

SUMMARY OF MEETINGS AND ACTIVITIES
MONDAY, OCTOBER 20, 2014 THROUGH FRIDAY, OCTOBER 24, 2014

MONDAY, OCTOBER 20, 2014

No Meetings

TUESDAY, OCTOBER 21, 2014

Pre-Council Meeting

3:00 p.m. Pre-Council Chamber

City Council Meeting

7:00 p.m. Council Chamber

WEDNESDAY, OCTOBER 22, 2014

City Plan Commission Work Session

12:00 p.m. Pre-Council Chamber

City Plan Commission Public Hearing

1:30 p.m. Council Chamber

Fort Worth Advisory Commission on Ending Homelessness

4:00 p.m. Fort Worth Transportation Authority
1600 East Lancaster Avenue, Board Room

Parks and Community Services Advisory Board

4:00 p.m. Fort Worth Zoo
Portraits of the Wild Art Gallery
1989 Colonial Parkway

THURSDAY, OCTOBER 23, 2014

No Meetings

FRIDAY, OCTOBER 24, 2014

No Meetings

PRE-COUNCIL MEETING
TUESDAY, OCTOBER 21, 2014
3:00 P.M.
(NOTE TIME CHANGE)
CITY COUNCIL CHAMBER, CITY HALL
1000 THROCKMORTON STREET, FORT WORTH, TEXAS

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: 9675** Proposed Use of Community Development Block Grant Funds for Park Improvements Located in Council Districts 2, 5, 8 and 9
 - IR: 9676** Fort Worth Transportation Authority's Performance Report
 - IR: 9677** City-Initiated Full-Purpose Annexation of Approximately 69.2 Acres of Land Located South of Longhorn Road and North of Northeast Loop 820
2. Current Agenda Items - **City Council Members**
3. Responses to Items Continued from a Previous Week
4. Briefing on the City's Preparedness and Response to Ebola Concerns - **Rudy Jackson, Fire, Juan Ortiz, Emergency Management and Dr. Vinny Taneja, Tarrant County Public Health**
5. Briefing on Proposed Ordinance Establishing Moratorium on Acceptance of Single-Family Building Permit Applications for New Construction in Proposed TCU Overlay District - **Randle Harwood, Planning and Development**
6. Aquatics Master Plan Update - **Richard Zavala, Parks and Community Services**
7. Briefing on Fire Collective Bargaining - **Susan Alanis, City Manager's Office**
8. City Council Requests for Future Agenda Items and/or Reports
9. Executive Session (PRE-COUNCIL CHAMBER) - **SEE ATTACHMENT A**
Attachment(s):
[Executive Session Agenda - Attachment A.pdf](#)

Fort Worth Pre-Council Chamber, 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 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
(PRE-COUNCIL CHAMBER, CITY HALL)
Tuesday, October 21, 2014

A. The City Council will conduct a closed meeting in order to:

1. Seek the advice of its attorneys concerning the following pending or contemplated litigation or other matters that are exempt from public disclosure under Article X, Section 9 of the Texas State Bar Rules, as authorized by Section 551.071 of the Texas Government Code:

- a. *Robert Spencer v. City of Fort Worth*, Cause No. 141-268410-13, in the 141st District Court, Tarrant County, Texas; and
- b. Legal issues concerning any item listed on today's City Council meeting agendas;

2. Deliberate the purchase, sale, lease or value of real property in accordance with Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party;

3. Deliberate concerning economic development negotiations as authorized by Section 551.087 of the Texas Government Code; and

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

B. The City Council may reconvene in open session in the Pre-Council Chamber 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, OCTOBER 21, 2014
CITY COUNCIL CHAMBER, CITY HALL
1000 THROCKMORTON STREET, FORT WORTH, TEXAS**

I. CALL TO ORDER

II. INVOCATION - Pastor Hollie Nordan, North Point Church

III. PLEDGE OF ALLEGIANCE

IV. CONSIDERATION OF MINUTES OF REGULAR MEETING OF OCTOBER 14, 2014

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-18339](#) - Adopt Public Art Plan for the 2014 Capital Improvement Program, as Recommended by the Fort Worth Art Commission (ALL COUNCIL DISTRICTS)
2. [M&C G-18340](#) - Approve Reserve Officer Appointed by the Chief of Police to Serve in a Supplementary Capacity for the Police Department (ALL COUNCIL DISTRICTS)
3. [M&C G-18341](#) - Authorize Office of Emergency Management to Apply for the Fiscal Year 2015 Emergency Management Performance Grant, and if Awarded, Authorize Execution of a Related Grant Contract with the Texas Division of Emergency Management in the Estimated Amount of \$144,426.00, Authorize Transfer in the Amount of \$144,426.00, as Required, for the City's Fifty Percent Match from the General Fund to the Grants Fund, Authorize Interfund Loan for Fiscal Year 2015 Expenditures, Authorize Transfer of Certain Funds and Eligible Grant Costs and Adopt Appropriation Ordinance (ALL COUNCIL DISTRICTS)

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

1. [M&C P-11711](#) - Authorize Sole Source Purchase Agreement with Walker Process Equipment in the Amount Up to \$100,000.00 for the First Year for Clarifier Parts and Repair for the Water Department (ALL COUNCIL DISTRICTS)

C. Land - Consent Items

1. [M&C L-15724](#) - Authorize Acquisition of a Fee Simple Interest in 0.352 Acres of Land and Two Temporary Construction Easements on 0.406 Acres of Land Located at the Northwest Corner of South Norwood Drive and Trinity Boulevard Owned by TXI Operations LP, in the Amount of \$35,300.00 for the Norwood Drive Road Improvement Project and Pay

D. Planning & Zoning - Consent Items - None

E. Award of Contract - Consent Items

1. [M&C C-27044](#) - Authorize Execution of a Communications System Agreement with the Naval Air Station Fort Worth Joint Reserve Base for Participation in the City of Fort Worth's Public Safety Radio System for Interoperable Communications in Mutual Aid or Other Multi-Agency Operations at No Cost to the City of Fort Worth (ALL COUNCIL DISTRICTS)
2. [M&C C-27045](#) - Authorize Execution of Service Contracts with Oracle America, Inc., in an Annual Amount Not to Exceed \$243,771.69 for Annual Maintenance and Support for the PeopleSoft Enterprise Human Capital Management of Enterprise Resource Planning Phase I and Related Software (ALL COUNCIL DISTRICTS)
3. [M&C C-27046](#) - Authorize Execution of Amendment to City Secretary Contract No. 45721, Community Facilities Agreement with CentrePort Venture, LP, to Add City Participation in an Amount Not to Exceed \$200,000.00 for the Relocation of Two Existing Storm Drain Facilities and the Construction of a New Storm Drain Line in the Vicinity of the Intersection of Centreport and Trinity Boulevards (COUNCIL DISTRICT 5)
4. [M&C C-27047](#) - Authorize Acceptance of a Grant from the Federal Emergency Management Agency in the Amount of \$350,000.00 for the Cooperating Technical Partners Program to Manage Floodplain Boundaries and Authorize Transfer of \$120,000.00 from the Stormwater Utility Fund to the Grant Fund for a Total Amount of \$470,000.00 (ALL COUNCIL DISTRICTS)
5. [M&C C-27048](#) - Authorize Execution of an Engineering Services Agreement as Part of the 2014 Bond Program with Transystems Corporation d/b/a Transystems Corporation Consultants, in an Amount Not to Exceed \$98,585.00 for the Preparation of Construction Plans and Specifications for the Construction of Mark IV Parkway from Interstate Highway 820 to Cantrell-Sansom Road (COUNCIL DISTRICT 2)
6. [M&C C-27049](#) - Authorize Execution of Amendment No. 5 to City Secretary Contract No. 35373, an Engineering Agreement with James DeOtte Engineering, Inc., in the Amount of \$81,198.00 for Additional Engineering Services for the Arundel Avenue Drainage Improvements Project, Thereby Revising the Total Contract Amount to \$268,783.00 (COUNCIL DISTRICT 3)
7. [M&C C-27050](#) - Authorize Execution of Change Order No. 1 to City Secretary Contract No. 45302 with S.J. Louis Construction of Texas Ltd., in the Amount of \$212,340.00 for a Revised Total Contract Amount of \$1,261,239.50 for Water Main

Relocation on State Highway 114, Part 2, from
Championship Parkway to FM 156 (COUNCIL DISTRICT 7)

8. [M&C C-27051](#) - Authorize Execution of an Interlocal Agreement with the Fort Worth Independent School District in an Amount Up to \$48,000.00 to Operate the Fort Worth After School Program at Daggett Middle School and Adopt Appropriation Ordinance (COUNCIL DISTRICT 9)

VIII. PRESENTATIONS BY THE CITY SECRETARY - CONSENT ITEMS

1. OCS - 1937 - Notice of Claims for Alleged Damages and/or Injuries

IX. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC.

1. Presentation of Proclamation of Domestic Violence Awareness Month
2. Presentation of Proclamation of the 25th Anniversary of Alliance Airport

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. A Resolution Appointing Alternates to the Mayor's Place on the Dallas-Fort Worth International Airport Board
2. A Resolution Adopting an Ordinance Establishing a Moratorium on the Acceptance of Applications for One-Family Residential Building Permits in One-Family Residential Zoning Districts in the Proposed TCU Residential Overlay District Boundary Pending Consideration of the Adoption of the TCU Residential Overlay District
3. A Resolution Appointing Cindy Brewington to the Board of Trustees of the Employees' Retirement Fund of the City of Fort Worth
4. A Resolution Designating October 21, 2014 Through November 21, 2014 as City of Fort Worth United Way Fund Raising Month
5. A Resolution Appointing the Historic Stockyards Design District Task Force
6. A Resolution Appointing the Master Thoroughfare Plan Task Force

XIV. REPORT OF THE CITY MANAGER

A. Benefit Hearing - None

B. General

1. [M&C G-18342](#) - Adopt Resolution to Accept the Walk Fort Worth Plan and Adopt by Reference Into the Comprehensive Plan (ALL COUNCIL DISTRICTS)
2. [M&C G-18343](#) - Adopt Ordinance Amending Chapter 2.5, Retirement, Article I, Employees' Retirement Fund, of the City Code to Modify Pension Benefits for Firefighters Hired Prior to January 10, 2015 (ALL COUNCIL DISTRICTS)

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

D. Land

1. [M&C L-15725](#) - Approve Timetable for Proposed Owner-Initiated Annexation and Authorize Staff to Prepare a Service Plan for Approximately 468.04 Acres of Land in Tarrant County, Commonly Known as Pate Ranch, Located Along Altamesa Boulevard, West of the Fort Worth and Western Railroad, AX-14-006, in the Far Southwest Sector, in Accordance with the 2014 Comprehensive Plan (COUNCIL DISTRICT 2)

E. Planning & Zoning - None

F. Award of Contract

1. [M&C C-27052](#) - Authorize Collective Bargaining Agreement Between City of Fort Worth, Texas and the Fort Worth Professional Firefighters Association, International Association of Fire Fighters Local 440, to Expire September 30, 2018 (ALL COUNCIL DISTRICTS)
2. [M&C C-27053](#) - Authorize Execution of Interlocal Agreement with Tarrant County for Reimbursement in the Amount of \$1,500,000.00 to the City of Fort Worth for Tarrant County Cost Participation Related to the Trinity River Vision-Central City Project, Authorize Transfer of \$441,200.00 to the Sewer Capital Projects Fund for Previous Trinity River Vision - Central City Project Sewer Relocation Costs and Adopt Appropriation Ordinances, Consistent with the City's Limitation of \$26.6 Million on Expenditures for the Trinity River Vision Project (COUNCIL DISTRICTS 2 and 9)
3. [M&C C-27054](#) - Authorize Execution of a Contract as Part of the 2014 Bond Program with Stabile & Winn, Inc., in the Amount of \$5,815,787.50 for the Reconstruction of Approximately 18.12 Lane Miles of Various Street Segments Throughout the City of Fort Worth and Provide for Contingencies, Construction Management, Surveying, Inspection, and Material Testing, for a Total Project Amount of \$7,076,487.50 (COUNCIL DISTRICTS 2, 3, 4, 5, 6, 8 and 9)
4. [M&C C-27055](#) - Authorize Application, and if Awarded, Acceptance of the Fiscal Year 2014 Homeland Security Grant from the State of Texas, Texas Department of Public Safety in the Amount of \$3,024,515.00, Approve Execution of All Applicable Grant Contracts and Adopt Appropriation Ordinance (ALL COUNCIL DISTRICTS)

XV. CITIZEN PRESENTATIONS

XVI. EXECUTIVE SESSION (PRE-COUNCIL CHAMBER) - SEE ATTACHMENT B

XVII. ADJOURNMENT

According to the City Council Rules of Procedures, individual citizen presentations shall be limited to three minutes, and group presentations shall be limited to ten minutes. At the Mayor's discretion, time limits may be reasonably extended.

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ATTACHMENT B
EXECUTIVE SESSION
(PRE-COUNCIL CHAMBER, CITY HALL)
Tuesday, October 21, 2014

A. The City Council will conduct a closed meeting in order to:

1. Seek the advice of its attorneys concerning the following pending or contemplated litigation or other matters that are exempt from public disclosure under Article X, Section 9 of the Texas State Bar Rules, as authorized by Section 551.071 of the Texas Government Code:

- a. *Robert Spencer v. City of Fort Worth*, Cause No. 141-268410-13, in the 141st District Court, Tarrant County, Texas; and
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3. Deliberate concerning economic development negotiations as authorized by Section 551.087 of the Texas Government Code; and

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

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

No Documents for this Section



Updated October 16, 2014

***City of Fort Worth
City Council Pre-Council Agenda Calendar***

October 21, 2014

3:00 p.m. Pre-Council Meeting (Note: Time Change)

- o Briefing on the City's Preparedness and Response to Ebola Concerns [*Chief Rudy Jackson, Fire, Juan Ortiz, Emergency Management and Dr. Vinny Taneja, Tarrant County Public Health*]
- o Briefing on Proposed Ordinance Establishing Moratorium on Acceptance of Single-Family Building Permit Applications for New Construction in Proposed TCU Overlay District [*Randle Harwood, Planning and Development*]
- o Aquatics Master Plan Update [*Richard Zavala, Parks and Community Services*]
- o Briefing on Fire Collective Bargaining [*Susan Alanis, City Manager's Office*]

October 28, 2014

8:30 a.m. Pre-Council Meeting

- o Update on Fort Worth Sister Cities [*Mae Ferguson, Fort Worth Sister Cities*]
- o Update on Video Conferencing [*Mary Kayser, City Secretary*]
- o Briefing on Historic Preservation Program [*Randle Harwood, Planning and Development*]
- o Briefing on Municipal Court Case Management System [*Deidra Emerson, Municipal Courts*]

November 4, 2014 (*Election Day*)

8:30 a.m. Pre-Council Meeting (Note: Time Change)

- o Briefing on Electronic Changeable Copy Signs [*Dana Burghdoff, Planning and Development*]
- o Briefing on the Fort Worth Police Department Optimal Staffing Efficiency and Effectiveness Study Conducted by the Police Executive Research Forum [*Jeff Halstead, Police*]

November 6, 2014 (*Thursday*)

5:30 p.m. Fort Worth Crime Control and Prevention District Board of Directors Meeting (Pre-Council)



Updated October 16, 2014

***City of Fort Worth
City Council Pre-Council Agenda Calendar***

November 11, 2014 **Monthly Zoning Meeting**

Audit Committee (cancelled)

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

2:00 p.m. Infrastructure & Transportation Committee

3:00 p.m. Pre-Council Meeting

Continued Items:

- **SP-14-004** - (COUNCIL DISTRICT 2 – Sal Espino) - August Stanislawski/TX Industrial Scrap, 3800 N. Commerce Street; Amend "PD-764" site plan to add permanent office for shredder. (Recommended for Approval as Amended by the Zoning Commission to update site plan to include armature radius) (**Continued from October 14, 2014 by Council Member Espino**)
 - **ZC-14-089** - (COUNCIL DISTRICT 2 – Sal Espino) - Mohammed Ali Hussain, 3404 N. Elm Street; from: "A-5" One-Family to: "ER" Neighborhood Commercial Restricted (Recommended for Approval as Amended to "ER" Neighborhood Commercial Restricted) (**Continued from October 14, 2014 by Council Member Espino**)
- o Overview of Significant Zoning Cases *[Dana Burghdoff, Planning and Development]*

November 13, 2014

9:00 a.m. – Noon City Council Transportation Workshop

November 18, 2014

8:30 a.m. Pre-Council Meeting

November 25, 2014

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



Updated October 16, 2014

City of Fort Worth
City Council Pre-Council Agenda Calendar

November 27, 2013 *(Thursday)*

City Hall Closed – Thanksgiving Holiday

November 28, 2013 *(Friday)*

City Hall Closed – Thanksgiving Holiday

December 2, 2014 **Monthly Zoning Meeting**

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

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

3:00 p.m. Pre-Council Meeting

- o Overview of Significant Zoning Cases *[Dana Burghdoff, Planning and Development]*

December 9, 2014

11:00 a.m. Audit Committee

2:00 p.m. Infrastructure & Transportation Committee

3:00 p.m. Pre-Council Meeting

- o Briefing on 4th Quarter Financial Report *[Aaron Bovos, Financial Management Services]*

December 11, 2014

9:00 a.m. – Noon Capital Workshop



Updated October 16, 2014

*City of Fort Worth
City Council Pre-Council Agenda Calendar*

December 16, 2014

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

December 23, 2014

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

December 25, 2014 *(Thursday)*

City Hall Closed – Christmas Holiday

December 30, 2014

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

January 1, 2015 *(Thursday)*

City Hall Closed – New Year's Day Holiday



City Council Meeting of October 14, 2014
Staff Action Tracking

Item #1 Response to Ebola Concerns

Due Date: October 21, 2014 Council District: ALL

Staff Action: Staff to schedule Tarrant County Public Health Director to give an in-depth presentation about Tarrant County's readiness to respond to an Ebola crisis and include the following:

 1. Report on the City's capability to assist in response to a Dallas like scenario in Fort Worth.

 · Do we have the right resources, staffing and/or training?

 · Do we have the right policies in place?

 2. Discuss what is being done to engage allies to fight a public health emergency.

 · Airports

 · Hospitals

 · Doctors' offices

 · Schools

 · Faith groups

 · Social service providers

 3. Discuss regular drills that might be needed to help find gaps or improve response.

Responsibility: Chief Rudy Jackson (Fire) and Juan Ortiz (Emergency Management)

Item #2 Single Family Building Permits

Due Date: October 21, 2014 Council District: 3,9

Staff Action: Staff to prepare an ordinance establishing a moratorium on acceptance of single family building permit application for new construction in the proposed TCU overlay district and brief Council at the October 21, 2014 Pre-Council meeting.

Responsibility: Sarah Fullenwider (Law) and Randle Harwood, Planning and Development



City Council Meeting of October 14, 2014
Staff Action Tracking

Item #3 Quality Affordable Housing for Panther Island

Due Date: December 2, 2014 Council District: 2

Staff Action: City Staff, Fort Worth Housing Authority and the Trinity River Vision stakeholders to partner and develop a plan for quality affordable housing for the proposed Panther Island and provide Council with recommendations at a Housing and Economic Development Committee meeting.

Responsibility: Jay Chapa (Housing and Economic Development)

Item #4 Coordination Between Housing and Economic Development (HED) and the Fort Worth Housing Authority (FWHA)

Due Date: December 2, 2014 Council District: 2

Staff Action: Provide a briefing at the Housing and Economic Development Committee meeting on coordination between HED and FWHA. Discuss the feasibility and desirability of merging operations.

Responsibility: Jay Chapa (Housing and Economic Development) and Naomi Byrne (Fort Worth Housing Authority)

Item #5 Fee Waivers for Community Events

Due Date: November 11, 2014 Council District: 2

Staff Action: Provide a Pre-Council briefing on fee waivers for community events.

Responsibility: Kirk Slaughter (Public Events) and Richard Zavala (Parks and Community Services)

**CITY OF FORT WORTH, TEXAS
REGULAR CITY COUNCIL MEETING
OCTOBER 14, 2014**

Present:

Mayor Betsy Price
Mayor Pro tem Salvador Espino, District 2
Council Member W.B. "Zim" Zimmerman, District 3
Council Member Daniel Scarth, District 4
Council Member Gyna Bivens, District 5
Council Member Jungus Jordan, District 6
Council Member Dennis Shingleton, District 7
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 regular session of the Fort Worth City Council to order at 7:05 p.m. on Tuesday, October 14, 2014, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas.

II. INVOCATION - Pastor Chris Wright, South Hills Baptist Church

The invocation was provided by Pastor Christ Wright, South Hills Baptist Church.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

**IV. CONSIDERATION OF MINUTES OF REGULAR MEETING OF
SEPTEMBER 23, 2014**

Mayor Price advised that she would recuse herself from voting since she was not at the September 23, 2014, meeting.

Motion: Council Member Shingleton made a motion, seconded by Council Member Bivens, that the minutes of the Regular meeting of September 23, 2014, be approved. The motion carried 8 ayes to 0 nays, with 1 recusal by Mayor Price.

V. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

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

VI. ITEMS TO BE CONTINUED OR WITHDRAWN BY STAFF

There were no items to be continued or withdrawn by staff.

VII. CONSENT AGENDA

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

A. General - Consent Items

1. M&C G-18326 - Amend Mayor and Council Communication G-18252 Regarding the Execution of a Development Agreement with Summer Sycamore I, LTD, so as to Redefine the Developer's Role in Infrastructure Construction for the Project (COUNCIL DISTRICT 6)

The City Council approved the following recommendation: Authorize the amendment of Mayor and Council Communication G-18252 regarding the execution of a Development Agreement with Summer Sycamore I, LTD, so as to redefine the developer's role in infrastructure construction to allow for Summer Sycamore I, LTD, to design and construct the horizontal infrastructure and vertical construction components required by the Summer Creek Transit-Oriented Development Sustainable Development Infrastructure Project, with all other recommendations of M&C G-18252 remaining unchanged.

2. M&C G-18327 - Authorize Payment to the Atmos Gas Cities Steering Committee in the Amount of \$38,899.60 to Fund Participation in Dockets, Rate Cases and Other Proceedings Related to Gas Utility Regulations (ALL COUNCIL DISTRICTS)

The City Council approved the following recommendation: Authorize the payment of \$38,899.60 to the Atmos Cities Steering Committee to fund participation in current and upcoming dockets, rate cases and other proceedings related to gas utility regulations.

3. M&C G-18328 - Authorize Payment in the Amount of \$31,119.68 to the Texas Coalition of Cities for Franchise Utility Issues for 2015 Membership Dues (ALL COUNCIL DISTRICTS)

The City Council approved the following recommendation: Authorize the payment in the amount of \$31,119.68 to the Texas Coalition of Cities for franchise utility issues for the City's 2015 membership dues.

4. **M&C G-18329 - Approve Findings of the Ground Transportation Coordinator Regarding Application of Du-Port Executive Luxury Sedans & Limousine Services, LLC, to Operate Three Limousines Within the City of Fort Worth and Authorize Issuance of a Vehicle for Hire Operating License (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Consider and adopt the following findings of the Ground Transportation Coordinator: Du-Port Executive Luxury Sedans & Limousine Services, LLC, has provided all information required by Section 34-241(a) of the Code of the City of Fort Worth (1986), as amended; Du-Port Executive Luxury Sedans & Limousine Services, LLC, is qualified and financially able to conduct a limousine service within the City; Du-Port Executive Luxury Sedans & Limousine Services, LLC, has complied with the requirements of Chapter 34 of the Code of the City of Fort Worth (1986), as amended; and authorize the issuance of a Vehicle for Hire Operating License to Du-Port Executive Luxury Sedans & Limousine Services, LLC, to operate three limousines on City streets for a one-year period subject to and conditioned on Du-Port Executive Luxury Sedans & Limousine Services, LLC, complying with all requirements of Chapter 34, Article VI of the Code of the City of Fort Worth (1986), as amended.

5. **M&C G-18330 - Adopt Ordinance Amending Chapter 6, Animals and Fowl, Article VI, Animal Control Impoundment: Fees, of the City Code by Amending Section 6-45, Release from Impoundment, to Correct an Incorrect Reference and to Clarify the Entities to Which Animals May be Released (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Adopt Ordinance No. 21490-10-2014 amending Chapter 6 “Animals and Fowl”, Article VI “Animal Control Impoundment; Fees”, of the Code of the City of Fort Worth, Texas (1986), as amended, by amending Section 6-45 “Release from Impoundment”, to correct an incorrect reference discovered during a comprehensive review of the City Code and to clarify the entities to which animals may be released; providing that this ordinance shall be cumulative of all prior ordinances and repeal conflicting ordinances.

6. **M&C G-18331 - Adopt Ordinance Amending Chapter 7, Buildings, of the City Code to Eliminate Section 7-78, Appeals Board, and Amending Section 7-405, Probationary Status, Suspension and Revocation of Registration, to Provide that Appeals from Decisions of the Director of Code Compliance Regarding the Probationary Status, Suspension or Revocation of the Registration of Multi-Family Dwelling Complexes Shall be Heard by a Hearing Officer Rather Than by an Appeals Board (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Adopt Ordinance No. 21491-10-2014 amending Chapter 7 "Buildings", Article IV "Minimum Building Standards Code", Division 2 "Administration", of the Code of the City of Fort Worth, Texas (1986), as amended, by eliminating Section 7-78 "Appeals Board"; by amending Chapter 7 "Buildings", Article IX "Standards, Registration, and Inspection Requirements for Multi-Family Dwelling Complexes", Division 2 "Registration and Inspections", Section 7-405 "Probationary Status, Suspension, and Revocation of Registration", to provide that appeals from decisions of the Director of Code Compliance regarding the probationary status, suspension, or revocation of the registration of multi-family dwelling complexes shall be heard by a hearing officer appointed by the City Council rather than by the Appeals Board; providing that this ordinance shall be cumulative of all prior ordinances and repeal of conflicting ordinances.

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

1. M&C P-11707 - Authorize Purchase and Installation of a Lightning Protection System from Hicks Lightning Protection in the Amount of \$56,550.00 for the Equipment Services Department (COUNCIL DISTRICT 6)

The City Council approved the following recommendation: Authorize the purchase and installation of a lightning protection system from Hicks Lightning Protection in the amount of \$56,550.00 for the Equipment Services Department.

2. M&C P-11708 - Authorize Purchase of Two Toyota Forklifts from Shoppas Material Handling, LTD, in the Amount of \$54,885.00, Using a Cooperative Contract for the Public Events and the Water Departments (ALL COUNCIL DISTRICTS)

The City Council approved the following recommendation: Authorize the purchase of two Toyota forklifts from Shoppas Material Handling, LTD, in the amount of \$54,885.00, using Texas Association of School Boards Cooperative Contract No. 373-11 for the Public Events and Water Departments.

3. M&C P-11709 - Authorize Agreement with Lantana Communications Corporation for an Amount Up to \$267,977.00 for the First Year to Upgrade the AVAYA Phone System Call Center for the Water Department Using a Cooperative Contract (ALL COUNCIL DISTRICTS)

The City Council approved the following recommendation: Authorize an agreement with Lantana Communications Corporation in an amount up to \$267,977.00 for the first year to upgrade the AVAYA phone system call center for the Water Department using State of Texas Department of Information Resources Contract No. DIR-SDD-1499.

C. Land - Consent Items

1. **M&C L-15720 - Approve Settlement of Lawsuit Entitled *City of Fort Worth vs. Vann Cattle Yards, Inc., et al.*, Cause No. 2012-002138-1, in the Amount of \$355,000.00, Plus Closing Costs in the Amount of \$3,000.00, to Acquire Property Interests for the Alliance Airport Runway Extension Project (COUNCIL DISTRICT 7)**

The City Council approved the following recommendation: Approve the settlement of all claims arising from the eminent domain lawsuit entitled *City of Fort Worth vs. Vann Cattle Yards, Inc., et al.*, Cause No. 2012-002138-1, to acquire all property interests for the Alliance Airport Runway Extension Project in the amount of \$355,000.00, plus closing costs in the amount of \$3,000.00.

2. **M&C L-15721 - Authorize Direct Sale of Five Tax-Foreclosed Properties to Multiple Buyers for a Total Sales Price of \$103,045.22, in Accordance with Section 34.05 of the Texas Tax Code (COUNCIL DISTRICTS 2, 5 and 8)**

The City Council approved the following recommendation: Authorize the direct sale of five tax-foreclosed properties described as Lot 3, Block 11, Walter Willi Subdivision Addition, located at 5301 Calumet Street, to New Christian Fellowship Church; Lot 12, Block 8, Boaz & Dillow Addition, located at 2825 Avenue E, to Texas Wesleyan University; Lot 2, Block 12, Baker Heights, located at 2119 Columbus Avenue, to Jose Armando Celestino, Jr.; Lot 5, J. Kuykendalls Subdivision, located at 3117 Panola Avenue, to Tarrant Equity, LLC; and Lot 33, Block 4, Astoria Addition, located at 3853 Stalcup Road, to Ann Newton, for a total sales price of \$103,045.22, in accordance with Section 34.05 of the Texas Tax Code; and authorize the City Manager or his designee to execute and record the appropriate instruments conveying the properties to complete the sales.

3. **M&C L-15722 - Amend Mayor and Council Communication L-15656 Regarding the Purchase of Property for the Creation of Mosier Valley Park so as to Add Tarrant County as a Seller (COUNCIL DISTRICT 5)**

The City Council approved the following recommendation: Authorize an amendment to Mayor and Council Communication L-15656 to purchase property located at Mosier Valley Road and Vine and Knapp Streets for the creation of Mosier Valley Park to add Tarrant County as a seller; authorize the acceptance and recording of the appropriate instruments; and dedicate the property as parkland upon conveyance.

D. Planning & Zoning - Consent Items

1. **M&C PZ-3069 - Adopt Ordinance Vacating a Portion of Excess Right-of-Way for Wyoming Drive and Incorporate it Into the Adjoining Lot for Forestar Real Estate Group (COUNCIL DISTRICT 7)**

The City Council approved the following recommendation: Adopt Ordinance No. 21492-10-2014 vacating and extinguishing an excess portion of Wyoming Drive, situated in Bar C Ranch, Phase 2, an addition to the City of Fort Worth, Tarrant County, Texas, and incorporate it into the adjoining lot for Forestar Real Estate Group; providing for reversion of fee in said land; the retainment of existing utility easements; repealing all ordinance in conflict herewith; and waive any and all purchase fee value of the vacated land in accordance with City Policy, Mayor and Council Communication G-15624.

2. M&C PZ-3070 - Adopt Ordinance Vacating Two Portions of Rights-of-Way Along Avondale Haslet Road for a Lot Expansion and a New Medical Office Building for Castle Development (COUNCIL DISTRICT 7)

The City Council approved the following recommendation: Adopt Ordinance No. 21493-10-2014 vacating and extinguishing two portions of Avondale Haslet Road, situated in the B.R. Lacy Survey, Abstract No. 990 of the City of Fort Worth, Tarrant County, Texas, and containing approximately respectively 29,970 and 16,516 square feet acre of land more or less, for a lot expansion and a new medical office building for Castle Development; providing for reversion of fee in said land; providing that the City shall retain all existing utilities easements; repealing all ordinances in conflict herewith; and waive any and all purchase fee value of the vacated rights-of-way in accordance with City Policy, Mayor and Council Communication G-15624.

E. Award of Contract - Consent Items

1. M&C C-27020 - Authorize Execution of a Professional Services Agreement with Adams and Zottarelli, LLC, in the Amount of \$57,000.00 for Professional Legislative Consulting Services and Representation of the City of Fort Worth on State Issues Before the Texas State Legislature, State Agencies, State Boards and Commissions and the Office of the Governor (ALL COUNCIL DISTRICTS)

The City Council approved the following recommendation: Authorize execution of a Professional Services Agreement with Adams and Zottarelli, LLC, in the amount of \$57,000.00 for professional legislative consulting services and representation of the City of Fort Worth before the Texas State Legislature, state agencies, state boards and commissions and the Office of the Governor.

2. M&C C-27021 - Authorize Execution of a Professional Services Agreement with Corley Pipes Consulting, LLC, in the Amount of \$170,000.00 for Consultation and Representation of the City of Fort Worth on Federal Legislative Issues Before Members of the United States Congress, Officials of Federal Administrative Agencies and the White House Administration (ALL COUNCIL DISTRICTS)

The City Council approved the following recommendation: Authorize execution of a contract with Corley Pipes Consulting, LLC, in the amount of \$170,000.00 for professional services involving consultation and representation before members of the United States Congress, officials of federal administrative agencies, and the White House Administration.

Mr. Miguel Ruiz, 3200 Saint Juliet, completed an undecided comment card relative to Mayor and Council Communication C-27021.

3. **M&C C-27022 - Authorize Execution of a Professional Services Agreement with Walter Fisher and Associates in the Amount of \$67,000.00 for Professional Legislative Consulting Services and Representation of the City of Fort Worth on State Issues Before the Texas State Legislature, State Agencies, State Boards and Commissions and the Office of the Governor (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize the execution of a Professional Services Agreement with Walter Fisher and Associates in the amount of \$67,000.00 for professional legislative consulting services and representation of the City of Fort Worth before the Texas State Legislature, state agencies, state boards and commissions and the Office of the Governor.

4. **M&C C-27023 - Authorize Execution of a Professional Services Agreement with Focused Advocacy, LLC, in the Amount of \$88,000.00 for Consultation and Representation on State Issues Before the Texas State Legislature, State Agencies, State Boards and Commissions and the Office of the Governor (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize the execution of an agreement with Focused Advocacy, LLC, in the amount of \$88,000.00 for professional services involving consultation and representation of the City of Fort Worth before the Texas State Legislature, state agencies, state boards and commissions and the Office of the Governor.

5. **M&C C-27024 - Authorize Execution of a Professional Services Agreement with Lawrence Collins in the Amount of \$65,000.00 for Consultation and Representation on State Issues Before the Texas State Legislature, State Agencies, State Boards and Commissions and the Office of the Governor (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize execution of a contract with Lawrence Collins in the amount of \$65,000.00 for professional services involving consultation and representation of the City of Fort Worth before the Texas State Legislature, state agencies, state boards and commissions and the Office of the Governor.

6. **M&C C-27025 - Authorize Execution of a Communications System Agreement with the City of Westworth Village for Participation in the City of Fort Worth's Public Safety Radio System for Interoperable Communications in Mutual Aid or Other Multi-Agency Operations at No Cost to the City of Fort Worth (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize the execution of a Communications System Agreement with the City of Westworth Village for participation in the City of Fort Worth's Public Safety Radio System for interoperable communications in situations involving mutual aid or other multi-agency operations at no cost to the City of Fort Worth.

7. **M&C C-27026 - Authorize Execution of a Communications System Agreement with the Texas Alcoholic Beverage Commission for Participation in the City of Fort Worth's Public Safety Radio System for Interoperable Communications in Mutual Aid or Other Multi-Agency Operations at No Cost to the City of Fort Worth (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize the execution of a Communications System Agreement with the Texas Alcoholic Beverage Commission for participation in the City of Fort Worth's Public Safety Radio System for interoperable communications in situations involving mutual aid or other multi-agency operations at no cost to the City of Fort Worth.

8. **M&C C-27027 - Adopt Appropriation Ordinance Increasing Receipts and Appropriations in the General Fund in the Amount of \$50,577.00 for the Purpose of Authorizing Execution of Amendment No. 4 to City Secretary Contract No. 42877 with Accela, Inc., for the Purchase of Automation Mobile Office Licenses for Sublicense to Third Party Inspection Services Firms, Authorize Sublicense Agreements with Various Third Party Inspection Services Firms and Authorize the Planning and Development Department to Accept Reimbursement from Those Firms (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Adopt Appropriation Ordinance No. 21494-10-2014 increasing estimated receipts and appropriations in the General Fund in the amount of \$50,577.00, from available funds, for the purpose of the purchase of automation mobile office licenses for lease to third-party inspection services firms; authorize Amendment No. 4 to City Secretary Contract No. 42877 with Accela, Inc., in the amount of \$50,577.00 for the same purpose as reflected above; and authorize Sublicense Agreements with various third-party inspection firms and authorize the Planning and Development Department to accept reimbursement from those firms.

9. **M&C C-27028 - Rescind Approval of Mayor and Council Communication C-23099, Which Authorized Execution of an Engineering Agreement with TCB, Inc., for the Design of Pedestrian and Streetscape Improvements in the Six Points Urban Village, Authorize Execution of an Engineering Services Agreement in an Amount Not to Exceed \$217,925.00 with Freese and Nichols, Inc., for the Design of Pedestrian and Streetscape Improvements in the Six Points Urban Village (COUNCIL DISTRICT 9)**

The City Council approved the following recommendation: Rescind approval of Mayor and Council Communication C-23099, which authorized execution of an Engineering Services Agreement in an amount not to exceed \$109,973.00 with TCB, Inc. currently d/b/a AECOM for the design of pedestrian and streetscape improvements in the Six Points Urban Village; and authorize the execution of an Engineering Services Agreement in an amount not to exceed \$217,925.00 with Freese and Nichols, Inc., for the same purpose as reflected above.

10. **M&C C-27029 - Authorize Execution of a Joint Election Agreement and Contract with the Tarrant County Elections Administrator for a Special Election to be Held on November 4, 2014, Approving and Implementing Resolution Number 4327-07-2014 Designating a Multipurpose Arena at the Intersection of Harley Avenue and Gendy Street and Adjacent Support Facilities as a Venue Project and Designating Methods of Financing for the Venue Project and Authorize Estimated Seventy-Five Percent Down Payment in the Amount of \$286,100.00 (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize the execution of a Joint Election Agreement and Contract with the Tarrant County Elections Administrator for election services for the special election to be held on November 4, 2014, approving and implementing Resolution No. 4327-07-2014 designating a multipurpose arena at the intersection of Harley Avenue and Gendy Street and adjacent support facilities as a venue project and designating methods of financing for the venue project; and authorize an estimated 75 percent down payment in the amount of \$286,100.00 to the Tarrant County Elections Administrator.

11. **M&C C-27030 - Authorize Execution of an Agreement with Trinity River Mitigation Bank in the Amount of \$224,000.00 for the Purchase of Stream and Wetland Mitigation Bank Credits Required for the Construction of East First Street from Beach Street to Oakland Boulevard (COUNCIL DISTRICT 4)**

The City Council approved the following recommendation: Authorize the execution of an agreement with Trinity River Mitigation Bank in the amount of \$224,000.00 for the purpose of stream and wetland mitigation bank credits required for the construction of East First Street from Beach Street to Oakland Boulevard.

12. **M&C C-27031 - Authorize Renewal of a Professional Management Services Agreement with the Arts Council of Fort Worth and Tarrant County, Inc., in the Amount of \$475,607.00 for Fiscal Year 2015 Management of the Public Art Program, Approve the Fiscal Year 2015 Annual Work Plan, Authorize Transfer from the Specially Funded Capital Projects Fund to the General Fund in the Amount of \$530,607.00 for Management of the Fort Worth Public Art Program and Maintenance of the Public Art Collection and Adopt Appropriation Ordinance (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize renewal of a Professional Services Management Agreement with the Arts Council of Fort Worth and Tarrant County, Inc., in the amount of \$475,607.00 for management of the Fiscal Year 2015 Fort Worth Public Art Program for a period of one year; approve the Fiscal Year 2015 Annual Work Plan; authorize transfer in the amount of \$530,607.00 from the Specially Funded Capital Projects Fund to the General Fund for management of the Fort Worth Public Art Program and maintenance of the public art collection; and adopt Supplemental Appropriation Ordinance No. 21495-10-2014 increasing estimated receipts and appropriations in the General Fund in the amount of \$530,607.00, from available funds, for the same purpose as reflected above.

13. **M&C C-27032 - Authorize Execution of a Public Right-of-Way Use Agreement Granting Unite Private Networks, L.L.C., a License to Construct and Operate a Private-Use Fiber Optic Data Line Crossing Houston Street and Intersecting Existing Conduit at Sixth Street and at Throckmorton Street (COUNCIL DISTRICT 9)**

The City Council approved the following recommendation: Authorize execution of a Public Right-of-Way Use Agreement with Unite Private Networks, L.L.C., for a monthly access line fee determined in accordance with state law and granting a license to construct and operate a private-use fiber optic data line crossing Houston Street (north of Fourth Street) and intersecting existing conduit at Sixth Street (between Houston and Throckmorton Streets) and Throckmorton Street (south of Seventh Street).

14. **M&C C-27033 - Authorize Provision of Water and Sanitary Sewer Service at 1.25 Times the Retail Rate to Serve Property Located at the Southwest Corner of Avondale Haslet Road and Haslet Court, in Tarrant County, Pursuant to City Code Section 35-60B, Uses Outside City (Adjacent to COUNCIL DISTRICT 7)**

The City Council approved the following recommendation: Authorize the Water Department to provide water and sanitary sewer service at 1.25 times the retail rate to serve property located at the southwest corner of Avondale Haslet Road and Haslet Court, in Tarrant County, pursuant to City Code Section 35-60B, Uses Outside City; and authorize the execution of an agreement for such services.

15. **M&C C-27034 - Authorize Execution of Change Order No. 1 to City Secretary Contract No. 45817 with William J. Schultz, Inc. d/b/a Circle "C" Construction Company in the Amount of \$480,915.00 for Clear Fork Drainage Basin M-210 Water and Sanitary Sewer Improvements, Part 4, Along the South Right-of-Way Line of Alliance Gateway Freeway, from the Alliance Gateway Freeway, North Riverside Drive Intersection, Westerly 3,000 Feet for a Revised Total Contract in the Amount of \$4,625,996.00 (COUNCIL DISTRICT 7)**

The City Council approved the following recommendation: Authorize Change Order No. 1 to City Secretary Contract No. 45817 with William J. Schultz, Inc. d/b/a Circle "C" Construction Company in the amount of \$480,915.00 for Clear Fork Drainage Basin M-210 Water and Sanitary Sewer Improvements, Part 4, along the south right-of-way line of Alliance Gateway Freeway, from the Alliance Gateway Freeway, North Riverside Drive Intersection, westerly 3,000 feet for a revised total contract in the amount of \$4,625,996.00.

16. **M&C C-27035 - Authorize Execution of Construction Contract with JLB Contracting, LLC, in the Amount of \$468,034.60 for Roadway and Drainage Improvements at Cobb Park and Adopt Appropriation Ordinances (COUNCIL DISTRICT 8)**

The City Council approved the following recommendation: Adopt Appropriation Ordinance No. 21496-10-2014 increasing estimated receipts and appropriations in the Grant Capital Projects Fund in the amount of \$67,601.30, from available funds, for the purpose of funding roadway and drainage improvements at Cobb Park; authorize the transfer of \$67,601.30 from the Grant Capital Projects Fund to the Park Gas Well Leases Fund; authorize the use of additional gas bonus and mitigation fees derived from Cobb Park in the amount of \$20,752.50; adopt Appropriation Ordinance No. 21497-10-2014 increasing estimated receipts and appropriations in the Park Gas Well Leases Fund in the amount of \$88,353.80, from available funds, for the same purpose as reflected above; and authorize the execution of a Construction Contract with JLB Contracting, LLC, in the amount of \$468,034.60 for the same purpose as reflected above.

VIII. PRESENTATIONS BY THE CITY SECRETARY - CONSENT ITEMS

1. **OCS - 1936 - Notice of Claims for Alleged Damages and/or Injuries**

End of Consent Agenda.

IX. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC.

1. **[Presentation of Proclamation for Fort Worth Firefighters Cares Enough to Wear Pink](#)**

Mayor Price presented a proclamation for Fort Worth Firefighters Cares Enough to Wear Pink campaign to Mr. Michael Glynn, First Vice-President, Firefighters Local 440.

2. Presentation of Proclamation for Goodwill Industries of Fort Worth Day

Council Member Allen Gray presented a proclamation for Goodwill Industries of Fort Worth Day to Ms. Elizabeth Butler, Vice President of Mission Services and Human Resources, Good Will Industries.

3. Presentation of Proclamation for Workforce Solutions of Tarrant County Day

Mayor Price presented a proclamation for Workforce Solutions of Tarrant County Day to Ms. Judy McDonald, Executive Director, Workforce Solutions of Tarrant County.

4. Presentation of the Lake Worth Centennial Celebration

Council Member Shingleton introduced a video presentation on the Lake Worth Centennial Celebration.

City Secretary Kayser advised that Mayor and Council Communication G-18336 was a donation and would be moved up on the agenda.

B. General

5. M&C G-18336 - Authorize Acceptance of Donations Valued at \$128,000.00 from the Fort Worth Garden Club, Inc., for Design Projects, a Survey, Landscape Improvements and a Service Vehicle for the Fort Worth Botanic Garden, Authorize Acceptance of a Monetary Gift from the Fort Worth Garden Club, Inc., in the Amount of \$44,343.00 to Fund the Salary and Benefits of a Gardener for the Fort Worth Botanic Garden, Authorize Transfer in the Amount of \$44,343.00 from the Special Trust Fund to the General Fund and Adopt Appropriation Ordinance (COUNCIL DISTRICT 7)

It was recommended that the City Council authorize the acceptance of donations valued at \$128,000.00 from the Fort Worth Garden Club, Inc., for design work associated with the restoration of the Rose Garden Shelter House, cascades in the Lower Rose Garden and the associated ramp; renovation of the garden behind the Texas Garden Clubs, Inc.'s, headquarters building; plant material and installation of the Rose Garden Colonnade western slope; a survey of the proposed Children's Garden; and a mule service vehicle that will be used to hall wedding furniture and equipment; authorize the acceptance of a monetary gift from the Fort Worth Garden Club, Inc., in the amount of \$44,343.00 for the purpose of funding, for the period of one year, the salary and benefits of a Gardener position for the Fort Worth Botanic Garden; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Special Trust Fund in the amount of \$44,343.00, subject to receipt of a monetary gift from the Fort Worth Garden Club, Inc., for the same purpose as reflected above; and authorize a transfer in the amount of \$44,343.00 from the Special Trust Fund to the General Fund.

Council Member Shingleton presented a Certificate of Recognition to Ms. Taddie Hamilton, Fort Worth Garden Club.

Motion: Council Member Shingleton made a motion, seconded by Council Member Jordan, that Mayor and Council Communication G-18336 be approved with appreciation and Appropriation Ordinance No. 21498-10-2014 be adopted. The motion carried unanimously 9 ayes to 0 nays.

X. ANNOUNCEMENTS BY CITY COUNCIL MEMBERS AND STAFF

1. Upcoming and Recent Events

Mayor Price, Mayor Pro tem Espino and Council Members Zimmerman, Bivens, Jordan, Shingleton, 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

There was no approval of ceremonial travel.

XI. PRESENTATIONS BY THE CITY COUNCIL

1. Changes in Membership on Boards and Commissions

Motion: Council Member Allen Gray made a motion, seconded by Council Member Scarth, that the following individuals be appointed/reappointed for District 8 on various boards and commissions effective October 14, 2014, and with terms expiring as follows:

Appointments:

- John Tandy to the Urban Design Commission, with a term expiring October 1, 2016

Reappointments:

- Ericka Calton to the Aviation Advisory Board, with a term expiring October 1, 2016
- Steve Epstein to the Board of Adjustment - Residential, with a term expiring October 1, 2016

- Susan De Los Santos to the Building and Standards Commission, with a term expiring September 30, 2016
- Donald Richard Boren to the City Plan Commission and Capital Improvements Advisory Committee for Transportation Impact Fees, with a term expiring October 1, 2016
- Jerome Johnson to the Community Development Council, with a term expiring October 1, 2016
- Wanda Conlin to the Zoning Commission and the Fort Worth Alliance Airport Zoning Commission, with a term expiring October 1, 2016
- Sandra Toombs to the Fort Worth Commission for Women, with a term expiring October 1, 2016
- Billy Ray Daniels, Jr., to the Historic and Cultural Landmarks Commission, with a term expiring October 1, 2016
- Lee Niata Johnson to the Parks and Community Services Advisory Board, with a term expiring October 1, 2016

The motion carried unanimously 9 ayes to 0 nays.

Motion: Council Member Scarth made a motion, seconded by Council Member Zimmerman, that Charles Edmonds be reappointed to the Zoning Commission and Fort Worth Alliance Airport Zoning Commission effective October 14, 2014, and with a term expiring October 1, 2016. The motion carried unanimously 9 ayes to 0 nays.

2. Council Proposal No. 301 - Waiver of Festival Equipment Rental Fee for the Harambee Festival

It was recommended that the City Council approve a waiver of the festival equipment rental fees for the Tarrant County Black Historical and Genealogical Society, Inc., for the Fifth Annual Tarrant County Harambee Festival to be held on October 18, 2014, at Evans Avenue Plaza.

Motion: Council Member Allen Gray made a motion, seconded by Council Member Zimmerman, that the rules be suspended so action can be taken on the proposal. The motion carried unanimously 9 ayes to 0 nays.

Motion: Council Member Allen Gray made a motion, seconded by Council Member Bivens, that Council Proposal No. 301 be approved as amended with the removal of “one-time waiver” under City Manager's Comments. The motion carried unanimously 9 ayes to 0 nays.

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

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

XIII. RESOLUTIONS

1. A Resolution Adopting the City of Fort Worth's 2015 State Legislative Program (Continued from a Previous Week)

It was recommended that the City Council adopt a resolution adopting the City of Fort Worth's 2015 State Legislative Program.

Ms. Cindy Boling, 4717 Norma Street, appeared before Council in support of the resolution adopting the City of Fort Worth's 2015 State Legislative Program.

Motion: Council Member Scarth made a motion, seconded by Council Member Shingleton, that Resolution No. 4365-10-2014 be adopted. The motion carried unanimously 9 ayes to 0 nays.

2. A Resolution Appointing Russell Fuller to the Board of Directors of Tax Increment Reinvestment Zone Number Seven, City of Fort Worth, Texas and Acknowledging the Appointment of the Other Current Members of the Board (North Tarrant Parkway TIF)

It was recommended that the City Council adopt a resolution appointing Russell Fuller to the Board of Directors of Tax Increment Reinvestment Zone No. 7, City of Fort Worth, Texas, effective October 14, 2014, and with a term expiring December 31, 2015, and acknowledging the appointment of the other current members of the Board (North Tarrant Parkway TIF).

Motion: Council Member Scarth made a motion, seconded by Council Member Shingleton, that Resolution No. 4366-10-2014 be adopted. The motion carried unanimously 9 ayes to 0 nays.

3. A Resolution of the City Council of the City of Fort Worth, Texas Canceling the Regularly Scheduled City Council Meeting on Tuesday, December 16, 2014

It was recommended that the City Council adopt a resolution of the City Council of the City of Fort Worth, Texas, canceling the regularly scheduled City Council meeting on Tuesday, December 16, 2014.

Motion: Council Member Shingleton made a motion, seconded by Council Member Zimmerman, that Resolution No. 4367-10-2014 be adopted. The motion carried unanimously 9 ayes to 0 nays.

XIV. ZONING HEARING

The Notice of Special Hearing set today as the date for the hearing in connection with recommended changes and amendments to Zoning Ordinance No. 13896 and that notice of the hearing had been given by publication in the *Fort Worth Star-Telegram*, the official newspaper of the City of Fort Worth, on September 21, 2014.

1. ZC-14-065 - (CD 2) - Gustavo Castaneda, 201 NW 23rd Street; from: "A-5" One-Family to: "PD/ER" Planned Development for all uses in "ER" Neighborhood Commercial Restricted; site plan included. (Recommended for Approval as Amended by the Zoning Commission with revised site plan)

Mr. Christopher Bonilla, 3800 Byers Avenue, completed a speaker card in support of Zoning Docket ZC-14-065 and was recognized by Mayor Price but did not wish to address Council.

Motion: Mayor Pro tem Espino made a motion, seconded by Council Member Bivens, that Zoning Docket ZC-14-065 be approved. The motion carried unanimously 9 ayes to 0 nays.

The City Council, at its meeting of August 5, 2014, continued Site Plan SP-14-004:

2. SP-14-004 - (CD 2) - August Stanislawski/TX Industrial Scrap, 3800 N. Commerce Street; Amend "PD-764" site plan to add permanent office for shredder. (Recommended for Approval as Amended by the Zoning Commission to update site plan to include armature radius) (Continued from a Previous Meeting)

Motion: Mayor Pro tem Espino made a motion, seconded by Council Member Shingleton, that Site Plan SP-14-004 be continued to the November 11, 2014, Council meeting. The motion carried unanimously 9 ayes to 0 nays.

The City Council, at its meeting of September 9, 2014, continued Zoning Docket ZC-14-089:

3. ZC-14-089 - (CD 2) - Mohammed Ali Hussain, 3404 N. Elm Street; from: "A-5" One-Family to: "ER" Neighborhood Commercial Restricted (Recommended for Approval as Amended by the Zoning Commission to "ER" Neighborhood Commercial Restricted) (Continued from a Previous Meeting)

Motion: Mayor Pro tem Espino made a motion, seconded by Council Member Shingleton, that Zoning Docket ZC-14-089 be continued to the November 11, 2014, Council meeting. The motion carried unanimously 9 ayes to 0 nays.

4. ZC-14-093 - (CD 8) - Ruben Villagomez, 2317 Oakland Boulevard; from: "ER/HC" Neighborhood Commercial Restricted/Historic & Cultural to: "E/HC" Neighborhood Commercial/Historic & Cultural (Recommended for Approval by the Zoning Commission)

Mr. Javier Villagomez, 5016 Glen Park, completed a speaker card in support of Zoning Docket ZC-14-093 and was recognized by Mayor Price but did not wish to address Council.

Motion: Council Member Allen Gray made a motion, seconded by Council Member Zimmerman, that Zoning Docket ZC-14-093 be approved. The motion carried unanimously 9 ayes to 0 nays.

The City Council, at its meeting of September 9, 2014, continued Zoning Docket ZC-14-094:

5. ZC-14-094 - (CD 7) - Phase III Investments, L. P., 12749 NW Highway 287; from: "AG" Agricultural to: "A-5" One-Family and "C" Medium Density Multifamily (Recommended for Approval by the Zoning Commission) (Continued from a Previous Meeting)

Mr. Jim Schell, 500 West 7th Street, Suite 600, completed an undecided comment card relative to Zoning Docket ZC-14-094.

Motion: Council Member Shingleton made a motion, seconded by Council Member Zimmerman, that Zoning Docket ZC-14-094 be denied without prejudice. The motion carried unanimously 9 ayes to 0 nays.

6. ZC-14-095 - (CD 6) - FM 1187 Partners, LP, 401 W. Rendon Crowley Road; from: "A-5" One-Family and "PD-548" Planned Development for "FR" General Commercial Restricted uses excluding tattoo parlors and pawn shops; site plan waived to: Amend "PD-548" Planned Development to include mini-storage; site plan included for mini-storage use. (Recommended for Denial without Prejudice by the Zoning Commission)

Motion: Council Member Jordan made a motion, seconded by Council Member Bivens, that Zoning Docket ZC-14-095 be denied. The motion carried unanimously 9 ayes to 0 nays.

7. ZC-14-098 - (CD 2) - James R. Claunch, 1321 N. Houston; from: "A-5" One-Family to: "E" Neighborhood Commercial (Recommended for Approval by the Zoning Commission)

Motion: Mayor Pro tem Espino made a motion, seconded by Council Member Bivens, that Zoning Docket ZC-14-098 be approved. The motion carried unanimously 9 ayes to 0 nays.

City Secretary Kayser advised that Zoning Docket ZC-14-104 and Mayor and Council Communication G-18334 would be heard under one motion.

The City Council, at its meeting of September 9, 2014, continued Zoning Docket ZC-14-104:

- 8. ZC-14-104 - (CD-ALL) - City of Fort Worth Planning & Development: Text Amendment: Game Rooms and Gaming; An ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as Amended, Codified as Appendix "A" of the Code of the City of Fort Worth, by Amending: Article 3 'Planned Development ("PD") District" to add game rooms in Section 4.305; Section 4.800 "Nonresidential District Use Table" and 4.1200 "Form Based Districts Use Table" to add game rooms by Planned Development District; and Chapter 9, "Definitions", Section 9.101, "Defined Terms" (Recommended for Approval by the Zoning Commission for the August 13 Draft of Ordinance) (Continued from a Previous Meeting)**
- 3. M&C G-18334 - Adopt Ordinance Amending Chapter 20, Licenses and Miscellaneous Business Regulations, Article II, Amusements of the Code of the City of Fort Worth to Add Division 6, Game Rooms and Amusement Redemption Machines to Regulate the Conduct of Game Rooms (ALL COUNCIL DISTRICTS)**

It was recommended that the City Council adopt a text amendment ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as amended, codified as Appendix "A" of the Code of the City of Fort Worth, by amending Chapter 4 "District Regulations", to amend Article 3 "Planned Development ("PD") District", to add game rooms in Section 4.305; to amend Sections 4.800 "Nonresidential District Use Table", and 4.1200 "Form Based Districts Use Table", to add game rooms by Planned Development District; to amend Chapter 9 "Definitions", Section 9.101 "Defined Terms", to add definitions related to game rooms; and adopt an ordinance amending Article II "Amusements", of Chapter 20 "Licenses and Miscellaneous Business Regulations", of the Code of the City of Fort Worth, to add Division 6 entitled "Game Rooms and Amusement Redemption Machines", to regulate the conduct of game rooms within the City by establishing a licensing and regulatory process for game rooms and amusement redemption machines; and add an occupation tax.

The following individuals appeared before Council in support of Zoning Docket ZC-14-104 and Mayor and Council Communication G-18334:

Ms. Cindy Boling, 4717 Norma Street
Mr. Mike Phipps, 4451 Normandy

The following individuals appeared before Council in opposition to Zoning Docket ZC-14-104:

Mr. Quin Chandler, 1012 Ohio Court, Kennedale, Texas
Ms. Lisa Scott, 2833 Putnam

Mr. Brian Scott, 2833 Putnam, completed a speaker card in opposition to Zoning Docket ZC-14-104 and was recognized by Mayor Price but did not wish to address Council.

Mr. Michael Sanford, 4132 Benmar Street, appeared before Council undecided relative to Zoning Docket ZC-14-104.

Motion: Council Member Scarth made a motion, seconded by Council Member Allen Gray, that Zoning Docket ZC-14-104 and Mayor and Council Communication G-18334 be approved with appreciation to staff, with the following changes listed below, and Ordinance Nos. 21499-10-2014 (Text Amendment) and 21500-10-2014 be adopted:

- Remove the references to “public” and “open to the public” from both ordinances;
- Add “designated” to parking requirement in zoning ordinance; and
- Amend language related to site plan and alcohol sales requirements to delete the reference to “applicant” and make both ordinances consistent.

The motion carried unanimously 9 ayes to 0 nays.

9. ZC-14-105 - (CD 7) - Gary and Deborra Baker, 7000 Block Eagle Ranch Boulevard; from: "A-5" and "E" Neighborhood Commercial to: "A-5" One-Family (Recommended for Approval by the Zoning Commission)

Motion: Council Member Shingleton made a motion, seconded by Council Member Bivens, that Zoning Docket ZC-14-105 be approved. The motion carried unanimously 9 ayes to 0 nays.

10. ZC-14-106 - (CD 3) - John Glenn Jr. & River Ranch Building Corporation, 4429 Bellaire Drive S.; from: "FR" General Commercial Restricted to: "F" General Commercial (Recommended for Approval by the Zoning Commission)

Motion: Council Member Zimmerman made a motion, seconded by Council Member Shingleton, that Zoning Docket ZC-14-106 be approved. The motion carried unanimously 9 ayes to 0 nays.

11. ZC-14-107 - (CD 4) - KB Newell, KD & G Consolidated, Tarrant Acquisitions LTD, 7090 Enterprise Avenue; from: "AG" Agricultural, "G" Intensive Commercial, and "PD-359" Planned Development for "J" Medium Industrial uses with no outside storage of manufacturing supplies, materials or by-products; site plan waived to: "PD/SU" Planned Development/Specific Use for valley storage, mining/excavation and associated uses, gas wells, gas compressors and associated uses, tree farms with "I" Light Industrial development standards; site plan included. (Recommended for Approval by the Zoning Commission)

Mr. Dennis Hopkins, 2131 North Collins Street, Suite 433-637, Arlington, Texas, appeared before Council in support of Zoning Docket ZC-14-107.

Mr. Jim Ashford, 6209 Riverview Circle, appeared before Council in opposition to Zoning Docket ZC-14-107.

The following individuals completed comment cards in opposition to Zoning Docket ZC-14-107:

Mr. David Mack, 5824 River Meadows Place
Mr. Binh Nguyen, 5840 Forest River Drive
Mr. Walter Williams, 6001 Forest Lane
Ms. Barbara Maberry, 5828 Forest Bend Place
Mr. John Brancato, 5817 Forest River Drive
Ms. Beckey Crow, 5972 Riverbend Place
Mr. Archie Crow, 5972 Riverbend Place
Ms. Susanne Stuecheli, 6209 Riverview Circle
Ms. Tuyen Diep, 5801 Forest Bend Place
Mr. Masood Parvaze, 5964 Riverbend Place

Motion: Council Member Scarth made a motion, seconded by Council Member Bivens, that Zoning Docket ZC-14-107 be approved. The motion carried 8 ayes to 1 nay, with Council Member Zadeh casting the dissenting vote.

12. ZC-14-108 - (CD 8) - James Jacobson, 2735 & 2737 Purington Avenue; from: "B" Two-Family to: "PD/B" Planned Development for all uses in "B" Two-Family plus a fourplex; site plan included. (Recommended for Approval by the Zoning Commission)

Motion: Council Member Allen Gray made a motion, seconded by Council Member Scarth, that Zoning Docket ZC-14-108 be approved. The motion carried unanimously 9 ayes to 0 nays.

13. SP-14-008 - (CD 7) - Brandon Baudin, 516 W. Bonds Ranch Road; to: Amend Site Plan for "PD-911" Planned Development for "E" Neighborhood Commercial uses plus one-family residential to allow products consistent with a farmers market to be conducted by the resident only on tables in certain locations, parking provided on improved surfaces to add an animal medical clinic. (Recommended for Approval by the Zoning Commission)

The following individuals completed speaker cards in support of Site Plan SP-14-008 and were recognized by Mayor Price but did not wish to address Council:

Mr. John Wigginton, 5328 Alta Loma Drive
Ms. Ludy Callahan, 4984 CR 4010, Decatur, Texas
Ms. Kaye Wigginton, DVM, 5328 Alta Loma Drive

Motion: Council Member Shingleton made a motion, seconded by Council Member Allen Gray, that Site Plan SP-14-008 be approved. The motion carried unanimously 9 ayes to 0 nays.

14. ZC-14-111 - (CD 9) - Optical Specialists, 1204 High Street; from: "ER" Neighborhood Commercial Restricted to: "A-5" One-Family (Recommended for Approval by the Zoning Commission)

Mr. Brett Valderas, 6841 Virginia Parkway, McKinney, Texas, completed a comment card in support of Zoning Docket ZC-14-111.

Motion: Council Member Zadeh made a motion, seconded by Council Member Zimmerman, that Zoning Docket ZC-14-111 be approved. The motion carried unanimously 9 ayes to 0 nays.

15. ZC-14-112 - (CD 7) - Christ's Haven for Children, Inc., 5200 Block W. Caylor Road; from: "CF" Community Facilities to: "A-7.5" One-Family (Recommended for Approval by the Zoning Commission)

The following individuals completed speaker cards in support of Zoning Docket ZC-14-112 and were recognized by Mayor Price but did not wish to address Council:

Mr. Ben Luedtke, 3001 Knox Street, Dallas, Texas
Mr. Jim Schell, 500 West 7th Street, Suite 600

Motion: Council Member Shingleton made a motion, seconded by Council Member Zimmerman, that Zoning Docket ZC-14-112 be approved. The motion carried unanimously 9 ayes to 0 nays.

16. SP-14-009 - (CD 3) - Jaiambe Maa Investment, LLC, 2600 South Cherry Lane; to: Amend site plan for PD-984 to expand the height of the hotel. (Recommended for Approval by the Zoning Commission)

Motion: Council Member Zimmerman made a motion, seconded by Council Member Scarth, that Site Plan SP-14-009 be approved. The motion carried unanimously 9 ayes to 0 nays.

17. ZC-14-113 - (CD 8) - City of Fort Worth Planning & Development, 1409-1509 Illinois Avenue; from: "PD-1002" Planned Development for Friary Residence; site plan included to: "A-5" One-Family (Recommended for Approval by the Zoning Commission)

Motion: Council Member Allen Gray made a motion, seconded by Council Member Scarth, that Zoning Docket ZC-14-113 be approved. The motion carried unanimously 9 ayes to 0 nays.

18. ZC-14-114 - (CD 9) - City of Fort Worth Planning & Development: Petition, 2500 Block Boyd Avenue; from: "B" Two-Family to: "A-7.5" One-Family (Recommended for Approval by the Zoning Commission)

Ms. Pam Drenner, 2534 Boyd Avenue, appeared before Council in support of Zoning Docket ZC-14-114.

Motion: Council Member Zadeh made a motion, seconded by Council Member Bivens, that Zoning Docket ZC-14-114 be approved. The motion carried unanimously 9 ayes to 0 nays.

19. ZC-14-115 - (CD 9) - City of Fort Worth Planning & Development: Petition, 2500 Block Stadium Drive; from: "B" Two-Family to: "A-5" One-Family (Recommended for Approval by the Zoning Commission)

Motion: Council Member Zadeh made a motion, seconded by Council Member Zimmerman, that Zoning Docket ZC-14-115 be approved. The motion carried unanimously 9 ayes to 0 nays.

City Secretary Kayser advised that Zoning Dockets ZC-14-116 through ZC-14-126 were surplus properties and would be handled under one motion.

20. ZC-14-116 - (CD 8) - City of Fort Worth Planning & Development, 3117 Panola Avenue; from: "F" General Commercial to: "E" Neighborhood Commercial (Recommended for Approval by the Zoning Commission)

21. ZC-14-117 - (CD 8) - City of Fort Worth Planning & Development, 3321 Chenault Street; from: "B" Two-Family to: "A-5" One-Family (Recommended for Approval by the Zoning Commission)

22. ZC-14-118 - (CD 8) - City of Fort Worth Planning & Development, 1615 Belzise Terrace; from: "B" Two-Family to: "A-5" One-Family (Recommended for Approval by the Zoning Commission)

23. ZC-14-119 - (CD 8) - City of Fort Worth Planning & Development, 204 Paradise Street; from: "B" Two-Family to: "A-5" One-Family (Recommended for Approval by the Zoning Commission)

24. ZC-14-120 - (CD 8) - City of Fort Worth Planning & Development, 504 Paradise Street; from: "B" Two-Family to: "A-5" One-Family (Recommended for Approval by the Zoning Commission)
25. ZC-14-121 - (CD 5) - City of Fort Worth Planning & Development, 5805 Whittlesey Road; from: "B" Two-Family to: "A-5" One-Family (Recommended for Approval by the Zoning Commission)
26. ZC-14-122 - (CD 9) - City of Fort Worth Planning & Development, 3618 College Avenue; from: "B" Two-Family to: "A-5" One-Family (Recommended for Approval by the Zoning Commission)
27. ZC-14-123 - (CD 3) - City of Fort Worth Planning & Development, 5400 Blackmore Avenue; from: "B" Two-Family and "A-5" One-Family to: "A-5" One-Family (Recommended for Approval by the Zoning Commission)
28. ZC-14-124 - (CD 9) - City of Fort Worth Planning & Development, 1003 Woodland Avenue; from: "B" Two-Family to: "A-5" One-Family (Recommended for Approval by the Zoning Commission)
29. ZC-14-125 - (CD 2) - City of Fort Worth Planning & Development, 3617 & 3619 N. Pecan Street; from: "B" Two-Family to "A-5" One-Family (Recommended for Approval by the Zoning Commission)
30. ZC-14-126 - (CD 2) - City of Fort Worth Planning & Development, 3604 & 3606 N. Grove; from: "K" Heavy Industrial to: "I" Light Industrial (Recommended for Approval by the Zoning Commission)

Motion: Council Member Allen Gray made a motion, seconded by Mayor Pro tem Espino, that Zoning Dockets ZC-14-116 through ZC-14-126 be approved. The motion carried unanimously 9 ayes to 0 nays.

There being no one else present desiring to be heard in connection with the recommended changes and amendments pertaining to Zoning Ordinance No. 13896 for the above listed cases, Council Member Allen Gray made a motion, seconded by Mayor Pro tem Espino, that the hearing be closed and Ordinance No. 21501-10-2014 be adopted. The motion carried unanimously 9 ayes to 0 nays.

XV. REPORT OF THE CITY MANAGER

B. General

- [1. M&C G-18332 - Authorize Transfer of Gas-Related Revenues in the Amount of \\$673,569.66 from Various Funds to the General Fund for Reimbursement of Expenses Associated with the Management of City-Owned Minerals in Fiscal Year 2014 and Adopt Appropriation Ordinance \(ALL COUNCIL DISTRICTS\)](#)

It was recommended that the City Council adopt an appropriation ordinance increasing estimated receipts and appropriations for Fiscal Year 2014 in the Airports Gas Lease Project Fund by \$117,805.23; Aviation Endowment Gas Lease Fund by \$117,216.05; Capital Projects Reserve Fund by \$91,592.77; General Endowment Gas Lease Fund by \$85,991.92; Park Gas Lease Project Fund by \$25,732.83; Park System Endowment Gas Lease Fund by \$20,568.52; Golf Gas Lease Capital Project Fund by \$11,859.85; Lake Worth Gas Lease Capital Improvement Fund by \$112,649.33; Water and Sewer Gas Lease Capital Projects Fund by \$66,707.42; and the Water and Sewer Endowment Gas Lease Fund by \$22,150.06, from available funds, subject to approval of \$1,295.68 in total expenses by the boards of the Housing Finance Corporation (HFC), Local Development Corporation (LDC), and Central City Local Government Corporation (CCLGC), for the purpose of reimbursing the General Fund for administrative costs of management of City-owned mineral interest properties; and authorize the transfer of \$673,569.66 from gas-related revenue to the General Fund, subject to approval of \$1,295.68 in total expenses by the boards of the HFC, LDC and CCLGC, for the same purpose as reflected above.

Motion: Mayor Pro tem Espino made a motion, seconded by Council Member Shingleton, that Mayor and Council Communication G-18332 be approved and Appropriation Ordinance No. 21502-10-2014 be adopted. The motion carried unanimously 9 ayes to 0 nays.

2. M&C G-18333 - Authorize Payment to the Steering Committee of Oncor Electric Delivery Service Area Cities in the Amount of \$77,799.20 to Fund Participation in Current and Upcoming Dockets and Proceedings Related to Electric Utility Regulation at the Texas Legislature and State Regulatory Entities (ALL COUNCIL DISTRICTS)

It was recommended that the City Council authorize payment to the Steering Committee of Oncor Electric delivery service area cities in the amount of \$77,799.20 to fund participation in current and upcoming electric utility dockets and other proceedings related to electric utility regulation at the Texas Legislature and state regulatory entities.

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

Motion: Council Member Bivens made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication G-18333 be approved. The motion carried 8 ayes to 0 nays, with 1 abstention by Council Member Scarth.

4. M&C G-18335 - Adopt Resolution Authorizing Employment of Moses, Palmer and Howell, L.L.P., as Outside Counsel to Advise the City on Oil and Gas Mineral Lease Provisions Related to Gas Marketing, and Authorizing Payment of Counsel Fees in an Amount Not to Exceed \$3,000.00 (ALL COUNCIL DISTRICTS)

It was recommended that the City Council adopt a resolution authorizing the employment of Moses, Palmer, and Howell, L.L.P., as outside legal counsel to advise the City on legal issues related to oil and gas mineral leases and gas marketing, and authorizing payment of counsel fees in an amount not to exceed \$3,000.00.

Motion: Mayor Pro tem Espino made a motion, seconded by Council Member Shingleton, that Mayor and Council Communication G-18335 and Resolution No. 4368-10-2014 be adopted. The motion carried unanimously 9 ayes to 0 nays.

6. M&C G-18337 - Approve Initial Implementation and Allocation Plan for the 2014 Bond Program, Proposition Two: Parks, Recreation, and Community Center Improvements, Athletic Field Development, Additional Athletic Fields in Fort Worth for the Full Bond-Funded Allocated Amount of \$1,841,600.00 (ALL COUNCIL DISTRICTS)

It was recommended that the City Council approve the Initial Implementation and Allocation Plan for the 2014 Bond Program, Proposition Two: Parks, recreation, and community center improvements, athletic field development, additional athletic fields for the full Bond-funded allocated amount of \$1,841,600.00.

Motion: Council Member Shingleton made a motion, seconded by Mayor Pro tem Espino, that Mayor and Council Communication G-18337 be approved. The motion carried unanimously 9 ayes to 0 nays.

7. M&C G-18338 - Ratify Application for and Authorize Acceptance of a Morningside Briscoe Parent Engagement Collaboration Grant from the Miles Foundation, the Morris Foundation and the Rainwater Charitable Foundation in the Amount of \$19,318.00, Authorize Execution of the Grant Agreements, Authorize an In-Kind Match in an Amount Up to \$17,800.00, Authorize Use of Anticipated Interest in an Amount Up to \$50.00, Authorize Execution of an Interlocal Agreement with Fort Worth Independent School District in the Amount Up to \$7,500.00 for School Library Operation on Saturdays and Adopt Appropriation Ordinance (COUNCIL DISTRICTS 8 and 9)

It was recommended that the City Council ratify the application for and authorize acceptance of a Morningside Briscoe Parent Engagement Project Grant from the Miles Foundation, the Morris Foundation and the Rainwater Charitable Foundation for the Library Department for a period of October 1, 2014, through July 31, 2015, in the total amount of \$19,318.00; authorize the execution of the related Grant Agreements with each of the Foundations; authorize the City to provide an in-kind match in an amount up to \$17,800.00; authorize the use of anticipated interest in an amount up to \$50.00; authorize the execution of an Interlocal Agreement with Fort Worth Independent School District in the amount up to \$7,500.00 for the operation of the Briscoe Elementary School Library on Saturdays from October 18, 2014, through the duration of the Morningside Briscoe Parent Engagement Project; and adopt an appropriation ordinance increasing estimated receipts and appropriations in the Grants Fund in the amount of \$37,168.00, which includes \$19,318.00 of Morningside Briscoe Parent Engagement Collaboration Grant Funds, \$17,800.00 in programs as the City's in-kind match, and \$50.00 of use of anticipated interest, all subject to receipt of a Morningside Briscoe Parent Engagement Collaboration Grant from the Miles Foundation, the Morris Foundation, and the Rainwater Charitable Foundation, for the purpose of supporting parent engagement/education efforts in the Morningside Neighborhood for families with children ages birth to five years old.

Motion: Council Member Allen Gray made a motion, seconded by Council Member Zadeh, that Mayor and Council Communication G-18338 be approved and Appropriation Ordinance No. 21503-10-2014 be adopted. The motion carried unanimously 9 ayes to 0 nays.

C. Purchase of Equipment, Materials, and Services

1. M&C P-11710 - Authorize Purchase Agreement for Lease of Concrete Mixer Trucks and Operators with H & H Pool Deck d/b/a H & H Concrete on Demand, in an Annual Amount Up to \$1,200,000.00 for the Water Department (ALL COUNCIL DISTRICTS)

It was recommended that the City Council authorize a Purchase Agreement for lease of concrete mixer trucks and operators with H & H Pool Deck d/b/a H & H Concrete on Demand, in an annual amount up to \$1,200,000.00 for the Water Department.

Motion: Council Member Zimmerman made a motion, seconded by Mayor Pro tem Espino, that Mayor and Council Communication P-11710 be approved. The motion carried unanimously 9 ayes to 0 nays.

D. Land

1. M&C L-15723 - Amend Mayor and Council Communication L-15455 to Authorize Condemnation by Eminent Domain for 0.5479 Acres of Land for a Permanent Drainage Easement and 0.9353 Acres of Land for a Temporary Construction Easement, Located at 5500 Randol Mill Road on the Woodhaven Country Club Golf Course, Owned by WCC Partners, LP, for the Oakwood Trail Storm Drain Extension Project (COUNCIL DISTRICT 4)

It was recommended that the City Council amend Mayor and Council Communication L-15455 to authorize condemnation by eminent domain for 0.5479 acres of land for a permanent drainage easement and 0.9353 acres of land for a temporary construction easement, located at 5500 Randol Mill Road on the Woodhaven Country Club Golf Course, owned by WCC Partners, LP, for the Oakwood Trail Storm Drain Extension Project; declare that negotiations between the City and the landowner were unsuccessful due to the inability to agree on a purchase price to acquire the 0.5479 acres of land for a permanent drainage easement and the 0.9353 acres of land for a temporary construction easement; declare the necessity to acquire the described easement interests in the subject property for the Oakwood Trail Storm Drain Extension Project, for the purpose of replacing an open ditch, which collects standing water, with an underground pipe; authorize the City Attorney to institute condemnation by eminent domain proceedings to acquire the described easement interests in the property; authorize payment pursuant to an award of commissioners or negotiated settlement; and authorize the acceptance and recording of appropriate instruments.

Motion: Council Member Scarth made a motion, seconded by Council Member Zimmerman, that the Fort Worth City Council approve Mayor and Council Communication L-15723 to amend M&C L-15455 to authorize use of the power of eminent domain to acquire a 0.5479 acre permanent drainage easement and a 0.9353 acre temporary construction easement from property located at 5500 Randol Mill Road on the Woodhaven Country Club Golf Course, Lot 1, Tarrant County, Texas, from owner WCC Partners, L.P. The land rights will be used for the Oakwood Storm Drain Extension Project for the City to replace the existing open ditch with an underground pipe. The easement interests are more specifically described in the metes and bounds, and depicted in the survey attached to this Mayor and Council Communication. The motion carried unanimously 9 ayes to 0 nays.

F. Award of Contract

1. M&C C-27036 - Authorize Execution of a Contract with the Arts Council of Fort Worth and Tarrant County, Inc., in the Amount of \$1,377,500.00 from the General Fund to Promote Artistic and Cultural Activities for Fiscal Year 2015 (ALL COUNCIL DISTRICTS)

It was recommended that the City Council authorize execution of a contract with the Arts Council of Fort Worth and Tarrant County, Inc., in the amount of \$1,377,500.00 from the General Fund to promote artistic and cultural activities for Fiscal Year 2015.

Motion: Mayor Pro tem Espino made a motion, seconded by Council Member Zadeh, that Mayor and Council Communication C-27036 be approved. The motion carried unanimously 9 ayes to 0 nays.

2. M&C C-27037 - Authorize Execution of a Contract with United Way of Tarrant County in the Amount of \$210,750.00 to Fund Various Organizations and Coordinate Area Agencies and Social Service Programs for the Benefit of the Entire Fort Worth Community for Fiscal Year 2015 (ALL COUNCIL DISTRICTS)

It was recommended that the City Council authorize the execution of a contract with United Way of Tarrant County in the amount of \$210,750.00 to fund various organizations and coordinate area agencies and social service programs for the benefit of the entire Fort Worth community for Fiscal Year 2015.

Motion: Mayor Pro tem Espino made a motion, seconded by Council Member Scarth, that Mayor and Council Communication C-27037 be approved. The motion carried unanimously 9 ayes to 0 nays.

3. M&C C-27038 - Authorize Execution of a Five-Year Tax Abatement Agreement with Precision Projects International, LLC, to Redevelop the Historic Parker Browne Building for Retail and Office Use Located at 1212 E. Lancaster Avenue in the Evans and Rosedale Neighborhood Empowerment Zone (COUNCIL DISTRICT 8)

It was recommended that the City Council authorize the execution of a Five-Year Tax Abatement Agreement with Precision Projects International, LLC, to redevelop the historic Parker Browne Building for retail and office use located at 1212 East Lancaster Avenue in the Evans and Rosedale Neighborhood Empowerment Zone, in accordance with the Neighborhood Empowerment Zone Tax Abatement Policy and Basic Incentives.

Motion: Council Member Allen Gray made a motion, seconded by Mayor Pro tem Espino, that Mayor and Council Communication C-27038 be approved. The motion carried unanimously 9 ayes to 0 nays.

4. M&C C-27039 - Authorize Execution of a Five-Year Tax Abatement Agreement with LMP Realty, Inc., for the Construction of a Warehouse on Property Located at 1700 Meacham Boulevard in the 28th Street/Meacham Neighborhood Empowerment Zone (COUNCIL DISTRICT 2)

It was recommended that the City Council authorize the execution of a Five-Year Tax Abatement Agreement with LMP Realty, Inc., for the construction of a warehouse on property located at 1700 Meacham Boulevard in the 28th Street/Meacham Neighborhood Empowerment Zone, in accordance with the Neighborhood Empowerment Zone Tax Abatement Policy and Basic Incentives.

Motion: Mayor Pro tem Espino made a motion, seconded by Council Member Shingleton, that Mayor and Council Communication C-27039 be approved. The motion carried unanimously 9 ayes to 0 nays.

5. M&C C-27040 - Authorize Execution of a Five-Year Tax Abatement Agreement with VCB Property, LP, for the Construction of a Sprouts Market on Property Located at 6300 Waverly Way in the Ridglea Village/Como Neighborhood Empowerment Zone (COUNCIL DISTRICT 3)

It was recommended that the City Council authorize the execution of a Five-Year Tax Abatement Agreement with VCB Property, LP, for the construction of a Sprouts Market on property located at 6300 Waverly Way in the Ridglea Village/Como Neighborhood Empowerment Zone, in accordance with the Neighborhood Empowerment Zone Tax Abatement Policy and Basic Incentives.

Motion: Council Member Zimmerman made a motion, seconded by Council Member Shingleton, that Mayor and Council Communication C-27040 be approved. The motion carried unanimously 9 ayes to 0 nays.

6. M&C C-27041 - Authorize Execution of a Five-Year Tax Abatement Agreement with VCB Property, LP, for the Construction of a Retail Center on Property Located at 6324 Waverly Way in the Ridglea Village/Como Neighborhood Empowerment Zone (COUNCIL DISTRICT 3)

It was recommended that the City Council authorize of a Five-Year Tax Abatement Agreement with VCB Property, LP, for the construction of a retail center on property located at 6324 Waverly Way in the Ridglea Village/Como Neighborhood Empowerment Zone, in accordance with the Neighborhood Empowerment Zone Tax Abatement Policy and Basic Incentives.

Motion: Council Member Zimmerman made a motion, seconded by Mayor Pro tem Espino, that Mayor and Council Communication C-27041 be approved. The motion carried unanimously 9 ayes to 0 nays.

7. M&C C-27042 - Authorize Renewal of Three Interlocal Agreements with Tarrant County for Construction Costs to Realign Harley Avenue in the Amount of \$3,213,653.50, Reconstruct East Rosedale Street in the Amount of \$7,994,000.00 and for Improvements to Ten Traffic Signals Along State Highway 183 in the Amount of \$108,000.00 (COUNCIL DISTRICTS 2, 4, 7, 8 and 9)

It was recommended that the City Council authorize the renewal of the Interlocal Agreement with Tarrant County, Texas, for the construction project to realign Harley Avenue between University Drive and Montgomery Street, City Secretary Contract No. 41877 in the amount of \$3,213,653.50; authorize the renewal of the Interlocal Agreement with Tarrant County, Texas, for the reconstruction of East Rosedale Street from US 287 to west of Miller Avenue, City Secretary Contract No. 44514 in the amount of \$7,994,000.00; and authorize the renewal of the Interlocal Agreement with Tarrant County, Texas, for improvements to 10 traffic signals along State Highway 183, City Secretary Contract No. 44498 in the amount of \$108,000.00.

Motion: Council Member Shingleton made a motion, seconded by Council Member Allen Gray, that Mayor and Council Communication C-27042 be approved with appreciation to Tarrant County. The motion carried unanimously 9 ayes to 0 nays.

8. M&C C-27043 - Authorize Execution of a Contract with M.E. Burns Construction, Inc., in the Amount of \$1,841,146.00 for Water and Sanitary Sewer Replacement Contract 2009, WSM-L on Dublin Drive, Conlin Drive, De Cory Road, Sarah Jane Lane, Alcannon Street, Ray Alvin Drive, Rodeo Street and Trueland Drive, Provide for Project Costs and Contingencies for a Project Total in the Amount of \$1,956,746.00 and Adopt Appropriation Ordinances (COUNCIL DISTRICT 8)

It was recommended that the City Council authorize the transfer of \$1,956,746.00 from the Water and Sewer Operating Fund in the amount of \$1,057,641.00 to the Water Capital Projects Fund and in the amount of \$899,105.00 to the Sewer Capital Projects Fund; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Water Capital Projects Fund in the amount of \$1,057,641.00, from available funds, for the purpose of funding Water and Sanitary Sewer Replacement Contract 2009, WSM-L; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Sewer Capital Projects Fund in the amount of \$899,105.00, from available funds, for the same purpose as reflected above; and authorize the City Manager to execute a contract with M.E. Burns Construction, Inc., in the amount of \$1,841,146.00 for the same purpose as reflected above.

Motion: Council Member Allen Gray made a motion, seconded by Council Member Bivens, that Mayor and Council Communication C-27043 be approved and Appropriation Ordinance Nos. 21504-10-2014 and 21505-10-2014 be adopted. The motion carried unanimously 9 ayes to 0 nays.

XVI. CITIZEN PRESENTATIONS

Ms. Katrina (last name not provided), homeless, completed a Citizen Presentation card relative to The T and was recognized by Mayor Price but was not present in the Council Chamber.

Ms. Dianna Wilson, 5816 Village Course Circle #326, appeared before Council relative to Ebola, streetlights and other issues in her district that have not been resolved.

Ms. Brenda Scruggs, 8132 Hosta Way, completed a Citizen Presentation card relative to tax records and was recognized by Mayor Price but was not present in the Council Chamber.

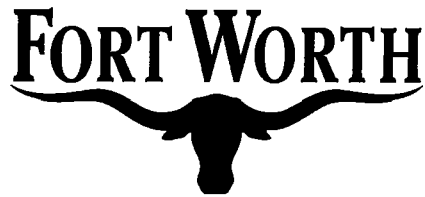
Ms. Luanne Langley, 9601 FM 2258, Grandview, Texas, appeared before Council relative to biosolids and sewage sludge.

Mayor Pro tem Espino directed Ms. Langley to meet with Mr. Andy Cronberg, Acting Water Department Director.

XVII. EXECUTIVE SESSION (PRE-COUNCIL CHAMBER) - SEE ATTACHMENT B

XVIII. ADJOURNMENT

There being no further business, Mayor Price adjourned the Regular meeting at 9:03 p.m., in memory of Mr. William “Bill” Hooper Walker who passed away on October 8, 2014, and Ms. Sandra Dennehy, former member of the City’s Sustainable Development Task Force, who passed away on October 13, 2014.



TO: The Honorable Mayor and City Council Members

FROM: Mary J. Kayser, City Secretary

DATE: October 21, 2014

SUBJECT: Appointment and Reappointments to Boards/Commissions/Committees

Per action taken by the Legislative and Intergovernmental Affairs Committee at their October 14, 2014, meeting, Chairman Scarth is bringing forward the following appointments and reappointments to the boards/commissions/committees as indicated for your consideration:

Animal Shelter Advisory Committee

- Appointment of Dr. Nancy L. Carter to Place 2 (Veterinarian), with a term expiring October 1, 2016
- Reappointments of Ms. Elena Cook to Place 4 (Citizen Position), and Mr. Jason Lamers to Place 6 (Municipal Office Representative), with terms expiring October 1, 2016

Art Commission

- Appointments of Ms. Jennifer Casler Price to Place 2 (Art Professional – Curator position) and Mr. Sloan Harris to Place 4 (Art Professional – Design position), with terms expiring September 30, 2016
- Reappointment of Ms. Renita Smith Garrett to Place 8 (Community Representative position), with a term expiring September 30, 2016

Community Action Partners Council

- Appointment of Ms. Delores Garza to Place 2, replacing Council Member Gyna Bivens. (There is no term expiration; service runs concurrently with Council term.)

Downtown Design Review Board

- Appointment of Mr. James Yu to Place 1 (Engineer/Design Professional), with a term expiring October 1, 2015
- Appointment of Ms. Cassie King to Place 6 (Landscape Architect/Design Professional), with a term expiring October 1, 2016

City Secretary's Office

City of Fort Worth ★ 1000 Throckmorton Street ★ Fort Worth, Texas 76102

(817) 392-6150 ★ FAX (817) 392-6196

(Downtown Design Review Board – Cont'd)

- Appointment of Ms. Laura Sanchez (Architect/Design Professional), to the Alternate position, with a term expiring October 1, 2016
- Reappointment of Mr. Andrew Blake to Place 2 (Real Estate), with a term expiring October 1, 2016
- Reappointment of Mr. Bill Booker to Place 3 (Real Estate), with a term expiring October 1, 2015
- Reappointment of Mr. Tom Malone to Place 4 (Design Professional), with a term expiring October 1, 2016
- Reappointment of Ms. Nina Petty to Place 5 (Real Estate), with a term expiring October 1, 2015
- Reappointment of Mr. Jim Richards to Place 7 (Landscape Architect), with a term expiring October 1, 2015

Mayor's Committee on Persons with Disabilities

- Reappointments of Ms. Leslie Hall to Place 2, Ms. Debra Jones to Place 4, Ms. Donna Dempsey to Place 6 and Mr. Dan Gadbury to Place 8, with terms expiring September 30, 2016

Tarrant County 911 Emergency Assistance District Board

- Reappointments of Mr. James "Sam" Greif, with a term expiring April 1, 2015, and Ms. Vickie Gray, with a term expiring April 1, 2016

Fort Worth Human Relations Commission

- Reappointments of Ms. Reed Bilz (District 3) and Ms. Barbara James (District 8), with terms expiring October 1, 2016

The applications and résumés as applicable were provided by separate electronic communication and will be maintained in the City Secretary's Office.



TO: The Honorable Mayor and City Council Members

FROM: Council Member Kelly Allen Gray, District 8

DATE: October 21, 2014

SUBJECT: Board and Commission Appointment – District 8

Request your consideration to appoint Mr. Robert Kelly to place 8 on the board of Adjustments – Commercial and the Fort Worth Alliance Airport Board of Adjustments with term expiring October 1, 2016. Mr. Kelly will be appointed to replace Mr. Lee Echols whose term is expired.

This memorandum and a copy of the application and associated resume were sent to each Council Member electronically. The original documents will be maintained in the City Secretary's Office.



1964 • 1993 • 2011

KELLY ALLEN GRAY
COUNCILMEMBER – DISTRICT 8

CITY OF FORT WORTH ★ 1000 THROCKMORTON STREET ★ FORT WORTH, TEXAS 76102
817-392-6118 ★ Fax 817-392-6187

Printed on recycled paper

**To the Mayor and Members of the City Council****October 21, 2014**

Page 1 of 1

SUBJECT: PROPOSED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR PARK IMPROVEMENTS LOCATED IN COUNCIL DISTRICTS 2, 5, 8 AND 9

On an annual basis, the City receives Community Development Block (CDBG) grant funds from the U.S. Department of Housing and Urban Development (HUD). HUD requires the timely expenditure of CDBG funds and therefore requires that the City have less than 1.5 times of its annual CDBG allocation in the U.S. Treasury. In order to meet the City's expenditure deadline, the Housing & Economic Development Department staff proposes the use of CDBG funds for the following park improvements:

Anderson Campbell Park - Installation of playground equipment (approximately \$155,000) CD2

Sagamore Hills Park - Installation of playground equipment (approximately \$155,000.00) CD5

Carter Park South Park - Installation of playground equipment (approximately \$155,000) and road improvements (approximately \$900,000) CD8 & CD9

Delga Park - Installation of a pedestrian trail (approximately \$47,000) CD8

A park in the Northside-TBD - Installation of a skate park (approximately \$120,000) CD2

To comply with federal regulations regarding the use of CDBG funds, staff proposes to publish a Public Notice containing a 30 day comment period in the Star Telegram by November 1st. Staff intends to present an M&C in December for the Council to consider spending the CDBG funds as described above.

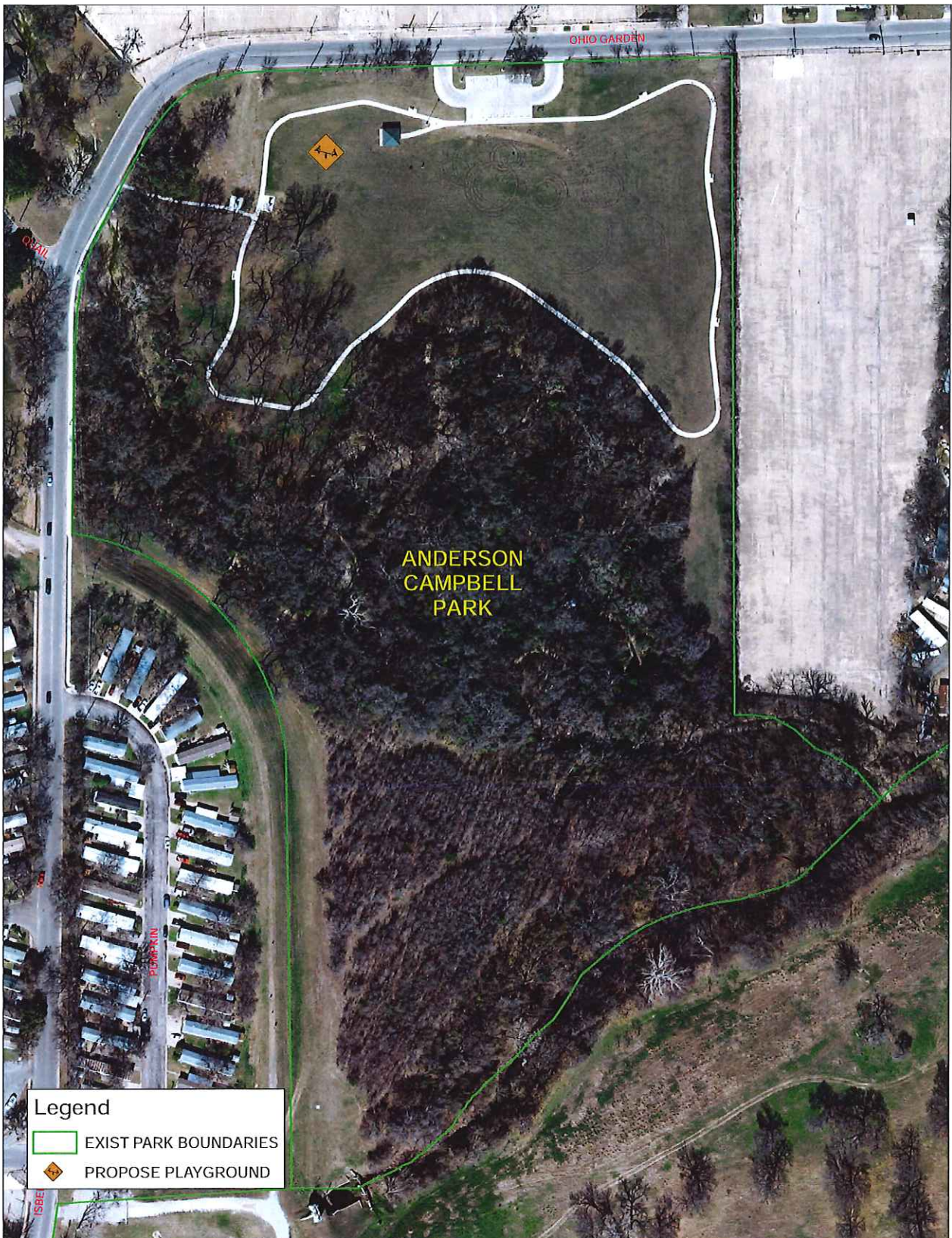
If you have any further questions please contact Jesus Chapa at 817-392-5804.

David Cooke
City Manager

Anderson Campbell Park Mapsco 61 L



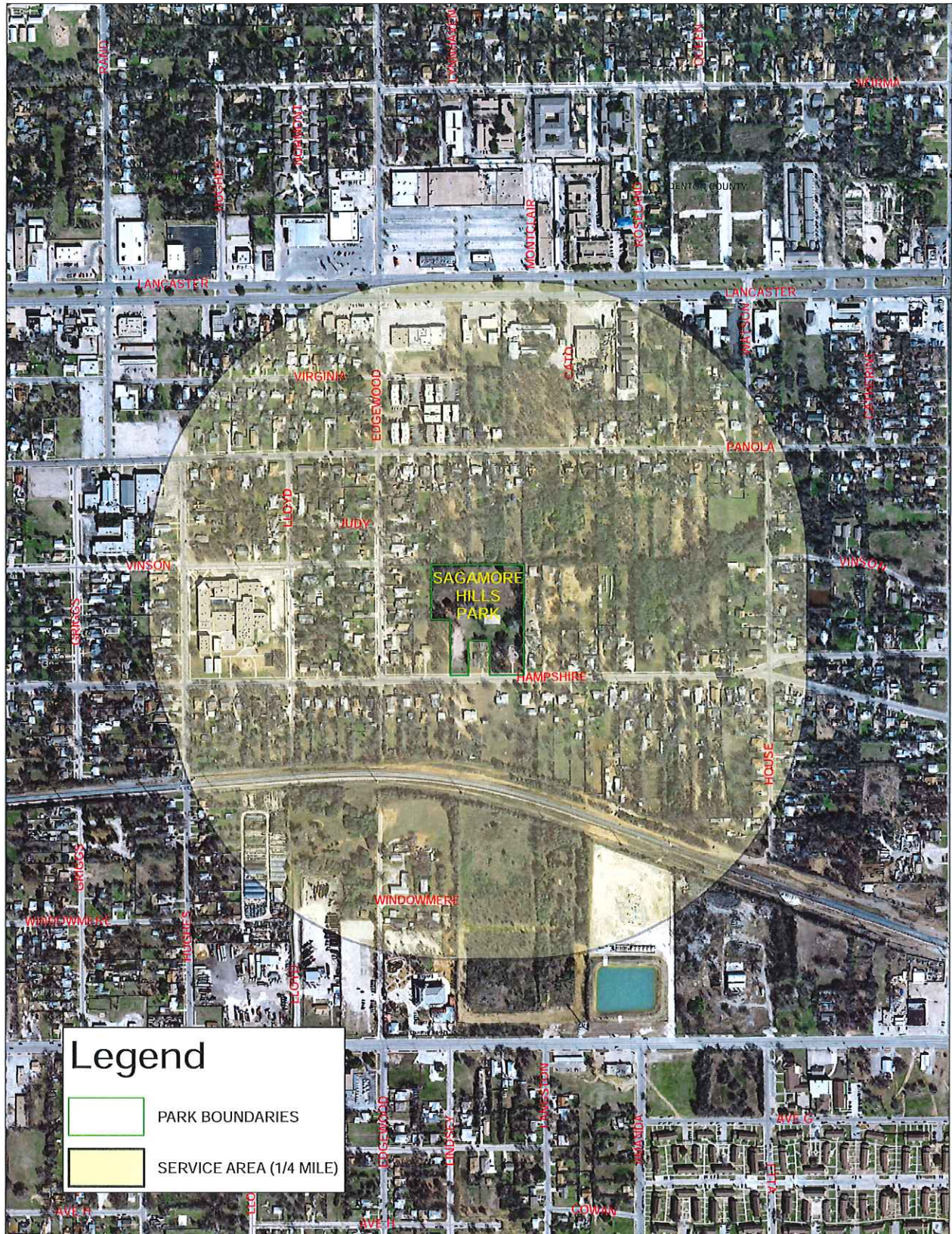
Anderson Campbell Park Mapsco 61 L



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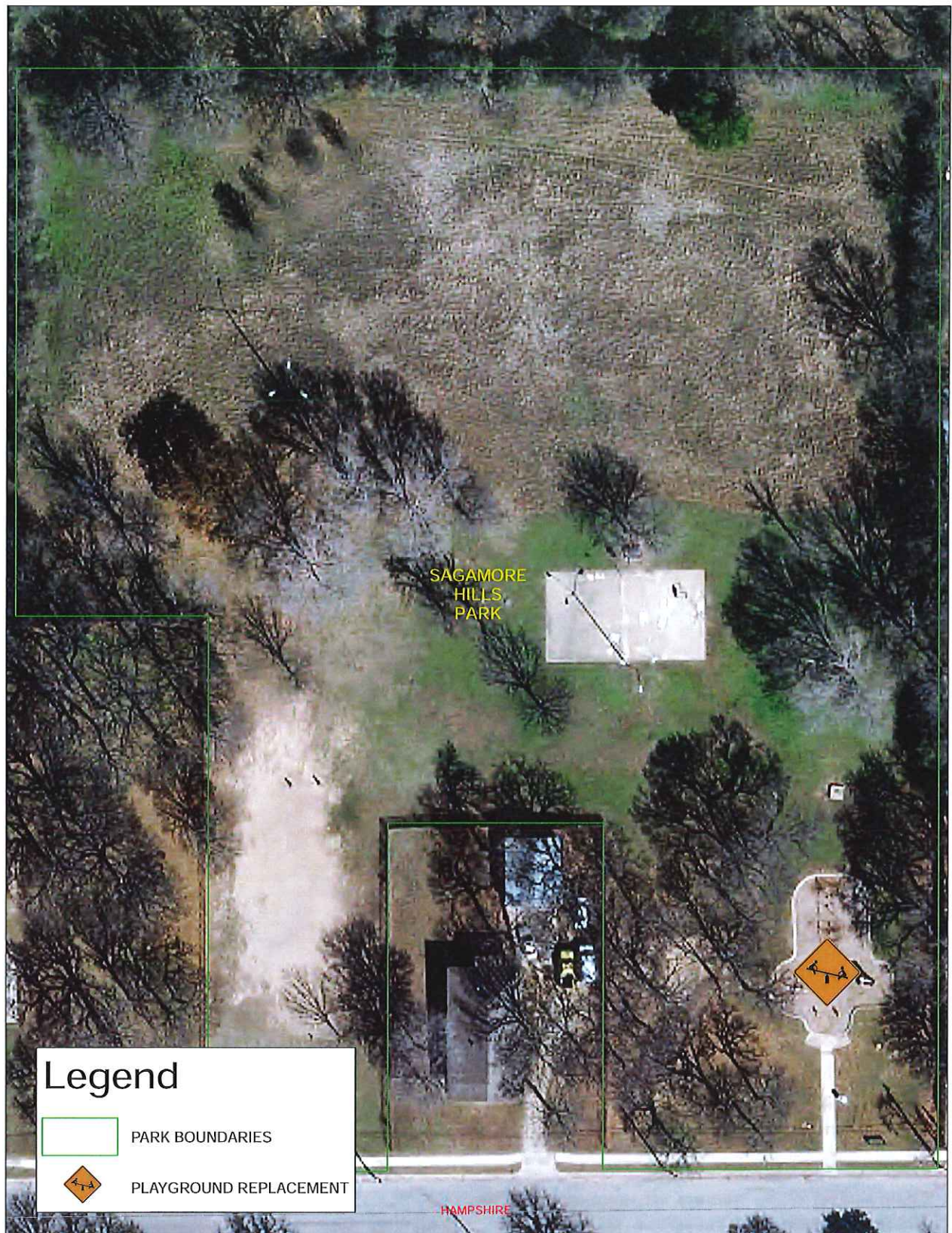
Sagamore Hills Park Mapsc0 79 J



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Sagamore Hills Park
Mapsco 79 J



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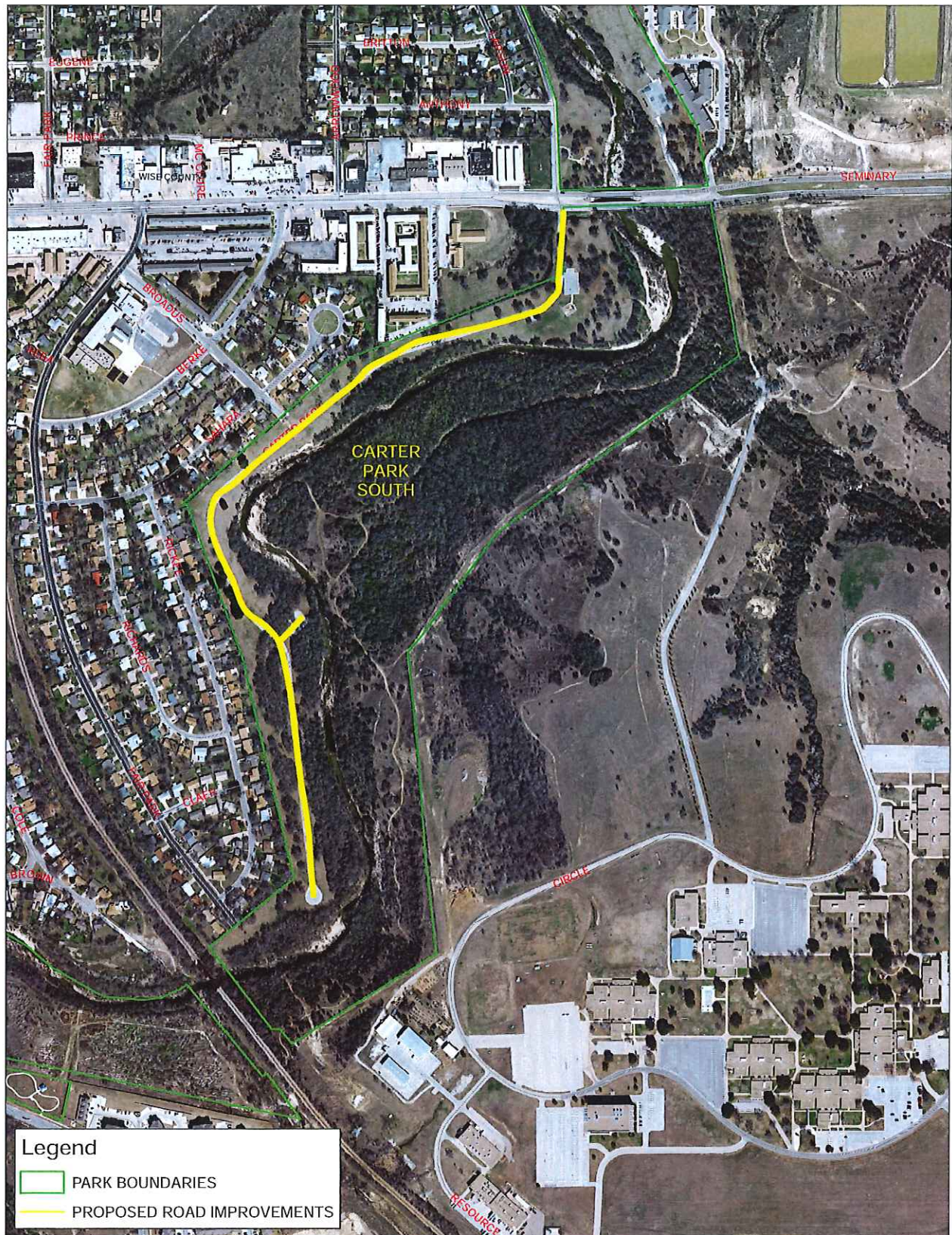
[illegible]

This aerial map displays the layout of Carter Park South. The park's boundaries are outlined in green. A yellow diamond icon with a black silhouette of a child on a swing indicates the location of a proposed playground. The map includes various street names labeled in red, such as Broadus, Berne, Lullapa, and Seminary. Surrounding areas include residential neighborhoods with houses and streets, and commercial zones with larger buildings and parking lots. The park itself features a mix of green spaces, trees, and what appears to be a paved path or road winding through it.

N



Carter Park South Mapsc0 79 J



1,000 500 0 1,000 Feet



Delga Park
Mapsc0 63 P



1,000 500 0 1,000 Feet



Delga Park
Mapsco 63 P



200 100 0 200 Feet



To the Mayor and Members of the City Council**October 21, 2014**

Page 1 of 1

**SUBJECT: FORT WORTH TRANSPORTATION AUTHORITY'S PERFORMANCE REPORT**

The City of Fort Worth and the Fort Worth Transportation Authority (The T) entered into a Memorandum of Understanding (MOU) on February 28, 2013, as authorized by City Council resolution 4175-01-2013. The main purpose of the MOU is to provide increased transparency in The T's planning, operations, and fiscal stewardship. The specific provisions of the MOU mirror the current reporting provisions under which the Dallas Area Rapid Transit agency operates. The MOU provides for 12 specific performance measures to be reported annually. The MOU and the T's reporting of these measures are attached as Exhibit A. The T's approved operating and capital budget for FY 2015 is included as Exhibit B. Going forward, staff will work with The T on annual informal reports to the City Council on the deliverables detailed in the MOU.

In addition, the T was required to commission an independent performance audit of its overall operations every five years starting in 2013. The T completed the independent performance audit in March of 2014 (Exhibit C). Staff has noted nineteen specific recommendations which can be found on page three of the report. The T's staff agreed with the majority of the findings and indicated the recommendations would be implemented. The most apt description of the report can best be summarized by a passage found on page five of the report. Although this passage related directly to The T's ability to deliver the TEXRail project, the tenor of the report generally follows this statement found in the *Executive Summary*:

Having completed the performance and management review of The T, it is TransTech's view that the transit authority is one of the best we have examined. While there is room for improvement, as is the case in every public and private entity, The T scores well above average in most functions and activities.

Staff continues to work closely with The T as progress is made on the TEXRail project and the system planning study.

David Cooke
City Manager

Exhibit A

The T's FY 2014 Responses to MOU Provisions
Executed MOU between the City of Fort Worth & The T

**City of Fort Worth / The T Memorandum of Understanding and Agreement
Annual Update – Fiscal Year 2014**

MOU Ref.	The T Responsibility	Responsible person	Date Last Submitted	City representative	Comment	Next required submittal	Frequency
MOU 2	Term This Agreement shall commence on January 1, 2013 and will expire December 31, 2016 (“Initial Term”). Following the Initial Term, this Agreement will automatically renew for successive two-year periods unless either Party provides the other with written notice of intent not to renew at least 180 days prior to the expiration of the then-current term.	The T - City of Fort Worth	January 1, 2013			January 1, 2017	Automatic renewal for two-year terms
MOU 3.1.a	Provide a copy of the initial budget proposal to the City for review and comment within one week of The T staff submitting its initial annual budget proposal to The T board.	Monica Fowler	July 25, 2014	Mayor Price cc: City Council, Fernando Costa		July 2015	Annually
MOU 3.1.b.	Provide a copy of the adopted budget to the City, within one week of The T Board voting to approve the annual budget.	Monica Fowler	September 25, 2014	Bryan Beck	Monica sent to Bryan Beck.	October 2015	Annually
MOU 3.1.c.	Provide notice to the governing body of each municipality and the commissioners’ court of each county affected by the subject of the public hearing by depositing properly addressed notice in the United States mail with postage paid at least 20 days before the date of a public hearing under subsection (h).	Detra Whitmore	Done via email only.			At least 20 days before the date of the hearing	
MOU 3.1.d.	Evaluate each distinct transportation service The T provides that generates revenue, including light rail, bus, van, taxicab, and other public transportation services, and determine whether The T should solicit competitive, sealed bids from other entities to provide these transportation services on or before July 1 of 2013 and of each fifth year thereafter.	Detra Whitmore	July 1, 2013	n/a		July 1, 2018	Every five (5) years
MOU 3.1.d. (continued)	Deliver a copy of the evaluation results and of The T’s response, if any, to the evaluation to: (i) the county judge of each county having territory in The T; and (ii) the presiding officer of the governing body of each municipality having territory in The T before October 1 of the year in which the evaluation is conducted.	Detra Whitmore	October 1, 2013	Sent in from an email by Dick Ruddell. Do not have copy.		Before October 1, 2018	Every five (5) years

**City of Fort Worth / The T Memorandum of Understanding and Agreement
Annual Update – Fiscal Year 2014**

MOU Ref.	The T Responsibility	Responsible person	Date Last Submitted	City representative	Comment	Next required submittal	Frequency
MOU 3.1.e.	Seek voter approval, in the manner provided for the issuance of bonds and notes under Subchapter H of Chapter 452 of the Texas Transportation Code, for any lease or financing agreement secured wholly or partially by the assets of The T if the direction of the lease or financing agreement is longer than five years, provided however, that The T shall not be required to seek voter approval if the transaction meets the criteria established under Section 452.108(d) of the Texas Transportation Code.	Rob Harmon			During this reporting year, this is not applicable.		Per Chapter 452, Subchapter H, Trans. Code
MOU 3.1.f.	Document the reasons for the award of a contract for (i) professional services awarded to a person other than the person proposing to deliver the services at the lowest cost; or (ii) construction, services, or property awarded to a person other than the person recommended by the staff of The T, with such documentation to include all of the reasons for not selecting, as appropriate, the person proposing to deliver the services at the lowest cost or the person recommended by the staff.				During this reporting year, this is not applicable.		
MOU 3.1.f. (continued)	Deliver a copy of the documentation of reasons to: (i) the county judge of each county having territory in The T; and (ii) the presiding officer of the governing body of each municipality having territory in The T within one month of awarding a contract subject to the preceding paragraph.	Don Bransford - Bo Cung			During this reporting year, this is not applicable.		Within one (1) month of MOU 3.1.f. (first paragraph)
MOU 3.1.g.	Require a two-thirds vote of The T Board in order to (i) issue any debt allowed by law; (ii) enter a lease as lessee or financing agreement as obligor if the lease or agreement is secured by the other assets of The T; effect a major change in a service plan as described by Section 452.303 of the Texas Transportation Code; (iv) approve the financial plan for The T; or (v) enter an agreement with any municipality included in the area of The T for the distribution of The T's revenues.	Rob Harmon			During this reporting year, this is not applicable.		Applicable Board meeting(s)

**City of Fort Worth / The T Memorandum of Understanding and Agreement
Annual Update – Fiscal Year 2014**

MOU Ref.	The T Responsibility	Responsible person	Date Last Submitted	City representative	Comment	Next required submittal	Frequency
MOU 3.1.h.	Hold a public hearing on (i) any fare change; (ii) a service change involving (A) 25 percent or more of the number of transit route miles of a transit route; or (B) 25 percent or more of the number of transit revenue vehicle miles of a transit route, computed daily, for the day or the week for which the change is made; or (iii) the establishment of a new transit route.	Curvie Hawkins	20 days prior to August 28, 2014 public hearing		Public hearings held: January 28, 2014 (Route 63) February 25, 2014 (Route 69) June 5, 2014 (Routes 1A and 46) August 28, 2014 (Route 10)	At least 20 days before the date of the hearing	Before implementing any changes in (i), (ii), or (iii).
MOU 3.1.h. (continued)	The public hearing must be held before the change that would equal or exceed the percentage, when the number of changes of a type described in the preceding paragraph in a fiscal year would equal the percentage applicable in that paragraph.	Curvie Hawkins	20 days prior to August 28, 2014 public hearing			At least 20 days before the date of the hearing	Before implementing any changes in (i), (ii), or (iii).
MOU 3.1.i.	Hold a public hearing on a proposed change in the service plan that would: (i) change the location of a right-of-way of a fixed guideway system; (ii) change or add a width of a right-of-way of a fixed guideway systems; (iii) change a grade separation or add a grade separation to a fixed guideway system; (iv) move the location of a station of a fixed guideway system; (v) reclassify the aerial, at-grade, or sub-grade vertical alignment system; (vi) move the location of; (A) a parking lot; (B) a maintenance facility; or (C) an off-street transfer center; (vii) add a facility listed in subsections (i) (vi); or (viii) add a route for a fixed guideway system.	Nancy Amos - Curvie Hawkins	This was done in conjunction with the TEX Rail EIS			Before changes take effect	

**City of Fort Worth / The T Memorandum of Understanding and Agreement
Annual Update – Fiscal Year 2014**

MOU Ref.	The T Responsibility	Responsible person	Date Last Submitted	City representative	Comment	Next required submittal	Frequency
MOU 3.1.i. (continued)	The T Board shall in writing notify: (i) each owner of real property located within 400 feet, including streets and alleys, of the boundary of the proposed right-of-way or the boundary of property on which the facility is proposed to be located; and (ii) the governing body of each municipality and the commissioners' court of each county in which the changed or additional right-of-way or facility is to be located before holding a public hearing required under the preceding paragraph	Carrie Weir	The landowners were notified by URS/CH2M Hill as part of the EIS process.				
MOU 3.1.i. (continued)	The notice required by this subsection shall be given to each governing body and to the property owners shown by the municipal or county tax roll at least 20 days before the date of the hearing by depositing the properly addressed notice in the United States mail with postage paid.	Carrie Weir	The landowners were notified by URS/CH2M Hill as part of the EIS process.			At least 20 days before the date of the hearing	
MOU 3.1.j.	After the public hearing under subsection (i), require a favorable vote of two-thirds of the members present to make a change in the service plan described by subsection (i).	Carrie Weir	The T Board approved the TEX Rail locally preferred alternative LPA.				
MOU 3.1.j. (continued)	Within one week of the vote to make a change in the service plan under this subsection, The T Board shall give notice of the change to: (i) the commissioners court of each county in which the changed or additional right-of-way or facility is to be located if the change is located in an unincorporated area; and (ii) the governing body or each municipality in which the changed or additional right-of-way or facility is to be located.	Carrie Weir			All parties have been notified of the TEX Rail LPA.		As necessary.
MOU 3.1.k.	The T Board shall deliver a copy of the audit to the City's internal auditor within one month of the date such audit is prepared under Section 452.451 of the Texas Transportation Code and completed.	The T Board of Directors via Becky Thornton	February 21, 2014	Patrice Randle	Posted on The T's website	Spring 2015	Annually

**City of Fort Worth / The T Memorandum of Understanding and Agreement
Annual Update – Fiscal Year 2014**

MOU Ref.	The T Responsibility	Responsible person	Date Last Submitted	City representative	Comment	Next required submittal	Frequency
MOU 3.1.k. (continued)	The City's internal auditor may elect to file any comments about the audit with Fort Worth City Council and The T Board, subject to a risk assessment performed by the City's internal auditor and to the Fort Worth City Council's approval of including the preparation of the comments in the internal auditor's annual audit plan. The T shall allow the City's internal auditor to (i) examine any work papers from The T's audit; or (ii) audit the financial transactions of The T if the City's internal auditor determines an audit is necessary.	Becky Thornton		Patrice Randle	This would be initiated by the City's internal auditor.		
MOU 3.1.l.	On or before April 1 of 2013 and of each fourth year thereafter, contract for a performance audit of The T to be conducted by a firm that has experience in reviewing the performance of transit agencies. The purposes of the performance audit are to provide: (i) evaluative information necessary for the performance of oversight functions by state and local officers; and (ii) information to The T to assist in making changes for the improvement of the efficiency and effectiveness of The T's operations.	Detra Whitmore - Don Bransford	April 1, 2013	Tom Higgins Sent March 18, 2014	Resent to Bryan Beck, September 24, 2014	April 1, 2017	Each fourth year
MOU 3.1.m.	Prepare a written response to the Performance Audit Report . The response must include each proposal for action relating to recommendations included in the report, whether the proposal for action is pending, adopted, or rejected.	Detra Whitmore - Don Bransford	March 19, 2014	Tom Higgins Resent to Bryan Beck, September 24, 2014	The T's comments are incorporated into the final Performance Audit document.	Within one (1) month after receipt of the audit report	Annually
MOU 3.1.m. (continued)	The T shall make copies of the report and the response available for public inspection at the offices of The T during normal business hours.	Detra Whitmore	Public meeting held at the ITC, March 13, 2014 12:00 p.m. and 6:00 p.m.	Posted at City, County, The T offices and website	One person attended the public hearing.	Within one (1) month after receipt of the audit report	Annually

**City of Fort Worth / The T Memorandum of Understanding and Agreement
Annual Update – Fiscal Year 2014**

MOU Ref.	The T Responsibility	Responsible person	Date Last Submitted	City representative	Comment	Next required submittal	Frequency
MOU 3.1.m. (continued)	The T shall conduct a public hearing on each Performance Audit Report and The T's response to the audit. The T shall give notice of the hearing by publication of the notice in a newspaper of general circulation in the area included in The T at least 14 days before the date of the hearing.	Detra Whitmore	Public meeting held at the ITC, March 13, 2014 12:00 p.m. and 6:00 p.m.	Posted at City, County, The T offices and website	One person attended the public hearing.	Within one (1) month after receipt of the audit report	Annually
MOU 3.1.n.	Deliver a copy of each Performance Audit Report and of The T's response to the report to: (i) the county judge of each county having territory in The T; and (ii) the presiding officer of the governing body of each municipality having territory in The T before February 1 of the year after the year in which the performance audit is conducted.	Detra Whitmore	March 19, 2014			February 1, 2015	Annually
MOU 3.1.o.	For any public hearing required under this section, post notice of the public hearing in the same manner in which The T posts notice for meetings that are subject to the Texas Open Meetings Act. Notice required under this subsection shall be in addition to any other notice required herein.	Detra Whitmore	Posted on February 27, 2014. Sent to City for posting.				
MOU 5.9.	All notices required by this Agreement shall be addressed to the Parties at the following addresses, or at such other address as either Party designates in writing, by hand delivery or by United States first-class mail; postage prepaid: <div style="display: flex; justify-content: space-between;"> <div> Fernando Costa Assistant City Manager City of Fort Worth 1000 Throckmorton Street Fort Worth, Texas 76102 </div> <div> Paul J Ballard President & CEO The T 1600 East Lancaster Avenue Fort Worth, Texas 76102 </div> </div>	Detra Whitmore		Fernando Costa		Per individual notice(s) as listed above.	

**MEMORANDUM OF UNDERSTANDING AND AGREEMENT BETWEEN THE CITY
OF FORT WORTH AND THE FORT WORTH TRANSPORTATION AUTHORITY
REGARDING IMPROVED PROGRAM ASSESSMENTS AND TRANSPARENCY**

This Memorandum of Understanding and Agreement ("Agreement") is entered into by and between the City of Fort Worth (the City), a home-rule municipal corporation of the State of Texas, acting by and through its duly authorized Assistant City Manager, and the Fort Worth Transportation Authority ("The T"), a regional transportation authority ("RTA") consisting of one subregion, acting by and through its duly authorized Executive Director. The City and The T are each referred to individually herein as a "Party" and collectively as the "Parties."

RECITALS

The City and The T agree that the following statements are true and correct and constitute the basis on which they have entered into this Agreement.

WHEREAS, in two separate elections in 1983, voters in the North Texas area authorized the creation of two RTAs, each consisting of a single subregion – the Dallas Area Rapid Transit System (DART) for the Dallas subregion and The T for the Tarrant subregion – under the statutory predecessor to Chapter 452 of the Texas Transportation Code and authorized each RTA to collect a designated percentage sales tax for provision of public transportation; and

WHEREAS, in the nearly three decades since the creation of the two RTAs, the area has experienced explosive growth, with the combined population of Tarrant and Dallas Counties nearly doubling – from a little over 2.4 million in 1980 to almost 4.2 million in 2010; and

WHEREAS, the tremendous level of growth combined with the aging infrastructure of the federal and state highway systems has resulted in increased congestion on area roadways and additional strain on limited tax dollars; and

WHEREAS, these conditions have further emphasized the growing importance of providing viable public transportation alternatives in a manner that conforms to public demand and that is as efficient as possible; and

WHEREAS, the Texas Legislature has built into Chapter 452 a number of provisions that require on-going analysis and public input with respect to the transit operations provided by DART but has not provided corresponding requirements for The T; and

WHEREAS, the Parties agree that implementing processes to provide similar analysis and public input would constitute exercise of powers necessary and convenient in The T carrying out Chapter 452 and would be extremely beneficial in ensuring that the operations of The T are as efficient and responsive as possible and in assuring the public that its voice is being heard and that its tax dollars are being spent in the most efficient and effective manner possible; and

WHEREAS, the Parties wish to enter into the Agreement to provide for more beneficial operational analysis and public input in the operation of The T.

RECEIVED FEB 28 2013

**OFFICIAL RECORD
CITY SECRETARY
FT. WORTH, TX**

NOW, THEREFORE, for and in consideration of the premises outlined above and the mutual covenants herein contained, the City and The T do hereby agree as follows:

AGREEMENT

1. PURPOSE AND SCOPE.

The purpose of this Agreement is to set forth the terms and conditions under which the City and The T will cooperate to provide for additional operational analysis and public input with regards to The T's transit operations.

2. TERM.

This Agreement shall commence on January 1, 2013 and will expire December 31, 2016 ("Initial Term"). Following the Initial Term, this Agreement will automatically renew for successive two-year periods unless either Party provides the other with written notice of intent not to renew at least 180 days prior to the expiration of the then-current term.

3. DUTIES OF THE PARTIES AND SERVICES PROVIDED.

3.1. The T will:

- a. Within one week of The T staff submitting its initial annual budget proposal to The T board, provide a copy of the initial budget proposal to the City for review and comment;
- b. Within one week of The T board voting to approve the annual budget, provide a copy of the adopted budget to the City;
- c. At least 20 days before the date of a public hearing under subsection (h), provide notice to the governing body of each municipality and the commissioners court of each county affected by the subject of the public hearing by depositing properly addressed notice in the United States mail with postage paid.
- d. On or before July 1 of 2013 and of each fifth year thereafter, evaluate each distinct transportation service The T provides that generates revenue, including light rail, bus, van, taxicab, and other public transportation services, and determine whether The T should solicit competitive, sealed bids from other entities to provide these transportation services.

Before October 1 of the year in which the evaluation is conducted, deliver a copy of the evaluation results and of The T's response, if any, to the evaluation to: (i) the county judge of each county having territory in The T; and (ii) the presiding officer of the governing body of each municipality having territory in The T.

- e. Seek voter approval, in the manner provided for the issuance of bonds and notes under Subchapter H of Chapter 452 of the Texas Transportation

Code, for any lease or financing agreement secured wholly or partially by the assets of The T if the duration of the lease or financing agreement is longer than five years, provided however, that The T shall not be required to seek voter approval if the transaction meets the criteria established under Section 452.108(d) of the Texas Transportation Code.

- f. Document the reasons for the award of a contract for (i) professional services awarded to a person other than the person proposing to deliver the services at the lowest cost; or (ii) construction, services, or property awarded to a person other than the person recommended by the staff of The T, with such documentation to include all of the reasons for not selecting, as appropriate, the person proposing to deliver the services at the lowest cost or the person recommended by the staff.

Within one month of awarding a contract subject to the preceding paragraph, deliver a copy of the documentation of reasons to: (i) the county judge of each county having territory in The T; and (ii) the presiding officer of the governing body of each municipality having territory in The T.

- g. Require a two-thirds vote of The T board in order to (i) issue any debt allowed by law; (ii) enter a lease as lessee or financing agreement as obligor if the lease or agreement is secured by the other assets of The T; (iii) effect a major change in a service plan as described by Section 452.303 of the Texas Transportation Code; (iv) approve the financial plan for The T; or (v) enter an agreement with any municipality included in the area of The T for the distribution of The T's revenues.
- h. Hold a public hearing on (i) any fare change; (ii) a service change involving (A) 25 percent or more of the number of transit route miles of a transit route; or (B) 25 percent or more of the number of transit revenue vehicle miles of a transit route, computed daily, for the day of the week for which the change is made; or (iii) the establishment of a new transit route.

When the number of changes of a type described in the preceding paragraph in a fiscal year would equal the percentage applicable in that paragraph, the public hearing must be held before the change that would equal or exceed the percentage.

For purposes of this subsection the following definitions and criteria shall apply:

- (i) "Transit route" means a route over which a transit vehicle travels and that is specifically labeled or numbered for the purpose of picking up or discharging passengers at regularly scheduled stops and intervals.

- (ii) "Transit route mile" means one mile along a transit route regularly traveled by transit vehicles while available for the general public to carry passengers.

(iii) "Transit revenue vehicle mile" means one mile traveled by a transit vehicle while the vehicle is available to the general public to carry passengers.

(iv) "Service change" means any addition or deletion resulting in the physical realignment of a transit route or a change in the type or frequency of service provided in a specific, regularly scheduled transit route.

(v) The length of a transit route is the distance traversed in traveling completely over the route and returning to the starting point to begin another circuit of the route. If a route is defined in one direction only, the one-directional distance is the route length.

- i. Hold a public hearing on a proposed change in the service plan that would:
(i) change the location of a right-of-way of a fixed guideway system; (ii) change or add a width of a right-of-way of a fixed guideway system; (iii) change a grade separation or add a grade separation to a fixed guideway system; (iv) move the location of a station of a fixed guideway system; (v) reclassify the aerial, at-grade, or subgrade vertical alignment of a fixed guideway or establish the vertical alignment of a fixed guideway; (vi) move the location of: (A) a parking lot; (B) a maintenance facility; or (C) an off-street transfer center; (vii) add a facility listed in subsections (i)-(vi); or (viii) add a route for a fixed guideway system.

Before holding a public hearing required under the preceding paragraph The T board shall in writing notify: (i) each owner of real property located within 400 feet, including streets and alleys, of the boundary of the proposed right-of-way or the boundary of property on which the facility is proposed to be located; and (ii) the governing body of each municipality and the commissioners court of each county in which the changed or additional right-of-way or facility is to be located.

The notice required by this subsection shall be given to each governing body and to the property owners shown by the municipal or county tax roll at least 20 days before the date of the hearing by depositing the properly addressed notice in the United States mail with postage paid.

- j. After the public hearing under subsection (i), require a favorable vote of two-thirds of the members present to make a change in the service plan described by subsection (i).

Within one week of the vote to make a change in the service plan under this subsection, The T board shall give notice of the change to: (i) the commissioners court of each county in which the changed or additional right-of-way or facility is to be located if the change is located in an unincorporated area; and (ii) the governing body of each municipality in which the changed or additional right-of-way or facility is to be located.

- k. Within one month of completion of an audit prepared under Section 452.451 of the Texas Transportation Code, The T board shall deliver a copy of the audit to the City's internal auditor within one month of the date such audit is completed. The City's internal auditor may elect to file any comments about the audit with Fort Worth City Council and The T board, subject to a risk assessment performed by the City's internal auditor and to the Fort Worth City Council's approval of including the preparation of the comments in the internal auditor's annual audit plan. The T shall allow the City's internal auditor to (i) examine any work papers from The T's audit; or (ii) audit the financial transactions of The T if the City's internal auditor determines an audit is necessary.
- l. On or before April 1 of 2013 and of each fourth year thereafter, contract for a performance audit of The T to be conducted by a firm that has experience in reviewing the performance of transit agencies. The purposes of the performance audit are to provide: (i) evaluative information necessary for the performance of oversight functions by state and local officers; and (ii) information to The T to assist in making changes for the improvement of the efficiency and effectiveness of The T's operations.

Each performance audit must include an examination of:

(i) one or more of the following:

(A) the administration and management of The T;

(B) transit operations; or

(C) transit authority system maintenance;

(ii) The T's compliance with applicable state law, including Chapter 452 of the Texas Transportation Code; **and**

(iii) the following performance indicators:

(A) subsidy per passenger, operating cost per revenue mile, and operating cost per revenue hour, with

(I) the subsidy per passenger being computed by subtracting annual operating revenues from annual operating costs and dividing that amount by the total number of passengers for the same period;

(II) the operating cost per passenger being computed by dividing The T's annual operating cost by the passenger trips for the same period;

(III) the operating cost per revenue hour being computed by dividing the annual operating cost by the total of scheduled hours that The T's revenue vehicles are in revenue service for the same period; and

(IV) the operating cost per revenue mile being computed by dividing the annual operating cost by the number of miles traveled by The T's revenue vehicles while in revenue service;

(B) sales and use tax receipts per passenger, with the receipts per passenger being computed by dividing the annual receipts from The T's sales and use taxes by passenger trips for the same period;

(C) fare recovery rate, with the rate being computed by dividing the annual revenue (including fares, tokens, passes, tickets, and route guarantees) provided by passengers and sponsors of passengers of revenue vehicles by the operating cost for the same period but excluding from revenue provided by passengers and sponsors of passengers all charter revenue, interest income, advertising income, and other operating income;

(D) number of passengers per hour, with the number being computed by dividing the total number of annual passengers by the total number of revenue vehicle hours for the same period;

(E) on-time performance, with such performance being computed by determining an annual percentage of revenue vehicle trips of revenue vehicles that depart from selected locations at a time not earlier than the published departure time and not later than five minutes after that published time. On-time performance is computed only for fixed route revenue service;

(F) number of accidents per 100,000 miles, with the number being computed by multiplying the annual number of accidents by 100,000 and dividing the product by the number of miles for all service, including charter and nonrevenue service, for the same period. In this subsection, "accident" includes: (I) a collision that involves a T revenue vehicle, other than a lawfully parked revenue vehicle, and results in property damage, injury, or death; and (II) an operating incident resulting in the injury or death of a person on board or boarding or alighting from a T revenue vehicle; and

(G) number of miles between mechanical service calls, with the number being computed by dividing the annual number of miles for all service, including charter service and nonrevenue service, by the number of mechanical service calls for the same period. In this subsection, “mechanical service call” means an interruption in revenue service that is caused by revenue vehicle equipment failure that requires assistance from a person other than the vehicle operator before the vehicle can be operated normally.

A subject described under subsection (i) must be examined at least once in every third audit.

For purposes of this subsection the following definitions shall apply:

“Operating cost” means The T’s costs of providing public transit service, including purchased transit service not performed by The T, but excluding the costs of: (A) depreciation, amortization, and capitalized charges; (B) charter bus operations; and (C) coordination of carpool and vanpool activities.

“Passenger” or “passenger trips” means the number of all passenger boardings, including transfers, but excluding charter passengers and carpool and vanpool passengers whose trips are only coordinated by The T.

“Revenue service” means the time a T revenue vehicle is in service to carry passengers, other than charter passengers.

“Revenue vehicle” means a vehicle, or a combination of rail vehicles comprising a train, that is: (A) used to carry paying passengers; and (B) operated by The T or as a purchased service.

- m. Prepare a written response to the performance audit report. The response must include each proposal for action relating to recommendations included in the report, whether the proposal for action is pending, adopted, or rejected.

The T shall make copies of the report and the response available for public inspection at the offices of The T during normal business hours.

The T shall conduct a public hearing on each performance audit report and The T’s response to the audit. The T shall give notice of the hearing by publication of the notice in a newspaper of general circulation in the area included in The T at least 14 days before the date of the hearing.

- n. Before February 1 of the year after the year in which the performance audit is conducted, deliver a copy of each performance audit report and of The T’s response to the report to: (i) the county judge of each county having territory in The T; and (ii) the presiding officer of the governing body of each municipality having territory in The T.

- o. For any public hearing required under this section, post notice of the public hearing in the same manner in which The T posts notice for meetings that are subject to the Texas Open Meetings Act. Notice required under this subsection shall be in addition to any other notice required herein.

3.2 **The City will:**

- a. Perform, at its own expense, all tasks associated with considering matters under Section 3.2 that require City review, input, or approval.
- b. Through its internal auditor, provide, at the City's own expense, (i) review of The T's annual financial audit, including, when warranted, the filing of comments about the audit with Fort Worth City Council and The T board, subject to a risk assessment performed by the City's internal auditor and to the Fort Worth City Council's approval of including the preparation of the comments in the internal auditor's annual audit plan; (ii) examination, when warranted, of any work papers from The T's audit; and (iii) audit the financial transactions of The T if the City's internal auditor determines an audit is necessary.
- c. Assist in efforts to publicize The T's notices of changes and public hearings by posting notices that the City receives from The T on the City's website and by including information regarding such notices in water bill inserts and City page articles as resources allow.

4. **CONSIDERATION.**

By execution of this Agreement, the City and The T acknowledge and agree that performance by each Party of its respective obligations under Section 3 and the exchange of the other covenants and promises expressed herein serves as adequate consideration for entering into this Agreement and for binding the Parties hereto.

5. **GENERAL PROVISIONS.**

- 5.1 **No Waiver.** The failure of either Party to insist upon the performance of any provision or condition of this Agreement or to exercise any right granted herein shall not constitute a waiver of that Party's right to insist upon appropriate performance or to assert any, such right on any future occasion.
- 5.2. **Severability.** If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired.
- 5.3. **Force Majeure.** The Parties shall exercise their best efforts to meet their respective duties and obligations hereunder. However, if either Party is unable, either in whole or part, to fulfill its obligations under this Agreement due to acts of God; strikes, lockouts, or other industrial disturbances; acts of public enemies;

wars; blockades; insurrections; riots; epidemics; public health crises; earthquakes; fires; floods; restraints or prohibitions by any court, board, department, commission, or agency of the United States or of any state; declaration of a state of disaster or of emergency by the federal, state, county, or City government in accordance with applicable law; issuance of a Level Orange or Level Red Alert by the United States Department of Homeland Security; any arrests and restraints; civil disturbances; or explosions; or some other reason beyond the Party's reasonable control (collectively, "Force Majeure Event"), the obligations so affected by such Force Majeure Event will be suspended only during the continuance of such event..

- 5.4 **Venue and Jurisdiction.** This Agreement shall be construed in accordance with the laws of the State of Texas. Venue for any action brought on the basis of this Agreement shall lie exclusively in state courts located in Tarrant County, Texas.
- 5.5 **Compliance with Laws, Ordinances, Rules and Regulations.** This Agreement is subject to all applicable federal, state and local laws, ordinances, rules and regulations, including but not limited to all provisions of the City's charter.
- 5.6 **Independent Contractors.** Each Party shall operate hereunder as an independent contractor and not as an officer, agent, servant or employee of the other Party. Each Party shall have the exclusive control of and the exclusive right to control the work designated to be performed by that Party under the terms of this Agreement, and of all persons performing the same and shall be solely responsible for the acts and omissions of the Party's officers, members, agents and employees. Neither Party shall be responsible under the doctrine of *respondent superior* for the acts or omissions of the officers, members, agents, employees or officers of the other Party. Nothing herein shall be construed as creating a partnership or joint enterprise between the City and The T.
- 5.7 **Immunity and Third Parties.** It is expressly agreed that, in the execution and performance of this Agreement, neither the City nor The T waives, nor shall be deemed to waive, any immunity or defense that would otherwise be available to that Party with respect to third parties against claims arising in the exercise of the Party's respective powers and functions. Nothing in this Agreement shall be construed to benefit any third party who is not a signor to this Agreement. This Agreement may not be construed to expand the liability of the City or The T beyond the scope of Chapter 101 of the Texas Civil Practice and Remedies Code.
- 5.8 **Amendment.** No amendment, modification, or alteration of this Agreement shall be binding unless the same is in writing, dated subsequent to the date hereof, and executed by both Parties.
- 5.9. **Notices.** All notices required by this Agreement shall be addressed to the Parties at the following address, or at such other address as either Party designates in writing, by hand delivery or by United States first-class mail, postage prepaid:

If to the City:

Fernando Costa, Asst. City Manager
1000 Throckmorton St.
Fort Worth, TX 76102

If to The T:

Richard Ruddell, Executive Director
1600 East Lancaster Avenue
Fort Worth, Texas 76102

- 5.10 **Review of Counsel.** The Parties acknowledge that each Party and its counsel have had opportunity to review and revise this Agreement and that the normal rules 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 exhibits hereto.
- 5.11 **Entirety of Agreement.** This written instrument (together with any attachments, exhibits, and appendices) constitutes the entire understanding between the Parties concerning the subject matter addressed herein, and any prior or contemporaneous, oral or written agreement that purports to vary from the terms hereof shall be void.

EXECUTED in multiple originals as of the last date indicated below:

CITY OF FORT WORTH

By: *Fernando Costa*
Fernando Costa
Assistant City Manager

Date: 2/28/13

**FORT WORTH TRANSPORTATION
AUTHORITY:**

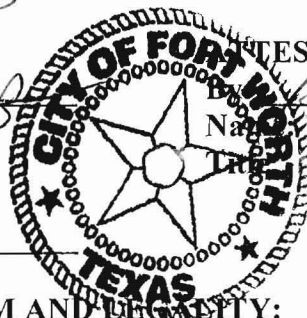
By: *R. J. Ruddell*
Richard Ruddell
Executive Director

Date: 2-26-13

ATTEST:

By: *Mary Kayser*
Mary Kayser
City Secretary

Date: 3/1/13



ATTEST:

By: *Sylvia M. Hartless*
Sylvia M. Hartless
Notary Public

APPROVED AS TO FORM AND LEGALITY:

By: *Dan Chisley*
Denis C. McElroy, Assistant City Attorney

CFW Resolution - 475-01-2013

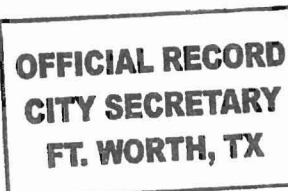


Exhibit B

The T's FY 2015 Operating & Capital Budget



FORT WORTH TRANSPORTATION AUTHORITY
 1600 E. Lancaster Avenue ❖ Fort Worth, Texas 76102 ❖ (817) 215-8709 ❖ (817) 215-8700

September 26, 2014

Bryan Beck
 Regional Transportation Coordinator
 City of Fort Worth
 1000 Throckmorton St.
 Fort Worth, TX 76102

Dear Mr. Beck:

The Fort Worth Transportation Authority (The T) is pleased to submit its annual budget for the fiscal year beginning October 1, 2014. Attached are summaries of The T's operating and capital budgets, which were approved by The T's Board of Directors on September 22, 2015.

The fiscal 2015 annual budget meets key financial standards adopted by the Board of Directors to ensure a sound financial future. These standards are:

- Ensure that annual operating expenses do not exceed annual operating revenues;
- Establish and maintain a self-insurance reserve;
- Establish and maintain an operating reserve; and
- Build a rail reserve to match other funds for the TEX Rail project.

Operating and Capital Budget for fiscal year 2015

Total operating expenses before depreciation for fiscal 2015 are increasing 3.2%. Operating revenues (which exclude capital grants and contributions) are budgeted at \$88.5 million and are expected to increase \$0.8 million or 0.9% from the fiscal 2014 forecast. This increase is primarily due to increased sales tax revenue. The fiscal 2015 operating budget expenses before depreciation total \$67.0 million, which is 3.2% greater than the fiscal 2014 estimated expenses.

The T's total capital budget for fiscal 2015 of \$947.4 million consists of all projects that we have identified and are able to estimate the cost, whether they are near completion or will be started at some future date.

We expect that the maximum amount of capital expenditures during fiscal 2015 will be approximately \$131.5 million. Of that amount, \$59.0 million, or 44.9%, will be funded with federal grants. Most capital expenditures in fiscal 2015 will be for the TEX Rail project. These expenditures will include initial payments for vehicles and real estate acquisitions.

Changes from the Preliminary Operating and Capital Budgets

The fiscal 2015 Operating Budget revenue increased due to Sales Tax, which is based on a 4.6% growth rate. Expenses decreased 0.7% due primarily to a reduction in Fringe Benefits, specifically Group Health Insurance rates and were partially offset by an increase in Other Service type expenses, specifically Professional Services.

Changes from the Preliminary Budget are as follows:

(amounts in thousands)

	<u>Inc / (Dec)</u>
Revenue	
Sales Tax	<u>229</u>
Total Revenue Increase	<u>229</u>
Expense	
Salary & Fringe Benefits	(502)
Services	<u>39</u>
Total Expense Decrease	<u>(463)</u>
Net decrease in Reserves	<u>\$ (234)</u>

Changes from the preliminary operating revenue budget are due to updated sales tax revenue projections based on better than expected growth in the last three months. Salary and fringe benefits changed because the group health insurance rate changed from an estimated 12% to an agreed upon 6% decrease. The service type expense change was due to adding professional services for consulting on an Enterprise Resource Planning system.

The summary of The T's proposed Capital Budget for fiscal 2015 is attached. Projects that will be carried over into fiscal year 2015 were updated to include the Ellipse Upgrade project. This project was originally scheduled to be completed in fiscal 2014; however, due to extending the evaluation period in order to ensure the project appropriately meets the needs of The T the completion date was pushed out. Capital Maintenance T Facilities – FY15 was increased to include the replacement of the South Park & Ride Canopy. Tex Rail totals were updated using the most current project budget.

Summary

In summary, The T's annual budget for fiscal 2015 is balanced and reflects our vision and goals of providing services beyond those of traditional bus operations. We strive to provide effective multi-modal public transportation that meets the needs of our customers.

As always, The T will work to provide excellent public transportation services throughout our service area that will contribute to our region's goals for mobility, clean air, and economic prosperity. We appreciate your support and active participation and look forward to many more years of providing public transportation to citizens of our member cities.

Sincerely,



Paul J Ballard
President & CEO

PB/dw
Enclosures

cc: City Council Members
David Cooke, City Manager
Fernando Costa, Assistant City Manager
Bryan Beck, Regional Transportation Coordinator

Fort Worth Transportation Authority
Operating Budget

(Amounts in Thousands)

	FY 2015 Budget
Operating Revenue	
Fixed Route	\$ 3,811
Para-transit	1,052
TRE	2,563
E-Pass	310
Other Operating	358
Total Operating Revenue	8,094
Other Revenue	
Sales Tax	64,762
Investment	200
Advertising	360
Operating Grants	13,175
Capital Grants	58,999
Contributions from Grapevine	9,091
Contributions from Partners	910
Miscellaneous	375
Rental Income	600
Total Other Revenue	148,472
Total Revenue	156,566
Operating Expense	
Salary and Benefits	34,818
Services	22,251
Fuels and Lubricants	3,215
Tires and Tubes	400
Maintenance Materials	3,188
Supplies and Materials	340
Utilities	888
Insurance	390
Taxes and Fees	111
Miscellaneous	918
Total Operating Expense	66,519
Local Area Programs	146
Other non-operating expense	1,491
Net Available for Capital Expenditures and Reserves	88,410
Capital Expenditures	131,535
Capital Lease Principal Payment	275
Decrease in Reserves	\$ (43,400)
 Budgeted Non-Cash Depreciation	 \$ 14,544

*Fort Worth Transportation Authority
Fiscal 2015 Capital Budget*

(Amounts in Thousands)

FY 2014 (Projects Carried Over):

Bus Maintenance

Vehicle Purchase - FY14

Service Vehicles Replacement (3)

Trinity Railway Express

Positive Train Control

TRE Sulphur Branch Bridge Replacement

TRE Grade Crossing (Appendix A)

TRE NextTrain Upgrade

TRE Stations Security Video Enhancement

Other

Bus Park & Ride / Transfer Centers (Appendix B)

ADA Accessible Bus Stops

Bike Share Expansion

Colleyville Quiet Zone

Multi-Year Transportation Enhancements (FY09-FY15)

MITS Contractor Vehicle Cameras

Multi-year Desktop Replacement (FY13-FY16)

Ellipse Upgrade

Molloy the Trolley NextBus

Total FY14 Projects Carried Over to FY15

				Fiscal 2015		
Total Budget	Grant Funding	Grant Funding %	Local Share	Projected Expenditures thru 9/30/14	Projected Expenditures FY15	Grant Funding
480	398	83%	82	-	480	398
100	80	80%	20	-	100	80
16,376	6,250	38%	10,126	530	8,026	3,050
2,000	1,044	52%	956	800	1,200	1,044
1,400	1,120	80%	280	146	1,254	1,003
415	-	0%	415	27	388	-
400	-	0%	400	-	-	-
16,383	-	-	16,383	4,979	-	-
933	746	80%	187	159	160	128
582	416	71%	166	269	314	224
406	-	0%	406	150	256	-
401	321	80%	80	127	274	220
200	-	0%	200	-	200	-
96	-	0%	96	47	24	-
96	-	0%	96	-	96	-
52	-	0%	52	40	12	-
40,320	10,375	26%	29,945	7,274	12,784	6,147

*Fort Worth Transportation Authority
Fiscal 2015 Capital Budget*

(Amounts in Thousands)

Page 1 Subtotal

				Fiscal 2015			
Total Budget		Grant Funding	Grant Funding %	Projected Expenditures thru 9/30/14	Projected Expenditures FY15	The T's Share	Grant Funding
\$	40,320	\$ 10,375	26%	\$ 29,945	\$ 12,784	\$ 6,637	\$ 6,147

FY 2015 "New" Capital Projects:

Bus Maintenance

Vehicle Purchase - FY15	9,080	7,537	83%	1,544	-	9,080	1,544	7,536
Bus Wash	460	-	0%	460	-	460	460	-
Capital Maintenance T Facilities - FY15	743	-	0%	743	-	742	742	-
Capital Maintenance Parking Lots - FY15	200	-	0%	200	-	200	200	-
Miscellaneous Equipment - FY15	135	-	0%	135	-	135	135	-

Trinity Railway Express

TRE Double Tracking Between MP 623.5-625.1	3,500	2,800	80%	700	-	3,500	700	2,800
TRE Capital Maintenance - FY15	3,480	-	0%	3,480	-	3,480	3,480	-
TRE Trinity River Bridge Environmental Assessment & PE	800	-	0%	800	-	800	800	-
TRE Station High Block Gates	175	116	66%	59	-	175	59	116

Other

Fleet-wide Passenger Information System	2,351	421	18%	1,929	-	700	700	-
Trapeze Service Enhancements - FY15	519	-	0%	519	-	519	519	-
Additional Security Cameras HRP/Maintenance	60	-	0%	60	-	60	60	-

Total "New" FY15 Projects

21,503	10,874	51%	10,629	-	19,851	9,399	10,452
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Subtotal T Projects

61,823	21,249	34%	40,574	7,274	32,635	16,036	16,599
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*Fort Worth Transportation Authority
Fiscal 2015 Capital Budget*

(Amounts in Thousands)

Page 2 Subtotal

TEX Rail

Guideway and Track
Stations
Yards and Shops
Site work and Special Conditions
Signals, Communications, Systems
Right-of-Way, Real Estate
Commuter Rail Vehicles

Subtotal

Professional Services

Project Development
Engineering
Project Mgt for Design & Construction
Construction Administration & Mgt
Professional Liability/Non-Const Ins.
Legal: permits, fees by other agencies
Surveys, Testing, Investigation, Inspection
Start-up (Incl Railroad Agreements)

Professional Services Subtotal

Contingency

TEX Rail Total

Grand Total - All Projects

* Total Budget	Grant Funding	Grant Funding %	Local Share	Projected Expenditures thru 9/30/14	Projected Expenditures FY15	The T's Share	Grant Funding
61,823	21,249	34%	40,574	7,274	32,635	16,036	16,599
184,812	-	0%	184,812	-	-	-	-
75,976	-	0%	75,976	-	-	-	-
17,942	-	0%	17,942	-	-	-	-
133,516	-	0%	133,516	-	-	-	-
53,128	-	0%	53,128	-	-	-	-
112,646	-	0%	112,646	-	-	-	-
129,949	65,000	50%	64,949	-	18,400	-	18,400
707,969	65,000	9%	642,969	-	68,900	50,500	18,400
10,092	8,074	80%	2,018	8,229	-	-	-
43,076	34,461	80%	8,615	-	20,000	4,000	16,000
29,631	17,244	58%	12,387	15,555	6,000	1,200	4,800
17,277	-	0%	17,277	-	-	-	-
3,892	-	0%	3,892	-	-	-	-
3,892	2,400	0%	1,492	1,079	2,000	400	1,600
3,892	2,400	0%	1,492	1,000	2,000	400	1,600
3,892	-	0%	3,892	-	-	-	-
115,644	64,578	56%	51,066	25,864	30,000	6,000	24,000
61,973	-	-	61,973	-	-	-	-
885,586	129,578	15%	756,008	25,864	98,900	56,500	42,400
\$ 947,409	\$ 150,827	16%	\$ 796,582	\$ 33,138	\$ 131,535	\$ 72,536	\$ 58,999

* The TEX Rail project budget is in 2014 dollars and may change as more information becomes available.

Fort Worth Transportation Authority
Fiscal 2015 Capital Budget

Appendix A

		Fiscal 2015											
		Total Budget	Grant Funding	Grant Funding %	Local Share	Projected Expenditures thru 9/30/14	Projected Expenditures FY15	The T's Share	Grant Funding				
<i>(Amounts in Thousands)</i>													
<u>TRE Grade Crossings</u>													
<i>Precinct Line Road</i>													
Design & Construction	\$	900	\$	720	80%	\$	180	146	754	\$	151	\$	603
<i>Beach Street Crossing</i>													
Design & Construction		300		240	80%		60	-	300		60		240
<i>Haltom Road Crossing</i>													
Design & Construction		75		60	80%		15	-	75		15		60
<i>Other Street Crossings</i>													
Design & Construction		125		100	80%		25	-	125		25		100
<u>TRE Grade Crossings Grand Total:</u>													
	\$	1,400	\$	1,120	80%	\$	280	\$	146	\$	1,254	\$	1,003

Fort Worth Transportation Authority
Fiscal 2015 Capital Budget

Appendix B

(Amounts in Thousands)

Bus Park & Ride / Transfer Centers
Berry Street Transfer Center

Acquisition
Design & Engineering
Demo/Construction
Subtotal

Granbury Road Bus Park & Ride

Acquisition
Design & Engineering
Demo/Construction
Subtotal

Summer Creek

Acquisition
Design & Engineering
Construction
Subtotal

Bus P&R/Transfer Centers Grand Total:

				Fiscal 2015			
Total Budget	Grant Funding	Grant Funding %	Local Share	Projected Expenditures thru 9/30/14	Projected Expenditures FY15	The T's Share	Grant Funding
\$ 2,406	\$ -	0%	\$ 2,406	\$ 2,417	\$ -	\$ -	\$ -
40	-	0%	40	9	-	-	-
400	-	0%	400	-	-	-	-
2,846	-	0%	2,846	2,426	-	-	-
7,400	-	0%	7,400	1,525	-	-	-
40	-	0%	40	2	-	-	-
535	-	0%	535	-	-	-	-
7,975	-	0%	7,975	1,527	-	-	-
850	-	0%	850	757	-	-	-
212	-	0%	212	270	-	-	-
4,500	-	0%	4,500	-	-	-	-
5,562	-	0%	5,562	1,027	-	-	-
\$ 16,383	\$ -	0%	\$ 16,383	\$ 4,979	\$ -	\$ -	\$ -

Exhibit C

2014 Performance and Management Audit



Fort Worth Transportation Authority (The T)

Performance and Management Audit Services Final Report

February 2014

TransTech
Management, Inc.

in association with

Azimuth Group, Inc.

Nancy R. Edmonson Transportation Consulting

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Executive Summary

Highlights of the Fort Worth Transportation Authority

The Fort Worth Transportation Authority (The T) is a regional transportation authority and a political subdivision of the State of Texas created and existing by Transportation Code to build and operate a transportation system. There are currently three member jurisdictions that voted to be in The T - the cities of Fort Worth, Blue Mound, and Richland Hills, all located within Tarrant County. The T annually provides nine million passenger trips on buses, vanpools and the Trinity Railway Express (TRE), which it jointly owns and operates with Dallas Area Rapid Transit. Also, the T is developing TEX Rail, a new commuter rail from downtown Fort Worth to DFW Airport.

The T is governed by a nine member Board of appointed officials. Eight Board members are appointed by the Fort Worth City Council and one is appointed by the Tarrant County Commissioners Court, in accordance with Transportation Code. The Board sets policy and establishes broad business goals and policies for management. The President/Executive Director reports to the Board and is responsible for implementation of Board policies and day-to-day operation of The T.

Purpose of the Performance and Management Audit

The overall objective of the third-party performance and management audit is *to review and assess the Authority's core management processes and practices to ensure a world-class operation.*

Methodology

The T and TransTech identified twenty-one major departments or functional areas of particular importance in this study.

With the assistance of various organizational units of The T, the TransTech team assimilated a wide array of documents and data. This material, in addition to information from the National Transit Database and selected components of peers' operations, the TransTech team secured the base necessary for the detailed examination of each department, which follows.

Detailed, comprehensive interviews with agency executives and managers enabled an initial identification and evaluation of the most pressing problems by agency management and the consulting team, as well as provided a check for consistency of perspective. Interviews were conducted according to a pre-approved (by The T) guideline to ensure completeness and consistency.

Following the primary round of interviews, TransTech conducted a diagnostic assessment to share initial observations with all team members. Subsequently, additional data and information were collected, and follow-up interviews in selected areas were conducted.

The results of the areas studied are presented in alphabetically-listed separate sections, and each is labeled with a 3-letter designation which will aid identification in tracking their implementation. Most sections contain introductory material, observations and a listing of specific recommendations, as applicable. These are provided in the main text of the report.

Following several review sessions involving key FWTa managers and executives and TransTech, Appendix A reports on The T's compliance with federal and state laws and regulations, and Appendices B and C report on the Board's 2013 successful efforts to bring two matters into compliance. Appendix D provides commentary by The T executives and managers on various observations and recommendations.

Primary Recommendations

The Request for Proposals identified seventeen important functional areas requested in this study. Since several were divided into two components for clarity and transparency, the final report provided twenty-one key Sections, or Chapters.

In the Executive Summary, we have identified the recommendations that we feel are most relevant and will be the most meaningful to the agency. They are lettered and numbered so that they may be easily located within the text; overview sections and observations are also provided to help explain the nature and extent of each recommendation.

Recommendations GRT-1. Develop specific objectives for the number of DBE firms to be contacted in a given year.

Recommendation INT-1. Develop a comprehensive information technology strategic plan.

Recommendation INT-2.2. Apply a structured project management methodology including an integrated approach to cultural change management.

Recommendation INT-3. Develop and execute a comprehensive information technology disaster recovery and business continuity plan.

Recommendation INT-4. Initiate the planning, evaluation and selection process for replacement of the Ellipse enterprise resource planning software package.

Recommendation INT-5. Increase the authorized staffing of the Information Technology Department, over time and as resources permit, to a minimum of nine full time personnel.

Recommendation MKT-1. Establish goals for specific marketing programs to help assess ridership effectiveness.

Recommendation MITS-5. Track eligibility and screening data to provide management with the information needed to evaluate the effectiveness of the screening process.

Recommendation ORG-1. Introduce consistency in titles and unit labels, insofar as possible.

Recommendation ORG-4. Develop a succession planning program for key areas of the agency.

Recommendation ORG-5. The T staff needs to continue its public governance and transit education efforts for the Board.

Recommendation ORG-6. Relatively small changes ‘at the margin’ will improve the logic and functioning of the agency, particularly in regard to clarity of mission and purpose for each organizational unit. Recommendations include the creation of a new Executive Leadership Team of six positions, as expressed in the recommended “functional” organizational chart.

Recommendation MPM-2. The new President/Executive Director should assess the relationship between the administrative and operations teams at The T and – working with the executive staff - ensure that the historic culture that has been long-established at The T is preserved and strengthened.

Recommendation MPM-3. Monitoring of the application of the FMLA should be as rigorous as is needed to ensure appropriate compliance. Of course, the same goes for all union agreement provisions.

Recommendation KPI-1. The new KPI process should be developed with the assistance of the outside auditors of The T and in discussions with the City of Fort Worth.

Recommendation PLN-2. Create a Five-Year Service Plan for the T’s bus service.

Recommendation PMT-1. Develop a five-year capital plan for The T.

Recommendation RSM-2. Develop a more robust system of safety performance measurement and reporting.

Recommendation SEC-1. Expand, upgrade and replace the TRE video surveillance equipment and systems as required, using either local funds, grant support or some combination thereof.

Staff Capability to Oversee and Manage TEX Rail

Having completed the performance and management review of The T, it is TransTech's view that the transit authority is one of the best we have examined. While there is room for improvement, as is the case in every public and private entity, The T scores well above average in most functions and activities. Given the success of its role in the Trinity Railway Express project, and supported by a substantial planning, design and full service engineering firm, there is no reason to believe that The T's future role in TEX Rail will not be equally successful.

Introduction

The third-party Performance Audit was initiated at the request of the President/Chief Executive Director as a means of providing the Board with a comprehensive assessment of the management and operations of the Fort Worth Transportation Authority (The T).

The assessment was conducted by a team of transportation management consultants led by TransTech Management, Inc., a firm that specializes in assisting transit, toll and highway and other public works agencies in North America to improve their efficiency and effectiveness.

The Fort Worth Transportation Authority (The T) is a regional transportation authority and a political subdivision of the State of Texas created and existing in accordance with Chapter 452 of the Transportation Code to build and operate a transportation system. There are currently three (3) member jurisdictions that voted to be in The T, including the cities of Fort Worth, Blue Mound, and Richland Hills. These jurisdictions are all located within Tarrant County. The T's Service Area is 322 square miles with a population exceeding 751,400 people. Also, the city of Grapevine, population 46,334, has contracted with The T for future commuter rail service.

The T is governed by a nine (9) member Board of appointed officials. Eight (8) Board members are appointed by the Fort Worth City Council and one (1) Board member is appointed by the Tarrant County Commissioners Court, in accordance with Subchapter N., Sec. 452.562 (c) – (f) of the Transportation Code. The Board sets policy and establishes broad business goals and policies for management. The President/Executive Director reports to the Board, and is responsible for implementation of Board policies and day-to-day operation of The T.

The T annually provides nine million passenger trips on buses, vanpools and the Trinity Railway Express (TRE), which it jointly owns and operates with Dallas Area Rapid Transit. The T is developing TEX Rail, a new commuter rail from downtown Fort Worth to DFW Airport.

Methodology

The overall objective of the third-party performance audit is *to review and assess the Authority's core management processes and practices to ensure a world-class operation.*

In the Request for Proposals, The T identified seventeen major functional areas of particular importance in this study:

1. Accounting
2. Administration
3. Finance
4. Grants
5. Human Resources
6. Information Technology
7. Legal
8. Maintenance
9. Marketing
10. Mobility Impaired Transportation Services
11. Operations
12. Planning
13. Procurement
14. Project Management
15. Property Management
16. Risk Management
17. Security

The TransTech team conducted an orientation session with executives to ensure matched expectations for the assessments.

With the assistance of various organizational units of The T, the TransTech team assimilated a wide array of documents and data. This material, in addition to information from the National Transit Database and selected components of peers' operations, the TransTech team secured the base necessary for the detailed examination of each department.

Detailed, comprehensive interviews with agency executives and managers enabled an initial identification and evaluation of the most pressing problems by agency management and the

consulting team, as well as provided a check for consistency of perspective. Interviews were conducted according to a pre-approved (by The T) guideline to ensure completeness and consistency.

Following the primary round of interviews, TransTech conducted a diagnostic assessment to share initial observations with all team members. Subsequently, additional data and information were collected, and follow-up interviews in selected areas were conducted.

The results of the areas studied are presented in alphabetically-listed separate sections that follow, and each is labeled with a 3-letter designation which will aid identification in tracking their implementation. Most sections contain introductory material, observations and a listing of specific recommendations, as applicable. These are provided in the main text of the report.

Following several review sessions involving key FWTa managers and executives and TransTech, Appendix A reports on The T's compliance with federal and state laws and regulations, and Appendices B and C report on the Board's 2013 successful efforts to bring two matters into compliance. Finally, Appendix D provides commentary by The T on various observations and recommendations.

Board Support - BSP

A single individual serves in the position as Director of Administration/Board Liaison. This position supports the Board and reports to the 9-member Board of Directors, the President/Executive Director and Executive Vice President/COO. As noted, on the Organizational Chart in the ORG section, the duties also extend to the support of other senior executives.

The Director of Administration/Board Liaison is also a member of Senior Staff. All requests and duties pertaining to the Board of Directors is handled by this incumbent. This includes but is not limited to:

- Coordinating Board and Board Committee meeting materials
- Coordinating the Monthly Board of Directors Meeting
- Coordinating meeting schedules for Board Members
- Maintaining official documents of Board and Board Committee meetings
- Planning all aspects of Board members travel, including air travel and hotels
- Filing expense report
- Training Board members on using any electronic devices that are required to be used during their appointment
- Communicating frequently with each member of the Board
- Attending all committee meetings and takes notes in some
- Handling audio/visual tools involved during meetings that are filmed and recorded, including the Governance Committee and the Commuter Rail Meetings which involve TRE and TEX Rail.

The incumbent also serves as the Liaison to Administrative Law Judges.

Comparing The T to DART and other transit properties, similar Board support functions provide the following administrative support to the Board (items 1-5) as well as supporting several other entities (non-transit) on an as-needed basis (items 6):

1. Distributes information to each Board member
2. Assists in handling Board member requests
3. Coordinates Board and Board Committee meeting materials
4. Coordinates meeting schedules for Board members
5. Maintains official documents of Board and Board Committee meetings
6. Serves as Liaison to Administrative Law Judges.

Items 1-5 above are typical board support functions for public agencies of all types and for many private sector boards. Depending on many factors, including how often the Board and committees meet, the activity level of the Chairperson, the board's desire for in-depth pre-meeting materials, their interest in operational details, nature and extent of Board committees, and so forth, the employees required to provide board support may vary widely.

At The T, the incumbent (who has served for seven years) Director of Administration / Board Liaison is satisfied with the work load and thus does not see a need for additional assistance in her office.

Observation BSP-1. There are no significant observations that require attention of the Board or executive staff in this area.

Compliance - COM

The Fort Worth Transportation Authority (FWTA) was created under the Texas Transportation Code, Chapter 452 Regional Transportation Authorities. Transportation authorities created under Chapter 452 fall under one of two subchapters – N or O. FWTA is governed by Subchapter N which states, “This subchapter applies only to the board of a subregion that has no principal municipality with a population of more than 800,000.” With a 2010 census population at 741,206 and an average annual growth over the last two years of 8,302, it seems likely that Fort Worth will exceed the 800,000 population limit by 2020. This would result in FWTA moving from the governance of Subchapter N to that of Subchapter O, which is entitled “Subregional Board In Subregion Having Principal Municipality With Population Of More Than 800,000.” The primary significance of this shift is that transportation authorities governed by Subchapter O have substantially more requirements imposed upon them by the statute than do those governed by Subchapter N.

As a part of its performance audit of FWTA, TransTech has examined FWTA’s compliance with applicable state and federal laws. The matrix which follows lists state law requirements and TransTech’s observations regarding compliance. Given the above-referenced anticipated change in FWTA’s statutory status, requirements under both Subchapters N and O have been included. Requirements limited to those authorities governed by Subchapter O are highlighted in yellow and are acknowledged as not required.

It should be noted that as of March 1, 2013, a Memorandum of Understanding and Agreement was entered into between the City of Fort Worth and FWTA which, in part, imposed multiple duties upon FWTA which coincide with the Subchapter O requirements. This has resulted in FWTA frequently being in compliance with the Subchapter O provisions despite the fact that the statute does not require it. These instances are noted in the matrix in Appendix A.

Observation COM-1.1. Section 452.547 of the Texas Transportation Code is in practice, but not codified in The T’s bylaws.

- On November 18, 2013 the Fort Worth Transportation Authority Board of Directors passed a resolution that addressed this issue. The resolution can be found in Appendix B.

Observation COM-1.2. Section 452.1055(a) of the Texas Transportation Code was found to be out of compliance.

- On November 18, 2013 the Fort Worth Transportation Authority Board of Directors passed a resolution that addressed this issue. The resolution can be found in Appendix C.

Recommendation COM-1. There are no further compliance issues for the Board or staff to address.

Contract Administration/Procurement - PRO

Within The T organizational structure, the AVP Contract Administration / Procurement reports to the VP / CFO. The two have an “open-door policy,” and they communicate freely and effectively with each other. The office is viewed as having two primary functions: a) Contract Administration and b) Procurement.

The Contract Administration/Procurement (CA/P) team consists of five individuals:

1. AVP Contract Administration/Procurement, who – in addition to overall accountability for the office - has direct involvement in the following:
 - Archiving, development and maintenance of procurement policies and procedures
 - Procurement activities in relation to TEX Rail
 - Purchase of rolling stock using the APTA template (Senior Buyer is being trained to take over this role)
 - Procurement protests
 - FTA and NTI workshops which take place every one to two years.
2. Senior buyer.
 - Large and complex procurements such as construction projects
 - Supervision of the Management Assistant.
3. Buyer. Smaller procurements, usually service contracts.
4. Management Assistant. The Assistant is in charge of maintaining the procurement website and the vendor database.
5. Contract Administrator oversees contracts approved by The T’s Board of Directors which includes, but not limited to the following activities:
 - Monthly DBE participation reporting for AVP of Contract Administration and Procurements’ monthly DBE Board report
 - Negotiate, draft, and process Contracts for signature
 - Resolve contract compliance issues
 - Reviewing contractor billing and activities for compliance with contract terms before processing payments

Procurements policies and procedures are two documents. The policies are Board approved and the procedures outline specific processes for Contract Administration and Procurement to follow for compliance with the policies.

While the Grants & DBE Administrator office is responsible for DBE requirements and federal reporting, the AVP of Procurement and Contract Administrator has a role in the DBE program, as described. In fact, Procurement is involved daily to ensure DBE guidelines are properly

contracted and subsequently monitored. This may involve use of the Texas Unified Certification Program (TUCP) DBE Directory, which uses about half dozen agencies to provide certification of all DBEs within the State.

Some other organizational units within the agency indicated that they had discussions from time to time with Procurement involving a number of matters. As best could be determined, these discussions are a matter of planning, negotiating, and executing relationships with vendors and doing so within federal, state and local rules and regulations. It appears that Procurement is doing a commendable job in this regard.

The Procurement department has often had to work against ambitious deadline expectations set by other departments. The nature of the job in Procurement characteristically puts Procurement near the end of the project chain, and they are a critical link in getting a project initiated.

Compared with other transit and public agencies, the contract administration process and documentation for The T is excellent. The solicitation packets (RFPs) are well-written, clear and complete. The service contracts are straight-forward, brief, clear and comprehensive. Communication with the Contract Administrator is excellent.

Observation PRO-1. There are no substantive observations and recommendations that need to be addressed by the Contract Administration/Procurement office.

Customer Service - CUS

The T's Customer Service function is led by the Customer Service Administrator who reports to the Senior Vice President. She has 14 fulltime employees, four part-time employees, and two temporary employees that work at an office at the T's Intermodal Center in downtown Fort Worth. The Customer Service department handles all calls for the fixed-route and MITS systems, booking all paratransit trips. The group also staffs a kiosk at the Intermodal Center that sells passes, handles lost and found, and answers customer questions; the kiosk staff can also answer the phones.

The call center operates from 5:00 am to 10:00 pm Monday through Friday, 8:00 am to 8:00 pm Saturday, and 8:00 am to 5:00 pm Sunday. Every six months, staff can bid for different shifts, with the assignments based on seniority. The Administrator generally works days, but will alter her schedule periodically to come in on evenings or weekends.

Even though the group is physically separated from the rest of The T staff, the Administrator feels her group gets the support it needs from Human Resources, IT, and other administrative areas. Customer complaints are logged in through an electronic system and routed to the appropriate departments for response.

The Administrator tracks key statistics such as rate per hour and off-phone percentage for each agent. Calls average two to two and one-half minutes, and 98% of calls are answered. They do not track average wait time, which is relevant to ADA compliance for paratransit (see MITS section for more detail).

Observation CUS-1. There is no designated "lead" agent or second-in-command in charge when the Administrator is not there.

- While the staff is seasoned and competent, issues can arise that require decision-making authority.
- With the center open 106 hours per week, the Administrator is only able to be present to provide leadership less than half the time.

Recommendation CUS-1. Create two Lead Customer Service agents who will be in charge when the Administrator is not there.

- Staff schedules should assure that the administrator or one of the lead agents is on site at all times.

Finance Functions and Accounting - FIN

Four functions report to the Chief Financial Officer— TEX Rail, Accounting, Finance, and Procurement. The CFO splits his time among the functions, but most of his time is currently focused on TEX Rail. Even though the Trinity Railway Express (TRE) is not formally a Finance or CFO operation, the CFO also spends time in the management of the service. (TRE operational matters are handled with the EVP/COO's office.) Two of the four functions comprise what is normally considered the Finance function at a transit agency—Accounting and Finance—and these two areas are covered here. The other two sections are covered elsewhere in the report.

The Accounting function is led by the Assistant Vice President of Accounting, who reports to the Chief Financial Officer. The department includes 15 staff members (eleven full-time and four part-time) who perform the following functions: performance reporting, State reporting, National Transit Database reporting (including entering random ridership survey data), farebox pulling and cash counting, pass sales and distribution, front desk staffing and, ticket vending machine (TVM) servicing and minor maintenance, fixed asset accounting, general ledger, accounts receivables (including for vanpool program, which is managed in-house), accounts payables, annual financial and single audit oversight and all other general accounting duties.

The department works closely with almost all areas of The T, but has particularly strong working relationships with IT and Grants Administration. Accounting relies on IT for Ellipse support, while Human Resources and Grants Administration rely on Accounting for support of payroll function (which resides in Human Resources), tracking and review of the federal and state grant expenditures.

The Finance section handles investments, cash management, budgeting, and variance analysis. It includes two staff members—the Assistant Vice President for Finance and the Budget Analyst, with outside support provided by investment advisors and fuel futures consultants. The group also creates and maintains the agency's long-range financial plan (which currently extends to 2035). This plan leads to the annual budget.

The Finance staff works closely with all departments by virtue of its budget function. Finance provides Operations with an estimate of the operating budget each year, and Operations and Planning then determine the service plan for the year. The group relies on support from IT, Risk Management, and Operations.

The Accounting and Finance functions perform their functions effectively and efficiently. The Accounting and Finance sections of the Finance Department are led by competent and experienced staff. The department provides the other departments of the agency with the support they need to perform their own functions.

General Counsel - GEC

The T General Counsel's office consists of two professionals – the General Counsel and an individual who serves as a paralegal. The organizational chart shows the incumbent reporting to the Board of Directors and coordinating activities with the President / CEO and Executive Assistant / Board Liaison.

The responsibility of the General Counsel is to "...protect The T's legal interest and maintain its operations within the scope established by applicable laws." This primary legal role extends to the following areas:

- Providing legal counsel to the Board of Directors, President/Executive Director, and senior staff
- Identifying and analyzing legal issues, drafting key documents, presenting recommendations, and assuring legal compliance
- Negotiating, drafting, and reviewing proposed contracts, leases, formal agreements, and other legal instruments which include researching and providing legal opinions, selecting and managing relations with outside counsel and other agency counsel
- Managing litigation
- Ensuring The T's operations and Board of Directors meetings are conducted in compliance with all relevant statutes. (There are five committee meetings and one Board meeting per month.)

As in most General Counsel offices, budgeted funds are available to cover a) internal operations (salary, benefits, supplies, etc.) and b) some estimated level of external counsel, which may or may not be needed. In the case of The T, the total General Counsel's budget is \$400,000, although there is considerable flexibility to retain outside counsel depending on need. External counsel typically handles items such as union contract law, torts, eminent domain cases, and procurement protests.

In recent years, the incumbent has been assigned responsibilities for the following related activities:

- Real property acquisition, disposition, and relocation in accordance with the Uniform Act
- Drafting agency Real Estate Policies and Procedures and the Advertising Policy that was approved by the Board

The paralegal handles the vast majority of these extensive real estate-related activities, exclusive of TEX Rail, at this point in time.

The General Counsel supports or otherwise works closely with the Board of Directors, Executive Staff and Senior Administrators, Finance and Accounting, Procurement and Contract Administration, Planning, Project Management, Information Technology, Human Resources, Grants, and Risk Management. In this regard, the General Counsel has widespread contact with key staff throughout the agency on a large number of matters. External to The T, the General Counsel maintains contact with more than a dozen associations and sister agencies, from the Southwest Transit Association Law Conference to the International Right of Way Association. These activities include conference attendance, presentations, attending webinars, etc. which are helpful in keeping abreast of other transit properties' operations. It is noted that Texas does not have the resources to establish and maintain a lawyer committee within the Texas Transit Association, which inhibits inter-agency communications to some degree.

Observation GEC-1. The General Counsel's office is concerned about data security and confidentiality of electronic communications.

- The office lags some transit properties in terms of electronic media and in its use in legal matters.
- The General Counsel's office and the Human Resources department are most in need of improved IT support, according to staff.

Recommendation GEC-1. If IT resources allow, the IT department should assign an individual who is dedicated (but not necessarily exclusively) to overseeing the technology components of General Counsel and Human Resources communications.

- This approach would limit access to a single IT individual that would serve these two particularly sensitive functions.
- The feasibility of this approach will need to be judged by the IT Manager and the availability of staff to comply with the avowed need.

Grants/DBE Administrator - GRT

The Grants & DBE Administrator reports to the Senior Vice President for routine daily matters dealing with grants and directly to the CEO in his role as DBE Administrator, as required by federal law.

The incumbent applies for and manages grants—mostly FTA formula grants—but he also looks for and pursues discretionary grants as well. The T currently receives funding through New Freedom, JARC, and the Bus Liveability program for a bike share program. The Grants Administrator also manages the FTA Triennial Audit process every three years. In the role as Grants Administrator, he works closely with Project Management, IT, Planning, Security, and any other areas seeking project funding. The VP of Accounting provides a review function for the grants administration. The FTA found no deficiencies in grants or the DBE program at The T – or, in any other matter - in its most recent triennial report. This level of compliance is unusual and deserves commendation.

The Grants Administrator is responsible for making application for, ensuring the appropriateness of grant administration and management, and closing out grants. He has ‘cradle to grave’ responsibility for grants administration, including e-communication with the FTA grants clearinghouse (ECHO). About 70% of the incumbent’s time is spent on grantsmanship.

In the DBE Administrator role, the incumbent’s primary relationships are with Procurement, Project Management, and Planning. The administrator works on outreach to potential DBE contractors in addition to monitoring compliance with the T’s DBE goals. The Grants & DBE Administrator was involved in TEX Rail in the early planning and design stages, and may be again when construction begins. Staff routinely attended applicable meetings and interfaced with other staff involved in TEX Rail who were The T and/or The T-related staff and with external stakeholders.

The percent goal for DBE vendors “depends on the time of year,” implying a ‘running total’ of how close The T is to meeting goals at any point in time. As needed, objectives are fine-tuned and/or specific goals are altered primarily by a committee of three: DBE Administrator, Procurement, and the appropriate Project Engineer or Manager. In setting its own goals (per FTA guidelines), The T identified goals of 20% for each of 2011, 2012, and 2013. On occasion, a small business procurement may be substituted in lieu of a DBE.

All claims for registration as a DBE are evaluated through the North Central Texas Regional Certification Agency, which provides a similar role for many public institutions in the region such as the DFW airport, DART, and the City of Fort Worth. This minimizes the role required of The T in DBE certification.

Observation GRT-1. The T has no specific DBE outreach objectives.

- It is difficult to measure whether the incumbent's outreach efforts are sufficient.
- If utilization exceeds the stated goal for the year, then the presumption is that outreach efforts are sufficient. If not, a need for more outreach may be assumed.

Recommendations GRT-1. Develop specific objectives for the number of DBE firms or percentage of DBE effort to be contracted in a given year.

- While The T currently meets its DBE contracting goals, having specific outreach objectives would ensure that it can prove the sufficiency of its outreach efforts in the event that it falls short of its contracting aspirations in a given year or on a given procurement.
- By knowing how much outreach is expected and/or needed, the DBE Administrator could more effectively budget his time and efforts on outreach throughout the year.

Human Resources - HRD

According to The T organizational chart and listing of key positions, the Vice President (VP) Human Resources is one of nine Senior Staff: President/ED, General Counsel, Director of Administration, TRE COO, EVP/COO, Senior Vice President, VP/CFO, VP of Project Management and VP Human Resources. As such, the head of Human Resources operations carries the rank of Vice President and thus participates in executive and leadership discussions and decisions.

Highlights of various policies, procedures and issues of HRD

Communications between HR staff and the employees is perceived in some areas as inconsistent. Policies, procedures, and objectives for increased communication are in place but can always be improved upon. Since HR's primary customers are the employees, the unit may be expected to be strongly customer-focused, which some believe is not the case. Further, there is room for improvement in communications between certain FWTa units and outside stakeholders.

Further, there are HR personnel who feel that employee relations has deteriorated from prior years, and the void therein has had to be filled by others, most notably the EVP/COO. In fact, consistent, appropriate communications up and down The T communications chain, as well as laterally across departmental lines, are lacking. It is the perspective of some employees – both inside and outside the HR Department - that such communications are handled outside HR or not at all. However, The T's Benefits Specialist has a communication plan that is updated yearly to focus on changes to the organization's programs and benefits.

Turnover in HR has been a recurring problem due to a lack of 360 degree training as in prior years, employee dissatisfaction with the direction HR is headed, and/or the nature and extent of services it is providing. In fact, HR does not have a mission statement, although one has been drafted. It was noted that it has been "in process for a year and needs to be vetted by Senior Staff."

There is an opportunity to enhance internal performance management, although there is no 'system' or process in place. Some elements are tracked and a few are reported, however. None appear in the Monthly Performance Report, which focuses on operations and finance exclusively. All of The T's stats are discussed internally within the HR department on a monthly basis.

'Low wages' are mentioned infrequently among The T employees. Also we heard nothing about the quality of benefits, which would seem to be excellent. The T's retirement program is as follows:

Employee contribution = 0% and Company Match is 3%

Employee contribution = 1% and Company Match is 4%

Employee contribution = 2-3% and Company Match is 5%

Employee contribution = 4% and Company Match is 6%

As can be seen, the retirement system is not longevity based; rather, it is based on the level of employee contribution. It is an unusually robust system for a public agency.

Primary daily functions of HRD staff

The VP of HR is responsible for planning, organizing, developing, implementing, directing, and coordinating all the activities of the Human Resources Department including but not limited to recruitment, organizational development; benefits and compensation; formulating and recommending policies and procedures; human resources management; and ensures full compliance with applicable laws, labor contract, and developing, implementing and evaluating ongoing strategic Human Resources functions, goals and objectives

The VP Human Resources has four direct reports, per below, and a total of 7.5 positions:

1. Payroll Specialist
2. Benefits Specialist
 - Leave Specialist
3. Human Resources Manager (“generalist”)
 - Hiring Coordinator
 - HR Assistant (25 hours/week) – validates accuracy of data entry; maintains all filing
4. Health & Wellness Manager

Payroll Specialist

Processes biweekly payroll, including responsibility for quarterly reports, year-end reports, (all payroll tax requirements) and W-2’s. Payment to employees is made via direct deposit/or paycard.

Benefits

Manages all employee benefits in collaboration with an external broker. This program ensures that employees understand benefit programs by regularly generating ongoing communications, presentations and counseling to employees and their dependents as situation arises. The HR Department also periodically publishes “The News: News, Events, Wellness, Safety,” an employee newsletter for employees.

HR Manager (Generalist)

The incumbent’s responsibilities include:

- Supervising the Leave Specialist and leave program
- Hiring Coordinator
- Maintenance of file room
- Special projects, such as succession planning, operational handbook, individual performance audit system, unemployment claims, and counseling
- Oversight of drug and alcohol third-party vendor and the third-party vendor for worker's compensation
- Maintains all employee files (Assistant)
- Audits data entry results from Ellipse (Assistant)
- Assists other specialists as needed (Assistant)

Recruitment

Recruitment process includes handling background checks, employee and applicant screening, and assisting managers with filling vacancies.

Health and Wellness

Health and Wellness Manager oversees The T's wellness program to provide The T employees with an environment conducive to a healthy and productive workforce.

Training

Training within The T – including McDonald Transit – is coordinated through the Human Resources Department. Training has two primary components:

- HRD provides administrative training which includes introductory levels of safety, drugs and alcohol prevention, ethics issues, authority benefits, customer service, etc.
- Operations (McDonald Transit) handles operator technical, other technical, and similar training.

Observation HRD-1. Communications up and down and across the chain of command is the subject of criticism. This is particularly noted by the HR Department, some of whom have extensive contact with employees at all levels and feel a strong need to address the issue.

- Little attention is paid to the development and implementation of an HR based communications program – a program that is driven by HR's ability to reach out consistently and frequently to employees. Successes in this regard would seem to be due to the individual effort of a select number of HR staff rather than through a Department-wide initiative.
- The communications issue inhibits a strong internal customer-focused initiative in an important unit that serves every employee on the property.

Recommendation HRD-1. Improved communications with The T should be an agency-wide effort.

- The HRD is in a strong position to identify communications issues, initially assess them, suggest improvements therein, and recommend solution options to senior management. Following internal vetting, executives and managers should then encourage widespread acceptance of communications improvements throughout the Authority.

Observation HRD-2. An HR performance management system does not exist except sporadically. As noted elsewhere, performance indicators are not reported on a wide-spread basis, i.e., at the executive and Board level on a routine basis.

Recommendation HRD-2. Increased focus on the creation of performance indicators and Authority-wide reporting is needed.

- The Monthly Performance Report is an excellent vehicle to report basic personnel activities and results so the Executive Staff and Board can understand the shifts in perspective and concerns of the employee base, as well as selected external drivers such as compensation and benefits and labor availability.
- Selected examples of human resource performance indicators might include the following:
 - Turnover ratio by department or primary function
 - Days to process application / make a hiring decision
 - Attendance records by unit
 - Grievances settled
 - Compensation vis-à-vis peer agencies
 - Individuals trained by curriculum

Information Technology - INT

The T's Strategic Plan, as presented in the 2013 Business Plan for the Authority, lists three "overriding" goals:

- **Transportation** – related to the development of Tarrant County's public transportation system.
- **Timeliness** – related to both the on-time performance of the system and the delivery of transportation projects on schedule.
- **Technology** – related to the effective leverage of information technologies to improve both the customer experience and operational efficiency.

More particularly with respect to technology, The T seeks to:

- "Use new technologies to improve services, communicate with customers, and bring more customers to existing services,
- Utilize technology to increase efficiency within the organization,
- Integrate region-wide transit modes."

The Information Technology Department, organized under the direct supervision of the Executive Vice President / Chief Operating Officer, has the lead responsibility for the execution of the technology-related objectives of the organization, working as an internal support function to the operating and staff units of the Authority. Other internal support functions included within this group included Security, Risk and Safety Management and Property Management.

Led by an Assistant Vice President, the Information Technology Department is responsible for the development, maintenance and support of The T's technical infrastructure, operation of the technology help desk, applications software and database support, telecommunications, technology project management and new product implementations. The Department of Information Technology is authorized nine full time positions, of which seven are currently filled, as follows:

- 1 Assistant Vice President
- 3 Project Coordinators supporting the T's major enterprise application systems
 - Ellipse core enterprise resource planning functionality
 - Trapeze operations, scheduling and dispatching functionality
 - Passenger information, ticket vending and access control systems.
- 1 Technical Services Coordinator staffing the internal help desk
- 1 Network Administrator supporting all aspects of the technology infrastructure

- 1 Systems Administrator primarily focused on database and operating system software.

The two unfilled positions were assigned to supporting the T's administrative software package, Ventyx Ellipse. Those support activities are now outsourced to a company called AddOns, Inc.

Among the major business systems and software applications supported by the T's Information Technology Department are the following:

- Ventyx Ellipse (formerly Mincom) enterprise resource planning
 - Finance/Accounting
 - Asset Management
 - Purchasing
 - Human Resources
 - Payroll
 - Benefits Administration
 - Maintenance.
- Trapeze Systems
 - Planning and scheduling
 - Dispatching (fixed route and paratransit)
 - Maintenance Scheduling.
- NextBus passenger information system
- Genfare CENTSaBILL farebox
- Genfare Vendstar ticket vending machines
- Win-Pak access control system
- Fleetwatch fuel management
- Verint video system
- Dell KACE help desk software
- VMWare storage area network / server virtualization software
- Orion network monitoring
- Appassure backup and replication software
- Database software
 - Oracle 10g and 11g
 - Microsoft SQL Server 8 and 9
 - Sybase

- MS Access
- Microsoft Exchange 7 (email)
- Windows XP and 7 desktop
- Microsoft Office 2007
- ShoreTel VOIP phone system
- Oaisys call center recording
- Motorola radio system

The major technology goals established for fiscal year 2013, as shown in the adopted budget and business plan, are as follows:

- Complete conversion of company desktops to Windows version 7
- Implement an automated timekeeping system
- Implement a disaster recovery/ business continuity plan and site
- Complete the MITS mobile data terminal upgrade
- Enhance the IT support infrastructure
- Implement the Trapeze Sign In Terminal software module
- Implement Interactive Voice Response System.
- Install new passenger information signs at TRE stations.

Observation INT-1. The T lacks an up-to-date information technology strategic plan.

- No formalized, adopted and approved long range technology plan currently exists. The Director uses an internally-developed listing of technology projects and needs which is used within the context of the annual budget process to establish technology spending priorities on a year to year basis. Many such projects do involve funding requirements over multiple years.
- The T's executive staff meets for an annual planning and goal setting retreat and this venue is used to secure input into technology needs and priorities from the perspectives of the various operating units of the Authority.

Recommendation INT-1. Develop a comprehensive information technology strategic plan.

- An effective IT strategy focuses on alignment of IT project and spending priorities with the demonstrated business needs of the operating units.
- The technology plan should address both infrastructure and application needs of the Authority over the next three to five year timeframe and should be developed as a

collaboration between the Information Technology Department and the customer business units.

- Important elements of a comprehensive strategic plan for information technology include:
 - A clearly articulated information technology vision and mission, clearly linked to the overall vision and mission of the The T.
 - Strengths, weaknesses, opportunities, threats (SWOT) analysis in terms of the application of information technology to addressing known and future business requirements.
 - An “environmental scan” of current and emerging issues and trends.
 - A thorough technology needs assessment, including documentation of both the current state and the desired future state of the enterprise from a technology perspective.
 - Prioritized listing of IT initiatives needed to close the gap between the current and future states.
 - Business case documentation of the expected benefits and costs of each proposed initiative.
 - An implementation roadmap identifying dependencies, sequencing of initiatives and projected costs and other resource requirement.
- The process of developing the plan should be highly collaborative and should include significant engagement with users at all levels of the Authority. The Authority should consider contracting with a third party consultant or firm to facilitate development of the plan to provide an independent perspective and skilled and experienced resources to the table.

Observation INT-2. The T lacks a structured information technology governance model or policy.

- As defined by the Gartner Group, Inc., a widely respected and often-cited technology research and consulting organization, information technology governance encompasses “the processes that ensures the effective and efficient use of IT in enabling an organization to achieve its goals.” An effective IT governance model helps the enterprise ensure the accountability and responsiveness of the technology organization itself, drives compliance with technology standards, rules and regulations, focuses investments on the needs of stakeholders and enables the management of technology-related risks and the control of IT projects. (SOURCE: Gartner, Inc., IT Glossary, IT Governance, <http://www.gartner.com/it-glossary/it-governance/>)

- Despite the prominence of information technology as one of the top three focus areas in the Authority's strategic plan, the Assistant Vice President is not organized as a member of the executive management team and is classified at a lower level than the heads of other mission-critical support functions such as Finance and Human Resources.
- No Information Technology Governance Committee or steering group, comprised of senior members representing the operating units of the Authority, exists to review and prioritize IT investments and budget requests for conformance with Authority business goals and standards.
- Although the Information Technology Department has internally developed technology standards for such things as supported database platforms, operating systems, desktop productivity software, personal computers, mobile devices, etc., these standards do not appear to be formally adopted nor are all technology investments required to conform or seek a formal waiver from the Governance Committee.
- No standardized technology selection process, implementation project management methodology or change management protocol have been documented, adopted and deployed.

Recommendation INT-2.1. Develop, adopt and deploy technology governance structure and policy.

- Various IT governance frameworks have been developed and are available in the marketplace. Among the best known are ITIL (IT Infrastructure Library) and CoBIT (Control Objectives for Information and related Technology.)
- The establishment of an IT Governance Committee, comprised of senior representatives from key customer departments, is an important aspect of establishing effective governance and should be one of the first steps in establishing the governance model at The T.
- According to the IT Governance Institute, the fundamental concerns of IT governance are "IT's delivery of value to the business and the mitigation of IT risks." They have further identified the following key components of effective information technology governance: (SOURCE: IT Governance Institute, Information Systems Audit and Control Association, Board Briefing on IT Governance, 2nd Edition, IT Governance Institute, 2003.)
 - Aligning IT strategy with the business strategy
 - Cascading IT strategy and goals down into the enterprise

- Providing organizational structures that facilitate the implementation of strategies and goals
- Creating constructive relationships and effective communications between the business and IT, and with external partners
- Insisting that an IT control framework be adopted and implemented
- Measuring IT's performance.
- Best practices in effective IT governance include, but are not limited to, the following:
 - Position the CIO as a strategist who resolves business issues with information technology
 - Use an IT governance committee to oversee IT strategy and policy decisions
 - Focus on optimizing alignment between business strategies and IT investments
 - Inform business unit managers on the rationale behind IT policies and of emerging technologies
 - Monitor and report on the progress of the IT strategic plan
 - Wherever possible, standardize common applications across departments and use off-the-shelf software whenever possible
 - Ensure that IT costs and cost recovery methods are transparent and clearly communicated
 - Use formalized project management, change management and project review processes
 - Use service level agreements (SLAs) as formal contracts between the Information Technology Department and operating business units, and report on performance metrics specified in the SLA.
 - Use policies, procedures and clear authorities to manage change.
 - Develop strong and broad staff competencies.
 - Recognize the customer as an important resource.
 - Measure performance and use the results to initiate improvements and change.

Recommendation INT-2.2. Apply a structured project management methodology including an integrated approach to cultural change management.

- A formally documented project management methodology is necessary for the Information Technology Department to drive repeatable, efficient, timely, accountable and less risky delivery of technology solutions with high levels of customer satisfaction. There are many project management models described in the professional literature,

the most widely accepted being that described in the *Project Management Body of Knowledge* (PMBOK) promulgated by the Project Management Institute.

- Each IT project should begin with the development of a written project plan, a task and milestone delivery schedule, resource assignments and a detailed written charter defining the project scope, expected benefits, deliverables and deliverable acceptance criteria, change control protocols and the roles and responsibilities of all participants. This plan should be prepared and submitted to senior management for approval and then serve as the benchmark for the monitoring, measuring and reporting on project progress.
- Each enterprise IT project should also have a planned and structured cultural change management program embedded in the project plan and dedicated change management resources assigned to the project team. Not to be confused with “change control” – the management of modifications to project scope and contractual provisions – cultural change management addresses the so-called “soft side” of the transition to new processes and technologies. It is focused on supporting people through the change process by addressing their need to understand the reasons for the process or technology change, understand how the change will affect them in their jobs and, ultimately, to accept and commit to the adoption of the new systems and procedures. The T should consider development or adoption of a standardized change management methodology such as the Prosci ADKAR (Awareness, Desire, Knowledge, Ability, Reinforcement) or John P. Kotter’s 8 Step Change Model, to build out its change management approach in more detail.

Recommendation INT-2.3. Ensure that the information technology organization is consulted and directly involved in all technology procurements.

- The T management should establish, by policy, that every enterprise class technology project in the Authority should be subject to the evaluation processes and implementation methodologies established by the Information Technology Department, as defined and approved by the Governance Committee.
- A Technology Project Manager should be assigned to each project, along with a business / functional team leader, to direct each such project using a defined and documented technology selection, implementation and change management toolset.
- All purchases of technology products and services should be subject to required advanced consultation with the Information Technology staff, review for conformance with adopted standards and approval prior to purchase order execution or contract award. Any deviations from approved standards, policies and procedures should be reviewed and approved by the IT Governance Committee.

Observation INT-3. A comprehensive business continuity and disaster recovery plan has not been finalized and implemented.

- The development of a comprehensive business continuity and disaster recovery plan is a stated priority of the AVP for Information Technology. The Authority has established a remote backup site at the Intermodal Transportation with dedicated fiber connectivity to the main data center at the Hershel R. Payne Transportation Complex and is performing regular backup of critical systems and data. In a related realm, an updated draft of an information security policy has been drafted and that draft is pending final review and approval.
- Disaster recovery planning is a subset of business continuity planning and addresses the processes, procedures and technologies required to restore the critical business systems of the Authority to full operation in the event of a major disruption, either man-made or natural. While disaster recovery is focused on the ability to rapidly restore critical systems to functionality, business continuity considers the longer term needs and effects on the operation of the entire enterprise. The Authority's Risk Management function "owns" the responsibility for business continuity planning, with information technology leading in the disaster recovery realm.
- The Government Finance Officer's Association (GFOA) has issued best practice statements on business continuity planning and disaster recovery, and these document the essential elements of each. These are available online (www.gfoa.org) and are titled, respectively, "*Business Preparedness and Continuity Guidelines*" and "*Technology Disaster Recover Planning*."
- With reference to IT disaster recovery planning in particular, the GFOA recommends that, "every government formally establish written policies and procedures for minimizing disruptions following resulting from failures in computers or other advanced technologies following a disaster. These written policies and procedures should be evaluated annually and updated periodically, no less than once every three years."
- Using this definition and standard, The T does not currently have a formally documented business continuity / IT disaster recovery plan currently in place that would give The T reasonable assurance that it could quickly and reliably restore operations in the event of a catastrophic event.

Recommendation INT-3. Develop and execute a comprehensive information technology disaster recovery and business continuity plan.

- Information Technology and Risk Management should collaborate on the preparation of a detailed business continuity plan that addressed all aspects of the Authority's business operations and services, including but not limited to information technology disaster

recovery. That plan should define and document the specific actions and procedures required to return the business and/or component parts of the business to full productivity following a service disruption, natural or manmade disaster in the most efficient and timely fashion possible.

With respect to information technology disaster recovery, the GFOA recommends the following minimum standards.:

- *Formally assign disaster recovery coordinators for each agency or department to form a disaster recovery team.* The responsibilities of team members should be defined and a current list of team members and their telephone numbers should be maintained. The government should also establish procedures for assembling the team in the event of a disaster.
- *Require the creation and preservation of back-up data.* A government's procedures in this regard should cover the regular and timely back-up of computer data (with proper documentation) and the transportation and storage of back-up data off-site (with proper documentation). The government should also ensure the security of back-up data both during transport off site and during storage off site.
- *Make provisions for the alternative processing of data following a disaster.* A government should enter into a contract for the alternative processing of data following a disaster. It is essential that the government carefully monitor software upgrades to ensure that any such alternative processing site remains capable of processing the government's data. A government should also establish processing priorities should the use of the alternative processing site become necessary. In addition, in situations qualifying for federal emergency assistance, it is essential that the government be capable of providing information to the federal government in the format mandated by the Federal Emergency Management Agency.
- Provide detailed instructions for restoring disk files.
- *Establish guidelines for the immediate aftermath of a disaster.* Specifically, the government's computer disaster recovery plan should provide guidelines for declaring a disaster, for issuing press releases and dealing with the media, for recovering communications networks, and for assessing damage.
- *Keep copy off-site.* A copy of the government's formal computer disaster recovery policies and procedures should be kept off-site to ensure its availability in the event of a disaster.
- *Periodically test the plan.* Every government should annually test its computer disaster recovery plan, including communication within the disaster recovery team, and take immediate action to remedy deficiencies identified by that testing. It is essential that such testing encompass the restoration as well as the processing of the government's data.

- Determine adequacy of outsourced services. A government also should satisfy itself concerning the adequacy of disaster recovery plans for outsourced services.
- The AVP for Information Technology should be responsible for the preparation of the technology disaster recovery component of a comprehensive business continuity plan, with the assistance and support of outside consulting resources as needed.

Observation INT-4. The Ellipse enterprise resource planning software product is not fully functional.

- In approximately 2003-2004, The T selected and implemented the Ellipse software application package to support the Authority's core administrative needs including finance, purchasing, asset management, maintenance, human resources, benefits administration and payroll.
- Mincom Ellipse (now Ventyx Ellipse) was selected over the competing proposal of PeopleSoft / MAXIMUS FleetFocus for a cost of \$2.5 million. Annual maintenance fees in the range of \$91,000.
- The Ellipse product suite has never functioned to the full satisfaction of The T. There are past due Ventyx invoices totaling just over \$374,000 dating back to July 2011 that are still open pending final resolution of outstanding issues. These issues relate to training, missing / incomplete documentation, reporting, system performance and outstanding work orders / trouble tickets. Additionally, Ventyx customer support is reported by users as non-responsive.
- Users across the Authority report varying levels of dissatisfaction with the functionality and performance of the procurement and human resources modules, although there has been improvement since the last software upgrade. Employee self-service functionality is licensed but not deployed, and the Business Objects reporting tool is not used to its full potential, with some users preferring Microsoft Access as a substitute reporting solution.
- Although the Authority has experienced 10 years of frustration and reported under-performance of the Ellipse product, no active plans exist to specify, evaluate and acquire improved systems. Notwithstanding the fact that cost is seen as the primary constraint, resolution of some of these issues is likely to require additional consulting fees and expenses.

Recommendation INT-4. Initiate the planning, evaluation and selection process for replacement of the Ellipse enterprise resource planning software package.

- A cross-functional team of business unit representatives and technology staff should be established to initiate planning for an ERP system replacement.
- A detailed needs assessment, requirements gathering and business case development process should be undertaken. This will involve the examination of each core administrative business process and the identification and prioritization of functional requirements for each.
- Business and technical requirements should be developed for each business process function, system interfaces, the underlying support technology and the implementation and support of the system.
- Once the business requirements are completed, the Authority should undertake a detailed software selection process to replace the existing Ellipse package. The selection process should include the detailed requirements developed above as well as the following key steps:
 - Creation of a detailed RFP for software and implementation services.
 - Release and support of the RFP.
 - Evaluation of vendor proposals.
 - Creation and execution of a detailed demonstration process including demonstration scripts/scenarios.
 - Detailed vendor reference checks and site visits
 - Contract negotiations with successful vendor(s)
 - Consider engaging an outside consulting firm to assist The T with the selection of new software and in supporting the implementation of the selected replacement solution. A third party firm provides vendor independence, current knowledge of the marketplace, experience and expertise in designing effective evaluation processes and practical knowledge of the implementation of similar software.

Observation INT-5. Existing IT staffing levels are only marginally adequate to address current and expected workload effectively.

- The T's Information Department is authorized nine full time personnel. Seven of these positions are presently filled, with the Ellipse technical and functional support roles previously allocated to the two vacant positions now outsourced.
- This number of allocated technology staff is below industry benchmarks reported in the most recent Gartner *IT Key Metrics Data*, 2013 IT Enterprise Summary Report. That report shows that, on average, organizations in the transportation industry devote 3.1% of their staffing resources to information technology functions. The same report

indicates that state and local government organizations average 3.6% of their headcount dedicated to IT staffing. Using an employee base of 559 including contract staff, these measures suggest a range of technology staffing between 17 and 20 FTE for The T, or eight FTE understaffed on the low end. If contract staff, few of whom require IT support, are discounted, the supported estimated IT user base for this analysis is closer to 250. Using this as the basis for application of the staffing average, the computed staffing range becomes 6 to 9 technology personnel.

- We also applied another source to estimate a likely range of IT staffing needs based on the “labor intensity” of the organization’s technology environment. (“The Five Pillars of IS Organizational Effectiveness,” S. Mingay, J. Furlonger, F. Magee and E. Andren, The Gartner Group Strategic Analysis Report, November 1998.) Using the labor intensity model included in the report, we evaluated The T’s technology staffing requirements as falling at a “moderately intensive” level, suggesting IT staffing in the 3 - 5% of the supported user base. With 280 desktop computers serving as the measure of the size of the supported user base, a staffing requirement of 8 - 14 FTE results, suggesting that The T is below the range of appropriate staffing and could be as many as 5-7 FTEs low.

Recommendation INT-5. Increase the authorized staffing of the Information Technology Department, over time and as resources permit, to a minimum of nine full time personnel.

- Discussions with the AVP for Information Technology and members of the IT staff tend to confirm a moderate need for additional personnel. The most pressing need cited is for increased staffing of the Help Desk function. The second-cited area of need is network support. An additional position is recommended for each of these areas.
- Longer term, and in light of the current workload and expected future expansion of the system, additional focus on intelligent transportation system technologies and the recommended replacement of the Ellipse ERP we suggest that The T begin to enhance IT staffing levels as a high priority need as resources permit. We further recommend that the staffing additions focus on professionals with strong business analysis skills and experience in the deployment of large-scale management information systems. Key skill set needs for the immediate future of The T include the support of complex business applications systems such as the Oracle E Business suite, business intelligence and data analytics and IT project management.

Marketing - MKT

The Marketing Department consists of six staff members supported by two vendors, for an annual budget of about \$1.3 million. The Assistant Vice President for Marketing leads the department and reports to the Senior Vice President.

The department handles marketing, advertising, promotions, graphic design, special events, web site maintenance, community outreach, communications, social media, public and media relations, distribution of maps and schedules to outlets, employer pass sales, and transit advertising sales management. One vendor handles advertising of the T (marketing the T); the other vendor sells advertising for the T (ads on buses and benches). Materials and programs created by the department are professional and creative.

The Marketing Department reports its internal customers to be Planning, Scheduling, Executive Office, Accounting, Human Resources, and Operations. It in turn relies heavily on Information Technology, Procurement, and Maintenance to accomplish its mission. The AVP reports receiving excellent support from these areas and feels the cooperation between departments in exemplary.

The department does periodic joint promotions with DART and Denton County Transportation Authority (DCTA) developed through a regional marketing committee. These external relationships appear to be positive and productive.

Observation MKT-1. The Marketing Department does not establish specific ridership goals for its promotions.

- The Marketing Department examines trends in system-wide ridership to help monitor its effectiveness.
- The Marketing Department also uses statistics such as number of media events, social media statistics, and other activity-based measures as performance indicators.

Recommendation MKT-1. Establish ridership goals for specific marketing programs to help assess effectiveness.

- Clearly, many factors other than the marketing program effect ridership on specific services or for specific markets.
- Establishing goals and measuring ridership response is still the best way of determining if marketing and advertising dollars are well spent.

Mobility Impaired Transportation Service - MITS

The goal of the MITS paratransit review is three-fold:

- 1) To evaluate the management of The T's Mobility-Impaired Transportation Service (MITS) in meeting demand for service,
- 2) To evaluate the support provided by the administrative departments of The T to MITS, and
- 3) To evaluate compliance with relevant statutes, principally the federal Americans with Disabilities Act (ADA).

To complete the evaluation, the TransTech team has reviewed and assessed the following:

- Organization structure
- Key performance indicators
- Compliance with ADA requirements
- Eligibility certification practices and trends
- Reservation, scheduling and dispatching practices
- Customer service policies and practices
- Call center operations

Each of the above items is reviewed in turn, including findings and recommendations, as appropriate.

MITS Organization and Management

The MITS Mission cited on the website and contained in the Rider's Guide states:

MITS will provide customer service as our first priority by delivering safe, courteous and dependable transportation services that respond to the ever changing needs and independence of our mobility impaired customers.

The MITS organizational chart is presented below.

The MITS Administrator is also serving as the Interim AVP for Special Services; the MITS operation reports to the Manager of Transportation.

MITS management staff, operators, and maintenance work for the McDonald Transit.

MITS also contracts with five vendors for supplemental service. The contractors are Gold-N-Star, Metro Charter Tours, Catholic Charities, Yellow Cab, and Howard Medical Transportation. There is a contractor liaison position who reports to the AVP of Special Services and manages

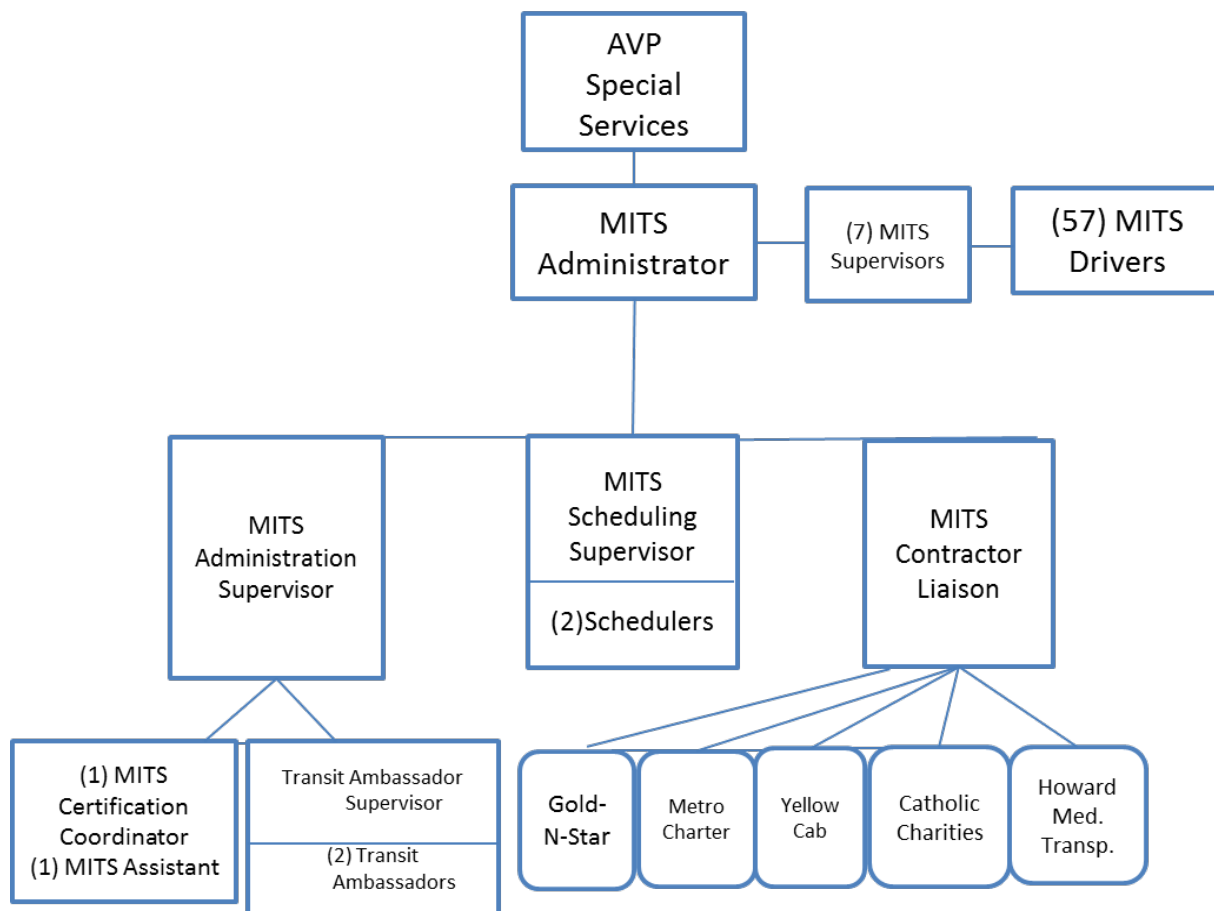
the contracts for supplemental service, which vary by month but accounts for approximately 55% of all trips provided.

The position of AVP of Special Services is responsible for managing the operation and overseeing the dispatchers, schedulers, and drivers. The Administrative Supervisor handles eligibility determinations and oversees the travel training program.

MITS uses the most recent version of Trapeze software to reserve, schedule, and dispatch service. MITS also uses automatic vehicle location and mobile data terminals to control service on the street. The fleet consists of older Orion and newer Arboc vehicles.

Unlike most in-house paratransit operations, the reservation function does not reside under MITS but is handled by a joint-fixed route and paratransit Call Center supervised by the Customer Service Administrator who reports to The T's Senior Vice President. The Call Center is located in downtown Fort Worth at the Intermodal Center, while MITS is located at the Administration Building.

MITS Organization Chart



Key Performance Measures

The Fort Worth Transit Authority uses Key Performance Measures or Indicators (KPI) to evaluate the performance of MITS.

FY 2013 MITS Goals

Key Performance Measures	Goal
Trips per Revenue Hours – In House Service	2.0
Preventable Accidents per 100,000 Miles	1.25
Non-Preventable Accidents per 100,000 Miles	1.25
Average Miles per Road Call	6,500
On-Time Performance	90.0%
Cost per Trip – In House Service	\$ 44.00
Cost per Trip – Contractor-provided Service	\$ 28.00
Total Average Cost	\$ 35.00
Recovery Ratio	8.5%

Year-to-date, MITS performs well with respect to all but three KPIs. On-time performance is below goal with year to date ending in July 2013 of 85.3% versus the goal of 90%. The year-to-date recovery ratio is 8.06%, slightly below the goal of 8.5%, and the in-house trips per revenue hour was 1.98 versus the goal of 2.0. In most respects, MITS performs at or better than the goals. MITS is well supported by other departments, and the key performance indicators that need improvement are within the control of MITS management.

In the sections below, compliance conclusions are highlighted in italics.

Americans with Disabilities Act (ADA) Service Criteria

The Americans with Disabilities Act (ADA) detailed in the *Federal Register* (49 CFR Parts 27, 37, and 38) of September 6, 1991 provides guidelines on how, when, where, and for whom complementary paratransit services are to be delivered. The law specified six service criteria that should be used to determine the comparability of the fixed route and complementary paratransit systems. The criteria relate to the following topics:

- Service area
- Call response hours
- Fares

- Trip purposes
- Hours and days of service
- Capacity constraints
 - Call center
 - On-time performance
 - Travel time

A summary of the “Six Service Criteria” and a description of how MITS meets each criterion follows.

Since the implementation of the ADA, the FTA has performed audits of transit systems and issued letters of findings that have supplemented the original guidance.

The ADA legislation requires that any trip requested by an eligible person must be provided. This requirement poses a management challenge to meet demand for service regardless of the cost to provide it. The only protection that a transit provider has is to strictly implement the provisions if the law.

Service Area

“The basic bus system service area is a corridor with a width of $\frac{3}{4}$ mile on each side of each fixed route. At the end of a route, there is a semicircular ‘cap’ on the corridor, consisting of a three-quarter mile radius from the end point of the route to the parallel sides of the corridor.” (*Federal Register*, Volume 56, Number 173, p. 45748) If gaps exist in the center of the service area these areas must be included in the overall service.

Complementary paratransit service at a minimum must be provided within $\frac{3}{4}$ of a mile on either side of local fixed routes, subway, and light rail. Complementary paratransit service is not required for commuter rail or express bus service.

The law allows transit agencies to shrink the service area on days and at times when fixed route does not operate.

MITS exceeds the requirements of the ADA on this criterion. Service is available throughout the entire Fort Worth, Richland Hills, and Blue Mound service area and is not adjusted based upon the service area, time, or days fixed-route service is available. Fixed- route service on Sunday has significantly reduced coverage and frequency.

Call Response Hours

“Under this provision, an entity must make its reservation service available during the hours its administrative offices are open. If those offices are open 9 am to 5 pm, those are the hours during which the reservations service must be open, even if the entity’s transit service operated 6 am to midnight. On days prior to a service day on which the administrative offices are not open (e.g., a Sunday prior to a Monday service day), the reservation service would be open 9

am to 5 pm. Note that the reservation service on any day does not have to be provided directly by a 'real person.' An answering machine or other technology can suffice (*Federal Register*, Volume 56, Number 173, p. 45749).

MITS accepts reservations 14 days in advance and up to 5p on the day before service is requested. Reservations hour are 8a and 5p seven days a week.

MITS is in compliance with this provision.

Fares

The ADA provides that complementary paratransit riders can be charged no more than twice the fixed route fare. Eligible riders must be permitted a personal care attendant (PCA) or aide who rides at no charge. At least one traveling companion may ride on complementary paratransit with the passenger, and others may ride on a space available basis. All companions are charged the complementary paratransit fare.

The current fixed route one-way fare is \$1.75 and the MITS fare is \$3.25. MITS customers can buy a 10 – Ride book of tickets. The MITS fare is less than the fixed route, and thus is in compliance with the companion fares and free fare for a PCA.

The T has a special program for individuals eligible for MITS entitled “MITS + 1.” Individuals may ride regular local bus routes and bring a companion for free. MITS customers are not automatically enrolled in the program but must sign up for it separately.

The MITS + 1 program is designed to encourage people with disabilities who can use the fixed routes for some trips to do so. While many systems have similar programs, the positive aspect of the MITS program is that it requires a separate application and ID card. This prevents the potential abuse experienced by other systems that offer free fare for people with disabilities.

MITS is in compliance and takes advantage of the maximum fare that can be charged.

Trip Purposes

“This is a simple and straightforward requirement. There can be no restrictions or priorities based on trip purpose in a comparable complementary paratransit system. When a user reserves a trip, the entity will need to know the origin, destination, time of travel, and how many are traveling. The entity does not need to know why the person is traveling, and should not even ask.” (*Federal Register*, Volume 56, Number 173, p. 45750)

The MITS is in compliance with this provision.

Hours and Days of Service

“This criterion says simply that if a person can travel to a given destination using a given fixed route at a given time of the day, an ADA paratransit eligible person must be able to travel to

that same destination on paratransit at that time of day. This criterion recognizes that the shape of the service area can change. Late at night, for example, it is common for certain routes not to be run. Those routes, and their paratransit corridors, do not need to be served with paratransit when the fixed route system is not running on them. One could not access destinations in that corridor by fixed route at those times, so paratransit service is not necessary either.” (*Federal Register*, Volume 56, Number 173, p. 45750.

MITS exceeds compliance by providing paratransit service at all hours of the day to its entire service area.

Capacity Constraints

“...This paragraph prohibits any operational pattern or practice that significantly limits the availability of service of ADA paratransit eligible persons. As discussed under 37.125 in the context of missed trips by passengers, a ‘pattern or practice’ involves regular or repeated actions, not isolated, accidental, or singular incidents. E.g., a missed trip, late arrival, or trip denial now and then does not trigger this provision.

Operational problems outside the control of the entity do not count as part of a pattern or practice under this provision” (*Federal Register*, Volume 56, Number 173, p. 45750).

Capacity Constraints - Call Center

FTA guidance subsequent to the Federal Register directs transit agencies to design call centers to minimize call wait times. Excessive wait times could be considered a Capacity Constraint.

Measuring hold times by looking at the percentage of calls that are under the maximum allowable time is superior to measuring the hourly average because the maximum hold time approach is more straightforward—both simpler to calculate and more transparent. For this reason, measuring by maximum hold times is the method strongly preferred by FTA.

The FTA recommends that if average hold times are used they should be calculated for each hour of the day when calls are taken from riders on that telephone line. Averages need to be hourly because average hold times over an entire day, or over any other period longer than an hour, do not provide an adequate picture.

FTA guidelines require that 95 percent of the hourly periods when reservations are taken should have an average hold time of no more than one minute, and 99 percent of the hourly periods should have an average hold time of no more than two minutes.

Reservations for MITS service are taken at a joint call center that also provides general information about The T as well as fixed route information. The Center is staffed by 14

full time, 4 part time and 2 temporary Customer Service Representatives (CSR). Turnover in personnel is rare.

The Call Center Manager reported that 60% to 70% of the calls are for MITS service and customers never receive a busy signal. Call data are not separated by type of call, however.

Anecdotally, the Manager reports that there are long on hold times for “Where’s my Ride?” calls. Customer Service Representatives have to put customers on hold to call the MITS dispatcher for information about a specific ride.

Capacity Constraints – On Time Performance

The FTA considers poor on time performance (OTP) a pattern or practice that limits customer access to service because service is less reliable. The MITS is responsible for scheduling and dispatching service and, therefore, has a dramatic effect on service quality.

Service must be scheduled to operate on time as close to 100% as possible and delivered at least 92% on time (FTA target). A trip is considered on time if the passenger is picked up within a 30 minute window of the scheduled pick up time.

MITS uses a 30 minute window that begins 15 minutes before the scheduled pick-up time given the customer when a reservation is made. The vehicle could arrive up to 15 minutes after the scheduled pick-up time and still be considered on time. MITS has a Key Performance Indicator goal of 90% on time performance.

At the end of July 2013, the year-to-date on time performance was 85.3%. MITS is continuously working to improve on time performance.

Capacity Constraints – Travel Time

The ADA requires that complementary paratransit service be comparable to fixed-route service. The FTA has provided guidance to transit operators regarding how to determine reasonable travel time comparable to a fixed route trip.

According to FTA guidance, a paratransit ride should not take much longer than the same ride on the fixed route system. The calculation may include an estimate to walk to/from the stop or station to the final destination, and wait for the bus in addition to the actual fixed route travel time. A paratransit trip that is more than 15 or 20 minutes longer might be considered excessive. A substantial number of such trips would be an illegal capacity constraint under the ADA. Transit agencies need to monitor trip length and regularly evaluate travel times.

In places where the service area is not limited to corridors, as in Fort Worth, the FTA allows the use of a standard of “no more than twice the direct auto ride time” where there is no reasonable comparison on the bus.

When an appointment time is used, the scheduling system considers the length of the trip and the allowed travel time settings to generate a pickup time. Use of a single, global travel time setting can result in very early drop-offs and circuitous routing not comparable to fixed route service. For example, MITS does not use an appointment time but requests that customers schedule a pick up time at least 90 minutes before they need to arrive at their destination.

This practice may be a factor in the below standard on time performance. For trips of only a few miles (that would take no more than 30 minutes even with shared rides), riders might be given a pickup time that is 90 minutes in advance. The result may be arrivals at appointments one hour early which is not considered on time at least by the FTA. This practice reduces the effectiveness of Trapeze in grouping and scheduling service as well as being an inconvenience to the customer.

Other ADA-related Policies

In addition to the service criteria discussed above, ADA requires other complementary paratransit policies to be in compliance with the law. The following policies are reviewed below for compliance:

- Subscription service
- Visitors policy
- No show policies
- On-board policies
- Definition of service from origin and destination
- ADA eligibility screening process

Subscription Service

The ADA permits transit systems that do not deny trip requests to accept subscription trips. These trips are defined as regular recurring trips made on the same day of the week, at the same time, and to/from the same location. The ADA prohibits subscription service from consuming more than 50 percent of system capacity at any time of the day, unless the system has excess capacity, e.g., does not deny trips.

MITS subscription service is for passengers who travel to the same destination at the same time every week, for a minimum period of ninety (90) days. Customers who frequently cancel subscription trips may have their subscriptions placed on hold until they are able to call to

reinstate their trip. MITS reserves the right to restrict subscription service as required by ADA. At The T, approximately two-thirds of all paratransit trips are currently by subscription.

Subscription service can increase capacity and reduce the number of phone calls customers make and allow the transit operator to schedule more effectively

Visitors Policy

The ADA requires that MITS make available complementary paratransit to visitors to the Fort Worth service area who are certified paratransit riders in their home communities for up to 21 days without making application for MITS service.

The MITS Rider's Guide includes the Visitor's Policy for people certified eligible for complementary paratransit in other communities. There also is information available on the website about the availability of service for visitors.

No Show Policies

U.S.DOT regulations implementing ADA address the issue of no-show policies in ADA complementary paratransit service programs, specifically, 49 CFR 37.125(h), which states that "The entity may establish an administrative process to suspend, for a reasonable period of time, the provision of complementary paratransit service to ADA paratransit eligible individuals who establish a pattern or practice of missing scheduled trips."

Section 37.125(h) further states that "transit systems must consider only missed trips (no-shows) that are within the control of the rider" and not count against the individual trips that are missed for reasons beyond the person's control, which may include trips missed because of operator error. Specifically, 49 CFR 37.125(h)(1) states that "Trips missed by the individual for reasons beyond his or her control (including, but not limited to, trips which are missed due to operator error) shall not be a basis for determining that such a pattern or practice exists."

Section 37.125(h) also outlines steps that must be taken by a transit agency before any suspension of service is imposed. Specifically, 49 CFR 37.125(h)(2) states that

"Before suspending service, the entity shall take the following steps:

- (i) Notify the individual in writing that the entity proposes to suspend service, citing with specificity the basis of the proposed suspension and setting forth the proposed suspension,
- (ii) Provide the individual an opportunity to be heard and to present information and arguments, and
- (iii) Provide the individual with written notification of the decision and the reasons for it.

Within the appeals process that must be made available to individuals for whom a suspension is proposed, the regulation states that the requirements that apply to the process available to persons who are denied eligibility [as detailed in Section 37.125(g)] are to be used. These appeals requirements include:

- Allowing the person an opportunity to be heard and to present information and arguments,
- A separation of functions (i.e., a decision on the appeal by a person not involved with the initial decision to suspend service), and
- A written notification of the appeal decision and the reasons for it.

Section 37.125(h)(3) of the regulation states that “The sanction is to be stayed pending the outcome of the appeal;” that is, ADA complementary paratransit service must continue to be made available to the person until the appeal of his or her proposed suspension is decided.

The FTA in a 2001 letter of findings advised the Alameda-Contra Costa Transit District, Oakland, California, that “We find East Bay Paratransit Company policy to cancel automatically a return trip if the rider was a “no show” for the first half of the trip not acceptable.” Subsequently, transit systems discontinued the common practice of an automatic cancellation policy and required customers to call to cancel the return trip or be charged with a second no show.

The MITS’s no show policy requires that passengers who will not be making a reserved trip must cancel at least one hour before the scheduled pick up time. Passengers who cancel late or no show an initial trip will have the return portion of the trip automatically canceled.

If a vehicle arrives and the passenger does not board the vehicle within 5 minutes or decides not to take the trip, the passenger is charged with a no show. MITS does not have a written “no strand” policy. However, it is MITS practice not to leave a passenger stranded after missing a ride. When MITS is notified of a passenger need for a return trip, the passenger will be scheduled for pick-up.

MITS will contact by telephone customers who violate the no show policy. MITS policy is to suspend passengers who have three no shows in a 30 day period. (The 2005 *Transit Cooperative Research (TCRP) Project Synthesis 60 Practices in No-Show and Late Cancellation Policies for ADA* conducted a survey of U.S. transit systems with respect to no show policy. The survey of transit properties showed that, by far, the most common no-show policy said that riders could be suspended if they have three no shows in 30 days.)

However, FTA has stated that this stringent a sanction (three no-shows in 30 days) is not necessarily a pattern of rider abuse of the paratransit service, particularly for frequent riders.

Thus, using this as the standard to suspend service would unfairly deny some riders their right to paratransit eligibility. The Director of the FTA Office of Civil Rights wrote in a 2003 letter to

the Washington Metropolitan Area Transit Authority that “the suspension of service for no-shows/late cancellations, considering only three no-shows or six cancellations in a 30-day period is excessive, and an abuse of the service may unreasonably limit service to ADA eligible customers ...”

The MITS Riders Guide does not offer passengers who no show the option to appeal in writing.

On-Board Policies

The Federal Register (57936) Vol. 76, No. 181 / Monday, September 19, 2011 provided additional guidance on the how transit agencies are to handle passengers who are abusive or violent on board transit vehicles.

The Rules and Regulations of Appendix D to Part 37—Construction and Interpretation of Provisions of 49 CFR Part 37 state: “The definition of “direct threat” is intended to be interpreted consistently with the parallel definition in Department of Justice regulations. That is, part 37 does not require a public entity to permit an individual to participate in or benefit from the services, programs, or activities of that public entity when that individual poses a direct threat to the health or safety of others.” In determining whether an individual poses a direct threat to the health or safety of others, a public entity must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain the nature and duration of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

For further detail, the discussion that was part of the rule making follows:

“The definition of “direct threat” has long been a key provision of this and other disability nondiscrimination regulations. “Direct threat” has been the Department’s primary reference point in deciding several issues in which there has been tension between the safety concerns of transportation providers and the rights of persons with disabilities to access public transportation, such as prohibitions on wheelchair users being able to use certain bus stops, use of lifts by standees, and carriage of three-wheeled scooters that are not easily secured by existing bus securement devices. A key element of the concept is that to justify a limitation on individuals with disabilities, there must be a significant threat to others—as distinct from or to the individual with a disability—that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services.”

The MITS Riders Guide provides that passengers who violate on-board policies are subject to penalties up to and including suspension of service. Passengers who are a danger to other passengers or the driver are subject to immediate and permanent suspension.

Definition of Service from Origin to Destination

In 2005 the FTA clarified ADA regulation, 49 CFR §37.129(a), that provides that with the exception of certain situations in which on-call bus service or feeder paratransit service is appropriate, “complementary paratransit service for ADA paratransit eligible persons shall be origin-to-destination service.” This term was deliberately chosen to avoid using either the term “curb-to-curb” or the term “door-to-door” service and to emphasize the obligation of transit providers to ensure that eligible passengers are actually able to use paratransit service to get from their point of origin to their point of destination.

MITS operates door to door and is in compliance with the origin to destination requirement. Operators are allowed to assist individuals in wheelchairs down two steps and are not allowed to lose sight of the vehicle. At major destinations such as medical or shopping centers, operators will go to the door where they are permitted to pick-up and drop off in the main lobby.

ADA Eligibility Determination Process

ADA requires that the local fixed route operators must establish a process to screen eligible customers.

It is clear from the final rule issued by the Department of Transportation (DOT) in the *Federal Register* (49 CFR Parts 27, 37, and 38) of 6 September 1991 that the Office of the Secretary believed that the Americans With Disabilities Act (ADA) envisioned a limited role for complementary paratransit in the provision of accessible public transportation services to persons with disabilities.

“The ADA is a civil rights statute, not transportation or social service program statute.” The ADA clearly emphasizes nondiscriminatory access to fixed route service, with complementary paratransit acting as a ‘safety net’ for people who cannot use the fixed route system. Under the ADA, complementary paratransit is not intended to be a comprehensive system of transportation for individuals with disabilities. (*Federal Register*, Volume 56, Number 173, page 45601)

Eligibility Standards

“Section 37.123 defines the standards that apply to ADA paratransit eligibility. The law recognizes that ‘a person may be eligible for some trips but not others since ‘eligibility does not inhere to the individual or his or her disability, as such, but in meeting the functional criteria of inability to use the fixed route system established by the ADA.’” (*Federal Register*, Volume 56, Number 173, p.45745). This definition is known as trip by trip eligibility.

Section 37.125 of the Act required every operator of complementary paratransit to establish a process for eligibility determinations. The goal of such a process would be to ensure “that only people who meet the regulatory criteria, strictly applied, are regarded as ADA paratransit eligible.”

The eligibility determination process “may not impose unreasonable administrative burdens on applicants.” The regulations permit the use of evaluations by physicians and functional assessments as part of the eligibility determination process but, in the final analysis, conclude that “what is needed is a determination of whether, as a practical matter, the individual can use fixed route transit in his or her own circumstances.” Such a determination would be “transportation decisions primarily, not a medical decision.”

Eligibility Process

MITS uses a paper application with a professional verification to make eligibility determinations. Applicants are required to have a professional verify their application and may be interviewed over the telephone; some applicants are given a functional assessment. The Administrative Supervisor currently manages eligibility screening and the travel training programs.

In 1998, the Transit Cooperative Research Program (TCRP) published a study of certification practices used by transit authorities throughout the United States. TCDRP Synthesis 30, Paratransit Eligibility Certification Practices identified four models for making eligibility determinations. The models were classified as follows:

- Self-certification plus a Professional Verification
- Interviews
- Full Functional Assessment
- Hybrid Interview / Functional Assessment

The study’s examination of the overall effectiveness of the various models suggests that increased face-to-face contact enhances the ability of transit agencies to accurately identify individuals who could be readily identified as ADA-eligible. The report states that “While in-person assessments and interviews do provide valuable information for making eligibility determination, there are some individuals who could be readily identified based upon a well-designed application form.”

Many transit systems have adopted complex and expensive forms of eligibility certification. It is not recommended that MITS change the process; however it is recommended that data be collected so that trends can be tracked to determine if or when they should consider a more aggressive screening process.

MITS has a well-designed application with a professional verification.

Demand Management Strategies

In addition to assessing compliance with ADA, the review looked at ways that the T is working to control demand for MITS service and, therefore, control costs. The T has implemented four programs that contribute to more effective and efficient paratransit service delivery, as follows.

- ***Supplemental Service***

Approximately 55% of MITS service is operated by five for profit or non-profit organizations. The average cost of supplemental service is 34% less than in-house operations. Whereas MITS has a commitment to the in-house operators, supplemental service can be added or subtracted as needed thus allowing the MITS operation to be cost efficient.

- ***Volunteer Driver***

MITS has implemented an innovative program known as the volunteer driver reimbursement program. Volunteers are reimbursed at mileage rates if they can transport passengers who have scheduled subscription trips. The program controls require a sign off from the agency receiving the customer. This accounts for approximately 465 trips per month.

- ***Fixed Routes Special Services***

The T operates special service routes akin to school trippers on weekday to three workshops for people with disabilities. Buses operate one trip a day between the intermodal transportation center downtown and the Lighthouse for the Blind Monday through Thursday during the afternoon. Two trips a day are operated to and from Expanco and Cullen workshop.

These services encourage the use of fixed routes and combined with the MITS + 1 program of free fare versus a \$3.25 charge for MITS. These services carried approximately 4,400 passengers in March 2013, up 33% over the same month in 2012.

- ***Travel Training***

There are four variations of travel training models employed in the transit industry:

- Informational presentations
- Tailored travel training
- Peer model training
- General travel training

General travel training programs are more detailed than the informational and usually have a component to reinforce the training. Tailored travel training programs are one-on-one training based upon the individualized needs of the customer. This type of training is provided to people with disabilities by experts in the field. It is the most

common form of travel training. The peer travel training model is less expensive because it typically uses trained volunteers to provide individualized training.

The primary benefit of travel training cited in TCRP Syntheses 74 Policies and Practices for Efficiently Meeting ADA Paratransit Demand is that it gives riders the opportunity to take advantage of the flexibility offered by fixed-route services.

The T offers tailored travel training for people with disabilities as well as people who are not eligible for MITS service. Two travel trainers known as Travel Ambassadors will show individuals how to ride and travel with them on Fort Worth T service, on the Trinity Railway Express (TRE), and even assist with familiarization of the Dallas Area Rapid Transit (DART) network. This is a progressive approach and is reinforced with the MITS + 1 program that offers free fare for certified MITS customers who are able, at times, to ride regular public transit.

The Fort Worth Transit Authority has done a good job of finding ways to control demand for complementary paratransit service by using various progressive ways to control cost and divert trips to fixed route services.

Observation MITS-1. MITS is in compliance with the following provisions of the ADA.

- Service Area
- Call Response
- Fares
- Trip Purpose
- Hours and Days of Service
- Subscription Policy
- Visitor Policy
- Origin to Destination Policy

Recommendation MITS-1. MITS is in compliance with the above provisions of the (federal) Americans with Disabilities Act and thus no further action is necessary.

Observation MITS-2. The T's call center does not track average hold times for MITS calls nor does it have goals for average hold times.

- ADA considers excessive hold times a capacity constraint.

Recommendation MITS-2. Track average hold times for MITS calls to the Call Center and monitor those hold times against established goals.

- Consistent with FTA guidelines, the Call Center should track average hold times for MITS calls by hour and establish a goal of 95 percent of calls should have an average hold time of no more than one minute, and 99 percent of the hourly periods should have an average hold time of no more than two minutes.
- If the automated call distribution system cannot distinguish MITS calls from fixed-route calls, then calls should be sampled to establish that standards are met.

Observation MITS-3. MITS uses a 90 minute advance of arrival time scheduling policy.

- Customers are given a scheduled pickup time that is not based upon how long a trip should take considering distance and a shared ride factor that allows for time to pick up other customers along the way.
- This policy can have a negative impact on customers who may be dropped off well in advance on an appointment. It may also impact on time operation and productivity.

Recommendation MITS-3. Discontinue the 90 minute advance of arrival time policy.

- Appointment times should be used in scheduling service.
- MITS should monitor long trips and perform a comparative sampling of trips with fixed route travel times to insure that trip scheduling policy does not create a capacity constraint.

Observation MITS-4. MITS does not collect the data needed to evaluate the effectiveness of its screening process.

- MITS has performance measures and associated goals that are used to monitor other areas of its operation.

Recommendation MITS-4. Track eligibility and screening data to provide executives and managers with the information needed to evaluate the effectiveness of the screening process.

The following data should be tracked:

- Total completed applications received
- Determinations by category - permanent, temporary, denied
- Number of appeals - upheld, denied

Organizational Structure and Board Governance - ORG

The T organizational “line and block” structure in 2013 and the recommended “functional” structure may be found on succeeding pages within this section.

In the listing below, we have provided general observations regarding organizational clarity (internal and external), alignment, organizational operations, governance, and strategic planning. The following characteristics are positive or negative depending on one’s point of view. It is possible that some may be codified in local or state enabling legislation, implying that a change might not be worth the effort. Also, it may be noted that some of the organizational alignment issues have been provided in individual report sections, are relatively minor, and/or thus are not deemed of significant importance to address here.

Clarity

- On first inspection, the organization chart appears clear, well aligned and properly structured.
- Individuals’ titles are somewhat confusing in some areas.
- Organizational unit labels are not clear: “Departments?” “Divisions?” “Offices?”
- There is irregularity with respect to which functions are shown on the chart and which are not.
- Contractor employees and groups are clearly identified.

Alignment

- Some of the reporting lines are inaccurate in terms of the ways and means various processes are carried out.
- Some organizational units occupy too much prominence and some, not enough, when compared with typical transit properties.
- Some of the titles are not descriptive and leave the inquirer wondering what responsibilities and functions the unit has been assigned.
- In some areas, The T is organized around the skills and experience of particular individuals rather than the functions and accountabilities at hand.
- There is not a succession plan for the agency, although one was initiated some years previously.
- In some areas, existing staff levels are deemed to be marginally adequate. In other areas, they are adequate. However, overall, staff size is not a major issue.

Functionality

- The organization appears to be relatively stream-lined and “flat.”

- Some unit or individual locations are illogically placed with respect to reporting relationships.
- Ensuring staff attendance at meetings is sometimes a challenge.

Governance

- Members of the Board have varying levels of experience with public agency boards and transit agencies.
- Senior staff works well together as a team

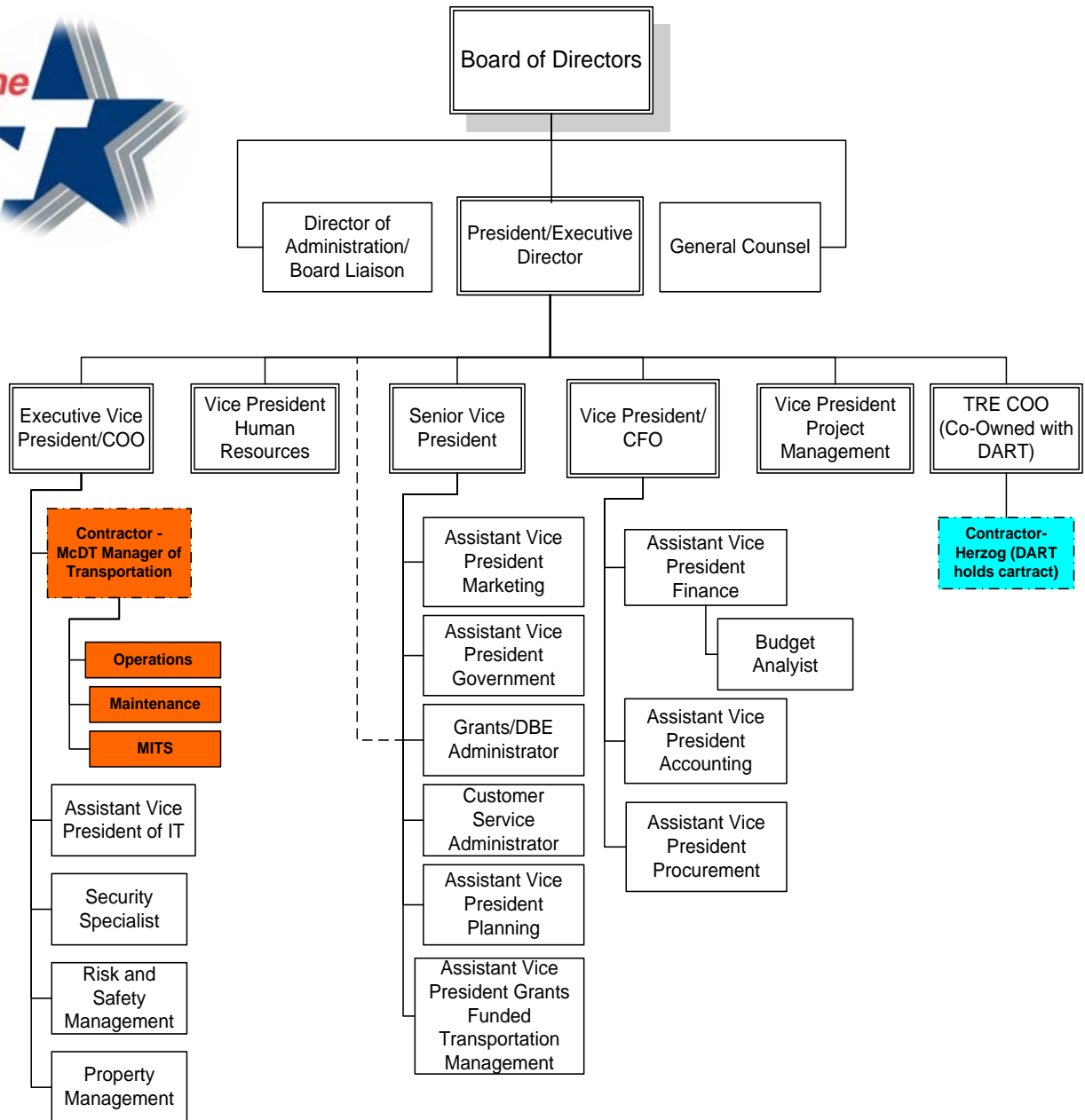
Strategic Planning

- Establishing clear strategic plans for the next few years will be important for the Board and executive staff due to the challenges of TEX Rail versus the continuing initiatives of the existing core businesses.
- Various planning documents need developing or updating, such as the agency strategic plan, a capital plan, a well-established and broadly understood IT plan, a succession plan, and a systems security plan. The AVP for Planning has an extensive work-load in coordinating and ensuring consistency of these and other planning efforts.
- The T should update its Strategic plan in order that current Board members may 'own' it.

The T Organizational Chart 2013

The existing The T organizational chart (late 2013) is found on the following page. Some of the evaluative notes above are transparent. Others, however, require a more detailed understanding of each individual's and/or unit's function, internal and external relationships, and mission.

The T “Line and Block” Organizational Chart 2013



NOTE: The updated organizational chart will reflect the following title changes:

- The Security Specialist title has changed to Security Administrator
- The Risk and Safety Manager has been changed to Safety Administrator
- The Budget Analyst title has changed to Budget Administrator

In our observations and recommendations below, we highlight some of the above considerations and initiatives that deal specifically with the most important issues in organizational structure and board governance.

Observation ORG-1. Titles and labels are confusing in some cases.

- Titles on the 2013 organizational chart consist of the following:
 - 1 President/Executive Director
 - 1 EVP/COO
 - 1 SVP
 - 2 VP (Human Resources; Project Management)
 - 1 VP/CFO
 - 1 General Counsel
 - 1 TRE COO
 - 1 TEX Rail Chief Engineer
 - 8 AVPs
 - 1 Director of Administration
 - 6 individuals who are none of the above

The top nine positions (titles) represent 10 individuals. The number of titles are not indicative of most transit properties, may not be descriptive of the incumbents' duties and functions, and/or may not represent appropriate levels of authority and responsibility.

Recommendation ORG-1. Introduce consistency in titles and unit labels, insofar as possible.

- As noted above, titles at or above the VP level (including the equivalent positions of General Counsel, the TRE COO, and the TEX rail Chief Engineer) should be altered for clarity. In other words, the agency should examine the above super-structure for consistency, appropriateness with regard to accountability and pay grade, direct reports, and the nature and extent of duties. This initiative should not be time-consuming.
- The T should adopt consistent labels for each 'layer' of management and staff. For example, those individuals with a VP title would always head a "department," and so forth. As it is, it appears as if individuals have selected their own titles and unit labels without a check for consistency.

Observation ORG-2. The TRE Chief Operating Officer position is vacant.

Recommendation ORG-2. Fill the TRE COO position as soon as possible.

- The TRE is well run and well regarded, but an extended vacancy in such a key position could begin to affect service quality.

Observation ORG-3. The T is cautioned that development of TEX Rail will pull time and attention away from the T's core business (bus service) and over-burden staff with added responsibilities.

- The T has never developed a capital project alone of the magnitude of TEX Rail.

Recommendation ORG-3. Develop a staffing plan specific to TEX Rail development.

- While much of the development of the project will be handled by contractors, the project will still require significant staff support.
- Areas such as communications, grants and procurement, governmental affairs, safety administration, accounting, planning, information technology, and potentially others may need additional staffing to support TEX Rail development over the next few years.

Observation ORG-4. In some areas, The T is organized around the skills and experience of particular individuals. This can have a positive or negative influence on management and operations, depending on his/her core competency, leadership skills, and respect within the organization.

- The T has many key staff members with 20 to 30 years of service at The T.
- The corporate memory of The T resides with many of these key staff members.
- Since some of these special areas function very well as organized now, there is no reason for immediate change, but The T executive staff needs to be planning for position succession.

Recommendation ORG-4. Develop a succession planning program for key areas of the agency.

- The T must start to plan for how it will replace the knowledge and experience it will lose to retirement in the next few years.
- New staff members with different skills and experience may necessitate reorganization of certain areas.

Observation ORG-5. The Board generally is inexperienced in public transit operations and management. At the same time, there has been a lot of growth in Board members' understanding of The T, as well as their duties and responsibilities.

- Staff has provided education venues in at least the following areas to date:

- Open meetings laws,
- Public information,
- Ethics,
- The T's enabling legislation,
- Procurement rules, and
- FTA rules and procedures
- There are some members of the Board that are new to public agency board operations and management, and they continue to need education of board functions.
- Most of the current Board has little transit operations and management experience, although it is increasing since wholesale appointments were made in 1Q 2013. Still, transit agency functions are complex, especially in the areas of federal and state funding, grantsmanship, customer services, marketing and advertising, paratransit operations, and service planning.

Recommendation ORG-5. The T staff needs to continue its public governance and transit education efforts for the Board.

- With so many distractions – TEX Rail, for example – it will be a challenge to keep an adequate level of focus on board governance and education. The T should ensure that accountability for a continuing program rests with a single senior member of the staff and that each Board meeting addresses at least one issue briefly, and as a matter of course.

Observation ORG-6. While The T is a solid, well-run and leading transit agency, the organization structure lacks clarity in some places and is confusing to an outside observer – and perhaps to a new inside observer, as well.

Recommendation ORG-6. Relatively small changes ‘at the margin’ will improve the logic and functioning of the agency, particularly in regard to clarity of mission and purpose for each organizational unit. Suggested changes include the creation of a new Executive Leadership Team of six positions, as expressed in the recommended “functional” organizational chart.

- It must be said that there is not necessarily a “right” way to structure a complex organization, and that each person addresses the issues and solutions from his/her own experience.
- There are some basic rules and guides, however, in industry and government, and practitioners have studied options extensively.

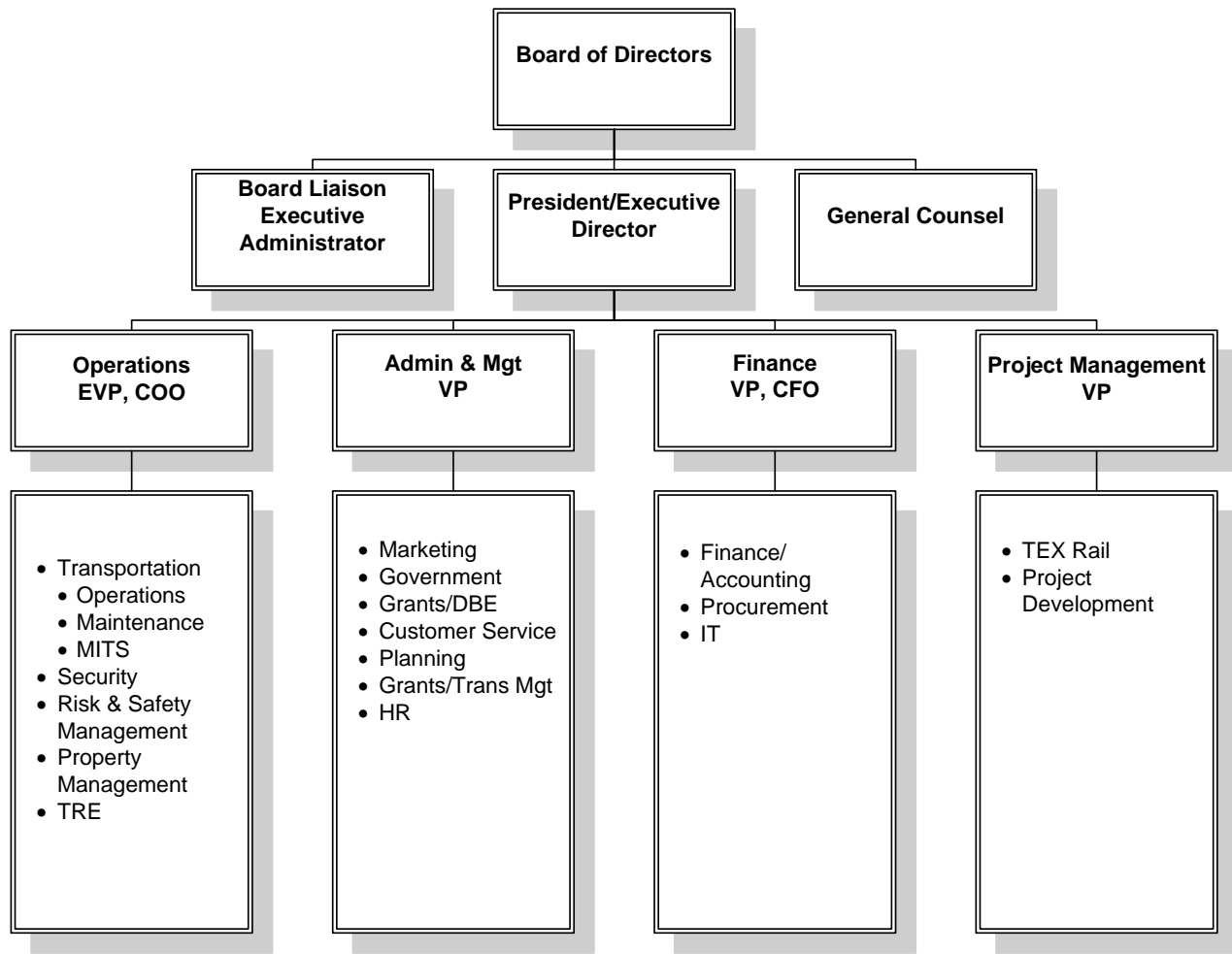
- Regardless of the issues replete in an organization, employees become comfortable with doing things “as we always have,” and unfortunately, this leads to complacency and inhibits refreshing the structure from time to time.
- In the chart on the following page, we illustrate a suggested *functional* organization structure that addresses the issues noted earlier while still allowing each executive (top individuals) to organize and staff their assigned functions to best accomplish the job at hand. We thus resist the temptation to create a new “line and block” chart for levels below the Vice Presidents, believing this activity should be retained by each VP.

Thus, in the Recommended Functional Organizational Chart 2013, we show a recommended “super-structure” (**“Executive Leadership Team,”**) which is comprised of the following six senior executives, building on the existing organizational chart:

- President and Chief Executive Officer
- Executive Vice President and COO
- Vice President for Administration & Management
- Vice President and CFO
- Vice President for Project Management
- General Counsel

Note that some of the above titles would change subtly to better align with other public and private organizational entities. Each team member would be responsible and accountable for the performance of the set of *functions* noted therein within his/her organizational block. All other employees would occupy management or staff positions under each. The T should consider shuffling some of the incumbents to obtain varied experiences and learn different functions, putting existing employees in competition for positions. This might serve to ‘freshen’ the organization at the manager and staff level.

Recommended “Functional” Organizational Chart 2013



Operations and Maintenance - MPM

In this section of the project, the objective is to determine the extent to which the management and administrative functions of The T are effective and efficient in supporting transit operations and maintenance activities, primarily from the point of view of those operating departments.

The examination of this issue consisted of a combination of activities designed to determine whether the performance of the operations and maintenance functions were impeded in any way by performance problems in the support functions. In addition to the document review and interviews, the major activities in this element included a review of key performance measures of the departments (highlighted in a parallel section of this report) and on-site observations of the activities of the departments

In addition to the MITS operation, which handles the paratransit program and is discussed elsewhere, the Transportation Department has two other major divisions – Operations and Maintenance.

Operations

The T's total ridership - including bus, vanpool, paratransit, and TRE Tarrant County boardings - account for 9.6 million annual passenger trips. The average weekday ridership for buses is 25,000 while the average weekday ridership for TRE is 8,000.

The bus fleet consists of CNG buses and 190 trolleys and vans for Mobility Impaired Transportation Service (MITS). TRE operations include nine locomotives and 38 passenger cars, all of which run on the weekdays, including nine cars that run on Saturdays.

TRE operations also cover 35 miles of track. The TRE service area within Tarrant County includes Fort Worth, Richland Hills, and Blue Mound. Fort Worth consists of 42 bus routes, 33 of which are Regular Fixed service. Six Express and three Special Service routes make up the remainder of the Fort Worth service area. Richland Hills consists of one route and a rider request service, while Blue Mound is serviced by paratransit only.

The staffing information for the Operations Department is as follows:

- Bus operators - 214
- MITS operators - 60
- Operators staff - 20
- MITS staff - 15
- Total - **309**

Maintenance

Maintenance is one of three “operational” components of the Transportation (“Bus”) Division, which is managed by a contractor, McDonald Transit Associates, Inc. The maintenance section handles all rolling stock maintenance of The T’s vehicle fleet – both fixed route and paratransit and several automobiles. The staffing information for the Maintenance Department is as follows:

- Mechanics – 63 (12 support MITS)
- Parts inventory – 7 (cover rolling stock maintenance needs 24/7)
- Service station and cleaning crews –37 (clean buses, transit shelters, etc.)
- Facilities technicians – about 30, of which 11 are skilled (deal with buildings)
- Total - **137**

Buses get a “preventive maintenance check” (PM) approximately every 5-6 weeks.

Maintenance procedures are typical for a bus facility:

1. Driver reports repair need to Maintenance shop
2. Maintenance prepares work order (WO)
3. WO / “pick ticket” is sent to a mechanic who selects needed part(s). If the part(s) is not available, a requisition will be prepared and the part will be procured from the private sector.

This process is tracked electronically and involves two individuals. The Director of Maintenance has an authorization purchase level of up to \$25,000 without approval. Between \$25,000 and \$50,000, senior executive staff and Board approval is required.

Both vehicle and facility parts are kept in the same inventory. In terms of inventory operation and control, Ellipse notifies staff when a cycle count / inventory adjustment should be scheduled. Inventory adjustments for 2013 totaled \$116,635 which is favorable. The year-end inventory balance was \$2,257,325.

Employee theft is not an issue due to the fact that a) mechanics must supply their own tools, b) bus / rail parts are rarely compatible with private vehicles, and c) mechanics must be supervised if they enter the parts room. Controls in this part of the operation are thus excellent.

Concerns associated with operations and maintenance in general include the following:

- Labor contract: employees may be absent for ten days without receiving an “occurrence.” (This has been reduced to five days under the new agreement, a level more consistent with industry standards.)
- It is generally believed that individuals are sometimes placed on FMLA without sufficient cause, increasing the amount of overtime and thus expense to the agency.

- The AVP for Maintenance feels as if he has two “bosses” (the COO and Manager of Transportation), but is quick to point out that this has not been a problem.

The Human Resources Department is viewed favorably by most of the operations employees. Operations personnel attend briefings on benefit changes, terminations are handled professionally including consultation with operations supervisors, and represented personnel are invited to participate in union contract negotiations. This perspective of an assumed majority of workers regarding HR services favorably is somewhat unusual in the industry.

Observation MPM-1. The support and direction provided to the operations department by the management and administrative divisions of The T is viewed favorably by operations management.

- The high comfort level of the operating managers with the policies, general management, and administrative support is unique in our experience.
- Even on transit systems where there is excellent teamwork and mutual support between the operating managers and the general and administrative staff, there is usually at least a short list of “gripes” about such things as a lack of responsiveness by management, slow procurement processing, slow hiring, “burdensome” procedures, or strict budget controls and misguided financial priorities.
- None of this traditional complaining was found among the operations and maintenance managers at The T.

Recommendation MPM-1. There are no operational recommendations that require highlighting in this performance and management audit.

Observation MPM-2. There is a high tolerance among the operating managers for the small number of support functions that present challenges to the operating managers and that are in need of improvement.

- Principal among these challenges is the poor performance of the Ellipse IT system discussed in the IT section elsewhere in this report. The problems with the system present special challenges for the vehicle maintenance staff, which have developed a set of “work around” computer or manual solutions to manage operations and maintenance functions.
- The critical need to remedy the problems with Ellipse – the only “support” issue of significance - is acknowledged by management, and a plans are being discussed to solve this problem.

Recommendation MPM-2. The new President/Chief Executive Officer should assess the relationship between the administrative and operations teams at The T and – working with the executive staff - ensure that the historic culture that has been long-established at The T is preserved and strengthened.

- Ensuring that the culture of The T continues to be a model for other transit properties - in particular the strong relationships between the operations and maintenance side and the headquarters support staff - is a high priority and worth preserving.
- The agency should continue to identify issues as they arise, and it should seek solutions involving the operations and support sides of The T in a collaborative fashion. This will continue to lead to improved communications throughout the agency, replacement of skilled professionals and workers as required, and more expansive performance measurement and reporting.

Observation MPM-3. There are several provisions of the union contract, and the enforcement thereof, which operations and maintenance supervisors feel would benefit the agency if they were changed, principally among them the application of the FMLA.

- The perceived misuse of FMLA leave for spurious causes has generated considerable effort throughout U.S. transit properties, and there are successful remedies that have been used such as:
 - Require written leave request forms as a matter of policy (a verbal request is legal under federal law)
 - Check and re-check to create an atmosphere and culture of obedience
 - Insist on medical certification
 - Check-in on employees during their absence (legal as long as no agency work is required during the leave)
 - Ensure The T's leave policies and procedures are up-to-date
 - Surveillance, as a means of last resort, also is legal under federal law

Recommendation MPM-3. Monitoring of the application of the FMLA should be as rigorous as is needed to ensure appropriate compliance. Of course, the same goes for all union agreement provisions.

- One of the obvious primary benefits with regard to FMLA provisions is the potential savings in overtime for drivers and maintainers.
- Ensure that FMLA and other leave policies and practices require world-class adherence.

Performance Indicators - KPI

One of the provisions of the recently executed Memorandum of Understanding and Agreement (MOU) between the City of Fort Worth and The T is that The T must establish and maintain reporting of the “Key Performance Indicators” that are specified in an unrelated statute governing performance audits for a number of other Texas regional transit authorities.

The statute - and the Memorandum of Understanding - require the reporting and examination of the following performance indicators:

- Subsidy per passenger
- Operating cost per passenger
- Operating cost per revenue mile
- Operating cost per revenue hour
- Fare recovery rate
- Passengers per revenue hour
- Number of accidents per 100,000 miles
- Number of miles between mechanical service calls
- Sales and use tax receipts per passenger

The memorandum also defines the key terms used in these measures.

The responsibility for administering the preparation of the performance measures report is assigned to the Assistant Vice President (AVP) of Accounting. The AVP oversees all aspects of data management and reporting at The T.

Among the reports that The T currently prepares is the Monthly Management Performance Report, a 12-page document that consists of these sections:

- Ridership summary
- Ridership charts
- Key Performance Indicators
- Balance Sheet
- Statement of Revenues and Expenses
- A Discussion of Revenues
- Expense Discussion

- DBE Utilization Report
- MTD Cost Allocation
- YTD Cost Allocation
- TRE Ridership Report

The relevant section of this current monthly report is the third section entitled ‘Key Performance Indicators.’ The current method of calculating the monthly results at The T has evolved over several years and varies from the specific Key Performance Indicator requirements of the MOU.

This section reports on a list of performance measures, including all but three of the measures required by the Memorandum of Understanding. The measures not included in this section of the current report are cost per passenger, cost per mile, and cost per hour. These are shown on the cost allocation pages of the cost allocation report.

The current report provides the results for the measures for each month and for various combinations of modes, as shown in the following exhibit.

Key Performance Indicators for The T

Measure	MOU	Bus	MITs	TRE	System
Subsidy per passenger trip	X	X	X	X	
Operating cost per passenger	X				
Operating cost per revenue hour	X				
Operating cost per revenue mile	X				
Sales tax receipts per passenger trip	X	X	X	X	X
Fare recovery rate	X	X	X	X	X
Passengers per hour	X	X	X	X	
On-time performance	X	X	X	X	
Preventable accidents per 100,000 miles	X	X	X		
Non-preventable accidents per 100,000 miles	X	X	X		
Average miles per road call	X	X	X		

With the assistance of its outside auditors, The T is in the process of redefining the method of calculating the indicators to conform with the definitions prescribed in the MOU. The new format will include the three required indicators that are not currently reported: cost per passenger, cost per mile, and cost per hour. This transition is expected to be completed in time for the first annual report under the new agreement, using 2013 results.

In as much as the MOU was executed in February 2013 and thus is about a year old, the results are not yet calculated on an annual basis following the specific definitions of the individual measures. The T is moving toward revising its measures to include reporting on all of the required measures, annually and monthly, by mode and by system, using the definitions prescribed by the MOU.

Observation KPI-1. The T is undertaking the necessary effort to conform with the Key Performance Measures requirement in the MOU, including conforming to the required formulas for calculating the measures and reporting the system-wide results for 2013.

Recommendation KPI-1. The new KPI process should be developed with the assistance of the outside auditors of The T and in discussions with the City of Fort Worth, and it should include a notation of whether to report by mode or just by system-wide results.

Planning - PLN

The Planning Department consists of four full-time employees and one part-time employee with an annual budget of about \$420,000. The department is led by the Assistant Vice President for Planning and includes one service planner, one regional or long-range planner, an infrastructure coordinator who handles bus stops, and a part-time trip planning coordinator. The group also tracks route-level performance of the system, publishes the Route Performance Index, and acts as liaison for The T with outside agencies. It also has created a Service Standards document and monitors adherence with those standards.

The Planning Department relies on support from Accounting (for ridership data from fareboxes), Operations (for feedback from operators and customers), Customer Service (for feedback from customers), and IT (for Trapeze and trip planning software support). All four departments provide Planning with the support it needs.

The Planning Department also works closely with NCTCOG, which provides travel demand modeling and ridechecks for The T, and the City of Fort Worth, which installs bus stop poles for The T.

The Scheduling function resides in Operations, but Planning and Scheduling are physically located next to one another and work very closely together.

Observation PLN-1. More timely boarding and alighting data by stop would improve Planning's ability to optimize system efficiency.

- Boarding and alighting data by stop are currently compiled by NCTCOG every three years based on security camera data.
- Compiling boarding and alighting data is time consuming and dependent on NCTCOG schedule.

Recommendation PLN-1. Evaluate options for increasing frequency, timeliness, and usability of boardings and alighting data.

- Options to be evaluated should include funding more frequent data compilation by NCTCOG, hiring in-house staff or contractors to compile boarding and alighting data from cameras or ridechecks, and/or purchasing automatic passenger counters (APCs).
- APCs could be installed on a small percentage of the fleet and still provide far more timely data for route and stop level analysis than is currently available.

Observation PLN-2. The T has no five-year service plan.

- The T has a 20-year strategic plan and a one-year budget, but nothing specific to service that guides potential future changes in the bus system.
- With no five-year or other type of service plan, changes to service are often made in reaction to customer requests or complaints rather than according to a cohesive plan.

Recommendation PLN-2. Create a five-year service plan for The T's bus service.

- Staff does not feel it has the staff resources in-house to create a five-year plan, so funding for outside assistance is needed.
- A five-year service plan could also provide key input to the five-year capital plan recommended in the PMT section.

Project Management - PMT

The T's Project Management function is handled by two employees, the Vice President for Project Management and his assistant. The VP reports to the President/Executive Director and handles project development for all The T capital projects except TEX Rail. Examples include bus shelters, park and ride lots, transit centers, and the Trinity Railway Express. He also inspects existing facilities to identify needed upgrades. The department's budget is significant: \$3.5 million in FY 2013.

All technical work is handled by consultants and contractors who are managed by the Vice President. Consultants and contractors are used since the level of effort and types of expertise needed vary significantly over time. This arrangement allows the Vice President to hire the skills he needs when he needs them without creating an expensive permanent staff at The T.

Other departments identify the need for projects and Project Management responds as they are able. The Vice President does not have a five-year capital plan but does try to anticipate the needs of other departments. Departments that rely on Project Management primarily include Planning and Operations.

Project Management most heavily relies on Legal, Finance and Procurement to effectively do its work because it must solicit and hire contractors and consultants to execute the technical work. The Vice President reports excellent support from these units and others with which he interacts. He feels that The T's administrative and executive staff members work very well as a team.

The Project Management department performs its functions effectively and efficiently. The area is led by a very experienced and capable manager. The use of Indefinite Delivery/Indefinite Quantity contracts to deliver designs for construction projects is a cost-effective way to handle the variable work load. Construction work is contracted out using The T's procurement process.

Observation PMT-1. The Project Management department does not have a five-year or other interim period capital plan.

- The current Vice President has a good feel for what projects will be needed and when, but these needs are not documented.

Recommendation PMT-1. Working with client departments, develop a five-year capital plan for the T.

- A capital plan would provide valuable input to The T's long-range financial model and will help the Vice President anticipate the contractor assistance needed.

Property Management - PPT

One of four general administrative support functions, Property Management is focused on the management and leasing of Authority-owned properties. These properties include the Texas & Pacific (T&P) Station and the Intermodal Transportation Center (ITC). One position, a Property Manager, is assigned to this function.

The art deco lobby area of the T&P is available for rental for special events, receptions, weddings and business functions. At the ITC - which serves as the main transportation hub in downtown Fort Worth including Amtrak, the Trinity Rail Express commuter rail line, Greyhound intercity bus service and the T's bus service - the Property Manager is responsible for oversight/coordination of facility maintenance, tenant relations and the leasing and management of retail spaces as well as the reservation / scheduling of two conference / meeting room spaces.

The office is no longer responsible for the coordination and servicing of the Bike Share program. This responsibility has been moved to the non-profit Fort Worth Bike Share, Inc. For FY2012-2013, rental revenues from the T&P and ITC facilities were projected at approximately \$500,000, including Subway, Amtrak, Greyhound and Enterprise Rental.

Observations and Recommendations

Observation PPT-1. The Property Management function appears to be operating effectively and efficiency.

- The current Property Manager joined The T in early 2013, has a commercial property management background, and operates the property management function with considerable autonomy.
- A site visit to both of the managed properties indicated that they are well maintained and attractive.
- Improvement opportunities identified by the Property Manager include the implementation of customer comment / survey cards to track satisfaction and improvement levels and to assess the need for enhancement of the facility reservations website.

Recommendation PPT-1. Implement customer service improvements identified by the Property Manager including website improvements and customer satisfaction measurement.

- The current facility rental website provides limited information on the facilities and services available. Additionally, there is no online reservation functionality, and only a simple email link to the Property Manager.
- Customer and tenant comment cards, periodic surveys of prior clients and automatic email satisfaction data collection can provide useful information to improve the services and marketing of the rental facilities.

Risk and Safety Management - RSM

The Risk and Safety Administrator, along with a single part time clerical worker, is responsible for the planning, oversight and management of the Authority's safety programs and for the receipt and processing of property / casualty claims. The main focus of the safety program is to protect workers from job-related injuries and to ensure the Authority's compliance with applicable OSHA, EPA and other regulatory standards related to workplace hazards. The Administrator conducts quarterly safety audits of Authority facilities, coordinates claims with the Texas Municipal League risk pool, manages the Authority's outside counsel as needed on claims-related litigation and may personally represent The T in small claims court.

An Accident Review Committee meets monthly to review all accidents and make determinations as to the classification of accidents as preventable or non-preventable. A safety bonus program provides each operator with a \$250 cash award for a year of service without a preventable accident.

Additional responsibilities assigned to this function include provision of a safety orientation for all new hires, delivery of required quarterly safety refresher training, and the review and oversight of safety programs and training provided separately by Maintenance and Operations personnel. The update of the System Safety Program Plan, along with the drafting and publication of internal safety policies and procedures is also assigned to the Administrator.

Observation RSM-1. The system safety plan is in the process of revision and update.

- The Risk and Safety Administrator is working on an update to the System Safety Program Plan. This is a personal project, with limited to no supporting resources dedicated. The Administrator also noted the need to update the building evacuation plans for The T facilities.
- As The T's services expand to include the TEX Rail program, the safety plan, along with safety related policies, procedures and practices will require further evaluation and revision.
- Extensive resources for the development of comprehensive safety plans and programs are available online through such organizations as the American Public Transit Association and the Federal Transit Administration.

Recommendation RSM-1. Complete a forward-looking update of the system safety plan, along with any necessary revisions to local policies, procedures, work rules, etc.

- The update should, to the maximum extent possible, anticipate the safety issues and requirements of operating the TEX Rail system.
- As necessary, secure additional support resources to allow for the accelerated completion of the plan.

Observation RSM-2. Safety related performance measures appear to be limited in number and coverage.

- Safety is not included as a priority in the current strategic plan of The T.
- Performance measures reported are primarily in the form of incident counts, such as the number of preventable and non-preventable accidents, numbers of injuries and fatalities, and the number of open / pending claims and cases in litigation.

Recommendation RSM-2. Develop a more robust system of safety performance measurement and reporting.

- Using the APTA guidelines, develop and implement a comprehensive set of safety related performance measures.
- Ensure that safety is seen as an important strategic goal of the Agency and ensure executive visibility to and awareness of safety program compliance and results.
- Implement an executive dashboard of performance measures. The primary purpose in establishing a dashboard is for members of the public, stakeholders, other agency executives and The T Board of Directors to gain ready access to overall The T performance. Suggested performance measures, excepted from the APTA Safety Management System Guidelines include, in part the listing below:

(It should be noted that The T currently collects, analyzes and reports various indicators in the subject list. Safety elements outside of ‘bus transportation’ are also worth tracking – items such as shop injuries, operator training miscues, non-revenue accidents, etc. Further, rare safety occurrences, such as passenger fatalities, no stop at broken gates, etc. should be accounted for regardless of the history thereof.)

Indicators of effective safety management:

- The President/Executive Director discusses and assists in resolving safety issues with members of the executive team. Safety issues are discussed openly at executive meetings.
- Leadership’s safety rhetoric matches reality
- Policies clearly describe the responsibilities for safety in all functions throughout the organization
- Safety goals in the strategic plan are measured and assessed along with the other strategic goals
- Safety performance measures (leading indicators) are part of everyone’s performance management plan and evaluation
- Employee retention rates and absentee rates are evaluated for any issues with regard to safety
- Employees are regularly surveyed regarding their perspective on the organization’s safety climate

- Front-line supervisors have performance measures associated with safety responsibilities
- Front-line employees are involved in developing safety policies and procedures (hazard analysis)
- Front-line employees are empowered to restrict or stop operations based on unsafe conditions
- There is a safety hotline set up to report issues, conditions and behavioral problems
- Safety bulletins or newsletters are communicated across the organization. There are methods for taking in information and recommendations from workers.

Performance metrics (examples)

- Number: total number of collisions, total number of fatal accidents, average time to implement findings of safety inspections
- Rate: fatalities per 100 million passenger miles traveled; crashes per 100 million vehicle-miles
- Ratio or percentage: ratio of fatal to non-fatal collisions, preventable accidents to non-preventable accidents, percent of collisions occurring at grade crossings.

Leading indicators

- No stop at broken gates
- Doors open on the wrong side
- Railway worker protection violation
- Use of cell phones while operating vehicles or machinery
- Complaints per 100,000 passengers.

Passenger safety

- Number of fatalities and fatality crashes per specified time period
- Number of injuries and injury crashes per specified time period
- Fatal accidents per million passenger-miles/vehicle-miles traveled
- Injury accidents per million passenger-miles/vehicle-miles traveled.

Workplace safety

- Employee work days lost of injuries (by injury type) per specified time period
- Work-related fatalities per specified time period
- Workers compensation payments per specified time period

Accident potential

- Percent of positive drug/alcohol tests per specified time period
- Number of traffic tickets issued to bus (or paratransit vehicle) operators per specified time period
- Percent of buses (or paratransit vehicles) exceeding the speed limit per specified time period
- Number of rail station overruns per specified distance or time period
- Number of red light violations per time period
- Number of unplanned revenue service road calls per specified distance or time period

System safety

- Number of vehicle defects reported by operators per specified time period
- Number of infrastructure defects reported by operators per specified time period
- Number of fires per specified time period (measured by location: stations, vehicles or guideways; by cause: faulty electrical wiring, arson, etc.; and in terms of severity)
- Liability losses (by category of loss) per specified time period.

Transportation Management (Grant-Funded) – TRM

The area titled Grant-Funded Transportation Management covers a large range of diverse functions and is led by one long-term staff member, the Assistant Vice President for Grant-Funded Transportation Management. She has three staff members reporting to her.

She routes all complaints and commendations that come into The T via email to the appropriate areas and then assures that the customer gets a response. She manages the contracted shuttle services that connect TRE stations with final destinations, the vanpool program, employer services program, and Northeast Transportation Service (NETS). She attends the TRE management committee meetings and provides support to that operation. She brokers paratransit services for Tarrant County via contracts with NETS, Catholic Charities, and TCTS.

Observation TRM-1. The Transportation Management section handles a large and varied work load with a small staff in a quality manner.

- The Assistant Vice President's extensive experience and dedication to The T are key factors in the performance of this area.

Recommendation TRM-1. There are no adverse recommendations in this area.

Trinity Railway Express – TRE

Trinity Railway Express (TRE) is a commuter train running between Fort Worth and Dallas. It is jointly owned and operated by The T and DART. DART handles the contract administration and daily oversight of the service, which is operated under contract with Herzog.

Daily oversight of the TRE service is led by the DART Vice President of Commuter Rail and Railroad Management. Her salary is paid for by DART. The salaries of all other TRE employees are shared 50%/50% by The T and DART. The Chief Operating Officer (COO), the Chief Mechanical Officer (CMO), and an administrative assistant are hired and work for The T, although they report to the DART VP. These three employees work at the equipment maintenance facility. The remaining shared employees (five) are on the DART payroll and work at DART's Union Station.

The COO position, which reports directly to The T's President/Executive Director, is currently vacant. The T's Human Resources department is actively recruiting to fill that position.

The T and DART jointly manage TRE through the Management Committee and Advisory Committee, each of which meets quarterly. Currently, the President/Executive Director, Senior Vice President, and the Chief Financial Officer of The T serve on the Management Committee. Three Board members from The T join three Board members from DART (plus the Management Committee members) to create the Advisory Committee. This committee is advisory only; any actions needed for the TRE have to be taken up by the full Boards of Directors of both agencies.

TRE staff is supported by a number of The T departments, including Human Resources, Marketing, Finance, Grants, Operations, Security, Legal, and IT. The DART vice president, in her role as the TRE top executive, reports getting excellent support from all departments at The T. Likewise, key personnel at The T report good working relationships with DART staff and believe the partnership works well. The relationship between The T and DART and their staffs is cordial and productive, and the joint operation appears seamless to the customers.

Observation TRE-1. The TRE Chief Operating Officer position is vacant.

Recommendation TRE-1. Fill the TRE COO position as soon as possible.

- The TRE is well run and well regarded, but an extended vacancy in such a key position could ultimately affect service quality.

Transit Security - SEC

The T's security policies are documented in a System Security and Emergency Preparedness Plan, which governs the roles and responsibilities of both Authority employees and security contractors. System and facility security services are delivered through contractual arrangements under the supervision and management of a single full-time Security Administrator employed directly by The T.

Specifically, 34 permanent part-time Transit Security Officer positions are staffed by off duty Police Officers from the cities of Fort Worth and North Richland Hills. These officers provide on-board transit passenger security on the system's buses and trains as well as the Authority's key transportation centers. Supplementing the armed security presence throughout the system, an additional 15 Security Officers, mostly unarmed, and a Security Supervisor are tasked with building (physical plant) security under a contract with Ruiz Protective Services, Inc. These officers provide an onsite security presence at key The T facilities, with a permanent presence at the Intermodal Transportation Center and the Texas & Pacific station. They also monitor video surveillance systems covering commuter rail stations and the Authority's central administrative and maintenance complex.

The Authority's Security Administrator is a former Police Officer and assumes responsibility for the coordination and performance oversight of the security service contractors and as well as providing Authority-specific training of security staff, the performance of periodic security audits and assessments and the investigation of property losses and other security incidents, coordinating as necessary with local law enforcement agencies.

Targeted system Transit Security Officer staffing levels total one officer per four-hour time block during off-peak hours and two officers per time block during peak activity hours. Officers may ride selected rail lines and patrol transportation centers and may also be dispatched to respond to security incidences onboard busses and at bus stops.

Key performance indicators established for Transit Security include:

- Percent reduction in total reported incidents per 100,000 riders
- Total National Transit Database reportable incidents per 100,000 riders
- All incidents per 100,000 riders.

The Security Administrator has identified a long-term objective of establishing a permanent, full time transit police function and estimates that 15-18 full time officers would be required to staff the current system. He further estimates that a future expansion to 24 full-time officers will be required when TEX Rail becomes operational. Such a full-time policing capability might be provided through the creation of a dedicated transit police unit within either the Fort Worth

Police Department or the Tarrant County Sheriff's Office as an alternative to building an in-house police organization.

Observation SEC-1. Disk storage capacity for the TRE surveillance video system is reported as limited.

- Video files are electronically stored and are reviewed as needed as a part of the investigative process.
- The Security Administrator reports that storage capacity limitations can constrain the ability for retention of older video files, thus limiting their utility for investigative purposes over time. He is currently seeking grant funding to support this need.
- Additionally, the existing surveillance camera equipment is reported to be nearing the end of its useful life and will require replacement in the near future.

Recommendation SEC-1. Expand, upgrade and replace the TRE video surveillance equipment and systems as required, using either local funds, grant support or some combination thereof.

- As the system expands in the future, in terms of both facilities/services and ridership, the need for additional and improved security monitoring can be reasonably expected.
- Needed expansion and update of security systems equipment should be made a top priority, consistent with the Authority's strategic emphasis on ensuring a high-quality passenger experience and sense of security.

Observation SEC-2. The T's 2010 strategic plan includes as a specific action item to "Investigate utility of creating dedicated police force for The T."

- As noted above, the Security Supervisor has preliminarily identified a requirement of a minimum of 15 full time transit police officers to adequately staff the current system, growing to approximately 24 officers after the TEX Rail expansion.
- Estimating an average salary and benefit cost per officer in the range of \$65,000, direct personnel costs of 24 officers would total \$1.4 million annually. Other costs related to supervising, training and equipping such a force would be additive to the direct salary and benefit costs.
- Assuming that personnel costs account for 80% of the total likely cost, total costs can be conservatively estimated at \$1.75 million annually.
- The T's current business model for the provision of system and facility security is efficient and cost effective.

Recommendation SEC-1. Continue the current contractual arrangements for system security for the time being.

- Other funding priorities likely make the establishment of a full-time police force impractical at this time.
- Periodic reassessment of this option over time, as the system grows, is appropriate.

Appendix A

A MATRIX OF FINDINGS OF THE T'S COMPLIANCE WITH APPLICABLE STATE LAWS

The Fort Worth Transportation Authority (FWTA) was created under the Texas Transportation Code, Chapter 452 Regional Transportation Authorities. Transportation authorities created under Chapter 452 fall under one of two subchapters – N or O. FWTA is governed by Subchapter N which states, “This subchapter applies only to the board of a subregion that has no principal municipality with a population of more than 800,000.” With a 2010 census population at 741,206 and an average annual growth over the last two years of 8,302, it seems likely that Fort Worth will exceed the 800,000 population limit by 2020. This would result in FWTA moving from the governance of Subchapter N to that of Subchapter O, which is entitled “Subregional Board In Subregion Having Principal Municipality With Population Of More Than 800,000”. The primary significance of this shift is that transportation authorities governed by Subchapter O have substantially more requirements imposed upon them by the statute than do those governed by Subchapter N.

As a part of its performance audit of FWTA, TransTech has examined FWTA’s compliance with applicable state and federal laws. The matrix which follows lists state law requirements and TransTech’s findings regarding compliance. Given the above-referenced anticipated change in FWTA’s statutory status, requirements under both Subchapters N and O have been included. Requirements limited to those authorities governed by Subchapter O are highlighted in yellow and are acknowledged as not required.

It should be noted that as of March 1, 2013, a Memorandum of Understanding and Agreement was entered into between the City of Fort Worth and FWTA which, in part, imposed multiple duties upon FWTA which coincide with the Subchapter O requirements. This has resulted in FWTA frequently being in compliance with the Subchapter O provisions despite the fact that the statute does not require it. These instances are noted in the matrix.

Authority Compliance Matrix			
	Action	Legal Reference	Compliance Results
1.	<p>RESULTS OF ELECTION; ORDER.</p> <p>(a) In each unit of election in which a majority of the votes received in the unit favor the proposition, the authority is confirmed and continues inclusive of each of those units, except that the authority ceases in every unit of election in a subregion if the authority is not confirmed:</p> <p>(1) in the principal municipality of the subregion; or</p> <p>(2) in contiguous units of election in the subregion in which the population when aggregated in all those units exceeds 300,000.</p> <p>(b) The interim executive committee may exclude from the authority and proposed tax a unit of election because the unit is not contiguous to the existing authority and would create a fiscal hardship on the authority. The committee shall notify the appropriate governing body in writing that the unit is excluded under this subsection.</p> <p>(c) If the authority continues, the interim executive committee shall record the results in its minutes and adopt an order:</p> <p>(1) declaring that the creation of the authority is confirmed;</p> <p>(2) describing the territory of the authority;</p> <p>(3) stating the date of the election;</p> <p>(4) containing the proposition;</p> <p>(5) showing the number of votes cast for or against the proposition in each unit of election; and</p> <p>(6) showing the number of votes by which the proposition was approved in each unit of election in which the proposition was approved.</p> <p>(d) The order must be accompanied with a map of the authority that shows the boundaries of the authority.</p> <p>(e) A certified copy of the order and map shall be filed with:</p> <p>(1) the Texas Department of Transportation; and</p> <p>(2) the comptroller.</p> <p>(f) If the authority does not continue, the interim executive committee shall enter an order declaring that the result of votes cast at the election is that the authority ceases in its entirety. The order shall be filed with the Texas Department of Transportation and the comptroller, and the authority is dissolved.</p>	<p>Texas Transportation Code</p> <p>Section 452.717.</p>	<p>In Compliance.</p> <p>All records maintained by the Executive Administrator/Board Liaison.</p>

Authority Compliance Matrix			
	Action	Legal Reference	Compliance Results
2.	CONDUCT OF ELECTION: SEPARATE TABULATIONS. (a) A confirmation election shall be conducted so that the votes are separately tabulated and canvassed in each participating unit of election in the authority. (b) The executive committee shall canvass the returns and declare the results of the election separately with respect to each unit of election. (c) The governing body of a contiguous municipality shall canvass the returns of the confirmation election ordered by the municipality to create an authority and declare the results of the election.	Texas Transportation Code Section 452.716.	In Compliance. All records maintained by the Executive Administrator/ Board Liaison.
3	INTERLOCAL CONTRACT (d) An interlocal contract must: (1) be authorized by the governing body of each party to the contract unless a party to the contract is a municipally owned electric utility, in which event the governing body may establish procedures for entering into interlocal contracts that do not exceed \$100,000 without requiring the approval of the governing body; (2) state the purpose, terms, rights, and duties of the contracting parties; and (3) specify that each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party.	Texas Government Code Section 791.011(d)	In Compliance.
4,	(e) An interlocal contractual payment must be in an amount that fairly compensates the performing party for the services or functions performed under the contract.	Section 791.011(e)	In Compliance. All appropriate parties from both entities entering into the interlocal agreement review, determine, and agree on the level of compensation warranted for service or product.
5.	EMERGENCY ASSISTANCE. (a) A local government may provide emergency assistance to another local government, whether or not the local governments have previously agreed or contracted to provide that kind of assistance, if: (1) in the opinion of the presiding officer of the governing body of the local government desiring	Section 791.027(a)	In Compliance. The T participates in the Fort Worth/Tarrant County Joint Emergency

Authority Compliance Matrix			
	Action	Legal Reference	Compliance Results
	<p>emergency assistance, a state of civil emergency exists in the local government that requires assistance from another local government and the presiding officer requests the assistance; and</p> <p>(2) before the emergency assistance is provided, the governing body of the local government that is to provide the assistance authorizes that local government to provide the assistance by resolution or other official action.</p> <p>(b) This section does not apply to emergency assistance provided by law enforcement officers under Chapter 362, Local Government Code.</p>		Operations Center (JEOC). In this capacity they provide emergency assistance to local governments with or without previous agreement and within or outside their service area.
6.	<p>b) A revenue bond indenture may limit a power of the authority provided by Section 452.052, 452.054, 452.055(a), (b), or (c), 452.056(a) or (b), 452.057, 452.058, 452.059, 452.060, 452.061(a), (b), (d), or 452.062, as long as the bonds issued under the indenture are outstanding.</p>	<p>Texas Transportation Code</p> <p>Section 452.353(b)</p>	To date, The T has not had occasion to issue a bond or bonds, but if the need should arise, The T would comply with the statute.
7.	<p>OPERATION OF PUBLIC TRANSPORTATION SYSTEM.</p> <p>(a) An authority may:</p> <p>(1) acquire, construct, develop, plan, own, operate, and maintain a public transportation system in the territory of the authority, including the territory of a political subdivision;</p> <p>(2) contract with a municipality, county, or other political subdivision for the authority to provide public transportation services outside the authority; and</p> <p>(3) lease all or a part of the public transportation system to, or contract for the operation of all or a part of the public transportation system by, an operator.</p> <p>(b) An authority, as the authority determines advisable, shall determine routes.</p> <p>(c) The executive committee may submit a referendum for the approval of a power granted by Subsection (a) or (b).</p> <p>(d) A private operator who contracts with an authority under this chapter is not a public entity for purposes of any law of this state except that an independent contractor of the authority that, on or after June 14, 1989, performs a function of the authority or an entity described by Section 452.0561 that is created to provide transportation services is liable for damages only to the extent that the authority or entity would be liable if the authority or entity itself were</p>	Section 452.056.	<p>In Compliance.</p> <p>The Board acts to authorize specific action as required.</p> <p>Executive Administrator/Board Liaison maintains records of Board actions.</p>

Authority Compliance Matrix			
	Action	Legal Reference	Compliance Results
	performing the function and only for a cause of action that accrues on or after that date.		
8.	(e) An authority consisting of one subregion governed by a subregional board created under Subchapter O shall, at least once every five years, evaluate each distinct transportation service the authority provides that generates revenue, including light rail, bus, van, taxicab, and other public transportation services, and determine whether the authority should solicit competitive, sealed bids from other entities to provide these transportation services.	Texas Transportation Code Section 452.056(e).	Required by MOU 3(d) but not by statute. Statutory compliance would become mandatory if Fort Worth's population grew to exceed 800,000.
9.	ADDED TERRITORY: EFFECTIVE DATE OF TAXES. (a) A sales and use tax imposed by an authority under Subchapter I, other than a tax imposed by an authority created by a contiguous municipality and except as provided by Section 452.403, takes effect in territory added to the authority under this subchapter on the first day of the first calendar quarter that begins after the date the comptroller receives: (1) a certified copy of an order adding the territory or of an order canvassing the returns and declaring the result of the election; and (2) a map of the authority showing clearly the territory added. (b) The presiding officer of the executive committee shall send the order and map required under Subsection (a) to the comptroller by certified or registered mail. (c) The order must include the effective date of the tax. (d) The comptroller may delay implementation of the sales and use tax in the added territory for one calendar quarter by notifying the presiding officer of the executive committee before the 11th day after the date on which the comptroller receives the order and map under this section that the comptroller requires more time. If implementation is delayed, the tax takes effect on the first day of the second calendar quarter that begins after the date on which the comptroller receives the order and map. This subsection does not apply to an authority created by a contiguous municipality. (e) On the date of annexation of territory to a subregional authority created by a contiguous municipality, a tax imposed by the authority takes effect in the added territory.	Section 452.607	In Compliance. The Executive Administrator/Board Liaison maintains official records of Board Actions and Elections.

Authority Compliance Matrix			
	Action	Legal Reference	Compliance Results
10.	SALES AND USE TAX. (a) The executive committee may impose for an authority a sales and use tax at the rate of: (1) one-quarter of one percent; (2) one-half of one percent; (3) three-quarters of one percent; or (4) one percent. (b) The imposition of an authority's sales and use tax must be approved at an election under this chapter and may not be imposed in a unit of election that has not confirmed the authority. (c) Chapter 322, Tax Code, applies to an authority's sales and use tax.	Texas Transportation Code Section 452.401.	In Compliance. Official records of Board actions and elections are maintained by the Executive Administrator/Board Liaison.
11.	ELECTIONS. (a) In an election ordered by the executive committee: (1) the executive committee shall give notice of the election by publication in a newspaper of general circulation in the authority at least once each week for three consecutive weeks, with the first publication occurring at least 21 days before the date of election; and (2) a resolution ordering the election and the election notice must show, in addition to the requirements of the Election Code, the hours of the election and polling places in election precincts. (b) Subsection (a) does not apply to an election under Section 452.715. (c) A copy of the notice of each election held under this chapter shall be furnished to the Texas Transportation Commission and the comptroller.	Section 452.066.	In Compliance Official records of Board actions and elections are maintained by the Executive Administrator/Board Liaison. Notice has been properly furnished to the Texas Transportation Commission and State Comptroller.

Board Matters Compliance Matrix			
	Action	Legal Reference	Compliance Results
1.	SERVICE ON BOARD; VACANCIES. (a) A member of a subregional board serves at the pleasure of the appointing governing body. (b) Each September each appointment must be reaffirmed. (c) A vacancy on a subregional board is filled in the same manner as the original appointment.	Texas Transportation Code Section 452.542.(a)-(c)	In Compliance. Article II, Section 2.01 of Bylaws. Article II, Section 2.02 of Bylaws.
2.	COMPENSATION; EXPENSES. Each member of a subregional board is entitled to: (1) reimbursement for necessary and reasonable expenses incurred in the discharge of duties; and (2) \$50 for each meeting of the executive committee or subregional board attended.	Section 452.547	In Compliance. It is the voluntary practice of board members to donate all meeting fees to The T Scholarship Fund, a 501(c)(3) corporation which provides scholarship funds to people associated with providing public transportation in The T service area.
3.	BOARD OFFICERS. (a) A subregional board shall elect from its membership a presiding officer, assistant presiding officer, and secretary. (b) The board may appoint, as necessary, members or nonmembers as assistant secretaries. (c) The secretary or assistant secretary shall: (1) keep permanent records of each proceeding and transaction of the board; and (2) perform other duties assigned by the board.	Section 452.543.	In Compliance. Article IV, Section 4.01 of Bylaws. Article IV, Section 4.09 of Bylaws.

Board Matters Compliance Matrix			
	Action	Legal Reference	Compliance Results
4.	BOARD MEETINGS. (a) A subregional board, by resolution, shall: (1) set the time, place, and day of regular meetings; and (2) adopt rules and bylaws as necessary to conduct meetings. (b) A special meeting must be called by written notice of the presiding officer or assistant presiding officer.	Texas Transportation Code Section 452.546.	In Compliance. Article II, Section 2.04 of Bylaws. Article II, Section 2.05 of Bylaws.
5.	ADVISORY COMMITTEES IN CERTAIN AUTHORITIES. (a) A subregional board created under Subchapter O that governs an authority consisting of one subregion may appoint one or more committees for any purpose for which a vote of the board is not required. (b) A committee may consist of members of the subregional board and members of the general public, but the number of public members on a committee may not exceed the number of members of the subregional board on the committee.	Section 452.112.	In Compliance but not required by statute. Article II, Section 2.10 of Bylaws. Statutory compliance would become mandatory if Fort Worth's population grew to exceed 800,000.
6.	RESPONSIBILITY FOR CONTROL OF AUTHORITY. Except as provided by Section 452.104, the executive committee is responsible for the management, operation, and control of an authority and its property.	Section 452.053.	In Compliance. Article II, Section 2.03 of Bylaws. The subregional Board acts as the Board of Directors Executive Committee to manage the authority.
7.	EXECUTIVE COMMITTEE: POWERS. The executive committee may: (1) employ and prescribe the compensation for a chief executive officer whom the committee may designate as the general manager or the executive director; (2) appoint auditors and attorneys and prescribe their duties, compensation, and tenure; (3) adopt a seal for the authority; (4) set the fiscal year for the authority; (5) establish a complete system of accounts for the	Section 452.101.	In Compliance. This process is followed according to statutory requirements.

Board Matters Compliance Matrix			
	Action	Legal Reference	Compliance Results
	(d) A rule becomes effective 10 days after the date of the second publication of the notice under this section.		
9.	<p>PROHIBITION OF CONSUMPTION OF ALCOHOLIC BEVERAGE.</p> <p>(a) A board by resolution may prohibit the consumption of an alcoholic beverage on property an authority possesses or controls. The resolution must describe with particularity each place where consumption of an alcoholic beverage is prohibited.</p> <p>(b) The authority shall post a sign in each place where consumption of an alcoholic beverage is prohibited under this section. The sign must indicate that a person may not consume an alcoholic beverage in that place.</p>	<p>Texas Transportation Code</p> <p>Section 452.1055(a)</p>	<p>In Compliance.</p> <p>Signs in each of The T's buses inform the public of the policy prohibiting the consumption of alcohol.</p>
10	<p>PROCUREMENT RULES.</p> <p>(a) The executive committee may adopt and enforce procurement procedures, guidelines, and rules:</p> <p>(1) defining the terms in and implementing Sections 452.107 and 452.108(a) and (b); or</p> <p>(2) covering:</p> <p>(A) the appointment of contracting officers;</p> <p>(B) the solicitation for and award of contracts, including the electronic transmission of bids and proposals and the use of the reverse auction procedure, as defined by Section 2155.062, Government Code;</p> <p>(C) the resolution of protests and contract disputes; (D) foreign currency transactions and conversions and foreign exchange rate risk management; or</p> <p>(E) other aspects of the procurement process for domestic and international contracts</p> <p>(b) Sections 452.107 and 452.108(a) and (b) and the procedures, guidelines, or rules adopted under this section confer no rights on an actual or potential bidder, offeror, contractor, or other person except as expressly stated in the procedures, guidelines, or rules.</p> <p>(c) A procurement procedure, guideline, or rule covering the electronic transmission of bids and proposals must provide:</p> <p>(1) for the identification, security, and confidentiality of an electronic bid or proposal;</p> <p>(2) that an electronic bid or proposal is not required to</p>	<p>Section 452.106</p>	<p>In Compliance.</p> <p>The Board of Directors implemented 452.106 by approving the Fort Worth Transportation Authority Procurement Policy. This was most recently revised April, 2013.</p>

Board Matters Compliance Matrix			
	Action	Legal Reference	Compliance Results
	be sealed; and (3) that an electronic bid or proposal remains effectively unopened until the appropriate time		
11	<p>PEACE OFFICERS.</p> <p>(a) The executive committee may establish a security force and provide for the employment of security personnel.</p> <p>(b) The executive committee may commission an employee of a security force established under Subsection (a) as a peace officer.</p> <p>(c) A peace officer commissioned under Subsection (b), except as provided by Subsection (e), has all the rights, privileges, obligations, and duties of any other peace officer in this state while on the property under the control of the authority or in the actual course and scope of the officer's employment.</p> <p>(d) A person commissioned under Subsection (b) must give an oath and make bond for the faithful performance of the officer's duties as the executive committee may require. The bond shall be filed with the executive committee and made payable to the authority. The bond must be approved by the executive committee.</p> <p>(e) A law enforcement power granted under this section is subordinate to the law enforcement power of a municipality in which the power is attempted to be exercised</p>	<p>Texas Transportation Code</p> <p>Section 452.110</p>	<p>On December 15, 2010 in Executive Committee Action, Reference No. 2011-025, the Board of Directors authorized the President/Executive Director to enter into a three year contract with Ruiz Protective Service to provide security services for The T.</p> <p>Sections (b), (c) and (d) do not apply to The T as the members of their security force are not commissioned as peace officers.</p>
12	<p>DEFINITIONS.</p> <p>In this chapter:</p> <p>(1) "Local public official" means a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any district (including a school district), county, municipality, precinct, central appraisal district, transit authority or district, or other local governmental entity who exercises responsibilities beyond those that are advisory in nature.</p> <p>(2) "Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.</p>	<p>Texas Local Government Code</p> <p>Section 171.001</p>	<p>In Compliance.</p> <p>The T's Code of Ethics and Conflict of Interest Policy is signed by each Board member at the beginning of each term and kept on file by the transportation director.</p> <p>There is reference to Texas Transportation Code 452's ethical requirements but not to Local Government</p>

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			Code, Section 171.
13	PROHIBITED ACTS; PENALTY. (a) A local public official commits an offense if the official knowingly: (1) violates Section 171.004; (2) acts as surety for a business entity that has work, business, or a contract with the governmental entity; or (3) acts as surety on any official bond required of an officer of the governmental entity.	Texas Local Government Code Section 171.003(a)	In Compliance. As above.
14	AFFIDAVIT AND ABSTENTION FROM VOTING REQUIRED. (a) If a local public official has a substantial interest in a business entity or in real property, the official shall file, before a vote or decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter if: (1) in the case of a substantial interest in a business entity the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or (2) in the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public. (b) The affidavit must be filed with the official record keeper of the governmental entity. (c) If a local public official is required to file and does file an affidavit under Subsection (a), the official is not required to abstain from further participation in the matter requiring the affidavit if a majority of the members of the governmental entity of which the official is a member is composed of persons who are likewise required to file and who do file affidavits of similar interests on the same official action.	Section 171.004	In Partial Compliance. Each member of the Board of Directors is required to sign the Code of Ethics and the Conflict of Interest forms which prohibit any member who participates in the selection, award or administration of any contract from having any financial interest in that contract and from becoming involved with a conflict of interest. Neither form, however, describes the procedure of filing an affidavit stating the nature of a conflict of interest which does exist.
15	BUDGET RECOMMENDATIONS. The executive committee shall: (1) receive recommendations for the annual budget from each subregional board;	Texas Transportation Code	In Compliance. Sections (1) and (2) are not applicable to

Board Matters Compliance Matrix			
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	service change period, the service that existed before the change must be reinstituted at the end of 180 days and a public hearing held in accordance with Section 452.118 before the experimental service may be continued.		
18	<p>NOTICE OF HEARING ON FARE OR SERVICE CHANGE IN CERTAIN AUTHORITIES.</p> <p>(a) The subregional board shall call a public hearing required by Section 452.115 and:</p> <p>(1) publish at least 30 days before the date of the hearing notice of the hearing at least once in a newspaper of general circulation in the territory of the authority; and</p> <p>(2) post notice in each transit vehicle in service on any transit route affected by the proposed change for at least two weeks within 30 days before the date of the hearing.</p> <p>(b) The notice must contain:</p> <p>(1) a description of each proposed fare or service change, as appropriate;</p> <p>(2) the time and place of the hearing; and</p> <p>(3) if the hearing is required under Section 452.115(b), a description of the latest proposed change and the previous changes.</p> <p>(c) The requirement of Section 452.115 for a public hearing is satisfied at a public hearing required by federal law if:</p> <p>(1) the notice requirements of this section are met; and</p> <p>(2) the proposed fare or service change is addressed at the meeting.</p>	<p>Texas Transportation Code</p> <p>Section 452.118.</p>	See #16 above.

Contracts Compliance Matrix			
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1.	<p>MINORITY AND WOMEN-OWNED BUSINESS PROGRAM IN CERTAIN AUTHORITIES.</p> <p>(a) An authority consisting of one subregion governed by a subregional board created under Subchapter O may establish a program reasonably designed to increase the participation of minority and women-owned business enterprises in contracts awarded by the authority. If the program is established, the board shall provide a program outlining acceptable assistance to be given minority and women-owned business enterprises in the area served by the authority to achieve the purposes of the program.</p> <p>(b) An overall minority and women-owned business enterprise contract percentage goal may be established as a part of the program only after reasonable consultation with affected organizations and a qualified independent source and after public comment. In establishing a goal, the authority shall consider the various types of construction contracts the authority expects to award and the effect of market conditions on the feasibility of attaining the goals.</p> <p>(c) The authority shall periodically review the effectiveness of the program and the reasonableness of the program goals.</p> <p>(d) This section does not affect Sections 452.106, 452.107, and 452.108(a) and (b), but prospective bidders may be required to meet uniform standards designed to assure a reasonable degree of participation by minority and women-owned business enterprises in the performance of any contract.</p> <p>(e) In this section:</p> <p>(1) "Minority" includes blacks, Hispanics, Asian Americans, American Indians, and Alaska natives.</p> <p>(2) "Minority business enterprise" means a small business concern at least 51 percent of which is owned and controlled in management and daily operations by members of one or more minorities.</p> <p>(3) "Women-owned business enterprise" means a small business concern at least 51 percent of which is owned and controlled in management and daily operations by one or more women.</p>	<p>Texas Transportation Code</p> <p>Section 452.201.</p>	<p>In Compliance but not required by statute. Statutory compliance would be become mandatory if the population of Fort Worth grew to exceed 800,000.</p> <p>Fort Worth Transportation Authority Procurement Policy, adopted 1/9/86 and most recently revised 4/13/13.</p> <p>Article 12</p>
2.	<p>TRANSPORTATION FOR JOBS PROGRAM PARTICIPANTS.</p> <p>(a) An authority shall contract with the Texas Department of Human Services to provide, in accordance with federal law, transportation services to a person</p>	<p>Section 452.202(a)</p>	<p>Not In Compliance.</p> <p>The T does not have</p>

Contracts Compliance Matrix			
	Action	Legal Reference	Compliance Results
	<p>who:</p> <p>(1) resides in the area served by the authority;</p> <p>(2) is receiving financial assistance under Chapter 31, Human Resources Code; and</p> <p>(3) is registered in the jobs opportunities and basic skills training program under Part F, Subchapter IV, Social Security Act (42 U.S.C. Section 682).</p> <p>(b) The contract must include provisions to ensure that:</p> <p>(1) the authority is required to provide transportation services only to a location:</p> <p>(A) to which the person travels in connection with participation in the jobs opportunities and basic skills training program and</p> <p>(B) that the authority serves under the authority's authorized rate structure and existing services;</p> <p>(2) the authority provides directly to the Texas Department of Human Services trip vouchers for distribution by the department to a person who is eligible under this section to receive transportation services;</p> <p>(3) the Texas Department of Human Services reimburses the authority for allowable costs, at the applicable federal matching rate; and</p> <p>(4) the Texas Department of Human Services may return undistributed trip vouchers to the authority.</p> <p>(c) An authority shall certify the amount of public funds spent by the authority under this section for the purpose of obtaining federal funds under the jobs opportunities and basic skills training program.</p>	<p>Texas Transportation Code</p> <p>Section 452.202(b)</p> <p>Section 452.202(c)</p>	<p>such a contract with the Department of Human Services.</p>
3.	<p>PURCHASES: COMPETITIVE BIDDING.</p> <p>(a) Except as provided by Subsection (c), an authority may not award a contract for construction, services, or property, other than real property, except through the solicitation of competitive sealed bids or proposals, including the reverse auction procedure, ensuring full and open competition.</p> <p>(b) The authority shall describe in a solicitation each factor to be used to evaluate a bid or proposal and give the factor's relative importance.</p> <p>(c) The executive committee may authorize the negotiation of a contract without competitive sealed bids or proposals if:</p> <p>(1) the aggregate amount involved in the contract is</p>	<p>Section 452.107.</p> <p>Section 452.107(c)(1)</p>	<p>In Compliance.</p> <p>Procurement Policy</p> <p>Article 3-101(1)</p> <p>Article 3-102(1)</p> <p>Article 3-101(2)</p> <p>Article 3-104(11)</p>

Contracts Compliance Matrix			
	Action	Legal Reference	Compliance Results
	<p>\$50,000 or less;</p> <p>(2) the contract is for construction for which not more than one bid or proposal is received;</p> <p>(3) the contract is for services or property for which there is only one source or for which it is otherwise impracticable to obtain competition;</p> <p>(4) the contract is to respond to an emergency for which the public exigency does not permit the delay incident to the competitive process;</p> <p>(5) the contract is for personal or professional services or services for which competitive bidding is precluded by law; or</p> <p>(6) the contract, without regard to form and which may include bonds, notes, loan agreements, or other obligations, is for the purpose of borrowing money or is a part of a transaction relating to the borrowing of money, including:</p> <p>(A) a credit support agreement, such as a line or letter of credit or other debt guaranty;</p> <p>(B) a bond, note, debt sale or purchase, trustee, paying agent, remarketing agent, indexing agent, or similar agreement;</p> <p>(C) an agreement with a securities dealer or investment adviser, broker, or underwriter; and (D) any other contract or agreement considered by the executive committee to be appropriate or necessary in support of the authority's financing activities.</p>	Texas Transportation Code	<p>Article 3-105</p> <p>Article 3-106</p> <p>Article 3-108</p> <p>Article 3-103(1)</p>
4.	<p>SELECTION OF PROVIDER; FEES.</p> <p>(a) A governmental entity may not select a provider of professional services or a group or association of providers or award a contract for the services on the basis of competitive bids submitted for the contract or for the services, but shall make the selection and award:</p> <p>(1) on the basis of demonstrated competence and qualifications to perform the services; and</p> <p>(2) for a fair and reasonable price.</p> <p>(b) The professional fees under the contract may not exceed any maximum provided by law.</p>	<p>Texas Government Code</p> <p>Section 2254.003(a)</p>	<p>In Compliance.</p> <p>Procurement Policy</p> <p>Article 3-103</p>
5	<p>CONTRACT FOR PROFESSIONAL SERVICES OF ARCHITECT, ENGINEER, OR SURVEYOR.</p> <p>(a) In procuring architectural, engineering, or land surveying services, a governmental entity shall:</p> <p>(1) first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications; and</p>	Section 2254.004(a)	<p>In Compliance.</p> <p>Procurement Policy</p> <p>Article 3-103(e)</p> <p>Article 5-401</p>

Contracts Compliance Matrix			
	Action	Legal Reference	Compliance Results
	(2) then attempt to negotiate with that provider a contract at a fair and reasonable price.		
6	<p>(b) If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering, or land surveying services, the entity shall:</p> <p>(1) formally end negotiations with that provider;</p> <p>(2) select the next most highly qualified provider; and</p> <p>(3) attempt to negotiate a contract with that provider at a fair and reasonable price.</p> <p>(c) The entity shall continue the process described in Subsection (b) to select and negotiate with providers until a contract is entered into.</p>	<p>Texas Government Code</p> <p>Section 2254.004(b)</p> <p>Section 2254.004(c)</p>	<p>In Compliance.</p> <p>Procurement Policy</p> <p>Article 3-103(2)(e)</p> <p>Article 5-401(3)</p>
7.	<p>COLLECTIVE BARGAINING BY PUBLIC EMPLOYEES PROHIBITED.</p> <p>(a) An official of the state or of a political subdivision of the state may not enter into a collective bargaining contract with a labor organization regarding wages, hours, or conditions of employment of public employees.</p> <p>(b) A contract entered into in violation of Subsection (a) is void.</p>	<p>Section 617.002(a)</p> <p>Section 617.002(b)</p>	<p>In Compliance.</p> <p>All bargaining unit employees are employed by McDonald Transit. No official of The T participates in collective bargaining with these employees.</p>
8.	<p>PERFORMANCE AND PAYMENT BONDS REQUIRED.</p> <p>(a) A governmental entity that makes a public work contract with a prime contractor shall require the contractor, before beginning the work, to execute to the governmental entity:</p> <p>(1) a performance bond if the contract is in excess of \$100,000; and</p> <p>(2) a payment bond if :</p> <p>(A) the contract is in excess of \$25,000, and the governmental entity is not a municipality or a joint board created under Subchapter D, Chapter 22, Transportation Code.</p> <p>(b) The performance bond is:</p> <p>(1) solely for the protection of the state or governmental entity awarding the public work contract;</p> <p>(2) in the amount of the contract; and</p> <p>(3) conditioned on the faithful performance of the work in accordance with the plans, specifications, and contract documents.</p> <p>(c) The payment bond is:</p>	<p>Section 2253.021(a)</p> <p>Section 2253.021(a)</p> <p>Section 2253.021(b)</p>	<p>In Compliance.</p> <p>Procurement Policy</p> <p>Article 5-201</p> <p>Article 5-202</p>

Contracts Compliance Matrix			
	Action	Legal Reference	Compliance Results
	<p>(1) solely for the protection and use of payment bond beneficiaries who have a direct contractual relationship with the prime contractor or a subcontractor to supply public work labor or material; and</p> <p>(2) in the amount of the contract.</p> <p>(d) A bond required by this section must be executed by a corporate surety in accordance with Section 1, Chapter 87, Acts of the 56th Legislature, Regular Session, 1959 (Article 7.19-1, Vernon's Texas Insurance Code).</p> <p>LIABILITY OF GOVERNMENTAL ENTITY.</p> <p>(a) If a governmental entity fails to obtain from a prime contractor a payment bond as required by Section 2253.021:</p> <p>(1) the entity is subject to the same liability that a surety would have if the surety had issued a payment bond and if the entity had obtained the bond; and</p> <p>(2) a payment bond beneficiary is entitled to a lien on money due to the prime contractor in the same manner and to the same extent as if the public work contract were subject to Subchapter J, Chapter 53, Property Code.</p> <p>(b) To recover in a suit under Subsection (a), the only notice a payment bond beneficiary is required to provide to the governmental entity is a notice provided in the same manner as described by Subchapter C. The notice must be provided as if the governmental entity were a surety.</p>	<p>Texas Government Code</p> <p>Section 2253.021(c)</p> <p>Section 2253.021(d)</p> <p>Section 2253.027</p>	<p>In Compliance.</p> <p>See above.</p>

Finance and Administration Compliance Matrix			
	Action	Legal Reference	Compliance Results
1	<p>POWER TO ISSUE BONDS.</p> <p>(a) An authority may issue bonds at any time and for any amounts it considers necessary or appropriate for:</p> <p>(1) the acquisition, construction, repair, equipping, improvement, or extension of its public transportation system; or</p> <p>(2) creating or funding self-insurance or retirement or pension fund reserves.</p> <p>(b) A bond any portion of which is secured by a pledge of sales and use tax revenues and that has a maturity longer than five years from the date of issuance may not be issued by an authority until an election has been held and the proposition proposing the issue has been approved by a majority of the votes received on the issue in accordance with either Section 452.362 or 452.363.</p> <p>(c) A subregional authority created by a contiguous municipality may not issue a document of indebtedness, including a bond, unless the document is approved by the governing body of the contiguous city.</p> <p>(d) Subsection (b) does not apply to:</p> <p>(1) refunding bonds;</p> <p>(2) bonds described by Subsection (a)(2); or</p> <p>(3) commercial paper notes having maturities of 270 days or less that are authorized to be issued and reissued from time to time under a commercial paper program in a maximum principal amount that the chief financial officer certifies, based on reasonable estimates of pledged sales and use tax revenue, can be repaid in full within five years after the date of authorization of the commercial paper program, taking into consideration any other bonds or notes having a prior or parity lien on the pledged revenue, regardless of the final date of the commercial paper program.</p> <p>(e) A commercial paper program described by Subsection (d)(3) may not be continued beyond five years unless, before issuing any note with a maturity exceeding five years from the date of the initial authorization of the program or five years from the date of any new certification, the chief financial officer provides a new certification that the maximum principal amount of the program, based on reasonable estimates of pledged sales and use tax revenue, can be repaid in full within five years after the date of the</p>	<p>Texas Transportation Code</p> <p>Section 452.352.</p>	<p>Currently not applicable.</p> <p>If The T were to choose to issue bonds they would do so in accordance with state statutes.</p>

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	most recent new certification, taking into consideration any other bonds or notes having a prior or parity lien on the pledged revenue.		
2	FARES AND OTHER CHARGES. (a) An authority shall impose reasonable and nondiscriminatory fares, tolls, charges, rents, and other compensation for the use of the public transportation system sufficient to produce revenue, together with tax revenue and grants received by the authority, in an amount adequate to: (1) pay all the expenses necessary to operate and maintain the public transportation system (2) pay when due the principal of and interest on, and sinking fund and reserve fund payments agreed to be made with respect to, all bonds that are issued by the authority and payable in whole or part from the revenue;	Texas Transportation Code Section 452.061(a), (a1), (a2)	In Compliance. The T annually produces a balanced budget which is approved by the Board of Directors and submitted to member cities for review.
3	FARES AND OTHER CHARGES. (b) It is intended by this chapter that the compensation imposed under Subsection (a) and taxes imposed by the authority not exceed the amounts necessary to produce revenue sufficient to meet the obligations of the authority under this chapter.	Section 452.061 (b).	In Compliance.
4	MAXIMUM TAX RATE IN AUTHORITY AREA. (a) An authority may not adopt a sales and use tax rate, including a rate increase, that when combined with the rates of all sales and use taxes imposed by other political subdivisions of the state having territory in the authority exceeds two percent in any location in the authority. (b) An election by an authority to adopt a sales and use tax or increase the rate of the authority's sales and use tax has no effect if: (1) the voters of the authority approve the authority's sales and use tax rate or rate increase at an election held on the same day on which a municipality or county having territory within the authority adopts a sales and use tax or an additional sales and use tax; and (2) the combined rates of all sales and use taxes imposed by the authority and other political subdivisions of this state would exceed two percent in any location in the authority.	Section 452.403.	In Compliance.

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	(c) If an authority consisting of one subregion governed by a subregional board created under Subchapter O adds territory that is a municipality, any additional sales and use tax under Chapter 321, Tax Code, imposed by that municipality is repealed as provided by Section 321.1025, Tax Code. The effective date of the repeal and for the imposition of the tax authorized to be collected under Section 452.401 in the added territory is the date that, under Section 321.102(b), Tax Code, the repeal of the additional sales and use tax is effective in the territory	Texas Transportation Code	Not required by the statute at this time. Statutory compliance would become mandatory if the population of Fort Worth grew to exceed 800,000.
5	SALE. An authority's bonds may be sold at a public or private sale as determined by the executive committee to be the more advantageous.	Section 452.354.	See #1 above.
6	APPROVAL; REGISTRATION. (a) An authority's bonds and the records relating to their issuance shall be submitted to the attorney general for examination before the bonds may be delivered.	Section 452.355(a).	See #1 above.
7	REFUNDING BONDS. An authority may issue refunding bonds for the purposes and in the manner authorized by general law, including Chapter 1207, Government Code.	Section 452.359.	See #1 above.
8.	INITIAL SALES TAX: EFFECTIVE DATE. The adoption of or the increase or decrease in the rate of an authority's sales and use tax takes effect on the first day of the second calendar quarter beginning after the date that the comptroller receives a copy of the order required to be sent under Section 452.717.	Section 452.404.	In Compliance. Voters approved initial sales tax on 11/8/83 and the tax took effect 4/1/84.
9	RATE DECREASE: SALES AND USE TAX. (a) The executive committee by order may direct the comptroller to collect the authority's sales and use tax at a rate that is lower than the rate approved by the voters at the confirmation election. (b) The executive committee must file a certified copy of the order with the comptroller.	Section 452.405.	To date, The T has had no occasion to use this section. If it were needed, The T would comply with the statute.
10	DIFFERENT SUBREGIONAL SALES AND USE TAX RATES. (a) The executive committee by order may direct the comptroller to collect the authority's sales and use tax at different rates in different subregions of the authority, but a rate may not be higher than the maximum rate approved by the voters.	Section 452.406.	Not applicable.

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11	DEPOSITORY; DEPOSIT OF FUNDS. (a) The executive committee shall designate one or more banks as depositories for authority funds. (b) All funds of an authority that are not otherwise invested shall be deposited in one or more of the authority's depository banks unless otherwise required by an order or resolution authorizing the issuance of an authority bond or note or other contractual undertaking. (c) Funds in a depository, to the extent that those funds are not insured by the Federal Deposit Insurance Corporation, shall be secured in the manner provided by law for the security of county funds	Texas Transportation Code Section 452.103.	In Compliance. Fort Worth Transportation Authority Investment Policy, adopted 5/22/13. Section 5 Section 2 Section 7
12	[The Executive Committee may] designate by resolution an authorized representative of the authority to supervise the substitution of securities pledged to secure authority funds.	Section 452.101 (7)	In Compliance. Investment Policy Section 6
13	BUDGET IN AUTHORITY CREATED BY CONTIGUOUS MUNICIPALITY. (a) The executive committee of an authority created by a contiguous municipality shall, not later than the 60th day before the beginning of the authority's fiscal year, deliver to the governing body of the contiguous municipality a proposed budget for the authority's fiscal year. (b) The budget for the authority is not effective until the budget is approved by the governing body of the contiguous municipality. An approved budget is the budget for the authority for the fiscal year, and each change in the budget must be approved by the governing body of the contiguous municipality.	Section 452.114.	Not Applicable.
14	FINANCIAL AUDITS. (a) The executive committee of an authority shall have an annual audit of the affairs of the authority prepared by an independent certified public accountant or a firm of independent certified public accountants. (b) The audit is open to public inspection. REVIEW OF AUDIT: CERTAIN AUTHORITIES. (a) The subregional board of an authority consisting of one subregion governed by a subregional board created	Section 452.451. Section 452.452(a), (b), (c)	In Compliance. All audits were performed. Copies of the audits are located on The T's website under Financial/Fiscal Information. Not required by the statute at this time.

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	<p>under Subchapter O shall deliver a copy of each audit prepared under Section 452.451 to the state auditor.</p> <p>(b) The state auditor may elect to file any comments about the audit with the legislative audit committee and the subregional board, subject to a risk assessment performed by the state auditor and to the legislative audit committee's approval of including the preparation of the comments in the audit plan under Section 321.013, Government Code.</p> <p>(c) The state auditor may:</p> <p>(1) examine any work papers from the audit; or</p> <p>(2) audit the financial transactions of the authority if the state auditor determines an audit is necessary.</p>		Statutory compliance would become mandatory if the population of Fort Worth grew to exceed 800,000.
15	<p>AUTHORITY TO ISSUE. An issuer may issue refunding bonds under this chapter to refund all or any part of the issuer's outstanding bonds, notes, or other general or special obligations.</p> <p>ELECTION. (a) Refunding bonds may be issued without an election in connection with the issuance of the refunding bonds or the creation of an encumbrance in connection with the refunding bonds, except as provided by Subsection (b). (b) If the constitution of this state requires an election to permit a procedure, action, or matter pertaining to refunding bonds, an election to authorize the procedure, action, or matter shall be held substantially in accordance, to the extent appropriate, with Chapter 1251.</p> <p>COMBINATION ISSUANCE. Under the terms and with the security set forth in the proceedings that authorize the issuance of the refunding bonds, a governmental entity may issue refunding bonds:</p> <p>(1) in combination with new bonds;</p> <p>(2) with provision for the subsequent issuance of additional parity bonds or subordinate lien bonds; or</p> <p>(3) both in combination with new bonds and with provision for the subsequent issuance of additional bonds.</p> <p>SOURCES AVAILABLE FOR PAYMENT. Except as</p>	<p>Texas Government Code Section 1207.002</p> <p>Section 1207.003</p> <p>Section 1207.004</p>	See #1 above.

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	<p>provided by Section 1207.0621, a refunding bond may be secured by and made payable from taxes, revenue, or both, another source, or a combination of sources to the extent the issuer is otherwise authorized to secure or pay any type of bond by or from that source or those sources.</p> <p>MATURITY. A refunding bond issued under this chapter must mature not later than 40 years after its date.</p> <p>METHODS AND TERMS OF SALE. (a) Refunding bonds issued to make a deposit under this subchapter or Subchapter C shall be sold for cash in a principal amount necessary to provide all or part of the money required to:</p> <p>(1) pay the principal of the obligations to be refunded and the interest to accrue on those obligations to their maturity; or</p> <p>(2) redeem the obligations to be refunded, before maturity, on the date or dates the obligations are subject to redemption, including the principal, interest to accrue on the obligations to their redemption date or dates, and any required redemption premium.</p> <p>(b) The refunding bonds:</p> <p>(1) shall be sold under the terms and procedures for the sale as determined by the governing body of the issuer; and</p> <p>(2) may be sold at public or private sale.</p> <p>REGISTRATION BEFORE DEPOSIT; REGISTRATION WITHOUT CANCELLATION OF OBLIGATIONS TO BE REFUNDED. (a) The comptroller may register refunding bonds as provided by Chapter 1202 before a deposit required by this subchapter or Subchapter C is made. (b) If the issuer has complied with each applicable requirement of this chapter, the comptroller shall register refunding bonds issued to make a deposit under this subchapter without the surrender, exchange, or cancellation of the obligations to be refunded.</p> <p>USE OF SALE PROCEEDS TO MAKE DEPOSIT; RIGHTS NOT DEPENDENT ON CANCELLATION OF OBLIGATIONS TO BE REFUNDED. (a) An issuer may sell and deliver refunding bonds that have been registered with the comptroller so as to permit the issuer, in a timely manner determined by the issuer, to use proceeds from the sale to make all or</p>	<p>Texas Government Code</p> <p>Section 1207.005</p> <p>Section 1207.006</p> <p>Section 1207.024</p> <p>Section 1207.025</p> <p>Section</p>	

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	any part of a deposit under this chapter. (b) An issuer that has complied with this chapter may issue, register, sell, or deliver a refunding bond in lieu of the obligation to be refunded regardless of whether: (1) the holder of the obligation to be refunded has surrendered or presented the obligation for payment and cancellation; or (2) the obligation to be refunded has been canceled.	1207.026	
16	<p>AUTHORITY TO DEPOSIT WITH COMPTROLLER. (a) An issuer is entitled to deposit with the comptroller an amount of money equal to the sum of: (1) the principal amount of the bonds, notes, or other obligations to be refunded; (2) the interest that will accrue on those bonds, notes, or other obligations computed to the due date or redemption date; and (3) any required redemption premium. (b) At the time a deposit is made under Subsection (a), the issuer shall deliver to the comptroller a certified copy of the proceedings that authorize the issuance of the obligations to be refunded, or a certified excerpt from those proceedings, that clearly shows: (1) each amount of interest and the date on which that amount of interest is due on the obligations to be refunded; (2) the date the principal is subject to redemption; and (3) the name and address of the paying agent. (c) The comptroller may rely on a certificate by the issuer as to the amount of the charges made by the paying agent.</p> <p>COMPTROLLER TO ACCEPT AND KEEP SAFE DEPOSITS. (a) The comptroller shall: (1) accept each deposit, payment, or instrument received under this subchapter, and (2) safely keep and use the money only for a purpose specified in this subchapter. (b) Money deposited with the comptroller under this subchapter may not be: (1) used by or for the benefit of this state or for the benefit of a creditor of this state, except as provided by Section 1207.032; or (2) commingled with other money.</p>	<p>Texas Government Code</p> <p>Section 1207.021</p> <p>Section 1207.027</p>	See #1 above.
17	COMPTROLLER TO SEND AND RECORD DEPOSIT OR PAYMENT.	Section 1207.028	See #1 above.

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	<p>(a) After receipt of a deposit or payment under this subchapter, the comptroller shall immediately and by the most expeditious means send to the paying agent for the obligation being refunded an amount equal to the deposit or payment less the amount of any fee charged under Section 1207.032.</p> <p>(b) The comptroller shall notify the paying agent to send to the comptroller the obligation being refunded.</p> <p>(c) After the comptroller has made a record of its payment and cancellation, the comptroller shall send the obligation being refunded and any interest coupon to the issuer.</p>		
18	<p>AUTHORITY TO ISSUE OBLIGATION. As authorized and approved by the governing body of an issuer, the governing body may issue, sell, and deliver an obligation to:</p> <p>(1) finance a project cost;</p> <p>(2) refund an obligation issued in connection with an eligible project; or</p> <p>(3) finance all or part of a payment owed or to be owed on:</p> <p>(A) the establishment of a credit agreement; or</p> <p>(B) the settlement or termination, at maturity or otherwise, of a credit agreement, whether the settlement or termination occurs:</p> <p>(i) at the option of the issuer or the other party to the credit agreement, or</p> <p>(ii) by operation of the terms of the credit agreement.</p> <p>OBLIGATION AUTHORIZATION. (a) A governing body must adopt or approve an obligation authorization before an obligation may be issued.</p> <p>(b) The obligation authorization must establish:</p> <p>(1) the maximum amount of the obligation to be issued or, if applicable, the maximum principal amount that may be outstanding at any time;</p> <p>(2) the maximum term for which obligations issued under the authorization may be outstanding;</p> <p>(3) the maximum interest rate the obligation will bear;</p> <p>(4) subject to Subsection (c)(2), the manner of sale of the obligation, which may be by public or private sale, the price of the obligation, the form of the obligation, and the terms and covenants of the obligation; and</p> <p>(5) each source securing payment of the obligation.</p> <p>(c) The obligation authorization may:</p>	<p>Texas Government Code</p> <p>Section 1371.051</p> <p>Section 1371.053</p>	See #1 above.

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	<p>(1) provide for the designation of a paying agent and registrar for the obligation; and;</p> <p>(2) authorize one or more designated officers or employees of the issuer to act on behalf of the issuer from time to time in selling and delivering the obligation and setting the dates, price, interest rates, interest payment periods, and other procedures relating to the obligation, as specified in the obligation authorization.</p> <p>(d) An obligation may:</p> <p>(1) be issued in a specified form or denomination;</p> <p>(2) be payable:</p> <p>(A) at one or more times;</p> <p>(B) in installments or a specified amount or amounts;</p> <p>(C) at a specified place or places;</p> <p>(D) in a specified form;</p> <p>(E) under specified terms and details; and</p> <p>(F) in a specified manner; and</p> <p>(3) be issued as redeemable before maturity at one or more specified times.</p>		
19	<p>AUTHORITY TO ENTER INTO AND EXECUTE CREDIT AGREEMENTS.</p> <p>(a) An issuer may execute and deliver any number of credit agreements in anticipation of, related to, or in connection with the authorization, issuance, security, purchase, payment, sale, resale, redemption, remarketing, or exchange of some or all of the issuer's obligations or interest on obligations, or both, at any time, without regard to whether the:</p> <p>(1) obligations have been authorized or issued; or</p> <p>(2) credit agreement was contemplated, authorized, or executed in relation to the initial issuance, sale, or delivery of the obligations.</p> <p>(b) Except as provided by this section, a credit agreement must substantially contain the terms and be for the period the governing body approves. A credit agreement may provide that it:</p> <p>(1) may be terminated with or without cause; or</p> <p>(2) becomes effective at the option of another party to the credit agreement, if the governing body first finds that the option serves best the interests of the issuer.</p> <p>(c) The governing body may delegate to any number of officers or employees of the issuer the authority to</p>	<p>Texas Government Code</p> <p>Section 1371.056</p> <p>Texas Government Code</p>	See #1 above.

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	<p>approve specific terms of, to execute and deliver, or to terminate or amend in accordance with its terms, a credit agreement or transactions under a credit agreement on the behalf of the issuer, subject to any condition the governing body specifies. The delegation must include limits on:</p> <ul style="list-style-type: none"> (1) the principal amount or the notional amount; (2) the term; (3) the rate; (4) the source of payment; (5) the security; (6) the identity or credit rating of an authorized counterparty; (7) the duration of the authorization; and (8) for an interest rate management agreement, the: <ul style="list-style-type: none"> (A) fixed or floating rates; (B) economic consequences; (C) early termination provisions; (D) type; (E) provider; and (F) costs of credit enhancement. (d) The cost to the issuer of a credit agreement or payments owed by an issuer under a credit agreement may be paid from and secured by any source, including: <ul style="list-style-type: none"> (1) the proceeds from the sale of the obligation to which the credit agreement relates; (2) any revenue and money of the issuer that is available to pay the obligation; (3) any interest on the obligation or that may otherwise be legally used; (4) ad valorem taxes if the credit agreement is authorized in anticipation of, in relation to, or in connection with an obligation that is wholly or partly payable from or is to be wholly or partly payable from ad valorem taxes. (e) A credit agreement is an agreement for professional services but is not a contract subject to Subchapter I, Chapter 271, Local Government Code. (f) If a credit agreement is authorized and is executed in anticipation of the issuance of an obligation described by Section 1371.001(5)(B) because the issuer is authorized by Subchapter C, Chapter 271, Local Government Code, to issue certificates of obligation: <ul style="list-style-type: none"> (1) notice required by Section 271.049, Local Government Code, in addition to the other 		

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	<p>requirements for the notice, must describe the time and place tentatively set for the adoption of the order or ordinance authorizing the credit agreement, the for the adoption of the order or ordinance authorizing the credit agreement, the maximum amount and term of the obligations and credit agreement, and the manner in which the certificates of obligation and credit agreement will be paid; and</p> <p>(2) the issuer may enter into the credit agreement and issue the certificates of obligation only if:</p> <p>(A) the municipal secretary or clerk or person with similar authority does not receive a petition signed by at least five percent of the registered voters of the issuer that protests the issuance of the certificates of obligation or the execution of the credit agreement before the later of the date tentatively set for the adoption of the order or ordinance to authorize the credit agreement or the date the order or ordinance is adopted;</p> <p>(B) the issuance and execution are approved at an election held for that purpose conducted as provided for a bond election under Chapter 1251; or</p> <p>(C) notice is not required by Section 271.049, Local Government Code, before the certificates of obligation are authorized.</p> <p>(g) Payments received by an issuer under a credit agreement or on termination of all or part of a credit agreement may be used to:</p> <p>(1) pay the obligations in anticipation of which, in relation to which, or in connection with which the credit agreement was entered into or pay the costs to be financed by the obligations in anticipation of which, in relation to which, or in connection with which the credit agreement was entered into;</p> <p>(2) pay other liabilities or expenses that are secured on parity with or senior to the obligations in anticipation of which, in relation to which, or in connection with which the credit agreement was entered into; or</p> <p>(3) after the satisfaction of the obligations or costs described by Subdivision (1) and of the liabilities and expenses described by Subdivision (2) that are due, make payments for any other purpose for which the issuer may issue obligations under this subchapter or that is otherwise authorized by law, unless the credit agreement is paid primarily from ad valorem taxes.</p>	Texas Government Code	

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	<p>(h) An issuer may agree to pay or receive a payment on early termination of an interest rate management agreement due to a breach or for another reason as provided by the interest rate management agreement. The agreement may specify the payment by a specific amount, by a formula, or by a process or algorithm.</p> <p>(i) A credit agreement secured in the manner described by Subsection (d)(4) may be executed without an election or the imposition of an ad valorem tax for the credit agreement unless required by the Texas Constitution. If the Texas Constitution requires an election for the credit agreement, the election must be held substantially in the manner provided for an election under Chapter 1251.</p> <p>(j) An issuer may enter into an interest rate management agreement transaction only:</p> <p>(1) if the issuer has either entered into at least three interest rate management transactions before November 1, 2006, or has entered into one or more interest rate management transactions with notional amounts totaling at least \$400 million before that date; or</p> <p>(2) as provided by Subsection (k).</p> <p>(k) An issuer may enter into an interest rate management transaction if:</p> <p>(1) the governing body has adopted, amended, or ratified during the preceding two years a risk management policy governing entering into and managing interest rate management agreements and transactions that addresses:</p> <p>(A) conditions, if any, under which the issuer may enter into an interest rate management agreement transaction without independent advice from a financial advisor or swap advisor who has experience in interest rate management transactions; and</p> <p>(B) authorized purposes, permitted types and creditworthiness of counterparties, credit risks and other risks, liquidity, methods of selection of counterparties, and limits concerning awarding a transaction, monitoring, and exposure;</p> <p>(2) the issuer has received from the counterparty:</p> <p>(A) if the transaction was not awarded through a competitive bidding process:</p> <p>(i) a statement that, in the counterparty's judgment, the difference in basis points between the rate of the</p>	Texas Government Code	

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	<p>transaction and the mid-market rate for a comparable transaction falls within the commonly occurring range for comparable transactions;</p> <p>(ii) a statement of the amount of the difference as determined by the counterparty; or</p> <p>(iii) if the counterparty does not know of a comparable transaction or mid-market rate, a statement of another suitable measure of pricing acceptable to the counterparty; and</p> <p>(B) the counterparty's disclosure of any payments the counterparty made to another person to procure the transaction; and</p> <p>(3) the governing body or an authorized officer or employee of the issuer has determined that the transaction will conform to the issuer's interest rate management agreement policy after reviewing a report of the chief financial officer of the issuer that identifies with respect to the transaction</p> <p>(A) its purpose;</p> <p>(B) the anticipated economic benefit and the method used to determine the anticipated benefit;</p> <p>(C) the use of the receipts of the transaction;</p> <p>(D) the notional amount, amortization, and average life compared to the related obligation;</p> <p>(E) any floating indices;</p> <p>(F) its effective date and duration;</p> <p>(G) the identity and credit rating of the counterparties;</p> <p>(H) the cost and anticipated benefit of transaction insurance;</p> <p>(I) the financial advisors and the legal advisors and their fees;</p> <p>(J) any security for scheduled and early termination payments;</p> <p>(K) any associated risks and risk mitigation features; and</p> <p>(L) early termination provisions.</p> <p>(I) While an interest rate management agreement transaction is outstanding, the governing body of the issuer shall review and ratify or modify its related risk management policy at least biennially.</p> <p>SECURITY FOR OBLIGATION.</p> <p>(a) An obligation must be secured solely by:</p> <p>(1) the proceeds from the sale of other obligations;</p> <p>(2) the proceeds from the sale of revenue bonds payable from the revenue to be received from a public</p>	<p>Texas Government Code</p>	

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	<p>works or a specified user of a public works</p> <p>(3) any revenue that the issuer is authorized by the constitution, a statute, or the charter of a home-rule municipality to pledge to the payment of an obligation;</p> <p>(4) a credit agreement; or</p> <p>(5) any combination of those sources.</p> <p>(b) A governing body may secure an obligation and pay the cost of a credit agreement executed and delivered in connection with the financing of a project cost with:</p> <p>(1) the sources permitted by this chapter; and</p> <p>(2) ad valorem taxes to the extent the project cost relates to an eligible project financed or to be financed with obligations payable from ad valorem taxes.</p> <p>SOURCE OF REPAYMENT OF OBLIGATION.</p> <p>An obligation must be repaid from:</p> <p>(1) a source of security for the payment of the obligation;</p> <p>(2) money received from a credit agreement; or</p> <p>(3) any other revenue legally available for the payment of the obligation.</p>	<p>Texas Government Code</p> <p>Section 1371.103</p>	

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		Section 1371.104	
20	TRANSPORTATION AUTHORITY OBLIGATION; ELECTION. (a) A transportation authority created, organized, and operating under Chapter 452, Transportation Code, may not issue an obligation, other than a refunding obligation, that is payable in whole or in part from its sales and use tax revenue and has a maturity longer than five years unless an election required by Section 452.352(b), Transportation Code, has been held and the proposition has been approved. (b) An obligation that is exempt from the election requirement of Section 452.352(b), Transportation Code, by the terms of Chapter 452, Transportation Code, is also exempt from the election requirement of this section.	Section 1371.052	See #1 above.
21	INVESTMENT POLICY REVIEW. (e) The governing body of an investing entity shall review its investment policy and investment strategies not less than annually. The governing body shall adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and investment strategies and that the written instrument so adopted shall record any changes made to either the investment policy or investment strategies.	Texas Government Code Section 2256.005(e) (The Public Funds Investment Act)	In Compliance. Investment Policy Section 5 ECA 2013-038, approved 5/22/13
22	INVESTMENT TRAINING. (a) Except as provided by Subsections (b) and (e), the treasurer, the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a local government shall: (1) attend at least one training session from an	Section 2256.008(a)	In Compliance. Investment Policy Section 5

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	<p>independent source approved by the governing body of the local government or a designated investment committee advising the local government and containing at least 10 hours of instruction relating to the treasurer's or officer's responsibilities under this subchapter within 12 months after taking office or assuming duties; and</p> <p>(2) except as provided by Subsections (b) and (e), attend an investment training session not less than once in a two-year period that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than 10 hours of instruction relating to investment responsibilities under this subchapter from an independent source approved by the governing body of the local government . . .</p>		

Open Meetings and Public Information Compliance Matrix			
	Action	Legal Reference	Compliance Results
1	<p>OPEN MEETINGS REQUIREMENT. Every regular, special, or called meeting of a governmental body shall be open to the public, except as provided by this chapter.</p> <p>REQUIREMENT TO FIRST CONVENE IN OPEN MEETING. If a closed meeting is allowed under this chapter, a governmental body may not conduct the closed meeting unless a quorum of the governmental body first convenes in an open meeting for which notice has been given as provided by this chapter and during which the presiding officer publicly:</p> <p>(1) announces that a closed meeting will be held; and</p> <p>(2) identifies the section or sections of this chapter under which the closed meeting is held.</p>	<p>Texas Government Code</p> <p>Section 551.002</p> <p>Section 551.101</p>	<p>In Compliance.</p> <p>Bylaws Section 2.07</p> <p>Every regular or special meeting of the Board or Board Committee is open to the public and the date, time and agenda for these meetings are publicly posted.</p> <p>A review of meeting notes confirms that closed meetings are conducted only after a quorum has first convened in an open meeting.</p>
2	<p>CONSULTATION WITH ATTORNEY; CLOSED MEETING. A governmental body may not conduct a private consultation with its attorney except:</p>	Section 551.071	<p>In Compliance.</p> <p>Bylaws Section 2.07</p>

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	<p>(1) when the governmental body seeks the advice of its attorney about: (A) pending or contemplated litigation; or (B) a settlement offer; or (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.</p> <p>DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING. A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.</p> <p>DELIBERATION REGARDING PROSPECTIVE GIFT; CLOSED MEETING. A governmental body may conduct a closed meeting to deliberate a negotiated contract for a prospective gift or donation to the state or the governmental body if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.</p> <p>PERSONNEL MATTERS; CLOSED MEETING (a) This chapter does not require a governmental body to conduct an open meeting: (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or (2) to hear a complaint or charge against an officer or employee. (b) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing.</p> <p>DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS; CLOSED MEETING This chapter does not require a governmental body to conduct an open meeting to deliberate:</p>	<p>Section 551.072</p> <p>Texas Government Code Section 551.073</p> <p>551.074</p> <p>551.076</p>	<p>To date, The T has had no occasion to use this section. If it were needed, The T would comply with the statute.</p> <p>These sections place no requirement on The T.</p>

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	(1) the deployment, or specific occasions for implementation, of security personnel or devices; or (2) a security audit.		
3	RECORDING OF MEETING BY PERSON IN ATTENDANCE. (b) A governmental body may adopt reasonable rules to maintain order at a meeting, including rules relating to: (1) the location of recording equipment; and (2) the manner in which the recording is conducted. (c) A rule adopted under Subsection (b) may not prevent or unreasonably impair a person from exercising a right granted under Subsection (a).	Section 551.023(b) Section 551.023(c)	In Compliance. Meetings are recorded and broadcast by City of Fort Worth Cable TV (FWTV).
4	REQUIREMENT TO VOTE OR TAKE FINAL ACTION IN OPEN MEETING. A final action, decision, or vote on a matter deliberated in a closed meeting under this chapter may only be made in an open meeting that is held in compliance with the notice provisions of this chapter	Section 551.102	In Compliance. A review of meeting notes confirms votes on matters deliberated in a closed meeting are made in an open meeting.
5	CERTIFIED AGENDA OR TAPE RECORDING REQUIRED. (a) A governmental body shall either keep a certified agenda or make a tape recording of the proceedings of each closed meeting, except for a private consultation permitted under Section 551.071. (b) The presiding officer shall certify that an agenda kept under Subsection (a) is a true and correct record of the proceedings. (c) The certified agenda must include: (1) a statement of the subject matter of each deliberation; (2) a record of any further action taken; and (3) an announcement by the presiding officer at the beginning and the end of the meeting indicating the date and time.	Texas Government Code Section 551.103 (a), (b), (c)	In Compliance. A certified agenda is made for each meeting and kept for two years before being destroyed. A video recording is made of each meeting and is kept on DVD in perpetuity.
6.	(d) A tape recording made under Subsection (a) must include announcements by the presiding officer at the beginning and the end of the meeting indicating the date and time.	Section 551.103(d)	In Compliance.

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7.	<p>CLOSED MEETING WITHOUT CERTIFIED AGENDA OR TAPE RECORDING; OFFENSE; PENALTY.</p> <p>(a) A member of a governmental body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.</p>	Section 551.145(a)	In Compliance.
8.	<p>NOTICE OF MEETING REQUIRED.</p> <p>A governmental body shall give written notice of the date, hour, place, and subject of each meeting held by the governmental body.</p> <p>INQUIRY MADE AT MEETING.</p> <p>(a) If, at a meeting of a governmental body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by this subchapter, the notice provisions of this subchapter do not apply to:</p> <p>(1) a statement of specific factual information given in response to the inquiry; or</p> <p>(2) a recitation of existing policy in response to the inquiry.</p> <p>(b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.</p> <p>TIME AND ACCESSIBILITY OF NOTICE; GENERAL RULE.</p> <p>(a) The notice of a meeting of a governmental body must be posted in a place readily accessible to the general public at all times for at least 72 hours before the scheduled time of the meeting, except as provided by Sections 551.044-551.046</p> <p>(b) If this chapter specifically requires or allows a governmental body to post notice of a meeting on the Internet:</p> <p>(1) the governmental body satisfies the requirement that the notice must be posted in a place readily accessible to the general public at all times by making a good-faith attempt to continuously post the notice on the Internet during the prescribed period;</p> <p>(2) the governmental body must still comply with any duty imposed by this chapter to physically post the</p>	<p>Section 551.041</p> <p>Section 551.042</p> <p>Texas Government Code</p> <p>Section 551.043</p>	<p>In Compliance.</p> <p>Agendas of upcoming meetings, including all required information, are posted in the lobby of The T Administration Office, on the public bulletin board at The Intermodal Transportation Center and on-line at www.the-t.com. Notice of meetings is also emailed to all member cities.</p>

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	<p>notice at a particular location; and</p> <p>(3) if the governmental body makes a good-faith attempt to continuously post the notice on the Internet during the prescribed period, the notice physically posted at the location prescribed by this chapter must be readily accessible to the general public during normal business hours.</p> <p>EXCEPTION TO GENERAL RULE: NOTICE OF EMERGENCY MEETING OR EMERGENCY ADDITION TO AGENDA.</p> <p>(a) In an emergency or when there is an urgent public necessity, the notice of a meeting or the supplemental notice of a subject added as an item to the agenda for a meeting for which notice has been posted in accordance with this subchapter is sufficient if it is posted for at least two hours before the meeting is convened.</p> <p>(b) An emergency or an urgent public necessity exists only if immediate action is required of a governmental body because of:</p> <p>(1) an imminent threat to public health and safety; or</p> <p>(2) a reasonably unforeseeable situation.</p> <p>(c) The governmental body shall clearly identify the emergency or urgent public necessity in the notice or supplemental notice under this section.</p> <p>(d) A person who is designated or authorized to post notice of a meeting by a governmental body under this subchapter shall post the notice taking at face value the governmental body's stated reason for the emergency or urgent public necessity.</p> <p>(e) For purposes of Subsection (b)(2), the sudden relocation of a large number of residents from the area of a declared disaster to a governmental body's jurisdiction is considered a reasonably unforeseeable situation for a reasonable period immediately following the relocation. Notice of an emergency meeting or supplemental notice of an emergency item added to the agenda of a meeting to address a situation described by this subsection must be given to members of the news media as provided by Section 551.047 not later than one hour before the meeting.</p>	Section 551.045	In Compliance.
9.	MINUTES OR TAPE RECORDING OF OPEN MEETING REQUIRED.	Texas Government Code	<p>In Compliance.</p> <p>A recording of each</p>

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	(a) A governmental body shall prepare and keep minutes or make a tape recording of each open meeting of the body. (b) The minutes must: (1) state the subject of each deliberation; and (2) indicate each vote, order, decision, or other action taken.	Section 551.021(a) Section 551.021(b)	open meeting is made and a written record is kept. The T identifies the written record as meeting notes, but they fulfill the statute's requirements for meeting minutes.
10.	OPEN MEETINGS TRAINING. (a) Each elected or appointed public official who is a member of a governmental body subject to this chapter shall complete a course of training of not less than one and not more than two hours regarding the responsibilities of the governmental body and its members under this chapter not later than the 90 th day after the date the member: (1) takes the oath of office, if the member is required to take an oath of office to assume the person's duties as a member of the governmental body; or (2) otherwise assumes responsibilities as a member of the governmental body, if the member is not required to take an oath of office to assume the person's duties as a member of the governmental body.	Section 551.005(a)	In Compliance. Board members receive a three hour Open Government training which covers open meetings and open records and certificates of completion are on file. The current board was appointed in February, 2013 and they completed their Open Government training March 30, 2013.
11.	MINUTES AND TAPE RECORDINGS OF OPEN MEETING: PUBLIC RECORD. The minutes and tape recordings of an open meeting are public records and shall be available for public inspection and copying on request to the governmental body's chief administrative officer or the officer's designee.	Texas Government Code Section 551.022	In Compliance.
12.	SPECIAL RIGHT OF ACCESS; ATTORNEY GENERAL DECISIONS. (a) If a governmental body determines that information subject to a special right of access under Section 552.023 is exempt from disclosure under an exception of Subchapter C, other than an exception intended to protect the privacy interest of the requestor or the person whom the requestor is authorized to represent, the governmental body shall, before disclosing the information, submit a written request for a decision to the attorney general under the	Section 552.307(a)	In Compliance. Open records requests are handled pursuant to statute.

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	Action	Legal Reference	Compliance Results
	<p>agent may not make an inquiry of a requestor except to establish proper identification or except as provided by Subsection (b) or (c).</p> <p>(b) If what information is requested is unclear to the governmental body, the governmental body may ask the requestor to clarify the request. If a large amount of information has been requested, the governmental body may discuss with the requestor how the scope of a request might be narrowed, but the governmental body may not inquire into the purpose for which information will be used.</p> <p>(d) If by the 61st day after the date a governmental body sends a written request for clarification or discussion under Subsection (b) or an officer for public information or agent sends a written request for additional information under Subsection (c) the governmental body, officer for public information, or agent, as applicable, does not receive a written response from the requestor, the underlying request for public information is considered to have been withdrawn by the requestor.</p> <p>(e) A written request for clarification or discussion under Subsection (b) or a written request for additional information under Subsection (c) must include a statement as to the consequences of the failure by the requestor to timely respond to the request for clarification, discussion, or additional information.</p> <p>(f) If the requestor's request for public information included the requestor's physical or mailing address, the request may not be considered to have been withdrawn under Subsection (d) unless the governmental body, officer for public information, or agent, as applicable, sends the request for clarification or discussion under Subsection (b) or the written request for additional information under Subsection (c) to that address by certified mail.</p> <p>UNIFORM TREATMENT OF REQUESTS FOR INFORMATION.</p> <p>The officer for public information or the officer's agent shall treat all requests for information uniformly without regard to the position or occupation of the requestor, the person on whose behalf the request is made, or the status of the individual as a member of the media.</p>	<p>Section 552.222(b)</p> <p>Section 552.222 (d)</p> <p>Texas Government Code</p> <p>Section 552.222(e)</p> <p>Section 552.222(f)</p> <p>Section 552.223</p>	<p>requests are handled pursuant to statute and in a timely manner.</p>

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	<p>information to be withheld;</p> <p>(B) a copy of the written request for information;</p> <p>(C) a signed statement as to the date on which the written request for information was received by the governmental body or evidence sufficient to establish that date; and</p> <p>(D) a copy of the specific information requested, or submit representative samples of the information if a voluminous amount of information was requested; and</p> <p>(2) label that copy of the specific information, or of the representative samples, to indicate which exceptions apply to which parts of the copy.</p> <p>(e-1) A governmental body that submits written comments to the attorney general under Subsection (e)(1)(A) shall send a copy of those comments to the person who requested the information from the governmental body not later than the 15th business day after the date of receiving the written request. If the written comments disclose or contain the substance of the information requested, the copy of the comments provided to the person must be a redacted copy.</p> <p>(g) A governmental body may ask for another decision from the attorney general concerning the precise information that was at issue in a prior decision made by the attorney general under this subchapter if:</p> <p>(1) a suit challenging the prior decision was timely filed against the attorney general in accordance with this chapter concerning the precise information at issue;</p> <p>(2) the attorney general determines that the requestor has voluntarily withdrawn the request for the information in writing or has abandoned the request; and</p> <p>(3) the parties agree to dismiss the lawsuit.</p>	<p>Section 552.301 (e-1)</p> <p>Texas Government Code</p> <p>Section 552.301(g)</p>	
18.	<p>INFORMATION INVOLVING PRIVACY OR PROPERTY INTERESTS OF THIRD PARTY.</p> <p>(a) In a case in which information is requested under this chapter and a person's privacy or property interests may be involved, including a case under Section 552.101, 552.104, 552.110, or 552.114, a governmental body may decline to release the information for the purpose of requesting an attorney general decision.</p>	Section 552.305(a)	<p>In Compliance.</p> <p>Open records requests are handled pursuant to statute.</p>
19.	<p>PROVIDING SUITABLE COPY OF PUBLIC INFORMATION WITHIN REASONABLE TIME.</p>	Section 552.228(a)	In Compliance.

Open Meetings and Public Information Compliance Matrix			
	Action	Legal Reference	Compliance Results
	(a) It shall be a policy of a governmental body to provide a suitable copy of public information within a reasonable time after the date on which the copy is requested.		Open records requests are handled pursuant to statute.
20.	WAIVER OR REDUCTION OF CHARGE FOR PROVIDING COPY OF PUBLIC INFORMATION. (a) A governmental body shall provide a copy of public information without charge or at a reduced charge if the governmental body determines that waiver or reduction of the charge is in the public interest because providing the copy of the information primarily benefits the general public.	Section 552.267(a)	In Compliance. Fees are waived or reduced if it is determined that release of the information primarily benefits the general public.
21.	DISTRIBUTION OR MISUSE OF CONFIDENTIAL INFORMATION. (a) A person commits an offense if the person distributes information considered confidential under the terms of this chapter. (a-1) An officer or employee of a governmental body who obtains access to confidential information under Section 552.008 commits an offense if the officer or employee knowingly: (1) uses the confidential information for a purpose other than the purpose for which the information was received or for a purpose unrelated to the law that permitted the officer or employee to obtain access to the information, including solicitation of political contributions or solicitation of clients; (2) permits inspection of the confidential information by a person who is not authorized to inspect the information; or (3) discloses the confidential information to a person who is not authorized to receive the information. (a-2) For purposes of Subsection (a-1), a member of an advisory committee to a governmental body who obtains access to confidential information in that capacity is considered to be an officer or employee of the governmental body.	Section 552.352(a) Texas Government Code	In Compliance. Open records requests are handled pursuant to statute.
22.	BOND FOR PAYMENT OF COSTS OR CASH PREPAYMENT FOR PREPARATION OF COPY OF PUBLIC INFORMATION. (a) An officer for public information or the officer's agent may require a deposit or bond for payment of	Section 552.263(a)	In Compliance. Open records requests are handled

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	<p>anticipated costs for the preparation of a copy of public information if:</p> <p>(1) the officer for public information or the officer's agent has provided the requestor with the written itemized statement required under Section 552. 2615 detailing the estimated charge for providing the copy; and</p> <p>(2) the charge for providing the copy of the public information specifically requested by the requestor is estimated by the governmental body to exceed:</p> <p style="padding-left: 40px;">(A) \$100, if the governmental body has more than 15 full-time employees; or</p> <p style="padding-left: 40px;">(B) \$50, if the governmental body has fewer than 16 full-time employees.</p> <p>(f) A requestor who fails to make a deposit or post a bond required under Subsection (a) before the 10th <u>business</u> day after the date the deposit or bond is required is considered to have withdrawn the request for the copy of the public information that precipitated the requirement of the deposit or bond.</p>	<p>Texas Government Code</p> <p>Section 552.263(f)</p>	<p>pursuant to statute.</p>
23.	<p>RULES OF PROCEDURE FOR INSPECTION AND COPYING OF PUBLIC INFORMATION.</p> <p>(a) A governmental body may promulgate reasonable rules of procedure under which public information may be inspected and copied efficiently, safely, and without delay.</p> <p>(b) A rule promulgated under Subsection (a) may not be inconsistent with any provision of this chapter.</p>	<p>Section 552.230</p>	<p>In Compliance.</p> <p>Texas Government Code, Chapter 552 is posted on The T's website under "Rights and procedures for accessing public records."</p>
24.	<p>OPEN RECORDS TRAINING</p> <p>(b) Each public official shall complete a course of training of not less than one and not more than two hours regarding the responsibilities of the governmental body with which the official serves</p>	<p>Section 552.012(b)</p>	<p>In Compliance.</p> <p>See #10 above.</p>

Performance Audits Compliance Matrix			
	Action	Legal Reference	Compliance Results
1	<p>PERFORMANCE AUDITS: CERTAIN AUTHORITIES.</p> <p>(a) A subregional board created under Subchapter O governing an authority consisting of one subregion shall contract every fourth state fiscal year beginning with the 1995-1996 fiscal year for a performance audit of the authority to be conducted by a firm that has experience in reviewing the performance of transit agencies.</p> <p>(b) The purposes of the audit are to provide:</p> <p>(1) evaluative information necessary for the performance of oversight functions by state and local officers; and</p> <p>(2) information to the authority to assist in making changes for the improvement of the efficiency and effectiveness of authority operations.</p>	<p>Texas Transportation Code</p> <p>Section 452.454(a)</p>	<p>In Compliance.</p> <p>Required by MOU 3(l), 3(m) and 3(n) but not required by statute. Statutory compliance with this section would become mandatory if the population of Fort Worth grew to exceed 800,000.</p> <p>The T has contracted with Trans Tech Management, Inc. for this audit.</p>
2	<p>(c) Each audit must include an examination of:</p> <p>(1) one or more of the following:</p> <p>(A) the administration and management of the authority;</p> <p>(B) transit operations; or</p> <p>(C) transit authority system maintenance;</p> <p>(d) A subject described under Subsection (c)(1) must be examined at least once in every third audit.</p>	<p>Section 452.454(c)(1)</p> <p>Section 452.454(d)</p>	<p>In Compliance.</p> <p>This audit deals with administration and management.</p>
3	<p>(c) Each audit must include an examination of:</p> <p>(2) the authority's compliance with applicable state law, including this chapter; and</p> <p>(3) the following performance indicators:</p> <p>(A) subsidy per passenger, operating cost per revenue mile, and operating cost per revenue hour;</p> <p>(B) sales and use tax receipts per passenger;</p> <p>(C) fare recovery rate;</p> <p>(D) number of passengers per hour;</p> <p>(E) on-time performance;</p> <p>(F) number of accidents per 1000,000 miles; and</p> <p>(G) number of miles between mechanical service calls.</p>	<p>Section 452.454(c)(2)</p> <p>Section 452.454(c)(3)</p>	<p>In Compliance.</p> <p>This audit includes an examination of The T's compliance with state law and Key Performance Indicators.</p>
4	<p>PERFORMANCE AUDIT RESPONSE; HEARING.</p> <p>(a) An authority for which a performance audit is conducted under Section 452.454 shall prepare a written response to the performance audit report. The response must include each proposal for action relating</p>	<p>Section 452.456(a)</p>	<p>In Compliance.</p> <p>The T will prepare a written response to the audit report.</p>

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	Action	Legal Reference	Compliance Results
	to recommendations included in the report, whether the proposal for action is pending, adopted, or rejected.		
5	<p>b) The authority shall make copies of the report and the response available for public inspection at the offices of the authority during normal business hours.</p> <p>(c) The authority shall conduct a public hearing on each performance audit report and the authority's response under Subsection (a). The authority shall give notice of the hearing by publication of the notice in a newspaper of general circulation in the area included in the authority at least 14 days before the date of the hearing.</p>	<p>Texas Transportation Code</p> <p>Section 452.456(b)</p> <p>Section 452.456(c)</p>	<p>In Compliance.</p> <p>The T will conduct a public hearing.</p>
6	<p>DELIVERY OF REPORT AND RESPONSE.</p> <p>An authority required by Section 452.454 to contract for a performance audit shall, before February 1 of the year after the fiscal year in which the performance audit is conducted, deliver a copy of each performance audit report and of the authority's response to the report to:</p> <p>(1) the governor;</p> <p>(2) the lieutenant governor;</p> <p>(3) the speaker of the house of representatives;</p> <p>(4) each member of the legislature whose district includes territory in the authority;</p> <p>(5) the state auditor;</p> <p>(6) the county judge of each county having territory in the authority, and</p> <p>(7) the presiding officer of the governing body of each municipality having territory in the authority.</p>	Section 452.457	<p>In Compliance.</p> <p>Copies of the performance audit report and of The T's response will be delivered to the county judge of each county having territory in The T and to the presiding officer of the governing body of each municipality having territory in The T.</p> <p>These deliveries satisfy the MOU requirements.</p>

Real Estate Compliance Matrix			
	Action	Legal Reference	Compliance Results
1A	<p>STATION OR TERMINAL COMPLEX: SYSTEM PLAN</p> <p>(a) An authority may not acquire an interest in real property for a station or terminal complex unless the station or terminal complex is included in the public transportation system in a comprehensive service plan approved by a resolution of the executive committee. A mass transit facility of an authority is not a station or terminal complex under this subchapter unless the facility is included in the authority's comprehensive service plan under this section.</p> <p>(b) A station or terminal complex may not be included in a public transportation system unless the executive committee first finds that the station or complex:</p> <p>(1) will encourage and provide for efficient and economical public transportation;</p> <p>(2) will facilitate access to public transportation and provide for other public transportation purposes;</p> <p>(3) will reduce vehicular congestion and air pollution in the metropolitan area; and is reasonably essential to the successful operation of the public transportation system.</p>	<p>Texas Transportation Code</p> <p>Section 452.151(a)</p> <p>Section 452.151(b)</p>	<p>In Compliance.</p> <p>The T's Intermodal Transportation Center (ITC) was included in The T's Five Year Plan for FY1996-FY2000 which was approved by ECA 95-26 dated 4/20/95.</p> <p>The Five Year Plan for FY1996-2000 addressed the three issues in 452.151(b) and found the ITC would meet all requirements.</p>
1B	<p>USE AND ACQUISITION OF PROPERTY OF OTHERS.</p> <p>(a) For a purpose described by Section 452.056(a)(1) and as necessary or useful in the construction, repair, maintenance, or operation of the public transportation system, an authority may:</p> <p>(1) use a public way, including an alley; and</p> <p>(2) directly, or indirectly by another person, relocate or reroute the property of another person or alter the construction of the property of another person.</p> <p>(c) An authority may acquire by eminent domain any interest in real property, including a fee simple interest and the use of air or subsurface space, except the right of eminent domain may not be exercised:</p> <p>(1) in a municipality without the approval of each proposed acquisition by the governing body of the municipality or in an unincorporated area without the approval of each proposed acquisition by the commissioners court of the county in which the</p>	<p>Section 452.058(a)</p> <p>Section 452.058(c)</p>	<p>In Partial Compliance.</p> <p>Fort Worth Transportation Authority (FWTA) Real Estate Policies and Procedures May 19, 2010 Section 1 (A) states that the purpose of the real estate policies and procedures is to ensure compliance with all appropriate federal and state</p>

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	<p>property to be condemned is located; or</p> <p>(2) in a manner that would:</p> <p>(A) unduly impair the existing neighborhood character of property surrounding, or adjacent to, the property to be condemned;</p> <p>(B) unduly interfere with interstate commerce; or</p> <p>(C) authorize the authority to run an authority vehicle on a railroad track that is used to transport property.</p> <p>(d) If an authority, through the exercise of a power under this chapter, makes necessary the relocation or rerouting of, or alteration of the construction of, a road, alley, overpass, underpass, railroad track, bridge, or associated property, an electric, telegraph, telephone, or television cable line, conduit, or associated property, or a water, sewer, gas, or other pipeline, or associated property, the relocation or rerouting or alteration of the construction must be accomplished at the sole cost and expense of the authority, and damages that are incurred by an owner of the property must be paid by the authority.</p> <p>(e) Unless the power of eminent domain is exercised, an authority may not begin an activity authorized under Subsection (a) to alter or damage property of others, including this state or a political subdivision of this state, without having first received the written permission of the owner.</p>	<p>Texas Transportation Code</p> <p>Section 452.058(d)</p> <p>Section 452.058(e)</p>	<p>laws.</p> <p>Section 1(B) of the Real Estate Policies and Procedures lists the controlling Regulations and Policies and names the "Applicable laws of the State of Texas;" but there is no specific mention of Texas Property Code, Chapter 21.</p> <p>Section 2(C)(6)(d)(5)(c) of the Real Estate Policies and Procedures includes no information regarding the procedures if an eminent domain action was initiated.</p>
2	<p>ASSESSMENT OF DAMAGES.</p> <p>(a) The special commissioners shall assess damages in a condemnation proceeding according to the evidence presented at the hearing.</p> <p>(b) If an entire tract or parcel of real property is condemned, the damage to the property owner is the local market value of the property at the time of the special commissioners' hearing.</p> <p>(c) If a portion of a tract or parcel of real property is condemned, the special commissioners shall determine the damage to the property owner after estimating the</p>	<p>Texas Property Code Chapter 21</p> <p>Sections 21.042(a)</p> <p>21.042(b)</p>	<p>In Partial Compliance.</p> <p>Although the FWTA Real Estate Policies and Procedures generally ensure compliance with applicable laws of the State of Texas, there is no specific description of</p>

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	Action	Legal Reference	Compliance Results
	<p>in any manner to the landowner that the entity possesses eminent domain authority.</p> <p>(b) The statement must be:</p> <p>(1) printed in an easily readable font and type size; and</p> <p>(2) if the entity is a governmental entity, made available on the Internet website of the entity if technologically feasible.</p>		<p>interest and in the offer package.</p> <p>Not In Compliance. The Landowner's Bill of Rights is not made available on The T's website.</p>
4A	<p>SALE OR LEASE OF PROPERTY</p> <p>(d) An authority may sell, lease, or dispose of in another manner: any right, interest, or property of the authority that is not needed for, or, if a lease, is inconsistent with, the efficient operation and maintenance of the public transportation system</p> <p>LEASE OF PROPERTY TO GOVERNMENTAL ENTITY.</p> <p>(a) To promote a public purpose of the political subdivision, a political subdivision may:</p> <p>(1) lease property owned by the political subdivision to another political subdivision or an agency of the state or federal government; or</p> <p>(2) make an agreement to provide office space in property owned by the political subdivision to the other political subdivision or agency.</p> <p>(b) In acting under Subsection (a), the political subdivision:</p> <p>(1) shall determine the terms of the lease or agreement so as to promote and maintain the public purpose;</p> <p>(2) may provide for the lease of the property or provision of the office space at less than fair market value; and</p> <p>(3) is not required to comply with any competitive purchasing procedure or any notice and publication requirement imposed by this chapter or other law.</p> <p>TRANSFER OF REAL PROPERTY IN STATION OR TERMINAL COMPLEX.</p>	<p>Texas Transportation Code</p> <p>Section 452.054(d)</p> <p>Texas Local Government Code</p> <p>Section 272.005</p>	<p>In Compliance.</p> <p>FWTA Real Estate Policies and Procedures May 19, 2010.</p> <p>Section 5 (F)</p> <p>In Compliance</p> <p>FWTA Real Estate Policies and Procedures May 19, 2010</p> <p>Section 5 (C) and (D)</p>
4B	<p>(a) An authority may transfer to any person by any</p>	Texas Transport-	In Compliance.

Real Estate Compliance Matrix			
	Action	Legal Reference	Compliance Results
	means, including a sale or lease, an interest in real property in a station or terminal complex and may contract with respect to it, in accordance with the comprehensive service plan approved by the executive committee, and subject to terms: (1) the executive committee finds to be in the public interest or necessary to carry out this section; and (2) specified in the instrument transferring the title or right of use.	ation Code Section 452.155 (a)	Same as above in 4A.
4C	<p>NOTICE OF SALE OR EXCHANGE OF LAND BY POLITICAL SUBDIVISION; EXCEPTIONS.</p> <p>(a) Except for the types of land and interests covered by Subsection (b), (g), (h), (i), (j), or (l), and except as provided by Section 253.008, before land owned by a political subdivision of the state may be sold or exchanged for other land, notice to the general public of the offer of the land for sale or exchange must be published in a newspaper of general circulation in either the county in which the land is located or, if there is no such newspaper, in an adjoining county. The notice must include a description of the land, including its location, and the procedure by which sealed bids to purchase the land or offers to exchange the land may be submitted. The notice must be published on two separate dates and the sale or exchange may not be made until after the 14th day after the date of the second publication.</p> <p>(b) The notice and bidding requirements of Subsection (a) do not apply to the types of land and real property interests described by this subsection and owned by a political subdivision. The land and those interests described by this subsection may not be conveyed, sold, or exchanged for less than the fair market value of the land or interest unless the conveyance, sale, or exchange is with one or more abutting property owners who own the underlying fee simple. The fair market value is determined by an appraisal obtained by the political subdivision that owns the land or interest or, in the case of land or an interest owned by a home-rule municipality, the fair market value may be determined by the price obtained by the municipality at a public auction for which notice to the general public is published in the manner described by Subsection (a). The notice of the auction must include, instead of the</p>	<p>Texas Local Government Code Section 272.001 (a)</p> <p>Section 272.001 (b)</p>	<p>In Compliance.</p> <p>FWTA Real Estate Policies and Procedures May 19, 2010</p> <p>Section 5 (F) states that any property declared surplus to the needs of FWTA will be disposed of per the Transportation Code.</p>

Real Estate Compliance Matrix			
	Action	Legal Reference	Compliance Results
	<p>content required by Subsection (a), a description of the land, including its location, the date, time, and location of the auction, and the procedures to be followed at the auction. The appraisal or public auction price is conclusive of the fair market value of the land or interest, regardless of any contrary provision of a home-rule charter. This subsection applies to:</p> <p>(1) narrow strips of land, or land that because of its shape, lack of access to public roads, or small area cannot be used independently under its current zoning or under applicable subdivision or other development control ordinances;</p> <p>(2) streets or alleys, owned in fee or used by easement;</p> <p>(3) land or a real property interest originally acquired for streets, rights-of-way, or easements that the political subdivision chooses to exchange for other land to be used for streets, rights-of-way, easements, or other public purposes, including transactions partly for cash;</p> <p>(4) land that the political subdivision wants to have developed by contract with an independent foundation;</p> <p>(5) a real property interest conveyed to a governmental entity that has the power of eminent domain</p> <p>(I) The notice and bidding requirements provided by Subsection (a) do not apply to a donation or sale made under this subsection. A political subdivision may donate or sell for less than fair market value a designated parcel of land or an interest in real property to another political subdivision if:</p> <p>(1) the land or interest will be used by the political subdivision to which it is donated or sold in carrying out a purpose that benefits the public interest of the donating or selling political subdivision;</p> <p>(2) the donation or sale of the land or interest is made under terms that effect and maintain the public purpose for which the donation or sale is made; and</p> <p>(3) the title and right to possession of the land or interest revert to the donating or selling political subdivision if the acquiring political subdivision ceases to use the land or interest in carrying out the public purpose.</p>	<p>Texas Local Government Code</p> <p>Section 272.001(I)</p>	

Appendix B

A Resolution

RESOLUTION OF THE
BOARD OF DIRECTORS OF THE
FORT WORTH TRANSPORTATION AUTHORITY
REGARDING BOARD MEMBER COMPENSATION
AND EXPENSE REIMBURSEMENT

WHEREAS, the Fort Worth Transportation Authority is a political subdivision of the State of Texas, created and existing in accordance with and pursuant to Chapter 452, Transportation Code for the purpose of providing public transportation to its member cities; and

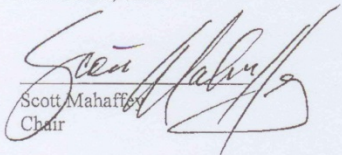
WHEREAS, Section 452.547 of the Transportation Code provides for members of the Board of Directors to receive (1) reimbursement for necessary and reasonable expenses incurred in the discharge of duties; and (2) \$50.00 for each meeting of the Board of Directors (also referred to as the "Executive Committee") or subregional board attended; and

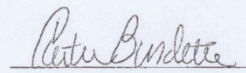
WHEREAS, historically the Fort Worth Transportation Authority has paid to its Board members payments for attending such meetings as well as reimbursement for necessary and reasonable expenses incurred in the discharge of their duties; and

WHEREAS, the purpose of this Resolution is to formalize the Fort Worth Transportation Authority's intent to continue making meeting attendance payments to the members of the Board of Directors, whether \$50.00 per meeting or some other future amount set by the Legislature, per amendment to the Transportation Code, as well as continue making reimbursements to the Board members for necessary and reasonable expenses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE BOARD OF DIRECTORS OF THE FORT WORTH TRANSPORTATION AUTHORITY that the Fort Worth Transportation Authority shall provide for the members of the Board of Directors to receive (1) reimbursement for necessary and reasonable expenses incurred in the discharge of duties; and (2) \$50.00 for each meeting of the Board of Directors (also referred to as the "Executive Committee") or subregional board attended, or such amount authorized by the Texas Legislature.

ADOPTED by the Fort Worth Transportation Authority Board of Directors on the 18th day of November, 2013.


Scott Mahaffey
Chair


Carter Burdette
Secretary



Appendix C

A Resolution

**RESOLUTION OF THE
BOARD OF DIRECTORS OF THE
FORT WORTH TRANSPORTATION AUTHORITY
REGARDING CONSUMPTION OF ALCOHOLIC BEVERAGES
ON PROPERTY OWNED BY FORT WORTH
TRANSPORTATION AUTHORITY**

WHEREAS, the Fort Worth Transportation Authority is a political subdivision of the State of Texas, created and existing in accordance with and pursuant to Chapter 452, Transportation Code for the purpose of providing public transportation to its member cities; and

WHEREAS, Section 452.105 of the Transportation Code provides for members of the Board of Directors (also referred to as "Executive Committee") to adopt rules for the safe and efficient operation and maintenance of the public transportation system, as well as regulation of privileges on property owned, leased, or otherwise controlled by the authority; and

WHEREAS, the Fort Worth Transportation Authority currently owns several real estate facilities, including, but not limited to the Hershel R. Payne Transportation Center, the Fort Worth Intermodal Transportation Center, the Texas and Pacific TRE Station, the Airporter, and a number of bus and commuter rail park and ride facilities and other transfer centers; and

WHEREAS, the Fort Worth Transportation Authority also owns a fleet of fixed route bus vehicles, Mobility Impaired Transportation Service (MITS) vehicles, owns a 50 percent undivided interest in commuter trains and facilities, leases vanpool vehicles, and anticipates acquiring a number of commuter trains for future expanded commuter rail projects; and

WHEREAS, it has been the unwritten policy and practice of the Fort Worth Transportation Authority to prohibit consumption of alcoholic beverages by passengers in rolling stock (fixed route bus, MITS vehicles, and vanpool vehicles); however, it has been the practice of the Fort Worth Transportation to permit moderate alcohol consumption by individuals of legal age who utilize the facilities for celebrations and parties, specifically, the Texas and Pacific TRE Station Main Waiting Room and the Fort Worth Intermodal Transportation Center Community Room; and

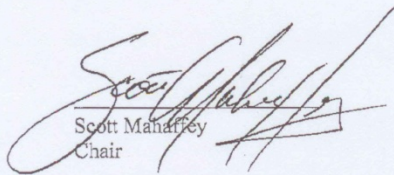
WHEREAS, the purpose of this Resolution is to memorialize the Fort Worth Transportation Authority's intent to continue the prohibition of consumption of alcoholic beverages by passengers in its rolling stock (fixed route bus, MITS vehicles, and vanpool vehicles); and to also continue the practice of the permitting moderate and responsible consumption of alcohol by individuals of legal age who are attending celebrations and parties at the Texas and Pacific TRE Station Main Waiting Room and the Fort Worth Intermodal Transportation Center Community Room.

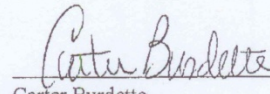


A Resolution

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE BOARD OF DIRECTORS OF THE FORT WORTH TRANSPORTATION AUTHORITY that the Fort Worth Transportation Authority shall continue the prohibition of consumption of alcoholic beverages by passengers in its rolling stock (fixed route bus, MITS vehicles, and vanpool vehicles); and, further, to continue the practice of permitting moderate and responsible consumption by individuals of legal age who are attending celebrations and parties at the Texas and Pacific TRE Station Main Waiting Room and the Fort Worth Intermodal Transportation Center Community Room.

ADOPTED by the Fort Worth Transportation Authority Board of Directors on the 18th day of November, 2013.


Scott Mahaffey
Chair


Carter Burdette
Secretary



Appendix D

Customer Service –CUS

Observation CUS-1. There is no designated “lead” agent or second-in-command in charge when the administrator is not there.

Recommendation CUS-1. Create two Lead Customer Service agents who will be in charge when the Administrator is not there.

Fort Worth Transportation (The T) Response-CUS-1

The T has significant experience with staffing levels in the Call Center, and it is a dynamic arrangement that we have found to be most effective. The position of “Lead Agent” was eliminated when it was concluded that this did not foster the team work and overall departmental cooperation desired. After elimination of that position, the staff worked more cooperatively.

Other acknowledged leaders with experience answer questions for less senior staff when the Administrator is not on-site. Currently there is three senior staff available (“on call”) via phone any time the Administrator is not present. Every staff has been trained and maintains a point of contact list in an emergency or critical situation. The T maintains documentation that reflects some of those incidents; currently the organization is satisfied with the functionality of this process, as well as the increase in customer service response time as a result of the process.

General Counsel – GEC

Observation GEC-1. The General Counsel’s office is concerned about data security and confidentiality of electronic communications.

Recommendation GEC-1. If IT resources allow, the IT department should assign an individual who is dedicated to overseeing the technology components of General Counsel and Human Resources communications.

Fort Worth Transportation (The T) Response-GEC-1

At the time of the initial interview by TransTech of The T’s General Counsel Sylvia Hartless, The T still had only limited hardback legal references and very limited web based research capabilities. Inasmuch as most case law and annotated statutory authority are copyrighted, Counsel had to either go to the County Library for case law research or she had to hire outside counsel to research certain issues, as other resources were not readily available through the internet.

Since the time of the initial interview, during the FY 2014 budget process, the Board approved cancelling the subscription to the hardback Vernon’s Texas Codes Annotated, which contained

statutory laws only, and subscribing to two web based services, Clear and Concourse. These two online resources provide much broader and more thorough resource capabilities. They contain Icloud capabilities, case law history, published journal articles, white papers on certain issues, federal state and municipal laws and ordinances, certain background check capabilities and other enhanced functionality capabilities.

Licenses for these software programs have been obtained, and Legal staff are still undergoing training and finding them to be invaluable.

Grants/DBE Administrator -GRT

Observation GRT-1. The T has no specific DBE outreach objectives.

Recommendations GRT-1. Develop specific objectives for the number of DBE firms to be contacted in a given year.

Fort Worth Transportation (The T) Response- GRT-1

Each Department of Transportation (DOT)-assisted State and local transportation agency is required to establish annual DBE goals, and review the scopes of anticipated large prime contracts throughout the year and establish contract-specific DBE subcontracting goals. The use of set asides is not allowed under Federal Transportation Authority federal regulations. The T establishes an “overall annual DBE goal” in accordance with FTA guidelines. Over the study period, the T achieved 34% DBE participation. The overall annual DBE goal does not float, but solicitation-specific DBE goals may vary from the overall annual DBE goal, as deemed appropriate. Once an overall annual DBE goal is established, specific goals may be established for specific solicitations. Solicitation specific DBE goals are established to the extent necessary to achieve the overall annual DBE goal.

To ensure maximum DBE participation, each solicitation package, with specific DBE goals, include a list of eligible certified DBE Contractors. The specific DBE goal established for a specific solicitation may vary based on the type of solicitation, the market availability of DBEs to perform various portions of the work, the degree to which race-neutral measures are deemed to be insufficient to achieve DBE participation and the degree to which the overall annual DBE goal has been met. Anticipated DBE opportunities on future solicitations during the remainder of the fiscal year are also considered. The FTA also provides the T with the ability to apply small business goals, if it is deemed appropriate.

The T belongs to the NCTRCA, which has a database of over 3,000 certified firms. The NCTRCA provides contact information to these firms regarding the T and its other members as part of the certification and subsequent recertification processes. Additionally, DBE information is on the T’s website. The T conducts outreach throughout the year through various departments (Procurement, Marketing, Capital Projects, etc...), in addition to the Grants and DBE Administrator.

The North Central Texas Regional Certification Agency (NCTRCA) performs DBE certification services for the T and other local agencies. Businesses may apply for DBE, MBE and WBE

certification through the NCTRCA. The NCTRCA then reviews and analyzes the certification applications to determine if firms are certifiable. The T pays an annual membership fee for this service. Additionally, the annual membership fee provides the T with a seat on the NCTRCA's Board of Directors. The Grants and DBE Administrator is the T's designated representative on the NCTRCA's Board of Directors. Consequently, he participates in providing policy and management oversight through monthly NCTRCA Board of Directors meetings, committee meetings and other meetings as needed.

Human Resources - HRD

Observation HRD-1. Communication up and down and across the chain could be improved. This is particularly noted by the HR Department, some of whom have extensive contact with employees at all levels and feel a strong need to address the issue.

Recommendation HRD-1. Improved communications with The T should be an agency-wide effort.

Fort Worth Transportation (The T) Response-HRD-1

The T currently has an annual employee communication plan in place. The plan guides HRD when communicating organization policies; updating and revising benefits; announcing changes in the healthcare laws...etc. The plan establishes and ensures consistent communication across the organization. The plan is reviewed and updated annually.

Observation HRD-2. An HR performance management system does not exist except sporadically.

Recommendation HRD-2. Increased focus on the creation of performance indicators and Authority-wide reporting is needed. Selected examples of human resource performance indicators might include the following:

- Turnover ratio by department or primary function
- Days to process application/make a hiring decision
- Attendance records by unit
- Grievance settled
- Compensation vis-à-vis peer agencies
- Individuals trained by curriculum

Fort Worth Transportation (The T) Response-HRD-1

The T agrees with this recommendation and will consider adding the additional performance indicators to its current list of performance indicators.

Information Technology – INT

Observation INT-1. The T lacks an up-to-date information technology strategic plan.

Recommendation INT-1. Develop a comprehensive information technology strategic plan.

Fort Worth Transportation (The T) Response- INT-1

The T has a formalized, adopted and approved long range strategic plan used to guide ALL planning and projects at The T, including technology initiatives. This approach helps ensure technology projects are aligned with business objectives and reduces duplication of effort (and potential conflict) in development of multiple plans.

The current approach (see previous comment) has provided an appropriate alignment of IT projects/spending with The T's business needs and the flexibility to respond to changing requirements, so I believe this plan would be redundant and create an unnecessary document.

Observation INT-2. The T lacks a structured information technology governance model or policy.

Recommendation INT-2.1. Develop, adopt and deploy technology governance structure and policy.

Recommendation INT-2.2. Apply a structured project management methodology including an integrated approach to cultural change management.

Recommendation INT-2.3. Ensure that the information technology organization is consulted and directly involved in all technology procurements.

Fort Worth Transportation (The T) Response- INT-2, 2.1, 2.2, 2.3

The T has a "flat" organizational structure that provides the IT AVP easy access to the executive management team. The COO and the executive management team provide effective and timely guidance on applicable standards, policies, and projects. Additionally, all IT projects are vetted through the annual budgeting process and once funded; users are involved in the requirements definition, source selection, and implementation of the system.

Based on The T's recent (last 6 years) history, developing, adopting and deploying technology governance would add a level of formal complexity The T's size and environment do not warrant. Most of The T's projects are implemented by contractors governed by contracts resulting from formal procurement procedures. These contracts include project plans used to govern the implementation process.

All "enterprise class technology projects" go through the IT department ... as well as the budget vetting process for approval. Sometimes "minor" purchases are made that do not make it through IT, but these are rare (and have become "rarer" over the last 6 years). Management has determined current setup is adequate for The T's structure and this added level of complexity is unwarranted.

Observation INT-3. A comprehensive business continuity and disaster recovery plan has not been finalized and implemented.

Recommendation INT-3. Develop and execute a comprehensive information technology disaster recovery and business continuity plan.

Fort Worth Transportation (The T) Response-INT-3

The T agrees with this observation. Currently a comprehensive IT disaster recovery and business continuity plan is being drafted. The organization expects the plan to be completed within the first or second quarter of FY2014.

Observation INT-4. The Ellipse enterprise resource planning software product is not fully functional.

Recommendation INT-4. Initiate the planning, evaluation and selection process for replacement of the Ellipse enterprise resource planning software package.

Fort Worth Transportation (The T) Response-INT-4

The "Ellipse enterprise resource planning software product has never fully met The T's expectations." At the time of the initial audit review, The T did not have active plans for replacement of the system. However, requirements collection has now begun for a replacement system ... goal is a budgetary estimate and recommended approach for discussion at annual budget time. Depending on approval of approach and budget, the goal would be to have an RFP on the street in 2014.

Observation INT-5. Existing IT staffing levels are only marginally adequate to address current and expected workload effectively.

Recommendation INT-5. Increase the authorized staffing of the Information Technology Department, over time and as resources permit, to a minimum of nine full time personnel.

Fort Worth Transportation (The T) Response-INT-5

The T agrees with this observation. An additional network resource would allow expansion of network projects to better support The T. Although the employee base is approximately 559, only about 250 are users of equipment requiring IT support. If the base of 250 rather than 559 is used, the staffing recommendation becomes 8 or 9 FTEs. This staffing recommendation is more in line with the second reported metric which yielded a staffing recommendation of 8-14 FTEs. This indicates IT could be understaffed by 1 to 7 FTEs rather than the reported 5 to 7 FTEs.

Efforts are already underway to add an additional desktop support FTE. Dependent on future technology initiatives, an additional resources may be require to enhance network support. Staffing requirements are reviewed as part of the annual budgeting process and, as the need becomes justified, vetted through The T's established process.

Marketing – MKT

Observation MKT-1. The Marketing Department does not establish specific ridership goals for its promotions.

Recommendation MKT-1. Establish ridership goals for specific marketing programs to help assess effectiveness.

Fort Worth Transportation (The T) Response-MKT-1

Ridership has proven to be a valuable and useful metric for evaluating the effectiveness of a campaign or marketing program. The Marketing Department uses additional numbers and qualitative assessments (coupled with the experience of the tenured Marketing internal and external team members), but has not fully documented that additional evaluation tool. Based on this recommendation, effort will be made to more completely track the results of marketing campaigns.

Mobility Impaired Transportation Service – MITS

Observation MITS-2. The T's call center does not track average hold times for MITS calls nor does it have goals for average hold times.

Recommendation MITS-2 – Track average hold times for MITS calls to the call center and monitor those hold times against established goals.

Fort Worth Transportation (The T) Response-MITS-2

A good practice for hourly averaging is a standard that 95 percent of the hourly periods should have an average hold time of no more than one minute, and 99 percent of the hourly periods should have an average hold time of no more than two minutes.

The T will track average hold times for MITS calls and monitor the holding times against established goals consistent with FTA guidelines.

Observation MITS-3. MITS uses a 90 minute advance of arrival time scheduling policy.

Recommendation MITS-3. Discontinue the 90 minute advance of arrival time policy.

Fort Worth Transportation (The T) Response-MITS-3

MITS welcomes recommendations that positively impact on-time performance and productivity. The T is exploring the best option for discontinuing the practice of suggesting trips are scheduled (90) minutes in advance of appointment times. The T will work closely with Trapeze to adjust parameters in our scheduling software that will allow us to book and schedule MITS trips proficiently by appointment times. The transition will take into account the time it takes to educate reservationists, schedulers, and dispatchers on the revised process for trip requests. MITS customers without appointments will continue to be allowed to book times

requested and will negotiate trip times, as allowed by ADA guidelines, as needed. Periodic analysis of trip requests will be performed to gauge time and distance for trips in comparison to the same trip on a fixed route bus.

Observation MITS-4. MITS does not collect the data needed to evaluate the effectiveness of its screening process.

Recommendation MITS-4. Track eligibility and screening data to provide management with the information needed to evaluate the effectiveness of the screening process.

Fort Worth Transportation (The T) Response-MITS-4

MITS currently tracks the number of applications received, processed, and returned daily. Each application for MITS is recorded as a new application, recertification, out of service area, or incomplete. The total numbers of applications, along with the number of denials are tracked and reported monthly. Applicants certified to ride MITS received full unconditional eligibility to use the service up to (3) years.

Organizational Structure and Board Governance - ORG

Observation ORG-1. Titles and labels are confusing in some cases.

Recommendation ORG-1. Introduce consistency in titles and unit labels, insofar as possible.

Fort Worth Transportation (The T) Response-ORG-1

The T sees merit in the recommended organizational chart and will review possible the restructuring with the new President. In addition, in order to clarify titles and ensure consistency, Security Specialist, Risk and Safety Manager, and Budget Analyst titles have been re-titled to Security Administrator, Risk and Safety Administrator and Budget Administrator.

Observation ORG-2. The TRE Chief Operating Officer position is vacant.

Recommendation ORG-2. Fill the TRE COO position as soon as possible.

Fort Worth Transportation (The T) Response-ORG-2

The TRE COO position has been filled.

Observation ORG-3. The T is cautioned that development of TEX Rail will pull time and attention away from the T's core business (bus service) and burden staffs with added responsibilities.

Recommendation ORG-3. Develop a staffing plan specific to TEX Rail development.

Fort Worth Transportation (The T) Response-ORG-3

The T currently has a Professional Service Agreement with CH2MHill for the TEX Rail Project (Project), which covers Program/Project Management related services and activities. The T will consider the recommendation as the Project moves into the implementation and construction phases.

Observation ORG-4. In some areas, the T is organized around the skills and experience of particular individuals. This can have a positive or negative influence on management and operations, depending on his/her core competency, leadership skills, and respect within the organization.

Recommendation ORG-4. Develop a succession planning program for key areas of the agency.

Fort Worth Transportation (The T) Response-ORG-4

The T agrees with this observation will consider the recommendation when revising the current succession planning program.

Observation ORG-5. The Board generally is inexperienced in public transit operations and management. At the same time, there has been a lot of growth in Board members' understanding, as well as their duties and responsibilities.

Recommendation ORG-5. The T staff needs to continue its public governance and transit education efforts for the Board.

Fort Worth Transportation (The T) Response-ORG-5

The T's Board of Directors is informed of changes or events pertaining to The T. The President/Executive Director reports directly to the Board of Directors. That position, along with the board liaison, is responsible for informing the Board. Staff may be asked for input on various issues, but it's the President who gives that information to the Board. Various transportation conferences are available for the Board Members to attend, if they wish to do so.

Being respectful of the Board Members' time and their work schedules, we streamline the meetings. In some cases, the staff will meet with a single Board Member at the request of the Member.

Observation ORG-6. While The T is a solid, well-run and leading transit agency, the organization structure lacks clarity in some places and is confusing to an outside observer – and perhaps to a new inside observer, as well.

Recommendation ORG-6. Relatively small changes ‘at the margin’ will improve the logic and functioning of the agency, particularly in regard to clarity of mission and purpose for each organizational unit. Suggested changes are relatively minor, in our judgment.

Fort Worth Transportation (The T) Response-ORG-6

The T agrees with this observation and will consider implementing the recommendation.

Operations and Maintenance - MPM

Observation MPM-2. There is a high tolerance among the operating managers for the small number of support functions that present challenges to the operating managers and that are in need of improvement.

Recommendation MPM-2. The new President/Chief Executive Officer should assess the relationship between the administrative and operations teams at The T and – working with the executive staff - ensure that the historic culture that has been long-established at The T is preserved and strengthened.

Fort Worth Transportation (The T) Response - MPM-2

The T agrees with this observation and recommendations.

Observation MPM-3. There may be several provisions of the union contract, and the enforcement thereof, which operations and maintenance supervisors feel would benefit the agency if they were changed.

Recommendation MPM-3. Monitoring of the application of the FMLA should be as rigorous as is needed to ensure appropriate compliance. Of course, the same goes for all union agreement provisions.

Fort Worth Transportation (The T) Response - MPM-3

The T complies with all requirements of the FMLA. We do understand that the potential for abuse of intermittent FMLA is high and we stay diligent and take necessary measures within the law to minimize this abuse. The response to the remedies listed in the Observation is as follows:

- We require written leave requests. If a verbal request is submitted, we follow-up with a written document. All requests are responded to within 5 business days as required by federal guidelines.
- All certifications are checked (and re-checked) to ensure they are complete and sufficient. If they are not a written request is sent to the employee to cure the issues as required by federal guidelines.

- Once an FMLA is approved, our leave specialist routinely checks in on the employee to ensure well-being and to attempt to expedite a return to work.
- All T policies and procedures are up-to-date as required by federal guidelines.
- The T has used surveillance in extreme conditions as allowed by federal guidelines.

In addition to the above measure to minimize abuse, the T also:

- Asks for recertification when an intermittent leave falls outside of the scope or time duration as listed on the original certification.
- The T has checked for authenticity of certifications by faxing over forms turned into HR to the doctor's office to ensure they are accurate and completed by the physician. The T has terminated employment for falsified documents.
- The T enforces the company's call-in procedures as employees are to comply with company policy even while on FMLA.
- The T checks for trending on intermittent FMLA. We address issues if we see consistent Monday/Friday or use prior to or after a day off or holidays. The T has denied FMLA for employees that had requested a vacation day, got denied and then called in FMLA.

Performance Indicators - KPI

Observation KPI-1. The T is undertaking the necessary effort to conform with the Key Performance Measures requirement in the MOU, including conforming to the required formulas for calculating the measures and reporting the system-wide results for 2013.

Recommendation KPI-1. The new KPI process should be developed with the assistance of the outside auditors of The T and in discussions with the City of Fort Worth, and it should include a notation of whether to report by mode or just by system-wide results.

Fort Worth Transportation (The T) Response - KPI-1

Accounting practices in public transportation as well as the generally accepted accounting practices of the American Bus Bench Mark Group, of which the T is a founding member, are to calculate KPIs by mode. Calculating system wide KPIs would not provide a clear picture of the effectiveness or ineffectiveness of service delivery since each mode has unique service delay characteristics and in some cases legal requirements.

The current allocation of cost by mode is reviewed by the external auditors annually during their review of the National Transit Database report.

Planning – PLN

Observation PLN-1. More timely boarding and alighting data by stop would improve Planning's ability to optimize system efficiency.

Recommendation PLN-1. Evaluate options for increasing frequency, timeliness, and usability of boarding and alighting data.

Fort Worth Transportation (The T) Response - PLN-1

The T agrees with this observation that more timely utilization of boarding and alighting information by stop would be helpful. We will evaluate the options and costs associated with more timely boarding and alighting information.

Observation PLN-2. The T has no Five-Year Service Plan.

Recommendation PLN-2. Create a Five-Year Service Plan for the T's bus service.

Fort Worth Transportation (The T) Response - PLN-2

The T agrees with the observation that a Five Year Service Plan is needed and will identify funding and internal resources to develop a Five Year Plan in the next year.

Project Management - PMT

Observation PMT-1. The department does not have a five-year or other interim period capital plan.

Recommendation PMT-1. Working with client departments, develop a five-year capital plan for the T.

Fort Worth Transportation (The T) Response - PMT-1

The T agrees with this observation and recommendation.

Property Management-PPT-1

Observation PPT-1. The Property Management function appears to be operating effectively and efficiency.

Recommendation PPT--1. Implement customer service improvements identified by the Property Manager including website improvements and customer satisfaction measurement.

Fort Worth Transportation (The T) Response – PPT-1

The T agrees with this observation. Recommendations will be taken into consideration when updating and revising the facility rental website. However, the T currently conducts periodic customer service surveys and encourages facility rental customers to complete and return comment cards. This method has assisted greatly in the increase of rental services and customer satisfaction.

Risk and Safety Management - RSM-1

Observation RSM-1. The system safety plan is in the process of revision and update.

Recommendation RSM-1. Complete a forward-looking update of the system safety plan, along with any necessary revisions to local policies, procedures, work rules, etc.

Fort Worth Transportation (The T) Response - RSM-1

The T agrees with this observation and is currently completing its comprehensive safety plans.

An updated forward-looking system and plan along with the necessary revisions to local policies, procedures, work rules and building evacuation policies are currently being completed.

Observation RSM-2. Safety related performance measures appear to be limited in number and coverage.

Recommendation RSM-2. Develop a more robust system of safety performance measurement and reporting.

Fort Worth Transportation (The T) Response - RSM-2

The T agrees with this observation and is currently revising and updating its 2010 strategic plan; a chapter on safety is one of the organization's top priorities, and will be included with the revision and updates.

The T currently utilizes many of the performance and safety management indicators listed, and will consider revisiting the provided list of additional performance indicators when constructing future safety metric and performance tools/systems.

Trinity Railway Express – TRE

Observation TRE-1. The Chief Operating Officer position is vacant, despite having made offers to two individuals.

Recommendation TRE-1. Fill the COO position as soon as possible.

Fort Worth Transportation (The T) Response –TRE-1

The TRE Chief Operating Officer (COO) position has been filled.

Transit Security – SEC

Observation SEC-1. Disk storage capacity for the TRE surveillance video system is reported as limited.

Recommendation SEC-1. Expand, upgrade and replace TRE video surveillance equipment and systems as required, using either local funds, grant support or some combination thereof.

Fort Worth Transportation (The T) Response –SEC-1

The T agrees with this observation and recommendation. A review and analysis of the current security video surveillance equipment has indicated that the Administration compound, located at 1600 E. Lancaster, is operating at or above satisfactory service levels, while the video surveillance equipment located at TRE Park and Ride facilities is operating at or below satisfactory service levels.

The upgrade and replacement of the video surveillance equipment and system will receive future federal funding consideration.

Observation SEC-2. The T's 2010 strategic plan includes as a specific action item to "Investigate utility of creating dedicated police force for The T."

Recommendation SEC-2. Continue the current contractual arrangements for system security for the time being.

Fort Worth Transportation (The T) Response- SEC-2

The T agrees with this observation and recommendation. The T will continue to move toward implementing a dedicated security infrastructure. In addition, the security infrastructure need will be included in the revised/updated 2010 strategic plan.

A Resolution

NO. 4175-01-2013

A RESOLUTION CALLING FOR EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FORT WORTH AND THE FORT WORTH TRANSPORTATION AUTHORITY TO PROVIDE IMPROVED PROGRAM ASSESSMENTS AND PUBLIC PARTICIPATION

WHEREAS, in 1983 voters in the City of Fort Worth confirmed the creation of the Fort Worth Transportation Authority (“The T”) and authorized the levy of a sales tax for the provision of public transportation; and

WHEREAS, in the three decades since The T was created, the population in Tarrant County has more than doubled – from 860,880, according to the 1980 Census, to 1,809,034, according to the 2010 Census; and

WHEREAS, because the Western Sub-Region of the D/FW Metroplex has experienced this growth and is expected to grow exponentially, it is critical that Fort Worth and Tarrant County have direct access to the regional interstate, national and international transportation system to include major employment centers and D/FW International Airport; and

WHEREAS, this tremendous growth combined with the aging infrastructure of the federal and state highway systems has resulted in increased congestion on area roadways and additional strain on limited tax dollars - emphasizing a growing need for rail-based transit alternatives that can help to alleviate congestion and thereby reduce wear on road infrastructure; and

WHEREAS, according to its records, the Texas Comptroller of Public Accounts has disbursed an estimated \$851,393,714.91 in sales tax to The T since its creation; and

WHEREAS, to date, The T’s efforts have been focused primarily on bus-based services with little progress made toward implementation of the types of rail-based transit available in other parts of the North Texas Region and the state; and

WHEREAS, The T’s development and execution of rail-based projects has been hampered by repeated delays and decisions that have not always conformed to expressed public preferences, leading to mounting frustration on the part of both public officials and private citizens; and

WHEREAS, state law requires that most transportation authorities and rapid transit entities undergo periodic performance audits to ensure efficient service delivery and engage in public hearings prior to making certain decisions to provide transparency and public input; and



WHEREAS, state law does not currently impose these same assessment and public-input requirements on The T as with other large city transit providers; and

WHEREAS, the City believes that implementation of these same processes at The T will lead to increased efficiency, improved performance, greater public satisfaction, and greater transparency of use of public funded resources; and

WHEREAS, the City has prepared and presented The T with a proposed Memorandum of Understanding ("MOU") intended to provide for transit-delivery assessment and greater transparency and public input by mirroring requirements applicable to other transit entities under state law; and

WHEREAS, the Fort Worth City Council, as a body of elected officials, is responsible to the citizens of Fort Worth for the efficient and effective use of public resources in securing infrastructure, economic viability and quality of life to the citizens of Fort Worth; and

WHEREAS, the Fort Worth City Council confirms the necessity to implement the oversight imposed by the MOU and calls on the Board of Directors at The T to direct the agency's staff to execute the document;

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

1. That the City Manager is hereby directed to execute the MOU with the Fort Worth Transportation Authority to provide improved program assessments and increased public participation; and
2. That the Board of Directors of the Fort Worth Transportation Authority is called upon to direct the agency's Executive Director or other authorized representative to execute the MOU prepared and presented by the City.

Adopted this 29th day of January, 2013.

ATTEST:

By: 
Mary Kayser, City Secretary



To the Mayor and Members of the City Council

Page 1 of 1

**SUBJECT: Fort Worth Transportation Authority
Memorandum of Understanding Reporting**

The City of Fort Worth and the Fort Worth Transportation Authority (The T) entered into a Memorandum of Understanding (MOU) on February 28, 2013 authorized by City Council resolution 4175-01-2013. The main purpose of the MOU is to provide increased transparency in The T's planning, operations, and fiscal stewardship. The specific provisions of the MOU mirror the current reporting provisions under which the Dallas Area Rapid Transit agency operates. The MOU provides for 12 specific performance measures to be reported annually. The MOU and the T's reporting of these measures are attached as Exhibit A. The T's approved operating and capital budget for FY 2015 is included as Exhibit B. Staff will work with The T on annual informal report to the City Council on the deliverables detailed in the MOU.

In addition, the T was required to commission an independent performance audit of its overall operations every five years starting in 2013. The T completed the independent performance audit in March of 2014 (Exhibit C). Staff has noted nineteen specific recommendations which can be found on page three of the report. The T's staff agreed with the majority of the finding and indicated the recommendations would be implemented. The most apt description of the report can best be summarized by a passage found on page five of the report. Although this passage related directly to The T's ability to deliver the TEXRail project, the tenor of the report generally follows this statement found in the *Executive Summary*:

Having completed the performance and management review of The T, it is TransTech's view that the transit authority is one of the best we have examined. While there is room for improvement, as is the case in every public and private entity, The T scores well above average in most functions and activities.

Staff continues to work closely with The T as progress is made on the TEXRail project and the system planning study.

David Cooke
City Manager

**To the Mayor and Members of the City Council****October 21, 2014**

Page 1 of 1

**SUBJECT: CITY-INITIATED FULL-PURPOSE ANNEXATION OF
APPROXIMATELY 69.2 ACRES OF LAND LOCATED SOUTH OF LONGHORN
ROAD AND NORTH OF NORTHEAST LOOP 820**

The October 28th City Council agenda will contain an M&C to initiate the annexation and zoning processes for an area located in the Far Northwest Sector (Area 36-1). The 2014-2018 annexation program, adopted with the 2014 Comprehensive Plan, anticipates that this area will be considered for a City-initiated annexation by the end of 2014.

The proposed annexation area would be an addition to Council District 2. Attached is a PowerPoint for reference. The fiscal impact analysis is posted on the Planning and Development Department's website.

Area 36-1 is Located South of Longhorn Road, West of Main Street and North of Northeast Loop 820, AX-14-004, in the Far Northwest Sector, and contains approximately 69.2 acres with vacant land, infrastructure, railroad, and a commercial manufacturer of welded steel pipe. The site is designated as an enclave and is not required to have a positive fiscal impact. The area meets the City's criteria for full-purpose annexation.

Staff has determined the City will be able to provide full municipal services upon annexation. The property owners have been contacted to explain the annexation process. Staff has also proposed zoning, based on land use policies and future land use designated in the Comprehensive Plan, and on existing land uses. The annexation and zoning of this area would run concurrently, with final approvals anticipated to occur in December 2014.

Should you have any questions, please contact Randle Harwood, Planning and Development Director, at 817-392-6101.

David Cooke
City Manager

Attachment

City-Initiated Annexation



Prepared for the
City Council

By the
Planning and Development Department

October 21, 2014

Purpose

Review the following items:

- ✓ Annexation **criteria**;
- ✓ **Fiscal impact methodology**; and
- ✓ Area requested for **full-purpose annexation**.

Annexation Criteria

A. Full-Purpose Annexation

Area must meet one or more of the following conditions:

1. Enclave

- a. Enclave within City's ETJ
- b. Ability to provide municipal services

2. Urban Development

- a. Development activity of an urban nature
- b. Ability to provide municipal services
- c. Positive fiscal impact analysis

3. Growth Center

- a. Designated growth center
- b. Ability to provide municipal services
- c. Positive fiscal impact analysis

4. Adverse Impact

- a. Adverse impact on City if not annexed
- b. Ability to provide municipal services

5. Option to Expand

- a. Detriment to City's orderly growth if not annexed
- b. Ability to provide municipal services

Preparation of Fiscal Impact Analysis

A. Revenues

B. Expenditures

C. Analysis Timeframe

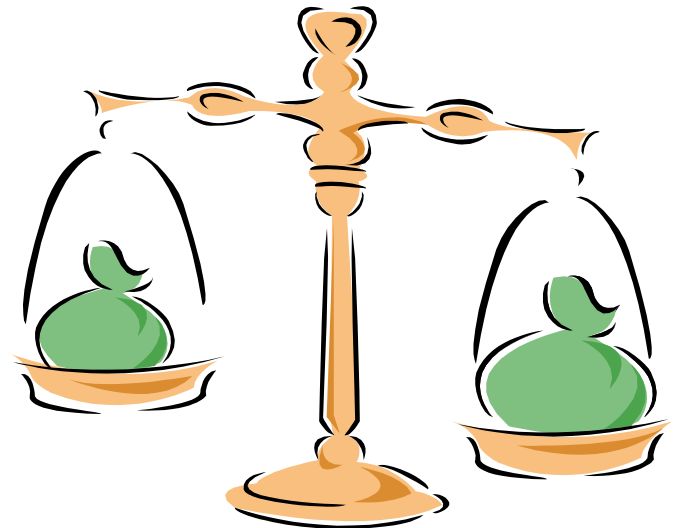
D. Per Capita Data Sources

E. Population Estimate

F. Methodology

1. Areas with Existing or Proposed Development
2. Other Areas

**G. Timing for Preparation of Fiscal Impact
Analysis**



Revenues

General Fund

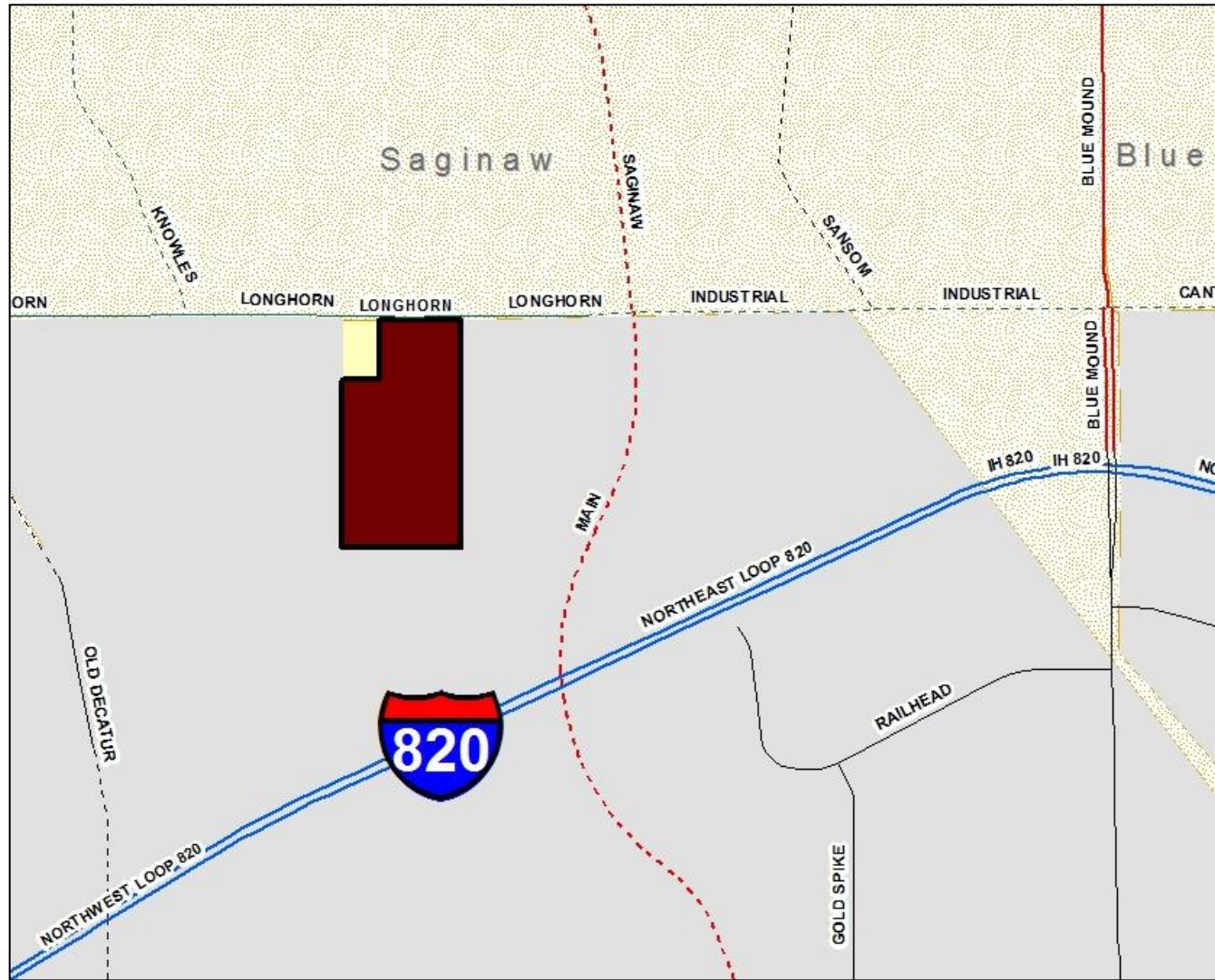
1. **Property taxes** to be generated by **existing land uses**, based on the county's Appraisal District assessed values and the City's current property tax rate.
2. **Property taxes** to be generated by **proposed land uses**, based on anticipated assessed values and the City's current property tax rate.
3. **Other General Fund revenues** including: Other Local Taxes, Licenses and Permits, Fines and Forfeitures, Use of Money and Property, Service Charges, and Other Revenue, based on a per capita estimate.

Expenditures

1. One-time **transitional** costs, including street signs and markings, and emergency response set up
2. Required **capital improvements** for fire service, roadways and drainage, and water and wastewater infrastructure

Longhorn Road Area (AX-14-004)

Where is the area of the annexation request?



Proposed
Annexation Area



City Limits



Fort Worth ETJ

Analysis Basis

- 69.2 acres
- 0 agricultural tax exemptions
- 2 governmental tax exemptions
- Infrastructure, railroad, heavy industrial and vacant land uses
- No Future development anticipated
- Property tax revenues anticipated - \$14,450 yearly



Analysis Results

- No future growth
- Initial Costs
 - Code = \$810
 - Fire = \$150
 - Police = \$3,490
- No capital improvements necessary
- Negative impact of \$4,450 to the General Fund in first Year
- Positive result to the General Fund after first year
- Cumulative positive impact to the General Fund each year thereafter



What future land use is designated in the 2014 Comprehensive Plan?






- Existing Use
 - Infrastructure, railroad, heavy industrial, and vacant land
- No Proposed development
- Future Land Use
 - Light Industrial
- Staff recommends Heavy and Light Industrial Use

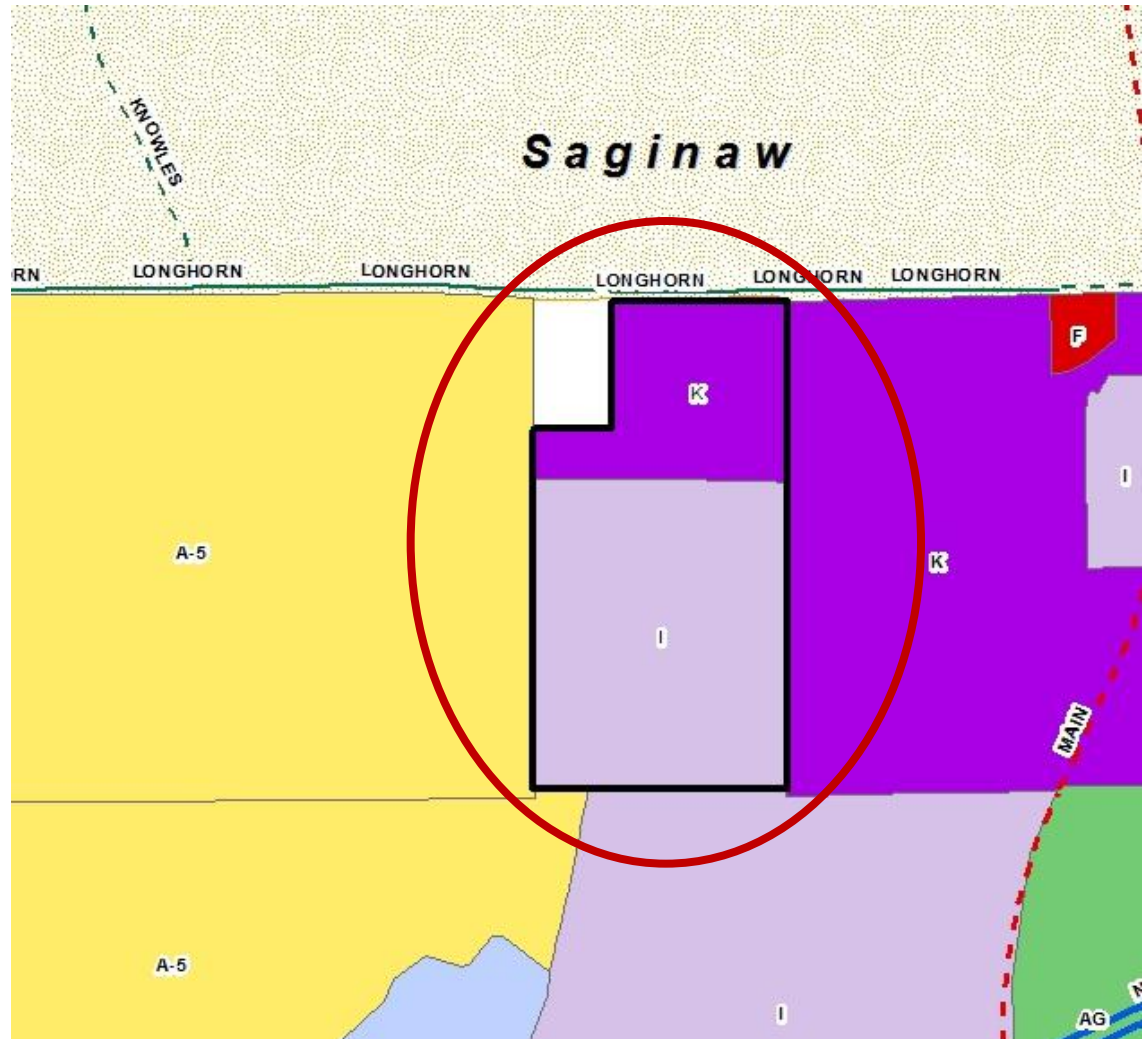


	Single-Family Residential		Light Industrial		Public Park		Infrastructure
	Institutional		Industrial Growth Center		Open Space		

What is the proposed zoning?

Staff proposes
“I” and “K”
zoning

-  AG: Agricultural
-  A-5: One-Family
-  F: Commercial
-  I: Light Industrial
-  K: Heavy Industrial



What is the proposed annexation schedule for the city-initiated annexation?

<u>Date</u>	<u>Action</u>
Oct. 21	City Council receives Informal Report .
Oct. 21	City Council receives fiscal impact analysis and proposed schedule .
Oct. 28	City Council adopts annexation timetable ; approves M&C to initiate zoning .
Nov. 13	Zoning Commission recommends “I” Light Industrial and “K” Heavy Industrial zoning.
Dec. 2	City Council considers and institutes annexation and considers zoning request .

No Documents for this Section

A Resolution

NO. _____

APPOINTING ALTERNATES TO THE MAYOR'S PLACE ON THE DALLAS-FORT WORTH INTERNATIONAL AIRPORT BOARD

WHEREAS, pursuant to Articles 3 and 4 of the Contract and Agreement between the City of Dallas, Texas, and the City of Fort Worth, Texas, dated and effective April 15, 1968, a public document on file in the City Secretary's Office as City Secretary Contract No. 6014 (the "Contract"), the City Council is authorized and required to appoint four (4) individuals to the Dallas-Fort Worth International Airport Board of Directors (the "Board") to occupy Place Nos. 2, 3, 7 and 8 on the Board; and

WHEREAS, pursuant to Article 4 of the Contract and Agreement between the City of Dallas, Texas, and the City of Fort Worth, Texas, as amended, effective August 3, 1995, the Mayor of each City is automatically appointed to the Board for a term concurrent with the Mayor's term of office; and

WHEREAS, pursuant to Article 4 of the Contract and Agreement between the City of Dallas, Texas, and the City of Fort Worth, Texas, as amended, effective August 3, 1995, each City is authorized to appoint Council Members as first, second, and third alternates to the Mayor's place on the Board to serve in the Mayor's absence, with full authority to exercise all of the duties, privileges, and powers of a member of the Board, including the power to vote on all matters before the Board; and

WHEREAS, the City Council wishes to appoint the following individuals to serve as alternates for the Mayor in the following order:

Mayor Pro Tem Salvador Espino,
Council Member W.B. "Zim" Zimmerman, and
Council Member Danny Scarth;

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

1. Mayor Pro Tem Salvador Espino, Council Member W.B. "Zim" Zimmerman, and Council Member Danny Scarth are hereby appointed alternate members to the Dallas-Fort Worth International Airport Board to serve when Mayor Betsy Price is unable to attend.

2. This Resolution shall take effect immediately upon its adoption.

Adopted this _____ day of October, 2014.

ATTEST:

By: _____
Mary J. Kayser, City Secretary



A Resolution

NO. _____

ADOPTING AN ORDINANCE ESTABLISHING A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR ONE-FAMILY RESIDENTIAL BUILDING PERMITS IN ONE-FAMILY RESIDENTIAL ZONING DISTRICTS IN THE PROPOSED TCU RESIDENTIAL OVERLAY DISTRICT BOUNDARY PENDING CONSIDERATION OF THE ADOPTION OF THE TCU RESIDENTIAL OVERLAY DISTRICT

WHEREAS, the City of Fort Worth has many unique and distinctive residential neighborhoods which contribute significantly to the overall character and identity of the City; and

WHEREAS, as provided under Section 211.004(a) of the Texas Local Government Code, the City's one-family residential zoning districts are established upon legislative determination that zoning regulations promote "health and general welfare; lessen congestion in the streets; prevent the overcrowding of land and avoid undue concentration of population," are well expected to be somewhat permanent and are in conformance with the City's Comprehensive Plan; and

WHEREAS, the Council of the City of Fort Worth notes that the Comprehensive Plan calls for maintaining the stability of the City's neighborhoods by encouraging new, higher density, residential development along the City's transit and commercial corridors; and

WHEREAS, stabilizing the City's established neighborhoods is intended to preserve and strengthen the quality of life within and the sustainability of the City's range of neighborhoods; protect public and private investments by ensuring the vitality and stability within the City's range of neighborhoods; and enhance the character and desirability of and housing choice within the City as a whole; and

WHEREAS, within the City there are nine colleges and universities including Texas Christian University ("TCU") which is the City's largest university having 9,925 students enrolled as of Fall, 2014; and

WHEREAS, TCU presently houses 48.3% of its student body on-campus, the remaining 5,865 students live off-campus, generally in close proximity to the campus; and

WHEREAS, the City Council notes that the area surrounding the TCU campus is predominately one- and two-family, low density residential zoning; and

WHEREAS, the City Council is aware that with increasing frequency single-family homes in the established neighborhoods surrounding TCU are purchased by real estate investors or parents of TCU students, for the purpose of providing housing for students; and



WHEREAS, owner-occupied residents have expressed concerns about problems associated with the high concentration of housing occupied by unrelated persons including students in established neighborhoods, including but not limited to overcrowding in structures containing four or more bedrooms and four or more bathrooms, excessive vehicular traffic, increased on-street and off-street demand for parking on residential streets, the transient character of unrelated tenants, lack of maintenance of structures and their grounds, noise and other nuisance conditions such as litter and parties; and

WHEREAS, the City Council recognizes the need to preserve, protect, and enhance the value of these areas and wishes to provide a means of conserving the distinctive atmosphere or character of areas by protecting or enhancing the single-family residential character through the establishment of a residential overlay district within the area surrounding TCU; and

WHEREAS, it is advisable to establish regulations to protect and enhance the single-family residential character through the establishment of a residential overlay district within the area surrounding TCU to protect the single-family residential character of the neighborhood surrounding the college campus, while permitting the residence of students “off-campus” proximate to the university, to protect the character of the area, and to diminish those influences which infringe on the quiet enjoyment of single-family residences, such as noise, litter, overcrowding, additional parking needs, and lack of maintenance of structures and their grounds; and

WHEREAS, on October 7, 2014 the City’s Zoning Commission voted to continue ZC-14-137, the text and map amendment for the TCU Residential Overlay District, to allow City staff and stakeholders to meet to discuss options for the allowed number of unrelated persons living together in single-family homes in the overlay and the grandfathering of existing rental properties; and

WHEREAS, the City Council anticipates that, within 72 days, the Citizen Committee and City staff could present proposed regulations regarding the TCU Residential Overlay District.

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

That the attached ordinance be adopted establishing a moratorium on the acceptance of applications for one-family residential building permits in the proposed TCU Residential Overlay District boundary until December 31, 2014.

Adopted this ____ day of _____ 2014.

ATTEST:

By: _____
Mary Kayser, City Secretary



ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR ONE-FAMILY RESIDENTIAL BUILDING PERMITS IN ONE-FAMILY RESIDENTIAL ZONING DISTRICTS IN THE PROPOSED TCU RESIDENTIAL OVERLAY DISTRICT BOUNDARY PENDING CONSIDERATION OF THE ADOPTION OF THE TCU RESIDENTIAL OVERLAY DISTRICT; PROVIDING AN APPEAL PROCEDURE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fort Worth has many unique and distinctive residential neighborhoods which contribute significantly to the overall character and identity of the City; and

WHEREAS, as provided under Section 211.004(a) of the Texas Local Government Code, the City's one-family residential zoning districts are established upon legislative determination that zoning regulations promote "health and general welfare; lessen congestion in the streets; prevent the overcrowding of land and avoid undue concentration of population," are well expected to be somewhat permanent and are in conformance with the City's Comprehensive Plan; and

WHEREAS, the Council of the City of Fort Worth notes that the Comprehensive Plan calls for maintaining the stability of the City's neighborhoods by encouraging new, higher density, residential development along the City's transit and commercial corridors; and

WHEREAS, stabilizing the City's established neighborhoods is intended to preserve and strengthen the quality of life within and the sustainability of the City's range of neighborhoods; protect public and private investments by ensuring the vitality and stability within the City's range of neighborhoods; and enhance the character and desirability of and housing choice within the City as a whole; and

WHEREAS, within the City there are nine colleges and universities including Texas Christian University (“TCU”) which is the City’s largest university having 9,925 students enrolled as of Fall, 2014; and

WHEREAS, TCU presently houses 48.3% of its student body on-campus, the remaining 5,865 students live off-campus, generally in close proximity to the campus; and

WHEREAS, the City Council notes that the area surrounding the TCU campus is predominately one- and two-family, low density residential zoning; and

WHEREAS, the City Council is aware that with increasing frequency single-family homes in the established neighborhoods surrounding TCU are purchased by real estate investors or parents of TCU students, for the purpose of providing housing for students; and

WHEREAS, owner-occupied residents have expressed concerns about problems associated with the high concentration of housing occupied by unrelated persons including students in established neighborhoods, including but not limited to overcrowding in structures containing four or more bedrooms and four or more bathrooms, excessive vehicular traffic, increased on-street and off-street demand for parking on residential streets, the transient character of unrelated tenants, lack of maintenance of structures and their grounds, noise and other nuisance conditions such as litter and parties; and

WHEREAS, the City Council recognizes the need to preserve, protect, and enhance the value of these areas and wishes to provide a means of conserving the distinctive atmosphere or character of areas by protecting or enhancing the single-family residential character through the establishment of a residential district overlay within the area surrounding TCU; and

WHEREAS, it is advisable to establish regulations to protect and enhance the single-family residential character through the establishment of a residential district overlay within the

area surrounding TCU to protect the single-family residential character of the neighborhood surrounding the college campus, while permitting the residence of students “off-campus” proximate to the university, to protect the character of the area, and to diminish those influences which infringe on the quiet enjoyment of single-family residences, such as noise, litter, overcrowding, additional parking needs, and lack of maintenance of structures and their grounds; and

WHEREAS, on October 7, 2014, the City’s Zoning Commission voted to continue ZC-14-137, the text and map amendment for the TCU Residential Overlay District, to allow City staff and stakeholders to meet to discuss options for the allowed number of unrelated persons living together in single-family homes in the overlay and the grandfathering of existing rental properties; and

WHEREAS, the City Council anticipates that, within 72 days, the Citizen Committee and City staff could present proposed regulations regarding the TCU Residential Overlay District.

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

SECTION 1.

Intent

It is the intent of this ordinance to limit temporarily, except as otherwise provided herein, the acceptance of applications for one-family residential use building permits in the proposed TCU Residential Overlay District boundary in order to maintain the status quo pending consideration of the adoption of such regulations.

- A. It is recognized that there is a need to establish regulations addressing the number of unrelated persons living in single-family homes due to the increased number of students

living off campus, which infringes on the quiet enjoyment of single-family residences by noise, litter, overcrowding, additional parking needs, and lack of maintenance of structures and their grounds; and

- B. The intent of this ordinance is to promote the orderly development of the City of Fort Worth, to protect the public health, safety and general welfare of the citizens of the City of Fort Worth and to maintain the status quo pending adoption of such regulations. It is not the intent of this ordinance to deny development rights protected by law.
- C. Further, it is the intent of the City to address the number of unrelated persons living in single family homes in the proposed TCU Residential Overlay District boundary in the City in an expeditious manner and with due regard for the legal rights of the private property owners in Fort Worth.

SECTION 2.

Definitions

- A. “One-Family Residential Building Permit” means formal approval by the City of Fort Worth of building plans that meet the requirements of the prescribed codes and is authorization to proceed with the construction or reconfiguration of a one-family residential structure at a particular site, in accordance with the approved drawings and specifications.
- B. “Proposed TCU Residential Overlay District” means that area outlined on the attached Exhibit “A.”
- C. “Application” means a concept plan, preliminary plat, site plan, application for rezoning, application for a one-family residential building permit and application for other development permit.

SECTION 3.
Limitation on Acceptance of Applications

- A. Except as otherwise provided herein, after the effective date hereof, and extending for the duration of this ordinance, no employee, officer, agent, department or commission of the City shall accept for filing any of the following in the proposed TCU Residential Overlay District boundary:
- (1) Application for a one-family residential building permit; or
 - (3) Application for other development permit related to a one-family residential building permit.
- B. Applications for one-family residential building permits outside the proposed TCU Residential Overlay District boundary are not subject to the moratorium.
- C. Applications for the repair or replacement of an existing's structure's electrical, plumbing, mechanical, roofs, garages (without living quarters), walls, floors, ceilings, windows, doors, detached non-habitable accessory structures and outdoor structures, such as gazebos, which do not increase the square footage or add sleeping quarters to the residence are not subject to the moratorium.
- D. The Planning and Development Director or designee, building official, or other City official responsible under City regulations for reviewing an application, as defined herein, for the Property shall determine whether the application is subject to the moratorium. Acceptance of an application for the limited purpose of such review shall not constitute filing or acceptance of the application. In the event the official determines an application is subject to the moratorium, the official shall take no further action on the application and shall return the application, together with any proffered application fee, to

the applicant with the notification that the application will not be accepted for filing or further processing for the duration of this ordinance and any extension thereof.

SECTION 4.
Term of Ordinance

Unless extended by the City Council, this ordinance shall continue in effect until December 31, 2014, at 11:59 p.m., or until the City Council terminates the moratorium, whichever occurs first.

SECTION 5.
Appeals

- A. If the Development Director, building official, or other City official refuses to accept an application, the applicant may appeal the decision to the City Council. The appeal shall be in writing and shall be transmitted to the Office of the City Attorney within ten days after receipt of notification that the application will not be accepted for filing.
- B. The appeal shall be considered by the City Council within 20 days after the appeal is received in the Office of the City Attorney, unless the applicant requests a later hearing. The City Council shall not release the applicant from the requirements of this ordinance, unless the applicant first presents credible evidence from which the City Council can reasonably conclude application of this ordinance would likely deprive the applicant of rights protected by law.
- C. The City Council may take the following actions on an appeal:
 - (1) deny the appeal, in which case the application shall not be accepted; or
 - (2) grant the appeal, and direct the Development Director to accept the application for filing and processing.

- D. In no event shall acceptance of an application guarantee that the City will issue the permit, unless the application is in compliance with all applicable codes, laws and regulations.

SECTION 6.
Not Applicable to Pending Applications

This ordinance does not apply to applications that have been accepted by the City before the enactment of this ordinance. Such applications shall be processed in accordance with applicable policies and procedures and shall not be affected by the enactment of this ordinance.

SECTION 7.
Cumulative Effect

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event such conflicting provisions of such ordinances and Code are hereby suspended for the period during which this ordinance is in effect.

SECTION 8.
Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been

enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 9.
Effective Date

This ordinance shall take effect upon adoption.

APPROVED AS TO FORM AND LEGALITY:

Assistant City Attorney

ADOPTED: _____

EFFECTIVE: _____

PROPOSED TCU RESIDENTIAL OVERLAY DISTRICT

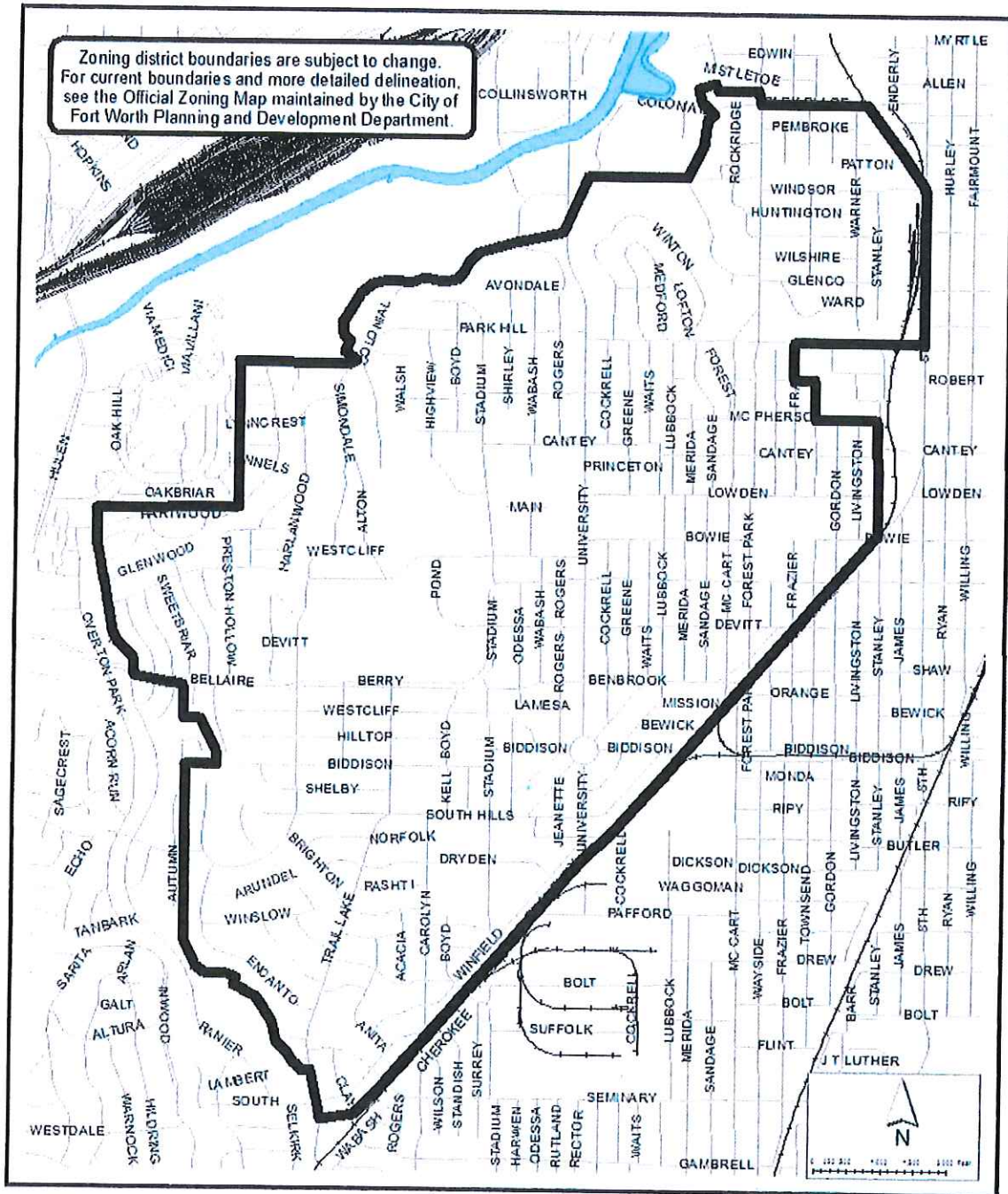


EXHIBIT "A"

A Resolution

NO. _____

APPOINTING CINDY BREWINGTON TO THE BOARD OF TRUSTEES OF THE EMPLOYEES' RETIREMENT FUND OF THE CITY OF FORT WORTH

WHEREAS, the City Council of the City of Fort Worth has established the Employees' Retirement Fund of the City of Fort Worth; and

WHEREAS, Article 6243i of the Texas Revised Civil Statutes, which applies to the City of Fort Worth, requires the Mayor to nominate and the City Council to confirm, by a majority vote, residents of the City of Fort Worth to the Board of Trustees of the Employees' Retirement Fund of the City of Fort Worth; and

WHEREAS, Section 2-214(a)(3) of the City of Fort Worth Retirement Ordinance specifies the terms of office for the trustees appointed to the Board of Trustees; and

WHEREAS, the terms for Place 12 expired on August 31, 2014;

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

That Cindy Brewington is appointed to fill the remainder of the unexpired term for Place 12, ending on August 31, 2016.

Adopted this _____ day of _____ 2014.

ATTEST:

By: _____

Mary Kayser, City Secretary



A Resolution

NO. _____

DESIGNATING OCTOBER 21, 2014 THROUGH NOVEMBER 21, 2014 AS CITY OF FORT WORTH UNITED WAY FUND RAISING MONTH

WHEREAS, the employees of the City of Fort Worth elect to support the goals of United Way each year through the United Way Fund Raising Campaign; and

WHEREAS, United Way of Tarrant County has been providing non-profit assistance to those in need in Fort Worth for over 92 years; and

WHEREAS, United Way of Tarrant County is committed to a vision of the City of Fort Worth where children, individuals and families thrive, where neighbors care for each other and where people willingly share the responsibility of ensuring a safe and healthy community for all; and

WHEREAS, United Way of Tarrant County has clear goals for improving the community with three broad goals Earn Well, Learn Well, and Live Well; and

WHEREAS, United Way of Tarrant County has the highest integrity, and has a track record of accountability and efficiency; and

WHEREAS, United Way of Tarrant County has demonstrated compassion in working with the community to improve lives in Fort Worth; and

WHEREAS, United Way of Tarrant County has partnered with the City of Fort Worth employees to volunteer and raise millions of dollars for those in the greatest need in Fort Worth.

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

- 1) That the period from October 21st to November 21st be designated as City of Fort Worth United Way Fund Raising Month.
- 2) That the City Council encourages the Community to give generously to the United Way of Tarrant County.

Adopted this 21st day of **October** 2014.

ATTEST:

By: _____

Mary Kayser, City Secretary



A Resolution

NO. _____

APPOINTING THE HISTORIC STOCKYARDS DESIGN DISTRICT TASK FORCE

WHEREAS the Historic Stockyards showcases Fort Worth's western heritage and is one of the most unique and important destinations in the state of Texas; and

WHEREAS the Fort Worth Stockyards Historic District is listed on the National Register of Historic Places; and

WHEREAS the Comprehensive Plan designates the Historic Stockyards as a regional mixed-use growth center; and

WHEREAS on July 15, 2014, the City Council approved a zoning change to mixed-use zoning and directed staff to create a design district that would help ensure that future development is consistent with the historic western character of the Stockyards; and

WHEREAS the City Council wishes to appoint a task force of community leaders to advise them on the creation of an Historic Stockyards design district, in accordance with Section 2.238 of the City's Code of Ethics;

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

1. That a Historic Stockyards Design District Task Force be created with the following duties:
 - a. Confirm the district boundaries, scope of work for a consultant, and the consultant to perform the work;
 - b. Confirm the public input process and review public comments;
 - c. Review and comment on the consultant's work; and
 - d. Recommend design district boundaries and standards and guidelines for consideration by the City Council.



2. That the following persons be appointed to the Task Force:

1. Eric Hahnfeld, Architect, Chair
2. Lori Gordon, Urban Design Commission - District 2
3. Robert Gutierrez, Historic and Cultural Landmarks Commission - District 2
4. Carlos Flores, Zoning Commission - District 2 and Northside Neighborhood Association
5. Commissioner J.D. Johnson, Precinct 4, Tarrant County
6. Bob Adams, Board Member, Historic Fort Worth, Inc.
7. Hub Baker, Executive Director, Stockyards Championship Rodeo
8. Gary Brinkley, General Manager, Stockyards Station
9. Craig Cavileer, Executive Vice President, Majestic Realty Co.
10. Marty Humphrey, President, North Fort Worth Historical Society
11. Don Jury, General Partner, Stockyards 2000
12. Billy Minick, Co-owner, Billy Bob's Texas
13. Phillip Murrin, Co-owner, Murrin Bros. 1885
14. Keith Powell, President, Stockyards Business Association

3. That the Task Force complete its duties and be disbanded no later than June 30, 2015.

Adopted this _____ day of _____ 2014.

ATTEST:

By: _____

Mary Kayser, City Secretary



A Resolution

NO. _____

APPOINTING THE MASTER THOROUGHFARE PLAN TASK FORCE

WHEREAS many development and travel patterns have changed since the last official Master Thoroughfare Plan update in 2009, including continued rapid growth on the periphery, redevelopment, and the need to reflect a Complete Streets approach ; and

WHEREAS the City of Fort Worth wishes to update its Master Thoroughfare Plan; and

WHEREAS on July 22, 2014, the City Council authorized Staff to enter into a Professional Services Agreement with HDR Engineering, Inc., to complete an update to the Master Thoroughfare Plan (M&C C-26883); and

WHEREAS the City Council wishes to appoint a task force of community leaders to advise them on the update of the Master Thoroughfare Plan, in accordance with Section 2.238 of the City's Code of Ethics;

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

1. A Master Thoroughfare Plan Task Force be created with the following duties:
 - a. Guide project technical development and provide general project oversight.
 - b. Confirm the public input process and review public comments.
 - c. Review and comment on the consultant's work.
 - d. Recommend a final Master Thoroughfare Plan for consideration by the City Plan Commission and the City Council.
2. The following persons be appointed to the Task Force:
 1. Michael Bennett, Architect, Chair
 2. Carlos Flores, Zoning Commission
 3. Malcolm Loudon, Walsh Holdings
 4. Rusty Fuller, North Fort Worth Alliance
 5. Scott Willingham, Bentley Village Waterchase N.A.
 6. Tom Galbreath, Development Consultant Engineer



7. Stephen Berry, Vintage Capital Partners
8. Erma Bonner-Platte, Real Estate
9. Jason Brown, Finance/Investment

3. The term of the Master Thoroughfare Plan Task Force will expire upon completion of the update process, but no later than June 30, 2016.

Adopted this _____ day of _____ 2014.

ATTEST:

By: _____

Mary Kayser, City Secretary



No Documents for this Section

City of Fort Worth, Texas

Mayor and Council Communication

DATE: Tuesday, October 21, 2014

LOG NAME:

REFERENCE NO.: **OCS-1937

SUBJECT:

Notices of Claims for Alleged Damages and/or Injuries

RECOMMENDATION:

It is recommended that the City Council refer the notices of claims for alleged damaged and/or injuries to the Finance Department/Risk Management for evaluation and investigation.

DISCUSSION:

The procedure for filing of claims of alleged damages and/or injuries is prescribed in Chapter XXVII, Section 25 of the Charter of the City of Fort Worth, Texas.

The attached list is a summary of the notices of claims against the City of Fort Worth received in the City Secretary's Office as of 5:00 p.m., Wednesday, October 15, 2014.

Attachment

Submitted for City Secretary's Office by:

Mary J. Kayser (6152)

Originating Department Head:

Mary J. Kayser (6152)

Additional Information Contact:

Aaron Bovos (8517)
Joey Page (7761)

CITY COUNCIL MEETING

Tuesday, October 21, 2014

RISK MANAGEMENT CLAIMS REPORT

Claims listed on this report have been received in the Risk Management Division claims office and either have been or will be thoroughly investigated. The decision whether or not to accept liability is predicated on applicable provisions of the Texas Tort Claims Act. If any claimant contacts you, please refer them to Joey Page ext 7761 or Sophia Canady ext 7784. Thank you.

CLAIMANT	DATE RECEIVED	DATE OF INCIDENT	LOCATION	INCIDENT TYPE	ALLEGATION	DEPT	ESTIMATE	INJURY
Ford, Nelda	10/8/2014	9/26/2014	Woodhaven & Boca Raton	Bodily Injury	Bus accident	NOT CITY	No	Yes
Hobart, Judy	10/7/2014	4/1/2014	3000 Preston Hollow Rd	Property Damage	Crew damaged yard	TPW	Yes	No
Frazier, Paul E.	10/8/2014	8/23/2014	4828 Cedar Spring Drive	Property Damage	Damaged sewer lines	WATER	Yes	No
Griffith, Rickey Dean	10/8/2014	9/7/2014	4200 E Rosedale	Auto Damage	Pot hole damaged vehicle	TPW	Yes	No
Packebush, Beatrice	10/8/2014	9/1/2014	204 N Flaxseed Lane	Property Damage	City left hole exposed	TPW	No	No
Thorsen, Mary J.	10/8/2014	10/6/2014	Ridglea Library	Bodily Injury	Injury caused when chair moved	LIBRARY	No	Yes
Kuhlman, Debra	10/8/2014	4/12/2014	5th & Main	Bodily Injury	Trip & fall over cables	'UBLIC EVENT'	No	Yes

CLAIMANT	DATE RECEIVED	DATE OF INCIDENT	LOCATION	INCIDENT TYPE	ALLEGATION	DEPT	ESTIMATE	INJURY
Nguyen, Thu	10/9/2014	9/3/2014	3848 & 3850 Waldorf Street	Property Damage	Police damaged property	POLICE	Yes	No
Thomas, Stanley C.	10/9/2014	9/22/2014	4004 Edgehill Road	Property Damage	Crew damaged sprinkler system	WATER	Yes	No
Thomas, Pearl	10/9/2014	9/1/2014	7855 Old Decatur Road	Auto Damage	Crew damaged driveway	TPW	No	No
Navas, Laura	10/9/2014	8/29/2014	4000 block N US75 NB	Auto Damage	Marshall struck vehicle	POLICE	Yes	No
Ramirez, Adriana	10/10/2014	10/2/2014	2515 Rosen Ave	Property Damage	Tree fell on electrical line	NOT CITY	No	No
ATMOS - 3525 Bryan Ave	10/10/2014	9/25/2014	3525 Bryan Ave	Property Damage	Crew damaged 3/4" gas line	WATER	Yes	No
Lorenson, Darla	10/10/2014	8/19/2014	Hulen St	Auto Damage	Manhole cover missing	TPW	Yes	No
Newsome, Patricia Ann	10/10/2014	9/17/2014	3229 Alta Mere	Bodily Injury	Struck by vehicle	POLICE	No	Yes
Martin, Larry	10/10/2014	10/2/2014	Summer Creek Dr nr Alta Mesa	Auto Damage	Vehicle damaged by metal pole	TPW	Yes	No

No Documents for this Section

No Documents for this Section

No Documents for this Section

No Documents for this Section