



**SUMMARY OF MEETINGS AND ACTIVITIES  
MONDAY, APRIL 6, 2015 THROUGH FRIDAY, APRIL 10, 2015**

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**MONDAY, APRIL 6, 2015**

	<b><u>TIME</u></b>	<b><u>LOCATION</u></b>
Permanent Supportive Housing Task Force	3:00 p.m.	City Hall, City Manager's Office Large Conference Room, No. 380

**TUESDAY, APRIL 7, 2015**

Legislative and Intergovernmental Affairs Committee		Canceled
Housing Finance Corporation (HFC)	2:30 p.m.	Pre-Council Chamber
Local Development Corporation	<i>Immediately following the HFC</i>	Pre-Council Chamber
Pre-Council Meeting	3:00 p.m.	Pre-Council Chamber
Master Thoroughfare Plan Public Meeting	6:00 p.m.	Central Library 500 West Third Street
Council Meeting	7:00 p.m.	Council Chamber

**WEDNESDAY, APRIL 8, 2015**

Workforce Solutions for Tarrant County	9:00 a.m.	Fort Worth Botanic Gardens 3220 Botanic Garden Boulevard Rose Room
Zoning Commission Work Session	9:00 a.m.	Pre-Council Chamber
Zoning Commission Public Hearing	10:00 a.m.	Council Chamber
Master Thoroughfare Plan Public Meeting	6:00 p.m.	Heritage Church of Christ 4201 Heritage Trace Parkway

**THURSDAY, APRIL 9, 2015**

Construction and Fire Prevention Board of Appeals	2:00 p.m.	City Hall, Lower Level Development Conference Room
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This summary is compiled from data furnished to the Office of the City Secretary by 12:00 p.m. on April 2, 2015, and may not include all meetings to be conducted during the week of April 6, 2015 through April 10, 2015. It is a summary listing only. See individual agendas which are posted in compliance with the Texas Open Meetings Act for detailed information.



**SUMMARY OF MEETINGS AND ACTIVITIES  
MONDAY, APRIL 6, 2015 THROUGH FRIDAY, APRIL 10, 2015**

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**THURSDAY, APRIL 9, 2015**

(continued)

**TIME    LOCATION**

Master Thoroughfare Plan Public Meeting

6:00 p.m.    Handley-Meadowbrook Community  
Center, 6201 Beaty Street

**FRIDAY, APRIL 10, 2015**

No meetings

This summary is compiled from data furnished to the Office of the City Secretary by 12:00 p.m. on April 2, 2015, and may not include all meetings to be conducted during the week of April 6, 2015 through April 10, 2015. It is a summary listing only. See individual agendas which are posted in compliance with the Texas Open Meetings Act for detailed information.

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**FORT WORTH HOUSING FINANCE CORPORATION MEETING**  
**TUESDAY, APRIL 7, 2015**  
**2:30 P.M.**  
**PRE-COUNCIL CHAMBER, CITY HALL**  
**1000 THROCKMORTON STREET, FORT WORTH, TEXAS**

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**FORT WORTH LOCAL DEVELOPMENT CORPORATION MEETING**  
**(IMMEDIATELY FOLLOWING THE FORT WORTH HOUSING FINANCE CORPORATION**  
**MEETING)**  
**TUESDAY, APRIL 7, 2015**  
**PRE-COUNCIL CHAMBER, CITY HALL**  
**1000 THROCKMORTON STREET, FORT WORTH, TEXAS**

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**PRE-COUNCIL MEETING**  
**TUESDAY, APRIL 7, 2015**  
**3:00 P.M.**  
**PRE-COUNCIL CHAMBER, CITY HALL**  
**1000 THROCKMORTON STREET, FORT WORTH, TEXAS**

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1. Report of the City Manager - **David Cooke, City Manager**
  - a. Changes to the City Council Agenda
  - b. Upcoming and Recent Events
  - c. Organizational Updates and Employee Recognition(s)
  - d. Informal Reports
    - [IR 9717](#): Police Chief Search Update
    - [IR 9718](#): Community Engagement Team Name Change
    - [IR 9719](#): NGC Renewables
    - [IR 9720](#): Workers' Compensation Quality Audit
2. Current Agenda Items - **City Council Members**
3. Responses to Items Continued from a Previous Week
  - a. [ZC-14-147](#) - (COUNCIL DISTRICT 6 - Jungus Jordan) - AM Pate, Jr. et al, 6500-6800 Block Dirks Road/Altamesa Boulevard; from: Unzoned to: "A-5" One-Family, "PD/G" Planned Development for all uses in "G" Intensive Commercial and "PD/MU-2" Planned Development for all uses in "MU-2" High Intensity Mixed-Use with exclusions and development standards; site plan waiver recommended (Recommended for Approval as Amended by the Zoning Commission to PD/G and PD/MU-2) (**Continued from March 3, 2015 by Council Member Jordan**)
  - b. [ZC-14-159](#) - (COUNCIL DISTRICT 3 - Zim Zimmerman) - R/P LLC II, Ltd., 2500 River Park Drive; from: "G" Intensive Commercial to: "PD/R1" Planned Development for all uses in "R1" Zero Lot Line/Cluster with the following waivers: less than minimum lot size of 3,300 sf, less than 5 ft. side yard

setbacks, and less than 33 ft. lot width at the building line, site plan included (Recommended for Approval by the Zoning Commission)  
**(Continued from March 3, 2015 by Council Member Zimmerman)**

- c. [ZC-14-167](#) - (COUNCIL DISTRICT 2 - Sal Espino) - Northwest Bible Church, Inc. (Texas), 5025 Jacksboro Highway, from: "A-5" One-Family to: "E" Neighborhood Commercial (Recommended for Approval as Amended by the Zoning Commission for PD/A-5 plus funeral home) **(Continued from March 3, 2015 by Mayor Pro Tem Espino)**
- d. [ZC-15-003](#) - (COUNCIL DISTRICT 2 - Sal Espino) - Koetting Real Estate, LP, 1002 NE Loop 820; from: "K" Heavy Industrial to: "PD/K" Planned Development for all uses in "K" Heavy Industrial plus Game Room; site plan included (Recommended for Approval by the Zoning Commission) **(Continued from March 3, 2015 by Mayor Pro Tem Espino)**
- e. [ZC-15-019](#) - (COUNCIL DISTRICT - ALL) - City of Fort Worth Planning & Development: Text Amendment: Mini-Warehouse Standards; 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 (1986), to amend Chapter 4 'District Regulations' to amend Article 3 'Planned Development ("PD") District', by amending:
- Section 4.305. 'Uses,' Subsection C.5. related to mini-warehouses;
  - Article 8, Section 4.800 'Nonresidential District Use Table' to clarify that mini-warehouses are permitted by right in Intensive Commercial ("G") and Light Industrial ("I") Districts and by Planned Development District in other zoning districts; and
  - Chapter 5 'Supplemental Use Standards', to amend Section 5.143 'Warehouse Or Bulk Storage, Warehouse, Mini' to add Supplemental Development Standards for mini-warehouses

To review the proposed amendments:

<http://fortworthtexas.gov/planninganddevelopment/zoningcommission.aspx>  
(Recommended for Approval by the Zoning Commission) **(Continued from March 3, 2015 by Council Member Jordan)**

- f. [ZC-15-030](#) - (COUNCIL DISTRICT 2 - Sal Espino) - Kensington Realty, Inc., 2305 Franklin Drive; from: "K" Heavy Industrial to: "PD/K" Planned Development for all uses in "K" Heavy Industrial plus glass and electronic recycling; site plan included (Recommended for Approval by the Zoning Commission) **(Continued from March 24, 2015 by Mayor Pro Tem Espino)**
4. Overview of Significant Zoning Cases - **Dana Burghdoff, Planning and Development**
5. Update on Chisholm Trail Parkway - **Elizabeth Mow, North Texas Tollway Authority**

6. Presentation on the Gas Well Revenues - **Aaron Bovos, Financial Management Services**
  7. Legislative Update - **David Cooke, City Manager**
  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](#)
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***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](mailto:ADA@FortWorthTexas.gov) at least 48 hours prior to the meeting so that appropriate arrangements can be made. If the City does not receive notification at least 48 hours prior to the meeting, the City will make a reasonable attempt to provide the necessary accommodations.***

**ATTACHMENT A**  
**EXECUTIVE SESSION**  
**(PRE-COUNCIL CHAMBER, CITY HALL)**  
**Tuesday, April 7, 2015**

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. *James Tate, Donald Clark, and Brian Ray v. City of Fort Worth*, Cause No. 4:15-CV-00115-A, U.S. District Court for the Northern District of Texas, Fort Worth Division;
- b. Legal issues concerning *Robert A. Webb v. City of Fort Worth*, Docket No. 14-262150-01-CC-FW42, Texas Department of Insurance Division of Workers' Compensation;
- c. Legal issues concerning the regulation of oil and gas;
- d. Legal issues concerning the ADA claims of the owner and residents of Ebby's Place located at 6245 Granite Creek Drive;
- e. Legal issues concerning financing and leasing related to the Multipurpose Arena Project at Will Rogers Memorial Center; and
- f. 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, APRIL 07, 2015  
CITY COUNCIL CHAMBER, CITY HALL  
1000 THROCKMORTON STREET, FORT WORTH, TEXAS**

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**I. CALL TO ORDER**

**II. INVOCATION** - Pastor Frank Briggs, Lighthouse Fellowship

**III. PLEDGE OF ALLEGIANCE**

**IV. CONSIDERATION OF MINUTES OF REGULAR MEETING OF MARCH 24, 2015**

**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-18449](#) - Adopt Ordinance Amending Chapter 27 "Police," Article II "Department," Section 27-25 "Police Officer Selection Procedure; Bond" of the Code of the City of Fort Worth to Eliminate the Requirement that Police Officers Post Bonds with the City (ALL COUNCIL DISTRICTS)
2. [M&C G-18450](#) - Adopt Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Fire Department's General Fund Budget in the Amount of \$215,383.00 from Increased Revenues for the Purpose of Funding Costs Related to Operating the New Public Safety Training Center (ALL COUNCIL DISTRICTS)

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

1. [M&C P-11745](#) - Authorize Purchase Agreement for Fire Alarm Services with Century Fire Protection, LLC for an Annual Amount Up to \$300,000.00 (ALL COUNCIL DISTRICTS)
2. [M&C P-11746](#) - Authorize Purchase of Tactical Equipment from Safeware, Inc., in the Amount of \$75,219.00 for the Police Department Using a Cooperative Contract (ALL COUNCIL DISTRICTS)
3. [M&C P-11747](#) - Authorize Agreement with Castro Roofing of Texas, L.P. to Complete the Roofing Restoration of the Gordon Swift Building at 900 Monroe Street, Fort Worth, Texas, for the Property Management Department Using a Cooperative Contract in an Amount of \$188,776.00 (COUNCIL DISTRICT 9)

**C. Land - Consent Items**

1. [M&C L-15769](#) - Authorize Direct Sale of a Tax-Foreclosed Property Located at 605 East Baltimore Avenue for a Total Sales Price of \$3,275.54 to Kane Urban, in Accordance with Section 34.05 of the Texas Tax Code (COUNCIL DISTRICT 8)

2. [M&C L-15770](#) - Authorize Direct Sale of Tax-Foreclosed Properties Located at 2407 NW 25th Street and 3025 Ross Avenue for a Total Sales Price of \$32,157.59 to Edly Martinez and Sandra Martinez, in Accordance with Section 34.05 of the Texas Tax Code (COUNCIL DISTRICT 2)

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

1. [M&C PZ-3083](#) - Adopt Ordinance Vacating Portions of West 5th Street, Nebraska Street and Greenleaf Street, to be Replatted with the Adjoining Property for the Left Bank Mixed-Use Development in the West Seventh Urban Village for Centergy West 7th, LP (COUNCIL DISTRICT 9)
2. [M&C PZ-3084](#) - Consider Adoption of Proposed Amendments to the Master Thoroughfare Plan MT-14-002/MT-15-001 to Remove a Segment of Future Alliance Gateway, a Principal Arterial, from US 287 to an Unnamed Future Major Arterial and to Add a Segment Extending Blue Mound Road, a Future Major Arterial, from Willow Springs Road to an Unnamed Future Major Arterial (COUNCIL DISTRICT 7)

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

1. [M&C C-27245](#) - Authorize Professional Services Agreement with Mainline Information Systems, Inc., for Services to Support the City's Mainframe Operating Environment for the Information Technology Solutions Department Using a State of Texas, Department of Information Resources Contract for an Annual Amount of \$180,000.00 (ALL COUNCIL DISTRICTS)
2. [M&C C-27246](#) - Authorize Execution of a Professional Services Agreement with True North Emergency Management, LLC, for the Development of a Continuity of Operations Plan for the Fire Department Using a Cooperative Contract in the Amount of \$75,868.00 (ALL COUNCIL DISTRICTS)
3. [M&C C-27247](#) - Authorize Rejection of All Bids Received for the Community Development Block Grant Funded Street Reconstruction Project, HMAC 2014-6, for the Reconstruction of Residential Streets at Multiple Locations (COUNCIL DISTRICTS 2, 4, 6, 7 and 9)
4. [M&C C-27248](#) - Authorize Change in Use and Expenditure of Additional Housing Opportunities for Persons with AIDS Grant Funds in the Amount of \$75,000.00 to AIDS Outreach Center, Inc., for a Total Contract Amount of \$631,757.00 and Authorize Execution of a Contract Amendment to City Secretary Contract No. 46162 (ALL COUNCIL DISTRICTS)
5. [M&C C-27249](#) - Authorize Artwork Acquisition Agreement with Artist Cameron Schoepp in the Amount of \$65,000.00 to Acquire a Granite and Terrazzo Sculpture Entitled *Pollen* Located in the Fort Worth Botanic Garden (COUNCIL DISTRICT 7)
6. [M&C C-27250](#) - Authorize Execution of a Contract with Pall Corporation in the Amount of \$500,000.00 for Procurement of a 3 MGD Water Filtration Membrane for the Westside Water Treatment Plant Expansion and Adopt Appropriation Ordinances (ADJACENT

TO COUNCIL DISTRICT 3)

7. [M&C C-27251](#) - Authorize Amendment No. 1 to City Secretary Contract No. 40109, an Engineering Agreement with URS Corporation (n/k/a AECOM), for the Big Fossil Creek Parallel Relief Sanitary Sewer Main 402 in the Amount of \$140,838.00, Increasing the Total Contract Amount to \$1,104,479.91 and the Total Appropriated Project Amount to \$1,937,482.00 (COUNCIL DISTRICT 4 AND HALTOM CITY)
8. [M&C C-27252](#) - Authorize Execution of Amendment to the Community Facilities Agreement with Union Pacific Railroad, City Secretary Contract No. 44754, and Authorize City Participation in an Amount Not to Exceed \$105,794.00 for Upsizing a Waterline from Eight Inches to Twelve Inches at Approximately Pecan Street and for Sanitary Sewer Abandonments at Cold Springs Road and Northwest of Windmill Street (COUNCIL DISTRICTS 8 and 9)

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

1. OCS - 1952 Notice of Claims for Alleged Damages and/or Injuries

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

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

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

#### **XI. PRESENTATIONS BY THE CITY COUNCIL**

1. Changes in Membership on Boards and Commissions

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

#### **XIII. RESOLUTION**

1. A Resolution Adopting Rules for the Administration of the City of Fort Worth Relocation Assistance Program

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

1. [ZC-14-147](#) - **(CD 6)** - AM Pate, Jr. et al, 6500-6800 Block Dirks Road/Altamesa Boulevard; from: Unzoned to: "A-5" One-Family, "PD/G" Planned Development for all uses in "G" Intensive Commercial and "PD/MU-2" Planned Development for all uses in "MU-2" High Intensity Mixed-Use with exclusions and development standards; site plan waiver recommended. **(Recommended for Approval as Amended by the Zoning Commission to PD/G and PD/MU-2) (Continued from a Previous Meeting)**
2. [ZC-14-159](#) - **(CD 3)** - R/P LLC II, Ltd., 2500 River Park Drive; from: "G" Intensive Commercial to: "PD/R1" Planned Development for all uses in "R1" Zero Lot Line/Cluster with the following waivers: less than minimum lot size of 3,300 sf, less than 5 ft. side yard setbacks, and less than 33 ft. lot width at the building line, site plan included. **(Recommended for Approval by the Zoning Commission) (Continued from a Previous Meeting)**
3. [ZC-14-167](#) - **(CD 2)** - Northwest Bible Church, Inc. (Texas), 5025 Jacksboro Highway, from: "A-5" One-Family to: "E" Neighborhood Commercial **(Recommended for Approval as Amended by the Zoning Commission for**

**PD/A-5 plus funeral home) (Continued from a Previous Meeting)**

4. [ZC-14-174](#) - (CD 9) - Jose Armando Valverde, 4012 South Freeway & 601 Mason Street; from: "E" Neighborhood Commercial to: "PD/FR" Planned Development for all uses in "FR" General Commercial Restricted; site plan included. **(Recommended for Approval as Amended by the Zoning Commission for PD/FR with a site plan)**
5. [ZC-15-003](#) - (CD 2) - Koetting Real Estate, LP, 1002 NE Loop 820; from: "K" Heavy Industrial to: "PD/K" Planned Development for all uses in "K" Heavy Industrial plus Game Room; site plan included. **(Recommended for Approval by the Zoning Commission) (Continued from a Previous Meeting)**
6. [ZC-15-019](#) - (CD-ALL) - City of Fort Worth Planning & Development: Text Amendment: Mini-Warehouse Standards; 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 (1986), to amend Chapter 4 'District Regulations' to amend Article 3 'Planned Development ("PD") District', by amending:
  - Section 4.305. 'Uses,' Subsection C.5. related to mini-warehouses;
  - Article 8, Section 4.800 'Nonresidential District Use Table' to clarify that mini-warehouses are permitted by right in Intensive Commercial ("G") and Light Industrial ("I") Districts and by Planned Development District in other zoning districts; and
  - Chapter 5 'Supplemental Use Standards', to amend Section 5.143 'Warehouse Or Bulk Storage, Warehouse, Mini' to add Supplemental Development Standards for mini-warehouses

To review the proposed

amendments: <http://fortworthtexas.gov/planninganddevelopment/zoningcommission.aspx>  
**(Recommended for Approval by the Zoning Commission) (Continued from a Previous Meeting)**

7. [ZC-15-021](#) - (CD 7) - Vernell K Barber Estate, 11625 Alta Vista; from: "A-10" One-Family to: "A-7.5" One-Family **(Recommended for Approval by the Zoning Commission)**
8. [ZC-15-022](#) - (CD 4) - Nicki Nguyen, 3121 NE 28th Street; from: "B" Two-Family and "E" Neighborhood Commercial to: "FR" General Commercial restricted **(Recommended for Denial without Prejudice by the Zoning Commission)**
9. [ZC-15-023](#) - (CD 8) - Armando Hernandez, 3600 & 3606 E. Rosedale Street and 1400 Campbell Street; from: "CF" Community Facilities to: "ER" Neighborhood Commercial Restricted and "E" Neighborhood Commercial **(Recommended for Approval as Amended by the Zoning Commission to E for Rosedale properties and ER for Campbell)**
10. [ZC-15-024](#) - (CD 5) - FW Area Habitat for Humanity, 5901 & 5909 Wilbarger and 4320 S. Cravens Road; from: "E" Neighborhood Commercial to: "A-5" One-Family **(Recommended for Approval by the Zoning Commission)**
11. [ZC-15-025](#) - (CD 5) - City of Fort Worth/Lodgestar Inc., 4200-4600 Blocks Highway 360; from: "J" Medium Industrial to: "G" Intensive Commercial **(Recommended for Approval by the Zoning Commission)**
12. [ZC-15-026](#) - (CD 5) - City of Fort Worth/LG Centreport I, LLC, 14105 Trinity Boulevard; from: "J" Medium Industrial to: "PD/D" Planned Development for all uses in "D" High Density Multifamily with maximum 27 units per acre and maximum height of 36 feet; site plan included. **(Recommended for Approval by the Zoning Commission)**

13. [ZC-15-028](#) - (CD 7) - McKelvey-Cole, LP, 14400-16000 Blocks of State Highway 114; from: "AG/AO" Agricultural/Airport Overlay, "A-5" One-Family and "D" High Density Multifamily to: "D" High Density Multifamily, "G" Intensive Commercial and "PD/I/AO" Planned Development for all uses in "I" Light Industrial with maximum height of 50 feet; site plan waiver recommended/Airport Overlay **(Recommended for Approval by the Zoning Commission)**
14. [ZC-15-029](#) - (CD 4) - Lawrence Duckett, Sr., 5904-5916 Etsie Street; from: "AG" Agricultural to: "I" Light Industrial **(Recommended for Denial by the Zoning Commission)**
15. [ZC-15-030](#) - (CD 2) - Kensington Realty, Inc., 2305 Franklin Drive; from: "K" Heavy Industrial to: "PD/K" Planned Development for all uses in "K" Heavy Industrial plus glass and electronic recycling; site plan included. **(Recommended for Approval by the Zoning Commission) (Continued from a Previous Meeting)**
16. [ZC-15-031](#) - (CD-ALL) - City of Fort Worth Planning & Development: Text Amendment: Data Center Definitions; 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 (1986), to amend Chapter 4 'District Regulations' to amend:
  - Article 8 'Nonresidential District Use Table', of Chapter 4, 'District Regulations', Section 4.803, the 'Nonresidential District Use Table' to add data center as a permitted use in 'I' Light, 'J' Medium And 'K' Heavy Industrial Zoning Districts; and
  - Chapter 9, 'Definitions' to add a definition for 'Data Center'

To review to proposed amendments:

<http://fortworthtexas.gov/planninganddevelopment/zoningcommission.aspx>

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

17. [ZC-15-032](#) - (CD-ALL) - City of Fort Worth Planning & Development: Text Amendment: Standards for Electronic Changeable Copy Signs; 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 (1986), to amend Chapter 4 'District Regulations' to amend:
  - Article 4 'Signs' of Chapter 6, 'Development Standards' to amend Section 6.411, 'Electronic Changeable Copy Signs' to add additional regulations to the operation of electronic changeable copy signs and to provide compatibility considerations for the Board Of Adjustment

To review the proposed amendments:

<http://fortworthtexas.gov/planninganddevelopment/zoningcommission.aspx>

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

## XV. REPORT OF THE CITY MANAGER

### A. Benefit Hearing - None

### B. General

1. [M&C G-18451](#) - Adopt Resolution Authorizing the Employment of Kelly, Hart, and Hallman L.L.P., as Outside Counsel to Represent the City in the Lawsuit Entitled James Tate, Donald Clark, and Brian Ray v. City of Fort Worth, a Texas Municipal Corporation, Case No. 4:15-CV-00115, and any Litigation Related to the Pension Benefit Changes Adopted by the City Council on October 21, 2014, and Authorizing Payment of Counsel Fees

in a Total Amount Up to \$100,000.00 (ALL COUNCIL DISTRICTS)

2. [M&C G-18452](#) - Adopt Ordinance Amending Fire Department Staffing Ordinance No. 21533-11-2014 to Reduce the Number of Positions in the Firefighter Rank by Six and Increase the Number of Positions in the Engineer Rank by Two, Increase the Number of Positions in the Lieutenant Rank by Two and Increase the Number of Positions in the Captain Rank by Two (ALL COUNCIL DISTRICTS)

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

**D. Land**

1. [M&C L-15771](#) - Consider Institution and Adoption of Ordinance for the Owner-Initiated Annexation of Approximately 468.04 Acres of Land in Tarrant County Located South of Altamesa Boulevard and West of the Fort Worth and Western Railroad (COUNCIL DISTRICT 6)

**E. Planning & Zoning**

1. [M&C PZ-3085](#) - Consider Adoption of a Proposed Amendment to the Master Thoroughfare Plan MT-14-001 to Realign Future Bryant Irvin Road, a Major Arterial, Approximately 2,000 Feet West of its Current Alignment Between Altamesa Boulevard and its Future Intersection with Sycamore School Road (ETJ/TARRANT COUNTY, FUTURE COUNCIL DISTRICT 6)

**F. Award of Contract**

1. [M&C C-27253](#) - Adopt Resolution Supporting the Construction of the Reserve at Quebec Apartments Which are Proposed to be Located North of Northwest Centre Drive Between Buda Lane and Quebec Street in a Census Tract with More Than 20 Percent Housing Tax Credit Units Per Total Households (COUNCIL DISTRICT 7)
2. [M&C C-27254](#) - Ratify Application for and Authorize Acceptance of, if Awarded, the Fiscal Year 2015 Motor Carrier Safety Assistance Program High Priority Grant from the United States Department of Transportation, Federal Motor Carrier Safety Administration in an Amount Not to Exceed \$317,575.74, Authorize Execution of Grant Related Agreements, Authorize In-Kind Match in an Amount Not to Exceed \$79,622.40 and Adopt Appropriation Ordinance (ALL COUNCIL DISTRICTS)
3. [M&C C-27255](#) - Adopt Resolution Expressing Official Intent to Reimburse Expenditures with Proceeds of Future Debt for the Northside II 48-Inch Water Main, Phase 1, Part 2 Project and Authorize Execution of a Contract with Oscar Renda Contracting Inc., in the Amount of \$10,446,210.00 for the Northside II 48-Inch Water Main, Phase I, Part 2, from Keller Hicks Road to Heritage Trace Parkway and Provide for Additional Project Costs for an Appropriated Project Total in the Amount of \$10,901,330.00 (COUNCIL DISTRICT 7)
4. [M&C C-27256](#) - Authorize Execution of an Amendment to City Secretary

Contract No. 28453-A2 with Colonial Country Club to Lease a Portion of Forest Park for the Colonial Golf Tournament to Revise the Annual License Period to Sixty Consecutive Days Between April 1st and June 30th of Each Calendar Year for the Remaining Term of the Agreement (COUNCIL DISTRICT 9)

5. [M&C C-27257](#) - Authorize Execution of an Agreement with TXU Energy Retail Company, L.P., in the Amount Up to \$700,000.00 for the Energy Aid Program and Adopt Appropriation Ordinance (ALL COUNCIL DISTRICTS)

## **XVI. CITIZEN PRESENTATIONS**

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

## **XVIII. ADJOURNMENT**

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

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- b. Legal issues concerning *Robert A. Webb v. City of Fort Worth*, Docket No. 14-262150-01-CC-FW42, Texas Department of Insurance Division of Workers' Compensation;
- c. Legal issues concerning the regulation of oil and gas;
- d. Legal issues concerning the ADA claims of the owner and residents of Ebby's Place located at 6245 Granite Creek Drive;
- e. Legal issues concerning financing and leasing related to the Multipurpose Arena Project at Will Rogers Memorial Center; and
- f. 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.

# FORT WORTH HOUSING FINANCE CORPORATION

## AGENDA

Tuesday, April 7, 2015

2:30 P.M.

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

### Board of Directors

Salvador Espino, President  
Danny Scarth, Vice President  
Gyna M. Bivens, Secretary

Dennis Shingleton, Director  
Ann Zadeh, Director  
Kelly Allen Gray, Director

Jungus Jordan, Director  
Betsy Price, Director  
Zim Zimmerman, Director

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

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1. **Call to Order** – Sal Espino, President
2. **Approval of Minutes from the Meeting Held on March 3, 2015** – Sal Espino, President
3. **Written Reports** – Cynthia Garcia, Assistant General Manager
  - a. Financial Report through February 28, 2015
4. **Consider and Adopt Resolution Approving Assignment to Tarrant County Housing Partnership, Inc. of Contracts with the City of Fort Worth for \$1,300,000.00 of HOME Funds and the Purchase of 21 Lots for the Hardy Street Single Family Infill Development in the Diamond Hill-Jarvis Neighborhood** – Cynthia Garcia, Assistant General Manager
5. **Executive Session:** The Fort Worth Housing Finance Corporation will conduct a closed meeting to:
  - a. Seek the advice of its attorneys concerning the following items that are exempt from public disclosure under Article X, Section 9 of the Texas State Bar Rules, as authorized by Section 551.071 of the Texas Government Code: (i) legal issues concerning any current agenda item; and
  - b. Discuss the purchase, sale, lease or value of real property, as authorized by Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the Corporation in negotiations with a third party; and
  - c. Discuss or deliberate negotiations relating to any economic development negotiations, as authorized by Section 551.087 of the Texas Government Code.

6. **Requests for Future Agenda Items** – Sal Espino, President

7. **Adjourn** – Sal Espino, President

**The 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](mailto:ADA@FortWorthTexas.gov) at least 48 hours prior to the meeting so that appropriate arrangements can be made. If the City does not receive notification at least 48 hours prior to the meeting, the City will make a reasonable attempt to provide the necessary accommodations.**

**CITY OF FORT WORTH, TEXAS  
FORT WORTH HOUSING FINANCE CORPORATION  
TUESDAY, MARCH 3, 2015**

**Present:**

President Salvador Espino  
Vice President Danny Scarth  
Director Betsy Price  
Director W.B. "Zim" Zimmerman  
Director Gyna Bivens  
Director Jungus Jordan  
Director Dennis Shingleton  
Director Kelly Allen Gray (Arrived at 1:35 p.m.)  
Director Ann Zadeh

**1. Call to Order.**

With a quorum present, President Espino called the meeting to order for the Board of Directors of the Fort Worth Housing Finance Corporation (Corporation) at 1:32 p.m. on Tuesday, March 3, 2015, in the Pre-Council Chamber of the Fort Worth Municipal Building, 1000 Throckmorton Street, Fort Worth, Texas, with Director Allen Gray temporarily absent.

**2. Approval of Minutes from the Meeting Held on January 6, 2015.**

Motion was made by Director Price and second by Director Shingleton to approve the Tuesday, January 6, 2015, minutes of the Corporation as presented. The motion passed 8-0, with Director Allen Gray absent.

**3a. Written Reports:**

President Espino referenced the Financial Report through January 31, 2015 and opened the floor for discussion on the report. There was no discussion or action on this agenda item.

Ms. Cynthia Garcia, Assistant General Manager, advised that her presentation would pertain to Items 4 and 5 on the agenda.

**4. Consider and Adopt Resolutions Approving a Change to a Limited Liability Company Organizational Structure for the Development of the Reserve at Quebec Apartments, Authorizing the Reserve at Quebec, GP LLC to Act as Managing Member of the Reserve at Quebec, LLC, Admitting Tarrant County Housing Partnership Inc. as a Special Member, and Approving a Contract with the City of Fort Worth for \$3,500,000.00 in HOME Funds for the Development.**

**5. Consider and Adopt Resolution Hiring John Shackelford as Legal Counsel for the Corporation, the Reserve at Quebec, LLC, and the Reserve at Quebec, GP LLC for the Development of the Reserve at Quebec Apartments.**

Director Allen Gray assumed her place at the table.

Ms. Garcia presented an overview of the proposed development through a PowerPoint titled, "Proposed Change to the Organizational Structure of the Development of the Reserve at Quebec Apartments and Authorizing Hiring of Outside Counsel". She stated that the development was previously approved by the Board in January 2015 and that Bond Counsel had recommended that Corporation form a Limited Liability Company (LLC) to own the improvements instead of a Limited Partnership (LP) as previously approved by the Board in January 2015. She added that the major terms would remain the same.

Ms. Garcia advised that City staff requested the Board allow Tarrant County Housing Partnership (TCHP), Inc., into the LLC for the development with the FWHFC and Miller Valentine Residential. She added that the basis of the request was that the TCHP was a Community Housing Development Corporation (CHDO) which would assist the City in meeting CHDO commitments and build CHDO capacity. She also stated that this would assist the FWHFC in administrative responsibilities in the development and shared in the FWHFC's developer fee and cash flow. Ms. Garcia provided staff's recommendation as follows:

- Change the structure from an LP to an LLC
- Include TCHP into the LLC because of its CHDO status
- Authorize hiring of John Shackelford as outside counsel

Motion was made by Director Shingleton and seconded by Director Bivens to approve Resolution No. FWHFC-2015-04, Approving a Change to a Limited Liability Company Organizational Structure for the Development of the Reserve at Quebec Apartments, Authorizing the Reserve at Quebec, GP LLC to Act as Managing Member of the Reserve at Quebec, LLC, Admitting Tarrant County Housing Partnership Inc., as a Special Member, and Approving a Contract with the City of Fort Worth for \$3,500,000.00 in HOME Funds for the Development and Resolution No. FWHFC-2015-05, Hiring John Shackelford as Legal Counsel for the Corporation, the Reserve at Quebec, LLC, and the Reserve at Quebec, GP LLC for the Development of the Reserve at Quebec Apartments. The motion passed 9-0.

**6. Consider and Adopt Resolutions Approving a Contract with the City of Fort Worth for \$2,200,000.00 of Community Development Block Grant Funds for Mixed Income Rental Housing Development, and Authorizing the Acquisition of Land Located at 904 East Weatherford Street from the Fort Worth Transportation Authority for Development.**

Ms. Garcia presented an overview of the proposed development through a PowerPoint titled, "Proposed Land Purchase of Former Airporter Site (904 Weatherford Street) for the Development of a Mixed Use Complex."

Motion was made by Director Shingleton and seconded by Director Bivens to approve Resolution No. FWHFC-2015-06, Approving a Contract with the City of Fort Worth for \$2,200,000.00 of Community Development Block Grant Funds for Mixed Income Rental Housing Development, and Authorizing the Acquisition of Land Located at 904 East

Weatherford Street from the Fort Worth Transportation Authority for Development. The motion passed 9-0.

**7. Consider and Adopt Resolution Approving Transfer of Corporation's Funds to JPMorgan Chase Bank, N.A. and Authorizing Signatories for All Accounts.**

Ms. Garcia provided background for creation of a separate bank account for the Corporation's funds in the amount of approximately \$10.1M.

Motion was made by Director Price and seconded by Director Allen Gray to approve Resolution No. FWHFC-2015-07, Approving Transfer of Corporation's Funds to JPMorgan Chase Bank, N.A. and Authorizing Signatories for All Accounts. The motion passed 9-0.

**8. Executive Session.**

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

- A. Seek the advice of its attorneys concerning the following items that are exempt from public disclosure under Article X, Section 9, of the Texas State Bar Rules, as authorized by Section 551.071 of the Texas Government Code: (i) legal issues concerning any current agenda item; and
- B. Discuss the purchase, sale, lease or value of real property, as authorized by Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the Corporation in negotiations with a third party; and
- C. Discuss or deliberate negotiations relating to any economic development negotiations, as authorized by Section 551.087 of the Texas Government Code.

**9. Requests for Future Agenda Items.**

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

**10. Adjourn.**

With no further discussion, President Espino adjourned the meeting of the Fort Worth Housing Finance Corporation Board at 1:47 p.m. on Tuesday, March 3, 2015.

These minutes approved by the Fort Worth Housing Finance Corporation Board of Directors on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

APPROVED:

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Salvador Espino,  
President

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Gyna M. Bivens  
Secretary

ATTEST:

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Mary J. Kayser  
City Secretary

**FORT WORTH HOUSING FINANCE CORPORATION**  
**BALANCE SHEET AS ON FEBRUARY 28, 2015**  
**(UNAUDITED)**

**ASSETS**

Cash, Cash Equivalents and Investments

Cash & Investments	\$	3,278,197	
Cash and cash equivalents (HTF General Fund)		1,514,499	
Cash at Bank- JP Morgan Chase - Infill		36,916	
Unrealized Gain/Loss		-	4,829,612

Restricted Assets

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

Other Assets

Loans receivable		17,389	
Accounts Receivable - Other		316	
Interest Receivable		9,765	
Investments in Villas of East Wood LLC		615,000	
Advances to Villas of East Wood LLC		638,979	
Properties held for sale or construction by FWHFC (at cost or FMV)		2,123,665	(1) 3,405,115

**Total Assets**

**\$ 13,521,507**

**LIABILITIES & FUND BALANCE**

Liabilities

Accounts payable	\$	32,378	
Escrow for loans		1,092	
Accrual - Payroll		120	
Deferred revenue		17,389	
Retainage payable		6,126	
Payable to CFW - Carter Metro assigned liability		2,675	(4)
Payable to CFW - Mitchell Blvd. assigned properties		21,047	(4)
Payable to CFW - Appropriation from Rental Rehab Rev.(for VOE)		615,000	695,828
			-

**Total Liabilities**

**\$ 695,828**

Fund Balances

Restricted for corpus		5,286,781	
Represented by Earmarked for Columbia		1,300,000	
Represented by reserve account - operating deficits VOE		300,000	(3)
Terrell Heights - Professional Fees		19,000	
Lee Avenue SF construction		426,723	
Represented by advances to VOE		638,979	
Represented by land & properties		2,123,665	
Legal services (Decatur Angle)		70,000	
Legal services (Enclave at Alliance)		75,000	
Architectural-Lee Av. Townhomes		32,400	
Unrestricted		2,553,131	(2)

**Total Fund Balance**

**12,825,679**

**Total Liabilities & Fund Balance**

**\$ 13,521,507**

Notes:

- (1) Cost of properties includes certain properties received as gift for which fair market value as on date of gift was included as cost. It also includes properties assigned to HFC.
- (2) Grants/endowments/gifts and other appropriations received and used to acquire properties or for operating expenditure forms part of the unrestricted equity balance along with surplus / loss from operations and interest income from investments.
- (3) FWHFC Board has approved a reserve fund of \$300,000.00 to VOE.
- (4) Properties assigned to HFC in note (1) were acquired with grant funds, and the proceeds less taxes and constr. exp. incurred by HFC to be returned to CFW as program income.

Other Notes:

- A. The Eastwood Public Facility Corporation, a single asset entity created by Fort Worth Housing Authority, purchased the Villas of Eastwood Facility by assuming it's FHA insured loan on August 9th, 2013.

**FORT WORTH HOUSING FINANCE CORPORATION**  
**REVENUES AND EXPENDITURES FOR PERIOD (5 MONTHS) ENDING FEBRUARY 28, 2015**  
**(UNAUDITED)**

**Revenues**

Interest earned on investments	\$ 10,106
Interest on loans	-
Revenue Land/Home sales	-
Program Income Prin. Loan	611
Gas lease bonus	-
Gas lease royalties	55,975
Grant Revenue	-
Repayment of loan	13,999
Misc. revenue	-

<b>Total Revenues</b>	\$ 80,692
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**Expenditures**

Salary expenses	\$ 170
Postage	6
Misc. & other operations	-
Gas Well consultant fees	8
Engineering Services	-
Conference and seminars	538
Office Supplies	648
Travel Expenses	-
Inside printing	-
Public Notice	-
Liability insurance	-
Electricity	-
Water & waste disposal	-
Dues and membership	2,573
Misc. expenses	-
Contractual services	346,353
Other professional services	-
Loss on asset	-
Land purchase	-
Other expenses to be paid	-

<b>Total Expenditures</b>	\$ 350,296
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Excess of Revenues over (under) Expenditures	(269,604)
----------------------------------------------	-----------

**Other Financing Sources (Uses)**

Transfers in HFC	-
Transfers in infill	-
<b>Total Other Financing Sources (Uses)</b>	-

Excess of Revenues over (under) Expenditures and Other Financing sources	(269,604)
Prior year adjustments by FMS	(9,974)
Fund Balances (Deficit), beginning of the period	12,490,000
<b>Fund Balances (Deficit), at the end of the period</b>	12,210,422

**Reconciliation of fund balance to Balance sheet**

ADD: Loans receivable from Villas Of Eastwood	1,253,979
Wind River loan	-
Less: Liability to CFW - Assigned properties	(23,722)
Liability to CFW RRPI- (VOE)	(615,000)
<b>Fund balance per balance sheet</b>	\$ 12,825,679

## FORT WORTH HOUSING FINANCE CORPORATION

### Details of Loan Receivables & Escrow Accounts for period ending February 28, 2015

#### Loan Receivables

<u>Name</u>	<u>Date of Note</u>	<u>Amount</u>	<u>Status</u>
Willie Roberson	08/21/98	17,389	Active
Eastland		-	
Wind River		-	
<b>Total</b>		<u>\$ 17,389</u>	

#### Deferred revenue

Willie Roberson	17,389
	<u>17,389</u>

#### Escrows

Willie Roberson	08/21/98	<u>1,092</u>	Active
<b>Total</b>		<u>\$ 1,092</u>	

#### Details of Classification of Fund Balance

#### Represented by loans

Loans receivable from Villas of East Wood LLC	638,979
-----------------------------------------------	---------

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

Assigned from Cartermetro	
1118 E. Tucker	1,500.00
1139 Cannon St	1,500.00
2912 Walker St	-
4521 Trueland - sold	-
4525 Trueland	-
802 E. Magnolia	1,500.00
Cash assigned to HFC	-
<b>Total</b>	<u>4,500.00</u>
Less Taxes paid when assigned	1,824.82
<b>Total liability</b>	<u>2,675.18</u>
Assigned from TCDC (Formerly Mitchell Blvd. Dev. Corp.)	
2511 Mitchell Blvd	39,220.00
3220 Thrall St	0.00
<b>Total</b>	<u>39,220.00</u>
Less Taxes paid when assigned	18,172.76
<b>Total liability</b>	<u>21,047.24</u>
<b>G. Total Liability</b>	<b>23,722.42</b>

**RESOLUTION NO. FWHFC-2015 -**

**FORT WORTH HOUSING FINANCE CORPORATION**

**A RESOLUTION APPROVING THE ASSIGNMENT TO TARRANT COUNTY HOUSING PARTNERSHIP, INC. OF CONTRACTS WITH THE CITY OF FORT WORTH FOR \$1,300,000.00 OF HOME FUNDS AND THE PURCHASE OF 21 LOTS FOR THE HARDY STREET SINGLE FAMILY INFILL DEVELOPMENT IN THE DIAMOND HILL-JARVIS NEIGHBORHOOD**

**WHEREAS**, the City Council of the City of Fort Worth (“City”) has adopted development and revitalization of the City’s neighborhoods and affordable housing stock as a strategic goal;

**WHEREAS**, the City Council established the Fort Worth Housing Finance Corporation (the “Corporation”) in 1979 pursuant to the Texas Housing Finance Corporations Act, Chapter 394 of the Texas Local Government Code, to promote and facilitate neighborhood revitalization and housing initiatives in the City, including but not limited to issuing tax exempt bonds, developing, rehabilitating and promoting housing, and assisting low to moderate income City citizens in acquiring quality, accessible, affordable housing through lending and construction activities;

**WHEREAS**, on August 26, 2014, the City Council approved a contract with the Corporation for \$1,300,000.00 of HOME Investment Partnerships Program (“HOME”) grant funds for the development of the Hardy Street Single Family Infill Development, and authorized the direct sale of 21 lots for the development to the Corporation for \$132,000.00 (M&C C-27008). The City had previously acquired and demolished an abandoned nursing home and installed the infrastructure required for up to 21 lots for the development (M&C G-16852, M&C C-24117, M&C G-16884, M&C G-17714 and M&C 26054), and approved an agreement with a developer to begin construction but the developer decided not to proceed with the project (M&C C-26825);

**WHEREAS**, on August 26, 2014, the Board of the Corporation agreed to be the developer for the project and approved all necessary actions for the acquisition of the lots and the construction of up to 21 single family houses to be sold to HOME-eligible buyers;

**WHEREAS**, the City is required to spend a portion of its annual award of HOME funds from the United States Department of Housing and Urban Development (“HUD”) on projects with Community Housing Development Organizations (“CHDO”);

**WHEREAS**, the City has requested that the HOME contracts and the Purchase and Sale Agreement for the lots for the project with the Corporation be assigned to Tarrant County Housing Partnership, Inc., a CHDO and an experienced developer of single family affordable housing in order to assist the City in meeting its CHDO spending and commitment goals with HUD; and

**WHEREAS**, the Board of the Corporation desires to assign the contracts with the City for \$1,300,000.00 of HOME funds and the purchase of 21 lots for the Hardy Street Single Family Infill Development to Tarrant County Housing Partnership, Inc.

**NOW THEREFORE, LET IT BE RESOLVED BY THE BOARD OF DIRECTORS OF THE FORT WORTH HOUSING FINANCE CORPORATION:**

1. THAT the Board approves the execution and delivery of an Assignment by and between the Corporation and the Tarrant County Housing Partnership, Inc. which assigns the Corporation's rights and obligations for a total of \$1,300,000.00 of HOME funds under City Secretary Contracts Nos. 45977, 45978, 45979, 45980, 45981, 45982, 45983 and 45984, with the City for the Hardy Street Single Family Infill Development to the Tarrant County Housing Partnership, Inc. ("HOME Assignment"), subject to approval by the City.
2. THAT the Board approves the execution and delivery of an Assignment by and between the Corporation and the Tarrant County Housing Partnership, Inc. which assigns the Corporation's rights and obligations under a Purchase and Sale Agreement with the City for 21 lots for the Hardy Street Single Family Infill Development to the Tarrant County Housing Partnership, Inc. ("Lot Purchase Assignment"), subject to approval by the City.
3. THAT Jesus Chapa, General Manager of the Corporation, or Cynthia Garcia, Assistant General Manager of the Corporation, or their duly appointed successors in office, are authorized to execute and deliver the HOME Contract Assignment and the Lot Purchase Assignment (collectively, the Assignments) for and on behalf of the Corporation and any related documents necessary to implement the Assignments, and each may extend, modify and amend the Assignments, provided any such extensions, modifications and amendments are in compliance with City Ordinances, and the goals and purposes of the Corporation as amended from time to time.
4. THAT this Resolution takes effect from the date of its adoption.

**AND IT IS SO RESOLVED.**

Adopted April 7, 2015.

**FORT WORTH HOUSING FINANCE CORPORATION**

By: \_\_\_\_\_  
Salvador Espino, President

# FORT WORTH LOCAL DEVELOPMENT CORPORATION

## AGENDA

**Tuesday, April 7, 2015**

***Immediately Following the Fort Worth Housing Finance Corporation  
Meeting Scheduled to Begin at 2:30 P.M.***

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

### Board of Directors

Danny Scarth, President  
Gyna M. Bivens, Vice President  
Zim Zimmerman, Treasurer

Dennis Shingleton, Secretary  
Kelly Allen Gray, Trustee  
Betsy Price, Trustee

Jungus Jordan, Trustee  
Salvador Espino, Trustee  
Ann Zadeh, Trustee

Staff Liaison: Fernando Costa, Assistant City Manager  
Leann Guzman, Senior Assistant City Attorney

- 
1. **Call to Order** – Danny Scarth, President
  2. **Approval of Minutes from the Meeting Held on November 11, 2014** – Danny Scarth, President
  3. **Written Reports** – Danny Scarth, President
    - A. Financial Report through February 28, 2015
  4. **Consider and Adopt Resolution of the LDC as the Sole Member of the Lancaster Corridor Redevelopment, LLC, Approving the Removal of Tom Higgins as Manager and the Appointment of Fernando Costa as Manager of Lancaster Corridor Redevelopment, LLC** – Jesus Chapa, Administrator
  5. **Executive Session:** The Fort Worth Local Development Corporation's Board of Trustees will conduct a closed meeting to:
    - a. Seek the advice of its attorneys concerning the following items that are exempt from public disclosure under Article X, Section 9 of the Texas State Bar Rules, as authorized by Section 551.071 of the Texas Government Code: legal issues concerning any current agenda item; and
    - b. Discuss the purchase, sale, lease or value of real property, as authorized by Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the Corporation in negotiations with a third party; and

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

6. **Requests for Future Agenda Items** – Danny Scarth, President

7. **Adjourn** – Danny Scarth, President

**The 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](mailto:ADA@FortWorthTexas.gov) at least 48 hours prior to the meeting so that appropriate arrangements can be made. If the City does not receive notification at least 48 hours prior to the meeting, the City will make a reasonable attempt to provide the necessary accommodations.**

**CITY OF FORT WORTH, TEXAS  
FORT WORTH LOCAL DEVELOPMENT CORPORATION  
TUESDAY, NOVEMBER 11, 2014**

**Present:**

President Danny Scarth  
Treasurer W. B. "Zim" Zimmerman  
Trustee Salvador Espino  
Trustee Jungus Jordan  
Trustee Dennis Shingleton  
Trustee Kelly Allen Gray  
Trustee Ann Zadeh

**Absent:**

Trustee Betsy Price  
Vice President Gyna Bivens

**City staff:**

Fernando Costa, Assistant City Manager  
Leann Guzman, Senior Assistant City Attorney  
Ronald P. Gonzales, Assistant City Secretary  
Jay Chapa, Administrator  
Cynthia Garcia, Assistant Administrator

**1. Call to Order.**

With a quorum present President Scarth called the meeting to order for the Board of Directors of the Fort Worth Local Development Corporation (Corporation) at 2:03 p.m. on Tuesday, November 11, 2014, in the Pre-Council Chamber of the Fort Worth Municipal Building, 1000 Throckmorton Street, Fort Worth, Texas, with Trustees Betsy Price and Gyna Bivens absent.

**2. Approval of Minutes from the Meeting Held on August 5, 2014.**

President Scarth opened the floor for a motion on the approval of the minutes of the August 5, 2014, meeting.

Motion was made by Trustee Shingleton and seconded by Trustee Espino to approve the August 5, 2014, minutes of the Corporation as presented. The motion passed 7-0.

**3. Written Reports: Fort Worth Local Development Corporation Financial Report through September 30, 2014.**

There was no action or discussion on this item.

**4. Consider and Adopt Resolution Approving the Budget for the 2014-2015 Fiscal Year.**

Ms. Cynthia Garcia, Administrator, provided a PowerPoint presentation titled, "Fort Worth Local Development Corporation FY 14-15 Proposed Budget".

There was no discussion on this item.

Motion was made by Trustee Shingleton and seconded by Trustee Zimmerman, to adopt Resolution No. FWLDC-2014-06 Approving the Budget for the 2014-2015 Fiscal Year. The motion passed 7-0.

**5. Consider and Adopt Resolution Appointing Cynthia Garcia as Authorized Signatory Agent of the Fort Worth Local Development Corporation**

Mr. Jay Chapa, Administrator, advised that with the retirement of former City Manager Tom Higgins, the Corporation needed to appoint another signatory agent and recommended the Board appoint Assistant Administrator Cynthia Garcia.

There was no discussion on this item.

Motion was made by Trustee Shingleton and seconded by Trustee Zimmerman, to adopt Resolution No. FWLDC-2014-07 Appointing Cynthia Garcia as Authorized Signatory Agent of the Fort Worth Local Development Corporation. The motion passed 7-0.

**6. Executive Session** – President Scarth stated that he had been advised that an Executive Session was not necessary to discuss the following items:

- A. Seek the advice of its attorneys concerning the following items that are exempt from public disclosure under Article X, Section 9, of the Texas State Bar Rules, as authorized by Section 551.071 of the Texas Government Code: (i) legal issues concerning any current agenda item; and
- B. Discuss the purchase, sale, lease or value of real property, as authorized by Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the Corporation in negotiations with a third party; and
- C. Discuss or deliberate negotiations relating to any economic development negotiations, as authorized by Section 551.087 of the Texas Government Code.

**7. Requests for Future Agenda Items.**

President Scarth opened the floor on requests for future agenda items. No requests were made.

**8. Adjourn.**

With no further discussion, President Scarth adjourned the meeting of the Fort Worth Local Development Corporation Board at 2:07 p.m. on Tuesday, November 11, 2014.

**CITY OF FORT WORTH, TEXAS  
FORT WORTH LOCAL DEVELOPMENT CORPORATION  
TUESDAY, NOVEMBER 11, 2014  
PAGE 3**

These minutes approved by the Fort Worth Housing Finance Corporation Board of Directors on the \_\_\_\_ day of \_\_\_\_\_, 2014.

APPROVED:

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Danny Scarth  
President

ATTEST:

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Dennis Shingleton  
Secretary

Prepared and respectfully submitted by:

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Ronald P. Gonzales, TRMC/CMC  
Assistant City Secretary

Fort Worth Local Development Corporation  
Balance Sheet  
February 28, 2015  
(Unaudited)

Assets

Cash and cash equivalents	\$1,726,770.03
CD Pinnacle	\$500,000.00
Interest Receivable	2,987.63
Note Receivable - Oliver's	420,000.00
Note Receivable - Lancaster LLC	200,000.00
Receivables	<u>0.00</u>
Total Assets	<u><u>\$2,849,757.66</u></u>

Liabilities and Fund Balance

Accounts and Contracts Payable	0.00
Prepaid Rent	<u>0.00</u>
Total Liabilities	0.00

Fund Balance (Deficit)

Designated for Authorized Expenditures	\$2,795,458.21
Net Income	54,299.45
Undesignated	<u>0.00</u>
Total Fund Balance	2,849,757.66
Total Liabilities and Fund Balance	<u><u>\$2,849,757.66</u></u>

Fort Worth Local Development Corporation  
Statement of Revenues and Expenditures  
October 1, 2014 through February 28, 2015  
(Unaudited)

Revenues

Property Tax Reimbursement	\$3,278.60	
Revenue from Rents	425,714.26	
Gas Lease Royalties	68,253.22	
Insurance Proceeds	0.00	
Interest Income	4,656.04	
Sale of Property	0.00	
Total Revenue	0.00	\$501,902.12

Expenditures

Bank Charges	\$133.59	
Conference, Convention, Meeting	0.00	
Commissions	26,539.40	
Contractual Services	1,790.87	
Insurance	55,774.99	
Loan Payments	173,647.40	
Operations	134.00	
Property Management	7,392.78	
Property Purchase	0.00	
Property Taxes	155,914.62	
Repairs	0.00	
Security System	4,522.28	
Storm Water Utility	11,988.00	
Transfers to City	0.00	
Transfer to Lancaster LLC	0.00	
Utilities	9,764.74	
Total Expenditures	9,764.74	\$447,602.67

Excess (Deficiency) of Revenues Over (Under) Expenditures	\$54,299.45
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Fort Worth Local Development Corporation  
 Schedule of Available Funds  
 February 28, 2015  
 (Unaudited)

Total Cash at February 28, 2015	\$1,726,770.03
Cash in Property Management Account	(8,398.88)
Cash available in City account	1,718,371.15
Commitments	
Survey Expenses	6,250.00
Oliver's Fine Foods - Attorney Fees	2,950.00
Reserves	
Maintenance Reserve	100,000.00
Property Tax Reserve	100,000.00
Total Commitments & Reserves	209,200.00
Unrestricted Cash Available	\$1,509,171.15

Other Information:

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

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

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



Updated April 2, 2015

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

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April 7, 2015

Monthly Zoning Meeting

*2:30 p.m. Fort Worth Housing Finance Corporation  
Fort Worth Local Development Corporation  
(Immediately Following Fort Worth Housing Finance Corporation)  
3:00 p.m. Pre-Council Meeting*

**Continued Items:**

- **ZC-14-147** - (COUNCIL DISTRICT 6) - AM Pate, Jr. et al, 6500-6800 Block Dirks Road/Altamesa Boulevard; from: Unzoned to: "A-5" One-Family, "PD/G" Planned Development for all uses in "G" Intensive Commercial and "PD/MU-2" Planned Development for all uses in "MU-2" High Intensity Mixed-Use with exclusions and development standards; site plan waiver recommended. (Recommended for Approval as Amended by the Zoning Commission to PD/G and PD/MU-2) (**Continued from March 3, 2015 by Council Member Jordan**)
- **ZC-14-159** - (COUNCIL DISTRICT 3) - R/P LLC II, Ltd., 2500 River Park Drive; from: "G" Intensive Commercial to: "PD/R1" Planned Development for all uses in "R1" Zero Lot Line/Cluster with the following waivers: less than minimum lot size of 3,300 sf, less than 5 ft. side yard setbacks, and less than 33 ft. lot width at the building line, site plan included. (Recommended for Approval by the Zoning Commission) (**Continued from March 3, 2015 by Council Member Zimmerman**)
- **ZC-14-167** - (COUNCIL DISTRICT 2) - Northwest Bible Church, Inc. (Texas), 5025 Jacksboro Highway, from: "A-5" One-Family to: "E" Neighborhood Commercial (Recommended for Approval as Amended by the Zoning Commission for PD/A-5 plus funeral home) (**Continued from March 3, 2015 by Mayor Pro-Tem Espino**)
- **ZC-15-003** - (COUNCIL DISTRICT 2) - Koetting Real Estate, LP, 1002 NE Loop 820; from: "K" Heavy Industrial to: "PD/K" Planned Development for all uses in "K" Heavy Industrial plus Game Room; site plan included. (Recommended for Approval by the Zoning Commission) (**Continued from March 3, 2015 by Mayor Pro-Tem Espino**)
- **ZC-15-019** - (COUNCIL DISTRICT - ALL) - City of Fort Worth Planning & Development: Text Amendment: Mini-Warehouse Standards; 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 (1986), to amend Chapter 4 'District Regulations' to amend Article 3 'Planned Development ("PD") District', by amending:
  - Section 4.305. 'Uses,' Subsection C.5. related to mini-warehouses;



Updated April 2, 2015

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

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**April 7, 2015**    *(continued)*

- Article 8, Section 4.800 'Nonresidential District Use Table' to clarify that mini-warehouses are permitted by right in Intensive Commercial ("G") and Light Industrial ("I") Districts and by Planned Development District in other zoning districts; and
- Chapter 5 'Supplemental Use Standards', to amend Section 5.143 'Warehouse Or Bulk Storage, Warehouse, Mini' to add Supplemental Development Standards for mini-warehouses

To review the proposed

amendments:<http://fortworthtexas.gov/planninganddevelopment/zoningcommission.aspx>

(Recommended for Approval by the Zoning Commission) **(Continued from March 3, 2015 by Council Member Jordan)**

- **ZC-15-030** - (COUNCIL DISTRICT 2) - Kensington Realty, Inc., 2305 Franklin Drive; from: "K" Heavy Industrial to: "PD/K" Planned Development for all uses in "K" Heavy Industrial plus glass and electronic recycling; site plan included. (Recommended for Approval by the Zoning Commission) **(Continued from March 24, 2015 by Mayor Pro-Tem Espino)**
- o Overview of Significant Zoning Cases [*Dana Burghdoff, Planning and Development*]
- o Update on Chisholm Trail Parkway [*Elizabeth Mow, North Texas Tollway Authority*]
- o Presentation on the Gas Well Revenues [*Aaron Bovos, Financial Management Services*]
- o Legislative Update [*David Cooke, City Manager*]

**April 14, 2015**

**9:00 a.m. – 11:00 a.m. Work Session on Reserve Policies and Capital Finance/Budgeting**

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

**1:00 p.m. Audit Committee (cancelled)**

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

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

- o Briefing on Proposed Rental Assistance Demonstration Applications for all Fort Worth Housing Authority Public Housing Units [*Naomi Byrne, Fort Worth Housing Authority*]
- o Briefing on Management of Biosolids [*John Carman, Water Department*]
- o Legislative Update [*David Cooke, City Manager*]



Updated April 2, 2015

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

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*April 21, 2015*

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

- o Legislative Update [*David Cooke, City Manager*]

*April 28, 2015*

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

*May 5, 2015*      *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*]
- o Briefing on Code of Ethics/Personnel Rules and Regulations [*Brian Dickerson, Human Resources*]
- o Briefing on Community Development Financial Institutions [*Robert Sturns, Economic Development and Representative of William Mann, Jr. Community Development Corporation*]
- o Legislative Update [*David Cooke, City Manager*]

*May 12, 2015*

*1:00 p.m. Audit Committee*

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

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

- o Legislative Update [*David Cooke, City Manager*]



Updated April 2, 2015

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

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**May 14, 2015** *(Thursday)*

***5:30 p.m. Fort Worth Crime Control and Prevention District  
Board of Directors Meeting***

**May 19, 2015**

***10:00 a.m. – 11:30 a.m. Joint City Council/Employee Retirement Fund Board  
Meeting***

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

- o Final Report of Task Force on Permanent Supportive Housing [*Councilmember Kelly Allen Gray, Chair*]
- o Briefing on the Second Quarter Fiscal Year 2015 Financial Results [*Aaron Bovos, Financial Management Services*]
- o Briefing on the Multi-Year Financial Forecast of the City and the Upcoming Debt Transactions [*Aaron Bovos, Financial Management Services*]
- o Presentation on the Stormwater Enterprise Fund Operating and Five-Year Capital Plan [*Douglas Wiersig, Transportation and Public Works and Aaron Bovos, Financial Management Services*]
- o Legislative Update [*David Cooke, City Manager*]

**May 25, 2015**

***City Hall Closed – Memorial Holiday***

**May 26, 2015**

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



Updated April 2, 2015

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

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**June 2, 2015**

**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*]
- o Briefing on Fort Worth History Month [*Chris Dennis and Rene Gomez, Library*]
- o Legislative Update [*David Cooke, City Manager*]

**June 4, 2015** (Thursday)

**5:30 p.m. Fort Worth Crime Control and Prevention District  
Board of Directors Meeting**

**June 9, 2015**

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

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

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

- o Legislative Update [*David Cooke, City Manager*]

**June 16, 2015**

**Monthly Zoning Meeting**

**City Council Special Called Meeting Regarding Amendments to the Trust  
Agreement for the Fort Worth Permanent Fund  
(Immediately Following Pre-Council Meeting)**

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

- o Overview of Significant Zoning Cases [*Dana Burghdoff, Planning and Development*]
- o Update on Storm Water Plan Review [*Fernando Costa, City Manager's Office*]
- o Presentation of the Water & Sewer Enterprise Fund Operating and Five-Year Capital Plan [*Andy Cronberg, Water and Aaron Bovos, Financial Management Services*]
- o Legislative Update [*David Cooke, City Manager*]



*Updated April 2, 2015*

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

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**June 23, 2015**

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

**June 30, 2015**

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



**City Council Meeting of March 24, 2015  
Staff Action Tracking**

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Item #1 Storm Water Review Plan Update

Due Date: May 12, 2015 Council District: 3,6

Staff Action: Staff to prepare an IR to include the following:

1. How do the contents of our draft Fort Worth drainage criteria manual compare to the contents of the iSWM manual? Do the benefits associated with our more voluminous manual justify the cost to comply with it? Please explain.

2. What trends are we observing in the total amount of time associated with storm water plan review, from initial staff contact to final approval? How much of that time is actually attributable to staff review as opposed to work or delays by applicants?

Responsibility: Douglas Wiersig (Transportation and Public Works)

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Item #2 Municipal Court Follow Up

Due Date: To Be Determined Council District: 3, 5, 6

Staff Action: Staff to provide a briefing to include the following:

1. Review enforcement policies.
2. Provide comparison data on collectible balances of cases with other large cities in Texas.
3. Provide age of cases in escrow account.

Responsibility: Deidra Emerson and Chief Judge Ninfa Mares (Municipal Court)

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Item #3 Neighborhood Empowerment Zones

Due Date: May 12, 2015 Council District: 3

Staff Action: Staff to provide an IR to include comparison data on commercial versus residential for each NEZ in all Council Districts.

Responsibility: Cynthia Garcia (Neighborhood Services)

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**CITY OF FORT WORTH, TEXAS  
REGULAR CITY COUNCIL MEETING  
MARCH 24, 2015**

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**Present:**

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

**Absent:**

Mayor Betsy Price

**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 Pro tem Espino called the regular session of the Fort Worth City Council to order at 7:01 p.m. on Tuesday, March 24, 2015, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas.

**II. INVOCATION - Pastor Randy Hardisty, Trinity Cumberland Presbyterian Church**

The invocation was provided by Pastor Randy Hardisty, Trinity Cumberland Presbyterian Church.

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**IV. CONSIDERATION OF MINUTES OF REGULAR MEETING OF MARCH 17, 2015 AND THE SPECIAL CALLED MEETING OF MARCH 17, 2015**

Motion: Council Member Shingleton made a motion, seconded by Council Member Zimmerman, that the minutes of the Regular meeting of March 17, 2015, and the Special Called meeting of March 17, 2015, be approved. The motion carried unanimously 8 ayes to 0 nays, with Mayor Price absent.

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

City Manager Cooke requested that Mayor and Council L-15765 be removed from the Consent Agenda for individual consideration.

**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 Shingleton made a motion, seconded by Council Member Scarth, that the Consent Agenda be approved as amended. The motion carried unanimously 8 ayes to 0 nays, with Mayor Price absent.

**C. Land - Consent Items**

**2. M&C L-15766 - Authorize Direct Sale of a Tax-Foreclosed Property Located at 2519 Ross Avenue for a Total Sales Price of \$14,146.91 to Nury Banegas, in Accordance with Section 34.05 of the Texas Tax Code (COUNCIL DISTRICT 2)**

The City Council approved the following recommendation: Authorize the direct sale of a tax-foreclosed property described as Lot 11, Block 25, M.G. Ellis Addition, located at 2519 Ross Avenue for a total sales price of \$14,146.91 to Nury Banegas, 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 property to complete the sale.

**3. M&C L-15767 - Authorize Direct Sale of Two Tax-Foreclosed Properties Located at 540 West Beddell Street and 3618 College Avenue for a Total Sales Price in the Amount of \$25,888.27 to Maria Nino and to Mario Mares, Sr. and Maria Mares, Respectively, in Accordance with Section 34.05 of the Texas Tax Code (COUNCIL DISTRICT 9)**

The City Council approved the following recommendation: Authorize direct sale of two tax-foreclosed properties described as Lot 24, Block 16, South Side Addition (540 West Beddell Street), and Lot B1, Block 58, Silver Lake Addition (3618 College Avenue) for a total sales price in the amount of \$25,888.27 to Maria Nino and to Mario Mares, Sr., and Maria Mares, respectively, 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 property to complete the sale.

E. Award of Contract - Consent Items

1. M&C C-27236 - Authorize Execution of an Engineering Services Agreement with Kimley-Horn and Associates Inc., in an Amount Not to Exceed \$230,000.00 for the Design of Bicycle Infrastructure Projects Funded by the 2014 Bond Program, in Accordance with the Bike Fort Worth Plan (ALL COUNCIL DISTRICTS)

The City Council approved the following recommendation: Authorize the execution of an Engineering Services Agreement with Kimley-Horn and Associates, Inc., in an amount not to exceed \$230,000.00 for the design of bicycle infrastructure funded by the 2014 Bond Program, including bike lanes and bike routes.

2. M&C C-27237 - Authorize Change in Use and Expenditure of Rental Rehab Program Income in the Amount of \$600,000.00 in Order to Meet the 2015 HOME Investment Partnerships Program Grant Funds Match Requirement and for Use to Pay for Expenses Associated with the Redevelopment of the Hunter Plaza Apartments Located at 605 West First Street (COUNCIL DISTRICT 9)

The City Council approved the following recommendation: Authorize the change in use and expenditure of Rental Rehab Program Income in the amount of \$600,000.00 in order to meet the 2015 HOME Investment Partnerships Program match requirement and for use to pay for expenses associated with the redevelopment of the Hunter Plaza Apartments located at 605 West First Street.

3. M&C C-27238 - Authorize Sixty-Day Lease Agreement Extension with Martin Lackland, LLC for Property Located at 2222 Wenneca Avenue Currently Housing the Fire Department's Fire Safety Education and Commercial Inspections Staff (COUNCIL DISTRICT 9)

The City Council approved the following recommendation: Authorize the City Manager to enter into a 60-day Lease Agreement extension with Martin Lackland, LLC, for property located at 2222 Wenneca Avenue currently housing the Fire Department's Safety Education and Commercial Inspections staff.

Ms. LaSondra Huggins, 8504 Ohara Lane, completed an undecided comment card relative to Mayor and Council Communication C-27238.

4. M&C C-27239 - Amend Mayor and Council Communication C-27104 to Authorize Execution of Amendment No. 2 to the Economic Development Program Agreement with Spoon Industries Inc. (City Secretary Contract No. 43199) to Clarify the Type of Improvements Required for Property Located at the Intersection of Interstate 35 Frontage Road and Allen Avenue (COUNCIL DISTRICT 8)

The City Council approved the following recommendation: Amend Mayor and Council Communication C-27104, which authorized execution of Amendment No. 2 to the Economic Development Program Agreement with Spoon Industries Inc. (City Secretary Contract No. 43199), for improvements to be constructed on property at the intersection of the Interstate 35 Frontage Road and Allen Avenue to remove specific branding requirements of the restaurant and gas station to be constructed.

**5. M&C C-27240 - Authorize Execution of a Lease Agreement with the Fort Worth Independent School District for Office Space Located at 6701 Shelton Street for the Police Department (COUNCIL DISTRICT 4)**

The City Council approved the following recommendation: Authorize the City Manager to execute a Lease Agreement with the Fort Worth Independent School District for office space located at 6701 Shelton Street for the Police Department.

Ms. LaSondra Huggins, 8504 Ohara Lane, completed an undecided comment card relative to Mayor and Council Communication C-27240.

**6. M&C C-27241 - Authorize Execution of Amendment No. 2 to City Secretary Contract No. 43427, an Engineering Agreement with Kimley-Horn Associates, Inc., in the Amount of \$138,600.00 for the Design of Old Decatur Road from McLeroy Boulevard to Longhorn Road, Thereby Increasing the Total Contract to \$912,800.00 and Adopt Appropriation Ordinance (2014 BOND PROGRAM) (COUNCIL DISTRICT 7)**

The City Council approved the following recommendation: Authorize the execution of Amendment No. 2 to City Secretary Contract No. 43427, an Engineering Agreement with Kimley-Horn Associates, Inc., in the amount of \$138,600.00 for the design of Old Decatur Road from McLeroy Boulevard to Longhorn as part of the 2014 Bond Program. *(Per City Attorney's Office, there was no appropriation ordinance for this M&C.)*

**7. M&C C-27242 - Authorize Execution of Amendment No. 2 to City Secretary Contract No. 45477 with Halff Associates, Inc., in the Amount of \$331,295.00 for Final Design Services Related to the Trinity Trails Clear Fork - East Bank Extension Project; Thereby, Revising the Contract Amount to \$430,595.00 (COUNCIL DISTRICT 9)**

The City Council approved the following recommendation: Authorize execution of Amendment No. 2 to City Secretary Contract No. 45477 with Halff Associates, Inc., in the amount of \$331,295.00 for final design services related to the Trinity Trails Clear Fork - East Bank Extension Project, thereby revising the contract amount to \$430,595.00.

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

**1. OCS - 1951 - Notice of Claims for Alleged Damages and/or Injuries**

End of Consent Agenda.

**C. Land**

**1. [M&C L-15765 - Authorize Direct Sale of Two Tax-Foreclosed Properties Located at 1408 I.M. Terrell Circle South and 1416 I.M. Terrell Circle South for a Total Sales Price of \\$2,101.96 to Fort Worth Independent School District, in Accordance with Section 34.05 of the Texas Tax Code \(COUNCIL DISTRICT 8\)](#)**

It was recommended that the City Council authorize the direct sale of two tax-foreclosed properties described at Lot 5, Block 14, Chambers Addition (1408 I.M. Terrell Circle South), and Lot 7, Block 14, Chambers Addition (1416 I.M. Terrell Circle) for a total sales price of \$2,101.96 to Fort Worth Independent School District, 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 property to complete the sale.

Ms. LaSondra Huggins, 8504 Ohara Lane, completed an undecided speaker card and was recognized by Mayor Pro tem Espino but was not present in the Council Chamber.

Motion: Council Member Allen Gray made a motion, seconded by Council Member Bivens, that Mayor and Council Communication L-15765 be approved. The motion carried unanimously 8 ayes to 0 nays, with Mayor Price absent.

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

**1. [Presentation of Proclamation of Cowtown Great American Cleanup Day](#)**

Council Member Zadeh presented the proclamation of Cowtown Great American Cleanup Day to Ms. Cheri Reynolds, Keep Fort Worth Beautiful Chairperson.

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

**1. [Upcoming and Recent Events](#)**

Mayor Pro tem Espino and Council Members Zimmerman, Shingleton 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 Bivens made a motion, seconded by Council Member Shingleton, that Mr. James Russell be appointed to Place 5 on the Building Standards Commission, effective March 24, 2015, and with a term expiring September 30, 2015. The motion carried unanimously 8 ayes to 0 nays, with Mayor Price absent.

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. **RESOLUTION**

1. **A Resolution to Conduct a Public Hearing and Designating the Assistant City Manager Over the Parks and Community Services Department to Act on Behalf of the City of Fort Worth in Communications with the Texas Parks & Wildlife Department for the Purpose of Participating in the Local Park Grant Program; Certifying that the City of Fort Worth is Eligible to Receive Program Assistance and that the City of Fort Worth's Matching Share is Readily Available; and Dedicating the Proposed Site for Permanent Public Park and Recreational Uses**

It was recommended that the City Council conduct a public hearing and designating the Assistant City Manager over the Parks and Community Services Department to act on behalf of the City of Fort Worth in communications with the Texas Parks & Wildlife Department for the purpose of participating in the Local Park Grant Program; certifying that the City of Fort Worth is eligible to receive program assistance and that the City of Fort Worth's matching share is readily available; and dedicating the proposed site for permanent public park and recreational uses.

Mayor Pro tem Espino opened the public hearing.

**a.**      **Report of City Staff**

Mr. Richard Zavala, Director, Parks and Community Services Department, appeared before Council and provided a staff report.

**b.**      **Citizen Presentation**

Ms. LaSondra Huggins, 8504 Ohara Lane, completed an undecided comment card relative to the resolution.

**c.**      **Council Action**

Motion:      Council Member Shingleton made a motion, seconded by Council Member Scarth, that the public hearing be closed, Resolution No. 4429-03-2015 be adopted as amended, adding the words “and development” after acquisition in the 3<sup>rd</sup> Whereas Clause, and that the application for an Urban Outdoor Recreation Grant be authorized. The motion carried unanimously 8 ayes to 0 nays, with Mayor Price absent.

**XIV.    REPORT OF THE CITY MANAGER**

**B.      General**

**1.**      **M&C G-18447 - Adopt Ordinance Establishing a Pedestrian and Bicycle Advisory Commission, in Accordance with the Walk Fort Worth and Bike Fort Worth Plans (ALL COUNCIL DISTRICTS)**

It was recommended that the City Council adopt an ordinance establishing the Fort Worth Pedestrian and Bicycle Advisory Commission; defining its purpose; establishing guidelines for appointments to the Commission and providing for the Commission’s duties and responsibilities.

Motion:      Council Member Zadeh made a motion, seconded by Council Member Allen Gray that Mayor and Council Communication G-18447 be approved and Ordinance No. 21707-03-2015 be adopted. The motion carried unanimously 8 ayes to 0 nays, with Mayor Price absent.

**CITY OF FORT WORTH, TEXAS  
REGULAR CITY COUNCIL MEETING  
MARCH 24, 2015  
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Motion: Council Member Allen Gray made a motion, seconded by Council Member Zimmerman that the following individuals be appointed to the Pedestrian and Bicycle Advisory Commission, effective March 24, 2015, and with terms expiring as follows:

<u>Place</u>	<u>Appointee</u>	<u>Term Expires</u>
1	Jason Lamers	October 1, 2017
2	Gerardo Contreras	October 1, 2016
3	Kelly Teeples	October 1, 2017
4	Kyle Jensen	October 1, 2016
5	Jacquelyn Barnd	October 1, 2017
6	David Hill	October 1, 2016
7	Michael O'Brien	October 1, 2017
8	Shavina Taylor	October 1, 2016
9	Kyle Blake	October 1, 2017

Motion: Council Member Zimmerman made a substitute motion, seconded by Council Member Scarth, that the individuals listed above be appointed to the Pedestrian and Bicycle Advisory Commission, with the exception that Ms. Adelaide Leavens be appointed to Place 3 instead of Ms. Kelly Teeples, effective March 24, 2015, and with a term expiring October 1, 2017. The motion carried unanimously 8 ayes to 0 nays, with Mayor Price absent.

**[2. M&C G-18448 - Adopt Ordinance Amending Chapter 27 Section 27-28 of the Code of the City of Fort Worth, Texas \(1986\) Providing for the Payment of Assignment Pay for Bilingual Skills for Certain Police Officer Positions \(ALL COUNCIL DISTRICTS\)](#)**

It was recommended that the City Council adopt an ordinance amending the Code of the City of Fort Worth (1986), as amended, to amend Section 27-28 of Chapter 27, "Police" of the Code of the City of Fort Worth (as amended) providing for supplemental compensation in the form of assignment pay for bilingual officers.

Ms. LaSondra Huggins, 8504 Ohara Lane, completed a speaker card in opposition to Mayor and Council Communication G-18448 and was recognized by Mayor Pro tem Espino but did not wish to address Council.

Motion: Council Member Zimmerman made a motion, seconded by Council Member Shingleton, that Mayor and Council Communication G-18448 be approved and Appropriation Ordinance No. 21708-03-2015 be adopted. The motion carried unanimously 8 ayes to 0 nays, with Mayor Price absent.

**D. Land**

**1. M&C L-15768 - Conduct a Public Hearing and Authorize the Use of a Portion of Overton Park for the Installation of a Sanitary Sewer Line and Associated Infrastructure (COUNCIL DISTRICT 3) (PUBLIC HEARING)**

It was recommended that the City Council conduct a public hearing under the guidelines set forth by the Texas Parks and Wildlife Code, Chapter 26, Protection of Public Parks and Recreational Lands; find that no feasible or prudent alternative exists to the use of Overton Park for the installation of a sanitary sewer line and associated infrastructure; find that the proposed installation of sanitary sewer line and associated infrastructure includes all reasonable planning to minimize harm to the parkland, including that the improvements will be constructed in Overton Park; and close the public hearing and authorize use of approximately 0.015 acres of Overton Park located at 3500 Overton Park Drive East, Lot 18, Block 44A, Westcliff Addition, City of Fort Worth, Tarrant County, Texas, for the same purpose as reflected above.

Mayor Pro tem Espino opened the public hearing.

**a. Report of City Staff**

Mr. Richard Zavala, Director, Parks and Community Services Department, appeared before Council and provided a staff report.

**b. Citizen Presentations**

There were no citizen presentations.

**c. Council Action**

Motion: Council Member Shingleton made a motion, seconded by Council Member Zimmerman, that the public hearing be closed and Mayor and Council Communication L-15768 be approved. The motion carried unanimously 8 ayes to 0 nays, with Mayor Price absent.

**F. Award of Contract**

**1. M&C C-27243 - Authorize Execution of a Five-Year Tax Abatement Agreement with the Fort Worth Housing Finance Corporation for the Construction of up to Six Single Family Homes Located on Lee Avenue and Central Avenue in the Northside Neighborhood Empowerment Zone (COUNCIL DISTRICT 2)**

It was recommended that the City Council authorize the execution of a five-year Tax Abatement Agreement with the Fort Worth Housing Finance Corporation for the construction of up to six single-family homes located on Lee Avenue and Central Avenue in the Northside Neighborhood Empowerment Zone (NEZ), in accordance with the NEZ Tax Abatement Policy and Basic Incentives.

Motion: Council Member Scarth made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication C-27243 be approved. The motion carried unanimously 8 ayes to 0 nays, with Mayor Price absent.

**2. M&C C-27244 - Ratify Acceptance of Additional Funds in the Amount of \$152,792.04 from the TXU Energy Retail Company, L.P., for the TXU Energy Aid Program, Authorize Amendment to City Secretary Contract No. 43572 with TXU Energy Retail Company, L.P., Increasing Funding Amount by \$152,792.04 for a Total Contract Amount of \$602,792.04 and Adopt Appropriation Ordinance (ALL COUNCIL DISTRICTS)**

It was recommended that the City Council ratify the acceptance of additional funds in the amount of \$152,792.04 from the TXU Energy Retail Company, L.P., for the TXU Energy Aid Program; authorize an amendment to City Secretary Contract No. 43572 with TXU Energy Retail Company, L.P., increasing the funding amount by \$152,792.04 for a total contract amount of \$602,792.04; and adopt an appropriation ordinance increasing estimated receipts and appropriations in the Grants Fund in the amount of \$152,792.04, subject to receipt of a grant from the TXU Energy Retail Company, L.P., for the same purpose as reflected above.

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

Motion: Council Member Zimmerman made a motion, seconded by Council Member Allen Gray, that Mayor and Council Communication C-27244 be approved and Appropriation Ordinance No. 21709-03-2015 be adopted. The motion carried 7 ayes to 0 nays, with 1 abstention by Council Member Scarth and Mayor Price absent.

**XV. PUBLIC HEARING**

**1. Second Public Hearing for a Proposed Owner-Initiated Annexation for Limited-Purposes of Approximately 21.5 Acres of Land in Tarrant County, Located Along Longhorn Road, West of Main Street and North of Northwest Loop 820 (AX-14-007)**

It was recommended that the City Council hold a public hearing for a proposed owner-initiated annexation for limited-purposes of approximately 21.5 acres of land in Tarrant County, located along Longhorn Road, west of Main Street and north of Northwest Loop 820 (AX-14-007).

Mayor Pro tem Espino opened the public hearing.

**a. Report of City Staff**

Mr. Leo Valencia, Senior Planner, Planning and Development Department, appeared before Council and provided a staff report.

**b. Citizen Comments**

Mr. Bob Riley, 4117 Walnut Creek Court, appeared before Council in support of the annexation and provided a handout.

**c. Council Action**

Motion: Council Member Scarth made a motion, seconded by Council Member Bivens, that the public hearing be closed. The motion carried unanimously 8 ayes to 0 nays, with Mayor Price absent.

**XVI. ZONING HEARING**

It appeared that the City Council, at its meeting of March 17, 2015, continued Zoning Docket ZC-15-030:

**1. ZC-15-030 - (CD 2) - Kensington Realty, Inc., 2305 Franklin Drive; from: "K" Heavy Industrial to: "PD/K" Planned Development for all uses in "K" Heavy Industrial plus glass and electronic recycling; site plan included. (Recommended for Approval by the Zoning Commission)(Continued from a Previous Meeting)**

Ms. Marlene Beckman, 3116 West 6th Street, completed a speaker card in support of Zoning Docket ZC-15-030 and was recognized by Mayor Pro tem Espino but was not present in the Council Chamber.

Motion: Council Member Scarth made a motion, seconded by Council Member Zimmerman, that Zoning Docket ZC-15-030 be continued to the April 7, 2015, Council meeting. The motion carried unanimously 8 ayes to 0 nays, with Mayor Price absent.

**XVII. CITIZEN PRESENTATIONS**

Ms. LaSondra Huggins, 8504 Ohara Lane, appeared before Council relative to healthcare issues involving Medicare and Medicaid.

The following individuals appeared before Council relative to a retaining wall abating their property:

Ms. Kristyn Irizarry, 4236 Shores Court

Mr. Eli Irizarry, 4236 Shores Court

Council Member Scarth requested that they meet with Mr. Randle Harwood, Director, Planning and Development Department, and him after the meeting.

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

**XIX. ADJOURNMENT**

There being no further business, Mayor Pro tem Espino adjourned the Regular meeting at 7:41 p.m.



**TO:** The Honorable Mayor and City Council Members

**FROM:** Council Member Ann Zadeh, District 9

**DATE:** April 7, 2015

**SUBJECT:** Appointment to Aviation Advisory Board

Request your consideration to appoint Mr. Edward Lasater to Place 9 on the Aviation Advisory Board, with a term expiring October 1, 2015.

Mr. Lasater's application was sent to each Council Member by separate electronic communication for review and the original copy will be maintained in the City Secretary's Office.

**Ann Zadeh**

City Council District 9 ★ 1000 Throckmorton Street ★ Fort Worth, Texas 76102  
(817) 392-8809 ★ FAX (817) 392-6187



**TO:** The Honorable Mayor and City Council Members

**FROM:** Gyna M. Bivens, District 5

**DATE:** April 2, 2015

**SUBJECT:** Appointment to Community development Council

Request your consideration to appoint Mrs. Hazel James to Place 5 on the Community Development Council, with a term expiring October 1, 2015.

Mrs. James application was sent to each Council Member electronically for review and the original copy will be maintained in the City Secretary's Office.

A handwritten signature in black ink that reads "Gyna M. Bivens". The signature is written in a cursive style with a large initial "G" and "M".

**GYNA M. BIVENS**

City Council District 5 ★ 1000 Throckmorton Street ★ Fort Worth, Texas 76102  
(817) 392-8805 ★ FAX (817) 392-6187

**To the Mayor and Members of the City Council****April 7, 2015**

Page 1 of 1

**SUBJECT: POLICE CHIEF SEARCH UPDATE**

The purpose of this report is to provide an update in the recruitment of a City of Fort Worth Police Chief.

At last report, the consultant was working on the position profile. That work has been completed (attached) and the search has begun. The search firm, Slavin Management Consultants, will rely mostly on their ability to utilize appropriate professional organizations, established contacts, knowledge of quality jurisdictions and already known candidates to reach out and invite the best qualified candidates to apply for the position. However, they will also place targeted ads that include the following organizations to ensure there is a broad, diverse pool of candidates:

- Police Executive Research Association (PERF)
- International Association of Chief of Police (IACP)
- Hispanic American Police Command Officers Association (HAPCOA)
- National Organization of Black Law Enforcement Executives (NOBLE)
- National Association of Women Law Enforcement Executives (NAWLEE)
- International City/County Management Association (ICMA)
- Texas Municipal League (TML)

The next step will be the first preliminary review of candidates which should take place by the middle of May.

The Mayor and Council may expect regular updates on the status of the recruitment process for the Police Chief.

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

To the Mayor and Members of the City Council

April 7, 2015

Page 1 of 3

**SUBJECT: COMMUNITY ENGAGEMENT TEAM NAME CHANGE**

The purpose of this Informal Report is to inform the City Council that the Neighborhood Education Office has been renamed as the Community Engagement Team and to update Council on the vital role the office plays in engaging our community.

The name change clarifies the office's role within the Communications & Public Engagement Office and the strategic purpose moving forward.

**Transition History**

In FY2015, the City Manager's Office moved the Neighborhood Education Office from the Planning & Development Department to the Communications & Public Engagement Office. This realignment allowed existing resources and city staff to communicate a coordinated message to our residents.

Strategically, joining the communication activities of the City with the team that creates and maintains relationships with community leaders to provide effective communication and public engagement has been a positive move. However, the current name does not adequately convey the team's responsibilities.

**A New Name Exemplifying a Strategic Focus**

The Community Engagement Team is responsible for neighborhood capacity building and developing communication networks of city stakeholders such as faith-based groups, schools and non-profits that are vital to the success of city initiatives and programs. The team facilitates:

- **Adult Educational Presentations** - The Community Engagement Team makes regular presentations to community groups about the city services. Most adult presentations are held at night and/or Saturday mornings at meetings offered by neighborhood associations, civic groups and non-profit organizations. Some of the most popular topics for adult audiences include: *Caring for Cowtown Air, Conquer Your Crud, Keeping Our Lakes Clean and Recycle Right.*
- **School-Age Educational Presentations** - During the weekday, the team provides valuable hands-on presentations about city services our stakeholders provide in schools, after-school programs, community centers and libraries throughout the Fort Worth area. Children become a part of the learning process during engaging presentation options such as: *Captain Crud and the Cruddies, What's Wrong With This Picture, Career Days, Freddie the Fish PAWS: Pets Are Worth It,! Recycle Right, Captain Crud and the Buddies, Journey of a Water Drop and Worth Reading.*

To the Mayor and Members of the City Council

April 7, 2015

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**SUBJECT: COMMUNITY ENGAGEMENT TEAM NAME CHANGE**

Their school-age presentations are unique because they teach using TEKS criteria and terms that coincide with the subjects being taught in schools. The office provides teachers with useful TEKS lesson plans and worksheets to assist them with their current classroom focus.

- **After-School & Community Center Presentations** - Already active within sixteen school districts, the office is also creating new relationships for age-appropriate presentations at:

- Boy Scouts meetings
- Girl Scouts meetings
- Advance after-school program
- Clayton YES! after-school program
- City of Fort Worth Community Centers
- Parent Teacher Association meetings
- Parenting Resource Centers

- **Neighborhood Association Meetings** - The Community Engagement Team works with residents to ensure their associations are equipped to promote public engagement and communication with the City. The office attends the monthly, quarterly and annual meetings of over 320 Neighborhood Associations and Alliances when called upon or placed on the agenda to make a presentation about city services.

Following each meeting, staff members prepare Neighborhood Meeting Reports which detail the agenda, residents and city staff attendance and any concerns that were mentioned. These reports are then forwarded to Directors, Council staff and other city staff. The office is often the first resource for neighborhood leaders who:

- Have questions about the city services our stakeholders provide
- Want to start or re-energize a neighborhood association
- Need neighborhood outreach and communication strategies
- Want suggestions to increase association membership
- Are interested in scheduling city services presentations

- **Capacity Building Workshops** – The office routinely offers monthly, quarterly and bi-annual series of classes that teach residents about City services and neighborhood capacity building. Classes range from 1 to 2 hours in length and are taught by the Community Engagement staff and/or other City staff.

To the Mayor and Members of the City Council

April 7, 2015

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**SUBJECT: COMMUNITY ENGAGEMENT TEAM NAME CHANGE**

- **Community Meeting Planning** - The office is available to assist the Mayor, Councilmembers, Aides and other city departments with any or all of the following planning needs for community meetings:
  - Personalized advance e-mail notification to the planning sector leaders you are targeting
  - Neighborhood association and/or district maps
  - Current list of challenges your targeted area has shared with our office
  - Suggestions for appropriate speakers from City departments
  - Neighborhood leader contact information
- **Community Recognition** – During our annual Neighborhood Dinner & Awards, neighborhood leaders are honored for their community outreach, volunteer recruitment, outstanding spirit and ability to build strong neighborhood connections. The “*Neighborhood of the Year*” award recipients then represent the City of Fort Worth at the Neighborhoods USA conference in the spring.
- **Neighborhood Database Updates** – The office also manages the Neighborhood Database which provides contact information pertaining to each neighborhood association that has registered with the city. Registered neighborhood associations are contacted annually to provide updates about their current officers, primary contact information and boundaries. This information is updated in the Neighborhood Database and shared online with residents and city staff. From the intranet site, employees can generate mailing labels or excel spreadsheets of neighborhood contacts. Queries allow staff to generate lists or labels within a particular zip code, council district, planning sector or neighborhood policing district.

Tomorrow, the Community Engagement Team will digitally publish its first newsletter. *Connecting Communities* celebrates the unique relationship between its office and the community it serves.

Though the name of the office may be changing, the intent focus on building strong neighborhoods, schools and entire communities will continue moving forward.

**David Cooke**  
City Manager

**To the Mayor and Members of the City Council****April 7, 2015**

Page 1 of 1

**SUBJECT: NGC Renewables**

The City of Fort Worth entered into a Tax Abatement Agreement with NGC Renewables for the construction of a 120,000 square foot North American headquarters and manufacturing facility at 5500 Alliance Gateway Freeway. The Agreement provides for a ten-year tax abatement with NGC that could potentially abate up to 80 percent of the City's ad valorem taxes on the incremental value of real and business personal property investment on the site.

The project consists of two phases with an overall investment of \$96,000,000 in real and business personal property. Phase I consists of \$8,500,000 in real property improvements and \$7,500,000 in new non-inventory business personal property with an estimated completion deadline of June 30, 2014. Due to delays in the delivery of operational equipment from suppliers, NGC requested and City Council approved, an extension of the Phase I completion deadline to June 30, 2015.

Due to the above mentioned delays in the delivery of operational equipment, along with pricing reductions since the original projected expenditures, NGC Renewables is requesting a reduction of the business personal property requirement from \$7,500,000 to \$6,300,000 for the Phase I investment. The Phase II portion of the development consisting of an additional \$80,000,000 in new non-inventory business personal property by December 31, 2018 remains as originally committed.

Staff recommends approving an amendment to the Agreement to reduce the minimum personal property investment for Phase I. An M&C will be placed on the City Council meeting agenda scheduled for May 5, 2015, to authorize approval of the amendment to the Tax Abatement Agreement.

Please contact Jay Chapa at 817-392-5804 if you have any questions or concerns.

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

**To the Mayor and Members of the City Council****April 7, 2015**

Page 1 of 2

**SUBJECT: WORKERS' COMPENSATION QUALITY AUDIT**

In February, the Mayor and Council requested a quality audit be performed of the services provided by the City's Workers' Compensation Third Party Administrator (TPA), CorVel. The request was due to complaints that indicated that services provided, such as case management, were not being performed in a consistent and fair manner toward employees and medical providers in carrying out administrative duties. The City contracted with its consultant for Workers' Compensation, McGriff, Seibels and Williams of Texas, Inc., to conduct an independent review. The preliminary results of that audit are attached. Still pending is the completion of the survey of claimants. Once complete, the survey findings and any subsequent conclusions and recommendations will be added to the report.

The City has established a self-funded Workers' Compensation Program under Section 504.011 of the Texas Labor Code and contracts with a TPA certified by the State to provide claims adjustment and administrative services in accordance with State statutes, rules and regulations. The TPA provides services that include determining eligibility, calculating benefits, approving and authorizing payments of benefits and medical bills, approving and authorizing medical treatments, and coordinating the claims process with City employees, doctors, medical providers and internal and external service providers (e.g., peer review, designated doctors, etc.). CorVel has been the City's TPA since January 2013.

Human Resources and the consultant outlined five areas that would act as key measures to determine the appropriateness of CorVel's services. Those included:

1. Claims and denial frequency
2. Pre-authorization processing and denial
3. Nurse case management assignments and utilization
4. Complaints against CorVel
5. Survey of Workers' Compensation claimants regarding case management

Additional information from the Texas Department of Insurance in the form of statistical reports, research data, annual reviews and complaints filed were also reviewed.

Highlights of the report indicated that:

- Denial of claims has remained constant over the last three years and far below state averages – this period includes the last year of the previous TPA, CCS Holdings.
- Denial of pre-authorizations has risen from 17% to 28% over the three year period, but this is at least partially attributable to changes in state regulations.
- Case management assignments have risen 39% over the past two year, without apparent corresponding grounds based on the intensity of claims.
- Informal complaints from claimants were reviewed by the consultant, and, based on their assessment, they are primarily driven because of poor/ineffective communication by the

**To the Mayor and Members of the City Council****April 7, 2015**

Page 2 of 2

**SUBJECT: WORKERS' COMPENSATION QUALITY AUDIT**

TPA – inadequate communication of procedures, purpose and role of case management when assigned.

- CorVel received an “Average Performer” assessment rating from the Texas Department of Insurance in the administration of the City of Fort Worth’s Workers’ Compensation program – this rating is considered lower than expected for a municipal TPA.
- Since 2011 thirty-seven formal complaints/problem reports have been received by the Texas Department of Insurance from City of Fort Worth employees. Of those, twenty-three were against CorVel with two findings against the TPA that resulted in warning letters – no administrative penalties were assessed.

The Human Resources Department for the City of Fort Worth has already begun discussions with CorVel to ensure that corrective action is taken in areas needed. Corvel is in the third year of their three year contract.

Human Resources will be conducting a request for proposal process for Workers’ Compensation TPA services beginning next month. Human Resources is currently working with police, fire and general government employee/management representatives to explore alternative delivery models that, as a part of the RFP process, will address concerns and still provide a cost effective program.

Once the survey of claimants is completed, the survey findings and subsequent conclusions and recommendations will complete the audit and be incorporated in the upcoming RFP process.

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

# THE CITY OF FORT WORTH WORKERS' COMPENSATION PROGRAM QUALITY AUDIT

EXTENDING YOUR CAPABILITIES  
COVERING YOUR FUTURE



**McGriff, Seibels & Williams of Texas, Inc.**



5080 Spectrum Drive, Suite 900E  
Addison, Texas 75001  
(469) 232-2100  
(469) 232-2101 Fax  
[www.mcgriff.com](http://www.mcgriff.com)

**MARCH 31, 2015**



## Executive Summary

- A. OBJECTIVE** – The Human Resources Department of the City of Fort Worth has requested that McGriff, Seibels and Williams of Texas, Inc. conduct a Quality Audit of the City’s self-funded Workers’ Compensation Program. McGriff, Seibels and Williams of Texas, Inc. is the City’s Insurance Broker of Record for the purchase of Excess Workers’ Compensation insurance and related consulting services.
- B. BACKGROUND** – The City has established a self-funded Workers’ Compensation Program under Sec. 504.011 of the Texas Labor Code and contracts with a Third Party Administer (TPA) certified by the State to provide claims adjustment and administrative services in accordance with State statutes, rules, and regulations. Services provided by the TPA include determining eligibility, calculating benefits, approving and authorizing payments of benefits and medical bills, approving and authorizing medical treatments, and coordinating the claims process with City employees, doctors, medical providers, and internal and external service providers. The TPA or its sub-contractor will also provide Medical Cost Containment services which include functions specific to medical care and treatments involved in claims such as medical bill review and audit, nurse case management, pre-authorization of medical procedures, review of medical necessity, and peer review of medical treatments. The quality of service provided by the TPA has a direct impact on employee medical care and recovery, City fiscal responsibilities, and City service delivery.
- C. PURPOSE AND SCOPE OF PROJECT** – A predominant amount of the services provided by the TPA are determined or regulated by Texas Department of Insurance (TDI) rules and procedures. The TPA’s compliance with TDI statutes are not the subject of this audit but are referred to as applicable to quality performance measures. Additionally, Workers’ Compensation claims involve medical treatments, employee medical information, and professional medical decisions made by licensed medical providers. Audit, analysis, or review of medical decisions and treatments is beyond the scope of this audit.

The purpose of this Workers’ Compensation Program Quality Audit is to analyze the quality of services provided by the TPA. Quality services would be performing services in an effective manner to successfully administer the City program. Additionally, quality services include performing in a consistent and fair manner toward employees and medical providers in carrying out administrative duties.

Key measures focused on:

1. Claims and Denial Frequency
2. Pre-Authorization Processing and Denial
3. Nurse Case Management Assignments and Utilization
4. Complaints against Corvel
5. Employee Satisfaction with Case Management



The City's contract for TPA services with Corvel began on 01/01/13. Baselines and consistencies are measured against Texas Department of Insurance statistics and the prior City contracted TPA CCS Holdings, where applicable.

The City employs a wide variety of occupations - from office clerical to heavy labor. Although injuries can occur at any position, the inherent hazards associated with Police and Fire operations result in the highest frequency of claims, and subsequently a higher frequency of interaction with the TPA. Therefore this review incorporates a breakout of General Employee, Police, and Fire claims to account for this higher frequency of interaction.

- D. PROCESS** – Claims data was reviewed over a three year period (2012-2014) to include the final contract year of the City's prior TPA, CCS Holdings in 2012, and the first two years of the current contract with Corvel, 2013 and 2014.

**2012 Data** used throughout this report was obtained from claims data files and reports received from CCS Holdings, their subcontractor Review Med, and the City of Fort Worth.

**2013 and 2014 Data** used throughout this report was obtained from claims data files and reports received from Corvel, claims system access authorized and approved by the City and Corvel, and information provided by the City of Fort Worth.

Additional information was obtained from the Texas Department of Insurance through statistical reports, research data, and annual reviews available through on-line access of Texas Department of Insurance public information.

**E. FINDINGS**

- The frequency of City of Fort Worth Workers' Compensation claims being fully denied has remained consistent over the three year period reviewed with no significant change in denial frequency between Corvel and CCS. City claim denial rates are less than half of the State averages for all employers.
- Police and Fire department claims are denied less frequently than General Employees.
- Police and Fire have a higher average number of claims per employee than General Employees.
- Multiple injury claims require additional medical review to maintain separation during the processing of claims.
- Denial of pre-authorization for medical treatment has increased in frequency from 17% to 28% over the three year period. Changes in TDI rules for pre-authorization during this period have impacted denial rates.
- Case Management assignments have increased 39% over the past two years with no identifiable increase in City defined injuries requiring assignment. Increased case management activity is attributed to expediting the process of obtaining medical information from providers.
- A common theme throughout the complaints against Corvel reviewed is poor communication during the claims process.



- Texas Department of Insurance investigation of 28 complaints against Corvel has determined that 21 had no violations and were dismissed, 2 found Corvel to be noncompliant and warning letters were issued, and 5 complaints are pending.
- The Texas Department of Insurance 2014 Performance Based Oversight assessment of Corvel's performance in administration of the City of Fort Worth Workers' Compensation program resulted in an Average Performer ranking with a score of 92.67%. The 2012 TDI PBO assessment of CCS's performance in administration of the City of Fort Worth Workers' Compensation program resulted in a High Performer ranking with a score of 97.88%.

## F. CONCLUSION

The City of Fort Worth contracts with Corvel to provide Workers' Compensation claims adjustment and administration services in accordance with State law. The Texas Department of Insurance's assessment of Corvel's performance based on statutory compliance measures is that they are Average. This average performance on compliance measures also relates to the overall quality of service Corvel provides the City in the administration of the program. Corvel adjusts the City's claims, denies claims where appropriate, approves and denies pre-authorization of medical treatment following TDI rules and guidelines, assigns case management per City requirements, all in accordance with State law. There is no indication from the data and documentation reviewed for this audit that Corvel inappropriately denies claims or pre-authorization of medical treatment, or processes claims in any unfair manner.

However, there is a clear indication from this audit that Corvel does not effectively communicate with City employees during the processing of their claims that results in misunderstandings, complaints, and adversarial situations. This lack of communication creates dissatisfaction with injured employees and potentially creates an adversarial relationship which has an impact on effective resolution of their claim.

The Texas Workers' Compensation system is very complex and difficult to understand. Compliance with TDI rules and procedures by the adjuster is a legal requirement in the processing of claims. Effective communication with injured employees to explain these rules and inform them of required procedures is essential to providing quality claims administration services. Corvel's lack of effective communication with City employees has enhanced their dissatisfaction with the Workers' Compensation system and created a perception of poor quality performance as a service provider.

It is the expectation of the City of Fort Worth that their Third Party Administrator not just provide claims administration, but provide Quality claims administration. To achieve this, the TPA should strive for improved performance, a High Performer ranking from TDI, and effective communication with City employees.

**City of Fort Worth**
**Workers' Compensation Quality Audit**
**1. Workers' Compensation Claims Frequency**

The City of Fort Worth has experienced a 13% decrease in claims frequency from 2012 to 2014, and a 16% overall decrease in total incurred costs. The data below shows the breakdown of the number of claims reported during fiscal years 2012, 2013 and 2014 by the fire department, police department and general employees. The reduction in City staff of 425 FTEs between 2011 and 2013 (381 attributed to General Government) is a factor in this overall decrease in claims frequency. The 2014 OHS Safety Program Audit noted that Safety Program improvements were needed across all departments; however specific Safety and Accident Investigation programs in the Equipment Services, Parks and Community Services, Code Enforcement, and Fire departments were having a positive impact on employee safety. These safety programs may also be a factor in the reduction of injury claims.

<b>City of Fort Worth</b>					
<b>WC Claims Data: Fiscal Year 2012, 2013, 2014</b>					
	<b>Fiscal Year of Injury</b>	<b>Number of Medical &amp; Indemnity Claims</b>	<b>Total Paid</b>	<b>Remaining Reserves</b>	<b>Total Incurred</b>
<b>Fire Department</b>	2012	201	\$964,806.93	\$106,126.22	\$1,070,933.15
	2013	150	\$652,745.27	\$113,118.93	\$765,864.20
	2014	138	\$386,786.90	\$462,497.45	\$849,284.35
<b>Police Department</b>	2012	511	\$1,196,707.09	\$505,225.71	\$1,701,932.80
	2013	525	\$2,161,077.77	\$505,306.27	\$2,666,384.04
	2014	554	\$2,584,299.46	\$242,470.02	\$2,826,769.48
<b>General Employees</b>	2012	542	\$3,834,145.24	\$288,695.59	\$4,122,840.83
	2013	436	\$3,180,805.57	\$588,804.10	\$3,769,609.67
	2014	403	\$1,571,247.62	\$555,094.64	\$2,126,342.26



## Workers' Compensation Claims Denied

All claims that were either fully or partially denied during fiscal years 2012, 2013 and 2014 were reviewed. The Texas Department of Insurance uses the form PLN 1 for a full denial – the entire claim is denied. The form PLN 11 is used for a partial denial of benefits, diagnosis, or treatment – part of the claim is accepted and part of the claim is denied.

The primary reason for a claim to be fully denied is the injury is determined to be not work related. An employee may injure themselves outside of work and claim the injury was work related. This may be intentional, but more commonly the employee does not know specifically how or when the injury occurred, such as the onset of back pain or soreness. In most cases, without a specific work related occurrence the injury is not “compensable” and the claim is denied. A common disease of life such as arthritis or hearing loss claimed by an employee as work related may also be determined to be not compensable and denied.

Partial denial of claims occur when an employee has a work related injury and medical treatment is sought or provided for body parts or conditions that were not affected by the work related occurrence. An employee may be receiving medical treatment for an on the job injury and pre-existing medical conditions at the same time and the medical provider files all of the treatment under the workers' compensation claim. Pre-existing medical conditions are not part of the compensable injury. Employees may have an “old” injury not work related and seek treatment for both the “old” injury and a “new” injury that is work related at the same time. When these situations occur, the injury that is work related is accepted and the injury or medical treatment that is not work related are denied – partial denial. A peer review, a second opinion provided by a qualified medical provider, may be obtained to review the diagnosis and treatment before the denial is filed.

In any of these situations, the insurance carrier, or if self-insured the designated Third Party Administrator, is responsible to initiate a dispute of compensability. Texas statutes have extensive requirements that must be met in order for a claim to be denied. If a dispute is not filed timely and/or does not meet the specified criteria, the State of Texas Division of Workers' Compensation will not approve the denial. A TPA that does not have a valid reason to dispute a claim subjects the self-insured insurance carrier to potential administrative violations and penalties.

Following is a chart of City of Fort Worth Denied Workers' Compensation Claims for 2012, 2013, and 2014. 2012 claims were administered by CCS Holdings, Inc. 2013 and 2014 claims were administered by Corvel. The chart breaks out claim denials for Fire, Police, General Employees and City totals.



City of Fort Worth									
Denied WC Claims: Fiscal Year 2012, 2013, 2014									
	Fiscal Year of Injury	Total Claims Denied	% of Total City Denials	Total Claims Reported	% of Denials vs. Reported Claims	Full Denial	% of City Full Denials	Partial Denial	% of City Partial Denials
<b>Fire Department</b>	2012	11	13%	201	5%	6	10%	5	18%
	2013	16	17%	150	11%	11	23%	5	10%
	2014	8	7%	138	6%	4	7%	4	7%
<b>Police Department</b>	2012	32	36%	511	6%	22	37%	10	36%
	2013	37	39%	525	7%	16	34%	21	44%
	2014	43	36%	554	8%	23	39%	20	33%
<b>General Employees</b>	2012	45	51%	542	8%	32	53%	13	46%
	2013	42	44%	436	10%	20	43%	22	46%
	2014	69	57%	403	17%	32	54%	37	60%
<b>City Total</b>	2012	88	N/A	1,254	7%	60	68%	28	32%
	2013	95	N/A	1,111	9%	47	50%	48	50%
	2014	120	N/A	1,095	11%	59	49%	61	51%

During fiscal year 2014, 11% of all City claims reported were either fully or partially denied by Corvel. This is up 2% from 2013 and 4% higher than the total denials by CCS in 2012. Corvel either fully or partially denied 8% of Police claims in 2014 compared to 6% denied by CCS in 2012, and 6% of Fire claims were denied in 2014 compared to 5% in 2012.

Police claims were denied less frequently than General Employees in each of the three years. Fire claims were denied less frequently than General Employees in two of the three years.

Below is a chart from the Texas Department of Insurance of the number of fully denied Workers' Compensation claims as a percentage of all reported claims from Insurance Carriers in the State by year. These figures include all governmental entities, self-insureds, and fully insured employers that report data as required by the State.

Per the Texas Department of Insurance, 12.6% of all reportable claims in Texas were fully denied (PLN 1) in 2013 and 11.4% in 2012. In comparison, full denials (PLN 1) of City claims were issued on 4.23% of all City claims reported in 2013, and 4.78% in 2012 (5.39% of all City claims reported in 2014 were denied). City of Fort Worth full claim denials are well below State averages.

Full denials of Police claims in 2014 were 4.15%, in 2013 3.04%, and in 2012 they were 4.30%. Full denials of Fire claims were 2.89% in 2014, 7.33% in 2013, and 2.98% in 2012. Full denials of Police claims occurred less frequently than both City averages and State averages in each year. Fire claims were fully denied less frequently than State averages in each year and City averages in two of the three years.



# Reportable Claims Initially Denied/Disputed by Insurance Carriers (Whole Claim Initial Denials/Disputes)

Injury Year	Number of PLN1 Denials Reported to DWC*	Number of Reportable Claims	Denials as a Percentage of Reportable Claims
2005	18,296	116,831	15.7%
2006	16,898	116,738	14.5%
2007	16,390	112,106	14.6%
2008	14,994	107,727	13.9%
2009	12,040	97,164	12.4%
2010	11,110	99,171	11.2%
2011	11,110	98,524	11.3%
2012	10,962	96,430	11.4%
2013	10,513	83,369**	12.6%

Note \*: A PLN1 is a Notice of Denial of Compensability/Liability and Refusal to Pay Benefits. These numbers do not reflect denied and disputed claims that were subsequently approved after the parties exchanged additional documentation or approved as a result of dispute resolution.

Note \*\*: The number of claims reported per calendar year is expected to increase over time as injured employees with medical only claims begin to lose time away from work.

Source: Texas Department of Insurance, Division of Workers' Compensation, System Data Report, and Texas Department of Insurance, Workers' Compensation Research and Evaluation Group, 2014.



July 2014

## Average Number of Claims Per Employee

The hazards associated with Police and Fire operations expose those employees to a greater risk of on-the-job injury than most other positions in the City. Over the course of a multi-year career, there is potential for employees to incur multiple injuries. Accordingly, Police and Fire average more claims per employee than other departments. The chart below shows the average number of claims per employee since 1985 when the employee has filed one or more claims.



<b>City of Fort Worth</b>			
<b>Average Number of Claims Per Employee: Fiscal Year 1985 to 2014</b>			
	<b>Fiscal Year of Injury</b>	<b>Number of Medical &amp; Indemnity Claims</b>	<b>Average Claims Per Employee</b>
<b>Fire Department</b>	1985 to 2014	5,045	5.40
<b>Police Department</b>	1985 to 2014	12,877	6.47
<b>General Employees</b>	1985 to 2014	10,311	2.82

Although risk of injury is an expected part of the job, employees having multiple injury claims present potential issues in the administration of these claims. The adjuster must separate the prior injury and medical treatment, which may still be on-going, from the current claim. Compliance with the State mandated ODG Treatment Guidelines is more difficult if the treatment prescribed must be altered to account for another injury or medical condition. Injuries to the same body part as a previous injury may take longer to heal and often require additional medical treatment. These complex issues require the adjuster to obtain additional medical reviews, peer reviews, and additional medical documentation to appropriately administer the claim. This process can delay medical treatment, and a lack of medical documentation and support could result in medical treatment being denied.

As City Police and Fire department employees have a higher frequency of more than one Workers' Compensation claim than General Employees, they may also have a higher frequency of delayed or denied medical treatment on a new claim.

## 2. Pre-authorization Review

The Texas Department of Insurance mandates the ODG Medical Treatment Guidelines be utilized by doctors, medical providers, insurance adjusters and bill payers, and other professionals in the Workers' Compensation system. Generally, medical treatment provided within these Guidelines related to the compensable injury is accepted and approved for payment by insurance carriers and adjusters. TDI has identified specific medical treatments or procedures that require pre-authorization. Pre-authorization is the process for reviewing proposed medical treatment to determine if it meets medical necessity in accordance with the ODG Guidelines.

TDI has issued rules and regulations involving the Pre-authorization process that must be followed and adhered to by insurance adjusters and medical providers. If the request is initially denied, the medical provider has the opportunity to modify their treatment recommendation and return for reconsideration. A copy of Rule 134.600, Preauthorization, Concurrent Utilization Review, and Voluntary Certification of Health Care provided by the Texas Department of Insurance, Division of Workers' Compensation is included in the Appendix to this report.

Pre-authorization is requested by the medical provider and performed by a utilization review agent certified by the Texas Department of Insurance. This review agent may be an employee of the TPA or an outside vendor. The City's current TPA, Corvel, provides pre-authorization in house. The City's prior TPA, CCS Holdings, outsourced pre-authorizations to their sub-contractor Review Med.

The table below shows a breakdown of pre-authorization requests over the last three years, 2013-2014 were performed by Corvel and 2012 CCS/Review Med.

City of Fort Worth									
Preauthorizations: Fiscal Year 2012, 2013, 2014									
	Fiscal Year	Total Number of Preauthorizations	% of City Total	Approved	Approval %	Modified	Modified %	Denied	Denied %
<b>Fire Department</b>	2012	211	14%	144	68%	28	13%	39	19%
	2013	167	14%	103	62%	20	12%	44	26%
	2014	213	14%	115	54%	43	20%	55	26%
<b>Police Department</b>	2012	663	43%	470	71%	96	14%	97	15%
	2013	566	48%	342	60%	80	14%	144	26%
	2014	706	47%	384	54%	104	15%	218	31%
<b>General Employees</b>	2012	662	43%	419	63%	113	17%	130	20%
	2013	455	38%	302	66%	50	11%	103	23%
	2014	574	39%	360	63%	62	11%	152	26%
<b>City Total</b>	2012	1,536	N/A	1,033	67%	237	16%	266	17%
	2013	1,188	N/A	747	63%	150	13%	291	24%
	2014	1,493	N/A	859	58%	209	14%	425	28%

The total number of pre-authorization requests has decreased by 3% from 2012 to 2014, which can be attributed to the decrease in claims frequency. The Police Department has accounted for the majority of pre-authorizations over the past 3 years with 46% of all City pre-authorizations, which is directly related to their percentage of all City claims filed during this period.

Denied pre-authorization requests have increased from 17% in 2012 to 28% in 2014. Amendments to TDI pre-authorization rules for prescription drugs outside of the closed formulary became effective July 1, 2012, which increased pre-authorization denial of those drugs throughout the Workers' Compensation system. An additional driver of pre-authorization denials is chiropractic care. ODG Guidelines specify chiropractic usage and the allowable number of visits. Treatment requests outside of these guidelines must be pre-authorized. Out of all individual medical providers on City claims over the past three years, a chiropractic provider ranked highest in the number of pre-authorization denials and received almost double the denials of the second most provider.

### 3. Case Management Assignments

Case Management is a process that facilitates recommended treatment plans to assure that appropriate medical care is provided to disabled, ill or injured individuals. It refers to the planning and coordination of health care services appropriate to achieve the goal of medical rehabilitation. A Nurse Case Manager is a healthcare professional whose job is to help make sure the injured employee is receiving the appropriate medical care for their injury to promote faster recovery. A Nurse Case Manager will attend doctor’s visits with injured employees as needed to assist and coordinate medical treatment, act as a resource for employees who have questions about their medical treatment, advocate for the employee as needed to obtain the appropriate medical treatment, and assist with providing information to the claims adjuster to facilitate the claims process.

Section 413.021 of the Texas Labor Code states that all claims with the potential for lost time must be evaluated to determine if nurse case management should be assigned. Additionally, the City has specified requirements in the Claims Handling Instructions with Corvel regarding the assignment of Nurse Case Management. These include catastrophic and severe injuries, head injuries, and injuries requiring surgery as well as situations where there is a language barrier or difficulties in obtaining medical information from a provider. Case Management information was not available from the prior TPA, only information from Corvel was available and reviewed.

The following table shows Nurse Case Management assignments over the last two years.

<b>City of Fort Worth</b>		
<b>Case Management Assignments: Fiscal Year 2013, 2014</b>		
	<b>Fiscal Year of Injury</b>	<b>Assignments</b>
<b>Fire Department</b>	2013	25
	2014	42
<b>Police Department</b>	2013	49
	2014	67
<b>General Employees</b>	2013	57
	2014	73

There has been a significant increase in the number of assignments from 2013 to 2014. There is not an identifiable increase in severe injuries or other City specified injury types that require case management in the claims data reviewed, however there is an indication that case management assignments have increased to assist with coordinating and obtaining medical information, treatment plans, and supporting documentation from medical providers. This increase in case management usage was recently directed by the City to Corvel as a means of expediting the claims process due to delays in receiving medical information from providers.



#### 4. Complaints Against Corvel

Current issues have resulted in several City employees submitting complaints against Corvel and the City's Workers' Compensation program. Nine complaints were sent by the City to Corvel for response. These complaints and Corvel's responses have been reviewed. The central issues common to each of these complaints are poor communication and the lack of understanding of the Workers' Compensation system.

Two of the complaints regarded denials originally issued by the prior TPA and one of the complaints involved a former Corvel employee not associated with the City's program.

Five of the complaints are related to the denial or suspension of benefits and/or medical treatment. Based on our review of these five, the appropriate Workers' Compensation rules were followed. Corvel's failure to adequately communicate these adverse decisions to the employee along with the complexity of the Workers' Compensation rules resulted in the employee's dissatisfaction with the way their claim was handled.

One of the complaints involved the assignment of a case management nurse to a claim and a misunderstanding of the nurse's role and purpose of the assignment. Corvel's failure to inform the employee of the case management assignment prior to them being contacted created confusion and misunderstanding of the intended purpose.

Additionally, three formal complaints filed with the Texas Department of Insurance by City employees against Corvel have been reviewed. One complaint was for the failure to timely dispute entitlement to Supplemental Income Benefits. TDI determined no violation occurred and the allegation was unconfirmed. The other two complaints were for the terminating or reducing benefits without substantiating evidence. TDI determined no violations occurred and the allegations were unconfirmed.

The Texas Department of Insurance Division of Workers' Compensation issues a "Problem Report" whenever they receive a complaint from any involved party regarding the handling of a claim. The City receives a copy of this report along with any findings by TDI regarding the complaint. Since April 2011, the City has received 37 Problem Report notices from TDI. TDI has issued findings on 32 of these, 5 are pending. The 32 that have been finalized by TDI have been reviewed.

The City's prior TPA, CCS, accounted for 9 of these complaints. Of these, 7 were dismissed and the allegations were unconfirmed. TDI found non-compliance from 2 of these complaints resulting in Warning Letters, no Administrative Penalties were assessed.

Corvel accounts for 23 of these complaints. Of these, 21 have been dismissed and the allegations were unconfirmed. TDI found non-compliance from 2 of these complaints. Both violations involved the failure to timely issue payments to the claimants. Warning Letters were issued by TDI, no Administrative Penalties were assessed.



## Texas Department of Insurance Audit

The Texas Department of Insurance Division of Worker's Compensation conducts annual performance assessments of selected insurance carriers including self-insured governmental entities through its Performance Based Oversight (PBO) program. The 2014 PBO included the City of Fort Worth in this assessment along with 115 other insurance carriers or self-insureds. A total of 26 governmental entities were included in this assessment. Although the City of Fort Worth is the self-insured entity, the City's TPA Corvel is responsible for the administration of the program and it is their actual performance that was evaluated. The following performance measures are used for PBO assessments:

- Timely payment of initial Temporary Income Benefits by the insurance carrier
- Timely submission of Initial Payment data via EDI
- Timely processing of initial medical bills by the insurance carrier
- Timely processing of request for reconsideration medical bills by the insurance carrier
- Timely submission of Medical Bill Processing data via EDI

Each carrier is graded on these measures and given a score. TDI has developed a Tier system to rank carrier performance – High Performer for scores of 95% or greater, Average Performer for scores between 80% - 94.99%, and Poor Performer for scores below 80%. The City was assessed a score of 92.67% – Average Performer for this 2014 PBO assessment.

Of the 26 governmental entities in the 2014 PBO, 23 of these entities scored as a High Performer. This list of High Performers includes the City of Dallas, Fort Worth ISD, and Tarrant County.

The City was ranked as a High Performer during the 2012 PBO assessment with CCS as the City's administrator and received a score of 97.88%.

## 5. Employee Satisfaction with Case Management

*Employee satisfaction survey in process. Results to be provided upon completion.*

**No Documents for this Section**

# Resolution

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

## A RESOLUTION ADOPTING RULES FOR THE ADMINISTRATION OF THE CITY OF FORT WORTH RELOCATION ASSISTANCE PROGRAM

**WHEREAS**, Senate Bill 18 of the 82<sup>nd</sup> Legislature amended Chapter 21 of the Texas Property Code to require municipalities to provide relocation benefits and services compatible with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to eligible displacees in all City projects;

**WHEREAS**, upon passage of SB 18, various City of Fort Worth (“City”) departments, including the Department of Transportation and Public Works, adopted, by practice, Rules for Administering the Relocation Assistance Program, whereby, the City provided standardized relocation benefits and services to qualifying residents, businesses, and other qualifying entities in conformance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

**WHEREAS**, Section 21.046(c) of the Texas Property Code requires municipalities to adopt rules relating to the administration of the Relocation Assistance Program; and

**WHEREAS**, this resolution serves to formally adopt the City’s Rules for the Administration of its Relocation Assistance Program and acknowledges that the City’s prior use of the Rules, as adopted by practice, was in compliance with the Senate Bill 18 requirements;

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

### SECTION 1.

That the Rules for the Administration of the City of Fort Worth Relocation Assistance Program attached hereto as Exhibit “A” are hereby adopted by the City as a guideline for providing relocation benefits and services in appropriate cases. The City Council hereby finds and determines that its Relocation Assistance Program is compatible with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as required by Section 21.046 of the Texas Property Code.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

ATTEST:

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

Mary Kayser, City Secretary



EXHIBIT A

# **City of Fort Worth Relocation Assistance Rules**



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## Section I. Purpose

To provide rules for a relocation advisory service for a Person, Business, Farming or Ranching Operation, or a Nonprofit Organization that is compatible with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended,<sup>1</sup> in accordance with Senate Bill 18 enacted by the 82nd Texas Legislature.<sup>2</sup>

## Section II. Scope of Rules

- (a) A relocation advisory service will be made available as a cost of acquiring real property if a Person, Business, Farming or Ranching Operation, or a Nonprofit Organization is displaced in connection with the acquisition of real property for a public use.
- (b) The provisions of these rules shall apply only to City projects and shall be carried out by the City Manager or such employees or contractors of the City as designated.
- (c) Qualification for any payment under these rules is determined beginning on the date of Initiation of Negotiations as defined in these rules.
- (d) Costs within the purview of these rules shall not be considered elements of market value or damage and shall not be recoverable in any eminent domain proceeding or other claim or litigation instituted by or against the City.<sup>3</sup>
- (e) If a Person moves or discontinues the Person's Business, moves Personal property, or moves from the Person's Dwelling as a direct result of code enforcement, rehabilitation, or a demolition program, the Person is considered to be displaced because of the acquisition of real property.<sup>4</sup>
- (f) Consistent with state and federal law, payments under these rules are not subject to judicial review and may not exceed the limits established by Texas Property Code Section 21.046(d).<sup>5</sup>

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<sup>1</sup> 42 U.S.C. §§ 4601-4655 (2010); 49 C.F.R. §§ 24.1-24.603 (2011).

<sup>2</sup> Tex. S. B. 18, 82nd Leg., R.S. (2011); TEX. PROP. CODE ANN. §§ 21.001-21.065 (West 2004 & Supp. 2011).

<sup>3</sup> *Will-Tex Plastics Mfg., Inc. v. Dep't of Hous. & Urban Dev.*, 346 F. Supp. 654 (E.D. Pa. 1972); *Rubin v. Dep't of Hous. & Urban Dev.*, 347 F. Supp. 555 (E.D. Pa. 1972); *Martinez v. Dep't of Hous. & Urban Dev.*, 347 F. Supp. 903 (E.D. Pa. 1972); 42 U.S.C. § 4602(a) (2010).

<sup>4</sup> TEX. PROP. CODE ANN. § 21.046(e) (West 2004 & Supp. 2011).

<sup>5</sup> 42 U.S.C. § 4602 (2010).

### **Section III. Applicable Law**

When required by law due to federal funding such as Community Development Block Grant Programs, HOME Investment Partnerships Grant programs, Emergency Solutions Grant programs or other United States Department of Housing and Urban Development programs or Texas Department of Transportation designated programs, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, for federal and federally assisted programs will be followed.<sup>6</sup> For all other projects requiring the acquisition of real property for public use, these **City of Fort Worth Relocation Assistance Rules** will be followed, which are deemed by the Fort Worth City Council to be compatible with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.<sup>7</sup>

### **Section IV. Definitions**

For the purposes of these rules, the following words and phrases shall be defined as stated below or as defined by federal law if required:

***Aggrieved Party*** means any Person, Business, Farming or Ranching Operation, or Nonprofit Organization (that moves from real property or moves personal property from real property as the result of the acquisition of the real property, in whole or in part, or as the result of a written notice from the City to vacate the real property needed for a City project) that exercises their right to appeal a decision made by the City regarding the relocation services provided under these rules.

***Appeal Officer*** means the City Manager or his designee that presides over appeals of the relocation services provided in these rules, pursuant to the procedures outlined in Section IX – Appeals.

***Business*** means any lawful activity, excepting a Farming or Ranching operation, conducted primarily:

- (a) for the purchase, sale, lease and rental of personal or real property, or for the manufacture, processing, or marketing of products, commodities or any other personal property;
- (b) for the sale of services to the public;
- (c) by a Nonprofit Organization; or
- (d) for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

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<sup>6</sup> 42 U.S.C. §§ 4601-4655 (2010).

<sup>7</sup> See 42 U.S.C. §§ 4601-4655 (2010); 49 C.F.R. §§ 24.1-24.603 (2011); Tex. Prop. Code § 21.046 (West 2004 & Supp. 2011).

**City** means the City of Fort Worth, a home-rule municipality in the State of Texas.

**City Manager** means the city manager of the City or his designee appointed to administer these rules.

**Comparable Replacement Dwelling** means a comparable replacement dwelling which is:

- (a) decent, safe and sanitary as defined below;
- (b) functionally equivalent and substantially the same as the acquired dwelling with respect to:
  - (1) area of living space;
  - (2) type of construction;
  - (3) age; and
  - (4) state of repair;
- (c) fair housing—open to all persons regardless of race, creed, color, sex, religion, disability, age, national origin, familial status, sexual orientation, transgender, gender identity or gender expression and consistent with the requirements of Title VIII of the Civil Rights Act of 1968 and Section 17-1 of the Fort Worth City Code;<sup>8</sup>
- (d) located in areas not generally less desirable than the dwelling to be acquired with regard to:
  - (1) public utilities; and
  - (2) public and commercial facilities;
- (e) adequate to accommodate the Displaced Person;
- (f) in an equal or better neighborhood;
- (h) available on the market to the Displaced Person; and
- (g) within the financial means of the displaced Family or individual.

**Displaced Person(s)** means:

- (a) Any Person, Business, Farming or Ranching Operation, or Nonprofit Organization that moves from real property or moves personal property from real property as the result of the acquisition of the real property, in whole or in part, or as the result of a written notice from the City to vacate the real property needed

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<sup>8</sup> Fair Housing Act, 42 U.S.C. §§ 3601-3619 (2010).

for a City project. In the case of partial acquisition, the City shall determine if a Person is displaced as a direct result of the acquisition.

- (b) Any Person who moves or discontinues the Person's Business, moves personal property, or moves from the Person's dwelling as a direct result of code enforcement, rehabilitation, or a demolition program, the Person is considered to be displaced because of the acquisition of real property.

**Dwelling** means any single family house, a single family unit in a multi-family building, a unit of a condominium or cooperative housing project, a mobile home, or any other residential unit.

**Existing Patronage** means the annual average dollar volume of business transacted during the two taxable years immediately preceding the taxable year in which the business is relocated.

**Family(ies)** means two or more individuals, one of whom is the head of a household, plus all other individuals regardless of blood or legal ties who live with and are considered a part of the family unit. Where two or more individuals occupy the same dwelling with no identifiable head of a household, they shall be treated as one family for replacement housing payment purposes.

**Farming Operation** means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

**Initiation of Negotiations (for the parcel)** means the date the City makes the first written offer to the Owner (or his designated representative) of the parcel or property to be acquired.

**Mortgage** means such classes of liens as are commonly given to secure advances on real property or the unpaid purchase price of real property under the laws of the State of Texas, together with the credit instruments, if any, secured thereby.

**Nonprofit Organization** means a corporation engaged in a business, professional or instructional activity on a nonprofit basis, necessitating fixtures, equipment, stock in trade, or other tangible property for the carrying on of the business that is incorporated under the applicable laws of a State as a nonprofit organization, and exempt from paying federal income taxes under section 501 of the Internal Revenue Code.<sup>9</sup>

**Owner** means the Person or Persons:

- (a) owning, legally or equitably, the fee simple estate, a life estate, a 99-year lease or other proprietary interest in the property; or
- (b) who has succeeded to any of the foregoing interests at the time of Initiation of Negotiations by devise, bequest, inheritance or operation of law.

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<sup>9</sup> 26 U.S.C. § 501 (2010).

*Person(s)* means any individual, partnership, corporation or association.

***Ranching Operation*** means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including livestock such as herds of cattle, sheep or horses, for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

## **Section V. Standards for Decent, Safe and Sanitary Housing**

Decent, safe and sanitary (DS&S) housing is housing that meets all of the following minimum requirements:

- (a) Conforms to local housing codes of the City. Conforms to all applicable provisions governing existing structures that have been established under City building, plumbing, electrical, housing and occupancy codes and similar ordinances or regulations.
- (b) Water. Has a continuing and adequate supply of potable safe water.
- (c) Kitchen requirements. Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and connected to hot and cold water, and an adequate sewage system. A stove and refrigerator in good operating condition shall be provided if required by City ordinances or custom. When these facilities are not so required by codes, ordinances or custom, the kitchen area or area set aside for such use shall have utility service connections and adequate space for the installation of such facilities.
- (d) Heating requirements. Has adequate gas or electric connections available to maintain a minimum temperature of 70° in the living area under local climatic conditions. Bedrooms are not included in the "living area" as referred to in this paragraph.
- (e) Bathroom facilities. Has a bathroom, well lighted and ventilated and affording privacy to a person within it, containing a lavatory basin and a bathtub or stall shower, properly connected to an adequate supply of hot and cold running water, and a flush closet, all in good working order and properly connected to a sewage disposal system.
- (f) Electric system. Has an adequate and safe wiring system for lighting and other electrical services.
- (g) Structurally sound. Housing appears structurally sound, weather tight, in good repair and adequately maintained.

- (h) Egress. Each building used for Dwelling purposes shall have a safe unobstructed means of egress leading to open space at ground level. Each Dwelling unit in a multi-Dwelling building must have access either directly or through a common corridor to a means of egress to open space at ground level. In multi-Dwelling buildings of three stories or more, the common corridor on each story must have at least two means of egress.
- (i) Habitable floor space. Has 150 square feet of habitable floor space for the first occupant in a standard living unit and at least 100 square feet (70 square feet for mobile homes) of habitable floor space for each additional occupant. The floor space is to be subdivided into sufficient rooms to be adequate for the Family. All rooms must be adequately ventilated. Habitable floor space is defined as that space used for sleeping, living, cooking or dining purposes and excludes such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries and unfurnished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.
- (j) Rental of sleeping rooms. The standards for DS&S housing as applied to rental of sleeping rooms shall include the minimum requirements contained in Subsections (a), (d), (f), (g) and (h) of this Section as well as the following:
  - (1) Habitable floor space. At least 100 square feet of habitable floor space for the first occupant and 50 square feet of habitable floor space for each additional occupant; and
  - (2) Bathroom facilities. Lavatory, bath and toilet facilities that provide privacy including a door that can be locked if such facilities are separate from the room.

## **Section VI. Relocation Assistance**

- (a) Eligibility for participation.
  - (1) Reimbursement requirement. Payment will be made only for the cost of relocating those Persons in occupancy at the time of Initiation of Negotiations, and no payment will be made to any subsequent occupants. Relocation payments to eligible Persons will be made:
    - (A) When a Displaced Person has removed all personal property from the acquired property; and
    - (B) Upon execution of a minimum 1-year lease or purchase contract to occupy an approved DS&S replacement property.

- (2) Interest acquired. The type of interest acquired does not affect the eligibility of relocation costs for reimbursement provided the interest acquired is sufficient to cause displacement.
  - (3) Losses due to negligence. Losses due to negligence of the Displaced Person, his agent or employees are not eligible for payment or reimbursement.
  - (4) Refusal of assistance. A Displaced Person can refuse relocation services and still be eligible for payments. There is no requirement that he accept the services if he wants to relocate on his own. However, he must meet the DS&S requirements and make application within the time limits to qualify for replacement housing payments.
  - (5) Ineligible or Loss of Eligibility. An occupant will not be considered eligible for relocation assistance if properly served a notice of eviction by the Owner prior to the time a notice of eligibility is given by the City.
- (b) Organization requirements for administration of relocation assistance programs.
- (1) Organization and procedures. The relocation assistance program shall provide as a minimum that:
    - (A) Responsibility assigned on project basis. Each project as defined by the City, where relocations will occur, shall have assigned to it one or more individuals or contractors whose primary responsibility is to provide relocation assistance; and
    - (B) Information to be maintained on a project basis. The following shall be maintained and provided for each project:
      - i. lists of replacement Dwellings available to persons without regard to race, creed, color, sex, religion, disability, age, national origin, familial status, sexual orientation, transgender, gender identity or gender expression drawn from various sources, suitable in price, size and condition for Displaced Persons to the extent they are available;
      - ii. lists of comparable commercial properties and locations for displaced businesses; and
      - iii. current data regarding property costs and security deposits, closing costs, typical down payments, interest rates and terms.

- (c) Contracting procedures. Where the City Manager elects to have the relocation services administered by a contractor, the City shall enter into a written contract. The contract shall be submitted to the city council for approval or rejection in accordance with the City's standard procedures.
- (d) Program information. In order to ensure that the Displaced Person has adequate knowledge of the relocation program, City staff shall make available a relocation assistance handbook or brochure outlining relocation guidelines to each Displaced Person.
- (e) Relocation assistance advisory services.
  - (1) General. The City Manager hereby establishes a relocation assistance advisory service program in order to provide assistance to Persons required to relocate. The services shall be provided by personal contact. If such personal contact cannot be made, the City shall document the file to show that reasonable efforts were made to achieve the personal contact.
  - (2) Eligibility. Relocation assistance advisory service shall be offered to all Displaced Persons.
  - (3) Advisory services. The City's relocation assistance advisory service shall:
    - (A) include discussion and explanation of services available, relocation payments and eligibility requirements, and assistance in completing any applications required;
    - (B) provide current information on the availability, prices and rentals of comparable DS&S sales and rental housing, and of comparable commercial properties and locations for displaced businesses; and
    - (C) supply information concerning any federal and state housing programs offering assistance to Displaced Persons.

The amount of the advisory services and extent shall be administered on a reasonable basis commensurate with the Displaced Person's needs.

- (f) Written notices. The following written notices must be furnished to each Displaced Person to insure that he is fully informed of the benefits and services available to him:
  - (1) Notice at Initiation of Negotiations. At the time of Initiation of Negotiations for acquisition of the parcel the following applies:

(A) Owner-occupants of 180 days or more. Simultaneous with the fair market value offer, Owner-occupants of 180 days or more shall be furnished:

- i. a statement which specifies the maximum amount to which he is entitled for the purchase of a replacement Dwelling; and
- ii. an explanation of the eligibility requirements to receive payments for replacement housing, increased interest costs, incidental expenses, and of his option to rent replacement housing unless such explanations are adequately covered in the brochure; and

(B) Owner-occupants of 90 days or more, but less than 180 days. Simultaneous with the fair market value offer, Owner-occupants of 90 days or more, but less than 180 days, shall be furnished:

- i. a statement which specifies the maximum down payment to which he is entitled for the purchase of a replacement Dwelling; and
- ii. an explanation of his option to receive a down payment and incidental expenses to purchase replacement housing and the requirement therefore, and of his option to rent replacement housing unless such explanations are adequately covered in the brochure; and

(C) Tenants. After Initiation of Negotiations for the parcel, tenants shall be personally contacted and furnished in writing:

- i. the date of Initiation of Negotiations for the parcel; and
- ii. a statement which specifies the amount of the rental replacement payment to which he is entitled.

(2) 90-day notice to vacate.

(A) The 90-day notice may be given on or after the Initiation of Negotiations for the parcel and shall include a statement that the Displaced Person will not be required to move from a Dwelling, or to move his Business, Farming, or Ranching Operation before 90 days from the date of the notice. Such notice shall inform the Displaced Person that he will be given a 30-day notice specifying the date by which the property must be vacated. This date may be extended when conditions warrant, but any extension must be in

writing and must give another specific date by which the property must be vacated.

(B) The 30-day notice shall not be given until such time as the City has possession of the property.

(C) A notice is not required if an occupant moves on his own volition or is served a proper notice of eviction by the landlord prior to the time the 90-day notice is given. An occupant becomes ineligible to receive relocation assistance under such circumstances.

(3) Notice of right to appeal. All eligible Displaced Persons shall be furnished a notice of their right to appeal any decision made by the City regarding the relocation services provided under these Relocation Assistance Rules.

## **Section VII. Moving Expenses**

(a) Each Displaced Person shall receive payment for the reasonable expenses of moving his personal property when:

- (1) he is in occupancy at the Initiation of Negotiations for the acquisition of the real property in whole or in part;
- (2) he moves from the real property or moves his personal property from the real property subsequent to the date established in (1) above; and
- (3) the real property is subsequently acquired.

If the move occurs after a written order to vacate is issued the occupant is eligible even though the property is not acquired.

(b) Displaced Persons shall receive payment for only one move.

(c) Reimbursement or payment of moving expenses shall not be made for a move in excess of 50 miles. In the event a Displaced Person desires to move a distance in excess of 50 miles he shall be paid only the reasonable cost of a move up to 50 miles. A Person is not entitled to these relocation costs if they are recoverable under another law. If a Person is entitled to these costs, the costs cannot exceed the market value of the property being moved.<sup>10</sup>

(d) By signed, written prearrangement between the City, acting through the City Manager or his designee, and the Displaced Person, the Displaced Person may present an unpaid moving bill to the City for direct payment.

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<sup>10</sup> TEX. PROP. CODE ANN. § 21.043 (West 2004 & Supp. 2011).

- (e) The City Manager or his designee, acting for the City, may enter into a contract with independent movers on a schedule basis, as set forth in Section VII(k)(2)(ii) herein, and furnish the Displaced Person with a list of movers from which he may choose one to move his property. In such instances, direct payment shall be made to the mover.
- (f) When an actual expense basis, as set forth in Section VII(k)(2) herein, is used and the City Manager determines that it is necessary for a Displaced Person to store his personal property for a reasonable period of time not to exceed 6 months, the cost of such storage may be included as a moving expense. The property shall not be stored on the property being acquired or on other property owned or controlled by the Displaced Person.
- (g) The cost of insurance premiums covering loss and damage of personal property while in storage or transit shall be treated as moving expenses to the extent that the coverage acquired does not exceed the reasonable replacement value of the personal property. Where insurance is not attainable at a reasonable cost, the reasonable replacement value of personal property lost, stolen or damaged (not caused by the fault or negligence of the Displaced Person, his agent or employee) in the process of moving shall be paid to the Displaced Person upon his assigning his rights of recovery against any third party who may be responsible to the City.
- (h) Removal and reinstallation expenses.
  - (1) The expenses of removal, reinstallation and reestablishment of machinery, equipment, appliances and other items that are not personal property are eligible for reimbursement.
  - (2) Delivery of payment checks. The person or persons who establish the moving cost payment shall not deliver the payment to the Displaced Person.
- (i) Claims. In order to obtain a moving expense payment, a Displaced Person must file a written claim with the City within a reasonable time limit determined by the City. The moving expense payment should be made only after the move has been accomplished except as set out above, and after a fully executed release has been delivered to the City, if required.
- (j) Exclusions on moving expenses and losses. The following expenses are considered ineligible for participation as actual moving expenses:
  - (1) Additional expenses incurred because of living in a new location;
  - (2) Cost of moving structures, improvements or other real property in which the Displaced Person reserved ownership;

- (3) Improvements to the replacement site, except when required by law;
- (4) Interest on loans to cover moving expenses;
- (5) Loss of goodwill;
- (6) Loss of business and/or profits;
- (7) Loss of trained employees;
- (8) Personal injury;
- (9) Cost of preparing the application for moving and related expenses; or
- (10) Modification of personal property to adapt it to replacement site except when required by law.

(k) Moving payments to individuals and Families qualifying as a Displaced Person.

(1) General. An individual or Family qualifying as a Displaced Person is entitled to receive a payment for moving his personal property, himself and his Family. The Displaced Person has the option of payment on the basis of actual reasonable moving expenses or a moving expense schedule.

(2) Actual reasonable moving expenses.

(A) Commercial moves.

i. An individual or Family qualifying as a Displaced Person may be paid the actual, reasonable cost of a move accomplished by a commercial mover. Such expense will be supported by receipted bills and is subject to Section VII(d) herein.

ii. The City Manager may contract with independent movers on a schedule basis and furnish the Displaced Person with a list of movers he may choose from to move his property. In such instances the City would pay the mover.

(B) Self-moves. In the case of a self-move the individual or Family qualifying as a Displaced Person may be paid his actual moving costs, supported by receipted bills or other evidence of expenses incurred but such payment may not exceed the estimated cost of moving commercially. The estimated cost may be prepared by a commercial moving company or by a qualified City employee.

- (C) Cost of transportation. The costs of transportation of individuals and Families qualifying as a Displaced Person to the new location are also eligible. Such costs may be on mileage basis, not to exceed the rate allowed by City travel policy as published by the United States General Services Administration for privately owned vehicles,<sup>11</sup> or reasonable actual fees if commercial transport is used and may include special services such as the cost of an ambulance to transport invalid Displaced Persons. The actual reasonable costs of meals and lodging, when the City Manager determines that such costs are required because of unforeseen circumstances or practical necessities of the moving operation, are also eligible.
- (3) Moving expense schedule. An individual or Family qualifying as a Displaced Person is eligible to receive a moving expense allowance based on the "Fixed Moving Expense" used by the Texas Department of Transportation<sup>12</sup> that is in effect on the date the individual or Family is considered a Displaced Person as defined in these rules.
- (1) Moving payments to Businesses.
- (1) General.
- (A) The Owner of an eligible displaced Business is entitled to receive a payment for actual reasonable moving and related expenses which include:
- i. actual reasonable expenses in moving his Business or other personal property; and
  - ii. actual reasonable expenses in searching for a replacement Business location.
- (2) Actual reasonable moving expenses.
- (A) Commercial moves. The Owner of a Business may be paid the actual reasonable cost of a move accomplished by a commercial mover. Such expense will be supported by receipted bills.

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<sup>11</sup> U.S. General Services Administration, Privately Owned Vehicle (POV) Mileage Reimbursement Rates, <http://www.gsa.gov/portal/content/100715> (last updated to be effective Jan. 1, 2015).

<sup>12</sup> Texas Department of Transportation, Section 4: Fixed Moving Expense Payments, [http://onlinemanuals.txdot.gov/txdotmanuals/rel/fixed\\_moving\\_expense\\_payments.htm](http://onlinemanuals.txdot.gov/txdotmanuals/rel/fixed_moving_expense_payments.htm) (last visited March 27, 2015).

(B) Self-moves.

- i. In the case of a self-move, the Owner of a displaced Business may be paid an amount to be negotiated between the City Manager and the Business not to exceed the lower of two firm bids obtained by the City from qualified moving firms; or
- ii. If such bids or estimates cannot be obtained, the Owner may be paid his actual, reasonable moving costs supported by receipted bills or other evidence of expenses incurred.

(3) Actual reasonable expenses in searching for a replacement Business location. The Owner of a displaced Business may be reimbursed for the actual reasonable expenses in searching for a replacement Business location, not to exceed \$500. Such expenses may include transportation expenses, meals, lodging away from the displaced Business Owner's home and the reasonable value of time actually spent in search, including the fees of real estate agents or real estate brokers. All expenses claimed except value of time actually spent in search must be supported by receipted bills.

(4) Small Business reestablishment expense. A Business with less than 500 employees at the site to be acquired is a small Business. A small Business is entitled to receive a payment, not to exceed \$10,000, for expenses actually incurred in relocating and reestablishing the small Business. Reestablishment expenses must be reasonably necessary as determined by the City.

(5) In lieu of actual moving expenses. In lieu of the payments described above, an Owner of a discontinued or relocated Business is eligible to receive a payment equal to the average annual net earnings of the Business except that such payment shall be not more than \$20,000, providing the following requirements are met:

(A) City Manager must determine. For the Owner of a Business to be entitled to this payment, the City Manager must determine that:

i. The Business cannot be relocated without a substantial loss of its Existing Patronage. A determination of loss of Existing Patronage shall be made by the City Manager only after investigation and consideration of all pertinent circumstances, including but not limited to the following factors:

(aa) the type of Business conducted by the displaced concern;

- (bb) the nature of the clientele of the displaced concern; and
    - (cc) the relative importance of the present and proposed location to the displaced Business.
  - ii. The Business is not part of a commercial enterprise having at least one other establishment which is not being acquired by the City and which is engaged in the same or similar Business.
  - iii. The Business contributes materially to the income of the displaced Owner. A part-time individual or Family occupation in the home which does not contribute materially to the income of the displaced Owner is not eligible for this payment
- (B) Payment determination. The term "average annual net earnings" means one-half of any net earnings of the Business before federal income taxes, during the 2 taxable years immediately preceding the taxable year in which the Business is relocated. "Average annual net earnings" include any compensation paid by the Business to the Owner or the Owner's spouse or dependents during the 2-year period. Such earnings and compensation will be established by federal income tax returns filed by the Business and its owner and the Owner's spouse and dependents during the 2-year period. In the case of a corporate Owner of a Business, earnings shall include any compensation paid to the spouse or dependents of the Owner of a majority interest in the corporation. For the purpose of determining majority ownership, stock held by a husband, wife, and any dependent children shall be treated as one unit.
- (C) In Business less than two years. If the Business affected can show that it was in Business 12 consecutive months during the 2 taxable years prior to the taxable year in which it is required to relocate, had income during such period and is otherwise eligible, the Owner of a Business is eligible to receive the "in lieu of" payment. Where the Business was in operation for 12 consecutive months or more but was not in operation during the entire 2 preceding taxable years, the payment shall be computed by dividing the net earnings by the number of months the Business was operated and multiplying by 12. A taxable year is defined as any 12-month period used by the Business in filing income tax returns.
- (D) Owner must provide information. For the Owner of a Business to be entitled to payment, the Business must provide information to

support its net earnings. Federal tax returns for the tax years in question will be accepted as evidence of earnings. Any commonly acceptable method could be accepted such as certified financial statements or an affidavit from the Owner stating net earnings, providing it grants the City the right to review the records and accounts of the Business. The Owner's statement alone will not be sufficient.

## **Section VIII. Replacement Housing Payments**

- (a) General. Individuals and Families are entitled to a replacement housing payment, subject to the limits set out below, in addition to receipt of the fair market value of their property if they agree to a prompt voluntary sale of their property to the City and relocate into DS&S replacement housing, and meet other eligibility requirements as determined by these rules and law. If a Displaced Person requests alternate ownership or tenancy status, the City will make a reasonable effort to accommodate the request. The Displaced Person may relocate to any Dwelling, but the amount actually paid will be the lesser of the actual cost or actual rent of the replacement Dwelling or any housing supplement previously approved by the City.
- (b) Replacement housing payment for Owner-occupant for 180 days or more prior to the Initiation of Negotiations. As determined by the City, a displaced Owner-occupant of a Dwelling may receive a payment or payments, the combined total of which may not exceed \$22,500, for the additional cost necessary to purchase replacement housing, to compensate the Owner for the loss of favorable financing on the Owner's existing Mortgage in the financing of replacement housing, and to reimburse the Owner for incidental expenses incident to the purchase of replacement housing.
- (c) Replacement housing payment to Owner-occupant between 90 and 180 days prior to the Initiation of Negotiations. As determined by the City, a displaced Owner-occupant otherwise eligible except for having owned and occupied the Dwelling for less than 180 days but not less than 90 days prior to the Initiation of Negotiations may receive an amount, not to exceed \$5,250, to enable the Owner-occupant to make a down payment on the purchase of a replacement Dwelling and reimbursement for actual expenses incident to the purchase to the purchase of replacement housing.
- (d) Rental replacement payment to tenant-occupant for 90 days or more who rents prior to the Initiation of Negotiations. As determined by the City, a displaced tenant having occupied the Dwelling for 90 days or more prior to the Initiation of Negotiations is eligible for a rental replacement payment, not to exceed \$5,250.
- (e) Housing of last resort. As determined by City, whenever a project cannot proceed on a timely basis because Comparable Replacement Dwellings are not available

within the monetary limits for Owners or tenants, City may provide additional or alternative assistance.

## **Section IX. Appeals**

- (a) When the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, for federal and federally assisted programs does not apply to the relocation of Displaced Persons, this section will control the appeal process.
- (b) The City shall review all written appeals after receipt in accordance with applicable laws, regulations and the following rules. The City shall consider a written appeal regardless of form. An Aggrieved Party may file an appeal with the City, by submitting such appeal to the Appeal Officer, in any case in which the Aggrieved Party believes that the City has failed to:
  - (1) Properly determine that the Aggrieved Party qualifies, or will qualify (upon moving), as a Displaced Person who is eligible for relocation assistance;
  - (2) Properly determine the amount of any relocation payment. An Aggrieved Party's acceptance of a payment that is less than the full amount claimed does not limit the Aggrieved Party's right to appeal;
  - (3) Provide appropriate referrals to Comparable Replacement Dwellings or inspect the replacement Dwelling in a timely manner; or
  - (4) Waive the time limit for
    - (A) the filing of a claim or an appeal; or
    - (B) purchasing, renting or occupying a replacement Dwelling.
- (c) The time limit for an Aggrieved Party to file an appeal is 60 days after the Aggrieved Party received a written notification of the City's determination on the Aggrieved Party's claim. On a case-by-case basis, for good cause, the City, through the Appeal Officer, can extend such time limit.
- (d) An Aggrieved Party has a right to be represented by legal counsel or other representative in connection with his appeal, but solely at the Aggrieved Party's own expense.
- (e) The City shall permit an Aggrieved Party to inspect and copy all materials pertinent to his appeal. The City may, however, impose reasonable conditions on

the Aggrieved Party's right to inspect, consistent with the Public Information Act and with applicable laws. An Aggrieved Party does not have to submit a Public Information Act request to have the right to inspect and copy all materials pertinent to his appeal, unless the City believes that portions of the materials pertinent to the Aggrieved Party's appeal may contain information that may be exempt from disclosure under the Public Information Act, and then the City may require the Aggrieved Party to submit a request pursuant to the Public Information Act for only those portions of the materials that may be exempt from disclosure, and the Aggrieved Party may inspect and copy all other materials pertinent to his appeal.

- (f) The Appeal Officer will be the official to conduct the review of the appeal. The reviewing official shall not have been directly involved in the action appealed.
- (g) In deciding an appeal, the Appeal Officer shall consider all pertinent justification and other materials submitted by the Aggrieved Party and all other available information that is needed to ensure a fair and full review of the appeal.
- (h) Within 30 days after receipt of all information submitted by an Aggrieved Party in support of an appeal, the Appeal Officer shall make a written determination on the appeal, including an explanation of the basis on which the decision was made, and furnish the Aggrieved Party a copy. If the full relief requested is not granted, the Appeal Officer shall advise the Aggrieved Party of his or her right to seek judicial review of the City's determination on the appeal.
- (i) In the event that an Aggrieved Party's appeal is granted, and the claim is deemed payable by the City, it may be necessary to seek the approval of City Council for any additional funds to be paid to the Aggrieved Party. The City Attorney's Office should be consulted to determine if City Council approval is necessary.
- (j) Nothing in these procedures shall in any way preclude or limit an Aggrieved Party from seeking judicial review of the Aggrieved Party's appeal on its merits after the Aggrieved Party exhausts the administrative remedies described herein.

## **Section X. Modifications to Relocation Assistance Rules**

City Council authorizes the City Manager to make minor modifications to the Relocation Assistance Rules for administration purposes so long as such revisions are not inconsistent with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

**No Documents for this Section**

**City of Fort Worth, Texas**  
**Mayor and Council Communication**

**DATE:** Tuesday, April 7, 2015

**LOG NAME:**

**REFERENCE NO.:** \*\*OCS-1952

**SUBJECT:**

Notices of Claims for Alleged Damages and/or Injuries

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**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, April 1, 2015.

**Attachment**

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**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)

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# CITY COUNCIL MEETING

Tuesday, April 07, 2015

## RISK MANAGEMENT REPORTING PERIOD 3/18/2015 - 3/30/2015

Claims listed on this report have been received in the Risk Management Division claims office. 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
Beverly Campbell	3/18/2015	2/6/2015	WRMC parkng lot	Auto Damage	Collision - Struck while parked	Public Events	No	No
Patricia Neely	3/18/2015	3/10/2015	I-820 N	General Liability	Foreign Object	PACS	No	No
Summit On The Lake	3/19/2015	1/5/2014	6555 Shady Oaks Manor Drive	General Liability	Water Line Damage	Water	Yes	No
AT&T-Selkirk	3/19/2015	1/6/2015	4801 Selkirk Drive	General Liability	Damaged Utility Line	Water	No	No
Summit On The Lake	3/20/2015	3/9/2015	6555 Shady Oaks Manor Drive	General Liability	Contact – Stationary Object	Fire	Yes	No
Erika Arce	3/20/2015	9/22/2014	7201 Old Decatur Road	General Liability	Slip/Trip/Fall	TPW	No	No
Haley Neal	3/23/2015	12/9/2014	3021 Portales Drive	General Liability	Water Main Break	Water	Yes	No

CLAIMANT	DATE RECEIVED	DATE OF INCIDENT	LOCATION	INCIDENT TYPE	ALLEGATION	DEPT	ESTIMATE	INJURY
Donald Bean	3/23/2015	2/1/2015	3029 Altaview	General Liability	Contact – Stationary Object	PACS	No	No
Thigpen B	3/23/2015	9/27/2014	1100 Hemphill Street at 600 W Rosedale Street	Auto Damage	Collision – Moving Impact	Police	No	Yes
Donald Bean	3/23/2015	2/1/2015	3029 Alta View	General Liability	Contact – Stationary Object	Code	Yes	No
Linda Pfaff	3/23/2015	3/6/2015	7109 Willis Avenue	General Liability	Street Condition	TPW	Yes	No
Carmen Holloway	3/23/2015	11/13/2014	1100 E. Broad Street	General Liability	Slip/Trip/Fall	TPW	No	Yes
Thomas Collins	3/23/2015	3/3/2015	Beach & Nothern Cross Boulevard	Auto Damage	Collision – Moving Impact	Police	No	Yes
Angelica Ramirez	3/25/2015	2/10/2015	7800 Camp Bowie Boulevard	Auto Damage	Collision – While driving	Police	Yes	Yes
Rene Trujillo	3/26/2015	3/26/2015	3245 Stanley Avenue	General Liability	Construction Damage	Water	Yes	No
Ninea Loza	3/26/2015	3/2/2015	3604 Stuart Drive	General Liability	Flooding/Drainage Issues	TPW	No	No

CLAIMANT	DATE RECEIVED	DATE OF INCIDENT	LOCATION	INCIDENT TYPE	ALLEGATION	DEPT	ESTIMATE	INJURY
Edward & Bettina Wendel	3/26/2015	3/15/2015	3001 Vicksburg Lane	General Liability	Contact – Stationary Object	Police	Yes	No
Glenn Isbell	3/26/2015	3/17/2015	6433 Curzon Avenue	General Liability	Water Line Damage	Water	No	No
Ramiro Valle	3/27/2015	3/19/2015	1100 Garvey Street	General Liability	Contact – Stationary Object	PACS	Yes	No
Christine Espinoza	3/27/2015	3/7/2015	2015 Columbus Avenue	General Liability	Construction Damage	TPW	No	No
William & Tanya Booth	3/27/2015	1/17/2015	North on 35W near Basswood	General Liability	Street Condition	TPW	Yes	No
Jonathan Almiron	3/30/2015	2/10/2015	360 N & 183 W	General Liability	Street Condition	TPW	Yes	No
William J. T DeMayo	3/30/2015	3/15/2015	309 North Bailey Avenue	General Liability	Sewer Line Damage	Water	No	No
Kurt Nielsen	3/30/2015	3/6/2015	1309 Elizabeth Boulevard	General Liability	Struck or Contact with Foreign Object	PACS	No	No
Tom B. Petty	3/30/2015	1/26/2015	3812 Hamilton Avenue	General Liability	Water Main Break	Water	No	No

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<b>CLAIMANT</b>	<b>DATE RECEIVED</b>	<b>DATE OF INCIDENT</b>	<b>LOCATION</b>	<b>INCIDENT TYPE</b>	<b>ALLEGATION</b>	<b>DEPT</b>	<b>ESTIMATE</b>	<b>INJURY</b>
Jonathan Almiron	3/30/2015	2/10/2015	35W-North	General Liability	Street Condition	TPW	Yes	No

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**No Documents for this Section**

**No Documents for this Section**

Zoning Docket items are linked on the Council Meeting Agenda.

**No Documents for this Section**