborhood Commercial/Historical Overlay, "FR" General Commercial Restricted, "F" General Commercial, "G" Intensive Commercial; "I" Light Industrial, "J" Medium Industrial, "K" Heavy Industrial, and PDs 99, and 335 Planned Developments To: "O-1" Floodplain; "A-5" One-Family; "A-5/HC" One-Family/ Historical Overlay; "CF" Community Facilities; "MU-1" Low Intensity Mixed-Use; "ER" Neighborhood Commercial Restricted; "ER/HC" Neighborhood Commercial Restricted /Historical Overlay, "E" Neighborhood Commercial; "FR" General Commercial Restricted"; "G" Intensive Commercial; "I" Light Industrial, "J" Industrial; and new PD for I uses excluding: alcohol package store for off-premise consumption, bar, auto repair, auto sales, pawn shop, tattoo parlor, outdoor kennel, batch plant for asphalt or concrete, or games rooms as a primary use and to allow outdoor sales and storage, requiring painting in front of the building and planting red tip photinias in front of the eastern fence; site plan waiver recommended 400.72 acres **(Recommended for Approval as Amended by the Zoning Commission for 2800 Nies St. "B"; 2400 & 2500 E. 4th St., 309, 311, 313 Rayner "F"; 3000 Airport Freeway "G" and 1720 Riverside to PD/I to allow outdoor sales and storage to require painting in front of the building and plant red tip photinias in front of eastern fence)**
7. [ZC-19-063](#) - (CD 2) - Northwest Bible Church, Inc. 5029, 5033 Jacksboro Highway; From: "A-5" One-Family To: "E" Neighborhood Commercial 1.30 acres **(Recommended for Approval by the Zoning Commission)**
8. [ZC-19-064](#) - (CD 9) - 2925 Race, LLC 2919, 2929, 3005, 3007, 3009 Race Street; 3000, 3004, 3008 McLemore Avenue; From: "MU-1" Low Intensity Mixed-Use and PD 1181 "PD/MU-1" Planned Development for all uses in "MU-1" Low Intensity Mixed-Use plus bar/tavern; site plan waived



To: Amend PD 1181 "PD/MU-1" Planned Development for all uses in "MU-1" Low Intensity Mixed-Use plus bar/tavern to add additional property; site plan waiver recommended 1.41 acres **(Recommended for Approval by the Zoning Commission)**

9. [ZC-19-065](#) - (CD 8) - Fort Worth Everman/Risinger Development, LLC 229 & 249 W Everman Parkway; From: "A-5" One-Family and "F" General Commercial  
To: PD/I Planned Development for all uses in "I" Light Industrial excluding truck wash, truck terminal, batch plant, outdoor kennels plus outdoor storage with the following development standards:

- 30' landscape buffer to be provided along north property line, to include trees planted every 40'
- Contiguous landscape buffer to be provided along Everman Parkway, including shrubs in addition to the planted trees
- Truck and trailer storage to be allowed, if truck and trailer storage is visible from residential property line, an 8' masonry wall with columns shall be provided between residential and storage
- If building is between trailer and truck storage and the residential property line, no masonry wall required
- No outdoor storage, other than trucks and trailers
- Any building within 100' of Everman ROW must not have any bay doors facing Everman Parkway
- Exterior portions and/or facades shall use colors consisting of a neutral color, trim and building may be a different neutral color
- Exterior entrances shall consist of 25'0" high solar film glass, smooth and scored painted concrete walls, painted cornice at top of wall and 3'0" deep by 2'0" high composite aluminum canopy
- Any outdoor lighting within 150' of a residential property line shall not create an ambient light that trespasses onto a residential property
- Site plan waiver recommended

**(Recommended for Approval by the Zoning Commission)**

10. [ZC-19-066](#) - (CD 7) - Victory at Heritage LLC 9813 Chloe Creek Drive; From: "G" Intensive Commercial/I-35 Overlay  
To: PD/G Planned Development for all uses in "G" Intensive Commercial plus hotel/I-35 Overlay; site plan included 1.99 acres **(Recommended for Approval as Amended by the Zoning Commission with revised site plan depicting development standards)**
11. [ZC-19-067](#) - (CD 8) - Jambo Real Estate Group, 1729 E. Tucker Street, From: "E" Neighborhood Commercial To: "A-5" One-Family 0.15 acres **(Recommended for Approval by the Zoning Commission)**
12. [ZC-19-068](#) - (CD 5) - Holdaray Partners LTD, 8312 Brentwood Stair Road; From: "G" Intensive Commercial  
To: Add Conditional Use Permit to allow a car wash with waivers to parking and residential proximity; site plan included 0.72 acres **(Recommended for Approval by the Zoning Commission with no time limit)**
13. [ZC-19-069](#) - (CD 5) - Himalayan Properties LLC, 3875 and 3878 Post Oak Boulevard; From: "C/AO" Medium Density Multifamily with DFW Airport Overlay To: "MU-1/AO" Low Intensity Mixed-Use with DFW Airport Overlay 8.41 acres **(Recommended for Approval by the Zoning Commission)**
14. [ZC-19-071](#) - (CD 8) - Ramon Lupian, 804 E. Powell Avenue; From: "A-5" One-Family To: "E" Neighborhood Commercial 0.179 acres **(Recommended for Approval by the Zoning Commission)**

15. [ZC-19-075](#) - (CD 5) - Tom Wittrock, 2905 Miller Avenue; From: "A-5" One-Family To: "ER" Neighborhood Commercial Restricted 0.25 acres (**Recommended for Approval by the Zoning Commission**)

## **XV. PUBLIC HEARING**

1. Second Public Hearing for Strategic Partnership Agreement with the Morningstar Ranch Municipal Utility District No. 1 for a 31.194-Acre Portion of the District Intended for Commercial Use (FUTURE COUNCIL DISTRICT 3)

- a. Report of City Staff
- b. Citizen Comments

## **XVI. REPORT OF THE CITY MANAGER**

### **A. Benefit Hearing - None**

### **B. General**

1. [M&C G-19550](#) - Adopt Ordinance to Amend the Fort Worth Building Administrative Code, Chapter 7, Article I, Table 119 1-A and to Add Table 119 1-A-1 to Update the Building Permit Fees for Residential Remodel Work (ALL COUNCIL DISTRICTS)

### **C. Purchase of Equipment, Materials, and Services - None**

### **D. Land**

1. [M&C L-16224](#) - Authorize Execution of the Strategic Partnership Agreement for the Morningstar MUD of Parker County (ETJ Adjacent to COUNCIL DISTRICT 3)
2. [M&C L-16225](#) - Authorize Execution of First Amendment to Development Agreement with SLF IV - 114 Assemblage, L.P. and First Amendment to Agreement Concerning Creation and Operation of Tradition Municipal Utility Districts Nos. 1 and 2B of Denton County (ETJ / Denton County near COUNCIL DISTRICT 7)

### **E. Planning & Zoning - None**

### **F. Award of Contract - None**

## **XVII. CITIZEN PRESENTATIONS**

## **XVIII. EXECUTIVE SESSION (CITY COUNCIL CONFERENCE ROOM, CITY HALL, ROOM 290) - SEE ATTACHMENT B**

Attachment(s):

[Executive Session Agenda - Attachment B.pdf](#)

## **XIX. 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 six minutes. At the Mayor's discretion, time

limits may be reasonably extended.

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**ATTACHMENT B**  
**EXECUTIVE SESSION**  
**CITY COUNCIL CONFERENCE ROOM**  
**CITY HALL, ROOM 290**  
**Tuesday, June 4, 2019**

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**CITY ATTORNEY**

1. Section 551.071, CONSULTATION WITH ATTORNEY

To seek the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]:

- a. Legal issues regarding any item listed on today's City Council meeting agenda.

**CITY MANAGER**

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Deliberate the purchase, sale, lease or value of real property where deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party.

2. Section 551.087, DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Deliberate the commercial or financial information or the offer of a financial or other incentive to a business prospect.

- B. The City Council may reconvene in open session in the City Council Conference Room and act on any item listed on the Executive Session Agenda in accordance with Chapter 551 of the Texas Government Code.



## **HOUSING AND NEIGHBORHOOD SERVICES COMMITTEE**

**Tuesday, June 4, 2019**

**2:00 pm**

**City Council Conference Room, City Hall, Room 290**

**200 Texas Street**

**Fort Worth, Texas 76102**

### **Committee Members**

Kelly Allen Gray, Chair  
Cary Moon, Vice Chair

Gyna M. Bivens, Council Member  
Carlos Flores, Council Member

### **City Staff**

Fernando Costa, Assistant City Manager - Staff Liaison  
Vicki S. Ganske, Senior Assistant City Attorney

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1. **Call to Order** – Kelly Allen Gray, Chair
2. **Approval of Minutes from the Meeting Held on December 4, 2018** – Kelly Allen Gray, Chair
3. **Briefing on the Recommendations of the Community Development Council for the 2019-2020 Action Plan for Use of Community Development Block Grant, HOME Investment Partnerships Program , Emergency Solutions Grant, and Housing for Persons with AIDS Grant Funds** – Jerome Johnson, Chair, Community Development Council, and Barbara Asbury, Compliance and Planning Manager, Neighborhood Services Department
4. **Executive Session** - The Housing and Neighborhood Services Committee will conduct a closed meeting to:
  - A. Seek the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]: (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 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.

**5. Request for Future Agenda Items – Kelly Allen Gray, Chair**

**6. Adjourn – Kelly Allen Gray, Chair**

**Please Note: Additional members of the Fort Worth City Council may 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 OF FORT WORTH  
HOUSING AND NEIGHBORHOOD SERVICES COMMITTEE  
Minutes of December 4, 2018 Meeting**

**Committee Members Present:**

Kelly Allen Gray, Chair  
Cary Moon, Vice Chair (joined meeting 1:18 pm)

Carlos Flores, Councilmember  
Gyna M. Bivens, Councilmember

**Committee Members Absent:**

**City Staff Present:**

Fernando Costa, Assistant City Manager  
Aubrey Thagard, Director, Neighborhood Services Department

Vicki Ganske, Senior Assistant City Attorney

- 1. Call to Order**  
Committee Chair, Councilmember Gray, called the meeting to order at 1:05 p.m.
- 2. Approval of Minutes from the Meeting Held on October 30, 2018 , 2018**  
Motion was made by Councilmember Bivens to approve the October 30, 2018 minutes as presented. Councilmember Moon seconded the motion and it passed.
- 3. Update on the Neighborhood Empowerment Zone Study – Aubrey Thagard, Director, Neighborhood Services Department.** Mr. Thagard provided a report to Committee Members regarding recommended changes to the policy; revised NEZ areas, which includes boundary adjustments; new NEZ areas and the termination of some existing NEZ areas; and revised criteria establishing NEZs.
- 4. Questions and Discussion**  
There was a general discussion about the presentation between the Committee Members and Mr. Thagard; Committee Members thanked Mr. Thagard and his team for all accomplishments.
- 5. Presentation on the Selection of the Neighborhood Improvement Target Area for FY 2019-**  
Aubrey Thagard, Director, Neighborhood Services Department. Mr. Thagard discussed the selection of the Northside Neighborhood for FY 2019 capital projects aimed specifically at improving challenged and underserved neighborhoods while increasing public safety. Additionally, criteria for neighborhood selection was discussed as well as progress reports for previous neighborhood target areas.
- 6. Executive Session**  
There were no items for an Executive Session.



**7. Future Agenda Items**

Neighborhood Conservation per Councilmember Bivens.

**8. Adjournment**

With no further presentations or discussions, Chairwoman Gray adjourned the regular meeting of the Housing and Neighborhood Services Committee at 1:31 p.m., Tuesday, December 4, 2018.

These minutes approved by the Housing and Neighborhood Services Committee on the \_\_\_\_ day of \_\_\_\_\_, 2019.

**PREPARED BY and ATTESTED:**

**APPROVED:**

\_\_\_\_\_  
Celeste Macklin, Administrative Assistant

\_\_\_\_\_  
Kelly Allen Gray, Chair



Updated May 31, 2019

**City of Fort Worth**  
**City Council Work Session Agenda Calendar**

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**June 4, 2019**      **Monthly Zoning Meeting**

***Legislative and Intergovernmental Affairs Committee (cancelled)***

***2:00 p.m. Housing and Neighborhood Services Committee***

***3:00 p.m. City Council Work Session Meeting***

**Continued Items:**

- **ZC-19-018** - (COUNCIL DISTRICT 6 – Jungus Jordan) - Jerry Savelle Ministries, Inc., 1450, 10301, 10601 W. Cleburne Crowley Road, 10700 Old Cleburne Crowley Road; From: Unzoned To: "A-5" One-Family 45.55 acres (Recommended for Denial W/O Prejudice by the Zoning Commission) (**Continued from May 7, 2019 by Council Member Jordan**)
- Overview of Significant Zoning Cases [*Dana Burghdoff, Planning and Development*]
- Update on Neighborhood Improvement Program [*Sonia Singleton, Neighborhood Services*]
- Briefing on Re-Purposing of Sycamore Creek Golf Course to a Community Park [*David Creek, Park and Recreation*]
- Presentation of Game Rooms [*Chris Mosley, Law and Ty Hadsell, Police*]
- Health Plan Update [*Brian Dickerson, Human Resources*]

**June 11, 2019**

***Audit Committee (cancelled)***

***Infrastructure & Transportation Committee (cancelled)***

***3:00 p.m. City Council Work Session Meeting***

**Continued Items:**

- **M&C L-16203** - (Future Council District 7) - Authorize Execution of Municipal Services Agreement for the Proposed Owner-Initiated Annexation of Approximately 115.026 Acres of Land in Denton County, Located North of Intermodal Parkway and South of Highway 114 off of FM 156, in the Far North Planning Sector, AX-19-001 (**Continued from April 9, 2019 by Staff**)
- **M&C L-16204** - (Future Council District 7) - Adopt Ordinance for the Owner-Initiated Annexation of Approximately 115.026 Acres of Land and 35.589 Acres of Right-of-Way in Denton County, Located North of Intermodal Parkway and South of Highway 114 off of FM 156, in the Far North Planning Sector, AX-19-001 (**Continued from April 9, 2019 by Staff**)
- **ZC-19-039** - (COUNCIL DISTRICT 7) - M. T. Cole Family Partnership #2, NP-OV Fort Worth Project 1, 14500 - 15300 FM Road 156; From: Unzoned To: "K" Heavy Industrial 115.02 acres (Recommended for Approval by the Zoning Commission) (**Continued from April 9, 2019 by Staff**)



Updated May 31, 2019

## ***City of Fort Worth City Council Work Session Agenda Calendar***

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### **June 11, 2019 (continued)**

- Briefing on Community Development Council's Recommended 2019-2020 Action Plan [*Barbara Asbury, Housing and Neighborhood Services and Jerome Johnson, Community Development Council*]
- Briefing on Proposed Amendments to Human Relations Ordinance [*Angela Rush, City Manager's Office*]
- Briefing on Fire Collective Bargaining Agreement [*Valerie Washington, City Manager's Office*]
- Presentation on Proposed Tax Abatement Agreement with Freshly, Inc. [*Justin McLaughlin, Economic Development*]
- Pension Briefing [*Kevin Gunn, Financial Management Services*]

### **June 18, 2019**

***2:00 p.m. Fort Worth Local Development Corporation  
Central City Local Government Corporation  
(Immediately following the Fort Worth Local Development Corporation)  
AllianceAirport Authority  
(Immediately following the Central City Local Government Corporation)  
Lone Star Local Government Corporation  
(Immediately following the AllianceAirport Authority, Inc.)  
3:00 p.m. City Council Work Session Meeting***

- Presentation on the 86<sup>th</sup> Texas Legislative End of Session Report [*TJ Patterson, Government Relations and Kwame Walker, McGuireWoods Consulting*]
- Presentation on Fort Worth Botanic Garden Accessibility [*Susan Alanis, City Manager's Office and Bob Byers, Fort Worth Botanic Garden*]
- Briefing on New Customer Response System [*Michelle Gutt and Sharon Gamble, Communications and Public Engagement Department*]
- Briefing on New Asset Management System [*Molly Hale, IT Solutions*]

### **June 25, 2019**      **Monthly Zoning Meeting (July)**

***3:00 p.m. City Council Work Session***

- Overview of Significant Zoning Cases [*Dana Burghdoff, Planning and Development*]
- Update on Major Capital Improvement Projects [*Jay Chapa, City Manager's Office*]
- Presentation on Stormwater Management Fee Structure [*Greg Simmons, Transportation and Public Works*]



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*City Council Work Session Agenda Calendar*

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**July 2, 2019**    **Summer Break**

*3:00 p.m. City Council Work Session (cancelled)*

**July 4, 2019**

*City Hall Closed – July Fourth Holiday*

**July 9, 2019**    **Summer Break**

*Legislative and Intergovernmental Affairs Committee (cancelled)*  
*Housing and Neighborhood Services Committee (cancelled)*  
*City Council Work Session (cancelled)*

**July 16, 2018**    **Summer Break**

*Audit Committee (cancelled)*  
*Infrastructure & Transportation Committee (cancelled)*  
*3:00 p.m. City Council Work Session (cancelled)*

**July 23, 2019**    **Summer Break**

*3:00 p.m. City Council Work Session (cancelled)*

**July 30, 2019**    **Summer Break**

*3:00 p.m. City Council Work Session (cancelled)*



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**August 6, 2019**     **Monthly Zoning Meeting**

***1:00 p.m. Legislative and Intergovernmental Affairs Committee***

***2:00 p.m. Housing and Neighborhood Services Committee***

***3:00 p.m. City Council Work Session***

**Continued Items:**

- **ZC-19-044** - (COUNCIL DISTRICT 9 – Ann Zadeh) - Speed Racer, LLC, 3111 Race Street, 3020 Murphy Street; From: "MU-1/DD" Low Intensity Mixed Use and "CF/DD" Community Facilities with Demolition Delay To: PD/MU-1 Planned Development for all uses in "MU-1" Low Intensity Mixed Use, retaining Demolition Delay, site plan required 2.89 acres  
**(Recommended for Approval by the Zoning Commission) (Continued from May 7, 2019 by Council Member Zadeh)**
- Overview of Significant Zoning Cases *[Dana Burghdoff, Planning and Development]*
- Update on Proposed Redevelopment of Butler Place and Cavile Place *[Mary-Margaret Lemons, Fort Worth Housing Solutions]*
- Presentation of the Recommended Fiscal Year 2020 Capital Budget *[David Cooke, City Manager]*
- Report and Update on Iconic Art Projects *[Martha Peters, Fort Worth Public Art and Robert Lee, Fort Worth Art Commission]*
- Presentation on Economic Development Marketing & Messaging Initiative *[Brenda Hicks-Sorensen, Economic Development]*
- Presentation on 2018 Incentive Review *[Robert Sturns, Economic Development]*

**August 13, 2019**

***11:00 a.m. Ad Hoc Municipal Court Advisory Committee***  
***(CMO Conference Room 380)***

***1:00 p.m. Audit Committee***

***2:00 p.m. Infrastructure & Transportation Committee***

***3:00 p.m. City Council Work Session***

- 
- Update and Year One Review of Economic Development Strategic Plan Objectives *[Robert Sturns, Economic Development and John Roberts, TIP Strategies]*
- Presentation and Update on Minority Chamber Initiatives *[Robert Sturns, Economic Development, Dee Jennings, Fort Worth Metropolitan Black Chamber of Commerce, and John Hernandez, Fort Worth Hispanic Chamber of Commerce]*
- Presentation on the Recommended Fiscal Year 2020 Operating Budget *[David Cooke, City Manager]*



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**City of Fort Worth**  
**City Council Work Session Agenda Calendar**

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**August 20, 2019**

**2:00 p.m. Fort Worth Local Development Corporation  
Central City Local Government Corporation  
(Immediately following the LDC Meeting)  
Alliance Airport Authority, Inc.  
Lone Star Local Government Corporation  
Fort Worth Crime Control and Prevention District Board of Directors Quarterly  
Meeting (Immediately Following City Council Work Session)  
3:00 p.m. City Council Work Session**

- Presentation on Small Assessment [[Robert Sturns, Economic Development and Camion Associates](#)]

**August 22, 2019 (Thursday)**

**Budget Workshop (City Council Conference Room 290)**

**August 23, 2019 (Friday)**

**Budget Workshop (City Council Conference Room 290)**

**August 27, 2019**

**3:00 p.m. City Council Work Session  
Fort Worth Crime Control and Prevention District Board of Directors Quarterly  
Meeting (Tentative - Immediately Following City Council Work Session)**

- Update on establishment of a Medical Innovation District [[Brenda Hicks- Sorensen, Economic Development](#)]

***City Council Meeting of May 21, 2019***  
***Staff Action Tracking***

Item #1	Update on recent pension changes	
Due Date:	June 11, 2019	Council District: 1
Staff Action:	Presentation on pension changes	
Responsibility:	Kevin Gunn - Finance	
Item #2	Standards for Dollar stores and options for healthy foods	
Due Date:	August 6, 2019	Council District: 8
Staff Action:	Presentation	
Responsibility:	Melinda Ramos, Law Department, Randle Harwood, Planning & Development, Brandon Bennett, Code Compliance	
Item #3	Update on Payday Lending Ordinance	
Due Date:	August 6, 2019	Council District: 8
Staff Action:	Presentation	
Responsibility:	Melinda Ramos, Law Department; Dana Burghdoff, Planning and Development	
Item #4	Update on major Capital Improvement Projects	
Due Date:	June 25, 2019	Council District: 6
Staff Action:	Presentation	
Responsibility:	Jay Chapa, City Manager's Office	
Item #5	Update on imposed punitive fines for developers who violate tree preservation. Include appeal process to Council and fines being used in area damaged.	
Due Date:	June 18, 2019	Council District: 5
Staff Action:	IR	
Responsibility:	Randle Harwood, Planning and Development	



**CITY OF FORT WORTH, TEXAS  
CITY COUNCIL WORK SESSION  
MAY 14, 2019**

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**Present:**

Mayor Betsy Price  
Mayor Pro tem Dennis Shingleton, District 7  
Council Member Carlos Flores, District 2  
Council Member Brian Byrd, District 3  
Council Member Gyna Bivens, District 5  
Council Member Jungus Jordan, District 6  
Council Member Kelly Allen Gray, District 8  
Council Member Ann Zadeh, District 9

**Absent:**

Council Member Cary Moon, District 4

**Staff Present:**

David Cooke, City Manager  
Sarah Fullenwider, City Attorney  
Mary J. Kayser, City Secretary

With a quorum of the City Council Members present, Mayor Price called the Fort Worth City Council Work Session to order at 3:09 p.m. on Tuesday, May 14, 2019, in City Council Conference Room 290 of the Fort Worth City Hall, 200 Texas Street, Fort Worth, Texas.

**1. Report of the City Manager – David Cooke, City Manager**

**a. Changes to the City Council Agenda**

M&C G-19538 will be withdrawn from the consent agenda.

**b. Upcoming and Recent Events**

There were none announced.

**c. Organizational Updates and Employee Recognition(s)**

City Manager David Cooke introduced Ms. Allison Long from U.S. Army Garrison Alaska who is here learning about various aspects of city management as part of the ICMA/U.S. Army installation command fellowship program.

**d. Informal Reports**

1. IR 10271: Fire Collective Bargaining with the Fort Worth Firefighters Local 440
2. IR 10272: March 2019 Sales Tax
3. IR 10273: Rockwood Park Golf Course Green Fee Rate Increase
4. IR 10274: The Role of Magistrates

**2. Current Agenda Items - City Council Members**

There were no questions.

**3. Responses to Items Continued from a Previous Week**

There were no Items continued.

**4. Presentation on Establishment of a Medical Innovation District – Robert Sturns and Brenda Hicks-Sorenson, Economic Development Department**

Mr. Robert Sturns and Ms. Brenda Hicks-Sorenson, Economic Development Department, gave a presentation on the development of a Medical Innovation District.

**5. Briefing on Response to Criminal Justice Recommendations of the Task Force on Race and Culture – Jay Chapa, City Manager’s Office**

Assistant City Manager Jay Chapa, City Manager’s Office, provided a briefing on Criminal, Justice recommendations from the Task Force on Race and Culture and their status.

**6. City Council Requests for Future Agenda Items and/or Reports**

Mayor Price – Report on departments over budget or on track to go over budget.

Council Member Allen Gray – Monthly attendance reports and notification to council members if there are issues with their appointees on Boards and Commissions.

Council Member Jordan – Update on Game rooms.

Council Member Bivens – Detailed crime stats and an update on the Street repair dashboard/street report.

Council Member Byrd – Report on Fire Fighter exposure to carcinogens.

**7. Executive Session (CITY COUNCIL CONFERENCE ROOM, CITY HALL, ROOM 290)**

There being no further business to come before the City Council Mayor Price adjourned the meeting at 4:29 p.m.

**CITY OF FORT WORTH, TEXAS  
CITY COUNCIL WORK SESSION  
MAY 21, 2019**

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**Present:**

Mayor Betsy Price  
Mayor Pro tem Dennis Shingleton, District 7  
Council Member Carlos Flores, District 2  
Council Member Brian Byrd, District 3  
Council Member Cary Moon, District 4  
Council Member Gyna Bivens, District 5  
Council Member Jungus Jordan, District 6  
Council Member Kelly Allen Gray, District 8  
Council Member Ann Zadeh, District 9

**Staff Present:**

David Cooke, City Manager  
Sarah Fullenwider, City Attorney  
Ronald P. Gonzales, Assistant City Secretary

With a quorum of the City Council Members present, Mayor Price called the Fort Worth City Council Work Session to order at 3:04 p.m. on Tuesday, May 21, 2019, in City Council Conference Room 290 of the Fort Worth City Hall, 200 Texas Street, Fort Worth, Texas.

**1. Report of the City Manager – David Cooke, City Manager**

**a. Changes to the City Council Agenda**

- Advised that an attachment (Schedule I) to DFW's 54<sup>th</sup> Supplemental Concurrent Bond Ordinance had been distributed at each Council Members place at the dais in the Council Chamber. The attachment was not available during distribution of the Electronic Council Packet.
- Assistant City Manager Susan Alanis provided information relative to the M&Cs on the Council agenda related to the Botanic Gardens.

**b. Upcoming and Recent Events**

- There were no upcoming and recent events announced.

**c. Organizational Updates and Employee Recognition(s)**

- Mr. Randle Harwood, Planning and Development, recognized building inspectors and plans examiners, for the 39<sup>th</sup> year of Building Safety Month.
- Executive Assistant Police Chief Ed Kraus recognized Police Officers David Jwanowski and Matthew Putnam who received the Top Cops Award at the 26<sup>th</sup> Annual National Association of Police Organizations award dinner in Washington, DC.

**d. Informal Reports**

1. IR 10275: Monthly Development Activity Report
2. IR 10276: Update on Recent Pension Changes
3. IR 10277: Revenue Manual Development
4. IR 10278: Proposed Council-Initiated Zoning Changes to Create Stop Six Design District for Single Family Development in Council District 5

**2. Current Agenda Items - City Council Members**

- Mr. Greg Simmons, Transportation and Public Works, responded to questions on M&C G-19545.

**3. Responses to Items Continued from a Previous Week**

- a. **M&C L-16193 - (Future Council District 7) - Authorize Execution of Municipal Services Agreement for the Proposed Owner-Initiated Annexation of Approximately 55.29 Acres of Land in Denton County, Located North of Alliance Airport, South of Highway 114 and West of the Texas Motor Speedway, in the Far North Planning Sector, AX-18-006 (Continued from March 19, 2019, by Staff)**
  - M&C will be continued to the June 25, 2019, Council meeting.
- b. **M&C L-16194 - (Future Council District 7) - Adopt Ordinance for the Owner-Initiated Annexation of Approximately 55.29 Acres of Land in Denton County, Located North of Alliance Airport, South of Highway 114 and West of the Texas Motor Speedway, in the Far North Planning Sector, AX-18-006 (Continued from March 19, 2019, by Staff)**
  - M&C will be continued to the June 25, 2019, Council meeting.
- c. **ZC-18-169 - (Council District 7 – Dennis Shingleton) - Jerry and William Wilson, 15000 block FM 156/2250 Texan Drive; From: Unzoned To: " I" Light Industrial/Fort Worth Alliance Airport Overlay 51.48 acres (Recommended for Approval by the Zoning Commission) (Continued from March 19, 2019, by Staff)**
  - Zoning case will be continued to the June 25, 2019, Council meeting.

**4. Briefing on Dallas/Fort Worth Airport – 2019 Debt Financing Program - Chris Poinsatte and Michael Phemister, Dallas Fort Worth International Airport**

Mr. Chris Poinsatte and Mr. Michael Phemister, representing Dallas Fort Worth International Airport, provided a briefing on the 2019 Debt Financing Plan for DFW International Airport.

**5. Annual MedStar Update – Doug Hooten, MedStar**

Mr. Doug Hooten, representing MedStar, provided the annual update. He added that he would provide information by e-mail to all Council Members regarding the percentages of transports by Council District.

**6. Annual Briefing by Fort Worth Sister Cities International - Veronica Chavez Law and Mae Ferguson, Fort Worth Sister Cities International**

Ms. Veronica Chavez Law and Ms. Mae Ferguson, representing Fort Worth Sister Cities International, provided the annual update about Fort Worth Sister Cities International.

**7. Presentation on the City's Data Security Program - Kevin Gunn, Financial Management Services**

Assistant City Manager Susan Alanis stated that there had been a series of recent news reports relating to the City's responsibility to protect the financial assets of the City and data that the City has access to and provided clarity of the issues and the challenges.

Mr. Kevin Gunn, Financial Management Services, presented information pertaining to the City's Data Security Program and responded to questions from Council Members.

**8. City Council Requests for Future Agenda Items and/or Reports**

- Mayor Price requested staff prepare a presentation on recent pension changes.
- Council Member Allen Gray requested staff prepare an update on the standards for dollar stores; options for healthy food items.
- Council Member Allen Gray requested staff prepared an update on the Payday Lending ordinance.
- Council Member Jordan requested staff prepare an update on major CIPs particularly in bond projects.
- Council Member Bivens requested staff prepare an update of punitive fines that developers receive for violating tree ordinance.

**9. Executive Session (CITY COUNCIL CONFERENCE ROOM, CITY HALL, ROOM 290)**

There being no further business to come before the City Council Mayor Price adjourned the meeting at 4:57 p.m.

**CITY OF FORT WORTH, TEXAS  
REGULAR CITY COUNCIL MEETING  
MAY 21, 2019**

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**Present:**

Mayor Betsy Price  
Mayor Pro tem Dennis Shingleton, District 7  
Council Member Carlos Flores, District 2  
Council Member Brian Byrd, District 3  
Council Member Cary Moon, District 4  
Council Member Gyna Bivens, District 5  
Council Member Jungus Jordan, District 6  
Council Member Kelly Allen Gray, District 8  
Council Member Ann Zadeh, District 9

**Staff Present:**

David Cooke, City Manager  
Sarah Fullenwider, City Attorney  
Ronald P. Gonzales, Assistant City Secretary

**I. CALL TO ORDER**

With a quorum of the City Council Members present, Mayor for the Day, Aubrey Elle Parker, banged the gavel and called the regular session of the Fort Worth City Council to order at 7:06 p.m. on Tuesday, May 21, 2019, in the City Council Chamber of the Fort Worth City Hall, 200 Texas Street, Fort Worth, Texas.

**II. INVOCATION – Pastor Janet Kraatz, Faith Lutheran Church**

The invocation was provided by Pastor Janet Kraatz, Faith Lutheran Church.

**III. PLEDGES OF ALLEGIANCE TO THE UNITED STATES AND THE STATE OF TEXAS**

The Pledges of Allegiance to the United States of America and the State of Texas were recited.

**IV. CONSIDERATION OF MINUTES OF THE CITY COUNCIL WORK SESSION OF MAY 7, 2019, AND THE REGULAR MEETING OF MAY 14, 2019**

Motion: Council Member Moon made a motion, seconded by Council Member Byrd, that the minutes of the City Council Work Session of May 7, 2019, and the Regular Meeting of May 14, 2019, be approved. Motion passed 9-0.



**V. PRESENTATION OF CERTIFICATE OF ELECTION TO COUNCIL MEMBER ELECT CARY MOON**

Assistant City Secretary Gonzales presented a Certificate of Election to Council Members Elect Cary Moon.

**VI. ADMINISTER THE OATH OF OFFICE TO COUNCIL MEMBER ELECT CARY MOON**

Assistant City Secretary Gonzales administered the Oath of Office to Council Member Elect Cary Moon.

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

There were no items to be withdrawn from the Consent Agenda.

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

City Manager Cooke requested that Mayor and Council Communications L-16193 and L-16194 and Zoning Docket ZC-18-169 be continued to the June 25, 2019, Council meeting.

**IX. CONSENT AGENDA**

Motion: Council Member Bivens made a motion, seconded by Council Member Flores that the Consent Agenda be approved. Motion passed 9-0.

**A. General - Consent Items**

1. **M&C G-19541 - Authorize Change in Use and Expenditure in the Amount of \$477,285.89 of Community Development Block Grant Funds for the Lake Como Neighborhood Sidewalks Project, Authorize a Substantial Amendment to the City's 2014-2015 Action Plan, and Authorize the Substitution of Funding Years (COUNCIL DISTRICT 3)**
2. **M&C G-19542 - Adopt Appropriation Ordinance No. 23666-05-2019 Increasing Estimated Receipts and Appropriations in the Sendera Ranch Boulevard and Diamondback Lane Signal Improvement Project from the Transportation Impact Fee Capital Legacy Fund in the amount of \$162,315.71 and Adopt Appropriation Ordinance No. 23667-05-2019 Increasing Estimated Receipts and Appropriations in the Sendera Ranch Boulevard and Diamondback Lane Signal Improvement Project from the Transportation Impact Fee Capital Fund in the amount of \$237,684.29 and Reduce the Fund Balance in the Service Area B Project in Both Funds by the Same Amounts (COUNCIL DISTRICT 7)**

3. **M&C G-19543 - Adopt Resolution 5091-05-2019 Denying Application for Approval to Amend its Distribution Cost Recovery Factor Proposed by Oncor Electric Delivery Company LLC and Authorizing Steering Committee of Cities Served by Oncor to Retain Law Firm and Consultants to Evaluate the Application (ALL COUNCIL DISTRICTS)**
4. **M&C G-19544 - Adopt Ordinance No. 23668-05-2019 Amending Appendix B, "Department of Code Compliance," Article II, "Code Compliance," Division 3, "Nuisances," of the Code of the City of Fort Worth Texas (2015) to Provide Regulations Concerning Nuisance Vegetation (ALL COUNCIL DISTRICTS)**

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

1. **M&C P-12328 - Authorize Nonexclusive Agreements with Henry Pratt Company LLC and Municipal Valve & Equipment Co. Inc., for the Purchase of Valve Actuators, Gear Boxes, Base Stands, Appurtenances and Related Services in a Combined Amount Up to \$530,000.00 for the Water Department (ALL COUNCIL DISTRICTS)**
2. **M&C P-12329 - Authorize Amendment to an Existing Purchase Agreement with Zimmerer Kubota & Equipment, Inc., for Zero Turn Mower Rentals and Parts Using a Cooperative Contract for the Park and Recreation Department to Increase the Amount by \$100,000.00 for a New Annual Amount Up to \$200,000.00 (ALL COUNCIL DISTRICTS)**

**C. Land - Consent Items**

1. **M&C L-16219 - Authorize Joint Ordinance No. 23669-05-2019 and Boundary Agreement with the City of Haslet to Adjust the City Limit Boundaries Described as a 1.879-Acre Tract Located on the North Side of Avondale Haslet Road from Haslet's Western City Limit Line to Approximately 1,364 Feet to the West, between the Cities of Fort Worth and Haslet (ETJ next to COUNCIL DISTRICT 7)**

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

1. **M&C PZ-3191 - Adopt Ordinance No. 23670-05-2019 Vacating a Portion of an Alley in Block 2, JN Brookers Subdivision of Block 11, Fields Welch Addition between Magnolia Avenue and West Rosedale Street to be Replatted with the Adjoining Property for a CVS Pharmacy and Associated Parking Lot (COUNCIL DISTRICT 9)**

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

- 1. M&C C-29128 - Authorize Execution of Change Order No. 3 to City Secretary Contract No. 50172 with William J. Schultz, Inc., dba Circle C Construction Company in the Amount of \$116,975.50 for 2014 CIP Year 3 Contract No. 7, Combined Street, Water/Sanitary Sewer Main, Storm Water and Box Culvert Improvements and the Addition of 30 Calendar Days, for a Revised Contract Amount of \$5,970,008.50 (2014 Bond Program) (COUNCIL DISTRICTS 4 and 5)**
- 2. M&C C-29129 - Authorize an Engineering Agreement with Teague Nall and Perkins, Inc. in the Amount of \$299,875.00 for the Design of East Northside Drive Bridge Replacement (2018 Bond Program) (COUNCIL DISTRICT 9)**
- 3. M&C C-29130 - Authorize Sole Source Agreements with Mitchell Adding Machine Company, Inc., dba Mitchell Time and Parking in a Total Amount not to Exceed \$645,933.49 for the Purchase of Parking Automation Equipment with Radio Frequency Identification Technology to Enable the Consolidation of the Parking Systems of the Dickies Arena and the Will Rogers Memorial Center and to Provide Preventative Maintenance at City Parking Facilities, Authorize an Agreement with RPGA Design Group Inc., in an Amount Not to Exceed \$11,000.00 to Redesign Driving Lanes to Accommodate the Automation Equipment at Will Rogers Memorial Center, and Adopt Appropriation Ordinance Nos. 23671-05-2019 and 23672-05-2019 (ALL COUNCIL DISTRICTS)**
- 4. M&C C-29131 - Authorize Amendment to Mayor and Council Communication P-12321 Approving an Agreement with Kelcher Entertainment Group for Restaurant and Catering Services for the Fort Worth Botanic Garden to Approve a Three Year Initial Term with Two One-Year Renewals and Payment to the City of Thirty Percent of Catered Alcohol Sales (ALL COUNCIL DISTRICTS)**
- 5. M&C C-29132 - Authorize Execution of a License Agreement with Fort Worth Symphony Orchestra Association for Use of the Fort Worth Botanic Garden for the Concerts in the Garden Series (ALL COUNCIL DISTRICTS)**

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

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

End of Consent Agenda.

**XIII. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC.**

Mayor Price recognized the Peterson students from O.A. Peterson Elementary (NWISD) who donated 400 books to the Maudrie Walton Elementary School (FWISD) as part of the Read FW effort.

**1. Presentation of Proclamation for Apraxia Awareness Month**

Mayor Pro tem Shingleton presented a proclamation for Apraxia Awareness Month to Ms. Marilyn Rankin and Ms. Laura Moorer, representing Apraxia Kids.

**2. Presentation of Proclamation for National Emergency Medical Services Week in Fort Worth**

Council Member Byrd presented a proclamation for National Emergency Medical Services Week in Fort Worth to Mr. Doug Hooten, MedStar Board of Directors, and Dr. Ken Simpson, Dr. Kristofer Schleicher, and Mr. Matt Zavadsky, representing MedStar Mobile Healthcare.

Assistant City Secretary Gonzales advised that Mayor and Council Communication G-19546 was a donation and would be moved up on the Council Agenda.

**2. M&C G-19546 - Authorize Acceptance of Donations from the Fort Worth Garden Club for Improvements Valued at \$1,157,076.00 for Renovations of the Historic Rose Garden and the Deborah Beggs Moncrief Garden Center at the Fort Worth Botanic Garden (ALL COUNCIL DISTRICTS)**

Motion: Mayor Pro tem Shingleton made a motion, seconded by Council Member Jordan, that Mayor and Council Communication G-19546 be approved. Motion passed 9-0.

Mayor Pro tem Shingleton presented a Certificate of Recognition to Ms. Taddie Hamilton, Ms. Laura Harrison, Ms. Susan Kline, and Ms. Therese Moncrief, representing the Fort Worth Garden Club.

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

**1. Upcoming and Recent Events**

Mayor Price, and Council Members Allen Gray and Zadeh announced upcoming and recent events within the City and various Council districts.

**2. Recognition of Citizens**

There was no recognition of citizens.

**3. Approval of Ceremonial Travel**

Motion: Council Member Allen Gray made a motion, seconded by Council Member Byrd, that Council Member Moon's trip to Washington, D.C., for National Police Week from May 11, 2019, to May 17, 2019, be approved. Motion passed 8-0, with one abstention from Council Member Moon.

**XIII. PRESENTATIONS BY THE CITY COUNCIL**

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

There were no changes in membership on boards and commissions.

**XIV. 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.

**XV. ORDINANCES**

**1. Fifty-Third Supplemental Concurrent Bond Ordinance Amending In-Part the Master Bond Ordinance Relating to Dallas Fort Worth International Airport Joint Revenue Bonds**

Motion: Council Member Flores made a motion, seconded by Council Member Bivens, that the Fifty-Third Supplemental Concurrent Bond Ordinance No. 23673-05-2019, be adopted. Motion passed 9-0.

**2. Fifty-Fourth Supplemental Concurrent Bond Ordinance Authorizing One or More Series of Dallas/Fort Worth International Airport Joint Revenue Bonds, for Lawful Purposes; Providing the Security Therefore; Providing for the Sale, Execution and Delivery Thereof Subject to Certain Parameters; and Providing Other Terms, Provisions and Covenants with Respect Thereto**

Motion: Council Member Moon made a motion, seconded by Council Member Byrd, that the Fifty-Fourth Supplemental Concurrent Bond Ordinance No. 23674-05-2019 be adopted. Motion passed 9-0.

**XVI. REPORT OF THE CITY MANAGER**

**B. General**

- 1. M&C G-19545 - Adopt Appropriation Ordinance Increasing Appropriations in the 2018 Bond Program in the Amount of \$10,000,000.00 to Fund Street Construction/Recon/Rehabilitation Programmable Projects (ALL COUNCIL DISTRICTS)**

Motion: Council Member Bivens made a motion, seconded by Council Member Allen Gray, that Mayor and Council Communication G-19545 be approved and Appropriation Ordinance No. 23675-05-2019 be adopted. Motion passed 9-0.

**D. Land**

- 1. M&C L-16193 - Authorize Execution of Municipal Services Agreement for the Proposed Owner-Initiated Annexation of Approximately 55.29 Acres of Land in Denton County, Located North of Alliance Airport, South of Highway 114 and West of the Texas Motor Speedway, in the Far North Planning Sector, AX-18-006 (FUTURE COUNCIL DISTRICT 7) (Continued from a Previous Meeting)**
- 2. M&C L-16194 - Adopt Ordinance for the Owner-Initiated Annexation of Approximately 55.29 Acres of Land in Denton County, Located North of Alliance Airport, South of Highway 114 and West of the Texas Motor Speedway, in the Far North Planning Sector, AX-18-006 (FUTURE COUNCIL DISTRICT 7) (Continued from a Previous Meeting)**

It was the consensus of the City Council that Mayor and Council Communications L-16193 and L-16194 be continued to the June 25, 2019, Council meeting.

Mr. Andy Gabbert, 5015 Northwest Canal Street, Suite 100, Riverside, Missouri, completed speaker cards in support of Mayor and Council Communications L-16193 and L-16194 but did not wish to address Council.

***\*Note: Mayor and Council Communications L-16193 and L-16194 were reconsidered after Citizen Presentations.***

**F. Award of Contract**

- 1. M&C C-29133 - Authorize Execution of License Agreements with the Fort Worth Garden Club and Fort Worth Botanical Society, Inc., for Certain Areas within the Fort Worth Botanic Garden and to make Improvements to the Botanic Garden; Authorize Waiver of Construction-Related Permit Fees for Improvements Made by the Fort Worth Garden Club and the Fort Worth Botanical Society, Inc.; Authorize Amendment to Management Services Agreement with the Botanical Research Institute of Texas, Inc., in the Amount of \$88,282.00 and Twenty-Five Percent of Net Membership Revenues for Management of a Joint GROW Membership Program for the Botanic Garden with Authority to Name Membership Levels, Increase Memberships Benefits, and Increase the Cost of Memberships; Approve Transfer of Botanical Society Membership Privileges to GROW Memberships; Approve Waiver of Fees for Increased Benefits for GROW Memberships (ALL COUNCIL DISTRICTS)**

Motion: Mayor Pro tem Shingleton made a motion, seconded by Council Member Bivens, that Mayor and Council Communication C-29133 be approved. Motion passed 9-0.

**XVII. PUBLIC HEARING**

- 1. First Public Hearing for Strategic Partnership Agreement with the Morningstar Ranch Municipal Utility District No. 1 of Parker County (the District) which encompasses approximately 737.227 acres of land in Fort Worth's extraterritorial jurisdiction in Parker County (FUTURE COUNCIL DISTRICT 3)**

**a. Report of City Staff**

Ms. Dana Burghdoff, Planning and Development Department, appeared before Council and provided a staff report.

**b. Citizen Comments**

There were no citizen comments.

Motion: Council Member Byrd made a motion, seconded by Council Member Zadeh, that the public hearing be closed. Motion passed 9-0.



**XVIII. ZONING HEARING**

The City Council, at its meeting of March 19, 2019, continued Zoning Docket ZC-19-169:

1. **ZC-18-169 - (CD 7) - Jerry & William Wilson, 15000 block FM 156/2250 Texan Drive; From: Unzoned To: "I/AO" Light Industrial/Fort Worth Alliance Airport Overlay 51.23 acres (Recommended for Approval by the Zoning Commission) (Continued from a Previous Meeting)**

It was the consensus of the City Council that Zoning Docket ZC-18-169 be continued to the June 25, 2019, Council Meeting.

Mr. Andy Gabbert, 5015 Northwest Canal Street, Suite 100, Riverside, Missouri, completed a speaker card in support of Zoning Docket ZC-19-169 but did not wish to address Council.

**XIX. CITIZEN PRESENTATIONS**

Mr. Bob Willoughby, 6731 Bridge Street #125, appeared before Council relative to Code Compliance.

Mr. Charles Glaspie, 4122 Canal Court, Arlington, Texas, appeared before Council to request a drainage line on City property at 1250 Mansfield Avenue.

Mr. Terrence Watson, 2200 Sims Drive, appeared before Council relative to the Riverside Family Dollar Store.

Ms. LaShanda Davis, 2405 Glencrest Drive, appeared before Council relative to concerns for her neighborhood.

Mr. Daniel Haase, 1670 Watson Road West, appeared before Council relative to dollar stores, potential restrictions, and the removal of Police Commander Paula Fimbres from the East Division.

Bishop Mark Kirkland, 6425 Vel Drive, appeared before Council relative to the community and termination of Police Chief Fitzgerald.

Mr. Gerald Banks, Sr., 6861 Routt Street, appeared before Council relative to the termination of Police Chief Fitzgerald.

Mr. Stephen Kennedy, 1445 Ross Avenue, Suite 2750, Dallas, Texas, completed a Citizen Presentation card relative to Police Chief Fitzgerald's termination and was recognized by Mayor Price but was not present in the Council Chamber.

Ms. Angela Darden, 1512 Grantland Circle, appeared before Council relative to Chief Fitzgerald.

Mr. Jim DeLong, 8704 Granite Court, appeared before Council relative to a Fort Worth Police Department Citizen Review Board.

Mr. Peter Rokkas, 616 North Riverside Drive, appeared before Council relative to neglect of poor neighborhoods.

Ms. Cindy Boling, 4717 Norma Street, appeared before Council relative to a change in the East Division Police Command.

**D.      Land**

Motion: Mayor Pro tem Shingleton made a motion, seconded by Council Member Jordan, that Mayor and Council Communication L-16193 be reconsidered. Motion passed 9-0.

- 1. M&C L-16193 - Authorize Execution of Municipal Services Agreement for the Proposed Owner-Initiated Annexation of Approximately 55.29 Acres of Land in Denton County, Located North of Alliance Airport, South of Highway 114 and West of the Texas Motor Speedway, in the Far North Planning Sector, AX-18-006 (FUTURE COUNCIL DISTRICT 7) (Continued from a Previous Meeting)**

Motion: Mayor Pro tem Shingleton made a motion, seconded by Council Member Bivens, that Mayor and Council Communication L-16193 be approved. Motion passed 9-0.

Motion: Mayor Pro tem Shingleton made a motion, seconded by Council Member Jordan, that Mayor and Council Communication L-16194 be reconsidered. Motion passed 9-0.

- 2. M&C L-16194 - Adopt Ordinance for the Owner-Initiated Annexation of Approximately 55.29 Acres of Land in Denton County, Located North of Alliance Airport, South of Highway 114 and West of the Texas Motor Speedway, in the Far North Planning Sector, AX-18-006 (FUTURE COUNCIL DISTRICT 7) (Continued from a Previous Meeting)**

Motion: Mayor Pro tem Shingleton made a motion, seconded by Council Member Jordan, that Mayor and Council Communication L-16194 be approved and Ordinance No. 23676-05-2019 be adopted. Motion passed 9-0.

**XVIII. ZONING HEARING**

The City Council, at its meeting of March 19, 2019, continued Zoning Docket ZC-19-169:

Motion: Mayor Pro tem Shingleton made a motion, seconded by Council Member Bivens, that Zoning Docket ZC-19-169 be reconsidered. Motion passed 9-0.

- 1. ZC-18-169 - (CD 7) - Jerry & William Wilson, 15000 block FM 156/2250 Texan Drive; From: Unzoned To: "I/AO" Light Industrial/Fort Worth Alliance Airport Overlay 51.23 acres (Recommended for Approval by the Zoning Commission) (Continued from a Previous Meeting)**

Motion: Mayor Pro tem Shingleton made a motion, seconded by Council Member Bivens, that Zoning Docket ZC-19-169 be approved. Motion passed 9-0.

There being no one present desiring to be heard in connection with the recommended changes and amendments pertaining Zoning Ordinance No. 21653-02-2015 for the above-listed case, Mayor Pro tem Shingleton made a motion, seconded by Council Member Bivens, that the hearing be closed, and Ordinance No. 23677-05-2019 be adopted. Motion passed 9-0.

**XX. EXECUTIVE SESSION (CITY COUNCIL CONFERENCE ROOM, CITY HALL, ROOM 290)**

**XXI. ADJOURNMENT**

There being no further business, Mayor Price adjourned the Regular meeting at 8:20 p.m.

**CITY OF FORT WORTH, TEXAS  
CALLED SPECIAL - CITY COUNCIL MEETING  
MAY 28, 2019**

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**Present:**

Mayor Betsy Price  
Mayor Pro tem Dennis Shingleton, District 7  
Council Member Carlos Flores, District 2  
Council Member Brian Byrd, District 3  
Council Member Cary Moon, District 4  
Council Member Gyna Bivens, District 5  
Council Member Jungus Jordan, District 6  
Council Member Kelly Allen Gray, District 8  
Council Member Ann Zadeh, District 9

**Staff Present:**

David Cooke, City Manager  
Sarah Fullenwider, City Attorney  
Mary J. Kayser, City Secretary

**I. CALL TO ORDER**

With a quorum of the City Council Members present, Mayor Price called the Called Special session of the Fort Worth City Council to order at 1:00 p.m. on Tuesday, May 28, 2019, in the City Council Chamber of the Fort Worth City Hall, 200 Texas Street, Fort Worth, Texas.

The invocation was provided by Council Member Byrd.

The Pledges of Allegiance to the United States of America and the State of Texas were recited.

**II. RESOLUTION TO APPOINT EDWIN J. KRAUS AS THE FORT WORTH POLICE CHIEF IN AN INTERIM CAPACITY**

Motion: Council Member Allen Gray made a motion, seconded by Council Member Byrd, that Resolution No. 5092-05-2019 be adopted. Motion passed 9-0.

**III. ADMINISTER THE OATH OF OFFICE TO EDWIN J. KRAUS, FORT WORTH POLICE CHIEF IN AN INTERIM CAPACITY**

City Secretary Kayser administered the Oath of Office to Mr. Edwin J. Kraus, Fort Worth Police Chief in an interim capacity.

**IV. EXECUTIVE SESSION (**

- a. Legal Issues Concerning the Dismissal of Joel Fitzgerald**

**CITY OF FORT WORTH, TEXAS**  
**SPECIAL CALLED - CITY COUNCIL MEETING**  
**MAY 28, 2019**  
**Page 2 of 2**

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After proper notice given pursuant to the Texas Open Meetings Act, Mayor Price recessed the Special Called meeting of the Fort Worth City Council at 1:06 p.m. on Tuesday, May 28, 2019, to convene into the Special City Council Meeting for the closed Executive Session in the City Council Conference Room 290 of the Fort Worth Municipal Building.

The City Council reconvened at 1:22 p.m.

**V.**      **ADJOURN**

There being no further business, Mayor Price adjourned the Called Special meeting at 1:22 p.m.

**No Documents for this Section**

**To the Mayor and Members of the City Council****June 4, 2019**

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**SUBJECT: AMENDMENT NO. 1 TO ENHANCED COMMUNITY FACILITIES  
AGREEMENT WITH AMERICAN AIRLINES, INC., TO EXTEND THE  
COMPLETION DEADLINE**

On November 10, 2015 the City Council adopted Ordinance No. 21968-11-2015 (M&C G-18605) designating Tax Abatement Reinvestment Zone No. 91, City of Fort Worth, Texas, and approved execution of a Tax Abatement Agreement with American Airlines, Inc., (Company), and the Dallas/Fort Worth International Airport Board for development of a corporate headquarters facility (Headquarters Project) on property at Dallas-Fort Worth International Airport located within the City of Fort Worth (City Secretary Contract No. 47341, as amended). Under the Tax Abatement Agreement, the City agreed to abate a maximum of between 75 to 90 percent of the incremental real and personal property taxes from the site for a period of one year provided that Company expended at least \$200 million in real property improvements by December 31, 2019 on property in the reinvestment zone and consider up to \$2,000,000.00 in enhanced community facility funds for public infrastructure projects associated with the Headquarters Project.

As part of the project, the Company anticipated expending approximately \$1,650,000.00 for the construction of road improvements including deceleration lanes, turn lanes, signaling, sidewalks and street light improvements on Trinity Boulevard, American Boulevard, US Highway 360 Frontage Road (Public Infrastructure). On June 13, 2017, the City Council authorized execution of an Enhanced Community Facilities Agreement (ECFA) (M&C C-28274) under which the City would reimburse Company up to \$950,000.00 of construction costs.

The Company proposed to expand the scope of the Public Infrastructure project to include widened roadways and turn lanes on Trinity Boulevard, US Highway 360 Frontage Road, and American Blvd. to accommodate the planned additional employee traffic at a total approximate cost of \$7,000,000.00. On June 12, 2018, by M&C C-28730, the City Council rescinded M&C C-28274 to cancel the 2017 ECFA that was never executed and authorized execution of a new ECFA with City Participation in an amount not to exceed \$1,700,000.00.

After further design and discussions with the Company, City Council rescinded M&C C-28730 and entered into a new agreement (M&C C-28898) increasing the City's participation in the Public Infrastructure project to \$2,000,000.00 representing the entire commitment in the original tax abatement agreement. The M&C authorized execution of an Advance Funding Agreement (AFA) between the City and the State of Texas, acting through Texas Department of Transportation, (TxDOT) for Regional Toll Revenue (RTR) for the public infrastructure improvements along Trinity Boulevard, American Boulevard and US Highway 360 Frontage Road. The AFA would have a project amount not to exceed \$7,000,000.00, which would provide the City with RTR funds not to exceed \$5,600,000.00, with a twenty percent local match requirement not to exceed \$1,400,000.00. The M&C also authorized the execution of one or more ECFAs with the Company consisting of the RTR funds as well as Non-RTR Funds comprised of ECFA funds and Transportation Impact Fee funds in an amount not to exceed \$2,000,000.00 for the Public Infrastructure.

**To the Mayor and Members of the City Council****June 4, 2019**

Page 2 of 2

**SUBJECT: AMENDMENT NO. 1 TO ENHANCED COMMUNITY FACILITIES  
AGREEMENT WITH AMERICAN AIRLINES, INC., TO EXTEND THE  
COMPLETION DEADLINE**

The Company is responsible for all costs exceeding the RTR funds received by the City from TxDOT under the AFA and the City's participation of Non-RTR funds. As a part of the ECFA, the Company was not authorized to proceed to construction on the Trinity Boulevard improvements until the AFA was executed. Under the agreement, the Public Infrastructure would still need to be completed by December 31, 2019, subject to extensions due to delays by weather, force majeure, and City and other governmental changes or delays in review procedure, approvals, or inspections. If the Public Infrastructure was not completed by then, Company would be in default under the ECFA.

On April 29, 2019, the Company informed the City that since the Texas Transportation Commission approval of TxDot funding was delayed until January 31, 2019 that it was not feasible for the Company to mobilize their construction contractor as originally planned. Due to this delay, the Company is requesting an extension to the deadline of the completion of the ECFA improvements to July 31, 2020 under the force majeure provision of the ECFA. Since the ECFA improvements are "required public improvements" subject to the Tax Abatement and Economic Development Program Agreement, Company is requesting a force majeure extension under those agreements as well for completion of the "required public improvements" to July 31, 2020.

All other requirements contained in the Agreement would be unaltered by the proposed amendment. Staff will place an M&C for City Council consideration on the June 18, 2019 agenda, recommending amendment of the Agreements as outlined above.

If you have any questions concerning this information, please contact Robert Sturns, Economic Development Director at 817-392-2663 or [robert.sturns@fortworthtexas.gov](mailto:robert.sturns@fortworthtexas.gov).

**David Cooke**  
**City Manager**



**To the Mayor and Members of the City Council****June 4, 2019**

Page 1 of 2

**SUBJECT: AUTOMATED RED LIGHT CAMERA ENFORCEMENT PROGRAM**

The purpose of this informal report is to provide information on the termination of the City of Fort Worth (City) Automated Red Light Camera Enforcement Program (the Program). The Transportation and Public Works Department (TPW) operates 58 cameras at 44 intersections. The Program improves intersection safety by incorporating engineering, education, and enforcement countermeasures to reduce the number of crashes attributable to running red lights.

On July 31, 2007, the City Council approved M&C G-15801 to adopt an ordinance establishing the Program. The City entered into a contract with American Traffic Solutions, Inc. (ATS) for management services of the Program on August 15, 2007. Effective September 1, 2007, the Texas Legislature added Chapter 707 of the Texas Transportation Code to codify the ability for cities to operate photographic traffic signal enforcement programs.

Attempts were made over the last several legislative sessions to ban photographic traffic signal enforcement programs, but were unsuccessful. This year, the Texas Legislature passed HB 1631 that prohibits cities from operating and issuing violations from a photographic traffic signal enforcement system and repeals the applicable state law. The bill included a savings clause to allow programs to continue unless the management contract, as it existed on May 7, 2019, included a provision allowing for immediate termination in the event of adverse legislative action. Like many cities, the City's agreement with ATS included an adverse legislation clause, which will not allow the City's Program to continue under HB 1631's savings clause. Therefore, the City's agreement with ATS will terminate immediately once HB 1631 becomes effective.

The Governor has until June 16, 2019, to sign the bill, which will become effective immediately upon his signature, or veto the bill. If the Governor neither signs nor vetoes the bill within the allotted time, the bill becomes law. In this case, if the Governor does not sign HB 1631, the law takes effect June 16, 2019, because it received two-thirds vote from the House and the Senate and included the necessary language making it effective with such a vote. The City has alerted ATS that the agreement will terminate immediately upon the effective date of the bill.

In FY2018, the Program received \$9.6M in revenue, and after making a required payment to the State Trauma Fund of \$2.2M and paying program expenses, the City was able to retain \$3.6M in revenue to specifically fund traffic safety activities in the General Fund. These traffic safety activities include the maintenance and service of traffic signage, pavement markings, traffic signals, crosswalks, and intersection lighting. Beginning in FY2020, the City will determine how these necessary activities will be supported in the General Fund and at what level, without the offsetting revenue.

Additionally, the Program currently funds 3 full time positions to administer the Program, 2 administrative positions and 1 appointed hearing officer. The termination of the Program will result in the Reduction in Force (RIF) of two positions, providing those employees a 30 day period to work with Human Resources to assist with internal and/or external employment placement.

**To the Mayor and Members of the City Council****June 4, 2019**

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**SUBJECT: AUTOMATED RED LIGHT CAMERA ENFORCEMENT PROGRAM**

TPW will retain 1 full time employee through the end of the fiscal year to support with the Program close out process. This staff person will work with ATS on an action plan to stop operations of the Program on the effective date of the bill, and includes requiring ATS to stop issuing violations, remove the equipment, and provide reports.

For more information, please contact TPW Assistant Director Tanya Brooks at (817) 392-7861.

**David Cooke**  
**City Manager**

**To the Mayor and Members of the City Council****June 4, 2019**

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**SUBJECT: CRIMINAL TRESPASS AND APPARENT AUTHORITY**

This Informal Report is in response to a City Council request for information on who has authority to issue trespass warnings on private property.

**Criminal Trespass (§ 30.05 of the Texas Penal Code)**

A person commits a trespass if the person enters or remains on the property of another without consent, and the person had notice that entry was forbidden, or received notice to depart but failed to do so.

The notice requirement can be met in several ways, including signs, fencing, or oral or written communication by the owner or someone with **apparent authority** to act for the owner.

A violation of the Criminal Trespass statute is generally a Class B misdemeanor, with some exceptions.

**Apparent Authority**

The law provides that any person designated by the owner of a property can give a trespass notice, including property managers, employees and security guards. Although a police officer could legally be designated as an agent for a property owner, it has not been the recommended option. Employees/agents of the owner are in a much better position to determine who has consent to be on a property, and therefore are a preferable option for giving a trespass notice. If a person is considered to be trespassing, the owner/agent can either issue a trespass warning without an officer present or contact police officers to witness the trespass warning. If the police are contacted and the person is still on the scene when the officer arrives, the officer will complete a Criminal Trespass Warning Card and give a copy of the card to the suspect and to the owner/agent. The officer will also complete an incident report so that officers can arrest the person if he/she is located on the property again. The Department has found that having a warning card on record is a helpful tool to a subsequent prosecution for criminal trespass.

Finally, if there are signs prohibiting entry, police officers are authorized to arrest anyone found to be on the property in violation of the notice on the sign.

Please contact Deputy Chief Neil Noakes at (817) 392- 3654 with any questions.

**David Cooke**  
**City Manager**

**To the Mayor and Members of the City Council****June 4, 2019**

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**SUBJECT: IMPLEMENTATION OF HIV/AIDS-RELATED RENTAL ASSISTANCE PROGRAM**

The City of Fort Worth receives Housing Opportunities for Persons with AIDS (HOPWA) grant funds from the U.S. Department of Housing and Urban Development (HUD) with which it has funded a Tenant-Based Rental Assistance (TBRA) program for low income persons with HIV/AIDS for many years. AIDS Outreach Center (AOC) has been the nonprofit project sponsor, but advised the City in January 2019 that they would no longer be able to administer the program.

Fort Worth Housing Solutions and Samaritan House were approached as potential alternate sponsors for the program, but they both advised that the current extent of other special projects prevented them from taking on this new program. Administrative alternatives were considered infeasible due to legal and policy constraints.

The HOPWA TBRA program pays rent for approximately 55 households. Many have received long-term assistance and have limited capacity to adjust to full self-sufficiency, so terminating their rental assistance is not a viable option. Case managers in the Community Services Division of the Neighborhood Services Department (NSD) presently work with similar clients, and also work with landlords in providing emergency rental assistance. The local HUD office has confirmed that program operation by a non-profit agency is not required and TBRA supportive services costs would be eligible for a municipality. Based on all of these factors, Staff plans on recommending in the upcoming 2019-2020 Action Plan that the TBRA program be transitioned to NSD.

The 2019-20 Action Plan funding recommendations will propose \$602,966 in HOPWA funds for the City of Fort Worth. This is made up of \$479,000 for rent payments and \$123,966 for supportive services. The new HOPWA allocation to the City from HUD increased by \$172,000 compared to 2018-19, so funding for the City's nonprofit HOPWA partner agencies was not affected relative to last year.

AOC has already begun working proactively with City staff to ensure a smooth transition. Unexpended prior years' HOPWA funds are available to support this TBRA program startup. A HUD-required public notice to amend this year's Action Plan for \$35,000 of the unexpended funds is being published to allow NSD to hire and train qualified staff in advance of the program's formal transition on October 1.

For additional information about this topic, please contact Sonia Singleton, Interim Director of the Neighborhood Services Department, at 817-392-5774.

**David Cooke**  
**City Manager**

**To the Mayor and Members of the City Council****June 4, 2019**

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**SUBJECT: LEAVE BENEFITS STUDY**

Human Resources has been reviewing employee leave benefits to evaluate the role they play in the City's total compensation and recruiting/retention objectives while ensuring good fiscal stewardship to our taxpayers. In addition, HR has conducted focus groups with employees. HR recently solicited proposals for consulting services to conduct a Leave Study. The objective of the Study is to examine and recommend ways to simplify and modernize the City of Fort Worth leave benefit structure for General, Police, and Fire employees. Issues with the current leave structure at the City which include:

- It is overly complex
- The policies have evolved over time, in some instances because of litigation. This has caused the structure to no longer serve the objectives
- There is not a clear policy on how to handle employees out for extended absences
- The compensatory time accrual policy, for exempt staff, is excessive
- Leave payouts when an employee leaves are excessive due to compensatory time policies and categories of unlimited leave accrual
- The number of Holidays appear to be fewer than other local public and private employers
- No provision for maternity / paternity leave
- Change to retirement credit for sick and major medical

Therefore, the goals of this study are to develop an employee benefit leave structure that is:

1. Simple to understand and administer
2. Providing employees with adequate financial protection
3. Appropriately competitive with other employers to attract and retain talent
4. Affordable and sustainable for the Organization long-term

PFM Consulting was selected as the vendor for the project and will conduct the following series of activities in order to address the objectives of the study:

**Phase 1: Data Collection**

In this phase a project kickoff meeting has been held to discuss goals, timeline and the study design, and work with the City to collect reports, policies and analyses that provide the data required for the analysis. They will also verify our understanding of the current benefits and preliminary concepts developed by the City, as applicable. This data will include:

- Reports containing data on accumulated days of leave by leave type for each employee, with coding indicating the type of employee (General, Fire, Police), number of years of service, unique employee number, employee daily pay rate, and other information as required based on kickoff meeting discussion
- Reports with data on leave usage for 2-3 recently-completed fiscal years, preferably at the employee level (with identifiers subject to confidentiality) with the amount and length of leave usage periods separately indicated, and with coding as described above

**To the Mayor and Members of the City Council****June 4, 2019**

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**SUBJECT: LEAVE BENEFITS STUDY**

- Written documentation on the source of leave benefit provisions, i.e. statute, code of ordinances, personnel policy manual, labor contracts, etc.
- Estimates of the actuarial impact on pensions and, if applicable, Other Post-Employment Benefits
- Previous survey data collected by the City for private and public employers

Phase 2: Data Analysis

Based on their prior experience and the City's work to date, they will have a work session with the City to identify and agree upon 1-3 alternative scenarios for analysis.

They will configure a model replicating current baseline results and estimating the potential multi-year impact of the preferred scenario changes, in terms of:

- Average leave usage per employee
- Fiscal impact of leave usage/ absenteeism
- Average per-employee and total leave balances, by type of leave and employee
- Annual payouts
- Pension service impact

In addition, they will interview 1-3 public sector employers that have implemented similar reforms to review their experience with implementation, HR issues, actual cost savings, any unanticipated impacts, etc.

They will also estimate the cost of disability insurance policies, through comparable employer data and interviews and discussions with insurance brokers and actuaries, as a potential replacement for certain leave categories.

Phase 3: Review and Present Findings

They will prepare a draft presentation document summarizing findings and estimated cost impacts of the preferred reform scenario for discussion with the City for purposes of receiving feedback or direction to test additional scenarios.

After PFM has completed their report, Human Resources/City Management will meet with Police and Fire representatives to ensure that any changes that might conflict with state law and/or labor agreements are agreed upon.

The proposed schedule is noted below. An employee communication plan will be developed to ensure the workforce is informed throughout the process. Stakeholder input beyond the peer employers noted above will be sought to include a Task Force in partnership with the Women's Policy Forum that has expressed an interest in family-supportive policies.

Please contact Brian Dickerson, Director of Human Resources at (817) 392-7783, if you have any questions.



To the Mayor and Members of the City Council

June 4, 2019

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**SUBJECT: LEAVE BENEFITS STUDY**

Workstep	February	March	April	May	June	July	August	September
Project kickoff call and initial data request								
Initial and revised data files sent/ received								
Initial analysis of the data								
Discussion of data, preliminary model and proposed benefit structure mechanics with Human Resources								
Revision and review of model, summary of findings								
Provide HR project team summary of initial findings of the draft proposed leave benefit structure								
Prepare estimates of "Plan B" leave benefit structure and any Plan A alternative scenarios identified following initial findings and feedback								
Provide HR project team updated summary of findings, including disability policy ballpark pricing								
Present draft findings to City Manager's Office and other officials/ stakeholders, as requested								
Discussion between City Management and Police and Fire representatives								
Presentation of the proposed plan to City Council								



**To the Mayor and Members of the City Council**

**June 4, 2019**

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**SUBJECT: MANAGEMENT DIVERSITY REVIEW**

Diversity is a core value for the City of Fort Worth. As a core value, the City recognizes that a diverse workforce provides many perspectives, views, and ideas that add strength to the City's ability to strategize, communicate and deliver services. Having employees who come from different demographics only furthers the City's understanding of its customer base and enhances its execution of services. Having an internal workforce that reflects the diversity of our Community is a key focus at the City of Fort Worth.

Human Resources (HR) reports annually on the City of Fort Worth's total employee demographics as shown below. This informal report will also provide an update specifically about the recruitment efforts of Senior Management, meaning Assistant Directors and higher, at the City. For several years, HR and City Management have had the following 3 goals for each selection process. They are:

- Find the best candidate for each position thru a competitive process
- The workforce reflects the diversity of the community
- Remove bias from the selection process

**2009 / 2019**

*(as of 05/01/19)*

<b>RESIDENTS</b>	<b>CAUCASIAN</b>		<b>HISPANIC</b>		<b>AFRICAN-AMERICAN</b>		<b>OTHER</b>		<b>CFW RESIDENT</b>	
CFW Population 2019	40.20%		34.80%		18.80%		6.20%			
Tarrant County 2019	46.80%		28.90%		17.10%		7.20%			
Tri-County 2019	67.53%		20.80%		7.40%		4.27%			
<b>EE GROUP</b>	<b>2009</b>	<b>2019</b>	<b>2009</b>	<b>2019</b>	<b>2009</b>	<b>2019</b>	<b>2009</b>	<b>2019</b>	<b>2009</b>	<b>2019</b>
All Employees	56.34%	54.00%	22.64%	23.80%	17.63%	17.40%	3.39%	4.90%	49.88%	49.12%
General	48.30%	43.60%	25.10%	28.00%	23.60%	22.50%	3.00%	5.80%	60.90%	57.80%
Sworn Police	69.20%	65.40%	15.80%	20.40%	12.60%	10.60%	2.50%	3.60%	41.50%	41.08%
Sworn Fire	77.80%	78.90%	10.80%	10.50%	10.30%	8.30%	1.10%	3.30%	31.60%	28.30%
General Exempt	62.40%	55.82%	13.40%	16.94%	19.00%	18.76%	5.20%	8.47%	50.80%	50.99%
General Nonexempt	42.40%	38.71%	30.00%	32.76%	25.50%	23.78%	2.10%	4.75%	65.20%	59.19%
Managerial	76.00%	69.83%	9.30%	12.50%	11.50%	13.79%	3.30%	3.88%	44.80%	47.84%
Assistant Directors	68.60%	68.70%	11.80%	17.30%	17.60%	10.12%	2.00%	3.84%	35.30%	43.40%
Directors and Above	62.50%	66.67%	12.50%	11.11%	22.50%	22.22%	2.50%	0.00%	85.00%	88.89%
Total Management	72.60%	69.17%	10.20%	12.50%	14.20%	13.78%	2.90%	3.85%	48.90%	47.59%
Professional	59.10%	52.65%	12.60%	17.65%	21.40%	19.96%	6.90%	9.74%	50.56%	57.89%





**To the Mayor and Members of the City Council**

**June 4, 2019**

Page 2 of 3

**SUBJECT: MANAGEMENT DIVERSITY REVIEW**

**Highlights**

The data demonstrates that:

- Over the last ten years, the overall workforce (All Employees) has become more racially diverse with Hispanics achieving the most notable gains.
- “General” employees (excluding Sworn Police and Fire personnel) most closely represent the demographics of the City of Fort Worth and is continuing to become more diverse.
- Management positions are composed of three categories – Directors/Chiefs and above; Assistant Directors, which includes Assistant and Deputy Chiefs; and Managers that includes Police Captains, Fire Battalion Chiefs and civilian staff that typically supervise a division of a department.
- Professional positions include all exempt employees not designated as management above. Continued progress of minority representation exists in this group with Hispanic employees increasing the most.
- Civil Service positions, as well as Management positions, remain the focus to improve the diversity of the workforce.

**Sr. Management Recruitment**

The first chart below shows the current gender and ethnicity information of Sr. Management at the City of Fort Worth. The second chart shows how the focus on diversity has improved the hiring statistics from 2016 to present.

**Current Sr. Management**  
(CMO, Directors, Assistant Directors)

**Gender**

Female	36%
Male	64%

**Ethnicity**

Caucasian	67%
African-American	16%
Hispanic	15%
Other	2%

**Hired 2016 to Present**  
(CMO, Directors, Assistant Directors)

**Gender**

Female	42%
Male	58%

**Ethnicity**

Caucasian	58%
African-American	24%
Hispanic	14%
Other	4%

**To the Mayor and Members of the City Council****June 4, 2019**

Page 3 of 3

**SUBJECT: MANAGEMENT DIVERSITY REVIEW****Professional Recruiting**

In order to find the top talent nationally for our highest level positions, and increase the diversity of the candidate pools, the City of Fort Worth has increasingly used an active recruitment model. This model has proven to be very successful, both in the quality of the candidates pools, as well as the diversity of them. The City's agreement, with the recruitment firm it has used, is that City Management and Human Resources will not move forward with a finalist pool of candidates unless it meets the diversity standards of this organization. In every instance, the recruitment firm has delivered on that agreement. In a review of both the diversity of the candidates presented, as well as the diversity of the finalist pools that the City chose to move forward with, the percent of diverse candidates presented averaged 55%, and the percent of diverse candidates the City chose as finalists averaged 70%.

In closing, there continues to be a focus on removing bias from the process by the use of diverse panels, including in many cases, others outside of the hiring Department to be a part of the interview process. The candidate pools, as well as the results of each recruitment, are always reviewed by Human Resources. The City will continue in its' efforts to find the best candidates for each position thru a competitive process, hire a workforce that reflects the diversity of the community, and remove bias from the selection process.

Please contact Brian Dickerson, Director of Human Resources at (817) 392-7783, if you have any questions.

**David Cooke**  
**City Manager**

**To the Mayor and Members of the City Council****June 4, 2019**

Page 1 of 1

**SUBJECT: RFP FOR EXTERNAL COLLECTIONS SERVICES FOR  
DELINQUENT CIVIL PARKING AND CRIMINAL CITATIONS**

The purpose of this Informal Report is to provide information related to the upcoming Request for Proposal (RFP) for external collections services for delinquent civil parking and criminal cases.

On July 27<sup>th</sup>, 2012, the Fort Worth City Council approved a contract with Linebarger Goggan Blair and Sampson, LLP to provide external collections services for the City. As part of the selection process in 2012, the Purchasing Division of the Financial Management Department issued a RFP for external collections services related to delinquent civil parking and criminal citations. The evaluation criteria included relevant experience and success in collecting for similar entities, experience, resources and qualification of the company. The panel consisted of representatives from Municipal Court, Financial Management Services and Housing and Economic Development Departments. The City received proposals from 12 vendors, with Linebarger Goggan Blair and Sampson, LLP selected as the most qualified to perform the required services.

The current contract with Linebarger Goggan Blair and Sampson, LLP will expire on July 31<sup>st</sup>, 2019. Municipal Court is working with the City Attorney's Office and the Purchasing Division to issue a new RFP for these services.

The proposed timeline is outlined below:

- June 10<sup>th</sup>, 2019: City will request a two month extension of the current contract to align the contract with the cities fiscal calendar;
- June 13<sup>th</sup>, 2019: The Purchasing Division will issue the Request for Proposal for collection services for delinquent civil parking and criminal citations;
- July 1<sup>st</sup>, 2019: Evaluation of responses will be conducted by a team consisting of representatives from City Manager's Office, City Attorney, Economic Development, Code Enforcement, Municipal Courts, and the Office of Performance and Budget;
- July 15<sup>th</sup>, 2019: Selection of new vendor and contract negotiations to begin;
- August 1<sup>st</sup>, 2019: Submit contract to City Manager's Office for approval; and
- August 20<sup>th</sup>, 2019: Placement on the City Council agenda with a recommendation for approval authorizing the execution of a Professional Services Agreement with the chosen vendor.

If you have any questions concerning this issue, please contact Assistant City Manager Valerie Washington, at 817-392-6192.

**David Cooke**  
**City Manager**

**No Documents for this Section**

# A Resolution

NO. \_\_\_\_\_

## **AUTHORIZATION TO INITIATE ZONING CHANGE FOR CREATION OF STOP SIX DESIGN OVERLAY DISTRICT AND STANDARDS FOR SINGLE-FAMILY DEVELOPMENT**

**WHEREAS** on March 23, 2010, the City Council approved Resolution No. 3869 to update the Stop Six Neighborhood Empowerment Zone Strategic Plan, which contains design guidelines for single family development; and

**WHEREAS** on January 29, 2019, the City Council approved M&C G-19467 which amended the Neighborhood Empowerment Zone Program (NEZ) Basic Incentives and Tax Abatement Policy, to include minor design guidelines for single family development and requires compliance with those guidelines and compliance with any design guidelines in adopted NEZ strategic plans to receive NEZ incentives; and

**WHEREAS** on March 19, 2019, the City Council approved Resolution No. 5068-03-2019 to establish Stop Six design standards for single-family development receiving NEZ incentives; and

**WHEREAS** Councilmember Gyna Bivens has requested that design standards be applied to all single-family development in Stop Six regardless of NEZ eligibility; and

**WHEREAS** the City Council finds that the proposed Stop Six design boundary and standards would promote the creation of quality housing in the area;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF FORT WORTH, TEXAS:**

That the City Manager is authorized to initiate Zoning Ordinance amendments to create the Stop Six Design District with the attached boundary and design standards for single-family development.

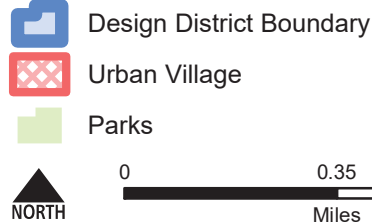
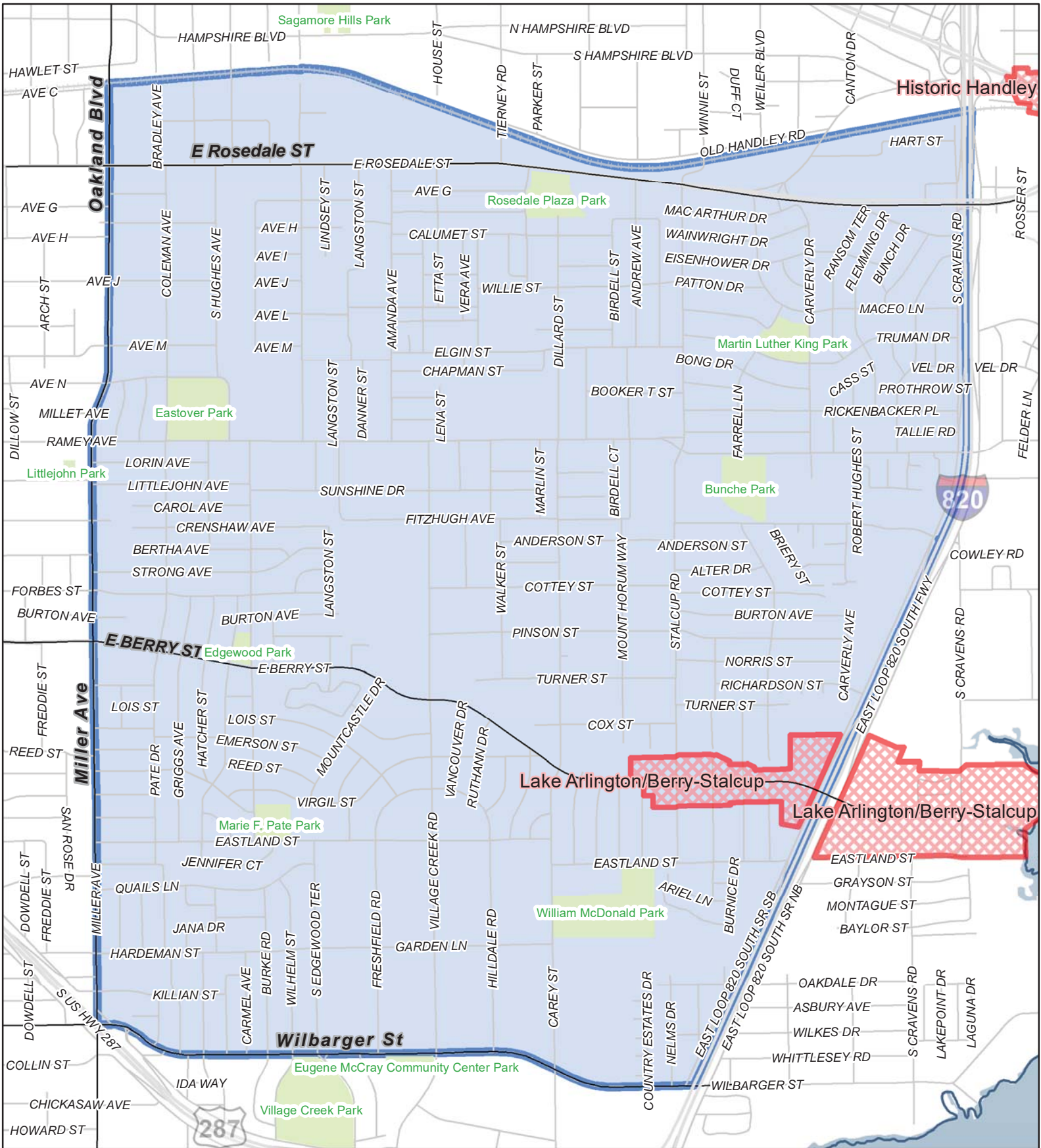
Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

ATTEST:

By: \_\_\_\_\_

Mary Kayser, City Secretary

# Proposed Stop Six Design District Boundary



## Proposed Stop Six Single Family Design Standards

ELEMENT	STANDARD
Building Materials	At least 70% of all sides of a new residential structure shall be masonry: stone, brick, terra cotta, patterned pre-cast concrete, cement board siding, cast stone or prefabricated brick panels
Garages	A 2-car garage is required. Garages facing the street shall be located at or behind the front wall and shall not project in front of the front wall. All required parking spaces above 2 shall be behind the front wall.
Building Design Architectural Features	<ul style="list-style-type: none"> <li>• Homes shall have an entry feature such as a porch or stoop that faces the street.</li> <li>• Open porches can extend up to 10 feet into the minimum front yard to encourage larger porches. If a porch is provided, it shall be a minimum 6 feet in depth.</li> <li>• Homes shall have a minimum of one 8 square foot window on all sides of the house. The front wall shall have a minimum total window area of 16 square feet.</li> <li>• Front doors shall face the public street and shall be visible from the public street. Front door openings shall not be recessed more than 6 feet from the front wall of the home.</li> </ul>
Landscaping	Landscaping shall be kept to allow visibility to and from street-facing doors and windows. A variety of landscape plants and materials in the front yard is highly encouraged.
Fencing Adjacent to Public Streets	Side and rear yards adjacent to public streets shall be fenced with wood, brick, stone, reinforced concrete products, masonry, wrought iron, tubular steel, durable composite board, or similar material designed for fencing. Chain link and wire fencing are not allowed. The finished side of fences shall face the public street.

**No Documents for this Section**



# CITY COUNCIL MEETING

Tuesday, June 4, 2019

## RISK MANAGEMENT REPORTING PERIOD 5/8/2019 – 5/28/2019

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 Mark Barta ext. 7790 or Sophia Gatewood ext. 7784. Thank you.

CLAIMANT	DATE RECEIVED	DATE OF INCIDENT	LOCATION	INCIDENT TYPE	ALLEGATION	DEPT	ESTIMATE	INJURY
Soto, Karina	5/15/2019	5/13/2019	Brentwood Stair	General Liability	Manhole/meter cover	TPW	No	No
Lewis, Bobby	5/15/2019	10/26/2018	W Cleburne Rd	General Liability	Pot Hole	TPW	Yes	No
Lewis, Vaden	5/15/2019	5/7/2019	Locke Ave	General Liability	Sprinkler Damage	TPW	No	No
Martinez, Eric	5/9/2019	5/9/2019	N Main	Auto	Collision - Driving	Police	No	No
Western General	1/21/2019	1/21/2019	E Rosedale	Auto	Collision - Driving	Police	Yes	No
Barlow, Gary	5/16/2019	5/3/2019	Grace Ave	General Liability	Water Leak	Nbrhood Services	No	No
Chapman, David	5/16/2019	1/1/2019	Animal Control	General Liability	Assault	Code	No	Yes
Passarelli, Daniella	5/16/2019	5/1/2019	Handley Ederville	General Liability	Stationary Object	TPW	Yes	No
Williams, JaKayla	5/16/2019	5/4/2019	West Fort Worth	General Liability	Vehicle Damage	Police	No	No
Huerta, Sandra	5/16/2019	5/7/2019	Montgomery	General Liability	Pot Hole	TPW	Yes	No
Progressive	1/15/2019	1/15/2019	E Northside	Auto	Collision - Driving	Municipal Courts	Yes	No

Palacios, Alberto	4/28/2019	4/28/2019	Burnett Tandy	General Liability	Physical Injury	Public Events	No	Yes
AT&T	5/17/2019	2/18/2019	Mansfield Hwy	General Liability	Damaged Utility	Water	No	No
Texsun Electrical	1/16/2019	1/16/2019	Wilma Lane	Auto	Collision - Driving	Water	Yes	No
Cummins, Taylor	5/20/2019	4/19/2019	Slate St	General Liability	Sprinkler Damage	Water	No	No
Mendoza, Jimmy	5/20/2019	5/5/2019	Lorene St	General Liability	Chase	Police	No	No
Amato, Fred	5/20/2019	1/9/2019	Lake Worth	Auto	Collision - Driving	Police	Yes	No
Ledner, Steven	5/20/2019	5/15/2019	Bridgewood	General Liability	Pot Hole	TPW	Yes	No
Sanchez, Maty	5/20/2019	5/16/2019	W Seminary	General Liability	Street Condition	TPW	No	No
Gallegos, Valentin	5/20/2019	9/9/2018	Broadus Ave	General Liability	Water Leak	Water	No	No
Aranda, Juan	5/21/2019	2/23/2019	Hemphill	General Liability	Police Chase	Police	No	Yes
Medrano, Marcelino	5/21/2019	2/23/2019	Hemphill	General Liability	Chase	Police	No	Yes
Dragoo, Bradley	5/22/2019	5/22/2019	Forest Park	General Liability	Road Markings	TPW	Yes	Yes
AT&T	5/22/2019	3/15/2019	Darlington	General Liability	Damaged Utility	Water	Yes	No
AT&T	5/22/2019	11/15/2018	Jerry Dunn Pky	General Liability	Damaged Utility	Water	Yes	No

Ramirez, Virginia	5/22/2019	5/19/2019	Gould Ave	General Liability	Sewer Backup	Water	No	No
Rodriguez, Juana	5/22/2019	4/18/2019	Hathcox Ave	General Liability	Foriegn Object	PACS	No	No
Sapien, Rosalio	5/18/2019	5/18/2019	Hemphill St	Auto	Collision - Driving	Police	No	Yes
MK Custom	5/21/2019	5/10/2019	Handley- Ederville Rd	Auto	Collision - Driving	Police	No	No
Arredondo, Anthony	5/23/2019	5/20/2019	Kimbrough Rd	General Liability	Foreign Object	TPW	No	No
Sanders, Kelvin	5/19/2019	5/18/2019	Baltimore	Auto	Collision - Driving	Police	No	No
Binion, Colin	5/23/2019	5/17/2019	Jones	Auto	Collision - Driving	Police	No	No
Earl, Elizeona	5/24/2019	4/28/2019	IH 35 W	General Liability	Foreign Object	TPW	No	No
State Farm	4/18/2019	4/17/2019	Burleson Blvd	Auto	Collision - Driving	Police	Yes	No
King, Diana	5/24/2019	3/15/2019	Horizon Place	General Liability	Damage Utility	Water	No	No
Houston, Felicia	5/28/2019	5/22/2019	Ellington Dr	Auto	Collision - Driving	Fire	Yes	No
Rodgers, Kemone	5/28/2019	12/7/2018	Fort Worth	General Liability	Civil Rights Violation	Police	No	No

**To the Mayor and Members of the City Council****June 4, 2019**

Page 1 of 1



**Second Public Hearing for Strategic Partnership Agreement with the Morningstar Ranch Municipal Utility District No. 1 of Parker County (the District) which encompasses approximately 737.23 acres of land in Fort Worth's extraterritorial jurisdiction in Parker County. (FUTURE COUNCIL DISTRICT 3)**

Morningstar Ranch Municipal Utility District No. 1 of Parker County (the "District") encompasses approximately 737.23 acres of land in Fort Worth's extraterritorial jurisdiction in Parker County (the Property). The Property is generally located at the northeast corner of the intersection of Old Weatherford Road and Farmers Road 3325.

On this agenda, the City Council is holding the second of two public hearings to consider entering into a Strategic Partnership Agreement between the City of Fort Worth and the District. City Council will consider comments on issues related to the Strategic Partnership Agreement. Each member of the public who wishes to present testimony or evidence regarding the Strategic Partnership Agreement will be given the opportunity to do so.

The Strategic Partnership Agreement will set terms and conditions where the District is willing to allow the City to annex commercial use areas of the development for the sole and exclusive purpose of imposing and collecting sales and use taxes within such areas. To facilitate the limited purpose annexation by the City of the commercial use area of the development, the owner will submit to the City a petition requesting and consenting to the limited purpose annexation of approximately 33.194-acres of land for commercial use. An exhibit is included with this report to show the location of the commercial area.

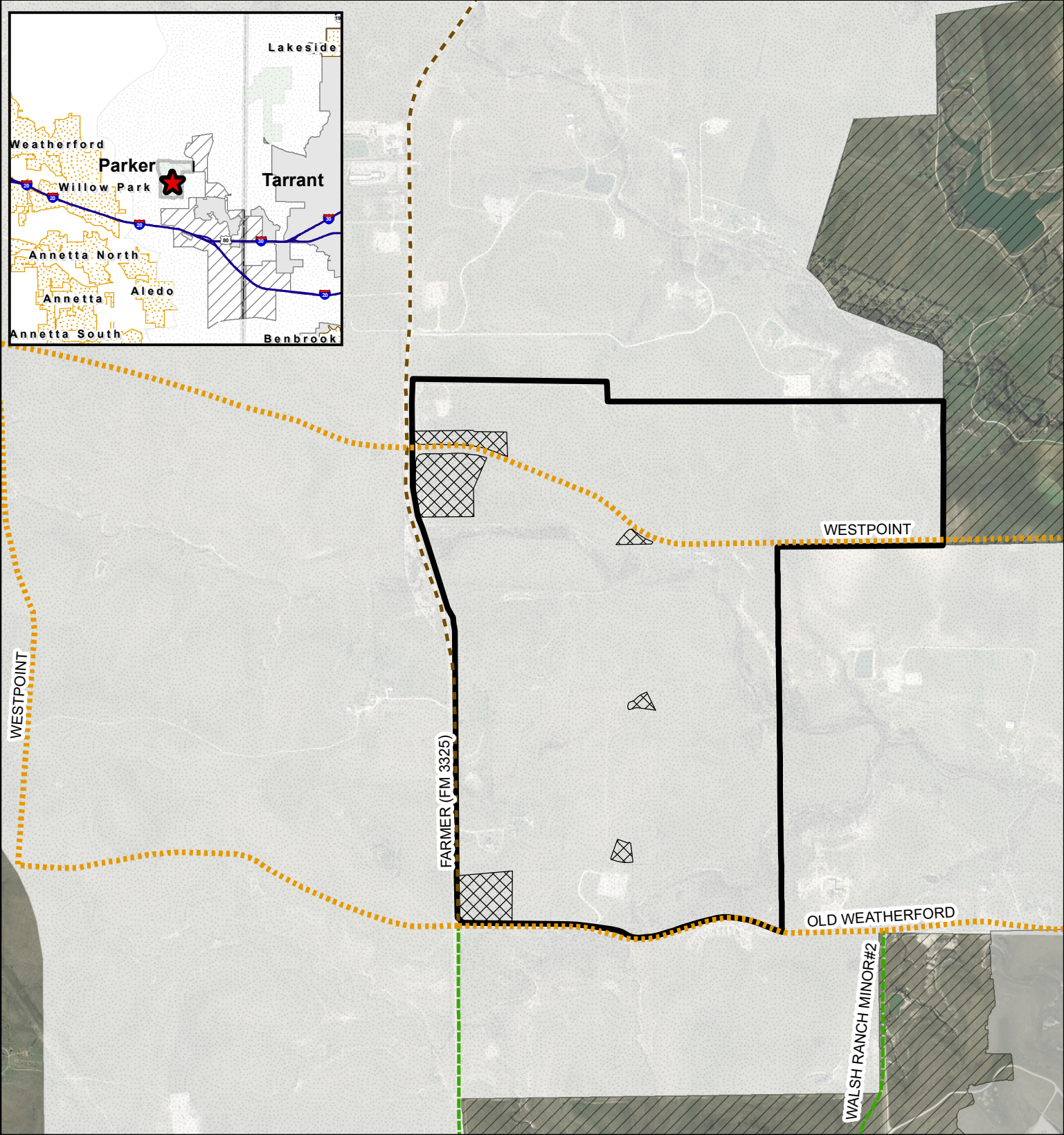
Two public hearings are being held for the Strategic Partnership Agreement. The first public hearing was held on May 21<sup>st</sup>. The second public hearing is scheduled for June 4th. On June 4th, the City Council is also scheduled to approve the Strategic Partnership Agreement. The only City Council action necessary on the public hearing is to close the hearing after receiving public comments.

Attachments (2)

# Morningstar Ranch

Exhibit A

Municipal Utility District No. 1 (approx. 737.227 acres)



- City of Fort Worth**
- Full Purpose
  - Limited Purpose
  - Extrateritorial Jurisdiction
- Morningstar Ranch**
- Commercial Tracts

- Master Thoroughfare Plan**
- Land Use**
- Commercial Connector
  - Neighborhood Connector
  - System Link
- County Boundaries**
- Adjacent City



0 0.125 0.25 0.5 Miles

1:20,000



Planning & Development Department  
05/02/2019

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STRATEGIC PARTNERSHIP AGREEMENT BETWEEN  
THE CITY OF FORT WORTH, TEXAS AND  
MORNINGSTAR RANCH MUNICIPAL UTILITY  
DISTRICT NO. 1 OF PARKER COUNTY

STATE OF TEXAS

COUNTY OF PARKER

This Strategic Partnership Agreement (this "Agreement") is entered into by the City of Fort Worth, a home-rule municipal corporation situated in Tarrant, Denton, Johnson, Parker, and Wise Counties, Texas (the "City"), acting by and through its authorized Assistant City Manager, and Morningstar Ranch Municipal Utility District No. 1 of Parker County (the "District"), acting by and through its duly authorized Board of Directors, under the authority of Section 43.0751 of the Texas Local Government Code ("Local Government Code").

RECITALS

A. Local Government Code, Section 43.0751 (the "Act"), authorizes the City and a municipal utility district to negotiate and enter into a strategic partnership agreement by mutual consent.

B. This Agreement authorizes the City to annex certain tracts of land within the District that have been or may in the future be designated for commercial use for limited purposes for the purpose of collecting Sales and Use Tax Revenues within such commercial tracts and to annex all land within the District for full purposes on terms acceptable to the City and the District.

C. Pursuant to this Agreement the City will pay to the District an amount equal to a portion of such Sales and Use Tax Revenues, which may be used to fund the installation and construction of Infrastructure and for other purposes in accordance with this Agreement.

D. The District and the City acknowledge that this Agreement provides benefits to each party, including revenue, services and regulatory benefits.

E. The District and the City acknowledge that this Agreement does not require the District to provide revenue to the City solely for the purpose of obtaining an agreement with the City to forgo annexation of the District.

NOW THEREFORE, for and in consideration of the mutual agreements, covenants, and conditions contained in this Agreement, and for other good and valuable consideration the receipt and adequacy of which are acknowledged, the District and the City agree as follows:

DRAFT

ARTICLE I  
FINDINGS

A. The District is a conservation and reclamation district created by the Texas Commission on Environmental Quality (“TCEQ”) pursuant to Article XVI, Section 59, of the Texas Constitution, and Chapters 49 and 54 of the Texas Water Code.

B. On December 4, 2007, the City Council adopted Resolution No. 3560-12-2007 consenting to the creation of the District (the “Consent Resolution”) and approved that certain Agreement Concerning Creation and Operation of Morningstar Ranch Municipal Utility District No. 1 of Parker County (City Secretary Contract No 36198, M & C-22562) (the “Consent Agreement”).

C. The District encompasses approximately 552.377 acres, more or less, all of which are located within Parker County, Texas, and within the extraterritorial jurisdiction or the City as shown on Exhibit A and described in Exhibit B attached to this Agreement (the “Property”).

D. WYA The Ranch at Mary's Creek, Ltd., a Texas limited partnership (“Owner”), has represented to the City and the District that it owns the Property.

E. Owner and the City have entered into the Development Agreement for Morningstar Ranch (City Secretary Contract No. 36202, M & C-22562) (the “Development Agreement”) and a Restatement of and Amendment to SCS No. 36202 Development Agreement Between the City and FFWF Holding, Inc. and FG Aledo Development, LLC (City Secretary Contract No. 36202-A1, M&C C-27321) (the “Restated Development Agreement”) governing the Property and the 552.377 acres encompassed by Morningstar Ranch Municipal Utility District No. 1 of Parker County (“District One”), which includes land use and development standards that are designed to produce a quality mixed-use development and which provides, among other things, that commercial development may occur on Tract 3, consisting of approximately \_\_\_\_ acres, as shown on Exhibit C and described on Exhibit D attached to this Agreement.

F. The City Council and Owner have entered into the Utility Agreement for Morningstar Ranch (City Secretary Contract No. 36195, M & C-22562) (the “Utility Agreement”) and the First Amendment to Utility Agreement (City Secretary of Contract No. 36195-A1) (the “First Amended to Utility Agreement”) and the Amended and Restated Utility Agreement for Morningstar Ranch (City Secretary Contract No. 36195-A2) relating to the provision of water and wastewater service and the construction, ownership, operation and maintenance of water and wastewater infrastructure to serve the Property and the land included in District One.

G. The City and the District desire to enter into this Agreement providing for limited purpose annexation of the portions of the Property within which commercial uses may occur for the purpose of collecting Sales and Use Tax Revenues within the annexed areas in accordance with Subsection (k) of the Act, and for the sharing of Sales and Use Tax Revenues between the City and the District.

DRAFT

H. The District provided notice of two public hearings concerning the adoption of this Agreement and the proposed limited purpose annexation of the Original Commercial Property, as defined below, in accordance with the procedural requirement of the Act.

I. The Board of Directors of the District conducted two public hearings regarding this Agreement and the proposed limited purpose annexation of the Original Commercial Property, at which members of the public who wished to present testimony or evidence regarding this Agreement and the proposed limited purpose annexation were given the opportunity to do so, in accordance with the procedural requirements of the Act on \_\_\_\_\_, 200\_, at \_\_\_\_\_.m. at \_\_\_\_\_ and on \_\_\_\_\_, 200\_, at \_\_\_\_\_.m. at \_\_\_\_\_.

J. The Board of Directors of the District approved this Agreement on \_\_\_\_\_, 20\_\_, in open session at a meeting held in accordance with Chapter 551 of the Government Code.

K. City provided notice of two public hearings concerning the adoption of this Agreement and the proposed limited purpose annexation of the Original Commercial Property, in accordance with the procedural requirements of the Act.

L. The City Council conducted two public hearings regarding, this Agreement and the proposed limited purpose annexation of the Original Commercial Property, at which members of the public who wished to present testimony or evidence regarding this Agreement and the proposed limited purpose annexation were given the opportunity to do so, in accordance with the procedural requirements of the Act on \_\_\_\_\_, 20\_\_, at \_\_\_\_\_.m., at the City Council Chambers and on \_\_\_\_\_, 20\_\_, at \_\_\_\_\_.m., at the City Council Chambers.

M. The City Council approved this Agreement on \_\_\_\_\_, 20\_\_, in open session at a meeting held in accordance with Chapter 551 of the Government Code (M & C \_\_\_\_\_), which approval occurred after the Board of Directors of the District approved this Agreement.

N. All procedural requirements imposed by law for the adoption of this Agreement have been met.

O. Pursuant to the Consent Agreement, the Utility Agreement and the First Amendment to the Utility Agreement, the District will construct or cause to be constructed, certain water and wastewater facilities within the boundaries of the Property and outside the boundaries of the Property as required to connect such facilities to the City's water and wastewater systems, all in accordance with City standards. The District shall dedicate such facilities to the City, which shall operate and maintain such facilities as part of the City's water and wastewater systems in accordance with the terms of the Utility Agreement.

P. Pursuant to the Consent Agreement, the District will construct, operate, and maintain or cause to be maintained drainage and road systems within the District in accordance with City standards.



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Q. In accordance with the requirements of Subsection (p)(2) of the Act, this Agreement provides benefits to the City and the District, including revenue, services, and regulatory benefits which are reasonable and equitable with regard to the benefits provided to the other.

ARTICLE II  
DEFINITIONS

Terms used in this Agreement shall have the following meanings:

“Act” means the Texas Local Government Code Section 43.0751, and any amendments thereto.

“Additional Commercial Property” means any property within the District Boundaries designated for commercial use, other than the Original Commercial Property.

“Agreement” means this Strategic Partnership Agreement between the City and the District.

“Board” means the Board of Directors of the District.

“Bond” means (a) any instrument, including a bond, note, certificate of participation, or other instrument evidencing a proportionate interest in payments, due to be paid by the District, or (b) any other type of obligation that (1) is issued or incurred by the District under the District's borrowing power, without regard to whether it is subject to annual appropriation, and (2) is represented by an instrument issued in bearer or registered form or is not represented by an instrument but the transfer of which is registered on books maintained for that purpose by or on behalf of the District. The term shall include obligations issued to refund outstanding bonds but shall not include reimbursement agreements entered into between the District and a developer of the Property or bond anticipation notes.

“City” means the City of Fort Worth, Texas, a home rule municipality located in Tarrant, Wise, Parker, Johnson, and Denton Counties.

“City Council” means the City Council of the City.

“City Secretary” means the City Secretary of the City.

“City Manager” means the City Manager of the City.

“City Share” means the City's share of Sales and Use Tax Revenues as defined by **Section 4.02** of this Agreement.

“Comptroller” means the Comptroller of Public Accounts of the State of Texas.

“Consent Agreement” means the Agreement Concerning Creation and Operation of Morningstar Ranch Municipal Utility District No. 1 of Parker County, by and among the City, the District, and Owner, which was approved by the City Council on December 4, 2007 (City Secretary Contract No. 36198, M & C-22562).

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“Development Agreement” means the Development Agreement for Morningstar Ranch, between the City and Owner, which was approved by the City Council on December 4, 2007 (City Secretary Contract No. 36202, M & C-22562).

“District” means the Morningstar Ranch Municipal Utility District No. 1 of Parker County.

“District Boundaries” means boundaries of the District, consisting, of the boundaries of the 380.316-acre tract as shown on Exhibit A and described on Exhibit B.

“District Confirmation Date” means the date on which the Board of Directors of the District canvasses the results of the election held within the District confirming the creation the District.

“District Share” means the District's share of Sales and Use Tax Revenues as defined by **Section 4.02** of this Agreement.

“ETJ” means the extraterritorial jurisdiction of a city as defined by the Local Government Code, as amended, with the City's ETJ being an unincorporated area presently extending five miles from the City's corporate limits, excluding other incorporated municipalities and their respective ETJ's.

“Finance Director” means the Director/Chief Financial Officer of the City's Finance Department.

“First Amendment to Utility Agreement”) means the first amendment to the Utility Agreement for Morningstar Ranch (City Secretary of Contract No. 36195-A1).

“Government Code” means the Texas Government Code, as amended.

“Infrastructure” means all water, wastewater, drainage, roadway and other infrastructure improvements installed or constructed to serve the Property, whether located within or outside the Property.

“Limited Purpose Annexation Period” means the period commencing on the effective date of the limited purpose annexation of any Limited Purpose Property and ending upon the full purpose annexation or disannexation of such property.

“Limited Purpose Property” means the property in the District that is annexed for limited purposes pursuant to this Agreement, including the Original Commercial Property and any Additional Commercial Property.

“Local Government Code” means the Texas Local Government Code, as amended.

“Notice” means notice as defined in **Section 8.01** of this Agreement.

“Original Commercial Property” means that certain 10.841-acre tract (Tract 3) designated for commercial use in the Restated Development Agreement, as shown on Exhibit C and described on Exhibit D.

“Owner” means WYA The Ranch at Mary's Creek, Ltd., a Texas limited partnership, its successors and assigns as permitted by **Section 8.10** of this Agreement.

DRAFT

“Party” means, individually, the City or the District, their successors and assigns as permitted by **Section 8.10** of this Agreement.

“Property” means that certain 380.316-acre tract located in Parker County, Texas as shown on **Exhibit A** and described on **Exhibit B**.

“Restated Development Agreement” means the Restatement of and Amendment to SCS No. 26202 Development Agreement Between the City and FFWF Holding, Inc. and FG Aledo Development, LLC (City Secretary Contract No. 36202-A1).

“Sales and Use Tax Revenues” means those revenues received by the City from the sales and use tax authorized to be imposed by the City on sales consummated at locations within the Limited Purpose Property pursuant to the Act and Chapter 321 of the Tax Code and whose use is not otherwise controlled or regulated, in whole or in part, by another governmental entity, authority, or applicable law, ordinance, rule, or regulation. Sales and Use Tax Revenues specifically exclude those revenues received by the City from the Crime Control District Sales Tax imposed by the City pursuant to Tax Code Section 323.105 and Local Government Code Section 363.055.

“Sales and Use Tax Account” means the account established pursuant to **Section 4.03** in which the District deposits the District Share.

“Tax Code” means the Texas Tax Code, as amended.

“Utility Agreement” means the Utility Agreement for Morningstar Ranch executed by Owner and the City, and to be executed by the District and District Two after the District Confirmation Date (City Secretary Contract No. 36195, M & C-22562) relating to the provision of water and wastewater service and the construction, ownership, operation and maintenance of water and wastewater infrastructure for the Property and the land included in District Two.

**ARTICLE III**  
**ADOPTION OF AGREEMENT AND  
LIMITED-PURPOSPE ANNEXATION OF ORIGINAL COMMERCIAL PROPERTY  
AND ADDITIONAL COMMRCIAL PROPERTY**

3.01 Public Hearings. The District and the City acknowledge and agree that prior to the execution of this Agreement, the governing bodies of the District and the City have conducted public hearings for the purpose of considering the adoption of this Agreement and that such hearings were noticed and conducted in accordance with the terms of the Act, this Agreement, Chapter 551 of the Government Code, and the City's charter.

3.02 Effective Date. Pursuant to Subsection(c) of the Act, this Agreement is effective \_\_\_\_\_, the date of adoption of this Agreement by the City.

3.03 Filing in Property Records. The City shall file this Agreement in the Real Property Records of Parker County, Texas.

010:1041745 013

Morningstar Ranch MUD No. 1

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3.04 Limited Purpose Annexation of Original Commercial Property. The District and the City agree that the City may annex all or any portion of the Original Commercial Property for the limited purpose of collecting Sales and Use Tax Revenues within the Original Commercial Property pursuant to Subsection (k) of the Act. The District acknowledges that the City Council may adopt a limited purpose annexation ordinance at a meeting conducted in accordance with Chapter 551 of the Government Code and further acknowledges that no additional notices, hearings, or other procedures are required by law in order to approve such limited purpose annexation.

3.05 Limited Purpose Annexation of Additional Commercial Property. In the event the location of proposed commercial development within the District is changed or additional property designated for commercial development is added, the City Council may annex the Additional Commercial Property for the limited purpose of collecting Sales and Use Tax Revenues within the Additional Commercial Property pursuant to Subsection (k) of the Act. The District acknowledges that the City Council may adopt a limited purpose annexation ordinance at a meeting conducted in accordance with Chapter 551 of the Government Code and further acknowledges that no additional notices, hearings, or other procedures are required by law to approve such limited purpose annexation.

3.06 Connections to the City Limits. The District consents to the annexation of land connecting the Original Commercial Property or the Additional Commercial Property to the City limits. The City may annex property pursuant to this section for limited purposes as permitted by the Act.

3.07 Consent to Limited Purpose Annexation. The District on behalf of itself and all present and future Owners of land within the District Boundaries hereby requests that the City annex the Original Commercial Property and the Additional Commercial Property for limited purposes as provided in this Agreement. The District consents to such annexation and to the collection of Sales and Use Tax Revenues by the City within such Limited Purpose Property. Such consent shall bind the District and each Owner and Future Owner of land within the District Boundaries.

## ARTICLE IV TAXATION AND PROVISION OF SERVICES

4.01 Collection of Sales and Use Tax Revenues. The City may impose a sales and use tax within the Limited Purpose Property pursuant to Subsection (k) of the Act. The sales and use tax shall be imposed on all eligible commercial activities at a rate equal to the Sales and Use Tax imposed by the City within its corporate boundaries or other rate allowed under future amendments to Chapter 321 of the Tax Code and imposed by the City. Collection of the Sales and Use Tax Revenues shall take effect on the date described in Section 321.102 of the Tax Code.

4.02 Payment of Sales and Use Tax. In return for the benefits received by the City pursuant to this Agreement, the City shall pay to the District an amount equal to 50% of the Sales and Use Tax Revenues collected during the first nineteen (19) years of the Limited Purpose Annexation Period, and paid to the City as reflected in sales tax reports provided by the Comptroller to the City. Thereafter, the City shall pay to the District an amount equal to 25% of the Sales and Use Tax Revenues collected commencing on the first day of the twentieth (20th) year

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of the Limited Purpose Annexation Period, and paid to the City as reflected in the sales tax reports paid by the Comptroller to the City. All amounts payable to the District pursuant to this **Section 4.02** are hereafter referred to as the “District Share”. The City shall pay the District Share quarterly after the City receives the sales tax report reflecting such revenues from the Comptroller. The City shall retain all Sales and Use Tax Revenues that do not constitute the District Share (the “City Share”). The City agrees to make reasonable efforts to obtain amended and supplemental reports from the Comptroller to reflect, to the greatest extent practicable, all Sales and Use Tax revenues generated with the boundaries of the District. Revenues resulting from such amended and supplemental reports will be divided and paid as provided above. The District agrees that should any overpayment of Sales and Use Tax be reported by the Comptroller to the City as a sales tax reduction, such sales tax reduction shall be proportionally shared by the District in accordance with the percentages provided above.

4.03 District Use of Sales and Use Tax Revenues. The District shall deposit the District Share in segregated interest-bearing account (the “Sales and Use Tax Account”). The District shall use funds in the Sales and Use Tax Account in the following order of priority:

- (a) Reimbursement for the construction or installation of Infrastructure not otherwise funded by other sources:
- (b) Funding the construction or installation of Infrastructure not otherwise funded by other sources
- (c) Funding for any purpose for which the District may legally expend funds (including such items as District bond debt service, operational costs, and any contract tax obligations); provided, however, the District shall not fund any such items if the District's ad valorem tax rate is, or with such funding of any such items would be less \$1.00 per \$100 valuation; and
- (d) Purchasing and retiring any Bond.

4.04 City Use of Sales and Use Tax Revenues. The City may use the City Share for any lawful purpose; provided, however, it is the City's intent to use the additional 25% share of the Sales and Use Tax Revenues beginning on the first day of the twentieth (20<sup>th</sup>) year of the Limited Purpose Annexation Period to defray the costs of providing municipal services to the residents of the Property upon full purpose annexation.

4.05 Delivery of Sales Tax Reports to District. The City shall include with each payment of the District Share a condensed version of each sales tax report, containing only the contents of the sales tax report relating to retail sales and retailers within the District, as provided by the Comptroller relating to Sales and Use Tax Revenues on a quarterly basis of the City's receipt of such sales tax reports for that period.

4.06 Notification of Comptroller. The City shall send notice of this Agreement, together with other required documentation, to the Comptroller in the manner provided by Tax Code, Section 321.102, after the City Council annexes any portion of the Limited Purpose Property for limited purposes.

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4.07 Termination of Sales and Use Tax Sharing. Upon termination of this Agreement, the City shall have no further financial obligation to the District pursuant to this Agreement, and all Sales and Use Tax Revenues collected by the City from the Limited Purpose Property after the termination date shall be retained by the City and may be used for any lawful purpose.

4.08 City Maintenance or Records and District's Audit Rights. The District may audit the Sales and Use Tax Revenues collected by the City to determine whether the District Share has been paid to the District in accordance with this Agreement. The City shall provide reasonable accommodations for the District to perform the audit. Any audit shall be made at the District's sole expense and may be performed at any time during the City's regular business hours on thirty (30) days' notice to the City. For purposes of any such audits, the City shall maintain and make available to the District's representatives all books, records, documents and other evidence of accounting procedures or practices in form sufficiently maintained to reflect the amount of Sales and Use Tax Revenues received by the City from the Limited Purpose Property. Notwithstanding the foregoing, however, if any audit conducted by the District reveals that the District Share has been underpaid by more than two percent (2%), the City shall reimburse the District for the reasonable cost of the audit.

4.09 District's Maintenance of Records and City's Audit Rights. The City may audit the Sales and Use Tax Account and the District's expenditures of the District Share to determine whether the expenditures have been made by the District in accordance with **Section 4.03** of this Agreement. The District shall provide reasonable accommodations for the City to perform the audit. Any audit shall be made at the City's sole expense and may be performed at any time during the District's regular business hours on thirty (30) days' notice to the District. For purposes of any such audits, the District shall maintain and make available to the City's representatives all books, records, documents and other evidence of accounting procedures or practices in form sufficiently maintained to reflect deposits to the Sales and Use Tax Account and expenditures of the District Share. Notwithstanding the foregoing, however, if any audit conducted by the City reveals that the District has not used the District Share in accordance with **Section 4.03**, the District shall reimburse the City for the reasonable cost of the audit. Furthermore, if such breach is not cured as provided by **Article VII**, the City may withhold payments of future Sales and Use Tax Revenues in the amount of the improper expenditures.

## ARTICLE V FULL PURPOSE ANNEXATION

5.01 Full Purpose Annexation. In accordance with the terms of this Agreement and the Restated Development Agreement, the City shall have the right, but not the obligation, to annex the Property (or a portion of the Property, to the extent permitted by law) for full purposes on or after the earlier to occur of: (a) dissolution of the District (other than as a result of annexation by the City); or (b) twenty (20) years after the Effective Date of the Restated and Amended Development Agreement. Such authority is in addition to the authority to annex portions or the Property pursuant to **Section 5.04**.

5.02 Procedure for Full Purpose Annexation. The District hereby consents, on its behalf and on behalf of all current and future owners of land included within the District Boundaries, to full purpose annexation of the Property in accordance with the procedure for annexation of areas

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exempted from the municipal annexation plan contained in Chapter 43 of the Local Government Code, Subchapter C-1, or, if Subchapter C-1 is amended or repealed, in accordance with the most comparable annexation procedure. In the alternative, at City's election, the Property shall be deemed to be within the full-purpose boundary limits of the City on the full purpose annexation conversion date in accordance with Section 43.0751 of the Local Government Code. The full purpose annexation conversion date shall be established by a resolution adopted by the City Council and shall be no earlier than the first to occur of the events described in **Section 5.01**.

**5.03 CONSENT TO ANNEXATION. OWNER AND ALL FUTURE OWNERS OF ALL OR ANY PORTION OF THE PROPERTY IRREVOCABLY AND UNCONDITIONALLY CONSENT TO THE FULL PURPOSE ANNEXATION OF THE PROPERTY INTO THE CORPORATE LIMITS OF THE CITY IN ACCORDANCE WITH THIS AGREEMENT AND WAIVE ALL OBJECTIONS AND PROTESTS TO SUCH ANNEXATION. THIS AGREEMENT SHALL SERVE AS THE PETITION OF OWNER AND ALL FUTURE OWNERS TO FULL PURPOSE ANNEXATION OF THE PROPERTY IN ACCORDANCE WITH THIS AGREEMENT. THIS AGREEMENT SHALL BE RECORDED IN THE REAL PROPERTY RECORDS OF PARKER COUNTY, TEXAS AND SHALL BIND OWNER AND ALL FUTURE OWNERS OF ALL OR ANY PORTION OF THE PROPERTY TO THE CONSENT TO FULL PURPOSE ANNEXATION OF THE PROPERTY.**

**5.04 Annexation of Portions of Property.** The District agrees to cooperate with and assist the City in annexing one or more areas in the manner prescribed by law which does not result in the dissolution of the District, none of which may exceed 525 feet in width at its widest point or such other width limitation subsequently imposed by law, as reasonably necessary for the City to connect areas to the City that are outside the District and that the City intends to annex. The City consents and agrees that such areas shall be located within right-of-way areas or along lot lines whenever possible. Notwithstanding the zoning designation approved for the annexed area, such area may be developed and used in accordance with the Restated Development Agreement.

## ARTICLE VI TERM

This Agreement commences on the Effective Date and continues until the City annexes the Property for full purposes (subject to the provisions of the Restated Development Agreement). The provisions of this Agreement relating to the collection of sales and use tax will automatically terminate with regard to any portion of the Limited Purpose Property upon disannexation or full purpose annexation of such property.

## ARTICLE VII BREACH, NOTICE AND REMEDIES

**7.01 Notification of Breach.** If either Party commits a breach of this Agreement, the non-breaching Party shall give Notice to the breaching Party that describes the breach in reasonable detail.

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7.02 Cure of Breach. The breaching Party shall commence curing such breach fourteen (14) calendar days after receipt of Notice of the breach and shall complete the cure within fourteen (14) calendar days from the date of commencement of the cure; however, if the breach is not reasonably susceptible to cure by the breaching Party within such fourteen (14) day period, the non-breaching Party shall not bring any action so long as the breaching Party has commenced to cure the default within such fourteen (14) day period and diligently completes the work within a reasonable time without unreasonable cessation of the work.

7.03 Remedies for Breach. If the breaching Party does not substantially cure such breach within the stated period of time, the non-breaching Party may, in its sole discretion, and without prejudice to any other right under this Agreement, law, or equity, seek any relief available at law or in equity, including, but not limited to, an action under the Uniform Declaratory Judgment Act, specific performance, mandamus and injunctive relief; provided, however, the non-breaching Party shall not be entitled to terminate this Agreement. The Parties specifically waive any right that they have or in the future may have to terminate this Agreement. Damages, if any, to which any non-breaching Party may be entitled shall be limited to actual damages and shall not include special or consequential damages. In addition, the prevailing party in any such action shall be entitled to reasonable attorney's fees and costs of litigation as determined in a final, non-appealable order in a court of competent jurisdiction.

## ARTICLE VIII ADDITIONAL PROVISIONS

8.01 Notice. Any notices, certifications, approvals, or other communications (a "Notice") required to be given by one Party to another under this Agreement shall be given in writing addressed to the Party to be notified at the address set forth below and shall be deemed given: (a) when the Notice is delivered in person to the person to whose attention the Notice is addressed; (b) when received if the Notice is deposited in the United States Mail, certified or registered mail, return receipt requested, postage prepaid; (c) when the Notice is delivered by Federal Express, UPS, or another nationally recognized courier service with evidence of delivery signed by any person at the delivery address; or (d) five business days after the Notice is sent by FAX (with electronic confirmation by the sending FAX machine) with a confirming copy sent by United States mail within 48 hours after the FAX is sent. If any date or period provided in this Agreement ends on a Saturday, Sunday, or legal holiday, the applicable period for calculating the notice shall be extended to the first business day following the Saturday, Sunday, or legal holiday. For the purpose of giving any Notice, the addresses of the Parties are set forth below. The Parties may change the information set forth below by sending Notice of such changes to the other Party as provided in this section.

### To the City:

City of Fort Worth, Texas  
200 Texas Street  
Fort Worth, Texas 76102  
Attn: City Secretary  
FAX: 817-392-6196



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City of Fort Worth, Texas  
200 Texas Street  
Attn: City Manager  
Fort Worth, Texas 76102  
FAX: 817-392-6134

City of Fort Worth, Texas  
200 Texas Street  
Attn: Finance Director/Chief  
Financial Officer  
Fort Worth, Texas 76102  
FAX: 817-392-8966

To the District:

Morningstar Ranch Municipal Utility District No. 1 of Parker  
County c/o: Coats Rose  
14755 Preston Road, Suite 600  
Dallas, TX 75240  
Attn: Timothy G. Green  
FAX: 972-982-8451

8.02 Payments. The City shall forward payments of the District Share to the District at the address set out in **Section 8.01** by regular U.S. Mail or other method of delivery mutually acceptable to the Parties.

8.03 No Waiver. Any failure by a Party to insist upon strict performance by the other Party of any provision of this Agreement shall not be deemed a waiver thereof, and the Party shall have the right at any time thereafter to insist upon strict performance of any and all of the provisions of this Agreement. No provision of this Agreement may be waived except by writing signed by the Party waiving such provision. Any waiver shall be limited to the specific purpose for which it is given. No waiver by any Party hereto of any term or condition of this Agreement shall be deemed or construed to be a waiver of any other term or condition or subsequent waiver of the same term or condition.

8.04 Governing Law and Venue. **This Agreement must be construed and enforced in accordance with the laws of the State of Texas, as they apply to contracts performed within the State of Texas and without regard to any choice of law rules or principles to the contrary. The Parties acknowledge that this Agreement is performable in Tarrant County, Texas and hereby submit to the jurisdiction of the courts of Tarrant County, Texas and agree that any such court shall be a proper forum for the determination of any dispute arising hereunder.**

8.05 Authority to Execute. The City certifies, represents, and warrants that the execution of this Agreement is duly authorized and adopted in conformity with the City Charter and City ordinances. The District certifies, represents and warrants that the execution of this Agreement is duly authorized and adopted by the Board.

8.06 Entire Agreement; Severability. This Agreement constitutes the entire agreement between the Parties and supersedes all prior agreements, whether oral or written, covering the subject matter of this Agreement. If any provision of this Agreement is determined by a court of competent jurisdiction to be unenforceable for any reason, then (a) such unenforceable provision shall be deleted from this Agreement; (b) the unenforceable provision shall, to the extent possible, be rewritten to be enforceable and to give effect to the intent of Parties; and (c) the remainder of this Agreement shall remain in full force and effect and shall be interpreted to give effect to the intent of the Parties.

8.07 Changes in State or Federal Laws. If any state or federal law changes so as to make it impossible for the City or the District to perform its obligations under this Agreement, the parties will cooperate to amend this Agreement in such a manner that is most consistent with the original intent of this Agreement as legally possible.

8.08 Additional Documents and Acts. The Parties agree that at any time after execution of this Agreement, they will, upon request of the other Party, execute and/or exchange any other documents necessary to effectuate the terms of this Agreement and perform any further acts as the other Party may reasonably request to effectuate the terms of this Agreement.

8.09 Captions. Captions and headings used in this Agreement are for reference purposes only and shall not be deemed a part of this Agreement.

8.10 Assignability, Successors, and Assigns. This Agreement shall not be assignable without the other Party's written consent. This Agreement shall be binding upon and inure to the benefit of the Parties and their respective representatives, successors, and assigns.

8.11 Amendment. This Agreement may be amended only by written agreement with approval of the governing bodies of the City and the District.

8.12 Interpretation. The Parties acknowledge that each party and, if it so chooses, its counsel have reviewed and revised this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement or any amendments or exhibits hereto. As used in this Agreement, the term "including" means "including without limitation" and the term "days" means calendar days, not business days. Wherever required by the context, the singular shall include the plural, and the plural shall include the singular. Each defined term herein may be used in its singular or plural Form whether or not so defined.

8.13 No Third Party Beneficiaries. This Agreement is solely for the benefit of the City and the District, and neither the City nor the District intends by any provision of this Agreement to create any rights in any third-party beneficiaries or to confer any benefit or enforceable rights under this Agreement or otherwise upon anyone other than the City and the District.

8.14 Governmental Powers. By execution of this Agreement, neither the City nor the District waives or surrenders any of its respective governmental powers, immunities or rights,

except as specifically waived pursuant to this section. The City and the District mutually waive their governmental immunity from suit and liability only as to any action brought by a Party to pursue the remedies available under this Agreement and only to the extent necessary to pursue such remedies. Nothing in this section shall waive any claims, defenses or immunities that the City or the District has with respect to suits against the City or the District by persons or entities not a party to this Agreement. Nothing in this Agreement is intended to delegate or impair the performance by the City of its governmental functions, and the City waives any claim or defense that any provision of this Agreement is unenforceable on the grounds that it constitutes an impermissible delegation or impairment of the City's performance of its governmental functions.

8.15 Incorporation of Exhibits by Reference. All exhibits attached to this Agreement are incorporated into this Agreement by reference for the purposes set forth herein, as follows:

Exhibit A	Map of the Property
Exhibit B	Legal Description of the Property
Exhibit C	Map of [REDACTED] Commercial Property

8.16 Conspicuous Provisions. The City and the District acknowledge that the provisions of this Agreement set out in **bold, capitals** (or any combination thereof) satisfy the requirements of the express negligence rule and/or are conspicuous.

8.17 Counterpart Originals. This Agreement may be executed in multiple counterparts, each of which shall be deemed to be an original.

ATTEST:

Assistant City Attorney

**CITY OF FORT WORTH**

\_\_\_\_\_  
Mary Kayser, City Secretary

By: \_\_\_\_\_  
Jesus Chapa, Assistant City Manager

APPROVED AS TO FORM AND  
LEGALITY:

Date: \_\_\_\_\_

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STATE OF TEXAS                   §  
  §  
COUNTY OF TARRANT         §


      This instrument was acknowledged before me, on the \_\_\_\_ day of \_\_\_\_\_,  
20\_\_, by Jesus Chapa, Assistant City Manager of the City of Fort Worth Texas on behalf of said  
city.

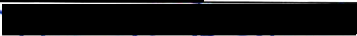
[SEAL]

\_\_\_\_\_  
Notary Public, State of Texas  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

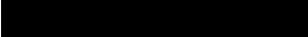
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**MORNINGSTAR RANCH MUNICIPAL  
UTILITY DISTRICT NO. 1 OF PARKER  
COUNTY**

By: 

Printed Name: 

President, Board of Directors

Date: 

STATE OF TEXAS §

COUNTY OF TARRANT §

This instrument was acknowledged before me, on the 8th day of August, 2018, by Theron Bryant, President, Board of Directors of Morningstar Ranch Municipal Utility District No. 1 of Parker County, on behalf of said district.

[SEAL]

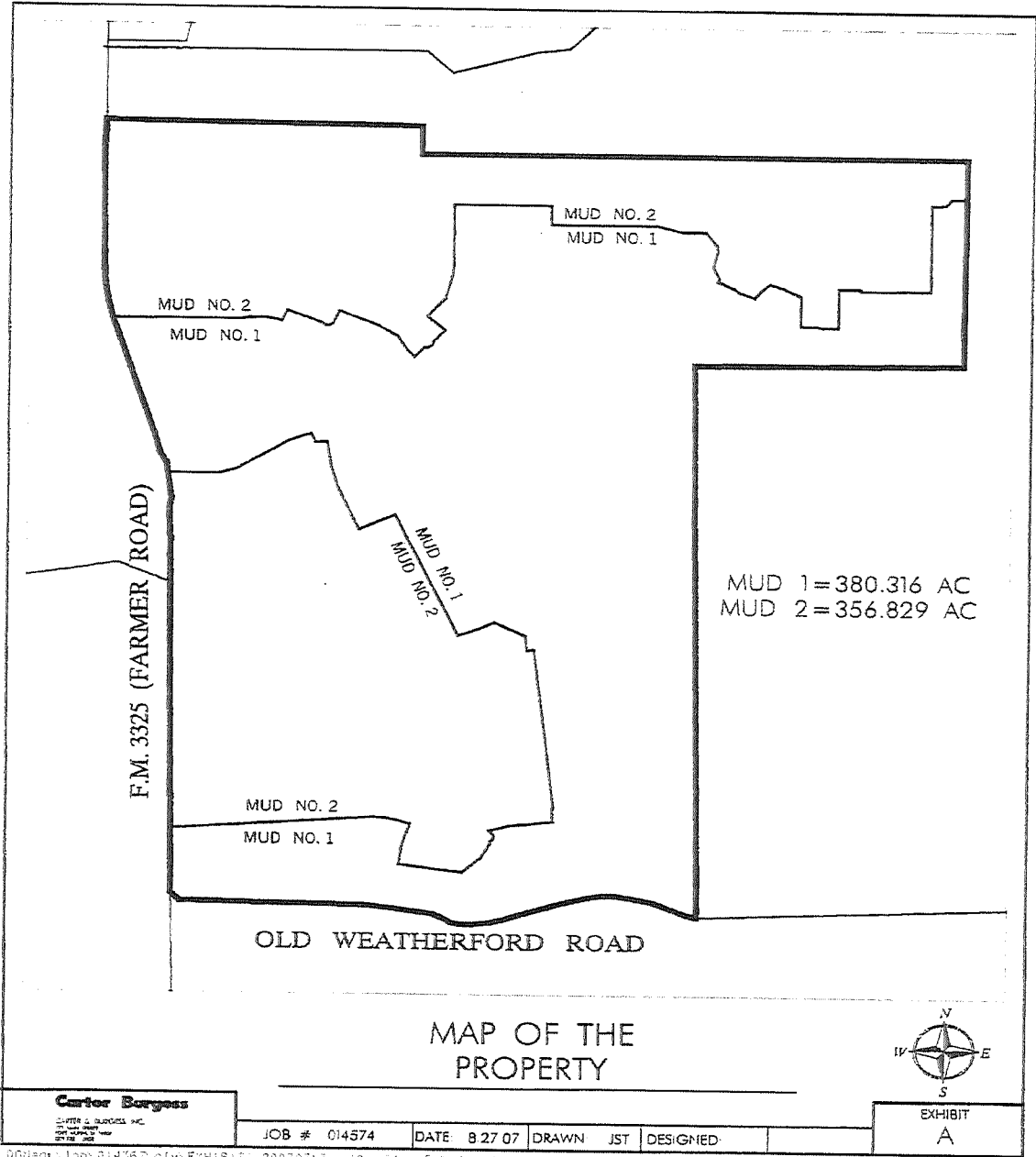




Notary Public, State of Texas

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Exhibit A  
Map of the Development



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## Exhibit B Legal Description of the Development

### EXHIBIT B

#### 737.227 Acre Description

LEGAL DESCRIPTION: Being a tract of land out of M. S. Teter Survey, Abstract No. 2070, the J. D. Morris Survey, Abstract No. 927, the P. J. McClary Survey, Abstract No. 907, and the William Cagle Survey, Abstract No. 2373 and situated in Parker County, Texas, and surveyed by Miller Surveying, Inc. of Hurst, Texas in November 2013, said tract being the same tract of land described in the deed to Willow Park North Development LLC, recorded as Document No. 794656 in the Deed Records of Parker County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a TxDOT monument found for the northwest corner of said Willow Park tract, said monument being in the easterly right-of-way line of Farmer Road (FM Road No. 3325);

Thence South 88 degrees 46 minutes 48 seconds East with the northerly boundary line of said Willow Park tract a distance of 2434.10 feet to a 6 inch metal fence post for an angle point in said northerly boundary line;

Thence South 01 degrees 11 minutes 55 seconds East continuing with said northerly boundary line a distance of 247.34 feet to a 3 inch metal fence post for an angle point therein;

Thence North 89 degrees 26 minutes 50 seconds East continuing with said northerly boundary line a distance of 4213.59 feet to a cross-tie fence post for the northeast corner of said Willow Park tract;

Thence South 00 degrees 09 minutes 21 seconds East with the easterly boundary line of said Willow Park tract a distance of 1811.97 feet to a cross-tie fence post for the most easterly southeast corner thereof;

Thence South 89 degrees 05 minutes 25 seconds West with the southerly boundary line of said Willow Park tract a distance of 2077.14 feet to a cross-tie fence post for an inner corner thereof;

Thence South 01 degrees 13 minutes 18 seconds East with the easterly boundary line of said Willow Park tract a distance of 4817.83 feet to a cross-tie fence post for the most southerly southeast corner of said Willow Park tract, said post being in the northerly right-of-way line of Old Weatherford Road,

Thence westerly with the southerly boundary line of said Willow Park tract and with said northerly right-of-way line the following calls:

North 69 degrees 37 minutes 17 seconds West a distance of 342.48 feet to a 5/8 inch capped steel rod found;

North 78 degrees 56 minutes 11 seconds West a distance of 382.16 feet to a 5/8 inch capped steel rod found;

South 78 degrees 25 minutes 49 seconds West a distance of 296.23 feet to a 5/8 inch capped steel rod found,

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South 71degrees 49 minutes 06 seconds West a distance of 325.79 feet to a 5/8 inch capped steel rod found;

South 33 degrees 02 minutes 14 seconds West a distance of 195.24 feet to a 5/8 inch capped steel rod found;

North 84 degrees 13 minutes 49 seconds West a distance of 132.86 feet to a 5/8 inch capped steel rod found;

North 64 degrees 52 minutes 53 seconds West a distance of 130.44 feet to a 5/8 inch capped steel rod found;

North 81degrees 04 minutes 46 seconds West a distance of 540.40 feet to a 3 inch metal fence post;

North 39 degrees 57 minutes 16 seconds West a distance of 1438.84 feet to a TxDOT monument found for the southeast end of a corner clip for said northerly right-of-way line and said easterly right-of-way line;

Thence North 45 degrees 21 minutes 13 seconds West with said corner clip a distance of 71.52 feet to a TxDOT monument found for the northwest end thereof;

Thence northerly with the westerly boundary line of said Willow Park tract and said easterly right-of-way line the following calls:

North 01 degrees 04 minutes 02 seconds West a distance of 352.02 feet to a 1/2 inch capped steel rod found;

North 01degrees 04 minutes 21seconds West a distance of 292.61 feet to a TxDOT monument found;

North 00 degrees 28 minutes 59 seconds West a distance of 13.07 feet to a 1/2 inch steel rod found;

North 01degrees 04 minutes 30 seconds West a distance of 320.39 feet to a 5/8 inch capped steel rod found;

North 01degrees 03 minutes 10 seconds West a distance of 1466.70 feet to a TxDOT monument found;

North 04 degrees 25 minutes 07 seconds East a distance of 50.19 feet to a TxDOT monument found;

North 03 degrees 59 minutes 59 seconds West a distance of 100.04 feet to a TxDOT monument found;

North 06 degrees 43 minutes 22 seconds West a distance of 50.14 feet to a TxDOT monument found;



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North 00 degrees 33 minutes 35 seconds West a distance of 47.37 feet to a TxDOT monument found for the beginning of a curve to the left with a radius of 2924.79 and whose chord bears North 02 degrees 35 minutes 58 seconds West at 155.80 feet;

Northerly with said curve through a central angle of 03 degrees 03 minutes 08 seconds and an arc length of 155.81 feet to a TxDOT monument found for the end of said curve;

North 05 degrees 47 minutes 11 seconds East a distance of 104.38 feet to a TxDOT monument found;

North 07 degrees 15 minutes 41 seconds West a distance of 308.99 feet to a TxDOT monument found;

North 29 degrees 21 minutes 05 seconds West a distance of 106.78 feet to a TxDOT monument found for the beginning of a curve to the left with a radius of 2924.79 and whose chord bears North 16 degrees 33 minutes 43 seconds West at 248.53 feet;

Northerly with said curve through a central angle of 04 degrees 52 minutes 13 seconds and an arc length of 248.81 feet to a TxDOT monument found;

North 16 degrees 58 minutes 58 seconds West a distance of 877.17 feet to a TxDOT monument found for a curve to the right with a radius of 1849.36 and whose chord bears North 09 degrees 57 minutes 28 seconds West at 578.96 feet;

Northerly with said curve through a central angle of 18 degrees 00 minutes 22 seconds and an arc length of 581.34 feet to a TxDOT monument found;

North 00 degrees 57 minutes 45 seconds West a distance of 796.85 feet to a TxDOT monument found for the beginning of a curve to the right with a radius of 7579.44 and whose chord bears North 00 degrees 48 minutes 44 seconds East at 461.56 feet;

Thence northerly continuing with said westerly boundary line and said easterly right-of-way line and with said curve through a central angle of 03 degrees 28 minutes 23 seconds and an arc length of 481.83 feet to the point of beginning and containing 737.227 acres of land, more or less.

## DEVELOPMENT EXHIBIT

COMMERCIAL TRACT SUMMARY	TRACT	
AREA	1	
13.903	2	
5.395	3	
1.158	4	
1.022	5	
1.346	6	
10.194		
33.194		TOTAL

LEGEND	90' WIDE LOT (60' X 120')	60' WIDE LOT (60' X 120')	75' WIDE LOT (75' X 120')	AQUATIC CENTER	SCHOOL TRACT	CONVENTIONAL TRACT	GAS LOTS	OPEN SPACE LOTS
	[Yellow box]	[Orange box]	[Brown box]	[Green box with diagonal lines]	[White box with diagonal lines]	[White box with cross-hatch pattern]	[Blue box with diagonal lines]	[Green box]



**Exhibit C**  
**Map of Commercial Property**

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**No Documents for this Section**

Zoning Docket items are linked on the Council Meeting Agenda.

**No Documents for this Section**