



**SUMMARY OF MEETINGS AND ACTIVITIES  
MONDAY, JANUARY 24, 2011, THROUGH FRIDAY, JANUARY 28, 2011**

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**MONDAY, JANUARY 24, 2011**

<u>MONDAY, JANUARY 24, 2011</u>	<u>TIME</u>	<u>LOCATION</u>
Disciplinary Appeals Board – Special Session - Appeal Hearing Regarding Termination Before Hearing Examiner Don E. Williams	9:00 a.m.	Human Resources Department Conference Room 600 908 Monroe Street
Pre-Building Standards Commission	9:30 a.m.	Conference Room 289, City Hall
Building Standards Commission	10:00 a.m.	Council Chamber

**TUESDAY, JANUARY 25, 2011**

Pre-Council Meeting	8:30 a.m.	Pre-Council Chamber
City Council Meeting	10:00 a.m.	Council Chamber
Fort Worth Human Relations Commission	5:30 p.m.	Hazel Harvey Peace Center for Neighborhoods, Room 201 AB 818 Missouri Avenue

**WEDNESDAY, JANUARY 26, 2011**

City Plan Commission, Work Session	12:00 Noon	Pre-Council Chamber
City Plan Commission, Public Hearing	1:30 p.m.	Council Chamber
Capital Improvements Advisory Committee for Transportation Impact Fees	Immediately Following the City Plan Commission	Pre-Council Chamber
Tax Increment Reinvestment Zone No. 3 (Downtown TIF) Board of Directors	2:30 p.m.	Pre-Council Chamber
Parks and Community Services Advisory Board, Tour of Z Boaz Golf Course	3:30 p.m.	R.D. Evans Community Center 3242 Lackland Road
Parks and Community Services Advisory Board, Meeting	4:00 p.m.	R.D. Evans Community Center 3242 Lackland Road
Civil Service Commission	5:30 p.m.	Police and Fire Training Center Classroom D, 1000 Calvert Street

This summary is compiled from data furnished to the Office of the City Secretary by 12:00 noon on January 20, 2011, and may not include all meetings to be conducted during the week of January 24, 2011, through January 28, 2011. It is a summary listing only. See individual agendas which are posted in compliance with the Texas Open Meetings Act for detailed information.



**SUMMARY OF MEETINGS AND ACTIVITIES  
MONDAY, JANUARY 24, 2011, THROUGH FRIDAY, JANUARY 28, 2011**

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**THURSDAY, JANUARY 27, 2011**

**TIME**

**LOCATION**

Appeals Board, Pre-Meeting

8:30 a.m.

Pre-Council Chamber

Appeals Board

9:00 a.m.

Council Chamber

Audit and Finance Advisory Committee

3:00 p.m.

Pre-Council Chamber

**FRIDAY, JANUARY 28, 2011**

**NO MEETINGS**

This summary is compiled from data furnished to the Office of the City Secretary by 12:00 noon on January 20, 2011, and may not include all meetings to be conducted during the week of January 24, 2011, through January 28, 2011. 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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**PRE-COUNCIL MEETING**  
**TUESDAY, JANUARY 25, 2011**  
**8:30 A.M.**  
**PRE-COUNCIL CHAMBER, CITY HALL**  
**1000 THROCKMORTON STREET, FORT WORTH, TEXAS**

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1. Report of the City Manager - **Tom Higgins, Interim City Manager**
  - a. Changes to the City Council Agenda
  - b. Upcoming and Recent Events
  - c. Organizational Updates and Employee Recognition(s)
  - d. Informal Reports
    - [IR 9347](#): Amendment to Economic Development Program Agreement Contract No. 36633 with Carlyle/Cypress West 7th, LP to Allow Collateral Assignment to Lenders
    - [IR 9348](#): January 2011 - Sales Tax Update
    - [IR 9349](#): Enterprise Resource Planning (ERP) Project - Phase I Update
2. Questions Concerning Current Agenda Items - **City Council Members**
3. Responses to Items Continued from a Previous Week
  - a. [M&C L-15096](#) - Authorize Execution of an Encroachment License Agreement with Texas Midstream Gas Services, L.L.C., in the Amount of \$46,827.68 for a 24-inch Natural Gas Pipeline Within a City of Fort Worth Drainage Easement Located Just East of and Adjacent to the Railroad Tracks Between Altamesa Boulevard and Hallmark Drive West (COUNCIL DISTRICT 6) (**Continued from December 7, 2010 by Staff**)
  - b. [M&C L-15098](#) - Authorize Execution of an Underground Pipeline License Agreement with Texas Midstream Gas Services, L.L.C. in the Amount of \$33,927.41 for a 24-Inch Natural Gas Pipeline Across City-Owned Property Situated in the G. Herrera Survey, A-2027 and Located West of Trimble Drive and North of Sheffield Drive (COUNCIL DISTRICT 6) (**Continued from December 7, 2010 by Staff**)
  - c. [M&C C-24577](#) - Authorize the Execution of a Public Right-of-Way Use Agreement Granting Texas Midstream Gas Services, LLC, a License to Construct and Operate a Natural Gas Gathering Pipeline Across Sycamore School Road, Alta Mesa Boulevard and Sheffield Drive, for a One-Time License Fee of \$15,193.75 (COUNCIL DISTRICT 6) (**Continued from December 7, 2010 by Staff**)

- d. ZC-10-094 - Commercial Metals Company, 2400 NE 36th Street; from: "K" Heavy Industrial to: "PD/K" Planned Development for all uses in "K" Heavy Industrial plus metal recycling facility; site plan included. (COUNCIL DISTRICT 2) (**Continued from November 9, 2010 by Council Member Espino**)
- e. ZC-10-187 - Reginald Wilson, 4503 Mansfield Highway; from: "E" Neighborhood Commercial to: "FR" General Commercial Restricted (COUNCIL DISTRICT 5) (**Continued from January 4, 2011 by Council Member Moss**)
- 4. Update on Redevelopment of General Worth Square Park Including the John F. Kennedy Tribute (**Richard Zavala, Parks and Community Services and Andy Taft, Downtown Fort Worth, Inc.**)
- 5. Super Bowl Preparation Follow-Up (**Susan Alanis, City Manager's Office**)
- 6. Briefing on Speaker Card Protocol/Citizen Presentations Options (**Marty Hendrix, City Secretary's Office**)
- 7. Discussion of a Tax Abatement Agreement with Dannon Company (**Robert Sturns, Housing and Economic Development**)
- 8. City Council Requests for Future Agenda Items and/or Reports
- 9. Executive Session - The City Council may conduct a closed meeting as authorized by Section 551.071 of the Texas Government Code to seek the advice of its attorneys on legal issues regarding any matter listed on today's City Council Agendas

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

## **ATTACHMENT**

### **Executive Session (PRE-COUNCIL CHAMBER, CITY HALL) Tuesday, January 25, 2011**

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) Legal issues concerning the hiring of General Counsel to advise the DFW Airport Board; and
- (b) Legal issues regarding proposed rate changes by Oncor Electric Delivery, LLC; and
- (c) I Gotcha, Inc., d/b/a BT Cabaret, Main State Cabaret, and Illusions Gentleman's Club v. City of Fort Worth Civil Action No. 4-11-CV-011-A; and
- (d) City of Fort Worth v. Near Southeast Community Development Corporation, Inc., Cause No. 236-245377-10; and
- (e) Legal issues related to four Fort Worth Selective Traffic Enforcement Program (STEP) grants funded by the Texas Department of Transportation (TxDOT); and
- (f) Legal issues concerning any item listed on today's City Council meeting agendas; and

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

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.

5. Deliberate issues concerning the appointment of an interim City Manager in accordance with Section 551.074 of the Texas Government Code.

6. Deliberate issues concerning the appointment of a City Attorney in accordance with Section 551.074 of the Texas Government Code

**CITY COUNCIL AGENDA  
FOR THE MEETING AT 10:00 A.M. TUESDAY, JANUARY 25, 2011  
CITY COUNCIL CHAMBER, CITY HALL  
1000 THROCKMORTON STREET, FORT WORTH, TEXAS**

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**I. CALL TO ORDER**

**II. INVOCATION** - Pastor Valerie Kitchens, Earth Changers International Ministries

**III. PLEDGE OF ALLEGIANCE**

**IV. CONSIDERATION OF MINUTES OF REGULAR MEETING OF JANUARY 4, 2011**

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

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

**VII. CONSENT AGENDA**

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

**A. General - Consent Items**

1. [M&C G-17176](#) - Authorize Payment of Arbitrage Rebate in an Amount Not to Exceed \$75,000.00 for Water and Sewer System Subordinate Lien Revenue Bonds, Series 2005A and 2005B and Adopt Supplemental Appropriation Ordinance
2. [M&C G-17177](#) - Approve Findings of the Ground Transportation Coordinator Regarding Application of a Black Car Transport Services, L.L.C., to Operate Two Limousines Within the City of Fort Worth and Adopt Ordinance Granting Such Authority
3. [M&C G-17178](#) - Approve Findings of the Ground Transportation Coordinator Regarding Application of AETS LLC, to Operate Fifteen Limousines Within the City of Fort Worth and Adopt Ordinance Granting Such Authority
4. [M&C G-17179](#) - Adopt Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Special Trust Fund by \$455,092.63 to Provide Funding for the City's Energy Savings Performance Contract with Johnson Controls, Inc.
5. [M&C G-17180](#) - Approve Findings of the Ground Transportation Coordinator Regarding the Application of LoneStar BikeCAB to Operate Fifteen Pedicabs Within the City of Fort Worth and Adopt Ordinance Granting Such Authority
6. [M&C G-17181](#) - Acceptance of In-Kind Donation of Motor Oil Valued at \$877.00 from Sam's Club Number

8210 for the Lake Patrol Unit of the Marshal's Office (COUNCIL DISTRICT 7)

7. [M&C G-17182](#) - Adopt the Capital Improvements Plan Citizen Advisory Committee's Semi-Annual Progress Report Concerning the Status of the Water and Wastewater Impact Fees and Capital Improvements Plan
8. [M&C G-17183](#) - Adopt Appropriation Ordinance Allocating \$167,592.00 in the Park Improvements Fund to Transfer to the General Fund to Offset Operation and Oversight Costs of Neighborhood and Community Park Dedication and Adopt Appropriation Ordinance Allocating \$31,200.00 in the General Fund

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

1. [M&C P-11192](#) - Authorize a Purchase Agreement with Murray Energy, Inc., for Gas Monitors, Accessories and Repair Services for the Water Department for an Initial Annual Amount of \$100,000.00
2. [M&C P-11193](#) - Authorize Purchase Agreements with Municipal Water Works Supply, L.P. and Ferguson Enterprises, Inc. d/b/a FERGUSON WATERWORKS for Fire Hydrants and Repair Parts, Respectively, for the Water Department for an Initial Amount of \$150,000.00
3. [M&C P-11194](#) - Authorize a Purchase Agreement with Ferguson Enterprises, Inc., d/b/a FERGUSON WATERWORKS, for Plastic Water and Sewer Pipe for the Water Department for an Initial Annual Amount of \$100,000.00
4. [M&C P-11195](#) - Authorize Non-Exclusive Purchase Agreements with Alamo Industrial Service and RHeron, Inc., for Metal Fabrications and Machine Shop Services for the City of Fort Worth for an Initial Amount of \$140,000.00

**C. Land - Consent Items**

1. [M&C L-15125](#) - Authorize Execution of a Long Term Above-Ground Temporary Water Line Permit Agreement with Quicksilver Resources Inc., in the Amount of \$5,000.00 for One Eight-Inch Pipe Across City-Owned Property Located at 1900 Harriet Creek Drive for a Period of Five Months (COUNCIL DISTRICT 2)
2. [M&C L-15126](#) - Authorize the Direct Sale of A Tax-Foreclosed Property Located at 204 North De Costa to Sam Shaban for \$10,500.00 (COUNCIL DISTRICT 8)
3. [M&C L-15127](#) - Authorize the Direct Sale of Up to Thirty-Seven Tax Foreclosed City Owned Properties Located in the Como Neighborhood to the Fort Worth Housing Finance Corporation for the Project

Known as Lakeside Village Homes in Accordance with Section 34.05 of the Texas Tax Code for an Amount of Up to \$311,911.34 Along with Any Post Judgment Taxes and Authorize Release of Liens (COUNCIL DISTRICT 7)

4. [M&C L-15128](#) - Authorize the Sale of One Hundred Eighty-One Tax-Foreclosed Properties in Accordance with Section 272.001 of the Texas Local Government Code and Section 34.05 of the Texas Property Tax Code for a Total of \$804,161.33 (COUNCIL DISTRICT 2, 3, 4, 5, 7, 8 and 9)
5. [M&C L-15129](#) - Authorize the Purchase of a Fee Simple Interest in 0.4960 Acres of Land Containing Both Vacant and Improved Lots Located at 3458 Lebow Street from Angel and Olga Tovar for a Total of \$185,000.00 and Pay the Estimated Closing Costs of \$5,000.00 for the Lebow Channel Watershed Improvements Project (COUNCIL DISTRICT 2)
6. [M&C L-15130](#) - Authorize the Acquisition of an Easement Interest in 2.49 Acres of Land for a Sanitary Sewer Facility Easement and 4.99 Acres of Land for a Temporary Construction Easement, Located at Wagley Robertson Road in Northwest Fort Worth from Todd Group, Ltd., for the Amount of \$93,604.00 and Pay the Estimated Closing Costs of \$3,000.00 (COUNCIL DISTRICT 7)
7. [M&C L-15131](#) - Authorize the Purchase of a Fee-Simple Interest in 0.007 Acres of Right-of-Way and 0.014 Acres for a Temporary Construction Easement for the East First Street Widening Project, Located at 4017 East First Street from Lula Mae Thedford for a Total of \$400.00 and Pay the Estimated Closing Costs of \$1,000.00 (COUNCIL DISTRICT 4)
8. [M&C L-15132](#) - Authorize the Purchase of a Fee Simple Interest in Land for the East First Street Project, Consisting of Three Right-of-Way Parcels Being 4.068 Acres, 8.905 Acres, and 0.621 Acres, Three Temporary Construction Easements Being 0.308 Acres, 1.290 Acres, and 0.755 Acres and One Permanent Drainage Easement Being 6.128 Acres, all Located Along East First Street, from Patricia Bowen Featherngill LLC, et. al., for a Total of \$327,100.00 and Pay the Estimated Closing Costs of \$6,000.00 (COUNCIL DISTRICT 4)
9. [M&C L-15133](#) - Authorize the Purchase of a Fee Simple Interest in 0.038 Acres of Land for Right-of-Way and 0.020 Acres for a Temporary Construction Easement Located at 4028 East First Street from Sam Cripe for a Total of \$36,500.00 and Pay the Estimated Closing Costs of \$3,000.00 for the Widening of East First Street (COUNCIL

DISTRICT 4)

10. [M&C L-15134](#) - Authorize the Acceptance of a Dedication Deed from Mathew and Victoria Mulvaney at No Cost to the City for 0.001 Acres of Land for the Right-of-Way Required for the Widening of Old Decatur Road from Bailey-Boswell Road to W J Boaz Road (COUNCIL DISTRICT 7)
11. [M&C L-15135](#) - Authorize the Purchase of a Fee Simple Interest in 0.469 Acres of Land for Right-of-Way, Easement Interests in 0.367 Acres for Two Temporary Construction Easements, 0.528 Acres for a Permanent Drainage Easement and 0.171 Acres for a Permanent Slope Easement Located on Dirks Road from Dirks Branch, L.P., for a Total of \$391,400.00 and Pay the Estimated Closing Costs of \$11,000.00 for the Widening of Dirks Road from Bryant Irvin Road to Granbury Road (COUNCIL DISTRICT 3)
12. [M&C L-15136](#) - Authorize the Acquisition of 0.236 Acres of Land for One Permanent Sanitary Sewer Easement Located at Randol Mill Road from Mary E. Dick for the Amount of \$63,620.00 and Pay Estimated Closing Costs of \$3,000.00 (COUNCIL DISTRICT 4)
13. [M&C L-15137](#) - Authorize the Easement Acquisition of 0.4505 Acres of Land for a Sanitary Sewer Facility Easement from Smurfit-Stone Container Corporation, to be Used for the Construction of the Sanitary Sewer Replacement and Relocation Project L-6393 Located at 6701 South Freeway in South Fort Worth for a Purchase Price of \$82,400.00 and Pay the Estimated Closing Costs of \$3,000.00 (COUNCIL DISTRICT 8)

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

1. [M&C PZ-2923](#) - Adopt Ordinance Vacating a Portion of Gambrell Street Between Warren Street and Frazier Avenue (COUNCIL DISTRICT 9)

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

1. [M&C C-24680](#) - Authorize the Execution of an Agreement for Equipment and Professional Services with Scientel Wireless, LLC, Using a Houston-Galveston Area Contract for the Upgrade and Replacement of the Microwave System Supporting the City's Public Safety Radio Communications System for the Information Technology Solutions Department at a Cost Not to Exceed \$1,023,428.00
2. [M&C C-24681](#) - Authorize the City Manager to Execute a Communications Systems Agreement with the City of Watauga for Participation in the City of Fort Worth's Two-Way Public Safety Radio System at No Cost to the City of Fort Worth

3. [M&C C-24682](#) - Approve Exchange of Property Between the City of Fort Worth and the Tarrant Regional Water District for the Construction of a Trailhead Facility and Parking Area Along Riverfront Drive Between University Drive and Rogers Road (COUNCIL DISTRICT 9)
4. [M&C C-24683](#) - Authorize a Change in Use and Expenditure of \$24,737.00 of HOME Investment Partnerships Program Grant Funds to Cornerstone Assistance Network Housing Development Corporation for the Development of Three Single Family Houses in the Polytechnic Neighborhood and Authorize Execution of a Contract and Any Necessary Related Documents (COUNCIL DISTRICT 5)
5. [M&C C-24684](#) - Authorize the Execution of Amendment No. 3 to City Secretary Contract No. 36482, Economic Development Program Agreement with Museum Place Holdings, LLC, Extending Completion Deadlines of the Museum Place Project (COUNCIL DISTRICT 7)
6. [M&C C-24685](#) - Authorize Acceptance of Up to \$700,000.00 of Low Income Weatherization Assistance Program Funds from the Texas Association of Community Action Agencies, Inc., Authorize Related Contract Amendment and Adopt Appropriation Ordinance (ALL COUNCIL DISTRICTS)
7. [M&C C-24686](#) - Authorize Amendment No. 1 in the Amount of \$262,746.60 to City Secretary Contract No. 35581, an Engineering Agreement with Slater Engineering, Inc., for the Storm Water Utility Project Berkshire-Hallmark Drainage Improvements and Adopt Appropriation Ordinance (COUNCIL DISTRICT 6)
8. [M&C C-24687](#) - Authorize Amendment No. 3 in the Amount of \$128,829.00 to City Secretary Contract No. 35274, an Engineering Agreement with AECOM USA, Inc., for the Storm Water Utility Project – Milam-Robinhood Drainage, Far East Fort Worth Drainage and Wilbarger-Hughes Storm Drain Extension (COUNCIL DISTRICT 5)
9. [M&C C-24688](#) - Authorize an Artwork Commission Contract with Artist Julie Lazarus in the Amount of \$111,780.00 for Public Art for the Westside Water Treatment Plant Located at 12200 Old Weatherford Road (COUNCIL DISTRICT 7)
10. [M&C C-24689](#) - Authorize the Execution of Change Order No. 1 in the Amount of \$45,260.00 to City Secretary Contract No. 40752 with Gibson and Associates, Inc., for Bridge Repair and Repainting 2010-13 at Three Locations (COUNCIL DISTRICT 9)
11. [M&C C-24690](#) - Authorize the Execution of a Contract with Veolia ES Technical Solutions, LLC, in an Amount Not to Exceed \$150,000.00 per Year for Packaging, Transportation and Disposal of Hazardous,

- Special and Solid Waste Generated by the City
12. [M&C C-24691](#) - Authorize an Engineering Agreement in the Amount of \$187,234.00 with ARS Engineers, Inc., for the Design of Oakwood Trail Storm Drain Improvements in the Woodhaven Neighborhood (COUNCIL DISTRICT 4)
  13. [M&C C-24692](#) - Authorize the Execution of an Interlocal Agreement with Tarrant County for Rehabilitation of Forest Hill Everman Road from McPherson Road to Oak Grove Road East with City Participation in the Amount of \$128,170.00 (COUNCIL DISTRICT 8)
  14. [M&C C-24693](#) - Authorize the Execution of a Contract with Ed A. Wilson Company, Inc., for Street Construction Improvements Required to Create the Hemphill West Quiet Zone in the Amount of \$258,438.00 (COUNCIL DISTRICT 9)
  15. [M&C C-24694](#) - Authorize the Execution of Change Order No. 1 in the Amount of \$476,172.70 to City Secretary Contract No. 40280 with Cutler Repaving, Inc., for Hot Mix Asphaltic Concrete Hot In-Place Recycling 2010-1 at Two Locations (COUNCIL DISTRICTS 5 and 9)
  16. [M&C C-24695](#) - Authorize the Execution of Change Order No. 1 in the Amount of \$301,828.20 to City Secretary Contract No. 40721 with Quality Excavation, Ltd., for Hot Mix Asphaltic Concrete (HMAC) Surface Overlay 2010-6 at Various Locations (COUNCIL DISTRICTS 2 and 9)
  17. [M&C C-24696](#) - Authorize a Storm Water Facility Maintenance Agreement with Southwest Baptist Theological Seminary for Property Located on the Corner of West Fuller Street and Stanley Avenue at No Expense to the City of Fort Worth (COUNCIL DISTRICT 9)
  18. [M&C C-24697](#) - Authorize a Contract in the Amount of \$587,735.00 with Conatser Construction TX, LP, for Apron C Expansion Improvements at Fort Worth Meacham International Airport and Adopt Appropriation Ordinance in the Amount of \$646,508.50 for These Improvements (COUNCIL DISTRICT 2)
  19. [M&C C-24698](#) - Authorize an Engineering Services Agreement in the Amount of \$245,919.00 with Garver, LLC, for the Design, Bidding and Construction Phase Services for Terminal Area Taxilane and Apron Improvements at Fort Worth Meacham International Airport, Authorize Project Management, Administration and Related Expenses in the Amount of \$24,591.90 and Adopt Appropriation Ordinance (COUNCIL DISTRICT 2).
  20. [M&C C-24699](#) - Authorize Change Order No. 1 in the Amount of \$643,556.41 to City Secretary Contract No.

40610 with S.J. Louis Construction of TX, Ltd., for Water and Sanitary Sewer Relocations for SH121T Crossing West of the Hulen Street Bridge within the Union Pacific Railroad Davidson Rail Yard, Part 2-Hulen Street Bridge and Water Main Extension from Hulen Street to Como Pump Station, Part 2 (COUNCIL DISTRICT 3)

21. [M&C C-24700](#) - Authorize the Execution of an Engineering Agreement with Camp, Dresser and McKee, Inc., in the Amount of \$500,000.00 for General Engineering Support on Water and Wastewater Projects (ALL COUNCIL DISTRICTS)
22. [M&C C-24701](#) - Approve Amendment to Community Facilities Agreement, City Contract No. 39046, with Everman Independent School District and Authorize City Participation in an Amount of \$143,983.92 for Construction of 16-inch Water Main to Serve Everman Independent School District Junior High School, a Development Located In Fort Worth (COUNCIL DISTRICT 8)
23. [M&C C-24702](#) - Approve Community Facilities Agreement in the Amount of \$42,872.19 with UT Southwestern Moncrief Cancer Center for Construction of Water and Sewer Services to Serve UT Southwestern Moncrief Cancer Center Located in Fort Worth with City Participation (COUNCIL DISTRICT 9)
24. [M&C C-24703](#) - Authorize an Engineering Agreement in the Amount of \$800,750.00 with Freese and Nichols, Inc., to Design Village Creek Wastewater Treatment Plant Deep Bed Media Filters (1 through 20) Modifications (COUNCIL DISTRICT 5)

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

1. OCS - 1800 - Notice of Claims for Alleged Damages and/or Injuries

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

1. Presentation of the Engineering News-Record 2010 "Best of Texas" Award to the Western Heritage Parking Garage

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

1. Upcoming and Recent Events
2. Recognition of Citizens

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

1. Changes in Membership on Boards and Commissions

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

#### **XIII. RESOLUTIONS**

1. A Resolution Adopting the City of Fort Worth's 2011 Federal Legislative Program

2. A Resolution Adopting Applicable Sections of the Texas Municipal League's 2011 Legislative Program
3. A Resolution Approving the Fiscal Year 2010-11 Tarrant County 9-1-1 District Budget
4. A Resolution Appointing Managers for the Villas of Eastwood Terrace, LLC

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

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

##### **B. General**

1. [M&C G-17184](#) - Authorize an Inter-Fund Loan in the Amount of \$1,500,000.00 from the General Fund for Interim Financing of Transportation Utility Project Costs, Authorize the Transfer of \$1,500,000.00 from the General Fund to the Transportation Utility Fund and Adopt Appropriation Ordinance
2. [M&C G-17185](#) - Appointment of Sarah Fullenwider as City Attorney
3. [M&C G-17186](#) - Authorize the Execution of a Loan Agreement with Fort Worth Air and Space Museum Foundation for Up to \$3 Million from the General Fund and Other Agreements Necessary to Secure Such Loan
4. [M&C G-17187](#) - Adopt Resolution Appointing Board of Directors of Alliance Airport Authority, Inc.
5. [M&C G-17188](#) - Authorize a Change in Use and Expenditure of \$638,267.00 of Additional Community Development Block Grant Funds to Reconstruct Residential Streets and Authorize Substantial Amendment to the City's 2004-05, 2005-06, 2006-07, 2007-08, 2008-09 Action Plans (COUNCIL DISTRICTS 2, 3, 5, 7, 8, AND 9)
6. [M&C G-17189](#) - Adopt an Ordinance Amending the Speed Zone Tables in Chapter 22, Motor Vehicles and Traffic, Article III, Section 22-86, Speeding, Subsections (f) and (g), of the City Code (COUNCIL DISTRICTS 2, 3, 6 and 7)
7. [M&C G-17190](#) - Authorize an Increase to the Maximum Amount to be Paid to the City of Mansfield for Detention and Transport Services and Texas Industrial Security, Inc., for Detention and Hospital Guard Services of Fort Worth Prisoners by a Combined Sum of \$317,988.00 and Adopt the Supplemental Appropriation Ordinance Increasing Appropriations in the General Fund by \$317,988.00 and Decreasing the **Unaudited, Unreserved, Undesignated General Fund Balance** by the Same Amount
8. [M&C G-17191](#) - Adopt Appropriation Ordinance for \$28,000,000.00 from Texas Water Development Board's Clean Water State Revolving Loan Fund to Eliminate Sanitary Sewer Overflows and to

Replace a Sanitary Sewer Along the South Shore  
of the Trinity River

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

**D. Land**

1. [M&C L-15096](#) - Authorize Execution of an Encroachment License Agreement with Texas Midstream Gas Services, L.L.C., in the Amount of \$46,827.68 for a 24-inch Natural Gas Pipeline Within a City of Fort Worth Drainage Easement Located Just East of and Adjacent to the Railroad Tracks Between Altamesa Boulevard and Hallmark Drive West (COUNCIL DISTRICT 6) **(Continued from a Previous Meeting)**
2. [M&C L-15098](#) - Authorize Execution of an Underground Pipeline License Agreement with Texas Midstream Gas Services, L.L.C. in the Amount of \$33,927.41 for a 24-Inch Natural Gas Pipeline Across City-Owned Property Situated in the G. Herrera Survey, A-2027 and Located West of Trimble Drive and North of Sheffield Drive (COUNCIL DISTRICT 6) **(Continued from a Previous Meeting)**

**E. Planning & Zoning - None**

**F. Award of Contract**

1. [M&C C-24577](#) - Authorize the Execution of a Public Right-of-Way Use Agreement Granting Texas Midstream Gas Services, LLC, a License to Construct and Operate a Natural Gas Gathering Pipeline Across Sycamore School Road, Alta Mesa Boulevard and Sheffield Drive, for a One-Time License Fee of \$15,193.75 (COUNCIL DISTRICT 6) **(Continued from a Previous Meeting)**
2. [M&C C-24704](#) - Adopt a Supplemental Appropriation Ordinance Increasing Appropriations in the Information Systems Fund in the Amount of \$442,389.00 and Decreasing the **Unaudited, Unreserved, Undesignated Information Technology Fund Balance** by the Same Amount and Authorize Execution of a Contract for Microsoft Software Licenses and Maintenance from Dell Marketing, Inc., Using a State of Texas Department of Information Resources Contract DIR-SDD-1014 for a Cost of \$722,389.15
3. [M&C C-24705](#) - Authorize the Execution of a Public Right-of-Way Use Agreement Granting Barnett Gathering, LP, a License to Construct and Operate a Natural Gas Gathering Pipeline Across West Berry Street, South Main Street, East Allen Avenue, West Jessamine Street, Bewick Street, Biddison Street, Dickson Street, Ramsey Avenue, Morningside Drive, Bowie Street and Page Avenue for a One-

Time License Fee of \$37,820.75 (COUNCIL DISTRICT 9)

4. [M&C C-24706](#) - Authorize the Execution of a Public Right-of-Way Use Agreement Granting Peregrine Pipeline Company, L.P., a License to Construct and Operate a Natural Gas Gathering Pipeline Across South Pipeline Road, East of Royal Parkway, for a One-Time License Fee of \$3,179.00 (COUNCIL DISTRICT 5)
5. [M&C C-24707](#) - Authorize the Execution of a Public Right-of-Way Use Agreement Granting Barnett Gathering, LP, a License to Construct and Operate a Natural Gas Gathering Pipeline Across West Jessamine Street, East of Jennings Avenue (COUNCIL DISTRICT 9)
6. [M&C C-24708](#) - Authorize the Execution of a Public Right-of-Way Use Agreement Granting Burnett Oil Company, Inc., a License to Construct and Operate a Natural Gas Gathering Pipeline Across Long Avenue, West of Half Moon Drive for a One-Time License Fee of \$22,814.00 (COUNCIL DISTRICT 4)
7. [M&C C-24709](#) - Authorize an Expenditure of \$1,100,000.00 of HOME Investment Partnerships Program Grant Funds to Bonnie Brae, L.P., in the Form of a Subordinate Interim Loan for the Development of the Bonnie Brae Estates, a Single Family Rental Subdivision Located at 3715 NE 28th Street and 3650 Kimbo Road, Authorize the Execution of a Conditional Commitment and Contract, and Authorize a Substantial Amendment to the City's 2007-2008 and 2008-2009 Action Plans (COUNCIL DISTRICT 4)
8. [M&C C-24710](#) - Authorize a Change in Use and Expenditure of \$320,000.00 of HOME Investment Partnership Program Grant Funds to Cornerstone Assistance Network Housing Development Corporation for the Development of Three Single Family Houses in the Polytechnic/Wesleyan Neighborhood, Authorize the Execution of Conditional Commitment and Contract and Authorize a Substantial Amendment to the City's 1996-1997, 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008 and 2009-2010 Action Plans (COUNCIL DISTRICT 5)
9. [M&C C-24711](#) - Authorize a Change in Use and Expenditure of \$315,056.00 of HOME Investment Partnerships Program Grant Funds to Lakeside Village Ltd., in the Form of a Subordinate Interim Loan for the Development of Lakeside Village Homes, Single Family Rental Housing in the Como Neighborhood, Authorize the Execution of a Conditional Commitment and Contract and Authorize a Substantial Amendment to the City's 2005-2006, 2007-2008, 2008-2009 and 2010-

- 2011 Action Plans (COUNCIL DISTRICT 7)
10. [M&C C-24712](#) - Authorize a Change in Use and Expenditure of Up to \$470,000.00 of HOME Investment Partnerships Program Grant Funds to the Neighborhood Land Corporation for the Development of Up to Seven Single Family Houses, Authorize the Execution of a Conditional Commitment and Contract and Authorize a Substantial Amendment to the City's 2007-2008, 2008-2009, 2009-2010 and 2010-2011 Action Plans (COUNCIL DISTRICTS 5 & 7)
  11. [M&C C-24713](#) - Authorize a Change in Use and Expenditure of \$850,000.00 of HOME Investment Partnerships Program Grant Funds to Esperanza Cove, Ltd., in the Form of a Subordinate Interim Loan for the Development of Esperanza Cove Senior Apartments, Multifamily Senior Housing Located at 2819 East Belknap Street, Authorize the Execution of a Conditional Commitment and Contract and Authorize a Substantial Amendment to the City's 2010-2011 Action Plan (COUNCIL DISTRICT 2)
  12. [M&C C-24714](#) - Authorize a Change in Use and Expenditure of \$381,931.00 of HOME Investment Partnerships Program Grant Funds to Tarrant County Housing Partnership, Inc., for the Development of Three Single Family Houses in the Hillside-Morningside Neighborhood, Authorize the Execution of Conditional Commitment and Contract and Authorize a Substantial Amendment to the City's 2010-2011 Action Plan (COUNCIL DISTRICT 8)
  13. [M&C C-24715](#) - Authorize the Execution of a Contract in the Amount of \$2,289,229.10 with Conatser Construction TX, LP, for Pavement Reconstruction and Water and Sanitary Sewer Main Replacement on Crestline Road, Dexter Avenue, Fredrick Street and Sutter Street and Adopt Appropriation Ordinance (COUNCIL DISTRICT 7)
  14. [M&C C-24716](#) - Authorize the Execution of a Contract in the Amount of \$1,148,630.90, with Conatser Construction TX, LP, for Pavement Reconstruction and Water and Sanitary Sewer Main Replacement on Portions of Biddison Street, Blodgett Avenue, Eugene Avenue and East Butler Street and Adopt Appropriation Ordinance (COUNCIL DISTRICT 9)
  15. [M&C C-24717](#) - Authorize the Execution of a Contract in the Amount of \$1,443,055.50, with CPS Civil, LLC, for Pavement Reconstruction and Water Main Replacement on Portions of Sixth Avenue, South Lake Street and South Henderson Street and Adopt Appropriation Ordinance (COUNCIL DISTRICT 9)
  16. [M&C C-24718](#) - Authorize Amendment No. 7 to City Secretary

Contract No. 29110 with Johnson Controls, Inc., in the Amount of \$3,085,591.00, Plus \$125,000.00 in Contingency Funds, to Implement Phase VI-b of the City's Energy Savings Performance Contract at Selected City-Owned Facilities (ALL COUNCIL DISTRICTS)

17. [M&C C-24719](#) - Authorize the Execution of a Contract with Ark Contracting Services, LLC, in the Amount of \$7,379,345.00 for the Modifications to Bar Screen Building Three and Junction Box Rehabilitation at Village Creek Water Reclamation Facility (COUNCIL DISTRICT 5)
18. [M&C C-24720](#) - Authorize the Execution of the Strategic Partnership Agreement, Development Agreement, Agreement Concerning Operation of South Denton County Water Control and Improvement District No. 1 and Agreements Concerning Water and Wastewater Utility Service for the Brookfield Development Located Contiguous to State Highway 114 in the Extraterritorial Jurisdiction of the City of Fort Worth

## XV. ZONING HEARING

1. **Zoning Docket No. ZC-10-094 - (CD 2)** - Commercial Metals Company, 2400 NE 36th Street; from: "K" Heavy Industrial to: "PD/K" Planned Development for all uses in "K" Heavy Industrial plus metal recycling facility; site plan included. **(Recommended for Approval) (Continued from a Previous Meeting)**
2. **Zoning Docket No. ZC-10-187 - (CD 5)** - Reginald Wilson, 4503 Mansfield Highway; from: "E" Neighborhood Commercial to: "FR" General Commercial Restricted **(Recommended for Approval)(Continued from a Previous Meeting)**

## XVI. CITIZEN PRESENTATIONS

1. Mr. Joe Don Brandon, P.O. Box 1155, "The T Disabled and Mits+1, ID's should be marked with pet or wheelchair for Bus Driver support and control, Doctor issued services on the T Buses, and ordinance controlling the sale of used electric wheelchairs".

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

## XVIII. ADJOURNMENT

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

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***This facility is wheelchair accessible. For accommodations or sign interpretive***

***services, please call the City Manager's Office at 817-392-6143, 48 hours in advance.***



**AUDIT AND FINANCE ADVISORY COMMITTEE  
AGENDA  
Thursday, January 27, 2011  
3:00 p.m.**

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

Council Member Jungus Jordan, Chair  
Council Member Kathleen Hicks, Vice Chair  
Mayor Pro Tem Danny Scarth  
Carter Burdette, Council Member  
John Stevenson, Citizen  
Vickie Stevens, Citizen

Tom Higgins, Interim City Manager  
Karen Montgomery, Assistant City Manager  
Lena Ellis, Financial Management Services Director/CFO  
Peter Vaky, Senior Assistant City Attorney  
Darlene Allen, City Auditor  
Virginia Gomez, Recording Secretary

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|---|--|
| <b>1. Call to Order/Welcome</b>   | Council Member Jungus Jordan, Chair                        |
| <b>2. Approval of Minutes from Meeting Held November 10, 2010</b>   | Committee  |
| <b>3. Governmental Accounting Standards Board (GASB) Update Review of 2010 Audit Scope Memo</b>   | Terry Kile<br>Deloitte & Touche                            |
| <b>4. Update on Fiscal Year 2010 Comprehensive Annual Financial Report (CAFR)</b>   | Lena Ellis, FMS Director/CFO<br>Kevin Smith, Crowe Horwath |
| <b>5. Executive Session</b><br>The Audit and Finance Advisory Committee will conduct a closed meeting, as necessary, to seek the advice of its attorneys regarding the following 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: (i) legal issues concerning any current agenda items. |  |
| <b>6. Future Agenda Items</b>   | Committee  |
| <b>7. Next Meeting – Thursday, February 24, 2011, at 3:00 p.m. in the Pre-Council Chambers</b>  |  |
| <b>8. Adjournment</b>   |  |

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

**ASSISTANCE AT THE PUBLIC MEETING**

The Fort Worth City Hall and the Pre-Council Chambers are wheelchair accessible. Access to the building and special parking are available at the south end of City Hall off of Texas Street. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hard of hearing, readers, or large print, are requested to contact Virginia Gomez at 817-392-1206, e-mail: [Virginia.Gomez@fortworthgov.org](mailto:Virginia.Gomez@fortworthgov.org), or call TDD 817-392-8856 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

**City of Fort Worth  
Audit and Finance Advisory Committee  
Minutes of the Meeting Held  
November 10, 2010**

**Committee Members Present:**

Jungus Jordan, Council Member and Committee Chair  
Kathleen Hicks, Council Member and Committee Vice Chair  
Danny Scarth, Mayor Pro Tem and Committee Member  
Carter Burdette, Council Member and Committee Member  
Vickie Stevens, Citizen Appointee  
John M. Stevenson, Citizen Appointee

**Absent:**

**City Staff Present:**

Karen Montgomery, Assistant City Manager  
Darlene Allen, City Auditor  
Lena Ellis, Director of Financial Management Services  
Maleshia Farmer, Assistant City Attorney

**Call to Order**

Chairman Jordan called the meeting to order at 4:00.

**Approval of Minutes**

Mr. Stevenson made a motion for approval; Ms. Stevens seconded the motion and the Committee voted unanimously for approval of the October 20th meeting minutes.

**Discussion of Cable  
Broadcasting of Audit &  
Finance Advisory  
Committee Meeting**

Jason Lamers, Manager  
Office of Media & Public Affairs  
In response to the ongoing search for an appropriate recurring meeting time to conduct the Audit and Finance Advisory Committee meetings, Mr. Lamers defined limitations involving staff and technical capability that have a direct impact on prospective meeting dates and times. The first consideration was technical limitations. When both the Council Chambers and Pre-Council Chambers are in use at the same time, the television equipment cannot be fully utilized for both meetings. Only one meeting can get full service. The meeting that is not being broadcast live can only be recorded on videotape and provided to the public at a later date, after considerable post-production work by the Cable Office producers. Addressing the second issue of staff limitations, Mr. Lamers advised that due to recent staff reductions, there are now only two producers that are qualified to accomplish the post production tasks. He asked the Committee to consider these limitations while searching for a new meeting date and time.

**Update on Fiscal Year  
2010 Comprehensive  
Annual Financial Report  
(CAFR)**

Lena Ellis, FMS Director/CFO  
Kevin Smith, Crowe Horwath  
While introducing Mr. Smith, Ms. Ellis advised committee members that city staff has begun preparing the FY2010 CAFR. She also reminded everyone that the FY2009 CAFR was submitted to the Government Finance Officers Association (GFOA) for consideration for a Certificate of Achievement award. To date, the GFOA has not provided a

**City of Fort Worth  
Audit and Finance Advisory Committee  
Minutes of the Meeting Held  
November 10, 2010**

response.

Mr. Smith indicated that the CAFR team has just begun the effort and there are no significant issues to report at this time. Mr. Smith reviewed the overall project plan, including the project approach, timeline, milestones, risks and next steps. The project approach involves three key phases; 1) planning the engagement, 2) CAFR preparation, and 3) audit assistance. As of this report, Phase 1 has been completed and Phase two is underway with a goal to have a trial balance to the external audit team of Deloitte and Touche by January 3, 2011.

**Discussion of Retirement  
Plan Modification Options**

Karen Montgomery, Assistant City Manager

Ms. Montgomery's presentation was originally provided to the City Council on November 9, 2010. The goal of this presentation was to raise awareness and promote discussion within the Committee. To demonstrate the health of the pension fund, Ms. Montgomery graphically exhibited the difference in plan performance using a fifty year model when a one percent variance in return on investment is realized. Comparing the different returns on investments to the plan's liabilities help to define the differing levels of unfunded liability. While it is not bad to have an unfunded liability, the City should be able to measure its ability to pay off that liability. Government Accounting Standards Board (GASB) recommends a thirty-year time frame to amortize the liability. In recognition of the preceding information, city staff made a recommendation to Council to modify the pension plan to a Cash Balance plan. A Cash Balance plan is a defined benefit plan that defines the promised benefit in terms of a stated account balance. Ms. Montgomery compared and contrasted the details of the existing retirement plan to the proposed cash balance plan as a review of the rationale for staff's recommendation to Council.

<b>Executive Session</b>	Not Required
<b>Future Agenda Items</b>	None
<b>Next Meeting</b>	Thursday, January 27, 2011 at 3:00 p.m. in the Pre Council Chamber
<b>Adjournment</b>	Meeting adjourned.



Updated January 20, 2011

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

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January 25, 2011

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

**Continued Items:**

- **M&C L-15096** - Authorize Execution of an Encroachment License Agreement with Texas Midstream Gas Services, L.L.C., in the Amount of \$46,827.68 for a 24-inch Natural Gas Pipeline Within a City of Fort Worth Drainage Easement, Located Just East of and Adjacent to the Railroad Tracks, Between Altamesa Boulevard and Hallmark Drive West (**Continued from December 7, 2010 by Staff**)
- **M&C L-15098** - Authorize Execution of an Underground Pipeline License Agreement with Texas Midstream Gas Services, L.L.C. in the Amount of \$33,927.41 for a 24-Inch Natural Gas Pipeline Across City-Owned Property Situated in the G. Herrera Survey, A-2027 and Located West of Trimble Drive and North of Sheffield Drive (**Continued from December 7, 2010 by Staff**)
- **M&C C-24577** - Authorize the Execution of a Public Right-of-Way Use Agreement Granting Texas Midstream Gas Services, LLC, a License to Construct and Operate a Natural Gas Gathering Pipeline Across Sycamore School Road, Alta Mesa Boulevard and Sheffield Drive, for a One-Time License Fee of \$15,193.75 (**Continued from December 7, 2010 by Staff**)
- **ZC-10-094** - Commercial Metals Company, 2400 NE 36th Street; from: "K" Heavy Industrial to: "PD/K" Planned Development for all uses in "K" Heavy Industrial plus metal recycling facility; site plan included (**Continued from November 9, 2010 by Council Member Espino**)
- **ZC-10-187** - Reginald Wilson, 4503 Mansfield Highway; from: "E" Neighborhood Commercial to: "FR" General Commercial Restricted (**Continued from January 4, 2011 by Council Member Moss**)
- Update on Redevelopment of General Worth Square Park including the John F. Kennedy Tribute [*Richard Zavala, Parks and Community Services and Andy Taft, Downtown Fort Worth, Inc.*]
- Super Bowl Preparation Follow-Up [*Susan Alanis, City Manager's Office*]
- Briefing on Speaker Card Protocol/Citizen Presentations Options [*Marty Hendrix, City Secretary's Office*]
- Discussion of a Tax Abatement Agreement with Dannon Company [*Robert Sturns, Housing and Economic Development*]

January 27, 2011      **(Thursday)**

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



Updated January 20, 2011

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

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**February 1, 2011**      **Monthly Zoning Meeting**

***1:00 p.m. Housing and Economic Development Committee***  
***Housing Finance Corporation (TBD)***  
***Local Development Corporation (TBD)***  
***Alliance Airport Authority, Inc. (TBD)***  
***3:00 p.m. Pre-Council Meeting***

**Continued Items:**

- **M&C G-17140** - Conduct a Public Hearing, Adopt a Resolution Designating the Six Points Area as a Neighborhood Empowerment Zone and Adopt an Ordinance Designating the Six Points Area as Neighborhood Empowerment Reinvestment Zone No. 38  
**(Continued from December 7, 2010 by Council Member Espino)**
- **ZC-10-150A** - City of Fort Worth Planning & Development Department, Central Meadowbrook Neighborhood, Phase 2, 5221 and 5401 E. Lancaster Avenue; from: "F" General Commercial to: "E" Neighborhood Commercial **(Continued from December 7, 2010 by Council Member Burns)**
- **ZC-10-180** – City of Fort Worth Planning & Development, 401 Ridgeview Circle; from: Unzoned to: "FR" General Commercial Restricted **(Continued from January 4, 2011 by Council Member Espino)**
- **ZC-10-183** - City of Fort Worth Planning and Development: Text Amendment, Mixed Use Districts Amendment: 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 to Amend:
  - **ZC-10-183A.** Article 9 “Residential Districts”, of Chapter 4, “District Regulations” to amend a Mixed-Use Zoning District, Section 4.902, “Low Intensity Mixed-Use” (MU-1) District and establish Development Standards for the district; amending Chapter 9 to add definitions related to Low Intensity Mixed-Use District(MU1);
  - **ZC-10-183B.** Article 9 “Residential Districts”, of Chapter 4, “District Regulations” to amend a Mixed-Use Zoning District, Section 4.903, “Low Intensity Greenfield Mixed-Use” (MU-1G) District and establish Development Standards for the District; Amending Chapter 9 to add definitions related to Low Intensity Greenfield Mixed-Use District (MU1-G);



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**City of Fort Worth**  
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**February 1, 2011** (continued)

**Continued Items:**

- **ZC-10-183C.** Article 10 “Industrial Districts”, of Chapter 4, “District Regulations” to amend a Mixed-Use Zoning District, Section 4.1001, “High Intensity Mixed-Use” (MU-2) District and establish Development Standards for the District (MU2);
  - **ZC-10-183D.** Article 10 “Industrial Districts”, of Chapter 4, “District Regulations” to amend a Mixed-Use Zoning District, Section 4.1002, “High Intensity Greenfield Mixed-Use” (MU-2G) District and establish Development Standards for the District (MU2-G);  
**(Continued from December 7, 2010 by Council Member Burdette)**
- o Discussion of Fort Worth’s 2011 Federal Legislative Program [*Shirley Little, Government Relations and Pete Rose, The Franklin Partnership*]
  - o Proposed Merger of City Plan Commission and Zoning Commission [*Dana Burghdoff, Planning and Development, Namon Hollis, Jr., Chair of City Plan Commission and Neftali Ortiz, Chair of Zoning Commission*]

**February 8, 2011**

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

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

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

- o Proposed 2011 Comprehensive Plan and FY2009-FY2010 Progress and Priorities Report [*Dana Burghdoff, Planning and Development*]

**February 15, 2011**

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

- o Update on AllianceTexas Economic Development [*Susan Alanis, City Manager’s Office and Mike Berry, Alliance Airport*]



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*February 22, 2011*

*8:30 a.m. Pre-Council Meeting (cancelled)*  
*7:00 p.m. Fort Worth Crime Control and Prevention District Board of Directors Meeting (Pre-Council Chambers)*

*February 24, 2011* *(Thursday)*

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

*March 1, 2011* *Monthly Zoning Meeting*

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

*March 2, 2011*

*Tarrant County Days (Austin, TX)*

*March 3, 2011*

*Tarrant County Days (Austin, TX)*

*March 8, 2011*

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



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*March 15, 2011*

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

*March 22, 2011*

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

*March 24, 2011* *(Thursday)*

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

*March 29, 2011*

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

*April 5, 2011*     *Monthly Zoning Meeting*

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

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

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

*April 12, 2011*

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

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

*April 19, 2011*

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



*Updated January 20, 2011*

*City of Fort Worth  
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**April 26, 2011**

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

**April 28, 2011 (Thursday)**

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



**CITY OF FORT WORTH, TEXAS  
REGULAR CITY COUNCIL MEETING  
JANUARY 4, 2011**

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**Present**

Mayor Mike Moncrief  
Mayor Pro tem Daniel Scarth, District 4  
Council Member Salvador Espino, District 2  
Council Member W. B. "Zim" Zimmerman, District 3  
Council Member Frank Moss, District 5  
Council Member Jungus Jordan, District 6  
Council Member Carter Burdette, District 7  
Council Member Kathleen Hicks, District 8  
Council Member Joel Burns, District 9

**Staff Present**

Tom Higgins, Interim City Manager  
Gerald Pruitt, Deputy City Attorney  
Marty Hendrix, City Secretary

**I. CALL TO ORDER**

With a quorum of the City Council Members present, Mayor Moncrief called the regular session of the Fort Worth City Council to order at 7:13 p.m., on Tuesday, January 4, 2011, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102.

**II. INVOCATION - Dr. Fritz Ritsch, Saint Stephen Presbyterian Church**

The invocation was provided by Dr. Fritz Ritsch, Saint Stephen Presbyterian Church.

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**IV. CONSIDERATION OF MINUTES OF REGULAR MEETING OF DECEMBER 14, 2010**

Motion: Council Member Jordan made a motion, seconded by Council Member Zimmerman, that the minutes of the regular meeting of December 14, 2010, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

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

Interim City Manager Higgins requested that Mayor and Council Communication No. G-17163 be withdrawn from the Consent Agenda.

Council Member Moss requested that Mayor and Council Communication No. PZ-2920 be withdrawn from the Consent Agenda.

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

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

**VII. CONSENT AGENDA**

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

**A. General - Consent Items**

**2. M&C G-17164 - Authorize Payment of the City of Fort Worth's Assessed Pro Rata Allocation of the Denton County Appraisal District's Budget for January through December 2011 for an Amount Up to \$67,923.80.**

The City Council Approved the Following Recommendation: Authorize Payment for an Amount Up to \$67,923.80 for the City of Fort Worth's Assessed Pro Rata Allocation of the Denton County Appraisal District's 2011 Budget for the Months of January Through December 2011.

**3. M&C G-17165 - Authorize the Purchase of Excess Workers Compensation Insurance Policy for 2011 from Star National Insurance Company through McGriff, Seibels and Williams of Texas, Inc., in the Amount of \$399,180.00.**

The City Council Approved the Following Recommendation: Authorize the City Manager to Purchase an Excess Workers Compensation Insurance Policy From Star National Insurance Company Through McGriff, Seibels and Williams of Texas, Inc., in the Amount of \$399,180.00.

**4. M&C G-17166 - Authorize Continuation of the Military Pay Supplement Benefit and Military Leave Fund Policy Until December 31, 2011.**

The City Council Approved the Following Recommendation: Authorize the Continuation of the Military Pay Supplement Benefit and Military Leave Fund Policy Until December 31, 2011.

**5. M&C G-17167 - Adopt a Resolution Nominating RadioShack Corporation as an Enterprise Project Pursuant to the Texas Enterprise Zone Act, Chapter 2303 of the Texas Government Code and Repealing Resolution No. 3912-08-2010.**

The City Council Approved the Following Recommendation: Adopt Resolution No. 3957-01-2011 Nominating RadioShack Corporation as an Enterprise Project Pursuant to the Texas Enterprise Zone Act, Chapter 2303 of the Texas Government Code and Repeal the Previous Nominating Resolution No. 3912-08-2010.

**(VII. CONSENT AGENDA Continued)**

**6. M&C G-17168 - Adopt Appropriation Ordinance and Authorize the Transfer of Funds for Contract Renewal with Enercon Services, Inc., City Secretary Contract No. 39673, in the Amount of \$400,000.00 for Environmental and Engineering Consulting Services.**

The City Council Approved the Following Recommendation: Approve the Transfer of \$400,000.00 From the Environmental Services Operating Fund (R103) to the TPW-Environmental Protection Project Fund (R101); and Adopt Appropriation Ordinance No. 19500-01-2011 Increasing the Estimated Receipts and Appropriations in the Environmental Protection Project Fund (R101) in the Amount of \$400,000.00, From Available Funds, for the Purpose of Funding Environmental and Engineering Consulting Services.

**7. M&C G-17169 - Authorize Payment to TxDOT in an Amount Not to Exceed \$300,163.96 for Construction Adjustment on Lancaster Avenue from Henderson Street to Jones Street, and Transfer to Parks and Community Services General Fund in the Amount of \$19,252.14 for Irrigation Repairs Made on Behalf of this Project and Adopt Appropriation Ordinances.**

The City Council Approved the Following Recommendation: Adopt Appropriation Ordinance No. 19501-01-2011 Increasing the Estimated Receipts and Appropriations in the Special Assessments Fund in the Amount of \$262,862.23, From Available Funds for the Purpose of Transferring Said Funds to the Street Improvements Fund and General Fund; Authorize the Transfer From the Special Assessments Fund to the Street Improvements Fund and the General Fund of Parks and Community Services; Adopt Appropriation Ordinance No. 19502-01-2011 Increasing the Estimated Receipts and Appropriations in the Street Improvements Fund in the Amount of \$243,610.09, From Available Funds for the Purpose of Providing Additional Funds for the Lancaster Avenue Construction Project; Adopt Supplemental Appropriation Ordinance No. 19503-01-2011 Increasing the Estimated Receipts and Appropriations in the General Fund in the Amount of \$19,252.14, From Available Funds for the Purpose of Reimbursing the Parks and Community Services Department for Work Performed by Them in Support of the Project; and Authorize Final Payment to TxDOT in an Amount Not to Exceed \$300,163.96 for Construction Adjustment on Lancaster Avenue From Henderson Street to Jones Street.

**8. M&C G-17170 - Adopt an Ordinance Amending Chapter 27 of the Code of the City of Fort Worth, Texas (1986) Providing for the Payment of Shift Differential for Certain Police Officer Positions.**

The City Council Approved the Following Recommendation: Approve Ordinance No. 19504-01-2011 Amending Chapter 27 of the Code of the City of Fort Worth, Texas (1986), by Creating a New Section 27-34 Providing for the Payment of Shift Differential Pay to Police Officers Who Work Approved, Assigned Shifts in Which More Than Fifty Percent of the Time Worked is Between the Hours of 4:00 p.m. and 12:00 Midnight or Between the Hours of 12:00 Midnight and 6:00 a.m., for Certain Police Officer Positions.

**(VII. CONSENT AGENDA Continued)**

**(G-17170 Continued)**

**SECTION 1.**

That Chapter 27 of the Code of the City of Fort Worth, Texas (1986) is hereby amended by adding a new Section 27-34 to read as follows:

Sec. 27-34 Shift Differential Pay

- (a) All Full-time police civil service employees up through the rank of Lieutenant are eligible for shift differential pay.
- (b) Only eligible police employees working approved, assigned shifts will be paid shift differential pay.
- (c) Only eligible police employees who work a defined shift in which more than 50% of its time worked is between the hours of 4:00 P.M. and 12:00 A.M. (Midnight) shall receive shift differential pay of 3% of their hourly step rate of pay in addition to their hourly step rate of pay.
- (d) Only eligible police employees who work a defined shift in which more than 50% of its time worked is between the hours of 12:00 A.M. and 6:00 A.M. shall receive shift differential pay of 5% of their hourly step rate of pay in addition to their hourly step rate of pay.
- e) Police employees who work a shift in which more than 50% of its time worked is between the hours of 6:00 A.M. and 4:00 P.M. are not eligible for shift differential pay.
- (f) Employees working pursuant to an emergency call back order will not receive shift differential pay.
- (g) Shift differential pay will be paid only for time worked. Shift differential pay will not be paid to an employee for holiday pay or any type of leave pay.

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

**1. M&C P-11189 - Authorize the Purchase of Three Pieces of Portable Chemical Analysis Equipment and a One-Year Support and Service Package for the Fire Department from Federal Resources Supply Company Using a General Services Administration Contract for an Amount of \$171,506.47 from Federal Grant Funds.**

The City Council Approved the Following Recommendation: Authorize the Purchase of Three (3) Pieces of Portable Chemical Analysis Equipment and a One (1) Year Support and Service Package for the Fire Department From Federal Resources Supply Company Using General Services Administration Cooperative Contract GS-07F-9287S for an Amount of \$171,506.47 Paid Using Federal Homeland Security Grant Funds.

**(VII. CONSENT AGENDA Continued)**

**2. M&C P-11190 - Authorize the Purchase of Two PatrolSim IV Driving Simulators, Software, and Related Services for the Police Department from MPRI, a Division of L-3 Services, Inc., Using a General Services Administration Contract for a Total Amount of \$196,500.00.**

The City Council Approved the Following Recommendation: Authorize the Purchase of Two (2) PatrolSim IV Driving Simulators, Software and Related Services for the Police Department From MPRI, a Division of L-3 Services, Inc., Using the General Services Administration Contract Number GS-23F-9814H for a Total Amount of \$196,500.00.

**C. Land - Consent Items**

**1. M&C L-15121 - Authorize the Acceptance of a Dedication Deed from Russell and Shelia Emerson, at No Cost to the City of Fort Worth for 0.001 Acres of Land for the Right-of-Way Required for the Widening of Old Decatur Road from Bailey-Boswell Road to W J Boaz Road.**

The City Council Approved the Following Recommendation: Authorize the Acceptance of a Dedication Deed From Russell and Shelia Emerson at No Cost to the City of Fort Worth for 0.001 Acre of Land, Described as Lot 1, Block 23, Saginaw North Addition, Fort Worth, Tarrant County, Texas, for Right-of-Way Needed for the Widening of Old Decatur Road From Bailey-Boswell Road to W J Boaz Road; and Authorize the City Manager, or His Designee, to Accept and Record the Appropriate Instruments to Complete the Conveyance.

**2. M&C L-15122 - Authorize the Acceptance of a Dedication Deed from Eagle Mountain-Saginaw Independent School District, at No Cost to the City of Fort Worth for 0.027 Acres of Land for the Right-of-Way Required for the Widening of Old Decatur Road from Bailey-Boswell Road to W J Boaz Road.**

The City Council Approved the Following Recommendation: Authorize the Acceptance of a Dedication Deed From Eagle Mountain-Saginaw Independent School District at No Cost to the City of Fort Worth for 0.027 Acre of Land Described as Abstract No. 834, Tract 1D, I.&G.N. RR Co. Survey, Fort Worth, Tarrant County, Texas, for the Right-of-Way Needed for the Widening of Old Decatur Road From Bailey-Boswell Road to W J Boaz Road; and Authorize the City Manager, or His Designee, to Accept and Record the Appropriate Instruments to Complete the Conveyance.

**3. M&C L-15123 - Accept the Dedication of Approximately 19.98 Acres of Unimproved Parkland from Forestar (USA) Real Estate Group, Inc., for Kingsridge Park.**

**(VII. CONSENT AGENDA Continued)**

**(L-15123 Continued)**

The City Council Approved the Following Recommendation: Accept the Dedication of an Approximately 19.59 Acre Parcel of Unimproved Parkland, Situated in the John Edmonds Survey, Abstract No. 457, Intending to be All of Lot 61, Block 2, Being Portions of a Tract of Land Conveyed to Keller 107, Ltd., Tarrant County, Texas, and a 0.39 Acre Parcel of Unimproved Parkland Situated in the John Edmonds Survey, Abstract No 457, Intending to be All of Lot 53, Block 2, Being Portions of a Tract of Land Conveyed to Keller 107, Ltd., Tarrant County, Texas, From Forestar (USA) Real Estate Group, Inc., in Accordance With the Neighborhood and Community Park Dedication Policy for Kingsridge Park.

**4. M&C L-15124 - Accept the Dedication of Approximately 4.5825 Acres of Unimproved Parkland from St. Augustine Apartments II, LLC, as an Addition to Arcadia Trail Park North.**

The City Council Approved the Following Recommendation: Accept the Dedication of an Approximately 4.5825 Acres Tract of Unimproved Parkland Situated in the C.C. Whyte Survey, Abstract No. 1161, Intending to be All of Lot 2, Block 1, and Being a Portion of That Certain Tract of Land as Described by Deed to St. Augustine Estate Apartments II, L.L.C., Tarrant County, Texas, From St. Augustine Apartments II, L.L.C., in Accordance With the Neighborhood and Community Park Dedication Policy as an Addition to Arcadia Trail Park North.

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

**2. M&C PZ-2921 - Authorize the City Manager to Initiate Rezoning of Certain Properties in Phase Four of the Northside Neighborhood in Accordance with the Comprehensive Plan.**

The City Council Approved the Following Recommendation: Authorize the City Manager to Initiate Certain Zoning Changes in Phase Four (4) of the Northside Neighborhood, From "A-5" One-Family, "B" Two-Family, "C" Multi-Family, "CF" Community Facilities, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial, "FR" General Commercial Restricted, "F" General Commercial, "I" and "J" Industrial, and "PD" Planned Development and Historical Overlays Will be Retained, to "A-5" One-Family, "B" Two-Family, "UR" Urban Residential, "CF" Community Facilities, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial, "MU-1" Low Intensity Mixed-Use, and "PD" Planned Development and Historical Overlays Will be Retained in Accordance With the Comprehensive Plan.

**3. M&C PZ-2922 - Authorize an Application for the Rezoning of Certain Properties in a Portion of the Stop 6/Poly Oversight Neighborhood in Accordance with the Comprehensive Plan.**

**(VII. CONSENT AGENDA Continued)**

**(PZ-2922 Continued)**

The City Council Approved the Following Recommendation: Authorize the City Manager to Initiate Certain Zoning Changes in a Portion of the Stop Six/Poly Oversight Neighborhood, From “A-10” One-Family, “A-5” One-Family, “B” Two-Family, “ER” Neighborhood Commercial Restricted, “E” Neighborhood Commercial, “FR” General Commercial Restricted, and “PD” Planned Developments 799 to “A-10” One-Family, “A-7.5” One-Family, “A-5” One-Family, “CF” Community Facilities, “ER” Neighborhood Commercial Restricted, “E” Neighborhood Commercial, and “PD” Planned Development 799, in Accordance With the Comprehensive Plan.

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

**1. M&C C-24667 - Adopt a Resolution Authorizing an Increase of \$10,000.00 to the Maximum Amount to Be Paid to Lowell Denton of Denton, Navarro, Rocha and Bernal, P.C., to Assist the City in Public Safety Labor Negotiation Issues.**

The City Council Approved the Following Recommendation: Authorize the City Manager to Adopt Resolution No. 3958-01-2011 Increasing by \$10,000.00 the Amount to be Paid to Lowell Denton of the Law Firm Denton, Navarro, Rocha and Bernal, P.C., for a Total Amount Up to \$275,000.00 for Continued Assistance to City Staff With Public Safety Employment and Labor Issues During FY 2010-2011 Budget Discussions.

**2. M&C C-24668 - Authorize Professional Services Agreement with Horizon Health Corporation to Provide the City of Fort Worth Employee Assistance Program at an Initial Annual Cost of \$90,000.00.**

The City Council Approved the Following Recommendation: Authorize the City Manager to Execute a Professional Services Agreement With Horizon Health Corporation to Provide the Employee Assistance Program for City Employees for an Initial Annual Amount of \$90,000.00.

**3. M&C C-24669 - Authorize the Expenditure of \$412,750.00 in Community Development Block Grant - Recovery Funds to New Star Grading & Paving Company for the Sidewalk Infrastructure Project PHASE II and the Execution of a Contract.**

The City Council Approved the Following Recommendation: Authorize the Expenditure of \$412,750.00 in Community Development Block Grant - Recovery Funds to New Star Grading & Paving Company for the Sidewalk Infrastructure Project Phase II; and Authorize the City Manager, or His Designee, to Execute a Contract With New Star Grading & Paving Company, for the Project to be Completed in 200 days.

**(VII. CONSENT AGENDA Continued)**

**4. M&C C-24670 - Authorize an Engineering Agreement in the Amount of \$128,957.00 with Dunaway Associates, L.P., for the Wesleyan Hills Drainage Improvements Project.**

The City Council Approved the Following Recommendation: Authorize the City Manager to Execute an Engineering Agreement With Dunaway Associates, L.P., in the Amount of \$128,957.00 for Scope Assessment of the Wesleyan Hills Drainage Improvements Project.

**5. M&C C-24671 - Authorize the Execution of an Interlocal Agreement with Tarrant County to Conduct Auto Theft and Burglary of Motor Vehicle Investigations Through Participation in the Tarrant Regional Auto Crimes Task Force, Accept \$1,078,815.12 from the Tarrant County Regional Auto Crimes Task Force Grant, Authorize \$240,370.79 in Matching Funds and Adopt Appropriation Ordinance.**

The City Council Approved the Following Recommendation: Authorize the City Manager to Execute an Interlocal Agreement With Tarrant County to Participate in the Tarrant County Regional Auto Crimes Task Force; Accept an Estimated \$1,078,815.12 From the Tarrant County Regional Auto Crimes Task Force Grant; Authorize the Interlocal Agreement to be Extended by Written Mutual Agreement for Four (4) One (1) Year Option Periods With Estimated Annual Increases of Eight (8) Percent in Subsequent Years Without Further Action From Council; Authorize the Transfer of \$40,972.75 From the General Fund to the Grants Fund for the City's Partial Match of the Auto Crime Task Force Interlocal Agreement in Fiscal Year 2011, Contingent Upon Receipt of Adequate Funding in the Fiscal Years 2012, 2013, 2014, and 2015 General Fund Budget, Authorize the Transfer From the General Fund to the Grants Fund of \$199,398.04; and Adopt Appropriation Ordinance No. 19505-01-2011 Increasing the Estimated Receipts and Appropriations in the Grants Fund in the Amount of \$1,319,185.91, Subject to Receipt of the Grant for the Purpose of Funding Participation in the Tarrant County Regional Auto Crimes Task Force.

**6. M&C C-24672 - Authorize the Ratification and Execution of an Agreement with the Safe City Commission, Inc., to Operate a Crime Stoppers Call Center for \$75,000.00.**

The City Council Approved the Following Recommendation: Authorize the City Manager to Ratify and Execute an Agreement for \$75,000.00 With the Safe City Commission, Inc., During Fiscal Year 2011 With Four (4) One (1) Year Options to Extend the Agreement to Operate a Crime Stoppers Call Center Without Further Action From City Council.

**7. M&C C-24673 - Authorize a Contract in the Amount of \$655,823.50 with Jay Mills Contracting, Inc., for Taxilane, Roadway and Lighting Improvements at Fort Worth Spinks Airport and Adopt Appropriation Ordinance in the Amount of \$721,405.85 for Taxilane, Roadway and Lighting Improvements at Fort Worth Spinks Airport.**

**(VII. CONSENT AGENDA Continued)**

**(C-24673 Continued)**

The City Council Approved the Following Recommendation: Authorize the Use of Revenue Derived From Mineral Leases on City-Owned Airports in the Amount of \$721,405.85 for a Contract With Jay Mills Contracting, Inc., Project Management, Construction Survey and Inspections Costs for Taxilane, Roadway and Lighting Improvements at Fort Worth Spinks Airport; Adopt Appropriation Ordinance No. 19506-01-2011 Increasing the Estimated Receipts and Appropriations in the Airports Gas Lease Project Fund From Available Funds; and Authorize the City Manager to Execute the Contract in the Amount of \$655,823.50 and Authorize \$65,582.35 for Associated Costs for Construction Survey, Project Management, Materials Testing, Administrative and Inspection Services.

**8. M&C C-24674 - Authorize Amendment No. 1 to City Secretary Contract No. 40274, a Community Facilities Agreement with Steel Crafters, Inc., to Add City Participation in the Amount of \$48,353.77 for Construction of Twelve Inch Water Main to Serve Adams Industrial Park.**

The City Council Approved the Following Recommendation: Authorize the City Manager to Execute Amendment No. 1 to City Secretary Contract No. 40274, a Community Facilities Agreement With Steel Crafters, Inc., to Add City Participation in the Amount of \$48,353.77 for the Installation of the Twelve Inch Water Main to Serve Adams Industrial Park, Located at 4813 Parker Henderson Road, Described as Lot 1, Block 2, a Development in Fort Worth.

**9. M&C C-24675 - Authorize Change Order No. 2 in the Amount of \$312,705.00 to City Secretary Contract No. 39655 with Ark Contracting Services, LLC, for the Village Creek Reclaimed Water Eastern Delivery System Pump Station No. 1, Located at the Village Creek Wastewater Treatment Plant.**

The City Council Approved the Following Recommendation: Authorize the City Manager to Execute Change Order No. 2 in the Amount of \$312,705.00 to City Secretary Contract No. 39655 With Ark Contracting Services, L.L.C., for the Village Creek Reclaimed Water Eastern Delivery System Pump Station No. 1, Located at the Village Creek Wastewater Treatment Plant, Thereby Revising the Total Contract to \$3,522,712.00.

**10. M&C C-24676 - Authorize Amendment No. 4 in the Amount of \$91,940.00 to City Secretary Contract No. 37547 with Alan Plummer Associates, Inc., for the Design of the Village Creek Reclaimed Water Delivery System.**

The City Council Approved the Following Recommendation: Authorize the City Manager to Execute Amendment No. 4 in the Amount of \$91,940.00 to City Secretary Contract No. 37547 With Alan Plummer Associates, Inc., for the Design of the Village Creek Reclaimed Water Delivery System Thereby Increasing the Contract Cost to \$3,008,899.00.

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

**1. OCS - 1799 - Notice of Claims for Alleged Damages and/or Injuries**

End of Consent Agenda.

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

1. M&C G-17163 - Approve the Appointment of Veronica Zerpa to the Capital Improvements Advisory Committee for Transportation Impact Fees.

The City Council Approved the Following Recommendation: Appoint Ms. Veronica Zerpa, of the Fort Worth City Plan Commission, to the Capital Improvements Advisory Committee for Transportation Impact Fees to Replace Outgoing Committee Member Mr. Charles Edmonds, Jr., and Remove Outgoing Committee Member Ms. Jacq Duncan.

Interim City Manager Higgins made following correction to Mayor and Council Communication No. G-17163:

Under the discussion, second paragraph, the current composition of the Capital Improvement Advisory Committee should read: Robert ~~Rouse~~ Mohler.

Motion: Council Member Hicks made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. G-17163 be approved as amended. The motion carried unanimously nine (9) ayes to zero (0) nays.

**D. Planning & Zoning (Removed from the Consent Agenda for Individual Consideration)**

1. M&C PZ-2920 - Adopt an Ordinance Vacating a Portion of Saba Drive, Maui Drive, Thunder Bay Drive and Granada Drive in Waterfront at Enchanted Bay.

The City Council Approved the Following Recommendation: Adopt Ordinance No. 19507-01-2011 Vacating and Extinguishing Portions of Saba Drive, Maui Drive, Thunder Bay Drive and Granada Drive in Waterfront at Enchanted Bay, Situated in the David Strickland Survey Abstract No. 1376 in the City of Fort Worth, Tarrant County, Texas; Providing for Reversion of Fee in Said Land; the Retainment of Existing Utility Easements; and Waive Any and All Purchase Fee Value of the Vacated Land in Accordance With City Policy (M&C G-15624).

**(PZ-2920 Continued - Removed from the Consent Agenda for Individual Consideration)**

Council Member Moss advised that the residents of Enchanted Bay had been working very hard to vacate the streets within this area so they could put up a gate. He stated the gate would make the neighborhood much safer and cut down on the traffic that was traveling through that particular neighborhood.

Motion: Council Member Moss made a motion, seconded by Council Member Hicks, that Mayor and Council Communication No. PZ-2920 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

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

**1. Presentation of Proclamation for North Texas Aviation Centennial Celebration**

Council Member Zimmerman presented a Proclamation for the North Texas Aviation Centennial Celebration to Mr. Jim Hodgson, North Texas Aviation Centennial Committee and Captain T.D. Smyers, Commander of the Naval Air Station/Joint Base Reserve Base/Fort Worth. He stated that powered flight began in 1911 in Fort Worth when Roland Garros and his exhibition team performed at the Great Fort Worth Aviation Meet, in addition to Cal Rodgers' landing in Ryan's Pasture (now the Ryan Place neighborhood) during his epic flight from New York to California. He advised that 2011 was the 100th anniversary of United States Naval Aviation and in 1941, the Naval Air Station Dallas was established, which made 2011 the 70th anniversary of naval aviation in North Texas. He further stated that in 1927, Texas Air Transport was founded at Meacham Field by Temple Bowen, which two (2) years later was merged into Southern Air Transport and in 1930 became part of the American Airways System (now American Airlines) which was headquartered in Fort Worth. He stated that thousands of employees and citizens proudly contributed to the City's commercial development and growth. He further advised in 1941, North Texas became a major center for aircraft manufacturing in the United States and added that many of these facilities remained the nucleus of our continued growth in technology, aviation, and space related endeavors. He also pointed out that in commemoration of the Centennial there would be a year-long celebration of our rich aviation heritage, its economic impact on Fort Worth and our worldwide contributions to aviation and commerce.

Mr. Hodgson and Captain Smyers both expressed appreciation to the Council for the proclamation and recognition. They invited everyone to attend a celebration April 16-17, 2011, at the Naval Air Station/Joint Base Reserve Base/Fort Worth, of the United States Navy and Marine Corps 100 years of Naval Aviation.

**2. Presentation of Certificates of Recognition to Former Board and Commission Members**

Council Member Burns, presented Certificates of Recognition to the following former Board and Commission members:

Ms. Regina Blair, for her service on the Art Commission and the Capital Improvements Plan Advisory Committee from May 31, 2005, through December 13, 2010.

Ms. Sherley Spears, for her service on the Building Standards Commission from March 25, 2008, through November 9, 2010.

Mr. Charles Edmonds, Jr., for his service on the City Plan Commission and the Capital Improvements Advisory Committee for Transportation Impact Fees from January 21, 2003, through November 9, 2010.

Ms. Venita McFadden, for her service on the Community Development Council from September 25, 2007, through November 9, 2010.

Mr. Doyle Willis, Jr., for his service on the Historic and Cultural Landmarks Commission from April 22, 2003, through December 7, 2010.

Mr. Jim Austin, for his service on the Tarrant County 9-1-1 Emergency Assistance District Board from July 15, 1997, through December 7, 2010.

Mr. Austin expressed appreciation for the Certificate and invited everyone to attend a concert celebrating the 10-year anniversary of the National Multicultural Western Heritage Museum on January 21, 2011, at 7:30 p.m. at Casa Manana, located at 3101 West Lancaster. He introduced Mr. George Huff who was an American Idol contestant in 2004 and he advised that Mr. Huff would be performing at the celebration.

Mr. Huff sang a verse from the song entitled, "What a Wonderful World", first recorded by Louis Armstrong in 1968.

Council Member Burns advised that the following individuals were unable to attend the meeting to receive a Certificate of Recognition:

Mr. Larry Grider, for his service on the Appeals Board from June 24, 2003, through November 9, 2010.

Mr. Jeff Hughes, for his service on the Board of Adjustment – Commercial and the Fort Worth Alliance Airport Board of Adjustment from November 11, 2008, through October 1, 2010.

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

**1. Upcoming and Recent Events**

Mayor Moncrief announced the Texas Christian University (TCU) Football team's victory of the University of Wisconsin in the Rose Bowl on January 1, 2011. He stated that TCU showed that they could play football against universities of any size and added that the Horned Frogs won the game the "Fort Worth Way", with class. He also pointed out that the University of Wisconsin Mayor, fans, players, and coaching staff were a "class act" and congratulated the TCU fans on their victory. He advised that the Mayor of Wisconsin would be wearing a TCU hat and jersey at their first Council meeting of 2011 and would send a Trek bicycle in order to honor their pre-established friendly wager.

Council Member Moss announced that a meeting regarding the revisions in the Stop Six/Sunrise Model Block Plan would be held on January 5, 2011, from 6:00 p.m. to 7:30 p.m. at the Tarrant County College (TCC) Opportunity Center, located at 5901 Fitzhugh Avenue. He also announced a meeting would be held regarding the funding and improvements on East Rosedale from Loop 820 to Miller Avenue on January 6, 2011, from 9:00 a.m., to 11:00 a.m., at the TCC Opportunity Center.

Council Member Scarth announced that the Western Heritage Celebration would be held on January 15, 2011, from noon to 4:00 p.m., at Two City Place Garage, located at Belknap Street and Taylor Street. He stated the free family event would feature singing and dancing, chuck wagon cooking and a walk through history. He also stated that Judge Steve M. King would present the Western Heritage Trail Boss Award and Mr. Quentin McGowen would receive the Fort Worth Cowtown Legend Award.

Mayor Moncrief announced that plans were currently underway for a parade for TCU football team to honor their victory over the University of Wisconsin. He stated many parties in the area were interested in making donations and more information would be available in the future. He also requested that the meeting be adjourned in memory of Officer Jillian Michelle Smith, City of Arlington, who was killed in the line of duty on December 28, 2010, and in memory of Judge Tom Vandergriff, former Mayor of Arlington, who passed away on December 30, 2010.

**2. Recognition of Citizens**

There were no citizens recognized at this time.

**XI. PRESENTATIONS BY THE CITY COUNCIL**

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

There were no changes in Membership on Boards and Commissions.

**2. Council Proposal No. 283 - Short Term Loan to the Fort Worth Air and Space Museum Foundation for a Temporary Exhibition**

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

City Secretary Hendrix clarified that the number of this Council Proposal would be corrected to Council Proposal No. 284.

Council Member Jordan provided a brief overview of Council Proposal No. 284 and stated that since this was a Council Proposal, the rules required two (2) readings before the City Council. However, he stated he would make a motion to ask that the rules be suspended, so Council could take action on the proposal today.

Motion: Council Member Jordan made a motion, seconded by Council Member Burdette, to suspend the rules. The motion carried unanimously eight (8) ayes to zero (0) nays, with one (1) abstention by Council Member Zimmerman.

The following individuals appeared before Council in opposition to Council Proposal No. 284 and stated that other airport related capital improvement projects (CIP) were in need of funding, such as renovation of a terminal, the downtown heliport and new hangars. They further stated that they were not opposed to the Aviation Museum but were opposed to using airport funds that may be needed for other planned projects. They added that conservation of the gas well revenues on airport property needed to be preserved for future use. They also stated that the Federal Aviation Administration (FAA) had ruled against using airport funds for this type of private project. They requested that an ordinance be put in place to restrict the use of the aviation funds to CIP projects, similar to the restriction on gas well revenue.

Mr. Randell Means, 1941 Berkeley Place  
Mr. Richard Fahy, 2571 Waits Avenue

Ms. Charlene Sanders, Assistant City Attorney, clarified that the loan was from the General Fund not the Aviation Fund, therefore the FAA ruling did not apply.

Mayor Pro tem Scarth requested clarification of whether this item was a loan.

Mr. Fernando Costa, Assistant City Manager, clarified that this was a General Fund loan and the funds would be returned to the General Fund for allocation once appropriated.

Council Member Espino advised that the fiscal notation in the Council Proposal clearly spelled out that this was a loan and the funds would be repaid and advised he would support this item.

Motion: Council Member Jordan made a motion, seconded by Council Member Burdette, that Council Proposal No. 284 be approved. The motion carried unanimously eight (8) ayes to zero (0) nays, with one (1) abstention by Council Member Zimmerman.

### **3. Presentation of Proclamation for Martin Luther King, Jr. Day**

Council Member Hicks presented a Proclamation for Martin Luther King, Jr. Day to Mr. Kenneth Alexander, IT Solutions Department and Martin Luther King, Jr. Day/Juneteenth Committee Member. She stated that Dr. Martin Luther King, Jr. was a drum major for social justice, fighting inequity wherever he encountered it. She further stated that Dr. Martin Luther King, Jr. believed that “a nation that continues year after year to spend more money on military defense than on programs of social uplift is approaching spiritual death.” She pointed out that the City of Fort Worth’s Dr. Martin Luther King, Jr., Holiday Celebration had become an event that attracted not only City employees, but also senior residents, students and the community at-large. She advised that Mr. Andre Johnson, Special Projects Manager for Project W.I.S.H, would serve as the Keynote Speaker at the City’s 26<sup>th</sup> Annual Dr. Martin Luther King, Jr., Holiday Celebration.

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

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

## **XIII. RESOLUTIONS**

### **1. A Resolution Reappointing and Appointing Members to the Fort Worth Transportation Authority Executive Committee. (Continued from December 7, 2010)**

Motion: Council Member Hicks made a motion, seconded by Council Member Espino, that Resolution No. 3959-01-2011 be adopted and that the following individuals be appointed and reappointed to the Fort Worth Transportation Authority Executive Committee for a term of one (1) year from October 1, 2010, to September 30, 2011. The motion carried unanimously nine (9) ayes to zero (0) nays.

#### Appointments

Mr. Jesse P. Martinez, Place 6  
Ms. Janet Saltsgiver, Place 8

#### Reappointments

Ms. Rosa Navejar, Place 2  
Mr. Gary Havener, Place 3  
Mr. Gary Cumbie, Place 4  
Ms. Reby Cary, Place 5  
Mr. Robert L. Jameson, Place 7

**2. A Resolution Authorizing Dallas-Fort Worth International Airport to Apply for an Amendment to Texas Commission on Environmental Quality Water Use Permit Number 3800B on Behalf of the City of Fort Worth.**

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Jordan, that Resolution No. 3960-01-2011 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**XIV. REPORT OF THE CITY MANAGER**

**B. General**

**1. M&C G-17171 - Adopt Supplemental Appropriation Ordinance for Fiscal Year 2011 for Rollover Encumbrances.**

The City Council Approved the Following Recommendation: Adopt a Supplemental Appropriation Ordinance Increasing Appropriations by the Indicated Amounts in the Indicated Funds for Fiscal Year 2011 Encumbrance Rollovers and Designated Expenditures: General Fund by \$11,168,282.00 From Existing Encumbrance Reserves; Municipal Airports Fund by \$153,413.00 and Decreasing the Unaudited, Unreserved, Undesignated Retained Earnings by the Same Amount; Water and Sewer Fund by \$1,790,217.00 and Decreasing the Unaudited, Unreserved, Undesignated Retained Earnings by the Same Amount; Municipal Parking Fund by \$136,402.00 and Decreasing the Unaudited, Unreserved, Undesignated Retained Earnings by the Same Amount; Stormwater Utility Fund by \$6,611,902.00 and Decreasing the Unaudited, Unreserved, Undesignated Retained Earnings by the Same Amount; Capital Projects Services Fund by \$35,799.00 and Decreasing the Unaudited, Unreserved, Undesignated Retained Earnings by the Same Amount; Equipment Services Fund by \$170,958.00 and Decreasing the Unaudited, Unreserved, Undesignated Retained Earnings by the Same Amount; Information Systems Fund by \$2,395,119.00 and Decreasing the Unaudited, Unreserved, Undesignated Retained Earnings by the Same Amount; Crime Control and Prevention District Fund by \$3,408,955.00 From Existing Encumbrance Reserves; Risk Management Fund by \$2,000,000.00 and Decreasing the Unaudited, Unreserved, Undesignated Retained Earnings by the Same Amount; and Federal Awarded Assets Fund by \$20,367.00 and Decreasing the Unaudited, Unreserved, Undesignated Retained Earnings by the Same Amount.

Motion: Council Member Burns made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. G-17171 be approved and Supplemental Appropriation Ordinance No. 19508-01-2011 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**2. M&C G-17172 - Adopt Appropriation Ordinance Increasing Appropriations in the Airports Gas Lease Project Fund in the Amount of \$3,000,000.00 and Authorize Transfer of \$3,000,000.00 from the Airports Gas Lease Project Fund to the General Fund for the Purpose of Reimbursing the City for a Portion of the Prior Six Years of Aircraft Rescue and Firefighting Services from Alliance Fire Station 35 and Meacham Fire Station 44.**

The City Council Approved the Following Recommendation: Suspend the Financial Management Policy Statements That Limit the Expenditure of Gas Lease Revenue to One (1) Time Capital Items; Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Airports Gas Lease Project Fund in the Amount of \$3,000,000.00 From Available Funds, for the Purpose of Transferring Said Funds to the General Fund for Partial Reimbursement of Aircraft Rescue and Firefighting Services From Alliance Fire Station 35 and Meacham Fire Station 44; and Authorize the Transfer From the Airports Gas Lease Project Fund to the General Fund.

Council Member Zimmerman requested to recuse himself from voting on this agenda item due to a conflict, with the Council's approval. There were no objections received from the Council Members.

Mr. Richard Fahy, 2571 Waits Avenue, appeared before Council in opposition to Mayor and Council Communication No. G-17172 and stated there were no statements made on how the loan would be repaid and requested Council deny this item.

Motion: Council Member Espino made a motion, seconded by Mayor Pro tem Scarth, that Mayor and Council Communication No. G-17172 be approved and Appropriation Ordinance No. 19509-01-2011 be adopted. The motion carried unanimously eight (8) ayes to zero (0) nays, with (1) abstention by Council Member Zimmerman.

**3. M&C G-17173 - Authorize Payment of the City of Fort Worth's Assessed Pro Rata Allocation of the Tarrant Appraisal District's Budget for January through December 2011 for an Amount Up to \$2,126,723.42.**

The City Council Approved the Following Recommendation: Authorize Payment for an Amount Up to \$2,126,723.42 for the City of Fort Worth's Assessed Pro Rata Allocation of the Tarrant Appraisal District's 2011 Budget for the Months of January Through December 2011.

Motion: Council Member Moss made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-17173 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**4. M&C G-17174 - Authority to Use Eminent-Domain Proceedings in the Acquisition of Property for the Main Line and Connector Tract for the Alliance Airport Runway Extension Project.**

The City Council Approved the Following Recommendation: Declare That, Based Upon the Burlington Northern Santa Fe (BNSF) Relocation Agreement Executed May 17, 2010, Between the City of Fort Worth and the BNSF Railway Company (M&C C-24205), the Alliance Airport Runway Extension Project is Necessary in Order to Meet the City's Transportation Needs as Well as to Provide for the Public's Convenience; Declare That the Public Convenience and Necessity Require the Acquisition for the Right-of-Way for the Main Line and Connector Tract of the 87 Listed Parcels of Real Property; and Authorize TranSystems to Attempt to Acquire Through Eminent-Domain Proceedings Under Texas Law the 87 Listed Parcels for Their Fair-Market Values Through Good-Faith Negotiations With the Parcel Owners and if Such Negotiations are Unsuccessful, Authorize the City Attorney to Acquire Fee-Simple Title, but No Mineral Interests, of the Parcels as Well as Any Remainders of Such Parcels Where the Acquisition of Same Would be Economically Prudent.

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. G-17174 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**5. M&C G-17175 - Approve the Parks and Community Services Department's Fiscal Year 2011 Gas Related Revenue Project Expenditure Plan in the Amount of \$2,771,089.12 and Adopt Appropriation Ordinance.**

The City Council Approved the Following Recommendation: Approve the Parks and Community Services Department's Fiscal Year 2011 Gas Related Revenue Project Expenditure Plan; Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Park Gas Lease Project Fund in the Amount of \$2,771,089.12 From Gas Related Revenue for the Purpose of Funding the Parks and Community Services Department's Gas Well Project Expenditure Plan for Fiscal Year 2011; and Authorize the Transfer of \$114,942.00 From the Park Gas Lease Project Fund to the General Fund to Cover Costs Associated With Parkland Lease Related Activities, Conversion, Project Management and Fiscal Oversight.

Mr. Joe Waller, 2533 Castle Circle, appeared before Council in support of Mayor and Council Communication No. G-17175 and stated there was no mention of the 19 Lake Worth area parks in the appropriation ordinance and advised that many of the parks needed maintenance. He requested that the Lake Worth parks and the enhancement of the aquatics plan in the area be considered as projects for funding by this revenue.

Motion: Council Member Espino made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. G-17175 be approved and Appropriation Ordinance No. 19510-01-2011 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

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

**1. M&C P-11191 - Authorize a Purchase from Dell Marketing, L.P., for Storage Area Network Hardware, Software Licensing and Professional Services Using the State of Texas Department of Information Resources Contract Number DIR-SDD-890, for an Initial Amount of \$578,572.42.**

The City Council Approved the Following Recommendation: Authorize a Purchase From Dell Marketing, L.P., for Storage Area Network Hardware, Software Licensing and Professional Services Using the State of Texas Department of Information Resources Contract Number DIR-SDD-890, for an Initial Amount of \$578,572.42.

Motion: Council Member Burns made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. P-11191 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**F. Award of Contract**

**1. M&C C-24677 - Ratify Contract Amendment No. 8 to City Secretary Contract No. 37974 with eVerge Group of Texas, Ltd., to Provide Assistance in Processing Paycheck Corrections for Police in an Amount Not to Exceed \$49,815.00 and Authorize Contract Amendment No. 9 to City Secretary Contract No. 37974 with eVerge Group of Texas, Ltd., and Contract Amendment No. 3 to City Secretary Contract No. 37970 with Salvaggio, Teal and Associates for Continued Support of the City's PeopleSoft System for Human Resources and Payroll in Amounts Not to Exceed \$1,622,400.00 for eVerge Group of Texas, Ltd., Amendment No. 9 and \$174,720.00 for Salvaggio, Teal and Associates Amendment No. 3 and Adopt Appropriation Ordinances.**

The City Council Approved the Following Recommendation: Ratify a Contract Amendment With eVerge Group of Texas, Ltd., to Provide Assistance in Processing Police Department Paycheck Corrections in an Amount Not to Exceed \$49,815.00; Authorize Contract Amendments With eVerge Group of Texas, Ltd., and Salvaggio, Teal and Associates for Continued Support of the City's PeopleSoft System for Human Resources and Payroll in Amounts Not to Exceed \$1,622,400.00 for eVerge and \$174,720.00 for Salvaggio, Teal and Associates; Adopt a Supplemental Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the General Fund in the Amount of \$1,846,935.00 and Decreasing the Unreserved, Undesignated Fund Balance by the Same Amount in the City's General Fund for the Purpose of Transferring Said Funds to the ERP Capital Project Fund; Authorize the Transfer From the City's General Fund to the ERP Capital Project Fund; and Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the ERP Capital Project Fund From Available Funds for the Purpose of Funding Additional Consulting Support for ERP Phase I.

Motion: Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-24677 be approved and Supplemental Appropriation Ordinance No. 19511-01-2011 and Appropriation Ordinance No. 19512-01-2011 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**2. M&C C-24678 - Authorize a Contract in the Amount of \$1,793,000.00 with Archer Western Contractors, Ltd., for the Village Creek Reclaimed Water Quality Improvements Located at the Village Creek Wastewater Treatment Plant.**

The City Council Approved the Following Recommendation: Authorize the City Manager to Execute a Contract With Archer Western Contractors, Ltd., for the Village Creek Reclaimed Water Quality Improvements Located at the Village Creek Wastewater Treatment Plant in the Amount of \$1,793,000.00.

Motion: Council Member Moss made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-24678 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**3. M&C C-24679 - Rescind M&C C-24540, Authorize a Contract in the Amount of \$1,107,520.00 with Utilitex Construction, LLP, for Sanitary Sewer Rehabilitation Contract LXV, Part 1, on North Sylvania Avenue, Stratford Park Drive and Brentwood Stair Road and Adopt Appropriation Ordinance.**

The City Council Approved the Following Recommendation: Rescind M&C C-24540 Approved October 10, 2010, for the Purpose of Revising the Amount of the Contract With Utilitex Construction, LLP; Authorize the City Manager to Execute a Contract in the Amount of \$1,107,520.00 With Utilitex Construction, LLP, for Sanitary Sewer Rehabilitation Contract LXV, Part 1, on North Sylvania Avenue, Stratford Park Drive and Brentwood Stair Road; Authorize the Transfer of \$1,177,746.00 From the Water and Sewer Operating Fund to the Sewer Capital Projects Fund; and Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Sewer Capital Projects Fund From Available Funds.

Motion: Council Member Zimmerman made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-24679 be approved and Appropriation Ordinance No. 19513-01-2011 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

## **XV. ZONING HEARING**

**1. Zoning Docket No. ZC-10-120 - AutoZone, Inc., 4331 East Lancaster Avenue; from: "MU-1" Low Intensity Mixed Use to: "PD/MU-1" Planned Development for all uses in "MU-1" Low Intensity Mixed use plus inventory warehouse; site plan included. (Recommended for Denial) (Continued from a Previous Meeting)**

It appeared that the City Council, at its meeting of November 9, 2010, continued Zoning Docket No. ZC-10-120, AutoZone, Inc., 4331 East Lancaster Avenue; from "MU-1" Low Intensity Mixed Use to "PD/MU-1" Planned Development for all uses in "MU-1" Low Intensity Mixed use plus inventory warehouse; site plan included. (Recommended for Denial) (Continued from a Previous Meeting)

**(ZC-10-120 Continued)**

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

Mr. Jim Schell, 901 Fort Worth Club Building, appeared before Council in support of Zoning Docket No. ZC-10-120 and stated that the site plans for landscaping and the expansion building included planting over 100 trees and along with expansion, a renovation of the existing building. He also stated that AutoZone would provide funding for the installation of a public art project in the area. He also advised that the new addition of the store inventory would bring in ten (10) additional jobs to the area. He encouraged the Council to support expansion of the AutoZone store.

The following individuals appeared before Council in opposition to Zoning Docket No. ZC-10-120 and stated that the residents and business owners in the area did not support warehouses in the area of their urban village. They stated that there was concern about additional pedestrian and truck traffic and advised that a school was located in close proximity to the store. They stated the warehouse would ruin the walkability of the urban village and pointed out that a similar business was located one block away. They stated the benefit was to AutoZone and not the neighborhood.

Ms. Wanda Conlin, 1755 Martel Avenue

Ms. Deidra Norris, President, West Meadowbrook Neighborhood Association, 4309 Arden Place

Mayor Pro tem Scarth requested clarification relative to the recent "MU-1" Low Intensity Mixed Use zoning change and whether representatives from the AutoZone's Corporate Offices protested the change.

Mr. Schell advised that the corporations were notified but the zoning change was not protested.

Ms. Conlin also stated that in addition to the large neighborhood association meeting that was held, a meeting was held for the business owners in the area and AutoZone was not present.

Mayor Pro tem Scarth requested clarification relative to the truck traffic in the area.

Mr. Schell stated that his client advised that one (1) 18-wheel truck would deliver inventory per week along with a small van that would deliver inventory between stores. He stated many of the inventory pieces would also be shipped which would reduce traffic.

There was discussion relative to the location of Kenwood Court which backed up to the proposed expansion.

**(ZC-10-120 Continued)**

Council Member Hicks confirmed that there were numerous business owners and residents at the meeting held regarding the zoning change. She stated that even if the "MU-1" zoning change had not been approved, the property owner would have had come before the Council because this item would have been an industrial use. She advised that the property backed up to the historic Kenwood Neighborhood. She stated there was already resident concern for the early morning noise relative to when the project had originally begun before the rezoning request had been filed and City staff had to go to the property and stop the project. She also advised that there was already a proliferation of auto uses along East Lancaster. She stated this would not only be a store but also a storage facility and she would support the requests by the residents and business owners to uphold the City Zoning Commission recommendation for denial.

Motion: Council Member Hicks made a motion, seconded by Council Member Burns, to uphold the City Zoning Commission recommendation and deny the rezoning request, Zoning Docket ZC-10-120. The motion carried unanimously nine (9) ayes to zero (0) nays.

**2. Zoning Docket No. ZC-10-133 - S. J. Thornhill Partnership, 12000 block of Trinity Boulevard; from: "E" Neighborhood Commercial and "PD-778" Planned Development for Townhouse/Cluster Residential with the following criteria: Masonry: all dwelling structures located along and visible from the Texas Star Golf Course will have effectively 100% rear masonry, and 90% masonry on the ground floor of all structures, excluding windows, doors and small areas not designed or engineered for masonry; Fencing: will be constructed of tubular steel fencing material and installed along the common property boundary lines contiguous with the subject property and Texas Star Golf Course. Fencing will not be less than 6 ft in height, and shall be painted black and brown in accordance with customary industry standards; Minimum Square Footage: dwelling units in the various structures (individual pods) will have a minimum size of 1,250 sq. ft. of living area, excluding garage, porches, and patios, the 1,250 sq. ft. units will be limited to a maximum of one such unit per lot, all other units will have a minimum size of 1,450 sq. ft of living area, excluding garage, porches, and patios; Garages: all dwelling units will have two car, front entry garages, and Maximum Dwelling Units per Structure: no individual dwelling units will exceed a maximum of six attached dwelling units; site plan waived to: Amend "PD-778" to amend standards as indicated and to add additional property: Setback: To include a minimum and maximum front yard setback of 10 to 30 feet, with the setback not to project; site plan waiver recommended. (Recommended for Approval)**

Mr. Charles Crook, 1506 West Pioneer Parkway, Arlington, Texas, completed a speaker card in support of Zoning Docket No. ZC-10-133, but did not wish to address the City Council.

Motion: Council Member Moss made a motion, seconded by Council Member Hicks, that Zoning Docket No. ZC-10-133 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

It appeared to the City Council that the Notice of Special Hearing set today as the date for the hearing in connection with recommended changes and amendments to Zoning Ordinance No. 13896 and that notice of the hearing had been given by publication in the *Fort Worth Star-Telegram*, the official newspaper of the City of Fort Worth, on December 16, 2010.

**3. Zoning Docket No. ZC-10-178 - Great Dane Holdings, LLC, 4621 Geddes Avenue; from: "B" Two-Family to: "PD/E" Planned Development for all uses in "E" Neighborhood Commercial, excepting certain uses; site plan required. (Recommended for Approval)**

The following individuals completed speaker cards in support of Zoning Docket No. ZC-10-178, but did not wish to address the City Council.

Mr. Jim Schell, 901 Fort Worth Club Building  
Mr. Dusty Renfro, 4600 Diaz Avenue

Motion: Council Member Burdette made a motion, seconded by Council Member Burns, that Zoning Docket No. ZC-10-178 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**4. Zoning Docket No. SP-10-009 - Great Dane Holdings, LLC, 4605 - 4621 Geddes Avenue and 4616 Diaz Avenue; Site Plan for "PD-805" Planned Development for E uses excepting certain uses.(Recommended for Approval as Amended for an 8 ft. fence along the entire western property line with masonry columns every 20 ft., and the allowance of parking adjacent to the southern driveway as indicated on the site plan)**

Motion: Council Member Burdette made a motion, seconded by Council Member Burns, that Zoning Docket No. SP-10-009 be approved as amended for an 8 ft. fence along the entire western property line with masonry columns every 20 ft., and the allowance of parking adjacent to the southern driveway as indicated on the site plan. The motion carried unanimously nine (9) ayes to zero (0) nays.

**5. Zoning Docket No. ZC-10-180 - City of Fort Worth Planning & Development, Generally bounded by Old Denton Road, High School Drive, Alta Vista Road, and Golden Triangle Boulevard; from: Unzoned to: "A-43" One-Family, "A-10" One-Family, "MH" Manufactured Housing, "CF" Community Facilities, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial, "FR" General Commercial Restricted, "I" Light Industrial, and "PD/SU" Planned Development/Specific Use (11855 Alta Vista uses are warehouse, outdoor storage, greenhouse, showroom, retail sales, office, and up to 15 temporary portable storage containers not to exceed six months use in a 12-month period; 11865 Alta Vista uses are landscaping and construction contractor yard, greenhouse/nursery with plant sales, pest elimination services, and beauty salon); site plan waiver recommended. (Recommended for Approval as Amended to A-10 single-family for 11545, 11555, 11565, 11575, 11585 Alta Vista)**

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**(ZC-10-180 Continued)**

Council Member Espino requested Ms. Dana Burghdoff, Deputy Director, Planning and Development Department, clarify which property would be continued on this item.

Ms. Burghdoff clarified that the property located at 401 Ridgeview Circle would be continued to the February 1, 2011, Council meeting.

Council Member Espino advised that he would meet with residents and the property owner to address concerns over the annexation.

Mr. Jeff Traylor, 650 McMakin Road, Bartonville, Texas, appeared before Council in support of Zoning Docket No. ZC-10-180 and advised he was the owner of the property located at 401 Ridgeview Circle. He stated the trailers would be removed from the low fenced commercial property and signed leases were in place for the construction of the buildings on the property and requested the Council approve the item.

Council Member Espino directed Mr. Traylor to the Council District 2 Aide, Belinda Norris, to schedule a meeting with him and the area residents regarding the concerns relative to uses of the property on the residential streets. He also advised that when a property was annexed by the City, the rights on the property were grandfathered. He stated no action would be taken on this property and it would be continued to the February 1, 2011, Council meeting.

Motion: Council Member Espino made a motion, seconded by Mayor Pro tem Scarth, that Zoning Docket No. ZC-10-180 be approved as amended to A-10 single-family for 11545, 11555, 11565, 11575, 11585 Alta Vista and 401 Ridgeview Circle be continued until the February 1, 2011, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

**6. Zoning Docket No. ZC-10-184 - City of Fort Worth Planning & Development: Text Amendment, Near Southside Amendment: 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, to amend: Various sections of the Near Southside Development Standards and Guidelines as provided by Section 4.909D, "Other Development Standards" of Chapter 4, "District Regulations" of Article 9, "Commercial Districts" to revise criteria of Significant Trees and methods of mitigation for removal; to further promote desirable development and to correct inconsistencies; to amend the regulations for building height and projecting signs; to clarify the application of roof slope standards; to provide additional regulations for "N" zones; to correct references for established and projecting yards. (Recommended for Approval) (Continued from a Previous Meeting)**

**(ZC-10-184 Continued)**

It appeared that the City Council at its meeting of December 7, 2010, continued Zoning Docket ZC-10-184, 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 Fort Worth, to amend: Various sections of the Near Southside Development Standards and Guidelines as provided by Section 4.909d, "Other Development Standards" of Chapter 4, "District Regulations" of Article 9, "Commercial Districts" to revise criteria of Significant Trees and methods of mitigation for removal; to further promote desirable development and to correct inconsistencies; To amend the regulations for building height and projecting signs; To clarify the application of roof slope standards; To provide additional regulations for "N" Zones; To correct references for established and projecting yards. (Recommended for Approval)

Mr. Mike Brennan, 1109 Mistletoe Drive, completed a speaker card in support of Zoning Docket No. ZC-10-184, but did not wish to address the City Council.

There being no one else present desiring to be heard in connection with the Text Amendment, Council Member Hicks made a motion, seconded by Council Member Burns, that Zoning Docket No. ZC-10-184 be approved, and the following ordinance be adopted:

ORDINANCE NO. 19514-01-2011

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 FORT WORTH, TO AMEND: VARIOUS SECTIONS OF THE NEAR SOUTHSIDE DEVELOPMENT STANDARDS AND GUIDELINES AS PROVIDED BY SECTION 4.909D, "OTHER DEVELOPMENT STANDARDS" OF CHAPTER 4, "DISTRICT REGULATIONS" OF ARTICLE 9, "COMMERCIAL DISTRICTS" TO REVISE CRITERIA OF SIGNIFICANT TREES AND METHODS OF MITIGATION FOR REMOVAL; TO FURTHER PROMOTE DESIRABLE DEVELOPMENT AND TO CORRECT INCONSISTENCIES; TO AMEND THE REGULATIONS FOR BUILDING HEIGHT AND PROJECTING SIGNS; TO CLARIFY THE APPLICATION OF ROOF SLOPE STANDARDS; TO PROVIDE ADDITIONAL REGULATIONS FOR "N" ZONES; TO CORRECT REFERENCES FOR ESTABLISHED AND PROJECTING YARDS.

**7. Zoning Docket No. ZC-10-187 - Reginald Wilson, 4503 Mansfield Highway; from: "E" Neighborhood Commercial to: "FR" General Commercial Restricted. (Recommended for Approval)**

Motion: Council Member Moss made a motion, seconded by Council Member Zimmerman, that Zoning Docket No. ZC-10-187 be continued until the January 25, 2011, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

**8. Zoning Docket No. ZC-10-188 - City of Fort Worth Planning & Development, Northside Neighborhood, Phase 2 Generally bounded by McKinley Avenue, NW 28th Street, Lincoln Avenue, and Park Street; from: "A-5" One-Family, "B" Two-Family, "B/HC" Two-Family/Historic & Cultural Overlay, "CR" Low Density Multifamily, "C" Medium Density Multifamily, "C/DD" Medium Density Multifamily/Demolition Delay, "D" High Density Multifamily, "CF" Community Facilities, "E" Neighborhood Commercial, "E/DD" Neighborhood Commercial/Demolition Delay, "FR" General Commercial Restricted, "F" General Commercial, "I" Light Industrial, "I/DD" Light Industrial/Demolition Delay, and "PD" Planned Developments 39, and 777 to: "A-5" One-Family, "A-5/HC" One-Family/Historic & Cultural Overlay, "A-5/DD" One-Family/Demolition Delay, "B" Two-Family, "CR" Low Density Multifamily, "CF" Community Facilities, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial, and "FR" General Commercial Restricted (Recommended for Approval)**

Council Member Espino expressed appreciation to the Northside Neighborhood Association and Planning and Development Department staff for their support on this Council initiated rezoning to align the property with the Comprehensive Plan.

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Zoning Docket No. ZC-10-188 be approved with appreciation to the Northside Neighborhood Association. The motion carried unanimously nine (9) ayes to zero (0) nays.

**9. Zoning Docket No. ZC-10-189 - City of Fort Worth Public Events, Will Rogers Area Generally bounded by Montgomery Street, Camp Bowie Boulevard, University Drive, and Harley Avenue; from: "A-5" One-Family, "A-5/DD" One-Family/Demolition Delay, "CF" Community Facilities, "C" Medium Density Multifamily, "E" Neighborhood Commercial, "J" Medium Industrial, and "K" Heavy Industrial to: "PD/CF" Planned Development for all uses in "CF" Community Facilities plus alcohol sales, "PD/CF/DD" Planned Development for all uses in "CF" Community Facilities plus alcohol sales and retaining Demolition Delay, "PD/I" Planned Development for all uses in Light Industrial, including certain uses and excluding certain uses, and "PD/I/DD" Planned Development for all uses in Light Industrial, including certain uses and excluding certain uses and retaining Demolition Delay, with development standards; site plan waiver recommended. (Recommended for Approval)**

Motion: Council Member Burdette made a motion, seconded by Council Member Burns, that Zoning Docket No. ZC-10-189 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

There being no one else present desiring to be heard in connection with the recommended changes and amendments to Zoning Ordinance No. 13896, Council Member Burdette made a motion, seconded by Council Member Burns, that the hearing be closed and that the following ordinance be adopted:

ORDINANCE NO. 19515-01-2011

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, SAME BEING AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY RESIDENCE AND OTHER PURPOSES, THE HEIGHT, NUMBER OF STORIES AND SIZE OF THE BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS AND OTHER OPEN SPACES, OFF-STREET PARKING AND LOADING, AND THE DENSITY OF POPULATION, AND FOR SUCH PURPOSES DIVIDING THE MUNICIPALITY INTO DISTRICTS AND THE BOUNDARIES THEREOF UPON "DISTRICT MAPS"; PURPOSE AND CONFLICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND NAMING AN EFFECTIVE DATE.

The motion carried unanimously nine (9) ayes to zero (0) nays.

**10. Zoning Docket No. ZC-10-191 - City of Fort Worth Planning and Development: Text Amendment, Boat Dock 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, to amend: Article 3, "Accessory Uses" of Chapter 5, "Supplemental Use Standards" to add a new section, Section 5.308, "Docks, Piers, and Boat Houses"; to regulate residential docks and boat houses; and To Amend Chapter 9, "Definitions" to add new definitions related to Docks, Piers, and Boat Houses. (Recommended for Approval as Amended)**

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

Council Member Burdette advised that he was recommending a revision to the recommendation coming forward from the Zoning Commission and made following motion.

Main Motion: Council Member Burdette made a motion, seconded by Council Member Jordan that Zoning Docket No. ZC-10-191 be approved, and the proposed ordinance be adopted with the following amendment:

Section 5.308. Docks, Piers and Boathouses

B. Size and Setback Limitations.

**(ZC-10-191 Continued)**

1. One structure is permitted per property, and the maximum size of any structure shall be as follows:

Shoreline Frontage (linear feet)	Maximum Structure Size (square feet)
Up to <del>80</del> <u>100</u> feet	1,000 square feet
<del>81</del> <u>101</u> feet or more	Linear feet of shoreline x <del>15</del> <u>10</u> Not to exceed <del>2,000</del> <u>1,600</u> square feet

The area measured is to be the largest area at the end of a walkway. The largest area may be either the outside corners of the structure or the roofline if it has more than a two-foot overhang.

- C. Enclosure and Storage.
  1. Enclosed structures are prohibited. To protect a raised boat within a structure from the elements, solid sides on the structure will be permitted at a maximum of ~~four (4)~~ two (2) feet measured downward from the point where the ceiling joist meet the top plate. No additional materials may be installed below the ~~four (4)~~ two (2) foot sidewalls.

Council Member Burdette also explained that the lake was public property and the shorefront property owners were building boat docks on the public lake. He advised that when the structures were built on the lake that area became unusable to the public. He stated that it was his duty as an elected official to represent both the shoreline property owners as well as the public who wished to use the lake.

The following individuals appeared in support of Zoning Docket No. ZC-10-184 as recommended by the City Zoning Commission. They stated they would not support the ordinance amendments proposed by Council Member Burdette. They pointed out that the reduction of the side wall to two (2) feet would not properly protect boats and other watercraft. They also stated that further restrictions to development of shorefront property and boat docks would negatively impact their property values. They advised that 1600 square feet for a boat dock was not large enough for a slip and an entertainment area. They also advised that the water around the edge of the boat docks was too shallow to be used by the public so the additional 400 square feet of boat dock space should not be an issue in terms of public use. They requested Council approve the ordinance amendments as proposed by the Zoning Commission.

**(ZC-10-191 Continued)**

Mr. Robert Crow, 8416 Blue Heron Court  
Mr. Michael Dallas, 8437 Island View Drive  
Mr. Art Rogers, 7801 Vinca Circle  
Mr. Robert Downey, 7724 Lon Morris Court  
Mr. Michael Barnard, 4237 Wells Drive  
Ms. Deanne Kearney, 8401 Island View Drive  
Mr. Brian Keller, 7504 Love Circle  
Mr. John Godwin, 6425 Cahoba Drive  
Mr. Glenn Sperry, 6505 Cahoba Drive  
Mr. Ron Rhone, 9137 Watercress Drive  
Mr. Dennis Leech, 9141 Watercress Drive  
Mr. Frank Newman, Jr., 8244 Killdeer Circle  
Ms. Christa Fincher, 7209 Plover Circle (displayed drawings of single and double slip docks)  
Mr. Rayford Shelton, 7117 Plover Circle  
Mr. Matt Burkett, 6825 Cahoba Court East

The following individuals spoke in support of Council Member Burdette's proposed amendments:

Ms. Gale Cupp, 9225 Heron Drive  
Mr. Joe Waller, 2533 Castle Circle

Council Member Burdette reiterated that the lake was public property and when the structures were built on the lake that area became unusable to the public. He stated the easements had been previously undefined which was why the ordinance was being amended. He stated that it was his duty as an elected official to represent both the shoreline property owners as well as the public who wish to use the lake. He stated that staff had surveyed area lakes and most lakes did not allow boat docks larger than 1,600 square feet to be constructed. He advised that he heard the requests of the property owners and would revise his main motion.

Amendment to Main Motion: Council Member Burdette made a motion, seconded by Council Member Zimmerman, that the main motion for Zoning Docket No. ZC-10-191 be amended with the maximum square footage of 1,600 square feet, with the right to seek an exception from the Board of Appeals, the measurement by the shoreline multiplied by a factor of 15, and with four (4) foot sidewalls. The motion to amend the main motion carried unanimously nine (9) ayes to zero (0) nays.

Mayor Moncrief called for the vote on the main motion as amended.

**(ZC-10-191 Continued)**

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

Due to confusion on the part of members of the audience, there was further discussion by the Council and clarification was given by Planning and Development Department staff.

Ms. Burghdoff clarified that the motion would be to close the public hearing, approve Zoning Docket No. ZC-10-191 and with the amendment as follows:

Section 5.308. Docks, Piers and Boathouses

B. Size and Setback Limitations.

1. One Structure is permitted per property, and the maximum size of any Structure shall be as follows:

Shoreline Frontage (linear feet)	Maximum Structure Size (square feet)
Up to 80 feet	1,000 square feet
81 feet or more	Linear feet of shoreline x 15 Not to exceed <u>1,600</u> square feet

The area measured is to be the largest area at the end of a Walkway. The largest area may be either the outside corners of the Structure or the roofline if it has more than a two-foot overhang.

Based on the clarification provided by staff, Council Member Hicks requested that Zoning Docket No. ZC-10-191 be reconsidered.

Mayor Moncrief opened the floor for a motion to reconsider Zoning Docket No. ZC-10-191.

Motion: Council Member Hicks made a motion, seconded by Council Member Burdette, that Zoning Docket No. ZC-10-191 be reconsidered. The motion carried unanimously nine (9) ayes to zero (0) nays.

Final Motion: Council Member Burdette made a motion, seconded by Mayor Pro tem Scarth that the Zoning Hearing be closed, and Zoning Docket No. ZC-10-191 be approved with the following amendment and the following ordinance be adopted:

Section 5.308. Docks, Piers and Boathouses

B. Size and Setback Limitations.

**(ZC-10-191 Continued)**

1. One Structure is permitted per property, and the maximum size of any Structure shall be as follows:

Shoreline Frontage (linear feet)	Maximum Structure Size (square feet)
Up to 80 feet	1,000 square feet
81 feet or more	Linear feet of shoreline x 15 Not to exceed <del>2,000</del> <u>1,600</u> square feet

The area measured is to be the largest area at the end of a Walkway. The largest area may be either the outside corners of the Structure or the roofline if it has more than a two-foot overhang.

ORDINANCE NO. 19516-01-2011

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, TO AMEND: ARTICLE 3, "ACCESSORY USES" OF CHAPTER 5, "SUPPLEMENTAL USE STANDARDS" TO ADD A NEW SECTION, SECTION 5.308, "DOCKS, PIERS, AND BOAT HOUSES"; TO REGULATE RESIDENTIAL DOCKS AND BOAT HOUSES; AND TO AMEND CHAPTER 9, "DEFINITIONS" TO ADD NEW DEFINITIONS RELATED TO DOCKS, PIERS, AND BOAT HOUSES.

The motion carried unanimously nine (9) ayes to zero (0) nays.

**XVI. CITIZEN PRESENTATIONS**

**1. Joe Don Brandon, P.O. Box 1155 - "Woman's Presbyterian Night Shelter Needs (\$50.00 Bunk Rent)"**

Mr. Joe Don Brandon, P.O. Box 1155, appeared before Council relative to the Women's Presbyterian Night Shelter and stated that anyone could pay to rent a woman a bunk for \$75.00 for two (2) months. He encouraged those interested to contact Ms. Brenda Carter at 817-632-7455 for more information. He also stated he would be speaking on a number of items in the coming months. He also advised that the riders on The "T" should not be allowed to have guide animals or motorized chairs without medical proof of their need. He also displayed a photograph of a dog that allegedly attacked a person. He displayed the men's shower at the Day Resource Center and stated it was filthy and he would not wash his dog in the shower. He stated the shower was covered in mold and added that a doctor told him that one of the main medical issues with the homeless were foot problems.

**Other Citizens Presentations:**

Mr. Joe Waller, 2533 Castle Circle, appeared before Council and expressed appreciation to the Council for the Capital Improvement Program development in the Lake Worth area. He stated he appreciated all of the different visions and views of the residents and business owners. He displayed a map of the Lake Worth Vision Plan and stated the Lake Worth Alliance supported nice park areas and a dredged lake. He stated that there was still work to be done in and around Lake Worth and advised he looked forward to the future projects.

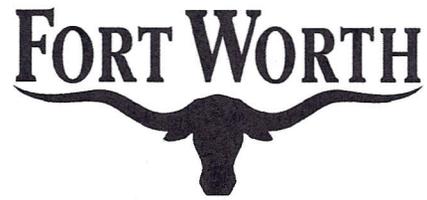
Mr. Mark Meeks, 5737 Blackmore Avenue, appeared before Council relative to driving a car without insurance and suggested that the City “boot” and impound the cars of drivers without insurance as a revenue source. He also requested that the teen curfew ordinance be amended and pushed back one (1) hour. He stated that the west side of the City was experiencing crime issues and changing the teen curfew would help alleviate some of the criminal activity.

Council Member Burdette suggested staff revisit the idea of impounding the vehicle of a non-insured driver since the new auto impound was now open and the City would have space to store the impounded vehicles.

Mr. Jeffery Davis, 2901 Altamere Drive, completed a citizen presentation card and was recognized by Mayor Moncrief, but was not present in the Council Chamber.

**XVIII. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:53 p.m., in memory of Michael Batts, a junior at Paschal High School who was on his way to perform with the school band on November 7, 2010, and sustained critical injuries in an accident; Mrs. Frances Jackson; who passed away on November 8, 2010, and was a dedicated Code Blue Coordinator and citizen of Fort Worth; Officer Jillian Smith, Arlington Police Department, who was killed in the line of duty on December 28, 2010; and Judge Tom Vandergriff, former Mayor of Arlington who passed away on December 30, 2010.



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

**From:** Councilman Frank Moss *Franklin D. Moss*

**Date:** January 19, 2011

**Re:** Application for Library Advisory Board – District 5

Attached is the application of Mrs. Gloria Smith for appointment to serve as my representative on the Library Advisory Board at the council meeting of January 25, 2011.

**Franklin D. Moss**  
**City Council – District 5**

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

(817) 392-6150★ FAX (817) 392-6196

**To the Mayor and Members of the City Council****January 25, 2011**

Page 1 of 1

**SUBJECT: AMENDMENT TO ECONOMIC DEVELOPMENT PROGRAM AGREEMENT CONTRACT NO. 36633 WITH CARLYLE/CYPRESS WEST 7<sup>TH</sup>, LP TO ALLOW COLLATERAL ASSIGNMENT TO LENDERS**

On February 15, 2008, the City Council entered into an Economic Development Program Agreement with Carlyle/Cypress West 7<sup>th</sup>, LP (Developer) for the development of the mixed-use West 7<sup>th</sup> project located in the cultural district of the City.

In December of 2010, Developer approached the City regarding its intentions to pursue a loan to continue the construction of the mixed-use development. Developer is requesting that the Economic Development Program Agreement be amended to permit the Developer to assign the agreement as security to the lender providing financing toward the development without prior approval of the City Council. Developer would have to provide the City with copies of all loan agreements, deeds of trust, and other documents between the Developer and the financial institution.

Frequently, as security for the loan, certain agreements between the Developer and the lender governing the loan require the Developer to assign to the lender all the Developer's rights, interest in and to the Economic Development Program Agreement until such time as the Developer has fully satisfied all duties and obligations under the loan documents. Therefore, a Consent to Assignment would also be executed by the City, Developer and the lender to outline the transfer of specific rights and interest and to provide that if the lender foreclosed on its interest under the Economic Development Program Agreement, the lender would be bound by the duties and obligations of Developer under that Agreement.

Staff will forward an M&C on February 1<sup>st</sup> Council agenda for City Council consideration to authorize the execution of an amendment to the Economic Development Program Agreement City Secretary Contract No. 36633 to allow the Developer to assign the agreement as partial security to lenders.

**Tom Higgins**  
**Interim City Manager**

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

**January 25, 2011**

Page 1 of 2



**SUBJECT: January 2011 – Sales Tax Update**

In response to the volatile nature of sales tax revenue, the Staff committed to providing you a brief update of the sales tax collections. The Texas Comptroller’s Office posted results the week of January 10th. Reported allocation is dependent upon the timing and accuracy of taxpayers’ returns; however, this report represents taxes collected on sales collected two months or more prior to the allocation payment date. The following January sales tax report represents actual taxes that were collected for November 2010.

This report has recently been revised in hopes of providing you more insightful information. You will see our sales tax collection compared to last year and the impact on the current year’s budget. Additionally, we have included a historical comparison for neighboring cities. This chart demonstrates how our trend compares to others.

City of Fort Worth Monthly Collections FY11 vs. FY10				
	<b>November FYE 2011</b>	<b>November FYE 2010</b>	<b>Favorable \$ Var</b>	<b>% Var</b>
<b>Sales Tax Revenue</b>	\$7,559,575	\$7,215,285	\$344,290	4.9%

**Note:** The City’s sales tax collections were up \$344,290 compared to last year. This is a welcome sign of improvement from the recession and the drop in consumer confidence experienced in the prior year. Data for the month suggest that the wholesale trade and the retail trade industry sectors are the current drivers for the positive collection over the prior year.

City of Fort Worth Budget Comparison						
<b>November YTD</b>				<b>Projection</b>		
<b>Actual</b>	<b>Budget</b>	<b>% Var</b>		<b>Reestimate</b>	<b>Budget</b>	<b>% Var</b>
\$15,284,490	\$14,140,553	8.1%		\$97,495,375	\$96,351,438	1.2%

**Note:** The city has currently collected a total of \$1,143,937 more than budgeted at this point in the current fiscal year. Although the re-estimate for Year-to-Date is favorable, staff recommends a conservative position on sales tax collection for the remaining 10 months uncollected.

To the Mayor and Members of the City Council

January 25, 2011

Page 2 of 2



**SUBJECT: January 2011 – Sales Tax Update**

City of Fort Worth City Comparisons FY11 vs. FY10			
CITY	OCT	NOV	YTD
BURLESON	16.9%	20.5%	18.2%
GRAPEVINE	13.3%	15.3%	14.7%
ARLINGTON	16.6%	8.8%	12.9%
HURST	2.3%	21.9%	11.6%
EULESS	14.8%	5.3%	9.7%
WATAUGA	8.7%	9.3%	8.5%
<b>FORT WORTH</b>	<b>9.0%</b>	<b>4.9%</b>	<b>6.8%</b>
SOUTHLAKE	3.6%	10.0%	6.7%
NORTH RICHLAND HILLS	2.4%	10.9%	6.4%
DALLAS	4.7%	6.0%	5.3%
KELLER	-2.5%	9.0%	3.3%
BEDFORD	2.1%	0.1%	1.1%
GRAND PRAIRIE	3.4%	-23.9%	-10.4%
<b>STATE TOTAL</b>	<b>6.6%</b>	<b>7.3%</b>	<b>6.6%</b>

**Note:** The above chart shows the monthly trend in sales tax revenue compared to other cities. As you can see, Year-to-Date collections for Fort Worth are up 6.8% over Year-to-Date last year. The city has experienced positive growth in sales tax collection; however, this positive trend is below the actual collection growth experienced in calendar year 2008. It is our expectation that this steady growth will continue throughout the fiscal year and upcoming years. The Comptroller's office is projecting statewide economic growth through 2013.

**Staff will continue to monitor this volatile revenue source throughout the year and provide an update to the City Council on a monthly basis.**

Again, hopefully you find this additional information helpful. If you have any questions, please call Horatio Porter, Budget Officer, at 817.392.2379.

**Tom Higgins  
Interim City Manager**



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

**January 25, 2011**

Page 1 of 1

**SUBJECT: ENTERPRISE RESOURCE PLANNING (ERP) PROJECT - PHASE I  
UPDATE**

## **INFORMATION FORTHCOMING**

**No Documents for this Section**

# A Resolution

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

## ADOPTING THE CITY OF FORT WORTH'S 2011 FEDERAL LEGISLATIVE PROGRAM

**WHEREAS**, the 112th Session of the United States Congress convened on January 5, 2011; and

**WHEREAS**, prior to the beginning of each U.S. Congressional session, the City Manager seeks input from the Mayor and Council, City staff, and members of the City's legislative delegation regarding legislative issues that affect the City and the way in which the City conducts its business; and

**WHEREAS**, based upon the input received, proposed legislative initiatives are then taken to the City Council Legislative and Intergovernmental Affairs Committee for discussion and analysis; and

**WHEREAS**, the attached City of Fort Worth 2011 Federal Legislative Program represents the recommended initiatives forwarded to City Council by the Legislative and Intergovernmental Affairs Committee following its review of recommended initiatives on January 19, 2011; and

**WHEREAS**, it is anticipated that other issues may arise prior to and during the 2011 legislative session and these will be brought before City Council at a later date; and

**WHEREAS**, once City Council adopts the 2011 Federal Legislative Program, staff will distribute the program to members of our delegation, departments, agencies and upon request to major cities in furtherance of the 2011 Federal Legislative Program.

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

1.

That the City Council adopts the 2011 Federal Legislative Program as outlined in the attached document.

2.

That the City Council authorizes and directs the City Manager to distribute copies of the City's 2011 Federal Legislative program to members of the Legislature, other cities, and other interested parties.



3.

That the City Council authorizes and directs the appropriate City officials to send letters of support and to meet with legislators or federal officials to discuss the City's position on the initiatives outlined in the attachment.

4.

That the City Council authorizes and directs the City's Government Relations staff and the City's federal legislative consultants to take the appropriate actions to advance the 2011 Federal Legislative Program before the U.S. Congress, the Administration and corresponding federal agencies.

Adopted this \_\_\_\_ day of \_\_\_\_\_ 2011.

ATTEST:

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

Marty Hendrix, City Secretary



## **2011 FEDERAL LEGISLATIVE INITIATIVE PROGRAM SUMMARY**

### **PROPOSED MAJOR 2011 GENERAL FEDERAL LEGISLATIVE INITIATIVES:**

It is recommended, that the major issues the City should consider for a federal advocacy plan in 2011 include:

- Defend against cuts to critical municipality operations programs such as LIHEAP, HOPE VI, WRDA, TEA-LU, etc.
- Support Broadband for First Responders Act whose lead sponsor is now the Homeland Security Committee chair. Will improve interoperability for first responders
- Support Urban Areas Security Initiative (UASI) grants which focus on enhancing regional emergency preparedness in major metropolitan areas
- Support Weatherization Grants by the Department of Energy, designed to provide weatherization improvements to existing housing stock
- Repeal or address IRS Form 1099 reporting requirement for all municipalities, small businesses, and real estate owner transactions over \$600 annually

### **PROPOSED MAJOR 2011 TRANSPORTATION, ENERGY, AND WATER INITIATIVES:**

It remains to be determined if transportation and/or energy and water projects will be carved out from an earmark exemption. It is recommended that if an opportunity arises the City be poised to immediately pursue the following:

- Transportation – Concentrate on funding and enhancing the TIFIA program. It is undercapitalized and one of the major methods that NTTA and NTEMP are trying to raise capital to support the Southwest Parkway and I-35 Projects
- Transportation – Support for the US Public Transit New Starts application for the SW2NE Commuter Rail Line
- Transportation – Engage federal agencies to advance projects (FRA’s release of funding for Tower 55)
- Transportation – Support for addressing the federal gas tax law

If earmarks are allowed:

- Transportation - I-35 from US 287 to Denton County Line (\$5 million for plan development, specifications and Estimates)
- Transportation -- Interchange with I-30 in W. Fort Worth – Walsh Ranch Parkway (\$10 million for construction only)
- Water – Village Creek Peak Flow Storage/Holding Pond for excess wastewater during heavy rains (Estimated cost of \$48 million- seek partial funding)
- Energy /Sustainability – 3 year EECBG funding program which would include the following as related to both EISA2007 and ARRA2009 federal legislation for planning and strategy initiatives, lighting efficiency improvements, “Green” building initiatives, building improvements, traffic signalization initiatives, bicycle commuting initiatives, renewal energy initiatives, grant administration:

- Budget Year 1 / CFW FY13 \$60 million
- Budget Year 2 / CFW FY14 \$60 million
- Budget Year 3 / CFW FY15 \$60 million
- EECBG Program Year 2 / 2013 – 15 \$180 million

(Current EECBG funds similar efforts for 3-Budget Years, FY10-12, and why the above begins in FY13)

- Support TRV Request – Energy and Water (\$40 - \$45 million)
- Support TRV Transportation (Bridges) Request (\$17 million)
- Support TRV Transportation EDU HUD Request (\$1 million)

## **DETAIL ON FEDERAL LEGISLATIVE ISSUES TO WATCH/SUPPORT/DEFEND:**

### **SUPPORT/DEFEND CATEGORY:**

- Support/Defend the Safe, Accountable, Flexible, Efficient Transportation Equity Act (Surface transportation bill for Transportation Public Works and Planning and Development)
- Support/Defend WRDA Water Resources Development Act (Water)
- Support Gas Pipelines Safety (Planning and Development)
- Support appropriate Eminent Domain legislation (Planning and Development)
- Support Region VI Fair Housing and Equal Opportunity Office regarding housing discrimination (Human Relations Commission)
- Support Internet Sales Tax to allow the City to enhance its revenue from sellers and buyers out of state (Financial Management Services)
- Defend/Support Build America Bonds (BABS) and other tools (Financial Management Services)
- Support FY 2011 Commerce-Justice-Science Appropriations Bill (Fire-Emergency Management)
- Support all electric generators, regardless of size, should be explicitly barred from the unlawful exercise of market power (Law/Utility Regulation)
- Support cities harmed by wholesale market abuse, increases in fines and the prohibition of activities defined as market abuse (Law/Utility Regulation)
- Support the modification of stationary purpose of the PUC Support and the prohibition of activities defined as market abuse (Law/Utility Regulation)
- Support requiring competitive retail electric providers (REPS) to include at least one standard electricity package that has PUC approved terms and conditions (Law/Utility Regulation)
- Support the increase of consumer representatives on the ERCOT Board
- Support requiring the PUC to pre-approve all debt financing by ERCOT (Law/Utility Regulation)
- Support appropriate legislation on PEG cable franchise fees in allowing funds to be utilized for operational expenditures as well as capital expenditures

### **OPPOSE/REPEAL CATEGORY:**

- Oppose exemption Hotel Occupancy Taxes for Online Booking (Financial Management Services)
- Oppose revenue caps/limits on telecommunications (Financial Management Services)
- Oppose Additional SEC Oversight in the issuance of Municipal Securities and the GASB (Financial Management Services)
- Repeal Expanded IRS Form 1099 (Financial Management Services)
- Repeal Section 3402(t) of the IRS Code (Financial Management Services)
- Oppose decreasing the authority of a city to be adequately compensated for the use of its right-of-way (Law/Utilities)
- Oppose eroding municipal original jurisdiction relating to the ratemaking authority of electric utilities (Law/Utilities)
- Oppose eroding municipal authority to require utility companies to pay the costs of relocating their facilities in a timely manner (Law/Utilities)
- Oppose limiting current municipal authority related to the Gas Reliability Infrastructure Program (Law/Utilities)

- Oppose amending the Gas Reliability Infrastructure Program (Law/Utilities)
- Oppose applying the Prompt Payment Act to utility bills submitted to a city (Law/Utilities)

**SUPPORT CONTINUATION OF FEDERAL GRANTS:**

- HUD Fair Housing for approx. \$550K-\$600K annually (Human Relations Commission)
- EEOC Fair Employment for approx. \$55K annually (Human Relations Commission)
- Assistance to Firefighters Grant (AFG) (Fire-Emergency Management)
- Fire Prevention Safety Grant (Fire-Emergency Management)
- Urban Areas Security Initiative (Fire-Emergency Management/Police)
- State Homeland Security Program (SHSP) (Fire-Emergency Management)
- Metropolitan Medical Response System (MMRS) Program (Fire-Emergency/Management)
- Citizen Corps Program (CCP) (Fire-Emergency Management)
- Emergency Management Preparedness Grant (EMPG) (Fire-Emergency Management)
- Support current level of funding for entitlement grants (Housing & Economic Development)
- Support new funding for extended stimulus/ARRA related grants such as Neighborhood Stabilization Program (NSP) and Weatherization Grant (Housing & Economic Development)
- Fort Worth Early Childhood Matters Initiative (Library)
- Land and Water Conservation Fund (Parks & Community Services)
- Urban Revitalization and Livable Communities Act (Parks & Community Services)
- Reauthorization of the Surface Transportation Program of the Transportation Enhancements Program (Parks & Community Services)
- 2011 Low Income Home Energy Assistance Program (LIHEAP) (Parks & Community Services)
- Urban Park and Recreation Recovery (UPARR) Program (Parks & Community Services)
- Edward Byrne Memorial Justice Assistance Grant (JAG) Program (Police)
- Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Safety Assistance Program (MCSAP) High Priority Grant Program (Police)
- Bulletproof Vest Protection (BVP) Program (Police)
- COPS Secure Our Schools Program (Police)
- Paul Coverdell Forensic Science Improvement Grants Program (Police)
- Solving Cold Cases with DNA (Police)
- Human Trafficking Task Force Initiative (Police)
- Safe Start Promising Approaches Project (Police)
- G.R.E.A.T. (Gang Resistance Education and Training) Program (Police)
- Homeland Security \$13.7 million grant to assist with Police/Fire Training Center (Police)

## **GENERAL LEGISLATIVE POLICY:**

- As a general policy, the City of Fort Worth seeks to preserve its authority to responsibly govern the City, its citizens, and its property. The City **supports** any legislation viewed as advancing the City's Comprehensive Plan or the City's Strategic Goals; or that improves the health, safety, and welfare of its citizens; or that reduces the cost of governing the City.
- In addition, the City will **oppose** any legislation viewed as detrimental to its Comprehensive Plan or its Strategic Goals; or that is contrary to the health, safety, and welfare of its citizens; or that mandates increased costs or decreased revenues; or that would diminish the fundamental authority of the City.

# A Resolution

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

## ADOPTING APPLICABLE SECTIONS OF THE TEXAS MUNICIPAL LEAGUE'S 2011 LEGISLATIVE PROGRAM

**WHEREAS**, the 82<sup>nd</sup> session of the Texas Legislature is expected to consider more than 8,000 proposed bills of which an estimated 1,300 bills would affect Texas cities in varying degrees, if enacted; and

**WHEREAS**, the Texas Municipal League (TML), of which the City of Fort Worth is a member, has adopted its 2011 TML Legislative Program through an extensive process that began with member cities representatives and league officials submitting items for the TML legislative program, included extensive review by TML legislative policy committees comprised of elected and appointed city officials from throughout the state and concluded with the adoption of 2011 Legislative Program by the membership at the 2010 annual conference and by the board of directors at the October 27, 2010, TML board meeting; and

**WHEREAS**, the guiding principles of the TML 2011 Legislative Program are: 1) to vigorously oppose any legislation that would erode the authority of Texas cities to govern their own local affairs, 2) to uphold the tenet that cities represent the level of government closest to the people and thus are in best position to make decisions that affect residents of a city and 3) to oppose any state mandates on Texas cities that do not provide for a commensurate level of compensation; and

**WHEREAS**, the TML 2011 Legislative Program is supported by the City of Fort Worth's representative to the TML board, Council Member Jungus Jordan; and

**WHEREAS**, after careful review, it is determined that, as outlined in the attached document, the TML 2011 Legislative Program complements and expands on the City of Fort Worth 2011 Legislative Program; and

**WHEREAS**, it is in the City of Fort Worth's best interest to support and promote the TML 2011 Legislative Program, as outlined in the attached document, through the City of Fort Worth's legislative relations activities.

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



1.

That the City Council hereby adopts the 2011 TML Legislative Program as outlined in the attached document and incorporates the attachment into the 2011 City of Fort Worth Legislative Program.

2.

That the City Council hereby directs the City Manager to support and promote the 2011 TML Legislative Program, as outlined in the attached document, during the course of the 82<sup>nd</sup> session of the Texas Legislature.

**Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2011**

**ATTEST:**

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

**Marty Hendrix, City Secretary**



## **CITY OF FORT WORTH EXCEPTIONS TO THE TML 2011 LEGISLATIVE AGENDA**

**Staff recommends approval and incorporation of the TML legislative agenda into the City of Fort Worth's agenda with the exception of the following items:**

**The TML Board voted to oppose the following in their legislative agenda:**

- **prohibit a city from following its own policies related to immigration**

**Staff's position is that any federal legislation would preempt a city's policy on this issue.**

**The TML Board voted to take no position on legislation that would:**

- **require a city to grant leave from work for municipal employees that meets the following criteria: (1) the leave is unpaid; (2) the leave must be used to address serious family or health issues; and (3) the leave is of a reasonably short duration.**
- **authorize a council-option reduction in the current ten-percent (10%) cap on annual appraisal growth.**
- **impose small property tax exemptions that serve some social good.**
- **allow a council-option city homestead exemption of up to thirty percent (30%).**

**Staff's position is that the City of Fort Worth would need to take its own position on any legislation that addressed the issues above.**

## **The TML Legislative Program for 2011**

### **Introduction**

City officials across the state are well aware of the fact that many significant decisions affecting Texas cities are made by the Texas Legislature, not by municipal officials.

During the 2009 legislative session, more than 7,600 bills or significant resolutions were introduced; at least 1,500 of them would have affected Texas cities in some substantial way. In the end, nearly 1,500 bills or resolutions passed and were signed into law; approximately 120 of them impacted cities in a direct or indirect way.

There is no reason to believe that the workload of the 2011 session will be any lighter; it may be greater. And for better or worse, city officials will have to live with all the laws that may be approved by the legislature. Thus, the League must make every effort to assure that detrimental bills are defeated and beneficial bills are passed.

The TML approach to the 2011 session is guided by principles that spring from a deeply rooted TML legislative philosophy:

- The League will vigorously oppose any legislation that would erode the authority of Texas cities to govern their own local affairs.
- Cities represent the level of government closest to the people. They bear primary responsibility for provision of capital infrastructure and for ensuring our citizens' health and safety. Thus, cities must be assured of a predictable and sufficient level of revenue and must resist efforts to diminish their revenue.
- The League will oppose the imposition of any state mandates that do not provide for a commensurate level of compensation.

In setting the TML program for 2011, the Board recognized that there is a practical limit to what the League can accomplish during the legislative session. Because the League (like all associations) has finite resources and because vast amounts of those resources are necessarily expended in defeating bad legislation, the Board recognized that the League must very carefully select the bills for which it will attempt to find sponsors and seek passage.

The Board considered nearly 200 initiatives that had been recommended by TML policy committees or by the membership-at-large. Each initiative was subjected to several tests:

- Does the initiative have wide applicability to a broad range of cities of various sizes (both large and small) and in various parts of the state?
- Does the initiative address a central municipal value, or is it only indirectly related to municipal government?

- Is this initiative, when compared to others, important enough to be part of TML's list of priorities?
- Will the initiative be vigorously opposed by strong interest groups and, if so, will member cities commit to contributing the time and effort necessary to overcome that opposition?
- Is this initiative one that city officials, more than any other group, should and do care about?

The Board placed each legislative issue into one of five categories of effort. Those five categories are:

- **Seek Introduction and Passage** – the League will attempt to find a sponsor, will provide testimony, and will otherwise actively pursue passage. Bills in this category are known as “TML bills.”
- **Support** – the League will actively attempt to obtain passage of the initiative if it is introduced by some other entity. The League will provide and/or arrange for testimony.
- **Endorse** – the League will make its support known but will not actively pursue passage.
- **Oppose** – the League will actively and vigorously attempt to defeat the initiative because it is detrimental to member cities.
- **No Position** – the League will take no action.

### **Our Highest Priority: Oppose Bad Bills**

The Board determined that TML's highest priority goal for 2011 will be the defeat of legislation deemed detrimental to cities. As a practical matter, adoption of this position means that the beneficial bills will be sacrificed, as necessary, in order to kill detrimental bills.

### **TML Priority Package**

The Board determined that the TML Priority Package will include the following items in priority order:

1. Defeat any legislation that would erode municipal authority in any way or that would otherwise be detrimental to cities, especially legislation that would:

- a. erode municipal authority in any way, impose an unfunded mandate, or otherwise be detrimental to cities.
  - b. impose a revenue cap of any type, including a reduced rollback rate, mandatory tax rate ratification elections, lowered rollback petition requirements, limitations on overall city expenditures, or exclusion of the new property adjustment in effective rate and rollback rate calculations.
  - c. mandate a reduction in the current ten-percent cap on annual appraisal growth.
  - d. erode the concept that appraisals must reflect the true market value of property.
  - e. require cities to act as collection agents for the state or a subdivision of the state, or that would allow the state or a subdivision of the state to usurp municipal revenue.
  - f. decrease the authority of a city to be adequately compensated for the use of its rights-of-way.
  - g. erode municipal authority over the management and control of rights-of-way.
  - h. erode city sovereign immunity.
  - i. expand the current meet-and-confer law.
  - j. establish a standard or process for determining economic loss and related compensation resulting from a regulatory action.
  - k. limit or prohibit the authority of city officials to use municipal funds to communicate with legislators.
  - l. limit or prohibit the authority of the Texas Municipal League to use any revenue, however derived, to communicate with legislators.
  - m. further erode a city's ability to condemn property for a public purpose, specifically legislation that would: (a) place eminent domain restrictions on cities that are more burdensome than those placed on the state; (b) provide for retroactive application of any eminent domain provisions; (c) erode municipal authority to engage in urban renewal efforts; (d) provide an excessive amount of damages to a property owner whose property is acquired through eminent domain; (e) enact adverse amendments to current law relating to subsequent repurchase of land acquired through eminent domain; or (f) amend the definition of "public use" to include any restriction on traditional public projects.
2. Passage of any legislation that would:

- a. exempt as many cities as possible from any federal collective bargaining legislation that may become law in the future.
- b. repeal the requirement in current law that a city must first offer to remove graffiti free of charge prior to requiring the property owner to remove it.
- c. create additional, flexible cost-of-living adjustment (COLA) options under the Texas Municipal Retirement System that are not retroactive to a retiree's date of retirement, such options to possibly include one-time increases tied to increases in the consumer price index or flat percentage increases.
- d. enable the use of electronic notice to the public of bid or proposal opportunities.
- e. authorize cities—in relation to annexation, planned annexation, voluntary annexation, or negotiated annexation—to replace some or all emergency services district (ESD) sales taxes in an area with city sales taxes, provided an ESD's existing sales tax debt is proportionately and reasonably provided for in some manner.
- f. convert the sales tax reallocation process from a ministerial process into a more formalized administrative process that would, at a minimum, require prior notice to all affected parties and impose a time limit of three years on the right of a claimant to request a refund.
- g. require accurate fiscal notes on rules proposed by state agencies.
- h. require the two state agencies that regulate street lighting in state highway rights-of-way (the Texas Department of Transportation and the Public Utility Commission) to adopt a uniform electrical code for street lighting in those rights-of-way.
- i. allow a city to collect thoroughfare impact fees in the extraterritorial jurisdiction.

## **SUPPORT**

The Board voted to support legislation that would:

1. amend Chapter 327 of the Texas Tax Code to authorize the collection of municipal sales and use taxes for street maintenance for a longer or indefinite term instead of the four years provided by current law.
2. require an investor-owned utility to refer to right-of-way rental (i.e., franchise) fees as a "fee" rather than a "tax."

3. clarify that cities have authority to enforce building codes in the extraterritorial jurisdiction.
4. grant immunity from liability for certified municipal building inspectors for damages arising from services provided during an emergency.
5. clarify the authority of cities to use handheld radar/laser speed enforcement technology.
6. make beneficial amendments to the “Scofflaw Program” (Chapter 702, Texas Transportation Code), including removing the fine cap in current law; expanding the law to allow general law cities to participate; and requiring a county tax assessor-collector to refuse to register a motor vehicle if the assessor-collector or the Department of Motor Vehicles receives appropriate information from the city.
7. authorize sobriety checkpoints.
8. combine the Texas Municipal Retirement System’s Municipal Accumulation Fund (MAF), the Current Service Annuity Reserve Fund (CSARF), and the Employee Savings Fund (ESF).
9. allow a city (for purposes of the Texas Municipal Retirement System (TMRS) return-to-work provision) to define “full time” as 1,000; 1,250; or 1,500 hours annually, so long as such a change would not endanger the federal tax status of TMRS.
10. amend the Texas Public Information Act to except from disclosure an employee’s or official’s emergency contact information and any reference to the employee’s or official’s household.
11. amend the Texas Public Information Act to except from disclosure a copy of an employee’s identification badge.
12. amend the Texas Public Information Act to except from disclosure out-of-state driver’s license numbers.
13. clarify that peddlers who sell burglar alarm services are not exempt from municipal regulations governing that activity.
14. simplify the effective tax rate calculation for notice purposes only, provided the legislation would have no effect on the underlying effective tax rate and rollback tax rate calculations themselves, nor upon the hold harmless exemptions to those rates.
15. clarify that the “Prop 2” pollution control property tax exemption isn’t meant to apply to the environmental characteristics of end products.

16. amend Section 11.1825 of the Tax Code by adding a requirement that community housing development organizations must receive an exemption from taxation from any affected municipality prior to receiving a tax exempt status from the local property tax appraisal district.
17. create a new council-option city sales tax for property tax relief that may exceed the two-percent local cap.
18. automatically convert existing sales taxes for property tax relief to any newly-created sales tax for property tax relief that would not count against the two-percent local cap.
19. expand the sales tax base, but only if the city tax base fully benefits from the expansion.
20. permit cities to share tax proceeds with other cities as part of a voluntary Chapter 380 economic development agreement.
21. permit a city, by vote of the citizens, to withdraw from an emergency services district, provided the city will provide fire service inside the city's limits.
22. permit a municipal development district's sales tax, notwithstanding a competing emergency services district (ESD) sales tax, to apply in the extraterritorial jurisdiction, as current law allows, provided an ESD's existing sales tax debt is proportionately and reasonably provided for in some manner.
23. provide for the popular election of emergency services district boards of directors.
24. authorize the expenditure of hotel occupancy taxes on the costs of conducting audits of potentially delinquent taxpayers.
25. allow for greater flexibility by cities to fund local transportation projects; amend or otherwise modify state law to help cities fund transportation projects; or provide municipalities with additional funding options and resources to address transportation needs that the state and federal governments are unable or unwilling to address.
26. discontinue the diversion of transportation revenues to non-transportation purposes and appropriate all revenues from highway user fees and taxes to fund transportation.
27. provide additional funding to the Texas Department of Transportation for transportation projects that would benefit cities, so long as existing funding formulas are followed.
28. increase state authority over air emissions or water quality as those items relate to gas development, so long as municipal authority in those areas is not eroded.

29. grant cities or counties additional authority to regulate gas wells in a city's extraterritorial jurisdiction (ETJ), so long as municipal authority in the ETJ remains superior to that of the county.
30. require the Texas Commission on Environmental Quality to consider minimum standards for fire protection for new or amended certificate of convenience and necessity applications for water providers in a city's extraterritorial jurisdiction.
31. allow landowners to opt out of a federally-indebted rural water supply corporation's certificate of convenience and necessity when the corporation cannot provide adequate fire flow of at least 1,000 gallons per minute for single family residential developments with at least 50 lots and 2,500 gallons per minute for multifamily and commercial property.
32. amend the Public Information Act to allow governmental bodies to recoup costs of responding to "inspection-only" requests for e-mails that require a significant amount of public employee time and resources and that would allow for tolling of the 10-day period to seek an attorney general request for ruling while the requestor responds to cost estimate.
33. allow municipalities the option of selecting either an official newspaper or an official Web site for the municipality's publication of official notices required by law.
34. repeal or provide beneficial amendments to Section 1301.551(e) of the Texas Occupations Code, relating to local control of residential fire sprinklers.
35. make beneficial amendments to Section 214.197 of the Texas Local Government Code, relating to false burglar alarm penalties.
36. amend the Open Meetings Act by replacing the criminal enforcement provisions with less restrictive penalties that balance the First Amendment right of government officials.
37. exempt municipalities from state motor fuel taxes.
38. exempt municipal officers and employees who are traveling on official business from state hotel taxes.
39. allow Texas cities with tax increment financing reinvestment zones to extend the lives of their zones.

**ENDORSE**

The Board voted to endorse legislation that would:

1. increase from \$25,000 to \$50,000 the dollar amount at which a city council may delegate contract change order approval to an administrative official.
2. allow a city to mandate that pharmacies located within the city participate in a pseudoephedrine reporting program.
3. permit local regulations to prohibit the ownership, possession, harboring, maintenance, transportation, or sales of specific breeds of dogs within a local municipality and/or support the repeal of state law that prohibits breed-specific regulations by home rule municipalities and local municipalities.
4. make the burglary of a motor vehicle a state jail felony with mandatory deferred sentencing for first time juvenile offenders and mandatory jail time for any offender with multiple offenses.
5. exempt a second-in-command police officer who attends any two-year block in the training program at the Bill Blackwood Law Enforcement Institute of Texas (LEMIT) from any line-level training required by the Texas Occupations Code in the same training block.
6. provide that the interest rate on public improvement district bonds is not limited by Section 373.023 of the Texas Local Government Code.
7. authorize the state fire marshal to investigate all line-of-duty firefighter deaths, including those involving training incidents, fire-based emergency medical service, on-duty motor vehicle collisions, and hazardous materials incidents.
8. return appraisals of oil and gas properties to the pre-H.B. 2982 (2007) methodology.
9. apply hotel occupancy taxes to recreational vehicle parks, except for stays of longer than 30 days.
10. increase future local parks funding.
11. change the eight-percent statutory interest rate on property tax refunds under Tax Code Section 42.43 to the rate of the 3-month treasury bill, as referenced in other portions of that section, as of the date of settlement.
12. change the Public Utility Commission's rate setting formulas and policies related to municipal street lights to allow a city, under certain circumstances, to discontinue service to a street light.
13. grant counties additional land use authority, so long as municipal authority in the extraterritorial jurisdiction remains superior to that of the county.
14. clarify the authority of general law cities to enact sex offender residency restrictions.

15. make the sale of Salvia divinorum or K2 a state criminal offense.
16. prospectively expand municipal authority relating to interlocal cooperation agreements, so long as such legislation is optional and would not otherwise be detrimental to cities.
17. provide for a statewide, state-funded, electronic pseudoephedrine database program, so long as cities are not required to participate in the program.
18. require mandatory disclosure of real estate sales prices.
19. modify the Super Freeport property tax exemption statute to match the related constitutional amendment.
20. allow municipal wastewater under a “no discharge” permit to be used for irrigation on land that is owned, leased, or otherwise controlled by the wastewater permittee, or upon land belonging to another person who has agreed to accept and utilize the wastewater in a manner allowed by Texas Commission on Environmental Quality regulations.
21. provide that all electric generators, regardless of size, should be explicitly barred from the unlawful exercise of market power.
22. provide that entities such as cities harmed by wholesale market abuse should be given explicit standing to participate in market power abuse enforcement actions brought by the Public Utility Commission.
23. increase fines for market abuses in such a way that the Public Utility Commission can order full restitution to the market, market participants, or parties injured by the violation.
24. prohibit activities defined as market abuse by the Federal Energy Regulatory Commission.
25. modify the statutory purpose of the Public Utility Commission to require it to harmonize its pursuit of competition with the protection of consumers of electricity.
26. as a condition of conducting business within Texas, require competitive retail electric providers to include among their offers one standard electricity package that has Public Utility Commission-approved terms and conditions.
27. increase the number of consumer representatives on the Energy Reliability Council of Texas board from three members to six members.

28. assign a seat on the Energy Reliability Council of Texas board (and on appropriate budget oversight panels within the Energy Reliability Council of Texas) to the state comptroller's office.
29. require the Public Utility Commission to pre-approve all debt financing by the Energy Reliability Council of Texas.

## **OPPOSE**

The Board voted to oppose legislation that would:

1. erode current municipal authority to regulate manufactured or industrialized housing.
2. erode municipal annexation authority.
3. erode municipal zoning authority.
4. restrict a city's ability to adopt or amend zoning regulations, or vest or otherwise create a property right in a zoning classification.
5. further erode a city's ability to regulate religious or charitable organizations.
6. enact adverse amendments to the permit vesting statute (Chapter 245 of the Local Government Code).
7. allow special districts to form in the extraterritorial jurisdiction without a city's permission, or that would impose additional requirements on cities relating to special districts.
8. reduce municipal authority to require exactions related to and required by new development, or that would erode the authority of cities to adopt and enforce minimum development standards.
9. erode a city's ability to make amendments to model building codes.
10. impose additional time restrictions on the issuance of building permits, or that would erode municipal authority regarding building permits in any way.
11. further restrict a city's ability to impose building fees.
12. erode municipal authority in the extraterritorial jurisdiction.
13. exempt any entity from paying municipal impact fees.

14. require a city to place a disclaimer of any type on a geospatial data product used by the city.
15. erode municipal authority to regulate renewable energy technology and green building initiatives.
16. repeal or limit red light camera authority generally. (Further, the committee recommends that TML defer to the Texas Red Light Coalition on more detailed matters relating to revisions to red light camera policy.)
17. erode municipal authority to regulate or abate a nuisance in the city limits or extraterritorial jurisdiction.
18. further shift to cities the cost of transporting mental health patients who are under an emergency detention order.
19. erode existing municipal authority relating to sex offender residency restrictions, or create a state standard that preempts current or future municipal sex offender residency restrictions.
20. prohibit peace officers from making arrests for any offense.
21. erode the authority of cities to tow vehicles for no insurance or no driver's license, or exempt motorists from having to pay any vehicle impoundment fee.
22. mandate jail standards for city jails or mandate any form of certification for city detention officers.
23. eliminate any of the current uniform election dates.
24. impose additional state fees or costs on municipal court convictions or require municipal courts to collect fine revenue for the state.
25. permit the waiver of appearance at a municipal court trial.
26. give state fees and costs precedence over city fees and costs in municipal court.
27. substantively change or expand the scope of the current disease presumption law.
28. impose expanded collective bargaining rights.
29. enact detrimental amendments to the civil service law (Chapter 143 of the Texas Local Government Code).
30. impose healthcare or prescription drug mandates or enhancements.

31. mandate employment benefit enhancements.
32. mandate city-paid leave for city employees for specific purposes.
33. specify what and how cities may regulate with regard to cell phones.
34. repeal existing municipal ordinances relating to cell phone bans or create a state standard that preempts more restrictive current or future municipal cell phone bans.
35. make the sign-posting provisions of H.B. 55 (2009 – relating to prohibiting cell phone use in a school zone) mandatory for all cities.
36. restrict or limit indemnification clauses in construction contracts.
37. require the reporting of lobbying activities beyond the requirements in current law.
38. impose a statewide smoking ban that would preempt existing or future municipal smoking bans.
39. ban or limit the ability of cities to engage in proprietary functions.
40. impose unfunded mandates on cities or city officials related to immigration.
41. prohibit a city from following its own policies related to immigration.
42. require mailed notice of tax rates.
43. impose new property tax exemptions that substantially erode the tax base.
44. impose a property tax freeze that can be implemented by any mechanism other than council action.
45. remove the authority of a city to collect its own property taxes.
46. extend the “Prop 2” pollution control property tax exemption to processes, facilities, or end products.
47. impose new mandatory homestead exemptions or exemption increases.
48. impose any sales tax exemption that would substantially erode the sales tax base.
49. lengthen or broaden the scope of the current sales tax holiday.
50. impose a requirement that the adoption of a new sales tax for property tax relief shall result in a lower property tax rollback rate for the adopting city.

51. expand the sales tax base without fully benefitting the city tax base.
52. impose destination-based sales tax sourcing.
53. expand an emergency services district's sales tax authority within city limits.
54. limit the authority of type A or type B sales tax corporations.
55. expand election requirements for issuance of any city debt or that would impose a petition/election procedure where none currently exists.
56. prevent a city from applying hotel occupancy taxes on the final cost of the hotel room to the guest, or prohibit a city from suing any entity necessary to collect such hotel occupancy taxes.
57. cut state appropriations for future local parks grant funding.
58. divert sporting goods sales taxes away from use for parks.
59. create earmarks of local parks grant funds.
60. impose mandatory water conservation measures on cities.
61. impose on cities any additional mandates relating to irrigation/sprinklers.
62. impose state "tap fees" or any other type of state charge on municipal water systems.
63. expand the requirements of S.B. 361 (Eightieth Legislature), which relates to emergency water utility generators, to areas outside Harris County.
64. erode municipal original jurisdiction relating to the ratemaking authority of electric utilities.
65. negatively affect the provisions of Senate Bill 5 (Seventy-Ninth Legislature, Second Called Session), which relates to cable competition.
66. erode municipal authority to require utility companies to pay the costs of relocating their facilities in a timely manner as required by current law.
67. limit a city's authority to enter into a solid waste franchise.
68. exempt any entity from paying municipal drainage fees.
69. establish the date of payment of a municipal utility bill as a date other than the actual date of receipt of payment by the city.

70. limit current municipal authority relating to the Gas Reliability Infrastructure Program.
71. amend the Gas Reliability Infrastructure Program to allow the recovery of non-capital expenses by a gas utility.
72. apply the Prompt Payment Act to utility bills submitted to a city if the proposed legislation or rules would diminish a city's ability to dispute charges or recover any excess payments, including interest and the cost of recovery.
73. erode municipal authority over billboards or that would place any unfunded mandate on cities relating to billboards.
74. enact any provision of the Texas Department of Transportation sunset legislation that would be harmful to cities.
75. establish model rules relating to municipal regulation of gas wells, gas pipelines, or other gas-related equipment, unless the legislation or rules apply to only county regulation in the unincorporated area of the county.
76. weaken the ability of cities to regulate gas wells, gas pipelines, or other gas-related equipment.
77. with regard to state agency sunset or related legislation, adversely affect the interests of cities, including but not limited to their ability to intervene on matters before a state commission or a court of law.

### **TAKE NO POSITION**

The Board voted to take no position on legislation that would:

1. require a city to grant leave from work for municipal employees provided the leave meets each of the following criteria: (1) it is unpaid; (2) it must be used to address serious family or health issues; and (3) it is of a reasonably short duration.
2. authorize a council-option reduction in the current ten-percent cap on annual appraisal growth.
3. impose small property tax exemptions that serve some social good.
4. modify the Super Freeport property tax exemption (other than legislation that would match the statute to the constitutional amendment).
5. allow a council-option city homestead exemption of up to 30 percent.

6. expand or contract eligibility for the community housing development organization (CHDO) property tax exemption (other than legislation relating to municipal approval of CHODO exemptions).
7. broaden the authority of 4A or 4B sales tax corporations.
8. align Texas law with the national Streamlined Sales Tax Project (excepting more specific sales tax-related positions taken elsewhere in this legislative program).

## **OTHER**

The Board voted to endorse the authority and role of homeowners associations, so long as municipal authority is not eroded, and oppose limitations on the functions that homeowners associations were created to perform.

The Board voted to recommend that the League **support** legislation that would assist cities in providing for a greater quality of life and safe neighborhoods, and that TML **oppose** legislation that would unfairly benefit one property owner to the detriment of the citizens at-large.

The Board voted to recommend that, should legislation be filed that would allow cities to adopt a two-tiered plan (one for current employees and retirees and one for new hires) under the Texas Municipal Retirement System, TML staff seek the guidance of the TML Executive Committee regarding the League's position on such legislation.

The Board voted to recommend that the TML Board and staff carefully monitor any recommendations that may be generated by any legislative committee's study of the Texas Open Meetings Act and that the Board establishes legislative positions as appropriate.

The Board voted to recommend that the League **support** the adoption of the parks study called for by H.B. 12 (2007), thus binding future legislatures to full local parks funding.

The Board voted to recommend that the League **oppose** any provision of the Texas Commission on Environmental Quality sunset legislation that would be harmful to all cities, but **take no position** on provisions that would benefit some cities while harming others.

# A Resolution

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

## APPROVING THE FISCAL YEAR 2010-11 TARRANT COUNTY 9-1-1 DISTRICT BUDGET

**WHEREAS**, the Tarrant County 9-1-1 Emergency District Board of Managers has approved the attached Budget and recommends that the City of Fort Worth approve the same for the Fiscal Year beginning October 1, 2010, for the purposes set forth in the Budget; and,

**WHEREAS**, the Budget is considered to be sufficient to maintain and operate the district and allow full participation by the City of Fort Worth; and

**WHEREAS**, it is anticipated that no City tax revenues nor an increased monthly per line fee from Fort Worth telephone customers will be required to carry out the District's functions in the coming year;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:** that the budget for the Tarrant County 9-1-1 Emergency Assistance District for the Fiscal Year beginning October 1, 2010, and ending September 30, 2011, is hereby approved by the City Council of the City of Fort Worth.

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately upon its passage.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2011

ATTEST:

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

Marty Hendrix, City Secretary



# Tarrant County 9-1-1 District

## Operating Budget

Fiscal Year 2010-2011

Revenue	\$ 12,071,501
Transfer from Equipment Replacement Fund	<u>\$ 5,606,542</u>
Total Revenue	\$ 17,678,043
Expenditures	
Personal Services	\$ 2,272,837
Supplies/Materials	\$ 120,130
Furniture/Equipment	\$ 97,553
Services/Rentals	<u>\$ 15,187,523</u>
Total Expenditures	\$ 17,678,043
Transfer to Equipment Replacement Fund	\$ -

# Tarrant County 9-1-1 District Revenue

Fiscal Year 2010-2011

Revenue	Fee per unit	FY2011
Wireline		
Residential	0.20	
Business single line	0.46	
Business trunk	0.74	
Projected wireline revenue		\$2,787,039
Wireless	0.50	
Projected wireless revenue		\$9,244,262
Interest Income		
Projected interest income		<u>\$40,200</u>
Total projected FY2011 revenue		\$12,071,501

# A Resolution

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

## **APPOINTING MANAGERS FOR THE VILLAS OF EASTWOOD TERRACE, LLC**

**WHEREAS**, the City Council of the City of Fort Worth (the “City”) created the Fort Worth Housing Finance Corporation in 1979 pursuant to the Texas Housing Finance Corporation Act to facilitate the development of decent, safe and affordable quality housing for low and moderate income City residents through lending and construction activities, and

**WHEREAS**, the Fort Worth Housing Finance Corporation created the Villas of Eastwood Terrace, LLC (the “Company”) in 2001 for the purpose of developing, owning and operating the Villas of Eastwood Terrace, a senior housing project located at 4700 E. Berry Street, Fort Worth, Texas 76110, and

**WHEREAS**, in order to further its public purpose for the benefit of the City, the Fort Worth Housing Finance Corporation, the sole member of the Company, issued its tax-exempt bonds in the amount of \$9,660,000.00 in 2002 and lent the proceeds thereof to the Company for the purpose of financing the project , and

**WHEREAS**, the First Amended and Restated Regulations of the Company provide that the business and property of the Company be managed by a Board of Managers which shall be appointed by the City Council.

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

That the persons whose names, titles and addresses appear below are hereby appointed to the Board of Managers of the Villas of Eastwood Terrace, LLC:

<u>Name</u>	<u>Title</u>	<u>Address</u>
T. M. Higgins	General Manager of the Fort Worth Housing Finance Corporation and Interim City Manager of the City of Fort Worth	1000 Throckmorton Street, Fort Worth, Texas 76102



Susan Alanis

Assistant City Manager of  
the City of Fort Worth over  
the Housing and Economic  
Development Department

1000 Throckmorton Street  
Fort Worth, Texas 76102

Jesus J. Chapa

Assistant General Manager of  
the Fort Worth Housing  
Finance Corporation and  
Director of the Housing and  
Economic Development  
Department

1000 the Fort Worth Housing  
Throckmorton Street,  
Fort Worth, Texas  
76102

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM AND LEGALITY:

ATTEST:

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
City Secretary



**No Documents for this Section**

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

**DATE:** Tuesday, January 25, 2011

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**LOG NAME:**

**REFERENCE NO.:** \*\*OCS-1800

**SUBJECT:**

Notices of Claims for Alleged Damages and/or Injuries

**RECOMMENDATION:**

It is recommended that the City Council refer the notices of claims for alleged damaged and/or injuries to the Finance Department/Risk Management for evaluation and investigation.

**DISCUSSION:**

The procedure for filing of claims of alleged damages and/or injuries is prescribed in Chapter XXVII, Section 25 of the Charter of the City of Fort Worth, Texas.

The attached list is a summary of the notices of claims against the City of Fort Worth received in the City Secretary's Office as of 5:00 p.m., Wednesday, January 19, 2011.

**Attachment**

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**Submitted for City Secretary's Office by:**

Marty Hendrix (6152)

**Originating Department Head:**

Marty Hendrix (6152)

**Additional Information Contact:**

Lena Ellis (8517)  
Nancy McKenzie (7744)

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# CITY COUNCIL MEETING

Tuesday, January 25, 2011

## RISK MANAGEMENT CLAIMS REPORT

Claims listed on this report have been received in the Risk Management Division claims office and either have been or will be thoroughly investigated. The decision whether or not to accept liability is predicated on applicable provisions of the Texas Tort Claims Act. If any claimant contacts you, please refer them to Nancy McKenzie ext 7744 or JoAnn Rowls ext 7784. Thank you.

CLAIMANT	DATE RECEIVED	DATE OF INCIDENT	LOCATION	INCIDENT TYPE	ALLEGATION	DEPT	ESTIMATE	INJURY
AT&T	12/29/2010	10/19/2010	5183 Meadow Ct	Property Damage	Cable cut by trackhoe.	Water	No	No
Henry Taylor Moore	12/30/2010	7/5/2010	3200 block W. 7th St	Bodily Injury	Fell in hole near curb.	T/PW	No	Yes
Angelina Arellano	1/3/2011	12/28/2010	Bishop & M Street	Property Damage	City vehicle ran stop sign, struck by Citizen.	Water	No	No
Jimmy & Gloria Mack	1/5/2011	9/17/2010	1104 East Ramsey Avenue	Property Damage	Sewer backup caused damage.	Water	Yes	No
Johnny Clinton Mitchell	1/5/2011	9/9/2010	Montgomery & Lovell	Auto Damage	Auto accident.	Water	Yes	No
I Gotcha, Inc. d/b/a BT	1/5/2011	10/29/2008		Property Damage	City ordinance wrongfully enforced.	Code	No	No
Ramon Moreno	1/19/2011	8/30/2006	2421 Lincoln Ave	Property Damage	Police raid.	Police	Yes	No

CLAIMANT	DATE RECEIVED	DATE OF INCIDENT	LOCATION	INCIDENT TYPE	ALLEGATION	DEPT	ESTIMATE	INJURY
Roberta Ross	1/6/2011	11/16/2010	S Main between Horne &	Property Damage	Hit pothole.	TPW	No	No
Terry A. Flores	1/7/2011	1/4/2011	8900 North Beach	Auto Damage	Auto Accident	Police	Yes	Yes
Mark Ponciano	1/7/2011	11/12/2010	Northeast Parkway & Blue Mound	Property Damage	Road condition	TPW	Yes	No
Atmos Energy	1/7/2011	7/20/2010	11200 North Freeway	Property Damage	Damaged utility line.	Water	Yes	No
Maria Aurora Frizzell	1/7/2011	7/15/2010	1000 Jones Street	Bodily Injury	Injured stepping off curb	TPW	Yes	Yes
Katy Abraham	1/10/2011	12/1/2010	6400 Kirkwood Rd	Property Damage	Sprinkler system damaged.	Water	No	No
Linda Etter	1/10/2011	7/16/2010	Fort Worth Convention Center	Bodily Injury	Slipped in ladies room.	Pblc Events	No	Yes
Cecilia Jacobs	1/10/2011	4/8/2009	Fort Worth, TX	Bodily Injury	Discrimination in adverse employment actions.	ComRel	No	Yes
Oncor	1/11/2011	8/19/2010	9th St. & Main	Property Damage	Utility line damage	Water	Yes	No

CLAIMANT	DATE RECEIVED	DATE OF INCIDENT	LOCATION	INCIDENT TYPE	ALLEGATION	DEPT	ESTIMATE	INJURY
Said Omar & Hassan Hussein	1/11/2011	12/7/2010	2500 East Berry	Bodily Injury	Auto accident	Police	No	Yes
Keithesia D. Sadler	1/11/2011	12/15/2011	University (Shopping Mall)	Bodily Injury	Struck by citizen while in police custody inside city vehicle.	Police	No	Yes
Minerva Gillie	1/11/2011	1/3/2011	5857 Dennis Ave	Property Damage	Water main break.	Water	No	No
Paula Jackson	1/11/2011	1/11/2011	4600 McCart Ave	Auto Damage	Struck water valve cover on road.	Water	No	No
Edward Miller Jr.	1/11/2011	8/18/2010	4258 Cole Street	Property Damage	City vehicle struck claimant's home and gas meter during police chase.	Police	No	No
Melva Stanfield	1/12/2011	7/7/2011	5008 Gilbert Drive	Property Damage	Private water line damaged	Water	No	No
Robert & Dorothy Bodoin	1/12/2011	11/17/2010	3520 Arborlawn Drive	Property Damage	Water leak	Water	Yes	No
Joshua Don Green	1/14/2011	12/17/2011	E Berry & 820	Bodily Injury	Excessive force during arrest.	Police	No	No
Betty James	1/14/2011	9/9/2010	1646 Shenna Blvd	Property Damage	Sewer line backed up into home	Water	Yes	No

CLAIMANT	DATE RECEIVED	DATE OF INCIDENT	LOCATION	INCIDENT TYPE	ALLEGATION	DEPT	ESTIMATE	INJURY
Otis L. Wright	1/18/2011	1/14/2011	2300 W Peter Smith St	Auto Damage	Struck manhole lid.	TPW	No	No
Fairview Retirement	1/17/2011	11/16/2010	7832 Chapin Road	Property Damage	Water & sewer lines cut while working on public works project.	Water	Yes	No
Charles Anderson	1/19/2011	1/3/2011	1000 blk 8th Ave	Auto Damage	Struck by City vehicle.	Code	No	No

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

**DATE:** Tuesday, January 25, 2011

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**LOG NAME:**

**REFERENCE NO.:** \*\*OCS-1800

**SUBJECT:**

Notices of Claims for Alleged Damages and/or Injuries

**RECOMMENDATION:**

It is recommended that the City Council refer the notices of claims for alleged damaged and/or injuries to the Finance Department/Risk Management for evaluation and investigation.

**DISCUSSION:**

The procedure for filing of claims of alleged damages and/or injuries is prescribed in Chapter XXVII, Section 25 of the Charter of the City of Fort Worth, Texas.

The attached list is a summary of the notices of claims against the City of Fort Worth received in the City Secretary's Office as of 5:00 p.m., Wednesday, January 19, 2011.

**Attachment**

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**Submitted for City Secretary's Office by:**

Marty Hendrix (6152)

**Originating Department Head:**

Marty Hendrix (6152)

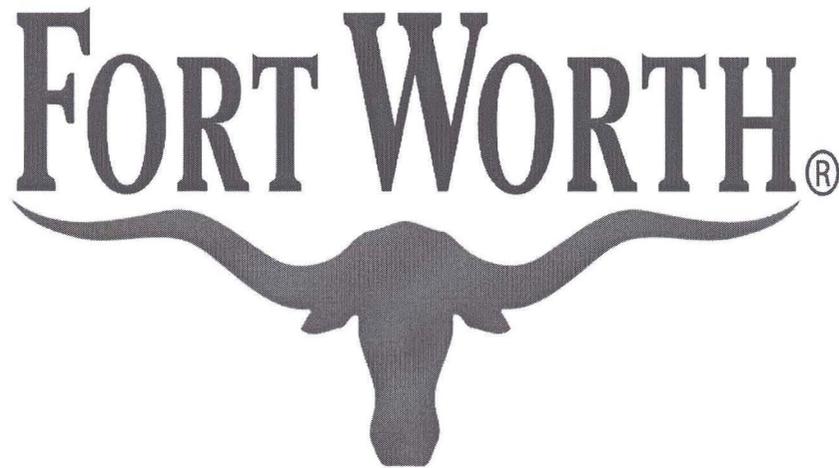
**Additional Information Contact:**

Lena Ellis (8517)  
Nancy McKenzie (7744)

---

**No Documents for this Section**

**CITY OF FORT WORTH, TEXAS**



**CITY COUNCIL  
ZONING HEARING  
January 25<sup>th</sup>, 2011**

## **CITY COUNCIL ALTERNATIVES FOLLOWING RECEIPT OF RECOMMENDATIONS BY THE ZONING COMMISSION**

### **A. LESS THAN TWENTY (20) PERCENT PROTEST:**

When the Zoning Commission recommends APPROVAL OR DENIAL of a zoning request as submitted or amended and there is less than 20 percent protest by owners of property within 200 feet, the City Council, with a majority vote of all members (5 of 9), may:

1. Approve as recommended;
2. Deny with or without prejudice (if denied without prejudice, the Applicant does not have to wait one year before submitting another request for zoning change);
3. Continue hearing;
4. Continue hearing and re-send notices as required under state law in order to substitute a more restrictive classification unless the affected property owner is present and agrees or if not present, agrees in writing to the more restrictive change on his/her property; or
5. Return to Zoning Commission for rehearing.

### **B. TWENTY (20) PERCENT OR MORE PROTEST:**

When the Zoning Commission recommends APPROVAL OR DENIAL of a zoning request as submitted or amended and there is 20 percent protest or more by the owners of property within 200 feet against the change, the City Council may:

1. Approve as recommended with a three-fourth vote of all City Council members (7 of 9);
2. Deny with or without prejudice (if denied without prejudice, the Applicant does not have to wait one year before submitting another request for zoning change) (5 of 9);
3. Continue hearing for consideration of noticed rezoning (5 of 9);
4. Continue hearing and re-send notices as required under state law in order to substitute a more restrictive classification (5 of 9); or
5. Return to Zoning Commission for rehearing (5 of 9).

**C.** When the City Council has denied a proposal, or when the applicant has withdrawn his proposal at the Zoning Commission meeting after the giving of public notice, no new applications of like nature shall be accepted by the City or scheduled for hearing by the Zoning Commission within a period of twelve (12) months of the date of Council denial or applicant's withdrawal.



**ZONING MAP CHANGE  
STAFF REPORT**

**City Council Meeting Date:**  
January 25, 2011

**Council District**     2

**Zoning Commission Recommendation:**

Approved by a vote of 7-1

**Opposition:** Received from 65% of property owners within 200 ft.; IH 35 Coalition, Mercantile Partners, others

Continued	Yes <u>X</u>	No <u>  </u>
Case Manager	<u>Stephen Murray</u>	
Surplus	Yes <u>  </u>	No <u>X</u>
Council Initiated	Yes <u>  </u>	No <u>X</u>

**Owner / Applicant:**     **Commercial Metals Company**

**Site Location:**             2400 NE 36<sup>th</sup> Street             Mapsco:     49Y

**Proposed Use:**             **Metal Recycling Facility**

**Request:**     From: "K" Heavy Industrial

To: "PD/K" Planned Development for all uses in "K" Heavy Industrial plus metal recycling facility; site plan included.

**Land Use Compatibility:**             Requested change **is compatible.**

**Comprehensive Plan Consistency:**     Requested change **is consistent.**

**Background:**

The proposed site is located on 36<sup>th</sup> Street near Long Avenue just east of IH-35W. The applicant is required to relocate the metal recycling facility due to the purchase of the current location by the Tarrant Regional Water District for the flood protection project and the Trinity River Vision. They have been requested to vacate the current location by June 2011. The business operation involves the storage, processing, bailing, and reclamation of metals.

The site currently has numerous structures, some of which will be demolished. A new building of roughly 5,000 sq.ft. will be constructed.

The landscaping and forestry plans are attached to this report as Exhibit A. While official submittals have not yet been provided until the zoning is complete and the building permit is reviewed, Staff has reviewed the plans and determined that they meet or exceed the planting requirements. Some minor spacing adjustments may be necessary when the Forestry plan is submitted.

The site plan provides stacking limitations so that the height of the stock piles does not become excessive near the property line. The site plan provides an 8 ft. sheet metal fence topped with security razor wire and three proposed pylon signs on three of the rights-of-way surrounding the property. The Zoning Ordinance would allow for a highway sign along IH 35, where no sign is proposed, but one monument sign near the front entrance of the business. Existing wall signage is proposed to be replaced/upgraded with signs of the same size, not to exceed the regulation of the ordinance.

The applicant has requested a continuance to the January 11, 2010 Council meeting.

**Site Information:**

Owner: Commercial Metals Company  
6565 N. MacArthur, #800  
Irving, TX 75039  
Agent: Kirk Williams & Tommy Mann, Winstead PC  
Acreage: 6.98 acres  
Comprehensive Plan Sector: Northeast

Surrounding Zoning and Land Uses:  
North "K" Heavy Industrial / industrial  
East "K" Heavy Industrial / industrial  
South "K" Heavy Industrial / industrial  
West "K" Heavy Industrial / industrial

**Site Plan Comments:**

1. Pylon signs only allowed through Unified Sign Agreements
  - a. New and/or replacement signs must meet the sign provisions of the Zoning Code or seek a waiver on the site plan
2. Provide statement: "will comply" with Landscape and Urban Forestry Ordinances
3. Head-in parking must comply with ordinance #15947. Head-in parking must be approved by TPW

**Compliance with the items noted above shall be reflected on the site plan or a waiver is required.**

**Public Notification:**

The following Neighborhood Associations were notified:

Bonnie Brae NA	Riverside Alliance
Diamond Hill-Jarvis	Fort Worth ISD
High Crest Addition	

**Recent Relevant Zoning and Platting History:**

Zoning History: None

Platting History: None

**Development Impact Analysis:**

1. **Land Use Compatibility**  
The applicant is proposing a zone change from "K" Heavy Industrial to "PD/K" Planned Development for all uses in "K" Heavy Industrial plus metal recycler. Site plan included. The proposed site is located within an Industrial Growth Center and surrounding by heavy industrial uses.

The proposed zoning **is compatible** with surrounding land uses.

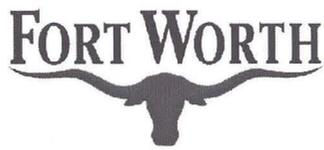
2. **Comprehensive Plan Consistency**  
The 2010 Comprehensive Plan designates the site as Industrial Growth Center. The following Comprehensive Plan policies apply to the proposed zoning.
  - Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods. (pg. 38)
  - Locate large industrial uses along rail lines, highways, or airports within industrial growth centers and other appropriate locations. (pg. 38)

Based on the conformance with the future land use map and policies stated above, the proposed zoning **is consistent** with the Comprehensive Plan.

***Attachments:***

- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Site Plan
- Exhibit A – Landscaping and Urban Forestry Plan
- Minutes of the September 14 & November 9, 2010 Council meeting
- Minutes of the July 13, 2010 Zoning Commission meeting



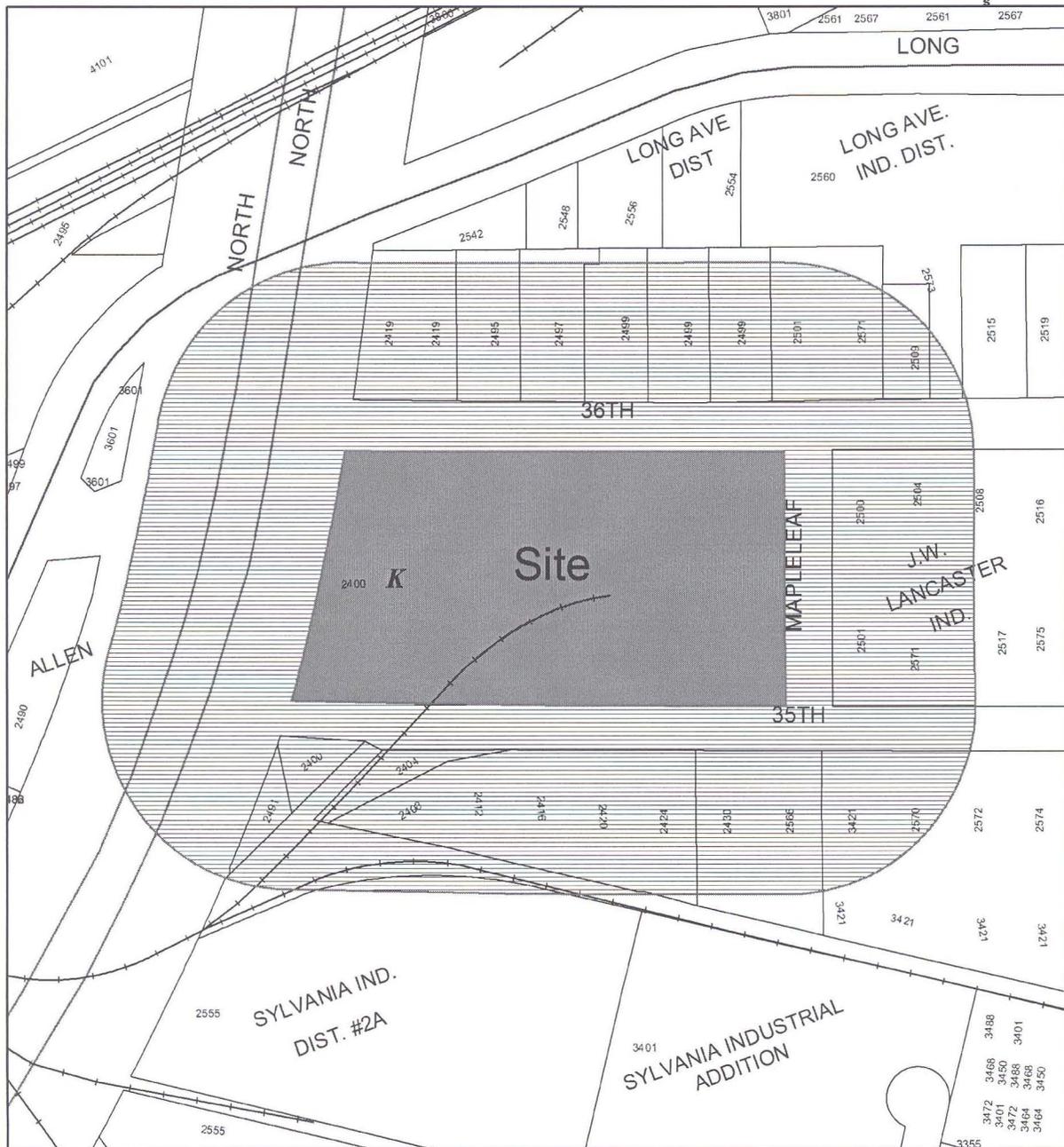


ZC-10-094

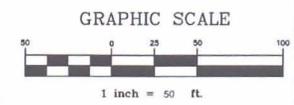
# Area Zoning Map

Applicant: Commercial Metals Company  
 Address: 2400 N.E. 36th Street  
 Zoning From: K  
 Zoning To: PD for K uses plus metal recycling facility  
 Acres: 6.84  
 Mapsco: 49Y  
 Sector/District: Northeast  
 Commission Date: 06/09/2010  
 Contact:

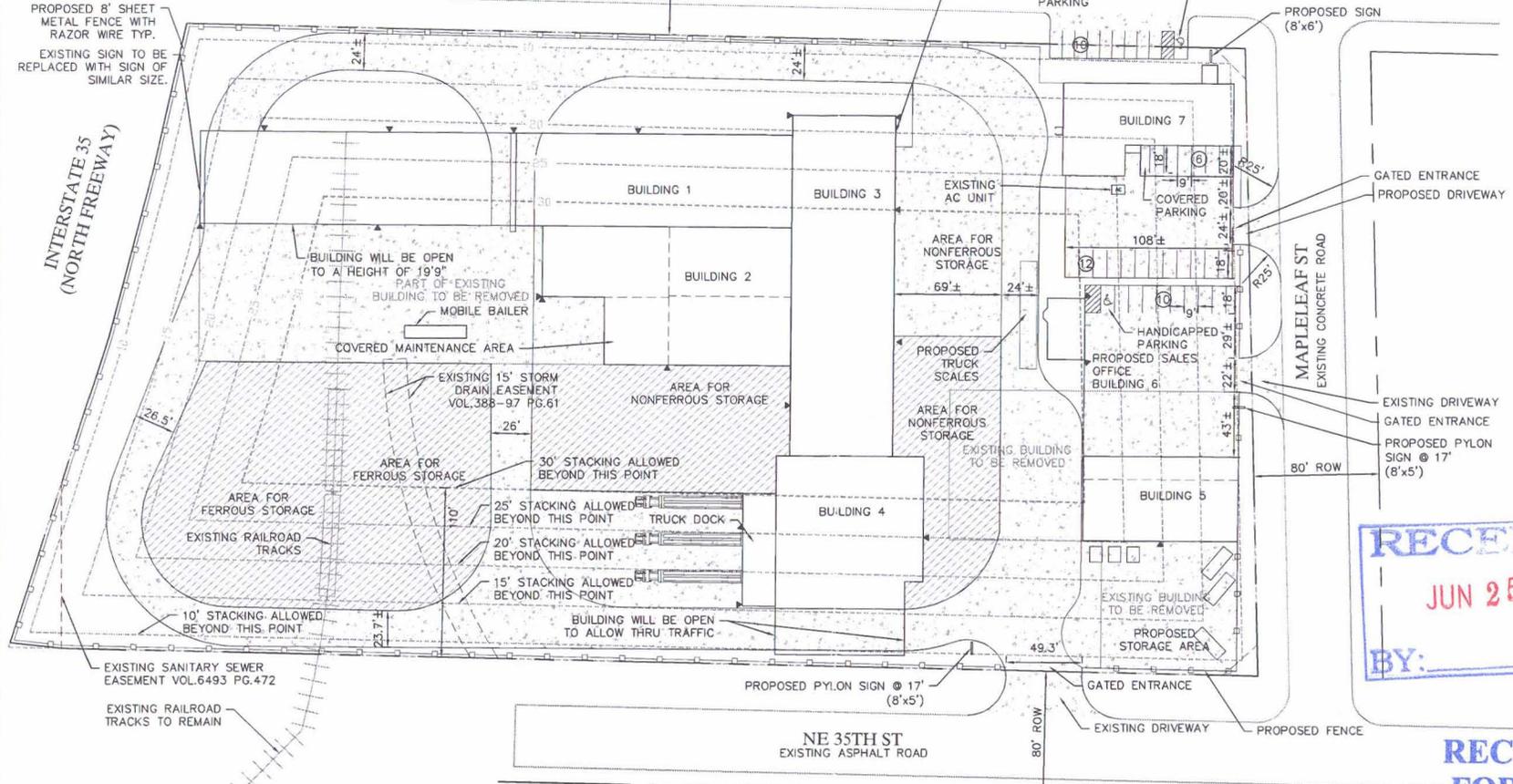
 300 Ft. Notification Buffer



ZC 10-094-



PROPOSED 8' SHEET METAL FENCE WITH RAZOR WIRE TYP.  
EXISTING SIGN TO BE REPLACED WITH SIGN OF SIMILAR SIZE.



Kimley-Horn and Associates, Inc.

No.	Revision	By	Date

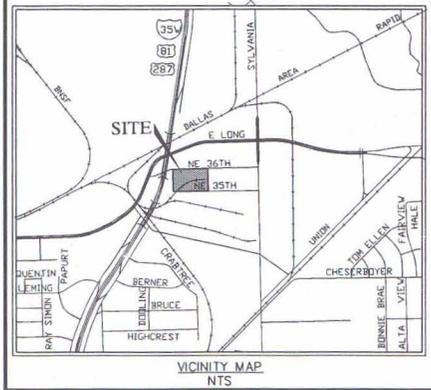
**COMMERCIAL METALS**  
2400 NE 36TH ST.  
FORT WORTH, TX 76111

RECEIVED  
JUN 25 2010  
BY: \_\_\_\_\_

RECOMMENDED FOR APPROVAL

SITE PLAN

CRISTY, CLAY  
PLOTTED BY: 6/24/2010 10:12 AM  
PLOT DATE: K:\FTW\_GWIL\064419101 COMMERCIAL METALS\CADD\SHEETS\SITE PLAN.DWG  
LOCATION: 6/24/2010 10:12 AM  
LAST SAVED:



LEGEND

	CONCRETE PAVEMENT
	STORAGE AREA

PARKING INFORMATION

USE	EMPLOYEES	PARKING REQUIRED	PARKING PROVIDED
RECYCLING CENTER	42	11 (1 PER 4 EMPLOYEES)	28

BUILDING INFORMATION

BUILDING	GROSS FLOOR AREA (SF)	NO. OF STORIES	BUILDING HEIGHT (FT)	EXTERIOR CONSTRUCTION MATERIAL
1	22,800±	1	48'-6"±	METAL
2	12,640±	1	29'-1"±	METAL
3	14,620±	1	40'-3"±	METAL
4	11,725±	1	30'-2"±	METAL
5	5,500±	1	18"±	METAL
6	980±	1	15"±	METAL
7	5,200±	1	13'-8"±	BRICK

Director of Planning and Development \_\_\_\_\_

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

**COMMERCIAL METAL RECYCLING FACILITY**

Lot A Block 3 J.W. Lancaster Subdivision  
Zoning Case No. XXXX

- NOTES:
- SITE PLAN WILL COMPLY WITH CITY OF FORT WORTH LANDSCAPE AND URBAN FORESTRY ORDINANCE.
  - EXISTING AND PROPOSED LIGHTING WILL BE IN COMPLIANCE OF THE CITY LIGHTING STANDARDS.
  - EXISTING SIGNAGE TO REMAIN AND PROPOSED SIGNAGE WILL COMPLY WITH CITY OF FORT WORTH SIGN ORDINANCE.
  - MAXIMUM HEIGHT OF STACKING WILL BE 30 FEET. A FIVE FOOT SETBACK WILL BE PROVIDED FOR EVERY FOOT ABOVE THE FENCE LINE.

**OWNER:**  
COMMERCIAL METALS COMPANY  
(SUCCESSOR BY MERGER TO THE LOFLAND COMPANY)  
6565 N. MACARTHUR BLVD. STE. 800  
IRVING, TX 75039  
PH. # 214 689 4362  
CONTACT: JIM AUBUCHON

**ENGINEER:**  
KIMLEY-HORN AND ASSOC.  
801 CHERRY ST.  
UNIT 11 SUITE 950  
FORT WORTH, TX 76102  
PH. # 817 335 6511  
CONTACT: MATT MOORE  
DATE PREPARED: MAY 9, 2010

PROPOSED LANDUSE FOR DEVELOPMENT:  
RECYCLING CENTER (STORAGE, PROCESSING, BAILING AND RECLAMATION OF METALS)\*

DATE:	MAY 2010
DESIGN:	CLC
DRAWN:	CLC
CHECKED:	MAM
KHA NO.:	064419101

SHEET

SP-1

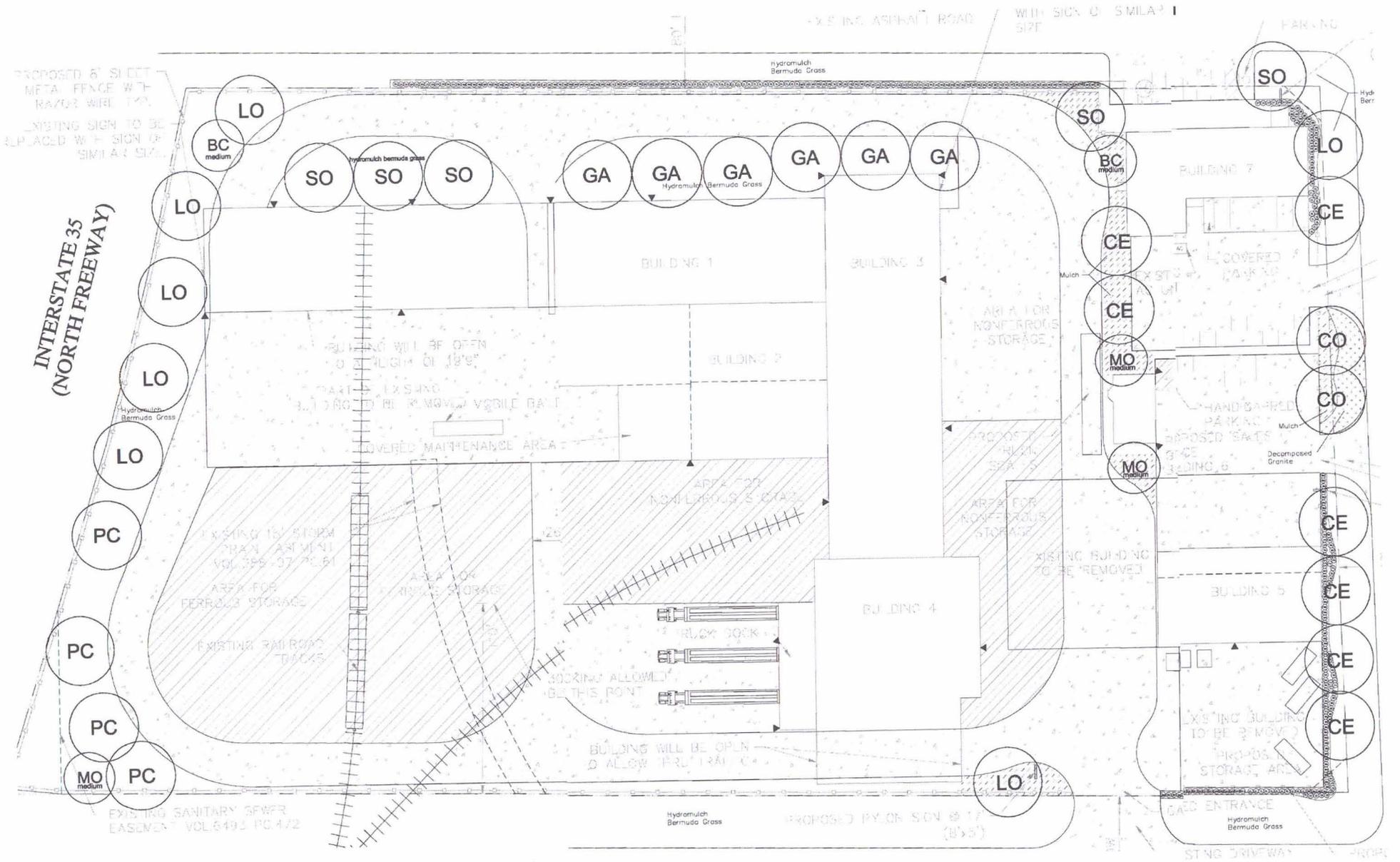
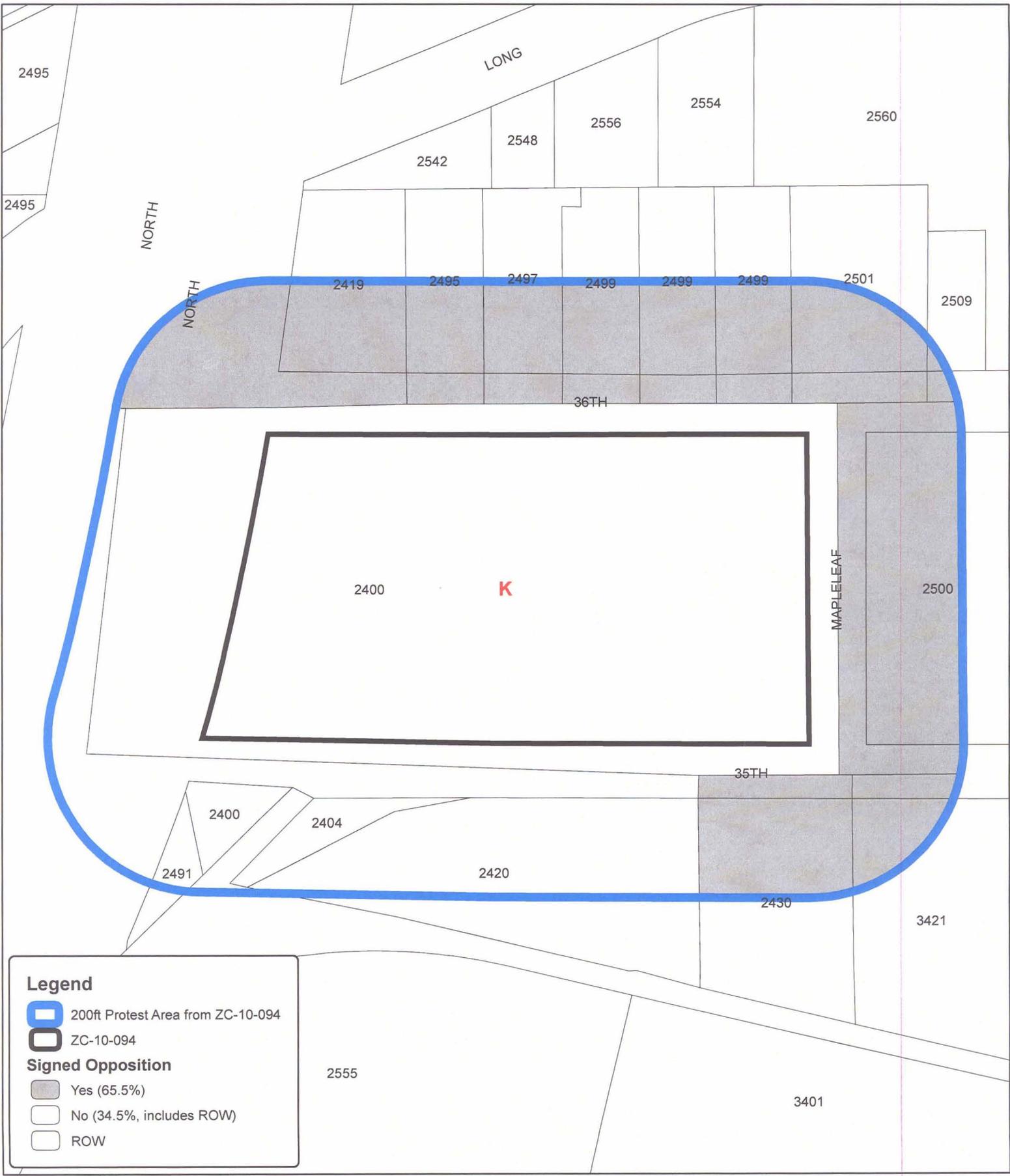


Exhibit A Landscape Plantings

# 20% Protest Area for ZC-10-094



**Legend**

- 200ft Protest Area from ZC-10-094
- ZC-10-094
- Signed Opposition**
- Yes (65.5%)
- No (34.5%, includes ROW)
- ROW



Planning & Development  
Department 7/7/10 - BK

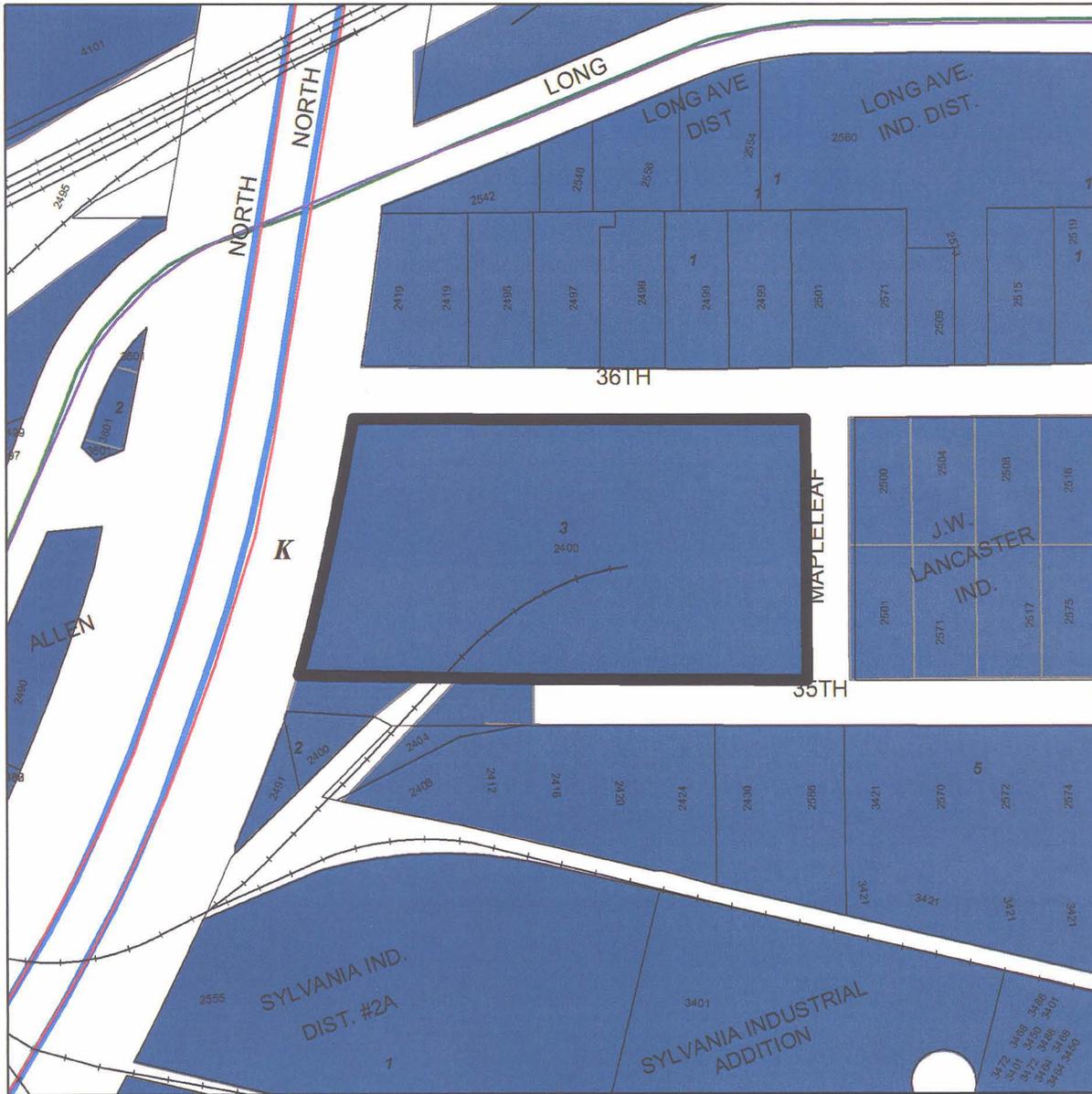


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# Future Land Use

ZC-10-094



- Vacant, Undeveloped, Agricultural
- Rural Residential
- Suburban Residential
- Single Family Residential
- Manufactured Housing
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Institutional

- Neighborhood Commercial
- General Commercial
- Light Industrial
- Heavy Industrial
- Mixed-Use Growth Center
- Industrial Growth Center
- Infrastructure
- Lakes and Ponds
- Public Park, Open Space
- Private Park, Open Space

- CFWGIS.SDE.TRN\_RAILROADS
- CFWGIS.SDE.CAD\_addresses
- Freeways/Toll Roads
- Proposed Freeway/Toll Road
- Principal Arterial
- Proposed Principal Arterial
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- Flood Plain



A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government code, Section 219.005) Land use designations were approved by City Council on February 23, 2010



## Aerial Photo Map



(ZC-10-087 Continued)

Motion: Council Member Burdette made a motion, seconded by Council Member Moss, that Zoning Docket No. ZC-10-087 be denied without prejudice. The motion carried unanimously nine (9) ayes to zero (0) nays.

**2. Zoning Docket No. ZC-10-088 - City of Fort Worth Planning & Development, 1321 Avondale Haslet Road, 1000 - 1500 blocks of Boaz Road; from: Unzoned to: "A-43" One-Family, "E" Neighborhood Commercial, and "PD/SU" Planned Development/Specific Use for veterinary clinic with outdoor kennels; site plan waiver requested. (Recommended for Denial without Prejudice)**

Motion: Council Member Burdette made a motion, seconded by Council Member Hicks, that Zoning Docket No. ZC-10-088 be denied without prejudice. The motion carried unanimously nine (9) ayes to zero (0) nays.

**3. Zoning Docket No. ZC-10-094 - Commercial Metals Company, 2400 NE 36th Street; from: "K" Heavy Industrial to: "PD/K" Planned Development for all uses in "K" Heavy Industrial plus metal recycling facility; site plan included. (Recommended for Approval) (Continued from a Previous Meeting)**

It appeared that the City Council, at its meeting of September 14, 2010, continued Zoning Docket No. ZC-10-094, Commercial Metals Company, 2400 NE 36th Street; From "K" Heavy Industrial to "PD/K" Planned Development for All Uses in "K" Heavy Industrial Plus Metal Recycling Facility; Site Plan Included.

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Zoning Docket No. ZC-10-094 be continued until the January 25, 2011, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

**4. Zoning Docket No. ZC-10-108 - Cockrell Realty Inc., 3117 & 3121 Cockrell Avenue; from: "A-5" One-Family to: "PD/SU" Planned Development/Specific Use for parking lot; site plan included. (Recommended for Denial) (Continued from a Previous Meeting)**

It appeared that the City Council, at its meeting of October 12, 2010, continued Zoning Docket No. ZC-10-108 - Cockrell Realty Inc., 3117 & 3121 Cockrell Avenue; from: "A-5" One-Family to: "PD/SU" Planned Development/Specific Use for parking lot; site plan included.

The following individuals appeared before Council in support of Zoning Docket No. ZC-10-108 and stated that the proposed parking lot was well designed, equipped with security cameras and adequately lit. They stated the parking lot would alleviate many of the parking issues on the residential streets. They further stated that the parking lot would reduce crime in the area, as well as trash and litter in the area. They also pointed out that the patrons were allowed to leave cars in the lot overnight to avoid alcohol related citations and accidents. They requested the Council approve this zoning request.

(ZC-10-092 Continued)

Motion: Council Member Jordan made a motion, seconded by Council Member Zimmerman, that Zoning Docket No. ZC-10-092 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**3. Zoning Docket No. ZC-10-094 - Commercial Metals Company, 2400 NE 36th Street; from: "K" Heavy Industrial to: "PD/K" Planned Development for all uses in "K" Heavy Industrial Plus metal recycling facility; site plan included. (Recommended for Approval) (Continued from a Previous Meeting)**

It appeared that the City Council, at its meeting of August 10, 2010, continued Zoning Docket No. ZC-10-094, Commercial Metals Company, 2400 NE 36th Street; From "K" Heavy Industrial to "PD/K" Planned Development for All Uses in "K" Heavy Industrial Plus Metal Recycling Facility; Site Plan Included.

Ms. Margaret DeMoss, 2600 West 7<sup>th</sup> Street, #2644, completed a speaker card in opposition to Zoning Docket No. ZC-10-094, but did not wish to address the Council.

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Zoning Docket No. ZC-10-094 be continued until the November 9, 2010, Council meeting. The motion carried unanimously nine (9) ayes to zero (0) nays.

**4. Zoning Docket No. ZC-10-104B - (CD 2) - City of Fort Worth Planning & Development, Far Greater Northside Neighborhood, Phase 3 2801 & 2805 Chestnut, Rosen Heights First Filing, Block 62, Lots 1 & 2; from: "E" Neighborhood Commercial to: "ER" Neighborhood Commercial Restricted (Recommended for Approval)(Continued from a Previous Meeting)**

It appeared that the City Council, at its meeting of August 3, 2010, continued Zoning Docket No. ZC-10-104B, City of Fort Worth Planning & Development, Far Greater Northside Neighborhood, Phase 3 2801 & 2805 Chestnut, Rosen Heights First Filing, Block 62, Lots 1 & 2; from "E" Neighborhood Commercial to: "ER" Neighborhood Commercial Restricted.

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Zoning Docket No. ZC-10-104B be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**5. Zoning Docket No. ZC-10-108 - (CD 9) - Cockrell Realty Inc., 3117 & 3121 Cockrell Avenue; from: "A-5" One-Family to: "PD/SU" Planned Development Specific Use for parking lot; site plan included. (Recommended for Denial)**

Beth Knight, Senior Planner, City of Fort Worth, explained to the Commissioners this is an annexation case that was delayed up to 90 days by Council. Staff recommends a 90 day continuance to the October 13, 2010 Zoning Commission meeting.

Motion: Following a brief discussion, Mr. Genua recommended a 90 day continuance of the request, seconded by Ms. Zadeh. The motion carried unanimously 8-0.

**3. ZC-10-088 City of Fort Worth Planning & Development AX-10-002 (CD 7)- 1000-1473 (odds) Avondale Haslet Road, 1000-1500 blocks of Boaz Road (see addresses below, 147.36 Acres): from Unzoned to "PD/E" Planned Development for all uses in "E" Neighborhood Commercial plus veterinary clinic with outdoor kennels; site plan waiver requested.**

Beth Knight, Senior Planner, City of Fort Worth, explained to the Commissioners this is an annexation case that was delayed up to 90 days by Council. Staff recommends a 90 day continuance to the October 13, 2010 Zoning Commission meeting.

Motion: Following a brief discussion, Ms. Genua recommended a 90 day continuance of the request, seconded by Ms. Reed. The motion carried unanimously 8-0.

**4. ZC-10-092 Trinity Industries, Inc. (CD 6)- 2300 West Risinger Road (EB Dishman Survey, Abstract 407, Tracts 4A, 4A1, 4A2B, 4B, 4B1, 4B2B, 20.98 Acres): from "I" Light Industrial to "PD/I" Planned Development for all uses in "I" Light Industrial plus metal fabrication, welding shop, cast concrete, batch plant or asphalt, (permanent), excluding crematorium, fabricating of manufactured housing, temporary office building, manufactured home/RV repair with no maximum horsepower limitation on any type of machine; site plan included.**

Pieter Kessels, 10300 North Central Expressway, representing Trinity Industries, explained to the Commissioners this case was continued from last month for the submittal of a site plan. Mr. Kessels mentioned they will need to request waivers due to the current development standards. Uses for this facility consist of industrial type uses. They would like to occupy this building and create possibly 150 new jobs for the area

Motion: Following brief discussion, Ms. Spann recommended approval of the request, seconded by Ms. Miller. The motion carried unanimously 8-0.

**5. ZC-10-094 Commercial Metals Company (CD 2)- 2400 N. E. 36<sup>th</sup> Street (J. W. Lancaster Industrial Subdivision, Block 3, Lot A, 1375, 6.98 Acres): from "K" Heavy Industrial to "PD/K" Planned Development for all uses in "K" Heavy Industrial plus metal recycling facility; site plan included.**

Kirk Williams, 5400 Renaissance Tower, Dallas, Texas representing Commercial Metals Company explained to the Commissioners this case was continued from last month in order to meet with the neighborhoods and look at more landscaping on the site plan. Mr. Williams mentioned they've been in business for more than 30 years. They met with several neighborhood

associations who were present to support their request. He provided two renderings for the Commissioners to review the landscaping and buildings to be removed and provided a site plan showing three additional trees.

Mr. Ortiz asked the applicant how many sites they have looked at to relocate. Mr. Williams also mentioned if they don't have highway or railroad access they will not be able to exist. Mr. Williams said they looked at site north of the city a few years ago but were not able to have access to the railroad spur. He mentioned that is why they looked at this site. The highway access makes it easier for them to have truck traffic.

Robert Chesser, 3217 Kimbo Road representing the Bonnie Brae NA spoke in support of the request. He mentioned they are the closest association to this business. Mr. Ortiz asked about the aesthetics and how it would look to the residents. Mr. Chesser mentioned it already looks like a scrap yard in the area and this would be an improvement.

Walter Barber, 2900 Goldenrod Avenue representing the Sylvan Heights West NA also spoke in support.

Brittan New, 3421 North Sylvania spoke in opposition of the request. Mr. New mentioned the increased traffic, noise, pollution and run-off would be bad for the area. A video was presented to the Commissioners. Several people were present in opposition.

Brian Randolph, 2650 Meacham Boulevard representing Mercantile Partners also spoke in opposition. Mr. Randolph mentioned the I-35 corridor goes right through here. They own property to the north. His mentioned the concerns with aesthetics of the property are the I-35 corridor and the image of the City of Fort Worth. The issues are height of the piles, traffic and property values.

Libby Willis, 2300 Primrose Vice President of the Oakhurst NA also spoke in opposition. A letter was submitted to the Commissioners in reference to their concerns. Ms. Willis mentioned they are across the street from the Sylvan Heights neighborhood. She also mentioned they have not heard from the property owners. Her concern was more traffic being generated down Sylvania Avenue.

Mr. Ortiz asked about the reduced size of the lot. He also asked about a 30 day continuance and how they felt about all the opposition.

In rebuttal, JD Granger, 307 West 7<sup>th</sup> representing the Trinity River Vision Authority spoke in support. He mentioned the relocation is essential for their business due to the access to the railroad spur. Mr. Granger mentioned if they need to work with the surrounding neighbors then they would support a continuance. Mr. Granger answered by saying there is quite a bit of opposition and as a maybe they could ask customers not to use Sylvania Avenue.

Mr. Williams mentioned the aesthetics of the building were recognized at the time the zoning case was filed. They are in the business to recycle materials for businesses to become LEED certified; they are part of that industry. Mr. Williams mentioned he does have support from the

neighborhood to bring this recycling business into the area. He said that time is critical for them. He said they were asked at the last meeting to work with the neighborhoods and to provide more landscaping, which they did. He said he met with Mr. Randolph on his concerns of about I-35 access and planting more trees along the western boundary.

Mr. Romero asked how this facility is different from any other. Mr. Williams responded that it is important to provide this type of recycling service. They do not accept larger pieces of metal at this site such as automobiles. Mr. Williams mentioned the businesses close by have more dangerous chemicals that may be hazardous than his scrap metal.

Mr. Genua mentioned the neighborhoods in support and opposition and that he had concerns from the letter submitted by Mercantile Partners and the neighboring businesses.

Motion: Following a brief discussion, Ms. Miller recommended denial with no second; motion failed. On a substitute motion Ms. Zadeh recommended approval of the request, seconded by Mr. Romero. The motion carried 7-1 with Ms. Miller against.

**6. ZC-10-104A City of Fort Worth Planning & Development (CD 2)- 3219-3229 Loving, 2801 – 2807 Chestnut, 2722 – 2724 Hanna, 2722, 2801 Columbus, 903 – 913 (odds) NW 28th Street (Oak Grove Addition, Block 29, Lots 10-12, Rosen Heights Addition, Block 62, Lots 1-4, Block 61, Lot 24 NPT24, Pruitt Subdivision, Block 49, Lots 6-11 less row 45.03 Acres): from “B” Two-Family, “E” Neighborhood Commercial, “FR” General Commercial Restricted to “ER” Light Neighborhood Commercial Restricted and “E” Neighborhood Commercial.**

Beth Knight, Senior Planner, City of Fort Worth asked the neighborhood to speak.

Ronnie Allen, 6704 Navert Road spoke in opposition of property located at 3219 -3229 Loving and requested it remain E. Mr. Barnes asked what type of business he operates. Mr. Allen mentioned he has a trucking company and they park on Crowley Road.

Ms. Spann asked the question if he new what type of business he was planning on putting there. Mr. Allen said that there were several types of business he could put there but does not have plans at this time. He said he has two vacant lots between him and the residential.

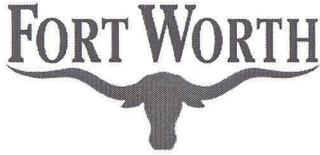
Mr. Ortiz mentioned he would be in favor of the property going to ER.

Ms. Knight mentioned most of that area is proposed for A-5 no commercial was proposed.

Mr. Romero asked how close he is to the residential. Mr. Allen responded that the nearest house is about 80 feet to the left of him.

JD Jimmerson III, 3302 Roosevelt Avenue representing the Far Greater Northside Historical neighborhood spoke in opposition of the E request. They do not want alcohol sales.

Louise Miller, 3107 Prairie spoke in favor of keeping the properties along Loving as commercial.



**ZONING MAP CHANGE  
STAFF REPORT**

**City Council Meeting Date:**  
January 25, 2011

**Council District** 5

**Zoning Commission Recommendation:**

Approved by a vote of 8-0

**Opposition:** None

Continued	Yes <u>X</u>	No ___
Case Manager	<u>Stephen Murray</u>	
Surplus	Yes ___	No <u>X</u>
Council Initiated	Yes ___	No <u>X</u>

**Owner / Applicant:** **Reginald Dwaine Wilson**

**Site Location:** 4503 Mansfield Hwy Mapsco: 93N

**Proposed Use:** **Auto Repair and Sales**

**Request:** From: "E" Neighborhood Commercial  
To: "FR" General Commercial Restricted

**Land Use Compatibility:** Requested change **is compatible.**

**Comprehensive Plan Consistency:** Requested change **is not consistent.**

**Background:**

The proposed site is located on Mansfield Highway near the corner of Wreay Drive. The applicant intends to use the site for automotive repair and sales. Surrounding uses along Mansfield Highway are primarily industrial and commercial.

A Council Initiated rezoning was approved in 2009, reducing the intensity of zoning along the block face to conform to the neighborhood commercial designation in the Comprehensive Plan. As a result, the existing contractor yard/industrial use is grandfathered, and any new business desiring to continue this use must acquire a new Certificate of Occupancy. The proposed auto repair constitutes a change to a use that is prohibited in "E" Neighborhood Commercial which requires a zoning change.

**Site Information:**

Owner:	Reginald Dwaine Wilson 3901 Kramer Ct. Arlington, TX 76180
Agent:	Emad Abati
Acreage:	0.8 ac
Comprehensive Plan Sector:	Southeast

**Surrounding Zoning and Land Uses:**

North	"E" Neighborhood Commercial / vacant
East	"E" Neighborhood Commercial / single-family, outdoor storage

South City of Forest Hill; "GB" General Business; Light Industry / commercial, vacant  
West "E" Neighborhood Commercial / light industrial

**Public Notification:**

The following Neighborhood Associations were notified:

Southeast Fort Worth, Inc.

Fort Worth ISD

**Recent Relevant Zoning and Platting History:**

Zoning History: ZC-09-100, Council Initiated rezoning Echo Heights Neighborhood. Site was rezoned from "I" Light Industrial to "E" Neighborhood Commercial to comply with Comprehensive Plan; approved 10/13/09

Platting History: None

**Development Impact Analysis:**

1. **Land Use Compatibility**

The applicant is proposing a zoning change from "E" Neighborhood Commercial to "FR" General Commercial Restricted for auto sales and service. Surrounding land uses vary with single-family to the east, vacant land to north, and light industrial to the south (City of Forest Hill) and west. Mansfield Highway is a major arterial, and contains a variety of commercial and industrial uses and intensities.

The proposed zoning **is compatible** with surrounding land uses.

2. **Comprehensive Plan Consistency**

The 2010 Comprehensive Plan designates the site as Neighborhood Commercial. The proposed zoning is not consistent with the following Comprehensive Plan policies.

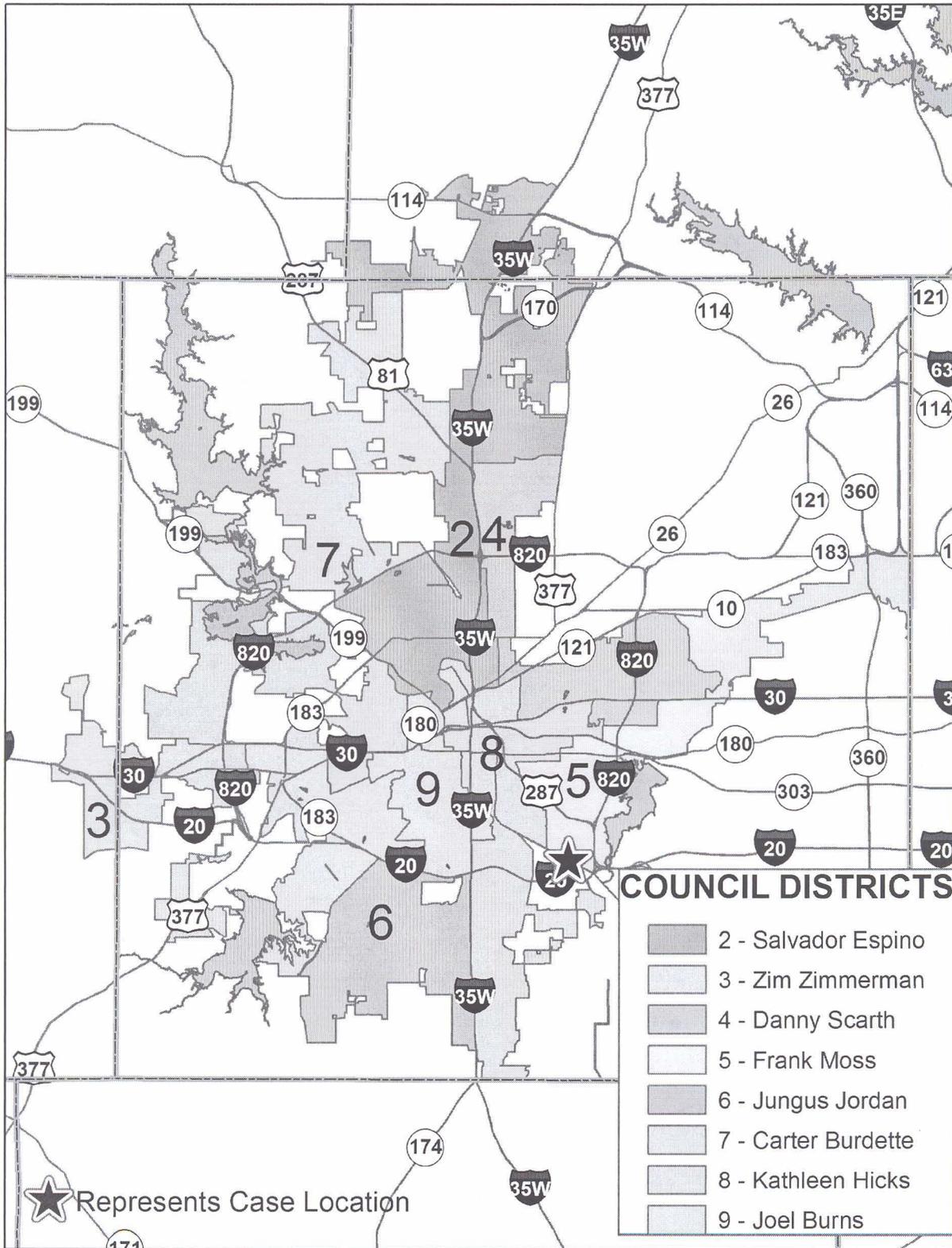
- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods.
- Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, scale, operational characteristics, traffic generated, or appearance that may not be compatible with the attributes of other uses.

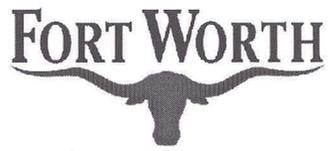
Based on the lack of conformance with the future land use map, and policies stated above, the proposed zoning **is not consistent** with the Comprehensive Plan.

**Attachments:**

- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Minutes from the December 8, 2010 Zoning Commission meeting

## Location Map



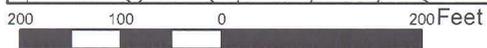
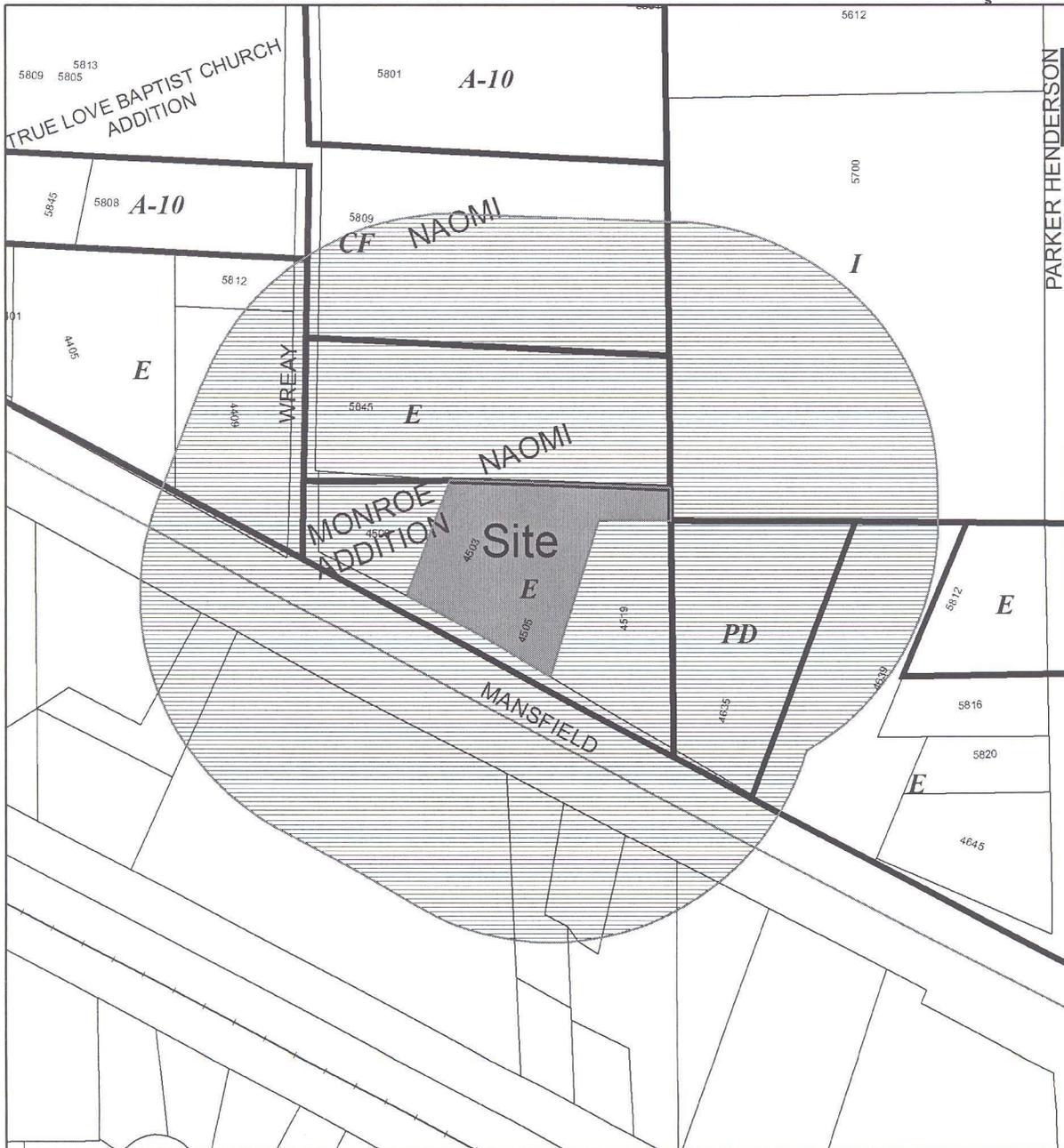


ZC-10-187

# Area Zoning Map

Applicant: Reginald Wilson  
 Address: 4503 Mansfield Highway  
 Zoning From: E  
 Zoning To: FR  
 Acres: 0.81  
 Mapsco: 93N  
 Sector/District: Southeast  
 Commission Date: 12/08/2010  
 Contact: 817-392-8043

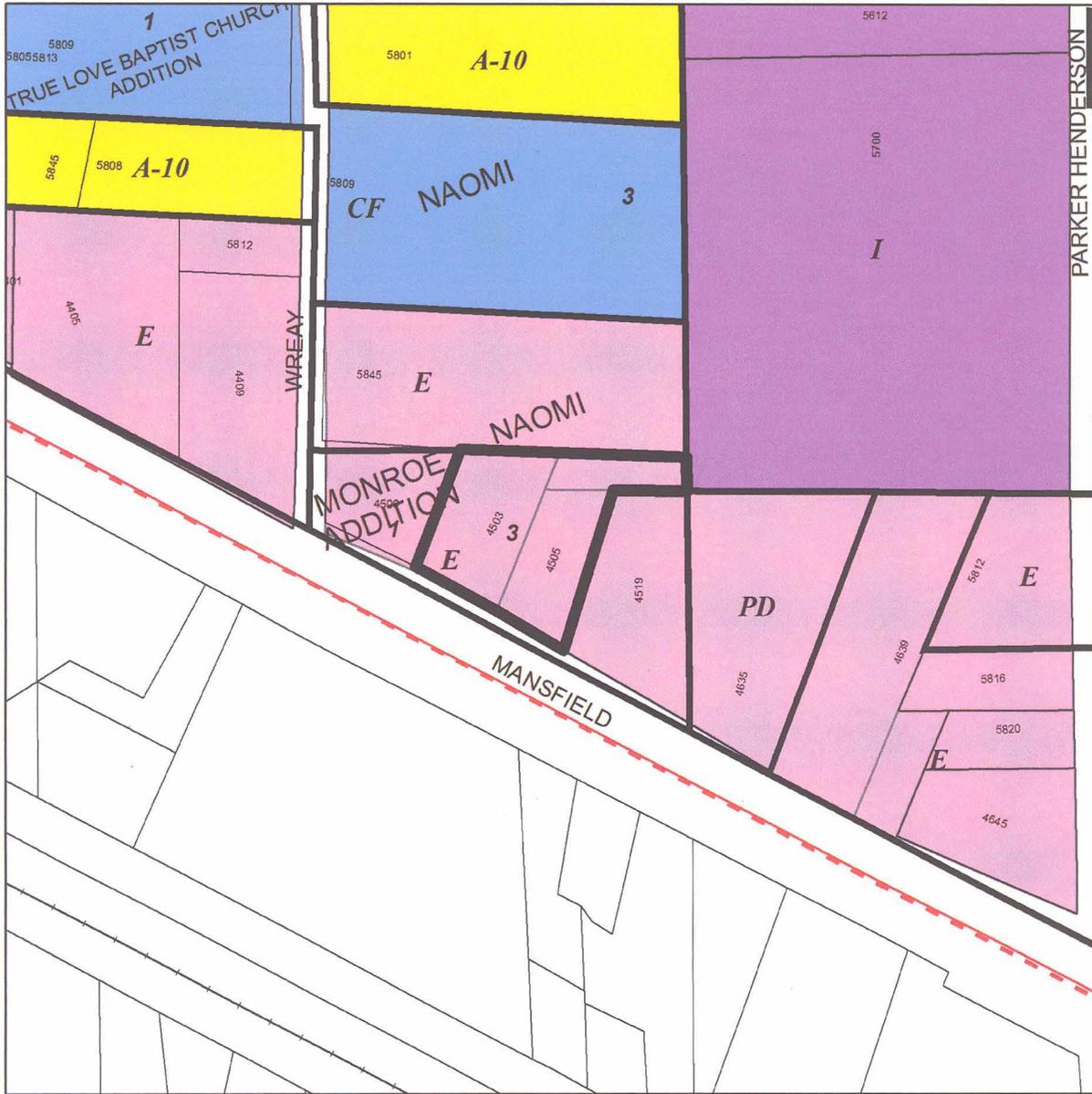
 300 Ft. Notification Buffer





# Future Land Use

ZC-10-187



- |                                   |                          |                             |
|-----------------------------------|--------------------------|-----------------------------|
| Vacant, Undeveloped, Agricultural | Neighborhood Commercial  | CFWGIS.SDE.TRN_RAILROADS    |
| Rural Residential                 | General Commercial       | CFWGIS.SDE.CAD_addresses    |
| Suburban Residential              | Light Industrial         | Freeways/Toll Roads         |
| Single Family Residential         | Heavy Industrial         | Proposed Freeway/Toll Road  |
| Manufactured Housing              | Mixed-Use Growth Center  | Principal Arterial          |
| Low Density Residential           | Industrial Growth Center | Proposed Principal Arterial |
| Medium Density Residential        | Infrastructure           | Major Arterial              |
| High Density Residential          | Lakes and Ponds          | Proposed Major Arterial     |
| Institutional                     | Public Park, Open Space  | Minor Arterial              |
|                                   | Private Park, Open Space | Proposed Minor Arterial     |
|                                   |                          | Flood Plain                 |



A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government code, Section 219.005) Land use designations were approved by City Council on February 23, 2010



## Aerial Photo Map



#### IV. New Cases

**5. ZC-10-186 SAI Business Associates Inc. (CD 3)- 7020 W. Vickery Boulevard (Ridglea Hills Addition, Block 72, Lot A2, 0.33 Acres): from "E" Neighborhood Commercial to "PD/E" Planned Development for all uses in "E" Neighborhood Commercial plus min-warehouses; site plan waiver requested.**

Sheryl Cornelious, 7528 Overhill Road, representing SAI Business Associates, President of the Ridglea Hills Neighborhood Association explained to the Commissioners that the neighborhood supports the request.

Mr. Wilson mentioned to Ms. Cornelious they would like to see a site plan with the proposed PD. The site plan shows what is on the ground as far as buildings, trees and fencing this is to help protect the neighborhood from any future expansion.

Ms. Cornelious explained there is no room to expand the building. The only reason they are requesting the zoning change is to get the electricity changed into the new owner's name.

Ms. Zadeh also mentioned the importance of a site plan to make it more compatible.

Ronald Slate, 7017 Sandalwood Lane, spoke in opposition of the request. His concerns are the possibility of other uses on the property.

Baska Pabba, 3100 Riverwood Drive, in rebuttal explained to the Commissioners there is no auto detailing on this property.

Motion: Following brief discussion Mr. Wilson recommended a 30 day continuance of the request, seconded by Mr. Edmonds. The motion carried 7-1 with Mr. Romero being against.

**6. ZC-10-187 Reginald Wilson (CD 5)- 4503 Mansfield Highway (Naomi Addition, Block 3, Lot 4A & A 1223, Tracts 4A5 & 4T1, 0.81 Acres): from "E" Neighborhood Commercial to "FR" General Commercial Restricted**

Reginald Wilson, 3901 Kramer Court, Arlington, Texas, explained to the Commissioners they are requesting to rezone in order to allow for auto sales and repair. Mr. Wilson explained the existing structure was a plaster business and already has bays in it.

Beth Knight, Senior Planner, City of Fort Worth, explained to the Commissioners this was part of the Echo Heights rezoning which rezoned properties along Mansfield Hwy to E per the Comprehensive Plan.

Motion: Following brief discussion Mr. Genua recommended approval of the request, seconded by Mr. Wilson. The motion carried 7-1 with Ms. Zadeh against.

**7. ZC-10-188 City of Fort Worth Planning & Development Northside Neighborhood Phase 2 (CD 2)-Generally bounded by McKinley Avenue, NW 28<sup>th</sup> Street, Lincoln Avenue and**



**FORT WORTH**



# **S.M.A.R.T. Report**

**Street Management And Road Traffic  
Transportation and Public Works  
January 21 — February 3**



## **CENTRAL BUSINESS DISTRICT STREET CLOSURES (Partial)**

### 7<sup>TH</sup> Street Bridge Utility Relocations

- Forest Park from 10<sup>TH</sup> to 5<sup>TH</sup>  
Multiple lane closures from August 30, 2010 through **Feb 14, 2011**
- 5<sup>TH</sup> from Forest Park to Penn  
Multiple lane closures from August 30, 2010 through **Feb 14, 2011**
- 10<sup>TH</sup> from Forest Park to Penn  
Multiple lane closures from Aug 30, 2010 through **Feb 14, 2011**
- Fournier from 7<sup>TH</sup> to 10<sup>TH</sup>  
Lane closures from Aug 30, 2010 through **Feb 14, 2011**

### 9<sup>th</sup> Street/Transit Plaza Improvements

- 9<sup>th</sup> (from Throckmorton to Houston) opens **Jan 24, 2011**
- 9<sup>th</sup> (from Calhoun to Jones) opens **Jan 24, 2011**
- Throckmorton (from 8th to 11th) various lane closures **until Jan 24, 2011**

### Removal of Tarrant County Angels

- N Houston Street (between Belnap and Weatherford) parking lane closed through mid **January 21, 2011—work to resume after Super Week**

### North Main Street Bridge Rehabilitation—TxDOT Project

- Main (from Belnap to NE 5th St, lane closures until **January 29, 2011—work to resume after Super Week**

### New Tarrant County Jail

- Belnap (from Cherry to Burnett) Parking lane and Sidewalk closures through 2011
- Weatherford (from Cherry to Burnett) Parking lane and Sidewalk closures through 2011
- Cherry (from Belnap to Weatherford) Northbound direction closed and sidewalk closures through 2011
- Southbound Burnett (from Belnap to Weatherford) closed and sidewalk closures through 2011

### St Patrick's Cathedral New Hall

- **All barricades moved behind curbs by Jan 23, 2011—work to resume one week after Super Week**

### Tarrant County College Construction

- Belnap (from Commerce to Pecan St) Sidewalk closures through January 2011
- Weatherford (from Commerce to Calhoun) lane and sidewalk closures through Jan 27, 2011
- Calhoun (from Belnap to Weatherford) parking lane and sidewalk closures through Jan 27, 2011
- N Commerce (from Belnap to Weatherford) lane and sidewalk closures through Jan 26, 2011

\* Expect heavy haul truck traffic 7:00a.m. to 5:00 p.m. through January 2011 on :

- \*\* Belnap (between Commerce and Pecan)
- \*\* Weatherford (between Houston and Pecan)
- \*\* Calhoun (between Belnap and Weatherford)

For detailed information on TxDOT closures:  
[http://www.dot.state.tx.us/travel/road\\_conditions.htm](http://www.dot.state.tx.us/travel/road_conditions.htm)

For additional information, please contact 817-392-6672.

***New items printed in red.***



# FORT WORTH



## **S.M.A.R.T. Report** Street Management And Road Traffic Transportation and Public Works January 21 — February 3



### Special Events

Festivals \* Runs \* Walks

#### CULTURAL DISTRICT

#### DOWNTOWN OUTDOOR EVENTS DISTRICT

- **ESPN Broadcast**

Jan 25—Feb 8 Sundance Square

Street Closures:

Main St from 3rd to 4th Jan 25 to Feb 8

Main St from 4th to 5th Jan 26 to Feb 7

4th St from Commerce to Houston Jan 26 to Feb 7

Houston St from 3rd to 4th Jan 30 to Feb 7

4th St from Houston to Throckmorton Jan 30 to Feb 7

- **Hope Walk**

Feb 6 8:30 a.m.

Route: Houston to 3rd, east on 3rd to Main, north on Main to Weatherford, east on Weatherford to Commerce, north on Commerce to Bluff, west on Bluff to N Main, north on N Main to 9th, turnaround at 9th, south on N Main to Houston, south on Houston to finish on Houston between 3rd and 4th

Expected attendance: 10,000

#### NEAR SOUTHSIDE OUTDOOR EVENTS DISTRICT

#### STOCKYARDS OUTDOOR EVENTS DISTRICT

- **ESPN Tailgate Party**

Feb 5 1 p.m.

Street Closures: begin at 12 p.m. and end at 6 p.m.

23rd St from Samuels to N Calhoun

Packers from 23rd to E Exchange

Niles City from 23rd to E Exchange

#### OTHER

### Parades

#### CULTURAL DISTRICT

#### DOWNTOWN OUTDOOR EVENTS DISTRICT

#### NEAR SOUTHSIDE OUTDOOR EVENTS DISTRICT

#### STOCKYARDS OUTDOOR EVENTS DISTRICT

#### OTHER

For additional information, please contact 817-392-6672.

***New items printed in red.***